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CSO Meter: Overview of the civil society environment in the Eastern Partnership countries (January-September 2024)

Introduction

As part of its [CSO Meter project](#), ECNL and its partners in the Eastern Partnership (EaP) region monitor how laws and practices affect civic freedoms. The CSO Meter [tool](#) is based on international and European standards and practices, and its development and the preparation of annual country reports since 2019 have been supported by the input of hundreds of CSOs across the region.

This brief provides an overview of the key developments related to civil society environment in the EaP region from January to September 2024 mainly based on the [early warning system](#) under the CSO Meter. Since 2017, ECNL together with the partners launched an early warning mechanism to ensure that the European Commission and other interested stakeholders are kept up to date with meaningful analysis on both positive and negative legislative and other developments related to the civil society environment in the respective countries and regionally.

The overview aims to highlight current trends and their impact on fundamental rights, identify key concerns, and support informed discussion on what could be done to safeguard civic space at an early stage.

Overview of the broader context and summary of key developments

EU Accession

In June 2024, the EU held the first Intergovernmental Conference at the ministerial level, to open accession negotiations with [Ukraine](#) and [Moldova](#), following the decision by the European Council on 14-15 December 2023. With this, both countries, have noted important progress on their



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path towards EU integration. However, in the case of **Georgia**, the EU has stopped the accession process in July 2024, has frozen support to Georgia from the European Peace Facility of €30 million for 2024, and announced other measures in case of deterioration. This development followed the unsuccessful [EU calls](#) on authorities to abandon the adoption of the [Law on Transparency of Foreign Influence](#). The USA, similarly, made a comprehensive [review](#) of bilateral relations with Georgia and paused more than \$95 million in assistance for the Government of Georgia. Despite significant international outcry and massive protests, the law was adopted on 3 June 2024.

Year of elections

The year 2024 is the [biggest election year](#) in history, as more than half of the world's population has voted or will vote. This significant event will have a major impact on democracy globally and on civic space as a key ingredient of democracy.

Most countries in the EaP region have already held or are expected to hold elections, with **Ukraine** postponing the 2024 elections due to the ongoing war and martial law. **Azerbaijan** had its presidential election, and **Belarus** held parliamentary elections. Within this context, the authoritarian regimes in **Azerbaijan** and **Belarus** have continued their crackdown on dissent by detaining critical voices and harassing their families. **Georgia** is also preparing to hold parliamentary elections later this year, which are seen as an opportunity to make a change and continue its path to joining the European Union. Similar stakes are in **Moldova**, which is expected to hold its presidential elections and a crucial referendum on the country's accession to the EU.

Civil society affected by conflict

In **Ukraine**, civil society continues to be affected by the Russian Federation's full-scale invasion in 2022 and the implications of martial law. Still, it continues to show resilience and take important steps towards achieving participation, such as the [adoption](#) of the law on public consultations which mandates public consultations for wider range of government bodies and establishes clear procedures and timelines. In addition, in June, the government [adopted](#) Order No. 160, which regulates the reservation process for CSOs funded by international donors. This regulation provides a framework to protect certain CSOs from the operational challenges based on the Mobilization Law, which mandates that all men of eligible age must register with the military and may be called to serve in the army. With this new order, CSOs involved in critical humanitarian projects can continue their operations without interruption and provide necessary aid and support to affected populations.

Positive developments

We also continue to document positive steps in countries like **Moldova**, where the government passed legislation to protect rights and offer opportunities to CSOs to participate in decision-

making by creating [expert councils in the Parliament](#). Also, in **Armenia** where the [law on access to information](#) was amended based on CSOs consultation, to improve open data management and access. Overall, we continue to see pressure on civil society with very closed and unfavourable civil society environment in **Belarus** and **Azerbaijan**, and further deteriorations in basic freedoms (association, peaceful assembly, access to funding) in **Georgia**. We note some improvements in **Moldova**, **Ukraine**, and **Armenia**, generally committed to continuing the path of respect and the protection of fundamental rights and supportive environment for civil society.

A number of these key trends and developments that have been documented since the beginning of 2024, are analysed in more detail below:

Key trends and developments

I. CSOs face growing challenges due to new, restrictive legislation

Foreign agent law in Georgia

Globally, the [proliferation](#) of 'foreign agent' laws has increased over the past years. In the region, on April 3, 2024, Georgia re-introduced the draft law on " Law on Transparency of Foreign Influence " after withdrawing it in 2023 due to intense political pressure and widespread protests.

The draft law was [identical to the 2023 version](#), which proposed creating a register of 'agents of foreign influence' to include CSOs that receive at least 20% of their annual revenue from sources abroad. The minor difference in the current law is the change of the term "foreign agent" for CSOs receiving funding to "implementing organisation of foreign power interests." However, in practice, the potential for stigmatisation remains the same.

During the readings of the draft law in Parliament, massive protests took place in the country for over a month. Despite the strong opposition, and crackdown over opposition MPs held up outside the Parliament by police, on May 14, the Parliament voted to adopt the bill in its third and final hearing. President Salome Zurbishvili vetoed the law on May 18; however, a few days later, Georgia's ruling party overrode the President's veto with 84 votes in favour and 4 against. The law was [signed by the Chairperson of Parliament](#) on June 3, 2024, and entered into force. Alongside CSOs' and media organisations' significant [move](#) to repeal the law "On Transparency of Foreign Influence", President Salome Zurbishvili and opposition parliament members have also submitted separate lawsuits to the Constitutional Court of Georgia. On August 1, 2024, the Ministry of Justice of Georgia (MoJ) adopted the "[Rule for Registration, Financial Declaration Submission, and Monitoring of Organisations Acting in the Interests of Foreign Powers](#)". The Rule provides the procedures for registering as an "implementing organisation of foreign power interests", the scope and process of monitoring of organisations and for imposing sanctions on violators of the law. While the regulation narrows down the overly broad powers of the MoJ with regard to monitoring, the template of the financial declaration that CSOs need to submit imposes

heavy burdens on CSOs, since the terms for filling out such excessive information is short and may also violate the right to privacy and protection of personal data and commercial secrets (as the information from the financial declaration will be made public). The fines are very high, and the language used is still relatively ambiguous, which allows the space for discretionary interpretations. As an example of the extensive administrative burden, organisations will have to list every single source of income separately, every single expenditure and provide more than 10 different types of additional clarifications related to each of them (including bank account details of counterparts, etc.).

CSOs in the country face the fears and dilemma of complying with legislation that does not align with international standards of freedom of association. The registration window for organisations to declare themselves 'foreign agents' under a controversial new law closed on 1 September.

Another concerning development has been the passing of the [legislative package on the “Protection of Family Values and Minors”](#) (passed in final reading on 17 September).

As outlined in the ECNL/ICNL comparative analysis from April 2024, [the law will infringe on the rights of the LGBTQIA+ community and broader civil society](#) by granting the state wide discretion to limit various rights, including the rights to association, peaceful assembly, and expression. It will also restrict LGBTQIA+ persons from expressing their identities and participating in public life; denying them the opportunity to exercise other fundamental rights, such as the right to education and the right to health.

CSO liquidation and criminal liability for foreign aid in Belarus

In **Belarus**, which for decades has been showing severe restrictions on foreign funding, the authorities are preparing a new [extension of criminal liability for violations of foreign aid](#) and have announced the preparation of a new law 'On foreign gratuitous aid'. Foreign aid in Belarus [declined](#) despite the launch of digital registry tools. At the same time, there is a slight increase in opportunities for CSOs to access domestic [funding](#), but the CSOs sector is only marginally able to take advantage of this due to the **massive non-voluntary liquidation of CSOs** that continues in 2024 (during 2021-2024, the Belarusian civic sector has lost 1,750 CSOs of different forms as of 7 August 2024).

Ukraine's potentially restrictive Law on Lobbying

Because of its far-reaching implications for the work of CSOs, the passing of the Foreign Agent law in Georgia was one of the most significant incidents regarding restrictive legislation. However, legislation that could negatively impact the work of CSOs was also [enacted](#) in Ukraine. The Law on Lobbying aims to regulate all activities related to policy changes, including lobbying. The broad definition of lobbying and what is considered commercial interest could include civil society public participation in decision making within the scope of the law and therefore be subjected to registration and even sanctions for non-compliance.

II. Authorities are further repressing civil society during the election year

Arrests, intimidation and increased administration in Azerbaijan

In restrictive spaces, elections have led to further suppression of civil society. In Azerbaijan, civil society [raised concerns](#) about the escalating attacks against critical voices, particularly the harassment and intimidation of family members of human rights defenders (HRDs) in prison, in the context of President Ilham Aliyev having [won](#) another term after more than 20 years in power in an early presidential election held in February 2024 without the participation of any opposition party, and [upcoming](#) parliamentary elections in September. In addition, at least thirteen [journalists](#) were jailed for alleged violations of funding rules.

Since January 1, 2024, with the new Tax Code amendments, Azerbaijan introduced additional tighter requirements for micro-entrepreneurs—which many CSOs in the country are registered as— such as the requirement of having at least 3 employees; or not having debts for compulsory state social insurance contributions (SIC). Even though the organisations are not directly targeted with these limitations, they are difficult for organisations to fulfil in order to receive the 75 % income tax exemption, further limiting their financial capabilities.

Excessive licensing and criminal persecution in Belarus

Similarly, Belarus, which held parliamentary and local elections in February, saw a continuation in the [detention](#) of political prisoners in January, as well as the raid of over 160 homes of individuals, mainly relatives of political prisoners. In addition, freedom of association is severely limited. First, as a result of new requirements for public associations [introduced](#) in the amended law on public associations and political parties and the failure to comply with them, authorities filed lawsuits for the liquidation of over 100 public associations during April and June 2024. Second, in 2023 and 2024, a number of mechanisms of direct or indirect licencing have been gradually [introduced](#) to limit the opportunities for interested parties to carry out certain service provision activities, sports and other types of activities despite these regulations not directly targeting CSOs. In the same period, the first criminal sentence for continuing CSO activities after liquidation was passed down. The criminal [conviction](#) against Hrodna Children's Hospice director Ms. Vialichka in absentia becomes the first recorded verdict under article 193(1) of the criminal Code since its re-introduction in early 2022. The sentence of Ms. Vialichka sets a dangerous precedent of criminally prosecuting the heads of other liquidated CSOs.

III. Trend of curtailing the right to peaceful assembly continued

Civil society in [Azerbaijan](#) and **Belarus** continues to face restrictions in [exercising freedom](#) of peaceful assembly, and any attempts to assemble and express [lead](#) to detention and both administrative and criminal prosecution. In Armenia and Georgia, authorities used excessive force to disperse peaceful protests. For instance, in May 2024, people in **Armenia** took to the streets led

by the movement "Tavush for Homeland", and hundreds of individuals were [detained](#), though later released by the police. Some of the protest participants, including a member of the National Assembly, faced physical and verbal violence by police officers. The protests continued up to mid-June, and during a massive protest on June 12, which took place in front of the parliament building, the police used stun grenades, which [resulted in injuries](#) to both the participants of the protest as well as media representatives. The civil society and human rights activists of Armenia [condemned](#) these actions of the police and demanded to conduct an independent and effective investigation. As of August 2024, criminal proceedings for June 12 events have been launched against 14 assembly participants, but no police officer.

In the context of the reintroduction of **Georgia's** Law on Transparency of Foreign Influence, several protests took place in the country. Reports of intimidation, arbitrary arrests, and violence against protesters intensified during that period. In April, as police and demonstrators clashed, some protesters were [arrested as](#) police aggressively dispersed protests. Journalists were also targeted with violence. During the deliberation of the law in Parliament, the country [saw hundreds](#) of thousands of people demonstrating in May. As police dispersed the protests, some protesters were detained.

IV. Efforts are underway to promote meaningful participation

Over the past six months, some legislative developments will increase the opportunities to access information and of civil society engagement in government decision-making.

Civil society in Armenia contributes to draft on freedom of information, data protection and non-discrimination

In Armenia, the government [initially proposed](#) a law named "On Freedom of Information and Public Information" and opened the draft for consultation. CSOs criticised the legislation, citing, among other issues, extensive regulation on access to information and public data management.

In response, the government presented a second draft law to regulate data policy issues in a separate legal act, with relevant minor amendments in the Law on Freedom of Information and Law on Personal Data Protection, which also integrated the feedback from civil society on issues such as narrow definition of "information" and "information holder;" of the possibility of longer timeframes for providing certain information; and authorising a state body with task of monitoring access to information. In Moldova, the Parliament [passed](#) in July the Law on protection of personal data. The new law transposes the EU General Data Protection Regulation (GDPR) into the national regulatory framework, includes provisions regarding the activity of the National Centre for the Protection of Personal Data and covers the liability for non-compliance with the legal framework.

CSOs in Armenia positively assess the government's readiness for dialogue and expect that the government will make further revisions to the drafts in consultations with civil society. Further, the government conducted consultations around the [draft Law on Ensuring Equality and](#)

[Protection Against Discrimination](#). The adoption of the law will be a significant step towards protection against discrimination, and contribute to a better environment for CSOs, particularly those working on anti-discrimination issues.

Civil society in Moldova will take part in expert councils to support parliamentary committees

In Moldova, as part of a broader reform, civil society has new opportunities to participate in decision-making processes. In February 2024, the Parliament [initiated the creation of expert councils](#) in support to permanent parliamentary committees, which include representatives of CSOs, academia, and professional associations. By date, 7 out of 11 planned expert councils have been established, but none has effectively started operating. The Government also reported that 8 out of 14 ministries have established new platforms or redefined already existing groups as permanent consultative platforms. There are some issues regarding the representativeness of CSOs in some of these platforms, but these measures are generally seen as positive steps towards increasing transparency and participation in decision-making.

Would you like to know more?

Over the coming months, ECNL and the CSO Meter partners will continue to monitor and analyse emerging issues of the CSO environment in the EaP region. To stay informed about the latest developments, see the regular [Updates](#). In early 2025, you will also be able to see the **regional and country reports** with detailed analysis and updated scores under [Reports](#).

[For a quarterly overview of all relevant updates, sign up for the CSO Meter Roundup via email.](#)