

## Eastern Partnership Minorities Network

### Analysis of the EU Progress reports 2014 reflecting on the Eastern Partnership Minorities Network policy paper 'Partnership for all? Measuring the impact of Eastern Partnership on minorities' recommendations

#### Summary

The report about the implementation of the ENP in 2014 covers minorities' rights under the section other human rights and fundamental freedoms of Political Dialog and Reform. The report critically assesses the state of minorities in all 5 countries of EaP. The major problems are related to the lack of implementation of adopted legislation covering minorities' rights. The report makes particular focus on the issues of discrimination and gender rights. Rights of children and freedom for religious expression also receive sufficient attention. The report covers issues of particular ethnicities only in the cases of Ukraine and Moldova. In Moldova the report highlights the problems of Gagauz autonomy. Roma rights are mentioned as problematic both for Ukraine and Moldova. Specific Ukrainian problem highlighted by the report is state of Crimean Tatars. Also due to the ongoing conflict report puts special attention on the situation with IDPs in Ukraine.

As for the implementation of MRG recommendations, the progress can be admitted in Ukraine in the Action Plan on Visa Liberalisation. The Report mentions that Ukraine has adopted the package of necessary legislation. However, the issues of proper implementation of the Law on prevention of discrimination remain valid. The same can be said about EU-Georgia VLAP 3<sup>rd</sup> Progress Report. The document mentions all the achievements Georgia has made in regards to the national minorities, but recommends still to raise awareness among State representatives and society at large about equality, tolerance and diversity issues and adopt the new Tolerance and Civic Integration Strategy and action plan.

Compliance with international refugee and human rights law can be assessed as problematic first of all due to emerging problems with IDPs. Current Ukrainian Laws on IDPs is vague and it fails to protect human rights of IDPSs. Moreover even this law is not executed properly, which has negative impact on IDPS in general and especially on ethnic minorities such as Roma.

It should also be mentioned that no progress was achieved in implementation of the Strategy on integration of Roma people into Ukrainian society

MRG recommended developing and adopting the new Law on Minorities and national policy on Minority rights protection with division of responsibilities and goal between state actors, including relevant local action plans. This has not been done by Ukrainian authorities. The ENP report does not even mention this neither as a goal, nor as a pending obligation.

Speaking about Moldova, the report mentions that the Equality Council became operational in 2014, but there is no information for assessment of the quality of minorities' engagement in the work of the Council.

In terms of the increasing of the level of understanding and awareness among minorities in the Republic of Moldova, the Report mentions that public information campaign on preventing discrimination and how to ensure equality continued in 2014.

In the case of Georgia the ENP Progress report fails to address the issues which have been advocated by MRG such as knowledge of Georgian language and shortcoming of current education system; problems of extreme marginalization of Roma community, low level of political participation of national minorities, cultural and linguistic needs of smaller minority groups and long standing issues of repatriation and integration of deported Meskhetians.

Concerns of MRG as for the lack of concrete benchmarks and indicators as well as non systemic nature of the review of the state of minorities in the EaP countries in the report remain valid.

### **Minority rights in country reports:**

#### **Armenia**

Right for the freedom of expression for the minorities is still not ensured. The report points out that although there is at least limited freedom of speech media policy remains not sensitive to minority issues, namely gender, issue of minorities affected by Nagorno-Karabakh conflict.

Religion: Law on freedom of conscience and religion has still not been adopted. The only progress mentioned in the report is creation of alternatives to military service for Jehovah's witnesses.

Gender: The law on equal rights and equal opportunities for women and men has still not been implemented efficiently. National legislation does not provide any instruments for complaining about inequality. Levels of violence against women remain high. The law on domestic violence was not adopted.

Report mentions that the visibility of women's rights defenders increased thanks to the internet and social media. However, according to the document this greater visibility led to negative effect - threats and hate speech against women's rights organizations increased and there is no evidence of adequate reaction of police on these threats.

Rights of children: Childcare system reform is going on. New alternative services are set up, however it looks like the positive effect has not been achieved yet, as: “The monitoring of childcare institutions brought new cases of abuse and ill-treatment to light. Children also remained among the poorest groups in society (36.2%), with a higher risk of poverty for children with disabilities, younger children, those with more siblings and those living in households headed by a woman”. According to the Report there is no clear, legally binding distribution of tasks between social protection and childcare services.

Discrimination: Armenia still does not have a comprehensive legal framework against discrimination. Discrimination and hostility against LGBTI people and people with disabilities remains widespread. People with disabilities were also socially segregated in all areas.

Language: Armenia developed a legal and institutional framework for protecting and promoting its minority languages, but its implementation is still not complete in a number of areas. In particular, minority languages remain little used in dealings with administrative authorities

## **Azerbaijan**

Religion: New restrictions (in particular regarding the number of persons allowed to pray in mosques and import of religious literature) were introduced and were strictly implemented.

Children: National action plan to prevent child labor exploitation, supported by an EU Twinning project was signed into action. The laws on child protection and to prohibit physical punishment of children are not adopted.

Gender: Draft rules on gender equality and domestic and inter-country adoption were developed and approved by the SCFWCA. However, according to the Report, the plan lacks adequate measures to further safeguard women’s rights, including combating violence against women, improving gender equality.

## **Georgia**

Religion. Report states that since 2012, the number of cases of intolerance against religious minorities has increased. In several cases Muslims have been prevented from gathering or praying. Official response to these cases did not go beyond condemnation as authorities failed to investigate them properly or prosecute offenders.

Discrimination: Anti-Discrimination Law was adopted. The report evaluates the law positively stating that the document covers all modern grounds for discrimination and provides for embedding an anti-discrimination mechanism in the PDO. The adoption of this law brought Georgia closer to the next level in the visa liberalization process.

Gender: A national action plan on gender equality (2014-16) was adopted and all existing gender and women's rights action plans were integrated into the human rights action plan (2014-15). Georgia has also signed the Council of Europe's Istanbul Convention on preventing and combating violence against women and domestic violence. However, the implementation of these policies remains problematic. Different state agencies often lack coordination, which decreases efficiency of their work. Additional effort should be put to combat violence against women, address the needs of women from different minority groups and introduce special measures to enhance women's participation in politics. Another problem is girls marrying early and dropping out of school.

Children: Child poverty in Georgia was on the rise. The level of poverty among children is 50% higher than among the general population. Legal changes were initiated to ensure the protection of children's rights and their full access to education, health and social services. The government also drafted a new Juvenile Justice Code, which covers all issues related to children in conflict with the law, as well as child victims and child witnesses.

## **Moldova**

Language: New Educational Code came into force in October 2014, according to which Russian language was made an optional rather than a compulsory subject for schools teaching in Romanian, which caused concern among some minorities. The Council of Europe's European Charter for Regional and Minority Languages has not yet been ratified.

Minorities integration: 'Strategy on the integration of national minorities' has been drafted but the progress was slowed down by the electoral campaign.

Ethnic minorities: Functioning of the autonomous region of Gagauzia remains problematic issue. There is a lack of clarity in the relations between the central authorities and the autonomous region of Gagauzia. Further tensions were caused by the referendum on foreign policy orientation held in Gagauzia. OSCE stepped in to mediate the conflict. However, attempts to improve the situation have led to little result so far. A draft law tabled unilaterally by some MPs, amending certain Moldovan laws to bring them in line with the Law on the Special Status of Gagauzia, passed its first reading but was not supported by the Gagauz representatives.

The update on Roma rights is quite unspecific. It is mentioned that the network of Roma community mediators expanded considerably during 2014, and began to make some progress regarding Roma inclusion at local level. However, the problem of segregated school areas remains.

Moldova continued to implement the 2012 law on equality. The Equality Council created under this law become operational and, in March 2014, approved a plan to implement the

law on equality. A public information campaign on preventing discrimination and how to ensure equality continued in 2014.

The report provides statistics on the appeals to the Council (Since its creation, the Council received 108 complaints and examined 79 of them. Twenty-nine decisions were taken, seven of which related to the private sector and twenty-two to the public sector), but it does not really provide the insight on the efficiency of the work of the Council.

Gender issues: Law on introducing a minimal representative quota of 40% for women on the electoral lists of political parties was drafted but not adopted yet. Underrepresentation of women in public life remained an issue: 18.5% of serving mayors are women, and women hold 17.4% of seats in district and municipal councils and 28.6% in local councils. This was also an issue in the private sector, the third sector and tripartite mechanisms. Women faced specific barriers on the labour market and faced a significant pay gap (women's wages are 87.1% of men's wages).

Moldova's General Police Inspectorate conducted information campaigns together with specialised NGOs on the legal framework governing the prevention of domestic violence. The General Police Inspectorate also took action towards further reform on gender-based violence and this was ongoing at the end of 2014, in particular as concerns amending practices for prosecuting rape.

Children: Child protection strategy for 2014-20 was approved. The document addresses the issues of residential care, combating violence against children.

Religion: issue of privileged position of Orthodox Church remains present also there are issues with introduction of religious education in schools.

## **Ukraine**

Gender: The state programme for gender equality and equal opportunities for 2014-16 is not implemented properly due to the lack of funding. . The number of cases of domestic violence increased. A state hot line for the victims was not yet set up.

Discrimination: the Ministry of Social Policy prepared amendments to the legislation on employing people with disabilities. They focused on incentives for employers and administrative sanctions for companies violating the rights of people with disabilities. The Draft Law has not been approved yet.

Amendments to the anti-discrimination law were adopted by parliament, addressing key issues, including provisions on shifting the burden of proof in cases before the courts. However, the law still lacks provisions on counteraction to the discrimination on sexual ground.

Roma: strategy and an action plan on the inclusion of the Roma minority were adopted. But again implementation was hindered by the lack of resources.

Language: in February 2014 the Acting President vetoed the revocation proposed by parliament of the 2012 language law. 2012 language law had been positively assessed by the Venice Commission, so its positive that no changes were introduced.

IDPs: the report focuses on the cases of deterioration of human rights in Crimea and Donbass, specifically mentioning cases of kidnapping of Crimean Tatars and repressions applied to the Mejlis (the Assembly of Crimean Tatars)

The report mentions problems with IDPs law and its implementation, pointing out that the actions of the state lack coordination and basic rights of IDPs remain not protected.

### **About the EU Progress report**

**Progress reports** on implementation of the European Neighbourhood Policy (ENP) are published once a year by the European Commission and the High Representative of the European Union for Foreign Affairs and Security Policy assessing the progress made towards the objectives of the Action Plans and the Association Agendas. **The reports about the implementation of the ENP in 2014 were adopted on 25 March 2015.**

Available here: [http://eeas.europa.eu/enp/documents/progress-reports/index\\_en.htm](http://eeas.europa.eu/enp/documents/progress-reports/index_en.htm)