Anti-Corruption Action Center
EMPOWERING CIVIL SOCIETY AND JOURNALISTS IN OVERSIGHT AND PROMOTION OF EFFECTIVE ANTI-CORRUPTION ENVIRONMENT PROJECT

Stakeholder Engagement Plan (SEP)
1. **Introduction/Project Description**

**Project description**

The project will rely on a collaborative social accountability approach aimed at strengthening the capacities for multi-stakeholder collective action and cooperation in Ukraine’s anti-corruption reform. Lessons learned from both the GPSA and AntAC’s experience were considered in developing the project’s design. The project strategy will consist in deploying resources for supporting integrated and coordinated actions by both civil society groups and state institutions leading the AC agenda. Project activities will engage all three branches of government in project implementation and promote collaborative dialogues to address challenges and solving problems with regards to anti-corruption legislation and its implementation. Likewise, activities will engage both state and civil society stakeholders - including journalists and local civil society and community-based organizations - in capacity building and peer learning at the regional level.

Firstly, a coalition-building approach will be applied to monitoring the performance of anti-corruption bodies (NABU, SAPO, HACC, NACP). The project will produce independent analyses, including the use of international benchmarks and indicators to assess institutional performance, and to compare it against national and international legal frameworks and monitoring mechanisms. Analytical products and institutional status reports will be shared with relevant public sector institutions, particularly with AC bodies and other agencies that might contribute to strengthening these bodies’ standing and role. These products will also be translated into user-friendly formats to be disseminated through various media channels to improve the general public’s understanding of complicated legal processes.

The project will also provide training and mentoring to journalists, CSOs and other relevant stakeholders in monitoring anti-corruption reforms through their meaningful participation in public hearings and other types of events at both the national and local levels. Constructive dialogue with representatives of the authorities to enhance anti-corruption efforts will be sought throughout project implementation through close collaboration with Members of the Parliament, executive branch representatives, including the President’s office, to foster responsiveness and accountability regarding anti-corruption reform.

At the local level, project activities will also follow a collaborative social accountability approach by investing in capacity-building of civil society and public sector stakeholders for participatory monitoring of public spending and service delivery. Collaborative social accountability processes will focus on challenges affecting poor and vulnerable groups in target regions. Moreover, project partner Nashi Groshi will mentor local investigative journalists to research and report on corruption cases and for their uptake by public oversight institutions. Activities will aim at strengthening and sustaining a network of regional anti-corruption journalists.

**Project components**

The activities of the project are divided into the components.

*Component 1. Capacity building for collaborative social accountability.*

The main activities will consist of, inter alia producing learning and operational resources, and delivering target capacity-building activities, including, but not limited to support the dissemination of communication of local investigations on at the national level and providing mentorship and assistance to the journalists and activists from the network; preparing the list of the most common corruption schemes in the regions, creating video lessons for journalists and on information search and verification; creating micro centers of investigative journalism in regions, provide training and mentoring to journalists, etc.
Component 2. Implementing collaborative social accountability mechanisms for improved anti-corruption reforms.

The main activities will consist of, inter alia: conducting independent analyses, preparing technical recommendations and presenting them before stakeholders; monitoring of recruitment of anti-corruption bodies and their performance (monitoring the web-sites, sending requests, attending open court hearings etc.); preparing proposals on improvement of legislative and regulatory anti-corruption framework, presenting them at meetings with stakeholders and decision-makers, communicating them via different media channels; advocacy of implementation of the elaborated under the project proposals and communicating the revealed dangerous draft laws.

Most of the activities will be performed by the project team in Kyiv, in the offices of the organizations with regional engagement of the mentee journalists on regional level.

2. REGULATORY CONTEXT

2.1. Ukrainian Legislation

Ukraine has the following legislation related to citizen/stakeholder engagement which covers both the right to access information and participation in policy development and decision-making:

- **Access to Information Legislation, Guidelines and Practices**

  The Constitution of Ukraine guarantees the right to access for information for Ukrainian citizens (article 34, paragraphs 2 and 3). The Laws #2939 ‘On Access to Public Information’, #2657 ‘On Information’, and #183 ‘About state secret’ provide the regulatory framework for access to various types of public information. According to the Law ‘On Access to Public Information, information held by public authorities cannot be restricted, unless it is categorized as confidential, secret, or for internal use only. The restrictions must follow the ‘three-part test’ (tryskladovyi test) of public information, as stipulated in Article 6, paragraph 2. The Law mandates public institutions to create structural units or appoint freedom of information officers. The Law assigns the monitoring functions to the Secretariat of the Ukrainian Parliament Commissioner for Human Rights (Ombudsman’s Office). The violation of the right to request and obtain information to citizens is punishable by fines while the refusal to provide access for journalists in their work can be punished by a fine, or 3 years’ imprisonment (Article 171 of the Criminal Code). On the other hand, the punishment for revealing a state secret can reach up to 5 years’ imprisonment.

  In the Council of Europe’s assessment, the access to information legislation in Ukraine is advanced and well developed. However, some drawbacks still exist which are accounted for primarily by the public servants’ lack of knowledge of the legal requirements and how to put them into practice. Another problem is that the responses provided are often of poor quality, incomplete or delayed. Finally, the administrative fees are somewhat high which disincentivize citizens from seeking information.

- **Ukrainian Citizen Engagement Legislation**

  The procedures for public for public consultation are described in several government regulations: Regulation # 996 ‘On the Procedure for Consulting the General Public on Establishing and Implementing the Public Policy which specifies the form and methods for public consultations and distinguishes between direct consultations, such as conferences,
meetings, seminars, web conferences, and indirect forms, such as public surveys. Regulation #234 as of April 8, 2015 spells out the specific procedures for conducting surveys and opinion polls by government executive bodies with the involvement of the local council. The results of the opinion poll should be published on the official website and should indicate the authors of the research, methods, conclusions and proposed solutions. The regulation allows public authorities to contract outside research organizations, individuals and think tanks to conduct the opinion polls and surveys.

- **Ukrainian Complaints Mechanisms**

Law #393 ‘On Citizens’ Appeal’147 defines (Article 3, paragraph 4) and regulates (Articles 16-19) the application of complaints mechanisms. Both national and local authorities are obliged to objectively consider citizens’ complaints, to compensate citizens for any breach of their rights and to provide justification for any decision taken in the examination of complaints. The violation of the abovementioned Law leads to the disciplinary, administrative or criminal liability of the public officials. An increasing number of public authorities, regional and city administrations develop online mechanisms for the submission of complaints/grievances by citizens with emerging best practice examples, such as the city of Odessa.

In addition, Law #393 ‘On Citizens’ Appeal’ defines (Article 23-1) the legal concept of electronic petition, the procedure for its submission and consideration.

Citizens can apply to public authorities, local government with electronic petitions through the official website of the body to which it is addressed, or the website of a public association that collects signatures in support of the electronic petition.

The electronic petition must state the essence of the petition, must state the name, first name, patronymic of the author (initiator) of the electronic petition, e-mail address. The website of the relevant body or public association that collects the signatures must always indicate the date on which the collection of signatures began and the total number and list of persons who signed the petition.

### 2.2. World Bank Requirements

The World Bank’s Environmental and Social Framework (ESF)’s Environmental and Social Standard (ESS) 10 “Stakeholder Engagement and Information Disclosure”, recognizes ‘the importance of open and transparent engagement between the Borrower and project stakeholders as an essential element of good international practice’. Specifically, the requirements set out by ESS10 are the following:

- **Borrowers will engage with stakeholders throughout the project life cycle, commencing such engagement as early as possible in the project development process and in a timeframe that enables meaningful consultations with stakeholders on project design. The nature, scope and frequency of stakeholder engagement will be proportionate to the nature and scale of the project and its potential risks and impacts. Borrowers will engage in meaningful consultations with all stakeholders.**

- **Borrowers will provide stakeholders with timely, relevant, understandable and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation. The**
process of stakeholder engagement will involve the following, as set out in further detail in this ESS: (i) stakeholder identification and analysis; (ii) planning how the engagement with stakeholders will take place; (iii) disclosure of information; (iv) consultation with stakeholders; (v) addressing and responding grievances; and (vi) reporting to stakeholders.

- The Borrower will maintain and disclose as part of the environmental and social assessment, a documented record of stakeholder engagement, including a description of the stakeholders consulted, a summary of the feedback received and a brief explanation of how the feedback was considered, or the reasons why it was not.

- A Stakeholder Engagement Plan proportionate to the nature and scale of the project and its potential risks and impacts needs to be developed by the Borrower. It must be disclosed as early as possible, and before project appraisal, and the Borrower needs to seek the views of stakeholders on the SEP, including on the identification of stakeholders and the proposals for future engagement. If significant changes are made to the SEP, the Borrower must disclose the updated SEP. According to ESS10, the Borrower should also propose and implement a grievance mechanism to receive and facilitate the resolution of concerns and grievances of project-affected parties related to the environmental and social performance of the project in a timely manner.

2.3 Gap Analysis between National Legislation and World Bank

The table below provides a brief analysis of the gaps and differences between the Ukrainian national legislation and World Bank requirements and details how these gaps will be addressed under the project.

**Table 1: Gap Analysis between the Ukrainian Legislation and World Bank**

<table>
<thead>
<tr>
<th>Ukrainian legislation</th>
<th>World Bank</th>
<th>Project</th>
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</thead>
<tbody>
<tr>
<td>The Ukrainian legislation does not provide for the development of a specific stakeholder engagement plan for public consultations.</td>
<td>Consultations with stakeholders and public involvement are an integral part in the development and implementation of the SEP</td>
<td>The project will carry out a comprehensive consultative process with Project Affected Persons, local and state authorities, other stakeholders as being required through public disclosure meetings, individual consultations and public consultations</td>
</tr>
<tr>
<td>The Ukrainian legislation have provisions that allow citizens to make complaints and grievances, but these provisions do not allow anonymity.</td>
<td>The World Bank ESF10 allows the option of anonymous provision of grievances</td>
<td>The project will employ the WB standard and allow anonymous submission of grievances and complaints</td>
</tr>
</tbody>
</table>
2. **Brief Summary of Previous Stakeholder Engagement Activities**

Led by AntAC - with support from USAID/ENGAGE project “Facilitating the Anti-Corruption Agenda for the New Parliament”, the anti-corruption agenda of the new President and Verkhovna Rada was produced thanks to collaborative dialogues between civil society, state institutions, private sector and technical experts. This process included four regional discussions of the agenda with local CSOs, experts and journalists as well as with citizens to ensure their voices were considered in proposing national anti-corruption reforms. As a result of this process, a set of priorities was identified, which will be implemented within this project activities following a collaborative social accountability approach.

Nashi Groshi has been also engaging with the local activists and journalists in anti-corruption sphere for three years. Since then the organization created the network of activists and journalists now includes 210 members, who are mentored and their capacity building is enhanced. The members of the network are supported methodologically on a daily basis with editing of texts, set of video lessons are produced on work with different registries, placing of the texts in national media is also supported etc. Through the network other stakeholders all over the country are reached more effectively, such as members of locl councils, vulnerable groups etc.

The project application with the description of proposed activities, beneficiaries, outcomes and budget was published on the WB web-site for public consultations (it was published during October 9-14, 2016) and was also shared with the Government of Ukraine.

3. **Stakeholder Identification and Analysis**

3.1. Affected Parties

The direct-affected parties by the project activities include:

- investigative journalists and activists, particularly those who are part of the network, led by Nashi Groshi partner organization and their mentees. They will be positively affected by the project capacity building and network activities. They will have also an important role of transferring knowledge and implementation of the socially
accountable dialogue on the local level with local authorities and other activists, general public;

- CSOs, which work in anti-corruption and judicial spheres and has been currently engaged in the developing and advocacy of the Agenda for Justice in Ukraine. They will be partners in planning, implementation of advocacy strategies (holding joint meetings, preparing statements and joint positions etc.);

- anti-corruption bodies of Ukraine, which will be monitored during the project: the National Agency on Corruption Prevention (NACP), the National Anticorruption Bureau of Ukraine (NABU), the Special Anticorruption Prosecutor’s Office (SAPO), the High Anti-Corruption Court (HACC). In order to engage the public sector institutions to the advocacy activities the project team will hold consultations with anti-corruption bodies regarding legal initiatives that pose potential threats to their activities and advocating for position of these bodies to be heard and considered; run consultations on possible adjustments in anti-corruption infrastructure; during monitoring of the specific top corruption cases the project team will organize informal meetings of civil society with public officials who investigate, prosecute top corruption crimes, as well as public discussions with participation of judges.

The indirect-affected parties by the project activities:

- the representatives of local councils and law enforcement agencies on regional level, who will be informed about potential corruption misbehaviours (misuse of public funds, conflict of interest) and engaged in public dialogue on corruption issues in the region;

- MPs, their consultants, which propose legal initiatives concerning anti-corruption issues, particularly members of the Anti-Corruption Committee of Verkhovna Rada. The project team will conduct consultations with pro-reforms fractions of the Parliament on development and adoption of draft laws needed to resolve deficiencies identified through monitoring of anti-corruption infrastructure and prevent adoption of dangerous initiatives which roll back anti-corruption reform;

- Media/journalists. First of all national and foreign media need expert opinion on numerous legislative, regulatory anti-corruption issues; progress in investigation, prosecution and trial of top corruption cases, which will be provided within the framework of the project. Secondly AntAC closely will cooperate with media in cases we need wide dissemination of information on the project. Based on the previous successful experience and established cooperation AntAC will widely communicate the activities in media, informing and engaging different society groups, activists and journalists. AntAC also conducts media breakfasts when more elaborated explanations of certain issues are needed.

### 3.2. Other interested parties

- CSO from other sectors on the cases where the spheres of the project and of those organizations meet, e.g. healthcare CSOs in the case of investigations which concern healthcare issues;

- citizens of Ukraine who will profit from more effective functioning of anti-corruption bodies and members of engaged communities who will benefit from enhanced capacity of local anti-corruption activists and journalists;

- academia, activists and foreign partners interested in civic monitoring and advocacy of anti-corruption reform in long term perspective.
3.3. Disadvantaged/Vulnerable Individuals and Groups

Vulnerable groups, especially on local level, are more likely to suffer from abuse of power or misuse of public finances than others. Therefore, in order to protect vulnerable society groups such as internally displaced persons, minorities, women, people with disabilities and other groups from negative outcomes of corruption, special attention will be paid to them while implementing the project. Regional journalists, which will be mentored, will write about corruption, which concerns vulnerable groups and/or about problems, concerning them. In this way the problems and corruption will be communicated and the issue will be raised in their posts/articles each month. Meantime AntAC lawyers will follow the cases and challenge

3.4. Summary of Project Stakeholders Needs

<table>
<thead>
<tr>
<th>Level</th>
<th>Stakeholder group</th>
<th>Key characteristics</th>
<th>Language Need</th>
<th>Preferred notification means</th>
<th>Specific needs</th>
</tr>
</thead>
<tbody>
<tr>
<td>National</td>
<td>Investigative journalists and activists</td>
<td>Active citizens and journalists, concerned by the corruption issues in Ukraine</td>
<td>Official language</td>
<td>Website/online media; meetings; email, instant message/chat, phone</td>
<td>Informal meetings; information exchange; capacity building and tutorship</td>
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<tr>
<td></td>
<td></td>
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</tr>
<tr>
<td>CSOs</td>
<td>Civil society organizations which work in anti-corruption sphere and are members of coalition supporting Agenda for Justice</td>
<td>Official language</td>
<td>Meetings; email, instant message/chat, phone</td>
<td>Regular planning advocacy meetings</td>
<td></td>
</tr>
<tr>
<td>Anti-corruption bodies of Ukraine (NACP, NABU, SAPO, HACC)</td>
<td>Relatively new anti-corruption bodies, which need to be monitored and cooperated with</td>
<td>Official language</td>
<td>Websites; visits; email.</td>
<td>Formal and informal meetings</td>
<td></td>
</tr>
<tr>
<td>MPs, their consultants</td>
<td>Participate in development of legislation on anti-corruption</td>
<td>Official language</td>
<td>Visits, letter, email, instant message/chat, phone. AntAC has special telegram channel for MPs on anti-</td>
<td>Formal and informal meetings</td>
<td></td>
</tr>
</tbody>
</table>
4. Stakeholder Engagement Program

4.1. Purpose and Timing of Stakeholder Engagement Program

The Stakeholder Engagement Program (SEP) seeks to define a technically and culturally appropriate approach to information disclosure, consultation, and include in a proactive way vulnerable groups. The purpose of SEP is to improve and facilitate engagement, decision making, and create an atmosphere of understanding that helps actively involving directly and indirectly project-affected stakeholders, interested parties in a timely manner, and provide sufficient opportunities for stakeholders to voice their opinions and concerns that may influence the project achievements.

This SEP is embedded with the project components, as regular cooperation and consultations with project-affected parties constitute project activities, particularly advocacy ones.

The engagement activities include:

- regular information-sharing with journalists and particularly investigative journalists. The project team will publish information on its media resources, disseminate the updates via emailing list, organize media breakfasts when discussion of a complicated issue is needed;

- regular information-sharing and joint planning meetings will be held with the Civil society organizations which work in anti-corruption sphere and are members of coalition supporting Agenda for Justice. Some advocacy activities (meetings with decision makers, producing communication materials, holding public events etc.) will be implemented jointly;

- Anti-corruption bodies of Ukraine will be consulted on the proposed legislative initiatives, obstacles in their work, progress in investigation and trial of top corruption cases; their feedback will be received during informal and formal meetings, attended court hearings etc.;

- The project team will regularly inform MPs about recommendations, concerns on anti-corruption legislation. Engagement of MPs will take place during regular advocacy meetings with them, participation in Parliamentary committee meetings. AntAC has a special telegram channel for MPs on anti-corruption legislative issues.*
The representatives of local councils and law enforcement agencies on regional level will be regularly engaged by the local activists, journalists and mentee journalists on the issues which concern local level corruption schemes and prevention of misuse of public financing.

Knowledge sharing for accessing lessons and good practices developed by the project.
## 4.2. Proposed Strategy for Information Disclosure and Consultation

<table>
<thead>
<tr>
<th>Components</th>
<th>List of Information</th>
<th>Methods proposed</th>
<th>Target Stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capacity building for mentee journalists</td>
<td>Open call for participation in the 12-month mentee program for journalists from local media will be communicated. Further topics for investigations and feedback on the published materials will be received.</td>
<td>Mailing list of journalists, posts in targeted social media groups (min. 1 publication/post per month)</td>
<td>Journalists from local media/local media, especially those who want to raise their capacity in investigating and writing about regional corruption schemes</td>
</tr>
<tr>
<td>Advocacy of Agenda for Justice and monitoring of legislative and institutional anti-corruption environment</td>
<td>The project team will disclose and consult on the drafts of legislative proposals, civil society position on the proposals of others, analysis etc.</td>
<td>Web-site of the organization and social media; mailing list of interested parties, materials in media (min. 1 publication quarterly with analysis, position, proposals etc.)</td>
<td>Decision-makers, journalists, CSOs, general public</td>
</tr>
<tr>
<td>Knowledge and learning</td>
<td>Knowledge and lessons learned from the project</td>
<td>Manuals, documentary films, book/policy brief, report, media briefings and/or press releases (min. 2 each year)</td>
<td>Citizen, government, CSOs</td>
</tr>
</tbody>
</table>
4.3. Incorporating the Views of Vulnerable Groups in Our

The vulnerable or disadvantaged groups will be supported to participate, engage and voice their opinions and any potential concerns with the project, particularly they will be encouraged to voice the concerns about any corruption schemes detected during public procurement. Proposed strategy is to facilitate this communication through providing peer to peer discussions, informal (e.g. traditional) meetings, to encompass understanding the specific constraints of such groups etc.

4.5. Timelines

The Stakeholder engagement will be conducted during the phase of project implementation and preparation, as well as in the implementation process both in local and in national project activities. Stakeholder engagement strategy also would be implemented in creating policy reform and monitoring, capacity building of journalists, as well as in the linking/learning, evaluations process and etc. The specific timeline is inline with the project phases and levelling of stakeholders.

4.6. Review of Comments

Comments from stakeholders will be gathered during public meetings and by a online communication and website.

- Public meetings will give stakeholders the opportunities to provide comments on the project by written and verbal means. The project manager will be in charge of reviewing and responding.
- The project will provide website and social media to gather stakeholders’ comments. The Communication manager will be responsible for collecting and providing a review and response together with other project experts (lawyers, advocacy expert, journalists).

4.7. Future Phases of the Project

The project aims to encourage transparency and accountability of licensing processes and revenue management in the mining sector at the provincial level. Thus, the project will ensure that stakeholders will be kept informed as the project develops, including prepared journalists’ investigations, drafted legislation, progress in challenging public procurements, analysis of anti-corruption institutions performance. The data, information, and reports related to the project will be published on the websites of the organizations and in media.

5. Resources and Responsibilities for Implementing Stakeholder Engagement Activities

5.1. Resources

The main resources of AntAC will be devoted to managing and implementing the stakeholder engagement plan, which will be leaded directly by Project Manager, Advocacy expert, and our communication and outreach managers. Adequate budget from the project (and from other projects if needed) would be allocated.

5.2. Management Functions and Responsibilities
The stakeholders engagement activities will also be incorporated into the project’s management system, to which the main project staff that will be devoted is the project manager and the communication and outreach specialists in the project. The staff are responsible to handle this role as part of their main qualifications in the main project, as well as managing the communication and outreach with the project stakeholders. The process would be managed in term of documentation, information sharing etc.

6. Grievance Mechanism

Addressing grievances raised by individual affected by World Bank-funded projects is an important component of managing project risks. A GRM can serve as an effective tool for early identification, assessment and resolution of grievances and therefore for strengthening accountability to beneficiaries. The GRM serves as an important feedback mechanism that can improve project impact and mitigate the undesirable ones.

During all activities of AntAC and Nashi Groshi both organizations are usually open for people affected by projects to bring their concerns to the project management’s attention. People usually address their concerns through different channels: online feedback form, available on web-site (www.antac.org.ua); write an email (office@antac.org.ua) or letter to the organization (PO box 438, Kyiv, 01001, Ukraine) (contacts are publicly available on web-sites).

The grievance mechanism under the project will include publication for the public of the contacts of the focal point for logging grievances on the project. M&E specialist will be appointed as a focal point for this purpose and will report periodically to the project manager and the Board of AntAC on the grievances in order to address them. The complaints and concerns will be documented and collected, and they would be monitored and handled rapidly within a maximum of one month after being reported. The GRM log will be maintained for the project and reported to the Bank on semi-annual basis.

The existence of the grievance mechanism would be communicated to all stakeholders and general public via the website of the organization together with the contacts and possibilities to address questions/concerns.

7. Monitoring and Reporting

7.1. Involvement of Stakeholders in Monitoring Activities

The project will involve stakeholders to monitoring activities under the project. Particularly journalists, activists and CSOs will be engaged to the monitoring of legislation, selection process to the top positions with high corruption risk, monitoring of the performance of NACP, NABU, SAPO and HACC.

An internal monitoring and evaluation staff would be deployed as part of project management team, with the main responsibility for monitoring and evaluation of project achievements (both in terms of outcomes and outputs to be delivered), and also measure the achievements based on indicators that have been developed and approved by the GPSA team, and will be aligned with the new GPSA Theory Of Change and Results Framework.
On the other hand, an external independent organization/consultant will be hired to conduct a baseline evaluation, mid-term and final external evaluations to assess achievements and the overall impact of the project.

7.2. Reposting Back to the Stakeholder groups

Regular meetings with stakeholders (at least two times annually) and online communication through different channels will be the main means to share information on the project activities and report back the results of stakeholder engagement activities.

The updated information on stakeholders activities be reported in the meetings. The information will be published on the website and social media to reach broader groups. The stakeholders and broader public will be informed to channel any comments through online form on Nashi Groshi website www. [http://nashigroshi.org/contacts/](http://nashigroshi.org/contacts/). AntAC’s web-site [www.https://antac.org.ua/contacts](https://antac.org.ua/contacts/) and social media: AntAC’s twitter [https://twitter.com/zer0corruption](https://twitter.com/zer0corruption); facebook page [https://www.facebook.com/antac.ua](https://www.facebook.com/antac.ua); Nashi Groshi’s facebook page: [https://www.facebook.com/NashiGroshi/](https://www.facebook.com/NashiGroshi/).