

Ukraine

The Artist's Place in Society

Experts estimate that up to 50% of artists need to resort to other forms of gainful employment to earn a living.

INSTITUTIONAL AND LEGAL FRAMEWORK

International laws (conventions, agreements and recommendations) in the field of culture applied by Ukraine:

- European Cultural Convention, Paris, 19 December 1954.
- European Declaration on Cultural Objectives, Berlin, 1984.
- Recommendation no. 1059 On the Economy of Culture, adopted by the Parliamentary Assembly of the Council of Europe, 1987.
- Declaration on Multicultural Society and European Cultural Identity, Palermo, 1990.
- Berne Convention on the Protection of Literary and Artistic Works, adopted 9 September 1886; revised 1908; amended 1979.
- Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of their Phonograms (“Geneva Phonograms Convention”), 29 October 1951.
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, adopted 26 October 1961; entry into force 18 May 1964.
- WIPO Copyright Treaty, adopted in Geneva, 20 December 1996.
- Framework Convention for the Protection of National Minorities, Law no.703197-BP, Strasbourg, 1 February 1995; ratified 9 December 1997.
- Agreement on Cooperation in Protection of Copyrights and Related Rights, Law no.34J95-BP, ratified 27 January 1995.
- Convention on Recognition of Qualifications of High Education in the European region, Law no.1273-XIV, ratified 3 December 1999.
- Agreement between Ukraine and the Russian Federation on the establishment and activity of Cultural & Information Centres, Law no.583-XIV, ratified April 1999.
- Agreement on Cooperation in Halting Transgressions of the Intellectual Property Laws, Law no. 1973-M, ratified 21 March 2000.

Governmental units in charge of:

a) Cultural affairs:

Ministry of Culture and Arts of Ukraine

National Committee on Information Politics, Radio and Television

b) Cultural policy-making:

Parliament of Ukraine, Cabinet of Ministers

Ministry of Culture of Ukraine

c) Working conditions of artists, including disabled artists:

Ministry of Labour of Ukraine

d) Continuing training for artists and cultural workers:

National Academy of the Public Administration

e) Cultural research:

Ukrainian Centre of Cultural Studies, Ministry of Culture

Academy of Arts

Institute of Contemporary Art

Art institutes of higher education

f) Tax policies and taxation in the field of culture:

Parliament of Ukraine, Ministry of Finance, State Tax Administration

Cultural Policies

Percentage (average) of the national budget allocated to culture

0.8% to 1%. Currently, this percentage is on a slight rise.

Policies aimed at promoting the arts

The government might commission and purchase works of art. Galleries, exhibitions, awards and art festivals also promote the arts.

Indicators used to evaluate the outcomes of cultural policies

From 1990 to 2000, a dramatic decline of government funds allocated to culture was noted. However, positive tendencies have emerged in the cultural sphere since 2000. The salaries of workers in the field of culture have risen slightly; modest budgets have been granted to libraries and museums for new purchases; cinemas, theatres and the major national studio for film production are being modernized.

Existing structures enabling artists to be involved in cultural policy-making at local and national levels

Many artists are members of artistic unions, the Council of Artistic Unions and the Art Forum. All of these NGOs may officially submit their proposals regarding cultural policy to the Ministry of Culture. Furthermore, the Ministry of Culture engages prominent artists to discuss cultural policy in the Ministerial Collegium. The Ukrainian Centre of Cultural Studies surveys artists' opinions and proposals when working on cultural policies. Some writers and artists are members of parliament or local councils and participate in respective committees on culture to elaborate proper legislation.

Provisions are made for: the allocation of public funds to artwork; subsidies to art institutions; the organisation of arts events on a local, regional and national level; and the establishment of funds for the arts.

Both central and local governments commission and purchase works of art, subsidise cultural events and institutions. However, funds granted by the government are modest due to a lack of proper legislation and transparency in their distribution.

Measures to improve cultural infrastructures (museums, concert or theatre halls, libraries, etc.)

The National Programme of Cultural Development for 2003-2007 envisages major repair, reconstruction, and new equipment in a number of museums, theatres, concert halls and libraries. The National Programme for the Development of the Cinema Industry for 2003-2007 backs modernisation of cinema theatres. The Government has established standards for the number and quality of regional libraries (norm no. S 10, 30 May 1997) and cultural centres (norm no. 1775 from 12 November 1998). From 2001-2005, it also adopted a recovery programme for museums and libraries. For example, in 2003, the national budget provided the following sums for major repair of cultural premises:

| | |
|------------------------|-------------|
| Theatres | 7.8 min UAH |
| Concert halls & circus | 8.5 |
| Libraries | 4.057 |
| Museums | 4.65 |
| Reserves | 4.946 |

Measures promoting the integration of disabled artists

There are no specialised organisations for disabled artists. However, various institutions for disabled persons exist: rehabilitation centres, sport clubs and societies (depending on the character of disability).

Legal framework

Laws and regulations governing the work of artists

a) Employment and working conditions:

- Law of Ukraine on Payment for Labour, no. 108-95, 24 March 1995.
- Law of Ukraine on Vacations, no.505-96, 15 November 1996.

Some special laws applicable to the artists and cultural workers:

- Basic Laws of Ukraine on Culture, Law no.275CrIII, 4 October 2001.
- Law on Theatres and Performing Activities, forthcoming.

b) Social welfare (health insurance, occupational accidents, disability, unemployment and pensions):

Article 46 of the Constitution of Ukraine guarantees social protection for all Ukrainian citizens. Artists and cultural workers may enjoy certain social protection and privileges (extra space for studios, discounted rent and utilities, etc.), according to the Ukrainian law. In practice, however, this seldom works. For example, article 28 of the Basic Laws of Ukraine on Culture stipulates that the average salary of employees of state-owned cultural institutions cannot be lower than that in the national economy. This declaration, however, has been never completed.

c) Training

There are no separate laws on cultural and artistic education in Ukraine. The following general laws of Ukraine regulate cultural and artistic education:

- Law On Education and Higher Education, no. 1060-XII, adopted 23 May 1991.
- Law On Out-of-School Education, no. 1841-111, adopted 22 June 2000.
- Law On Scientific and Technical Activity, adopted 12 January 1998.
- Basic Laws of Ukraine on Culture, Law no.275CrIII, 4 October 2001.

WORKING CONDITIONS

Professional status

The professional artist is a “person whose artistic activity is his/her major business and major source of income”, as defined in article 19 of the Basic Laws of Ukraine on Culture (4 October 2001). A person is recognized as a professional artist if he/she meets most of the following conditions: presents his/her work to the public; receives remuneration for this and pays tax; has followed an artistic education at a recognised institution or with a qualified specialist; and has official degrees or professional honours and awards. Typically, an artist is recognised as “professional” when he/she is a member of a legally registered artistic union. This status is granted upon certain formal requirements that vary according to the union.

Health care system

Health protection and public health services are the same for everybody. However, members of artistic unions may receive extra services from the rest homes and recreation facilities that belong to their unions. Private (commercial) health services are available for those who can afford them. The majority of artists belong to the low-income category of citizens and rely mostly on public health services.

Administrative inspections

The National Inspection for Educational Institutions (Ministry of Education and Ministry of Culture) carries out inspections on working conditions. Inspectors from these bodies cooperate with respective trade unions to manage these inspections. Penalties for failure to comply with minimum standards are applied in the form of warnings, fines and possible closure of the institution according to the law.

SOCIAL WELFARE

Insurance schemes

The Law of Ukraine On Pension System (no. 1788-XII, 5 November 1991) stipulates that any citizen of a certain age is eligible for a pension from the government.

The resolution of the Cabinet of Ministers no. 1266 from 29 September 2001 outlines the criteria to be eligible for government paid social security in cases of temporary or permanent disability.

Social coverage is compulsory. The government automatically deducts money for social security, while trade unions and artistic unions create their own security funds voluntarily.

REMUNERATION

Salary is paid according to the individual or collective agreement between the employee and the employer. Typically, salary is paid once a month. Royalty is paid according to the Law of Ukraine On Copyrights and Adjacent Rights (no.2627-III, 11 July 2001) that provides artists with various possibilities to manage their copyrights, via direct contracts or through authorized art agencies.

UNEMPLOYMENT

Currently, no separate system for artists exists.

Trade unions and artists' unions administer the unemployment insurance scheme of their respective members.

ILLEGAL WORK

Experts estimate illegal work at 10% among actors, 30% among musicians, and 50% among visual artists. A high number of artists are poor and are obliged to fight for day-to-day survival. As long as a law on the status of such workers is not created, the problem will not be resolved by administrative half-measures. Although illegal work is penalised through fines, the judicial system is largely ineffective.

TAX STATUS AND TAX ADVANTAGES:

Artists' tax status

Artists do not enjoy a particular tax status.

Exemptions regarding temporary import duties on cultural products

Artists' unions and cultural institutions with a 'non-profit' status enjoy privileges granted by paragraph 7.11 of the Law of Ukraine On Taxation of the Corporate Profit (no.334-BP, 28 December 1994). The law stipulates that, in most cases, the income of non-profit organisations is tax-exempted. Changes made to the Basic Laws of Ukraine on Culture (no.275CrIII from October 4, 2001) regulate the activity of such organisations in the sphere of culture. Royalties are taxed as any other income.

Currently, there is no tax regime for the marketing, import and export of cultural products. The appropriate law, however, is elaborated in parliament.

INTERNATIONAL MOBILITY OF ARTISTS

Official recognition of foreign diplomas in the artistic professions depends on bilateral agreements between Ukraine and other States. Fellowships, financial aid, and support from government and local authorities, to promote the mobility of artists and their work are limited, non-transparent and arbitrary.

COLLECTIVE REPRESENTATION

The main legal provisions in place in Ukraine to protect the freedom of trade unions are: “About trade unions, their rights and guarantees” (no. 1344, 2 March 2000), and “On Professional Artists and Artistic Associations”.

Existing structures for negotiating collective agreements:

The Council of Artistic Associations
The Arts’ trade unions
The Collegium of the Ministry of Culture and Arts

Existing bodies to promote social dialogue:

The Academy of Arts
Artistic associations and trade unions (joint status)

CONTINUING TRAINING, RESEARCH AND FINANCIAL AID

Vocational training for artists

Vocational training of artists is determined by the decree of the Ministry of Culture of Ukraine (no.178, 13 July 1998). Artists should apply individually to the authorized ministerial commission. They may obtain an internship of two years at the best national theatres, filmmaking studios, music and other collectives, under supervision of leading masters. Conferences and workshops are organised to enable artists to update their skills.

Institutions and vocational schools providing continuing training:

a) Visual arts (painting, sculpture, graphic arts, photography and multimedia):

National Academy of Art and Architecture
Academy of Arts
National Academy of Administration in Culture and the Arts

b) Performing arts (drama, street theatre, puppet theatre, the circus):

Kyiv University of Theatre

c) Film and audiovisual media:

National Academy of Administration in Culture and the Arts
Kyiv University of Theatre
National Dovzhenko Centre for Cinema and Television

d) Dance and choreography:

National University of Culture and Arts, Academy of Dance

e) Literature

National Writers Union

f) Music (classical opera, jazz, variety, traditional, etc.):

National Academy of Music
National University of Culture and Arts

The National Academy of Administration in Culture and the Arts

Training in administration, administrative management and career management is available at The National Academy of Administration in Culture and the Arts.

Disabled artists

There are fellowships for disabled artists.
Centres for employment provide training courses dedicated to the retraining of the artists.

Fellowships for training

All students at the State-owned institutions of higher education get a modest fellowship from the State budget as long as they pass their studies. There are also special fellowships granted by the Cabinet of Ministers, the Administration of the President, the parliament, local councils and governors for students with outstanding abilities.

Research schemes

The Academies of Sciences; and Government and Administration provide fellowships for research.

Resources used to promote knowledge about copyright and neighbouring rights among artists (courses, lectures, publications, etc.):

Cultural and legal institutions, departments of higher education, The Academy of Arts, and The National Copyright and Adjacent Rights Agency are all in charge of the promotion of copyright and related rights.

ORGANISATIONS

1) Governmental organizations working in the culture sector:

Ministry of Culture and Arts of Ukraine
Ministry of Culture of the Crimean Autonomous Republic
Departments of Culture of the Regional State Administrations

2) Ministries, councils and other government bodies in charge of culture:

Ministry of Culture and Arts of Ukraine
Departments of Culture of the Regional State Administrations

3) Government authorities responsible for the social integration of disables artists within the cultural sector:

Ministry of Social Protection

Source: Ukrainian Centre of Cultural Studies, December 2003.

Website not available