

ENABLING ENVIRONMENT FOR CIVIL SOCIETY DEVELOPMENT IN THE BLACK SEA REGION: TOWARDS A REGIONAL STRATEGY FOR COOPERATION

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This report is the result of a research conducted by Tanja Hafner Ademi and Milka Ivanovska Hadjievska, from the Balkan Civil Society Development Network, in the period May-July 2015.



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CONTENTS

- Contents.....1**
- Abbreviations.....3**
- Acknowledgments5**
- Executive Summary6**
- 1. Analytical Framework.....10**
- 2. Methodological Note: Research Scope, Data Gathering and Analysis12**
 - 2.1. Online Survey.....12
 - 2.2. Focus Groups and Interviews15
 - 2.3. Limitations15
- 3. Enabling Environment for Civil Society Development in the Black Sea region17**
 - 3.1. Freedom of Association17
 - 3.2. Freedom of Peaceful Assembly and Expression25
 - 3.3. Tax/Fiscal Treatment of CSOs and their Donors.....32
 - 3.4. State (Financial) Support37
 - 3.5. Volunteering Policies42
 - 3.6. Framework and Practices for Public Institutions - CSOs Cooperation.....45
 - 3.7. Involvement in Policy and Decision-Making Processes.....50
 - 3.8. Donor-CSO Relationship.....56
- 4. Towards a Regional Strategy for Cooperation.....63**
- 5. Bibliography.....67**
- 6. Appendices72**

ABBREVIATIONS

AMD	Armenian Dram
ATM	Automated Teller Machine
AZN	Azerbaijani Manat
BCSDN	Balkan Civil Society Development Network
CSDev	Civil society development
CSO	Civil Society Organization
ECNL	European Center for Non-for-profit Law
EE	Enabling Environment
EU	European Union
GDP	Gross Domestic Product
GONGOs	Governmental NGOs
ICNL	International Center for Non-for-profit Law
ICT	Information and communications technology
IDFI	Institute for Development of Freedom of Information
ILO	International Labour Organization
IREX	International Research and Exchange Board
KGB	Komitet gosudarstvennoy bezopasnosti (Committee for State Security)
LGBTI	Lesbian, gay, bisexual, transgender and intersex
MM	Monitoring Matrix
NED	National Endowment for Democracy
NDI	National Democratic Institute
NGO	Non-Governmental Organization
OGP	Open Government Partnership
OSF	Open Society Foundations
PA	Public Association
PBO	Public Benefit Status
SIDA	Swedish International Development Agency
SODES	Social Support Program
SOOs	Socially Oriented CSOs
ToR	Terms of Reference
TUSEV	Third Sector Foundation of Turkey
UN	United Nations
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
VAT	Value Added Tax

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EXECUTIVE SUMMARY

This report has been commissioned by the Black Sea NGO Forum with the aim to assess the state of the enabling environment (EE) for civil society development (CSDev) in eight countries of the Black Sea region: Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia, Turkey and Ukraine. In doing so, the report gathers and synthesizes proposals for strategic priorities of CSOs in the Black Sea countries via 3-month research including desktop research, on-line survey, focus groups and selected interviews, and identifies the role of the Black Sea NGO Forum in addressing these needs and challenges. The analytical framework put forward by the team of the Balkan Civil Society Development Network (BCSDN) who conducted the research and prepared this report was based on combination of its experience in monitoring the EE for CSDev in EU Enlargement countries with the Monitoring Matrix Tool-kit and the Civil Society Partnership for Development Effectiveness (CPDE) Framework for Assessing Enabling Environment Progress resulting in analysis of 10 core dimensions of EE for CSDev.

While considerable differences in the state of the enabling environment exist in the eight countries, some key common concerns can be discerned and thus, present a basis for possible joint action. Adoption or harmonization of the legislation on freedom of association, peaceful assembly and expression in line with international standards and their full respect in practice is crucial for unlocking the needed reforms in the area of fiscal frameworks and state support. These reforms will insure diversification of funding sources, and with this support independent and autonomous civil society in the Black Sea region. Institutional mechanisms both on the public sector and civil society side need to be established to implement the needed reforms. More specifically, limitations on CSO registration and operation should be lifted and acts of state interference should be continuously monitored and reported by CSOs. Programs and activities for capacity building of officials who work in institutions relevant for CSOs operation and CSO-public institutions relationship should be implemented. On regional level, programs and educational activities for peer-to-peer exchange and learning inclusive of state officials, CSOs and foreign donors and other stakeholders should be facilitated. Better structuring of donor CSOs relationship into a continued and inclusive stream and exchange of ideas based on partnership is crucial for foreign donors to allow CSOs grow and lead the agenda for change in their countries.

In terms of regional strategy for cooperation in the Black Sea region, CSOs can potentially cooperate in two different directions: 1) on matters concerning enabling environment for civil society development in the region and 2) horizontally in specific thematic areas. There are various sources of challenges that CSOs might face in the identified areas of cooperation stemming from the character of political regimes in the region, past and current conflicts and security threats, geopolitical situation, relations with EU of individual countries, matters of identity and values and challenges of involving CSOs from Romania and Bulgaria on the one hand, and CSOs from Belarus, Russia and Azerbaijan on the other. There are also challenges related to the restrictive enabling environment for CSDev in some of the countries and inefficient public institutions. CSOs from the region are interested in increased funding opportunities for regional projects and cooperation, online and offline platforms for exchange of information relevant for CSOs in the countries, building of regional thematic networks and participation in various research programs, activity-based and advocacy projects. The Black Sea NGO Forum is perceived as a neutral mechanism for facilitating regional cooperation and a platform which will give voice to the needs of CSOs from different countries in front of foreign donors and governments' primarily.

Azerbaijan, Belarus and Russia, do not have **freedom of association** regulated in line with international standards and severely restrict founding, participation and registration of CSOs. In Turkey, several restrictions are also noted. In Armenia, Georgia, Moldova and Ukraine inconsistencies in implementation and minor restrictions and violations are registered in practice. The registration process has been reported as lengthy in Moldova, while in Armenia and Turkey CSOs have reported it to be burdensome. In most of the countries, there are cases which

indicate that legislation on registration is not applied consistently by state administration officials at the local and national level. In Azerbaijan, Belarus and Russia, state interference in establishing and daily operation of CSOs is common and excessive. One of the key issues faced is legislative limitations on access to foreign funding. Azerbaijan, Belarus and Russia require registration and approval of foreign funds, while in Turkey the recipients of foreign support are subject to notification procedure. The financial reporting requirements are rarely adapted to the nature and size of CSOs, and CSOs often report cases of invasive financial controls.

In most countries, **freedoms of peaceful assembly and expression** are to some extent limited by legislation (with exception of Georgia and Moldova), but more often restricted in practice. In Azerbaijan, Belarus, Russia and Turkey the legislation poses restrictions on place, time and duration of public assemblies. Cases of disproportionate use of force by law enforcement authorities are frequent, as well as lack of protection by authorities in cases of attacks by counter protesters or provocateurs. Violent dispersion of protests, detentions of protesters and high fines are also recorded in majority of the countries, with the exception of Georgia and Moldova. Critical journalists, CSO activists and human rights defenders are subject to verbal attacks, politically motivated prosecutions, penalties, harassment, raids, and expulsion from the country and in some of the countries (such as Azerbaijan, Belarus, and Russia) are imprisoned. Censorship of media outlets and journalists and limitations on social media and Internet access are recorded in Azerbaijan, Belarus, Russia and Turkey. In Transnistrian region in Moldova, and Donbass region in Ukraine, there are excessive restrictions on both freedoms.

None of the countries have a developed a systematic **tax/fiscal framework for CSOs and their donors**, which would take into consideration the specific non-for-profit nature of CSOs. However, several countries, such as Georgia, Moldova and Ukraine, have at least in legislative terms addressed key tax exemption and put in place incentives that contribute towards enhancing operation and financial sustainability of CSOs in the long run. Still, their overall effect is hampered by complicated, administrative procedures and different interpretation of legislation pointing to a lack of clarity in legislation or lacking capacity of state administration staff to interpret and apply the rules. Public Benefit Status for CSOs also exists in many countries, but instead of leading to prescribed and expected tax benefits, it presents additional reporting and auditing scrutiny for organizations.

State (financial) support in some form is available in all countries, but it is reported by CSOs as biased, politicized and does not correspond to the needs of civil society. No reliable public data are available in any of the countries on how many public funds are available annually or across several years, making the predictability and accountability of funding a challenge. Project support is the main form of financial assistance, but to a lesser extent CSOs also report availability of institutional support. In countries where cooperation between public authorities and CSOs is restricted, funding of socially-related activities is common (e.g. Belarus, Russia) but limited and closed to a circle of predetermined CSOs, a model that has existed since the socialist times. In many cases this takes the form of service provision rather than grants. Even in countries with developed public institutions-civil society relations (e.g. Georgia, Moldova), CSOs report not applying for available public funds due to fear of excessive control and encroachment on their autonomy. While several positive practices exist of developed national level mechanism for distribution of public (state budget) funds to CSOs at the ministry level (e.g. Armenia, Georgia, Moldova, Turkey, Ukraine), this is yet to be translated into a coherent system of funding for civil society which rests on principles of inclusiveness, accountability and transparency. CSOs report information on procedure for distribution being rarely available, do not find decisions on awarded funding as fair or in line with procedures and report information on funded projects being rarely available. There were no reliable information on practices of funding CSOs activities from lotteries proceeds. If non-financial support (e.g. renting premises, equipment to CSOs) is available, more common practices exist at local level.

Laws for volunteering have been enacted in Azerbaijan, Moldova, Russia, and Ukraine, while in Georgia there is a draft law on volunteering in the making. Administrative and other burdens are faced when engaging volunteers in practice, so the draft and existing frameworks are not stimulating. In some countries, the definition of volunteering is not in line with international standards, so these in practice have an adverse effect for CSOs or are not promoting volunteering type activities beneficial for the wider community. **Volunteering** in practice is reported as common, although in some countries it is avoided or takes non-regulated form due to tax burdens (e.g. income tax) or possible punishments (e.g. labor inspection treating it as illegal work).

The countries generally lack strategic framework that regulates **public institutions – CSOs cooperation** and strategies expressing state's vision of developing civil society. As the only two countries, Moldova and Ukraine have strategies in place, but both face challenges in their implementation (Ukraine) or have failed due to insufficient human capacities in the responsible body and lack of cross institutional cooperation (Moldova). Civil society in Georgia (2013) has signed a Memorandum of Understanding with the Parliament, and a Strategy has been prepared awaiting its approval to date. In some of the countries there are contact points for CSOs or councils for consultations with CSOs in different public institutions (mainly in the ministries) for different thematic areas. However, their functioning depends on the willingness and capacity of officials to engage and get involved. Moreover, these bodies are often not representative of civil society in the respective country, lack uniform procedures for their establishment (e.g. Belarus), and are established on voluntary basis.

While there are some legal and institutional grounds, comprehensive and mandatory legal framework for **CSO involvement in policy- and decision-making process** is missing in majority of the countries (with exception of Azerbaijan, Moldova and Ukraine). In cases where such frameworks exist, the implementation is inconsistent and partial in practice. The experience of meaningful participation of CSOs in practice is limited to politically non-sensitive fields (e.g. business and economic development, environmental issues), while for key and 'sensitive' laws and policies (e.g. election regulation, anti-discrimination, freedom of speech, human rights issues), government institutions find a way to surpass meaningful consultations with the public and CSOs. Feedback on CSOs' recommendations and input is rarely provided, as well as timely access to necessary documents, policy drafts. Representation of relevant CSOs is not guaranteed and CSOs often report many GoNGOs being included in decision-making bodies (e.g. Azerbaijan, Belarus and Ukraine) making this process only formally effective. In Azerbaijan particularly, the involvement of CSOs in decision-making processes is currently almost absent. Since 2011, majority of the countries (with exception of Belarus and Russia) are members of the Open Government Partnership initiative; still the legal framework on free access to public information does not comply with international standards. In the countries where the law meets international standards, these are in practice implemented partially, in an inconsistent manner, especially by authorities at the local level. The quality of received responses from public institutions depends on the sensitivity of the data which is requested and the capacity of officers appointed to implement the law.

One of the key challenges in terms of foreign **donor-CSO relationship** that civil society faces is barriers for access to funding. Azerbaijan, Belarus and Russia allow for extremely limited access to and use of foreign funds for very narrow type of activities (e.g. education, humanitarian support). Among foreign donors, the EU and USAID are the key donors reported across majority of countries with focus on support to human rights and other watchdog activities. Still, CSOs respondents admit there are limitations for CSOs to effectively access these funds, mainly due to their lack of capacities and the fact they are based outside capital cities. Tax exemptions on VAT and donations/grants are available but for a number of donors only.

Project funding is the main type of foreign donor support reported by CSOs, but support for institutional development, co-financing funds are also reported. Generally, foreign funding does not correspond to the full

needs for funding of civil society, but most see them responding to their programmatic priorities. Majority of CSOs believe that foreign funding contributes to their financial sustainability. Although the main donors such as the EU and USAID do have longterm strategic documents outlined for the countries, beyond EU project fiches, information is mostly lacking on multi-yearly available budgets. In countries such as Azerbaijan, Belarus and Russia, foreign funding is decreasing over the years due to restrictive attitude of the governments towards foreign donors.

Majority of CSOs report being included in consultations on defining foreign donor strategies, thematic priorities. Still, the fact that one-third of CSOs report of not being consulted at all, shows that consultation practices are focused on ad-hoc manner and with CSOs that have capacities and are funded by the particular donor. Most common consultation experience is at the level of discussing concrete call for proposals and takes place in ad-hoc manner. Specific structures and mechanisms for consultation between donors and CSOs have taken place around EU funding.

CSOs have different perception of access, accountability and transparency of foreign funding. Several possible factors can contribute to this: experience with access to other types of funding (e.g. state, private), concrete experience of a given organization with a particular donor, size and capacities of the organization. Still, majority of CSOs are satisfied with the information available on the application procedures. When it comes to fulfilling the criteria, decision-making and available information on the outcome of calls for proposal, though, most CSOs are not satisfied. Further analysis and evaluation is needed, since CSOs report divergent and sometimes contradicting responses (e.g. application requirements are easy to meet, but they also say that funding is not easily accessible).

This report is divided in three sections. Firstly, the analytical framework and methodology of the data gathering and analysis is presented. Then, the main section on the state of the enabling environment for civil society development in the Black Sea region follows. This section is divided in eight thematic parts following the same structure: regional overview of findings, country-per-country mapping of situation and set of recommendations and measures addressing the regional findings. Finally, the report concludes with a concept of the regional strategy for cooperation from the perspective of the civil society respondents from the eight countries encompassed with the research.

1. ANALYTICAL FRAMEWORK

The Monitoring Matrix for Enabling Environment for Civil Society Development (MM)¹, a monitoring and advocacy tool which has been developed by the Balkan Civil Society Development Network (BCSDN) and the European Center for Non-for-profit Law (ECNL), was used as a basis for devising the analytical framework for this research. The original MM consists of 151 indicators, grouped in 24 standards, 8 sub-areas and 3 areas, all based on principles of international non-profit law and best world-wide regulatory practices.² The main MM areas are:

1. **Basic Legal Guarantees of Freedoms;**
2. **Framework for CSOs' Financial Viability and Sustainability;**
3. **Public institutions/Government – CSO Relationship.**

The monitoring of the EE in Enlargement countries using the MM approach has been implemented since 2013 in eight countries of the Western Balkans and Turkey (EU Enlargement countries), the latter covered also with this research assignment³. So far, two monitoring cycles have been successfully completed including also a development of a regional, comparative synthesis report with findings and recommendations addressed to EU and regional stakeholders. It is important to note that in the development of the MM, special consideration was given to designing indicators that can be monitored via secondary data and information, thus requiring collection and analysis of primary data only when secondary data is not available. The application of the original MM tool in the eight countries from the Black Sea region was carried out with a simplified analytical framework for mapping and evaluation of the EE for CSDev.

The analytical framework consists of 10 core dimensions of EE for CSDev. The eight sub-areas of the original Monitoring Matrix largely makes the basis of this analytical framework⁴ with one additional dimension addressed as requested in the Terms of Reference (ToR); the *Donor–CSO relationship*⁵ area taken from the Civil Society Partnership for Development Effectiveness (CPDE) Framework for Assessing Enabling Environment Progress. Hence, the 10 proposed dimensions of our concept of EE, grouped under four broad areas to be assessed as part of this research are:

¹ For more information: <http://monitoringmatrix.net/>.

² Reference documents based on which the Matrix was developed: <http://monitoringmatrix.net/reference-documents-list/>.

³ The countries where the Monitoring Matrix is implemented are: Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Turkey.

⁴ For the description of standards within the eight sub-areas, please check the Monitoring Matrix Tool-kit (2013).

⁵ An Enabling Environment for Civil Society Organizations: A Synthesis of Evidence of Progress since Busan, Civil Society Partnership for Development Effectiveness (2013).

Basic Legal Guarantees of	Freedom of association
Freedoms	Related freedoms: Freedom of assembly and expression
Framework for CSOs' Financial Viability and Sustainability	Tax/ Fiscal treatment of CSOs and their donors
	State (financial) support
	Service provision
	Volunteering policies
Public institutions/ State– CSO Relationship	Framework and practices for public institutions-CSOs cooperation (Strategy/Compact and Institutions/Mechanisms for Cooperation)
	Involvement in policy and decision-making processes (Access to public information and effective representation and participation in decision making processes)
Donor-CSOs relationship⁶	Donor approaches to CSOs support, funding mechanisms and modalities
	Dialoguing and engagement of CSOs in donor strategies and support implementation

Following the logic of the MM, this analytical framework covers both the **legal and practice aspects** on the 10 dimensions facilitating effective identification of key challenges both in the regulatory framework and its practical implementation. With this framework, the state of regulation and implementation of basic legal guarantees of freedoms (dimensions 1-2); the environment for financial viability and sustainability of CSOs (dimensions 3-6); the public institutions/ state – CSOs relationship or CSOs policy influence (dimensions 7-8) and finally donor-CSO relationship (dimensions 9-10) were mapped.

For the purpose of data gathering and analysis, a more detailed and operationalized analytical framework was devised, including concrete indicators for each dimension. The written assessment of EE for CSOs in the countries from the Black Sea region is structured following these areas and dimensions. Each section in the report presents summary of findings on regional level which is followed by more detailed country per country description vis-à-vis the particular dimensions and indicators, concluding with a set of recommendations and concrete set of measures.

⁶ EE for (foreign and domestic) donors is treated both as part of basic legal guarantees of freedoms (access to funding) and financial viability and sustainability section (tax incentive etc.).

2. METHODOLOGICAL NOTE: RESEARCH SCOPE, DATA GATHERING AND ANALYSIS

The research on EE for CSDev in the eight countries from the Black Sea region⁷ was completed within three months (May-July 2015). For the purpose of the evaluation of EE with the proposed analytical framework a desktop research was conducted, an online survey was administered as well as focus groups in 3 countries and Skype interviews were conducted.

During the **desktop research phase** global and regional indexes⁸, international reports, and other secondary data, online resources classified in country folders/databases were investigated. In order to complement these data, 3 focus groups (one of each held in Georgia, Moldova and Ukraine) and online survey questionnaire were administered. In those countries with low rate of survey responses and where focus groups were not conducted, Skype interview with at least one local civil society expert on CSDev was conducted. Through the empirical part of the research (online survey, focus groups, and Skype interviews) proposals for strategic priorities of CSOs in the Black Sea region and proposals on the role of the Black Sea NGO Forum in enhancing regional cooperation from the respondents' perspective were also gathered.⁹

2.1. ONLINE SURVEY

The CSOs survey questionnaire was tailor made and followed the presented analytical framework. The aim of the survey was to gather information on the needs and challenges faced by CSOs to have an enabling environment in which they carry out their activities, taking into consideration the following dimensions: Basic legal guarantees of freedoms; CSO financial viability and sustainability; Public institutions – CSOs relationship; Donor – CSOs relationship. Moreover, the survey gathered proposals on the priorities of CSOs for regional cooperation and on the strategic role of the Black Sea NGO Forum in furthering the regional cooperation in the Black Sea region.

The online survey was administered through an extensive questionnaire consisting of 45 questions, organized in six thematic sections.¹⁰ Various types of questions were included: closed questions with offered answers, closed questions with possibility to add comments and open questions in order to make it easier for CSO respondents to understand and for researchers to be able to develop meaningful interpretations. The online survey was disseminated via a targeted e-mail invitation addressed to at least 600 of selected CSOs, most of which participate to the Black Sea NGO Forum activities and are in the contact list owned by FOND Romania. The survey was open

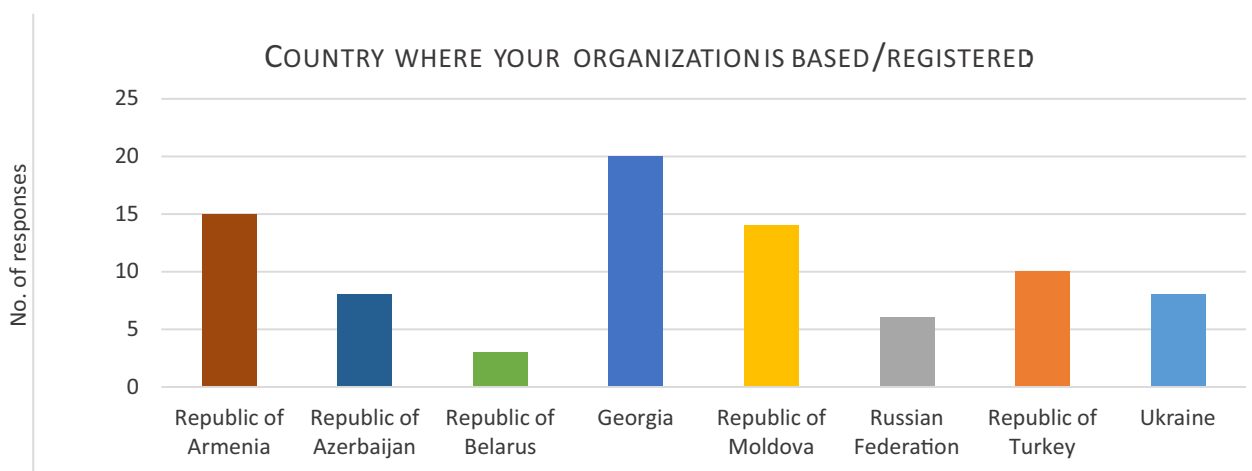
⁷ The countries encompassed with this study are: Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia, Turkey and Ukraine.

⁸ Some of these relevant global resources are listed and matched under the eight sub-areas of the original Monitoring Matrix in the MM Tool-kit (2013), p. 60.

⁹ See Appendix 1 for details on questionnaire used for the survey, focus groups and interviews, p. 81-92.

¹⁰ See Appendix 2, p. 93-112.

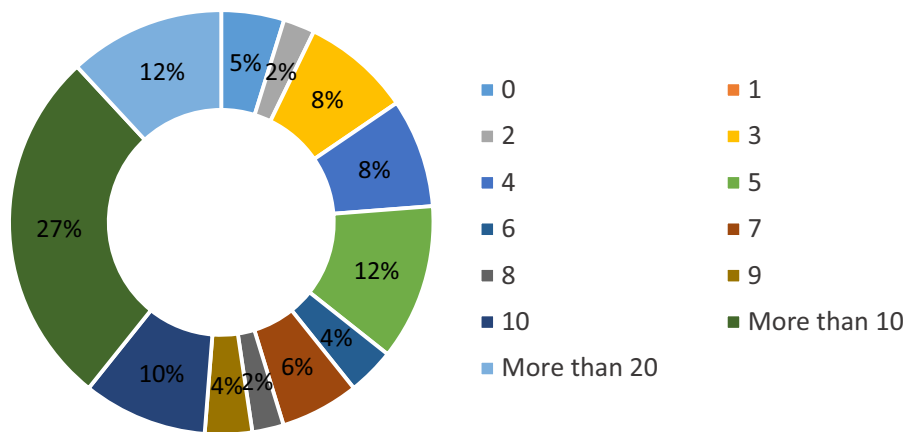
for respondents in the period from 8th June to 7th July, 2015, and was conducted in English language. Several reminders to invited CSOs were sent and researchers engaged in additional efforts to disseminate the questionnaire to other CSOs than the Black Sea NGO Forum participants, especially networks. The questionnaire was answered by 87 respondents in total, out of which 84 completed the survey and were valid.



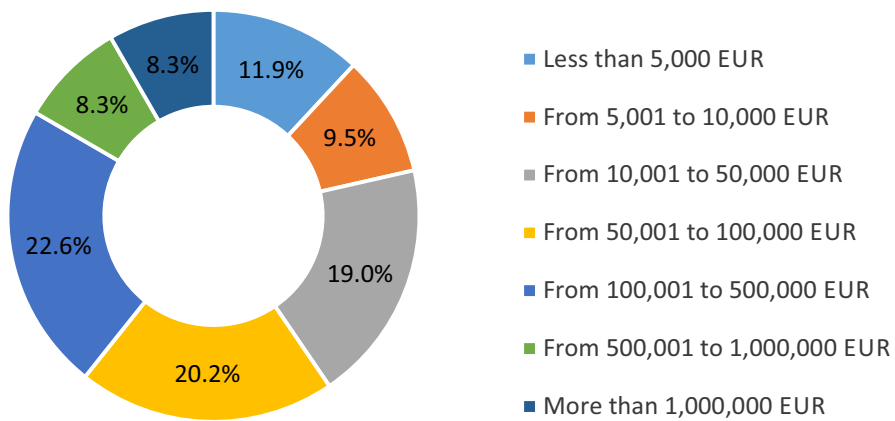
Majority of the respondents were representing an association (71.5%), while 19% respondents represented a foundation. Majority of the respondents of the survey occupied key positions in their CSO (e.g. President, Executive Director, and Chairman) or worked as project coordinators, analysts or lawyers. In terms of their employment in the CSO, 47.6% of respondents were engaged for 10 or more years, 23.8% were engaged for 5 or more years and 28.5 % were employed for less than 5 years, meaning that majority of the respondents have experience with working in civil society environment in their country. CSOs represented in the survey mainly work in fields of: CSDev, democracy and human rights, education and good governance. According to responses on the number of employees and annual budget for 2014 of the CSOs, it can be concluded that the survey includes responses from CSOs of different size, organizational and financial capacities at regional and national level. The CSO respondents are coming mainly from CSOs based in the capital cities of the eight countries, and only 28 out of 84 CSOs were based and had activities in regions outside the capital city.

Field(s) of work/operation of the organization (multiple options were possible):	No. of CSOs working in the field
Civil society development	63
Democracy and human rights	53
Education	35
Good governance	33
Local development	32
Social/ Welfare services	25

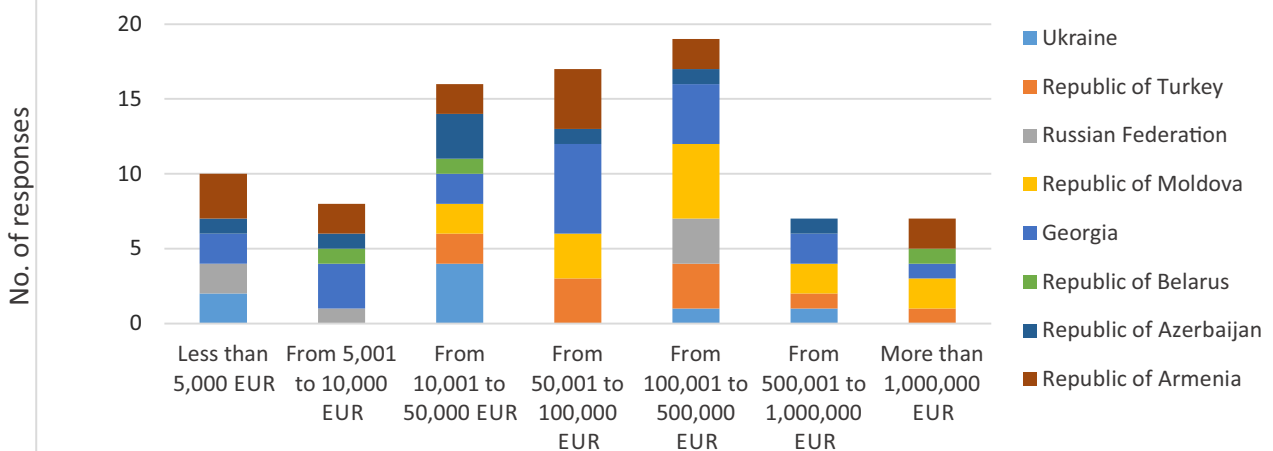
NUMBER OF EMPLOYEES / PERSONNEL CURRENTLY ENGAGED IN RESPONDENTS' CSOs



ANNUAL BUDGET OF RESPONDENTS' CSOs FOR 2014



ANNUAL BUDGET OF RESPONDENTS' CSOs FOR 2014



The data gathered via online survey was analyzed with basic descriptive statistics approach. The number of respondents does not allow for any interference of conclusions based on the survey analysis. The survey data to

complement information which was partial or missing was used as signalization for further desktop investigation, as a source for mapping and evaluating practice aspects of the dimensions and mainly to cross-check and confirm information which was gathered through other research means, mainly desktop research.

2.2. FOCUS GROUPS AND INTERVIEWS

The focus groups' topic guide follows the logic of the analytical framework and includes also questions for proposals on strategic priorities of CSOs in the Black Sea region and questions about perceptions on the role of the Black Sea NGO Forum in addressing the strategic needs and regional cooperation of CSOs¹¹ The focus group in Moldova was held on 8th June, 2015, in Chisinau, in the premises of the East European Foundation, and the discussion was attended by 8 CSOs participants. The focus group discussion in Georgia, Tbilisi was held on 10th June, 2015 in the premises of the Civil Society Institute and the discussion was attended by 6 CSOs representatives. The focus group discussion in Ukraine, Kiev was held on the 22th June, 2015 in the premises of the NGO Europe without Barriers and the discussion was attended by 8 CSOs representatives. All participants in the focus groups signed confidentiality note and filled-in basic information questionnaires about their organizations.¹² The focus groups discussions were audio recorded, all three lasted two hours and 15 minutes on average and for the purpose of data analysis written summary notes were prepared.

Additionally, 4 complementary Skype interviews with experts were conducted during July 2015 with experts from countries where the survey response rate was very low (Azerbaijan, Belarus and Russia). The interview topic guide followed the analytical framework logic¹³, allowing for specific probes and context-related questions relevant for the specific country experts. The interviews lasted on average one hour and 20 min.

In terms of data analysis, thematic textual analysis was applied on the focus groups notes and information was coded under different dimensions within the analytical framework for the specific country enclosed in the country database. The level of agreement or conflict (e.g. discerning, divergent opinions) within the discussion group was also considered during the analysis. The data gathered through interviews was also subject to thematic textual analysis and coding vis-à-vis the analytical framework dimensions and indicators. The data from focus groups and interviews were triangulated with data from the desktop research and the online survey. The data from different sources was compiled in eight country tables structured on the basis of the analytical framework.

2.3. LIMITATIONS

Considering the limited time available (three effective months) for desktop and fieldwork research, data analysis and reporting, the research was mainly focused on mapping of key issues and challenges in the EE in individual countries and at the Black Sea region level as a basis for possible future in-depth research on EE for CSOs in each of the Black Sea countries. The desktop analysis relied mainly on available data in English language and the access to Russian-language data sets or documents was limited because of language barriers. This means that some policy research produced by country experts and think tanks remained out of the reach of this study. Still, this was mitigated with significant input by country experts, which was incorporated in the analysis through survey responses, focus groups and interviews.

¹¹ See Appendix 1, p. 81-92.

¹² Ibid.

¹³ See Appendix 1, p. 81.

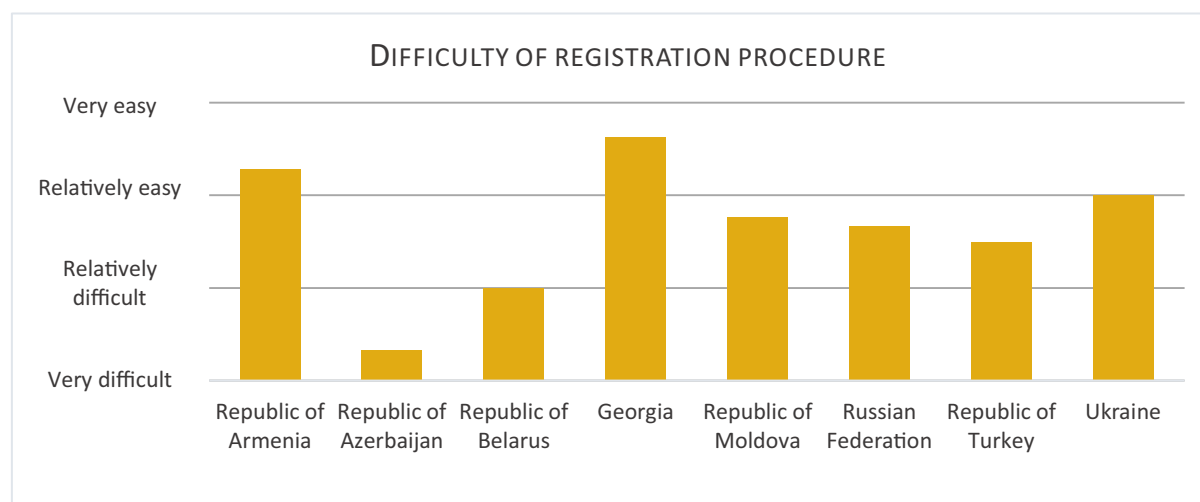
The survey response rate, as mentioned before, does not allow for interference of findings. The online survey questionnaire was detailed and consisted of numerous open questions which require time to answer, thus this might be one of the reasons for not gaining higher response rate. Furthermore, the questionnaire was administered in English which might be a barrier for some of the CSOs representatives. Finally, the questions were not adapted to each country specific context which would require longer time and more resources, which might cause some misunderstanding of some of the questions by CSOs representatives.

3. ENABLING ENVIRONMENT FOR CIVIL SOCIETY DEVELOPMENT IN THE BLACK SEA REGION

3.1. FREEDOM OF ASSOCIATION

The state of legislation and implementation (practice) of the freedom of association is considerably different among the countries of the Black Sea region. In Azerbaijan, Belarus and Russia **the freedom of association** is severely restricted or not respected at all. In Turkey it is partially restricted, while in Armenia, Georgia, Moldova and Ukraine the legislation is in line with international principles and standards. Still, inconsistencies in its application and minor restrictions and violations can be found in practice. In Azerbaijan, Belarus and Turkey the operation of unregistered CSOs is banned.

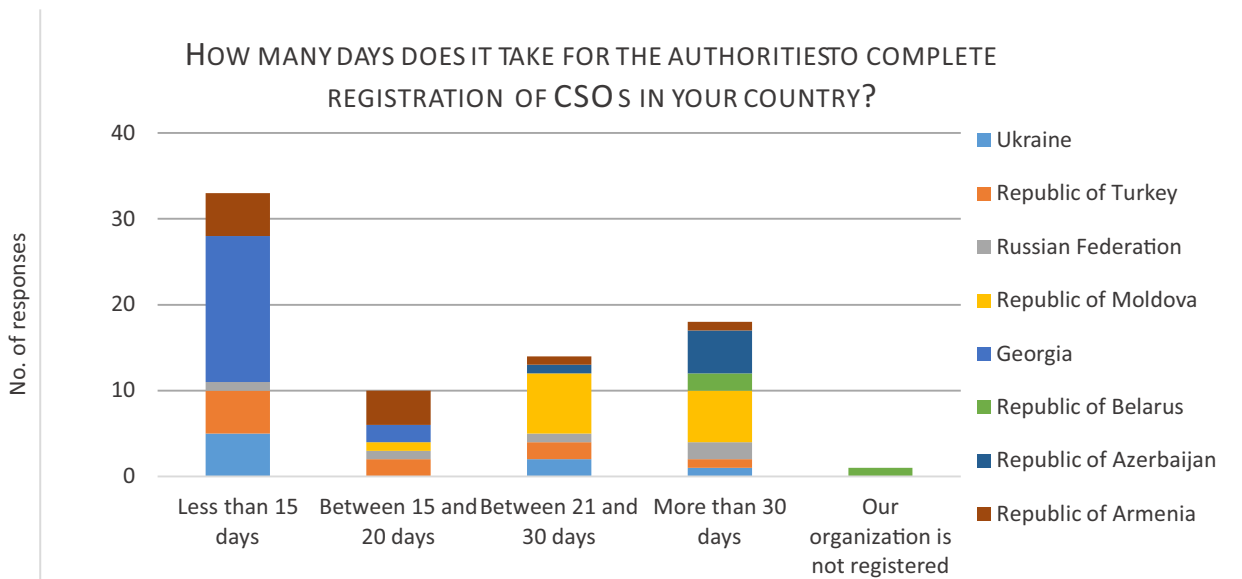
In Azerbaijan, Belarus and Russia **the registration of CSOs** is burdensome, expensive and lengthy. Denial of registration on arbitrary grounds is common, especially for CSOs working in politically sensitive areas such as human rights and watchdog CSOs as well as foreign (donor) CSOs.



Source: BCSDN & FOND online survey, 2015

In Georgia, Moldova and Ukraine, the registration of CSOs¹⁴ is easy, quick and non-burdensome, with the exception of Moldova, where it is reported to be lengthy. The procedure for registration in Armenia and Turkey is evaluated as burdensome even though it lasts approximately 20 days in practice. In most of the countries, there are cases which indicate that registration legislation is not applied consistently at local and national level and by different public administration officials.

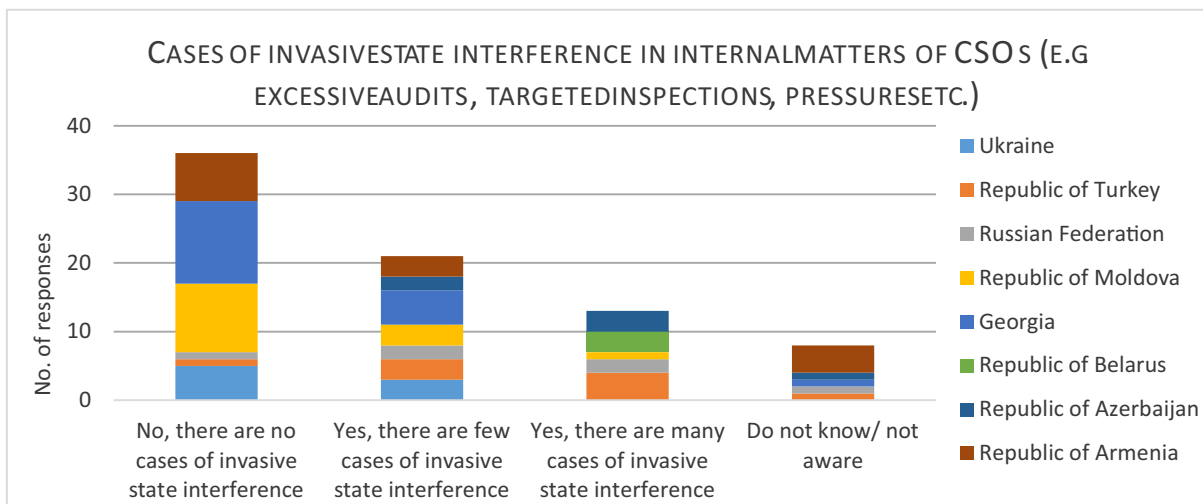
¹⁴ See Appendix 3 for officially available data on the number of registered CSOs in the Black Sea region countries, p. 113.



Source: BCSDN & FOND online survey, 2015

One of the key issues faced in Azerbaijan, Belarus and Russia is **requirements for registration of foreign funds** which severely limit the ability of CSOs to work. In Azerbaijan and Belarus, the rejection to register foreign assistance for CSOs by the relevant state body is very common, which seriously hampers CSOs activities and leads to their termination, while in Russia such CSOs are labeled as “foreign agents”. In Turkey, the recipients of foreign support and grants are subject to notification procedure. In Georgia, Moldova and Ukraine, the legislation allows CSOs to receive national and foreign funding from different sources unhindered and there are no limits on performance of economic activities.

State interference in the work of CSOs in Azerbaijan, Belarus and Russia is a common practice and takes excessive forms. In other countries, especially Georgia and Moldova, CSOs report fear of state interference only as recipients of state funds.



Source: BCSDN & FOND online survey, 2015

The **financial reporting requirements** are rarely adapted to the nature and size of CSO in the countries from the Black Sea region, and there are cases of invasive financial inspections in several countries (e.g. Turkey).

Armenia There are around 5,000 registered CSOs, but according to estimates only between 15% and 20% are active. Public organizations and foundations are the two main forms of CSO recognized by the law and their

establishment is guaranteed to everyone without discrimination. No restrictions were found for registering of foreign CSOs. The law allows for registration of non-commercial state organizations and reports exist of these organizations “been founded and/or are managed by an official, have a state official in their Board, and several organizations are believed to be managed by government officials’ affiliates. These CSOs can be referred to as “governmental NGOs” (GONGOs), and they receive significant portion of the state funding.”¹⁵ The registration process is fairly easy and quick (up to 20 days) but it is centralized and burdensome with authorities frequently requesting submission of additional documents and information.¹⁶ Reporting rules are not proportionate to the size of CSOs and the legislation envisages invasive rules, especially for public organizations, including strict rules on timing, content and publication of the reports. To regulate the issue of non-existent organizations, a law was adopted in 2011 to dissolve around 100 organizations that did not present any tax report since 2008 or did not have any property or tax obligations.¹⁷ While foundations can engage in direct economic activities related to their missions, others can do so only via establishing separate commercial entity.

Azerbaijan The number of registered CSOs is reported at around 2,960 (foundations and public associations), while the total number of CSOs registered in 2014 is not available¹⁸. The process of limiting the freedom of association started in 2013 with new amendments to the CSO legislation and legislation on grants.¹⁹ The recent legislative changes of 2014 limits the registration to permanent residents of the country.²⁰ The operation of unregistered CSOs is banned and there are penalties in case of operation. The register of CSOs is not publicly available, and only the list of registered projects is accessible. Registration of CSOs is slow, burdensome, accompanied with delays and takes very long, i.e. 40 days up to a year in practice, while there are cases of CSOs trying to register for several years²¹. Officials refuse to register CSOs on arbitrary grounds, and the registration of new CSOs (especially watchdog and human rights CSOs) has almost ceased. Moreover, new international/foreign CSOs registration applications are regularly rejected or not considered. Registration of foreign CSOs has an expiration date.²² The grounds for suspension of CSOs activity by the state are widely set and more than 40 CSOs have been dissolved because of new oppressive legislation enacted in 2014.²³

In 2014, state interference in internal matters of CSOs increased dramatically. This is supported by changes in legislation, where various reporting requirements and oversight procedures were introduced.²⁴ Non-compliance with these reporting requirements is penalized with high fines, confiscation of property and frozen bank accounts.²⁵ Domestic and international CSOs experienced numerous criminal investigations, administrative fines, office raids, freezing of bank accounts, interrogation of staff, confiscation of property, harassment etc.²⁶ Annual financial reporting is relatively burdensome and disproportionate to CSOs size.²⁷ Grants and any changes in the grant agreement have to be registered with the Ministry of Justice. Failure to register the grant leads to high penalties and there are some administrative difficulties to register the grant agreement.²⁸ In practice, the

¹⁵ Mapping Study CSO Engagement in Policy Making and Monitoring of Policy Implementation: Needs and Capacities, Armenia, T. Margaryan, A. Hakobyan (2014), p.13.

¹⁶ Ibid, p.20; EU Country Roadmap for Engagement with Civil Society 2014-2017, Armenia, p. 1-2.

¹⁷ EU Country Roadmap for Engagement with Civil Society 2014-2017, Armenia, p. 2.

¹⁸ USAID 2014 CSO Sustainability Index for Central Eastern Europe and Eurasia, Azerbaijan, p. 30.

¹⁹ Eastern Partnership Civil Society Forum website.

²⁰ Ibid.

²¹ USAID 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia , p. 2.

²² ICNL NGO Law Monitor: Azerbaijan.

²³ USAID 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p.32.

²⁴ Eastern Partnership Civil Society Forum “New Regulations on CSO Activity– Everyone is a Potential Criminal”.

²⁵ Code of Administrative Offences (2014).

²⁶ “Azerbaijani Authorities Raid Offices of Economic Research Center”, PASOS(2015); Implementation of the European Neighborhood Policy in 2014, European Commission, p. 4.

²⁷ USAID 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Azerbaijan, p. 4.

²⁸ Ibid, p. 30; ICNL NGO Law Monitor: Azerbaijan.

Ministry can delay registration or refuse grants registration for arbitrary and politically motivated reasons. Foreign donors have to obtain approval by the relevant Ministry in the area in which the program will be implemented in order to register the grants/funding programs. Anonymous donations are prohibited.²⁹

Belarus In 2015, there are 2,596 public associations (228 international, 709 national and 1,659 local) and 33 unions of public associations, 155 foundations (14 international, 5 national and 136 local) and 7 republican state-public associations.³⁰ There are public associations (PA) and union (coalition) of public associations, a non-commercial and membership based CSOs which can be registered with different territorial status³¹ and foundations and non-governmental institutions (which can be registered under the Law on commercial entities by a single person). Foreign citizens and persons without citizenship can join operating PA, but cannot be founders, except for international PA.³² The number of necessary founders for each of these types of PA is high.³³

Registration of PA is mandatory, expensive, burdensome, and lasts up to one month. The Ministry of Justice has very wide competences for arbitrary denial of registration of new CSOs. Operation and involvement in unregistered CSOs is banned³⁴, and represents a criminal offence³⁵. Human rights and watchdog CSOs are impossible to register as PA, thus they either register as institutions (non-for profit entity without governing bodies, easy to register and inexpensive), either register in Lithuania or Poland.³⁶ Many CSOs were denied registration in the period from 2010 to 2014 (and some several times), mainly on the formal basis of documentation flaws (e.g. wrong font, minor spelling errors, problems with registration address and the list of founders information), and the appeal process, even though legally guaranteed, is ineffective in practice.³⁷ The register of PA is kept by the Ministry of Justice, Justice Department of city of Minsk executive committee and regional executive committees, and registers are not publicly available, except for the information of newly registered PA published by the Ministry of Justice.³⁸

There are number of state bodies responsible for oversight of CSOs³⁹ with the right to attend PA internal meetings⁴⁰. In practice, there are many cases of frequent and direct pressures by authorities, invasive oversight and inspections of premises of unregistered CSOs, pressures on landlords⁴¹, and charges for human rights PA (e.g. Human rights organization Viasna, Belarusian Young Front). CSO can be terminated by the state because of using foreign funds, alleged tax violations, violating the laws on PA, attending mass events etc. Financial reporting is burdensome for foundations⁴² and CSOs who receive foreign/EU funding, while it is easier for small CSOs. There are serious legal restrictions for receiving foreign and domestic funding for CSOs.⁴³ In order to use foreign

²⁹ ICNL NGO Law Monitor: Azerbaijan.

³⁰ Freedom of Association and legal provisions Non-Profit Organizations in Belarus, Review (2014), p. 5.

³¹ Article 1, Law of the Republic of Belarus; No.3254-XII of 4 October, 1994 [Amended as of 8 November, 2011].

³² Assessment of the Legal Framework for NGOs in the Republic of Belarus, ICNL (2013), p. 20.

³³ Ibid, p. 16.

³⁴ Article 7, Law No. 3254-XII of 4 October, 1994 [Amended as of 8 November, 2011].

³⁵ Article 193-1 in the Criminal Code of Belarus; Human Rights Watch Report, Belarus (2014): In the period 2005-2008 there were 18 convictions for leaders of unregistered activities, but since 2008 there are no such charges. Authorities issue official warnings for citizens who engage in unregistered associations.

³⁶ USAID2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p. 2.

³⁷ Freedom of Associations and Legal Conditions for Civil Society Organizations (CSOs) in Belarus, UN Human Rights Council Universal Periodic Review (2014), p. 12.

³⁸ Wider Europe Review.

³⁹ Ministry of Justice, Tax Inspection, Ministry of Labor, General Prosecutor, etc.

⁴⁰ Assessment of the Legal Framework for NGOs in the Republic of Belarus, ICNL (2013) p. 85.

⁴¹ Freedom of Association and Legal Conditions for Non-profit Organizations in Belarus, Review (2014), Legal Transformation Centre Assembly of Pro-Democratic NGOs, p.9.

⁴² Assessment of the Legal Framework for NGOs in the Republic of Belarus, ICNL (2013), p. 97.

⁴³ Freedom of Associations and Legal Conditions for Civil Society Organizations (CSOs) in Belarus, UN Human Rights Council Universal Periodic Review (2014), p. 2.

support, CSOs have to register foreign funds and technical aid in the Council of Ministers or the Presidential Humanitarian Activity Department, which can be denied if the envisioned activities do not match the country priorities (Decree of the President No. 24). The violation of these rules leads to criminal responsibility since 2011.⁴⁴ Finally, anonymous donations should be also registered for permission of usage and PAs are banned to engage in economic activities.⁴⁵

Georgia There are more than 10,000 registered CSOs, but the number of active CSOs is much smaller. The Civil Code of Georgia distinguishes only between commercial and noncommercial legal entities. Unregistered CSOs can act freely.⁴⁶ The registration of CSOs is easy, inexpensive and it lasts one day.⁴⁷ Registration is conducted by the Public Registry at the Ministry of Justice, and since 2012 non-commercial entity can be founded by one founder (individual or legal entity).⁴⁸ CSOs rarely have negative experiences with registration and there are rare cases of prolonged registration procedure or refusal to register, mainly in the regions (due to different interpretation of the registration rules). There are no cases of state or third party interference in the internal matters of CSOs after the Rose revolution.

The Organic Law of Georgia on prevention of activities of Public Associations and their prohibition stipulates that CSOs can be terminated by a court decision and clearly defines the criteria of their temporary suspension (e.g. in case of dominant engagement with economic activities) and dissolution. In practice, dissolution procedure of any legal entity lasts very long and requires security checks by audit authorities which can last approximately six months and this is one of the main reasons why CSOs do not apply for liquidation. Officials in the registration office are well equipped. Also the register of CSOs is public, accessible online and for everybody.

The financial reporting rules do not distinguish between CSOs and commercial entities. CSOs with charity status have additional reporting requirements, i.e. they need to submit an audit report and a report about their programmatic activities. CSOs are allowed to receive foreign and domestic funding from various sources and there is a special Law on Grants (1996) regulating the principles for grants reception which should be based on a contract. CSOs are allowed to perform economic activities if in accordance with their statute.⁴⁹

Moldova According to the State Register of Non-Commercial Organizations there are total of 9,225⁵⁰ CSOs registered. There are three types of legal entities: public associations, foundations, and private institutions. The freedom of assembly is regulated with separate Law on Foundations and Law on Public Associations. Public associations can be founded by individuals (including foreign citizens and stateless person) and other public associations. Commercial entities can found public institutions.⁵¹

The registration rules prescribe relatively easy and inexpensive procedure, and the only shortcoming is the lengthy procedure of up to 30 days or more required for registration.⁵² There is no possibility to register online and there are difficulties with registering a network. The registration application is submitted on both local and national level, and there is a guaranteed right to appeal decisions on registration refusal in front of the

⁴⁴ USAID 2013 CSO Sustainability Index for Central Eastern Europe and Eurasia, p. 35.

⁴⁵ Freedom of Associations and Legal Conditions for Civil Society Organizations (CSOs) in Belarus, UN Human Rights Council Universal Periodic Review (2014), p. 7.

⁴⁶ Civil Society Briefs Georgia, Asia Development Bank (2011), p. 7.

⁴⁷ EU Country Roadmap for Engagement with Civil Society 2014–2017, Georgia, p. 3.

⁴⁸ Mapping Study CSOs Engagement in Policy Dialogue in Georgia Report, S. Lortkipanidze, T. Pataraiia (2014), p. 16.

⁴⁹ Mapping Study CSOs Engagement in Policy Dialogue in Georgia Report, S. Lortkipanidze, T. Pataraiia (2014), p. 18.

⁵⁰ The number includes religious organizations. The number of registered CSOs without religious organization is around 7,500.

⁵¹ Mapping Study CSOs from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue, L. Chiriac, E. Tugui (2014), p. 15.

⁵² The issuing of identification number is conducted in the Ministry of Justice, thus the documents are sent to Chisinau for this purpose, which is the main reason for the lengthy registration.

administrative court.⁵³ Ministry of Justice officials do not apply registration rules in a consistent and harmonized way. Some CSOs report problems with overly lengthy procedures and burdensome documentation requirements for re-registration because of changes in the Tax Code in 2009, when they were required to obtain a tax number.

There are no cases of state interference in the internal matters of CSOs in the past few years. There are some cases of pressures and invasive oversight by local authorities. In Transnistria region, there are many cases of direct interference and pressures towards CSOs. The procedure for dissolution was shortened in 2014 to four months maximum with changes to the Civil Code.⁵⁴ Financial reporting of public associations is generally regulated with the Law on accounting, accounting standards and plans of accounts and legislative acts⁵⁵ and requirements are burdensome and not adapted to the nature of CSOs. The associations with Public Benefit Status (PBO) are subject to distinct regime of financial reporting. The legislation allows CSOs to receive domestic and foreign funding from different sources and does not limit economic activities if these are in accordance with their statute.⁵⁶ Frequent financial inspections are reported as common for CSOs who receive state support/funding.

Russia Since 2006, the legal framework (NGO law) and following amendments have created restrictive legal base for both local and foreign CSOs working in Russia, including limits on who can be a founder or participate to a CSOs, burdensome and long process of registration, and broad and restrictive clauses on financial reporting, followed by fines/penalties for non-compliance.⁵⁷ Registration is completed by the Ministry of Justice and its regional branches. The NGO Law allows the functioning of initiative groups and unregistered CSOs, but even though they can use personal bank accounts for receiving funds, they often decide to register as legal entities because of taxation matters.

As of May 2012, a so-called Foreign Agents Act requires registering CSOs as “foreign agents” in case they receive funding from foreign sources and are engaged in “political activities” (meaning advocacy, watchdog activities, thus mainly human rights CSOs are on the list). Following amendments to this Law, the Ministry of Justice decides upon the list of “foreign agents” and there are no clear rules on how CSOs can be erased from the list. The CSOs with status of “foreign agents” are subjects to additional annual audits and frequent financial reporting requirements, which in case of non-compliance are followed by high penalties for the head of the CSO (as well as criminal liability) and the organization. In 2015, a new law on undesirable CSOs was passed, according to which a CSOs found as undesirable will be legally banned and no institution will be allowed to issue transactions to these organizations. By now, around 20 CSOs, mainly donors from US are on the list, which has direct consequences on available foreign funding for critical and human rights CSOs (e.g. NED⁵⁸).

In contrast to commercial entities, legal persons (e.g. organizations) are not allowed to register CSOs. Broadly defined and restrictive legal framework allows room for interpretation and discretionary powers of the Ministry or individual state administration officials. Many CSO respondents reported state interference into their internal matter such as frequent inspections. Cases of dissolution/termination unilaterally by the state have also been

⁵³ Mapping Study CSOs from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue, L. Chiriac, E. Tugui (2014), p. 15.

⁵⁴ USAID 2013 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Moldova, p. 154.

⁵⁵ Mapping Study CSOs from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue, L. Chiriac, E. Tugui (2014), p. 16.

⁵⁶ Ibid, p. 17.

⁵⁷ ICNL NGO Law Monitor: Russia

⁵⁸ “Russia outlaws ‘undesirable’ National Endowment for Democracy”, Democracy Digest (2015).

reported. Receipt of foreign funding is limited and restrictive also with the Dima Yakovlev Law or so-called Anti-Magnitsky Law, including stricter accounting and reporting rules.⁵⁹

Turkey The legal framework is limited and needs further improvements to comply with international law on freedom of assembly.⁶⁰ Only associations and foundations are recognized as not-for-profit legal entities. There is high requirement on the minimum members needed to register and manage an organization; foreign organizations have considerable problems in registering and working in Turkey. Registration is mandatory. While the institutions have up to 60 days to review an application, most registrations take place in 15-20 days. CSOs cannot receive funding or participate in consultation processes if not registered. Inconsistencies are observed in the frequency, duration and scope of audit practices of CSOs, especially human-rights related ones. Up to one-third of CSOs surveyed reported a case of state interference in their organization. There are no limitations on foreign funding, but there is a notification requirement for the funding received. Law on Collection of Aid is restrictive and puts unnecessary burden on the ability of CSOs to fundraise from individuals and business.

Ukraine There are 75,828 registered public associations (2015), 277 creative associations and professional unions, 15,934 charitable organizations and 1,372 self-organized bodies (the Crimea region excluded).⁶¹ The registration of public associations is relatively easy, free of charge and it should last 7 working days, whereas charitable organizations can register in an easy procedure which lasts 3 working days.⁶² Public associations can be established by natural persons (at least two) and by legal entities.⁶³ With the new law from 2013, CSOs can operate across the whole territory of Ukraine without having to obtain national status and foreign CSO branches can register under a lower fee (\$40) than previously.⁶⁴ Re-registration in accordance with the new law is free of charge and should be completed by 2018, however CSOs report difficulties in practice. The register of CSOs is publically available.⁶⁵ There are no reports of politically motivated dissolutions of CSOs.⁶⁶

Before and during Euromaidan protests, there were several cases of pressure, criminal charges and administrative fines for CSOs.⁶⁷ Since 2015, CSOs are required to open bank accounts in state banks, and close their accounts in privately owned banks, which is a form of state interference in the internal matters of CSOs according to international standards. Financial reporting requirements for CSOs are easier than those for businesses; however, frequent changes in the tax code affect CSOs' reporting. There are no limitations for reception of foreign and domestic funds, and economic activities of CSOs are allowed.⁶⁸

The following **recommendations** can be useful in developing measures to address challenges faced in regulating and practicing the freedom of association in the Black Sea region countries:

- The legislation of freedom of association in Azerbaijan, Belarus, Russia and Turkey should be immediately amended and brought in line with international principles and standards (esp. no limitation on founding, participation and state interference);

⁵⁹ USAID 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p. 2.

⁶⁰ TUSEV Monitoring of the Enabling Environment for Civil Society Development in Turkey(2014), p. 17-20.

⁶¹ USAID 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Ukraine, p. 236.

⁶² Law on Public Associations and Law on Charity and Charity Organizations (2013).

⁶³ USAID 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Ukraine, p. 236.

⁶⁴ In Search of Sustainability Civil Society in Ukraine, M. Ghosh (2014), p. 8.

⁶⁵ USAID 2013 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Ukraine, p. 224.

⁶⁶ Ibid.

⁶⁷ USAID 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p. 2; USAID 2014 CSO Sustainability Index for Central Eastern Europe and Eurasia, Ukraine, p. 237.

⁶⁸ In Search of Sustainability Civil Society in Ukraine, M. Ghosh (2014), p. 8.

- The functioning of unregistered CSOs should be legally guaranteed and freed from any restrictions (in Azerbaijan, Belarus and Turkey);
- The rules on registration should guarantee easy (basic documents, on-line etc.), non- expensive procedure which lasts less than 15 days. Basic data on CSOs such as number of registered organizations, number of employees etc. should be made publicly available (online) and free-of-charge;
- The legal framework regulating financial reporting of CSOs should be adapted to the nature and size of CSOs in all the countries from the region, and penalties for non-compliance should also be adapted to the character of CSOs;
- The authorities should publish the financial reporting rules concerning CSOs on their websites to assure common understanding and consistent application;
- Azerbaijan, Belarus and Russia should lift the burdensome requirements for CSOs who receive foreign funding and enable free reception of funding from foreign sources in line with international standards and best practices.

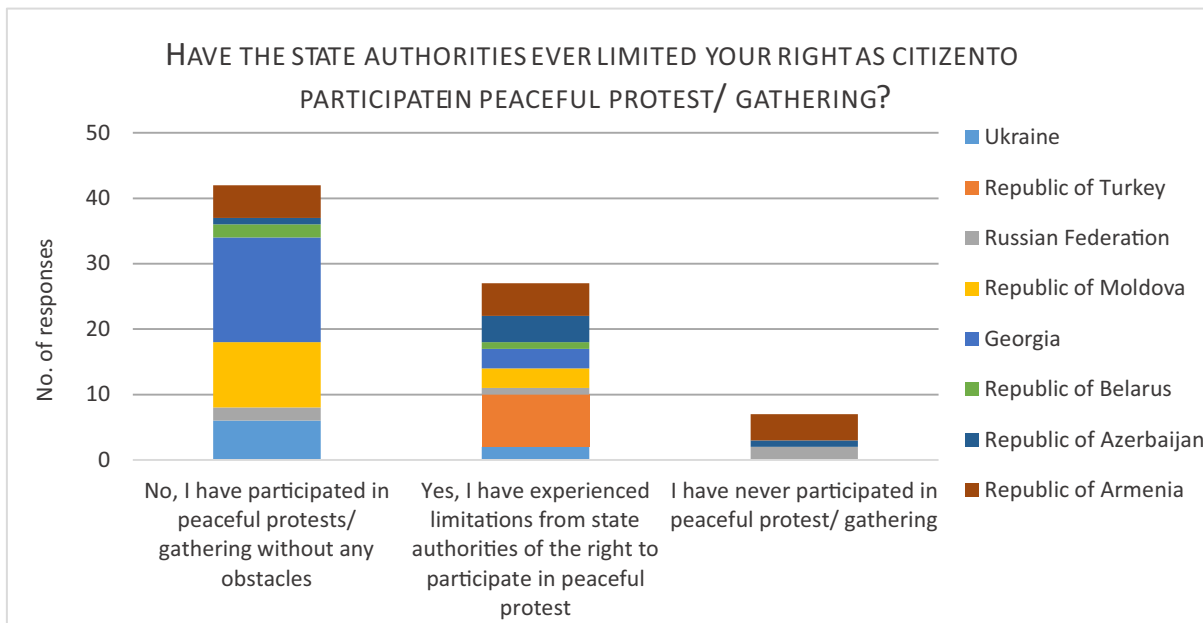
Some of the **concrete measures** that could be implemented are:

- Exchange of good practices among state officials, experts and CSOs from the Black Sea countries related to freedom of association with focus on key challenges and concerns identified;
- Targeted capacity building programs for registration body officials to insure unified application of registration rules on both local and national level;
- Provision of expertise and European regulatory best practices to tackle registration and adaptation of financial and reporting rules in both legislation and practice;
- Support to developing advocacy agendas and approaches for local CSOs in improving the regulatory environment and practice;
- Regional monitoring tool (e.g. website where CSOs can report anonymously or publicly excessive state or third party interference) on interference in internal matters of CSOs in the countries from the region. This information tool can be used for launching regional and coordinated actions related to prevention of state interference;
- Regional conference involving foreign donors, state officials from all countries and civil society experts on the best regulatory practices for functioning of foreign donors and procedures for receiving foreign funds;
- Tax and financial authorities should undergo specific trainings to insure unified and harmonized application of reporting rules concerning CSOs.

3.2. FREEDOM OF PEACEFUL ASSEMBLY AND EXPRESSION

In most countries of the Black Sea region, freedoms of peaceful assembly and expression are to some extent limited by legislation (with exception of Georgia and Moldova), but more often restricted in practice. In Azerbaijan, Belarus, Russia and Turkey the legislation poses restrictions on the place, time and duration of public assemblies.

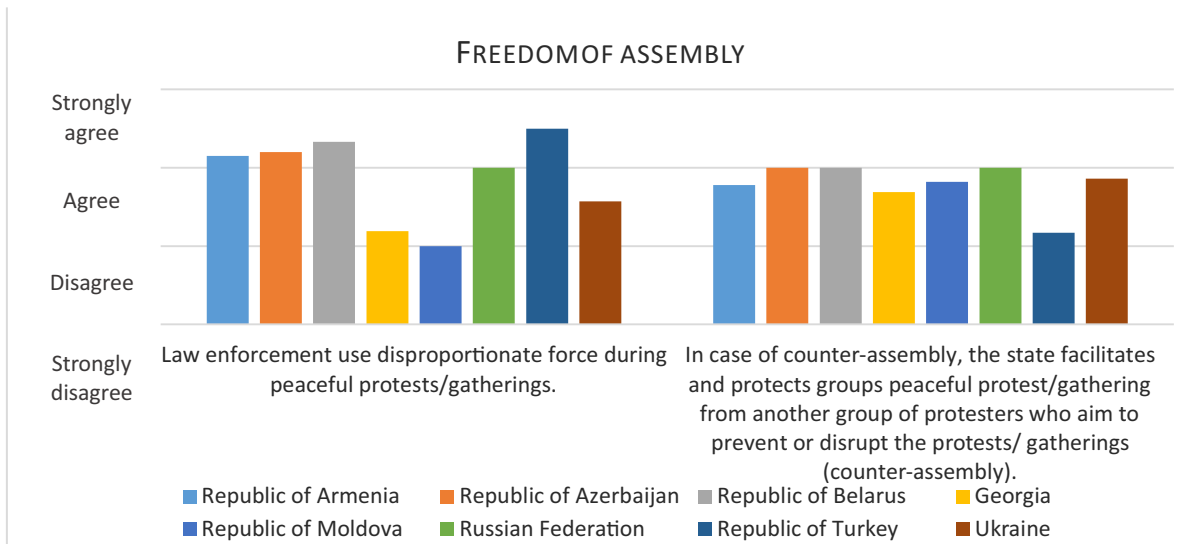
Notification procedure for public assemblies exists in Armenia, Azerbaijan (which in practice has the character of permission), Georgia, Moldova, and Ukraine. Permission for organizing public assemblies is required in Belarus, while in Turkey there is no need to notify authorities.



Source: BCSDN & FOND online survey, 2015

Cases of disproportionate use of force by law enforcement authorities are frequent across the countries, as well as **lack of protection by authorities** in cases of attacks by counter protesters or provocateurs. Violent dispersion of protests, detentions of protesters and high fines are also recorded in majority of the countries in the region, with the exception of Georgia and Moldova.

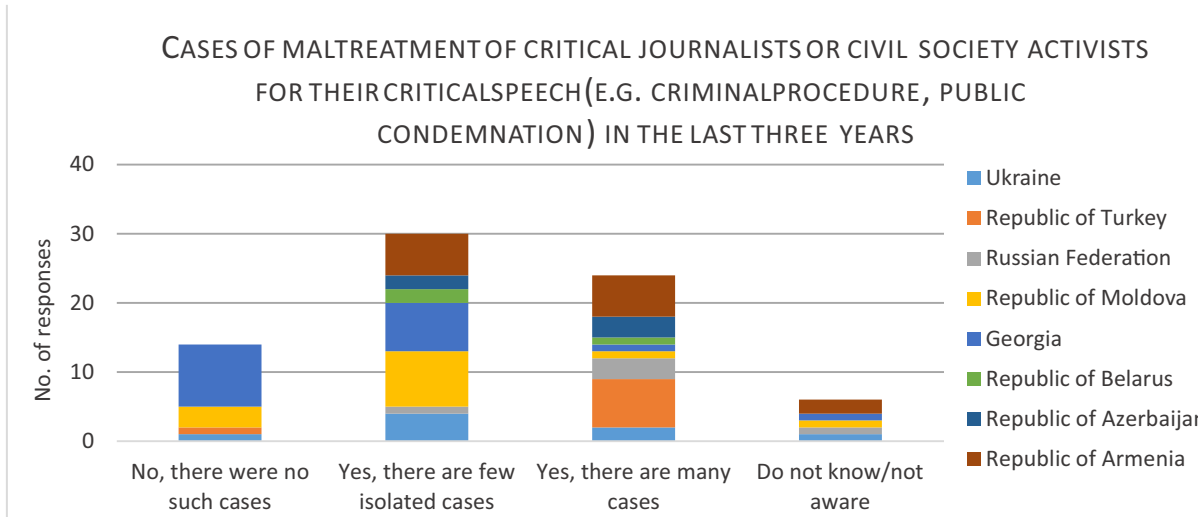
Marginalized groups, such as LGBTI groups and minorities are especially vulnerable and face serious problems in exercising the freedom of public assembly and expression, and are frequently subject to hate speech.



Source: BCSDN & FOND online survey, 2015

Critical journalists, CSO activists and human rights defenders are subject to increasing pressures ranging from verbal attacks, politically motivated prosecutions, penalties, harassment, raids, and expulsion from the country of residence and in some of the countries (such as Azerbaijan, Belarus, and Russia) imprisonment. There is also tendency of impunity for attacks by third parties.

Censorship of media outlets and journalists is common and access to critical websites is banned in some of the countries. Also, **limitation of social media and the Internet** are recorded in Azerbaijan, Belarus, Russia and Turkey. Institutional control over illegal interception of communication has been reported as a serious challenge for CSOs in Georgia as well as there have been recent fears of such activities in Turkey⁶⁹.



Source: BCSDN & FOND online survey, 2015

In Transnistrian region in Moldova, and Donbass region in Ukraine, there are reports of excessive restrictions on the freedom of assembly and expression.

Armenia The current law on freedom of assembly is broadly in line with international standards, with prior notification to be prescribed for 7 - 30 days prior to an assembly, but limitation are scrutinized by a hearing

⁶⁹ http://www.todayszaman.com/national_daily-claims-civil-society-under-surveillance-under-guise-of-fight-against-terrorism_398121.html (Last accessed 21st September, 2015)

committee⁷⁰. There are documented reports of incidents where protestors have been dispersed forcefully and some detained, e.g. after presidential elections in 2013 and recent energy prices hike protests in spring/summer 2015. There are several documented cases of disproportionate use of force on protestors by police and cases of attacks on civic activists. Investigation into disproportionate use of force are not timely or do not necessarily result in establishing sanctions for police forces. Women and other marginal groups are especially attacked via hate speech and threats but the police rarely investigates or files charges against perpetrators⁷¹. There are no cases in practice where restrictions are imposed on accessing any source of information, including the Internet or ICT, but isolated cases reported by CSO respondents in the survey do exist. Cases of maltreatment of critical journalists or civil society activists for their critical speeches have been reported in recent years.

Azerbaijan The Law on Freedom of Public Assembly poses restrictions on the placetime and number of participants in public assemblies. Organizers of public assemblies should notify the authorities at least 5 days prior to the event, but in practice this is turned into a mandatory authorization procedure by local and national authorities.⁷² The right to appeal to the decision of denial is guaranteed by law. Organizers of public assembly cannot be younger than 18, foreign citizens or stateless persons. Organizers of unpermitted assemblies can be subject to fines, community service, detention or imprisonment for up to 2 years.⁷³ In practice, police authorities regularly use excessive force to disperse and discourage public assemblies.⁷⁴ Moreover, fines and administrative detentions against protesters are a common practice.⁷⁵

Freedom of expression is guaranteed for everyone by the Constitution Article 47. Libel is punishable and freedom of expression is extremely limited in practice for critical journalists, media and CSOs activists. Government critics and human rights defenders are surveilled, harassed, intimidated, charged and sentenced to imprisonment on various grounds.⁷⁶ Bloggers and critics of social media are also subject to state suppression and convictions.

Belarus The Law on Mass Events (including amendments from 2011) does not meet international standards for freedom of assembly due to several restrictions it imposes. The freedom of assembly is restricted for citizens who are not permanent residents of Belarus, foreigners and minors. For holding of assemblies and other mass events, organizers should ask for permission 15 days before, and also fees should be paid to local authorities for securing and cleaning after the event. Permissions are often denied for opposition groups and assemblies held without permission are immediately dispersed.⁷⁷ There are restrictions on where and when (e.g. 8 to 22 o'clock) the assemblies can be held⁷⁸ and restrictions on public announcements of events via Internet before these are permitted. In practice, there are many instances of threats and fines for participants, disproportionate use of force by authorities and regular detentions of protesters before and after assembly events. For example, from

⁷⁰ EU Progress Report 2015, Armenia, p. 5; Mapping Study CSO Engagement in Policy Making and Monitoring of Policy Implementation: Needs and Capacities, Armenia, T. Margaryan, A. Hakobyan (2014), p. 17.

⁷¹ EU Progress Report 2015, Armenia, p. 8; Human Rights Watch Report 2014, p. 409.

⁷² Implementation of the European Neighbourhood Policy in 2014, European Commission, p. 6.

⁷³ ICNL NGO Law Monitor: Azerbaijan (Last update 22.04.2015).

⁷⁴ Freedom House Nations in Transit 2014 Report, p. 99-100.

⁷⁵ Human Rights Watch Report 2014, Azerbaijan.

⁷⁶ Documented cases include activists such as Rasul Jafarov, Anar Mammadli, Intigam Aliyev, Leyla Yunus, Arif Yunus, Ilgar Mammadov, Khadija Ismaylova, Yadigar Sadigov, Khagani Mammad, Rauf Mirgadirov, Parviz Hashimli, Emin Huseynov, Aslan Ismayilov . PACE (2015); Human Rights Watch Report 2015, Azerbaijan.

⁷⁷ Freedom of Associations and Legal Conditions for Civil Society Organizations (CSOs) in Belarus, UN Human Rights Council Universal Periodic Review (2014), p. 12.

⁷⁸ Article 9, Law of the Republic of Belarus No 114-Z of 30 December, 1997 [Amended as of 8 November, 2011].

January 2010 to August 2014, more than 1,200 people were punished for their participation.⁷⁹ Holding of several simultaneous assemblies at the same time in one place or on one route of movement is prohibited.

Human rights defenders, critical journalists and bloggers do not enjoy the right to freedom of expression. Criminal investigations were launched for journalists who covered protests, published information, for alleged offensive speech towards the president, government criticism etc. There are many politically motivated prosecutions and imprisonments of CSOs activists, journalists and opposition members.⁸⁰ The Belarusian Association of Journalists reports that 15 journalists were arbitrarily detained in 2014.⁸¹

The Information Ministry may close media outlets after two warnings in one year for violating speech restrictions, it censors reporting (mainly on demonstrations, court hearings and on unregistered entities' activities), and it may suspend media outlets without a court decision for a period of three months.⁸² Since 2010, the access to some critical and opposition websites was restricted with Presidential Decree and government monitoring of online activity intensified in parallel with the increased access to Internet.⁸³

Georgia When organizing an assembly, notification to the local authorities on the place, time and expected number of participants during public assemblies are required. The local authority then has the responsibility to inform the police. In practice, the cases of denying the right to organize public assembly are very rare. While cases of excessive and disproportionate use of force by the police in the last few years are rare⁸⁴ (e.g. before the Rose Revolution, there were numerous instances of disproportionate use of force⁸⁵) there are more cases pointing at police passivity during violent protests by which they fail to protect positively the right to peaceful assembly. Moreover, there are cases where protesters received disproportionately big fines for smaller violations (e.g. students painting a wall), while in some cases negligible fines or impunity for violent behavior during protests has been noted.⁸⁶ On 17th May 2014, on the International Day against Homophobia the police failed to protect around 50 LGBTI activists from the attacks of 30,000 counter protesters, which resulted in 28 injured protesters.⁸⁷

The freedom of expression is guaranteed via liberal legal framework for media.⁸⁸ Attacks against journalist and civil society activists are rare and mainly in form of verbal pressures and attacks. CSOs note that freedom of expression for LGBTI is not restricted in practice. Libel is not part of the penal code.⁸⁹ In practice, there are some isolated cases of restriction to access to information (e.g. restriction for recording of police raids in 2014).⁹⁰ The access to internet remains low, however social media and online outlets are not subject to state censorship.⁹¹

In 2013, 24 000 files of secret surveillance were found in the Ministry of Interior which affected civil society activists, opposition and journalists and exposed the systematic monitoring performed by the previous

⁷⁹ ICNL NGO Law Monitor: Belarus; Human Rights Watch Report 2015, Belarus; Freedom of Associations and Legal Conditions for Civil Society Organizations (CSOs) in Belarus, UN Human Rights Council Universal Periodic Review(2014), p. 12.

⁸⁰ Human Rights Watch Report 2014, Belarus.

⁸¹ Human Rights Watch Report 2015, Belarus.

⁸² Country Reports on Human Rights Practices for 2011, p. 18.

⁸³ Freedom of Associations and Legal Conditions for Civil Society Organizations (CSOs) in Belarus, UN Human Rights Council Universal Periodic Review (2014), p. 10; Freedom House Nations in Transit Report 2014, p. 125.

⁸⁴ One case of police brutality is recorded for 2014 by Human Rights Watch (Human Rights Watch Report 2015: Georgia)

⁸⁵ In 2011 during the protest for resignation of the president Saakashvili, police used disproportionate force, and two people died while 100 were arrested; Civil Society Profiles: Georgia, State of Civil Society (2011), p. 197.

⁸⁶ Implementation of the European Neighborhood Policy in Georgia Progress in 2013 and Recommendations for Action, p. 6.

⁸⁷ Freedom House Nations in Transit Report 2014, p. 253; EU Country Roadmap for Engagement with Civil Society 2014– 2017, Georgia, p.

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⁸⁸ Europe and Eurasia Media Sustainability Index 2015, Georgia, p. 153.

⁸⁹ Ibid, p. 155.

⁹⁰ Ibid.

⁹¹ Freedom House Nations in Transit Report 2014, p. 11.

government.⁹² The legal framework, despite some amendments in 2014, still enables the Ministry of Interior to access telecommunication channels (and Internet) and conduct illegal secret surveillance without necessary court permissions.⁹³ In 2012, a Personal Data Protection Inspector was introduced who will have the right to sanction entities that engage in illegal access to personal data starting from 2016 with some exceptions. Experts doubt the effectiveness of this mechanism.⁹⁴ There is one case in 2014 of politically motivated conviction of the Director of the Institute for Development of Freedom of Information (IDFI) because of his involvement in the campaign for legislative changes in the surveillance legislation, which is believed he was a subject of.

Moldova Law No. 26-XVI stipulates that for public assemblies where more than 50 individuals are expected, the organizers should notify the local authorities on the place and date of the assembly 15 days before the event. However, in case of spontaneous assemblies, the authorities should be informed by e-mail, phone etc.⁹⁵ Protest activities, flash mobs and public advocacy campaigns are regularly performed in the public space. There is no case of disproportionate use of force by the law enforcement authorities during protests, however in practice administrative limitation on using public space are possible. Freedom of expression is guaranteed in the Constitution Article 32 and according to the Law on Freedom of Expression which fully meets international standards.⁹⁶

In practice, freedom of expression is guaranteed, with the exception of few cases of verbal pressures and threats against journalist.⁹⁷ Libel is decriminalized since 2014. In the Transnistrian region direct pressures and charges against critical speech are very common practice by authorities⁹⁸, and there is access only to regional media⁹⁹.

Russia The law limits the right of organizing a public assembly only to Russian citizens.¹⁰⁰ High fines equivalent to criminal offenses can also be charged for violations.¹⁰¹ If organizing an assembly, prior notification is mandatory and authorities have the ability to request change of time and place, without the effective right of appeal. There are numerous, including key political and economic locations that are on the so-called list of protest-free areas that are prohibited as place of assembly. Effectively, organization of simultaneous counter assemblies is not possible.¹⁰²

Cases of excessive use of force and detentions on peaceful protests are reported (e.g. protestors wearing ribbons). In July 2014, criminal penalties and administrative restrictions were introduced for reappeared violations of public order during protests or demonstrations and police force powers were broadened during protests.¹⁰³ Defamation was reintroduced as criminal offence. Vague legislation on extremism gives authorities great discretionary powers to limit exercise of freedom of speech in practice.¹⁰⁴ Human rights activist and government critics are often attacked or imprisoned on charges of treason or embezzlement.¹⁰⁵ Legal framework has been increasingly restricted in recent years targeting independent media and bloggers. Indirect pressure via

⁹² Ibid, p. 259.

⁹³ Europe and Eurasia Media Sustainability Index 2015, Georgia, p. 151; Human Rights Watch Report 2014: Georgia.

⁹⁴ Independent Reporting Mechanism: Georgia, Progress Report 2012-2013, Transparency International Georgia, p. 44.

⁹⁵ Mapping Study, CSOs from the Republic of Moldova Development, Sustainability and Participation in Policy Dialogue, L. Chiriac, E. Tugui (2014), p. 12.

⁹⁶ Ibid, p. 13.

⁹⁷ Europe and Eurasia Media Sustainability Index (2015), p. 18.

⁹⁸ Deutsche Welle: <http://www.dw.de/transnistria-secret-police-vs-ngos/a-18461829>.

⁹⁹ Europe and Eurasia Media Sustainability Index (2015), Moldova, p. 189.

¹⁰⁰ ICNLNGO Law Monitor: Russia.

¹⁰¹ USAID 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p. 2.

¹⁰² NGO Law Monitor: Russia.

¹⁰³ Human Rights Watch Report 2014, p. 473.

¹⁰⁴ Freedom House Nations in Transit Report 2015, Russia.

¹⁰⁵ Human Rights Watch Report 2014, p. 472.

request to Internet sites, social media to remove content or to store data on Russian soil provides for possible access to personal data of users. Increase use of extralegal administrative pressure on users (e.g. unofficial threats to fire or expel) and more restrictions on access to certain content online are also reported¹⁰⁶.

Turkey The legal framework recognizes the right of citizens to organize an assembly and demonstration without having to obtain any prior authorization, but limitations on place, duration and wide discretionary powers of security forces are a concern as they are often practiced¹⁰⁷. A ruling of the Istanbul court has upheld this right in the Gezi Park protest aftermath in 2015, still some demonstrations (e.g. May Day Taksim square protest) are systematically banned or violently dispersed.

Internet and social media censorship is common and has increased in the last years¹⁰⁸. The Law on the Internet had a significant negative impact on political freedom of expression. Preventing access to the web-sites with opposing views blocks the way to reaching alternative views. Twitter and YouTube were both banned/blocked in 2015, with lifting of the ban only following a court ruling.

Ukraine For organization of public assembly, organizers need to notify the authorities in advance.¹⁰⁹ During Euromaidan protests across the country many participants were arrested (some illegally detained on various grounds), around hundred people died and many were injured as a result of police intervention and clashes with protesters. The police used disproportionate force during the protests. After the change of government, disproportionate use of force by the police or other restrictions of public assembly were not recorded; however there are many recent cases when the police fails to protect protesters when provocateurs (titushki) violently disrupt peaceful protests¹¹⁰.

The legal framework guarantees and protects freedom of speech; however in practice it is not secured.¹¹¹ After the Russian annexation of Crimea and the war in the Donbass region has started, the freedom of media deteriorated severely in Ukraine; Russian media were banned and journalists were expelled from the country or were denied entry.¹¹² Media headquarters were subject to raids by authorities, and journalists were subject to violence and censorship in the last years, especially during the Revolution of Dignity.¹¹³ The Ministry of Information Policy was established in 2015, without consultations with stakeholders on its competences.¹¹⁴ Libel is not a criminal offence. Access to media for advocacy purposes by critical CSOs is limited especially at the local level. There are no practices of unauthorized interception of communication.

The following **recommendations** can be useful in developing measures to address challenges faced in regulating and practicing the freedom of peaceful assembly and expression in the Black Sea region countries:

- Legislation on freedom of expression and freedom of assembly should be immediately brought in line with international standards and best regulatory practices;

¹⁰⁶ Vedomosti News: <http://www.vedomosti.ru/newspaper/articles/2013/07/01/poisk-smysla-v-runete>.

¹⁰⁷ TUSEV Monitoring of the Enabling Environment for Civil Society Development in Turkey(2014), p. 21-26.

¹⁰⁸ TUSEV Monitoring of the Enabling Environment for Civil Society Development in Turkey(2014), p. 21-26.

¹⁰⁹ It is not clear after 2014 "dictatorship" laws which law governing freedom of peaceful assembly is in force.

¹¹⁰ Based on accounts of participants attending the focus group on enabling environment conducted in Kiev on 22nd June, 2015.

¹¹¹ Europe and Eurasia Media Sustainability Index (2015), Ukraine, p. 213.

¹¹² Human Rights Watch Report 2015, Ukraine.

¹¹³ Europe and Eurasia Media Sustainability Index (2015), Ukraine, p. 211.

¹¹⁴ Ibid, p. 213.

- The legislation on public assemblies in Azerbaijan, Belarus, Russia and Turkey should be changed and adapted in line with international standards and principles and restrictions on notification, time, place, duration, type of organizers of assemblies should be lifted;
- The procedure for notification of authorities for organizing public assemblies should be simplified, and for any restrictions of the right, organizers should have guaranteed right of appeal;
- Law enforcement authorities should undergo capacity building programs/trainings for effective protection of freedom of assembly, especially in case of spontaneous and counter-assemblies, protection against provocateurs;
- Legal restrictions on access to any source of information, Internet or ICT should be limited and exceptions should be allowed only strictly in accordance with international human rights law.

Some of the **concrete measures** that could be implemented are:

- Training on existing international standards regulating freedom of peaceful assembly and expression for state officials and CSOs;
- Exchange of best regulatory practices in addressing restrictions between state officials and CSOs from the Black Sea region and Europe;
- Support to developing advocacy agendas and approaches for local CSOs in improving the regulatory environment and practice;
- Conference on media freedom with focus on best practices in the region should gather state officials, journalists and CSOs from all the countries from the region;
- Educational and raising awareness campaign at the regional level for fighting hate speech and discrimination against marginalized groups, ethnic minorities and LGBTI groups.

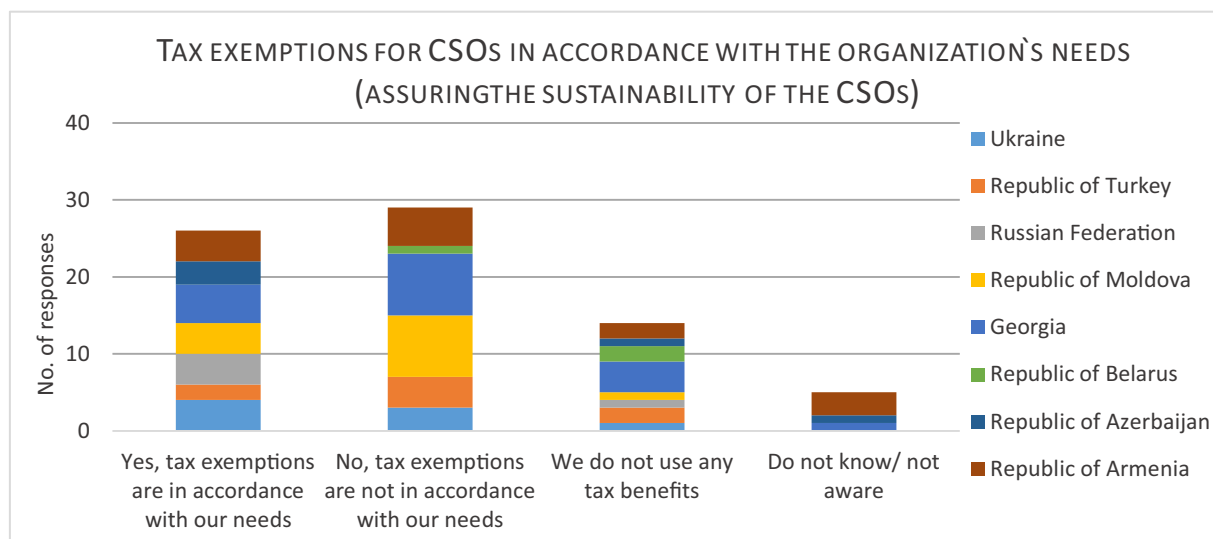
3.3. TAX/FISCAL TREATMENT OF CSOs AND THEIR DONORS

Recognition of CSOs' specific non-profit nature via tax exemption, as well as putting in place a functioning and effective system of tax incentives and benefits for individual (philanthropic) and corporate giving, is crucial in allowing CSOs access to diversity of funding sources, thus increasing its long-term sustainability and autonomy of its work. None of the Black Sea region countries have a developed fiscal framework which would take into consideration the specific not-for-profit nature of CSOs. Several countries, such as Georgia, Moldova and Ukraine, however, have at least in legislative terms addressed key tax exemption and put in place incentives that contribute towards enhancing operation and financial sustainability of CSOs in the long run.

Basic **tax exemption on donations and grants (incl. VAT)** exists in most Black Sea region countries, but these are related only to very narrow number of specific donors (e.g. EU) and require registration or notification procedure (except in the case of Russia where no exemption is possible). Still, in countries such as Azerbaijan, Belarus and Russia effective access is disabled with severely limited access to foreign donations and grants, composing an important financing source for CSOs in these countries.

Countries such as Georgia, Moldova and Ukraine have in place some of the advanced **tax exemptions**, e.g. exemption from income tax. Still, their overall effect is hampered by problems in implementation via complicated administrative procedures and different interpretation of legislation, pointing to lack of clarity in legislation or lacking capacity of administration staff in their interpretation and application.

Public Benefit Status (PBO) for CSOs also exists, but it rarely leads to prescribed and expected tax benefits for organization. In many countries it leads only to more control and scrutiny by the state (e.g. mandatory audits) for which CSOs seldom apply to receive it. The key challenge faced is that the PBO status is usually defined in primary laws governing CSOs but is not followed-up in secondary tax legislation, which would make the PBO tax exemption and benefits (e.g. comprehensive exemption from taxes) effective.



Source: BCSDN

& FOND online survey, 2015

According to the Rules to Give By Index 2015 which measures the **legal environment for philanthropy**, 5 of the countries in the Black Sea region score below the global average (7), while only Armenia, Turkey and Ukraine have scored equal or more than 9 on a scale from 1 to 11. Russia and Moldova are 2 out of the only 8 countries globally that offer tax incentives for individual donors but not for corporations, while Azerbaijan offers no tax incentives for encouraging either individual or corporate philanthropy.

	Corporation Tax Incentives in Legislation	Individual Tax Incentives in Legislation
Armenia	< 0.25%	< 5%
Azerbaijan	NO	NO
Belarus	< 10%	NO
Georgia	< 10%	NO
Moldova	NO	< 10%
Russia	NO	< 25%
Turkey	< 5%	< 5%
Ukraine	no limit	< 4%

Source: Rules to Give By Study 2015

Armenia CSOs do not receive any automatic tax exemptions, but can apply to the State Humanitarian Commission for exemption from VAT for specific projects on case-by-case basis. In practice, VAT exemptions functions for grants from international or bilateral project for some of the major donors (e.g. USAID, EU). CSO reported that advanced payment of taxes presents a burden as organizations operate mainly on project financing. While a change in the law is in the making, tax incentives that exist for donations are reported as ineffective due to the burdensome administrative procedure.¹¹⁵ Basic tax benefits for individual and corporate donations are in place. Tax deductions are provided for contributions made to “religious, public and other non-profit organizations”. Contributions made to qualifying non-profit organizations by corporations (or other entities subject to the profit tax) are eligible for a tax deduction up to 0.25% of their gross income, while individual deductions are limited to 5% of their taxable income.¹¹⁶

Azerbaijan CSOs pay VAT on domestic products and services, but not on grants in practice. CSO are exempted from VAT on imported goods if they can prove their origin. The income earned from economic activities is not tax exempted. Azerbaijan also has a simplified tax system for those entities whose income does not exceed AZN 150,000 (approx. EUR 130,500) per year.¹¹⁷ CSOs pay income tax, however individual taxpayers who earn less than approx. USD 40,000 on quarterly level are subject to beneficial tax regime, from which CSOs benefit. Some humanitarian CSOs are exempt from Social Protection Fund payment but the criteria for receiving these benefits are not transparent.¹¹⁸ CSOs enjoy tax exemption for income coming from charitable donations, grants and membership fees.¹¹⁹ Individuals and corporate entities do not receive any tax incentives for donations to CSOs.

Belarus The tax framework in Belarus does not provide for significant beneficiary treatment of CSOs, except for the state affiliated (soviet type) and politically neutral CSOs. There is a limited list of transfers of CSOs which are not subject to VAT. There are some tax exemptions for domestic donations, and for some foreign grants. There are no special tax benefits for CSOs which perform activities of public interest.¹²⁰ The income tax from economic activities of CSOs is the same as for commercial entities¹²¹. Membership fees are exempted from income tax¹²²

¹¹⁵ Mapping Study CSO Engagement in Policy Making and Monitoring of Policy Implementation: Needs and Capacities, Armenia, T. Margaryan, A. Hakobyan (2014), p. 21.

¹¹⁶ Rules to Give by 2015 Study: Armenia.

¹¹⁷ Rules to Give by 2015 Study: Azerbaijan.

¹¹⁸ USAID 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Azerbaijan, p. 31.

¹¹⁹ Civil Society Briefs Azerbaijan, Asia Development Bank (2011), p. 7.

¹²⁰ Assessment of the Legal Framework for NGOs in the Republic of Belarus, ICNL (2013).

¹²¹ Ibid, p. 69-72.

¹²² Ibid.

Since 2012, some CSOs are exempted from income tax for donations from individual and corporate donors.¹²³ Businesses can provide sponsorship to a prescribed list of activities or with the permission from the president. Individuals can donate according to their preferences but without any tax benefits.

Georgia There is a profit tax exemption for donations/grants received by CSOs if the donor is registered and also there is property tax exemption. Salaries are taxed at the same level as commercial entities. Tax benefits for donations from EU or USAID are more favorable than the tax benefits for other grants/donations. To avoid double taxation of donations, there are bilateral agreements with certain countries, so the donations from these countries are exempted from VAT. Since 2011, CSOs are exempted from VAT on income from grants¹²⁴ and since 2013, CSOs are exempted from tax on in-kind donations¹²⁵. There are CSOs with a PBO (charity) status, which receive tax benefits; however their number is very low because of the excessive reporting requirements on annual level. Businesses receive tax exemption of up to 10% when the recipient has the CSO status of charity organization; otherwise the legal framework is not stimulating for corporate donations. There are no tax benefits for individuals who donate to CSOs. CSOs which perform economic activities are not tax exempted (they have to register a commercial entity to channel funds from economic activities¹²⁶). Donations from businesses and individuals are not very common, except in cases when the business is established by the CSO itself.

Moldova In 2012, income tax exemptions were extended to all CSOs in Moldova. All CSOs that obtain a special certificate from the Ministry of Finance through a simple application procedure are exempted from income tax.¹²⁷ CSOs are not exempted from VAT, except for funding from particular donors.¹²⁸ CSOs can apply for PBO status in accordance with the Law on Public Associations. However the procedure is burdensome and there are no special benefits guaranteed.¹²⁹ Businesses and individuals can deduct up to 10% of their taxable income for donations made to CSOs.¹³⁰ CSOs in Moldova were fighting for the 2% redistribution from individual's income taxes for CSOs, however, this has not been adopted yet. There is tax exemption on donations from individuals if it does not exceed 2,500 EUR. Businesses can be VAT exempted for services and goods provided for CSOs, but this is not utilized in practice.

Russia Charities Law allows for registration of charities, but this does not automatically enable tax benefits, while it prompts greater scrutiny. If existent, especially at regional and local level, tax benefits are primarily tied to the support or performance of particular activities specified in the Tax Code, for example so-called socially-oriented CSOs (SOOs). A positive existing incentive is tax free treatment of reserve funds and endowment-related activities (e.g. generation of securities, real estate). CSOs are allowed to perform economic activities up to 20% of their budget and in accordance with their statute. While this allows for generation of income, it is often treated as regular business, i.e. taxed, thus it is recommended to CSOs to register a separate commercial entity. CSOs' economic activities are taxed in the same manner as commercial entities.¹³¹ In practice, CSOs pay taxes on every income, including grants, and for different types of CSOs taxes are calculated differently. VAT is paid by CSOs

¹²³ USAID 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p. 35.

¹²⁴ Civil Society Briefs Georgia, Asia Development Bank (2011), p. 7.

¹²⁵ EU Country Roadmap for Engagement with Civil Society 2014– 2017, Georgia, p. 3.

¹²⁶ Mapping Study of Civil Society Organizations' Engagement in Policy Dialogue in Georgia Report, S. Lortkipanidze, T. Patariaia (2014), p. 17.

¹²⁷ Strategy for Development of Civil Society in the Republic of Moldova for 2012-2015: Assessment of the Objectives and Planned Implementation Steps, ECNL (2013), p. 8.

¹²⁸ Mapping Study CSOs from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue L. Chiriac, E. Tugui (2014), p. 17.

¹²⁹ USAID 2013 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Moldova, p. 143.

¹³⁰ Article 36 of the Tax Code; Mapping Study CSOs from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue, L. Chiriac, E. Tugui (2014), p. 17.

¹³¹ Rules to Give By 2015 Study: Russia.

without any benefits. Income is non-taxable only when recognized as a donation, however there are many different criteria upon which a donation can be considered non-taxable and the legislation creates uncertainty in the tax treatment of donations. In addition, CSOs are required to have separate accounting for taxable and non-taxable income and expenditures in order to receive tax benefits. Tax benefits for individual donations only pertain to cash donations, while for corporations no tax deductions are available in practice. There are some tax benefits for media if they publish socially oriented advertisements of CSOs.

Turkey Donations and grants are tax-exempt. Associations' and foundations' donation collection outside of their center and income generating activities are subject to heavy bureaucratic and permission rules that do not promote CSOs financial sustainability. Cases of CSOs fined or shut down due to collecting aid without prior approval have been reported.¹³² PBO status exists, but the process of obtaining it is bureaucratic and politicized, and offers little benefits available. Economic activities of CSOs are only possible if and when they establish a separate economic entity, without further tax benefits.

Ukraine Public associations enjoy tax benefits. They have access to special income tax rates (3-10% flat rate) and are exempted from VAT and income tax.¹³³ Legal entities and individuals enjoy tax deductions for donations to CSOs, however, in practice these benefits are not accessible because of complex procedures. Financial support from business and crowdsourcing of funds is growing.¹³⁴ Donations for foundations and charitable organizations can be made through ATMs.¹³⁵ Even though CSOs are exempted from income tax derived from economic activities which are in accordance with their statute, in practice CSOs hesitate to engage in economic activities because of inconsistent and arbitrary implementation of the rules by tax authorities. Philanthropic donations increased dramatically after the start of the war.¹³⁶

The following **recommendations** can be useful in developing measures to address challenges faced in regulating and practicing tax/fiscal treatment of CSOs and their donors in the Black Sea region countries:

- The countries in the Black Sea region should adopt comprehensive fiscal framework which would take into consideration the specific nature of not-for-profit nature of CSOs;
- VAT and income tax exemptions for all grants and donations should be guaranteed in all the countries of the region;
- Taxation rules concerning CSOs should be clearly written and published on authorities' websites or transmitted via other media;
- Secondary legislation on PBO should be adopted in the countries where this status is defined in the primary legislation, so CSOs with such status could enjoy tax benefits and easier reporting rules;
- Legislation which encourages philanthropy by guaranteeing tax incentives for both individual donors and corporations should be made effective via improved implementation (e.g. easy administration procedure);

Some of **concrete measures** that could be implemented are:

¹³² TUSEV Monitoring of the Enabling Environment for Civil Society Development in Turkey (2014), p. 28-31.

¹³³ USAID 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Ukraine, p. 237.

¹³⁴ In Search of Sustainability Civil Society in Ukraine, M. Ghosh (2014), p. 9.

¹³⁵ USAID 2013 CSO Sustainability Index for Central Eastern Europe and Eurasia, Ukraine, p. 226.

¹³⁶ USAID 2014 CSO Sustainability Index for Central Eastern Europe and Eurasia, Ukraine, p. 238.

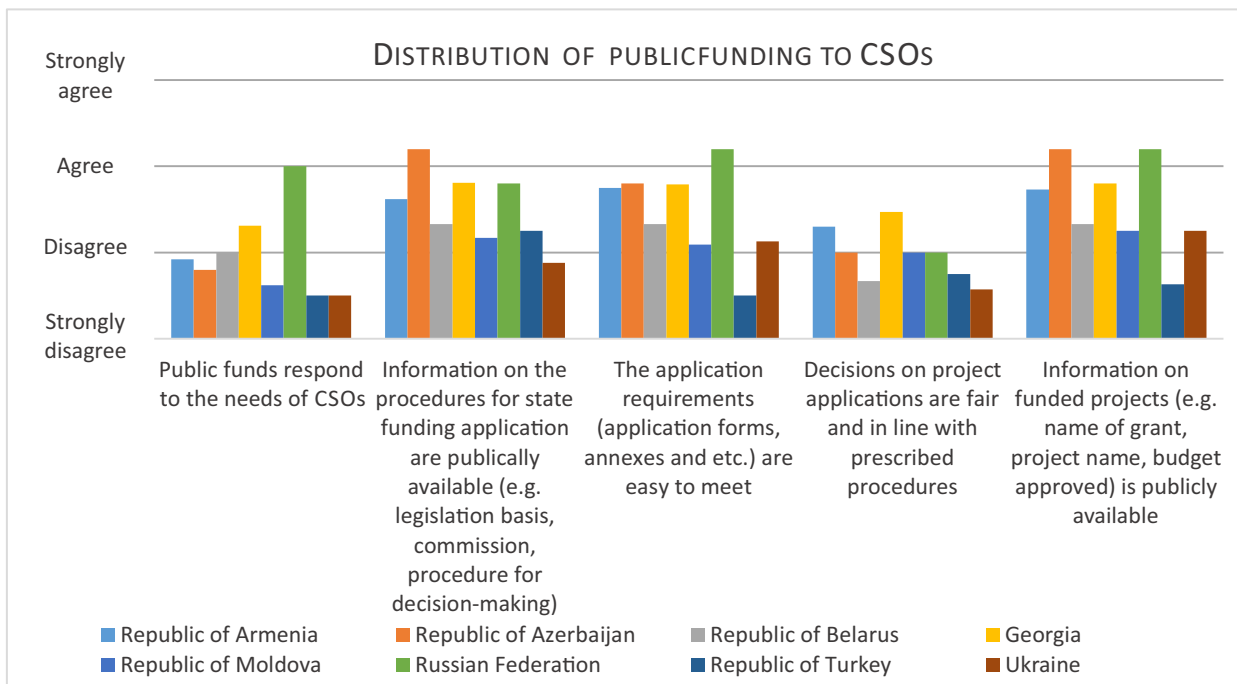
- Capacity building programs for both CSOs administrative staff and tax authorities' officials should be conducted to guarantee harmonized application of taxation rules;
- Exchange of best regulatory practices in addressing restrictions between state officials and CSOs from the Black Sea region and Europe;
- Support to developing advocacy agendas and approaches for local CSOs in improving the regulatory environment and practice, esp. focusing on measures which are key for most effective achievement of greater financial sustainability and autonomy (e.g. developing amendments to existing legislation);
- CSOs from the region should engage in advocacy activities related to building a culture of philanthropy and diversification of sources of financial support. These activities should be supported by foreign donors as a strategy for decreasing donor dependency of local CSOs.

3.4. STATE (FINANCIAL) SUPPORT ¹³⁷

While practices on reliance on state financial support by CSOs is different in different parts of the world and is mostly typical for service-provision CSOs, budget support or lottery proceeds can be an important source for diversification of its portfolio and expression of public support for the work of CSOs. State financial support in some form is available in all countries of the Black Sea region. However, it is reported by CSOs as biased, politicized and not corresponding to **the needs of civil society**. While several positive practices exist of developed **national level mechanism for distribution** of public (state budget) funds to CSOs at the ministry level (e.g. Armenia, Georgia, Turkey), this is yet to be translated into a coherent system of funding for civil society which rests on principles of inclusiveness, accountability and transparency, issues that are currently problematic in most countries for CSOs to apply. No public data are available in any of the country on how much public funds are available annually or across several years, making the predictability and accountability of funding a challenge. Stemming from this, CSOs report information on procedure for distribution being rarely available, do not report decisions on awarded funding as being fair or in line with procedures and reported information on funded project being rarely available.

Project support is the main form of financial assistance, but to a lesser extent CSOs also report availability of **institutional support**. In some countries such as Belarus, **direct support** (e.g. grants without a call) is also common. **Co-financing** is also available in some countries, but more frequently this is available at sub-national/regional and local level. In countries where cooperation between public authorities and CSOs is restricted, funding of **socially-related activities** is common (e.g. Russia, Belarus) but limited and closed to a circle of predetermined CSOs, a model that has existed since the socialist times.

Even in countries with developed public-civil society relations (e.g. Moldova, Georgia) CSOs report not applying for available public funds due to **fear of excessive control**, encroachment on their autonomy. There were no reliable information on practices of funding CSOs activities from lotteries proceeds. If non-financial support (e.g. renting premises, equipment to CSOs) exists, more common practices exist at local level.



Source: BCSDN & FOND online survey, 2015

¹³⁷ This section includes also dimension on service provision.

Armenia The relevant legislative framework allows only restrictive access to state funding, which does not cover the variety of needs of CSO (e.g. institutional development support). In 2012, the funding of CSO projects from state budget accounted to AMD 7.4 billion (about USD 18 million).¹³⁸ In absence of clear policy and specific national level mechanism for distribution, reported practices include funds allocation mainly to state-funded foundations and sport federations. There are no clear funding mechanisms, the grant allocation is not conducted on competitive basis, and there is no standardized system of selecting, monitoring, and evaluating state-funded projects.¹³⁹ In recent years, several national level institutions (e.g. Ministry of Sport and Youth Issues) have developed practice of competition-based and more transparent distribution of state funding. Still in practice, CSO respondents report project topics and types of CSOs (e.g. GONGOs) do not correspond to the real needs of civil society in Armenia.

Azerbaijan The government can provide financial and other support to CSOs.¹⁴⁰ State support for CSOs is mainly issued in the form of targeted programs and project grants.¹⁴¹ Council on State Support to NGOs has distributed project grants to a significant number of CSOs; still state funding does not meet the needs of CSOs sufficiently.¹⁴² There is a significant increase in the amount of the funds allocated to the NGO Support Council through the budget for 2015 and funds for CSOs allocated by Ministries and committees (e.g. grants by State Foundation for Support of Media, National Science Foundation)¹⁴³. The procedure for distribution of NGO Support Council funds is somewhat transparent, the application requirements are clearly stipulated and not too burdensome for CSOs; there is an opportunity to appeal upon a decision¹⁴⁴. Mainly, small size CSOs benefit from this source of funding. Institutional development support for CSOs and co-financing for projects is not available. The thematic priorities of state funding are mainly traditional social issues (e.g. family, children) and most of the funding is directed to so-called GONGOs.

Belarus There is no law or national policy which regulates state support for CSOs in Belarus. There is a list of nationwide (state) Public Association (PA) in the budget which receive direct financial support from the state without competition.¹⁴⁵ The 2014 amendment to the Law on Social Services introduced social contracting for CSOs¹⁴⁶ and together with the Law on State Procurement form the legal basis on which CSOs can compete for state financing¹⁴⁷. Ministry on Social Protection and the local executive government bodies are responsible for all the phases of granting subsidies for social services to CSOs. There are clearly prescribed regulations¹⁴⁸ on competition rules and procedures open to wide range of CSOs, and the competition calls are published online¹⁴⁹. This funding is granted for social services which are not covered by the state and in practice very few independent CSOs benefit from these funds, thus state financing in Belarus does not respond to the needs of CSOs. The state

¹³⁸ Mapping Study CSO Engagement in Policy Making and Monitoring of Policy Implementation: Needs and Capacities, Armenia, T. Margaryan, A. Hakobyan (2014), p. 33.

¹³⁹ Ibid.

¹⁴⁰ Law of the Azerbaijan Republic on NGOs(2000).

¹⁴¹ Civil Society Briefs Azerbaijan, Asia Development Bank (2011), p. 4-5.

¹⁴² Azerbaijani NGO Support Council: Overview of Three Years of Activity(2012), p. 2.

¹⁴³ USAID 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p. 33.

¹⁴⁴ Azerbaijani NGO Support Council: Overview of Three Years of Activity(2012), p. 3-4.

¹⁴⁵ E.g. Belarusian Republican Union of Youth for whom the amount funded is not publically available, the Union of Women, the Association of Veterans.

¹⁴⁶ Assessment of the Legal Framework for NGOs in the Republic of Belarus ICNL(2013), p. 66-68.

¹⁴⁷ Freedom of Associations and Legal Conditions for CSOs in Belarus, UN Human Rights Council Universal Periodic Review(2014), p. 7.

¹⁴⁸ E.g. Regulation of Procedure to Conduct Competitions on Implementation of Social Contracts, Financed by Provision to NGOs of Subsidies (2013); Regulation on Conditions and Procedure for Provision to NGOs of Subsidies; standard form of contracts to implement social services or social project.

¹⁴⁹ Assessment of the Legal Framework for NGOs in the Republic of Belarus, ICNL(2013), p. 67.

procurement procedure is rarely used by CSOs for obtaining financial support since PA is not allowed to perform economic activities directly.

Georgia In 2012, state funding for CSOs was introduced in Georgian legislation and some governmental bodies (e.g. Ministry of Youth and Sports, Ministry of Justice, Central Elections Committee) have provided grants for CSOs for implementation of specific programs.¹⁵⁰ There is no specific budget line for CSOs funding, except for non-commercial entities such as ballet troops, artistic theater/troops or kindergartens etc. State funding is not a significant source of funding for CSOs yet and does not respond to their needs. Co-financing of activities is a common type of support for CSOs, especially at the regional and local level. In practice, local authorities lack experience of working with foreign donors on the basis of co-financing of projects. There is no multi-year funding and institutional funding. CSOs mainly act as service providers of line ministries' programmes, and the application process is accessible for the small CSOs. Some CSOs are reluctant to apply for state funding because of fear of excessive state audits. There is no national level mechanism for distribution of funds.

Moldova The state support for public association is guaranteed with the Law on Public Associations. In practice, state funding for CSOs is scarce and only 3 ministries issue project grants for CSOs, while the local authorities grant financial support mainly through service provision contracts and small funds programmes.¹⁵¹ There is no separate budget line for CSO support. CSOs do not benefit from multi-year funding or institutional support; however there are good practices of non-financial support for CSOs. The Ministries who allocate state support to CSOs have developed clear rules and procedures for distribution of state funding. CSOs compete for public procurement tenders and benefit from service contracting with public institutions. Overall the funding does not respond sufficiently to the needs of CSOs and there is no national level mechanism or rules for distribution of funds to CSOs. Many CSOs report fears that receiving state funding will lead to excessive audit and inspections.

Russia No overall policy or legal framework for state funding for CSOs exists. Most common support is in form of grants by the Presidential Fund, Ministry of Economic Development and Public Relations Committee of Moscow. There are bylaws (e.g. presidential decrees) for allocation of state funding and some grant operators have developed procedures for allocation of grants. While the Presidential Fund grants are reported to be distributed and implemented in extremely non-transparent manner¹⁵², the grants from the Ministry requests are approved based on specific criteria and procedure¹⁵³. The federal funding is big and growing since it aims to substitute foreign funding. The Presidential Fund grants in the recent years are directed mainly towards patriotic (GONGOs) CSOs, and the funds from the Ministries are directed for the support of socially oriented projects. There are also funds available by some regional authorities. CSOs report challenges in accessing state funding and having little experience, still when available the key issue reported is availability of information on the application procedure and information on final recipients of funding.

Turkey There is no specific state institution to coordinate, monitor and facilitate public funding. Public funding to CSOs is mainly ad-hoc and in form of grants and service contracts. No information on the overall amount available/dispensed, but according to priorities and number of CSOs, this is clearly insufficient.¹⁵⁴ Major criticisms by CSOs on transparency and accountability of funds allocated by the public bodies exist. Positive practices for grants exist in EU funding for CSOs managed by the Ministry of Finance and the Ministry of Development which

¹⁵⁰ EU Country Roadmap for Engagement with Civil Society 2014– 2017, Georgia, p. 3; Mapping Study of CSOs' Engagement in Policy Dialogue in Georgia Report, S. Lortkipanidze, T. Pataraiia (2014), p. 29.

¹⁵¹ Mapping Study, CSOs from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue. L. Chiriac, E. Tugui 2014, p. 18.

¹⁵² Study on Presidential Fund, Transparency International (2013).

¹⁵³ Miloserdie.ru study; International 2014 Study <http://issuu.com/ti-russia/docs/sonko-monitoring?e=4698821/1996272>.

¹⁵⁴ TUSEV Monitoring of the Enabling Environment for Civil Society Development in Turkey (2014), p. 32-35.

has a funding scheme entitled Social Support Program (SODES). Funds from lotteries proceeds are not allocated and available for CSOs. There is no data regarding the way the monitoring is carried out. Although there are special Monitoring and Evaluation Units under certain Ministries, the methods adopted and the consequences are not known.¹⁵⁵

Ukraine Public funding for CSOs is available at both central and local level¹⁵⁶, even though some of these funds are not allocated on the basis of competitions.¹⁵⁷ CSOs reported availability of funds for institutional development, co-financing and project funding for formal groups. State grants are allocated for youth projects, CSDev in the regions, cultural and community activities, socially vulnerable groups, etc.¹⁵⁸ State funding remain lower than foreign funding and do not meet the needs of CSOs. In practice, some CSOs hesitate to apply for state funding because of alleged difficulties with burdensome reporting and oversight by authorities. Mainly new and local CSOs benefit from state funding, as well as GONGOs. The allocation of state funds is not considered to be fair and transparent. In-kind and non- financial support are also provided by public authorities.

The following **recommendations** can be useful in developing measures to address challenges faced in regulating state support in the Black Sea region countries:

- Comprehensive regulation for various types of financial and non-financial support, principles and mechanisms for distribution of public funding for CSOs should be drafted and adopted in all the countries from the region;
- Public institutions should regularly publish rules and procedures for application, criteria for selection of applicants and report information of funded projects publicly and transparently;
- Public authorities at local and national level should increase availability of other than project support incl. institutional development support, co-financing of projects, and project support targeting both smaller and bigger, professionalized CSOs without discrimination;
- State authorities should adopt unified system of monitoring of CSOs recipients of public funds which will be clear and pre-defined in order to prevent excessive audits and state encroachment of CSO autonomy;
- Explore and further analyze state non-financial support (e.g. renting office premises, equipment, trainings rooms) and lotteries proceeds, which in many countries are or have the potential to become an important source for diversification of funding by CSOs.

Some of **concrete measures** that could be implemented are:

¹⁵⁵ Ibid.

¹⁵⁶ Cabinet of Ministers Decision No. 1049 dated 12 October, 2011 »On conducting tenders for funding programmes (projects, events) implemented by NGOs and creative unions«.

¹⁵⁷ USAID 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p. 4.

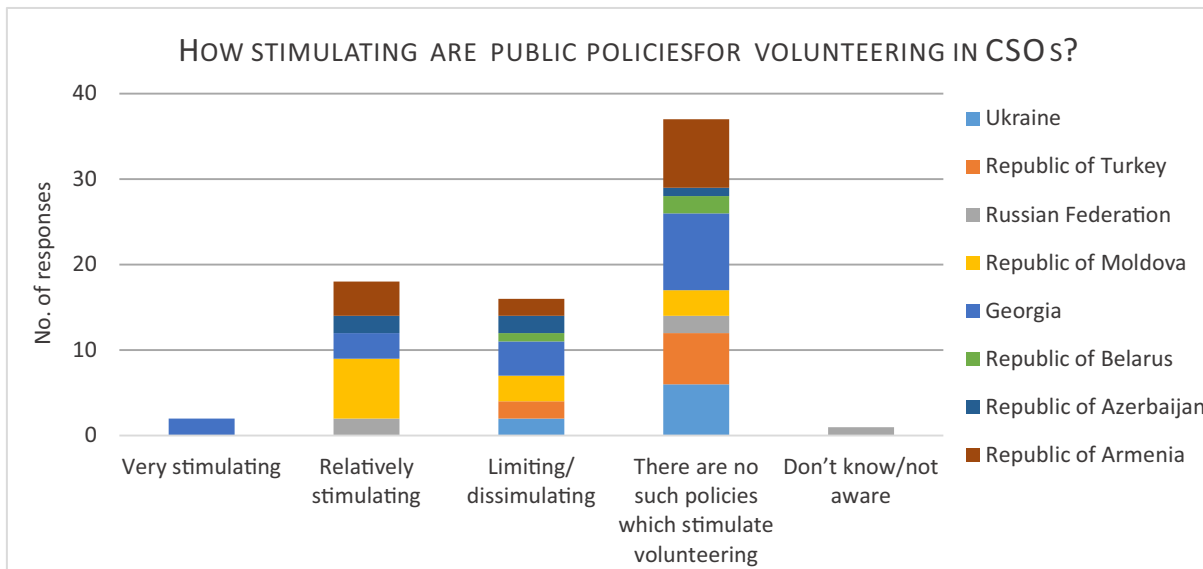
¹⁵⁸ In Search of Sustainability Civil Society in Ukraine, M. Ghosh (2014), p. 9.

- Exchange of best regulatory practices and models for distribution of state funding for state officials and CSOs from the Black Sea region and Europe;
- Support developing advocacy agendas and approaches for local CSOs in improving the regulatory environment and practice, esp. focusing on best practices in individual countries as a basis for proposals for change;
- Training of local CSOs on monitoring state funding distributed to civil society, including development of basic standards;
- Conduct analysis of state non-financial support and map best practices in the region to show case them and open dialogue on state financial support reforms.

3.5. VOLUNTEERING POLICIES

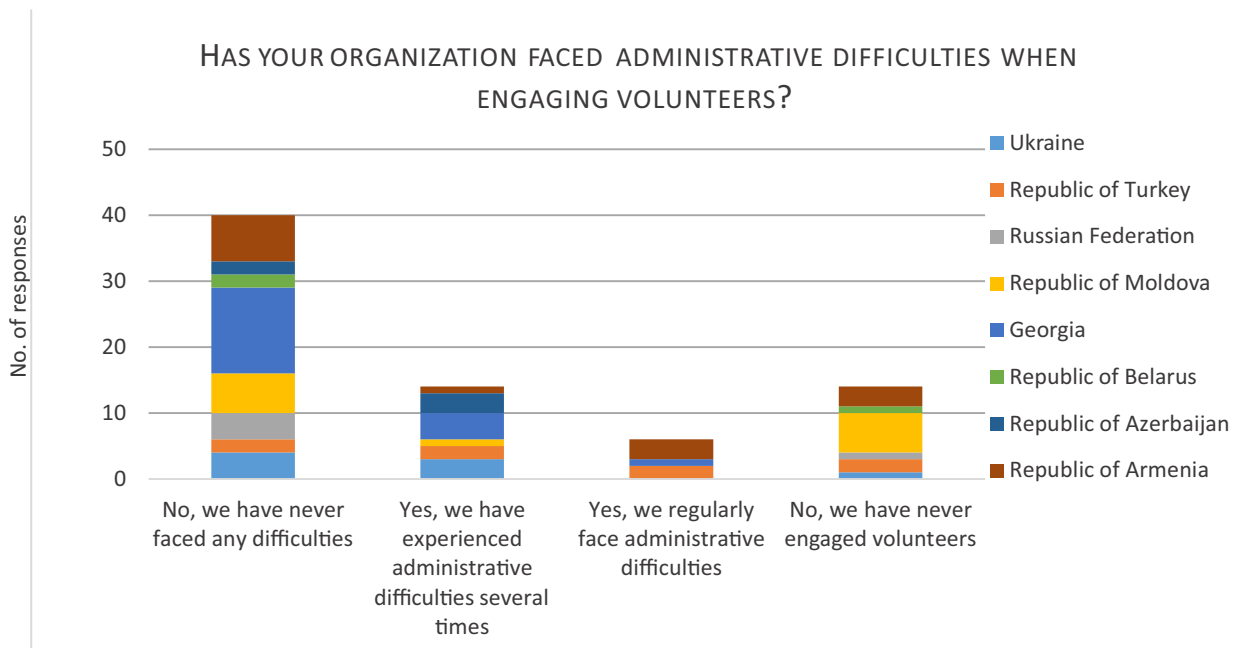
Laws for volunteering have been enacted in Azerbaijan, Moldova, Russia, and Ukraine, while in Georgia there is a draft law on volunteering in the making. Administrative and other burdens (e.g. interpretation and definition of volunteering) are faced when engaging volunteers in practice, so the draft and existing frameworks are not stimulating. In some countries, the definition of volunteering is not in line with international standards¹⁵⁹, so these are in practice having adverse effect for CSOs or are not promoting volunteering type of activities beneficial for the wider community.

Volunteering in practice is reported as common, although in some countries it is avoided or takes a non-regulated form due to tax burdens (e.g. income tax) or possible punishments (e.g. labor inspection treating it as illegal work).



Source: BCSDN & FOND online survey, 2015

¹⁵⁹ ILO definition of volunteering is “Unpaid non-compulsory work; that is, time individuals give without pay to activities performed either through an organization or directly for others outside their own household”. (Manual on the Measurement of Volunteer Work (2011))



Source: BCSDN & FOND online survey, 2015

Armenia While informal, unmanaged volunteering is reported as widespread, the lack of legal basis for volunteer work has had a negative impact both on organizations and volunteers (e.g. inspections, lack of recognition).¹⁶⁰ An award “Volunteer of the Year” granted by the President is the only known volunteering incentive.¹⁶¹

Azerbaijan There is a law on volunteering and in practice volunteers are easily engaged by CSOs. Volunteers can be engaged on the basis of a written contract.¹⁶² Minors require consent from their guardians in order to engage in volunteer activities.

Belarus The legislation does not stimulate volunteering; however spontaneous volunteering is present in practice. The legal status and rights of volunteers are not regulated and the compensation for volunteers is subject to income tax.¹⁶³ Very few organizations make contracts with volunteers and volunteering passports. The terms voluntary work and volunteers for the first time were defined in the new draft law on animal protection. The National Program of International Technical Cooperation in 2012-2016 proposes the creation of a volunteer bank in cooperation with the Republican Youth Public Organization “League of Volunteering Youth”.¹⁶⁴

Georgia In 2014, draft Law on Volunteerism which aims to define the legal status of volunteers, the contract and benefits for volunteering, was discussed in Parliament.¹⁶⁵ Policies for volunteering are poorly developed in Georgia.

Moldova The Law on Volunteering (2010) and the Strategy for Development of Civil Society in the Republic of Moldova for 2012-2015 established the legal and policy basis for volunteering, along with incentives for

¹⁶⁰ CIVICUS State of Civil Society Report 2011, p. 3.

¹⁶¹ Mapping Study CSO Engagement in Policy Making and Monitoring of Policy Implementation: Needs and Capacities, Armenia, T. Margaryan, A. Hakobyan (2014), p. 22.

¹⁶² ICNL Handbook for Volunteers 2009, p. 2

¹⁶³ Assessment of the Legal Framework for NGOs in the Republic of Belarus, ICNL (2013), p. 83.

¹⁶⁴ Ibid, p. 64.

¹⁶⁵ EU Country Roadmap for Engagement with Civil Society 2014 – 2017, Georgia, p. 3.

volunteers. In practice, many CSOs engage volunteers; however promotion of volunteering needs to be improved by developing functional mechanisms for implementation of the law.¹⁶⁶ The register of volunteering labor hours presupposes the registration of the CSOs in the Ministry of Labor, Social Protection and Family through a burdensome procedure. CSOs themselves do not receive direct benefits or subsidies for engaging volunteers. In practice, formal engagement of volunteers is complicated, thus CSOs engage volunteers on ad hoc and spontaneous basis.

Russia A proposal for a new draft federal law on volunteering which entered the parliamentary procedure in 2013 defines volunteerism as an activity implementing state policy and not an activity pursuing public benefit. It proposes further regulation such as introduction of special registration cards.¹⁶⁷ Volunteerism is present in form of activism in local community and sports activities, while much less in form of formal voluntary work connected with CSO activities. Still, volunteering is a growing phenomenon and it is popular practice. It requires signing a contract and the procedure as such is reported as not burdensome.

Turkey State policies and legal framework do not provide special provisions for facilitating employment, volunteering and other engagements with CSOs.¹⁶⁸ Since most CSOs rely on voluntary work, initiatives for promotion of volunteering have increased. Still, public institutions act restrictive in interpreting volunteering engagement, e.g. treating them as “uninsured employees”.¹⁶⁹

Ukraine Volunteering is regulated with the Law on Volunteer Activities; however the law is not very simulative, especially for foreign volunteers.¹⁷⁰ Volunteering is common in practice, and universities partner with CSOs in organizing volunteering programs for students.

The following **recommendations** can be useful in developing measures to address challenges faced in regulating volunteering policies in the Black Sea region countries:

- The countries in the region should adopt specific policies (e.g. tax benefits for volunteers providers, annual national volunteer awards, admitted working hours of volunteers, minimal volunteers fee etc.) for promotion of volunteering;
- Existing legislation should be amended where necessary in order to stimulate volunteering practices in line with the ILO definition.

Some of **concrete measures** that could be implemented are:

- Regional peer-to-peer exchange of volunteers’ centers from the region, individual volunteers and state officials on best practices examples.

¹⁶⁶ Strategy for Development of Civil Society in the Republic of Moldova for 2012-2015: Assessment of the Objectives and Planned Implementation Steps, ECNL (2013), p. 10.

¹⁶⁷ ICNLNGO Law Monitor: Russia

¹⁶⁸ TUSEV Monitoring of the Enabling Environment for Civil Society Development in Turkey(2014), p. 35-36.

¹⁶⁹ Ibid.

¹⁷⁰ USAID 2013 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Ukraine, p. 225.

3.6. FRAMEWORK AND PRACTICES FOR PUBLIC INSTITUTIONS - CSOs COOPERATION

The Black Sea region countries generally lack **strategic framework** that regulates public institutions– CSO cooperation and strategies expressing a country’s commitment or vision for development of civil society. While Moldova and Ukraine have strategic documents for civil society development, a Memorandum of Understanding between the Parliament and civil society has been signed in Georgia in 2013. In Georgia, a draft Strategy has been prepared, but is not adopted yet. The implementation of the Strategy in Moldova failed due to insufficient human capacities in the responsible body and lack of cross institutional cooperation. Thus, the majority of the countries in this study do not have enacted strategic document/framework for cooperation between CSOs and the public institutions on matters of enabling environment for CSDev or have not developed practices of such strategic engagement.

In Armenia, Belarus, Georgia and Turkey there is no **national level institutions or mechanism for facilitation of cooperation** with CSOs. In some of the countries there are contact points for CSOs in the Ministries. In Belarus and Ukraine, for example, there are councils for consultations with CSOs in different public institutions (mainly in the ministries), however, their functioning depends on the **willingness and capacity of officials**. Moreover, these bodies often are **not representative** for the civil society in the respective country (e.g. CSO representatives are appointed by the government or independent CSOs are outnumbered by GONGOs), lack uniform procedures for their establishment (e.g. Belarus), and are established on voluntary basis.

PUBLIC INSTITUTION – CSO s COOPERATION		
COUNTRY	STRATEGIC DOCUMENT	BODY/MECHANISM FOR COOPERATION
ARMENIA		Public Council, a public advisory body created by a Presidential Decree in 2009 , drafted a Concept on CSO Institutional and Legislative Improvement, which addresses the overall situation of CSOs; the draft was being circulated among stakeholders at the end of 2012 and is still expected for public consultations
AZERBAIJAN	_____	Council on State Support to NGOs under the auspices of the President
BELARUS	_____	Number of Public Councils , established under various bodies of national and local state authorities
GEORGIA	Memorandum of Understanding between the civil society sector and the Parliament on the creation of an enabling environment for civil society (December 2013)	Coordination Council under the Prime Minister’s Office composed of CSO representatives NGO Forum created by the MoJ in cooperation with CSOs to monitor and assist the implementation process of the OGP Action Plan
MOLDOVA	Cooperation Concept between Parliament and Civil Society (2005) Civil Society Development Strategy for 2009–2011 (developed in 2008, but failed as Action plan was not adopted) Civil Society Development Strategy for 2012–2015 , as well as Action Plan for implementing the Strategy (2012)	National Participation Council established in 2010 as an advisory body to the Government National NGO Council
RUSSIA	_____	Presidential Council for Civil Society and Human Rights Civic Chamber of the Russian Federation
TURKEY	_____	_____
UKRAINE	Strategy and Action Plan of the State Policy for Promoting Civil Society Development (2012)	Decree to establish the Coordinating Council for the Development of Civil Society , signed by the President of Ukraine Advisory bodies with widespread CSO participation created by the Cabinet of Ministers Civic councils operating in 69 central state bodies, including Ministries and state agencies

Armenia In 2012, a working group comprised of government and CSO representatives prepared a Concept on CSO Institutional and Legislative Improvement, which recommends changes to the laws governing financial

sustainability, volunteering, reporting systems, representation of CSOs in courts, and the types of CSOs.¹⁷¹ The draft is still active and is expected to undergo public consultations.¹⁷² There is no national level institution or mechanism with a mandate to facilitate cooperation with CSOs, while a Public Council, a public advisory body, was created in 2009 by Presidential decree to facilitate development of the Concept.

Azerbaijan There are no strategic documents dealing with cooperation between public institutions and CSOs or CSDev. In 2007, the Council on State Support to NGOs under the Auspices of the President of the Republic of Azerbaijan¹⁷³ was established, which is designed to channel state funding, facilitate public institutions-CSOs cooperation on matters related to enabling environment for CSDev.¹⁷⁴ The Council has 11 members, appointed by the President, out of which 8 are nominated by CSOs. The composition of the Council is not representative since it does not include representatives from regional, independent and critical CSOs. This body works on voluntary basis, members have mandate of 4 years and the staff in the advisory body of the Council is composed by experienced professionals.

Belarus There are no strategic documents dealing with cooperation between public institutions and CSOs. There is only the National Program of International Technical Cooperation in 2012-2016 which outlays government's project proposals for international technical assistance, out of which two proposals envision the collaboration with concrete CSOs.¹⁷⁵ The legal documents which concern CSDev are not consulted with CSOs publicly and recommendations made by CSOs are not taken into consideration. In 2013, the CSOs' demand for special parliamentary hearings with the aim of revising legislation related to CSOs was not accepted.¹⁷⁶ There are numerous public councils (consultative) in public institutions in Belarus, which are not established under uniform standards and in most of these councils members are appointed arbitrarily by the respective state body.¹⁷⁷ Cooperation between Ministries and CSOs in the field of environment, economy, and animal protection is common (non-controversial issues) and there are several active councils. In 2011 the Public Advisory Council under the Presidential Administration was dismissed.

Georgia The key strategic document on cooperation between public institutions and CSO is the Memorandum of Understanding, which is an open document signed in 2013 between 160 CSOs and the Parliament with commitments on facilitating enabling environment for CSOs.¹⁷⁸ Furthermore, the draft State Concept on CSDev was written within a participative process which included CSOs, however the process has stopped due to low interest of the Government to adopt the Strategy. CSOs have strong cooperation with the Parliament.¹⁷⁹ There is no national institution which facilitates cooperation with CSOs; however, in each ministry there are general offices for communication which in some cases function as contact points for CSOs. There is an NGO forum which facilitates discussions about the implementation of the Open Government Partnership Action Plan.¹⁸⁰

Moldova In 2012, the 2nd Strategy for Civil Society Development for 2012–2015 was adopted along with a detailed Action Plan. This strategic document for public institutions and CSOs and civil society development was

¹⁷¹ EU Country Roadmap for Engagement with Civil Society 2014-2017, Armenia, p. 2.

¹⁷² EU Progress Report 2015, Armenia, p. 5.

¹⁷³ Official website: <http://www.csn.gov.az/>.

¹⁷⁴ Azerbaijani NGO Support Council: Overview of Three Years of Activity (2012), p. 2-3.

¹⁷⁵ Assessment of the Legal Framework for NGOs in the Republic of Belarus, ICNL (2013), p.64.

¹⁷⁶ Freedom of Associations and Legal Conditions for CSOs in Belarus, UN Human Rights Council Universal Periodic Review (2014), p. 9.

¹⁷⁷ Ibid.

¹⁷⁸ Implementation of the European Neighborhood Policy in Georgia Progress in 2013 and Recommendations for Action, p. 21;

¹⁷⁹ EU Progress Report, Georgia, 2015, p. 7.

¹⁸⁰ Self-Assessment of the Open Government Partnership Action Plan, Georgia, p. 32.

developed with inclusive participation of CSOs and government bodies.¹⁸¹ The National Participation Council (2010) was established by the Government to facilitate participation in decision making processes by CSOs and experts (13 members with mandate for two years). In practice, this Council does not have enough organizational capacity to meet its mandate.¹⁸² There are also National NGO Council and advisory bodies for cooperation between CSOs and government officials in the Ministries. The different cooperation bodies are not enough to facilitate the implementation of specific CSO- related policies; however CSOs` demands for establishment of a specialized office for cooperation with CSOs have not been met yet. In 2014, contact points for facilitation of CSO-government cooperation were established in the ministries.¹⁸³ The implementation of the Strategy 2012-2015 is not satisfactory. The responsibility for its implementation is entitled to the Office of the State Chancellery which lacks human capacities to implement the Strategy. The failure to implement the Strategy 2012-2015 is also due to lack of inter-ministerial cooperation within the prescribed timeframe, since the three key ministries responsible for implementation were led by different political parties.

Russia There are no strategic documents for CSO development and cooperation in Russia. In terms of institutional framework, there is a Presidential Council for Civil Society and Human Rights¹⁸⁴, which is part of the Presidential Office with representatives from various types of CSOs, including independent CSOs. This institution serves as a platform for communication between CSOs and the Government; however there is no meaningful cooperation. Ombudsman is another mechanism which deals with civil society matters, and human rights CSOs sometimes cooperate with thematic Ombudsmen (e.g. receive accreditation for access in certain institutions). Finally, there is an advisory and consultative institution called Civic Chamber of the Russian Federation, established with the federal law 'On the Russian Chamber' in April, 2005 with the aim to coordinate the needs of Russian citizens, CSOs and national and local government.¹⁸⁵ The Civic Chamber is consisted of 126 elected members, distinguished intellectuals, citizens and CSO representatives. This institution has working groups which had relative success in influencing CSO legislation.

Turkey There is neither a government strategy nor relevant legal or operational framework laying out Government-CSO relations¹⁸⁶. The 10th National Development Plan including provisions for development of legal and institutional reforms related with civil society. There is no specific institution responsible to facilitate and monitor relations between the public sector and CSOs. Draft legislation is awaited to come to the Parliament, which aims to establish several new bodies such as a Civil Society Council and a Civil Society Board. Few examples of contact points such as Ministry for EU Affairs and Ministry for Youth and Sports exist.¹⁸⁷

Ukraine The public institutions – CSOs cooperation is regulated with the Strategy of the State Policy for Promoting Civil Society Development and its Action Plan (2012). Some regions also have strategies for civil society development.¹⁸⁸ There is a Coordinating Council for the Development of Civil Society and civic councils for participation in each public institution. These councils are designed to assure broad participation of CSOs (vis-à-vis expert support) and key stakeholders.¹⁸⁹ The effectiveness of these councils is undermined by the participation of different GONGOs which do not have the expertise in the respective fields. Civic councils have consultative role and are established on voluntary basis. The Reanimation Package of Reforms initiated by civil society activists,

¹⁸¹ Strategy for Development of Civil Society in the Republic of Moldova for 2012-2015: Assessment of the Objectives and Planned Implementation steps, ECNL (2013), p. 1.

¹⁸² Ibid, p. 5.

¹⁸³ USAID 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Moldova, p. 159.

¹⁸⁴ Official website: <http://president-sovet.ru/>

¹⁸⁵ Official website: <https://www.oprf.ru/en/>

¹⁸⁶ TUSEV Monitoring of the Enabling Environment for Civil Society Development in Turkey (2014), p. 37-39.

¹⁸⁷ Ibid.

¹⁸⁸ USAID 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p. 2.

¹⁸⁹ Cabinet of Ministers Decision No. 996 of 3 November, 2010.

experts and journalists after Euromaidan contributed to systematic cooperation between CSOs and public institutions in key areas. In support, the National Reform Council was established to facilitate and coordinate implementation of the adopted reforms.¹⁹⁰

The following **recommendations** can be useful in developing measures to address challenges faced in developing frameworks and practices for public institutions - CSOs cooperation in the Black Sea region countries:

- Institutional mechanisms for cooperation between CSOs and government should be established in Armenia, Belarus, Georgia and Turkey. The rules for establishment of such institutions should guarantee representativeness of civil society and sufficient material, financial and human resources for their operation;
- Governments should adopt strategic documents for cooperation with CSOs on matters of enabling environment for civil society development through inclusive involvement of various types of CSOs. The adoption of the strategic document should be followed by a feasible and measurable action and monitoring plan, sufficient and professional human resources and allocation of responsible implementing bodies for each measure;
- Consultations with CSOs on matters of enabling environment for civil society development should become mandatory and assure inclusiveness, transparency and representation of CSO interests.

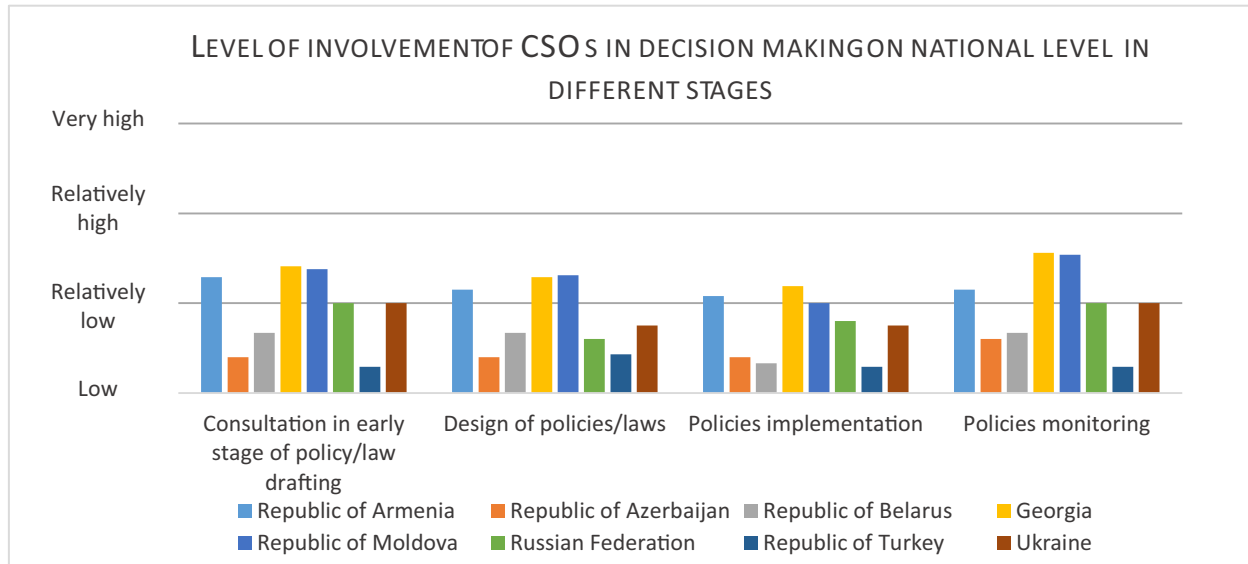
Some of **concrete measures** that could be implemented are:

- Provide for regional exchange and planning event for CSOs and state officials to explore identification of key issues to be addressed in regulating relations and enabling environment and use the experience of Armenia, Georgia, Moldova and Ukraine which have developed and implemented (to different degree) or other European countries to build on lessons-learned;
- Identify and develop a contact list of relevant state officials in Black Sea region countries whose work and portfolio is related to civil society cooperation and share information on CSO activities, best practices and other activities by Black Sea NGO Forum and its participating CSOs as a way to develop a culture of peer-to-peer exchange and joint learning;
- Advocate for development of a regional coalition/network of relevant state officials working on civil society issues that could facilitate exchange and peer-to-peer learning between state officials;
- Develop an easy-to-use template/monitoring tool to track developments in the area of enabling environment for all Black Sea region countries to be used by local CSOs in monitoring, advocacy and peer-to-peer exchange at the regional level.

¹⁹⁰ USAID 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Ukraine, p. 240.

3.7. INVOLVEMENT IN POLICY AND DECISION-MAKING PROCESSES

While there are some legal and institutional grounds for involvement of CSOs in policy- and decision- making processes on both local and national level, generally, **comprehensive and mandatory legal framework for CSO involvement** is missing in majority of the countries (with exception of Azerbaijan, Moldova and Ukraine). Still, even if existent the general framework for CSO involvement in policy- and decision-making processes is flawed by inconsistent and partial implementation in practice. In Azerbaijan particularly, the involvement of CSOs in decision-making processes is currently almost absent.



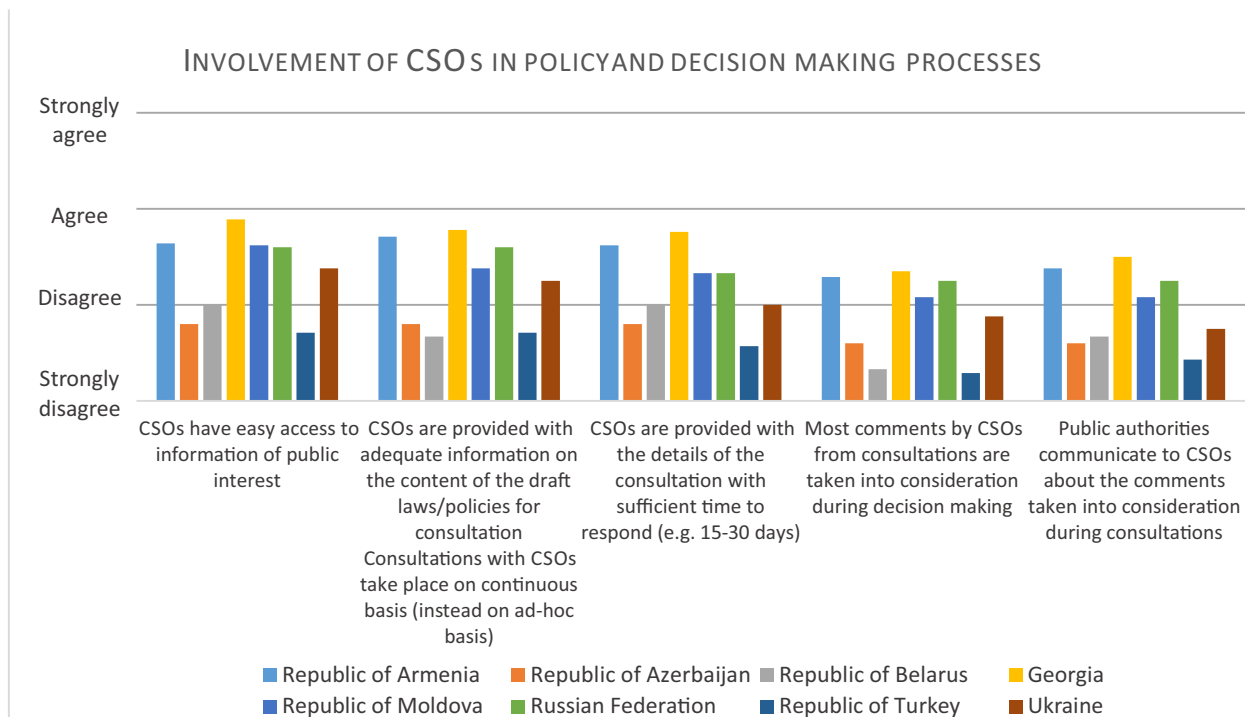
Source: BCSDN & FOND online survey, 2015

Even in the countries where there is no general legal framework, the participation of CSOs in practice is present especially in **particular fields** which are not politically sensitive (e.g. business and economic development, environmental issues). In all the countries, there are **examples of successful CSO - public institutions cooperation**. However, it is a common practice that for key and 'sensitive' laws and policies (e.g. election regulation, anti-discrimination, freedom of speech, human rights issues), government institutions find a way to surpass meaningful consultations with the public and CSOs.

Feedback on CSOs` recommendations and input during consultations is not provided at all or adequately. Moreover, **timely access to necessary documents, policy drafts** is not often provided to CSOs invited for consultations. **Representation of relevant CSOs** is not guaranteed and CSOs report that often only organizations supportive of authorities are included in the decision-making bodies (e.g. Azerbaijan, Belarus and Ukraine).

There is a legal framework on **free access to public information**, but with the exception of Azerbaijan, Georgia, Moldova and Ukraine the laws do not comply with international standards. In the countries where laws meet international standards, these are in practice implemented partially and in an inconsistent manner, especially by authorities at the local level. The quality of received responses depends on **the sensitivity of the data** which is requested and **the capacity of state administration officers** appointed to implement the law. Since 2011, majority of the countries (with the exception of Belarus and Russia) are members of the Open Government Partnership initiative¹⁹¹.

¹⁹¹ Open Government Partnership (OGP) is an international platform for domestic reformers committed to making their governments more open, accountable and responsive to citizens launched in 2011. OGP has grown from 8 countries to 65 participating countries.



Source: BCSDN & FOND online survey, 2015

Armenia Since 2008, the Ministry of Labour and Social Affairs, the Ministry of Health and Prosecutor’s Office have adopted codes of participatory cooperation with public organizations, but no overall legal mandatory framework exists yet.¹⁹² Though the draft laws should be available for public consultations, there is no provision in Parliament regulations requiring compulsory public hearings.¹⁹³ Public Network, a network of about 150 Armenian CSOs, signed a Memorandum of Understanding¹⁹⁴ with the Parliament in 2008 and this serves as a channel for informing the public on new draft laws and involving CSOs in public consultations. Still, participation of CSOs as a regular practice is not present, with only several successful initiatives so far. There is common perception that CSOs lack capacities and skills to influence.¹⁹⁵ Feedback to proposals is non-existent. Law on Freedom of Information was adopted by the Parliament in 2003. Decrease in the number of unanswered inquiries to CSOs has been noted since 2012, but when “problematic” information inquiries are made, the officials prefer to provide incomplete, evasive and unessential responses, rather than leaving them unanswered.¹⁹⁶

Azerbaijan The Law on Public Participation (2013) sets the institutional mechanism for public participation in decision-making process (e.g. public councils, public debates, public hearings, public opinion polls, public consultations, and official written communications)¹⁹⁷ and some state authorities have established public councils according to the law¹⁹⁸. There are no clear guidelines on how to ensure appropriate representation from civil society and communication and cooperation with authorities is mainly ‘reserved’ for GONGOs (e.g. Joint Working Group on Human Rights established in 2014 was criticized for involving mainly CSOs loyal to the government).¹⁹⁹

¹⁹² CIVICUS State of Civil Society Report 2011, p. 2.

¹⁹³ Mapping Study CSO Engagement in Policy Making and Monitoring of Policy Implementation: Needs and Capacities, Armenia, T. Margaryan, A. Hakobyan (2014), p. 3.

¹⁹⁴ Ibid, p. 39; ADB Civil Society Brief, p.6.

¹⁹⁵ EU Country Roadmap for Engagement with Civil Society 2014-2017, Armenia, p. 2-3.

¹⁹⁶ Mapping Study CSO Engagement in Policy Making and Monitoring of Policy Implementation: Needs and Capacities, Armenia, T. Margaryan, A. Hakobyan (2014), p. 18.

¹⁹⁷ Open Government Partnership: Azerbaijan Progress Report 2012-2013, p. 47-48.

¹⁹⁸ Self-Assessment by the Anti-Corruption Commission of the Implementation of the National Action Plan for Promoting Open Government for 2012-2015, p. 6.

¹⁹⁹ USAID 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Azerbaijan, p. 34.

Involvement in formal policy- and decision-making process deteriorated seriously and it is almost absent since 2014. The timeframe and procedure for publishing draft policies for consultation depends on the particular public institution and officials capacities. CSOs and citizens can freely access adopted laws and policies database maintained by the Ministry of Justice as well as draft laws published on the Parliamentary website. Law on Access to Public Information prescribes 10 days for answering requests by public institutions. In practice, there are serious problems with its implementation. Institutions send inappropriate answers, and in order to receive public information, citizens may be asked to pay a fee and explain why they need the requested information which is not in accordance with international standards.²⁰⁰

Belarus The Presidential Decree No. 4 requires public consultations on all draft laws on business and entrepreneurship. The access to participation in decision-making processes is guaranteed with the Constitution, however, in practice only very few CSOs are invited to participate in consultations on laws with no feedback on whether their recommendations were considered.²⁰¹ The access to draft versions of laws is limited in practice and often only older versions of laws are accessible online. CSOs pay special software (online and/or desktop) for access to updated laws, policies and court decisions, meaning access to laws and policies is limited. Most common area of involvement of CSO in policy making is economic development (e.g. CSOs in 2014 were invited to participate in consultations for the draft National Strategy for Sustainable Social and Economic Development of the Republic of Belarus up to 2030). However, many significant laws related to CSOs, elections or other political issues are not a matter of public consultation.²⁰² The right to access to public information is regulated with the Law on Information, Information and Protection of Information. However, this Law allows restrictions to public information. In the last year more public information are available online on governmental websites, but authorities can limit at their discretion the access to any public information.

Georgia There is no document which clearly defines standards on involvement of CSOs in policy- and decision-making processes at the national level; however there is an ongoing administrative reform which aims to define the unified standards for policy-making. There is a clearly defined procedure for CSO participation in public hearings on laws in the Parliament and more developed rules for participation on local level. In practice, cooperation between CSOs and governmental bodies depends on the state officials' will, and even though collaboration is not formally structured, there are many instances of successful cooperation reported in the past two years (e.g. Ministry of Regional Development and Infrastructure; Ministry of Justice, Criminal Justice Reform Council).²⁰³ There is no legally prescribed timeframe for notifying CSOs on draft laws/policies before consultation and often CSO do not have enough time to prepare for the working groups. Moreover, representativeness of relevant interest groups (especially CSOs from the regions) is not assured in consultations/hearings. As part of the OGP initiative, all public institutions/agencies are obliged to publish all the necessary information on their websites; but in practice the access to some legal documents is not free of charge yet.²⁰⁴ The legal framework for access to public information meets international standards.²⁰⁵ Access to public information is improved²⁰⁶; however CSOs still encounter problems with receiving public information especially at the local level, since officials lack the capacity to act upon this law.²⁰⁷

²⁰⁰ ICNLNGO Law Monitor: Azerbaijan, p. 9.

²⁰¹ Assessment of the Legal Framework for NGOs in the Republic of Belarus, ICNL (2013), p.56.

²⁰² Freedom of Associations and Legal Conditions for Civil Society Organizations (CSOs) in Belarus, UN Human Rights Council Universal Periodic Review (2014), p.13.

²⁰³ EU Country Roadmap for Engagement with Civil Society 2014– 2017, Georgia, p. 5.

²⁰⁴ Independent Reporting Mechanism: Georgia, Progress Report 2012-2013, Transparency International Georgia, p. 30.

²⁰⁵ Self-Assessment of the Open Government Partnership Action Plan, Georgia, p. 24.

²⁰⁶ Decree on Electronic Request and Proactive Publication of Public Information (2013).

²⁰⁷ Europe and Eurasia Media Sustainability Index (2015), Georgia, p. 155.

Moldova Involvement in policy- and decision-making processes is regulated with the Law on Transparency in Decision Making Processes and Regulation on the Procedures for Ensuring Transparency in Decision-Making and Law on the Specialized Central Public Administration (2013).²⁰⁸ Neither the Law, nor the Regulation which specifies procedures, does not oblige state authorities to publish drafts at an early stage, with sufficient time prior to the consultation period, which results in short terms for preparation of CSOs and limited participation in the decision-making processes.²⁰⁹ The draft decisions are not published regularly on web pages of public institutions, and CSOs do not receive feedback on whether recommendations were accepted. In practice, CSOs participation in the early phases (design and consultation) of the decision making is satisfactory; however CSOs are rarely included in policy monitoring and implementation. The laws/policies are available (in Russian/Moldovan) online. The Law on Access to Information and the Constitution of Moldova guarantees the right to access to public information in accordance with international standards.²¹⁰ The Law on Free Access is better implemented at the national level than at the local level, where there are cases of administrative silence and unsatisfactory answers. There are many entry points for participation, and CSOs lack capacity for meaningful and effective contribution to all the public debates. In Transnistria region, the freedom of access to public information is severely restricted in practice.²¹¹

Russia In Russia, there are no standards which define CSO participation in policy- and decision-making processes. CSOs which hold the status of “foreign agents” cannot be included in policy-making processes. CSOs are legally allowed to be included in public monitoring committees which have access to penitentiaries. In practice, CSOs representatives are sometimes invited to participate on a panel discussions; however there are no protocols which prescribe that they must be included. Some positive progress has been noted in terms of access to public data online. Draft laws are accessible on the website of the State Duma; however, in practice laws are passed very fast without leaving a possibility for analysis and contribution by CSOs. The right on free access to public information is regulated with different pieces of legislation, and there are also provisions for restricting access to confidential information.

Turkey Due to the absence of policy and legal frameworks, there is no holistic approach with regards to participation of CSOs in policy- and decision-making processes.²¹² The partial legal basis that exists is limiting (e.g. if consulted CSOs do not give any opinion on a draft policy consulted, the institutions consider CSOs are affirmative of the proposal) and not in accordance with best practice. At local level, CSOs have the possibility to participate to City Councils as mandatory, but the practice is still lagging behind. Access to information of public character is problematic as the Law on the Right to Information provides many and unclearly defined limits of denying or limiting the right to access to public information, as well as sanctioning system. No consistent mechanism for monitoring and reporting of the participation of CSOs and/or their contributions has been defined. Increased number of draft legislation is being published, but still discretionary powers on what should (or should not) be published exist. In the absence of standards, guidelines and frameworks, dialogue between CSOs and public institutions is maintained and sustained via personal relations between civil servants and CSO representatives. With positive examples such as the Constitution Reconciliation Committee and Women and Men Equal Opportunities Committee (KEFEK) who engaged in extensive consultations with diversity of CSOs, the

²⁰⁸ Mapping Study CSOs from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue, L. Chiriac, E. Tugui (2014), p. 24.

²⁰⁹ Strategy for Developing the Civil Society for 2012-2015 and the Action Plan for Implementing the Strategy in Moldova, p. 6.

²¹⁰ Mapping Study CSOs from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue, L. Chiriac, E. Tugui (2014), p. 1.

²¹¹ Europe and Eurasia Media Sustainability Index (2015), Moldova, p. 186.

²¹² TUSEV Monitoring of the Enabling Environment for Civil Society Development in Turkey (2014), p. 39-43.

results of consultations and proposals given were not communicated and thus undermine the introduction of practice of equal partners in the decision-making process.²¹³

Ukraine Involvement in policy- and decision making is regulated by Cabinet of Ministers Resolution on Certain Issues of Public Participation in Formulating and Implementing State Policy (2004) which stipulate organization of consultations with the public through civic councils. In 2014, there was an initiative to change Resolution on Consultations with the General Public and On Civic Councils and Resolution on Public Expert Review of the Performance of the Public Executive Authorities.²¹⁴ There is no prescribed time frame for publishing draft laws, but there is time frame prescribed for publishing laws. The draft documents should be published 20 days before the meeting of the councils and usually this requirement is not respected. Consultations with CSOs in early stage of policy design are common; however, CSOs do not receive feedback on which recommendations are accepted. There are cases of meaningful participation of CSOs in decision-making processes. Many authorities publish information on their websites more actively and this was supported by the new legislation which makes publishing data on public spending obligatory.²¹⁵ Access to information of public character is legally guaranteed (2011) and the Human Rights Ombudsman of the Parliament is entitled to answer complaints on denied requests.²¹⁶ In practice, many CSOs use the right to free access to information. The quality of answers received, however, especially at local level is not satisfactory and it depends on the sensitivity of the requested information.

The following **recommendations** can be useful in developing measures to address challenges faced in regulating and practicing involvement of CSOs in policy- and decision-making process in the Black Sea region countries:

- Countries from the region should adopt comprehensive and mandatory legal framework (bylaws) for CSO involvement both in policy- and decision-making process;
- Feedback on CSO recommendations during consultations by public institutions should become mandatory. CSOs should have legally guaranteed period for preparation for meaningful participation on consultations and timely access to draft documents (e.g. 30 days). Any exception (urgent procedures etc.) should be strictly regulated;
- Rules for representation of CSOs in decision-making process should be clearly prescribed and applied consistently by authorities;
- The legal framework on free access to public information should be immediately harmonized with international standards and principles;
- The capacity of the implementing body (e.g. Ombudsman, Commission) should be guaranteed by law, and this body should have sufficient budget, professional human resources and mandate to enforce the implementation of the rules.

Some of **concrete measures** that could be implemented are:

- State officials should undergo educational and study programs related to participatory policy making;

²¹³ Ibid.

²¹⁴ USAID 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Ukraine, p. 240.

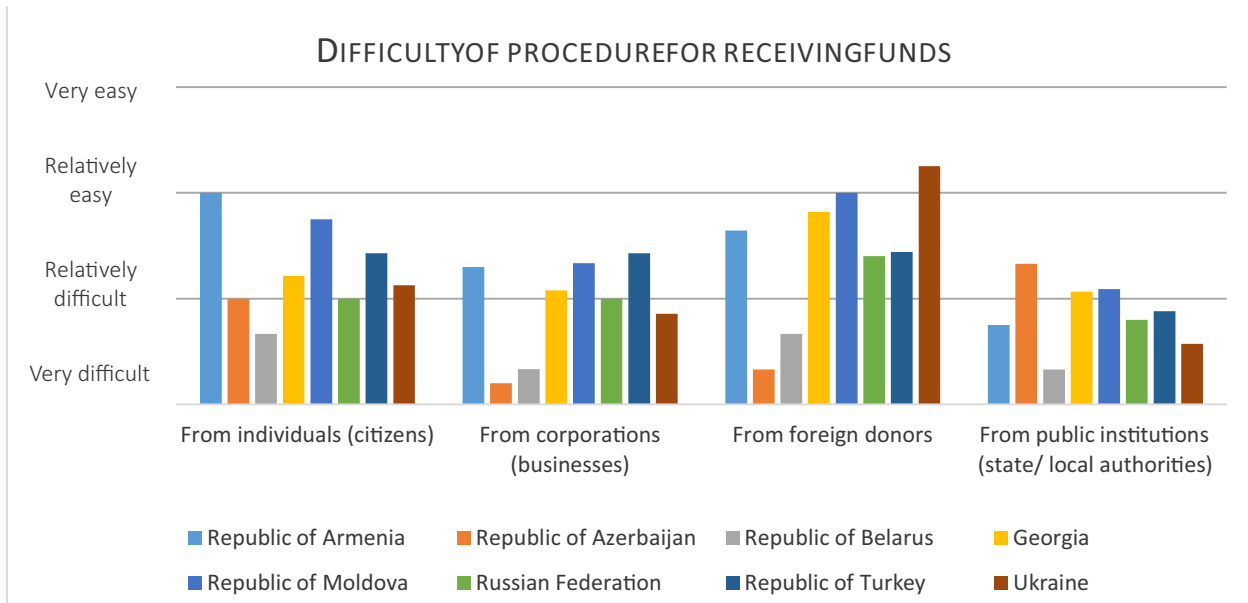
²¹⁵ Europe and Eurasia Media Sustainability Index (2015), Ukraine, p. 217.

²¹⁶ Ibid, p. 216.

- Academic research and input on successful cases of CSO-public institutors should be presented to state officials to encourage CSO involvement in decision making processes;
- Trainings for capacity strengthening of state administration officials who implement the law on free access to public information should be conducted;
- Monitoring platforms to follow legislative process and monitoring reporting can be introduced to inform state officials and induce implementation or prompt the need for its change.

3.8. DONOR-CSO RELATIONSHIP²¹⁷

In terms of **legislative framework** for operation of foreign donors and access of local CSOs to foreign funding for their work, two main approaches can be observed in the Black Sea region ; *restricted* (Azerbaijan, Belarus, Russia), and *open* (Georgia, Moldova, Ukraine). In Armenia and Turkey elements of both approaches can be observed.



Source: BCSDN & FOND online survey, 2015

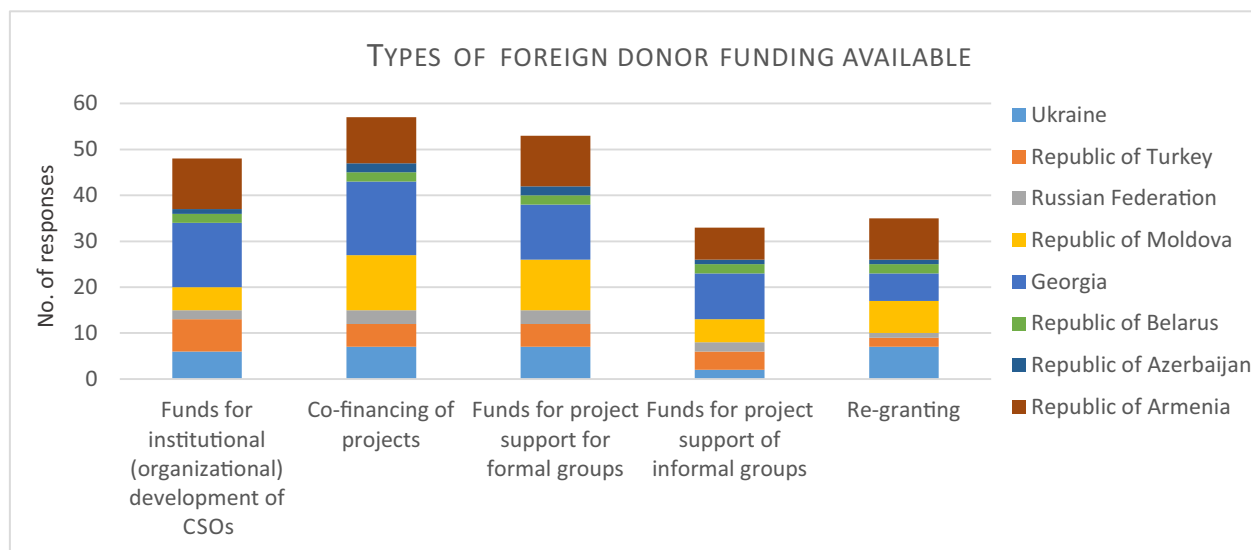
A **restricted approach** in Azerbaijan, Belarus and Russia allows for very limited operation of foreign donors and thus a narrow access of local CSOs to available foreign funding. Furthermore, if allowed, this is focused on a very narrow set of activities (e.g. education, humanitarian assistance). In Russia, a system whereby CSOs receiving foreign funding are officially registered as “foreign agents” exists and CSOs can operate under extremely limited circumstance or be forced to terminate their operations. In all 3 countries, there are often reports of excessive control and harassment of CSOs receiving foreign funding and there are reported cases of their shut down as well as foreign donor offices themselves leading to progressively decreased access to foreign funding for local CSOs. Tax exemptions for foreign donations/grants as such are not available or extremely limited.

In Georgia, Moldova, Ukraine, an **open approach** for operation of foreign donors as well as a system facilitating access of local CSOs to their funding exists (e.g. registration/notification for tax exemptions for grants and donations by foreign donors). Among foreign donors; EU and USAID are the key donors with focus on support to human rights and other watchdog activities. Still, CSO respondents admit there is limited access for CSO to effectively access these funds, mainly due to lacking capacities and the fact they are based outside capital cities. Tax exemptions on VAT and donations/grants are available but for a number of donors only.

Project funding is the main type of foreign donor support reported by CSOs, but support for institutional development and co-financing funds are also reported as important type of foreign donor support in some countries. Generally, foreign funding does not correspond to the full needs for funding of civil society, but most see them responding to their programmatic priorities. Majority of CSOs believe that foreign funding contributes to their financial sustainability. Although the main donors such as the EU and USAID do have longterm strategic documents outlined for the countries, beyond EU project fiches, information are mostly lacking on multi-yearly

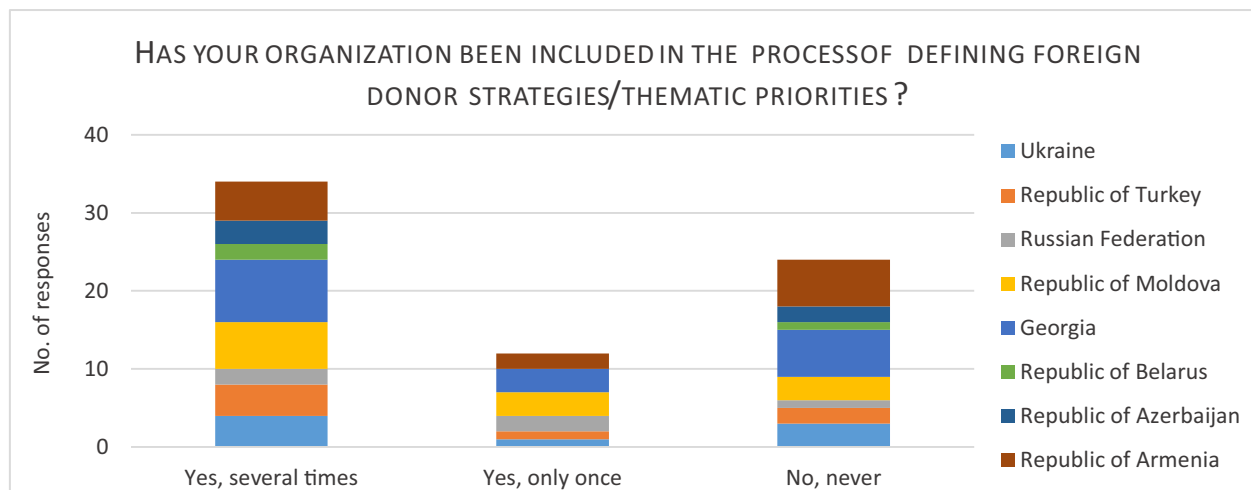
²¹⁷ This section includes 2 dimensions: Donor approaches to CSOs support, funding mechanisms and modalities and ‘Dialoguing and engagement of CSOs in donor strategies and support implementation’.

available budgets. In countries such as Azerbaijan, Belarus and Russia, foreign funding is decreasing over the years due to restrictive attitude of the governments towards foreign donors.



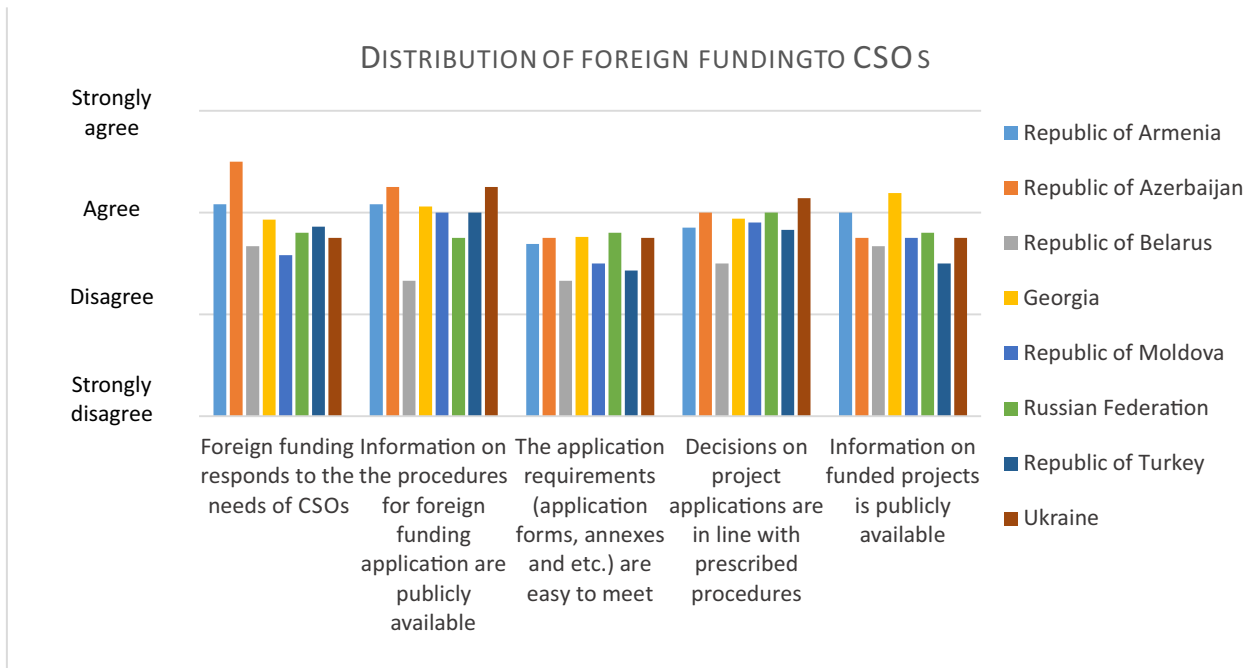
Source: BCSDN & FOND online survey, 2015

Majority of CSO report being included in **consultations** on defining foreign donor strategies, thematic priorities. Still, the fact that one-third of CSOs report not being consulted at all, shows that consultation practices are focused on ad-hoc manner and with CSOs that have capacities and are funded by the particular donor. Most common consultation experience is at the level of discussing concrete call for proposals and takes place in ad-hoc manner. Specific structures and mechanisms for consultation between donors and CSOs have taken place around EU funding. Specific coordination mechanism exists for Belarus (e.g. half yearly donor conferences), but this is due to the restricted work and access of foreign donors in the country.

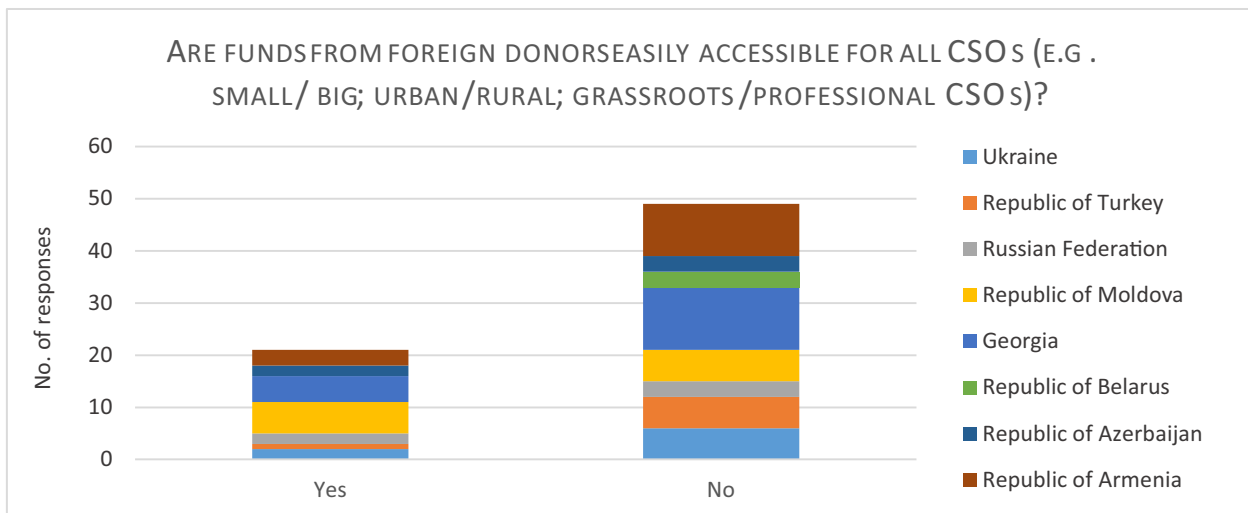


Source: BCSDN & FOND online survey, 2015

CSO have different perception of **access, accountability, transparency** of foreign funding. Several possible factors can contribute to this: experience with access to other types of funding (e.g. state, private), concrete experience of a given organization with a particular donor, size and capacities of the organization. Still, majority of CSOs are satisfied with information available on the application procedure. When it comes to fulfilling the criteria, decision-making and available information on the outcome of calls for proposal, though, most CSOs are not satisfied. Further analysis and evaluation is needed, since CSO report divergent and sometime contradicting experiences (e.g. application requirements are said to be easy to meet, but also that funding is not easily accessible).



Source: BCSDN & FOND online survey, 2015



Source: BCSDN & FOND online survey, 2015

Armenia No specific legal restrictions are reported. VAT exemption on foreign grants is limited. There is heavy reliance by CSOs on foreign funding. USAID, EU and OSF are among key donors reported by CSOs. While majority of CSOs report foreign funding not contributing to sustainability and CSOs not being involved enough to define donors' strategic and thematic priorities, still the majority is satisfied with the application process and decision-making on grants.

Several types of support are available in the country including project grants, funds for institutional development, re-granting and co-financing support. CSOs report that foreign donor priorities to a great extent respond to their needs, but still they face issues of access and contribution of such support to their financial sustainability. Almost half of CSOs report not having been included in consultations on funding priority. Majority of CSOs report that the information on application process, decision for grants are available and that the application requirements are easy to meet.

Azerbaijan The normative framework is very restrictive to the operation of foreign donors and consequently available foreign funding has decreased in the last few years. According to recent amendments to the Law on NGOs and on Grants (2014), donors need to register in the Ministry of Justice based on whether their priorities are in compliance with the priorities of the state. CSOs have to receive permission to use a project grant, otherwise it is illegal to implement any activities and impossible to access the grant. The administrative requirements for registration of grants are complex, burdensome (e.g. require expenses for translation of documents and notary) and take one month.²¹⁸ Thus, since 2014 amendments to legislation, CSOs effectively do not have access to foreign funding in practice.

EU-funded projects were in a stalemate in 2014 because of the new legislation.²¹⁹ In 2014, there were cases of excessive state interference in the work of foreign donors. Namely, there are cases of blocked and delayed projects, investigations, frozen bank accounts which resulted with the closing of offices of several donors (e.g. ND, OSF, and IREX)²²⁰

Foreign donors rarely provide institutional development support, funding for local CSOs and they decreased the overall funding as the GDP of the country grew, leaving independent and critical CSOs without the necessary support. There are mainly small grants provided for CSOs and there is no multi-year funding available. Available funding is mainly channeled for projects which are not related to human rights and democracy. CSOs do not have sufficient capacities to apply for EU funds and to manage big projects. Thus, EU funds are allocated only to a few well-developed and professionalized CSOs.²²¹ Majority of foreign donors have burdensome and complicated application procedure which do not encourage development of new CSOs.

The EU, UN, US Embassy, OSF are among key donors mentioned. Before the restrictions on foreign funding reception, foreign funding responded to the programmatic priorities of CSOs and supported their sustainability. Some CSOs report having participated in the process of defining foreign donor strategies/thematic priorities on several occasions. The majority, though, is not satisfied with the application process and transparency and fairness of the decision-making process.

Belarus Foreign funding is received through burdensome procedures and requirements. CSOs may receive “foreign gratuitous assistance” by individuals and foreign entities²²² as far as these funds or assets are registered and approved with the Department of Humanitarian Activity of the Secretariat of Affairs of the President. Foreign funds cannot be used without registration and violation of the procedure for receiving foreign grants entails criminal responsibility with possibility for imprisonment for up to two years²²³. Only foreign funds aimed at supporting a narrow list of legally defined causes (e.g. Chernobyl disaster, environment protection, vulnerable groups etc.) are approved for use by CSOs. The funds which are for purposes of the President’s programmes or international agreements of Belarus (international technical assistance) are not subject to registration and CSOs usually benefit from these funds as subcontractors of the Government.²²⁴ Despite number of documents, CSOs when registering funds are often required to submit a letter of support from a state body responsible for the particular field of planned project activity.²²⁵ CSOs advocate for changes in the legislation concerning foreign funding with the support of ICNL and ECNL, and even though the draft president decree was not accepted, the

²¹⁸ Eastern Partnership Civil Society Forum website

²¹⁹ Implementation of the European Neighbourhood Policy in 2014, European Commission, p. 5.

²²⁰ USAID 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Azerbaijan, p. 33.

²²¹ “The EU’s policy towards Azerbaijan: What Role for Civil Society?” SPES(2011), p. 16.

²²² Decree No. 24 of 28 November, 2003 “On receiving and using foreign donations”.

²²³ Freedom of Associations and Legal Conditions for Civil Society Organizations (CSOs) in Belarus, UN Human Rights Council Universal Periodic Review (2014), p. 3.

²²⁴ Assessment of the Legal Framework for NGOs in the Republic of Belarus, ICNL (2013), p. 61-64.

²²⁵ Ibid, p. 65-66.

government is interested to encourage especially foreign technical assistance for the state, from which CSOs can also benefit. Funding from foreign donors is not easily accessible for all CSOs (e.g. small/ big; urban/rural; grassroots/professional CSOs). CSOs evaluated application and decision-making processes differently depending on the donor.

Many offices of international donors who provide support for CSOs are situated in Warsaw or Vilnius (e.g. the office of Konrad Adenauer was closed and transferred in Vilnius); however, some of them still have offices in Minsk. CSOs reported participation in the process of defining foreign donor strategies/thematic priorities. In the past six years there is a bi-annual donor conference for Belarus held either in Warsaw or Vilnius, where CSOs participate and discuss the needs and priorities of civil society in Belarus. There is no precise information on the type and amount of foreign support for CSOs in Belarus which is publically available. Foreign donors such as the UN, EU, USAID and Embassy of the Kingdom of Netherlands consult CSOs on thematic priorities for funding. EU conducts consultations on calls and fundraising options every few months. The funding programs available for CSOs in Belarus are implemented usually by the donor and CSOs are included in decision-making processes²²⁶.

Georgia Foreign funding is the dominant source of support for CSOs in Georgia. There are institutional development grants available, project grants which are the most common mode of support as well as co-financing.²²⁷ The foreign funding meets the program priorities of CSOs to some extent, but more often CSOs try to adapt and meet the program priorities of donors and depart from their mission (donor dependency). Most of the funding is directed for projects related to democracy, rule of law and human rights topics, and there is lack of funding for CSOs involvement in education activities, civic awareness/civic education, mass media and social entrepreneurship. Most of CSOs responded that funding meets the programmatic priorities of CSOs and support financial sustainability of CSOs. However, the application procedures for the key donors are evaluated as burdensome and decision making of donors is non-transparent. Newly established and small CSO often cannot benefit from foreign support because of lack of fundraising capacities and lack of available small grants by donors. Re-granting is popular funding mechanism among donors present in Georgia. Some donors (e.g. EU, USAID) support organizational development and capacity building of human resources in CSOs.²²⁸

The key donors' mentioned by CSOs are: USAID, EU, OSF, UNDP and SIDA. There is a donor's bureau created recently in the government, which is a coordination body for officials and representatives of donors, for discussion of programs that need to be supported. CSOs regularly participate in donor CSOs consultation meetings (organized by local OSI, Euroasia Partnership Foundation, EU Delegation, and USAID). Several bilateral donors (e.g. SlovakAid, CzechAid, and AustrianAid) were reported of not consulting local CSOs.

Moldova Foreign funding is the main source of financial support for CSOs which is received without any restrictions. In Moldova, CSOs benefit from project grants and to a lesser extent by institutional development support.²²⁹ Thematic areas covered by foreign funding are mainly democracy, human rights and good governance and these do not always meet the program priorities of CSOs (e.g. lack of funding on gender equality, reproductive health projects). There are no specifically designed project calls targeting small CSOs from the regions and especially from Transnistria²³⁰. Local and newly established CSOs do not have capacities to apply for big projects, such as those provided by the EU. The application procedure for EU grants is complex, burdensome; it requires co-financing which CSOs often cannot obtain. Many CSOs adapt to the donors' funding priorities and

²²⁶ Assessment of the Legal Framework for NGOs in the Republic of Belarus, ICNL (2013), p. 65-66.

²²⁷ EU Country Roadmap for Engagement with Civil Society 2014– 2017, Georgia, p. 9.

²²⁸ Ibid, p. 10.

²²⁹ USAID 2013 CSO Sustainability Index for Central and Eastern Europe and Eurasia, Moldova, p. 145.

²³⁰ Mapping Study CSOs from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue, L. Chiriac, E. Tugui (2014), p. 11.

not vice-versa. Some foundations compete with NGOs for funding from the EU (e.g. FHI 360, OSF), thus the only way for local and smaller CSOs to get access to these funds is by becoming application partners. CSOs report application procedures are unclear and transparency of decision-making of foreign donors is lacking.

Key donors mentioned are UNDP, USAID, NED, OSF, EU, and East European Foundation. CSOs representatives participate in consultations for defining foreign donor strategies/thematic priorities organized by EU (focus on funding priorities 2014-2017), OSCE and other donors.

Russia The legal environment is very limited and restrictive for operation of foreign donors and local CSOs support, esp. American-related ones. Several foreign donor agencies have been expelled/forbidden to operate in Russia, e.g. USAID, NED.

The 2001 Law on Foreign Aid requires donors and recipients to register their programs with the governmental Commission on Foreign Aid through an overly bureaucratic process, and to obtain a letter from local or regional authorities confirming their consent to regulate the expenditure of the foreign assistance funds, a process that is likely to encourage abuse. Local CSO implementing projects with foreign funding must be registered as “foreign agents”, a status that is currently unable to be terminated even if the funding ends.²³¹ CSO report that in terms of access to funding mechanism, foreign funding still seems to be the easiest for them to access. Information on application process are available and it is believed that funding is distributed impartially.

CSOs report equally of being involved and not being involved at all. Still, most of them agree that donors contribute to their sustainability and programmatic priorities of CSOs. CSO respondents do not report them being equally accessible to all CSOs (rural/urban, small/big etc.). Foreign donors have organized consultations with CSOs on thematic priorities in order to understand the complex environment. There is no information on the effects of these consultations on the donor agendas.

Turkey Main donors include the EU, USAID, OSF and BlackSeaTrust. While CSO respondents report domination of project grants, still other forms of support such as co-financing, and institutional grants are reported as available. While the general perception is that foreign funding responds to programmatic needs of CSOs, they also report it does not contribute to sustainability and is not accessible enough for all CSO equally (rural/urban, big/small etc.).

While majority of CSOs report of being consulted on foreign donor priorities, still this is in occasional or ad-hoc manner. While the application process seems to be easy to understand and information on funded projects is reported to be mainly publicly available, impartiality of distribution of funding and multi yearly availability seem to be an issue to be yet addressed.

Ukraine Foreign funding increased after Euromaidan and it remains the main source of financing for CSOs. CSOs benefit from funding for projects and institutional development. CSOs adapt to the program priorities of donors and not vice-versa. Because of the new reform processes in Ukraine, foreign funds are directed for projects which are implemented by CSOs networks and require CSO-public institutions cooperation. Few CSOs have capacity to absorb big grants and to apply for EU funds. Respondents evaluated the application procedures to be unclear and the decision making of foreign donors as non-transparent.

²³¹ Illustrative Priorities for CSO Legal Reform; Funding Priorities in the NIS, CEE and Regionally Working Draft of 15 November, 2006, Submitted by ICNL and ECNL, p. 2-3.

Key donors mentioned by respondents are the EU, International Renaissance Foundation (OSF), USAID, UNDP. CSOs participated in consultations organized by donors; however sometimes recommendations were not reflected in the donors strategies. Mainly, foreign donors have pre-defined priorities.

The following **recommendations** can be useful in developing measures to address challenges faced in donor - CSO relations in the Black Sea region countries:

- Governments should adopt enabling environment for functioning of foreign donors in line with international and European regulatory best practices;
- Small grants targeting new, small, unregistered or rural CSOs should be increased in the countries of the Black Sea region;
- Institutional and multi-year funding should be increased;
- Foreign donors should provide feedback on the recommendations and input given by CSOs during thematic consultations;
- Key civil society donors such as the EU and USAID should develop more permanent and structured dialogue with variety of local CSOs and stakeholders to develop a dialogue on funding priorities, modalities of aid;
- CSOs should try to structure (via coalition or networks) their feedback and communication with donors to develop joint platforms and speak in common voice on joint matters and concerns of priority to CSOs;
- Foreign donors should utilize their commitments under the International Aid Transparency Initiative and make available information on the decision-making process as well as results/impacts of implemented projects.

Some of **concrete measures** that could be implemented are:

- Capacity building activities for different types of CSOs in writing applications and management of funds should be supported by foreign donors via existing resource centers in the countries;
- Systematic research on experiences of CSOs with foreign donor funding should be conducted in each of the countries and presented at a regional conference in front of relevant donors and stakeholders;
- In-depth and comprehensive empirical research on foreign donors dialoging and engagement of CSOs in donor strategies and implementation in the Black Sea region should be conducted by a regional team of researchers;
- Black Sea NGO forum should organize a regional conference on the topic of donor dialogue and engagement of CSOs in donor strategies and donors coordination, involving key donors from the region and CSOs.

4. TOWARDS A REGIONAL STRATEGY FOR COOPERATION

One of the key elements requested in the research and preparation of this report has been to gather and analyze the views of participating CSOs to the Black Sea NGO Forum on 7 key issues with regards to their vision of future cooperation and development of a joint regional strategic framework for future cooperation. In the online survey, focus groups and interviews, CSOs were requested to identify areas of cooperation they deem important for regional cooperation; key challenges they see with regards to these areas; examples of potential regional initiatives and projects; main stakeholders that should be engaged; how future strategic framework could be promoted by the Black Sea NGO Forum; how to engage with relevant stakeholders and identification of further actions for support of civil society cooperation.

According to CSO respondents, **proposed areas for regional cooperation** under the future Black Sea strategic framework for civil society can be categorized in two sets of issues. The first has to do with the *general enabling environment* in which civil society operates in the countries and capacity building of CSOs. Enabling environment issues in more narrow sense include civil society development strategies, CSDev in conflict areas, public institutions-CSO relations, tax framework, and in more general sense include also good governance issues, free media and elections. Here, civil society cooperation and exchange on bilateral and regional level is perceived as very important. The second set of issues has to do with *thematic areas* in which CSOs participating to the Black Sea NGO Forum are active at national and local level, such as: human rights protection (education and advocacy initiatives); conflict transformation and peacebuilding; environmental protection and energy sustainability; economic development and sustainable regional/community development (entrepreneurship and cooperation); women empowerment, reproductive health and fighting domestic violence; social policy (vulnerable groups); new media and education programs; youth participation and culture; EU integration process and the role of CSOs. Some respondents highlighted that cooperation among CSOs in the region is possible only on soft issues (politically non-sensitive areas) which have potential to unite CSOs from different countries. Sensitive topics/areas of cooperation should be avoided or re-phased/re-framed in a careful manner to assure inclusion of CSOs from all the countries in the region (e.g. Russia, Belarus, Azerbaijan) and contribute to sustainability of their cooperation.

In terms of **challenges for cooperation** in proposed areas for cooperation, CSOs identified many **general political, social and economic challenges** that civil society does not have influence on. *Identity barriers*, such as language and culture, exist among the countries and these are source of distrust. *External actors* to the region, such as the EU, need to also further recognize and support the concept of the Black Sea region. Furthermore, cooperation in the Black Sea region is not considered as priority on the foreign relations agenda of some of the countries. This is a *region of conflict areas*, which poses a serious challenge for cooperation among civil society from different countries. The most prominent security challenges stem from the war in Ukraine and Russian influence in the region. The cooperation in the region might be limited due to the growing isolation of countries, geopolitical

situation, and political and economic instability in some of the countries. Moreover, CSOs listed the presence of *authoritarian regimes, corruption, violation of human rights and gender inequality* among key challenges that CSOs face in the region. In terms of *values*, xenophobia, homophobia and conservatism remain barriers for success in the identified areas of cooperation. Finally, different level of aspirations and prospects for *EU integration* among the countries are also seen as challenging. Different level of democracy and development of the countries in the region can be overcome by focusing on common challenges. Respondents pointed at the challenge of more active inclusion of CSOs and stakeholders from Romania and Bulgaria, EU member states which are also part of the Black Sea region. The extent to which whole or only parts of Russia are included in the cooperation efforts should also be considered.

Key **specific civil society-related challenges** mentioned are the *weak capacities* of CSOs in the countries from the region (e.g. low level of management skills, organizational development, thematic expertise and professionalism). Moreover, *different level of knowledge and capacities* of CSOs between the countries is a potential barrier for cooperation (or it can be an opportunity as well). *Lack of information, communication and coordination* between CSOs from different countries is a challenge for future cooperation in the identified areas. Thus, many of the respondents put exchange of experiences, good practices, know-how (skills) and information among CSOs in the region as important elements to be addressed. Majority of the CSOs consider *lack of funding opportunities* as the main challenge for regional cooperation. This stems from the low interest of foreign donors to support regional cooperation of CSOs in the Black Sea region concerning regional programs/projects in areas of common interest. Additionally, country specific *limitation of foreign funding* (e.g. Azerbaijan, Belarus, Russia) which seriously affects the functioning and sustainability of national CSOs and different level of funding available in the countries also hinders the capacities of CSOs for regional cooperation/initiatives. One respondent pointed at the low culture of philanthropy (meaning *alternative sources* of funding for CSOs) as a challenge for regional cooperation in the identified areas of cooperation. Finally, cooperation in proposed policy areas might be hindered by the *lack of rules, capacities and political will of public institutions* in the respective countries for effective involvement of CSOs in policy making processes. Also *lack of policies and legal mechanisms* in a particular area on national level may pose a challenge for regional cooperation in that area. *Inefficient and bureaucratic procedures* in the countries pose a further challenge.

As possible **examples of initiatives/programs for areas of cooperation** CSOs mentioned many already **existent and functioning ones** such as e.g. Child Pact Regional NGO Coalition, Caucasian Coalition against Child Abuse and Neglect, Caucus Environmental NGO Network and Eastern Partnership Civil Society Forum. Further ideas on initiatives and programs include both **general types of civil society capacity-building and information-sharing activities** corresponding to the general needs in improving the enabling environment in which they operate as well as **them e-specific activities** addressing tailor-made needs of CSOs working on different themes but on a regional level. In terms of **general types of activities** proposed are:

- Research on the state of human rights in the region and establishment of Black Sea Human Rights Council or regional advocacy platform on human rights;
- Creation of Black Sea NGO portal for information dissemination on civil society in the countries from the region and cases of best practices;
- Regional project on strengthening CSO advocacy planning, development of advocacy strategies;
- Creating funding opportunities for regional programs/projects from various sources (e.g. international fundraising workshop);
- Strengthening the feeling of belonging to the Black Sea region and visibility of the Black Sea NGO Forum among citizens and CSOs from different countries (e.g. organizing events by CSOs under the title 'Citizen Participation Day', or 'NGO Sustainability Day' on 31th October, which is the Black Sea Day);
- Engage academic leaders to discuss problems/issues of the Black Sea countries from academic perspective. Support the production of discourse on Black Sea region issues and promotion of Black Sea

region issues by CSOs in the respective countries. Organize regional events on the topic of Black Sea region identity;

- Organizing smaller and focused events and not only big scale forum meetings; investment in horizontal ties and connections among CSOs.

In terms of **thematic-specific activities** proposed are:

- Projects focused on improving good governance, institutional transparency and accountability in different areas (e.g. *education*);
- Regional activities (action-oriented projects on combating and prevention, conferences, workshops and other knowledge sharing events) on the topic of *gender-based violence*;
- Research of the needs of *internally displaced persons*; rehabilitation programs;
- *Educational activities* which will facilitate capacity-building and cooperation in the region: conferences, study visits, workshops, peer education programs, summer and winter schools for youth; online conferences;
- Support for building thematic regional networks;
- Support for programs/projects in the area of *environment* and *energy security*. This area of cooperation may also involve CSOs from Azerbaijan, Belarus and Russia;
- *Peacebuilding* and *dialogue-building* programs among CSOs from conflict countries/areas;
- Establishment of a Black Sea Social Policy Network for the promotion of *social justice, fighting poverty* and *social assistance*;
- Establishing a regional monitoring index of *youth policies* implementation and cooperation between National Youth Associations (Councils);

As **relevant stakeholders (institutional or otherwise) for supporting cooperation** CSOs listed both typical stakeholders such as other relevant CSOs that do not participate yet at Black Sea NGO Forum; public institutions on national and local level (e.g. Parliaments, Ministries) should be included in the Forum events, as well as EU institutions and EU Member States and their Embassies; foreign and domestic donors; international non-governmental organizations, World Bank, the UN. Also, less “typical” stakeholders such as media, experts, academia, think tanks, civil society leaders/activists, and volunteers; different social groups (youth and vulnerable groups) are also deemed important to strengthen cooperation. Many proposed strengthening links with local-self-government units and businesses, trade unions and professional associations.

CSOs have a clear list of expectations for the **future strategic framework of the Black Sea NGO Forum**, which range from the Forum providing space for filling the gaps and challenges faced by CSOs at national level to being able to create synergies for better work at national level. A role for the Black Sea NGO Forum in **mitigating funding situation** at national level is seen as one of the key priorities. Respondents propose the creation of Black Sea NGO Fund which could be supported by governments of the countries in the region, and open fund for civic activism. CSOs are faced with restrictive access to foreign funding and due to state policies and attitude towards CSOs state funding is not seen as desirable source of funding, and tax policies for giving (individual and corporate) are not helping CSOs diversify funding and secure their independence and sustainability on the longer term. Moreover, Black Sea NGO Forum is seen as a platform that could help communicate concerns and facilitate improvement of **consultation between local CSOs and foreign donors**, especially the EU. Moreover, it could contribute to better donor coordination among themselves as well as help support regional thematic initiatives. The Forum should also advocate for development of **alternative opportunities for funding** in the region through the promotion of philanthropy and corporate social responsibility.

In the drawback of less developed or wholly lacking public institutions - CSOs relations, CSOs expect that the Black Sea NGO Forum can promote a future strategic framework through **opening a space** (online and offline) for networking, forming partnerships and for learning/capacity-building in particular thematic and policy areas. The Black Sea NGO Forum could be a space to include and gather various stakeholders in order to promote the strategic framework for regional cooperation.

The Black Sea NGO Forum can promote a future regional strategy through facilitating **common regional initiatives/programs and supporting the formation of regional networks**. By doing so, CSOs expect that the Black Sea NGO Forum will avoid repeating the activities of the Eastern Partnership Civil Society Forum and develop more long-term vision and basis for regional cooperation.

It is clear that in order to be able to do that, the Black Sea NGO Forum should become clearly **structured and institutionalized** with governing bodies or committees established on the principles of openness, inclusiveness and transparency. The Forum should engage in promotional activities related to its previous achievements and become widely recognized in the region.

The vision on how the Black Sea NGO Forum can **engage with relevant stakeholders in order to ensure support for a future strategic framework for regional cooperation** carried by CSOs include the Forum becoming the CSOs' voice in front of international stakeholders (e.g. EU, UN, international donors) and in front of the country governments/public institutions. The lobbying towards foreign donors/business would result in support of joint regional projects. For this, the Forum can engage with relevant stakeholders by using the already existing networks/contacts with local CSOs from the countries. To involve stakeholders support for the regional strategy, CSOs propose the establishment of financial opportunities for civil society development, regional projects online database for informing stakeholders on how they can contribute. Support of future strategic framework can be assured through organization of various kinds of events (e.g. forums, workshops, conferences, webinars, consultations) where stakeholders will be included in the process of defining strategic priorities and in their promotion and furthering. Finally, support of stakeholders for future strategic framework can be assured by maintaining its visibility.

Lastly, the Black Sea NGO Forum could support civil society in the region **to take further action in the identified cooperation areas** through stimulating their involvement in various *capacity building events* (e.g. e-courses, virtual conferences, trainings, coaching, exchange and study visits) and participation in research projects and advocacy activities in the cooperation areas. It should initiate regional projects and organize regional conferences where burning issues in the identified areas of cooperation will be discussed. Furthermore, the Forum can stimulate CSO action in cooperation areas by *offering expertise and legal assistance* where necessary, representing and advocating CSO interests in the region. *Active support by media and businesses* in areas of regional cooperation may also stimulate CSOs action.

Many of CSO respondents suggested that Black Sea NGO Forum can stimulate CSO engagement in the cooperation areas by *offering opportunities for financial support* ("funding hub") of regional projects. Moreover, the Forum can facilitate linking of potential project partners and donors with CSOs. The Black Sea NGO Forum can promote the Black Sea identity and participate in the making of this identity through CSOs cooperation and identify the role of CSOs in the building of the identity.

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6. APPENDICES

APPENDIX 1 – FOCUS GROUP AND INTERVIEW TOPIC GUIDE

A. FOCUS GROUP topic guide

Introduction

How would you describe the general state of enabling environment for civil society in Georgia?

Basic Legal Guarantees of Freedoms

1. Please describe the procedure for registration of CSOs in your country.
 - How accessible is this procedure?
 - Time, expenses, location (central/decentralized), type of institution (court, register etc.) online possibility?
 - Cases of rejected registration and grounds for it; appeal procedure
 - Capacity of officials in the registration body to apply the law in a harmonized and unified way
 - Free access to registration information?
2. Have you encountered a case of state interference in internal matters of CSOs in your country? Was this un-/justified? Please give an example.
 - Have your organization ever experienced interference in internal matters by the state or third parties? Please explain.
 - How is the legal framework protecting the internal matters of your CSOs from state and third party interference? (*optional and only in case the desktop research does not answer the question*)
3. What are the reporting obligations of your CSOs towards the state in terms of administrative, financial and time requirements?
 - Are these demanding and excessive; adapted to the nature and size of your CSO?
 - What do you think about the rules for accounting and financial reporting?
4. Do you know of any case of termination/dissolution of CSOs by the state? If yes, please explain whether it was justified?
5. What is the difference in administrative procedures for receiving national (domestic) vs. foreign funding?
 - What is your experience with the administrative procedures for receiving foreign/domestic funding?
 - Are there any administrative or financial burdens; preapprovals; channelling such funds via specific bodies?
6. How would you assess the fulfillment of the freedom of peaceful assembly?
 - Notification procedure

- What type of restrictions do participants and organizers of protests commonly encounter?
7. Where there any cases of violation of the freedom of peaceful assembly in the last three years? Please give examples.
 - Cases of (pre-emptive) detentions of organizers
 - Cases of disproportionate use of police force
 8. What are the consequences for CSOs representatives when exercising their right of critical speech?
 - Are there recent examples of leaders and/or members of watch dog organizations (women's rights organizations, human rights organizations, organizations of minorities peoples, LGBT organizations) facing discrimination, harassment, arbitrary arrest or extra-judicial killing?
 9. How is the legal framework guaranteeing protection from unjustified monitoring of communication channels, including Internet and ICT, or collecting users' information by the authorities? Do you know of any cases of such activities by the state or third parties, and if yes please explain?

Framework for CSOs' Financial Viability and Sustainability

10. What are the types of tax benefits that CSOs enjoy?
 - Is there direct or indirect (hidden) tax on grants?
 - Is there exemption of: personal tax, VAT exemption; tax on corporate and individual donations; (the state with PBO status)
11. What types of state funding are available for CSOs in your country?
 - What kind of national law/policy regulates the state funding?
 - Is state funding responsive to the needs of CSOs?
 - Where can you identify the amount of state funding for CSOs?
 - How is funding distributed? Do you consider the procedure of distribution of state funding as fair and transparent? Why?
12. What are the administrative requirements for engaging volunteers?
 - What type of contract is needed?
 - Additional costs
13. What are the incentives offered by the state towards CSOs for organizing volunteering?

Government – CSO Relationship

14. How would you describe the quality of cooperation between the CSOs and government?
15. Is there a state strategy/compact (agreement) for civil society development? What was the role of CSOs in the making of this document?
16. Is there a national mechanism for cooperation with CSOs (office, contact person, department, agency etc.)? What is the quality of performance of this mechanism so far? (Sufficient HR and financial resources, mandate etc.)
17. What are the criteria/ standards based on which CSOs are included in the policy making process? (Minimum requirements)
18. How can you access laws/public documents? (Public availability)
19. What is your experience with requests for access to public information?
20. What is your experience with participation in consultations on laws/policies development?
 - Was the consultation representative of different groups/inclusive/meaningful?
 - Feedback by government bodies on the CSOs input in consultations

- Representativeness of advisory bodies where CSOs are invited

Foreign donor approaches to CSOs support

21. What types of foreign funding is available in your country?
 - Availability of institutional development of CSOs, project support and co-financing etc.
 - How does foreign funding meet the needs of CSOs in your country?
22. How would you evaluate the procedure of applying of foreign funding?
 - Is it transparent; is it burdensome?
23. Have you ever participated in consultation organized by foreign donors for setting funding priorities? Please give an example.
 - Was the consultation representative/inclusive/meaningful?
 - Is this ad-hoc or regular practice?

Strategic priorities of the Black Sea NGO Forum

Section 5: Cooperation areas for a future strategic framework of civil society in the Black Sea region

1. What are, in your view, the most important cooperation areas for civil society in the Black Sea region (thematic or otherwise) that should be included in a future strategic framework?
2. What are the key challenges for the identified areas where civil society cooperation could bring an added value?
3. Propose concrete regional initiatives/ projects/ programmes in the identified cooperation areas that can help address the key challenges mentioned.
4. What stakeholders (institutional or otherwise) do you believe to be important or relevant for supporting further action in the identified cooperation areas?

Section 6: The role of the Black Sea NGO Forum in supporting a future strategic framework for civil society in the Black Sea region

1. How could the Black Sea NGO Forum better promote a future strategic framework for regional cooperation of civil society in the Black Sea region?
2. How could the Black Sea NGO Forum better engage with relevant stakeholders in order to ensure support for a future strategic framework for regional cooperation?
3. How could the Black Sea NGO Forum support civil society in the region to take further action in the identified cooperation areas?

B. INTERVIEW topic guide

Registration of CSOs

1. Please describe the **procedure for registration** of CSOs in your country.
 - How accessible is this procedure?
 - Time, expenses, location (central/decentralized), type of institution (court, register etc.) online possibility?
 - Cases of rejected registration and grounds for it; appeal procedure
 - Capacity of officials in the registration body to apply the law in a harmonized and unified way
 - Free access to registration information?
 - Is the legal framework limiting establishment CSOs in any way (e.g. number of persons, age, foreign nationality)?
2. Do you know of any case of termination/dissolution of CSOs by the state? If yes, please explain whether it was justified?

Financial reporting and tax framework

3. What are the **reporting obligations** of CSOs towards the state in terms of administrative, financial and time requirements?
 - Are these demanding and excessive; adapted to the nature and size of your CSO?
 - What do you think about the rules for accounting and financial reporting (e.g. are there fines if organization is not complying)?
4. What are the **types of tax benefits** that CSOs enjoy?
 - Is there direct or indirect (hidden) tax on grants?
 - Is there exemption of: personal tax, VAT exemption; tax on corporate and individual donations; (the state with PBO status)
5. What is the difference in administrative procedures for receiving national (domestic) vs. foreign funding?
 - What is your experience with the administrative procedures for receiving foreign/domestic funding?
 - Are there any administrative or financial burdens; preapprovals; channelling such funds via specific bodies?

State or third party interference

6. Are there cases of **state interference** in internal matters of CSOs in your country? Was this un-/justified? Please give an example.
 - Have your organization ever experienced interference in internal matters by the state or third parties? Please explain.
7. How is the legal framework guaranteeing **protection from unjustified monitoring** of communication channels, including Internet and ICT, or collecting users' information by the authorities? Do you know of any cases of such activities by the state or third parties, and if yes please explain?

Freedom of assembly and expression

8. What type of restrictions do participants and organizers of protests commonly encounter?

- Notification procedure

9. Where there any **cases of violation of the freedom of peaceful assembly** in the last three years? Please give examples.

- Cases of (pre-emptive) detentions of organizers
- Cases of disproportionate use of police force

10. What are the consequences for CSOs representatives when exercising their **right of critical speech**?

- Are there recent examples of leaders and/or members of watch dog organizations (women's rights organizations, human rights organizations, organizations of minorities peoples, LGBT organizations) facing discrimination, harassment, arbitrary arrest or extra-judicial killing?

State funding and volunteering policies

11. What **types of state funding** are available for CSOs in your country?

- What kind of national law/policy regulates the state funding?
- Is state funding responsive to the needs of CSOs?
- Where can you identify the amount of state funding for CSOs?
- How is funding distributed? Do you consider the procedure of distribution of state funding as fair and transparent? Why?

12. What are the **administrative requirements for engaging volunteers**?

- What type of contract is needed?

13. What are the incentives offered by the state towards CSOs for organizing volunteering?

Government – CSO Relationship

14. How would you describe the quality of cooperation between the CSOs and government?

15. Is there a **state strategy/compact (agreement) for civil society development**? What was the role of CSOs in the making of this document?

16. Is there a **national mechanism for cooperation with CSOs** (office, contact person, department, agency etc.)? What is the quality of performance of this mechanism so far? (Sufficient HR and financial resources, mandate etc.)

17. What are the criteria/ standards based on which CSOs are included in the policy making process? (Minimum requirements)

18. How can you **access laws/public documents**? (Public availability)

19. What is your experience with **requests for access to public information**?

20. What is your experience with **participation in consultations on laws/policies development**?

- Was the consultation representative of different groups/inclusive/meaningful?

- Feedback by government bodies on the CSOs input in consultations
- Representativeness of advisory bodies where CSOs are invited

Foreign donor approaches to CSOs support

21. What **types of foreign funding** is available in your country?

- Availability of institutional development of CSOs, project support and co-financing etc.
- How does foreign funding meet the needs of CSOs in your country?

22. How would you evaluate the **procedure of applying of foreign funding**?

- Is it transparent; is it burdensome?

23. Have you ever participated in **consultation organized by foreign donors for setting funding priorities**? Please give an example.

- Was the consultation representative/inclusive/meaningful?
- Is this ad-hoc or regular practice?

Strategic priorities of the Black Sea NGO Forum

Cooperation areas for a future strategic framework of civil society in the Black Sea region

4. What are, in your view, the **most important cooperation areas for civil society in the Black Sea region** (thematic or otherwise) that should be included in a future strategic framework?
5. Propose **concrete regional initiatives/ projects/ programmes** in the identified cooperation areas that can help address the key challenges mentioned.
6. What **stakeholders (institutional or otherwise)** do you believe to be important or relevant for supporting further action in the identified cooperation areas?

The role of the Black Sea NGO Forum in supporting a future strategic framework for civil society in the Black Sea region

7. How could the Black Sea NGO Forum better promote a future strategic framework for regional cooperation of civil society in the Black Sea region?
8. How could the Black Sea NGO Forum better engage with relevant stakeholders in order to ensure support for a future strategic framework for regional cooperation?
9. How could the Black Sea NGO Forum support civil society in the region to take further action in the identified cooperation areas?

CONFIDENTIALITY NOTE

I understand that my participation in this focus group is voluntary.

I agree to the focus group being audio recorded for the purpose of data analysis.

I agree to some of my comments or statements being quoted verbatim in the report, provided that my name is not put to the comment.

I have the right to not answer any question I don't like or to withdraw from the focus group and/or withdraw my answers, at any stage, without having to explain why.

I understand that what I say will be kept confidential by the researchers and will only be used for research purposes. My name will be mentioned in the list of focus group respondents.

I understand that if I have any further questions I can contact Milka Ivanovska Hadjievaska at: miv@balkancsd.net

Declaration:

I, (name and surname): _____ agree to participate in the focus group discussion.

Signed: _____ Date: __/__/__

FOCUS GROUP INTRODUCTION

Thank you for agreeing to be part of the focus group. We appreciate your willingness to participate in this discussion which will last 120min.

PURPOSE OF FOCUS GROUPS

This focus group discussion is part of a research on the state of enabling environment for civil society development in eight countries from the Black Sea region: Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Russia, Turkey, and Ukraine. The research project is part of the follow-up activities of the 7th edition of the Black Sea NGO Forum (8th-10th of December 2014, Kyiv, Ukraine), organized by FOND Romania. In total, three focus groups discussions will be conducted with representatives from civil society, per one focus group in Georgia, Moldavia and Ukraine. The research is conducted by the research team of the Balkan Network for Civil Society Development (BCSDN).

The reason we are having these focus groups is to carry out an overview on the state of enabling environment for civil society in which your organizations operate. Moreover, we want to learn about the key needs and challenges for CSOs in your country, related to enabling environment, and gather proposals of cooperation areas for a future strategic framework of civil society in the Black Sea region, as well as suggestions about the role of the Black Sea NGO Forum in supporting the elaboration and implementation of such a strategic framework.

The results of this research will create the basis for the elaboration of the first regional strategy of civil society in the Black Sea region, an instrument that would bring the regional challenges faced by civil society in focus, further regional policy and bridge ideas, actions and contributions towards solutions for the development of a strong civil society sector at the Black Sea.

DISCUSSION RULES

1. Participation and input on the questions by everyone present is very much appreciated.
2. Every participant`s experiences and opinions are important. You don't need to agree with others and you may express disagreement, however you must listen respectfully while others share their views.
3. The discussion will be recorded with voice recorder, so it is important that one person speaks at a time.
4. When you discuss, please make clear whether you are talking about your personal, your organizations' or experience of another organization.
5. We would appreciate if you can turn off your mobile phones.
6. Please write your name down on the name tags in a way that is readable for the others.



Black Sea Region CSOs Survey Questionnaire

Dear civil society representative,

This online questionnaire is part of a research on the state of enabling environment for civil society development in eight countries from the Black Sea Region: Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Russia, Turkey, and Ukraine. The questionnaire is administered among civil society representatives from these countries.

This survey is part of the follow-up of the 7th edition of the Black Sea NGO Forum, an event organized by the Romanian NGDO Platform– FOND, with the support of the Romanian Ministry of Foreign Affairs, the European Commission and CSO Partnership for Development Effectiveness– CPDE.

The survey is conducted by a team of researchers from the Balkan Civil Society Development Network (BCSDN), a network of 15 civil society organizations (CSOs) from 10 countries and territories in South East Europe. BCSDN work is focused on measuring the health of the legal, regulatory, and financial environment in which CSOs operate and its practice.

The aim of this survey is to offer an overview on the needs and challenges faced by CSOs to have an enabling environment in which they carry out their activity, taking into consideration the following dimensions: basic legal guarantees of freedoms; CSO financial viability and sustainability; government – CSOs relationship; donor – CSOs relationship. Moreover, it invites proposals on the strategic priorities of CSOs and on the strategic role of the Black Sea NGO Forum in furthering the enabling environment for civil society development in the Black Sea Region.

The results of this survey will create the basis for the elaboration of the first regional strategy of civil society in the Black Sea Region, an instrument that would bring the regional challenges faced by civil society in focus, further regional policy and bridge ideas, actions and contributions towards solutions for the development of a strong civil society sector at the Black Sea.

The questionnaire is organized in six sections. The data gathered through this survey is confidential and will be used only for the purpose of the research report.

For more information regarding the research project, please contact Mrs. Milka Ivanovska at: miv@balkancsd.net.

Thank you for your time and participation!

Black Sea Region CSOs Survey Questionnaire

Information about the respondent and organization:

* **1. Country where your organization is based/registered:**

* **2. Information about the respondent:**

Respondent's position in the organization (title):

For how long have you been employed in the organization:

E-mail address:

Name of organization:

Location of the organization (name the city or municipality):

* **3. Type of civil society organization:**

Other type of entity (please specify):

*** 4. Field(s) of work/operation of the organization (multiple options are possible):**

- Democracy and Human Rights
- Local Development
- Environment Protection
- Civil Society Development
- Good Governance
- Elections
- Information and Communication Technologies
- Social/ Welfare Services
- Health
- Gender equality
- Education

Other (please specify):

*** 5. Number of employees/personnel currently engaged in your organization (mark the number):**

*** 6. Number of volunteers currently engaged in your organization (mark the number):**

*** 7. Annual budget of your organization for 2014 was:**

- Less than 5,000 EUR
- From 5,001 to 10,000 EUR
- From 10,001 to 50,000 EUR
- From 50,001 to 100,000 EUR
- From 100,001 to 500,000 EUR
- From 500,001 to 1,000,000 EUR
- More than 1,000,000 EUR

Black Sea Region CSOs Survey Questionnaire

Section 1: Basic Legal Guarantees of Freedoms

*** 1. Enabling environment for civil society is defined as the conditions within which civil society works – economic, political, social, cultural, legal, and otherwise. Please assess the environment for the exercise of the following freedoms in your country (mark only one answer in each row)?**

Fully enabling environment Partially enabling environment Disabling environment Fully disabling environment Do not know/ not aware

Freedom of association

Freedom of assembly

Freedom of expression

Freedom for access to information of public interest

2. Please state the level of your personal agreement with the following statement: Individuals are free to participate in formal and informal organizations in your country.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Do not know/ not aware

3. The process of registration of CSOs in your country can be described as:

- Very easy
- Rather easy
- Rather difficult
- Very difficult
- Do not know/ not aware

(Optional) Please explain why:

4. How many days does it take for the public authorities to complete registration of CSOs in your country?

- Less than 15 days
- Between 15 and 20 days
- Between 20 and 30 days
- More than 30 days
- Our organization is not registered

Other (please explain):

Black Sea Region CSOs Survey Questionnaire

Section 1: Basic Legal Guarantees of Freedoms

1. Are there cases of invasive state interference in internal matters of CSOs in your country (e.g. excessive audits, targeted inspections, pressures etc.)?

- No, there are no cases of invasive state interference
- Yes, there are few cases of invasive state interference
- Yes, there are many cases of invasive state interference
- Do not know/ not aware

If, yes, can you please give a concrete example:

2. Has the state interfered in your organization`s internal matters (eg. Excessive audits, targeted inspections, pressures etc.)?

- No, our organization has never experienced state interference in the internal matters
- Yes, it has interfered only once
- Yes, it has interfered on several occasions

If your answer is yes, please explain the act of state interference:

3. The administrative requirements for accounting and financial reporting of CSOs to the state are:

- Very easy and proportionate to the size of the CSOs, their nature and type of activities
- Rather easy and proportionate to the size of the CSOs, their nature and type of activities
- Rather difficult and disproportionate to the size of the CSOs, their nature and type of activities
- Very difficult and disproportionate to the size of the CSOs, their nature and type of activities
- Do not know/not aware

Please explain your answer by giving a concrete example:

4. Has your organization ever faced limitations from government institutions when receiving funds from domestic donors?

If yes, please explain by giving concrete examples:

5. Has your organization ever faced limitations from government institutions when receiving funds from foreign donors?

If yes, please explain by giving concrete examples:

6. How would you assess the procedures for receiving funds from different sources (mark only one answer in each row)?

	Do not know/ not aware	Very easy	Rather easy	Rather difficult	Very difficult
From individuals (citizens)	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
From corporations (businesses)	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
From foreign donors	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
From public institutions (state/ local authorities)	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Black Sea Region CSOs Survey Questionnaire

Section 1: Basic Legal Guarantees of Freedoms

1. Have the state authorities ever limited your right as citizen to participate in peaceful protest/ gathering?

- No, I have participated in peaceful protests/ gathering without any obstacles
- Yes, I have experienced limitations from state authorities of the right to participate in peaceful protest
- I have never participated in peaceful protest/ gathering

If yes, explain by giving concrete examples:

2. Has your organization ever organized a peaceful assembly (mark multiple answers if applicable)?

- Yes, we have organized peaceful assembly without previous notification to state authorities.
- Yes, we have organized peaceful assembly with previous notification to state authorities.
- Yes, we have organized peaceful assembly after receiving authorization by the state.
- No, because the gathering we wanted to organize was prohibited by authorities and we did not receive explanation about the reason.
- No, because the gathering we wanted to organize was prohibited by authorities, and we received clear explanation about the reason, based on law.
- No, we have never organized peaceful assembly.

3. Please mark the level of agreement with the following statements regarding the freedom of assembly in your country:

Do not know/not aware Strongly agree Agree Disagree Strongly disagree

Law enforcement use disproportionate force during peaceful protests/gatherings.

In case of counter-assembly, the state facilitates and protects groups peaceful protest/gathering from another group of protesters who aim to prevent or disrupt the protests/ gatherings (counter-assembly).

4. Has your organization ever faced restrictions of the channels of communication (internet, social media, blocked or hacked communication tools such as web-site, emails etc.) by state authorities?

- No, never
- Yes, only once
- Yes, several times

If yes, please explain:

5. Has there been maltreatment of critical journalists or civil society activists for their critical speech in your country (e.g. criminal procedure, public condemnation) in the last three years?

- No, there were no such cases
- Yes, there are few isolated cases
- Yes, there are many cases
- Do not know/not aware

If yes, please give an example:

Black Sea Region CSOs Survey Questionnaire

Section 2: Framework for CSOs Financial Viability and Sustainability

1. Are tax exemptions for CSOs in your country in accordance your organization`s needs (assuring the sustainability of the CSO)?

- Yes, tax exemptions are in accordance with our needs
- No, tax exemptions are not in accordance with our needs
- We do not use any tax benefits
- Do not know/ not aware

If not, please explain:

2. Is there taxation of grants in your country?

- Yes, there is direct and indirect (hidden) tax on grants
- Yes, there is direct tax on grants
- Yes, there is indirect (hidden) tax on grants
- No, there is no tax on grants

Other (please specify):

3. The types of available state support for CSOs are (mark multiple options if applicable):

- Funds for institutional (organizational) development of CSOs
- Co-financing of projects
- Funds for project support for formal groups
- Funds for project support of informal groups
- Multi-year funding for projects
- Free allocation of space and equipment

Other (please specify)

4. Please mark the level of agreement with the following statements on the distribution of public funding to CSOs in your country:

Do not know/not aware Strongly agree Agree Disagree Strongly disagree

Public funds respond to the needs of CSOs

Information on the procedures for state funding application are publically available (e.g. legislation basis, commission, procedure for decision-making)

The application requirements (application forms, annexes and etc.) are easy to meet

Decisions on project applications are fair and in line with prescribed procedures

Information on funded projects (e.g. name of grant, project name, budget approved) is publicly available

5. Based on your experience, how stimulating are public policies for volunteering in CSOs (e.g. Incentives for volunteers: right to receive covering expenses, use health and social benefits, exemption of income tax; financial and non-financial support for organizations who engage volunteers; easy procedures for engaging volunteers, clear contracting rules etc.)?

- Very stimulating
- Not very stimulating
- Limiting/ dissimulating
- There are no such policies which stimulate volunteering
- Don't know/not aware

6. Has your organization faced administrative difficulties when engaging volunteers?

- No, we have never faced any difficulties
- Yes, we have experienced administrative difficulties several times
- Yes, we regularly face administrative difficulties
- No, we have never engaged volunteers

If yes, please explain by giving concrete examples:

Black Sea Region CSOs Survey Questionnaire

Section 3: Public institutions– CSO Relationship

1. How would you assess the level of involvement of CSOs in decision making on national level in the following stages:

	Don't know/ not aware	Very high	Rather high	Rather low	Very low
Consultation in early stage of policy/law drafting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Design of policies/laws	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Policies implementation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Policies monitoring	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. Did CSOs participate in the process of preparation of strategic document for civil society development (e.g. Government strategies, Action plans, Programs, etc.)?

- Yes, CSOs were actively involved in all the phases
- Yes, CSOs were actively involved in some of the preparation phases
- Yes, CSOs were consulted on one occasion
- CSOs were informed, but did not participated
- CSOs were not invited to participate in the making of the strategic documents
- There is no such strategy in my country
- Do not know/ not aware

3. Mark the level of agreement with the statements regarding involvement of CSOs in policy and decision making processes in you country:

	Don't know/ not aware	Strongly agree	Agree	Disagree	Strongly disagree
CSOs have easy access to information of public interest	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
CSOs are provided with adequate information on the content of the draft laws/policies for consultation Consultations with CSOs take place on continuous basis (instead on ad-hoc basis)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
CSOs are provided with the details of the consultation with sufficient time to respond (e.g. 15-30 days)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Most comments by CSOs from consultations are taken into consideration during decision making	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public authorities communicate to CSOs about the comments taken into consideration during consultations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Black Sea Region CSOs Survey Questionnaire

Section 4: Foreign donor approaches to CSOs support

1. Which types of foreign donor funding are available in your country (mark multiple answers if applicable)?

- Funds for institutional (organizational) development of CSOs
- Co-financing of projects
- Funds for project support for formal groups
- Funds for project support of informal groups
- Re-granting

Other (please specify):

2. Please mark the level of agreement with the following statement: The funding from foreign donors responds to the programmatic priorities of CSOs.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Do not know/ not aware

Please explain why:

3. Do foreign funds available support the financial sustainability of CSOs?

- Yes
- No

Other (please explain):

4. Are funds from foreign donors easily accessible for all CSOs (e.g. small/ big; urban/rural; grassroots/professional CSOs)?

- Yes
- No

Other (please explain):

5. Has your organization been included in the process of defining foreign donor strategies/thematic priorities?

- Yes, several times
- Yes, only once
- No, never

If yes, please specify the name of the donor(s):

6. Please mark the level of agreement with the following statements on the distribution of foreign funding to CSOs in your country:

Do not know/
not aware Strongly
agree Agree Disagree Strongly
disagree

Foreign funding responds to the needs of CSOs

Information on the procedures for foreign
funding application are publicly available

The application requirements (application forms,
annexes and etc.) are easy to meet

Decisions on project applications are in line
with prescribed procedures

Information on funded projects is publicly available

Black Sea Region CSOs Survey Questionnaire

Section 5: Cooperation areas for a future strategic framework of civil society in Black Sea Region

Sections 5 & 6 aim to identify the key cooperation areas for civil society in the Black Sea Region that would address national, as well as regional challenges. This would create the basis for a strategic framework for regional cooperation of civil society with the purpose of bringing regional and European focus to the Black Sea Region, contribute to regional policy and advocate for the mobilization of resources to implement the most appropriate solutions.

- 1. What are, in your view, the most important cooperation areas for civil society in the Black Sea Region (thematic or otherwise) that should be included in a future strategic framework?**

- 2. What are the key challenges in the identified cooperation areas for civil society in the region?**

- 3. Propose concrete regional initiatives/ projects/ programmes in the identified cooperation areas that can help address the key challenges mentioned.**

- 4. What stakeholders (institutional or otherwise) do you believe to be important or relevant for supporting further action in the identified cooperation areas?**

Black Sea Region CSOs Survey Questionnaire

Section 6: The role of the Black Sea NGO Forum in supporting a future strategic framework for civil

Sections 5 & 6 aim to identify the key cooperation areas for civil society in the Black Sea Region that would address national, as well as regional challenges. This would create the basis for a strategic framework for regional cooperation of civil society with the purpose of bringing regional and European focus to the Black Sea Region, contribute to regional policy and advocate for the mobilization of resources to implement the most appropriate solutions.

1. How could the Black Sea NGO Forum better promote a future strategic framework for regional cooperation of civil society in the Black Sea Region?

2. How could the Black Sea NGO Forum better engage with relevant stakeholders in order to ensure support for a future strategic framework for regional cooperation?

3. How could the Black Sea NGO Forum support civil society in the region to take further action in the ide

APPENDIX 3 – NUMBER OF CSOs IN THE COUNTRIES OF THE BLACK SEA REGION

COUNTRY	NUMBER OF REGISTERED CSOs* (2014**)	POPULATION IN MLN. ²³²	CSOs PER 10 000 INHABITANTS IN 2014
ARMENIA	5,264 registered CSOs (4,066 public organizations, 902 foundations, and 296 legal entity unions)	2,98	18
AZERBAIJAN	2,960 registered CSOs (including foundations and public unions) in 2013. No data for 2014.	9,54	3
BELARUS	2,784 (2,596 public associations, 33 unions of public associations, 155 foundations)	9,47	3
GEORGIA	20,206 registered non-profit organizations	4,50	45
MOLDOVA	9,225 registered CSOs	3,55	26
RUSSIA	227,206 registered CSOs (227,019 Russian CSOs and 187 offices of foreign CSOs in 2013)	143,82	16
TURKEY	108,738 (103.957 active associations and 4.781 new foundations)	75,83	15
UKRAINE	92,039 registered CSOs (75,828 public associations; 277 creative associations and other professional unions; 15,934 charitable organizations)	45,36	20

* All data (except for Turkey) are from the 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia <http://www.usaid.gov/sites/default/files/documents/1863/FINAL.pdf>

** Not all data are for 2014.

²³² Source: World Bank 2014, available at: <http://databank.worldbank.org/data/download/POP.pdf>



Federatia Organizatiilor Neguvernamentale pentru Dezvoltare din România

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