EaP CSF Written Input to EaP Platform 1, November 24 2020

Date: 26/11/2020

The input provided is based on an online consultation with EaP CSF members, as well as expert contributions of EaP CSF representatives to discussions at the EaP Platform 1 meeting and the three panels organised over the course of October-November 2020 in an online format.

The agenda of Platform 1, namely rule of law, has a fundamental role underpinning reforms in all other areas, and the economic development of the EaP countries. Even more so during the post-COVID recovery, when EU investments into the EaP partner countries' economies have to be balanced with a focus on the independence and accountability of all three branches of power and their overall accountability to the people. Civil society facilitates such accountability, yet its capacity, empowerment and engagement needs to be strengthened structurally within the new roadmap. This should come in parallel to reinforcing EaP governments' own commitments to transparency, too.

1. <u>Together for accountable institutions and the rule of law</u>

Rule of law in general

Deliverables

- More efforts should be channelled to **parliamentary development and strengthening parliaments**' oversight function.
- The new Association Agendas and Partnership Priorities should **reflect more targeted and tailored short- to medium-term joint priorities to deliver on good governance, rule of law and democratic reforms**.
- The three associated countries continue to face challenges in establishing **state institutions free from political interference**. The EU should monitor and guide genuine and measurable reforms to create independent and accountable state institutions (e.g. police and law-enforcement, anti-corruption agencies). For this, the EU should offer clear sets of benchmarks and provide regular assessments of their implementation. Such assessments should be accompanied by more **political and financial support** to countries delivering positive results, and economic or political conditionality for those lagging behind (e.g re-programming financial assistance to civil society and other actors).
- The EU should help willing EaP countries to carry out **pre-emptive legal screening** and self-assessments to identify gaps in rule of law, set new ambitious policy interventions and link them to smart, tailored and targeted conditionality of EU funding.

Judicial reforms

Deliverables

- Improve **measurement of the state of play and progress in judicial reform** by applying the EU's Justice Scoreboard methodology to review independence, quality, and efficiency of national justice systems, in comparison with EU member states.
- The existing **Dashboard Western Balkans** should be expanded and cover all EaP countries.
- The **Rule of Law Reports** methodology according to which the performance of the EU member states is assessed should also be applied to the EaP countries.

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- Support the **implementation of justice sector reform strategies** aiming at strengthening the integrity, independence and accountability of justice actors in the process of selection and evaluation of judges and prosecutors.
- Support **a genuine process for assessing the integrity of judges and prosecutors** by reviewing their lifestyle and ensuring that all public officials declare the real value of their assets and interests. Insist on transparency and accountability, as well as the involvement of civil society in monitoring and watchdogging roles.
- Relevant **Annexes to the Association Agreements** on cooperation in the area of Justice, Freedom and Security should be upgraded and more detailed.

Tackling corruption and economic crime

Deliverables

- Strengthen **whistle-blower protection mechanisms** and support awareness raising activities about whistle-blower protections, namely within public institutions.
- Introduce r**einforced cooperation among the EU and EaP countries' law enforcement agencies** namely in the field of asset recovery, financial crimes and high-level corruption.
- Start cooperation on **joint cryptocurrency legislative frameworks** and tracking of unlawful and hybrid activities funded by money laundered via cryptocurrencies in the breakaway regions of the EaP region.
- The EU and EaP countries should promote more effective policies and measures to discourage and exclude rent-seeking systems, which benefit hidden affiliated groups that control different political parties or even the government as a whole. **An example of this is better regulation, discouraging the participation of entities from offshore jurisdictions in public procurement contracts or the application of anti-fraud measures, with a view to combating and sanctioning money laundering**. These reforms should be linked to rewards that citizens can benefit from. Such a reward in the case of the EaP associated countries could be accession to the Single Euro Payments Area (SEPA) or full access to the EU single market.
- Initiate **institutional dialogue** between the new European Public Prosecutor's Office (EPPO) and the fraud investigation bodies of the EaP countries on high-level corruption cases and misuse of EU funding in the region.
- Make actual use of the **anti-fraud cooperation provisions** enshrined in the Association Agreements with Georgia, Moldova and Ukraine. Create the legal basis for OLAF (European Anti-Fraud Office) to conduct spot checks and inspections of the use of EU funding.
- The EU should maintain financial and political support for the establishment of **independent anti-corruption agencies** (similar to NABU in Ukraine) in the EaP countries and ensure the cooperation of these agencies with OLAF and other relevant EU agencies.
- The EU should make greater use of **targeted sanctions** to combat corruption and corrupt practices via visa bans and account freezes on individuals reasonably believed to be personally responsible for serious human rights violations.
- There is a high need for **an OLAF-like agency for the EaP countries.** The EU should get involved in investigations into systemic fraud taking place in the EaP countries that have ramifications in EU member states as well. Examples abound, including cases concerning banking systems, real estate related money laundering schemes, and more.
- The **EU should help the EaP countries to pursue asset recovery efforts**, not least in countries like Moldova or Ukraine, where fugitive former country leaders have amassed

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and expatriated significant fortunes. This help could even take the form of **hiring international lawyers and companies to pursue such efforts.**

- The EU should support and encourage the adoption and implementation of **integrity standards at the central as well as local level of governance** in the EaP countries.

2.   Together for security, including civil protection, fight against organised crime and cybercrime

Deliverables

- Focus on **stronger cooperation in the areas of security and conflict management**, based on the demand from EaP countries and the principle of differentiation. Open the possibility for deeper dialogue on security cooperation with the three AA/DCFTA countries.
- Create solid and efficient **coordination points and parliamentary committees dealing with hybrid threats** in all 6 countries, convened on an ad hoc basis (or more structurally in the case of three AA/DCFTAs countries) with an aim to work in full cooperation with the EU´s Hybrid Centre of Excellence in Helsinki by 2025.
- Create solid and efficient **specialised coordination centres on strategic communication** in all 6 countries, which would coordinate with the EU´s East StratCom, by 2025. More attention should be paid to disinformation and information operations as security threats.
- Create solid and efficient **agencies dealing with cybersecurity** (including cybercrime) that would be fully operational in all 6 countries and available to work with the National Initiative for Cybersecurity Education (NICE) of the EU by 2025. Cybersecurity should be approached as a separate domain, not simply as a part of countering economic cybercrime.
- Increase the EaP countries' **personnel contributions to the EU´s civilian and humanitarian missions** under the CSDP mandate by half by 2025; provide additional financial resources to assist EaP countries in delivering on this goal.
- Increase the EU´s involvement in **crisis resolution** in the EaP countries and expand the existing missions in the region (expanding the number of missions) by 2025.
- Increase the number of **training and capacity building** exchanges for EaP experts and civil servants by half by 2025.
- Initiate dialogue on the participation of selected EaP countries in **PESCO** projects, under the conditions for the participation of third countries set by the EU Council in November 2020. Use the political, substantive and legal conditions for such participation to leverage specific reforms.

Benchmarks

- By 2022, establish the coordination points and parliamentary committees dealing with hybrid threats in all 6 countries, and by 2023, have fully operational cooperation with the EU´s Hybrid Centre of Excellence in Helsinki.
- By 2022, create specialised coordination centres on strategic communication in all 6 countries, and by 2023, have fully operational cooperation between those bodies and the EU´s East StratCom.
- By 2022, establish fully operational agencies dealing with cybersecurity (including cybercrime) in all 6 countries, and by 2023, ensure their fully operational cooperation with the NICE agency of the EU.

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- By 2022, have an action plan in place for a gradual increase in EaP countries' contribution to the EU´s civilian and humanitarian missions under the CSDP mandate by half by 2025.
- By 2022, have an action plan on how to increase EU involvement in crisis-resolution in the EaP countries and expand the existing missions in the region by 2025.
- By 2022, have an action plan on how to increase the number of training and capacity building exchanges for EaP experts and civil servants by half by 2025.

3. <u>**Together for resilient, fair and inclusive societies**</u>

Public administration reform

Deliverables

- There is a strong need for **further reform of the governance system** that includes structural reforms aimed at making governments more effective and less resource-consuming, and more open and transparent. Civil service reforms should be implemented, with a focus, among other things, on improving the quality of interdepartmental cooperation.
- All EaP countries should make a **transfer to the new administrative and territorial reform based on two-levels of local government** (municipalities and regional governments). The EU should support administrative and territorial reform in EaP countries technically and financially.
- Further efforts in the implementation of **local administration reform** are needed, with a focus on effective territorial-administrative division, community consolidation (amalgamation) and decentralisation reforms.
- Promote **participatory budgeting** on a local level is essential to increase the level and quality of engagement of community residents in local self-government. All local communities should have opportunities to set up a local budget using the participatory budgeting method (whereby 1-2% percent of local expenditures would be budgeted by citizens).
- All EaP countries should keep a high level of **fiscal transparency** (with a score of no less than 70-80% on the Corruption Perceptions Index). Financial transparency on the basis of available budgetary information on local government websites can be measured by "snapshot assessments".
- Improvement of **e-government tools** is extremely important in terms of increasing the transparency and accountability of governance as well as providing better opportunities for society to engage in decision-making processes.
- More **operational independence for local self-government bodies** is needed. This primarily requires more financial independence that can be achieved by ensuring that there is an increase of their own share in the community budgets. Local self-government bodies should receive enough funding to effectively utilise their powers.

Benchmarks:

- By 2025, four EaP countries have implemented an effective local public administration reform in line with European Charter of Local Self-Governance and respecting the principles of decentralization and autonomy.
- By 2025, 100% of EaP countries' municipalities use participatory budgeting tools in local budget procedures.

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- By 2025, 100% of EaP countries' municipalities reach fiscal transparency not lower than 70-80% of the average level of municipalities from the EU member states.
- By 2023 all EaP countries transfer to the new administrative and territorial reform based on two-level local governments

Civic engagement

Deliverables

- There is a strong need for **institutional engagement of civil society** in the decision making process. This primarily should be reached by providing the necessary access to information and making sure that the EaP governments commit to receiving and using the feedback provided by civil society and citizens.
- Working mechanisms of civic engagement should be in place and be continuously upgraded to make sure that both the quality and the scale of such engagement improves. These mechanisms should allow civil society and the society at large to **engage in planning, implementation and monitoring of the reforms**. Various **tools for participatory planning** should be applied, including effective collection and analysis of public opinion, engagement of the expert community in receiving alternative assessment of reform agendas, use of electronic platforms for feedback collection, and establishment and/or strengthening of advisory and public discussion entities cooperating with national parliaments, ministries and other governmental bodies.
- **Protect genuine civil society** and make a clear commitment on the side of EaP governments to this target. Civil society in some parts of the EaP region is facing serious problems not only in terms of engagement with authorities, but also in terms of the enabling environment, security, access to funding, etc. This has been particularly visible in Belarus and Azerbaijan and the recent developments in the region have increased the risks for genuine civil society to effectively operate in the spheres of their responsibility. Hate speech and provocations by anti-liberal groups are also a big threat for civil society; in some EaP countries, the environment has become more and more hostile, namely towards organisations working on gender, LGBTQ or minority issues.
- There should be clear linkage between the disbursement of EU funding and the fulfilment of election-related recommendations; the EU should deploy **election observation missions** or act through the ODIHR and provide funding for domestic observation missions, in order to ensure greater civic engagement for a non-partisan election observation effort and support the **integrity and transparency of the election process**.
- Development of **civic education programs** and their inclusion into all levels of formal education should be on a par with the development of digital skills.

Independent media and fact based information

Deliverables

- **Increase the EU's financial contribution to independent media** in the EaP region by half by 2025, and encourage concurrent gradual increases in financial support from EaP governments too; financial and technical support to independent media in the EaP region should be increased in light of the COVID-19 and other regional crises.
- Expand the tools and instruments of the EU and EaP countries in support of the independent media, including by creating a **new common fund** for their support and considering the

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establishment of a new agency in support of the independent media in the EaP countries by 2025.

- Include a **package of measures** - tax exemptions for both media and advertisers, grant schemes, etc. - that would help regional, local and independent media outlets struggling to survive the impact of COVID-19 as deliverables for the EaP governments.
- Support projects establishing **collaboration between independent media and media CSOs to build capacity** by sharing best practices on fundraising and monetising content, encourage new media formats based on creativity and innovations, and highlight the plight of investigative journalists and specific challenges being faced by particular sub- sectors like radio.
- To successfully combat disinformation, the EaP governments should **improve media legislation**, increasing the transparency of media funding so that consumers of media content know who is behind it. For media consumers, media literacy education should become more systemic in order to address the challenges of disinformation.
- **Working with media consumers** is another important tool for combating disinformation; addressing issues of media literacy and critical thinking through means of both formal and non-formal education is extremely important.
- Support strengthening of the **internal self-regulatory mechanisms** within the media community aimed at fighting disinformation.

Benchmarks

- A comprehensive study of the media industry in the EaP region should be commissioned at the beginning of the implementation of the EaP roadmap 2021-2025 to serve as a baseline for assessing improvements in media legislation, transparency of ownership, financing and enabling environment for independent media.
- By 2022, increase the EU´s financial contribution to the EaP´s independent media by 1/4, also in partnership with the EaP governments.
- Expand the tools and instruments of the EU and EaP countries in support of the independent media, including by preparing a plan for the creation of a new common fund for their support, and initiating discussions on establishing a new agency in support of independent media in the EaP countries by 2025.

Protection of human rights and gender equality

Deliverables

- In order to ensure the effective mainstreaming of gender equality across the EaP policy framework, while also ensuring its visibility as a cross-cutting priority, a description of how **gender equality** will be implemented should be included under each of the five resilience pillars of the new deliverables, in addition to setting concrete targets for gender under individual deliverables.
- Despite progress in promoting the role of women in decision making processes, with civil society successfully advocating for certain measures to be adopted by the EaP governments, the cross-sectoral priority on gender equality and non-discrimination - which is closely related to youth and people-to-people contacts in general - has not been covered sufficiently in the current deliverables. The new deliverables should therefore include a specific focus on **increasing the number of women in decision-making positions** in all spheres, to address their serious and systemic under-representation.

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- Strengthen efforts to counter **domestic violence**, which has tragically become a greater problem due to COVID-19 lockdown measures; serious steps should be taken to ratify (or implement, in the case of Georgia) the Istanbul Convention.
- Efforts should be made to include **sexual and reproductive health rights** into the curriculum of primary and secondary schools, namely in rural and urban areas of the EaP countries.
- Support the establishment of **dedicated groups to monitor gender action plans** at the national and local levels and provide feedback and input for the EaP governments and local bodies to act on.
- Place greater emphasis on **marginalised populations** (women, LGBTQI+ communities, people living in rural areas, IDPs, people with mental and physical disabilities, religious minorities etc.) and the promotion and protection of their rights. This should include the right to education, with a focus on enabling their access to high-speed internet and providing training to develop their digital skills in order to bridge the educational gap and strengthen the inclusive approach to the digital transition.
- **Marginalised groups** should also be empowered by training on their human rights and how to ensure they are respected, and by strengthening the EaP governments' inclusive approach to governance and decision-making.
- Increase support to efforts providing **mental health assistance**; mental health problems have increased considerably among both children and adults due to a number of the effects of the COVID-19 crisis, including lock-downs (and the resulting increase in domestic violence), unemployment and high death rates with limited possibilities to attend funerals in the aftermath of the pandemic. Intervention to support physical health problems is of course highly prioritised, but this should be done in tandem with efforts to include all aspects of mental health problems too, in order to have truly sustainable recovery.

Benchmarks

- By 2025, 90% of households including young women and girls - particularly those households with an ethnic or religious minority background - should have access to affordable high-speed internet and develop digital skills in all areas of life across the 6 EaP countries.

Civil society and youth participation

Deliverables

- Include **concrete targets, benchmarks and measures for the EU institutions, EU member states, and EaP governments on improving the civil society environment** in partner countries, including via political dialogue and technical support programmes and necessary legislative changes; the first steps towards effectively using the CSO Meter, developed by the European Center for Non-Profit Law for this purpose, should be further elaborated upon.
- Add the **EaP governments** as actors under deliverables on civil society to ensure they are aware of their role and responsibilities for the implementation of those targets, including on the participation of civil society in the policy-making cycle and consultations, and on providing feedback on civil society's input to decision-making.
- Articulate a mechanism for transferring EU funding from noncompliant governments to bona fide civil society actors, beyond the established practice of simply preserving civil

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society funding in cases of misconduct by EaP governments; in line with the **'more for more' principle**, such an approach should be enshrined into the new roadmap.

- Include a deliverable on **enhancing the role of the civil society in programming, monitoring and evaluating projects** funded from the new NDICI within both the multilateral and bilateral tracks; stronger representation of civil society in the governance structure of these projects can significantly improve their performance and impact.
- Establish an **EU - EaP Youth Coalition** that would develop along several thematic fields to support youth contacts in areas such as education, research, technology, entrepreneurship, peacebuilding etc. EU and EaP partners should create its institutional mechanism based on shared objectives and joint ownership. A separate Youth Platform could work as an independent channel of communication between the participating youth organisations and individuals to promote common projects in the areas of research, technologies, artistic expression, media and more.
- Increase financial and logistical support to **international and local youth events**, with a view to increase the number and quality of such events, and facilitate greater opportunities for exchanges between young people in and between the EaP countries and the EU.
- **Improve digital skills** of young people, especially in rural areas.

Benchmarks
- Approximately 70% of the target group has at least basic digital skills, basic types of smartphones and the ability to shop online and communicate with each other and their families, using such applications as WhatsApp, Viber, etc.
- Number of hubs facilitating youth participation and cooperation and number of young people active via different hubs.

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