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Civil Society and Democratisation in the Eastern Partnership Countries: a Shrinking Space Index

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MAECENATA



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Civil Society and Democratisation in the Eastern Partnership Countries: A Shrinking Space Index

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Introduction

“Protecting space for civil society and citizenry is particularly critical in a world marked by rising political and economic inequality.”-Winnie Byanyima

Civil society has been a subject of studies of many philosophers for ages. Many authors define it as a part of human nature, others look at it from the cultural and social perspectives and there are some philosophers who view it as a part of governance and politics. In general terms, this means that civil society has had a big role in the social, cultural, economic and political life of people even centuries ago.

Though society went through the process of civilization and changed a lot during the time, the conception of civil society remains the same and it involves all aspects of people’s lives. It is to ensure the commonwealth of all the society members. Civil society does not have a single domain, but it evolves social, cultural, economic and political spheres and contributes to the development of individuals, communities, and states. However, alongside its development civil society also encounters challenges and repression from state and nonstate parties who try to reduce the political or civic space where they operate. The CIVICUS defines civic space as *“the respect in policy and practice for the freedoms of association, peaceful assembly and expression”* (CIVICUS 2018, 1). Those are the fundamental freedoms, which each state has as an obligation to protect and ensure the full enjoyment of them by people.

Within the increasing popularity of civil society and its influence on policies and governments in recent years, the trend of repression of civil society organisations is striking. Governments create legal and administrative barriers to make it more difficult for civil society organisations to operate. This phenomenon is commonly called “Shrinking Space,” which, according to the many civil society experts, is defined as a framework or a concept capturing *“a dynamic relationship between repressive methods and political struggle”* (Hayes et al. 2017, 3). The main value of this framework is to understand the common trends of repression.

This **research aims** to analyse the magnitude of impact of the civil society score in the overall democracy index. It introduces a new methodology for calculation of shrinking space growth index in the Eastern Partnership countries. Moreover, it identifies the repressive measure imposed on civil society by the government of the six Eastern Partnership countries:

The research indicates **three** major **hypotheses**:

H1: Level of democracy depends on the level of development and independence of civil society;

H2: The high civil society score in the democracy index does not guarantee low shrinking space score;

H3: The repressive measures depend on the level of the democracy in the countries.

The **methodological approach** taken combines a comprehensive secondary analysis of existing quantitative and qualitative data on the issue of shrinking space and expert consultations with the civil society representatives working on the topic.

The secondary analysis included previous research, publications, articles, literature as well as democracy and civil society indices. The peer review/expert consultation has involved experts/civil society representatives in Europe who have extensive knowledge and experience working on the topic in the region. The Democracy score has been analysed through simple linear regression to predict the level of impact of civil society in democracy. Moreover, the Shrinking Space score and Shrinking Space Growth Index have been developed using the data of the Eastern Partnership Index for 2015–2016 and 2017. As a sample for assessments of democracy level and civic space, Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine) have been taken. The sample has been chosen considering the diversity and dynamics of democratic changes (improvements and deteriorations) in the region.

A. Civil Society in the Context of Democratisation

In general, civil society is perceived as the crucial source for transiting to democracy and developed civil society serves as an indicator for a high level of democracy. Schmitter and Karl focus on the characteristics of democracy, value the importance of civil society in the processes of democratisation. Talking about regime changes Schmitter and Karl define it as a process of liberalization that triggers "*the resurrection or formation of organisations within civil society*" (1991, 270–284). The development of civil society in this conception of democracy is seen as a result of the push from the state. Generally, the state is the main actor in paving the way for civil society to function and influence democratic developments. However, there is also an opposing conception of the role of civil society in democratisation. For instance, John S. Dryzek in his "Political Inclusion and the Dynamics of Democratization" article addresses the importance of political inclusion and as an important factor for democratisation considers the push from civil society by stating that "*oppositional civil society may be a better focus for democratization than is the state*" (1996, 475).

Portugal and Spain have been the first countries where in the 1970s a wave of democratisation has started, which later developed in the whole world in the next twenty years. The so called "**Third Wave**" (Huntington 1991) took over the countries of Eastern Europe and Latin America. Afterwards, it moved across the countries in Asia and Africa. In 1974, the nature of political regimes dramatically changed, as 41 out of 150 states were democratised, whereas, in 2006, 123 out of 192 states were considered "**electoral democracies**" despite their imperfect character (Diamond 2006, 21).

Despite the worthwhile changes during that the third wave of democratisation has brought into the political structures in the progressing world, it is crucial to remember that democratisation is not undeviating. Only a few countries have been able to smoothly transit into democracy and establish consolidated and functioning democratic regimes. Therefore, most of the new regimes have not been able to overcome the transition phase and were stuck in transition or fell back in relatively authoritarian regimes. Different authors have different conceptions about these emergent democracies. In his "The rise of illiberal democracy" Fareed Zakaria (1997) calls those regimes "**illiberal**" democracies, whereas in the conception of O'Donnell they are called "**delegative**", however; more generally are considered "**hybrid**" regimes. The American researcher, Marina Ottaway in her "Democracy Challenged: The Rise of Semi-Authoritarianism" publication defines the hybrid regimes as systems, which combine acceptance of liberal democracy and existence of formal democratic structures. In terms of civil society and human

rights, Ottaway defines hybrid regimes as political regimes where civil and political liberties are limited with extremely illiberal or authoritarian traits (2003, 3).

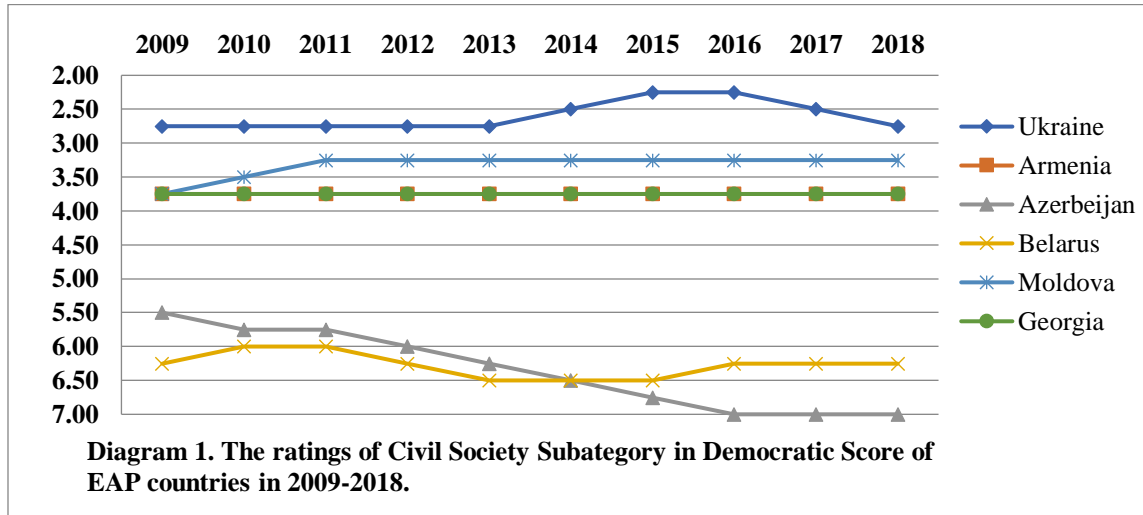
The democratisation process of post-Soviet countries has been quite a challenge in considering the socio-political and economic situation after the collapse of the Soviet Union. The transition from an authoritarian regime to a more liberal has been with some ups and downs. Some of the reports show that post-Soviet countries are still in the transition process and are not fully democratised.

The European Union has been showing shows particular interest in democratisation throughout Europe and neighbouring countries, including post-Soviet countries, aiming to build a common area of shared democracy, prosperity, stability and increased cooperation with **Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine** through multilateral and bilateral cooperation within the framework of Eastern Partnership (EaP) initiative of European Neighbourhood Policy. Additionally, it helps to strengthen state and societal resilience to make EaP countries to deal with internal and external challenges. Different indices are being developed annually which reflects the changes (improvement and deterioration) in the countries based on various categories.

The Economist's Democracy Index provides ratings based on five categories: *electoral process and pluralism, civil liberties, functioning of government, political participation, and political culture* (The Economist 2019, 47). Whereas, Freedom House's democracy score (DS) provides numerical ratings on seven indicators which besides *Civil Society (CS)* also includes indicators of *National Democratic Governance (NDG), Electoral Process (EP), Independent Media (IM), Local Democratic Governance (LDG), Judicial Framework and Independence (JFI), and Corruption (CO)*. With the Civil Society indicator the Freedom House assesses the development, capacity, and financial sustainability of nongovernmental organisations as well as the legal and political environment in which they operate. Alongside, it assesses the development of independent trade unions, civil society participation in the policy-making, and the level of threat posed by antidemocratic extremists in society (Freedom in the World 2019).

Diagram 1 indicates the CS score for six EaP countries in 2009–2018. The results show that the dynamics of developments in the civil society in Armenia and Georgia have not changed significantly as both of the countries within the last ten years (2009–2018) have obtained the same score. Interestingly, with the same CS score, Georgia is classified as a **hybrid regime**, whereas, Armenia is considered **semi-consolidated authoritarian**. This means that the civil society score

has not had a significant impact on the determination of regime type in those cases. However, it does not mean that further changes in the CS scores do not affect the final democracy score and consequently on regime type.



Source: Freedom House. The ratings are based on a scale of 1 (highest) to 7 (lowest) for the category of Civil Society in the democracy score.

The results also show that despite the reinforcement of civil society and investments brought to the region by the Eastern Partnership initiative the civil society score of Azerbaijan has significantly regressed. Moreover, Moldova has progressed and sustained since 2009. The scores of Ukraine and Belarus have changed in some years (Ukraine with progressing, Belarus with regressing), however, in 2018 they both stand at the same place as in 2009.

When observing the indices, it is important to look at the data of each category to see the level of influence of each category in the final democracy score. *Table 1* below shows the score of each indicator for six EaP countries. In order to measure the impact of civil society score on the final democracy score, the indicators are analysed separately.

Table 1: Freedom House’s Nations in Transit Democracy Scores of Eastern Partnership Countries in 2018 by Categories.

	NDG	EP	CS	IM	LDG	JFI	CO	DS	Regime Type
Ukraine	5,75	3,50	2,75	4,25	4,75	5,75	5,75	4,64	Hybrid
Georgia	5,50	4,50	3,75	4,25	5,25	5,00	4,50	4,68	Hybrid
Moldova	5,75	4,00	3,25	5,00	5,50	5,00	6,00	4,93	Hybrid
Armenia	6,00	6,00	3,75	5,50	5,75	5,50	5,50	5,43	Semi-Consolidated Authoritarian
Belarus	6,75	6,75	6,25	6,75	6,75	7,00	6,00	6,61	Consolidated Authoritarian
Azerbaijan	7,00	7,00	7,00	7,00	6,50	7,00	7,00	6,93	Consolidated Authoritarian

Thus, to predict the dependent variable values (α) as a function of the independent variables, a simple linear regression model has been used, where the independent variable (y) is Civil Society Indicator and dependent variable (x) is the Democracy Score¹. The following model function has been used:

$$x = \alpha \times \gamma + \beta$$

Construction of a regression model aims at revealing the magnitude of impact of Civic Society Score on the overall Democracy Score given the data. *Table 2* below shows the regression model encompassing the Civil Society Score and Democracy Score calculated for the six EaP countries is statistically significant (Asymp. Sig < 0.05) and goodness-of-fit measure for linear regression model is high (R square = ,895). The α value of civil society indicator in the overall democracy score is **0.486**, which means if the civil society score changes with 1 unit (regress or progress) the democracy score will be changed with 0.486.

Table 2: Civil Society Value in the Democracy Score.

Equation	Model Summary					Parameter Estimates	
	R Square	F	df1	df2	Sig.	Constant	b1
Linear	,895	33,949	1	4	,004	3,543	,486

Diagram 2₂ shows the value of each indicator in the overall democracy score. The simple linear regression for each independent variable shows that the most value in the democracy score have NDG (1.732), JFI (1.295), and LDG (1.29), whereas CS, EP, IM, and CO indicators have the least influence on democracy score respectively with 0.486, 0.565, 0,796, and 0.877 points.

¹ While interpreting data it should be taken into consideration that Democracy Score has been calculated based on Civil Society Indicator, therefore, Democracy Score has been cleaned from the corresponding variable during each simple linear regression.

² Data has been collected using the outputs (see *Annex 1*) of simple linear regression for each indicator.

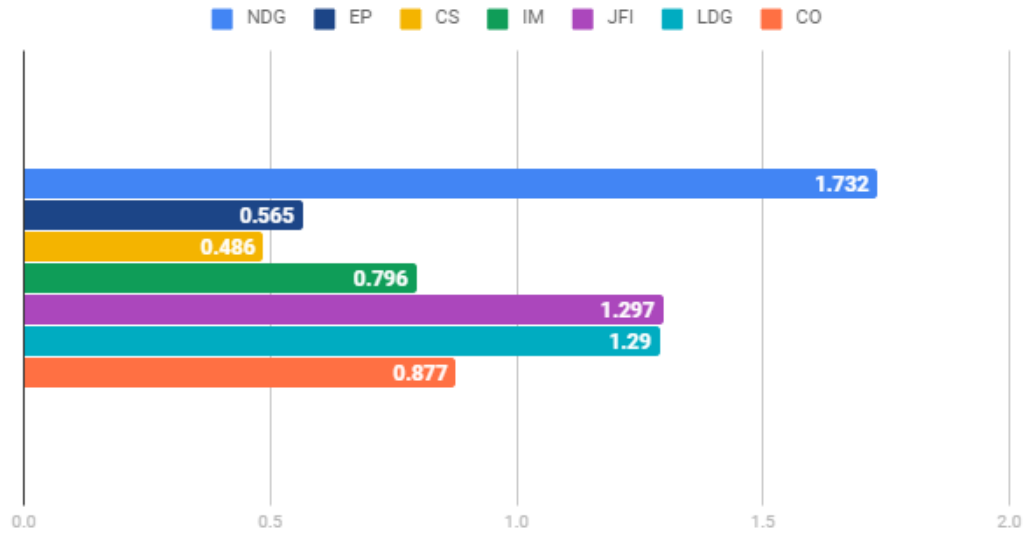


Diagram 2. Magnitude of Impact of each Indicator on Democracy Score.

Due to the methodological approach and scaling (7-lowest and 1-highest) taken by Freedom House, the value of the categories with relatively better categories is not very high. However, the significant impact of civil society on democratic development is evitable as if the indicator changes even with 1-unit democracy score will also change, consequently resulting change in the regime type for some of the countries. For example, if the democracy score for Ukraine, Georgia, and Moldova increases with 0,486 (meaning the CS score is worsening with 1 unit) it means that all three countries will be classified as semi-consolidated democracies. Thus, the hypothesis that the democracy level depends on the development of civil society is proved because even small changes in the civil society score will result in changes in the overall democracy score and consequently, changes in the regime types.

As it is already stated, civil society space narrows as governments approach to the civil society as a threat to their authority, thus it has a direct connection to the political activities of civil society organisations.

B. Civic Space in the Eastern Partnership countries: Shrinking or expanding?

1. Shrinking Space Growth Index in Eastern Partnership Countries

Within the framework of the Eastern Partnership initiative, numerous significant outcomes have been witnessed, in terms of good governance in some EaP countries. Particularly, hundreds of civil society organisations have been supported financially as well as in terms of capacity building. Despite the reinforcement of democratic values and democratic society in the region, the civil society space is challenged also in Eastern Partnership countries. Yet, the repression on civil society varies from country to country and should be observed, in terms of the level of democracy and political regimes. On the one hand, there is Azerbaijan and Belarus which are considered authoritarian countries, on the other hand, Armenia, Georgia, Moldova, Ukraine, which are classified as hybrid regimes. Despite the level of democratisation, civil society organisations in all six Eastern Partnership countries are experiencing repression and still need to improve the livelihood of the society and protect fundamental human rights, political rights, and civil liberties.

Table 3. Scores of Five Subcategories of Deep and Sustainable Democracy Dimension of EaP Index in 2017.

Country	Freedom of Speech and Assembly	Human Rights, Protection against Torture	Democratic Rights and Elections	Independent Media	Equal opportunities and non-discrimination
Armenia	0,47	0,58	0,48	0,55	0,48
Azerbaijan	0	0,36	0,16	0,13	0,44
Belarus	0,1	0,06	0,18	0,21	0,25
Georgia	0,73	0,68	0,7	0,62	0,64
Moldova	0,72	0,64	0,61	0,61	0,68
Ukraine	0,83	0,65	0,7	0,57	0,75

As the *Table 3* indicates, in terms of all five subcategories of deep and sustainable democracy indicator of the EaP Index, Azerbaijan and Belarus have the lowest scores and it shows that fundamental rights are not respected in those countries. Armenia has medium scores in all categories (reporting period is 2017), Ukraine, Georgia, and Moldova are in the lead, however, in terms of human rights and protection against torture, Ukraine falls behind Georgia. The ratings of these categories reflect the situation of civil society in the countries and show that the issue of civic space is relevant in the EAP countries.

In order to analyse the civil society situation in the EaP countries and find out the level of civil society growth in the period of 2015 to 2017, a Shrinking Space Score has been generated

based on the following five variables of the EaP Index, which reflect the civil society situation: *Freedom of Speech and Assembly, Human Rights, Protection against Torture, Democratic Rights and Elections, Independent Media, Equal opportunities and non-discrimination*. Thus, the following equation has been used to calculate the Shrinking Space Score:

$$y_i^0 = \frac{\sum_{j=1}^k x_j^0}{k}$$

Where **k** is the number of variables (5), **i** is the number of observations (6). As the baseline of the calculation of the index, the data of the 2015–2016 Eastern Partnership Index has been used. The same formula has been used to calculate the Shrinking Space Score for 2017. The highest value (**j**) of the index equals 1 and the Shrinking Space Score is equal to (1–X_i). As results show, Ukraine, Georgia, and Moldova have the lowest Shrinking Space score in both reporting periods (2015–2017). However, a difference between scores in 2015–2016 and 2017 can be observed. Thus, in order to generate an Index of Shrinking Space Growth (SSGI), the following formula has been used:

$$SSGI = \frac{y^1}{y^0}$$

y₁ is the Shrinking Space Score for the reporting period of 2017 and **y**₀ reflects the score in 2015–2016. Thus, as the results indicated in *Table 3* show, despite having the highest positions in all five categories in both reporting periods, a tendency of regression in terms of civic space is observed in Georgia, Ukraine, and Moldova as for 2017. In Moldova, the Index of Shrinking Space Growth is the highest (1.17), meaning that **seventeen percent** regression has been recorded. Ukraine has the second highest score (1.07) followed by Georgia (1.06), which means that the

percentage of regression in these countries is respectively **seven** and **six**³. Moreover, Armenia, Azerbaijan, and Belarus have recorded slight changes in comparison with the results of the 2015–2016 reporting period by improving their score approximately with **two – three percent**.

However, it does not mean that those countries have better conditions for civil society than the ones where the phenomenon of shrinking space has been recorded.

Table 3: Shrinking Space Growth Index 2017⁴

	Years	Freedom of Speech and Assembly	Human Rights, Protection against Torture	Democratic Rights and Elections	Independent Media	Equal opportunities and non-discrimination	Shrinking Space Score	SSGI
Armenia	2017	0,53	0,42	0,52	0,45	0,52	0,48	0,97
	2015-2016	0,54	0,36	0,57	0,47	0,53	0,49	
Azerbaijan	2017	1	0,64	0,84	0,87	0,56	0,78	0,98
	2015-2016	1	0,67	0,94	0,77	0,59	0,79	
Belarus	2017	0,9	0,94	0,82	0,79	0,75	0,84	0,98
	2015-2016	1	0,95	0,85	0,78	0,69	0,85	
Georgia	2017	0,27	0,32	0,3	0,38	0,36	0,32	1,06
	2015-2016	0,28	0,28	0,32	0,31	0,32	0,3	
Moldova	2017	0,28	0,36	0,39	0,39	0,32	0,34	1,17
	2015-2016	0,3	0,3	0,28	0,36	0,21	0,29	
Ukraine	2017	0,17	0,35	0,3	0,43	0,25	0,3	1,07
	2015-2016	0,17	0,23	0,41	0,37	0,25	0,28	

The analysis comes to prove the hypothesis that the issue of shrinking space is relevant for both more democratized countries and authoritarian regimes. The generation of the Shrinking Space Growth Index shows that the countries with higher civil society scores such as Georgia, Ukraine, and Moldova have higher shrinking space score, whereas authoritarian countries in this case Azerbaijan and Belarus have recorded decrease in the shrinking space score despite having lower civil society scores. This comes to prove the hypothesis that the high civil society score does not guarantee lower shrinking space growth index. It should be noted that this does not mean that the civic space is much larger in Armenia, Azerbaijan and Belarus than other countries, the index

³ The percentage of the SSGI is counted through the **(SSGI-1) × 100** equation.

⁴ The scores have been calculated based on the data of the Eastern Partnership Index. It mirrors the results of the five categories of the index (see *Annex 2*). For example, the score for Armenia in the dimension of Human Rights, protection against Torture is 0.58, thus shrinking space score of that dimension equals 0.42.

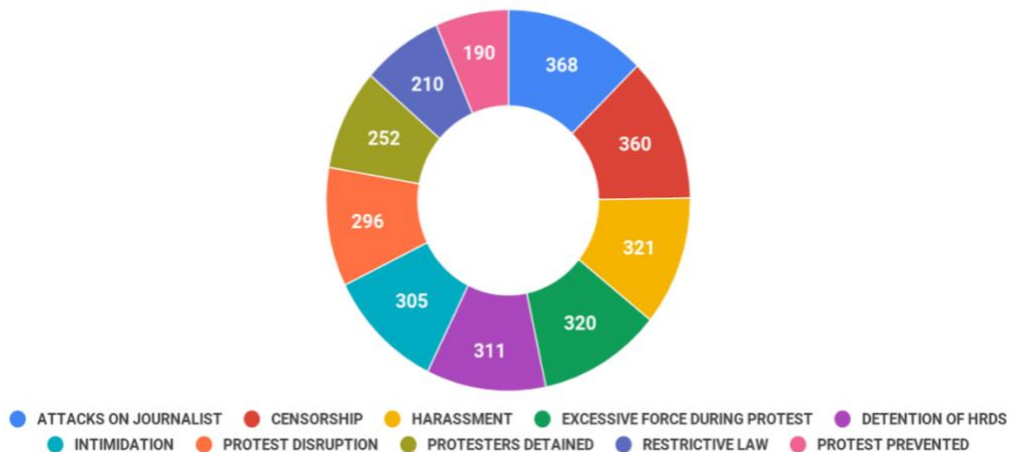
shows that in terms of changes in the civic space there are slight improvements in those countries and deteriorations in Georgia, Moldova and Ukraine since 2015.

2. Demonstration of Prescriptive and Reflexive Measures of Repression

As the data and CIVICUS Monitor's ratings show the phenomenon of shrinking space is a worldwide issue and concerns not only to authoritarian regimes but also involves democratic countries. Thus, the democratisation process in the world is under risk and there is a tendency of regression in terms of reinforcement of democratic development, human rights protection and independence of civil society and media.

Diagram 3 below illustrates the image of the most common violations of civic space worldwide since 2016. According to the CIVICUS Monitor's data attacks on journalists, censorship, and harassment of civil society actors are the top three violations reported in recent years.⁵ The list also depicts the use of **excessive force, detention, intimidation, disruption and prevention of protests** as well as **restrictions by law**.

Diagram 3: Top 10 Violations of Civic Space Monitored by CIVICUS.



The violations of civic space and repression on civil society are not only limited by above mentioned measures but also involve more various tactics that are possessed on civil society worldwide. Despite the same notion of the phenomenon, the measures of repression vary from

⁵Source: Data is based on an analysis of 1,433 civic space updates published on the CIVICUS Monitor since 24 October 2016. The numbers above represent the number of times this violation was referenced in one report.

country to country. Some repressive measures can be relevant to one country and irrelevant to others.

According to CIVICUS Monitor, the Eastern Partnership countries, in terms of civic space situation have been categorised into four different groups. None of the countries have open civic space, however Georgia has a “favourable” position and is categorised as “**narrowed**,” whereas Armenia, Ukraine, and Moldova are in the “**obstructed**” category. Civic space in Belarus is considered “**repressed**” and in Azerbaijan as “**closed**” (CIVICUS 2019). As the analysis of Freedom House’s Democracy Index showed, Ukraine and Moldova have higher civil society rating (respectively 2.75 and 3.25), whereas Armenia and Georgia equally have 3.75 points. This comes to prove that the indicators and indices do not fully reflect on reality and are estimations. Thus, in order to understand the civil space issue more broadly, it is crucial to analyse the demonstration of **prescriptive** and **reflexive** measures in the EaP countries.

As the research showed legislation and regulations are being introduced which creates **barriers to the registration of civil society organisations**. This trend exists also in some of the EaP countries, namely Azerbaijan and Belarus have strict legislation regarding registration, reporting and overall operation of CSOs. Belarus is not a part of the European Convention for the Protection of Human Rights and Fundamental Freedoms, instead, it has joined the International Covenant for Civil and Political Rights; however, the freedom of association (Article 22) of the Covenant has been violated multiple times in recent years. As the CIVICUS Monitor reports, several organisations focusing on education, youth, gender, and human rights have been refused to be registered in Belarus in 2016. For example, the registration of “Center for Gender Studies Ruza” has been rejected with the justification that gender equality is already guaranteed by the state and it beyond the competence of the association. Consequently, some Belarusian organisation facing difficulties in registration, register abroad, particularly in Lithuania, Poland, Czech Republic and other countries (Activists 2016). The prescriptive measures set by the government narrow down the civic space in Belarus and limit the operations of the local organisations. Moreover, the rejections of registration for organisations focusing on sensitive issues (gender equality, human rights, etc.) show that the state has a certain approach and criteria when it comes to the registration. It pressures the organisations working on topics and directions which potentially can challenge their authority. Thus, with nonregistration of the organisations, the state eliminates all the chances of the individuals to enjoy their freedom of association, as the laws in Belarus also prohibit operations of unregistered associations and administrative responsibilities/financial penalties are established for their operation.

Unlike in Belarus, the NGO Law of Azerbaijan permits the establishment of informal and unregistered organisations and generally does not restrict operations of local unregistered organisations. However, the operation of unregistered foreign organisations is prohibited. Additionally, financial penalties are set for organisations not complying with the legislation (Civic Freedom Monitor: Azerbaijan 2019).

Besides the restrictions on registration, both in Azerbaijan and Belarus, **operational barriers** are put against the NGOs. The laws allow the authorities to supervise organisations and to issue warning letters. Moreover, in the regions the CSOs have to get the approval of the regional authorities to conduct their events; nevertheless, such requirements do not have a legal background. In Azerbaijan, the Ministry of Justice possesses the right to inspect the activity of local organisations as well as foreign NGOs with registered offices in Azerbaijan. This is a concern, as the state has been given broad powers to interfere in the internal activities of the CSOs. The largest scale persecution of local and international organisations has been recorded in May 2014 when dozens CSOs have been subjected to different types of pressures including seizure of bank accounts, interrogation of CSOs leaders and staff members, tax inspections and heavy penalties, arrests and conviction of leaders of human rights organisations, discriminatory documentary and physical checks of NGO leaders and staff members at the borders, prohibition of civil society members' travels, and shutting down of local and international organisations (Ismayil and Remezaite 2016, 19).

Interference in the internal affairs of the organisations is common practice also in Belarus, despite the fact that the law on Public Associations defines prohibition for the interference of the authorities and officials in the activity of public associations. Nevertheless, the state bodies interfere in the organisations' internal affairs even in the stage of registration by changing the aims, tasks, methods of activities, and the structure. Broad grounds for suspension and liquidation have been established by law in case of noncompliance with the requirements of the registering authorities (Civic Freedom Monitor: Belarus 2019).

In addition to other operational barriers, Belarusian and Azerbaijani legislation also restricts **access to funding** for CSOs and challenge their activities. Noncompliance with the legislation and violation of the procedure of receiving foreign grants in some cases brings the CSOs to criminal responsibility. In Belarus (Civic Freedom Monitor: Belarus 2019) and Azerbaijan (Civic Freedom Monitor: Azerbaijan 2019), CSOs are required to register grant agreements, which complicates international funding and leads to a governmental crosscheck. The President's Decree on Foreign Gratuitous Aid defines that foreign funding in Belarus has to be registered and

assessed by the Department for Humanitarian Activities⁶, which decides whether or not the funding request should be approved (Decree 2015). With the legislation, the authorities are controlling the foreign funding and there is no guarantee that the decisions made by the state bodies are fair and do not aim to shut down particular organisations. The Decree also indicates the cases when foreign funding is declined. According to it, the funding for political campaigns and seminars, extremist activities and other political propaganda work with the public is prohibited. With these kinds of vague statements, the authorities get a larger opportunity to label any funding as political and impose restrictions. However, some of the definitions of prohibitions are not very specific which is concerning as it gives more opportunities to the state to implement legal acts subjectively and arbitrarily. For example, a local human rights organisation “Viasna” was refused registration multiple times, moreover, its staff was subjected to intimidation and harassment (Civic Freedom Monitor: Belarus 2019).

In Azerbaijan, not only local CSOs but also donor organisations are obliged to obtain permission from authorities to be able to provide or implement a grant project. Moreover, the CSOs which receive grants have to obtain registration for a grant agreement. In order to determine if donor organisation can give grants in Azerbaijani NGOs, an assessment by the Ministry of Finance “*on financial and economic reasonability of such a grant is required*” (Ismayil and Remezaite 2016, 12).

Generally, the freedom of association is respected in other EaP countries in terms of legal regulation. However, there are still procedures that create hindrances for CSOs and are concerning. In Moldova, the procedure of opening bank accounts has been changed in 2016 and for some CSOs it caused difficulties, consequently negatively affecting their ability to get international funds. Moreover, despite the open and supportive legal framework for civil society, the CSOs are required to open bank accounts only in state banks. This means that the state can openly have access to their accounts (CIVICUS Monitor 2019).

In the cases of Armenia, Georgia, and Ukraine, the organisations mostly enjoy their right to association; however the right occasionally is breached by other actors, especially when it comes to the organisations working with sensitive topics such as LGBT issues. The groups working on LGBT issues receive threats and even experience violent attacks. For example, in 2016, the office of “Identoba” (an NGO working on LGBT issues in Georgia) was set on fire and the investigations failed to hold anyone accountable for it (CIVICUS Monitor 2019). On the one hand, the

⁶Department for Humanitarian Activities is at the President’s Office of the Republic of Belarus.

organisations working on sensitive topics and not having public support have difficulties to enjoy their right to association as the state fails to protect their fundamental freedoms guaranteed by international standards and reinforcement in the national laws. On the other hand, the lack of acceptance and trust of the wider public towards these organisations contribute to the repression also from the governments who do not want to lose their popularity among the public by showing support to the vulnerable groups such as the LGBT community.

Besides the violation of freedom of association, other freedoms are also breached for the civil society in the Eastern Partnership countries. In particular, violations of **freedom of expression and freedom of assembly** are reported in all six countries to some extent.

A series of repressive legislative amendments have been made by Azerbaijan's National Assembly back in 2013, which established barriers for not only freedom of expression and assembly but also took over social networks to eliminate criticism towards the government before the presidential elections. Politically motivated restrictions aimed to prohibit criticism and silence all those who voice up the issues through public expression (online and offline) as well as public demonstrations. Additionally, with the amendments, the police have been granted more power to administratively detain people who disobey them or organise and participate in an unauthorised protest. The amendments also affected the duration of administrative detentions related to the expression of dissent and established new penalties for organisation of unauthorized protests. For example, the penalty for unauthorized demonstration has been increased from 15 to 60 days; moreover disobeying the police will be sanctioned by 30 days detentions instead of 15. Additionally, the fines for participating in unsanctioned public gatherings increased drastically and reached to 7600 EUR from 955 (Azerbaijan 2013). *The restrictions also concern the time and places of the demonstration. The law bans demonstrations near government buildings, highways, tunnels, bridges and places used by local government executives for public events; moreover, the protests are banned near military facilities, hospitals, and prisons.* Additionally, “special places” for holding gatherings may be allocated by local authorities and time of assembly can be changed “*if the limitation is necessary and proportionate to the legitimate aim pursued.*” Interestingly, the law also limits assemblies on election days, or if the assemblies have political content (Civic Freedom Monitor: Azerbaijan 2019). In sum, with the prescriptive measures, the freedom of assembly and freedom of expression are fully restricted in Azerbaijan, especially if the gatherings have political intentions and mean to criticize the government. The civil society organisations and actors are generally deprived to exercise their freedom of expression and assembly which is guaranteed by international norms adopted by Azerbaijan.

The freedom of expression and assembly is highly restricted also in Belarus, where civil society is not able to freely participate in public demonstrations. Prior permission is required to hold protests and the local authorities very often arbitrarily reject the requests from the civil society organisations. The public protests are repressed with different means including detention and arrest by the police during the public demonstrations. Moreover, the participants of demonstrations are being punished with the fines, which came to substitute the detention and arrest; however, arrests and the use of force to disperse protests still exist. For example, in 2018, protests occurred against the opening of a restaurant near the site of mass executions back in the 1930s and the activists have been detained by law enforcement officials in plain clothes and kept under administrative arrest or fined (Freedom in the World: Belarus 2019). The law also restricts the dissemination of information about an assembly before approval from the government. Moreover, in order to eliminate public mobilisations around campaigns criticizing the government, a tendency of arresting activists has been observed to prevent planned assemblies. In case if the protest is permitted, in order to decrease participation of the wider public and minimize the visibility of dissent, the protests are often moved to less public places (CIVICUS Monitor 2019). Besides the prescriptive measures of repression on freedom of expression and assembly, reflexive measures are also used by Belarusian police namely the use of excessive force during mass demonstrations organised by the political opposition. The use of disproportionate force is also common during and after electoral campaigns. For example, over six hundred people have been arrested during the protests after the presidential elections in 2010. Arrest and detention of activists are also complemented with criminal responsibilities according to the Criminal Code on “Organization and Participation in Actions Rudely Violating Public Order.” With the justification of violation of public order, criminal responsibility is being placed on organisers and participants in mass events (Civic Freedom Monitor: Belarus 2019).

Besides using the protection of public order as a justification for violation of freedom of expression and association, in Belarus, groups presenting interests of certain groups are prohibited from their rights with the justification of protecting family values. In 2017, the law on “Protecting Children from Information Harmful for their Health and Development” came into force, restricting spreading positive or neutral information about LGBT people as “*discrediting the institution of the family*” (Human Rights Watch 2017).

In terms of legislation, the freedom of expression and assembly is generally respected in other EaP countries and prescriptive measures are less evident comparing to the reflexive measures of repressions, which are demonstrated mainly through using disproportionate force

during public gatherings. In Armenia, the violations of the right to freedom of assembly have long been a core problem of human rights, particularly relating to the use of force by law enforcement bodies. The most common tactics of repression during the protests have included the use of water cannons, tear gas, and baton charges, and in some cases live ammunition on unarmed protesters. Such attacks took place during most of the protests in the last decade, where people were seriously injured or killed. For example, in June 2015, during the “Electric Yerevan” social movement when protesters blockaded the streets with sit-ins, the police sprayed protesters with water cannons, and then marched forward to force them out; moreover police officers in plain clothes violently grabbed the protesters from the streets and dragged them behind the police line in order to prevent them to get to the streets again (Armenia 2015). Along with the violence towards peaceful protesters, arrest, and detention of activists who are in charge of leading the movements, is another tactic applied by police in Armenia. The detentions and arrests which last usually from a few hours to three days aim to spread fear among the protesters, hoping to repress the movements. In some cases, the activists have been cases arrested and charged with violation of public order and the use of force against the police. Additionally, administrative penalties have been placed on activists as a mechanism of financial repression (Ayvazyan 2018). Despite all the reflexive measures of repression on the protestors, in the case of Armenia, with an example of “Velvet Revolution” in 2018, where all the measures have been used to repress the movement, it can be claimed that the resistance and public mobilization confronted to the use of disproportionate force and help the civil society to fully use the civic space for political changes.

In Georgia, the right to assembly is constitutionally protected and largely respected by the authorities. However, **a new phenomenon of counterdemonstrations** appeared, particularly creating hindrances for freedom of expression and assembly of minorities. For example, sexual minorities are not protected from violence. In 2013, authorized peaceful assembly on the International Day against Homophobia has been violently disrupted by a massive counterdemonstration of religious activists leading to clashes, as a result of which 28 people have been injured. Although measures have been taken to eliminate discrimination, adequate protection of LGBT activists during assemblies is still an issue (BTI: Georgia 2018).

Besides counter-protests against minority groups, political activists have also been targeted by the authorities in Georgia. The authorities have been accused by the NGOs for restricting opposition access to the site of a planned Inauguration Day demonstration in December 2018 which led to clashes and resulted in the detention of two supporters of the Georgian Dream and the opposition leader Davit Kirkitadze. The opposition leader was arrested after reportedly

assaulting a police officer; however, Kirkitadze's supporters have claimed that the arrest is politically motivated. NGOs also stated police abused the administrative offences code to detain participants of peaceful assemblies (Georgia 2018). More questions have been raised over policing during the peaceful assemblies considering also the high profile arrest and violence against activist Irakli Kakabadze in 2015 for peacefully protesting (CIVICUS Monitor 2019).

Similar to Georgia, the freedom of assembly in Moldova is largely respected; however, the parades and demonstrations of the LGBT community are always disrupted by aggressive counterdemonstrations organised by members of the Orthodox Church and conservative political parties. The law enforcement bodies usually are not able to ensure comprehensive protection of the participants of such events and consequently, the authorities relocate the demonstrations to be held in less public places (BTI Moldova 2018).

In Ukraine, the same phenomenon can be observed. Recently, the government has been more tolerant of demonstrations; however the police still fail to ensure the security of protestors and eliminate clashes. Despite the protection of police during the LGBT Pride rally, ten people have been injured due to the attacks of right-wing activists to the participants of a peaceful assembly (CIVICUS Monitor 2019).

The counterdemonstration against the minorities and the inability of the authorities to protect the rights of people show that the state still needs to improve the mechanisms of providing equal opportunity for everyone to enjoy their rights without any disruption. Relocating the assemblies to less public places and prohibition to hold assemblies in the city center as a protection mechanism cannot be valid as it affects the notion of the assembly and breaches enjoyment of freedom of expression.

Another phenomenon, which is largely spread worldwide and exist also in the Eastern Partnership countries is the establishment of **progovernment or government organised nongovernmental organisations (GONGOs)**, which are created to discredit the CSOs, attract international funding, get involved in election observations, and also are widely used to organise counterdemonstrations.

A large sector of GONGOs has been created in Belarus, which not only gets state funding but also receives a significant amount of international aid. In addition to their immediate tasks, GONGOs are involved in the political process through election commissions and election observations (Nations in Transit 2017). In another case, the GONGOs have been served as a means to create a false image of public support of the government or certain politicians. The

phenomenon has been widely observed in Armenia, where “fake” counterdemonstrations have been organised involving GONGOs to support the politicians, who are being accused of abusing the power for the sake of their businesses. In this way, the politicians try to show that the decisions made for themselves are also supported by the wider public (Ayvazyan 2018).

Besides restrictions on the freedom of assembly and expression of certain groups or organisations, CSOs’ leaders, members, political activists, human rights defenders are also subject to repression in some EaP countries. Usually, repression involves **violent attacks, detention, arrest, ill-treatment, and criminalisation**.

In Azerbaijan, usually, the CSO leaders are arrested under charges of illegal entrepreneurial activities, tax evasion and abuse of power or failure to register grants. Many political activists and human rights defenders have been arrested in recent years and are still imprisoned for their political activism. For example, in 2013, the chairman of the Election Monitoring and Democracy Studies Center, Anar Mammadli, has been charged with the justification of illegal entrepreneurship, tax evasion, abuse of power and failure to register grants. In 2014, Anar Mammadli has been sentenced to five and a half years as his appeals have been dismissed by the courts (Ismayil and Remezaita 2016, 26). Human Rights Watch reported about at least forty-three human rights defenders, journalists, political and religious activists being wrongfully imprisoned as for 2018. Meanwhile, more activists have been detained and encountered harassment and prohibition of travel or have had to leave the country (Human Rights Watch: Azerbaijan 2018).

The repressive practices on CSO leaders, political activists, and human rights defenders is also an existing trend in Belarus, where the activists are persecuted and held accountable for criminal offences due to their political or social activities, which challenge the authorities. In March 2017, following the numerous protests against the Presidential Decree “On the prevention of social dependency” *the government utilised repressive measure on the political opposition, civil society activists, bloggers, independent journalists, human rights activists, and ordinary citizens. Furthermore, administrative detention has been used against the opposition leaders, including the chairman of the United Civil Party Anatol Liabedzka, chairman of the movement “For Freedom” Yury Hubarevich and many more activists (Viasna 2017). In another case, a human rights defender Leanid Sudalenka’s office and home have been raided while he has been abroad for participating in a human rights conference. Eight computers have been seized under a criminal investigation on the transmission of pornography (Amnesty 2017, 15).*

In Armenia, recent years individual attacks on activists by unknown groups of people have been recorded, which have not been investigated properly and perpetrators are not announced due to the political notion of the attacks. For example, in 2013, a number of activists staging protests in Yerevan against corruption and President Serzh Sargsyan's decision to join the Eurasian Union, have encountered violence, both by police and organised groups in the streets (Ketsemanian 2013).

The attacks on individuals are not only addressed to political activists or CSO leaders but also targets the journalists and breaches freedom of media and freedom of expression. **Attacks and detention of journalists** is common practice also in some of the EaP countries. On the one hand, the journalists are being subject to violence during the protests, for example, in Armenia, at least ten journalists have suffered from burns, bruises, and other injuries after being hit by police stun grenades in Yerevan while covering a demonstration (Azatutyun 2016). On the other hand, the attacks and intimidation are applied for individual journalists, especially the ones who are critical about government or certain politicians. The CIVICUS Monitor reports that the violence and intimidation against journalists in Ukraine has been a huge issue after 2014 when the pro-Russian journalist Oles Buzina has been shot and other journalists have been detained due to their political views; moreover, many of them have been banned from entering the country. In another case, journalist Ruslan Kotsaba has been arrested after publishing a video on YouTube asking to boycott military mobilisation in Ukraine (CIVICUS Monitor 2016).

The situation for journalists is extremely serious in Azerbaijan and Belarus, where journalists face routine harassment, including physical violence. Belarus is reported as the worst in Europe in terms of freedom of expression as the laws grant authorities with the power to arbitrarily block websites and interfere with the websites of several local human rights groups. In the case of Azerbaijan, attacks, detentions and extrajudicial killings of journalists and bloggers have been reported. As for 2015, eight journalists have been imprisoned and at least five journalists and bloggers have been murdered since 1992. The independent media has been constrained and news outlets have been a crackdown by the authorities systematically (CIVICUS Monitor 2016).

With the attacks on journalists, bloggers, civil society actors, the authorities also tend to shrink the digital space, which is being used in recent years to mobilise people and spread information for the wider public. By making it difficult or even illegal for individuals and groups to gather or meet to exercise their right to freedom of assembly, freedom of expression (both online and offline) the authorities with prescriptive and reflexive measures of repression directly hinder the abilities of CSOs to plan or engage in advocacy activities.

Conclusions

The **research aimed** to analyse the magnitude of impact of the civil society score in the overall democracy index and define a new methodology for calculation of shrinking space growth index in the Eastern Partnership countries as well as identify repressive measures imposed on civil society organizations, journalists, activists.

The linear regression of the democracy score and civil society score shows that despite the fact the civil society score has the least magnitude of impact on overall democracy index comparing to the other categories of index, it still has a significant impact as even in case of slight changes in the civil society score the democracy index will change significantly resulting in a change in regime type. This comes to prove that the level of democracy depends on the level of development of civil society.

The analysis of the Freedom House's Democracy Index showed that the civil society has a significant impact on the level of democracy and enjoyment of political rights and civil liberties of individuals in the Eastern Partnership countries, despite the different level of democratisation, shrinking space issue exist in all countries. In the case of the Eastern Partnership countries, analysis of the EaP Index data for 2015–2016 and 2017 with the newly developed index reveals that Shrinking Space Growth Index has increased in relatively democratic countries namely Ukraine, Moldova, and Georgia, whereas Armenia, Azerbaijan, and Belarus have recorded slight improvements since 2015. This does not mean that the civic space is more expanded in the countries with low democracy score rather this shows that over the years there has been improvements and deteriorations in the shrinking space score and Azerbaijan and Belarus still remain leaders in repressing civil society.

As the analysis showed, as in the other repressive countries, in the EaP countries as well, usually governments repress civil society using **law enforcement bodies and laws, administrative regulations, and policies**. As the level of democracy and civil society development, repressive measures issued also varies from country to country. The research proved the hypothesis that democracy level is linked to the type of measures used to repress civil society. Consequently, in more authoritarian countries such as Azerbaijan and Belarus, there is a trend of using **prescriptive measures** and the repressions are “legally” justified, whereas in Armenia, Georgia, Moldova, and Ukraine in terms of the regulations the rights are guaranteed; however **reflexive measures** are being practical for the repression on civil society in recent years.

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Annexes

Annex 1. Outputs of Simple Linear Regression for All Indicators of Democracy Score.

Dependent Variable: Democracy_Score_Without_NDG

Equation	Model Summary					Parameter Estimates	
	R Square	F	df1	df2	Sig.	Constant	b1
Linear	,972	136,942	1	4	,000	-5,169	1,732

The independent variable is NDG.

Dependent Variable: Democracy_Score_without_IM

Equation	Model Summary					Parameter Estimates	
	R Square	F	df1	df2	Sig.	Constant	b1
Linear	,966	113,631	1	4	,000	1,206	,796

The independent variable is IM.

Dependent Variable: Democracy_Score_without_JFI

Equation	Model Summary					Parameter Estimates	
	R Square	F	df1	df2	Sig.	Constant	b1
Linear	,915	42,976	1	4	,003	-1,979	1,297

The independent variable is JFI.

Dependent Variable: Democracy_Score_without_CO

Equation	Model Summary					Parameter Estimates	
	R Square	F	df1	df2	Sig.	Constant	b1
Linear	,442	3,173	1	4	,149	,411	,877

The independent variable is CO.

Dependent Variable: Democracy_Score_without_LDG

Equation	Model Summary					Parameter Estimates	
	R Square	F	df1	df2	Sig.	Constant	b1
Linear	,871	27,086	1	4	,006	-1,917	1,290

The independent variable is LDG.

Dependent Variable: Democracy_Score_without_EP

Equation	Model Summary					Parameter Estimates	
	R Square	F	df1	df2	Sig.	Constant	b1
Linear	,798	15,778	1	4	,017	2,588	,565

The independent variable is EP.

Annex 2. Scores of Five Subcategories of Deep and Sustainable Democracy of EaP Index.

	Years	Freedom of Speech and Assembly	Human Rights, Protection against Torture	Democratic Rights and Elections	Independent Media	Equal opportunities and non-discrimination
Armenia	2017	0,47	0,58	0,48	0,55	0,48
	2015-2016	0,46	0,64	0,43	0,53	0,47
Azerbaijan	2017	0	0,36	0,16	0,13	0,44
	2015-2016	0	0,33	0,06	0,23	0,41
Belarus	2017	0,1	0,06	0,18	0,21	0,25
	2015-2016	0	0,05	0,15	0,22	0,31
Georgia	2017	0,73	0,68	0,7	0,62	0,64
	2015-2016	0,72	0,72	0,68	0,69	0,68
Moldova	2017	0,72	0,64	0,61	0,61	0,68
	2015-2016	0,7	0,7	0,72	0,64	0,79
Ukraine	2017	0,83	0,65	0,7	0,57	0,75
	2015-2016	0,85	0,77	0,59	0,63	0,75

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