



Democracy, Human Rights, Good Governance and Stability

Working Group 1 Recommendations

Berlin, 18 November 2010

Recommendations by working group on Democracy, Human Rights, Good Governance and Stability

In order to be able to deliver relevant input, the partner countries and the European Commission should grant the EaP CSF representatives unlimited access to the intergovernmental platform meetings.

Given their adequate expertise and experience the selected CSOs' experts should be granted full membership status in the expert panels established within the intergovernmental platforms.

EaP CSF representatives should be also included into the programming and implementation of the regional projects designed and approved within the EaP intergovernmental platforms. It has been proven by several expert studies that the international assistance aimed only at governments does not bring the expected results; the most successful projects are overwhelmingly those implemented by NGOs, or in combination of NGOs with governments. (Also following on one of the objectives of the EaP Multilateral Process, i.e. "stronger participation of civil society to enhance oversight of public services and strengthen public confidence in them")

To design roadmaps in order to have benchmarks for monitoring and a tool for the NGOs to be able to involve the partner countries' governments better – *the debate within the WG has not been finished so it probably needs further elaboration.*

The EU and its Member States should introduce a regular independent monitoring of their funding provided to the EaP countries' governments and make the results of such monitoring publicly available.

Project proposal (subgroup on HR, most likely to be funded)

Periodical monitoring of human rights situation and important events from all 6 EaP countries, put together bi-yearly in March and September (roughly one month before the intergovernmental WG1 meetings). This report aims to be a basic set of up-to-date information that should serve both the CSF and the intergovernmental meetings for reference. The report will build on existing reports from the six countries, which will be provided by selected HR subgroup members (1-2 pages plus 3-4 bullet point recommendations from each country) and then put together by group coordinator under one format. The deadline for submissions from each country is January 31, 2010.

The coordinators of the WG1 decided to divide the work of the group into the following subgroups, complete with their respective recommendations :

A. Recommendations by the Fight Against Corruption Subgroup

- 1) Monitoring of and contribution to the EaP activities on fight against corruption, in particular at the current stage:
 - a) screening of the proposal of the Council of Europe-European Commission on a regional project on fight against corruption on whether it offers an effective mechanism to implement the objectives of the EaP Multilateral Process such as inclusion of “governance peer reviews and exchanges of best practices” and “stronger participation of civil society to enhance oversight of public services and strengthen public confidence in them”;
 - b) advocating for an increasing involvement of civil society in project development and implementation of EU assistance to fight against corruption in the Eastern Partnership countries. In particular, the EaP CSF should recommend the EU member states, EU institutions and the Council of Europe to develop a component of support to CSOs capacity building and dialogue with public authorities within the regional CoE-EU project which is currently being designed;
 - c) when the above mentioned project is on track, examining and evaluating its progress, including assessment to what extent the project strengthens CSOs activities.
- 2) Establishment of subgroups on fight against corruption within the framework of the national platforms of EaP countries. Such subgroups should focus on the implementation of anti-corruption policies agreed under the EaP framework in their respective countries (both within the multilateral and bilateral track). The national sub-groups should be inclusive and involve new stakeholders from anti-corruption area (not limited to the Forum and the National Platforms participants). The national subgroups would serve as contact points for EaP-related activities.
- 3) Civil society organisations should make a strong contribution to awareness-raising and education. In this area CSOs should be a major actor. In particular, CSOs should develop an information campaign underpinned by research on threats coming out of corruption in different spheres of public life (to link it with poverty, human security, conflict etc).
- 4) CSOs should develop and implement common initiatives and projects to facilitate exchange of ideas and experience sharing, including success stories from different EaP and new EU member countries. For this purpose, CSOs should use a variety of tools, such as, but not limited to, the EaP CSF website, NGO twinning projects, site visits, and professional exchanges.

For the EU Institutions and Member States:

- 1) The EU should rigorously and consistently apply the principle of conditionality towards the EaP governments: the EU and EU Member States should provide financial and technical assistance to the EaP governments only if anti-corruption commitments taken by the EaP governments in relations with the EU and other international bodies have been met. In their turn, CSOs will monitor the compliance by the EU and its Members states with this principle.
- 2) The EU and its Member States should introduce a regular monitoring of their funding provided to the EaP countries government and make the results of such monitoring publicly available.
- 3) The European Commission together with the Council of Europe should include a component of comprehensive support to CSOs capacity building and dialogue with public authorities within the regional CoE-EU project which is currently being designed. Furthermore, CSOs should be invited to consultations on the overall design of the project.

For the EaP countries' governments:

- 1) The EaP governments should fully implement European, international and national commitments

regarding the following issues:

- a) use of public assets,
 - b) public access to information,
 - c) declaration of assets and incomes by public officials,
 - d) provision of free legal aid to citizens,
 - e) transparency of media ownership.
- 2) The EaP governments should reveal and report how they spend money provided by international donors, including the EU (e.g. within ENPI).



B. Recommendations by the Human Rights subgroup

At the subgroup meeting, it was stated by its participants that it does not seem needed to formulate an entirely new set of recommendations in the human rights dimension of the EaP, since the one adopted after the 2009 CSF in Brussels remains valid, but not visibly applied in practice.

The subgroup believes that no significant progress in EaP negotiations on the intergovernmental level should be made possible without a clearly demonstrated and accountable progress on the main human rights issues on the side of the EaP governments.

The subgroup would therefore like to re-visit some of the main points of the 2009 recommendations:

- 1) The EU should demonstrate the centrality of international human rights standards in its foreign policy and agreements with third countries by according human rights a distinctive space. Enforcing these human rights standards should be an integral part of the EaP, *and integral part of all EaP negotiations and should be reflected in Association Agreements and related roadmaps and action plans*
- 2) The evaluation of human rights in EaP countries should be treated as a basic criterion for overall assessment of their democratic progress. The EU should assist human rights organizations in the EaP countries to develop and implement effective models and innovative methods for permanent monitoring of human rights. Efficient communication channels and institutional platforms should be established to inform the EU institutions, Council of Europe, OSCE, as well as individual EU Member States, of the results of monitoring.
- 3) The EaP countries should strengthen the implementation of international norms, mechanisms and recommendations at the national level. The EU should support the full implementation of the EU's Guidelines on human rights, in particular the Guidelines on Human Rights Defenders, as well as the relevant recommendations and decisions of the United Nations, Council of Europe, Organization for Security and Cooperation in Europe, and the European Court of Human Rights.
- 4) The EaP should mainstream human rights in all its programmes, including asylum and immigration policy, economic development, cross-border cooperation, trade and energy policy.
- 5) The EaP should support, through co-operative projects, education in the sphere of political culture of pluralism and democracy based on values of tolerance, ecumenical religious, multicultural and multiethnic cooperation, both within a given country and in cross-border relations.

“Baseline project” – monitoring report:

To provide basis for these recommendations, the human rights subgroup stated that its outcomes should be tied to concrete projects as much as possible, using the legitimacy of the CSF.

With that in mind, the subgroup further developed the idea of a “baseline” product, which was initiated at the subgroup meeting in Brussels in October 2010, and which should be a periodical monitoring of human rights situation and important events from all 6 EaP countries, put together bi-yearly in March and September (roughly one month before the intergovernmental WG1 meetings).

This report aims to be a basic set of up-to-date information that should serve both the CSF and the intergovernmental meetings for reference. The report will build on existing reports from the six countries, which will be provided by selected HR subgroup members (1-2 pages plus 3-4 bulletpoint recommendations from each country) and then put together by group coordinator under one format.

In order to maintain focus, the section on each country should dwell on four core areas, which are provided as rough guidelines:

- 1) Freedom of expression
- 2) Freedom of assembly
- 3) Freedom of association
- 4) And “Other issues” (if there is currently an important topic in a given country that doesn’t fit the basic format, such as imminent elections or other).

The final part of each section will be recommendations to the European Union of what to look into when having talks with each particular country/suggestions for questions.

Within the subgroup, the country contributions will arrive from:

Armenia – Artur Sakunts

Azerbaijan – Anar Mammadli

Belarus - Katerina Przybylska

Georgia – Malkhaz Saldadze

Moldova – Elena Prohntchi

Ukraine –Volodymyr Yavorskyy

The deadline for submissions from each country is January 31, 2010.

This monitoring report will be a practical basis for to ground recommendations on, at least within human rights sphere.

Events and topics for the upcoming year :

Additionally, the subgroup focused on indentifying key issues concerning human rights and key events related to the EaP process in each country in the upcoming time, in an effort to highlight key windows of opportunity to present human rights issues.

The selection is not exhaustive, but should provide basis for actions and specific projects carried out by CSOs both within their countries and as a part of the CSF agenda. One very important existing entry point for civil society is participation in the hunman rights dialogues which the European Commission currently holds with each EaP country except Belarus.



EASTERN PARTNERSHIP Civil Society Forum

C. Recommendations by the Judiciary reform Subgroup

The Civil Society Forum :

- 1) *Welcomes* the establishment of an Eastern Partnership Panel on Improved Functioning of the Judiciary attached to the Platform “Democracy, Good Governance and Stability.”
- 2) *Believes* that the civil society expertise and vision can support the proper functioning of the Judiciary Panel and implementation of its recommendations in the six partner countries;
- 3) *Express their hope* that CSF representatives having adequate expertise and experience will be granted a membership status in the Judiciary Panel;
- 4) *Asks* the partner countries to engage in consultations with civil society organizations as to the nominees to the Judiciary Panel;
- 5) *Requests* the **EC and the partner countries** to grant unlimited access to the platform meetings related to the judiciary;
- 6) *Remain confident* that the below given recommendations will be duly taken into consideration.

The Civil Society Forum recommends that the following should be added to the agenda of the Judiciary Panel:

1. Introduction of institutional and legislative safeguards to ensure complete independence of judiciary from the political influence and pressure from the executive branch, *including but not limited to:*
 - a) Establishment (where appropriate) and reform of the High Judicial Bodies to guarantee its complete independence from the executive and political interference;
 - b) Transparency of the operation of the High Judicial bodies as regards judicial and non-judicial vacancies, dismissals, promotion;
 - c) Transparent and merit based procedure for promotion of judges by the independent judiciary bodies, including abolishment of the bonus systems for judges;
 - d) Abolishment of subjective criteria in the appointment procedure such as interviews, oral exams;
 - e) Reform of the disciplinary proceedings to ensure full conformity with the Council of Europe Venice Commission recommendations;
 - f) Introduction of constitutional guarantees for immovability of judges during the tenure of appointment;
 - g) Ensuring independence of judges from the pressure from within the courts through abolishing the practice of prior consultation with upper judges (head of the court or High Judicial Bodies) as to the possible outcome of a case;
 - h) Introduction of the depersonalized/random system of case assignment;
 - i) Putting in place adequate salary schemes and social guarantees for judges;

2. Creation of institutional safeguards for ensuring independence of the Legal Aid Systems from the Executive Branch;

In addition, The Civil Society Forum recommends the EU :

- To increase of the transparency of the EU funding of the justice sector in the partner countries;
- To create periodic system for the **joint** (EU, partner country authorities and Civil Society representatives) follow-up with regard to the implementation of the recommendations to the partner countries presented by the EU;
- To support diversification and increase in the level of the funding for the civil society organizations working in the area;
- To increase engagement of the representatives (experts) from the civil society organizations in the activities under the EU support programs diverted towards the authorities of the partner countries;

The Civil Society Forum express the readiness to present more detailed written and oral recommendations to the Platform meetings related to Judiciary.



EASTERN PARTNERSHIP
Civil Society Forum

D. Recommendations by the Media Subgroup

The Media subgroup recommends :

- 1) To elaborate the field-focused Road Maps
- 2) To publish them BEFORE the Budapest EaP 2011 Summit
- 3) to create EaP Media Landscape BEFORE the elaboration of Media Road Map
- 4) to summarize the national landscapes into common vision and identify top priorities issues
- 5) Concerning the EAP media landscape to develop a field-based structure:
 - TV and Radio,
 - Print media,
 - New media
 - Legislation
 - Regulation
 - Market Review
 - Access to Information
 - Self-regulation
 - Conditions of journalists' activities
 - International Cooperation
 - NGO Media Activities
 - Journalism Education
- 1) Purpose to held the next MEDIA SUBGROUP MEETING in ISTANBUL, 24-27 JANUARY with the following Agenda:
 - National Media Landscape presentations – country by country
 - Discussion on the Methodology and Structure of Research
 - Digitalization of Broadcasting Media in the Region – Discussion
 - Media Hearings: Media Situation in Georgia and Moldova (with the participation of officials)

Participants: Media Sub-Group Members, Georgian and Moldavian Officials, International Media Experts



EASTERN PARTNERSHIP Civil Society Forum

E. Recommendations by the Public Administration Reform subgroup

Vision

Efficient public administrations should put the citizen into the center of their functioning. Citizens should be seen as the end customers of public administration; the public administration reform must ensure that citizens have easy and equal access to civil services, and that the services are efficient, affordable and timely.

It is essential to ensure the transparency of governance at all levels in order to ensure full accountability and prevent corruption. Decentralization should be a key focus of administrative reform. The development of local communities is the core of sustainable society. The development of the professional and responsible regional and local authorities is a basis for efficient public administration.

For reforms to be successful, they must be implemented with the strongest possible involvement of society. Experience shows that no institution will ever reform itself unless pressure is applied externally. Civil society institutions can provide crucial input and ensure an unbiased approach to the elaboration of reform strategies.

Proposed lines of action

To the governments :

- 1) Encourage governments of EaP countries to adopt and implement National Strategies for Local Self-Government and Public Administration Reform in consultation with civil society organizations;
- 2) Encourage the governments of EaP countries which have joined the European Charter on Local Self-Government and additional protocols to implement it, and Belarus to join it; ensure the implementation of subsidiarity principles;
- 3) Ensure independent monitoring of public administration reforms and European cooperation projects including those funded under budget support and CIB;

To the European Commission :

- 1) Involve civil society in the decision-making process whenever EC negotiates with the partner governments the EU budget support or propose projects and strategies, including twinning programs, in the sphere of public administration reform
- 2) Encourage governments of EaP countries to decrease the administrative burden on taxpayers; reduce bodies with overlapping functions as conditionality for PA budget support programmes
- 3) Create another track within twinning programs that will enable local civil society to manage quick efficient expert exchanges and training for local self-administration; organize training and education

of public officials and local self-government officials based on a set of values and training needs assessment;

To the Civil Society Organizations :

Develop the capacity of the local self-administration to take more of the responsibilities and functions in the proposed administrative reforms.

Create an annual (regular) forum on public administration reform in EaP countries, for the exchange of the best practices. Forum could become a discussion platform and information share point on the state and tendencies of Public Administrations reforms with EP6 countries,

Placing the publication on web site, ongoing research, Forum (annual base) could be a logical event for all-year monitoring activities. Civil society organizations, governments and EC authorities, can meet regularly in one of the participating countries

CSOs from different countries need to pay attention to standardizing the research and papers.

Prepared by: Svyatoslav Pavlyuk, PAUCI, Ukraine;

Nina Iskandaryan, Caucasus Institute, Armenia

During WGI group meeting on October 6th, 2010-11-30

Amended by participants of WGI Public Administration subgroup

During 2nd SCF EaP Forum in Berlin on November 18-19, 2010, Berlin.



EASTERN PARTNERSHIP Civil Society Forum

F. Recommendations by the visa liberalisation subgroup

Visa-free travel to the EU for the Eastern Partnership (EaP) countries is one of the key components of the European Neighbourhood Policy (ENP). It is difficult to strengthen good neighbourly relations without barrier-free contacts between EU and EaP citizens.

Just as the EaP countries must modernise their own border management and fulfil the technical criteria for visa liberalisation, so the EU must provide a clear commitment to lift visa restrictions upon fulfilment of the criteria.

By the time of the 2011 EaP civil society forum, the results will be available of projects monitoring fulfilment of the criteria by the EaP governments – undertaken by civil society groups represented in the forum. An evaluation and comparative assessment will be presented, along with recommendations targeted at respectively the EaP countries and the European Commission.

We welcome the Council's Conclusions on the Eastern Partnership (25 October 2010), and hope that Ukraine and Moldova will soon receive their own Action Plans leading to a visa-free regime. The signing with Georgia of a Visa Facilitation Agreement (VFA), and the imminent signing of a readmission agreement, mark the first steps on the path to visa-free travel.

We hope that negotiations on VFA and readmission agreements with Armenia, Azerbaijan and Belarus will begin and proceed swiftly. Visa negotiations with all Eastern Partnership countries must have a clear long-term goal, i.e. to bring about visa-free travel. In this regard, visa facilitation can serve as only a stepping-stone towards this goal.

Belarus

We welcome the fact that the EU is ready to start negotiations on VFA/RA with Belarus. Once successfully implemented, **constructive dialogue between the EU and Belarus on full visa liberalisation should begin**, provided that the requirements for safe and secure mobility are met.

Armenia, Azerbaijan and Georgia

The absence of consulates of some EU member states in Armenia, Azerbaijan and Georgia poses a serious barrier to travel. For example, the small number of consulates in Yerevan (Armenia) has forced Armenian citizens to travel long distances to neighbouring countries or to Russia to apply for Schengen visas, which enormously increases the costs of their travel to the EU. **The EU should support the establishment of common visa application centres (such as in Moldova) or insist on the signing of bilateral arrangements between consulates in order to ease the process of obtaining Schengen visas for citizens of Armenia, Georgia and Azerbaijan.**

Underlying principles:

- **Clear benchmarks :**

A coherent regional approach towards all EaP countries should follow clear benchmarks. *The EU should establish a model of regular (twice a year) assessments of countries' technical preparedness for a visa-free regime. Such an assessment can contribute to a better comparison of progress, which could inspire other countries to catch up.* A regional approach should not mean, however, that the better performing states should wait for those that are lagging behind if sufficient progress has been achieved by the former. **A country reaching all benchmarks should be immediately rewarded with visa-free travel.**

The visa liberalisation process for all EaP countries and Russia should be based on the same, clearly stated criteria.

- **Transparency**

The visa dialogue between the EU and EaP countries should be carried out in a transparent manner and should be subject to monitoring by local civil society. Full access to information is essential: *all key documents including bilateral Action Plans, questionnaires, and evaluation reports of the European Commission should be immediately accessible on the websites of EU institutions.*

- **Apolitical approach**

Implementation of steps leading to visa liberalisation for EaP countries' citizens should be a technical process, not bound by political conditionality.