

---

# CSO METER

A compass to conducive environment and CSO empowerment

REGIONAL  
REPORT  
2023





Funded by  
the European Union



European Center for  
Not-for-Profit Law



## CSO Meter 2023

### 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 2023 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 (general regional findings, trends and key priorities), Karolina Iwańska (chapter on Digital Rights – Civil Society Environment Area in Focus) and contributions from Eszter Hartay.

**Proofreader of the report:** Alexander Carter

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.

The *CSO Meter: A Compass to Conducive Environment and CSO Empowerment* project is implemented by ECNL and its partners: Transparency International Anticorruption Center in Armenia; MG Consulting LLC in Azerbaijan; Civil Society Institute in Georgia; Promo-LEX Association in Moldova; and UCIPR.

This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of the authors and do not necessarily reflect the views of the European Union.

Copyright © 2024 by ECNL, Transparency International Anticorruption Center, MG Consulting LLC, Civil Society Institute, Promo-LEX Association and UCIPR. All rights reserved.



**Promo-LEX**  
Advancing democracy and human rights



TABLE OF

# CONTENTS

<b>Abbreviations &amp; Acronyms</b>	<b>5</b>
<b>I. Civil Society Environment in the Eastern Partnership (EaP) Region: Overview</b>	<b>6</b>
Civil society in a changing context	6
Key trends	9
Key developments and scores	16
<b>II. Digital Rights: 2023 Civil Society Environment Area in Focus</b>	<b>22</b>
Key developments	23
<b>III. Key Priorities</b>	<b>33</b>
Key country developments and priorities	34
Armenia	34
Azerbaijan	35
Belarus	36
Georgia	38
Moldova	39
Ukraine	40
<b>IV. Bibliography</b>	<b>42</b>
<b>Annex 1. Regional scores 2023</b>	<b>46</b>

# Abbreviations & Acronyms

---

AI	Artificial intelligence
AML/CTF	Anti-money laundering and counter-terrorism financing
CSO	Civil society organisation
DDoS	Distributed Denial-of-Service
DG NEAR	Directorate-General for Neighbourhood and Enlargement Negotiations
DMA	Digital Markets Act (Regulation (EU) 2022/1925)
DSA	Digital Services Act (Regulation (EU) 2022/2065)
EaP	Eastern Partnership
EC	European Commission
ECNL	European Center for Not-for-Profit Law Stichting
EU	European Union
FATF	Financial Action Task Force
GDPR	General Data Protection Regulation
ICCPR	International Covenant on Civil and Political Rights
ICNL	International Center for Not-for-Profit Law
IDA	Intercommunity Development Association
LGBTQ+	Lesbian, gay, bisexual, transgender, queer/questioning, intersex, asexual, etc.
OGP	Open Government Partnership
SIS	Security and Intelligence Service of Moldova ( <i>Serviciul de Informații și Securitate</i> )
SLAPP	Strategic lawsuit against public participation
UBO	Ultimate beneficial owner
UN	United Nations

# I. Civil Society Environment in the Eastern Partnership (EaP) Region: Overview

---

The CSO Meter 2023 regional report is dedicated to the area of Digital Rights. We aim to enhance efforts in the EaP region to monitor, assess and advocate for protections in the evolving landscape of digital rights which are constantly under pressure due to political developments. In this report, we outline the three most relevant global and regional trends for civil society in the region. We also analyse the key developments and changes in scores across the eleven thematic areas of the CSO Meter in 2023. The report concludes with priorities which aim to guide states, European Union (EU) institutions, civil society organisations (CSOs) and donors in navigating their work on improving the civil society environment in the region. The EU institutions should use these priorities to assess progress towards EU integration and in shaping its rule of law reports. Additionally, the stated priorities offer crucial guidance for the EU and other donors when determining funding priorities and planning political and financial support to enhance the civil society environment in the region.

## Civil society in a changing context

Amidst the countless challenges encountered throughout the tumultuous year of 2023, civil society in the EaP region has admirably navigated itself and persevered. Confronting the harsh realities of wars, conflicts, humanitarian crises, and the escalating grip of authoritarianism amidst political turbulence, civil society has played a pivotal role in addressing the complex issues that have plagued the region. As the year drew to a close, a beacon of hope emerged for civil society development in the region with the recommendation of the initiation of EU accession negotiations for Ukraine, Moldova and Georgia.

***EU integration and accession negotiations: A pivotal step for civil society development in the region.*** The European Council decided to open accession negotiations with

Ukraine and Moldova and granted candidate country status to Georgia in December 2023. All three countries have a clear strategic direction towards EU integration.<sup>1</sup>

The process poses a significant opportunity for the development of civil society in the region, as it requires that all three countries enable civil society to perform a critical role in the integration process through active involvement and the ensuring of a favourable environment for its operation. The civil society environment is an important element of the further assessment of the progress made by the countries towards EU integration.<sup>2</sup> One of the key documents to support this assessment is the DG NEAR Guidelines for EU Support to Civil Society in the Enlargement Region 2021-2027.<sup>3</sup> The Guidelines provide detail on the strategies and support that countries in the Enlargement Region can provide to civil society.

The EU maintains relations with Armenia and Azerbaijan which is important for the development of the civil society environment in those countries. However, Belarus has continued the suspension of its participation in the EaP as of June 2021. The EU has, in turn, imposed sanctions on Belarus in response to its involvement in Russia's military invasion of Ukraine and has provided support to people fleeing Belarus.

***In another difficult year, civil society throughout the region consistently demonstrated its crucial role during times of war, humanitarian crises, and its adeptness in adapting to priorities during challenging circumstances.*** In 2023, Ukraine continued to grapple with full-scale Russian aggression, leading to casualties and challenges, including indiscriminate shelling of civilian transport and buildings. Occupied territories faced security risks that hindered social activities and activists have been persecuted. Ongoing shelling in Kyiv and in frontline regions, notably in Chernihiv, posed a direct threat to civil society. Despite these tragic events, the year emphasised Ukrainian public mobilisation to crisis response. Notably, the attention of CSOs shifted towards creating favourable conditions for post-war recovery.

---

<sup>1</sup> European Commission, 'European Leaders decide to open accession negotiations with Ukraine and Moldova in a historic summit', 18 December 2023, [https://ec.europa.eu/commission/presscorner/detail/en/ac\\_23\\_6711](https://ec.europa.eu/commission/presscorner/detail/en/ac_23_6711).

<sup>2</sup> European Commission, European Neighbourhood Policy and Enlargement Negotiations (DG NEAR) – Policy Highlights, [https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/policy-highlights\\_en](https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/policy-highlights_en).

<sup>3</sup> European Commission, DG NEAR Guidelines for EU Support to Civil Society in the Enlargement Region 2021-2027, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-11/EU-Guidelines-for-Support-to-Civil-Society-in-the-Enlargement-region-2021-2027.pdf>.

The population in Nagorno-Karabakh faced a nine-month blockade of the Lachin corridor by Azerbaijan resulting in a severe humanitarian crisis.<sup>4 5</sup> Following that, in September 2023, Azerbaijan launched a military operation against the Armenian population of Nagorno-Karabakh, condemned by the EU.<sup>6 7</sup> This led to a mass exodus of more than 100,000 Armenians of Nagorno-Karabakh, who fled and sought refuge in Armenia facing urgent need of shelter, food, medical and psychological support.<sup>8</sup> Tensions alongside the countries' border persisted despite peace negotiations and an EU civilian mission.<sup>9</sup> CSOs in Armenia have reported a shift in focus to support humanitarian efforts for displaced individuals, including psychological, social, and legal aid, as well as raising funds for necessities.

Moldova faced ongoing challenges from Russia's aggression against Ukraine, resulting in crises across the energy, economic, and security sectors. Moldova continued its state of emergency, hosting over 100,000 displaced Ukrainians. Meanwhile, Georgia experienced a significant influx of Russian citizens, marking the highest border-crossing rate from Russia in three years.

***Civil society navigates and survives a landscape of increased political turbulence and the further consolidation of authoritarianism.*** In Georgia, even though it was ultimately withdrawn, a restrictive draft law on 'foreign agents' was proposed at the beginning of the year which raised serious concerns from CSOs and further deteriorated the relationship between them and the state. The draft law triggered widespread protests to which the authorities responded with disproportionate force and mass arrests. Meanwhile, Moldova experienced a change in government, with the new administration continuing the EU integration agenda.

The authoritarian regimes in Azerbaijan and Belarus further solidified their control and crack-down on critical voices by engaging in violations of human rights and persistent and new restrictions on basic freedoms. In 2023, the authorities in both countries detained new political prisoners. In Azerbaijan, these include the civil society activist Bakhtiyar Hajiyev and the economist Gubad Ibadoglu, as well as several media representatives. In Belarus, there are over 1,500 political prisoners, including around

---

<sup>4</sup> [UN experts urge Azerbaijan to lift Lachin corridor blockade and end humanitarian crisis in Nagorno-Karabakh | OHCHR](#)

<sup>5</sup> UN Security Council, 'Lachin Corridor Must Be Reopened for Humanitarian Aid, Security Council Hears, as Speakers Urge Armenia, Azerbaijan to Normalize Relations', 16 August 2023, <https://press.un.org/en/2023/sc15384.doc.htm>.

<sup>6</sup> Statement by the High Representative on developments in Nagorno-Karabakh, [https://www.eeas.europa.eu/euma/azerbaijan-statement-high-representative-developments-nagorno-karabakh\\_en?s=410283](https://www.eeas.europa.eu/euma/azerbaijan-statement-high-representative-developments-nagorno-karabakh_en?s=410283)

<sup>7</sup> EU External Action Service, Azerbaijan: Statement by the High Representative on the military escalation, 19 September 2023, [https://www.eeas.europa.eu/eeas/azerbaijan-statement-high-representative-military-escalation\\_en](https://www.eeas.europa.eu/eeas/azerbaijan-statement-high-representative-military-escalation_en).

<sup>8</sup> [Armenia and Azerbaijan - European Commission \(europa.eu\)](#)

<sup>9</sup> [Armenia: EU launches a civilian mission to contribute to stability in border areas - Consilium \(europa.eu\)](#)

30 journalists. In addition, numerous individuals and CSOs are operating in exile and facing difficult challenges from the authoritarian regime whose repression stretches beyond the country's borders.

## Key trends

Looking ahead, we identified the **following three key trends** based on developments in 2023 that will affect the civil society environment in the region:

### 1. An increasing number of initiatives regulating lobbying and foreign funding

In 2023, the governments in two of the EaP countries with the most favourable civil society environments in the past three years, Ukraine and Georgia, proposed lobbying and foreign agent legislation that, if adopted, would have negatively influenced the civil society environment and limited, among other things, two of its key elements – access to resources and the right to participation. This type of legislation has the potential to seriously affect the financial capacity of CSOs, as well as their potential to influence public policy. In the EU, there was also an increased number of legal initiatives in 2023 that could potentially provide arguments for introducing similar restrictive proposals. We provide below a brief analysis of the three key types of initiatives: foreign funding legislation, lobbying and EU-foreign interest representation.

**Initiatives on foreign funding legislation.** At the beginning of 2023, the Georgian Parliament introduced the Draft Law of Georgia on Transparency of Foreign Influence which, according to analysis from ECNL and the International Center for Not-for-Profit Law (ICNL), violated several international standards.<sup>10</sup> The provisions required mandatory registration for CSOs and media as ‘agents of foreign influence’ for receiving funding from abroad (if such funding exceeded twenty per cent of their annual revenue). As the Georgian equivalent of the term ‘agent of foreign influence’ carries a negative connotation in the country context and is usually interpreted as a synonym for a ‘foreign spy’, the law would not only have stigmatised CSOs, but also have brought about administrative burdens and penalties for non-compliance. Following advocacy from Georgian civil society and mass protests, the ruling party ultimately withdrew the Draft Law.

---

<sup>10</sup> ECNL, CSO Meter, ‘Georgia: New foreign agents’ draft law poses major threat to civic space’, 21 February 2023, <https://csometer.info/updates/georgia-new-foreign-agents-draft-law-poses-major-threat-civic-space>.

In 2012, Russia was the first country in the region to introduce such a law which by 2023 had been used to shut down a large number of CSOs critical of the government.<sup>11</sup> Prior to the war, there had been several attempts to introduce similar legislation in Ukraine with the aim of attacking civil society.<sup>12</sup> Access to foreign funding has for a long time and continues to be restricted for CSOs in Belarus and Azerbaijan. The governments in these two countries try to control access to ensure that such funding is only channelled to organisations and causes that they approve of.

An important argument against such legislation came from a 2020 ruling of the European Court of Justice which stated that Hungary's Law on Transparency of Organisations Receiving Support from Abroad was in breach of EU law, including the Treaty on the Functioning of the European Union (Article 63) and the Charter of Fundamental Rights of the EU (Articles 7, 8, and 12).<sup>13</sup>

**Regulation of lobbying.** In Ukraine, there have been several attempts in the past to introduce regulations on lobbying that were all abandoned, including a 2021 decision of the leading Parliamentary Committee in the Ukrainian Parliament that draft laws on lobbying were unconstitutional.<sup>14</sup> Still, in 2023, however, the National Agency on Corruption Prevention proposed a draft law on Integrity in Lobbying and Advocacy in Ukraine that would have endangered CSOs' advocacy and the right to participation.<sup>15</sup> The provisions required lobbyists/advocates to register in the Transparency Register and created burdensome administrative pressure. Article 25 of the International Covenant on Civil and Political Rights (ICCPR)<sup>16</sup> provides safeguards and ensures the right of every citizen to take part in the conduct of public affairs directly or through freely chosen representatives, without any unreasonable restrictions. In this sense, participation in changes in policy and law should not be seen as inadmissible or unlawful. Ukrainian civil society, in an organised and expert manner, managed to ensure dialogue with the authorities to successfully exclude CSO advocacy from the

---

<sup>11</sup> Human Rights Watch, 'Russia: Government vs. Rights Groups - The Battle Chronicle', 18 June 2018, <https://www.hrw.org/russia-government-against-rights-groups-battle-chronicle>.

<sup>12</sup> ECNL, 'Funding and Philanthropy: Three draft laws, introduced in the Ukrainian Parliament, would impose significant limitations to the work of CSOs', 11 September 2020, <https://ecnl.org/news/friends-or-foes-are-csos-receiving-foreign-funding-enemies-ukraine>.

<sup>13</sup> ECNL, 'How can EU law safeguard CSOs' access to funding: a landmark decision', 19 June 2020, <https://ecnl.org/news/how-can-eu-law-safeguard-csos-access-funding-landmark-decision-0>.

<sup>14</sup> ECNL, 'Are CSOs lobbyists: regulation in Ukraine may violate the right to participation', 12 November 2020, <https://ecnl.org/news/are-csos-lobbyists-regulation-ukraine-may-violate-right-participation>; ECNL, 'A win in Ukraine: push back against attempts to limit CSOs' right to participation', 5 March 2021, <https://ecnl.org/news/win-ukraine-push-back-against-attempts-limit-csos-right-participation>.

<sup>15</sup> ECNL, CSO Meter, 'Ukraine: CSOs' right to participation is under threat', 23 November 2023, <https://csometer.info/updates/ukraine-csos-right-participation-under-threat>.

<sup>16</sup> International Covenant on Civil and Political Rights, 16 December 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

scope of the law. Still, this remains a signal that many actors view CSO advocacy as ‘lobbying’ and that attempts to regulate this area will likely increase. Moreover, at the time of writing of this report, the law has still not been finally voted on in Parliament and therefore it remains to be seen what its final form will be.

**The European Commission’s regulation on ‘foreign interest representation’.** In December 2023, the European Commission (EC) presented its Defence of Democracy package.<sup>17</sup> One of the three elements of the package is the regulation of ‘foreign interest representation’. The EC proposes a Directive establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries. The Directive will oblige all countries to establish national registers of entities providing such services. The EU has publicly stated that the proposal ‘differs radically from those observed in certain other jurisdictions (characterised as ‘foreign agent’ laws)’. Civil society, including ECNL, has raised several concerns during the development of the package,<sup>18</sup> together with specific recommendations to: develop a clear and narrow definition of ‘interest representation’; create regulatory initiatives which are risk-based and consider specifically what impact these will have on the rights of freedom of association, expression, and participation; consider what is the proportionate response to that risk, including special considerations for the civil society sector; and, finally, that transparency requirements in the package should take into consideration the right to privacy.

An example of a concerning development, which references the aforementioned developments at the EU level in tackling foreign interference, is the recently adopted Hungarian Law on the Defence of National Sovereignty.<sup>19</sup> While the Law does not require CSOs to register or label themselves, it establishes a new Office for the Defence of Sovereignty with a broad mandate to, among other things, investigate activities carried out in the interests of another state, foreign body, organisation, or natural person and those that use foreign funding. The Office will issue reports with recommendations to various bodies which could be another way to target critical voices and stigmatise foreign-funded CSOs.

---

<sup>17</sup> European Commission, ‘Defence of Democracy – Commission proposes to shed light on covert foreign influence’, 12 December 2023, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_6453](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_6453).

<sup>18</sup> ECNL, ‘Defending Democracy with Clarity: In a joint submission, ECNL and The Good Lobby provide feedback on the European Commission’s Defence of Democracy package’, 3 October 2023, <https://ecnl.org/news/defending-democracy-clarity>;

<sup>19</sup> ECNL, ‘Silencing critical voices in the name of national sovereignty protection: new law adopted in Hungary’, 18 December 2023, <https://ecnl.org/news/silencing-critical-voices-name-national-sovereignty-protection-new-law-adopted-hungary>.

## 2. Revised FATF standards to rectify unintended consequences from the misapplication of anti-money laundering and counter-terrorism financing (AML/CTF) measures

In the last few years, all of the countries of the EaP region have introduced measures to address money laundering and terrorism financing based on the standards of the Financial Action Task Force (FATF) and, specifically, Recommendation 8 on non-profit organisations. ECNL has highlighted this trend since the first CSO Meter regional report in 2019<sup>20</sup> and analysed separately the detrimental impact of such examples on civil society in 2021.<sup>21</sup> However, the identified issues persist and continue to pile up and burden civil society.

The effects of these measures on CSOs and activists are wide-ranging and create difficulties for them in terms of access to funding and free association. Some of the main related challenges are **access to banking services**, for example bank de-risking in Ukraine (blocking of CSO bank accounts, restrictions on transfer of funds, and digital fundraising restrictions) and difficulties with opening bank accounts for Belarusian CSOs and their staff that have relocated to Georgia. There is also the imposed requirement over CSOs to **identify their beneficial owners** without guidance, for instance in Armenia and Moldova. There is also an **increased burdensome requirement on oversight and reporting**, such as in Azerbaijan, and even, in extreme scenarios such as in Belarus, **misuse and abuse of such measures** to clamp down on civil society, including imprisonment.

In October 2023, FATF adopted a revised text of Recommendation 8 and its Interpretative Note, as well as of the Best Practices Paper on Combating the Abuse of Non-Profit Organisations.<sup>22</sup> FATF made efforts to rectify the unintended negative consequences of the Recommendation on the civil society sector, stating in the Paper that *'the non-profit sector carries out essential work, often in very challenging circumstances and regions, but a misapplication of the FATF Recommendations has had a chilling effect on legitimate and much-needed charitable and humanitarian activities.'* FATF clarifies that any measures should not unduly disrupt or discourage legitimate CSO activities. Such measures should target only parts of the sector identified as at risk within the FATF definition of non-profit organisations. Any measures taken by a state should be focused,

---

<sup>20</sup> ECNL, CSO Meter Regional Report 2019, [CSO-Meter-Regional-Report-Final2019 revised.pdf](https://ecnl.org/publications/csometer-regional-report-final-2019-revised.pdf) ([csometer.info](https://csometer.info)).

<sup>21</sup> ECNL, 'Impact of anti-money laundering and countering terrorism financing measures on non-profit organizations in the Eastern Partnership region', 2021, <https://csometer.info/sites/default/files/2022-06/EaP%20AML%20CTF%2002072021%20new.pdf>.

<sup>22</sup> ECNL, 'Navigating 2023 changes of FATF Recommendation 8 and Best Practice Paper', 7 December 2023, <https://ecnl.org/publications/navigating-2023-changes-fatf-recommendation-8-and-best-practice-paper>.

proportionate and risk-based to address the CTF risks identified, and with ensured outreach to the civil society sector.

Overall, this is a very important development that has the potential to impact the civil society sector in all of the EaP countries. In the next FATF evaluation round, countries that will be evaluated (including those from the EaP) will need to demonstrate that they are taking a risk-based approach to prevent misuse of the Recommendation on CSOs, without disrupting or discouraging legitimate charitable activities. This means that many of the currently applied measures will need to be revised.

### 3. Increased regulation of artificial intelligence (AI) and online platforms and the global expansion of surveillance

In 2023, we witnessed the continuation of the two-fold dynamic related to digital rights. On the one hand, digital technologies are used in some countries to advance the civic space through facilitating online access to information, digital fundraising, online registration or online volunteering. On the other hand, they are also widely used for restricting civic freedoms and the civic space through increased surveillance and online censorship. The EaP region is not an outlier in this regard – similar trends can be identified elsewhere in Europe and worldwide. In addition, technologies which are used to clamp down on the civic space are becoming increasingly more advanced, and thus potentially more harmful, and include AI-driven technologies, such as the use of facial recognition technology in Ukraine. In this context, we should note three global and European developments relevant for the EaP region.

First, **the emergence of national, regional and global initiatives to regulate AI**. An important global development in 2023, which holds significance for the region, especially for countries like Ukraine which increasingly use AI technologies and develop national AI strategies, was the proliferation of global, regional and national initiatives aimed at creating rules for the governance of AI systems. Binding laws regulating different uses of AI have been adopted in China and the United States. In December 2023, EU institutions reached a political agreement on the Artificial Intelligence Act, set to be finalised in early 2024.<sup>23</sup> Council of Europe negotiations on the Convention on AI are at an advanced stage and are planned to close in 2024<sup>24</sup>.

---

<sup>23</sup> European Parliament, 'Artificial Intelligence Act: deal on comprehensive rules for trustworthy AI', 9 December 2023, <https://www.europarl.europa.eu/news/en/press-room/20231206IPR15699/artificial-intelligence-act-deal-on-comprehensive-rules-for-trustworthy-ai>.

<sup>24</sup> Council of Europe, 'Committee on AI', <https://www.coe.int/en/web/artificial-intelligence/cai>

Several countries, including Canada<sup>25</sup> and Brazil<sup>26</sup>, are developing their own national AI legislation. Besides these binding efforts, several principle-based and soft law mechanisms were also developed, for instance by the G7 countries around generative AI (the Hiroshima Process<sup>27</sup>). Safeguards related to the use of AI are also being discussed as part of the UN Secretary General's Global Digital Compact<sup>28</sup>.

These developments will have a profound impact on the legal environment in the EaP region. First, all countries in the region, apart from Belarus, are members of the Council of Europe and are participating in the negotiations of the Convention on AI. Once adopted and ratified, the Convention will create the obligation on states to bring their national legislation in line with the treaty. Furthermore, countries seeking to join the EU will also be required to embed the EU AI Act into their domestic legislation. Both legal documents will have serious implications for the practices of the state and private actors. For example, both the Council of Europe Convention and the EU AI Act will restrict certain AI practices deemed unacceptable from the point of view of human rights. They will also impose concrete obligations related to transparency and human rights due diligence through impact assessments, as well as oversight structures. The cross-cutting issue of special importance for civil society in the region will be the participation of external stakeholders in AI governance.

Secondly, of importance in this area is the **EU's efforts to reign in the power of large online platforms to control information online**. When it comes to **regulating large online platforms, in particular their impact on freedom of expression**, two landmark EU laws came into effect: the Digital Services Act (DSA)<sup>29</sup> and the Digital Markets Act (DMA)<sup>30</sup>. These laws create, among other things, a legal framework for transparency and accountability of digital services when it comes to content moderation, content recommendation, and online advertising. The DSA includes rules on due process when content uploaded by users is being removed or otherwise restricted. It also requires the largest platforms to assess the risks, including risks to fundamental rights, stemming from their services and to adopt appropriate mitigation measures. In 2023, the EU also adopted the Regulation on transparency and targeting

---

<sup>25</sup> Government of Canada, Artificial Intelligence and Data Act, <https://ised-isde.canada.ca/site/innovation-better-canada/en/artificial-intelligence-and-data-act>

<sup>26</sup> Data Privacy Brazil, 'AI Regulation in Brazil', <https://www.dataprivacybr.org/en/documentos/ai-regulation-in-brazil-national-knowledge-or-foreign-appropriation-2/>

<sup>27</sup> European Commission, 'Hiroshima Process International Guiding Principles for Advanced AI Systems', 30 October 2023, <https://digital-strategy.ec.europa.eu/en/library/hiroshima-process-international-guiding-principles-advanced-ai-system>

<sup>28</sup> United Nations, Global Digital Compact, <https://www.un.org/techenvoy/global-digital-compact>

<sup>29</sup> Eur-Lex, 'Digital Services Act', <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R2065>

<sup>30</sup> Eur-Lex, 'Digital Markets Act', <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R1925>

of political advertising<sup>31</sup>. New rules will, among other things, require clear labels for political advertisements and information about their financing, establish a publicly-accessible repository of all political adverts from the last seven years and restrict the use of profiling based on sensitive data for targeted advertising.

These legal developments will have an impact on the countries which seek to join the EU and will help to ensure transparency and redress for the platforms' content moderation policies and decisions which, as documented by civil society, and especially in Ukraine, are at times unclear, opaque or not in line with international human rights law. However, it is important to keep in mind that new platform regulations **should not unduly restrict freedom of expression**. Such restrictions could, for instance, take the form of redefining the categories of illegal speech not in line with international human rights standards, obliging platforms to remove not only illegal but also vaguely defined 'harmful' content, such as disinformation, or requiring platforms to use so-called 'upload filters', that is to proactively monitor all uploaded content. In fact, according to Freedom House's 2023 *Freedom on the Net* report<sup>32</sup>, legal frameworks in at least 22 countries globally mandate or incentivise online platforms to remove disfavoured political, social, and religious content, while 41 governments, including those of Armenia, Azerbaijan, Belarus and Ukraine, blocked websites hosting content protected under free expression standards.

The final consideration is the continued expansion of surveillance and counter-terrorism architectures which have been systematically used against civil society actors. Across the globe, digital rights suffered restrictions on the grounds of protecting national security or fighting serious crime, including counterterrorism. Often, these restrictions were criticised as disproportionate. For example, the EU adopted a broad exemption from the AI Act for systems developed or used for national security purposes, likely beyond what is justified by the division of competence between the EU institutions and member states.<sup>33</sup> Similar exemptions are being considered in the Council of Europe negotiations on the Convention on AI. The European Commission has also proposed a controversial Child Sexual Abuse Regulation which, under the guise of protecting children, would result in severely impacting the right to privacy and confidentiality of communications, despite ample evidence of the ineffectiveness and lack of proportionality of such measures.<sup>34</sup> Globally, we have seen a rise in anti-

---

<sup>31</sup> European Commission, 'Political agreement on transparency of political advertising regulation', 7 November 2023, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_4843](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_4843)

<sup>32</sup> Freedom House, 'Freedom of the Net', <https://freedomhouse.org/report/freedom-net>

<sup>33</sup> ECNL, 'EU reaches agreement on the Artificial Intelligence Act', 13 December 2023, <https://ecnl.org/news/eu-reaches-agreement-artificial-intelligence-act>.

<sup>34</sup> European Digital Rights (EDRI), 'Open letter: Protecting digital rights and freedoms in the Legislation to effectively tackle child abuse', 17 March 2022, <https://edri.org/our-work/protecting-digital-rights-and-freedoms-in-the-legislation-to-effectively-tackle-child-abuse/>.

migration sentiment which has led to the increased and ever more invasive surveillance of migrants and asylum seekers.<sup>35</sup> These global trends are especially relevant for the EaP region, given military conflicts that have led to restrictions on rights, and not only in the countries directly involved.

## Key developments and scores

In 2023, compared to 2022, the **overall regional civil society environment score remained the same**, 4.2 out of 7.<sup>36</sup> The average scores for the region in Law and in Practice also remained the same. Still, the **trend of deteriorations from 2022 has continued**. Despite some minor improvements noted in almost all countries in certain areas (except for in Azerbaijan), none of the countries has seen an improvement in their overall country civil society environment score or in their average scores for Law and Practice. All countries noted a deterioration in at least one area.

Country	Overall		Law		Practice	
	2023	2022	2023	2022	2023	2022
Armenia	4.8	4.8	5.2	5.2	4.3 ↓	4.4
Azerbaijan	4.0 ↓	4.1	4.4 ↓	4.5	3.6 ↓	3.7
Belarus	2.2	2.2	2.7	2.7	1.7	1.7
Georgia	4.8	4.8	5.2	5.2	4.3 ↓	4.4
Moldova	4.8	4.8	5.1	5.1	4.4	4.4
Ukraine	4.7	4.7	5.1	5.1	4.3	4.3
<b>AVERAGE</b>	<b>4.2</b>	<b>4.2</b>	<b>4.6</b>	<b>4.6</b>	<b>3.8</b>	<b>3.8</b>

Comparative Table 1. 2023 vs 2022 CSO Meter scores.

*The scores range from 1 to 7, where 1 signifies the lowest possible score (extremely unfavourable – authoritarian –environment) and 7 signifies the highest possible score (extremely favourable environment).*

**Three countries, Armenia, Azerbaijan, and Georgia**, noted deteriorations in their scores in Law and/or Practice. **Azerbaijan is the only country** in which the overall civil society environment score deteriorated in 2023, because of the decrease in the average score across all areas in both Law and Practice. Azerbaijan’s scores decreased from 2022 in a total of 3 out of 11 areas. Two of these deteriorations are in areas concerning basic freedoms, namely Freedom of Peaceful Assembly and Freedom of

<sup>35</sup> Petra Molnar; EDRi; and the Refugee Law Lab, ‘Technological Testing Grounds: Migration Management Experiments and Reflections from the Ground Up’, 2020, [Technological-Testing-Grounds.pdf \(edri.org\)](https://edri.org/Technological-Testing-Grounds.pdf).

<sup>36</sup> For the scoring procedure a 7-point scale is used. The extreme values of the scale (anchors) are conceived as the extreme/ideal situation or environment. For example, (1) is an extremely unfavourable (authoritarian) environment, while (7) is an extremely favourable (ideal typical democratic) environment for CSOs.

Expression. The civil society environment in practice deteriorated in **Armenia and Georgia**. In Armenia, three areas deteriorated: Access to Funding, Freedom of Expression and State Duty to Protect. While in Georgia, five areas deteriorated, among which two areas concerning basic freedoms: Access to Funding and Freedom of Peaceful Assembly. Azerbaijan and Belarus are the two countries that have not seen improvements in any area.

**The remaining countries, Belarus, Moldova, and Ukraine, also noted changes in different aspects of the civil society environment. Moldova and Ukraine** are the only countries with more positive than negative developments. **Moldova is the only country in 2023 which continues the positive trend** of improvements in the score in five out of 11 areas, despite a deterioration of the score for Right to Privacy. **Moldova and Georgia continue to be leaders** in the region, having the highest overall score in a total of five areas, closely followed by Armenia. **Ukraine**, despite the continued difficulties for civil society resulting from the ongoing Russian aggression, maintained its overall country score from 2022 (4.7) and even noted improvements in the overall scores in two areas: State Support and CSO-State Cooperation.

**Georgia**, for the third year in a row, is the country with the highest scores in both Law and Practice and these are in Area 1 (Freedom of Association).

#### Highest scores:



- Law: 6.1 | [Georgia](#) | Area 1 (Freedom of Association)
- Practice: 6.0 | [Georgia](#) | Area 1 (Freedom of Association) and Area 3 (Access to Funding)

**Belarus** continues to be the country with the lowest scores in general in all areas both in Law and Practice. In 2023, in Area 4 (Freedom of Peaceful Assembly), the practice of peaceful assembly further deteriorated from 1.2 in 2022 to 1.1 in 2023. The civil society environment in Belarus also deteriorated in an additional four areas: Right to Participation in Decision-Making, Freedom of Expression, Right to Privacy and State-CSO Cooperation. Civil society in Belarus operated in an environment in which the authorities seek to repress, restrict, and destroy independent civil society and, in its place, to construct, strengthen and support state-controlled forms of social activity (the so-called ‘new civil society system’).

#### Lowest scores:



- Law: 1.9 | [Belarus](#) | Area 4 (Freedom of Peaceful Assembly)
- Practice: 1.1 | [Belarus](#) | Area 4 (Freedom of Peaceful Assembly)

#### Key developments in the areas of the civil society environment

The main changes in score from all areas of the civil society environment were noted in the slight deterioration in two out of the 11 areas: Area 6 (Freedom of Expression) which decreased from 4.3 in 2022 to 4.2 in 2023 and Area 8 (State Duty to Protect) which decreased from 4.0 in 2022 to 3.9 in 2023. At least half of the countries in the region noted deteriorations in the scores in Area 4 (Freedom of Peaceful Assembly), Area 6 (Freedom of Expression), Area 8 (State Duty to Protect) and Area 10 (State-CSO Cooperation). All of the area scores per country are set out in Annex I below.

### Freedom of expression is deteriorating and under pressure.

**Freedom of expression deteriorated in practice** in three countries: **Azerbaijan, Belarus and Armenia**, while in Azerbaijan it also deteriorated in Law. The decrease in scores was a result of: in Azerbaijan, the new Media Law and the harsher penalties for media outlets, the number of arrests of civil society activists for expressing criticism of the Government on social media, or condemning police action against protesters in the village of Söyüdlü; in Armenia, the increased number of court cases for defamation and insult, and the lack of impartiality of law enforcement; and, in Belarus, criminal liability for libel, insults against the president and the Government, and the imprisonment of, among others, members of the opposition, civil society activists, journalists, and bloggers.

### Most countries saw deterioration in Area 8 (State Duty to Protect).

**The overall score in Area 8 (State Duty to Protect)**, has deteriorated from 4.0 in 2022 to 3.9 in 2023, as well as both the average scores in Law from 4.5 to 4.4 in 2023 and in Practice from 3.5 to 3.4 in 2023. The overall score in this area decreased **in four countries** - **Armenia, Azerbaijan, Georgia, and Ukraine**. In Armenia and Azerbaijan, the deteriorations were noted in Law and Practice, while in Georgia and Ukraine only in Practice.

The deterioration in this area is a result of two key elements of the state's duty to protect. The **first element is the lack of protection for civil society and even of the authorities engaging in attacks** on CSOs and activists. Such instances include the imprisonment and detention of several public activists in Azerbaijan, public attacks against organisations working in sensitive areas (human rights, environmental activism, and the protection of LGBTQ+ persons) in Armenia, several cases of physical and psychological violence and pressure against peaceful protestors in Georgia, and CSO activists in Ukraine that suffered from to the aggression of Russia. The **second element is the inappropriate application and abuse of AML/CTF measures**. The authorities adopted inadequate laws in this area in Armenia that contained a burdensome requirement for non-profit organisations to declare their ultimate beneficial owner (UBO). In Azerbaijan, the new law on AML/CTF places unnecessary obligations on CSOs and impedes their effective operational abilities. In Belarus, while

the score has not deteriorated (it was already extremely low), the **laws against extremism have become one of the mechanisms of persecution** applied against both CSO activists and against any other persons who disagree with the policies of the authorities. AML/CTF regulations have become the basis for the liquidation of CSOs and the blocking of bank accounts of activists and politicians.

In addition to the two areas with changes **in the overall scores across countries** (Freedom of Expression and State Duty to Protect), it is important to also highlight other areas with changes and developments which have occurred in the dimensions of both Law and Practice.

#### Key developments in scores for Law: Right to Participation improves in Law.

In the average scores for Law, across all areas and the six countries in the region, the average score increased in **only one area**: Area 5 (Right to Participation in Decision-Making) from 4.8 in 2022 to 4.9 in 2023. This is mainly as a result of improvements to legislation in this area in **Moldova and Armenia**. In Moldova, the institutions created permanent consultative platforms to enhance dialogue and transparency and adopted a new law on access to information. Armenia holds the highest score in Law in this area (5.4 in 2023) due to state institutions adopting two documents which set out actions to improve public participation: a roadmap for the implementation of the Public Administration Reform Strategy and a results framework for 2023-2025, and a revised Open Government Partnership (OGP) Action Plan.

#### Key developments in Practice scores: Freedom of Peaceful Assembly, Right to Privacy and State-CSO Cooperation all deteriorate in practice.

In the **average scores for Practice**, across all areas and the six countries in the region, the scores in a total of four out of the 11 areas have decreased: **Area 4 (Freedom of Peaceful Assembly)** (in three countries - Belarus, Azerbaijan, and Georgia) from 3.8 to 3.7 in 2023 and in **Area 7 (Right to Privacy)**, mainly because of the deterioration in this area in Belarus, from 3.2 to 3.1 in 2023. The remaining two areas, Area 6 (Freedom of Expression) and Area 8 (State Duty to Protect), were already analysed above. In **Area 10 (State-CSO Cooperation)**, even though the average score for Practice across all countries remained the same, changes in the score in Practice in this area in four countries were noted: decreased scores in Belarus and Georgia and increased scores in Moldova and Ukraine.

**Freedom of Peaceful Assembly** deteriorated in Practice in three countries: Azerbaijan, Belarus, and Georgia. In Azerbaijan, the authorities obstructed an environmental protest in the village of Söyüdlü held against a gold mining company that is constructing a second water reservoir for waste which pollutes the local area. The police forcefully dispersed the protest, used pepper spray and arrested and fined some of the participants. In Belarus, the public exercise of freedom of assembly leads to

detention and both administrative and criminal prosecution. In Georgia, law enforcement unlawfully arrested activists during peaceful protests, disproportionately used police force at protests held in relation to the law on ‘foreign agents’ and failed to ensure that LGBTQ+ individuals and activists could safely assemble.

**Right to Privacy** deteriorated in Practice because of the numerous violations of this right noted in Belarus. These include cases of political prosecution bodies broadcasting footage of secret video surveillance, torture and mass ‘confessions’ by those arrested. Compulsory outings of LGBTQ+ persons are also practiced as are the arrests of those that refuse to provide access to private correspondence or a smartphone. In 2023, the persecution of citizens for donations to political and human rights initiatives (from previous years) has further expanded.

**State-CSO Cooperation** in the region both improved and deteriorated in Practice. The improvements are a result of the adoption of the CSO Development Programme 2024-2027 in Moldova, and the implementation of the National Strategy for Promoting Civil Society Development for 2021-2026 in Ukraine. While, in terms of deteriorations, in Georgia the draft law on ‘foreign agents’ led to negative consequences for levels of trust and cooperation between CSOs and the state, including a lack of dialogue with critical watchdog organisations, a more hostile environment for CSOs involved in advocacy work and the stagnation of the OGP process. Meanwhile, in Belarus, the authorities have sought to repress and restrict independent civil society. The state continues to form a controlled hierarchy of organisations and initiatives which it recognises as ‘civil society’ and for which it therefore provides financial support, ensures favourable conditions, and provides special channels for representing its interests in their interrelations.

#### Key developments: Highest and lowest scores (ranking by area).

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 2022).

**Freedom of Association** is the highest ranked area in the region, despite the persistent restrictions in Azerbaijan and Belarus that prevent individuals and groups from associating both formally and informally.

#### Highest scores:



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

The **area with the lowest score** (since 2021) is **Area 9 (State Support)** and joining this area in 2023 is Area 8 (State Duty to Protect) such that both areas now share the lowest score among all areas of 3.9 out of 7. These two areas are followed by Area 10 (State-CSO Cooperation) and Area 7 (Right to Privacy), both with unchanged scores compared to 2022.

**State Support** continues to be the lowest scored area for the third year in a row. Despite the overall scores in this area not changing in 2023 compared to 2022, two countries, Moldova and Ukraine, improved their scores in this area. Moldova noted several improvements, including social enterprises becoming exempted from payment of tax on undistributed profits for a period of three years and the application of new granting regulations. In Ukraine, despite the war, the state resumed and distributed state support for projects of youth and veterans' CSOs and organisations working with people with disabilities. The state also expanded funding opportunities through mixed grants (with funds from the state and from donors). The tax environment for CSOs, volunteers and providers of charitable assistance also improved in Ukraine. In Armenia, despite no increase in the area score, a new Law on Volunteer Work was adopted that promises to be a transformative step for both Armenian CSOs and volunteers themselves.

#### Lowest scores:



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

## II. Digital Rights: 2023 Civil Society Environment Area in Focus

Area 11	Overall		Law		Practice	
	2023	2022	2023	2022	2023	2022
Armenia	4.5	4.5	4.9	4.9	4.0	4.0
Azerbaijan	4.6	4.6	4.8	4.8	4.3	4.3
Belarus	2.1	2.1	2.6 ↓	2.7	1.5	1.5
Georgia	4.9	4.9	5.1	5.1	4.7	4.7
Moldova	4.3 ↑	4.2	4.5 ↑	4.4	4.0	4.0
Ukraine	4.8	4.8	5.1	5.1	4.4	4.4
<b>AVERAGE</b>	<b>4.2</b>	4.2	<b>4.5</b>	4.5	<b>3.8</b>	3.8

Comparative Table 2. 2023 vs 2022 CSO Meter Scores in Area 11 (Digital Rights).

Compared to 2022, the scores in the area of Digital Rights remained largely unchanged. Belarus has seen a slight decrease in Law, due to the adoption of a presidential edict aimed at monitoring financial transactions, which creates the threat of further clamping down on civic spaces and the funding of CSOs. The country remains the lowest ranked in the region in both Law and Practice. Moldova has experienced a slight increase in Law, due to the adoption of the Digital Transformation Strategy of Moldova 2030, which refers tangentially to several aspects related to digital rights. Overall, the area of Digital Rights is partially guaranteed and implemented in practice and shares fourth place with the areas of Freedom of Peaceful Assembly and Freedom of Expression. The scores are a good reflection of the developments in the region: we saw some positive changes in several countries in 2023, notably when it comes to digitalisation and data protection, but the scores could not ultimately improve due to deteriorations in both Law and Practice linked to increased surveillance and online censorship. The latter was particularly exemplified by the mounting persecution and pressure that activists experienced for voicing their opinions on social media, which also led to the deterioration of the overall score in the area of Freedom of Expression.

## Key developments

In 2023, we observed the continuation of trends identified in 2021 and 2022. Digital rights continue to evolve in the region but political developments, in particular the Russian aggression in Ukraine and the conflict in Nagorno-Karabakh, put digital rights protections under constant pressure. In 2023, several EaP countries saw the expansion of surveillance powers of the state and the restriction of freedom of expression online, including attempts to silence activists and government critics. Disinformation remains a significant challenge in the region: CSOs in Georgia and Armenia noted disinformation attacks against civil society and at times, government responses to disinformation unduly restrict freedom of expression. There is significant progress in terms of developing comprehensive data protection legislation, notably in Moldova and Georgia, but countries are struggling with the implementation and enforcement of new rules. Digitalisation efforts continue in the region with several best practices emerging in terms of civil society participation in these processes.

### 1. Digital rights remain under pressure during war, contributing to the further shrinking of the digital civic space.

Military conflicts in the region continued to have a profound impact on the digital civic space, particularly when it comes to surveillance and restrictions on freedom of expression.

In **Ukraine**, civil society and independent media fell victim to the unprecedented escalation of cyberattacks by Russian actors. Infrastructural attacks impacted internet access for citizens and civil society alike. Martial law adopted in 2022 continues to be in operation in Ukraine, with several restrictions to the rights to privacy or freedom of expression. The conflict in Nagorno-Karabakh deeply affected civil society both in **Armenia and Azerbaijan**, notably through attempts to silence activists on social media and through disinformation attacks targeting civil society. In Armenia, civil society and independent media were spied on with the use of the Pegasus spyware, allegedly purchased and operated by the Azerbaijani government. Moldova also carried the consequences of the hybrid war waged by Russia. Many non-profit media, alongside public institutions, were the target of phishing and distributed denial-of-service (DDoS) attacks allegedly performed by Russian hackers.

An ongoing challenge for the digital civic space during military conflicts is **the spread of disinformation and illegal content** (such as genocidal rhetoric and incitement to violence) on social media and communication platforms. In Ukraine, the scale of illegal

and harmful content was particularly high on Telegram and on Meta platforms. Premeditated Russian disinformation attacks were combined with phishing aimed at hacking the websites of media outlets, public figures, and authorities. One technique involved imitating genuine media content and using names of real journalists, therefore making it difficult for users to identify cases of disinformation and in one case leading to harassment against a journalist whose name was exploited in this way.

Against this backdrop, social media platforms continued to play a crucial role in deciding which information is made available to users and which is not. They have often come under criticism from Ukrainian civil society for the **lack of clarity of their content moderation policies** related to Russian disinformation and genocidal rhetoric, as well as content documenting Russia's war crimes. TikTok was particularly criticised by Ukrainian civil society for allegedly suppressing access to military content for users based in Russia, with the risk of – according to Ukrainian civil society – limiting the awareness of Russian citizens about the actions of the Russian army.

It is difficult to strike the appropriate balance between, on the one hand, freedom of expression and access to information, necessary, for instance, for documenting human rights violations and war crimes, and, on the other hand, the need to remove illegal content, such as incitement to violence. One notable example of **inconsistencies in content policies** was the removal of restrictions by Meta for content mentioning the Azov Assault Brigade while maintaining the restriction on mentioning its founder, Andrii Biletsky, or the brigade's symbols. This led to the unjustified removal of content posted by media outlets, simply because articles mentioned Biletsky's name or were illustrated with images displaying the symbols of the Azov Brigade. Similarly, the blacklisting of the Wagner Group resulted in the removal of lawful content, such as satire or media reports.

## 2. State-mandated restrictions to freedom of expression online had chilling effects on civil society.

In some EaP countries, 2023 brought about further shrinking of the digital civic space and crackdowns on activists based on their use of the internet and social media. These state-mandated restrictions range from putting people in prison for speech critical of the government (Belarus) to holding people supporting environmental protests on social media in administrative detention (Azerbaijan), bringing defamation lawsuits against journalists (Armenia) and blocking websites threatening national security under unclear criteria (Ukraine). We will consider the following developments in more details, per country.

The situation remains dire in **Belarus**. The regime continues to violently criminalise online speech critical of the government, the president or judges. Hundreds of people remain behind bars and at least two of them died in prison in 2023: the artist Ales Pushkin and the BPF Party member Mikalai Klimovich who was sentenced for publishing a caricature of President Lukashenko on his online blog. In 2023, courts issued a record number of decisions classifying information as extremist (858, compared to 637 in 2022). These materials include social media pages, YouTube videos or channels, as well as websites and profiles on social media of many CSOs, including the Human Rights Center ‘Viasna’, Ecodom, the Belarusian Investigative Center, the United Civil Party, the Country for Life, the Belarusian Association of Workers, as well as numerous informal communities. The practice of adding social media profiles of individual citizens to the list of extremist materials is intensifying. Moreover, according to official data, more than 150 media outlets and blogs (as well as communities in social networks and CSOs’ websites) were categorised by the secret service and the Ministry of Internal Affairs as ‘extremist formations’, putting their employees and members, as well as anyone who provides them with an interview, at risk of criminal prosecution. A new worrying development in 2023 consisted in forced domain takedown of independent and CSO-friendly websites. For example, a highly popular website *tut.by* and an independent publication *ex-press.by* were taken away from their owners under the pretext of clarifying the owners’ identities, without any court decision. Many CSOs’ websites remain blocked without any judicial decision or recourse against this measure.

In **Azerbaijan**, several activists who used social media to condemn police violence against protesters in the village of Söyüdlü were held in administrative detention. These restrictions have had a chilling effect on civil society in the country. Given the sensitive nature of their work, many CSOs are cautious about sharing information on social media for fear of persecution. This reflects the delicate interplay between the striving of civil society to maintain an impactful online presence on the one hand and the commitment to protect their members, employees, and beneficiaries on the other. In addition, changes to the Code of Administrative Offences that went into effect in 2023 imposed higher penalties on media outlets for violating the requirements of the new Media Law.<sup>37</sup> This can have a direct impact on CSOs conducting media-related activities.

In **Armenia**, several court cases were initiated by mining companies against environmental activists, mostly on the grounds of defamation and insult on social media, which, according to CSOs, are aimed at silencing and stalling environmental

---

<sup>37</sup> ECNL, CSO Meter, ‘Azerbaijan adopts new amendments related to media’, 10 March 2023, <https://csometer.info/updates/azerbaijan-adopts-new-amendments-related-media>.

protests. For example, in January 2023, Zangezur Copper-Molybdenum Combine filed a defamation lawsuit against the eco-activist and journalist Tehmine Yenokyan for claims made about the alleged river pollution by the company based on a video posted by a local CSO on Facebook. This lawsuit was filed shortly after Yenokyan paid compensation to another mining company following the decision of the Court of Appeals in 2022. These lawsuits result in discouraging critical discourse online and participation in civic actions.

Also in Armenia, the Ministry of Justice proposed amendments to the Law on the Legal Regime of Martial Law which envisioned, among other things, the restriction of content dissemination on the internet, temporary blocking of websites, social networks and online applications, as well as partial or complete internet shutdowns during the application of the martial law regime. Thanks to strong opposition from civil society, the Government did not proceed with these amendments and no cases of website blocking were reported in 2023.

In **Ukraine**, over 300 Russian and pro-Russian websites have been added to the list of blocked resources in 2023 after being assessed as threatening national security or promoting aggression against Ukraine. Civil society has issued calls to the Government to revise the legislation on sanctions and to introduce clear, transparent, and predictable criteria for applying sanctions to websites.

### 3. Continued expansion of surveillance powers without appropriate oversight raises fears of civil society.

Across the region, one of the most significant trends identified in previous years that continued in 2023 was the expansion of surveillance powers of the state without clear and effective oversight and safeguards. These powers extend to the spheres of monitoring financial transactions and internet resources, accessing digital devices and using invasive spyware, and monitoring people's homes without judicial approval. The lack of clear and effective oversight and safeguards prompted criticism from the Venice Commission of the Council of Europe in some countries, as well as concerns from civil society worried that the expansion of surveillance powers will contribute to a further clamp down on their freedoms.

In **Belarus**, an edict of the president introduced new measures to counteract unauthorised payment transactions. The National Bank will use automated systems to monitor 'suspicious' transactions and transfer them to law enforcement authorities. Civil society in Belarus is concerned that state authorities will exploit access to confidential banking information to clamp down on CSOs and people supporting them with donations who risk being accused of promoting or financing extremist activity. In

previous years, data from banks were used as evidence in criminal proceedings, so the automation is likely going to increase the scale of reported transactions and aggravate the situation. As of January 2023, when the Edict No. 368 adopted in 2022 came into effect, the State Security Committee and the Operational and Analytical Centre can also order websites to install a system which would give the authorities direct and real-time access to databases and information systems of internet resources in Belarus for the purpose of operational and investigative activities.

In **Moldova**, Parliament adopted laws which gave the Security and Intelligence Service (SIS) the power to monitor a person's home, install audio, video or photo surveillance, and monitor and intercept communications, without prior judicial approval. In 2022, more than 7,000 wiretapping requests were authorised; that is twice as many as in 2009, when the European Court of Human Rights declared that 3,000 wiretappings were already a concerningly high amount for a relatively small country such as Moldova. Civil society is concerned that the new law will provide conditions for an even greater number of interceptions, with fewer procedural safeguards. The lack of oversight mechanisms of these extensive powers and vague wording opening the way to ambiguous interpretations raised the criticism of the Venice Commission. In **Georgia**, the state has enacted laws adopted in 2022 that expand surveillance techniques, while not making progress in the investigation of the unlawful surveillance of CSO representatives. **Ukraine** implemented the Cybercrime Convention and expanded the power of law enforcement authorities to access devices and large amounts of personal data.

The full extent of surveillance capabilities often remains opaque. For instance, in **Armenia**, a CSO sought to find out which registries of personal data can be accessed by the National Security Service of Armenia, but the inquiry was rejected on the ground of state secrecy. Even though the applicable Armenian law limits the use of surveillance technology to a narrow set of purposes, **the use of invasive spyware**, both by the Armenian state and by foreign actors, remains a concern. In 2022, Google confirmed that the Armenian Government used the Predator spyware, while in 2023 it was documented that Pegasus was used against journalists and CSOs, allegedly by the Government of Azerbaijan.

## 4. Intensification of disinformation campaigns and misguided government response.

Many countries in the region experienced **the intensification of disinformation campaigns**. Some of them were led by foreign actors, others by the state itself. Civil society was also targeted by disinformation attacks. In **Georgia**, for example, the Strategic Communications Department disseminated misinformation and fake news

about civil society, protesters and opposition parties. In **Armenia**, the tensions around the situation in Nagorno-Karabakh have provoked attempts to discredit CSOs and the dissemination of narratives about CSOs being involved in supporting ‘the surrender of Artsakh’ on social networks. Civil society encountered obstacles in accessing justice and holding to account those responsible for disseminating false information. For example, both the first instance and appeal courts rejected a defamation lawsuit brought by a human rights CSO against a website which accused CSOs of ‘serving foreign interests, bringing Nikol Pashinyan [the prime minister] to power, and supporting the handover of Artsakh.’

Some countries adopted strategies or legislation for addressing disinformation. Some of the proposed solutions, however, unduly restricted freedom of expression, notably in **Moldova**, which chose to address the issue by criminalising speech considered to be disinformation or fake news. As these notions are inherently difficult to define, such laws can pave the way to abuse and suppression of lawful content, as well as the exploitation of the legal regime for political purposes. The Moldovan law on disinformation included a definition of foreign information manipulation and foreign interference, criticised by civil society as too vague and opening the door to arbitrary interpretation that may result in restrictions on civil society content. Even though the Audiovisual Council developed a methodology for detecting disinformation, the guidelines are still not specific enough and require significant improvement. Another development in Moldova was the continued ability of the SIS to block access to around 70 websites promoting false information in areas affecting national security and that incite hatred and war. First introduced as an emergency measure during the Covid-19 pandemic, these powers were maintained under the justification of addressing disinformation related to the war in Ukraine.

Civil society’s response to the spread of disinformation focused on fact-checking initiatives and increasing media literacy. For example, in **Armenia**, CSOs created publicly available online databases and platforms to facilitate access to reliable information and e-government services.

## 5. Positive legislative developments in data protection and the protection of digital assemblies.

Positive developments were noted in various countries when it comes to the adoption of comprehensive data protection laws. In **Moldova**, a new data protection law transposing the General Data Protection Regulation (GDPR) into the national legal

order is being discussed and a new law has already been adopted in **Georgia**. However, effective implementation and enforcement, as well as access to effective remedies, remain a challenge, particularly in the context of state activities. Some countries observed gradual improvement in this area in 2023. In **Armenia**, for example, public authorities increasingly recognise data protection and privacy implications of state systems and decision-making processes and consult with the Personal Data Protection Agency when developing legislation potentially affecting personal data.

At the intersection with **freedom of peaceful assembly**, positive developments were observed in Moldova when it comes to increasing the protection of digitally mediated assemblies. In 2023, the Ministry of Internal Affairs drafted an evaluation report and consulted with civil society, examining the possibility of amending the legal framework on public events to ensure that it covers online assemblies and assemblies held in private spaces, in line with the General Comment No. 37 of the UN Human Rights Committee.

## 6. Digitalisation increases, but its full potential and meaningful civil society engagement are yet to be realised.

Governments in the region have been continuing to invest in digitalisation. As in previous years, efforts to meaningfully engage civil society in these processes need improvement. However, some good practices have been observed in **Armenia**, where the Government actively collaborated with CSOs to develop digital literacy education standards as well as terms of reference for a new electronic platform for public procurement.

Digital tools are used to support various civil society areas:

- **E-platforms for public participation:** such tools are present in several monitored countries. **Moldova** is designing a platform for supporting participatory democracy (e-Democracy) and a system for digitalising reporting on the implementation of main public policy and planning documents (e-Monitoring). An important lesson to consider, however, is that the existence of e-participation platforms at times led to the opposite effect – it **served as an excuse not to organise robust public consultations**. In **Armenia** for example, the e-draft platform – an otherwise useful service where the Government publishes draft legislation and collects feedback from registered users – served as a smoke screen of public participation, as the Government considered the mere fact of publishing the draft on the platform as sufficient consultation, even when there were no comments at all or when these comments were entirely critical.

- **Online access to information and public registries:** in Moldova, the Government approved a new law that mandates simple, accessible and easily navigable interfaces of government websites. An inventory of state information systems was also established with the aim to map state systems which have in the past been developed in a chaotic manner, leading to doubling technical solutions or collected data, and without a robust assessment of whether the systems fulfil legal requirements related to the processing of personal data, cybersecurity, interoperability and sustainability. In **Ukraine**, easy online access to official information, such as draft laws, agendas, scheduled meetings, adopted decisions etc., has still been restricted at the beginning of 2023. However, in September, Parliament approved a law which provides for open access to registers of electronic asset declarations for public officials. At the end of 2022, electronic access to the Unified State Register holding registration details of companies and organisations was made possible. During the period of martial law, access to all public electronic registers is carried out after passing electronic identification with the help of an electronic signature.
- **Electronic filing of documents:** some progress has been made in **Belarus**, where a new law on public associations introduced the opportunity for CSOs to submit registration documents and annual reports in electronic form. Still, the new law does not establish a fully-fledged online registration process, since some documents, such as a list of founders, must contain handwritten signatures and statutes should be submitted to the relevant authority in hard copy. The registration process itself also remains complex, requiring the submission of many documents, and registration can be denied at any time. Additionally, amendments to the Tax Code imposed on CSOs that tax returns can only be submitted online, which will require CSOs, even those not engaged in economic activities, to bear the additional cost of purchasing an electronic key required for the submission of tax returns.
- **Digital platforms to facilitate access to state support for CSOs:** In **Armenia**, the Ministry of Finance initiated the development of a new electronic platform for public procurement, and consulted CSOs on the draft Terms of Reference, envisioning a special module for grant competitions, which aims to resolve current technical issues. In **Ukraine**, the online platform *VzamoDiia* resumed its work in 2023, which made application and access to funding easier and more effective as it displays open calls for funding for CSOs from central and local authorities.
- **Online volunteerism:** in **Ukraine**, a new law on volunteerism included online volunteering within its scope. Moreover, the Government launched the humanitarian platform *eDopomoga* (eHelp), aimed at establishing a direct

connection between volunteers, CSOs and people in need and processing requests for specific assistance by those benefactors who are ready to provide it. By October 2023, more than 5,375 volunteers had been involved in providing charitable assistance within the framework of the platform, which is 800 more compared to all of 2022.

Regarding **digital fundraising**, it should be noted that access to digital fundraising sources remains restricted. For example, the National Bank of **Ukraine** continued to impose strong controls on Ukrainian banks and some of the digital fundraising sources remain restricted for CSOs (i.e., PayPal and cryptocurrencies). However, systematic legislative changes are being introduced to establish a legal environment for the use of virtual assets and open banking which will enable the full-scale use of PayPal and other digital payment systems. In **Moldova**, Parliament adopted the Law on Crowdfunding Services, which partially transposes the provisions of EU Regulation 2020/1503. However, the Law does not mention non-commercial organisations and thus it is not clear how and if the crowdfunding activity carried out by CSOs is going to be regulated. Despite the lack of specific regulations, civil society has already run numerous crowdfunding campaigns.

Digitalisation aimed at improving public participation, access to public information and funding will remain a priority for several EaP governments in the years to come. The Moldovan Government approved the Open Government Plan for 2023-2025 which envisions the use of numerous digital tools for access to information, budget, public procurement or government institutions. In Armenia, the Government adopted a roadmap for implementation and a results framework for Public Administration Reform Strategy 2023-2025. These documents set out further actions on public participation improvement, including advancing online and offline tools and mechanisms for participatory governance.

## 7. The growing use of AI without safeguards poses a threat to human rights.

The use of AI and algorithmic systems is not ubiquitous in the region. However, civil society documented instances of the use of facial recognition technology in public spaces, notably in Moldova and in Ukraine, where the war intensified the use of AI. At the same time, there have been no developments in 2023 when it comes to introducing legal guardrails for the development and deployment of AI systems. In particular, there are no specific mechanisms for assessing the human rights impacts of the use of this technology, let alone explicit redlines for AI systems which are incompatible with human rights. While some countries, like Ukraine, developed national strategies on AI development, they lack explicit references to human rights. Still, global developments

related to AI regulation did not remain unnoticed in the region. For instance, Ukraine participated in the UK AI Summit and signed the Bletchley Declaration. All countries, except Belarus, participate in the negotiations of the Council of Europe Convention on AI, although their individual positions and levels of engagement remain unclear.

# III. Key Priorities

---

Civil society in the EaP region has admirably navigated and persevered in 2023, which has been another tumultuous year with growing complexities and challenges. Ukraine's civil society has been grappling with the ongoing difficulties posed by Russian aggression.

The civil society environment in the EaP countries in 2023 faces a persistent lack of improvement and, in some areas, there is deterioration, for instance in Freedom of Expression and State Duty to Protect. There is a need for states to take progressive measures to **ensure enjoyment of basic civic freedoms** for individuals and groups. This means the lifting of restrictions imposed on freedom of association and access to funding in Belarus and Azerbaijan, and ensuring freedom of peaceful assembly and expression across the region.

Azerbaijan is the only country in the region in which the overall country score deteriorated. The state authorities in Azerbaijan, but also in Belarus, should **cease all forms of repression** against civil society, release political prisoners and terminate all politically-motivated criminal cases and investigations against CSO activists, journalists, bloggers, and human rights defenders. There is still an urgent need to stop the forced liquidation of CSOs in Belarus.

The European Council's decision in December 2023 to initiate accession negotiations with Ukraine and Moldova and grant Georgia candidate country status represents a significant historical milestone. It is **important to ensure and support the pivotal role of civil society in the EU integration process**.

States should **support the right to participation in the decision-making process** and adopt legislation and mechanisms for effective public participation, building on the positive examples seen in Moldova and Armenia. This also means that initiatives on regulating lobbying, such as the draft law on lobbying in Ukraine, do not infringe the legitimate right of civil society to engage in advocacy and in public life.

The 2023 CSO Meter regional report focuses on the evolving landscape of digital rights. Digital rights in the region are constantly under pressure due to political developments. Even though the overall scores in this area have not changed compared to 2022, positive changes were noted in some countries in digitalisation and data protection. However, several deteriorations in both law and practice, linked to increased surveillance and online censorship, as well as the persecution and imprisonment of activists for expressing opinions on social media, were also seen. States should ensure the **strong**

**protection of civic rights and freedoms in the digital realm.** The Belarusian and Azerbaijani Governments should stop persecuting civil society for their online speech. Governments should not use surveillance techniques which are incompatible with international human rights law, notably spyware and remote biometric identification systems. States should guarantee easy access to information online and facilitate the use of technologies for CSO registration and reporting, as well as meaningfully engage with civil society when developing strategies, laws, and policies related to digital rights, as well as in the process of designing and deploying digital technologies.

**States should support the financial sustainability** of CSOs directly via diverse forms of state support as this is the area assessed as the lowest in the region. States have a positive obligation to adopt measures that support CSOs’ access to diverse domestic and foreign sources of funding. States also have an obligation to improve the measures that negatively influence CSOs’ sustainability, such as burdensome reporting requirements, misapplied AML/CTF measures, and adopting stigmatising and restrictive laws on ‘foreign agents’.

These **priorities should also guide the EU institutions** when assessing the countries' progress towards EU integration or preparing rule of law reports. EU and other donors should also use them when shaping their funding priorities and planning their political and financial support to improve the civil society environment in the region.

## Key country developments and priorities

We provide below the key developments and priorities in each of the six EaP countries and, where applicable, highlight one very meaningful improvement and one very meaningful deterioration for the relevant civil society environment as assessed by the country researchers.

### Armenia

Key improvement	Key deterioration
The adoption of a supportive Law on Volunteer Work aimed at regulating the concept of volunteering and protecting volunteer rights.	Audit and tax obligations are an indirect obstacle to access to funding for CSOs.

#### Key developments

- The Law on Volunteer Work was adopted in May 2023. The new Law provides for a legal basis for volunteering and volunteer status, the right to reimbursement of additional expenses arising from volunteer work, health and

safety guarantees and other provisions to ensure the protection of the rights of volunteers.

- The Office of the Prime Minister organised discussions and expressed a willingness to engage around specific areas of the civil society environment, such as public participation and CSO financial sustainability.
- The Government adopted a roadmap for the implementation of the Public Administration Reform Strategy and the revised OGP Action Plan. Both documents set out actions to improve public participation, such as a new institutional mechanism for the monitoring and maintenance of participatory management procedures and advancing online and offline tools and mechanisms for participatory governance.

### Key priorities

- The Government should utilise the available institutional mechanisms of participation and ensure meaningful participation, establish mechanisms for mandatory public consultation on drafts produced by members of parliament and engage CSOs in the early stages of draft legislation and policy development.
- The Ministry of Finance and the relevant institutions should 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, and should not treat grant projects or other non-profit activities as economic activities subject to taxation.
- The state should provide adequate protection from harassment and attacks targeting CSOs, take measures to address strategic lawsuits against public participation (SLAPPs) against activists, improve cybersecurity tools and protect against unlawful spyware.

## Azerbaijan

Key improvement	Key deterioration
Increased state support to CSOs through grant competitions and programmes.	The arrests of those critical of the Government and the silencing of the protestors in Gadabay District by force.

### Key developments

- The new AML/CTF law was adopted and provides sanctions for violations of its provisions which place an unnecessary burden on CSOs and create legal obstacles for them, impeding their ability to effectively operate.

- The arrests of those critical of the Government and the silencing of the protestors in Gadabay District by force showed unfavourable conditions for the enjoyment of freedom of expression and freedom of peaceful assembly.
- Increasing state support to CSOs through grant competitions and programmes is important for maintaining CSOs and their capabilities, considering the restrictions in place on access to foreign funding.

### Key priorities

- The state should 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).
- The state should abolish the requirement for CSOs to register service contracts from foreign sources.
- The state should simplify the registration of CSOs and the reporting procedure for CSOs by reducing timelines and eliminating subjective treatment by the Ministry of Justice.

## Belarus

Key improvement	Key deterioration
Legislative consolidation of the mechanisms for financial support from the budget on a competitive basis for local civic initiatives and for youth initiatives. This development is in line with the measures mentioned in the recommendations of previous editions of the CSO Meter, although it is a 'band-aid' solution due to the selection of a non-ideal model of participatory budgeting.	The Law 'On Essentials of Civil Society' of 14 February 2023 legislated inequality and hierarchy in the civil society of Belarus. This is in addition to the already existing different legal regime for CSOs in practice depending on their political views and attitude towards the existing regime. Special conditions for cooperation with state agencies have been created by this law only for specific CSOs, primarily pro-government ones, and it introduces a very narrow definition of 'civil society entity', which excludes most of the non-profit sector from civil society as a legal notion.

### Key developments

- The authorities have misused and abused the Law 'On the Countering of Extremism', especially on the internet, to prevent freedom of speech and freedom of assembly and association. They have also used the Law as a tool to

persecute and ban many independent CSOs, labelled as ‘extremist formations’, membership of which, or even simply indirect contact with which, becomes grounds for a long prison sentence.

- The state has built at the legislative and practical levels a controlled system of civil society based on a principle of inequality. This means that only organisations loyal to and close to the Government enjoy legally established support and special forms of interaction with government agencies which are unavailable to the vast majority of other CSOs.
- The widespread liquidation of all opposition parties and of more than 1,500 CSOs as legal entities, political repression, the isolation of the country from the international community, the deliberate withdrawal from international legal instruments, criminal investigations and sentences to years of imprisonment for dissenters and all those who disagree with the regime's policies all together create an almost unbearable atmosphere for CSOs to operate in Belarus. This has forced CSOs to leave the country not only as individuals but also as organisations and even entire sectors of civil society (for instance, human rights organisations).

### Key priorities

- Release all individuals recognised as political prisoners and stop all politically motivated criminal cases and investigations against CSO activists, journalists, bloggers and human rights defenders.
- Abolish the Law ‘On the Countering of Extremism’ and all by-laws adopted under it, especially the Index of Extremist Formations and the Index of Extremist Materials.
- Cancel criminal responsibility for organising and participating in the activities of an unregistered CSO (Article 193-1 of the Criminal Code) and abolish the ban on the activities of public associations without registration.
- Cease the practice of forced liquidation of CSOs and restore real opportunities to operate for CSOs previously liquidated in 2020-2023, including public associations, foundations and private institutions, trade unions and their independent associations, and opposition political parties.

## Georgia

Key improvement	Key deterioration
The Georgian Parliament adopted the new Law on Personal Data Protection.	A newly established political party (part of the parliamentary majority) proposed in Parliament the so-called Law 'On Foreign Agents'. The draft Law was in violation of international standards and stirred unrest, protests and deteriorated the level of dialogue between the state and the civil society. The Law was ultimately withdrawn.

### Key developments

- The Georgian Parliament's proposed introduction of the Law 'On Foreign Agents' had an enduring and detrimental effect on the relationship between the state and civil society in 2023. This manifested in many ways, including attacks and pressure on critical voices, including civil society activists, and further narrowing of the opportunities and channels for public participation in decision-making.
- The state committed numerous violations of freedom of expression and peaceful assembly, particularly during protests which were held on a range of issues, such as against the entry of a Russian cruise ship into the port of Batumi and the LGBTQ+ Pride Week events. In this regard, it is important to note that within the Georgian legal framework, the Code of Administrative Offences is the sole remaining law from the Soviet era and continues to serve as the primary tool for detaining protesters.
- Parliament adopted the new Law on Personal Data Protection. The Law complies with international standards (based on the GDPR) and introduces stricter regulations and greater accountability for the handling of personal data.

### 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 establishing public participation as the obligatory stage in the elaboration of decrees, draft laws, strategic documents, and other instruments and establish redress mechanisms for their violation.
- The Government of Georgia should adopt new laws on administrative detention that are in accordance with human rights standards and the state must

unwaveringly safeguard the right to peaceful assembly, calmly handle public protests, negotiate with the public, and limit police response to rallies.

- The state institutions, above all the Government of Georgia, should respect and affirm its obligations within the OGP framework and return to its principles, including by adopting OGP Action Plans and allocating sufficient financial and administrative resources for implementing necessary policy steps for efficient CSO-state cooperation.

## Moldova

Key improvement	Key deterioration
The Government adopted the CSO Development Programme 2024-2027.	The state increased powers for intelligence officers to use the means of surveillance of private life.

### Key developments

- The Government adopted the CSO Development Programme 2024-2027. The Programme focuses on three main objectives: to strengthen cooperation mechanisms between institutions and civil society and increase transparency in policy formulation and decision-making; to increase the financial sustainability of CSOs; and to improve CSOs' capacity to address social issues and promote democratic values and include actions that respond to the CSO Meter recommendations.
- A new Law on Access to Information was adopted in 2023 which includes shorter deadlines for providing information, proactive publication of larger categories of information, a signature on submitted requests no longer being mandatory, and a simplified procedure and shorter terms for court examination of cases of violation of access to information. The Law also provides a new sanctioning mechanism for violation of the right. Also related to participation in decision-making, the Government and Parliament created consultation and cooperation platforms, although these have not yet proved viable in practice.
- A new form of CSO, the Intercommunity Development Association (IDA), was introduced to provide higher quality services to local communities and implement development projects of local or regional interest. The form is designed specifically for the Local Public Administration and the first IDA was registered in 2023.
-

## Key priorities

- The Ministry of Finance should increase tax benefits for philanthropic donations and sponsorship to a level that would provide real benefits for philanthropic activity.
- Public institutions, supported by the E-Governance Agency, should improve transparency and participation in decision-making by developing a unified online platform which would include updated information on legal initiatives at all stages and all amendments from introduction up to adoption.
- The legal framework for public procurement should be adjusted with a legal mechanism for social contracting, with clear instructions and a standard package of model documents and knowledge should be built in public institutions based on this mechanism.

## Ukraine

Key improvement	Key deterioration
The state ensured access to diverse sources of funding (especially state funding) to CSOs and volunteers despite the war.	Banks' enhanced control over CSOs limits their access to funding.

## Key developments

- State institutions resumed the award procedure and the distribution of state support for CSOs which had previously been stopped because of the war.
- The implementation of the National Strategy for Promoting Civil Society Development for 2021-2026 led to improvements such as the organising of a 'Week of Civil Society' and of several public consultations between the Government and CSO representatives on issues on improving the environment for volunteers and advocacy for laws on the development of public participation.
- Due to advocacy on the part of CSOs and businesses, access to the Unified State Register of Legal Entities, Individual Entrepreneurs, and Public Organisations and other public registers was partially restored by electronic key identification.

## Key priorities

- The state should avoid the emergence of legislation restricting the work of CSOs.
- The state should improve the legal environment for the engagement of volunteers by Ukrainian CSOs, particularly in the areas of taxation and guarantees.

- The Government should continue the implementation of the Action Plan for the National Strategy for Promoting Civil Society Development for 2021-2026, especially in the field of development of participation mechanisms and laws for volunteers, taking into account the war and the features of martial law.

# IV. Bibliography

---

## CSO Meter updates and other resources

This regional report has been prepared based on the CSO Meter 2023 country reports. For further information and analysis for each of the countries, please see the relevant country report available on the CSO Meter website: [Reports \(csometer.info\)](https://csometer.info/reports/).

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

For more information and updates on the civil society environment, please see <https://csometer.info/updates/>.

## Laws and regulations

European Commission, DG NEAR Guidelines for EU Support to Civil Society in the Enlargement Region 2021-2027, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-11/EU-Guidelines-for-Support-to-Civil-Society-in-the-Enlargement-region-2021-2027.pdf>.

European Commission, 'Hiroshima Process International Guiding Principles for Advanced AI Systems', 30 October 2023, <https://digital-strategy.ec.europa.eu/en/library/hiroshima-process-international-guiding-principles-advanced-ai-system>

Eur-Lex, 'Digital Markets Act', <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R1925>

Eur-Lex, 'Digital Services Act', <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R2065>

Government of Canada, Artificial Intelligence and Data Act, <https://ised-isde.canada.ca/site/innovation-better-canada/en/artificial-intelligence-and-data-act>

International Covenant on Civil and Political Rights, 16 December 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

## ECNL research, studies, and other resources

ECNL, 'A win in Ukraine: push back against attempts to limit CSOs' right to participation', 5 March 2021, <https://ecnl.org/news/win-ukraine-push-back-against-attempts-limit-csos-right-participation>.

ECNL, 'Are CSOs lobbyists: regulation in Ukraine may violate the right to participation', 12 November 2020, <https://ecnl.org/news/are-csos-lobbyists-regulation-ukraine-may-violate-right-participation>

ECNL, 'Defending Democracy with Clarity: In a joint submission, ECNL and The Good Lobby provide feedback on the European Commission's Defence of Democracy package', 3 October 2023, <https://ecnl.org/news/defending-democracy-clarity>.

ECNL, 'EU reaches agreement on the Artificial Intelligence Act', 13 December 2023, <https://ecnl.org/news/eu-reaches-agreement-artificial-intelligence-act>.

ECNL, 'Funding and Philanthropy: Three draft laws, introduced in the Ukrainian Parliament, would impose significant limitations to the work of CSOs', 11 September 2020, <https://ecnl.org/news/friends-or-foes-are-csos-receiving-foreign-funding-enemies-ukraine>.

ECNL, 'How can EU law safeguard CSOs' access to funding: a landmark decision', 19 June 2020, <https://ecnl.org/news/how-can-eu-law-safeguard-csos-access-funding-landmark-decision-o>.

ECNL, 'Impact of anti-money laundering and countering terrorism financing measures on non-profit organizations in the Eastern Partnership region', 2021, <https://csometer.info/sites/default/files/2022-06/EaP%20AML%20CT%2002072021%20new.pdf>.

ECNL, 'In-depth analysis of the Transparency Draft Law in Georgia', 24 February 2023, <https://ecnl.org/news/depth-analysis-transparency-draft-law-georgia>.

ECNL, 'Navigating 2023 changes of FATF Recommendation 8 and Best Practice Paper', 7 December 2023, <https://ecnl.org/publications/navigating-2023-changes-fatf-recommendation-8-and-best-practice-paper>.

ECNL, 'Silencing critical voices in the name of national sovereignty protection: new law adopted in Hungary', 18 December 2023, <https://ecnl.org/news/silencing-critical-voices-name-national-sovereignty-protection-new-law-adopted-hungary>.

ECNL, CSO Meter Regional Report 2019, [CSO-Meter-Regional-Report-Final2019-revised.pdf](https://csometer.info/sites/default/files/2019-12/CSO-Meter-Regional-Report-Final2019-revised.pdf) (csometer.info).

ECNL, CSO Meter, 'Azerbaijan adopts new amendments related to media', 10 March 2023, <https://csometer.info/updates/azerbaijan-adopts-new-amendments-related-media>.

ECNL, CSO Meter, 'Georgia: New foreign agents' draft law poses major threat to civic space', 21 February 2023, <https://csometer.info/updates/georgia-new-foreign-agents-draft-law-poses-major-threat-civic-space>.

ECNL, CSO Meter, 'Ukraine: CSOs' right to participation is under threat', 23 November 2023, <https://csometer.info/updates/ukraine-csos-right-participation-under-threat>.

## Other research, studies, and other resources

Council of Europe, 'Committee on AI', <https://www.coe.int/en/web/artificial-intelligence/cai>

Data Privacy Brazil, 'AI Regulation in Brazil',

<https://www.dataprivacybr.org/en/documentos/ai-regulation-in-brazil-national-knowledge-or-foreign-appropriation-2/>

EU External Action Service, Azerbaijan: Statement by the High Representative on the military escalation, 19 September 2023, [https://www.eeas.europa.eu/eeas/azerbaijan-statement-high-representative-military-escalation\\_en](https://www.eeas.europa.eu/eeas/azerbaijan-statement-high-representative-military-escalation_en).

European Commission, 'Defence of Democracy – Commission proposes to shed light on covert foreign influence', 12 December 2023, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_6453](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_6453).

European Commission, European Leaders decide to open accession negotiations with Ukraine and Moldova in a historic summit', 18 December 2023, [https://ec.europa.eu/commission/presscorner/detail/en/ac\\_23\\_6711](https://ec.europa.eu/commission/presscorner/detail/en/ac_23_6711).

European Commission, 'Political agreement on transparency of political advertising regulation', 7 November 2023,

[https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_4843](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_4843)

European Commission, European Neighbourhood Policy and Enlargement Negotiations (DG NEAR) – Policy Highlights, [https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/policy-highlights\\_en](https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/policy-highlights_en).

European Digital Rights (EDRi), 'Open letter: Protecting digital rights and freedoms in the Legislation to effectively tackle child abuse', 17 March 2022, <https://edri.org/our-work/protecting-digital-rights-and-freedoms-in-the-legislation-to-effectively-tackle-child-abuse/>.

European Parliament, 'Artificial Intelligence Act: deal on comprehensive rules for trustworthy AI', 9 December 2023, <https://www.europarl.europa.eu/news/en/press-room/20231206IPR15699/artificial-intelligence-act-deal-on-comprehensive-rules-for-trustworthy-ai>.

Freedom House, 'Freedom of the Net', <https://freedomhouse.org/report/freedom-net>

Human Rights Watch, 'Russia: Government vs. Rights Groups - The Battle Chronicle', 18 June 2018, <https://www.hrw.org/russia-government-against-rights-groups-battle-chronicle>.

Petra Molnar; EDRI; and the Refugee Law Lab, 'Technological Testing Grounds: Migration Management Experiments and Reflections from the Ground Up', 2020, [Technological-Testing-Grounds.pdf \(edri.org\)](https://www.edri.org/wp-content/uploads/2020/09/Technological-Testing-Grounds.pdf).

UN News, 'UN Karabakh mission told 'sudden' exodus means as few as 50 ethnic Armenians may remain', 2 October 2023, <https://news.un.org/en/story/2023/10/1141782>.

UN Security Council, 'Lachin Corridor Must Be Reopened for Humanitarian Aid, Security Council Hears, as Speakers Urge Armenia, Azerbaijan to Normalize Relations', 16 August 2023, <https://press.un.org/en/2023/sci5384.doc.htm>.

United Nations, Global Digital Compact, <https://www.un.org/techenvoy/global-digital-compact>

# Annex 1. Regional scores 2023

## AREA

Country	1	2	3	4	5	6	7	8	9	10	11	Average
Armenia	5.7	4.9	5.3	5.3	4.9	4.7	4.9	4.5	4.1	4.0	4.5	4.8
Azerbaijan	4.0	3.6	3.0	3.7	4.6	3.9	4.4	4.4	4.1	4.0	4.6	4.0
Belarus	2.3	2.7	2.2	1.5	2.6	1.8	2.4	1.9	2.4	2.3	2.1	2.2
Georgia	6.1	5.6	5.6	4.5	4.8	4.9	3.9	4.4	4.2	4.0	4.9	4.8
Moldova	5.5	4.7	5.3	5.3	4.9	5.0	4.3	4.6	4.4	4.3	4.3	4.8
Ukraine	5.6	5.3	4.7	4.7	4.7	4.9	4.1	3.7	4.4	5.3	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>4.2</b>	<b>4.0</b>	<b>3.9</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	5.4	5.2	5.8	5.2	4.3	4.3	4.9	5.2
Azerbaijan	4.5	3.8	3.2	4.4	5.0	4.6	4.9	4.7	4.4	4.3	4.8	4.4
Belarus	2.8	3.1	2.5	1.9	3.1	2.4	3.3	2.5	2.8	2.7	2.6	2.7
Georgia	6.1	5.8	6.0	5.2	5.3	5.6	4.7	5.0	4.4	4.2	5.1	5.2
Moldova	5.6	4.8	5.7	5.4	5.3	5.4	5.2	5.0	4.7	4.5	4.5	5.1
Ukraine	5.6	5.4	5.0	4.9	5.1	5.5	4.9	4.0	4.7	5.7	5.1	5.1
<b>Average</b>	<b>5.1</b>	<b>4.7</b>	<b>4.7</b>	<b>4.6</b>	<b>4.9</b>	<b>4.8</b>	<b>4.8</b>	<b>4.4</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	4.8	4.9	4.3	4.2	3.9	3.8	3.9	3.6	4.0	4.3
Azerbaijan	3.4	3.4	2.8	3.0	4.1	3.1	3.8	4.1	3.9	3.9	4.3	3.6
Belarus	1.8	2.2	1.9	1.1	2.1	1.2	1.5	1.2	1.9	1.9	1.5	1.7
Georgia	6.0	5.3	5.1	3.8	4.2	4.1	3.0	3.8	4.0	3.7	4.7	4.3
Moldova	5.3	4.5	4.8	5.1	4.4	4.6	3.4	4.2	4.0	4.0	4.0	4.4
Ukraine	5.5	5.1	4.4	4.5	4.3	4.2	3.2	3.4	4.0	4.8	4.4	4.3
<b>Average</b>	<b>4.6</b>	<b>4.2</b>	<b>4.0</b>	<b>3.7</b>	<b>3.9</b>	<b>3.6</b>	<b>3.1</b>	<b>3.4</b>	<b>3.6</b>	<b>3.7</b>	<b>3.8</b>	<b>3.8</b>

### Legend:

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

