

# CSO METER

Assessing the civil  
society environment  
in the Eastern  
Partnership countries

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Regional Report

The bottom half of the cover features abstract, overlapping shapes in white and a vibrant green color against the dark blue background. A large white shape, resembling a stylized 'A' or a large bracket, dominates the right side. A green shape, resembling a stylized 'B' or a curved arrow, is positioned in the lower-left quadrant, overlapping the white shape.



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

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# ABBREVIATIONS

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AML/CTF	Anti-money laundering and counter terrorism financing
CSO	Civil Society Organisation
EaP	Eastern Partnership
ECHR	European Convention on Human Rights
ECNL	European Center for Not-for-Profit Law Stichting
EU	European Union
FATF	Financial Action Task Force
ICCPR	International Covenant on Civil and Political Rights
MoF	Ministry of Finance
NELE	Non-entrepreneurial legal entity

# I. INTRODUCTION

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Civil society plays a crucial role more than ever before. We are facing global challenges related to climate change, migration and, the spread of digital technologies among others. Many people still live in poverty, face inequality and lack access to essential social and health services.

Civil Society Organisations (CSOs) not only have an important role in protecting fundamental rights but also in achieving sustainable development goals. In order for them to be able to do so it is important that they operate in an environment which enables them to be independent and financially sustainable, have strong governance, engage in policy-making and mobilise public support. States have a duty to protect and take positive measures to establish and maintain such an enabling environment, something that they have committed to by signing international and European treaties that promote these freedoms. If the operational space for CSOs is hindered this ultimately has a negative impact on those most in need and the development agenda as a whole.

Civil society is at a crossroads in the Eastern Partnership (EaP)<sup>1</sup> region. Over the past years CSOs have been affected by changing economic, political and social developments. On the one hand, they face challenges in their ability to access funding and sustain their activities and also a somewhat negative attitude from state authorities across the region. On the other hand, the development of digital technology brought new opportunities.

Therefore, it is timely to assess CSOs operational environment using a tool that is tailor-made for the EaP region and captures these diverse trends. The *CSO Meter- Assessing the civil society environment in the Eastern Partnership countries*<sup>2</sup> aims to support the regular and consistent monitoring of the environment in which CSOs operate in the EaP region. It has been developed through a highly consultative and collaborative process.<sup>3</sup> It has been co-drafted by a core group of local experts and consulted on in three rounds with more than 800 CSOs across the EaP region.

Local partners piloted the CSO Meter tool and methodology to assess the civil society environment against a set of standards and indicators in 10 different areas. They measured both law and practice based on international standards and best regulatory practices. The results from this processes will be assessed and any feedback will be integrated in a final version of the tool to be published in 2020.

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1 The Eastern Partnership (EaP) is a joint policy initiative which aims to deepen and strengthen relations between the European Union, its Member States and its six Eastern neighbours: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. For more information, please visit: [https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/eastern-partnership\\_en](https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/eastern-partnership_en).

2 For more information on the CSO Meter, see the CSO Meter website (<https://csometer.info/>) and a Briefer from ECNL (<http://ecnl.org/wp-content/uploads/2019/03/CSO-Meter-briefing-paper-new-final.pdf>)

3 The following local partners in each of the six EaP countries directly co-drafted the CSO Meter, ensured it was consulted and conducted an analysis based on the methodology of the tool: Transparency International Anti-Corruption Center (Armenia); MG Consulting LLC (Azerbaijan); the Assembly of Pro-Democratic NGOs in collaboration with the Legal Transformation Center (Belarus); the Civil Society Institute (Georgia); Promo-Lex Association (Moldova); the Ukrainian Center for Independent Political Research (Ukraine). The process was supported by the European Center for Not-for-Profit Law (ECNL) under a direct award from the European Union.

The monitoring considered both the:

1. **Fundamental rights and freedoms that are essential for the existence of civil society** (freedom of association, equal treatment, access to funding, freedom of peaceful assembly, right to participation in decision-making, freedom of expression, right to privacy and state duty to protect); as well as the
2. **Necessary conditions that ensure additional support for the development of civil society** (state support and state-CSO cooperation).

For the purposes of the monitoring, the term “CSO” was understood to mean voluntary self-governing bodies or organisations established to pursue the non-profit-making objectives of their founders or members. CSOs encompass bodies or organisations established both by individual persons (natural or legal) and by groups of such persons. They can be either membership or non-membership based. CSOs can be either informal bodies or organisations, which have legal personality. They may include, for example, public associations, foundations, non-profit companies and other forms that meet the above criteria. The CSO Meter does not consider the environment for political parties, religious organisations or trade unions.

The monitoring has been a vibrant and ongoing process that was captured in country reports. Local partners carried out a thorough desktop research of the relevant legal/normative documents, existing indexes and analyses in the areas of the CSO Meter. They considered the input from 562 responses to the online surveys, 54 interviews and 19 focus group meetings with 188 CSO representatives across the EaP region. Altogether 54 experts have overseen the monitoring process in the capacity of Advisory Board members and provided support for the development of the country reports. As a result of the monitoring, local partners formulated a total of 273 recommendations under the 10 enabling environment areas.

This regional report was prepared based on the information presented in the country reports that also include all relevant references to the resources used during the monitoring. The purpose of this report is to highlight the key trends and developments shaping civil society and main the findings on the enabling environment in the EaP region identified in the country reports. We also put forward recommendations for the EU institutions, governments and civil society to support their efforts to strengthen the environment for CSOs.

Importantly, the CSO Meter tool and the outcome of the country monitoring have already been considered and integrated in the development of the new EU Country Roadmaps in several countries of the region and also in reports of other donors such as the USAID Sustainability Index. Furthermore, the CSO Meter tool has also helped partners identify new issues and respond to legislative drafts proposed in their countries. We hope that the findings and recommendations of the country and regional reports will continue to feed into the policies and planning of both governments and the EU institutions to support an enabling environment for CSOs in the EaP region.

# II. KEY TRENDS & DEVELOPMENTS

## AFFECTING THE ENABLING ENVIRONMENT IN THE REGION

### Overall situation related to civil society in the region

The civil society environment in the EaP countries is affected by various economic, social and political events that have occurred in the region since the end of Soviet rule. Due to the Soviet heritage, civil society was practically non-existent in the region until the early 1990's. Since then, the EaP countries have undergone different stages of development, including elements of democratization processes.

During the monitoring period, most of the countries have undergone several important political changes that have impacted civic space. In Armenia, the “velvet revolution” brought hope for a more open and enabling CSO environment. On the contrary, the conditions for CSO operation are unstable and may deteriorate in Moldova due to the constant political instability in the country as well as the negative attitude of some politicians towards CSOs. The political situation remains unchanged in Azerbaijan and Belarus, although several positive developments were identified in these countries, such as the removal of criminal liability for participation in unregistered CSOs in Belarus and introducing incentives for corporate philanthropy in Azerbaijan. In Georgia and Ukraine, it is yet to be determined how new political developments will influence the civic space.

The past two years subject to monitoring under this report were particularly turbulent in Armenia due to the 2018 political changes widely known as the “velvet revolution.” After the country transformed from semi presidential to a parliamentary republic in April 2018, the former president was elected by the parliament as prime minister. This sparked mass anti-government protests resulting in the resignation of the newly elected prime minister, followed by the election of the protest's leader (representing the opposition party) as prime minister. Snap parliamentary elections were held in December 2018 that were considered to be much freer and fairer than previous elections in Armenia. The political changes in the country positively affected the CSO environment due to an improved situation regarding freedom of assembly, freedom of speech, as well as the opening up of new opportunities in regards to CSO participation and collaboration with the government”.

Moldova has also gone through significant political changes in the past years. The political situation has been significantly influenced by the theft of USD 1 billion from three Moldovan banks in 2014. The decision of the government to save these banks in 2016 led Moldova to the edge of economic bankruptcy and resulted into a shifting of political powers. The former prime minister was convicted in criminal proceedings and the Democratic Party gained a majority in the parliament in 2016. Recently, the country went through a constitutional crisis when the Constitutional Court ruled if the election winner (the Socialist Party) did not form a government within 90 days (instead of the 3 months prescribed by the Constitution) the parliament had to be dissolved and new elections held. Against the backdrop of this deci-

sion a new and unlikely coalition of the pro-Russian Socialist Party and pro-European ACUM party was formed one day after the deadline, on 8 June 2019. Following that, the Constitutional Court revised its former decision and declared the government to be constitutionally created. However, in November 2019, the government was ousted by the parliament's motion of no confidence,

In Ukraine, several political changes took place due to the presidential and parliamentary elections. Volodymyr Zelenski, a new face in politics, became the new president and his party won the majority in the parliament. This has also changed the CSO environment in Ukraine as CSOs still need to find the best ways to cooperate with the new president, his cabinet and new political elites.

In Azerbaijan there were also important developments. Presidential elections were held in April 2018 and the incumbent president Aliyev was re-elected for a period of seven years. In Georgia, the first female president in the country's history was elected in 2018, following an extremely polarized pre-election phase. In November 2019, Georgia's parliament of Georgia voted down the constitutional amendment envisaging a transition to a fully proportional electoral system which stirred a political crisis and mass protests. It is yet to be determined how this will impact the CSO environment in Georgia that, is up until now, has been considered as favourable.

The legal and operational environment for CSOs widely differs between the countries in the EaP region. While some countries provide good preconditions for CSO registration and operation, others are still rather restrictive and supportive measures are yet to be adopted. For example, in Georgia and Ukraine, CSOs can benefit from an easy, quick and non-burdensome registration procedure and a quite fairly supportive overarching framework for CSO operation. At the same time, CSOs in Azerbaijan and Belarus are facing various barriers, including lengthy registration procedures, limitations to the types of activities they are allowed to engage in and limitations in their access to resources. However, on a positive note, the attitude of the governments towards CSOs has recently improved in both countries. This shift has resulted into strengthened CSO - government cooperation and the abolition of certain restrictions. Examples include the abolition of Article 193 of the Criminal Code in Belarus which punished individuals who conducted activities on behalf of an unregistered CSO.

## Number and types of CSOs

The number of registered CSOs, as shown in the chart below, also illustrates the difference between the countries in the region. In order to take into consideration the population differences between the countries, the chart also shows how many CSOs are registered in each country per 10,000 inhabitants. While in Georgia and Moldova the number of registered CSOs per 10,000 inhabitants is relatively high (64 and 27 respectively), in Azerbaijan and Belarus there are only 4 and 3 CSOs per 10,000 inhabitants respectively.

However, there is no clear data on the number of active CSOs in the countries. Due to various reasons, including a complicated liquidation procedure, CSOs usually discontinue their operation without undergoing a de-registration process. In addition, in Georgia, the total number of CSOs also includes churches, municipal organisations and other entities that do not fall



into the definition of CSOs under this report. Therefore, the lack of conclusive and precise data about CSOs creates a challenge in monitoring and analysing the size, areas of operation and impact of the civil society in the EaP region.

Comparative chart no. 1: Number of registered CSOs in the EaP countries

COUNTRY	NO. OF REGISTERED CSOS	POPULATION IN MILLIONS <sup>4</sup> .	CSOS PER 10,000 INHABITANTS
Armenia	5,508	2.95	19
Azerbaijan	4,350	9.94	4
Belarus	3,114 <sup>5</sup>	9.49	3
Georgia	24,042 <sup>6</sup>	3.73	64
Moldova	9,388 <sup>7</sup>	3.55 <sup>8</sup>	27
Ukraine	around 100,000	44.62	22

Countries in the region offer a variety of legal forms of CSO, the most common forms being associations and foundations. Associations are characterised as non-profit, membership-based legal entities pursuing the interests of their members or a wider public interest in line with the country's legislation. Foundations are non-profit, non-membership legal entities pursuing private or public interests determined by their founders. Other available legal forms in the region include private establishments/institutions in Belarus and Moldova and civic unions, charitable institutions and charitable societies in Ukraine. In Georgia, there is only one available legal form of CSO called a non-entrepreneurial (non-commercial) legal entity (NELE). NELE is a flexible legal form that can pursue any legally allowed purpose, does not have any minimum capital requirement and can be established by one founder that can be both a foreign or domestic individual or legal entity.

In addition, some countries recognise the existence of other CSO legal forms of CSO (e.g., political parties, religious organizations, trade unions). However, for the purposes of this report, these legal forms are excluded from the definition of CSOs.

## Main areas of CSO work

The most common areas of CSO operation in Armenia, Georgia and Moldova include human rights, youth, democracy and civil society development, and social issues. Other areas of engagement include education, local self-government, economic development, culture and media, gender equality, tourism, healthcare, the elderly and disabled people. The main areas of work typically differ between the CSOs from cities and CSOs from rural areas. In

4 World Bank open data on population, available at: <https://data.worldbank.org/indicator/sp.pop.totl>.

5 This number includes the number of registered public associations and foundations as of July 1, 2018 (official statistics were not published after this date), institutions and unions of legal entities are not included in this number (statistics on these organisations are not published)

6 This number, however, includes not only CSOs but also churches, kindergartens, municipal organizations and other entities, as there is no aggregated data on CSOs only available in the public register

7 This number does not include 2,910 other entities- trade unions, employer unions, religious cults, political parties and public institutions.

8 According to the National Bureau of Statistics of the Republic of Moldova, the population of Moldova may actually be much lower. The data from 1 January 2019 published on its official website shows that the usual resident population of Moldova is 2,68 million. The data is available at: [https://statbank.statistica.md/pxweb/pxweb/en/20%20Populatia%20si%20procese%20demografice/20%20Populatia%20si%20procese%20demografice\\_\\_POPrec\\_\\_POP010/POP010100rcl.px/table/tableViewLayout1/?rxid=b2ff27d7-0b96-43c9-934b-42e1a2a9a774](https://statbank.statistica.md/pxweb/pxweb/en/20%20Populatia%20si%20procese%20demografice/20%20Populatia%20si%20procese%20demografice__POPrec__POP010/POP010100rcl.px/table/tableViewLayout1/?rxid=b2ff27d7-0b96-43c9-934b-42e1a2a9a774)

Belarus, the largest number of registered public associations engage in sports activities (809 organisations), and half as many are charitable organisations (403). State authorities often create obstacles for the registration of human rights organisations, organisations that promote democratic transformation and the development of civil society. Therefore, such CSOs typically operate without a registered status or they are registered in the form of an establishment as the registration procedure is less burdensome.

Due to the conflict in Ukraine, the areas of CSO work depend on the region of operation. In the south-eastern region of the country, CSOs work mainly on the overcoming of the consequences of the conflict, adaptation of the displaced persons and strengthening of the local governance. In western Ukraine, CSOs are mainly working on the formal and informal educational development, eco-culture development and development of civil legal awareness.<sup>9</sup> In Kiev, most of the surveyed CSOs work in the areas of social security, children and youth and human rights.<sup>10</sup>

## Public perception of CSOs and state attitude

Negative public image of CSOs remains a challenge in the region, although several countries have reported increased public trust towards CSOs. In Azerbaijan, the public image of CSOs improved in 2017-2018 owing to successful media coverage through CSO-oriented internet portals and an online CSO TV. In Ukraine, trust in CSOs grew in 2018 as some 60 percent of citizens responded they trust volunteer groups and 45 percent trust civic organisations that constitutes an increase from 53 percent and 40 percent respectively in September 2017. However, active engagement with civil society remains low, with only 7-8 percent of Ukrainians being actively engaged in their local community life. In the remaining countries, public trust towards CSOs is rather low and CSOs are subject to stereotypes such as being “money eaters” or “grant-chasing” entities.

Similarly, the attitude of state authorities towards CSOs is rather negative throughout the region, although it was noted that it is improving in some EaP countries. Besides the already mentioned examples of Azerbaijan and Belarus, Georgia also reported some improvements in cooperation with state authorities, notably in decision-making activities. Nevertheless, a number of cases have been recorded in which high-level government officials attacked the third sector and used negative rhetoric against specific CSOs (i.e. watchdog organisations) and their representatives. Also, according to the Moldovan country report, CSOs that wish to maintain good relations with state authorities go through self-censorship.

## Key trends shaping the civil society environment

Based on the 6 country reports, we have identified the following key trends or drivers that affect the civil society environment in the region:

### Restrictions on sources of funding challenge the financial viability of CSOs

CSOs in the region face challenges in their ability to access diverse sources of funding and

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<sup>9</sup> Sociological research report. The City Institute (2018).

<sup>10</sup> The report on the results of the Kyjev CSOs research (2017), available at: [https://dsk.kyivcity.gov.ua/files/2017/11/27/report\\_kyiv\\_cso.pdf](https://dsk.kyivcity.gov.ua/files/2017/11/27/report_kyiv_cso.pdf).

sustain their activities. It is important to ensure that CSOs are not dependent on only one or a few sources of funding to carry out their work. CSOs in 4 countries are generally able to access different sources of funding, although due to other factors, such as non-supportive fiscal policies, their access to some resources can also be limited. As for the remaining countries, the most significant challenges are related to the ability to access foreign funding or engage in economic activities. These resources are either fully prohibited (economic activities in Belarus) or subject to some limitations, such as registration with public authorities (foreign funding in Azerbaijan and Belarus) or available only for restricted causes (foreign funding in Belarus). The country with the highest number of restrictions to sources of funding is Belarus.

Legal frameworks also limit CSOs' ability to use funding. For example, tax incentives are insufficient to stimulate giving and the requirement to report all donations above a very low threshold creates a real obstacle for CSOs to receive donations. However, other factors also limit CSOs' ability to access funding from different sources. Some of the reasons for lack of philanthropic giving may be the underdeveloped culture of giving. In-kind support is not restricted in any of the countries in the region. However, state authorities rarely provide support to CSOs in this form. In addition, state support through grants is also limited in numerous countries and almost non-existent in Belarus.

It is also worth mentioning that CSOs in the region use new methods of fundraising, including crowdfunding through online platforms, internet donations and other electronic tools and mechanisms.<sup>11</sup> However, some countries (e.g. Ukraine) reported challenges related to the receipt of foreign funds through online platforms, due to anti-money laundering and counter terrorism financing (AML/CTF) regulations that designate them as high risk (fraudulent) activities.

#### Internet revolution is reshaping the civic space in the region

One of the most noticeable trends in the region is the increasing use of the internet in everyday life and the positive and negative effects this has on the CSO lifecycle. In terms of the positive effects, CSOs in some countries are able to submit their reports online (e.g. Moldova and Ukraine) and can access some information, including draft legal acts on dedicated websites (e.g. Georgia and Armenia). As a result, communication with state authorities and the possibility to comment on draft laws is more accessible to CSOs. Also, the internet has brought new methods of raising funds and enabled people from around the world to support issues in the region. At the same time, online registration of CSOs is still not common in the region.

As to the negative effects, CSOs are sometimes victims of smear campaigns of various bloggers, vloggers, "trolls" and also political leaders (e.g. in Moldova and Georgia). With the vast use of social media and its extensive reach, some politicians and state representatives attack CSOs on their social media accounts that are widely followed by the public to spread hate and fear among people.

In addition, while access to the internet and freedom of expression online is guaranteed, the virtual space is full of disinformation campaigns, fake information, or clones of media or CSOs' websites and profiles. Some countries adopted laws or amended existing ones to elim-

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<sup>11</sup> For more information about the trends in fundraising regulation and methods of raising funds, please also consult: European Center for Not-for-Profit Law: The Regulatory Framework for Fundraising in Europe, 2017, available at: [http://ecnl.org/wp-content/uploads/2017/11/The-Regulatory-Framework-for-Fundraising-in-Europe\\_ECNL-research.pdf](http://ecnl.org/wp-content/uploads/2017/11/The-Regulatory-Framework-for-Fundraising-in-Europe_ECNL-research.pdf).

inate this trend (e.g. Ukraine and Azerbaijan). However, in countries where internet content is subject to state control, the content is sometimes arbitrarily blocked or deleted, which may lead to de facto censorship.

#### **Measures for countering terrorism—financing significantly impact CSO daily operation**

New measures aimed to counter the financing of terrorism continue to be adopted in the countries in order to abide by the standards of the Financial Action Task Force (FATF). These standards have far-reaching effects on the daily operation of CSOs, including on CSO reporting and everyday banking issues. CSOs in some countries (e.g. Armenia and Moldova) stated that they encountered challenges when performing bank transactions and faced arbitrary blocking of their accounts that in some instances took up to 7 working days to resolve. CSOs in Armenia and Ukraine also complained that they are requested by the banks to submit extensive documentation, such as various certificates or employee ID cards, the banks claiming that CSOs are in a high risk group for money laundering.

#### **State interference to internal matters**

CSOs in the region are subject to attempts of the state to interfere in their internal matters as well as breaches to their right to privacy. In Ukraine, lawmakers attempted to adopt a regulation which would screen the property status of the members of anti-corruption associations. Thanks to the successful efforts of civil society, this regulation was rendered unconstitutional by the Constitutional Court. Also, CSOs from Moldova claimed their offices and private homes were wire-tapped by the state authorities. Such groundless interference from state authorities constitutes a significant breach of CSOs' right to privacy and freedom of association.

# III. MAIN FINDINGS

## ON ENABLING ENVIRONMENT

### 3.1 Freedom of association

Freedom of association is constitutionally guaranteed in all countries of the region. However, in practice, several challenges remain in place, including arbitrary decisions of the registration authorities when assessing the objectives of the applicants, non-observance of the timelines for registration and lack of competence of the local registration authorities that limits access to registration in rural areas.

Comparative chart no. 2: Costs and timeline for the registration of CSOs

COUNTRY	REGISTRATION FEE	TIMELINE
<b>Armenia</b>	10,000 AMD (approx. EUR 19)	Up to 10 working days for public organisations and up to 15 working days for foundations
<b>Azerbaijan</b>	EUR 5	It can take up to several years
<b>Belarus</b>	International and republican public associations and foundations - 10 basic units (approx. EUR 113), local public associations and foundations - 5 basic units (approx. EUR 56). Establishments - 0.5 basic units (approx. EUR 6)	Public associations and foundations - 1 month Establishments – 1 day
<b>Georgia</b>	Regular procedure – 100 GEL (approx. EUR 30) Expedited procedure – 200 GEL (approx. EUR 60)	Regular procedure – 1 working day Expedited procedure – on the day of submission
<b>Moldova</b>	Public associations - EUR 4.5 + EUR 3.5 (name check) + EUR 2 (issuing, editing and approving the name) Foundation - EUR 135.	15 days
<b>Ukraine</b>	Free of charge	Public association - 3 working days (max. 15 working days) Charitable organisations – 24 hours

Freedom of association is constitutionally guaranteed in all countries of the region with the exception of Moldova. This is primarily due to the ratification of international instruments for the protection of civil rights, such as the International Covenant on Civil and Political

Rights (ICCPR)<sup>12</sup> or European Convention on Human Rights (ECHR).<sup>13</sup> Despite the general constitutional guarantees, some domestic legislation imposes serious restrictions on exercising freedom of association. For example, in Azerbaijan, Belarus and Moldova, the laws provide restrictions for foreigners that wish to establish a CSO. In Belarus, foreigners cannot establish a national or local public association, only an international one. In Azerbaijan and Moldova, only foreigners with permanent residency can establish a CSO and in Azerbaijan this requirement applies also to volunteers. Other limitations to the right to establish a CSO include age and legal capacity requirements for individual founders and impossibility for the legal entities, besides public associations, to establish a CSO (e.g. Moldova). In addition, in Belarus, the activities of unregistered CSOs are punishable as administrative offences. Prior to July 2019, such activities were subject to criminal liability, with at least 18 persons being convicted since 2005.

The timelines for registration set by law are relatively short and the registration fees are relatively low in most of the countries of the region which is in line with international standards. The registration fee for a CSO has been waived in Ukraine and in other countries ranges between EUR 5 and EUR 113, although foundations in Moldova have to pay EUR 135 to be registered. The registration of NELE in Georgia and establishments in Belarus can take less than 24 hours, however, it can take up to several years in Azerbaijan. At the same time, laws in some countries do not provide a possibility to review and amend the documents after submission which leads to unnecessary denial of registration based on minor deficiencies in the documentation. For example, in Armenia, there is no possibility set by the law to review and amend the documents once submitted, therefore if there is even a minor mistake or missing information, the CSO might be denied registration. At the same time, as a good practice, the registration body in Armenia usually provides the possibility to make corrections before the timeline for registration expires.

Several limitations related to registration were reported in practice, including:

1. *Arbitrary decisions of the registration authorities.* The majority of the countries, including Azerbaijan, Belarus, Moldova and Ukraine, reported cases of groundless refusals of the registration by the state authorities although the situation in Ukraine has significantly improved in the last few years;
2. *Nonobservance of the timeline for the registration.* The biggest challenges related to lengthy registration procedures were reported in Azerbaijan, where the registration procedure can take up to several years. In addition, all important changes, such as the election of a board member or a chairperson have to be reported to the registration authority and a CSO needs to obtain a new excerpt from the registrar that can also take a very long time; and
3. *Obstacles to registration for local organizations.* Despite the possibility to register a CSO locally in Armenia, Azerbaijan and Moldova, it remains a challenge in practice as the local authorities lack the necessary knowledge and skills (Armenia, Moldova) or do not implement the laws, resulting in non-existence of the local registration

12 United Nations: International Covenant on Civil and Political Rights (ICCPR), available at: <http://www.ohchr.org/english/law/ccpr.htm>.

13 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, available at: [https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf).

mechanism in practice (Azerbaijan).

CSOs are generally allowed to pursue objectives and operate in areas that are not prohibited by law. The prohibited areas typically include unconstitutional conduct, such as overthrowing or forcibly changing the constitutional order, violating the sovereignty and territorial integrity of the country, propaganda of war or violence, incitement to interethnic, racial or religious hatred and others. In some countries, however, the state authorities exercise a certain level of discretion when assessing the objectives of a CSO which in turn limits their ability to be registered. For example, in Belarus, personal traits of a founder (for example, interest in human rights) serve as the ground for an assumption that the objectives of the newly-established organisations are prohibited.

CSOs are generally free to operate on the whole territory of the country or parts of it, apart from in Belarus where local CSOs are not allowed to operate on a national level. Also, in Ukraine, CSOs with All-Ukrainian status are entitled to obtain special state funding that is reserved only for CSOs with this status.

CSOs are free to determine their internal governance and operations in the majority of the countries in the region. However, challenges were reported for example in Belarus and Moldova, where the registration authority that also supervises CSO activity has extensive rights to interfere in CSOs' internal matters. For example, in Belarus the registration authority has a right to be informed about all general assembly meetings and to attend them, the right to obtain information about all aspects of the CSO's work, to get acquainted with the CSO's documents and to monitor all of its actions. These rights, if misused in practice, may threaten the independence of CSOs'. Monitoring and inspections are not frequent, although exceptions include in Azerbaijan, where it is not uncommon that the militia conducts searches in CSOs' premises, particularly of those critical of the government and the president. Some cases of monitoring and inspections have also been reported in Belarus.

The sanctions for violations of legal requirements are defined by laws in most of the countries although their practical application is considered disproportionate and arbitrary in some countries of the region. For example, in Azerbaijan, CSOs are subject to penalties as high as EUR 2,600-3,700 in case of the failure to register a grant with state authorities. Furthermore, in Belarus and Moldova, the sanctioning mechanism does not clearly define the gravity and type of violation when allowing for the termination of a CSO, which provides a broad discretion to the state authorities. Nevertheless, no cases of involuntary termination were recorded in these countries in the past few years.

#### ELECTRONIC DECLARATIONS IN UKRAINE

In 2017, Ukrainian law-makers adopted amendments to the anti-corruption legislation according to which the members of anti-corruption public associations were obliged to submit electronic declarations about the property and income of the anti-corruption activists. Thanks to the efforts of Ukrainian civil society, the obligation to file asset declaration for activists was rendered unconstitutional by the Constitutional Court.

## 3.2 Equal treatment

CSOs are not treated equitably with business entities in 5 out of 6 countries in the region. In some countries, the registration procedure is significantly longer for CSOs than for business entities and/or the registration fee for CSOs is higher.

According to international standards businesses and CSOs shall be treated equitably (not identically) by law related to registration procedures, administrative and operational requirements and access to funding.<sup>14</sup> However, based on the information obtained from the country reports, CSOs are not treated equitably with business entities in 5 out of the 6 countries in the region (everywhere except Georgia).

Comparative chart no. 3: Registration fee for CSOs vs. for commercial entities

COUNTRY	REGISTRATION FEE FOR CSOS	REGISTRATION FEE FOR COMMERCIAL ENTITIES
<b>Armenia</b>	10,000 AMD (approx. EUR 19)	up to 10 working days for public organisations and up to 15 working days for foundations
<b>Azerbaijan</b>	EUR 5	EUR 5
<b>Belarus</b>	International and republican public associations and foundations - 10 basic units (approx. EUR 113), local public associations and foundations - 5 basic units (approx. EUR 56). Establishments - 0.5 basic units (approx. EUR 6)	1 basic unit (approx. EUR 10)
<b>Georgia</b>	Regular procedure – 100 GEL (approx. EUR 30) Expedited procedure – 200 GEL (approx. EUR 60)	
<b>Moldova</b>	Public associations - EUR 4.5 + EUR 3.5 (name check) + EUR 2 (issuing, editing and approving the name) Foundation - EUR 135.	EUR 58
<b>Ukraine</b>	Free of charge	Free of charge

In some countries, the registration procedure is significantly longer and more complex for CSOs than for business entities and/or the registration fee for CSOs is higher. For example, in Moldova, business entities have templates available for their registration, while CSOs have to develop their own and also submit additional documents, such as proof of address and name check. The registration fees are higher for business entities in Moldova. However, the registration procedure takes 15 times longer for CSOs (15 days vs. 1 day). In Armenia, the registration of business entities is free of charge while the registration of a CSO costs 10,000 AMD (about 19 EUR). In Belarus, the registration of public associations is 5 times higher compared

<sup>14</sup> The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association



to business entities. Also, the registration documents are thoroughly examined in the case of CSOs while the documentation of business entities is not reviewed during the registration procedure. Due to this, as well as some other constraints related to the participation in public procurement and engagement in economic activities, some organisations decide to choose a for-profit legal form to operate more freely, which dilutes the difference between for-profit and non-profit.

In addition, the public procurement rules in some countries are designed in favour of business entities and/or business entities are the preferred choice of state authorities in practice. For example, in Moldova, CSOs may participate in public procurement on equitable terms with business entities. However, the requirements and the terms of reference are typically adapted to business entities and CSOs cannot really participate in the tender. In Armenia, CSOs can also participate in public procurement. However, they are subject to mandatory audit in cases where they receive over 5 million AMD (9,467 EUR) from public funds, resulting in increased costs of the budget and, consequently, to the lower competitiveness of the bidding. In Ukraine, legislation establishes a non-discriminatory approach for public procurement, yet in practice, CSOs complain about instances of bias towards them as potential suppliers of goods or services. In Azerbaijan, CSOs are obliged to register their foreign-funded service contracts, although there is no such requirement for business entities. On a positive note, Ukraine has launched the DoZorro Monitoring Portal that allows people and potential bidders to give feedback to the contracting authority, to discuss and evaluate the conditions of a specific tender and to prepare and submit a formal request to the controlling authorities.

As to the equal treatment among CSOs, several countries reported that governments tend to have a group of preferred CSOs that are obtaining direct public funding, are awarded contracts and other types of benefits on a regular basis and/or are invited to public consultations. For example, in Belarus, the government pre-approved a list of CSOs that are eligible for renting state-owned premises at a reduced rate and only a limited circle of CSOs gets invited to participate in the discussions on draft laws. CSOs expressing opposing views to those of the government are facing repressions and restrictions, biased treatment by the state and are purposefully criticised in the state-owned media. Similarly, in Georgia, CSOs claim that the state is very harsh towards CSOs that are critical of the government. They note that the state fights the most influential CSOs that are monitoring democratic reforms and elections etc.

### 3.3 Access to funding and diverse resources

CSOs are generally free to seek, receive and use various types of resources in 4 out of 6 countries of the region. However, several attempts to restrict access to international funding (that remains the main source of funding for most CSOs in the region) were identified.

CSOs are generally free to seek, receive and use various types of resources in 4 out of 6 countries in the region. In Belarus and Azerbaijan, several restrictions to CSOs ability to access funding remain in place. In Azerbaijan, anonymous donations are prohibited, which means that each donor has to identify himself/herself with an identification document even for minor donations not exceeding several cents. Also, cash donations exceeding 200 AZN (approx. EUR 107) are prohibited and donations below this threshold can be obtained only by 'chari-

ties'. However, the legislation does not contain any rules on how an entity becomes a 'charity', making it impossible for CSOs to utilise private donations from public collections.

#### PROPOSED LIMITATION OF THE ACTIVITIES OF CSOS RECEIVING FOREIGN FUNDING IN MOLDOVA

In 2017, the Ministry of Justice introduced a draft regulation applicable to CSOs receiving income from abroad. According to the draft, these CSOs would be banned from participating in the development and promotion of public policies which would have limited CSO ability to advocate for changes in state policies. In addition, these CSOs would also be requested to report on their income and on representatives of their governing structures. Thanks to the prompt reaction of CSOs and of the international community, the government dropped the proposals and the draft law was voted through by parliament in the first reading in the form developed by the working group with CSO participation..

In Belarus, there are numerous restrictions on the ability of CSOs to access funding, including restrictions on obtaining donations from corporate donors, limitations to the possibility to fundraise online and almost non-existent public funding and social contracting that targets only pre-approved, pro-governmental CSOs.

On a positive note, most of the country reports have stated that CSOs have access to numerous sources of funding, including grants, donations, membership fees, social contracting, economic activities and others. For example, public organisations in Armenia are allowed to directly engage in economic activities since 2 February 2017. To this day, Belarus remains the only country in the region where CSOs are not allowed to directly engage in economic activities.

Foreign funding remains the most important source of funding for CSOs in the region. At the same time, attempts to restrict or the existence of restrictions to access international funding were identified in the country reports. These restrictions are spe-

cific for foreign funding and do not apply to domestic funding. For example, in Belarus, donations from foreign donors can be obtained only for purposes listed in the Presidential Decree. However, this Decree does not allow donations for purposes such as human rights and the development of democracy, gender equality and others, which significantly limits the ability of certain types of CSOs to access foreign funding. In Azerbaijan, legislation requires the registration of foreign-funded service contracts and grants of CSOs and the whole amount received as a service fee is subject to tax.

CSOs receiving foreign funding are regularly victims of stigmatisation and attacks by the state authorities. For example, the Chairperson of the Parliament of the Republic of Moldova has written on his official Twitter that *"They [CSOs] do nothing but write projects, get funding from abroad and they have to consume that money. They got used to organise protests in this day of the year. Besides organising a protest, you better come to help and do something"*. In Armenia, a number of CSOs have been accused of receiving foreign funding and following the external agenda of the donor. Also, the "Sorosian" label has become widely used in the country, having a negative connotation of *"pursuing a foreign agenda"* and purposefully *"destroying Armenian traditional values and*

*the Armenian family.*” In Belarus, CSOs receiving foreign funding and their leaders have been accused in the state supported media of tax evasion and brought to criminal responsibility. In Georgia, CSOs receiving funding from foreign donors are accused of following the donor’s requirements and spending money without a valuable purpose. There is also a stereotype according to which CSOs are just “*money eaters.*”

### 3.4 Freedom of peaceful assembly

Freedom of peaceful assembly is constitutionally guaranteed in all countries of the region. Several challenges related to the inadequate interventions of the law enforcement bodies or lack of reaction thereof were reported in practice, including police violence and excessive use of force. Spontaneous and simultaneous assemblies are not protected in Azerbaijan and Belarus.

Freedom of peaceful assembly is enshrined in the constitution of all countries of the region. Despite this, some countries do not provide sufficient legal guarantees to ensure the implementation of this freedom for everyone without discrimination. For example, in Azerbaijan, the Constitution stipulates that “everyone has the right, with the prior notification of the relevant public authorities, to hold peaceful, unarmed assembly, gatherings, rallies, demonstrations, street marches and pickets, without prejudice to public order or public morality”<sup>15</sup>. At the same time, there is no legislation that defines ‘public order’ or ‘public morality’, providing a broad discretion to the state authorities when deciding on the “notifications” of the assemblies. In addition, individuals under the age of 18 and persons without full legal capacity cannot be the organizers of assemblies without the written consent of their parents or custodians. Limitations as to legal capacity were also identified in Moldova. In Ukraine, there is no separate law that regulates freedom of peaceful assembly guaranteed by the constitution.

Although the right to hold an assembly is not subject to prior authorisation in all countries except for Belarus, some CSOs have reported cases of arbitrary decisions made by state authorities. For example, in Ukraine, CSOs reported that local authorities are deliberately misleading activists about a requirement to obtain permission to organise a peaceful assembly or require them to submit a notification 10 days prior to the planned date of the assembly that is not based in law. In Azerbaijan, the organisers of peaceful assemblies are obliged to notify the authorities 5 working days in advance, which in practice is interpreted as a need to get permission and is often denied in practice. Such decisions can be appealed to the courts. However, the decision is typically not issued prior to the planned date of assembly. On a positive note, in Moldova, a duly-notified assembly can be banned or the conditions of organising the assembly can be modified only based on a court decision. If the court does not decide within the set deadlines, the assembly can take place as notified by the organisers. In Armenia, even if prior notification has not been provided, the police is still obliged to facilitate the assembly if it is peaceful. Belarus is the only country requiring authorisation (there is a requirement to obtain permission 15 days prior to the planned date of the assembly) but a 10-day notification principle has recently been introduced for holding assemblies in certain designated places. At the same time, freedom of assembly in practice has become even more limited due to de-

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<sup>15</sup> Azerbaijan, Article 49 of the Constitution of Azerbaijan November 25, 1999 with last amendments by Referendum of September 26, 2016, available at: <http://e-qanun.az/framework/897>.

mands for payment of services for the maintenance of public order, expenses associated with medical care, and the cleaning of the location after an assembly.

The right to organise a spontaneous and/or simultaneous assembly is not guaranteed in Azerbaijan and Belarus. In Belarus, legislation does not even contain a notion of “spontaneous” or “simultaneous” assembly. Holding an assembly without notification/request for permission or requesting to hold an assembly on a same or similar spot as another applicant is a ground for refusal of the assembly. In Azerbaijan, spontaneous assemblies can be restricted or suspended according to the Law on Freedom of Assembly.<sup>16</sup>

Several challenges related to the inadequate interventions of law enforcement bodies exist in practice, including police violence, mass detentions of participants and excessive use of force. For example, in Armenia, there were numerous cases of mass detentions of assembly participants - only during the April 2018 events more than 1,200 people were detained. In Moldova, several cases of disproportionate and unpredictable use of force by the state authorities were recorded, despite the existing legal regulation of the procedure and way of using physical force. For example, the presence of law enforcement in one of the unlawfully-banned assemblies was several times higher than that of the actual participants, while during another assembly, participants were forcibly dispersed due to another event planned at the place of the assembly. In Ukraine, there are cases of insufficient protection provided by law enforcement bodies where violence was used against participants of peaceful assemblies by nationalist paramilitaries.

Law enforcement typically has rules on the use of force during peaceful assemblies, including an accountability mechanism in case of a breach of these rules. However, in some countries, these rules are not followed and there are cases where police were not held accountable for excessive use of force. In Armenia, a number of proceedings were initiated based on the excessive use of force by the police during 2015-2018. However, the results are still considered insufficient by CSOs. According to the information from the country report, the police officers were charged with the violation only in a few cases and the fines imposed were mainly administrative. In Moldova, police forces are subject to disciplinary or even criminal sanctions

### PROTEST AGAINST RUSSIAN MP TAKING THE SPEAKER'S SEAT AT THE GEORGIAN PARLIAMENT

A massive protest was launched in June 2019 in Georgia after Russian MP Sergei Gavrilov tset in the Speaker's seat at the Georgian Parliament. After the event turned violent by protesters throwing objects on the police officers, a decision to disperse the rally was made. The police used a variety of special means, including tear gas and rubber bullets. As a result, the event turned into a disaster with hundreds of demonstrators, journalists, and observers hospitalised and 305 participants subject to administrative arrest. Despite the violence and aggression of the protesters, it has not been substantiated that the use of special means was proportionate, as the police had been using them throughout the whole night, even when it was clear that there was no threat of an attack on the Parliament building.

<sup>16</sup> Azerbaijan, Article 7 and 8 of the Law on Freedom of Assembly, November 13, 1998, <http://www.e-qanun.az/framework/3229>

in case of using excessive force. However, police officers and carabinieri who participate at the assemblies do not have a unique identification badge, making it almost impossible to hold them accountable for the committed violations.

### 3.5 Right to participation in decision-making

Although participation of CSOs in the decision-making processes is regulated, the participation mechanisms are not fully implemented in practice. Countries reported challenges related to the non-transparent work of public officials, particularly regarding the organisation and selection of participants of public consultations, the timely publication of draft laws and policies and taking into consideration of CSO recommendations. Also, in some countries, public authorities do not use a variety of available participation mechanisms and limit themselves to one or two.

Comparative chart no. 4: Timelines for public consultations

COUNTRY	TIMELINE FOR SUBMISSION OF DRAFT LEGISLATION FOR PUBLIC CONSULTATIONS
Armenia	at least 15 days
Azerbaijan	60 days
Belarus	not defined by law
Georgia	N/A
Moldova	15 days
Ukraine	at least 15 days

Although various methods of CSO participation in the decision-making processes are regulated, the participation mechanisms are not fully implemented in practice. Countries reported challenges related to the non-transparent work of public officials, particularly regarding organisation and selection of participants of public consultations, the timely publication of draft laws and policies and consideration of CSO recommendations. For example, in Armenia, when the public discussions are organised by public authorities, the relevant information is not always accessible to interested CSOs: such discussions are often invitation-based, while open discussions and public hearings are rare. In addition, CSO recommendations may be denied without any justification or with a very general reasoning, such as finding the proposal “inexpedient”. In Belarus, CSOs are often not invited to participate in the working groups and if they are, it is open only for a closed group of CSOs. In addition, state authorities organise public consultations with the focus on the process and explanation of why the legislation is needed rather than on the content of the draft laws. Nevertheless, it should be noted that the adoption of two legislative orders in the area of public participation shows a positive trend to supporting the publication and consultation processes around draft laws in Belarus.

Public participation mechanisms can take many forms, such as online consultations, in person meetings within focus groups, seminars, public debates, forums, open plenary or committee sessions etc. However, in some countries, public authorities do not use a variety of available participation forms and limit themselves to one or two. For example, according to the information obtained from the Moldovan country report, public authorities have various methods

of public participation mechanisms available to discuss draft laws and policies. However, they typically just publish the announcements or drafts on the participation platform and very rarely reach out to CSOs with expertise for further consultation. Similarly, Ukrainian CSOs reported that state authorities typically use only one form of consultation - publishing a draft act on an official website - and do not widely engage in bilateral consultations. Alternatively, when they do engage in public consultations, state authorities typically invite the same CSOs with whom they have a “working relationship”, which discriminates against the other interested CSOs.

Even though all the countries in the region with the exception of Belarus have some laws regulating the access to information via individual requests and rules for the publication of documents and information related to decision-making, these are seldom followed in practice. For example, in Moldova, CSOs complained that information is either hardly accessible for public consultation or was not published on time to allow for their feedback. As to the individual requests to access information, CSOs reported that these primarily generate incomplete answers or refusals under the pretext of protection of personal data, trade secrets or state secrets. In Armenia, CSOs specialising in freedom of information noted that the obligatory information to be published by the state authorities is not always complete and submitted on time. Responses to individual information inquiries have improved recently, although some challenges remain at the local level. These relate particularly to the form of response, i.e. local authorities respond to inquiries over phone, which is prohibited by law or respond in paper form to email requests and then charge printing fees. On a positive note, several countries, including Armenia, Georgia and Moldova, have created online platforms for publishing draft laws making consultations more accessible to the wider public.

CSOs are not subject to legal restrictions on their right to engage in advocacy activities. Several impediments were, however, identified in practice, in particular when it comes to CSOs that are raising opposing views. For example, in Ukraine, some CSOs were persecuted for their advocacy activities in the anti-corruption area. In Belarus, CSOs that are considered by the state authorities as connected with political opposition are sometimes not allowed to participate in decision-making. Lobbying activities are regulated only in Georgia, where the lobbying law provides certain benefits to registered lobbyists in their access to decision-making processes. Registration under this law is not mandatory and CSOs, as well as individuals are free to engage in lobbying without registering as lobbyists. Since 2015 only 10 lobbyists were registered under this law. In Azerbaijan, there is no framework regulation on lobbying activities. However, the Law on Grants lifts the tax exemption on income from CSOs, if the income is used for lobbying laws and other normative acts.<sup>17</sup>

### 3.6 Freedom of expression

Freedom of expression is constitutionally guaranteed in all countries of the region. Existing restrictions to this freedom relate predominantly to the criticism of CSOs by state authorities or political figures. Also, several challenges related to the freedom of expression online were reported by some countries, including cases of cyber-attacks.

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<sup>17</sup> Azerbaijan, Article 1.4. of the Law on Grants of April 17, 1998, available at: <http://www.e-qanun.az/framework/3527>

Freedom of expression is constitutionally guaranteed in all countries of the region. In Belarus, the legislation provides serious restrictions to this right. For example, the legislation provides for a wide range of forms and grounds that allow restriction to the expression of opinions, including through the criminal prosecution of expression of opposing views, restrictions on the media or blocking websites (both Belarusian and foreign ones). In the remaining countries, the laws provide various guarantees to freedom of expression as well as to the right to seek, receive and impart information.

Despite the legal guarantees, CSOs in several countries have reported challenges when exercising freedom of expression. CSOs are typically restricted in the expression of opposing views or criticism of state authorities and politicians. Several countries reported cases of direct or indirect pressure on CSOs and journalists after expressing opposing views. According to the information provided in the Armenian report, CSOs preferred to use self-censorship in fear of attack prior to the “velvet revolution” in 2018. In Azerbaijan, there are challenges with arbitrary application of criminal laws to limit freedom of expression. The Press Council, which is the main state media regulatory body, regularly publishes a “black list” of newspapers engaged in so-called “racketeering” activities, subject to criminal penalties or accusation of the violation of professional journalistic ethics. Also, several challenges related to freedom of expression online were reported by some countries, including arbitrary blocking or removing of content in Ukraine (as further described in the text box) and cyber-attacks in Moldova.

#### **PRESIDENTIAL DECREE ON THE DOCTRINE OF INFORMATION SECURITY OF UKRAINE**

The Presidential Decree adopted in February 2017 aims to “counteract the devastating informational influence of the Russian Federation in the conditions of its hybrid war.” According to the Decree, it is prohibited to use the information space for “destructive purposes” or for “actions aimed at discrediting Ukraine at the international level.” This vague terminology used in the Decree allows for a broad discretion in its interpretation and as a result, each user of the internet that posts such content may be suspected of being used by a state aggressor to conduct an information war against Ukraine. For example, in May 2018, the Ukraine editor of the Russian state owned wire service, RIA Novosti, Kirill Vyshinsky, was arrested on treason charges for his participation in “propaganda campaigns” to legitimise Russia’s actions in Crimea and security services raided the outlet’s office in Kyiv.

The majority of the countries do not have a specific regulation on hate speech, although all of them have certain guarantees in place in order to prohibit incitement to hatred in practice. For example, in Azerbaijan, sanctions for hate speech are included in the Criminal Code. Similarly, in Armenia, the Criminal Code provides sanctions for inciting national, racial or religious hatred, actions aimed at racial superiority or humiliating national dignity.<sup>18</sup> However, due to the absence of anti-discrimination laws and the definition of hate speech state

<sup>18</sup> Armenia, Criminal Code, 18.04.2003, Article 226

authorities do not effectively prevent or punish offensive statements or calls for violence and threats to CSO representatives, particularly aimed at CSOs working in sensitive areas such as domestic violence, LGBTQ and religious minorities' rights.

Defamation remains a crime in 2 out of 6 countries in the region, namely Azerbaijan and Belarus. In Belarus, the criminal law provides criminal liability for defamation, libel or insult of the president or the discrediting of Belarus. In Moldova, deliberate dissemination of defamatory and deceitful information is an administrative offence sanctioned by fine, community work or the deprivation of the right to hold certain positions for up to one year.

### 3.7 Right to privacy

The right to privacy is constitutionally guaranteed in all countries of the region. All the countries, with the exception of Belarus, have also adopted a special regulation on the protection of personal data providing rules on personal data processing. However, CSOs from some countries reported violations of their right to privacy by state authorities, particularly by wire-tapping their offices or the homes of CSO representatives.

The right to privacy, including the protection of the family, private life, correspondence and personal data is enshrined in the constitution of all countries in the region. All countries but Belarus also adopted a special regulation on the protection of personal data providing

#### MONITORING OF COMMUNICATIONS IN BELARUS

The Presidential Decree in Belarus obliges internet providers to store databases with personal information about every user, including the browsing history, for a period of one year. As a result, state authorities in Belarus can request from internet providers data about the online activities of any individual connected to the internet in Belarus. In addition, despite the declared commitment by certain mobile operators to comply with the European General Data Protection Regulation, control is exercised over telecommunications as well, including deep packet inspection (DPI). The authorities actively monitor assemblies through devices from Russia and China, sold in

rules on personal data processing. The national laws typically follow the Council of Europe Convention on Data Protection<sup>19</sup> or legislative developments in the European Union (EU). For example, in Ukraine, the legislation on personal data protection follows the Council of Europe Convention and guarantees the protection of data privacy and regulates all issues of personal data processing carried out by both public authorities and private entities. In Georgia, the Law on Personal Data Protection adopted in 2012 was influenced by the EU rules, due to commitments arising from the visa liberalization process. The Law regulates basic principles of personal data processing, rights and obligations of processing parties (i.e. controllers and processors) and establishes a supervisory authority that

<sup>19</sup> The Council of Europe: Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/108>.



Belarus by telecommunications operators. The dissidents are monitored through dual-purpose devices from Western suppliers (for example, Ericsson, TeliaSonera). The System for Operative Investigative Activities (SORM) provides state agencies with 24/7 access to all networks, including networks of telecommunication operators and internet providers, in real time mode without public control. The dissidents are monitored through dual-purpose devices from western suppliers (for example, Ericsson, TeliaSonera). System for Operative Investigative Activities (SORM) provides state agencies with 24/7 access to all networks, including networks of telecommunication operators and internet providers, in real time mode without public control.

oversees compliance with the legal provisions. Noncompliance is subject to administrative fines. However, the Criminal Code establishes a criminal liability for illegal collection, storage, usage, dissemination or disclosure of personal data causing serious damage.

Despite the associated legal guarantees, CSOs from some countries reported violations of their right to privacy by state authorities. Some of the most alarming included wire-tapping of CSO offices or the homes of CSO representatives as well as the monitoring of online activities. For example, in Moldova, the Chairperson of the Legal Resources Centre from Moldova (LRCM) found two wire-tapping devices in his office in 2017. Also, according to the earlier analysis conducted by LRCM, the wiretapping is 40 times higher per capita in Mol-

dova than in the United Kingdom. In Armenia, some CSOs interviewed for drafting the country report claimed that they had substantial doubts about their phone calls being wiretapped by the state authorities in the past. In Ukraine, there are formal grounds for the monitoring of online activities or the interception of the telecommunication, but there is no timeline for monitoring, usage, and disposal of such information, resulting in the invisible violations of the right to privacy in electronic communications.

CSOs may be obliged to submit or disclose confidential documents under the pretext of tax and accounting audits or state inspections. Some countries reported extensive reporting obligations, such as disclosure of the passport information of individual donors to the Ministry of Finance (MoF) in Azerbaijan. In addition, a draft bill “On Amendments to the Budget Code of Ukraine” required entities to disclose documents protected by bank secrecy and personal data on the request of the MoF in contravention of the Ukrainian Constitution and binding international treaties.<sup>20</sup> Thanks to effective advocacy efforts, the law was not adopted.

### 3.8 State duty to protect

CSOs in all countries can enjoy some sort of protection against state and third party interference in their internal matters. The legislation on AML/CTF proves to be problematic in the region. The main challenges related to the AML/CTF reg-

<sup>20</sup> Namely, the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

ulations include a lack of clear guidance on how to implement the obligations introduced by these regulations and disproportionate sanctions for their violation. CSOs also noted the practice of banks requesting excessive information in order to open a bank account or blocking international money transfers.

Comparative chart no. 5: CSOs' ability to initiate court proceedings

COUNTRY	CAN CSOS INITIATE COURT PROCEEDINGS
Armenia	Yes. For public interest cases, the court proceedings can be initiated only in the area of environmental protection <sup>21</sup>
Azerbaijan	Yes
Belarus	Yes. however, the areas where CSOs can initiate court proceedings are limited by law
Georgia	Yes
Moldova	Yes
Ukraine	Yes. However, they have to be presented by attorneys <sup>22</sup>

All countries in the region provide some sort of guarantees for CSOs against state and third party interference in their internal matters, although in Belarus these legal guarantees extend only to public associations. Despite that, some countries reported instances of violations of these guarantees. For example, in Armenia, there are continuous challenges with providing adequate state protection against third party interference to CSOs working on sensitive issues, such as LGBTQ or women's rights. Similarly, in Georgia, the state failed to pursue its positive obligation and ensure that CSOs and associated individuals of the LGBTQ community are fully protected during Tbilisi Pride, when the office of the organisers was attacked by far-right groups. In Ukraine, the lack of state protection resulted in the death of two CSO activists and 100 other attacks on activists throughout the country over the past 2 and a half years.

CSOs also have a right to defend their rights and interests in court, including the rights and interests of their members. An impediment to this right has been reported in Ukraine, where CSOs have to be represented in all courts by attorneys from

#### LEGISLATION TARGETING MONEY LAUNDERING IN AZERBAIJAN

The 'Law on the fight against the laundering of money or other assets obtained by criminal means and funding of terrorism' adopted in 2009 treats CSOs as participants of monitoring and obliges them to prepare and enforce an internal control system, assign a responsible person, appoint an internal auditor, conduct customer identification and verification, provide information to the Financial Monitoring Service about suspicious transactions and conduct appropriate trainings.

<sup>21</sup> The limitation to the cases on environmental protection concerns public interest proceedings only (actio popularis); in addition, this right is limited to CSOs meeting certain criteria (several years of experience in the area of environmental protection, etc.). At the same time, all CSOs can represent and defend their rights, and public organisation can also represent their members, beneficiaries and volunteers in the court.

<sup>22</sup> Article 131-2 of the Constitution excludes from this obligation only disputes on labour and social rights, elections and referenda, as well as minor cases (up to 100 minimal salaries, or up to 500 at the discretion of judge).

January 2019. As a result, when a CSO wishes to defend its rights and interests, it has to pay fees for legal representation that it often cannot afford to cover. Also, access to justice is limited to several situations, enumerated in the law in Belarus. In addition, in Moldova, the impartiality of the judges was questioned by the majority of lawyers that participated in a recent survey conducted by LRCM.<sup>23</sup>

The legislation on AML/CTF proves to be problematic in the region. The main challenges are related to the lack of clear guidance on how to implement the legal obligations and disproportionate sanctions for their violation.

In Belarus, CSOs noted that the AML/CTF measures are disproportionate, are not based on risk assessment and do not respect human rights. In Azerbaijan, CSOs have to comply with burdensome and very extensive obligations and are subject to disproportionate sanctions in case of non-compliance.

CSOs also noted practices of banks requesting excessive information in order to open a bank account or blocking international money transfers. For example, in Ukraine, the National Bank Acts allow banks to set up extra risk monitoring that limits the receipt or transfers of CSOs' international funding, including to/from some EU countries that applies even to relatively small transactions in an amount equal to or lower than 15,000 UAH (EUR 420). As a result, several CSOs have had their accounts blocked for up to seven days by banks or by financial monitoring institutions. In Armenia, CSOs claimed that the information required by banks is excessive and burdensome; banks follow their internal regulations on this matter which require review from international best practice.

### 3.9 State support

State support is insufficient in the region. State funding is typically limited and its allocation is non-transparent. Tax treatment is unfavourable in some of the countries, while all of the countries reported insufficient tax benefits that do not stimulate individual and corporate philanthropy. Also, most of the countries do not have special policies that stimulate volunteering, although there are no significant restrictions related to it.

States do not sufficiently support CSOs in the region. State funding is typically insufficient and allocated to the “familiar” CSOs through non-transparent procedures. For example, in Armenia, the government decision regulating the allocation of support to CSOs states that financial support is allocated through a competitive procedure. However, in practice, CSOs reported that the financial support is distributed primarily through non-competitive procedure to the CSOs that are included in the “list of recipient CSOs” defined in the state budget.

These requirements are very extensive, considering the nature of CSOs' (often voluntary) activities are beyond the financial capabilities of most of them. As of now, the Law is lacking implementation and the majority of CSOs have no knowledge about its requirements. However, non-compliance with the provisions of this Law is subject to fines in the amount of 800 to 15,000 AZN (approx. 400 to 7,900 EUR).

<sup>23</sup> Legal Resources Centre from Moldova: The perception of lawyers about independence, efficiency and accountability of the judiciary in the Republic of Moldova, 2018, <https://crjm.org/wp-content/uploads/2019/02/2018-CRJM-Sondaj-Independenta-justitiei-EN.pdf>

The practice of contracting CSOs' services by the state is not very common. The requirements for participation in public procurement are burdensome and not adapted to the specifics of CSOs. For example, in Moldova, the mechanism to contract social services to CSOs is unclear and CSOs are required to submit documents that are difficult to obtain for CSOs without financial reserves, including a bank certificate (with a 10 percent bank guarantee for the applicant), the certificate of proper performance of the contract (with a bank guarantee of a maximum of 15 percent for the winner) and the post-factum payment for services. Similarly, in Azerbaijan, participation in public procurement is nearly impossible to CSOs due to the extensive financial prerequisites. In Ukraine, the procurement of social services is possible only at the local level and CSOs are sometimes not allowed to participate, for example due to their non-profit status. Contracting to CSOs is also limited by the fact that the notion of social services, the typical areas in which CSOs deliver their services, are not known and the qualitative requirements for the provision of social services (including identification of the needs, monitoring and reporting on their implementation) are not well developed. It is important to ensure that there is the possibility to contract services to CSOs, that the government is ready to provide funding for that and that good examples are promoted (e.g. in Ukraine, the new Law on Social Services allows for contracting of services to CSOs and there is a need to ensure local authorities use this opportunity).

CSOs in all countries are exempt from tax on income when the income is from non-profit sources. However, they enjoy a favourable tax treatment with regard to income from economic activity in only 2 out of 6 countries in the region. In Moldova, the exemption from income tax on economic activities is subject to the condition that the income generated from economic activities is used for the statutory purposes of CSOs. In Ukraine, CSOs have to obtain a distinct status called "non-profit status" in order to be exempt from income tax, including on income from economic activities. Nevertheless, the registration procedure for obtaining this status is prompt, free of charge, and has clear criteria for rejection. In the remaining countries, CSOs are subject to income tax or profit tax on economic activities. In Belarus, CSOs are also taxed on income from foreign donations and a decision to provide a tax exemption for foreign aid, even if it comes from a non-commercial source, is taken individually for each amount of aid received. On a positive note, since 2016, anonymous donations in Belarus are no longer treated as foreign aid subject to a formal registration with the state agency.

All of the countries reported insufficient tax benefits that do not stimulate individual and corporate philanthropy. As the below comparative chart demonstrates, the tax benefits for individual donors are either non-existent or insufficient, as only one country provides some tax benefits to individual donors. As for the corporate donors, all countries provide some sort of tax benefits and the deductible thresholds are generally higher than for individual donors. However, according to the information from the country reports, the corporate donors often report challenges with obtaining these benefits. For example, in Georgia, the corporate donors claimed that the process of attaining the tax deduction is complicated and time consuming. According to an analysis<sup>24</sup> conducted in Moldova, the current threshold of the tax deduction does not provide any tangible financial benefit to donors.

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24 Fiscal Mechanisms for Stimulating Philanthropy, Expert Grup, 2011, [https://www.expert-grup.org/media/k2/attachments/Mecanisme\\_fiscale\\_de\\_stimulare\\_a\\_filantropiei.pdf](https://www.expert-grup.org/media/k2/attachments/Mecanisme_fiscale_de_stimulare_a_filantropiei.pdf).

## Comparative chart no. 6: Tax benefits for donors

COUNTRY	TAX BENEFITS FOR INDIVIDUAL DONORS	TAX BENEFITS FOR CORPORATE DONORS
<b>Armenia</b>	-	The assets, work or services provided to CSOs can be deducted from the profit tax base, but not more than in the amount of 0.25 percent of the gross income within one financial year.
<b>Azerbaijan</b>	-	Up to 10 percent of the profit from the reporting year is free of taxation from January 1, 2019 for a period of 10 years if it is donated (via wire transfer) to enterprises, institutions and organizations involved in science, education, health, sports or culture.
<b>Belarus</b>	-	Tax deduction (in the amount not exceeding 10 percent of gross profit) is available to corporate donors who provide aid only to public associations and foundations directly listed in the tax code (currently 16 organisations are listed there)
<b>Georgia</b>	-	Legal entities can deduct the value of money or the market value of free service/property gratuitously donated to charities in the amount of up to 10 percent of their taxable income.
<b>Moldova</b>	Individuals are now deprived of tax benefits on donations since 2016, after the law on percentage designation entered into force.	Donations are deductible up to 5 percent of the taxable base.
<b>Ukraine</b>	Charitable assistance in the form of funds, property or services to CSOs can be deducted in an amount not exceeding 4 percent of taxable income.	The amount of provided charitable assistance can be asserted as an expense. However, if a legal entity earns over UAH 20 million (approx. EUR 700.000) a year, such a legal entity is entitled to assert only 4 percent of the income for the past years as an expense.

All countries in the region except Belarus have some regulation of volunteerism. Such regulation typically contains a definition of volunteerism, principles of voluntary activity, determines conditions for becoming a volunteer and a host organisation. Stringent volunteer regulation in some countries provides challenges for volunteer engagement. For example, in Azerbaijan, the law regulating volunteer work does not allow a volunteer to work without a written agreement even for a one-time engagement, while such an agreement is not a suffi-

cient basis to clear visa requirements for foreign volunteers. In Moldova and Ukraine, volunteer reimbursement for costs incurred during a volunteer engagement is subject to income tax.

The majority of the countries in the region do not have special policies that stimulate volunteering. Even though some countries have legal possibilities to stimulate volunteering, these are not always used or promoted by the state in practice. For example, in Armenia, volunteer experience is acknowledged as a professional experience and some international universities take into account volunteer work experience in admission processes. However, neither is promoted by the state in practice. In Moldova, the law on volunteering provides an opportunity for host organisations to obtain tax exemptions from paying local taxes, although this was not implemented in practice. However, on a positive note, universities in Moldova that concluded a cooperation agreement with host institutions annually grant five transferable credits for internships in areas of public benefit and volunteering can also be considered as work experience.

### 3.10 State- CSO Cooperation

Most of the countries in the region have some document(s) on CSO development and cooperation with the state authorities. However, the implementation of these documents is often slow due to various reasons, including the lack of allocated funding and political will to implement the documents. CSOs also reported a lack of information about the possibilities to cooperate with state authorities.

All of the countries in the region, except for Belarus, have some document(s) on CSO cooperation with the state. In Moldova and Ukraine, the government adopted a policy document that is focused on the development of CSOs, proposing institutional and legislative changes to address civil society development. In Armenia, the Concept of Institutional and Legislative Changes for Civil Society Organisations Development approved in 2014 is legally in force, although, it is practically inactive now and its action plan expired in 2015. In Belarus, there are no policy papers directly dedicated to CSOs, although some thematic policy documents refer to CSOs as co-executors and are considered by the local CSOs as de facto cooperation policy papers.

Comparative chart no. 7: Policy documents for cooperation

COUNTRY	TAX BENEFITS FOR CORPORATE DONORS
<b>Armenia</b>	Concept of Institutional and Legislative Changes for Civil Society Organisations' Development (2014)
<b>Azerbaijan</b>	Decree of the President on approving a Concept on State support to NGOs (2007)
<b>Belarus</b>	-
<b>Georgia</b>	Memorandum for Cooperation (2013) State Concept for CSO development (pending)
<b>Moldova</b>	2018-2020 Civil Society Development Strategy

The policy documents on CSO development and cooperation with the state, where adopted, typically include the means of how to support CSOs, describe different mechanisms of cooperation and envisage the adoption of action plans that provide a more detailed implementation framework. The documents were drafted in a participatory manner through cooperation with CSO representatives. For example, in Ukraine, the National Strategy on Facilitating the Development of Civil Society in Ukraine 2016-2020, developed in close cooperation with CSOs, defines strategic directions and objectives of public policy on facilitating the development of civil society. In Moldova, the 2018-2020 Civil Society Development Strategy addresses a various range of issues organised around 3 main objectives: (i) strengthening the regulatory and institutional framework for CSOs, (ii) bolstering CSO financial sustainability; and (iii) strengthening the spirit of active citizenship and volunteering. The Strategy was developed in a highly participatory manner and the working group involved representatives of civil society, the government and parliament, with the support of development partners.

At the same time, the implementation of the policy documents is often slow. Some countries, including Armenia and Moldova, stated that there is insufficient or no monitoring of the implementation of the indicators from the action plans which does not allow progress to be followed. Also, in Ukraine, there is no sufficient funding allocated for the implementation of the Strategy and the Coordination Council, whose creation was envisaged in the Strategy, has not conducted any meetings within the past year. The Council is composed of 50 percent CSO leaders and 50 percent representatives of ministries and its main goal is to coordinate and monitor the status of implementation of the Strategy.

All countries in the region have some sort of consultative bodies established for dialogue and cooperation. However, not all of them have clear legal regulation or are not established based on a specific legal basis. For example, in Belarus and Georgia, public councils are widespread, yet there are no single standards and regulation principles, rules on their composition or a mechanism for selecting the participants. Instead, these differ based on the state body responsible for their coordination. At the same time, according to the information from focus groups, CSO members of public councils are typically not selected through a transparent procedure but directly invited by the state agencies in charge. From the countries that have clear rules for public councils established by law, some of them, including Azerbaijan and Moldova, also reported challenges related to the non-transparent selection mechanisms for participation in the public councils. On a positive note, in Azerbaijan, there is a CSO Support Council that has entered into a Memorandum of Understanding with the Parliament which allows CSOs to participate in decision-making processes. In 2018, the Council held a public discussion of the draft laws “On Social Order” and “On Professional Associations” and the recommendations of the Council were taken into consideration for the final draft which was submitted to the Parliament.

# IV. RECOMMENDATIONS

## TO IMPROVE THE CSO ENVIRONMENT

### 4.1 Recommendations relevant across countries

The following recommendations are developed with the partners of the project, and outline key areas of actions that are common for all or most of the countries in the region. These recommendations are primarily dedicated to the state and local authorities, although they may also provide guidance for DG NEAR and EU Delegations on the issues to support civil society in these countries.

- Simplify the registration procedure and allow online access. In order to make registration available to everyone, state authorities should remove unnecessary barriers to it. These include, for example, requirements to submit extensive background documentation, administrative procedures to be performed with the physical presence of the founders and the obligation to have an extensive number of founders among others. Also, to make the registration truly accessible to everyone, the state authorities should provide the possibility for CSOs to be registered online.
- Avoid laws and practices that discriminate CSOs against for-profit entities. Rules regarding CSO operations are stricter than those regulating for-profit entities. Some of the most common examples of unequal treatment include an easier, cheaper and faster registration procedure being applied to for-profit entities and the provision of conditions for competition in public procurement tailored to the specifics of for-profit entities. State authorities should review these rules and regulations and amend them to ensure that they do not treat CSOs unfavourably. In addition, adopting such discriminatory measures should be avoided in the future.
- Improve the procedures for distributing public funding. According to the country reports, the biggest drawback of the state funding mechanisms is the absence of basic standards and principles for transparent allocation of funding or lack of their implementation. This results in non-transparent public spending and creates doubts about the selection of the priority areas/CSOs to be supported. State/local authorities should consider adopting or implementing already adopted rules for the distribution of public funding, frequently monitor the allocation and spending and publish all information online. In addition, state/local authorities should increase the amount of funding available for CSO support.
- Strengthen standards and practices for peaceful assemblies. Countries reported several challenges related to the inadequate interventions of law enforcement bodies or lack of reaction thereof. Therefore, state authorities should ensure that law enforcement bodies follow the rules, and that they properly investigate any attacks on peaceful assemblies, either coming from the law enforcement bodies or a disrupting party. In addition, measures should be adopted to enable such investigations, such as obliging the law enforcement bodies to wear a visible identification badge.



- Provide tax incentives for donors that would stimulate philanthropy. Philanthropy can provide independent source of funding to CSOs and can also help support activities that the state would not fund (e.g., a watchdog role). Currently, all countries provide some sort of tax incentives for some category of donors. However, these are considered insufficient and/or the procedures to attain them are complicated and discouraging for donors. State authorities should introduce more stimulating benefits and remove administrative barriers for donors. In addition, cross-border philanthropy should be subject to the same tax regulation as domestic philanthropy in order not to discriminate against international giving/foreign funding.
- Measures that combat money laundering and terrorism financing should not restrict legitimate CSO activities. The state authorities should not adopt measures that interfere in the internal affairs of CSOs by invoking AML/CTF obligations. Such measures should be based on a thorough risk assessment and strictly limited to specific organizations or a subset of the sector found at risk, rather than targeting the whole CSO sector. CSOs should not be limited in their ability to access banking services, use financial services to raise funds or transfer funds in and out of the country.
- Laws and practices should ensure effective public participation. Existing laws on public participation in decision-making processes are not effectively and fully implemented in practice. State and local authorities should strengthen mechanisms and tools that facilitate CSO engagement in decision-making processes and ensure that draft laws are published in a timely manner, that the CSO participants in the working groups, committees or councils are selected through transparent procedures and that the recommendations of CSOs are taken into consideration.
- Strengthen state – CSO cooperation in all areas of public life. While the level of state-CSO cooperation and its policy and institutional framework differ among the countries, all of them expressed a need to improve state-CSO cooperation. Depending on the country, the necessary measures should include the adoption of a strategic policy document on cooperation, implementation of the commitments included in such document(s), regular monitoring of the implementation of the action plans and training of the public officials that are in charge of cooperation with CSOs. It is also critical to stop negative campaigns and statements by public officials against CSOs.

## 4.2 Recommendations specific to countries

The country reports include in total 273 recommendations for the countries, in the 10 areas of the CSO Meter.<sup>25</sup> Besides some common issues addressed in the previous section, the country reports include, among others, the following key recommendations:

### ARMENIA

- Develop a strategic roadmap towards an enabling civil society environment;
- Apply an equitable approach to CSOs and businesses in registration, taxation and operation;
- Provide more state funding for CSOs and improve its effectiveness and transparency;
- Dismiss financial audit requirements for public organisations that received funding from public resources; and
- Introduce an institutional mechanism to engage CSOs in policy implementation and monitoring.

### AZERBAIJAN

- Simplify registration for foreign funding;
- Simplify CSO registration;
- Reduce the reporting burden on CSOs;
- Increase consultation of the government with CSOs;
- Abolish the registration of service contracts;
- Reduce the amount of penalties for CSOs; and
- Improve the framework for receiving donations.

### BELARUS

- Abolish the obligatory payment for police and medical services as a requirement for organising a peaceful assembly;
- Abolish the ban on unregistered organisations;
- Introduce notification procedures for the registration of all forms of CSOs, without the abuse of administrative procedures;
- Extend CSOs' access to domestic and foreign funding (abolish a restrictive list of objectives for such funding, etc.);
- Abolish the ban for public associations to independently conduct economic activities; and
- Simplify the definition of a legal address and provide the possibility to locate CSOs

<sup>25</sup> You may review the country reports on the CSO Meter website at: <https://csometer.info/>

at private houses

#### **GEORGIA**

- Improve the financial sustainability of CSOs: establish a regulatory framework of basic standards and principles in issuing state grants and enable municipalities to issue grants;
- Support the implementation of the “Estonian model” that was introduced to the Tax Code of Georgia;
- Support volunteerism by advocating for tax incentives for organisations that engage volunteers;
- Encourage public participation: make participation obligatory around new policies and draft laws and develop unified rules/standards on public participation;
- Revise the Code of Administrative Offences in order to eliminate unjustified intervention to the right of peaceful assembly;
- Improve the public image of CSOs; and
- Increase cooperation between CSOs and the media to fight disinformation and hate speech.

#### **MOLDOVA**

- Pass the Law on Non-Commercial Organisations in its second reading without amendments that would affect the essence of the law;
- Provide transparency of the use of special means for wiretapping and surveillance (including the CSO representatives);
- Adopt a mechanism with uniform conditions and procedures for direct state funding of CSOs;
- Ensure transparent decision-making processes in all public institutions (central and local) by the appropriate use of legal public consultation mechanisms and procedures; and
- Simplify the CSO registration procedure in central and regional registration offices.

#### **UKRAINE**

- Introduce tax incentives for corporate and individual philanthropy and exclude compensation for volunteering activities from the tax base;
- Introduce a single competitive mechanism for obtaining funds from the state and local budgets;
- Ensure proper investigation of attacks on journalists and civic activists;
- Ensure legal protection of rights and liabilities of organisers and participants of peaceful assemblies; and

These are only a few of the many recommendations identified in the country reports. In order to obtain a comprehensive picture on the ways civil society environment could be improved in the EaP countries, please review the country reports at <https://csometer.info/>.

## 4.3 Recommendations for the EU

In addition to the above, the following are some of the key recommendations that may guide the EU intervention in the EaP countries:

1. Use the findings and recommendations to support EU policies. The country reports and the present regional report formulate key issues and recommendations on how to improve the civil society environment in the EaP region. These findings should inform EU policies and EU Delegations' programming and funding (e.g., in the future revisions of the EU Country Roadmaps for Engagement with Civil Society).
2. Facilitate dialogue between CSOs and state authorities. CSO engagement and collaboration with policy actors, including parliaments, government agencies and regulatory bodies, may not be easy when addressing enabling environment issues. Therefore, the EU could support such engagement and facilitate dialogue by providing technical assistance to CSOs leading reform efforts, to national and local decision-makers so that they reform laws in a participatory manner, and through the support of multi-stakeholder planning processes and structured dialogues around global commitments by the government or critical issues for society.
3. Provide tailored and flexible financial support for civil society. It is important to ensure that there is sufficient in-country funding to support the improvement of the CSO environment in the countries of the region. In cases where it is difficult to provide such a support through the traditional means, a more flexible and tailored approach should be considered e.g., providing support to unregistered groups. Core funding can also support groups in responding to emerging trends and threats to their work.
4. Continue to monitor emerging trends and how they affect different CSO groups. Civil society has been facing restrictive measures in the name of transparency and to counter money laundering and terrorism financing. The different rules may single out and adversely affect specific groups, such as the LGBTIQ community, minorities, women, environmental protection groups and anti-corruption activists. The spread of digital technologies, including artificial intelligence also brings new challenges, such as disinformation campaigns, fake information, clones of media or CSOs' websites and profiles, among others. Therefore, it is important that the EU continues to monitor the emerging trends and analyse how they affect the CSO environment in the region.
5. Ensure that an enabling environment for civil society development is included in EU negotiations with governments. The EU has been playing a key role in addressing the need to improve the legal framework for civil society and its involvement in the public policy-making processes in the region. It is important to continue to prioritise civil society development in the negotiation processes and discussions with state authorities.

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