

CSO METER

Assessing the civil society
environment in the Eastern
Partnership countries

Regional Overview 2020

The bottom half of the page features a large, abstract graphic design. It consists of several overlapping shapes: a large white semi-circle on the right side, a smaller white shape on the left, and a green shape at the bottom left. The background is a solid teal color.



Funded by the European Union

Monitoring Progress, Empowering Action



European Center for
Not-for-Profit Law



Summary report on the findings and recommendations from the analysis of the state of the CSO environment in Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine

Lead Authors: Simona Ognenovska, Luben Panov and Eszter Hartay

With contributions from: Civil Society Institute (CSI), MG Consulting LLC, Assembly of Pro-Democratic NGOs, Legal Transformation Center (LAWTREND), Promo-LEX Association, Transparency International Anti-corruption Center (TIAC) and the Ukrainian Center for Independent Political Research (UCIPR)

ECNL and its partners would like to thank the European Union for the support and guidance provided to this initiative.

December 2020

The European Center for Not-for-Profit Law (ECNL) is a leading European resource and research centre in the field of policies and laws affecting civil society. ECNL supports the creation of environments in which people can organise freely and jointly shape and contribute to the development of societies. ECNL's activities help to build conditions that enable civil society organisations to operate independently, be financially sustainable, have strong governance, engage in policy and mobilise public support. Beyond shaping policies and advocating for an enabling environment for civil society, ECNL empowers local stakeholders, monitors the implementation of tools and mechanisms, and creates a knowledge base through research and analysis.

Copyright © 2020 by ECNL, TIAC, MG Consulting LLC, Assembly of Pro-Democratic NGOs, LAWTREND, CSI, Promo-LEX Association, UCIPR. All rights reserved.

This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of ECNL Stichting and its partners: Transparency International Anti-Corruption Center Armenia; MG Consulting LLC; Assembly of Pro-Democratic NGOs in collaboration with Legal Transformation Center (LAWTREND); Civil Society Institute (CSI); Promo-LEX Association; and the Ukrainian Center for Independent Political Research (UCIPR) and do not necessarily reflect the views of the European Union.



Funded by the European Union

Monitoring Progress, Empowering Action



European Center for
Not-for-Profit Law

TABLE OF

CONTENTS

| | |
|---|-----------|
| i. Executive Summary..... | 4 |
| ii. General Trends and Developments | 8 |
| iii. Main Findings..... | 12 |
| iv. Conclusions and Recommendations..... | 25 |
| v. Methodology and Background Information..... | 29 |



Funded by the European Union

Monitoring Progress, Empowering Action



European Center for
Not-for-Profit Law

ABBREVIATIONS

| | |
|---------|--|
| AI | Artificial Intelligence |
| AML/CTF | Anti-money Laundering/Counter-terrorist financing |
| CAHAI | Ad hoc Committee on Artificial Intelligence |
| CSO(s) | Civil Society Organisation(s) |
| EaP | Eastern Partnership |
| ECHR | European Convention on Human Rights |
| EU | European Union |
| GONGO | Government-organized non-governmental organisation |
| NCO | Noncommercial Organisation |
| NGO | Non-governmental Organisation |
| OGP | Open Government Partnership |
| OSCE | Organization for Security and Co-operation in Europe |
| RIA | Regulatory Impact Assessment |
| UBO | Ultimate Beneficial Owner |
| UN | United Nations |



Funded by the European Union



I. EXECUTIVE SUMMARY

2020 has brought unprecedented challenges for civil society in the Eastern Partnership (EaP) countries. Political turbulence and the COVID-19 pandemic are the two key factors that have significantly impacted the region. Azerbaijan and Armenia engaged in full-scale military operations in the Nagorno-Karabakh region. In Belarus, the results of the presidential elections have sparked mass protests for over five months. There have also been demonstrations in Georgia following the parliamentary elections held in October. And in Moldova, the pro-European candidate Maia Sandu won the presidential elections against the incumbent Igor Dodon after the second round in mid-November.

The COVID-19 pandemic has had a major impact on civil society and civic freedoms. All EaP countries except for Belarus introduced various types of emergency measures. Limits have been placed on freedom of assembly in all EaP countries and, in certain of these, restrictions have been imposed on freedom of expression, access to information and the right to participation. At the start of the pandemic, the process of participation in decision-making has been effectively blocked for the public and civil society organisations (CSOs).

Despite these negative trends, 2020 also highlighted the important role of CSOs as in some instances governments partnered with them to fight against the pandemic (for instance, in Armenia). Except for in Belarus, there were some positive developments in all other EaP countries. In addition, despite the COVID-19 related restrictions, civic activism grew and people are expressing their views through protests. In addition, digitalization in the region is increasing and this has benefitted CSOs through enabling processes such as online reporting and registration or participation in public consultations through online platforms.

ECNL and its national partners¹ have monitored developments affecting the civil society environment in the EaP countries and recorded them in country updates based on the CSO Meter methodology. This Regional Overview highlights the most important developments related to the civil society environment in the region since November 2019, identifies common trends and provides recommendations for the future. ECNL's partners assessed the developments in the overall civil society environment per country, and separately assessed each of the 10 areas of the CSO Meter.

Based on the assessment of the overall situation in each of the EaP countries, Moldova is the only country that recorded a slight improvement in the civil society environment in the last 12 months. Azerbaijan and Georgia reported no substantial changes compared to the previous year, while

¹ The following organisations are local partners of ECNL in each of the six EaP countries: Transparency International Anticorruption Center (Armenia); MG Consulting LLC (Azerbaijan); the Assembly of Pro-Democratic NGOs in collaboration with the Legal Transformation Center (LAWTREND) (Belarus); the Civil Society Institute (Georgia); Promo-LEX Association (Moldova); and the Ukrainian Center for Independent Political Research (Ukraine).



Funded by the European Union



Armenia and Ukraine show an overall deterioration. The dramatic confrontations between the authorities and protesters against the presidential election results in Belarus have been accompanied by a significant deterioration in all areas of human rights, which has led to the overall deterioration of the civil society environment in Belarus.

When analysing the assessment in each of the areas, freedom of peaceful assembly witnessed the most deterioration across the region. The right to participation in decision-making has also witnessed deterioration in half of the EaP countries, but there was also improvement in several countries. Other fundamental rights and freedoms for which a deterioration or lack of substantial change was noted compared to last year are freedom of expression and the right to privacy.

One area with positive changes (and deterioration only in Belarus) is **freedom of association**. Among others, the new Law on Non-commercial Organisations (NCO Law) was adopted in Moldova in July 2020, a single window for registration of CSOs was introduced in Ukraine and the threshold for mandatory audit was increased in Armenia.

In the area of **access to funding** there has been an increasing threat to CSOs' access to international funding. In addition to the existing limitations in Belarus (where the updated regulations in this area have only aggravated the previous restrictions) and Azerbaijan, several restrictive draft laws related to CSOs receiving foreign funding were introduced in the Ukrainian Parliament.

Freedom of assembly has been severely restricted during the COVID-19 pandemic across the region. For example, in Georgia and Moldova gatherings and assemblies of more than three people were prohibited. In Ukraine, a draft law was proposed that would prohibit assemblies in the vicinity of law courts. In addition, in Moldova a malicious attack took place on the Chisinau municipality website which is the forum for notifying the authorities of public assemblies. From the time of the presidential elections in Belarus on 9 August until the end of November 2020, nearly 30,000 peaceful protesters have been detained and sentenced to fines or imprisoned for up to 25 days. In addition, nearly 1,000 activists, protesters, bloggers and journalists are facing criminal charges.

The right to participation has been an area that witnessed deterioration during the COVID-19 pandemic. In addition to the pandemic, there were also other legislative and regulatory initiatives which may worsen the environment for public participation. For example, the proposed amendments to the Armenian Law on Freedom of Information would allow the withholding of information related to environmental protection. In Ukraine, the timeline for public consultations has been shortened from 20 to 10 days and four draft laws on lobbying have been introduced in Parliament that may hinder CSO advocacy and the possibility for CSOs to participate in decision-making.

Limitations on **freedom of expression** have been introduced mainly owing of the COVID-19 pandemic. In addition, **anti-money laundering and counter-terrorist financing (AML/CTF) regulations** continue to have a major impact on CSOs in the EaP region. In at least three countries of the region, **smear campaigns** against CSOs have continued.

The area with the most improvements in the EaP region has been **state support**. Among others, there are attempts to introduce contest-based state funding in three of the EaP countries and a number of positive draft laws have been proposed that would improve the situation in that area (for



Funded by the European Union



instance, the Law on Social Entrepreneurship in Georgia). In addition, the adoption of the new NCO Law in Moldova extends the duration of the public utility status from three to five years. In the area of **State-CSO cooperation** there has been no major progress or substantial change, apart from in Georgia where this area has been evaluated as improved as a result of the relaunching of the process to adopt a Concept for State Support to CSO Development.

During the past year only a few **key recommendations** of the 2019 country [CSO Meter reports](#) were completed. Advocacy initiatives were significantly hindered due to the above challenges and the change of priorities because of COVID-19. Therefore, there is a lot more to be done to create an enabling environment for CSOs in the EaP region.



Funded by the European Union



II. GENERAL TRENDS AND DEVELOPMENTS

2.1. General developments in the region

Political turbulence

All countries in the region have witnessed elections or political turbulence that have affected relations between the government and CSOs. Azerbaijan and Armenia have been engaged in full-scale military operations. In Belarus, the results of the presidential elections have sparked mass protests with arrests, violence and the use of weapons against peaceful civilians. In Moldova, the balance in the ruling coalition was broken and Prime Minister Maia Sandu resigned in November 2019. In 2020, the country entered into a new pre-election period which ended with the second round of the presidential elections in November 2020 won by Maia Sandu against the incumbent Igor Dodon. In Ukraine, President Zelensky's party received a majority for the first time in recent years following the parliamentary elections in July 2019. At the same time, collisions within the government led to its change in early 2020. In 2020 there were also local elections in which the opposition parties won in many major cities.

In February 2020, elections took place in Azerbaijan in which a number of CSO leaders were elected to parliament. In Georgia, parliamentary elections took place in October 2020. The official results show a victory for the ruling party "Georgian Dream", but opposition parties dispute the results and have requested new elections amid protests. In Armenia (the only country that did not have elections in 2020), the signing of the agreement with Azerbaijan for Nagorno-Karabakh has led to mass protests with people attacking the offices of the Prime Minister and the Parliament and requesting the Prime Minister's resignation.

The COVID-19 pandemic

The COVID-19 pandemic has significantly affected civil society and civic freedoms. All countries except for Belarus have introduced various types of emergency measures. Armenia, Georgia and Moldova introduced a state of emergency and sent official notification for derogation from the European Convention on Human Rights (ECHR) for, among others, freedom of assembly and freedom of movement. Azerbaijan introduced a special quarantine regime, while Ukraine announced an emergency situation.

One of the negative effects of COVID-19 witnessed in some EaP countries is the provision of more powers to the executive authorities, including the imposing of limitations on basic freedoms, without the need to introduce a state of emergency. For example, in Georgia, the Law on Public



Funded by the European Union



Health gives the government the power to restrict basic rights including freedom of assembly without parliamentary oversight and the need for a state of emergency.²

During the pandemic, all EaP countries introduced limitations on freedom of assembly and freedom of movement. In addition, in some of the countries there were limitations on other important rights such as freedom of expression, access to information and the right to participation. Especially at the beginning of the pandemic, participation in decision-making was effectively blocked and CSOs were deprived of the possibility to influence some of the most important decisions that imposed limitations on civic freedoms. The pandemic has also affected the right to privacy. In Armenia, the Law on State Emergency allowed authorities to access mobile phone location data. More information about these limitations can be found in ECNL's briefer.³

COVID-19 has intensified the spread of fake news and conspiracy theories. In Armenia, a CSO was suspected of having spread fake news about the pandemic⁴ and this has had a negative effect on public perception of CSOs. In Moldova, according to a poll, 37 percent of respondents believe that Bill Gates is the reason for COVID-19. In addition, the Russian Orthodox Church in Moldova issued an official statement against a future COVID-19 vaccine.

There have also been some positive examples that can serve as inspiration. Among others, in Ukraine the limit for tax benefits for donations during COVID-19 was removed. In Azerbaijan, CSOs could benefit from the COVID-19 measures in the same way as businesses with part of the salary and social security being covered for CSO employees.

Digitalization

The pandemic has highlighted the importance of digitalization and electronic services. Some of the services that CSOs use are available electronically. For instance, in Azerbaijan and Moldova there is the possibility of electronic reporting. In Ukraine, electronic registration has already been introduced, while in Azerbaijan there are attempts to introduce it. Digitalization plays an important role in the process of CSOs' participation in decision-making with the possibility to initiate electronic petitions in Armenia and Ukraine, or engage in public consultations (in Armenia, for instance).

There has been a discussion in EaP countries on whether the right to internet access is a fundamental right. Georgia is one of the first countries worldwide to include this right in its Constitution. In September 2020, the Ukrainian Parliament adopted the Law on Electronic Communication which effectively defines internet access as a fundamental right.

The use of artificial intelligence (AI) also affects civil society. At the Council of Europe, a working group has been established to develop the principles of AI regulation, the Ad hoc Committee on Artificial Intelligence (CAHAI). This work has an important impact on the EaP countries where the governments are currently developing policy documents related to AI (e.g., the AI Development

² <https://civil.ge/archives/352590>.

³ <https://csometer.info/wp-content/uploads/2020/04/cso-meter-covid-briefer.pdf>.

⁴ Armenia: US government funding COVID disinformation, Tatev Hovhannisyan, EurasiaNet, 28 May 2020, <https://eurasianet.org/armenia-us-government-funding-covid-disinformation>.



Funded by the European Union



Concept in Ukraine). The CAHAI principles are based on the human rights approach for regulating AI in that they are based on the internationally-recognised human rights standards as opposed to the less clear ethical standards. That is why it is crucial that CSOs and, specifically, human rights CSOs are able to engage in the process of developing national policy documents on AI.

2.2. Specific developments in the civil society environment

As ECNL’s partners developed the 2020 country updates, they also assessed whether the situation under each area and the overall civil society environment improved, deteriorated or did not face substantial changes as compared to the previous report. Partners assessed separately the overall environment and the developments under each of the 10 areas. The overall assessment in each of the countries is based on the significance of the developments and does not directly correlate to the number of improvements or deteriorations in the separate areas. Even though there may be certain improvements in a country per area, the overall situation could still be assessed as having no significant change.

2.2.1. Overall civil society environment assessment in the countries

According to this analysis, the only country that recorded slight improvement in the overall civil society environment was Moldova. This improvement mainly relates to the adoption of the progressive NCO Law following a decision-making process that lasted several years. Azerbaijan and Georgia reported no substantial changes in their overall environment for civil society, while Belarus, Armenia and Ukraine showed an overall deterioration.

Comparative chart no. 1: Overall civil society environment assessments per country by the CSO Meter partners from EaP countries

| Countries | Overall civil society environment assessment |
|------------|--|
| Moldova | ↑ |
| Georgia | ↔ |
| Belarus | ↓ |
| Ukraine | ↓ |
| Azerbaijan | ↔ |
| Armenia | ↓ |

2.2.2. Assessment of developments per area

While the COVID-19 pandemic and the associated emergency measures are the main reason for deterioration in Armenia, in Ukraine this is also linked to developments such as the introduction of several restrictive draft laws that would limit access to foreign funding and participation in decision-



Funded by the European Union



making for CSOs. In Belarus, on the eve of the presidential elections, the authorities significantly restricted the conditions for holding assemblies and to receive foreign funding and introduced harsh reporting requirements relating to AML/CTF. Subsequently, brutal crackdowns and killings of protesters, unrestricted police violence, mass arrests, searches and expulsions from the country of opponents of the authorities created an atmosphere of terror and intimidation that is completely adverse to a healthy civil society.⁵

The area with the most deterioration (among all EaP countries) is freedom of assembly influenced by the COVID-19 pandemic. Namely, all countries-imposed limitations on gatherings of people. Another area with limitations was the right to participation as most countries had to adopt emergency measures speedily and did not, at least initially, engage in public consultations concerning these measures. The right to participation has, however, also witnessed some improvements in Georgia and Azerbaijan. In the areas of freedom of expression and right to privacy, however, the countries noted deteriorations or a lack of changes.

Comparative chart no. 2: Assessments of developments per area by the CSO Meter partners from EaP countries

| Country/Areas | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|---------------|---|---|---|---|---|---|---|---|---|----|
| Moldova | ↑ | ↑ | ↔ | ↓ | ↔ | ↔ | ↔ | ↔ | ↔ | ↔ |
| Georgia | ↔ | ↔ | ↔ | ↔ | ↑ | ↔ | ↔ | ↔ | ↑ | ↑ |
| Belarus | ↓ | ↔ | ↓ | ↓ | ↓ | ↓ | ↓ | ↓ | ↔ | ↓ |
| Ukraine | ↑ | ↔ | ↔ | ↓ | ↓ | ↓ | ↓ | ↔ | ↑ | ↔ |
| Azerbaijan | ↔ | ↔ | ↑ | ↓ | ↑ | ↔ | ↔ | ↔ | ↑ | ↔ |
| Armenia | ↔ | ↔ | ↔ | ↓ | ↓ | ↔ | ↔ | ↑ | ↔ | ↔ |

⁵ https://www.europarl.europa.eu/doceo/document/B-9-2020-0390_EN.pdf.



Funded by the European Union



I. MAIN FINDINGS

The main findings in the Regional Overview 2020 are summarised and synthesised from the country updates provided by our six partners. In this second year of monitoring, the country updates mainly focus on the key trends and developments that have occurred since the last report. In addition to this, this Regional Overview also reflects on laws and practices that have remained unchanged but continue to be challenging based on the 2019 reports. Some of the **most important developments affecting civil society** in the countries are the following:

- In Moldova a **new NCO Law** was adopted after several years (some of the benefits the law offers are protection against state interference in the internal affairs of CSOs, elimination of the registration fee, allowing all individuals - regardless of citizenship or residence - to establish or manage CSOs and legal entities to establish associations, etc.).⁶
- In Armenia, **reporting** requirements were introduced for all CSOs. It remains to be seen how this measure will affect the sector, but the final version of the law is an improvement compared to the initial proposal which would have violated the privacy of donors, etc.⁷
- In Belarus, laws and regulations have **worsened the conditions for peaceful assemblies, for obtaining foreign funding, and introduced mandatory financial reporting for CSOs** because of counter-terrorism financing without any consultation with the sector. An outburst of civic activism during the elections met with **widespread repression and police violence** that fundamentally changed the landscape for CSOs, many of which ended operations on fear of terror or have been forced to relocate some of their staff and leaders abroad.
- In Ukraine, the **State Agency for Development of Youth and Civil Society was discontinued just two months after adopting the decision to establish it**. In addition, Ukraine witnessed a wave of proposals for restrictive draft laws related to CSO foreign funding and lobbying. On the other hand, Ukraine is in the process of developing a new civil society strategy in a participatory way and taking into consideration many of the CSO Meter recommendations.⁸
- In Azerbaijan, the President **signed the new Open Government Partnership (OGP) Action Plan** which contains several positive measures for CSOs.
- In Georgia, the **Concept on State Support for CSO Development was re-introduced** for discussion in the Parliament.

⁶ <https://csometer.info/moldova-new-progressive-law-on-non-commercial-organisations/>.

⁷ <https://csometer.info/armenian-parliament-adopts-amendments-to-cso-legislation/>.

⁸ <https://ecnl.org/news/ukraine-develops-2021-2025-strategy-promote-civil-society-development>.



Funded by the European Union



1. Freedom of association

| Country | Moldova | Georgia | Belarus | Ukraine | Azerbaijan | Armenia |
|------------------------|---------|---------|---------|---------|------------|---------|
| Freedom of association | ↑ | ↔ | ↓ | ↑ | ↔ | ↔ |

Freedom of association remained constitutionally guaranteed in the region. It is the area where **most of the legal improvements** in the region took place. In Moldova, the new NCO Law was adopted in line with international standards, while in Ukraine and Armenia the administrative processes around registration and reporting were improved. More precisely:

- In Moldova, the new NCO Law protects CSOs against state interference in their internal affairs, eliminates the registration fee, allows all individuals (regardless of citizenship or residence) to establish or manage CSOs and allows legal entities to establish associations, among others. During the plenary discussions, a prohibition was introduced stating that CSOs could not provide either paid or free services to political parties during election campaigns. The prohibition on paid services was challenged in the Constitutional Court and was declared unconstitutional.
- In Ukraine, CSOs were relieved from administrative burdens by the introduction of a single window for registration and simplifying the reporting for CSOs by cancelling the obligation to submit reports on civil society activities to the statistical authorities.
- In Armenia, the threshold for mandatory audit was increased. Previously the threshold was low and obliged most CSOs that receive state funding to also pay for an audit. The reporting requirements for foundations were also simplified, publishing was made free of charge and the requirement to provide personal information was removed.

Deterioration of freedom of association occurred in Belarus. Belarus is the only country in the region that still prohibits unregistered associations. By order of the President, the activities of a number of associations were qualified as a threat to national security, their leaders were arrested, and they were charged under the Criminal Code or forced to leave the country. Government-organised non-governmental organisations (GONGOs) create obstacles to the free exit of people from their ranks. NewCTF measures in Belarus were introduced in November 2020 for all CSOs of two forms (public associations and foundations). Civil society in Belarus considers the introduction of such measures (along with the already existing reporting) as excessive, being especially critical of the fact that there was no preliminary consultation with stakeholders, as requested by CSOs. The introduction of these measures at the current moment, when Belarus is in a state of acute political turmoil, raises particular concern about possible abuses and violations of human rights (for more information, see the OSCE Rapporteur’s Report under the [Moscow Mechanism on Human Rights Violations related to the Presidential Elections in Belarus](#)).

There were **no changes** recorded in the area of freedom of association in Azerbaijan and Georgia. Certain challenges remain, such as limitations on the ability of foreigners to establish a CSO in Azerbaijan and Belarus. Azerbaijan still has in place a lengthy registration procedure that can last for several years. The existing data per country shows that there has been **no dramatic change** in the number of registered CSOs, or in the costs and timeline for CSO registration compared to in 2019.



Funded by the European Union



In each of the EaP countries (except for Azerbaijan) there is at least one non-profit legal entity form that is easy and affordable to register and hence individuals are able to exercise their freedom of association. Registration for CSOs is free of charge in Moldova and Ukraine and is affordable in the other EaP countries (ranging from 4 to 25 EUR). The timeline for registration ranges from the same day (Georgia) to 15 days (Armenia and Moldova). In Azerbaijan only, the timeline is 30 days and can even be extended.

Comparative chart no. 3: Number of registered CSOs in the EaP countries, costs and timeline for registration

| Country | Fee (2019) | Fee (2020) | Timeline (2019) | Timeline (2020) | Total no. of CSOs (2020) | CSOs per 10,000 inhabitants (2019) | CSOs per 10,000 inhabitants (2020) ⁹ |
|------------|--------------|-------------------------------|-----------------------|-----------------------|---|------------------------------------|---|
| Armenia | 19 EUR | 17.5 EUR ¹⁰ | Up to 10/15 days | Up to 10/15 days | 4,892 public organisations, 1,237 foundations | 19 | 20.7 |
| Azerbaijan | 5 EUR | 5 EUR | Several years | Several years | More than 4,500 | 4 | 4.5 |
| Belarus | 6/56/113 EUR | 4/45/89 EUR | 1 day/1 month | 1 day/1 month | More than 3,300 | 3 | 3.5 |
| Georgia | 30/60 EUR | 25/51 EUR | 1 day/or the same day | 1 day/or the same day | 29,072 registered, (1,049 active) | 64 | 78 |
| Moldova | 10/135 EUR | No fee (as of 27 August 2020) | 15 days | 15 days | 10,942 (as of 2 November 2020) | 27 | 31 |
| Ukraine | Free | Free | 3-15 days/1 day | 3-15 days/1 day | 110,000 | 22 | 26 |

2. Equal treatment

| Country | Moldova | Georgia | Belarus | Ukraine | Azerbaijan | Armenia |
|-----------------|---------|---------|---------|---------|------------|---------|
| Equal treatment | ↑ | ↔ | ↔ | ↔ | ↔ | ↔ |

CSOs are generally not treated equitably with business entities in all countries of the region except in Georgia. Almost all the countries have reported **lack of progress in this area (no significant change)**. Only Moldova has reported an **improvement** in equal treatment due to a minor positive change which was elimination of the registration fee for CSOs and a decision of the Constitutional Court which allowed CSOs (in the same way as businesses) to provide paid services to political parties

⁹We have calculated the number of CSOs per 10,000 inhabitants based on data provided by ECNL’s partners and on World Bank population information.

¹⁰The changes in the registration fee between 2019 and 2020 in Armenia, Belarus and Georgia are due to exchange rate differences, not because of an actual change.



Funded by the European Union



during election campaigns.¹¹ Positive steps have been taken in Armenia, with changes in reporting for CSOs which are related to introducing mandatory annual reporting for public organisations and have equalized the reporting requirements towards public organisations and foundations.

However, the challenges in highlighted in the previous report persist. In some EaP countries, the registration procedure is significantly longer for CSOs than for business entities (e.g., in Moldova) and/or the registration fee for CSOs is higher (e.g., in Armenia). The public procurement rules in some countries are designed in favour of business entities and/or business entities are the preferred choice of state authorities in practice.

3. Access to funding

| Country | Moldova | Georgia | Belarus | Ukraine | Azerbaijan | Armenia |
|-------------------|---------|---------|---------|---------|------------|---------|
| Access to funding | ↔ | ↔ | ↓ | ↔ | ↑ | ↔ |

CSOs across the region are generally free to seek, receive and use various types of resources in four of the countries in the EaP region. The two main exceptions are Azerbaijan and Belarus. Both countries have several practices which hinder the normal operations of CSOs and are contrary to the international standards on access to funding and freedom of association.

- In Azerbaijan, foreign-funded grants and service contracts are subject to registration and anonymous donations and cash donations exceeding around 107 EUR are prohibited.
- In Belarus, foreign donations are allowed only for a limited list of activities (that does not include human rights, for example). In addition, Belarus is the only EaP country that does not allow public associations to directly engage in entrepreneurial activities (one of the most important sources of CSO funding globally).

In 2020, **no significant change** was reported in four of the countries, except for improvements in Azerbaijan and deterioration in Belarus. The **improvements** that took place in Azerbaijan are a result of the COVID-19 pandemic, which allowed CSOs to take part in a grant competition launched by the NGO Support Council together with 18 state bodies and resulted in an increase in the number of awarded grants as compared to the previous year on various topics.

In Belarus, the main reason for the further **deterioration** was the adoption on 25 May of the Decree № 3 “On Foreign Gratuitous Aid,” which further tightened the provision of external support for CSOs. The list of possible goals for receiving external assistance has become smaller, the obligation to register foreign aid has been retained, and a 0.5 percent payment for the registration of assistance from the general grant amount has been introduced in addition to general taxes.¹²

In addition, in Belarus after the crowdfunding campaigns initiated abroad began to collect and recruit aid to victims of arrests, dismissals and torture in Belarus, the authorities began to block bank

¹¹ <https://csometer.info/csos-can-provide-paid-services-to-election-candidates-says-high-court/>.

¹² <https://csometer.info/belarus-changes-in-the-legislation-on-foreign-gratuitous-aid/>.



Funded by the European Union



transfers. Significant donations for hundreds of people were frozen in bank accounts. The government, without legal grounds, declared the illegality of the activities of foreign funds. As part of a politically charged criminal case, during the election campaign the largest national crowdfunding platform *MolaMola* was blocked, and its managers were imprisoned on criminal charges of tax evasion.

In addition to the limitations described above, there are also several other developments related to access to funding which hinder the operation of CSOs and are contrary to international standards:

- In Ukraine, several draft laws related to CSOs receiving foreign funding were introduced. These aim to limit the possibility of individuals associated with foreign-funded CSOs to serve on the boards of state enterprises or state banks, or to become state officials. One of the drafts introduces separate registration for foreign-funded CSOs and would even oblige their CEOs and board members to pass an annual polygraph test to ‘prove’ they are loyal to Ukraine. Such proposals are contrary to international standards as the drafts stigmatize CSOs and would sanction individuals for engaging in activities which at the time of their implementation were not illegal. As a general effect, the draft laws will likely discourage individuals from engaging with CSOs because of the possible negative consequences of doing so.¹³
- In Georgia, two measures from the Open Government Partnership (OGP) Plan related to the financing of civil society have been frozen because of the COVID-19 pandemic (the introduction of standards for public funding to CSOs and the possibility for local authorities to issue grants to CSOs).
- In Armenia and Moldova, the attacks and efforts to limit external funding of CSOs and label those that are funded by Open Society Foundations (an international grant-making network founded by George Soros), continued in the political discourse.

4. Freedom of Peaceful Assembly

| Country | Moldova | Georgia | Belarus | Ukraine | Azerbaijan | Armenia |
|------------------------------|---------|---------|---------|---------|------------|---------|
| Freedom of Peaceful Assembly | ↓ | ↔ | ↓ | ↓ | ↓ | ↓ |

Freedom of peaceful assembly has been the area with most deterioration as the severe restrictions during the COVID-19 pandemic have limited the space for citizens to voice their opinions and needs. In addition to these temporary measures which differed in each country in terms of types and number of persons allowed to assemble, this area has noted further **deterioration** in all countries (except for Georgia):

¹³ <https://ecnl.org/news/friends-or-foes-are-csos-receiving-foreign-funding-enemies-ukraine>.



Funded by the European Union



- In Ukraine, a draft law has been proposed in the Parliament that prohibits assemblies near courts.
- In Moldova, the Chisinau municipality website where notifications for assemblies are recorded was brought down in a hacker attack which led to a loss of information. The number of participants in an assembly is limited to 50 persons (after initially being limited to three persons).
- In Belarus, a new burdensome procedure was imposed for the initiators of public events which is not directly related to COVID-19. Organisers must conclude agreements on the provision of services by the police, medical and cleaning services before applying for or notifying the event to local authorities. The number of arrests of peaceful protesters is nearing 30,000. The number of politically-motivated criminal cases is reaching 1,000. The list of political prisoners continues to grow and lists more than 145 names,¹⁴ including board members and activists of the national students’ union and volunteers of the Human Rights Centre “Viasna”. There is no indication that the authorities are investigating the thousands of reports of police brutality or threats of sexual violence against detainees filed since mid-August or the killings of protesters.¹⁵ During the second wave of coronavirus in October/November, the prisons in which thousands of arrested Belarusians are held became infection sites for COVID-19. The law enforcement forces deliberately exploited the threat of infection in prison as a deterrent.
- In Azerbaijan, the introduction of SMS permission to leave places of residence has also hindered the possibility to take part in protests or assemblies as the permissible reasons for leaving the home were limited and did not include protesting.
- In Armenia, the inconsistent approach by the police towards spontaneous assemblies led to unequal and disproportionate application of limitations (e.g., when it comes to dispersing protesters).

Even though Georgia did not report overall deterioration in this area, there were serious limitations as gatherings and assemblies of more than three people were not allowed during the first stage of the pandemic.

5. Right to participation

| Country | Moldova | Georgia | Belarus | Ukraine | Azerbaijan | Armenia |
|------------------------|---------|---------|---------|---------|------------|---------|
| Right to participation | ↔ | ↑ | ↓ | ↓ | ↑ | ↓ |

¹⁴ <https://spring96.org/en/news/49539>.

¹⁵ https://www.belarusinfofocus.pro/sites/default/files/seeking_justice_web_new.pdf.



Funded by the European Union



The right to participation has been among the most affected areas during the COVID-19 pandemic. Despite the general obstacles to organising in-person consultations around different issues and the need for fast decision-making, in two countries **improvements** were noted:

- In Azerbaijan, the government prepared its first OGP Action Plan which contains several positive measures that, if enacted, will improve the civil society environment.
- In Georgia, the government adopted amendments to the Law on Normative Acts which introduced the regulatory impact assessment (RIA) that should ensure quality in adoption and implementation of laws.

Three countries noted **deterioration** in exercising their right to participation, including access to information. It is important to note that the right to participation is equally applicable during emergencies.¹⁶ It may be even more important to ensure participation when making decisions in order to increase the trust in any measures adopted. The negative examples include:

- In Ukraine there have been cases of acts submitted without being on the agenda of the Council of Ministers and journalists and CSOs were not allowed into the Parliament. Also, there was a proposal to stop considering requests for information during the quarantine, but this was not ultimately adopted.
- In Moldova, the Parliament's work was initially blocked during the pandemic and not all committee meetings were broadcasted live. Also, the time needed by the authorities to respond to the inquiries for public information tripled during this time.
- In Georgia, obtaining public information was suspended during the pandemic.
- In Belarus, withholding information about coronavirus infection rates has become one of the most serious problems that led to an increase in mortality.

In addition to the pandemic-related measures and their effect on participation, there were also other legislative and regulatory initiatives which **may lead to further deterioration** of exercise of the right to participation:

- In Armenia, the government proposed amendments to the Law on Freedom of Information that would allow the withholding of information related to environmental protection. This has been heavily criticized by CSOs that fear this amendment may be used to hide information on large corporations and their impact on the environment.
- In Ukraine, the timeline for public consultations has been shortened from 20 to 10 days. In addition, four draft laws on lobbying have been introduced in Parliament. They contain vague and broad definitions that may hinder CSO advocacy and the possibility to participate in decision-making. While it is important to ensure that the decision-making process is transparent and there are no undue influences on decision-makers, it is important to highlight that the right to participation is an internationally accepted right which should be respected. Therefore, the right of CSOs to engage in the decision-making process through advocacy and public consultations should not be limited.

¹⁶<https://ecnl.org/publications/keep-civic-space-healthy-rights-card-public-participation-decision-making-during-covid>.



Funded by the European Union



No significant changes were reported in Moldova, besides CSOs enjoying an improved attitude on the part of public authorities towards their right to participation in decision-making processes. The Parliament’s website still has certain gaps (regarding the timely publishing of its agenda and draft laws). In 2020, the Parliament launched an additional annex to its website which has slightly improved its level of transparency.

6. Freedom of expression

| Country | Moldova | Georgia | Belarus | Ukraine | Azerbaijan | Armenia |
|-----------------------|---------|---------|---------|---------|------------|---------|
| Freedom of expression | ↔ | ↔ | ↓ | ↓ | ↔ | ↔ |

Limitations on freedom of expression have occurred mainly because of the COVID-19 pandemic. While most of the EaP countries have reported **no significant changes** to freedom of expression, **deterioration** was reported in Ukraine and Belarus:

- In Ukraine, the deterioration is a result of such as the introduction of administrative proceedings for criticizing the President, calls for violence on social networks, continuous attacks on activists and journalists, and calls for repealing the Law “On Amnesty for Euromaidan Participants” in order to hold Euromaidan activists criminally liable.
- In Belarus, there were cases of arresting investigative journalists and whistle-blowers and expelling a student from university who publicly urged students not to attend classes due to the coronavirus. Also, internet access in Belarus was wholly or partly limited.¹⁷ Blockings were either total or concerned specific internet services, websites, social networks and messaging services, whether local or global. It is alleged that the Belarusian authorities decided to block data transfer protocols, which led to the disruption of connectivity of Belarusian networks. All foreign traffic was directed through one channel only to allow for deep-packet inspection making VPN services ineffective. Under international human rights law such disruptions are impermissible. During the dispersal of peaceful demonstrations, the police and military forces purposefully hunted down journalists who were beaten and detained despite the presence of special vests marked "press". In several cases, targeted shootings were carried out on journalists. The websites of several dozen media outlets¹⁸ were blocked, several journalists were charged with criminal charges, and two leading Telegram channels were included in the list of international terrorists. In Autumn 2020, all foreign correspondents were forced to suddenly re-register and this was announced in such a way that on the day of the mass protest demonstration there were simply no legal foreign correspondents.

¹⁷ <https://csometer.info/internet-disruption-in-belarus/>.

¹⁸ <https://netobservatory.by/belarus-shutdown-2020/>.



Funded by the European Union



No significant progress was noted in Armenia, Azerbaijan and Moldova, except certain changes and measures undertaken in relation to the COVID-19 pandemic:

- In Armenia, a requirement to cite official sources on coronavirus infections has been introduced as part of the emergency measures in the first month of the state of emergency, but was then removed.
- In Moldova, a similar proposal was repealed before being enacted as the Audiovisual Council decided to reverse its decision as a result of advocacy by CSOs and journalists.
- In Azerbaijan, amendments to the Law on Information, Informatization and Protection of Information have obliged users and owners of information resources on the internet “not to place false information”, an overly-broad limitation that does not only apply to the coronavirus situation, but also in general.

According to international standards, any limitations on freedom of expression should be in line with the requirements of international human rights law. More specifically, such limitations should be for a legitimate reason and be proportionate. Measures to fight disinformation should not limit freedom of expression.

7. Right to privacy

| Country | Moldova | Georgia | Belarus | Ukraine | Azerbaijan | Armenia |
|------------------|---------|---------|---------|---------|------------|---------|
| Right to privacy | ↔ | ↔ | ↓ | ↓ | ↔ | ↔ |

The right to privacy remained constitutionally guaranteed in all countries of the region. The use of mobile phone data to track the spread of COVID-19 has been applied in three of the EaP countries (Armenia, Ukraine and Georgia). Except for Ukraine and Belarus, which reported **deterioration**, the rest of the countries reported **no substantial changes** in the right to privacy as compared to last year.

- In Ukraine, the mobile app “Diia” (Action), which is used to control person’s self-isolation continues to operate, and it is considered that offences related to personal data distribution took place, and that there were leaks of Ukrainian citizens’ personal data through Telegram channels.
- In Belarus, checking the contents of smartphones without any procedural design is used everywhere (for example, at the entrance to the Metro). The presence of photos from rallies or subscriptions to opposition Telegram channels can be grounds for arrest. Torture or threats of violence in order to force the revealing of a password is a common practice.

While, in the rest of the countries, there were **no significant** changes, the COVID-19 crisis brought a wave of efforts to track its spread:

- In Armenia, the authorities now have the right to collect information on the location and calls of the users of electronic communication services in order to identify the location,



Funded by the European Union



movements and the contact circles of potentially infected people during the period of the state of emergency.

- In Georgia, the “Stop COVID” app was promoted for voluntary use.
- In Azerbaijan, the authorities applied a different approach by limiting freedom of movement and introduced a permission system for leaving the place of residence via SMS. It has, however, been abolished as of 5 August in the parts of the country where it was still in place.

Using mobile phone data infringes on people’s right to privacy. Therefore, any data collection should be the least intrusive way to identify people potentially exposed to a virus (for example, proximity between people can be obtained without necessarily geo-locating them). Data collection should be specifically provided by law, necessary in a democratic society and for a legitimate objective. Any measure allowing collection of information should have a mechanism for oversight, guarantees for data storage and a sunset clause for the immediate destruction of data once the emergency ends.

8. State duty to protect

| Country | Moldova | Georgia | Belarus | Ukraine | Azerbaijan | Armenia |
|-----------------------|---------|---------|---------|---------|------------|---------|
| State duty to protect | ↔ | ↔ | ↓ | ↔ | ↔ | ↑ |

CSOs in all countries continue to enjoy some protection against state and third-party interference in their internal matters. **Improvements** in state duty to protect in 2020 are recorded in Armenia with the adoption of amendments to the Criminal Code providing criminal and administrative sanctions for public calls to violence and the justification of violence on specific grounds.

Deterioration was recorded in Belarus with the imposed heavier reporting requirements. On 7 November, the Ministry of Justice suddenly and unexpectedly issued Decree №153-1 “On information about the activities of public associations and foundations”. This document stipulates that public associations and foundations will be required to publish a report on their activities together with a financial report by 1 March of each year. The list of information to be published by public associations in the new report consists of two blocks: (i) a report on the activities of the organisation. This should include information on the number of members of the public association, its organisational structures, the location of its governing body and the activities carried out during the year; and (ii) a statement of income and expenditure of cash and property. Information on the total amount of funds and other property must be noted, including entrance and membership fees (if the fees are provided by statute), income from lectures, exhibitions, sports and other events held for statutory purposes, income from entrepreneurial activity (from enterprises founded by a public association), voluntary donations, income from foreign states, foreign and international organisations, and income from other sources. Regarding expenditures, it is necessary to indicate the total amount of expenditure, the number of employees of the organisation, the payment for their work, expenditures for logistical support, and use of funds and other property.

AML/CTF regulations continue to have a major impact on CSOs in the EaP region, due to the lack of a risk-based approach, and lack of involvement of CSOs in the risk assessments, lack of respect for



Funded by the European Union



human rights, lack of clear guidance on implementation, burdensome requirements and disproportionate sanctions for violation.

- In Azerbaijan, there are burdensome requirements for CSOs related to the measures to fight extremism, terrorism and money laundering.
- In Ukraine, CSOs have an obligation to disclose their ultimate beneficial owner (UBO), which burdens the operation of CSOs as they do not have a UBO.
- In Moldova, the CSO sector risk assessment took place without any engagement with CSOs and its results were not made publicly available.
- In Belarus, the new law adopted on 13 May introduces heavier reporting requirements for public associations and foundations on AML/CTF, which does not comply with the risk-based approach.¹⁹ In this case, it should be considered that the existing law on AML/CTF obliges banks to control whether the financial transactions of CSOs correspond with their statutory objectives.

In at least three countries of the region, the smear campaign against CSOs continued. In Ukraine, the term “sorosiata” has been used, in Armenia attacks continue against CSOs supported by Open Society Foundations, while in Moldova there is negative rhetoric against CSOs that receive foreign funding, and which are depicted as a possible foreign influence in Moldova’s domestic politics.

In Belarus, pressure and violence are directed against all public institutions, including CSOs engaged in protests. Hundreds of activists have been detained, arrested, searched, beaten and tortured. Specific and severe repressions are directed by the regime against those CSOs that cooperate with the Coordination Council for the Transfer of Power, conduct human rights activities, or provide assistance to prisoners and the victims of repression. The arrest of a CSO leader at a protest action almost always means checks, sanctions or other attacks on the CSO itself, whatever activity it is engaged in (for example, a hospice was deprived of state support after its director was arrested for participating in a mass action in his spare time).

9. State Support

| Country | Moldova | Georgia | Belarus | Ukraine | Azerbaijan | Armenia |
|---------------|---------|---------|---------|---------|------------|---------|
| State support | ↔ | ↑ | ↔ | ↑ | ↑ | ↔ |

State support has been the area where countries noted the most **improvements**. In three countries, proposals for contest-based state funding were introduced, which show efforts towards opening state funding up to a wider scope of organisations (Ukraine, Armenia) and increasing the transparency of the allocation process (Moldova).

¹⁹<https://csometer.info/belarus-introduces-heavier-reporting-requirements-for-csos-based-on-aml-ctf-measures/>.



Funded by the European Union



- In Ukraine, a proposal for contest-based state funding was introduced for CSOs relating to people with disabilities.
- In Armenia, a proposal was introduced for the provision of clearer and more transparent regulations on state grant competition, selection processes and criteria.
- In Moldova, the State Chancellery is supporting the process of developing a regulation on unified principles for state funding for CSOs.²⁰

Other improvements under state support that took place were:

- In Moldova, the duration of the public utility status was extended from 3 to 5 years.
- In Georgia, a draft-law on social entrepreneurship was prepared and introduced.
- In Armenia, a supportive draft law on volunteerism was proposed.
- In Azerbaijan, an increase in the number of grants to CSOs and the provision of 10 percent of business profits to CSOs (but only in the area of culture).
- In Belarus, the authorities have developed a positive draft law on volunteering that takes into account the recommendations of CSOs.

However, state support in the region remains insufficient and non-transparent. In addition, no significant efforts were made to contract CSOs' services. Except for the attempt in Azerbaijan to allocate 10 per cent of the profits of companies to specific charitable purposes, and Ukraine (where individual donors have tax benefits), in the rest of the countries tax benefits fail to stimulate philanthropy.

10. State-CSO Cooperation

| Country | Moldova | Georgia | Belarus | Ukraine | Azerbaijan | Armenia |
|-----------------------|---------|---------|---------|---------|------------|---------|
| State-CSO Cooperation | ↔ | ↑ | ↔ | ↔ | ↔ | ↔ |

In the area of State-CSO cooperation there has **not been major progress or substantial changes**, except in Georgia where this area was evaluated as **improved** as a result of the relaunching of the Concept for State Support to CSO Development, which is yet to be adopted. Most of the countries in the region have policy documents on CSO development and cooperation with the state authorities, as well as consultative bodies. However, their implementation has been affected by limitations over the right to participation as a response to the COVID-19 pandemic.

Even though no significant changes occurred, the EaP countries have reported certain steps towards the development of cooperation (yet intertwined with other non-supportive actions):

- In Moldova, a new focal point was established for interaction with CSOs in the State Chancellery and a new Consultative Platform in Parliament. At the same time, the National Participation Council has been discontinued. It is unclear if this institutional re-shuffle will lead to any practical improvement in the situation.

²⁰ <https://ecnl.org/news/better-regulation-state-funding-csos-moldova-long-and-winding-road>.



Funded by the European Union



- In Ukraine, the lack of strategic approach towards State-CSO relations has also been visible in the case of Ukraine where the State Agency for Development of Youth and Civil Society was terminated just two months after it was created. However, Ukraine has engaged in an inclusive process for the development of a new civil society strategy.²¹
- In Armenia, the consultative bodies such as public councils attached to ministries, joint working groups and others have not been active throughout the pandemic period. On the other hand, significant collaboration has been developed around volunteering and humanitarian assistance initiatives.
- In Azerbaijan, President Aliyev signed a decree approving the 2020-2022 National Action Plan on the Promotion of Open Government in February 2020. The Plan was developed in close participation with CSOs and individual experts and some 90 percent of recommendations of CSOs were taken into consideration.
- In Belarus, in the context of a large-scale crisis, many organisations announced the curtailment of any contacts with the government, including joint programmes and advocacy.

²¹ <https://csometer.info/ukraine-new-civil-society-strategy-in-the-making/>.



Funded by the European Union



II. CONCLUSIONS AND RECOMMENDATIONS

CSOs in the EaP region (and worldwide) went through a challenging year. The COVID-19 pandemic has not only put pressure on CSOs and their operating mode but has also affected the environment in which they operate by introducing various restrictions to their basic freedoms. During the second wave of government responses to the pandemic, CSOs need to make sure that further undue restrictions will not be introduced, and that they will have access and involvement in decision-making processes, particularly in relation to the decisions that affect them and their operations.

There is one country, Belarus, where the situation has worsened dramatically with deterioration in eight out of ten areas. Apart from Belarus, the positive developments slightly outnumber the negative ones in the other five countries, despite the challenging circumstances. ECNL's partners have estimated that there is deterioration in eight areas while there is improvement in eleven areas.

In addition, the 2019 country reports identified key recommendations for the improvement of the CSO environment in each of the EaP countries. Over the past year, Moldova had the biggest number of completed key recommendations – three recommendations are fully implemented (adoption of the NCO Law, simplification of the registration procedure, and elimination of registration fee) and another three are partially implemented. In Armenia, two key measures are in discussion or in the process of implementation (development of the roadmap on the CSO enabling environment and improved effectiveness and transparency of state funding). Georgia has managed to engage in the implementation of two key recommendations (the concept of state support of CSO development was re-initiated in parliament and state and local government funding of CSOs is negotiated with the government). Azerbaijan has three recommendations that have been partially implemented (simplification of CSO registration, the development of a mechanism for disbursement of 10 percent of income tax from commercial companies to CSOs and the revision of the obligations of CSOs related to the fight against extremism, terrorism, money laundering and corruption). Still, it is not clear if their implementation will be completed successfully (e.g., in the case of CSO registration there is a promise by a Ministry of Justice official that such a measure will be undertaken). In Ukraine, there is only one measure (amendments to the regulation detailing the procedure for consulting with stakeholders) that has been partially implemented. In Belarus, similarly only one recommendation of the 2019 CSO Meter has been partially implemented: the introduction of Edict No. 415 of 17 November 2020, which establishes the publication at the beginning of each year of a list of governmental legal acts that are scheduled for development during the year. However, presidential decrees and edicts are still not subject to such open planning. This measure is yet to be implemented in practice.

Even though the number of completed key recommendations from the individual country CSO Meter reports is limited, it is important to highlight that having a clear plan with targeted



Funded by the European Union



recommendations, a trained core group of knowledgeable country partners and support from international partners can lead to positive changes in spite of the negative circumstances.

What are the key country priorities for the next period?

The key recommendations of the country updates can be organised around several core issues. First, they relate to **freedom of association** and the need to ensure that CSOs have **access to resources** to be able to operate (Azerbaijan, Belarus). Therefore, countries recommend that various restrictive draft laws are voted down (e.g., in Ukraine the draft laws related to foreign funding and lobbying). Another group of recommendations relate to freedom of **peaceful assembly** and the need to eliminate restrictive rules and ensure the exercise of this right and the protection of peaceful protestors.

An area that many of the countries' recommendations target is **CSO financial sustainability** and the need to guarantee various methods for securing financial resources such as state funding (Georgia, Moldova, Ukraine); social entrepreneurship (Georgia) or economic activity (Armenia); and philanthropy (Armenia, Moldova).

Finally, most of the countries have focused on **interaction with the state** (participation and cooperation) and have proposed measures related to the need to improve the process of participation in decision-making (Armenia, Moldova), adopt policy documents related to civil society development and cooperation (Armenia, Georgia, Ukraine), or to secure the funding and human resources for their implementation (Moldova).

Below we provide the complete list of country priorities.

Armenia

The [Armenia CSO Meter update](#) provides that authorities should:

- Introduce measures to encourage individual and business donations and boost CSO economic activities, particularly: tax incentives for donations, at least equal tax treatment of CSO economic activities as compared to business entities, and improved effectiveness and transparency of state funding, including through the establishment of institutional mechanisms for outsourcing CSO services;
- Eliminate the practice of making urgent decisions without consulting CSOs and the public as it may harm the already developed seeds of participatory policymaking culture;
- Improve the practical enforcement of participation and introduce institutional mechanisms for engaging CSOs in policy implementation and monitoring, including through state contracting, enforce mandatory consultation in the early stages of decision-making and use alternative tools and methods of participation, including online channels, to ensure CSO participation in times of emergency;
- Adopt a comprehensive CSO Enabling Environment Roadmap that should reflect priority issues of the CSO environment and help to channel the policies and efforts taken by the government towards a more enabling environment.



Funded by the European Union



Azerbaijan

According to the [Azerbaijan CSO Meter update](#), there is a particular need to:

- Simplify the registration procedures and application deadlines for CSOs;
- Simplify or cancel the registration of grants, service contracts, and donations;
- Provide access to new sources of finance such as crowdfunding or donations from foreign citizens, or simplifying existing sources of funding (i.e., abolishing the requirement to register service contracts and small donations).

Belarus

The Belarusian administration must:

- Eliminate existing restrictions for CSOs and not introduce new restrictive regulations or measures (especially for registration of CSOs and access to resources);
- Cease the use of violence against peaceful protesters, immediately release all political prisoners, stop all political criminal cases against CSOs' leaders, activists and volunteers, bloggers, journalists, political opposition members and peaceful protesters. All acts of violence against and cruel repression and torture of peaceful protesters and detainees should be investigated and United Nations (UN) and Organization for Security and Co-operation in Europe (OSCE) experts should be invited into the country.

Georgia

The key recommendations in the [Georgia CSO Meter update](#) include:

- Improving of grant issuing procedures by establishing basic principles and standards of transparency applicable for all grant-issuing government entities by state;
- Providing appropriate changes to the law of Georgia on grants;
- Supporting the implementation of local initiatives by the government of Georgia and ensuring the authorisation of municipalities with the right to issue grants and providing appropriate changes to the Local Self-Government Code;
- Adopting the State Concept on State Support for CSOs;
- Adopting the draft law on social entrepreneurship and amendments to corresponding legislative acts.

Moldova

The priorities for the development of the CSO environment according to the [Moldova CSO Meter update](#) include to:

- Improve the transparency of and participation in decision-making by developing tools that ensure the access to information of public interest, including to information on draft laws, and by developing a practical mechanism for holding accountable the authorities that violate the legal requirements for decision-making transparency;
- Amend the Law No 1420/2002 on Philanthropy and Sponsorship, especially as regards the mechanism of tax deductions for donations for philanthropy and sponsorship purposes;



Funded by the European Union



- Adopt a mechanism with uniform conditions and procedures for the direct state funding of CSOs, that should provide for the involvement of CSO representatives in setting up the funding priorities and in selecting, monitoring and assessing funding programmes (while observing the principles of transparency, equal access to resources and accountability);
- Secure the needed financial and human resources (according to the adopted action plan) and monitoring and control mechanisms required to efficiently implement the actions provided in the 2018-2020 Civil Society Development Strategy;
- Develop effective mechanisms for communication and cooperation with CSOs outside decision-making processes (by the parliament, central and local public administrations);
- Pass the draft Law No 301/2016 on incrimination of crimes motivated by prejudice in the final reading, with the amendments proposed by CSOs at the end of 2019.

Ukraine

According to the [Ukraine CSO Meter update](#), authorities, particularly law enforcement agencies, the Parliament, the Government and central executive authorities, should pursue the following key priorities:

- Ensure the appropriate and efficient investigation of attacks on journalists and civil activists, including those who protect the rights of women, LGBT communities, anti-corruption activists and others;
- Avoid initiating draft laws intended to worsen the legal environment for CSOs;
- Eliminate administrative responsibility for violating the non-existent procedure for organising and holding peaceful assemblies (Article 185-1 of the Code of Administrative Offences of Ukraine);
- Adopt legislation that would regulate when and how law enforcement agencies may resort to force during peaceful assemblies and oblige the representatives of law enforcement agencies participating in peaceful assemblies to have visible individual identification signs;
- Implement a contest-based and transparent mechanism for funding CSOs from state and local budgets, monitoring CSOs and reporting by CSOs;
- Launch an automated humanitarian aid registration system;
- Adopt the National Strategy for Civil Society Development 2021–2025 and establish the Coordination Council for Civil Society Development under the Council of Ministers of Ukraine.

Key recommendations to the European Union (EU)

The 2020 developments in the EaP region have demonstrated the importance of civil society and the key role that the EU plays in ensuring an enabling environment for CSOs. It is crucial for the EU to continue its financial and political support and recognise the civil society enabling environment as a strategic objective in EU policy documents. It is also important to focus on emerging challenges such as restrictions related to the COVID-19 pandemic and AML/CTF policies. The recommendations to the EU in the [2019 CSO Meter Regional Report](#) remain equally valid and relevant in light of the latest trends and developments.



Funded by the European Union



III. METHODOLOGY AND BACKGROUND INFORMATION

The Regional Overview 2020 was developed under the project “Monitoring Progress, Empowering Action” supported by the EU and implemented by the European Center for Not-for-Profit Law Stichting (ECNL) in cooperation with country partners in each of the EaP countries. The *CSO Meter - Assessing the civil society environment in the Eastern Partnership countries* aims to support the regular and consistent monitoring of the environment in which CSOs operate in the EaP region.²² In 2020, we adjusted the CSO Meter to reflect the lessons learned from its practical implementation and address the latest trends, with a special focus on emergency measures due to COVID-19 that have restricted fundamental freedoms.

The six partner organisations conducted monitoring and developed country updates on the situation in each country. With the help of their CSO Meter Advisory Boards, they assessed the progress in integrating international standards in the legislation and its implementation under each of the ten areas and, based on the findings, evaluated whether the situation had improved, deteriorated or remained unchanged compared to the previous year. They also evaluated the overall civil society environment in their countries.

In 2021, ECNL, together with the country partners, will be working to develop a model that will provide standardised assessment of the progression or regression in the legal framework and its implementation that shapes the civil society environment in each EaP country. In this way, by quantifying the qualitative data we will aim to understand the dynamics of change across the years and across the six EaP countries in order to provide clear, easy and visually-appealing information on the developments in the region and their significance for civil society.

²² For more information, see the CSO Meter website: <https://csometer.info/>.

www.csometer.info

