policy paper

Partnership for all? Measuring the impact of Eastern Partnership on minorities

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YEZIDI CHILDREN IN ARMENIA. *PHOTO: MRG*

Contents

Acronyms

AA	Association Agreement
CERD	Committee on the Elimination of All Forms of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CIB	Comprehensive Institution Building
CoE	Council of Europe
CORLEAP	Conference of the Regional and Local Authorities for the Eastern Partnership
CSF	Civil Society Facility
CSFO	Civil Society Forum
CSO	Civil Society Organization
CSP	Country Strategy Paper
CBSS	Country-based Support Scheme
DCFTA	Deep and Comprehensive Free Trade Agreement
EaP	Eastern Partnership
EaPIC	Eastern Partnership Integration and Cooperation Programme
EaPMN	Eastern Partnership Minorities Network
ECMI	European Centre for Minority Issues
ECRI	European Commission against Racism and Intolerance
EIDHR	European Instrument for Democracy and Human Rights
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EU	European Union

EURONEST	EU-Neighbourhood East Parliamentary Assembly
FCNM	Framework Convention for the Protection of National Minorities
FDP	Formerly Deported People
GGDC	Good Governance and Development Contract
IDP	Internally Displaced People
IPA	Instrument for Pre-Accession
LGBT	Lesbian, Gay, Bi-sexual and Transgender
MEDA	Measures d'accompagnement (accompanying measures)
NGO	Non-Governmental Organization
NIP	National Indicative Programme
OSCE	Organization for Security and Cooperation in Europe
OECD	Organization for Economic Cooperation and Development
PCA	Partnership and Cooperation Agreement
PRDP	Pilot Regional Development Programmes
SRC	Sector Reform Contract
SBC	State Building Contract
TACIS	Technical Assistance to the Commonwealth of Independent States
USSR	Soviet Union
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
VLAP	Visa Liberation Action Plan

Executive Summary

The Eastern Partnership

In 2009 the EU launched the Eastern Partnership (EaP) encompassing Azerbaijan, Armenia, Belarus, Georgia, Moldova and Ukraine. The respective Council Declaration states that the EaP commits "to the principles of international law and to fundamental values, including democracy, the rule of law and the respect for human rights and fundamental freedoms, as well as to market economy, sustainable development and good governance."[1] The Eastern Partnership seeks to follow a two-track approach. The bilateral dimension has three long-term objectives including the Association Agreements (AA) between partner countries and the EU (with the exception of Belarus), the Deep and Comprehensive Free Trade Agreement (DCFTA) and Visa liberalization. The EaP also introduced financial initiatives: The Comprehensive Institution Building (CIB) is aimed to support the strengthening of capacities of those institutions in the partner countries that are key to implementing the new Association Agreements with the EU. The Pilot Regional Development Programmes (PRDP), the Eastern Partnership Civil Society Facility ("Facility") and the Eastern Partnership Integration and Cooperation (EaPIC) programme which constitutes a financial instrument working on the basis of the "more for more" principle.

The EaP multilateral dimension is comprised of initiatives at three different levels. At the political level, exchange was established through biannual Summits of Heads of States and annual meetings of Foreign Affairs Ministers. At the technical level the introduction of Thematic Platforms aimed to promote cooperation in concrete thematic areas. So-called Flagship Initiatives implement multilateral projects. At the participatory level with the EU-Neighbourhood East Parliamentary Assembly (EURONEST) and the Conference of the Regional and Local Authorities for the Eastern Partnership (CORLEAP), exchange platforms were introduced. Finally, the Civil Society Forum (CSF) aims "to develop and propose modalities for the establishment of a Civil Society Forum of the Eastern Partnership".[2]

Minority rights in the policy process

The 2009 Declaration of the Prague Summit, which launched the Eastern Partnership, does not refer to minority rights explicitly but more broadly makes a commitment to fundamental values including the respect for human rights, confirmed by the 2011 Eastern Partnership Summit in Warsaw.[3] Reference to both human and minority rights is made in the three sets of documents outlining the way forward to association with the EU: the Actions Plans, Visa Liberalization Action Plans (VLAP) and Country Progress Reports for Ukraine, Moldova and Georgia. The Action Plans refer to actions on common values through political dialogue and reform as well as to actions with regard to economic reform, trade and alignment of legislation to bring about economic integration. All Action Plans contain a standardized reference to ensure or to strengthen the "respect for the rights of persons belonging to national minorities". With the exception of the Azerbaijan Action Plan, reference is made to a limited number of steps each country aims to take individually. The VLAPs set out two consecutive levels of benchmarks - the policy framework and implementation measures. Citizens' rights including the protection of minorities are a specific component of the fourth block of all VLAPs. Finally, all country-specific measures for Georgia, Moldova and Ukraine bear particular reference to ensuring the rights of minorities.[4] Progress on, and gaps in, the objectives of the European Neighbourhood Policy and the EaP are captured in Country Progress Reports to monitor action plans and VLAP Progress Reports on Ukraine, Moldova and Georgia.[5]

With the initialing of the Association Agreements with Georgia and Moldova the conclusion can be drawn that political commitments with regard to minority rights are by no means intrinsic to the association package due to a number of reasons. These include key concerns regularly flagged up in the progress reports which are not addressed by EaP countries; insufficient collection of data and information on minority concerns in relevant sectors; conflicting assessments by the EU and government reports; unsystematic reference of minority concerns, particularly in progress reports; and a prioritization, again especially in VLAP reports, on anti-discrimination issues. Most

importantly, the EU has no clear indicators, targets and benchmarks to assess progress.

This particularly affects the assessment of implementation of minority relevant legislation. It is straightforward to stipulate progress at a policy level in line with clear benchmarks, such as draft legislation and first or second readings. However, the actual implementation of legislation is less clear as it usually requires the adequate application of a multitude of stakeholders at various administrative levels. In this case monitoring can only function if clear indicators and benchmarks have been defined. Progress Reports and VLAP Reports also fail to take on a number of related issues, such as the importance of supporting institutional frameworks for the evolution of policy and strategic frameworks with regard to minority rights and appropriate implementation. Moreover, when specific minority groups are referenced in Progress Reports, such as the Crimean Tatars in Ukraine, this has not led to progress with regard to improvement of their living conditions and the realization of their rights.

Minority rights and concerns have been inadequately integrated as part of the political commitments in the association process, especially in Progress Reports. At times, issues seem to have been taken on in a rather unsystematic way, being highlighted in one Report and then not followed up in the next. The process on Visa Liberalization applies a more systematic approach but with a focus on anti-discrimination, with minority rights not adequately considered. Finally, the VLAP reports also reveal the challenge of monitoring the effective implementation of policies. For example, VLAP reports highlight the realization of anti-discrimination training programmes for public administration and law enforcement officers as an indicator of implementation, but the crux will be to establish the application of such legislative framework: for instance, by establishing the total number of cases of discrimination followed up by relevant authorities, or the proportion of the population reporting that they are affected by discrimination.

Participation of minorities in the EaP

The 2011 review of the European Neighbourhood Policy states that "civil society plays a pivotal role in advancing women's rights, greater social justice and respect for minorities (…)".[6] Membership of the Civil Society Forum (CSF) is open to all Civil Society Organizations (CSOs) in EaP countries. However, the inclusion of minority organizations in the CSF and the National Platforms is unsatisfactory. The National Platforms of Azerbaijan and Ukraine have no minority CSO members, the Moldovan National Platform has one minority CSO member, the Armenian and Belarusian National Platforms each have two minority CSO members and the Georgian National Platform has four minority CSO members.

There are a number of factors that constrain the participation of minority CSOs in the National Platforms. In their member selections, National Platforms focus on bringing in expertise on those thematic fields that focus their engagement, which for the most part do not touch on the rights and concerns of minorities. Moreover, addressing language barriers to minority participation seems to be an issue only for some of the National Platforms in the EaP countries. Finally, there is a lack of knowledge on both sides. Minority CSOs applying for membership are at times not known to National Platforms, which may affect the consideration of their membership application. In turn, many minority organizations have misconceptions or little knowledge about the role or the National Platforms. Challenges with regard to the inclusion of minority issues are also prevalent in the CSF in particular as agendas are to a large extent determined by the EaP Flagship themes. There is also a notion within the CSF that minority CSOs have to pursue a more proactive approach.

The participation of minorities and the inclusion of their concerns brings into question the roles of National Platforms and the CSF in promoting minority rights. Inclusion of minorities requires going beyond the proactive involvement of CSOs representatives. It also entails the building of capacities and the creation of spaces such as, for example, a specific CSF sub-group to ensure a meaningful contribution and enriching the EaP with a minority perspective.

Inclusion of minorities into EU financial instruments

The ENPI continues to be the main financial instrument for the EaP countries, with a budget of €2.8 billion allocated for the Eastern countries between 2009 and 2013. This includes an additional €350 million for specific programmes and initiatives when the Eastern Partnership was launched. Moreover, another €150 million was added as a result of the European Neighbourhood Policy review in 2011. The programme planning cycle is based on Country Strategy Papers (CSPs), National Indicative Programme (NIP) documents, Annual Action Programmes and Project Fiches. All in all, only two CSPs refer to the rights and situation of minorities. Equally, most NIP documents do not contain any specific objectives, results or indicators on the rights of minorities. One exception is the 2011-2013 Moldova NIP and two NIPs for Georgia.

The fact that ENPI as well as additional EaP funds are mainly used for general and sector-specific budget support makes it difficult to determine to what extent funds are allocated towards minority-related areas in the EaP countries. To start with, Annual Action Programmes and Project Fiches for the largest funding amounts are geared towards sector-specific support and rarely refer to minority concerns. What becomes apparent from analyzing ENPI programme planning documents is that there is no

systematic mainstreaming of minority rights and concerns into sector programme planning and implementation cycles, although this would be important especially for sectors such as health, education, employment and economic development and public administration.

With regard to grant schemes available for CSOs, none of the Project Fiches of the Civil Society Facility specifically refer to minorities in their objectives, expected results or proposed activities. The Strategy Papers of the European Instrument for Democracy and Human Rights (EIDHR), which cover all countries and regions including EaP countries, have included into the thematic focus of the Country-based Support Scheme (CBSS) five specific areas of intervention, all of which refer to minorities.[7] Correspondingly, all Annual Action Programmes give, amongst others, minority rights as examples for fields of intervention.[8] To a large extent this is reflected in the decentralized calls for proposals for the EaP countries. Out of a total of 20 calls issued between 2009 and 2013, 14 refer to minorities in their objectives and/or priorities. However, out of a total of 122 projects approved between 2009 and 2013, only 14 were implemented by minority organizations and/or had a specific focus on minorities - less than 12 per cent. Moreover, there have been no minority-specific projects approved in Armenia, Azerbaijan, Belarus or Moldova, although each of these countries had at least one call with a minority-specific objective included; the CBSS in Moldova even had three.[9]

Minority organizations, particularly smaller ones, face challenges when aiming to secure funding through the EIDHR. They do not have the capacities and experience with regard to a certain funding level and track record of implemented projects required by EIDHR regulations and eligibility criteria. At times calls require a submission in English, which requires language skills that only a small number of the more established CSOs have. As a result of these constraints, minority organizations have only limited access to EU grant opportunities designed to support civil society. Out of 14 organizations interviewed, only three had ever received an EU grant, one of which was a project partner of a successful proposal but which did not succeed in applying itself; three organizations had repeatedly applied to EU funding streams but without success; and the remaining eight organizations had never applied for any EU grant. Remarkably, most organizations interviewed obtained funding through other international donor channels.

Statistical data and indicator setting for minority rights

Statistical data and information on the situation of minorities is difficult to obtain, and often does not exist at all. Human rights bodies including the Committee on the Elimination of All Forms of Racial Discrimination (CERD) and the CESCR repeatedly request that EaP countries provide ethnic information on population, education and employment in their reports to the Committees. The collection of disaggregated data continues to be a challenge for a number of reasons: (a) recognition; (b) fear by governments; (c) self-identification of minorities; and (d) legal frameworks.[10] Finally, the collection of minority disaggregated data is also challenged by insufficient governmental and administrative capacities. In particular, when statistical data is collected by different administrative entities to feed into a single data set, a lack of coherency makes the operationalization and usage of this data difficult for programming purposes.[11] Whereas the concept of gender mainstreaming has been taken on by most international agencies including the EU through the elaboration of strategies and the development of programming toolkits and guidelines, there is little practical guidance available on the mainstreaming of minorities. With regard to the mainstreaming of minorities into EC assistance, the European Centre for Minority Issues (ECMI) developed a guide on minority issues mainstreaming for the European Agency for Reconstruction (EAR) and their operations in South-East Europe in 2006. In 2011 the ECMI adjusted the Guide for the South Caucasus which was distributed to state agencies and minority organizations.[12] In addition, governments rarely consult with minority organizations with regard to ethnically disaggregated data collection. The FCNM Advisory Committee noted that on preparatory activities for the national census in Armenia "national minorities have not been consulted either on the wording of the questions or on the selected methodology of the questionnaire."[13] All in all, the gaps with regard to the availability of minority disaggregated data for programming purposes are not likely to be easily overcome. It requires long-term dedication from both the governments of the EaP countries and the EU. To this end, it is important to intensify efforts to strengthen the national statistics bureaus of EaP countries so that the collection and management of administrative data systematically involves minority organizations.

Conclusions

The protection and rights of minorities have not been very visible in the EaP process or the association package. The focus has been on anti-discrimination measures rather than minority rights. Where it is in place, there is a discrepancy between minority rights legislation and its implementation due to lack of political commitment. EU monitoring of minority rights has been weak: in particular, Progress Reports have not been based on a clear set of benchmarks. This constitutes a challenge with regard to effective monitoring of the implementation of policies. With regard to the financial instruments including ENPI and EaP programmes, there is no systematic mainstreaming of minority issues and concerns into sector programme

planning and implementation cycles. Minority-specific indicators and benchmarks are rarely included in the programme documents. In the EaP context it also remains unclear how the "more for more" principle introduced in 2011 is operationalized. Finally, minority organizations face difficulties in accessing grant programmes such as the Civil Society Facility and the EIDHR due to lack of information, experience and absorption capacities to manage larger amounts of funding.

The EU has made significant steps bringing in civil society into the EaP process through the establishment of the Civil Society Forum and National Platforms. However, minorities are not well represented in the Forum or the National Platforms. Both face the predicament between focusing solely on the priorities of the EaP and association agendas, and being more inclusive by reflecting the diversity of the EaP countries. Following the Vilnius Summit, the EU has a legal basis to apply conditionality in the case of Moldova and Georgia and has committed to continue its support and engagement with other EaP countries including keeping the association door open for Ukraine. It remains to be seen if minority rights will be a more distinctive part of the development of closer ties with the EU and the implementation of reforms in the coming years.

Recommendations

To the EU

At policy level
- Increase efforts to ensure that minority and indigenous rights are a distinctive part of the political association, with greater visibility in forthcoming presidencies. Progress Reports should include a detailed assessment of key issues on the rights and situation of minorities and indigenous groups, and systematically follow them up in each annual report. Similar measures should be adopted in related documents such as VLAP reports and Action Plans to ensure inclusion and systematic follow-up of minority concerns.
- Direct more attention to the effective implementation of legislation on the protection of persons belonging to national minorities and indigenous groups.
- Integrate anti-discrimination efforts in areas such as legislation and institutional structures more effectively with minority and indigenous concerns.

With regard to financial assistance
- Develop a number of key reform sectors, supported by EU financial assistance, with a set of standardized minority and indigenous indicators to be included in the respective programming documents.
- Link the allocation of EU financial assistance to clear minority targets and benchmarks.
- Establish baseline data on the situation of minorities and indigenous groups, as well as the implementation of surveys to obtain relevant baseline data and the achievement of benchmarks mandatory for sector-specific budget support. A small percentage of budget support should be earmarked for surveys in various sectors.
- Insist on the collection of disaggregated data by national statistical bureaus and by relevant ministries in key reform sectors that receive EU budget support.

On the inclusion and strengthening of minority organizations
- Make additional funding available, earmarked for the strengthening of minority organizations to build capacity for participation in relevant processes, including the Civil Society Forum and national platforms.
- Ensure that minority and indigenous CSOs with limited absorption capacities are able to access funding directly through small grants and assistance schemes on matching grants, and are included in broader sectoral projects as key partners.
- Make use of and develop further the expertise of minority and indigenous organizations when monitoring the implementation of EaP country reform efforts.

EU Member States
- Ensure the systematic inclusion of minority rights in bilateral relations with EaP countries.
- Mainstream minority and indigenous rights and concerns into bilateral development cooperation initiatives.

EaP Countries
- Include minorities and indigenous groups in all steps of planning and implementation in areas that concern them.
- Conduct minority and indigenous assessments with the full and active participation of minorities as part of the planning stages of all programmes, ensuring these are reflected in relevant programme documents.
- Build capacities of minorities and indigenous groups to effectively monitor state and local budgets and the use of EU support.
- Ensure that national statistics bureaus and relevant ministries build capacity to collect disaggregated data for minorities and indigenous groups systematically in all key sectors.
- Ensure that institutional mechanisms are in place to facilitate effective liaison with relevant governmental structures and channel minority and indigenous input into the elaboration of policies and strategies that affect them, such as through the establishment of a consultation group or minorities council.
- Take proactive measures to ensure participation of minorities and indigenous groups in administration and public services.

- Take affirmative measures to ensure the inclusion of minorities and indigenous groups in relevant sector reform processes, in particular but not exclusively the rule of law, education and economic development. Economic development of regions with minority and indigenous populations should also be encouraged.
- Ensure the availability of quality teaching of the state language as well as the teaching and development of national minority and indigenous languages.

The EaP Civil Society Forum and National Platforms

- Be more inclusive and reflect the diversity of the EaP countries in promoting the participation of minority and indigenous organizations in the Forum and the Platforms.

To the Forum

- Elaborate on a sub-working group on minority and indigenous issues with clear terms of reference, outlining how the sub-group can feed into other working groups and respective sub-groups in order to avoid being tokenistic.
- Ensure that issues related to the rights and concerns of minorities are reflected in the Forums' core objectives and are applied in particular with regard to the monitoring of the EaP.
- Apply proactive measures in the support and participation of minority representatives.

To the National Platforms

- Pursue a proactive approach towards minority organizations, in particular smaller organizations and organizations from remote areas.
- Organize information sessions specifically for minority organizations and communities.
- Lobby for funds to strengthen minority organizations' capacities to participate in NP work and learn about EU issues.

Minority organizations

- Actively seek engagement with the EaP National Platforms to bring in minority perspectives on issues relevant to the protection and situation of minority and indigenous communities in EaP countries.
- Increase advocacy on issues of minority concern at national and regional level.

International civil society and consulting firms as EU contractors

- Make use of the knowledge, expertise and close links to minority communities when seeking EU grants and contracts to effectively mainstream minority concerns in the implementation of projects and contracted services in relevant sectors.
- Provide adequate support to minority organizations, in particular to smaller organizations and those from remote areas, to ensure EU-funded projects mirror the diversity of EaP countries.
- Support the building of advocacy skills in minority organizations to enable them to advocate on their own behalf on issues of concern, particularly towards governmental structures at national level.

Introduction

The Eastern Partnership (EaP) programme, encompassing Azerbaijan, Armenia, Belarus, Georgia, Moldova and Ukraine, was launched in 2009 to enable this post-Soviet space to achieve association linked to political reform processes, economic cooperation including free trade, and visa liberalization. The Eastern Partnership is based on a commitment to common European values, such as the protection of human rights, including those of minorities. Over the last 20 years, the process of nation building followed the dissolution of the Soviet Union and independence was accompanied by nationalist notions based on a nation-state concept. The latter was dominated by groups that did not embrace minorities as equal citizens. Citizens of a once- indivisible country were suddenly split into "natives" and "outsiders". The latter were often not guaranteed basic rights and citizenship. Many thus became forced migrants and refugees, leaving neighbouring countries due to the threat of violence and armed conflict or because of severe discrimination. In this context the EU has recognized that civil society plays a key role in building pluralistic and democratic states based on human rights and fundamental freedoms. However, critics stress that the EaP lacks an adequate incentive for membership and so the conditionality approach has failed, as reflected so far in the insufficient reforms and limited commitment to European values.

The purpose of this study is to assess the EaP's impact on the implementation of minority rights. The paper has been commissioned by Minority Rights Group Europe (MRG) under the EC-funded project 'The Eastern Partnership Minorities Network' (ENPI/2012/304-332) and is the first in a series of products on minorities in the Eastern Partnership countries. It will be followed by an advocacy guide on EaP for minorities. This paper focuses on the presumption of the EaP as a partnership of shared values and the value-based conditionality the EU aims to apply for association. The study is based on desk research as well as interviews with 14 minority and human rights organization representatives from all EaP countries, EU Delegation staff from Georgia and Ukraine, and coordinators of the EaP National Platforms and the Civil Society Forum. Desk research included review of relevant official EU documentation, including EaP policy papers and declarations, European Neighbourhood Policy and Visa Liberalization action plans, annual progress reports, and relevant programming documents including Country Strategy Papers, National Indicative Programme documents and Action Fiches. The secondary literature was also used, including expert essays and articles.

The paper assess at the situation of ethnic, religious and linguistic minorities and indigenous peoples. Minorities and indigenous peoples are generally non dominant groups in the societies in which they live, they can be subject to multiple forms of discrimination, and they typically have poor or limited representation at all levels of decision-making. Often they compose the poorest or most marginalized section of a country's population. All of these features give minorities and indigenous peoples a profile that makes them crucial to development yet often isolated by it. Most of social groups in this report identify themselves as minorities though some communities such as Crimean Tatars are Indigenous peoples as a distinct ethnic communities who are the first inhabitants of a geographical region, and whose identities and cultures are inextricably linked to the land on which they live and the natural resources on which they depend.

The policy paper is structured as follows:

- *Chapter 1* provides a presentation of the EU's engagement with countries of Eastern Europe and the Southern Caucasus and introduces the political framework, its bilateral and multilateral dimensions and objectives and programmes of the EaP, especially those supporting civil society involvement and roles.
- *Chapter 2* provides a short profile on minorities in the six EaP countries.
- *Chapter 3* offers an analysis of the inclusion of minority rights in the EaP policy processes, including the consideration of minorities in the objective setting of the various policy documents, such as ENP Action Plans, Visa Liberalization Action Plans and the 2013 Vilnius Summit Roadmap. It moves on to determine to what extent minority rights and concerns are considered in the monitoring of progress towards the political goals of the EaP by carrying out an assessment of the country-specific progress reports. The chapter concludes with the identification of gaps and limitations on the basis of thematic examples incorporating the views of minority organizations.

- *Chapter 4* assesses the inclusion of minorities in the EU financial instruments available to EaP countries. It begins with an overview of the scope of financial support provided to EaP countries. It moves on to determine how minority concerns are mainstreamed into sector reform programmes assisted through European Neighbourhood and Partnership Instrument (ENPI) and direct budget support. Furthermore, it looks at the inclusion of minority CSOs in available grant programmes including the Civil Society Facility and the European Instrument for Democracy and Human Rights (EIDHR).
- *Chapter 5* highlights the importance of the availability of statistical data and indicator setting for minority rights, in particular with regard to programme planning, and identifies relevant challenges.

- *Chapter 6* examines the inclusion of minority CSOs in the Civil Society Forum (CSF) and the National Platforms set up by the EaP as distinctive mechanisms to ensure civil society participation in EaP processes.

The study closes with conclusions and stakeholder-specific recommendations. These include recommendations to the EU detailing the EaP policy level, with regard to financial assistance and the inclusion and strengthening of minority organizations. Recommendations further address EU member states, EaP countries, the EaP Civil Society Forum and National Platforms, minority organizations in the EaP countries as well as international CSOs and consulting firms working in the EaP countries.

Author profile

Heidrun Ferrari is a consultant specializing in capacity building, project development and evaluation. She has in-depth experience with bilateral and multilateral donors, including the EU. Her focus is on social inclusion, human rights and civil society strengthening, in particular with regard to women/gender and minorities. She has provided support to many organisations in the Western Balkans, Africa, Asia, the Middle East and Central Asia. She has completed a Masters degree in sociology at the University of Heidelberg and a Masters degree in public administration at the German University of Administrative Sciences Speyer.

1 An Overview of the Eastern Partnership

1.1 The evolution of the Eastern Partnership

The engagement of the European Union, leading to the launch of the Eastern Partnership, has been ongoing since the end of the 1980s, which saw the collapse of the Soviet Union and the nation-building of new Eastern States. In 1991 the EC launched Technical Assistance to the Commonwealth of Independent States (TACIS). Until 2006, TACIS provided grant-financed technical assistance to twelve Eastern European and Central Asian countries including Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.[14] The aim of TACIS was to provide technical grant assistance to help the transition process for democracy building and strengthening of a market economy in the target countries. The implementation of TACIS was followed by the conclusion of 10 Partnership and Cooperation Agreements (PCAs) throughout the 1990s.[15] The PCAs constituted the legal base for the establishment of institutions for bilateral cooperation between the EU and individual countries. The goals of the PCAs included the creation of a framework for political dialogue, the provision of support in strengthening democracy building and the transition to a market economy. The PCAs also outlined economic cooperation with the EU.

In March 2003 a communication from the Commission introduced a new framework for relations with the Eastern and Southern Neighbours of the EU.[16] As a consequence of the forthcoming 2004 enlargement, EU borders neighboured with Ukraine and Belarus, bringing the EU closer to the political instability and economic struggle of ex-Soviet states.[17] Moreover, the potential of EU membership came closer into focus. Hence, with the introduction of a new neighborhood policy, the EU responded to these challenges. The document highlights that "any decision on further EU expansion awaits a debate on the ultimate geographic limits of the Union", and that to this end "the aim of the new Neighbourhood Policy is therefore to provide a framework for the development of a new relationship which would not, in the medium-term, include a perspective of membership or a role in the Union's institutions".[18] The document also stressed that the new Neighbourhood Policy would follow a differentiated approach and be conditional on meeting agreed targets for reform. Country-specific Action Plans would capture these targets based on the specific needs and situation of the partner country, as well as on objectives of the EU's *acquis communautaire.*[19]

In 2004 the European Neighbourhood Policy (ENP) was introduced. First, Action Plans were adopted with Moldova, Ukraine, Israel, Jordan, Morocco, the Palestinian Authority and Tunisia in 2005. Overall, 16 countries are covered by this framework including Mediterranean neighbour countries Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria, and Tunisia and the six countries comprising the Eastern Neighbours - Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine. In 2007, with the beginning of the New Financial Perspectives, the European Neighbourhood and Partnership Instrument (ENPI) became operational, replacing TACIS and MEDA.[20] ENPI assistance is geared to facilitate the goals of the European Neighbourhood Policy of enhanced cooperation and economic integration between the European Union and the partner countries, as well as the promotion of good governance and equitable social and economic development.

To this end, ENPI measures spanned a vast number of areas, including legislative and regulatory support to encourage participation in the internal market; the strengthening of national institutions; the rule of law and good governance; and the promotion of sustainable development and poverty reduction. Moreover, measures also included social inclusion, gender equality and non-discrimination as well as the promotion of human rights and fundamental freedoms and the development of civil society.[21] With the new 2007-2013 Financial Perspectives came a shift towards aiming for greater ownership of partner countries through direct budget and sector policy support. With regard to the Eastern Neighbourhood, the EU followed mainly a country-by-country approach, reflected by the allocation of ENPI funds. Out of the €5.6 billion budget for 2007-2010, around 73 per cent was earmarked for country-specific programmes.[22]

In 2008 a Polish-Swedish proposal for an Eastern Partnership was presented to EU foreign ministers. This led to the 2009 Prague Summit, which launched the Eastern Partnership (EaP), encompassing the six Eastern countries

of Azerbaijan, Armenia, Belarus, Georgia, Moldova and Ukraine. The respective council declaration states that the EaP commits "to the principles of international law and to fundamental values, including democracy, the rule of law and the respect for human rights and fundamental freedoms, as well as to market economy, sustainable development and good governance". Although the EaP is "to be governed by the principles of differentiation and conditionality", its main goal is not to lead to accession but to accelerate political association and further economic integration.[23]

In 2011, the "more for more" principle was introduced in the Review of the European Neighbourhood Policy (ENP): A New Response to a Changing Neighbourhood.[24] The review outlines that those EaP partners who engage the most in their reform efforts will benefit to a larger extent from their relationship with the EU. The principle is to be applied to closer political association and economic integration in the EU internal market as well as to increased EU assistance.

The evolution of the EaP from the European Neighbourhood Policy has been extensively analyzed with a number of interesting conclusions. It is argued that the EaP was launched to provide a new push to the relationship of the EU with its Eastern neighbours due to certain weaknesses of the ENP including the application of conditionality, an approach that is directed to lead to accession, but without providing this prospect to interested states - in particular Moldova and Ukraine.[25] It has also been highlighted that the EaP does not have the status of a self-standing policy separate from the ENP, but adds to it by introducing new sets of instruments and approaches, so creating greater complexity.[26]

1.2 The Eastern Partnership approach

The Eastern Partnership seeks to follow a two-track approach by following a bilateral as well as a multilateral dimension.

1.2.1 The bilateral dimension

The bilateral dimension of the EaP has three long-term objectives:

- *Association Agreements (AAs)* between partner countries and the EU, which will replace the PCAs signed with partner countries (with the exception of Belarus) in the mid-nineties. These cover four major areas of cooperation: (1) political dialogue and foreign and security policy; (2) justice, freedom and security; (3) economic and sectoral cooperation, in particular with regard to energy, transport infrastructure, and environment; (4) the development of a deep and comprehensive free trade area through an agreement, which constitutes a stand-alone objective in itself.

- *Deep and Comprehensive Free Trade Agreement (DCFTA):* this not only aims for the liberalization of trade by lifting custom barriers, but is also geared towards the harmonization of the partner countries' trade-related legislation with EU standards and the *acquis communautaire*.[27]

- *Visa liberalization:* steps towards the total lifting of the visa requirement for partner countries include visa facilitation and readmission agreements and a subsequent 'visa dialogue' to determine the conditions that need to be fulfilled to have the Schengen visa requirement lifted. However, until now, the EU has been cautious due to resistance from many member states who fear illegal immigration from the East. The achievement of a visa-free regime is conditioned by the progress made by those countries in areas such as the strengthening of the rule of law, combating of organized crime, corruption and illegal migration and improving of administrative capacity in border control and security of documents. Yet, unfortunately, there is no clear conditionality - the fulfillment of all criteria does not lead directly to the elimination of visa requirement for the citizens of these countries. The EU has secured itself a safety clause in the form of "taking into account the overall relations" between the EU and the beneficiary state when making the decision about the lifting of the short-stay visa obligation for citizens of Moldova and Ukraine.

The EaP has also introduced a number of new financial initiatives to facilitate these objectives:

- *Comprehensive Institution Building (CIB):* this aims to support the capacity strengthening of those institutions in the partner countries which are key to the implementation of the new Association Agreements with the EU. The selection of these core institutions is based on jointly-agreed reform areas and challenges. Each partner country appoints one institution as CIB coordinator. All modalities were agreed bilaterally through so-called CIB framework documents between October 2010 and January 2011. Since 2011, each Annual Action Programme contains a CIB component.

- *The Pilot Regional Development Programmes (PRDP):* this promotes bilateral cooperation and dialogue in the area of regional development to foster cohesion and the reduction of socio-economic disparities among regions. Belarus is the only partner country not participating in the programme.

- *The Eastern Partnership Civil Society Facility:* this was launched following the 2011 review of the European Neighbourhood to "establish partnerships in each neighbouring country and make EU support more accessible to civil society organizations through a dedicated Civil Society Facility."[28] Hence, the Facility was launched for both the EaP as well as the

Mediterranean neighbourhood countries but with separate financial allocations and priorities for the EaP countries.

- *The Eastern Partnership Culture Programme:* this second programme, also launched in 2011, aims to strengthen regional cultural links and dialogue within the Eastern Partnership region, and between the EU and ENP Eastern countries' cultural networks and actors.

- *Eastern Partnership Integration and Cooperation (EaPIC) programme:* launched by the EU in mid-2012, this introduced a financial instrument working on the basis of the "more for more" principle. This means that financial allocations within the programme are not predefined but that only partner countries who are able to demonstrate progress with regard to the strengthening of democracy and respect for human rights are offered more support. Progress is assessed through the annual Country Progress Reports.

1.2.2 The multilateral dimension

It has been highlighted that the multilateral dimension of the EaP presents the innovative element of cooperation between the EU and the Eastern neighbourhood states.[29] As Delcour (2011) puts it, the EU concentrated on bilateral ties, "taking into account the disintegration dynamics prevailing in the post-Soviet space".[30] The multilateral dimension, however, is comprised of initiatives at three different levels:

- At the *political level,* exchange was established through biannual Summits of Heads of States and annual meetings of Foreign Affairs Ministers. These high-level meetings are geared towards reviewing progress and providing political guidance in the implementation of the EaP.
- At the *technical level,* the introduction of Thematic Platforms aimed to promote cooperation in concrete thematic areas and provide an opportunity to establish working relationships between senior government

Table 1: The bilateral dimension of the EaP

Long-term objectives of the bilateral dimension		
Association Agreements	**DCFTA**	**Visa liberalization**
• Political dialogue and foreign and security policy • Justice, freedom and security • Economic and sectoral cooperation – mainly energy, transport infrastructure, and environment • Deep and comprehensive free trade area	• Lifting customs barriers • Harmonization of the partner countries' trade-related legislation with EU standards and the acquis communautaire • WTO membership as precondition	Steps include 1 Visa facilitation and readmission agreements 2 'Visa dialogue' 3 Total lifting of the visa requirement for partner countries

Programmes initiated under the EaP		
Comprehensive Institution Building (CIB)		**Pilot Regional Development Programmes (PRDPs)**
• Aim: Strengthening of selected core institutions to implement the AAs • Belarus not participating		• Aim: Cohesion and the reduction of socio-economic disparities among regions • Belarus not participating
Eastern Neighbourhood Civil Society Facility	**Eastern Partnership Culture Programme**	**EaP Integration and Cooperation Programme**
• Introduced in 2011 • Support to projects led by civil society, relevant in the context of the Neighbourhood Policy and the Eastern Partnership • Aim: Capacity strengthening, involvement in sector-policy dialogues	• Introduced in 2011 • Regional cultural links and dialogue within the Eastern Partnership region and between the EU and ENP Eastern countries' cultural networks and actors	• "More for more" principle introduced in 2012 • First round of allocations for Armenia, Georgia and Moldova

officials by meeting on average twice per year. A total of four Thematic Platforms were introduced: democracy, good governance and stability; economic integration and convergence with EU policies; energy security; and contacts between people. Under each platform, expert panels have been established on areas such as integrated border management, anti-corruption, judicial reform, reform of public administration, trade, SME policy, environment and climate change, migration and asylum, and agriculture and rural development. Furthermore, five so-called Flagship Initiatives are financed by ENPI Regional Programme East funds to implement multilateral projects. These are: Integrated Border Management; Small and Medium Enterprises Facility; Regional Electricity Markets; Energy Efficiency and Renewable Energy Sources; and Prevention, Preparedness and Response to Natural and Man-Made Disasters and Environmental Governance.

- At the *participatory level,* a number of additional initiatives have been introduced. With the EU-Neighbourhood East Parliamentary Assembly (EURONEST), the EaP introduced a platform at parliamentary level to facilitate exchange on best practice with a focus on issues of mutual interest. EURONEST was inaugurated in 2011 with a two-year delay due to the fact that there was disagreement between members of the European Parliament and civil society on the inclusion of Belarus. Finally, the decision was made to not include parliamentarians but to consult with Belarussian civil society. The parliamentary assembly consists of 50 representatives of the five partner countries, excluding Belarus, and 50 representatives of the European Parliament. Four standing committees were established: The Committee on Political Affairs, Human Rights and Democracy; the Committee on Economic Integration, Legal Approximation and Convergence with EU policies; the Committee on Energy Security and the Committee on Social Affairs, Education, Culture and Civil Society.

- At the *local government level,* in 2011 the EU Committee of the Regions set up the Conference of the Regional and Local Authorities for the Eastern Partnership (CORLEAP). The aim of CORLEAP is to involve local and regional governments in the EaP and strengthen local self-government in the partner countries. The Conference is comprised of 36 local and regional politicians, including 18 from EaP countries and 18 from the Committee of the Regions. In May 2012 CORLEAP adopted a two-year Action Plan referring to the contribution to the multilateral track of the European Partnership and development of CORLEAP as a "network of networks" and the financing of local and regional development programmes. In 2013 CORLEAP produced a report on the importance of financial autonomy for regional and local authorities in order to enable effective multi-level governance and the essential role of local and regional authorities in implementing the EaP.

- At the *civil society level,* in 2009 the Joint Declaration of the Eastern Partnership Summit explicitly called for the Commission "to develop and propose modalities for the establishment of a Civil Society Forum of the Eastern Partnership".[31] In November 2009 the first Civil Society Forum (CSF) gathered over 200 CSO representatives from the EaP countries and EU member states. Since then General Assemblies of the CSF take place on an annual basis. The CSF aims to bring a civil society perspective to the EaP through the provision of opinions and advice to the Thematic Platforms and ministerial meetings, monitoring of the Thematic Platforms' activities and attendance of Platform meetings. The CSF also aims to strengthen civil society in EaP countries by sharing experience of the European integration process. Besides the General Assembly, the CSF has established five working groups which correspond with the themes of the Thematic Platforms. A Steering Committee facilitates the work of the CSF. In 2011, the CSF established National Platforms in all six EaP countries with the aim of fostering the EaP's engagement of civil society in-country and promoting cooperation with national authorities.

Table 2: The multilateral dimension of the EaP

POLITICAL	Biannual EAP Summits of Heads of States	
	Annual Meetings of Foreign Affairs Ministers	
TECHNICAL	**Thematic Platforms** • Platform 1: Democracy, good governance and stability • Platform 2: Economic integration and convergence with EU policies • Platform 3: Energy security • Platform 4: Contacts between people	**Flagship Initiatives** • Integrated border management • Small and medium enterprises (SME) facility • Regional electricity markets, energy efficiency and renewable energy sources • Prevention, preparedness and response to natural and man-made disasters (PPRD) • Environmental governance
PARTICIPATORY	**EURONEST: Parliamentary Assembly** • Committee on Political Affairs, Human Rights and Democracy • Committee on Economic Integration, Legal Approximation and Convergence with EU policies • Committee on Energy Security • Committee on Social Affairs, Education, Culture and Civil Society	**CORLEAP: Conference of the Regional and Local Authorities for the Eastern Partnership** • 18 EaP local and regional politicians • 18 EU Council of the Region members • Strengthening of regional and local authorities • Exchange and capacity building
	Civil Society Forum • Annual General Assemblies • Working Group 1: Democracy, human rights, good governance and stability • Working Group 2: Economic integration and convergence with EU policies • Working Group 3: Environment, climate change and energy security • Working Group 4: Contacts between people • National Platforms	

2 Minorities in the Eastern Partnership Countries

2.1 Armenia

Minorities and indigenous peoples in the country

Minorities of Armenia constitute less than 3 per cent of the population. The biggest minority groups are Yezidis, Assyrians, Greeks, Russians, Ukrainians and Kurdish. Armenia's minorities are scattered across the country and do not form a local majority in any region or administrative unit.

International obligations signed

Armenia ratified the Council of Europe Framework Convention for the Protection of National Minorities in July 1997 and it entered into force in November 1998. The ratification of the European Charter for Regional or Minority Languages followed in June 2000.

The Law of the Republic of Armenia on Language was adopted in 1993 and updated in 2003, stipulating Armenian as the state language. The second language is Russian, which the majority of the population still speaks. The Law of the Republic of Armenia "on television and radio" obliges the Public Television Company to broadcast programmes addressed to national minorities, as well as to broadcast programmes in the languages of national minorities on public television for up to two hours a week. Languages of national minorities are taught in schools located in regions where persons belonging to these minorities live in substantial numbers and efforts have been made to publish text books for teaching Russian, Assyrian, Yezidi and Kurdish as minority languages. With regard to political participation, the government of Armenia has indicated that the small proportion of minority members in the country does not qualify them to have their own delegates. As a result, minorities are not provided with representatives in the national assembly and are represented mostly at a local governance level.

A Coordination Council of National Minorities of the Republic of Armenia was established under the adviser to the President of the Republic of Armenia. The Council aims to provide protection of national minorities, to activate their inter-community relationships, as well as to provide effective solutions to issues of concern such as education and cultural and legal support. The Council is composed of two representatives of each of the 11 ethnic minorities recognized under the FCNM. In January 2004, the Division for Ethnic Minorities and Religious Affairs was established as part of the Prime Minister's office. It is the main governing state body that provides expertise on draft legal acts, issues opinions, prepares informational materials about its activity areas, summarizes and analyzes information submitted by public agencies and local self-government authorities for the Minister-Chief of Government Staff's consideration, and coordinates the work of the National Minorities and Religious Affairs Department. The inefficiency of the Division, and its inability to contribute to the fight against racial discrimination, are regularly highlighted by international human rights monitoring bodies. There have been several unsuccessful attempts to elaborate a law on national minorities by the government. Generally, international treaty bodies notice that there is no comprehensive anti-discrimination legislation adopted yet and there remains a lack of reliable statistics in this field.

2.2 Azerbaijan

Minorities and indigenous peoples in the country

Ethnic minorities make up 9 per cent of Azerbaijan's population. The main ethnic minorities are Lezgins (2.2 per cent), Russians (1.8 per cent), Talysh (1 per cent) and Avars (0.6 per cent).[32] Most minorities live in compact settlements. The census recorded a dramatic fall in numbers of Russians and Armenians in the republic. All Armenians outside Nagorno-Karabakh[33] left Azerbaijan as a result of the Karabakh conflict and many Russians also opted to leave for socio-economic reasons. The Lezgins became Azerbaijan's largest minority as a result of these changes. Azerbaijan has a large number of smaller minorities, each comprising less than 1 per cent of the total population, including Turks, Tatars, Ukrainians, Georgians, Kurds, Jews, Udins and Tsakhurs.

International obligations signed

In addition to being a party to the Framework Convention for the Protection of the National Minorities since 2000, Azerbaijan signed the European Charter for Regional or Minority Languages

in 2001 but never ratified it. In February 2010 Azerbaijan also acceded to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

In the light of the Nagorno-Karabakh conflict, the situation of the Armenian minority still living in Azerbaijan is precarious and highly politicized. For example, according to the 1999 census, 120,700 Armenians were living in Azerbaijan. However, the authorities indicate that the number of Armenians living in Nagorno-Karabakh or the areas affected by the conflict could be estimated at about 120,000. Outside those areas only 700 people have declared themselves as being of Armenian origin. The European Commission against Racism and Intolerance (ECRI) addresses this issue in its fourth monitoring report on Azerbaijan.[34] ECRI recommends that authorities actively contribute to generating a climate where all persons of Armenian origin living in Azerbaijan can declare their ethnic origin without fear.

The general school curriculum is taught in three main languages: Azerbaijani, Russian and Georgian. Talsh, Avar, Udi, Tat, Tsakhur, Khinalug and Kurdish are taught for the first four years of primary school, and Lezgin for nine years, in the regions where these groups are concentrated. The National Academy of Science has a special department for studying the languages, culture, history and ethnography of national minorities.

The overall legislative framework pertaining to national minorities, however, is vague and there is only limited understanding of the Framework Convention and its relevant provisions among government entities and society at large. No clear procedures or criteria for the allocation of support to national minority associations exist and only a few cultural centres have suitable premises. A 1992 decree of the President of Azerbaijan on "State assistance for the protection of rights and freedoms of national minorities, minority people and ethnic groups living in Azerbaijan and promotion of their language and culture", has up to now served as the national legal framework for the rights and freedoms of national minorities. Moreover, the "National Action Plan on Protection of Human Rights" adopted by the decree of the President of Azerbaijan in December 2006 has been presented as evidence of the importance of minority protection for the state in the third FCNM country report. In its fourth monitoring report ECRI recommends the reactivation of the Council for National Minorities, which was originally established in 1993, so that representatives of national minorities can effectively participate in decision-making processes concerning them.[35]

Despite persistent reports of discriminatory attitudes faced by persons belonging to some minorities, there are very few cases involving allegations of discrimination brought to the attention of the courts or the Office of the Ombudsperson. Selective criminal proceedings and convictions of persons engaged in the protection of human rights, including minority rights, have a chilling effect on freedom of expression. There are strong indications that persons engaged in the protection of human rights, including minority rights, are targeted in criminal proceedings and accused of disloyalty, among others, based on their wish to express their minority identity and to seek the enjoyment of their rights. A negative public narrative against some minorities in particular further limits their access to rights. There is no effective consultative mechanism to ensure that the concerns of national minority communities in different regions, as well as in the capital, are brought to the attention of the various ministries that deal with these issues.

According to the government, there are around 50 national cultural centres of minorities operating in Azerbaijan. A variety of cultural events are organized by national minority associations. NGOs engaged in human and minority rights operate in a difficult environment. According to many reports and personal accounts NGO registration continues to be problematic. It is reported that around 1,000 NGOs remain unregistered in Azerbaijan. Such limitations have a negative impact in particular on NGOs working on human rights and minority issues. According to the Economic Research Center, only six per cent of national NGOs work on human rights. Some NGOs claim that the State NGO Council established in 2007, which distributes government funds to CSOs on a competitive basis, gives preference to organizations run by members of Parliament and organizations with close ties to the Council.[36]

2.3 Belarus

Minorities and indigenous peoples in the country

According to the last 2009 census, minorities make up 16.3 per cent of the total population. The largest of the minority groups are Russians at 8.3 per cent, followed by Poles at 3.1 per cent and Ukrainians at 1.7 per cent. Other minority groups, including Jews, Armenians, Tatars, Roma, Azerbaijanis and Lithuanians, make up less than 1 per cent. Overall, in comparison to the previous 1999 census, it is evident that the total number of minority members has declined. The Russian minority is mainly located in the central and northern parts of Belarus as well as in urban areas; the Polish minority is mostly in the western region of Grodna; and the Ukrainian minority is in the Brest and Gomiel regions in the South and near the Ukrainian border.

International obligations signed

Belarus is not a member of the Council of Europe and therefore not a party to the main European minority protection instruments.

Besides the 1996 Constitution, domestic legislation on minority rights includes the Law on Languages which was

amended in 2008, the 1991 Law on Culture and the 1992 Law on National Minorities. The Ministry of Culture and the Office of the Commissioner for Religious and Ethnic Affairs hold the responsibility for minority issues. The state budget provides financial resources for cultural activities of those minority organizations that are officially registered and part of the Republican Centre for Nationalities Culture, which functions as a liaison.

The weakly developed sense of a separate linguistic Belarusian identity has ensured that ethno-nationalism, and counter-nationalisms among minorities, have played little part in Belarusian politics. The government's desire to remain on good terms with Belarus's neighbours, especially Russia and Ukraine, has encouraged the development of a liberal approach to minorities in the country. In 2005, however, due to Poland's positioning as a regional opponent to the Lukashenko regime and tensions accompanying the run-up to the 2006 presidential elections, relations between the authorities and the Polish community leadership were severely strained.[37] Moreover, as in other EaP countries, Roma face significant discrimination in areas such as employment, with state media and government officials also perpetuating negative stereotypes.

Belarus and Russian as official languages are taught in the formal education system. Moreover, schools in minority regions use minority languages as a language of instruction, including Polish, Ukrainian, Lithuanian and Jewish language schools. In addition minority languages are taught outside the formal school system, organized by Armenian, Azeri and Georgian civil society initiatives. Programmes in minority languages are provided by the public broadcasting company and local TV and radio stations.

2.4 Georgia

Minorities and indigenous peoples in the country

In 1989, when it was still part of the Soviet Union (USSR), ethnic minorities made up one-third of the Soviet Socialist Republic of Georgia's population. However, these numbers decreased after the country's independence. According to the most recent 2002 census, ethnic minorities account for 16 per cent of the population. The largest ethnic groups are Azerbaijanis with 6.5 per cent and Armenians with 5.7 per cent. Other ethnic groups, which together account for 4 per cent of the population, include Ossetians, Russians, Greeks, Kurds, Assyrians, Chechens and Ukrainians as well as small Jewish and Polish communities.[38] Several of these are minorities on both ethnic and religious grounds. As a special group one can mention the Meskhetians, a Muslim population originally from Georgia, deported by the Stalin regime to Central Asia in 1944, now seeking repatriation to Georgia. Azerbaijanis and Armenians are concentrated in the regions of Kvemo Kartli and Samtskhe-Javakheti, where they constitute numerical majorities.

As Georgia declared its independence, autonomous entities within the new state such as Abkhazia and South Ossetia also declared themselves as separate states, which resulted in conflict. After the 1992 civil war the government undertook a number of steps aimed at including minorities and promoting diversity, such as the establishment of relevant state agencies and the appointment of minority representatives in different positions. The government also officially condemned an ethno-centric approach. However, inconsistent policy development posed a major impediment to the realization of minority rights. With the Rose Revolution of 2003, the Georgian government gradually implemented a number of reforms in various areas, including the promotion of minority rights.

Article 38 of the Georgian Constitution states that ccitizens of Georgia shall be equal in social, economic, cultural and political life, irrespective of their national, ethnic, religious or linguistic belonging. The State Minister's Office for Reconciliation and Civic Equality is responsible for the implementation of minority related policies, based on Georgia's first ever strategy, enshrined in the National Concept and Action Plan for Tolerance and Civil Integration 2009–2014. This implemented activities in the following areas: the rule of law, education and the state language, availability of media and information, political integration and civil involvement, social and regional integration, and culture and identity. In 2005 the Council of National Minorities was established, bringing together most minority organizations operating in the country.[39] The Council is regarded as the main platform for consultation and cooperation between minority organizations and governmental structures, including the monitoring of the National Concept and Action Plan.

The level of integration of minorities is interlinked with the degree of their knowledge of the Georgian language. By law, knowledge of the official language is a necessary condition for any citizen for employment in the public service, both at the central and regional levels. However, even when minorities are fluent in Georgian, problems with regard to civil and political participation remain. Georgian legislation does not provide for any quotas for the representation of national minorities in government bodies and agencies. In the current Parliament there are eight representatives of national minorities, which is significantly lower than the previous parliaments. There is also hardly any active participation within the political parties. At the regional level ethnic minorities are adequately represented only in areas where they are heavily concentrated, especially Samtskhe-Javakheti and Kvemo

Kartli. As a result, the influence of minorities on decision-making processes is very low.

Roma communities face extreme marginalization and discrimination, leading to poverty, unemployment, lack of access to education and health care. Due to a lack of access to proper documentation, they are excluded from social security programmes. In July 2007, the parliament passed legislation on the repatriation of deported populations such as Meskhetian Turks, establishing a mechanism for receiving repatriation applications beginning in January 2008. Currently there are three small communities of Meskhetians in Georgia, two in Western Georgia and one in Samtskhe-Javakheti, who mainly repatriated themselves in the 80-ties.

While the government of Georgia focuses mainly on national minorities in the Samtskhe-Javakheti and Kvemo Kartli regions with regard to their integration through Georgian language learning, the needs of smaller minority groups including the Udins, Avars, Ossetians, Assyrians and Abkhaz are for the most part overlooked. As a result their languages and cultural heritage are endangered due to a gradual assimilation with the mainstream majority. The Government is in the process of elaborating a new Strategy and Action Plan for the 2014-2019 period.

2.5 Moldova

Minorities and indigenous peoples in the country

Minorities in the Republic of Moldova constitute 21.8 per cent of the population. According to the 2004 census, this includes Ukrainians (8.4 per cent), Russians (5.8 per cent), Gagauz (4.4 per cent), Bulgarians (1.9 per cent), Jews (1.5 per cent) and other groups (1.3 per cent). Most minority members are scattered across the country, though the Gagauz region forms a self-governing administrative unit, while Ukranian and Bulgarian communities live in compact settlements.

International obligations signed

The Republic of Moldova is party to seven of the nine core international human rights treaties. The Council of Europe Framework Convention for the Protection of National Minorities was signed by Moldova in 1995 and ratified in 1996. The Republic of Moldova signed the European Charter for Regional or Minority Languages 2002, though it has not yet been ratified.

In the Republic of Moldova, the Law on the Rights of Persons Belonging to National Minorities and the Legal Status of their Organizations, no. 382/2001 is the legal framework for minority issues. The law stipulates equal protection before the law of persons belonging to national minorities, and it prohibits any kind of discrimination based on national minority affiliation. The weakness of the legal framework and its implementation lies Moldova's linguistic educational policies and its limited linguistic integration in general.

In 2012, the Republic of Moldova adopted two important pillars of anti-discrimination legislation: the Law on Ensuring Equality followed by the adoption of the Law on the Activity of the Council for the Prevention and Elimination of Discrimination. The National Human Rights Action Plan for 2011-2014 was adopted in 2011. The same year, the government adopted the Action Plan to Support the Roma Ethnic Group in the Republic of Moldova for 2011-2015. In 2013, for the first time in Moldova's history, an advisor to the Prime Minister was appointed whose portfolio included Roma inclusion and minority issues.

The Bureau of Interethnic Relations is a specific government body responsible for state policies toward ethnic minorities.[40] The Coordinating Council of National Minorities functions as an advisory body of the Bureau of Interethnic Relations, with leaders of minority organizations serving as members. The consultation mechanisms with the Coordinating Council are weak, however, and minority organizations are often left out of meaningful consultation over issues concerning minorities.

Language

The Moldovan government reported in 2009 that 75.2 per cent of the population used as their main language Romanian/Moldovan, followed by Russian (16 per cent), Ukrainian (3.8 per cent), Gagauz (3.1 per cent) and Bulgarian (1.1 per cent). According to estimates, only 30 per cent of national minorities speak Romanian: 40 per cent among Ukrainians, 35 per cent among Russians, 12 per cent of Gagauz and 35 per cent of Bulgarians. The country is deeply divided along language lines, particularly between its Russian speakers – including not only Russians but also national minorities such as Ukrainians, Gagauzians and Bulgarians, who tend to employ Russian more than the state language – and those who use Romanian/Moldovan. The two main linguistic groups inhabit two largely separate societal spheres, with different media and educational institutions. One of the reasons why this occurs is that the teaching of minority languages is provided only in schools with Russian as the main language of instruction. As a consequence, persons belonging to national minorities study the state language as a third language, which often leads to a lack of fluency. As in the Soviet period, minorities continue to use Russian as the language of inter-ethnic communication. Russian is defined in Article 3 of the Language Law as the 'language of inter-ethnic communication'. Therefore, it seems to be placed in a third category between those of 'official' and 'minority' languages.[41]

Roma

Roma represent one of the most vulnerable minority groups in the Republic of Moldova. Though the estimated

population according to the 2004 census was 12,271, Roma leaders claim that the actual figure is around 250,000. Roma are disadvantaged in many aspects of their lives, including employment, health and education. According to a report by UN agencies, 'Romani children face segregation at school, while many Romani families live in deprived and segregated areas with poor quality housing, lack of basic services and limited access to healthcare.'[42] Instances of trafficking, domestic violence, child labour and child marriage are more widespread among this minority. Though the Action Plan 2011-2015 has been adopted and the establishment of Roma Community Mediators at the community level is ongoing, the CEDAW Committee is concerned about the insufficient resources available for the implementation of the Action Plan, with only 15 mediators appointed.[43]

2.6 Ukraine

Minorities and indigenous peoples in the country

As recorded in the 2001 census, the main minority groups include Russians - 8,334,100 (17.3 per cent), Belarusians - 275,800 (0.6 per cent), Moldovans - 258,600 (0.5 per cent), Crimean Tatars - 248,200 (0.5 per cent) and Bulgarians - 204,600 (0.4 per cent). Ukraine also has smaller populations of Poles, Jews, Romanians, Armenians, Hungarians, Roma and other nationalities. The 2001 Ukrainian census indicated that 14.8 per cent of ethnic Ukrainians considered Russian their first language.[44]

International obligations signed

Ukraine has been a party of the Framework Convention for the Protection of National Minorities since 1998 and of the European Charter for Regional or Minority Languages since 2006.

Following the deportation of Crimean Tatars in 1944 and the Soviet policy of relocating them to other republics in 1954, Nikita Khrushchev transferred Crimea from the jurisdiction of the Russian to the Ukrainian Soviet Republic. With large numbers of Russians living on the peninsula following independence, Crimea became the centre for pro-Russian and secessionist sentiments in Ukraine. Tension in the area stems from a mixture of fear of Ukrainianization and Crimea's difficult socio-economic position in the region. The return of Crimean Tatars also continues to cause friction. Although supported by the authorities in Kiev, Crimean Tatars received insufficient financial assistance and repatriation was not supported by legal guarantees. The absence of adequate state policies with regard to property rights, coupled with issues such as corruption and illegal land distribution, has meant that Tatars have been forced to settle in the least fertile parts of Crimea. In 2014, following the dismissal of President

Viktor Yanukovych, pro-Russian protesters in Crimea demonstrated against the new Kiev interim administration. Pro-Russian forces began to gradually take control of the Crimean peninsula and a referendum on whether to join Russia resulted in an affirmative vote of over 95 per cent, though it was condemned by Ukrainian officials as well as the EU and the US as breaching international law.

The long history of settlement by different peoples in Ukraine has created a set of overlapping and competitive identities among the population. With the territory of contemporary Ukraine only unified in the last fifty years and an independent Ukraine an even more recent development, uniting these diverse peoples within a single state has proved difficult. Following the disintegration of the Soviet Union, forging a national identity capable of uniting the various regions and peoples of Ukraine became one of the central tasks facing the Ukrainian leadership. The 1990 Declaration of Ukrainian State Sovereignty guaranteed "all nationalities that reside on the territory of the republic the right to national-cultural development". The 1991 Law on Citizenship granting citizenship to everyone permanently resident in Ukraine prior to independence at the date the law came into force in irrespective of ethnicity. The 1991 Declaration of the Rights of Nationalities established a broad range of minority rights, while the 1992 Law on National Minorities declared state support for the development of minorities. However, the latter did not result in a de facto improvement of minority rights. A State Committee for Nationalities and Religion was set up in spring 1993, reformed several times and finally closed down in 2011: some of its functions were transferred to the Ministry of Culture and others to the State Migration Service.

All in all, translation of the FCNM into national legislation remains limited, as noted repeatedly by the FCNM Advisory Committee and ECRI. For example, the Law "On the Protection of National Minorities" has never been amended, despite many attempts from CSOs and comments from international treaty bodies.[45] Alongside the elaboration of an anti-discrimination law and legislation on state language policy, the government failed to elaborate a national strategy on ethnic minorities after the draft law "On the Concept of the State Ethnic Policy" was withdrawn from Parliament. National legislation, with the exception of the 1991 Declaration on the Rights of Nationalities in Ukraine, lacks a clear definition of what constitutes a national minority and does not provide any affirmative action to guarantee minority rights.

The law "On the Principals of the State Language Policy" was adopted by the Parliament in 2012 to translate the European Charter for Regional or Minority Languages into national legislation. The Law was criticized by national CSOs and international experts. During the first year of implementation only Russian as the largest language group benefitted from smooth implementation, while its application for other minority languages is very limited.

The abolition of the law "On State Language Policy" by the Ukrainian Parliament on 23 February 2014 was put forward as one of the arguments for Russian intervention in Crimea. However, the abolition was subsequently withdrawn by the Ukrainian Parliament, which in turn began to work on minority-related legislation in an attempt to settle the predicament over Crimea. In 2013 the Government approved a draft resolution "On Approval of the Plan of Implementation of the Strategy for the Protection and Integration of the Roma National Minority into Ukrainian Society up to 2020", after sustained advocacy efforts and international pressure. The strategy follows the EU "Roma Inclusion" national strategies requirements. A detailed action plan was only developed at the end of 2013 and the supporting budget is still needed.

With regard to the institutional set-up until 2011, the Committee for Nationalities and Religion was responsible for all issues related to national and religious minorities. Its work concentrated mostly on the organization of cultural and educational events. Following the 2011 public administration reform, the Committee was closed down and responsibility for minority-related issues was given to the Ministry of Culture, but only within its own remit, limiting minority concerns to cultural and religious issues. A Department for Nationalities and Religion, functioning within the Ministry, concentrates mostly on religious organizations. Moreover, a Civil Society Council created at the Ministry of Culture includes a Committee on Minority Issues. According to the 2013 activity report, the organization of cultural events predominates. An exception has been the discussion of the draft Roma Strategy, though without creating any specific recommendations or conclusions. It is also important to note that only a few community representatives are members of this Council and Committee (Bulgarian, Armenian, Jewish, Russian and Moldovan).

Minority rights are also part of the mandate of the Ombudsman Office. In 2013 the Department on Gender Issues, Children's Rights and Non-Discrimination was actively involved in the development of the Roma Strategy. According to 2013 data from the Ombudsman Office, the year saw only a few individual complaints from minorities, including incidents related to discrimination.

3 Minority Rights in the Policy Process of the Eastern Partnership

3.1 The policy process

The 3rd Eastern Partnership Summit in Vilnius on 28-29 November 2013 was meant to crown a decade of engagement with the Eastern Partnership countries since the introduction of this new neighbourhood framework. Four countries, Armenia, Georgia, Moldova and Ukraine, were supposed to initial and, in the case of Ukraine, to sign an Association Agreement (AA) including the Deep and Comprehensive Free Trade Area (DCFTA). This was preceded by years of association negotiations. Ukraine was the first country to conclude negotiations in 2011 and initialled the AA in March 2012.

However, in December 2012 the EU made the signing of the Association Agreement dependent on three issues, including the compliance of parliamentary elections with international standards, progress in the rule of law and "implementing the reforms defined in the jointly agreed Association Agenda".[46] In 2013 negotiations were concluded with Armenia, Georgia and Moldova. However, in early September, six weeks after officially concluding negotiations, Armenia declared that it had decided to join the Customs Union led by Russia and hence put an end to association aspirations due to the incompatibility of the Customs Union tariff system with the DCFTA. In November 2013, days before the commencement of the Vilnius Summit, Ukraine suspended preparations for signing the Association Agreement. The decision sparked immediate protests which led to months of pro-Europe and increasingly anti-government demonstrations, culminating in Ukraine's parliament voting on 22 February 2014 to dismiss President Viktor Yanukovych and to set new elections.

In the end, the Vilnius Summit saw the initialing of an Association Agreement including the DCFTA with Georgia and Moldova, as well as the signature of a visa facilitation agreement with Azerbaijan. Despite the withdrawal of Armenia and Ukraine, the Summit declaration highlighted the "considerable progress made in the Partnership … bringing the Eastern European partners closer to the EU". With regard to future relations to Armenia and Ukraine the Declaration states that "The EU and Ukraine reiterate their commitment to the signing of this Agreement on the basis of determined action and tangible progress in the three areas emphasized at the 2013

EU-Ukraine Summit.(…) The EU and Armenia have today reconfirmed their commitment to further develop and strengthen their cooperation in all areas of mutual interest within the Eastern Partnership framework, stressing the importance of reviewing and updating the existing basis of their relations."[47]

3.1.1 What follows the Vilnius Summit?

For Georgia and Moldova, the initialing of the AAs marks a commitment to the continuation of reforms. Once the agreement enters into force the EU has a legal basis to apply conditionality. Concerning Armenia, in a Joint Statement of 29 November 2013, the EU and Armenia stressed the importance of revisiting the basis of their relations.[59] With Ukraine, this will depend on how the current situation develops and the formation of a new government following elections in May 2014. In a Conclusion on Ukraine, the EU reconfirmed its offer of an Association Agreement.[60] Developments in Ukraine can be seen as a wake-up call for the EU on the importance of taking on minority rights to address political sensitivities, autonomy or secessionist desires, and conflicts sparked by geostrategic interests. It remains to be seen how the EU will attend to these issues. In its Conclusion on Ukraine of 4 March 2014, the EU states that it "reaffirms the utmost importance of ensuring inclusiveness at all levels of government by the Ukrainian authorities, including through steps designed to reach out to all Ukrainian regions, population groups and to ensure full protection of national minorities in accordance with Ukraine's international commitments."[61] For example, challenges are likely to be faced by Moldova and can possibly delay the implementation process of the AA. These include two referendums in Gagauzia: one on the population's preference on relations with the EU or the Customs Union, and the other on a draft regional law on the "suspended status" of Gagauz autonomy.[62]

3.1.2 Minority perceptions on the EU

For the most part, minority communities view the EU's engagement as a positive development, as interviews with representatives of minority organizations carried out for this study reveal. At times there were high expectations about the effects it might have on their communities. "In

EU relations with the Eastern Partnership countries are quite distinct from the accession process of Western Balkan countries, in particular – but not exclusively – with regard to three issues: the absence of a clear membership perspective, the role and interests of Russia in the region, and greater heterogeneity of EaP countries in comparison to accession countries. For accession and candidate countries the prospect of membership, in combination with the strict conditionality of the Copenhagen criteria, has granted the Union considerable power with regard to human rights and minority issues.[48] The membership aspirations of some of the EaP countries, namely Ukraine and Moldova, have never officially been recognized, although there was an intention to acknowledge these at the Vilnius Summit. This was evident in the wording of a first version of the Summit Declaration, which was taken out of the final draft following Ukraine's disengagement from the Association Agreement.[49] On the other hand, deeper obligations and compliance with EU legislation did not go hand in hand with a membership perspective, as is the case for the pre-accession countries of the Western Balkans. In this context Emerson describes what he calls an "automatic pilot" process of EU engagement with Eastern neighbourhood countries.[50] As no agreement could be reached on the strategic question of membership by the political leaders of the EU member states, the Commission took on to "follow the accession model in reviewing every aspect of the partner state's policies from the standpoint of compliance with EU norms, standards and regulations."[51]

Moreover, geostrategic interests and the role of Russia are overarching factors affecting the development of relationships between the EU and the EaP countries, in particular the setting up of the Customs Union in 2010, jointly with Belarus and Kazakhstan, with the aim of eventually including all post-Soviet states in a Eurasian Union by 2015. The cooperation of countries which had been traditionally been in Russia's sphere of influence was seen as both a symbolic and geopolitical threat to its position.[52]

In terms of economic integration, EaP countries are placed between two seats. In the run-up to the Vilnius Summit, following pressure from Russia, both Armenia and Ukraine withdrew their aspirations for EU association. For Armenia, Russia is a guarantor of its security in light of its conflict with neighbouring Azerbaijan over Nagorno-Karabakh.[53] In addition, Armenia (as well as Ukraine) is also dependent on the Russian energy sources. Russian firms also control key infrastructure sectors and hence Armenia has been identified as the "most vulnerable link in the entire EaP belt of countries".[54] Pressure was exerted on Ukraine with an embargo on imported Ukrainian goods in the summer of 2013 and the publication of a draft document to introduce measures to protect the Customs Union market against goods from third countries.

Finally, the EaP countries are more heterogeneous than the accession countries of the Western Balkans. For example, besides Belarus, Azerbaijan with its energy resources and poor human rights record has become the "lowest common denominator" in the EaP, with cooperation concentrating mainly on the energy sector.[55] With Belarus the EU continues a policy of critical engagement, aiming to promote respect for human rights, rule of law and democratic principles. In October 2013 EU sanctions against Belarus were extended.[56] In the light of these developments there is a notion that the EU should apply more contextual approach, offering membership to those countries that are earnest in their reform efforts.[57] In the light of the dilemma between interests and values the 'more for more' principle of the ENP was watered down and an excessive focus, especially by the media, on a small number of issues which distract attention from "more systemic problems".[58]

the country which never cares about and has never defended minority rights," said one respondent from Azerbaijan, "which also behaves badly to its own people - I don't even talk about minorities here - moving closer to the EU will be the salvation for the minorities, who are in a very bad situation nowadays."[63] Minority communities from Moldova are more divided in their perceptions, with Russian and Belarussian minorities in particular favouring closer ties with the Customs Union.[64]

As with the majority populations of EaP countries, especially the younger generations have positive attitudes towards a closer engagement with the EU, whereas the older generations traditionally tend to see themselves being closer to Russia.[65] However, minority communities feel that they have had insufficient access to information on the particularities of EU engagement. As a minority representative from Moldova pointed out: "The association with the EU is not perceived positively since almost 98 per cent of the Gagauzian minority in Moldova are in favour of the Eurasian Customs Union. Information in Russian language about the association with the EU does not reach the public. Language is a powerful tool to influence people's opinion".[66] Armenian minority representatives stressed their fear of the negative consequences that Armenia's decision to join the Customs Union might have for minorities.[67] Pulling out from the EU association process is also perceived as a step back from possible education opportunities the EU has to offer and other ties with the region.[68]

Minority organizations also have concrete views of the areas the EU should engage in with regard to minority concerns. Many of them have the notion of the EU as a value-based union, with EU member states having relevant laws and legislation in place.[69] In this context there was a belief that the EU should not only engage in the

monitoring of these rights, but also support EaP governments and minority organizations in the implementation of concrete steps to put minority rights into practice. As a minority representative from Georgia put it: "It would be good if the EU will not only be monitoring but also helping the government in the implementation of steps that will help us gain our rights and overcome the challenges we have today in the country as minorities. We would be happy to learn more from the EU about our rights and the ways of implementing those rights."[70]

3.2 Objective setting from ENP Action Plans to the 2013 Vilnius Summit Roadmap

So are these largely positive perceptions of minorities with regard to the EU as a warden of human and minority rights justified? How does the EU pledge to establish the EaP on the basis of commonly shared values reflected in the association processes? Have respect for minority rights and the advancement of minority concerns been part of these processes? The 2009 Declaration of the Prague Summit which launched the Eastern Partnership does not refer to minority rights explicitly but more broadly to a commitment to fundamental values including respect for human rights, confirmed by the 2011 Eastern Partnership Summit in Warsaw.[71] Again, the 2011 review of the European Neighbourhood Policy referred to a commitment on human rights and fundamental freedoms, in particular by means of concrete action, namely through the ratification of and compliance with relevant regional and international instruments.[72] Reference to both human and minority rights is made in the three sets of documents outlining the way forward to association with the EU:

- the Action Plans;
- Visa Liberalization Action Plans (for Ukraine, Moldova and Georgia); and
- the 2013 Summit Roadmap.

3.2.1 Action Plans

The Action Plans form the main cooperation tool between the EaP countries and the EU. Signed during the mid-2000s and originally envisaged for a mid-term timeframe of only three years, the Action Plans still guide the association process and relations with the EU, mapping out priorities and serving as a reference point for the countries of the Eastern Partnership, with the exceptions of Belarus and Ukraine.[73] In the case of Belarus, the relationship is guided by a number of conclusions drawn by the Council.[74] In the case of Ukraine, the Action Plan was replaced in 2009 by an Association Agenda.

The Action Plans reference common values of political dialogue and reform, as well as steps to promote economic reform, trade and the alignment of legislation to bring

about economic integration. All Action Plans contain a standardized reference to ensure or to strengthen the "respect for the rights of persons belonging to national minorities". With the exception of the Azerbaijan Action Plan, reference is made to a limited number of steps each country aims to take individually. The Georgian Action Plan aims for the signing and ratification of the European Charter for Regional or Minority Languages. Moreover, the Action Plan aims to "create conditions of safety and security for the civilian population, including respect for property rights, focusing on those areas which are mostly populated by Georgian citizens of various ethnic origins". The Action Plan of Armenia aims to ensure the rights of national minorities to receive education in their native languages within the secondary education system. The Action Plan for Moldova aims to take action in line with the recommendations of the Framework Convention for the Protection of National Minorities and the Council of Europe, and to "put in place and implement legislation on anti-discrimination and legislation guaranteeing the rights of minorities, in line with European standards".

Ukraine is the only EaP country which had a negotiation process for association accompanied by an Association Agenda, which replaced the Action Plan in November 2009 and which served as a basis for three subsequent updated documents.[75] As with the former Action Plan, all documents include respect for minority rights as a priority. However, the documents of the Association Agenda are more concrete in terms of their prescribed actions, which include:

- exchange of best practice on measures to protect minorities;
- development of a legal framework, in line with relevant UN and Council of Europe Conventions and related Protocols; and
- closer cooperation between authorities and representatives of minority groups.

It is worth noting that the same actions continue to be proposed in each annual priority update, using the same formulations. This raises the question of how the implementation of proposed actions is verified. All in all, the Action Plans do not elaborate on how progress towards this limited number of minority-related aims will be determined, as there are no concrete benchmarks or timelines for implementation.

3.2.2 Visa Liberalization Action Plans

Specific action plans as part of the Visa Liberalization Dialogue were adopted with Ukraine in November 2010, followed by Moldova in January 2011 and Georgia in February 2013. The Visa Liberalization Action Plans (VLAPs), which set the conditions as mandatory before the establishment of a visa-free travel regime, are structured around four blocks:

- Document security;
- Integrated border management, migration management and asylum;
- Public order and security; and
- External relations and fundamental rights.

The VLAPs set out two consecutive levels of benchmarks - the policy framework and implementation measures. Citizens' rights, including the protection of minorities, are a specific component of the fourth block of all VLAPs. The first phase benchmarks are comprised of (a) the adoption of comprehensive anti-discrimination legislation, as recommended by UN and Council of Europe monitoring bodies, and (b) the adoption of a National Human Rights Action Plan, taking into account specific recommendations of UN bodies, OSCE ODIHR, the Council of Europe/ECRI and international human rights organizations and the ratification of relevant UN and Council of Europe instruments. Second phase benchmarks include the effective implementation of the legislation, policies and human rights action plans.

3.2.3 The 2013 Summit Roadmap

In 2012 the European Commission issued a "Roadmap to the Autumn 2013 Summit" to outline the way forward to achieve the goals of the EaP, targeting especially Armenia, Georgia and Ukraine. The document states that it sets out with "the reforms and progress that the partner countries would aim to meet the objectives of the jointly agreed steps contained in the relevant Association Agendas and ENP Action Plans".[76] It further maps out expected achievements by the 2013 Summit, which are to be monitored closely. These are specified in two separate annex documents in table format, listing bilateral and multilateral areas and objectives, policies accompanying measures by partner countries and EU support, as well as expected targets, outcomes and timeframes. With regard to bilateral cooperation, the first policy area of political association and economic integration has the objective to "implement common values and principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law" through seven specific objectives, including respect for human rights together with non-discrimination of minorities. All country-specific measures for Georgia, Moldova and Ukraine bear particular reference to ensuring the rights of minorities.[77]

3.3 Inclusion of minorities in EU monitoring

Progress and gaps on the objectives of the European Neighbourhood Policy and the EaP are captured in a number of documents: Country Progress Reports to monitor action plans, and VLAP Progress Reports on Ukraine, Moldova and Georgia.[78] In addition, several reports on the implementation of the EaP to the meeting of Foreign Ministers have been prepared which do not bear any reference to the rights and situation of minorities.[79]

3.3.1 Country Progress Reports

Country Progress Reports on Georgia, Moldova and Ukraine are more detailed in addressing minority rights. The 2010 and 2011 reports on Georgia highlight that the "integration and the rights of minorities in Georgia remains an area of concern". All reports systematically address the Action Plan objective to sign and ratify the European Charter for Regional or Minority Languages. Further reference is made to the policy and legislative levels, such as the 2009 "National Integration Strategy: National Concept for Tolerance and Civic Integration". The 2011 report noted that information on its implementation had not been available, as well as the inadequate implementation of the CoE FCNM.[80] Reference is also made to the situation of minorities, especially the repatriation and integration of the Meskhetian population. Moreover, the 2012 report highlighted the under-representation of minorities in public administration, slow progress on the abolition of linguistically-segregated schools, and the situation of minority religious groups.

The Moldovan Action Plan stipulates actions in line with FCNM recommendations and the establishment and implementation of an anti-discrimination framework to guarantee the rights of minorities. The 2010 to 2012 Progress Reports document respective progress and gaps fairly systematically. The 2011 and 2012 Reports record the adoption of the law on religious organizations and subsequent amendment, pointing out at a number of open questions, including "the requirement that religious communities are established by citizens of Moldova and a provision recognizing the 'particular role' of the Orthodox Church." The 2011 and 2012 Reports also note the adoption on the 2011-2015 Action Plan on Roma Inclusion, highlighting the importance of proper budgeting for its implementation. Reference with regard to the lack of an anti-discrimination law is made only in the 2011 Report. Finally, the 2010 Report notes that "a number of groups (including Roma, persons living with HIV/AIDS, and Lesbian, Gay, Bisexual and Transgender persons) continued to suffer from discrimination". The 2011 Report refers to discrimination against Roma in education, employment, housing and healthcare, which "takes place with impunity."

The Ukrainian Progress Reports also refer to the translation of relevant international conventions and protocols into national legislation. The 2012 Report notes that the adoption of a Law on Countering Discrimination presents a "step in the right direction but lacks clear and complete definitions, broader scope including an explicit reference to sexual orientation and institutional provisions to ensure its effectiveness." Reports also detail discrimination towards various minority communities, in

particular discrimination and racism against Roma and Crimean Tatar communities, as well as incidents of anti-Semitism. The 2012 Report specifically highlights clashes over land property in rural Crimean Tatars settlements, a decrease of representation of Crimean Tatars in local administration, and the delay in the adoption of the law on the restoration of formerly deported people's rights.

Progress Reports on Azerbaijan and Armenia are less comprehensive with regard to reporting on the rights and situation of minorities. The 2010 Report on Azerbaijan records that, although existing legislation "addresses protection of minorities", Protocol 12 to the European Convention on Human Rights on the general prohibition of discrimination and the European Charter for Regional or Minority Languages has not been ratified. The 2011 Report briefly refers to an amendment of the law on freedom of region and consequences for religious groups, as well as cases of harassment of religious groups. The 2012 Report bears no reference to minorities at all. Armenia Country Progress Reports hardly touch on minority rights and bear no reference to the Action Plan, which stipulates to ensure the right of minorities to receive secondary education in their native languages. None of the progress reports between 2010 and 2012 bear reference to this specific objective. The 2010 Progress Report just notes the submission of the periodic report to the CoE FCNM; the 2011 Progress Report has no mention of minorities at all. Only the 2012 Progress Report outlines the situation of religious minorities and the findings of the previously published ECRI report.

3.3.2 Visa Liberalization Action Plan (VLAP) Progress Reports

Protection of minorities is also documented as part of the VLAP Progress Reports on Georgia, Moldova and Ukraine as part of the Visa Facilitation Dialogue. The VLAP Progress Reports are based on reports submitted by the countries, followed by desk research by the European External Action Service including the EU Delegations, and complemented by written comments for clarification and monitoring missions. For Moldova a total of five VLAP Progress Reports have been produced, beginning in 2011, while Ukraine and Georgia have had three and one VLAP report respectively. The last set of VLAP Progress Reports for all three countries was published in autumn 2013, in preparation for the Vilnius Summit.

Having adopted the VLAP only in February 2013, the first VLAP Report was produced following an EU monitoring mission in October which primarily focused on the first two blocks of the VLAP. With regard to minority protection as part of block 4, the Report presents "preliminary findings" and notes work in progress with regard to the establishment of a legislative framework to combat discrimination. This includes Georgia's ratification of the UN International Convention on the Elimination of all Forms of Racial Discrimination and the Council of Europe's FCNM, as well as the pending ratification of the

European Charter for Regional or Minority Languages and the establishment of an Interagency Council for the Development of a Human Rights Protection Strategy and Action Plan. The Report concludes with a number of recommendations which, besides addressing the issue of citizenship, refer to the adoption of a comprehensive anti-discrimination law, the European Charter for Regional or Minority Languages and a comprehensive National Human Rights Strategy and Action Plan. Further recommendations include related awareness-raising campaigns and training.[81]

VLAP reporting on Ukraine comprises an assessment of the first-phase benchmarks relating to the establishment of the legislative and institutional framework. The Report concludes that "substantial progress has been made in all four blocks of the VAP." With regard to the achievement of minority protection first-phase benchmarks, the Report notes on anti-discrimination legislation that the 2012 Law on Preventing and Combating Discrimination "does not meet all the European and international requirements", referring to discrimination on the grounds of gender and sexual orientation, the protection of victims' rights and lack of relevant definitions, such as multiple discriminations. The Report further observes that, despite consultation with civil society for elaboration of the 2012 law "On the Principles of State Language Policy", the 2013 Strategy and an Action Plan on Roma inclusion, "key recommendations made by the civil society were not included". Moreover, for the Roma Strategy and Action Plan, the Report points out the lack of adequate baseline data on the situation of Roma in the country, the need to further specify appropriate interventions and secure resources, and the importance of civil society involvement and a coordinating body with monitoring mechanisms for adequate implementation. Lastly, the VLAP Report notes that although Ukraine is party to most of the UN and the Council of Europe texts on the protection of human rights and the fight against discrimination, "further efforts need to be devoted to improving legislation in the area of anti-discrimination and bringing existing legislation into line with the provisions of ratified treaties and international conventions".[82]

The Visa Liberalization Dialogue is most advanced in Moldova. The third VLAP Report published in June 2012 concludes the assessment of the first-phase benchmarks. With regard to protection of minorities as part of the fourth block, the Report notes that despite some shortcomings in the document, the adoption of the Law on Ensuring Equality "represents the necessary legislative basis to implement the benchmarks in the anti-discrimination area". With regard to the adoption of a comprehensive National Human Rights Action Plan and UN, Coe and OSCE recommendations, the VLAP Report takes note of the 2011 National Human Rights Action Plan which "provides for measures in a large number of areas, including implementing anti-discrimination policies and protecting minorities and private life." The Report also takes note of the 2011-2015

Roma Action Plan and the consultations with civil society which preceded its elaboration. Concerning the ratification of relevant UN and CoE instruments in the fight against discrimination, the Report records the government's commitment to consider issuing a declaration under Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the ratification of Protocol No. 12 of the European Convention on Human Rights. Finally, on the basis of the third VLAP Report, the European Council adopted the Conclusions that Moldova "has fulfilled all the benchmarks under the first phase".[83]

The fifth and last VLAP Report published in November 2013 exclusively focuses on the implementation benchmarks. With regard to the implementation of the Law on Equality, the Report records ongoing training programmes for magistrates, lawyers and law enforcement officers and the beginning of the work of the Equality Council. The Report also notes, on the implementation of the 2011-2014 National Human Rights Action Plan, the drafting of respective action plans by central and regional authorities. On the 2011-2015 Roma Action Plan, the VLAP Report takes note of regular trainings for local authorities, district police officers and district doctors and activities in the education sector, including the establishment of a network of 15 Roma community mediators. Moreover, the Report takes note of the functioning of the Ombudsman's office. In terms of access to travel and identity documents for all Moldovan citizens the Report notes that the measures put in place to implement the authorities' integration policy for a multi-ethnic Moldovan society are actively used by the target groups, including ethnic minorities. On the basis of the fifth VLAP Report the conclusion is drawn that "the Republic of Moldova has met the second-phase benchmarks set under Block 4".[84]

3.4 Gaps and limitations of EU monitoring of minority rights

With the initialing of the Association Agreements with Georgia and Moldova, the conclusion can be drawn that political commitments towards minority rights are by no means intrinsic to the association package, due to a number of reasons:

- *Failure to address key concerns* regularly flagged up in the progress reports;
- *insufficient collection of data and information* on minority concerns in relevant sectors;
- *conflicting assessments* by the EU and government reports;
- *lack of systematic references to minority concerns,* particularly in progress reports;
- *prioritization of anti-discrimination issues,* particularly in VLAP reports.

Most importantly, the EU has no clear indicators, targets and benchmarks to assess progress. This affects in particular the assessment of implementation of minority relevant legislation. It is straightforward to stipulate progress at policy level through clear benchmarks such as draft legislation and first or second readings. However, the actual implementation of legislation is more diffuse, as it usually requires the adequate application of a multitude of stakeholders at various administrative levels. In this case, monitoring can only functions if clear indicators and benchmarks have been defined.

3.4.1 Minority rights in the education sector

A key point in the 2006 Georgia ENP action plan referring to minorities is the EU's frequent calls for the signing and ratification of the European Charter for Regional or Minority Languages. Annual progress reports as well as the 2013 VLAP report have flagged up this issue repeatedly without success. Although there have been discussions, public in part, internal opposition has prevented ratification to date.[85]

Progress Reports on Georgia further addressed the issue of linguistically-segregated schools. Insufficient reform efforts with regard to the teaching of Georgian to pupils belonging to ethnic minorities have also been highlighted by ECRI.[86] On the other hand, some minority communities fear that they are being pushed into the cultural and linguistic mainstream of Georgian society. As a representative of a minority organization stated, "Armenians in Tbilisi do not know the Armenian language, are not familiar with the Armenian culture and are assimilated into the Georgian culture. (...) They are in the middle of both cultures and cannot identify themselves with either of them."[87] On the other hand, the government regularly refers to their education sector reform efforts: for example, the adoption of unified admission examinations, which resulted in university candidates taking exams in minority languages, was referenced in the 2011 Annual Report on the Implementation of the National Concept and Action Plan for Tolerance and Civic Integration produced by the government.[88] This raises the question of whether some relevant information has been overlooked in EU progress reports, though the EU may view this as insufficient despite positive governmental reports.

EU monitoring and support of the actual implementation and exercise of minority rights has been weak. The fifth and final VLAP Report, which stipulates that Moldova has met the second phase benchmarks of implementing relevant legislation and policies, makes no reference to the sensitives of language-related issues and the fact that ratification of the Language Charter was still pending. Russian is being used as a so-called inter-ethnic language and minorities promote the usage of Russian rather then the languages spoken in their communities, a heritage of Soviet times. Nevertheless, the usage of Russian has political connotations. Hence, minorities again face

two problems related to language – the prioritization of Romanian as the state language, and the lack of opportunity for minority communities to learn and maintain their own languages. As a representative of a minority orgaization pointed out, "We as a minority group are most challenged because we are supposed to study the state language as well as our own language and Russian simultaneously."[89] Language-related issues are also mentioned in the 2013 Monitoring Report on Moldova, with ECRI recommending "that the Moldovan authorities complete the process of ratifying the European Charter for Regional or Minority Languages as soon as possible" and "that the authorities continue their efforts to improve the teaching of the official language for ethnic minorities."[90]

To remain with the example of language rights, effective policy implementation is also lacking in Ukraine. The 2014 monitoring report on the European Charter for Regional or Minority Languages, which Ukraine ratified in 2006, notes that "the absence of information about the practical implementation of a considerable number of provisions [of the European Charter for Regional or Minority Languages] indicates that there exists no structured approach for the application of each of the undertakings entered into by Ukraine under the Charter."[91] Not all minorities have access to regular schools. Learning in a minority language is often organized through the initiative of minority communities themselves. This is constrained through a number of factors, including regional authorities' refusal to provide facilities for community action, a lack of teachers and limited funding for textbooks and other materials.[92] For example, the Roma minority consists of 14 sub-groups with distinctive dialects and no common Romani language, meaning no teaching material is available. Roma communities depend on small-scale initiatives such as the printing of the Romani alphabet or the translation of classic literature into Romani – though these are constrained by a lack of funding.[93] Other minorities have the opportunity to pursue an education in their kin-states: for example the Greek minority is supported by the Greek government to participate in educational programmes in Greece or is able to access Greek language courses organized by the Hellenic Foundation for Culture.[94]

3.4.2 Participation of minorities in the public sphere

Another area of concern is the participation and representation of minorities in public life. For example, although underrepresentation of minorities in public administration was highlighted in one of the Georgia Progress Reports, minority participation in elections and at the policy level remains an ongoing issue. The 2009-2014 National Concept for Tolerance and Civic Integration included actions to promote equal electoral rights and improved participation in decision making, such as the production of information material on relevant election procedures and legislation in minority languages and meetings with local communities. However, the 2010-2011 monitoring report on the implementation of the National Concept and Action Plan on Tolerance and Civil Integration concluded that "The level of minority participa¬tion in social and political life of the country is extremely low. The same way, the chances of making impact on decision making is really very little. National minorities are weakly involved in the executive branches of government, political parties and civil society".[95] The reasons for this low level of participation are manifold. To a certain degree, minority organizations are hesitant to engage at the policy level. In addition there is also a reluctance among political parties to include minorities. Moreover, lack of information, also provided through the media, continues to be a constraint. Incentives such as additional funding for political campaigns to include "vulnerable groups" in the last parliamentary and presidential election were given by the Central Election Commission, albeit with marginal results, as only a few parties included minorities and at levels that were of no strategic importance.[96]

In this context, Progress Reports and VLAP Reports also fail to take on a number of related issues, such as the importance of supporting institutional frameworks for the evolution of policies and strategies on minority rights. This is an overarching concern of minorities, especially the lack of an adequate platform to liaise and cooperate with governmental structures: this is of particular importance to channel minority expertise not only into policy formulation and the elaboration of relevant legislation, but also to ensure input into issues related to practical implementation. In late 2010 the dissolution of the State Committee of Ukraine for Nationalities and Religion, and the subsequent transfer of responsibilities with regard to minorities to the Ministry of Culture, led to a dramatic decrease in minority participation at national policy level. A representative of a minority organization describes the situation as follows: "Participation of minorities in decision-making has been reduced to zero. Over the past two years there has not been a single consultation on urgent problems with regard to national minorities, funding has decreased dramatically and many initiatives and projects are blocked."[97] Similar observations have been made by the FCNM Advisory Committee who flagged up the re-establishment of "a specialized governmental body with sufficient financial and human resources to co-ordinate all issues relating to the protection of persons belonging to national minorities" as an issue of immediate attention."[98] The lack of such institutional framework leads to insufficient participation of minorities in matters that concern and affect them. An example is the evolution of the 2013 Roma Strategy. A representative participating in the process highlighted that input and recommendations provided by Roma organizations have not been considered, hence in the document "you will not see a clear position of the Roma themselves".[99]

3.4.3 Consideration of specific minority groups

The referencing of specific minority groups in Progress Reports, such as the Crimean Tatars in Ukraine, has not led to improvements in their living conditions or the realization of their rights. As a representative of a human rights organization put it, "the state is not ready to recognize that it has obligations towards this minority". Particular issues of concern in this respect relate to the delay of the law on the restoration of the rights of formerly deported peoples (FDP), the lack of governmental support to the return process and property issues.[102] With regard to the restoration of FDP rights, the OSCE High Commissioner on National Minorities noted in a 2013 Needs Assessment that "since the Verkhovna Rada has not yet formally adopted the draft law during the required further readings, this stalemate may lead to the draft FDP law being shelved once again, leaving these important issues unregulated."[103] Crimean Tatars have not been able to reclaim land owned before the deportation. There is also no compensation scheme in place. Although around 86 per cent of the Crimean Tatars live in rural areas, they have no access to agricultural land. As there is no law on the restitution of property, respective claims cannot be brought before the court.[104]

All in all, it can be concluded that minority rights and concerns have been inadequately integrated in the association process. EU monitoring of minority rights has been weak, and Progress Reports in particular have not been based on a clear set of benchmarks. At times minority issues seem to have not been taken on systematically, highlighted in one Report but then not followed up in the next. The process on Visa Liberalization applies a more systematic approach, but the focus nevertheless appears to

Box 2: The Council of National Minorities in Georgia

The importance of an institutional framework for minority participation becomes evident through the positive example of the Council of National Minorities in Georgia, which is seen as a success model for the cooperation of governments and minority organizations that could also be applied in other EaP countries.[100] Since its establishment in 2005 the Council under the Public Defender of Georgia has developed into an active platform to facilitate participation of national minorities into relevant policies and to foster dialogue and consultation between minorities and governmental bodies. It unites around 100 minority organizations. Over the years, the Council has provided substantial input – for example, by supporting the government in translating FCNM provisions into national policies and legislation, and by establishing a monitoring mechanism for the National Integration Strategy.[101]

be primarily on anti-discrimination while minority rights have not been adequately taken into account. Finally, the VLAP reports reveal the challenge of monoitoring the effective implementation of policies. VLAP Reports highlight, for example, the realization of anti-discrimination training programmes for public administration and law enforcement officers as an indicator for implementation, but the crux will be to establish the application of the legislative framework – for example, the total number of cases of discrimination followed up by relevant authorities, or the proportion of the population reporting that they are affected by discrimination.

4 Participation of Minorities in the EaP

4.1 Inclusion of minorities in the CSF and the National Platforms

The 2011 review of the European Neighbourhood Policy states that "civil society plays a pivotal role in advancing women's rights, greater social justice and respect for minorities (…)",[119] so to what extent are minority rights considered in the engagement of the CSF and minority CSOs involved in the Forum and the National Platforms?

In principle, membership of the CSF is open to all CSOs in EaP countries, as well as CSOs from the EU which are active in the EaP countries. Decision on membership is taken by the Steering Committee on the basis of three criteria, including the geographic origin of

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Box 3: The EaP Civil Society Forum (CSF)

In his speech at the Fifth Meeting of the Eastern Partnership Civil Society Forum in Moldova in October 2013, the European Commissioner for Enlargement and Neighbourhood Policy, Štefan Füle, stated that "strengthening the capacity of civil society has been one of the most important and positive results of our cooperation with the Eastern Partnership".[105] From its beginnings the EaP intended to give increased importance to the voice and role of civil society, manifesting this commitment through the establishment of the Eastern Partnership Civil Society Forum.[106] The process began in 2008 with the European Commission's proposal "to establish an EaP Civil Society Forum to promote contacts among CSOs and facilitate their dialogue with public authorities",[107] followed by a consultation process with CSOs on the role and the scope of a future CSF.[108] In a concept paper, the European Commission outlined the set up of the CSF, including its goals and institutional bodies.[109]

The CSF aims to contribute the EaP by:

- participating in the exchange of experience, knowledge and good practices;
- providing advice and proposals to the Platforms;
- monitoring and assessing Platform activities;
- providing written opinions and positions for consideration in the relevant thematic Platforms and/or ministerial meetings;
- attending, through a selection of representatives and upon invitation, the meetings of Platforms, ministerial meetings and EaP Summits;
- sharing experience of the European integration process with EaP countries; and
- communicating the goals and projects of EaP to general public of EaP countries.

Annual CSF member assemblies are intended to serve as an area of exchange and enable civil society to contribute to EaP-related processes. The latest CSF assembly took place in Chisinau in October 2013.[110] The CSF is governed and represented by a Steering Committee which meets four times a year and is comprised of 15 members who have been elected by CSF participants. Since 2013 the Steering Committee is supported by a Brussels-based Secretariat to provide executive support and function as a liaison with EU institutions.

In line with EaP thematic platforms a total of five working groups have been set up which meet at least twice a year:

- Working Group 1: *Democracy, human rights, good governance and stability;*
- Working Group 2: *Economic integration and convergence with EU policies;*
- Working Group 3: *Environment, climate change and energy security;*
- Working Group 4: *Contacts between people;* and
- Working Group 5: *Social and Labour Policies and Social Dialogue.*[111]

The total numbers of members for each Working Group vary, with Working Groups 2 to 5 having between 29 and 38 members. Working Group 1 stands out as the largest group, with a total of 94 members.[112] Most of the activities of the Working Groups are performed through sub-groups. For example, Working Group 1 has sub-groups dealing with judicial reform, public administration reform, the fight against corruption, visa facilitation, media freedom, human rights and election monitoring. Sub-groups have been formed either based on the work programme of the Working Group or on request from the participants of the Forum.

By 2011 National Platforms were established in the six EaP countries with the aim of fostering cooperation with national governments on the implementation of the EaP. With the exception of the Belarussian Platform, the set-up of National Platforms corresponds with the CSF, including the establishment of respective working groups. Platform activities are coordinated by an elected country facilitator. National Platforms vary in size: the number of member organizations in the National Platforms is 45 in Azerbaijan, 95 in Georgia and 108 in Armenia.[113]

Although the EU regularly praises the CSF and National Platforms as "a good example of civil society's strengthened role in the ENP",[114] a number of challenges have been

highlighted in relation to the actual influence and impact of the Forum with regard to the EaP process and the respective lack of lobbying strategies.[115] Moreover, an increase in joint initiatives is seen as essential to increase the impact of the CSF and the voice of civil society.[116] Finally, the CSF faces challenges inherent to all larger CSO platforms and networks of similar size and scope, which refer to the coordination of joint activities and the continuous engagement of its members in the CSF and the National Platforms beyond annual meetings.[117] National Platforms face constraints along similar lines. As the National Country Facilitator for Moldova pointed out, the work on the National Platform is voluntary and so depends on the personal engagement of the Country Facilitator.[118]

the applicant, the principle of diversity and proportionality and experience of the applicant in EU affairs.[120] Similarly, National Platforms are in principle open to all CSOs. However, rules and regulations established for the Platform raise the bar for minorities as well other CSOs to participate. For example, the Statutes of the Georgian National Platform state that a prerequisite for joining an organization should be registered according to Georgian legislation "no later than two years upon submitting a written application about the National Platform membership" and needs to have "at least one year's experience of working in any sphere/spheres of four thematic platforms of Eastern Partnership".[121]

The National Platforms of Azerbaijan and Ukraine have no minority CSO members. In Armenia, a Yezidi and a Georgian minority organization are members of the National Platform. Moreover, there are around ten organizations working on ethnic, linguistic and religious minority and human rights. In Belarus, a religious and a linguistic minority organization participate in the National Platform. According to the former Country Facilitator, minority representation is not yet satisfactory, though religious minorities in particular are active and the National Platform carried out a number of activities on issues related to religious freedom.[122] In Georgia a total of four minority organizations are members of the National Platform, including the International Society "Caucasian Mosaic", the United Public Movement "Multinational Georgia", the International Foundation "LEA" and ECMI Caucasus office in Georgia. In Moldova, the current composition of the National Platform includes one minority representative of the Sinjar Yezidi National Union.

All in all, the inclusion of minority organizations in the CSF and the National Platforms is unsatisfactory. As the ECMI Caucasus Acting Director stated, "If one looks across EaP countries, minorities constitute 3 per cent to 20 per cent of the population in different countries; it is not a small group but a substantial part of society. Featuring

them in the National Platforms and working groups, there should be much more visibility."[123]

4.2 Challenges of minority participation in CSF and National Platforms

There are a number of factors constraining the participation of minority CSOs in the National Platforms. First of all, in their member selections, National Platforms focus on bringing in expertise on their thematic fields, which for the most part do not touch on the rights and concerns of minorities. For example, the 2013 priorities of the Moldovan Platform concentrated on areas such as the fight against corruption, political party funding, economic and SME development and climate change.[125] In this context, minority CSOs are perceived as being limited to issues concerning their own constituencies. Moreover, National Platforms also struggle to involve minority CSOs when advancing issues that are more directly of minority concern. For example, in the course of a debate on an anti-discrimination law in Moldova, the National Platform organized activities in support of its elaboration – but minority organizations were not themselves approached.[126]

This leads to a second challenge, namely that only a small number of more established minority organizations are active at policy level and engage in advocacy initiatives.[127] Besides specific thematic expertise, CSOs participating in the National Platforms are also required to have a certain level of knowledge on EU-related processes and need to be familiar with the "EU jargon". This, however, does not come easily for most minority organizations. Participation in National Platforms would therefore build the capacity of minority organizations to familiarize themselves with EU concepts and mechanisms. In addition, language barriers to minority participation only seem to be an issue in some of the EaP countries. For example, in Armenia all minorities speak the state language, Armenian. Contrary to this, in Moldova many of the minorities speak Russian. However, the website of the

Table 3: Inclusion of minorities in the CSF and the National Platforms[124]

Armenia	Azerbaijan	Belarus	Georgia	Moldova	Ukraine
2	0	2	4	1	0

National Platform publishes only in Romanian and English. This is justified in terms of cost as well as the political question of using the state language.

Finally, the core issue relates to the lack of knowledge on both sides. Minority organizations applying for memberships are at times not familiar to National Platforms, which may affect the consideration of their membership application; similar issues have been highlighted for CSOs in general, in particular from rural areas.[128] In turn, many minority organizations have no knowledge or or have misleading perceptions about the role or the National Platforms. For example in Armenia, minorities as well as also other CSOs perceive the National Platform as a specific EU unit rather than an independent institution. This led to the case of a minority organization applying for Platform membership through the Delegation.[129] Interviews conducted for this study reveal that a large number of organizations know of the existence of the National Platforms in their countries but feel that they lack more detailed and accurate information about their role and objectives, in particular smaller organizations which are active outside the capitals. As the Civic Integration Foundation from Georgia highlighted, "There are many challenges related to an informational vacuum; some of the small minority organizations who work in remote areas do not even know that a National Platform or CSF exist; they generally lack the level of information which organizations like us who work in the capital have."[130] One representative of a Georgian minority organization expressed concerns regarding "token participation" of minorities which his organization had already experienced in other contexts, stating that "if minorities are participating just symbolically or to showcase it will not help the cause of minorities".[131]

Challenges with regard to the inclusion of minority issues are also prevalent in the CSF. These refer on the one hand to the fact that the agenda of the Working Groups is to a large extent determined by the EaP Flagship themes. The limited time available at Working Group or sub-group meetings means that many different issues are competing for discussion.[133] As a result, minority rights and concerns are not always a priority in relevant CSP publications. For example, the 2011 monitoring report on the human rights situation in the EaP countries prepared by the human rights sub-group concentrated on issues such as freedom of assembly, freedom of speech, penitentiary and mental health institutions, the judicial system and property issues, but made no reference to minority rights.[134]

On the other hand, in its 2013 assessment of the implementation of the EaP Roadmap, the CSF highlights shortfalls with regard to minority rights in Georgia and Moldova. It notes that although the Georgian government drafted a law on anti-discrimination, "in practice, social acceptance of minorities remains limited", referring to cases of interference on the rights of religious minorities and the rights of and violence against LGBT minorities.[135] For Moldova the assessment points out that the government has signed but not yet ratified the European Charter for Regional or Minority Languages.[136] Furthermore, the composition of the latest 2013 European Integration Index for Eastern Partnership Countries, a monitoring project on which the CSF is a cooperating partner, only contains reference to the ratification of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. Though it mentions provision of national legislation or protection on the grounds of (amongst other criteria) ethnic origin and language, there are no specific indicators on state of implementation.[137]

There is a notion within the CSF that minority organizations have to pursue a more proactive approach, either by being more active at National Platform level to attain nomination as CSF Delegate or by gaining a better way of linking issues of their concern to Working Group themes.[138] In this context the challenge of the "development of and collaboration on common issues" are a common theme, both at CSF and National Platform levels, and not only with regard to the involvement of minority issues.[139] So what can be seen as a possible way forward? As minority rights are viewed as a cross-cutting issue which touches on a large number of thematic areas, the possibility of the formation of specific minority rights sub-group has been raised.[140]

Nevertheless, challenges and obstacles to minority participation in the National Platforms and the CSF remain, in particular with regard to access of adequate information on their roles and scope. Language issues also constitute a deterrent to participation, as many minority CSO representatives do not speak English and use Russian as the lingua franca. Moreover, knowledge and expertise on EU issues such as the establishment of a Deep and Comprehensive Free Trade Area (DCFTA) require wide-ranging technical and legal expertise to address related matters, including WTO rights and obligations, procurement and movement of capital, to name but a few issues.

On the whole, minority participation and inclusion brings to light a general dilemma the National Platforms and the CSF face between focusing on predetermined EaP priorities or fostering a more diverse approach to their

In Belarus, the National Platform has actively approached minority organizations to engage with the Platform. In order to better reach them, mailing lists and information days are also planned.[132] In addition, human rights organizations aim to close information and capacity gaps. For example, Minority Rights Group provided EaP training in October 2013 for minority organizations in Moldova, attended by representatives of 15 minorities, preceded by another event in Azerbaijan in July. ECMI Caucasus conducted a seminar on the EaP in Georgia and the Social Action Center led three events in Ukraine. National Platforms have also been invited to give presentations.

activities. Inclusion of minorities requires going beyond the expectation of a pro-active approach of CSOs representing them, to encompass capacity building and the creation of spaces such as a specific CSF sub-group to ensure the meaningful involvement of minorities in the EaP.

5 Inclusion of Minorities in EU Financial Instruments available for EaP Countries

5.1 Financial support for the Eastern Partnership countries

The ENPI continues to be the main financial instrument for the EaP countries, with a total budget for the Eastern countries of €2.8 billion allocated for 2009 to 2013. This includes a total of €350 million added for specific programmes and initiatives when the Eastern Partnership was launched. Moreover, an additional €150 million was added as a result of the 2011 European Neighbourhood Policy Review.[141] Bilateral allocations under the EaP are shown in the table below.

Financial support to the specific EaP initiatives at the multilateral level is mainly allocated for Flagship Initiatives. For the 2009 to 2013 period, the EU allocated a total of €44 million for 'Integrated Border Management', €40 million for the 'SME Facility', €53 million for the 'Regional electricity markets, energy efficiency and renewable energy sources', €11 million for 'Prevention, preparedness and response to natural and man-made disasters' and €10 million for 'Promotion of good environmental governance'.[145] The budget made available for the Eastern Neighbourhood Civil Society Facility over the years 2011 to 2013 amounts to more than €37 million. Finally, for the Eastern Partnership Culture Programme a total of €12 million has been made available for the years 2011 to 2015.[146]

Other ENPI initiatives EaP countries participate in include cross-border cooperation to reinforce cooperation between member states and partner countries along the external border of the EU, with a total funding of around €950 million for 2007-2013 and around €523 million for interregional cooperation for the 2007 - 2010 period. Priority areas here include the promotion of reform, higher education and inter-regional dialogue, implementation of the ENP and of the Strategic Partnership with Russia and investment through the Neighbourhood Investment Facility.[147] In addition, EaP countries can access non-region-specific funding instruments such as the Instrument for Development Cooperation, the European Instrument for Democracy and Human Rights (EIDHR), the Instrument for Stability and the Nuclear Safety Cooperation Instrument.

From 2014 the ENPI will be replaced by a new financial instrument, the European Neighbourhood Instrument (ENI). In December 2013 the Council adopted the Multiannual Financial Framework 2014-2020 ENI with a financial envelope of €15,433 billion. These new financial instruments are intended to be more flexible, with simplified rules and a greater focus on human rights, democracy and good governance. The new ENI will cover the 16 EU Neighbourhood countries including the six EaP countries following "principles of differentiation and the incentive-based approach" and focus on a number of

Table 4: Financial allocations of EaP programmes

	TOTAL (million EUR)	Armenia	Azerbaijan	Georgia	Moldova	Ukraine
Comprehensive Institution Building (CIB) 2011-2013[142]	167	33	19	31	41	43
Pilot Regional Development (PRD) 2012-2013[143]	62	Country allocations as part of the Annual Action Programmes	Country allocations as part of the Annual Action Programmes	Country allocations as part of the Annual Action Programmes	Country allocations as part of the Annual Action Programmes	Country allocations as part of the Annual Action Programmes
Eastern Partnership integration and cooperation (EaPIC) 2012-2013[144]	65 (2012) 87 (2013)	15 (2012) 25 (2013)	– –	22 (2012) 27 (2013)	28 (2012) 35 (2013)	– –

specific areas: human rights, rule of law, democracy and civil society development; sustainable and inclusive growth and economic development, including EU internal market integration; mobility and people-to-people contacts; and regional integration, including cross-border cooperation.[148] While implementation of programmes under the ENPI will still be ongoing in 2014, ENI operationalization and planning is underway.

5.2 Mainstreaming of minorities into ENPI sector programmes

Budget support and the financing of large programmes for reform processes in mutually agreed sectors is the main form of EU assistance in the EaP countries. The ENPI programme planning cycle is based on Country Strategy Papers (CSP). The current CSPs cover the years 2007 to 2013 along the timeframe of the ENPI. CSP assistance priorities have been identified primarily on the basis of the policy objectives defined in the Action Plan. The CSP documents also provide an analysis of the political and economic situation in the country and draw reference to past and ongoing EU and other bilateral and multilateral donor assistance.

On the basis of the CSP documents, operational responses are planned over a three to four year timeframe and laid out in the National Indicative Programme (NIP) documents. These include an indicative budget as well as a number of priority and sub-priority areas. For each sub-priority long-term impact, specific objectives and results as well as indicators of achievement are developed, in line with the logic model approach. Finally, Annual Action Programmes and Project Fiches lay down the concrete interventions including the financial allocation and tentative timetable.

All in all, only two CSPs refer in their country analysis to the rights and situation of minorities. The CSP for Georgia highlights the "challenge of fully integrating its minorities into the mainstream of Georgian political, economic and cultural life" with specific reference to the situation of the Armenian-speaking and the Meskhetian communities.[149] The country analysis of the CSP for Moldova notes that "rights of minorities, in particular language rights, are not respected".[150] However, none of the assistance priority areas mapped out in both CSPs include specific reference to minorities, although all of them have a focus on human rights and fundamental freedoms.

Equally, most NIP documents do not contain any specific objectives, results or indicators on the rights of minorities. One exception is the 2011-2013 Moldova NIP which lists the "number of cases of abuse of the rights of national, religious and other minorities, as reported by the EU, the UN, the Council of Europe, CSOs" with the concrete target of a "visible decrease" as one of ten distinctive indicators for the sub-priority "Rule of law, human rights and security".[151] In addition, the two NIPs

for Georgia refer to minorities under the third priority area of aiming to support poverty reduction and social reforms. Both NIPs have included "Increased economic and social integration of Georgia's minorities living in rural and peripheral areas" as an expected result of the sub-priority on regional development.[152]

In addition to ENPI, the Eastern Partnership Integration and Cooperation Programme (EaPIC) – Neighbourhood East was introduced in 2012 and allocates funds according to the "more for more" principle, looking at progress in the reform process of each partner country. A first allocation round went to Armenia, Georgia and Moldova. The Action Fiche of the EaPIC states a total of seven main criteria to assess progress against, including respect for human rights: this explicitly includes non-discrimination against minorities. Progress is assessed on the basis of the annual ENP Progress Report, and against internationally recognized standards.[153]

The fact that ENPI as well as additional EaP funds are mainly utilized for general and sector-specific budget support makes it difficult to determine to what extent funds are allocated to minority-related areas in the EaP countries. To start with, Annual Action Programmes and Project Fiches for the largest funding amounts are geared towards sector specific support rarely bears reference to minority concerns. For example, the EU supports justice sector policy reforms in Georgia, Moldova and Ukraine with €18 million, €52 million and €10 million respectively. Only the Action Fiche for Georgia has touched on mainstreaming minority concerns. The overall objective of the programme is to "strengthen the rule of law and human rights protection in Georgia". One of the expected results of the sector programme is the strengthened capacity of the legal aid service to effectively provide legal representation to those who qualify. The corresponding indicator further defines eligibility of groups, including women and minorities.[154]

In September 2012 EuropeAid published new Budget Support Guidelines to guide EU staff as well as partner countries on the procedural requirements, programme development and implementation of state budget support measures.[155] The Guidelines introduce a differentiation of budget support contracts to better tailor responses to the situation of the recipient partner country. Three types of general budget support contracts were introduced: Good Governance and Development Contracts (GGDCs), Sector Reform Contracts (SRCs) and State Building Contracts (SBCs).[156] An innovative component introduced by the EU is the "Fundamental Values Assessment". This requests EU Delegations to assess adherence and commitment to human rights, democracy and the rule of law at the programming stage. Human Rights Country Strategies, EU Election Observation Mission reports, political reporting by delegations and reports from human rights organizations are to be taken into account. A set of questions assessing the human rights situation in a

In comparison to ENPI, a large number of programming documents of the sector programmes for EU accession candidate countries financed though the Instrument for Pre-Accession Assistance (IPA) have included minority rights and concerns as a cross-cutting issue. However, the concrete operationalization is inadequately mapped out in the documents, if existing at all.

For example, in Kosovo, the 2007 IPA project 'Supporting local government and decentralization' aims to promote coordination between central government and municipalities on policy development, strengthen the enforcement of legal frameworks and service delivery, enhance the performance and accountability of municipalities to deliver cost-effective public services and improve dialogue with citizens. Although the project fiche has encompassed measures to address minorities as a cross-cutting issue, including the improvement of publicity and information services and regular meetings of an equal opportunities

committee, it is questionable whether these measures will prove to be sufficient.[159]

Other? examples can be found in the 2007 and 2009 preparatory measures for the Lifelong Learning and Youth in Action programmes in Croatia and Macedonia. The projects aim to prepare Croatia and Macedonia as candidate countries for participation in European Commission programmes, through building the capacity of the relevant national agencies to manage programmes and giving stakeholders the opportunity to participate in some projects. These projects provide concrete funding opportunities for education projects undertaken by minority CSOs and provide an opportunity for these groups to obtain essential experience of Commission programming rules and build up a track record of implementing Commission-funded projects. Nevertheless, all project fiches state that "the project does not directly involve activities with a minority impact."[160]

potential country includes a question on the effective protection of the rights of persons belonging to minorities and indigenous peoples. In the programming cycle, the assessment is to be carried out prior to the formulation phase of producing respective Action Fiches. However, the Fundamental Values Assessment as well as subsequent monitoring during implementation is a precondition only for GGDCs. As sector budget support has so far been the main mode of financing for EaP countries, future financing is likely to continue to be channeled through the SRCs.[157] However, for SRCs a Fundamental Values Assessment is not mandatory; the new Budget Support Guidelines only stipulate that "adherence to fundamen¬tal values should be taken into account".[158]

What becomes apparent from analysing ENPI programme planning documents is that there is no systematic mainstreaming of minority rights and concerns into sector programme planning and implementation cycles although this would be important especially for sector such as health, education, employment, economic development and public administration.

5.3 Inclusion of minorities into grant programmes – The Civil Society Facility

In recent years, the EU has increasingly acknowledged the important role a vibrant civil society plays in achieving democratic change and adherence to human rights, including those of minorities. The EaP Civil Society Forum advocated for the inclusion of an additional tool to support civil society in the neighbourhood countries, which was subsequently taken on by the European Commission in the

Projects funded under the Civil Society Facility financial envelope for 2011 to 2013 are still being implemented. The planning for the new 2014 – 2020 financial framework is ongoing.[162] The total allocation for 2011 for the Eastern neighbourhood countries was €11 million, with an allocation for 2012 and 2013 totaling €23.4 million.[163]

2011 European Neighbourhood Policy review. It stated that "Civil society plays a pivotal role in advancing women's rights, greater social justice and respect for minorities as well as environmental protection and resource efficiency.(…) EU funding for such actions could be delivered through the establishment of a dedicated Civil Society Facility for the neighbourhood."[161]

The objectives of the Civil Society Facility for 2011 and 2012-2013 as outlined in the annual Project Fiches concentrate on the following: to strengthen non-state actors' capacities, promote the involvement of non-state actors in policy dialogue, boost interaction between non-state actors and authorities at the national/local level and increase CSO participation in programming, implementation and monitoring of EU assistance and policies.[164] None of the Project Fiches give specific reference to minorities in their objectives, expected results or proposed activities. With reference to Article 14 of the ENPI regulation on the definition of non-governmental organizations, "organizations representing national and/or ethnic minorities" are listed as recipients of support. However, reference to mainstreaming of cross-cutting issues is made only to gender equality and youth issues.[165]

The Facility is implemented through regional and local calls for proposals. Local calls under the Facility were mostly merged with calls under the Non-State Actors and Local Authorities in Development Programme (NSA LA Programme) as the objectives of both programmes are overlapping and the financial envelopes for the NSA LA programmes are much smaller. For example, in Ukraine all three calls for the Facility had been merged with the NSA LA Programme due to its small financial envelope of €600,000.[166]

Another objective is supporting increased involvement in policy dialogue in areas of bilateral EU-partner country cooperation. For example, priority issues identified for Ukraine included energy, the environment and border management. As part of the new 2014 – 2020 Financial Framework, focus areas included the rule of law and justice, business development and energy efficiency, based on an expected association agreement. However, due to Ukraine's failure to sign the association agreement at the Vilnius Summit as originally planned, these sectors are to be reviewed. None of the Facility-funded projects for Ukraine were minority specific, either in their implementation or programme focus.[167] Facility-funded projects for Georgia also did not include any minority beneficiaries. 2013 cooperation priorities identified for Georgia included public finance management reform and budget transparency, energy, decentralization and IDPs, while priorities for 2012 were agriculture, trade, justice, public finance management and migration and visa dialogue.[168]

Besides the Facility, the Eastern Partnership Culture Programme is a smaller, grant-based initiative. It has by now funded a total of 15 regional projects, including one project with a minority-specific objective. The project aims to preserve cultural diversity and support the culture of minorities by strengthening capacities of local authorities, CSOs, managers of culture institutions and local communities in Ukraine and Armenia.[169]

5.4 Inclusion of minorities into grant programmes – The European Instrument for Democracy and Human Rights

The European Instrument for Democracy and Human Rights is a thematic instrument which covers all countries and regions, including EaP countries. For the 2013 EU Roadmap to the Vilnius Summit, it was specifically included as an instrument of EU support to reach agreed areas and objectives with regard to democratic reforms and respect for human rights, including those of minorities.[170]

EIDHR Strategy Papers for the years 2007-2010 and 2011-2013 have also included in the thematic focus of the Country-Based Support Scheme (CBSS) five specific areas of intervention, all of which bear reference to minorities.[173]

> **Box 8: The Council of National Minorities in Georgia**
>
> For the years 2007 to 2010 a total of €161 million has been allocated for EIDHR country-based support schemes, with 30 per cent going to ENPI and Middle East countries. A total of €47 million has also been allocated for transnational and regional activities, with 20 per cent going to ENPI and Middle East countries.[171] Financial allocations for the years 2011 to 2013 remained of similar volume with a total of €165.4 million for country-based support schemes, of which 30 per cent was allocated for ENPI and Middle East countries, and €18.9 million for transnational and regional activities with an allocation of 20 per cent going to ENPI countries.[172]

Correspondingly, all Annual Action Programmes specify, amongst other fields of intervention, minority rights.[174] To a large extent this is reflected in the decentralized calls for proposals for the EaP countries. Out of a total of 20 calls issued between 2009 and 2013, 14 bear reference to minorities in their objectives and/or priorities. Nevertheless, a different picture emerges when looking at the actual awarding of projects. Out of a total of 122 projects approved between 2009 and 2013, only 14 projects are being implemented by minority organizations and/or have a specific focus on minorities – less than 12 per cent. Moreover, there have been no minority specific projects approved in Armenia, Azerbaijan, Belarus and Moldova, although each of the countries had at least one call with a minority specific objective included; the CBSS in Moldova even had three calls including a minority specific objective.[175]

Minority-specific projects had only been funded under the EIDHR CBSS in Georgia and in Ukraine. For example, in Georgia two projects were funded with a focus on the Armenian-speaking communities in the Samtskhe-Javakheti region, the first of which aims to support the juvenile justice reform in Kvemo Kartli and Samtskhe-Javakheti; the second, by the Multiethnic Resource Centre for Civil Education Development Foundation, aims to decrease the level of youth violence and xenophobia. Two projects with a specific focus on the Meskhetian communities aim to increase the capacity of Meskhetian community leaders and organizations to advocate for the protection of rights and better access to services, as well as increase awareness on human rights and access to justice. The last award round in October 2013 funded a project to promote free and fair 2014 Local Government elections, with a focus on the Samtskhe-Javakheti, Kvemo Kartli, Kakheti, Shida Kartli and Mtskheta-Mtianeti regions.[177] In Ukraine, the EIDHR CBSS funded a total of five projects with a focus on minority rights. For example, these included a project implemented by the Ukrainian History Teachers' Association to foster a dialogue on the application of an intercultural approach to history

Table 5: EIDHR Country-based Support Scheme calls and awards

	Total no of calls 2009-2013	Minorities included in call objectives/ priorities	Total projects approved 2009-2012	Approved projects with a minority focus
Armenia	2	1	19	0
Azerbaijan	2	1	9	0
Belarus	3	1	0	0
Georgia	6	6	64	11
Moldova	4	3	16	0
Ukraine	3	2	14	5[176]
TOTAL	20	14	122	16

SOURCE: EUROPEAID SEARCH TOOL ON CALLS FOR PROPOSALS AND PROCUREMENT NOTICES: HTTPS://WEBGATE.EC.EUROPA.EU/EUROPEAID/ONLINE-SERVICES/INDEX.CFM?ADSSCHCK=13857 44380569&DO=PUBLI.WELCOME. VERIFICATION OBTAINED FROM THE EU DELEGATIONS TO ARMENIA, GEORGIA AND UKRAINE.

education; a skills development project for Crimean youth; and a project aiming to provide voters from minority communities with a voice in the 2012 Parliamentary Election Campaign.[178]

Minority organizations, in particular smaller ones, face a number challenges in securing funding through the EIDHR. They do not have the capacity and experience at a certain funding level, and track record of implemented projects required by EIDHR regulations and eligibility criteria. At times, calls require a submission in English, which requires language skills that only a small number of the more established CSOs have at their disposal. The option of sub-granting to smaller CSOs under an EIDHR award is seen as a positive mechanism to include less experienced, grassroots organizations. At times this approach imposes additional management requirements of the grant holder and, as in the case of Georgia, the legislative framework on taxation makes sub-granting very difficult. Provisions of the EIDHR under the new multiannual financial framework envisage that the overall grant sizes may become even larger, which means that smaller CSOs including minority CSOs without the capacity to manage such a grant are further excluded.[179]

Minority organizations are very much aware of these constraints. As one representative of an Ukrainian organization interviewed for this study pointed out, "It seems to us that the EU is not interested in the development of small organizations and they always work and provide financial support to the same organizations they know, namely bigger ones or those who have better

European partners."[180] Similar conclusions were drawn by a representative of a Georgian organization which received funding by partnering with a lead applicant organization, but was unsuccessful in an individual bid. This respondent highlighted the inadequate feedback on unsuccessful proposals: "Maybe because we do not have enough experience or it is the EU's priority to give funds to bigger NGOs".[181] Language barriers add to the challenges. As one representative of a Roma organization highlighted, "Roma organizations don't have a proficient level of English language. Therefore it is difficult to report or write project proposals in English."[182] In this context, a number of minority organizations expressed the wish and the need to obtain more information on EU funding opportunities and modalities, as well as to be supported in building capacity in relevant areas such as project development or proposal writing.[183]

As a result of these constraints, minority organizations have only limited access to EU grant opportunities designed to support civil society. Out of 14 organizations interviewed, only three had ever received an EU grant, one of whom was a project partner of a successful proposal; three organizations had repeatedly applied to EU funding streams but without success; and the remaining eight organizations had never applied for any EU grant. Remarkably, most organizations interviewed had obtained funding through other international donor channels, including EU member states, US embassies, USAID, UNDP and foundations such as the Open Society Foundation.

Table 6: EU and international donor experience of minority organizations

EU funding (as lead or partner)	Unsuccessful application to the EU	Never applied to the EU	Other international donors
3	3	8	10

SOURCE: INTERVIEWS WITH A TOTAL OF 14 REPRESENTATIVES OF MINORITY ORGANIZATIONS AND HUMAN RIGHTS ORGANIZATIONS WORKING ON MINORITY ISSUES.

6 Statistical Data and Indicator Setting for Minority Rights

6.1 The need for statistical data on minorities

Statistical data and information on the situation of minorities is difficult to obtain and mostly non-existent. This applies not only to EaP countries but also to EU accession countries and even EU member states. Yet in order to elaborate effective and inclusive policies, sector strategies and programmes, the availability of statistical data is vital for target and benchmark setting, as well as measuring progress and assessing the appropriateness and responsiveness of a particular project. The consequences of not adequately targeting minorities in specific programmes or not mainstreaming them into larger sector strategies are further marginalization and poverty.

The Human Rights Based Approach to Programming (HRBAP), a key principle of the UN system, emphasizes the need for "rights sensitive indicators".[184] Over the years the human rights based approach has been developed further and has found its way into the programming of many bilateral donor agencies. A 2006 study of donor approaches to the integration of human rights into development commissioned by the OECD identified the various forms of assistance in this area, the majority concentrating on projects directly targeting a specific right or group. Examples of the strategic use of human rights in the design of country programmes and the mainstreaming of human rights into sector programmes, including the development of human rights indicators, were also found albeit to a much lesser extent. One of the conclusions drawn from the study was that "the human rights community has more work to do to show operationally where human rights methods and principles can most usefully be applied to development challenges."[185]

The collection of minority-specific data continues to be a challenge, which is frequently addressed. The UN Secretary General Guidance Note for the UN system on how to address racial discrimination and the protection of minorities makes a specific recommendation to "pursue evidence-based actions and policies in fields ranging from conflict prevention to development, including through mapping of different dimensions of exclusion and by supporting data collection related to minorities, including in population censuses."[186] Over the last few years the UN

Independent Expert on minority issues has repeatedly highlighted the necessity to include minorities in the post-2015 Development Agenda.[187] In her January 2014 Report to the Human Rights Council she notes with regard to the MDGs that "a reliance on aggregate results and a continuing lack of disaggregated data collection resulted in very few measurements being made of the progress of minority groups towards the goals. Governments have tended to focus attention on populations that are easiest to reach and issues that were easiest and least costly to address. Minorities are often geographically and socially harder to reach and their issues include long-standing discrimination and social exclusion, which are more difficult to address. Strategies consequently often failed to target minorities and their particular challenges, even where the political will to address the issues of minorities existed".[188]

Human rights bodies, including the Committee on the Elimination of All Forms of Racial Discrimination (CERD) and the CESCR, repeatedly request that EaP countries provide ethnically disaggregated information on population, education and employment in their reports to the Committees. In 2011 the CERD states in its concluding observations on the submission of the Georgia state report that it is "concerned at the lack of disaggregated data with regard to minorities, including the numerically smaller groups such as the Kists, Kurds, Jews, Greeks, Assyrians, as well as internally displaced persons (IDPs) and refugees."[189] The lack of disaggregated data is also flagged up in the 2011 concluding observation on the Armenia state report, with a request for "up-to-date data on the composition of its population, including the Assyrians, the Azeris, the Romas and other small ethnic groups." Concerning the situation in Moldova, the CERD raises concerns about the lack of reliable data on the ethnic composition of the Moldovan population, "in particular with regard to the Roma minority, as well as on the lack of systematic collection of data on social inclusion and discrimination related issues and cases."[190]

6.2 Challenges in disaggregated collection

The collection of disaggregated data continues to be a challenge for a number of reasons:[191]

- *Lack of official recognition:* acknowledgement of the existence of minority groups is a prerequisite for a state to include minorities in the implementation of development and sector strategies, beginning with the collection of disaggregated data. In the EaP countries not all minorities are officially recognized. For example, in Armenia there are a total of eleven officially recognized minorities: Assyrians, Belorussian, Georgians, Germans, Greeks, Jews, Kurds, Poles, Russians, Ukrainians and Yezidis. However, there are also Tats and Udis, two "new minorities" resulting from the refugee movements during 1989-1990. In Ukraine, there are eight "ethnographic (sub-ethnic) groups of the Ukrainian people" (in state terminology), such as Boikos, Hutsuls and Rusyns, who are not covered even though at least some of them have sought recognition of their specific identity.[192]
- *Government fears:* disaggregated data collection is often hampered by the government concerns of about the findings and conclusions drawn from the collection of disaggregated data, including reactions from international donor agencies and the financial implications on national budgets, as well as potential conflicts between groups.
- *Constraints to self-identification:* as there is no definition of the term "minority", groups identify themselves on the basis of a number of criteria including ethnicity, religion, culture and language.[193] The phenomenon of under-reporting by minority respondents fearing discrimination or repression has also been noted in the EaP region. In its Third Opinion on Azerbaijan, the FCNM Advisory Committee (AC) raised the question of how the figure of 306 persons who self-identified as ethnic Armenian in the 2009 census could relate to the official estimate of around 30,000 ethnic Armenians living outside the Nagorno-Karabakh region.[194] International concerns were also raised on related issues to the application of the self-identification concept by other EaP countries. For example, in its 2011 concluding observations on the submission of the Moldova state report, the CERD raised concerns about the impossibility of self-identifying as "Roma" and the application of the term "Tsigan" (gypsy).[195] In its third opinion of Armenia, the FCNM AC flagged up the compulsory character of questions for the 2011 census with regard to ethnicity and language.[196] Governments often point to the prohibitions on the collection of data referring to ethnicity within their legal frameworks as justification. However, in many countries the collection of data on ethnicity is only conditional on the respect of certain safeguards. This, for example, is stipulated in Article 7 of the Ukrainian law on the protection of personal data.[197]
- *Insufficient governmental and administrative capacity:* an added challenge is the limited ability of authorities in some countries to undertake data gathering effectively.

In particular, when statistical data is collected by different administrative entities to feed into a single data set, a lack of coherency makes its operationalization and usage difficult for programming purposes.[198]

6.3 Rights-based approaches and minority inclusion into programme planning

Notwithstanding the predicament of collecting and processing data on ethnicity and nationality, the need for this data to effectively elaborate and implement development strategies and programming is evident. The impact of gaps in this data has been documented. For example, the European Network Against Racism (ENAR) assessed the effects of the lack of comparable socio-economic data on targeted policies for ethnic minorities and migrants in the EU and its member states, concluding that although policy instruments for social inclusion were in place "they have so far failed in producing measurable results for the inclusion of ethnic minorities and migrants. This is in part due to issues linked with data collection. Overall, the lack of data directly collected on migrants and ethnic minorities makes their socio-economic situation difficult to monitor. In turn, it makes it difficult to design adequate policies and measure progress. This is an issue that needs to be addressed at EU level".[199]

One of the major challenges is the translation of minority rights and concerns into concrete strategies and programmes. Whereas the concept of gender mainstreaming has been taken on by most international agencies including the EU through the elaboration of strategies and the development of programming toolkits, there is little practical guidance available on the mainstreaming of minorities. However, even with regard to gender, systematic mainstreaming remains a challenge. Although a toolkit for mainstreaming gender into EC assistance in sector and project approaches had already been developed in 2004, a 2009 report of the European Parliament noted that "gender is often mentioned as a cross-cutting issue, without any indication of specific actions, defined goals and timelines or allocated budgets".[200]

With regard to EC assistance, the European Centre for Minority Issues (ECMI) developed a guide on minority issues mainstreaming for the European Agency for Reconstruction (EAR) and their operations in Southeast Europe in 2006. In 2011 the ECMI adjusted the Guide for the South Caucasus, which was distributed to state agencies and minority organizations.[201] In 2010 the United Nations Development Programme (UNDP) elaborated a resource guide and toolkit to include marginalized minorities in UNDP programming. Besides explicitly addressing UNDP country officers, the guide is also aimed at other agencies, government counterparts and CSOs.[202]

In its guide, ECMI points out that minority mainstreaming can be pursued through two distinctive analytical approaches:

- *Development analysis* stresses the economic and social consequences of including or excluding minorities from development processes. In this regard, the aim of programming is not to ensure equal distribution of benefits but to be mindful that group specific needs or challenges require additional or differing solutions as "diversity in development calls for diversity in policies."[203]
- *Rights-based analysis* complements development analysis by referring to the promotion and protection of minority rights in programmes. It aims to identify existing gaps between declarations and formal legal provisions and implementation at various levels, as well as gaps perceived by minority communities in the absence of transparency and the provision of relevant information.

Both analyses have to be done at three different levels: the *macro level* of donor standards, governmental commitments and legal frameworks; the *meso level* of sectors involved in delivery and provision of resources; and the *micro level* spanning the access and use of resources by minority communities.[204]

UNDP approaches minority mainstreaming from a development as well as a rights-based perspective, highlighting the positive effects of minority mainstreaming on poverty reduction strategies and national development processes. It proposes a number of steps which involve the development of an understanding of the context and power dynamics in a given country, including the collection of relevant data, a mapping and analysis exercise and a review of the legislative and policy framework; the identification of appropriate entry points for work on minority issues and capacity building of programming staff; the identification of national partners, including ministries and minority organizations; and the use of leverage points such as recommendations from international mechanisms or minority rights initiatives.[205]

6.4 Minority-specific indictors for programming

In recent years, a lot of work has been done to develop indicators that measure the implementation of international human rights treaties, including those that directly relate to minorities. For example, in 2008 the Council of Europe started to elaborate on policy indicators to assess legislative impact of the FCNM and "discourse indicators" to assess related discussions and communications in the parliamentary forums, the media and the public sphere.[206] Human rights organizations are important stakeholders in advancing the process. The ECMI currently works on developing indicators for the FCNM as well as for the European Charter for Regional or Minority Languages.[207]

On the other hand, for the measurement of progress in mainstreaming minorities into sector strategies and programmes of financial instruments such as ENPI, appropriate minority indicators for EU programme staff and their governmental counterparts to draw from are not available. The inclusion of minority-specific indictors and targets in larger programmes, if it happens at all, occurs in a more sporadic than systematic fashion, as examples of ENPI and IPA sector reform support programmes have shown.

It is important that minority rights and concerns are mainstreamed into sector-specific programmes through which the EU supports EaP reform processes. This should happen systematically, particularly for sector-specific implementation processes and outcome indictors. Programme planners face two distinctive challenges in selecting relevant process and outcome indicators to measure minority inclusion in their interventions. Firstly, the choice of indicators is constrained by the limited data available through national statistical offices. The lack of provision of minority-disaggregated data prevails in all EaP countries. In addition, the use of a geographic region as a proxy indicator works only if a region is predominately inhabited by a minority group. The approach outlined in the ECMI Guide could serve as a possible starting point to focus on those sectors which have a core relevance to minorities and hence need particular attention, including education, access to employment, health, social services, good governance and the rule of law.[208] In a survey conducted as part of UNDP's Crimean Integration and Development Programme (CIDP), exclusion was measured by assessing unequal treatment in various pre-selected sectors such as the economy, education, land issues, social security, governance and religious rights.[209] In this context, the absence of available disaggregated data collected through national censuses or so called administrative data collected to facilitate the administration of government programmes can be compensated by statistical surveys. Here, a second challenge occurs which relates to the availability of technical capacity and financial resources to carry out surveys along these lines to gain minority disaggregated information. However, opinion surveys or expert assessments can serve as complementary approaches to generate perception-based indicators.

After all, Governments rarely consult with minority organizations with regard to ethnical disaggregated data collection. The FCNM Advisory Committee noted on preparatory activities for the national census in Armenia that "national minorities have not been consulted either on the wording of the questions or on the selected methodology of the questionnaire."[210] Nevertheless, civil society including minority organizations can play a key role in the provision of relevant data through conducting their own surveys, not only for monitoring of governmental policies but also to contribute to evidence-based programme planning which systematically mainstreams minorities into relevant sectors. This has been recognized by EU Delegations who to a certain degree consult with

civil society on programming matters, albeit not systematically. As the Justice and Rule of Law Project Manager of the EU Delegation to Georgia stated, "civil society actors can close information gaps for programming".[211]

All in all, the gaps with regard to the availability of minority-disaggregated data for programming purposes are not likely to be easily overcome. It requires long-term dedication from both the governments of the EaP countries and the EU. To this end, it is important to intensify efforts to strengthen the national statistical bureaus of the EaP countries in the collection and management of administrative information, systematically involving minority organizations in the gathering of data and allocating financial resources from sector budgets to inform programmes in key sectors. Beyond the EaP context, the EU should also consider the development of a set of mandatory gender and minority-disaggregated indicators which, if not available through the national statistic offices of partner countries, would be generated through funded surveys.

Conclusions

The protection and rights of minorities have not been very visible in the run-up to the Vilnius Summit and are not intrinsic to the association package. The absence of a clear membership perspective, the role and interests of Russia in the region and the heterogeneity of EaP countries provide a mixed picture with regard to minority rights. Unlike the Western Balkans accession process, the EU has struggled with the tension between being a community of values on the one hand and concentrating on economic and security issues on the other. Moreover, the focus has been on anti-discrimination rather than on minority rights. Where minority-related measures are in place, there is a discrepancy between the legislation and its implementation due to a lack of political commitment. EU monitoring of minority rights has been weak and, in particular, Progress Reports have not been based on a clear set of benchmarks. This constitutes a challenge in particular to effective monitoring of the implementation of policies. Nevertheless, interviews conducted as part of this study revealed that minorities themselves have positive expectations concerning an association or closer relations with the EU, in particular with regard to the protection of their rights.

With regard to the financial instruments including ENPI and EaP programmes, there is no systematic mainstreaming of minority issues and concerns into sector programme planning and implementation cycles, although this would be especially important for sectors such as health, education, employment, economic development and public administration. Minority-specific indicators and benchmarks are rarely included in the programme documents. In the EaP context it also remains unclear how the "more for more" principle introduced in 2011 is operationalized. Finally, minority organizations face difficulties accessing grant programmes such as the Civil Society Facility and the EIDHR due to lack of information, experience and capacity to manage larger amounts of funding.

The EU has made significant steps to bring in civil society into the EaP process through the establishment of the Civil Society Forum and National Platforms. However, minorities are not well presented in the Forum or in the National Platforms, which continue to struggle with the predicament of delivering predefined EaP and association objectives and encouraging a more diverse perspective on their priorities. Following the Vilnius Summit the EU has a legal basis to apply conditionality in the case of Moldova and Georgia, and has committed to continue its support and engagement with other EaP countries, including Ukraine. It remains to be seen whether minority rights will be a more distinctive part of the development of closer ties with the EU and the implementation of reforms in coming years.

Recommendations

To the EU

At policy level

- Increase efforts to ensure that minority and indigenous rights are a distinctive part of the political association, with greater visibility in forthcoming presidencies. Progress Reports should include a detailed assessment of key issues on the rights and situation of minorities and indigenous groups, and systematically follow them up in each annual report. Similar measures should be adopted in related documents such as VLAP Reports and Action Plans to ensure inclusion and systematic follow-up of minority concerns.
- Direct more attention to the effective implementation of legislation on the protection of persons belonging to national minorities and indigenous groups.
- Integrate anti-discrimination efforts in areas such as legislation and institutional structures more effectively with minority and indigenous concerns.

With regard to financial assistance

- Develop a number of key reform sectors, supported by EU financial assistance, with a set of standardized minority and indigenous indicators to be included in the respective programming documents.
- Link the allocation of EU financial assistance to clear minority targets and benchmarks.
- Establish baseline data on the situation of minorities and indigenous groups, as well as the implementation of surveys to obtain relevant baseline data and the achievement of benchmarks mandatory for sector-specific budget support. A small percentage of budget support should be earmarked for surveys in various sectors.
- Insist on the collection of disaggregated data by national statistical bureaus and by relevant ministries in key reform sectors that receive EU budget support.

On the inclusion and strengthening of minority organizations

- Make additional funding available, earmarked for the strengthening of minority organizations to build capacity for participation in relevant processes, including the Civil Society Forum and national platforms.
- Ensure that minority and indigenous CSOs with limited absorption capacities are able to access funding directly through small grants and assistance schemes on matching grants, and are included in broader sectoral projects as key partners.
- Make use of and develop further the expertise of minority and indigenous organizations when monitoring the implementation of EaP country reform efforts.

EU Member States

- Ensure the systematic inclusion of minority rights in bilateral relations with EaP countries.
- Mainstream minority and indigenous rights and concerns into bilateral development cooperation initiatives.

EaP Countries

- Include minorities and indigenous groups in all steps of planning and implementation in areas that concern them.
- Conduct minority and indigenous assessments with the full and active participation of minorities as part of the planning stages of all programmes, ensuring these are reflected in relevant programme documents.
- Build capacities of minorities and indigenous groups to effectively monitor state and local budgets and the use of EU support.
- Ensure that national statistics bureaus and relevant ministries build capacity to collect disaggregated data for minorities and indigenous groups systematically in all key sectors.
- Ensure that institutional mechanisms are in place to facilitate effective liaison with relevant governmental structures and channel minority and indigenous input into the elaboration of policies and strategies that affect them, such as through the establishment of a consultation group or minorities council.
- Take proactive measures to ensure participation of minorities and indigenous groups in administration and public services.
- Take affirmative measures to ensure the inclusion of minorities and indigenous groups in relevant sector reform processes, in particular but not exclusively the rule of law, education and economic development.

Economic development of regions with minority and indigenous populations should also be encouraged.

- Ensure the availability of quality teaching of the state language as well as the teaching and development of national minority and indigenous languages.

The EaP Civil Society Forum and National Platforms

- Be more inclusive and reflect the diversity of the EaP countries in promoting the participation of minority and indigenous organizations in the Forum and the Platforms.

To the Forum

- Elaborate on a sub-working group on minority and indigenous issues with clear terms of reference, outlining how the sub-group can feed into other working groups and respective sub-groups in order to avoid being tokenistic.
- Ensure that issues related to the rights and concerns of minorities are reflected in the Forums' core objectives and are applied in particular with regard to the monitoring of the EaP.
- Apply proactive measures in the support and participation of minority representatives.

To the National Platforms

- Pursue a proactive approach towards minority organizations, in particular smaller organizations and organizations from remote areas.

- Organize information sessions specifically for minority organizations and communities.
- Lobby for funds to strengthen minority organizations' capacities to participate in National Platform work and learn about EU issues.

Minority Organizations

- Actively seek engagement with the EaP National Platforms to bring in minority perspectives on issues relevant to the protection and situation of minority and indigenous communities in EaP countries.
- Increase advocacy on issues of minority concern at national and regional level.

International Civil Society and Consulting Firms as EU Contractors

- Make use of the knowledge, expertise and close links to minority communities when seeking EU grants and contracts to effectively mainstream minority concerns in the implementation of projects and contracted services in relevant sectors.
- Provide adequate support to minority organizations, in particular to smaller organizations and those from remote areas, to ensure EU funded projects mirror the diversity of EaP countries.
- Support the building of advocacy skills in minority organizations to enable them to advocate on their own behalf on issues of concern, particularly towards governmental structures at national level.

Notes

1   Council of the European Union, *Joint Declaration of the Prague Eastern Partnership Summit,* Prague, 7 May 2009.

2   *Ibid.*

3   *Ibid.*; Council of the European Union, Joint Declaration of the Prague Eastern Partnership Summit, 30 September 2011.

4   European Commission, *Joint Staff Working Document: Eastern Partnership Roadmap 2012-13: The Bilateral Dimension,* 15 May 2012a.

5   Country Progress Reports for the years 2010 to 2012 have been systematically screened for the purpose of this research.

6   Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission, *op. cit.*, p.4.

7   European Instrument for Democracy and Human Rights (EIDHR), *Strategy Paper 2007 - 2010,* pp.8-9, 2007; EIDHR, *European Instrument for Democracy and Human Rights (EIDHR) Strategy Paper 2011 – 2013,* 2010, pp.16-17.

8   The exception here is the 2009 Annual Action Programme which only refers to the rights of indigenous peoples.

9   Analysis of calls for proposal documents, through the Europeaid search tool: https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?ADSSChck=1385744380569&do=publi.welcome. Verification obtained from the EU Delegations to Armenia, Georgia and Ukraine.

10   See also Ramsay K., *Disaggregated Data Collection: A Precondition for Effective Protection of Minority Rights in South East Europe,* Minority Rights Group International Briefing, London, August 2006.

11   Interview with the Justice and Rule of Law Project Manager, Delegation of the European Union to Georgia, 6 March 2014.

12   European Agency for Reconstruction and European Centre for Minority Issues, *Minority Issues Mainstreaming – A Practical Guide for European Agency for Reconstruction Programmes,* June 2006; ECMI, Council of Europe and Norwegian Ministry of Foreign Affairs, *Minority Issues Mainstreaming in the South Caucasus – A Practical Guide,* February 2011.

13   Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, *Third Opinion on Armenia,* adopted on 14 October 2010, para. 40.

14   Mongolia was covered by TACIS until 2003.

15   PCAs entering into force include Russia (1997); Ukraine (1998); Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Uzbekistan (1999); Mongolia 1993. Negotiations on the PCA with Belarus were completed in 1995 but the Agreement was never signed. Ratification is also pending with Turkmenistan. The PCA with Tajikistan entered into force in 2010.

16   Communication from the Commission to the Council and the European Parliament, *Wider Europe –Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours,* 11 March 2003.

17   Since the 2007 enlargement round the EU shares a common land border with Moldova.

18   Communication from the Commission to the Council and the European Parliament, *op. cit.*

19   With the introduction of conditionality the new Neighbourhood Policy linked up to the so-called Accession Criteria ("Copenhagen Criteria", established by the Copenhagen European Council in 1993) which stipulate that new Member States must meet three criteria in order to join the EU including (a) political: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; (b) economic: existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union; (c) acceptance of the Community *acquis*: ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

20   From 1995 to 2006 MEDA ("Measures D'accompagnement") was the main financial instrument of the Euro-Mediterranean Partnership.

21   Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument.

22   European Neighbourhood and Partnership Instrument (ENPI), Indicative Multi-annual Allocations for the period 2007-10 , retrived 18 February 2014, http://ec.europa.eu.

23   Council of the European Union, 2009, *op. cit.*

24   The document states that "cooperation and exchange will be stepped up significantly, in line with the more-for-more approach". Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission, *op. cit.,* p.10.

25   Longhurst K., 'Introducing the Eastern Partnership – Implications for the European Neighbourhood Policy', in: Longhurst K., (ed), *Forging a new European Ostpolitik – An Assessment of the Eastern Partnership,* Warsaw, 2009, pp. 9-27.

26   Kochenov, D., 'ENP's new developments: Imitating change – ignoring the Problems', *Comparative European Politics* No.9, 2011, pp.2-3, p.8

27   A precondition for entering negotiations on the DCFTA is membership of the World Trade Organization (WTO). As Azerbaijan and Belarus are not WTO members they are not able to start DCFTA negotiations with the EU.

28   Joint Communication by the High Representative of The Union for Foreign Affairs and Security Policy and the European Commission, *op. cit.,* p.4.

29   See for example Delcour, L., 'The institutional functioning of the Eastern Partnership: An early assessment, *Eastern Partnership Review,* 1, 2011; or Boonstra J. and Shapovalova N., 'The EU's Eastern Partnership: One year backwards', *FRIDE working paper,* May 2010.

30   Delcour, L., 'The institutional functioning of the Eastern Partnership: An early assessment', *Eastern Partnership Review,* 1, 2011, p.7.

31   Council of the European Union, *2009, op. cit,* p.10.

32   According to the last census conducted in 1999.

33   Nagorno Karabakh was an autonomous region of Soviet Azerbaijan populated by a local Armenian majority.

34   European Commission against Racism and Intolerance, *ECRI Report on Azerbaijan (fourth monitoring cycle),* 31 May 2011, para. 100.

35   *Ibid.*, para 107.

36   United States Agency for International Development (USAID), *2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia,* 16th edition, June 2013, p.34.

37   This is related to chairmanship elections within the Polish minority, who pointed out the candidate was not accepted by Lukashenko. Therefore a schism within the Polish minority was clear, as the Lukashenko-appointed chairman was not accepted by the Polish government.

38   The Census could not be carried out in two regions of Abkhazia and South Ossetia.

39   The Concept is based on the FCNM and includes annual state reporting on the implementation.

40   Bureau of Interethnic Relations website, retrieved 25 May 2014, http://www.bri.gov.md.

41   Prina, F., *Linguistic Divisions and Language Charter - The Case of Moldova,* ECMI Working paper 64, March 2013.

42   UN Women, UNDP and OHCHR, *Study on the Situation of Romani Women and Girls in the Republic of Moldova,* 2014

43   *Ibid.*

44   Data taken from http://2001.ukrcensus.gov.ua/results/general/ nationality. Over the last ten years researchers and international institutions have repeatedly called upon the government to carry out a new "All-Ukrainian Population Census" which had been postponed a number of times and is now planned to be carried out in 2016.

45   More about this legislation gap and other issues can be found in (Section 2.6 of 'Review of Ukraine at the United nations Human Rights Committee 108th session', July 2013, retrieved 18 February 2014, http://www2.ohchr.org/english/bodies/hrc/ docs/ngos/HRHF_Ukraine_HRC108.pdf

46   Council of the European Union, Council conclusions on Ukraine, 10 December 2012 para.1.

47   Council of the European Union, 'Joint Declaration of the Eastern Partnership Summit, Vilnius, 28-29 November 2013, Eastern Partnership: the way ahead', 29 November 2013, p.3

48   The 1993 European Council held in Copenhagen explicated the conditions for EU membership, including democracy, the rule of law, human rights and protection of minorities (political criteria), a functioning market economy and the capacity to cope with the competitive internal market of the EU (economic criteria) and the ability to assume the acquis communautaire (acquis criterion).

49   Jozwiak, R., 'Draft EU summit text acknowledges "Aspirations" of Eastern neighbours, 31 October 2013.

50   Emerson, M., 'After the Vilnius fiasco: Who is to blame? What is to be done?', *CEPS Essay No 8,* 21 January 2014, p. 3.

51   *Ibid.*, p. 3.

52   Wierzbowska-Miazga, A., 'Russia goes on the offensive ahead of the Eastern Partnership summit in Vilnius', Centre for Eastern Studies, 1 October 2013.

53   Zolyan, M., 'Is Armenia Turning East?', The Foreign Policy Centre, September 2013, http://fpc.org.uk/articles/635

54   Shirinyan, A. and Ralchev, S., 'U-turns and ways forward: Armenia, the EU and Russia beyond Vilnius', Institute for Regional and International Studies, *Policy Brief,* 14 November 2013, p.5.

55   Hale, J., 'EU relations with Azerbaijan under ENP: More for less?', in: Hug, A., *Spotlight Azerbaijan,* The Foreign Policy Centre, London, May 2012, pp.70-74, p.70.

56   Council of the European Union, 'EU sanctions against Belarus extended', Press Release 29 October 2013.

57   See for example Bond, I., 'The Eastern Partnership: The road from Vilnius leads to ...?', Centre for European Reform, 9 December 2013, http://www.cer.org.uk/insights/eastern-partner ship-road-vilnius-leads, visited 22 February 2014.

58   Raik, K., 'Eastern Partnership as differentiated integration: The challenges of EaP Association Agreements, in: Izotov, A., Raik, K., and Sekarev, A., 'The Post-Vilnius Challenges of the Eastern Partnership', Estonian Center of Eastern Partnership, *Eastern Partnership Review* No 15, December 2013, p.18-24, p.21.

59   Joint Statement between the European Union and the Republic of Armenia as agreed by High Representative Catherine Ashton and Foreign Minister Edward Nalbandian, Vilnius, 29 November 2013.

60   European Union Foreign Affairs Council Conclusions on Ukraine, 4 March 2014.

61   *Ibid.*

62   Moldova-EU Association Agreement likely to be signed despite government's domestic challenges IHS Jane's Intelligence Weekly, 30 January 2014, http://www.janes.com/article/33262/ moldova-eu-association-agreement-likely-to-be-signed-despite -government-s-domestic-challenges, visited 4 March 2014.

63   Interview with a representative of an Azerbaijani human rights organization, 26 December 2013.

64   Interview with a representative of a minority organizations from Moldova, 05 February 2014.

65   Interview with a representative of a minority organization from Georgia, 18 December 2013.

66   Interview with a minority representative from Moldova, 07 February 2014.

67   Interview with a minority representative from Armenia, 29 January 2014.

68   Interview with a minority representative from Armenia, 06 February 2014.

69   Interview with a representative of a human rights organization from Georgia, 10 December 2013.

70   Interview with a representative of a minority organization from Georgia, 18 December 2013.

71   Council of the European Union, 2009, *op. cit*; Council of the European Union, 2011, *op. cit.*

72   Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission, *op. cit.*

73   The ENP Action Plans for Moldova and Ukraine were adopted in February 2005, ENP Action Plans for Armenia, Azerbaijan and Georgia in November 2006.

74   See Council conclusions of 31 January 2011, 20 June 2011, 23 March 2012 and 15 October 2012.

75   European Commission, 'EU-Ukraine Association Agenda to prepare and facilitate the implementation of the Association Agreement', 2010, retrieved 18 February 2014, http://eeas. europa.eu. European Commission,'List of the EU-Ukraine Association Agenda priorities for 2010, retrived 18 February 2014, http://eeas.europa.eu; European Commission, 'List of the UK-Ukraine Association Agenda priorities for 2011-2012, 2011, retrieved 18 February 2014, http://eeas.europa.eu; European Commission, 'EU-Ukraine Association Agenda to prepare and facilitate the implementation of the Association Agreement, 24 June 2013, retrieved 18 February 2014, http://eeas.europa.eu.

76   European Commission, 15 May 2012a, *op. cit.,* p.4.

77   European Commission, *Joint Staff Working Document: Eastern Partnership Roadmap 2012-13: The Bilateral Dimension,* 15 May 2012b.

78   Country Progress Reports for the years 2010 to 2012 have been systematically screened for the purpose of this research.

79   Documents referred to which were available online include: *Implementation of the Eastern Partnership: Report to the meeting of Foreign Ministers,* December 8, 2009; and *Implementation of the Eastern Partnership: Report to the meeting of Foreign Affairs Ministers,* December 13, 2010.

80   Available at http://www.smr.gov.ge/docs/doc238.pdf .

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This publication has been produced by the the Eastern Partnership Minorities Network. The network so far unite about 80 minority organizations and civil society leaders across Azerbaijan, Armenia, Belarus, Georgia, Moldova and Ukraine. EaP Minorities Network is open to activists and civil society organisations, including ethnic, linguistic, national, religious minorities, indigenous peoples and visible minority communities.

We believe that minorities play a crucial role in contributing to building pluralistic and democratic states based on human rights and fundamental freedoms and we want to raise their voice within the Eastern Partnership process.
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