



Annual Meeting of Working Group 1 *Democracy, Human Rights, Good Governance & Stability of the Eastern Partnership Civil Society Forum*

14 May 2013, Brussels

Minutes

Krzysztof Bobinski, the Co-Chair of the Steering Committee of the Eastern Partnership Civil Society Forum and the Coordinator of Working Group 1 (WG1) welcomed participants and presented the meeting agenda.

1. EaP Platform I and its activities. Prospects for Vilnius

Richard Tibbels, Head of Division for Eastern Partnership, Regional Cooperation and OSCE from the European External Action Service, informed WG participants on the activities of the EaP Platform I and the prospects for the Eastern partners for the upcoming Eastern Partnership Summit that will take place in late November in Vilnius. He underlined that the creation of the CSF is one of the huge successes of the EaP and the participation of civil society in the programme as an equal partner is one of the EaP's particular features.

Tibbels stressed that the Vilnius Summit needs to be a Summit of delivery with an aim of signing the Association Agreement (AA) including a Deep and Comprehensive Free Trade Agreement (DCFTA) with Ukraine. He emphasized that Ukraine knows what needs to be done in order to achieve this goal and that while the recent steps by the Ukrainian side were welcomed, they are not enough to fulfil the conditions set out in the 10 December Foreign Affairs Council (FAC) conclusions. Tibbels expressed his hope that negotiations on AAs with Georgia, Moldova and Armenia should be completed and progress made with Azerbaijan by the time of the Summit. In the mobility area, progress with all partners, except for Belarus, which so far has not indicated its willingness to cooperate with the EU in this area, is expected and work is ongoing on a transport network with the aim of having a final list of potential priority projects ready by Vilnius. Concerning side events of the Summit Tibbels mentioned the Business Forum, which should encourage business communities to cooperate further and which might be transformed into a more permanent Forum.

Concerning the Platform I meeting on 16 May, Tibbels stressed the need for an honest and serious review of the work done so far and the Flagship Initiatives. He emphasized the need to make best use of the CSF's participation in the meeting and asked the Forum to provide its views on the work of the Platform and future focus of Flagship initiatives. He informed that a new panel within the platform on Common Security and Defence Policy will be created. Furthermore, the work programme of the platform could be extended from two to four years with an intermediate report after two years.

Asked on the situation in Azerbaijan including the plans of the government to scale down the representation of the OSCE in the country, Tibbels stressed that the EU will very closely observe

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the presidential elections and gives full support ODIHR's mission. Therefore, no alternative election observation is foreseen from the EU side and the EU encourages Azerbaijan to invite an ODIHR mission. The mandate of the OSCE office in Baku should not be downscaled as the EU regards its mandate as not fulfilled. Tibbels stressed that the fact that Azerbaijan is not a member of WTO makes it impossible to negotiate on a DCFTA with the country and that despite the fact that it is challenging to engage with the Azerbaijani leadership on issues concerning human rights and democracy, the EU tries to make it clear to the authorities that the full potential of relations with the EU can only be realized if human rights and democracy are being taken seriously. In response to participants' questions Tibbels stressed that there is no plan B for Ukraine, if the country should fail to comply with the conditions outlined in the FAC conclusions. Questioned on the prospect of Moldova signing the AA in Vilnius, Tibbels stressed that a signature will not be possible, as the document would still have to go through "legal scrubbing" and it will be impossible to finish this process ahead of the Summit. He emphasized the need for all partner countries to conduct reforms in the areas of independent judiciary, effective public administration and vigorous tackling of corruption in order to achieve the expected results in Vilnius.

2. Elections of WG coordinators and sub-group coordinators

During the plenary the Working Group has elected **Anar Mammadli**, Chairman of the Election Monitoring and Democracy Studies Center/Azerbaijan as an **Interim Working Group 1 Coordinator** to replace Tamar Chugoshvili who left this post early this year.

Election Monitoring sub-group has elected **Nino Lomjaria** from ISFED Georgia to serve as its second Coordinator who will replace Olga Stuzhinskaya and serve as a bridge between the sub-group and European Platform for Democratic Elections.

Human Rights sub-group has elected **Artur Sakunts** from Helsinki Citizens' Assembly, Vanadzor, Armenia, to server as its Coordinator.

Iryna Sushko, Europe without Border, Ukraine, has been elected as a **Coordinator of the Visa Facilitation sub-group**.

3. Discussions in sub-groups

During break-out sessions, sub-groups discussed current joint projects, possible future activities, and their contribution to the Eastern Partnership Platform 1 meeting and EaP Roadmap monitoring.

- *Fight against corruption sub-group*

The sub-group suggested to the European Commission to initiate anti-corruption report for EaP with the same methodology used for the report on corruption that is currently being produced for the EU member states. The sub-group can provide an input for such a report. Priorities for the sub-group were defined as the following:

--National Integrity System Assessment (currently being done by Transparency International in the EaP region). The group would like the results of the assessment to be publicised as widely as possible.

--Reforming Parliamentary ethics;

--Whistle-blowers' protection;

--Asset declaration;

--Corruption in public procurement (important because the volume of public procurement in the region is high and this theme is included in DCFTAs).

The group would seem important to implement a regional project in the sphere of open governance: specifically on monitoring the implementation of Open Government Partnership (OGP) action plans which all EaP countries except Belarus have already adopted. This will also include producing a comparative OGP study that the group would widely advertise at the regional level with the support of the EC.

- *Media sub-group*

In March NGOs involved in the Media sub-group started a project "Media Freedom Watch". Within this initiative the update of the Media Landscape of the EaP countries, which was first introduced in 2011, is envisaged. ENP East Media Freedom Watch – the index of media freedom - will be produced by the project. The website of the Media Freedom Watch will be operational in early summer and the first index will be ready by Vilnius Summit.

The sub-group has submitted two proposals in response to the call for proposals for Working Group 1 and 4 of the eastern Partnership Civil Society Forum opened by the Czech Ministry of Foreign Affairs.

A media sup-group representative from Georgia Lasha Tughushi has drawn attention to the Parliamentary hearings on illegal surveillance that will be happening in Georgia. The Georgian experience in the sphere may be useful for the whole region and help it part with its Soviet past. The information on the conference of the Georgian National Platform on destroying the archives of illegal surveillance can be found here (<http://www.eap-csf.eu/en/news-events/news/ge-np-illegal-surveillance/>).

The sub-group suggested two-page reports on the activities of the National Platforms to be produced annually in advance of the EaP Civil Society Forum.

- *Public Administration Reform sub-group*

The sub-group did not have the chance to meet during the WG1 meeting, since it was organising the conference on Fiscal Decentralisation at the same time. The sub-group refers to the priorities agreed at its meeting during the Forum in Stockholm (see here: <http://www.eap-csf.eu/en/working-groups/wg1-democracy-human-rights/resources/workplan-of-the-lgpar-subgroup>) and the conclusions from the fiscal decentralisation conference for its further work.

At the conference on Fiscal Decentralisation organised by the Local Governance and Public Administration sub-group together with the Committee of the Regions and the Council of Europe it was concluded that Fiscal Decentralisation is a crucial element in the reform process in the Eastern Partnership countries and that further efforts should be made from the side of the European Union to support the EaP countries in their efforts for fiscal decentralisation. Further, it was stressed that all six EaP countries except Belarus are parties to the Council of Europe's charter of local self-government and as such have already made a number of commitments in this respect. The EU and international partners should support the full implementation of the charter and its provisions regarding fiscal resources for local authorities. It was also suggested that such provisions and more specific goals on how to support fiscal decentralisation should be included in the future EaP roadmap. Specific proposals will be developed as a follow up to the conference.

The CSF is very happy with this fruitful cooperation with the Committee of Regions, CORLEAP and the Council of Europe and looks forward to develop this cooperation further in the future. More information on the conference can be found here: <http://www.eap-csf.eu/en/news-events/news/fiscal-decentralisation/>

- *Human Rights sub-group*

The sub-group will continue the initiative of producing annual human rights monitoring report that should be ready by the Civil Society Forum in Chisinau. The previous reports from 2011 are available here: <http://www.eap-csf.eu/en/working-groups/wg1-democracy-human-rights/resources/alert-monitoring-report-on-human-rights-in-eastern-partnership-countries/> (interim report from April 2011) and here: <http://www.eap-csf.eu/en/working-groups/wg1-democracy-human-rights/resources/monitoring-report-on-human-rights/> (updated report from November 2011)

The sub-group has come up with the following input for the EaP Platform 1 meeting:

The attention should be drawn to the following 5 issues:

1. The issue of discrimination in the EaP states based on different factors, including but not limited to religious, political affiliation, sexual orientation, ethnicity, sphere of activity, specifically human rights activism/protection and reporting/investigative journalism.
2. The lack of real electoral reforms and the unfavourable electoral environment, which

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serves the interests of the incumbents. The issues are specifically visible in the light of recent elections in Armenia and become most urgent with the upcoming elections in Georgia and Azerbaijan (arrest of a presidential candidate in Azerbaijan).

3. In the light of upcoming elections and in terms of general effectiveness of CSOs in countries such as Azerbaijan and Belarus, freedom of assembly, association, and expression becomes another pressing issue, which should be addressed.

4. For effective protection of human rights and restoration of violated rights independence of judiciary is crucial. And this independence should focus both on making the judiciaries apolitical and non-partisan, but also on promoting the implementation of the decisions of the European Court of Human Rights and the UN Commissioner for HR, which include not only providing monetary compensation, but also initiating new investigations and trials in national courts.

5. Criminal prosecution for activities on behalf of the unregistered CSOs in Belarus according to the article 193.1 of the Criminal Code along with registration barriers for non-governmental organizations is unacceptable. Members of the group will continue advocating for its dissolution in Belarus and prevention of it appearing in others (Azerbaijan).

- *Election monitoring sub-group*

The CSF Election Task Force, made up of election and civil society experts from Eastern Partnership and EU countries, was launched in Yerevan at the occasion of Armenia's presidential elections in February. Over the course of a week, the CSF Election Task Force composed of eight individuals from Belarus, Georgia, Lithuania, Poland, Germany, Austria and the UK supported local CSOs in their observation of the electoral process. Task Force experts met with representatives of political parties, civil society organisations, media and the diplomatic community in Yerevan, as well in the regions. The CSF report on the Armenian elections was produced by the national platform and the Steering Committee. Both statements are on EAP website (see here: <http://www.eap-csf.eu/en/news-events/press-releases/sc-on-ar-elections/>). The sub group also discussed preparations for elections in Georgia, Azerbaijan and possibly in Moldova. Local CSF organisations will be monitoring elections supported by observers from the CSF. The subgroup discussed the possibility of organising a campaign to protect its members in Azerbaijan and appealing to public opinion in the EU to support civil rights in the country. The campaign could be titled "Invest in Democracy"

- *Judicial reform sub-group*

The sphere is considered to be crucial for the reform process in the EaP region. As a possible future project for the subgroup the monitoring of the implementation of the Council of Europe recommendations in the EaP region was suggested.

As only a small number of sub group representatives were present at the meeting, it was suggested that when selecting next Forum's participants attention should be paid to selecting the organisations working in this important sphere.

- *Visa Facilitation sub-group*

The Visa Facilitation sub-group has come up to the following conclusion: EaP can serve as the important complementary element of bilateral relations between partner countries and EU in the sphere of freedom of movement liberalisation by creating the necessary regional platform for countries with similar interests and problems.

The sub-group participants support the idea to continue experts' research of EaP Visa Liberalisation Index that includes independent assessment of the fulfilment of criteria for visa liberalisation by all six EaP countries. This unique tool allows to check and compare the progress made by each state in each area and is currently being produced by the sub-group. The index is available here: <http://monitoring.visa-free-europe.eu/>

Apart from this, experts of visa sub-group suggested to improve the current regulations of visa facilitation provided by the EU Visa Code and Visa Facilitation Agreement between the EU and third countries. In this regards, the following recommendations were developed to the Consular missions of EU Member States and the EU Commission:

- The Consular mission should more actively apply the existent flexibility of the Schengen acquis in order to issue a large number of multiple-entry/long-term visas. Long-term visas for a minimum of one year should become the usual norm, not the exception, as it follows from the existing Schengen regulation
- The Consulates should avoid issuing single-entry or short-term visas in cases when the applicant has previously used, in the legitimate way, since currently, numerous cases of issuing single-entry or short-term visas to those who previously held long-term visas are registered.
- Until the relevant changes to the Schengen acquis are made, in terms of the Schengen consular cooperation the countries should agree on a comprehensive list of documents required from the applicant and unify such a list to the maximum extent
- Electronic copies of documents, especially of those sent from abroad, should be accepted as originals as it does not contradict the existing Schengen acquis and does not increase the risk of accepting forged documents
- Obligation to inform applicants about the possibility to issue long-term visas, visa fee waivers and possibility to appeal against a negative decision, reduce its waiting time and harmonize the appeal procedure between the EU countries.
- Ensuring consular cooperation with other EU MS in order to enable visa application process in case of lack of representation of an EU MS in a given third country – to make sure that visa applicants do not need to travel to another state to submit their visa application

- In a case of an EU MS relying on outsourcing of some services with regard to visa applications processing - ensuring real choice for the applicant whether to apply through the consulate or an intermediary
- Initiative to create a *sub-group on Disputed Territories*

The initiative to create a *sub-group on Disputed Territories* found a positive response from WG 1 participants who agreed that it is important to work in the sphere. People-to-people contacts in frozen conflicts 'zones have drastically decreased and it is needed to encourage the communication of experts from the territories. This subject will be further discussed at the next Steering Committee meeting.

4. Discussion of methodology for EaP Roadmap monitoring

Jeff Lovitt from PASOS presented methodology for the monitoring of the EaP Roadmap (RM) which was decided to be produced by Forum by Vilnius summit. The monitoring will allow the Forum to demonstrate its added value by providing independent analysis of the process.

An additional objective of the CSF monitoring should make clear arguments for:

- reforms that will further democratic values and respect of human rights.
- bilateral and multilateral co-operation and European integration through increasing transparency in the relationship between the EU and the EaP countries.
- improving efficiency, co-ordination, and implementation of policies towards European integration.
- elaboration of a new roadmap, or an alternative to a roadmap, for the coming two years - based on a design derived from the conclusions and recommendations emanating from the CSF monitoring.

The methodology needs to enable the CSF to demonstrate independent, empirical-based expert evaluation and at the same time enable them to formulate clear, concise conclusions and recommendations targeted at a variety of audiences, not least:

- national governments of the EaP countries
- EU institutions and EU member states

Certain emphasis will be put on Monitoring of inclusiveness and transparency of policymaking and implementation (including both openness to CSF, and responsiveness to initiatives and policy proposals from larger civil society).

Building on the monitoring, the proposals for reform of policies, including further development of flagship initiatives, adjustments to EU funding policies and priorities, and the inclusiveness of policymaking vis-à-vis the public and civil society.

The RM monitoring, though based on experiences of the expert community engaged with the CSF, will at the same time actively involve CSF national platforms and working groups, thus strengthening the capacity of the latter.

5. Expert Panel on the European Endowment for Democracy (EED)

In the framework of the WG1 meeting an expert panel on the EED was organised as the operation of this new institution is important for the activities of the CSOs in the region. Four key speakers shared their views on the topic with the audience: Jerzy Pomianowski, Executive Director of the EED and Undersecretary of State at the Ministry of Foreign Affairs of the Republic of Poland; Edward McMillan-Scott, Head of the European Parliament Democracy Caucus; Vera Rihackova, Senior Research Fellow at EUROPEUM Institute for European Policy; and Orysia Lutsevych, Robert Bosch Fellow 2012 at Chatham House. The discussion was moderated by Jeff Lovitt, the Executive Director of the Policy Association for an Open Society (PASOS).

Mr Pomianowski informed that the secretariat of the EED will be comprised of 12 people and the available budget amounts to €25 million until 2015, although a German contribution to the EED is still missing. He expects the EED to be operational in early August and beneficiaries should be able to receive funding from autumn onwards. The operational model of the EED should be less bureaucratic as the Endowment is a mix of an intergovernmental and NGO approach. He stressed that there will be no announcement for a call of proposals. Instead the EED will work with an open finance cycle and handle proposals as they are received, which should enable quicker replies. If the EED rejects a project, this will be done in three ways: First, definitive no, if the EED does not see any value-added in the project. Second, if a value-added is identified, but the project is either too big or not addressing the EED's priorities, technical assistance to find alternative sources of funding will be provided. Third, if the project is too big for EED to fund or too risky, the EED will help in identifying possible co-funders.

The thematic priorities of the EED were presented as, first, providing “seed money” to help new organisations or unregistered organisations in places with unfavourable operating environment, second, providing bridging support to NGOs between projects; third, supporting democracy through the use of innovative tools like technology, art or culture; and fourth supporting cross-cutting activities for political leaders. Furthermore, Mr Pomianowski stated that an early warning system might be a side product of the EED, but stressed that the key activity of the Endowment is to provide funding.

Ms Lutsevych emphasized the problem of an NGO-crazy that can be observed in all EaP countries. She stressed the need for NGOs to reach out to society and attract real members as this will lead to a demand-driven approach, make them accountable to society and work as checks and balances within the organisation. According to her, the EED should aim at mobilizing change-minded citizens and also work on the local level, for example by supporting grass-root-groups, as the real change takes place there.

Vera Rihackova underlined that the establishment of the EED is a huge success for democracy support, but the new organisation faces an enormous pressure to show its added value. She identified the sustained political support and funding after 2015 as the key long-term challenges for the Endowment.

Mr. McMillan-Scott highly welcomed the establishment of the EED, for which he lobbied for a long time and which got the final impetus from the Arab Spring revolutions. He expressed concern that some EU member states like Germany or the United Kingdom do not contribute to the EED, but stressed that new member states which experienced the value of external support in the past see the added value of the Endowment. The fact that the initiative came from Poland, also facilitated the establishment of the EED.

Asked on a potential inclusion of Russia into the activities of the EED, Mr Pomianowski stressed that this might be considered in the future, but is entirely the responsibility of the Board. Ms Rihackova underlined that an inclusion of Russia and Turkey would be useful also in order to make use of the know-how of NGOs from these countries.

On the question, whether Trade Unions or other organisations that are not directly involved in democracy support might benefit, he underlined that all kind of social activism can be supported. Mr Lovitt emphasized the opportunities of cooperation between the EED and the CSF and suggested inviting the EED to other Forum events. Furthermore, the Forum could help in providing early warning, analyses from the ground and help in identifying Government Organised NGOs (GONGOs) applying to EED for funding. Mrs Rihackova stresses that the Forum can be instrumental in advocating EU member-states to provide their financial contributions to the EED.

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