



15th Colloquy  
15ème Colloque

Council of Europe  
Conseil de l'Europe



Bundesamt für Justiz  
Office fédéral de la justice  
Ufficio federale di giustizia  
Federal Office of Justice



Strasbourg, 28 March 2002

Coll (2002) 16

**15<sup>th</sup> COLLOQUY ON INFORMATION TECHNOLOGY AND LAW IN EUROPE  
“E-JUSTICE: INTEROPERABILITY OF SYSTEMS”**

Macolin (Switzerland), 3 – 5 April 2002

---

**National Report of Ukraine**

Presented by:

**Mr Valeriy ZHALDAK  
Leading Adviser  
Ministry of Justice**

## **Part I. Policy issues: description of e-government project.**

The Resolution of the Cabinet of Ministers of Ukraine "On the Order of Publication in the Internet of Information on Governmental Bodies Activities", adopted on 4 January #3 2002 was one of the first decisions of Ukrainian Government this year. According to this decision, the Government is now bound not only to report about the work that is done but also to give all the information, necessary for average people. Such information includes: addresses and locations of all governmental bodies, legal acts, examples of documents to be submitted to these bodies by average people and many other details. And besides, all the net sources of all governmental bodies should be integrated as the united web-portal. We can now talk about e-government project.

Of course, for realisation of that project the finances are needed. The financing of the project will be provided by the State Budget of Ukraine.

At present all tender documents are prepared. It contains the conception of the governmental web-portal creation, technical holding and other details. The main demand is security measures for that system. During the tender competition the standard criteria will be applied: professionalism and experience of the company, professional level of programmers and availability of certified specialists; availability of security services and international certificates. The company should also have specialists, who can easily work with such programs as "Oracle" and "Infomix". First of all, the product will be tested for user's convenience.

There are about twenty companies in Ukraine that work seriously in the sphere of software creation and in particular for the Internet projects.

Besides, the Government is now working under the methodology on implementation of above mentioned Resolution of the Cabinet of Ministers of Ukraine.

The Resolution foresees that all governmental bodies should provide the examples of all documents, which are necessary for average people. We will also find out the statistic data of visitors of these web – sites. That statistic data will reflect and analyse all advantages and disadvantages of governmental web – portal.

Of course, this portal will cause incredible traffic and both soft and hard wears should be able to serve even overloaded. For that purpose, not ordinary, but special workstations are needed. This is the fact, that software of the ordinary web – site and the governmental web – portal are different things. Everything should be taken into consideration, including interoperability of systems of all governmental bodies and archiving of the documents.

This is three-level project: G2G (Government to Government), G2C (Government to Citizen) G2B (Government to Business). The fight against corruption and bureaucracy, transparency, creation of the effective State management system and other very important aspects such as time and money are the aims of this project.

We hope, that during the first half year we will start the first stage of the web – portal: new design and new software. During the year we will integrate the majority of the ministries into the united governmental web – portal to fill it with the necessary information. This is the task-maximum for this year.

This web – portal should integrate all existing sources of all State bodies. I would like to draw your attention to the fact, that State web-portal is not a database but State searching machine, which will make possible to link all State bodies of all levels. The users will also be provided with very convenient interface. We follow the examples of the Council of Europe member – states, such as Finland, Switzerland, Germany, Great Britain and others.

The users will not face troubles such as how to find the site (for example, of the Ministry of Finance or State Committee on Statistics), they will use our searching system. The corresponding State bodies will update their sites. Those bodies are bound to translate all information into English or other language if necessary.

Of course, we will also improve Intranet system for internal use. However, we can see that it is necessary to provide a better PC skills for officials.

This project also foresees the creation of forums to discuss the documents and other governmental activities. However, many things require the legal base to use the electronic digital signature. And now we can operate only with information that does not require official answers.

We are also discussing the possibility of on-line chats with officials on this portal. Something like that we have been testing during discussion of the 11 variants of the draft Law of Ukraine "On Electronic Digital Signature": all the variants were available. We have a good experience in this sphere. To date the draft law "On Electronic Digital Signature" has been transmitted to the Parliament of Ukraine.

I must admit that during elaboration of the Cooperation Programme to Strengthen the Rule of Law (Ukraine - the Council of Europe) we have proposed to include the expertise of the legislation on electronic digital signature in that Programme. Our proposal was taken into account. No doubt, that in our further law drafting activities in the field of legal computer technology the assistance of experts of the Council of Europe will be needed. And we hope for the further mutual fruitful co-operation in this field.

P.S. During the preparation of this report, the Cabinet of Ministers of Ukraine announced the opening of the tender for above-mentioned project on 26 March 2002.

## **Part II. Administrative systems:**

### **State Register of associations of citizens and charitable organisations**

With the purpose of implementation of the Laws of Ukraine "On Association of Citizens" and "On Charitable Organisations", "The Rules on the Order of Legalisation of Associations of Citizens", adopted by the Resolution of the Cabinet of Ministers of Ukraine of February 26, 1993 N 140, and "The Rules on the Order of State Registration of Charitable Organisations" adopted by the Resolution of the Cabinet of Ministers of Ukraine of March 30, 1998 N 382, the Order of the Ministry of Justice of Ukraine "On Statement of Rules on the Uniform State Register of Associations of Citizens and Charitable Organisations" was adopted on December 14, 1998 N 66/5.

According to this Order, The State enterprise "Information centre" of the Ministry of Justice of Ukraine is responsible for creation, holding, and material and organisational maintenance of functioning of the Uniform State register of associations of citizens and charitable organisations.

In accordance with the Point 1.1. of that Order - The Uniform State register of associations of citizens and charitable organisations is a computer database created through automated computer system, which consists of the totality of electronic copies of State registers of associations of the citizens and charitable organisations, account books of branches, representations of all - Ukraine and international charitable organisations incorporated on the basis of uniform rules, standards and procedures of information interchange.

### **State Register of wills and hereditary cases.**

The Order of the Ministry of Justice of Ukraine of October 17, 2000 N 51/5 "On the Uniform Register of Wills and Hereditary Cases" was adopted with the purpose to increase the level of protection of property rights and interests of both citizens and juridical persons, to prevent crimes against property and to create the uniform system of the account of wills and hereditary cases.

According to the General provisions of that Order, The Uniform Register is a computer database, which contains the information on wills and hereditary cases. The holder of the Uniform Register is the Ministry of Justice of Ukraine, which provides its functioning. The manager of the

Uniform register is the State enterprise "Information centre" of the Ministry of Justice of Ukraine, which has complete and direct access to the computer database and is responsible for protection of the data. The registrar of the Uniform register are state notary offices, State notarial archives and private notaries, which have signed appropriate agreements with the Manager and have access to the Uniform register through the computer network of the Ministry of Justice of Ukraine

### **The State Register of notaries.**

The Order of the Ministry of Justice of Ukraine of May 27, 1999 N 26/5 "On the Approvement of the Instruction on the Order of Holding the Uniform Register of Notaries" was adopted with a purpose to put in good order the registration of State and private notaries. The Uniform Register of the notaries is a computer database, which contains the information on notarial districts, State notary offices, State and private notaries of Ukraine. The holding of the Uniform register is carried out by the State enterprise "Information centre" of the Ministry of Justice of Ukraine. The information, which is on the Uniform register of notaries (except for the personal data), is open for inquiries of all users of the computer network of the Ministry of Justice of Ukraine.

There are also the Uniform register of pledges of the movable estate, the Uniform register of prohibitions on alienation of objects of real estate, the Uniform register of warrants and others. Besides this, new registers are under construction and testing now, such as the Uniform register of land, for example. It should be noted that all these registers are exclusive products. That means that all of them are working under the data standard, called "proprietary standard".