

“TORONTO PRINCIPLES”: KEY UKRAINE REFORM PRIORITIES FOR 2019-2023

This vision document was developed by a group of civil society experts coordinated by the Reanimation Package of Reforms Coalition between December 2018 and June 2019 through a series of regional and national consultations in Ukraine. Additionally, **over 100 sectoral experts provided their input**. It consolidates the perspectives of **over 90 Ukrainian reform-minded civil society organizations (CSOs)** on their aspirations for the future of Ukraine. It is anticipated that this platform will enable continued CSO dialogue and joint collaboration on implementing democratic reforms in Ukraine. The **Toronto Principles is more than a static document, rather a commitment to engage.**



90+

CSOs supported the Toronto Principles

Preamble

We, the representatives of Ukrainian civil society, in preparation for the third Ukraine Reform Conference being held in Toronto on July 2-4, 2019, have agreed upon the following principles and priorities that we present to the President of Ukraine, the present and prospective convocation of the Verkhovna Rada of Ukraine, and the Cabinet of Ministers of Ukraine. **We call on them to**

continue working together to implement reforms in Ukraine towards a common vision shared by all Ukrainian citizens.

We note the reform progress in Ukraine since the Revolution of Dignity and reaffirm our commitment to further implementation of necessary reforms. We are aware of the importance of consolidating all Ukrainian reform forces to bring about effective outcomes, especially during a time of armed aggression by the Russian Federation against Ukraine. We also reaffirm our readiness and desire to reflect the views of Ukrainian society; to represent the diverse voices of the Ukrainian public; and commit to cooperating with all stakeholders, citizens, private sector, public authorities and local self-government, as well as international partners to build a democratic, secure and prosperous Ukraine.



We reaffirm our commitment to the values and principles of democracy¹ and good governance², that is, participatory, consensual, accountable, transparent, inclusive and non-discriminatory, effective governance that respects the rule of law, including:



Respect for and effective implementation of human rights and fundamental freedoms, such as the

freedom of association and the freedom of expression, and ensures inclusion and the respect of the rights of women and men, vulnerable groups, indigenous peoples, minorities, people with disabilities, migrant workers and members of their families;

Separation of power, independence, and fairness of the judiciary; transparency and accountability in public administration; and free, independent, and pluralistic media.



The realization of these values and principles will enable a sustainable path to achieve a secure, stable and prosperous Ukraine, its accession to both the European Union and the North Atlantic Treaty Organization (NATO), taking into account that economic growth must be fair and the welfare of citizens must be at the heart of public policies.



free and fair elections

Access to and exercise of power in accordance with the rule of law, through regular, free and fair elections by universal, secret ballot, within a pluralist system of political parties and organizations;

¹ UN Commission on Human Rights resolution 2002/46 “Further measures to promote and consolidate democracy”.
Electronic source: http://ap.ohchr.org/documents/E/CHR/resolutions/E-CN_4-RES-2002-46.doc

² What is good governance? United Nations Economic and Social Commission for Asia and the Pacific.
Electronic source: <https://www.unescap.org/sites/default/files/good-governance.pdf>

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In order to achieve these goals, we invite policy decision-makers and those responsible for its implementation to be guided **by the following principles and priorities:**



I. SECURITY AND RULE OF LAW based on integrity, transparency, accountability, and sustainability.



Develop defence and security capabilities based on NATO standards particularly those pertaining to accountable governance and oversight institutions:

Implement systemic reforms envisaged by the Law on “National Security of Ukraine” with an aim to form a holistic sector of national security and defence, based on the principles of national resilience and subject to comprehensive democratic civilian control (oversight). Introduce long-term planning, focused on the development of defence and security capabilities, aimed at restoring the territorial integrity and sovereignty of Ukraine. Balance transparency and secrecy in the security sector to mitigate corruption in the fields of procurement and defence industry. Build effective and accountable institutions. The Security Service of Ukraine reform requires the changing of perceptions and a comprehensive approach based on Euro-Atlantic norms, values, and principles.



Implement comprehensive steps to reform the justice sector:

Ensure access to justice; the independence, integrity and accountability of judges, prosecutors and lawyers. Continue to depoliticize the judiciary; increase the effectiveness of its renewal by empowering those that are most trusted by society (representatives of civil society and foreign experts); as well as re-launch the qualification assessment of judges whose integrity is in doubt. Reform the bar. Modernize legal education and rules of access to legal professions in accordance with international standards. Enhance the functional capacity of law enforcement agencies through the introduction of international standards and approaches to conducting detective and secret activities. Ensure the independence of the prosecutor’s office through its depoliticization. Reform the penitentiary system so that it reduces the likelihood of recidivism and facilitates the resocialization of convicts.



Improve the effectiveness of anticorruption infrastructure:

Ensure that all elements of the anti-corruption infrastructure [National Agency on Corruption Prevention (NACP), National Anti-Corruption Bureau of Ukraine (NABU), Specialized Anti-Corruption Prosecutor (SAP), High Anti-Corruption Court (HACC), Asset Recovery and Management Agency (ARMA), the authorized departments engaged in prevention of corruption in governmental bodies] are professional, independent, effective, and devoid of political interference, in order to prevent and counteract corruption. It is thus necessary to restart the NACP; to re-select SAP management under a new legal procedure, as well as to ensure the independence of both bodies. It is also essential to prevent attempts to eliminate anti-corruption legislation and institutions such as NABU. The HACC must be provided with all of the necessary resources. Lastly, it is necessary to carry out a comprehensive reform of the Security Service of Ukraine to deprive it of atypical anticorruption and economic powers.

II. DEMOCRACY AND GOOD GOVERNANCE based on equality, inclusiveness, citizen engagement in policy making, and independence of democratic institutions.



Realize complex electoral reform:

Ensure equal conditions for exercising political rights of citizens, including women’s political empowerment and participation, the inevitability of punishment for committing crimes against electoral rights, proportionality and efficiency of sanctions for the law violations. Introduce a proportional electoral system with open regional lists designed to strengthen the link between political forces and voters, advocate the electoral rights of internally displaced persons and migrant workers, as well as the effective functioning of electoral justice. Support increased transparency and accountability in political parties and electoral campaign funding. It is necessary to limit the election funds spent on election campaigning and increase the transparency of such expenditures.



Engage in parliamentary reform:

Update the Roadmap on Internal Reform of the Verkhovna Rada of Ukraine, in particular, approve a new concept of the legislative process. Adopt the Law on “Peculiarities of Civil Service in the Apparatus of the Verkhovna Rada”. Develop and adopt a Code of Ethics for Members of Parliament.



Fully realize decentralization: Complete the reform of local self-government and territorial arrangement of power at the basic and sub-regional levels; introduce appropriate controls regarding the legality of decisions of local self-government bodies and improve the system of financing of the state regional policy. Clearly delineate the powers between the various levels of executive power and local self-government bodies based on the principle of subsidiarity. Adopt constitutional changes to complete the reform and make it irreversible.



Intensify the e-democracy and e-governance development: Ensure the best practices of e-engagement of citizens in decision-making at an early stage (such as through e-petitions, e-consultations). Ensure participation of residents in participatory budgets. Develop the proper infrastructure for e-consultations, e-referendums and e-elections. Introduce blockchain technologies. Develop a “digital by default” policy, ensuring interoperability of the state and local registries and administrative services online.

Enhance the independence and financial transparency of Ukrainian mass media:

Protect Ukrainian public broadcasting and non-commercial media from political pressure. Introduce a more secure and transparent model for financing the National Public Broadcasting Company in line with the Council of Europe standards. Update the Ukrainian media and advertising legislation to improve conditions for the media environment and to respond to current challenges, in particular in audiovisual media services, and internet regulation. Increase the level of media literacy and critical thinking among citizens through educational programs.



Continue public administration reform:

Complete the reform of ministries in accordance with the approved government concept, develop and approve new Rules of Procedure for the Cabinet of Ministers of Ukraine with a view to introducing transparent government procedures for effective public policymaking and implementation based on policy analysis and result-oriented strategic planning. Ensure transparency, accountability, and effectiveness of public policy implementation by all central executive authorities. Increase professionalism and accessibility of the public service through (1) transparent competitive selection processes; (2) qualitative assessment of the performance of public servants; as well as (3) the provision of professional training. Guarantee the right to access to public information, in particular by establishing an independent supervisory body. Regulate administrative procedure legislatively.



Develop and protect civil society:

Ensure a favourable environment for the development of civil society, in particular through (1) further simplification of legislation for civil society organizations' activities and their financial sustainability; (2) effective investigation and punishment for all attacks on civic activists; as well as (3) the effective functioning of coordination bodies related to civil society development. Intensify the dialogue of civil society with the government and municipalities in order to strengthen the influence of civil society on the development and implementation of public policies, which will ensure the protection and exercise of human rights and the safety of civil society activists.



III. PROSPERITY AND HUMAN CAPITAL DEVELOPMENT based on equitable economic growth that improves the well-being of all citizens and enables them to exercise their human rights in full.



Support macroeconomic stability and implement far-reaching market-based economic reforms:

Maintain macroeconomic stability, preserve and protect the independence of the National Bank of Ukraine from any political interference, as well as continue the implementation of the cooperation program with the International Monetary Fund. Improve the business climate and investment attractiveness through the introduction of far-reaching market-based economic reforms:

- Lift the moratorium on the sale of agricultural land and establish an open agricultural land market.
- Privatize large state-owned enterprises; reduce the list of state-owned enterprises that are prohibited from privatization; and complete the corporate governance reform of state-owned enterprises through the establishment of independent supervisory boards;
- Reform tax and customs institutions through the creation of service-oriented bodies, as well as the establishment of a financial investigation service as the only body combating economic crimes in the law enforcement system;
- Liberalize control over the movement of capital and the regulation of currency; simplify and optimize customs procedures; as well as enforce implementation of existing free-trade agreements;
- Establish equal conditions for doing business; create a favourable environment for small and medium-sized businesses based on free competition protected by an effective regulator.



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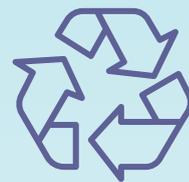


Modernize the energy sector through its liberalization, transparent functioning, and improved energy efficiency:

Complete the gas and electricity market reforms: abolish state subsidies in the energy sector; launch the coal market reform and reduce coal consumption; introduce competition in the heating supply sector; develop renewable energy sources; improve the efficient use of energy resources; protect vulnerable consumers; and improve good governance and energy independence. Implement efficient energy efficiency programs in the sectors of energy generation, transportation, and consumption, in particular in the residential sector.

Improve environmental protections:

Prioritize in public policy the prevention environmental damage and include it in the implementation of other sectoral reforms. Introduce environmental control reform in order to ensure effectiveness, efficiency, transparency, and professionalism of the environmental control. Introduce mechanisms to ensure the inevitability and proportionality of liability of natural and legal persons for environmental violations. Ensure environmental management through sustainable development; sustainable use of natural resources; and environmental protection. All measures in the field of environmental protection should take into account environmental impact data, monitoring and prevention of negative consequences. Implement changes to address the issue of waste management.



Continue complex healthcare system reform:

Promote the development of a patient-centred healthcare system by changing the organizational and economic principles of management in accordance with market conditions and international standards in order to ensure equal access to quality healthcare and protection from financial consequences of illness. Ensure the prevention of non-communicable diseases, in particular, strengthen the legislation on healthy diet, as well as tobacco and alcohol control.



Realize cultural and national memory:

Implement strategies of cultural policy and cultural practices in all spheres. Support the development of creative industries. Develop policy on commemoration and symbols aimed at consolidating the Ukrainian civic nation. Build the public capacity to stand up to human rights violations, including through prohibiting totalitarian regime propaganda; restoring the rights of victims of repression; and guaranteeing access to archives.



Continue comprehensive education and science reforms:

Ensure integration into the European academic and scientific space, significantly increase the institutional autonomy of educational institutions, in academic freedoms of the educational process participants, and in the quality of educational and research programs at all levels. Ensure that education and research meets the needs of the modern labour market, prepare labour markets for the future and enable them to serve as the basis for forecasting, adaptation and sustainable development of Ukraine as a competitive state. Ensure the labour market takes into account the promotion and respect for human rights, gender equality and sustainable development. Promote development and implementation of civic education programs.



Implement social services reform:

Develop a social services system in accordance with international standards; develop a mechanism of public-private partnership; and establish a comprehensive system for responding to domestic violence.

The full list of organizations that support the “Toronto Principles” is continuously updated and available via the link: <https://rpr.org.ua/en/news/join-the-toronto-principles/>