

УКРАЇНСЬКИЙ НЕЗАЛЕЖНИЙ ЦЕНТР  
ПОЛІТИЧНИХ ДОСЛІДЖЕНЬ



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## **UKRAINE CIVIL SOCIETY ENABLING ENVIRONMENT ACTIVITY**

**Initial Implementation Plan  
July 11, 2014 – September 30, 2015**

Implemented by Ukrainian Centre for Independent Political Research (UCIPR)

Funded by the United States Agency for International Development  
Regional Mission for Ukraine, Belarus, Moldova and Cyprus  
**Cooperative Agreement AID-121-A-14-00002**

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## **I. Summary**

Overall purpose of the program is to improve the legislative and policy environment to become more conducive to civil society needs and to reflect European standards. The program envisages strengthening of public oversight and engagement in governance, which is only possible through improvement of legislative/policy environment for media and civil society, as well as forming CSO ability to engage citizens and to represent their interests.

UCIPR's unique approach will cover the full cycle of improvement of legislative and administrative environment for civil society development in its key areas. Namely, UCIPR will combine analysis of shortcomings and opportunities, monitoring of emerging challenges, development of proposals for improvement of legal acts and administrative practices, initiating and leading advocacy campaigns as well as offer awareness campaigns, methodological support and monitoring of adopted legislation for civil society development.

In addition, the program also will cover organizational development of UCIPR to make the Center able to sustain its activities and to serve as a leader and driver of civil society legislative efforts.

## **II. Current Context and Problems**

Although the current political climate is in flux, Ukraine has made some advances toward democratic reform in its recent history. The progressive legislation that was passed between 2010 and 2013, along with mechanisms for civil society engagement in governance that were developed, helped Ukraine move closer to an Association Agreement (AA) with the European Union (EU). The Law on Public Associations provides an overarching framework for all non-governmental organizations in Ukraine. The Law on Charity and Charitable Associations, the Law on Access to Public Information, the Law on Volunteerism and the GOU Strategy of Government Policy on Civil Society Development and Priority Action Plan are supporting legislation and policy that have helped to establish a positive framework for Ukrainian civil society, which remains committed to supporting and furthering these gains.

Nevertheless, even with these significant and progressive civil society enabling legislative reforms, much more is needed to ensure a regulatory framework that is conducive to civil society and protects political and civil rights in Ukraine, and to prevent possible rollbacks. Remarkably, civil society and government have been unable to agree upon a legislative approach to governing assemblies, which has enabled law enforcement agencies to apply administrative charges against civic activists engaging in peaceful protests. The legal status of peaceful assembly has become more important and convoluted as citizens, opposition and the government struggle over prosecution versus amnesty for those engaged in the nation-wide EuroMaidan protests. Moreover, one year after the Maidan, all appeals regarding closing the criminal prosecution cases against activist are not considered, the judges are not charged for unlawful criminal prosecution of activists and the legal system is not changed .

Ukrainian citizens are excluded from decision making process on the national and local level. Ukrainian authority still remains closed and non-accountable to its citizens. Therefore, during first year UCIPR team will also be focused on local democracy development and redrafting the law on local referendum.

Besides that, homophobia is a commonplace in Ukraine and violence and discrimination against LGBT activists routinely goes unpunished. Discrimination based on gender, ethnicity, sexual

orientation and gender identity is broadly accepted by society and further legislative and policy protection of victims of discrimination is of paramount importance.

Moreover, politicians commonly toy with the idea to control international funding to NGOs. Legislation labeling civil society organizations that receive funds from international donors as “foreign agents,” attempt to restrict operations through high taxation, negative public image and stringent governmental control, essentially leaving NGOs unable to function.

### **III. Program Approach**

Building on successful legislative efforts of the current civil society program Ukraine National Initiatives to Enhance Reforms (UNITER), this activity will support CSO efforts to ensure proper implementation of the recently adopted progressive NGO legislation; further develop and introduce more favorable policies; protect against attempts to roll back progressive legislation or introduce new restrictive laws; and improve the overall CSO enabling environment sustained through the development of local funding mechanisms. Efforts will also include educating CSOs and appropriate government bodies on emerging legislative changes and encouraging compliance. In addition, UCIPR will develop its technical and organizational capacity by implementing recommendations from a recipient contracted audit conducted in the summer of 2013, USAID’s Non-U.S. pre award survey (NUPAS) and UNITER/Pact evaluations. This will improve its internal capacities and further grow as a leader and driver of civil society legislative efforts.

UCIPR identified as priorities the below mentioned issues and the programmatic approach to improving the quality and content of legislation and policy for civil society through annual implementation plan and monitoring and evaluation plan. During the first year, the activity will focus primarily on expanding citizen and civic participation in the development and monitoring of legislation and policy that is in line with European standards. UCIPR will focus its activities on proactive improvements to the legislative and policy environment for Ukrainian civil society, as well as respond to and prevent any attempts to limit democratic governance through legislation and policy.

### **IV. Purpose, Objectives, Results and Activities**

All proposed activities fall under the three objectives of the Cooperative Agreement.

**The purpose of the activity is to improve the legislative and policy environment to be more conducive to civil society and reflect European standards.** To achieve this, UCIPR will focus on three objectives:

**Objective 1:** (*notional 40%*) Quality of relevant civil society enabling legislation and policy improved

**Objective 2:** (*notional 40%*) Capacity of public officials and CSOs to ensure effective implementation of legislation and policy increased

**Objective 3:** (*notional 20%*) Technical and organizational capacity of UCIPR as a leader and driver of civil society legislative efforts increased

#### **4. Startup Activities:**

- a. July – September 2014: Drafting of the Initial Implementation Plan (Responsible person – Mariya Heletiy, Deputy Project Director/ Performance Monitoring and Evaluation/ Inclusiveness Specialist).
- b. July – September 2014: Together with the UCIPR team development indicators and drafting Monitoring and Evaluation Plan (Responsible person – Mariya Heletiy, Deputy Project Director/ Performance Monitoring and Evaluation/ Inclusiveness Specialist).
- c. July – September 2014: Drafting Marking Plan and Branding Strategy. (Responsible person – PR Manager).
- d. August – October 2014: UCIPR will prepare and submit documents for Program Registration within the Ministry of Economic Development and Trade of Ukraine (Responsible person – Maksym Latsyba, Project Director/ Policy Advisor).

#### **B. Activities by Objectives**

##### **Objective 1: Quality of relevant civil society enabling legislation and policy improved**

During July 2014 – September 2015, UCIPR will continue to drive the Ukrainian civil society agenda as the lead CSO advocacy group on civil society legal improvements as part of the *Reanimation Reforms Package* platform or other similar civic platforms. UCIPR will analyze, develop and advocate for new legislation and policy in order to improve the civil society-enabling environment. UCIPR will monitor key changes in the legislative environment for civil society and respond to attempts to restrict civil society's ability to operate. UCIPR will assist in amending current legislation and policy to improve the quality, as well as monitor implementation to ensure effective application.

UCIPR will start all activities, envisaged by Objective 1 and it will continue them for the five years. During the first year of the program, UCIPR will focus on the following **legislative priorities**:

- Changes to the Tax Code to lessen the tax burden for NGOs and individuals and entities who provide charitable contributions;
- Amendments to Cabinet Decree #1049 on state financing and amendments to legislation on social contracting to increase opportunities of competitive financing for NGOs;
- Amendments to Cabinet Decree #996 on public councils and amendments to local acts on tools of local democracy to improve participatory democracy;
- Improvements to the Law on Volunteering in order for NGOs to be able to use volunteers without fulfilling cumbersome obligations;
- Improvements to legislation on freedom of peaceful assembly in order to ensure that the legislation is in line with European standards; and
- The Law on Local Referendum to improve democratic principles of citizen participation in local decision-making.

It will also monitor, analyze, and advocate against the passage and implementation of new laws that could restrict the operating environment for civil society (such as the “foreign agents” law).

While working on legal reforms for civil society, UCIPR will ensure participation of a wide group of organizations in program activities, including business associations and social service provider NGOs. It is expected that UCIPR will engage NGOs through various methods and in the same way, UCIPR will strengthen its advocacy capacity and the advocacy capacity of its partner NGOs through trainings and international technical expertise. UCIPR will collaborate closely with the

NGO Capacity Building Market place in order to use vouchers that will help empower NGOs to advocate more efficiently for legal reforms.

Finally, UCIPR will advocate for the goals of the Coordination Council on Civil Society Development under the President of Ukraine as laid down in the Presidential Decree, which promulgated the Strategy of Government Policy on Civil Society Development and Priority Action Plan for the implementation of the Strategy.

## **Results**

- 1.1. Broad and effective civic networks formed that advance civil society legislative reforms.
- 1.2. Advocacy efforts at national and local levels lead to positive changes in civil society legislation.
- 1.3. Appropriate bi-laws adopted to ensure implementation of progressive legislation (e.g., the Laws on Access to Public Information and on Public Associations).
- 1.4. CSO enabling legislation developed with significant input from CSOs (e.g., draft Law on Peaceful Assembly, Tax Laws, policy initiatives outlined in the Civil Society Strategy. Public proposals for the draft Law on Local Referendum considered in final draft of the Law. ).

## **Indicators**

- Number of CSOs receiving USG assistance engaged in advocacy interventions (*Foreign Assistance Framework standard indicator*)
- Number of CSO advocacy campaigns supported by UCIPR
- \*Number of public policies adopted, repealed, changed or implemented with USG assistance<sup>9</sup> (*Civic Oversight Project indicator*)
- \*Percentage of CSOs with improved oversight capacity (*Civic Oversight Project indicator*)

### **a. Activities**

Within this objective, five-year program of UCIPR focuses on legislation on registration and status of NGOs, public participation in decision-making and policy monitoring, financial sustainability of NGOs, peaceful assemblies, state policy for civil development and access to public information. These issues are crucial for development of civil society as leading to formation of participatory and accountable government. Therefore, to reach goals of the Objective 1, UCIPR plans the following activities in the first year:

### ***Expected result 1.1: Broad and effective civic networks formed that advance civil society legislative reforms***

#### **1.1.1. Forming of two networks to advance civil society legislation reforms.**

July 2014 – September 2015, UCIPR together with partner-CSOs will form two networks (Freedom of Assembly Network and Local Democracies Network) which will advance civil society legislation reforms. Both networks will develop and advocate common changes in the legislation and will monitor the practices of its implementation. Freedom of Assembly Network will focus on the Law on Peaceful Assemblies and will promote freedom of assemblies in Ukraine. Local Democracies Network will focus on development of joint recommendations to the local councils and will exchange with experience and documents among themselves. The Local Democracy Network will

facilitate and advocate for adoption of decision regarding introduction of local democracy tools. (Responsible persons – Anastasia Shymchuk, Project Manager/Objective 2 and Ivan Lukerya, Project Coordinator on Local Democracy). Yes, memorandums has to be signed

***Expected result 1.2: Advocacy efforts at national and local levels lead to positive changes in civil society legislation***

The UCIPR team will take part in meetings of governmental and parliamentary working groups and other types of consultations with decision-making on issues of local democracy (local level), public funding of NGOs (central level) and public participation in decision-making (central level). The UCIPR team will make quarterly monitoring of draft laws submitted for consultation of parliament and of legal initiatives of central executive bodies that cover framework for operation of NGOs and general rights and freedoms. In case if significant risks are identified, UCIPR will launch relevant advocacy efforts.

1.2.1 Consultations with decision-makers are held on issues of local democracy (local level), public funding of NGOs (central level) and public participation in decision-making (central level).

December 2014 – Project team will hold a focus group to identify views of NGO leaders on priority reforms in legislation for civil society development. In addition, online opinion survey will be conducted to give all interested NGOs an opportunity to present their views and needs. (Responsible person – Anastasia Krasnosilska, Project Manager/Objective 1). Yes

December 2014 – March 2015: Facilitation of introduction of amendments to the Law on Volunteerism aimed at abandoning the binding registration of volunteering organizations. (Responsible person – Anastasia Shymchuk, Project Manager/Objective 2). Yes

1.2.2. Development of the draft law of amendments to Ukrainian legislation in line with the Law on Civic Associations

May – September 2015: UCIPR will prepare draft law of amendments to Ukrainian legislation in line with the Law on Civic Associations. The draft law will be submitted to the parliament for MPs' consideration and for its registration. (Responsible person – Anastasia Shymchuk, Project Manager/Objective 2).

***Expected result 1.3: Appropriate bi-laws adopted to ensure implementation of progressive legislation (e.g., the Laws on Access to Public Information and on Public Associations)***

1.3.1 Adoption of amendments to Cabinet's Decree # 1049 (with provisions on wider application of contests-based procedures for public funding of NGOs)

September 2015 – till the adoption of the draft decree. UCIPR will hold consultations with ministries and the Secretary of the Cabinet of Ministers to facilitate support for amendments to Cabinet's Decree # 1049 with provisions on wider application of contests-based procedures for public funding of NGOs and to ensure that public proposals are considered in the final draft decree. The UCIPR team will advocated for a quick adoption of these amendments. Draft amendments were developed with participation of project experts before the project started. (Responsible person – Anastasia Krasnosilska, Project Manager/Objective 1). Yes

1.3.2 Adoption of Annual Action Plans for implementation of the Strategy of State Policy for Civil Society Development for 2015 with public proposals considered in it;

December 2014 – March 2015: the project team will develop proposals for annual Action Plan for 2015 on the base of previous research and consultations with NGO community. Proposals of the draft plan will be made public on the project web-site and on other civic web resources. Feedback from interested NGOs will be collected and considered in final drafts of respective proposals. (Responsible person – Anastasia Krasnosilska, Project Manager/Objective 1). No, no coord council treba zrobyty monitoring , treba rozislaty zapyt

December 2014 – till the adoption of the Action Plan. Consultations with decision-makers (leadership of key central executive bodies and the MPs, leadership of local executive bodies and local councils) will be held to build support for reforms offered as positions of the draft Plan. Project experts will control consideration of public proposals on all stages of development and finalization of the act. The project team will participate in sessions of Coordinating Council for Civil Society Development and meetings of its working groups to present the draft Plan and to facilitate public discussion of the draft Plan. (Responsible person – Anastasia Krasnosilska, Project Manager/Objective 1). No

#### 1.3.3 Adoption of amendments to Cabinet's Decree # 996 with public proposals considered in it

October 2014 – March 2015: UCIPR team will join working group under the Ministry of Justice to develop amendments to the Cabinet's Decree # 996 for improving regulations on formation and operations of public councils. Proposals will be discussed and agreed among key experts and members of efficient public councils. After the proposals will be developed, UCIPR will hold consultations with leadership of key ministries, representatives of the Secretary of the Cabinet and other decision-makers to facilitate adoption of proposals, developed under the leadership of UCIPR. UCIPR will advocate quick adoption of amendments in questions with public proposals considered in them. (Responsible person – Ivan Lukerya, Project Coordinator on Local Democracy). Done

#### 1.3.4 Adoption of Cabinet's Decree on information for official use, with public proposals considered in it.

March 2015 – till the adoption of the Decree: UCIPR team will draft proposals for Cabinet's Decree on information for official use. Consultations with decision-makers (leadership of key central executive bodies, members of the Cabinet of Ministers) will be held to build support for proposals in question. (Responsible person – Ivan Lukerya, Project Coordinator on Local Democracy). No proposals, no consultations ??? draft developed but not good

***Expected result 1.4: CSO enabling legislation developed with significant input from CSOs (e.g., draft Law on Peaceful Assembly, Tax Laws, policy initiatives outlined in the Civil Society Strategy, Final Draft Law on Local Referendum).***

Proposals to new Law on peaceful assemblies, proposals for improvement of tax legislation for NGOs, legislation on social contracting and on tools of local democracy are developed with significant input from all interested NGOs.

#### 1.4.1 Development of amendments to legislation on social contracting

April – July 2015: Project staff will develop Terms of Reference for analysis of current legal framework and practices of social contracting. It also will analyze legislation on social contracting in order to identify shortcomings, limitations and incompliance with best European practices. Analysis will cover national and local legal acts In addition, practice of social contracting on oblast and city level. All interested NGOs will be given an opportunity to share their experience of social contracting and their vision of shortcomings in legislation and practices. Recommendations for

improvement of legislation and practices of social contracting will be developed. (Responsible person – Anastasia Krasnosilka, Project Manager/Objective 1). Yes till the end of September

#### 1.4.2 Development of amendments to tax legislation for public associations and charitable organizations

November 2014 – January 2015: the Project staff will develop Terms of Reference for analysis of current legislation and administrative practice in the area of granting of non-profit status to public associations and charitable organizations. However, due to changes to the Tax Code of Ukraine in the part of non-profit status, the analysis of the current legislation will be postponed to the next year.

This year, the UCIPR team will focus on development and advocacy of the Regulation on State Registry of Non-Profit Organizations. (Responsible person – Anastasia Krasnosilka, Project Manager/Objective 1). Perprofiljovane

February 2015 – Round table on non-profit status of NGOs and taxation of philanthropic assistance will be held in partnership with Ukrainian Philanthropist Forum. Current tax environment for NGOs and charitable activities will be discussed. UCIPR draft legislative initiatives on improvement of tax environment for NGOs and philanthropic assistance will be presented. Representatives of NGOs, public officials and MPs will take part in the event to make the discussion most effective. Results of the discussion will be considered in final version of draft legal acts that are being developed by UCIPR. (Responsible person – Anastasia Krasnosilka, Project Manager/Objective 1). Yes

February – March 2015: A leaflet with arguments in support of draft law on amendments to the Tax Code regarding taxation of non-profits will be developed and published. The booklet will be disseminated among NGOs and decision-makers to promote proposed draft law. (Responsible person – Anastasia Krasnosilka, Project Manager/Objective 1). Yes

January – February 2015: Draft amendments to the Tax Code in the part of taxation of non-profits and philanthropic assistance will be developed. Draft amendments will be aimed at recovery of tax benefits for NGOs that were abolished in late December 2014. Explanatory notes and other documents that are necessary to initiate the draft law will be developed. (Responsible person – Anastasia Krasnosilka, Project Manager/Objective 1). Yes

February 2015: Consultations with MPs on submission of amendments to the Tax Code will be initiated. MPs broad coalition in support of the draft law will be created and draft laws will be submitted for the parliament consideration. (Responsible person – Anastasia Krasnosilka, Project Manager/Objective 1). Yes

February – July 2015: NGO partnership in support of better regulation on non-profit status of NGOs will be build. Meeting of the partnership will be held to develop advocacy campaign for adoption of respective draft legal acts. (Responsible person – Anastasia Krasnosilka, Project Manager/Objective 1). Yes

February – July 2015: Draft regulations on Registry of non-profits (in accordance with new version of the Tax Code) will be developed and advocated. UCIPR will become a member of working group on development of the Registry. To present and discuss draft regulations with wider range of NGOs, UCIPR will organize expert and focus group discussion with interested NGOs; UCIPR will consider proposals received in final draft of the act and will advocate these proposals in its communication with the Ministry of Finance. (Responsible person – Anastasia Krasnosilka, Project Manager/Objective 1). No but will be developed

April 2015: A webinar on draft legislation on non-profit status will be organized. Through the webinar UCIPR and invited experts will present provisions of the draft law on amendments to the Tax Code (in terms of taxation of non-profits) and provisions of the draft regulation on the Registry of non-profits. All interested NGOs will have an opportunity to submit questions, comments and proposals regarding presented draft legal acts. Public proposals will be considered in the final drafts. (Responsible person – Anastasia Krasnosilska, Project Manager/Objective 1). Yes

March – July 2015: Two media events in support of amendments to the Tax Code (on taxation of non-profits) will be organized before the first and the second reading of the draft law in the Parliament. Events will be organized to initiate public pressure and to force the parliament to adopt respective draft law. (Responsible person – Anastasia Krasnosilska, Project Manager/Objective 1). Done

#### 1.4.3 Development of amendments to new law on peaceful assemblies

October 2014 – March 2015: UCIPR will organize meeting of Partnership “Freedom of Peaceful Assembly” in the UCIPR office. During this meeting, the participants will discuss specific aspects of implementation of the Law on Peaceful Assembly. Additionally, UCIPR will attract external expert to prepare analytical report on Law on Peaceful Assembly (digital copies only, including infographic). The report will be disseminated among CSOs, public officials and other stockholders. (Responsible persons – Anastasia Shymchuk, Project Manager/Objective 2 and external expert).

March – April 2015: UCIPR team will develop infographics on application of the legislation on peaceful assembly by local public authorities. (Responsible person – Anastasia Shymchuk, Project Manager/ Objective 2).

April 2015 – the UCIPR team will organize roundtable on peaceful assembly legislation in Kyiv. This round-table will attract representatives of society organizations, experts of peaceful assembly, and lawyers. Participants of round-table will discuss prospective of implementation of the Law on Peaceful Assembly in Ukraine and develop experts’ proposals to this Law. It will require printing and layout handouts materials, program of event. It is expected that this round table will be attended by 15-20 people (5 people from the regions). (Responsible person – Anastasia Shymchuk, Manager Objective 2).

#### 1.4.4 Promoting local democracy tools

December 2014 – March 2015: the UCIPR team will develop model local act on citizens’ access to sessions of local councils. Draft act will be made public via web-site of the project, providing interested NGOs with opportunities to provide their comments. After consideration of public proposals in final draft of the act, the act will be made public. UCIPR will provide upon-request consultations for NGOs interested in advocating adoption of such legal act in their communities. (Responsible person – Ivan Lukerya, Project Coordinator on Local Democracy). Yes only for Kyiv city

March – May 2015: the UCIPR team will develop draft of local acts on mechanisms of participatory democracy for five pilot cities. Draft legal acts will be developed in consultations and tight cooperation with local civic activists. Upon-request, UCIPR will provide consultations for NGOs interested in advocating adoption of these legal acts in their communities. (Responsible person – Ivan Lukerya, Project Coordinator on Local Democracy). Done

#### 1.4.5 Development of public proposals for the second reading of the Draft Law on Local Referendum and their submission for consideration of the parliament

April 2015 – UCIPR will hold two-day conference aimed at forming coalition “For Open Local Council” in Kyiv oblast. The conference is aimed at forming coalition dealing with local democracy tools (participation in decision making at the local level, local referendum, etc.) The conference will attract representatives of local civil society organizations, experts of local democracy, and lawyers. The mission of coalition is to support and to advocate the bill on local referendum. (Responsible person – Ivan Lukerya, Project Coordinator on Local Democracy). Yes

April – September 2015: UCIPR team will develop the concept of the draft law on Local Referendum. The concept will be made public via project web-site and forwarded for revision to leading experts and interested civic activists. Received recommendations will be considered in final draft of concept. Additionally, UCIPR will hold consultations with MPs on development of the draft law. (Responsible person – Ivan Lukerya, Project Coordinator on Local Democracy). No consultation with public proposals two years included

April – September 2015: Preparation of analytical materials regarding local referendum. The UCIPR team will select two experts in local referendum to prepare the analysis about the situation in the area of the local referendum legislation in Ukraine and best international practices and standards. After such analysis is done, two articles will be published in national mass media and disseminated among authorities, civil-society institutions, new media and social networks. (Responsible person – Ivan Lukerya, Project Coordinator on Local Democracy). No

June 2015 – UCIPR will hold round-table "How to Introduce the Instrument of Local Referendum in Ukraine" in Kyiv. Round-table will attract representatives of local civil society organizations, experts of local democracy, and lawyers. Participants of the round-table will discuss perspectives of introduction of local referendum in Ukraine and they will develop experts' proposals for government. During this roundtable, the participants will discuss final recommendations to the draft Law on local referendum. (Responsible person – Ivan Lukerya, Project Coordinator on Local Democracy). Bude v veresni

#### **Objective 2: Capacity of public officials and CSOs to ensure effective implementation of legislation and policy increased**

The earlier adoption of progressive civil society legislation was a significant step forward, but it will not improve the regulatory environment unless legislation is properly implemented. Organizations and public officials at the local level are often uneducated about new legislation and are left without the skills, capacity and support to effectively implement or use it at the working level. Further, civic and governmental stakeholders do not often monitor outcomes of implemented regulations in order to make adjustments and improvements. Therefore, it is important to assist local stakeholders in meaningful implementation and use of civil society enabling legislation and policy through awareness-raising, technical support and monitoring efforts.

During first year, UCIPR will educate stakeholders on key issues in NGO enabling legislation. Its awareness-raising will include the following laws and mechanisms:

- Law on Public Associations; Decree #996 on Public Councils;
- new Tax Code and new legal instruments (e.g., endowments) outlined in the Law on Charity and Charitable Organizations;
- and opportunities for increased access to information and participation in government policy and decision making through recently adopted legislation.

Additionally, UCIPR will launch hot line to provide support to CSOs, will publish brochures, infographics and will use new information and communication technologies to explain new legislation and its implication.

Moreover, it will provide consultations, methodological recommendations and organize Forum to both NGOs and public officials regarding proper implementation and use of new legislation. UCIPR will provide legal assistance to NGO partners related to NGO functioning and operation. In addition, it will support local NGO partners in the regions to create resource and support centers, which will provide legal consultations to NGOs on different civil society enabling topics.

Moreover, UCIPR will be responsible for monitoring the implementation of civil society enabling legislation at local and national levels.

## **Results**

- 2.1. Newly adopted progressive legislation and policies related to civil society properly implemented (i.e., Laws on Public Associations, on Charitable Foundations and on Access to Public Information, and the Strategy on State Policy for Support of Civil Society Development)
- 2.2. CSOs better informed about the improved legislative enabling environment
- 2.3. CSOs increase use of the improved legislative enabling environment
- 2.4. Implementation capacity of public officials improved
- 2.5. Procedures for citizen participation in local decision-making improved
- 2.6. Citizens better informed about opportunities to participate in local decision-making

## **Indicators**

- Number of unlawful registration rejections of public associations
- Number of consultations on CSO legislation provided to public officials and CSOs
- Number of methodological recommendations<sup>10</sup> developed for public officials and CSOs
- Number of training days (on CSO legislation) provided to public officials and CSOs
- Number of CSO legal aid offices or centers in the regions
- Number of regional legal support coalition members

## **Activities**

In 2014-2015 UCIPR plans to conduct following activities to reach results of Objective 2:

***Expected result 2.1: Newly adopted progressive legislation and policies related to civil society properly implemented (i.e., Laws on Public Associations, on Charitable Foundations and on Access to Public Information, and the Strategy on State Policy for Support of Civil Society Development).***

Through hotline, UCIPR will monitor whether Laws on Public Associations, on Charitable Foundations and on Access to Public Information, and the Strategy on State Policy for Support of Civil Society Development are properly implemented. It also will teach CSOs to use instruments provided by CSOs enabling environment legislation (i.e., Laws on Public Associations, on Charitable Foundations and on Access to Public Information, and the Strategy on State Policy for Support of Civil Society Development). UCIPR will monitor the implementation of civil society enabling legislation at local and national levels. It will be done through in-house monitoring, analysis, and partnership with other NGOs and public officials. UCIPR will encourage partner

organizations to improve their monitoring and oversight capacities through NGO Capacity Building Marketplace.

#### 2.1.1 Analyze situation with the implication of the Law on Public Associations

January – September 2015: UCIPR will organize meetings of Partner NGOs in the UCIPR office. The meeting will discuss the features of implementation and ways for improvement of the Law on Public Associations. During the meeting, it will be also discussed practices of implementation of the Law and defined pilot regions for CSOs training how to use the benefits of the Law on the level of local authority. It is expected that around 8-12 NGO activists/leaders will participate in this meetings. (Responsible person – Anastasia Shymchuk, Project Manager/Objective 2).

#### 2.1.2 Analyze situation with the implication of the Law on Access to Public Information

February – May 2015: the project team will organize visits to two regions of Ukraine. The purpose of such visits is to study and to analyze the situation with the implication of the Law on Access to Public Information, to provide consultations regarding implication of the Law as well as to draft recommendations for public authorities. (Responsible person – Ivan Lukerya, Project Coordinator on Local Democracy). Done pokazaty shcho taki pojizdky byly

#### 2.1.3 Renewal of the Coordinating Council work

December 2014 – January 2015: UCIPR will initiate consultations with the Administration of the President of Ukraine on renewal of active work of the Coordinating Council for Civil Society Development. Together with stakeholders the UCIPR will develop and advocate proposals for amending the list of member of the Council and the regulation on the Council. (Responsible person – Anastasia Krasnosilska, Project Manager/Objective 1). Done partially

February 2015 – UCIPR will organize meeting of Coordinating Council for Civil Society Development in the UCIPR office. The participants will discuss the need to draft new Concept of the Coordinating Council, as after election of the new President of Ukraine, the Council has to restart its activity. It is expected that around five people from other regions will participate in this discussion. (Responsible person – Anastasia Krasnosilska, Project Manager/Objective 1). Done

### ***Expected result 2.2: CSOs better informed about the improved legislative enabling environment.***

UCIPR will educate stakeholders on key issues in NGO enabling legislation. It will conduct trainings on recent civil society enabling laws and decrees as well as the main changes brought about by new legislation, such as Law on Public Associations; Decree #996 on Public Councils; new Tax Code and new legal instruments (e.g., endowments) outlined in the Law on Charity and Charitable Organizations. UCIPR will provide legal assistance to NGO partners related to NGO functioning and operation. It is expected that during first year UCIPR will provide 205 consultations to CSOs and public officials.

#### 2.2.1 Develop information materials for improving awareness among target audience

September – October 2014: the UCIPR team will develop layout & design, print and disseminate two information stickers about availability and functioning of hotlines for public associations and charitable foundations. The information stickers will contain information in which way to contact hotline and how to receive information about CSO registration, operation and closeout etc. Around 8000 copies will disseminated among CSOs and Charitable Foundations. (Responsible person – Anastasia Shymchuk, Project Manager/Objective 2).

October 2014 – the UCIPR team will design infographic about the benefits of the Law on Access to Public Information. The infographic will be developed for the local communities and in simplified

ways, it explains the citizen right for public information, which information has to be provided for public and how to secure own rights. It is expected that about its 1000 copies will be printed and distributed in the local communities (Responsible persons – Ivan Lukerya, Project Coordinator on Local Democracy and External Expert). Booklet done

January – February 2015: UCIPR team will print booklets containing information how to register CSO. They will be disseminated during the UCIPR and partner events. (Responsible person – Anastasia Shymchuk, Project Manager/ Objective 2).

February – March 2015: UCIPR together with external consultant, selected on the competitive basis, will develop layout and print the booklet “Simple Steps How to register Charitable Foundation”. The booklet will show how simple it is to register a new charitable organization. It is expected to print around 500 copies which will be disseminated during trainings. (Responsible person – Anastasia Shymchuk, Project Manager/ Objective 2).

March 2015 – UCIPR will prepare and publish four editions of Civil Society Magazine (A4, 16 pages, 1000 copies). The magazine will contain information about changes in legislation regarding CSOs activity, best practices of civil society development on the local level etc. The magazine will be disseminated among CSOs leaders, ministries and MPs, mayors, governors, and projects of international technical assistance projects (Responsible person – Maksym Latsyba, Project Director/ Policy Advisor). Done

### ***Expected result 2.3: CSOs increase use of the improved legislative enabling environment.***

UCIPR will provide consultations and trainings for both state and civil stakeholders on proper implementation and use of new legislation (e.g., trainings for tax officials and NGOs to insure legal status through new registration requirements). It will conduct training sessions on the effective facilitation of Public Councils. These trainings will bring together government officials, council members and NGOs to clarify their roles and improve their capacity in fulfilling them in order to ensure efficient and transparent councils.

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#### **2.3.1 Establish call center for civic activists for facilitating their activity and providing support with legal issues.**

September 2014 – UCIPR will launch hotline for CSOs and Charitable Foundations, which will assist CSOs on application of the Laws on Public Associations and on Charitable Foundations. In addition, the hotline will be a valuable resource for those CSOs which are registered on the territories which are not controlled by the Ukrainian authorities. Any CSO or charitable organization can contact hotline by e-mail or by phone during working hours and receive support, advice or recommendation from the UCIPR team. (Responsible person – Anastasia Shymchuk, Project Manager/Objective 2).

#### **2.3.2 Examine the practices of implication of Government Decree # 996 to identify the gaps and problems**

October 2014 – organize meeting of focus groups with Heads of the Public Councils to identify problems in the legal/administrative practice that regulate the activity of the Public Councils, the UCIPR office or Ministry of Justice. Six participants from other regions are expected to participate.

There are positive and negative practices of the Public Councils work and it is very important to understand what is the problem, therefore UCIPR will gather the pilot heads of the councils and will discuss the possible solution for improvement of the councils work. (Responsible person – Maksym Latsyba, Project ). Will be done in September

November 2014 – September 2015: UCIPR will organize and hold four one-day workshops for CSOs activists regarding specifics of NGO legislation and NGOs registration procedures in the UCIPR office. Each workshop will cover separate issue, which will be developed in advance on the need basis. During the workshops, the participants will be able to discuss complicated cases and will try to seek the solutions for concrete situations. It is expected that about 40 participants will take part in these workshops. The group of participants will be formed through the open announcement. (Responsible person – Anastasia Shymchuk, Project Manager/Objective 2).

***Expected result 2.4: Implementation capacity of public officials improved.***

UCIPR will provide consultations and methodological recommendations to public officials on proper implementation and use of new legislation. UCIPR will develop 14 methodological recommendations for public officials and CSOs and will provide three training days (on CSO legislation) to both public officials and CSOs.

2.4.1 Establishing better communication between public officials and civil society activists

March 2015 – organizing Forums for NGOs and public officials from the Departments of Public Relations at the Ministries of Ukraine in Kyiv. The participants of the Forum will receive handouts materials. It is expected that 60 people will participate in the Forums. (Responsible person – Anastasia Krasnosilska, Project Manager/Objective 1). Will be done Sept 30.

***Expected result 2.5: Procedures for citizen participation in local decision-making improved***

Working groups will be formed and drafts of local acts, which regulate local democracies procedures, will be prepared and submitted to local councils in five pilot cities. As a result, citizens will receive simplified and available tools for participation in decision making on local level.

2.5.1 Analysis of the situation with local decision-making

December 2014 – September 2015: UCIPR team will organize experts' visits to five pilot cities of Ukraine to learn about citizen participation in local decision-making. During these two-day visits, two experts will hold meetings and interviews with government officials, representatives of local self-governments, journalists and representatives of civil society institutions about transparency of authorities, public access to decision-making processes and opportunities for implementation of participatory democracy instruments. (Responsible person – Ivan Lukerya, Project Coordinator on Local Democracy). Done

***Expected result 2.6: Citizens better informed about opportunities to participate in local decision-making.***

During the first year, citizens will receive knowledge and develop own skills regarding usage of participatory democracy tools on the local level. For this purpose, the UCIPR team will organize awareness campaign which includes dissemination of information materials (booklets and experts' articles) about the right for local referendum

### 2.6.1 Publication of information materials about opportunities to participate in local decision-making process.

April – May 2015: Design and publication of information booklets on mechanisms of civic oversight over local authorities, including right for local referendum and citizens' involvement in decision-making process. Information booklet on mechanisms of civic oversight over local authorities and Local Referendum will describe the situation with regulation in this area and includes experts' proposals to draft law on local referendum. Information booklets will explain why it is important to involve citizens into decision-making process. It is aimed at increasing citizens' involvement in decision-making process. About 1000 copies of each will be published and disseminated among target group. (Responsible person – Ivan Lukerya, Project Coordinator on Local Democracy). Done

### **Objective 3: UCIPR's technical and organizational capacity increased to serve as a leader and driver of civil society legislative efforts**

During the first year, UCIPR will work on strengthening its own technical and organizational capacity by implementing recommendations from recent surveys, assessments and audits. The priority will be given to the organization capacity strengthening, specifically further institutionalizing of the governance structure in the organization, and improvement of the procurement, financial and HR systems in the organization. UCIPR will first work on implementing NUPAS and audit recommendations focused primarily on organizational capacities. As UCIPR develops, it will also strengthen other aspects of its organizational development as recommended by UNITER/Pact's 2013 assessment of UCIPR. This assessment focused on UCIPR's technical skills and their ability to influence the civil society environment and adapt to changing conditions.

During this period, the organization will be re-registered in accordance with the new legislation and ensure that the statute clearly defines its organizational governance system. The financial system and internal controls will be improved by clarifying procedures, ensuring back-up of accounting data and limiting access to accounting documents. The HR system will be improved by enforcing a timesheet system and remuneration policies. The organization will develop a project manual.

At the same time, UCIPR will also work on strengthening its own technical capacity, it will further develop its legal expertise and start to use English language resources in its analysis. UCIPR staff will participate in study visits, international industry events and in-country networking activities.

Moreover, UCIPR will improve its communication with the international community and donors by developing policy updates and introducing the practice of sending out English-language information to key stakeholders. Besides expert roundtables and participation in government working groups, UCIPR will work more closely with citizens and NGOs whose interests the organization will represent. As a result, UCIPR will improve its ability to influence the public agenda.

Finally, UCIPR will refine its strategic plan for the next 3 years; develop and improve UCIPR's communications strategy; online legislative tools and packages; regular policy updates (in Ukrainian, Russian and English); membership (informal) in international networks etc.

## **Results**

- 3.1. UCIPR's organizational capacity strengthened – governance structure, procurement processes, financial and human resources systems, monitoring and evaluation, communication and outreach
- 3.2. UCIPR's technical capacity improved – legal analysis and expertise
- 3.3. UCIPR's capacity to influence a broad community of stakeholders increased – government, NGOs, citizens and the international organizations

**Indicators:**

- Number of NUPAS and audit recommendations implemented
- Number of CSOs partnering with UCIPR
- Number of international donors partnering with UCIPR
- Number of regular policy updates (in Ukrainian and English)

**Activities**

***Expected result 3.1: UCIPR's organizational capacity strengthened – governance structure, procurement processes, financial and human resources systems, monitoring and evaluation, communication and outreach.***

During the first year, UCIPR will strengthen its own technical and organizational capacity by implementing recommendations from recent surveys, assessments and audits. Recommendations from USAID's pre-award assessment (Non-U.S. Organization Pre-Award Survey - NUPAS), a recipient contracted audit (RCA) and UNITER/Pact's holistic capacity development assessment will form the basis of UCIPR's advanced capacity development roadmap. UCIPR will work on implementing NUPAS and audit recommendations focused primarily on organizational capacities. As UCIPR develops, it will also strengthen other aspects of its organizational development as recommended by UNITER/Pact's 2013 assessment of UCIPR. This assessment focused on UCIPR's technical skills and their ability to influence the civil society environment and adapt to changing conditions.

3.1.1 Implementation of NUPAS audit recommendations

September 2014– February 2015: re-registration of the organization in accordance with the new legislation and ensure that the statute clearly defines its organizational governance system. Finish registration of the new UCIPR's statute revision with extended area of activities (Ukraine) and creation of new Board and the Directorate (with clear description of its responsibilities and control functions). Development of policies for the Board and the Directorate (election/removal of members, main tasks, approaches, frequency of meetings and formalization of decisions etc.) and maintaining of written standards governing the performance of UCIPR's employees who are immediate family members and engaged in different management functions. (Responsible person – Kostiantyn Latsyba, Project Manager/Objective 3). Done

October 2014 – March 2015: establishment of formal procedure for backup and recovery of the documents and accounting software data. Introduction of the user in accounting system with "read only" access. (Responsible persons – Kostiantyn Latsyba, Project Manager/ Objective 3 and Chief Accountant). Done

November 2014 – introduction the convocation of procurement panel for all purchases over set up reasonable threshold for goods or services. (Responsible persons – Kostiantyn Latsyba, Project Manager/Objective 3 and Daryna Stepanyuk, Administration/Procurement/HR Manager). Done

February 2015 – UCIPR will launch the system of the formal control system over cash and EFT payments which would be in compliance with both Title 22 of Code of Federal Regulations Section 226.21(b)(6) and OMB A-123”Management’s Responsibility for Internal Control”. (Responsible persons – Kostiantyn Latsyba, Project Manager/Objective 3 and Kostyantyn Mykhailychenko, Administrative Supervisor). Done

December 2014 – February 2015: assigning responsibility for reviewing the cost for reasonableness, availability before the accounting records are made to a different person in the payment process. (Responsible persons – Kostiantyn Latsyba, Project Manager/Objective 3 and Kostyantyn Mykhailychenko, Administrative Supervisor). Done

February – June 2015: launching the system of producing financial statements on a quarterly basis for overall assessment of financial position of the Organization. (Responsible persons – Kostiantyn Latsyba, Project Manager/Objective 3 and Kostyantyn Mykhailychenko, Administrative Supervisor). Next year

January – April 2015: development of clear HR system and policies - clear delineation and division of staff functions, responsibilities and subordination based on actual work being carried out in the Organization’s different activities; upgrade of a pay scale for both permanent and temporary employees using the same rates for compensating staff for work on all projects as prescribed in OMB Circular A-122 Attachment B, Section 8, Compensation for Personal Services; upgrade of the overall compensation increase procedure; development of the detailed time sheets with special codes assigned to each activity/project and to develop written procedure about the timesheets reports approval. After timesheet template development, UCIPR team will introduce written procedure on timesheets management, which should assign the responsibility for monitoring work activities and timesheets reports approval by each employee's direct supervisor prior to posting them into accounting records. (Responsible persons – Kostiantyn Latsyba, Project Manager/Objective 3; Kostyantyn Mykhailychenko, Administrative Supervisor and Daryna Stepanyuk, Administration/Procurement/HR Manager.) in process

### 3.1.2 Strengthening of UCIPR’s organizational capacity

September 2014 – April 2015: Consultations for UCIPR staff (by external experts, including USAID OFM) on the development/amendments of certain policies and procedures following NUPAS and audit recommendations. Furthermore, the UCIPR staff will improve its gender awareness and will take part in gender, financial management and internal control system trainings. These trainings would be very useful for the team to fulfill NUPAS recommendations and USAID requirements. (Responsible person – Kostiantyn Latsyba, Project Manager/Objective 3). Done

October 2014 – April 2015. Development of amendments to the project manual, procurement policy, HR and Financial Management Manuals. Implementation process will include consultations and trainings for UCIPR staff. (Responsible person – Kostiantyn Latsyba, Project Manager/Objective 3). Project manual

October 2014 – March 2015: UCIPR team will develop UCIPR Strategic Plan for 2015-2017 which will include development of all UCIPR programs. (Responsible person – Kostiantyn Latsyba, Project Manager/Objective 3 and external expert (consultant)). Done

June – September 2015: Assessment of UCIPR organizational capacity by external consultant. Based on the assessment results, UCIPR team will develop its capacity development plan for the

next three years. (Responsible person – Kostiantyn Latsyba, Project Manager/Objective 3 and external expert (consultant). Next year

Audit

### 3.1.3 Internship program with UCIPR

October 2014 – June 2015: development of the UCIPR's two-month internship program. UCIPR will announce competition for UCIPR's Internship Program, select four interns and train them. After they received the training, they will have two months internship with UCIPR. During the first year, there will be two rounds of the program. At the end of the program, interns will evaluate the program and provide recommendations for future internships. For this purpose, UCIPR will develop questionnaire to assess the internship program and to understand the gaps and where improvements should be made. The results will be analyzed and the internship program will be emended by the UCIPR team. (Responsible person – Kostiantyn Latsyba, Project Manager/Objective 3). Done but not the program

### ***Expected result 3.2: UCIPR's technical capacity improved – legal analysis and expertise***

#### 3.2.1 Use of English language resources in UCIPR's expertise

February – April 2015: the UCIPR team will analyze available and relevant resources (analytical reports, European legislation and research papers and data bases) in English and discuss what is the most appropriate for the project and UCIPR benefits. After such analysis is prepared, the UCIPR team will map resources according to policies/issues of public policy. (Responsible person – Kostiantyn Latsyba, Project Manager/Objective 3).

### ***Expected result 3.3: UCIPR's capacity to influence a broad community of stakeholders increased – government, NGOs, citizens and the international organizations***

#### 3.3.1 Launching of the Project webpage.

September 2014 – March 2015: launching of the project webpage on the UCIPR website. (Responsible person – Kostiantyn Latsyba, Project Manager/Objective 3). Done

#### 3.3.2 Launching of the UCIPR's policy updates

February–April 2015: UCIPR team will develop and approve structure and layout of the policy updates. Together with partners, it will also develop database for policy updates distribution and will approve responsible persons for policy updates. (Responsible person – Kostiantyn Latsyba, Project Manager, Objective 3). Done

April 2015 – first edition of English policy update will be disseminated by the UCIPR team among to stakeholders and donors (Responsible person – Kostiantyn Latsyba, Project Manager, Objective 3).

#### 3.3.3 UCIPR staff training

April - May 2015 – organize training in communication with media for the UCIPR staff. (Responsible persons – Kostiantyn Latsyba, Project Manager, Objective 3 and External expert). Done

April – September 2015: Trainings on Web 2.0, social networking (SMM), email and Internet marketing for the project staff. The trainings are aimed at improving the quality of advocacy campaigns and more effective communication with partners and donors. (Responsible persons – Kostiantyn Latsyba, Project Manager, Objective 3. Done

May – July 2015: UCIPR will organize two-day training on public negotiation for the UCIPR staff. During this training, the participants will be able to learn how to conduct public negotiations. (Responsible persons – Kostiantyn Latsyba, Project Manager, Objective 3 and External expert (trainer). Done

#### 3.3.4. Publication of UCIPR Annual reports

March – May 2015: UCIPR will publish Annual report about outcomes of Organization’s activities in 2014. (Responsible persons – Kostiantyn Latsyba, Project Manager, Objective 3 and PR-manager). Not done

### **V. Mandatory Factors**

#### **A. Gender**

In 2014-2015, UCIPR will try to attract equal number of women and men to its trainings and activities. However, its program activities, UCIPR will support Ukrainian coalitions or networks dealing with gender inequality in the application of government policies and practices. It will incorporate gender in all trainings to increase awareness of gender gaps what will help to facilitate inclusion of women in formal decision-making processes in civil society work. Moreover, conducting legislative and policy analysis, drafting and monitoring, UCIPR will perform with a gender lens. All advocacy initiatives will consider gender differences and perspectives from the outset in order to effectively represent all Ukrainians and their interests.

UCIPR will also work closely with other activities implemented under the Civic Oversight Project that focus specifically on the advocacy and monitoring initiatives and CSO organizational capacity building in order to strengthen women’s participation in civil society activism and engagement.

#### **B. People with Disabilities**

UCIPR will assist DPOs and CSOs engaged in disability issues to understand and use legislative and policy changes. It will include DPOs and CSOs in their networks and partnerships at the national and local levels. UCIPR can help these organizations improve their capacities to analyze and put forth recommendations on legislation. UCIPR will work closely with other Civic Oversight Project activities that assist in advocacy and monitoring initiatives as well as provide institutional and management capacity-building support to DPOs and CSOs engaged in disability programming. UCIPR will look for synergies between this program and other USG-supported initiatives, and present additional areas for support to the issue of disability in civil society strengthening.

#### **C. Lesbian, Gay, Bisexual and Transgender Community**

This program will assist organizations focused on LGBT issues, along with other organizations, to support a legislative framework that protects and supports civil society. UCIPR will engage a breadth of civil society organizations working to improve the legislative environment, including those that engage on LGBT issues. UCIPR will work closely with other activities implemented under the Civic Oversight Project that focus specifically on the advocacy and monitoring initiatives and CSO organizational capacity building in order to support organizations representing underserved populations. It plans to invite LGBT organizations representative to all events and engage them in all activities.

#### **D. Sustainability**

In order to achieve sustainability of the project in 2014-2015, the program team will prepare Initial implementation Plan, Monitoring and Evaluation Plan, build relationship with Ministry of Justice as tea in Beneficiary and register project with ministry of economy. It will also start all activities, which will be continued in the next five years.

#### **VI. Coordination**

All activities 2014-2015 will be implemented in close collaboration with other Mission activities and projects, as appropriate, including those outside the democracy and governance sector portfolio. This will help identify complementarities, synergies and areas for collaboration. For instance, the Ukraine Civil Society Capacity Building activity can provide with knowledge and skills on various different fields (e.g., advocacy and communication, international law and best practices). There may be numerous opportunities for linkages with the media program (U-Media). Efforts to raise media and public awareness of CSO legislative activities, including through the use of Information and Communication Technologies (ICTs), will be very important and will require joint actions. Other programs include (but not limited to):

- The USAID/Strengthening Civil Society in Ukraine (also known as Ukraine National Initiative to Enhance Reform – UNITER);
- The USAID/Ukraine Financial Management Capacity Development Initiative;
- The USAID/Ukraine local governance programs, including efforts to increase levels of citizen participation and engagement with local officials;
- The USAID/Ukraine rule of law program dealing with administrative law reform, especially given the role of administrative courts as the nexus for resolving disputes between citizens and government;
- The USAID/Ukraine Responsible Accountable Democratic Assembly (RADA) program to spur civil society participation in legislative drafting and to monitor legislation implementation
- USAID's Human Rights in Action Program
- USAID's ISAR/Yednanya Program on Capacity Building.

The activity will also work in close collaboration with non-US government donors, including the International Renaissance Foundation, UNDP, Swedish, Canadian and other Embassies, the EU Delegation and EU projects implemented in Ukraine. Regular donor coordination will better shape legislative agenda and will allow for more effective use of resources.

