

## The Eastern Partnership Civil Society Forum Working Group 1 Annual Activity Report 2021

The Working Group 1 (WG1) Annual Report summarises key contributions to the discussion of the WG1 meeting and relevant thematic panels that took place during the 13th Annual Assembly of the EaP CSF held virtually between November 30 and December 2, 2021.

The first section of the Annual Report is divided into country and thematic updates. The country policy updates focus on trends and challenges based on the input from the representatives of the National Platforms (NPs) presented at the Annual Assembly.

The thematic policy update makes references to two of the most serious challenges identified during the Annual Assembly: ongoing national judicial reforms in the EaP countries, and challenges to human security in relation to the conflict in the region of Nagorno-Karabakh and the unprecedented wave of repression on civil society in Belarus.

The second and third sections of the Annual Report include relevant information collected through a questionnaire<sup>1</sup> developed and distributed in October 2021 to support the organisation of the WG1 thematic meeting during the Annual Assembly. The first set of questions included in the questionnaire targeted the NPs, while the second set of questions was addressed to the EU delegates. The replies collected from the NPs represent 50% of the responses (3 out of the 6 NPs filled out the questionnaire). As for the EaP CSF Delegates, 4 out of 14 replied, which accounts for 20% of the responses. The information has further been completed with the presentations made by the WG1 Coordinators during the thematic meeting at the Annual Assembly.

### **Section 1: Policy updates from the EaP countries**

#### **1.1 Country focus**

##### **Armenia**

The EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA) entered into force on March 1, 2021. Armenia is committed to pursuing a comprehensive reform agenda based on democracy, transparency, and rule of law – in particular the fight against corruption, reforming the judiciary and enhancing its accountability to citizens, and ensuring equal economic, employment and social opportunities for all.

Snap parliamentary elections were held in Armenia on June 20, 2021. The elections had initially been scheduled for December 9, 2023, but were called earlier due to a political crisis following the 2020 Nagorno-Karabakh War and an alleged attempted coup in February 2021. During the snap elections, the Armenian public had demonstrated that they do not want to slide back to a non-democratic regime. The democratisation process in Armenia needs to be accompanied by

structural reforms, and the transparency and accountability of state administration systems should be improved.

The Commission committed €3 million in humanitarian aid to assist those affected by the large-scale hostilities in and around the region of Nagorno-Karabakh, including a significant number of displaced people. Since the beginning of the hostilities in September 2020, the EU mobilised a total of €6.9 million in humanitarian assistance.

Further EU support is expected to cover issues such as the treatment of prisoners of war kept by the Azerbaijani side, whose status is currently very problematic. There have been some efforts made by the EU for their return, but so far, without success. Learning from the example of the Georgia-US joint action in this area, that resulted in return of several prisoners, it seems that there is room for the EU to take a new and more effective action.

Synchronised regional development of the country needs to be ensured, and the EU should be a key partner regarding implementation. This means not only in terms of financial support, but also providing technical and expert support, ensuring that the decentralisation reform goes in the right direction.

### **Azerbaijan**

The conditions within which civil society operates in Azerbaijan have deteriorated in 2021. The enabling environment for civil society has come under serious pressure due to the civil society legislation in Azerbaijan, which limits the possibility to receive funding from outside of the country. The lack of funding affects the implementation of the National Platform activities related to WG1.

The role of CSOs in multilateral dialogues with the EU needs to be further enhanced. The cooperation with the EU and also among WG1 members from the EaP countries could be strengthened through regional programs and the EaP CSF re-granting scheme. Moreover, there are advocacy programs and regional projects, in which there is an increased involvement of CSOs from the EU countries. Such programs and projects enhance the capacity-building of local CSOs, actors and stakeholders.

In relation to the Nagorno-Karabakh conflict, there is a need to invest efforts on regional and Caucasian initiatives. Projects between Azerbaijan, Georgian and Armenian CSOs could be further supported by the EU.

### **Belarus**

Since Autumn 2020, there has been an alarming situation regarding respect for human rights and fundamental freedoms in Belarus. The authorities were entailing criminal responsibility to every person who was showing even a minimum social implication. During 2021, the government of Belarus moved to ‘purge’ the country of leading civil society groups. There are at least 440 independent organisations that are already under ‘liquidation procedure,’ and some of the most prominent Belarusian human rights activists are in jail awaiting trial on unclear charges. Currently in Belarus there are 888 political prisoners, though this number grows every day as new court decisions are made, and we are receiving new information.

Belarusian human rights defenders, journalists, and lawyers are continuing their work in different formats being that in the country or in exile. Most CSOs and human rights defenders had to flee the country, the majority of them being in Poland, Lithuania, and Georgia at the moment. A stronger demand for human rights protection in Belarus needs to come from international actors.

In parallel to the ‘liquidation’ process, pro-government civil society organisations are being established. These organisations steal away the scarce funding available for the civil society. There is a need to develop mechanisms for supporting the genuine CSOs in their activities. One suggestion would be to start monitoring duplicate registrations.

It is currently difficult to overcome the enormous pressure from the governments towards civil society. Therefore, the primary objective is enhancing the civil society capacities. The EaP being a multi-level initiative – involving a wide range of stakeholders – can be very supportive in facilitating the civil society participation in all the EaP initiatives.

The humanitarian and human rights situation along Poland’s border with Belarus is alarming. Urgent action is needed to protect the lives of people stranded in the border regions.

Lukashenko’s government is starting to open dialogue with Europe. It is important that in light of this openness the EU does not soften its stance on issues of key importance, such as political prisoners.

There is a newly adopted human rights act that allows sanctioning of human rights violations. However, Belarusians themselves cannot make such demands as they risk their life. A greater responsibility to denounce human rights violations lies on external actors. In this regard, a CSF joint statement would be highly desirable.

Future reforms should be created to allow for social transformation in Belarus. Primarily, these changes and transformations would require involvement in different sectors, economy, health, education. Civil society development requires transfer of expertise. The European Humanitarian Universities could be used as a model for establishing curriculums in online and offline formats.

## **Georgia**

The main challenge in Georgia is the political polarisation in the way its everyday politics is conducted as well as in clashes over societal values. Georgia is one of several countries where culture wars are taking place between those who see themselves as defenders of traditional values and those who favour greater social, cultural, and religious diversity. There are worrying signs that this identity clash is becoming instrumentalised by politicians. In July 2021, the situation had become violent when protesters tried to shut down Tbilisi’s Gay Pride march.

This division is a major concern for Georgia’s Western partners, and it is proving a serious obstacle to the country’s stated ambitions to build democratic institutions and to forge closer ties with the European Union.

Georgia’s prolonged political crisis, following the last parliamentary election in October 2020, had ended with the political agreement brokered by European Council President, Charles Michel. In April 2021, Georgia’s ruling party and the opposition signed an EU-mediated agreement (known as the Michel Agreement) to end the months-long political crisis that raised concerns in the West

over the Caucasus, and the country's backsliding on democracy. The agreement included commitments to important electoral and judicial reforms, power sharing in the parliament, ending politically motivated prosecutions and a way forward toward possible early elections next year. However, its credibility has been tested. Despite numerous warnings, the government has proceeded with judicial appointments, undermining the independence of the court system. Electoral changes have been modest and do not have the endorsement of the opposition.

The ruling Georgian Dream party and a number of opposition parties agreed on several constitutional amendments put forward in an EU-mediated compromise back in April 2021 to end months of political standoff. However, the amendments were never voted in the parliament.

The leader of the ruling Georgian Dream party had annulled an EU-brokered deal with the opposition parties after only three months, blaming the opposition for the agreement's failure. As a result, the Georgian parliament is currently paralysed and major reforms are pending due to the lack of involvement of the opposition.

Policy dialogue remains key to solve polarisation. The National Platform has initiated a dialogue process with political parties discussing their programs related to EU integration, for which there was a high interest from both ruling and opposition parties. However, the party agendas in this area have not been very strong.

## **Moldova**

Moldova has recently prepared a recommendation package on anti-corruption policy on behalf of WG1 which has been sent to the government. The prevention and fight against corruption has been mostly characterised by selective justice practices or by lack of conclusiveness. This has happened despite the improvement of the normative and institutional framework, as the Anti-corruption Prosecutor's Office has been created and integrity system has been reformed. The depoliticization of law enforcement agencies and their proximity to citizens remains a backlog, and therefore an important priority.

On April 19, 2021, the Council of Europe adopted the new Action Plan for the Republic of Moldova 2021-2024, which aims to bring the country's legislation, institutions and practice further in line with European standards in the areas of human rights, rule of law and democratic governance.

In relation to the National Human Rights Institutions, a draft law introducing a 'People's Advocate for Entrepreneurs' Rights' (PAER) was issued on March 19, 2021. In the opinion of the Venice Commission, an Ombudsman institution having a more general mandate of protecting entrepreneurs will find it very difficult to maintain its identity as a protector of human rights and fundamental freedoms. Therefore, introducing a PAER within the People's Advocate institution could very likely lead to a distorted perception of the institution and its primary and core missions.

Common efforts should be made by the EaP CSF National Platforms to diversify the portfolio of energy suppliers. Several steps in this process have already been taken by Moldova and Ukraine but the whole platform should take a sentence on this issue.

## **Ukraine**

The government of Ukraine underinvests in gender equality or in programs that target women's role in sectors of governance, economy or peace and security. Improving gender equality is one of the key objectives of the governance pillar of the new EaP agenda. There are many challenges in the EaP countries: gender discrimination, gender-based violence, and lack of women's representation in leadership positions within the public sector.

In Ukraine, gender norms are narrowly defined with traditional, patriarchal views and values reinforced by media and school curriculum. The on-going conflict in Eastern Ukraine has deepened gender stereotypes that emphasise men as protectors and heroes, and women as caring supporters. It has also limited women's engagement and involvement in conflict resolution.

To date, little has been done to support women facing compound discrimination, particularly if they are elderly, they belong to groups of people with disabilities, they are ethnic minorities or internally displaced by the armed conflict.

Gender-based violence is also persistent in the country, with 90% of the cases being violence against women. The political instability and the conflict have had significant detrimental impact on gender equality and the situation of women in the country.

There is a clear reluctance of political elites to take decisive steps that would diminish their control over the judiciary. The newly established Supreme Court is mostly composed of old judges, which is clearly lacking integrity. The resistance to reform of the judiciary itself had also played a key role. The High Qualification Commission of Judges (HQCJ) and the High Council of Justice (HCJ) consisting mostly of judges which kept most of their corrupt colleagues in their positions.

In July 2021, the Rada adopted two bills proposed by the President to unblock the proposal on reforming the High Qualification Commission of Judges and the High Council of Justice. The bills provide the effective rebooting of the judicial governance bodies with the casting vote of the independent international experts. But the implementation of the laws is now threatened by other judicial institutions - mainly the Constitutional Court and the District Administrative Court of Kyiv. The reform of the Constitutional Court and the District Administrative Court of Kyiv is of utmost importance and urgency.

Illegal and worker immigration remains a concern.

### **1.2 Thematic focus**

#### **Security**

During the Annual Assembly, it became clear that the complex geopolitical context and unprecedented security challenges of both internal and external nature cannot be solved without shared responsibility and cooperation. Except for Belarus, every country in the EU's Eastern Partnership has a territorial conflict on its soil. Russia plays a central part in most of the cases, either by escalating tensions or positioning itself as an arbiter in an attempt to remain relevant in the outcome. Good governance, fight against corruption and progress towards the goals of democracy, rule of law, and respect for human rights are major internal sources of security.

Participants also agreed that the development of effective, accountable, transparent, and democratic institutions would reduce societal vulnerabilities.

The authorities of Armenia and Azerbaijan should carry out thorough, prompt, independent and impartial investigations into allegations of serious human rights violations committed during the conflict and its aftermath, in order to hold perpetrators to account and provide redress to the victims. These actions will facilitate truth, reconciliation, and healing.

The EU is supporting the mediation process, but civil society has an important role to play in building bridges between the countries, between the sectors, and by being a watchdog in the democratisation process.

### **Judicial reform**

When it comes to the judiciary, there is a significant gap between the legislation and the actual practice. The legal provisions are often ignored or misinterpreted by the political or judicial authorities. Judicial appointments are frequently flawed as they give way to political consideration and loyalty.

The independence of the judiciary is not guaranteed in the EaP, and this fact becomes particularly visible when it comes to the appointment of judges. For instance, in Belarus, the president holds exclusive authority to appoint judges. In Azerbaijan, decisions are taken by the judicial legal committee which is controlled by the Ministry of Justice. Furthermore, in Georgia, the High Council of Justice makes decisions on judicial nominations by informally prepared and pre-controlled rules. Ukraine's judiciary reform has suffered from enormous pressure for a reversal, undermining one of the most significant transformational processes in the country after the Revolution of Dignity. The Ukrainian High Council of Justice has been accused of lacking impartiality, as often judges do not meet the necessary qualifications. Lastly, in Moldova, there is a high level of public mistrust of the judiciary, the prosecution, and law-enforcement bodies, and of other legal institutions. The disciplinary proceeding against judges is often in the hands of the executive power.

Legal remedies are absent to hold judges accountable for illegalities in all the EaP countries. Civil society plays a crucial role in monitoring the activity of the courts and in advocating for institutional independence of the judiciary in line with international standards and best practices.

The independence of the judiciary should not be seen as a goal in itself, however, it is essential for the general development of the governments, functioning of the business environment, and the fight against corruption.

### **Section 2: Policy dialogue and advocacy**

The National Platform Strategies of the EaP CSF set the path for implementation in the years to come. The National Platforms have also developed annual advocacy strategies. Below, these are the strategic documents received in October during the data collection process:

- Armenia has developed a National Platform Strategy for 2021-2022
- Azerbaijan has also developed an advocacy matrix for 2021
- Moldova has approved an Advocacy strategy for 2020-2021

- Ukraine has approved a Strategic Development Plan 2021-2023

The respondents to the questionnaire had considered that the **objectives of WG1 were met from ‘moderate’ to ‘little’ extent**. The **main reasons provided for the low achievement level** are listed below:

1. **Lack of funding** to implement the actions reflected in the strategic documents, namely National Platform Strategies and/or advocacy strategies.
2. Difficulties to engage in policy dialogue with the governments on very sensitive issues such as human rights, democracy, media freedoms, gender equality and women rights, as well as security cooperation in the region.
3. **Lack of expertise** among the WG members.
4. **Lack of time and motivation** of the WG members who are very busy working within their own organisations and almost all work is conducted on a voluntary basis.
5. WG1 is the biggest WG in the NP, and few NGOs are really active, therefore the workload is very uneven.

At the EU level, all replies coincide that the main challenge is the lack of bilateral and multilateral programs for the civil society, as well as absence of EU funds for regional cooperation between the CSOs. In addition to this, CSOs capacity for advocacy at the EU level is challenging due to Covid-19 restrictions.

Regarding the main achievements on **policy dialogue at the national level** (legislative and policy changes, official statements, and other tangible actions by your country’s official stakeholders that occurred based on recommendations, inputs, and advocacy of the EaP CSF), **advocacy seems to be the most effective way for EaP CSF National Platforms to engage in dialogue with the government**.

However, **policy dialogue is not happening systematically for all the areas of work**. There is some participation of civil society in working groups for legislative and policy drafting, but they do so as individual organisations and not as members of WG1 NP. In addition, **many WG members issue recommendations as individual organisation and not on behalf of the National Platform**. This is partly due to the fact, that when an NGO is issuing recommendations, all WG1 members need to agree, which takes a lot of time.

**At EU level**, the **individual members of WG1 have organised several meetings with EU institutions and embassies representing the EU member states**. These meetings focused on the EaP priorities.

The active members of the WG1 NPs are regularly invited to meetings with delegations, experts, missions of EU, OECD, CoE, and embassies to discuss issues such as the reform of justice sector, anti-corruption, human rights, democracy, media freedom or elections.

**All respondents stressed the relevance of advocacy**. Moldova provided a detailed answer on the advocacy campaigns held during the reporting period in the field of anti-corruption, elections, and mass-media. All campaigns were part of the WG1 Advocacy Plan. National Platform Secretariats collect this information as they monitor the implementation of the Advocacy Plan.

Below, these are the examples provided by Moldova:

- In December 2020, the NP organised an advocacy event, dedicated to improving the anti-corruption policies with the invitation of the heads of the National Integrity Commission, the Anti-corruption Prosecutors Office and representatives of the National Anti-corruption Centre. The recommendations of TI-Moldova were supported by the NP. They were passed to the Working Group for Monitoring the National Integrity and Anti-corruption Strategy. The Secretariat of this Group has promised to include the recommendations in the new Action Plan of the Anti-corruption Strategy.
- On January 28, 2021, WG1 organised a meeting of the NP of EaP CSF with the participation of three members of the Central Electoral Commission, several political parties, the head of the EU Delegation, and civil society. The event was titled "Fair, transparent and participatory elections - the foundation of the democratic system in the Republic of Moldova". Four NGO members of the NP presented their statements and policy recommendations vis-à-vis the quality of the election campaigns.

<https://www.eap-csf.md/comunicat-de-presa-dezbatere-online-alegeri-corecte-transparente-si-participative-fundament-al-sistemului-democratic-din-republica-moldova/>

- On May 5, 2021, the WG1 organised a meeting of the NP dedicated to mass-media freedom, with the invitation of the Supreme Audio-Visual Council where three members of the NP presented their statements on the situation, as well as presented policy recommendations for improvement.
- On August 22, 2021, several members of WG1 were invited to the Parliament of the RM to present their critical views on several legal initiatives in the anti-corruption field.

### **Section 3: Policy development and monitoring**

Civil society is active in policy development mainly through their participation in the Working Groups that elaborate draft laws/policies and participation in the public consultation processes. Additionally, the role of civil society is crucial in monitoring the reform implementation.

There are **opportunities for some of the WG1 members to participate in policy development, but only in very particular cases, which does not happen systematically.**

Example from Moldova:

- The entire NP has permanent representatives of the Working Group, monitoring the Moldova-EU Platform, the National Integrity and Anti-corruption Strategy, the Working Group of Monitoring the Justice Sector Reform, and the Working Group for Mass-media. They had participated in regular meetings of the Anti-Covid-19 Vaccine Procurement Working Group of the Centre for the Centralised Health Procurement.

Likewise, some WG1 members are overseeing the implementation of certain reforms in some countries, but **not systematically.**

The reforms are generally monitored by individual NGOs with the help of grants from donors. The monitoring results can be presented to the other members of the NPs. Generally speaking, the WG1 NPs do not have financial capacity to monitor reforms.



The monitoring process of the implementation of reforms has been held mostly within the assessment of the 20 deliverables for 2020. In addition to this, there is a lack of real CSO-government cooperation in this field, as well as there is lack of engagement of CSOs in policy-planning, and implementation.

The questionnaire also covered two questions on the participation of WG representatives in the EaP architecture meetings. Some respondents indicated that the outcome of these meetings is not so relevant, partly due to the fact, that the number of seats for each meeting is generally two for the EaP CSF. It would be good to increase the number of available seats for the Forum members in future meetings.

For instance, the Law Society of Azerbaijan has conducted an assessment report on Azerbaijan's Implementation of the '20 Eastern Partnership Deliverables for 2020', which will be available before the Annual Assembly of the EaP CSF.

According to the respondents, **the role of the Working Group within the CSF architecture should be strengthened.**

**Major approaches to improve the activity rate of Working Group organisations in your country:**

- Dedicate **funds for WG1 and increase re-granting**
- Provide **thematic support to the members of the WGs**
- **Improve legislative and operational environment for CSOs in the region;** there is a need for more political engagement with the EU and members states; otherwise, CSO legislation will not be improved by government
- To organise **networking WG1 events and group meetings in 2022-23**
- Increase **cooperation between the WG1 NPs of all EaP countries, as well as CSOs from the member states of the European Union.** The regional programs, as well as re-granting scheme should be intensified and more funds to be allocated in the coming years
- **Strengthen the role and involvement of EU member organisations in the Working Group,** as there is no regular contact, partly due to the Covid crisis.

Respondents consider that CSOs from the EU countries should be more involved in advocacy programs, as well as be enhanced in their participation in regional projects for better capacity-building of local CSOs, actors and stakeholders.

### **The way forward**

The main challenges, the EaP civil society organisations were confronted within 2021, are summarised below:

- Increasing problems related to the fundamental values and foundations of the EaP architecture
- Increasing pressure on the civil society, namely in Belarus, Azerbaijan, and Georgia (shrinking space for the civil society)
- Lack of institutional/organisational grants which would support CSOs to implement their core objectives without being too flexible in following donors' priorities. Similar

operational grants are offered by EU-to-EU-based NGOs. A similar mechanism for NGOs from EaP is needed. It should also support EU NGOs in running their activities and establish operations in the EaP

The EaP CSF has been supportive in its quick monitoring of the Covid situation in the region and conducting research on how it affects different parts of the region. The statements and advocacy activities of the Forum, when highlighting different developments, have also been very useful in both meeting and written format.

Priority areas for the Working Groups at the national level in 2022:

- Civil-society cooperation in the field of security, conflict, and regional cooperation in post-conflict era
- Institutional reforms on judiciary, prosecution, and police system
- Human rights protection, and cooperation with the UN Treaty Monitoring Bodies, EU institutions, as well as respective institution of the Council of Europe
- Rule of Law
- Media freedom, strategic communication, and literacy; combat against disinformation propaganda
- Civil society development (legislative, institutional and cooperation)
- Gender equality, women's rights, and domestic violence
- Interaction between the National Platforms of WG1 would be a significant tool to find solutions to many challenges. Efforts to increase visibility of the work of the National Platforms remain crucial
- Funding for policy development and policy paper development. This would be a positive development, as in the past, a large amount of valuable output could be produced with quite modest amounts of such investment

The key messages that respondents would like to convey to the governments in the EaP and the EU are the following:

- Recognise the urgent need for further reforms in the judiciary and security sectors
- Increase regional cooperation: the EaP countries need to join efforts to face common challenges
- There is a need for a more systematic approach with a new set of priorities, based on the foundations and basic pillars of the EaP-EU cooperation. Also, a better European response to the EaP challenges and increasing problems is needed.
- The fundamental values, human rights and democracy focus in the JSWD and Summit Declaration have to be strengthened. It is clear, after evaluating the '20 Deliverables for 2020', that the region is lacking improvement and lagging behind on matters of human rights, gender equality, freedom of speech, and democratic institutions. Therefore, it is unfortunate and disappointing, that the JSWD did not have more focus on these fields but instead tilted heavily towards economic development.

Based on the challenges reflected in this report, the following next steps will be undertaken:

- Prepare a CSF joint statement on Belarus

- Draft a thematic paper on gender equality, the risks of violence against women and domestic violence, and the state of play with regards to the Istanbul Convention in the EaP countries
- Increase the number of networking WG1 events and WG1 NPs regional meetings in 2022-23 with the aim to facilitate good practices and exchange of experiences
- Strengthen the role and involvement of EU member organisations (EU delegates) in the Working Group
- Explore options to increase the funding for the NPs and regional programs, and intensify the use of CSF re-granting
- Strengthen the involvement of the civil society in the decision-making both at national and EU level, and supporting participative formats of policy development
- Develop tools for civil society monitoring of government compliance with democratic values in the region, in particular, with the post-2020 Eastern Partnership Priorities
- Engage in policy dialogue and decision-making through drafting thematic policy papers, legislative amendments, and public monitoring of international commitments of the respective country

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