

Meeting of the 1st Working Group of the Eastern Partnership Civil Society Forum

Brussels, 6 June 2012

On June 6, 2012 the meeting of the Working Group 1: Democracy, Human Rights, Good Governance and Stability of the Eastern Partnership Civil Society Forum (CSF) took place in Brussels with more than 60 representatives attending from all six EaP countries, as well as from some EU member states.

Konstantinos Vardakis welcomed the participants on behalf of the European External Action Service (EEAS) and spoke of the most recent assessment of the Implementation of the European Neighbourhood Programme. Monica Bucurenciu from the European Commission's Development and Cooperation DG (DEVCO) updated the audience on the Civil Society Facility instrument. 191 concept notes were received in January, she said: 37 of them were pre-selected for the next round, 17 of which will be supported for projects in countries of the Eastern neighbourhood.

The coordinators of WG1 told the participants about the activities of working group, and discussed with fund-raising possibilities and accepted/declined project proposals.

National coordinators then reported about the activities of the National Platforms in the six EaP countries:

Armenia

The Armenian National Platform has finalised a set of principles for the establishment of the NP and participation of SCOs in it. Meetings of working groups are taking place on a regular basis both in Yerevan and in the regions. The next event to be organised – a presentation of the results of the Index of European Integration (second round).

Many civil society groups participated in election-related activities this year.

Azerbaijan

A democracy promotion campaign was initiated in Azerbaijan in preparation for the Eurovision song contest. There have been local and international calls to release imprisoned journalists and political activists, whose number is constantly increasing. Recently in (a speech on the 31 May speech) the Azeri government blamed international human rights organisations, and the EU for interfering in Azerbaijan's internal affairs.

Belarus

According to the coordinator, the Belarus NP is currently developing in a broader direction than the thematic platforms of the EaP. The platform is now in the process of institutionalization, and a coordination group and regional sub-divisions are being formed. Shortly, a permanent steering committee will be formed. The national coordinator for Belarus added that civil society in Belarus is being engaged in European dialogue on modernization for Belarus, which is a unique initiative designed for this country specifically with the main focus on modernisation of the Belarusian economy.

The strategy, goals and aims of the national platform in Belarus are still to be decided upon, because there is no single voice of the NP in Belarus.

**Georgia**

Georgian national platform contains 109 organisations, with growing interest in participation being expressed by other NGOs. The platform aims to increase its impact on policy-making. Georgian representatives underlined the limited practice of consulting services and peer learning between 6 EaP countries and called for a joint strategy for all National Platforms of EaP to share more practices and strategies. “There is a good will from the EU to increase the role of NP’s in decision making”, said Georgian representative, “however, for that NPs need to be involved in the processes of the EU decision-making”. Overall, there are a lot of challenges that are similar in all EaP countries, thereof we should be encouraged to have more joint projects.

The agenda of the Georgian NP at the moment is closely linked to the upcoming elections, and a campaign entitled “This affects you too” has been launched. This campaign has already proved successful in persuading the government to start consulting with the CSOs.

Moldova

Activism of CSOs in the country is growing. However, the Moldovan National coordinator believes that the National platform could have developed better. There are important ongoing reform processes such as adoption of the law on non-discrimination (which will enter into force on 1 January 2013), the creation of a centre to fight corruption and negotiations on visa liberalisation.

The Moldovan representative also believed that NPs should develop further, and Moldova, seen as a frontrunner of the EaP initiative, is willing to provide assistance to colleagues from other countries.

Ukraine

The Ukrainian NP organized a Civic Forum alongside the EU-Ukraine summit 2012 with Herman van Rompuy and Jose Manuel Barroso attending.

Today, the Ukrainian NP is concentrating its efforts on trans-border cooperation, administrative reforms, media, issues of decentralization which are the most interesting topics for the NP at the moment.

In the second part of the meeting the participants worked in six thematic sub-groups to develop the recommendations for the seventh meeting of the EaP Platform 1 on the following day, June 7th. Below are the **recommendations as prepared by the sub-groups**:

I. Anti-corruption subgroup

1. While national governments and European institutions discuss fight against corruption in EaP region, **there is a tendency to overlook the problem of political corruption**, particularly the issue of financing of political parties, including **public financing**, financing election campaigns and bribery during elections. We suggest that **this issue has to be prioritized in anti-corruption reforms agendas** in our region both by national governments and international organisations. Without cutting links between politicians and oligarchs (or, at least, weakening them), it is impossible to create functional democratic political system. Fight against political corruption is a key direction in this regard.



2. Problem of **corruption in energy sector** is another priority for anti-corruption policy we suggest to focus on. Corruption in this sector causes losses not only to public finance and public integrity, but also to the energy security of the countries of the region. There is a need to develop capacities of the CSOs to monitor corruption in energy sector as well as to pursue coherent policies for more transparent energy sector in the region. Focus of international organisations on this issue is also needed.
3. Cases, where **EU funds may be misused and contribute to corruption** in EaP region should be closer monitored and prevented. In this regard the subgroups also wants to draw attention of the EaP national governments and international institutions to the **need for sound monitoring system in order to prevent misuse of public funds** during the preparation for events like UEFA EURO 2012. For example, in Ukraine all procurements for the preparation of the UEFA EURO 2012 were made disregarding the public procurement law.
4. Anti-corruption institutions with controlling and monitoring functions should be more open to the participation of CSOs and parliamentary opposition. They should have secured sources of funding and representative membership. When discussing parliamentary bodies and committees, they need to be chaired by representatives of opposition parties and have a proportional representation.

II. Subgroup on Local Government and Public Administration Reform

Creating real local self government is not possible without decentralisation – fiscal decentralisation is one of the most important aspects in such decentralisation.

Issues that could be included in the initiative:

- How to develop possibilities for local authorities to access the capital markets
- How to strengthen competences to local authorities with consequent budget allocation
- Identify possibilities for local taxes
- Identify the possibility of services to be sold and technically provided by local authorities
- Implement possible pilot initiatives consolidating fiscal decentralisation and capacities of local authorities to implement it.
- Study how to improve the transfer system from the state budget to local budgets.
- How to include citizens into the decision making process and implementation of fiscal decentralisation.

III. Visa Facilitation Sub-group

1. Position on the Schengen visa issuance, visa facilitation and liberalization processes.
2. Strict visa regimes remain the visible and sensitive obstacle for regular people-to-people contacts in the entire Europe.
3. CSF Visa subgroup welcomes continuing efforts by the EU and EaP countries with regards the visa facilitations and visa liberalization processes. We encourage progress in



the Visa dialogue with Ukraine and Moldova and support their progress towards the 2nd phase of Visa Liberalisation Action Plans as soon as relevant benchmarks are met. No additional political requirements should be introduced. Georgia is to follow this path in the close future. Visa Facilitation Agreements with Armenia and Azerbaijan should be signed opening the way towards next steps of visa liberalization process.

4. We encourage de-facto facilitated visa policy by the most of the EU Member State towards the citizens of Belarus. At the same time all the relevant visa liberalisation option based on the uniformed criteria should be open for Belarus as soon as the government in Minsk is ready to start implementing them.
5. While the visa free travel is considered as a visible political perspective, fulfillment of existent rules and obligations remains in a focus of civil society actors. We stress on the need to ensure proper implementation of the EU Visa Code and with EaP countries especially those aimed at providing wider access to long validity multiple entry visas for bona fide travelers. Independent monitoring detects the variety of problems legitimate traveler often faces during visa application procedures, including ever-growing list of documents required and non-clear criteria of visa granting/refusal.
6. Harmonization of the visa requirements and procedures remains a key priority. While the EU Visa Code introduces certain level of harmonization, further steps are needed to ensure unification of the criteria and procedures.
7. The procedure of appeal should be available for all applicants refused providing for transparent and fair reconsideration of the visa application within the reasonable period of time.
8. We call the EU to provide more information on visas and legitimate travels to the EU by introducing a specific web-page accumulating all relevant information regarding the legal basis, general requirement and standard procedures of visa obtaining, question-answers page etc.
9. We are concerned by the enormously high visa refusal rate by the EU consulates in Georgia (15.3% in 2011, while average EU visa refusal rate in the world is 5%). This figure is obviously not relevant to the actual quality/integrity of visa applications submitted by Georgian citizens.

IV. *Judiciary sub-group*

1. Insure institutional independence of the Judiciary from the Executive branch, especially limiting the role of the executive branch in appointing and dismissing judges;
2. Insure independence of the individual judges within the judicial system by strengthening self-governments of the judges within the system;
3. Insure the system of the checks and balances within the judiciary in order to avoid the concentration of the excessive power under one institution and particularly in the hands of limited group of people.

V. Human Rights Sub-group

1. In the context of recent incidents in Azerbaijan as well as in Georgia and Armenia connected with the attacks on human rights activists, journalists and active members of civil society, we propose that the EU insist on fulfilling of international human rights obligations by governments of EaP countries and that EU (especially through its delegations and member state embassies in third countries) pay more attention to the implementation of EU Guidelines on Human Rights Defenders.
2. We also suggest EU to consider introducing of appropriate sanctions in case of extensive and systematic human rights violations in these countries.

VI. Media Sub-group

1. Development of model laws (legal provisions) for EaP countries regulating specific areas of media operations, specifically, given their urgency, - on transparency of media ownership and on standards of election campaign coverage (MSWG is well positioned to draft such model laws in cooperation with other EaP structures (Euronest);
2. Introduction of Media Freedom Index for EaP countries. The existing similar indexes - by IREX, Reporters without Borders, Freedom House indexes are not enough compliant to the specific situation in this region, while index is very important to assess the state with media and its dynamic, as well as for elaboration of strategy for action, MSWG has almost developed the methodology, and having selected concept is in the process of preparing full proposal to the Neighborhood Civil Society Facility.

At the closure of the meeting, WG1 adopted four **statements**:

Statement of the 1st Working Group of the Eastern Partnership Civil Society Forum on recent cases of violation of the ceasefire on the contact line of the Armenian and Azerbaijani armed forces

We the representatives of the 1st Working Group of the Eastern Partnership Civil Society Forum express our concern with regards to the numerous cases of violation of ceasefire on the contact line of the Armenian and Azerbaijani armed forces resulting in casualties from both sides.

We condemn actions that harm the stability in the region and create obstacles for peaceful settlement of the Nagorno-Karabakh Conflict.

We urge the authorities of conflict sides to undertake necessary measures to ensure observance of the ceasefire and fulfillment of obligations that are set forth in the Ceasefire Agreement.

Statement expressing support from WG1 for the Reporters Freedom and Safety Institute statement to the Azerbaijani government

The WG 1 members, uniting representatives of several organizations from both EaP and EU countries, joins the statement of the Institute for Reporters' Freedom and Safety calling the Azerbaijani government to refrain from adopting draft amendments to the laws "On the right to obtain information", "On commercial secrets" and "On state registration and state registry of legal entities", which create unreasonable obstacles for the access to data on the ownership of private companies.

As IRFS fairly believes, these amendments violate the rights of media and broader society to obtain information on issues of public importance and restrict the work of investigative journalists, civil society activists of Azerbaijan, disclosing facts of corrupt deals and illegal forms of obtaining property by family members of high-ranking state officials.

The WG 1 members the authorities of the EaP countries to refrain from adoption of legal acts, contradicting the principles of freedom of information and due transparency of ownership, as well as hampering anti-corruption efforts of media and civil society.

The full text of the IRFS statement is in the attachment.

Statement of the 1st Working Group of the Eastern Partnership Civil Society Forum on Georgia

The October 2012 Parliamentary Elections are of crucial importance for future of democracy in Georgia. The new parliament shall ensure the country's transition to parliamentary system and form the new government in line with the amendments to the Constitution of Georgia (October 15, 2010).

While the upcoming elections promise to be competitive, there still remain a number of challenges to the prospects of conducting free and fair elections in a level playing field.

In February 2012, significant part of the civil society organizations started a campaign under the name "This Affects You Too" aimed at improving election legislation and developing a better pre-election environment. Many of the campaign's proposals have eventually been reflected in the amendments to this law in May 2012.

On May 7, 2012 Georgia's non-governmental and media organizations submitted an additional package of the legislative proposals to the Parliament which, if adopted, will be instrumental for democratic elections in Georgia. The must-carry and must-offer principles introduced in the legislative package deserve a special attention as they ensure public access to the pluralistic media.

Participants of the Working Group One of the EaP Civil Society Forum address the Georgian authorities with the following requests:

- Ensuring public access to the pluralistic media and equal coverage for the political parties during the election period;

- Providing forum for the political debates;
- Refining the vote count procedure on the day of the elections;
- Regulating the use of administrative resources.

Herewith we address the European Union to support the efforts of the Georgian Civil Society aimed at stipulating fair and competitive election and media environment.

Statement by EaP CSF 1st Working Group on Democracy, Human Rights and Good Governance on the Parliamentary Polls held in Armenia and the Upcoming Presidential Elections

The 1st Working Group of the Eastern Partnership Civil Society Forum (EaP CSF) expresses its concern with regard to the parliamentary elections held on May 6, 2012 in Armenia that resulted in the decline of public confidence in the institute of elections.

Both local and international observers recorded many instances of illegal activities. Such violations as widespread distribution of bribes - including cases labeled as "charity" - pressures on employees, intimidation of voters in a number of regions, use of healthcare institutions and educational establishments as administrative resources, and engagement of teenagers in campaigns, cast a shadow on the election processes.

The machinations of voter lists also had a serious impact on the whole electoral process, which included mass registration of voters from remote communities in nearby districts. In fact, the legislative mechanism of passport stamping against double voting failed. The refusal to lift the ban on publication of lists of voters after elections deepened public suspicion regarding the falsification of votes of citizens living abroad.

As a rule, the law enforcement services did not respond properly to these alerts and the statements on election violations. Widespread application of technologies of fraud in the absence of proper counter measures served as a serious obstacle to freedom of expression, and made significant segments of voters become unwilling participants in violations.

In spite of the fact that TV coverage of the campaign has been more open and equitable compared to previous election cycles, and that there has been a drastic reduction of the cases of violence and ballot stuffing, the above-mentioned flaws, nonetheless, create certain doubts about the legitimacy of the government, and lay foundation for public frustration in Armenia.

We call on the Armenian authorities to demonstrate accountability towards the frustration of the electorate and the issue of providing conditions free choice of citizens. Closer to the upcoming presidential elections, it is necessary to immediately undertake certain measures to tackle these challenges, more specifically:

1. Provide the ability to change the government through elections, which has not been done since 1990,



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2. Exclude the use of administrative resources for the benefit of certain political forces by strengthening civilian control over this phenomenon,
3. Forbid vote-buying, identify and punish the bribe-givers and the political parties, which conduct such illegal activities, including the cases, which are labeled as “charity,”
4. Lift the ban on publication of lists of voters after elections,
5. Separate business and politics, by not allowing officials to run businesses, while holding posts in the national and local government.

We also call on the EU institutions to fully utilize the potential of civil society independent institutions for ensuring fair elections, and demonstrate consistent and principled approach towards contributing to the democratic processes in Armenia.