TI UKRAINE ENCOURAGES THE MINISTRY OF JUSTICE TO PUNISH OFFICIALS FOR LATE DECLARATIONS

17.11.2016

*The deadline for the filing of e-declaration was October 30. Nonetheless, there has been no penalties for late declarations. The reason for this lag is the document that regulates the verification process of the declarations by the National Agency for Corruption Prevention is still not registered by the Ministry of Justice.*

Transparency International Ukraine encourages the Ministry of Justice to conduct the state registration of the Procedure for Control and a full inspection of declarations, approved by NACP on [November 11](http://nazk.gov.ua/news/v-nazk-zatverdyly-poryadok-provedennya-kontrolyu-ta-povnoyi-perevirky-deklaraciy). Without the said document registered, the Agency cannot verify declarations and punish violators.

TI Ukraine also encourages local authorities and relevant entities to inspect whether their current and former employees have filed their declarations on time. They are subject to do this under the legislation. If a delayed filing is detected, they must inform the National Agency for Corruption Prevention.

Citizens can also inform NACP on declarants that were late in declaring their assets. “If you read in mass media that an official has still not filed the declaration or filed it untimely or if you find this information in the [Register of declarations,](https://public.nazk.gov.ua/) please, do not hesitate inform [NACP](https://nazk.gov.ua/report-corruption)”, stated Oleksandr Kalitenko, chief analyst of TI Ukraine.

What happens if NACP receives information that an official filed a delayed declaration or failed to file it completely? If after inspection by the agency confirms such situation, it will inform the management of the official, as well as the National Police, the Prosecutor’s Office or the National Anti-Corruption Bureau, depending on competence of these bodies.

If a declaration was not filed, NACP has to inform an official about it in writing and the official has 10 days to file it. If he does not report on his assets, there are grounds to bring him to criminal liability according to article 366-1 of the Criminal Code , with the maximum sanction of up to 2 years imprisonment, and an obligatory additional punishment in the disqualification to hold certain positions for three years).

If a declaration is filed with delay, an official justify this act. If there are no serious reasons as legally defined, the agency draws up a protocol and send it for trial. This official can pay a fine from 850 to 1,700 UAH.

“We hope that the Ministry of Justice will not delay with the registration of the procedure for declarations inspection. We encourage the Ministry to allow NACP in fulfilling its functions, and NACP to start the inspection of the timeliness of declarations filing after the procedure is registered as soon as possible”, says Oleksandr Kalitenko.