

Compliance Lessons for the Public Sector: A Step by Step Guide for Ukraine and Moldova

ACT- Addressing Corruption Together
2025 - 2026

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Guide

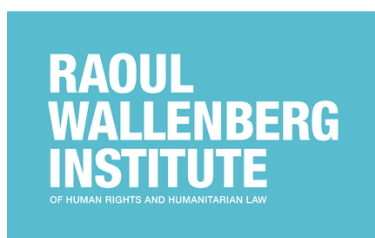
This guide was developed by the participants of the “ACT - Addressing Corruption Together” project, implemented by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) in partnership with Ukrainian Bar Association (UBA) and Action for Justice (A4J) and funded by the Swedish Institute.

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Given the evolving nature of practices and terminology in the field of anti-corruption in public sector, the text may contain some inaccuracies or inconsistencies.



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Why should we care about Compliance in the Public Sector?

Building a Robust Anti-Corruption Management System

The compliance function allows for the logical arrangement of key elements for building an anti-corruption system.

Addressing Corruption Risks

The compliance programs enable to address corruption risk issues on a completely new level

A Universal Step-by Step Guide

This guide offers a step-by-step universal instruction for of the implementation of corruption prevention measures and transparent public sector practice

Build an Effective Anti-Corruption Management System

Align the entire team's efforts to resist corruption with the overall strategic goals of the organization

Goal - Achieve Excellence with a Unified Vision

1

Build an Effective Anti-Corruption System

This guide will help a compliance officer establish a robust framework.

2

Detailed Instruction immediate Results

Receive one document with clear steps and instantly visualize the final outcome.

3

Teamwork in the Same Direction

Align the entire team's efforts towards shared organizational goals.

4

Focus on the culture of integrity

Foster a workplace environment rooted in ethical principles and trust.

Legal Terms & Definitions

Understanding the foundational terminology of public sector compliance

Legal terms

Public Sector & Public Entity

Foundational concepts in compliance frameworks

Public Sector

The aggregate of state authorities , local self-government bodies , and other entities performing public functions of the state or local administration. Includes ministries, agencies, municipalities, and publicly-funded institutions.

Key Characteristics:

- Funded by public resources
- Subject to public oversight
- Accountable to citizens
- Bound by transparency rules

Public Entity

Organizations exercising public power or managing public funds . Includes state-owned enterprises, public institutions, regulatory bodies, and any entity receiving significant public funding or performing delegated governmental functions.

Compliance Note

All public sector entities must implement anti-corruption programs and establish internal compliance mechanisms.

Conflict of Interest

A critical concept in public integrity management

Definition

The existence of a private interest held by a person in the area where they perform official duties, which may influence their objectivity or impartiality .

Who It Applies To

- Public officials
- Civil servants
- Elected representatives
- Board members

Why It Matters

- Protects impartiality
- Maintains public trust
- Prevents corruption
- Ensures integrity

Legal terms

Three Types of Conflicts

1

Actual Conflict

The personal interest is actively affecting the impartiality of decisions. This is a consummated conflict requiring immediate action.

2

Potential Conflict

There is a possibility that personal interest may influence decisions in the future, even if no effect exists now.

3

Perceived Conflict

No real conflict exists, but there is a reasonable perception by the public that impartiality could be compromised.

Gifts & Illegal Benefits

Distinguishing acceptable hospitality from corruption

Definition of Gift

Monetary funds or other assets, advantages, benefits, services or intangible assets that are offered or received:

Free of Charge

No payment expected

Below Market Price

Significantly reduced value

Illegal Benefit

Any benefit received in exchange for or in connection with the improper performance of official duties. This constitutes corruption under criminal law.

Subject to criminal prosecution

Gifts & Illegal Benefits

- Promotional items of nominal value
- Business meals in ordinary course
- Conference materials and publications
- Gifts from family members

Prohibited Gifts

- Cash or cash equivalents
- Gifts from contractors or bidders
- Expensive items (exceeding thresholds)
- Gifts that could influence decisions

Key Rule

When in doubt, disclose. All gifts above nominal value must be declared according to internal policies.

Foundation

Importance of Compliance

What we respect today builds the trust of tomorrow

Compliance = Following Rules + Preventing Problems

A proactive approach to integrity in public administration

Ensures Legality

Actions follow the law and regulatory requirements, minimizing legal risks and penalties.

Prevents Corruption

Reduces abuse of power and opportunities for corrupt practices through controls.

Protects Reputation

Maintains public confidence in institutions and their leadership.

Builds Trust

Creates a culture of transparency and accountability that strengthens relationships with citizens.

Accountability

Establishes clear lines of responsibility and consequences for actions.

Reduces Risk

Identifies and mitigates institutional vulnerabilities before they cause harm.

Main Compliance Instruments

Tools for building effective compliance systems

Ethical Values

Core principles, policies, and codes of conduct that guide behavior

Regulations & Laws

Legal framework establishing mandatory requirements

Training Programs

Education and awareness initiatives for all staff

Incentives

Recognition and rewards for compliant behavior

Internal Controls

Procedures and processes to ensure compliance

Auditing & Monitoring

Oversight of conflicts, declarations, and risks

Additional Instruments

- Anonymous Reporting: Safe channels for whistleblowers
- Risk Management: Identification and mitigation
- Disciplinary Systems: Sanctions for violations
- Continuous Improvement: Regular review and updates

Integration

These instruments work together as an integrated system to create a comprehensive compliance framework.

Main Elements that will Include

1

Legislative Regulation in Ukraine and Moldova

Analysis of key laws and frameworks.

3

Examples of Successful in the Public Sector

Align the entire team's efforts towards shared organizational goals.

2

Development of Documents for Implementation

Creating practical guides and templates-

4

Key Tips for Implentation in the Public Sector

Best practices for effective deployment.

5

Indicator of successful Implementation

Best practices for effective deployment.

European Union Anti-Corruption Policy

Comprehensive framework for member states
and partners



EU Anti-Corruption Policy Framework

The EU has established a comprehensive anti-corruption policy that sets standards for all member states and candidate countries. This framework includes:

Directives

Legally binding requirements

Regulations

Directly applicable rules

Public Procurement Directives

- 2014/24/EU - Public contracts
- 2014/25/EU - Utilities procurement

Key EU Instruments

Financial Control

Regulations on EU funds management and fraud prevention

Whistleblower Protection

Directive 2019/1937 on reporting breaches

EPPO

European Public Prosecutor's Office for PIF crimes

PIF Directive

2017/1371 protecting EU financial interests

EU Anti-Corruption Directive

2025-2026 criminal law framework against corruption

Applicability

EU anti-corruption standards apply to member states, candidate countries (including Moldova and Ukraine), and any entity receiving EU funds.

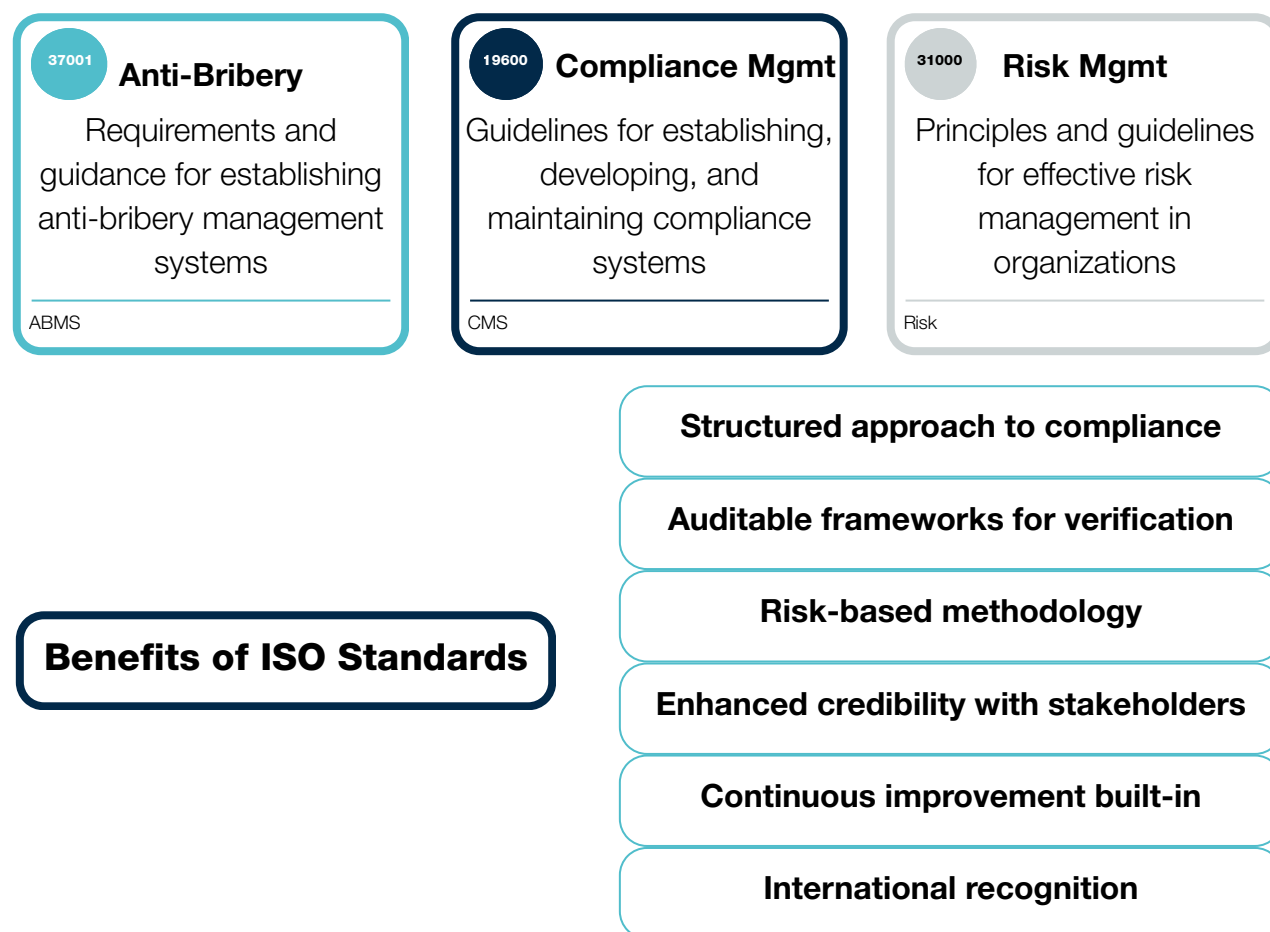
Compliance Management Standards

ISO standards for structured compliance frameworks

International Organization for Standardization

Structured, auditable compliance frameworks

ISO standards provide internationally recognized frameworks for implementing compliance management systems. They support a risk-based approach and enhance organizational credibility.



OECD Conventions

Organisation for Economic Co-operation and Development (OECD)

- **OECD Anti-Bribery Convention**

Criminalizes bribery of foreign public officials in international business transactions

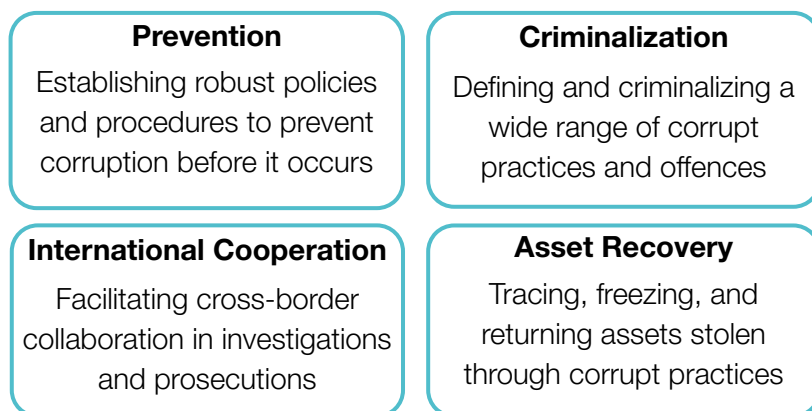
- **OECD Guidelines on Anti-Corruption**

Comprehensive framework for integrity in public sector operations

United Nations Convention

United Nations Convention against Corruption (UNCAC)

The core global framework providing comprehensive measures for:

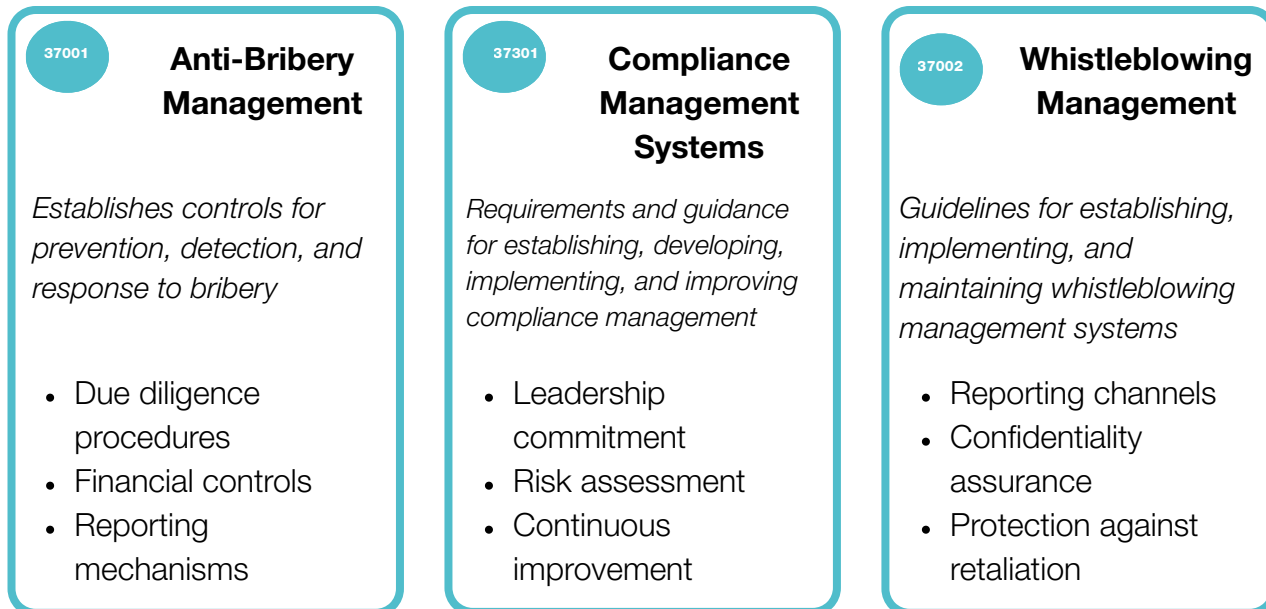


Key Insight

UNCAC is the only legally binding universal anti-corruption instrument, ratified by 190 parties worldwide

ISO Compliance Management Standards

International Organization for Standardization (ISO) provides structured, auditable compliance frameworks that support risk-based approaches and enhance transparency, accountability, and integrity.



Key Benefits of ISO Standards

ISO standards complement legal obligations with operational best practices, providing internationally recognized frameworks that enhance credibility, facilitate cross-border cooperation, and demonstrate commitment to integrity. They offer structured approaches that can be audited and certified, ensuring accountability.

Anti-corruption compliance system in Moldova

Legal framework overview



Foundational Laws

Moldova's anti-corruption legal framework is built on several key legislative acts that establish the institutional and procedural foundation for preventing and combating corruption.

Law 132/2016

Establishes the National Integrity Authority (ANI) and regulates asset declarations, conflicts of interest, and incompatibilities

Law 1104/2002

Creates the National Anticorruption Center (CNA) with prevention, investigation, and education mandates

Law 48/2017

Establishes the Office for Recovery of Infringement Assets (ARBI) for tracing and managing crime-related assets

Supporting Legislation

Law 133/2016

Asset and interest declarations - mandatory verification by ANI

Law 165/2023

Whistleblower protection - safe reporting channels and anti-retaliation measures

SNIA (National Strategy)

Strategic framework for corruption prevention and integrity building

Integration:

These laws work together to create a comprehensive system covering prevention, detection, investigation, and asset recovery.

Institutional Architecture: Key Bodies

ANI

National Integrity Authority

Independent body monitoring asset declarations, interests, incompatibilities, and conflicts of interest

CNA

National Anticorruption Center

Prevention & investigation, anti-corruption expertise of draft laws, public education

ARBI

Criminal Assets Recovery Agency

Tracing and managing crime-related assets under Law 48/2017

PA

Anticorruption Prosecutor's Office

Criminal investigations, leading CNA cases, representing prosecution in courts

Courts

Courts of justice

General judiciary system with judges specialized in corruption cases

Ombudsman

People's Advocate

Monitoring human rights, including in corruption and integrity matters

Parliament & civil society

Control and monitoring through parliamentary committees, national strategies, and public reporting mechanisms ensure transparency and accountability across all anti-corruption efforts.

Core prevention mechanisms

Asset & Interest Declarations

Mandatory for all declarants; verified by ANI under Law 133/2016. ANI checks correctness and may initiate proceedings for non-compliance.

Integrity Assessment

Conducted by ANI and CNA, including integrity testing, corruption risk evaluations, and behavior analysis of public officials.

Asset Recovery

ARBI identifies, traces, and manages crime-related assets under Law 48/2017, ensuring recovery of proceeds from corruption.

Conflict of Interest Regime

Monitored and sanctioned by ANI under Law 132/2016. Officials must avoid conflicts of interest and respect incompatibility rules.

Anti-Corruption Expertise

CNA reviews draft laws to identify and mitigate corruption risks, providing recommendations before legislation is adopted.

Financial Monitoring

Preventive audits, internal controls, and corruption risk assessments in public institutions under SNIA framework.

Whistleblower Protection (Law 165/2023)

Ensures safe channels for reporting corruption and comprehensive protection against retaliation for those who report in good faith.

Actors and responsibilities

Anti-Corruption Officer

Role: First line of prevention, internal control, ensuring institutional integrity

Prevention & Education

Participate in activities, collaborate with authorities and media, monitor compliance

Detection & Investigation

Conduct investigative measures, document offenses, operational actions

Internal Integrity

Monitor integrity of officials, verify reports, ensure compliance

Anti-Corruption Prosecutor

Role: Investigate and prosecute corruption cases.

Supervise criminal investigations

Coordinate investigative bodies

Represent state in court

Ensure thorough documentation

Integrity Whistleblower

Role: Report corruption, fraud, breaches in good faith.

- Report violations through legal channels
- Receive protection under Law No. 122/2018
- Support early detection, inform authorities

Specialized Judge for Corruption Cases

Ensure judicial independence, specialization, impartiality in hearing and adjudicating corruption cases.

Anti-Corruption System in Ukraine

Comprehensive overview of Ukraine's legal framework, institutional architecture, and prevention mechanisms



Core Law

Law of Ukraine "On Prevention of Corruption" No. 1700-VII (14 Oct 2014)

Sets the legal and organizational foundations of the prevention system, defines duties of officials, and establishes key preventive tools for combating corruption across all levels of government.

Strategy Law

Law "On Principles of State Anti-Corruption Policy for 2021–2025" No. 2322-IX (20 Jun 2022)

Approves the Anti-Corruption Strategy and mandates development of a comprehensive State Programme.

Implementing Programme

State Anti-Corruption Program for 2023–2025

Approved by the Cabinet of Ministers, this program translates strategic goals into concrete actions, timelines, and responsible institutions.

Three-Tier Framework:

Ukraine's anti-corruption system operates through a comprehensive hierarchy—foundational law establishes the system, strategic law sets long-term direction, and implementing program ensures execution with measurable outcomes.

Institutional Architecture: Key Bodies

NACP

National Agency for Prevention of Corruption

Central executive body with special status responsible for shaping/monitoring anti-corruption policy, approving programs, verifying declarations, and lifestyle monitoring

SAPO

Specialized Anti-Corruption Prosecutor's Office

Specialized unit within the prosecution system with legal status governed by Law "On the Prosecutor's Office" No. 1697-VII

ARMA

Asset Recovery and Management Agency

Detects, traces, and manages assets derived from corruption and other crimes under Law No. 772-VIII

NABU

National Anti-Corruption Bureau

Investigates high-level corruption with legal basis in Law No. 1698-VII

HACC

High Anti-Corruption Court

Specialized court for corruption cases established by Law "On the High Anti-Corruption Court" No. 2447-VIII

National Police

Law Enforcement

Empowered to deal with administrative offenses related to corruption, including conflict-of-interest cases

Comprehensive Architecture:

Ukraine's anti-corruption ecosystem features specialized agencies with clearly defined mandates—from prevention (NACP) to investigation (NABU, National Police) to prosecution (SAPO) to adjudication (HACC) to asset recovery (ARMA).

Core Prevention Mechanisms in Ukraine

Anti-Corruption Programs

Mandatory adoption/approval of institutional anti-corruption programs in all public bodies (Art. 19)

Ethical Safeguards

Restrictions on use of office, gifts, incompatibilities/secondary jobs, close relatives in subordination (Arts. 22–27)

Conflict of Interest Management

Duties to prevent, disclose, and resolve conflicts of interest with related procedures (Art. 28)

Whistleblower Protections

Status, rights, protection guarantees, and channels for reporting corruption (Arts. 53-1 to 53-9)

Financial Control

E-declarations submission, open register, control of timeliness/accuracy, full verification (Arts. 45–47, 51-1 to 51-3)

Lifestyle Monitoring

Selective lifestyle checks to match standard of living with declared assets/income; implemented by NACP (Art. 51-4)

Monitoring & Reporting

NACP powers including monitoring Strategy/Programme implementation and national reporting (Art. 11)

Internal Authorized Units

Designation of authorized anti-corruption units/persons in public bodies (Art. 13-1)

Comprehensive Prevention System

Ukraine's prevention mechanisms create a multi-layered defense against corruption — from institutional programs and individual restrictions to transparency tools (e-declarations) and protection systems (whistleblowers). The NACP serves as the central coordinator, ensuring consistent implementation across all public bodies.

Ethical Values & Professional Standards

Foundation of integrity, honesty, and responsibility in public service based on UN Convention principles

Codes of Conduct for Public Officials

"In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system."
— UN Convention against Corruption (UNCAC), Article 8

Each State Party shall endeavor to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honorable and proper performance of public functions.

Disciplinary Measures

Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes or standards.
— UN Convention against Corruption, Article 8

Reprimand

Formal warning for minor violations

Dismissal

Termination for serious breaches

Key Elements of Codes

1. Integrity

Acting with honesty and strong moral principles in all official duties

2. Honesty

Being truthful and transparent in all professional dealings

3. Responsibility

Taking ownership of decisions and their consequences

4. Accountability

Being answerable for actions and decisions to the public

5. Impartiality

Making decisions based on merit, free from bias or favoritism

Implementation

Implementation: Codes should be tailored to each country's legal system while maintaining universal principles of ethical conduct.

Key Ethical Principles

Priority of State Interests

Always remember the priority of the state's interests over personal or private interests. Public officials serve the people and the nation first.

Practical Tip: When making decisions, ask: "Does this benefit the state and its citizens, or does it serve private interests?"

Transparency

Operate with openness and clarity. Decisions should be made through clear processes that can be explained and justified to the public.

Practical Tip: Document decision-making processes and be prepared to explain the rationale behind important choices.

Fairness

Treat all individuals and organizations equitably. Avoid favoritism, nepotism, and discrimination in all professional interactions.

Practical Tip: Apply rules and procedures consistently to everyone, regardless of personal relationships or status.

Professionalism

Maintain high of competence, diligence, and ethical behavior. Continuously improve skills and knowledge relevant to your role.

Practical Tip: Stay informed about legal requirements, participate in training, and seek guidance when facing ethical dilemmas.

Red Flags to Avoid

Accepting gifts or favors

Using position for private gain

Influencing decisions improperly

Disclosing confidential information

Ignoring misconduct by colleagues

Conflicts of interest

Training & Capacity Building

Systems for education and training to enhance awareness of corruption risks and proper performance of public functions

UNCAC

"Each State Party shall endeavor to adopt, maintain and strengthen systems... that promote education and training programs to enable them to meet the requirements for the correct, honorable and proper performance of public functions..."

— UN Convention against Corruption, Article 7

Training should enhance awareness of the risks of corruption inherent in the performance of public functions and may reference codes or standards of conduct.

Key Training Tips

- Prepare a thematic anti-corruption training plan for the organization with clear objectives and timelines
- Identify persons responsible for training direction and coordination
- Identify educational centers for organizing training with certified programs
- Review curricula once a year depending on changes in legislation and emerging risks
- Inform employees about training plans well in advance to ensure participation
- Conduct surveys among employees regarding educational needs and preferences
- Conduct testing after training to verify knowledge retention and effectiveness

Target Audience

Civil Servants

All government employees

Public officials

Elected and appointed officials

Leadership

Managers and directors

Specialized roles

Procurement, HR, finance

Educational Platforms & Resources

Study.NAZK

Ukraine's Official Anti-Corruption Educational Platform

The National Agency for Prevention of Corruption (NACP) operates a comprehensive online learning platform providing free anti-corruption training to public officials and citizens.

Online courses

Interactive modules on anti-corruption legislation, ethics, and compliance

Certification

Official certificates upon course completion for professional development

Accessibility

Free access to all public officials and open to civil society

Regular updates

Content updated to reflect legislative changes and emerging best practices

Website: <https://study.nazk.gov.ua/>

International Resources

UNODC

United Nations Office on Drugs and Crime anti-corruption training materials

OECD

Anti-corruption integrity training resources and toolkits

World Bank

Governance and anti-corruption learning programs

Training methods

- In-person workshops
- E-learning modules
- Case study discussions
- Scenario-based training
- Role-playing exercises

Anonymous Reporting & Whistleblower Protection

Mechanisms for encouraging and protecting those who report corruption and related offenses

Reporting Channels & Legal Framework

Legal requirements

The State shall encourage and assist whistleblowers to report possible facts of corruption or corruption-related offences through multiple channels

Special telephone lines

Dedicated hotlines for reporting corruption anonymously

Official websites

Online portals and web forms for submitting reports

Electronic communication

Email and secure messaging systems

Other channels

Mass media

Contacting journalists and media outlets to expose corruption

Public associations

Civil society organizations focused on anti-corruption

Trade unions

Employee representatives and labor organizations

Comprehensive Protection

Multiple channels ensure whistleblowers can choose the most appropriate and safe method for their situation.

Internal Reporting Procedures

Culture of reporting

Introduce mechanisms to encourage and form a culture of reporting possible acts of corruption or corruption-related offences and other violations

Internal procedures

Define internal procedures and mechanisms for receiving and reviewing reports, and for verifying and responding appropriately to such reports

Methodological assistance

Provide employees and persons who serve or study with methodological assistance and advice on how to report possible acts of corruption

Mandatory channels

Establish and maintain internal channels for reporting possible acts of corruption or corruption-related offences

Ukraine's Unified Whistleblower Portal

NACP administers a centralised online platform for submitting whistleblower reports securely and confidentially
<https://whistleblowers.nazk.gov.ua>

Anonymity
Protected identity

Confidentiality
Secure handling

Protection
Anti-retaliation

Internal Controls & Procedures

Management policies and procedures to meet organizational goals and manage corruption risks

Internal Control Framework

Legal basis

CMU* Resolution No. 1062

Internal control = management policies and procedures designed to meet organizational goals and manage risks, including corruption risks.

Budget Code of Ukraine (Article 26)

Head of the entity must implement internal control and audit systems as a mandatory requirement.

Preventive approach

Embed anti-corruption rules in organizational processes (procurement, HR, finance) through clear policies and procedures. Prevention is more effective than detection.

Five main elements

- Control environment: organizational culture, integrity, and ethical values
- Risk assessment: identifying and analyzing corruption risks
- Control activities: policies and procedures to mitigate risks
- Communication and information: sharing information necessary for control
- Monitoring: ongoing assessment of control effectiveness

Risk Management & Anti-Corruption Programs

NACP methodology

Risk management follows a continuous cycle (NACP Order No. 830/21):

- Assess: identify and evaluate corruption risks
- Plan: develop mitigation measures and controls
- Monitor: track implementation and effectiveness
- Revise: update based on lessons learned

Integration

Anti-corruption measures are built into decisions and documents throughout the organization:

- Law on Corruption Prevention requirements
- NACP guidelines and templates
- Standard operating procedures (SOPs)
- Decision-making processes

Anti-corruption coordinator

Oversees risk assessment and implementation of mitigation measures based on NACP template regulation.

Key controls:

- Conflict-of-interest checks
- Procurement cost thresholds
- Logging critical actions in IT systems

*CMU - Cabinet of Ministers of Ukraine

Roles & Accountability in Internal Controls

Head of agency

Accountable for internal control results and implementation (CMU No. 1062)

Responsibilities:

- Set up control environment
- Allocate resources
- Review control effectiveness
- Take corrective actions

Anti-corruption officer

Independent coordinator (should report to top management)

Responsibilities:

- Coordinate risk assessment
- Monitor implementation
- Advise management
- Report on compliance

Internal audit

Evaluates the internal control system (reports to the head) but does not own day-to-day controls

Responsibilities:

- Independent assessment
- Test control effectiveness
- Report findings
- Recommend improvements

Monitoring Framework

Set regular KPIs, self-assessments, and improvement plans (not just annual reports). Continuous monitoring ensures controls remain effective and responsive to changing risks.

Key Performance Indicators

Self-Assessments

Improvement Plans

Positive Cases: Internal Controls Success Stories

ProZorro (Ukraine)

An e-procurement platform that enforces transparent bidding rules. It minimizes discretionary decisions with built-in checks and logs.

Why It Works

Transparency and automation remove opaque processes. All transactions are logged and auditable.

Transferable

Digital platforms for procurement and data logging can be applied in other areas (e.g., asset management, HR processes).

OECD Recommendations

Many countries adopt frameworks like COSO or EU PIFC (Public Internal Financial Control), which emphasize preventive controls.

Why It Works

Having a clear standard framework (like an internal control handbook) ensures consistency across all departments and agencies.

Transferable

Adopt internationally recognized internal control frameworks to guide procedures and ensure alignment with best practices.

Investigations & Reporting Channels

Processes for receiving, reviewing, and investigating corruption reports while protecting whistleblowers

Investigation Framework & Whistleblower Protection

Legal Requirements

Law on Corruption Prevention: agencies must provide internal and external channels for corruption reports (Art. 53-1).

NACP Single Portal

Serves as an internal channel for whistleblowers; NACP administers the platform and ensures proper handling of reports.

Report Review Criteria

Reports are reviewed if they contain sufficient factual information to warrant investigation (Art. 53-2).

Whistleblower Protection

- Anonymity (Art. 53-5)

Identity of whistleblower is protected and not disclosed without consent

- Confidentiality (Art. 53-5)

All information related to the report is handled confidentially

- Non-Retaliation (Art. 53-6)

Protection against dismissal, demotion, harassment, or any adverse action

Process Flow

Intake → Triage (is it credible?) → Assign to investigators (per NACP guidelines)

Internal Investigation Procedures

Commission Appointment

Manager appoints an investigation commission (CMU No. 950):

- Order specifies commission members
- 10-day limit for investigation
- Clear mandate and scope

Commission Powers

Commission can exercise the following authorities (CMU No. 950):

- Demand documents and records
- Take statements from witnesses
- Keep detailed minutes

Rights of Subject

Person under investigation has the following rights:

- Right to know allegations
- Right to give evidence
- Right to have legal representation

Investigation Report

Report describes facts, causes, and suggests fixes (CMU No. 950):

- Document established facts
- Identify root causes
- Recommend corrective actions

Investigation Outcomes & Follow-Up

Manager Decision

Manager makes a decision within 10 working days of receiving the investigation report (CMU No. 950).

Possible Decisions:

- Confirm or dismiss allegations
- Impose disciplinary measures
- Implement corrective actions
- Refer to law enforcement if needed

Whistleblower Notification

Notify the whistleblower of the outcome (confirmed/not confirmed) per legal requirements. This maintains trust in the reporting system.

Lessons Learned

Use investigation findings to improve organizational practices:

Update Procedures

Revise policies to address identified weaknesses

Retain Staff

Provide targeted training on problem areas

Tighten Controls

Strengthen monitoring and oversight mechanisms

Stakeholder Reporting

If applicable, report findings to stakeholders (e.g., NACP, audit committee, oversight bodies) to ensure transparency and accountability.

Positive Cases: Investigation Success Stories

NACP Whistleblower Portal

**7,500+
organisations
registered**

**~4,100
reports in first
year**

The portal standardizes reporting and triage processes across all public bodies, creating a unified approach to handling whistleblower reports.

Why It Works

Confidentiality is guaranteed and clear process flow ensures consistent handling of all reports.

Transferable

Implementing centralized reporting systems increases accessibility and trust in the whistleblowing process.

EU Whistleblowing Directive

European Implementation Model

Public agencies in the EU now use structured online forms and strict timelines for feedback, creating consistent standards across member states.

Why It Works

Defined procedures and legal deadlines ensure reports are handled consistently and efficiently.

- Clear legal guidelines for all agencies
- IT tools for streamlined reporting
- Mandatory response timelines

Transferable

Adopt clear legal guidelines and IT tools for reporting to ensure consistency and efficiency.

Corrective Actions & Remediation

Addressing root causes, implementing discipline, and ensuring continuous improvement

Remediation & Root Causes

Response to Deviations

CMU No. 1062 (Art. 26.3)

Response to deviations = **fix the issue + address its root causes**

NACP emphasizes a continuous process where each incident triggers plan adjustments and systemic improvements.

Focus on Systemic Fixes

Focus on systemic fixes, not just 'blame and forget'.

Address the underlying causes rather than just punishing individuals:

Identify Why It Happened

Conduct root cause analysis to understand systemic weaknesses

Fix the System

Implement structural changes to prevent recurrence

Monitor Effectiveness

Track whether fixes are working through continuous monitoring

Post-Incident Actions

After an incident, organizations should:

- Update processes and procedures
- Strengthen internal controls
- Enhance IT system security
- Train staff on lessons learned

Discipline & Sanctions

Labor Code (Art. 147)

Disciplinary sanctions for violations include:

- Reprimand

Formal warning for minor violations or first-time offenses

- Dismissal

Termination for serious breaches or repeated violations

Investigation Report

Investigation report includes recommended disciplinary measures (CMU No. 950):

- Document violations found
- Specify applicable sanctions
- Provide evidence and justification

Public Service Discipline

Follows CMU No. 1039. If criminal signs are present, refer to law enforcement. Meanwhile, recover losses (e.g., asset return) and close process gaps.

Continuous Improvement

EU Ukraine Report 2025

The European Commission's assessment of Ukraine's anti-corruption efforts:

Existing Framework

Internal control framework exists and is operational across government bodies

Areas for Strengthening

Follow-up on recommendations needs strengthening to ensure implementation

Progress Noted

Progress seen in tracking audit recommendations and using IT tools (p.67)

World Bank Guidance

World Bank Group Integrity guidelines emphasize:

Debarment Sanctions

Firms caught violating rules face debarment, but can regain eligibility by showing a new compliance program

Integrated Approach

Good compliance integrates prevention, detection, investigation, and remediation

Best practice

After each case, update risk register and SOPs, then re-test controls to ensure effectiveness.

Positive Cases: Corrective Actions Success Stories

World Bank Integrity Sanctions

Conditional Reinstatement Model

Firms caught violating rules face debarment, but can regain eligibility by showing a new compliance program.

Why It Works

It forces firms to fix issues systemically rather than just paying fines. Companies must demonstrate genuine organizational change.

Transferable

Sanctions with conditions ensure true reform. Organizations must implement compliance programs as a condition for returning to eligibility.

Ukraine Audit Committees

Internal Oversight Mechanism

Agencies like the Ministry of Finance run internal audit committees that track recommendation closure and ensure follow-through.

Why It Works

Regular reporting makes inaction visible and creates accountability. Committee oversight ensures recommendations are implemented.

- Track audit recommendations
- Monitor implementation timelines
- Report to senior management

Transferable

Any organization can form an oversight committee to follow up on controls and ensure continuous improvement.

Conflict of Interest: Introduction and definitions

What is Conflict of Interest?

A personal interest that influences or could influence the impartial and objective performance of official duties.

Why It Matters

- Protects impartiality in decision-making
- Maintains public trust in institutions
- Ensures institutional integrity
- Enables effective risk management

Key Principle

Disclose early even during the recruitment process. Transparency is the first line of defense.

Who It Applies To

All employees, partners, agents, representatives, and persons involved in entity activities.

Types of Personal Interests

- Material: Financial benefits, direct or indirect economic advantages
- Non-material: Personal relationships, memberships in organizations, political or international affiliations

Types of Conflicts of Interest

1

Actual Conflict

The personal interest is actively affecting the impartiality of decisions. This is a consummated conflict where bias has already influenced or is influencing official conduct.

2

Potential Conflict

There is a possibility that personal interest may influence decisions in the future, even if the effect has not yet occurred. Circumstances exist that could create bias.

3

Perceived Conflict

There is no real conflict, but there is a reasonable perception by the public or stakeholders that impartiality could be affected. Appearance matters as much as reality.

Treat perceived conflicts seriously perception impacts public trust. When in doubt, disclose and seek guidance.

Real-World Examples

Conflict of Interest for a Mayor

Situation

The mayor decides on granting a road repair contract to a company.

Conflict

The company belongs to his brother.

Effect

The mayor could favor his brother's company, even if another company offers a better price or superior services.

Type: Personal financial interest influencing official decisions

Conflict of Interest for a Doctor

Situation

The doctor recommends a certain hospital or private clinic for the treatment of a patient.

Conflict

The doctor receives a commission or holds shares in that clinic.

Effect

The doctor's decision may be influenced by personal benefit, not by the patient's interest.

Type: Material interest related to professional recommendations

Family or Close Relationships

Example 1

Mayor decides the allocation of public land to a construction company in which his cohabiting partner holds shares.

Example 2

Doctor prescribes medicines from a company owned by a relative, without clear medical justification.

Effect

Family ties create bias and undermine objectivity in professional decisions.

Type: Non-material interest through family relationships

Prevention Strategies

Core Compliance Requirements

- Comply with applicable legislation, internal rules, and best practices in the field
- Act solely in the entity's interest; do not exploit business opportunities or advantages that belong to the entity
- Fulfill all professional obligations diligently and avoid activities that may affect proper performance of duties

Disclosure & Management

- Community or social involvement is accepted, provided it is declared in accordance with internal procedures and does not impair professional activity
- Avoid conflicts where possible; identify, manage, and disclose promptly when they arise to minimize risks
- Candidates and new employees must disclose any existing or possible conflict even during the recruitment process

Leadership & Due Diligence

- Senior management has responsibility to set the example and provide guidance on managing conflicts appropriately
- Conduct appropriate due diligence on agents, representatives, or third parties to identify and prevent conflicts

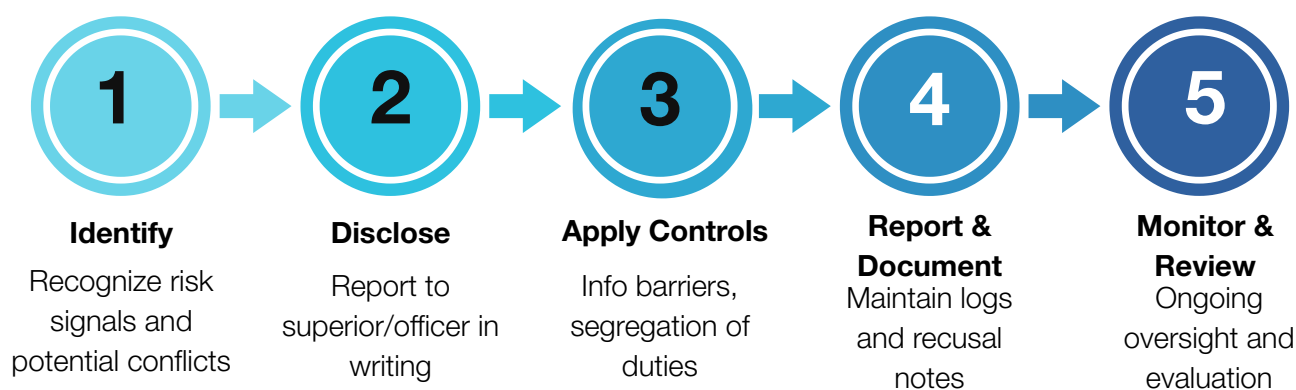
Disclose early

Transparency is your first line of defense. When in doubt, disclose the situation to your hierarchical superior or designated integrity officer.

Early disclosure allows for proper risk assessment and protective measures to be implemented before a conflict can affect decisions or institutional integrity.

Prevention is always better than remediation. Act proactively, not reactively.

Management Framework



What to Disclose

- External professional engagements or positions in another economic entity
- Direct or indirect financial interests, relationships with suppliers, clients, or competitors
- Family relationships with public officials that could generate a conflict or its perception
- Gifts or hospitality received that do not comply with internal policy
- Application of a family member for a job where reporting could involve influence
- Any circumstance that could reasonably be perceived as affecting impartiality

Mitigation Actions - The 4 A's

Avoidance

Relinquish a role or holding that creates the conflict. Example: Divest a stake in a company, resign from a board position, or transfer responsibilities to eliminate the conflict at its source.

Disclosure

Inform all relevant parties for transparency. Submit written statements that are kept on file, ensuring stakeholders are aware of the situation and can monitor for bias or undue influence.

Withdrawal

Recuse yourself from related decisions or meetings. Do not participate in discussions, do not vote, and do not attempt to influence colleagues or subordinates regarding the conflicted matter.

Refusal

Decline the circumstance that generates the conflict. Refuse personal gifts, hospitality, or external engagements that could compromise objectivity or create perceived bias.

Governance & Documentation

The final decision on how to manage the conflict rests with the hierarchical superior or designated integrity officer. All steps taken must be fully documented with written records maintained in the official file.

Sanctions & Consequences

Criminal Liability

Where offense elements are met, criminal prosecution may follow with penalties including imprisonment and fines.

Civil Liability

Annulment of conflicted acts and damages where applicable. Financial restitution may be required.

Contraventional Liability

Fines and administrative penalties under integrity legislation applicable to public sector violations.

Disciplinary / Administrative

Warnings, reprimands, reassignment, demotion, or other internal corrective measures.

Escalating Severity of Consequences

Additional Consequences

- Annulment of individual or normative administrative acts adopted in violation of conflict-of-interest regime
- Termination of mandate, service relationship, or employment relationship under conditions of the law
- Loss of professional reputation and public trust
- Disqualification from holding public office for specified periods
- Publication of violations and sanctions in official registries

Regulations

Purpose

Protect impartial decision-making, public trust, and institutional integrity in the public sector.

Objectives

- Ensure objectivity and impartiality in the exercise of public functions
- Prevent undue private influence on administrative decisions
- Promote transparency and accountability among public officials
- Reduce corruption and integrity risks in high-exposure areas (procurement, licensing, regulatory supervision)

Who It Applies To

- Senior public officials and elected representatives
- Civil servants and public agents
- Members of collegial decision-making bodies
- Officials involved in procurement, licensing, or regulatory oversight

Nature of Framework

The system is primarily preventive, encouraging early disclosure and management of risk situations rather than punitive measures. The focus is on identifying conflicts before they affect decisions.

Key Regulatory Mechanisms

Identification & Disclosure

Written declarations required; notify superiors and integrity body immediately when conflicts arise or are suspected.

Recusal Requirements

Abstain from affected decisions; avoid influencing colleagues; document all recusals formally and transparently.

Incompatibilities & Secondary Employment

Define and prohibit high-risk roles; require prior authorization for permitted secondary positions.

Procurement Safeguards

Declarations of impartiality required; exclude conflicted staff from evaluation; maintain transparent records and external audits.

Post-Employment Controls

Cooling-off periods enforced; restrictions on representing private interests before former authorities and using insider knowledge.

Confidential Information Protection

Safeguard non-public data; prohibit use of insider knowledge for personal or third-party gain, even after leaving office.

Additional Safeguards

Nepotism & Favoritism Controls

Prohibit direct hierarchical subordination between close relatives. Require disclosure of personal or family relationships in recruitment or contracting processes. Mandate recusal where impartiality is reasonably questioned to prevent preferential treatment and maintain merit-based decision-making.

Financial Interests Transparency

Officials and their close family members must avoid financial interests that conflict with public duties. Requires comprehensive disclosure of investments, shareholdings, business partnerships, and other economic interests that could influence or appear to influence official decisions and actions.

Asset & Interest Declaration System

Centralized systems for periodic asset and interest declarations overseen by designated integrity authorities. Regular updates required to track changes in financial positions. Recusal or divestment mandated where conflicts arise, with full documentation and verification processes.

Institutional Oversight & Enforcement

Dedicated integrity authorities or agencies responsible for verifying declarations of assets and interests, establishing the existence of conflicts, applying administrative sanctions, and referring cases for disciplinary or criminal proceedings when warranted. Centralized oversight ensures consistency and reinforces public confidence.

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Legal Framework — Republic of Moldova

Constitutional Principles

The Constitution guarantees compliance with principles of integrity, impartiality, and protection of the public interest by officials and persons holding public office.

Law No. 132/2016 — National Integrity Authority (ANI)

Establishes authority for oversight, verification of declarations of interests and assets, and control of conflicts of interest.

Law No. 133/2016 — Declaration of Assets and Interests

Defines conflict of interest; establishes obligations to prevent influence by personal interests, including relationships with related persons or entities.

Integrity Law No. 82/2017

Emphasizes obligation of public officials to act ethically and disinterestedly, preventing conflicts of interest in public service.

Law No. 199/2010 — Public Dignity Functions

Regulates obligations and responsibilities of dignitaries, including measures to prevent influence of personal interests on official decisions.

Law No. 158/2008 — Public Office and Status

Regulates incompatibilities and prohibitions; obligation to avoid situations compromising impartiality of decisions by public servants.

Laws No. 436/2006 & No. 768/2000 — Local Administration

Establish rules for local authorities, mayors, and councilors including COI prevention and public interest respect requirements.

Criminal Code Art. 326¹

Criminalizes conflict of interest for public officials and dignitaries; provides sanctions for obtaining patrimonial advantage without observing legal COI regime.

Relevant Case Law

- Ambros Alexandru vs ANI: Courts established existence of actual conflicts of interest resulting from influence of personal interests on official decisions.
- Maxim Vasile vs National Integrity Authority: Demonstrated consistent approach to sanction not only consummated conflicts but also real risk of affecting impartiality, strengthening preventive nature of integrity regime.

Legal Framework – European Union

EU Principles

EU legislation provides rules and mechanisms for prevention and management of conflicts of interest, ensuring transparency, impartiality, and accountability across EU officials, commissioners, beneficiaries, and economic operators.

EU Staff Regulations

Provides obligation for EU officials to avoid situations that could generate conflicts of interest, to declare any personal or financial interest, and to abstain from decision-making when conflicted.

Code of Conduct for European Commissioners

Establishes standards requiring Commissioners to avoid COI situations, declare interests transparently, and recuse themselves from decisions where actual or potential conflicts exist.

Public Procurement Directives 2014/24/EU & 2014/25/EU

Establish measures to prevent influence of personal interests in contract awards; impose transparency, independence requirements, and periodic audit mechanisms for procurement processes.

EU Financial Regulation (2018/1046)

Establishes controls for fund management and COI prevention, ensuring that EU financial interests are protected through transparent allocation and oversight of resources.

Directive 2017/1371 (PIF Directive)

Protects EU's financial interests against fraud; complements framework by preventing fraud and monitoring application of anti-corruption measures, including COI reporting obligations.

Treaty on European Union (TEU) & TFEU

Foundational treaties establishing principles of good governance, transparency, and accountability that underpin all EU conflict of interest regulations and institutional integrity standards.

Institutional Oversight & Enforcement

- European Anti-Fraud Office (OLAF): Exercises supervision and investigative functions over application of conflict-of-interest rules, detecting and investigating fraud, corruption, and serious irregularities affecting EU financial interests.
- European Court of Auditors: Provides independent audit and control over EU budget execution, guaranteeing correctness and integrity of decisions in the context of European public function and management of EU resources.

Legal Framework — Ukraine

Framework Context

Ukraine has adopted comprehensive measures for prevention and management of conflicts of interest in the public sector, developed in the context of European integration and anti-corruption reforms.

Law No. 1700-VII (2014) — On Prevention of Corruption

Defines conflict of interest; establishes obligation of public officials to avoid situations that could compromise impartiality of decisions and integrity of decision-making process.

Law No. 1682-VII — Declaration of Income and Assets

Requires public officials to declare income, expenses, property, and financial obligations, including those of family members, to prevent conflicts of interest.

Code of Ethics for Public Officials

Provides procedures for identifying, reporting, and managing conflicts of interest; establishes disciplinary sanctions for non-compliance with integrity standards.

Anti-Corruption Institutional Rules

Establishes operational procedures and guidelines for identifying, disclosing, and managing conflicts of interest across all levels of public administration.

National Anti-Corruption Bureau (NABU)

Conducts investigations into corruption cases and conflict of interest violations; ensures enforcement of anti-corruption legislation through criminal proceedings.

National Agency on Corruption Prevention (NAPC)

Oversees implementation of legislation; monitors declarations of assets and interests; investigates situations where personal interests may affect official decision-making.

Institutional Oversight and Enforcement

- NABU (National Anti-Corruption Bureau): Investigates high-level corruption cases, including conflicts of interest that result in criminal liability, with specialized prosecutorial powers.
- NAPC (National Agency on Corruption Prevention): Monitors compliance through declaration verification, provides guidance on conflict prevention, and maintains centralized registry of potential conflicts.

Incentives

Purpose

Strengthen the culture of compliance in the public sector as a complementary tool to encourage ethical behavior, compliance with procedures, and reporting of issues—not as a primary method of coercion.

Key Principles

- Alignment with integrity
- Transparency in granting
- Objectivity and auditability
- Proportionality to public role
- Non-perversity (avoid undesirable behavior)
- Full legal compliance with national and EU regulations

Public Recognition

Certificates, mentions in internal reports, and "employee of the month" awards for demonstrating good integrity practices and ethical decision-making.

Professional Development

Priority access to courses, conferences, and training programs paid by the institution to enhance skills and career advancement opportunities.

Career Opportunities

Prioritization in internal selections for projects, secondments, and promotions based on transparent compliance criteria and performance metrics.

Small Non-Financial Benefits

Additional days off (in justified cases), symbolic vouchers, or professional equipment—only if internal legislation allows and without creating favoritism.

Support for Impact Projects

Internal micro-grants for initiatives that improve governance, transparency, or procedural efficiency within the organization.

Team Rewards

Team bonuses in non-monetary form (training budgets, team-building activities) for implementing compliance systems and achieving collective goals.

Designing Ethical Incentives

Design Requirements

Monitoring & Evaluation

Periodic impact assessment and scheme adjustment. Internal audit checks to detect abuses; clawback clauses for rule breaches.

Clear Objectives & Measurable Criteria

Define target behaviors (compliance with procurement, accurate declarations, reporting). Use quantifiable indicators, deadlines, and documentary evidence.

Conflict-Risk Exclusions

Incentives not granted for decisions directly affecting beneficiary's economic interests. Exclude high-risk positions from certain schemes.

Independent Decision Process

Neutral committee or designated person validates granting. Transparent selection without influence from beneficiaries or superiors involved in process.

Financial Limits & Approvals

If financial components exist, regulate and approve by board/integrity council. Ensure full legal compliance with remuneration and procurement rules.

Publicity & Reporting

Periodic reports on who received which incentive based on what criteria. Full transparency and audit trail maintained for accountability.

Key Performance Indicators

Metric	Target
% of employees completing mandatory training vs. previous period	↑ 15-20%
Number/rate of internal compliance reports with quality analysis	↑ 25%
Reduction in procedural non-compliance incidents in targeted areas	↓ 30%
Staff satisfaction level regarding transparency and fairness of schemes	≥ 80%
Rate of incentive revocations for disciplinary reasons (design issue indicator)	< 5%
Timely submission of accurate asset and interest declarations	≥ 95%
Participation rate in integrity training programs and workshops	≥ 90%

Implementation Best Practices

1

Pilot Focused Area

Launch pilot program in a clear, targeted direction (e.g., incentives for participation in anti-corruption training) to test effectiveness and gather feedback before full-scale implementation.

2

Legal & Conflict-Risk Assessment

Conduct comprehensive legal assessment and conflict-risk evaluation before launch. Verify compatibility with legislation on incompatibilities, public procurement, and internal remuneration rules.

3

Establish Criteria, Committee & Budget

Define clear measurable criteria, establish validation committee or neutral decision-makers, and allocate appropriate budget. Ensure objectivity and auditability in the design phase.

4

Clear Internal Communication

Communicate policy, procedures, and application forms clearly to all stakeholders. Ensure transparency regarding granting rules, criteria, and beneficiaries with public documentation.

5

Transparent Granting Process

Implement transparent and fully documented granting procedures. Maintain comprehensive records of who received incentives, based on what criteria, and validation by independent committee.

6

Quarterly Monitoring & Annual Reporting

Conduct quarterly monitoring to track progress and compliance. Prepare annual reports documenting outcomes, KPIs, staff satisfaction, and revocation rates. Involve internal audit for oversight.

7

Review & Adjust Based on Results

Periodically review pilot results and performance data. Adjust scheme design, criteria, and implementation approach based on lessons learned and stakeholder feedback for continuous improvement.

Continuous Improvement Cycle

Implementation is an iterative process. Regular evaluation, adjustment, and refinement ensure the incentive system remains effective, fair, and aligned with organizational integrity goals.

Conclusion & Call to Action

Disclose Early

Report any actual, potential, or perceived conflicts immediately—even during recruitment. Early disclosure protects you and the institution.

Recuse When in Doubt

If there's any question about your impartiality, step away from the decision. Document your recusal and avoid influencing others.

Document Thoroughly

Maintain complete records of disclosures, recusals, and mitigation measures. Documentation protects institutional integrity and individual accountability.

Leadership Sets the Tone

Senior management must exemplify ethical behavior and provide clear guidance. Oversight ensures consistency and builds public confidence.

Transparency builds trust

Collective responsibility sustains integrity. Every official has a duty to protect the public interest and maintain impartiality in decision-making.

When in Doubt

Disclose and Seek Guidance

Contact your hierarchical superior or designated integrity officer immediately. Proactive disclosure protects everyone.

Financial Control & Declaration

Financial control as a core anti-corruption tool

Transparency of:

- income
- assets
- interests

Prevention of:

- unjustified wealth
- conflicts of interest

Strengthening public trust

Implementation in Public Sector Entities

Do you have:

- List of positions required to declare?
- Internal verification procedure?
- Responsible unit/person?
- Secure storage or e-register of declarations?
- Training for staff on declaration rules?

Sanctions for Non-compliance



International Cooperation in Anti-corruption Compliance

Why it matters:

- Corruption is transnational
- Cross-border assets & financial flows
- Need for shared standards and practices

Benefits:

- Exchange of best practices
- Asset recovery
- Harmonization of compliance standards
- Institutional resilience

Forms of cooperation

- Joint projects & programs
- Data and methodology exchange
- International trainings
- Peer-review and external audits
- Alignment with global standards

Reflection question:

With which international bodies does your organization cooperate?

Obligations & Consequences

Risks of non-compliance

- Reputational damage
- Loss of donor funding
- Restrictions on cooperation
- Negative international evaluations

Key message: Integrity is a global standard, not a local option

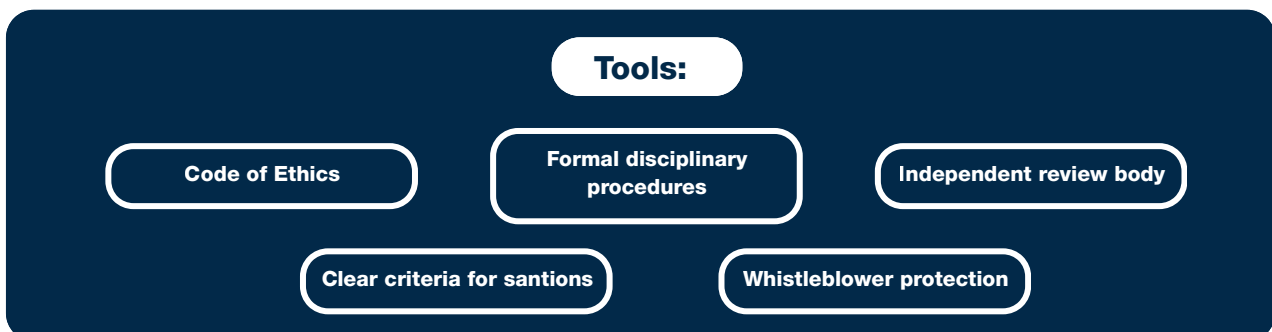
Discipline as a Pillar of Integrity

Discipline means:

- Rule compliance
- Personal responsibility
- Consistent response to violations

Key idea: Rules work only when violations have consequences

Discipline in Practice



Sanctions & Fairness

