A PARTNERSHIP FOR DEMOCRATIC REFORMS AND EUROPEAN INTEGRATION

The 3rd annual Assembly of the Eastern Partnership Civil Society Forum

Side-events proceedings excerpts

28-30 November 2011

Contents

Foreword

Dear Colleagues

We are pleased to present you with excerpts of the papers prepared for the 2011 Eastern Partnership Civil Society Forum. The CSF in Poznan took place in a specific time of the Polish Presidency in the European Council. The Forum was organised by the Steering Committee however its work was strongly supplemented by the activity of Polish NGOs and leaders of the sub-working groups. The strong cooperation resulted in more than twelve different workshops and discussions.

In this book you will find several documents presenting the most interesting discussions which took place during the Civil Society Forum in Poznan.

Sincerely yours,

Wojciech Borodzicz-Smolinski

Vice-director

Center for International Relations

Member of the Steering Committee of the EaP CSF

Štefan Füle

European Commissioner for Enlargement and European Neighbourhood Policy

Towards a new strategy for civil society engagement in the Eastern Partnership

Ladies and Gentlemen, Dear Participants and Guests of the Civil Society Forum,

It gives me great pleasure to address you today at the third annual meeting of the EaP Civil Society Forum.

As I look around, I am struck by just how far the Forum has come since its first annual assembly two years ago. And how appropriate, too, that this meeting should take place in Poland, in which civil society through the 'Solidarnosc' movement played such an important role in bringing about significant change at the end of the last century.

It always gives me great pleasure to meet civil society representatives. I am struck by the passion that you bring to your causes; by the immense courage that many of you show in fighting for change; and by your clear determination in the face of significant challenges.

In my view, the Civil Society Forum is about harnessing that passion, courage and determination to create a clear and coherent vision for the role of civil society in achieving our shared ambitions.

Today, I'd like to speak about my vision for the crucial role of civil society in the Eastern Partnership, and about the ways in which we will support you in achieving this potential.

Ladies and gentlemen,

There have been a number of important developments in the Eastern Partnership since we met together in Berlin last year. Following extensive consultation, including with many of you here, we set out a revised approach to the European Neighbourhood Policy as a whole through a new EU Communication in May. At the Eastern Partnership Summit in Warsaw in September, we also agreed a renewed agenda for the Eastern Partnership itself.

This renewed approach reinforces the central importance of those core values that have always been at the very heart of the Eastern Partnership. The need to secure democracy, basic freedoms and rights is fundamental and non-negotiable, and must continue to be the key strand running through all of our work if we are to achieve our aims.

At the same time, we also committed to extending cooperation in a range of important sectors, including economic integration, energy and climate change. I know that you will be discussing many of these issues during the course of this assembly.

In all of these areas, it is clear that we will be unable to achieve our goals simply by engaging with governments. We require your participation, both as individual organisations and through the Civil Society Forum. This was a point strongly reinforced by the declaration from the recent Summit.

Indeed, the crucial role that civil society organisations play, as well as the huge challenges that you face, has been starkly demonstrated by the recent developments in Belarus.

Following the crackdown since the Presidential elections last December, the EU has been clear that further cooperation with the Belarusian authorities will not be possible until significant progress is made to establish basic rights and freedoms.

In particular, we strongly condemn the recent sentence given to the key human rights figure, Ales Byalyatski. This conviction was clearly politically-motivated, and we have called on the Belarusian authorities to ensure his immediate release and rehabilitation, along with all other political prisoners in the country.

In circumstances such as these, it is clear that cooperation with civil society organisations, including many of those here today, assumes an absolutely crucial role.

It is essential not only in enabling us to continue our fight for basic human rights and freedoms, but also in ensuring that we maintain our support for the Belarusian people, and continue working to achieve our shared ambitions for the country.

Ladies and gentlemen,

As you consider your strategy over the course of the conference, I believe that you have a tremendous opportunity to agree a clear plan for the way in which the Civil Society Forum will help to shape and implement our renewed agenda.

There are a number of important areas in which I believe you can make a particularly important contribution:

First of all, it is clear that you have a crucial role to play not only in pressing for reforms, but also in monitoring their implementation. Your close involvement with developments in your countries makes you particularly well-placed to do this, and you should ensure a clear plan for coordinating this work.

Secondly, a key aspect of the renewed approach to the Eastern Partnership is the need to tailor our approach more effectively to the specific needs of each country. The National Platforms that have been developed have the potential to make a crucial contribution to this goal by harnessing your understanding of the situation at the national and local levels. It is therefore important that we ensure that these Platforms function as effectively as possible.

Thirdly, while not underestimating the challenges involved, it will be important for you to work constructively with all relevant stakeholders in your countries. The National Platforms will again play an important role in this regard, and I welcome the first meeting of these Platforms with government representatives in September, facilitated by the EU delegations in each country. I hope that this delegation-facilitated dialogue can continue in a structured way.

Finally, while I have focused on your work at the national level, one of the most important goals of the Civil Society Forum is of course to build networks between your organisations at the regional level, and to share experiences on different issues. I believe that the sharing of good practice, including from EU member states, will be essential in maximising the effectiveness of your work.

Ladies and gentlemen,

It is clear that you will not be able to achieve this single-handedly. We do not underestimate the challenges that you face, and we are therefore keen to support you as fully as possible as you work to achieve our shared ambitions.

We are keen to offer you financial assistance, and I would encourage you to make the most of these opportunities. In particular, we recently launched the first call for proposals under the newly-created Neighbourhood Civil Society Facility. The importance we attach to this initiative is demonstrated by the fact that, for 2011 alone, we have set aside €22 million for its activities. And of course this is in addition to the €9 million already committed to EaP civil society work in 2011 through existing instruments.

We are also working to establish the new European Endowment for Democracy, which will offer additional support for your work to achieve democracy.

The facilitation of visas is another key area where I believe we can aid you in your work. In my view, increased mobility is of real value in facilitating interpersonal contact and the exchange of ideas. To this end, we already have mobility partnerships in place with Moldova and Georgia, and have just signed one with Armenia. We have also established visa facilitation and readmission agreements with Ukraine, Moldova and Georgia, and are working towards full visa liberalisation with Ukraine and Moldova.

Finally, we will continue to work to increase your involvement in all aspects of the Eastern Partnership and to encourage governments to create inclusive processes for your participation. While there is clearly still work to do, you are now invited to participate in a wide range of key meetings, including those of the EaP thematic platforms.

Ladies and gentlemen,

I would like to reiterate that this assembly comes at a crucial time in the development of the Eastern Partnership. We have a renewed agenda, and a strong belief that the role of civil society is essential in achieving it. You now have the opportunity to agree a clear plan for the way in which the Civil Society Forum will contribute to implementing this exciting and ambitious work.

Thank you for your attention.

Lilia Carasciuc

Monitoring the implementation of the National Anticorruption Strategy: the experience of TI-Moldova

In December 2004, the Parliament of the Republic of Moldova adopted the first National Anticorruption Strategy (NAS). A Working Group (WG) for monitoring its implementation, mainly composed of highly ranked decision makers from all central public institutions, was created. During the monthly Group meetings, members of central public institutions presented their annual reports on corruption prevention activities. In 2007, to increase transparency and ensure the participation of civil society in the monitoring process, the National Chapter of Transparency International in Moldova was invited to participate as a member of the Working Group and the Executive Director of TI-Moldova was elected as its Deputy-chair.

In this role, TI-Moldova was tasked to participate in the elaboration of the Annual Action Plans and participate in the monitoring process, particularly in verifying the reports presented to the WG members. During 2007-2010, the activities conducted by TI-Moldova within the WG, as well as the expertise of legal acts, were included into a project funded by Oxfam Novib.

The participation of TI-Moldova in the WG, which includes the identification and inclusion of priorities in the Action Plan for the implementation of the NAS, presents a reliable avenue to promote systemic change in the prevention and combating of corruption. Once adopted by the Parliament, the NAS and Action Plan become the main documents regulating the activity of public institutions in the anti-corruption area.

TI-Moldova's participation in the WG is also an effective way to promote modifications to the anti-corruption legislation. At the request of several public institutions (Ministry of Justice, Centre for Combating Economic Crimes and Corruption, Parliament of RM), TI-Moldova regularly provides comments and recommendations to draft anti-corruption laws and normative acts. To promote its comments on draft legal acts, TI-Moldova submits them to all stakeholders, including WG members. As a result, in 2010 the Ministry of Justice formed a group to elaborate amendments to the effective Law on conflict of interest, the Law on declaration of incomes and assets by civil servants, and the Law on the Code of Conduct, by taking into consideration the proposals of TI-Moldova.

As a member of the WG, TI-Moldova periodically conducts exit polls among the beneficiaries of services provided by central public institutions. The questionnaires focus on the professionalism, ethical standards and utility of services provided by the public institutions, and their results supplement the reports and provide an alternative view on the institutions' performance in preventing corruption and improving governance. The questionnaires also allow individuals to include their complaints, observations and recommendations for the public institutions. One such exit poll conducted in 2008 showed numerous abuses made by public servants at the Ministry of Information Development. As a result, the Minister of Information Development was punished by disciplinary measures. Furthermore, at the suggestion of the respondents, the Ministry of Information Development extended its public hours, increased the number of service windows and installed boxes for incoming complaints.

The annual monitoring reports showed that over 90% of all actions foreseen by the annual Action Plans were formally implemented. For example, the Government's decisions and draft laws were elaborated and adopted, and entities were created. However, there are several actions that have been formally implemented, but have

registered systematic quality problems in implementation during 2005-2011. This is due to the lack of a law implementation mechanism, the absence of obligations/ sanctions for not respecting some regulatory acts, and lack of a clear regulatory framework for the entities.

These actions include:

- Improving the quality of information placed on the websites of public institutions;
- Creating and maintaining mechanisms that allow citizens to report on cases of corruption, particularly by using the services of the hot-lines and the petition system;
- Ensuring transparency of public procurement procedures;
- Improving the mechanism for the declaration of incomes and assets by public servants;
- Elaborating, adopting and implementing the Law on Conflict of Interest;
- Ensuring transparency in the recruitment procedure;
- Ensuring the well-functioning of the internal mechanism of corruption prevention;
- Conducting regular corruption risk assessments in public institutions.

In 2011, with the support of the Partnership for Transparency Fund and the Soros Foundation in Moldova, in a join effort with the Centre for Combating Economic Crimes and Corruption, TI-Moldova monitored the implementation of the above mentioned anti-corruption policies in four central public institutions: Ministry of Education, Ministry of Labor, Social Protection and Family, Ministry of Information Technologies and Communication, and the Main State Fiscal Inspectorate.

The monitoring results showed the following:

- Although the Moldovan legislation clearly identifies the information that needs to be posted on public websites, many institutions still fail to display their budgets, the results of controls performed by the Chamber of Accounts and actions taken to implement its decisions, anti-corruption activities conducted within the institution and public hours;
- Even if officially the public institutions reported a substantial number of calls to their hot-lines, their quality varied from well-functioning, to hot-lines operated by an automatic answering machine, and to totally inoperative ones. Moreover, instead of passing the corruption case to a specialized body, some of the monitored public institutions attempted to start their own investigation and failed at proving

a regulation infringement. The HL operators, according to the results, were not properly trained;

- The main part of those monitored did not have the public procurement plans on their websites, only selectively posted the bid announcements and failed to post the results of the bids;

- The format of the declaration of incomes and assets is ambiguous, and the information is not updated in current market prices;

- About 25% of public servants gave a confusing definition of conflict of interest and could not state the connection between conflict of interest and corruption. In spite of the provisions Law on conflict of interest, the majority of public servants did not file their declarations. The Agency for Integrity was not yet created. The model for the declaration of interests was not yet adopted. Those in charge of supervising conflict of interest situations were not appointed. The legislation did not set substantial sanctions for breaking the law on conflict of interest;

- Between 40 to 60 percent of public servants said they sensed the existence of nepotism and non-meritocratic promotion within their institution;

- A considerable part of public institutions still do not post on their websites information concerning job openings;

- None of the monitored public institutions made their corruption risk assessments public as required by the UNCAC provisions. The majority of the monitored public institutions could not clearly state how they used their corruption risk assessments;

- Some public authorities still do not maintain an accurate register of petitions. There are numerous instances when public authorities do not pass the relevant corruption cases to the authorized anticorruption bodies. About 30 percent of people that submitted petitions to the public institutions were not satisfied with the quality of the petition system.

The recommendations of the monitoring report were included in the draft 2012 Action Plan for the implementation of the National Anticorruption Strategy and are now expected to be adopted by the Parliament of the Republic of Moldova.

Liga Stafecka

political analyst, Transparency International – Latvia

Anticorruption strategy in Latvia: Strength and Weaknesses and The Role of NGOs

Corruption emerges where there is ample of opportunities for corruption with little risk of being caught and little costs. Therefore anti-corruption strategy should be focused to reduce opportunities of corruption while taking into account a number of principles to address the corruption effectively.

The World Bank[1] has defined number of cross-cutting principles that can be essential in operationalizing an effective strategy, not only to provide an operational framework to start anticorruption work, but also to build credibility behind an anticorruption strategy, enhance the sustainability of the strategy over time. Those principles are:

• **Credible leadership** is one of the principles – a serious anticorruption program cannot be imposed from the outside, but requires committed leadership from within, ideally from the highest levels of the state.

---

[1] The Worlds Bank: Steps Towards an Anticorruption Strategy. http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/EXTANTICORRUPTION/0,,contentMDK:20222172~menuPK:1165494~pagePK:148956~piPK:216618~theSitePK:384455~isCURL:Y,00.html

- An appropriate **entry point** for anticorruption work – it is critical to begin at a point where the goals are feasible and tangible results can be realized within a time frame that builds support for further reforms.
- A **detailed diagnosis** of the nature and extent of corruption in particular country.
- **Assessment of the political culture** in order to evaluate incentives and disincentives for change that will condition the feasibility of particular instruments of reform and the way they can realistically be sequenced in a particular country.
- Maximizing **leverage** beyond the entry point – efforts should be made to design "win-win" anticorruption strategies that promote the interests and reputations of major politicians and businesspeople while delivering positive externalities such as enhancing economic growth, strengthening governance, or reducing poverty and inequality.

While preparing the strategy, the sequence is important to ensure the credibility of leadership and to ensure tangible results to strengthen the constituency for reform over time. The strategy should be sustainable, with critical mass of mutually reinforcing reforms, broad coalition that supports the strategy, with civil society participation in anticorruption strategy and necessary resources and expertise.

Latvia with its twenty years democracy experience after the regaining the independence has experienced great development in the corruption prevention. The anti-corruption strategy has developed together with the process of the accession to European Union. This fact has had great impact on the speed of the elaboration and the design of the institutional framework of anticorruption policy.

Anti-corruption strategy development in Latvia
- 1995 – Law on Corruption Prevention;
- 1997 – Corruption Prevention Council created;
- 1998 – Corruption Prevention program adopted;
- 2000 – Corruption Prevention Conception adopted;
- 2002 – Corruption Prevention and Combating Bureau established;
- 2004 – National Strategy/Program for Corruption Prevention and Combating 2004-2008;
- 2009 – National Strategy/Program for Corruption Prevention and Combating 2009-2013

The turning point for anticorruption was the establishment of Corruption Prevention and Combating Bureau (CPCB) in 2002. CPCB is specialised anticorruption body with threefold areas of responsibility – education, prevention and combating (so called Hong Kong model). In general, it is supervised by the Prime Minister, its criminal procedures by Prosecutor General Office, administrative decisions – by court within administrative procedure.

There have been always pros and contras to such type of the separate anticorruption institutions. The success of such type of the institutions to the large extent depends on very many influencing factors including the risk that the institution becomes corrupt itself. Latvia's experience shows that this could be considered as a positive example – the corruption face would be completely different, if the specific anti-corruption agency would not be established. In the situation where the public have very low trust towards the Parliament, political parties, the Government, the CPCB enjoys comparatively higher public trust.

Besides the CPCB, the anti-corruption matters are on the agenda of the Parliament, where the Commission on Anti-corruption issues is established.

The CPCB is the leading authority to elaborate and provide the coordination of the implementation of Corruption Prevention and Combating programme. After the establishment of the leading anti-corruption policy authority there have been two policy documents elaborated. The first anti-corruption strategy covered midterm period from 2004 – 2008, currently the Corruption prevention and combating programme 2009 – 2013 is in force.

In general, the Anti-corruption programme 2009 – 2013 conforms to the main principles of anticorruption strategies. Through the times, the programme has become more concrete, with clearly defined responsible institutions for the implementation, result based indicators and the terms of execution, connection to the other policy planning documents.

Its strength is the concreteness, well designed supervision of the implementation of the strategy. The programme diagnosis the main corruption area that has been fixed in several public surveys and that is political corruption. The tasks included in the programme or so called entry points are the ones connected with the prevention of corruption in politics – so called "state capture" – the influence of private individuals on decisions taken by state or local government institutions. It focuses

on the strengthening the party financing system by initiating the state funding to political parties in order to diminish the very narrow groups influence on the political parties. The programme includes the task to strengthen the punishments for the financing violations of the political parties by introducing criminal liability for large-scale violations, or the violations were intermediaries are involved. The programme includes the tasks to introduce transparency in the lobbying process, by introducing the obligation for the municipal governments and national government as well as Members of the Parliament to disclose the information regarding consultations with private individuals that have taken place. The programme includes the first steps to develop the system how to strengthen the independence of the CPCB.

At the same time, there are several weaknesses of the implementation of the programme. The most important one is the weak political will to truly implement the strategy that has been approved by the politicians themselves. CPCB is leader of the strategy but most of the initiatives are the matter of the political approval and political will. Therefore the leadership of the anticorruption strategy has been one of the greatest challenges in Latvia. There is lack of strong political leadership to introduce strong anticorruption measures in strategic areas either it is specific law amendments or the strengthening the institutions responsible for the implementation of the strategy.

Transparency of party financing is one of the examples. There is well developed disclosure system of party donors – their names are published on Internet within 15 days. It is one of the most transparent systems in Europe. At the same time, less has been done to decrease the very problem – the donors influence on politics through other means – public procurement, lobbying as well as the more complex change of the party financing system in order to decrease the need for the big money in politics.

The other example is the CPCB status. There are several CPCB's functions that have made very complicated acting of the CPCB due to its vulnerability of political influence. CPCB controls political parties financing, investigates corruption cases, among them cases where high public officials, politicians are involved directly or indirectly. One of the indicators that clearly show the vulnerability of the CPCB is the fact that since its establishment it has experienced six directors of the office (together with the acting directors). The director of the CPCB is appointed by the Cabinet

of Ministers and approved by the Parliament. At the same time, the plan how to strengthen the independence of the CPCB is delayed in the Cabinet of Ministers for further changes in the law. As the representative of the CPCB explained, there is great political resistance to implement those strategies since it will put stronger regulations on their political activities[2]. To sum up, the lack of political will to promote anticorruption strategy is one of the main challenges in Latvia.

Secondly, too formal approach of the other public institutions towards strengthening anti-corruption strategy makes the strategy more vulnerable. There is weak strategic commitment from other state institutions. As the representative of the CPCB admitted, the most of the public institutions take the tasks too formally, with the little interest for real improvements, especially regarding the introducing internal anticorruption plans within the institutions. The other public institutions and its leaders' general knowledge and readiness to participate to implement the anticorruption strategy are crucial.

Thirdly, sustainability of the anticorruption program requires also the resources and expertise. Due to the lack of resources, the CPCB hasn't done any public surveys since 2007[3] – so there is lack of data on corruption. It is also general knowledge, that due to the lack of resources, several large scale corruption cases are investigated much longer than everybody expects. The courts are overloaded which prolongs the hearings of the cases. Those are just some examples that indicate that the appropriate resources should be dedicated to the anticorruption work.

Finally, more attention should be paid to the general public not only to educate, but also to encourage being part of the anticorruption strategy. So far, CPCB has paid less attention to those activities. At the same time, the two leading anticorruption NGOs (Transparency International – Latvia and public policy centre Providus) has played great role in educating the society.

The public surveys show, that on the one hand the readiness to bribe is decreasing, on the other hand, the readiness to report corruption is also decreasing. Besides that, the public surveys indicate low trusts in the role of the society to fight corrup-

---

[2] The interview with the representative of Corruption Prevention and Combating Bureau, 25.11.2011.

[3] It is expected, that the one will be presented in January 2012.

tion. In year 2005 around 18% of the respondents declared unreadiness to report corruption if face it. In year 2009 the number of the respondents increased to 27%[4]. Around 72% of the inhabitants of Latvia disagree that "Ordinary people can make a difference in the fight against corruption"[5]. There are several tasks in the Strategy 2009 – 2013 aimed to educate society, mostly public officials regarding corruption prevention. So far less attention has been paid to work more with the general public to encourage participation in corruption prevention and combating, for instance, whistle-blowers and their protection.

---

[4] Surveys organized by Transparency International – Latvia 2005, 2009.

[5] Global Corruption Barometer 2010.

Anticorruption strategies in Poland – the experience of Stefan Batory Foundation

The concept of developing strategies as a tool for solving major problems – adopted in the second half of the 20th century by business organizations from military science – is currently applied in a large variety of fields, particularly where the attainment of set goals is essential. It is also applied by state institutions, including Polish ones.

Corruption is one of those social problems to which a strategic approach is well-suited. For over a decade the concept of developing national anti-corruption strategies has been promoted by international institutions and organizations.

A Transparency International publication devoted to government anticorruption strategies maintains that there is no one universal strategy. Each one should be adapted to the situation existing in a given country. Strategies can be ex ante (preventive) and ex post (punitive). In practice, it is important to have a balance between the two types of activities; one cannot limit oneself to ex post activities.

An example of a multi-pronged strategy is the multi-directional strategy proposed by the World Bank for fighting corruption prepared for states undergoing system and

market transformation. Its starting point is the observation that activities to fight corruption focused on fighting symptoms should be redirected to tackling the causes of corruption. This strategy stresses the fact that the sources of corruption can be found not only in weaknesses in the state and its structures. It is essential to get inside the inner workings of political systems and the relationship between the state and the private sector as well as between the state and civil society.

In the pre-accession period, the European Commission criticized countries of the former Eastern bloc for excessive sluggishness in fighting corruption. In response to this criticism, national anti-corruption strategies were formulated and more or less successfully implemented. Examples of this type of activity can be found in Latvia (1998), Slovakia (2000/3), Hungary (2001), Czech Republic (2001), Lithuania (2002), Slovenia (2004), Estonia (2004), as well as Romania (2005) and Bulgaria (2005).

Under European Commission pressure, Poland also adopted a document on September 17, 2002 called *"A Program for Fighting Corruption – An Anti-Corruption Strategy"*. The tasks imposed by this document on individual ministries and central government institutions had to be accomplished by the end of 2003.

Stefan Batory Foundation (Anti-Corruption Program) assumed the monitoring of this strategy. Every 6 months between 2003 and 2004 we verified if the government fulfilled the obligations adopted in the strategy and informed the public opinion the result of our findings.

At the end of 2003, the 3rd and final phase of the strategy implementation was completed. However, the government failed to present a report on execution of its tasks. On March 4, 2004, at a press conference, we presented our evaluation of the execution of obligations assumed by the government in the anti-corruption strategy. In our opinion, there were material delays in execution of about 30% of tasks listed in the government document, some of them were not initiated at all. We also had serious reservations as to the qualitative content and sincerity of the execution of many tasks.

In October 2004, a substantially better document was adopted: *"A Program for Fighting Corruption – An Anti-Corruption Strategy – Implementation Phase II for 2005–2009"*. The goals and tasks of the second phase of the Strategy's implementation were set out for specific areas of public life – within their framework a general

goal and strategic goals were defined; both informational-educational and organizational changes were proposed. The entities responsible for carrying out specific tasks were designated, and deadlines set for their completion.

For a number of reasons, implementation of these programs produced limited results. With regard to implementation of Phase I of the strategy, the fundamental problem was that the activities undertaken were rather superficial in nature, motivated mainly by the need to meet European Union requirements before accession to the EU. Regarding Phase II, the main obstacle to effective implementation were the many changes of government[1], and the resulting changes in ideas about how to fight corruption. Another major reason for failure was the lack of formal mechanisms for evaluating entities and individuals responsible for carrying out specific tasks. In both cases, key factors were the lack of proper political leadership and the low level of engagement of the majority of public administration employees in implementation of the strategy, as well as the non-participatory process for developing the program. No funds were earmarked in the national budget for implementation of either Phase I or Phase II of the strategy. It should also added that these documents were, in effect, more like a plan than a strategy, if only due to their short time horizons.

At the end of November 2007 the prime minister appointed a Government Plenipotentiary for Developing a Program for Prevention of Irregularities in Public Institutions. The statement announcing the appointment of the Plenipotentiary indicated that one of his tasks is to "develop a program to prevent irregularities in public institutions, including institutions of local government". Unfortunately, thus far such a program has not yet been set up and it wasn't adopted any governmental anti-corruption strategy in Poland after 2009.

That is way Batory Foundation published in 2010 publication entitled *"How to fight corruption? Principles for developing and implementing an anti-corruption strategy for Poland"*. In this publication, we present principles for developing and properly implementing an anti-corruption strategy as well as examples of solutions that can be used for preparing such a strategy for Poland. It has been prepared with the aim of

---

[1]   "A Program for Fighting Corruption – An Anti-Corruption Strategy – Implementation Phase II for 2005–2009" was prepared and accepted by the government of Prime Minister Marek Belka. The governments of Kazimierz Marcinkiewicz, Jarosław Kaczyński and Donald Tusk were supposed to carry out its tasks.

launching a broad and serious discussion on the shape of Polish anti-corruption policy. We hope that we will succeed in persuading those who run this country of the merits of the vision that we have presented and that the result will be a long-term national anti-corruption strategy, which will then be implemented in the manner proposed by us.

In the introduction we present the general principles that should guide people developing and implementing national anti-corruption strategies. Then we move on to show how this process should take place in our country.

We believe that the strategy should be designed for a period of 15-20 years. We propose adopting the following strategic objectives:

- changing citizens' attitudes in such a way that the absence of corruption is considered a normal state of affairs;
- instilling in the public consciousness the belief that the authorities have a responsibility to continually fight against corruption;
- carrying out activities along three tracks: prevention, law enforcement, and education;
- putting Poland in the top ten among EU countries in terms of transparency.

An anti-corruption strategy should designate a single central institution responsible for its implementation. We propose that in the case of Poland this should be an independent institution for corruption prevention set up to fulfill the commitments stemming from the United Nations Convention against Corruption (Article 6).

Then, in each public authority a unit should be designated that will implement the tasks assigned to it within the strategy. Adequate financial resources should be allocated for carrying out these tasks. This institution should at least once a year submit a report to parliament on the implementation of the strategy. The conclusions of the report would serve as the basis for updating the current tasks.

In order to properly evaluate implementation of the strategy, there has to be internal evaluation – an assessment of success. For this purpose, a system for monitoring the progress of implementation, using measurable evaluation criteria, should be put in place.

In addition to internal evaluation, external evaluation is also necessary.

We call for the setting up of an institution independent of the government that will evaluate the process of implementing the government's anti-corruption strategy.

This body, composed of several experts, would prepare an annual assessment of the strategy's implementation detailing the main achievements, problems and risk factors, along with proposals for further action. If the need arises, it should also develop recommendations on the question of establishing accountability for non-implementation or ineffective implementation of the strategy in state bodies. Such an institution should have its own secretariat and a small but separate budget.

The media and NGOs would also do independent external monitoring of progress in implementing the strategy as part of citizen oversight. To enable them to do this, all documents related to preparation and implementation of the strategy should be immediately published in the Public Information Bulletin.

Our advocacy efforts was partially successful. In 2011 at the command of Deputy Minister of Internal Affairs and Administration, team which is preparing the *"Government Anti-Corruption Program for the years 2011 – 2016"*, incorporated in it some of the solutions we proposed, e.g. the introduction of an external evaluation of the implementation of tasks by the Supreme Chamber of Control and NGOs.

Unfortunately, although year 2011 is almost finished Program has been not approved by government still.

Dominika Bychawska-Siniarska

Execution of ECtHR decisions in EU and Eastern Partnership countries

This paper is based on the discussion and findings of the side event organized by the Helsinki Foundation for Human Rights on 29 November 2011 during the Eastern Partnership Civil Society Forum held in Poznań. The event was devoted to the lack of execution of ECtHR decisions and possible remedies to the situation[1].

Since 1953 the European Court of Human Rights ("ECtHR") system has been viewed as one of the most effective mechanisms created in order to protect human rights. At the same time it has become a victim of its own success. The rising backlog of cases of the ECtHR is the most vivid example of this problem. In 2006 the backlog stood at 86,000. At the moment there over 160,000 applications pending and

---

[1] Invited speakers were: Andrew Drzemczewski (Council of Europe Parliamentary Assembly, monitoring of the execution of judgments by the Council of Europe institutions), dr Adam Bodnar (Vice-President of the HFHR) and dr Lena Bryzik (Polish Academy of Sciences and Poznań Center for Human Rights). The discussion was moderated by Dominika Bychawska-Siniarska (Helsinki Foundation for Human Rights).

every year there are 20,000 new cases. Russia, Italy[2], Poland[3], Romania, Turkey and Ukraine[4], are countries, which provide 70 percent of all the applications. All these countries are "persistent defaulters", which means that most of their applications are repetitive. To a large extent this is a result of the fact that states fail to execute the Strasbourg judgments properly. In other states of the Eastern Partnership, namely Azerbaijan, Georgia, Armenia and Moldova, being relatively new in the Council of Europe, problems with the execution of judgments are now slowly arising.

Some states implement ECtHR judgments quickly, but have a large number of cases unresolved (e.g. Bulgaria), while other states take longer to implement but have completed implementation in most, or a large part of the adverse judgments issued against them (e.g. Germany). For instance, it took German authorities an average of 50.23 months to implement ECtHR case law under study, but they have executed over 80% of the pending judgments. In contrast, while Italy took an average of 46.50 months to execute, implementation is still pending for over 80% of judgments[5].

The possibility of joining the Council of Europe protection system by the European Union might overburden the ECtHR. Therefore, discussions on the accession of the EU to the European Convention on Human Rights ("the Convention"), should be combined with a concern on the future of the ECtHR. It might also be a momentum to discuss the potential remedies to improve the execution of judgments in the country delivering the higher amounts of violations. In the light of the rising backlog of cases, the reform of the Court, especially considering the upcoming accession of

---

[2] Case *Ceteroni against Italy* (judgment of 15 November 1996, application no. 22461/93), the case concerned length of proceedings and no remedies in that respect were introduced.

[3] Case *Orchowski against Poland* (judgment of 22 October 2009, application no. 17885/04), the case revealed a systemic problem with the inhuman and degrading treatment in the detention facilities. The judgment is not being implemented by Polish authorities.

[4] Case *Yuriy Nikolayevich Ivanov against Ukraine* (judgment of 15 October 2009, application no. 40450/04), which until now has not been executed by the authorities. The Court has delivered judgments in more than 300 cases against Ukraine during the past five years since its first judgments finding repetitive violations of the Convention on account of the non-enforcement or the lengthy enforcement of final domestic awards in Ukraine and on account of the absence of effective domestic remedies in respect of such shortcomings.

[5] Dia Anaggnostou, Alina Mungiu-Pippidi, *Why Do States Implement Differently the European Court of Human Rights Judgments? The Case Law on Civil Liberties and the Rights of Minorities*, JURISTRAS Project, Comparative, April 2009.

the EU to the Convention, a primarily focus should be on the efficacy of the execution of judgments and the elimination of systemic, structural violations (which lead to clone and repetitive cases).

The background of the problem

The large amount of cases pending before the ECtHR, as well as the increasing number of unexecuted cases, results from various reasons. One of them is the unwillingness of national judges to apply ECtHR standards and to follow the international discourse on human rights. The ECtHR is now perceived as a super-appellate court for everything that goes wrong in national courts. Very rarely judges assess cases with specific (and correct) reference to requirements imposed by the ECtHR. The lack of applicability of ECtHR standards also result from the fact that the case-law binding force is rejected by certain lawyers, with the argument that legal systems in Central and Eastern Europe and the South Caucasus are civil and not common law systems (like in the United Kingdom).

This partially results from the lack of systemic training on European and International human rights[6] address to judges and prosecutors. Practical training of professionals should also include government officials and officers (prison wardens and police officers). Human rights are rarely in the university curriculum, or if present, they are not mandatory. Moreover, ECtHR judgments, due to linguistic reasons are accessible to a limited amount of legal professionals. No translation is provided in Russian, although a large amount of ECtHR judgments recipients in the Eastern Partnership countries operate in that language. Translations are being done by government agencies and /or NGOs but are limited to cases against the respective member states. Translation should also include Grand Chamber judgments, regardless of the respondent state.

States do not adopt a pro-active approach and do not review the existing legislation or the draft amendments in scope of the Convention standards. This could reduce the existence of repetitive, "clone" cases and prevent the occurrence of similar violations from one state to the other. Furthermore, national parliaments

---

[6] Frank Emmert, *The Implementation of the European Convention on Human Rights and Fundamental Freedoms in New Member States of the Council of Europe – Conclusion Drawn and Lessons Learned*, The Hague, Eleven International Publishing, 2012.

rarely monitor the government in respect of steps undertaken in order to implement ECtHR case law.

The role of the Committee of Ministers

The exercise of the powers of the Committee of Ministers under Article 46, paragraphs 2 to 5, and Article 39, paragraph 4, of the Convention, is governed by the Rules of the Committee of Ministers for the Supervision of the execution of judgments and of the term of friendly settlement [7]. The Secretariat and the Department for the Execution of Judgments assist the Committee of Ministers. When the ECtHR judgment becomes final it is transmitted to the Committee of Ministers and is entered in the Committee agenda. The first stage of the implementation is for the State to provide an Action Plan to the Committee of Ministers within six months of the date the judgments becomes final. The Action plan sets out the itinerary of the implementation of Court's judgment in order to comply with the terms of the judgment. The document may also serve to describe the already taken actions. Since January 2011, the Committee of Ministers operates a "twin track" method of managing the large number of cases. There is the standard (or simplified) track and the enhanced supervision track. In the standard track the Committee of Ministers does not take an active role, it simply makes formal decisions that are necessary to progress the execution of a case. The enhanced supervision enables the Committee of Ministers to take an active and intense role, by calling on state to take specific actions or setting the timetable. The Committee may also provide the state with technical assistance as to the preparation of the Action Plan. The enhanced supervision is granted to cases where urgent individual measures are required, where there was a pilot judgment or the case discloses major structure and complex problems as identified by the ECtHR or the Committee of Ministers, the case results from an inter-state complaint[8]. Cases might be moved from one track to the other, if e.g. the state failed to provide an Action Plan or when the Committee decides to place the case

---

[7] Rules of the Committee of Ministers for the Supervision of the execution of judgments and of the term of friendly settlement from 10 May 2006. See: http://www.coe.int/t/dghl/monitoring/execution/Source/Documents/Docs_a_propos/CMrules2006_en.pdf

[8] Basak Cali, Nicola Bruch, "A handbook for Non-Governmental Organisations. Monitoring of the Implementation of the Judgmenta of the European Court of Human Rights", May 2011.

on the enhanced supervision track. If the states failed to provide an Action Plan the Committee may urge the state to do so or declare that the state failed to implement the judgment, it may also, through a two-thirds majority vote of representatives adopt an interim resolution to ask the Court to consider whether the state failed to meet its Convention obligations under art. 46.

The implementation will be satisfactory when the state has carried out all the measures contained in its Action Plan. The state presents to the Committee an Action Report on the basis of which, within six months, the Committee of Ministers relying on the Department for the Execution of Judgments information and also communications from NGOs will take a decision on whether to close the case or not. If the Committee finds that the States complied with the obligation it takes a final resolution to declare that the procedure is finished[9].

The report on the *Supervision of the execution of judgments of the European Court of Human Rights*[10] provides details concerning the number of cases pending before the Committee of Ministers. In 2010 there were 23 cases from Armenia pending before the Committee (including 11 clone cases), 31 from Azerbaijan (including 11 clone cases), 29 from Georgia (including 6 clone cases), 167 from Moldova (including 114 clone cases) and 670 from Ukraine (including 610 clone cases).

Role of the Parliamentary Assembly in execution process

According to Article 46 of the Convention, it is the Committee of Ministers which supervises the execution of ECtHR judgments. However, the Assembly and national parliaments must now play a more proactive role in this respect. Therefore, **on 17 November 2010 the Committee on Legal Affairs and Human Rights adopted unanimously a resolution on the implementation of judgments of the European Court of Human Rights[11]. The resolution mentions the chronic non-enforcement of domestic judicial proceedings in the "persistant defaulters" states**. The resolution also highlights that states parties to the Convention should fulfill their obligation under

---

9   Resolutions are available at: http://www.ECtHR.coe.int/ECTHR/EN/hudoc

10 http://www.coe.int/t/dghl/monitoring/execution/Source/Publications/CM_annreport2010_en.pdf

11 See: http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc10/EDOC12455.htm#P39_1844

Article 46 of the Convention to ensure the full and rapid implementation of judgments of the Court. National parliaments may, in this respect, have an essential role to play as they, sometimes more effectively than the Committee of Ministers, can exert pressure on governments to ensure the effective implementation of an adverse judgment.

On the 16 of November 2011, the Parliamentary Assembly adopted a report on the effectiveness of the Convention protection system. The report has been prepared by Mrs. Marie-Louise Bemelmans-Videc, The Netherlands, Group of the European People's Party[12]. The report stresses the need to increase the role of subsidiarity and *res interpretata.* The report highlights two priorities. The first concerns the need for the Court to be given the means to appropriately regulate the filtering of applications and to deal with repetitive cases. Secondly, the focus should be on *"persistent defaulters",* that is countries in which serious human rights problems exist.

The report also highlights the need to increase the ECtHR and Council of Europe execution department. The Strasbourg Court in 2010 decided 41,183 cases out of the total number of 139,650 pending applications, the resources at its disposal in 2011 amounted to 630 staff members and a total budget of €58.96 million. This is less than a quarter of the budget of the Court of Justice of the EU (CJEU) in 2011, less than a third of the budget of the International Court for Former Yougoslavia (ICTY) in 2011 and roughly half the budget of the International Criminal Court (ICC) in 2010. These figures appear even more striking when one takes into account the number of cases being dealt with by the European Court of Human Rights when compared with the number of cases dealt with by the CJEU, the ICTY or the ICC.

Human Rights Trust Fund

The Human Rights Trust Fund (HRTF), managed by the Council of Europe Development Bank (CEB), was established in 2008[13] and supports the implementation of the ECtHR judgments through two projects.[14] The first is aimed at removing

---

[12] See: http://assembly.coe.int/CommitteeDocs/2011/ajdoc44_2011.pdf

[13] See Committee of Ministers Decision: Agreement Establishing a Human Rights Trust Fund (1/16/2008), available athttps://wcd.coe.int/wcd/ViewDoc.jsp?id=1225169&Site=CM

[14] Germany, the Netherlands and Finland joined Norway's efforts to finance this project. SeeHuman Rights Trust Fund Project, available at http://www.coe.int/t/DGHL/Monitoring/Execution/Themes/HRTF/Intro_HRTF_en.asp

obstacles to the enforcement of domestic court judgments, as their non-enforcement is one of the most frequent sources of violations found by the Court in several States[15] (mentioned in the first chapter). The second is aimed at contributing to the execution of judgments of the Strasbourg Court by the Russian Federation.[16] According to the General Assembly, this initiative merits additional support, including from the CEB itself[17]. With more widespread membership, the HRTF has the potential of becoming an important forum for the funding, development and implementation of ECTHR training programmes within State Parties.[18] This HRTF could also, perhaps, help fund the secondment of judges/lawyers at the Court's registry in Strasbourg from certain countries.

Recommendations

Taking into account the role of the ECHR and the conclusions of the side event held during the Eastern Partnership Civil Society Forum, actions listed below should be undertaken in order to effectively execute the ECtHR judgments, that will contribute to the implementation of the Council of Europe standards in human rights in the Eastern Partnership countries, as well as in the EU member-states:

• to increase the effectiveness of domestic remedies by extension of *subsidiarity*;
• to ensure that human rights are respected and that law and practice of States conform to the Convention;
• to execute fully and in good time judgments of the Strasbourg Court and to pay utmost attention to the implementation of the ECtHR judgments.

---

[15] See, in particular, references to such structural problems highlighted in docs. 12455 (report of Mr C. Pourgourides, footnote 2, and AS/Jur/Inf (2011) 05, footnote 15, above).

[16] *Id.*

[17] The CEB makes annual profits of well over € 100 million, not least thanks to the capital (as of 2010, € 3 bn subscribed but uncalled, another € 2 bn paid-up capital and reserves) placed at its disposal by its shareholders (member States) without taxation or remuneration in the form of dividends. Information about the work of the CEB can be accessed on the Bank's website, at http://www.coebank.org/ Not all Council of Europe member States are members of the CEB; missing are, in particular, Austria, the Russian Federation, Ukraine and the United Kingdom.

[18] See W. Schwimmer, "Institutional and functional arrangements for the protection of human rights at national and European levels: introductory report," in Reforming the ECTHR: a Work in Progress (2009), p.29.

- to expand more effort to have not only the text of the Convention and its protocols available in all the languages of the Council of Europe, but also that of the Court's case-law.
- to introduce and, where necessary, reinforce training programs for professional groups, in particular, persons responsible for law enforcement and the administration of justice on the questions which arise from the case law, in order to prevent subsequent violations.
- **to integrate the Strasbourg Court's case-law into national law and the judicial practice of member-states. I**n order to optimize the Court's effectiveness and authority, the Committee of Ministers should adopt a Recommendation on the principle of *res interpretata* (the interpretative authority of the Court's Grand Chamber judgments of principle within the legal orders of states other than the respondent state in a given case)*.*
- to increase transparency of the judgments execution at the national level. The best solution would be the publication of regular information about the state of execution of different judgments (e.g. by the Ombudsman office). This would enable to NGOs to follow the process of execution and to give a positive impact at the early stage of drafting the action plan or in any other stage of the proceedings. A solution is also the creation of a Parliamentarian Commission in order to monitor the judgment implementation process by the Government.
- create national institutions, which in long term would ensure the proper implementation of judgments (e.g. possibility of reopening of the proceedings, possibility of reopening an investigation or *restitutio in integrum*).
- to increase the engagement of national parliamentarian, particularly those who are also members of the Parliamentary Assembly of the Council of Europe.
- EU, in the scope of its possible accession should engage in the process to a larger extent. The state of execution of judgments should be an element of negotiations between EU and other states.

Ane Tusvik Bonde, Ramute Remezaite

Human Rights House Foundation (Norway)[1]

Practical tools to ensure better protection of human rights defenders and to foster respect for the right to freedom of assembly

Introduction

The Helsinki Foundation for Human Rights (Warsaw) and the Human Rights House Foundation (Oslo, Geneva) organized a side event at the Eastern Partnership (EaP) Civil Society Forum on how to use existing international and regional human rights mechanisms to increase the protection of human rights defenders and to foster the promotion and protection of the right to freedom of assembly in the EaP countries. Lena Bryzik, the Polish researcher from the Center for Human Rights of Poznań, Michael Hamilton[2], the international expert on freedom of assembly from the Central European University, Eva Pastrana, the Human Rights Focal Point in

---

[1] The paper bases on information from the panelists Lena Bryzik from Centre for Human Rights in Poznan, Michael Hamilton from the Central European University (Hungary), Eva Pastrana, the Human Rights Focal Point of the EU delegation in Georgia, and Marek Svaboda from People in Need (Czech Republic).

[2] Michael Hamilton is a member of the OSCE/ODIHR Panel of Experts on Freedom of Assembly

the European Union (EU) Delegation in Georgia, and Marek Svaboda, the Head of the human rights department of People in Need and the Coordinator of the human rights working group of the EaP Civil Society Forum were among the speakers of the panel discussion. The panelists discussed specific practical tools being used to ensure better protection of human rights defenders and respect for the right to freedom of assembly. The panel specifically focused on the role of EU in protecting human rights defenders and on how civil actors can practically use EU and other regional and international mechanisms.

International and regional human rights mechanisms as tools to protect human rights defenders

After a brief introduction of mandates of different international and regional human rights mechanisms, dr. Lena Bryzik referred to some best practices on how specific mechanisms, like the **United Nations (UN) Special Rapporteurs**, **OSCE Office for Democratic Institutions and Human Rights** (ODIHR) or **Commissioner on Human Rights of the Council of Europe** (CoE) can contribute to supporting human rights defenders in the field and highlighted the need for them to coordinate their efforts. For example, the regional round tables with human rights defenders, organized by the CoE Commissioner for Human Rights in Kiev October 2009 and Sarajevo in December 2010, were mentioned as a good practice example on how local regional human rights defenders can effectively discuss various human rights mechanisms with representatives from the Council of Europe, UN and the OSCE.

Visits of officials representing various human rights mechanisms, like UN, OSCE, UN and European Union (EU) is one of the effective ways to support human rights defenders and their work in the regions. Meetings with local human rights defenders and attention to their cases ensure more visibility and credibility to them and therefore contribute to their protection. In cases, when the situation becomes urgent and human rights defenders are being placed at increased risk, some mechanisms can be used more rapidly than others. For example, the CoE Commissioner for Human Rights can visit countries on short notice, whereas the UN Special Rapporteurs need official invitations from respective states for conducting country visits. For example, in June 2010, the UN Special Rapporteur on situation of human rights defenders conducted a country visit to Armenia and its results were presented to the UN Council

in her report in March 2011[3]. On the other hand, the UN Special Rapporteur on the situation of human rights defenders has the possibility to immediately react on individual cases and adopt direct communications to the respective states, based on documentations from various credible actors, such as human rights defenders on the ground.

Bryzik elaborated on the possibilities for other non-state actors to **invite the UN Special Rapporteurs to countries**, when no official state invitation is issued, to participate in their conferences or meetings in particular countries. In 2005, the then UN Special Rapporteur on the situation of human rights defenders Hina Jilani visited Azerbaijan and met with human rights defenders from all the regions in the country, as well as from the North Caucasus, Belarus, Georgia and the Russian Federation. The conference was organized by the Human Rights House Foundation, in cooperation with Azerbaijani partner organizations of the Human Rights House Network[4].

Another option is to hold **informal consultations** of the respective UN Special Rapporteurs with regional human rights defenders before their official country visits. Before the first country visit of the UN Special Rapporteur on freedom of assembly and association to Georgia in February 2012, the Human Rights House Foundation, together with the Human Rights House Tbilisi and the ODIHR Focal Point for Human Rights plan to hold regional consultations with 60 human rights defenders from the Eastern Partnership countries, as well as human rights defenders from the Russian Federation and the Western Balkans. By meeting human rights defenders face to face, it is easier for the UN Special Rapporteurs to raise concern about the situation in CIS countries. It is therefore important to bring the international experts to the countries and make sure that their assessments, statements and reports are translated into the local languages and distributed within the countries.

Among the activities of the Focal Point on Human Rights at the ODIHR, Bryzik mentioned its **engagement in trial observations** as well as their **monitoring program on freedom of assembly**, done by national partners as two key involvements of this regional mechanism in the Eastern Partnership region. However, during the

---

[3] http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/179/19/PDF/G1017919.pdf?
OpenElement

[4] www.humanrightshouse.org

discussion several participants raised the issue that OSCE Office and the UN Offices in several Eastern Partnership countries are not cooperating with the most outspoken organizations. They are for instance not invited to round tables on freedom of assembly and association even when the issues are relevant for these NGOs.

During the panel discussion, the Human Rights House Foundation (HRHF) referred to the side event co-organized together with Front Line Defenders and the Observatory for the Protection of Human Rights Defenders (FIDH – OMCT), in co-operation with the Youth Human Rights Movement, at the OSCE Human Dimension Implementation meeting in September 2011, where concrete steps on how to improve the protection mechanisms for human rights defenders at risk by OSCE and its participating states were suggested[5]. The suggestions include the **establishment of the mechanism for monitoring situation of human rights defenders**, including human rights lawyers, and for ensuring their safety. It also suggests to work towards the creation of a permanent mandate of OSCE Representative on Human Rights Defenders, similar to the mandate of the OSCE Representative on the freedom of the media.

HRHF also mentioned the need for **more publicity of official statements of the UN Special Rapporteurs** on systematic violations, in addition to the UN official communication with the member states. In November 2011, right before the panel took place in Poznan, three UN Special Rapporteurs on freedom of expression, independence of judges and lawyers and on the situation of human rights defenders issued a joint statement where they condemn the systematic harassment and repression of human rights defenders, including journalists and lawyers, in Belarus in 2011. The statement was issued as a result of joint lobbying by international and national NGOs, such as the Geneva office of the Human Rights House Foundation. It was adopted right before the prominent Belarusian human rights defender Ales Bialiatski was sentenced to 4,5 years of imprisonment. The joint statement is welcome by the civil society, however, it might have had a greater effect if it was issued much in advance, before the more restrictive amendments to relevant Belarusian laws were adopted.

---

[5]   http://humanrightshouse.org/Articles/17121.html

EU guidelines on human rights defenders as a practical tool to support human rights defenders in EaP countries

Eva Pastrana, the Human Rights Focal Point in the EU Delegation in Georgia, made an overview of how EU Offices in the field can use the European Union (EU) guidelines on human rights defenders in practice in order to assist human rights defenders at risk. In 2004, EU adopted its Guidelines on human rights defenders[6] (hereinafter – Guidelines) is based on the UN Declaration on Human Rights Defenders[7] from 1998 to serve as a practical tool for EU offices to ensure assistance and protection to human rights defenders. The main purpose of the Guidelines is to provide practical suggestions on how to strengthen EU efforts to promote the right to be a human rights defender and defend human rights. The Guidelines also provide for the EU intervention when human rights defenders are at risk, and suggest practical means of supporting and assisting such individuals and NGOs.

Eva Pastrana focused on how EU and specifically the EU offices in the Eastern partnership countries encompass various ways for their proactive role in protecting and supporting human rights defenders. Among the tools used are **monitoring, reporting and assessment** of the situation of human rights defenders, such as human rights fact sheets, EU reports. To ensure good analysis of the situation the EU offices **maintain contacts** with wide spectra of human rights defenders. Pastrana gave credit to local organizations, which provided well-documented facts to the EU delegations and made it easier for the EU Office to act on relevant cases and to raise concern. Information provided by the civil society is crucial for the Office to make demarches and public statements about human rights defenders at risk. The Guidelines provide that every EU Office in the field should have a **special liaison officer for protection of human rights defenders** appointed in order to ensure higher priority for this issue and make it easier for national human rights defenders to stay in contact with EU in the respective country.

Another way to increase the protection is to ensure that the EU and other EU states embassies provide **visible recognition to human rights defenders** by re-

---

[6] http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf

[7] http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/770/89/PDF/N9977089.
pdf?OpenElement

ferring to their work, and attending press conferences and seminars held by civil society actors. A case can receive more attention if diplomats from EU embassies visit human rights defenders under house arrest or attend trials against human rights defenders as observers. During the last two years in Georgia, the EU Office attended several conferences organized by Georgian member organizations of the South Caucasus Network for Human Rights Defenders. In terms of third countries and in multilateral fora to promote respect for human rights defenders, the EU guidelines recommend them to hold **meetings with human rights defenders during country visits** of EU officials. EU does also have the opportunity to raise the situation of human rights defenders in its political dialogue with the states.

EU gives **practical support** to human rights defenders, including through development policy, such as:

• EU/member states' support programmes
• Support to national human rights bodies (eg. Ombudsman)
• Assistance in establishing human rights defenders' international networks
• Informing human rights defenders on funding opportunities and protection measures from abroad (e.g. emergency visas)

Through the EIDHR program, EU has supports several networks for increased protection of human rights defenders, such as the establishment of the South Caucasus Network of Human Rights Defenders[8] in 2009-2010. In addition, EU gives support to regional human rights mechanisms, such as Commissioner for Human Rights of the Council of Europe and the UN Special Procedures, including the Special Rapporteur on the situation of human rights defenders.

In accordance with its mandate, the EU Council Working Party on Human Rights COHOM monitors the implementation of the Guidelines. It comprises promoting the integration of the issue of human rights defenders into relevant EU policies and actions. In addition the body undertakes reviews of the implementation of the Guidelines at appropriate intervals. Further COHOM reports to the EU Council as appropriate on an annual basis on progress made towards implementing the Guidelines.

---

[8]   www.caucasusnetwork.org

During the panel discussion, HRHF highlighted another recommendation from the side event at the OSCE Human Dimension meeting to work towards the development of OSCE Guidelines on Protection of Human Rights Defenders as a compilation of common standards (similar to OSCE guidebook on freedom of assembly) and as an analogy to the EU Guidelines on human rights defenders.

Protection tools developed or initiated by civil society

Marek Svaboda from People in Need focused on several concrete tools and products available for better protection of human rights defenders.

As the coordinator of the working group on human rights at EaP Civil Society Forum, he referred to its report which gives a short overview over the human rights situation in the Eastern Partnership countries, focusing primarily on freedoms of speech, association and assembly, presents the most important current trends, events and issues[9]. The report was prepared based on contributions from human rights organizations in respective countries and can be used by the member organizations of EaP as an advocacy tool.

Svaboda also mentioned the tools for **direct support** to human rights defenders **in emergency situations**, such as the activities of Front Line Defenders[10], Freedom House Defenders Fund or People in Need´s own „Club of Friends"[11]. Other recently established US State Department led initiatives, such as „Embattled NGOs" (also called LifeLine[12]) and the Fundamental Freedoms Fund have already assisted several human rights defenders at risk. In addition to the EU guidelines, Marek Svaboda highlighted the Diplomat's Handbook for Democracy Development Support, which encourages diplomats to engage and support local defenders[13]. The handbook is produced, among others, by the Secretariat Council for a Community of Democracies (CCD), and presents a wide variety of case studies documenting and explaining specific country experiences. It also identifies creative, human, and material re-

---

[9]   http://www.eap-csf.eu/en/working-groups/wg1-democracy-human-rights/resources/alert-monitoring-report-on-human-rights-in-eastern-partnership-countries/

[10] http://frontlinedefenders.org/

[11] http://www.clovekvtisni.cz/index2en.php?parent=406&sid=406&id=571

[12] http://www.freedomhouse.org/program/lifeline-embattled-ngo-assistance-fund

[13] http://www.diplomatshandbook.org/

sources available to Missions, the ways in which Missions and diplomats have supported requests in the past, and describes how such support has been applied.

During the last years the initiative to establish the concept of „Shelter Cities" is being developed, enabling **short-to-mid term relocation of human rights defenders in need**. The demand for a European initiative that would offer a comprehensive response to the needs of protection and support of human rights defenders forced to seek temporary refuge outside their countries has been repeatedly highlighted by civil society and is supported by most Member States, the Commission, the European External Actions Service and the European Parliament[14]. An external study requested by the Commission in 2011 has identified the most common challenges and constraints encountered by NGOs, cities, regions, governments and universities running temporary relocation programs for human rights defenders at risk both in and outside the EU.

The Helsinki Foundation for Human Rights (HFHR) informed about their new project "Europe for human rights" with the aim to closely monitor and participate in the development of human rights standards, policy and legislation in CoE and EU, including Eastern Partnership[15]. The project includes close cooperation with the Human Rights House Network partners and other NGOs in the EaP countries to address the issues that are relevant for human rights defenders and NGOs there.

HFHR has also presented the **first human rights blog under EU blogactiv.eu**, which is administered by HFHR[16]. Human rights defenders and NGOs are welcome to use it as a tool to promote information and raise human rights issues in the EaP countries.

Protection of the right to freedom of assembly – practical example from Belarus

Michael Hamilton, the international expert on the right to freedom of assembly, explained how civil society actors on the ground can **use international experts** to highlight and ensure increased credibility to their findings, by involving them, for ex-

---

[14] http://www.eidhr.eu/files/dmfile/Agendaworkshop.pdf

[15] http://www.europapraw.org/en

[16] http://humanrights.blogactiv.eu

ample, in studies with the aim to analyze the violations of the freedom of assembly in Belarus on 19 December 2010.

On 22 February 2011, the International Observation Mission of the Committee on International Control of the Human Rights Situation in Belarus (CIC)[17] appointed Dr. Neil Jarman[18] as an independent Special Rapporteur to investigate the events surrounding the opposition protests on 19 December 2010 in Minsk. The Special Rapporteur was assisted by a team of experts on freedom of assembly and policing issues, including Mr. Hamilton.

The mandate of the Special Rapporteur was to evaluate the events of 19 December 2010 and to analyze the exercise of the right to freedom of assembly on 19 December 2011 from the perspective of international standards, such as Article 21 of the International Covenant of Civil and Political Rights and the OSCE-ODIHR – Venice Commission Guidelines on Freedom of Peaceful Assembly[19]. In addition, the Special Rapporteur and the experts assessed whether the use of force by law enforcement agencies, as well as the further steps taken by the authorities to prosecute the participants of the assemblies were proportionate and well-reasoned. The 'Interim Human Rights Assessment' was published in May 2011, which set out a preliminary assessment[20].

The report, issued in Russian and English, was underpinned by the key premises, which stated that *peaceful* assembly should be protected and facilitated by the authorities even if they technically were seen as unlawful assemblies. In addition, it pointed out that law enforcement officials should differentiate between those who are behaving violently and those whose behavior is peaceful, as violent actions of others should not deprive the rights of those who remain peaceful.

---

[17] The Committee is a coalition of more than 40 NGOs from more than 15 OSCE participating states;

[18] Neil Jarman works at the Institute for Conflict Research, Northern Ireland

[19] http://www.venice.coe.int/docs/2010/CDL-AD(2010)020-e.pdf

[20] Questions asked: what instructions/orders were given to the police both in advance of the evening of 19 December? What evidential basis is there to distinguish between (a) 'organizers' and 'participants', and (b) those charged with mass riot offences compared with those charged with lesser public order offences? How precisely does the Court define a 'mass riot'? What factors does the Court take into consideration when deciding whether an individual 'participated in' or 'organized' such a riot?

The findings of the Interim Report were referred to in a number of official reports and resolutions by intergovernmental organizations, such as the OSCE Moscow Mechanism report[21], European Parliament resolution of 12 May 2011 on Belarus[22], information notes by the rapporteur on Belarus of the Parliamentary Assembly of the Council of Europe (PACE) and in the report of the PACE Ad hoc committee of the Bureau on recent detentions, prosecutions and convictions of members of the opposition in Belarus, as well as the OSCE/ODIHR Report on Trial Monitoring in Belarus (March-July 2011).

It shows how important the **credibility given by different regional mechanisms** to the work done on the ground, is, and the documentation is ensured with sufficient visibility. Hamilton concluded that the report might give the documentation on the ground more credibility, but he also emphasized how important it is that international experts give credit and acknowledgement to the work done by national experts and human rights organizations, as long as this does not put them at risk.

Belarusian human rights defenders and lawyers also attempted to use the Interim Report as evidence in court proceedings on the criminal cases of the participants of the 19 December 2010 events, and succeeded in doing so in the trials of Sannikov, Vasilevich, Gnedchik, Mirzoyanov and Eremenko[23]. However, the sentences passed by the court demonstrate that the report findings were not taken into account while evaluating the nature of those events and the role of the accused.

Hamilton underlined that it is particularly regrettable that having highlighted the failure to sufficiently distinguish between participants and organizers of the assemblies, the response of the Belarusian government was to adopt amendments to the law, which effectively impose strict liability for anyone who participates in a demonstration 'that caused' infliction of injury or damage.[24]

---

[21] http://www.osce.org/node/78705

[22] http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0244+0+DOC+XML+V0//EN

[23] See: http://www.interfax.co.uk/russia-cis-general-news-bulletins-in-english/minsk-court-attaches-report-by-european-rights-experts-to-case-against-ex-presidential-candidate-sannikov/

[24] See, 'Analysis of Amendments Initiated to be introduced into the Legislation of the Republic of Belarus: Analytical Note by Belarusian Human Rights Defenders' (October 17, 2011). Available at: http://hrwatch-by.org/en/analytical-note-belarusian-human-rights-defenders

Recommendations presented during the panel discussion with participants, highlighting the need for:

- Increased cooperation of human rights defenders and NGOs in EaP countries on the regional level and joint reporting to document prevailing trends;

- Sharing best practices of measurable impact of reactions of the international and regional human rights mechanisms;

- Better promotion of official reports of international and regional mechanisms on the national level;

- Mechanism for monitoring situation of human rights defenders, including human rights lawyers, and for ensuring their safety;

- Existing mechanisms to recognize human rights defenders as regional experts and use their expertise, and maintain contacts with a wider group of outspoken human rights defenders to give them more recognition and credibility;

- Civil society actors on the ground to use international experts to highlight and ensure increased credibility to their findings, by involving them, for example, in studies on the human rights situation in their countries;

- Further development of the concept of shelter cities based on best practices and coordination with existing programs within and outside EU.

Nadine Gogu

Media subgroup meeting

Boris Navasardian, the subgroup coordinator and moderator of the session, provided participants with a brief presentation of what was done during the year in order to promote the media issues on the agenda of the Eastern Partnership. Members focused on how to capitalize on the work done, and brought into discussion their future plans and joint activities.

Among the main activities conducted in 2011 there were:

• A meeting in Istanbul in February 2011, where MPs of Georgia and Moldova were invited to present their views on media situation in those countries. Within the meeting, participants from 6 countries focused on methodology of developing Media Landscapes in EaP countries.

• Developing, editing and publishing the study "Media Landscape in Eastern Partnership countries", followed by a public presentation in Warsaw, right before the Summit of EaP in October. Feedback was very good, the study was highly-praised, including by the European Commission.

During the meeting, participants shared their ideas concerning areas of activities the subgroup members could focus on in order to change the situation in the media fields in their countries, suggested a series of activities that could be conducted jointly.

Taking into account that one of the most serious problems in all EaP countries refers to regulation of broadcast media, and given the experience of individual organizations, such as the Yerevan Press Club in Armenia, Independent Journalism Center in Moldova, Democracy and Freedom Watch in Georgia, the subgroup members agreed that a field to focus in the future would be the media monitoring. The subgroup members can contribute to implementing network projects, especially during elections that take place simultaneouslyon regional level. Such projects will be beneficial to all members due to common methodologies and common standards applied. Consequently, the impact of such projects, on regional level, will increase.

Networking will also provide for information flaw between countries; experts can meet in person and can have online conferences, in order to discuss various important issues to focus on.

Another idea debated by the subgroup members referred to creation of a regional self-regulatory body (press council) that would comprise media representatives from EaP countries. Its goal will be to expose violations of journalism ethics and to deal with complaints on regional levelreferring to conflict reporting. After long discussions, participants came to the conclusion that it would be more efficient to capitalize on the informal network created lately within a project supported by the Council of Europe. The network consists of self-regulatory bodies'representativesfrom Armenia, Azerbaijan, Georgia, Moldova, Russia, Tajikistan, and Ukraine and among its objectives is to take care of international complaints too.

Among other suggestions on how to continue cooperation between countries, one can mention promotion of changes in media legal framework, especially in countries where there are serious problems in this respect.

In the context of the role of media in promoting the idea of Eastern Partnership and ensuring public awareness on Civil Society Forum, the Eastbook.eu web site was presented to the audience by one of its authors. It was mentioned that this bilingual platform (the site contains information in Russian and English) is a useful tool of communication, a place everyone can share his/her opinion on Eastern Partnership, give feedback, promote their organization activities, and subsequently raise public awareness on those topics.

Media ownership transparency, advertising in media, regulating state subsidies, media behavior during election campaigns, as well as the governmentbehavior to-

wards media, these are other topics the subgroup members could focus on while considering improving legal media environment and media situation in their countries. As the practice shows, joint projects, at least ont the regional level, are more effective. According to the subgroup members, international experts, international bodies as donors, international methodologies, all these can contribute to increasing the projects' impact and effectiveness. For instance, Georgian expertise in this field can benefit organizations in other countries. But in order to be successful, such projects should be supported by civil organizations, as it was in Georgia's case.

Beside discussing methods of promoting freedom of the media, Georgian colleagues stressed out one particular problem related to press distribution n Georgia. Taking into account the huge problems of press in Georgia, problems that affect the independence of many of them, especially broadcast ones, it is important to give the print media the opportunity to distribute newspapers without problems. Only in this waysociety will have alternative impartial information, Georgian participants mentioned.They suggested the media subgroup to issue a statement about it.

Since the subgroup cannot issue statements on behalf of the Forum, it was agreed that the Georgian delegation will work on drafting a statement detailing the situation; afterwards the draft will be sent to all members of media subgroup as well as to the steering committee with the recommendation to adopt it.

A new idea that was discussed within the meeting referred to development of a Media index for 6 EaPcountries. It was mentioned that methodologies used by some international watchdogs do not provide for using reliable sources therefore the results are not so reliable. Further discussions on this issue will be included on the agenda of the next informal meeting of the media subgroup that shall take place within the next 3 months.

„Methods of Promoting Media Freedom in the EaP countries" Panel Presentation

Panel members: Boris Navasardian, Yerevan Press Club, EaP Civil Society Forum Steering Committee, LejlaDervisagic,Media Center, Council of Europe,Michael Stone, Office of the OSCE Representative on Freedom of the Media.

LeylaDervisagic presented the Council of Europe's projectsincluding the regional ones that are conducted in four countries: Armenia, Azerbaijan, Georgia and

Moldova, in order to promote freedom of press, and to support a pluralistic media landscape in those countries.

Projects, co-financed by the Council of Europe and the European Commission, target such groups as public officials, media outlets, media educators, and civil society at large.

A list of activities conducted within the projects was presented, that includes seminars for judges, journalists, developing the curricula for journalism departments,training on media ethics standards, as well as study tours to European countries. Among success stories there were mentioned development of a monitoring unit at the Broadcast Coordinating Council in Moldova, establishment of a self-regulatory body and revising of the Code of Ethics that was signed by 88 media entities in Moldova.

The speaker mentioned that among suggestions received while conducting such activities there were creation of a network of journalism schools, exchange of information among educators, including through study tours.

A separate project has been implemented in Ukraine since 2008 focuses on promoting standards of media, raising ethical standards and professionalism among journalists. The goal is to establish a dialog between media, civil society and local authorities.

Michael Stone presented the mandate of the office of the OSCE Representative on Freedom of the Media and its activities.The presentation focused on current challenges to media freedom,on violence, impunity for violence and intimidation of journalists, on legal restrictions of free speech, insufficient media pluralism, over-regulation of internet, legal sanctions for breaches of secrecy, and lack of protection of journalists' confidential sources.

Questions& Answers

The panel members took and answered a series of questions related to the topics they presented. Among the most relevant there were the questions regarding the potential support of Belarusian Media that may be provided by the Council of Europe. Since the Belarus is not a member of the CE, the media is this country have not benefit from the Council's support. But the representative of CE Media Center believes that CE can consider supporting a project proposed by Belarus, if such a project will

be proposed by a local ONG.Regarding the worsening situation of media freedom in Ukraine, the Council of Europe could prioritize the project activities focusing on the laws on broadcasting and on protection of journalists.

One of the questions raised by a participant was related to violation of the rights relating to culture, communications and news technologies in Belarus. Since the language issue is not directly addressedby OSCE, it cannot do something to change the situation. Even though the Council of Europe has a clear policy in this respect, it cannot do anything because Belarus is not a member of CE and is not obliged to comply with CE requirements.

Another issue addressed by participants referred to support the Poland media need in order to decriminalizes defamation. Polish media face serious problems, a number of journalists being sentenced for defamation. Therefore, strong support of the international organizations is needed in order to amend the law.

Asked about challenges faced by steering committee during their work, Boris Navasardian informed the audience that during the meetings of official platform nr. 1 of the Eastern Partnership when decisions on what kind of issues should be included on the agenda of EaP, in most cases when it comes to freedom of expression, democratic institutions, and human rights, Belarus puts veto on those decisions.

It is worth mentioning that due to the presentation made by the Civil Society Forum steering Committee, the Platform nr. 1 discussed the issue of giving the forum the status of *permanent representative*instead of*gueststatus* the forum hadbefore. The status is for 1 year (probation period).

Besides, participants were informed on the first media subgroup meeting results: ideas and suggestions, methods of improving media freedom.

Georgian participants presented a draft statement of the EaPCivil Society Forum Media Subgroup on Press Freedom in Georgia. It describes recent developments that infringe the press freedom in Georgia, specifically the problem of press distribution.The draft statement was endorsed by majority of participants and will be sent to the steering committee of the Civil Society Forum.

The issue raised within the statement led to discussions regarding problems the media face in 6 countries in terms of distribution system. Participants agreed that efforts should be made, in some cases jointly, in order to make the national governments more flexible in this respect. The positive practice from European countries

should be taken into account in order to reduce the burden of taxes the print media have to pay to cover distributing expenses. State subsidies provided directly to press distributors could be a solution in this respect, the participants mentioned.

Among other solutions stressed by participants there were publishing classifieds, that could amortize high expenses for distribution, as well as establishingprinting facilities in different regions of the country so that to cut expenses related to transportation costs.

In conclusion, speaking about promoting freedom of expression the panel members mentioned the need of replicating positive examples. Participants were ensured that the Council of Europe will support the subgroup initiatives; media monitoring will be supported continuously. It was mentioned that the most viable methods of promoting media freedom are joint statements on behalf ofthe Civil Society Forum, media monitoring, especially during elections, which results can be taken as basis to advocate for amending the media law, as well as permanent monitoring ofdynamics in media freedom field in all countries. One of the long term objectives is developing a Media Index in EaP countries. The agenda of the next meeting of the media subgroup will include the decriminalization of defamation topic, media regulation during election campaigns. MPs from Armenia and Ukraine will be invited to the meeting.

Martyna Michalik

Education for Democracy Foundation

Networking experience sharing

Sabina Dvorakova: This side event is organised by Education for Democracy Foundation and it's called Networking in Democracy Development – introducing different models, sharing experiences and defining challenges.

The first panellist is Szilvia Görbe project manager in DemNet, NGO working on developing democratic rights in Hungary, the second panellist will be Lucas Fulling, project officer from Euclid Network based in UK, the third one will be Siarhei Lisichonak head of the executive bureau of Assembly of Pro-Democratic NGOs of Belarus, and the forth one will be Roger Potocki senior director of the Europe and Eurasia National Endowment for Democracy.

Szilvia Görbe: I am project manager in DemNet and I would like to tell you about two networks launched by DemNet in Balkans. I will concentrate on the aims we had, what challenges and difficulties there were, what was the outcome and what was the motivation.

One of our projects was held in Bosnia-Herzegovina, between year2004 and year 2006 and it was supported by Hungarian Ministry of Foreign Affairs. It was capacity building programme concentrated on developing NGO and local government cooperation. There was an open-call for projects and 15 NGOs and 15 local governments

had applied. The NGOs represented 3 different fields: youth, local economy development and social services. Also these 15 NGOs came from two different entities located in Bosnia: the Bosnia and Croatia Federation and the Republic of Bosnia. They represented 3 different ethnic groups: Croatian, Bosnian and Serbs. The differences between these NGOs and people working there were crucial for the future of this project. We organised them study visit to Hungary, where they could observe the activity of different organisations and local governments. And after this visit they came up with an idea that the functioning of civil society organisations depends on community building and developing capability of Civil Society Organisations [CSOs]. After coming home they established first community development network in Bosnia. Although it was not the aim of this project, the outcome was that they, by themselves, established the network. And as I mentioned before the goal of this project was the NGO's and local governments.

Working there after the war was challenging but thanks to their attitude and willingness to work together the programme developed very well.

The participants found the motivation in themselves because DemNet gave only the framework.

The second project I wanted to talk about was the one in Serbia in 2000, supported by The United States Agency for international Development (USAID). Its aim was to establish telecentres network with 30 members. This project was initiated by NGOs located in Voivodina, which had very good relations with NGOs in Hungary, where they saw a network of telecentres and they decided that they want to have their own.

Telecentres are community centres located in small villages that make computers, access to the internet, community space and various programs based on local needs accessible to the public. According to our programme such a network could have 30 members, but they wanted to have more. So by the end of the project there were 66 telecentres in Serbia. One telecentre had to have two so called "satellites" or "telecottages" which were simply smaller telecentres with fewer infrastructures. The bigger telecentre could support the smaller ones. They announced call for proposals and the telecentres got financial support for computers, equipment and 9 months of operational costs which is really important. They had to put their own contribution to the project, they had to have a place where the telecentre could work,

sometimes the telecentres were operated by local CSOs, local governments or enterprises, cultural houses, schools, libraries. The 66 telecentres were established under the name of Yugoslav Telecentre Association. Three branches of the Association were established to strengthen the original cohesion more and they were located in Voivodina, south-west Serbia and south-east Serbia. They cooperated and communicated with each other and learned from each other on daily basis. The telecentres had to have their standards: there was an operational minimum they had to have, it had to be open in certain hours, they had to have technical minimum: for example certain number of computers and they had to have training in computers, digital electronics – it was so called service minimum. The quality was standardised which can be seen as an opportunity of working as a network because with standardised quality we can sell our network into cross-sector cooperation, business and government. In Serbia this network was used by the government for labour market services and enterprise development services. The companies sold their computers to the community through the telecentres. It became a fundament for cross-sector cooperation.

Difficulties came after 9 months. As I mentioned before, the telecentres got funds only for this period of time. After that they had to find other financial resources and that was not easy. In Hungary telecentres, after these 9 months, were financially supported by the government. That is why over 5000 telecentres were established there. In Serbia there was no such a possibility.

To sum up this project:

The aim was to establish network of 30 telecentres. But thanks to the attitude and mobilisation of the project participants 66 telecentres and telecottages were established.

The outcome – more than half of the telecentres is still working and they are part of telecentres Europe.

The difficulties – self-financing when the financial support has ended.

The motivation – they can become social enterprises and to try to find a funding from the community they are serving. Opportunity for the network itself is to cooperate with business and government sectors. It can be the way to survive.

Conclusion:

Network is a platform for cooperation but all members should work for it. It has to benefit both parties: the network and its members. Exchange of information and

communication should be on daily basis, personal meetings are very important. Cross-sector cooperation can be a way for such a network to survive.

Lucas Fulling: Euclid is a network for civil society leaders and we connect over 300 members and 3000 up to 5000 contacts in Europe and beyond. It was established in 2007 as a joint venture between ACEVO (UK), CJDES (France) and Ideell Arena (Sweden). Very often networks are based on organisations and not on individuals. Often there are no personal connections between the people within the network. So the network doesn't work that well. We are not a membership body but people can come together and share things, propose things and new actions. We are open (although we are paid membership network) and we have lots of contact and friends.

Our mission is to connect civil society leaders across borders, to create a friendly environment to civil society around the Europe and beyond. We try to do this in 4 different policy and programme areas: effectiveness (capacity building for civil society leaders through sharing the experiences), sustainability (financial sustainability – we have financial help desk), innovation (social finance, innovation, experimentation, to find new ways, to tackle challenges in our society), influence (policy and advocacy which we do mostly in EU but also in British government). When the member decide that we have to change something in Bulgaria, Germany or elsewhere, we contact people there who can help. And we help with the policy and strategy.

The biggest problem is when members are not active. So what to do to keep them active? We are trying to do this through direct communication, we ask them for their opinion, to show that they really have impact on what we do, we do projects with members, we have funding help facilities to help our members and we also encourage sharing knowledge and experiences. We are the platform where people can meet each other and connect. The way of communicating is very important – it has to be creative. We have TV channel, you tube videos, it's not too serious but it sends its message. Also if we cannot go to some paid conference/meeting we send our members to speak in our name or on topic they are best about. Individual approach, becoming friends, matching them with other members helps keeping them active.

Why people would pay for that? They belong to very strong, active, influential group. They got personalised support, can have access to huge network: people, contacts in public policy, public authorities, business centres, foundations etc.

We have members from 37 countries from across Europe and more contacts around the world. The biggest challenges are resulting from different priorities for civil society and donors in different countries. There is a trade between sustainability and democracy. We try to bring the sustainability in our democracy projects held in Eastern Europe where the donors concentrate more on human rights and democracy building. There are also communication problems – if people don't meet they don't understand each other needs, they don't understand what it means to be from the Eastern Partnership organisation or from the organisation in UK.

The solution is to work on projects with local leaders. It empowers the people. Euclid is always in the background, we are not leading the project, and we give ideas and oversight. We give opportunity and space to create exchanges between people from eastern and Western Europe to form mutual understanding and to create social joint ventures.

Siarhei Lisichonak: Assembly of Belarusian NGOs was established in 1997. Those days it was easier to find organisations that believed in democracy and that wanted to promote it in the country. After the development of the political situation in Belarus we noticed decrease of such organisations. There are less and less grassroots organisations in Belarus. There are a lot of barriers and challenges in front of people who want to establish NGO.

There are few networks in Belarus but there are no new organisations that could join them. The networks divided organisations among them and they are eager to find new ones.

The Assembly mission is to promote civil society and help organisations which are in the network. We have right now about 300 organisations.

Our goals: educate about the human rights, improve the communication between organisations; monitoring, analysis and evaluation of the public sector work to draw conclusions; help organisations operating.

Rules/principles: there are no obligatory actions, everything has to be done on voluntary basis, we do not interfere in internal policy of member organisation, everyone is autonomist, everyone has equal representation and rights in the assembly, we should all believe in solidarity.

10 years ago Assembly started to organise solidarity campaigns, to help NGO's oppressed by the governments. We also organised other pro-democratic campaigns. We create links between groups and between regions. We connected many organ-

isations which later created their own networks – for example human rights organisations. They have their own rules, procedures, mission and ideas. And we do not interfere in their work.

We organised congress of NGO's in Belarus – the biggest platform to exchange the experiences, knowledge and to create opportunities.

We gather and spread information. This is a challenge because organisations prefer to keep the information with them but they don't want to share.

The Assembly is a network of networks. The organisations have to communicate on the local level – that is why they create network on local level.

The motivation / benefits are: an access to the contact, capacity building, opportunities, experience/knowledge/information sharing, access to information, resources. Unfortunately in Belarus to find resources for your activity can be a big problem when you are a grass root, local organisation. We try to help in this field.

The challenges – organisations are not very active, they tend to focus on themselves. They don't look for a partners from other regions, they do not communicate with each others. The number of NGO in Belarus is declining especially those pro-democratic ones. They tend to use the Assembly as an information bank. They prefer to relay only on our information instead of looking for it by themselves.

Rodger Potocki, Europe and Eurasia National Endowment for Democracy: Networking is a core value and a core objective of any deed. We first made a mark as a donor, working in the underground here in Poland, and we supported a huge network – Solidarity which consisted of trade union branches, independent newspapers, student organisations, farmers groups. We learned that promoting network is a key part of promoting democracy. From the beginning after year 1989 we and Soros Foundation were leaders in building networks across the former communist countries. Especially with a goal in linking democratic movements and transition experiences in central Europe with former Soviet Union. Still to this day in US you have one budget for working in eastern Europe and one budget for working in former Soviet Union and you cannot take money from one budget and work in other place. As you can see there are still bureaucratic obstacles. But we shared our experience and built networks in places like Poland, Czechoslovakia, Ukraine, Belarus, Russia, etc, and the networks spread to Cuba, Burma and all around the world. Networking is really crucial and we support hundreds of them. We work in more than 80 coun-

tries, and we try to connect as many activists as possible if it makes sense. Crowning achievement is our World Movement for Democracy which we launched in 1999 and it is a big network of networks. Every 2 years we bring together over 400 representatives of these networks to make sure that the networks from Eastern Europe talk to those from Africa or Asia. It is crucial for us because no matter how good the networks are here in Europe, often they have no contact with networks on different continents.

I will make three points in a positive sense about what we have found in the experience of about 25 years of supporting networks and three negative points.

Positive points:

Networks are the fastest way to spread new ideas, new best practices, experiences, learn new programme models. For example, the group we worked with in Serbia learned from the American experience of Obama leader and politifact and they came up with something they called the truth-o-meter in Serbia which was a way of judging if the politicians were accountable for their actions, whether they lived up to the promises they made. During one of our World Movement for Democracy Assemblies they introduced this idea to a bunch of other Balkan NGO's they were working with and it was quickly replicated in Bosnia, Macedonia and in Kosovo. And we heard that this idea was taken by others to different places on the globe.

Solidarity. Network of democratic activists really can rise a profile of someone like Ales Bielacki when he's in jail or Aung San Suu Kyi from Burma. These networks can do a tremendous job at rising consciousness at all levels: local, national, international. We believe that the networks that receive our money must give, provide the solidarity when people are in trouble. We just this year established Parliamentary Forum of the Community of Democracies – current and former parliament members who will lend their voices to decedents and activists who are under pressure from governments or in jail.

Promoting coordination and accountability among donors. We tried to establish donor networks to help them do a better job and making sure that this support is well spent. We helped to create Belarus International Implementers Meeting where 50-75 implementers and donors meet regularly every 6 months to try to plan and make sure that the money being spend on Belarus is being used effectively.

Challenges:

Network atrophy – the original members of the network are no longer pushing in agenda that the network embrace originally or has comparative advantage for. In

my opinion the networks have to constantly be changing, turning over. Working with the same group, the same network year after year just does not really lead to a lot of success. New blood is very important for the network.

Network drift – when the network moves away from what the core challenge or core mission was. We are one of founders of Zagranica Group, whose main activity, in the beginning, was to promote democracy across borders. But today with a lot of new members and a different focus we feel that this network lost its way in a sense, it does some of this, and some of that but the point is that the network hast to be true to its mission, to its objective. Also the requirements of donors and their driven agendas can push the network away from its objective. And we try to keep the networks on their mission and not let them move away.

It's really easy to create network on a popular topic or tool. These networks spring up all over the place and it is easy to get money for them, it is no problem for them to appear in the panels. The problem is building network on unpopular topic. For example I think about my friend Ion Manole who is trying to find a group who will be interested in what is happening in Transnistria. Building a network on unpopular topic or unpopular issue is something that is extremely difficult and that's where we see our resources and I would like to encourage you to try to help those people who cannot find enough friends to work with.

Sabina Dvorakova: Before opening the discussion I would like to sum it up: We had two similar approaches because of networks of NGOs and CSOs. We had also direct experience from Balkans about implementing the project not with your own NGO but with local ones. The third one was the point of the donor. So I think we have a large field for discussion.

Questions:

Ms Kralova from Belarus: Could you show us some links between network and civil forum? And about Eastern partnership programme? I believe that network is a tool. So what do you think about this? Could you give some recommendations? Input?

Siarhei Lisichonak: Civil society Forum is a platform – place for dialogue and communication. We don't have to artificially promote building networks when we have still lots to do on the platform. I don't see the value of networks as such. I will not push CSF towards networks but I believe that as soon as we are ready it will emerge.

Lucas Fulling: Civil Society Forum itself can be seen as a part of informal networks already, due to participants who are the members of different networks, due to policy makers in EC. It's rather loose structure and I can agree that it is rather platform right now than a network. What goals do we have – internal development must be first before we become network. The structure has to be more determined – this is what we should work on now.

Szilvia Görbe: I am member of EPAN Network – which is Concorde Working Group on Enlargement, Pre-Accession and Neighbourhood Policy and it would be good if the Eastern Partnership could work with this network because EPAN has an access to the EU and policy makers and that is why we are trying to promote the cooperation of these two networks and in the future we would like EPAN to be invited to this forum and we believe it will be very fruitful cooperation for both sides.

Rodger Potocki: From my point of view this is networking in a lot of senses. One of the reasons we, Americans, are here in the EU event, is that we believe in this Trans-Atlantic network in a sense of working together. Although the EU is interested in increasing its focus on Eastern Partnership countries most of Civil Society work is funded there by Americans. Together we have to work on this and one of the best way to do this is through networks. Our contribution in this event was to pay for the central Europeans to attend because these people aren't covered by the EAP funding, by the CSF. So what we tried to do is bring central Europeans together with activists from EAP countries so you can begin to build these networks and develop these contacts. There are already many networks that whose members are now part of Civil Society Forum and there is a way to make it more formal. When they talk about registering, asking for help in fundraising – all that is the beginning of starting more formal network. We are very happy to be in this network (CSF) and I can see that lots of people here are members of our network so we are bringing them all together. And I hope I will see you next year in Lima, Peru for our World Movement for Democracy Assembly.

Sabina Dvorakova: I work for a Czech network, Czech Association for Democracy Assistance and Human Rights and PASOS is one of our members. My organisation is a member of Human Rights and Democracy Network based in Brussels. It is useful for advocacy activities because those NGO's based in Brussels are mostly focused on work of policy officers. This is far away from the our field of work and we can bring our expertise from our field because in DEMAS we have both field workers and

think-tanks and all that together plus international scope of PASOS we can bring to Brussels and we that is how we can encourage our advocacy policies. Sharing information here can help in further works in Brussels.

Question: I am representing students' forum/network in Yerevan. We know that creating a network is not a mission itself. We should send a message to relevant stakeholders. From your experience how to transform informal discussions into a mission? How to make this message valuable in the end? How do you transform informal discussions into action?

Lucas Fulling: It depends on what kind of informal discussions are you having but one of the main ingredient to create it into a message is a critical mass. You need to convince at least 30% of influential people in order to make it happened, and when they are convinced it drips down to the other people in the network. Most of them will be able to support the idea then. But how to formulise it? It depends on the nature of your goal/idea. The most important is support and funding your action. And reality check is also important. Is what I want to do visible, is my message ok? Will it be accept outside the network?

Siarhei Lisichonak: The discussion is the way you got the message. There is no other way to do it.

Rodger Potocki: We cannot tell you how to do this. We can give you some resources to make it happen but it really is the network itself coming to a decision through debate and discussion and different processes. We will be happy to help you the moment you will figure it out.

Sabina Dvorakova: It should be some kind of moderated discussion because otherwise it can be a little bit messy.

Q: We, participants, change the content of Civil Society Forum because it was our input to create national platform. National platform is a very difficult network in our country. It has more success in Belarus, because there is a chance we can change a situation in our country, so Moldova. But I would like to ask how to develop well in Ukraine, or in Armenia, Azerbaijan. How to make them stronger, because if national platform isn't strong, they will not be strong in the CSF. What is the main interest in different network levels: national, regional (6 countries)? Should the main subject be cooperation, human rights, ecology? We have so many problems with developing our national networks, it's not easy to find donors because it's all about our interests.

Rodger Potocki: I don't think that it is possible or even probable that national platforms themselves can be advocates on whole range of issues. The way we see it is that people from different national platforms and the participants of the forum are united on specific ideas. From our point of view networks are more successful when they have very concrete, targeted issue that they can work together on it, whether it is visa liberalisation or environmental issue. This is how people should work across the borders of those 6 EAP countries along with the European counterparts. You cannot do this on the national level, there are too many interests to many issues. My advice is to work with your EAP partners and European countries and us on a very concrete tasks. It seems to be most useful and most probable and then you can make some impact and Europe will listen when people are concrete and strong on one issue or more.

Lucas Fulling: The idea of multilayer network is not bad. If you don't use it as an advocacy platform but to connect people on various issues also people who are not participating in national platforms but they are policy makers on national level. You have access to various resources and if you use them well enough you can get something out of it: you can meet new people, you can discuss on local issues, prepare yourself for the European discussion. So all the networks and national platforms can link together in the more formal structure and then prepare and discuss potential recommendations and advices in advance.

Siarhei Lisichonak: How to promote national platforms and made them strong? If there are any representatives of those platforms maybe they have the answer to your question. What went wrong, what went well? As a member of a new steering committee I can assure you that we will try to intensify work with national platforms. My advice is to pick some topics which already are strongly supported by some other national platforms. And then suggest those topics to the national platforms and show how it relates with Eastern Partnership. It will show them how it influences relations with EU. But do we have any representatives here?

Audience: As far as I know everyone who is delegated here is a member of a national platform. But I am new to it so I cannot share any experience yet.

Audience2: I am from Armenia too. The national platform is not typical network. The network is around the idea or place. I have a question to Siarhei: Is it easier to register platform than network? Is it popular to do it? Because in Armenia it is very difficult to register.

Siarhei Lisichonak: In Belarus it is very "easy" – there is no possibility to register. The Assembly tried 4 times and our applications were rejected. Hundreds of organisations in Belarus have the same problem. Legal entity status is not necessary to act as you can see.

Szilvia Görbe: I would like to come back to the question about networks within the country. I would like to share my experience. I once worked in Non-profit Information and Training Centre and we had a network of civil service centres in our country every county has such a centre. What is important – the business could also use those centres. We did two programmes with Microsoft: e-civil (trainings for communities supported by Microsoft and ran by members of this civic service centres network) and Cwietek (we could sell software through this network to people). It is one of the possibilities to work with business – we have standards and contacts they can use. We are also supported by the Ministry of Social Affairs.

Q: If some countries create network main problem is to find funds for travel expenses. How to find it?

Rodger Potocki: In all our projects we cover those expenses. We have those costs in our budget. So maybe Europe is not paying?

Sabina Dvorakova: The OSI covers such expenses. The programme: East East partnership beyond borders. If you want to support youth – do a partnership with a central European country and you can apply for money to youth in action.

Q: I don't agree with you. European student has no money for travel expenses. For Armenia is a lot of money. It is not easy also to get money for statute actions or networking, which is not a concrete project or programme. It is a real barrier for young people from Eastern Partnership countries to be active in an European level.

Siarhei Lisichonak: During our steering committee meeting we will talk about it and we will try to find solution to this problem. But of course I can't promise anything.

Sabina Dvorakova: Try the OSI they will help definitely.

Łukasz Grajewski, portal on the Eastern Partnership: Eastbook.eu: We often expect too much from network. Network is about what we do with partners within it. We should work for

Lucas Fulling: network helps because it's institutional structure. If you want to find a partner to your project if you have a request or idea the network can help. But if you think: I'll sign for a network but I really don't know what to do with it than don't do it.

Martyna Michalik, the Education for Democracy Foundation, Polish-Ukrainian Forum: We are running Polish-Ukrainian Forum without donations, relying on our private money. We launched website in 3 languages, we organise meetings, study tours... And when we want to be represented abroad we just collect money from all our members and this is the way we can pay all the travel costs. But this is possible when people are really dedicated and they understand the goal.

Sabina Dvorakova: Because our time is over I would like to thank all of you: the panellists and guests for coming and taking part in this event.

Martyna Michalik: And thank you to Sabina Dvorakova for moderating the discussion and this is an example of Polish-Czech networking, which is new but successful. Thank you Sabina.

Filip Pazderski

Institute of Public Affairs

Volunteering as a mean of bridging civil society from the European Union and the Eastern Partnership countries

Background paper of the subgroup on volunteering within WG4 of EaP CSF 2011

Why volunteering is important for the Eastern Partnership?

Just when celebration of the European Year of Voluntary Activities Promoting Active Citizenship (2011)[1] started its second part two important documents related to volunteering have been adopted by the main EU institutions. Firstly, European Commission has announced its Communication on the role of volunteering in EU policies[2]. A couple of weeks later all Member States reached an agreement on

---

[1] For more information – see http://europa.eu/volunteering/.

[2] EC Communication on EU Policies and Volunteering: Recognising and Promoting Crossborder Voluntary Activities in the EU (25.09.2011) – accessible at http://ec.europa.eu/citizenship/pdf/doc1311_en.pdf.

adoption of the Council Conclusions on the role of volunteering in the social policy[3]. Especially the former document is bringing the agenda of this thematic year beyond the borders of the European Union[4], but the latter one also does not leave this issue behind[5]. In such circumstances, it is worth to be recognised as valuable to incorporate the idea of volunteering also into Eastern Partnership civil society agenda. That is why a subgroup dedicated to that topic has been established within Working Group 4 ("Contacts between people") of the Eastern Partnership 2011 Civil Society Forum (EaP CSF) after its Steering Committee approval.

It is important to use abovementioned documents and try to build on their statements new activities aiming into developing also opportunities for volunteering dedicated to the Eastern Partnership countries. Working and lobbing on that could be one of the main purposes of the subgroup on volunteering within EaP CSF. This will be deliberated in more comprehensive way in this paper. However, before that it shall be underlined, what the other reasons are standing behind focusing on volunteering in this place.

In the beginning, it should be recognised that volunteering can play several important functions in bringing Eastern Partnership and European Union countries societies' members closer to each other. It helps promote democratic values and the positive perception of the EU in its neighbourhood[6]. Such role of volunteering is especially important in the context of present discussions on new Multiannual

---

[3] Council Conclusions on the role of voluntary work in the social policy (3.10.2011) - accessible at http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/124863.pdf.

[4] Its subsection 2.2.7.1 is entitled "Promoting the mobility of third country volunteers in the EU" and states as follows: *The mutual benefits of volunteering which stem from the migration of third country volunteers to the EU should also be recognised.*

[5] Amongst other provisions it also stipulates that the Council underlines the importance of voluntary activities: (...) *for the integration among European nations and the sharing of EU values beyond EU borders and promoting European identity.* Moreover the Council invites the Member States and the European Commission to: *Promote cooperation on the development of voluntary activities within the EU and in the ENP countries. This may be achieved through volunteer exchange programmes between the EU and the ENP countries, as well as through support to voluntary organizations.*

[6] More on that issue in – J. Kucharczyk, A. Łada, F. Pazderski, *"Eastern Partnership for Volunteering" - an opportunity for the Polish EU-Council Presidency,* "Analysis & Opinions" No. 17/121, June 2011 (accessible at www.isp.org.pl/uploads/analyses/754439545.pdf).

Financial Framework[7] and development of new volunteer exchange programmes addressed also to the Eastern Partnership countries. When the latter ones are concerned, it should be observed that fostering volunteering exchange thanks to such programmes can bring also important effect to the EaP countries societies' economic and social development (through exchange of knowledge and experiences). Moreover, the EU and EaP citizens can learn mutual responsibility for the European future, including having influence on social integration in general and improving the economic situation of the poor and elderly people in particular. Especially, as volunteering can also contribute to social and human capitals development and in this way it adheres to sustainable livelihoods achieving[8]. Together with fostering mutual understanding and intercultural awareness raising these are the ways in which volunteering positively contributes not only to volunteers themselves but also to their hosting organisations and the communities they operate[9].

Furthermore, supporting volunteer projects in the Eastern Partnership countries – both hosting volunteers from this region in EU countries and sending EU citizens to the East – can represent a significant component of the implementation of the Partnership initiative. It falls within several areas already covered by the EaP agenda that are important for development of the countries in the region – just to mention culture, education and youth policy. However, while mentioning the latter area it should be also recognised that volunteering cannot be limited only to the youngest members of our societies, as it is suitable for everybody. One should not also forget about the effect that volunteering schemes development can bring to the Eastern Partnership countries societies. Through volunteering they can not only learn how democratic values and civil society can be put into practice, but also bring along many reflections and practical resolutions on how social life and main social

---

[7] For more information – see http://ec.europa.eu/budget/biblio/documents/fin_fwk1420/fin_fwk1420_en.cfm.

[8] *State of the World's Volunteerism Report 2011*, UNV/UNDP 2011, p. 40-45; Authors of this report define sustainable livelihood as an approach focused "on the multiple resources, skills and activities that people draw upon to sustain their physical, economic, spiritual and social needs". Moreover, they suggest that "it is an attempt to redefine development in terms of what human beings need and (…) what they can contribute to one other's well-being".

[9] See R. Mieńkowska-Norkiene, *Impact of the European Voluntary Service on local communities in the Eastern Europe and Caucasus Region – Research Report*, SALTO-Youth EEC/FRSE, 2011.

problems solving can be organised, just to mention the main aspects. Without any doubts, this can contribute to EaP countries social and economical development, while bringing the standards of life there closer to the European level.

Obstacles in developing volunteering exchange schemes with EaP area

On the other hand, there are several important drawbacks and obstacles that need to be bear in mind while discussing possibilities for development of further opportunities for people exchange. One of these is related to current visa granting schemes, as well as other demanding admission economical requirements, i.e. established by the EU Directive 2004/114/EC[10]. Volunteering development between the ENP area and the EU will not be possible without visa liberalisation for the former group of countries. These economic aspects are especially vital while wanting to involve these hard to be reached groups' members and integrate them into particular societies through volunteering (see below).

Other issue is the brain-drain effect, as it has to be recognised that EU exchange opportunities can bees seen by some people as the door to better life[11]. Naturally, anybody can be prohibited from using the opportunities they have, but the negative effects for the local society have to be bear in mind, once starting thinking about how to open more paths for people mobility. Moreover, there are certain inequalities in relation to participation in volunteering programs. What we may observe from current practice is that the biggest number of people taking existing possibilities and moving to the EU are coming from particular kind of social groups – namely the ones that already have certain level of social and cultural capital. Those having less opportunities within their own societies, thus being socially excluded, are the last to move abroad (to be totally honest we have to admit that similar situation is also when it comes to the mobility schemes existing within the EU itself). Thus, potential development coming

---

[10] Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, L 375/12 23.12.2004 (at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri= OJ:L:2004:375:0012:0018:En:PDF).

[11] It is especially truth when it comes to the higher education volunteering opportunities – i.e. see presentation of Sergiu Porcescu *Researchers Mobility: prerequisites for a Win-Win situation in the EaP countries* prepared for Eastern Dimension of Mobility Conference, Warsaw, 6-7 July 2011 (accessible at www.eap-mobility.pl).

from the experiences of EU reality is far from reaching wider part of the EaP countries' members and, in effect, this may cause even larger disparities within local societies.

There are also several obstacles within the EaP countries themselves that should be recognised. One of these is related to negative experiences from the past that do not support volunteering development. In the countries belonging to former communistic block there is lack of tradition of doing something for others and people are used to think that all services related to social issues and problems fall within public authorities' responsibilities. Moreover, volunteering is being associated with the forced social labour of communistic times (i.e. with '*subbotnik*' - a day of unpaid work, carried out usually on Saturdays throughout the Soviet Union) and that is how negative image of volunteering was created (especially among elderly citizens).

Other factor that should be considered is the current state of volunteering in the countries of the region. There are several comparable surveys data that might be used in order to show the situation in the area. One of these is The World Giving Index 2010 based on Gallup's WorldView World Poll[12]. It surveys formal volunteering (in the organisations) as Gallup asks people if they have volunteered time to an organisation within the past month. In such research following answers were gathered for the countries in the region:
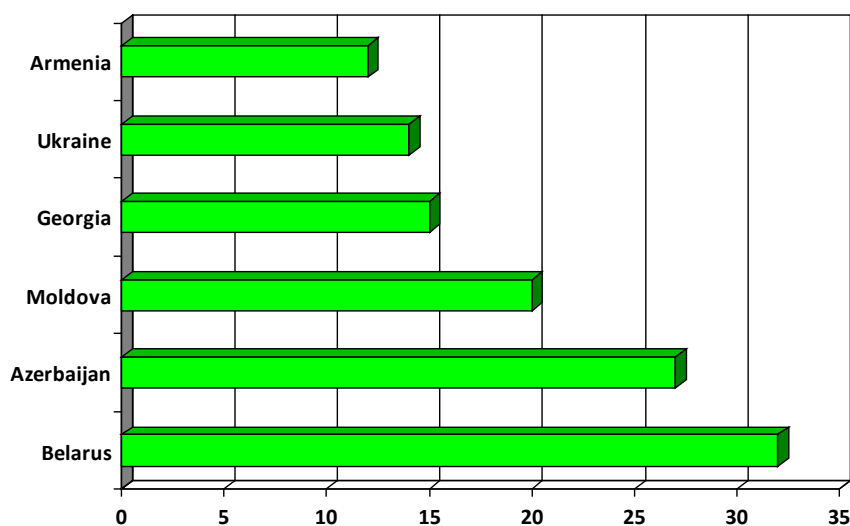
Source: The World Giving Index 2010, p. 32-36

---

[12] For more information – see worldview.gallup.com and *The World Giving Index 2010*, Charities Aid Foundation 2010 (accessible at www.cafindia.org/World%20Giving%20Index%20Final%20 Report.pdf); In most countries surveyed there was 1,000 questionnaires completed by a representative sample of individuals living in urban centres. However, in some large countries (i.e. Russia) samples of at least 2,000 were collected.

Taking the data above into consideration it should be noted that giving money or time to an organisation according to Gallups's methodology "could include political parties/organisations as well as registered charities, community organisations, and places of worship"[13]. This can be one of the explanations for relatively so high level of volunteering in some of the states and difference that can be seen when we compare these findings to the data on volunteering in the region coming from two other sources - the World Values Survey (WVS)[14] and CIVICUS Civil Society Index[15]. Both show that Eastern European countries together with Commonwealth of Independent States (CIS) have lowest levels of voluntary work in comparison to other regions of the world[16]. WVS enables also to observe the level of formal volunteering in the countries of the region. Last survey, done in the years 1999-2004, shows that within at least one organisation volunteered 15,4% respondents in Belarus, 10,6% in Ukraine and 34,2% in Moldova. This can be compared to 18,6% volunteering in average in the 10 EU- new Member States (from 2004 enlargement). All that data can be seen in the diagram below. In addition, the same research shows also that there were 9% of people declaring involvement in volunteering activities in Armenia in general (without clarifying if it was formal or informal volunteering)[17].

■ Volunteering with at least 1 organisation
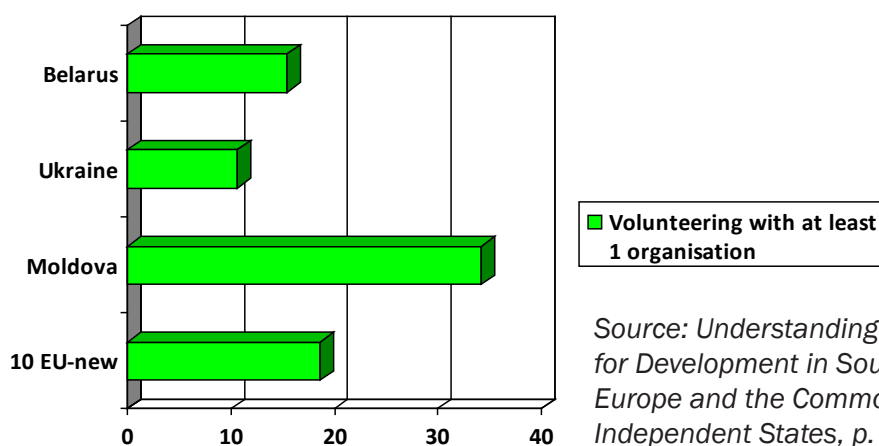
Source: Understanding Volunteerism for Development in South-Eastern Europe and the Commonwealth of Independent States, p. 43

---

[13] *The World Giving Index 2010*, p. 2.

[14] See www.worldvaluessurvey.org.

[15] See at www.civicus.org.

[16] *State of the World's Volunteerism Report 2011*, p. 20-21.

[17] See Understanding Volunteerism for Development in South-Eastern Europe and the Commonwealth of Independent States: Lessons for Expansion, UNV/UNDP, Bratislava 2009, p. 43 (accessible at www.unv.org/fileadmin/docdb/pdf/2010/publications/UnderstandingVolunteerism-Eastern%20Europe+CIS.pdf).

Last but not least, it shall be considered that value of volunteering is often not recognised officially – by public policies or laws on volunteering. When it comes to the Commonwealth of Independent States (CIS) area only the national governments of Belarus, Kazakhstan, Moldova, and Ukraine have taken the initiatives aiming into drafting the laws on volunteerism[18]. For example in Belarus a *Law on Youth Policies* was adopted in 2009 that defines the terms "volunteer" and "volunteer movement" for the first time[19]. Before, the only national government in the region that possessed a law or policy promoting volunteering was Azerbaijan[20]. Even in the countries where there are some legal documents on volunteering the real challenge may be their practical implementation in day-by-day life. Moreover, often also attitudes rooted in public consciousness in the EaP countries' societies do not support volunteering as it is seen in opposition to decent and well-paid work. Thus, it might be recognised as an activity dedicated mainly to people unsuccessful in finding better occupation. Positive example of the country in the region where there is not only legal regulation on volunteering (this *Law on Volunteering* according to its art. 1 "govern promotion and facilitation of citizen participation... in volunteering activities"[21]), but also policies supporting its development is Moldova, as it was explained during discussions held within the framework of 2011 EaP CSF meeting[22].

All abovementioned arguments in favour to volunteering as well as obstacles have to be considered while speaking about volunteering exchange development between the EaP and UE countries. Moreover, we have to recognise what are already existing possibilities related to volunteering and identify the obstacles in their broader development. This will be done in the forthcoming sub-section of this paper, when the next one will try to develop a bit on what is now in the pipeline in the EU

---

[18] *Laws and Policies Affecting Volunteerism Since 2001*, International Center for Not-for-Profit Law (ICNL)/ European Center for Not-for-Profit Law (ECNL)/ United Nations Volunteers (UNV), September 2009, p. 28-30 and 62-68.

[19] See www.sovrep.gov.by/index_eng.php/.73.5283.2..1.0.0.html.

[20] *Laws and Policies Affecting Volunteerism Since 2001*, p. 28.

[21] *Ibidem*, p. 29.

[22] As it was stated during subgroup on volunteering plenary meeting entitled "Volunteering: bridging civil society from the European Union and the Eastern Partnership countries" on 28th of November 2011 and a workshop "Joint projects on volunteering – developing ideas for activities and funding" organised by the Institute of Public Affairs on 30th of November 2011.

when it comes to the human mobility and cooperation with Europe's Eastern neighbourhood. While describing this, the paper will try to elaborate on what we may expect from these new trends in the near future. Last but not least, at the end we try to develop examples of some practical activities related to volunteering that can be took over by the EaP CSF members in line with the current developments in the EU.

Existing possibilities related to volunteering between EaP – EU

Main EU initiative providing support to volunteering nowadays is **Youth in Action (YiA) Programme**[23] that promotes participation in non-formal education. It is primarily addressed to young people between the ages of 13 and 30 and to those working with the young. The programme encourages international contacts and the exchange of experiences. It also supports various activities serving local communities that are related to individual development, and promotes the idea of unified Europe. The Programme's main objectives include *inter alia* promoting active citizenship, fostering tolerance and mutual understanding among young people in different countries, developing structures to support activities of young people and organisations working in the youth field. The programme provides funding to those projects and activities which aim to support individual development of young people and help them acquire new skills. It was established by a decision adopted by the European Parliament and the European Council in 2006 as a follow-up to the Youth in Action 2007-2013 programme round.

There are two sections of that programme (out five in total) open for participants and promoters from the Eastern Partnership countries. First of these is **Action 2 – European Voluntary Service (EVS)**. It supports young people's participation in various forms of voluntary activities, within and outside the European Union. Under this Action, young people can take part individually or in groups in non-profit, unpaid activities. Thus, it facilitates volunteers or groups of volunteers to start voluntary work in all the Programme Countries and the Neighbouring Partner Countries. The aim of the EVS is to allow volunteers to acquire competences and skills strengthening their personal and professional development through experiences in non-formal education. All young people between the ages of 18 and 30 (and those aged 16-17

---

[23] More information at http://ec.europa.eu/youth/index_en.htm.

in exceptional cases) may participate in the EVS. Their stay in a foreign organisation lasts between 2 and 12 months. The allocation for Action 2 (EVS) is about one third of the total budget of the YiA Programme (885 million of EUR)[24]. The second from abovementioned sections is **sub-Action 3.1 – Cooperation with the Neighbouring Countries of the EU**. It supports mainly youth exchanges, as well as training and networking projects in the youth field. Altogether, about 6 800 young people from Eastern Partnership countries were involved in the years 2007-2009 in the Youth in Action Programme within both of its abovementioned sections[25]. Some more detailed data on the amount of volunteers involved in both actions and coming from different areas of Europe and neighbouring regions are shown in the table below[26]:

	Eastern Europe and Caucasus	Mediterranean Countries	South-East. Europe	From all countries
European Voluntary Service	1.015	146	363	ca. 23.500
Coop. with Neighbouring Countries	10.910	4.026	6.191	ca. 52.000
TOTAL	11.925	4.172	6.554	75.500

Source: YiA Programme. Overview of activities 2007-2010

Fostering cooperation between the EU and Eastern Partnership countries within YiA Programme is supported by SALTO Eastern Europe and Caucasus Resource

---

[24] More data and statistics on the programme can be find at: *Hopscotch to Quality in EVS*, SALTO SEE Resource Centre, 2009, http://www.salto-youth.net/downloads/4-17-2006/Hopscotch%20 to%20Quality%20in%20EVS-7ok%20%282%29.pdf; the EC websites: http://ec.europa.eu/ youth/evs/aod/hei_list_from_query.cfm and http://ec.europa.eu/youth/glance/doc/youth_in_ action_figures/eac_statistics_yia_2008.pdf; and the Polish National Agency for the Youth in Action programme website: http://youth.org.pl/index.php/ida/778/.

[25] See *European Union Programmes and Instruments facilitating mobility between the EU and Eastern Partnership countries-and other related cooperation programmes*, materials for Eastern Dimension of Mobility, Eastern Partnership conference, Warsaw, July 2011.

[26] More statistical information can be found in *YiA Programme. Overview of activities 2007-2010*, Education and Culture DG, 2010 (accessible at http://ec.europa.eu/youth/documents/overview_2007_2010.pdf); more data from evaluation and monitoring of the programme can be found at http://ec.europa.eu/youth/focus/youth-in-action-monitoring-survey_en.htm.

Centre[27]. One of the initiatives implemented by this entity is "Eastern Express"[28], a training course for potential partners of Youth Exchanges projects within action 3.1. It aims to enhance quality of youth exchanges with Eastern Europe and Caucasus countries, together with stimulating the creation of new partnerships and creative project ideas.

Volunteering is also regarded by the EU as an important element of learning[29]. That is why it is also supported within the **Lifelong Learning (LLL) Programme** that was launched in 2007 and is divided into such initiatives as **Erasmus – Multilateral Projects, Comenius, Leonardo, Grundtvig, Jean Monnet**[30]. Within some of them also volunteers from EaP countries can be involved. A good example is a Grundtvig programme with one of its measures encompassing senior volunteering projects. Its aim is to provide senior citizens with opportunities to take part in volunteering projects in a European country other than their own what also includes senior volunteers from the neighbouring countries coming to the EU. However, the rule in Grundtvig as well as other LLL Programme initiatives is that partners from outside of the EU are treated only as additional beneficiaries. Thus, neither applicant nor the organisation responsible for project management/coordination can be a third country partner.

Other programmes that enables participation of the people form Eastern Partnership countries are related to such issues as culture and higher education[31]. When the former topic is concerned, we have to mention the Culture Programme (together with its Eastern Partnership sub-section)[32]. With relation to the latter issue, nowadays, there are initiatives like Erasmus Mundus[33], FP 7 Marie Curie Actions[34]

---

[27] See http://www.salto-youth.net/rc/eeca/about/.

[28] See http://www.salto-youth.net/rc/eeca/activitieseeca/eetc2011/; refer also to Eastern Dimension of Volunteering - http://www.salto-youth.net/rc/eeca/activitieseeca/edv/.

[29] More about that issue in: J. Kucharczyk, A. Łada, F. Pazderski, *op. cit.*, p. 5-7.

[30] About the programme see at http://eacea.ec.europa.eu/llp/about_llp/about_llp_en.php.

[31] For more information about existing possibilities – see *European Union Programmes and Instruments facilitating mobility between the EU and Eastern Partnership countries...*

[32] See http://ec.europa.eu/culture/index_en.htm.

[33] More information at http://ec.europa.eu/education/external-relation-programmes/doc72_en.htm.

[34] See http://ec.europa.eu/research/mariecurieactions/.

and Tempus[35]. However, participation in all of these initiatives is established on the basis different than volunteering. Thus, there are not to be described in a more comprehensive way in this paper.

Moreover, several European countries have their own schemes that support bilateral exchange from the Eastern Neighbourhood countries to the EU and otherwise (including the ones based on volunteering). Some examples that are worth to be mentioned here are different possibilities designed by German Robert Bosh Fundation[36], Swedish Interational Development Cooperation Agency (SIDA)[37] or Dutch Matra Projects Programme[38] particularly dedicated to support cooperation between Dutch and Belarusian civil society.

Current developments on human mobility related to Europe's Eastern neighbourhood

In November 2011 a proposal of the new **„Erasmus for All" Programme** has been published by the European Commission[39]. It is designed to become future EU initiative related to education, training, youth and sport that will replace a couple of current separate programmes, including Youth in Action and Lifelong Learning ones and will be implemented within new *Multiannual Financial Perspective*. According to the Commission's proposal in order to simplify the whole system this new programme is going to be divided into three key actions. The first one, "Learning mobility of individuals", will support jointly four main areas of activities[40]:

• *Staff mobility, in particular for teachers, trainers, school leaders and youth workers,*
• *Mobility for higher education students (including joint/double degrees) and vocational education and training students,*

---

[35] To learn more - see http://ec.europa.eu/education/external-relation-programmes/doc70_en.htm.

[36] For more information see their website: www.bosch-stiftung.de.

[37] More information on their activities at: www.sida.se/English/.

[38] To learn more see - http://poland.nlembassy.org/Products_and_Services/Funds.1.html.

[39] Communication Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions *ERASMUS FOR ALL: The EU Programme for Education, Training, Youth and Sport*, Brussels, 23.11.2011, COM(2011) 787 final (accessible at: http://ec.europa.eu/education/erasmus-for-all/doc/com_en.pdf).

[40] *ERASMUS FOR ALL: The EU Programme for...*, p. 6-9.

- *Erasmus Master for master degree mobility of higher education students, through a new loan guarantee mechanism,*
- *Youth mobility, including volunteering and youth exchanges.*

Commission proposes to dedicate approximately 66% of the total programme's budget to this key action[41]. Moreover, whole budget of the programme is going to be increased in comparison to present possibilities. However, it is not established yet how big part of this finding will be devoted to youth exchange in general and will be open to ENP countries, in particular. What we only know is that programme will have its international component that will be shaped "in line with the priorities of the EU's external policy" with flexibility that "will be built into the annual budget allocation, so as to respond to events in the international context"[42]. It is also not clear what will be with support to exchange and volunteering of older people and seniors.

During last months of 2011 also call for projects within the **Neighbourhood Civil Society Facility** has been finally launched within two programme's components (out of three in total)[43]. These are aiming to:

- Strengthening non-state actors capacities to promote national reform and increase public accountability, to enable them to become stronger actors in driving reform at national level and stronger partners in the implementation of ENP objectives;
- Strengthening non-state actors through support to regional and country projects, by supplementing the funding available through thematic programmes and instruments.

It is worth to consider to what extent projects related to volunteering can also be supported within one of these activities. However, probably it will not be accessible to many smaller volunteering organisations as, in general, whole programme is dedicated rather to large entities and multilateral initiatives.

As one of the ideas of Polish Presidency in the EU Council an initiative of establishing the **European Endowment for Democracy** was proposed and strongly

---

[41] *Ibidem*, p. 14.

[42] *Ibidem*.

[43] To learn more – see *Action Fiche for Neighbourhood Civil Society Facility 2011* (accessible at http://ec.europa.eu/europeaid/documents/aap/2011/af_aap-spe_2011_enpi.pdf).

supported[44]. This Endowment should have a form of a fund aiming to promote democracy outside the EU in more flexible and less bureaucratic way than the current EU-instruments. Just before the end of the period of Polish leadership in the EU, Member States have reached an agreement on that idea. This enables us to start thinking in more substantial way, how voluntary projects can be foreseen as one of the possible fields of Endowment's support.

More as an interesting example of other form of the EU's activity within its foreign policy and based on some kind of volunteering an initiative can be mentioned of establishing **European Voluntary Humanitarian Aid Corps (EVHAC)** under Art. 214.5 TFEU. It is going to be dedicated to the EU nationals having relevant skills and knowledge willing to help in disaster relief, humanitarian or development aid in the countries outside the EU on the long-term volunteering basis. Pilot projects will be implemented in 2012 and the whole programme should be launched with the new EU budget. We can imagine that this can be also another tool of democratisation and development aid dedicated to EaP countries, if needed.

Possible activities related to volunteering for EaP CSF members[45]

Considering new funding possibilities presented above, as well as importance of volunteering as explained in the introduction to this paper, several activities devoted to this issue could be developed within the EaP CSF framework. Some of them could foresee special role for the sub-group on volunteering within the EaP CSF WG4 acting as a kind of group of interest supporting together ideas that are beneficial for all of them. Whereas, the others are related more to particular projects development, implemented by the sub-group member organisations as well as any other interested stakeholders from the EaP CSF and outside.

Thus, firstly, the sub-group on volunteering could start with development of com-

---

[44] For more background information on that idea - see Joint Communication by the High Representative of The Union For Foreign Affairs And Security Policy and the European Commission, *A New Response to a Changing Neighbourhood. A review of European Neighbourhood Policy*, Brussels, 25/05/201, COM(2011) 303 (accessible at http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf).

[45] Ideas for these activities have been partially developed by Institute of Public Affairs experts (Jacek Kucharczyk, Agnieszka Łada and Filip Pazderski) during their preparatory works to the EaP CSF 2011 and by participants of the workshop organised during this event and entitled "Joint projects on volunteering – developing ideas for activities and funding".

mon opinions within the public consultation of the EU's documents related to volunteering and people's exchange within the ENP context. Moreover, it could also adopt a short policy document (declaration) presenting several recommendations on how to develop volunteering between Eastern Partnership countries and EU (a draft version of such text has been already prepared for the 2011 EaP CSF). In its preamble text of such policy statement should refer to the EU documents related to volunteering adopted during Polish Presidency – i.e. European Council Conclusions on the role of volunteering in social policy and European Commission's Communication on EU policies and volunteering. Later on such statement could be addressed to the EU institutions, as well as relevant authorities of the EaP countries and promoted through the internet resources.

The aim of the subgroup on volunteering work during future EaP CSFs should be to monitor implementation of all abovementioned documents adopted at the European level, especially with relation to the EaP countries. The same group can also monitor in general development of the volunteering schemes between the EU and EaP area and fulfilment of the postulates stipulated in the declaration described in the previous paragraph.

Second sphere of the sub-group on volunteering members' activities could be dedicated to elaboration of the possible projects ready for implementation within financial mechanism available for the EaP area. Such initiatives could be divided into four parts:

a Evaluation of the legal/systematic situation influencing volunteering in the Eastern Partnership countries (in each or chosen states) – in order to identify obstacles and potentials,

b Basing on the findings of previous step, preparation of the guidebook on how to organise volunteering in the Eastern Partnership countries (focused on the exchange between the EU and EP countries),

c Leading an awareness raising campaign in order to promote within the Eastern Partnership countries and their civil societies an idea of developing a volunteering exchange with the EU and between the countries in the region themselves,

d Last but not least, organising series of trainings based on similar methodology (coming from the aforementioned guidebook) and lead in each of the Eastern Partnership countries. They could be dedicated to the local civil society represen-

tatives and authorities and focused on how to manage volunteers' engagement, what outcomes it can bring to particular countries and their societies, but also with what obstacles they might be faced.

Each of the aforementioned activities can be lead separately, however, the best results could be achieved, when implementing them in conjunction and consecutively. Naturally, all the ideas presented above are not the only possibilities. In order to enable all of them, the first step should be to analyse funding possibilities for such activities existing within programmes described in the previous sub-section of this paper.

Why we need „European Partnership for Volunteering" – instead of concluding

Thanks to implementation of the aforementioned activities we can reach the level, when the value of volunteering and all roles it can have within the EU-EaP cooperation will be recognised. In result, this can bring us closer to building real joint European voluntary community and strengthening relations between the EU and EaP countries. It can also foster a civil society building process within the EaP region and bring local societies closer to Europe. That is why such initiative taken as a whole can be called the "European Partnership for Volunteering".