STRATEGIC PLAN NETWORK 23 2015-2020

CODE OF CONDUCT



Skopje, July 2015

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FOREWORD

The Strategic Plan of NETWORK 23 sets the starting basis in the strategic planning process, which defines the mission, vision, values, and the mid-term strategic goals of the Network until 2020. The Strategy is a result of the efforts undertaken by the members of NETWORK 23 to address the established backslide in areas of judiciary and fundamental rights in the Republic of Macedonia, through a clear commitment for implementation of European standards.

This Plan is designed to help NETWORK 23 in attaining synergy of its overall activities and to enhance the effects of joint actions by civil society organizations in areas covered by Chapter 23 in the EU accession process, i.e. Judiciary and Fundamental Rights, with a view to strengthen the voice of citizens in making changes necessary to establish democratic standards and respect the rule of law in the Macedonian society.

Association of Finance Officers of Local Government and Public Enterprises in the Republic of Macedonia - Veles

Centre for Change Management - Skopje Centre for Strategy and Development PAKTIS - Prilep Coalition All for Fair Trials - Skopje Coalition Sexual and Health Rights of Marginalized Communities- Skopje Equal Access - Association of Citizens for Equal Opportunities- Skopje European Policy Institute - Skopje Freedom Square Association - Association of Activism, Theory and Art- Skopje Helsinki Committee for Human Rights of the Republic of Macedonia - Skopje Institute for Human Rights - Skopje NGO Info-Centre - Skopje

NOVUS Association- Strumica

STRATEGIC PLAN NETWORK 23

1. INTRODUCTION

Network 23 is the result of the implementation of the Network 23 Project, funded by the European Union, under the IPA Civil Society Facility. The Project was launched in May 2014. The main objective of the Project is to contribute to the implementation of the Chapter 23 Acquis in the accession process of the Republic of Macedonia by providing a structured input of the network of civil society organizations.

One of the key activities under the Project was the grant scheme for support of national and local level civil society organizations active in the area of rule of law. The grant scheme was designed to establish a platform for monitoring and evaluation of national policies for implementation of standards and policies under Chapter 23 - Judiciary and Fundamental Rights.

Recognizing the pivotal role of Chapter 23 in the accession process in the context of EU's Enlargement Strategy, civil society organizations - project partners and grantees - launched a process of self-organization of civil society organizations.

The Strategic Plan of Network 23 2015-2020 is a product of a participatory process, pursued under a workshop held in March 2015 in Struga, as well as consultations held prior to and after the workshop, which resulted in developed Strategy and Code of Conduct.

Founding members of Network 23 expressed their will to continue working under the Network and to ensure the sustainability of the Network.

2. WHO WE ARE AND WHAT WE ARE COMMITTED TO

Network 23 consists of civil society organizations the regular activities of which cover monitoring and evaluation of policies under Chapter 23 - Judiciary and Fundamental Rights- and which advocate for their positions and proposals in these areas before the public authorities.

The activities of CSO's and of the Network are aimed at encouraging a public debate in the Republic of Macedonia on issues relating to judiciary and fundamental rights covered by Chapter 23 in the EU accession process, as well as at influencing public authorities and the public at large, using evidence based research and advocacy, while empowering citizens to have a say in key issues of democracy and the rule of law.

Network 23 is committed to independence of the judiciary and to ensuring quality of justice. Furthermore, Network 23 is committed to a policy of zero corruption tolerance in the fight against corruption. A focal commitment of Network 23 is protection and promotion of fundamental rights of citizens of the Republic of Macedonia in pursuance with the country's Constitution and international legal instruments, especially the EU Charter of Fundamental Rights and the European Convention on Human Rights.

Network 23 will systematically and closely follow developments in the Republic of Macedonia in areas covered by Chapter 23 in the EU accession process and will endeavour for direct participation of the Network in discussions and debates among stakeholders at national and at local level. Network 23 will actively contribute to monitoring the implementation of the National Program for Adoption of the Acquis - Chapter 23 (Judiciary and Fundamental Rights) in the EU accession process. Network 23 will actively follow the EU accession negotiations on Chapter 23 and once negotiations are launched, it will monitor the setting and fulfilment of benchmarks under this Chapter, while making its contribution with its positions, proposals, and recommendations.

3. MISSION, VISION, VALUES

MISSION

Network 23 is a relevant participant in the policy making process, based on evidence, in areas of judiciary and fundamental rights, by encouraging active citizenship

VISION

Macedonia is a respectable member of the EU, which is governed by the rule of law and which respects high standards of human rights and freedoms

VALUES

In pursuing its activities, Network 23 will be guided by the following values:

*Rule of Law

As a fundamental democratic principle, the rule of law is to ensure that no one is above the Law.

*Equality and Equal Access to Justice

The principle according to which all are equal before the law and all are provided equal access to judiciary, as a basic democratic value, is a guiding principle applied in the activities of Network 23.

*Transparency and Accountability

Transparency and accountability of public authorities are to enable citizens to evaluate policies pursued by the authorities and make decisions in an informed manner, which on its part will create conditions in which civil society organizations will be able to objectively monitor and evaluate public policies. Furthermore, transparency and accountability of civil society organizations ensures their responsibility before their membership and before citizens at large.

*Responsibility

Non-fulfilment and violation of established rights and obligations set the grounds for calling upon responsibility at all levels.

The principle of accountability of public authorities requires active participation of citizens in the political decision-making process and in exerting control over the authorities.

*Legal Certainty

With a view to ensuring the rule of law, the law must be clear and precise, and its consequences must be predictable. It is necessary that citizens and all legal entities are informed about their rights and obligations and that conditions are created in which they can operate fully aware of the conditions for and of the consequences of their actions.

*Dialogue

The dialogue with public authority bodies and with other organizations, as well as dialogue within Network 23 will be pursued in a constructive manner, based on arguments and by respecting the arguments and positions of the others.

*Inclusiveness

The inclusion of civil society organizations and of all stakeholders is a fundamental prerequisite to ensure a comprehensive platform for expressing opinions, positions, proposals and recommendations with the aim of participating in public policy design and evaluation.

*Equality

The inclusion of all entities in a democratic process on equal footing and with equal rights and obligations is the fundament of equitability and fairness.

*Participation of Citizens

The starting point of action for civil society organizations is the necessity that citizens participate in a substantive manner in the democratic processes, expressing and articulating their interests and positions, as well as exercising and protecting their rights and freedoms.

*Partnership

Joint actions with public authorities and among civil society organizations will be based on common goals and interests, while respecting equitability and equality, and will be pursued under a constructive dialogue with a view to enhancing the voice of citizens in the democratic process.

*Efficiency

The goals should be attained with optimal spending of resources, however without threatening the inclusive democratic process.

4. CONTEXT ANALYSIS

At the time of adoption of this Strategic Plan, the Republic of Macedonia is facing a political and institutional crisis. The continual influence of the executive power on the other state bodies and institutions has resulted in a backslide in the development of democratic standards, which on its part has had a direct impact on the implementation of human rights. 1

Wiretapped telephone conversations published by the opposition point to serious abuses by representatives of the authorities and of the ruling parties, while a relevant response by the institutions is lacking. A political solution is sought by advancing the political dialogue, as well as by ensuring conditions for fair political competition and functioning of the Parliament in line with its constitutionally defined role.

The principle of separation of powers is not respected, while ruling parties have control over state institutions. The integrity of institutions has been seriously damaged. of the judiciary. The direct interference by the executive power undermines the independence of the judiciary. In addition, the system of checks and balances has been seriously disrupted, despite the fact that the Constitution and laws guarantee such a system. Functional autonomy of, under the Law, independent bodies in areas of judiciary and fundamental rights, has not been ensured. The close ties between the ruling political parties and institutions reach such dimensions that threaten the constitutional order of the Republic of Macedonia. The level of control by ruling political parties over state institutions prompts a climate of fear among citizens.

The room for public debate is limited. The key polices and laws in areas of judiciary and fundamental rights are adopted without open, comprehensive, and constructive debate involving all stakeholders. The legal uncertainty in the country is a problem considering the hasty adoption of a large number of laws, without relevantly inclusion and providing information to stakeholders and legal entities in general

Judiciary

The influence of the executive power on the appointment, promotion, and dismissal of judges and public prosecutors and of members of independent bodies and institutions in areas of judiciary and fundamental rights is especially concerning. The current funding of the judiciary cannot cover the expenditures, which is thus turned into an instrument of influencing the independence of the judiciary, while undermining the exercise of the right to access to justice. The courts' case law is not consistent. Conditions have not been created for professionalism and impartiality in the performance of the judges' office.

The evident stimulation of efficiency in adopting court judgements has an impact on their quality. Alternative methods of dispute resolution are scarcely implemented in the practice.

1 HThis is pointed out by many domestic civil society organizations and is also underlined in international organizations' reports, which establish backsliding in areas of judiciary and fundamental rights. Courts, public prosecutor's offices and other judiciary and fundamental rights institutions are not sufficiently open to the public

Prevention of and Fight against Corruption

Political clientelism, employment, and promotion on the grounds of political party membership create basis for widespread corruption and damage the integrity of all institutions. There are suspicions about serious abuses of voting rights of citizens.

Fundamental Rights

Analyses of founding members of Network 23 indicate violations of the principle of protection against torture, inhuman and degrading treatment, then bad conditions in prisons, and abuse of remand prison. There is no consistency in meting out sentences for perpetrators of crime and the courts' case law is inconsistent. Alternative punishments are rarely or are not used at all.

Dramatic regression in the freedom of expression and freedom of the media is observed, while hate speech remains unpunished.

The freedom of assembly and the right to peaceful protest are violated.

Large scale wiretapping, disclosed this year, points to sever violations of the right to privacy and to serious abuses by the authorities, as well as to systemic institutional deficiencies. The thus far application of special investigative techniques and plea bargaining in criminal procedures raise serious dilemmas as to the fairness of the procedure.

The level of exercise of guaranteed procedural rights in court proceedings does not satisfy European standards.

The established mechanisms for protection against discrimination do not function properly and do not satisfy European standards. The LGBT community faces violence, discrimination, hate speech, while remaining without proper protection by state authorities.

Measures for the exercise of rights by non-majority communities are not applied consistently, thus questioning the accomplishment of the goals of the Ohrid Framework Agreement. Backsliding in gender equality is observed - in terms of legislation, policies and in practice.

Despite numerous published programs and measures, integration of Roma is advancing at an exceptionally slow pace.

Intolerance towards minority and marginalized groups has acquired an institutional character and leads to social exclusion of such groups.

Citizens are not well informed about their rights and ways of exercising their rights, nor are they well informed about the functioning of institutions.

In the last several years, the Republic of Macedonia has digressed from being a regional leader of reforms in areas of judiciary and human rights in the long period of transition, turning itself into a country with retrograde processes in areas of pivotal importance for democracy, as confirmed by reports of a number of international organizations.²

The delay in the accession of the Republic of Macedonia to the EU, primarily due to the blockade on the start of accession of negotiations imposed by Greece owing to the name difference, has evidently had its impact on the current situation, especially due to the lack of external impetus for reforms. However, the preservation of democratic values established under the Constitution of the Republic of Macedonia is first and foremost an obligation of citizens of the Republic of Macedonia and nothing can stand in the way of defending such values.

The disrespect for the constitutional order and laws has reached such dimensions that demand calling upon accountability and urgent reforms. In such a situation, the role of civil society organizations - members of Network 23 - is of exceptional importance. With their monitoring, evaluation and advocacy for reforms, they can contribute to addressing the current serious challenges.

2 Reports of the European Commission on the Progress of the Republic of Macedonia published in the period from 2011 to 2014 continually underline the backliding in reforms in this area. The Senior Experts' Group Report of the European Commission published in June 2015, established systemic deficiencies in the rule of law in terms of abuses of authorities in communication surveillance by the Directorate for Security and Counterintelligence.

5. 2015-2020 STRATEGIC GOALS AND PRIORITIES

STRATEGIC GOAL 1. NETWORK 23 IS A RELEVANT SOURCE OF DESIGNING EVIDENCE BASED POLICIES IN AREAS OF JUDICIARY AND FUNDAMENTAL RIGHTS

STRATEGIC GOAL 2. NETWORK 23 SUCCESSFULLY REPRESENTS COMMON POSITIONS BEFORE THE RELEVANT AUTHORITIES IN THE REPUBLIC OF MACEDONIA, REGIONALLY, AS WELL AS BEFORE EU INSTITUTIONS

STRATEGIC GOAL 3. NETWORK 23 SIGNIFICANTLY CONTRIBUTES TO INFORMING CITIZENS AND TO RAISING AWARENESS OF RESPECT FOR HUMAN RIGHTS AND FREEDOMS

PRIORITIES

Area of JUDICIARY: CONTRIBUTION OF NETWORK 23 TO INDEPENDENT JUDICIARY AND TO QUALITY OF JUSTICE

-Merit based election and promotion of judges and public prosecutors;

-Impartial disciplinary procedures and procedures for dismissal of judges and public prosecutors;

-Financing and management of the judiciary in a way that guarantees its independence;

-Functional autonomy and integrity of independent bodies in the judiciary;

-Competence and impartiality of judicial bodies;

-Improvement of the quality of court judgments;

-Fair court proceedings;

-Ensuring better access to justice, including an advanced system of free legal aid;

-Transparency of judicial bodies;

-Establishment of and respect for a consistent case law and its publication.

Area of PREVENTION OF AND FIGHT AGAINST CORRUPTION: CONTRIBUTION OF NETWORK 23 TO ENSURING SYNERGY WITH OTHER NETWORKS

-Fight against high profile corruption;

-Fight against political clientelism;

-Preventing corruption in the electoral process;

-Preventing conflict of interest;

-Functional autonomy and integrity of independent bodies working in the area of fight against corruption;

-Protection of whistle-blowers

Area of FUNDAMENTAL RIGHTS: CONTRIBUTION OF NETWORK 23 TO A HIGHER DEGREE OF RESPECT FOR FUNDAMENTAL RIGHTS OF CITIZENS

-Exercise of voting rights without violations and pressures;

-Respect for and protection of the freedom of conviction, conscience and religion;

-Respect for and protection of the right to association;

-Respect for and protection of the right to privacy and strict limitations on surveillance of communications;

-Promotion of the freedom of expression in the media, including pluralism of media;

-Amendments to the Law on Lustration and consistent legality in the implementation of the ensuing process;

-Respect for the principle of presumption of innocence;

-Pronouncing remand prison in accordance with the Law and international standards;

-Ensuring appropriate accommodation conditions in penitentiaries (humane approach, dignity);

-Fair meting out sentences for perpetrators of crimes;

-Application of alternative punishments;

-Application of alternative measures in dispute settlement - mediation and arbitrage;

 -Respect for procedural rights in court proceedings freedom and security, right to a fair trial;

-Promotion of children's rights;

-Advancing protection of personal data;

-Establishment of effective legal and institutional mechanisms for prevention of and protection against discrimination;

Promoting gender equality;

 Implementation of rights of non-majority communities;

-Effective programs and mechanisms for integration of the Roma;

-Establishment of a functional system of protection of vulnerable groups and their integration in social life;

-Functional autonomy and integrity of independent bodies working in the human rights area in the Republic of Macedonia;

-Promoting professionalism in the work of lawyers.

MANNER OF ATTAINING THE GOALS

Network 23 will attain its goals and priorities by pursuing the following types of activities:

-Monitoring and evaluation of the implementation of policies under Chapter 23;

-Analyses of the situation and developments under Chapter 23;

-Raising and proposing issues for public debate;

-Development of reports, policy documents and recommendations;

-Development of proposals for public policies, for adoption of laws, presentation of opinions and raising other initiatives;

-Lobbying by Network 23 members in relation to policy making of relevance for the concerned areas;

-Improving the level of informing the public through Network 23 activities;

-Campaigns on issues of importance to Network 23 members;

-Organization of public debates, conferences, round tables and other public discussions;

-Joint reactions to important developments;

-Activities for media coverage;

-Consultations, cooperation and joint activities with professional associations and other civil society organizations and networks;

-Establishment of cooperation with regional and international associations and networks;

-Employing the potential and knowledge of Network 23 in accessing funds and strengthening the capacities of the Network members;

-Undertaking other types of activities that Network 23 members will agree upon

6.IMPLEMENTATION OF THE STRATEGIC PLAN

NETWORK 23 CAPACITIES AND RESOURCES

The Network will strengthen its capacities and resources through joint endeavours of its members.

Priorities to this end will be:

-Strengthening, expanding and spreading Network 23 at local and national level;

-Advancing ethnic representation and diversity of Network 23 organizations;

-Design of a communication and advocacy strategy and ensuring a direct link with citizens;

-Establishment and strengthening of structures and mechanism required for the functioning of Network 23;

-Strengthening the research capacities of members;

-Strengthening the capacities of members for organizational and financial management;

-Strengthening the capacities for thematic monitoring and evaluation of Chapter 23 policies, including the application of a Methodology for monitoring and evaluation;

-Developing high-quality public policy documents;

-Development of the mentorship concept, of external and internal peer-review;

-Exchange of best practices among members and with other organizations;

-Developing cooperation at the regional level and with EU organizations and networks.

Network 23 will use the web tool MERC 23- MK-EU resource centre for pursuing its activities and for the activities of its members. This is an open tool. Members will contribute to updating the MERC 23 data.

MONITORING THE IMPLEMENTATION

In the mid term, Network 23 will monitor its activities at two levels:

1) Level of achieved results (outputs); and

2) Level of social changes (outcome)

They will be measured against the following indicators:

Change/impact

1.The proposals of Network 23 are taken into consideration by national entities in at least two decision making processes annually;

2.The positions of Network 23 are taken into consideration by international organizations in at least two reports annually;

3.The national shadow report is a relevant source for evaluation of the situation by the public at large;

4.30% higher and more influential membership in 2020; 25% increased annual coverage of citizens by activities of Network 23 members;

5.The Network is becoming visible at the regional level in Southeast Europe.

Outputs

1.Prepared and published annual shadow report about the situation in areas of judiciary and fundamental rights;

2.At least 2 policy documents/ policy summaries published annually;

3.At least 2 developed analyses and researches of the Network jointly or by at least 2 Network 23 members;

4.At least 3 initiatives for public debates;

5.Increased media coverage of Network 23 by 25% annually;

6.At least 2 meetings annually with professional associations and other civil society organizations and networks.

CODE OF CONDUCT

1. INTRODUCTION

1.1 The Code of Conduct is a result of the Network 23 Project, financed by the European Union and implemented by the European Policy Institute - EPI-Skopje, in partnership with the Helsinki Committee for Human Rights of the Republic of Macedonia and the Centre for Change Management. A grant scheme was implemented within the Project, under which 10 organizations received funds for activities at the national and at the local level.

1.2 Civil society organizations- founding members of Network 23 - expressed their will to continue the activities of the Network. Thus, founding civil society organizations have agreed to adopt this Code of Conduct, establishing the fundamental consensually agreed upon principles and rules of action of the Network.

1.3 This Code of Conduct defines the goals and target groups, the vision and mission, principles and forms of cooperation and joint action, membership of the Network, communication, and joint documents and representation of the Network.

2. GOALS AND TARGET GROUPS

2.1 The main goal of this Code of Conduct shall be to define the principles of cooperation and communication among Network 23 members with a view to facilitating their activities and their wider establishment as a relevant factor in the decision making and public policy design processes in areas covered by Chapter 23 of the EU accession process-Justice and Fundamental Rights. The target group of this Code of Conduct shall be civil society organizations working on monitoring, evaluation, and advocacy for policies relating to the justice system and fundamental rights in the Republic of Macedonia, media workers, establishments of higher education, and public authorities at the local and national level.

3. VISION AND MISSION

3.1 The vision of Network 23 is that Macedonia become a respectable member of the EU, which is governed by the rule of law and which respects high human rights and freedoms standards.

3.2 The Mission of Network 23 is to become a relevant participant in the design and monitoring of evidence and argument based policies in areas of justice and fundamental rights by encouraging active citizenship.

4. PRINCIPLES

4.1 Members of the Network shall establish relations of trust, which includes tolerance, respect, and understanding.

4.2 Members of the Network hereby undertake to be open, responsible, clear, accountable, and transparent.

4.3 Members of the Network shall be free and independent entities with respect to their goals, decisions, and activities.

4.4 The Network shall be governed by the principle of equality of all members in the decision making process and in the overall activities of the Network.

4.5 Each Network member shall make a relevant contribution with a view to attaining the Network vision and mission.

5. FORMS OF COOPERATION AND JOINT ACTION

5.1 Members of the Network shall inform each other about activities relating to the Network. Access to information shall form the basis for all further steps in attaining the goals of the Network.

5.2 Members of the Network shall consult each other in adopting decisions. Members shall present their opinions about current developments, and shall ask for comments and feedback. All members of the Network shall raise initiatives and propose topics, in pursuance with the principle of equality.

5.3 All members of the Network shall have the right to raise an initiative for dialogue. The dialogue may be conducted at open public debates, at specialized meetings of members and shall result in joint analyses, positions, policy documents, recommendations, opinions, proposals, or other type of joint actions.

5.4 Joint actions of the Network shall be undertaken in partnership of all members. Partnership shall mean shared responsibility for all steps of the process, starting with the design of the agenda, wording, decision-making and implementation of initiatives.

5.5 Every member of the Network shall participate in the capacity and skill building of other members in order that all members are actively involved in the monitoring and evaluation of policies and in advocacy. Capacity building shall inter alia mean exchange of knowledge and good practices among members of the Network in their every day communication.

5.6 Members of the Network shall represent common interests and shall raise issues on topics relevant for Chapter 23, which are not cover by legislation or other instruments and measures or which are inappropriately elaborated. Their analyses and researches shall contain recommendations towards developing new solutions and approaches. Members of the Network shall be committed to including such recommendations in the political agenda. 5.7 Members of the Network shall participate in activities for raising the awareness among citizens about Chapter 23 policies and shall act with a view to voicing the positions of citizens in policy design and evaluation.

5.8 Members of the Network shall provide expertise and advice in various areas. The Network shall develop analyses and researches, which identify current and future needs in society and shall develop perspectives in this regard.

5.9 Members of the Network shall follow the decisionmaking and policy design process with respect to Chapter 23 in order that interests of stakeholders are taken into consideration and in order that such a process is made inclusive and transparent.

5.10 In pursuing joint activities, the Network shall use the following tools and mechanisms:

-MERC database, in which respect members of the Network shall agree that their materials are published using this web tool;

-On-line tools such as e-petitions;

-Dissemination of posters and fliers;

-Awareness raising campaigns and lobbying of civil society organizations;

-Cooperation with media outlets, debates and public forums with various groups in order to indentify their interests;

-Seminars, trainings, civil forums for discussions with stakeholders;

-Personal contacts, etc.

5.11 The Network shall cooperate with professional associations, and with relevant institutions participating in the decision-making and public policy design processes with respect to Chapter 23.

6. MEMBERSHIP

6.1 Membership of Network 23 shall be on voluntary basis. No fees shall be charged for membership of Network 23

6.2 Any civil society organization registered in the Republic of Macedonia, established at least one year prior to the Network 23 membership application, which works in areas covered by Chapter 23 – Justice and Fundamental Rights- and which is able to make its contribution to the development of policies and legislation relating to Chapter 23 – Justice and Fundamental Rights - may become a member of Network 23

6.3 Civil society organizations, which shall fulfil the membership conditions, shall become members of Network 23, after a process of informing and consultations among members of the Network, and after at least two thirds of the existing members have given their agreement to the membership of the civil society organization applying for membership.

7. COMMUNICATION

7.1 Members of the Network shall meet at least twice a year at the level of presidents/directors, and shall review the implementation of this Code of Conduct and of the Network 23 Strategic Plan, discussing as well other issues upon the initiative of members.

7.2 Every member of the Network shall appoint a contact person. The communication shall primarily be in electronic format, and electronic format communication among designated contact persons shall be considered as official communication.

7.3 Any member of the Network may raise an initiative for communication. The European Policy Institute (EPI) shall have the role of a coordinator of the communication. Hence, EPI's task shall be to inform all members of the Network about the on-going communication. Furthermore, EPI shall forward harmonized proposals of the Network to relevant institutions and other actors, and vice versa. The designation of a joint contact point shall not limit civil society organizations to cooperation with relevant state institutions.

8. JOINT DOCUMENTS AND REPRESENTATION

8.1 Members of the Network shall reach an agreement on the publication and representation of joint documents through a process of consultations. The publication and promotion of a document as a Network 23 document shall require the agreement on the contents of the document of at least two thirds of the members. The document shall state the names of members that agree with the document contents.

9. AMENDMENTS AND SUPPLEMENTS

9.1 This Code of Conduct shall be amended with the agreement of two thirds of members, upon the proposal of one or several members, following consultations among all members.



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Kingdom of the Netherlands