

## **Law of Ukraine**

### **On Purging State Public Authorities**

This Law defines the legal and organizational principles of conducting audit and certification of civil servants (hereinafter - audit) with the purpose of lustration of official structures of all persons involved in mass violations of human rights and freedoms of citizens, and offences involving corruption, as well as to creating conditions conducive to building a new system of public authority in accordance with European standards.

#### **Section I GENERAL PROVISIONS**

##### **Article 1. Definition of terms**

In this Law, the terms below are used with the following meanings:

certification - a set of measures intended to contribute to an increase in the effectiveness and efficiency of public authorities (government agencies) and other agencies subject to the Law of Ukraine "On the Civil Service," by means of evaluation of the effectiveness of civil servants and responsibility for matters delegated in government agencies, during which findings from the results of the audit, analysis of a psycho-physiological interview using a polygraph, the results of the work, business and professional qualities displayed by employees in the performance of their official duties specified in standard professional and qualification descriptions of positions and reflected in job descriptions, approved management of government agencies in accordance with the Law of Ukraine "On the Civil Service";

audit - an integral element of certification, which involves the audit of persons occupying positions, associated with performing the functions of state or local government specified in Paragraph 1 of Article 3 of this Law, or candidates for these positions, including of information personally submitted by the auditee;

polygraph - computer technical device which, in accordance with its technical properties, records changes in human psychophysical responses as a result of the application of a special method of certain psychological stimuli, does not threaten human life or health and is not harmful to the natural environment;

appointment - the appointment of a person to a position identified in Para. 1 of Article 3 of this Law, as well as appointment taking the form of transfer of an

individual to another position within the same public authority (government agency) or local government authority, the appointment by means of transfer from a position of in another public authority (government agency) or local government authority to another, and by means of transferring an individual from a position in a public authority (government agency) to be abolished to another public authority (government agency,) to which are transferred the powers and functions of the public authority (government agency) being abolished, concluding with the auditee an employment contract (agreement);

psycho-physiological interviews with the use of a polygraph – questioning carried out with the written consent of the auditee, using a computerized device (polygraph,) during which an analysis (evaluation) is carried out on the dynamics of the psycho-physiological reactions of the individual questioned in response to psychological stimuli, given in the form of varied answers, objects, diagrams, photos, etc.;

auditees - the individuals indicated in Article 3 of this Law.

## Article 2. Fundamental principles of audit

An audit shall be founded upon the principles of:

rule of law;

lawfulness;

comprehensive undertaking of legal, political, socio-economic, informational and other events;

prioritization of preventive measures;

inevitability of prosecution for offences related to corruption;

openness and transparency of the activities of public authorities, government and agencies of local government;

public participation in measures which prevent and combat corruption, state protection of persons providing assistance in carrying out such measures;

the ensuring of restoration of violated rights and legitimate interests, compensation of losses and damages caused by violations of the law.

## Article 3. Auditees

Auditees are:

1) persons, authorized to perform state functions:

a) The President of Ukraine, Chairperson of the Verkhovna Rada of Ukraine, his/her Deputy and Deputy Prime Minister of Ukraine, First Deputy Prime Minister of Ukraine, Vice Prime Minister of Ukraine, ministers, directors of other central agencies of executive power not members of the Cabinet of Ministers of Ukraine and their deputies, the Chairperson of the Security Service of Ukraine, the Prosecutor-General of Ukraine, the Chairperson of the National Bank of Ukraine, Chairperson of the Accounting Chamber of Ukraine, Commissioner for Human Rights, Chairperson of the Verkhovna Rada of the Autonomous Republic of Crimea, the President of the Council of Ministers of the Autonomous Republic of Crimea;

- b) people's deputies of Ukraine;
  - c) public officials, officials of local government;
  - d) military officials of the Armed Forces of Ukraine and other military formations established in accordance with the law, with the exception of military personnel undertaking regular military service, as well as military personnel conscripted during mobilization;
  - e) judges of the Constitutional Court of Ukraine, other professional judges, the Chairperson, members and disciplinary inspectors of the High Qualification Commission of Judges of Ukraine, officials of the Secretariat of the Commission, the Chairperson and Deputy Chairperson of the High Council of Justice, section secretaries of the High Council of Justice, as well as other members of the High Council of Justice, people's assessors and jury members (while undertaking these functions);
  - f) ranks and officers of agencies of the Ministry of Internal Affairs, State Penitentiary Service, State Service for Special Communications and Protection of Information of Ukraine, Tax Police, officers of civil defence agencies and units;
  - g) officials and officers of the Office of the Prosecutor-General of Ukraine, Security Service of Ukraine, the diplomatic service, Revenue and Duties;
  - h) members of the Central Election Commission;
  - i) officials and officers other agencies of public authorities (government agencies,) authorities of the Autonomous Republic of Crimea;
- 2) individuals standing as candidates for positions specified in Para. 1 of this article.

## Section II AUDIT AND CERTIFICATION MEASURES

### Article 4. Auditing agencies

Organization of the conduct of audit and certification shall be delegated to the director (deputy director) of the public authority (government agency) where the auditee is employed and/or is to be appointed (is concluding an employment contract (agreement,)) or for appointment to a position for which he/she is a candidate, except in instances specified by law (hereinafter - auditing agency.)

Organization for the conduct of audit of individuals proposed for elected positions or holding elected positions shall be delegated to the Central Electoral Commission, which also constitutes an auditing agency.

In order to provide for the organization of conduct of audits and certification, the director of the auditing organisation shall identify an appropriate department, to which the establishment of certification commissions involving representatives of the public shall be delegated.

An audit shall contain information on:

the accuracy of the information contained in the consent form to undergo audit provided by the auditee, the form for which shall be approved by the Ukrainian National Civil Service Agency;

the accuracy of the information contained in the declaration of assets, income, expenses and financial liabilities regarding the auditee and his/her close relatives, the form for which shall be approved by the Ukrainian National Civil Service Agency, compliance with the established form for the declaration, verification of information contained in the declaration by means of verification of the accuracy of calculations, completeness and timeliness of payment of taxes and duties (statutory payments,) correspondence of expenditures relating to revenues received over the preceding 3 years;

individuals' criminal records, including for offences related to corruption, convictions, criminal records quashed, purged;

whether an individual was subjected to previous administrative penalties for offences related to corruption;

other information, the requirement for submission of which is established by law.

Public authorities shall undertake measures for audit or participate in their conduct within the limits of their authority, specified [by the Constitution of Ukraine](#), law and other regulatory acts adopted in accordance with the former.

The Cabinet of Ministers of Ukraine shall direct and monitor the work of executive authorities regarding audit and certification, in accordance with the [Constitution](#) and laws of Ukraine, as well as approve the Procedure for application of indirect (mediated) methods on the part of regional executive agencies to ensure implementation of state tax policy at the location of registration and location of filing [declaration of assets, income, expenses and financial liabilities](#) of a auditee and his/her close relatives for the preceding 3 years, and the Procedure for conduct of certification of staff of executive agencies, in accordance with this Law.

Coordination of the audit and certification measures shall be exercised by the Ukrainian National Civil Service Agency.

Measures for the identification, termination and investigation of offences related to corruption shall be carried out by specially authorised agencies in the area of counteracting corruption, including agencies of the Office of the Prosecutor and special divisions for prevention of organised crime of the Ministry of Internal Affairs of Ukraine, for prevention of corruption and organised crime of the Security Service of Ukraine, unless otherwise stipulated by law.

The coordination of measures for the discovery of instances specified in Para. 4 of Art. 16 hereof shall be the responsibility of the Institute of National Memory.

Coordination of the activities of law enforcement agencies in matters of audit shall be carried out within the limits of authority granted, the laws specified, the Office of the Prosecutor-General of Ukraine and subordinate prosecutors.

#### Article 5. Documents for audit and certification.

An audit shall be conducted upon the written consent of the auditee two months prior to certification and, in the event of a competitive selection process for

the position, this consent must be granted within three days of the date of receipt by the auditee of notification of the results of the selection process.

During certification, appointment or transfer to a position specified in Para. 1 of Article 3 of this Law, an auditee who has already undergone an audit shall provide written notification to this effect when granting consent to the audit.

For the conduct of an audit, the auditee shall submit to the appropriate agency the following:

1) written consent to the audit, as well as the psycho-physiological interviews with polygraph;

2) autobiography;

3) copy of the proof of identity;

4) Declaration of assets, income, expenses and financial liabilities in respect of the auditee and his/her close relatives (husband, wife, father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, brother, sister, grandfather, grandmother, great-grandfather, great-grandmother, grandson, granddaughter, great-grandson, great-granddaughter, adoptive parent or adopted child, guardian or trustee, ward, co-habitants bound by joint household, mutual rights and obligations to the auditee, including persons living together but not married ) for the previous 3 years, in the [form](#) approved by the Ukrainian National Civil Service Agency.

In the event that an individual applying for a position fails to consent to an audit, the audit regarding this individual shall not be conducted and the issue of his/her appointment or preparation of a decision to appoint this person to the corresponding position shall not be considered.

An audit shall be conducted with the written consent of the auditee two months prior to certification and, in the event of a competitive selection process for the position, this consent must be granted within three days of the date of receipt by the auditee of notification of the results of the selection process.

During certification, appointment or transfer to a position specified in Para. 1 of Article 3 of this Law, an auditee who has already undergone audit shall provide written notification to this effect when granting consent to the audit.

In the event that an individual applying for a position fails to consent to an audit, the audit regarding this individual shall not be conducted and the issue of his/her appointment or preparation of a decision to appoint this person to the corresponding position shall not be considered.

For certification, an auditee shall submit to the appropriate agency written consent to a psycho-physiological interview with a polygraph.

#### Article 6. Terms for audit and certification

An audit shall be carried out within a term not to exceed 30 business days from the date of consent to the audit.

An audit of a candidate for an elected position shall be carried out within a term not to exceed 15 business days from the date of consent to the audit. This term cannot be extended.

If necessary, the term for audit shall be extended to 45 business days with mandatory notification of the auditee.

Certification of an auditee shall be carried out within a term not to exceed 30 days from the date of signing by the director of the auditing organisation [of the findings on results of the audit](#).

#### Article 7. Organising the conduct of an audit

Upon receipt of written consent, the auditing agency, no later than the next day, shall deliver to the appropriate public authorities (government agencies,) the capacity of which includes conducting audits of the information specified in Para. 3 of Art. 4 of this Law, the request for audit of information on the auditee, as well as notification to the Ukrainian National Civil Service Agency on the beginning of an audit of the individual, to be posted on the website of the Ukrainian National Civil Service Agency.

The notification on the beginning of the audit must contain information on the postal and e-mail addresses, contact telephone of the auditing agencies and public authorities (government agencies) the capacity of which includes conducting audits, which shall submit information on the auditee within 14 days of the date of publication on the website of the Ukrainian National Civil Service Agency information on the beginning of the audit, and on an auditee applying for an elected position - within 5 days.

[A request](#) to verify information on auditees, the appointment or dismissal of whom falls within the competence of the President of Ukraine or the Cabinet of Ministers of Ukraine shall be sent no later than the business day following receipt of the auditee's consent by, as appropriate, the Head of Administration of the President of Ukraine, the director of the Secretariat of the Cabinet of Ministers of Ukraine (their deputies or other duly designated officials) via the Ukrainian National Civil Service Agency to the appropriate public authorities, the competence of which includes verification of the information specified in Para. 3 of Art. 4 of this Law.

The request shall be signed by the director of the auditing agency and, in the event of his/her absence, by the acting director, or one of his/her deputies, in accordance with the division of functional responsibilities.

[A request](#) to verify information on auditees standing as candidates for elected position or holding the given position shall be delivered no later than the business day following receipt of the auditee's consent by, as appropriate, the Director of the Central Electoral Commission or his/her deputy, via the Ukrainian National Civil Service Agency to the appropriate public authorities, the competence of which includes verification of the information specified in Para. 3 of Art. 4 of this Law.

The request shall include the attached documents specified in Para. 3 of Art. 5 of this Law.

Copies of the documents specified in Para. 3 of Art. 5 of this Law shall be delivered to all agencies (divisions thereof) carrying out special audits.

Exchange during an audit of information between agencies (divisions thereof) carrying out audits shall take place in accordance with the procedure established by joint regulatory acts of participating public authorities (government agencies.)

The features of the interaction of public authorities (government agencies) and auditing agencies (divisions thereof) during an audit of an individual applying for a position involving access to state secrets shall be determined under joint regulatory acts of participating public authorities (government agencies.)

When conducting audits, the public authorities (government agencies,) the competence of which includes the conduct of audits, as well as agencies (divisions thereof) conducting audits, must audit information on the auditee submitted by public associations, members thereof or authorised representatives, as well as by individual citizens.

#### Article 9. Report on audit results

A report on the audit results and presence (absence) of grounds to prevent the appointment and/or continued presence of the auditee in the position, signed by the director of the agency (division thereof,) which carried out the audit and, in the event of his/her absence, by an individual carrying out his/her duties, or deputy director of the given agency (division thereof,) in accordance with the division of duties, shall be submitted to the auditing agency submitting the request, no later than seven days after receipt of the request.

The report on the results of an audit of information on auditees, the appointment or dismissal of whom falls within the purview of the President of Ukraine or the Cabinet of Ministers of Ukraine, signed by the director of the agency (division thereof,) which carried out the special audit and, in the event of his/her absence, by an individual carrying out his/her duties, or deputy director of the given agency (division thereof,) in accordance with the division of duties, shall be submitted no later than seven days after receipt of the request to the Ukrainian National Civil Service Agency which, within three days of receipt of such reports shall collate and send them to the Administration of the President of Ukraine or the Secretariat of the Cabinet of Ministers of Ukraine, as appropriate.

The report on the results of an audit of information on auditees, the appointment or dismissal of whom falls within the purview of the President of Ukraine or the Cabinet of Ministers of Ukraine, signed by the director of the agency (division thereof,) which carried out the special audit and, in the event of his/her absence, by an individual carrying out his/her duties, or deputy director of the given agency (division thereof,) in accordance with the division of duties, shall be submitted no later than seven days after receipt of the request to the Ukrainian National Civil Service Agency which, within three days of receipt of such reports shall compile and submit them to the Administration of the President of Ukraine or the Secretariat of the Cabinet of Ministers of Ukraine, as appropriate.

A copy of the audit report on the presence of grounds to prevent the appointment and/or continued presence of the auditee in the position, signed by the

director of the agency (division thereof,) which carried out the audit and, in the event of his/her absence, by an individual carrying out his/her duties, or deputy director of the given agency (division thereof,) shall be submitted to the Ukrainian National Civil Service Agency, which, within three days of receipt of these reports, shall collate them and send to the appropriate auditing agency submitting the request, an instruction to take measures regarding prevention of the auditee from occupying the position and/or his or her further presence in the position.

#### Article 10. Conclusion on audit results

The personnel department (or other division) of the auditing agency sending the request, on the basis of the reports specified in Para. 1 of Art. 9 of this Law, as well as in instances of receipt on an instruction from the Ukrainian National Civil Service Agency, shall prepare a conclusion on the audit results, which shall be signed by the director of the agency.

The conclusion on the results of an audit of information regarding auditees, the appointment or dismissal of whom falls within the competence of the President of Ukraine or the Cabinet of Ministers of Ukraine, shall be prepared by an appropriate department of the Administration of the President of Ukraine or Secretariat of the Cabinet of Ministers of Ukraine on the basis of a the compiled report specified in Para. 2 of Art. 9 of this Law, submitted by the Ukrainian National Civil Service Agency.

The conclusion on the results of an audit of information on auditees standing as candidates for elected position or holding the given positions, prepared by the Ukrainian National Civil Service Agency, shall be submitted to the Central Electoral Commission and published by the Ukrainian National Civil Service Agency, in accordance with this Law.

Auditees shall be entitled to review the conclusion of the audit results and, in the event of disagreement with the audit results, may submit their concerns in writing to the specified agencies.

In the event of commentary from the auditee regarding the audit results, the agencies (departments) which carried out the special audit shall issue a response in writing to the auditee within ten days of receipt of the commentary, a copy of which was received by the auditing agency.

The director of the auditing agency, based on the findings of the audit results, shall rule on the appointment, further employment in the current position or dismissal of the auditee.

The findings on the audit results of a previous audit shall be attached to the documents submitted by the auditee, or to his/her personal file.

The conclusion of the audit results and documents regarding its conduct shall not be confidential, unless they contain information constituting a state secret. These documents shall be preserved in the manner prescribed by law.

The procedure for publication on the web site of the Ukrainian National Civil Service Agency of information on the status of an audit, from the date of granting of consent to the audit and until its completion, as well as information on



the findings of the audit results for auditees who have already undergone an audit, and whose submitted declarations of assets, income, expenses and financial liabilities on the auditee and his/her close relatives for the preceding 3 years have been acknowledged by the Ukrainian National Civil Service Agency.

#### Article 11. Consequences of Audit

In the event that audit results show discrepancies in the documents submitted by the auditee to the auditing agency (body) conducting the special audit, the auditee shall be granted a grace period of five business days from the date of discovery of the discrepancies to submit a written explanation regarding this occurrence.

In the event of discovery during the audit of the declaration of assets, income, expenses and financial liabilities of the auditee and his/her close relatives for the preceding 3 years of errors of arithmetic or logic, the authorized division shall immediately notify the declaree, who shall be granted five days from the date of receipt of this notification to submit a written explanation and/or corrected declaration to the authorized division.

In the event that the results of the audit contain information on an auditee that do not meet the requirements established herein to hold a given position, the official (agency) effecting appointment to this position shall deny appointment to this position to the auditee.

In the event of discovery in the results audit results of information on the auditee that does not meet the requirements established herein for continued presence in the position, the official (agency) effecting appointment to this position shall submit a corresponding proposal regarding the infeasibility of the continued presence of the auditee in this position to the certification commission, except in cases of auditees standing for or holding positions, appointment to which takes places without a competitive selection process.

In the event that the audit results and review of the aforementioned explanations demonstrate that the auditee submitted forged documents and/or false information, the official (agency) effecting appointment to the position shall notify law enforcement of the facts within three days of their discovery and deny the auditee appointment to the position, or submit a corresponding proposal regarding the infeasibility of the continued presence of the auditee in this position to the certification commission.

A finding on the audit results of judges of courts of general jurisdiction containing information of the auditees which does not meet the requirements established herein for continued presence in the position shall be sent by the auditing agency to the High Council of Justice and High Qualification Commission of Judges of Ukraine within 3 days of its signing by the director of the auditing agency. The High Council of Justice and High Qualification Commission of Judges of Ukraine shall consider the report within a three-month period.

#### Article 12. Restrictions on the use of official position

Individuals taking part in measures to conduct audits and certification of auditees shall be prohibited from using their official positions of authority and capacity arising from the latter to pass audits themselves and/or other individuals, including by means of:

- 1) providing unlawful assistance to auditees in undergoing their audits;
- 2) unlawfully assisting continued presence in a position of an auditee who failed his/her audit and/or appointment to a position of an auditee who failed his/her audit;
- 3) Unlawfully interfere in the activities of public authorities (government agencies) or officials regarding the conduct of audits;
- 4) breach of the requirements of Arts. 13 and 14 herein.

Breach of the requirements of this article shall be grounds for dismissal of individuals specified in Para. 1 of this article, occupying positions as the result of breach of oath of office, these individual shall be liable to deprivation of the right to hold any office specified in Item 1 of Art. 3 for a period of 10 years from the date of dismissal.

### Section III PUBLIC PARTICIPATION IN AUDITS AND CERTIFICATION

#### Article 13. Public participation in audits and certification

Public associations, their members or authorized representatives, as well as individual citizens shall be entitled to:

- 1) submit for mandatory review by auditing agencies and public authorities (government agencies,) the competence of which includes auditing, information on the auditee, including on discoveries of offences committed by him/her, within 14 days of the date of publication on the website of the Ukrainian National Civil Service Agency of information on the commencement of the audit process regarding the auditee, and regarding an auditee standing for an elected position - within 5 days;
- 2) request and obtain from public authorities and local bodies of self-government information in the scope and according to the procedure permitted by law on the the activities of public authorities and bodies of local self-government with regard to audits;
- 3) exercise public supervision over the implementation of this Law, using forms of supervision, which do not contravene legislation;
- 4) participate in the work of certification commissions, in accordance with this Law.

Association of citizens, individuals and legal entities shall not be denied access to information regarding the competence of entities undertaking measures in the area of audits, as well as regarding their primary areas of operation. This information shall be provided in the manner prescribed by law.

#### Article 14. Informing the public on the status and results of audits

Upon receipt of notification on the commencement of an audit process in respect of an auditee, the Ukrainian National Civil Service Agency shall publish this information on the website of the Ukrainian National Civil Service Agency no later than the following day.

No later than one month from the day of signing a finding on audit results, auditing agencies shall publish the following information on the website of the Ukrainian National Civil Service Agency:

list of auditees who did not undergo auditing;

findings on the audit results of auditees who have undergone the audit process;

declaration of assets, income, expenses and financial liabilities of auditees who have undergone the audit process;

other information provided herein.

Auditing agencies shall publish information on actions taken regarding audits annually, no later than on 15 April.

#### Article 15. State protection of individuals assisting the conduct of audits

Individuals conducting audits shall be under the protection of the state. The state shall ensure that law-enforcement agencies implement legal, organisational and technical and other measures intended to protect individuals conducting audits and their close relatives from unlawful infringements against their lives, homes and other assets.

State protection of individuals assisting the audit process shall be provided in accordance with the law ["On Protecting Individuals Participating in Criminal Proceedings."](#)

An individual shall not be dismissed or forced to resign, charged with disciplinary breaches or subjected by management or employees to pressure (transfer, certification, alteration of terms of employment, etc.) as a result of notification of this individual of a breach of the terms of this Law on the part of another person.

### Section IV

#### GROUND FOR DECLARING AUDITEES FAILED

#### Article 16. Grounds for failure of audit

Auditees shall be declared to have failed audits, if they:

1) held the following positions in the period between 25 February 2010 and 22 February 2014;

a) President of Ukraine, Prime Minister of Ukraine, First Vice Prime Minister of Ukraine, Vice Prime Minister of Ukraine;

b) minister or director of a different central executive authority not included in the Government of Ukraine, the Security Service of Ukraine, Prosecutor-General of Ukraine, Chairperson of the National Bank of Ukraine, Director of the Accounting Chamber, Chairperson of the Anti-Monopoly Committee of Ukraine,

Chairperson of the State Property Fund of Ukraine, Director of the Bureau of Anti-Corruption Policy of Ukraine, Secretariat of the Cabinet of Ministers of Ukraine and Chairperson of the Council of Ministers of the Autonomous Republic of Crimea;

c) Government Commissioner for Anti-Corruption Policy, Secretary of the National Security and Defence Council of Ukraine;

d) Chairperson of the State Affairs Directorate;

e) member of the High Qualification Commission of Judges of Ukraine, member of the High Council of Justice;

f) regional prosecutor, municipal prosecutor of Kyiv and Sevastopol, Autonomous Republic of Crimea, district prosecutor, inter-district prosecutor, municipal prosecutor, prosecutor of specialised prosecutor's office, their first deputy and/or deputy;

2) held a position in the period between 1 December 2013 and 22 February 2014, and did not voluntarily resign during this period from public authorities (government agencies):

a) Verkhovna Rada Commissioner for Human Rights, first deputy minister, first deputy chairperson of another central agency of the executive branch, chairpersons and members of governmental collegial public authorities (government agencies,) chairperson of a territorial division of a ministry in situ, other central executive authority, governmental collegial public authorities, his/her deputy, Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea, chairpersons of regional, Kyiv and Sevastopol municipal, district, Kyiv and Sevastopol regional governmental administrations, their first deputy, Head of the Administration of the President of Ukraine, deputy head of the Administration of the President of Ukraine, head of the Secretariat of the Cabinet of Ministers of Ukraine, First Deputy Chairperson of the Secretariat of the Cabinet of Ministers of Ukraine, and members of the National Security and Defense Council of Ukraine;

b) head of division of the Administration of the President of Ukraine, his/her first deputy, deputy, assistant to the President of Ukraine, head of division of the Secretariat of the Cabinet of Ministers of Ukraine, his/her first deputy, deputy, advisor to the Prime Minister of Ukraine, head of other central agency of the executive branch not a member of the Government of Ukraine, first deputy minister, first deputy head of another central agency of the executive branch, heads and members of governmental collegial executive branch authorities (government agencies) or municipal governmental administration;

c) officers of internal affairs agencies, the tax police;

d) supervisors and deputy supervisors of territorial divisions of MIA Ukraine and the Security Service of Ukraine in the regions, cities of Kyiv and Sevastopol, municipal, district, inter-district, municipal district departments;

3) as well as the following individuals:

A) personnel of law enforcement agencies, governmental officers and officials of local government agencies, citizens of Ukraine found guilty in the

manner prescribed by law of causing harm to the life, health and property of citizens of Ukraine participating in mass protest actions from 21 November 2013 to 22 February 2014 (for the purposes of this Law, the participation of an individual in the mass protests shall be confirmed in a statement to an appropriate agency or official);

b) personnel of law enforcement agencies, which took part in the arrest of participants in mass public protests and mass events in the period from 25 February 2010 to 22 February 2014, inclusive, and against individuals dismissed in accordance with Law of Ukraine No. 737-VII "On Elimination of Adverse Consequences and Prevention of Prosecution and Punishment of Individuals for Events Occurring during Peaceful Assemblies" of 29 January 2014, Law of Ukraine No. 743-VII "On Prevention of Persecution and Punishment of Individuals in Connection with the Events, which Took Place during Peaceful Assemblies, and Revocation of Certain Laws of Ukraine" of 21 February 2014, Law of Ukraine No. 792-VII "On Amendment of the Law of Ukraine 'On the Application of Amnesty in Ukraine' with regard to Complete Rehabilitation of Political Prisoners"|of 27 February 2014 and recognised as political prisoners under the Law;

b) personnel of law enforcement agencies, which filed and/or assisted, by their action or inaction, in the filing of reports, protocols of administrative offences or notifications of suspicion of commission of criminal offences, accusations, etc. in respect of participants in mass public protests and mass events in the period from 25 February 2010 to 22 February 2014, inclusive, and against individuals dismissed in accordance with Law of Ukraine No. 737-VII "On Elimination of Adverse Consequences and Prevention of Prosecution and Punishment of Individuals for Events Occurring during Peaceful Assemblies" of 29 January 2014, Law of Ukraine No. 743-VII "On Prevention of Persecution and Punishment of Individuals in Connection with the Events, which Took Place during Peaceful Assemblies, and Revocation of Certain Laws of Ukraine" of 21 February 2014,"On Amendment of the Law of Ukraine 'On the Application of Amnesty in Ukraine' with regard to Complete Rehabilitation of Political Prisoners"of 27 February 2014;

d) investigative agencies of pre-trial investigation, detectives, operational personnel and inspectors, who conducted investigations and operations in respect of participants in mass public protests and mass events in the period from 25 February 2010 to 22 February 2014, inclusive, and against individuals dismissed in accordance with Law of Ukraine No. 737-VII "On Elimination of Adverse Consequences and Prevention of Prosecution and Punishment of Individuals for Events Occurring during Peaceful Assemblies" of 29 January 2014, Law of Ukraine No. 743-VII "On Prevention of Persecution and Punishment of Individuals in Connection with the Events, which Took Place during Peaceful Assemblies, and Revocation of Certain Laws of Ukraine" of 21 February 2014, "Law of Ukraine "On Amendment of the Law of Ukraine 'On the Application of Amnesty in Ukraine' with regard to Complete Rehabilitation of Political Prisoners" of 27 February 2014;

e) personnel of bodies of the office of the prosecutor, who in respect of participants in mass public protests and mass events in the period from 25 February 2010 to 22 February 2014, inclusive, and against individuals dismissed in accordance with Law of Ukraine No. 737-VII "On Elimination of Adverse Consequences and Prevention of Prosecution and Punishment of Individuals for Events Occurring during Peaceful Assemblies" of 29 January 2014, Law of Ukraine No. 743-VII "On Prevention of Persecution and Punishment of Individuals in Connection with the Events, which Took Place during Peaceful Assemblies, and Revocation of Certain Laws of Ukraine" of 21 February 2014, Law of Ukraine "On Amendment of the Law of Ukraine 'On the Application of Amnesty in Ukraine' with regard to Complete Rehabilitation of Political Prisoners" of 27 February 2014;

f) state officials and local government officials who, by their actions or inaction, attempted to prevent or prevented the exercise of the constitutional rights of citizens of Ukraine to assemble peacefully and conduct meetings, marches and demonstrations during the period from 21 November 2013 to 22 February 2014, inclusive, as established by the courts;

g) individuals who collaborated with the secret services of other states as clandestine informers or assisted in the collection of operational information, as established by the courts;

g) individuals who made public calls for separatism, violation of the territorial integrity and sovereignty of Ukraine, fueled inter-ethnic hostility;

i) individuals who made public statements and took other public actions containing elements of racial, social, cultural or religious intolerance in respect of representatives of the Ukrainian nation and representatives of other nationalities living on Ukrainian territory, as established by the courts;

j) chairpersons, deputies and secretaries at polling stations, who organised the falsification of the Ukrainian presidential elections in 2004 and election of people's deputies in 2012, as established by the courts.

k) individuals who organised and undertook actions leading to losses to the national budget in excess of 1 million hryvnya and/or losses to local budgets in excess of fifty thousand hryvnya, as established by the courts;

l) individuals, the actions or inaction of whom led to violations of human rights and fundamental freedoms acknowledged by a ruling of the European Court of Human Rights, the United Nations Human Rights Committee and other international agencies;

m) judges dismissed for violation of their oaths;

4) Individuals, who prior to 19 August 1991:

a) were elected (appointed) and employed in senior executive positions of the Communist Party of the USSR (CPSU,) the Communist Party of Ukraine (CPU) and other Union republics of the USSR, from the level of district committee and above, or as members of the Central Committee of the CPSU (CC CPSU.)

b) were elected and worked in senior positions of the Central Committee of the All-Union Leninist Young Communist League (CC ALYCL,) the Central

Committee of the All-Union Leninist Young Communist League of Ukraine (CC ALYCLU) and other Union republics, regional committees of the CC ALYCL, CC ALYCLU and other Union republics of the USSR.

c) served as a member of staff, informer or officer of the 5th Department of the KGB of the Ukrainian SSR, the KGB of the USSR, KGB of other Union republics; collaborated with the KGB of the USSR, KGB of the Ukrainian SSR or KGB of other republics of the USSR, or graduated from a advanced KGB training institute (except in technical specialisations);

d) served in or collaborated with the secret services of other countries as clandestine agents or secret staff members;

e) served as director of the political department (administration) in the Soviet Armed Forces of the USSR (SA USSR) or Ministry of Internal Affairs of the USSR (MIA USSR);

f) individuals involved in the organisation of political persecution of members of the Ukrainian national liberation movement during the Second World War and post-war period, as established by the courts;

5) failed to undergo an audit of the declaration of assets, income, expenses and financial liabilities of the auditee and his/her close relatives for the preceding 3 years, and/or was unable to prove the legality of the sources of his/her income in accordance with this Law;

6) individuals, records regarding whom are entered in the Unified State Register of Corruption-related Offenders, prosecuted for corruption-related offences, in respect of whom the courts have issued appropriate rulings, which have entered into legal force, as well as information on imposition of disciplinary penalties for corruption-related offences;

7) hold the citizenship of foreign states;

8) intentionally submitted false information in the written consent to an audit;

9) refused to undergo an audit.

This article shall not apply to individuals participating in the anti-terrorist operation in the east of Ukraine.

## SECTION V CONSEQUENCES AND RESPONSIBILITY FOR AUDIT RESULTS

### Article 17. Consequences of failure to pass an audit

Auditees failing to pass an audit or refusing to undergo an audit shall undergo certification in accordance with this Law and shall be subject to dismissal by an auditing agency from positions held and deprived of the right to hold any of the positions specified in Para. 1 of Art. 3 for a period of 10 years from the date of dismissal.

Auditees standing for or holding an elective office or position, the appointment of whom occurs without competitive selection, who are not subject to

certification under this article, however, information on the result of their audits shall be published on the website of the Ukrainian National Civil Service Agency.

Auditees specified in Para. 1 of this article who resign from their positions prior to the effective date of this Law shall be deprived of the right to hold any official government position for a period of 10 years from the effective date of this Law.

Auditees proposed for positions, but who fail to undergo audits, shall be denied appointment to these positions.

In the event that an individual applying for a position fails to consent to an audit, the audit regarding this individual shall not be conducted and the issue of his/her appointment or preparation of a decision to appoint this person to the corresponding position shall not be considered.

#### Article 18. Types of duties and systematisation of information on audits

For corruption-related offences, submission to the auditing agency of forged documents and/or false information, auditees shall be liable to criminal, administrative, civil and disciplinary prosecution in the manner prescribed by law.

#### Article 22. Peculiarities of Dismissal of Individuals Who Have Not Been Certified

The auditing agency, from the date of its receipt of an audit report providing evidence of grounds for dismissal of an auditee from his/her current position, upon a decision of the director (deputy director) of the auditing agency in which the auditee is employed, shall remove this auditee from the performance of duties in the position, according to the procedure prescribed by law, until a finding on the audit results is prepared and the auditee undergoes certification.

An auditee with a record of an administrative corruption-related offence, unless otherwise provided by the [Constitution](#) and laws of Ukraine, upon a decision of the director (deputy director) of the auditing agency in which the auditee is employed, shall remove this auditee from the performance of duties in the position, according to the procedure prescribed by law, until the completion of a judicial review of the case.

In the event of refutation of grounds for dismissal in respect of an auditee, closure of proceedings on administrative corruption-related offences, as a result of absence of an act or offence, the auditee removed from performance of his/her duties shall receive compensation in the amount of the average wages over the period of the enforced absence resulting from his/her removal.

Early termination of the authority of an auditee holding an elected position, suspension of the authority of an auditee holding a position or dismissal effected according to a decision of the President of Ukraine, Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, dismissal of military personnel from military service as the result the presence of restrictions specified in this Law, as well as removal of such an individual from performance of his/her duties, shall take place



with full consideration of the specific provisions, defined in the [Constitution](#) and laws of Ukraine.

Other auditees, which were not tested, and/or have been charged with offences involving breach of the restrictions specified herein, shall be liable to dismissal from employment (service) on the grounds of a decision by a certification commission and/or copy of a judicial ruling already in force, unless otherwise provided in law.

The director of the auditing agency, within three days, shall notify the Ukrainian National Civil Service Agency in writing of the dismissal of an auditee from his/her position due to failure to undergo certification as the result of an audit report in accordance with this Law, or as a result of the auditee being charged with breach of the restrictions specified in this Law, in accordance with the procedure specified by the Ukrainian National Civil Service Agency.

Restrictions regarding the prohibition of an individual dismissed from his/her position due to a corruption-related offense, from performing activities associated with the performance of the functions of state or local self-government or similar activity shall be established by resolution of the Ukrainian National Civil Service Agency, upon the date of dismissal of the individual, and upon receipt of the notification from the auditing agency on dismissal of the auditee from his/her position.

#### Article 23. Restrictions regarding auditees dismissed from their posts

Auditees dismissed from employment (service,) or who have otherwise terminated their activities in accordance with the requirements of this Law, for a period of five years from the date of termination of employment (service) (dismissal) shall be prohibited from:

- 1) disclosing or otherwise using in their own interest any information of which they became aware during the performance of their duties, except in instances provided by law;
- 2) represent the interests of any individual in any case (including those under consideration by the courts,) in which the other party is an agency (agencies,) in which he/she was previously employed.

### Section VI

#### MONITORING AND SUPERVISION OF IMPLEMENTATION OF THIS LAW

#### Article 24. Monitoring of implementation of this Law

The Verkhovna Rada of Ukraine shall exercise monitoring of the implementation of this Law within the limits determined [by the Constitution of Ukraine](#).

Other official government agencies shall monitor implementation of this Law within the limits of their authority and in the manner determined [by the Constitution](#) and laws of Ukraine.

Article 25. Public monitoring of implementation of this Law.

Public monitoring of the implementation of this Law shall take place upon the grounds and in the manner established by law.

## Section VII FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall take effect upon the days of its publication.

2. The Cabinet of Ministers of Ukraine:

within three months of the effective date of this Law:

shall develop and submit for review by the Verkhovna Rada of Ukraine bills for reform on the judicial system, "On the Office of the Prosecutor-General," "On the Security Service of Ukraine," "On the Police," "On The National Bureau of Investigation," "On the Cabinet of Ministers of Ukraine" and "On the Civil Service," which shall provide for changes to the authority and tasks of the system of public authorities (government agencies,) based upon the principles of the European Union, reduction of the numbers of state officials of public authorities (government agencies) and, given this reduction, an increase in the salaries paid to officials of public authorities (government agencies);

shall ensure that auditing agencies carry out certification of the personnel of the Ukrainian National Civil Service Agency and its territorial branches in situ as a priority.

shall ensure adoption of the regulatory acts, set forth in this Law;

shall bring its own regulatory legislation into compliance with this Law;

shall ensure that the regulatory acts of the ministries and other central agencies of executive authority are brought into compliance with this Law;

shall ensure that auditing agencies submit draft plans for carrying out audits and certification of the personnel of these agencies of the Ukrainian National Civil Service Agency;

within one year of the effective date of this Law:

shall ensure the conduct of audits and attestation by auditing agencies of the personnel of these agencies in accordance with the plans for carrying out audit and certification of the personnel of these agencies of the Ukrainian National Civil Service Agency;

shall ensure that the conduct by auditing agencies of open competition to fill vacant civil service positions in these agencies and shall be obliged to involve representatives of the public and the media in the work of the competition commissions;

shall take steps to reduce the numbers of state officials of public authorities (government agencies) and, given this reduction, to increase the salaries paid to officials of public authorities (government agencies.)

3. Within one month of the effective date of this Law, the Ukrainian National Civil Service Agency:

shall ensure adoption of the regulatory acts, set forth in this Law;

shall approve plans for carrying out audits and certification of the personnel of these agencies;

shall bring its own regulatory legislation into compliance with this Law;

3. To supplement Art. 36 [of the Labour Code of Ukraine](#) (Bulletin of the Verkhovna Rada of the Ukrainian SSR, 1971, Annex to No. 50, Art. 375):

1) Para. 1 with a new item with the following wording:

"9) in accordance with the law";

2) Para. 2 with the words, "and in the event set forth in Item 8, the individual shall be dismissed from his/her position, according to the procedure set forth in the Law of Ukraine "On Restoring Trust in the Authorities."