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LEGAL AND ORGANIZATIONAL ASPECTS OF SECURITY SUPPORT BY CIVIL SOCIETY  
INSTITUTIONS IN UKRAINE DURING WARTIME

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**Abstract.** The full-scale war of Russia against Ukraine made the Ukrainian state and society face challenges that any other European country had never met in the XXI century. In the fight against external aggressors, both state and civil society in Ukraine, which used to be opponents rather than partners, began to work together to defend the people and the condition successfully. The article studies some current problems and proposes ways of improving the work of civil society institutions in terms of wartime. This interaction between civil society and the authorities brings all functional needs and resources together to help the population during a full-scale war. The authorities are aware that the position and role of civil society are critical and weighty for defeating the common enemy.

**Keywords:** wartime; civil society; civil society institutions; NGOs; people's safety; people's protection

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## 1. Introduction

Taking into account the events in Ukraine on the way to new democratic changes, the role of civil society institutions is growing sharply even though today, the interaction of civil society and public authorities is relatively consolidated, and there is a certain balance of interests that contributes to the development and solidarity of humanity (Kośmider, 2021). In the course of a full-scale war and a threat to the territorial integrity of Ukraine, the country has been in a state of war since 2014 when Russia annexed Crimea and began supporting separatist rebels in eastern Ukraine. The conflict has resulted in thousands of deaths and displacement of people and has significantly impacted the safety and security of the population. Civil society institutions have played a critical role in ensuring the population's safety in such a situation.

From the first day of the military aggression, Ukrainian society and the government united for a common goal: victory over the occupier. Non-governmental organizations, charitable foundations, volunteers, and volunteer organizations significantly contribute to solving social and humanitarian problems in Ukraine. At the same time, they will take on the solution of many tasks, thus relieving the state's activities, which are complicated by a full-scale war.

Scholarly research has shown that civil society institutions have played a critical role in ensuring the safety and security of Ukraine's population during the war (e.g., Radchenko, Tulush, Leontovych, 2023). According to a study by Kseniya Oksamytna and Olena Styazhkina, civil society organizations in Ukraine have provided

humanitarian aid, monitored human rights violations, and advocated for peace and reconciliation. These organizations have been essential in filling gaps left by the government and other formal institutions struggling to respond to the population's needs during the conflict (Oksamytna, Styazhkina, 2017).

## 2. Civil society institutions in Ukraine during wartime

In Ukraine's war, the guarantee of victory depends mainly on the consistent and normatively established interaction of civil society institutions and public authorities. For this, it is necessary to improve the existing normative and legal framework of the activities of civil society institutions, with the aim that the bureaucracy can avoid obstacles in their socially valuable activities. In particular, the adoption of the Resolution of the Cabinet of Ministers of Ukraine, "Certain issues of receipt, use, accounting and reporting of charitable aid," dated 05.03.2022 №202 (from now on - Resolution No. 202) was a positive step of the state to meet civil society institutions, which established that in the conditions martial law does not apply to the requirements set by law regarding the receipt, use, accounting and reporting of charitable assistance from legal entities and individuals – residents, and non-residents. Therefore, in regions where active hostilities are taking place, it is not allowed to keep records of charitable or humanitarian aid. Also, it is permitted to refrain from reporting on the receipt and use of such assistance (Resolution of the Cabinet of Ministers of Ukraine, 2022). Thus, the activity of civil society institutions in wartime conditions was simplified, and their effectiveness increased. Taking into account the relevant changes, the following advantages can be observed: firstly, charitable receipts to the account of a non-profit organization are not taxed; secondly, the presence of a registered organization simplifies the purchase of everything necessary abroad and its import into Ukraine; thirdly, the creation of a legal entity allows better organization of internal processes and increases people's trust in various public associations.

For example, to help the Armed Forces of Ukraine, the Territorial Defense of cities, injured citizens, and refugees, the Charity Fund "Glory to Ukraine" was created, an official partner of the Verkhovna Rada of Ukraine. The foundation's team actively coordinates international humanitarian aid. It organizes its receipt and distribution in the following directions:

- receipt of charitable financial aid with further provision of priority needs of the Armed Forces, territorial defense, and civilian residents under the control of the Verkhovna Rada of Ukraine;
- providing fighters of various categories with protection/ammunition;
- provision of necessary medicines (Voice of Ukraine, 2022).

Another vivid example is the creation of the Internet platform "Confession" under the joint initiative of the Coordination Staff for Humanitarian and Social Needs and volunteer organizations. The platform aims to process calls from citizens to the hotline who need assistance. Verified volunteers help citizens in real-time – collect all needs and available resources, promptly send humanitarian aid and medical supplies to those who need it most: the population and volunteers, institutions that host forcibly displaced persons, and shelters. SpivDiya – is an official platform for uniting volunteer and governmental initiatives for humanitarian aid in time of war (Kyiv Regional Military Administration, 2022). The cooperation is coordinated with the support of the humanitarian aid coordination staff of the Office of the President of Ukraine, the Ministry of Youth and Sports, the Ministry of Community Development and Territories of Ukraine, the Ministry of Health, and the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine, the "Believe in Yourself" Charitable Foundation with the support the "Dream and Act" (Мріємо та діємо, 2023) programs of the United States Agency for International Development (USAID) in Ukraine, implemented by IREX. This interaction between civil society and the authorities brings all functional needs and resources together to help the population during a full-scale war. No enemy can become an obstacle on this European integration path. The authorities are aware that the position and role of civil society are critical and weighty for defeating the common enemy.

From the first days of the war, youth volunteer organizations, youth centers and spaces, and youth councils became the rear for helping residents of settlements and internally displaced persons. That is why, as a result of the meeting of the Ministry of Youth and Sports of Ukraine together with the representatives of the OSCE

Project Coordinator in Ukraine, agreements were reached regarding the support of Ukrainians during the war in the areas of :

- development of civil society;
- provision of humanitarian aid to the civilian population during the war;
- ensuring sustainable activity of youth centers and spaces, youth public organizations and youth workers.

The coordination of civil society and state authorities continues beyond there. On April 11, 2022, Ukrainian experts, together with the companies Artelligence, YouControl, and the support of the Armed Forces, created a particular application, “TyKhto”. With the help of the application, everyone will be able to identify and check suspicious persons. The development will significantly simplify the verification of persons at checkpoints and checkpoints, saving time. Ukraine has created the “Who are you” program for instant identity verification at <https://tv7plus.com/v-ukrayini-stvoryly-programu-ty-hto-dlya-myttyevoyi-perevirky-osib/>.

Thus, the fact that civil society institutions play an active role in promoting the struggle for independence and restoring peace in Ukraine is obvious. Today, taking into account the part of civil society in various spheres of public life, creating favorable conditions for its development, and establishing interaction with its institutions is an essential task of state authorities and local self-government bodies. The legal foundations of the state policy of promoting the development of civil society are laid down in the laws of Ukraine that determine the legal status and principles of activity of civil society institutions, namely in the rules of Ukraine “On Public Associations” (Law of Ukraine, 2013, No. 4572-VI), “On Charitable Activities and Charitable Organizations” (Law of Ukraine, 2012, No. 5073-VI), “On Bodies of Self-Organization of the Population” (Law of Ukraine, 2001, No. 2625-III), the Decree of the President of Ukraine “On the National Strategy for Promoting the Development of Civil Society in Ukraine for 2021-2026” (Bulletin of the Supreme Council of Ukraine, 2021), Cabinet of Ministers Resolutions of Ukraine “Issues of providing humanitarian and other aid to the civilian population under martial law in Ukraine” (Decree of the Cabinet of Ministers of Ukraine, 2022, No 220) and others.

Despite the presence of a variety of regulatory and legal documents that regulate the sphere of activity of civil society institutions, the issues of simplifying and shortening the terms of registration of public organizations, improving the tools for submitting documents in electronic form, and expanding the range of registration subjects remain relevant. However, specific positive changes can be observed. This is evidenced, in particular, by the international Index of Sustainability of the Development of Civil Society Organizations, which during 2014–2019 recorded only a slight improvement in the situation in Ukraine in the field of organizational capacity of civil society institutions, their financial viability and the development of public sector infrastructure (Скворцова, 2020). With the aim of changes in the legislative area for civil society institutions (from now on – CSI), international experts conducted a global monitoring report, “Civil Society Organizations Barometer: Assessment of the Environment for Civil Society in the Eastern Partnership Countries” (June 2019–July 2020). The project’s goal is regular and systematic monitoring of the environment where civil society organizations of the Eastern Partnership work. He recorded several problems in the legal provision of consultations with the public in Ukraine, protection of freedom of peaceful assembly, the safety of public activists, etc.

The National mentioned above Strategy for Promoting the Development of Civil Society in Ukraine for 2021–2026 aims to bring the activity of civil society institutions of Ukraine to the best European and world practices. Its main strategic tasks for the coming years are:

- creating favorable conditions for citizens to exercise the right to association, increasing the level of citizens’ involvement in the activities of civil society institutions, including by ensuring the functioning of an integral system of civic education and monitoring its effectiveness;
- popularization of the benefits of creating civil society institutions for the joint resolution of problematic issues by citizens, protection of rights and interests, implementation of socially beneficial activities, as well as clarification of registration procedures;
- mentioned above regarding the simplification and shortening of registration terms, creation and termination of civil society institutions, improvement of tools for submission of documents in electronic form, expansion of the range of registration subjects;

- introduction of a unified approach to establishing the ultimate beneficial owner for civil society institutions; creation of conditions for financial support of civil society institutions by state authorities and local self-government bodies,
- implementation of projects aimed at the development of infrastructure, including digital infrastructure, which creates conditions for the effective functioning of civil society institutions, promotes the access of such institutions to education, communication, networking, exchange of resources (Bulletin of the Supreme Council of Ukraine, 2021).

Even though there is a war in Ukraine, the control of civil society institutions over public authorities cannot be weakened. The tasks and functions of the state should continue to be based on the approach of “no solutions for civil society without civil society” and the cooperation of state authorities, local self-government bodies, and civil society institutions at all stages. Citizens should remember to exercise public control over the activities of state authorities during the war. We consider it necessary for leaders to listen to society’s demands regarding simplifying registration for foreign charitable organizations. Resolution No. 209 of the Cabinet of Ministers of Ukraine, dated March 6, 2022, states, “Some issues of state registration under martial law and amendments to Resolution No. 164 of the Cabinet of Ministers of Ukraine dated February 28, 2022”. The relevant procedure simplified the registration procedure for national charitable organizations but not for foreign founders. One of the main problems in the implementation of charitable activities, where the founder is a foreign charitable organization requires several requirements: 1) a document on its registration, certified by the legislation of the country where the organization is registered; 2) power of attorney for the persons who will deal with the registration of a charitable organization in Ukraine; 3) documents for the manager. Therefore, when appointing a person with Ukrainian citizenship as the head of a charitable organization, the corresponding procedure will be more straightforward since, for a foreign leader, obtaining an identification number (taxpayer card) and a permit to work in Ukraine is necessary. In this case, the easiest way for a foreigner is to join existing charitable organizations.

It is appropriate to mention the registered draft of the Law of Ukraine “On Amendments to Certain Laws of Ukraine Regarding the Support of Volunteer Activities” No. 4521 of December 18, 2020, which provides for the complication of the procedure for attracting foreign volunteers. The project envisages a change in the system for engaging volunteers: from notification to permission. “Currently, public organizations only inform the competent authorities about it to attract foreigners or stateless persons to volunteer activities. And if the document is approved, it will be necessary to obtain permission from the Ministry of Social Policy, and the volunteers themselves will be checked by the Ministry of Internal Affairs and the Security Service of Ukraine. In addition, public organizations will also be subject to inspection” (Печончик, 2021). We believe that, given the situation in Ukraine today, this type of draft law should not be adopted, as it provides for restrictions on the development of national and international volunteerism.

The discussion regarding the need to evaluate the effectiveness of the state policy of promoting the development of civil society has been going on for a long time in Ukraine. By February 24, 2022, the authorities and civil society institutions had yet to develop effective factual and legal criteria, including indicators for evaluating joint effectiveness. Experts have long raised the issue of proposals for assessing the effectiveness of state policy implementation based on the measure of compliance of national legislation on the activities of civil society institutions with European standards. Directly, civil society is an effective means of social development and is a critical link in building a democratic, legal state in Ukraine. Right now, during the war, this moment has come when improving the organization of civil society institutions is extremely important and urgent.

According to S.V. Kovalchuk “to reform and improve the mechanisms of interaction between civil society and public authorities in Ukraine, as a democratic and legal state, changes to the Constitution of Ukraine are necessary, which would supplement the Basic Law with a section on civil society. Such a section should be structurally located in the Constitution of Ukraine after the sections on the constitutional system and the rights and freedoms of a person and a citizen” (Ковальчук, 2019).

One notable example of civil society institutions in Ukraine is the Ukrainian Helsinki Human Rights Union, which has been advocating for human rights and providing legal assistance to victims of the conflict. The organization has been documenting human rights violations committed by both sides of the competition and working to hold perpetrators accountable. The Ukrainian Helsinki Human Rights Union has also provided legal assistance to those affected by the conflict, including internally displaced persons and prisoners of war (helsinki.org.ua, 2023).

Other civil society organizations have provided humanitarian aid and ensured the population's safety. For example, the International Committee of the Red Cross (ICRC) has been working to protect civilians affected by the conflict in Ukraine. The organization has been visiting detention facilities to monitor the treatment of prisoners of war and other detainees and has been working to ensure their rights are respected. The ICRC has also been assisting families of missing persons, including psychological support and financial assistance.

Despite their essential role, civil society institutions in Ukraine face significant challenges in ensuring the population's safety during wartime. According to a study by Olena Styazhkina, civil society activists in Ukraine have been subject to political pressure and censorship and have faced physical danger and threats to their safety. In some cases, civil society activists have been targeted by both sides of the conflict and have been subject to harassment, intimidation, and violence (Oksamytna, Styazhkina, 2017).

### 3. Summary and conclusions

Thus, in connection with the growing role of public organizations as institutions of civil society during the war, we consider it necessary to make the following changes at the legislative level:

1. First of all, based on the experience of European democracies, it is necessary to provide the opportunity for foreigners to create trade unions at the level of Ukrainian legislation. This can be done by making changes to the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons", namely to provide for the possibility of creating trade unions by foreigners on the same level as citizens of Ukraine.
2. Amending the Law of Ukraine "On Charitable Activities and Charitable Organizations" to simplify the procedure for establishing and registering a foreign charitable organization.
3. It seems reasonable to adopt one unified Law of Ukraine, "On Non-Governmental Public Organizations", which would regulate the legal status and activities of national and foreign public organizations and their varieties: charitable organizations, children's and youth public organizations, religious organizations, professional unions, associations.

After the war in Ukraine ends, changes to the Constitution of Ukraine will be necessary. Thus, according to Article 36 of the Constitution of Ukraine, the right to freedom of association in public organizations is established only for citizens of Ukraine. Instead, the first part of Article 7 of the Law of Ukraine, "On Public Associations," defines that "the founders of a public organization can be citizens of Ukraine, as well as foreigners and stateless persons who are in Ukraine on legal grounds." Such a discrepancy between the provisions of the Basic Law and Article 7 of the Law of Ukraine "On Public Associations" should be corrected by appropriate amendments to the Constitution of Ukraine. The text of the Constitution of Ukraine can be structurally improved in two ways. The first method involves changing the Constitution of Ukraine by setting out its norms in a new edition, where the first chapter should refer to issues of the constitutional system, the second to the status of a person and a citizen, and the third to the point of civil society and the principles of its functioning with public authorities. The second method involves supplementing the Constitution of Ukraine with a separate section III-1, Civil society, in which norms should be established that would define the concept of civil society, subjects of civil society, would develop the principles of interaction between institutions of civil society and public authorities, duties general control over the activities of public authorities and the impossibility of the state to interfere in the activities of civil society institutions only in exceptional cases defined by law.

In conclusion, civil society institutions have played a critical role in ensuring the safety of the population in Ukraine during wartime. They have provided humanitarian aid, promoted peace and reconciliation, advocated

for human rights, and worked to improve the safety and security of those affected by the conflict. However, they face significant challenges in doing so, and it is essential to support and protect civil society institutions in Ukraine and other countries facing similar challenges. By doing so, we can help ensure the safety and security of populations affected by conflict and war and promote a more peaceful and just world.

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