

CHARTING PERFORMANCE IN THE EASTERN PARTNERSHIP: DEMOCRACY AND GOOD GOVERNANCE, POLICY CONVERGENCE AND SUSTAINABLE DEVELOPMENT

The **Eastern Partnership Index 2021** charts the performance of the six Eastern Partnership countries and their progress towards sustainable democratic development and European integration. The Index measures developments in the areas of:

- ✓ Democracy and Good Governance;
- ✓ Policy Convergence with the European Union;
- ✓ Sustainable Development.

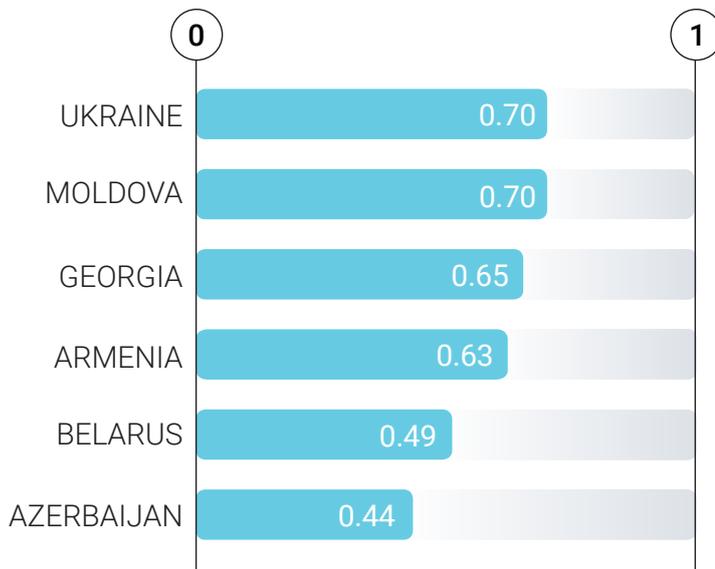
For the first time, the **EaP Index** generates sectoral recommendations to help civil society, EaP policymakers, independent researchers, think-tanks and the European Union make evidence-based decisions and practical reforms to enhance the EaP's implementation.

MONITORING IN NUMBERS

- 15 thematic areas
- 1,000 entries Questionnaire, multiplied by 6 countries
- 6 cross-cutting and 100+ sector specific recommendations
- 50+ experts from all EaP states
- 14 validation meetings
- 10 individual in-depth interviews

OVERALL TRENDS

TOTAL APROXIMATION SCORE



The 2021 Index found Ukraine and Moldova to be the joint frontrunners, with Georgia in third position. The results mean that the Associated Trio hold the top three places based on aggregate scoring. Armenia scored well on indicators to do with democracy and good governance, but was less impressive with regards to policy convergence, thus it takes fourth place. Fifth and sixth places are taken by Belarus and Azerbaijan. In both of these cases, their scores were lower than those in the 2017 Index, thus the gap between the two worst performers and the leading four became palpably wider.

All charts, the 2021 Questionnaire and sources are available at

<https://eap-csf.eu/eastern-partnership-index/>

KEY DEVELOPMENTS AT A GLANCE

The Associated Trio moves ahead, albeit with some flaws

All three states –Ukraine, Moldova, Georgia- stay at the top of overall Approximation scorecard. They also saw their aggregate scores on policy convergence rise from 2017, which is a reflection of the far-reaching effects of their Association Agreements (AAs) and Deep and Comprehensive Free Trade Agreements (DCFTAs). Though the AAs and DCFTAs remain dynamic works in progress, they have already underpinned considerable normative and legal approximation. Bilateral trade between the EU and the Associated Trio has grown and high levels of policy convergence between the three states and the EU have transpired, particularly in the spheres of Freedom, Security and Justice and the Environment and Climate. The Associated Trio made some improvements in democracy and governance areas, but progress was patchy, with inertia and backsliding also apparent. The Associated Trio all struggled with the fight against corruption and saw their scores depreciate from 2017. Georgia and Ukraine also lost a significant number of points in relation to the independence of their judiciaries and all three states saw their independent media scores depreciate.

Armenia makes significant advances in Democracy and Good Governance, so what next?

Armenia's approximation in some areas is on a par, or even above, the level of the Associated Trio. This score reflects the progress made prior to the country's withdrawal from the Association Agreement with the EU, and the democratic reforms that transpired after the Velvet Revolution in 2018. The sustainability of Armenia's achievements hitherto is highly dependent on not only political and macroeconomic stability, but also on there being sufficient domestic capacity and resources in public administration and CSOs to carry out implementation, monitoring and verification. The results of the Index confirm the need for an 'Associated Trio+' formula to exist in those areas where it makes sense to include Armenia, but at the same time still allows the Associated Trio to maintain their identities and relations with the EU premised on the notion of future full membership. Meanwhile, Armenia will progress on a 'more for more' principle.

Independent judiciary: Inertia and backsliding tendencies in plain sight

The 2021 Index confirms that all EaP states, including the Associated Trio, struggle with maintaining judicial systems that are independent and resistant to political interference. The COVID-19 pandemic did not 'cause' fault lines in the judicial sector, but rather it exacerbated longstanding systemic and procedural problems. Anchoring judicial independence requires a combined effort from authorities, CSOs and international organisations. It also assumes that relevant

legal expertise exists in public administrations, including Parliaments, as well as CSOs, in order that reforms can be effectively implemented and verified. Institutional frameworks and inter-institutional relationships need to be examined and tested for purpose, alongside effective measures to ensure that judicial appointments, promotions and dismissals are made according to EU and international norms and good practice. Equally, judicial independence has to be conceived as a 'process' and not just a static end-goal, thus training and re-training of judges and other legal staff should be routine. Equally, the gender balance in the judiciary requires attention. Furthermore, the realisation of an independent judiciary can only make a real and sustained difference, if access to justice is facilitated and guaranteed for all citizens, including vulnerable groups.

The gap between law and implementation remains a challenge in the fight against corruption

Previous gains in the fight against corruption were seemingly lost across the EaP region. All states, apart from Armenia, whose score appreciated, saw a substantial drop in their scores since 2017. Out of the Associated Trio, Ukraine experienced the sharpest fall. First and foremost, the results of the Index point to a gap between legislation and actual implementation. Second, there is a lack of public trust in national anti-corruption bodies. This is reinforced by the fact that many high-level crimes carried out by corrupt officials and élites against the state have yet to be properly investigated and offenders mostly go unpunished. Third, whilst a plethora of anti-corruption institutions have emerged in EaP states, the result has often been an overly complex web of bodies with competing mandates and remits. Finally, the fight against corruption is a moving target, with fresh challenges for EaP anti-corruption bodies and CSOs with limited resources.

Strengthening a rights-based approach to gender within inclusive societies

Implementation of the Council of Europe's Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is an essential component of an inclusive society and indicative of a rights-based approach to gender. The Istanbul Convention came into force in Georgia already in 2017 and the Moldovan Parliament ratified it in October 2021. Meanwhile, whilst, Armenia and Ukraine signed Convention in 2018 and 2011, respectively, they have yet to ratify it. It is more urgent than ever to ratify and implement the provisions of the Istanbul Convention. Ratification signals not just a legislative action, but also a commitment to awareness raising, bolstering punitive measures against offenders and recognising the rights of victims. Furthermore, EU support for EaP states in this sphere needs to address the root and structural causes of gender-based violence, thus assistance needs to cohere with the EU Gender Plan 2021-2025 and relevant Sustainable Development Goals.

The results of the 2020/21 Index bode well for Moldova. Alongside Ukraine, Moldova is the joint frontrunner in the aggregated approximation score. It is the overall leader on policy convergence and the top scorer out of the Associated Trio for Democracy and Good Governance. Moreover, the 2021 Index shows that Moldova significantly progressed in the spheres of Environment, Climate and Energy. As a result of the presidential and parliamentary elections in Moldova in 2020 and 2021, the country seems to be on the cusp of change with pro-Europe, anti-corruption leaders at the helm. Expectations are high, at home and abroad to see the types of sweeping changes that could bring an end to state capture, which held back the country's political and socio-economic development for at least the past decade. First, the independence of Moldova's judiciary needs to be assured. This is a momentous task and will require the combined and ongoing efforts of authorities, donors and CSOs. Second, CSOs need an enabling environment replete with channels to meaningfully interact with authorities. Third, Moldova's public administration at national and local levels needs to be subject to ongoing scrutiny, support and verification for professional standards from the side of the EU and CSOs.

It is inherently problematic to evaluate Belarus within the same framework as the other five EaP states, particularly in those spheres that relate to democracy, human rights, independent judiciary, political pluralism and independent media. Belarus appeared at the bottom of the scorecard in the sphere of deep democracy and governance more frequently than Azerbaijan and saw some backsliding in policy convergence. Belarusian authorities have now decided to suspend their participation in the EaP and at the same time have engaged in new and intensive forms of hybrid warfare towards the EU, by using migrants to pile pressure at its borders with Poland and Lithuania. This development requires an approach from the EU's side that strongly distinguishes the Belarusian people and their desire for freedom, from Lukashenka's illegitimate regime. First, flexible, timely and needs-based support for CSOs and activists needs to continue. Second, free journalism in all of its forms needs support, especially against the backdrop of preparations for the referendum in 2022. Third, donor support should also continue towards free academia, research and student communities both inside and outside the country. Fourth, the brain drain, especially of young people and entrepreneurs going westwards needs to be recognised and its effects considered for future of the country.

SIX CROSS-CUTTING RECOMMENDATIONS TO THE EUROPEAN UNION

- 1. Put greater emphasis on monitoring and verifying actual implementation and consistency in practice.** This is important, if the apparent gaps and discrepancies between law and practice are to be bridged, especially in the case of the Associated Trio, but also Armenia. Monitor measures of inclusivity and equality, as per SDG commitments, and link them to the EU support, including pandemic recovery funds.
- 2. Offer 'more for more', when real and sustainable improvements in the areas of democracy and governance happen.** It is important that the EU recognises the hard work done so far, not least by CSOs, and to give concrete acknowledgement of the Association Trio's EU membership aspirations, but at the same time, do not lower the bar regarding further reforms. Armenia should be attached to the Associated Trio, as and when useful and desired by all sides. Now is a good time for the EU to step closer towards a visa-free regime with Armenia.
- 3. Work together with EaP authorities and CSOs on post-pandemic resilience building and meeting SDG commitments.** This needs to entail reviewing lessons learned from the pandemic, monitoring public policies to verify whether temporary pandemic-induced restrictions are being satisfactorily removed, making the disbursement of recovery support for authorities contingent on their further commitments to ensuring oversight and verification roles to CSOs and ensuring that robust checks and balances are in place to prevent the corrupt use of incoming financial relief. Provide practical support with regards to good European practice in terms of online delivery of public hearings and consultations, court trials, parliamentary scrutiny and so on. Affirm the rights and participation of vulnerable groups and women in recovery plans.
- 4. Pay attention to the rule of law, in particular the extent to which judiciaries are able to resist partisanship and political interference, and support EaP citizens' access to justice.** Independent judiciaries are key in this respect, but wider efforts are also needed on the side of the EU and EaP stakeholders to make sure that citizens are aware of their rights and have unencumbered access to justice, including legal counsel and legal aid. CSOs should continue their expert involvement in these reform processes and monitor implementation. This can include the carrying out of frequent stress tests, by CSOs and independent legal experts and bodies to evaluate the independence of the judiciary and citizens equitable access to justice.
- 5. Support building inclusive societies through re-enforcing stronger commitment to right-based gender policies.** As a first step, the EU should tether ratification and implementation of the Istanbul Convention to its support for Ukraine, Armenia and Azerbaijan. EU support should be forthcoming towards Moldova to help authorities and CSOs to implement the provisions of the Convention across all elements of government and public services, including the education system. Inclusive societies also foresee robust anti-discrimination legislation on SOGI, LGBTIQI+ rights and vulnerable groups. The EU should continue to support CSOs active in these areas and place stronger expectations on EaP states to improve legislative and practice.
- 6. Establish mechanisms for flexible support and make available resources for civil society to access in case of emergency.** In the case of Belarus, whilst public authorities have left formal EaP structures, the EU and member states need to reaffirm the democratic aspirations of the Belarusian people and their orientation to European values. Accordingly, the EU needs to continue to provide lifelines to affected and liquidated CSOs, as well as safeguarding the rights and providing assistance to political refugees from Belarus.



EASTERN PARTNERSHIP CIVIL SOCIETY FORUM

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The Eastern Partnership Civil Society Forum (EaP CSF) is a unique multi-layered regional civil society platform aimed at promoting European integration, facilitating reforms and democratic transformations in the six Eastern Partnership countries - Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. Serving as the civil society and people-to-people dimension of the Eastern Partnership, the EaP CSF strives to strengthen civil society in the region, boost pluralism in public discourse and policy making by promoting participatory democracy and fundamental freedoms. The EaP CSF is a non-partisan bona fide non-governmental organisation. For more information, please visit the EaP CSF website www.eap-csf.eu



EUROPEAN UNION

The European Union is an economic and political union between 27 European countries. It is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and gender equality prevail. The Eastern Partnership (EaP) is a specific dimension of the European Neighbourhood Policy involving the EU, its Member States and six Eastern European Partners: Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine. The EaP aims at building a common area of shared democracy, prosperity, stability, and increased co-operation. The bonds forged through the EaP help to strengthen state and societal resilience. www.europa.eu