



# Civil Society & Independent Oversight in Defence of Democratic Lawmaking

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# THE PARADOX OF EFFECTIVENESS



*The more effective civil society is at holding governments accountable, the more aggressively governments move to restrict it through law.*

Georgia

**1 min 6 sec**

Committee endorsement of foreign agent law (Apr 2024)

Kyrgyzstan

**7 minutes**

Third reading, no debate  
66 for, 5 against (Mar 2024)

Georgia

**28 days**

Three readings to adoption of transparency law (2024)

*Discussion: What does the speed of adoption tell us about legislative intent?*

# CIVIC SPACE IN THE OSCE REGION

CIVICUS Monitor & Freedom House data, 2024–2025

72.4%

of the global population  
lives under repressive  
civic space conditions

6

**Closed**

RU, TJ, TM, AZ, BY, UZ

2

**Repressed**

KZ, KG

3

**Obstructed**

TR, HU + Georgia ↓

12

**Narrowed**

AT, FR, IT, ES, UK + 7 more

19 consecutive years

of global democratic decline (Freedom House, 2025)

# THE "FOREIGN AGENT" PLAYBOOK

Russia's 2012 model has spread to at least 7 OSCE participating States

## RUSSIA — THE MODEL

<b>1,000+</b>	people & entities designated by late 2025
<b>108</b>	media outlets on the registry
<b>247+</b>	journalists designated
<b>1 in 3</b>	NGOs closed within 2 years of 2012 law
<b>22</b>	categories of civil rights stripped
<b>30%</b>	flat income tax on "foreign agents" (Jan 2026)

## ADOPTION ACROSS THE REGION

<b>Georgia</b>	<b>2024</b>
Transparency of Foreign Influence law; GEOFARA (2025) adds criminal penalties up to 5 years	
<b>Kyrgyzstan</b>	<b>2024</b>
90%+ wording from Russia's 2012 law; Soros Foundation left the country	
<b>Hungary</b>	<b>2023</b>
Sovereignty Protection Act; CJEU case C-829/24 with 14 EU states intervening	
<b>Rep. Srpska (BiH)</b>	<b>2025</b>
Automatic labeling of any CSO with foreign funding; suspended by Constitutional Court	
<b>Moldova</b>	<b>2025</b>
Bill introduced by Communists & Socialists bloc; strong civil society condemnation	

Countries with these laws see on average a 32% drop in bilateral aid (ECNL)

# WHAT WORKS: THE PROMO-LEX MODEL

Combining parliamentary monitoring, strategic litigation & election observation in Moldova



## Parliamentary Monitoring

- 101.promolex.md platform (since June 2023)
- Tracks every MP's votes, committees, bills
- IPU methodology + ParlAmericas best practices
- Finding: only 16% of draft laws had public consultation
- 20 of 22 prior recommendations implemented in 2025 electoral law



## Strategic Litigation

- 8 of 19 ECtHR Transnistria cases communicated Jan 2026
- Rule 9 submission (Ozdil v. Moldova) with LRCM, Jan 2026
- Representing applicants: Vieru, Postică, Hriplivii
- Annual human rights reports on Transnistria
- Feb 2026: surveillance, militarization, propaganda documented



## Election Observation

- CALC coalition: 35–39 NGOs, 20+ years
- Sept 2025 elections: 42 LTO + 800 STO
- Assessment: “partially free and partially fair”
- Law 130 (Electoral Code): adopted without any public consultation
- ODIHR Urgent Opinion flagged procedural shortcomings

# MULTI-FORUM STRATEGIC LITIGATION

Challenging restrictive laws at every available level

<b>2020</b>	<b>CJEU</b>	<b>C-78/18</b>	Hungary 2017 NGO law struck down	✓ Won
<b>2022</b>	<b>ECtHR</b>	<b>Ecodefence v. Russia</b>	73 NGOs — “foreign agent” label = Art. 11 violation	✓ Won
<b>2024</b>	<b>ECtHR</b>	<b>Kobaliya v. Russia</b>	“Hallmarks of a totalitarian regime”	✓ Won
<b>2024</b>	<b>ECtHR</b>	<b>Georgia challenge</b>	120 NGOs + 16 media filed; communicated Mar 2025	○ Pending
<b>2024</b>	<b>CJEU</b>	<b>C-829/24</b>	Hungary Sovereignty Act; 14 EU states + EP intervening	○ Pending
<b>2025</b>	<b>Slovak CC</b>	<b>NGO Law</b>	Unconstitutional — struck down Dec 2025	✓ Won

The enforcement gap: Hungary has cycled through 3 NGO laws despite CJEU rulings. Kavala remains imprisoned despite ECtHR judgment.

# INDEPENDENT OVERSIGHT AS LAST DEFENCE

Ombuds institutions & constitutional courts activating safeguards

## Slovakia

### Public Defender challenges NGO law

Dobrovodský petitioned Constitutional Court → NGO law ruled unconstitutional (Dec 2025). Also challenged abolition of Whistleblower Office → law suspended pending review.

## Ukraine

### Constitutional Court under wartime

Operating with 13/18 judges. Found automatic pre-trial detention extension unconstitutional. Landmark conscientious objection case (Zelinsky) ongoing since Oct 2024.

## Romania

### People's Advocate reinstated

Parliament dismissed Ombudsman Renate Weber. Constitutional Court ruled dismissal unconstitutional, reinstated her. Weber then challenged judicial status law.

## Turkey

### Rare domestic judicial check

Constitutional Court annulled provisions of Law No. 7262 imposing disproportionate restrictions on NGOs — suspension, trustee appointments, asset freezing.

# INFRASTRUCTURE FOR CSO MONITORING

Key platforms enabling legislative oversight by civil society

## Legislationline.org

ODIHR, since 2002

Free legislative database, 57 OSCE States, 18 thematic areas

## 101.promolex.md

Promo-LEX, 2023

Parliamentary monitoring — MP votes, committees, bills

## CSO Meter

ECNL

Enabling environment across EaP; 32 standards, 11 areas

## MACS

ECNL, 2024

EU civic space monitoring + Early Warning Alert System

## CODICES

Venice Commission

10,000+ constitutional court judgments, 43 languages

## Particip.gov.md

Moldova, since 2012

Public consultation portal — only 0.7% engagement (target: 20%)

*Discussion: How can we close the engagement gap? (Moldova: 0.7% vs. 20% OGP target)*

# THREE INSIGHTS FOR THE DISCUSSION

## 01 Process is substance

Fast-tracked adoption without consultation is itself an indicator of democratic erosion. One-minute committee votes and seven-minute readings are not lawmaking — they are its circumvention. ODIHR's 17 Guiding Principles, especially Principle 11 on accelerated procedures, must be the benchmark.

## 02 Litigate everywhere, simultaneously

Multi-forum strategic litigation — constitutional courts + ECtHR + CJEU — creates layered accountability that no single forum can provide. The Georgia challenge (120 NGOs at ECtHR, 121 at Constitutional Court, Venice Commission intervening) is the model.

## 03 Close the enforcement gap

Legal victories without implementation are pyrrhic. Hungary has cycled through three NGO laws despite rulings. Kavala remains imprisoned. Sustained political will from OSCE participating States — from Copenhagen Document commitments to the 2024 ODIHR Guidelines — is essential.

*Discussion: What concrete steps can participating States take this year to implement these principles?*



# Thank you

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[promolex.md](https://promolex.md)

[101.promolex.md](https://101.promolex.md) — Parliamentary Monitoring Platform