

Ukrainian Helsinki Human Rights Union

Association of the human rights NGO
Olehivska str. 36, office 309, Kyiv city, Ukraine, 04071
Phone/fax: +380 44 4174118, e-mail: office@helsinki.org.ua, <http://www.helsinki.org.ua/en>

Only in English

29 September, 2011

2011 Human Dimension Implementation Meeting

Working session 3: Fundamental freedoms II, including Freedom of assembly and association

Ukraine

Written submission

NGOs warn against failure of progressive law on civic organizations

A number of prominent Ukrainian NGOs have issued an appeal open for endorsement by other civic organizations regarding possible threats to the adoption of a democratic draft Law on Civic Organizations.

The draft law in question:

- simplifies the procedure for creating civic organizations (NGO's);
- removes territorial restrictions on the activities of NGOs;
- entitles NGOs to defend the interests not only of their members, but of other people as well.

We are concerned by the possible threat to the adoption of the democratic Draft Law on Civic Organizations, No. 7262-1. At a working group meeting of the Committee on State Construction and Local Self-Government, amendments are being considered which could totally distort the document which was voted on in its first reading on 17 May 2011.

Civic society would stress that the adoption of a European Law on Civic Organizations is one of Ukraine's international obligations and it should become a conscious step towards signing an Agreement on Association.

We would draw attention to the fact that there are legislative obstructions in Ukraine impeding the formation of a fully-fledged civic society without which the functioning of democratic institutions is impossible.

The Ukrainian authorities have over the last three years failed to enforce the judgment issued by the European Court of Human Rights on 3 April 2008 which found that Ukrainian legislation on civic organizations was in breach of the right of association [Article 11 of the Convention on Human Rights - translator].

Ukrainian legislation on civic organizations imposes considerably worse conditions on civic organizations than on business structures. Complicated bureaucratic procedure; lengthy registration; territorial restrictions for an NGO's activities; the ban on economic activities;

excessive State control - these are just some of the barriers which civic organizations encounter in their work.

Civic organizations therefore:

- call on the Verkhovna Rada to pass the Law on Civic Organizations as quickly as possible, and without distorting its present democratic norms which are in accord with Council of Europe Recommendations CM/REC(2007)14.;
- call on EU institutions to raise the need to pass the Law as soon as possible with the Ukrainian authorities, including as a condition for the signing of the Agreement on Association;
- call on diplomats, representatives of the Council of Europe and OSCE to promote the adoption of democratic legislation on civic organizations at the highest level.

The public are convinced that the adoption of an Agreement on Association without the proper conditions for the development of civil society would jeopardize Ukraine's fulfillment of its obligations. Current legislation makes effective control over the authorities and public participation in decision making impossible.