

## **DECREE #212/2012 OF THE PRESIDENT OF UKRAINE**

### **On the Strategy of State Policy for the Advancement of the Development of Civil Society in Ukraine and Priority Activities for Its Implementation**

In order to create favorable conditions for further development of civil society in Ukraine, the introduction of an effective mechanism of interaction between its institutions and local executive and self-government bodies on the principles of partnership, mutual responsibility and effective exercise and protection of human and citizens' rights and freedoms, and pursuant to Part 3 of Article 106 of the Constitution of Ukraine, I hereby **decree**:

1. To approve the attached

Strategy of State Policy for the Advancement of the Development of Civil Society in Ukraine and

Plan of Priority Activities for the Implementation of the Strategy of State Policy for the Advancement of the Development of Civil Society in Ukraine.

2. The Cabinet of Ministers of Ukraine, to harmonize its normative legal acts with this Decree.
3. This Decree shall take effect from the day of its publication.

President of Ukraine Viktor Yanukovich

24 March 2012

**APPROVED**  
**by Decree #212/2012 of the President of Ukraine**  
of 24 March 2012

### **STRATEGY** **of the State Policy of Advancement of the Development of Civil Society in Ukraine**

The Strategy of the State Policy of Advancement of the Development of Civil Society in Ukraine (hereinafter, the Strategy) is aimed at implementing the principles, priorities and objectives of state policy in the sphere of the development of civil society. The Strategy determines the complementary conceptual vectors of activity of executive and local self-government bodies for the creation of proper conditions for the development of civil society.

The Strategy is designed to firmly establish civil society as a guarantee of the nation's democratic development, introduce social control over the government's activity, secure the independent activity of civil society institutions, strengthen their influence on socially important decisions, create conditions for ensuring broad representation of citizens' interests in government and local self-government bodies, and initiate regular consultations with the public on important issues for society and the State.

## **1. General Provisions**

According to its Constitution, Ukraine is a democratic, social, law-based state. Human rights and freedoms and their guarantees determine the essence and orientation of the activity of the State. The State is answerable to the individual for its activity. To affirm and ensure human rights and freedoms is the main duty of the State. In affirming human and citizens' rights, the Fundamental Law of Ukraine stresses that the constitutional rights and freedoms are not exhaustive.

Government policy in the sphere of promoting the development of civil society proceeds, in part, from the need to affirm and ensure human rights and freedoms, which are guaranteed by fundamental international instruments, above all, the Universal Declaration of Human Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols, the International Convention on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, and other international instruments in this sphere.

The Strategy proceeds from an understanding of civil society and its institutions as a state of society in which fundamental human and citizens' rights and freedoms are freely realized through various forms of public civil activity and self-organization.

Within the framework of a democratic system, the State and civil society are interested in maintaining a dialog and partnership and raising the efficiency of their interaction. Without a developed civil society, including proper conditions for ensuring the freedom of thought and speech, the freedom of expression of views and convictions, the freedom of association, the freedom of assembly, and the participation of citizens in governance and local self-government, the State cannot ensure the functioning of various models of participatory democracy, which, in combination with immediate and representative democracy, is a condition of successful modernization, European integration, and sustained development.

In the years of its independence, Ukraine has taken certain steps for the advancement and strengthening of civil society.

Regulation of individual aspects of the policy of advancement of civil society is provided for by the laws of Ukraine On Civil Associations, On Social Dialog in Ukraine, On Local Self-Government in Ukraine, On Information, On Trade Unions, Their Rights, and the Guarantees of Their Activity, On Youth and Children's Public Organizations, On Employers' Organizations, On Population Self-Organization Bodies, On Professional Creative Workers and Creative Unions, On Charity and Charities, On Volunteering, On the Freedom of Conscience and Religious Organizations, On Social Services, and On the Principles of State Regulatory Policy in the Sphere of Economic Activity.

Legislative support in this sphere has shown a positive trend in recent years. In 2010-2011, the laws of Ukraine on the Principles of Internal and External Policy, On Access to Public Information, On Free Legal Aid, and On the Basic Principles (Strategy) of State Environmental Policy for the Period Ending in 2020 were adopted, and the Law of Ukraine On Information was

amended. These acts determine, in part, the principles of Ukraine's internal policy on state-building, forming civil society institutions, the procedure of ensuring citizens' right to accessing information concerning government bodies, and about state guarantees for the provision of free legal aid.

Directive #1035-r of the Cabinet of Ministers of Ukraine of 21 November 2007 approved the Conception for the Advancement by Executive Bodies of the Development of Civil Society. A number of appropriate normative legal documents have since been adopted to implement its provisions. In furtherance of the government policy in the sphere of encouraging participatory democracy, the Cabinet of Ministers of Ukraine issued Resolution #996 On Ensuring Public Participation in the Forming and Implementation of Government Policy on November 3, 2010, approving the procedure of consultations with the public on matters pertaining to the shaping and implementation of government policy.

However, analysis of the development of civil society in Ukraine shows the presence of a complex of problems which are topical for society and the State alike:

Instead of establishing an effective dialog with society, executive and local self-government bodies are still tending toward red tape and a lack of transparency and openness;

Flaws in effective legislation create artificial barriers to the formation of civil society institutions and their activity;

The mechanisms of participation of the public in the forming and implementing of government policy are not being used as they should be;

The existing tax burden does not stimulate the activity and development of civil society institutions and their support on the part of domestic charitable organizations;

The majority of civil society institutions has no access to government funding and domestic charitable support; and

The potential of civil society institutions for rendering social services to the population is not being used.

The activity of civil society institutions is characterized by insufficient institutional, financial and human resource capability.

As a result, Ukrainian and international NGOs are observing a low level of socially significant voluntary citizen activity.

Positive examples of effective cooperation of executive and local self-government bodies and civil society institutions are few and far between rather than sustained practice. The level of mutual trust between the government, the business sector and civil society institutions remains low, which manifests itself in mutual estrangement instead of joint responsibility for the status of societal development.

The low level of public awareness regarding participatory democracy and self-organization mechanisms in social decision-making is accounted for by the absence of sustained democratic practice. Other obstacles to progress include underdeveloped civic culture, insufficient understanding in society of such basic notions as “civil society,” “democracy,” “rule of law,” separation of powers, coordination of interests, tolerance, consensus seeking, multiconfessionality, and respect for minority rights. The level of support of a paternalistic state remains rather high among the Ukrainians.

Civil society development processes on the path of affirming democracy also require full-scale legislative support that must take relevant international standards into account, among them Council of Europe recommendations regarding the legal status of non-governmental organizations in Europe and the good practice of European countries in this sphere.

It is to this end that a comprehensive approach to the implementation of state policy for the advancement of the development of civil society is initiated and this Strategy approved.

## **2. The Aim and Strategic Priorities of State Policy for the Advancement of the Development of Civil Society in Ukraine**

State policy for the advancement of the development of civil society in Ukraine is aimed at creating more favorable conditions for the satisfaction of interests and protection of human and citizens’ rights and freedoms, further development of civil society on the principles of immediate, representative democracy, and broad introduction of various forms of participatory democracy and citizens’ self-actualization and self-organization.

Strategic priorities of state policy for the advancement of the development of civil society in Ukraine include:

Encouragement of maximum openness, transparency and social accountability in executive and local self-government bodies;

Increase in social capital for raising the level of mutual trust and cooperation in society;

Creation of favorable conditions for the formation and functioning of civil society institutions;

Ensuring participation of civil society institutions in the shaping and implementation of national and regional policy, in part, by means of broad and effective representation of the interests of citizens in executive and local self-government bodies, regular consultations (a dialog) with the public on key issues of life of society and the state;

Introduction of social control over the activity of executive and local self-government bodies, and greater influence of civil society institutions on the making of governance decisions and their implementation; and

Promotion of charitable, voluntary and other forms of community activity and culture.

The development of civil society in Ukraine must look to European standards of advancement and protection of human rights and freedoms by means of ensuring good governance standards, fairness, openness, transparency and accountability of government institutions, creating conditions for the thriving of various societal interests, including those in the economic, environmental, social, cultural, religious and territorial spheres, and forms of their expression (public initiatives, social movements, associations and unions).

State policy for the advancement of the development of civil society should aim at improving the legal mechanisms and practice of participatory democracy. Only active involvement in social processes can shape appropriate values and behaviors which make participation in public life essential for the individual.

Participatory democracy is an instrument to encourage the development of existing forms of immediate and representative democracy and become the basis for societal development.

The government must create conditions for full-scale encouragement and stimulation of active citizen participation by ensuring openness and transparency of its activity and involving citizens and their associations in the formation and implementation of policy on all levels.

Well-balanced combination of citizens' influence on decision-making and control over the government's activity should raise the level of social competence and trust in government and become a guarantee of democracy affirming itself in Ukraine.

State policy for the advancement of the development of civil society in Ukraine should make use of the potentialities of civil society in ensuring conflict-free relations in the ethno-national, cultural and confessional spheres, inter-sector social partnership between the government, business, and civil society, creating conditions for immediate involvement of interested social groups in the drafting of governance decisions, which will further accord in society, social peace, sustained development, and stability in the country.

### **3. Principles of State Policy for the Advancement of the Development of Civil Society in Ukraine**

State policy for the advancement of the development of civil society in Ukraine is based on the following principles:

- Priority of human rights and freedoms;
- rule of law;
- equality and nondiscrimination;
- mutual responsibility of the government and civil society for the development of society and the State;
- openness and transparency of the activity of executive and local self-government bodies in the course of their exercise of their functions;
- partnership and constructive interaction of the government and civil;
- encouragement of public activity;
- involvement of civil society institutions in the formulation and implementation of government

policy, in part, the state policy for the advancement of the development of civil society, on all levels; and  
non-interference of executive and local self-government bodies into the activity of civil society institutions, mass media included, with the exception of instances provided for by the law.

#### **4. Objectives of State Policy for the Advancement of the Development of Civil Society and Ways of Their Implementation**

The objectives of state policy for the advancement of the development of civil society in Ukraine are as follows:

Harmonization of national legislation on civil society institutions with European standards;

Constitutional codification, within the framework of the modernization of the Ukrainian Constitution, of civil society institutions and the principles of their interaction with executive and local self-government bodies;

Encouragement of the development and growth of a network of civil society institutions in a variety of forms;

Effective interaction of civil society institutions with executive and local self-government bodies;

Encouragement of the participation of civil society and its institutions in the process of formation and implementation of national and regional policies;

Introduction of European approaches to the issue of delegating certain government functions regarding the implementation of government policy in the humanitarian and social spheres to civil society institutions;

Creation of conditions for citizens' increasingly active involvement in the elaboration and implementation of governance decisions, the exercise of social control over the activity of executive and local self-government bodies, in part, to prevent and counter corruption practices, and increase the transparency of these bodies;

Support of various forms of local democracy;

The strengthening of civic culture and practice of volunteering and philanthropy, and creation of favorable conditions for their development;

The establishment of a system of resource support of sustained activity of civil society institutions; and

Support of public initiatives for the formation of a gender equality culture and the overcoming of stereotypes about the role and place of men and women in society.

The implementation of state policy for the advancement of the development of civil society in Ukraine as regards the improvement of legal regulation of the procedure of creating civil society institutions and their activity includes:

Simplification of the procedure and reduction of the time limits for the registration of civil society institutions (public and charitable organizations, population self-organization organs, etc.);

Ensuring the right of foreign nationals, persons without citizenship, and legal entities under private law to freedom of association and participation in professional organizations;

Granting to civil society institutions of the right to conduct their activity throughout the territory of Ukraine;

Introduction of European mechanisms of executive bodies' control over the activity of civil society institutions;

Regularization of the issue of immediate engagement of civil society institutions in economic activity for the purpose of performing statutory tasks;

Improvement of the procedures of holding local referenda, peaceful gatherings, general meetings (conferences), and public hearings held by local community members in their residence area;

Further development of the legal status of population self-organization organs and establishment of guarantees for their activity;

Adaption of Ukrainian law in the sphere of equal opportunities of men and women to that of the European Union;

Creation of proper conditions for the involvement, through youth public organizations and associations, of young citizens in the development and implementation of the government youth policy and programs for young people.

The implementation of state policy for the advancement of the development of civil society in Ukraine as regards ensuring organizational conditions for the involvement of citizens in the formation and implementation of policy on all levels and the exercise of social control over the activity of executive and local self-government bodies includes:

Initiation of systemic consultations with the public in the course of decision-making by executive and local self-government bodies, advance publication of drafts of relevant legislation at these bodies' websites, and the use of other joint activity mechanisms;

Assistance to the activity of public councils and other consultative and advisory organs under executive and local self-government bodies, improvement of the mechanisms of their interaction with other consultative and advisory organs, in part, by means of developing proposals regarding

amendments to the Model Rules of the Activity of a City State Administration and to effective rules of executive bodies;

Creation of conditions for conducting public examinations of the activity of executive and local self-government bodies, public anti-corruption examinations of draft legislation and regulations and ensuring that their recommendations are taken into account;

Methodological support and organizational capacity-building of executive and local self-government bodies regarding the implementation of measures to involve the public in the formation and realization of national and regional policy;

Development of the mechanisms of e-governance and e-democracy;

Development of the mechanisms of social partnership of the government, business, and civil society institutions;

assistance to the involvement of civil society institutions in a social dialog on issues which cannot be solved within the framework of tripartism, and improvement of the mechanisms of participatory democracy in the sphere of labor relations;

improvement of the procedure of participation of civil society institutions in decision-making by executive and local self-government bodies, the activity of public councils and other consultative and advisory bodies; public opinion monitoring by executive bodies regarding their activity;

Regulation of the issue of obligatory acceptance by local self-government organs of territorial communities' charters which provide for legal mechanisms of the exercise by their members of their right to realization of local democracy forms such as general meetings, local initiatives, population self-organization organs, and the like;

Improvement of conditions for ensuring openness and transparency in the activity of executive and local self-government bodies, the public character of all stages of the elaboration and adoption of decisions, and access to information about the activity and decisions of said bodies.

The implementation of state policy for the advancement of the development of civil society in Ukraine as regards the creation of economic stimuli for the stable functioning of civil society institutions and strengthening of their economic potential includes:

Effective use and improvement of mechanisms of tax stimulation of the activity of civil society institutions through the introduction of European standards of determining their tax regime;

Streamlining the procedure of involving civil society institutions in the provision of social services with funds from the State Budget of Ukraine and local budgets;

Assistance to the introduction of mechanisms of social order with due account of the best domestic and European practice;



Introduction of a universal methodology for determining civil society funding priorities;

Introduction of a single funds distribution procedure for the financial support of civil society programs and projects on a competition basis;

Streamlining the procedure of involving civil society institutions in the development and implementation of targeted local programs;

Introduction of obligatory planning of expenditures for government financial support to civil society institutions in the State Budget of Ukraine; and

Ensuring government monitoring and evaluation of projects and measures implemented by civil society institutions with funds from the State Budget of Ukraine and local budgets on the basis of open (public) testing of criteria for such evaluation.

The implementation of state policy for the advancement of the development of civil society in Ukraine as regards support of volunteering and charity includes:

The development of volunteering and its deregulation with due account of the best world practice;

Introduction of new instruments for individuals and legal entities' charitable activity, in part, endowments, the right of charities to use property on a free basis or receive charitable heritage and act as executor of a will for implementing charity programs;

Streamlining the mechanisms of control over the target use of funds and property transferred for charitable ends;

Support of business entities and individuals providing financial assistance or voluntary contributions to civil society institutions for the solution of tasks of great social significance;

Taking necessary measures to expedite Ukraine's accession to the European Convention on the Promotion of a Transnational Long-term Voluntary Service.

The implementation of state policy for the advancement of the development of civil society in Ukraine as regards raising the level of civic and legal awareness includes:

Legal consultations to the population on civil society institutions establishment and legal regulation;

Encouragement of the participation of persons with special needs in civil society institutions, introduction of the social model of disability;

Introduction in general and higher education establishments of a course on the development of civil society in Ukraine;

Assistance to local self-government and population self-organization bodies' awareness-raising activities regarding the potentialities of local democracy;

Assistance to joint activity with civil society institutions to encourage intolerance of corrupt practices and promote the advantages of lawful conduct in all spheres of public life; and

Stepping up comprehensive legal education and popularization of citizens' participation in civil society institutions.

## **5. Strategy Implementation Mechanisms**

Strategy implementation measures and time frame and responsible organs shall be provided for by the Plan of Priority Activities for the Implementation of the Strategy of State Policy for the Advancement of the Development of Civil Society in Ukraine (hereinafter, the Priorities Plan), as well as annual Strategy implementation plans (hereafter, the annual plans) proposed by the Coordination Council for the development of Civil Society (hereinafter, the Coordination Council) and approved by the President of Ukraine.

Implementation of provisions of the Strategy and the Priorities Plan and annual plans, as well as monitoring and evaluation of the implementation status are the responsibility of executive and local self-government bodies on the grounds, within the competence and in the manner provided for by the Constitution of Ukraine and applicable laws. Executive bodies shall be guided by the Strategy in developing and implementing laws and regulations, programs, plans and individual measures.

The Coordination Council shall be responsible for the monitoring and evaluation of the Priorities Plan and annual plans, analysis of the effectiveness of the Strategy implementation, developing proposals to bring its provisions up to date, and modifying the Priorities Plan and annual plans.

Civil society institutions participate in the Strategy implementation, in particular, through:

Their membership in the Coordination Council;

Submitting of Strategy implementation proposals to the Coordination Council and executive and local self-government bodies;

Engaging their executive and local self-government bodies in the Strategy implementation; and

Monitoring, evaluation and public examination of executive and local self-government bodies' activity for the implementation of the Strategy, the Priorities Plan, and annual plans.

Executive bodies shall create conditions for public monitoring and examination of the status of the implementation of the Strategy, the Priorities Plan, and annual plans.

In executive bodies, structural units responsible for public relations shall be responsible for activity pertaining to the implementation of the Strategy.

Academic support of the Strategy implementation shall be the responsibility of the National Institute for Strategic Studies and – on an as needed basis – other research and nongovernment analytical centers.

The National Institute for Strategic Studies, with the participation of representatives of civil society institutions, shall prepare an annual report on the development status of civil society in Ukraine and submit it to the Coordination Council for consideration.

Results of an efficiency analysis of the implementation of the Strategy, general monitoring and evaluation of the implementation status of the Priorities Plan and annual plans, and the annual report on the development status of civil society in Ukraine may provide grounds for bringing provisions of the Strategy up to date and/or modifying the Priorities Plan and annual plans and expediting relevant activities.

## **6. Funding of the Strategy Implementation**

The Strategy shall be implemented with funds from the budget as well as other sources not prohibited by law.

## **7. Expected Results**

Short-term results of the Strategy implementation up to 2015 are expected to include:

Creation of favorable regulatory, financial, taxation and organizational conditions for the emergence and functioning of civil society institutions; and

Ensuring the institutional capacity of executive and local self-government bodies to work effectively together with civil society institutions.

Long-term results of the Strategy implementation up to 2020 are expected to include:

Prevailing openness, transparency and accountability of executive and local self-government bodies;

Raising the level of mutual trust and cooperation between executive and local self-government bodies and civil society institutions;

Ensuring the participation of civil society institutions in the formation and implementation of the national and regional policy, creating conditions for broad and effective representation of citizens' interests in executive and local self-government bodies, regular consultation (a dialog) with the public on key issues of life of society and the state;

Introduction of social control over the activity of executive and local self-government bodies, and greater influence of civil society institutions on the making of governance decisions and their implementation;

Ensuring favorable regulatory, financial, taxation and organizational conditions for charitable, voluntary and other forms of community activity and growth of civic culture; and

Improving the quality and accessibility of social services by engaging civil society institutions in their provision.

Serhiy LYOVOCHKIN, Head of the Administration Office of the President of Ukraine