UKRAINE

EU COUNTRY ROADMAP FOR ENGAGEMENT WITH CIVIL SOCIETY

2014 - 2017

Approved by:

Head of Delegation and Heads of Missions of EU Member States

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1 STATE OF CIVIL SOCIETY

1.1   ENABLING ENVIRONMENT

The overall environment for Ukrainian civil society organisations (CSOs) can be characterised as favourable, with a satisfactory legal framework and vibrant and diverse civil society actors, especially in such sectors as elections, European integration, human rights protection and environment/green society.

Ukraine was ranked 46th out of 109 countries covered by the 2013 Enabling Environment Index produced by Civicus[1]. The 2013 State of Civil Society report[2] by Civicus mentions the following key factors affecting the CSO enabling environment: CSO legitimacy and accountability, coalition-building and solidarity, legal setting, political situation, public perception, corruption allegations, availability of communications platforms, and access to resources. Civicus defines enabling environment across three dimensions: socio-economic, socio-cultural and governance. While Ukraine scores in these three areas are similar, the socio-economic environment, which included such aspects as education, communications and equality received the highest sub-score. And the socio-cultural environment which included such aspects as tolerance, volunteerism and trust was scored the least. While this can be regarded as the common trend and legacy of the post-Soviet societies, the recent events and developments in Ukraine are already pointing to changes in this domain.

The EU integration and respective reforms were among the main demands of the EuroMaidan revolution of November 2013-February 2014 largely supported and driven by the Ukrainian civil society. The signature of the EU-Ukraine Association Agreement on 27 June 2014 marks the beginning of a new era in the history of Ukraine. The civil society has already started and will continue to play a much greater role in the new period than during the regime of former President Yanukovych.

Over the past three years civil society organisations have been developing against the backdrop of ever increasing pressure. In 2012, the government of Ukraine adopted new laws and regulations affecting CSO legal status, their registration, operational activities, economic activities, and the institutional framework for cooperation with the government at the national level. While some organisations have been satisfied with the new laws, most organisations are not fully aware of the new legislation or have concerns about their practical implementation[3]. More specifically, the Law on Civil Associations, which entered into force on 1 January 2013, has been positively assessed by the Ukrainian civil society and foreign experts as an improvement in the procedures for the formation, registration, operation and termination of associations. It is important to monitor the application of the provisions of this law and ensure the inclusive consultation in case amendments are needed.

Funding opportunities have remained limited, as the major source of support comes from international donor organisations, with very few local foundations and scarce individual sponsorship. This, coupled with a weak economy, continue to hinder CSO activities. Inadequate resources, uncompetitive salaries, and low public motivation weaken CSOs' human resources,

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[1] The Civicus 2013 Enabling Environment Index
http://www.civicus.org/index.php/en/what-we-do-126/2014-04-25-03-26-23/2013-05-06-10-38-39
[2] Available at http://socs.civicus.org
[3]2012 CSO Sustainability Index for Central and Eastern Europe, p. 209
 http://www.usaid.gov/sites/default/files/documents/1863/2012CSOSI_0.pdf

despite the various institutional capacity building programmes extensively supported by the donor community.

The Ukrainian tax code also hinders the work of CSOs. For example, the tax code only exempts certain types of revenue from the corporate tax for certain types of organisations. The State Tax Service presented several draft legislative acts and regulations for public discussion in late 2012, including the draft Regulation on the Register of Non-governmental Organisations, which was approved in December 2012, and Procedures for Preparing a Tax Report on how Non-governmental Organisations Use Funds. Since 2011, only charitable organizations have enjoyed VAT exemptions on in-kind donations. Legally, both individual and corporate donors have the rights to tax deductions, but it is very difficult and time consuming to access them in practice.

Related to the donor support for CSOs is the issue of value-added tax (VAT) reimbursement. According to the Ukrainian legislation, only VAT payers can have VAT reimbursed. Since CSOs have a status of "non-VAT payers", they do not qualify for VAT reimbursement as the existing project registration procedure is not applicable in their case. Until recent changes to the EU regulations governing such financial instruments as EIDHR and DCI, CSOs had to bear the VAT costs from their own resources.

While the formal organisational aspects of CSOs have improved, the following factors still hamper the functioning of civil society in Ukraine:

- despite the recent events, freedom of assembly is still undermined by the lack of modern legislation and previous restrictive practices could easily reappear: frequent court bans on peaceful demonstrations regularly limit this right, especially for oppositional or non-mainstream and minority groups. There is a clear need for adoption of the law on freedom of assembly in line with the internationally accepted standards which then should be properly implemented by the Ukrainian authorities.

- the period of the previous 3 years witnessed a striking increase in administrative and judicial pressure on CSO activities. Up to now, the law-enforcement agencies have failed to properly investigate cases of physical aggression against journalists and civic activists. It remains to be seen how attacks on journalists and EuroMaidan protesters of November 2013-February 2014 will be investigated. The lack of proper investigation will send the wrong signal to the society and law enforcement bodies, with a culture of impunity prevailing.

- in the media sector, with most national television channels belonging to owners close to the previous ruling party; it is not clear what the media landscape will look like in few months. The control of the television landscape is expected to even further increase with the planned switch-over to digital television. The media outlets working in the regions of Ukraine are also under heavy pressure from the local authorities. A majority of Ukrainians get their news from television where little, if any, space exists for alternative points of view, open discussions, and expert opinions. Journalists continue to face the threat of violence in the course of their work. Numerous journalists were directly attacked during the EuroMaidan protests. There is a visible lack of media pluralism. However, it should be noted that several print media and the "blogosphere" provide a significant and largely unrestricted platform for expression of independent and oppositional views. Social and internet-based media, such as internet-TVs, have played a crucial role during the EuroMaidan, and will continue to have an important role in the oversight and monitoring of public policies.

1.2   PARTICIPATION AND ROLES

Civil society in Ukraine has been quite active in a number of sectors and its impact and role in the Ukrainian society have grown over the past 20 years. Still, civil society participation in policy and decision-making processes has been rather poor. With a handful of exceptions, such as the preparation of the laws on civil society organisations, access to public information or freedom of peaceful assembly, CSO opinions on key reform processes have been brushed off by the authorities. The best consultation process CSOs could hope for was the online publication of draft laws prepared in closed political circles. Any feedback sent by CSO experts in such public consultations has rarely been taken into account.

Civil society representatives were invited to participate in consultative/advisory committees established under national and local government bodies, the President, and the Cabinet of Ministers. However, these councils have remained largely decorative with very few independent experts included. At the same time, these structures have been useful in terms of getting out the message and allowing for direct interaction with governmental officials. Negative examples, however, could be found with the Ministry of Finance public council where none of the relevant CSOs were present and the Ministry of Foreign Affairs where religious groups were present but not a single relevant think tank. The councils tended to work better at local level but they could not be expected to function as a genuine dialogue instrument, as they were often a "tick-the-box" mechanism built around "Governmental Non-Governmental Organisations" (GoNGOs).

Since the departure of Yanukovych, the validity of structures of consultation and interaction between the authorities and civil society has been discussed with and among the Ukrainian civil society. While the majority of experts agree that the previous structures were mostly inadequate and ineffective, it is generally perceived it was not due to the structures themselves, but rather due to lack of will for a meaningful consultation, focus on process and procedures and not on content, inadequacy of the process itself (i.e. consultation on the draft law, and no consultation during the preparation of this draft), and sometimes a simple lack of expertise or constructive input from civil society.

The feedback from meetings with civil society underlined the following key messages concerning the dialogue with authorities: there should not be a one-size-fits-all approach, as various contexts, levels and sectors require different responses. For example, there is often a gap between national and local level advocacy, due to different agendas and environments for advocacy. The national level advocacy relies on expertise and access to decision-making processes, while the local advocacy relies on physical mobilisation and pre-existing credibility in a given community. While they are seen as not performing at national level, public councils at municipal level have potential, but only if CSOs push to participate and act constructively. Since citizen participation mechanisms in smaller communities are not yet institutionalised, this could be one of the mechanisms to be promoted. Before the EuroMaidan events, CSOs had underlined the increasing risks of seeing fake consultation processes to be developed further, through public councils. The new, less restrictive legal environment had been reportedly used to create more easily GoNGOs which were then occupying all seats at public councils. The development of a parallel, pro-governmental "civil society" was seen as a real risk, especially in a context of very limited access to media for non-pro-governmental or non-mainstream voices. This risk will have to be closely monitored in the new context.

Similar to other countries in the region, it is difficult to make a clear-cut differentiation in CSOs based on their specific role. One and the same CSO can be involved in policymaking, perform an

oversight function, conduct advocacy campaigns and provide social services. The 2013 report on "Civil Society Organizations in Ukraine: the State and Dynamics"[4] by the CCC Creative Center, identified that training and consultations, information dissemination, and advocacy and lobbying were the three main types of CSOs' activities in Ukraine. Other types of activities included education, research and analytics, and social service delivery. The majority of CSOs indicated more than one type of activity they were regularly involved in. There is also a link between the areas the CSOs are working and the activities and roles they perform. For example, CSOs working with children and civil education focus on educational activities, training, information dissemination and advocacy and lobbying. Human rights CSOs are engaged in advocacy and lobbying, legal assistance and training delivery. CSOs working on social issues focus on social service delivery, advocacy, training and information dissemination. The situation, however, is changing with the emergence of new actors among trade unions, business associations, civic movements and non-profit media. Their roles and further engagement with them in the new context in Ukraine, following the signature of the Association Agreement and the ongoing crisis, will continue to be assessed.

1.3 CAPACITY

The feedback from meetings with civil society and evaluations of on-going programmes point to the following aspects of CSO legitimacy and capacity: formal civil society groups often struggle to connect to informal activism in communities. There is no sufficient and effective feedback mechanism to ensure that the needs of beneficiaries are reflected in how CSOs plan their activities.

The focus on CSOs' legitimacy and their linkages to citizens has been present in a number of donor-supported initiatives, and establishing independent boards as a pathway to legitimacy and transparency was perceived as one of the best practices. A strong emphasis on communication and outreach to citizens is seen as an important cross-cutting priority of civil society programmes. Outside the narrow circle of think tanks, very few CSOs fully understand and are genuinely interested in the policymaking process, a key aspect of advocacy and policy change. As confirmed by the mapping study[5], carried out by the EU-funded *Civil Society. Dialogue for Progress*[6] project in early 2014, only 4% of Ukrainian CSOs are interested in the issues of governance and public policymaking. This percentage still represents a sufficient number of CSOs given the overall number of registered CSOs in Ukraine. It is therefore important to focus first and foremost on developing capacity of these CSOs but also keeping in mind the networking aspect of their activities.

The outreach to grass-root level should be further strengthened. The increased use of re-granting has to be accompanied by capacity development in areas such as organisational management, financial control, internal monitoring and evaluation, and evidence-based advocacy.

While it is yet early to draw up an exhaustive list of lessons learnt about the "post-Euro Maidan" civil society, a preliminary assessment can include the following points:

- civil society organisations and their leaders have played a key role in the process. The Civic Sector of Maidan, composed of various and diverse CSOs active during the protests, has been instrumental in keeping the revolutionary process as less political as possible, and especially in terms of catalysing the energies and potential violence into non-violent protest. Considering

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[4] http://uniter.org.ua/data/block/2012_tck_en.pdf
[5] The full version of the mapping study will be finalised and presented in October 2014.
[6] http://www.csdialogue.eu/

the risks of polarisation of the entire society, especially with the on-going external pressure and a forceful acquisition of part of the Ukrainian territory, it is important to underline and capitalise on the stabilising role of civil society.

- the protests also increased the networking and communication of CSOs not only across the sectors of their expertise, but also between the regions of the country. The importance of working in coalitions, ability to self-organise and define each other's role and tasks, is well reflected in the recent initiative of the Civic Sector of Maidan known as the "Reanimation Package of Reforms Initiative"[7]. It can be expected that the interest of CSOs to continue working in coalitions in order to have a greater impact at policy level will remain. It should also be expected that the difficulties of working in coalitions outside a crisis environment might hamper these processes.

- the clear need for outreach to civic activism and communicating the actions to the broader population. Most people in the protests were not affiliated with any political party or civil society organisation. As a result, the EuroMaidan events were not communicated adequately to the whole population of Ukraine. Eastern Ukrainians, many of them Russian-speaking, saw EuroMaidan events and continue to see the current events through the spectrum of state-sponsored Russian media. The disconnect between CSOs and the society at large is detrimental to the effectiveness of the CSOs' work, in particular in the policymaking and reform areas.

It is planned to address these issues further in the update of the mapping study planned for the end of 2014.

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[7] Reanimation Package of Reforms Initiative was first discussed in 2013, but was launched after the fall of the Yanukovich regime in February 2014. It was initiated by New Citizen Partnership along with the Civic Sector of Maidan, Transparency International Ukraine, Anti-Corruption Center and many other non-governmental organizations, activists, experts and business professionals. The Initiative does not represent any political party or political movement. Its priority is to lobby for emergency legislative measures in order to dismantle harmful and corrupt mechanisms in the Ukrainian legal field; to implement institutional changes and impose reforms in state bodies in order to increase their efficiency and overall capacity.

2 CURRENT EU ENGAGEMENT

2.1 STRUCTURED EU DIALOGUE WITH CIVIL SOCIETY

The dialogue between civil society and the EU, represented by the Delegation and Member States embassies is a continuous process. Civil society organisations are invited for both planned and ad hoc meetings on EU-Ukraine policies and relations. Civil society representatives are always invited to meet visiting delegations and high level officials from Brussels. Civil society analysts are invited to brief EU Deputy Heads of Missions on a monthly basis. Local civil society organisations are consulted in the framework of the Visa Liberalisation Action Plan, Human Rights dialogues and preparations of various policy briefings and assessments by the EU Delegation. Civil society experts have traditionally provided their analysis and independent assessment of ongoing and planned EU policies in Ukraine.

The Delegation carried out consultations with civil society in all ongoing and planned sectorial operations, for example:

- local CSOs were consulted on priorities and objectives of civil society related programmes, such as the EIDHR and Civil Society Facility/Non-State Actors and Local Authorities calls for proposals. Consultation with civil society actors for 2014-2020 programming has also taken place, highlighting the specific roles they can play in each of the focal sectors. The Civil Society Facility call for proposals in 2013 focused on involving civil society actors in policy dialogue with government authorities on implementation of such sector strategies as energy, environment, public finance management, migration and regional development.

- the environmental CSOs have maintained their "observer" status and regularly participated in the Joint Monitoring Group meetings of the sector budget support programme in environment. In March 2013, the environmental CSOs presented their Report "On the citizens' opinion on the implementation of the National Environmental Policy in 2012". The Report contains over 200 recommendations and covers all spheres of environmental policy. A number of recommendations, namely, on legal approximation issues, were used by the Delegation during the preparation of the AAP 2013 for following up of the support to the environmental policy. Despite the publication of the report on the website of the Ministry of Ecology and Natural Resources, no follow-up was conducted by the Ministry to establish the dialogue with civil society on the proposed conclusions and recommendations.

- in the course of preparation of the AAP 2012 sector budget support in energy the Delegation had meetings with relevant civil society representatives to inform about the forthcoming programme as well as to discuss the state of play in the sector. As the programme is to support the implementation of Ukraine`s energy strategy, it is important that the Beneficiary takes the leading role in maintaining the dialogue with civil society in the process of implementation of the strategy[8], including on the preparation of the respective action plan on its implementation. It should be noted, however, that the strategy revision process that took almost three years (2010-2013) was not sufficiently transparent and neither donor community nor civil society had been properly consulted. Therefore, the involvement of civil society in monitoring the energy strategy implementation was the main issue in the discussions with the government on the draft Financing Agreement for the AAP 2012 sector budget support in energy and will

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[8]The revised Energy strategy of Ukraine until 2030 approved by the Cabinet of Ministers of Ukraine in July 2013

continue to be in course of its implementation[9]. In parallel, in December 2013 the Delegation signed a two-year grant contract to monitor the implementation of Ukraine`s Energy Community commitments and develop policy dialogue with the government. Another grant contract was signed to enhance transparency of financial flows of public revenues from hydrocarbon production. Both of these projects were selected for funding as a results of the 2013 Civil Society Facility call for proposals which focused on encouraging the involvement of civil society actors in policy dialogue.

- civil society organisations are in the lead in the EU-funded Migreco project, carrying out a gaps and needs analysis on the Ukrainian/Moldovan/Belarusian Migration Policy.

- business organisations and CSOs are often consulted as stakeholders in the implementation of the Integrated Border Management Sector Budget Support. Their main role is in verifying the actual achievement of government reforms in the sector.

2.2   POLICY DIALOGUE FOR AN ENABLING ENVIRONMENT

With the legislative framework for civil society considered now as favourable after the adoption of the new progressive law on civil associations in 2012, the policy dialogue on enabling environment has been taking place mostly in relation to political and democracy issues such as draft defamation law, access to information, freedom of peaceful assembly. At the same, the Delegation, Member States and other international donor organisations, in particular USAID, continue their efforts to improve the governance dimension of the enabling environment by developing secondary legislation, legislation on volunteerism and charitable foundations and monitoring their application.

On some politically sensitive occasions the Delegation has been bridging the gap between civil society and government by facilitating direct dialogue between the two sides (i.e. on constitutional or electoral legislation reforms).

The revision of the law on international technical assistance has been discussed within between donors and the authorities, without any real positive results as this aspect has been side-lined with many other issues given the current developments in Ukraine and the focusing on other priorities.

2.3   MAINSTREAMING CIVIL SOCETY

The EU Delegation attempts to mainstream cooperation with civil society through its political work and bilateral programming across a number of sectors through all phases from formulation to implementation to monitoring and evaluation.

The active participation of the civil society is actually very much needed for the successful and timely implementation of the reforms foreseen in the Association Agreement. This is the case for most of the EU environmental *acquis* (on environmental audit or waste governance for instance), that will not be possible to transpose in Ukraine without the participation of consumers associations, environmental CSOs and other stakeholders. CSOs have as well a major role to play in Ukraine in "spreading the word" about good EU practices in terms of ecology, energy consumption, etc. – all the fields covered by the generic term "sustainable development".

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[9] The Financing Agreement was signed in December 2013

The participation of CSOs in the budget support monitoring process enhances the effectiveness and transparency of the programmes. Policy dialogue with CSOs in environment and energy helps to explain the EU's positions and policies in the respective fields and allow CSOs to give feedback to the EU feedback on specific issues of their concern.

In support to such involvement of civil society in policy dialogue and consultation, the Delegation has attempted to support projects with civil society in most sectors of its cooperation[10]. As of January 2014, 15 projects started work to promote dialogue between CSOs / LAs and government or the EU institutions, with six of them having as their objective the inclusion of CSOs in national policymaking.

2.4 COORDINATION

Donor coordination on civil society (including media, and elections when appropriate) is very active in Ukraine, with EU Delegation regularly convening and chairing these meetings. The current developments in Ukraine lead many donors to re-evaluate their strategy, and the information provided in this section will be monitored and updated accordingly.

A number of support programmes for civil society are already implemented by Member States and other donors in Ukraine. The EU is currently finalising a 10-million euro envelope to support the civil society development in Ukraine. The specific activities under this programme planned for mid-2015 will have to take into account specific donor initiatives designed for Ukraine. The EU Delegation will keep other donors informed of the progress under this and other civil society programmes in the framework of regular meetings of the donor coordination group.

Many donors support programmes for civil society are in the process of being revised to the new situation. The following initiatives can be underlined as they are the most complementary, in terms of scale and modalities, with the ongoing and planned EU programmes:

- the US support is channelled either through the USAID or the US Embassy grant programmes (Democracy Support and Media Development funds). In view of the recent events, the USAID has increased its on-going support to civil society and media. The bulk of the assistance related to civil society is implemented through two large scale programmes with re-granting and mentoring capacity: the UNITER programme (Ukraine National Initiatives to Enhance Reforms)[11] with USD 14 million until 2016, and the U-Media project[12] with USD 16 million over 8 years. Both programmes are implemented by international non-governmental organisations working in Ukraine.

- The results strategy for Sweden's reform cooperation for Eastern Europe 2014-2020 includes "strengthened democracy, greater respect for human rights and more fully developed state under the rule of law" (the two other priorities being economic integration and environment). The indicative annual budget for Ukraine is around EUR 25 million. This programme aims at a more diverse and pluralistic civil society including a broader spectrum of political actors with strong popular support, and improved conditions for democratic accountability and participation in political processes, including the promotion of free elections. The Swedish Development assistance strategy is complementary to and closely coordinated with the EU

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[10] See call for proposals EuropeAid/134433/L/ACT/UA of Civil Society Facility 2012 and Non-State Actors and Local Authorities in Development 2012 and 2013
[11] http://uniter.org.ua/en/index.html
[12] http://www.umedia.kiev.ua

programmes in Ukraine. The overall objectives are similar, but the Sweden mechanism of organisational funding allows focusing on emerging or already important civil society organisations. Benefiting from the organisational assessment, core funding and capacity to strategise better, these organisations will be prepared to implement successfully EU-funded projects.

- the Danish Ministry of Foreign Affairs finances the Democratization, Human Rights and Civil Society Development Programme in Ukraine, implemented by UNDP Ukraine in 2013-2016. The programme works to strengthen capacities of civil society organizations to be resilient and effective promoters of democratic values, support human rights actors to promote and defend human rights in Ukraine, as well as foster participatory and result-driven dialogue between government and CSOs.

2.5 LESSONS LEARNT

The Delegation carried out its first civil society mapping exercise in 2009. Some of the lessons learnt from the mapping study done in 2009 are still valid and have been used in preparation of this Roadmap:

- the areas in which CSOs work are largely donor-driven and financial sustainability in between projects remains a problem.

- high professional competence is observed in the case of the oldest organisations which benefited from intensive donor training in a variety of areas, while the more recently established organisations still need better exposure to such opportunities.

- commitment to the principles of democracy and EU integration is high.

- the effective functioning of the public councils is hampered by a number of problems, such as transparency of the process and procedures and focus on information sharing rather than decision-making in their work

- wider civic engagement would help build the power of the middle class to work together for enabling citizens to influence policy and further advance democracy in the country.

- the lack of effective internal monitoring mechanisms of public authorities (official public reports, weak follow up control) hampers civil society's monitoring of the implementation of reforms

- despite the 2011 and 2014 adoption of revised legislation on access to public information, the current practices of public authorities in this matter is far from being in line with best practices, both at local and national level.

- internal quality control systems of CSOs, including analysis of the situation, risk analysis, proper planning, and communication with government, are unchecked and need a follow up/improvement in partnership with other CSOs and stakeholders (research institutes, academia, peer-to-peer reviews, etc.)

In addition to EIDHR, two additional programmes – the Non-State Actors programme and the Neighbourhood Civil Society Facility – have become available to Ukrainian civil society since 2011. They have significantly broadened the EU's ability to respond to the civil society's needs and so far have shown a very high demand compared to available funds.

The increased work of CSOs in coalitions and focus on capacity building efforts have already borne fruit in several spheres but need to be sustained to ensure longer-term impact.

The outreach to grass root level will continue remain a challenging priority. While the EU will step up its efforts to increase the use of re-granting, accompanied by capacity building in organisation management and financial control, Member States and other donors will explore their possibilities to be in direct contact with the CSOs on the ground.

In a 2013 Chatham House paper by Orysia Lutsevych[13], the author highlights the following points that are relevant to the state of the civil society in Ukraine but have to be revisited after the EuroMaidan protests revolution and the role played by civil society:

- the point that "civil society remains weak as citizens have little capacity to influence political developments owing to lack of engagement, clientelist networks and corruption" can be watered down by the very fact of civil society's clear role in the fall of Yanukovich regime; however, it should be kept in mind that the state structure and management type will not change overnight

- the point that "donor-funded civil society organisations form an 'NGO-cracy', where professional leaders use access to domestic policy-makers and Western donors to influence public policies, yet they are disconnected from the public at large" is also questionable after the key role many members of this "NGOcracy" have played in the EuroMaidan events and after that in connecting the public at large with peaceful processes and reforms.

- new civil society groups use more mass mobilization strategies and social media, and are visible in public spaces. Often they are more effective in influencing the state and political society than Western-funded CSOs.

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[13] How to Finish a Revolution: Civil Society and Democracy in Georgia, Moldova and Ukraine
http://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Russia%20and%20Eurasia/0113bp_lutsevych.pdf

3 PRIORITIES

The September 2012 Communication "The Roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations"[14] envisages three broad priorities for civil society support: promoting a conducive environment, promoting meaningful and structured participation of CSOs in domestic policymaking, EU programming cycle and international processes; and increasing the capacity of local CSOs to perform their roles more effectively. While those are cross cutting to all civil society activities and its role, it is important in the present Ukrainian situation that other priorities are taken into account, subject to revision as appropriate. The eight priorities outlined below highlight the overall context of civil society development in Ukraine, attempt to address the current challenges resulting from the EuroMaidan events and the ongoing conflict, and include the assistance the EU provides in three broad areas of energy and environment, governance and reforms and DCFTA implementation.

The signature of the Association Agreement is a major step in the EU-Ukraine relations, not only for Ukraine as an administration, but for Ukraine as a country and as a society. The Agreement cannot be implemented without the participation of the society at large as it is not only about transposing legal acts but to bring a societal change that cannot take place without civil society organisations. Through its continued and strengthened support to the Ukrainian civil society, the EU will facilitate and foster the implementation of the reforms foreseen in the Association Agreement.

The EU will continue to support a greater role for civil society through direct financial assistance closely linked to policy objectives, in particular articulated in the Eastern Partnership Civil Society Forum activities.

The EU Delegation has expanded its support to civil organisations through the Civil Society Facility. The three calls for proposals of around EUR 3 million each were launched respectively in March 2012, April 2013 and May 2014 and focused on developing capacity of the civil society organisations to support their involvement in policy dialogue and reform process in Ukraine. Under the ENI AAP 2014, the Ukraine Civil Society Support Programme will also aim at building on the Civil Society Forum's achievements to enhance the role of civil society promoting and monitoring democratic reforms and inclusive socio-economic development in Ukraine.

However, along with the financial assistance, the EU will also promote the enabling environment for CSOs to play their multiple roles.

The Ukrainian civil society has played a crucial role in the striving for democracy during the Orange and EuroMaidan revolutions. It is driven by many young pro-European individuals who have been actively promoting the European course in the country. Therefore, it remains the strongest restraint against the deterioration of freedoms in Ukraine, and may be one of the most important actors to monitor and ensure that the mistakes of the past are not repeated.

In light of this, the EU should increase its efforts in persuading the Ukrainian authorities, at central and local level, to set up a structured mechanism whereby CSOs can effectively contribute to shaping domestic and foreign policies of the country and play a meaningful role in accountability systems, both at local and national levels.

The systematic inclusion of CSOs in all phases of EU assistance programming cycle and bilateral negotiations with Ukraine will significantly raise the profile of CSOs in the eyes of Ukrainian

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[14] COM(2012)492

authorities. The latter would then be less inclined to ignore their input, assessment and views. For example, the National Platform of the Eastern Partnership Civil Society Forum, which currently includes over 180 member organisations[15], has been gaining influence, vis-à-vis the Ukrainian government, as an exponent of Ukraine's civil society views in a number of key EU-Ukraine policy areas.

The following interventions are therefore considered: the continuation and reinforcement of political and policy dialogue in each sector and on the enabling environment will be supported by a combination of instruments, to ensure that support can be given even under a worsening political climate:

- under ENI, additionally to the AAP 2014 Support to Civil Society Programme, depending on political and social developments, support measures and further involvement of CS should be considered for the sectors related to the 3 focal areas of the bilateral programme, and the areas covered by the Association Agreement

- under the CSO-LA programme, for other sectors and priorities for Ukraine and the EU, but not part of the bilateral programme; in case political developments do not allow for bilateral ENI support measures to be used for a meaningful work with civil society, the CSO programme will finance CSO initiatives that would fall under the focal sectors as it is currently the case for the Civil Society Facility projects in Ukraine.

- complementarity with EIDHR will be continued as present, with EIDHR focusing on human rights and democratisation, while Civil Society Facility and NSA-LA cover the broader good governance, accountability and transparency aspects.

- it is foreseen that one of the main instrument for implementation of the priorities for engaging with civil society will be the ENI AAP 2014 Support to Civil Society Programme. Its two main objectives are 1) to strengthen the capacity and participation of CSOs in policy dialogue, monitoring and oversight, advancing the implementation of the national reform agenda; and 2) to contribute to foster a conducive environment for civil society.

PRIORITY 1

Priority:

To contribute to fostering an enabling environment for the Ukrainian civil society organisations, focusing on its legal, economic, and socio-cultural dimensions

Indicators:

1. Legal environment is more conducive for civil society development (i.e. legislative framework is improved and implemented, tax code favouring donations, improved mechanism for CSOs to provide social services, civil society developing a common position on freedom of assembly law).

2. CSOs are better coordinated and act through platforms and coalitions;

3. Examples of CSOs and civil servants working together, seeing it as a useful partnership for their work;

4. Increase in membership-based CSOs

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[15] http://eap-csf.org.ua/organizatsiyi-uchasnitsi-natsionalnoyi-platformi/

PRIORITY 2

Priority:

To increase the participation of CSOs in policymaking, public policy monitoring and service delivery and strengthen cooperation between CSOs, authorities, media and business at national, local and sectoral levels

Indicators:

1. Existing mechanisms for regular dialogue are improved and made more effective

2. Communication channels are improved

3. Level of awareness of civil servants and public at large about the roles and functions of CSOs

4. Shift in civil society's role from controlling to influencing

5. Level and quality of CSO involvement in social service delivery

6. Number of joint initiatives at local and national levels

PRIORITY 3

Priority:

To strengthen the capacity of CSOs to engage in policy dialogue and policy-making processes, public policy monitoring and oversight and improve their legitimacy and representativeness

Indicators:

1. Transparency and accountability mechanisms related to access to information, anti-corruption, media policy are in place

2. Level of CSOs' internal governance

3. Regular reporting by CSOs on their activities and funding

4. Clearer linkages of CSOs with their constituencies and authorities to plan, design and implement their activities

5. Number of issue-based or sectoral CSO coalitions and platforms

6. Increased use of mentoring by experienced CSOs for new initiatives, movements and civil society groups or regional CSOs.

PRIORITY 4

Priority:

To ensure the mainstreaming of civil society in EU's political and operational relations with Ukraine, focusing on the implementation of the Association Agreement

Indicators:

1. Systemic inclusion of CSOs in all phases of the EU programming cycle

2. Civil society involvement in each programming and policy document

3. Number and quality of multi-stakeholder dialogues between the government, the EU and civil society.

PRIORITY 5

Priority:

To support the civil society's role in conflict prevention, humanitarian work and post-conflict environments in the eastern regions of Ukraine and Crimea

Indicators:

1. Reporting on the human rights situation in the eastern regions of Ukraine and Crimea

2. New cultural and educational initiatives contributing to reconciliation processes and trust building

3. Level of cooperation between CSOs and local authorities

4. Involvement of CSOs in reconstruction efforts.

PRIORITY 6

Priority:

To strengthen accountability and transparency in formulation and implementation of government`s policies in energy, energy efficiency and environment through increased engagement with civil society

Indicators:

1. Efficient communication between the government and civil society in the process of implementation of the energy and environment chapters of the Association Agreement and the Energy Community *Acquis* is established

2. Access to information necessary for civil society to play an active role in the policy dialogue in energy, energy efficiency and environment as well as to monitor implementation of government policies in relevant areas is ensured.

3. Provisions of the Memorandum of Understanding on social issues in the context of Energy Community[16] are implemented, including through development and progressive implementation of the relevant action plan;

4. Ukraine progresses in the Extractive Industries Transparency Initiative (EITI), in particular due to the effective operation of the multi-stakeholder group;

PRIORITY 7

Priority:

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[16] Declaration signed by Ukraine in 2011

To advance governance reforms, the respect for rule of law and human rights, and security sector reforms in Ukraine through greater involvement of civil society

Indicators:

1. Increased CSOs capacities to act as watchdogs in protecting human rights, ensuring the transparency of law enforcement procedures, and in anticorruption activities

2. Greater role of civil society in the decentralisation reform

3. Increased public awareness of the impact of the constitutional and judiciary reform undertaken by the Government of Ukraine

PRIORITY 8

Priority:

To increase the civil society's role in promoting economic development and contributing to the DCFTA implementation in Ukraine

Indicators:

1. Level of participation of CSOs and business associations in policy making

2. Investment and economic development programmes tailored through consultations with CSOs and business associations

3. Greater involvement of academia, research institutes and think tanks in economic policies

4. Specific input of CSOs into formulation of economic policies and contribution to economic development

5. Economic development targeting social needs and human development, especially at local level

4 ACTIONS

Action tables

Priority 1
To contribute to fostering an enabling environment for the Ukrainian civil society organisations, focusing on its legal, economic, and socio-cultural dimensions
Indicator(s)
1. Legal environment is more conducive for civil society development
2. CSOs are better coordinated and act through platforms and coalitions
3. Examples of CSOs and civil servants working together, seeing it as a useful partnership for their work
4. Increase in membership-based CSOs.
Actions:
A. Analysis: Studies, mappings and research
1. Mapping on civil society and its role in public policy to be finalised in September 2014 and then updated by January 2015
Responsible: Regional EU-funded TA project "Civil Society. Dialogue for Progress"
2. Monitoring of the application of the law on public associations
Responsible: UNDP
B. Policy dialogue, consultation and facilitation
1. Dialogue with the government of Ukraine on transparent funding mechanisms for CSOs from the state and local budgets
2. Advocacy for changes in taxation to encourage donations for CSOs
3. Advocacy for improving legislation impacting CSOs development, including the law on peaceful assembly
Responsible: EU Delegation, Member States, other international donors, EEAS/DEVCO, CSOs
C. Funding: Operational support including mainstreaming
ENI AAP 2014 "Ukraine Civil Society Support Programme"
USAID support to the Ukrainian Centre for Independent Political Research for improving the legislation and ensuring its proper application (2014-2019)
Responsible: EU Delegation, Member States, other international donors, CSOs

Priority 2
To increase the participation of CSOs in policymaking, public policy monitoring and service delivery and strengthen cooperation between CSOs, authorities, media and business at national, local and sectoral levels

Indicator(s)
1. Existing mechanisms for regular dialogue are improved and made more effective
2. Communication channels are improved
3. Level of awareness of civil servants and public at large about the roles and functions of CSOs
4. Shift in civil society's role from controlling to influencing
5. Level and quality of CSO involvement in social service delivery
6. Number of joint initiatives at local and national levels

Actions:

A. Analysis: Studies, mappings and research
Mapping of civil society in Ukraine and its role in public policy and its update focusing on:
- civil society involvement at each stage: policy development, drafting, implementation, evaluation
- developing indicators to measure effectiveness of dialogue and participation
Responsible: Regional EU-funded TA project "Civil Society. Dialogue for Progress" and EU Delegation

B. Policy dialogue, consultation and facilitation
- Advocacy for CSO's observer status at EU-Ukraine bilateral meetings
- Support for multi-stakeholder dialogues
- Increased efforts to involve stakeholders from other regions of Ukraine
- CSOs are encouraged to participate in policy dialogue and joint projects
- Promotion of multi-stakeholder partnerships especially at local level

C. Funding: Operational support including mainstreaming
ENI AAP 2014 "Ukraine Civil Society Support Programme"
CSO-LA programme
Ongoing projects under the Civil Society Facility calls for proposals (2014 – 2017)
Responsible: EU Delegation, CSOs, national and local authorities

Priority 3
To strengthen the capacity of CSOs to engage in policy dialogue and policy-making processes, public policy monitoring and oversight and improve their legitimacy and representativeness

Indicator(s)
1. Transparency and accountability mechanisms related to access to information, anti-corruption, media policy are in place
2. Level of CSOs' internal governance
3. Regular reporting by CSOs on their activities and funding
4. Clearer linkages of CSOs with their constituencies and authorities to plan, design and implement their activities
5. Number of issue-based or sectoral CSO coalitions and platforms
6. Increased use of mentoring by experienced CSOs for new initiatives, movements and civil society groups or regional CSOs

Actions:

A. Analysis: Studies, mappings and research
Evaluation of the SIDA's civil society support programme Responsible: Sweden

B. Policy dialogue, consultation and facilitation
Support for the *NGO Capacity Development Marketplace*[17] and mini-grants voucher system (facilitated by ISAR) Capacity-building for regional CSOs Expansion of institutional support programmes for CSOs Responsible: ISAR-Ednannia, Sweden, USAID, Charles Mott Foundation, EU Delegation

C. Funding: Operational support including mainstreaming
ENI AAP 2014 "Ukraine Civil Society Support Programme" and CSO-LA programme Ongoing projects under the Civil Society Facility calls for proposals (2014 – 2017) USAID's UNITER project and SIDA's civil society support Responsible: EU Delegation, Sweden, USAID

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[17] www.ngomarket.org.ua.

Priority 4
To ensure the mainstreaming of civil society in EU's political and operational relations with Ukraine, focusing on the implementation of the Association Agreement
Indicator(s)
1. Systemic inclusion of CSOs in all phases of the EU programming cycle
2. Civil society involvement in each programming and policy document
3. Number and quality of multi-stakeholder dialogues between the government, the EU and civil society.
Actions:
A. Analysis: Studies, mappings and research
Quality translation into Ukrainian of the EU regulations mentioned in Association Agreement Responsible: Government, CSOs, EU TA CSO reports on the implementation of each chapter of the Association Agreement Responsible: CSOs
A. Policy dialogue, consultation and facilitation
Participation of civil society in steering committees of projects and programmes (TA, BS operations) Civil society's involvement in Association Agreement committees Implementation of the Association Agreement articles on civil society involvement (e.g. Art. 299, 469, 443, 444.445)
B. Funding: Operational support including mainstreaming
Relevant components of future ENI programmes Responsible: EU Delegation, DEVCO

Priority 5
To support the civil society's role in conflict prevention, humanitarian work and post-conflict environments in the eastern regions of Ukraine and Crimea
Indicator(s)
1. Reporting on the human rights situation in the eastern regions of Ukraine and Crimea
2. New cultural and educational initiatives contributing to reconciliation processes and trust building
3. Level of cooperation between CSOs and local authorities
4. Involvement of CSOs in reconstruction efforts.
Actions:
A. Analysis: Studies, mappings and research
Needs assessment with a specific focus on the role of civil society in reconstruction and its present role (i.e. crowdfunding, support to IDPs)   Responsible: EU Delegation, other international and donor organisations
A. Policy dialogue, consultation and facilitation
- Support for reconciliation and country reintegration initiatives   - Support to reconstruction efforts via civil society organisations
B. Funding: Operational support including mainstreaming
CSO-LA, IcSP, programmes of other donors and agencies   Responsible: EU, Sweden, UNDP; USAID/OTI

Priority 6
To strengthen accountability and transparency in formulation and implementation of government`s policies in energy, energy efficiency and environment through increased engagement with civil society
Indicator(s)
1. Efficient communication between the government and civil society in the process of implementation of the energy and environment chapters of the Association Agreement and the Energy Community *Acquis* is established
2. Access to information necessary for civil society to play an active role in the policy dialogue in energy, energy efficiency and environment as well as to monitor implementation of government policies in relevant areas is ensured
3. Provisions of the Memorandum of Understanding on social issues in the context of Energy Community are implemented, including through development and progressive implementation of the relevant action plan
4. Ukraine progresses in the Extractive Industries Transparency Initiative (EITI), in particular due to the effective operation of the multi-stakeholder group.
Actions:
A. Analysis: Studies, mappings and research
- Monitoring of sector strategies - Independent assessment of environmental and energy policies by civil society Responsible: CSOs
A. Policy dialogue, consultation and facilitation
- Support to multi-stakeholder dialogues - Support for the working group 3 of the Ukraine's National Platform of the EaP Civil Society Forum - Greater involvement of networks and coalitions in policy dialogue
B. Funding: Operational support including mainstreaming
ENI AAP 2014 "Ukraine Civil Society Support Programme" Relevant components of future ENI programmes Ongoing projects under the Civil Society Facility calls for proposals (2014 – 2017) Responsible: EU Delegation, Member States, World Bank, CSOs and CSO networks

Priority 7
To advance governance reforms, the respect for rule of law and human rights, and security sector reforms in Ukraine through greater involvement of civil society
Indicator(s)
1. Increased CSOs capacities to act as watchdogs in protecting human rights, ensuring the transparency of law enforcement procedures, and in anticorruption activities 2. Greater role of civil society in the decentralisation reform 3. Increased public awareness of the impact of the judiciary and constitutional reforms undertaken by the Government of Ukraine
Actions:
A. Analysis: Studies, mappings and research
Implementation of the Human Rights Country Strategy for Ukraine Responsible: EU Delegation, Member States Independent human rights monitoring reports Responsible: CSOs
A. Policy dialogue, consultation and facilitation
Support for formal and informal human rights dialogues with the involvement of civil society
B. Funding: Operational support including mainstreaming
EIDHR Relevant components of future ENI programmes Specific programmes of Member States and other donor agencies Responsible: EU Delegation, Sweden, the Netherlands and other Member States, Switzerland, the US Government

Priority 8
To increase the civil society's role in promoting economic development and contributing to the DCFTA implementation in Ukraine

Indicator(s)
1. Level of participation of CSOs and business associations in policy making
2. Investment and economic development programmes tailored through consultations with CSOs and business associations
3. Greater involvement of academia, research institutes and think tanks in economic policies
4. Specific input of CSOs into formulation of economic policies and contribution to economic development
5. Economic development targeting social needs and human development, especially at local level

Actions:

A. Analysis: Studies, mappings and research
CSO reports on DCFTA implementation Responsible: CSOs

A. Policy dialogue, consultation and facilitation
Civil Society Forum under the Association Agreement is functioning, representative of all aspects of civil society including business associations and trade unions, and is monitoring the DCFTA implementation Twinnings of EU-Ukraine business associations

B. Funding: Operational support including mainstreaming
Relevant components of future ENI programmes Ongoing projects under the Civil Society Facility calls for proposals CIPE's[18] programme to support business associations Responsible: EU Delegation, USAID, CSOs.

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[18] Centre for International Private Enterprise

5 DASHBOARD

Country: Ukraine		
Process		
Area	Indicator	Achievement
Involvement of Member States in Roadmap elaboration	Member States present in the country are actively involved in the elaboration of the Roadmap	Yes. 3 have been actively involved and 5 less actively
Consultation with local civil society	The Roadmap has been prepared on the basis of consultations with a broad range of local CSOs respecting principles of access to information, sufficient advance notice, and clear provisions for feedback and follow-up.	Yes. A number of meetings in Kyiv and a meeting in Lviv in 2013-2014, ad hoc bilateral meetings and a final meeting on priorities and indicators held on 11 July 2014.
Joint actions	Member States present in the country are actively involved in the implementation of the Roadmap priorities	
Outcome		
Priority	Indicator	Achievement
1. To contribute to fostering an enabling environment for the Ukrainian civil society organisations, focusing on its legal, economic, and socio-cultural dimensions	1. Legal environment is more conducive for civil society development 2. CSOs are better coordinated and act through platforms and coalitions 3. Examples of CSOs and civil servants working together, seeing it as a useful partnership for their work 4. Increase in membership-based CSOs.	
2. To increase the participation of CSOs in policymaking,	1. Existing mechanisms for regular dialogue are improved	

public policy monitoring and service delivery and strengthen cooperation between CSOs, authorities, media and business at national, local and sectoral levels	and made more effective 2. Communication channels are improved 3. Level of awareness of civil servants and public at large about the roles and functions of CSOs 4. Shift in civil society's role from controlling to influencing 5. Level and quality of CSO involvement in social service delivery 6. Number of joint initiatives at local and national levels	
3. To strengthen the capacity of CSOs to engage in policy dialogue and policy-making processes, public policy monitoring and oversight and improve their legitimacy and representativeness	1. Transparency and accountability mechanisms related to access to information, anti-corruption, media policy are in place 2. Level of CSOs' internal governance 3. Regular reporting by CSOs on their activities and funding 4. Clearer linkages of CSOs with their constituencies and authorities to plan, design and implement their activities 5. Number of issue-based or sectoral CSO coalitions and platforms 6. Increased use of mentoring by experienced CSOs for new initiatives, movements and civil society groups or regional CSOs.	
4. To ensure the mainstreaming of civil society in EU's political and operational relations with Ukraine, focusing on the implementation of the	1. Systemic inclusion of CSOs in all phases of the EU programming cycle 2. Civil society involvement in each programming and policy	

Association Agreement	document 3. Number and quality of multi-stakeholder dialogues between the government, the EU and civil society.	
5. To support the civil society's role in conflict prevention, humanitarian work and post-conflict environments in the eastern regions of Ukraine and Crimea	1. Reporting on the human rights situation in the eastern regions of Ukraine and Crimea 2. New cultural and educational initiatives contributing to reconciliation processes and trust building 3. Level of cooperation between CSOs and local authorities 4. Involvement of CSOs in reconstruction efforts.	
6. To strengthen accountability and transparency in formulation and implementation of government`s policies in energy, energy efficiency and environment through increased engagement with civil society	1. Efficient communication between the government and civil society in the process of implementation of the energy and environment chapters of the Association Agreement and the Energy Community *Acquis* 2. Access to information necessary for civil society to play an active role in the policy dialogue in energy, energy efficiency and environment and to monitor implementation of government policies in relevant areas 3. Implementation of the provisions of the Memorandum of Understanding on social issues in the context of Energy Community 4. Ukraine's progress in the Extractive Industries	

	Transparency Initiative (EITI)	
7. To advance governance reforms, the respect for rule of law and human rights, and security sector reforms in Ukraine through greater involvement of civil society	1. Increased CSOs capacities to act as watchdogs in protecting human rights, ensuring the transparency of law enforcement procedures, and in anticorruption activities 2. Greater role of civil society in the decentralisation reform 3. Increased public awareness of the impact of the constitutional and judiciary reforms undertaken by the Government of Ukraine	
8. To increase the civil society's role in promoting economic development and contributing to the DCFTA implementation in Ukraine	1. Level of participation of CSOs and business associations in policy making 2. Investment and economic development programmes tailored through consultations with CSOs and business associations 3. Greater involvement of academia, research institutes and think tanks in economic policies 4. Specific input of CSOs into formulation of economic policies and contribution to economic development 5. Economic development targeting social needs and human development, especially at local level	