

<b>Project partners:</b>	<p style="text-align: center;"><b>Legal Think Tanks and Government – Capacity Building</b></p> <p style="text-align: center;"><b>Country Report. Ukraine</b></p> <p style="text-align: center;"><b>Authors</b></p> <p style="text-align: center;"><b>Tetiana BLYZNIUK</b></p> <p style="text-align: center;"><b>Maksym SEREDA</b></p>
<b>POLAND</b>	
	
<b>HUNGARY</b>	
	
<b>CZECH REPUBLIC</b>	
	
<b>SLOVAKIA</b>	
	
<b>UKRAINE</b>	
	
<b>MOLDOVA</b>	
	

## Table of content

Table of content .....	2
Part One. Country questions.....	5
Introduction – summary .....	5
Short country information.....	6
The map of Think Tanks in the country.....	12
Think Tanks activities – Government interactions .....	17
Legislative process.....	20
System of justice, judiciary.....	21
Legal profession.....	30
Access to justice .....	33
Legal education .....	37
Language of the law (quality, communication).....	40
Internationalisation of law .....	42
Human rights, equality, discrimination .....	44
Information society and the legal system and administration .....	51
Think Tanks – opportunities and challenges .....	57
Think Tanks and government .....	62
Think Tanks and Academia, scientific circles.....	67
Think Tanks and their limits .....	68
Interdisciplinary approach to the law .....	69
TT and access to data .....	70
Think Tanks and innovations .....	71

Think Tanks – success stories .....	72
Think Tanks – communications and media .....	73
Cooperation of legal Think Tanks .....	74
Financing of legal Think Tanks activities .....	77
Part Two. Legal Think Tank Cards.....	80
Part Three. Legal Think Tank Projects Cards .....	118
Part Four. Country bibliography .....	145
Part Five. Additional materials .....	149

**List of abbreviations:**

TTs – Think Tanks

DPR – Donetsk People’s Republic

LPR – Luhansk People’s Republic

ATO – Anti terrorist Operation

MPs – Members of Parliament

NGO – Non-governmental organization

EU – European Union

OSCE – Organization for Security and Co-operation in Europe

UHHRU – Ukrainian Helsinki Human Rights Union

## Part One. Country questions

### Introduction – summary

*Summary (max. two pages, 4000 characters), to be prepared when the country report is drafted.*

- Please summarize your report and state of interaction, collaboration between legal Think Tanks and the government in your country.*
- What is most important? What is characteristic?*
- What are most important findings and recommendations from your report?*

Ukraine is now in one of the most difficult and decisive periods of its entire history. The Revolution of Dignity of 2014 and overthrowing of authoritarian regime facilitated fast tempo of changes in development of civil society and public politics. This has significantly increased demand of public administration on analytical activities that in turn requires special knowledge and skills necessary for conduction of research and analysis during state policies development.

Events of 2014 – Revolution of Dignity, annexation of Crimea, beginning of military conflict in result of occupation of part of Eastern Ukraine, clear geopolitical course which Ukraine made - incited Ukraine to undertake comprehensive reforms which will doubtlessly facilitate emergence of new think tanks in the coming years.

The most pressing task for the country is to implement vital reforms which would lead the country out of permanent political, economic and social crisis and would fix main problems stalling country's development. Under such circumstances it is getting more and more important to establish fruitful collaboration between state administration bodies and independent think tanks.

According to the Survey “Political results of half year” which was conducted by Ilko Kucheriv democratic Initiatives Foundation in 2015<sup>1</sup>, most of experts believe that the Judicial reform is the most important in Ukraine. Specialists were asked to

---

<sup>1</sup> The Survey „Political results of half year”, Ilko Kucheriv Democratic Initiatives Foundation, 2015 [http://www.old.dif.org.ua/ua/polls/2015a/politichni-pidsumki-pivrichchja\\_1437658228.htm](http://www.old.dif.org.ua/ua/polls/2015a/politichni-pidsumki-pivrichchja_1437658228.htm)

name three major reforms that they believe should be done in Ukraine in the first place. As was mentioned Judicial reform is no. 1 priority, after that the reform of the police and tax reform.

After Euromaidan state administration has become more democratic so today legal thinks tanks have the opportunity to participate in promoting these reforms in different forms: development of the human rights strategy; creation of effective system of criminal justice bodies; reforming of legal field, namely renewal of the judicial corps and improvement of judges' accountability; achievement of real independence of judges; introduction of new technologies for organization of work of judges and administration of justice; introduction of a full-fledged jury trial; introduction of the world standards into legal education and regulation of legal professions; establishment of an anticorruption court to consider high-profile corruption cases and others.

However despite the significant changes in the country there are more obstacles than opportunities to the development of cooperation between the authorities and the Think Tanks, for example lack of effective mechanisms for cooperation between state bodies and the Think Tanks; lack of state funding for involvement of the Think Tanks to governmental institutions; lack of knowledge of the authorities, lack of necessary information on the scope of analysis conducted by the analytical centre; lack of a governmental institutional memory to work with non-governmental Think Tanks; low professional level of state structures, etc.

To develop cooperation between Think Tanks and the Government on top of everything else it is necessary to attract accumulated knowledge from Think Tanks by public authorities and local self-government bodies. More detailed information can be found in the research.

## Short country information

*(max. two pages, 4000 characters)*

*- Please provide short information about your country including (please do not go into details, this is to draw a general picture of current situation, trends and challenges):*

- *its name,*
- *population and ethnic origin if important,*
- *size,*
- *basics of political system,*
- *most important information regarding current political situation.*
- *What are current biggest challenges, political and social trends in your country?*
- *What are the biggest problems, challenges in the legal field (system of justice, legal profession, legislative process and similar).*
- *Are there any major recent social and political changes that influence the activities of Think Tanks? For instance trends that are being described as the rise of illiberal democracy? How this influence the work of Think Tanks?*

Ukraine is a country situated in the central part of Europe and one of the biggest European countries. It has an area of 603.700 km<sup>2</sup> and a population of 42,929,298 (2015)<sup>2</sup>. Except Ukrainians representatives of more than 110 ethnic groups live in the country. Ukrainians make up 73% of total population, Russians – 22%, Jews, Belarusians, Moldovans, Bulgarians, Poles, Hungarians, Greeks and others - 5 %.

Ukraine is a parliamentary-presidential republic. The only legislative body is the parliament – Verkhovna Rada (Supreme Council) of Ukraine which is according to the Constitution composed of 450 members. The President is endowed with authority of a head of state, speaks on behalf of it, is the guarantor of the state's sovereignty, territorial indivisibility, the observance of the Constitution of Ukraine and human and citizens' rights and freedoms.

The highest body of state executive power is the Cabinet of Ministers of Ukraine. The Cabinet is responsible to the President of Ukraine and is under the control and being held accountable to the Verkhovna Rada. The Prime Minister of Ukraine manages the work of the Cabinet of Ministers of Ukraine and directs it for the implementation of the Program of Activity of the Cabinet of Ministers of Ukraine adopted by the Verkhovna Rada of Ukraine.

---

<sup>2</sup>Statistical Office of Ukraine, figures of 2016  
[http://database.ukrcensus.gov.ua/MULT/Dialog/statfile\\_c.asp](http://database.ukrcensus.gov.ua/MULT/Dialog/statfile_c.asp)

Judicial power in Ukraine is administered exclusively by the courts. The Constitutional Court of Ukraine is the sole body of constitutional jurisdiction in Ukraine.

### ***Political and social situation in Ukraine***

The armed conflict in Eastern Ukraine is the current primary national security challenge. Despite a formal ceasefire following the Minsk agreements, the conflict is still in the hot stage, claiming casualties and material damages every day. Moreover, it affects internal developments in Ukraine in many areas.

1. The military dimension. The low-intensity poses an ongoing threat to Ukraine given the risk of resuming full-scale warfare and Russian invasion. Though Ukraine has been allocating 4,4% of GDP to defence needs, there is uncertainty whether Ukrainian militaries will be able to deter possible Russian offensive in Eastern Ukraine or across an administrative border with Crimea.

Moreover, Ukrainian Defence Ministry is working out the prospects for next waves of mobilization. This controversial idea is aimed at making for soldiers who are expected to be demobilized in the months to come. In addition, Ukraine moves to modern professional Ukrainian army on contractual basis.

Russian aggression has pushed Ukraine for closer military cooperation with NATO. Since 2014, Ukraine has been actively substituting for Soviet military equipment and technologies with NATO standards. According to Ukraine's Strategic Defence Bulletin, Ukraine has to implement an ambitious military program and achieve standards necessary for NATO membership until 2020.

Naturally, in 2015 Ukraine suspended all forms of military cooperation with Russia despite a high level of interdependence following the collapse of Soviet Union.

2. Economic dimension. Before the conflict broke out, Donbas region amounted to 16,4% in 2012 and 14,9% in 2013 of Ukraine's GDP. When DPR/LPR captured a part of Donbas, Ukraine lost access to numerous coal resources, industrial and infrastructural assets. It was one of the main causes of Ukraine's export reduction

in 2014-2015. At the same time, Ukraine started to import coal necessary for heat stations – a primary source of electricity production.

At the same time, government-controlled areas of Donbas are under conditions that resemble Ukraine's general trends. Local enterprises try either to restore natural economic ties with Russia or gain an access to European markets – a real challenge for low competitive Ukrainian products and producers.

Also the main tendencies of economic development are:

- The sharp weakening of the hryvnia in February 2015 and the increase of administratively regulated tariffs, especially for natural gas, caused the highest CPI growth in the last twenty years (December to December) – by 43.3%.
- During 2015 there was outflow of deposits from the banking system due to distrust of banks and, to a lesser extent, as an attempt to keep consumption stable despite rapid fall in real income
- Since the spring of 2014, there was a formal transition to a flexible exchange rate regime. In fact, the central bank put into force quite tough administrative measures aimed primarily at reducing the demand for currency
- Currency inflow to the financial account is mainly due to the IMF and other supranational agencies. Private investors have considerably reduced investment in Ukraine because of significant uncertainty

3. Social dimension. Warfare resulted in an unprecedented number of internally displaced persons, varying from 1 mln to 1.7 mln according to various methodologies. Only nearly half of displaced citizens are employable persons while a significant part of them belong to pensioners, persons with disabilities or other social groups. Given the fact that the same persons can simultaneously belong to different groups in need of social protection, it is a hard burden for Ukraine's state budget and fragile economy that has only recently resumed slow recovery in terms of GDP growth.

4. Political dimension. Armed conflict is a very sensitive issue in Ukrainian public policy and society. Ukrainian society does not have a single view on conflict resolution and future status of uncontrolled Donbas. According to survey by the Razumkov centre, 30% of Ukrainians think that Ukraine should go on ATO until the

whole area of Donbas is liberated from pro-Russian armed groups, 22% favour that uncontrolled part of Donbas should be granted with special status, and 21 consider that Ukraine should give up uncontrolled part of the region. As a result, any decision taken by the government regarding Donbas risks provoking political tensions and public anger. The parliament's approval of constitutional amendments regarding the special status of uncontrolled Donbas in the first reading resulted in deadly clashes in August 2015. However, the government has tried to avoid any controversial decisions since then for fears of political destabilization that may result in early elections and other negative implications.

Opposition bloc is currently the only parliamentary faction that promotes granting the special status. Self-Reliance explicitly lobbies that this part of Donbas should be recognized a temporarily occupied territory. Poroshenko's Bloc and People's Front, parties that constitute a ruling coalition, try to maintain a balance between meeting public expectations (refusing from political steps in implementing the Minsk agreements) and foreign pressure (receiving support from foreign actors that demand political concessions in implementing the Minsk agreements).

Ukrainian public is especially sensitive to the following steps that Ukrainian government has obliged to take in accordance with the Minsk agreements – special status for uncontrolled Donbas, law on local elections in these areas and amnesty to persons who participated in pro-Russian insurgency. Therefore, the government's refusal to comply with the above concessions is both a protection from public revolts and further disintegration and an indicator of domestic legitimacy.

### ***Biggest challenges in the legal field in Ukraine***

The following challenges can be identified in the legal field:

1. Amendments to Constitution of Ukraine on:

- decentralization reform;
- reform on status of higher authorities (President, Government, Parliament, executive as such);

- human rights.

2. Amendments to laws on status, plenipotentiaries and organization of executive bodies, namely Law “On Cabinet of Ministers” and Law “On central bodies of the executive”. Law “On local state administrations” has been already adopted but it needs some corrections. The whole society also is waiting for significant progress in public administration reform which won’t happen without adoption of new laws “On Administrative and Territorial System”, “On Administrative Procedure”, “On Administrative Fee”.

3. Constitutional reform which has been already launched after amending Constitution and adoption of new Law “On Judiciary and Status of Judges” but the new Law “On Constitutional Court” is still not adopted (adopted in the first reading) and none of codes of procedures has been amended. In short, the progress of constitutional reform needs further legislative changes to be made.

4. There is a need to amend new legislation on reform of law enforcement agencies (prosecution, police) and anti-corruption. Practice of implementation of these laws has revealed their flaws.

5. There is a need to implement decentralization reform (which provides for enlargement of territorial communities and giving them more power) in norms of branch legislation namely in legislation on health-care, education, municipal services, transport etc. This demands amending numerous legislation acts to be adopted.

6. There are flaws in Ukrainian laws regulating economic activities. First of all, these are issues of property status and property rights guarantees.

#### 7. Legal status of Crimea

On April 27, 2014 Law of Ukraine “On Ensuring Rights and Freedoms of Citizens and Legal Regime on Temporarily Occupied Territory of Ukraine” No 4473-1<sup>3</sup> took effect. The law defines Crimea’s status as of occupied territory of Ukraine and

---

<sup>3</sup> the Law of Ukraine “On Ensuring Rights and Freedoms of Citizens and Legal Regime on Temporarily Occupied Territory of Ukraine”, 2014  
<http://zakon2.rada.gov.ua/laws/show/1207-18>

introduces a number of rules which business operating on the peninsula shall adhere to. The following restrictions were introduced:

- contracts on real-estate in Crimea shall be carried out according to Ukrainian legislation;
- decisions of the Crimean authorities do not have binding legal force on the rest of territory of Ukraine;
- foreign citizens and persons without citizenship shall enter territory of Crimea and leave it only via Ukraine and on the basis of special permission;
- pending trials in Crimean courts shall be moved to courts in Kyiv;
- restrictions on some kinds of economic activities in Crimea defined but their entering into force postponed. Ministry of Economic Development and Trade of Ukraine will draft a law to regulate economic activities in Crimea.

#### 8. Legal status of Donbas.

There is no a special law in Ukraine which would define territories of Donbas currently under control of Russian Federation and illegal military groups as 'occupied territories'. However for quite a long time the Parliament has been discussing a draft law which would assign all responsibility for this regions (human rights protection, energy supply, social and financial services etc.) to the Russian Federation which in this draft law is defined as an occupying power. Stipulations of this draft law might have both negative and positive impact on various aspects of status of these territories and the complicated nature of this issue caused a split in views of officials, politicians, business and civil society representatives on this issue. But despite disputes in the Ukrainian establishment there is an urgent need to clearly define status of self-proclaimed LPR and DPR since Ukraine cannot take responsibility for social state and economic activities on the territories under effective control of the Russian Federation.

### The map of Think Tanks in the country

- *The scope of the project is broad; we can name various ways of interaction between Legal Think Tanks and Government. We are also interested in various thematic fields of Think Tanks activities. The question is – what is the best method to collect valuable comparative information from all 6 countries?*
- *We propose to start with the thematic approach. And in each field of action to point out to the experience of Think Tanks (if there is any) – activities undertaken, best practises, challenges etc. Therefore we propose to follow the same pattern for each thematic field asking authors of the country report to choose what is the most important and should be mentioned.*
- When answering the questions regarding particular thematic fields, please bear in mind the list of possible Think Tanks methods of action:*
  - analysis of the state of the law in the field, in particular through the comparison of the alternatives,
  - monitoring of the operation of the legislation, judiciary and government agencies,
  - conducting empirical surveys,
  - collection, aggregation, analysis, presentation of available statistical data,
  - analysis and comments on draft legislation, strategic documents, etc.,
  - taking part in the consultation of legislation, taking part in developing Regulatory Impact Assessment,
  - creating legislation amendments of existing regulations,
  - participation in committees, advisory boards and other structures functioning at the parliamentary level or government,
  - drafting standards and best practices,
  - more activist actions (amicus curiae brief, strategic litigation, public statements of political character).
- Please make sure you do not limit your comments to your own Think Tank but refer to wide scope of Think Tanks.*

There is no official statistical data on the number of think tanks in Ukraine. The 2015 Global Go to Think Tank Index Report published in 2016 by the Think Tanks and Civil Societies Program of The Lauder Institute, University of Pennsylvania listed only 11 Ukrainian Think Tanks. According to research data there are 47 Think Tanks in Ukraine and this figure puts Ukraine on the 25th place in the world slightly

ahead of neighbouring Poland and Hungary.<sup>4</sup> Ukraine sits on the 3rd place in the Eastern Europe just behind Russia and Romania. However not all Ukrainian think tanks cooperate with the Lauder Institute Think Tanks and Civil Societies Program, and thus some of them are not mentioned in the Program's reports.

In 2016 – 2017 few research projects on development of Think Tanks were conducted in Ukraine. According to Initiative "Think Twice UA" there are 58 to 70 entities which have features of a Think Tank<sup>5</sup>. According to Ilko Kucheriv Democratic Initiatives Foundation there are 95 non-governmental, 9 governmental and 2 university (academia) organizations<sup>6</sup>. In other words, it is not possible to establish exact number of Think Tanks in Ukraine since legal form of a Think Tank is not provided for in law. That is why only thorough study of a Think Tank's activities allows to distinguish it from other non-government organizations, charity funds etc.

As a matter of experience, empirically, the best Ukrainian non-government Think Tanks are independent non-profit organizations which usually:

- Focus on 3-4 research areas (most frequently these are domestic and foreign policy, economics, justice, social issues);
- Actively publish results of their research and aim them at civil activists, professionals and state administration bodies;
- Employ at least 10 experts working on full-time basis;
- Demonstrate high activity in media;
- Delegate their representatives to advisory councils at state bodies.

Main users of think tanks' research are media, civil organizations, international organizations, state bodies, parliamentary factions. Political parties, local self-governments and business use think tanks' research outputs in much lesser extent.

---

<sup>4</sup> 2015 Global Go To Think Tank Index Report, 2016  
[http://repository.upenn.edu/cgi/viewcontent.cgi?article=1009&context=think\\_tanks](http://repository.upenn.edu/cgi/viewcontent.cgi?article=1009&context=think_tanks)

<sup>5</sup> Initiative "Think Twice UA", 2016  
<http://thinktwiceua.org/uk/think-tanks/ukraine/>

<sup>6</sup> Ilko Kucheriv democratic Initiatives Foundation, 2017,  
<http://dif.org.ua/uploads/pdf/1083043079585b860b6ae971.43003343.pdf>

Ukrainian think tanks concentrate more on domestic problems because they are of greater importance. Ukraine is currently in the situation when its international position depends to a greater extent on implementation of institutional and economic reform within the country. Most researchers understand this and therefore focus on domestic reforms. However, there is not enough think tanks which would promote Ukraine not through its reforms success story but as a country possessing significant geographical, historical and geopolitical value.

As regards internal management, the priority for heads of think tanks is to develop clear strategy and mission covering wide range of problems. Most think tanks in Ukraine focus on few problems. Grants are allocated for these problems until they lose their importance. When these problems get deprioritized a think tank needs to change its activity because otherwise it risks to cease its existence. Except financial problem other reasons of think tanks failure include: internal management problems, low practical value of their analytical materials, insufficient competence of experts, and consequently low quality of research output.

#### Role of think tanks in making of EU law

Role of Ukrainian think tanks in making of EU law is negligent: Ukraine is not a EU-member and does not directly take part in making of EU law. As a result, think tanks have very limited opportunities in this regard. EU politicians usually do not use research outputs of Ukrainian think tanks even though the latter do exert certain influence via cooperation with the Council of Europe and OSCE. Ukrainian think tanks participate in preparation of numerous documents, concepts, model regulations etc. for the Council of Europe and OSCE which in turn exert some influence on the EU law.

#### ***Legal conditions for creating think tanks in Ukraine***

There are formal-legal conditions for creating think tanks in Ukraine.

The essential legal basis in this issue is Civil and Tax Codes of Ukraine, Bills On public associations, On state registration of legal entities legal persons, entrepreneurs and public associations. The Economic Code of Ukraine could also be added to this list but think tanks almost do not use it in their activity.

Current civil and economic legislation of Ukraine de facto does not limit legal capacity of juridical bodies if not to mention financial or investment organizations. Form of incorporation of a think tank as a juridical body influences not legal capacity as such but tax status of a juridical body. That is, a think tank can be registered virtually in any form of incorporation except specific ones. Status of a research organization according to the national legislation should be obtained separately and is not linked to registration of a think tank as a juridical body (subject of legal relationships). The same applies when a think tank wants to obtain a status of non-profit organization.

Taking in mind peculiarities of development and history of changes in tax and civil legislation of Ukraine the most widespread form of think tanks' operation is a non-government organization (a kind of non-entrepreneurial association according to articles 83 and 85 of the Civil Code) – a membership organization formed on the basis of joint work of participants. Establishment / institution/ organization as a form of incorporation has not gained much popularity in private sector among think tanks since Civil Code (art. 101) forbids direct managing of an establishment by its founders. Foundations as a kind of establishments are quite numerous in Ukraine but their nature does not correspond to specific activities of think tanks. However there are some think tanks registered as charityfunds.

Legislation does not cause any serious difficulties for think tanks, but in practice there are some problems. They are as follows:

1. Since majority of think tanks operate in Ukraine as non-governmental organizations they are registered by state registering clerks of justice agencies that leads to protractions in registration, mistakes in registration information due to insufficient qualification and/or number of registering clerks.
2. Until now there is a problem of transferring old registration cases to local justice agencies In fact, this problem is delegated to think tanks.
3. There are still problems concerning obtaining or confirming non-profit status. State Fiscal Service clerks frequently understand relevant legislation very narrowly due to low level of legal knowledge. Introduction of new registry of non-profit organization since 2017 will only aggravate this problem.

As it was mentioned before the legislation de jure creates no obstacles. Main problems in creation and operation of think tanks have rather organizational nature and are caused by lack of stability in legislation especially in taxation, as well as by insufficient level of professional competence and legal culture of many civil servants.

The fundamental problem is impossibility for founders to perform management personally in organization created in the form of foundations (that is on the basis of joining of property and not of persons).

In general, the existing prominent Ukrainian think tanks arose as a result of a compromise between the state and independent expert community

## Think Tanks activities – Government interactions

*–The scope of the project is broad; we can name various ways of interaction between Legal Think Tanks and Government. We are also interested in various thematic fields of Think Tanks activities. The question is – what is the best method to collect valuable comparative information from all 6 countries?*

*–We propose to start with the thematic approach. And in each field of action to point out to the experience of Think Tanks (if there is any) – activities undertaken, best practises, challenges etc. Therefore we propose to follow the same pattern for each thematic field asking authors of the country report to choose what is the most important and should be mentioned.*

*When answering the questions regarding particular thematic fields, please bear in mind the list of possible Think Tanks methods of action:*

- analysis of the state of the law in the field, in particular through the comparison of the alternatives,*
- monitoring of the operation of the legislation, judiciary and government agencies,*
- conducting empirical surveys,*
- collection, aggregation, analysis, presentation of available statistical data,*
- analysis and comments on draft legislation, strategic documents, etc.,*
- taking part in the consultation of legislation, taking part in developing Regulatory Impact Assessment,*

- creating legislation amendments of existing regulations,
  - participation in committees, advisory boards and other structures functioning at the parliamentary level or government,
  - drafting standards and best practices,
  - more activist actions (amicus curiae brief, strategic litigation, public statements of political character).
- Please make sure you do not limit your comments to your own Think Tank but refer to wide scope of Think Tanks.*

The interaction between think tanks and the government is founded on improvements in efficiency of civil service. Efficiency of this interaction to a great extent depends on readiness of government to listen to alternative views as well as on quality of think tanks' research outputs and feasibility of their recommendations.

Usually the initiative in starting interaction belongs to think tanks not to the government. However, there are few senior officials and members of parliament actively seeking for cooperation with think tanks in such matters as policy design and public discussions.

In majority of cases think tanks' interaction with the central and local self-governments is situational in nature and its forms and mechanisms are not ideal. Think tanks' impact on design and implementation of state policy is limited and is exerted mostly through media and formation of public opinion.

Success of cooperation often depends on personalities in government, since political system as such is inefficient and institutions are weak. That hinders possibilities to openly influence formation of policies. However, for last two years a tendency for more regular cooperation has been visible.

One of the most prominent Ukrainian think tanks IlkoKucheriv Democratic Initiatives Foundation published a paper titled "Independent think tanks in Ukraine in the process of policy design: obstacles, prospects and mutual expectation in cooperation with governmental bodies" In this publication analysts listed 58 think tanks operating in those areas where the government needs help the most, namely:

- Comprehensive analysis of society development;

- Ensuring energy supplies to Ukraine;
- Reform of justice;
- Situation in Donbas and prospects of its development;
- Reform of local self-governments<sup>7</sup>.

According to the opinion poll of governments officials conducted within the framework of research, views of think tanks and government officials do not always concur. However, each problem mentioned by officials is also the main preoccupation of at least few think tanks.

Of course, some problems of urgent importance for government are also in the focus of think tanks' work: 18 Think Tanks work on decentralization and self-government development, 14 analyze main trends in social development, 10 focus on anticorruption reforms. But at the same time other urgent problems draw attention of few thinks tanks only. Reforming Ukraine's military as well as security issues were named as problems which are not in the focus think tank activity. Thus, thinks tanks cannot offer any analytical materials on these problems.

According to survey of think tanks' experts the areas which are not sufficiently covered by think tanks activity include:

- Reforms of the central bodies of the executive. This problem has for many years been monopolized by the Centre of Policy and Legal Reforms.
- Education reforms. Experts' recommendations are of low quality and submitted bills are very weak in terms of legal technique.
- Financial law. In this area state taxation bodies have very strong interests. They draft bills which suit their interests and there is now effective counteraction to this problem. Even efforts made in this direction by the "Reanimation Package of Reforms" coalition has not been successful yet.

---

<sup>7</sup>Independent think tanks in Ukraine in the process of policy design: obstacles, prospects and mutual expectation in cooperation with governmental bodies, 2016  
[http://policy-analysis.org/wp-content/uploads/2015/01/Dem\\_init\\_Think-tanks\\_141.pdf](http://policy-analysis.org/wp-content/uploads/2015/01/Dem_init_Think-tanks_141.pdf)

We can conclude thus that fruitful cooperation of state bodies and think tanks should also include improving think tanks' readiness to work on most urgent social problems.

## Legislative process

*Legislative process as such, as a procedure. We are not interested here in any particular legislative process on given draft law. We are interested in procedure(s). Are Think Tanks engaged in the research and debate on the shape of the legislative process, and*

*What opportunities there are for Think Tanks to take part in the legislative process as an actor?*

- *Does the government have adequately formulated policy on creating draft laws and regulations?*
- *Is there an (obligatory?) schedule/calendar for future regulation and reform?*
- *Does the government cooperate with legal Think Tanks in developing legislation and policies?*
- *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
- *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
- *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*
- *Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).*
- *What are the best practices regarding legislative process in the context of Think Tanks worth sharing?*
- *What are main challenges?*
- *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.*

*Can you formulate any recommendations for the future?*

- on country level?*
- on regional level?*

Think Tanks in Ukraine have the opportunity to participate in the legislative process as an actor, but with a lot of obstacles. As a rule, the Think Tanks have the ability to quickly and efficiently develop concepts of legal regulations, reforms, reform strategy, draft appropriate bills, represent them at round tables, conferences, etc. Reform is implemented via adopting the necessary law, when the objectives of Think Tanks and government officials are the same.

As for the authorities, policy-making process is often based on policy analysis or other studies. There is no strategic planning in ministries and government in general. Therefore, we can confidently conclude that 80-90% of governmental decisions are a response to the initiative of senior politicians – the President or the Prime Minister. Such initiative is often a reflection of international obligations or certain oligarchic groups' interests. In this context, the Think Tanks activities are useful. Nevertheless, the authorities often ignore the Think Tanks proposals and activities in general regarding their interest to maintain a monopoly on decisions formation.

### **System of justice, judiciary**

- Judiciary, and its qualities: independence, competence, accountability, and efficiency, management of the judiciary, IT in the judiciary.*
- Please provide general information whether in your country Think Tanks are engaging in this particular field.*
- Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
- Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*

- Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).
  - What are the best practices regarding legislative process in the context of Think Tanks worth sharing?
  - What are main challenges?
  - Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.
- Can you formulate any recommendations for the future?
- on country level?
  - on regional level?

## General overview

### *Independence*

After gaining independence, Ukraine inherited a judicial system from the USSR, where the entirety of power belonged to the communist party. The center of power had gradually shifted away from the communist party towards the political authorities (President, Government, and Parliament), which emerged on the basis of party bodies and thus retained their influence over the judiciary. The political influence over the judiciary reached its peak under the Viktor Yanukovich presidency. Acting both on his own and via his trusted proxies, Yanukovich managed to achieve total control over judicial self-governance bodies and keep the key staffing decision-makers within the judiciary under control, as well as to control, by means of a loyal majority, the Parliament of Ukraine which, at that time, held significant authority over judicial career decisions. The Prosecutor General's Office controlled by political authorities served as yet another effective means of intimidating the judges<sup>8</sup>.

Following Viktor Yanukovich's removal from power, the government in cooperation with civil society representatives began taking steps towards restoring the

---

<sup>8</sup>Key Legal Reforms 2014-2015: How Have the European Standards Been Implemented?,2016-  
[http://pravo.org.ua/ua/about/books/key\\_legal\\_reforms\\_2016/](http://pravo.org.ua/ua/about/books/key_legal_reforms_2016/)

independence of judicial system. Since 2014 virtually all adopted legislation act concerning judiciary have been adopted with direct participation of think tanks' representatives. In particular, experts of the Reanimation Package of Reforms (coalition of thinks tanks and NGOs) participated in developing and refining of the following laws: "On Restoring Trust in the Judiciary in Ukraine" , "On Amendments to Constitution of Ukraine (concerning judiciary)", "On Executive Proceedings", "On Judicature and Status of Judges" , "On Superior Council of Justice" etc<sup>9</sup>.

These legislative changes have resulted in limiting the President's authority and removing Parliament from all matters that could influence the career and judicial responsibility of judges, introducing specific statutes of limitation on removal of judges for serious disciplinary misconduct, providing for a more specific definition of the grounds for disciplinary responsibility of judges, etc. A gradual movement towards the ensuring that the composition of Superior Council of Justice meets European standards is also taking place. Steps taken by the government towards the restoration of full-fledged judicial self-governance can also be regarded as a positive step. In particular, the Law "On Restoring Trust in the Judiciary in Ukraine" had enabled the judges to select court presidents on their own, and had also set forward a more fair system for judicial representation in selecting members of judicial self-governance bodies.

At the same time, despite the generally positive legislative changes, it has not yet been possible to fully address the problem of judges' dependence. Moreover, the problem has even gotten exacerbated in certain aspects. Thus, the increase in institutional independence of the judiciary has almost not – at least for now – led to conceptualization of independence as a value by the judges themselves. Despite significant cuts in the power of court presidents (who lost the majority of their administrative duties back in 2010), they remain influential players who, given their support by judicial teams, can exert unlawful influence over judges. One of the examples, described in an article titled The Price of Independence of a Ukrainian Judge<sup>10</sup> is quite illustrative. An appellate court judge issued a judgment in favor of a school teacher who was being evicted from the dormitory of a giant chemical industrial enterprise that belongs to one of the oligarchs. The court president started criticize the judge, complaining that, in issuing his decision against the enterprise, the judge went against the court president and his judicial colleagues, because the enterprise donates space for celebrating the Judges' Day. Subsequently, this led to impediments in this judge's work. Notably, judicial self-

---

<sup>9</sup>Details on TTspatisation in draftingprocess - <http://rpr.org.ua/groups-rpr/02sudova-reforma/>

<sup>10</sup>The Price of Independence of a Ukrainian Judge, 2015 - [https://humanrights.org.ua/en/material/cina\\_nezalezhnosti\\_ukrajinskogo\\_suddi](https://humanrights.org.ua/en/material/cina_nezalezhnosti_ukrajinskogo_suddi)

governance bodies revealed themselves in a negative light in this and other similar cases, as these bodies barely ever respond to complaints concerning interference with the judges' work by court presidents or other parties. Additionally, discussing cases with court presidents and confirming court decisions with them is generally tolerated among judges.

The problem relating to attempts at political influence over judges has also not been resolved, even though the scale of such influence on the part of the current government are smaller than it was when Viktor Yanukovich was in power. Since many of the judges lack integrity, the law enforcement authorities have accumulated quite some dirt against them; thus, judges are prepared to comply with any sort of instructions to prevent the use of this damaging information against them.

### *Competence*

Unlike with evaluating the independence, it is quite difficult to provide a general evaluation of the judges' competence.

Qualification evaluation results may serve as one of the indicators of judicial competence. Thus, the 2015 Law "On Ensuring the Right to a Fair Trial" provided for a one-time primary qualification evaluation for all judges, including with respect to their competence. Even though a year and a half have passed since then, only a relatively small portion of judges have undergone the qualification evaluation thus far. Nevertheless, some general trends are emerging. According to official data as of June 9, 2016, 60% of the 381 judges who started the qualification evaluation process have passed it successfully, thus confirming their ability to carry out justice on the respective court. 35% of the judges have not yet completed the qualification evaluation process for a variety of reasons (e.g., due to resignation, dismissal during the evaluation, temporary disability, etc.), and only 5% of the judges were unable to confirm their ability to carry out justice in their positions<sup>11</sup>. Numerically, 20 judges have who completed the primary qualification evaluation failed to confirm their ability to carry out justice.

Another indicator of the judges' competence could be sociological surveys among citizens, who are the ultimate consumers of judicial services.

---

<sup>11</sup>Results of the qualification evaluation of judges as of June 9, 2016. Infographics - <http://vkksu.gov.ua/ua/news/riezultati-pierwinnogo-kwalifikacijnogo-ociniuwannia-suddiw-stanom-na-9-tchierwnia-2016-roku-infografika/>

Thus, according to a nationwide survey on Opinions and Views of the Population of Ukraine Regarding the Constitution, Constitutional and Judicial Reform, and Prosecutorial Reform (December 2015), 23% of citizens believe that the problem of low level of professional knowledge in majority of the judges exists in Ukraine's judiciary. At the same time, only 11% believe that this problem has the greatest negative impact on their trust in courts. It is possible that such a low public assessment of the level of professional competence among judges is affected by poorly reasoned and incomprehensible judicial decisions, which was noted as a relevant problem by 19% of citizens<sup>12</sup> (The survey is conducted on Centre of Policy and Legal Reform request). Undoubtedly, the low level of public trust in the judiciary overall, which according to various opinion surveys hovers around 5-10%, also negatively affects the public's evaluation of the competence of judges<sup>13</sup>.

### *Accountability*

In accordance with the national legislation, a judge may be brought to various types of legal responsibility. In particular, the following actions are criminally punishable: failure to admit or to provide a defender in a timely manner, as well as other gross violation of a suspect's or a defendant's right to defence committed by a judge, including if such actions led to a conviction of a person innocent of commission of a criminal offense. Criminal responsibility is also provided for issuance of a knowingly unjust court decision. These crimes may only be committed with direct intent, since the person is acting knowingly – i.e., realizing that he or she is violating a suspect's right to defence or issuing an unjust decision, and willing to do so<sup>14</sup>.

At the same time, judges in Ukraine are most commonly brought to disciplinary responsibility. Over the last two years, the system of judicial disciplinary responsibility in Ukraine has undergone major changes aimed at the implementation of European standards in this area.

---

<sup>12</sup>Analitical report on the results of national survey and expert intervitsws on the tppic: "Judicial reform: the points of tension" -

[http://rsu.gov.ua/uploads/userfiles/zvit\\_15\(1\).doc](http://rsu.gov.ua/uploads/userfiles/zvit_15(1).doc)

<sup>13</sup> What Ukranians think about Constitution, judicial reform and reform or the procuracy?, 2016 - <http://pravo.org.ua/ua/news/20871276-scho-ukrayintsi-dumayut-pro-konstitutsiyu,-reformu-sudu-i-prokuraturi>

<sup>14</sup>Judicial Error: Criteria for Distinguishing between Abuse, negligence and Good-Faith Conduct - <http://pravo.org.ua/ua/news/20871239-suddivska-pomilka-kriteriyi-rozmegeuvannya-zlovgeivannya,-nedbalosti-ta-dobrosovisnoyi-povedinki>

These changes could be seen graphically due to the Project Ukraine-EU Speedometer: Constitutional and Judicial Reforms (2014-2015) conducted by Centre of Policy and Legal Reform.

The objective of the project is to visualize the progress Ukraine has made in implementation of three major reforms - constitutional, judicial and reform of prosecution.

For this purpose Centre of Policy and Legal Reform singled out 144 recommendations (many of them are connected with disciplinary responsibility of judges) of various European bodies (Venice Commission, Consultative Council of European Judges etc.), evaluated their implementation status according to 200 point scale (100 – compliance with a recommendation, -100 – activities fully contradicting a recommendation), and monitors progress in implementation of recommendations of European institutions<sup>15</sup>

Yet, despite some movement towards the implementation of European standards, the system of judicial disciplinary responsibility is operating extremely poorly in practice. Until now, the entire workload of disciplinary cases fell onto the High Qualification Commission of Judges and the High Council of Justice. As of April 2016, the High Qualification Commission alone had a backlog of over 10 thousand unresolved disciplinary complaints<sup>16</sup>. This number is, in itself, extremely high – and, taking into account the fact that the Commission’s main focus deals with matters of qualification evaluation and career of judges, the situation is nearly catastrophic. The mechanisms of individual responsibility of judges are almost non-functional, which has contributed to solidifying a societal stereotype of judicial impunity.

Starting from the end of September 2016, disciplinary proceedings against judges of local and appellate courts have been transferred from the High Qualification Commission to the Superior Council of Justice, which also had a significant caseload. Considering these facts, one can forecast that the quality of consideration of disciplinary cases will remain low for a significant period.

Regarding the issue of accountability of judges it is important to mention that representative of think tanks (Centre of Policy and Legal Reform, Centre of Democracy and Rule of Law etc.) are members of advisory body – Public Integrity Council which facilitates High Qualification Commission of Ukraine in finding out

---

<sup>15</sup> To see more detailed information on the Project visit - <http://eu.pravo.org.ua/>

<sup>16</sup> Disciplinary proceedings against judges will begin only after adoption of the Law "On the High Council of Justice"-  
<http://www.vru.gov.ua/news/1858>

whether judges (or candidates to positions of judges) meet criteria of professional ethics and integrity for purposes of qualification evaluation<sup>17</sup>.

### **Efficiency**

Issues relating to the efficiency of the judiciary are one of the key areas in the process of judicial reform. A significant problem facing Ukraine in this area is the excessive length of judicial proceedings which, instead of taking several months as provided for by law, turn into years of judicial delays. To an extent, these problems are related to insufficient staffing of the courts and imperfect procedural legislation. Nevertheless, intentional delays of judicial proceedings by dishonest judges is also an important factor. Yet, excessive backlogs before the authorities charged with bringing judges to disciplinary responsibility have meant that the vast majority of justified complaints against delays of judicial proceedings remain unheard.

Another indicator of the judicial system's efficiency is the percentage of judgments that are enforced, which is extremely low in Ukraine. Thus, according to the Ministry of Justice, only about 70% of judgments are enforced. In practice, this means that over two thirds of persons who received a favorable judicial decision are never able to see it implemented<sup>18</sup>. Officials see the inadequate financial support for the state enforcement service staff, their lack of motivation to work, and the closed enforcement of judgments procedure as the reasons behind such a low percentage. Experts have expressed some expectations that the situation should improve with the introduction of private bailiffs, which will begin operating in 2017.

Ukraine also has significant issues with the enforcement of decisions of international judicial institutions whose jurisdiction is recognized by Ukraine. Thus, according to human rights defenders, nearly 90% of the European Court for Human Rights judgments are not implemented, especially when it comes to the requirement to undertake general measures.

### **Think Tanks activities**

It is hard to give the general overview of TTs work during the past ten years because the situation in this field is not static and legislation from the mid 2000s until today has changed radically.

One of the examples of the particular TTs work in this field is a Project «Law Enforcement Reform in Ukraine: Status, Areas for Reform, Issues» conducted by

---

<sup>17</sup> To gain more detailed information on Public Council of Integrity visit - <https://grd.gov.ua/about/page>

<sup>18</sup> The Ministry of Justice: 70 % of judicial decisions are not executed, 2015 - <http://www.pravda.com.ua/news/2015/04/16/7064917/>

Razumkov Centre. The main objectives of the project are:

**drawing the attention** of the political leaders of the state, legislators, representatives of the expert community and the Ukrainian society to the key problems of the law enforcement in Ukraine;

**justification of objective** needs of fundamental changes (reform) of Ukrainian law enforcement, which would have a clear social orientation and would include the use of positive international (first of all European) experience of transformation of law enforcement;

**formulation of conceptual approaches and concrete proposals for reforming the law enforcement in Ukraine** that would ensure its effectiveness, compliance of the rule of law by the law enforcement agencies, improving their transparency and accountability towards society.

Another example of TTs activities is the Project «Overcoming informal practices in Judicial System» conducted by Centre for Policy and Legal Reforms and financed by the Embassy of the Kingdom of the Netherlands. The main outcomes of the Project were an analytical report on informal practices in judicial system of Ukraine with expert recommendations to overcome them and also Draft amendments to laws related to improvements of selection of judges, judicial careers and responsibilities. Partially these recommendations were implemented after Maidan events in 2014. For instance the Law «On Ensuring the Right to a Fair Trial» provided more defined system of disciplinary responsibility against judges which is in compliance with European standards.

Nowadays in 2017 Think Tanks are focused on those activities:

### **1. Forming the new Supreme Court**

By law «On judiciary and status of judges», at least 65 judges must be appointed to the new Supreme Court by the end of March of 2017. For the first time, not only judges, but also legal scholars and advocates are competing for judicial positions on the highest judicial body. The candidates are also being screened by the Civic Integrity Council made up by authoritative civil society organizations and Think Tanks. For instance experts of CPLR, Centre UA, Transparency International Ukraine were elected for membership in the Civic Integrity Council. At the beginning of 2017, the Civic Council's opinions finding that certain candidates are lacking integrity were given greater weight, as overcoming them now requires the vote of two thirds of the High Qualification Commission's members (10 out of 16).

### **2. Qualification evaluation of judges**

According to the Constitutional amendments, all sitting judges must undergo a qualification evaluation – i.e., the review of their competence, integrity, and adherence to ethical standards. Failure to undergo such an evaluation is grounds for removal of a judge. Given the large numbers of judges, this process will stretch over several years. It is important that judges who were previously appointed to five-year terms and appellate court judges undergo this evaluation in 2017. There is also an opportunity to launch the reorganization process for appellate courts and to compose new appellate courts based on a competition open not only to judges. It is necessary to begin forming a reserve of candidates for local court judge positions, as the previous reserve formed during the Yanukovych times has exhausted itself. The Civic Integrity Council will also participate in the process of evaluating the judges and the candidates for judicial positions. It is necessary that the Constitution's new provision regarding a judge's obligation to verify the origin of his or her property (violations may lead to a judge's removal), is able to demonstrate its viability in practice.

### 3. Introduction of anti-corruption courts

The Law “On Judiciary and Status of Judges” provided for the creation of the High Anti-corruption Court, but its actual establishment was delayed until after adoption of a separate law. The effectiveness of activities of both the National Anti-corruption Bureau and the Specialized Anticorruption Prosecution could be completely nullified without the adoption of such law and the launch of anti-corruption courts. The existing courts simply delay the consideration of high-level official corruption that were assigned to them, in addition to leaking the information about searches and covert investigative activities, thus sabotaging crime detection operations. In addition to the High Anti-Corruption Court serving as the first instance court, a specialized appellate review unit should also be established in the Supreme Court. Subsequently, it may also be necessary to establish several regional anti-corruption courts<sup>19</sup>.

Some of the TTs actively involved on the drafting process of the separate law on anti-corruption courts. For instance experts on Anti Corruption Action Centre in cooperation with several MPs developed the draft law «On anti-corruption courts», which was registered in the Parliament.

Also it must be mentioned that the main types of activities of Think Tanks in general

---

<sup>19</sup>For more detailed information read the article of Deputy of the Head of the Board of the Centre of Policy and Legal Reform Roman Kuybida «**Judicial reform: the seven most anticipated events of 2017**» -<http://pravo.org.ua/en/news/20871915-judicial-reform-the-seven-most-anticipated-events-of-2017>

in this field are:

- Monitoring of disciplinary and criminal proceedings against judges
- Preparation of analytical products, reports, presentations, and project development of regulatory acts
- Gathering information about judges and candidates for judicial position for the purpose of qualification evaluation
- Trial monitoring in Ukrainian Courts
- Advocacy at the national and international levels.

As to the interaction with the governmental officials in this field we must admit that in general those in power at least not avoid communication on draft amendments proposals elaborated both by government or by TTs. TTs experts participated in The Council on judicial reform (it is the consultative body created by the Decree of The President of Ukraine) and have the possibility to influence on the process of judicial reform announced in 2014<sup>20</sup>. Significant part of the TTs comments and recommendations are taken into account although many of them are ignored too.

## Legal profession

- *Regulation of legal profession, access to legal profession, legal ethics and discipline, etc.*
- *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
- *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
- *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*
- *Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).*

---

<sup>20</sup>Official site of the Council on judicial reform <http://jrc.org.ua/>

- *What are the best practices regarding legislative process in the context of Think Tanks worth sharing?*
  - *What are main challenges?*
  - *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.*
- Can you formulate any recommendations for the future?*
- *on country level?*
  - *on regional level?*

## **General overview**

As for today, there is no unified standardized legal profession. There is the profession of a judge with its own access mechanisms, as well as the professions of a prosecutor, an advocate, a notary, and so on. All of these professions are united by the requirement to have higher legal education. However, there are presently no joint mechanisms to evaluate these, even though the “formation of the legal profession” and access to it are on the agenda. In particular, there are plans to create a unified graduation exam. One issue that deserves particular attention in the context of access to the legal profession is corruption, which is a rather widespread phenomenon in the higher education institutions. Specifically, judges, prosecutors, and other “powers that be” are often able to “drag” their children into higher education institutions, and the children then put no particular efforts into learning, as their future career is already ensured.

In 2016, 9 higher education institutions participated in an experiment to allow admission to their master’s programs in law on the basis of an independent external examination. Next year, this admission procedure will be extended to all higher education institutions that train future lawyers, thus reducing opportunities for corruption.

The issues of legal ethics and discipline for each of the legal professions are traditionally regulated by the so-called codes of ethics (for judges, prosecutors, advocates, notaries, etc.), which are promulgated by their respective professional

self-governance organizations. One exception are the Rules of Professional Conduct for Notaries, which were adopted by the Ministry of Justice of Ukraine.

In general, there are almost no substantive concerns with respect to ethical rules of conduct for representatives of various legal professions. At the same time, there is great difference between a code and a system of informal decisions. Notably, there are no examples of judicial system bodies' serious response to unethical conduct. There have been situations when a judge or a court president humiliates another judge, doing so publicly during a press conference; however, the court president bears no responsibility for his or her conduct, and there is no response on the part of a judicial self-governance institution, which should be concerned with ethics. At the very most, judicial self-governance bodies would propose to the parties to settle their conflict independently amongst themselves, which certainly cannot be regarded as an adequate response.

Similar problems also exist with the organized bar. In one instance, the head of the free legal aid system had expressed his opinion that the bar requires reform, citing the problems of corruption as a justification; in response, the bar's self-governance bodies have essentially disbarred him for such criticism, taking away his advocate's license.

Such instances suggest either failure to comply with the legal ethics standards or distorted understanding of such standards.

### **Think Tanks activities**

Currently think tanks are not very active in this field but involved in development of concept of single access to legal professions.

For instance, in July 2016 the Ministry of Education and Science of Ukraine established a working group to develop the "Concept of Legal Profession Development" which includes representatives of think tanks<sup>21</sup>. The corresponding Concept drafted by the working group provides for creation of a single access to profession of a judge, an advocate, a prosecutor, a notary through unified

---

<sup>21</sup>Ministry of Education and Science of Ukraine Decree, 2016 - <http://old.mon.gov.ua/ua/about-ministry/normative/5737->

graduation exam in law<sup>22</sup>.

However the leadership in promotion of a single access to legal profession is kept by OSCE and USAID (if not count government bodies). Think tanks' involvement is limited to expert participation in drafting a concept on single access to legal profession. Namely, the working group on drafting "Concept of Legal Profession Development" includes representatives of such organization as Ukrainian Bar Association of Lawyers of Ukraine.

## Access to justice

- *Legal services, legal aid, legal empowerment*
  - *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
  - *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
  - *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*
  - *Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).*
  - *What are the best practices regarding legislative process in the context of Think Tanks worth sharing?*
  - *What are main challenges?*
  - *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.*
- Can you formulate any recommendations for the future?*
- *on country level?*
  - *on regional level?*

## General overview

---

<sup>22</sup>To see full text of the Concept visit - <http://uba.ua/documents/2016%20-%202009%20-%202014%20-%20Education%20Concept.pdf>

The Constitution of Ukraine guarantees every citizen the right to apply to court to seek the protection of their rights. It also provides that the courts' jurisdiction extend to any legal dispute and any criminal charge, as well as – in cases provided for by law – to other types of cases. Citizens' right to professional legal assistance and right to freely choose the defender for their rights is also guaranteed in Ukraine. In cases set forth for by law, professional legal assistance is provided for free.

The problems with citizens' access to professional legal assistance have largely been addressed in Ukraine, following the introduction of free legal aid system. Of course, there are few advocates in provincial districts – but, generally speaking, any person can hire a defender from any part of the country.

The new constitutional amendments provide for gradual implementation of the bar's monopoly on representation, starting with the representation in highest-tier courts. This means that, in the past, a person could select any lawyer or even someone without a legal qualification to represent him/herself, whereas only an advocate may serve as a representative before court. Many human rights defenders are criticizing these changes, arguing that any monopoly leads to increase in the cost levels and, therefore, to deterioration of access to justice. Moreover, in light of the fact that the bar's monopoly is set forth at the constitutional level, it will be more difficult to repeal it should the experiment prove unsuccessful.

Regarding the free legal aid system in Ukraine, it is regulated by a special law that tentatively classifies free legal aid into primary and secondary. The right to primary legal aid is essentially the right to obtain legal information and free consultations from government or local self-governance authorities charged with providing certain types of legal services. This right is available to all citizens, as well as to foreigners and stateless persons. Meanwhile, secondary legal aid includes representation in courts and other government institutions, and is available only to a limited class of people (mostly socially disadvantaged) as set defined by law. The system of free legal aid is being significantly expanded, but on the other hand there is a risk that it will be blown out of proportion and require increasingly more funding from the state.

The rates set forth for court fees have recently increased significantly, creating an obstacle to applying to court for many people. Among others, persons suffering as a result of the war in Eastern Ukraine and forced to relocate (internally displaced persons) have faced problems with respect to access to justice. These people do not always have the financial ability to pay court fees, while the costs associated

with the hearing of cases many hundreds of kilometers away from their new residences could become problematic. Nowadays Centre of Policy and Legal Reform has been conducting a Project “On assessment of current and perspective legislation on the administration of justice in the context of war in Eastern Ukraine”. The project is part of a comprehensive study of the capacity of Ukrainian judicial system to work properly in a war in eastern Ukraine<sup>23</sup>.

The other big problem in the context of access to justice is existence of many vacant judicial positions. According to the Chairman of Supreme Court of Ukraine there are 35% vacant judicial positions in local courts, 44,5 % in appellate and high specialized courts and 60% of vacant positions in Supreme Court of Ukraine<sup>24</sup>. Because of lack of judges the length of proceedings in many cases is so long that it harms the right of people to fair trial. Therefore it is recommended for High qualification commission of judges of Ukraine to do its best to fill all the vacant judicial positions as soon as possible.

### **Think Tanks activities**

In Ukraine NGOs and TTs are broadly involved in this particular sphere. Especially they are focused on providing pro bono legal aid services.

Apart from free legal aid services provided by the state bodies according to the law «On pro bono legal aid», there is also a net of TTs and NGOs that provide such services for the people on free basis. In particular, UHHRU provides legal aid through the Public advice centers network. There are 29 centers currently operating in Ukraine in 24 oblasts<sup>25</sup>.

The other big network of such centers is The network of Community Law Centers that works with the support of the “Rule of law” program of the International Renaissance Foundation and UNDP. Currently there are 42 centers in 20 regions of Ukraine which task is to provide basic information on legal issues to people who turn for help, to identify legal needs of local communities, to cooperate with local

---

<sup>23</sup> To see more detailed information on the Project visit - [http://pravo.org.ua/ua/about/projects/#sud\\_shid](http://pravo.org.ua/ua/about/projects/#sud_shid)

<sup>24</sup> Head of the Supreme Court of Ukraine: almost half of existing judicial positions in Ukraine are not filled, 2016  
<https://www.unian.ua/society/1749932-v-ukrajini-neukomplektovani-mayje-polovina-sudiv-golova-vsuh.html>

<sup>25</sup> Information on Public advice centers, 2017 - <http://helsinki.org.ua/en/activities/public-advice-centers/>

authorities to solve individual problems and to defend interests of the community, and to introduce means of dealing with legal conflicts (reconciliation, mediation, restorative practices) and to provide free legal aid<sup>26</sup>.

The good example of TTs activity in this field is realization of Project “Protecting Human Rights Through Improved Access to Legal Aid” (2015) conducted by the Ukrainian Helsinki Human Rights Union. The Project is designed to increase the protection of human rights through a strengthened non-governmental legal aid system. Responding to the growing demand for legal aid services from citizens, the Ukrainian Helsinki Human Rights Union (UHHRU) offers legal assistance to the victims of human rights violations, supports strategic case litigation, conducts human rights public awareness campaigns, and advocates for legislative and policy changes to improve the human rights situation in Ukraine.

The TTs also do numerous monitoring programs covering some aspects of access to justice, analyze problems, make and advocate recommendations on the basis of monitoring results. The example of such work is research on «Equal access to the courts for disabled people» which was conducted by TT “Law and Democracy”<sup>27</sup>.

It could be summarized that the main types of Think Tanks activities in this field are:

- Legal aid to victims of human rights violations
- Legal and information support of strategically important cases both on national and international level
- Protection of human rights and fundamental freedoms in courts in front of the authorities and bodies of local self-government;
- Regular monitoring and assessment of draft laws and legal acts that could possibly influence on access to justice
- Resisting the adoption of normative acts, which could worsen access to justice
- Human rights education programmes both for public service officials and NGOs members involved in providing free legal aid

---

<sup>26</sup>What are Community Law Centers?, 2017 - <http://legalspace.org/en/about-us/history-until-2016/what-are-community-law-centers>

<sup>27</sup>Research on «Equal access to the courts for disabled people», 2015 - [http://www.fair.org.ua/content/library\\_doc/Analytical\\_Report\\_LAD\\_2015\\_combined.pdf](http://www.fair.org.ua/content/library_doc/Analytical_Report_LAD_2015_combined.pdf)

- Publishing reports and analytics on access to justice.

## Legal education

- *Legal education for lawyers (legal studies, future lawyers training systems, continuing professional education)*
  - *Legal education for non-lawyers (civic education)*
  - *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
  - *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
  - *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*
  - *Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).*
  - *What are the best practices regarding legislative process in the context of Think Tanks worth sharing?*
  - *What are main challenges?*
  - *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.*
- Can you formulate any recommendations for the future?*
- *on country level?*
  - *on regional level?*

## General overview

### for lawyers

Nowadays there are hundreds of universities that train lawyers in Ukraine; however, the quality of education in most of these is very poor. By way of illustration, out of 43 higher education institutions operating in Kyiv, the Kyiv Municipal Academy of Variety and Circus Arts is the only one not training future lawyers.

As a result of market oversaturation with lawyers and poor quality of training, a beginning lawyer would expect to receive a salary comparable to that of a supermarket cashier (approximately EUR 100 per month), as suggested by advertised employment opportunities. Even the leading higher legal education institutions in the country see only about 50% of their graduates with a lawyer's diploma employed in jobs requiring this qualification. The rest are forced to look into other fields, which means that these graduates have essentially wasted their 5-6 years of training (often also provided at the government's expense).

So number of higher education institutions that train lawyers in Ukraine that train lawyers in Ukraine must be reduced, and, in the same time, more strict standards of higher education institutions that train lawyers must be established.

Yet another problem is that the field of legal education is rather elitist and corrupt.

The government is currently attempt to take steps aimed to resolve these problems. The process of reducing the number of higher education institutions is ongoing. Additionally, standards for higher legal education are currently being developed. If implemented, the majority of higher education institutions simply will not be able to meet these standards and, obviously, would be forced to cease producing future lawyers. The introduction of independent external evaluation for graduates of legal education institutions could also facilitate this process.

In addition to legal education per se, which is obtained in higher education institutions, Ukraine also has a separate system for professional training of judges. In particular, there is specialized training at the National School of Judges for those who successfully passed preliminary testing and selection and wishes to become a judge.

### **for non-lawyers**

In Ukraine, the legal education for non-lawyers is limited to a six-month course in secondary school (specialized pre-law secondary school are an exception), followed by a course of the same duration in higher education institution.

As a rule, law in secondary schools is taught by history teachers, who are not experts in this area. Additionally, secondary school law curriculum is not focused on studying a human person or explaining to a child the role that the law would have in his/her adult life and what legal knowledge he/she may need in the future – but rather on studying various theories of origin of the state and the law, forms of

government regime, and other similar legal categories, which are unlikely to be of any use to those who have no intention of becoming lawyers. Secondary school curricula barely pay any attention to human rights, which ought to be their central focus. The situation with teaching law to non-law university students is also similar, the only difference being that, in higher education institutions, law is taught by faculty who do have a law degree.

Thus it is recommended that to develop new standards of legal education for secondary school and non-lawyer university students and then established on governmental level. School curriculum and university studies for non-lawyers in the context of legal education must be focused on human rights issues instead of studying various theories of origin of the state and the law, forms of government regime and so on.

### **Think Tank activities**

Ukrainian Think Tanks are engaged in this field. Mostly they focused on organizing of trainings on human rights issues for both lawyers and non-lawyers. But human rights trainings are not the only one organized by TTs. They also organize trainings on trial monitoring, combating corruption etc.

One of the examples of TTs work in this field is conducting training on trial monitoring. Within the Project “Trial Monitoring in Ukrainian Courts” Centre of Policy and Legal Reforms organize 4-day training for 50 future trial monitors (bachelor degree in law is the minimum requirement for participants of the training). The training program itself consists of two parts: one based on ODIHR’s trial monitoring manual and the other based on trial monitoring methodology for Ukrainian NGOs developed by CPLR. After the trainings are conducted, all participants are assigned to undergo mentoring with national experts on trial monitoring for a period of two month<sup>28</sup>.

However we are not familiar with any practices regarding legislative process in the field of legal education Think Tanks are linked with. Although we know that some activities in the sphere of legal education are made by international and donor organizations. For instance USAID Fair Justice Project and Coordinator of OSCE Projects in Ukraine help national government to develop new standards of legal

---

<sup>28</sup> To see more detailed information on the Project visit - [http://pravo.org.ua/en/about/projects/#osce\\_trial\\_monitoring](http://pravo.org.ua/en/about/projects/#osce_trial_monitoring)

education for lawyers and to organize External independent evaluation for those graduated from bachelors program of law faculties. Realization of these initiatives would be accompanied by amendments to the Law of Ukraine «On Higher Education».

So in general, main types of TTs activities in this field are:

- Holding the educational course on human rights and children's rights, as well as on specifics of work with children and adolescents at risk for lawyers, civil society activists and social workers
- Holding training sessions for journalists on human rights, non-discrimination and ethical standards in covering the issues of minorities and vulnerable groups and specifics of coverage of topic “places of detention”
- Organizing training sessions on safety for journalists and human rights activists working in crisis regions
- Trial monitoring in Ukrainian courts.

### Language of the law (quality, communication)

- *Efforts to make law more comprehensible and accessible,*
- *Advancement of new tools for communication about the law (visualisation of the law, legal info-graphics, apps etc.).*
- *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
- *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
- *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*
- *Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).*
- *What are the best practices regarding legislative process in the context of Think Tanks worth sharing?*
- *What are main challenges?*

- *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.*

*Can you formulate any recommendations for the future?*

*- on country level?*

*- on regional level?*

As for today TTs are not deeply engaged in activities in this field. Most think tank's efforts aimed at making laws and bills more accessible were realized in the beginning of 2000s.

Until that time society had not had an access to draft laws submitted to Verkhovna Rada (national parliament). There was only an internal network for Verkhovna Rada of Ukraine with a limited number of people having access to it. However, thanks to efforts of Centre of Policy and Legal Reforms and activities of few members of parliament, web-site [www.zakon.gov.ua](http://www.zakon.gov.ua) was opened with the purpose to spread relevant information on registered bills. Initially the Verkhovna Rada's leadership hindered publication of bill, but later parliament created an open system providing an access to registered bills to every citizen.

Most efforts on legislative technique were also made in 1990s and early 2000s. Ukrainian Legal Foundations has an outstanding record in this field. However, today this think tank does not have a web-site and its old research reports are not available in digital format. One of relatively new efforts in this field is the guidebook "Legislative Technique: A Legal Norm Designer's Handbook" published by the Civil Society Institute in 2011<sup>29</sup>. Authors of the handbook generalize their personal legislative experience and using some Ukrainian laws as examples show why it is so important to comply with legislative technique in bills drafting process.

Think tanks also widely use new communication tools for presentation of bills either drafted with their help or supported by them. For instance, Reanimation Package of

---

<sup>29</sup>Legislative Technique: A Legal Norm Designer's Handbook, 2011 - [http://pdp.org.ua/images/stories/materials/ZakTech\\_CSI\\_2011\\_Novem.pdf](http://pdp.org.ua/images/stories/materials/ZakTech_CSI_2011_Novem.pdf)

Reforms (coalition of think tanks and NGO's) developed infographics to spread information about the Law "On the High Council of Justice"<sup>30</sup>.

Currently the main challenge in this field is that national legislation is overdetailed which makes it difficult to understand without special knowledge in some concrete field. Too detailed content of most laws is a direct consequence of omnipresent corruption in the country. That is, a legislator introduces highly specific legislation as a way to limit potential misuse and corruption which, in turn, makes these laws very rigid and difficult to apply. Therefore, successes in anti-corruption fight shall be accompanied with gradual dismissal of extremely detailed legislative regulation.

### Internationalisation of law

- Processes of integration, harmonisation of the law.
  - International bodies (reporting and shadow reporting).
  - *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
  - *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
  - *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*
  - *Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).*
  - *What are the best practices regarding legislative process in the context of Think Tanks worth sharing?*
  - *What are main challenges?*
  - *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.*
- Can you formulate any recommendations for the future?*

---

<sup>30</sup>To see infographics visit -<http://rpr.org.ua/news/rpr-zaklykaje-parlament-pryinyaty-zakon-pro-vyschu-radu-pravosuddya-lyshe-za-umovy-zabezpechennya-realnoji-pidzvitnosti-tsoho-orhanu-suspilstvu-podolannya-bezkarnosti-ta-kruhovoji-poruky/>

- *on country level?*
- *on regional level?*

The national legal system of Ukraine does not exist in isolation, instead actively interacting with other legal systems. Such interaction became especially active following the signing of the EU-Ukraine Cooperation Agreement, as well as the implementation of measures aimed at introduction of a visa-free regime for short-term travel by the Ukrainian citizens to the EU states. To accomplish these objectives, numerous areas of national legislation were harmonized with the EU legislation.

Therefore main efforts of TTs are directed at practical implementation of provisions of EU-Ukraine Association Agreement as well as at approximation of Ukrainian legislation to European standards in areas covered by the Association Agreement. Ukrainian Centre for European Policy maintains the leading position in this field. It regularly conducts monitorings of current state of EU-Ukraine Association Agreement implementation<sup>31</sup>

Currently, the main types of TTs activities are:

- Monitoring of EU-Ukraine Association Agreement implementation
- Development of reform 'roadmaps' in fields adjacent to Association Agreement
- Participation in drafting and advocacy of European integration laws
- Analysis of international experience of European integration laws implementation.

Nowadays the main challenge in process of harmonization of law is slow tempo of implementation of legislative changes stipulated by EU-Ukraine Association Agreement. For the purpose of efficient implementation of the Association Agreement and approximation of national legislation towards EU law it is recommended to develop and implement a mechanism of speeded up legislation procedure for legislative acts aimed at realization of the Agreement. This can be done by defining specific timetable for European integration draft laws during each

---

<sup>31</sup>Results of Monitoring EU-Ukraine Association Agreement implementation (1 July – 1 November) - <http://ucep.org.ua/doslidzhennya/rezultaty-monitoryngu-vykonannya-ugody-pro-asotsiatsiyu-1-lypnja-1-lystopada-2016-roku.html>

session day and by developing speeded up procedure for consideration of European integration acts by the Cabinet of Ministers of Ukraine<sup>32</sup>.

## Human rights, equality, discrimination

- *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
  - *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
  - *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*
  - *Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).*
  - *What are the best practices regarding legislative process in the context of Think Tanks worth sharing?*
  - *What are main challenges?*
  - *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.*
- Can you formulate any recommendations for the future?*
- *on country level?*
  - *on regional level?*

It is difficult to summarize the situation for the last ten years since it has greatly changed after the revolution, known as the Euromaidan, in Kyiv during the winter of 2013-2014. Since the beginning of 2014, three of the most important tasks within the field of human rights can be expressed as follows:

---

<sup>32</sup>Results of Monitoring EU-Ukraine Association Agreement implementation (1 July – 1 November) - <http://ucep.org.ua/doslidzhennya/rezultaty-monitoryngu-vykonannya-ugody-pro-asotsiatsiyu-1-lypnja-1-lystopada-2016-roku.html>

Combating impunity and bringing to justice those responsible for brutal human rights violations, crimes against humanity, and war crimes during the Euromaidan and armed conflict in Crimea and Donbas.

There is a search for and implementation of mechanisms for the effective defense of human rights on the occupied territory of Donbas and within annexed Crimea.

Implementation of reforms in the interests of human rights and in compliance with international standards and obligations of the Ukrainian government within this sphere (reform of the police, courts, and prosecutors, ratification of the Rome Statute of the International Criminal Court, and harmonization of Ukrainian legislation with the principles of international humanitarian law, etc.).

The main types of activities of human rights organizations and their interaction with the government are:

- Performing different types of monitoring, researching, and documentation of human rights violations
- Preparation of analytical products, reports, presentations, and project development of regulatory acts
- Protection of victims of human rights violations in national and international courts
- Informational campaigns
- Education, degree, trainings
- Advocacy at the national and international levels.

### **Particular activities of Think Tanks**

Monitoring the human rights situation in Crimea - Crimean Field Mission on Human Rights<sup>33</sup>, Crimean Human Rights Group<sup>34</sup>, the monitoring of the fulfilment of the

---

<sup>33</sup><http://cfmission.crimeahr.org/en/category/analytics-en/>

action plan to implement the National Strategy on human rights by 2020 - Ukrainian Helsinki Human Rights Union<sup>35</sup>, monitoring of the human rights situation in custodial settings including pre-detention facilities, prisons, psychiatry institutions e.c. - National Preventive Mechanism<sup>36</sup>.

Campaign "Ratification of the Rome Statute!" - Amnesty International in Ukraine, information campaign "Discrimination limits. Counteraction!"<sup>37</sup> – Coalition of Counteracting Discrimination in Ukraine, information campaigns on eliminating violence against women participants of ATO "War, Which Does Not Let Go" - Information Center on Human Rights<sup>38</sup>.

Trainings conducted by experts of human rights organizations for the new patrol police on human rights and non-discrimination; trainings on human rights, non-discrimination, and specific coverage of the LGBT community, refugees, migrants and internally displaced persons, people with disabilities, and national and ethnic minorities (especially the Roma) conducted by the Human Rights Information Center.

Work of the Platform, "Human Rights Agenda"<sup>39</sup> - an informal coalition of human rights organizations working in the spheres of monitoring, analysis and development of legislation in accordance with the principles of human rights and fundamental freedoms. The Platform works to elaborate and advocate the adoption of the human rights related legislation by Ukrainian Parliament, Verkhovna Rada, and the government. The participants of the Platform are the Ukrainian Helsinki Human Rights Union, the Kharkiv Human Rights Protection Group, Center for Civil Liberties, Amnesty International in Ukraine, Human Rights Information Center, Association of Ukrainian Human Rights Monitors on Law Enforcement, Human Rights House in Kyiv, Social Action Center, project "No Borders", and Euromaidan SOS. In addition, there are working groups from the Center for Civic Education "Almenda", Regional Center for Human Rights, Luhansk Regional Human Rights Center "Alternative", and others that deal with issues of internally displaced persons and human rights in the occupied and uncontrollable territories.

---

<sup>34</sup><http://crimeahrg.org/en/category/analytics-2/>

<sup>35</sup><http://hro.org.ua/>

<sup>36</sup><http://www.npm.org.ua/ua/literatura/>

<sup>37</sup><http://discrimi.net/>

<sup>38</sup><https://humanrights.org.ua/en>

<sup>39</sup><http://humanrightsagenda.org.ua/>

The best practices in the legislative process in the context of human rights

In Ukraine in 2015, in close cooperation with civil society, particularly human rights organizations, the National Strategy on human rights was developed (signed by President Petro Poroshenko on August 25, 2015). Civil society organisation prepared a draft of the strategy and national action plan which was later officially adopted by the government. The strategy is designed for five years until 2020. On November 23, 2015, the Cabinet of Ministers of Ukraine adopted a plan of action for the realization of this strategy – a comprehensive 300-page document with a clear list of tasks (for example, drafting legislation and other regulatory acts and developing information campaigns and training events on human rights and international humanitarian law) and those responsible for their implementation. According to the plan of action, the government is prescribed with important tasks for the year 2016, such as the harmonization of the Ukrainian criminal legislation with the norms of international humanitarian laws, development of a mechanism to ensure pensions and other social benefits to the residents of the occupied territories, training of military personnel on the subjects of " Fundamentals of International Humanitarian Law " and " Fundamentals of Human Rights", and the development and adoption of methodologies for expert antidiscrimination assessment, etc.

Non-governmental organizations monitor the implementation of the action plan through creating the platform of the interested organisations who follow the reforms in their specific areas to fulfil the National Strategy within the field of human rights. They note the weak capacity, low interest and motivation of public authorities. During 2016 only 21% of the planned amount of work for this period was done by the government.

In addition, in connection with the ongoing armed conflict and Russian aggression, laws and regulations, which disproportionately restrict human rights or establish barriers to the development of national legislation on human rights, were adopted and continue to appear.

For example, at the legislative level there is established discrimination against Crimeans in the provision of banking services; a law on amnesty for the participants of the military conflict in Donbas region, which grants amnesty to a number of serious crimes, including several war crimes; at the constitutional level of Ukraine

there has been adopted an unreasonable norm of a three-year delay rule for the ratification of the Rome Statute of the International Criminal Court.

## Challenges

Ukraine has been attempting to address its existing human rights challenges over the years of its independence. Civil society groups and movements were started, institutions launched, conventions signed and ratified, and hundreds of national and international expert reports produced. Ukraine's National Human Rights Institution has an "A" status and there is a group of very well-established vibrant civil society organizations working on promotion and defense of human rights.

At the same time, comprehensive baseline information on human rights awareness, perceptions and channels of most effective information delivery is missing. This does not allow for design of well-considered strategic interventions to increase human rights awareness and protection in the country.

The aim of the baseline comprehensive national study on the human rights would be to measure the human rights awareness, identify systemic human rights deficiencies and misperceptions, and outline the gap between the human rights perceptions of the population (what people think) and "professional" human rights experts perceptions (what human rights activists and the Office of the Ombudsperson (OO) think).

The following stages are proposed to complete the study:

- 1) Desk research of the available statistical data regarding human rights awareness and perceptions;
- 2) National representative survey (accounting for disaggregation parameters of gender, age, education, urban/rural residence, and target groups (journalists, youth, civil servants etc)) which will cover the following items:
  - **Perceptions** of most pertinent "human rights challenges" in the country: giving the respondents the opportunity to 1) freely state what they believe to be "human rights" – a term definition and 2) what "human rights issues" are seen as most topical by them for Ukraine at this point of time (+ what they believe to be most topical for themselves). This would give an opportunity to determine whether citizens' perceptions of the term "human rights" come close to internationally-accepted definitions.

- **Knowledge of core human rights principles**, as well as sources of such principles: questions to the respondents regarding different types of rights.
  - **Knowledge of the human rights protection mechanisms** (NHRI, ECHR, etc), trust towards this institution, as well as its perceived effectiveness;
  - **Identification of effective human rights information channels and human rights education mechanisms**, eg perception of what would be the best channel for them to receive information on human rights.
- 3) Expert surveys of the seven target groups – politicians, civil servants, school teachers, journalists, policemen, judges, human rights defenders on the issues outlines above.

The final analytical report would answer the following questions:

- ✓ Are there any relatively recent / reliable sources that describe levels of Ukraine’s population awareness of human rights / human rights-related issues / instruments / institutions? Is there any data on trust towards the human rights guardians in the society (OO, CSOs, core duty-bearers)?
- ✓ If so, could these stand-alone pieces of data be used as reference points for the current survey?
- ✓
- ✓ What do people think a definition of “human rights” is?
- ✓ What issues are considered by Ukrainians to be the most burning human rights challenges currently (for Ukraine and for themselves personally)?
- ✓
- ✓ What of those issues are important for the respondents personally as opposed to the overall “importance for the country”?
- ✓ How many of the core (first generation?) rights do Ukrainians actually know (being able to single them out from larger lists of issues)?
- ✓
- ✓ Is there knowledge of any core instruments that contain human rights principles?
- ✓ What is the level of a) knowledge and b) trust towards the core human rights institution in Ukraine?

- ✓ What channels do the respondents currently use to get socio-economic / political information (break-down by gender, age, education et al.)?
- ✓ What channels would be best to deliver the human rights knowledge to the citizens?
- ✓ What are the attitudes / preferences of the population towards some of the proposed options for bringing human rights protection on behalf of the state to the regions? Which models are seen as more trustworthy / effective by the population overall?
- ✓ What is the perception of the OO and human rights CSOs of the population's knowledge / attitudes towards human rights and where these discrepancies could cloud the vision of these institutions in designing their awareness-raising interventions?

This survey is being prepared by the Human Rights Information Center in cooperation with the Ombudsman Office and UNDP-Ukraine. It is going to be published in April 2017.

### **Recommendations based on the experience**

The mentioned problem in the preceding observation requires proactive civil society advocacy and communications campaign to promote changes to Ukrainian legislation, based on human rights standards.

It is important to increase the expertise and organizational capacity of human rights organizations, both within the context of expansion / scope of their work (for example, governmental relations and international advocacy) and substantive support of human rights issues within armed conflicts (such as knowledge of international humanitarian law, etc.).

Recommendations for the future

- At the country level

Involve human rights organizations as experts / partners for the full cycle of implementation of the state policy on human rights - from the development and discussion of regulatory acts up to their implementation and monitoring.

Implement state support of human rights organizations in Ukraine (currently this support is primarily provided by foreign funds and donors).

- At the regional level

The support of regional human rights organizations and grassroots initiatives in order to enhance their organizational capacity and the strengthening of their level of expertise and influence.

### Information society and the legal system and administration

- *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
  - *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
  - *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*
  - *Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).*
  - *What are the best practices regarding legislative process in the context of Think Tanks worth sharing?*
  - *What are main challenges?*
  - *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.*
- Can you formulate any recommendations for the future?*
- *on country level?*
  - *on regional level?*

Ukrainian Think Tanks are engaged in the area of information society and the legal system and administration, e.g. Reanimation Package of Reforms (E-democracy, E-government Groups), Centre for Democracy and Rule of Law (ex Media Law Institute), Electronic Democracy, Center for Innovations Development at Kyiv-

Mohyla Academy, Centre of Policy and Legal Reform, Hi-Tech Office. The Think Tanks take part in legislation development, e.g, bills drafting; civic initiatives, information and educational campaigns; legal consultations, monitoring of urgent issues in the area information society and the legal system and administration; education and expertise; legal research activities.

For instance, Think Tanks promote strategic changes for information society development in Ukraine. E.g., the Reanimation Package of Reforms (E-democracy Group) is drafting the Concept and the Action Plan on e-democracy development in Ukraine. The Centre of Policy and Legal Reform has conducted an analytical research on e-democracy and e-governance framework of e-state in Ukraine. Results and recommendations were presented in a monograph “E-state: new management effectiveness”. The book deals with reforming of informational area in Ukraine considering the European integration process, namely e-democracy and e-governance. Foreign experience of legal regulation is used to outline the e-government and e-democracy functioning, public control of information protection. The monograph will be useful to the Think Tanks related to the issues of e-democracy, e-governance, access to public information, information security on doctrinal and practical levels.

Furthermore, Ukrainian legislation on the information society is old-fashioned and controversial. Thus, Think Tanks are to draft proposals for development of a legal framework in the e-governance, e-democracy, and innovations areas. The best practices regarding legislative process in the context of Think Tanks worth sharing are such Laws of Ukraine as “On amendments to the Law of Ukraine “On Citizens’ Appeals” on E-appeals and E-petitions” (E-democracy Group of the Reanimation Package of Reforms, 2015); “On Amendments to Some Laws of Ukraine on Public Service Television and Radio Broadcasting of Ukraine” (Centre for Democracy and Rule of Law, 2015); “On Public Service Television and Radio Broadcasting of Ukraine” (Centre for Democracy and Rule of Law, 2014); “On Access to Public Information” (Centre of Policy and Legal Reform, 2011); “On Information” in new version with amendments of 2011 (Centre for Democracy and Rule of Law, 2011); “On Amendments to Some Laws of Ukraine on Improvement of Some Provisions on Limiting Places of Tobacco Smoking” (Centre for Democracy and Rule of Law, 2012), also known as “Law on smoking in public places ban”; “On Amendments to Some Legislative Acts of Ukraine on ban on advertising, sponsorship and

stimulating of tobacco goods selling” (Centre for Democracy and Rule of Law, 2012), also known as “Law on ban on tobacco advertising,” “On National Council on Television and Radio Broadcasting” (Centre for Democracy and Rule of Law, 2006), Digital Agenda – 2020 (Hi-Tech Office.) etc. At the local level, the Center for Innovations Development has taken part in drafting of Legislation for introducing e-forms for appeals and of e-petitions (together with the Administration of the President, MPs, and the Parliamentary (VerkhovnaRada’s) Committee on Human Rights, National Minorities and Inter-ethnic Relations), as well as of regulations and regulatory framework for e-petitions to local self-government (Kyiv, Mykolaiv), of regulations to e-democracy tools (e-petitions) implementation at the RPR (50+ organizations and 500+ experts); providing assistance in design and implementation of services for e-petitions and e-appeals to local self-government (Kyiv, Kyiv region, Mykolaiv, etc.); annual monitoring of public opinion on e-democracy and e-petitions. In future, Think Tanks are to pay more attention to advocacy and implementation of legislative amendments, as well as establishing a constructive dialogue with the authorities on strategic priorities on digitization of Ukraine.

Think Tanks primarily focus on civic initiatives on e-governance and e-democracy instruments implementation in Ukraine. E.g., E-form with no queues and bribes (Electronic Democracy). This project promotes transparent, accountable and participatory functioning of the authorities, in particular, in terms of the information society establishing in Ukraine. The Centre for Democracy and Rule of Law has established and takes part in civic movements “CHESNO”, “Stop Censorship”; Network of Defenders of the Right to Access Information, “Platform “Ombudsman Plus”. Civic movement “CHESNO” controls activity and evaluates honesty of MPs and Government officials, i.e. fights for publishing of MPs’ property declarations, personal voting in the Parliament, MPs’ participation in VerkhovnaRada’s sessions and committees’ work as well as extension of electors’ communications channels and MPs’ reporting on their work. The project “Platform “Ombudsman Plus” contemplates, according to a respectively specially developed methodology, the creation and support of a system to monitor the state of observance of the legislation on access to public information in the regions of the country, through formation of the experts’ office of the Platform, which will be constituted of qualified lawyers and a system of regional monitors. The Centre for Democracy and Rule of Law provides permanent legal support and judicial protection in civic movement

“Stop Censorship” as initiative of Ukrainian journalists and media civic organizations that defends freedom of speech, prevents censorship establishment in Ukraine, interference with professional journalists activity and violation of professional standards during disclosure of social-political questions. Centre for Democracy and Rule of Law has created and now is coordinating the Network of Defenders of the Right to Access Information as a union of lawyers and civic activists from the whole Ukraine that asserts that public information has to be fully provided by state authorities to citizens.

Thus, the mission of Think Tanks, engaged in the area of information society and the legal system and administration, is to support innovative ideas for technology development and innovation, as well as projects on the basis of intellectual potential of Ukrainian scientists; develop guarantees for fair elections; to encourage establishment of e-court, introduction of electronic instruments of public participation in public administration, in particular e-petitions; usage of benefits and capabilities of information and communication technologies to create the system of effective, responsible, and innovative government in Ukraine; development of society through support of civic initiatives, impartial legal expertise, elaboration and implementation of high-quality law, education, and protection of freedom of speech and other fundamental human rights.

## **Challenges**

Information society in Ukraine is encountering a complex of organizational, legal, economic, political, procedural and other challenges related to creation, implementation, application and development of computer systems to meet information needs, interests of society and state. Formation of a developed information society in Ukraine is also negatively affected by instability of political situation in the country and internationally, information warfare, underdevelopment of electronic government, online business, financial transactions, distance education, etc., existence of user groups with insufficient cultural and technical capital whose attention is mainly focused not on the tool, but on entertainment and communication capabilities of the network.

Conflict of traditional values and the information society arises in Ukraine in the context of doctrine and technological progress implementation. The values of traditional society in Ukraine are mainly the result of civic activists' campaigns in a commodity form. At the same time, the information society is to be associated with

a temporal communication guarantees and transcendental manifestations of the individual which are essential to structuring communication with public administration and the public. Virtualization of contemporary Ukrainian society is insufficient to ensure the possibility to apply the characteristics of the virtual world.

In this sense, the main challenge for today is to conduct digitization of modern society in Ukraine via organizational, legal, economic, political, procedural and other tools which should be useful for the further establishment of an appropriate level of legal regulation in the areas of electronic government and electronic democracy, as well as for implementing the European standards in Ukraine to improve procedures of access to public information, to develop e-petitions tools, to improve a comprehensive level of legal protection in the information area.

## **Recommendations**

In the Ukrainian realities, Think Tanks are to establish effective communications and partnership with the authorities regarding software and institutional arrangements for the implementation of functional task; consolidation of various projects of the electronic democracy manifestations within the electronic state depending on the fundamental principles of activities in the area of standardization and technical regulation at the level of individual subjects of public administration to developing digitization of the electronic government according to the requirements of information security and the latest European practice; introduction of innovations in electronic document management, other forms of electronic democracy as a multi-functional portals focused on users' needs. This should take into account infrastructural, logistical, informational and communicative, cultural dimensions of the evolutionary paradigm of such systems concerning the definition of standards of conduct, performance, services of a high quality.

Civic activists and the authorities are to draft amendments in the areas of electronic democracy on formation and development of e-Parliament, e-voting, e-court, etc.; and electronic government on implementation of an optimal model for Ukraine which would correspond to the European practice. In this context, recommendations for future are to be primarily concerned with exercising of the right to information, formation of a clear and effective range of tools for its implementation (availability and equitable access), introduction of direct

participation instruments (effective representation and decision-making, obtaining and providing data and advice), and accountability of public administration regarding social interests in the triangle ‘quality-satisfaction-trust’.

#### *At the country level*

Updated relations between public administration and civil society are to occur in the following areas: legal (in the legislative process concerning organization of document flow, implementation of effective international practices), communication (social networks and web sites regarding reduction of obstacles to free communication), technological (evolution of technology, modernization of information services), interactive (improvement of institutional and functional parameters of interaction, strengthening direct participation, introduction of integration between the public administration and civil society). The SMART principle is to be used for developing these relations concerning specific, measurable, achievable (attainable), relevant and clearly defined milestones (time-bound) for the public administration. It is also advisable for the Verkhovna Rada (the Parliament of Ukraine) to adopt the Law of Ukraine “On Digital Agenda”, “On Electronic Court”, “On Electronic Elections”.

#### *At the regional level*

Compliance with government policy on information and technical support on regional level is to be implemented regarding allocation and distribution of resources. Think Tanks’ sufficient efforts are to be made concerning provision of administrative services and development of electronic portals to reach a high level of maturity in using the Internet tools for democratization processes. Changes might have an exceptional potential in case of a proper information policy and manifestation of the civil society’s “requirements”.

Public cooperation should play the most important role of a public tool to establish the recommendations. Deliberations during decision-making process might be possible with proper resources, structure and level of trust in electronic government on regional level. This takes into account the civil society’s efforts and interaction between civic activists and local authorities for promoting political dialogue on specific issues within the competence.

## Think Tanks – opportunities and challenges

- *We are formulating here some additional questions to be answered based on the research done by authors of the country report.*
- *We have also proposed (see below) the list of questions that might/should be used in the interviews and focus groups. In the following sections please summarise both information collected as well as your opinion and answers you received (we mark separately questions repeated from the **Questionnaire** for interviews).*

The last three years have seen a positive trend in development of Think Tanks in Ukraine, but since 2016 effective action of CSOs and Think Tanks are arousing severe criticism from authorities and consequently resistance from the government.

### Attacks on Think-Tanks/NGOs

On April 23, 2017 the Verkhovna Rada approved amendments to the Law “On Prevention of Corruption”<sup>40</sup> (entered into force on April 30, 2017) which provoked strong negative reaction from the civil society and international community. The draft of the Law submitted by the President envisaged exemption of rank and file conscription servicemen, sergeants, sergeant corps, and junior officers from the obligation to submit e-declarations but instead the amendment was approved which obliged representatives of anti-corruption organizations to submit e-declaration on property and income similar to those which the state officials should submit.

According to the Law “On Amendments to Certain Legal Acts of Ukraine Regarding the Specifics of Financial Control of Certain Categories of Officials” the following two groups of individuals fall under the Law “On Prevention of Corruption”:

---

<sup>40</sup>The Law “On Prevention of Corruption”, 2014, № 1700-VII  
<http://zakon2.rada.gov.ua/laws/show/1700-18>

1. Persons who are members of selection commissions established in line with stipulations of the Laws “On Civil Service”, “On Service in Local Governments”, members of Civic Integrity Council, civic councils, civil control councils which are established in state organs and participate in preparation of decisions on personnel and on preparation, monitoring and implementation of anti-corruption programmes;

2. Individuals who:

- “receive funds and assets as part of the implementation of technical (or other) assistance programs (projects) in Ukraine, including irrevocable assistance in the field of preventing and combating corruption (either directly or through third parties or in any other way provided for in a relevant program (project).”

- systematically, during the year, carry on tasks, provide services on implementation of anti-corruption policy standards, on monitoring of anti-corruption policy in Ukraine, on preparation of proposals on development and implementation of this policy in case these tasks or services are financed directly or through third parties by technical (or other) assistance, including irrevocable assistance in the field of preventing and combating corruption.

- heads, board members or member of other higher organs of NGOs, other non-profit organizations operating in the field of preventing and combatting corruption, implementation of anti-corruption policy standards, monitoring of anti-corruption policy in Ukraine, preparation of proposals on development and implementation of this policy who participate or get involved into implementation of measures related to prevention and combatting corruption.

Respective amendments were made to articles 1, 3, 45, 46, 49, 60 of the Law “On Prevention of Corruption”.

These amendments mean that aforementioned individuals are imposed with anti-corruption prohibitions and restrictions envisaged by the Law, and as such they become subjects of administrative and criminal liability for violation of these prohibitions and restrictions. However, from the point of view of rule of law principle, principle of legality and and principle of legal certainty such an approach is unconstitutional since the new Law does not clearly define neither the purpose of

imposing prohibitions, restrictions and liability on aforementioned individuals, nor the scope of those individuals.

Meanwhile, spreading of anti-corruption prohibitions, restrictions and obligations on physical bodies in connection with realization of their right on freedom of association and certain activities (combatting corruption) contradicts to the constitutional right of freedom of association, principle of equality and prohibition of any activities-related limitations, and non-interference with the right of privacy.

It is worth paying attention to the fact that contractor, or persons “involved in realization of measures related to prevention of and struggle with corruption”, are also obliged to file e-declarations. These include, for instance, owners of offices rented by anti-corruption NGOs, owners of venues rented for events, providers of catering services, publishers etc. Actually, this issue is the biggest problem since contractors will most likely refuse to collaborate in order to avoid the need to submit e-declarations and possible pressure from fiscal bodies on them or their relatives. This, in turn, may cease the activities of anti-corruption NGOs.

Most experts agree that the reason behind amendments on e-declarations is retaliation to NGOs, mainly to anti-corruption ones, thanks to efforts of which the law on e-declarations was adopted. This law revealed huge property and money sums owned by officials and members of parliament. Most of them has never been doing business and cannot explain origins of their wealth but none of them has brought responsibility for that yet. In the meantime, the executive tries to subdue anti-corruption bodies, while anti-corruption NGO support their independence. Therefore, the reason to amend the law is to block and discredit operation of anti-corruption NGOs.

President Petro Poroshenko had replied to critique before signing the amendment to the Law and held the meeting with representatives of civil society. The meeting resulted in the decision to establish working group including representatives of NGOs, Administration of the President, members of the parliament to work out new

amendments to the Law. President Poroshenko stressed out that obligation to submit e-declaration will enter into force in 2018 so there is time to work on amendments.

With respect to conditions for the operation and cooperation with Government, they can not be considered favorable.

Obstacles to the development of cooperation between the authorities and the Think Tanks:

- Lack of effective mechanisms for cooperation between state bodies and the Think Tanks
- Lack of state funding for involvement of the Think Tanks to governmental institutions
- Lack of knowledge of the authorities, lack of necessary information on the scope of analysis conducted by the analytical centre
- Lack of a governmental institutional memory to work with non-governmental Think Tanks
- Low professional level of state structures
- Inability of the government to work with the experts
- Intensity of reforms and lack of time to discuss implemented policies and concepts. For example, the Parliament is littered with bills, the reform agenda is not planned and is unpredictable
- Lack of political culture on policy and decision-making
- Problem of using certain Think Tanks by interest groups for their own purposes, which undermines the credibility of the non-governmental sector
- Lack of the Think Tanks in specific areas
- Lack of efficiency in the Think Tanks work

Guidelines for development of cooperation between the authorities and the Think Tanks

A high level of cooperation with the Think Tanks might be achieved according to the following recommendations:

- Strengthening analysts quality
- Sticking to the principle of impartiality and applied nature of their work
- Promoting reforms necessary to create more platforms for professional discussion of policies and conducting advocacy not only among government officials, but also among active citizens and wider circles of civil society
- Strengthening a two-way communication between the authorities and the non-governmental Think Tanks

Our recommendations on how to attract accumulated knowledge from Think Tanks by public authorities and local self-government bodies

1. Each ministry shall have an advisory body, i.e. the board including representatives of the most influential Think Tanks or research institutions in the ministerial area of focus. This would be one of the main channels of influence on public policy.
2. The Think Tanks shall always produce analytical materials on the assessment of the situation, identification of problems, recommendations for their solution. These materials are to be distributed and considered by the experts in the government.
3. Whenever the Government is preparing some kind of reform or serious document, a working group is to be formed with the obligatory participation of independent experts, especially from the Think Tanks.
4. Each document drafted by the Government as part of policy analysis, shall always be up for a public debate. The Think Tanks are to be among the most active participants of these public discussions because of their drafted materials.
5. The Think Tanks shall prepare periodic monitoring reports on public policy of the state. Due regard being had to the fact that brokered by the media Think Tanks shape public opinion on the policy to be considered.

## Think Tanks and government

*- What are the best methods for Think Tanks to influence decision-makers?*

### **Questionnaire**

*- How should the government draw knowledge from the Think Tanks sector?*

*- How the cooperation between the Government and Think Tanks should be structured? What needs change?*

*- Should the government build its own research structures or commission analysis from outside institutions? Why?*

*- Where should the government draw knowledge for determining regulatory policies? What are the mechanisms for government's interaction with non-governmental research structures? What should be the shape of this relation?*

To estimate the level of cooperation between Think Tanks and Government, it is worth to underline that it was much more limited three years ago and analytical capacity of Think Tanks had been hardly used. The situation has changed after the Revolution, namely after the change of power. As a result, many young and progressive people came from the public sector and businesses to the Parliament of the last convocation, being really interested in fundamental changes. Their approach involves collaboration with analytical institutions whose authority has become the marker of the MPs' quality solutions.

There are mechanisms of the Think Tanks influence on policy in Ukraine, including community councils, advisory boards, working groups of the ministries, project offices for reforms, working groups to develop strategies at the Presidential Administration, parliamentary hearings, public examinations<sup>41</sup>.

### *The Verkhovna Rada*

Participation of Think Tanks in drafting and expertise of the bills. Some MPs use the Think Tanks analytical works for drafting the bills. The Think Tanks are actively involved in the expertise of the bills.

- Participation in academic and expert, public councils at parliamentary committees

---

<sup>41</sup>Independent ThinkTanks and Government: partners in promoting reforms or two parallel worlds?, p.23

<http://pasos.org/wp-content/uploads/2016/08/ThinkTankStudyUkraine.pdf>

- Participation in preparing the parliamentary hearings. The Think Tanks experts are involved in preparing informational and analytical materials, developing proposals to draft recommendations for the parliamentary hearings.

### *The Cabinet of Ministers*

Governmental cooperation with the Think Tanks is mainly based on attracting the Think Tanks experts to certain working groups and events. Also, the Think Tanks experts are appointed as advisors to the Prime Minister on a voluntary basis from time to time (unfortunately very rarely).

- Participation in the working groups on important governmental decisions and documents
- Participation in the public hearings
- Participation in the public consultations structures of the ministries and agencies
- Participating in the meetings

### *The President of Ukraine*

Interaction between the President and the President's Administration with the Think Tanks is mainly based on personal involvement of some centres experts to participate in the advisory bodies and drafting certain documents.

- Participation in the advisory bodies of the President of Ukraine
- Participation in the working groups to prepare strategies and draft concepts of development in Ukraine
- Participation in the public events held under the President's auspices.

## **The most authoritative Think Tanks for the authorities**

According to Survey “Independent Think Tanks and Government: partners in promoting reforms or two parallel worlds?” 158 government officials were interviewed by email questionnaires. Among them were 75 representatives of local

governments. Besides Kyiv, the survey was conducted among local councillors and mayors of Dnipro, Iviv, Odessa, Kharkiv, Severodonetsk and Kramatorsk<sup>42</sup>.

The officials believe that OlexanderRazumkov's Ukrainian Centre for Economic and Political Studies is the most beneficial (more than half of all respondents of the survey have indicated it). Then IlkoKucheriv's Democratic initiatives Fund, Centre of Policy and Legal Reform, and Ukrainian Centre for Independent Political Research have been approximately indicated. International Centre for Policy Studies, Institute for Economic Research and Policy Consulting, Institute for Euro-Atlantic Cooperation, Agency for Legislative Initiatives, Kyiv International Institute of Sociology, Institute for National Strategic Studies have been included into top-ten list (though with a much more modest outcome)<sup>43</sup>

**Razumkov Centre** is a non-governmental think tank founded in 1994. It carries out research of public policy in the following spheres: domestic policy, state administration, economic policy, energy, land relations, foreign policy, social policy, international and regional security, national security and defence. The Centre has about 35 full-time employees, and over 100 persons work on contractual basis. The Ukrainian-wide public opinion polls of Razumkov Centre Sociological Service are carried out by over 300 interviewers. Analytical materials of Razumkov Centre are recognized and used by different political forces; recognized by scientific and expert community; presented on the web sites of the Government, some ministries and departments; used as analytical and reference materials during the parliamentary hearings in the VerkhovnaRada of Ukraine; have high index of quoting in Ukrainian and foreign mass media and scientific literature.

**The IlkoKucheriv Democratic Initiatives Foundation (DIF)** is an analytical centre created in 1992. It aims at building Ukrainian state, democracy, and market economy and enhancing full integration of Ukraine into European and Euro-Atlantic structures. DIF mission consists in supporting Ukraine in its transformation into fully

---

<sup>42</sup>Survey "Independent Think Tanks and Government: partners in promoting reforms or two parallel worlds?", p.5, 2016

<http://pasos.org/wp-content/uploads/2016/08/ThinkTankStudyUkraine.pdf>

<sup>43</sup>Survey "Independent Think Tanks and Government: partners in promoting reforms or two parallel worlds?", p.33, 2016

<http://pasos.org/wp-content/uploads/2016/08/ThinkTankStudyUkraine.pdf>

functioning democracy with good governing practices, market economy, and developed civil society. DIF is engaged in such main activities: research and analysis of public and expert opinion; monitoring of electoral processes and conduction of exit polls; writing analytical papers with recommendations regarding acute issues of Ukraine's democratic development; conduction of researches and informational campaigns and developing recommendations on issues of Ukraine's European and Euro-Atlantic integration; building and improving cooperation between Ukrainian and foreign think tanks, including experience exchange and implementing common projects.

**Centre of Policy and Legal Reform** is a non-governmental think tank founded in 1996. The mission of the Centre is to support the implementation of the institutional reforms, which could provide the democracy, rule of law and proper governance in Ukraine. CPLR elaborates and promotes implementing reforms in Ukraine in such areas: constitutional order, public administration, judiciary, criminal justice, combating corruption, European integration, access to public information and e-government.

**Ukrainian Centre for Independent Political Research (UCIPR)** is a non-governmental think tank aiming at providing analysis of domestic and foreign policy and information support to democratic institutions in Ukraine. UCIPR's areas of interest are: civil society development; domestic, foreign and security policies; human rights and minority rights; law-making activities; economic development.

**International Centre for Policy Study (ICPS)** is one of Ukraine's top independent think-tanks involved in the development and analysis of public policy founded in 1994 upon the initiative of the Prague-based Open Society Institute (OSI). Building on more than 20 years of experience, ICPS proposes the strategic vision of the country's development and transformation. It is based on implementation of the complex of cross-sectoral reforms and innovative developments in public governance and political competition. Main focus areas: foreign policy, fight against corruption, gender equality, reforms support, government decisions.

The Institute for Economic Research and Policy Consulting (IER) is an independent think tank, focusing on economic research and policy consulting. IER was founded

in October 1999 by top-ranking Ukrainian politicians and scientists and German Advisory Group on economic reforms in Ukraine, which has been a part of Germany's TRANSFORM programme. IER ensures: unbiased expertise on key economic issues and main components of the economic policy; highly professional consultations on development of national economic policy and strategies; quality of economic and statistical data used in its work and application of the most sophisticated instruments for short- and medium-term economic forecasting and modelling; interdisciplinary studies in the fields related to the economic policy; international expertise and international economic debate.

**The Institute for Euro-Atlantic Cooperation (IEAC)** is an independent think-tank founded in 2001, and located in the city centre of Kyiv. The IEAC conducts research and advocacy projects promoting liberal democracy and the rule of law, supporting security sector reforms, and strengthening civil society. The topics of interest include international relations, foreign policy, European security and national defence. IEAC activities include the development of policy recommendations, provision of independent policy assessments, reports and statements, public advocacy campaigns, holding international conferences, seminars and roundtables, organizing study trips and workshops, etc.

**Agency for Legislative Initiatives (ALI)** is a think tank founded in 2000 on the initiative of the graduates of the National University of "Kyiv-Mohyla Academy". "Laboratory" has extensive experience in implementing projects aimed at ensuring public participation in the legislative process. The topics of interest include electoral law, political parties, corruption, social policy, freedom of speech, local government.

Rich experience in monitoring of the Parliament and studying the problems of Ukrainian parliamentarism allow make suggestions for improving the efficiency of Parliament with the assistance of the best European and international practices.

**Kyiv International Institute of Sociology (KIIS)** is a private Ukrainian company which works in collaboration with the National University of "Kiev-Mohyla Academy". KIIS was founded in 1990 as a research center of Sociological Association of Ukraine and transformed into private enterprise in 1992. It was a pioneer in the establishment of sociological research standards in Ukraine. KIIS is a

member of major research associations, among others, the Sociological Association of Ukraine, European Society for Opinion and Marketing Research (ESOMAR), AAPOR and WAPOR. KIIS is specialized in providing a full scope of services in such directions as: socioeconomic research, political research, health care research, marketing research, consulting, and research audit.

### Think Tanks and Academia, scientific circles

- *Does the government cooperate with the academia in developing its policies? To what extent?*
- *Do legal sciences currently deal with issues important practically?*
- *In which areas there is a lack of legal research, including empirical surveys?*
- *Do Think Tanks cooperate with academia? How? If not, why?*

### Questionnaire

- *Should Think Tanks seek involvement with academia? Should they look for involvement not only as regards research but also teaching?*
- *How should the academia structure its relation with Think Tanks? Is it competition or opportunity for cooperation? How can the academia benefit from operation of Think Tanks?*
- *Do you know any examples of good cooperation of Think Tanks and academia. What?*

Cooperation of think tanks with academia is widely spread in Ukraine. Scholars take part in think tanks' projects and experts get involved in teaching and training. Such cooperation takes place on the 'outsourcing' basis. Applied nature of think tanks activity gives scholar chances to implement their theoretical findings in practice.

Think tanks work in the 'politics – science – society' triangle. Think tank links these three areas and serves as a mediator in interaction between them.

For example, the Centre of Policy and Legal Reform has for many years closely collaborated with the department of administrative law of Koretsky Institute of State

and Law of Academy of Sciences of Ukraine. This is thanks to this cooperation that the Centre emerged as a full-fledged think tank. During mutual work experts learnt a lot from scholars, studied new methodology and this improved quality of their analytical products. On the other hand, the Centre taught scholars a lot because experts were much more dynamic, they studied foreign experience, closely communicated with politicians and officials. This cooperation was thus symbiotic in nature.

## Think Tanks and their limits

### Questionnaire

- *What is the interaction between the activity of Think Tanks and lobbying? How should this relation be shaped?*
- *What is the interaction between the activity of Think Tanks and activism? How should this relation be shaped? Should Think Tanks get involved in social activism?*
- *Should Think Tanks look for opportunities to influence important judicial decisions (e.g. file amicus curiae briefs)?*
- *Does independence of Think Tanks matter? If yes, what are the principles for economic and political independence of research think-tanks? Where is the threshold that a think loses its independence? What is the relation between independence and transparency?*
- *Should Think Tanks operate as business entities that provide research services for remuneration?*
- *What should be avoided in the activity of a think-tanks? Please name examples of bad practice.*

### Interaction between lobbying and Think Tanks activities

Before we proceed to describing this process it is necessary to define lobbying. Lobbying is a professional activity on representation of client's interests in state decision-making. In parliamentary activities lobbying means direct influence on the legislation process in the parliament exerted by groups of interest which try to support adoption or repeal of a certain law. Think tanks are frequently associated

with lobbying but their activity should rather be labeled ‘advocacy’ since the goals and specific feature of it have totally different nature.

Ukrainian think tanks are institutions which generate ideas and deliver them as messages or different analytical papers serving as recommendations. This in turn facilitates decision-making in state policy and development of civil society. Therefore, think tanks in Ukraine do not pursue personal or business interest but stand up for interests of the society as a whole.

Generally, Ukrainian think tanks can be considered independent since in analytical work majority of them keep equidistance from all political forces. Politicians equally don’t exert pressure on think tanks’ activities. So generally think tanks work without any pressure, they have nothing to hide from society and therefore operate in a transparent manner. This has become possible due to western donors which being almost an exclusive source of financing protect Ukrainian think-tanks from negative external impacts.

The significant negative result of this situation is think tanks’ dependency on grants which makes long-term planning of their activity a very problematic issue. As a result, some think tanks exist only virtually. It often happens that after short-term activities and realization of few projects they cannot attract resources for further development and therefore cannot keep their experts, pay rent and other expenses connected with their main activities.

Think tanks shall avoid situations when they serve as lobbyists in promoting private interests that is supporting decisions basing not on social interest but on interest of particular corporations, companies, politicians etc.

### **Interdisciplinary approach to the law**

*- Do Think Tanks promote interdisciplinary approach to the law and system of justice?*

*Do Think Tanks promote collaboration of lawyers with economists, psychologists, sociologists, IT experts, HR experts etc.?*

From the point of view of interdisciplinary approach, development of relations between Ukrainian think tanks is not dynamic enough. Hence, there is a huge room for improvement in this. The underlying problem is that most Ukrainian experts and analysts tend to have very narrow and specific approach to discussed issues which ignores interdisciplinary connections. There are, however, positive examples: Centre of Policy and Legal Reform while implementing civil service reform actively cooperates with specialists of different backgrounds – human resources experts, sociologists, economists, political scientists etc.

### TT and access to data

- *Do Think Tanks face any problems with access to data needed for their analyses?*
- *Is the public system of collecting statistical data adequate and accessible?*

Procedure and guarantees of citizens' access to public information are regulated by the Law "On Access to Public Information" No 2939-VI adopted in 2011<sup>44</sup>,

Access to information is provided in two ways:

1. Systematic publication of information in printed editions, official web-sites in the Internet, on the Single state web-portal of open data, on information boards and in any other possible way;
2. Provision of information on demand through procedure of request on information.

Organs of state authority and local self-governments mostly adhere to norms of law at least in providing information on requests. At the same time, however, when providing information on request demands certain additional efforts from authorized organs they tend to provide formal replies: think tanks get information but its content does not always corresponds to what was requested. This is because actual executants are not always able to reply competently due to their limited proficiency in ICT.

---

<sup>44</sup>the Law "On Access to Public Information" No 2939-VI adopted on January 2011  
<http://zakon2.rada.gov.ua/laws/show/2939-17>

The public system of collection of statistical data currently in use by authorized state bodies do not match international standards of information collection: mandatory statistical reports demand provision of information on a person's property ownership even though de facto this belongs to plenipotentiaries of financial control organs. At the same time information of real importance for society is collected in line with outdated criteria and only if targeted financing from state budget is available. Organs of statistical data collection still work according to Soviet-time standards and need to be adapted to more progressive European ones.

## Think Tanks and innovations

### Questionnaire

- What is the role of technology and innovation in the business of Think Tanks as regards:

- issue spotting,
- enhancement of research quality,
- earning influence?

Innovations and information technologies play an extremely important role in operation of think tanks. However, because think tanks operate as NGOs according to the Ukrainian legislation they face problems in purchasing licensed Microsoft software (which are a standard one in Europe) on special, more favorable terms since special licenses are available only for academic or education institutions, research centers and classic membership-based NGOs. Think tanks de facto are not NGOs and cannot get status of research centers. Thus, they have to buy private licenses for software, pretend they are membership-based organizations (which violated license agreements) or use pirated software. Purchase of corporate licenses by think tanks is not widely spread because of high price. Some think tanks try to switch to Linux operating systems and open source software like Open Office but limited compatibility of this products which are most frequently used tools in think tanks makes them to turn back to Microsoft products. This limits Ukrainian think tanks in developing information products with maximal reach and compatibility.

## Think Tanks – success stories

### Questionnaire

- *What are the examples that you recommend to follow in the activity of think-tanks? What is the formula for operating an efficient and influential think-tank?*
- *Please name examples of particularly effective/successful methods or projects in this respect.*
- *Please provide, if possible, concrete examples of successful interaction of the Think Tank and Government. What determined the success in that case?*
- *Are there policy areas in which think-tanks prove to be particularly useful and effective?*
- *What should be the products of a think-tank?*

One of the most outstanding example of advocacy, that is standing up for interest of society in state power bodies, is for example, the civic platform « Reanimation package of reforms for Ukraine», which unites 73 leading non-governmental organizations and experts from all over Ukraine, and serves as a coordination Centre of the development and implementation of key reforms in Ukraine.

Experts of the “Reanimation Package of Reforms” not only get engaged into designing and drafting tens of bills in main directions of state-building but also force executive and legislative powers to implement those reforms and assist their implementation. The coalition’s participant organization and its experts have already succeeded in achieving the following results:

Establishment of the anticorruption bodies – National Anticorruption Bureau, Specialized Anticorruption Prosecution Office, National Agency on Corruption Prevention;

Legislative support for merging of territorial communities, significant broadening of their financial and managerial capabilities;

Change of rules on gas market, their harmonization with European standards;

Participation in developing legislation for the launch of judicial reform;

Implementation of civil service reform in line with principles of transparency and political neutrality etc.

Another example of successful cooperation is the Association of Ukrainian Think Tanks, which works as part of The Ukrainian Think Tanks Liaison Office in Brussels that aims to consolidate efforts to promote reforms and European integration in Ukraine. On 22 February 2017 The Brussels UkraineLab 2017: a step forward in international cooperation for the sake of Ukraine's democratic transformation was held in Brussels. 19 leading Think Tanks presented Ukraine in many dimensions such as economic development, state building reforms and foreign policy, and shared their expertise with the audience, composed of nearly 100 representatives from the EU and Ukrainian Governmental Institutions, Think Tanks, Business Associations, Consultancies, Academia, Foundations.<sup>45</sup>

## Think Tanks – communications and media

- *What are the methods of formulating the results of think-tanks work, ways of communicating with the public?*
- *Are there in your country any best practises in relation of Think Tanks and media contacts?*

### **Questionnaire**

- *How should the Think Tanks structure their relation with the media? Are there specific products, ideas, or methods of presentation that Think Tanks should address to media?*
- *What do the media need from Think Tanks?*
- *Why would media consider a Think Tank reliable and why unreliable?*
- *Should Think Tanks run their own social media projects?*

There is a significant room for improvement in cooperation between think tanks and media. The main problem here is that majority of journalists' attitude towards analytical information is very superficial and utilitarian. Most of them do not go into details and do not pay attention to experts' competence. Only few journalists

---

<sup>45</sup> The Brussels UkraineLab2017: a step forward in international cooperation for the sake of Ukraine's democratic transformation, 2017  
<https://ukraine-office.eu/en/the-brussels-ukrainelab-2017-the-step-forward-in-international-cooperation-for-the-sake-of-ukraines-democratic-transformation/>

maintain constant dialogue with experts and try to understand experts' arguments and transform them into information for their publications. At the same time think tanks frequently do not adapt their analytic products for media.

## Cooperation of legal Think Tanks

- *Do Think Tanks cooperate with each other. Are there any country networks, coalitions, and umbrella organizations? Please elaborate and describe particular projects if relevant.*
- *Do Think Tanks cooperate with Think Tanks from abroad? On what kind of project?*
- *If there is cooperation – what added value it brings.*
- *What are the best practices regarding cooperation between Think Tanks worth sharing?*
- *What are the main challenges?*
- *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration, etc.*
- *Can you formulate any recommendations for the future?*
  - *on country level?*
  - *on regional level?*

In accordance with established practice, the most widespread forms of cooperation between think tanks within the country are contacts among experts taking part in public events, organization of joint events, establishment of joint publications, joint drawing of proposals for the authorities, implementation of joint projects, and exchange of information.

The European platform which united the most active TTs is the Ukrainian Think Tanks Liaison Office in Brussels which was registered in 2014 as a non-profit organization in accordance to Belgian law and is an association of Ukrainian Think Tanks that aims to consolidate efforts to promote reforms and European integration in Ukraine. There are 18 members in the association at the moment:

Centre of Policy and Legal Reform (CPLR)

Data Journalism Agency – Texty

DIXI Group

Europe without Barriers

Ilko Kucheriv Democratic Initiatives Foundation

Institute for Economic Research and Policy Consulting (IER)

Institute for Euro-Atlantic Cooperation

Institute of World Policy (IWP)

International Centre for Policy Studies (ICPS)

Internews – Ukraine

OPORA civic network

Razumkov Centre

Telekritika

Ukrainian Center for Independent Political Research (UCIPR)

European Dialogue

Resource and Analysis Center “Society and Environment”

Association for Community Self – Organization Assistance

Center for International Studies, Odessa Mechnikov National University 46

The office works in the fields of communication, advocacy and partnership building, in particular promotes partnerships between think tanks of Ukraine and the EU. According to the consultation with the members of the Office, Ukrainian think tanks implement the majority of projects and researches with their colleagues mainly from Central and Eastern Europe, from time to time - from Western Europe, namely:

Netherlands Institute of Human Rights

---

<sup>46</sup>Ukrainian Think Tanks Liaison Office in Brussels, Membership, 2017  
<https://ukraine-office.eu/en/members/>

Visegrad Fund

Prague Civil Society Centre

El Cano (Spain)

German Foundation for International Legal Cooperation

CIDOB (Spain)

Institute for Law and Society (Poland), etc.

Another example of good cooperation among Think Tanks on the regional level is Association of the regional Think Tanks, which was created in 2014 by Polissya Foundation for International and regional Studies. Results of its action:

Involving of 22 representatives of Association of Regional Think Tanks in the process of developing regional development strategies in 22 regions

Monitoring of implementation/deployment of regional development strategies in 22 regions of Ukraine.

Conducting of the lobbying campaign aimed at improving the effectiveness of state regional development policy<sup>47</sup>.

The civic platform « Reanimation package of reforms for Ukraine» unites 73 leading non-governmental organizations and experts from all over Ukraine, and serves as a coordination Centre of the development and implementation of key reforms in Ukraine<sup>48</sup>. Experts of the initiative are developing urgent reforms of public administration, judiciary, police, anticorruption etc. The Platform was established by uniting civil organizations and Think Tanks with the purpose of development and implementation of reforms in the wake of Revolution of Dignity<sup>49</sup>.

The Coalition of Public Organizations and Initiatives for Combating of Impunity for Crimes against Humanity during Euromaidan” has been produced and published

---

<sup>47</sup>Association of the regional Think Tanks

<http://pfirs.org/en/arttnet.html>

<sup>48</sup> The Reanimation Package of Reforms

<http://rpr.org.ua/en/en/about-us/who-we-are/>

<sup>49</sup> The Reanimation Package of Reforms Brochure, 2017

<http://rpr.org.ua/wp-content/uploads/2015/11/RPR-brochure-web-EN.pdf>

the report “ The Price of Freedom”<sup>50</sup>. During the year, human rights organizations and initiatives have been documenting and systemizing information about crimes against humanity committed during Euromaidan. In January 2016, the document prepared in joint efforts was submitted to the Prosecutor of the International Criminal Court in the Hague. In the submission, a large number of video and photo evidence on crimes by the law enforcement and paramilitary groups serves to prove that perpetrators were confident in their absolute impunity.

The Coalition "Initiative Group on Human Rights in Crimea" is an organization of the Crimean human rights defenders and journalists which provides the monitoring review of the human rights situation in Crimea.<sup>51</sup> There are also other coalitions which were created after 2014 as a result of human rights violations on Maidan, annexed Crimea and armed conflict on Donbas area: Coalition for Combating Discrimination in Ukraine, Human Rights Agenda Platform and Diversity Initiative.

To sum up, we would like to highlight the aspects of cooperation with foreign think tanks, which is usually unsystematic, mostly on project basis due to several reasons:

lack of an established network of partners

lack of financial resources for cooperation on a systematic basis

lack of interest for permanent cooperation with foreign think tanks

limited list of topics and issues for joint research and projects

organizational and institutional differences in the work of think tanks

## Financing of legal Think Tanks activities

*- What are the sources of funding for Think Tanks?*

*- Are there any special funds for Think Tanks?*

---

<sup>50</sup> The report „The Price of Freedom”,2016

[http://www.irf.ua/knowledgebase/publications/zvit\\_pravozakhisnikh\\_organizatsiy\\_pro\\_zlochiny\\_proti\\_lyudyanosti\\_skoeni\\_pid\\_chas\\_evromaydanu/](http://www.irf.ua/knowledgebase/publications/zvit_pravozakhisnikh_organizatsiy_pro_zlochiny_proti_lyudyanosti_skoeni_pid_chas_evromaydanu/)

<sup>51</sup>Crimean Human Rights Situation Review, January, 2017

[http://crimeahrg.org/wp-content/uploads/2017/02/Crimean-Human-Rights-Group\\_Jan\\_2017\\_ENG.pdf](http://crimeahrg.org/wp-content/uploads/2017/02/Crimean-Human-Rights-Group_Jan_2017_ENG.pdf)

- *Are there public funding sources available? On what basis (grant competition, individual contract, other)?*
  - *Are there private funding sources available? What are those sources (foundations, business, other)? On what basis (grant competition, individual contract, other)?*
  - *Are there international funding sources available? On what basis (grant competition, individual contract, other)?*
  - *Is crowd funding used by Think Tanks (the practice of funding a project by raising many small amounts of money from a large number of people, typically via the Internet)? What is the experience with this?*
  - *Are there any other sources of funding available for Think Tanks?*
  - *What are the best practices regarding funding worth sharing?*
  - *What are main challenges?*
  - *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.*
- Can you formulate any recommendations for the future?*
- *on country level?*
  - *on regional level?*

### **Questionnaire**

- *What should be the guidelines for donors: government, NGOs and businesses which support Think Tanks? How should the donors evaluate whether their money is put for good use?*

As regards financing, Ukrainian think tanks currently predominantly rely on external not internal support. Independent research projects are financed mostly by foreign donors. Without support of foreign funds activities of think tanks would become impossible since almost 90% of their budgets are formed thanks to support of international institutions.

Financial aid is usually provided for short-term grants of moderate size: a grant size varies depending on difficulty and duration of the project from 10,000 to 200,000 USD. On average a think tank can expect for 40-50,000 USD grants.

Since proclamation of Ukraine's independence a circle of foreign donors has established. By supporting democratization processes in the country they foster emergence of civil society including support of independent analytic research.

International funds mostly invest in programs on strengthening civil society's participation in development, implementation and monitoring of key reforms, improving human rights situation, fight with discrimination, anticorruption activities.

It should be noted that donors who are interested in promoting reforms in Ukraine do not see themselves as key users of research and analysis. According to the survey within the framework of the project "Independent think tanks and Government: partners in promoting reforms or two parallel worlds?" which was conducted by Ilko Kucheriv Democratic Initiatives Foundation in 2016<sup>52</sup> the western donors interviewed explained their motivation to support think tanks in Ukraine first of all as a desire to strengthen dialogue between the government and the public. They indicated that the role of think tanks is to promote reforms, produce public expertise, and engage into such government entities as the National Council of Reform (NCR). Donor organizations support think tanks in developing high-quality research, which can encourage public debate and influence public opinion. Thus, for example, the International Renaissance Foundation supported the Strategic Advisory Groups, consisting of independent experts at Ukrainian ministries.

---

<sup>52</sup> Independent Think Tanks and Government: Partners in Promoting Reforms or Two Parallel Worlds?

<http://pasos.org/wp-content/uploads/2016/08/ThinkTankStudyUkraine.pdf>

## Part Two. Legal Think Tank Cards

### INFORMATION ABOUT THE ORGANIZATION (THINK TANK)

Name of the organization: Centre of Policy and Legal Reform (CPLR)

Year of establishment: 1996

CEO: IhorKoliushko

Contact information:

[centre@pravo.org.ua](mailto:centre@pravo.org.ua)

[https://www.facebook.com/pravo.org.ua/?ref=aymt\\_homepage\\_panel](https://www.facebook.com/pravo.org.ua/?ref=aymt_homepage_panel)

#### Mission

To support the implementation of the institutional reforms, which could provide the democracy, rule of law and proper governance in Ukraine.

#### Key areas of activity and expertise

CPLR elaborates and promotes implementing reforms in Ukraine in such areas:

Constitutional order;

Public administration;

Judiciary;

Criminal justice;

Combatting corruption;

European integration

Access to public information and e-government.

#### ACTIVITIES AND PROJECTS

*Please indicate (in the bullet points) most important activities and projects of the Think Tanks related to the legal issues – legal system, legislation process, judiciary, legal profession, human rights, access to justice, legal education and similar.*

Trial Monitoring in Ukrainian Courts

Evaluation of Alternative (Shadow) Report on the Assessment of Effectiveness of State Anti - Corruption Policy

Promoting of the Public Administration Reform

Strengthening the capacity of civil society organizations in the regions of Ukraine to influence the state authorities and local self-government in order to accelerate reforms by providing trainings and consultations for local activists

Strengthening the role of civil society in constitution – building through conducting the informational campaign

Public anti-corruption expertise of the draft laws

Justice in Ukraine: strengthening transparency and independence of courts in accordance with European standards

Please focus on following issues: what is the project about (objectives), what kind of interaction with the Government takes place, what are the outcomes of the project and deliverables of the project (reports, publications).

analysis of the state of the law in the field, in particular through the comparison of the alternatives,

monitoring of the operation of the legislation, judiciary and government agencies,

collection, aggregation, analysis, presentation of available statistical data,

analysis and comments on draft legislation, strategic documents,

creating legislation amendments of existing regulations,

participation in committees, advisory boards and other structures functioning at the parliamentary level or government,

The above list is of course not exhaustive and therefore if there are any other types of

Think Tanks activities please include them in this section.

## BEST PRACTISES

Laws prepared with the CPLR participation and adopted in 2015

1. The Law of Ukraine “On Amendments to Some Legal Acts of Ukraine on Accretion of Power of Local Self-Government and Optimization of Administrative Services Provision” No. 888-VIII of December 10, 2015, some recommendations of the experts of CPLR were taken into account through consultations with Parliamentary Committee
2. The Law of Ukraine “On Civil Service” No. 889-VIII of December 10, 2015.
3. Law “On Ensuring the Right to a Fair Trial” was adopted on February 12, 2015, which partially takes into account some recommendations by the CPLR experts – notably, relating to disciplinary responsibility of judges, introducing regular evaluations of judges, and simplifying judicial self-governance system.
4. Independently prepared the new Law: “On the State Bureau of Investigations” №2114. Adopted in full on November 12, 2015.

Achievements in the sphere of policy development:

1. Participation in the creation of the final draft of the Concept of administrative reform in Ukraine. The concept was approved by the President of Ukraine in 1998
2. Development of the Concept of the creation of the administrative courts system in Ukraine and participation in the Code of Administrative Justice preparing that was adopted by the Verkhovna Rada in 2005. The Code is introducing the system of administrative courts and administrative procedure
3. Development of a draft Law “On access to judicial decisions” which was adopted in 2005 and which stipulated the creation of Unified State Register of courts’ decisions. The Law is introducing the unique in Europe free national portal of most decision of domestic courts open to the public

4. Development of the Concept of judicial reform and the draft Law “On the judicial system and status of judges” (A version of the draft was adopted in 2010 but unfortunately it was so distorted that it had a negative impact at judicial system)
5. Active participation in drafting the new Code of Criminal Procedure and the draft Law “On legal aid” adopted in 2012. The Code and the Law are replacing the soviet criminal procedure by the contemporary human-right-oriented approach to criminal investigation
6. Preparation of Green and White Papers of Ukrainian constitutional reform
7. Participation in preparing and advocacy for the consideration and adoption by Verkhovna Rada of the Law of Ukraine “On prosecution office” of October 14, 2014. The introducing European standards of criminal prosecution and the status of attorney general as contrast to former soviet system of prokuratura

#### PROBLEMS AND BARIERS

*Challenges and difficult experiences of your Think Tank in its relations with the Government. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?*

Inability of the Government to work with the experts

Lack of effective mechanisms for cooperation between the Government and the Think Tanks

Low professional level of state structures

#### RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

*The key resources of the organization (eg. staff, experts, proven work methods, tools, partnerships).*

*Any specific cooperation possibilities?*

Organisation has 25 staff workers and external experts in its office in Kyiv and all necessary equipment for their work.

CPLR is a member of coalitions: Reanimation Package of Reforms and the Ukrainian Think Tank Liaison Office in Brussels.

#### OTHER INFORMATION

Financial support to NGO is provided by: International Renaissance Foundation, the Embassy of the Kingdom of Netherlands in Ukraine, the European Commission, USAID (Program of the Government of the USA), OSCE, Think Tank Fund, the Council of Europe, Open Society Institute, etc.

#### INFORMATION ABOUT THE ORGANIZATION (THINK TANK)

Name of the organization: Human Rights Information Center (HRIC)

Year of establishment: 2012

CEO: TetianaPechonchyk

Contact information:

Website <http://humanrights.org.ua/>, Twitter <https://twitter.com/informHR>, Facebook <https://www.facebook.com/humanrights.org.ua>, E-mail: [tp@humanrights.org.ua](mailto:tp@humanrights.org.ua), telephone +38 (044) 272-42-52, (067) 502 08 01.

Post address: Ukraine 01001, Kyiv, post box B-261, Human Rights Information Centre, address: 01054, Kyiv, Yaroslaviv Val Street, 33B.

Mission

Organization's mission is improvement of the human rights situation and establishment of the rule of law in Ukraine.

Key areas of activity and expertise

Human Rights Information Centre is engaged in awareness raising, educational,

monitoring and documentation, research activity as well as national and international advocacy in the field of human rights.

## ACTIVITIES AND PROJECTS

### Awareness raising activities:

- Informing of the human rights situation in three languages (Ukrainian, Russian, English) through our own media portal, social networks on Facebook, Twitter, YouTube channel, and through the media outlets;
- Cooperating with the most authoritative media outlets in Ukraine (Ukrayinska Pravda, Deb, Radio Liberty, LivyiBereh, Focus, etc.) and abroad, for which we prepare the exclusive authorial articles on human rights situation in Ukraine;
- Developing and implementing raising awareness campaigns on human rights, such as anti-discrimination campaign "Discrimination Restricts. Resist!" (in cooperation with the Coalition for Combating Discrimination in Ukraine and the Office of the Ukrainian Parliament Commissioner for Human Rights);
- Providing support to journalists who prepare articles/stories relating to human rights, helping to reach experts, preparing comments by lawyers, human rights activists;
- Helping human rights organizations to establish contacts with the media, providing support in preparing and spreading press announcements, press releases, holding media events etc.
- Organizing and holding media events (press conferences, round table meetings, street performances and so on) concerning the most pressing human rights problems in Ukraine;
- Conducting contests for journalists and giving small grants to raise professional standards in the field of human rights and non-discrimination.

### Educational activity:

- Holding the workshops on cooperation with the press for press secretaries, PR-managers, human rights organizations and civil society activists;
- Holding the educational course on human rights and children's rights, as well as on specifics of work with children and adolescents at risk for lawyers, civil society activists and social workers;
- Holding training sessions for journalists on human rights, non-discrimination and ethical standards in covering the issues of minorities and vulnerable groups and specifics of coverage of topic "places of detention";
- Organizing training sessions on safety for journalists and human rights activists working in crisis regions.

#### Monitoring and documentation activity:

- Monitoring the places of detention in Ukraine on observance of human rights and prevention of tortures and inhuman treatment within the framework of the National Preventive Mechanism (NPM) <http://www.npm.org.ua/en/about/> – two NGO members are certified NPM monitors;
- Monitoring the human rights situation in Crimea within the work of the Crimean Human Rights Field Mission.

#### Research activity:

Preparation of the baseline national study on the human rights to measure the human rights awareness, identify systemic human rights deficiencies and misperceptions, and outline the gap between the human rights perceptions of the population (what people think) and “professional” human rights experts perceptions (in cooperation with the Ombudsman Office and UNDP-Ukraine).

#### Advocacy activity:

- Cooperating with the Ukrainian authorities to seek adoption of new legislation in the field of human rights;
- Informing the international organizations and missions of the human rights

situation in Ukraine, participating in advocacy trips to the UN, the OSCE and the Council of Europe, preparing reports and alternative reports on human rights situation in Ukraine for international organizations.

## BEST PRACTISES

- 1) In 2013-2014 in winter during the Revolution in Kyiv the Human Rights Information Centre in the framework of the voluntary initiatives Euromaidan-SOS was engaged in documenting information about the victims and coordinating assistance to their families. The organization demanded an independent investigation and putting the perpetrators to justice. As the investigation at the national level was not effective the Centre joined the coalition "For termination of impunity for crimes against humanity during Euromaidan" and transferred all collected and documented information to the International Criminal Court (The Hague, Netherlands).
- 2) On March 5, 2014, together with Russian and Crimean human rights activists, Human Rights Information Centre launched Crimean field mission of human rights. During a year and a half CMM was the only permanent monitoring mission on the Crimean Peninsula, which has become the authoritative source of information on the situation in Crimea to the UN, Council of Europe, the OSCE, the Ukrainian authorities. In July 2015 the Mission stopped their work in the Crimea after was listed in the "stop list" of Council of Russian Federation that led to the recognition of CMM "undesirable" organization in Russia and occupied Crimea.
- 3) In 2012, the Human Rights Information Centre contributed to the creation of the National Preventive Mechanism in Ukraine. This is a system of prevention of torture and ill-treatment in places of captivity, which is carrying out unannounced visits to the prison, colonies, psychiatric hospitals, orphanages, geriatric boarding houses and other establishments. Visits are carried out by the secretariat of Verkhovna Rada, Commissioner for Human Rights and civil society monitors. During 4 years of work more than 1,000 visits were made. These activities revealed a number of systemic problems in mentioned above establishments and allowed to

change a number of laws and regulations.

#### PROBLEMS AND BARIERS

The biggest challenge in the activity of the Human Rights Information Center is its work on the occupied territory of Crimea which is connected with security risk.

#### RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

Organisation has 25 staff workers and external experts in its office in Kyiv and across Ukraine (including Crimea) and all necessary equipment for their work.

HRIC is the member of the following coalitions, associations and groups: Coalition for Combating Discrimination in Ukraine, Human Rights Agenda Platform, Coalition for Combating Impunity of Crimes Against Humanity, Diversity Initiative, Coalition "Initiative Group on Human Rights in Crimea."

#### OTHER INFORMATION

Financial support to NGO is provided by: International Renaissance Foundation, UNDP in Ukraine, the Embassy of the Kingdom of Netherlands in Ukraine, the European Commission, the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Ministry of Foreign Affairs of Switzerland, Deutsche Welle, the Institute for Peace and War Reporting.

**Name of the organization: RAZUMKOV CENTRE**

Year of establishment: 1994

CEO: AnatoliyRachok

Contact information:

<http://razumkov.org.ua/eng>

<https://www.facebook.com/therazumkov/>

Address: 01015, Kyiv, vul.Lavrskya, 16 (former Mazepy, 34), 2<sup>nd</sup> floor  
Telephone: (+380-44) 201-11-98  
Fax: (+380-44) 201-11-99

E-mail: [info@uceps.com.ua](mailto:info@uceps.com.ua)

#### Mission

Encouragement of building a democratic, ruled by law, socially-oriented European state in Ukraine, development of civil society, improvement of the quality of life of its citizens, enhancement of the international image of the Ukrainian state and attainment of its national interests.

#### Key areas of activity and expertise

Research is conducted in the following main areas: domestic and legal policy, foreign policy, public administration, national security, national defence and military development, socio-economic development, international relations, international and regional security.

The Razumkov Centre has its own sociological service, whose research enjoys a high degree of credibility among domestic and foreign clients.

#### ACTIVITIES AND PROJECTS

*The RazumkovCenter projects related to the legal issues is «Constitutional Process: current results, risks and prospects» (2016); «Law Enforcement Reform in Ukraine: Status, Areas for Reform, Issues» (2015).*

The goal of the Project «Constitutional Process: current results, risks and prospects» is to increase trust and awareness of the society on Constitutional reform in the fields of improvement of the principles of justice, rights, freedoms and duties of human and citizen that is implemented according to European standards and with maximum regard for social needs; to create conditions instrumental to conducting the constitutional process in Ukraine.

Within the framework of Project was conducted a nationwide public opinion poll and a survey of experts regarding the constitutional process and the

substances of bills proposing amendments to the Constitution of Ukraine, which would make it possible to factor in the public mood and expert opinions and propose the relevant changes to the bills.

Proposals and recommendations formulated as part of the expert review of the draft amendments to the Ukrainian Constitution provided to the Presidential Administration of Ukraine and Ukrainian Parliament members, which could be considered as the bills are revised while also influencing Parliament decisions to approve and finally adopt amendments to the Fundamental Law.

By the results of project was published issue of the National Security and Defence journal (press run: 3,800 copies in Ukrainian and English).

The main objectives of the project «*Law Enforcement Reform in Ukraine: Status, Areas for Reform, Issues*»:

- drawing the attention of the political leaders of the state, legislators, representatives of the expert community and the Ukrainian society to the key problems of the law enforcement in Ukraine ;
- justification of objective needs of fundamental changes (reform) of Ukrainian law enforcement, which would have a clear social orientation and would include the use of positive international (first of all European) experience of transformation of law enforcement;
- **formulation of conceptual approaches and concrete proposals** for reforming the law enforcement in Ukraine that would ensure its effectiveness, compliance of the rule of law by the law enforcement agencies, improving their transparency and accountability towards society.

*Think Tanks interaction and collaboration with Government*

- exploring the legal and regulatory framework that defines the law enforcement, regulates the activity of law enforcement, laws on these matters that are now in the Parliament, the results of research in this field, publications in

- the media about functioning of the law enforcement in Ukraine;
- conducting a content analysis of materials that concern this problem (international documents, laws and other legal acts, draft concepts of reformation of law enforcement or some law enforcement agencies, statements and speeches of the head of state, heads of legislative and executive authorities, politicians, representatives of NGOs of Ukraine and representatives of international organizations (Council of Europe, PACE, OSCE) and foreign countries, the conclusions of the Venice Commission , etc.);
  - holding expert meetings (debates) of the studied problems
  - conducting an expert survey in two phases (of national deputies of Ukraine, lawyers, scholars and professors of law universities, former law enforcement officials, representatives of non-governmental research institutions, mass media, etc.);
  - conducting a nationwide survey of public opinion (in terms of attitudes to law enforcement and the prospects for its transformation) and focus groups with citizens who directly faced police activities;
  - holding a survey of the officials of law enforcement agencies;
  - exploring the experience of law enforcement reforms in several other countries comparable to Ukraine in terms of their legal, social, economic, political systems (e.g. Georgia , Czech Republic, Poland );
  - holding a roundtable discussion to discuss current problems in the law enforcement and ways of their solutions;
  - preparing an analytical report Law Enforcement reform in Ukraine: Status, Areas for Reform, issues. [http://old.razumkov.org.ua/eng/files/category\\_journal/zhrnl\\_Melnyk\\_militsiya\\_2\\_5\\_2015\\_ENG\\_N5\\_site.compressed.pdf](http://old.razumkov.org.ua/eng/files/category_journal/zhrnl_Melnyk_militsiya_2_5_2015_ENG_N5_site.compressed.pdf), conceptual approaches, proposals and recommendations for improving the functioning of the law enforcement (reform);
  - publishing an issue of "National Security and Defence"

journal [http://old.razumkov.org.ua/eng/files/category\\_journal/zhrnl\\_Melnyk\\_militsiya\\_2\\_5\\_2015\\_ENG\\_N5\\_site.compressed.pdf](http://old.razumkov.org.ua/eng/files/category_journal/zhrnl_Melnyk_militsiya_2_5_2015_ENG_N5_site.compressed.pdf) ( with analytical report, conclusions and recommendations, interviews and/or articles of experts and other research materials);

- holding a Roundtable with presentation and discussion of research results (with deputies of Ukraine, representatives of the Government of Ukraine, Administration of the President of Ukraine, law enforcement agencies, scholars, representatives of governmental and non-governmental research centres, NGOs, embassies of foreign countries and international organizations in Ukraine, mass media).

### **BEST PRACTISES**

*The specific (resulting from the organization's experience) examples of good practices of interaction, collaboration between Think Tank and the Government.*

Razumkov Centre experts work as part of the Constitutional Commission (Viktor Musiyaka, Deputy Chairman), the National Unity Council under the President of Ukraine (Yuriy Yakymenko) and also sat on the commission tasked with nominating the chairperson of the National AntiCorruption Bureau (Viktor Musiyaka). Six Razumkov Centre experts sat on consultative and advisory panels as their members.

Representatives of different branches of power traditionally attended events staged by the Razumkov Centre (conferences, roundtables, expert discussions and working meetings). Centre's experts in turn participated in events hosted by the Government and individual ministries, parliamentary committees (in the format of parliamentary hearings), and the Presidential Administration.

Razumkov Centre members, experts, and research consultants – I. Zhdanov, M. Melnyk, P. Pynzenyk, P. Rozenko, and V. Chalyi – are holding high-ranking positions with the government agencies and Ukraine's diplomatic missions abroad.

## **PROBLEMS AND BARIERS**

*The government is interested in Razumkov Centre research. But the biggest problem is the unwillingness to fund them.*

## **RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

The Centre has 36 permanent staff, 6 research programs and its own Sociological Service capable to conduct nation-wide public opinion polls on a regular basis. The Razumkov Centre produces: at least 6 research projects per year; dozens of exclusive expert comments for domestic and foreign media weekly; over 100 articles for Ukrainian and foreign scientific journals and media per year.

Razumkov Centre's analytical and conceptual products have been implemented in the numerous national strategic policy documents and legal acts. They have been used by international organizations (UN, OSCE, Council of Europe), international donor organizations, Ukrainian and foreign companies, banks, civil society organizations.

The Razumkov Centre maintains partner contacts with think tanks from different parts of the World, cooperates in joint projects, participates in Global and European Think Tanks summits.

The Razumkov Centre issues the Journal "National Security and Defence" (in Ukrainian and English); SIPRI Yearbook (Ukrainian edition); Policy Papers on the most topical issues; books and brochures of "the Razumkov Centre Library" series; monthly newsletter.

According to Think Tanks & Civil Societies Program of the University of Pennsylvania's 2015 Think Tanks Index, the Center occupies the 60-th position among 175 best worlds Think Tanks and the 5-th position in Central and Eastern Europe.

Possible areas of cooperation related to the legal issues are: constitutional and judicial reform, decentralization, improving local government.

## INFORMATION ABOUT THE ORGANIZATION (THINK TANK)

**Name of the organization: International Centre for Policy Studies**

**Year of establishment: 1994**

**CEO:**

**Contact information:**

International Centre for Policy Studies

Office 10, 14 Istytutska St.

Kyiv, 01021

Tel (fax) 044 253-44-82

[office@icps.kiev.ua](mailto:office@icps.kiev.ua)

[www.icps.com.ua](http://www.icps.com.ua)

### **Mission**

Promotion of reforms, democratic principles of governance, and social transformations in Ukraine on the basis of European integration.

### **Key areas of activity and expertise**

Foreign Policy;

Political Competition;

Government Decisions;

Reforms support;

Conflict Settlement;

Constitutional Process;

Economic Forecast;

Gender Equality;

Fight against Corruption;

Leaders of Change.

### **ACTIVITIES AND PROJECTS**

Please indicate (in the bullet points) most important activities and projects of the Think Tanks related to the legal issues – legal system, legislation process, judiciary, legal profession, human rights, access to justice, legal education and similar.

#### **Project “International experience for consultations and public discussion of changes to Constitution”**

Within a framework of the project its implementation includes the following items:

- Formation of expert advice centre at the Constitutional Commission, which will include both leading Ukrainian and international experts in constitutional law to provide professional expertise and assistance in the development of future provisions of the Constitution in the initial stages.
- roundtables and podium discussions with the public and political parties and other stakeholders to discuss the positions of the parties regarding the problems that lead to the need for constitutional reform involving moderators Interpeace;
- public consultations with all the stakeholders;
- training on the provisions of the new Constitution of Ukraine involving coaches from Interpeace;
- carrying out activities aimed at informing the society on the implementation of constitutional reforms, explanations on feasibility of certain changes;
- providing wide media information coverage on the issues related to the changes of the Constitution of Ukraine;

24 regional events were held in the framework of the project in all the regions of

Ukraine.

**Summary publications:**

Renewal of Constitution as the final of Revolution

[http://icps.com.ua/assets/uploads/images/files/t\\_konstituciya\\_reforma\\_b.pdf](http://icps.com.ua/assets/uploads/images/files/t_konstituciya_reforma_b.pdf)

Brochure “Design and reform of the Constitution: choice of the methodology ( in Ukrainian)

[http://icps.com.ua/assets/uploads/files/20150623\\_constitution\\_book\\_web\\_ukr\\_1\\_1\\_.pdf](http://icps.com.ua/assets/uploads/files/20150623_constitution_book_web_ukr_1_1_.pdf)

**BEST PRACTISES**

Over the past 22 years, ICPS has successfully completed a large number of projects in political and economic spheres aimed at increasing Ukraine's capacity in the world. During 2015 the ICPS implemented 19 projects in the areas of reforms, reintegration and modernization of Ukraine. Several of those projects covered all the regions of the country.

**Membership/affiliations in professional associations/organizations:**

[PASOS](#), a network of policy centres in Central and Eastern Europe and Central Asia;

[Ukrainian Think Tanks Liaison Office in Brussels](#), an association of Ukrainian think tanks with a unique focus on joint action at the EU level to advance reforms within Ukraine and the European integration of Ukraine;

[EU-Ukraine Civil Society Platform](#), an instrument of bilateral cooperation between the EU and civil society in Ukraine envisaged by the country's Association Agreement with the EU;

[Ukrainian National Platform of the Eastern Partnership Civil Society Forum](#), an open site for NGOs for the discussions, consultations, information activities in the implementation framework of the Eastern Partnership

policy;

[Public Council at the Parliamentary Committee on Foreign Policy of Ukraine](#), a platform of public experts, aimed at providing public expertise of the foreign policy of Ukraine;

[Public Council at the inter-fractional union “Equal Opportunities”](#) at the Parliament of Ukraine, a platform of non-governmental organisations and experts, aimed at promotion of gender equality in politics, public administration and society in Ukraine;

[Reanimation Package of Reforms](#), a civic platform, which unites leading non-governmental organizations and experts from all over Ukraine, and serves as a coordination center of the development and implementation of key reforms in Ukraine.

## **PROBLEMS AND BARIERS**

*Challenges and difficult experiences of your Think Tank in its relations with the Government. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?*

## **RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

*The key resources of the organization (eg. staff, experts, proven work methods, tools, partnerships).*

*Any specific cooperation possibilities?*

ICPS team comprises up to 15 staff experts and 5 administrative employees.  
Depending on the project, an additional number of experts is engaged.

## **OTHER INFORMATION**

*Please provide any other information that do not fit into above categories and is important.*

*Please provide also any other materials that you think might be of interest.*

## INFORMATION ABOUT THE ORGANIZATION (THINK TANK)

**Name of the organization: Regional Centre for Human Rights, NGO**

Year of establishment: 2013

CEO: MartynovskaAnastasiya

Contact information:

[www.precedent.crimea.ua](http://www.precedent.crimea.ua)

[www.rchr.org.ua](http://www.rchr.org.ua)

[rchr.sev@gmail.com](mailto:rchr.sev@gmail.com)

+38(044)2843033

### Mission

To prepare materials (evidences and argumentation) for conviction of Russian Federation in violation of international legal standards (human rights, international criminal law, etc) in context of occupation of Crimea.

To help Ukraine to adapt itself to the situation of temporary losing of control over the part of it's territory.

### Key areas of activity and expertise

**Crimea, Human Rights, International Criminal Law, Anti-Discrimination Standards, Strategic Litigation, European Court of Human Rights (ECtHR), Human Rights Committee (CCPR), Internally Displaced Persons (IDP), Human Rights Education for Lawyers**

## ACTIVITIES AND PROJECTS

*analysis of the situation in Crimea;*

*analysis of the situation of IDPs from Crimea in the Motherland of Ukraine;*

*identification of human rights violations in the context of the occupation of Crimea  
(both from the side of Russian Federation and Ukraine);*

*litigation regarding identified human rights violation on the national level (to exhaust remedies) and on the international level (European Court of Human Rights, Human Rights Committee and others);*

*identification of violations of international criminal law by the Russian Federation in the context of occupation of Crimea;*

*collecting evidences of violation of international criminal law by the Russian Federation;*

*preparation of argumentation for legal discussion on the issues mentioned above;*

*publishing thematic reviews/reports The Fear Peninsula: Chronicle of Occupation and Violation of Human rights in Crimea, 2015*

*[http://rchr.org.ua/images/news/2015/faire/FearEng\\_links.pdf](http://rchr.org.ua/images/news/2015/faire/FearEng_links.pdf)*

*(violation of freedom of movement, of property, of freedom of speech, forced citizenship of Crimeans, transfer of civil population of Russian Federation to Crimea and deportation of Ukrainian nationals from Crimea and so on)*

## **BEST PRACTISES**

The Centre unites human rights defenders and lawyers, who specialize on protection of human rights on the national and international level. We work in partnership with Helsinki Human Rights Union, Ukrainian Foundation of Legal Aid, Kharkiv Human Rights Group and others. Collaborate with Ministry of Information Policy of Ukraine in context of dissemination of our thematic reviews. We also collaborate with Ministry of Justice of Ukraine and Ombudperson in context of practical protection of human rights.

**PROBLEMS AND BARIERS**

The Government is very closed and do not really interested to get help from civil society.

**RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

The key resources of the organization: experience in Crimean issues, stuff (some Crimeans) and expertise (most of our stuff are lawyers with good experience of practical litigation in human rights field)

**OTHER INFORMATION**

*Please provide any other information that do not fit into above categories and is important.*

*Please provide also any other materials that you think might be of interest.*

**INFORMATION ABOUT THE ORGANIZATION (THINK TANK)**

**Name of the organization:** Civil society organization «Polissya Foundation for International and Regional Studies»

address: Shevchenka Str. 12/5, 14000, Chernihiv, Ukraine

tel: +380635794655

**Year of establishment:** 2004

**CEO:** YevheniyRomanenko

**Contact information:** e-mail: [pfirs@ukr.net](mailto:pfirs@ukr.net); webpage: [www.pfirs.org](http://www.pfirs.org)

<https://www.facebook.com/pfirs.org/>

**Mission**

Polissya Foundation for International and Regional Studies promotes democratic

reforms in Ukraine through analytical and information support of processes related to integration of Ukraine into European structures, as well as practical implementation of international, national, regional and local programs aimed at improving the socio-economic situation in Ukraine.

### **Key areas of activity and expertise**

The main activities of the Foundation are made in the field of:

- promoting integration of Ukraine into European structures;
  - promoting analytical centers at regional and national level;
  - promoting international and cross-border cooperation;
  - setting cooperation with think tanks, NGOs in Central and Eastern Europe and other countries of the international community for joint projects implementation.

### **Key areas of expertise:**

infrastructure of the regions of Ukraine;

- cross-border cooperation at the Ukrainian-Byelorussian border;
- intersectoral cooperation between authorities and CSOs of V4 countries in the field of cross-border cooperation;
- local policy;
- regional development, strategic planning of regional development;
- regional democracy;
- cross-border and interregional cooperation;
- decentralization reform.

Polissya Foundation implemented more than 50 projects and conducted about 90 studies using various tools throughout its existence: sociological surveys, expert interviews, focus groups, in-depth interviews, etc. The organization has great experience of writing policy analysis documents. Trainings in

policy analysis, financial analysis, public expertise, sociological researches are developed by Polissya Foundation experts.

One of the essential results of the projects was elaboration and advocacy of recommendations both for local and central authorities of Ukraine on:

- Improving system of providing administrative services in Ukraine (<http://pfirs.org/produkti/book/31-1306/3-produkti.html>);
- Improving regional development strategies in 22 regions of Ukraine for a term up to 2020 (<http://pfirs.org/produkti/book/63-finalna-zbirka-ssr/3-produkti.html>);
- Improving index for evaluating the effectiveness of economic reforms in 24 regions of Ukraine (<http://pfirs.org/produkti/book/59-indeks-evrointegratsijnogo-ekonomichnogo-postupu-regioniv-ukrajini/3-produkti.html>).

The Foundation has achieved considerable success shifting the focus of the current work from resource center to analytical one. In 2014 the team's potential was directed to development of the Association of Regional Think Tanks (<https://www.facebook.com/arttnet/?fref=ts>). It is an initiative group of civil society organizations of analytical orientation that share the ideology of the implementation of effective local and state public policy, work for the formation of public demand for research results on a wide range of economic, social and political issues in order to promote their implementation and creating a climate for consolidated and conscious support of economic, social and political development of Ukraine.

Implementation of a number of powerful network projects regarding [evaluation system of providing administrative services](#), research of regional development strategies, and analysis of socio-economic and political situation in the regions has become possible due to it.

## ACTIVITIES AND PROJECTS

The fund has significant experience in analyzing local authorities. A number of

researches were conducted in the field of local budgetary, fiscal and environmental policies, changes in the electoral system and work of councils, functioning of public utilities, and implementation of strategic development plans.

### INFORMATION ABOUT THE ORGANIZATION (THINK TANK)

**Name of the organization:** UKRAINIAN HELSINKI HUMAN RIGHTS UNION (UHHRU)

**Year of establishment:** 2004

**CEO:** ArkadiyBushchenko

**Contact information:**

www.helsinki.org.ua , FB: Ugspl, Twitter: UGSPL P.O. Box 100, Kyiv, 04071. Office phone +38 044 485 17 92; fax +38 044 245 99 24

*Website, Facebook, twitter, etc.*

**Mission** - realization and protection of rights and freedoms by promoting practical implementation of humanitarian articles of the Final Act of the Conference for Security and Cooperation in Europe adopted in 1975 in Helsinki, other international standards based on it and international obligations accepted by Ukraine in human rights and freedoms sphere.

The Ukrainian Helsinki Human Rights Union promotes the development of humane society based on respect to human life, dignity and harmonious relations between a person, state and nature through creation of a platform for cooperation between the members of the Union and other members of the human rights movement.

### **Key areas of activity and expertise**

Ongoing monitoring of human rights situation in Ukraine and informing the public about facts of violations of human rights and fundamental freedoms;

Legal assistance to victims of human rights violations, including supporting strategically important cases;

Protection of human rights and fundamental freedoms in courts in front of the authorities and bodies of local self-government;

Human rights research and analysis, including regular monitoring of draft laws and legal acts, as well as preparing and advocating own legislative initiatives;

Resisting the adoption of normative acts, which could worsen human rights safeguards; public discussion of draft normative acts, preparation of our own suggestions;

Human rights education and awareness – conducting awareness-raising campaigns, educational seminars, trainings, courses for various target groups;

Developing and providing support for the network of human rights NGOs in Ukraine.

### **ACTIVITIES AND PROJECTS**

*Please indicate (in the bullet points) most important activities and projects of the Think Tanks related to the legal issues – legal system, legislation process, judiciary, legal profession, human rights, access to justice, legal education and similar.*

#### **“PROTECTING HUMAN RIGHTS THROUGH IMPROVED**

#### **ACCESS TO LEGAL AID” (“HUMAN RIGHTS FIRST” PROJECT), 2015**

The Project is designed to increase the protection of human rights through a strengthened non-governmental legal aid system. Responding to the

growing demand for legal aid services from citizens, the Ukrainian Helsinki Human Rights Union (UHHRU) offers legal assistance to the victims of human rights violations, support strategic case litigation, conduct human rights public awareness campaigns, and advocate for legislative and policy changes to improve the human rights situation in Ukraine.

*Objectives:*

The activities of the UHHRU **public reception offices network** (PROs) is aimed at provision of high quality free of charge legal aid primarily to low-income and vulnerable population. Other objectives are: improvement of the legal awareness level, distributing and providing information about the human rights values, carrying out regional advocacy campaigns, searching and conducting strategic cases, and also documenting facts of human rights violations.

*Interaction with the Government:*

- developed system of proven contacts with government agencies (i.e., with the office of the Ukrainian Parliament Commissioner for Human Rights, the Ministry of Justice, the Ministry of Social Policy and the Administration of the President of Ukraine)
- monitoring of the operation of the legislation, judiciary and government agencies,
- taking part in the consultation of legislation, taking part in developing Regulatory Impact Assessment,
- participation in committees, advisory boards and other structures functioning at the parliamentary level or government

*Outcomes:*

An overview of the Project's key achievements at the immediate outcome level over the semester:

Strengthened capacity of the network of local and regional legal aid centers to provide gender-sensitive legal assistance to victims of human rights violations

*The key achievements are:*

5 regional and 21 local PROs established and strengthened

Technical assistance provided to all PROs, including an access to electronic database

Strategy for network of PROs to provide legal aid implemented and monitored

Increased capacity of the Strategic Litigation Centre in the selection of strategic cases

*The key achievements are:*

Criteria for selection of strategic cases developed and being used

Electronic system of case-management set up and maintained

Technical assistance provided to personnel of the Strategic Litigation Centre (namely, in the format of educational trainings)

Improved capacity of the UHHRU network to recommend human rights policies

*The key achievements are:*

Work on establishment of the advocacy team was started

Guide on specific issues for advocacy campaigns and legislative projects is developed

Working out thematic reports

Four strategies for advocacy campaigns were worked out and their implementation was started

Increased awareness of human rights issues among men and women in Ukraine  
Gender-sensitive trainings were conducted, therefore the Project has contributed to the increase of human rights awareness among men and women in Ukraine

Conduct legal awareness events

Prepare information products + legal awareness information published

**RESPONDING TO HUMAN RIGHTS VIOLATIONS AND EMPOWERING CITIZENS AND HUMAN RIGHTS DEFENDERS IN UKRAINE (HUMAN RIGHTS IN ACTION) ACTIVITY (USAID), 2014-2017**

A three-year program, focusing on the importance of a comprehensive strategy to respond to and prevent human rights violations in Ukraine.

*Objectives:*

(1) Human rights monitoring and advocacy increased and strengthened, (2) Strategic litigation increased, (3) Awareness raising and citizen empowerment improved and increased, (4) Chernihiv Educational Human Rights House strengthened, and (5) Survivors of torture and conflict are made as whole as possible for their loss and harm.

*Interaction with the Government:*

design and follow-up monitoring of and public control over implementation of Ukraine's first ever National Human Rights Strategy (a five-year roadmap to address systemic and armed conflict-generated challenges) and the National Action Plan as its enforcement mechanism

implementation the Gender Equality Action Plan

implementation of transitional justice in Ukraine

participation in the Constitutional Commission work group on human rights

introduction of human rights education standards in formal education system

*Outcomes:*

High-quality level of free legal assistance (both primary and secondary, in civil and administrative matters) offered by the UHHRU legal aid offices

Harmonization of legislation related to human rights, justice and accountability

Foundations for a comprehensive and systemic policy in human rights area

*Publications:*

<http://helsinki.org.ua/en/publications/my-house-someone-s-fortress-the-right-of-property-under-conditions-of-the-armed-conflict-in-the-east-of-ukraine/>

<http://helsinki.org.ua/publications/kryim-bez-pravyl-analitychnyj-ohlyad-pravozahysnykiv/>

<http://helsinki.org.ua/en/publications/with-the-shield-or-on-the-shield-protection-of-cultural-property-in-the-event-of-armed-conflicts-in-the-east-of-ukraine/>

<http://helsinki.org.ua/en/publications/rights-of-persons-with-disability-in-the-armed-conflict-in-the-east-of-ukraine/>

<http://helsinki.org.ua/en/publications/human-rights-in-ukraine-2015/>

<http://helsinki.org.ua/en/publications/the-freedom-of-speech-in-the-ato-zone-how-cases-of-deaths-pressure-and-harassment-of-journalists-are-investigated-4/>

## **BEST PRACTISES**

*The specific (resulting from the organization's experience) examples of good practices of interaction, collaboration between Think Tank and the Government.*

Jointly with the Ombudsperson's Secretariat the UHHRU **launched a human rights-based audit at the regional level** aimed at elaboration of human rights 'passports'/ profiles (scoring/ranking system) of each oblast as a mechanism of permanent human rights monitoring and peer review that is expected to result in greater respect for human rights at the community level (2016).

The **Human Rights Abuse Documentation Center** has been established as an important tool in the fight for truth, justice and reparation in order to continue at the national level the work on provision of assistance to all victims regardless of their status and political views. This is done through study of current and former conflict-related events, safe and secure documentation of atrocity crimes and interaction with the relevant state agencies (2015-2016).

UHHRU conducted evidence-based independent investigation and documentation of human rights abuses (with special focus on violations occurring in Crimea and the Eastern Ukraine) with application of **a uniform human rights monitoring methodology** as well as analysis of international and domestic human rights obligations for reporting human rights abuses at national and international levels, seeking the truth and bringing perpetrators to responsibility.

The **baseline study on implementation of transitional justice in Ukraine** has launched, aiming the creation of the national transitional justice system based on country's actual needs and unique experience as an umbrella for implementing further reforms for transit from post-soviet heritage to democracy and transit to post-conflict resolving under war conflict.

**Educational course on international humanitarian law** in Ukraine, which contain practical advices on IHL application in the activities of different groups of population (lawyers, including from the UHHRU legal aid offices, human rights defenders, civic activists, documenters and military personnel) in the armed conflict situation.

**Annual study** of the national case law in terms of use of the European Court of Human Rights (ECtHR) decisions by the Ukrainian courts.

### **PROBLEMS AND BARIERS**

*Challenges and difficult experiences of your Think Tank in its relations with the Government. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?*

Reluctance in joint efforts, unwillingness to systematically implement the state programs, frequent change of persons responsible for the adoption and execution of decisions

### **RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

*The key resources of the organization (eg. staff, experts, proven work methods, tools, partnerships).*

*Any specific cooperation possibilities?*

UHHRU is independent formal coalition of 28 leading human rights organizations from 14 oblasts (with Secretariat in Kyiv), operating 35 legal aid centers in 24 oblasts of Ukraine. Annually, the network provides legal services more than 25,000 people in need. All centers maintain the same operational standards and apply unified tools and dissemination mechanisms (for example, shared online database of delivered consultations).

UHHRU is the largest Ukrainian NGO that is working in the occupied Crimea and the only organization that produces a comprehensive annual report on the human rights status in Ukraine.

UHHRU lawyers have won numerous strategic cases in the European Court of Human Rights, which had an impact on country's legal systems.

The UHHRU's strength and credibility has led international organizations to rely on its human rights information more than any other Ukrainian entity, including frequent citations in: annual country reports by the

U.S. Department of State; alternative/“shadow” reports to the UN treaty monitoring bodies (including UN Universal Periodic Review); and reports by fact-finding missions of the Council of Europe.

## INFORMATION ABOUT THE ORGANIZATION (THINK TANK)

**Name of the organization:** IlkoKucheriv Democratic Initiatives Foundation (DIF)

**Year of establishment:** 1992

**CEO:** IrynaBekeshkina

**Contact information:**

*E-mail:* [dif@dif.org.ua](mailto:dif@dif.org.ua)

*Website:* <http://dif.org.ua/>

*Facebook:* <https://www.facebook.com/deminitatives>

*Twitter:* [https://twitter.com/dem\\_initiatives](https://twitter.com/dem_initiatives)

### Mission

To influence public authorities and civil society through revealing key issues of Ukraine’s democratization and providing expert support in the process of Ukraine’s transformation into consolidated democracy.

### Key areas of activity and expertise

European and Euro-Atlantic integration

Domestic reforms of Ukrainian political system

Interaction with and reintegration of the occupied territories

Dynamics of public opinion and its influence of public policies

### ACTIVITIES AND PROJECTS

*Please indicate (in the bullet points) most important activities and projects of the*

*Think Tanks related to the legal issues – legal system, legislation process, judiciary, legal profession, human rights, access to justice, legal education and similar.*

Together with the Centre of Policy and Legal Reforms, DIF has co-implemented the project “Overcoming informal practices in the judiciary” in December 2014 – February 2015. In the framework of the project, DIF conducted several key activities:

- public opinion poll on attitudes of Ukrainians towards the judiciary and judicial reform;
- survey of more than 1,000 judges on their attitudes towards judicial reform and ongoing processes in the judiciary;
- survey of 27 experts (advocates, human rights activists, lawyers, non-governmental experts);
- press conference “Judiciary and judicial reform in the eyes of citizens, experts, and judges – points of contention” (recording is available here – <http://old.dif.org.ua/ua/multimedia/kkrfgkeprkhpe.htm>).

*Please focus on following issues: what is the project about (objectives), what kind of interaction with the Government takes place, what are the outcomes of the project and deliverables of the project (reports, publications).*

*Below we list examples of Think Tanks interaction and collaboration with Government:*

- *analysis of the state of the law in the field, in particular through the comparison of the alternatives,*
- *monitoring of the operation of the legislation, judiciary and government agencies,*
- *conducting empirical surveys,*
- *collection, aggregation, analysis, presentation of available statistical data,*
- *analysis and comments on draft legislation, strategic documents, etc.,*

- *taking part in the consultation of legislation, taking part in developing Regulatory Impact*

*Assessment,*

- *creating legislation amendments of existing regulations,*

- *participation in committees, advisory boards and other structures functioning at the parliamentary level or government,*

- *drafting standards and best practices.*

*The above list is of course not exhaustive and therefore if there are any other types of Think Tanks activities please include them in this section.*

### **BEST PRACTISES**

*The specific (resulting from the organization's experience) examples of good practices of interaction, collaboration between Think Tank and the Government.*

The survey of judges Report "Judicial Reform: area of tension" (in Ukrainian language)

<http://dp.court.gov.ua/rsu/154124/>

was unprecedented in its scope, as more than 1,000 judges answered the questionnaire. This allowed DIF to get full picture of attitudes towards the judicial reform among its main stakeholders.

One of the surveyed judges, secretary of the Council of Judges of Ukraine AnatoliyMartsynkevych, also participated in the press conference and expressed his view on the issues of the judicial reform.

### **PROBLEMS AND BARIERS**

*Challenges and difficult experiences of your Think Tank in its relations with the Government. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?*

## RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

*The key resources of the organization (eg. staff, experts, proven work methods, tools, partnerships).*

*Any specific cooperation possibilities?*

DIF has 6 analysts specializing in different issues:

**Iryna Bekeshkina, Director** – dynamics of public opinion, electoral sociology, democratization processes.

**Olexiy Haran, Research Director** – comparative politics, foreign policy, democratization processes.

**Maria Zolkina, Political Analyst** – European integration, foreign policy, reintegration of occupied territories.

**Oleksii Sydorchuk, Political Analyst** – constitutional reform, party financing, electoral processes.

**Ruslan Kermach, Political Analyst** – Ukraine-Russia relations, reintegration of occupied territories.

**Andrii Sukharyna, Junior Analyst** – anti-corruption.

## INFORMATION ABOUT THE ORGANIZATION (THINK TANK)

**Name of the organization:** NGO "Dniprovisky Center for Social Research" (DCSR)

**Year of establishment:** 1999

**CEO:** Anna Kolokhina

**Contact information:**

address: 6, V. Antonovich St. (Hotel "Sverdlovsk"), Apt. 321, Dnipro, 49101, Ukraine

tel: +380 56 744 98 58

e-mail: [dcsi@dcsi.dp.ua](mailto:dcsi@dcsi.dp.ua); webpage: <http://www.dcsi.dp.ua>

### **Mission**

DCSR joint efforts of civil society organizations, the media, community organizations and local authorities to study socio-economic, socio-cultural processes in the region and the use of the data for the development of civil society in the Dnipropetrovs'k region.

### **Key areas of activity and expertise**

Monitoring observance political, professional, human rights and freedoms in the Dnipropetrovs'k region

Public monitoring of implementation of the Law "Access to public information" on the regional level

### **ACTIVITIES AND PROJECTS**

*Please indicate (in the bullet points) most important activities and projects of the Think Tanks related to the legal issues – legal system, legislation process, judiciary, legal profession, human rights, access to justice, legal education and similar.*

Below we list examples of NGOs interaction and collaboration with local authorities:

Monitoring of the operation of the legislation, local authorities and local government,

Conducting empirical surveys,

NGOs working in the field of access to information. Transparency;

Trainings and workshops for journalists organized by expert NGOs

NGOs as organizations educating citizens about the access to information.

DCSR provides legal assistance for journalists and civic activists in Dnipropetrovs'k region; conducting expert surveys and monitoring of the level of freedom of speech; conducting trainings and seminars about the right to information, prepare analytical reports about the human rights and freedoms at the regional level.

### **BEST PRACTISES**

*The specific (resulting from the organization's experience) examples of good practices of interaction, collaboration between Think Tank and the Government.*

DCSR activity promotes legal awareness of journalists with regard to their labour and professional rights. Regional journalists constantly use DCSR methodological brochures. DCSR organized free legal assistance to journalists. Providing free legal advice allows journalists to defend their rights in the courts, to send requests for information to representatives of local authorities.

### **PROBLEMS AND BARIERS**

*Challenges and difficult experiences of your Think Tank in its relations with the Government. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?*

At the state level there is no fixed legislatively unified approach to publicity of local authorities and local governments. Legislation in this area is outdated and needs significant updating.

The NGOs are not perceived as partners and there is no strategy to include them in

a consultation process.

Institutions do not accept “constructive criticism”.

### **RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

*The key resources of the organization (eg. staff, experts, proven work methods, tools, partnerships). Any specific cooperation possibilities?*

The analytical work of the DCSR is a three-tier. DCSR has a staff of analysts, associate experts and interns (internship at the DCSR for students of local universities). Five full employed specialists work in DCSR. Attracting leading journalists, lawyers, academics, civil activists of Dnipropetrovs'k region to the implementation of the Centre's projects helped to strengthen the expert potential, improve the quality of the analytical organization products.

## Part Three. Legal Think Tank Projects Cards

### NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Name of the organization: Centre of Policy and Legal Reform

Year of establishment: 1996

CEO: IhorKoliushko

Contact information:

[centre@pravo.org.ua](mailto:centre@pravo.org.ua)

[https://www.facebook.com/pravo.org.ua/?ref=aymt\\_homepage\\_panel](https://www.facebook.com/pravo.org.ua/?ref=aymt_homepage_panel)

Name of Beneficiary(ies) and affiliated entity(ies) in the Action: 1. Democratic Initiatives Foundation (Kyiv). 2. Lviv civic organization “Centre for Local Government Studies” (Lviv)

### PROJECT DESCRIPTION

The Speedometer "Ukraine - EU": Constitutional and Judicial Reform

The Revolution of Dignity and the changeover towards a European-oriented government in Ukraine in early 2014 presented an opportunity not only to monitor developments in constitutional and judicial reforms, but to also actively influence these events, in particular through this Project.

*Objectives of the project:*

To support constitutional and judicial reforms that meet European standards and the public needs, as well as to ensure that constitutional reform is conducted in accordance with the manner established by the Constitution.

To achieve this objective:

- the developments in constitutional and judicial reforms were regularly monitored and a variety of events (forums, conferences, press conferences, statements, publications, comments in the media, providing information to EU and Council of Europe authorities) were conducted in order to respond to these events and to raise the issues of compliance with

European standards;

- the Project's experts participated in a number of regular and ad hoc meetings with the European Union representatives to inform them of the progress of reforms and key problems;
- through participation in various working groups (including the Reanimation Package of Reforms, the Council for Judicial Reform, the coalition of NGOs "For Fair Referendum"), the Project's experts prepared draft concept papers and laws, a number of which were submitted to the Parliament, as well as proposed amendments to legislation, legal opinions, and a constitutional petition;

Results:

Regularly updated register of events in the areas of constitutional and judicial reform, with evaluation of their impact on implementation of commitments towards European integration in relevant spheres, is broadly publicized

Expert commentaries of the most significant events in the areas of constitutional and judicial reforms are provided and broadly publicized

Annual analytical reports "Constitutional and Judicial Reforms: Implementation of European Integration Commitments" prepared, published, and broadly disseminated [http://pravo.org.ua/img/books/files/14586530062016\\_key\\_legal\\_reforms\\_2014-2015\\_eng.pdf](http://pravo.org.ua/img/books/files/14586530062016_key_legal_reforms_2014-2015_eng.pdf)

To raise the awareness of civil society of the state obligation on the constitutional and judicial reforms within the framework of European integration, as well as of the developments and progress in implementation of these commitments.

To achieve this objective:

- A "Reforms Speedometer" web page (<http://eu.pravo.org.ua>) was created, with the reform speedometer's indicators updated on a monthly basis to reflect the events that took place (according to a prepared evaluation methodology); additionally infographics are prepared and news on reform issues and analytical materials are posted;
- a conference on "Judicial Reform Strategy: Challenges for the New Parliament", a

forum on “#Constitution: Public Trust and The New Justice” and 8 roundtables were conducted, in addition to 15 press conferences (the number of events is significantly above the expectations due to combining the efforts of various organizations and sources of financing, as well as changes in Euro’s exchange rate);

- a competition of students essays titled “European Vector of Constitutional and Judicial Reforms” was conducted; its winner completed an internship with the Center for Political and Legal Reforms;
- 23 articles, 10 public appeals, more than 500 media commentaries devoted to the issues of the government’s commitments in the areas of constitutional and judicial reforms within the framework of European integration, as well as of the developments and progress in the implementation of these commitments were prepared and published;
- two national public opinion surveys were conducted to gauge the level of public awareness with European standards in the areas of constitutional law and justice and to identify the society’s needs in these areas, to enable their being taken into account in implementing the reforms.

#### Results:

Information about government commitments on constitutional and judicial reforms within the framework of European integration, as well as the developments and progress in implementation of these commitments, is broadly disseminated

An information and awareness campaign is organized and conducted to present and publicize intermediate Action results and to activate expert dialogue in the areas of constitutionalism and justice

Public opinion surveys are conducted, aimed at gauging the level of public awareness of the issues of European integration in the areas of constitutionalism and justice, as well as the public needs in these areas, so that they can be taken into account in implementing the reforms

To strengthen the capacity of civil society organizations to encourage the authorities to implement reforms in accordance with the state obligations and in line with European standards.

To achieve this objective:

- Two working groups — (1) on constitutional reform and (2) on judicial reform and the reform of prosecution — were set up to promote constitutional and justice reform in Ukraine in accordance with European standards. Both working groups became part of the civic initiative “Reanimation Package of Reforms”, and both reforms were defined as priorities for this civic initiative; both working groups are led by experts of the Centre for Political and Legal Reforms;
- Advocacy campaigns about these reforms are being carried out in cooperation with the civic initiative “Reanimation Package of Reforms”.

Results:

Partnership of non-governmental civic organizations for supporting the reforms of Constitution and judiciary in Ukraine in accordance with European standards is established

Draft laws <http://zakon3.rada.gov.ua/laws/show/1401-19> aimed at conducting constitutional and judicial reforms in accordance with the Association Agenda and taking into account European experiences and monitoring results, as well as implementation of the constitutional reform in the manner set forth by the Constitution of Ukraine, are developed jointly by the civil society, international experts and opposition deputies, and are introduced in the Parliament and/or adopted

Constitutional petitions are submitted to the Constitutional Court concerning unconstitutionality of the current Law “On All-Ukrainian Referendum” in its entirety and in the portion concerning the conduct of constitutional referenda

All-Ukrainian conference to present final monitoring results and discuss expert recommendations is conducted

Draft laws <http://zakon3.rada.gov.ua/laws/show/1401-19> aimed developed under the Project are currently pending review in the Parliament, and Centre for

Policy and Legal Reform experts jointly with partners are engaging in advocacy for their adoption. At present, effective cooperation with representatives of Parliament, Presidential Administration, and the Ministry of Justice has been established.

The Reforms Speedometer website ([eu.pravo.org.ua](http://eu.pravo.org.ua)) remains fully operational following the close of the Project. The Centre for Policy and Legal Reform experts were able to ensure the ongoing functioning of expert groups in the areas of constitutional reform and justice reform as part of the Reanimation Package of Reform civic initiative, as well as the Coalition “For Fair Referendum”.

Contacts that were established with representatives of the European Union through the Project continue to be actively utilized for communications on policy and legal reforms topics. Experience that the Centre for Policy and Legal Reform obtained in the course of Project’s implementation has strengthened the capacity of our organization and expert community in backstopping constitutional, judicial, and prosecutorial reforms.

#### REPORT – PUBLICATION – POLICY PAPER?

*Key Legal Reforms 2014-2015: How Have The European Standards Been Implemented?(In English)*

*Key Legal Reforms 2014-2015: How Have the European Standards Been Implemented?*

[http://pravo.org.ua/en/about/books/key\\_legal\\_reforms\\_eng/](http://pravo.org.ua/en/about/books/key_legal_reforms_eng/)

[http://pravo.org.ua/img/books/files/14586530062016\\_key\\_legal\\_reforms\\_2014-2015\\_eng.pdf](http://pravo.org.ua/img/books/files/14586530062016_key_legal_reforms_2014-2015_eng.pdf)

#### NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Human Rights Information Center, <http://humanrights.org.ua/en>

TetianaPechonchyk, [tp@humanrights.org.ua](mailto:tp@humanrights.org.ua)

## PROJECT DESCRIPTION

### *Human rights baseline study*

*Ukraine has been attempting to address its existing human rights challenges over the years of its independence. Civil society groups and movements were started, institutions launched, conventions signed and ratified, and hundreds of national and international expert reports produced. Ukraine's National Human Rights Institution is a group of very well-established vibrant civil society organizations working on promotion and defence of human rights.*

*At the same time, comprehensive baseline information on human rights awareness, perceptions and channels of most effective information delivery is missing. This does not allow for design of well-considered strategic interventions to increase human rights awareness and protection in the country.*

*The aim of the baseline comprehensive national study on the human rights would be to measure the human rights awareness, identify systemic human rights deficiencies and misperceptions, and outline the gap between the human rights perceptions of the population (what people think) and "professional" human rights experts perceptions (what human rights activists think).*

*The following stages are proposed to complete the study:*

*Desk research of the available statistical data regarding human rights awareness and perceptions;*

*National representative survey (accounting for disaggregation parameters of gender, age, education, urban/rural residence, and target groups (journalists, youth, civil servants etc)) which will cover the following items:*

*Perceptions of most pertinent "human rights challenges" in the country: giving the respondents the opportunity to 1) freely state what they believe to be "human rights" – a term definition and 2) what "human rights issues" are seen as most topical by them for Ukraine at this point of time (+ what they believe to be most topical for themselves). This would give an opportunity to determine whether citizens' perceptions of the term "human rights"*

*come close to internationally-accepted definitions.*

*Knowledge of core human rights principles, as well as sources of such principles: questions to the respondents regarding 1) different types of rights and 2) core international conventions and instruments that enshrine human rights;*

*Knowledge of the human rights protection mechanisms (NHRI, ECHR, UN mechanisms etc), trust towards this institution, as well as its perceived effectiveness;*

*Identification of effective human rights information channels and human rights education mechanisms, eg perception of what would be the best channel for them to receive information on human rights.*

*Target groups representative poll (7 groups including politicians, journalists, school teachers, judges, law enforcement agents, human rights defenders) will be questioned on the issues outlines above.*

*The final analytical report would answer the following questions (the list is not exhaustive):*

*Are there any relatively recent / reliable sources that describe levels of Ukraine's population awareness of human rights / human rights-related issues / instruments / institutions? Is there any data on trust towards the human rights guardians in the society (OO, CSOs, core duty-bearers)?*

*If so, could these stand-alone pieces of data be used as reference points for the current survey?*

*What do people think a definition of "human rights" is?*

*What issues are considered by Ukrainians to be the most burning human rights challenges currently?*

*How many of the core (first generation?) rights do Ukrainians actually know (being able to single them out from larger lists of issues)?*

*Is there knowledge of any core instruments that contain human rights principles?*

*What channels do the respondents currently use to get socio-economic / political information (break-down by gender, age, education et al.)?*

*What channels would be best to deliver the human rights knowledge to the citizens?*

REPORT – PUBLICATION – POLICY PAPER?

*The report “Human rights in Ukraine”(In Ukrainian language)*

*<http://dif.org.ua/uploads/pdf/191290240558492b28448805.54313805.pdf>*

### RAZUMKOV CENTER

Telephone: (+380-44) 206-85-05 E-mail: [musiyaka@uceps.com.ua](mailto:musiyaka@uceps.com.ua)

Viktor Musiyaka

*«Constitutional Process: current results, risks and prospects»*

### PROJECT DESCRIPTION

- *The strategic objective of the project is to increase trust and awareness of the society on Constitutional reform in the fields of improvement of the principles of justice, rights, freedoms and duties of human and citizen that is implemented according to European standards and with maximum regard for social needs; to create conditions instrumental to conducting the constitutional process in Ukraine.*
- *Objectives of the project is to analyze the substance of draft amendments to the Ukrainian Constitution prepared by the Constitutional Commission and the draft constitutional amendments proposed to Fundamental Law by the President of Ukraine, and modelling the effects of their implementation..*
- *elements/phases of the project*
  - Analysis of the draft on improving the constitutional principles of organization and operation of the judicial system and related justice sector institutions.*
  - Analysis of the draft on improving the constitutional principles underlying human and citizen rights, freedoms and obligations.*
  - Conducting a nationwide public opinion poll to gauge the public attitude towards the essence of drafts on improving the constitutional principles of organization and operation of the judicial system and related justice sector institutions and the constitutional principles of human rights,*

*freedoms and obligations.*

*Conducting expert survey regarding each draft separately: 100 experts per draft - representatives of academic and expert institutions and organizations, government agencies, political parties and NGOs in all regions of Ukraine.*

Developing proposals and recommendations on ways to improve the draft amendments to the Constitution

Preparing a summary of study materials to be published in a dedicated issue of the National Security and Defence journal (press run: 3,800 copies in Ukrainian and English).

*type of interaction with the government*

*Conducting a roundtable with a presentation and discussion of the study results (up to 60 participants - independent experts, representatives of non-governmental research centers, nongovernmental organization, Ukrainian Parliament members, representatives of the Ukrainian Government and Presidential Administration).*

*Conducting media presentations and publications by Recipient experts to inform the public about the current status, future prospects and challenges to society and state associated with the constitutional process and its substance, get citizens involved in this process, establish in society a sense of responsibility for the form and substance of the process of improving the fundamental principles governing justice, human and citizen rights, freedoms and obligations.*

*Presenting Project proposals and recommendations at the meeting of the Constitutional Committee, during expert discussions and public events.*

REPORT – PUBLICATION – POLICY PAPER?

Security and Defence magazine, Issue # 163,164

[http://old.razumkov.org.ua/eng/files/category\\_journal/NSD\\_163-164\\_eng.pdf](http://old.razumkov.org.ua/eng/files/category_journal/NSD_163-164_eng.pdf)

Viktor Musiyaka

Telephone: (+380-44) 206-85-05E-mail: [musiyaka@uceps.com.ua](mailto:musiyaka@uceps.com.ua)

#### NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Name of the organization: **Regional Centre for Human Rights, NGO**

Year of establishment: 2013

CEO: MartynovskaAnastasiya

Contact information:

[www.precedent.crimea.ua](http://www.precedent.crimea.ua)

[www.rchr.org.ua](http://www.rchr.org.ua)

[rchr.sev@gmail.com](mailto:rchr.sev@gmail.com)

+38(044)2843033

“Strengthening the Human Rights Protection of IDPs in Ukraine”

#### PROJECT DESCRIPTION

As one of the Think Tanks in Ukraine NGO “Regional Center for Human Rights” took part in the Council of Europe Project “Strengthening the Human Rights Protection of IDPs in Ukraine”.

Ukraine has experienced an unforeseeable and immense internal displacement resulting in the registration of over 1.7 million IDPs from Crimea and the Donbas regions of Ukraine in the span of less than two years. Any country experiencing such a development would be faced with extensive challenges. The Council of Europe is cooperating with the Ukrainian authorities and relevant partners in responding to the systemic challenges presented by internal displacement.

Responsible person: SergiyZayets (тел.: +380507402020; email: [s.zayetz@gmail.com](mailto:s.zayetz@gmail.com))

Project Objectives:

Legislative and regulatory framework on IDPs. To contribute to the advancement of the legislative and regulatory framework for the human rights protection of IDPs in Ukraine, in line with European and universal standards;

Implementation of the rights of IDPs and development of adequate procedures. To enhance the capacity of relevant authorities, civil servants, legal professionals, public health managers, NGOs and other stakeholders to effectively protect the rights of IDPs, including through better coordination, with a particular focus on vulnerable groups; and to improve access to remedies for IDPs whose rights may have been violated;

Awareness-raising on the rights and needs of IDPs. To raise awareness among law and policy-makers, IDPs themselves, host communities, public officials and the general public on the situation of IDPs, their rights and difficulties to access those in practice;

Integration and positive community relations. To promote the development of an integration policy for IDPs and support community-based IDP empowerment and integration initiatives, with a view to providing durable solutions.

#### REPORT – PUBLICATION – POLICY PAPER?

During the project it was prepared the study on Enhancing the national legal framework in Ukraine for protecting the human rights of IDPs.<sup>53</sup> The lawyer of the NGO “RCHR” Sergiy Zayets during the aforementioned project drafted the analysis of national legislation on the human rights of IDPs.

“Enhancing the national legal framework in Ukraine for protecting the human rights of internally displaced persons”

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?do>

[cumentId=09000016806a49d7](#)

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

**Polissya Foundation for International and Regional Studies**

address: Shevchenka Str. 12/5, 14000, Chernihiv, Ukraine

tel: +380635794655

e-mail: [pfirs@ukr.net](mailto:pfirs@ukr.net)

webpage: <http://pfirs.org/>

contact person: MaksymKoriavets

“Association of the regional think tanks: a tool to improve governance in the regions of Ukraine”

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

Objectives of the action:

- 1) To attract a network of analytical civil society organizations for developing, analyzing and monitoring strategies for regional development in Ukraine.
- 2) To raise awareness of analytical civic institutions in elaborating, analysing the compliance, feasibility and monitoring of regional development strategies.
- 3) To influence the processes in regional development sphere in all regions of Ukraine.
- 4) To increase the effectiveness of state policy in regional development.

Results of the action:

- 1) 22 representatives of Association of Regional Think Tanks have been involved in the process of developing regional development strategies in 22 regions.

- 2) The methodology for analysing the compliance of regional development strategies with state regional policy goals, analysing the feasibility and monitoring of regional development strategies has been developed.
- 2) The compliance of regional development strategies in 22 Ukrainian regions with state regional policy goals, the feasibility of regional development strategies in Ukraine have been analyzed.
- 3) The monitoring of implementation/deployment of regional development strategies in 22 regions of Ukraine has been conducted.
- 4) The lobbying campaign aimed at improving the effectiveness of state regional development policy have been conducted.
- 5) Project recommendations on improving regional development strategies for a term up to 2020 have been taken into account by regional authorities in Ukraine.

## REPORT

The report "[Regional Policy in Ukraine: results of development and prospects of implementation of regional development strategies](http://pfirs.org/produkti/book/63-finalna-zbirka-ssr/3-produkti.html)"<http://pfirs.org/produkti/book/63-finalna-zbirka-ssr/3-produkti.html> was published in 2016. It shows the final results of the project study which contain information on analysis of feasibility and monitoring of the strategies implementation as well as recommendations for improving regional development policy in Ukraine.

Recommendations for improving situation with regional strategies' development and implementation were elaborated and directed to the Cabinet of Ministers of Ukraine and regional state administrations.

The Report was prepared by Yevheniy Romanenko [euro@bigmir.net](mailto:euro@bigmir.net)

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information:

*Contact information, www, person responsible*

Public Union “The Ukrainian Helsinki Human Rights Union” (UHHRU)

3/34 Frolovskaya St., Kyiv, 04071, Ukraine

[helsinki.org.ua](http://helsinki.org.ua)

Arkadiy Bushchenko, Executive Director,

[arkadiy.bushchenko@helsinki.org.ua](mailto:arkadiy.bushchenko@helsinki.org.ua)

+38 044 4851792

**UKRAINIAN HELSINKI HUMAN RIGHTS UNION**

Project name: “Responding to Human Rights Violations and Empowering Citizens and Human Rights Defenders in Ukraine Activity” (“Human Rights in Action Program”)

A three year program (from 2014 to 2017) supported by the U.S. Agency for International Development (USAID) and implemented in Ukraine by the Ukrainian Helsinki Human Rights Union with the purpose of

promoting and cultivating the culture of respect for human rights in Ukraine in line with European standards

Activity’s objectives:

Objective 1: Human rights monitoring and advocacy increased and strengthened

Objective 2: Strategic litigation increased

Objective 3: Awareness raising and citizen empowerment improved and increased

Objective 4: Educational Human Rights House – Chernihiv strengthened

Objective 5: Survivors of torture and conflict are made as whole as possible for their loss and harm

The Ukrainian Parliament Commissioner for Human Rights acts as beneficiary of the Program.

Some remarks:

The Ukrainian Helsinki Human Rights Union conducts monitoring, strategic litigation, legal empowerment network (currently operating in 20 regions), diverse educational programs etc. in order to ensure that Ukraine complies with its international obligations and commitments in the sphere of human rights.

The Activity will contribute to establishment of effective system for enforcing decisions of international bodies, shifting responsibility for human rights violations from general taxpayer to individual perpetrator.

UHHRU will also create the system to document human rights violations (particularly, in Donbas region) based on equal treatment for all warring parties.

Publication

Briefer #11 (23) by Ukrainian Helsinki Human Rights Union, USAID Human Rights in Action Program, October 2016

[http://helsinki.org.ua/wp-content/uploads/2016/11/UHHRU\\_Digest-1123-Oct-2016\\_EN.pdf](http://helsinki.org.ua/wp-content/uploads/2016/11/UHHRU_Digest-1123-Oct-2016_EN.pdf)

Project name: “Human Rights First”

The initiative is directed to increasing the protection of human rights of Ukrainians through a non-governmental legal aid system. Initiative contributes to the development of humane society based on respect of human life and dignity.

The main objectives of initiative are to contribute to the development of humane society based on respect to human life, dignity and rule of law; promote respect for human rights by strengthening civil society and representatives of vulnerable groups with regard to access to justice and

fair trial, freedom of assembly and association, freedom of expression, non-discrimination, social and economic rights (especially the right to property, labour rights, the right to social security, the right to housing, the right to education, the right to health and others); establish a cooperation platform for the member organisations to enhance the impact of UHHRU's activities at the national and international levels.

The initiative includes three main components:

Firstly, Public Receptions Offices (PROs) that provide legal aid to vulnerable category of people and contribute to legal awareness of people. The existing network of PROs providing assistance to more than 10000 people in all regions of Ukraine will be maintained. UHHRU coordinates all these PROs located in 20 regions of Ukraine, that provide legal aid in these 20 regions as well in the neighbor regions. The network consist of 21 PROs, 4 leading regional PROs among them will have enhanced capacities and responsibility to be methodological and educational centres for other PROs.

Secondly, forming and maintaining an effective system of strategic litigation that sets precedents and multiplies best practices in protecting of human rights. Supporting Strategic Litigation Centre (SLC)(under UHHRU), with good experience in human rights strategic litigations, will allow enhancing its capacities to influence system of protection of human rights.

Thirdly, conducting coordinated advocacy campaigns to provide policy recommendations aimed at improving human rights situation in Ukraine. This integral element of the project will convert the knowledge gained from PRO and SLC activities in advocacy of the changes in legislation and legal practice with the aim to improve the human rights situation in Ukraine.

The target groups of the initiative are human rights defenders, human rights NGO, lawyers. They need assistance in organizing provision of legal aid, developing and training in effective mechanisms for protecting of human rights. They also require help in complex situations involving human rights protection.

NGOs and human rights activists have been selected as a target group for their

capacity to add value with their practical first-hand experience of human rights protection. They are the most likely to benefit from new networking opportunities and learning. Practicing lawyers willing to work pro bono need coordination in seeking cases of interest involving rights abuse, as well as training in effective human rights protection mechanisms.

State agencies responsible for various aspects of human rights protection belong also to target group.

The final beneficiaries of the initiative are vulnerable groups including people with disabilities, minorities, poor and others, whose human rights have been violated. Those who will benefit from it are in the first instance people not at present able to defend their rights through lack of knowledge or money. It is most often their socio-economic rights that are infringed, or violations on the ground of discrimination. Over 55% of the victims of human rights infringements are women and the initiative responds to legal needs and interest of women.

*“Program/Project/activity undertaken with the financial support of the Government of Canada provided through the Department of Foreign Affairs, Trade and Development (DFATD)”;*

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

*- the essence of the project 3000 characters in a few sentences (strategic objective)*

Research study on implementation of the European Court of Human Rights’ judgments in domestic judicial practice accompanied by the annual “Precedent UA” ranking for national courts in order to promote knowledge and practical skills of judges in the widest application of the case-law in Ukraine.

*- objectives of the project*

*- elements/phases of the project (in chronological order)*

*- methods/tools used*

*- type of interaction with the government*

*- outcomes of the project - separately conclusions, recommendations and/or changes/ reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell*

After adoption of the new Ukraine's Code of Criminal Procedure that obliged the Ukrainian courts to put into practice the ECtHR precedents when determining cases, the Ukrainian legal system started to make efforts towards introducing the Anglo-Saxon system of case law. Considering mentioned above, it is important to examine the role of judges in implementation of the ECtHR case law.

Thus, in 2015 UHHRU has launched the annual study of the national case law in terms of use of the European Court of Human Rights (ECtHR) decisions by the Ukrainian courts on a basis of the Unified State Register of Court Judgments of Ukraine which has been filled with court judgments since the January 1, 2006. The current study is only the first step for permanent monitoring of this aspect of judicial activity in the country, since the problem related to the implementation of the ECtHR decisions is broad and complex: this is the change of approaches to certain issues, change of views on the matter and, if taken as a whole, paradigm shift in the legal culture of society.

Based on the given research, for the promotion of the widest possible application of the case law in Ukraine in December 2015 UHHRU has established the Rating of Ukrainian courts on a basis of the Unified State Register of commonly and relevantly use the ECtHR case law judgments against Ukraine in their practice.

Careful work led to this rating creation: for the study there was taken a part of the ECtHR judgments, namely 67 successful cases of the UHHRU Strategic Litigation Centre and the Kharkiv Human Rights Protection Group. The UHHRU examined 853,162 court decisions and selected 593 of them based on the relevant application of the above-mentioned 67 ECtHR decisions by the courts (198 out of 765 existing Ukrainian courts). The application was considered as "relevant" if such application of ECHR decision corresponded to the content of a case, considered by the

national court, as well as if application did not distort a content of the ECtHR decision itself. The UHHRU decided to award the leaders of the ranking: thus, a top 10 list was compiled from the chosen courts, using quality indicator.

The ceremonial announcement of the “Precedent UA-2015” ranking leaders was conducted on December 15, 2015 with involvement of Ukrainian courts representatives, international organisations and Ukrainian NGOs.

*- the project compared to other activities (was it a continuation or a part of a bigger project?)*

The UHHRU project compared to other activities (was it a continuation or a part of a bigger project?) involvement of Ukrainian courtsome important successful cases of UHHRU Strategic Litigation Centre are included. This is the first research intended for further transformation into periodical monitoring of Ukraine’s court practice with awarding the courts of the first instance (and not higher instance courts since the use of the European Court precedents is among their duties).

*- other relevant information*

## REPORT PUBLICATION

*The report, if published, or Policy Paper: information about the report/policy paper, a few words about what is in the publication, the main elements of the report/policy paper (or frame contents, but no detailed table of contents, eventually scan of the report cover)*

*Address URL, if it is published online.*

*The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).*

The collection of the cases presents the results of research study final report, if known (in terms of person who can give you isions of the ECtHR by Ukrainian courts. It is designed for judges, lawyers, prosecutors, lawyers, human rights activists, graduate and law students, scholars, researchers

and is available at [precedent.ua](http://precedent.ua) (*link is in Ukrainian*).

For detailed information, please contact

UHHRUploads/2016/02/zbirnik\_new\_12\_05[olena.sapozhnikova@helsinki.org.ua](mailto:olena.sapozhnikova@helsinki.org.ua).

PROJECT DESCRIPTION (*please be concise, but max 3000 characters*)

- *the essence of the project 3000*

*characters*)ds\olena.sapozhnikova@helsinki.org.ua"a

Annual Report "Human Rights in Ukraine": promulgated since 2004 by dozens of experienced human rights NGOs/experts under UHHRU's auspices, this analytical paper is being a comprehensive source of detailed and reliable information about human rights situation in Ukraine during a year.

- *objectives of the project*

- *elements/phases of the project (in chronological order)*

- *methods/tools used*

- *type of interaction with the government*

- *outcomes of the project - separately conclusions, recommendations and/or changes/ reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell*

The project involves preparation, publication and distribution of the annual report on the human rights status in Ukraine, which contains a civic assessment of government policy in the area of human rights, as well as an in-depth analysis of specific aspects of the human rights situation during the period in question. The project comprises many dimensions: it is carried out with participation and input from a wide coalition of human rights NGOs; encompasses all spheres of human rights, and covers the entire territory of Ukraine.

Project stages are as follows: ensuring monitoring of human rights observance throughout the country, legislative changes affecting human rights and their compliance with international human rights standards; conducting research on changes for better or worse in human rights protection as compared with previous years; ensuring monitoring of human rights observance, working out recommendations/action plans to eliminate deficiencies, and advocating for their implementation; summarizing results of the human rights monitoring; publishing and distributing the report in Ukrainian and English languages; communicating its results to the state authorities, media, international institutions and the public; running a campaign to improve the situation; promoting public discussion on human rights safeguards.

Usually, the report consists of two parts: a general assessment of human rights situation in the year under consideration and main trends; each section of the second is concentrated on identifying and analyzing violations of specific rights, as well as discussing any positive moves which were made in protecting the given rights.

Specific feature of such report is that it does not only provide a general assessment of human rights situation in the year under consideration and makes detailed recommendations to state authorities for improvement of the situation and for prevention of such violations in the future.

Report serves as additional efficient tool to the existing ones that enable society to exercise efficient control over the state in human rights protection.

Besides, the information within the report is used by the European Court of Human Rights, the U.S. Government, the European Commission and other international institutions every year for estimating situation with the observance of rights and freedoms in Ukraine in general.

- *the project compared to other activities (was it a continuation or a part of a bigger project?)*

Promulgated since 2004, this annual report considers the human rights situation in

Ukraine during the year based on researches by different non-governmental human rights organizations and individual experts on particular rights and freedoms from all over Ukraine. UHHRU coordinates the work on report's preparation.

- *other relevant information*

REPORT relevant infor POLICY PAPER?

*The report, if published, or Policy Paper: information about the report/policy paper, a few words about what is in the publication, the main elements of the report/policy paper (or frame contents, but no detailed table of contents, eventually scan of the report cover)*

*Address URL, if it is published online.*

*The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).*

Prepared by dozens experienced human rights specialists, the Annual inal report, if known (in terms of person who can give you more information about the project). policy paper (or frame contents, but no detailed an rights situation all over Ukraine and its specific aspects during the period in question as well as provides detailed recommendations to state agencies for elimination/prevention of human rights abuses and full compliance withUkrained by dozens experienced human rights speci

The full text of the “Human Rights in Ukraine-2015” Report [can be found here](#), report for the year 2014 – [here](#)  
<http://helsinki.org.ua/en/publications/human-rights-in-ukraine-2015/> .

Reports for other years are available upon request.

For detailed information, please contact UHHRU's expert Oleg Martynenko at [oleg.martynenko@helsinki.org.ua](mailto:oleg.martynenko@helsinki.org.ua).

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

**IlkoKucheriv Democratic Initiatives Foundation**

E-mail: [dif@dif.org.ua](mailto:dif@dif.org.ua)

Website: <http://dif.org.ua/>

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

- *the essence of the project – a description in a few sentences (strategic objective)*
- *objectives of the project*
- *elements/phases of the project (in chronological order)*
- *methods/tools used*
- *type of interaction with the government*
- *outcomes of the project - separately conclusions, recommendations and/or changes/ reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell*
- *the project compared to other activities (was it a continuation or a part of a bigger project?)*
- *other relevant information*

Together with the Centre of Policy and Legal Reforms, DIF has co-implemented the project “Overcoming informal practices in the judiciary” in December 2014 – February 2015. In the framework of the project, DIF conducted several key activities:

- public opinion poll on attitudes of Ukrainians towards the judiciary and judicial reform;
- survey of more than 1,000 judges on their attitudes towards judicial reform and ongoing processes in the judiciary;
- survey of 27 experts (advocates, human rights activists, lawyers, non-governmental experts);
- press conference “Judiciary and judicial reform in the eyes of citizens, experts,

and judges – points of contention” (recording is available here – <http://old.dif.org.ua/ua/multimedia/kkrfgkeprkhpe.htm>).

#### REPORT – PUBLICATION – POLICY PAPER?

*The report, if published, or Policy Paper: information about the report/policy paper, a few words about what is in the publication, the main elements of the report/policy paper (or frame contents, but no detailed table of contents, eventually scan of the report cover)*

*Address URL, if it is published online.*

*The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).*

On the basis of the surveys conducted during the project realization, analytic report was developed. It was published on the websites of DIF Judicial reform: judges and public-opinion poll (<http://old.dif.org.ua/ua/publications/press-relizy/sudova-reforpertiv-.htm>) and the Centre for Policy and Legal ReformsAnalytical Report “Judicial reform: the point of tension” ([http://pravo.org.ua/files/Analitychniy\\_zvit\\_Deminitiatyvy.doc](http://pravo.org.ua/files/Analitychniy_zvit_Deminitiatyvy.doc)).

#### PROJECT TITLE

*Free access to public information for Dnipropetrovsk journalists*

#### NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

**NGO "DniprovskyCenter for Social Research" (DCSR)**

address: 6, V. Antonovich St. (Hotel "Sverdlovsk"), Apt. 321, Dnipro, 49101, Ukraine

tel: +380 56 744 98 58

e-mail: [dcsi@dcsi.dp.ua](mailto:dcsi@dcsi.dp.ua);

webpage: <http://www.dcsi.dp.ua>

contact person: Anna Kolokhina

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

DCSR begins its program with a survey of 50 experts on government-press relations in the Dnipropetrovs'k region - journalists, editors, media watchers and government officials—which will be used to identify the features of government information policy most relevant to this project. Results of the survey will be sent to government officials, published in the regional press, and used to prepare for seminars and roundtables described below. The Center will also establish a working group of researchers, journalists, and NGO representatives to support the project by carrying out research and preparing reports on various topics relevant to the program.

The Center will offer consultations to journalists about their right to receive information and about how to deal with violations of their rights. The Center will also monitor government agencies' activities relating to the press and publish monthly reports about them. These reports and other publications will be published on the Center's web site. The Center will also publish brochures for journalists "How to Effectively Use Your Right to Access to Information—A Guidebook for Journalists." These will be distributed at the Center's events and meetings of the Dnipropetrovs'k regional branch of the National Union of Journalists of Ukraine. Finally, the Center will publish a final analytical report, "Information Openness in Local Government in the Dnipropetrovs'k Region: Problems and Perspectives".

REPORT

*The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)*

*Address URL, if it is published online.*

*The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).*

The DCSR analytical products (Monitoring observance political, professional, human rights and freedoms in the Dnipropetrovs'k region, Public monitoring of implement the Law of Ukraine "Access to public information" on the regional level, reports "Information Openness in Local Government in the Dnipropetrovs'k Region: Problems and Perspectives" and brochures for journalists are available in DCSR webpage:

Survey: "The level of censorship and pressure on journalists and access to information in Dnipropetrovsk region" (In Ukrainian), 2008

[http://dcsi.dp.ua/doslidzhennya-dtssd/%D0%B5kspertni-doslidzhennya/riven\\_-tsenzuri-tisku-na-zhurnalistiv-ta-dostupu-do-informatsii-u-dnipropetrovs\\_kiy-oblasti](http://dcsi.dp.ua/doslidzhennya-dtssd/%D0%B5kspertni-doslidzhennya/riven_-tsenzuri-tisku-na-zhurnalistiv-ta-dostupu-do-informatsii-u-dnipropetrovs_kiy-oblasti)

Monitoring of activities of local authorities in the area of respect for political, professional, personal rights and freedoms of citizens in Dnipropetrovsk region (In Ukrainian), July – September, 2016

<http://dcsi.dp.ua/images/monitoring/monitoring%20observances%20human%20rights%2007-09.2016.pdf>

Review of violations of political and professional rights in Dnipropetrovsk region (In Ukrainian), 2012

<http://dcsi.dp.ua/images/bulleteins/bull%204%202012.pdf>

Analitical Report: "Information space of Dnipropetrovsk region" (In Ukrainian), 2012-2013

<http://dcsi.dp.ua/publikatsii/inshi-publikatsii/%D1%96nformatsiyniy-prostir-dnipropetrovschini-v-2012-2013-rr>

<http://dcsi.dp.ua/images/doslidzenna/analitical%20report%20dcsr%202013.pdf>

## Part Four. Country bibliography

Razumkov Centre, *National Security and Defence*, no. 2-3 (151-152), 2015, available at:

[http://old.razumkov.org.ua/eng/files/category\\_journal/zhrnl\\_Melnyk\\_militsiya\\_2\\_5\\_2\\_015\\_ENG\\_N5\\_site.compressed.pdf](http://old.razumkov.org.ua/eng/files/category_journal/zhrnl_Melnyk_militsiya_2_5_2_015_ENG_N5_site.compressed.pdf)

Sergey Zayets, *The Fear Peninsula : Chronicle of Occupation and Violation of Human Rights in Crimea*, Regional Centre for Human Rights, Kyiv, 2015 , available at:

[http://rchr.org.ua/images/news/2015/faire/FearEng\\_links.pdf](http://rchr.org.ua/images/news/2015/faire/FearEng_links.pdf)

Polissya Foundation for International and Regional Studies, *Improving system of providing administrative services in Ukraine*, 2015, available at:

<http://pfirs.org/produkti/book/31-1306/3-produkti.html>

Polissya Foundation for International and Regional Studies, *Improving regional development strategies in 22 regions of Ukraine for a term up to 2020*, 2016, available at:

<http://pfirs.org/produkti/book/63-finalna-zbirka-ssr/3-produkti.html>

Bida O.A. and others, *My House – Someone’s Fortress: the Right to Property: under conditions of the armed conflict in the East of Ukraine*, Ukrainian Helsinki human Rights Union, 2016, available at:

[https://helsinki.org.ua/wp-content/uploads/2016/11/myHouse\\_Engl\\_A4\\_2.pdf](https://helsinki.org.ua/wp-content/uploads/2016/11/myHouse_Engl_A4_2.pdf)

Sergey Zayets and others, *Crimea Beyond Rules*, Thematic review of the human rights situation under occupation, Vol. 3, Kyiv, 2017, available at:

[https://helsinki.org.ua/wp-content/uploads/2016/04/Crimea\\_beyond\\_rules\\_-3\\_en-fin.pdf](https://helsinki.org.ua/wp-content/uploads/2016/04/Crimea_beyond_rules_-3_en-fin.pdf)

Bida O/A and others, *With the Shield or on the Shield?: Protection of Cultural Property in the Event of Armed Conflicts in the East of Ukraine*, Ukrainian Helsinki human Rights Union, 2016, available at:

[https://helsinki.org.ua/wp-content/uploads/2016/10/Ukraine\\_kultura\\_ANG\\_Layout-1.pdf](https://helsinki.org.ua/wp-content/uploads/2016/10/Ukraine_kultura_ANG_Layout-1.pdf)

Larysa Baida and others, *Rights of Person with Disability in the Armed Conflict in the East of Ukraine*, Analytical report of the Ukrainian Helsinki human Rights Union, 2016, available at:

<https://helsinki.org.ua/wp-content/uploads/2016/10/Persons-with-disabilities-in-armed-conflict-eng-1.pdf>

Zakharov Y., *Human Rights in Ukraine in 2015: Key Trends*, Kharkiv Human Rights Group, 2015, available at:

<http://helsinki.org.ua/en/human-rights-in-ukraine-in-2015-key-trends-y-zakharov/>

Ukrainian Helsinki human Rights Union, *Suppressed Voices: Right for Freedom in Armed Conflict, Analytical Report, 2015*, available at:

<http://helsinki.org.ua/en/publications/the-freedom-of-speech-in-the-ato-zone-how-cases-of-deaths-pressure-and-harassment-of-journalists-are-investigated-4/>

Ilko Kucheriv Democratic Initiatives Foundation, Analytical Report “Judicial Reform: Area of Tension” on Ukrainian language, 2014, available at:

<http://dp.court.gov.ua/rsu/154124/>

Centre of Policy and Legal Reform, *Key Legal Reforms 2014-2015: How to Have the European Standards Been Implemented*, Kyiv, 2016, available at:

[http://pravo.org.ua/img/books/files/14586530062016\\_key\\_legal\\_reforms\\_2014-2015\\_eng.pdf](http://pravo.org.ua/img/books/files/14586530062016_key_legal_reforms_2014-2015_eng.pdf)

IlkoKucheriv Democratic Initiatives Foundation, *Report Human Rights in Ukraine*, 2016, available at:

<http://dif.org.ua/uploads/pdf/191290240558492b28448805.54313805.pdf>

Razumkov Centre, *National Security and Defence*, no. 5-6 (163-164), 2016, available at:

[http://old.razumkov.org.ua/eng/files/category\\_journal/NSD\\_163-164\\_eng.pdf](http://old.razumkov.org.ua/eng/files/category_journal/NSD_163-164_eng.pdf)

YevgenGerasymenko and others, *“Enhancing the national legal framework in Ukraine for protecting the human rights of internally displaced persons”*, Council of Europe, Ukraine, 2016, available at:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a49d7>

Ukrainian Helsinki human Rights Union, *Briefer no. 11(23)*, USAID Human Rights in Action Programme, October 2016, available at:

[https://helsinki.org.ua/wp-content/uploads/2016/11/UHHRU\\_Digest-1123-Oct-2016\\_EN.pdf](https://helsinki.org.ua/wp-content/uploads/2016/11/UHHRU_Digest-1123-Oct-2016_EN.pdf)

IlkoKucheriv Democratic Initiatives Foundation and Centre of Policy and Legal Reform, Analytical Report *“Judicial Reform: the Point of Tension”*, available at:

[http://pravo.org.ua/files/Analitychniy\\_zvit\\_Deminitiatyvy.doc](http://pravo.org.ua/files/Analitychniy_zvit_Deminitiatyvy.doc)

Kolohina A., *Review of violations of political and professional rights in Dnipropetrovsk region (In Ukrainian language)*, Dnipro, 2012, available at:  
<http://dcsi.dp.ua/images/bulleteins/bull%204%202012.pdf>

Dniprovsky Centre for Social Research, *Analytical Report: "Information space of Dnipropetrovsk region" (In Ukrainian language)*, Dnipro, 2012-2013, available at:

<http://dcsi.dp.ua/images/doslidzenna/analitical%20report%20dcsr%202013.pdf>

International Centre for policy Studies, *Renewel of Constitution as the final of Revolution*, 2015, available at:

[http://icps.com.ua/assets/uploads/images/files/t\\_konstituciya\\_reforma\\_b.pdf](http://icps.com.ua/assets/uploads/images/files/t_konstituciya_reforma_b.pdf)

A.Barikova, *E-State: New Management Effectiveness*, Centre for Policy and Legal Reform, 2016, available at:

[http://pravo.org.ua/en/about/books/e\\_state/](http://pravo.org.ua/en/about/books/e_state/)

## Part Five. Additional materials

IlkoKucheriv Democratic Initiatives Foundation, Analytical report *“Independent Think Tanks and Government: is there any progress in bilateral cooperation?”*, 2016, available at:

<http://dif.org.ua/uploads/pdf/691431701582c6380e03566.21362432.pdf>

IlkoKucheriv Democratic Initiatives Foundation, Survey *Independent Think Tanks and Government: Partners in Promoting Reforms or Two Parallel Worlds?*, 2016, available at:

<http://pasos.org/wp-content/uploads/2016/08/ThinkTankStudyUkraine.pdf>

### The list of experts

1. Ihor Koliushko, Centre for Policy and Legal Reform
2. Roman Kuybida, Centre for Policy and Legal Reform
3. Iryna Bekeshkina, IlkoKucheriv Democratic Initiatives Foundation
4. Arsen Stetskiv, Razumkov Centre
5. Angela Bochi, International Centre for policy Studies
6. Anna Kolokhina, Dniprovsky Centre for Social Research
7. Yevhen Romanenko, Polissya Foundation for International and Regional Studies
8. Anna Barikova, Centre for Policy and Legal Reform
9. Tetiana Pechonchyk, Human Rights Information Centre
10. Sergey Zayets, Regional Centre for Human Rights
11. Arkadiy Bushchenko, Ukrainian Helsinki human Rights Union
12. Olga Miroshnyk, Foundation of Local Democracy
13. Martynovska Anastasiya, Regional Centre for Human Rights

#### 14. Dmytro Abardzhiev, Opora