


EU-UKRAINE CIVIL SOCIETY PLATFORM		ПЛАТФОРМА ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА УКРАЇНА- ЄС
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**3<sup>rd</sup> meeting, Kyiv, 8-9 November 2016**

### **JOINT DECLARATION**

The EU-Ukraine Civil Society Platform (CSP) is one of the bodies set up within the framework of the Association Agreement between the European Union and Ukraine.

The CSP enables civil society organisations from both sides to monitor the implementation process from the point of view of civil society, and prepare its recommendations to the relevant authorities.

The CSP is made up of thirty members, fifteen from each side, representing the EESC and Ukrainian civil society. The 3<sup>rd</sup> meeting of the CSP was co-chaired by **Grygorii Osovyi**, President of the Federation of Trade Unions of Ukraine, and **Alfredas Jonuška**, member of the EESC and Director General of the Šiauliai Chamber of Commerce, Industry and Craft.

The third meeting of the CSP was attended by **H.E. Hugues Mingarelli**, EU Ambassador to Ukraine, **Maria Ionova**, 1<sup>st</sup> Deputy Head of the EU-Ukraine Parliamentary Association Committee, and **Vsevolod Chentsov**, Director of Directorate General for the European Union, Ministry of Foreign Affairs of Ukraine.

The CSP members discussed the progress in the implementation of the EU-Ukraine Association Agreement, as well as considered and adopted reports on labour market regulation and antidiscrimination legislation and practices in the context of Agreement implementation, and the situation in the East of Ukraine and Crimea. They also discussed the plans of the Platform's work in 2017.

#### **1. With regard to the implementation of the EU-Ukraine Association Agreement the CSP members:**

- 1.1 welcome the demanding reforms carried out by Ukraine to implement the EU-Ukraine Association Agreement although note their insufficient pace. CSP welcomes the appointment of the Vice Prime Minister of Ukraine for European and Euro-Atlantic Integration, emphasising the importance of strengthening the institutional and policy framework for the implementation of the Association Agreement;
- 1.2 express their unequivocal support for the sovereignty and territorial integrity of Ukraine within its internationally recognized borders and condemn the Russian aggression, which resulted in the illegal annexation of Crimea and the partial occupation of Donetsk and Luhansk regions as

well as multiple deaths of people. The CSP calls on the EU Member States to push, with all necessary political and economic means, for the restoration of Ukraine's sovereignty and territorial integrity, establishing peace and solving the humanitarian problems of the residents of these and adjoining territories;

- 1.3 urge the Ukrainian Government to promote a broad dialogue with civil society on sensitive issues related to regulation of the conflict in eastern Ukraine. In particular, the issues of the constitutional reform, elections and other elements of peaceful process should be widely discussed, whereas any decisions have to be socially legitimated;
- 1.4 regret the negative result of the Dutch referendum on the ratification of the EU-Ukraine Association Agreement, and call upon the Government of the Netherlands to reach – as soon as it is possible – a political decision on the completion of the Agreement ratification and its entry into force;
- 1.5 welcome the full implementation of the criteria of Visa Liberalization Action Plan by Ukraine, as acknowledged by the European Commission; and call upon the EU Council and the European Parliament to approve the final decision regarding the visa-free travel regime for the citizens of Ukraine until the end of 2016;
- 1.6 note an increase in the export of agrarian production from Ukraine to the EU; at the same time, express concern that export volumes from Ukrainian enterprises, although have raised, are not diversified, but prevail in certain branches, and there is no positive export dynamics on the industrial groups of goods;
- 1.7 considering the crucial importance of rule of law reforms for the European integration of Ukraine, welcome the progress achieved in implementation of the justice reform, in particular, the entry into force of the corresponding constitutional amendments in September 2016. However, note that further implementation of the reforms should contribute to the restoration of the social trust in the system of justice. They recommend that the best European practices in the sphere of re-attestation of judges, their political independence and responsibility for unfair decisions are taken into consideration;
- 1.8 express their concern regarding the delay in the setting up of an independent Public Broadcasting Service in Ukraine, and urge the Government of Ukraine to proceed with its establishment by all financial and organizational means. The CSP considers that it is necessary to accelerate the process of privatization of the state mass media according to the approved legislation;
- 1.9 welcome the completion of the first phase of introduction of the system of electronic declarations in Ukraine and support further steps towards transparency and openness of the authorities as well as meeting the information needs of citizens of Ukraine, at the same time ensuring appropriate protection of personal data and access to socially important information;
- 1.10 call upon the European Union and the Government of Ukraine to render the EU technical assistance projects for the promotion of reforms in Ukraine more transparent and open. Civil

society organisations should be provided with clear and comprehensive information about the projects, engaging them into the discussion of project design and implementation, and ensuring that they effectively exercise civic control over them;

- 1.11 acknowledge that Ukraine has reached some progress regarding the adoption of basic and secondary legislation in the sphere of energy and environmental policies, but note that the draft laws on Strategic Environmental Assessment and Environmental Impact Assessment vetoed by the President of Ukraine need to be revised and approved as soon as possible. They also note that the process of implementation is rather slow, and many efforts are still needed to introduce the adopted laws. Particular attention is required in the area of energy efficiency, inter alia, by adopting legislation related to the Energy Efficiency Fund;
  - 1.12 stress that the EU decisions on energy projects related to third countries, including in the sphere of infrastructure, should be taken considering the security of all members of the EU and the Energy Community. In this regard, bring attention to the threats that the implementation of the "North Stream - 2" project could create for Ukraine and other European countries;
  - 1.13 support the current initiatives aimed at Ukraine's broader participation in the scientific, educational and cultural programmes of the European Union and appeal to accelerate Ukraine's associated participation in the Horizon 2020 programme. Note that priorities include establishing a Coordination Council on implementation of this programme in Ukraine, nominating delegates and experts to the committees of the Horizon 2020 programme and holding a wide public discussion on drafting a roadmap of development of Ukrainian research space and its integration into the European research space;
  - 1.14 encourage the Parliamentary Association Committee to initiate the ratification of the COSME program, aimed at enhancement of the SME development, by Ukraine;
  - 1.15 encourage the Government of Ukraine to improve public awareness on the regional level about the opportunities and benefits of new EU programs such as Creative Europe, Erasmus+, COSME, as well as of cross-border, macro-regional and bilateral programs;
  - 1.16 encourage the Government of Ukraine to work closely with civil society organisations, including business support organisations, to further improve the environment for the private sector organisations.
- 2. On labour market regulation in the EU and Ukraine and adaptation of the Ukrainian labour legislation to EU legislation, the CSP members:**
- 2.1 call upon the Association Council to give a paramount priority to the implementation of international labour standards and EU *acquis* – both in law and practice - on social policy, employment and labour, workplace compliance, occupational safety and health, collective bargaining regulation, social dialogue, labour legislation reform in order to balance the interests of the social partners and protect the rights of workers in compliance with the ILO fundamental and priority (81, 122, 129, 144, 167) conventions;

- 2.2 note that ensuring full productive employment in Ukraine should be considered strategic objective, and it should be based on the concept of decent work, as formulated by ILO;
- 2.3 point out that the labour market and jobs are the most complex and dynamic element of the market economy and impact all social, economic, political and demographic processes in the society. They denounce the fact that more than a third of the employed population in Ukraine (over 6 million people) have an informal or another unprotected employment, remaining uncovered by labour legislation;
- 2.4 express their strong concern about the extremely low labour value in Ukraine. The correlation of the minimum wage to the average one is decreasing. In August 2016, this indicator reached 27.9%, comparing to 60%, as recommended by the European Parliament. Throughout the 2014-2015 crisis, real wage and minimum wage lost, respectively, 25.4% and 36.7% of their purchasing power;
- 2.5 stress the urgent necessity to reform the wages system in order to ensure its essential growth to achieve European standards, bringing the minimum wage in line with the real subsistence level, eliminating the discrimination in wages of public sector and the payment of wage arrears;
- 2.6 express their concern about the fact that unemployment has reached one of the highest levels for the last 15 years and stress that in order to stabilize the situation on the labour market massive state and private investments in the real economy are needed also to support small and medium-sized enterprises;
- 2.7 remark that the lack of job opportunities on the labour market with decent earnings pushes Ukrainians to seek employment abroad; it is therefore important to adopt an industrial development programme for Ukraine to prevent potential loss of skilled labour force. The CSP, therefore, urges the Government of Ukraine to continue concluding international agreements on employment and social protection of Ukrainian immigrants;
- 2.8 draw attention to the necessity of taking active measures to resist negative demographic trends in the Ukrainian labour market, in particular, call on the Ukrainian Government to increase the level of participation of elderly people and youth in the labour market not only through legal provisions of employers' obligation to provide first job placement but mostly through creating opportunities for lifelong learning and acquiring new professions, certifying the results of informal learning and improving vocational guidance;
- 2.9 urge the Government of Ukraine to improve the inclusiveness of the labour market for vulnerable social groups of the working-age population, i.a. to boost creation of job opportunities for persons with disabilities, balance economic and social incentives, eliminate employment discrimination of IDPs as well as veterans of the anti-terrorist operation;
- 2.10 emphasize the existence of a large number of problems and call for a substantive social dialogue on reforming the State Employment Service of Ukraine (SESU), in particular concerning better policy funding to increase the level of employment, assistance to the unemployed persons in finding new jobs, mechanisms for protection of workers with non-

standard employment conditions as well as concerning transfer of SESU staff wages financing from the budget of Fund for Compulsory Social State Social Insurance in case of unemployment to the State budget. They also invite the employers' organisations and trade unions to do their utmost to strengthen the social dialogue and include all participants of the social dialogue sides to adopt concerted positions on relevant issues so as to make joint proposals to the Government;

- 2.11 underline the importance of completing the reform of the State Labour Service to ensure its effective operation in line with ILO Conventions 81 and 129; address all kinds of barriers, including moratoria on labour inspection visits, limiting the scope of labour inspectors' prerogatives to ensure that labour law is promoted and enforced in a timely and effective manner;
- 2.12 emphasize the necessity to change Ukraine's legislation concerning the limit or ban of the constitutional right to strike as well as concerning procedures of collective disputes resolution (as for Act from 1998).

**3. On anti-discrimination legislation and practice with a focus on the rights of vulnerable groups in the context of the Association Agreement the CSP members:**

- 3.1 welcome the adoption of amendments to the Labour Code of Ukraine that extend the list of grounds of discrimination which are prohibited at workplace, not related to the character or conditions of labour. However, note that this element is missing in the new draft Labour Code, and call on the Government of Ukraine to ensure that prohibition of discrimination based on sexual orientation and gender identity is included in the new law;
- 3.2 consider the adoption of the Action Plan on the implementation of the National Strategy on human rights until 2020 as a step forward; however, regret that the Ukrainian government agencies still ignore all LGBTI components of the Action Plan;
- 3.3 note that a number of issues in this sphere remain unsettled; in particular, invite the executive authorities to develop and adopt amendments to the Law of Ukraine "On Principles of Prevention and Combating Discrimination in Ukraine", as regards the grounds on which the discrimination is prohibited, including the prohibition of discrimination on grounds of sexual orientation and gender identity, expanding the list of forms of discrimination (victimisation), settlement of the prohibition of multiple discrimination and discrimination by association, clarifying the scope of the law;
- 3.4 furthermore, stress the need to amend the Code of Conduct of Ukraine on Administrative Offenses and the Criminal Code of Ukraine on criminal liability for discrimination and settlement of the issue on administrative liability for discrimination. It is essential to introduce penalties for crimes committed on the grounds of intolerance on such grounds as race, colour, religious beliefs, sexual orientation, gender identity, disability and language;
- 3.5 ask the relevant authorities to consider the needs of women and girls with disabilities in policy formulation and implementation in the sphere of equal rights of men and women, reproductive health, and combating domestic and gender violence;

- 3.6 draw attention to the lack of proper practices in the implementation of the anti-discrimination policy, which remains non-coordinated and institutionally weak on both central and local levels. They express particular concern about signs of restrictions on freedom of assembly by the local authorities, especially regarding the LGBTI community. Furthermore, the CSP considers that measures of anti-discrimination screening of draft regulations, gender policy, as well as impact on persons with disabilities, are conducted formally and do not address all the problems and challenges that these different groups face;
- 3.7 regret the lack of positive actions by the Government of Ukraine on various policies for vulnerable groups, which would facilitate approaching true equality, introduce a policy on the promotion of the rights of vulnerable groups (Roma population, people with disabilities, IDPs, various social categories). In this regard, they ask the Government of Ukraine to ensure that the programs are effectively implemented, supported by adequate resources, and provided with sufficient institutional coordination and evaluation;
- 3.8 call on the relevant authorities both in the EU and in Ukraine to exchange best practices on measures to protect minorities from discrimination and exclusion in accordance with European and international standards, with the objective of developing a modern legal framework, as well as to intensify efforts to spread the knowledge on anti-discrimination legislation in order to ensure the defense of citizens' rights in courts. CSP members note that it is important to allocate resources to make it possible for the Parliamentary Commissioner for Human Rights of Ukraine to be accepted as a full member of EQUINET, European Network of Equality Bodies. This would require funding from the Commission of the EU;
- 3.9 take note of the numerous manifestations of systematic discrimination and the violation of human rights by the Russian Federation that national minorities, indigenous peoples and religious groups have to suffer in the Russian-occupied Crimea. They call for the monitoring and advocacy of recommendations issued in the report "The situation of national minorities in Crimea following its annexation by Russia" (drafted upon the request of the European Parliament's Committee on Human Rights), and the establishment of an international mission to monitor the situation of all minority groups;
- 3.10 consider it necessary to develop a policy in view of the European experience of positive action for the employment of people with disabilities on the labour market and in the public sector, taking into consideration the form of disability and loss of health. They call on the Government of Ukraine to implement EU standards in construction, infrastructure and transport for people with disabilities.
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