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# **DEFINING CIVIL SOCIETY FOR UKRAINE:**

## **Research report**

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This publication presents the results of a mapping study of Ukrainian civil society organizations (CSOs) conducted in the period from May to September 2015. The main goals of the study are to: define the term “civil society” in the Ukrainian context, define the term and attributes of a “civil society organization”, list types of organizations that can qualify as CSOs in Ukraine, and identify obstacles and needs these organizations have in terms of their development and growth.

The report will be useful to government/public authorities, international organizations, intergovernmental organizations, researchers, donor organizations and CSOs.



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## **LIST OF ABBREVIATIONS**

<b>CCC</b>	CCC Creative Center
<b>CSO</b>	Civil Society Organization
<b>CIVICUS</b>	World Alliance for Citizen Participation
<b>ESA</b>	European System of Regional and National Accounts
<b>ICNPO</b>	International Classification of Non-profit Organizations
<b>CSOSI</b>	CSO Sustainability Index
<b>UN</b>	United Nations
<b>SNA</b>	System of National Accounts
<b>RPR</b>	Reanimation Package of Reforms
<b>USAID</b>	United States Agency for International Development

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## PREAMBLE

The term «*civil society*» has a long history dating back to the age of Enlightenment in 18th century Europe. Discussions relating to the term played an important role in distinguishing the state from its citizens. However, over the years it had lost its relevance, and was forgotten as it often happens to concepts once at the forefront of discussions by intellectuals. In the 1980s, the term was reinvigorated by intellectuals in Eastern Europe and Latin America in search of an alternative to the authoritarian state. This alternative was based on the vision that society needed a space where citizens could interact with each other without regulation and involvement of the state. The idea of a civil society was that it was much bigger than the government, market, economy, and individuals and their families/households. It had to be a society, a civil society, where citizens, guided by the rule of law would self-organize to express their interests and defend their values (Keane 1998).

Nowadays there are many definitions of a civil society, each outlining certain attributes such as government, politics, individual freedoms, economic functions, social capital, etc. However, the majority of intellectuals agree that ***a civil society is a sum of institutions, organizations and personalities beyond the family/household, state and business; something where people get together voluntarily and interact solely for pleasure and/or promotion of their joint interests.***

Different researchers use various concepts to study civil society. For instance, CIVICUS (World Alliance for Citizen Participation) includes political parties as well as informal and non-institutionalized groups and coalitions that may not engage in «positive» or «traditional» activities or behavior (i.e. skinheads and football fans).

In Ukraine, discussions and studies on the *civil society phenomenon* began in the early 1990s as a reflection of activities supported by international donor organizations to local and international non-governmental organizations (NGOs) since the country gained its independence. Decades later, the *Revolution of Dignity* of 2014 gave impetus to the creation of self-organized groups, which was an unprecedented period of explosion of informal and non-institutionalized groups of volunteers in the country. These groups helped rebuild the army and accommodate internally displaced people by rendering various services and providing humanitarian assistance to them. Additionally, religious organizations and trade unions, professional and business associations, local communities and human rights groups intensified their activities in support of the revolution.

Currently civil society in Ukraine is diverse and rapidly growing. It continues to gain experience, and is becoming a full-fledged party to the social-political and economic development of the country. The pressing task of the government, politicians, businesses and citizens is to support and develop civil society and its organizations. In order to ensure continual development, however, a «stocktaking» of civil society in Ukraine is required to better understand its purpose, attributes of organizations and institutions, and the types that operate including their main attributes, prospects and needs. This survey will contribute to an improved understanding of civil society's

self-identification, enabling the determination of goals and ways to sustain its development in Ukraine.

This publication is a joint effort of a Working Group of experts. The goal of the Working Group was to define *civil society* in the Ukrainian context, define the term and attributes of a *civil society organization*, list types of organizations that qualify as civil society organizations (CSOs), and identify obstacles and needs these organizations have in terms of their development and growth. The report is comprised of four parts and six annexes.

**Part I** of this study presents a brief overview of the history and approaches used to define the concept of a civil society starting from Ferguson and Hegel to the present day. Definitions, attributes and types of civil society organizations that apply to various countries are also included.

**Part II** of the report presents findings of the Working Group for the definition of *civil society* in the Ukrainian context, the term and attributes of a *civil society organization*, and types of organizations that qualify as civil society organizations in Ukraine.

**Part III** of this work provides an overview of civil society developments in Ukraine, statistics on civil society organizations, and a short description of the needs of CSOs in terms of institutional building, advocacy, service delivery and cross-sectoral cooperation.

Conclusions and Recommendations are presented in **Part IV** of the report. Annexes include the: 1) National Strategy for the Support of Civil Society Development in Ukraine for 2016-2020, as endorsed by the Decree of the President of Ukraine as of February 26, 2016, 2) Legal forms of CSOs in Ukraine, 3) Breakdown CSOs by Legal Form and Regions in Ukraine, 4) UN Classification of CSOs, 5) List of Experts of the Working Group of this Study, and 6) List of References.



## CIVIL SOCIETY: REVIEW OF CONCEPTS AND APPROACHES

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As any social science is conceived, civil society is subject to a diversity of interpretations and is used for different ideological and political purposes to particular contexts. The first mention of the *civil society notion* is found in the works of Greek philosopher Aristotle. In his works are born ideas that preceded modern theories for the prerequisites and main attributes of a civil society. In particular, these relate to the superiority of an individual over the state, necessity of engaging citizens in decision-making/governance, power distribution and rule of law. The modern concept of a civil society is deeply rooted in the European and American political thought and experience, and is constantly interlaced with multiple meanings and associations. As a concept, a civil society represents a broad domain. On one hand, it is the space in a society between individuals and families, and on the other hand, between a society and the state/government (Carothers 1999). Since the end of the Cold War, civil society among researchers and activists has been treated a universal concept, resulting in a widespread assumption among policy makers in different parts of the world of its relevance to strengthening development and democracy globally (Lewis 2001). However, there is nothing even resembling a commonly agreed definition of this concept. A civil society is usually understood as «*the population of groups formed for collective purposes primarily outside of the state and marketplace*» (Rooy 1998). Also, it is usually seen as being situated beyond the household. Some writers argue that a civil society is composed of groups that crosscut ties of *kinship* and *patronage* (Putnam 2000).

The idea of civil society has various roots in the history of Europe and the United States. The Scottish Enlightenment thinker Adam Ferguson saw civil society as a socially desirable alternative both to the *state of nature* and to the *heightened individualism of emergent capitalism*. The German philosopher Hegel argued that self-organized civil society needed to be balanced and ordered by the state, as it would otherwise become self-interested and disengaged from the common good. Both approaches shaped the concept's early evolution. Moving from the social and political sphere to a narrower organizational focus, Alexis de Tocqueville's *Democracy in America* has been influential and used to support arguments in favor of a civil society. De Tocqueville's positive account of the 19th century *associationalism* in the United States stressed *volunteerism*, *community spirit* and *independent associational life* as protections against the domination of society by the state, and indeed, as a counterbalance that monitored and maintained the state accountable and effective. Elements that preceded De Tocqueville's accounts tended to stress the role of civil society as one in which a kind of equilibrium was created in between *the state* and *the market*. While the major focus of these philosophers was the vision of an autonomous social order, the problem of the proper relationship between the individual, society and the state, was between *public* and *private interests* (Pietrzyk 2001). In the 20th century, a civil society became associated with the *notion of civility* (Elias 1994), *popular participation* and *civic mindedness* (Putnam 2000), *public sphere* (Habermas 1991), *culture* (Gramsci 1971) and *community* (Etzioni 1996).



There are several issues that are frequently flagged in debates relating to civil society. Discussions of civil society often confuse the normative with the empirical character of civil society, assuming that civil society is a good thing, and is inherently and behaviorally «civil». However, defining civil society as an area of associational life does not distinguish between organizations that are «civil» and «uncivil» (i.e. drug cartel, religious fundamentalists, mafias and other criminal groups). Other debates discuss whether the formal political sector should be part of civil society, or if it should be excluded altogether. Some thinkers believe that the family unit is part of civil society, while others believe that the business community should be included.

Various thinkers have different and sometimes contradictory approaches in their understanding of a civil society. From a normative perspective, civil society is often seen as influencing and controlling the state, thus being instrumental to a functioning democracy. Others stress that the role of a civil society is to hold both the state and the private economy accountable. Cohen and Arato (1992) state that

*«the relation between normative models of democracy or projects of democratization and the structure, institutions, and dynamics of civil society has remained opaque, in part, because there is no sufficiently comprehensive theory of civil society available to us today.»*

Lewis (2001) determined that there are three reasons why the normative concept of a civil society cannot be used as a prescriptive tool for development purposes for donors and donor states. Firstly, there are different interpretations of the term exist making it *difficult to establish consensus* for policy purposes. Secondly, the concept of a civil society is *primarily theoretical*, and may not lend itself in any straightforward way for practical purposes. Thirdly, the concept is arguably *relative to a specific time and place*, and therefor sensitive to various historical, cultural and economic contexts.

Questions of relevance and the value of practical value of the concept of civil society are still widely debated. The relevance of the concept of civil society outside the context in which it originally evolved was resolved by many government officials in the United States and Western European countries when they enthusiastically embraced this concept in their democracy aid programs. Shifts from channeling assistance from governments to local CSOs has been justified as a way to build a civil society.

So why is civil society currently in the spotlight? Lewis (2001) points to at least four main interrelated clusters of reasons for a shift. Firstly, the emergence of the theoretical *'impasse'* within the development of thinking for both left and right that provides the CSOs role of «fitted the bill» related to their crucial role within new concepts of 'people-centered' approaches. Secondly, development agencies are concerned with poor governmental performance and low effectiveness of aid programs implemented by state institutions. Thirdly, the presence and policy voices of CSOs is apparent and could not be further ignored. Finally, civil society appeals to all sides of the political spectrum. For liberals, a civil society helps to balance state and business interests, whereas for neo-liberals (comprising part of the private sector), civil society provides vehicles for increasing market roles. For the left, a civil

society promises the opportunity of social transformation given new alternatives for capturing state power and centralization.

A society model that consists of three parts is often used by donor and donor states when providing technical aid. This model was proposed by Cohen and Arato (1997), which originates from the basic Hegelian concept. The model identifies different types of sectors in which organizations operate, and the chief functions they carry out for a society and within a society, in general. The first sector is the government, the second sector is business, and the third sector is civil initiatives, movements, NGOs, etc. Composition, scale and interaction of these three sectors are unique to each country. The overall concept of the technical aid system based on this model is an aspiration and/or attempt to transform these sectors in the developing countries (where the first sector often dominates) to resemble sectors in Western countries. Over the course of past decades, Lenzer (2002) analysed that their development agenda was focused on the following triad: capital (economic growth and distribution), sustainability (of the society and the environment), and democracy (political engagement, good governance, expansion of rights and opportunities for people and the rule of law). In this discourse, civil society was often used as an intermediary tasked to engage, widen rights and opportunities, and ensure successful democratization. As a result, according to Fergusson (1990), by coopting civil society concepts that support this triad, development agencies and institutions continue to generate (and repeat) their own discourses that justify their ongoing activities aligned with their own strategic interests. Civil society has become an integral part of the development paradigm, which, at present, is overarching. According to Lenzer (2002), civil society is to a great extent interlinked to a package of recommendations that promote competitive markets, (liberal) democracy and a fair competition for the (capitalist) market.

The transfer of Western concepts of civil society to new and emerging democracies is not a simple undertaking, and is not always aligned with perceptions and/or aspirations of donors or donor states. Fowler (1996) argues that

*«mirroring occurs in the civil society maze because Northern analysts are inclined to treat the South and East as reflections of themselves and their own historical experience, which is a contestable, if not arrogant, assumption».*

As a consequence of this Western conception, Maina (1998) and Fatton (1995) argue that *«donors not only de-ethnicise, de-class and de-tribalise civil society, but ultimately fail to identify strategic forces for political change».*

Recalling the origins of civil society in Western history, it is also important to note that Europe is not a homogenous entity, and that its countries have different histories and traditions. The concept of a civil society that developed in Europe and the USA could not be simply applied to the context of another country «as if it is new and free of baggage» (Comaroffs 1999). Wolfe (1997) points out that the term *civil society* for Eastern Europeans means something else than for Americans who relate *voluntarism*, and therefor address issues inappropriately by relating a different reality and place.



Lenzer (2002) argues that

*«we must remember that civil society is a theoretical concept rather than an empirical one. It cannot be directly observed. Instead, it is a synthetic conceptual construct that encompasses the wide variety of forms of popular collective action that occur in the public realm. It summarizes, at a macroconceptual level, microempirical actions that citizens employ for political ends in the material, organizational and ideological realms. Although political resources, organizations and ideas may be observed, none alone can capture the quality and complexity of civil society as a whole».*

### **Definition and classification of Civil Society Organizations (CSOs)**

Definitions do not exist in the abstract; they serve specific purposes and objectives. Social scientists, practitioners and policymakers have different objectives when defining CSOs. Anheier (2005) argues that *«definitions are neither true nor false and they are ultimately judged by their usefulness in describing a part of reality of interest to us. Specifically, a definition must be simpler than the reality it seeks to describe. Definition should facilitate communication, generate insights and lead to better understanding».*

There are several ways to define a civil society organization, which are the:

**Legal definition** describing CSOs according to the laws and regulations of a country;

**Functional definition** emphasizing functions and activities that organizations execute. Literature for this definition discusses different current and potential roles and functions of NGOs in society, many of which are viewed in different contexts and circumstances. Frumkin (2002) sees the functions of NGOs as a contrast between sides of supply and demand, and the opposition of the expressive and instrumental dimensions. He uses this framework as a basis to systematize the functions of NGOs into four types that are: encouraging civic and political engagement, delivering needed services, enacting private values and religious convictions, and providing a channel for social entrepreneurship. Najam (1999) sees NGOs as policy entrepreneurs, and sets out three stages of their roles, namely that of agenda setting, policy development and policy implementation. Within the policy process, Najam (1999) suggests four types of NGO roles: service delivery, advocacy, innovation and monitoring. Lewis (2000) argues that NGOs either participate in the processes of structural change as service delivery agents, if not raise their voices (e.g. actors within a wider civil society) against the increasing dominance of policy frameworks and principles;

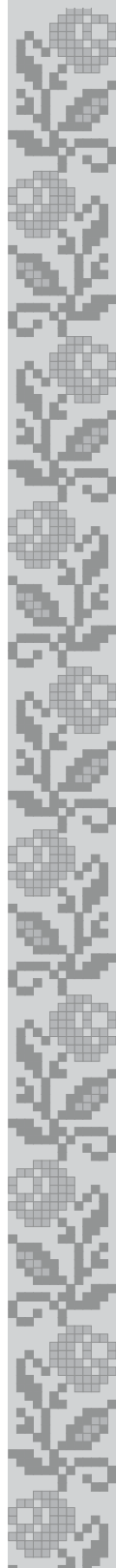
**Economic definition** setting the revenue structure of organizations. For example, CSOs need not receive the bulk of their income from the sale of goods and services in the market or through taxation, but from the voluntary dues and contributions of their members and supporters. The most important concept under this definition is that CSOs do not distribute their profits among their members, managers and board of directors; and

**Structural-operational definition** emphasizing the basic structure and operation of a CSO. According to this definition (Salamon and Anheier 1992), an organization should demonstrate the following five characteristics by being organized (i.e. institutionalized to some extent), private (i.e. institutionally separate from the government), self-governing (i.e. equipped to control their own activities), non-

profit-distributing (i.e. not returning profits generated to their owners or directors) and voluntary (i.e. involving some meaningful degree of voluntary participation).

Both *legal* and *functional definitions* for a civil society are more useful in the context of a particular country for its local legal system than for international and comparative purposes in development programs. The *economic definition* of a CSO provides the basis for microeconomic applications, as it is based on financial behavior. The *structural-operational definition* is best suited for comparative analysis in the field (i.e. for comparisons that are either cross sectoral or country-to-country). The structural-operational definition proposed by the UN was simplified, and is a compromise to the economic definition. It defines a CSO as a unit that is autonomous (i.e. it has its own governance), non-for-profit, does not distribute profit to its members, exists as an institution separately from the government, and voluntary (not mandatory). In other words, membership and membership dues are not required or not stipulated by law, and are not prerequisites to receive citizenship. The UN structural-operational definition is most suitable for international and comparative purposes.

Definition and classification are closely related. Whereas definition specifies what entities (or phenomena) have in common, and the basis by which they are assigned to a group, classification defines terms by which entities (or phenomena) differ. The task of classification is central to economic analysis and reporting, and for general policy purposes. Several classification systems have been introduced in recent years to group CSOs according to their activities, beneficiaries and other aspects. At the international level, and for comparative purposes, the International Classification of Nonprofit Organization (ICNPO) was developed and was later adopted by the United Nations (see Annex 4).



## PART II.

# DEFINITION OF TERMS «CIVIL SOCIETY» AND A «CIVIL SOCIETY ORGANIZATION»; TYPES AND ATTRIBUTES OF CSOS

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Having studied both international experiences and civil society developments in Ukraine, this Working Group of experts agreed that the following definition could be used as a basis of the term «*civil society*» in the context of Ukraine

*A civil society is a domain/area of social/civil relations beyond the household/family, state and business, where people get together to satisfy and/or promote joint interests and to defend common values.*

Civil society is a part of society that is separate and independent from the state as an institution, and ensures the implementation of the rights of individuals. A civil society is often perceived as a mixture of informal relations between individuals and organizations that address specific problems, advocate, and have joint, beneficial activities by taking responsibility for the common good. A civil society has certain distinctive attributes in that

- There is a developed network of various relations between citizens (and not limited to people who have Ukrainian citizenship), and social groups that act autonomously and without any mediation from the state;
- There are non-governmental organizations, charity organizations, employers' organizations, local self-government organizations, trade unions, organizations of independent mass media etc. (all representing a wide array of interests for citizens and social groups, advocating for these people and groups, and protecting them in their interactions with the state); and
- There is adherence to values that are generally positive, and not based on hatred and different forms of discrimination, that are based on the rule of law, respect for rights and freedoms, public morale, civil activism, etc

This Working Group highlight the following caveats in this study, which are that

- The term «*third sector*» is not used,
- An «*organization*» the preferred term used rather than an «*institution*»,
- There are no definitions related to ethics (i.e. «*dignity*», «*a free person*» etc.),
- When formulating the term «*civil society*» the experts tried to contextualize the term in present-day Ukraine, on one hand, and to set its direction for future development on the other,
- The description of the phenomenon of a «*civil society*» applies not only to the total of organizations and their interrelations, but also to their role/function in social evolution/development, and
- That political parties do not qualify as CSOs.

## Definition of the term «civil society organization» and its attributes (or features)

There are a multitude of terms that attribute CSOs, which include civil organizations, non-governmental organizations, non-profit organizations, volunteer organizations, etc. However, over the past 10 to 15 years, the term *civil society organization* has been used to define various types of organizations that act beyond the realm of the state including businesses and households (i.e. families). It should be noted that the variety of activities and forms of civil society organizations are difficult to both consolidate and institutionalize as a sector. This is not only due to the different scales of these organizations (e.g. national trade unions vs. local environmental organizations), but also due to the diversity of their activities (e.g. youth, sports, social services or advocacy). Having analysed various approaches towards defining a civil society organization, the Working Group herein decided to use several approaches to define the term.

In this study, the following approaches are used when defining a *civil society organization* at the national level:

- **Legal definition** of a civil society organization, (i.e. types of organization that qualifies as a CSO by Ukrainian legislation including tax regulations); and
- **Functional definition**, where the «visible» function of a CSO includes service provision and advocacy/public monitoring and control, and the «invisible» (or ethical) function of a CSO that includes protection of civic values and social capital development (in particular, trust and mutual support) between members of the community/society.

In order to compare a CSO **locally and relative to its counterpart** in other countries, the experts agreed to apply the **structural-operational definition** of a CSO proposed by Salamon and Anheier (1992), such that an organization complying with the following criteria can serve as a basis for the definition of a *civil society organization*:

**Availability of an internal structure.** The organization qualifies as part of a civil society if it has clearly-defined goals, objectives and activities, and has a certain management structure (management bodies) in place. Being legally registered and attaining other recognition of the organization by the state has no value on its own if not publically listed (noting that many European countries have a ban on secret associations). According to Salamon (1992), the main goal of this criterion is to clearly differentiate between a CSO and an informal group in the household sector such as «neighbors helping neighbors». In Ukraine, this distinct criterion is defining for a CSO. When registering or legalizing an organization, its founders must list the goals and objectives, types of activities, management structure, authorities of the management bodies, decision-making procedures, etc.

**Non-governmental nature.** The organization is not a part of public authorities; it has its own goals and management structure, and operates independently and not on behalf of, or in support of public authorities. This distinguishes the institutional identity of an organization, which is different from the public authorities (Salamon 1992). In Ukraine, the civil legislation clearly differentiates legal entities of public law that are established and dissolved by a procedural document of a public authority (or a local

self-government body), and the legal entities of private law. However, similar to other countries, there can be organizations that are *quasi-state* (i.e. an NGO established by the state) or *hybrid* (i.e. an NGO comprised of both state and non-state sectors).

***Ban on distributing profits to members and people in charge.*** The organization does not distribute any share of its assets by virtue of membership or corporate rights (e.g. a right to vote), as may be in the case with companies or businesses. According to Salamon, organizations that receive profits shall not distribute them to their members, founders or senior managers. Cooperatives and similar organizations are often profit-oriented. Therefore, their recognition as CSOs shall be on an individual basis, particularly when they act in the interest of third parties (e.g. construction and maintenance of social housing, social enterprises, etc.). The tax legislation in Ukraine imposes additional limitations applied to profits sharing (i.e. between relatives and other individuals related to members of governing bodies of a CSO). Legislation requires that a CSO transfer its assets to other CSOs or to the state when it is dissolved. This does not cover cooperatives. Generally, however, cooperatives are qualified as CSOs.

***Self-governance.*** The organization conducts and regulates its activities on its own and in line with its goals and objectives, internal rules and procedures, without unlawful interference by public authorities and third parties. Traditionally, in Ukraine this criteria is understood well, and there is no misunderstanding in this respect. The self-governance principle is recognized by legislation for non-governmental organizations, trade unions, etc. Structural subdivisions, such as representative offices of foreign CSOs and branch organizations that are legal entities are registered separately, and their activities are rather independent (though the central bodies of these organizations may be legally responsible for their activities).

***Voluntary participation.*** Despite the explicit nature of participation in a CSO as voluntary, in other words, free from coercion by public authorities or third persons, conflict may occur with respect to organizations where membership is mandatory for certain professional activities and occupations (e.g. associations related to bar and notaries, auditors, etc.). When a CSO denies or terminates membership pursuant to the decisions of its governing bodies, it is not considered to be discriminatory as the person has a right to establish another CSO or to join another organization. According to Salamon, voluntary participation can be demonstrated by working as a CSO member or working in its governing bodies, acting as a volunteer, and also by making voluntary property contributions. In Ukraine, the voluntary principle is strengthened in legislation by a ban to public authorities to limit rights and freedoms of individuals by virtue of their membership in a CSO, and also by a ban to require information from individuals about their participation in a CSO except as otherwise provided by law.

The experts proposed more criteria, being that «***the organization serves its members and/or public interests***», meaning that it must define a target group that serves either their members and their interests, or broader public interests. As example, professional/occupational self-governed organizations express their interests solely via their members, whereas environmental organizations may target an entire society.

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Additionally, organizations that provide legal advice, social services and consumer's protection can act primarily in the interest of third parties that are not members of the organization.

**ADDENDUM:**

The Working Group of this study decided that civil society organizations in Ukraine:

- Include organizations that may not necessarily have either positive behavior or peaceful intention, but that contributing to various degrees of negative behavior or civil unrest (e.g. football fans, skinheads, disguised communist organizations, etc.). This is important when defining the level of service and support a CSO renders to advance democracy and tolerance, and conversely when defining the level of their «intolerance» or «oppressive ideologies»;
- Can support and promote controversial values, policies and agendas at times; and
- Can have a different status, such as local, regional and national.

International, regional (particularly, those in the European Union), and national statistical classifications and standards play key roles in the systematization and standardization of a wide array of data relating to civil society. Taking into consideration the **structural-operational definition** of CSOs based on the types of their activities and organizational structure (as chosen by the Working Group herein), both the *Classification of Types of Economic Activities* (DK 009:2010) and the *Statistical Classifier of Organizational Forms of Economic Entities* (effective January 2015) are considered to be the most important national statistical tools for Ukraine.

The state statistics in Ukraine uses the international standards of the *System of National Accounts as of 2008 (SNA 2008)*, which were adopted by the UN and its agencies, as well as the *European System of Regional and National Accounts as of 2010* (ESA 2010). The subject of classification for international comparison for donor and donor states is in institutional units that belong to a certain sector or a sub-sector of the economy. These institutional units demonstrate signs of operational and financial independence, least of which include Owning assets, Making agreements/contracts and other obligations in their own name, and Demonstrating a full-fledged billing system and financial reporting.

On one hand, the institutional units include residents and non-residents (including those in international and other extraterritorial organizations such as embassies of foreign countries, military bases, etc.) and, on the other hand, legal entities and natural persons or groups of such entities/persons.

The State Statistics of Ukraine, which uses the Classification of the Institutional Sectors of the Ukrainian Economy (effective since January 1, 2015) defines five institutional sectors of the economy that are

1. Non-financial corporations (their goal being to market assets and non-financial services in order to generate financial benefits to their participants),
2. Financial corporations including financial brokers,
3. General government sector/public administration sector,

4. Households, particularly those that include only natural persons, people who permanently live in monasteries, other religious institutions, shelters and other institutions that provide social services, and
5. Non-profit organizations that provide services to households. It should be mentioned that non-commercial organizations that do not distribute profits, but serve other sectors such as trade and industrial chambers, or that are directly controlled by public authorities, such as public museums or hospitals, are included in other sectors.

The sixth institutional sector of the economy is the rest of the world (i.e. non-residents that include extraterritorial bodies). As example, the sub-sector of financial private corporations includes credit unions and non-state pension funds. However, the funds of mandatory social insurance are part of the general government sector.

Non-commercial organizations that provide services to households are divided into sub-sectors such as «private» and «under foreign control», the latter, which includes representative offices and other branches of foreign, non-commercial organizations.

In addition to organizations that are both regulated and financed primarily by the state, this sixth institutional sector of the economy includes three main statistical groups, which are organizations that provide

- Goods and services to their members (professional/occupational and religious organizations, clubs, etc.),
- Goods and services to households (charity organizations), and
- Collective/public services (academic/research, environmental organizations, etc.).

Unique to Ukraine are subdivisions of private corporations and public authorities that provide non-market services to their staff and members of their families (i.e. vouchers to go to resort facilities, meals in the canteens, etc.). These subdivisions qualify as non-for-profit organizations that provide services to households; however, this Working Group does not consider them to be CSOs.

By relating the considerations and caveats above, this Working Group determined that organizations listed below qualify as civil society organizations. These CSOs are classified by their composition, establishment/registration, special authority/mandate and benefits defined by law. Therefore, the list does not differentiate between other organizations for which the law does not stipulate any special requirements by means of their establishment or special legal features (i.e. human rights groups, monitoring organizations, business associations, etc.). Additionally, it was not deemed appropriate to classify CSOs by areas/sectors of their activities.

### **1. Public Organizations**

- 1.1.1 Women public organizations
- 1.2.1 Children public organizations
- 1.3.1 Youth public organizations
- 1.4.1 Educational and cultural public organizations
- 1.5.1 Research public organizations

- 1.6.1 Sports public organizations
- 1.7.1 Public organizations of disabled people
- 1.8.1 Public organizations of veterans of war
- 1.9.1 Public organizations working with issues related to minimizing the aftermath of the Chernobyl disaster
- 1.10.1 Emergency services public organizations
- 1.11.1 Environmental public groups
- 1.12.1 Public organizations working with issues related to preservation of historical and cultural monuments and property sites
- 1.13.1 Consumers public organizations
- 1.14.1 Public organizations of labor migrants created abroad
- 1.2. Public unions (associations)
- 1.3. Citizens' groups for ensuring the protection of public order and the state border
- 2. Religious Organizations**
- 3. Charity Organizations**
  - 3.1. Charity associations
  - 3.2. Charity foundations
  - 3.3. Charity institutions
- 4. Condominiums**
- 5. Self-organized Groups**
- 6. Associations of Local Self-government Bodies and Their Unions**
- 7. Judicial Self-government Bodies**
  - 7.1. Permanent courts of arbitration
  - 7.2. Attorney's self-government bodies
- 8. Self-regulated Organizations**
  - 8.1. Other professional/occupational organizations and associations
- 9. Creative Unions**
- 10. Trade Unions**
  - 10.1. Associations of trade unions
- 11. Employer's Organizations and Their Associations**
- 12. Trade and Industry Chambers**
- 13. Other Associations of Legal Entities**
- 14. Private Organizations (Institutions/Agencies)**
  - 14.1. Organizations (institutions/agencies) of non-governmental associations, other non-business groups
- 15. Non-state Pension Funds**
- 16. Credit Unions**
- 17. Service Cooperatives**
  - 17.1. Agricultural services cooperatives
  - 17.2. Consumer cooperatives
  - 17.3. Consumer associations
- 18. Branches (other departments/subdivisions)**
  - 18.1. Representative Offices
- 19. Other Legal Forms (defining a legal form of an CSO on an individual basis)**



***ADDENDUM:***

The experts have decided to not qualify political parties as CSOs. Since national, regional and local representative bodies are established in compliance with lists of political parties, active parties primarily carry out public-legal functions in Ukraine.

## CIVIL SOCIETY IN UKRAINE: DYNAMICS, DEVELOPMENTS, NEEDS AND PROSPECTS

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### Overview of the History of Civil Society in Ukraine

Civil society, together with its values and priorities, contribute to the development of national interests to the state. The development of civil society is gradual. The establishment of civil society in Ukraine has a deep-rooted history. As far back as 10th century Kyiv Rus', established were self-governed local communities, called *verve*, and the body of direct democracy/rule by the people, called *viche*. After Christianity was adopted and disseminated, church communities developed. In medieval times, charity/philanthropy and the provision of social services were the sole prerogative of the church, but were later transferred to the state when the church engaged in religious wars among various factions. Due to the lack of a system that would otherwise provide social services, Ukrainian communities, primarily rural ones, formed self-reliance groups that did not require by the state any institutionalization. The development of local self-government was an important element of civil society in the Ukrainian lands. From the 15th to 18th centuries, the large majority of Ukrainian municipalities adopted the Magdeburg Law of Rights, where feudal urban rights granted municipalities their own administrative and judicial institutions. During the period of the Cossack's state (17th to 18th century), elements of Cossack and local self-government were actively developed. Since the 17th century, when Ukraine was divided between Poland and Russia, people of knowledge (i.e. the intellectual elite, or *intelligentsia*) created the *national liberation movement* as a philanthropic cause. This was a period when secret groups were engaged to both revive Ukrainian history, and to develop strategies for political liberation by promoting the Ukrainian language and culture. In the late 19th and early 20th centuries, private philanthropy of industrialists was on the rise. These people facilitated the creation of a social support system to people in need, contributing to the development of education, health care and culture. Even some philanthropists supported the *Ukrainian liberation movement* that continued its work until the Soviet times.

During the Soviet era, the participation of citizens in social and political processes, as well as the provision of social services, were strictly regulated by the state. These measures eventually resulted in the *dissidents' movement* that defended human rights, public and political freedoms, independence and national liberation in the 1960s. The movement gave rise to an impressive struggle for the independence of Ukraine, and in 1991 created prerequisites for the Ukrainian independent state to appear on the world map. Both non-governmental organizations and movements that emerged during the times of *Perestroika* at the end of the 1980s prepared the manpower for a large majority of political parties, public institutions and businesses.

A new generation of non-governmental organizations that appeared in Ukraine since its independence had Western-style management systems using project-based approaches in their work. These were supported technically by international foundations and international technical assistance programs of donors and donor states.



Notably, a large majority of them are operational to this day. Meanwhile, many older non-governmental organizations and charity foundations, trade unions, associations and Soviet-style unions had to learn to adjust to new conditions where public finance was substantially decreased, forcing them to change their management and administration style and structures. Notably, the «old» Soviet-style NGOs had already pre-existing infrastructure, equipment, real property and an established membership base. Additionally, public authorities lobbied their interests.

While all CSOs since the independence of Ukraine worked on their internal organizational development, overall their manpower decreased. In general, the share of active and operational CSOs relative to the total number of registered organizations has been declining since the early 1990s, irrespective of the emergence of new ones. This trend is attributed to the social-economic crisis experienced in Ukraine since independence. However, the main challenge was that after the goal of state independence was achieved, many CSOs failed to adjust their activities to drastically changing demands to provide relevant services, and appropriately protect the interests of citizens. Both lack of support and little attention from public authorities also contributed to a decline of CSOs. Unfortunately, the «green shoots» of civil society that emerged from the struggle for independence did not solidify into a tradition of civic activism back then.

In the beginning of the 2000s, protest movements were rising against an elected regime that had consolidated into a totalitarian system. At the same time, the economic situation of the state that helped CSOs to expand their funding sources, increase their activities in the field of human rights, democracy and freedoms, monitoring the performance of the public authorities and advocacy. CSOs in Ukraine learned to create coalitions preceding the Parliamentary elections of 2002. This experience was strengthened during the Presidential elections of 2004. The goal of these coalitions was to counteract the administrative resources and lobbying government support and administrative resources that were heavily used during the election campaigns of 2002 and 2004. Eventually the efforts of these coalitions garnered supported by the general public leading to the Orange Revolution. The victory of the Orange Revolution, solidified by free and fair election, was an important step towards democracy giving rise to real prospects for Ukraine's development into a truly democratic and prosperous country.

But the carte blanche the Orange coalition had been granted by the revolution, was an opportunity not captured, as expectations from citizens for reforms were not met by the state including those for civil society development. Civil society found itself in a state of crisis due to the lack of engagement of citizens in state affairs, their lost trust in politicians, and the loss of the most proactive representatives of CSOs to government positions. Once again, CSOs that had for years demanded rights and freedoms, fighting against censorship and oppressive rule by previous governments, failed to forge their own paths in the new environment. As with the general public, they fell back on the notion of «we can only wait and see» and disengaged, rather than demanded a concrete reform program to consistently and transparently monitor implementation.

At the same time, from 2004 to 2010, some governmental decisions were adopted to engage CSOs in decision-making with the state. In particular, executive authorities were required to conduct consultations with the general public, civic councils were required to be established under public executive authorities (since 2004), and public executive authorities were expected to facilitate public expert reviews and activities (since 2008). In 2007, the Government endorsed the «Concept for State Support of Civil Society Development in Ukraine».

From 2008 to 2009, the ideals of democracy were undermined, and later discredited, by a permanent standoff between the President of Ukraine and the Prime-Minister of Ukraine resulting in the same state governance that emerged previously. Eventually, the majority of society, dismayed by their elected democracy, longed for an orderly «rule with a firm hand». Sentiments for orderly governance became fertile ground for the victory of Victor Yanukovych at the Presidential elections in 2010. Contrary to the Orange coalition government, «Regionnaires» led by Yanukovych adopted the «Strategy of the National Policy for Supporting the Development of Civil Society in Ukraine», which were high priority measures for the implementation of new laws and regulations that included the legal status of the CSOs, procedures for legalization, reporting of economic activities, etc. These documents were prepared by civil society experts. Public authorities adopted these documents under pressure from the general public as the government was reluctant to cooperate with civil society directly. Yanukovych's deferral and role-back on a promise to sign a political association and free trade agreement between Ukraine and the EU in the fall of 2013, and a subsequent divergence of his political leadership away from European integration (which was enforced by law), paved way for Ukraine's Revolution of Dignity against the Yanukovych regime. From February 18 - 22, 2014, when peaceful civil demonstrations of the Euromaidan in Kyiv turned into violent clashes, followed by shootings of protesters by state officials, Yanukovych fled the country along with several cabinet ministers and elected officials leaving a power vacuum. The new Parliamentary majority immediately conducted both Presidential and Parliamentary elections in 2014. In 2014 Ukraine faced Russian aggression, resulting in the illegal annexation of Crimea and armed conflict its Donbas region.

The Revolution of Dignity was once again for CSOs another transformative event that presented an opportunity to implement their longstanding practices and ideas that were repetitively «shelved». Throughout the Euromaidan demonstrations in January 2014, civil activists, experts and journalists consolidated their efforts to the reform process in the country by initiating the «Reanimation Package of Reforms» (RPR). Members of this group developed a «Roadmap of Reforms to the Parliament of the 8th Convocation». They consistently promoted reforms, and successfully forced the Parliament and the Government of Ukraine to implement many of them. Since the rise of self-organized groups from the Revolution of Dignity, civil society is currently recognized as a full-fledged player that engages the country's development with the general society, the state and its policymakers. Reminiscent of the Orange Revolution, many representatives of CSOs and civil activists went to work in government sectors once more, and were elected to the Parliament of Ukraine from various political parties and majority constituencies.



In 2015, with the support of the OSCE Project Coordinator in Ukraine and the Presidential Administration of Ukraine, a group of experts prepared the «Strategy for Facilitating the Development of Civil Society in Ukraine for 2016-2020». The Strategy highlights the increased role of civil society in various fields of social and public development, not least for the implementation of reforms. The Strategy aims to:

- support civil initiatives,
- build effective dialogue and partnerships with CSOs, public authorities and local self-government bodies,
- strengthen institutional capacity of CSOs and their role in the social-economic life of society,
- expand their opportunities in the field of advocacy,
- empower them to protect the interests of their target groups, and
- ensure the implementation of the rights and freedoms of an individual and a citizen.

### **Study of Civil Society in Ukraine**

Civil society in Ukraine is not homogeneous. It has distinct attributes. Civil society can be divided into an organized one, which is made of registered and/or legalized organizations, and an informal one, which is made of temporary and spontaneous initiatives and movements. While the first group carries out important tasks such as provision of social services, development and promotion of new laws (or improvement of those existing) and monitoring the performance of public authorities, the other group comes to address pressing, very narrow and *ad hoc* needs, or voices concerns of the general public. Registered CSOs vary according to reasons they are created and the types of founders. CSOs can be divided into organizations that protect the interests of their target groups and those that are guided by the interests of their founders such as representatives of business, government and policymakers. CSOs in Ukraine can also vary according to their funding sources. There is a small share of national and local organizations (around 1000 CSOs) that are solely financed by donor organizations, and therefore pursue the priorities of their donor organizations in their main activities (CCC 2013). While the percentage of these organizations is small, their dependency on donor funding amounts to 45% of their annual budget. Around 20% of CSOs receive support from the state and local budgets, the sum of which 7% of this funding comprises their total budget. Around 43% of organizations polled receive donations from citizens comprising only 15% of their budget. Only 13% of CSOs receive grants from local organizations comprising 7% of their overall budget. About 10% of respondents of the poll conduct their own economic/fundraising activities contributing to 3% of their budget. And finally, membership remains a great challenge to CSOs in Ukraine. While the law obligates organizations to have members, only 2% of the population of Ukraine are members with legal CSOs according to various studies in this field, which shows little support for/interest in CSOs.

Traditionally, the study of the dynamics and levels of development of a CSO is conducted from the breakdown of the:

- Type of the organization (i.e. an association of people, charity organizations, trade unions, religious organizations, etc.),
- The areas of its activities (i.e. mass media, HIV-AIDS, youth, etc.), and



- The sources of its funding (i.e. international donor organizations, corporations, state support etc.).

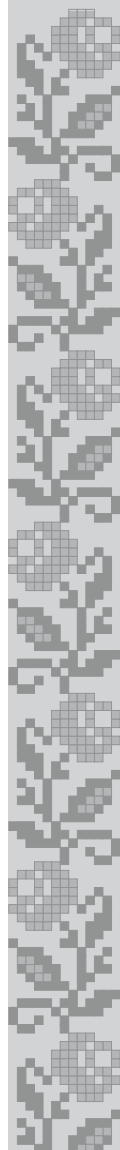
In 2001 and 2006, there were attempts to conduct comprehensive studies of civil society organizations in Ukraine when the country took part in a global project aimed at the development of the Civil Society Index. The project was implemented by the international organization called the CIVICUS, which was in line with guidelines developed by the London School of Economics.

Since 1996 the United States Agency for International Development (USAID), in partnership with local organizations representing 29 countries from Central and Eastern Europe, uses the CSO Sustainability Index (CSOSI). The Index is a key analytical tool that measures the progress of civil society development. The Index analyses the general environment in which civil society operates. It focuses on the legal framework, institutional capacity, financial sustainability, advocacy, service provision and perception of the general public. According to findings by the CSOSI study, civil society in Ukraine is the most developed among countries of the former Soviet Union. It is actively engaged in reforms and is perceived as a full-fledged player that influences the development of the country through the general society, the state and its policymakers.

Unlike all previous studies, the goals of this study are to: define key terms, list organizations that can qualify as CSOs, identify the needs and obstacles in their development, as well as classify the number of registered organizations according to their particular type. This was achieved, by analyzing previous work conducted in this field, forwarding requests for information to relevant public authorities, and conducting focus group discussions and group interviews with representatives of each type of CSO in Ukraine.

This report is a first attempt of a multidimensional study of civil society in Ukraine that is not comprehensive. The study has several limitations. Firstly, fragmented and limited data relating to CSOs, as well as limited access to these organizations (in particular, to their point of contact) is problematic. It was not possible to identify and interview representatives of some types of CSOs. Secondly, only registered CSOs were included in this study, as information relating to some types of CSOs, particularly CSOs that do not have a status of a legal entity, is vague. Ukraine does not have a state record for such CSOs. Information relating to informal initiatives and movements is not consistent, and not always available as their activities tend to be short-lived. The study also determined that only 5% of informal initiatives become legalized. Finally, it should be noted that representatives of CSOs (very often the only sources of information) are very reluctant to take part in surveys. When combined with poorly structured and limited data of the national statistics, it is difficult to receive quality and reliable results.

Before further discussing the nature of available data on CSOs in Ukraine, several caveats (warnings) should be raised relating to the **system of the national statistics of the civil society organizations**.



As with the majority of other countries, CSOs in Ukraine are not currently subject to comprehensive audit, monitoring, and statistical analysis of their administrative information. The state statistics of Ukraine does not have a direct link between the non-profit status of an organization relating to its taxation (for NGOs listed in the Register of non-profit institutions and organizations), and its affiliation with the institutional sector of the economy and types of activities.

Quantitative indicators for the institutional sector of «*non-for-profit organizations that provide services to households*» are not accurate for two reasons: there is no division of certain types of CSOs between different institutional sectors (e.g. service cooperatives, institutions/agencies of NGOs, self-organized groups are not distinguished) and there is no special classification for subdivisions of financial and non-financial corporations for the sector of «*non-commercial organizations that provide services to households*».

For these reasons it is not possible to clearly define the main macroeconomic indicators of CSOs in Ukraine (e.g. for the number of institutional units, employment/activities, revenues and expenditures). Therefore, in order to clarify and specify these indicators, it was recommended by this Working Group to introduce auxiliary (satellite) accounts to the national accounts system to keep track, monitor and evaluate data relating to CSOs operating across all institutional sectors. This option already exists in the guidelines of the state statistics of Ukraine in the area of social service provision.

The United Nations Statistics Division and the Johns Hopkins Center for Civil Society Studies (UN 2003) tries to make a comprehensive study to distinguish non-for-profit organizations within CSOs globally. However, it should be noted that the terms «non-for-profit» and «voluntary» are assumed to be equivalent for CSOs in their study.

The system of auxiliary (satellite) national accounts they propose also has a brief and an extended version, and can include several dozens of indicators including the assessment of the engagement volunteers. After the system was successfully piloted in 14 countries, it is gradually being integrated into national statistical systems by many countries of the UN.

Adopting this system for Ukraine would be very useful, as the benefits of the auxiliary (satellite) accounts include:

- Clarification of attributes (of features) of non-governmental organizations to compare with their international counterparts,
- A unified classification of organizations by types and goals of their activities,
- A definition of basic and additional indicators, which are specific for non-for-profit organizations such as charity contributions/donations, volunteers, etc., and
- Coherence with overall macroeconomic accounts in CHP 2008.

The International Classification of Non-for-profit Organizations (ICNPO), together with the classification of the state statistics of Ukraine (that comply with the structur-

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al-operational definition of a CSO) is provided in Annex 4. Organizations that meet these criteria are qualified as non-for-profit regardless of their institutional sectors. For instance, hospitals and/or clinics or universities may not be financially private corporations; they may be public or quasi-public institutions, charity organizations or other types of non-commercial organizations that are neither regulated, nor financed by the state. The attributes of certain CSOs (e.g. self-organized groups, professional/occupational self-governed organizations or organizations of employers) may require additional clarification, taking into consideration the nature of their administrative powers.

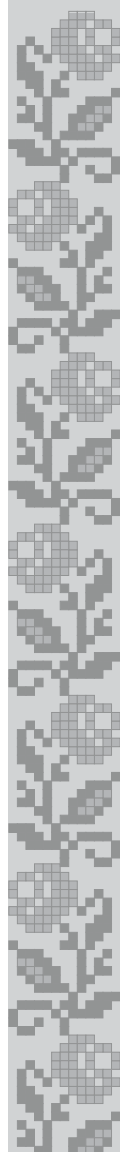
According to the «Non-governmental Organizations Annual Statistics Bulletin» (2014), an average of up to 40% of registered NGOs submit their tax reports. At present, access to specific statistical reporting of CSOs is limited. Reports include significant information related to the «physical dimension» of NGO activities (e.g. the number of workshops conducted, exhibitions held and other events). However, the sampling of organizations that provide reports is not sufficient to make a general assessment of the activities of even one type of CSO. For the most part, examples of CSOs listed in the Bulletin in the relevant types of activities are rather suggestive. Therefore, the statistical reports relating to NGOs cannot be used as primary sources of statistics, but rather additional sources or other administrative information.

Auxiliary (satellite) national accounts are virtually missing in the current system of the national statistics of Ukraine. These satellite accounts allow comprehensive and accurate analysis of activities of all types of non-for-profit organizations, apart from organizations that provide only services to households.

Social institutions, or subdivisions of non-financial or financial corporations, are part of the sector of «non-for-profit organizations that provide services to households», and can add profit to their balances. However, enterprises and institutions (agencies) established for employment purposes or training and/or service to certain groups (e.g. disabled people, unemployed people, etc.), do not distribute their profits if their founders (members) are non-for-profit organizations. Inclusion of these enterprises to the Register of non-for-profit Enterprises, Institutions and Organizations were not factored when the Tax Code was conceived. It is necessary to clarify the types of organizations and bodies that can be included in the auxiliary (satellite) national accounts of NGOs.

There is no state classification system of CSOs that would be similar to the present one for small business entities that can monitor these CSOs by breakdown of their type, economic activities, goal and objectives, and total revenues and/or number of people employed. Therefore, it is necessary to include data relating to CSOs that operate in different institutional sectors to the auxiliary (satellite) national accounts.

Key regulations that can be recommended for the development of auxiliary (satellite) national accounts for CSOs are: Regulation EC No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2, and the amendment of Council Regulation (EEC) No 3037/90 to the Law of Ukraine On State Statistics.



## Needs Assessed for CSOs in Ukraine

Information relating to the number of CSOs registered in the past 4 years is presented according to their legal form in Table 1. Data is sampled from the Unified State Register of Legal Entities and Natural Persons-Entrepreneurs/Private Entrepreneurs. The last two years show a downward trend relating to the number of registered CSOs. The reason may be two-fold. Firstly, there were changes introduced to the methodology for calculating economic entities of different legal forms in 2015 in the register, for which separate subdivisions of legal forms of CSOs are not accounted by the State Statistics of 2015. Secondly, there is no available data that relates the number of CSOs on the temporarily occupied territories of the Autonomous Republic of Crimea, the city of Sevastopol and, more recently, the regions in the Donbas that are not controlled by the Government of Ukraine.

**Table 1. Information relating the number of registered CSOs in Ukraine presented by their legal form and by year of registration**

	<b>Legal Form</b>	<b>2013</b>	<b>2014</b>	<b>2015<sup>1</sup></b>	<b>2016<sup>2</sup></b>
1	Non-governmental organizations	74500	77286	75828	70321
2	Religious organizations	24720	25475	24957	23261
3	Charity organizations	14055	14999	15934	15384
4	Condominiums	15018	16213	15992	17109
5	Self-organized groups	1426	1503	1372	1415
6	Associations of local self-government bodies and their voluntary associations	3194	3234	3108	2260
7	Judicial self-government bodies				
8	Self-governed organizations	-	-	5	5
9	Creative unions	278	298	277	
10	Trade unions and associations of trade unions	28852	29724	28890	26321
11	Employers' organizations				30
12	Trade and industrial chambers	41	39	37	37
13	Other associations of legal entities	1412	1365	1275	756
14	Private organizations (institutions, agencies)	1000	1027	1005	955
15	Non-state pension funds	75	74	72	72
16	Credit unions	1154	1171	1105	1090
17	Service cooperatives	33664	33806	29681	25763
18	Branches (other separate divisions)	49014	49717	47507	34278
19	Other legal forms	-	-	-	27279
	<b>TOTAL</b>	<b>248,403</b>	<b>255,931</b>	<b>247,045</b>	<b>246,336</b>

1) Without taking into consideration the temporarily occupied territories of the Autonomous Republic of Crimea, the City of Sevastopol and non-government controlled regions of the Donbas.

2) Without taking into consideration the temporarily occupied territories of the Autonomous Republic of Crimea, the City of Sevastopol and non-government controlled regions of the Donbas.

Information that relates the number of CSOs of various legal forms presented by regions (see Annex 3) shows that the largest number of CSOs is registered in the city of Kyiv. Oblasts having the highest number of registered CSOs are: Dnipropetrovsk, Donetsk, Kyiv, Lviv, Odesa and Kharkiv. The «density» indicator of CSOs reveals that there are 69 CSOs per 10,000 adults (16 years of age and over) in Ukraine<sup>3</sup>.

A review of CSOs by their types of activities (CCC 2014) shows that the large majority of active CSOs (around 70%)<sup>4</sup> are engaged in advocacy, 64% provide services, and 38% combine the two activities. A majority of CSOs (around 83%) provide training and consulting services. About 67% of CSOs provide information services, 31% render legal advice, and 28% provide psychological support.

Challenges and issues for a large majority of CSOs when providing services include failures to

- Meet the needs of their target groups,
- Assess the needs and interests of citizens in services,
- Improve the quality of services, and
- Impact national policy at the local level.

The advocacy ability of Ukrainian CSOs is much better than their ability to provide services. Developments of the last 2 years have shown that civil society is consistently promoting and defending reforms in Ukraine, forcing both the Parliament and the Government of Ukraine to implement them.

Civil society in Ukraine unites different organizations, each that are distinctly unique. In order to evaluate the development process for each organization in itself, and civil society as a whole, obstacles and needs these organizations experience must be better understood. Representatives from CSOs were surveyed to explain obstacles experienced and needs identified for their organizations in the fields of

- Institutional development,
- Advocacy,
- Service provision, and
- Cross-sectoral cooperation.

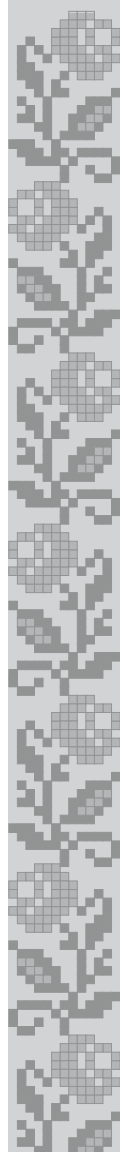
Analysis of both obstacles and needs of CSOs is provided according to their legal form. Detailed information relating to each legal form of CSO is provided in Annex 2, including all laws that regulate their registration and activities, requirements to initiate an organization, and types of their activities.

## PUBLIC ORGANIZATIONS

**Profile/description:** These are voluntary associations of natural persons who are legally capable to act, and who legitimately stay in Ukraine for the implementation and protection of rights and freedoms, and who work for (or serve) the interests of the public. The minimum number of founders is two persons. These organizations can act without the status of a legal entity. Organizations that have a status of legal entity can have an All-Ukrainian status. This status can make some types of organizations

3) Data from the Unified State Register of Enterprises and Organizations of Ukraine of the State Statistic Service of Ukraine

4) The CCC, 2015



such as organizations of disabled people, and youth and/or children organizations eligible for state financial support provided they have branch offices in the majority of regions in Ukraine. These organizations are allowed to have business activities, if stipulated in their by-laws, in order to implement their objectives. The law defines limitations regarding names and/or titles these organizations can use and grounds for court orders that ban their activities. The following types of organizations are qualified as public organizations: public organizations for women, public organizations for children, public organizations for youth, educational and cultural public organizations, research/academic public organizations, sports public organizations, public organizations for disabled people, public organizations for veterans of war, public organizations working with issues related to minimizing the aftermath of the Chernobyl disaster, public organizations for emergency services (e.g. civil protection NGOs), environmental public groups, public organizations working with issues related to the preservation of historical and cultural monuments and property sites, public organizations for consumers, public organizations for labor migrants formed abroad, as well as public unions (associations) of citizens' groups for ensuring the protection of public order and the state border. Additionally, human rights groups, monitoring organizations and other organizations exist. They operate as non-governmental organizations having the same legal capacity and legal identity.

#### *Obstacles*

**Organizational Issues:** Weak strategic and operational planning due to a lack of permanent sources of funding, particularly at the account of local and national budgets, and limited human resources. Poor understanding of management systems, not least by the head of an organization, and lack of relevant policies and procedures. Poor ties with their target groups and a weak ability to define the problems of their clients and to develop and provide relevant services to them. Lack of knowledge of methods to assess their activities and a low level of public reporting.

**Issues in the Field of Advocacy:** Underdeveloped administrative practice of engaging CSOs in the decision-making process, lack of local democracy mechanisms for the majority of local communities. (It is impossible for a CSO to go to court to appeal a decision that was taken without proper consultations with the general public.) Little knowledge relating to how public authorities operate, and lack of knowledge and experience in how to prepare an agenda of an advocacy campaign. Small number of CSOs that know how to conduct educational and public awareness campaigns and lack of public finance to support these activities. Poor skills of CSOs in preparing and implementing advocacy campaigns and monitoring their outcomes.

**Issues Related to Engagement in Social-Economic Development:** Lack of experts and trained staff to ensure full-fledged participation of these organizations in social-economic development. Lack of state support in this field, such as the lack of project competition mechanisms, inefficient procuring system for social services, and limited access to public procurement operations. Low ability to conduct business activities, (e.g. to start social enterprises to receive additional financial resources).

**Cross-sectoral cooperation:** Lack of cooperation with public authorities, low culture of communication and a lack of permanent platforms/mechanisms for ensuring communication with public authorities. Ineffective civic councils.

Lack of tax benefits for legal entities and natural persons who make donations to CSOs. Low trust from businesses and mass media in the activities of CSOs.

#### *Needs*

**Assistance Needed:** Financial support, premises for activities, training, more cooperation with public authorities and other CSOs, and information sharing with other CSOs.

**Assistance from Public Authorities:** Joint projects, premises for activities, and no interference.

## RELIGIOUS ORGANIZATIONS

**Description/Profile:** These are associations of natural persons established to satisfy their religious needs in practicing and disseminating their religious faith. They are separated from the state and do not perform state functions. They can act without the status of a legal entity (i.e. religious communities). The law includes religious departments and centers, monasteries, religious fraternities and missions, religious educational institutions and their associations. The Ministry of Culture grants registration of their by-laws and changes introduced to them within one month, if not three months if analysis by public authorities and experts is required. These organizations have a sole right to produce liturgical books and items of religious worship. Religious buildings and land plots are transferred to their permanent utilization free of charge. These organizations are re-organized by way of division, merging and accession. The law defines a list of reasons a court order can be issued to ban the activities of religious organizations.

#### *Obstacles*

**Organizational Issues:** Weak infrastructure and poor staffing.

**Issues in the Field of Advocacy:** There is an All-Ukrainian Council of Churches through which proposals from different religious groups can be submitted to the government. However, these proposals are not always taken into consideration by the state due to lack of understanding of their importance.

**Issues Related to Engagement in Social-Economic Development:** Lack of proper mechanisms of social partnership and social services commissioning. The state is not ready to entrust the church and CSOs, in general, with addressing social issues. There is no support from the state to activities targeting victims of drug abuse and ex-convicts. When financing and prospects are available for participating in social-economic development, public authorities are not always cooperative and welcoming when engaging with religious organizations.

**Cross-sectoral cooperation:** Public authorities ignore the concept of state-church relations developed by the All-Ukrainian Emeritus General Authority.

#### *Needs*

**Assistance Needed:** Financial support, premises to conduct activities, and better cooperation with public authorities.

**Assistance from Public Authorities:** Financial support, premises to conduct activities, and joint projects.

## CHARITY ORGANIZATIONS

**Description/Profile:** These organizations are established by natural persons and/or legal entities of private law. Their main goals are to carry out charity activities in one

or several fields defined by law. The types of these activities, including public collection of donations, are regulated by law. These organizations identify their beneficiaries, terms and forms of charity activities on their own. The administrative expenditures should not exceed 20% of their annual revenues. They can start associations and other groups. Charity organizations can be established as charity associations, charity foundations and charity institutions.

#### *Obstacles*

**Organizational Issues:** Poor diversification of funding sources and high dependency on the founder. Low level of competence and unprofessionalism in attracting donors, conducting fundraising campaigns and cooperating with businesses and communities. Lack of systematic performance, and inability to respond to changes in society to meet the needs of citizens.

**Issues in the Field of Advocacy:** Existing civic councils and councils operating under the Ministry of Social Policy do not communicate the opinion of target groups of charity organizations, they do not influence the distribution of public finance, they have very poor professional skills and they do not know how to develop proposals and implement them.

**Issues Related to Engagement in Social-Economic Development:** Charity organizations are not included in the state system for social services provisions, have limited access to public procurement, and are seldom engaged in the implementation of state programs. Public authorities cooperate with charity organizations in the field of social services provision on condition that expenditures of charities are compensated. In other words, charity organizations receive money only after services are delivered, where very often compensation is not fully reimbursed.

**Cross-sectoral cooperation:** There is no exclusion of taxation of charity assistance rendered to vulnerable people. There are gaps in legislation relating to acceptable forms of philanthropy that are easily conducive to abuse and fraud (e.g. donations to a box). Weak support of charity and charity organizations by public authorities (e.g. provision of premises to enable the charity organizations to work with their target groups). Poor cooperation with mass media to promote good examples and success stories relating to the activities of charity organizations.

#### *Needs*

**Assistance Needed:** Financial support and premises to conduct activities.

**Assistance from Public Authorities:** Joint projects and no interference.

## CONDOMINIUMS

**Description/Profile:** These associations (or organizations) are established by the majority of owners of residential and non-residential premises in multi-storied apartment buildings in order to facilitate the utilization of their property, and to ensure proper management, maintenance and use of common property. Only one condominium can be created in an apartment building. They can include two or more buildings, which are united by a common adjacent territory and utility infrastructure. They can have authority delegated to them by a local council. Residential and residential-construction cooperatives can be re-organized into condominiums. The owners of residential and non-residential premises in hostels can create condominiums. A supervisory council is responsible for public control and monitoring over the division and maintenance of lodging in hostels.



*Obstacles*

**Organizational Issues:** The new law recently adopted lacks mechanisms for its implementation. There is lack of information relating to the role and activities of condominiums, including their social aspects. There is low competence of staff, particularly, the bookkeepers/accountants, and low commitment and engagement of citizens when establishing a condominium. It is important to identify and promote success stories and activities related to condominiums that proved to be effective and self-sufficient.

**Issues in the Field of Advocacy:** Lack of solidarity/team work within condominiums and the difficulty for people to meet to consolidate interests. Resistance of public authorities and providers of public utilities services to accept condominiums and their activities.

**Issues Related to Engagement in Social-Economic Development:** Need regulations relating to adjacent territories, and mechanisms for using property and property rights to transfer them.

**Cross-sectoral cooperation:** Poor cooperation with public authorities and their lack of understanding and recognition of condominiums as serious partners. State interference in the activities of condominiums via the courts without any engagement of condominiums directly. Lack of access to the database of the real property, owners of property and information relating to tenants. High interest rate of bank loans to support activities in energy savings.

*Needs*

**Assistance Needed:** Financial support, premises to conduct activities, cooperation with public authorities, information and experience sharing with other CSOs and dissemination of information about the activities of condominiums.

**Assistance from Public Authorities:** Information sharing, financial support, premises to conduct activities, joint projects and no interference.

**SELF-ORGANIZED BODIES**

**Description/Profile:** These are representative bodies of rural people living in villages, towns or the urban population living in cities or their branches such as building, street, block, village, town committees, committees of micro-districts, and districts in cities. They are established by the decision of the general meeting (a conference) at the place of residence of members of the local community for the same term as the local council, unless otherwise provided by the decision of the council or by the regulation of a local self-organized body. They can act with or without having the status of a legal entity. The geographical span of their activities is defined by the local council, which also allows for the creation of the body. This usually occurs within one month. They have their own regulations defined by law. They can also have delegated authority from local councils when addressing issues of local importance. Local councils provide necessary finance and assets to these bodies to support their activities. Local councils have a right to terminate decisions made by self-organized bodies, and at the same time question them in court. According to law, the activities of self-organized bodies can be terminated by a decision of a respective local council provided there are legal grounds.

*Obstacles*

**Organizational Issues:** Currently there are extremely complicated procedures for starting these bodies. The legal framework that regulates the activities of these bodies is underdeveloped. It is difficult to receive delegated powers, fi-

nance and assets from local self-government bodies. People have very little understanding and knowledge about the role and purpose of self-organized bodies. There are issues with their internal staffing. Traditionally, there are senior people (mostly on pension) who work in self-organized bodies that do not get paid for their work. These organizations have very poor strategic and operational planning. Many of these bodies lack premises and proper facilities needed for their activities. Very often they do not have the means to inform people of their activities. These bodies have conflicts with public authorities when the latter make decisions without taking into consideration the opinion of local citizens, for instance, when building in residential districts.

**Issues in the Field of Advocacy:** Lack of knowledge and skills in advocacy and implementation mechanisms. Weak ability to organize the general public and cooperate with public authorities.

**Issues Related to Engagement in Social-Economic Development:** The self-organized bodies do not take an active role in social-economic development, but do make proposals to public authorities.

**Cross-sectoral cooperation:** Poor understanding of the purpose of self-organized bodies and their functions by representatives of public authorities. Some deputies/members of the local councils use self-organized bodies to promote themselves and to put pressure on other self-organized bodies that are too «independent». Low profiles of self-organized bodies at the local level do not encourage cooperation with public authorities when submitting proposals as very often public authorities perceive them as NGOs and not self-organized bodies.

#### *Needs*

**Assistance Needed:** Adoption of the new version of the Law of Ukraine On Self-organized Bodies, financial support, provision of premises to conduct activities, and cooperation with public authorities and other CSOs.

**Assistance from Public Authorities:** Financial support, premises to conduct activities, joint projects and no interference.

### JUDICIAL SELF-GOVERNMENT BODIES

**Description/Profile:** The goal of these bodies is to address internal issues related to the activities of courts, promote the election of judges to administrative posts, and strengthen the independence of the courts. The organizational forms of these bodies include: Meetings of Judges of the Local Courts, Courts of Appeals, Superior Specialized Courts and the Supreme Court of Ukraine; the Council of Judges of Ukraine; the Convention of the Judges of Ukraine that elects the Council of the Judges, appoints the Judges of the Constitutional Court of Ukraine, the Members of the High Council of Justice and the High Qualification Committee of Judges. The Convention of Judges of Ukraine is held every two years; the delegates are elected by the Meetings of the Judges of the Local Courts. The Council of Judges is the highest body of the judicial self-government between the Conventions of the Judges; it appoints the Head of the State Judicial Administration and his/her deputies. The State Judicial Administration provides support to the activities of judicial self-government bodies.

### PERMANENT COURTS OF ARBITRATION

**Description/Profile:** These are established by All-Ukrainian non-governmental associations or organizations of employers, self-regulated/governed organizations,

chambers of commerce and industry, associations of credit unions and associations of consumer unions. The number of judges is always odd. The founders of these courts submit changes to the regulations or lists of arbitrators to the state registration within 15 days that respective decisions have been made. The law defines exceptions for the judicial jurisdiction of courts. The rulings of the courts can be implemented voluntary or in line with the law on enforcement proceeding. The Ukrainian Chamber of Arbitration is a permanent governing body of self-government, which is elected by the All-Ukrainian Convention of Arbitration Judges.

### ATTORNEY'S SELF-GOVERNMENT BODIES

**Description/Profile:** The National Bar Association is established by the convention of attorneys of Ukraine and cannot be re-organized. It can be dissolved by law. Members of the association are all individuals who have a right to practice law or who have sworn an oath as an attorney. It is the Council of the Attorneys of Ukraine and the council of attorneys of the regions that implement the functions of the attorneys' self-government bodies in-between the conventions of the attorneys of Ukraine and the conferences of the regional attorneys, respectively. The decisions of the attorney's self-government bodies are mandatory for all attorneys. The amount of annual contributions is the same for all attorneys.

### SELF-REGULATED/GOVERNED ORGANIZATIONS

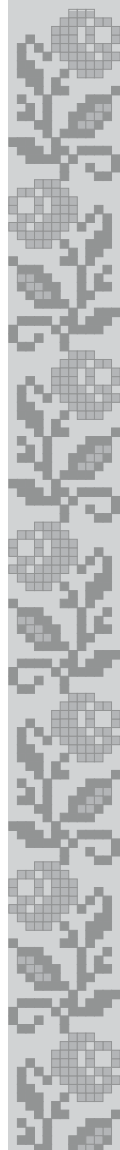
**Description/Profile:** Professionals/experts can be members of at least one self-regulated/governed organization in the professional field defined by law. The law stipulates a minimum number of members in these organizations and the educational requirements of their members. The self-regulated/governed organizations ensure certification or assessment of professional skills of employees in specific fields. They also keep registers of individuals who are entitled to conduct relevant professional/occupational activities. They introduce professional standards and impose fines if these standards are breached, including termination of a right to practise certain professional/occupational activities.

### CREATIVE UNIONS

**Description/Profile:** These are voluntary associations of professional/occupational creative people in a particular field of culture and arts. These organizations have registered membership, which is available to natural persons who are over 18 years of age. They can have local, regional (with membership of at least 20 people), or All-Ukrainian (with membership of at least 100 people) status. The Cabinet of Ministers of Ukraine can grant national status to the All-Ukrainian Creative Union (one for each field of culture and arts). An organization having national status is eligible for financial support from the state. The real property of the existing Creative Unions of the USSR have special status.

#### *Obstacles*

**Organizational Issues:** There are limited finances made by small contributions and state funding only for events organized by these unions. The State Treasury has a history of blocking funds for events allocated by the state to these unions. There were instances when some of these organizations lost their non-for-profit status by conducting commercial events. Poor staffing of the administration of these unions.



**Issues in the Field of Advocacy:** Inability to articulate problems and needs of their target groups.

**Issues Related to Engagement in Social-Economic Development:** None.

**Cross-sectoral cooperation:** Creative unions represent a Soviet era phenomenon where there is a stereotype perception of their activities. Lack of a national strategy for supporting and developing the national culture. Absence of the Law on Patronage of Arts, which is important for the development of culture and spirituality. Inconsiderable tax benefits for businesses that support culture.

#### *Needs*

**Assistance Needed:** Financial support and cooperation with public authorities.

**Assistance from Public Authorities:** Financial support, provision of premises for activities, moral support, and no interference.

## TRADE UNIONS

**Description/Profile:** These are voluntary associations of people based on their occupations or job. Their goals are to advocate and protect social-economic and labor rights, and the interests of their members by means that include social dialogue. These organizations have a sole right to use the term «trade union» and its derivatives in their names and/or titles. Stateless persons and/or foreigners can be members of active trade unions. By-laws of these unions can limit multiple memberships. The organizations of trade unions have primary, local, regional, oblast, Republican (the Autonomous Republic of Crimea) and All-Ukrainian status. They can be legalized by informing about their compliance with the selected status. Denial to legalize these organizations is prohibited. They receive the right of a legal entity the moment the statutes/by-laws are approved. The law defines the criteria for qualifying trade unions and their representative associations. Associations of trade unions and organizations of employers are considered professional associations.

#### *Obstacles*

**Organizational Issues:** There are issues relating to the registration of trade unions. There is a requirement to have an open tracking of members of trade unions providing their personal data. Financing is dependent on membership dues. There is poor perception of trade unions due to their Soviet past (i.e. they are considered to be partial, and motivated by past Soviet ideologies). There is low participation of citizens in the activities of trade unions, and lack of information relating to trade unions and their role in society. There is no clarity on representation when defining the right of a trade union.

**Issues in the Field of Advocacy:** Weak system performance of trade unions; they operate mainly ad hoc while addressing specific issues that lack strategic vision. Currently oral labor agreements that are not accompanied by formalized written documents have become common employment practice. There is low engagement of citizens in the work of trade unions, including formal membership, due to potential threats from the companies' management and threats of dismissal. There is a high probability of «privatization» and/or dissolution of trade unions if they are very active and effective in their activities.

**Issues Related to Engagement in Social-Economic Development:** None.

**Cross-sectoral cooperation:** The lack of a unified policy for providing state support to trade unions (at present, some companies receive all benefits while

others receive nothing). There is a monopoly of the federation of trade unions, and pro-government and «puppet» trade unions that interfere with the work of independent associations. There is high competition related to the creation of the trade unions and engagement of new members. There is a fragmentation trend between the trade unions; they are reluctant to unite.

#### Needs

**Assistance Needed:** Financial support.

**Assistance from Public Authorities:** Financial support and no interference.

### TRADE AND INDUSTRY CHAMBERS

**Description/Profile:** These are voluntary associations of legal entities and entrepreneurs that are established to facilitate favorable business climate. They have a sole right to use the words «trade and industry chambers» in their names and/or titles. There can be only one trade and industry chamber in a region. The minimum number of founders of this organization is 50 people. The trade and industry chamber of Ukraine is a representative body that coordinates the work of other chambers. This body also represents the country in the International Trade Chamber and other international organizations of entrepreneurs. The chamber verifies the *force majeure* state in the country. Chambers can have business activities defined by law.

#### Obstacles

**Organizational Issues:** Conservatism and sluggishness while introducing changes. The lack of horizontal communication in the system. The lack of both monitoring the entire system and use of unified reporting indicators. Archaic legal framework. Small membership base.

**Issues in the Field of Advocacy:** Poor organizational knowledge for advocacy campaigns and their low effectiveness as a result. Lack of representation of the Trade and Industry Chamber in relevant committees of the Parliament of Ukraine. Little representation of a consolidated stand of their business interests in the government to ensure the preparation of appropriate policy in the field of small and medium business development.

**Issues Related to Engagement in Social-Economic Development:** Dependency of revenues on one type of services (e.g. information or consultant).

**Cross-sectoral cooperation:** Low representation of members nation-wide, and ineffective work with members.

#### Needs

**Assistance Needed:** New legal framework and training.

**Assistance from Public Authorities:** Not to interfere.

### OTHER ASSOCIATIONS OF LEGAL ENTITIES

**Description/Profile:** These organizations include unions, associations of entrepreneurs and similar associations of legal entities.

#### Obstacles

**Organizational Issues:** Weak membership base and lack of information relating to the activities of unions/associations/groups. Poor staffing and financial support. Significant financial dependency on membership dues.

**Issues in the Field of Advocacy:** Participation in civic and experts' councils does not guarantee that their proposals will be heard and taken into consideration by public authorities. Public authorities use the unions/associations/

groups at their own discretion in decision-making to make the process «democratic».

**Issues Related to Engagement in Social-Economic Development:** Lack of proper conditions to ensure participation of national producers of goods and services in public procurement of goods and services. Complicated taxation, intrusion of fiscal authorities in the economic activities of legal entities and private entrepreneurs. There is a necessity to reduce taxes and fees for businessmen by reducing taxable activities, assets and earning basis.

**Cross-sectoral cooperation:** Competition for financial resources between CSOs and the negative perception of these CSOs, which is often provoked by public authorities. Poor coordination of activities by CSOs, and an ineffective dialogue between CSOs and public authorities. Too large a number of controlling authorities. Lack of systematic approach and a legal framework to ensure social responsibility at the local level.

#### *Needs*

**Assistance Needed:** Financial support and cooperation with public authorities.

**Assistance from Public Authorities:** Financial support and no interference.

### NON-STATE PENSIONS FUNDS

**Description/Profile:** These act solely with the purpose of accumulating contributions of their members, managing assets and making pension payments to their members that are natural persons. Other activities are forbidden by law. Pension funds can be corporate, professional/occupational and/or open. Legally they cannot be qualified bankrupt. Funds can merge or join a fund of the same kind. They cannot change their type or name. They have a sole right to use the words «pension fund» or «non-state pension fund» in their names and/or titles. It is prohibited to create other governing bodies except the meetings of the founders and the board of the council. A legal entity, an employer, can be a founder of only one professional/occupational or corporate fund.

### CREDIT UNIONS

**Description/Profile:** These organizations are non-for-profit financial institutions that solely provide financial services at the account of financial contributions made by their members. They cannot start or participate in business activities, except for the credit history bureau. They have a sole right to use the words «credit union» in their names and/or titles. The minimum number of members is 50 natural persons that either unite at their place of residence, place of employment or learning, or by membership in a non-governmental or religious organization, trade union or association of trade unions. Changes of these attributes do not terminate membership in a credit union. The members' rights and obligations, particularly the sharing of profits for additional and principle contributions, are regulated by law. Credit unions can initiate local and All-Ukrainian associations of credit unions. One of the All-Ukrainian associations can be granted a status of a self-regulated and/or governed organization. By-laws of credit unions must be approved by a respective regulatory authority.

#### *Obstacles*

**Organizational Issues:** Decline in the number and activities of credit unions due to negative developments in the country. Lack of information about



the activities of credit unions. Issues with taxation of these organizations as non-governmental ones. Issues with profit taxation and installation of cash tills. Lack of requirement to be physically located at the place where the credit union organization is registered.

**Issues in the Field of Advocacy:** Lack of a deposit insurance fund in the legislation for vulnerable people. Poor performance of civic councils.

**Issues Related to Engagement in Social-Economic Development:** None.

**Cross-sectoral cooperation:** Poor cooperation with public authorities that do not understand the benefits of credit unions, with the exception of the Lviv oblast, where the credit unions are part of the national programme that provides loans for both energy savings and to agricultural producers. Low financial literacy of the general population. Lack of credits for credit unions, small and medium business and private farms.

#### *Needs*

**Assistance Needed:** Cooperation with public authorities and dissemination of information about the activities of credit unions

**Assistance from Public Authorities:** Joint projects and no interference.

### SERVICE COOPERATIVES

**Description/Profile:** These are associations of natural persons and/or legal entities that are formed to provide services primarily to members of cooperatives. The cost of services provided to other individuals can amount to 20% of the annual turnover of the cooperative. The goal is to meet the needs of the members by ensuring participation in common economic activities, using services and assets of the cooperative, paying shares or other contributions. The cooperatives share risks, revenues and expenditures; they facilitate self-organization and self-regulation. They make cooperative payments as part of profits shared proportionally to the participation in economic activities. Assets, with the exception non-distributable assets, are shared between members when the organization is dissolved. The minimum number of members is three people who are over 16 years of age. Cooperatives can have associated members. Cooperative associations act on the basis of constituent agreements or by-laws. There are service agricultural cooperatives, consumers' cooperatives and consumers' associations.



## CONCLUSIONS AND RECOMMENDATIONS

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### CONCLUSIONS

Stocktaking of civil society and its organizations in Ukraine has revealed that there is consensus among civil society experts of the term «*civil society*». Experts of this Working Group have decided not to complicate the definition of the term, and to rely on best modern practices recommending that the term should be easy to understand, functional and simplified for use. Therefore, the structural-operational definition of the term «*civil society organization*» proposed by Salamon and Anheier in 1992 was chosen to serve as a basis for Ukraine, complemented by an attribute related to the target groups of CSOs.

Studying the history of civil society development in Ukraine has shown that:

- Voluntary associations that were created to either render support and assistance or represent interests at the local level independent from the state (or often opposed to the state), have been long established in Ukraine and have a relatively high level of trust from the community and people;
- Voluntary associations created to either render support and assistance or represent interests at the local level do not consider institutionalization to be important (i.e. registration and adherence to by-laws), and are reluctant to provide public reporting to disclose their activities limiting the potential for their participation and development at the national level;
- Organized civil society «lags behind» informal movements and non-governmental initiatives when responding to high profile incidents in the country, thereby acting as a reactive civil society rather than one that is actively engaged;
- Classic (or «textbook») CSOs have both limited access to capital and a low level of investments partly due to their internal policies such as «we do not have a right to make profits», and to some extent, competition with public services provided by state institutions and employers (e.g. industry-sponsored/official resorts, etc.); and
- State support rendered to CSOs is not coherent but rather fragmented or sporadic, largely due to limited goals and objectives, as well as financial resources.

The tracking system for CSOs in Ukraine is complicated, complex and incomprehensible. It is impossible to receive information relating to sectors of CSOs, their numbers, activities, social-economic contributions, etc.

Lack of access to coherent information relating to CSOs and their activities makes it impossible to:

- Analyse how CSOs contribute to improvements in society, and
- Conduct comparative analysis at the international level.

While a system of national accounts adopted by a number of international organizations is used for the classification of the national statistics of Ukraine, it has several shortcomings that include:



- No clear connection between the non-for-profit status of a CSO and its inclusion in the Register of Non-profit Institutions,
- No unity relating to reporting requirements applied to CSOs of different types, where traditionally, the reporting forms describe the «physical dimension» of activities,
- Lack of auxiliary (satellite) national accounts that would enable the analyses of all types of CSOs and their number in different institutional sectors, and
- Lack of state authorities qualified to record the economic activities of CSOs, their overall income, and number of members either employed or engaged.

Ukrainian civil society is a subject of studies in many international index listings and research papers. As a rule, studies are focused on certain types of CSOs.

There are several obstacles that hinder the development of civil society in Ukraine that include:

- *Stagnation of institutional building of CSOs* due to the underdevelopment of internal democratic practices, complicated public registration procedures and receipt of non-for-profit status; lack of earmarked state support for capacity building of CSOs; lack access to state support (i.e. projects and programs) as experienced by many CSOs; lack of satellite statistical accounts for monitoring CSOs and their activities; lack of a unified reporting system of CSOs, and in particular, lack of mandatory public reporting by CSOs;
- *Lack of engagement of CSOs in advocacy* and implementation of the national policy limited by forms of participatory democracy that are not regulated by the law and the limited rules for conducting public consultations; lack of state incentives to engage CSOs in educational and public awareness campaigns on pressing issues for society; limited state support for engagement of CSOs in the decision-making process at the national level;
- *Low participation of CSOs in the social-economic development* due to the lack of both investments and incentives for social entrepreneurship; lack of the established practices to involve CSOs as implementers of earmarked (special-purpose) programs of various levels; low capability of CSOs to define, deliver and monitor the quality of social and other socially important services; lack of VAT benefits for social and other important services; and
- *Poor cooperation of CSOs with public authorities* hindering cross-sectoral cooperation of CSOs; lack of incentives for volunteer work; no tax benefits for individual and corporate philanthropists; limited understanding and insufficient focus on the subject of civil society in curricula of secondary, higher and vocational educational institutions; and lack of a systemized approach to studying and analyzing civil society developments in Ukraine.

## RECOMMENDATIONS

Based on the needs assessed in this report, recommendations made by experts from this Working Group are to:

- Consolidate the state registers of CSOs and ensure public access to them;
- Introduce auxiliary (satellite) accounts in order to monitor CSOs and their activities locally;



- develop a unified approach to reporting all types of CSOs, including obligatory public reporting;
- Engage CSOs in defining priorities and criteria of the state earmarked (special purpose) programs to support institutional building of CSOs;
- Allocate funds for CSOs' programs and projects to be distributed on a competitive basis in national and local budgets and introduce for all public executive authorities a unified procedure for distributing public finance for the competitive programs and projects of CSOs;
- Regulate by law various forms of participatory democracy and public initiatives such as peaceful assemblies, local initiatives, local referendums, public consultations, public expert reviews, electronic petitions, etc.;
- Promote investments and social entrepreneurship in the expenditures of CSOs;
- Ensure equal opportunities of CSOs in public procurement, competitions/bids of the implementers of the national, regional and local earmarked (special purpose) programs;
- Engage the general public and CSOs in defining the list of social and other socially important services and ensure equal opportunities of CSOs participating in the competition for the provision of social and socially important services;
- Introduce mandatory reporting amongst the CSOs that receive state support, and ensure public access of their reporting, monitoring outcomes, and findings of the evaluation or the expert review on the effectiveness the state support;
- Promote the engagement of volunteers;
- Introduce tax benefits for individual and corporate philanthropists;
- Support the introduction of training courses on civil society development in curricula of secondary, higher and occupational educational institutions; and
- Promote research and respective publications in the field of civil society development.



# ANNEXES

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**Annex 1. The National Strategy For Support of Civil Society Development in  
Ukraine for 2016-2020**

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**DECREE OF THE PRESIDENT OF UKRAINE No 68/2016  
On Support of Civil Society Development in Ukraine**

Taking into consideration the rise of civil society in various fields of governmental activities and in the work of local self-government bodies, not least, when it comes to implementing reforms, in order to support the initiative of the general public and to establish an effective dialogue and a partnership approach between the public authorities, local self-government bodies and civil society organizations, first and foremost, as ensuring the implementation of the rights and freedoms of an individual and a citizen, pursuant to Part 2, Article 102 of the Constitution of Ukraine and Paragraph 28, Part 1, Article 106 of the Constitution of Ukraine, **I enact that:**

1. The National Strategy for Facilitating the Development of Civil Society in Ukraine for 2016-2020 shall be adopted (See enclosed).

2. The Coordinating Council for facilitating the development of civil society (hereinafter referred to as the Coordinating Council) shall be established as an advisory body under the President of Ukraine.

3. Vice-Prime-Minister of Ukraine, Minister of Regional Development, Construction and Municipal Economy Mr. Gennadiy Hryhorovych ZUBKO and Deputy Head of the Administration of the President of Ukraine Mr. Rostyslav Mykolayovych PAVLENKO shall be appointed as the Co-Chairs of the Coordinating Council.

4. The Co-Chairs of the Coordinating Council shall submit agreed proposals within a three-week period in accordance with the established procedure on:

The Draft Regulations on the Coordinating Council for Facilitating the Development of Civil Society; and

The composition of the Coordinating Council provided that it will include representatives of the Cabinet of Ministers of Ukraine, other public authorities, local self-government bodies, academic institutions and also civil society organizations, and the latter shall amount to at least 50% of the total number of the members of the Coordinating Council.

5. The Cabinet of Ministers of Ukraine shall:

Ensure the development of the Action Plan for 2016 on the implementation of the National Strategy for Facilitating the Development of Civil Society in Ukraine for 2016-2020 with the participation of civil society organizations, and approve it within a three-month period;

Ensure the approval of the Action Plan on the implementation of the National Strategy for Facilitating the Development of Civil Society in Ukraine for 2016-2020 for the respective year on an annual basis before January 10, taking into consideration the outcomes of public discussions, monitoring and evaluation of the progress of the Plan's implementation conducted with the engagement of civil society organizations and publishing the outcomes of the Plan's implementation for the previous year be-

fore February 20, and also allocate finance for the implementation of the activities included to the Action Plan when developing draft laws on the State Budget of Ukraine for 2017 and the coming years; and

Develop effective tools for providing financial support to civil initiatives aimed at the implementation of the National Strategy for Facilitating the Development of Civil Society in Ukraine for 2016-2020.

6. According to the established procedure, the oblast public administrations and the Kyiv city public administration shall:

Establish advisory bodies for supporting civil society development and ensure that these bodies include representatives of the respective local public administrations, deputies of the respective local councils, representatives of the territorial bodies of the ministries, other central executive authorities, and also representatives of civil society organizations. The latter shall amount to at least 50% of the total number of members of these advisory bodies;

Develop and ensure the adoption of the regional earmarked (special purpose) programs that would facilitate the development of civil society; and

Ensure the development, public discussions and adoption of the annual regional action plans on the implementation of the National Strategy for Facilitating the Development of Civil Society in Ukraine for 2016-2020.

7. The following documents shall be qualified void:

The Decree of the President of Ukraine No. 212 as of March 24, 2012 «On Strategy of the State Policy for the Development of Civil Society in Ukraine and Priorities/ Immediate Actions for its Implementation»; and

Article 2 of the Decree of the President of Ukraine No. 246 as of April 28, 2015 «On Dissolution of Some Advisory Bodies Established by the President of Ukraine»

8. The Decree shall come into force on the day it is published.

**President of Ukraine**  
February 26, 2016

**Petro POROSHENKO**



**APPROVED**

by Decree of the President of Ukraine as  
of February 26, 2016 No 68/2016

**THE NATIONAL STRATEGY**  
**On Support of Civil Society Development in Ukraine for 2016-2020**

**1. Background Information**

The adoption of the National Strategy for facilitating the development of civil society in Ukraine for 2016-2020 (hereinafter referred to as the Strategy) is a necessary step for the government to create a conducive environment for civil society development, to promote various types of participatory democracy, and to establish effective cooperation of the general public, public authorities and local self-government bodies. A dynamic, influential and developed civil society is a key element of each and every democratic country. They are among the most crucial players who ensure the introduction of pressing social changes as well as the implementation of good governance and sound public administration that: address local issues, contribute to the development and implementation of the government policies in various fields, promote building a State governed by the rule of law accountable to an individual, and contribute to addressing political, social-economic and humanitarian issues.

The Revolution of Dignity has opened a new page in the history of civil society development, has demonstrated how people affected the social-political transformations in the country, and has given an impetus to the government's upgrade and «reboot». In light of the Association Agreement signed by Ukraine on one hand, and the European Union and the European Atomic Energy Community and their member-States on the other hand, new challenges have emerged in the interaction of government and civil society. These challenges were driven by the necessity to introduce European rules and approaches to this relationship, and instill principles laid out in the Association Agreement. It is crucial to foster cooperation of civil society organizations of Ukraine with civil society organizations of the member-States of the European Union.

Changes in the main trends of civil society development, their increased role in various fields ranging from promoting reforms at the national and local level, fostering European integration and e-governance development, rendering volunteer support to the Armed Forces of Ukraine other military units, law-enforcement agencies and the public authorities during particularly difficult times and throughout the anti-terrorist operation, providing support to internally displaced people, were all preconditions for the development of a new Strategy. The Strategy is based on core interaction values that are shared by the democratic State and its civil society. In this context, the development of civil society is perceived as a staple of the rule of the people/democracy. The aspirations to create a favorable environment to ensure effective interaction of the State, civil society and business for the benefit of Ukraine's modernization, prosperity and equal opportunities for each and everyone are pursued through the Strategy.

As experiences of democratic countries show, the development of civil society engag-

es additional human and organizational resources to raise extra financial support and to receive technical resources to provide social and other socially important services, promote decentralization of public administration and enhance the quality of its performance, cut public spending, and prevent corruption risks provided that such development enjoys permanent support from the State.

## 2. Fundamental Issues Related to Civil Society Development in Ukraine

Cooperation of public authorities, local self-government bodies and civil society/general public remains ineffective due to a lack of transparency in the activities of these authorities, excessive «red tape» that regulates the procedures of such cooperation, and a low level of mutual trust.

The temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, and the military aggression of the Russian Federation in certain districts of Donetsk and Luhansk oblasts have a negative impact on the development of civil society and implementation of rights and freedoms of an individual and a citizen, and also on the establishment and operations of civil society organizations on these territories.

Shortcomings of the current legislation result in artificial obstacles that hinder the implementation of public initiatives, creation and operation of some types of civil society organizations, processing and consideration of public proposals by public authorities and local self-government bodies.

The level of harmonization of the Ukrainian legislation to the legislation of the European Union, and the consolidation of best international practices in the field of civil society development is poor.

Against this background the following weaknesses and shortfalls are observed:

- There is no effective public monitoring/control over the performance of public authorities and local self-government bodies in place;
- The level of civil society's engagement in both the development and implementation of State policy and in addressing local issues is very low;
- The State does not provide good incentives to philanthropists, in particular, in the area of relevant tax benefits; philanthropists have to fight excessive «red tape» to get things done; there is no good working mechanism in place that would prevent fraud and other abuse in the area of charity;
- A large majority of civil society organizations do not have access to the State financial support due to its limited amount, lack of transparent competition/bidding procedures, and favoritism of certain civil society organizations. The implementation of programs (projects and events) developed by civil society organizations and funded by the State is complicated by a very short timeframe of their implementation, and unreasonable limitations as to the types of expenditures that can be covered by the State;
- The public authorities and local self-government bodies do not use the potential of the civil society organizations to the full extent when it comes to delivery of social services and other socially important services. There is a trend to engage public and municipal companies and agencies in delivery of these services instead. That does not necessarily improve the quality of these services and leads to exorbitant public expenditures;



- There are poor incentives for civil society organizations to engage in entrepreneurial activities aimed at addressing social issues (social entrepreneurship), and engage in the provision of social services in the field of employment and career training for vulnerable people; and
- There is a lack of a unified national public awareness campaign to promote the development of civil society.

### **3. Strategy Goal and Principles**

The goal of the Strategy is to create a conducive environment for civil society development, to establish good cooperation of civil society, public authorities and local self-government bodies that will be based on partnership, to provide additional opportunities for the implementation and protection of rights and freedoms of an individual and a citizen, and to meet public interests by utilizing various forms of participatory democracy, public initiatives and self-assembly/organization.

The Strategy is based on the following principles:

- Priority of rights and freedoms of an individual and a citizen,
- The rule of law,
- Transparency, openness and mutual responsibility/solidarity of public authorities, local self-government bodies and civil society organizations,
- Political impartiality and non-discrimination towards all types of civil society organizations,
- Constructive cooperation of public authorities, local self-government bodies and civil society organizations, and
- Promotion of citizens' engagement in both the development and implementation of the national and regional policies, and in addressing local issues.

### **4. Strategic Areas and Objectives**

The Strategy is expected to be implemented in the following areas:

- The creation of a favorable environment for the development and institutional building of civil society organizations,
- The introduction of effective procedures to ensure citizens' participation in both the development and implementation of national and regional policies, and in addressing local issues,
- The promotion of civil society organizations' participation in the social-economic development of Ukraine, and
- The creation of an environment conducive for cross-sectoral cooperation.

#### **4.1. Creation of a favorable environment for the development and institutional building of civil society organizations**

The following objectives are to be achieved in this area:

- To reduce the terms and to simplify registration procedures for civil society organizations, in particular, the procedures for submitting documents in an electronic form/online or in line with the «one-stop shop»;
- To improve procedures for qualifying civil society organizations as non-for-profit



- To improve the legal status, procedures for establishment, operations and termination of activities of self-organized bodies;
- To expand their mandate to enable wider participation of these organizations in addressing local issues;
- To foresee in the legislation mandatory allocation of finance for the implementation of programs (projects and events) developed by civil society organizations in the State budget of Ukraine and respective local budgets, and to distribute these funds on a competition basis;
- To introduce general competition procedures that have to be followed by all public authorities when selecting programs (projects and events) developed by civil society organizations funded by the State, and to ensure equal access of the respective organizations, in particular, charity organizations, to competition by the law;
- To formulate priorities and consistent criteria for rendering State support to programs (projects and events) developed by civil society organizations and focus on the implementation of the national and regional policies' priorities with the participation of civil society;
- To define mid-term and long-term indicators for providing such financial support (budget-wise);
- To introduce effective tools for rendering financial support to public initiatives aimed at the implementation of the Strategy;
- Taking into consideration the best practices of the European Union, to create a favourable environment for legal entities and natural persons who provide charity support and to natural persons who receive such support;
- To exercise the same approach as applied to taxation of personal income when receiving free social services from the State-financed institutions and civil society organizations;
- To introduce auxiliary (satellite) accounts to the national statistical system to keep better track of civil society organizations and their activities in line with international standards; and
- To step up complex measures focused on the increased awareness of people for the protection of their rights, and to present their interests through various types of participatory democracy.

#### **4.2. Introduction of effective procedures to ensure citizens' participation in the development and implementation of national and regional policies, and in addressing local issues**

This area includes the following objectives to standardize at the legislative level:

- The procedure for conducting consultations on draft regulations when they are being developed by public executive authorities, local self-government bodies and the general public, and to define a straightforward list of instances when these consultations are not held and a mechanism to prevent the violation of requirements relating to the mandatory nature of these consultations;
- The procedure for initiating and conducting local referendums;
- The guarantees for the implementation of a right for peaceful assembly and to define a straightforward list of reasons that limits the right for peaceful assembly;



- The procedure for initiating and conducting general meetings (conferences) of the local community members at the local level and the procedure for implementing the respective decisions of these meetings (conferences);
- The principle that each and every local community shall have a statute/by-laws that defines, in particular, the procedures for organizing public hearings, submitting local initiatives for consideration and implementing other types of participatory democracy;
- To introduce public consultations with the general public and public expert reviews of the performance of both the local self-government bodies and the public executive authorities, officials, municipal companies, organizations and agencies at the level of local self-government bodies;
- To promote the introduction of mandatory public consultations when preparing a draft national budget of Ukraine and respective local budgets;
- To define the procedures for providing public expert review of administrative services provision and also of the performance of State-financed institutions that deliver social services;
- To establish an effective mechanism to ensure the implementation of citizens' right to address the local self-government bodies with online petitions; and
- To promote the introduction of mandatory procedures on ensuring informational transparency and openness, including citizens' engagement in the preparation of draft regulations that are important to the community/society to the regulations of the local councils.

#### **4.3. Promotion of civil society organizations' participation in the social-economic development of Ukraine**

This strategic area includes the following objectives:

- To introduce social and other socially important services' procurement through social service commissioning and to ensure equal access to the provision of social and other socially important services at the account of the public finance to civil society organizations and State-financed institutions;
- To give incentives for the development of social entrepreneurship, in particular, by improving the mechanisms for rendering financial support for these activities;
- To ensure equal participation of civil society organizations in public procurement;
- To lay down competition/selection criteria applied to the implementation of the national, regional and local earmarked (special purpose) programs among the civil society organizations, and to ensure equal opportunities of their participation in such competitions;
- To ensure the implementation of the right of non-profit civil society organizations to conduct business activities in line with the law on business operations, provided that these activities are in line with the goal (objectives) of a civil society organization, that they facilitate the achievement of the goal (objectives), and do not stipulate for sharing of the generated income (profits) or its share with the founders (members) and management of such an organization;
- To introduce mandatory engagement of civil society organizations in needs assessments applied to citizens in social and other socially important services;

- To ensure the implementation of the legislation of the European Union when it comes to VAT taxation of social and other socially important services; and
- To grant a right to civil society organizations providing social services at the account of public finance to use the State and municipal property on special/concessional terms.

#### **4.4. Creation of an environment conducive for cross-sectoral cooperation.**

This strategic area is aimed at the implementation of the following objectives:

- For public executive authorities and local self-government bodies, to ensure access to the general public/civil society to consultations and legal aid (including free consultations and legal aid) on how to create and operate a civil society organization;
- For spending units to introduce mandatory monitoring and evaluation of programs and projects implemented by civil society organizations at the account of the public finance;
- To introduce mandatory reporting for civil society organizations that receive financial support from the State, to ensure free access to such reporting and also to the findings of the mandatory monitoring, evaluation and expert review of outcomes of the State financial support rendered to civil society organizations;
- To promote cross-sectoral cooperation to prevent fraud and other abuse in the field of charity assistance, and to tighten legal responsibility for the misuse of charity assistance;
- To promote volunteer work, in particular, finalizing the issue around Ukraine's participation in the European Convention on the Promotion of a Transnational Long-term Voluntary Service for Young People;
- To introduce a communication mechanism to publish charity activities by sending charity-related telecommunication messages;
- To expand areas of public-private partnership with the participation of civil society organizations;
- To complement the curriculum at the secondary, vocational and higher educational institutions with courses and modules on civil society development;
- To commence training students in the management of non-governmental organizations and to provide them with graduate and postgraduate degrees in this field;
- To provide methodological, consulting and organization support to public authorities and local self-government bodies on issues related to cooperation with civil society organizations and civil society development;
- To conduct educational/public awareness events and social advertising on issues related to cooperation with civil society organizations and civil society development; and
- To promote research, publications and educational events in the field of the civil society development and cross-sectoral cooperation.



## 5. Strategy's Implementation, Monitoring and Evaluation

The Strategy is jointly implemented by public authorities, local self-government bodies and the general public/civil society to ensure that the Strategy's goal and principles are achieved.

The Coordinating Council for facilitating the development of civil society (hereinafter referred to as the Coordinating Council) shall be in charge of providing methodological support, and conducting monitoring and evaluation of the Strategy's implementation. In order to conduct monitoring and evaluation of the Strategy's implementation, the Coordinating Council shall define the evaluation effectiveness criteria and indicators/benchmarks of the Strategy's implementation. The criteria and the indicators are developed by the Coordinating Council together with the National Institute for Strategic Studies, other research institutions, non-governmental think tanks and independent experts. Based on the results of the monitoring and evaluation of the Strategy's implementation, the Coordinating Council can make proposals to introduce adjustments to the Strategy.

Every year the Cabinet of Ministers of Ukraine shall approve the Action Plan for the implementation of the Strategy, and taking into consideration the outcomes of public discussions, ensure its open and transparent implementation and report on its execution.

Open and transparent implementation of the Strategy shall be ensured by publishing information about the progress of its implementation on the official website of the President of Ukraine, and also by informing about the progress of its implementation and the progress of the annual actions plans on the implementation of the Strategy on the official websites of the respective authorities.

It shall be deemed appropriate to entrust the public executive authorities with the implementation of the Strategy, in particular, their respective departments in charge of public relations.

Local self-government bodies shall take part in the implementation of the Strategy in line with and in a way defined by the laws of Ukraine, by-laws of local communities and their own regulations.

The National Institute for Strategic Studies shall provide academic/analytical support to the Strategy's implementation, and, when needed, engage other academic institutions, non-governmental think tanks and independent experts according to the established procedure.

## 6. Financial Support to the Strategy's Implementation

The Strategy shall be implemented at the account of public finance and other sources that are not prohibited by the law.

In order to provide earmarked (special purpose) finance to programs, projects and events initiated by civil society aimed to engage the Strategy's implementation, the initiation of a civil society development fund shall be deemed appropriate to consider.

**Head of the Presidential  
Administration of Ukraine**

**B. LOZHKIN**

## Annex 2. Legal Forms of CSOs in Ukraine

**LEGAL FORMS OF THE CIVIL SOCIETY  
ORGANIZATIONS IN UKRAINE**  
(as of January 2016 )

No	Legal Form	Respective Legislation (Laws and Regulations)	Brief Description
1.0.	<b>Public Organizations</b>	<p>The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a></p> <p>The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs And Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a></p> <p>The Civil Code of Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/435-15">http://zakon0.rada.gov.ua/laws/show/435-15</a></p>	<p>These are voluntary associations of natural persons who are legally capable to act, who legitimately stay in the territory of Ukraine, and that form to ensure the implementation and protection of rights and freedoms and to satisfy public interests. The minimum number of members (participants) is two persons. These organizations can act without the status of a legal entity. The organizations that have a status of a legal entity can have an All-Ukrainian status, making them eligible for state support provided that the organization has branch offices in the majority of oblasts of Ukraine. These organizations can have business activities of their own, if stipulated in their by-laws, to implement the objectives foreseen by the by-laws. The Law defines limitations of names/titles and criteria for a court order that can ban these organizations from existence.</p>
1.0.1.	Women Public Organizations	<p>The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a></p> <p>The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs And Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a></p> <p>The Law On Ensuring Equal Rights and Opportunities of Women And Men <a href="http://zakon0.rada.gov.ua/laws/show/2866-15">http://zakon0.rada.gov.ua/laws/show/2866-15</a></p>	<p>These organizations are created to ensure the implementation of equal rights of women (in particular, by carrying out positive actions), gender equality, prevention of gender-based discrimination, adherence to international standards and obligations of Ukraine in these fields. They take part in the implementation of the state and regional programs and provide legal gender expert reviews.</p>



1.0.2.	Children Public Organizations	<p>The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a></p> <p>The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs And Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a></p> <p>The Law On Youth And Children Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/281-14">http://zakon0.rada.gov.ua/laws/show/281-14</a></p>	<p>These are associations of natural persons aged 6 through 18 years old. The goal of these organizations is to ensure the implementation of rights and freedoms of children, observe their legal interests, and ensure that they are perceived as full-fledged members of the society. Elderly people (older than 28 years of age) should not account for more than 10% of the total number of members of such organizations or 1/3 of the members of their governing bodies. Natural persons aged 14 to 18 years of age can be the founders of such organizations. Children under 10 years old can become members of such organizations at the written consent of their parents or another legal representative.</p> <p>Local budgets allocate money for the programs of the non-governmental organizations for children. The state budget allocates money for state earmarked programs that are focused for children. These organizations are engaged in the discussion and development of the national policy on children.</p>
1.0.3.	Youth Public Organizations	<p>The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a></p> <p>The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs And Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a></p> <p>The Law On Youth And Children Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/281-14">http://zakon0.rada.gov.ua/laws/show/281-14</a></p>	<p>These are associations of natural persons 14 to 35 years of age. The goal of these organizations is to ensure the protection of legitimate common interests of young people and to meet their needs. Elderly people should not account for more than 10% of the total number of members of such organizations or 1/3 of the members of its governing bodies. Natural persons 14 years of age can be the founders of such organizations. Local budgets allocate money for the programs of these youth-based non-governmental organizations. The state budget allocates money for state earmarked programs that are focused for youth. These organizations are engaged in the discussion and development of the youth state policy.</p>
1.0.4.	Educational and Cultural Public Organizations	<p>The Law On Education <a href="http://zakon0.rada.gov.ua/laws/show/1060-12">http://zakon0.rada.gov.ua/laws/show/1060-12</a></p> <p>The Law On Higher Education <a href="http://zakon0.rada.gov.ua/laws/show/1556-18">http://zakon0.rada.gov.ua/laws/show/1556-18</a></p> <p>The Law On General</p>	<p>These organizations initiated as self-government bodies in the field of education, in particular, bodies of pupils' and students' self-government, parent committees, school boards, board of trustees, etc. These groups are not required to be legalized.</p>

		<p>Secondary Education  <a href="http://zakon0.rada.gov.ua/laws/show/651-14">http://zakon0.rada.gov.ua/laws/show/651-14</a>  The Law On Non-formal Education  <a href="http://zakon0.rada.gov.ua/laws/show/1841-14">http://zakon0.rada.gov.ua/laws/show/1841-14</a>  The Law On Ratification of the European Charter on Regional And Minorities Languages  <a href="http://zakon0.rada.gov.ua/laws/show/802-15">http://zakon0.rada.gov.ua/laws/show/802-15</a>  The Law On National Minorities  <a href="http://zakon0.rada.gov.ua/laws/show/2494-12">http://zakon0.rada.gov.ua/laws/show/2494-12</a></p>	<p>The state provides guarantees that the educational and cultural institutions of national minorities, national cultural associations and other non-governmental organizations of national minorities are functioning. The state provides financing to educational and cultural projects implemented by these organizations selected on a competition basis.</p>
1.0.5.	Research Public Organizations	<p>The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a>  The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs and Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a>  The Law On Scientific and Technological Activities <a href="http://zakon0.rada.gov.ua/laws/show/848-19">http://zakon0.rada.gov.ua/laws/show/848-19</a>  The Law On Scientific and Technical Expertise  <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a></p>	<p>These are associations of scientists that promote the development of particular areas of science, protect industry-specific interests, coordinate research work and share experience. They can create public academies of science, or perform expert or consulting/advisory services. They can be collective members of international research associations and other groups.</p>
1.0.6.	Sports Public Organizations	<p>The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a>  The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs and Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a></p>	<p>Sports organizations are non-governmental associations that oversee different areas of athletic activities recognized in Ukraine. They can be sports federations, athletic-sports associations, the National Olympic Committee of Ukraine, etc. The National Olympic Committee of Ukraine ensures the development of the Olympic movement in Ukraine as an integral part of the international Olympic movement. The Sports Committee of Ukraine ensures the development of the non-Olympic sports in Ukraine, and represents</p>



		<p>The Law On Physical Culture And Sports <a href="http://zakon0.rada.gov.ua/laws/show/3808-12">zakon0.rada.gov.ua/laws/show/3808-12</a></p> <p>The Law On Prevention of Influence of Corruption Violations on the Results of the Official Sports Competitions <a href="http://zakon0.rada.gov.ua/laws/show/743-19">http://zakon0.rada.gov.ua/laws/show/743-19</a></p>	<p>Ukraine in international sports tournaments and events. The athletic-sports associations and sports federations, including the sports federations of disabled people, are in charge of the development of particular types of sports. The national sports federations take part in the preparation of international and All-Ukrainian sports events and contests.</p> <p>The non-governmental athletic-sports organizations include students, veterans of sports, and athletic groups of people at the place of their employment.</p>
1.0.7.	Public Organizations of Disabled People	<p>The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a></p> <p>The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs and Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a></p> <p>The Law On Basic Principles of Social Protection of Disabled People in Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/875-12">http://zakon0.rada.gov.ua/laws/show/875-12</a></p>	<p>These organizations are created to ensure the implementation of equal rights of disabled people, protect their rights and have public control over the implementation of their rights, eliminate potential obstacles and to prevent discrimination, provide social services, and engage disabled people in public activities. They can have either an All-Ukrainian or local status. The national budget allocates money for earmarked (special purpose) programs for disabled people. These organizations are engaged in the preparation and development of the national policy on disabled people, including the development and promotion of Paralympic (special) sports in Ukraine.</p>
1.0.8.	Public Organizations of Veterans of War	<p>The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a></p> <p>The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs and Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a></p> <p>The Law On Status of Veterans of War And Guarantees of Their Social Protection <a href="http://zakon0.rada.gov.ua/laws/show/3551-12">http://zakon0.rada.gov.ua/laws/show/3551-12</a></p> <p>The Law On Victims</p>	<p>These organizations are: associations of combat operations' veterans including the veterans of antiterrorist operations, disabled servicemen, veterans who served in the Armed Forces during war-times, and members of the families of deceased veterans of war. They have a right to represent and to protect the interests of their members with the public authorities. They are eligible for financial support from the state, free housing, premises, equipment and other assets. They do not pay for utilities within the average consumption limits, and for their telephone communications.</p>



		of the Nazi Persecution <a href="http://zakon0.rada.gov.ua/laws/show/1584-14">http://zakon0.rada.gov.ua/laws/show/1584-14</a>	
1.0.9.	Public Organizations Working with Issues Related to Minimizing the Aftermath of the Chernobyl Disaster	The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a> The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs and Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a> The Law on Status And Social Protection of Citizens Affected by the Chernobyl Disaster <a href="http://zakon0.rada.gov.ua/laws/show/796-12">http://zakon0.rada.gov.ua/laws/show/796-12</a>	These organizations share information about individuals affected by the Chernobyl disaster with the state register. They organize rehabilitation activities and treatment for these individuals at the resorts. They initiated and continue to monitor the system of radiation-environmental, medical-genetic and medical-demographical monitoring in Ukraine.
1.0.10.	Emergency Services of the Public Organizations	The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a> The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs and Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a> The Code of the Civil Protection of Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/5403-17">http://zakon0.rada.gov.ua/laws/show/5403-17</a>	These organizations must be registered as legal entities. Their by-laws, as well as their goals and objectives of their services must be approved by the central executive authority in the field of civic protection. They can receive donations and generate revenues by rendering fee-based services.
1.0.11.	Environmental Public Groups	The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a> The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs and Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/">http://zakon5.rada.gov.ua/</a>	These organizations ensure public environmental assessment, public environmental control and/or environmental audit. They can initiate litigations in the interests of the general public. They take part in managing territories and sites of the natural reserve fund. They ensure control over the management of these territories if stipulated in their by-laws. Their establishment procedures and obligations are the same as those applied to other non-governmental organizations.



		laws/show/755-15 The Law On Environmental Protection <a href="http://zakon0.rada.gov.ua/laws/show/1264-12">http://zakon0.rada.gov.ua/laws/show/1264-12</a> The Law On Natural Reserve Fund <a href="http://zakon0.rada.gov.ua/laws/show/2456-12">http://zakon0.rada.gov.ua/laws/show/2456-12</a>	
1.0.12.	Public Organizations Working with Issues Related to Preservation of Historical and Cultural Monuments and Property Sites	The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a> The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs and Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a> The Law On Cultural Heritage Protection <a href="http://zakon0.rada.gov.ua/laws/show/1805-14">http://zakon0.rada.gov.ua/laws/show/1805-14</a> The Law On Archeological Heritage Protection <a href="http://zakon0.rada.gov.ua/laws/show/1626-15">http://zakon0.rada.gov.ua/laws/show/1626-15</a>	These organizations are created to: provide support to the state for the protection of cultural heritage, promote heritage and engage citizens, ensure public control over preservation, utilization, restoration, rehabilitation and conservation of cultural heritage, and to turn sites into museums and ensure their restoration (or conservation). These organizations provide public expert review on issues related to cultural heritage protection. The Ukrainian Association for the Preservation of Historical and Cultural Monuments received a special mandate for this type of work.
1.0.13.	Consumers Public Organizations	The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a> The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs and Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a> The Law On Consumers' Rights Protection <a href="http://zakon0.rada.gov.ua/laws/show/1023-12">http://zakon0.rada.gov.ua/laws/show/1023-12</a>	These organizations are created by natural persons who are consumers of goods, and are not related to any economic activities or employment arrangements. They exist to ensure the protection of rights and interests of consumers defined by the law. They have a right to conduct independent expert reviews and sampling of goods and services. They can provide judicial defense in courts for people who are members of their organization, and can initiate litigations to protect the interests of the general public.

1.0.14.	Public Organizations of Labor Migrants Created Abroad	<p>The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a></p> <p>The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs and Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a></p> <p>The Law On External Labor Migration <a href="http://zakon0.rada.gov.ua/laws/show/761-19">http://zakon0.rada.gov.ua/laws/show/761-19</a></p>	<p>These organizations are established by natural persons who reside abroad. Their associations have a right to operate in Ukraine in line with Ukrainian legislation. They can cooperate with national and local executive authorities, as well as international non-governmental organizations.</p>
1.1.1.	Public Unions	<p>The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a></p> <p>The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs and Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a></p>	<p>Legal entities of private law, including other non-governmental organizations, can be the founders of these unions. Natural persons over 18 years of age can be members of these organizations. Legal entities that have only one member that act as a founder cannot be the founders of these organizations, as well as political parties and entities that are to be dissolved. These unions can act without having any legal status. Termination of a union does not result in termination of its members. They have the same rights and obligations as the ones applied to other non-governmental organizations.</p>
1.2.1.	Citizens' Groups for Ensuring the Protection of Public Order and State Border	<p>The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a></p> <p>The Law On State Registration of Legal Entities, Natural Persons – Private Entrepreneurs and Non-governmental Organizations <a href="http://zakon5.rada.gov.ua/laws/show/755-15">http://zakon5.rada.gov.ua/laws/show/755-15</a></p> <p>The Law On Citizens' Participation in the Protection of Public Order And State Border <a href="http://zakon0.rada.gov.ua/laws/show/1835-14">http://zakon0.rada.gov.ua/laws/show/1835-14</a></p>	<p>These organizations are created at the place of employment, learning or residence of their founders. They should have at least 10 founders. The Cabinet of Ministers of Ukraine approves standard by-laws (regulations) for these groups, and should be approved by the internal affairs authorities, border service and the executive body of the local council at the place of their location. They should receive office premises within one month after they register. The law defines the requirements for members of their groups, and their rights and obligations. These groups are not entitled to have any other activities. Members of these groups are prohibited to use personal defense weapons.</p>



2.0.	<b>Religious Organizations</b>	The Law On Freedom of Worship And Religious Organizations In Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/987-12">http://zakon0.rada.gov.ua/laws/show/987-12</a>	These are associations of natural persons established to satisfy their religious needs by practicing and disseminating their religious faith. These organizations are separated from the state, and do not perform state functions. They can act without the status of being a legal entity (i.e. religious communities). The law includes religious departments and centers, monasteries, religious fraternities and missions, religious educational institutions and their associations. The Ministry of Culture is in charge of registering their by-laws and changes introduced to by-laws within a one to three month period (if analysis by public authorities and experts is required). These organizations have a sole right to produce liturgical books and items of religious worship. Religious buildings and land plots can be transferred to their permanent utilization free of charge. These organizations are re-organized by way of division, merging and accession. The law defines a list of reasons a court order can be issued to ban the activities of religious organizations.
3.0.	<b>Charity Organizations</b>	The Law On Charity And Charity Organizations <a href="http://zakon0.rada.gov.ua/laws/show/5073-17">http://zakon0.rada.gov.ua/laws/show/5073-17</a>	These organizations are established by natural persons who are legally capable to act and/or legal entities of private law. Their main goal is to carry out charity activities in one or several fields defined by law. Types of their activities, that include public collection of donations, are regulated by law. These organizations identify their beneficiaries, terms and forms of charitable activities on their own. Their administrative expenditures should not exceed 20% of their annual revenues. They can initiate associations and other groups.
3.0.1.	Charity associations	The Law On Charity And Charity Organizations <a href="http://zakon0.rada.gov.ua/laws/show/5073-17">http://zakon0.rada.gov.ua/laws/show/5073-17</a>	The minimum number of founders is two persons. The general meetings of a single member (at his/her sole discretion) can qualify as the highest governing body of such an organization. It is not necessary to establish a Supervisory Board if the number of members is under 10 people. The members of the Supervisory Board cannot act as members of the executive body.
3.0.2.	Charity foundations	The Law On Charity And Charity Organizations <a href="http://zakon0.rada.gov.ua/laws/show/5073-17">http://zakon0.rada.gov.ua/laws/show/5073-17</a>	These organizations can have one founder. The assets of the foundation can be generated by other benefactors. Regulations that apply to charity associations are also applicable to charity foundations.

3.0.3.	Charity institutions	The Law On Charity And Charity Organizations <a href="http://zakon0.rada.gov.ua/laws/show/5073-17">http://zakon0.rada.gov.ua/laws/show/5073-17</a> The Civil Code <a href="http://zakon0.rada.gov.ua/laws/show/435-15">http://zakon0.rada.gov.ua/laws/show/435-15</a>	These organizations can have one founder. Founders are not required to take part in the management of these institutions. These organizations act on the basis of the constituent regulations that define assets that the founders transfer to achieve the charity goal from the account of assets and/or revenues generated by them. The constituent regulations can be part of the goodwill. The Supervisory Board is the highest governing body. Members of the Supervisory Board cannot act as members of the executive body.
4.0.	<b>Condominiums</b>	The Law On Condominiums <a href="http://zakon0.rada.gov.ua/laws/show/2866-14">http://zakon0.rada.gov.ua/laws/show/2866-14</a> The Law On Ensuring the Implementation of Housing Rights of Hostels' Tenants <a href="http://zakon0.rada.gov.ua/laws/show/500-17">http://zakon0.rada.gov.ua/laws/show/500-17</a> The Law On Peculiarities of the Implementation of Ownership Right in a Multi-apartment Building <a href="http://zakon0.rada.gov.ua/laws/show/417-19">http://zakon0.rada.gov.ua/laws/show/417-19</a>	These associations are established by the majority of owners of residential and non-residential premises in multi-storied apartment buildings in order to facilitate the utilization of their property, to ensure proper management, maintenance and use of common property. Only one condominium can be created in an apartment building. These associations can include two or more building addresses, which are united by a common adjacent territory and a common utility infrastructure. These associations can have powers delegated to them by a local council. Residential and residential-construction cooperatives can be re-organized in such condominiums. The owners of residential and non-residential premises in hostels can initiate condominiums. A supervisory council is responsible for public control and monitoring over the division and maintenance of lodging in hostels.
5.0.	<b>Self-organized Groups</b>	The Law On Self-organized Bodies <a href="http://zakon0.rada.gov.ua/laws/show/2625-14">http://zakon0.rada.gov.ua/laws/show/2625-14</a>	These groups are representative bodies of rural people living in villages or towns, or an urban population group living in a city or a specified branch such as building, street, block, village, town committee, committee of micro-districts or district in a city. These groups are established by the decision of a general meeting (a conference) at the place of residence of members of the local community for the same term as local council, unless otherwise provided by a decision of the council or by regulation of a local self-organized body. These groups can act with or without acquiring the status of a legal entity. The geographical span of their activities is defined by a local council, which also gives approval of the creation of the body, usually within one month. They



			have their own powers defined by law. They can also have delegated powers from local councils to address issues of local importance. Local councils have a right to terminate decisions made and activities carried out by self-organized bodies.
6.0.	<b>Associations of Local Self-government Bodies and their Unions</b>	The Law On Associations of Local Self-government Bodies <a href="http://zakon0.rada.gov.ua/laws/show/1275-17">http://zakon0.rada.gov.ua/laws/show/1275-17</a> The Law On Local Self-government In Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80">http://zakon0.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80</a>	These organizations are voluntary associations established to ensure more effective performance of local self-government bodies and to protect rights and interests of local communities. These organizations can be local or All-Ukrainian (there should be more than 50% of self-government bodies for its respective territorial level). All-Ukrainian associations are dissolved when the number of their members decline. One local self-government body can be a member of only one All-Ukrainian association. The mandate of the local self-government body cannot be transferred to associations. The law defines areas and issues that make consultations with associations mandatory. питання, щодо яких консультації з асоціаціями обов'язкові
7.0.	<b>Judicial Self-government Bodies</b>	The Law On Judiciary And the Judges' Status <a href="http://zakon0.rada.gov.ua/laws/show/2453-17">http://zakon0.rada.gov.ua/laws/show/2453-17</a>	The goal of these bodies is to address internal issues related to court activities, election of judges to administrative posts, and strengthening the independence of courts. Organizational forms include: Meetings of Judges of the Local Courts, Courts of Appeals, Superior Specialized Courts and the Supreme Court of Ukraine; the Council of the judges of Ukraine; the Convention of the Judges of Ukraine that elects the Council of the Judges, appoints the Judges of the Constitutional Court of Ukraine, the Members of the High Council of Justice and the High Qualification Committee of Judges. The Convention of the Judges is held every two years. Delegates are elected by meetings of Judges at the Convention. The Council of Judges is the highest body of the judicial self-government over the conventions of the judges, which appoints the Head of the State Judicial Administration and his/her deputies. The State Judicial Administration provides support to the activities of the judicial self-government bodies.

7.1.	Permanent Courts of Arbitration	The Law On Courts of Arbitration <a href="http://zakon0.rada.gov.ua/laws/show/1701-15">http://zakon0.rada.gov.ua/laws/show/1701-15</a>	These bodies are established by All-Ukrainian non-governmental associations or organizations of employers, self-regulated/governed organizations, chambers of commerce and industry, associations of credit unions and associations of consumer unions. The number of judges is always odd. The founders of these courts submit changes to the regulations or lists of arbitrators to the state registration within 15 days since decisions have been made. The law defines exceptions for the judicial jurisdiction of courts. The rulings of the courts can be implemented voluntary or in line with the law on enforcement proceeding. The Ukrainian Chamber of Arbitration is a permanent governing body of the judicial self-government, which is elected by the All-Ukrainian Convention of Arbitration Judges.
7.2.	<b>Attorneys' Self-government Bodies</b>	The Law On Advocacy And the Bar <a href="http://zakon0.rada.gov.ua/laws/show/5076-17">http://zakon0.rada.gov.ua/laws/show/5076-17</a>	The National Bar Association is established by a convention of attorneys of Ukraine and cannot be re-organized. It can be dissolved by law. Members of the association are all individuals who have a right to practice law or have sworn an oath as an attorney. The Council of the Attorneys of Ukraine and the council of attorneys of the regions, implement the functions of the attorney's self-government bodies in-between the conventions of the attorneys of Ukraine and the conferences of the regional attorneys, respectively Decisions by the attorney's self-government bodies are mandatory for all attorneys. Annual contributions to these bodies are the same for all attorneys.
8.0.	<b>Self-regulated/ Governed Organizations</b>	The Law On Notary <a href="http://zakon0.rada.gov.ua/laws/show/3425-12">http://zakon0.rada.gov.ua/laws/show/3425-12</a> The Law On the Audit Activities <a href="http://zakon0.rada.gov.ua/laws/show/3125-12">http://zakon0.rada.gov.ua/laws/show/3125-12</a> The Law On Credit Record Generation And Sharing <a href="http://zakon0.rada.gov.ua/laws/show/2704-15">http://zakon0.rada.gov.ua/laws/show/2704-15</a> The Law On Securities And Stock Market <a href="http://zakon0.rada.gov.ua/laws/show/3480-15">http://zakon0.rada.gov.ua/laws/show/3480-15</a> The Law On	Professionals/experts can be members of at least one self-regulated/governed organization in a professional field defined by law. The law stipulates for a minimum number of members in such organizations and the educational requirements for their members. The self-regulated/governed organizations ensure certification or assessment of professional skills of employees in specific fields. They also keep registers of individuals who are entitled to conduct relevant professional/occupational activities. They introduce professional standards and impose fines if these standards are breached, including termination of a right to carry out certain professional/occupational activities.



		<p>Architectural Activities <a href="http://zakon0.rada.gov.ua/laws/show/687-14">http://zakon0.rada.gov.ua/laws/show/687-14</a>  The Law On Property Assessment, Property Rights Assessment And Professional Assessment Activities in Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/2658-14">http://zakon0.rada.gov.ua/laws/show/2658-14</a>  The Law On Land Evaluation <a href="http://zakon0.rada.gov.ua/laws/show/1378-15">http://zakon0.rada.gov.ua/laws/show/1378-15</a>  The Law On Land Planning And Utilization <a href="http://zakon0.rada.gov.ua/laws/show/858-15">http://zakon0.rada.gov.ua/laws/show/858-15</a>  The Law On Extension Services In the Agricultural Field <a href="http://zakon0.rada.gov.ua/laws/show/1807-15">http://zakon0.rada.gov.ua/laws/show/1807-15</a></p>	
8.1.	Other Professional Organizations and Associations	Not defined	See Self-regulated/governed Organizations
9.0.	<b>Creative Unions</b>	The Law On Professional/Occupational Creative People And Creative Unions <a href="http://zakon0.rada.gov.ua/laws/show/554/97-%D0%B2%D1%80">http://zakon0.rada.gov.ua/laws/show/554/97-%D0%B2%D1%80</a>	These are voluntary associations of professional/occupational creative persons in a particular field of culture and art. These organizations have registered membership, which is available to people who are over 18 years of age. They can have local, regional (with membership of at least 20 persons) or All-Ukrainian (with membership of at least 100 persons) status. The Cabinet of Ministers of Ukraine can grant national status to the All-Ukrainian Creative Union (one for each field). An organization that has national status is eligible for financial support from the State. The property of the Creative Unions of the USSR has a special status.
10.0.	<b>Trade Unions</b>	The Law On Trade Unions, Their Associations, Rights And Guarantees of Their Work <a href="http://zakon0.rada.gov.ua/laws/show/1045-14">http://zakon0.rada.gov.ua/laws/show/1045-14</a> The Code of Laws of Ukraine On Labor	These are voluntary associations of persons based on their occupations or work place. Their goal is to advocate and protect social-economic and labor rights and interests of their members, including through means of social dialogue. These organizations have a sole right to use the words «trade union» and its derivatives in their names or titles. Stateless persons,



		<p>The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a></p> <p>The Law On Social Dialogue in Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/2862-17">http://zakon0.rada.gov.ua/laws/show/2862-17</a></p>	<p>and foreigners can be members of active trade unions. By-laws can limit duplicated membership of persons or entities in trade unions. Organizations of trade unions have a status of primary, local, regional, oblast, Republican (the Autonomous Republic of Crimea) and All-Ukrainian. These unions become legalized by informing their compliance with the stated status. Denial to legalize such organization is prohibited. These unions receive the right of legal entity the moment their statutes or by-laws are approved. The law defines the criteria for qualifying trade unions and their representative associations.</p>
10.1.	<b>Associations of Trade Unions</b>	<p>The Law On Trade Unions, Their Associations, Rights And Guarantees of Their Work <a href="http://zakon0.rada.gov.ua/laws/show/1045-14">http://zakon0.rada.gov.ua/laws/show/1045-14</a></p> <p>The Code of Laws of Ukraine On Labor</p> <p>The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a></p> <p>The Law On Social Dialogue in Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/2862-17">http://zakon0.rada.gov.ua/laws/show/2862-17</a></p>	<p>These associations are created by trade unions that have a right to create such organizations in order to carry out their objectives in their by-laws. They are voluntary organizations that unite trade unions by their sector, field or place where they are located. The status of an association of trade unions is defined by the status of their members. The forceful dissolution of an association does not lead to the forceful dissolution of a trade union by members of the association. Associations enjoy the same rights and obligations as any trade union.</p>
11.0.	<b>Employers' Organizations</b>	<p>The Law On Employers' Organizations, Their Associations, Rights And Guarantees of Their Activities <a href="http://zakon0.rada.gov.ua/laws/show/5026-17">http://zakon0.rada.gov.ua/laws/show/5026-17</a></p> <p>The Law On Social Dialogue in Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/2862-17">http://zakon0.rada.gov.ua/laws/show/2862-17</a></p>	<p>Only organizations formed in compliance with the Law On Employers' Organizations, Their Associations, Rights And Guarantees of Their Activities have a right to use the derivatives of the words «organizations of employers». The goal of these organizations is to represent employers and protect their rights, particularly in the area of a social dialogue. These organizations take part in the development of the national, sector and territorial agreements. They can qualify as self-regulated/governed organizations. They can be local, oblast, Republican (the Autonomous Republic of Crimea) or All-Ukrainian depending on the minimum number of members defined by law. The law defines the criterion to consider an organization representative. These organizations are not engaged in direct economic activities, apart from unearned income.</p>



12.0.	<b>Trade and Industry Chambers</b>	The Law On Trade And Industrial Chambers in Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/671/97-%D0%B2%D1%80">http://zakon0.rada.gov.ua/laws/show/671/97-%D0%B2%D1%80</a>	These are voluntary associations of legal entities and entrepreneurs that are established to facilitate a favorable business climate. They have a sole right to use the words «trade and industry chambers» in their names or titles. There can be only one trade and industry chamber in a region. The minimum number of founders of such an organization is 50 persons. The trade and industry chamber of Ukraine is a representative body that coordinates the work of other chambers. It also represents the country in the International Trade Chamber activities and other international organizations of entrepreneurs. The chamber verifies the <i>force majeure</i> state in the country. They can have business activities defined by law.
13.0.	<b>Other Associations of Legal Entities</b>	The Commercial Code of Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/436-15">http://zakon0.rada.gov.ua/laws/show/436-15</a>	These include unions, associations or entrepreneurs and other similar groups of legal entities.
14.0.	<b>Private Organizations (Institutions/ Agencies)</b>	The Civil Code of Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/435-15">http://zakon0.rada.gov.ua/laws/show/435-15</a>	These organizations are established by one or several legal entities of private law in order to achieve a certain goal. The constituent regulations can be part of the goodwill. The founders do not take part in management. A governing board is a mandatory. The Supervisory Board ensures monitoring and control over adherence to the stated goals and objectives. The founders allocate or merge assets to achieve goals and objectives that are not related to profit generation. Changes to the constituent regulations, goals and objectives, and management structure must be approved by the court with consideration of the intentions of the founders and the consultation of the board.
14.1.	<b>Organizations (institutions, agencies) of non-governmental associations, other non-business groups</b>	The Business Code of Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/436-15">http://zakon0.rada.gov.ua/laws/show/436-15</a>	These organizations are established by non-governmental organizations and other non-business groups to carry out economic activities implementing the objectives of the founders outlined in the by-laws. They use the right of operational management and economic jurisdiction unless otherwise stipulated by law. The by-laws created by the founders can include the right to create these organizations, which may include institutions and agencies.

15.0.	<b>Non-state Pension Funds</b>	The Law On Non-State Pension Benefits <a href="http://zakon0.rada.gov.ua/laws/show/1057-15">http://zakon0.rada.gov.ua/laws/show/1057-15</a>	These groups act solely with a purpose of accumulating contributions of their members, managing assets and making pension payments to their members all who are natural persons. Other activities by these groups are forbidden by law. Funds can be corporate, professional/occupational and open. They cannot be qualified bankrupt. Funds can merge or join a fund of the same type. They cannot change their type or name. They have a sole right to use the words «pension fund» or «non-state pension fund» in their names or titles. It is prohibited by law for them to create other governing bodies other than meetings of the founders and the board of the council. A legal entity, such as an employer, can be a founder of only one professional/occupational or corporate fund.
16.0.	<b>Credit Unions</b>	The Law On Credit Unions <a href="http://zakon0.rada.gov.ua/laws/show/2908-14">http://zakon0.rada.gov.ua/laws/show/2908-14</a>	These organizations are non-for-profit financial institutions that solely provide financial services at the account of financial contributions made by their members. They cannot start or participate in business activities, except for the credit history bureau. They have a sole right to use the words «credit union» in their names or titles. The minimum number of members for these organizations is 50 natural persons that either unite by their: place of residence, place of employment or learning, or membership in a non-governmental or religious organization, trade union or associations of trade unions. Changes of these attributes do not terminate membership in the union. Members' rights and obligations, in particular the, sharing of profits for additional and principle contributions, are regulated by law. These organizations can initiate local and All-Ukrainian associations of credit unions. One of the All-Ukrainian associations can be granted a status of self-regulated/governed organization where its by-laws must be approved by a regulatory authority.
17.0.	<b>Service Cooperatives</b>	The Law On Cooperation <a href="http://zakon0.rada.gov.ua/laws/show/1087-15">http://zakon0.rada.gov.ua/laws/show/1087-15</a>	These are associations of natural persons and/or legal entities that are formed to provide services primarily to members of the cooperatives. The cost of services provided to other individuals can amount to 20% of the annual turnover of the cooperative. Their goal is to meet the needs of the members by: ensuring



			<p>participation in common economic activities, using services and assets of the cooperative, and paying shares or other contributions. Cooperatives share risks, revenues and expenditures; they facilitate the self-organization and self-regulation of the cooperatives. They make cooperative payments as part of profits shared proportionally to members' participation in the economic activities. Assets, with the exception of non-distributable assets, are shared between members when the organization is dissolved. The minimum number of members is three people who are over 16 years of age. Cooperatives can have associated members. Cooperatives act on the basis of constituent agreements or by-laws. Types include service agricultural cooperatives, consumers' cooperatives and consumers' associations.</p>
17.0.1.	<b>Service Agricultural Cooperatives</b>	<p>The Law On Cooperation <a href="http://zakon0.rada.gov.ua/laws/show/1087-15">http://zakon0.rada.gov.ua/laws/show/1087-15</a>  The Law On Agricultural Cooperation <a href="http://zakon0.rada.gov.ua/laws/show/469/97-%D0%B2%D1%80">http://zakon0.rada.gov.ua/laws/show/469/97-%D0%B2%D1%80</a></p>	<p>These are associations of natural persons and/or legal entities established to cut-back expenses and/or increase revenues generated by their agricultural activities. What makes them different from other cooperatives is that their cooperative out payments/disbursements are shared as surplus of expenditures pre-paid for the services rendered by the cooperative over their actual production costs. They provide services only to their members. They are not owners of agricultural produce. There can be procuring, supplying, processing, service and multi-functional cooperatives. The amount of fixed contributions is proportional to the planned scope and cost of services rendered by the cooperatives. Standards and guidelines are developed by the Ministry of the Agricultural Policy of Ukraine. Associations of Cooperatives act on the same grounds as cooperatives.</p>
17.1.	<b>Consumers Cooperatives</b>	<p>The Law On Cooperation <a href="http://zakon0.rada.gov.ua/laws/show/1087-15">http://zakon0.rada.gov.ua/laws/show/1087-15</a>  The Law On Consumers' Cooperation <a href="http://zakon0.rada.gov.ua/laws/show/2265-12">http://zakon0.rada.gov.ua/laws/show/2265-12</a></p>	<p>These organizations are associations of natural persons and/or legal entities established to provide commercial services, to assist with procurement of agricultural produce and raw materials, to produce goods and to render services to meet the consumers' needs for their members.</p>

17.1.1.	<b>Consumers Associations</b>	The Law On Consumers' Cooperation <a href="http://zakon0.rada.gov.ua/laws/show/2265-12">http://zakon0.rada.gov.ua/laws/show/2265-12</a>	These are voluntary associations of citizens at the place of their residence or employment. They are established to have common economic activities that are designed to improve their economic and social conditions. They operate by principles of shareholding and mutual assistance. Individual members must be over 16 years of age (members must be over 14 years of age in associations at the educational institutions). There can be collective members such as private farms, business partnerships and companies. These can establish unions of consumers' associations that do not have regulatory functions. Dividends for shares and assets of these associations are divided between members in the event of the dissolution of the association.
18.0.	<b>Branches (other separate divisions)</b>	The Civil Code of Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/435-15">http://zakon0.rada.gov.ua/laws/show/435-15</a> The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a>	These groups are separate divisions located outside the place of activity of their legal entity. They perform all or some functions of their legal entity. They have assets of their legal entity. Their head is appointed by the legal entity, and acts on the basis of the power of attorney. Separate divisions are not qualified as legal entities except for branches of the All-Ukrainian associations defined by law. Decisions to change by-laws (regulations) of these branches, place of activity and composition of their governing bodies must be in line with the Law On Non-governmental Organizations. Respective or appointed non-governmental organizations act as legal successors of these organizations. Branches of foreign non-governmental organizations are subject to accreditation according to the Law On Non-governmental Organizations.
18.0.1.	<b>Representative Offices</b>	The Civil Code of Ukraine <a href="http://zakon0.rada.gov.ua/laws/show/435-15">http://zakon0.rada.gov.ua/laws/show/435-15</a> The Law On Non-governmental Organizations <a href="http://zakon0.rada.gov.ua/laws/show/4572-17">http://zakon0.rada.gov.ua/laws/show/4572-17</a>	Representative offices are located outside the place of performance of a legal entity. They carry out representative functions and protect the interests of the legal entity. Representative offices of non-governmental organizations are not permanent representative offices of non-residents. Rights and obligations of branches (separated divisions) are applied to the representative offices.
19.0	<b>Other Legal Forms</b>	Not defined.	

Annex 3. Breakdown of CSOs by their Legal Forms and Regions in Ukraine<sup>1</sup>

№	Territory/ Oblast	Legal Forms According to the Classifier of Business Organization and Legal Forms										
		Non-governmental Organization	Union of Non-governmental Organization	Religious Organization	Trade Union	Association of Trade Unions	Charity Organization	Condominiums	Self-organized Body	Creative Union (Other professional organizations)	Credit Union	Cooperative
1	Autonomous Republic of Crimea											
2	Vinnnytsa	1944	24	758	1036	2	308	589	71	8	26	6
3	Volyn	1474	14	1275	668	0	246	429	89	9	22	678
4	Dnipropetrovs'k	4131	25	974	1818	3	982	1131	70	17	66	2229
5	Donetsk	5275	15	1416	2101	21	776	2814	249	12	93	2219
6	Zhytomyr	1872	8	869	998	5	323	260	14	8	15	485
7	Zakarpatt'ya	1973	11	1371	635	3	520	272	29	11	28	177
8	Zaporizhzhе	2626	18	561	769	2	707	500	57	12	46	1683
9	Ivano-Frankivsk	2172	8	1207	965	20	521	460	74	13	33	575
10	Kyiv	4356	30	1215	970	7	803	473	21	0	25	2381
11	Kirovohrad	1376	8	376	522	4	279	148	2	8	30	368
12	Luhansk	2832	14	574	1639	13	451	776	64	9	81	516
13	Lviv	4630	26	2110	1292	2	970	1218	67	16	45	1406
14	Mykolaiv	2283	26	501	999	1	487	741	51	7	23	833
15	Odesa	4197	32	889	1434	9	847	745	116	12	76	1584
16	Poltava	2158	11	730	1289	11	369	407	10	9	29	807
17	Rivne	1640	5	1295	797	2	241	404	6	5	16	541
18	Sumy	1736	6	477	805	3	253	362	16	14	16	386
19	Ternopil	1326	8	1350	458	1	214	796	121	10	32	419
20	Kharkiv	3194	34	591	1490	15	717	780	13	12	71	2285
21	Kherson	1614	14	488	578	6	262	580	37	4	25	561
22	Khmelnysky	1827	13	1124	913	3	298	569	13	13	35	983
23	Cherkasy	1829	19	507	810	4	343	492	25	7	61	794
24	Chernivtsi	1203	11	781	526	4	180	303	54	6	24	518
25	Chernihiv	1396	13	562	643	9	255	272	15	15	29	507
26	City of Kyiv	8538	259	770	1724	27	3229	711	105	36	143	1851
27	City of Sevastopol	1089	3	117	285	5	216	175	44	9	27	1506

<sup>1</sup> Data of the State Statistical Service of Ukraine as of August 12, 2015

## Annex 4. The UN Classification of Civil Society Organizations

The International Classification of Non-Profit Organizations, ICNPO		The Classification of Purposes of Non-Profit Institutions, COPNI		The Classification of the State Statistics of Ukraine
<b>Group 1</b>		<b>Culture and Leisure</b>		
1100	Culture and art	03.2	Services in the area of culture	Services in the area of culture
1200	Amateur sports	03.1	Services in the area of sports and recreation	Services in the area of sports and recreation
1300	Social clubs and other types of leisure	03.1		Other NGOs
<b>Group 2</b>		<b>Education and Research</b>		
2100	Primary and secondary education	04.1	Pre-school and primary education	NGOs in the field of education
		04.2	Secondary education	Children NGOs
2200	Higher education	04.3		Youth, including students NGOs
		04.4		
2300	Other education	04.5		
		04.7		
2400	Research			Scientific-research associations
<b>Group 3</b>		<b>Health Care</b>		
3100	Clinics/hospitals and rehabilitation centers	02.3	Services provided by health care institutions	
3200	Care/treatment institutions			
3300	Mental health and interference in case of crisis conditions/emergencies	02.2	Outpatient medical services	
3400	Other health care services			
<b>Group 4</b>		<b>Social Services</b>		



4100	Social services	05.1	Services in the field of social security	Associations of veterans and disabled people
				Women organizations
4200	Emergencies and humanitarian aid			NGOs working with issues related to minimizing the aftermath of the Chornobyl disaster
4300	Financial aid and support			
<b>Group 5</b>	<b>Environment</b>			
5100	Environmental protection	08.1	Environmental protection not included to other types	Environmental groups
5200	Animals protection	08.1	Environmental protection not included to other types	
		09.1	Services not included to other types	
<b>Group 6</b>	<b>Development and Housing</b>			
6100	Social-economic development and community development	05.1	Services in the field of social protection	
		09.1	Services not included to other types	
6200	Housing	01.1	Housing	Condominiums
6300	Employment and career training	04.5	Education not included to other types	
		09.1	Services not included to other types	
<b>Group 7</b>	<b>Law, Advocacy, Policy</b>			
7100	Non-governmental organizations and advocacy groups	09.1	Services not included to other types	Other NGOs
7200	Law and legal services			
7300	Political organizations	07.1	Services of political parties	Political parties
				Non-governmental movements
<b>Group 8</b>	<b>Charity Institutions and Voluntary Services Development</b>			



8 100	Charity foundations that provide grants			Charity organizations
8 200	Other charity institutions and organizations promoting the development of volunteer services	09.1	Services not included to other types	
<b>Група 9</b>	<b>Міжнародна діяльність</b>			
9 100	Міжнародна діяльність	09.1	Послуги, не включені до інших класів	Громадські організації національних і дружніх зв'язків
<b>Group 10</b>	<b>Religion</b>			
10 100	Religious congregations and associations	06.0	Religion	Religious organizations
<b>Group 11</b>	<b>Business and Professional Organizations, Trade Unions</b>			
11 100	Entrepreneurship organizations	09.1	Services not included to other types	Employers' organizations
11 200	Professional organizations	07.3	Services of the professional organizations	Professional organizations
11 300	Trade unions	07.2	Services of trade unions	Trade unions
<b>Group 12</b>	<b>Non-classified</b>			
12 100	Non-classified in other groups	09.1	Services not included to other types	Other NGOs



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