



# REDEMOS

RECONFIGURING EU DEMOCRACY  
SUPPORT. TOWARDS A SUSTAINED  
DEMOS IN THE EU'S EASTERN  
NEIGHBOURHOOD

**REDEMOS Working Paper D4.1**

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# Democratic progress, stasis, regression and authoritarianisation in the EU's eastern neighbourhood

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(eds.)

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## Executive Summary

The EU's ability to provide effective and sustainable democracy support to its eastern neighbours hinges on its thorough knowledge of the state of democracy on the ground, together with a deep understanding of the relevant trends characterising democratisation and, where relevant, authoritarianisation processes in individual countries. This working paper responds to these needs by providing an in-depth stocktaking of democracy building efforts and failures in Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine between 2010 and 2022. Examining key aspects of democratic rule, such as elections, political and civil rights, and judicial and legislative constraints on the executive, the paper seeks to provide interested decision-makers, scholars, civil society representatives and students with a comprehensive overview of how the six countries' political institutions have developed during this period. Moreover, and in line with the REDEMOS project's understanding of the centrality of the "demos" in the transition towards and the sustainability of democracy, the working paper also analyses the support for democratic principles within the broader populations; the skills and resources that citizens possess to sustain and advocate for democracy; as well as their active participation in the political process. Finally, the paper provides a discussion of some of the most relevant contemporary political trends shaping each country's domestic politics. Together with D2.1 (Working Paper on Stocktaking of EU democracy support towards the eastern neighbourhood), this working paper (D4.1) is part of REDEMOS' first stage of retrospective scrutiny, aiming to take stock of both EU and EU member states' efforts at democracy support towards the eastern neighbourhood, as well as of the six individual countries' successes and failures in democracy building.

Democratic and authoritarian developments in the EU's eastern neighbourhood throughout the period 2010-2022 were marked by a high level of heterogeneity, with both democratic progress and regression, as well as authoritarianisation, having become ever more consolidated, not least in light of Russia's full-scale invasion of Ukraine. The region has seen further entrenchments of authoritarian practices and cementation of dictatorial rule (Azerbaijan and Belarus), democratic backsliding (Georgia) as well as significant, though fragile, democratic reform processes (Armenia, Moldova and Ukraine). Despite this variance, the EU's six eastern neighbours share some important commonalities. None of the countries have an independent, professional, transparent, and accountable judiciary. In recent years, not least given Russian disinformation, all of them also witnessed, albeit to a different extent, restrictions to the freedom of expression. To the extent that there is a common thread connecting the formidable challenges all these countries encounter on their way to democratisation or – at the very least – rolling back authoritarianisation, this revolves around oligarchisation and corruption. The region's ruling elites – both democratic and authoritarian – rely heavily on personality politics and distinct leadership networks, a feature which has enabled them to remain relatively resilient in the face of a multitude of internal and external challenges to their rule.

Emboldened by Azerbaijan's successful military campaign in and around Nagorno-Karabakh and President Ilham Aliyev's ensuing domestic popularity, Azerbaijan's political regime has deepened its authoritarian nature and moved closer to being a 'closed autocracy', systematically restricting citizens' rights and freedoms and dismantling any remaining vestiges of political opposition and civic activism in the country. These developments come against the background of a decade of steadily deteriorating or stagnating performance on all democracy indicators examined here, and which continues the broader trend apparent already after 1992. As far as Belarus is concerned, notwithstanding the minor democratic concessions of the 2014 – 2019 period, designed to improve the country's international standing and facilitate cooperation with the West, the regime has displayed autocratic stasis, with hardly any change in its democracy status between 2012 – 2020. Following the August 2020 presidential election, a clear and dramatic downward trend can be discerned, and the country can now be said to be on a pathway towards a full-blown totalitarian system, with ever-more military and economic leverage exerted by Russia.

As a result of the 2018 Velvet Revolution, Armenia recently transitioned from electoral autocracy to electoral democracy, but has been moderately regressing again more recently. The most decisive factor negatively impacting its democratic post-revolution trajectory is the fallout of the war with Azerbaijan and the ensuing protracted domestic crisis which has enhanced, rather than reduced, political polarisation. Georgia has been

an electoral democracy for more than a decade but is increasingly faced with the monopolisation of the decision-making process by the governing Georgian Dream party and the informal rule of the oligarch Bidzina Ivanishvili. In that context, it has been characterised by degradation of state institutions, elite corruption, a stalled judiciary reform, contested media freedoms, and repeated attempts to crackdown on a civil society which itself shows growing signs of engagement and mobilisation fatigue. As a result, the democratic progress Georgia has achieved since 2012 has begun unravelling, with the country regressing to the lowest level of democracy in a decade. It remains to be seen if the granting of EU candidate status in December 2023 can act as a stimulus for addressing democratic shortcomings and revitalising reform processes. Moldova has been assessed as an electoral democracy, except for the episode of democratic breakdown that coincides largely with oligarchic rule in 2016-2019. However, the country bounced back to electoral democracy thanks to the vigour and collective action of a critical segment of Moldovan elite, civil society, and the general public. In recent years, Moldova's democratic development has been on a clear upward trajectory – a dynamic that is also reflected in the European Commission's 2023 recommendation to open EU accession negotiations.

Following the removal of President Viktor Yanukovich from office in early 2014, Ukraine has also seen significant democratic progress. Elections have generally been deemed free and relatively fair, but observers noted flaws in each of them. Also, there have been notable improvements with regards to political and civil liberties, but concerns have been raised regarding the rights of ethnic and linguistic minorities. More generally, efforts to combat corruption and to enhance transparency have encountered formidable resistance from entrenched state structures and oligarchic circles, though the latter's sway over Ukrainian politics has been reduced in recent years. Despite these setbacks, the overall direction of Ukraine's transition towards a consolidated democracy seems locked in for the time being. Two factors are especially relevant in this context. First, citizens and civil society have become increasingly invested in the political arena and are demanding change. Secondly, ever-closer political and defence cooperation with the EU and other Western actors is accompanied by these actors' encouragement of and support for further democratic reforms, particularly after the European Council on 14 December 2023 decided to open accession talks with Ukraine.

The democratic and autocratic trajectories of the six eastern neighbourhood countries examined here during the period 2010 – 2022, while highly diverse in their manifestation and root causes, point to the critical role of the demos in bringing about democratic change, sustaining democratic progress and deterring or reverting democratic regression, in particular when these processes are simultaneously supported by political elites and organised civil societies. Where elites, civil societies and citizens have jointly pushed for democratic reforms, as in the cases of Moldova, Ukraine and Armenia, remarkable progress has been achieved. When civil society and citizens join forces in calling out corrupt, democratically flawed governments, democratic regression can be stopped in its tracks, though the extent to which this can pave the way for genuine democratic progress in the absence of a buy-in from political elites, remains questionable, as Georgia's case poignantly shows. At the same time, autocrats which control domestic and external levers of power are likely to quash any dissent resulting from the joining of forces between civil society and citizens, as the example of Belarus starkly demonstrates. And where civil society has been gradually but steadily decimated and the regime still enjoys popular legitimacy, as in Azerbaijan, widespread demands for democracy are still far-fetched. What all these democratic and autocratic experiences show is that the 'virtuous triangle' of citizens, civil society and political elites must be carefully cultivated both domestically by those advocating and struggling for democracy, and externally by those international actors who support these processes.

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## List of acronyms and abbreviations

AA	Association Agreement
ABPA	All-Belarusian People’s Assembly
ADEPT	Association for Participatory Democracy (Moldova)
AIE	Alliance for European Integration (Moldova)
AMN	Our Moldova Alliance
APFP	Azerbaijani Popular Front Party
APME	Alliance for European Moldova
BTI	Bertelsmann Transformation Index
CAT	UN Committee against Torture
CEC	Central Election Commission
CRRC	Caucasus Research Resource Centre
CoE	Council of Europe
COVID-19	Coronavirus disease 2019
CSO	Civil Society Organisation
DA	Dignity and Truth Platform (Moldova)
EaP	Eastern Partnership
EED	European Endowment for Democracy
ENP	European Neighbourhood Policy (ENP)
ECHR	European Court of Human Rights
EDI	Electoral Democracy Index
EP	European Parliament
EU	European Union
EMDS	Election Monitoring and Democracy Studies Center
FH	Freedom House
FHI	Freedom House Index
FHI	Family Health International
GD	Georgian Dream
GPPE	European People’s Party Group
HCoJ	High Council of Justice
IDP	Internally displaced persons
IFO	International Financial Organisation
ILO	International Labour Organization
IRFS	Institute for Reporters’ Freedom and Safety
IISEPS	Independent Institute of Socio-Economic and Political Studies
IRI	International Republican Institute
LDI	Liberal Democracy Index (V-Dem)
NDI	National Democratic Institute
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
ODIHR	Office for Democratic Institutions and Human Rights
OUN-B	Organisation of Ukrainian Nationalists (Bandera)
OSCE	Organization for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PAS	Party of Action and Solidarity (Moldova)
PCRM	Party of Communists of the Republic of Moldova
PDM	Democratic Party of Moldova
PEC	Pro-European Coalition (Moldova)
PL	Liberal Party (Moldova)
PLR	Reformist Liberal Party (Moldova)
PLDM	Liberal Democratic Party of Moldova
PSRM	Party of Socialists of the Republic of Moldova

REAL	Republican Alternative Party (Azerbaijan)
RFE/ RL	Radio Free Europe / Radio Liberty
TI	Transparency International
UNDP	United Nations Development Program
UNM	United National Movement
V-Dem	Varieties of Democracy
VLAP	Visa Liberalisation Action Plan
WVS	World Values Survey
WISG	Woman's Initiatives Supporting Group
YAP	New Azerbaijan Party

# 1 Introduction

The collapse of the Soviet Union in 1991 heralded a new era of transformation across Central and Eastern Europe, the South Caucasus and Central Asia. Former Soviet republics and satellite states embarked on a journey of nation-building, economic restructuring, and political change, amounting to a ‘triple transition’ which was arguably the hallmark of the ‘fourth wave’ of democratisation of the post-communist world. Against the backdrop of economic hardship, social insecurity, institutional and legal disintegration and, in some cases, ethnic and/or territorial conflict, many of these countries experienced seismic transformations which rarely paved the way for smooth democratisation processes. In particular, “the more eastward we look, the more thwarted – and in parts even reverted – these transitions appear to be” (Haerpfer and Kizilova 2014, 159). While the countries of Central and Eastern Europe began in earnest their transitions to liberal democracy with a view to joining the European Union and NATO, the six countries examined in this working paper settled into various shades of authoritarianism: some, like Azerbaijan and Belarus, quickly moved towards consolidated authoritarian regimes, while Moldova, Ukraine, Georgia and Armenia embraced more hybrid, competitive authoritarian, regime types (Levitsky and Way 2010).

As the EU enlargement rounds of 2004 and 2007 brought ten post-communist countries into the EU, the Union’s expanded borders reached the Eastern European flank of the post-Soviet space, where Moldova, Belarus and Ukraine became direct neighbours and the South Caucasus acquired unprecedented political proximity. At the same time, the Rose Revolution in Georgia (2003) and the Orange Revolution in Ukraine (2004) raised expectations of democratic breakthroughs in these countries and corresponding regional domino effects (Fairbanks 2004; Dickinson 2020), triggering a flurry of policy responses from international actors, most notably the European Union. The need to provide a coherent policy framework to these “outsiders” (Smith 2005) informed the 2004 launch of the European Neighbourhood Policy (ENP), which sought to employ some of the tools and instruments deemed fruitful during enlargement towards those neighbouring countries whose membership was not immanent, likely, or indeed even remotely conceivable.

In 2009, a Swedish-Polish initiative led to the launch of the Eastern Partnership (EaP), a framework embedded in the ENP that aimed at fostering further cooperation between the EU and its eastern neighbours, encompassing Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine. Proposed in response to the French-driven establishment of the Union for the Mediterranean (UfM), the EaP reflected a preference for greater differentiation between the EU’s southern and eastern neighbourhoods as well as the – albeit contested – notion that the former were mere partners whereas some of the latter could at least in principle become eligible for EU membership at some point. This notion was based partly on geography, with Belarus, Moldova and Ukraine clearly located on the European continent, and at least Armenia and Georgia often situated there as well in terms of identity, culture and political outlook (De Waal 2019, 10). However, it was also based on political trajectories within the region. Four of these six countries had appeared to move towards democracy since their independence from Soviet rule. Optimistic assessments of the Rose and Orange Revolutions hailed these events as watershed moments in Georgia and Ukraine’s political histories which, by elevating pro-Western reform-oriented presidents into office, paved the way for long-awaited democratic transitions. Moldova’s 2009 “Twitter Revolution”, while falling short of the dramatic outcomes of the colour revolutions, enabled the opposition to regroup and join forces in ousting the ruling Communist Party, thus raising hopes of democratic progress.

These promising, yet feeble, developments notwithstanding, the “unfulfilled promise of the ‘colour revolutions’” soon became apparent, with the democratic performance of these countries deteriorating, rather than improving (Freedom House 2009). In Georgia, President Saakashvili effected constitutional changes to strengthen the executive at the expense of the other branches of government, and steadily worked to undermine the opposition, while deeply flawed elections continued to take place. In Ukraine, political infighting following the Orange Revolution reached unprecedented levels, blocking any meaningful reform progress, while Yanukovich’s presidential victory in 2010 brought about new restrictions on press freedom, civil society, competitive local elections and judicial independence. The implication, as one scholar observes, is that colour revolutions did not necessarily represent democratic breakthroughs as such, but that they rather marked a phase of contestation within otherwise hybrid regimes cycles (Hale 2005, 161).

Whether electoral victories by opposition forces usher into lasting democratic episodes is too complex a phenomenon to be put down to the toppling of authoritarian leaders.

While being eschewed by a revolutionary moment until 2018, Armenia had a strong legacy of civic activism and mass protests since at least the 1980's and its relatively "soft" authoritarianism was never able to completely suppress the existence of a competitive opposition (Zolyan 2021, 52; 57). Unlike Moldova, Ukraine and Georgia, who all had distant, but realistically conceivable, EU membership aspirations, kept alive by their own revolutionary moments which ensued in power rotations, Armenia's "complementarity" foreign policy aiming to balance both Russia and the EU (Simao 2013, 113) fell short of articulating explicit membership ambitions. In contrast, Belarus and Azerbaijan displayed parallel, closed, entrenched authoritarian political trajectories for the better part of their post-Soviet independent existence. The former experienced only one relatively democratic election in 1994, resulting in the victory of Alexander Lukashenka who has run the country in increasingly authoritarian and repressive manner since. Former Chairman of the Azerbaijani Supreme Soviet Heydar Aliyev became Azerbaijan's President in 1993 following a military coup against President Elchibey, who had been elected in 1992 in the first free election of post-independence Azerbaijan. Heydar Aliyev was then confirmed in the position after a highly compromised election in late 1993 and bequeathed this office to his son Ilham Aliyev a decade later, establishing a deeply corrupt and neo-patrimonial presidential dynasty.

The political evolution of the countries in the EU's eastern neighbourhood has thus shown significant variance. Democratic change did not occur everywhere, and where it did, it was far from linear. Whether the European Union played a meaningful role in enabling or supporting democratic developments has been a long-running subject of academic and policy debates. Rather than delving into this debate and unpacking the role of the EU as an actor promoting democratic norms and values – a topic extensively addressed by REDEMOS Work Package 2 – the current working paper seeks to provide a general overview and analysis of democracy building efforts and failures within the eastern neighbourhood between 2010 and 2022. To this end, the paper draws on the V-Dem conceptualisation of "liberal democracy" (Coppedge et al. 2023), as the main aspirational model for those eastern neighbourhood countries striving for democracy, and assesses the performance of the six neighbours across the conceptual building blocks of this understanding of democracy: free and fair elections; political and civil rights with a focus on freedom of association and expression, and equality before the law and individual liberty; and legislative and judicial constraints on the executive branch or, in other words, the existence of checks and balances. We argue that these important democratic aspects constitute the so-called "institutional component" of democracy, which is more often than not the one considered by existing democracy indexes. However, in line with the REDEMOS project's understanding of the centrality of the "demos" in the transition towards and the sustainability of democracy, our idea of democracy furthermore involves at least some level of general support for these institutions within the population at large, which is ideally reflected in citizens' commitment to democratic values and their active participation in the political process, as well as the presence of activists and associations that actively work towards democratic outcomes. We refer to this aspect of democracy as the "demos component". Drawing upon the work of Mayne and Geissel (2016, 639-41), we conceptualise the demos component as consisting of: citizens' democratic commitments (values); the political resources that exist in each society (capacity); and the extent of citizens' political participation (behaviour).

We are interested in tracing the movement of the six countries under study towards either democracy, which we refer to as democratic progress, or towards authoritarianism, which we refer to as democratic regression or authoritarianisation, depending on the severity of the country's rupture with the norms and practices associated with democratic rule. We also take note of episodes of stasis or stagnation, when political evolutions do not advance in either direction, which can be a welcome sign of consolidation in democratising countries, and a worrying indication of entrenchment in democratically regressive or authoritarianising regimes. It is important to stress that our approach to assessing progressing, stagnating and regressive trends is not a rigid one, and we take our cues from the multiplicity of primary and secondary sources we use, while exercising critical judgement of wholesale rankings and categorisations.

We rely on a variety of sources to assess the state of democracy, or indeed, authoritarianism, in the EU's eastern neighbourhood. As far as the above-mentioned institutional component is concerned, we use data from the Varieties of Democracy (V-Dem) project for the period 2010 – 2022, in addition to data provided by other democracy indexes, reports and assessments, such as the Bertelsmann Transformation Index (BTI), the Freedom House country and regional reports, the election monitoring reports of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE), Transparency International Corruption Perceptions Index, as well as secondary sources and academic literature to contextualise our findings. The demos component draws on data from the V-Dem, World Value Survey, and European Value Survey, complemented by national and regional surveys and opinion polls and, in so far as the political resources of societies are concerned, we make use of the CSO Sustainability Index to assess the state of organised civil society in each country, it is important to note that the development of the demos component, both in its theoretical and empirical aspects, is at the core of the REDEMOS project. In this working paper, we take a pragmatic and, to some extent, tentative approach to conceptualising the demos component and a first empirical step in assessing this important element of democracy development in our countries of interest. However, our data collection effort is only at the beginning and subsequent phases of the project will provide more material (for example, as a result of conducting a survey with grassroots actors, through the organisation of mini-publics with citizens, or social media analyses of relevant public narratives), enabling us to further develop and refine the demos component, both theoretically and empirically.

The working paper is structured as follows: the next chapter discusses the conceptual framework in which our discussion of democracy development is embedded, followed by six individual chapters dedicated to each of the six eastern neighbourhood countries. The country studies are succeeded by a chapter dedicated to the impact of Russia's war on Ukraine on democratic development in the region. The paper ends with a concluding section reflecting on the most notable democratic and autocratic trends experienced by the six countries under review. The country case-studies are structured similarly, opening up with an introduction, followed by an analysis of the institutional and demos components of democracy, respectively, and ending with a section reflecting on the broad political trends characterising the country in question during the period 2010-2022.

The working paper aims at providing policymakers, academics, think tankers, civil society activists, students and citizens interested in specific countries in the EU's eastern neighbourhood or the region at large with a comprehensive understanding of democratic and autocratic developments in the post-Soviet space. Each country section follows the same structure and covers the same ground, making it easy to navigate the paper as a whole and helping readers to get a comparative understanding of the region's political evolution since 2010, or a focused overview of developments in one of the countries examined, depending on the readers' interests. While the paper is empirical in nature, its discussion of the role of the demos also seeks to start a broader discussion of the role of citizens in democracy building throughout the region. We would like to emphasise that the corresponding sections should not be taken as an authoritative view on the state of citizenship. Rather, they seek to be the starting point of a broader discussion, which underpins the conceptual approach of the entire REDEMOS project and serves our on-going efforts to refine both its framework and the preparations of the data collection through which it will be substantiated.

## 2 Conceptualising success and failure in democracy building in the EU's eastern neighbourhood

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In order to provide a comprehensive overview and analysis of democracy building efforts and failures in the EU's eastern neighbourhood between 2010 and 2022, this working paper draws on a conceptual framework embedded in the notion that democratic quality consists of two necessary components that are analytically distinct, but independently insufficient (Mayne and Geissel 2016, 2018). The first one is the opportunity-structure component, which includes the institutional and structural opportunities that allow for democratic rule. This is complemented by a citizen component, which refers to the ways in which citizens can and do breathe life into existing institutional opportunities for democratic rule. Following Mayne and Geissel (2016, 635), we refer to these two elements as the *institutional component* and the *citizen component*, or in REDEMOS parlance, the *demos component*. While the former is at the heart of most attempts at assessing levels of democracy and measuring the quality thereof, the latter is all too often portrayed as “supplementary yardsticks” in assessing the viability and robustness of democratic systems (Geissel, Kneuer and Lauth 2016, 575). In contrast, REDEMOS and, by extension, this working paper argue that both these components need to be considered when assessing the evolution of political regimes and democratic developments. This is of particular relevance for democracy support actors, who rely on democracy measurements to decide on the scale and nature of their democracy assistance and for whom some of the existing indices and available data represent authoritative accounts of the state of democracy in the world, shaping policy decisions (Lindberg and Medzihorsky 2020, 4).

The approach used here – that of ‘putting the demos back into the concept of democratic quality’ (Mayne and Geissel 2016) - is consistent with the REDEMOS project's broader understanding of the key role of the “demos” in the transition towards and the sustainability of democracy, in particular the extent to which the broader citizenry support and practice it through the espousal of democratic values and engagement in political processes. The “demos cycle” - as the project's overarching framework – seeks to analytically capture the recursive, holistic, multi-actor and multi-level processes that underpin the much-needed links between the institutional and citizen components of democracy. While a detailed discussion of the demos cycle is beyond the scope of this working paper - a topic that will be elaborated in a different REDEMOS working paper (D8.1) - for the purpose of this study we aim to break down the institutional and demos components, respectively, in order to assess democratic developments across these dimensions in the six eastern neighbourhood countries. The remainder of this section details the operationalisation of the institutional and the demos components.

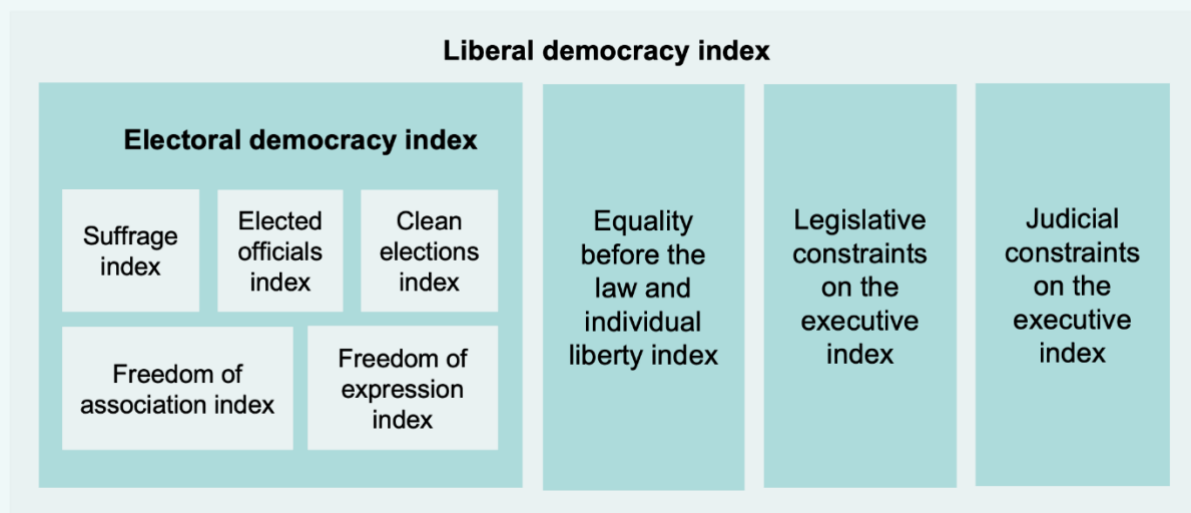
### 2.1 The institutional component

It is commonplace to start any discussion of democracy by exploring the etymology of the word, i.e. the Greek *demokratia*, composed of the words *demos* (people) and *kratos* (rule, power). Scholars of democracy are fond of defining democracy as ‘rule by the people’ (Held 2006), pointing to the contradistinction with monarchy (rule by one) and oligarchy (rule by a few). Despite this starting point, which would seem to imply that different conceptions of democracy take issue with who the demos is, and how its empowerment can be ensured, including the responsiveness of political decisions to its interests and preferences, democracy continues to a large extent to be evaluated as a measure of institutional and procedural mechanisms. Robert Dahl's *Polyarchy* (1971) has perhaps been the most influential contribution to the development of indices designed to assess the level of democracy in a country, by initially proposing eight institutional guarantees, subsequently (Dahl, 1998) reduced to six: elected officials; free, fair and frequent elections; associational autonomy; inclusive citizenship; freedom of expression; and alternative source of information. For Dahl, these institutional guarantees (indices) captured two crucial dimensions of democracy; contestation and inclusiveness. Later contributors (Gastil 1991; Hadenius 1992) to the debate on measuring levels of democracy further developed Dahl's indices by introducing a new distinction between the electoral process

and the protection of civil rights and political liberties as two key dimensions of democracy, an approach that can be recognised in the Freedom House surveys (Beetham 1994, 1).

Our own operationalisation of the institutional component of democratic rule draws on Dahl’s institutional guarantees, by following the Liberal Democracy Index (LDI) developed by the V-Dem project. It is beyond the scope of this paper to review all attempts at measuring democracy levels which have materialised into various indexes and datasets over the years (for an overview, see Graziano and Quaranta 2024). Suffice to point out that V-Dem’s is nowadays acknowledged as a highly prominent, methodologically sophisticated and extremely ambitious effort to measure democracy in its complexity, which makes it a suitable source not only empirically, but also conceptually. The dataset measures multiple varieties of democracy which draw on five distinct democratic traditions or principles (electoral, liberal, participatory, deliberative, and egalitarian). Our choice to root the institutional component in V-Dem’s conception of liberal democracy should by no means be read as an endorsement of this ‘variant’ of democracy as being the most suitable form of democratic rule. Rather, it is an acknowledgement of – for better or for worse - the pervasiveness of liberal democracy as the most securely rooted form of government in the Western world and its widespread acceptance and, to some extent, adoption, beyond the West (Held 2006, 95). Even as in recent years democracy, and liberal norms in particular, have come under threat, this has arguably resulted in a “convergence around the liberal conception of democracy, reversing a previous turn towards recognising its conceptual contestability”, a discursive shift observed in the evolution of the V-Dem’s project itself (Wolff 2023, 161).

V-Dem’s conception of liberal democracy is informed by the liberal tradition of defining democracy as embodying “the intrinsic value of protecting individual and minority rights against a potential ‘tyranny of the majority’ through constitutionally protected civil liberties, strong rule of law, and effective checks and balances that limit the use of executive power” (Lindberg et al 2014, 160). We opted for using V-Dem’s LDI to assess the institutional component of democratic rule because we considered that Dahl’s six institutional guarantees (which, with a slight modification, comprise V-Dem’s electoral democracy index), while representing a thick understanding of electoral democracy, still fall short of the institutional requirements for high-quality democracy, which, in our view, should include the existence of checks and balances and horizontal accountability mechanisms.



**Figure 1: V-Dem's model of liberal democracy**

As Figure 1 shows, V-Dem’s liberal democracy index is composed of different indices, including the electoral democracy index, which evaluates the fairness and competitiveness of electoral processes. However, the index goes beyond mere elections by examining the presence of liberal democratic values such as the protection of civil liberties, freedom of expression, rule of law, and the presence of checks and balances on governmental power. By combining these indicators, the liberal democracy index provides a nuanced understanding of the state of democracy in a given nation, offering insights into both its electoral processes and its broader democratic framework. Our discussion of the state and evolution of democratic principles in

the six eastern neighbourhood countries will therefore incorporate the V-Dem liberal democracy model's relevant indices. Moreover, it will discuss the broader context that underpins them. In doing so, it will follow a slightly different structure, which will be elaborated further below. Each country chapter will commence with a section on elections. This will be followed by a discussion of political and civil rights, including freedom of expression, freedom of association and equality before the law and individual liberty. Zooming in on checks and balances within the respective country's political system, a third section will examine legislative and judicial constraints on the executive.

In addition to the above-mentioned dimensions, a crucial requirement for democracy is that elected officials need to be able to make political decisions across their state's internationally recognised territory without interference by extra-constitutional actors, the only exceptions relating to obligations under international law. This is an element that Merkel (2004) refers to as "the effective power to govern" and which represents the last partial regime of his notion of "embedded democracy". Notably, there must not be grand systemic political corruption (i.e. state capture) or major interference from foreign countries. V-Dem does not systematically capture this dimension. Given the substantial role of oligarchs as well as Russian interference in several of the eastern neighbourhood countries' domestic affairs, it might seem like an omission not to explicitly include this phenomenon, and not to dedicate a separate section to it. However, we feel that the role of non-constitutional actors is, in fact, not a dimension that can be examined in isolation. Rather, non-constitutional actors can affect and, as the country chapters will show, do indeed often affect all the components covered. This differs across different countries as it depends heavily on domestic contexts, and we will thus address this dimension throughout all sections wherever it is relevant.

Moving on, we will discuss the individual indices that form V-Dem's LDI before turning to the demos component. It is worth noting that while we incorporate the V-Dem's LDI to illustrate each country's evolution, we do acknowledge its indices' limits. As a standardised model used for almost all countries of the world, it cannot grasp all nuances and all the varying local, national and regional contexts that affect democracy building across different case studies. Using the indicators, thus, only provides us with a baseline that will be further elaborated upon through a critical empirical assessment that may, at times, also deviate to some extent from the V-Dem's findings. Each country study includes figures for the six indices discussed (free and fair elections, freedom of association, freedom of expression, equality before the law and individual liberty, legislative constraints on the executive and judicial constraints on the executive) for the years 1991 to 2022. While extending well beyond the timeframe covered by our analysis, we considered it relevant to provide the reader with a broader time perspective in so far as each country's democratic development is concerned. As we seek to identify trends of democratic progress, stasis and regression, we opted for including trend lines, which, however, must be taken as only very broadly indicative of the long-term direction of evolution in particular areas of democratic development. These often obscure significant – either positive or negative – fluctuations in scores throughout the period examined, which we strive to address empirically in the relevant sections of the country case studies.

### 2.1.1 Elections

The first component each country chapter will address depicts the structural opportunities for electoral participation, given that the first condition to be met in a democracy is that "control over government decisions about policy is constitutionally vested in elected officials" (Dahl 1982, 11). In other words, who holds public power should be determined by the results of free, fair, open and competitive elections. However, V-Dem's concept of electoral democracy goes well beyond clean elections and, in fact, encompasses a set of political institutions (Coppedge et al. 2016). Drawing on Dahl's concept of polyarchy, V-Dem identifies five institutional guarantees for electoral democracy, reflected in the V-Dem Electoral Democracy Index (Teorell et al. 2016, 5) whose individual components are shown in Table 1Table 1.

- Suffrage
- Elected officials
- Clean elections
- Freedom of association
- Freedom of expression

**Table 1: Electoral component of the V-Dem**

Each country section will therefore start with a discussion of the elections in the respective countries that also touches on the political history of the period that we are looking at. To illustrate this evolution, we include the V-Dem’s clean elections index (see Table 2) which assesses the integrity of electoral processes, investigating whether elections are conducted fairly and are free from undue influence, manipulation, or fraud. High scores on this index usually suggest a robust electoral framework characterised by competitive and inclusive electoral contests. Conversely, low scores may signal systemic flaws, such as electoral fraud, voter suppression, or unequal access to political participation. Given that the V-Dem uses both the terms “clean elections” and “free and fair elections” when discussing this index, we opt for the latter term throughout this working paper given that it is more common. To illustrate the evolution of the electoral component, each of the six country sections includes the V-Dem’s clean elections/free and fair elections index, that incorporates the components listed in Table 2.

- Electoral Management Body (EMB) autonomy
- EMB capacity
- Election voter registry
- Election vote buying
- Election - other voting irregularities
- Election government intimidation
- Election - other electoral violence

**Table 2: Indicators incorporated in the V-Dem’s Clean elections index**

It is worth noting that we do not include the V-Dem indices “Suffrage” and “Elected Officials” due to their lack of variation. Suffrage addresses the percentage of the population which has the legal right to vote in national elections (which does not mean that there are no de-facto constraints). In Ukraine, the situation of residents of those Donetsk and Luhansk areas that have not been under government control as well as displaced persons from these areas has reduced this percentage from 2014 onwards. Even though Georgia and Moldova have been facing similar challenges with South Ossetia, Abkhazia and Transnistria, V-Dem does not show variance across the other five eastern neighbourhood countries, all of which had the value 100% during the period under investigation. Meanwhile “Elected officials” addresses whether the chief executive and the legislature are appointed through popular elections. For this index to hold the value “1”, elections need to be held, but do not need to be free and fair.

### 2.1.2 Political and civil rights

The fourth and fifth components included in the V-Dem’s definition of electoral democracy are Freedom of association and Freedom of expression. We group these two components together with the second component of the V-Dem’s understanding of liberal democracy, that is Equality before the law and individual liberty, as all three components concern citizens’ rights vis-à-vis the state. They are ultimately about the guarantee and protection of the right of the individual – both in their capacity as private persons and as

politically active citizens expressing their views and participating in the political process. According to Merkel (2004, 38), political rights of participation together with free and fair elections “embody the essence of vertical accountability in a democracy.” In addition to the right to vote in free and fair elections, citizens need to have a variety of rights to express their political preferences and interests and organise themselves in various ways that allow them to promote these preferences and interests vis-à-vis the government. This also serves the purpose of keeping the government accountable between elections.

However, the securing of basic individual liberties through constitutional protection – what may be termed constitutional liberalism – has long been deemed an indispensable aspect of democracy (Beetham, 2002, 41), underscoring the somehow artificial separation between freedom of expression and association as political rights of participation and other fundamental freedoms and rights, including freedom of movement and religion, and property rights. With a view to preserving the conceptual integrity of citizens’ basic rights and freedoms, we opted to group Freedom of association, Freedom of expression and Equality before the law and individual liberty together under the broad category of “Political and civil rights”.

- Party ban
- Barriers to parties
- Opposition parties autonomy
- Elections multiparty
- CSO entry and exit
- CSO repression

**Table 3: V-Dem Freedom of association index**

To illustrate this, we include V-Dem’s Freedom of association, Freedom of expression and Equality before the law and individual liberty indices, which all capture the intrinsic importance of freedom/liberty as social value. The Freedom of association index measures the extent to which individuals and groups are free to form associations, including political parties, civil society organisations, and interest groups, without facing undue restrictions from the government or other societal actors (see Table 3Table 3). Countries with higher scores typically demonstrate greater political openness and respect for fundamental rights. In contrast, lower scores may suggest systemic barriers to organising and mobilising, including legal restrictions, intimidation tactics, or cultural stigmatisation.

- Government censorship effort—Media
- Harassment of journalists
- Media self-censorship
- Media bias
- Print/broadcast media perspectives
- Print/broadcast media critical
- Freedom of discussion for men
- Freedom of discussion for women
- Freedom of academic and cultural expression

**Table 4: V-Dem Freedom of expression index**

Moreover, the Freedom of expression index (see Table 4) incorporates media independence, censorship practices and free speech more generally, as well as the legal frameworks, media environments and social dynamics shaping it. Countries scoring higher on this index often showcase a vibrant media landscape, robust legal protections for journalists and activists, and an open public sphere conducive to diverse viewpoints and

their debate. In contrast, lower scores may indicate a climate of repression in which dissenting voices face censorship, harassment or violence.

V-Dem’s electoral democracy and Dahl’s polyarchy are considered by many to provide a “procedural minimum” definition of democracy (Collier and Levitsky 1997, 434). This is complemented, in the liberal conception, by individual liberty and equality before the law as well as checks and balances to executive power, underlining the liberal model’s appraisal of democracy in terms of restrictions placed on political power as well as protection of the individual. In addition to enjoying political rights, citizens thus also need to be protected against arbitrary infringements of their civil rights, and they need to be treated fairly, efficiently and equally by the authorities. This dimension is captured by V-Dem’s conception of liberal democracy which “takes a ‘negative’ view of political power insofar as it judges the quality of democracy by the limits placed on government” (Coppedge et al. 2011, 253). This reflects the “actual core of the liberal rule of law” which Merkel (2004, 39) claims “lies in basic constitutional rights of freedom against the state.”

The V-Dem’s Equality before the law and individual liberty index (see Table 5) thus assesses indicators such as equal access to justice, protection against discrimination, property rights as well as the freedom from torture, forced labour and political killing, the right to free movement and freedom of religion – all of which is underpinned by a functioning rule of law. Countries scoring high on this index usually demonstrate robust legal frameworks and social norms that safeguard individual freedoms and limit state intrusion into private affairs. In contrast, lower scores may indicate authoritarian practices and restrictions on basic liberties and personal autonomy.

- Rigorous and impartial public administration
- Transparent laws with predictable enforcement
- Access to justice for men
- Access to justice for women
- Property rights for men
- Property rights for women
- Freedom from torture
- Freedom from political killings
- Freedom from forced labour for men
- Freedom from forced labour for women
- Freedom of religion
- Freedom of foreign movement
- Freedom of domestic movement for men
- Freedom of domestic movement for women

**Table 5: Equality before the law and individual liberty index**

### 2.1.3 Legislative and judicial constraints on the executive

In addition, principles such as the separation of power and thus horizontal accountability are important safeguards against abuse of power and are meant to enhance the responsiveness of government. In Merkel’s (2004) conception of “embedded democracy”, for instance, the two regimes of civil rights and horizontal accountability form the dimension of liberal constitutionalism and rule of law which is at the heart of V-Dem’s conception of liberal democracy. The final institutional component of democracy that each of our country

sections will address thus deals with the extent to which and how the judiciary and the legislative act as checks on the executive branch of government. To that end, each section will include and discuss the V-Dem's Judicial constraints on the executive index, which measures the extent to which courts are genuinely independent as well as whether the executive branch respects the constitutional order and complies with the courts' judgements (see Table 6Table 6).

- Executive respects Constitution
- Compliance with judiciary
- Compliance with high court
- High court independence
- Lower court independence

**Table 6: V-Dem Judicial constraints on the executive index**

Meanwhile the V-Dem's Legislative constraints on the executive index (see Table 7Table 7) evaluates the extent to which legislative bodies are able to limit and oversee executive power within a political system. Countries scoring high on these indexes typically demonstrate a higher degree of separation of powers and a more robust system of checks and balances, which contributes to the stability and resilience of their democratic institutions. Conversely, lower scores may indicate a greater susceptibility to executive dominance.

- Legislature questions officials in practice
- Executive oversight
- Legislature investigates in practice
- Legislature opposition parties

**Table 7: V-Dem Legislative constraints on the executive index**

## 2.2 The demos component

Drawing on the tentative conceptualisation of the citizen component advanced in the literature on democratic quality (Mayne and Geissel 2016; 2018; Fuchs and Roller 2018), we operationalise the demos component as consisting of three broad categories of citizen dispositions: democratic commitments (values); political capacity (resources); and political participation (action) in the political process (see Table 8). Assessing data which addresses these citizen dispositions should enable us to gauge the understandings, preferences, capabilities and political behaviour of citizens in the eastern neighbourhood around democracy-related issues.

It is important to point out that citizen dispositions are understood differently under distinct models of democracy and, therefore, any analysis that hopes to shed light on these dispositions is well advised to take this into account. Mayne and Geissel (2016) draw on the seven models of democracy identified by the V-Dem project but construct their own typology that includes: minimal-elitism, liberal pluralism and participatory-deliberative. Each of these models places different demands on citizens, hence an understanding of the substantive principles of democracy preferred by citizens, the political capabilities they possess and the extent and nature of political participation they engage in, can reveal whether the quality of democracy as reflected in the existence of adequate institutions, structures and decision-making mechanisms is matched by the quality of the demos' democratic dispositions. Fuchs and Roller (2018) also

use V-Dem as a point of reference and similarly identify three main models: electoral, liberal and direct democracy. We opt for Mayne and Geissel's (2016) framework because it is able to capture not only subjective understandings of and attitudes towards democratic principles, but also the resources that give people the tools to take part in democratic life, as well as the practices of political participation that give meaning to the opportunity structure component of democracy.

- Democratic commitments (values) within the demos
- Political capacity (resources) of the demos
- Political participation (action) of the demos

**Table 8: Dimensions of the demos component**

Democratic commitments comprise those political beliefs, values, principles, and norms that are important to citizens, both cognitively and affectively (Mayne and Geissel 2018, 34). The extent to which citizens endorse such orientations is important for the long-term health of democracies, since "people must intrinsically value the freedoms that define democracy" (Haerpfer et al. 2019, 33). Mayne and Geissel's (2016) framework emphasise citizen preferences with regards to questions related to who gets to make decisions and how, pointing to democratic commitments such as acceptance for the role of elected leaders as the main decision makers. Moreover, liberal-pluralism as a model of democracy "expects" citizens to show: support for continuous demand making by organised interests; commitment to ideal of democracy as requiring competition, bargaining and compromise among organised interests; and political tolerance (Mayne and Geissel 2016, 641). However, the availability of data to substantiate these specific criteria is scarce, in addition to some of them being rather vague and thus challenging to substantiate.

We are approximating these criteria with data from the World Value Survey's (WVS) and European Social Survey's (ESS) questions pertaining to what citizens consider to be essential characteristics of democracy (i.e. free elections; civil rights; gender equality; obeying their rulers). In the respective section of the WVS/EVS, the participants were asked to place themselves on a scale from 0-10 depending on their agreement or disagreement towards several statements about democratic norms such as free elections, civil rights, gender equality and "people obey their rulers". On the scale, 0 stood for "it is against democracy (spontaneous)", 1 stood for "not an essential characteristic of democracy" and 10 stood for "An essential characteristic of democracy". To determine the percentage of people who consider these various norms essential for democracy, we summed up the percentages of the participants placing themselves on 6 and up to 10 on the described scale. Moreover, we included WVS/EVS data on citizens' levels of trust in institutions such as the government, parliament and courts. In the surveys, respondents could categorize their level of trust from "none at all" and "not very much" to "quite a lot" and "a great deal". We summed up the percentages of the participants who chose the two latter categories.

In contrast to democratic values, the political capacities of the demos are not simply a matter of subjective attitudes and inclinations, but also a function of more objective factors such as levels of political knowledge, awareness and skills. Mayne and Geissel (2016, 641) argue that in a liberal democracy, citizens can be "expected" to possess "moderate capacities to make informed electoral decisions as well as undertake political activities during election period" as well as "cognitive and communicative resources to engage effectively with interest groups between elections". In later work they distinguish between three types of political capacity: first, the capacity of citizens to know their own values, preferences, and interests; second, the capacity to choose elites who advance these same values, preferences and interests in the political arena; and third, the capacity to influence the agendas of political elites (Mayne and Geissel 2018). As in the case of democratic commitments, it is not entirely clear how these broad categories of political capacity can be operationalised. In the most general sense, one's capacity to understand their own political beliefs and

interests can be linked to levels of education or literacy which, however, is not a particularly revealing qualitative measure of democratic quality. We prefer, instead, to focus on the last two types of political capacity identified by Mayne and Geissel. As far as the capacity to select political elites is concerned, Milner (2002, 6) refers to this set of political resources as “civic literacy”, defining it in terms of “the knowledge required for effective political choice”, of which patterns of media use is a prominent indicator. We therefore engage with questions related to the sources of information that citizens use drawn from relevant global, regional and national surveys (i.e. WVS, ESS, Caucasus Barometer). When it comes to citizens’ capacity to influence political decisions, we draw an indirect inference with the vitality of the civil society sector. This is rooted in the assumption according to which the existence of a vibrant civil society fosters citizens’ political awareness through its traditional oversight function (i.e. by critically assessing government performance and informing the public) and provides them with diverse opportunities to engage politically between elections. We assess the sustainability of civil society organisations on the basis of the FHI 360 CSO Sustainability Index (CSOSI), as an element of the demos’ political capacity. The CSOSI evaluates civil society actors on a scale from 1 to 7, where 1 signifies high and 7 low capacity. To ease readers understanding, we illustrate the values on an inverted scale where 7 signifies high and 1 signifies low capacity.

Finally, political participation on the part of the demos is regarded as a value in democratic societies, where, at its most basic, it is defined as “the processes by which citizens influence or control those who make major decisions affecting them” (Verba, 1967, 54). However, this definition overlooks forms of political participation which do not have the political system as their main target. Indeed, political participation has traditionally been defined along a traditional/non-traditional or institutional/non-institutional dichotomy, whereby traditional forms of participation have primarily involved voter turnout and party membership, while non-institutionalised participation such as signing petitions, and taking part in demonstrations, boycotts and protests, has become prevalent in most liberal democracies in recent decades (Marien et al 2010). We incorporate both institutional and non-institutional forms of political participation in our assessment, drawing mainly on the WVS set of questions on political action which includes signing a petition, joining in boycotts, attending lawful/peaceful demonstrations, joining unofficial strikes, and data on voter turnout from the International Institute for Democracy and Electoral Assistance’s Voter Turnout Database (International IDEA 2024). When it comes to political action, the participants could either answer “would never do”, “might do” or “have done”. There we focussed mainly on the people who stated that they already had participated in political action.

## 3 Armenia

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According to the V-Dem Liberal Democracy Index (LDI), Armenia has been classified as an electoral autocracy between 2010 and 2017 but transitioned to an electoral democracy following the 2018 Velvet Revolution and the coming to power of Nikol Pashinyan and his Civic Contract Party – a status it has kept ever since (V-Dem 2023, 40). The BTI 2022 mirrors this categorisation, considering Armenia a “fragile democracy” (Bertelsmann Stiftung 2022a, 39) which, according to Freedom House (2023e), continues to be in the “midst of a significant transition.”

Though Article 5 of Armenia’s Constitution stipulates the separation of powers, between 2010 and 2018 the three branches of government were dominated by members of the Republican Party and loyalists of President Serzh Sargsyan who, throughout his authoritarian rule from 2008 to 2018, had presided over a quasi-pyramidal system that scored particularly low in the electoral component and as far as legislative and judicial constraints on the executive were concerned. These, as well as all other components of liberal democracy, experienced a significant upward trend as of 2018, even though some regressed again, not least due to the domestic political crisis following Armenia’s defeat in the 2020 44-day war with Azerbaijan over Nagorno-Karabakh and its seven surrounding regions (De Waal 2020; Schumacher 2020). In fact, the presumptive nexus between national security imperatives and democratic principles has been a recurring theme in the Armenian discourse across various domains both during the period covered by this study and before. Until the Velvet Revolution and the ousting of Sargsyan’s corrupt, clientelist and partly oligarchic rule, the then unresolved Nagorno-Karabakh conflict had served, time and again, as a pretext to postpone meaningful democratic reforms and de facto used to ensure regime survival.

### 3.1 Elections

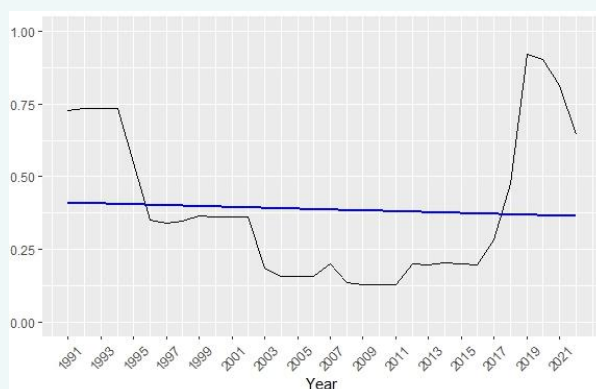
The presidential elections of 2008 marked a significant turning point for Armenia. This was due not so much to a change of the ruling elites – President Serzh Sargsyan came to power in what was considered as a “handover” from the previous Republican Party president Robert Kocharyan (Iskandaryan 2014, 468) – but because it highlighted the crisis within its authoritarian system, both in terms of the country’s prevailing socio-economic conditions and of its security dynamics. Following these elections, the entirety of Sargsyan’s ten-year presidency was characterised by internal political instability (Novikova 2017). Concurrently, external factors exerted substantial influence on Armenia’s political landscape, though it is noteworthy that democratic rule had already been in decline even before Sargsyan came to power. In fact, already the 2003 presidential and parliamentary elections had been marked by political repression, the use of force against opposition forces, and major human rights violations by the security apparatus. Simultaneously, the convergence of business and politics resulted in a strengthening of pyramidal, systemic corruption, as is reflected in a stable, though consistently low score, during the period between 2012 and 2018, on the Transparency International Corruption Perceptions Index (Transparency International 2024).

The 2008 presidential elections can be assessed as extremely problematic in terms of widespread fraud, considerable human rights violations, as well as corresponding post-electoral developments (PACE 2008). Mass protests, staged by the opposition in February 2008 and the disproportionate use of force by the police and mobilised army forces against protesters on 1 March 2009, causing the death of 10 persons, kicked off a long-lasting internal political crisis (Human Rights Watch 2009). This set an extremely low bar for demonstrating progress in electoral processes set by the international community (Danielyan 2012) and allowed the acting authorities to point to significant improvements during the 2012 parliamentary elections (OSCE/ODIHR 2012b; Azatuyun 2012). This presumptive improvement, especially when compared to the 2008 elections, did not, however, result in the free expression of voters’ rights in the country. The changes in the process of violating voters’ rights, notably from resorting to violence to bribing, whilst, at the same time, directing and abusing administrative power, have resulted in a decrease of trust among voters towards the electoral process itself. This is substantiated by the results of, for example, the Caucasus Barometer,

conducted by the Caucasus Research Resource Centre (CRR) in 2013 in Armenia, which reveals that 43% of respondents considered the 2013 presidential elections as “not at all fair”, and another 36% regarded them only as “to some extent fair” (CRR 2013). Whilst electoral violations exercised by Sargsyan’s regime included bribes, the misuse of administrative resources, directing voters, and controlling the voting process itself, the most important tool used by the regime was the manipulation of voters’ lists, generating a wide range of opportunities for double voting under false identity, or even for the casting of ballots in the name of deceased or non-resident citizens.

The constitutional referendum taking place on 6 December 2015 and opposed by the Armenian National Congress party and the Heritage party, transformed Armenia from a presidential to a parliamentary republic. The referendum, widely called “Sargsyan’s project”, was seen by many in Armenia and abroad as an attempt on the part of the President and the ruling party to ensure Sargsyan could remain in power once his second and final presidential term had ended in 2018 by assuming the post of Prime Minister (Paturyan 2015). Like in the 2012 legislative elections, reports of irregularities marred the voting process, and instances of ballot-box stuffing, carousel voting, vote buying, as well as voter list irregularities were observed, accompanied by harassment of independent observers and the media. Whilst these developments cast serious doubt on the legitimacy of the referendum’s outcome and further contributed to public disenchantment, the results as such, notably the power shift towards the Prime Minister and the extension of his term from four to five years have significantly reduced the number of opportunities for direct voter engagement in the process of forming political power and, by the same token, limited the space for post-electoral protests and the voicing of dissent.

The semi-proportional voting list adopted by the Electoral Code in 2016, although proclaimed as a reform of the system, did not have much effect on reducing the possibilities of local business elites and semi-criminal authorities to influence the voting process. This was visibly illustrated by the parliamentary elections held on 2 April 2017, which were again marked by vote buying and misuse of administrative resource (Hoktanyan et al. 2017), as well as instances of intimidation and even physical violence towards voters. At the same time, according to the election observation report by the Parliamentary Assembly of the Council of Europe (PACE) the elections were well administered, voting procedures were generally observed, and voter list accuracy – a contentious issue in the past – had improved because of inter-institutional agreement. Less than two weeks after the elections, opposition parties appealed to the Constitutional Court, de facto dominated by loyal regime members, and requested the cancellation of the election results on grounds of presumed electoral irregularities. Ultimately, however, they were unsuccessful, with the Court rejecting their claims on 28 April (PACE 2017a).



**Figure 2: Free and fair elections in Armenia**

Just one year later, country-wide mass protests emerged, focusing on the absence of an independent judiciary, the ignorance by the ruling authorities of citizens’ rights of expression and the failure to hold free and fair elections. Furthermore, the expectation that Sargsyan would voluntarily transfer power after the end of his second presidential term was severely undermined by the 2015 referendum. Together with the announcement that the Republican Party will propose Sargsyan’s candidacy (Armenpress 2018a) for the position of Prime Minister, this served as an important stimulus for thousands of Armenians to join the

protests led by Nikol Pashinyan and to peacefully overthrow Sargsyan and his ruling Republican Party during what would come to be known as Armenia's Velvet Revolution (Lansky and Suthers 2019).

Though the next parliamentary elections had initially been scheduled to be held in 2022, snap elections took place already in December 2018, following the resignation of Pashinyan who had served as Prime Minister since May 2018. With a view to obtain a proper mandate and the corresponding legitimacy that only free and fair elections can provide, he stepped down as Prime Minister in mid-October 2018 and, due to unsuccessful efforts on the part of his government to alter the problematic 2016 electoral system, elections were held and administered based on the existing legislation that had been put in place by the Sargsyan regime. With a turnout of less than 49%, Pashinyan's My Step Alliance/Civic Contract Party achieved a landslide victory, obtaining a staggering 70,4% of the vote and winning 88 out of 132 seats. As had been promised by Pashinyan himself (The Guardian 2018), the elections turned out to be the first free and fair ones since the early 1990s, and for the first time in decades media access and scrutiny were not obstructed (Bertelsmann Stiftung 2022a, 9-10). As the subsequently held 2019 local elections were also competitive, free and fair, Armenia transformed from electoral autocracy to electoral democracy and as can be seen in Figure 2, peaked as far as the electoral component is concerned. A comparison of the 2017 and 2018 parliamentary elections illustrates the accumulated discrepancy between the real attitude of Armenian society towards the country's political forces and the distribution of mandates as a result of the (ab)use of administrative resources and vote buying: The Republican Party of Armenia, led by Sargsyan, had gained 49.17% of votes in 2017 as opposed to a mere 4.7% in 2018. By the same token, Pashinyan's Civic Contract Party had obtained 7.78% of votes in 2017 but managed to increase this result almost ten-fold in 2018.

In April and May 2021, the parliament, drawing on an electoral promise by Pashinyan, amended the 2016 Electoral Code and, *inter alia*, eliminated open territorial lists and abolished the district seats regime which had served as a tool in the hands of the old regime to offer local oligarchs parliamentary representation in exchange for material support. This was preceded by the adoption of amendments to the Law on Political Parties – another campaign promise of Pashinyan – on 18 January, incorporating recommendations by the Venice Commission and the OSCE/ODIHR (EPDE 2021).

Initially scheduled to take place on 9 December 2023, another round of snap elections were held on 20 June 2021. These were triggered by the lost 44-day Nagorno-Karabakh war and a major domestic political crisis, at the centre of which Pashinyan was accused of treason due to surrendering to the terms of a Russia-mediated 10-point ceasefire agreement with Azerbaijan. Faced with calls – by members of the old regime, high-ranking members of the military, the Church, and local district heads – to resign from his post as Prime Minister, in conjunction with mass protests orchestrated by the previously ruling elites (the so-called "Karabakh clan") and violent riots in the Parliament, Pashinyan resigned in April 2021, and the Parliament was dissolved shortly thereafter. Even though the crisis could be (temporarily) defused, as Pashinyan and his Civil Contract Party managed to secure 54% of the nation-wide vote, thus re-emerging from the political standoff with renewed legitimacy, these developments demonstrated the dramatic resurgence of political polarisation and thus an "increased mobilisation for autocracy" (Glass 2022) in Armenia, resulting in – as is reflected in Figure 2 – a significant downward trend of the electoral component.

Even though the 2018 and 2021 snap elections took place in completely different political contexts, they share at least one similarity: both elections took place in an extremely heated environment (post-revolutionary euphoria in 2018 vs. post-44-day war defeat trauma in 2021), in which voting preferences were shaped less by political platforms but rather by long-standing inner-Armenian dynamics. Moreover, a comparative analysis of the results of the two snap elections also reveals that the 2021 voting pattern leans more towards having been a vote against the old, discredited elites rather than a vote of confidence for the ruling government. Put differently: many ballots cast in favor of Pashinyan were essentially expressions of discontent towards the previous regime, while electoral support for Robert Kocharyan – Armenia's second President who ran as a candidate – reflected disillusionment with Pashinyan and the Velvet Revolution.

### 3.2 Political and civil rights

Freedom of association is guaranteed by the Constitution through Article 28 and the Republic of Armenia Law on Freedom of Association (ARLIS 2011). The Law was amended in 2011 to align with international standards, yet it contains several provisions that past governments exploited for arbitrary interpretations, particularly concerning the determination of whether a case was permissible, and use of force justified.

As was already mentioned, the entire period of Sargsyan’s presidency was marked by domestic political instability, primarily expressed in the form of multiple protests. For example, the post-electoral demonstrations led by the first President Ter-Petrosyan in 2008/2009 did not generate any tangible results and eventually deescalated in 2010. However, civic protests re-emerged subsequently and became periodic, mainly in response to controversial decisions by the government related to, for example, the use of natural resources (with respect to mining and the construction of hydroelectric power plants), the pension system, public spaces, electricity fares, and army service. It is worth mentioning that these protests were spontaneous and by and large not initiated or orchestrated by any organised political force. The civic movements that emerged in the period between 2011 and 2017, though, were in fact attempts on the part of the Armenian public to self-organise under conditions of distrust towards the political elite and electoral processes, eventually culminating in the 2018 Velvet Revolution.

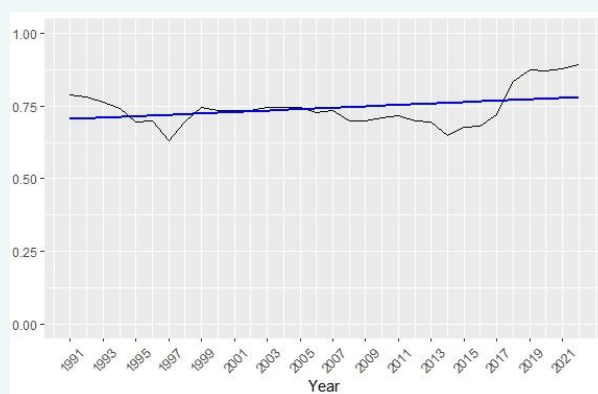


Figure 3: Freedom of association in Armenia

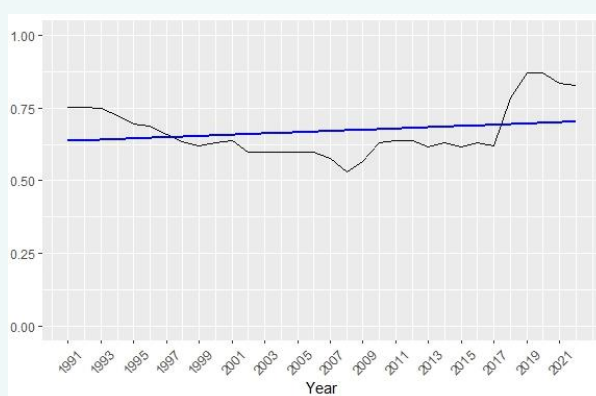
The 4-Day War in April 2016 marked the first major re-emergence of the Nagorno-Karabakh conflict ever since the end of the first war in the early 1990s. As such, it illustrated the significance of the risk that the conflict can rapidly escalate at any point, and it also showed that renewed full-scale war has always been a real possibility (Bláhová 2019). On 17 July 2016, a group of armed men, calling themselves “Sasna Ts’rer” (the name is taken from the poem “The Daredevils of Sassoun”), stormed a police station in Armenia’s capital Yerevan and kidnapped nine hostages. This attack, eventually resolved two weeks later through the surrender of the kidnappers, resulted in growing protests and vocal calls for the resignation of President Sargsyan as well as violent clashes with the police. The degree of intimidation and force used by the kidnappers and to some extent the protesters marked a new episode in Armenian society’s struggle to free itself from a corrupt and non-democratic regime and showed the extent to which developments in and around Nagorno-Karabakh were increasingly and tangibly perceived by many as a growing security threat (Mghdesyan 2016).

Moreover, the dynamics of these protests illustrate a gradual mobilisation of Armenian society – after years of regression of the freedom of association, as is also reflected in Figure 3 – and, likewise, a shift on the part of the old regime, at least until it was ousted in the Spring 2018, towards acting more repressively to quell publicly displayed dissent. Thus, although citizens’ right to freedom of association is ensured by the Constitution and the Law on Freedom of Assembly, the practical implications of these legal guarantees, as well as their enforcement, were heavily conditioned by the autocratic nature of the regime for most of the time prior to the Velvet Revolution.

Article 27 of the Constitution of Armenia guarantees freedom of expression. This freedom, however, has been challenged and was eventually gradually limited over the course of time, starting as of the late 1990s/early 2000s, when the acting authorities decided to concentrate control over traditional broadcast media in their hands. This was mainly exercised via the process of licensing the broadcast media, and the first victims of this newly enacted practice were two major opposition media companies, notably “A1plus” and “Noyan Tapan”, which were deprived of their licenses in 2002 (Danielyan and Khachatryan 2002).

This practice resulted in the complete control of Armenia’s traditional broadcast media by the authorities and consequently led to censorship on issues considered sensitive by the acting regime. Cases of disproportionate use of force against reporters were frequently registered in the context of journalists’ attempts to cover electoral processes and during several protests during the 2012-2017 period. They notably escalated in the context of the so-called “Electric Yerevan” protests in the summer of 2015. On the occasion of a massive hike in electricity rates, mass protests erupted and on 23 June thirteen journalists were injured or had their equipment damaged, while other members of the media were among the 230 persons who were detained by security forces that day (Iskandaryan, 2016). Relevant reports of local and international organisations covering this period clearly state that journalists and media outlets were routinely faced with threats and spurious lawsuits (Human Rights Watch 2015).

General improvement of access to the internet and the development of the country’s online media has positively influenced the practical aspects of the freedom of expression, though the pressure, exerted by political and economic elites on opposition media outlets, continued unabatedly until the Velvet Revolution. Independent online media in Armenia has been continuously growing since 2013/2014, as opposed to audiovisual media which remained coopted by political forces. Throughout the period under investigation, there were periodic attempts to increase restrictive media regulation. However, these failed time and again due to active resistance on the part of the domestic media community, as well as local and international organisations working on the protection of freedom of expression (Freedom House, 2015c). At the same time, the increase of internet consumption among the Armenian population has positively affected the use of social media and provided citizens with alternative and significantly more diverse sources of information, contributing to an increasingly well-informed demo. Yet, successive governments have periodically attempted to also limit access to online information by slowing down internet traffic and blocking individual websites, particularly at times of publicly voiced and organised dissent (Tamamyanyan and Hakobyan 2017).



**Figure 4: Freedom of expression in Armenia**

As can be seen in Figure 4, freedom of expression has significantly improved following the 2018 Velvet Revolution and Pashinyan and his Civic Contract Party coming to power. Ever since, Armenia’s media landscape has become more diverse and has been able to cover contentious issues without the same degree of interference. In fact, between 2018 and 2023, Armenia has climbed 31 places to the 49<sup>th</sup> position in the World Press Freedom index by Reporters Without Borders, ahead of its regional neighbours Azerbaijan and Georgia (Reporters Without Borders 2023c).

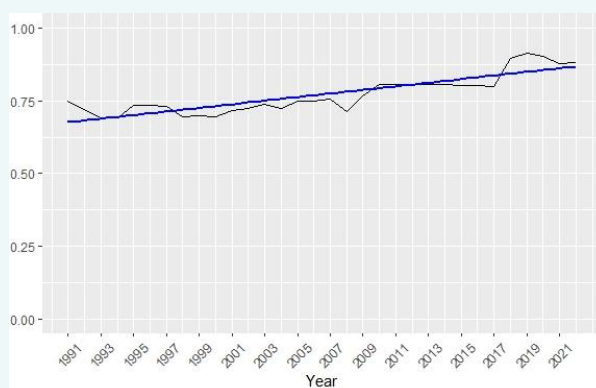
The downside of this enhanced media freedom is, however, the tangible rise of disinformation campaigns, in conjunction with an increase in hate speech, against the backdrop of a weak regulatory media framework. Also, although the recently enacted decriminalisation of defamation can be considered a major step forward in terms of further consolidating freedom of expression, limitations to access state-owned information still exist (Freedom House 2023d). Moreover, internet shutdowns and the blocking of social media platforms by authorities continue to also occur in post-revolution Armenia, albeit infrequently. Such instances occurred particularly during periods of active military conflict with Azerbaijan, as was the case, for example, in October 2020 and September 2022, when access to TikTok was obstructed (Freedom House 2023d). The provisional imposition of martial law in the context of the 44-days war with Azerbaijan in the autumn of 2020 temporarily restricted media freedoms. This instance, together with the high degree of polarisation, led to a dramatic increase of public distrust towards the press, with 52% of Armenians fully distrusting the media (CRRC 2021a).

Article 14.1 of the Armenian Constitution stipulates that everyone shall be equal before the law and that “discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or other personal or social circumstances shall be prohibited.” Ever since Armenia obtained independence in 1991, the equality before the law and individual liberties component has been rather stable and, as is demonstrated by Figure 5, saw major upward trends in 2008 and 2017/2018 respectively. Nonetheless, citizens’ access to justice was subject to repeated challenges and thus limitations both during and before the period 2010-2022.

Even though multiple legislative provisions exist that ensure equality before the law, Armenia witnessed numerous public debates in recent years, revolving around the need to amend the country’s corresponding legislative framework. More often than not, progressive rights movements, when proposing legislative changes, encountered fierce opposition from radical groups, mainly affiliated with the former regime and being explicitly anti-Western and pro-Russia, claiming that introducing new legislation, such as, for example, the criminalisation of domestic violence, would oppose Armenian “traditional values” (Israelyan, 2020). This has been particularly salient with respect to Armenia’s ratification of the Istanbul Convention – pending since January 2018 – as Armenian society remains at loggerheads over the issue (Mejlumyan 2019). Similarly, the draft law on anti-discrimination, also known as the “On Ensuring Equality Law”, has been discussed for many years, dividing society not least over issues related to human rights, the protection of LGBTi+ persons, or environmental activism. Envisaging, among others, the creation of a Council of Equality, which is supposed to ensure protection from any type of discrimination, the law has never been adopted – despite significant pressure by domestic CSOs and international partners (ECRI 2023) – leaving the lack of comprehensive and specific legislation on anti-discrimination and equality continuously unaddressed. On 28 September 2023, the Pashinyan-led government approved of a new Action Plan for 2023-2025 of the National Strategy on Human Rights Protection, which proposes several anti-discrimination measures, among others the development of guidelines for legal procedures regarding cases of discrimination, hate crimes and hate speech, and it envisages further amendments of the equality law (CSO Meter 2023). Yet, having been subject to public scrutiny and heated debate for many years itself, the plan is not legally binding.

Cases of violations of property rights – in principle guaranteed by Article 8 of the Constitution – emerged already in 2005/2006 during the intensification of urban construction in the centre of Yerevan when around 500 persons were relocated from their property with inadequate compensation. At the time, around 20 cases were eventually submitted to the European Court of Human Rights, which later ruled that the Armenian state had to pay EUR1.6 million in rights violation compensation. Other cases of violations of individual liberties, relating to freedom of religion and belief, emerged in the context of citizens’ refusal to serve in the country’s military. As such, four Jehovah’s Witnesses, evoking their religious freedoms, as protected by Article 26 of the Constitution, were convicted in 2011 for refusing to perform either military or alternative civilian service. In 2017, the European Court of Human Rights issued a decision stating that there was a violation of Article 9 (freedom of thought, conscience, and religion) of the European Convention on Human Rights (European Court of Human Rights 2017). Moreover, it found that the Armenian authorities had failed to allow the applicants to exercise their freedom of conscience and beliefs and, therefore, to provide for a system of

alternative service that would strike a fair balance between the interests of society as a whole and those of the applicants” (European Court of Human Rights 2017).



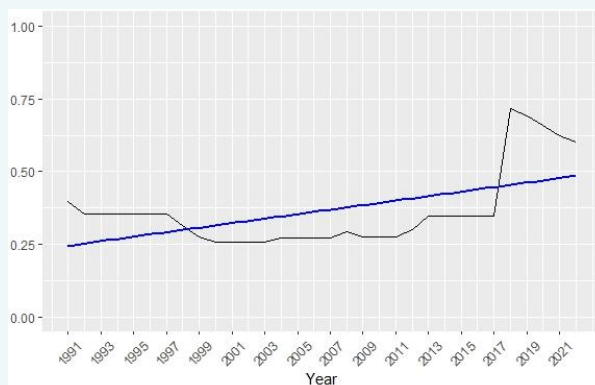
**Figure 5: Equality before the law and individual liberty in Armenia**

These and other cases of discrimination, violations of human rights and economic and social rights, the latter of which – in particular until the 2018 Velvet Revolution – had been embedded in the country’s long-standing oligarchic structures, illustrate that the issue of ensuring equality and protecting individual liberty of citizens does not only revolve around the improvement of the existing legislative framework, but also requires that the state can and does ensure the proper functioning of law enforcement institutions and, at the same time, addresses the issue publicly in order to generate enhanced understanding of the concepts of equality and individual liberty as such. In this regard, the 2018 Velvet Revolution acted as a trigger of change, impacting positively on public perceptions and relevant state practices.

### 3.3 Legislative and judicial constraints on the executive

As is reflected in Figure 6 and Figure 7, legislative and judicial constraints on the executive evolved in a rather similar fashion throughout the past 30 years: instances of gradual decline in the late 1990s were followed by a period of relative stagnation until 2017, a sharp upward trend in 2018, followed by yet another seemingly steady downward trend. These tendencies strongly correlate with political developments in Armenia, the increased concentration of power in the hands of successive regimes, the strengthening of authoritarian tendencies from the late 1990’s until the 2018 Velvet Revolution, as well as the post Nagorno-Karabakh-war crisis, and the rather slow pace of implemented reforms by the first, second and third Pashinyan governments.

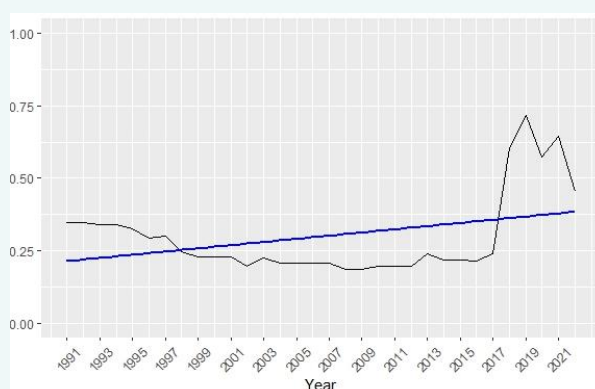
According to Article 88.3 of the Constitution, the National Assembly – Armenia's Parliament – “shall exercise supervision over the executive power.” During the rule of Serzh Sargsyan, though, and due to the lack of a clear-cut separation of executive, legislative and judicial powers, the Parliament never performed this function and was never genuinely independent from the government. In fact, throughout his rule, Sargsyan had increased the executive’s grip over the legislature, consolidating a system that gradually bereaved the opposition of any powerful means to act as a counterbalancing force. As in previous years, legislative constraints on the executive thus remained consistently low between 2010 and 2017 – a state that only changed significantly with the Velvet Revolution in 2018. The holding of free and fair elections in December of that year, together with the shift from a semi-presidential to a parliamentary system, finalised in April 2018, meant that, for the first time since the early 1990s, the legislature could perform its constitutionally enshrined functions. However, given the fact that Nikol Pashinyan’s Civic Contract Party obtained an absolute majority in both the 2018 and 2021 snap elections and has been dominating the National Assembly, but also when considering the extent to which Pashinyan himself has carefully crafted networks of loyalty within the Civic Contract’s parliamentary faction, the parliament has rather often served as a supporting instrument of the executive in recent years. This, as well the storming of the parliament building by a violent mob in December 2020 (Cookman 2020), explains why the legislative constraints on the executive component have been in decline in the past years.



**Figure 6: Legislative constraints on the executive in Armenia**

As far as the judiciary is concerned, the constitutional referendum of 6 December 2015 resulted in a major overhaul of the Constitution, significantly impacting the judicial system. These amendments were portrayed as an effort to bolster judicial independence and impartiality through several measures. Among others, they revamped the composition and selection process of the Supreme Judicial Council (replacing the Council of Justice), granted Parliament a larger role in shaping the judiciary, and in principle fortified the Constitutional Court's independence. Also, the Supreme Judicial Council was declared an independent state body, tasked with safeguarding the autonomy of courts and judges. These changes were preceded by two action plans and judicial reform packages, notably the “2009-2011 Strategic Action Plan for Judicial and Legal Reforms and the List of Measures deriving therefrom”, and the “2012-2016 Strategic Plan of Legal and Judicial Reforms of the Republic of Armenia, with the List of Measures and the Schedule of Implementation deriving therefrom.”

Due to Sargsyan regime’s reluctance to implement the 2009-2011 Action Plan and the 2012-2016 Strategic Plan, however, the judiciary remained under the control of the ruling elite, suffered from regular political interference, the instrumentalisation and manipulation of lower court judges, and endemic corruption. Especially the Court of Cassation was known to be a power tool in the hands of the regime in so far as it was systematically exploited to instruct and exert pressure on judges across the country, and the same applied to the Constitutional Court, which was dominated by loyalists close to Sargsyan and the Republican Party. Whilst this meant that courts at all levels did not function independently, impartially, and efficiently, resulting in arbitrary and politically motivated rulings, the executive itself was mostly unchecked and the rule of law – as enshrined in Article 1 of the Constitution – not guaranteed (Kotchikian 2022). Consequently, public trust in the judicial system has been virtually absent in Armenia.



**Figure 7: Judicial constraints on the executive in Armenia**

Reforming the judiciary and thus enhancing the judicial constraints on the executive component was thus one of the key drivers of the 2018 Velvet Revolution. Nikol Pashinyan himself had made various announcements that judicial reform would be a top priority of his governments (Hetq 2019) and that substantially improving the judiciary would also eventually require the overdue initiation of vetting processes of judges and much greater involvement of civil society. As a result, the new government wasted little time

to push through – after some public consultations – the “2019-2023 Strategy of Judicial and Legal Reforms of the Republic of Armenia and Action Plan deriving therefrom”, and the 2020 “Law on making amendments to the Judicial Code of the Republic of Armenia”, displaying its willingness to act upon Pashinyan’s promises. Yet, the three Pashinyan-led governments “found it difficult to walk the walk” (Kotchikian 2022, 100), and did not – as is also reflected in Figure 7 – follow up with concrete measures to implement the new initiatives. In a renewed effort to restore public trust in the judiciary and to improve its quality, the government adopted in July 2022 the “2022-2026 Strategy of Judicial and Legal Reforms”, though it remains uncertain whether this time it will muster the political will and provide the needed financial resources to bring Armenia’s judiciary in line with European standards, so that it can also function as an efficient and fully independent branch of government.

### 3.4 The demos

#### 3.4.1 Democratic Commitment

A large proportion of Armenians are supportive of democracy as a governing system: according to the World Value Survey’s waves 6 and 7 (Inglehart et al 2014; EVS/WVS 2022), 82.7% and 88.4% of respondents, respectively, believe that having a democratic system is a good way of governing their country. In addition, free elections, civil rights and gender equality are considered essential characteristics of democracy by many of those interviewed (see Table 9).

<b>Percentage of respondents who consider the following as essential characteristics of democracy:</b>		
	<b>Wave 6 (2010-2014)</b>	<b>Wave 7 (2017-2022)</b>
<b>Free elections</b>	82.6%	80.1%
<b>Civil rights</b>	72%	73.3%
<b>Gender equality</b>	71.5%	73%
<b>People obey their rulers</b>	65.1%	53.1%

**Table 9: Attitudes towards democratic norms in Armenia**

Nonetheless, the rhetorical endorsement of democracy and associated values is not entirely consistent, with above-average scores suggesting that a majority of respondents also consider obeying their rulers as a core aspect of democracy (see Table 9). The scores have decreased between 2011 and 2021, when the two respective WVS waves were conducted. Still, 63.5% of respondents in 2021 supported having a strong leader who does not have to bother with parliament and elections (EVS/WVS 2022). While the tension between declared support for democracy and endorsement of certain authoritarian practices is a complex phenomenon which requires further investigation, some of the research focusing on political culture and citizen values and beliefs in post-communist societies provides interesting insights. The ambivalence of simultaneously supporting democracy and other political systems that we typically consider contrary to democratic rule has been previously detected in surveys and opinion polls. For instance, Keshishian and Harutyunyan (2013) find that nostalgia for the Soviet Union and socialism is a cross-generational phenomenon in Armenia, though differing in form and extent. An earlier study conducted in the former Soviet Union in 1989 had found that those who supported political democratisation also tended to be supportive of the state as the locus of responsibility and control, as opposed to the individual (Finifter and Michiewicz 1992). In the post-Soviet context, it is easy to see how such attitudes can emerge when compounded by economic insecurity, growing social inequality, rising nationalism, and, in Armenia’s case, the devastating fallout of its war with Azerbaijan.

A precarious socio-economic and security environment can also foster low levels of trust in public institutions, which Armenia has displayed between 2011 and 2021 (see Table 10). The many shortcomings outlined above with regard to the functioning of checks and balances in the Armenian political system appear

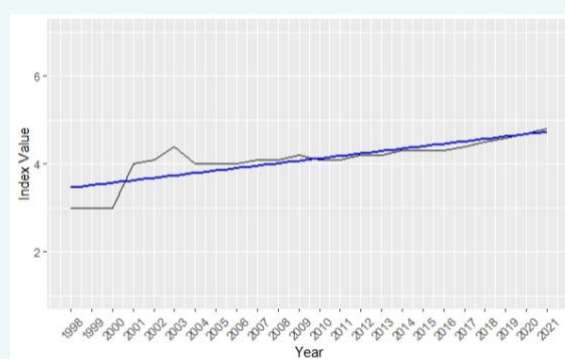
to have negatively impacted citizens’ levels of trust in public institutions, suggesting that institutional performance can influence political trust when institutions do not deliver tangible benefits. Citizens also express criticism with respect to the level of democratic rule in the country, with a mere 17.5% in 2011 and 27.5% in 2021, respectively, agreeing that Armenia is somewhat democratically governed. Similarly, only 20.2% of interviewees believed in 2011 that there was respect for human rights in their country at the time of the survey. While there are indications that the changes brought about by the Velvet Revolution are starting to impact such perceptions, the continued challenges experienced by Armenia in the context of the lost war with Azerbaijan, both with regards to its security and democratic trajectory, are likely to consolidate low levels of political trust and undermine confidence in the country’s democratic performance.

Percentage of respondents who said that they have trust in:		
	Wave 6 (2010-2014)	Wave 7 (2017-2022)
<b>Government</b>	38.4%	28.6%
<b>Parliament</b>	25.7%	22.5%
<b>Justice system/Courts</b>	29.8%	31.2%

**Table 10: Trust in public institutions in Armenia**

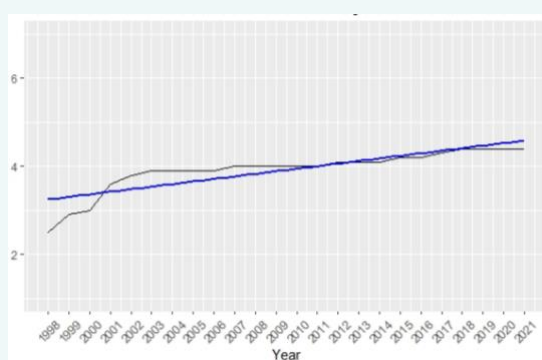
### 3.4.2 Political Capacity

The sustainability of the CSO sector in Armenia has progressively improved over the past decade, as illustrated by Figures 8 and 9, and even though this process has taken place in small increments, it has brought the country closer to boasting a robust civil society sector. Between 2011 and 2012, there were minor improvements in the organisational capacity and infrastructure of CSOs, with the main associations in the country developing and strengthening further and increasingly developing strategic plans and individual projects independently of donors’ priorities (FHI 360 2012). Following a brief period of stagnation between 2012 and 2014, CSO sustainability continued to improve in 2015 and again in 2017, most notably through CSOs actively initiating and engaging in policy dialogue, against a background of a ‘growing culture of civic activism’ (FHI 360 2015). The entering into force of the new Law on Public Organisations in 2017, together with a raft of capacity-building programs, diversification of funding and increased opportunities for dialogue with public authorities built upon this progress and further strengthened the CSO sector (FHI 360 2017). At the same time, CSOs continued to face significant obstacles, with civil society input on laws and policies routinely ignored, and, more worryingly, CSOs being accused of primarily catering to donor agendas in opposition to traditional Armenian values (FHI 360 2015; FHI 360 2017). The Velvet Revolution of 2018 represented a watershed in Armenia’s democratic progress, and the contribution of civil society to developments both paving the way for and following this turning point in the country’s political history has been notable. CSOs – in particular civil society movements Merzhir Serzhin (Reject Serzh) and the Restart student initiative – were crucial in mobilising protesters, as well as shaping the post-revolution anti-corruption and human rights agendas and overseeing the electoral process (FHI 360 2018).



**Figure 8: CSO organizational capacity in Armenia**

The revolution appears to have impacted more broadly citizens’ awareness of and interest in political developments, with the proportion of respondents claiming to be interested in politics going up from 34.8% in 2011 to 49.9% in 2021 (Inglehart 2014; EVS/WVS 2022). The patterns of media consumption of the population also seem to have shifted towards more reliance on the Internet, mobile phone and e-mail as sources of information. While the proportion of interviewees never reading newspapers has increased from 60.2% in 2011 to 82.3 % in 2021 and that of respondents watching television daily has decreased from 89.8% in 2011 to 66.8% in 2021, the daily use of the Internet as a source of information has significantly gone up: from 22.7% in 2011 to 68.4% in 2021. The apparent replacement of television by the use of internet as a source of information is a welcome trend, both from the perspective of studies which find that commercial television negatively impacts civic literacy and even local elections turnout (Milner 2002, 8), as well as considering the long-standing control exerted by the previous regimes over traditional media. Similarly, mobile phones have become widely used by people to learn about what is going on in their country and in the world: while only 11.1% of respondents used mobile phones as a source of information in 2011, this number had reached 70% by 2021.

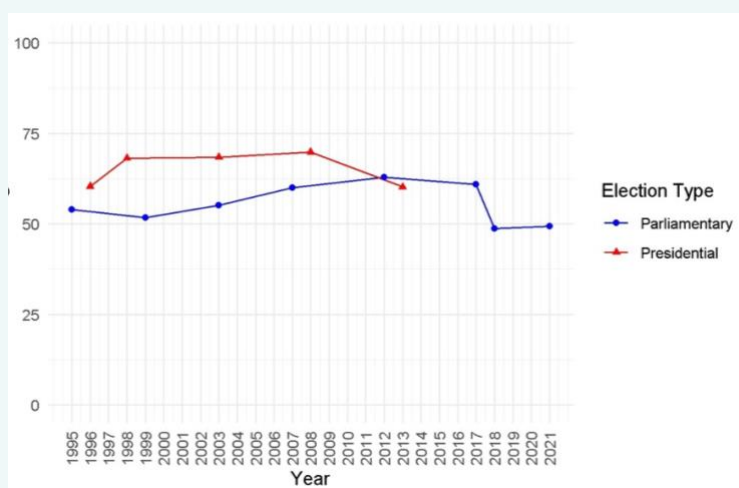


**Figure 9: CSO sustainability in Armenia**

In terms of political parties, it needs to be mentioned that the period of stagnation of democracy had negatively affected the capacities of the political parties. The lack of institutional capacities among the overwhelming majority of parties as well as lack of political tradition conditioned, among others with the 70 years of Soviet single party system, did not provide the Armenian political elite with the fertile ground to ensure political engagement of the citizens to the extent necessary. Thus, the political capacity of the society to channel its needs and positions via political parties as ideological institutions is relatively poor.

### 3.4.3 Political participation

Electoral turnout in Armenia has remained moderately low during the period examined, in so far as both presidential and parliamentary elections are concerned, as Figure 10 shows. The last presidential elections held in 2013 registered a voter turnout of 60.6%, considerably lower than the 72.1% recorded during the blatantly fraudulent presidential contest of 2008. Following a stagnating trend, the parliamentary elections of April 2017 – which triggered the Velvet Revolution – registered a turnout of 60.8%. While low electoral participation has been attributed to a broader, regional phenomenon spanning Central Asia and the Caucasus, whereby “citizens chose to spurn the ballot box because of reduced electoral competition” (Lioy and Dawson 2020), levels of electoral turnout continued to decrease even in the post-Velvet Revolution period. Thus, the snap parliamentary elections of 2018 and 2021 both recorded significantly lower voter turnout: 48.6% and 49.4%, respectively. These two elections were notable as the first one marked the coming to power of a new ruling elite for the first time in two decades, and the second one followed the devastating 2020 war with Azerbaijan. The precise reasons for the waning electoral turnout after 2017 are difficult to pinpoint and have variously been attributed to bad weather, the absence of political “intrigue” and post-war shock, but could also have a more straightforward explanation in the actual conduct of fair elections which did not involve manipulation of voter lists to include citizens living abroad or electoral bribing (Armenpress 2018b).



**Figure 10: Electoral turnout in Armenia**

When it comes to the party system in Armenia, the long period of electoral autocracy stasis prior to 2018 negatively affected the capacities of political parties. The lack of institutional capacities among the overwhelming majority of parties, as well as the absence of political tradition compounded, among others, by seven decades of Soviet single party system, did not provide the Armenian political elite with a fertile ground to ensure political engagement of the citizens with the parties emerging after the country gained independence. Thus, the political capacity of the society to channel its needs and positions via political parties as ideological institutions is relatively poor. Unsurprisingly then, though by no means exceptional in the post-Soviet space and even in advanced European democracies, the rate of party membership amongst the population is low, with 94% of respondents to the WVS wave 7 declaring that they are not members of a political party (EVS/WVS 2022).

Political participation taking other, non-institutional forms has generally been weak amongst the Armenian demos, though those who are involved in political action “participate frequently and extensively” (Civicus 2010, 7). At the same time, there is a discernible upward trend in civic engagement since 2011 as Table 11 shows. At the basis of this emerging civic activism were networked decentralised youth groups which advocated and protested on issues ranging from the environment to urban planning and social concerns revolving around the cost of living, the most successful instances of which were the 2013 “100 drams” campaign against an increase in public transportation fares and the 2015 Electric Yerevan protests against rising consumer electricity prices. (Iskandaryan 2018, 474). While these groups had deliberately attempted to steer clear of politics by focusing on social demands, Sargsyan’s blatant attempts at clinging on to power in 2017-18 generated widespread outrage and motivated these social protesters to mobilise their activism behind the goal of regime change. Nonetheless, the success of these social movements should not detract from the fact that they represent an effective mobilising platform for the educated, mainly Yerevan-based youth, and are far from indicative of an active, politically engaged Armenian demos, which relies primarily on local networks and kinship ties and is averse to political action. In addition, it remains to be seen how the fallout of the war with Azerbaijan, the loss of Nagorno-Karabakh and the social implications of the large number of Internally Displaced Persons (IDPs) living now in Armenia will impact on the citizens’ proclivity to be politically engaged.

Percentage of respondents who have engaged in the following types of non-institutional political participation:		
	Wave 6 (2010-2014)	Wave 7 (2017-20122)
Sign a petition	6.5%	15.9%
Join in boycotts	1.9%	8.4%
Attend a peaceful demonstration	8.3%	19.7%

**Table 11: Non-institutional political participation in Armenia**

## 3.5 Broad political trends

### 3.5.1 Public administration reform

The development of the state system established by the previous regime between 1999 and 2018 has resulted in several fundamental problems that hindered the country's democratic transformation. Systemic corruption became the main instrument in the hands of decision-making actors and has widely been used to regulate intra- and inter-institutional relations, resulting in an unequal and polarised distribution of public property and causing constant conflicts between private interests of the ruling political and economic elites and public interests that were not institutionally protected, neither by the executive nor by the judiciary. The artificially inflated state apparatus has created a chain of institutional dependencies that, under conditions of limited human resources, consolidated the structural lack of professional competition in all areas of public administration.

The change of power in 2018 has revealed enormous legislative and institutional gaps, underlining that the current system of governance had been carefully crafted and designed for the specific purposes of a pyramidal, electoral authoritarian regime. Thus, in order to sustain and consolidate Armenia's democratic pathway of the past six years, to mend societal grievances and polarisation, and to increase public trust in state institutions, there is an imminent need for a comprehensive and all-inclusive reform of the country's public administration and judiciary, while, at the same time, increasing the institutions' performance legitimacy. The initial wave of structural reforms, launched by Prime Minister Pashinyan and his respective governments shortly after the ousting of the Sargsyan regime, slowed down rather quickly or, in some instances at least, were even abandoned entirely, motivating some observers to evoke the notion of the "end of Armenia's post-revolution honeymoon" (Giragosian 2021). Undoubtedly, the new ruling elite has been exposed to an almost unprecedented convergence of major challenges, such as the outbreak of the Covid-19 pandemic (Schumacher and Günay 2021), military defeat in the 2020 44-day war with Azerbaijan and in September 2023, the arrival of more than 120.000 Karabakh Armenians who were de facto expelled from their homelands in late 2023, as well as a similar number of Russian citizens who came to Armenia to avoid being drafted and sent to fight in Russia's war against Ukraine (Poghosyan 2023). In conjunction with an almost ever-lasting domestic political crisis, triggered mainly by Azerbaijan's recapturing of Nagorno-Karabakh and its seven surrounding regions, as well as the fear by the ruling authorities to initiate and pursue much needed, yet supposedly unpopular reforms, such as, for example, downsizing the state apparatus and releasing a significant number of state employees, Armenia's democratic development continues to remain highly vulnerable.

### 3.5.2 The security-democracy nexus

The Nagorno-Karabakh conflict has not only resulted in significant human suffering and loss of life but also had far-reaching consequences for Armenia's diplomatic and economic relations and, as discussed further above, its own political trajectory. The unresolved nature of this conflict has perpetuated a permanent state of insecurity and instability both in the South Caucasus region and domestically, making it highly challenging for any government to, on the one hand, fully engage with the international community and, on the other hand, focus and channel its resources and policies in the most effective and efficient way on sustainably overcoming the legacy of decades of authoritarian rule.

Armenia's geographic position, compounded by the closure of its borders with Turkey and Azerbaijan, presents formidable challenges to its socio-economic development. Being landlocked and having limited access to seaports restricts Armenia's ability to engage in global trade and transportation networks. Consequently, the country is compelled to rely heavily on its remaining open borders, predominantly with Georgia and Iran, for the import and export of goods. This dependency on specific transit routes not only increases transportation and transaction costs but also leaves Armenia constantly vulnerable to disruptions of these critical supply chains, which, in turn, can easily spill over into the domestic political sphere and at almost any point trigger domestic turbulence and potentially democratic regression. This is particularly noteworthy as the previous authorities often exploited security concerns as a pretext to justify authoritarian measures and suppress dissent, thereby eroding democratic institutions and undermining public trust in the government.

Prime Minister Pashinyan cannot resort to this reflex. On the one hand, it would contradict and seriously undermine his credibility and ambitions to further advance the country's democratisation. However, Armenia's military defeat in 2020 and the integration of previously occupied Armenian lands into Azerbaijan have also bereaved him of the possibility to utilise conflict-related, rally-behind-the-flag narratives, which, in the past, have been instrumentalised to enhance weak regime legitimacy. In a situation in which Pashinyan is already being blamed by domestic opposition forces for the loss of the territories, whilst the Azerbaijani regime of President Ilham Aliyev rather openly threatens to engage in full-scale war, his domestic room for manoeuvre seems limited for the time being, thus increasing the likelihood of a perpetuation of an already stalling democratic reform process.

### 3.5.3 Human capital and state institutions

Since Armenia's independence, the country has been faced with several waves of outward migration and thus a significant brain-drain, along with considerable institutional deficits in the sphere of education and a structural lack of opportunities for personal development. Aggravated by the presence of clientelist networks and structural corruption, this has almost inevitably resulted in a highly uneven and imbalanced distribution of human capacity across state institutions, rendering their functioning as well as the efficient provision of services rather problematic and underwhelming. The liberal, democracy-minded segment of society has suffered from this state of affairs and, for most of the period since the early 1990's, was excluded from the state-building process. As a result, it had to identify and seek accommodation by "liberal islands", such as the country's civil society sector, academia, and economic entrepreneurship, or, as said, even pursue careers outside Armenia. Problematic as this has been for the process of democratic development and the fertilisation of a sustainable democratic culture over the course of time, the Velvet Revolution has in fact generated a window of opportunity for this segment to finally transit from political marginalisation to assuming responsibilities within and for supposedly changing state structures. However, the new ruling elite has made insufficient efforts to harness this particular social capital and failed to draw systematically on the revolutionary momentum. Together with the presumably long-lasting social trauma that the lost 2020 Nagorno-Karabakh war and the ensuing developments have caused, this failure is bound to incur material and non-material costs with respect to the country's fragile democratic resilience the longer it remains unaddressed by the ruling authorities.

## 4 Azerbaijan

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Throughout the period covered by this study, Azerbaijan has been classified as a “consolidated authoritarian regime” by Freedom House, consistently situating itself close to the lowest end of the democracy score and steadily deteriorating or stagnating in its performance across all the indicators evaluated. The BTI presents a similar picture, labelling Azerbaijan a “hard-line autocracy” whose Political Transformation Index has remained low between 2010 and 2022.

According to the V-Dem Liberal Democracy Index, the country has consistently been categorised as an electoral autocracy since 1991 and is currently ranked in 162nd position, with only 17 countries trailing behind (V-Dem 2023, 45). Azerbaijan, described as a fraudulent system of “post-Soviet authoritarianism” (Nisnevich and Ryabov 2020), features a regime which, in order to ensure regime survival, severely restricts citizens’ freedom of speech, assembly and association, and applies a broad spectrum of autocratic tools, ranging from systematic disinformation, obstructing the operations of media outlets and independent organisations and associations, to politically motivated prosecutions of civil society activists, the use of arbitrary arrests, violence and even torture.

Through Article 7, the Constitution stipulates the separation of powers, whereby legislative powers are being executed by the *Milli Majlis* (Azerbaijan’s parliament), judicial powers by the judiciary, and executive powers by the President, Ilham Aliyev (Heinrich 2011). In practice, however, the entire system is built around the latter and his extended family – Mehriban Aliyeva, the wife of President Aliyev was appointed by him in 2017 as first Vice-President, following a controversial constitutional referendum in September 2016 – and can be characterised as a pyramidal, almost cult-like system of dynastic rule (Broers and Mahmudlu 2023).

### 4.1 Elections

As one scholar of the South Caucasus dryly notes, the reports of the election monitoring missions by the OSCE/ODIHR in Azerbaijan “make for repetitive reading”, seeing how none of the country’s elections have been classified as free and fair (Broers 2021, 156), as reflected also by the very low scores in Figure 11. During the period 2010 to 2022, three legislative elections were held whereas presidential elections were held twice, notably in 2013 and 2018. Legislative elections follow a majoritarian single mandate electoral system in so far as the winner-take-all principle is applied. Presidential elections are based on a two-round system, foreseeing a second, run-off vote between the two candidates who obtained the most votes in the event that no candidate has won more than half of the total votes cast in the first round. As the presidential term was extended from five to seven years following the constitutional changes of 2016, the next presidential elections were supposed to be held in October 2025 but have recently been moved to February 2024, following Aliyev’s announcement of December 2023 (Azernews 2023). Whilst the European Parliament (EP) decided not to monitor the elections, the OSCE/ODIHR deployed an electoral observation mission. By the same token, the Aliyev regime has denied PACE to send observers to monitor the February 2024 presidential elections. In fact, this decision as well as, *inter alia*, Azerbaijan’s continuous violation of human rights, judicial independence, and the separation of powers motivated PACE to veto the credentials of the Azerbaijani delegation to PACE in late January 2024 (PACE 2024).

The results of the 2010 parliamentary elections, which saw the participation of the main opposition parties, were considered by the OSCE/ODIHR to have been manipulated through both the existence of a highly biased campaign environment and the flawed conduct of elections (OSCE/ODIHR 2011a; Altstadt 2017a, 88-90). A report, issued by the election observation mission of the PACE, singled out the lack of dialogue between

Aliyev's ruling New Azerbaijan Party (YAP) and the opposition, the reduction of the campaign period from 75 to 60 days – a measure that discriminated against opposition candidates, half of whom eventually saw their registrations rejected –, voter lists discrepancies, and, *inter alia*, 'significant procedural violations and irregularities, including ballot box stuffing.' (PACE 2011). Altstadt (2017a, 88) labels these elections as "the final nail in the coffin of the established opposition parties of Azerbaijan", as they mark the beginning of the major opposition parties being excluded from the *Milli Majlis*.

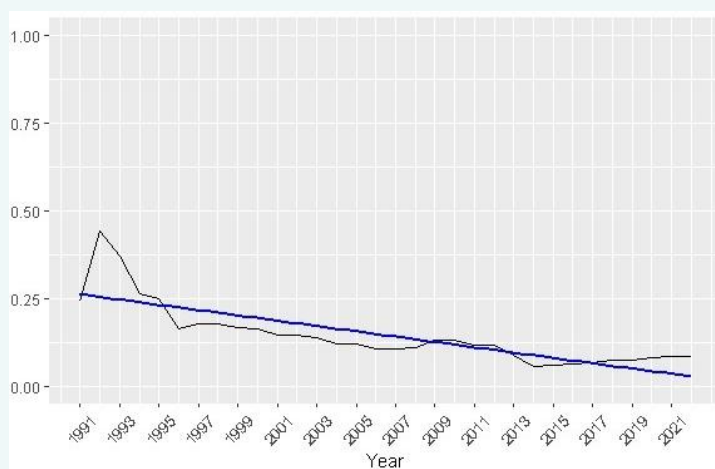
The 2010 legislative elections were followed by the presidential elections of 2013 which saw Aliyev win a third term with an 84.5% majority (OSCE/ODIHR 2013a, 29). The elections displayed similar shortcomings as previous electoral contests but were noteworthy for the maliciousness of attacks against political figures including – for the first time – reprisals against members of their families (Altstadt 2017a, 93). Notably, the elections were initially assessed as "free, fair, and transparent" by a delegation from the EP, a conclusion criticised as having been influenced by the powerful lobby of the Azerbaijani regime and European business interests (Freedom House 2015a). Eventually, though, the EP distanced itself from its own delegation's findings and upheld the OSCE/ODIHR's assessment of elections as "undermined by limitations on the freedoms of expression, assembly and association [...], allegations of candidate and voter intimidation and a restrictive media environment" (OSCE/ODIHR 2013a, 1).

Municipal elections in December 2014 were fraught with irregularities and took place without international observers. There was little local monitoring, with the Baku-based Election Monitoring and Democracy Studies Center (EMDS) declining to monitor what it considered to be a deeply fraught electoral process rife with "gross violations of human rights and crackdown on civil society and opposition political parties, as well as systematic restriction of political freedoms, particularly, freedom of expression, assembly and association." (Freedom House 2015a), also reflected in a dip in the V-Dem score for free and fair elections for that year.

The election environment continued to deteriorate in 2015, when the November parliamentary elections were held in the absence of OSCE monitors. The OSCE decided against monitoring the elections after Azerbaijan only agreed to allow a significantly reduced number of observers on the ground. Local independent and opposition election monitors, amongst others from the Institute for Democratic Initiatives, identified irregularities such as police presence at polling stations and ballot-box stuffing, and put the real voter turnout at 25.5%, in contrast to the official figure provided by the Central Election Commission, notably 55.7% (Freedom House 2016a). Worryingly, and exemplifying Azerbaijan's "caviar diplomacy" whereby the Aliyev regime has been systematically influencing members of the PACE (Council of Europe 2018), the latter identified only few issues in its election report (PACE 2015), triggering a dissenting statement from three monitors who declined to approve the findings of the report (Finckh-Kraemer et al 2015). With the major opposition parties boycotting the elections, the outcome was predictable: the ruling party won 71 seats out of 124, with the remaining seats taken up by 41 nominally independent members of parliament, but who in reality toe the YAP party line, and 12 lawmakers from 11 other small parties (Freedom House 2016a).

The constitutional referendum of September 2016, carefully orchestrated by the Aliyev regime, approved 29 constitutional amendments which amounted to significant changes to Azerbaijan's political system, resulting in the further consolidation of President Aliyev's authoritarian rule (Dominioni 2017). Not only were the proposed amendments – including changes to the minimum legal age for parliamentary and presidential candidates – deprived of parliamentary debate or public consultation but attempts by the opposition to campaign and protest against the referendum were quashed and the vote was fraught with reports of ballot stuffing, among other irregularities (Freedom House 2017a). Yet, despite local accounts by independent and opposition election monitors that the vote was marred by a non-democratic pre-election environment, voter passivity, and voting fraud, PACE's small ad-hoc observation mission praised the "transparent, well organised, efficient and peaceful" process and the absence of serious violations (PACE 2016). As it would be revealed by the Azerbaijani Laundromat investigation (Altstadt 2017b), such positive assessments of election and referenda monitoring were the result of considerable bribes paid to European politicians to ensure a façade of the regime's legitimacy on the international arena.

Despite this international scandal, domestic elections continued to fall short of basic free, fair and competitive standards. According to the OSCE electoral observation mission, the presidential elections of 2018, resulting in an 86% majority for Aliyev, “took place within a restrictive political environment and under a legal framework that curtails fundamental rights and freedoms” (OSCE/ODIHR 2018a).



**Figure 11: Free and fair elections in Azerbaijan**

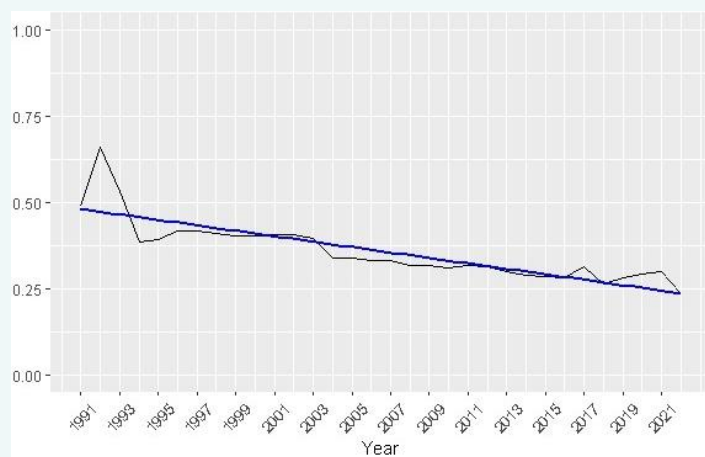
Municipal elections in 2019 were boycotted by the main opposition parties and, similarly to previous local electoral contests, took place in a restrictive electoral environment and were affected by serious violations. They were notable, though, for the participation of youth activists outside the established opposition parties who were allowed to register as independent candidates. Unexpectedly, one of these, Vafa Naghi, was elected, becoming the first feminist activist to serve in municipal government in Azerbaijan. This small victory was reflected in V-Dem's slightly improved score for Azerbaijan's electoral process in 2020, though it did nothing to improve the country's fundamentally authoritarian political landscape, as evidenced by the removal of Naghi from her position on the municipal council she was serving on later in 2020.

Against the background of what appeared as incremental changes to the electoral process and broader administrative reforms, the snap parliamentary elections of 2020 featured significantly more active than usual campaigning and a surprisingly wide range of candidates. Hopes of growing political competition were dashed, though, when the actual conduct of elections reverted back to the same unfair, falsified practices that had characterised every single of the country's electoral contests in the past. Borrowing from Heydemann, Bedford (2023, 9) refers to this phenomenon of “reform-looking measures” as authoritarian upgrading, that is, an attempt to “strengthen the legitimacy of the authoritarian regime by giving it a ‘facelift’ in various sectors”.

## 4.2 Political and civil rights

The right to association is formally enshrined in Article 58 of the Constitution, which stipulates not only that everyone is “free to associate with others” (Article 58.1) but also that everyone “has the right to establish any association, including political party, trade union and other public association or to join an already existing association [and that] freedom of activity of all associations is guaranteed” (Article 58.2). At the same time, Article 58.4 limits these constitutionally guaranteed freedoms considerably in so far as it offers the regime a constitutional means to simply “consider” the objectives or “methods” of associations “a crime” and, therefore, prohibit them if this is deemed appropriate from a regime survival perspective. Even though such a step requires a court decision, in practice this has not in recent years posed a problem to the regime. It either blatantly disregarded this requirement and, for example in 2015, as is documented by the Norwegian Country of Origin Information Centre (2017, 28), forced one third of non-governmental organisations to terminate their operations, or simply used the judiciary, dependent on the executive branch of the regime and highly corrupt, to issue corresponding judgements (Aliyev 2021). As a result, and as is demonstrated in

Figure 12 below, freedom of association in the country has retrograded over the past thirty years in a consistent way.



**Figure 12: Freedom of association in Azerbaijan**

This is happening against the backdrop of Azerbaijan formally having a multi-party system and also featuring multiple civil society organisations, thus, at first glance, appearing to correspond to the two dimensions of representative democracy, notably participation and contestation (Dahl 1971). Currently, 56 parties are officially registered and, according to the Civic Freedom Monitor of the International Center for Not-For-Profit Law, in 2021 the country boasted 4.766 registered non-governmental organisations (NGO's) (ICNL 2023). In reality, however, these numbers are misleading in so far as they cannot conceal the fact that Azerbaijan, *strictu sensu*, is a one-party system that is dominated by the ruling New Azerbaijan Party (YAP) and that does not allow independent civil society to flourish. In fact, in the 2020 legislative elections candidates loyal to YAP won 124 of the 125 seats in the *Milli Majlis*.

As far as the regulation of parties is concerned, the regime in 2022 subjected the Law on Political Parties, originally dating back to 1992, to a major reform, and on 11 January 2023 new, considerably more restrictive legislation entered into force, increasing, for example, the minimum number of party members from 1,000 to 5,000, requiring already registered parties to re-register (through a rather lengthy and cumbersome procedure) and comply with complex regulations in regards to intra-party operations and structure, and exposing parties to governmental scrutiny and even arbitrary suspensions or dissolution. De facto, the new law makes it virtually impossible for new parties to form and, ever since it entered into force, more than two dozen parties have ceased to exist (Geybullayeva 2023). This recent development is poised to gradually eliminate opposition parties, most of which have endured extensive regime-driven harassment for years (Sultanova 2014) and consolidate and cement the one-party rule by YAP.

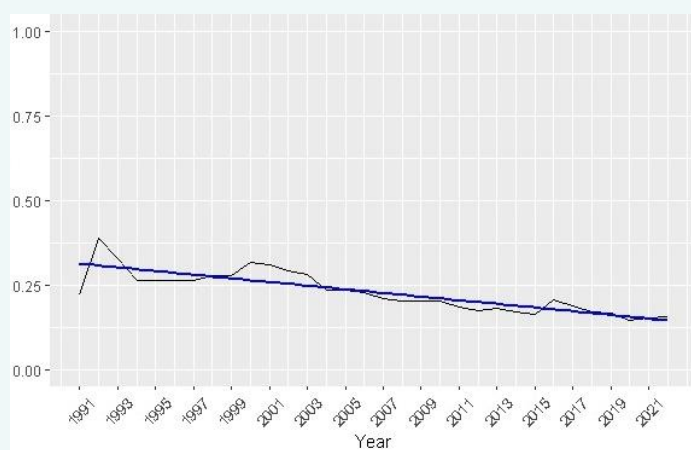
Civil society is regulated by the Law on Non-Governmental Organizations, the Law on Grants, and several decrees adopted by the government over the years. The third sector in Azerbaijan is faced with countless obstacles and restrictions, all of which have one objective only, notably to limit as much as possible the NGO's room for manoeuvre and operations. According to the two laws, it has become increasingly difficult to form and register as an NGO, and the remaining associations, quite apart from systematic harassment by state authorities, are exposed to serious funding restrictions as in 2015 the regime made it virtually impossible to accept foreign funding. Though the state offers (small-scale) financial assistance in the form of grants, these are mainly accessible by pro-regime organisations, and the amount does not exceed approximately 9,000 Manat (cca. 4,900 EUR) and is insufficient for most NGOs to ensure the continuation of their activities. Whilst in the past, the NGO Support Council oversaw the country's civil society sector, Aliyev, on 19 April 2021, signed a decree on Establishing a Public Legal Entity Agency for State Support to NGO's, which provides the new authority with much broader rights, in particular regarding the monitoring of projects it funds (CSO Meter 2021).

Freedom of expression is regulated by the Constitution of Azerbaijan – as amended by the constitutional referendums in 2002, 2009, and 2016 – mainly through Article 47 (freedom of thought and speech), Article 50 (freedom of information), Article 51 (freedom of artistic speech) and Article 32 (right to personal inviolability). The Venice Commission of the Council of Europe has criticised existing legislation as too restrictive and being formulated in a way that provides authorities with a wide margin of interpretation, allowing them to “justify far-reaching restrictions on freedom of expression” (European Commission for Democracy through Law 2016). In particular since 2012, Aliyev, determined to consolidate the regime’s “hegemonic authoritarianism” (LaPorte 2015), has systematically suppressed freedom of speech by clamping down on virtually any regime critic. Resorting to arbitrary detentions, countless activists, human rights defenders, journalists, and bloggers have been persecuted and eventually arrested on trumped up charges. For example, shortly after Azerbaijan had assumed the chairmanship of the Council of Europe in May 2014, prominent activists such as Leyla Yunus and her husband Arif Yunus as well as Intiqam Aliyev and Rasul Jafarov were imprisoned and convicted to long prison sentences (BBC 2015). Similarly, in the summer of 2023, the regime arrested Gubad Ibadoghlu, a well-known economist linked to the London School of Economics, on grounds of fabricated charges. As part of a system that can be best described as “revolving doors” (Human Rights Foundation 2018), in which the release of activists is rather immediately followed by the arrest of others, these individuals have all been released/pardoned in the meantime just to then witness renewed rounds of arbitrary detentions of other opposition members.

This practice has been going hand in hand with the adoption by the *Milli Majlis* of ever more restrictive laws that have no other purpose than to harass, intimidate, silence, and eventually eliminate independent civil society organisations. Examples in this regard are the raiding or sealing of offices, the freezing of bank accounts, or the withdrawing of operating licenses, making it impossible for CSOs to finance their operations and/or to re-register. For instance, in the summer of 2014 the Institute for Reporters’ Freedom and Safety (IRFS) was considered illegal shortly after it had disseminated stories of authorities’ curtailment of the freedom of expression and violations of human rights. Consequently, many of its members had to flee Azerbaijan, among them human rights activist Emin Huseynov who, after hiding in the Swiss Embassy in Baku for almost one year, managed to escape to Switzerland in June 2015 (Human Rights House Foundation 2015). Similarly, in December 2014, the Baku representation of Radio Free Europe/Radio Liberty was closed, following fabricated charges and the intimidation and detention of individual staff (Radio Free Europe/Radio Liberty 2015). With a view to formalise the application of criminal law to (the curtailment of) freedom of expression, and following already restrictive legislative changes in May 2013, the regime has in December 2016 tightened the legislation on online defamation, providing itself with a *carte blanche* to criminalise any digitally voiced critique of the President. As declared by the PACE in its Resolution 2184 (2017), such actions “are detrimental to effective media freedom and freedom of expression, [and they] undermine the safety of journalists and create a climate of violence against those who express divergent views.” (PACE 2017b, pt. 1). This was echoed by the Venice Commission which, already in 2013 in an opinion on Azerbaijan’s legislation on the protection against defamation, argued that such legislation “goes against the most recent trends in the field of defamation” [and is] “extremely worrying and disappointing”. Moreover, it stated that “the mere threat of punishment for defamation with the possibility of a criminal penalty such as imprisonment is sufficient to cause a “chill effect” suitable of restraining freedom of speech” (European Commission for Democracy through Law 2013, 14).

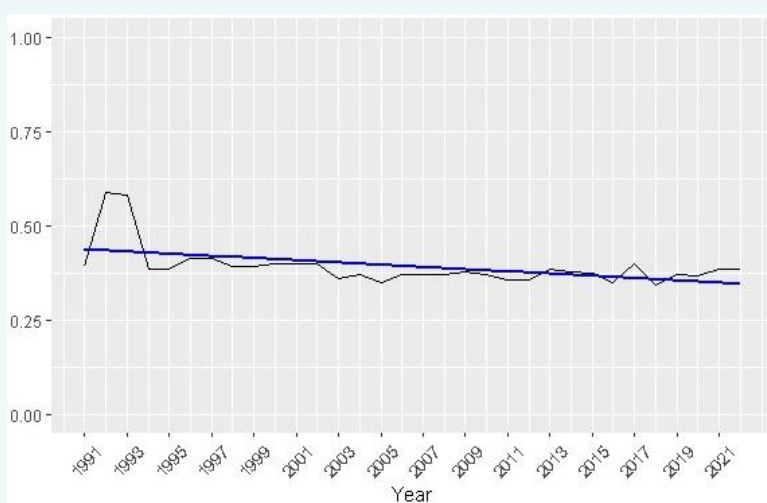
Even though these legislative amendments have indeed contributed to a climate of intimidation and fear, they have not – as was hoped for by the regime – brought about an absolute silencing of government critics in general and independent journalists in particular as, for example, the recent reports by Abzas Media – an independent online news platform – on business operations of the ruling family demonstrate (Karimova and Bloss 2023). At the same time, it was precisely because of the resilience of the domestic opposition and unabated revelations by some of the few remaining independent Azerbaijani media outlets that Aliyev in February 2022 signed into law new media legislation that makes independent reporting nowadays significantly more challenging, forcing all journalists operating in the country to sign on to a government-controlled single registry and provide sensitive personal data (Norwegian Helsinki Committee 2022). On one hand, the creation of such a registry and the forced compliance with specific criteria will inevitably lead to the further elimination of a sizeable number of independent journalists and *de facto* legalise censorship

which, according to Article 50.2 of the Constitution, is prohibited. On the other hand, it will provide the authorities with a hitherto missing legal base to close down dissident media outlets without a prior court decision. Whilst these recent legislative changes explain why Azerbaijan nowadays ranks 151st out of 180 countries in the latest World Press Freedom Index (Reporters Without Borders 2023c), they have motivated the regime to engage in renewed repression of dissident voices, as the latest wave of crackdowns in November 2023 ahead of the February 2024 presidential elections demonstrate (Eurasianet 2023). As such, and as Figure 13 visualises, recent developments in freedom of expression in the country are embedded in a much broader downward trend, starting already shortly after Azerbaijan’s independence.



**Figure 13: Freedom of expression in Azerbaijan**

Laws in Azerbaijan are, by and large, transparent, and particularly rigorously enforced in those areas that the regime considers crucial for its survival. The main challenge citizens are faced with, however, is the fact that the regime has over the years put in place a large body of legislation that is either highly restrictive or that provides it and thus the corrupt and subservient judiciary with ample room for manoeuvre to engage in arbitrary interpretation. In conjunction with pervasive corruption – in the Transparency International Corruption Perception Index 2023, Azerbaijan ranks 154<sup>th</sup> out of 180 countries – this has consolidated a situation in which the public is at the mercy of a regime that has used the recent wars in 2020 and 2023 with Armenia over Nagorno-Karabakh to temporarily boost the popularity and legitimacy of President Aliyev (VOANEWS 2023). Consequently, equality before the law and individual liberties are on a moderately regressing trend since the country’s independence, as Figure 14 demonstrates.



**Figure 14: Equality before the law and individual liberties in Azerbaijan**

The regime relies on a Soviet-style public administration, the key characteristics of which, notably inefficient and insufficient service provision, have remained largely unchanged over the past three decades. As a system

that revolves around clientelism, cronyism and nepotism (Bertelsmann Stiftung 2022b), the public administration serves first and foremost the purpose of ensuring political stability and thus consolidation of “authoritarian resiliency” (Nahmadova 2021) rather than effecting positive change and advancing the common good. There have been attempts by Vice-President Mehriban Aliyeva prior to the 2020 legislative elections to install young, western educated loyalists from within her influential Pashayev family network across state bureaucracies or, as Bedford (2023) coined it, “ring out the old and ring in the young”. Yet, public administration continues to suffer from the absence of professionalism and meritocracy.

As far as citizens’ access to justice is concerned, the situation is rather similar in so far as also the judiciary lacks political independence. Judges, though formally appointed and dismissed by the Milli Majlis according to Article 95 and Article 109 of the Constitution respectively, are handpicked by the President and act as subservient accomplices of the regime. Article 25.1 of the Constitution stipulates that “everyone shall be equal before the law and the courts”, complemented by Article 25.5 which states that “everyone shall be guaranteed equal rights in any proceeding before state authorities and bearers of public authority that decide upon his/her rights and duties.” Yet, these constitutionally enshrined guarantees are not upheld in practice. Domestic courts usually follow the often-trumped-up charges by the General Prosecutor, who himself is in a relationship of dependency with the executive, and convict critical voices, such as activists, journalists, bloggers, and members of the opposition, to, for example, pre-trial detentions, heavy fines, termination of citizenship – as was the case in June 2015 when Emin Huseynov was de facto made stateless – and imprisonment. As is documented by Freedom House (2023a), this is complemented by the widespread practice of restricting detainees’ “access to legal counsel, the fabrication and withholding of evidence, and physical abuse to extract confessions.” This common practice, and the endemic impunity of perpetrators, is in clear violation of the criminal code and of Article 46.3 of the Constitution, which stipulates that nobody may be subject to torture, degrading treatment or punishment – a fact that has been repeatedly pointed out by various international human rights bodies. For example, in 2015, the UN Committee against Torture (CAT) did not only express its deep concerns over consistent and numerous allegations that several human rights defenders had been subjected to degrading treatment, but also highlighted that during the period 2010-2013 a total of 678 cases of torture had been submitted to the prosecutor’s office – and were dismissed by the latter (Human Rights House Network 2015). Likewise, deaths of members of the opposition are normally not investigated by the authorities, or, to the extent that the latter claim to scrutinise them, end without any results. For example, the circumstances that led to the death of civil activist and blogger Mehman Galandarov in the Kurdakhani prison in the Spring of 2017 have never been properly investigated (TURAN 2017) and neither has the 2005 killing of Elmar Huseynov, a prominent journalist who had closely reported about unlawful activities of regime members (Rose 2021).

Though the Constitution refers to religion multiple times and, in principle, stipulates that all religions are equal before the law (Article 18.1), and that citizens have the right to freely determine their individual approach to religion and also express and disseminate their religious beliefs (Article 48.2), independent, i.e. non-state affiliated religious communities and associations are frequently exposed to harassment and even imprisonment and torture by state authorities. As such, the regime has put in place a myriad of formal and informal restrictions to exercise freedom of religion and belief, as it is determined to be the sole authority on religious matters, whilst falsely promoting the country internationally as a model of tolerance (Corley and Kinahan 2018). Most visible in this regard is Article 18.2 of the Constitution which, by stipulating that the “spread and propaganda of religions (religious movements) which humiliate human dignity and contradict the principles of humanism shall be prohibited”, provides the regime even with a constitutional basis to stigmatise and thus penalise virtually any religious actor as it sees fit.

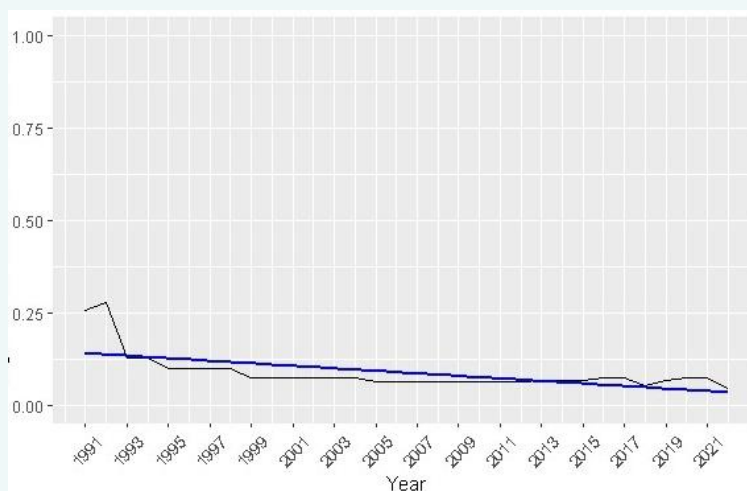
Similarly, citizens, and in particular members of the opposition, independent journalists, civil society activists, and internally displaced persons (IDP’s) from Nagorno-Karabakh are faced with arbitrary restrictions of their freedom of movement. As demonstrated in detail by Aghayev (2018), the regime has been systematically using restrictions on movement “as a tool of political pressure [and also] to control opposition figures and cut off their direct relations with the international community”. With this in view, the regime has systematically been resorting to travel bans with respect to IDP’s, many of whom have been living under inhumane conditions for decades, effectively preventing them to change their place of residence (Freedom

House 2023a). Whilst the Constitution through its Article 28 unequivocally stipulates the right to freedom, the Code of Criminal Procedure through Article 163, 165, and 169 as well as numerous other laws and codes qualify and de facto limit this right considerably (Aghayev 2018, 6-7).

### 4.3 Legislative and judicial constraints on the executive

Through Article 7.3 the Constitution stipulates separation of powers. However, the legislature, whose competences are regulated by Article 94, 95, and 96 of the Constitution, does not act as a meaningful check on the President and the government but, instead, serves as a rubber-stamping tool at the service of the regime. This is due mainly to the fact that the Milli Majlis has limited powers and has been dominated for years by the ruling YAP and nominally independent, but de facto co-opted lawmakers. Since the 2010 legislative elections, opposition parties have been absent from parliament, and whilst there was not a single member of the opposition in the Milli Majlis during the period 2015-2020, the regime, in an attempt to portray this as democratic opening, granted the opposition one out of the Milli's 125 seats during the parliament's five-year mandate between 2010-2015 and 2020-2025, respectively.

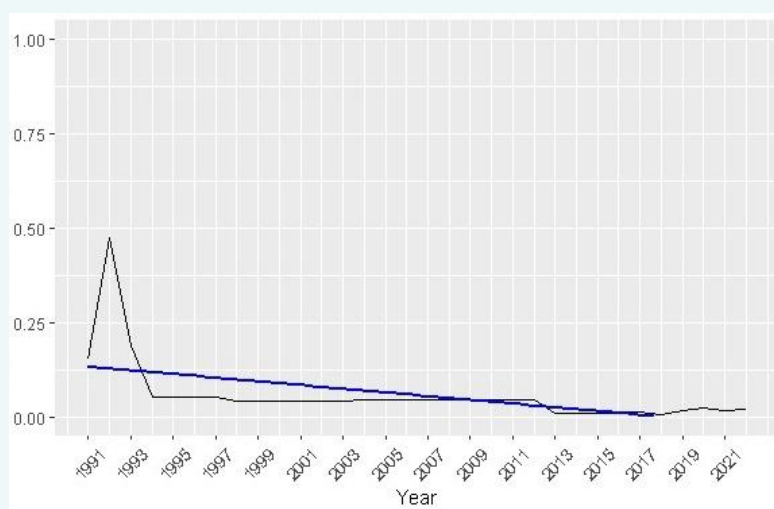
Opposition leaders, in particular from the Müsavat Party, the Azerbaijani Popular Front Party (APFP), and the Republican Alternative Party (REAL) are systematically exposed to regime-driven smear campaigns, targeted attacks by the state media, harassment and detention – measures destined to publicly discredit them and, at the same time, intimidate other opposition members. This practice on the part of the regime, in conjunction with its continuous and ever finetuned efforts to split the opposition, have resulted in a national assembly whose composition is highly homogeneous, that is loyal to and fully dependent on the ruling family and that, therefore, does not – as is also reflected in Figure 15 – exercise any significant legislative constraints on the executive.



**Figure 15: Legislative constraints on the executive in Azerbaijan**

The judiciary, whose powers are stipulated by the Constitution through Articles 125-133, does not act independently. The Constitutional Court, the Supreme Court, the courts of appeal, the general courts and other specialised courts are filled with regime loyalists subservient to the executive, they suffer from endemic corruption, and are, by and large, “punitive mechanisms in the hands of the executive power” (Bertelsmann Stiftung 2022b, 11). Article 127 of the Constitution stipulates that judges “shall be independent, [...] subordinate only to the Constitution and laws of the Republic of Azerbaijan, [...] consider cases impartially and fairly, observing equality between the parties, on the basis of facts and in conformity with the law”, and states that the “application of illegal influence, threats and interference, and direct or indirect obstruction in court proceedings by any person and for any reason, shall be prohibited.” In practice, however, and in particular as far as politically and economically sensitive cases are concerned, judges are instrumentalised and receive instructions from the executive. Whilst the judiciary’s independence – as is reflected in Figure 16

– has been alarmingly low ever since the Aliyev family came to power in 1993, 2012/2013 marks another critical juncture: the regime did not only ruthlessly clamp down on dissent, following attempts by youth groups who were inspired by the Arab Uprisings to stage anti-regime protests, but it also intensified its control over state institutions.



**Figure 16: Judicial constraints on the executive in Azerbaijan**

It systematically hollowed out the few remaining judicial constraints on the executive and tightened its grip on the General Prosecutor as well as lower rank prosecutors – all of whom, according to the UN Guidelines on the Role of Prosecutors (UNODOC 2014), have to be independent in order to perform their duties – not least with a view to consolidate the practice of arbitrary prosecutions of regime critics and human rights defenders.

## 4.4 The demos

### 4.4.1 Democratic commitments

Most Azerbaijanis declare strong support for democracy as the most suitable political system for their country, according to the WVS waves 6 and 7, respectively. Thus, 79.6% of respondents in 2011 and 90% in 2018 thought democracy was a very good or fairly good way of governing their country (Inglehart et al 2014; EVS/WVS 2022), with the proportion of democracy supporters increasing substantially between the two rounds of surveys. Moreover, large majorities of the interviewees associated democracy with norms such as free elections, civil rights and gender equality, as illustrated by Table 12.

Percentage of respondents who consider the following as essential characteristics of democracy:		
	Wave 6 (2010-2014)	Wave 7 (2017-2022)
Free elections	68.8%	91.1%
Civil rights	71.5%	75.6%
Gender equality	75.6%	74.3%
People obey their rulers	59.6%	42.9%

**Table 12: Attitudes towards democratic norms in Azerbaijan**

However, this declaratory support for democracy is contradicted by relatively high levels of support for a “strong leader who does not have to bother with parliament and elections” - 66.4% of respondents endorsed this view in 2018 (EVS/WVS 2022). Paradoxically, as support for democracy surged between the two survey ‘waves’, so did the proportion of people in favour of an unaccountable strong leader (from 21.7% in 2011 to

66.4% in 2018). In addition, as Table 12 shows, the notion that in a democracy people must obey their rulers was backed by 59.6% of interviewees in 2011 and a still significant 42.9% in 2018, pointing to a potential disconnect between citizens’ declared democratic commitments and their precarious understanding of the functioning of democracy in practice. This is also substantiated by high levels of trust in institutions which fail to uphold the most basic democratic standards, as poignantly illustrated by Table 13. This ‘puzzle of authoritarian legitimacy’ (Nathan 2020) can be attributed to the absence of “critical citizens” in societies ruled by autocrats. While “critical citizens” hold their countries’ institutions to high democratic standards, general perceptions of how democratically Azerbaijan is being governed show that a majority of respondents - 60% in 2011 and 81.6% in 2018 - felt that their country was being at least somewhat democratically governed. Furthermore, 73.3% of those interviewed in 2011 stated that there was a significant degree of respect for individual human rights in Azerbaijan. These results are very much in line with scholarship which argues that political trust is a function not only of governmental performance, but also of how citizens understand democracy (Zhai 2018). At the same time, high levels of regime legitimacy and political trust are often the hallmark of authoritarian regimes which are able to maintain a social contract with their citizens whereby the latter endorse the regime despite its democratic shortcomings in exchange for socio-economic stability and even prosperity.

Percentage of respondents who said that they have trust in:		
	Wave 6 (2010-2014)	Wave 7 (2017-2022)
<b>Government</b>	80.1%	89.6%
<b>Parliament</b>	63.7%	61.6%
<b>Justice system/Courts</b>	58.7%	57.5%

**Table 13: Trust in public institutions in Azerbaijan**

#### 4.4.2 Political resources

The evolution of CSO sustainability in Azerbaijan registered a significant decline between 2013-2015 and continued to slowly, but steadily, regress between 2015 – 2017, before entering a relatively stagnating trend which places the country in the ‘sustainability impeded’ category. As Figures 17 and 18 show, the year 2014 marked a severe downturn in the overall sustainability, and specifically the organisational capacity, of Azeri CSOs, as a result of a series of restrictions on the civic space imposed by the regime. These included amendments to laws governing the functioning of civil society (Law on Grants, Law on Non-Governmental Organizations (NGOs), Law on Registration of Legal Entities and State Registry, and Code on Administrative Offenses) and a large-scale wave of arrests of and travel bans against civil society activists during 2014 (FHI 360 2015). New provisions introduced a cumbersome procedure requiring that donors, including foreign ones, providing grants to Azeri CSOs, register with the Ministry of Justice (MoJ), resulting in the effective closure of many international CSOs. Given the high degree of dependence of Azeri CSOs on external funding, a large number of national CSOs saw their operational budgets, capacity and human resources rapidly dwindle, thus being forced to terminate operations, become affiliated with the government, self-censor through a focus on non-controversial issues, or leave the country (FHI 360 2016).

Most of the CSOs which succeeded in registering with the MoJ are inactive and exist only nominally, while several dozen function without any official registration (FHI360/ICNL 2022). The organisational capacity and financial viability of CSOs remains severely restricted, with most organisations lacking funding, adequate staff numbers and even offices, resulting in the severely impeded sustainability of the CSO sector.

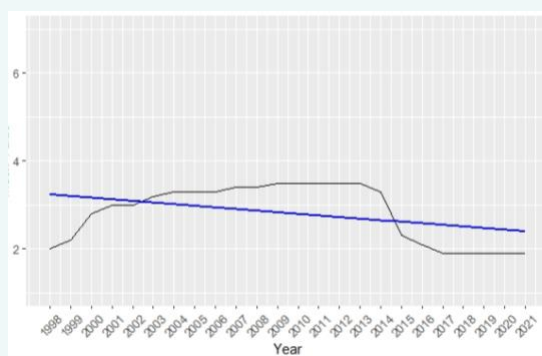


Figure 17: CSO organisational capacity in Azerbaijan

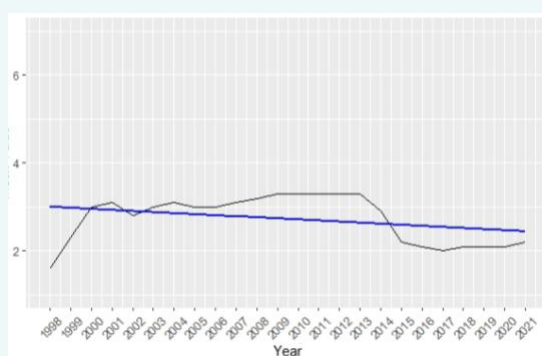
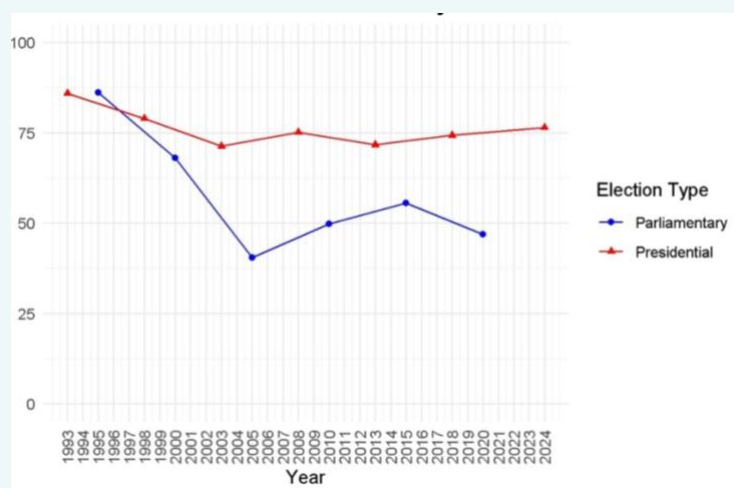


Figure 18: CSO sustainability in Azerbaijan

Azeris score low levels of political awareness, with a majority (68.1%) declaring no interest in politics (EVS/WVS 2022). Moreover, 32.5% never read newspapers and 27.9% read newspapers less than once a month in 2011 (Inglehart et al 2014). The main source of information appeared to be television news, which 88.7% watched daily, and conversations with friends and colleagues, which 65.8% engaged in on a daily basis. In 2011, a majority of Azeris (61.6%) never used the internet (61.6%), e-mail (76.3%) or mobile phone (84.1%) as a source of information to find out what is happening in their country or in the world (Inglehart et al 2014). While more recent data on Azeris' media consumption patterns is not available from the WVS/EVS, other sources indicate that the internet has become more accessible in Azerbaijan in recent years, though this positive trend is offset by restricted internet freedom, the continued blocking of key opposition and independent news media, frequent connectivity problems and widespread internet blackouts and an ICT sector entirely controlled by the state (Freedom House 2022d).

#### 4.4.3 Political participation

Guliyev (2019, 244) argues that young people in Azerbaijan are alienated from politics and thus display low levels of political participation and civic engagement resulting from the absence of ideological competition and debate in the public space. A reluctance to engage in politics has been identified as a widespread attitude amongst Azerbaijanis, succinctly captured by the often-heard expression 'mən siyasətə qarışmıram' ('I don't mess up with politics') (Shirin 2015, cited in Guliyev 2019).



**Figure 19: Electoral turnout in Azerbaijan**

As Figure 19 shows, electoral turnout, as the main form of institutional political participation, has been particularly high in the case of presidential elections, and significantly lower as far as parliamentary elections are concerned. Ranging from 75.2% in 2013, to 74.2% in 2018 and 76.2% at the most recent presidential election in February 2024 (OSCE/ODIHR 2013a; OSCE/ODIHR 2018a), voter turnout is likely to be considered a particularly relevant legitimising tool by Aliyev’s personalistic regime. However, these numbers are routinely challenged by civil society, opposition forces and election monitors, who argue that they are inflated through fraudulent practices such as public employees being bussed to polling stations and forced to vote, carousel voting and mass ballot box stuffing (JAMnews 2024; Synovitz 2008). The numbers are also contradicted by declared electoral turnout in surveys like the WVS and EVS, where respondents typically overstate their voting behaviour. Thus, 39.2% of respondents in 2011 (Inglehart et al 2014) and 33.5% in 2018 (EVS/WVS 2022), respectively, said they always voted in national elections, suggesting the real number was even lower. When it comes to non-institutional forms of political participation, citizen engagement in Azerbaijan is notably weak, as Table 14 shows. While non-institutional forms of political involvement appeared to marginally increase in the years 2010-2014, the past six years have been marked by a deterioration of public engagement in politics. Since the presidential election of 2018, the public has increasingly disengaged from politics, against the background of ramped-up repression against civil society and the opposition, the latter of which, rather than rallying the population around its cause, has in fact stopped trying to mobilise the public altogether (Samadov 2024). This is a worrying trend which, in conjunction with the absence of serious political challenges to the regime and a decimated civil sector, does not bode well for the prospect of popular mobilisation against Aliyev’s autocratic rule.

Percentage of respondents who have engaged in the following types of non-institutional political participation:		
	Wave 6 (2010-2014)	Wave 7 (2017-2022)
Sign a petition	3.7%	7.2%
Join in boycotts	0.3%	0.6%
Attend a peaceful demonstration	2.6%	4%

**Table 14: Non-institutional political participation in Azerbaijan**

## 4.5 Broad political trends

### 4.5.1 Authoritarian learning and upgrading

During the period of investigation, the ruling regime of Ilham Aliyev and his family have displayed a considerable degree of authoritarian learning which, in turn, has led to significant authoritarian upgrading. Whilst just some years ago, the regime practiced what was widely considered to be hegemonic authoritarianism, it is now headed towards full-blown dictatorial rule. As part of his regime's survival strategies, Aliyev has been looking particularly towards Turkey and Russia, two neighbours that have been increasingly acting as authoritarian gravity centers (Kneuer and Demmelhuber 2016), attempting to disseminate and diffuse elements of autocratic governance in their respective regional environments and beyond. Intent to learn from practices of authoritarian hardening, as applied by Russian President Vladimir Putin and Turkey's President Recep Erdoğan, the regime in Baku has thus engaged in a process of emulation, leading to (a) the continuous and increasing regularisation and formalisation of repression through presidential decrees, regulations and laws (as is exemplified by the highly restrictive laws of 2022 on the media and political parties), (b) the repeated breaking of constitutionally stipulated election cycles, and (c) a more frequent use of violence even in situations that are not revolving around strictly sensitive, political issues.

As far as the meddling with election cycles is concerned, Aliyev – emboldened by the corresponding constitutional changes of 2016, and inspired by Erdoğan's decision to resort to snap elections in 2018 and 2023 – decreed the holding of early elections already three times. Thus, early parliamentary elections were held in February 2020 (instead of November 2020) and snap presidential elections took place in April 2018 (instead of October 2018) and February 2024 (instead of October 2025). In particular the recently held – fraudulent – presidential elections served as a means to publicly portray Aliyev as the country's undisputed leader and father-like figure, following Azerbaijan's recapturing of Nagorno-Karabakh and its seven surrounding regions in 2020 and 2023, respectively. The moving forward of presidential elections was justified by the regime with the presumed necessity to let the previously occupied territories in and around Nagorno-Karabakh finally "benefit" from a truly nationwide vote, thus depicting this process as the inception of a new chapter in the history of what is now seen as "post-war" Azerbaijan (JAMnews 2024).

With respect to regime violence, extreme police brutality in response to a small, non-violent protest by elders in the village of Söyüdlü in Azerbaijan's western Gadabay district on 20 June 2023 over the creation of an artificial lake which is supposed to function as a reservoir for waste from a nearby mine (Mammadova 2023), serves as just one of many examples in this regard. Having also learned from Middle Eastern regimes' (repressive) responses to the Arab Uprisings in 2011/2012, Aliyev is nowadays determined to quash the slightest form of dissent and resort to excessive use of force by the security forces, even if this entails potentially antagonising traditional supporters.

To date, authoritarian upgrading has led to a situation in which the public space, narrow as it has already been for years, gradually ceases to exist. The overregulation of CSO's and political parties, the de facto and de jure criminalisation of any opposition-related activity, ever growing and openly displayed repression, in conjunction with the regime's determination to eliminate even the last remnants of independent media – as is demonstrated by the most recent arrest of Abzas Media's director, Ulvi Hasanli, his editor-in-chief, Sevinj Vaqifqizi, and several team members, as well as of their counterparts of the country's most relevant digital internet channel, Kanal 13 – show the degree to which Azerbaijan is nowadays shifting towards dictatorial rule. This development, and further consolidation of censorship and increasingly systematic usage of invasive surveillance technology (of Israeli origin), often considered to be a "prime example of digital authoritarianism" (IPHR 2021), have pushed the Azerbaijani society into a state of disengagement, depoliticisation and in fact apathy (Samadov 2024).

## 4.5.2 Old narratives, new narratives

Ever since the conflict between Azerbaijan and Armenia over Nagorno-Karabakh erupted in 1988, it has served first the regime of Heydar Aliyev and, since 2003, his son Ilham Aliyev as a crucial instrument in their autocracy toolbox to enhance the regime's fragile legitimacy and to combine regime-building with nation-building. The conflict became "the dominant structuring device in imagining recent, modern, and even premodern Azerbaijani histories" [and helped the regime] "to "effectively play the role of the "Other" against which, in its ethno-cultural incarnation, Azerbaijani national identity has been defined" (Broers and Mahmudlu 2023, 57-58). As such, the conflict allowed Aliyev to carefully nourish a powerful threat and enmity narrative, coupled with civic prescriptions of "Azerbaijanism" (ibid.), and instrumentalise it at his discretion with the sole purpose of either disguising governance deficits or defaming regime critics as traitors to the national cause. Though Azerbaijan's eventual recapture of Nagorno-Karabakh in 2023 has invalidated the rationality of this narrative, Aliyev – aware of its utility for regime survival – continues to resort to it as he has simply shifted the narrative's core focus from the previously alleged need to be unified in restoring the country's national integrity to the nowadays proclaimed need to preserve and secure the newly completed national sovereignty. Given the enormous magnitude of the issue for Azerbaijani identity, and not least against the fact that the military victory has bestowed upon Aliyev unprecedented legitimacy, this narrational adjustment resonates with Azerbaijani society and, by the same token, serves as a newly found pretext for the regime to stigmatise critical voices as a foreign sponsored "fifth column". The imprisonment of the journalists working for Abzas Media and Kanal 13 in the late autumn of 2023 was thus pursued under the banner of fighting "U.S. spies" (Kamilsoy 2024) – a labelling that is far from being accidental. In fact, it recently emerged in response to the vocal critique by many European and U.S.-American organisations and governments of Azerbaijani actions in and around Nagorno-Karabakh between 2020 and 2023 and, at the same time, the regime's perceived need to find a potential substitute – or "new directions of our national ideology", as Aliyev recently coined it (Azemedia 2024) – for the previously practiced and supposedly unifying anti-Armenianism.

Whilst the latter is still being exploited for regime purposes, as is demonstrated since December 2023 through the active usage of the irredentist "West Azerbaijan" narrative, i.e. the promise that designated Azerbaijani communities would return to their ancestral homeland in present-day Armenia (Surenyants 2023), state-media is nowadays aggressively promoting anti-Westernism and thereby engaging in the further discursive undermining of western conceptions of human rights and good governance. This development is seen to be the result of an understanding within the regime "that it needs what the West has to offer less" (De Waal, cited in Lozovsky 2024), mainly as it has secured its geopolitical and geoeconomic objectives in recent years. Whereas this is likely to further insulate the regime's dictatorial practices, it is equally bound to render it increasingly challenging – if not impossible – to provide any tangible external democracy support action in the country for the time being.

## 5 Belarus

**Marianne Kneuer, TU Dresden**

Since the first elections in 1994, independent Belarus has been dominated by its President, Alexander Lukashenka, who installed an authoritarian regime directly after coming to power. The superpresidential character of the Constitution set the opportunity to dominate state institutions, and later constitutional reforms in 1996 and 2004 bolstered the regime's hegemonic rule (Beliaev 2006, McAllister and White 2016). Institutional control went hand in hand with the systematic marginalisation of the opposition and the narrowing of space for civil society. A system was erected to protect his authoritarian regime against mass protests, a schism or plot among the country's elites, and external pressures (Shraibman 2018, 5). Moreover, Lukashenka carefully vetted bureaucrats for loyalty and prevented the emergence of alternative centres of power.

The biggest challenge for the regime only became apparent in the context of the 2020 presidential election, which was once again rigged in a systematic manner. The country experienced the strongest wave of protests since independence in 1991. Unlike previous protests, this time citizens took to the streets to explicitly call for the end of the Lukashenka government and a change to democracy. The President not only reacted with massive repression but was also under such pressure that he sought support from Russian President Vladimir Putin, who gladly accepted this opportunity to play an even more substantial role in Belarusian domestic politics. In fact, the specific domestic path that Lukashenka has set for Belarus since independence must always be seen in conjunction with relations with Russia that have been close but constantly tense. The rapprochement in 2021 became a turning point in Russian-Belarusian relations, made Lukashenka practically dependent and an ally in the war against Ukraine, with the result that not only Russian troops but also nuclear weapons were stationed on Belarusian soil, joint military exercises were carried out and the Union State of Russia and Belarus was strengthened (Masters 2023). Lukashenka has thus tied himself so closely to Russia that it will be difficult to re-establish the distance from Russia practiced as a *raison d'état* for so long. Moreover, this approximation also has consequences for relations with the EU and the overall geopolitical picture, including relations with neighbouring Latvia, Lithuania, Poland, and Ukraine. This changed foreign policy position also stirred new protests and anti-war activities enabling the government to continue the high level of repression towards civil society (Voice of Belarus 2022). Finally, in 2022 Lukashenka undertook a major and important change of the Constitution cementing his rule.

Besides the stability of his autocratic government, Lukashenka's rule also stands out due to some specific traits. There is, first, his personalistic rule, second, the brutal repression, and third, what Frear (2019) calls adaptive authoritarianism which constitutes a method of securing his power and guarding against internal and external destabilisation. Shraibman observes that "the regime's institutional stability, its monolithic nature, and Lukashenka's control over it is inextricably tied to the system's dependence on Lukashenka's character and worldview, especially his desire for power, his conservatism, his nostalgia for the Soviet Union, and his leftist views" (Shraibman 2018, 26). This connects, forth, to the remarkable loyalty to the President in an "authoritarian state, where the citizens actually like their dictator" and where opposition lacked public support (Bedford 2021; Hale 2015, 258-266; McAllister & White 2016), underlining the importance of the demos component.

Based on V-Dem's indicators of democratic measurement, Belarus displays a clear and one-directional path of regression as far as the evolution of its political regime is concerned. After the only democratic election that the country experienced in 1994, Belarus almost immediately moved back to authoritarian rule. Since the beginning of the 2000s, the V-Dem project has characterised Belarus as a "consolidated autocracy" that further deteriorated after the 2020 elections which were followed by unprecedented repression (Coppedge et al. 2023). Since 2020, Belarus' development points to an autocratic deepening in two aspects: the country moved towards an even more repressive autocracy and the institutional framework and perpetuation of autocratic rule were cemented by the last constitutional amendment in 2022.

Complementing this picture with the measurement of political rights and civil liberties provided in the “Freedom in the World” survey by the Freedom House, Belarus was evaluated as “partly free” from 1994 to 1997 and as “not free” ever since. In 2022, the country reached the worst score possible in both categories of in the FH Index (Freedom House 2023b).

On one hand, this account resonates with the well-known assessment of Belarus as a consolidated autocracy, which all democracy indices and analyses have consistently highlighted. On the other hand, the year 2020 marks a critical juncture and a new phase of internal and external vulnerability. The next section turns to a detailed description of electoral and liberal dimensions of the Belarusian political regime in the period 2010-2022.

## 5.1 Elections

After the first and only fair and free election in 1994, Lukashenka opted for maintaining the façade of elections while at the same time rigging them and not allowing an even playing field for the opposition, reflecting a state defined by Schedler (2006) as electoral authoritarianism. In Belarus, as Bedford (2017, 382) emphasises, “holding elections is neither a concession to democratic development nor a necessary exercise. Instead, it serves to reinforce authoritarianism and the stability of the state system”.

In the period of investigation, three presidential elections (2010, 2015 and 2020) and four parliamentary elections took place (2012, 2016, 2019 and 2024). Figure 20 corroborates the persistence of unfree and unfair elections. According to the OSCE/ODIHR (2011b; 2016a) and Benedek (2020), the elections were marred by massive flaws and since 2001 elections are deemed to be undemocratic. A major issue in all elections remained the formation of electoral commissions, which are responsible for vote counting and tabulation (OSCE 2010; 2015; 2020). Opposition representatives are almost totally excluded from their composition.

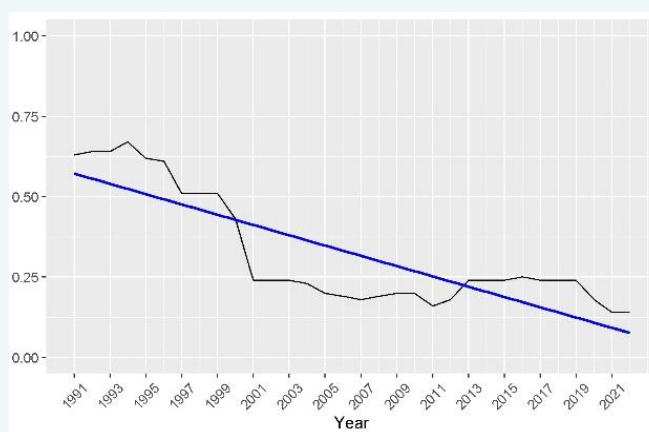


Figure 20: Free and fair elections in Belarus

The 2010 presidential elections seemed to have been a turning point in the Belarusian political development as Lukashenka’s alleged landslide victory of 80% was met with popular protests – the biggest such demonstrations since 2001. The government reacted by cracking down on the protests, and from December 2010 to February 2011, a severe wave of repression rolled across Belarus, with the regime clearly aiming to crush and discredit the opposition and civil society more broadly (Wilson 2011, 233-235). While the parliamentary elections in 2012 and the presidential elections in 2015 were not followed by the same degree of popular unrest, the government was warned and increased their preventive mechanisms.

In contrast, in the run-up to the 2020 presidential elections, it became clear that Lukashenka would face increasing contestation (Way 2020, 22). Already the 2019 parliamentary elections displayed a different and more substantial mobilisation of democratic forces. They presented a record number of nominations in the November 2019 parliamentary elections. In response, the authorities rejected candidates, tightened

campaign conditions, imposed prohibitive fees for city services during political actions, banned observers and arrested activists (Bertelsmann Stiftung 2022c). Moreover, Lukashenka’s mismanagement of the COVID19 pandemic resulted in a deteriorating socioeconomic situation that was increasingly felt by the population (Gerry & Neumann 2023). Finally, and in contrast to previous elections, the main opposition candidates - Viktor Babariko, Sergei Tsikhanousky and Valery Tsepkalo – received “unusually enthusiastic responses”, even though the appearance of three candidates risked dividing the opposition (Way 2020, 22). In fact, it was a double miscalculation on Lukashenka's part that helped the opposition: the authorities refused to register the three most promising contenders as candidates for the first stage of the presidential election campaign, but granted registration to Sviatlana Tsikhanouskaya, the wife of the arrested Sergei Tsikhanousky. This move inadvertently united the opposition behind Tsikhanouskaya who was able to mobilise the protest vote. Moreover, Lukashenka’s sexist attitude towards purported female incapacity was rebuked (Way 2020, 23). While the official results affirming a victory of Lukashenka were fabricated, independent sources such as the platform Golos, developed by IT specialists and civil society activists, and in which over 1.2 million voters registered, recorded her victory in the first round by 56% to 34% (Bedford 2021; Bertelsmann Stiftung 2022c; Voice of Belarus 2020). Most unexpected for the government, protests continued for months until the end of November. Only hard and overt repression could end this mobilisation, ultimately resulting in Sviatlana Tsikhanouskaya’s departure from Belarus.

Not only did the 2020 elections become a critical juncture for the Lukashenka system on a domestic level, but this existential crisis also represented a turning point for relations with Russia. Lukashenka, who had increasingly sought to distance himself from the Kremlin following Russia’s annexation of Crimea and the war in Donbas, had to seek support from Russia to subdue the post-election protests. Putin’s official support bolstered the government’s message of repression towards the democratic forces, but at the same time altered the image in the eyes of the international community.

## 5.2 Political and civil rights

The period from 2010 to 2022 has been characterised by significant constraints on *freedom of association*. The data indicate a general downward trend, with brief periods of minor improvement that were, however, regularly overshadowed by severe crackdowns, particularly in response to public protests in the context of the 2020 presidential elections.

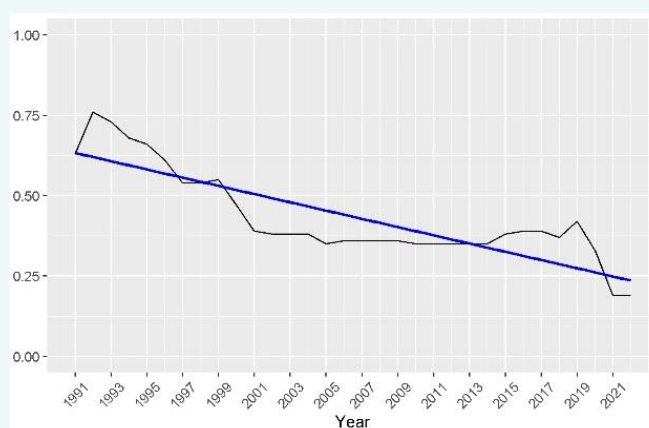


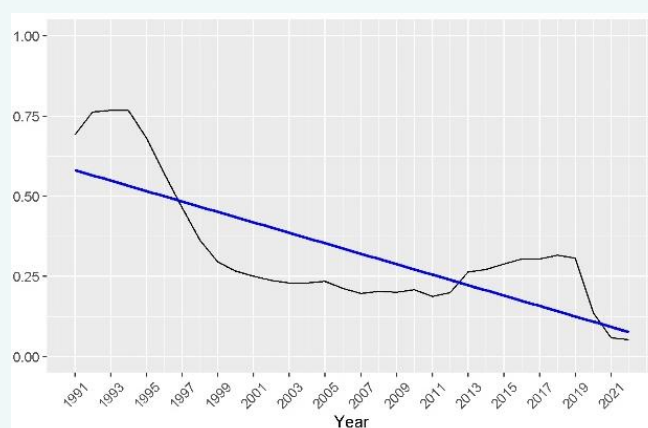
Figure 21: Freedom of association in Belarus

From 2010 to 2014, Belarus experienced a consistent level of limited freedom of association, as indicated by the V-Dem's stable score on this dimension (Coppedge et al. 2023). In this period, the government maintained tight political and administrative control over public assemblies, political organisations, and non-governmental organisations (NGOs). The state’s control over civil society and public demonstrations was evident, with numerous reports of restrictions on public gatherings and the suppression of political dissent (Bertelsmann Stiftung 2012a, 2014a). The slight improvement of freedom of association in 2015-2019 reflects a temporary easing of restrictions leading to a minor opening of the civic space, which should be regarded

against the background of Russia’s war in eastern Ukraine and the newly acquired role by Belarus as host to peace talks (Way 2020).

However, this improvement was short-lived and anticipated the most severe limitations placed on the freedom of association in the history of Belarus. Figure 21 shows the dramatic drop in the context of the 2020 elections and the disruption of protests. Confronted with massive popular protests spurred by the blatantly stolen 2020 presidential elections, Lukashenka and his administration reacted with harsh and disproportionate repression by police, security bodies and military. By late 2020–early 2021, protests transformed into community and cultural activism, self-assistance groups, and other forms of activity which continued even as state repression succeeded in the weakening the street protests. Against this background, the new Code of Administrative Offenses, aiming at toughening the punishment for unsanctioned rallies, came into force on March 1, 2021. Fines for violating the procedures for holding meetings, rallies, street marches, demonstrations and pickets, and for public calls to organise such actions were increased threefold (up to \$1,115), while the term for administrative arrests was increased from 15 to 30 days. In addition, a provision on parental responsibility for children participating in unauthorised actions was added to the code (Bertelsmann Stiftung 2022c).

Developments on the V-Dem’s freedom of expression index in the period under review mirror largely those reflected on the previous dimension (see Figure 22). The V-Dem’s Liberal Democracy Index (LDI) provides estimates that also reflect a concerning picture with respect to the media landscape and the state of free speech in Belarus in the period 2010-2022 (Coppedge et al. 2023).



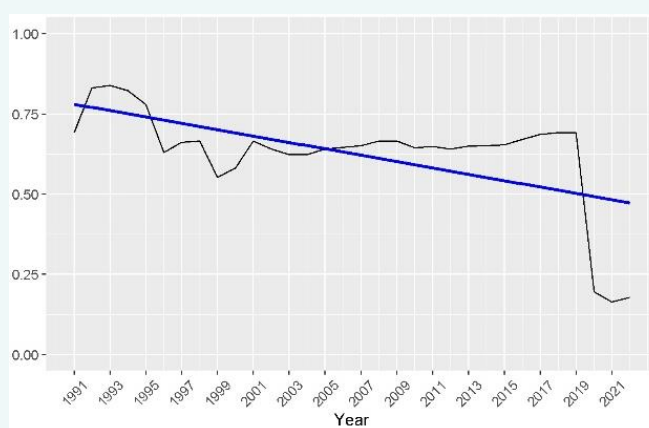
**Figure 22: Freedom of expression in Belarus**

In 2010, the environment for independent media and free expression was already very restricted in Belarus. The situation further deteriorated in 2011 and 2012 with increased crackdowns on media freedoms in the aftermath of the 2010 presidential campaign, which was marred by allegations of massive fraud. Given the perceived threat signalled by the protests, political control over the media increased, with state-run outlets dominating the media landscape and independent journalism facing new obstacles (Bertelsmann Stiftung 2012a; 2014a). The period 2013-2019 is marked by a limited improvement. This modest improvement reflects the slight relaxation of restrictions, resulting from Lukashenka’s short-lived intention to boost the external legitimacy of his regime. This marginal improvement notwithstanding, the overall environment for media and free expression remained highly restricted.

Governmental crackdown in the wake of 2020 presidential campaign could not leave the space allowed for media freedom unaffected, with widespread reports of journalists being arrested, internet blackouts and independent outlets, such as “Nasha Niva”, “Nexta” and “Tut.by”, a news site read by more than 40% of Belarusian internet users (Johnson 2021), being targeted. In an unprecedented move, Belarusian authorities, allegedly assisted with intelligence from Russia, forced a Ryanair flight to land in Minsk under false pretences in May 2021 in order to arrest and detain “Nexta” co-founder Roman Pratasevich (Radio Free Europe/Radio Liberty 2021).

For the subsequent 2021 and 2022 years, V-Dem's estimates for the extent of freedom of expression reached record low levels (Coppedge et al. 2023). These years have been characterised by a continued assault on media freedoms and free speech, including harsh penalties for dissent and an even more stringent legal framework.

With respect to equality before the law, from 2010 to 2019, Belarus exhibited moderate scores (see Figure 23). This reflects a limited, but somewhat stable adherence to the principle of equality before the law for this particular period. However, despite moderate scores, the broader political environment remained dominated by a strong executive with notable externalities for the legal system, judicial independence and exercise of individual rights. A dramatic decline occurs in 2020 as a direct consequence of the events surrounding the 2020 presidential elections. The government's response to these protests was marked by a severe crackdown on dissent, widespread arrests and human rights abuses, all of which significantly undermined the rule of law and individual liberties.



**Figure 23: Equality before the law and individual liberty in Belarus**

In 2021 and 2022 the values remained critically low, which reflects the further erosion of legal governance and personal freedoms. Moreover, the regime continued to suppress the remaining opposition dissent, increase control of the public sphere, and limit civil liberties. The legal system also continued to be used as a tool for political repression, with numerous political activists, including Sergei Tsikhanousky and Maria Kalesnikava, still being detained in prisons. Belarus remains also the only country in Europe, which disregards the very basic principle of human dignity while actively practicing the capital punishment.

Overall, V-Dem data underscores significant flaws regarding the legal system and the protection of individual rights in Belarus (Coppedge et al. 2023). Lukashenka followed a pragmatic approach with a mechanism of “selective repression and controlled openness”, in which a certain degree of activism and civic participation was possible as long as it was not directly and explicitly political (Bedford 2017, 404f; Bedford 2021, 813f) The abrupt downward trend post-2020 is an eloquent reminder of the arbitrary use of authoritarian power, which can instantaneously suspend political rights and civil liberties virtually when the survival of the regime is at stake.

### 5.3 Legislative and judicial constraints on the executive

The checks and balances through which parliaments and judiciaries hold the executive branch accountable are vital institutional safeguards of a democratic division of power. The removal of parliamentary and judicial constraints on the Belarusian executive occurred in three relevant steps. Through a rigged constitutional referendum in 1996, Lukashenka expanded executive power by disempowering parliament and massively curtailing judicial independence. In doing so, he undermined the separation of powers, and ensured that presidential powers were de jure and de facto unrestricted. In 2004 he further amended the Constitution by eliminating the presidential term limits allowing him to stand for re-election indefinitely. The position of the president above all other organs of state is supported by a “theory of legitimate laws”, which is propagated

by the presidential administration and recognised by the country's loyal jurists (Burkhardt & Rohava 2019, 3). In comparison with other post-Soviet institutional frameworks, the Belarusian Constitution created one of the strongest presidential executives – also labelled “superpresidential” (Beliaev 2006; Taghyiev 2006, McAllister & White 2016). Besides the strong powers of the presidency, all other state institutions, partially secured from the Soviet times, are rather held weak in the sense of dependent on the President.

Finally, the Constitution was amended again in 2022. Against the backdrop of the succession problem that his personalistic rule poses, Lukashenka had actually been talking about a “reform” of the political system for some time (Burkhardt & Rohava 2019; Burkhardt & Dollmann 2023). This debate was further incited by the brutal suppression of the protest movement. In response to the demands by Sviatlana Tsikhanouskaya and the newly founded Opposition Coordination Council, Lukashenka offered a constitutional reform as a supposed compromise. While the institutional structure was indeed adapted, the changes intensified the President’s grip on power even further. With the All-Belarusian Parliamentary Assembly (ABPA), a new body was placed above the parliament (Burkhardt & Dollmann 2021). The ABPA can be interpreted as a “cross between a Soviet plenum of the Communist Party’s Central Committee and China’s National People’s Congress” while the ABPA’s fifteen-person presidium will become a sort of equivalent of the Soviet Union’s Politburo (Shraibman 2023). Although a limit of two presidential terms will be reintroduced, Lukashenka will be able to remain in office until 2035 as the first presidential elections based on these new constitutional provisions will take place in 2025. After that, he could become the President of the powerful ABPA.

This section presents the V-Dem data on legislative and on executive constraints on the executive in Belarus. Regarding *the former*, the V-Dem offers low estimates throughout this period, indicating the absence of or, at best, a minimal level of legislative constraints on the executive (see Figure 24). In 2010-2012, the value stood practically near zero, signifying an extremely weak legislative check on presidential powers. This is consistent with the peculiarities of the institutional framework created by Lukashenka that have been described above.

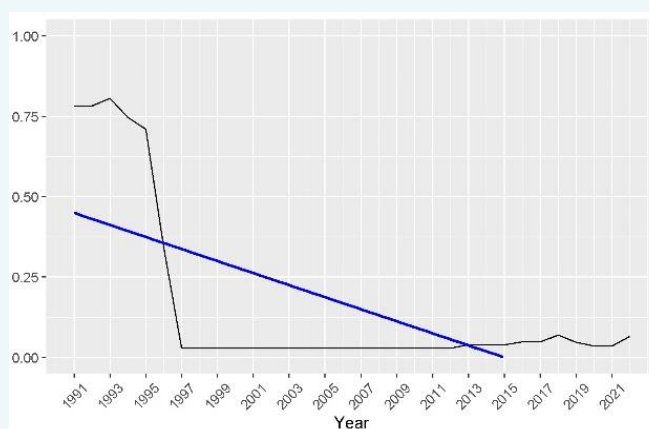


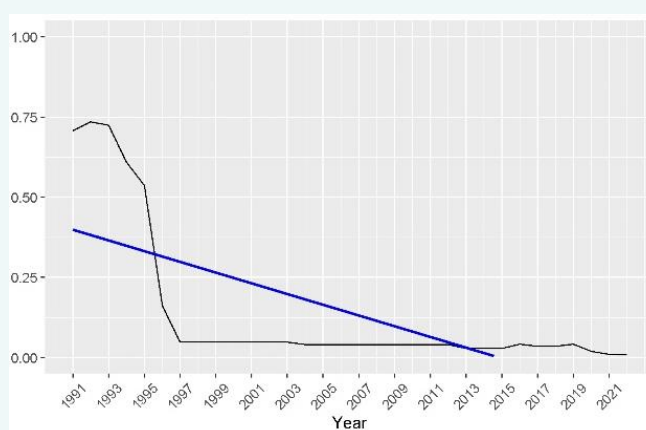
Figure 24: Legislative constraints on the executive in Belarus

In a pattern reminiscent of developments on the freedom of association and freedom of expression dimensions, the slight relaxation of the grip on power in 2013-2019 also manifests itself with regards to the horizontal checks and balances. For this period, V-Dem increases the score on legislative oversight (Coppedge et al. 2023). However, this very minor improvement was too small to suggest a meaningful shift in the balance of power in practice. Overall, the Belarusian parliament continued to bolster Lukashenka’s authoritarian regime rather than constraining it in any meaningful way.

In 2020-2021, legislative oversight further plummeted as a result of the all-out assault on any attempts at political dissent. The minimal upturn in the V-Dem’s Legislative constraints on the executive index for 2022 does not significantly alter the long-term pattern. The consistently low values on this index define a political system where the executive, particularly the presidency under Lukashenka, holds overwhelming power with practically no checks and balances from the legislative branch. This striking power imbalance contributed to

an autocratic deepening, highly restrained political participation and contestation and suboptimal public governance. The direction taken with the most recent constitutional amendments underpins this deepening.

With regards to the Judicial constraints on the executive index, the dynamics in Belarus mirror the pattern observed above on legislative oversight and suggests significant limits to the judiciary's role since 1997 (see Figure 25). Contrary to the tendencies on the electoral component and equality before the law dimension, where a minor variation in estimates is observable, there are no such oscillations on both legislative and judicial constrains dimensions of the liberal component. In the period 1997-2019, the values on judicial oversight remain on a very low level (Coppedge et al. 2023). These systematically low values and an absence of variation is reflective of a powerless and subservient and judiciary and is consistent with the nature of the system of government in Belarus, where the locus of authority pivots - de jure and de facto - around the presidency.



**Figure 25: Judicial constraints on the executive in Belarus**

The years 2020 to 2022 marked a further decline in judicial constraints, with V-Dem's values dropping, which represents the lowest values assigned to this dimension in the history of Belarus. The decline can be attributed to the intensified control of the executive over the judiciary, especially in the aftermath of the protests against the 2020 presidential elections. The executive's crackdown on dissent was met with little judicial opposition, reflecting a virtually non-existent independent judiciary. Overall, the period from 2010 to 2022 in Belarus has been characterised by a marked lack of judicial constraints on the executive. The consistently low values of the LDI indicate a dependent judiciary and incapable of providing effective checks and balances on the executive branch. This lack of judicial oversight adds to a further autocratic closure of the incumbent regime in Belarus.

## 5.4 The demos

### 5.4.1 Democratic commitments

There is an interesting debate in the literature about the extent to which the population was and is actually loyal to Lukashenka or whether it is merely a matter of apathy and apolitical stance or the lack of a realistic prospect of change that has long de-mobilised the people. In that context, the 2020 elections, but already those of 2010, are proof that a realistic alternative that can gain broad popular support can make the existing resentment against Lukashenka visible. Thus, the 2020 protests manifest a qualitative change in the Belarusian society (Korosteleva & Petrova 2023, 146) as they display the emergence of peoplehood as transformative force (Korosteleva & Petrova 2021; Kudlenko 2023, 188; Shadurski 2023).

The debate on the relation between state and society connects to the specific trait of the Lukashenka governance system that relies on a social contract as an implicit arrangement between ruling elites and citizens whereby citizens relinquish political influence in exchange for public spending (Desai et al. 2007) and that resonated with a performance-oriented attitude in the Belarusian population. Belarus has preserved and developed an extensive state system of social care and support, partly based on the Soviet legacy

(Pranevičiūtė-Neliupšienė & Maksimiuk 2012, 119-122). Lukashenka himself defines the Belarusian model of a socially oriented market economy as a “strong people-centered policy of the state” with “strong state power, strong social policy and reliance on the people” (Johnson 2011). He nurtured the vision of the caring President both in welfare and security issues. Indeed, this approach is not least successful as the public opinion of Belarusians shows strong preferences for such social benefits. In a poll in 2016, 65% of respondents agree to the statement “[t]he government is responsible for people’s well-being and is obliged to help people in the moments of need” (IISEPS 2016a).

Surveys conducted by the Independent Institute of Socio-Economic and Political Studies (IISEPS), which was able to operate until 2016, when it suspended independent polling due to risks faced by its field workers (FHI 360 2017), show quite clearly that the often-assumed support for Lukashenka had already become at least porous even before 2020.<sup>1</sup> IISEPS (2016a) indicates that the majority (53,5%) of respondents rather assess the situation in Belarus as stagnation than as stability. 47,7% agree to the statement “[i]t is only partially my state, it doesn’t protect my interests enough” – that indicates the waning efficiency of the social protection policy of the state. This perception has intensified during the Covid-19 pandemic where Lukashenka obviously showed a disastrous mismanagement. Moreover, 55,5% do not find the concentration of power in the hands of Lukashenka as beneficial.

The question, however, is: what accounts for the mobilisation in 2020? Although some studies have looked at the motivations behind the 2020/21 protests (see inter alia Chuliskaya & Bindman 2023; Bedford 2021; Gerry & Neumann 2023; Hansbury 2023, 167-202; Korosteleva & Petrova 2023; Kudlenko 2023; Way 2021), there is little survey data available due to the fact that independent polling is not possible in Belarus. Some partially representative online polls indicate that on one hand, certain segments of citizens demand more democratic institutions and standards, on the other hand however, there are also citizens that are reluctant to change (Burkhard & Dollmann 2021). For instance, according to the World Value Survey (Inglehart et al 2014; EVS/WVS 2022) 87% and 85.3%, respectively, of Belarussians support a democratic political system for their country. Support for democratic values and principles is also high, and has been increasing over the decade 2010-2020, covered by the two World Value Surveys conducted in the country in 2011 and 2020. Amongst others, free elections were considered essential to democracy by 77.5% and 79.7% of Belarussians, respectively, with civil rights enjoying the support of 70.8% and 78.4% of the population, and gender equality being considered a crucial democratic quality by 69.7% and 78.3% (see Table 15). In 2011, 78.1% considered it important to live in a democratically governed country, with the proportion going up to 80.9% by 2020.

<b>Percentage of respondents who consider the following as essential characteristics of democracy:</b>		
	<b>Wave 6 (2010-2014)</b>	<b>Wave 7 (2017-2022)</b>
<b>Free elections</b>	77.5%	79.7%
<b>Civil rights</b>	70.8%	74.2%
<b>Gender equality</b>	69.7%	78.3%
<b>People obey their rulers</b>	42.6%	53.6%

**Table 15: Attitudes towards democratic norms in Belarus**

At the same time, and somewhat paradoxically, 61.6% claim to support a leader who does not have to bother with parliamentary elections, while the proportion of people declaring that people must obey their rulers in a democracy went up from 42.6% in 2011 to 53.6% in 2020. Moreover, trust in state institutions fares relatively well, with 56% and 50%, respectively, trusting the government; 48.9% and 45.5% the Parliament; and 54.9% and 57.1% the courts/judicial system (see Table 16). These comparatively high scores of trust in institutions should be understood against the background of the above-mentioned social contract which ensured that, for as long as the state provided for the population, it could enjoy popular support and

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<sup>1</sup> IISEPS was an independent organization providing polls until 2016 when it stopped operating because of the repression by the Belarusian state (IISEPS 2016b).

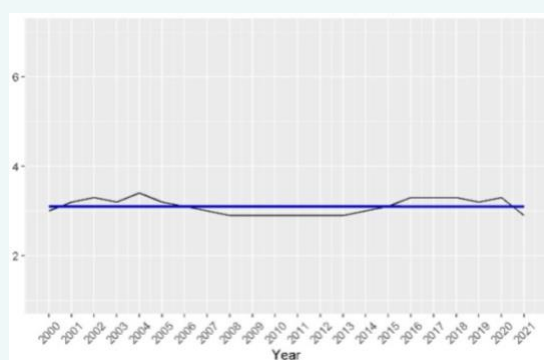
confidence. On the other hand, the declining figures between 2011 and 2020 may point to an erosion in levels of trust as a result the regime’s increasing inability to uphold the social contract.

Percentage of respondents who said that they have trust in:		
	Wave 6 (2010-2014)	Wave 7 (2017-2022)
<b>Government</b>	56%	50%
<b>Parliament</b>	48.9%	45.5%
<b>Justice system/Courts</b>	54.9%	57.1%

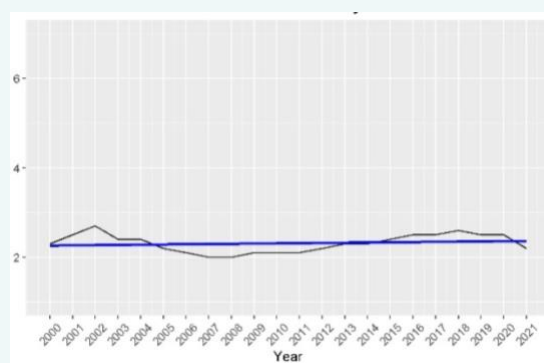
**Table 16: Trust in public institutions in Belarus**

### 5.4.2 Political resources

The perceived declining support for the incumbent regime notwithstanding, the action potential on the side of Belarusian Civil Society Organizations (CSO) remained limited. Throughout the period 2000-2021, the CSO Sustainability Index of FHI 360 indicates a broadly stagnant dynamic for both the organisational capacity and overall sustainability of Belarusian CSOs (FHI 360 2024; see Figure 26 and Figure 27), with very slight improvements recorded during the period 2015 – 2019, which echo the above-noted general trend of thawing restrictions across other dimensions. During this time, the configuration of the CSO sector in Belarus registered a shift from traditional CSOs, which continued to encounter legal, organisational and financial obstacles, to increasing activism by informal groups (FHI 360 2017).



**Figure 26: CSO organisational capacity in Belarus**



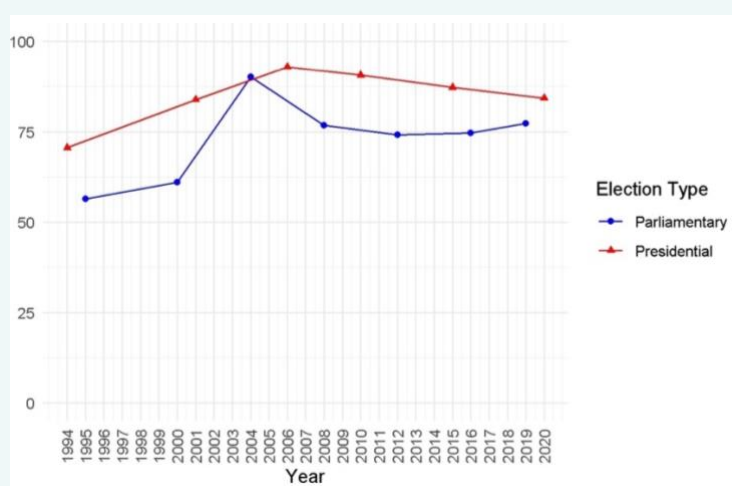
**Figure 27: CSO sustainability in Belarus**

Belarusians display media consumption patterns which could – in principle - form the basis of a well informed and politically aware citizenry, to a larger extent than citizens in fellow authoritarian Azerbaijan. For instance, 23.7% in Belarus read newspapers daily and 40.3% weekly (Inglehart et al 2014), in conjunction with watching television daily (78.1%), while in Azerbaijan only 10.1% read newspapers daily and 12.8% weekly (Inglehart et al 2014). The use of Internet as a source of information is more widespread in Belarus, where 30.9% use it on a daily basis, in contrast to Azerbaijan, where only 14.7% resort to Internet news sources. However, the potential benefits of these media consumption patterns when it comes to

strengthening political awareness are cancelled by a highly restrictive and censored media landscape which is controlled by the government and infiltrated by Russian propaganda and disinformation, though, on the upside, digital media cannot be “banned effectively and absolutely” (Przetacznik and Tothova 2022).

### 5.4.3 Political participation

In line with research findings that point to low levels of political participation in Central and Eastern Europe, as opposed to Western Europe (Hooghe and Quintelier 2013), Belarussians have for a long time displayed political passivity (Titarenko 1999, 423), in particular as far as non-institutional forms of political involvement are concerned. Given Belarus’ repressive political climate, it is no surprise that levels of non-institutional political participation have been dramatically low (and yet, it should be said, slightly higher than in Azerbaijan). Thus, only 10.1% have ever signed a petition; merely 1.8% have ever joined in boycotts; and 7.4% have attended lawful/peaceful demonstrations (see Table 17). When it comes to institutional forms of political participation, the picture is mixed, with party membership at 0.5%. As Figure 28 shows, officially reported electoral turnout in Belarussian parliamentary and presidential elections has consistently been very high, but needs to be taken with a grain of salt given their fraudulent nature.



**Figure 28: Electoral turnout in Belarus**

The protests following the August 2020 fraudulent elections represented an unprecedented instance of mass mobilisation which, together with the brutal police response, shook the Belarussian demos out of the apathy in which it had been engulfed for years. Four years later, the protests have all but disappeared under the extraordinary wave of arrests, torture and all-encompassing purging of dissenting voices, raising serious questions as to whether we are likely to see overt forms of political engagement in Belarus any time soon. On one hand, there is a sense that “change is afoot” and that citizens can again be the drivers of change (Korosteleva and Petrova 2023), while at the same time an understanding of the role of emotions in explaining the “irrational act of protesting at a high risk of state violence” (Nikolayenko 2022, 79) casts doubt on the prospects of Belarussians engaging in anti-regime mobilisation under current circumstances.

Percentage of respondents who said they have engaged in the following types of non-institutional political participation:	
	Wave 7 (2017-2022)
Sign a petition	10.1%
Join in boycotts	1.8%
Attend a peaceful demonstration	7.4%

**Table 17: Non-institutional participation in Belarus**

## 5.5 Broad political trends

### 5.5.1 Regime stability and adaptive authoritarianism

When it comes to identifying the reasons for the stability of the Belarusian regime, three factors take centre stage: first, the personalistic rule of President Lukashenka, who has been in power since 1994, second, the strong repression, and finally, what Frear (2019) calls adaptive authoritarianism. Ultimately, adaptive authoritarianism is also part of Lukashenka's method of securing power and guarding against internal and external destabilisation. After independence, Lukashenka established and consolidated a regime of personal power, which went hand in hand with the marginalisation of the opposition and the gradual narrowing of space for civil society. Not only institutional control was maintained to secure his authoritarian regime. A system was erected to protect his authoritarian regime against mass protests, a schism or plot among the country's elites, and external pressures (Shraibman 2018, 5). This system was highly efficient until the 2020 presidential elections.

To explain this successful consolidation, Frear introduces the model of adaptive authoritarianism as an example of "‘continuity through change’ in so far as Lukashenka has been able to maintain his hold on power by allowing the regime to change and adapt when and where expedient" (Frear 2019, 3). This model comprises the following main factors: electoral authoritarianism, personalist rule, neopatrimonialism, performance legitimacy, managed pluralism, and coercive capacity. Regarding the personalist rule, Frear shows the neopatrimonial tendencies through the personalisation of power and the prevalence of patron-client relations in the ruling elites by establishing patrimonial networks. At the same time, and different to sultanistic regimes, Lukashenka could count on a reasonable degree of popularity with the wider electorate (Frear 2019, 14). A crucial aspect is performance legitimacy in the sense of socio-economic stability. Thus, the extensive welfare system is key to understand the stability of the system over the years (Pranevičiūtė-Neliupšienė & Maksimiuk 2012). Although Lukashenka does not bind the loyalty of the citizens to a personality cult directed at him, he does present himself as the guarantor of the stability, well-being and sovereignty of the country, which he himself has constructed as an important narrative.

Against the backdrop of the 2020 protest, Hall (2023) examines to what degree this adaptive authoritarianism à la Lukashenka is still operating. The developments show that Lukashenka is less able to act as saviour-in-chief. Personalist rule has also changed since the regime is increasingly unable to find a new legitimisation tool to restore popular support and other actors have accumulated more power. While Lukashenka's traditional electorate is shrinking, the state apparatus remains loyal. Belarus' performance in socio-economic matters also became increasingly questionable (Hall 2023, 6). The regime's mishandling of the economy created a system of self-reliance and strengthened the role of private businesses and civil society organisations. This sapped the regime further and forced it to rely on repression. Belarus' coercive capacity remains high though. The system is marked by effectively developed best survival practices as the media space and civil society are controlled and the opposition repressed (Hall 2023, 20). In conclusion, "adaptive authoritarianism may not have ended in Belarus, but the 2020–2021 protests likely marked the beginning of the end. Lukashenka is a chameleon with a record of adaptability, but he may have reached his limits" (Hall 2023, 22).

### 5.5.2 Institutional stability

Institutional stability in Belarus is possible due to the complete grip on power by the President. The coercive character of the state is institutionally provided by one of the biggest and most comprehensive law enforcement bodies worldwide (Charter 2010). Moreover, Lukashenka follows the well-known strategy of repressive autocrats to install various parallelly operating security bodies that report only to him (Ministry of Internal Affairs/Police, Committee for State Security, the Financial Investigations Department of the State Control Committee, the Investigation Committee, and presidential security services). Significant human rights infringements and serious abuses are notorious and regularly documented by human rights organisations, such as Viasna or the Belarusian Helsinki committee. But this harassment is mainly directed

towards opposition and political activists, even though in recent years repression has increasingly been directed at the broader population (Douglas 2023).

Repression by all state authorities was the only means of choice when the protests flared up in 2020. Although Lukashenka initially made public concessions towards constitutional reform, these did not materialise in the interests of the opposition. What was a game changer in terms of repression, however, was the fact that Lukashenka had to call on Putin for help. This step subsequently made him directly dependent on Russia, with far-reaching foreign policy implications that add to Belarus' new internal vulnerability: Russia's direct influence via the Union State and a greatly changed international role that massively restricts Belarus' room for manoeuvre, as rapprochement with the West is no longer possible as an alternative to Russia's ties.

### 5.5.3 The constitutional reform

Following the disruptive events of 2020, Lukashenka set out to implement a constitutional reform that granted him impunity and allowed for two more terms. Although this seemed to restrict presidential persistence at the same time, this clause secured him to remain in office until 2035. Moreover, the new Constitution anchored and thus legitimised the All-Belarusian People's Assembly (ABPA) that Lukashenka had installed in 1996 as a government body that, in reality, seeks to neutralise the legislative. With the constitutional reform, the ABPA was assigned quite broad competences such as selecting judges of the highest and Constitutional Court, impeach the President, submit bills and constitutional amendments. ABPA's fifteen-person presidium can be regarded as an institutional design meant to prepare the system for Lukashenka stepping down as President. The constitutional reform was submitted to a popular referendum, but this was as flawed as the elections.

Although Lukashenka implemented this constitutional reform in order to solve the succession issue, this could also fire back inadvertently. As Shraibman (2023) puts it: "Given the regional instability and the advanced age of both Lukashenka and his Russian sponsor, President Vladimir Putin, there are any number of possible triggers for change. Just the appearance of a body like the ABPA will legitimise conversations within the ruling elite about the succession. This means the word 'afterward' will be on the lips of even those who prefer not to think about such things."

### 5.5.4 A paradigmatic shift in foreign policy: the new role as vassal of Russia

The protests in 2020 not only revealed a new internal vulnerability of the Lukashenka regime, but also triggered – unpredictably, but nonetheless decisively – a reorientation of Belarus towards Russia. The fact that Lukashenka had to ask Putin for help to deal with the democratic uprising opened a door that could no longer be closed. The result was the deepening of the Union State, the alliance between the two countries in the Ukraine war and the deletion of the clause on Belarus' freedom from nuclear weapons in the revised Constitution. This alignment with Russian President Vladimir Putin "bodes ill for the democratic and economic aspirations of the Belarusian people and raises grave new security concerns in Europe" (Masters 2023).

This paradigmatic turning point also has domestic political implications. For example, Lukashenka used the discourse of "better stability than war" during the Russian invasion of Crimea in 2014, which fitted in well with his legitimacy strategy of stability (Bedford 2021). This option is now obsolete. Furthermore, Lukashenka used elections as a window of opportunity to improve relations with the EU in the past, as a kind of signal to the opposition. This option is no longer available to the same extent as the relation to the EU has deteriorated since 2020 and EU member states such as Lithuania, Latvia and Poland feel threatened by the new Belarusian-Russian alliance (Masters 2023). Finally, the public is not supportive either of a permanent Russian military presence in Belarus nor of the participation of Belarus in the Russian war against Ukraine (Chatham House 2022). Thus, Lukashenka also risks facing a new popular mobilization triggered by his foreign policy decisions.

### 5.5.5 Interim balance

As an interim balance, we can conclude that institutional factors did and do indeed play an eminent role for the establishment of an authoritarian regime that limits electoral rights, civic liberties and political rights. Beyond that, there are however other factors for securing regime persistence that have not been discussed so far. The literature points to strategies of legitimation and of co-optation that also bolster the Lukashenka regime (Bedford 2021; Burkhardt 2016; Frear 2019; Pranevičiūtė-Neliupšienė & Maksimiuk 2012). In addition, foreign policy, particularly the relationship towards Russia and the EU plays an important role; this refers to Lukashenka's patriotic narrative of independence as part of the legitimation strategy as well as his tactics of approach and distance to Russia. Finally, the events of 2020 also significantly modified the international image of the country, brought the opposition protest into focus and discredited the government. Not least, the devil's pact with Putin brought the country into the position of a vassal that is quite opposite to what Lukashenka had sought over the last decades. These paradigmatic changes certainly have a domestic impact that needs to be considered when assessing the present and future stability of the regime. Such strategies of legitimation – either directed at the domestic or international public – as well as co-optation strategies, are clearly located at the level of agency.

What our descriptive account reveals is that considering only the role of institutional factors limits the analytical view of actor preferences and decisions (here: especially the civil society, opposition forces, external actors), but also possible tension within the ruling elite or in this case: the President and his supporters. Moreover, institutional aspects such as the constitutional reform of 2022 have to be considered as a product of actors' preferences that might not be homogenous and even conflicting, and thus evince unpredicted effects. At the same time, such institutional moves can also generate unexpected responses. Thus, institutional aspects should also be assessed in interaction with actors' motives and actions. Finally, a merely institutional perspective excludes another highly relevant actor that proved to be critical in 2020: the citizen and the formation of peoplehood. What yields to be the critical factor in the most recent development of Belarus is the transformative force of citizens. Therefore, we need to know more about democratic values and attitudes in the Belarusian population.

## 6 Georgia

### Kakha Gogolashvili, Georgian Foundation for Strategic and International Studies

After gaining independence, Georgia embarked on a challenging and fluctuating journey of transformation from autocracy to democracy (Jones and Macfarlane 2020). The establishment of a free and democratic state became the avowed goal of successive governments, resonating with the public's desire for effective, transparent institutions and equal opportunities, extending to minorities. The pursuit of EU/NATO membership in the short to medium term has consistently shaped the rhetoric of every government since 1995, particularly in matters of foreign policy. Since 1992, Georgia has strived to foster positive relations with democratic allies such as the US and the EU, while also securing support from international financial organisations (IFOs). The support from these allies, however, has been contingent upon measurable progress in democratic reforms. Despite the initially authoritarian-hybrid nature of early Georgian governments, most key indicators tracking democratic change over the past decade have exhibited consistent improvement (V-Dem Institute 2023, 42). Public demand for democracy was in decline from 2012 to 2015 (CRRC 2011-2019). By contrast, the period spanning from 2019 to 2023 (CRRC 2021; IRI 2023a) was characterised by entrenched trends, wherein public sentiment has demonstrated a growing demand for democracy. Since 2012, Georgia has experienced growing polarisation and personalisation of political life and unchecked oligarchic influence, despite still fulfilling the criteria of an electoral democracy (V-Dem Institute 2023, 40). State capture and the centralisation of power were already apparent under Saakashvili, however, democratic backsliding has accelerated over the past decade, deepening the monopolisation of power by the executive and expanding informal rule and reform masking (Dzebisashvili 2023).

### 6.1 Elections

Since 1992, Georgia has witnessed a total of nine parliamentary and seven presidential elections. International observer missions have never questioned the legitimacy of the election results, except for the parliamentary elections in 2003, when massive irregularities during election day, such as ballot stuffing, multiple voting, and destruction of ballot boxes, were reported (OSCE/ODIHR 2003). The systematic electoral fraud committed by the leading party at the time triggered widespread public protests, ultimately evolving into the Rose Revolution. The subsequent extraordinary presidential elections and the repeated parliamentary elections of January and March 2004, respectively, were assessed as demonstrating notable progress and, in the case of the latter, as the “most democratic since independence” (OSCE/ODIHR 2004a; b). However, despite these achievements, Georgia entered a period of stasis in subsequent years, which saw limited advancements in the electoral landscape. For instance, even though the 2008 presidential contest was generally assessed positively, being described as the “first genuinely competitive post-independence presidential election”, several shortcomings were noted (OSCE/ODIHR 2008) as the overall pace of progress seemed to slow down.

The trajectory of democratic progress, stasis and regression is clearly observable in the new governance cycle led by the Georgian Dream (GD) party as of 2012. In the parliamentary elections of that year, and despite the presence of irregularities noted by field observer missions, including the OSCE/ODIHR, the Council of Europe (CoE) and the European Parliament (EP), the opposition coalition secured a substantial majority, obtaining 54% of votes which translated into 85 seats in parliament (OSCE/ODIHR 2012a). This was a significant turning point as the leading party and President Saakashvili, after nine years of rule, acknowledged defeat, thus marking the regular transfer of power for the first time in Georgia's history. The defeat of the United National Movement (UNM) in the parliamentary elections and the subsequent acceptance of results were preceded by strong public protests in response to the continuous violation of human rights and democratic freedoms under the previous government (Radio Free Europe/Radio Free Liberty 2012). The public's demand for change contributed to the electoral shift, underscoring the importance of public sentiment in shaping the

democratic landscape. The revelation of widespread abuse of prisoners in the Georgian penitentiary system sparked significant protests just three weeks before the 2012 elections, contributing to an atmosphere of discontent towards the regime in power (Corso 2012). Observers noted that the election environment was not deemed fair, with the government selectively applying financial sanctions for rule infringements. Despite Georgia's impressive economic growth, improved human development indicators (UNDP 2022) and reduced perceptions of corruption (Transparency International 2011, US Department of State 2014) most citizens were unwilling to tolerate extensive violations of human rights, including property rights, by police, the judiciary, and law enforcement bodies (Hammarberg 2013). This dissatisfaction translated into votes against the ruling party. The OSCE/ODIHR observer mission at the time emphasised that despite these challenges, the elections “marked an important step in consolidating the conduct of democratic elections in line with OSCE and Council of Europe commitments” (OSCE/ODIHR 2012a). The conclusion of UNM's nine years of rule with relatively clean elections was notable, and the new governing GD party pledged to intensify democratic advancements.

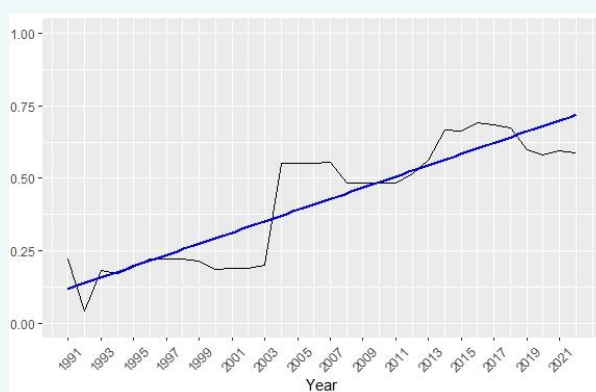
The period 2012-2013 was marked by a tense political environment and concluded with former president Saakashvili leaving Georgia (Cornell 2022). Yet, the presidential elections of 2013 were described as efficiently administered and transparent, taking place in an amicable and constructive environment, with the campaign period characterised by respect for fundamental freedoms of expression, movement, and assembly, allowing candidates to campaign without restriction (OSCE/ODIHR 2013b). Similarly, the 2016 parliamentary elections received a positive evaluation from international observers, who deemed the elections competitive and fair. However, some irregularities were noted, particularly tensions around polling stations and issues with the insufficiently regulated process of correcting protocols and annulment of results in certain districts. The progressive improvement of the electoral process was evident until the presidential elections in 2018. In these elections, reports indicated that one side enjoyed an undue advantage, raising concerns about the fairness of electoral competition. While the election was generally well administered, its second-round saw “increased misuse of administrative resources [that] blurred the line between party and state. Private media continued to demonstrate sharp polarisation and clear bias, while the public broadcaster did not ensure editorial independence and impartiality” (OSCE/ODIHR 2018b). This complex and contentious process highlights the ongoing challenges in Georgia's democratic development, particularly the struggle for political consensus and institutional reforms amid a changing political landscape.

The period since 2018 has witnessed a discernible but not drastic decline in the quality of democratic elections in the country, characterised as an initial phase of a “regression” trend, though still distinct from full-fledged authoritarianisation. The parliamentary elections of 2020 exemplified this trend. Despite notable improvements in legislation, a lowered electoral threshold and an increased number of proportional mandates (120 out of 150), the overall political environment remained polarised. There were concerns about the underrepresentation of political parties in electoral commissions, and numerous alleged violations were reported on election day (CSO Meter 2020). The rejection of almost all complaints by the Central Election Commission (CEC) and subsequent court decisions led to the refusal of seven opposition parties to recognise the election results and take up their electoral mandates. The ensuing political crisis persisted for six months until European Council President Charles Michel mediated an agreement – the so-called 19 April agreement – between GD and the opposition parties (EU NeighboursEast 2021). The agreement stipulated that, in exchange for the opposition parties abandoning their boycott and entering the parliament, the ruling party would commit to changing the electoral law (toward fully proportional representation and a reduced threshold of 2%), power-sharing in the parliament, comprehensive judicial reform, and amnesty for those convicted of participating in violent confrontations with the police during protests in June 2020. However, before the largest opposition party could sign the agreement due to disagreement over one of the conditions, GD withdrew from negotiations (Lomsadze 2021). Eventually, most protesting parties chose to enter the parliament without any commitments from GD.

On March 15, 2022, Georgia submitted an application for EU membership and on June 24 it was granted a European perspective, therefore becoming subjected to qualitatively different monitoring by EU institutions. The speed and quality of democratic reforms became crucial for Georgia's advancement in the EU membership process, with the European Commission outlining several conditions: to reduce the electoral

threshold to 2%, to elect the chairperson and professional members of the Central Election Commission (CEC) by a two thirds majority, and to incorporate a deadlock mechanism. The electoral law in Georgia was found lacking with respect to crucial issues such as the delimitation of electoral districts, misuse of administrative resources during the election campaign, high limits for electoral donations, inadequate regulation of campaign financing and of media campaigns, recounting and annulment of votes, and preventive measures against voter intimidation. Already on 1 July 2022, the then GD chairperson, Irakli Kobakhidze, announced that GD is willing to meet the 12 recommendations and unveiled a plan in that regard (Civil.ge 2022a), and just another two months later, the GD-led government sent the amendments to the Venice Commission for further consultation (European Commission 2023a). On 8 November 2023, the European Commission recommended the European Council to grant Georgia EU candidate country status. This recognition, which was formally approved by the EU heads of states and governments on 14-15 December 2023, came with a set of nine steps for the country to follow, emphasising the need for further improvement of the electoral code and necessary reforms based on recommendations from the OSCE and the Venice Commission.

Reflecting on Georgia's electoral history (Sichinava 2020), the country achieved the status of electoral democracy in 2003 and experienced notable improvements in 2003-2005 and 2012-2016. However, other periods were characterised by stasis in the electoral process. V-Dem numbers (see Figure 29 below) indicate a generally positive mean trend, elevating Georgia from electoral autocracy toward the bottom line of a liberal democratic system. Despite this positive trajectory, there has been notable decline, particularly after 2020, raising concerns about the potential for serious regression in this field.



**Figure 29: Free and fair elections in Georgia**

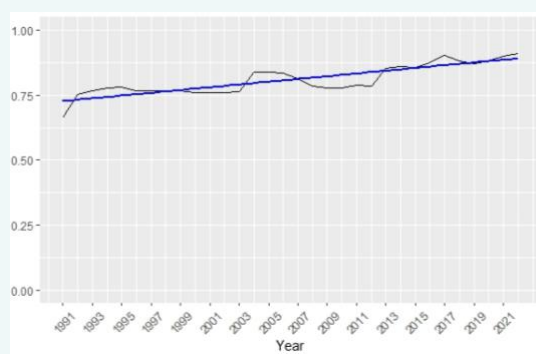
However, one significant factor that is likely to hinder any governing force from rolling back the democratic process is the Georgian demos - addressed in more detail further below - which plays a pivotal role in maintaining Georgia's democratic trajectory.

## 6.2 Political and civil rights

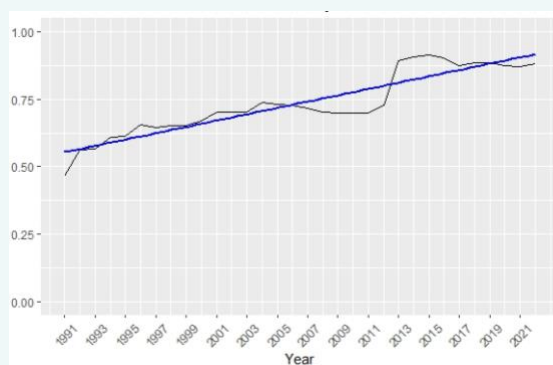
Freedom of association in Georgia is protected by the Constitution and the Law of Georgia on Assembly and Demonstrations. It has been well protected ever since independence and has constantly improved throughout the last decade, as is demonstrated by Figure 30 further below. As a result, Georgia has developed a diverse and well-organised civil society operating in many sectors, such as human rights, the fight against corruption, justice, environment, education, etc. According to the BTI, during the period from 2012 to 2018 there were neither restrictions nor interferences by the government on the freedom of association or assembly (Bertelsmann Stiftung 2022d). Domestic political polarisation, revolving mainly around, on the one hand, the GD and, on the other hand, the UNM, intensified at the beginning of 2018 and "GD increasingly accused CSOs of political bias in response to criticism of its government" (Bertelsmann Stiftung 2022d). Verbal attacks in the media and the undue imposition of restrictions on CSO activities have become increasingly apparent in recent years. Nowadays, many organisations (especially watchdogs) are faced with excessive governmental scrutiny when demanding certain information necessary to monitor the

activity of the executive. The most systemic move against CSOs was the 2023 attempt to adopt a “Foreign Agents Registration Act”, directly threatening the freedom of association and expression in the country (Haas 2023). The draft law was tailored to mirror the Russian Foreign Agent Law, adopted by Russian President Vladimir Putin in July 2012 and expanded in 2022, resulting in the drastic reduction of independent Russian CSOs and a shrinking space for the freedom of association. Following the approval of the bill during a hastily convened first reading in the Georgian Parliament, violent protests erupted that eventually saw tens of thousands of Georgians clash with police. The strength of the popular response, coupled with sharp criticism from Western allies, ultimately led to the withdrawal of the draft law by the GD-led government (Megrelidze 2023). Another important area which has been rather problematic for some time is the nexus between labour rights and freedom of association. Until 2014, this was rather underregulated, and the EU spent much effort and resources to push Georgia towards corresponding reforms. For some time, the Georgian government was reluctant to accede to and implement fundamental International Labour Organization (ILO) conventions on Freedom of Association Protection of the Right to Organise, and Collective Bargaining, Only in response to EU conditions for granting Georgia trade preferences under the GSP+ scheme in 2005 did the country initiate some procedures, whereas the 2011 ENP implementation report on Georgia mentioned more explicitly that freedom of association, labour rights, employment, and social policies needed to be improved (European Commission 2012). In the context of the entering into force of the EU-Georgia Agreement on 1 July 2016, numerous EU directives and regulations have been transposed into Georgian law, thus leading to a significant improvement of the situation. However, some problems remain, especially as far as collective bargaining is concerned, as the state does not make efforts to promote social dialogue between employer associations and professional unions (European Commission 2023a).

The right to peaceful demonstrations and rallies is guaranteed by the Constitution (Art. 21) and protected by several legal acts. Over the past decade however, the police applied excessive force to dissolve demonstrations, as happened in 2019-2020 (Civil.ge 2019) and again in March 2023 (Radio Free Europe/Radio Liberty 2023). In recent years, the ruling party has sought to tighten the rules and restrict the freedom of assembly through various administrative measures, though the application of fines for those participating in massive protests has become an ineffective punishing instrument, as it has not been preventing young people from taking part in demonstrations. In 2023, the GD-led government initiated restrictive changes to the Law on Assemblies and Demonstrations which was eventually adopted by Parliament on 5 October, vetoed by the President less than two weeks later, and followed by announcements of members of GD that parliament will overrule the veto. The law itself imposes serious administrative sanctions, including 15 days of administrative detention combined with a fine for and confiscation of temporary constructions, erected during demonstrations. Additionally, the proposed amendments discriminate against those supporting the opposition and contravene international law (OSCE/ODIHR 2023). The law was heavily criticised by the ODIHR Panel of Experts as well as the European Center for Not-for-Profit Law for failing to meet “international law requirements of legality, necessity and proportionality” (ECNL 2023).



**Figure 30: Freedom of association in Georgia**



**Figure 31: Freedom of expression in Georgia**

From 2012 to 2015 Georgia experienced a marked improvement in the protection of the freedom of expression, as Figure 31 shows, enjoying a pluralistic media landscape supported by an adequate legal framework guaranteeing freedom of speech and the independence of editorial policy (Freedom House 2018b). The right to individual free speech and media freedoms is well guaranteed by the Constitution through Article 3 and the Law of Georgia on Freedom of Speech and Expression. However, maintaining actual diversity and plurality in the media space has always been problematic ever since Georgia gained independence (Robakidze 2019). The first and second governments of Saakashvili, particularly after the 2007 assault on and shutdown of the opposition TV channel Imedi, which had ironically become a government-friendly outlet in the meantime (Lomsadze 2017), had continued to persecute independent audiovisual media companies and managed to substantially narrow down the media space available for independent voices. Subsequently, during the period 2015 to 2017, many similar attempts occurred, this time committed by the GD-led government, mainly to crack down on opposition media outlets, triggering a decline in Georgia’s freedom of expression score (see Figure 31). For example, several investigations and administrative cases were opened against at least three popular TV companies, one of which, Rustavi-2, underwent a significant transformation following a contentious ruling by the Supreme Court in 2017. The decision saw ownership returned to its former shareholder, leading to a notable shift in the broadcaster’s stance, ultimately aligning it completely with the government’s perspective. In May 2022, Nika Gvaramia, the director-general of the leading opposition TV station Mtavari, was sentenced to three and a half years in prison on charges of corruption that were widely perceived by domestic rights groups, as well as the EU and the US, as politically motivated and lacking credibility (Radio Free Europe/Radio Liberty 2023). In the summer of 2023, he was pardoned by the President and released from prison. On 5 July 2021, around 70 journalists, while trying to broadcast a peaceful march of LGBTi+ activists, were brutally and indiscriminately attacked by violent conservative (including pro-Russian) groups (Freedom House 2022b). Most victims were representing critical media channels, and the police failed to protect them.

Over the past ten years, Georgia has become exposed to the growing presence of various conservative, traditionalist, pro-Russian and anti-Western groups, NGOs, and media outlets, many of which have become increasingly active. Many of these are directly or indirectly connected to (pro-)Kremlin actors. These entities engage in anti-Western propaganda, frequently attacking liberal and European values, portraying these as being allegedly in opposition to Georgian traditional values, as well as organising violent rallies, especially against the LGBTi+ community (Dzvevishvili and Kupreishvili 2015). The European Commission Enlargement report on Georgia of 8 November 2023 stressed the fact that no relevant investigation was conducted to bring to justice the organisers of the above-mentioned violence, whereas Georgia’s legislation on public broadcasting – mainly as a result of active pressure by the EU – was largely approximated to the EU Audiovisual Media Services Directive (AVMSD) (Media Advocacy Coalition 2023). All in all, these restrictions and the active harassment of critical media outlets and individual journalists have contributed to a highly polarised media environment in Georgia, which prevents citizens from obtaining objective, truly independent and undistorted information.

The Constitution of Georgia through Article 14 and the Law of Georgia on the Elimination of all Forms of Discrimination prohibit discrimination based on race, gender, age, and disability, ethnic or religious factors. However, a report on the “Situation of LGBT persons in Georgia” (Japaridze 2012), issued by the Woman’s

Initiatives Supporting Group (WISG 2012), noted that there was no unified law regulating discrimination, that the respective legal provisions were promulgated across different laws, and that homophobic attitudes were widespread in Georgian society.

In the context of the EU-Georgia Visa Liberalisation Action Plan (VLAP), Georgia initiated some comprehensive reforms, which led to the adoption of the abovementioned Law of Georgia on Elimination of all Forms of Discrimination in the area of minority rights. The National Concept for Tolerance and Civil Integration is actively being implemented, and the Equality Department, established in 2014, is officially mandated to supervise cases of law violations. While in other areas the situation has significantly improved during the period 2013-2022 (e.g. gender equality, ethnic and religious minorities), discrimination against the LGBTi+ community continues (Luciani 2023), as is exemplified by several grave incidents of violence in 2017, 2021 and 2023, committed by radical groups, which were neither effectively addressed by the relevant law enforcement bodies nor by the judiciary.

Despite well-developed legislation, the protection of privacy is not guaranteed, as is evidenced by numerous instances of wiretapping of citizens by state security services. The European Commission, in its 2014 VLAP progress report (European Commission 2014), emphasised significant advancements in data protection, and the 2017 Association Implementation report positively evaluated the legislative framework and effective implementation (European Commission 2017). However, the 2023 EU enlargement report on Georgia (European Commission 2023a) stressed that post-2020 investigations into illicit surveillance of politicians, journalists, civil society activists, and the diplomatic community have not been concluded. Thus, accountability and effective institutional oversight are yet to be addressed (European Commission 2023a). These dynamics explain why the V-Dem scores, as reflected in Figure 32 below, are on a downward trend since 2018.

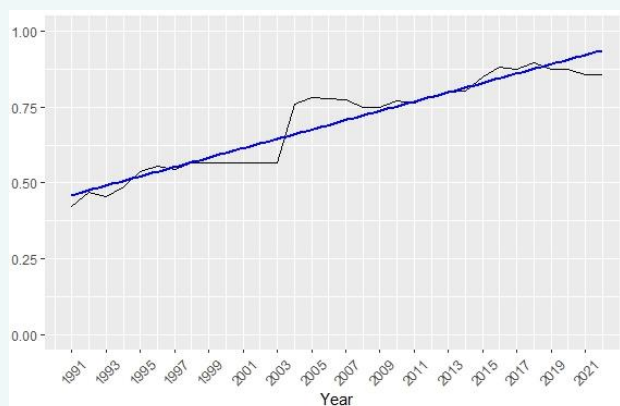


Figure 32: Equality before the law and individual liberty in Georgia

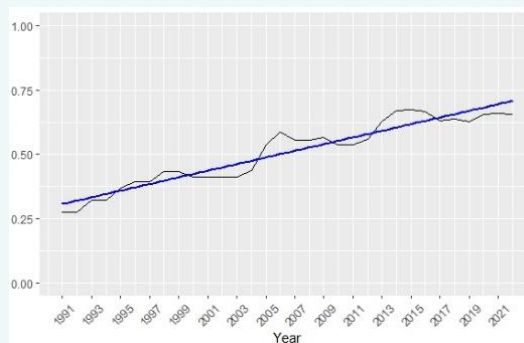
### 6.3 Legislative and judicial constraints on the executive

It is important to note that during the period from 2010 to 2022, the independence of the judiciary remained a major concern, as has been noted by international organisations and observers (OSCE 2023; Menabde 2020). The first major comprehensive reform of the judiciary during this period was initiated in 2013 with a view to strengthening the autonomy of the High Council of Justice and to providing better equipment to support the process of court hearings. In 2015, the second wave of reforms established the rule of lifetime appointments of judges, conditional upon successful completion of a three-year probationary period. This approach undermined the independence of judges as it exposed all those working on probation to a significant degree of vulnerability when adopting decisions. Despite several additional legislative changes introduced during the third wave of reforms between 2016 and 2020, independence, accountability, and effectiveness of the courts remain problematic, not least as the political influence of the ruling party over

the judiciary has significantly increased in recent years. Thus, according to Georgian experts “the political authorities and the judicial system displayed no will to establish an independent court” (Janezashvili 2023).

In principle, and according to Article 59 of the Constitution, the Constitutional Court is independent and the sole judicial institution capable of recalling executive decisions if they are deemed unconstitutional. Its judges, appointed by the High Council of Justice and enjoying special legal protection, are legally obligated to evaluate cases exclusively based on the Constitution and, therefore, are supposed to take decisions independently and free from external influence. In reality, though, and in spite of the formal legal guarantees, the Court is regularly exposed to external pressure, as is exemplified by its 2016 ruling on the disputed ownership of Rustavi2 TV when, as a result of a decision unfavourable to the ruling GD party, the latter attempted to change the Constitution with a view to curtail the Court’s independence. Ever since, the ruling political elite continues trying to change existing legislation to ensure judges’ greater obedience and loyalty towards the incumbent government. Yet, the decision by three (out of nine) judges to not support the government-initiated and politically motivated attempt to impeach President Zourabishvili in 2023 (Civil.ge 2023) demonstrates that, even though the government’s influence over the Court has indeed increased, it remains – at least for the time being and to some extent – resilient to such subordination efforts. Nonetheless, lack of clarity and transparency of the appointment procedure of Court judges negatively affects public perceptions of the independence and even effectiveness of the Court (Nakashidze 2023). Strictly speaking, the President, the Parliament, and the Supreme Court each appoint three members which then require a supermajority of three-fifths of the Parliament, mainly to prevent single party-dominance in the election process. Yet, through its dominance in the Parliament and instrumentalisation of the High Council of Justice which, as a result of the December 2018 constitutional amendments is entitled to nominate judges to the Supreme Court (pending formal approval of parliament), the ruling party has gradually established a system that guarantees that at least a majority of Court members are on its side. This has prompted Transparency International Georgia to argue that “the authorities have failed to ensure the adoption of legislation that is in line with international practice, [making] it easier for the parliamentary majority to achieve the pre-planned outcome of the selection” (TI Georgia 2020a). This is aggravated by the fact that there are no clear and just selection criteria in place, a gap which has led to situation where a “small group of judges, labelled ‘the clan,’ are de facto allowed to orchestrate and secure nominations of their candidates” (Bertelsmann Stiftung 2022d). In 2023, the U.S. Department of State sanctioned three acting judges with visa restrictions “due to their involvement in significant corruption” (US Embassy in Georgia 2023). As for the district courts, incomplete vacancies (around 25%) reduce effectiveness and impede timely decisions.

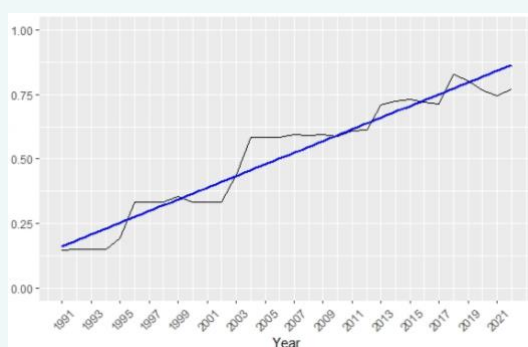
In light of the high importance of an independent and impartial judiciary, the European Commission, in its opinion of 17 June 2022 on Georgia’s EU membership application, has identified completion of the judicial reform, including the adoption of a transparent and effective justice reform strategy and action plan, as the third priority (out of twelve) (European Commission 2022). Thus, Georgia was and is required to ensure the full independence, accountability and impartiality of the judiciary, the safeguarding of the separation of powers, the optimal functioning of judicial and investigative institutes (including the processes of nominating Supreme Court judges and the Prosecutor General), reforming the High Council of Justice, and respecting the relevant recommendations of the Venice Commission. As the EU had considered these recommendations as largely unfulfilled, it has included them also in the new set of recommendations (the so-called nine steps), as is stipulated in the 2023 communication on EU Enlargement Policy (European Commission 2023a).



**Figure 33: Judicial constraints on the executive in Georgia**

During the period in which the UNM had a constitutional majority in Parliament, and President Saakashvili had strong legal and political powers, parliamentary oversight was practically absent. In 2010, the UNM initiated changes, reducing drastically the powers of the President in favour of the Prime Minister and the Parliament, which became effective in 2013. GD started weakening the presidential powers further, and with the constitutional reform and the changes to government in 2017 (Nakashidze 2023), the President practically became unable to serve as a balance to other branches of power and, at the same time, the rather excessive powers given to the Prime Minister and the executive in general have also seriously reduced parliamentary control. Indeed, the main problem of parliamentary oversight was not a lack of legal instruments, but the practical integration of legislative and executive powers, particularly since 2016, when GD obtained a constitutional majority in the Parliament. With the opposition not having any viable instruments to influence decisions in the Parliament, there is a significant lack of oversight and control of law enforcement, and the security apparatus, which is technically obliged to respond to parliamentary inquiries never respects this rule in practice. At the same time, there are no legal means to penalise representatives of the security apparatus in the event that they do not disclose necessary information and/or do not adequately respond to parliamentary requests. The opposition has the legal right to establish investigative committees in the Parliament, provided they suspect that the executive acts in breach of the Constitution or a law. In practice, this never happens as the parliamentary majority can harness the existing rules of procedure and simply disallow voting on the establishment of such committees. No Parliamentary investigation was thus initiated on such important cases as illegal surveillance of citizens or alleged cases of corruption in the executive. According to Transparency International Georgia, during the period 2020-2022 the Parliament failed to exercise parliamentary control. For example, requested revisions of government reports were frequently postponed or sometimes reviewed only one or several years after the initial request by parliamentary investigative committees. There are no mechanisms in place to control the implementation of the Parliament’s recommendations (Civil.ge 2022).

This has been happening against the backdrop of a process of “purification” of GD. This process, witnessing the departure of pro-democracy parties such as the Free Democrats and the Republicans from the GD-led coalition in 2014 and 2016, respectively, was practically completed in 2019 when the last remaining staunchly pro-western members had given up their parliamentary mandates over the GD’s broken promise to vote in favour of an electoral system revolving exclusively around proportional representation.



**Figure 34: Legislative constraints on the executive in Georgia**

The oligarchic and informal influence of Georgian tycoon Bidzina Ivanishvili is also considered contradictory to the establishment of institutions which are transparent and fully accountable to the public. Initially, he occupied the position of Prime Minister from October 2012 to November 2013 and ever since has been ruling the country from behind the scenes (Bertelsmann Stiftung 2022d). From time to time, he re-emerged in public limelight, as happened in 2018 when he returned as leader of GD, or most recently, in 2023, when he assumed the position of Honorary Chairman of the party. Underscoring Georgia’s exposure to oligarchisation, Ivanishvili has never abandoned his de facto control over all branches of power, and to date remains the most decisive actor when it comes to influencing any process related to the appointment of key figures in the government, in parliament and GD itself (TI Georgia 2020b).

## 6.4 The Demos

### 6.4.1 Democratic commitment

Public attitudes towards democracy in Georgia have undergone a noteworthy transformation in recent years. Data from the Caucasus Barometer (CRRC 2011-2019), which tracked public sentiment from 2011 to 2019, initially reflected a rather negative trend. Specifically, support for democracy declined from 65% in 2011 to 49% in 2019. However, subsequent surveys conducted by reputable organisations such as CRRC and the International Republican Institute (IRI) in 2020 and 2021 demonstrated a significant resurgence as far as public attitudes towards democracy are concerned, with 60% and 68% respectively being in favour of democratic rule. By 2023, this trend continued to surge, with an impressive 77% of citizens expressing a preference for democracy over any other form of government (IRI 2023b), thus indicating a strong endorsement of democratic principles.

Comparing these trends with the results of the WVS waves 5 and 6, conducted in Georgia respectively in 2009 and 2014, some similarities can be identified, in so far as they show that the proportion of respondents who believe the protection of civil rights and gender equality are essential features of democracy has been decreasing from 90.6% to 59.8% in the case of the former and from 89.1% to 72.7% in the case of the latter (Inglehart et al 2014a, b). Nonetheless, support for these key democratic principles has picked up again in 2018, with 64.7% of interviewees affirming the importance of civil rights to democracy, and 78.2% underlining the key role of gender equality (EVS/WVS 2022). In addition, 92.2% of Georgians in 2009 affirmed that free and fair elections were an essential element of democracy (Inglehart et al 2014a), whereas the proportion had gone down to 78.7% in 2014 (Inglehart et al 2014b) and 76.6% in 2018 (EVS/WVS 2022), respectively.

<b>Percentage of respondents who consider the following as essential characteristics of democracy:</b>		
	<b>Wave 6 (2010-2014)</b>	<b>Wave 7 (2017-2022)</b>
<b>Free elections</b>	78.7%	76.6%
<b>Civil rights</b>	59.8%	64.7%
<b>Gender equality</b>	72.7%	78.2%
<b>People obey their rulers</b>	44.1%	47.9%

**Table 18: Attitudes towards democratic norms in Georgia**

These fluctuating trends notwithstanding, it appears that Georgians’ commitment to democracy as preferable to any other form of government is not as steadfast as in previous years. While high proportions of respondents continue to rhetorically endorse the importance of living in a democratically governed country – 88.7% in 2018 (EVS/WVS 2022) and 87.2% in 2014 (Inglehart et al 2014b) - they also declare high levels of support (73.4%) for a strong leader who does not have to bother with Parliament and elections (EVS/WVS 2022). This latter score is in fact, and surprisingly, higher than those reported in Azerbaijan and Belarus, respectively. A further intriguing insight is provided by research which finds no correlation between declared support for democracy and support for democratic values such as gender equality and tolerance of

minorities in Georgia, hypothesising that the former may be undermined by a negative assessment of the extent to which it helps people achieve economic prosperity (Shubladze and Khoshtaria 2020, 11).

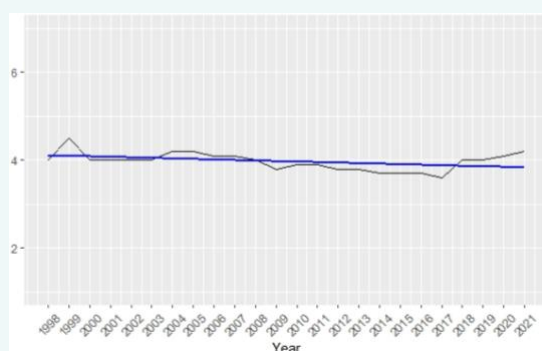
The level of political trust of Georgian citizens remains relatively low, though it has been slowly improving over the past decade, as can be seen in Table 19. In 2018, 37.4% of respondents in Georgia said they trusted the government, 29.8% the Parliament and 38.8% the judicial system/courts (EVS/WVS 2022). This is in line with literature pointing to the challenges of citizens developing political trust in key state institutions in highly volatile democratisation contexts, where societies experience simultaneous political, economic and social upheavals (Letki 2018, 335).

Percentage of respondents who said that they have trust in:		
	Wave 6 (2010-2014)	Wave 7 (2017-2022)
<b>Government</b>	32.5%	37.4%
<b>Parliament</b>	29.3%	29.8%
<b>Justice system/Courts</b>	33.1%	38.8%

**Table 19: Trust in public institutions in Georgia**

### 6.4.2 Political capacity

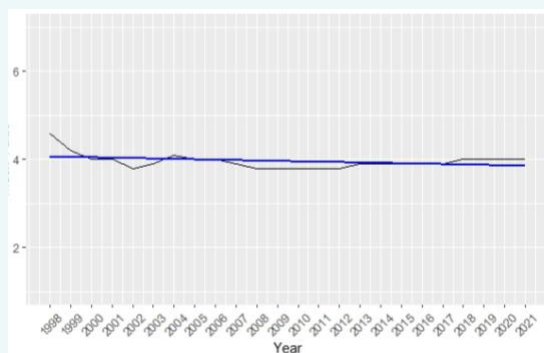
The absence of an influential, well-formed and empowered civil society in post-communist states, including Georgia, poses challenges to a smooth transition to democracy. Wolfgang Merkel outlines six democratic functions of civil society in post-autocratic regimes, among them the function of “observation and control of state power”. Depending on the strength of the civil society, according to him, the “observation of state must compel it to act responsibly – that is to show responsiveness and responsibility” (Merkel 1999). According to the FHI 360 Sustainability Index (FHI 360 2022) Georgia’s CSO sustainability score of around 4.0 has been remarkably stable in the period 2010 – 2022. On one hand, this attests to the resilience of Georgian civil society in the face of numerous challenges during the decade examined, including increasing political tensions and polarisation, blatant attempts on the part of the ruling party to restrict the independence of CSOs (i.e. through the above-mentioned “foreign agent law”), and growing waves of anti-Western disinformation following the onset of Russia’s war in Ukraine, vilifying CSOs as agents attempting to drag Georgia into a war with Russia (FHI 360 2022). On the other hand, this stagnant trend points to the considerable difficulties encountered by the civil society sector, in particular with respect to their organisational capacity and financial viability, which remain weak due to “limited access to funding, networks, qualified professionals, and other critical resources” (FHI 360 2016) and an overarching dependence on external donors.



**Figure 35: CSO organisational capacity in Georgia**

Despite civil society playing a key role in advocating for and bringing awareness to critical political and societal issues, Georgian citizens at large display low levels of political awareness and interest, with 63.5% arguing

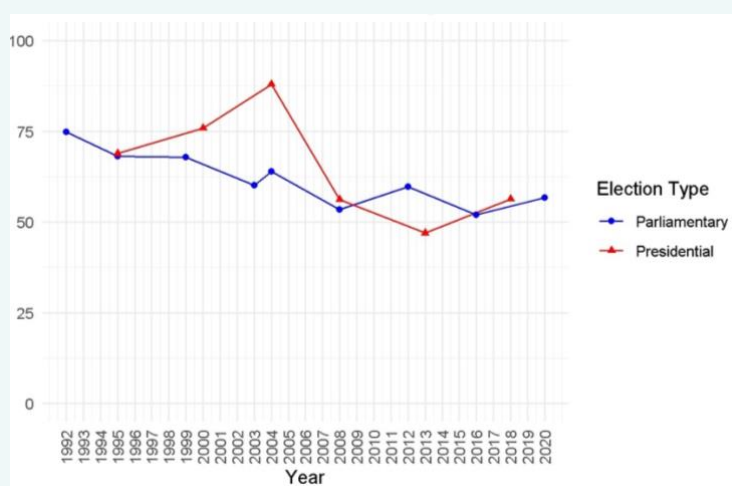
they have no interest in politics (EVS/WVS 2022). This conclusion is supported by data showing that 45.2% never read newspapers and 25% read newspapers less than once a month, with a large majority of 88.6% obtaining news mainly from television and conversations with friends and colleagues (Inglehart et al 2014b). By contrast, Georgians make the most extensive use of the Internet as an information source among their eastern neighbourhood peers, suggesting potentially good levels of digital literacy: 34% use the internet daily to inform themselves of developments in their country and in the world (Inglehart et al 2014b).



**Figure 36: CSO sustainability in Georgia**

### 6.4.3 Political participation

The Georgian demos has exerted considerable influence over electoral outcomes, compelling political leaders to align with the aspirations of the electorate. This commitment to democratic ideals, coupled with a strong affinity towards European values, has shaped the agenda of governments and elites alike. The evolution of Georgia's institutions, evident in electoral processes, executive reforms, restructuring of security apparatuses, and judicial advancements, has closely mirrored the trajectory of public demand. This interplay between public sentiment and institutional change has grown more pronounced over time, with public participation becoming an increasingly indispensable force driving transformation. It is noteworthy that voter turnout during the decade spanning from 2010 to 2020 indicates a relatively robust civic engagement in shaping Georgia's democratic landscape (CRRC 2021; see also Figure 37). Yet, the parliamentary elections of 2020 have shown a drastic fall in voters' activity with a turnout of just 56.6%. In a public opinion poll conducted by IRI in Georgia in 2022 (IRI 2022), 40% of respondents remarked that they did not feel inclined to vote for any party, whereas a similar poll conducted by the Washington-based National Democratic Institute (NDI 2023) offered an even more sobering picture, given that 47% of respondents stated their unwillingness to vote for any party.



**Figure 37: Electoral turnout in Georgia**

Arguably, this indicates that just some months before the 2024 legislative elections will take place, public interest remains low and disillusionment with the current system remains high. While it can be expected that public interest will increase as the electoral campaign progresses, it is rather likely that the government, even if it remained reluctant to take further steps towards consolidation of the country’s democratic transformation, will seek public support by presenting a distorted version of political reality. Recent history has demonstrated that while these tactics may yield short-term success, ultimately, the citizenry will demand a return to the democratic pathway. This was evident on various occasions, and examples are manifold: the protests against human rights violations, taking place before the 2012 elections, the 2017 protests following violent infringements on the rights of the LGBTi+ community, and the 2019 protests in the framework of the Gavrilov scandal (Caucasus Watch 2019). Moreover, in March 2022, and under pressure from large-scale protests organised by the demos, the government was compelled to formally apply for EU membership, and one year later, in March 2023, when the Parliament attempted to pass the foreign agents law, it was an active and vocal demos yet again that forced the government to withdraw the bill. Indeed, relative to its eastern neighbourhood peers, Georgia appears to have a core politically active citizenry which does not hesitate to hold the authorities to account: in 2018, 19.7% of respondents said they had signed a petition and 12.2% had attended a lawful/peaceful demonstration (see Table 20). Thus, most of the times governments attempted to deviate from the pursuit of European/EU values, these efforts have been halted and reversed as a result of active public demonstrations, often heralding, in fact, new phases in Georgia's democratic journey, with the demos playing a pivotal role.

<b>Percentage of respondents who said they have engaged in the following types of non-institutional political participation:</b>		
	<b>Wave 6 (2010-2014)</b>	<b>Wave 7 (2017-2022)</b>
<b>Sign a petition</b>	9.5%	19.7%
<b>Join in boycotts</b>	3.3%	7%
<b>Attend a peaceful demonstration</b>	21.2%	12.2%

**Table 20: Non-institutional political participation in Georgia**

## 6.5 Broad political trends

After the 2012 parliamentary elections brought GD to power, the government took numerous successful steps towards improving human rights, respecting fundamental freedoms, and upholding the rule of law. These efforts have yielded tangible results, notably evidenced by the country's signing of an Association Agreement with the EU in 2014. In 2017, Georgia successfully concluded its Visa Liberalisation Action Plan with the EU, securing a visa-free regime for its citizens traveling to EU Schengen countries for short-term visits. These achievements were closely linked to improvements in the institutional environment, human rights, and the rule of law, influencing the overall functioning of the political system. However, the positive trend towards democratisation plateaued around 2017, and by 2018, there was a noticeable shift towards a visible downward trend, underpinned by the stalled justice reform. In early 2020, the GD party pledged to transform the electoral code from a mixed system to a purely proportional one, however, the system underwent only partial changes, with 30 MPs still being elected through the majoritarian system.

The US Department of State's 2018 report in Georgia highlighted increased corruption among high-level officials, unjustified killings by security forces, and violent crimes against the LGBTi+ community, all of which affect Georgian citizens. The constitutional changes that came into effect in 2018 further diminished presidential powers, stripping away the right to preside over the State Security Council and eliminating the direct election of the future President by national suffrage. Thus, in 2024, the President will be elected by an electoral college consisting of 300 citizens.

Between 2020 and 2023, there was a noticeable erosion of the democratic institutional framework. Significant breaches of democratic norms included extensive wiretapping of citizens by security structures,

indications of political interference in court decisions, parliamentary polarisation, and an inability to reach compromises on decisions within the Parliament. The European Commission's response to Georgia's EU membership application exposed ongoing issues in the field of rule of law, human rights, and institutional maturity of the country. The Commission's initial 12 recommended priorities specifically address concerns related to depolarisation, oligarchisation, the electoral code, the anti-corruption body, minorities, vulnerable groups, and freedom of the media. The relative slowdown of democratic reform in Georgia, starting in 2017, is closely related to the continuous political interference of Georgia's oligarch, Bidzina Ivanishvili – “a man who plays by Russia's rules” (Genté 2022) – and his complex games with the Russian government.

As this informal rule is contradictory to the development of a fully functional democratic system, which, in turn, is an unchangeable condition for advancing on the EU membership track, the EU has defined de-oligarchisation as a necessary step to achieve candidate status. In response, the government has elaborated a draft plan for de-oligarchisation, which has even been sent to the Venice Commission for revision. Yet, based on the omnipresent role that Ivanishvili has played throughout the past decade, it is rather likely that this plan will also be circumvented in one way or another and that, therefore, oligarchisation will remain a structural feature of Georgian politics for at least as long as GD stays in power.

## 7 Moldova

*Sergiu Buscaneanu, TU Dresden*

Since its independence in 1991, Moldova experienced moderate democratic progress, advancing from a regime of electoral autocracy to electoral democracy. The V-Dem project provides higher average estimates for judicial constraints on the executive, freedom of association, and equality before the law, and individual liberty (Coppedge et al. 2023). Conversely, Moldova receives lower average estimates for free and fair elections, legislative constraints on the executive, and freedom of expression. Nonetheless, all electoral campaigns organised in the period 2010-2023, except for the 2018 mayoral elections in Chişinău and the 2019 legislative elections, were acknowledged as free and fair by international observers. The lower estimates, in relative terms, for legislative constraints on the executive are particularly troubling for a country governed by a parliament-based system of rule and testify how *de jure* the locus of political authority can be circumvented in practice.

The constitutional prerogatives of the Moldovan parliament have been most severely circumvented during the period of oligarchic takeover, known also as state capture, from 2016 to 2019. This episode illustrates how democratic breakdown can begin unnoticeably with the obscure distribution of partisan control over law enforcement bodies, particularly the office of the Prosecutor General. However, the way in which the political regime bounced back to electoral democracy demonstrates that democratically committed citizens and political forces remain crucial for opposing and reversing the trend of democratic regression.

### 7.1 Elections

Moldova was the first country in the Eastern Partnership (EaP) region, which introduced a parliament-based system of rule with the change of its Constitution in 2000 (Parliament of Moldova 2000). This key constitutional amendment introduced a three-fifths supermajority (61 votes out of 101) for the election of the President in the parliament. In hindsight, this change proved to be Janus-faced, contributing to power distribution and pluralism, but also to deadlocks when reaching a broad consensus in the parliament was necessary.

The legislative body is unicameral and elected for a mandate of four years in nation-wide contests, which are expected to decide the composition of the government. The head of government, designated usually by the winning party or coalition, has the formal right to decide on the composition of the cabinet, which, however, needs to be approved by the head of state and legislature. Though the head of government is expected to have *de jure* more relative power than the President, *de facto* this was not always the case. On several occasions, influential politicians, such as Vladimir Voronin (2001-2009), Igor Dodon (2019-2020) and Maia Sandu (2021-present), being successful in bringing their parties into the parliament, were also able to exert significant influence over the coterminous cabinets in spite of formally suspending their party leadership roles while in office as head of state.

The legal provisions regarding suffrage in Moldova are primarily defined by its Constitution and the Electoral Code. According to Art. 38 of the Constitution, the will of the people is the basis of state power, expressed through free, periodic elections based on universal, equal, direct, secret, and freely expressed suffrage (Parliament of Moldova 1994a). The Electoral Code specifies further that the right to vote is guaranteed to all Moldovan citizens, irrespective of race, nationality, ethnic origin, language, religion, gender, views, political affiliation, property status, or social origin (Parliament of Moldova 1997).

Though legal provisions with respect to suffrage are fully in line with international standards, realisation of voting rights in practice has not been always without difficulties. First, though the central government in Moldova had constantly tried to ensure the voting rights of its citizens living in the breakaway region of Transnistria, only a small number of these voters exercise their voting rights in practice, not least because of

transport costs and obstruction on the part of the separatist regime (Promo-LEX 2015). Second, national election observers sometimes point to a problematic organisation of legislative elections at the polling stations opened abroad. Given the few such polling stations in countries where there is a large Moldovan diaspora (e.g., Italy, the UK, Germany etc.), there have been cases in which Moldovan voters could not cast their votes in time before the closing hour of polling stations or because of an insufficient number of paper ballots (Promo-LEX 2021). Finally, in the context of the most recent 2023 local elections, the restrictive provision concerning the requirement of domicile or temporary residence in a given administrative-territorial unit for at least three months before the election day made it difficult for newly relocated voters to exercise their voting rights. However, international election observers underscore that suffrage-related problems do not have a universal character and, thereby, the potential to significantly derail the outcome of elections (OSCE/ODIHR 2011c; 2015; 2019a; 2021).

Since its independence, Moldova consistently upheld the practice of regularly scheduled elections, adhering generally to international standards in election matters. Throughout the examined period, Moldovan authorities organised 10 nationwide campaigns: four legislative (2010, 2014, 2019 and 2021), two presidential and four local elections.

Two out of four campaigns for the legislature have been snap elections in 2010 and 2021. The 2010 campaign was triggered by the deadlock of reaching a broad consensus for the election of the President in the parliament. The 2021 campaign was forced by the impossibility of approving a new cabinet, in which case the parliament is dissolved and new elections are called. Except for the 2019 elections, all legislative campaigns have been based on proportional representation, a system that was conducive to moderate authority distribution. The latter coupled with a pro-EU ideological outlook of key incumbent political parties has contributed to furthering democratic participation and contestation (Buscaneanu 2017). The incidence of snap legislative elections and the succession of nine incumbent parties or coalitions in power and 11 cabinets between 2009 and 2023 reflects a high level of political volatility.

Following several failed attempts to elect the President in the parliament with the required three-fifths supermajority (61 votes out of 101) during the period 2009-2012, the Constitutional Court of Moldova reinstated in March 2016 the election of the President in nation-wide contests, but it kept in place those provisions that extended the competencies of the parliament in 2000.<sup>2</sup> Therefore, the subsequent Moldovan Presidents, Igor Dodon and Maia Sandu, have been elected in 2016 and 2020, respectively, by popular vote.

Despite deadlocks and high political volatility, all types of elections organised after 2010, except for the 2018 mayoral elections in Chişinău and the 2019 legislative elections, were acknowledged as free and fair by international observers (OSCE/ODIHR 2011, 2015, 2021). Political parties across different orientations and constituencies generally enjoyed access to the electoral process, offering voters a wide range of options and alternative policy agendas (Freedom House 2015b). In addition, the Central Election Commission (CEC) generally acted as an impartial body and was well equipped to ensure a well-managed electoral process (Freedom House 2013, 2014).

Yet, several problems were noted with respect to electoral fraud, non-transparent party financing, and media manipulation. These highlight a still shallow internalisation of democratic norms in practice. A significant setback (reflected in Figure 38 below) occurred in the case of the 2018 Chişinău mayoral elections, when the winning candidate of the ACUM electoral bloc, Andrei Năstase, was deprived of his legitimate mandate by a politically motivated ruling of the magistrates of the Chişinău District Court (Viţu 2018). Another setback represented the 2019 legislative elections, which were deemed free on the election day, but insufficiently fair throughout the campaign (OSCE/ODIHR 2019a). These represented the first legislative elections, since

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<sup>2</sup> Constitutional Court. 2016. 'Hotărâre privind controlul constituţionalităţii unor prevederi ale Legii nr. 1115-XIV din 5 iulie 2000 cu privire la modificarea şi completarea Constituţiei Republicii Moldova', <https://www.constcourt.md/public/ccdoc/hotariri/ro-h704032016roa6c41.pdf>.

the introduction of the Electoral Code in 1997, organised under a mixed electoral system, approved with the votes of the Democratic Party of Moldova (PDM) and the Party of Socialists of the Republic of Moldova (PSRM) without a broad deliberation process in July 2017 (ADEPT 2019). The 2019 election campaign was marred by multiple irregularities such as vote buying, media manipulation, inappropriate use of administrative resources, etc., which were meant to increase the electoral support for the ruling PDM, led by the tycoon-turned politician Vladimir Plahotniuc.

Several of the above deficiencies and irregularities were, however, addressed in the subsequent presidential (November 2020) and legislative (July 2021) election campaigns won by the pro-democratic opposition contenders Maia Sandu and her former Party of Action and Solidarity (PAS), respectively (OSCE/ODIHR 2021).

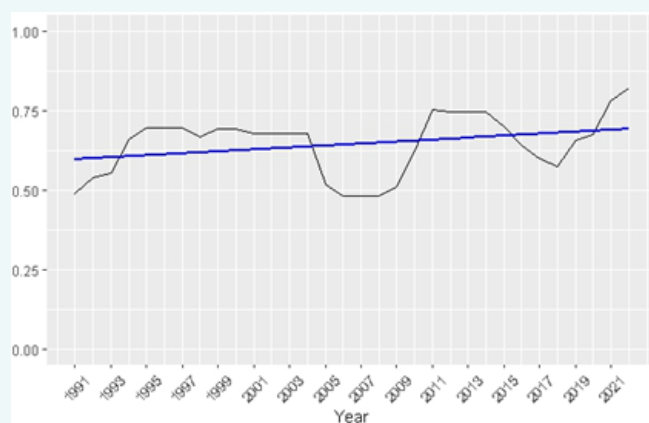
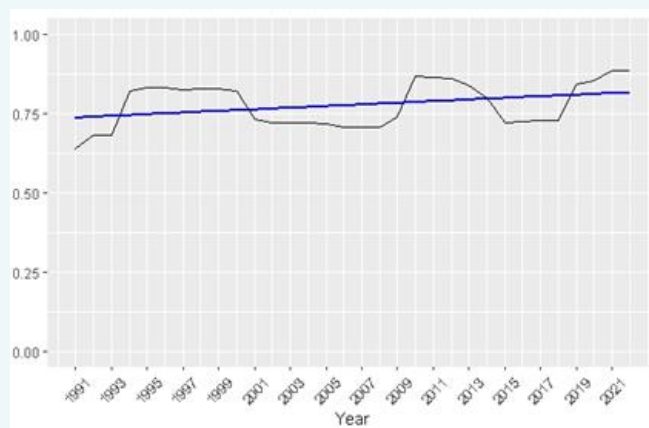


Figure 38: Free and fair elections in Moldova

## 7.2 Political and civil rights

Moldova's track record in ensuring freedom of association has generally followed an ascending trend in the period 2010-2022 (see Figure 39 below). Moldova established a robust legal framework supporting freedom of association, as enshrined in its Constitution and laws regarding political parties and civil society organisations (CSOs) (Parliament of Moldova 1994a, 2007, 2020). With a view of easing the process of registration of new political parties, the parliament has significantly lowered in 2020 the minimum number of founding members (from four thousand to one thousand) at the time of registration (Parliament of Moldova 2007). Opposition parties have the right to campaign, present candidates, participate in elections, and are generally represented by a significant share of the total seats in parliament since independence (Buscaneanu 2017). Successive governments have been more open and constructive towards CSOs, moving away from the repressive tendencies of the previous Party of Communists (PCR) regime (2001-2009). The number of CSOs, especially those functioning as advisors to the government or the ones that are in a complementary role in areas of social work, education, and poverty reduction, grew significantly. This diversity in civil society ensured a broad representation of interests and facilitated the development of varied public opinions (Bertelsmann Stiftung 2012b, 2014b, 2016a).

Despite an appropriate legal framework, there have been limitations in practice. One such limitation relates to administrative and bureaucratic hurdles to register a new political party, which affects their effective ability to enter the political landscape and participate in elections. Though CSOs can operate freely, many existing organisations only engage in limited activity due to a lack of access to open public funds. Access to governmental funding remains limited, which is why the majority of Moldovan CSOs are forced to rely exclusively on external support from foreign governments, international donors and non-governmental organisations (NGOs).



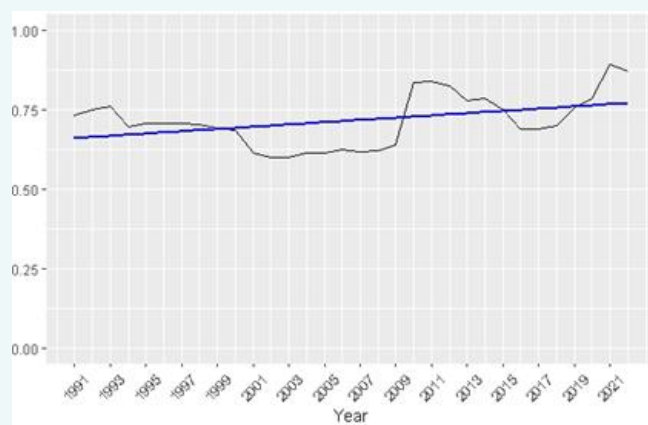
**Figure 39: Freedom of association in Moldova**

Freedom of expression is regulated by the Constitution (Parliament of Moldova 1994a) and the Law on freedom of expression (Parliament of Moldova 2010), which provide an appropriate framework for the exercise of this right in line with international standards. Following a period of restrictions imposed while PCRM was in power (2001-2009), the successive pro-European governments led by Vlad Filat (2009-2011 and 2011-2013) and Iurie Leancă (2013-2015) significantly improved the conditions under which mass media operated (Bertelsmann Stiftung 2012b, 2014b, 2016a). Among other things, this improvement was reflected in the diversification of information with several new tv stations, such as “Jurnal TV”, “Publika TV”, “Realitatea TV”, entering the market, a less biased reflection of information on the part of state-owned media broadcaster “Teleradio-Moldova”, and in a freer environment for the expression of different views in the public sphere (Freedom House 2012, 2013).

However, freedom of expression suffered a notable setback (reflected in Figure 40 below) in the period that largely coincides with the Prime Ministership of Pavel Filip (2016-2019). The setback was reflected in an increasing control of the media by oligarchs, especially Vladimir Plahotniuc, a phenomenon that led to distorted information and widespread self-censorship. In addition, there were cases in which independent or anti-establishment media outlets faced regular pressure, intimidation, and even threats of lawsuits from state institutions, hampering investigative journalism and free speech (Bertelsmann Stiftung 2018a, 2020a). The overwhelming control of the media and advertising market by a few powerful individuals, including Plahotniuc, stifled the growth of independent media and limited the diversity of viewpoints in the public sphere.

This negative trend started to be reversed with the election of the pro-EU leaning Maia Sandu as the President of Moldova in 2020 and the overwhelming victory (63 out of 101 seats) of PAS in the 2021 legislative elections (ADEPT 2021). As a result of significantly improved conditions under governments of Natalia Gavrilița (2021-2023) and Dorin Recean (since 2023), Moldova advanced to the 28th position in the global ranking of press freedom in 2023, ahead of such traditional democracies like Belgium, Spain, Italy, the US, etc. (Reporters without Borders 2023c).

In the context of the 2022 Russian full-scale invasion of Ukraine, the influence of Russian media promoting disinformation poses a significant threat to media integrity in Moldova. Particularly troubling is that within this context of war, there is insufficient attention from the side of central authorities in Chișinău, but also European donor organisations, such as the European Endowment for Democracy (EED), to independent media organisations (e.g. “Gazeta de Chișinău”) that could oppose disinformation but are forced to suspend their activity because of lack of public support for national press that operates under conditions of severe scarce resources.



**Figure 40: Freedom of expression in Moldova**

Moldova has a complex and relatively advanced legal framework and is generally on an ascending trend in matters related to equality before the law (see Figure 41 below). The existing laws, codified usually in several core acts, are transparent and open to public scrutiny. Moldova guarantees access to justice irrespective of race, nationality, ethnic origin, language, religion, gender, etc. (Parliament of Moldova 1994a). However, ensuring a rigorous public administration has been a challenge throughout the entire period since independence, which was also aggravated by insufficient impartiality during PCRM (2001-2009) and PDM (2016-2019) rule. Despite advanced and transparent laws, their enforcement was not always predictable and equitable. Particularly concerning were situations of political interference in the allocation of cases, promotion to key judicial positions, and arbitrary rulings which favoured the interests of a narrow oligarchic group led by the PDM leader Vladimir Plahotniuc, as is exemplified by the annulment of mayoral election results in Chişinău in 2018.

However, the victory of the pro-European PAS in the 2021 legislative elections reversed some of the previous negative trends with respect to public administration and law enforcement. Shortly after the elections, PAS has launched a major overhaul with the aim of improving the rule of law regime in Moldova, but it faces significant obstacles to deliver the intended results because of insufficient know-how capacity, as well as strong opposition coming from within the justice sector.

Moldova has a relatively good record in ensuring that civil liberties are defined and observed in line with international standards. Moldovan citizens enjoy the indiscriminate right to private property, the freedom from torture, political killings and forced labour, as well as the freedom of religion, movement, etc. (Freedom House 2011a, 2012). Protection of gender identity is also ensured by law since 2012 (Parliament of Moldova 2012), despite strong opposition from domestic conservative groups, including the Russia-subordinated Moldovan Orthodox Church (Freedom House 2013). In addition, Moldova is one of the frontrunners in the eastern neighbourhood as far as adherence to international instruments in matters related to democracy and human rights is concerned (Buscaneanu 2017).

However, there have been occasions, especially after the youth revolt in April 2009, on which Moldovan authorities have been condemned by the European Court of Human Rights (ECHR) for allowing cases of torture, inhuman and degrading treatment in police stations and places of temporary detention. Other notable involutions in the domain of civil liberties include a few cases of “raider attacks”<sup>3</sup> on banks in 2011-2012 (Bertelsmann Stiftung 2014a), as well as the illegal extradition of seven Turkish citizens, associated allegedly with the Fethullah Gülen movement, at the request of Ankara in 2018 (Freedom House 2019a).

<sup>3</sup> Raider attacks refer to hostile takeover attempts in which a company or individual (the raider) acquires a substantial share in a target company to gain control, often against the target’s executive management’s approval.

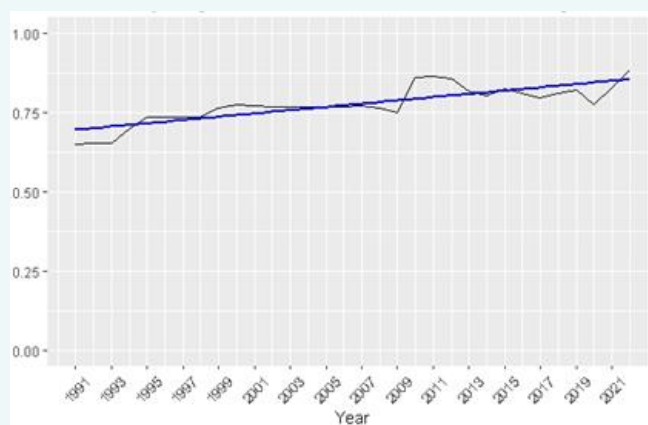


Figure 41: Equality before the law and individual liberty in Moldova

### 7.3 Legislative and judicial constraints on the executive

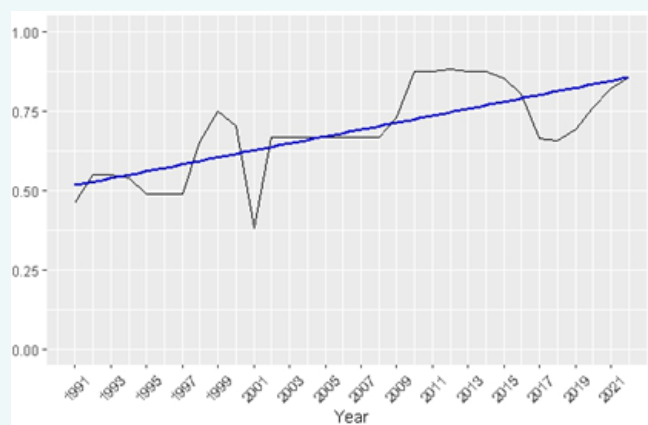
The Constitution of Moldova and legislative procedures regulate the powers and mechanisms available to the legislature for conducting oversight and investigations (Parliament of Moldova 1994a). Given the parliamentary system of rule introduced in 2000, the legislative branch has substantive legal levers at its disposal to exercise oversight over the executive. However, the record of ensuring parliamentary oversight fluctuated depending on the locus of the *de facto* political authority.

Though the text of the Constitution signals that the *de jure* locus of political authority should rest with the legislature, the latter was severely circumvented on two different occasions (see Figure 42 below). First, the parliament was circumvented during the PCRM rule in 2001-2009, when the chief of the party, Vladimir Voronin, was also elected to the post of head of state by the dominant faction of his party in the parliament. Paradoxically, in 2001, one year after Moldova officially turned into a parliamentary republic, the extent of legislative constraints on the executive reached a record-low level. This example highlights how the distribution of political authority can, in practice, undermine horizontal accountability as prescribed by formal rules. Second, the authority of the parliament was also severely constrained in the period of “state capture” by the oligarchic group led by Vladimir Plahotniuc (2016-2019) (Knott 2018). Without any official powers, apart from leading his PDM party, which only ranked fourth in the 2014 legislative elections (ADEPT 2014), Plahotniuc exerted influence and employed corruption and kompromat<sup>4</sup> to form a circumstantial coalition in the parliament, effectively endorsing his group’s policy initiatives.

These two severe cases of parliament circumvention notwithstanding, opposition forces had reasonably high shares of seats in consecutive Moldovan legislatures (Buscaneanu 2017) and managed to mount credible challenges via protests, official statements – aired live by the state-own public broadcaster “Moldova 1” – and no-confidence vote attempts.

Following Plahotniuc’s departure from the apex of Moldovan politics in 2019, the authority of the parliament was partly restored with several investigations launched by special legislative committees against executive misconduct (Freedom House 2020b). Two such major investigations launched by the parliament under the influence of public opinion and mass media concerned the illegal concession of Chişinău International Airport in 2013 and the billion-dollar banking fraud committed in 2014. The current parliament, elected in the July 2021 snap elections and dominated by PAS, has also restored the practice of public hearings of members of the executive branch on various issues of public interest.

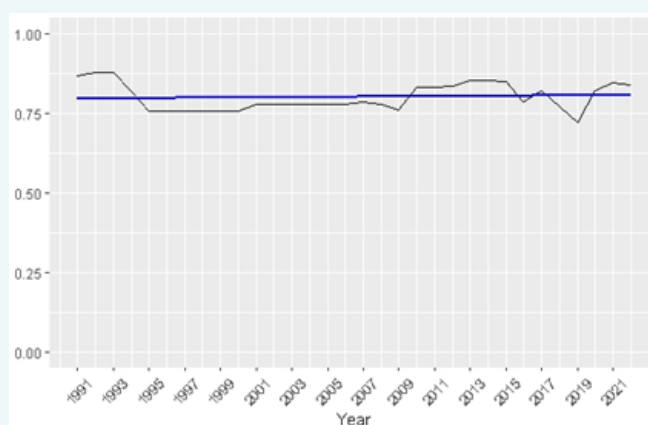
<sup>4</sup> *Kompromat* (Rus.: компромат) refers to the collection and use of compromising or damaging information about an individual or organization, typically for blackmail, manipulation or political leverage.



**Figure 42: Legislative constraints on the executive in Moldova**

Moldovan legislation, including the Constitution (Parliament of Moldova 1994a) and the laws on the Constitutional Court (Parliament of Moldova 1994b) and the judicial administration (Parliament of Moldova 1995), ensures that the executive respects judicial independence and enforce court rulings. According to V-Dem data (see Figure 43 below), the extent to which judicial constraints on the executive were exercised in practice has been relatively high since 1991.

However, prominent setbacks can be noted in the periods 2001-2009 and 2016-2019, when political authority, held by the PCRM or PDM, was (mis)used to exert influence over several salient court decisions. One such salient decision was the ruling of the Constitutional Court in 2016, which partly overturned the results of the 2000 constitutional reform. This decision was seen as being politically motivated and aiming at undermining the vigour of public protests that, among other things, were also calling for direct elections of the head of state (Secieru 2016).



**Figure 43: Judicial constraints on the executive in Moldova**

The activity of the Prosecutor General office was also of serious concern during the same periods (Buscaneanu and Stefes 2020). As revealed by the “Pădurea Domnească” case in 2013 (Tudoroiu 2015), the Prosecutor General Victor Zubco was promoted to this post as a result of an opaque agreement between parties constituting the ruling Alliance for European Integration (AIE) coalitions (2009-2013) that exerted partisan control over key governmental bodies. Despite the public outcry generated by the “Pădurea Domnească” case, the subsequent Prosecutors General, Corneliu Gurin and Eduard Harunjen, have been promoted to the same post in 2013 and 2016, respectively, under the same dominant influence exerted by the PDM. Being under tight political control, both Gurin and Harunjen allowed cases of selective justice and abstained from launching criminal investigations against individuals associated formally or informally with the PDM or its leader Vladimir Plahotniuc (Freedom House 2016b; 2017b; 2018a; 2019; 2020b).

In the wake of the 2019 legislative elections, the short-lived coalition between PSRM and the ACUM electoral bloc (June-November 2019) attempted to restore the role of the Constitutional Court and Prosecutor General office, as prescribed by Moldovan legislation. However, the election of new members of the Constitutional Court and Alexandr Stoianoglo as the new Prosecutor General of Moldova in 2019 revealed the propensity of ruling parties to keep a modicum political control. Starting with the incumbency of the pro-European PAS in 2021, a comprehensive judicial reform has been launched with the aim of strengthening judicial autonomy and oversight. For now, however, this reform has stalled mainly because of limited experience on the part of the ruling PAS and fierce opposition coming from within the judicial branch.

## 7.4 The demos

### 7.4.1 Democratic commitment

Moldovan citizens hold generally high views of democratic values. The World Values Survey (WVS) Wave 5 (2005-2009) indicates that 82.5% of respondents believe that a democratic political system is appropriate for Moldova (Inglehart et al. 2014). Also, 86.4% of interviewees, as opposed to 11%, believe that free elections are essential characteristics of democracy. Moreover, 74.6% of respondents see referendums as an essential instrument for approving new laws. Civil rights are viewed essential characteristics of democracy by 82.4% of interviewees, as opposed to 13.1% of those who do not share this view. Gender equality is viewed as essential for democracy by 89.4% of respondents contrasted by only 9.4% who oppose it.

<b>Percentage of respondents who consider the following as essential characteristics of democracy:</b>	
	<b>Wave 5 (2005-2009)</b>
<b>Free elections</b>	86.4%
<b>Civil rights</b>	82.4%
<b>Gender equality</b>	89.4%

**Table 21: Attitudes towards democratic norms in Moldova**

At the same time, WVS Wave 5 reveals that commitment to democratic values is not always consistent. Though the majority of respondents favours a democratic system of governance, 63.2% of them would also favour “a strong leader who does not have to bother with parliament and elections” (Inglehart et al. 2014). Equally, 82.8% do not see homosexuality as “justified”, in contrast to only 10.1% of respondents, who think the opposite. Obviously, holding contrasting views is generally part of human nature. In the case of commitment to democratic values in Moldova, these seemingly contradictory attitudes are exacerbated by its Soviet past, conservative culture and tradition (i.e. Christian Orthodoxy).

<b>Percentage of respondents who said that they have trust in:</b>	
	<b>Wave 5 (2005-2009)</b>
<b>Government</b>	32.4%
<b>Parliament</b>	27.6%
<b>Justice system/Courts</b>	29.3%

**Table 22: Trust in public institutions in Moldova**

### 7.4.2 Political capacity

Political capacity of the demos can be approximated with the strength of organizational potential and the overall sustainability of Moldovan CSOs. A systematic measure of these two attributes is provided by FHI 360 in its CSO Sustainability Index (FHI 360 2024).

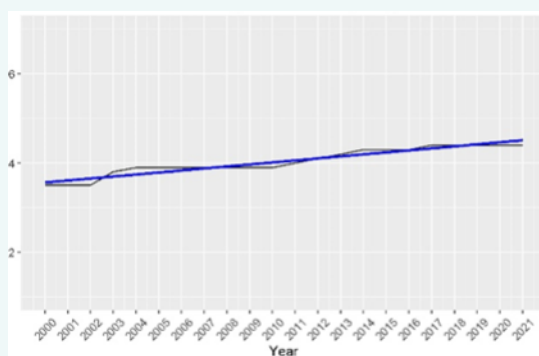


Figure 44: CSO organisational capacity in Moldova

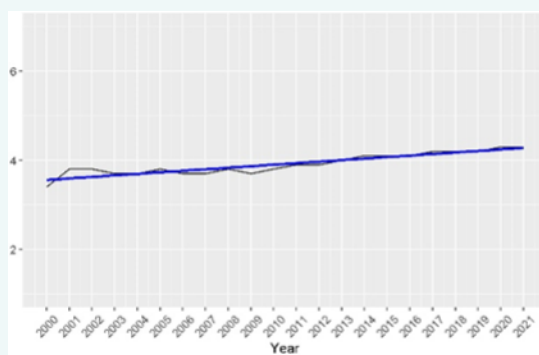
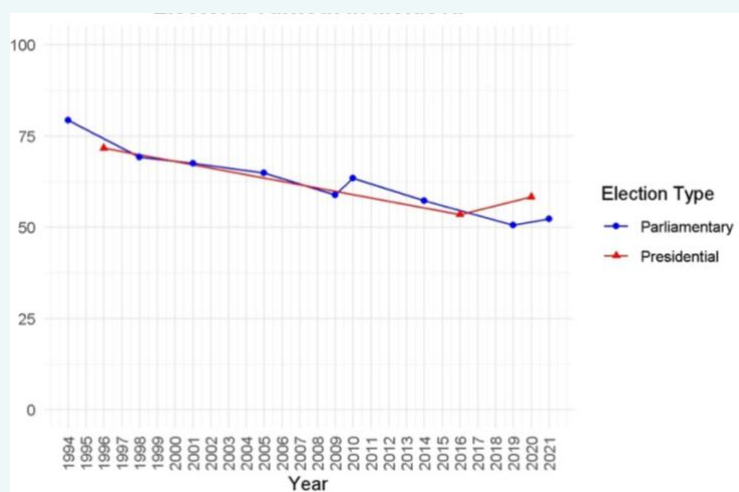


Figure 45: CSO sustainability in Moldova

Figure 44 makes clear that the internal capacity of the Moldovan CSO sector to pursue its own goals was on an incremental, but steady rise between 2000 and 2021. A similar trend can be viewed with respect to the overall sustainability of Moldovan CSOs (see Figure 45) which also involves estimates concerning legal environment, financial viability, advocacy, service provision, infrastructure, and public image, assessing the Moldovan CSO sector as “evolving”. Starting with below average values in 2000, both organisational capacity and sustainability crossed the threshold to above average values following the end of the Party of Communists’ rule. According to the FHI 360 index, these two attributes seemed to remain unaffected in the period of the oligarchic takeover in 2016-2019. The organisational capacity of Moldovan CSOs falls below the European average, and in the absence of a strong impact in practice, Plahotniuc’s group chose to co-opt some notable representatives of the CSO sector or to ignore its critical tone altogether instead of openly restricting its potential.

### 7.4.3 Political participation

Political participation concludes the demos cycle in that it ensures that political capacity is acted upon to transpose democratic values and commitments in practice. The core channel through which citizens can participate and express preferences in the public domain is through elections.



**Figure 46: Election turnout in Moldova**

Electoral turnout was not particularly high throughout the examined period and was rather even across legislative and presidential campaigns (see Figure 46). In addition, the turnout level was on a slightly negative trend, which echoes a broader worldwide tendency of electoral participation decline (Przeworski 2019). Similar to their counterparts in other national settings, Moldovan citizens feel that their voice is insufficiently listened to and that their votes do not count much in the process of access to and exercise of power. As Table 22 shows, WVS Wave 5 corroborates this perception and shows that 66.5% of Moldovan respondents do not trust the government, 70.8% do not trust the parliament, and a staggering 77.8% of them do not trust political parties (Inglehart et al. 2014). Moreover, 55.9% of interviewees would never sign a petition, 72.2% of them would never join in boycotts and 48.2% would never attend demonstrations, even if they are staged in a peaceful manner. Non-institutional political participation has thus been rather limited (see Table 23). The next section turns to broad political trends and, among other things, explains why Moldovan citizens remain disenchanted with politics.

Percentage of respondents who said they have engaged in the following types of non-institutional political participation:	
	Wave 5 (2005-2009)
Sign a petition	10.3%
Join in boycotts	4.8%
Attend a peaceful demonstration	18.2%

**Table 23: Non-institutional political participation in Moldova**

## 7.5 Broad political trends

### 7.5.1 Power sharing

Following the snap parliamentary election in July 2009, the eight-year rule of the Party of Communists (PCRM) came to an end. Subsequently, political authority shifted to several pro-European coalitions of parties, which governed during the period 2009-2015. The first coalition, AIE I, established between the Liberal Democratic Party (PLDM), Liberal Party (PL), Democratic Party of Moldova (PDM) and Our Moldova Alliance (AMN), was short-lived. After two failed attempts to elect a new President in the parliament, new snap elections were called for November 2010. The results of these elections were rather similar to the previous ones, bringing into the parliament PCRM (42 seats), PLDM (32 seats), PDM (15 seats), and PL (12 seats). The latter three parties established AIE II, whereas the Communists remained in opposition.

AIE II continued pursuing the agenda of democratic reforms launched by AIE I and managed to reverse some negative trends regarding freedom of association and expression that set in during the Communists' eight-year rule. After several years of failed attempts, AIE II was also able, with the support of three former PCRM members, to elect the judge Nicolae Timofti as the President of Moldova. Given the power-sharing agreement, AIE II could ensure a broader dispersion of political authority and improved legislative constraints on the executive.

However, the power-sharing agreement of AIE II also planted the seeds of its own destruction. A tragic event, when one businessman was shot dead as a result of sheer imprudence at an illegal hunting party in December 2012, revealed that AIE II's constitutive parties had also secretly distributed partisan control over public bodies, such as the office of the Prosecutor General, that were supposed to remain independent (Buscaneanu and Stefes 2020). Partisan control over law enforcing bodies would soon prove instrumental in the process of state capture by narrow oligarchic interests, a phenomenon that will be discussed further below. The ensuing infighting between PLDM and PDM over political influence in the wake of the "Pădurea Domnească" case, led to the dismissal of Prime Minister Vlad Filat (PLDM) and parliament speaker Marian Lupu (PDM) and to the implicit implosion of AIE II.

However, constrained by limited coalition options, PLDM, PDM and seven former members of PL were forced to establish the Pro-European Coalition (PEC) in May 2013. It was under this coalition and the premiership of Iurie Leancă (PLDM) that Moldova concluded the negotiation process with the EU over the Association Agreement (AA) in June 2013, initialled and signed it in November 2013 and June 2014, respectively. After a successful track record in implementing reforms related to gender equality, border traffic and migration management, Moldova was the first country in Eastern Europe to benefit from a free-visa regime with the EU as of April 2014. Therefore, the centre-right PEC entered the November 2014 ordinary legislative elections with many important achievements, but also with a severe flaw that would soon prove fatal for the next two pro-European coalitions.

As the new Alliance for European Moldova (APME) between PLDM and PDM was still in the making, it became clear that a mega-banking fraud had been committed and that the equivalent of one billion USD was siphoned from the Moldovan banking system, including the National Bank. High-ranked officials from PLDM and PDM and Ilan Shor, an oligarch close to the leader of PLDM, were identified as prime suspects. The resulting infighting over the responsibility for the banking fraud marked the activity of the APME and the subsequent AIE III, the latter of which collapsed in October 2015 when the immunity of the PLDM leader, Vlad Filat, was lifted by the parliament.

In short, power-sharing agreements between parties with a clear pro-EU ideological outlook contributed to improved political participation and contestation in Moldova, but in a context where informal institutions are highly resilient, the spirit of these agreements succumbed to private and oligarchic interests.

## 7.5.2 State capture

An exponent of such interests was Vladimir Plahotniuc, the leader of the centrist PDM. He showed how skill, bribe, kompromat, and repression can be all combined to forge a circumstantial coalition around PDM which held only 19 seats (out of 101) in the parliament. With the official inauguration of the Cabinet of Pavel Filip (PDM) on January 20, 2016, Moldova entered a period of democratic regression and state capture (Knott 2018). Notable regressions occurred on all dimensions, especially on free and fair elections and legislative constraints on the executive. How was state capture possible in Moldova?

Similar to other post-Soviet contexts, informal institutions still have a central role in ensuring access to and exercise of power in Moldova. However, contrary to what one may be tempted to think, informal institutions are rather the symptoms of political under-development than the consequence of poor governance (Fukuyama 2015). Societies where informal institutions are highly resilient did not complete yet the transition from *Gemeinschaft* (community) to *Gesellschaft* (society) or did not substitute yet "limited access orders"

with “open access orders” (Tönnies 2018, North et al. 2009). When the transition process from informal norms to formal rules remains incomplete, as the Moldovan case testifies, skilful individuals can use the existing legal loopholes and connections to key political stakeholders to amass considerable wealth and power.

Plahotniuc started this way in business, including through unorthodox means, in late 1990s, but ascended to public prominence when he became a close associate of Oleg Voronin, the son-turned-oligarch of the third Moldovan President, Vladimir Voronin (2001-2009). Plahotniuc skilfully exploited the relation with Voronin Jr. to secure profits from several lucrative businesses, but he was not satisfied enough with his secondary role in the partnership. Therefore, in the snap election campaign organised for the parliament in July 2009, he turned his support to PDM and was also instrumental in co-opting the former member of PCRM and speaker of the parliament Marian Lupu to lead the PDM’s party list. When negotiating the power-sharing agreement with PLDM, PL and AMN for the establishment of AIE I, Plahotniuc made sure that the post of Prosecutor General would fall under the PDM’s exclusive control. Aside from exerting control over this key law enforcement body, PDM’s faction in the parliament, several ministers, and agencies in successive cabinets, Plahotniuc extended his media empire and the dense web of patron-client network into the judiciary, the local administration and the Moldovan business sector.

Plahotniuc would use all these assets, including the coercive role of the Prosecutor General office, to neutralise PLDM and install his own government, which became a mere rubber-stamp machine of his oligarchic group decisions. Plahotniuc would also use this complex machinery to boost substantially the electoral performance of his party to 30 seats in the parliament following the 2019 election campaign. However, although electoral performance and political might higher than ever before, Plahotniuc was unable to build a supporting coalition in the parliament. As a result, he fled the country and the de facto political authority shifted in June 2019 to the short-lived ruling coalition established between the pro-Russian PSRM and the pro-European ACUM electoral bloc.

### 7.5.3 “Pluralism by default”?

Was the defeat of Plahotniuc the result of what Way (2015) calls “pluralism by default”? In his well-received book, Way argues that in many post-Soviet states pluralism and competitive politics have developed not because of strong democratic institutions or active efforts to promote democracy, but because autocrats lack the organisational means to consolidate power effectively. In simplified form, his argument reads that weak autocrats lead to pluralism.

As appealing as it may seem, this argument is problematic on at least two accounts. First, it implies a pessimistic view with respect to the ability of human agency to oppose anachronistic regimes and craft modern institutions which are incompatible with autocratic rule. As the Moldovan case illustrates, Plahotniuc lost power not because he was weak – in fact, his party emerged in the 2019 electoral contest stronger than ever before – but because his political ambitions have been met with unexpected social vigour. The resistance of the pro-Russian PSRM was externally inspired, but the firm opposition of the ACUM electoral bloc reflected the spirit of a large segment of the pro-democratic Moldovan electorate. In a similar earlier episode, PCRM lost power not because it was weak, after securing an increase in the number of seats in the parliament from 56 in 2005 to 60 (out of 101) in 2009, but because PCRM’s autocratic style and arrogance were met with social resistance, culminating with the youth revolt in April 2009 (Hale 2013).

Second, the “pluralism by default” claim suffers from what can be called the bias of presentism. Viewed from the height of the present day, it may seem that pluralism is the default outcome of weak autocrats’ rule. However, viewed from the perspective of human history, which stretches many thousand years back, Way’s argument overlooks that the absence of pluralism was the default form of social organisation.

In the Moldovan context, it was not the weakness of Plahotniuc, but the strength and vigour of a critical segment of the domestic democratic elite that resisted to give in to threats and sustained pressure exerted

by his oligarchic group. The same dynamic segment also opposed the circumstantial coalition built around PSRM at the end of 2019 and forced snap legislative elections, won decisively by the democratically committed PAS in 2021. Hence, the short answer to the question in the title of this sub-section reads as follows: “pluralism” – yes (under appropriate societal conditions), but not “by default.”

## 8 Ukraine

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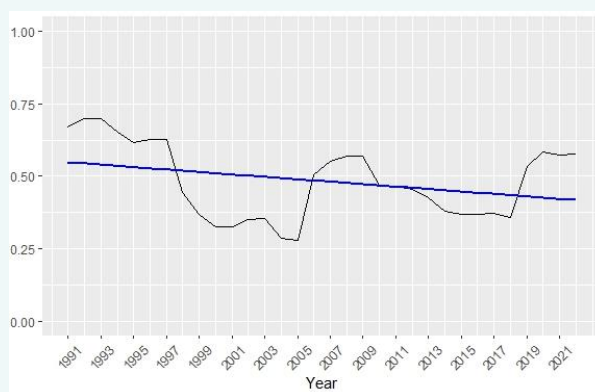
Ukraine has seen democratic progress during the period examined in this working paper. Following the Euromaidan protests and the 2014 “Revolution of Dignity” that brought an end to the major democratic regression during the 2010-2014 presidency of Viktor Yanukovich, Ukraine has been consistently classified as “transitional or hybrid regime” by Freedom House. However, its democracy indicator has shown an upward trend, and it has been approximating the threshold score for “semi-consolidated democracy” in the years preceding Russia’s full-scale invasion. This is echoed by the Bertelsmann Transformation Index (BTI), which categorized Ukraine’s transformation as “limited” but also showed improvement between 2012 and 2022.

Since 2014, Ukraine has undergone drastic political and economic reforms. Elections have been free and relatively fair since then, and political and civil rights have been strengthened. Citizens and civil society have become more capable and more involved in the political process, and Western actors have sought to further encourage and support democratic reforms. However, despite a positive evolution overall, major challenges remain. Notably, concerns have been raised over the rights of ethnic and linguistic minorities. Efforts to tackle corruption, improve transparency and strengthen the rule of law continued to run into powerful resistance from the state apparatus and oligarchic elites. The latter’s role in Ukrainian politics remains a more general problem, even though new legislation, the flight of Putin-friendly tycoons and the loss or destruction of physical assets has reduced their influence following Russia’s 2022 full-scale invasion.

### 8.1 Elections

The 2010-2022 period starts with Viktor Yanukovich’s ascendancy to the Ukrainian presidency. His previous attempt to become President through a rigged election had failed in 2004, when major discrepancies between the exit polls and the preliminary results released by the Central Electoral Commission triggered the “Orange Revolution.” Viktor Yushchenko, the candidate of the opposition “orange coalition” that promised economic reform and efforts to tackle corruption, won the ensuing repetition of the run-off vote. However, by 2010 voters were disillusioned with Yushchenko and the orange camp, which had been marred by infighting from the very beginning and did not manage to deliver on the hopes and expectations it had raised.

In that context, Yanukovich’s 2010 victory was the result of a relatively free and fair election (OSCE/ODIHR 2010). However, his time in office was characterised by major authoritarian backsliding. Notably, the constitutional court very abruptly and, according to Yekelchuk (2020, 94), “obediently” annulled constitutional amendments that had been made in 2004 in order to strengthen the role of parliament. This meant that significant government formation and policy-making powers returned to the presidency. The move sparked outrage within the opposition, with former Prime Minister Yulia Tymoshenko claiming it had “killed democracy” and that it marked the establishment of a “dictatorship” (Khalaf 2010). Radical public sector reforms further concentrated policy-making powers at the top (Bertelsmann Stiftung 2012c, 3). The following parliamentary elections in 2012 were described as a “step backwards” by the OSCE election observation mission, whose final report lamented “the abuse of administrative resources, lack of transparency of campaign and party financing, and the lack of balanced media coverage” (OSCE/ODIHR 2013c).



**Figure 47: Free and fair elections in Ukraine**

Having concluded negotiations of an Association Agreement with the European Union in March 2012, Yanukovich made a last-minute U-turn following a secret meeting with Russian President Vladimir Putin in November 2013. His decision to pull out of the agreement and to strengthen ties with Russia instead led to major protests in Kyiv’s Independence Square. Yanukovich’s attempts to violently crack down on the so-called “Euromaidan” protests further fuelled them. This ultimately prompted him to abandon his duties and to escape to Russia without formally resigning. In this unprecedented situation, for which the Ukrainian constitution did not provide concrete procedures, the Ukrainian parliament voted to remove him from office – a move whose constitutionality has been hotly debated. The aftermath of these political developments marked the starting point of Russia’s invasion of Ukraine, which led to the annexation of Crimea and the war in Eastern Ukraine.

Following Yanukovich’s removal from office there has been gradual movement towards more democratic governance, but as the V-Dem’s estimates suggest (see Figure 47), this was neither a linear process nor without setbacks. A transitional government led by Arseniy Yatseniuk, who had served in senior ministerial positions and as chairman of the Ukrainian parliament in the late 2000s, was formed on the basis of a broad and bipartisan coalition. Yatseniuk oversaw the outbreak of the war in Eastern Ukraine and signed the political part of the Association Agreement in late March 2014. Ukrainian billionaire businessman and politician Petro Poroshenko was elected President during the first round of the May 2014 early presidential elections. Early parliamentary elections followed in October, after the broad pro-Maidan coalition in parliament collapsed. Both elections were deemed as free, but not without flaws. They were also affected by the challenging environment given the on-going war in two Eastern regions (OSCE/ODIHR 2014b; 2014a).

Four months before the March 2019 presidential elections, President Poroshenko responded to two incidents between Ukrainian and Russian vessels in the Kerch Strait by proposing to declare martial law for 60 days in ten regions along the Black Sea and Ukraine’s borders with Russia and Moldova. His move raised fears that it might serve as a pretext to postpone the elections or undermine other candidates’ campaigns. In the context of concerns expressed within the Ukrainian parliament and by Western partners, Poroshenko reduced his original proposal to 30 days of martial law (CBC 2018).

In April 2019, Poroshenko lost the run-off vote to comedian-turned politician Volodymyr Zelenskiy, who was elected in a free but once again not entirely clean election. There were reports of vote buying, especially on behalf of the campaigns of incumbent Poroshenko and Yulia Tymoshenko. Election observers also noted a misuse of state resources in favour of President Poroshenko’s campaign (OSCE/ODIHR 2019b). Meanwhile, Zelenskiy had a major presence on Ukrainian television due to his role as teacher turned President in the “Servant of the People” series, the third season of which ran in parallel to the campaign (Wilson 2022, 366). The series was also broadcasted on the day before the vote on which, by law, campaigning is forbidden (NDI 2019). On the day of his inauguration in May 2019, Zelenskiy dissolved parliament and called for snap parliamentary elections for July to ride the wave of popular support that had won him the presidency. The “Servant of the People” party, named after his television series, won 43% of the popular vote and 242 seats in the Ukrainian parliament, making it the first-ever party to win an absolute majority in post-Soviet Ukraine.

Election-observers deemed the election fair, but once again noted a range of flaws, including wide-spread vote-buying and misuse of incumbency (OSCE/ODIHR 2019b).

Ukraine was due to hold their next parliamentary elections in October 2023 and presidential elections in March 2024. However, the country has been under martial law since it was initiated by President Zelenskiy and approved by parliament on 24 February 2022, which means that elections cannot be held. At the time of writing, there are no plans for elections, and there is both popular and elite consensus not to hold them due to the risk that it might undermine the Ukrainian war effort (Davlikanova 2024).

## 8.2 Political and civil rights

The Ukrainian Constitution guarantees freedom of expression (Article 34) and prohibits censorship (Article 15). However, the extent to which these rights were upheld in practice varied significantly in the past. The state of freedom of expression in Ukraine faced one of its biggest crises with the murder of Georgian-Ukrainian journalist Georgiy Gongadze in 2000. Gongadze had founded the online newspaper *Ukrainsky Pravda* which had, on several occasions, reported about corruption in the circles of President Leonid Kuchma, who was in office from 1994 to 2005. During the so-called “cassette scandal”, secretly recorded tapes came to light that suggested that Kuchma may have had ordered the journalist’s assassination (Committee to Protect Journalists 2001).

After the Orange revolution, the situation temporarily improved before deteriorating again. This followed the more general trend of the Yushchenko years, which saw temporary improvements across democracy-related indicators, being followed by a certain level of backsliding. Major media organisations, especially television networks, continued to be controlled by oligarchs and business groups, and were regularly used as a tool to promote their respective interests. Further deterioration occurred during the presidency of Yanukovich, with media freedom being curtailed and journalists working for major private and public media losing their jobs for critical reporting. According to the Reporters Without Borders World Press Freedom Index, Ukraine dropped from 89th in 2009 to 127th in 2014 (Bertelsmann Stiftung 2016b, 16).

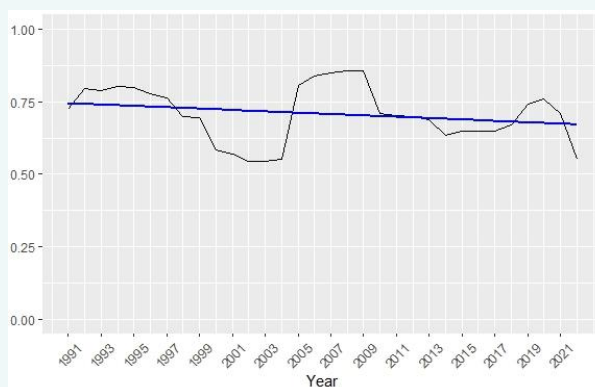


Figure 48: Freedom of expression in Ukraine

Following the Euromaidan uprising, the situation started to gradually improve again. According to Reporters Without Borders (2023a), “a more diverse and transparent media landscape” has emerged since, resulting in Ukraine jumping from 126th in the World Press Freedom Index in 2013 to 79th in 2023. This is attributed to a series of legislative reforms such as the 2022 adoption of a new media law in line with EU standards, a reorganisation and strengthening of the national public broadcasting company as well as the emergence of strong independent media outlets including investigative platforms such as *Slidstvo* or *Hromadske*.

Media transparency has improved to some extent, with a 2015 law requiring media organisations to disclose their ownership. The ensuing disclosures confirmed that oligarchs are controlling various key media outlets (Bertelsmann Stiftung 2018c, 10). The influence of oligarchs has declined a bit since, but it has not

disappeared. Television channels remain the most influential media in Ukraine, and many of the most popular ones continue under the control of business groups who continue to use them for their respective agendas (Bertelsmann Stiftung 2022e, 11).

Despite an overall positive evolution, concerns have been raised more recently in the context of Russia's 2022 full-scale invasion. Citing security concerns, the Ukrainian authorities are trying to curtail independent reporting on the armed forces and the ongoing war. Military personnel have been demoted and transferred as a result of interviews they gave (Reporters Without Borders 2023b). Moreover, the economic implications of the war have affected Ukraine's media landscape. Independent media organisations having been challenged by the collapse of the advertisement market, which has affected Ukrainian citizens' access to pluralistic media (European Commission 2023c, 7).

Article 36 of the Ukrainian Constitution grants citizens "freedom of association in political parties and public organisations" to advocate for their rights, freedoms and interests as long as this engagement is in line with the Constitution and the law. The rights of political organisation and assembly were generally respected during the Yushchenko presidency. During the Yanukovich presidency, courts increasingly prohibited demonstrations and several activists were detained or arrested for organising peaceful protests (Bertelsmann Stiftung 2014c). The situation improved again following the Euromaidan uprising, with the creation of an open and supportive legal framework for NGOs that was complemented by more respect for and tolerance of civic engagement by the post-2014 governments (Freedom House 2016c). However, there are concerns regarding the safety of activists from assault, especially for those advocating for transparency, environmental concerns and LGBTi+ rights (Bertelsmann Stiftung 2022e, 14).

It is worth noting that Ukrainian society and civil society have changed significantly over the past two decades, with a younger generation of citizens and a new middle class showing more political initiative. This is reflected by the differences between the 2004 and 2013 uprisings. The mass protests against the rigged election of 2004 were called for, led by and named after Yushchenko's "Orange coalition". In contrast, the reaction to Yanukovich's 2013 U-turn on the EU-Ukraine Association Agreement was driven by citizens and caught the political opposition largely unprepared.

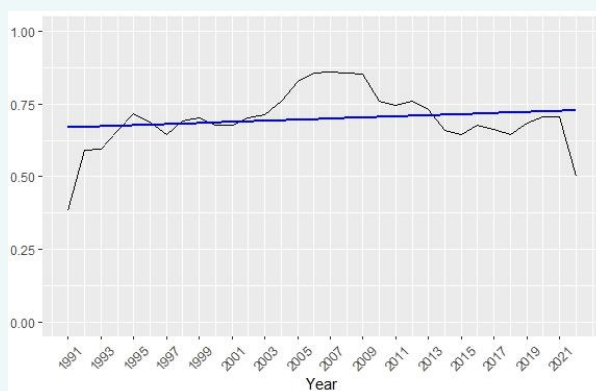


Figure 49: Freedom of association in Ukraine

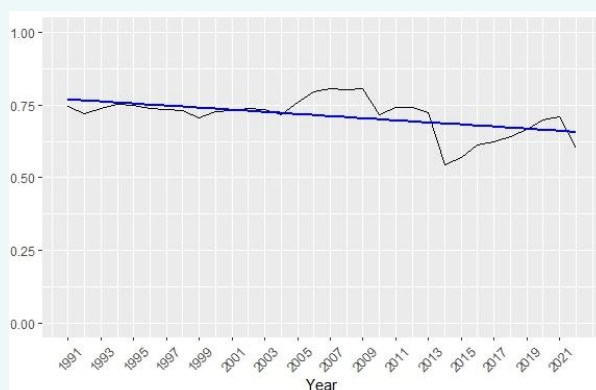
Article 24 of the Ukrainian Constitution guarantees citizens equal constitutional rights and freedoms as well as equality before the law. By and large, civic rights are ensured, and discrimination is prohibited in theory. Securing equality before the law in practice faces challenges though given the considerable problems with corruption in law enforcement and the judiciary (Bertelsmann Stiftung 2022e, 12ff). However, as the V-Dem shows, there has been a positive evolution overall since Yanukovich fled the country in 2014 (see Figure 50Figure 50).

Discrimination does occur in practice though, with the LGBTi+ community and Roma people being targeted in particular. On formalised LGBTi+ rights, Ukraine is still seen as lagging. The slow progress is not surprising given widespread homophobia within society. When Ukraine adopted the country's first Anti-Discrimination Law in 2014, sexual orientation and gender identity were not explicitly mentioned. However, the 2015

amendments of the Ukrainian Labour Code expressly banned discrimination based on a range of characteristics, including sexual orientation and gender identity (Amnesty International 2016).

Pride parades have been organised in Kyiv over the past decade. They were cancelled in 2012 and 2014 with police telling organisers that they would not be able to ensure protesters' safety. The 2015 march was marred by homophobic violence (Amnesty International 2015). In subsequent years, Pride marches were accompanied by a major police presence and met with anti-LGBTi+ protests but could go ahead without major problems. President Zelenskiy gained attention at a news conference in 2019, when he told a homophobic heckler to "leave those people alone, for God's sake." However, this rhetoric was followed by little action (Globa 2020).

A key debate relating to equality and individual liberty relates to the official status of the Russian language and its speakers, as well other minorities and minority languages. Passed before independence, the 1989 language law and its implementation constituted a compromise between Ukrainisation and maintenance of the status quo. Ukrainian officially replaced Russian as the sole language of administration and became mandatory in all Russian schools, but continued use of Russian was common and tolerated even where it should have been substituted (Arel 1995, 599ff). The continued prominence of the Russian language and legislation pertaining to the use of language and its implementation or lack thereof have been a contentious issue and a convenient political tool to mobilise people. Actual or alleged changes to its role in Ukraine have consistently been instrumentalised by Russia in its efforts to interfere in Ukrainian politics.



**Figure 50: Equality before the law and individual liberty in Ukraine**

The 2012 Law on the principles of the state language policy upgraded minority languages in regions where national minorities exceeded 10% of the population and de-facto made Russian the main language of administration in a number of regions and cities. Opponents to this law argued that its adoption had succeeded through procedural violations in parliament and was violating the Ukrainian Constitution, a concern partly shared by the Venice Commission (2011) in an opinion on the draft law. An attempt to repeal it was made following the Euromaidan uprising, but the corresponding law was ultimately not signed by acting President Oleksandr Turchynov. However, the 2012 law was ruled unconstitutional by the Constitutional Court in 2018 (Ukrainska Pravda 2018).

The attempted repeal and the constitutional ruling in the aftermath of the Euromaidan protests raised eyebrows inside and outside of Ukraine, as did policies promoting the Ukrainian language in broadcasting and education during that period (Bertelsmann Stiftung 2020b, 8). In 2019, a new language law came into effect that required that a minimum of 90% of content in national TV channels must be in Ukrainian. The same law stipulated that a minimum of 80% of local channels' content and 30% of Crimean Tatar channels had to be in Ukrainian. Meanwhile print media were prohibited from publishing in languages other than Ukrainian unless they were accompanied by an equal Ukrainian version (Freedom House 2020c). A 2017 Education Law promoting the teaching of Ukrainian in schools lead to strong reactions from Hungary, Romania, Russia, Poland, Bulgaria, and their concerns were echoed by the Venice Commission (2017).

### 8.3 Legislative and judicial constraints on the executive

Since the adoption of its first post-Soviet Constitution in 1996, Ukraine has had a semi-presidential system of government in which executive power is shared by the President and a Prime Minister who answers to the Verkhovna Rada, its unicameral parliament. The system has oscillated between two types of semi-presidentialism. The 1996 Constitution provided for a president-parliamentary system, in which the President yielded major powers including the right to dismiss the prime minister. As a compromise between the two factions facing each other following the Orange revolution, a new Constitution came into force in 2006 that changed the system to premier-presidentialism, limiting presidential power and establishing that the Prime Minister could only be dismissed by parliament. Following the election of Yanukovich in 2010, these changes were annulled by the Constitutional Court, resulting in a return of to a strong presidency whose executive powers were further enhanced by the transformation of the parliament into a compliant institution rubber-stamping his policy initiatives (Kudelia 2014, 21-22). In the aftermath of the Revolution of Dignity in 2014, the Ukrainian parliament passed a law to reinstate the 2004 constitutional amendments, transforming the political system back to premier-presidentialism.

Although the premier-presidential system increased the legislative constraints on the executive, the President maintained a range of key powers – especially with regards to foreign and defence policy, but also in domestic affairs. Notably, the President has considerable powers to appoint and dismiss senior officials in the public sector as well as to create a major presidential apparatus. This allows the President to place allies in positions of power and gives them the staff and resources to shape the political agenda beyond what is formally foreseen. Presidents’ formal powers, especially the power to appoint a range of senior officials throughout the political system also allow them to exert influence through patronage (Movchan 2019).

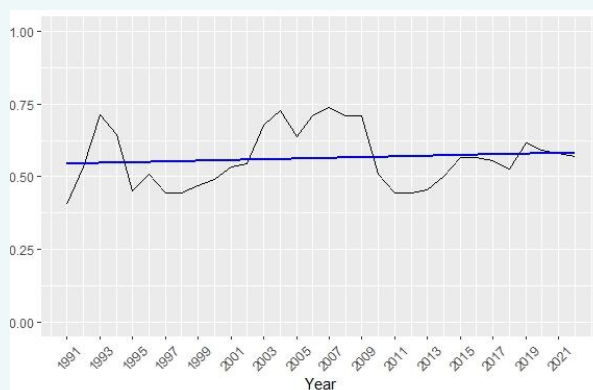
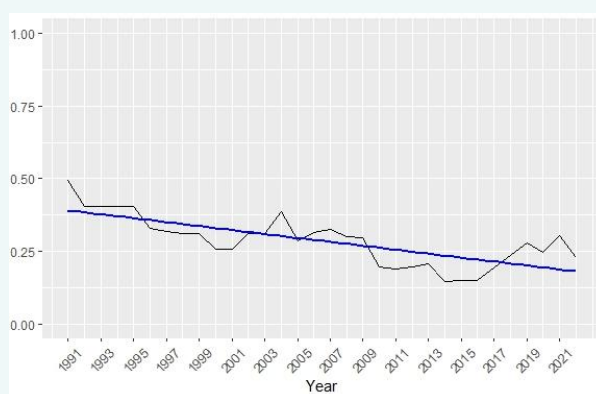


Figure 51: Legislative constraints on the executive in Ukraine

Presidential power has also been based on the legitimacy of being directly elected by the people, which went hand in hand with a weak party system characterised by fragmentation, limited institutionalisation and ideological coherence as well as clientelism and personalisation (Choudhry, Sedelius, and Kyrchenko 2018, 36ff). All major contenders for the presidency over the past two decades, that is Yushchenko, Tymoshenko, Yanukovich and Zelenskiy, had support from the oligarchs and business networks that emerged during the privatization of Soviet assets in the 1990s. Presidential parties such as the Yanukovich’s Party of Regions, Tymoshenko’s Yulia Tymoshenko Bloc, Poroshenko’s Pedro Poroshenko Bloc, or Zelenskiy’s Servant of the People party first and foremost had the purpose of supporting the executive. In 2019, newly elected President Volodymyr Zelenskiy called for early new elections to ride the wave of popular support that had enabled his landslide victory. This move, the legality of which was “disputable” (Bertelsmann Stiftung 2022e, 10), made the “Servant of the people” party the first in post-Soviet Ukraine to win an absolute majority in parliament. This further weakened the separation between executive and legislative, with the being government de-facto subordinated to the presidency and parliament rubber-stamping presidential initiative (Bertelsmann Stiftung 2022e, 12)

Until Russia’s 2022 full-scale invasion of Ukraine, the country’s judiciary has widely been seen one of the country’s most corrupt institutions. It has a history of obedience to the political executive and resistance to reform. In 2003, the Constitutional Court allowed Leonid Kuchma to run for presidency a third time. While the 1996 Constitution limited the President’s time in office to two consecutive terms, the Court argued that Kuchma’s first election in 1994 predated it, and thus did not count. The move was widely seen as an example of the court’s subservience towards the political executive, even though Kuchma ultimately chose not to run. Kuchma’s own views on the rule of law became abundantly clear following the release of the above-mentioned “cassette scandal” tapes, on which he was heard saying that “judges, in general, are fuckers” (Wilson 2006, 57).

Choudhry, Sedelius and Kyrychenk (2018, 18) sum up the state of Ukrainian rule of law by “a weak constitutional culture and a weak Constitutional Court, manifested by irregular, politically motivated unilateral amendments to the Constitution.” The Orange revolution did not fundamentally change this situation. In the run up to the 2010 presidential elections, competition over control of those courts whose rulings might have an impact on the election outcome was a key aspect of the campaign strategy of the three main contenders. In that context, the Supreme Court and the Kyiv Appeals Administrative Court were considered to be sympathetic to Tymoshenko, the Supreme Administrative Court to Yanukovich and the Constitutional Court to President Yushchenko (Hale 2015, 334-35).



**Figure 52: Judicial constraints on the executive in Ukraine**

Following his election to the presidency in 2010, Yanukovich resorted to more blatant use of the judiciary for his own purposes. As noted above, the Constitutional Court succumbed to executive pressure and declared the 2004 changes of the Constitution invalid, making way for a substantially stronger presidency. More generally, the judiciary became a tool of executive power rather than a counterweight. Notably, Yanukovich’s main opponent Tymoshenko as well as other opposition figures were charged, convicted and imprisoned in trials that were widely seen as politically motivated. The European Court of Human Rights would later rule her pre-trial detention as “unlawful and unjustified” (European Court of Human Rights 2013).

Tymoshenko was released after the 2014 Euromaidan uprising, but structural rule of law reform and efforts to counter corruption within the judiciary dragged on, often stymied from within the system as judges protected their vested interest (Bertelsmann Stiftung 2022e, 12). However, some reform did take place. In 2016, the Ukrainian parliament passed amendments to the Constitution and the Law on the Court System and the Status of Judges aimed at reducing corruption and strengthen judges’ independence from political interference. Judges would have to be nominated by a newly created High Council of Justice, they would receive substantially higher salaries and be subject to stricter anticorruption rules, including the disclosure on family ties and personal assets as well as their sources. Moreover, appointed judges would hold office indefinitely, rather than only being able to seek indefinite appointment after an initial five years. In 2019, a newly established High Anti-Corruption Court of Ukraine started to work. Zelenskiy continued the reform process with a law that was meant to address a variety of weak points, notably the bodies and processes through which judges are selected, assessed and transferred (Gherasimov and Solonenko 2020, 13f).

Throughout the reform process, the Constitutional Court of Ukraine played a significant role as a veto player. In February 2020, it annulled parts of the 2016 judicial reform and restored the rights of some of the old guard judges. In March 2020, following a submission by the Supreme Court, the Constitutional Court declared many provisions of Zelenskiy's judiciary law unconstitutional. Then, in October 2020, the Constitutional Court deemed mandatory public asset declarations for officials unconstitutional, further undermining anti-corruption efforts. In that context, President Zelenskiy attempted to suspend the Court, an action that was itself deemed unconstitutional and ultimately not supported by parliament (Bertelsmann Stiftung 2022e, 12f).

## 8.4 Demos

### 8.4.1 Democratic commitments

Ukrainians have generally very positive attitudes towards democratic values. In response to the World Value Survey (WVS) question on how important it was for them to live in a country that is governed democratically, the average score Ukrainian respondents gave was 8.2 on scale from 1 (“not at all important”) to 10 (“absolutely important”). This constituted a light increase compared to 2011, when the average was 7.8. In terms of what constitutes essential characteristics of democracy, 81.4% of respondents deemed it crucial that that leaders were chosen in free elections, 77.4% that there are civil rights that protect people from state oppression and 85% that women have the same rights as men. However, as Table 24 shows, these values have gone down a bit compared to the WVS’ previous survey, whereas the support for the notion of obeying the political leadership slightly increased.

<b>Percentage of respondents who consider the following as essential characteristics of democracy:</b>		
	<b>Wave 6 (2010-2014)</b>	<b>Wave 7 (2017-2022)</b>
<b>Free elections</b>	88.9%	81.4%
<b>Civil rights</b>	87.7%	77.4%
<b>Gender equality</b>	87.1%	85%
<b>People obey their rulers</b>	47.7%	53.8%

**Table 24: Attitudes towards democratic norms in Ukraine**

Meanwhile, the presence of autocratic values was noted as well. While the democratic political system was deemed “very good” for Ukraine by 81.9% of Ukrainians in 2020, this involved a decrease from 85.3% in 2011. Meanwhile, two thirds of the respondents (67.9%) were sympathetic towards a system with a “strong leader who does not have to bother with parliament and elections”, making it the second-most popular system – although support had dropped a bit from 71.3% in 2011. With 48%, around half of Ukrainian respondents believed that democracy involved that citizens obey their rulers, an opinion that was shared by only 32.7% in 2011. Meanwhile, the view that an essential characteristic of democracy was that the army would get involved if the government were to be incompetent went up from 25.9% to 32.7% of respondents, and the opinion that religious authorities should ultimately interpret laws went up from 17.7% to 27.1% (Shurenkova et al. 2020). This should be seen in context of the rather limited trust that WVS respondents expressed in the country’s political institutions, and which has decreased further over the past decade as Table 25 shows.

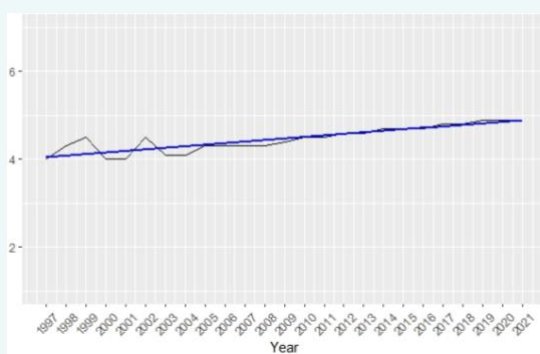
<b>Percentage of respondents who said that they have trust in:</b>		
	<b>Wave 6 (2010-2014)</b>	<b>Wave 7 (2017-2022)</b>
<b>Government</b>	25.4%	18.9%
<b>Parliament</b>	20.4%	17.9%
<b>Justice system/Courts</b>	25.2%	19.8%

**Table 25: Trust in public institutions in Ukraine**

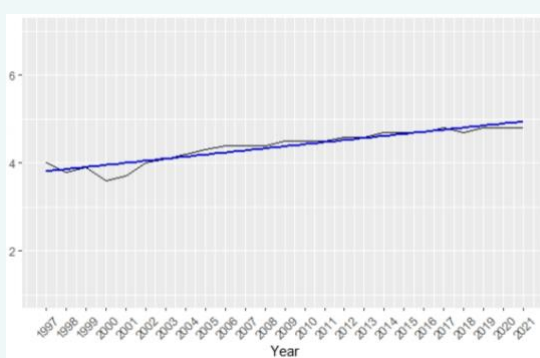
It remains to be seen how these trends further evolve in the context of Russia’s full-scale invasion as of 2022. On the one hand, support for membership of the European Union has become almost universal and the path to membership requires respect for the democratic values laid out in Article 2 of the Treaty on European Union. At the same time, the war has naturally upgraded the status of the Ukrainian Armed Forces and necessities the presence of strong leadership.

### 8.4.2 Political resources

An indication of the political capacity of the demos can be drawn from the state and evolution of its civil society. FHI360’s (2024) CSO sustainability index suggests that Ukrainian civil society has by and large steadily become more competent and relevant over the past two decades. Figure 53 indicates that that the organisational capacity of Ukrainian civil society has been on the rise since 2008. FHI360’s also provides an indicator for the overall CSO sustainability, which combines organisational capacity with measures of the legal environment, financial viability, advocacy, service provision, infrastructure and public image of civil society organisations. As Figure 54 indicates, overall sustainability has been growing as well.



**Figure 53: CSO organisational capacity in Ukraine**



**Figure 54: CSO sustainability in Ukraine**

Ukraine’s political evolution and the role of citizens and civil society actors in that evolution also suggests an increasing political capacity. Coming together to protest Yanukovych’s 2004 election fraud and his 2013 last minute u-turn on the EU Association Agreement, citizens and activists had a major impact on the country’s political evolution twice over the past two decades. While the 2004 protests were spearheaded by the political opposition, 2013 was initially mainly driven by citizens and, in fact, caught political elites by surprise. Moreover, the Maidan protests continued to shape the political evolution. While the 2014 invasion of Eastern Ukraine and annexation by Russia would have provided an excuse for postponing political reform, reluctant governments often engaged in reform thanks to the joint pressure of Maidan activists and the European Union (Andrieieva et al. 2023, 8-10). In the aftermath of 2014, Ukrainian civil society could also count on more substantial funding from the European Union and other Western donors, and its voices were heard more prominently in European and North American corridors of power.

### 8.4.3 Political participation

Over the past two decades, and especially since the 2013-14 Revolution of Dignity, Ukraine has seen increasing levels of civil society engagement. The 2014 mass protests against President Yanukovich were launched by citizens, with established opposition politicians joining in but not being able to appropriate them. The protests' success further galvanised citizens and civil society. Human rights groups, advocacy networks and grassroots movements, emerged as key drivers of change, mobilising citizens and advocating for democratic governance, transparency and reform (Zaremba & Martin, 2023). However, as Table 26 suggests, citizens' engagement remained, overall, a phenomenon limited to a minority of the population.

Percentage of respondents who said they have engaged in the following types of non-institutional political participation:		
	Wave 6 (2010-2014)	Wave 7 (2017-20122)
Sign a petition	8.8%	12%
Join in boycotts	1.8%	3.5%
Attend a peaceful demonstration	13.6%	8%

Table 26: Non-institutional political participation in Ukraine

The Revolution of Dignity served as a catalyst for greater civic participation and activism that aimed at addressing pressing social, economic, and political challenges facing Ukraine. From volunteer groups providing assistance to internally displaced persons and veterans of the conflict in Eastern Ukraine to anti-corruption watchdogs advocating for institutional reforms in general and rule of law reform in particular, civil society organisations played a vital role in filling gaps left by the state. Russia's 2022 full-scale invasion further galvanised this engagement (Landi 2023; Zaremba 2023).

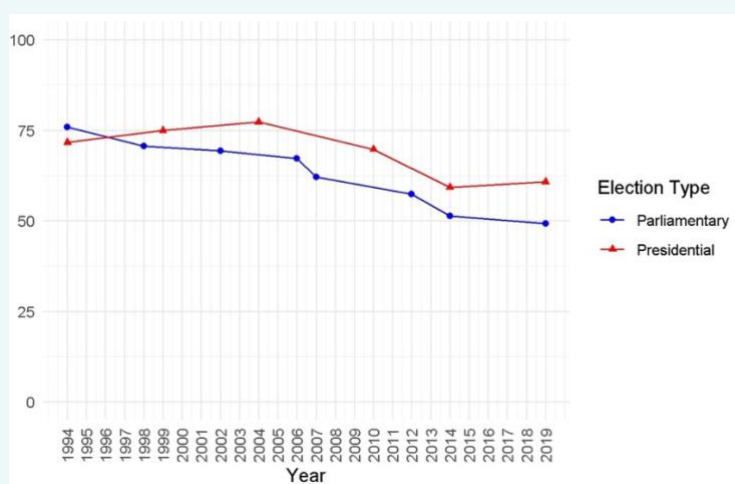


Figure 55: Electoral turnout in Ukraine

Participation in formal politics slowly started to rise again as well. As Figure 55 illustrates, turnout in nationwide elections has been medium to high but underwent major changes. A high turnout in 2004, was followed by a major drop in successive elections, which might reflect the initial excitement about and later disillusion with Viktor Yushchenko's orange coalition when it did not meet the high expectations it had raised. The polarised confrontation between Viktor Yanukovich and Yulia Tymoshenko in 2010 drove voters to the polls again, the transformation of parliament into a toothless and corrupt institution rubberstamping an increasingly authoritarian President Yanukovich's initiatives explains yet another drop in the 2012

parliamentary elections. Another trend reversal occurred following the 2014 Revolution of Dignity and the ouster of Yanukovych.

## 8.5 Broad political trends

### 8.5.1 Russia's 2014 and 2022 invasions

While Russia's war on Ukraine is likely to shape, if not transform the country's polity, politics and policy more drastically than any previous development, it is the nation's evolution over the two decades preceding it that both informed the Putin regime's act of aggression and explains the Ukrainians' remarkably successful resistance. With the 2004 "Orange revolution" and the 2014 "Revolution of Dignity", the Ukrainian people dramatically changed their country's political trajectory twice in less than a decade. Russian President Vladimir Putin considered both events existential threats to his own rule. This perception was partly based on the false belief that they were the direct result of Western meddling, but more importantly because they set an example that Russians disenchanted with Putin's regime might follow. Challenging the rigged election that was supposed to elevate Yanukovych to the Ukrainian presidency in 2004, the Orange revolution happened after the Russian political system's evolution into a managed democracy run by "political technologists" (Wilson 2023) – but still before Putin had fully consolidated the "vertical of power" that would characterise his later rule. Meanwhile, the 2013-14 Maidan protests as well as the ensuing flight and impeachment of Yanukovych occurred in the aftermath of the biggest domestic challenge that Putin had faced so far. Angered by the blatant fraud in the 2011 Russian legislative elections, by President Medvedev's "proposition" that Putin would run in the 2012 presidential elections and by the latter's eventual return to the Kremlin, Russians took to the streets in a wave of protests that would last until 2013. When Ukraine's Maidan protests began in late 2013, thirty prominent Russian writers wrote a letter to encourage them. "We hope for your success," it said. "It would become a sign for us that we, in Russia, can defend our rights and freedoms too" (Colta.ru 2013).

The fear of such a democratic success story in Ukraine played a role in Putin's decision to invade Crimea and the Donbas in 2014, and to launch the 2022 full-scale invasion. In doing so, he inadvertently contributed to the relatively positive political trajectory with regards to democratic reform that the country has taken since. Faced with the existential threat of Russia's aggression, Ukraine has undergone drastic political and economic reforms from 2014 onwards. Elections have been free and relatively fair since, and political and civil rights have been strengthened. Although successive governments tried to use the war in Eastern Ukraine from 2014 onwards as an excuse to postpone some reforms, they were pushed by an increasingly vocal civil society as well as Western actors whose financial, political, and military support gave them leverage. Moreover, Ukraine has been transformed as a nation since 2014, a process that the 2022 full-scale invasion intensified further. The Russian threat has reinforced a distinct Ukrainian identity, a collective sense of resilience and solidarity in view of the common struggle against the external aggression, a more clearly Western orientation, and efforts to rethink and reinterpret the Ukrainian past. By and large Ukraine in 2022 was very different from the state and society that had initially put up so limited resistance to Putin's 2014 invasion. Underestimating how much things had changed in the meantime proved to be an error that cost him dearly.

### 8.5.2 Between progress, regression and stagnation

After 2004 and 2014, Russia's 2022 full-scale invasion has been a third transformative moment for the evolution of the Ukrainian state and nation. It remains to be seen what its long term-term implications will be. However, the immediate impact on Ukrainian democracy building has been the consolidation and further acceleration of democratisation processes that began in 2014.

Since the "Orange revolution", Ukraine has been fluctuating between progress, regression and stagnation with regards to democracy and liberal values. Yanukovych's presidency from 2010 to 2014 was characterised

by democratic backsliding. However, following his removal from office by parliament in 2014, Ukraine has seen significant political and economic changes. As the V-Dem indicators show, this was not a linear process, but by and large the trend has been a positive one. Similarly, Freedom House has consistently classified Ukraine as “transitional or hybrid regime”, but with a clear upward trend towards “semi-consolidated democracy.” This is echoed by the Bertelsmann Transformation Index, which categorised Ukraine’s transformation as “limited” but also showed improvements between 2012 and 2022.

Elections have generally been deemed free and relatively fair during that period, but observers noted a range of flaws in each of them. There have been notable improvements with regards to political and civil liberties, but concerns have been raised regarding the rights of ethnic and linguistic minorities. The country’s return to a premier-presidential system put an end to the all-powerful presidency of the Yanukovich years, but has not entirely succeeded in creating a genuine separation of power between the legislative and the executive. The rule of law remains a key challenge as reforms to curtail political interference and corporate manipulation remained limited in scope and were heavily resisted by vested interests within the judiciary.

More generally, efforts to combat corruption and to enhance transparency have encountered formidable resistance from entrenched state structures and oligarchic circles. But while the influence of oligarchs in Ukrainian politics remains a persistent challenge, new legislation, less tolerance from state and society, the departure of some Putin-aligned magnates, and the destruction of their assets due to Russia’s invasion have reduced their sway over Ukrainian politics.

Although the transition towards a consolidated democracy was – and continues to be – not without setbacks, its direction seems locked in for now. Ukrainians remained divided on reform and foreign policy orientation after the 2004 Orange revolution, which was a contributing factor to Viktor Yanukovich’s election to the presidency in 2010 and the ensuing autocratic regression. After 2014, Ukrainian political elites and the Ukrainian demos became more united on the objective of becoming a liberal democracy politically anchored in the West and its institutions. Remaining practical obstacles to this goal were further diminished by Russia’s full-scale invasion in February 2022.

Ukraine applied for EU membership the same month, was granted EU candidate status in June 2022 and accession negotiations were launched in December 2023, after the European Commission had attested it progress in addressing seven reforms on democratic and rule of law principles that it had demanded as precondition. Given the ever-closer political and defence cooperation with the EU and other Western actors, these actors’ encouragement of and support for democratic initiatives as well a Ukrainian demos that is increasingly engaged in the political arena, the path towards political reform seems locked in for the medium term. How long EU membership will serve as the incentive it currently constitutes remains to be seen though, as Ukrainians’ expectations seem at odds with the long and cumbersome path towards accession (as well as the with the reluctance towards enlargement in several EU member states). Moreover, it remains to be seen how the traumatic experience of the war will change the Ukrainian demos and its preferences.

The war might also pose more structural risks to the Ukrainian democracy. In response to the full-scale invasion and with the support of government and parliament, President Zelenskiy introduced martial law and a range of other extraordinary measures. Parliamentary elections were due in October 2023 and presidential elections in March 2024, but they have been postponed indefinitely. This was in line with the preferences of the Ukrainian public and political elites. However, the question arises when elections will eventually be held again given that the reasons for their postponement are likely to remain in place for the foreseeable future. Martial law and other wartime policies also have implications for political and civic rights. Notably, restrictions have been placed on journalists and media outlets reporting on the war, and the government has interfered with the Ukrainian news media. Meanwhile travel bans for men aged 18 to 60 and the upcoming mobilisation bill raise questions about civic rights. Given the extraordinary situation Ukraine found itself in, these developments may not be seen as excessive or entirely unwarranted. However, they do constitute a regression that is also noted by the V-Dem, which saw a slight decline in most of its indicators for Ukraine in 2022, the last year for which data is available at the time of writing.

### 8.5.3 Becoming one Ukrainian nation with a European outlook

Just as Ukraine's political transformation has affected Putin's decision to invade in 2014 and 2022, the Russian aggressions have further transformed Ukraine and the Ukrainians. In addition to pushing the country further towards political reform and orientation towards the West, it has also changed the fabric of the Ukrainian nation.

While Putin justifies his war with and expected quick success based on the baseless idea that Ukrainians are not really distinct from Russians, his policies have made the Ukrainians more distinct in terms of political outlook and attitudes than they have ever been. The previously widely spread notion of a division between a Russian-oriented Eastern Ukraine and a Western-looking Western Ukraine was always a gross and misleading simplification of the country's domestic politics. But even to the extent to which such a division did exist, did it largely disappear following the 2014 Russian invasion. Election results and opinion polls suggest that Ukrainians have become more united since (Wilson 2022, 353). The deterioration of Russo-Ukrainian relations went hand in hand with the transformation of the people living in Ukraine into a consolidated Ukrainian demos.

In 2019 a large majority in the Ukrainian parliament voted to include the objective of EU and NATO accession into the Constitution – a move that also had broad backing in society and enjoys even more support today. According to a 2023 poll by the International Republican Institute (2023c), 81% of Ukrainians said they supported joining the European Union – up from 60% in November 2021 (before the full-scale invasion) and from 40% in February 2014 (before the Russian invasion of Crimea and Eastern Ukraine). Regional differences on this have all but disappeared. In another poll by the International Republican Institute (2023), 92% of Ukrainians were found to be in favour of joining the EU by 2030 and 88% in favour in Ukraine's Eastern Ukraine. When it comes to joining NATO by 2030, it was 86% in favour nationwide, 81% in the South and 80% in the East.

It was not only preferences regarding Ukraine's future that changed – attitudes and interpretations of the past have also changed – and they increasingly diverged from those held by Russians too. By 2022, only 11% of Ukrainians regretted the fall of the Soviet Union – compared to 63% in Russia. At the same time, attitudes towards famous Ukrainians fighting for nationhood and independence changed dramatically. Positive attitudes towards 17<sup>th</sup> century Ukrainian military and political leader Ivan Mazepa went up from 44% in 2012 to 76% in 2022 across Ukraine. Positive attitudes towards Symon Petliura, Supreme Commander of the Ukrainian People's Army (UNA) during the 1917-1921 Ukrainian-Soviet war increased from 26% to 49%. Even support for Stephan Bandera, the controversial leader of the "Banderite" militant faction of the Organisation of Ukrainian Nationalists (OUN-B) who collaborated with Nazi Germany, has increased from a mere 22% in 2012 to 74% in 2022 (Wilson 2022, 361). How Russia's war on Ukraine will further transform the Ukrainians remains to be seen. With nearly every single citizen affected in most dramatic ways, the war's medium to long-term impact is likely going to be profound.

## 9 Russia's war on Ukraine and democratic development in the EU's eastern neighbourhood

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Russia's unprovoked and unjustified war of aggression on Ukraine – waging since 24 February 2022 – undoubtedly led to the return of geopolitics in Europe and altered the continent's security architecture. At the same time, it also impacted on EU Eastern neighbourhood countries in multiple, variegated ways.

Undoubtedly, the war serves as a stark reminder to regimes that western orientation towards or even into EU and transatlantic structures continues to be regarded as a major threat by the Kremlin and can provoke a strong Russian response at any point. By the same token, Russia's assault on Ukraine's territorial integrity and sovereignty has been acting as a trigger, pushing some EU eastern neighbours, first and foremost Ukraine and Moldova, to further advance democratic reforms and speed up their efforts to integrate into the EU and NATO, thus terminating their past attempts at balancing Russia. These efforts, in conjunction with geopolitical considerations, have motivated the EU in December 2023 to agree on the opening of accession talks with both countries and – not least in light of the governance reforms recently adopted by the Georgian legislature – to grant Georgia candidate status, even though Georgian politics continues to suffer from high polarization and the frequent issuing of hostile anti-Western declarations by high-level members of the ruling Georgian Dream (GD) party (Genté 2023, 6-7).

As far as Belarus is concerned, Russian aggression clearly enforced and consolidated “vertical power relations” and, at the same time, the dependency of the Lukashenka regime on the Kremlin, quite regardless of the fact that the former keeps resisting the latter's “geopolitical agenda of fully integrating Belarus into Russian imperial space” (Kazharski and Makarychev 2021, 2).

Azerbaijan has exploited the Russia-Ukraine war and the extent to which it has absorbed the attention of EU and NATO Member States to complete the military campaign it had started in the autumn of 2020. Under the banner of pursuing an anti-terror operation, it reconquered Nagorno-Karabakh, expelled the remaining 120.000 ethnic Armenians who had lived in the enclave, and wasted no time to establish its authoritarian rule over the newly gained territories, as was most symbolically underlined by the decision of Aliyev to cast his vote in the framework of the 2024 presidential elections in the capital of Nagorno-Karabakh, Stepanakert. In contrast, the Armenian government, which, through Prime Minister Pashinyan had repeatedly made clear that Armenia is not an ally of Russia in its full-scale assault on Ukraine (Reuters 2024), is nowadays not only faced with the political, socio-economic, security-and identity-related fallouts of the loss of Armenians' self-proclaimed “motherland”. What is more, and as a result of Pashinyan's pivot to the West, as is exemplified by the holding of a joint military training exercise with the United States in September 2023, the Armenian parliament's decision on 3 October 2023 to ratify the Rome Statute of the International Criminal Court, or the conclusion of an arms agreement with France just twenty days later, the government has grown increasingly sensitive to Russian attempts and considerations to exploit Armenia's multiple challenges to stir political discontent and even foment regime change in Armenia itself (Ostrovsky 2023).

This leads directly to the question whether and to what extent Russia's war on Ukraine has impacted on domestic political, regime-related developments in the six EU eastern neighbourhood countries. Arguably, in the South Caucasus, democratic development in Armenia has been least affected by the Russia-Ukraine war, though this does not imply that it did not occasionally impact on the upholding of civic liberties in the country, in particular with respect to freedom of assembly and freedom of expression. Like Nagorno-Karabakh, Ukraine and the Russia-Ukraine war are highly sensitive topics and the authorities, exposed to a polarised media landscape that is rather unsympathetic towards them (Mejlumyan 2019), have – on occasions, at least – remained inactive when local journalists suffered from harassment over their critical reporting of government policies. For example, following a press conference by Pashinyan on 25 July 2023, two journalists working for the media portal Newday.am and Aravot.am respectively were seriously defamed on social media by officials close to the regime as well as pro-government activists (Union of Journalists of Armenia

2023). Exactly one year earlier, on 25 August 2022, the police had cracked down on peaceful protesters, demonstrating against Russia's invasion of Ukraine, and detained them incommunicado, denying them access to a legal counselor. Though the protesters were eventually released after several hours without any charge, these incidents demonstrate the fragility of the democratic achievements post-2018, the persistence of past reflexes among state actors when dealing with publicly voiced critique and dissent, and the extent to which the government – at least during the first one and a half years of Russia's war on Ukraine – tried to keep Russia's aggression out of the public limelight.

In contrast, Russia's war on Ukraine has proved “an unimagined boon” (Champion 2023) for the regime of President Aliyev in Azerbaijan as it harnessed it to exploit the international distraction and the West's preoccupation with Ukraine to significantly advance the regime's repressive policies and further limit civic liberties. As is discussed in more detail in this paper's section on Azerbaijan, in the shadow of the war, the regime pushed through two highly restrictive laws on media and political parties respectively, making independent reporting as well as the forming of new parties virtually impossible. As a consequence, media entities regarded as hostile by the regime were not allowed to (re-)register their operating licenses whilst the new law on political parties provided the authorities with a legal basis to eliminate within almost no time numerous opposition parties. This went hand in hand with an unprecedented wave of incarcerations of government critics; in fact, according to the Institute for Democracy and Peace, an independent Azerbaijani NGO, led by Leyla Yunus and since 2015 registered in the Netherlands, the number of political prisoners doubled throughout Russia's military assault on Ukraine from 125 (28 February 2022) to a staggering 254 (1 December 2023) (IDP 2023).

In neighbouring Georgia, the GD-led government's uneasy balancing act between, on one hand, appeasing Russia and, on the other, displaying solidarity with Ukraine has grown increasingly precarious ever since Russia started its military assault. This has been accompanied by increased interference on the part of the ruling elite in the operations of the country's judiciary and its continuous usage of political violence, as is also demonstrated by the authorities' denial of adequate medical care to jailed former President Saakashvili – action that may, in fact, violate the absolute prohibition of torture and other cruel, inhuman, or degrading treatment under Article 7 of the International Covenant on Civil and Political Rights. In an attempt to diffuse both domestic and international criticism, the GD sponsored the staunchly anti-Western movement People's Power, using it as a faithful proxy to spark certain discourses and legislative proposals the GD would find more challenging to initiate itself. One example in this regard has been the People Power's claim that Georgia's Western partners were trying to push Georgia into a war with Russia – a narrative that, at the end of the day, had no other purpose than to consolidate and defend the ruling party's wavering course in relation to the war. Another example, as discussed further above, was the movement's initiated draft law “On Transparency of Foreign Influence”, modelled on similar Kremlin legislation, which was supposed to force all NGOs and media outlets that receive at least 20% of their funding from abroad to register. Though the bill eventually failed, the fact that it was channeled into the public discourse and even into the parliament in the first place just demonstrates the extent to which the government has continued to seek inspiration from Russia's authoritarian rulebook to stifle dissent and cement its power at the same time as it tries to capitalise on the emergent geopolitical considerations of the EU, as induced by Russia's war on Ukraine.

As far as the latter is concerned, i.e. Ukraine, it is noteworthy that the war does not generally seem to have been exploited by the government as an “excuse” to avoid or postpone reforms, even though this might have been, in parts at least, due to EU/Western pressure and the provision of material incentives. As such, the war has surely served as a means by President Zelenskiy to enhance his anti-corruption agenda and to instill in Ukrainian society and among at least segments of the political elites less tolerance for corruption and oligarchic influence, the latter of which has diminished anyway due to the physical, war-related reduction of significant parts of assets. Nonetheless, questions abound as to how certain war-time measures by the Ukrainian authorities, such as the upholding of martial law and thus the indefinite postponement of parliamentary and presidential elections, enacted restrictions on journalists' war reporting, the prolonged travel ban for male citizens aged 18 to 60, or the potential mobilisation bill may impact on Ukrainian democracy and corresponding reforms. Likewise, it is not clear what Zelenskiy's declaration that Ukraine may become a “big Israel with its own face” (Zelenskiy 2022), i.e. a militarised political regime on constant military

alert, may mean and entail with respect to future democratic governance and the protection of civil and political liberties in a post-war Ukraine.

As has been discussed further above, ever since President Sandu's PAS party had come to power in the summer of 2021, Moldova has embarked on a vast pro-democracy reform agenda which, to date, has already resulted in greater trust towards state institutions and significant improvements in the fight against corruption (Runde 2023). Yet, Russia's war on Ukraine impacted negatively in so far as the state of emergency, enacted on 24 February 2022 and in force until 30 December 2024, entailed restrictions of the freedom of expression and the freedom of assembly, some of which were even transposed into domestic legislation after the martial law was lifted. For example, authorities suspended the licences of 12 television stations, blocked more than 100 web pages on the allegation that they were spreading disinformation, and derogated from the Law on Assemblies by limiting and even banning without specifying the conditions under which such restrictions can be applied. Moldova's Commission for Exceptional Situations, the body that ordered the curtailment of the freedom of expression, was criticised by local NGO's for not having publicly communicated the concrete arguments that had underpinned its decision and for using the war to concentrate state control over the media (CSO Meter 2022). This critique was reiterated in early 2024 as NGO's also pointed to a lack of transparency and citizens' involvement in the drafting and adoption of the new legal mechanism that allowed for the permanentising of the abovementioned suspensions (CSO Meter 2024).

Russia's war on Ukraine has led to 'further repression of the Belarusian democratic movement and increased levels of Russian interference, including disinformation and pressures on security and democratic processes' (Chatham House 2023). Apart from the fact that Belarusian security forces and ultranationalist militant groups have been complicit in Russia's illegal relocation and re-education operations of more than 2.400 Ukrainian children (US Department of State 2023), the Lukashenka regime has deepened its crackdown on dissent. Whilst unabatedly violating all civil and political liberties, it has adopted legislation to investigate and trial Belarusian activists abroad and decreed to use the death penalty to punish attempted acts of terrorism and treason – a trumped-up charge it has been regularly using since August 2020 in its persecution efforts of innocent Belarusians. Another example of the war's impact on the domestic political situation in Belarus is the further deterioration of linguistic rights, i.e. the right of Belarusians to use, preserve, and develop their language without discrimination. Whilst the Belarusian language has been consistently oppressed by the regime for decades, systematic attempts by the state to assert the Russian language have increased further (PEN Belarus 2022). In violation of Article 17 of the Constitution, which stipulates the right to use the Belarusian language, citizens are nowadays, more often than not, exposed to severe discrimination and potentially face physical violence.

## 10 Conclusions

Democratic development in the EU's eastern neighbourhood throughout the period 2010-2022 continues to be marked by a high degree of heterogeneity, and trends of both regression and progress have become ever more consolidated, not least in light of Russia's unprovoked and unjustified war of aggression on Ukraine. In spite of the pronounced variance in the region, ranging from further entrenchments of authoritarian practices and cementation of dictatorial rule (Azerbaijan and Belarus), and democratic backsliding (Georgia), to significant, though fragile democratic reform processes (Armenia, Moldova, Ukraine), the EU's six eastern neighbours do share some important commonalities as far as political development is concerned. In fact, none of the countries can be said to boast an independent, professional, transparent, and accountable judiciary, and in recent years, not least in light of Russian disinformation, they also witnessed, albeit to a different extent, restrictions of the freedom of expression. This has been embedded in domestic political settings, all of which have been suffering from oligarchisation and corruption, that heavily rely on personality politics and distinct leadership networks that allowed the ruling authorities – democratic or authoritarian – to remain rather resilient in the face of a multitude of internal and external rule-related challenges.

As far as Azerbaijan is concerned, the political regime has been on an ascending trend ever since the Aliyev family established its pyramidal system of dynastic rule in the early 1990s. Not a single one of the six components of V-Dem's concept of liberal democracy shows any clear-cut sign of improvement, with legislative and judicial constraints on the executive scoring particularly low. Throughout the period 2010-2022, and in fact since 1991, Azerbaijan has been consistently assessed by V-Dem as an electoral autocracy, though recent developments point to the fact that it is increasingly turning into a closed autocracy. Emboldened by Azerbaijan's successful military campaign in and around Nagorno-Karabakh, which catapulted his domestic popularity to an all-time high, Ilham Aliyev has little to no incentive to embark on any political reforms. Domestically, this is due to the fact that the regime, not least because of its almost total control of the public space and the de facto elimination of both the opposition and civil society, has freed itself of any powerful veto-players. Internationally, Azerbaijan's expulsion of Armenians from Nagorno-Karabakh in the autumn of 2023, Aliyev's recent re-election on 8 February 2024 – marked by a lack of "genuine political alternatives in a restricted environment" (OSCE/ODIHR 2024) – as well as the PACE's decision 15 days earlier to not ratify the credentials of the Azerbaijani delegation due to very serious concerns over the country's political development and its poor human rights record, have certainly served as stark reminders of the countless democratic deficits Azerbaijan suffers from. However, given the EU's increased dependency on Azerbaijan as an alternative energy provider in light of Russia's ongoing war on Ukraine, and against the backdrop of the regime's aggressive instrumentalisation of the mounting tensions in Azerbaijan-US relations, Aliyev seems in a comfortable position to further exploit rapidly developing geopolitical and geoeconomic trends to advance Azerbaijan's transition towards full-blown dictatorial rule.

Belarus has also been on a clear downward trend. Having displayed the features of a closed autocracy for years, is now on a pathway towards a full-blown totalitarian system, increasingly resorting to historical revisionism as an instrument to generate a legitimacy-enhancing ideological basis. The country's negative transformation affected all dimensions of the electoral and liberal components between 2010 and 2022. V-Dem data suggests that, since 1997, legislative and judicial checks and balances were virtually non-existent (Coppedge et al. 2023). Though the incumbent regime of Aleksandr Lukashenka performed well – at least in relative terms – on the equality before the law dimension, the all-out assault on political dissent in the wake of the 2020 presidential elections had a severe downward effect on the rule of law and individual liberties. Post-2020 repression has restricted even more the already limited space for freedom of association and expression. Given the overwhelming military and economic leverage exerted by Russia, the outlook of the present autocratic regime in Belarus depends significantly on the internal power balance in Russia, the latter of which is itself a function of the outcome of the current war in Ukraine. The measures taken by the Lukashenka regime to manage protest and dissent and assure survival made the system more vulnerable to internal and external challenges: internally because of the emergence of Belarusian peoplehood and the realistic prospect of yet another round of collective public action against an anachronistic regime; externally because of the unprecedented dependency on the Kremlin and the corresponding shrinking of Lukashenka's room for manoeuvre.

As a result of the 2018 Velvet Revolution, Armenia recently transitioned from electoral autocracy – a status it held from 1995 until 2018, according to V-Dem data – to electoral democracy. The ousting of the regime of former President Serzh Sargsyan and the coming to power of Nikol Pashinyan and his Civic Contract Party triggered an immediate upward trend in literally all components of the V-Dem Liberal Democracy Index, with the electoral component, freedom of expression, and legislative and judicial constraints on the executive standing out. More recently, though, Armenia has been moderately regressing in all of these components. This does not imply that the government is backsliding, but it is rather due to a mix of individual factors that have been impacting on the pace of reforms and the society's reform absorption capacity. Arguably, the most decisive factor that has been negatively impacting Armenia's democratic post-revolution trajectory is the fallout of the lost 44-day war with Azerbaijan and the ensuing domestic crisis which has enhanced, rather than reduced, political polarisation. For example, the temporary war-related imposition of martial law in 2020 restricted press freedom and sharpened public distrust in the media – a sector that is still unregulated. Domestic crisis and polarisation, the storming of the Parliament by a mob in December 2020 and late February 2021, respectively, and the publicly issued demands by the Security Council in early 2021 for Prime Minister Pashinyan to resign, together with the eventually dismissed request by four opposition blocs to invalidate the results of the June 2021 snap elections, have contributed to regression of the electoral component. In conjunction with the continuous absence of an effective, independent, accountable and transparent judiciary, the creation of which was a key promise of the Revolution, these developments cast a serious question mark as to the country's future political trajectory.

In contrast, Georgia has been an electoral democracy for more than a decade. Although it is often considered to be a regional leader with respect to freedom of expression, progress in the latter has stagnated in recent years, as is also the case with respect to freedom of association and judicial constraints on the executive. What is more, whereas the country's electoral system – in spite of its turbulent and contested evolution – has followed an upward trajectory for more than two decades, its credibility has been thrown into question since the 2018 presidential elections and subsequent electoral malpractices by the ruling authorities, revolving around the misuse of administrative resources, the creation of an uneven playing field, voter intimidation, vote buying, and the exertion of pressure on voters and candidates alike. As a result, the electoral component is in slow, but relatively consistent decline ever since. This is accompanied by regression in the legislative constraints on the executive component as well as in the equality before the law component. These developments are embedded in broader dynamics, brought about by the monopolisation of the decision-making process by the governing GD party and the informal rule of oligarch Bidzina Ivanishvili, and are characterised by degradation of state institutions, elite corruption, a stalled judiciary reform, contested media freedoms, an ever narrowing space for constructive inter-party dialogue, lack of pluralism, and repeated attempts to crackdown on a civil society which itself shows growing signs of engagement and mobilisation fatigue. Against this backdrop, it does not come as a surprise that a large segment of Georgian society, notably 41%, in a representative survey conducted by the International Republican Institute shortly after the outbreak of Russia's war on Ukraine, stated that democracy in Georgia is regressing, with another 61% even holding the view that the country is developing in the wrong direction. Against the background of the steady unravelling of the democratic progress it has achieved since 2012, with the country regressing to the lowest level of democracy in a decade, it remains to be seen if the granting of EU candidate status in December 2023 can act as a stimulus for addressing democratic shortcomings and revitalising reform processes.

Throughout the period between 2010 and 2022, Moldova has been assessed by V-Dem as an electoral democracy, except for the episode of democratic breakdown that coincides largely with oligarchic rule in 2016-2019. However, the regime bounced back to electoral democracy thanks to the vigour and collective action of a critical segment of Moldovan elite, civil society, and the general public. The dimensions most affected by the temporary setbacks were free and fair elections, freedom of association, freedom of expression, and legislative constraints on the executive. A visible downward trend can also be seen with respect to electoral turnout, which is reflective of a broader global tendency. Since the June 2019 election of Maia Sandu as Prime Minister of a short-lived coalition government, and even more so since her election as President in late 2020 and the subsequent legislative election in the summer of 2021, in which her PAS party

won an absolute majority, Moldova's democratic development is on a clear upward trajectory – a dynamic that is also reflected in the European Commission's 2023 communication on EU enlargement, in which it recommended the opening of EU accession negotiations (European Commission 2023b). Recently enacted limitations of the freedom of expression have to be seen, first and foremost, in light of Russia's war in Ukraine and the government's ambition to fight disinformation and propaganda, whereas stagnating judicial reforms meant to eventually address the judiciary's structural inefficiency and inability to prosecute high-profile criminal and corruption cases, remain a cause for concern. However, the eventual opening of membership negotiations with the EU is expected to introduce new credible and tangible incentives that will affect the assessment of the cost–benefit balance of transformation and, thereby, likely encourage democratisation.

Following the removal of President Viktor Yanukovich from office in early 2014, Ukraine has seen significant democratic progress. Whilst this was not a linear process, the trend has been largely positive. Freedom House has consistently classified Ukraine as “transitional or hybrid regime”, but with a clear upward trend towards “semi-consolidated democracy”. This is echoed by the Bertelsmann Transformation Index, which categorised Ukraine's transformation during the period of investigation as “limited”, though improving. Elections have generally been deemed free and relatively fair, but observers noted flaws in each of them. Also, there have been notable improvements with regards to political and civil liberties, but concerns have been raised regarding the rights of ethnic and linguistic minorities. The country's return to a premier-presidential system in the years post-2014 has not entirely succeeded in creating a genuine separation of power between the legislative and the executive. The rule of law remains a key challenge as reforms to curtail political interference and corporate manipulation remained limited in scope and were heavily resisted by vested interests within the judiciary. More generally, efforts to combat corruption and to enhance transparency have encountered formidable resistance from entrenched state structures and oligarchic circles, though the latter's sway over Ukrainian politics has been reduced in recent years. Despite these setbacks, the overall direction of Ukraine's transition towards a consolidated democracy seems locked in for the time being. Two factors are especially relevant in this context. First, citizens and civil society have become increasingly invested in the political arena and are demanding change. Secondly, ever-closer political and defence cooperation with the EU and other Western actors is accompanied by these actors' encouragement of and support for further democratic reforms, particularly after the European Council on 14 December 2023 decided to open accession talks with Ukraine.

The democratic and autocratic trajectories of the six eastern neighbourhood countries examined here during the period 2010 – 2022, while highly diverse in their manifestation and root causes, point to the critical role of the demos in bringing about democratic change, sustaining democratic progress and deterring or reverting democratic regression, in particular when these processes are simultaneously supported by political elites and organised civil societies. Where elites, civil societies and citizens have jointly pushed for democratic reforms, as in the cases of Moldova, Ukraine and Armenia, remarkable progress has been achieved. When civil society and citizens join forces in calling out corrupt, democratically flawed governments, democratic regression can be stopped in its tracks, though the extent to which this can pave the way for genuine democratic progress in the absence of a buy-in from political elites, remains questionable, as Georgia's case poignantly shows. At the same time, autocrats which control domestic and external levers of power are likely to quash any dissent resulting from the joining of forces between civil society and citizens, as the example of Belarus starkly demonstrates. And where civil society has been gradually but steadily decimated and the regime still enjoys popular legitimacy, as in Azerbaijan, widespread demands for democracy are still far-fetched. What all these democratic and autocratic experiences show is that the “virtuous triangle” of citizens, civil society and political elites must be carefully cultivated both domestically by those advocating and struggling for democracy, and externally by those international actors who support these processes.

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