



## SECTORAL BRIEF "CULTURE"

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### **1. Evaluation of reform policies of the Parliament and Government during the period of September 2019 – January 2020 and its compliance with the Toronto Principles (based on the analysis of the Government Program, the plans of the ministries and the adopted/rejected regulatory acts)**

As a result of the merger of several ministries, the Ministry of Culture, Youth and Sports of Ukraine (MCYS) was established. Minister Volodymyr Borodyansky presented a new organizational model for ensuring the implementation of state cultural and information policy, which provides for the separation of bodies according to the functions related to formulation and implementation of the state policy. Within this model, a number of structures with the status of central executive bodies are being created to implement the policy formulated by the ministry.

Some actions of the newly created MCYS were: approval of the concept of inclusive art education; preparation of the draft regulation on professional art college for discussion; announcement of the intentions to establish the Museum of Contemporary Art; proclamation of plans for the preparation of the Humanitarian Policy Strategy of Ukraine; allocating the funds for the development of tourism in Ukraine for the first time (240 million UAH); development of the national strategy for the cultivation of physical culture and sports by 2032; appointment of the language ombudsman – Tatiana Monakhova – based on the submission from the MCYS in accordance with the Law on Ensuring the Functioning of the Ukrainian Language as the State Language.

Some positive steps realised by the Parliament can be mentioned. Thus, the Law "On Amendments to Certain Legislative Acts of Ukraine (on the Preservation of Cultural Property)" was adopted. It deals with the mechanism of appointment of heads of cultural institutions located in the temporarily occupied territories of Donetsk and Luhansk regions, the Autonomous Republic of Crimea and the city of Sevastopol. The EU-RIMAGES agreement, which secures Ukraine's accession to the European Joint Support Fund for the Production and Distribution of Artistic Cinematographic and Audiovisual Works, has been ratified. The Parliament Committee on Humanitarian and Information Policy agreed on the accession to the Second Protocol to the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict.

However, these positive steps are selective and do not solve the systemic problems of Ukrainian culture.

### **2. Current challenges / issues in the relevant policy area**

The establishment of a new Parliament Committee on Humanitarian and Information Policy has not, at the moment, contributed to a dramatic positive change in the development of the regulatory framework of the cultural policy. It has not yet begun working on providing systematic solutions to cultural issues. At the same time, occasional bills appear that are not supported by the expert community. In particular, there is a draft Law on Cultural Objects, which aims

at simplifying the circulation of cultural values and transporting them across borders, as well as introducing market principles for regulating this area. There are no draft laws related to the committee's work aimed at the effective development of the creative industries.

Despite the stated intentions to reform arts education, this area requires more active involvement from both the relevant ministry and regional authorities. The issue is particularly relevant in the context of the creation of united territorial communities when local communities refuse to maintain arts education institutions.

The reform of local self-government and territorial governance creates new challenges for the development of cultural and artistic institutions and the protection of cultural heritage sites in the regions.

The regulatory framework that exists in Ukraine does not provide for legal protection of intellectual property and the functioning of its market. Despite the adoption of the Law on the Effective Management of Proprietary Rights of Copyright Owners in the Field of Copyright and (or) Related Rights, the functioning of the collective rights management system continues to be debated and has a substantially distorted and unfair mechanism for collecting and distributing royalties.

### **3. Recommendations for priority actions in 2020-2021, in particular, for the agenda of Parliament's second session**

The goal of social reforms should not only be to improve macroeconomic indicators, but also to increase the level of cultural competences of citizens and insure their mastering of the modern cultural practices. Therefore, a dynamic and systematic cultural policy – a policy of value creation – should become a major direction for reforming the Ukrainian society.

One of the first systemic tasks is the creation of the proclaimed Humanitarian Policy Strategy of Ukraine for the formation of a single value field and a conscious vector of development for both the citizen and the state as a whole.

The urgent task is to prepare a new version of the Law on Culture. In particular, priority should be given to the innovative activities in the cultural sphere, the conceptual foundations of decentralization of cultural policy (principles of functioning of the "cultural district"), to defining standards for the provision of cultural services to citizens guaranteed by the state, as well as to defining the rates of deductions from budgets of different levels in support of cultural activities and objects of cultural heritage.

At the legislative level, it is necessary to introduce a model for standardization of state-guaranteed cultural services, as well as to ensure that this set of cultural services is properly funded in communities through intergovernmental transfers (the introduction of so-called "cultural subvention").

The legislation on the protection of intellectual property rights needs to be improved in order to bring it into the line with European and international norms in this field. The goals can be achieved by adopting a new version of the Law on Copyright and Related Rights. In addition, it is necessary to expedite the launch of the High Specialized Court on Intellectual Property.

It is also necessary to ratify the Council of Europe's Convention on cultural offenses signed by Ukraine in 2017.

While preparing the draft National Strategy for Regional Development of Ukraine for the period until 2027, it is necessary to identify indicators that would help to reduce the cultural gap between the centre and the regions. In particular, indicators of harmonization of the network of cultural institutions with the cultural needs of the community residents should be determined; as well as the activities aimed at increasing the number of job opportunities in the cultural industries.

Impartiality and transparency in conducting competitions for the offices of heads of civil services and heads of cultural institutions should be ensured.

Support for the development of Ukrainian film production and Ukrainian book production, as

well as financing of the Ukrainian Cultural Fund should be provided.

When preparing the drafts of cultural bills, it is

necessary to adopt a full cycle policy formulation approach, with the mandatory involvement of a wide range of stakeholders (including experts) in the drafting and discussion of such bills.