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# CSO METER

A compass to conducive environment and CSO empowerment

## REGIONAL REPORT 2022



## CSO Meter 2022 Regional Report

The European Center for Not-for-Profit Law Stichting (ECNL) has prepared this regional report based on the findings and priorities of the six CSO Meter country reports for 2022 from its six partners: Transparency International Anticorruption Center in Armenia; MG Consulting LLC in Azerbaijan; Civil Society Institute in Georgia; Promo-LEX Association in Moldova; the Ukrainian Center for Independent Political Research (UCIPR); and country researchers from Belarus.

Lead authors from ECNL: Simona Ognenovska and Luben Panov, with support from Karolina Iwańska (as author of the sections on Digital rights and Right to privacy) and contribution from Eszter Hartay.

ECNL is a leading European resource and research centre in the field of policies and laws affecting civil society. ECNL creates knowledge, empowers partners and helps set standards that create, protect, and expand civic freedoms.

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TABLE OF

# CONTENTS

<b>ABBREVIATIONS &amp; ACRONYMS</b>	<b>4</b>
<b>I. EXECUTIVE SUMMARY</b>	<b>5</b>
<b>II. FINDINGS</b>	<b>11</b>
2.1 FREEDOM OF ASSOCIATION	11
2.2 EQUAL TREATMENT	13
2.3 ACCESS TO FUNDING	14
2.4 FREEDOM OF PEACEFUL ASSEMBLY	16
2.5 RIGHT TO PARTICIPATION IN DECISION-MAKING	18
2.6 FREEDOM OF EXPRESSION	21
2.7 RIGHT TO PRIVACY	23
2.8 STATE DUTY TO PROTECT	25
2.9 STATE SUPPORT	27
2.10 STATE-CSO COOPERATION	29
2.11 DIGITAL RIGHTS	30
<b>III. KEY PRIORITIES</b>	<b>33</b>
<b>IV. BIBLIOGRAPHY</b>	<b>40</b>
<b>ANNEX 1. REGIONAL SCORES 2022</b>	<b>41</b>

# ABBREVIATIONS & ACRONYMS

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AI	Artificial intelligence
AMD	Armenian Dram
AML/CTF	Anti-money laundering and counter-terrorism financing
AZN	Azerbaijani Manat
CSO	Civil society organisation
EaP	Eastern Partnership
ECNL	European Center for Not-for-Profit Law Stichting
EU	European Union
EUR	Euro
GONGO	Government-organised non-governmental organisation
ISFED	International Society for Fair Elections and Democracy
LGBTQ+	Lesbian, gay, bisexual, transgender, queer/questioning, intersex, asexual, etc.
NNLE	Non-entrepreneurial non-commercial legal entity
OGP	Open Government Partnership
SLAPP	Strategic lawsuit against public participation
UBO	Ultimate beneficial owner
UCIPR	Ukrainian Center for Independent Political Research
VAT	Value Added Tax

# I. EXECUTIVE SUMMARY

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## Impact of Russia's invasion of Ukraine on the civil society environment

The **Russian invasion of Ukraine has resulted in massive civilian casualties and the destruction of infrastructure, which has led to millions of people fleeing the country.** The countries neighbouring Ukraine were also significantly affected. 580,000 Ukrainian refugees fled to Moldova, of which 89,000 remained at the end of 2022. Armenia and Georgia faced an influx of tens of thousands of Russian citizens due to political persecution, economic sanctions, and military conscription in Russia.

**Russian aggression has had an adverse impact on the state of civil society in the Eastern Partnership (EaP) region.** The Belarusian involvement in the invasion of Ukraine worsened the divisions and increased feelings of guilt in Belarusian society. This led many civil society organisations (CSOs) previously relocated from Belarus to Ukraine to seek new safe harbours to operate from. Separately, the **Belarusian** state authorities continued the dismantling of the fundamental principles of the rule of law, persisted in their systematic human rights violations, continued their crackdown on independent civil society and repression of any internal manifestation of opposition. In **Moldova**, the Government led by Natalia Gavriiliță worked in **crisis conditions**, both due to the influx of refugees and subsequently because of the energy crisis. With the war in Ukraine diverting the world's attention elsewhere, the political tensions in **Nagorno-Karabakh** between Armenia and Azerbaijan again escalated in September 2022, as a follow-up to the 44-Day War in 2020, with victims on both sides.

**CSOs in the EaP region shifted their priorities** to meet the needs of populations affected by the war. Ukrainian CSOs urgently adapted to the changing circumstances by relocating and upgrading their organisational capacities. In Georgia, many CSOs started providing humanitarian and legal assistance for people in Ukraine, as well as to Ukrainian refugees fleeing to Georgia. In Moldova, the influx of refugees led to a robust response from Moldovan civil society which mobilised to aid refugees, including the provision of transport, accommodation, material aid and counselling. CSOs in different countries organised fundraising campaigns to collect money and other in-kind donations to support Ukraine.

**In a significant step for closer relations, in midst of the crisis, the European Union (EU) initiated accession processes for Ukraine, Moldova, and Georgia.** Only Georgia failed to receive EU candidate country status, which is now pending the Government's completion of twelve priorities (one of them being the involvement of

civil society in decision-making processes at all levels). As a result, in June 2022, activists and CSOs organised a series of large-scale rallies to criticise the Georgian Government for insufficient action towards securing EU candidacy status and called for a technical interim government. Following these developments, the Georgian Government's stance against CSOs hardened, leading to verbal attacks on CSOs and the spread of disinformation against them.

## Key trends in the civil society environment

We identified the **following trends** that affect the civil society environment in the region:

### 1. Strained relationships between the state and CSOs

State authorities have taken diverse approaches towards CSOs in the region when it comes to their lack of involvement in decision-making, the low levels of investment in their development through state support, and the failure to protect CSOs against violations from third parties. This has exposed a trend of growing strains on the relationship between the state and CSOs. In Belarus, the authorities have effectively declared a war against independent civil society resulting in repression and the forced liquidation of organisations. In parallel, President Lukashenko's regime is creating its own civil society. In Azerbaijan, cooperation and support is only available to CSOs that are not critical of the Government and that do not engage in what the authorities deem to be 'questionable' activities, such as advocating against human rights violations. In Georgia, the Government has openly criticised CSOs and treated some of the most vocal organisations as an 'enemy'. It has also failed to protect CSOs from attacks from far-right groups.

Despite the growing challenges facing it, Ukraine has highlighted the important role of CSOs. For instance, the Government has worked with CSOs to draft the 2022-2024 action plan for implementing the National Strategy for Promoting the Development of Civil Society in Ukraine for 2021-2026. Positive developments have also been seen in Armenia (the participation of civil society in strategic documents) and Moldova (the creation of a consultative platform), although there is still a long way to go in ensuring the efficiency of such cooperation between the state and CSOs.

## 2. Increase in funding restrictions and barriers for CSOs

The financial viability of CSOs has been further challenged by the proliferation of two trends: restrictions on CSOs' access to funds (particularly foreign funds) and barriers to CSOs accessing financial services.

Access to resources for CSOs continues to be limited in Azerbaijan and Belarus. As a crucial source for CSOs' survival, especially challenging are the **restrictions on their access to foreign funding**. Such restrictions are also seen throughout the wider region. In Georgia, a political party submitted a draft 'foreign agent' law in the Parliament (which was withdrawn in 2023). Besides legal restrictions, opponents of civil society promoted a stigmatising narrative against CSOs that receive foreign funding and questioned their independence from foreign influence. CSOs in Moldova and Armenia have also faced smear campaigns linked to their sources of funding, mainly from illiberal groups or the opposition.

The **application of anti-money laundering and counter-terrorism financing (AML/CTF) measures** in the region by states and financial institutions has spread further and has impacted **CSOs' access to financial services**. CSOs have faced difficulties in opening bank accounts. For example, in Georgia, CSOs with Belarusian founders cannot open bank accounts. Also, CSOs which are bank clients have faced issues such as requests for burdensome documentation and experienced delays in payments in Moldova and Ukraine. Such difficulties result from the failure of states and financial institutions to understand the nature of operation of CSOs and from all CSOs being considered as in the 'high-risk' category, without providing a risk-based due diligence.

## 3. Expansion of digital surveillance threatens digital rights

Governments have **expanded the use of digital surveillance**, including artificial intelligence (AI)-driven facial recognition, without sufficient safeguards for human rights and due process. In many countries across the region, emergency measures adopted following the Russian invasion of Ukraine included increased powers for law enforcement and national security authorities to access the personal data and electronic devices of citizens. In Georgia, it was reported that activists and journalists have had their communications monitored, while in Armenia it was confirmed that the Government has used spyware. In Belarus, online services that refuse to provide security agencies with access to their users' personal and communications data risk being blocked. Government control over the digital public sphere was particularly severe in Belarus, where the Lukashenko regime has stepped-up arbitrary arrests of media workers, bloggers, online activists, and ordinary users, and extended the existing

Government's power to block websites used by news aggregators to disseminate information that is restricted in the country.

## 2022 CSO Meter Scores: the civil society environment in the EaP

Comparative Table 1. 2022 CSO Meter Scores

	Overall		Law		Practice	
	2022	2021	2022	2021	2022	2021
Armenia	<b>4.8</b>	4.8	<b>5.2</b>	5.2	<b>4.4</b> ↑	4.3
Azerbaijan	<b>4.1</b> ↓	4.2	<b>4.5</b>	4.5	<b>3.7</b> ↓	3.8
Belarus	<b>2.2</b> ↓	2.3	<b>2.7</b> ↓	2.8	<b>1.7</b> ↓	1.8
Georgia	<b>4.8</b>	4.8	<b>5.2</b>	5.2	<b>4.4</b> ↑	4.3
Moldova	<b>4.8</b> ↑	4.7	<b>5.1</b> ↑	5.0	<b>4.4</b> ↑	4.3
Ukraine	<b>4.7</b> ↓	5.3	<b>5.1</b> ↓	5.5	<b>4.3</b> ↓	5.0
<b>AVERAGE</b>	<b>4.2</b> ↓	<b>4.3</b>	<b>4.6</b> ↓	<b>4.7</b>	<b>3.8</b> ↓	<b>3.9</b>

CSOs in Ukraine, being directly affected by the war, suffered deterioration in all areas of the civil society environment. To a major extent this is the main factor that has influenced the deterioration of the **overall regional civil society environment score** from 4.3 in 2021 to 4.2 in 2022. There has been a decrease in the overall score in 10 out of the 11 areas monitored. Area 11 (Digital Rights) is the only area that saw an increase in overall score.<sup>1</sup>

The most significant decrease among the scores for Ukraine is in Area 8 (State Duty to Protect), while Ukraine is the highest scorer in the region in two areas: State Support and State-CSO Cooperation. The overall CSO environment country scores for Azerbaijan and Belarus also deteriorated compared to 2021.

For 2022, Moldova is the only country in the region in which the score for the CSO environment has not deteriorated in any of the 11 areas monitored. Because of its improvement in several areas, Moldova is also the only country to increase its overall country score from 4.7 in 2021 to 4.8 in 2022. As a result, in 2022, Moldova's overall score rates equally with that of Armenia and Georgia (4.8).

Moldova and Georgia are leaders in the region, by each having the highest overall score in a total of five areas, while Armenia follows closely, leading in four areas.<sup>2</sup> Azerbaijan

<sup>1</sup> It should be noted, however, that the major reason that led to an increase in this area is that it has been reassessed from a regional perspective and is a new, emerging area for which knowledge and assessment across international and national standards is evolving.

<sup>2</sup> In some areas there is more than one leader because multiple countries share the same top score.

and Belarus continue to record the lowest scores across all countries per area. Azerbaijan's average score in Law across all areas (4.5) remained same as in 2021, but the average score in Practice has deteriorated (from 3.8 in 2021 to 3.7 in 2022).

### Highest scores:



- Law: 6.1 | [Georgia](#) | Area 1 (Freedom of Association)
- Practice: 6.0 | [Georgia](#) | Area 1 (Freedom of Association)

### Lowest scores:



- Law: 1.9 | [Belarus](#) | Area 4 (Freedom of Peaceful Assembly)
- Practice: 1.2 | [Belarus](#) | Area 4 (Freedom of Peaceful Assembly) and Area 8 (State Duty to Protect)

Georgia is the country with the highest scores in Law and Practice and these are in Area 1 (Freedom of Association). Belarus, however, has not shown any attempt to improve and comply with international standards neither in Law, nor in Practice, considering that both scores have decreased. Belarus' overall score has decreased from 2.3 in 2021 to 2.2 in 2022. The country has the lowest scores in all categories of Law and Practice, notably in Area 4 (Freedom of Peaceful Assembly) and Area 8 (State Duty to Protect).



### Largest discrepancy between the average scores in Law and Practice:

- Area 7 (Right to Privacy) 1.6
- Area 6 (Freedom of Expression) 1.1
- Area 8 (State Duty to Protect) 1.0

### Smallest discrepancy between the average scores in Law and Practice:

- Area 1 (Freedom of Association) and Area 2 (Equal Treatment) 0.5

Area 1 (Freedom of Association) and Area 2 (Equal Treatment) are the areas with the highest scores across all countries and the smallest discrepancy between the average scores in Law and Practice (in all areas, Practice normally ranks lower than Law). These scores remained the same as in 2021, as did the list of areas in which there is the largest discrepancy between the average scores in Law and Practice: Area 7 (Right to Privacy), Area 6 (Freedom of Expression) and Area 8 (State Duty to Protect). However, the gap between the scores in Law and Practice in two areas: Area 7 (Right to Privacy), from 1.5 in 2021 to 1.6 in 2022, and Area 8 (State Duty to Protect), from 0.9 in 2021 to 1.0 in 2022,

has increased. This highlights the increasingly inconsistent implementation of the law in practice and increased cases of violation of the standards in these areas.

Ranking by Area:

Highest scores:



- Area 1 (Freedom of Association) 4.9
- Area 2 (Equal Treatment) 4.5

Lowest scores:



- Area 9 (State Support) 3.9
- Area 7 (Right to Privacy), Area 8 (State Duty to Protect), Area 10 (State-CSO Cooperation) 4.0

In the overall ranking, which is calculated as the average of the scores for Law and Practice, the area with the highest score is Area 1 (Freedom of Association), followed by Area 2 (Equal Treatment) (both unchanged from 2021). The area with lowest score is Area 9 (State Support), followed by Area 10 (State-CSO Cooperation) (both unchanged from 2021), with the addition, in 2022, of Area 7 (Right to Privacy) and Area 8 (State Duty to Protect).

# II. FINDINGS

## 2.1 Freedom of Association

Area 1	Overall		Law		Practice	
	2022	2021	2022	2021	2022	2021
Armenia	<b>5.7</b>	5.7	<b>5.8</b>	5.8	<b>5.6</b>	5.6
Azerbaijan	<b>4.0</b>	4.0	<b>4.5</b>	4.5	<b>3.4</b> ↓	3.5
Belarus	<b>2.3</b> ↓	2.4	<b>2.8</b> ↓	2.9	<b>1.8</b> ↓	1.9
Georgia	<b>6.1</b>	6.1	<b>6.1</b> ↓	6.2	<b>6.0</b>	6
Moldova	<b>5.5</b>	5.5	<b>5.6</b>	5.6	<b>5.3</b>	5.3
Ukraine	<b>5.6</b> ↓	5.9	<b>5.6</b> ↓	5.9	<b>5.5</b> ↓	5.9
<b>AVERAGE</b>	<b>4.9</b> ↓	<b>5.0</b>	<b>5.1</b> ↓	<b>5.2</b>	<b>4.6</b> ↓	<b>4.7</b>

Freedom of association has deteriorated across the region; the overall area score decreased from 5.0 in 2021 to 4.9 in 2022. Yet it remains the area with the highest score overall compared to all other areas. Georgia has the highest overall score for Freedom of Association among all areas in all countries (6.1). Armenia, Moldova and Ukraine have their highest score in this area among all other areas. Four countries - Azerbaijan, Belarus, Georgia and Ukraine – have seen deteriorations in this area compared to 2021, while in two countries - Armenia and Moldova - the scores remained the same as for last year.

Belarus and Ukraine show deterioration both in Law and Practice in this area. In Ukraine, freedom of association was significantly affected by the full-scale Russian invasion. While in Belarus, the overall score in this area decreased to 2.3 in 2022 (compared to 2.4 in 2021) and is the lowest country score in this area. This deterioration is a result of the further restrictions introduced to freedom of association, the forced liquidation of CSOs and further measures against participation in unregistered organisations.

Georgia's score in Law deteriorated in this area because of the amendments introduced to the Civil Code of Georgia and the Law on Entrepreneurship which obliged all CSOs to update their registration data which proved burdensome. While in Azerbaijan, the score deteriorated in Practice because an unofficial 'permission' system for CSOs to hold events in the regions still exists and the state continues to create illegal obstacles to CSO registration.

**1) More states impose obstacles to CSOs practising freedom of association.** Freedom of association is restricted in Belarus and Azerbaijan. In Belarus, many CSOs were either forcibly terminated or voluntarily decided to terminate themselves to avoid government attacks. In addition, the Constitution was amended in such a way as to

affect the notion of freedom of association itself, and the scope of restrictions on participation in political associations has changed. In addition, the Government restored criminal liability for organising and participating in an unregistered organisation, and two criminal cases related to this were pursued. In Azerbaijan, the Government did not take any measures to improve the situation regarding the registration and operation of CSOs, even though CSO-related measures were included in the National Action Plan for the Promotion of Open Government for 2020-2022. CSO registration in Azerbaijan remains a significant problem as CSOs complain of the lengthy registration proceedings (lasting several years) and foreigners are not allowed to be founders of CSOs. In Georgia, despite having the highest score in this area, the Government adopted a set of burdensome requirements, such as increased fees for registering an entity (from 35 EUR to 70 EUR) and for changing registration information. In addition, the requirement for Georgian CSOs to comply with the newly-adopted amendments to the Law on Entrepreneurs and the Civil Code led to confusion as to what steps CSOs need to take to comply with the new requirements, including examples of CSOs being forced to completely re-register by registration officials.

**2) There are states that continue to support freedom of association, even during war.**

Ukraine and Moldova showed positive steps in ensuring freedom of association. Ukraine, despite martial law, ensured that registration and changes to registration information (such as changes of the head of a legal entity, changes in the location of a legal entity, etc.) could continue. In September 2022, the Ministry of Justice of Ukraine proposed the Draft Law of Ukraine 'On Regulation of Activities and State Registration of Public Associations' that aims to improve CSO registration by, among other things, increasing the number of CSO registration bodies, reducing the number of documents required for CSO registration, and reducing registration deadlines from 3 business days to 24 hours. In Moldova, a new form of CSO was introduced: the association designed for local public administrations to implement development initiatives of local and regional interest and provide community services.

**3) States impose heavy requirements for CSOs to declare their beneficial owners.**

In several countries, the state authorities have imposed heavy requirements for CSOs to declare beneficial ownership, which means violation of their freedom of association. In Moldova, CSOs consider this requirement as problematic because the official representative of the CSO that is usually indicated in official records cannot be considered an ultimate beneficial owner (UBO), as they neither own nor benefit from the CSO's activity. In Armenia, from 2023, CSOs will need to report their UBOS to the state register and there is confusion about the term and what exactly CSOs need to report on. In Ukraine, because of a CSO-led campaign, the Parliament adopted

amendments according to which CSOs registered during the war will not be required to provide details of their UBO immediately.

## 2.2 Equal Treatment

Area 2	Overall		Law		Practice	
	2022	2021	2022	2021	2022	2021
Armenia	4.9	4.9	5.0	5.0	4.8	4.8
Azerbaijan	3.6	3.6	3.8	3.8	3.4	3.4
Belarus	2.7 ↓	2.8	3.1 ↓	3.2	2.2 ↓	2.3
Georgia	5.6	5.6	5.8	5.8	5.3 ↓	5.4
Moldova	4.6	4.6	4.8	4.8	4.4	4.4
Ukraine	5.3 ↓	5.9	5.4 ↓	5.9	5.2 ↓	5.8
<b>AVERAGE</b>	<b>4.5 ↓</b>	<b>4.6</b>	<b>4.7 ↓</b>	<b>4.8</b>	<b>4.2 ↓</b>	<b>4.4</b>

The equal treatment of CSOs in the region has deteriorated; the overall area score has decreased from 4.6 in 2021 to 4.5 in 2022. Georgia has the highest overall score (5.6), while Belarus has the lowest score (2.7).

Three countries recorded changes in score from 2021, of which Belarus and Ukraine saw a deterioration in their overall scores, while Georgia saw a deterioration only in its score for Practice. In Ukraine and Georgia, this deterioration was a result of the war which impacted on the state authorities and the measures they have taken in this area. In Ukraine, businesses enjoy more benefits as compared to CSOs. While in Georgia, there is an unequal approach by state institutions and banks in providing bank accounts for relocated CSOs compared to Georgian CSOs. In Belarus, the state authorities only provide space and support for government-organised non-governmental organisations (GONGOs) to operate, while independent civil society is discredited in the media, harassed, and terminated.

**1) States treat CSOs inequitably compared to businesses, and practice preferential treatment towards certain types of CSOs.** This inequitable treatment is visible in various aspects of the establishment and registration of CSOs and businesses, their operation, access to funding, receiving tax and other benefits, and reporting requirements. In dealing with states of emergency, such as the war in Ukraine, such treatment of CSOs is evident. Namely, state and local self-government bodies introduced special programmes for business relocation, with preferential conditions for renting premises and their arrangement and introduce grants for the development of business activities. Such support is not available to CSOs. In Georgia, CSOs and persons related to Belarus that have relocated and want to work in Georgia are unable to open bank accounts. Also, an additional bank fee is applied for a background check with the requirement that a long list of original corporate documents and personal information of the CSO's beneficiaries be provided.

2) **State officials discredit and stigmatise ‘critical’ CSOs that engage in watchdog and advocacy activities.** CSOs and activists that work on issues such as rule of law, human rights, and LGBTQ+ issues are often attacked and discredited both in the digital and physical space. In Belarus, CSOs are discredited by statements from ‘higher-level authorities’ and specific CSOs, members or activists are targeted in the state media. In parallel to engaging in smear campaigns, state authorities in Belarus and in Azerbaijan provide space for GONGOs and organisations close to the government to represent civil society. In Georgia, government representatives increasingly verbally attack critical CSOs or even limit these CSOs’ right to participate in public debates held within parliament. In Moldova and Armenia, smear campaigns and attacks in the media against vocal CSOs are still present, although with a decreased intensity compared to in previous years.

## 2.3 Access to Funding

	Overall		Law		Practice	
Area 3	2022	2021	2022	2021	2022	2021
Armenia	<b>5.4</b>	5.4	<b>5.8</b>	5.8	<b>4.9</b>	4.9
Azerbaijan	<b>3.0</b>	3.0	<b>3.2</b>	3.2	<b>2.8</b>	2.8
Belarus	<b>2.2</b> ↓	2.4	<b>2.4</b> ↓	2.7	<b>2.0</b>	2.0
Georgia	<b>5.7</b>	5.7	<b>6.0</b>	6.0	<b>5.3</b>	5.3
Moldova	<b>5.3</b> ↑	5.2	<b>5.7</b> ↑	5.6	<b>4.8</b> ↑	4.7
Ukraine	<b>4.7</b> ↓	5.1	<b>5.0</b> ↓	5.3	<b>4.4</b> ↓	4.8
<b>AVERAGE</b>	<b>4.4</b> ↓	<b>4.5</b>	<b>4.7</b> ↓	<b>4.8</b>	<b>4.0</b> ↓	<b>4.1</b>

Access to funding has deteriorated in the region; the overall area score has decreased from 4.5 in 2021 to 4.4 in 2022. Georgia has the highest overall score in this area in 2022 (5.7), while Belarus has the lowest overall score (2.2). Three countries recorded changes in score from last year, of which the scores for two countries - Belarus and Ukraine - decreased in 2022, while, for Moldova, there has been an increase in the scores for both Law and Practice.

The war has led to the deterioration of the score in this area for Ukraine and increased the relocation of Belarusian civil society and the associated difficulties in accessing funding. The improvements in Moldova in Practice are also linked to the war due to the increased availability of funding opportunities for civil society to deal with an influx of refugees. In Law, the score for Moldova in this area improved due to changes in legislation in philanthropy and sponsorship and the adopted rules on providing state funding to CSOs.

1) **Restrictions on foreign funding continue to negatively impact access to funding.** In Georgia, the ruling party Georgian Dream has continuously stigmatised CSOs, including based on the origin of their funding. In early 2023, this resulted in Georgian

Dream introducing and supporting two draft laws to restrict foreign funding for CSOs.<sup>3</sup> In Belarus and Azerbaijan, foreign funding is subject to severe restrictions and the situation has further worsened in the current reporting period. In Belarus, stigmatisation and criticism of CSOs that receive foreign funding is still prevalent in the public sphere; namely, various media publish and broadcast materials that libel CSOs receiving foreign funding, including specific activists and donors.

**2) Various legal and practical obstacles that burden CSOs' access to resources remain in place.** CSOs continue to face various obstacles to receiving funding from different sources. In Azerbaijan, restrictions related to donations seriously impede the operation of some CSOs. These restrictions include, among other things, the prohibition of anonymous donations, donations from foreigners and stateless persons, as well as cash donations exceeding 200 AZN (around 110 EUR). In Armenia, income from grants and donations is counted as part of the VAT turnover and, if CSOs exceed a certain threshold (115 million AMD or around 287,500 EUR), they need to charge 20 per cent VAT on the goods and services they provide. In Georgia, local authorities are still not listed in the Law on Grants and hence cannot provide grants to CSOs. Also, there are no unified standards on how Georgian institutions can provide state funding to CSOs. A positive example is in Moldova where a new regulation on providing state grants to CSOs has been adopted and beneficial amendments to the legislation on philanthropy and sponsorship have been introduced.

**3) AML/CTF related measures continue to negatively affect access to funding.** Belarusian CSOs remaining in Belarus, and those that have relocated abroad face significant restrictions on opening bank accounts (primarily in Georgia) and on moving funds due to the Belarusian origin of their founders, even when their organisation is registered in their new host country. Belarusian CSOs that have relocated to Lithuania face stricter treatment than local CSOs and tougher requirements than those applicable to international organisations operating in the country. In Belarus, additional reporting requirements have been introduced in accordance with the AML/CTF legislation which require that CSOs indicate both the amount of foreign donations they have received and information about each donor. In Ukraine, CSOs struggled with a ban on import of services (for example, of foreign experts) by CSOs. CSOs' access to and use of banking services was also complicated by banks requiring additional documents to open accounts or perform settlements for CSOs, particularly when related to the transfer of funds in foreign currencies. In Moldova, CSOs need to provide additional documentary justification to banks to transfer any refunds to donors abroad. In some cases, these procedures can delay transfers by up to two days.

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<sup>3</sup> The draft laws were eventually withdrawn in March 2023 after mass protests and strong international pressure.

## 2.4 Freedom of Peaceful Assembly

Area 4	Overall		Law		Practice	
	2022	2021	2022	2021	2022	2021
Armenia	<b>5.3</b>	5.3	<b>5.7</b>	5.7	<b>4.9</b>	4.9
Azerbaijan	<b>3.8</b> ↓	3.9	<b>4.4</b>	4.4	<b>3.2</b> ↓	3.3
Belarus	<b>1.6</b>	1.6	<b>1.9</b>	1.9	<b>1.2</b>	1.2
Georgia	<b>4.6</b>	4.6	<b>5.2</b>	5.2	<b>3.9</b>	3.9
Moldova	<b>5.3</b> ↑	5.2	<b>5.4</b>	5.4	<b>5.1</b> ↑	5.0
Ukraine	<b>4.7</b> ↓	5.2	<b>4.9</b> ↓	5.3	<b>4.5</b> ↓	5.1
<b>AVERAGE</b>	<b>4.2</b> ↓	<b>4.3</b>	<b>4.6</b> ↓	<b>4.7</b>	<b>3.8</b> ↓	<b>3.9</b>

Freedom of peaceful assembly has deteriorated in the region as the overall area score has decreased from 4.3 in 2021 to 4.2 in 2022. Armenia and Moldova have the highest overall score in 2022 (5.3), while Belarus has the lowest overall score (1.6, the lowest overall score recorded among all areas in the CSO Meter). In addition, Belarus' score of 1.2 for Practice in this area indicates that free assembly effectively cannot be practised in the country.

Three countries noted changes in score in this area: Azerbaijan's and Ukraine's scores decreased in 2022, while Moldova's score increased from 2021. In Ukraine, the score has decreased due to the martial law which imposes restrictions on holding peaceful assemblies and in practice there are security concerns relating to the holding of any assemblies. In Azerbaijan, the continuing restrictive environment for peaceful assembly is considered to have further decreased the ability to practise and enjoy free assembly. In Moldova, the Practice score increased due to, firstly, the inclusion of human rights experts in ensuring Covid-19-related government decisions are in line with the human rights-based approach and, secondly, due to positive practices of law enforcement during the LGBTQ+ Pride March held on 19 June 2022 in Chişinău.

**1) The Russian invasion of Ukraine has had a restrictive effect on freedom of peaceful assembly.** In Ukraine, the martial law allowed for restrictions on the right to assembly. In Moldova, after the Parliament proclaimed state of emergency because of the war, both restrictive and supportive measures were introduced related to freedom of assembly. First, the Commission for Exceptional Situations was entitled to ban assemblies without additional specifications. The Commission adopted decisions which were not in line with international standards and were used in practice to disperse anti-Government protest tents set up in front of the Parliament. Secondly, the National Extraordinary Commission for Public Health in Moldova promoted a good practice of including human rights experts for validation of anti-Covid-19 restrictions

to avoid decisions contrary to human rights standards. In practice, individuals participating in assemblies in Armenia, Belarus and Georgia in support of Ukraine faced attacks by pro-Russian support groups, as well as dispersals and mass detentions by state authorities.

**2) Protests and assemblies are subject to restrictive or outdated laws and practices.**

Authorities in Azerbaijan and Belarus have placed severe limitations on the right to free assembly that are not in line with international standards. In Azerbaijan, the law imposes a procedure of notification which the authorities use as de facto authorisation for an assembly to take place, and it is often denied in practice. In Belarus, the law imposes a mandatory request for permission, along with other unlawful limitations such as prohibiting counter assemblies and the broadcasting of mass events. Both countries impose disproportionate and unlawful obligations and sanctions against participants and organisers of assemblies (in Azerbaijan, holding an assembly without permission is punishable by up to two years' imprisonment, while in Belarus, only adults aged 18 and over with Belarusian citizenship can be organisers, there is criminal liability for a third violation of the rally procedure after previous penalties, and citizens who have been held liable for violating the procedure within the year preceding the event are forbidden from organising assemblies). In Georgia, the Code of Administrative Offences, which is the only remaining law in Georgia adopted in the Soviet era, is still used as the primary tool to detain protesters. The provisions of the Code often lack clarity, which allows for arbitrary decisions. Two commonly cited provisions for detaining activists during protests are 'disobedience to a legal request of the police' and 'petty hooliganism'.

**3) In countries where peaceful assemblies are possible, in practice participants continue to face violence, dispersal, and the excessive use of police force before, during and after the assemblies.**

The authorities in several countries have practised violence, dispersals and the excessive use of police force against participants in peaceful assemblies without any follow-up investigations or sanctions against the instigating police officers. In Armenia, opposition groups have held numerous assemblies (e.g., sit-ins in tents, blocking traffic at a major crossroads for a month) to demand the resignation of the prime minister. The police reacted to these in several instances with inappropriate use of force, detentions and violent treatment of the assembly participants. In Georgia, the state failed to protect the right to peaceful assembly of LGBTQ+ activists and individuals against aggressive ultra right-wing groups in many instances, and the police has not faced any repercussions for failure to prevent the violence at the 2021 pride parade. Also in Georgia, opposition activists organised a series of protests entitled 'Home to Europe' to call for a technical interim government to take serious steps towards EU candidacy for Georgia. Aggressive groups (in some cases including local civil servants) hindered activists, students and politicians from organising meetings

and campaigning related to European integration both verbally and by using physical force.

**4) Digital assemblies are important in restricted spaces, yet social media, internet and digital technologies are increasingly used to stifle protest.** Assemblies taking place on the internet and on social media and assemblies supported by digital technologies have proven essential due to growing restrictions on the physical assembly space. For example, in Azerbaijan, activists organised both online and physical protests calling to end impunity for crimes against government critics, political activists and journalists. However, the use of these spaces and technologies has also enabled increased negative practices, such as harassment, discreditation and the phenomena of fake news and hate speech. In Armenia, fake profiles are increasingly used to discredit assembly organisers and harass their supporters. Similarly, in Georgia, social media platforms are often used to marginalise, harass and spread fake news about causes, activists and CSOs organising these demonstrations, generally by using trolls and fake accounts. These online attacks often mirror anti-CSO statements from politicians. Authorities in Belarus use digital technology to crack down on protesters. To identify participants, they use special applications for facial recognition and monitor the media and social networks. Detentions and criminal trials then follow, as has been the case with identified participants of the 2020 peaceful protests.

## 2.5 Right to Participation in Decision-Making

Area 5	Overall		Law		Practice	
	2022	2021	2022	2021	2022	2021
Armenia	4.8	4.8	5.3	5.3	4.3	4.3
Azerbaijan	4.6	4.6	5.0	5.0	4.1	4.1
Belarus	2.7	2.7	3.1 ↓	3.2	2.2	2.2
Georgia	4.8	4.8	5.3 ↑	5.2	4.3	4.3
Moldova	4.8	4.8	5.2	5.2	4.4 ↑	4.3
Ukraine	4.7 ↓	5.4	5.1 ↓	5.7	4.3 ↓	5.0
<b>AVERAGE</b>	<b>4.4 ↓</b>	<b>4.5</b>	<b>4.8 ↓</b>	<b>4.9</b>	<b>3.9 ↓</b>	<b>4.0</b>

The right to public participation has deteriorated, as the overall area score has decreased from 4.5 in 2021 to 4.4 in 2022. Three countries - Armenia, Georgia and Moldova - have the highest overall score of in 2022 (4.8), while Belarus has the lowest score (2.7).

Four countries noted changes: Belarus' and Ukraine's scores decreased in 2022, while Georgia's and Moldova's scores increased. In Ukraine, state authorities and local governments were open to cooperation with civil society and CSOs, despite

the war. However, due to security concerns, infrastructure and electricity issues and the martial law restrictions, public participation worsened. In Belarus, the decrease in the score is linked to the new edition of the Constitution and the draft law 'On the Essentials of Civil Society', both of which regulate the notion of civil society and its interaction with the state. The countries that noted improvements are Moldova and Georgia. In Moldova, in Practice, the attitude of the Parliament and the Government shifted towards increased cooperation and involvement with CSOs in the decision-making process. Georgia saw a legal improvement which ensures that the public is consulted when public policy documents are drafted.

**1) States fail to provide for effective CSO participation in developing, implementing and monitoring public policies.** In Georgia, the Parliamentary Committees established various working groups to draft a roadmap to fulfil EU recommendations for candidate status. In these groups, the Parliament restricted broad participation and allowed only two CSOs to join each working group. Also, the parliamentary majority blocked the participation of one of the key watchdogs CSOs, the International Society for Fair Elections and Democracy (ISFED), alleging its lack of political neutrality. In solidarity with ISFED, other CSOs also left the working groups. In a more extreme scenario, in Belarus, the new edition of the Constitution of Belarus mentioned civil society for the first time as one of the actors which would send delegates to a new representative body that stands above the separation of powers and 'determines strategic directions for the development of the society and the state'. However, this is reserved only for GONGOs; civil society actors that have special relations with the state. In another legal initiative by the Government submitted by the end of 2022, the draft law 'On the Essentials of Civil Society' allows for special forms of interaction with the state for a small circle of public associations operating at the national level. In Ukraine, the full-scale invasion affected the interaction and involvement of civil society in decision-making. In Armenia, mining companies have initiated dozens of lawsuits (known as SLAPPs) against environmental activists based on libel and insult accusations in an attempt, CSOs believe, to silence their criticism and activities.

**2) There are encouraging examples of positive developments in regulating public participation.** Despite the lack of recognition of civil society and political turbulence, Armenia and Georgia adopted supportive legal acts and documents. In Georgia, the Government approved the Instructions on Public Consultations, which comprehensively overview procedures and methodologies for conducting effective public consultations, which are an obligatory stage in the process of regulatory impact assessment (including specific guides for the various participants and an emphasis on the importance of feedback). In Armenia, two documents were adopted: the Strategy of Public Administration Reform and the new Open Government Partnership (OGP) Action Plan 2022-2024. Both documents cover several measures aimed at improving public participation (e.g., setting up state and local budget participation platforms). In

addition, Armenia saw improvements in legislation concerning freedom of information, including ratification of the Convention on Access to Official Documents and an increase in fines for failure to provide responses to enquiries.

**3) Access to information is hindered in practice, particularly for politically-sensitive topics.** State institutions in the EaP region generally share information related to their work with the public. However, the information that is published is often incomplete and not done in a timely manner. Particularly when it comes to politically-sensitive issues, state institutions fail to publish key information and documents. In Armenia, the Government sent a draft law to the Parliament to introduce the concept of ‘limited-service information’ that is not classified as secret but should be restricted as its dissemination is perceived as being able to harm the country. CSOs consider this to be an unnecessary restriction on freedom of information. In Georgia, access to information pertaining to controversial projects or sensitive issues is limited and the authorities use broad interpretation of commercial secrets as a pretext to restrict access to information on procurements or public-private partnerships. Belarus, to further deprive the ability of CSOs and other stakeholders to request information, withdrew from the Aarhus Convention. In Moldova, the Parliament's website is outdated and does not sufficiently reflect information of public interest, while public authorities often provide formal, incomplete, delayed, or evasive responses to requests for information.

On the positive side, courts have played an important part in ensuring access to information. In Armenia, due to a CSO's strategic litigation initiative, the court obliged seven municipalities to publish on their websites all the information subject to mandatory publication as defined by the Law on Freedom of Information. In Georgia, in the case of the Georgian Young Lawyers Association against the Public Broadcaster of Georgia, the Supreme Court of Georgia upheld the decisions of the lower courts, and denied commercial secret as a legitimate ground to refuse access to information about contracts concluded by the Public Broadcaster with private entities.

## 2.6 Freedom of Expression

Area 6	Overall		Law		Practice	
	2022	2021	2022	2021	2022	2021
Armenia	4.8 ↑	4.7	5.2 ↑	5.1	4.3	4.3
Azerbaijan	4.2 ↓	4.3	4.8 ↓	5.0	3.5 ↓	3.6
Belarus	1.9 ↓	2.0	2.4	2.4	1.3 ↓	1.6
Georgia	4.9	4.9	5.6	5.6	4.1	4.1
Moldova	5.0	5.0	5.3	5.3	4.6	4.6
Ukraine	4.9 ↓	5.3	5.5 ↓	6.0	4.2 ↓	4.5
<b>AVERAGE</b>	<b>4.3 ↓</b>	<b>4.4</b>	<b>4.8 ↓</b>	<b>4.9</b>	<b>3.7 ↓</b>	<b>3.8</b>

Freedom of expression in the region has deteriorated, as the overall area score has decreased from 4.4 in 2021 to 4.3 in 2022. Moldova has the highest overall score in 2022 (5.0), while Belarus has the lowest score (1.9).

Four countries noted changes in score, of which three countries - Azerbaijan, Belarus, and Ukraine – saw a decrease in 2022. Armenia's score has increased. For Ukraine, there has been a significant decrease in the score in this area from 5.3 in 2021 to 4.9 in 2022, as the war has led to martial law restrictions and an information security context. In Belarus, the decrease in score is linked with the general inability of citizens and CSOs to practice freedom of expression either offline or online without facing serious repercussions or punishments. Also, the media field in Belarus has become significantly distorted in relation to the Russian invasion of Ukraine. In Azerbaijan, the decrease in scores for Law and Practice are linked to the newly adopted restrictive Media Law and the unchanged unfavourable conditions for the exercise of freedom of expression. Finally, Armenia saw an improvement in its score in Law, since the Government committed to developing a framework for media reforms in collaboration with civil society, while the controversial legal provision on criminalising grave insult was repealed.

**1) Legal developments can be potentially harmful for freedom of expression and civil society.** In Armenia, amendments adopted to the Law on Mass Media on setting media liability in cases of citing information from 'non-identified' sources were a significant improvement to the 2021 draft which contained a ban on citing anonymous sources. However, also in Armenia, an amendment was passed without prior public consultation on the possibility of state agencies to take away journalists' accreditation for violating the rule of procedure (a term not defined by law) of the respective agency. In Azerbaijan, the Law on Media introduces new concepts and increases state control and regulation of the media, including the online sphere, and provides high penalties for violating the vaguely-worded provisions of the Code of Administrative Offences. In Moldova, CSOs criticised the lack of independence and the reinstating of a mechanism for undue political influence over the editorial policy and the new composition of the

national regulatory Audio-visual Council and the state television network and radio broadcaster. In Georgia, MPs representing the ruling party, Georgian Dream, registered the draft Law on Broadcasting which provides, among other things, for the immediate enforcement of the Communications Commission's legal acts, regardless of whether they have been challenged in court.

**2) Legislatures adopted laws to protect and ensure freedom of expression.** In Armenia, the Parliament annulled the criminalisation of grave insult, including swearing or 'insulting a person's dignity in another extremely indecent manner'. In Moldova, the Parliament adopted the Law on Incrimination of Crimes Motivated by Prejudice which defines the grounds for prejudice and the basic offences and aggravating circumstances related to acts of hatred and prejudice. The Law introduces the misdemeanour of 'instigation to discrimination' and the criminal offences of 'incitement to violent actions on grounds of prejudice' and 'propaganda of genocide or crimes against humanity'. Also, in response to increased security threats, the Parliament adopted a set of amendments to the Audio-visual Media Services Code that forbid the broadcast of audio-visual programmes that incite hatred, disinformation, propaganda of military aggression, extremist content, terrorist content or that pose a threat to national security. The amendments also introduced the notion of disinformation which involves the dissemination of false news created with the intention of causing harm. However, the procedure for identifying fake content is unclear, and there is no mechanism for challenging or reviewing the blocking provisions.

In Ukraine, the new Law on Media was amended and adopted in line with the EU requirements. Ukraine also struggles with disinformation and genocidal rhetoric, which are spread in the media sphere and on social media platforms (for instance, Telegram), particularly in the territories not currently under the control of the Ukrainian Government. The state also engaged in blocking Russian propaganda to prevent piracy and threats to national security.

## 2.7 Right to Privacy

Area 7	Overall		Law		Practice	
	2022	2021	2022	2021	2022	2021
Armenia	4.9 ↑	4.8	5.8	5.8	3.9 ↑	3.8
Azerbaijan	4.4	4.4	4.9	4.9	3.8	3.8
Belarus	2.5 ↓	2.7	3.4 ↓	3.6	1.6 ↓	1.7
Georgia	3.8 ↓	3.9	4.6	4.6	3.0 ↓	3.1
Moldova	4.4	4.4	5.3	5.3	3.4	3.4
Ukraine	4.1 ↓	4.7	4.9 ↓	5.0	3.2 ↓	4.4
<b>AVERAGE</b>	<b>4.0 ↓</b>	<b>4.2</b>	<b>4.8 ↓</b>	<b>4.9</b>	<b>3.2 ↓</b>	<b>3.4</b>

The right to privacy has deteriorated in the region, as the overall area score has decreased from 4.2 in 2021 to 4.0 in 2022. Armenia has the highest overall score in 2022 (4.9), while Belarus has the lowest score (2.5).

Four countries noted changes in score, out of which the scores of three countries - Belarus, Georgia, and Ukraine - decreased in 2022. Armenia's score has increased. In Ukraine, a decrease in score for Practice has been recorded which reflects the martial law conditions in place which release the state from the obligation to guarantee the right to privacy. In Georgia, the Practice score has decreased because of the Parliament passing modifications that make surveillance techniques more extensive. In Belarus, the decrease in score is a result of citizens remaining defenceless against intrusion into their personal lives by law enforcement or state propagandists. Political prosecution bodies widely broadcast footage of secret video surveillance and carry out mass recorded 'confessions' of those that are arrested, including those who have been tortured. In addition, compulsory outings of LGBTQ+ persons are practiced under the threat of torture. Refusals to provide access to private correspondence or smartphones are interpreted as disobeying law enforcement and in practice are often punished with arrests. Finally, in Armenia, the Practice of the right to privacy has improved due to fewer incidents of data leaks and the capacity-building activities that state servants have undertaken on personal data management.

**1) Lack of accountability and ineffective investigation of surveillance.** In Georgia, the alleged mass surveillance by state authorities in the past years has not been effectively investigated. Facing an unresponsive legal system, Georgian CSOs filed an application to the European Court of Human Rights to challenge the noncompliance of Georgian legislation on covert surveillance and wiretapping with European human rights standards and the failure to effectively investigate. Also in Georgia, the Constitutional Court delayed the delivery of a decision in the class action by 326 citizens to challenge the constitutionality of unchecked state powers during covert surveillance. In Armenia, experts and CSOs are doubtful about the legitimate use of surveillance powers by the National Security Service and law enforcement bodies as there are no oversight and accountability mechanisms for surveillance activities, or transparent investigations of

data leaks. In Moldova, due to the unlawful interception of communications and video recording in the homes of 52 politicians, CSO activists and journalists in 2019, five ex-police officers are accused in court of violation of personal life and violation of the right to secrecy of correspondence, but there is still no verdict.

**2) The privacy of activists and supporters of CSOs is under threat.** There are disproportionate and burdensome obligations for CSOs in Azerbaijan and Belarus that interfere with the right to privacy. In Belarus, CSOs are obliged to provide any type of information which is requested, such as a list of its members. Also, personal information submitted for registration of CSOs is sent to other state agencies for additional approval or examination, which in some cases leads to pressure on CSO members. In terms of obligations related to financing, in Azerbaijan CSOs are obliged to provide the Ministry of Finance with passport information of individuals who donated to them during the year. Apart from being burdensome, this obligation poses significant privacy threats to supporters of CSOs. In Belarus, under the pretext of complying with AML/CTF measures, CSOs are required to publish disproportionately large reports about their activities, income and expenses, data on foreign donors with indications of the amounts of support received, the aims of CSO events, the names of bloggers and journalists who attended the events, and social networks of CSOs. In an even more extreme context, Belarusians' basic rights and freedoms are violated through interference with and attacks on the privacy of CSO representatives, such as: (i) law enforcement officers arbitrarily intruding into CSOs' offices and the residences of their leaders in order to carry out arrests and searches and to seize equipment which is not returned; (ii) activists are tortured with the aim of obtaining the password to their smartphone which are also examined during arrests, detentions or simply at random on the street; (iii) operational footage shot by hidden cameras in the offices of CSOs is used in numerous criminal cases, including the criminal case against the leaders of the Viasna Human Rights Center; and (iv) personal data of arrested persons and other opposition actors is regularly published in state media.

**3) The overly broad and overreaching mandates of state security institutions put pressure on the right to privacy.** In Armenia and Moldova, draft laws were initiated that contain concerning provisions that violate the right to privacy. In Armenia, according to the draft, the Operational Intelligence Agency, when requesting access to personal data held by telecommunication service providers, will not have to justify in court the impossibility to gain access to requested information from already available sources, nor will it have to present the subsequent court decision to the telecommunication service provider. In Moldova, the Parliament registered three draft laws aimed at the adoption of a new version of the Law on the Intelligence and Security Service which would change the status of Security and Intelligence Service officers, and the regulation of information and counterintelligence activity. However, the drafts contain some

provisions that could negatively affect private and family life. The laws would provide officers with very broad competences and responsibilities, without strong and effective oversight and control mechanisms, with a high risk of inefficiency and abuse of power. The laws are confusing about interception protocols that would include storage, timeline and deletion of non-relevant material and privacy-related material. In Georgia, the Parliament adopted amendments to the Criminal Procedure Code which will negatively affect the right to privacy. The amendments broadened the list of crimes that can be subject to covert investigative actions, increased the permitted surveillance period from six to nine months, and relaxed the rules on the notification of persons affected by the use of covert measures. The Council of Europe’s Venice Commission has noted that these amendments have been ‘hastily adopted’ and lack an oversight mechanism for secret surveillance measures.

## 2.8 State Duty to Protect

Area 8	Overall		Law		Practice	
	2022	2021	2022	2021	2022	2021
Armenia	4.6 ↓	4.7	5.3	5.3	3.9 ↓	4.0
Azerbaijan	4.6	4.6	5.0	5.0	4.2	4.2
Belarus	1.9 ↓	2.0	2.5 ↓	2.6	1.2 ↓	1.4
Georgia	4.5 ↑	4.4	5.0 ↑	4.9	3.9	3.9
Moldova	4.6	4.6	5.0	5.0	4.2 ↑	4.1
Ukraine	3.8 ↓	5.1	4.0 ↓	5.3	3.5 ↓	4.9
<b>AVERAGE</b>	<b>4.0 ↓</b>	<b>4.3</b>	<b>4.5 ↓</b>	<b>4.7</b>	<b>3.5 ↓</b>	<b>3.8</b>

The CSO environment relating to the state duty to protect in the region has deteriorated, as the overall area score has decreased from 4.3 in 2021 to 4.0 in 2022. Armenia and Moldova have the highest overall score of in 2022 (4.6), while Belarus has the lowest score (1.9).

Three countries - Armenia, Belarus, and Ukraine – saw a decrease in their overall scores in 2022. Ukraine, besides the war, faced the enormous challenge of the Russian Federation’s purposeful policy in the occupied territories of identifying and eliminating Ukrainian journalists, state authorities, public figures, volunteers, etc. In Belarus, the state has again failed to protect CSOs effectively and continued to suppress them. Laws against extremism have been abused by the authorities to prosecute CSO activists and other opposition, and as grounds to liquidate CSOs and block activists’ and opposition politicians’ bank accounts. In Armenia, CSOs working on sensitive topics are subjected to harassment and threats. Namely, several organisations and activists were engaged in lawsuits by third parties (known as SLAPPs), which have negatively impacted their activities and resources.

Two countries saw an increase in their scores: Georgia’s overall score has increased, while Moldova’s score increased in Practice only. The improvements in this area in

Georgia were linked to the removal of the Covid-19-related restrictions that limited the CSO environment. In Moldova, the practice score has increased due to the proactive role of law enforcement in protecting peaceful assemblies, the court case brought against five former police officers accused of violating the right to private life, and the national body responsible for decision-making regarding the anti-Covid-19 pandemic restrictions included three human rights experts to ensure the compliance of its decisions with human rights standards.

**1) Governments fail to prevent and effectively investigate CSOs and activists that are harassed and attacked.** In the countries of the region, third parties, as well as state officials, have harassed, attacked, and engaged in hate speech against CSOs and associated persons. The targets of such treatment are CSOs and activists working on LGBTQ+ issues, domestic violence, women's rights, environmental activism, as well as other watchdog organisations, and those funded by a particular foreign donor (e.g., Open Society Foundations). The authorities do not have preventive mechanisms in place, nor are they pursuing effective investigation. Third parties in Armenia have used the courts to stifle and silence CSOs and activists. Namely, mining companies have initiated several court processes against environmental activists (mostly on the grounds of defamation and insult). On the other hand, in a positive development, after several years of struggle, a CSO lawsuit on an environmental cause was accepted by the Armenian courts.

**2) AML/CTF measures and the requirement to declare beneficial owners may burden CSOs.** In Armenia, CSOs are not aware of the requirement to declare their UBO which will enter into force starting 2023 and they lack clarity on the information they need to provide. The declaration is to be made annually and is free of charge, unless changes to UBOs' data is required in which case legal entities are required to pay 25 EUR, which could become a disproportionate burden for CSOs. In Ukraine, due to the full-scale invasion by Russia, the Parliament passed a law<sup>4</sup> that allowed legal entities, including CSOs, not to submit information on beneficial ownership during the period of martial law, and for three months after its end. An additional burden in Ukraine, however, is that the banks' correspondents freeze CSOs' financial operations if they fail to update the information about their founders, which is quite challenging for CSOs considering the wartime conditions. Government institutions in Georgia and Ukraine started the process of conducting risk assessments of CSOs for AML/CTF. In Ukraine, the Ministry of Finance established a working group and in Georgia the Financial Monitoring Service of Georgia organised discussions with CSOs and expressed interest in engaging them in the process of developing the risk assessment. However, this attitude shifted in 2023 and CSOs will not be directly engaged in the preparation of the risk assessment,

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<sup>4</sup> The Law of Ukraine 'On the protection of the interests of subjects submitting reports and other documents during the period of martial law or a state of war' (in Ukrainian), <https://zakon.rada.gov.ua/laws/show/2115-20#Text>.

only invited to discuss its findings. In Moldova, the risk assessment published in 2022 was conducted without engaging CSOs at any stage, even though CSOs repeatedly requested transparency and involvement in the process.

## 2.9 State Support

Area 9	Overall		Law		Practice	
	2022	2021	2022	2021	2022	2021
Armenia	4.1	4.1	4.2	4.2	3.9	3.9
Azerbaijan	4.2 ↓	4.3	4.4 ↓	4.6	3.9 ↓	4.0
Belarus	2.4	2.4	2.8	2.8	1.9	1.9
Georgia	4.2	4.2	4.4	4.4	4.0	4.0
Moldova	4.3	4.3	4.7 ↑	4.6	3.9	3.9
Ukraine	4.3 ↓	4.8	4.6 ↓	5.0	3.9 ↓	4.6
<b>AVERAGE</b>	<b>3.9 ↓</b>	<b>4.0</b>	<b>4.2 ↓</b>	<b>4.3</b>	<b>3.6 ↓</b>	<b>3.7</b>

The CSO environment relating to state support in the region has deteriorated, as the overall area score has decreased from 4.0 in 2021 to 3.9 in 2022. Moldova and Ukraine have the highest overall score in 2022 (4.3), while Belarus has the lowest score (2.4).

Three countries noted changes: Azerbaijan's and Ukraine's scores decreased in 2022, while Moldova's score in Law has increased. Ukraine, despite difficulties and its significant decrease in score compared to 2021, is still the leader in state support in the region. The decrease in score is a result of the war and the martial law in place which has led to changes in the procedure for conducting competitions for state funds. In Azerbaijan, the new tax amendments, the overall unfavourable tax environment for CSOs, and reporting obligations have led to a decrease in scores in Law and Practice. In addition, the Government supports mostly pro-government CSOs and tries to control CSOs under its umbrella. Only Moldova has registered an increase in its score for Law, mainly due to the Government approving the Framework Regulation regarding the non-reimbursable financing mechanism for CSOs' projects and the Parliament amending the legislation on philanthropy and sponsorship.

**1) State support continues during states of emergency.** Ukraine and Moldova are positive examples of state support to CSOs, despite the difficult situations due to the war. In Moldova, there were a few positive developments in the reporting period. The Government approved the Framework Regulation on the mechanism and rules for non-reimbursable financing for CSOs' projects from the national and local budgets in all areas of development. In addition, after two years of inactivity, the Certification Commission for Public Benefit Status resumed its work and awarded public benefit

status to 46 CSOs. Also, the percentage designation mechanism as an available source of funding for CSOs registered an increase of funds of around 7 per cent (the highest since 2017). In Ukraine, the amount of state funding was increased, and laws to support volunteerism were adopted to support volunteer activities in conditions of war.

**2) The tax environment for CSOs and their donors is not sufficiently supportive.** CSOs in Belarus and Azerbaijan face the most difficult conditions in this regard. In Belarus, the leaders of CSOs who violate rules on foreign aid are charged with tax evasion in accordance with the Criminal Code and are sentenced to imprisonment. People who have provided material or legal aid to victims of law enforcement violence after the presidential elections in 2020 faced criminal charges and investigation of their tax affairs. In Azerbaijan, the newly-adopted changes to the Tax Code negatively affect CSOs and create additional obligations (for instance, the requirement to provide more information on bank payment orders; experts hired by CSOs need to have accounting in place to access tax benefits; and if there is no hotel receipt for business travel, then only 50 per cent of the cost is accepted as a tax deductible expense). In Armenia, CSOs are treated less favourably than small businesses and cannot use the simplified tax regime. Overall, apart from in Ukraine, none of the countries provide tax incentives for individual donors to CSOs.

**3) There are cases in which governments abuse the mechanisms of state support to create dependent relationships with CSOs and undermine their autonomy.** In Azerbaijan and Belarus, considering the restrictions on foreign funds, state funding is only available to certain CSOs which undermines the independence and image of the sector. Namely, in Azerbaijan, the Government supports mostly pro-government CSOs. Even though there are 13 government bodies that can provide grants to CSOs, this is not meeting the needs of CSOs. Similarly, in Belarus, only a narrow circle of CSOs receive state support. Also in Belarus, in-kind support in the form of reduced rental fees when renting state-owned premises is only provided to CSOs that are included on a specific government list. Representatives of Belarusian youth organisations and initiatives consider that political evaluation criteria are applied in the distribution of financial support for youth projects, and this is controlled by the government-supported Belarusian Republican Youth Union.

## 2.10 State-CSO Cooperation

Area 10	Overall		Law		Practice	
	2022	2021	2022	2021	2022	2021
Armenia	4.0	4.0	4.3	4.3	3.6	3.6
Azerbaijan	4.1 ↓	4.5	4.3 ↓	4.7	3.9 ↓	4.3
Belarus	2.4	2.4	2.8	2.8	2.0	2.0
Georgia	4.1	4.1	4.2	4.2	3.9	3.9
Moldova	4.1 ↑	4.0	4.3 ↑	4.2	3.9 ↑	3.7
Ukraine	5.2 ↓	5.5	5.6 ↓	5.9	4.7 ↓	5.0
<b>AVERAGE</b>	<b>4.0 ↓</b>	<b>4.1</b>	<b>4.3 ↓</b>	<b>4.4</b>	<b>3.7 ↓</b>	<b>3.8</b>

State-CSO cooperation in the region has deteriorated, as the overall area score has decreased from 4.1 in 2021 to 4.0 in 2022. Ukraine has the highest overall score in 2022 (5.2), while Belarus has the lowest score (2.4).

Three countries noted changes. The scores of two countries (Azerbaijan and Ukraine) decreased in 2022, while Moldova's score has increased. In Ukraine, the scores have decreased due to the full-scale invasion effectively stopping mechanisms for cooperation. However, CSOs and state authorities have continued to engage for the action plan for reform and recovery, and the action plan 2022-2024 regarding the implementation of the National Strategy for Promoting the Development of Civil Society in Ukraine for 2021-2026. In Azerbaijan, state-CSO cooperation mainly occurs via the NGO Support Agency, but this channel of cooperation is limited and, in general, CSOs' involvement in public discussions and in the government decision-making process continues to be formal and restricted. In Moldova, the increase in scores in this area is a result of the State Chancellery-initiated process to create consultation platforms to draft normative acts for the Central Public Authority and the Parliament.

### 1) Promising steps in the development of strategic documents for the CSO environment.

In Armenia, Transparency International Anticorruption Center has initiated discussions in cooperation with other CSOs and government agencies on a draft Roadmap on a CSO Enabling Environment in Armenia and have encountered willingness and interest. Also in Armenia, the Government and CSOs have developed in partnership the new Anticorruption Strategy for 2023-2026. In Moldova, the State Chancellery, with the support of independent experts, endorsed ex-post evaluation of the implementation of the Civil Society Development Strategy 2018-2020. The authorities also expressed willingness to develop the new concept for the strategy. In Ukraine, CSOs and the Government worked to prepare the Action Plan 2022-2024 to implement the National Strategy for Promoting Civil Society Development 2021-2026 (the plan was officially adopted in February 2023). In addition, in Ukraine, CSOs and the Government constantly cooperate to improve the legal environment for civil society.

**2) Lack of resources and efforts in ensuring meaningful state-CSO cooperation.** Councils are the predominant form of cooperation between governments and CSOs. However, these councils are rarely meaningful and effective in practice. Another useful mode of state-CSO cooperation is multi-stakeholder working groups which offer space for CSOs to contribute, but usually depend on the short-term support by international donors. In Armenia, a recognised multi-stakeholder group to ensure commitment to participatory practices has been established within the OGP. In Azerbaijan and Belarus, state-CSO cooperation is difficult as the space is restricted and CSOs are self-censoring.

**3) States of emergency have affected state-CSO cooperation.** In Ukraine, state-CSO cooperation has proven vital from the start of the full-scale Russian invasion. The Cabinet of Ministers of Ukraine engaged CSOs and other actors in meetings to prepare the action plan 2022-2024 regarding the implementation of the National Strategy for Promoting the Development of Civil Society in Ukraine for 2021-2026. Also, Ukrainian CSOs prepared an Action Plan for the post-war recovery and development of Ukraine and shared it with the National Council for Ukraine’s Recovery (an advisory body under the President of Ukraine). In Moldova, CSOs provided indispensable support to those fleeing from Ukraine and the public institutions dealing with the crisis. Even though Moldovan CSOs had mostly poor cooperation with the Government, with local public authorities they established viable partnerships in different formats (e.g., crisis cells and the Sub-national Refugee Coordination Forum in Bălți).

## 2.11 Digital Rights

Area II	Overall		Law		Practice	
	2022	2021	2022	2021	2022	2021
Armenia	4.5 ↑	4.2	4.9	4.9	4.0 ↑	3.5
Azerbaijan	4.6 ↓	4.7	4.8 ↓	4.9	4.3 ↓	4.4
Belarus	2.1 ↓	2.2	2.7 ↓	2.8	1.5 ↓	1.6
Georgia	4.9 ↑	4.3	5.1 ↑	4.6	4.7 ↑	3.9
Moldova	4.2 ↑	4.1	4.4 ↑	4.3	4.0 ↑	3.9
Ukraine	4.8 ↓	5.2	5.1 ↓	5.5	4.4 ↓	4.8
<b>AVERAGE</b>	<b>4.2 ↑</b>	4.1	<b>4.5</b>	4.5	<b>3.8 ↑</b>	3.7

Digital Rights is the only area in which the average overall score has improved in 2022. All countries noted changes in their scores, mainly because of the mandatory rescoreing of all standards; this is still an emerging area for which available knowledge and assessment is evolving in the region. Armenia, Georgia, and

Moldova all saw improvements in their overall score. The highest overall score in the area is for Georgia (4.9), while the lowest is for Belarus (2.1).

Three countries – Azerbaijan, Belarus, and Ukraine – saw a deterioration in their scores for both Law and Practice. In Ukraine, the deterioration is the consequence of the full-scale Russian invasion which led to the adoption of emergency measures and the expansion of government surveillance. In Belarus, the Government's increased control of the digital public sphere, website blocking and internet bandwidth throttling following the Russian invasion of Ukraine aggravated the already dire situation for digital rights. In Azerbaijan, lower scores can be attributed to bandwidth throttling of the internet prior to opposition rallies.

**1) The Russian invasion of Ukraine has had adverse impacts on the protection of digital rights in the region, especially in Belarus.** The full-scale Russian invasion led to the adoption of martial law in Ukraine and emergency measures across the region which generally increased the powers of law enforcement authorities to access devices and personal data of citizens and the authorities' capacity to block websites spreading illegal content or fake news. However, in Ukraine there were no reports of restrictions which would be unlawful or disproportionate. The Government has also significantly improved safeguards around website blocking, which is not the case in Moldova, where the Government still does not guarantee due process (e.g., appeals) when blocking websites deemed to be spreading fake news. The war has also had a significant impact on civil society. Since the beginning of 2022, Ukraine has seen an unprecedented escalation of cyberattacks against its CSOs by Russian actors. Restrictions on digital rights were particularly grave in Belarus where the Government increased its control over the digital public sphere, stepping up arbitrary arrests of media workers, bloggers, online activists, and ordinary users, and extending the Government's power to block websites to cover news aggregators used to spread information that is restricted in the country. Belarus also slowed down the internet and restricted mobile communications in the areas of deployment of Russian troops during preparations for the invasion of Ukraine from the southern part of Belarus.

**2) Governments expanded the use of digital surveillance, including AI-driven facial recognition, without sufficient safeguards for human rights and due process.** New legislative acts adopted in Armenia and Belarus increased governments' capacities for data interception by imposing additional obligations on telecom providers and website owners to facilitate access to data by law enforcement and national security authorities. In Belarus, services that will refuse to provide access to data to security agencies risk being blocked. In Georgia, it was reported that activists and journalists have had their communications monitored, while in Armenia it was confirmed that the Government has used the 'Predator' spyware. These increased powers did not go hand in hand with legal safeguards for citizens ensuring adequate protection of privacy and due process.

Some forms of digital surveillance included the use of extremely risky AI systems, e.g., facial recognition software in Georgia and Ukraine. Despite this, both countries lack laws regulating the use of AI which would prohibit unacceptable uses of AI and require public institutions to assess and mitigate the human rights impacts of algorithmic systems.

### **3) Except for in Belarus, access to the internet and the use of digital services generally continues to improve, despite connectivity issues caused by the Russian invasion.**

2022 brought about improved internet access for citizens of Georgia, Armenia and Azerbaijan thanks to their governments' efforts to expand broadband internet infrastructure. In Ukraine, the Russian military damaged telecommunications infrastructure across the country which led to serious connectivity issues. However, the Government successfully addressed this crisis by providing alternative internet sources. Moldova experienced network failures at border crossing points with Ukraine which occurred due to the arrival of many refugees, but the Moldovan Government has also managed to swiftly resolve these issues.

Bandwidth throttling of the internet remained a concern in Azerbaijan and Belarus. In Belarus, it was linked to the deployment of Russian troops, as described above. In Azerbaijan, the opposition and activists have reported connectivity issues prior to opposition rallies.

In Belarus, the number of state websites inaccessible from abroad slightly decreased in 2022, but many crucial state services remain blocked, such as the websites of the Ministry of Justice, the Index of Extremist Formations and court hearing schedules. The use of state digital services is also extremely restricted for CSOs and, as opposed to businesses, digital registration is impossible for CSOs. At the same time, the Government is planning to provide for the possibility for public associations to communicate with registration authorities online from 2023.

### **4) The development of strategies and tools for digital transformation has advanced, but engagement with civil society remains insufficient.**

Countries such as Georgia and Moldova are developing strategies for the digital economy and transformation. In Moldova, the strategy explicitly proposes the promotion and protection of rights and freedoms online. In both countries, however, there is insufficient engagement with civil society, as opposed to with the private sector, in shaping these strategies. In Azerbaijan, the Government launched digital tools allowing CSOs and citizens to save time and use government services more efficiently (for instance, the 'individual e-window system') but similarly, there has been insufficient engagement with civil society and consideration of concerns related to privacy issues or the unintended consequences of algorithms.

# III. KEY PRIORITIES

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## General regional priorities for the civil society environment

Civil society in Ukraine, and the rest of the countries in the region, suffered a general deterioration in their environments, mainly due to the Russian invasion of Ukraine. Based on the identified country findings, developments, and regional trends, we provide the following key general regional priorities to serve as guidance for action from diverse stakeholders (state institutions, the EU, donors, civil society) to improve the civil society environment in the region.

First, a basic precondition for civil society to function and develop is for state authorities to **cease all forms of repression against civil society**. There is an urgent need for the forced liquidation of CSOs in Belarus to end. Also, the state should ensure that any attacks are investigated and that there is adequate protection for CSOs and activists (for instance, by establishing an anti-discrimination body). There have also been examples of stigmatisation and attacks against CSOs in Georgia and hate speech against CSOs in Armenia which, if unaddressed, could further deteriorate the position of civil society.

To ensure that **CSOs** can exist and operate, **state authorities should focus on ensuring CSO registration, as well as enjoyment of the right to association of everyone without registration:**

- In Azerbaijan, CSO registration in practice is extremely difficult, compared to registering a business.
- In Belarus, unregistered CSOs are not allowed to exist and those that are not registered face criminal liability for organising and participating in such activities.
- In Georgia, amendments to the Civil Code and the Law on Entrepreneurship have created insecurity for CSOs over complying with new burdensome requirements.
- In Ukraine, due to the war, and the importance of the work of CSOs, the authorities should be making further efforts to improve the registration process.

**Financial sustainability for CSOs** should be supported in order for CSOs to exist, operate and pursue their goals. Particularly critical CSOs, watchdog CSOs, and those representing marginal communities, should be supported:

- In Armenia, state institutions should provide a more supportive tax environment for CSOs' entrepreneurial activities and philanthropy.
- In Azerbaijan, the state should eliminate obstacles to foreign funding and to collecting donations (e.g., eliminate the requirement to report on small donations).
- Ukraine needs to ensure transparency of state funding.
- Moldova should prioritise the regulation of social contracting and the introduction of tax benefits for philanthropic donations.

**Developing the relationship and cooperation between the state** and CSOs, and CSOs' participation in decision-making is another regional priority:

- In Armenia, state institutions should aim to ensure meaningful participation and specifically focus on developing a participatory process that includes CSOs when members of parliament propose draft laws or legal amendments.
- In Georgia, state institutions should ensure that public participation is an obligatory stage in the elaboration of decrees, draft laws, and strategic documents.
- In Moldova, state institutions should develop a unified online platform for transparency and CSOs' participation in decision-making, as well as for the Government to adopt a new strategic document for civil society.
- In Ukraine, state institutions should prioritise the implementation of the action plan of the National Strategy for Civil Society Development for 2021-2026.

## Key country developments and priorities

### Armenia

Key developments:

- The newly-adopted Strategy of Public Administration Reform and OGP Action Plan 2022-2024, among other themes, have addressed relevant issues for the civil society environment (participation, steps, and mechanisms for engagement in decision-making, assessment of compliance with freedom of information provisions).
- The new Criminal Code sets liability for any public speech aimed at inciting or promoting hatred, discrimination, intolerance, or enmity, as well as distributing materials or objects for that purpose. The sanctions range from a fine equal to 20,000 AMD (50 EUR) up to four years' imprisonment in case of aggravating conditions.

- Amendments to the Criminal Code and Criminal Procedure Code adopted in July 2021 criminalising grave insult (including swearing or ‘insulting a person’s dignity in another extremely indecent manner’) were repealed once the new Criminal Code entered into force.
- A memorandum of understanding was signed between CSOs, the Government and Parliament, which endorsed the Government's commitment to make all media reforms in a participatory manner and set up a joint working group to develop a comprehensive concept on mass media reforms to serve as the basis for further policies and legislative amendments.

#### Key priorities:

- Utilise the available institutional mechanisms of participation and ensure meaningful participation, set mechanisms for mandatory public consultation for the drafts produced by members of parliament, and engage CSOs in the early stages of legal drafts and policy development.
- Provide adequate protection from hate speech and attacks targeting CSOs, including through establishing an anti-discrimination body, issuing public statements, and ensuring proper investigation of attacks against CSOs and activists within a reasonable timeframe, as well as through taking legislative and practical measures against SLAPPs.
- Create a more favourable tax environment to improve CSOs’ possibilities to seek funding and in-kind support from diverse sources, including from individual and business donations and direct entrepreneurship activities.

## Azerbaijan

#### Key developments:

- The new Media Law that received international and domestic criticism for creating a restricted environment for freedom of expression overall set new legal requirements for CSOs and CSO representatives conducting media-related activities.
- Substantial changes to the Tax Code entered into force, some of which affect CSOs negatively and create additional obligations for them, such as the requirement to provide more information in bank payment orders and the requirement for experts hired by CSOs to have accounting in place (otherwise not being eligible for the discount on profit tax and paying 20 per cent tax instead of five per cent tax).

#### Key priorities:

- Ensure equal treatment of CSOs compared to businesses during their registration process and operation.

- Simplify the registration of grants and donations (for example, eliminate subjectivity on decisions for registration and digitalise the process so it can be easily accessible and swift, etc.).
- Abolish the requirement for CSOs to register service contracts.
- Eliminate the need for CSOs to report on small donations (for example, the 200 AZN/110 EUR per donor, per year requirement).

## Belarus

### Key developments:

- The state has almost nullified the right to freedom of association. Against the background of mass repression of CSOs in the form of arrests, monetary fines, criminal prosecution of activists, intimidation of and pressure on their family members, searches and forced liquidation (since 2021, over 1,000 CSOs have lost their registered status), the authorities are creating their own, state-owned civil society.
- Belarusian CSOs are practically divided into CSOs operating from abroad and CSOs inside Belarus. CSOs inside Belarus are forced to organise their activities with regard to the repressive regime. CSOs abroad, founded by Belarusians, face problems both in their country of relocation (for example, the refusal to open or difficulties with the operation of a bank account) and in connection with the development of Belarusian legislation in relation to activists who have been forced to leave the country (deprivation of citizenship, criminal sentences in absentia, and confiscation of property).
- The deterioration of conditions for monitoring CSOs inside the country has become a significant factor. Many CSOs deliberately carry out activities covertly or latently, without highlighting their activities on the internet or in the media (while being especially wary of publications in the Belarusian media that are based abroad, which the authorities have declared 'extremist' and there is criminal liability for contact with them). Other CSOs have completely ceased their activity. Official reports and statistics (often distorted) have become extremely unreliable and hardly verifiable. In some cases, information from human rights reports is seen as additional evidence of guilt. There have been cases in which participation in the preparation of a human rights report has led to criminal prosecution and imprisonment.

### Key priorities:

- Release all individuals recognised as political prisoners and stop all politically-motivated criminal cases.
- Cease all forms of repression and discrimination against protesters, representatives of the opposition and CSOs, including mass civil and criminal

prosecution, abuse of investigative powers, searches, seizures of data and communication devices, fines, arrests, the freezing of assets, and forced public disclosure in the media (including social media) of personal data during investigations or arrests.

- Abolish the Law ‘On Countering Extremism’ and all by-laws adopted under it, including the Index of Extremist Formations.
- Cancel criminal responsibility for organising and participating in the activities of an unregistered organisation (Article 193-1 of the Criminal Code) and abolish the ban on the activities of public associations without registration.
- Stop the practice of forced liquidation of CSOs, cancel all court and local authorities’ decisions on forced liquidation of public associations, foundations and private institutions made during 2020-2022.

## Georgia

### Key developments:

- A new law on entrepreneurs mandates the amendment of the registered data of all registered legal entities, including registered CSOs operating as non-entrepreneurial, non-commercial legal entities (NNLEs), by the end of 2023. As a result, the attitude of sector representatives has shifted from being passive regarding the registered data amendment to being actively engaged in the process of understanding the new requirements of the law, receiving appropriate consultancy, and moving forward with the goal of achieving compliance with the new regulatory forms.
- The Government has been more hostile to engaging in political dialogue with critical watchdogs (in some cases, publicly blocking a specific organisation’s participation), while remaining open to cooperating with CSOs on less politically sensitive issues. Amid increased verbal attacks on CSOs, a newly-formed political movement, People’s Power, which formally separated from the ruling party, Georgian Dream, called for a ‘strict legal framework’ on foreign funding of CSOs and announced that it would be submitting a legislative proposal to regulate such funding. It is important to note that the legislative proposal was forcefully pushed by People’s Power in 2022, jeopardizing Georgia’s image, severely harming the relationship between the CSO sector and the state and endangering the country’s path towards EU membership. The draft was later withdrawn in 2023.

### Key priorities:

- The Government of Georgia should design and adopt unified standards/rules on public consultations of draft laws and other normative acts at the national level, including by clearly setting participation as the obligatory stage in the

elaboration of decrees, draft laws, strategic documents, and other instruments and establish redress mechanisms for their violation.

- State representatives, government authorities and other representatives of the ruling party should stop attacking and harassing CSOs, must strengthen the participation of CSOs critical of the Government in the civil sector and ensure the existence of a safe and free environment for the activities of CSOs and human rights defenders.
- A registering entity should only be required to fulfil procedural requirements stipulated in the Law on Entrepreneurship if these are directly allowed by the Civil Code of Georgia and relate to and make sense in relation to CSOs.

## Moldova

### Key developments:

- Several laws and regulations were adopted such as the Framework Regulation regarding the non-reimbursable financing mechanism for non-commercial organisations, the amendments to the legislation on philanthropy and sponsorship and amendments regarding the incrimination of crimes motivated by prejudice.
- Two legal initiatives from 2022 include the new draft law on access to information and the draft law for a new form of non-profit legal entity (the Association for Intercommunity Development), intended for local public administrations to implement development initiatives.
- The Public Utility Certification Commission resumed its activities and provided public utility status to CSOs after two years of inactivity and the national registrar has introduced the possibility of online submission of documents for registration of CSOs.
- There was increased availability of funding solutions following the ‘refugee crisis’.

### Key priorities:

- Develop and adopt new strategic documents for the development of civil society and include new activities.
- Adjust the legal framework for public procurement to include a legal mechanism for contracting social services.
- Develop a unified online platform for transparency and CSOs’ participation in decision-making.
- Increase tax benefits for philanthropic donations and sponsorship to a level that would provide real benefits for philanthropic activity.

## Ukraine

### Key developments:

- Adoption of more favourable tax conditions for volunteers who collect money on their private bank cards.
- CSOs became fully-fledged participants in the process of planning for post-war reconstruction.
- The Parliament of Ukraine considered the Draft Law No. 8084 regarding the improvement of registration procedures for CSOs.
- The Parliament of Ukraine considered the Draft Law 'On Amendments to the Law of Ukraine on Local Self-Government in Ukraine and other legislative acts of Ukraine on people's power at the level of local self-government' (reg. No. 7283) regarding the development of public participation mechanisms.

### Key priorities:

- Improve legislation on the registration and operation of CSOs.
- Ensure digitalisation of services and digital environments for interaction between the authorities and CSOs and the digitalisation of services for volunteers and their organisations.
- Ensure the state duty to protect, due investigation of attacks on journalists and civil society activists, particularly against LGBTQ+ activists, environmental activists, and representatives of national minorities.
- Advance the implementation of the National Strategy for Civil Society Development for 2021-2026 to ensure cooperation between authority bodies and CSOs.

# IV. BIBLIOGRAPHY

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This regional report has been prepared based on the CSO Meter 2022 Country reports. For further information and analysis for each of the countries, please see the relevant country report:

1. Armenia: [2022 Armenia CSO Meter Country Report ENG.pdf](#)
2. Azerbaijan: [2022 Azerbaijan CSO Meter Country Report\\_1.pdf](#)
3. Belarus: [2022 Belarus CSO Meter Country Report.pdf](#)
4. Georgia: [2022 Georgia CSO Meter Country Report\\_o.pdf](#)
5. Moldova: [2022 Moldova CSO Meter Country Report English.pdf](#)
6. Ukraine: [2022 Ukraine CSO Meter Country Report\\_o.pdf](#)

For more information about the methodology for data gathering and preparation of the reports please see <https://csometer.info/methodology>.

# Annex 1. Regional scores 2022

## AREA

Country	1	2	3	4	5	6	7	8	9	10	11	Average
Armenia	5.7	4.9	5.4	5.3	4.8	4.8	4.9	4.6	4.1	4.0	4.5	4.8
Azerbaijan	4.0	3.6	3.0	3.8	4.6	4.2	4.4	4.6	4.2	4.1	4.6	4.1
Belarus	2.3	2.7	2.2	1.6	2.7	1.9	2.5	1.9	2.4	2.4	2.1	2.2
Georgia	6.1	5.6	5.7	4.6	4.8	4.9	3.8	4.5	4.2	4.1	4.9	4.8
Moldova	5.5	4.6	5.3	5.3	4.8	5.0	4.4	4.6	4.3	4.1	4.2	4.8
Ukraine	5.6	5.3	4.7	4.7	4.7	4.9	4.1	3.8	4.3	5.2	4.8	4.7
<b>Average</b>	<b>4.9</b>	<b>4.5</b>	<b>4.4</b>	<b>4.2</b>	<b>4.4</b>	<b>4.3</b>	<b>4.0</b>	<b>4.0</b>	<b>3.9</b>	<b>4.0</b>	<b>4.2</b>	<b>4.2</b>

## LEGISLATION

Country	1	2	3	4	5	6	7	8	9	10	11	Average
Armenia	5.8	5.0	5.8	5.7	5.3	5.2	5.8	5.3	4.2	4.3	4.9	5.2
Azerbaijan	4.5	3.8	3.2	4.4	5.0	4.8	4.9	5.0	4.4	4.3	4.8	4.5
Belarus	2.8	3.1	2.4	1.9	3.1	2.4	3.4	2.5	2.8	2.8	2.7	2.7
Georgia	6.1	5.8	6.0	5.2	5.3	5.6	4.6	5.0	4.4	4.2	5.1	5.2
Moldova	5.6	4.8	5.7	5.4	5.2	5.3	5.3	5.0	4.7	4.3	4.4	5.1
Ukraine	5.6	5.4	5.0	4.9	5.1	5.5	4.9	4.0	4.6	5.6	5.1	5.1
<b>Average</b>	<b>5.1</b>	<b>4.7</b>	<b>4.7</b>	<b>4.6</b>	<b>4.8</b>	<b>4.8</b>	<b>4.8</b>	<b>4.5</b>	<b>4.2</b>	<b>4.3</b>	<b>4.5</b>	<b>4.6</b>

## PRACTICE

Country	1	2	3	4	5	6	7	8	9	10	11	Average
Armenia	5.6	4.8	4.9	4.9	4.3	4.3	3.9	3.9	3.9	3.6	4.0	4.4
Azerbaijan	3.4	3.4	2.8	3.2	4.1	3.5	3.8	4.2	3.9	3.9	4.3	3.7
Belarus	1.8	2.2	2.0	1.2	2.2	1.3	1.6	1.2	1.9	2.0	1.5	1.7
Georgia	6.0	5.3	5.3	3.9	4.3	4.1	3.0	3.9	4.0	3.9	4.7	4.4
Moldova	5.3	4.4	4.8	5.1	4.4	4.6	3.4	4.2	3.9	3.9	4.0	4.4
Ukraine	5.5	5.2	4.4	4.5	4.3	4.2	3.2	3.5	3.9	4.7	4.4	4.3
<b>Average</b>	<b>4.6</b>	<b>4.2</b>	<b>4.0</b>	<b>3.8</b>	<b>3.9</b>	<b>3.7</b>	<b>3.2</b>	<b>3.5</b>	<b>3.6</b>	<b>3.7</b>	<b>3.8</b>	<b>3.8</b>

### Legend:

- 1 Freedom of Association
- 2 Equal Treatment
- 3 Access to Funding
- 4 Freedom of Peaceful Assembly
- 5 Right to Participation in Decision-Making
- 6 Freedom of Expression
- 7 Right to Privacy
- 8 State Duty to Protect
- 9 State Support
- 10 State-CSO Cooperation
- 11 Digital Rights

