

Civil Society in Ukraine



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Since the 2014 Maidan Revolution, Ukraine has worked to expand its democratic institutions while striving to meet European governance standards.¹ To a large extent, this is due to the work of an active civil society. When Ukraine meets new challenges, it is civil society which quickly reorganizes in order to meet those challenges. This is attributed to a phenomenon referred to as “Maidan Energy” — representing the collective effort of hundreds of thousands of people, working to solve societal problems and emphasizing individual responsibility for the continued democratic development of the country.

The Maidan acted as a sort of catalyst for the development of civil society and the creation of a powerful volunteer movement. Ukraine must take full advantage of the new possibilities brought about by the Revolution of Dignity. Ideally, successful democratization would be good not only for Ukraine, but for other states in the region, some of whom have recently rolled back fundamental freedoms and civil liberties.

This section discusses civil society in Ukraine before the Maidan, after the Revolution, and gives recommendations for U.S. engagement with Ukrainian civil society in the future.

¹ “Nations in Transit 2016,” Freedom House, December 2016.

Political Persecution of Civil Society²

Before the Maidan

Following the election of Viktor Yanukovich as a President of Ukraine in February 2010, the Party of Regions undertook the creation of a vertical, centralized power structure. In October 2010 the Constitutional Court of Ukraine decided to restore the Constitution of 1996, adding a whole range of new presidential powers. It became increasingly clear that the authorities considered key rights and freedoms (e.g., freedom of expression, freedom of peaceful assembly and association, right to a fair trial, right to personal privacy) to be a threat to the expansion of their authoritarian rule. A worsening economy and increasing poverty accompanied the strengthening of the authoritarian regime. Combined with the unprecedented scale of corruption, these developments led to the loss of credibility of key state institutions, public discontent, and protests.

² “Social Management and Stakeholder Engagement Plan,” Publications of the International Renaissance Foundation, ensure the security of the Russian Federation,] 7 August 2014.

Within a year of Yanukovich's election and the expansion of presidential powers, human rights organizations like Freedom House and Amnesty International reported the beginning of a systematic attack on personal rights and fundamental freedoms by the government, as well as the return of the infamous practice of political persecution.³ Opposition politicians, journalists, human rights defenders, and public activists became victims of repression. Importantly, both judicial means — unlawful arrests, fabricated administrative, and criminal cases — and extrajudicial means — threats, destruction of property, assault, and even murder — were employed by Ukraine's authorities.⁴

By the beginning of 2013, the independence of the courts and the principle of adversarial proceedings in cases against state institutions had effectively been abolished. Judicial independence was further eroded by

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laws giving prosecutors the right to influence judges through the High Council of Justice whenever the judge disagreed with their position. Law enforcement was systematically employed to persecute civil society and suppress freedoms of speech and assembly.⁵ A vivid example

is the unlawful dispersal of the marches that took place across Ukraine in June 2013, when protesters demanded the prosecution of a law enforcement official who had raped and attempted to kill a woman in Vradiyivka.⁶

It is important to emphasize the growing influence of Russia in Ukraine's internal processes of adopting of crucial state decisions. For several months before Maidan, the Russian Federation used various methods to hinder European integration, including so-called trade wars, during which Russia placed arbitrary bans on Ukrainian-manufactured goods at key junctions in political negotiations.⁷ Parliament members from the ruling Party of Regions submitted bills analogous to those in Russia aimed at limiting fundamental rights and freedoms, often under the guise of combating extremism. For these reasons, the unexpected decision by the government on November 21, 2013 to postpone the process of signing the Association Agreement between Ukraine and the European Union at the upcoming EU summit in Vilnius was perceived as a rejection of EU integration and a pivot toward the Eurasian Customs Union.

Civil Society on the Maidan

The unprovoked assault on peaceful protesters on the night of November 30, 2013, served as a catalyst of the protest movement. The protests swelled over the coming weeks, eventually reaching more than half a million participants.⁸ According to opinion polls, the main motive for individuals subsequently joining the Maidan was the assault on protesters on November 30 (69.6%), followed by the refusal of Yanukovich to sign the Association Agreement with the European Union (53.5%), as well as aspirations to change life and government in Ukraine (49.9%).⁹

Restrictive Laws,” *The New York Times*, 28 January 2014.

6 “Vradiyevka Victim Identifies Three Suspects,” UkrInform.net, 11 July 2013.

7 “Указ Президента РФ от 6 августа 2014 г. No. 560 ‘О применении отдельных специальных экономических мер в целях обеспечения безопасности Российской Федерации’” [Presidential Decree of August 6, 2014 N 560 “On the application of certain special economic measures to

8 “Ukraine sees largest anti-government protest since 2004,” *The Associated Press*, 8 December 2013.

9 “The Faces of the Maidan,” InfoLight.org.ua, 13 December 2013.

3 The Kharkiv Human Rights Protection Group, *ibid*.

4 “Europe and the Commonwealth of Independent States,” Observatory for the Protection of Human Rights Defenders, 2011. See also Case of Vyrentsov v. Ukraine, European Court of Human Rights, 11 April 2013.

5 Andrew Kramer, “Ukrainian Prime Minister Resigns as Parliament Repeals

The activists who took part in the Maidan came from diverse social and economic strata. According to Anton Oleynik, Associate Professor of Sociology at Memorial University of Newfoundland, Canada, “These people contributed to their common goals financially, materially (e.g., bringing food, clothing, fuel, and other supplies), and through volunteer work.... The current massive civic action movement was born during the Maidan protests of 2013-14 and became even more robust and active after the start of hostilities between Russia and Ukraine in February of 2014.”¹⁰

The Maidan Revolution led to the fall of the authoritarian regime and opened the possibility of building a democratic state upon values held in common with other European countries. However, Russia’s actions in Crimea and the Donbas have led to a mass exodus from these regions due to the threat to people’s lives and freedoms — this section focuses primarily on the development of civil society in the areas currently under Ukrainian control.

Challenges for Civil Society Growth

Both during and after Maidan, Ukraine’s blossoming civil society (referred to as “the volunteer movement”) was made up of people from different strata of society. Currently, the civic activists referred to as “volunteers” are people of different ages, professions, faiths, political ideologies, social origins, ethnicities, financial situations, etc. They have created various horizontally structured organizations that have been functioning effectively for over two years. After the Maidan, the volunteer movement focused initially on assisting Ukraine’s armed forces and the volunteer battalions, as well as helping accommodate the influx of internally displaced persons (IDPs) from Crimea and Donbas.

Additionally, these civic organizations began facili-

tating social reforms in various areas including public oversight of the government, documentation of the violations of human rights, and reporting crimes in the areas of armed conflict. In essence, civil society is acting as a parallel state, working in tandem with government institutions. It is no accident that according to sociological studies, the volunteer movement has become one of the most influential institutions in modern Ukraine.¹¹ Volunteers are now one of the three most trusted groups in the country, alongside the church and the military.¹²

Today, the recently reborn civil society faces a number of key challenges that will influence how Ukraine moves forward. The first challenge facing civil society is to force the government to undertake democratic reforms and not become a continuation of the old system. Second, Ukraine must resist Russian aggression while striving not to become an authoritarian state itself. Finally, the third challenge is to continue rapid development and not lose touch with society at large.

Challenge #1

There was no meaningful “reset” of the political system or a change in the composition of political elites after the Maidan Revolution. This helps explain the current focus on reevaluating the functions of existing institutions and establishing a new hierarchy of institutions and individuals, instead of creating new independent institutions. Political parties have attempted to improve their reputations by recruiting former civil society activists into their ranks. Government institutions have invited activists to be part of different reform councils and to some extent has been forced to take public opinion into consideration when making decisions.

Challenge #2

In response to the Russian invasion and separatist

10 Anton Oliynuk, *Воїни добра на всіх фронтах. Як волонтери стали соціальними інноваторами*, *Ukrainska Pravda*, 13 July 2016.

11 “Trust in Social Institutions and Social Groups,” Kiev International Institute of Sociology. Data from December 2015.

12 “Ukraine Poll: Continued Dissatisfaction with Government and Economic Situation,” International Republican Institute, 31 October 2016.

movement, the government has felt it necessary to take often disproportionate steps to restrict personal liberty. In other words, the goals of the government's measures are understandable, but the measures themselves are quite controversial in their implementation. Because these measures are taken in order to "combat Russian aggression," they enjoy the support of Ukrainian society despite being overly restrictive.¹³ This creates the impression that Ukrainians are willing to voluntarily surrender the gains that they made during Maidan such as increases in their freedoms of speech, assembly, and protection against discrimination. Winning the Donbas War at the expense of becoming an authoritarian state like Russia would do little to build Ukraine into a democratic society with rule of law. This is why the protection of democratic values must remain one of the main goals of civil society.

Challenge #3

Sociological studies demonstrate an interesting tendency: while half of Ukrainians believe that society's readiness to fight for its rights has increased, only a little over 30% say that they are personally more willing to stand up against the violation of their rights. Similar responses were received when people were asked whether Ukrainians are more willing to join civic organizations. Approximately 50% of respondents indicated that Ukrainians were more willing to do so, yet only 18% expressed willingness to personally join a civic organization. According to Iryna Bekeshkina, the head of the Ilko Kucheriv Democratic Initiatives Foundation,

We see a rise in civic activity. This is a fact. However, why is this happening? Because those who were active before have become even more active now. This is a problem because people can only maintain this level of motivation for so long. This is why civil society now faces the task of bringing more people into the fold.¹⁴

¹³ "You Don't Exist.' Arbitrary Detentions, Enforced Disappearances, and Torture in Eastern Ukraine," Amnesty International and Human Rights Watch, 21 July 2016.

¹⁴ Irene Stelmakh, "Ukrainians think more highly of society than of themselves," *Ukrainska Pravda*, 12 January 2016.

RECOMMENDATIONS

- 1. The U.S. should develop new formats of working with Ukraine that give civil society a seat at the table, not just a consultative role.** After all, civil society has been an actor equal to — or even greater than — state institutions when it comes to the democratization of Ukrainian society.
- 2. Policies which direct aid to only a narrow circle of civic organizations with a certain level of financial management must be expanded in order to include more recipients.** It is important to support new grassroots initiatives, including those in the newly liberated regions in the east of the country, which are not technically listed as civic organizations.
- 3. All diplomatic, legal, and economic means must be used to pressure the Russian Federation to protect members of civil society from persecution in the occupied territories.**

FURTHER READING

"Civil Society and the Crisis in Ukraine," Organization for Security and Cooperation in Europe, Special Monitoring Mission to Ukraine, Thematic Report, 11 February 2015.

Monthly publication *Human Rights*, published by The Kharkiv Human Rights Protection Group, available at khpg.org.

"Roadmap of Reforms: September 2016 – December 2017," Reanimation Package of Reforms, rpr.org.ua/en/achievements-2/reforms-roadmap/