



Assessment  
on the State of the  
Enabling Environment  
and Capacities of  
Civil Society  
against the Guidelines  
for EU support to Civil  
Society in Enlargement  
Region, 2014-2020  
for the period  
2018-2019

# FINAL REPORT

This document has been produced within the EU TACSO 3 project, under the financial assistance of the European Union. The contents of this document are the sole responsibility of the team of researchers and can under no circumstances be regarded as reflecting the position of the European Union.

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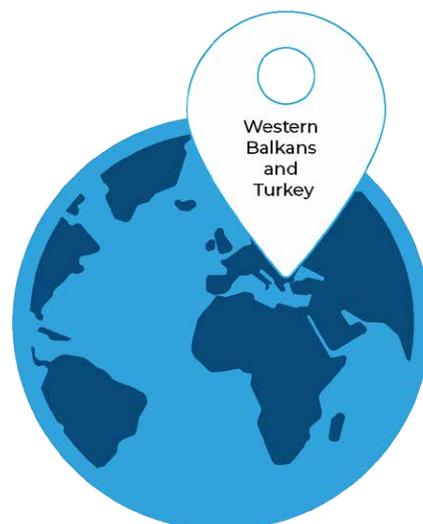
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# FOREWORD

This report has been produced within the framework of the EU-funded project called Technical Assistance to Civil Society Organizations (EU TACSO 3) in the Western Balkans and Turkey ([www.tacso.eu](http://www.tacso.eu)). EU TACSO 3 is a part of the Civil Society Facility (CSF) programme and its main goal is to strengthen the capacity of civil society organizations (CSOs) to actively take part in the democratic processes and to stimulate an enabling environment for civil society and pluralistic media development. The project targets the IPA Beneficiaries, i.e. Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey. In its third phase, the EU TACSO 3 project particularly focuses on activities in which a regional approach enables a stronger impact on the civil society development in each of the IPA Beneficiary.

An integral part of the EU TACSO 3 project is the process of development and monitoring of the EU Civil Society and Media Guidelines. While a separate analysis has been conducted relating to the media guidelines, this report focuses on civil society. Guidelines for EU Support to Civil Society in Enlargement Countries 2014-2020 (EU CS Guidelines) encompass three major areas: 1) conducive environment for civil society development; 2) changing relations between CSOs and government and 3) capacity of civil society organizations. The same areas are also included in the EU TACSO 3 mandate. In order to serve both the quality monitoring of the current EU CS Guidelines, the update of Guidelines for the next periodic cycle 2021-2027, and the effectiveness of the EU TACSO 3 project, an assessment of the state of civil society in the WBT has been conducted with a three-fold purpose:

- To assess the state of enabling environment and capacities of civil society against the EU CS Guidelines and inform its revision process;
- To lay the foundation for the design of capacity development programme for civil society in the WBT to be conducted within EU TACSO 3;
- To establish and update the baseline of the result framework for measuring the impact of the EU TACSO 3 project.

In order to carry out the assessment in a professional and impartial manner, EU TACSO 3 has publicly announced the terms of reference for service providers. Among five received proposals, the offer of the Balkan Civil Society Development Network (BCSDN) has been assessed as the most suitable, both in financial terms and with respect to the capacity and the quality of the approach and methodology.

BCSDN conducted the research based on **EU TACSO 3 team comprehensive approach and methodology** that was applied in the assessment. While relying on the methods developed and used by other stakeholders (such as BCSDN's Monitoring Matrix, TACSO's Traffic Light Survey etc.), we believe that with our methodology we contributed to improving the so far TACSO approach by integrating lessons learnt from previous monitoring experiences. Moreover, the first data-gathering phase has been conducted by the EU TACSO 3 itself during June-July 2019, including desk analysis only. Given that the most of available data were available on the conducive environment rather than on CSO capacities, we opted for additional data-gathering, with **focus more on the CSO capacity area**. Considering the available surveys on the state of CSOs conducted in many IPA Beneficiaries, which focused on quantifiable data, these were utilised in the current assessment to avoid overlapping and duplication of work and resources. For example, the IPSOS SDC survey in Serbia and the STGM Freedom of Association in Turkey Monitoring Report in Turkey. Instead, by focusing on **the qualitative data-gathering** techniques, which indicate the state of the work of CSOs in practice based on particular examples, the assessment also brings added value in terms of richer data and information on practice. The third novelty in the approach includes **expanding the subject of the assessment** in line with EU TACSO 3 priority areas such as thematic networks, gender equality, Western Balkans Strategy flagship initiatives<sup>2</sup>, grassroots, existing CSO capacity development programmes and the attitudes of CSOs' themselves towards capacity development. Hence, the EU TACSO 3 team had designed qualitative instruments (i.e. guiding questions for interviews and focus groups) and structured the sampling technique, which included the most relevant interlocutors in line with the areas of the research and the EU TACSO 3 programme areas. Guided by this approach, the second phase of the assessment has been conducted from October to December 2019.

Being fully aware that the qualitative techniques are limiting in terms of the sample size (i.e. 430 interlocutors were involved in this assessment), consultation and validation process was organized on the draft assessment findings and recommendations to enable a wider participation of civil society and other relevant stakeholders. Consultation and validation sessions were attended by another 250 participants in six IPA Beneficiaries<sup>3</sup>, between December 2019 to February 2020.

In **this report's assessment**, you can find a regional overview of the state of civil society in the Western Balkans and Turkey (WBT). A more elaborate picture, with detailed regional overview and country-level specifics, can be found in the **following chapters** which are grouped based on the logic of the structure of the EU Guideline for Support to Civil Society in the Enlargement countries, 2014-2020 (i.e. conducive environment and CSO capacity) complemented with gender mainstreaming and capacity development needs of CSOs for this assessment to provide directions for EU TACSO 3 interventions. The assessment contains useful tables with basic data on CSOs in the WBT, as well as the Data-set against the EU Civil Society Guidelines. At the end, you can find the **summary conclusions** and **recommendations** classified by the types of intervention and by the stakeholders to whom they are addressed as well as a table with **key CSOs' challenges** to be addressed. In addition to the regional assessment, individual IPA Beneficiary briefs conclude the assessment report by making specific assessments and national data publicly available.

Finally, with this new approach, EU TACSO 3 tested new methods in an attempt to contribute to an **improved monitoring process and revision of the EU Civil Society Guidelines**. We are hoping

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<sup>2</sup> European Commission (2018). Strategy for the Western Balkans. Available at: [https://ec.europa.eu/commission/news/strategy-western-balkans-2018-feb-06\\_en](https://ec.europa.eu/commission/news/strategy-western-balkans-2018-feb-06_en) [12.12.2019]

<sup>3</sup> Consultation session in Turkey was scheduled to be organized in March 2020, due to the alignment of the EU TACSO 3 assessment with other civil society on-going researches in Turkey, but was postponed due to the coronavirus/COVID-19 pandemics. The session took place on 9 July, 2020 through an online meeting with 41 participants including CSOs, academia, public institution and international organization representatives. These have not been included in the total number of participants to consultation and validation sessions.

that this experience and lessons learned in this pilot phase will serve to the development of an improved methodology to be finally defined in 2020, which could possibly integrate all research methods proven effective so far (e.g. desk, survey, interviews, focus groups), to be applied in the following analytical reports on the state of civil society against the EU CS Guidelines objectives and benchmarks. We will also use this assessment report as the **baseline for the development of the EU TACSO 3 overall programme**, and particularly its capacity development component, which should be beneficial for the civil society in the WBT as a whole.



We are proud of having successfully implemented the assessment, which **for the first time presents a coherent regional picture of civil society capacity and conditions in which they operate**. We are grateful to all stakeholders who have contributed to the preparation of this assessment report, including EU Delegations and National Resource Centres in the respective IPA Beneficiaries for assisting in the assessment implementation, organizations and donors who have generously shared their data, all interviewees and focus groups' participants who dedicated their time and knowledge to this research and finally to BCSDN for investing enthusiasm and expertise to make this report possible.

ON BEHALF OF THE EU TACSO 3 TEAM:

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# LIST OF ABBREVIATIONS

ASCC	Agency for Support to Civil Society
BCSDN	Balkan Civil Society Development Network
CB	Capacity-building
CS	Civil Society
CSF	Civil Society Facility
CSO	Civil society organization
CPCD	Civil Society Promotion Centre
CRNVO	Centre for Development of NGOs
DGRCS	Directorate General for Relations with Civil Society
ECHR	European Court of Human Rights
EEA	European Economic Area
EED	European Endowment for Democracy
EU	European Union
EUD	EU Delegation
GONGO	Governmental Non-governmental organization
IPA	Instrument for Pre-accession Assistance
KCSF	Kosovar Civil Society Foundation
KCSI	Kosovo Civil Society Index
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersexual
MCIC	Macedonian Centre for International Cooperation
M&E	Monitoring & Evaluation
NGO	Non-governmental organization
NRC	National Resource Centre
OPM/OGG	Office for Good Governance of the Office of Prime Minister
OSCE	Organization for Security and Co-operation in Europe
PBO	Public Benefit Organization
PONGO	Political Non-governmental organization
PR	Public Relations
RS	Republika Srpska
SDC	Swiss Agency for Development Cooperation
STGM	Association for Civil Society Development Centre
TA	Technical Assistance
TACSO	Technical Assistance to Civil Society in Western Balkans and Turkey
TESEV	Turkish Economic and Social Studies Foundation
USAID	United States Agency for International Development
VAT	Value Added Tax
WBT	Western Balkans and Turkey
WGI	World Giving Index

# EXECUTIVE SUMMARY



Trends of the rise of populism and the shrinking civic space are apparent throughout Europe and the world, including in the Western Balkans and Turkey. Consequently, fundamental freedoms, especially freedoms of assembly and expression, are frequently violated. Some IPA Beneficiaries, especially North Macedonia, have seen improvements, but in Serbia, for example, the civic space is visibly shrinking, while Turkey is still grappling with the aftermath of the state of emergency.

On the other hand, these negative developments have also helped bring about a revival of civil society. New social movements and grassroots initiatives are emerging, advocating for different causes and organising protests. While this creates opportunities for civil society organizations (CSOs), it also brings several risks. These new social movements and grassroots initiative are usually smaller and less formally structured and tend to be more flexible. Established CSOs, which are registered and formally structured, are perceived to be less responsive. Social movements and grassroots organizations take advantage of social media and other on-line communication tools, since these tools are free and have high outreach potential. Established CSOs, in contrast, tend to use more traditional channels and are more rigid in their communications. Adding the mounting cases of smear campaigns targeted at certain CSOs, it comes as no surprise to see low levels of trust in CSOs and a growing gap between CSOs and their constituencies.

In these circumstances, it is quite difficult to provide a clear-cut answer as to whether the **conductive environment** for the development of CSOs in the region has improved or deteriorated. On the one hand, some aspects of the environment have deteriorated in most of the IPA Beneficiaries. On the other hand, there have been improvements in all IPA Beneficiaries, e.g. improvement of freedom of association in Kosovo and Montenegro, improvement of freedom of expression in North Macedonia, improvement of legislation on public funding distribution in Bosnia and Herzegovina, Kosovo, Montenegro and Serbia, including in Turkey, which has witnessed the greatest deterioration in general terms. **In summary and based on findings stemming from this assessment, it can be concluded that in general terms, Albania, Kosovo and North Macedonia would receive a positive assessment, while Turkey, Serbia and, to some extent, Bosnia and Herzegovina would receive a negative assessment, with leaving Montenegro in the middle.**

In all IPA Beneficiaries, **fundamental freedoms** are guaranteed by legislation and these guarantees are mostly in line with international standards. In practice, however, the ability to exercise these rights has been deteriorating.

Of the three fundamental freedoms that were included in the assessment, freedom of association has been the least affected. There have been legislative improvements in Bosnia and Herzegovina, e.g. easier registration processes, Kosovo, e.g. a new Law on Associations and Montenegro, e.g. a new Law on NGOs and regulations related to that Law. However, legislation that would severely limit the freedom of association has been proposed in Kosovo and Turkey. In practice, freedom of association was most severely restricted during the state of emergency in Turkey. There are also reports about establishing CONGOs<sup>4</sup> and PONGO<sup>5</sup> in most of IPA Beneficiaries.

With regards to freedom of assembly, in Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia, and Turkey, the legal framework is not completely in accordance with international standards. There are restrictions concerning the place and/or time of gatherings. Responsibility for breaches of the law rests with the organizers of the meetings, and large fines can be imposed. There have, however, been some legislative improvements in Albania, e.g. approval of internal police procedures and in North Macedonia, e.g. amendments to the Criminal Code. And, despite the political turmoil and violence at public assemblies in Turkey, several assemblies were successfully organised there as well as throughout the region, even though there have been instances of restrictions placed on peaceful assemblies in Bosnia and Herzegovina, Kosovo, North Macedonia and Serbia.

Freedom of expression is guaranteed by legislation in all IPA Beneficiaries, except in Turkey, where the Constitution grants public institutions the legal authority to restrict expression. There have been no legislative changes in the last two years, except in North Macedonia, where the new Law on Free Access to Information of Public Character should enable quicker access to information, as well as greater transparency and accountability of the information providers: The gap between formal legislative guarantees and their practical implementation has increased in several IPA Beneficiaries. For example, large-scale violations and restrictions on freedom of expression continued in Turkey, and smear campaigns were recorded across Bosnia and Herzegovina, Montenegro and Serbia.

In most of the IPA Beneficiaries, laws do not adequately take into account the distinctive characteristics of civil society and are not supportive of the concept of **volunteerism**. While the legal system does allow volunteering to take place, it does not make volunteering easy, and the administrative procedures required to manage volunteers are complicated.

The narrowing of civic space has prompted the rise of **grassroot initiatives** in most of the IPA Beneficiaries. These initiatives are, however, difficult to track and analyse because there is no legal definition of a “grass-root initiative” in any of the IPA Beneficiaries. In general, though, grassroot initiatives are typically small local organisations, activist-based, and working at the community level. They are usually unregistered and so are unable to access public funding.

In general, the **financial environment for CSOs** is best described as neither conducive nor hindering. CSOs can engage in economic activities in all IPA Beneficiaries, but the threshold and tax treatments of these activities vary. In most of the IPA Beneficiaries, financial rules and accounting standards do not take into account the distinctive nature of CSOs. At least four IPA Beneficiaries, Albania, North Macedonia, Serbia and Turkey, however, have reporting requirements that differ

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<sup>4</sup> Governmental Non-Governmental Organizations.

<sup>5</sup> Political Non-Governmental Organizations.

according to the size of the organization, which gives CSOs some flexibility. In all IPA Beneficiaries, tax incentives are available for donations, although in Albania, Serbia and Turkey only corporate (and not individual) donations are eligible. In some IPA Beneficiaries, e.g. Serbia, the process of claiming corporate tax incentives is complicated so these incentives are rarely used.

Public funding for CSOs is available in all IPA Beneficiaries. Legislative changes and new regulations or rulebooks that aim to improve the transparency of public financial support provided to CSOs have been adopted in Bosnia and Herzegovina, Kosovo, Montenegro and Serbia. In North Macedonia, public funding to CSOs has been increasing. However, despite these efforts, public support still lacks a strategic dimension, i.e. a connection with public policies, responsiveness to the needs of CSOs, transparency and timeliness. Consequently, CSOs tend to have low level of trust in such public support measures.

In all IPA Beneficiaries, except in Turkey, legal framework for **public consultations** exists that stipulates that draft legislation should be available for comment to the public. Some improvements in the consultation process have recently been made in Montenegro and Serbia, but the implementation is still poor throughout the region. Not only are the minimum periods for consultation regularly breached, but some draft legislation is not made available for comments. Public institutions usually do not provide feedback to comments made by the public, which makes it difficult for CSOs to ascertain how much influence they have on decision-making. Furthermore, consultations with CSOs are still mostly restricted to on-line consultations of draft legislation. Early involvement of stakeholders is rare and even when CSOs are included at an early stage of developing draft legislation, it is often not clear what criteria are used to select invited organizations to participate in the consultation process.

The legal framework that regulates the **structures and mechanisms for dialogue and cooperation** between civil society and public institutions has improved in several IPA Beneficiaries, i.e. new frameworks were adopted in Albania, Bosnia and Herzegovina, Kosovo, Montenegro and North Macedonia, leaving only Serbia and Turkey without these important strategic documents. In terms of bodies responsible for overseeing such cooperation, there are active and productive councils in place in Kosovo, Montenegro and North Macedonia.

In summary, the **common regional challenges** to ensuring a conducive environment for the development of CSOs are:

- i) violations of basic rights and fundamental freedoms;
- ii) emergence of GONGOs and PONGOs;
- iii) lack of transparency in state funding for CSOs;
- iv) absence of high-quality dialogues between civil society and public institutions, and CSOs' lack of influence on decision-making processes;
- v) tax legislation that is not "CSO friendly";
- vi) lack of (publicly accessible) official data on CSOs.

While monitoring the conducive environment for CSO development is a rather straightforward task, the same is not the case when assessing the state of the CSO capacity. It is impossible to make a general assessment of the **state of CSO capacities** at the level of civil society in the region as a whole, and it is even more difficult to propose solutions and make concrete recommendations relevant and applicable to civil society in a composite regional way. There are different factors

that affect CSO capacities. First and foremost, the political, economic and social environment in which CSOs operate, followed by the size of these organisations, the scope and type of work they do, and their geographic area of operation are an important factor. Consequently, the needs of individual CSOs also differ. For example, smaller organisations have less need for an elaborate strategic plan, sophisticated management procedures, gender-mainstreaming policies, etc.. They can function perfectly even well without them. CSOs that function as service providers need different communication skills than do advocacy organisations, i.e. the former need marketing and promotional skills and the latter need campaigning and lobbying skills. Therefore, in this summary, the state of capacity of an average CSO is described, while acknowledging that for each element of capacity there will be cases that fall outside of such average assessment.

A wide range of organisational development or capacity building methodologies that have been used throughout Europe for several decades, have also been transposed in the Western Balkans and Turkey in the past decade. Donors often insist that CSOs apply these methodologies, i.e. in their entirety. Such an approach is generally counterproductive, as it does not take into account organisation's basic mission, vision, values and goals. Not all organisations need to grow, develop further, and diversify their funding sources. Some are doing very professional work on a smaller scale as part of their inherent internal decision. Furthermore, the majority of these approaches to organizational development originate in the Western Europe or more specifically in the United Kingdom. They are designed for stable political, social and economic environments with well-developed political and donor "cultures". In such environments, CSOs know what to expect and how to prepare for and take advantage of different opportunities. In societies where governments change frequently and are mostly unfriendly towards CSOs, where civic space is shrinking, populism is on the rise, donor culture is not developed, and trust in CSOs is mostly low, it is counterproductive to expect CSOs to invest in strategic fundraising and development of strategic plans. Such investments are very likely to fail. Thus, in reading the assessment on CSO capacities the above limitation should be taken into account. Finally, it should also contribute to develop a new approach to investing in CSO capacities, one with a more realistic scope, and a greater focus on the environment in which CSOs operate.

The analysis in this assessment mainly draws on the data from the focus groups and interviews conducted in all IPA Beneficiaries. It also reflects the more detailed investigations carried out in a subset of the IPA Beneficiaries. In almost all IPA Beneficiaries there are still difficulties in obtaining **official data on CSOs**. The biggest exception is Serbia, which has extensive and publicly available data on CSOs. The lack of data in other IPA Beneficiaries has several origins. First, some IPA Beneficiaries lack a clear definition of a CSO (in addition to the already mentioned lack a clear definition of a grassroots organization or initiative all IPA Beneficiaries). In some, the submission of annual reports is not yet electronic, which makes data access and analysis much more difficult. In some IPA Beneficiaries, data differ across registries and institutions due to different definitions and collection processes. All these factors make cross-country comparisons extremely difficult and potentially misleading.

Based on the available and not fully reliable data, the number of CSOs per IPA Beneficiary is high: around 10.000 in Albania, Kosovo and North Macedonia, 27.263 in Bosnia and Herzegovina, and 32.948 in Serbia. The number of active CSOs is, however, considerably smaller, e.g. less than 1.000 in Kosovo. The majority of CSOs do not have employees, i.e. either the work is entirely supported by volunteers or contract staff is hired. The total CSO income also varies greatly between IPA Beneficiaries: in Albania the income of the 11.426 CSOs is 35.693.020 EUR, while in Montenegro's 5.669 CSOs earn 26.897.606 EUR.

In terms of **transparency and accountability**, the legislation in all IPA Beneficiaries requires CSOs to establish internal governance structures. In most cases, however, the actual role of governing bodies differs from their legal role. These governing bodies are often only a formality, with decisions being actually made by the president or director or smaller circle of people involved in everyday running of the organization. Although there is a growing awareness of the importance of transparency in time of shrinking civic space, the level of transparency in CSOs is generally low in practice. A large number of CSOs do not publish annual reports, or they publish them without an accompanying financial report. When CSOs report about their activities, they tend to focus on outputs rather than on impact made.

Digitalisation has brought numerous new opportunities and **communication** tools, and CSOs are increasingly using them, especially social media and data visualization tools. However, the level of communication skills in CSOs is still rather basic. Organizations tend to focus more on promotion and using technical project language, with little engagement in narratives and storytelling. This is mostly due to the fact that CSOs usually cannot afford to employ professional communications staff, and the responsibility for communications most often falls on programme staff as just one of their many tasks. As a result, the work of CSOs is not presented to the public in an easily understandable way. With CSOs not being able to communicate their impact in an accessible way, the gap between organisations and their constituencies increases.

Although there are some examples of regular **monitoring and evaluation** of activities and strategies, the vast majority of CSOs engage in monitoring and evaluation only at project level. Still, this is mainly because donors expect or require it. If monitoring and evaluation are carried out, they tend to be done in an unsystematic fashion and findings are not used in strategic way to improve CSO's performance. Similarly, strategic plans are often created in response to donor demands and expectations and the availability of funding opportunities. These plans are often unrealistic, being either too donor-driven or too optimistic, with objectives that are essentially unattainable.

CSOs in the Western Balkan and Turkey have always been actively engaged in different **advocacy** endeavours. While donors are increasing their support to advocacy, CSOs typically have only very basic level of skills in evidence-based advocacy. In some IPA Beneficiaries, CSOs do not see the reason to undertake data collection and evidence gathering, since their recommendations are ignored by decision-makers even when supported by the evidence provided by them. In other cases, CSOs lack the methodological knowledge or the financial resources to engage in substantial research.

On the other hand, **networking for advocacy** is quite common, either through more structured long-term networks or through ad-hoc coalitions: But since most networks are initiated by short term projects and funded by these projects, they are often not sustainable beyond the life of the project.

As emphasised above, in environments still strongly dependent on foreign funding, where public funding and donor culture are still at relatively early stages, and rate of GDP is rather low so that domestic donor capacities are relatively weak,<sup>6</sup> CSOs cannot realistically engage in **strategic fundraising**, even though they might have the skills and the willingness to do so.

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<sup>6</sup> According to Eurostat (<https://ec.europa.eu/eurostat/news/themes-in-the-spotlight/western-balkans-2019>, data as of March 2019), GDP per capita is as following: Albania 4.000 EUR, Bosnia and Herzegovina 4.400 EUR, Kosovo 3.600 EUR, Montenegro 6.900 EUR, North Macedonia 4.800 EUR, Serbia 6.100 EUR and Turkey 9.400 EUR. For comparison, GDP per capita of Croatia is 11.990 EUR, Bulgaria 6.550 EUR, Romania 8.740 EUR and Slovenia 20.170 EUR. ([https://ec.europa.eu/eurostat/databrowser/view/sdg\\_08\\_10/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/sdg_08_10/default/table?lang=en)).

Strategic fundraising by an organization involves identifying the different potential funding sources available to support its various organizational and programme needs. These funding sources do, however, need to exist first, and second, the funding needs to operate in a stable and predictable manner. A range of different funding sources are available across the region and CSOs are increasingly developing their ability to make use of these new fundraising tools and mechanisms, such as crowdfunding and various forms of local philanthropy. However, the amount of revenue likely to be raised by these approaches is, however, still low in comparison to the EU average, which is the benchmark to be achieved in the region according to the current EU Civil Society Guidelines.



Awareness about the importance of **gender equality** in all IPA Beneficiaries is higher among CSOs than in public or private sectors. Only a handful of CSOs, however, have gender mainstreaming policies in place. In all IPA Beneficiaries, there are also strong CSOs dealing with gender mainstreaming and equality that play an important role when it comes to raising awareness of and promoting this issue.

In summary, the **biggest CSO capacity challenges** are low capacities (although with existing high awareness) with regard to:

- i) transparency and accountability
- ii) communications
- iii) advocacy
- iv) strategic approaches towards operations
- v) monitoring and evaluation
- vi) internal governance structures
- vii) fundraising and fund diversification.

The main needs in terms of capacity building are linked to the above challenges. To enhance CSO capacities, it is important to take into account the capacity building methods used. The vast majority of focus group participants expressed the need for a more tailor-made and hands-on approach to capacity building, involving more practical training, mentoring, coaching, and job shadowing.

Based on the above findings, the following are the general recommendations that stem from this assessment:

Regional support through EU TACSO 3 should complement existing resources and should focus on addressing the gaps identified above. Similarly, regional support should aim to add value to similar initiatives across IPA Beneficiaries and to share country best practices across them.

As to the **EU Civil Society Guidelines**, the main finding is that the existing Guidelines have been mostly used as guidance for EU's financial support and less so for EU's political support. Therefore, the Guidelines should be strengthened and used as a regular mechanism for monitoring and motivating IPA Beneficiaries to improve the situation, i.e. similar to the established Public Administration Reform mechanism. Governments should be pressured to

implement recommendations made based on the monitoring results. The Guidelines should be revised through an inclusive process, which should take into account: i) the important developments regarding civil society development that have taken place during the 2014-2020 period; ii) the change in the dynamics of the EU Accession process for the Western Balkans and Turkey, in particular with regard to political leverage and conditionality; iii) the changes in the context with regards to the state of democracy and shrinking civic space, both in the Western Balkans and Turkey and in a number of EU Member States.

**EU funding support and Civil Society Facility (CSF) programming** should take into account the findings of monitoring based on the Guidelines, but should not be limited to these findings. Funding approaches and models should be consistent with the political goals of supporting a conducive environment for civil society development, namely being sensitive not only to the needs of civil society, but also to its potential benefits and its limitations.



# I. CONDUCTIVE ENVIRONMENT FOR CIVIL SOCIETY



## 1. Legal and policy environment for the exercise of the rights of freedom of expression, assembly and association

*While fundamental freedoms are guaranteed by legislation across the Western Balkans and Turkey, which is mostly in line with the international standards, in practice the exercise of these rights has been deteriorating. There are several cases of infringements of freedom of assembly reported in Bosnia and Herzegovina, Kosovo, Serbia and Turkey, and of freedom of expression in Bosnia and Herzegovina, Montenegro, Serbia and Turkey. In comparison, freedom of association has not been severely affected. However, several IPA Beneficiaries witnessed legislative attempts that would significantly hinder freedom of association, if passed. Furthermore, there are reports about establishing more GONGOs and PONGOs in most of IPA Beneficiaries. To the most extent, the existence of GONGOs and PONGOs dilutes the cooperation between the Government and CSOs and the transparency of public funding, while also affecting public image of CSOs. In this sense, their existence affects civic space as a whole.*

### 1.1. Freedom of Association

Freedom of association is legally guaranteed across the region. Key improvements concerning the legal framework that guarantees freedom of association were noted in Kosovo and Montenegro. Namely, Kosovo adopted a new Law on the Freedom of Association of NGOs<sup>7</sup> in April 2019, but only after a period of extended pressure from CSOs<sup>8</sup>, and more than five months after the Parliament had approved a different and highly restrictive version of the same Law. The new Law is aligned with the best international standards, as well as civil society demands, and preparation of secondary legislation that would further define its principles has commenced. In Montenegro, five acts of secondary legislation were adopted to strengthen the implementation of the Law on NGOs<sup>9</sup>.

The legal framework of the IPA Beneficiaries allows that any person to establish an association, a foundation and other types of non-profit, non-governmental entity, for any purpose. In all IPA Beneficiaries, the legal framework also allows both individual and legal persons to exercise this right without discrimination (e.g. age, nationality, legal capacity, gender etc.). Any restrictions, except in Turkey, are clearly prescribed and in line with recognized international standards. In

<sup>7</sup> KCSF (2019). Kosovo Parliament restores the NGO Law in line with best international standards and practice. Available at: <https://www.kcsfoundation.org/en/activity/kosovo-parliament-restored-the-ngo-law/> [13.12.2019]

<sup>8</sup> Kosovar Civil Society Foundation (2019). Detailed analysis of amendments voted by Members of Parliament (Courtesy translation). [Pdf]. Prishtina: Kosovar Civil Society Foundation. Available at: [https://www.kcsfoundation.org/wp-content/uploads/2018/12/Detailed-analysis-NGO-Law-Amendments\\_KCSF\\_ENG\\_final.pdf](https://www.kcsfoundation.org/wp-content/uploads/2018/12/Detailed-analysis-NGO-Law-Amendments_KCSF_ENG_final.pdf) [14.12.2019].

<sup>9</sup> European Commission (2019). Montenegro 2019 Report accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2019 Communication on EU Enlargement Policy (COM (2019) 260 final). [Pdf]. Luxembourg: European Commission. Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-montenegro-report.pdf> [17.10.2019].

addition, the legal framework across the region, except for Turkey, provides guarantees against state interference in internal matters of associations, foundations and other types of non-profit entities.

The maximum prescribed number of days for registration of an association is between 5 to 60 days. While Kosovo is the only IPA Beneficiary without CSOs undergoing costs to register, in the other IPA Beneficiaries registration cost varies from approximately 30 EUR to 150 EUR. In Albania, the obligation for CSOs outside Tirana to register at the First Instance Court of Tirana creates additional obstacles and financial burden, while the registration at the Tax Authorities as a precondition to open a bank account further limits the establishment and functioning of CSOs. On the other hand, in Bosnia and Herzegovina there is an improved and easier registration process now in place, as CSOs can opt to register at state, entity or cantonal level as well as in the Brčko District. Unifying Bosnia and Herzegovina's 18 registers from all levels was a lengthy process that was finally completed in 2018 and all registers are now available online<sup>10</sup>. A remaining challenge, though, is that associations and foundations registered at different levels (state, entity, cantons, Brčko District) resulting in have different legal frameworks applied to them, and therefore have different advantages or burdens under these legal frames.

Several IPA Beneficiary, such as Albania<sup>11</sup>, Kosovo, North Macedonia<sup>12</sup> and Serbia<sup>13</sup>, recorded certain initiatives and legislative changes concerning the fight against terrorism and anti-money laundering. While all new regulations, including the changes in the Bosnia and Herzegovina's Law on Associations and Foundations in 2016, were prompted by the recommendations of the Financial Action Task Force (FATF) and the MONEYVAL expert committee, aiming at harmonization with EU regulations in this area. However, the changes did not take into account the specificities and nature of CSOs. This might affect the freedom of association in practice and unnecessarily burden the everyday work of CSOs, especially if certain provisions in the laws lack specificity and are thus subject to interpretation. As provisions in this area continued to be challenging and restrictive in Kosovo as well, steps were undertaken to consult civil society on the risk assessment process<sup>14</sup>. A sectoral risk-assessment on NGOs was done during 2018 and was approved by the Government in September 2018. However, the assessment report is inaccessible to the public on grounds of being classified. Still, the sector is considered to be of higher risk when it comes to financing of terrorism and money laundering, especially visible in the practice of Kosovar banks rejecting CSOs from opening bank accounts.

Additionally, several other laws are considered to be challenging and limiting the freedom of association. For example, the Law on Free Legal Aid in Serbia prevents CSOs from providing free legal aid to vulnerable groups. The Laws on Lobbying in Serbia<sup>15</sup>, adopted in November 2018, and in North Macedonia, which is in the adoption process are also problematic. The Serbian Law on Lobbying, that was issued without substantial public consultations<sup>16</sup>, is centred on regulating

<sup>10</sup> Zbirni e-registar udruženja i fondacija u Bosnia and Herzegovina (2019). Available at: <http://zbirniregistri.gov.ba/Home> [09.12.2019]

<sup>11</sup> Based on the Law no. 33/2019 "On changes and additions to the Law No. 9917, date 19.05.2008 "On prevention of Money Laundry and financing of terrorism" the Order no. 19, dated 9.7.2019 "For the supervision of the non for profit organizations in the function of money laundering and financing of terrorism" was passed. It regulates the procedures that tax authorities must follow for the control of the activities of CSO in order to avoid the possibility of their use for money laundering or financing of terrorism.

<sup>12</sup> Parliament of the Republic of North Macedonia (2018). Указ за прогласување на Законот за спречување перење пари и финансирање на тероризам. [Pdf]. Skopje: Parliament of the Republic of North Macedonia. Available at: <http://www.ufr.gov.mk/files/docs/ZSPPF%20nov%202018.pdf> [09.08.2019]

<sup>13</sup> Ministry of Finance of the Republic of Serbia (2018). Law on the Centralized Records of Beneficial Owners. Official Gazette of RS, 41/2018. Belgrade: Administration for the prevention of money laundering, Ministry of Finance of the Republic of Serbia (2018). Law on the Freezing of Assets with the Aim of Preventing Terrorism and Financing of Proliferation. Official Gazette of RS, 41/2018. Belgrade: Administration for the prevention of money laundering.

<sup>14</sup> Technical Assistance for Civil Society Organizations (TACSO) (2017). 'TRAFFIC LIGHTS REPORT' 2017 Kosovo; Monitoring Report of the 'EU Guidelines for Media Freedom and Media Integrity 2014-2020' for 2017. [Pdf]. Available at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/media\\_traffic\\_lights\\_report\\_kosovo.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/media_traffic_lights_report_kosovo.pdf) [20.08.2019]

<sup>15</sup> Parliament of the Republic of Serbia (2019). Law on Lobbying. Official Gazette of RS, 87/2018-85, 86/2019-11. Belgrade: Parliament the Republic of Serbia, Milošević, Z. (2018). Public debate on Draft law on Lobbying in Serbia. Diplomacy and Commerce. Available at: <http://www.diplomacyandcommerce.rs/public-debate-on-draft-law-on-lobbying-in-serbia/> [14.12.2019]

<sup>16</sup> Transparency Serbia, Law on Lobbying Analysis ([https://www.transparentnost.org.rs/images/dokumenti\\_uz\\_vesti/Analiza\\_Zakona\\_o\\_lobiranju.pdf](https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Analiza_Zakona_o_lobiranju.pdf)) noted several challenges regarding this particular public consultation process: the draft was put to consultation for only 25 days, some changes were not mentioned in the explanations to the draft Law, the Ministry of Justice did not publish a report on public consultations, although it is obliged to according to Government's Procedures. Due to this, the number of directly consulted CSOs is not known. TI Serbia also noticed several discrepancies during the legislative procedure in adopting the Law by the Parliament.

lobbyists instead of the institutions affected by lobbying<sup>17</sup>, while in North Macedonia there are many unclear provisions, mainly on the definition of what a lobbyist represents and which activities are considered as lobbying. Additional challenges in North Macedonia are noted with the Criminal Code, where the term “public official” also includes CSO legal representatives and provides the same obligations for them as for government officials<sup>18</sup>. In 2018, this led to a case of initiating proceedings against CSO representatives for abuse of official duty based on violations of the Criminal Code<sup>19</sup>.

In Turkey, there was an attempt by the Parliament to introduce changes to the Law on Associations, according to which all associations would be obliged to disclose personal information of all their members (e.g. name, surname, ID number, date of birth). Disclosing information about changes in the membership (i.e. reporting on new and terminated memberships) had already become mandatory in October 2018. The proposed amendment in 2019 was about to introduce this obligation for all, including already existing memberships. After long discussions in the Parliament and when the decrease in membership in associations was already evident, the amendment was withdrawn in December 2019. However, due to the existing obligation from 2018, the requirement presents a serious infringement of freedom of association.

Numerous restrictions and violations of the freedom of association were noted in Bosnia and Herzegovina, Serbia and Turkey, while improvements took place in North Macedonia. The greatest violations of the freedom of association took place during the state of emergency in Turkey, when 1419 associations were permanently dissolved<sup>20</sup> and their belongings were confiscated without a judicial decision.<sup>21</sup> Several trials against human rights activists were also held.<sup>22</sup>

In Bosnia and Herzegovina<sup>23</sup> and also in other IPA Beneficiaries, CSOs helping the huge number of migrants passing through the Western Balkans borders were increasingly criticized by politicians and verbally attacked by using negative rhetoric against them<sup>24</sup>. These smear campaigns culminated in 2018 when the then-President of Republika Srpska entity called for and announced a draft Law that would require foreign donors to be registered as foreign agents.<sup>25</sup> With working together, CSOs managed to overcome this threat and the Law was withdrawn.<sup>26</sup>

<sup>17</sup> Popović, D., Stojanović, M., Selaković, B. (2018). Udruženja građanija: Suzavanje prostora delovanja; Srbija 2014-2018. Građanske inicijative. [Pdf] Available at: <https://www.gradjanske.org/wp-content/uploads/2018/12/Analiza-suzavanje-prostora.pdf> [10.10.2019]

<sup>18</sup> Parliament of the Republic of North Macedonia (2018). Criminal Code. Official Gazette of the RNM 37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139/08, 114/09, 51/11, 135/11, 185/11, 142/12, 166/12, 55/2013, 82/13, 14/14, 27/14, 28/14, 41/14, 115/14, 132/14, 160/14, 199/14, 196/15 and 226/15, 97/17 and 248/18. Skopje: Parliament of the Republic of North Macedonia.

<sup>19</sup> Criminal Code (Official Gazette no. 37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/2006, 7/2008, 139/2008, 114/2009, 51/2011, 135/2011, 185/2011, 142/2012, 166/2012, 55/2013, 82/2013, 14/2014, 27/2014, 28/2014, 41/2014, 115/2014, 132/2014, 160/2014, 199/2014, 196/2015, 226/2015, 97/2017 and 248/2018).

<sup>20</sup> <https://sptnkne.ws/hqpd>

<sup>21</sup> <https://tr.sputniknews.com/turkiye/201804151033041968-soylu-ohal-kapsaminda-kapatilan-dernek-sayisi-bin-419/>

<sup>22</sup> Examples include trials against the prominent human rights activists who were arrested while in a formal meeting in a hotel in Büyükkada, Istanbul; against Osman Kavala, a very prominent figure of Turkish civil society imprisoned for more than two years; against the Turkish Medical Association or the dozens of actors accused for being the organizers of the Gezi movement may have discouraged public from being involved in civil organizations. Available at: <https://www.mlsaturkey.com/en/buyukada-case-from-a-how-to-cope-with-stress-workshop-to-behind-bars/>, <https://www.hrw.org/news/2019/12/10/turkey-free-osman-kavala>, [http://www.ttb.org.tr/haber\\_goster\\_eng.php?Guid=974228a4-6db0-11e9-be62-c74a1db01f86](http://www.ttb.org.tr/haber_goster_eng.php?Guid=974228a4-6db0-11e9-be62-c74a1db01f86)

<sup>23</sup> CIVICUS (2018). Civic space in Bosnia and Herzegovina in 2018. Available at: <https://monitor.civicus.org/updates/2018/10/02/civic-space-bosnia-and-herzegovina-2018/> [15.09.2019].

<sup>24</sup> Balkan Insight (2020). Balkan States Beef up Borders against Migrant ‘Security Threat’. Available at: <https://balkaninsight.com/2020/03/09/balkan-states-beef-up-borders-against-migrant-security-threat/> [20.05.2020], OSCE. Procjena situacije u vezi sa migrantima i izbjeglicama u Bosni i Hercegovini: Pregled djelovanja ključnih aktera na terenu. [pdf]. Available at: <https://www.osce.org/bs/mission-to-bosnia-and-herzegovina/397322?download=true> [15.02.2020], Annual report on the human rights situation for 2017 US Department of State - Office for Democracy, Human Rights and Labor (2017). “Annual report on the human rights situation for 2017, Macedonia.” [pdf] Available at: <https://mk.usembassy.gov/wp-content/uploads/sites/249/2017-HUMAN-RIGHTS-REPORT-MKD.pdf> [17.02.2020].

<sup>25</sup> CIVICUS (2018). Civic space in Bosnia and Herzegovina in 2018. Available at: <https://monitor.civicus.org/updates/2018/10/02/civic-space-bosnia-and-herzegovina-2018/> [15.09.2019]

<sup>26</sup> Human Rights Watch (2018). Bosnia and Herzegovina: Events of 2018. Available at: <https://www.hrw.org/world-report/2019/country-chapters/bosnia-and-herzegovina> [04.09.2019]

According to conducted interviews in Montenegro and Serbia<sup>27</sup>, there has been a steady perception of the increase of state affiliated civil society (GONGOs) that mimic existing organizations for various reasons. Their intention is to undermine the credibility of existing CSOs that are critical towards the government and through their activities and options aim to create public confusion over their attitudes<sup>28</sup>. For example, GONGOs participation in the consultation process is used to present a functioning dialogue with the state and “simulation” of public debate is presented as consulting with civil society<sup>29</sup>. Finally, when receiving financial support from the public funds, such organisations are able to use of state budget funds intended for CSOs.

Lastly, in North Macedonia, inspections against 22 CSOs that lasted over two years period did not discover any illegal operations or violations of the laws.<sup>30</sup> However, the process of investigations took a toll on CSOs by burdening their everyday operations for an extensive period of time. The inspections targeted only organizations funded by the Foundation – Open Society Macedonia (FOSM) and USAID, which work in areas such as human rights protection and democratization, and have publicly opposed the policies of the then governing political coalition.

## 1.2. Freedom of Assembly

Freedom of assembly is legally guaranteed in all IPA Beneficiaries. However, in Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia, and Turkey, the legal framework is not fully compliant with international standards. Namely, while their legal frameworks provide for the right of freedom of assembly for all, without any discrimination, there are certain restrictions concerning the place and/or the time of gatherings implying personal responsibilities and high fines for organizers in case of breaching such provisions.

Except for certain improvements in Albania and North Macedonia, no other IPA Beneficiary improved their legislative provisions in this area. A positive development noted in Albania is the approval of the internal procedure Planning of Police Services During the Development of Assemblies by the General Directory of State Police in 2018, reflecting the Ombudsman’s recommendations to improve the notification procedure. It sets standard procedures for police officials before organization of assemblies, for managing an assembly and its services, banning and diffusing an assembly, as well as other procedures, including annexes with standard templates for notifications and responses. Improvement in North Macedonia included amendment to the

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<sup>27</sup> CIVICUS (2019). State orchestrated civil society a threat to independent groups. Available at: <https://monitor.civicus.org/updates/2019/05/17/state-orchestrated-civil-society-threat-independent-groups/> [17.09.2019].

<sup>28</sup> For example, [the Association of Public Prosecutors of Serbia \(UTS\)](#) is facing pressures aimed at discrediting the efforts of this association which is working on preservation of the autonomy and independence of public prosecutors in the judicial system in the process of amending the Constitution. Pro-regime tabloids are publishing numerous articles on the participation of individual UTS members in the work of the State Prosecutorial Council, describing them as traitors and mafia members. A serious threat on UTS work is also the formation of a new professional association, the Association of Judges and Prosecutors by existing professional associations, as well as representatives of the civil sector, which is characterized as GONGO established in September 2018. Through their activities and press releases, they often seek to discredit the work of the Prosecutors’ Association, a renowned independent organization. In public hearings on issues of the judiciary, they were often called upon to give credibility to proposals coming from the authorities and to allow the authorities to confirm that the public hearings were held in a transparent and consultative process. A concrete case in Serbia was that of Sonja Stojanovic Gajic, Director of the Belgrade Center for Security Policy, who following her appearance on a [television show](#) where she stated that the announcement of the hunger strike by Defense Minister Aleksandar Vulin is just another reality show, aimed at distracting citizens from thinking about current issues, a GONGO called National Avant-garde [published a video](#) criticizing the work of the BCSP, and its Director personally. The BCSP has been targeted lately because of their reports in which they are describing Serbia as a captured state and also calling for introduction of the Pribe mechanism in Serbia as an aid in fighting the capture state. [The captured state](#) implies a state of widespread corruption, which allows public resources to be used for private purposes, while control mechanisms are neutralized, either by legal or illegal channels. This situation extends to sectors covered, to a varying extent, in certain negotiating chapters, but also to the political criteria whose fulfillment is more difficult to follow. European Commission ordered independent expert report about the [state of rule of law in Macedonia](#). BCSP stated that if the EC would send experts to Serbia to make a similar report it would make a difference in the rule of law area in Serbia. After those claims, GONGOs and pro-government media started targeting BCSP continuously.

<sup>29</sup> Balkan Civil Society Development Network (2019). Growing Pressure on Civil Society and what to do about it?: Regional Report on the trends in the enabling environment for civil society development in enlargement countries 2017/2018. [Pdf] Available at: <http://www.balkancsd.net/novo/wp-content/uploads/2019/11/BCSDN-growing-pressure-Publication.pdf> [19.09.2019]

<sup>30</sup> Government of the Republic of North Macedonia (2019). ЗПВРСМ и МО Шекеринска: Ставен е конечен крај на прогонот на граѓанските организации, наречан во “Ноќта на долгите ножеви” на режимот на Груевски. Available at: <https://vlada.mk/node/17780> [04.11.2019]

Criminal Code<sup>31</sup>, containing stricter fines for public officials if they misuse their position during gatherings, and to the Law on Police, specifying conditions for dispersion of crowds that can be used and removing rubber bullets and electric paralyzers from the list of means for dispersion<sup>32</sup>. On the other hand, there was also a negative attempt in North Macedonia. At the beginning of November 2019, an extensively amended and restrictive version of the Law on Public gatherings was prepared and shared for public consultations<sup>33</sup>. Luckily, after a series of reactions from the public and CSOs on its content, as well as on the lack of prior consultations with any relevant CSOs, the Government withdrew the proposed Law.

In most of IPA Beneficiaries, only prior notification, rather than authorization, for holding an assembly is required. However, while in Turkey the Law No. 2911 does not require a prior permission, it requires prior notification which has to be done through a certain procedure and functions as a de facto permission process. Furthermore, Kosovar law prescribes that the announcement of a protest/gathering at the same or nearby location can serve as a ground for refusing the permission for organizing another, which implies that, although not explicitly restricted, counter-assemblies are not allowed or could be stopped/denied by the authorities. Similarly, laws in Serbia restrict spontaneous assemblies and do not recognize simultaneous and counter-assemblies, while Turkey restricts all spontaneous, simultaneous and counter-assemblies. Furthermore, the legal framework in Turkey brings exclusions based on age, legal capacity and citizenship, making it nearly impossible for children and foreigners to exercise the right to peaceful assembly. While restrictions in terms of place of gatherings are ambiguous in Serbia, in Montenegro, the Law on Public Assemblies and Public Performances puts clear restrictions to hold an assembly closer than 15m from the Parliament, Presidential Building and Constitutional Court, or within 10m proximity to the Government building<sup>34</sup>. In Turkey, restrictions based on a very vague law are so high that a legal assembly is more the exception rather than the rule. According to the figures provided by Association for Monitoring Equal Rights in Turkey, between April 2019 and September 2019, at least 818 meetings and demonstrations were interfered with and at least 2.098 people were detained in these interventions in a 6-month period. The exercise of the freedom of assembly during the same period has been restricted by interdiction orders (90 of which were general and 48 of which were specific comprehensive, in total 1138) issued by local public authorities.<sup>35</sup>

In practice, besides the political turmoil and violence at assemblies in Turkey, there were assemblies all over the region, with particular cases of violations and restrictions of peaceful assemblies in Bosnia and Herzegovina, North Macedonia and Serbia. In Albania and Montenegro, the number of protests has risen, and they were all enabled by the police, while in Kosovo the number of protests has decreased, with most of them not encountering any obstacles during the organization, and with only isolated cases of unjustified restrictions imposed by authorities.

There were protests across Bosnia and Herzegovina regarding different issues where restrictions and violations took place<sup>36</sup>. CSOs consider the practice to be more restrictive in the Republika Srpska due to the centralization of power. According to them, the political climate further limits freedom of assembly, primarily in Republika Srpska where legal changes narrowed the space

<sup>31</sup> Parliament of the Republic of North Macedonia (2018). Criminal Code. Official Gazette of the RNM 37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139/08, 114/09, 51/11, 135/11, 185/11, 142/12, 166/12, 55/2013, 82/13, 14/14, 27/14, 28/14, 41/14, 115/14, 132/14, 160/14, 199/14, 196/15 и 226/15, 97/17 and 248/18. Skopje: Parliament of the Republic of North Macedonia.

<sup>32</sup> Parliament of the Republic of North Macedonia (2018). Law on Police. Official Gazette of the RNM 114/2006, 6/2009, 145/2012, 41/2014, 33/2015, 31/2016, 106/2016, 120/2016, 21/2018, 64/2018. Skopje: Parliament of the Republic of North Macedonia.

<sup>33</sup> Radio Slobodna Evropa (2019). Владата ги повлече „диктаторските“ ограничувања на протести. Published 12.11.2019. Available at: <https://www.slobodnaevropa.mk/a/30266139.html> [23.12.2019]

<sup>34</sup> Amnesty International (2018). Montenegro 2017/2018. Available at: <https://www.amnesty.org/en/countries/europe-and-central-asia/montenegro/report-montenegro/> [21.09.2019]

<sup>35</sup> [https://www.esithaklar.org/wp-content/uploads/2019/11/toplanti\\_ve\\_gosteri\\_hakki\\_izleme\\_2019\\_nisan\\_eylul-1.pdf](https://www.esithaklar.org/wp-content/uploads/2019/11/toplanti_ve_gosteri_hakki_izleme_2019_nisan_eylul-1.pdf)

<sup>36</sup> CIVICUS (2018). Civic space in Bosnia and Herzegovina in 2018. Available at: <https://monitor.civicus.org/updates/2018/10/02/civic-space-bosnia-and-herzegovina-2018/> [15.09.2019]

for “Justice for David” public gatherings, legalizing violent treatment of participants in the Banja Luka protests in 2018. This has resulted in intimidating all future participants in public gatherings of this or other groups.

Serbia witnessed a wave of weekly protests since December 2018 under the slogan “1 in 5 million”<sup>37</sup>, with people in more than 30 cities and towns joining. While most gatherings were peaceful, clashes between the protesters and the police occurred when protesters tried to enter the National Radio Television, and on another occasion tear gas and excessive and disproportionate use of force were used and 18 protesters were arrested. The assemblies have drawn widespread societal support and embraced a variety of issues from worker’s rights, to corruption and political violence<sup>38</sup>. However, CSOs note there is a selective implementation of the Public Assembly Act, especially during opposition protests, gatherings of informal groups dealing with environmental issues (e.g. Defend the Stara Planina Rivers, Guardians of the Springs etc.) and events about topics that, as a rule, attract right-wing organizations (e.g. Miredita Festival or events organized by peace and reconciliation movements). Moreover, women organizations have especially raised the issue of violence during peaceful assemblies, oversight by the Security and Information Agency, as well as police harassment or lack of protection.

Several IPA Beneficiaries, such as Albania, Serbia, Montenegro and North Macedonia, note an evident rise of citizens’ initiatives and protest movements addressing local concerns on various community, social and environmental issues, e.g. building of small hydropower plants, destruction of protected or inhabited areas, air pollution etc., most of which have been peacefully held and enabled by the police.

### 1.3. Freedom of Expression

Freedom of expression is guaranteed in legislation across the IPA Beneficiaries. Except in North Macedonia, the legislation was not amended in the past two years. However, in Albania, Montenegro and Serbia legislative changes were announced.

In North Macedonia, a substantial change in the legal framework was made with the adoption of a new Law on Free Access to Information of Public Character, which should enable quicker access to information by those that request information, as well as greater transparency and accountability of the information providers. In the new Law, exemptions are exclusively listed, e.g. information that is classified, personal data, for which the disclosure would mean violation of personal protection data, information whose provision would violate the confidentiality of the tax procedure, information obtained or compiled for investigation, criminal or misdemeanour procedure for conducting administrative and civil proceedings; information that endangers industrial or intellectual rights property (patent, model, sample, trademark and service mark, mark of origin product.<sup>39</sup> In addition, the government has announced and prepared an Action plan to deal with the issue of fake news and disinformation. However, relevant CSOs working on media issues and journalism noted that there is no need for action on the government’s side, since this is an issue of media self-regulation.

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<sup>37</sup> CIVICUS (2019). Violence at #10od5miliona Protests in Belgrade. Available at: <https://monitor.civicus.org/updates/2019/03/21/violence-10od5miliona-protests-belgrade/> [15.09.2019]

<sup>38</sup> CIVICUS (2019). Weekly “1 of 5 million” protests continue across Serbia. Available at: <https://monitor.civicus.org/updates/2019/03/08/weekly-1-5-million-protests-continue-across-serbia/> [14.09.2019]

<sup>39</sup> Parliament of the Republic of North Macedonia (2017). Закон за слободен пристап до информации од јавен карактер. [Pdf]. Skopje: Parliament of the Republic of North Macedonia. Available at: <http://komspi.mk/wp-content/uploads/2017/09/%D0%97%D0%90%D0%9A%D0%9E%D0%9D-%D0%97%D0%90-%D0%A1%D0%9F%D0%98-%D0%9F%D0%94%D0%A4.pdf> [01.02.2020]

Amendments to the regulations on free access to information were also proposed in Montenegro and Serbia and, despite the strong pressure by civil society in both IPA Beneficiaries, only the draft law in Montenegro was removed from further procedure. Changes proposed in Montenegro gave room for public officials' subjective interpretations about what information is of public interest and can be or cannot be shared<sup>40</sup>, while in Serbia it would enable institutions to avoid answering to requests<sup>41</sup>. Such provisions leave room for abuse and hinder investigative journalism, which seriously threatens citizens' rights to oversee the work of public institutions. In Albania, in 2018, the Government drafted an anti-defamation legal package, granting more competencies to the Audio-visual Media Authority, including issuing fines and sanctions, which media organizations considered unproportioned and drastic.

The gap in implementation of the legal framework in practice has increased in several IPA Beneficiaries, except in North Macedonia, where improvements in the media and climate for journalism were noted to some extent. Violations and restrictions of the freedom of expression continued in Turkey, and smear campaigns were recorded across Bosnia and Herzegovina, Montenegro and Serbia. With 321 cases, Turkey leads the list among IPA Beneficiaries in European Court of Human Rights (ECHR) rulings in terms of violating freedom of expression.

In almost all IPA Beneficiaries, threats, pressures, insults, and influences are still part of daily life for independent journalists, with high government officials being very often generators of creating an atmosphere of fear and indirectly supporting a culture of impunity<sup>42</sup>. Worryingly, most of the cases of physical attacks or death threats have not been appropriately investigated and too many remain unsolved. According to the BIA Media Monitoring Report of 2018, in Turkey 123 journalists were behind bars due to occupational and political activities, 47 journalists were taken into custody, 19 reporters and one media organization were assaulted, 20 journalists, reporters and columnists were convicted of "insulting the President" because of their news stories and criticism. According to the report of International Press Institute "Monitoring Judicial Practices in Turkey", the majority of the cases with the accusation of "insulting the President" shows that each case directly targets the profession of journalists and their main *raison d'être* for freedom of expression and freedom of information<sup>43</sup>. According to the Human Rights Watch, the number of such accusations has been continuously growing since 2017<sup>44</sup>. Furthermore, at least 2,950 news stories on the internet were blocked upon the rulings of the Penal Courts of Peace, while Wikipedia has been blocked across all languages between April 2017 and January 2020.<sup>45</sup>

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<sup>40</sup> Centar za monitoring i istraživanje CeMI (2019). Pet NVO podnijelo primjedbe na Nacrt Zakona o slobodnom pristupu informacijama. Available at: <http://cemi.org.me/2019/11/pet-nvo-podnijelo-primjedbe-na-nacrt-zakona-o-slobodnom-pristupu-informacijama/> [09.01.2020]

<sup>41</sup> Udruženja.info (no date). HITNO UKLONITI ŠTETNE ODREDBE ZAKONA O SLOBODNOM PRISTUPU INFORMACIJAMA OD JAVNOG ZNAČAJA. Available at: <http://udruzenja.info/hitno-ukloniti-stetne-odredbe-zakona-o-slobodnom-pristupu-informacijama-od-javnog-znacaja/> [24.01.2020]

<sup>42</sup> Reporters without borders (2019) Republic of North Macedonia. Reporters without borders. Available at: <https://rsf.org/en/republic-north-macedonia> [25.11.2019], Civicus monitor (2019) Tensions run high amid name change debate. Available at: <https://monitor.civicus.org/newsfeed/2018/11/05/tensions-run-high-amid-name-change-debate/> [25.11.2019], Radio Free Europe (2019) Popovski: We provide the conditions for investigative journalism Available at: <https://www.slobodnaevropa.mk/a/29728734.html> [25.11.2019], Civicus monitor (2018) Continued concern for free speech and the press as several attacks against journalists reported. Available at: <https://monitor.civicus.org/newsfeed/2018/04/26/continued-concern-free-speech-and-press-several-attacks-against-journalists-reported/> [25.11.2019]

<sup>43</sup> International Press Institute (2019). Monitoring Judicial Practices in Turkey and Strengthening EU Human Rights Mechanisms: TURKEY FREE EXPRESSION TRIAL MONITORING REPORT. [pdf] Available at: [https://freeturkeyjournalists.ipi.media/wp-content/uploads/2019/09/Turkey-Trial-Monitoring-Report-Sept19-250919\\_final.pdf](https://freeturkeyjournalists.ipi.media/wp-content/uploads/2019/09/Turkey-Trial-Monitoring-Report-Sept19-250919_final.pdf) [04.02.2020]

<sup>44</sup> Human Rights Watch (2018). Türkiye: "Cumhurbaşkanına Hakaret" Davalarının Açılmasına Son Verilsin. Available at: <https://www.hrw.org/tr/news/2018/10/17/323507> [12.12.2019]

<sup>45</sup> Bianet (2019). BIA Media Monitoring Report 2018: One Year of the Journalist and the Media. Available at: <https://bianet.org/english/media/205640-bia-media-monitoring-report-2018-one-year-of-the-journalist-and-the-media> [04.02.2020]

Reports with labelling of journalists, independent outlets and activists as “foreign mercenaries” or “enemies of the state” by several political parties in Bosnia and Herzegovina, Serbia and Montenegro, have been made<sup>46</sup> and the continuous threats have fuelled self-censorship throughout the region. On the other hand, there has been a positive development in Bosnia and Herzegovina with the adoption of the Rulebook on the Automatic Case Management System in the Prosecutor’s Offices where defamation acts are now registered, aiming to increase the transparency in these cases.

Critical voices, particularly in Serbia, have been continuously pressured, smeared and silenced<sup>47</sup>; organizations critical of the government are a constant target of political officials and pro-government media campaigns aiming to undermine their credibility, even with fabricated affairs published in tabloids. In terms of media, in Serbia there is lack of transparency of media ownership and financing<sup>48</sup>, while in Montenegro there are claims that the public broadcaster service is co-opted by the ruling party and is under political interference<sup>49</sup>. In Albania, a 2018 analysis showed that 90% of media are owned by a handful of families and have excessive influence over public opinion<sup>50</sup>. Thus, media pluralism and independency are at issue. Defamation against media workers is present in several IPA Beneficiaries, and a rise of misinformation and fake news is noted throughout the region<sup>51</sup>.

#### 1.4. Volunteerism and employment

In terms of the legal framework regulating employment in CSOs, there have been no changes in the region. CSOs are being perceived as business sector operators or for-profit companies, without having any particular treatment that would encourage employments in the sector. In Bosnia and Herzegovina, labour-legal relations in CSOs registered at State level are regulated with the Law on Labour in the Public Institutions, while Entity Labour Law is applied in CSOs registered at the other levels. While such situation causes confusion among CSOs, this can also be questioned from legal correctness standpoint, given that CSOs are private law entities. In Kosovo, provisions for maternity leave, pension contributions and public health insurance present an additional challenge, as they are obligatory for employers and are not covered by the state. This presents a burden for CSOs since their funding is dominated by project funding. A new Law on Labour Relations is being developed in North Macedonia and which has been prepared in participatory manner inclusive of CSOs from the beginning of the preparation process<sup>52</sup>.

<sup>46</sup> Civil Rights Defenders (2019). HUMAN RIGHTS DEFENDERS IN THE WESTERN BALKANS: INTIMIDATION INSTEAD OF RECOGNITION. [pdf]. Available at: <https://crd.org/wp-content/uploads/2019/12/Human-Rights-Defenders-Report.pdf> [21.01.2020], European Commission, EU Enlargement Package 2018: Freedom of Expression – Information, Society and Media; available at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/freedom\\_of\\_expression\\_info\\_society\\_and\\_media\\_2018\\_0.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/freedom_of_expression_info_society_and_media_2018_0.pdf) [02.02.2020], „Monitoring Matrix for civil society development“ - Country report Serbia 2017-2018. Available at: [http://udruzenja.info/wp-content/uploads/2019/10/CMR-2017\\_2018.pdf](http://udruzenja.info/wp-content/uploads/2019/10/CMR-2017_2018.pdf) [19.01.2020], BN (2020). Istraživanje: Građani najviše vjeruju medijima. Available at: <https://www.rtvbn.com/3983159/istraživanje-gradjani-najvise-vjeruju-medijima> [04.05.2020], In a parliamentary debate in Serbia, Aleksandar Martinovic, the chief of the SNS Parliamentary Group, stated that reporters, as well as NGOs, put forward security-sensitive questions calling upon the Law on Free Access to Information of Public Importance, and accused them for “tendentious questions aimed at bringing down the security system of the Republic of Serbia.” He also accused former Commissioner of Information of Public Importance Rodoljub Sabic of working for foreign security agencies and Serbia’s opposition and against the SNS and Serbia. [Martinovic stated](#): “Serbia’s citizens should know that we primarily talk about those who mostly demanded (information of public importance), and I say that again, security-sensitive information, like CINS, KRIK, BIRN, BIRODI, Natasa Kandic, Nemanja Nenadic (director of Transparency Serbia) and so on. With such a statement, Aleksandar Martinovic attacked independent civil society organizations BIRODI, Transparency Serbia, CRTA and the Humanitarian Law Center and editorial offices of independent media CINS, BIRN, Istinomer, TV NI, weekly Vreme, as a response to their research and analyzes supported by facts as “destroying the security system of the Republic of Serbia “.

<sup>47</sup> CIVICUS (2019). Smears against journalists labelled as “Traitors” increase. Available at: <https://monitor.civicus.org/updates/2019/04/26/smears-against-journalists-labelled-traitors-increase/> [14.09.2019]

<sup>48</sup> CIVICUS (2018). Continued attacks on independent journalists. Available at: <https://monitor.civicus.org/updates/2018/07/06/Continued-attacks-on-independent-journalists/> [13.09.2019]

<sup>49</sup> CIVICUS (2018). Montenegro’s 2018 Civic space roundup. Available at: <https://monitor.civicus.org/updates/2018/10/05/montenegros-2018-civic-space-roundup/> [18.09.2019]

<sup>50</sup> CIVICUS (2018). Albania’s 2018 Round-up. Available at: <https://monitor.civicus.org/updates/2018/09/01/albania-2018-round-up/> [19.09.2019]

<sup>51</sup> OSCE (2019). LEGAL ANALYSIS ON THE DRAFT LAWS ON CHANGES AND AMENDMENTS TO THE LAW ON AUDIOVISUAL MEDIA IN THE REPUBLIC OF ALBANIA (PROPOSAL OF A LAW ON MEDIA SERVICES). [pdf]. Available at: <https://www.osce.org/representative-on-freedom-of-media/425462?download=true> [03.02.2020], European Commission (2018). EU Enlargement Package 2018 – Freedom of Expression – Information Society and Media. [pdf] Available at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/freedom\\_of\\_expression\\_info\\_society\\_and\\_media\\_2018.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/freedom_of_expression_info_society_and_media_2018.pdf) [03.02.2020].

<sup>52</sup> Akademik (2019). МТСП: Европските експерти со позитивно мислење за процесот на подготовка на новиот Закон за работните односи. Skopje: Akademik. Available at: <https://akademik.mk/mtsp-evropskite-eksperti-so-pozitivno-mislene-za-protsesot-na-podgotovka-na-noviot-zakon-za-rabotnite-odnosi/> [26.11.2019]

In terms of the legal framework that regulates volunteerism, there have been changes only in Albania, while in Kosovo and Montenegro new initiatives to regulate this area occurred. After the approval of two orders by the Minister of Finance and Economy, regulating the format and content of volunteer cards and the volunteering contract register, in July 2019 the legal framework on volunteerism in Albania was completed with the approval of the “Code of Ethics for Volunteers”. Nonetheless, these documents were approved without consulting CSOs, and thus still face CSOs’ opposition. Organizations report they are still facing difficulties and uncertainties in the involvement of volunteers in their activities and expose themselves to the risk of fines.

Similarly, in most of the other IPA Beneficiaries, laws are not supportive towards the concept of volunteerism and do not adequately address all the specificities of the sector. While the legislation allows volunteering to take place, it is still limiting due to the administratively burdensome procedures. Furthermore, the reimbursement for food/refreshments and per-diems are subject to taxation in Bosnia and Herzegovina, Kosovo and Serbia, while in North Macedonia all reimbursements, e.g. travel expenses, food/refreshments and per-diems are tax free. In practice, CSOs in North Macedonia face more difficulties when it comes to working with foreign volunteers. In Turkey, the legal framework does not contain or regulate volunteerism, which according to studies might restrict CSOs’ engagement with volunteers considering it as illicit employment. No official statistics on the number of volunteers in CSOs exist in any of IPA Beneficiaries. Positively, the population survey in Kosovo shows a relatively large increase in voluntary work for CSOs, which coincides with the findings of the World Giving Index 2018<sup>53</sup>, noting the highest score for volunteering time in Kosovo (10%), while the lowest is noted in North Macedonia (5%), with a decrease from 13% in 2017.

In Montenegro, a draft new Law on Volunteering is currently in parliamentary procedure, after the public debate procedure was conducted and the Government determined the proposal in November 2019. While the text is still unavailable to the public, according to the Ministry of Public Administration, the new Law will establish volunteerism as civic activism instead of working relationship and is in line with the Strategy on Improving Enabling Environment for CSOs in Montenegro for the period 2018-2020. In North Macedonia, a new Law on Internships was adopted and started with implementation as of May 2019<sup>54</sup>. While internships are clearly separated from volunteerism in the definition in the Law, it is to be seen how this Law might further affect the Law on Volunteerism and the employment laws (and policies) when it comes to their relation to CSOs.

## 1.5. Grassroots organizations

Registration of grassroots organizations is not mandatory, thus unregistered and free operation of associations is allowed in the whole region. There are no policies, rules or laws on grassroots in any of the IPA Beneficiaries, and there is a lack of both legal and common understanding and definition of what grassroots are. In some IPA Beneficiaries, grassroots are considered small local organizations, activist-based, that are unregistered and work at a local community level, but in other IPA Beneficiaries such an understanding has not been reached.

In each IPA Beneficiary, recipients of financial support are individuals and/or intermediary organizations, while there are no legal opportunities for an unregistered entity to receive funding. In this way, they are unable to apply and receive funding from the state and from certain foreign

<sup>53</sup> Charities Aid Foundation (2018). Charities Aid Foundation World Giving Index. Available at: <https://www.cafonline.org/about-us/publications/2018-publications/caf-world-giving-index-2018> [19.09.2019]

<sup>54</sup> Parliament of the Republic of North Macedonia (2019). Указ за прогласување на Законот за практиканство. [Pdf]. Skopje: Parliament of the Republic of North Macedonia. Available at: <https://www.pravdiko.mk/wp-content/uploads/2019/05/Zakon-za-praktikanstvo-21-05-2019.pdf> [12.12.2019]

donors that are not flexible in finding ways of supporting grassroots initiatives. Positive examples are the re-granting mechanism and the funding scheme by the EU in North Macedonia and Albania respectively, aiming to support grassroots. The EU supports individuals and unregistered organisations through the European Endowment for Democracy (EED) as well, all around the region, with a special focus on Turkey. Similarly, SDC, USAID and Open Society Foundations are also reaching out to smaller organizations. Furthermore, the position of unregistered operation places them in a marginalized position, as they are unable to enjoy full access to advocacy with policy-makers, take part in consultations, apply for funds, undertake legal action, etc..

The narrowing space for public debate has prompted the rise of grass-roots initiatives and movement in Serbia and Turkey, as well as in North Macedonia, particularly active in the fields of environmental protection and socio-economic issues. One of the most significant results of such local initiatives is that in the analytical period they united and mobilized citizens in the fight against corruption, nepotism and negligent dealing with community issues where there is no public debate and reaction from both authorities and formal CSOs. In Serbia, however, grassroots are considered to have weak links with registered and capable CSOs and difficulties in access to the media. In Montenegro, grassroots are well recognized and respected at local level and they receive significant support for their work in the local community. Kosovo also notes an emergence of a few successful non-registered initiatives, such as FemAktiv that organizes public performances on gender equality, or the civic activism in protection of cultural heritage during 2017.

## 2. Financial environment for CSOs

*In general, financial environment for CSOs cannot be described as particularly stimulating, but neither as hindering. In most of IPA Beneficiaries, financial and accounting rules are not adjusted to the nature of CSOs, but at least four IPA Beneficiaries (Albania, North Macedonia, Serbia and Turkey) have different reporting forms as per size of organization. In all IPA Beneficiaries, there are tax incentives for individual and/or corporate giving available. However, in some cases (e.g. Serbia) the process in utilizing them is rather complicated and, therefore, this possibility is not broadly used. Economic activity is allowed in all IPA Beneficiaries, but the threshold and tax treatments vary. Public funding for CSOs is available throughout the region and has generally been increasing, although not in all IPA Beneficiaries. Despite efforts with new legislation in some IPA Beneficiaries (Bosnia and Herzegovina, Kosovo, Montenegro and North Macedonia), it still lacks strategic perspective (i.e. a clear link and synergy with public policies), responsiveness to the needs of the sector, transparency and timeliness.*



## 2.1. Quality of financial rules

The legal framework that regulates financial and accounting rules in the Western Balkans and Turkey does not fully address the specific nature of CSOs, i.e. especially the needs of the smaller and grass-root organizations. Moreover, in Turkey, standard forms of notification for receiving and/or utilizing foreign funding exist.

When it comes to reporting obligations, four IPA Beneficiaries have different forms for different sizes or legal forms of CSOs that are proportional to their annual turnover. Namely, in Serbia and Turkey there are 3 different forms and in North Macedonia there are 2 forms available. As an exception, Albania has lighter reporting requirements for small organizations with annual revenues below 36,000 EUR. In remaining IPA Beneficiaries one type of form is used for all registered associations and foundations. Namely, in Bosnia and Herzegovina and Kosovo, the tax reporting rules are identical to those for business<sup>55</sup> and the financial (tax) rules are not proportionate to CSOs annual turnover. In Kosovo, sanctions for failing to fulfil the reporting requirements are proportionate to the size of CSOs, while reporting on Public Benefit Organizations (PBOs) is both narrative and financial, and PBOs with an income of more than 100,000 EUR have obligation to submit an external audit report.

There were no changes in the legislation concerning the financial rules, except in Albania. Namely, in May 2018, Law on Accounting and Financial Statements was adopted, which introduced new reporting requirements, including annual financial statements and a performance report on their activity, for CSOs with a value of assets and/or income of approx. 240,000 EUR. CSOs have raised concerns over the purpose of such reporting format, considering it presents a potential for intrusion and pressure from the government<sup>56</sup>. There was an attempt to change the accounting legislation in Serbia, whereby a draft new Law on Accountancy, published in August 2019, excluded the existence of a separate accounting framework for non-profits, based on the lobbying of professional associations of accountants for a unified accountancy framework for all types of legal entities. After a public debate and bilateral consultations with the Government Office for Cooperation with Civil Society, a separate framework was restored.

## 2.2. Individual and corporate giving

When analysing tax incentives for individual and corporate giving, there were no changes in the legal framework. Most of IPA Beneficiaries, with the exception of Albania, Serbia and Turkey, have certain tax incentives for individual giving, while tax incentives for corporate giving are provided in the legislation in all IPA Beneficiaries. However, the implementation and utilization of both is highly depend on the system, i.e. in some IPA Beneficiaries, such as in Albania and Serbia, the system is quite complicated resulting in companies rarely using it.

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<sup>55</sup> According to the Law 03/L-222 on Tax Administration and Procedures, tax reporting rules are identical to businesses. Financial reporting regulated through the Law 04/L-014 on Accounting, Financial Reporting and Audit does not specifically address CSO, although in practice same standards are applied also by CSOs.

<sup>56</sup> Partners Albania for Change and Development (2018). The Monitoring Matrix on Enabling Environment for Civil Society Development, Country Report for Albania. Available at: <https://partnersalbania.org/publication/monitoring-matrix-on-enabling-environment-for-civil-society-development-country-report-for-albania-2/> [15.01.2020]

**Table 1: Percentage of gross income exempt from tax for individual and corporate donors**

IPA Beneficiary	Individual giving	Corporate giving
Albania	/	3% (while 5% for publishing literature works, scientific and encyclopaedia, as well as cultural, artistic and sports activities)
Bosnia and Herzegovina	0.5% for organisations offering humanitarian, cultural, sports and social service activities	3%
Kosovo	10% deductions of the taxable income for humanitarian, health, educational, religious, scientific, cultural, environment protection or sport purposes	10% for deductions of the taxable income for humanitarian, health, educational, religious, scientific, cultural, environment protection or sport purposes
Montenegro	3.5% for health, educational, scientific, religious, sports, cultural, humanitarian and environmental purposes	3.5% for health, educational, scientific, religious, sports, cultural, humanitarian and environmental purposes
North Macedonia	20% (max. 390 EUR) for decrease of the annual tax debt	5% for deductions of the total income (3% in the case of sponsorships)
Serbia	/	5% of gross income for medical, educational, scientific, humanitarian, religious, environmental and sports purposes, and giving to institutions of social protection is non-taxable.
Turkey	/	5% for donations to tax-exempt PBOs

Exemptions for individual giving - varying between 0.5% (Bosnia and Herzegovina) and 10% (Kosovo) - are conditioned on the purpose of donations, such as humanitarian, cultural, religious or other purposes in Bosnia and Herzegovina and Kosovo. In North Macedonia, there is tax relief of 20% of annual personal income tax, or less than approximate 390,00 EUR. In Montenegro, individual tax incentives are related to a limited scope of areas, but are not harmonized with the Law on Corporate Income Tax that recognizes all 20 areas of public interest. There are no tax incentives for individuals in Albania, Serbia and Turkey. In terms of corporate giving, tax incentives vary from 3% (Bosnia and Herzegovina and Albania) to 10% (Kosovo, where it can increase up to 20% as per other laws), also depending on the purpose of giving or the type of entity being given to.

In practice, although still not significant, corporate and individual giving in each IPA Beneficiary has grown over the past several years<sup>57</sup>. In North Macedonia and Serbia, CSOs consider the administrative procedure for incentives too burdensome. The noted philanthropy growth in the region (excluding Turkey) is not linked to an improved tax treatment, but is a result of the efforts of philanthropy organizations to increase awareness and improve their outreach among individual and corporate donors.<sup>58</sup> Among the general public, the level of philanthropy is perceived the highest in Bosnia and Herzegovina and Kosovo.<sup>59</sup> However, across the region there is a perception that philanthropy is not well developed and that the level of incentives for donating to the common good is insufficient.<sup>60</sup>

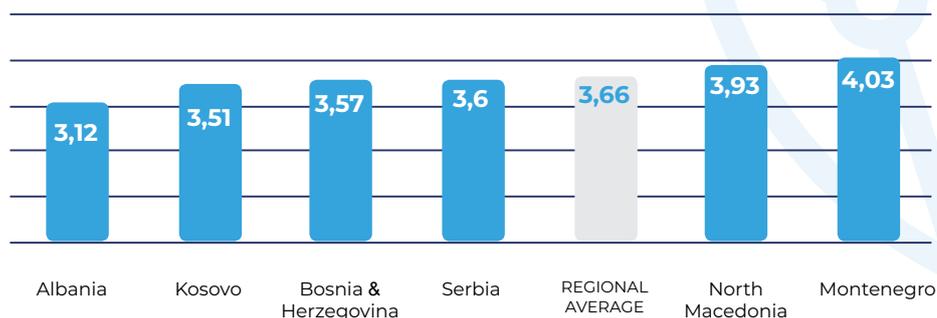
<sup>57</sup> Ibid.

<sup>58</sup> Mitrović, M. (2019). SIGNS of CHANGE for philanthropy in the Western Balkans region. Philanthropy in focus. Available at: <https://philanthropyinfocus.org/2019/11/26/signs-of-change-for-philanthropy-in-the-western-balkans-region/> [01.04.2020]

<sup>59</sup> Ibid.

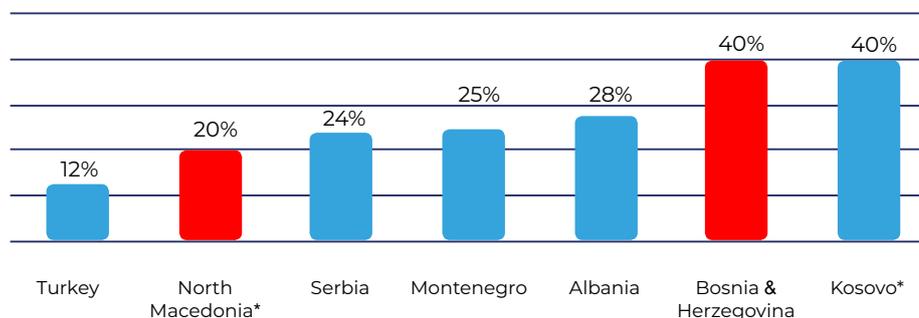
<sup>60</sup> Ibid.

**Table 2: Global Philanthropy Environmental Index 2018, Overall Score**



In the region, individuals are the most active donor type, making 52% of the total giving, while corporate donations represent 29% of all donations. Corporate giving is lower in Albania, Kosovo and North Macedonia, with less than 16% of all donations. While according to the Global Philanthropy Environment Index 2018, the regional average is 3.66, Albania notes the lowest score (3.12) and Montenegro the highest (4.03). On the other hand, the World Giving Index (WGI) latest (10<sup>th</sup>) edition has included Montenegro and Serbia in the world's 10 lowest scoring IPA Beneficiaries over the last 10 years "due to a complex mixture of cultural and economic factors", while Bosnia and Herzegovina is one of the 10 biggest risers according to the improvement in their overall Index since 2010.<sup>61</sup> Based on the WGI 2018 Index<sup>62</sup>, Bosnia and Herzegovina and Kosovo have the highest score (40%) and Turkey the lowest (12%) in terms of donations to charities. In comparison to 2017, the behaviour in giving notes the greatest decrease in North Macedonia, coinciding with the latest research of Catalyst Balkans, which in North Macedonia noted a decrease of 13.4%<sup>63</sup>. Catalyst Balkans reports show that giving is mostly related to humanitarian and health causes, human rights and basic needs, while the least supported cause reported is education. Giving in the Balkans is rather focused on needs of individuals and families rather than to CSOs, which may be due to the lack of trust in CSOs or the perception of philanthropy as a means to help directly those in need, rather than a vehicle to solve important social issues. In terms of whom the public would support<sup>64</sup>, CSOs are among the top three to be supported in Bosnia and Herzegovina, Kosovo and North Macedonia, while foundations rate best in Kosovo and Serbia. Distrust about misuse of donations is highest in Serbia.<sup>65</sup>

**Table 3: World Giving Index 2018 - Scores for donating to charities (red colour marks a decrease since 2017)**



<sup>61</sup> Charities Aid Foundation (2019). Charities Aid Foundation World Giving Index 10th edition; Ten years of giving trends. [Pdf.] Available at: [https://www.cafonline.org/docs/default-source/about-us-publications/caf\\_wgi\\_10th\\_edition\\_report\\_2712a\\_web\\_101019.pdf](https://www.cafonline.org/docs/default-source/about-us-publications/caf_wgi_10th_edition_report_2712a_web_101019.pdf) [10.01.2020]

<sup>62</sup> Charities Aid Foundation (2018). Charities Aid Foundation World Giving Index. Available at: <https://www.cafonline.org/about-us-publications/2018-publications/caf-world-giving-index-2018> [19.09.2019]

<sup>63</sup> Catalyst Balkans (2019). Годишен извештај за состојбата со филантропијата; Краток преглед. Available at: <https://www.slideshare.net/CatalystBalkans/2018-193149173> [15.12.2019]

<sup>64</sup> Mitrović, M. (2019). SIGNS of CHANGE for philanthropy in the Western Balkans region. Philanthropy in focus. Available at: <https://philanthropyinfocus.org/2019/11/26/signs-of-change-for-philanthropy-in-the-western-balkans-region/> [01.04.2020]

<sup>65</sup> Ibid.

### 2.3. Financial benefits

CSOs can perform economic activities with different thresholds across the region. In Montenegro, it must not exceed 4,000 EUR in the given year or 20% of the total income for the previous year, while in Bosnia and Herzegovina economic activities that are not directly related to the achievement of organization's goals must not exceed one third of the organization's total annual budget, or approx. 5,000 EUR, whichever amount is higher. In Albania, the income from economic activity conducted to support the non-profit purpose of the organization must not exceed 20% of the total annual revenues, and in Kosovo there is no specified limit, as the ambiguous legal framework<sup>66</sup> states that the income should be reasonable.

Income from mission-related economic activities is not tax free in Albania, Kosovo, Montenegro and Turkey, while it is tax exempt in Bosnia and Herzegovina (up to 25,000 EUR annual income) and Serbia (up to 3,400 EUR). In Albania, economic activities are not subject to tax on income, except in cases when this income is not used for activities, for which the organization is registered.

**Table 4: Tax exemption of mission-related economic activity**

	Tax exemption of mission-related economic activity
<b>Albania</b>	Tax free, except in cases when income is not used for activities for which the organization is registered; CSOs that carry out activities of public interest are exempted from VAT, if the income does not exceed 20% of the total annual revenue.
<b>Bosnia and Herzegovina</b>	Tax free up to 25,000 EUR annual income; Economic activity that is not mission-related is limited to a profit of approx. 5,000 EUR or maximum one third of the total annual budget (whichever is higher).
<b>Kosovo</b>	Not tax free.
<b>North Macedonia</b>	Tax free up to approx. 15,000 EUR per year from –1% tax on the amount exceeding the 15,000 EUR threshold.
<b>Montenegro</b>	Not tax free; maximum annual income from economic activity is 4,000 EUR or up to 20% of the total income for the previous year.
<b>Serbia</b>	Tax free up to 3,400 EUR.
<b>Turkey</b>	Not tax free; some tax exemptions are provided to a very limited number of associations with public benefit status granted by the President.

Some countries have developed a public benefit designation that frees organizations undertaking philanthropy from paying VAT, but in practice, these frameworks are cumbersome, time-consuming and complicated in its implementation<sup>67</sup>.

In terms of improvement of legislation related to financial benefits, North Macedonia has made positive changes by amending the Law on Profit Tax at the end of 2018 and exempting CSOs as subjects of the Law. Only in case where CSOs earn over approximately 15,000 EUR per year from economic activity, 1% tax is calculated on the amount exceeding the 15,000 EUR threshold<sup>68</sup>. A new Law on Personal Income Tax was proposed by the end of the year, replacing the previous

<sup>66</sup> There are ambiguities in the Law 05/L-029 on Corporate Income Tax, in particular on the economic activities of CSOs which do not have the Public Benefit Status. According to the Kosovo Tax Law, the economic/commercial activities of PBOs are exempt from the corporate income tax, if the income destination is solely for the public benefit purpose and up to a "reasonable level" of income. While the article of the tax exemption mentions only PBOs, another article on commercial activities talks about all registered CSOs (NGOs) whose "commercial or other activity shall be exclusively related in administration to its public purpose up to a reasonable level of income". This implies that the economic activity of any registered CSOs shall be directly linked to its mission and the income should be reasonable, and all other economic activities are subject to income tax.

<sup>67</sup> Indiana University-Purdue University Indianapolis (2018). Global Philanthropy Environment Index. Available at: <https://globalindices.iupui.edu/environment/regions/balkan/index.html> [11.11.2019]

<sup>68</sup> Parliament of the Republic of North Macedonia (2018). *Law on profit tax*. Official Gazette of the RNM 112/14, 129/15, 23/16, 190/16 and 248/18. Skopje: Parliament of the Republic of North Macedonia.

Law on Personal Income Tax, which contains tax exemptions also in respect to the compensation of volunteers. In Serbia, a Rulebook regulating the manner of VAT exemption was amended in August 2018, enabling CSOs to submit their request for exemption exclusively electronically from the beginning of 2019. This has greatly facilitating the process, especially for CSOs residing outside Belgrade. Albania and Turkey still do not have any legal framework for financial benefits. Tax exemption and public benefit statuses in Turkey are provided to a very limited number of associations with public benefit status granted directly by the President.

## 2.4. Government support

Generally, the transparency of public financial support provided to CSOs is still rather low. However, legislative changes that aim to improve this have taken plan in Bosnia and Herzegovina, Kosovo, Montenegro and Serbia. In addition, North Macedonia has also noted certain improvements in the public funding processes. On the other hand, there is no general framework of government support to CSOs in Turkey at all. There, the support depends on every individual public institution which has the responsibility to develop its own implementation framework.

A major step forward seen in Bosnia and Herzegovina is the adoption of the state-level Rulebook on Financing and Co-financing Projects of Public Interest of Associations and Foundations. The Rulebook prescribes general principles, criteria, procedures for allocation and contracting of funds from the state budget, control over the use of allocated budget funds and other issues of importance for supporting CSO projects in areas of public interest. Similarly, Kosovo notes the signing of the first central policy that regulates public funding distribution for CSOs in all governmental institutions, which for the first time establishes a decentralized system of public funds distribution for CSOs, in accordance with the institutions' relevant strategic documents and priorities. A new model for a decentralized system of funding and a centralized system of planning funding priorities was also established in Montenegro<sup>69</sup>, amending the percentages for funding CSOs out of the total budget: 0.3% for CSO projects, 0.1% for projects relating to people with disabilities and 0.1% for co-funding for projects funded by the EU. Finally, in Serbia, a new Regulation on the Resources for Supporting Programs or Providing Co-financing for Programs of Public Interest Implemented by Associations<sup>70</sup> was adopted and has been implemented since March 2018, aiming to increase the transparency of the process and introduce anti-corruption measures. However, there is no supervisory body in charge of supervision of the implementation of the regulation and its possible violations.

Legally, only few of the IPA Beneficiaries, i.e. Montenegro, Albania, Kosovo, provide the obligation for public institutions to enable beneficiaries to participate in programming of the public funding, while in some countries, e.g. in North Macedonia, some consultations took place in practice. For example, in Montenegro, the new amendments to the Law on NGOs clearly requires ministries to organize sectorial consultations in order to consult all relevant stakeholders. In Albania and Kosovo, beneficiaries should also be included, while in North Macedonia extensive national consultations with CSOs were conducted on the funding priorities of the Government<sup>71</sup>. Furthermore, by law, clear criteria should be prepared and published in advance. However, according to interviewees and participants of the focus groups, these provisions are not fully respected in practice. Also, while deadlines for reaching a decision for funding are also set, there are no requirements for publishing or having merit decision with arguments with the exception in Serbia.

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<sup>69</sup> Directorate for cooperation with non-governmental organizations (2018). Odluka o utvrđivanju prioriternih oblasti od javnog interesa i visine sredstava za finansiranje projekata i programa nevladinih organizacija u 2019. godini. Available at: <http://www.nvo.mju.gov.me/kancelarija> [13.12.2019]

<sup>70</sup> Parliament of the Republic of Serbia (2018). *Uredba o sredstvama za podsticanje programa ili nedostajuceg dela sredstava za finansiranje programa od javnog interesa koja realizuju urduzenja*. Official Gazette of RS, 16/2018. Belgrade: Parliament of the Republic of Serbia.

<sup>71</sup> Government of the Republic of North Macedonia (2019). Консултации за утврдување на приоритетите за финансирање на граѓанските организации од Буџетот за 2020 година. Available at: <https://www.nvosorabotka.gov.mk/?q=mk/node/377> [15.01.2019]

There is a lack of legal obligations for evaluation of achieved outputs and outcomes at the project and programme level in all IPA Beneficiaries, except in Kosovo. There, the new Regulation on public funding for CSOs provides that for each concluded contract funded from public funds, a responsible public official/team should be assigned for monitoring project/program implementation through regular visits to CSO beneficiaries.

There is no possibility of pre-payments and multi-annual contracts in Albania and in North Macedonia. However, this possibility exists for some programmes in Turkey and in some rare cases in Serbia. In Kosovo there is a possibility for both, while in Bosnia and Herzegovina there is only the possibility for pre-payments. In all IPA Beneficiaries, there is no long-term or strategic approach to public financial support, with only short-term project funding available.

In practice, the provision of public financial support has noted positive developments in Kosovo<sup>72</sup>, Montenegro<sup>73</sup> and North Macedonia<sup>74</sup>, with examples of institutions publishing open calls for proposals for the first time, with increased amount of available funding or based on clearer procedures and improved rules and processes.

Additional important steps towards transparency of public funds distribution to CSOs were noted in Kosovo and North Macedonia, through publishing of information on funds distributed to CSOs by public institutions. In Kosovo, 2019 marks the third consecutive year of such data being available to CSOs and the public, despite the fact that it fails to mirror a correct representation of the factual situation due to a lack of a system of maintaining and reporting of data. In North Macedonia, it is for the first time that the name of projects/organizations supported and the amount granted for 2018 and 2019 have been made available via the Unit for Cooperation with NGOs. Moreover, for the first time, the assessment of the project proposals was done in a transparent and accountable manner, with a proper commission and with two representatives from the Council for Cooperation with and Development of the Civil Society.

To sum up, in spite of several improvements in this area, several IPA Beneficiaries (especially Albania, Montenegro, Serbia and Turkey) reported on the lack of transparency of public funding support. Furthermore, the rise and growth of GONGOs, particularly in Montenegro and Serbia, significantly influenced this area as well, i.e. questions of legitimacy, quality, and equal access to fund). Furthermore, in Montenegro a persistent challenge remains the non-transparent practice of allocation of public workspace in almost all municipalities, which is perceived to be more in the service of GONGOs and PONGOs than the sustainability of the entire sector.

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<sup>72</sup> European Commission (2018). Kosovo 2018 Report accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2018 Communication on EU Enlargement Policy [COM(2018) 450 final]. [Pdf]. Luxembourg: European Commission. Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf> [17.10.2019]

<sup>73</sup> European Commission (2019). Montenegro 2019 Report accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2019 Communication on EU Enlargement Policy [COM(2019) 260 final]. [Pdf]. Luxembourg: European Commission. Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-montenegro-report.pdf> [17.10.2019]

<sup>74</sup> Government of the Republic of North Macedonia (2019). Премиерот Заев на конференцијата „Реформа на системот за државно финансирање на граѓанските организации: Стремиме кон одржлива финансиска поддршка на граѓанските организации. Available at: <https://vlada.mk/node/17896> [03.12.2019]

### 3. The relationship between CSOs and public institutions

*In all IPA Beneficiaries, except Turkey<sup>75</sup>, a legal framework for public consultations exists, making draft legislation available for comments. However, the implementation is still rather poor. Not only that the minimum consultation deadlines are breached, often drafts are not consulted at all. Usually, there are no feedback reports, which makes CSO influence on decision-making quite unclear. The legal framework that regulates the mechanisms or structures for dialogue and cooperation between civil society and public institutions has improved in several IPA Beneficiaries, leaving only Serbia and Turkey without some strategic document.*



#### 3.1. Inclusion of CSOs in decision making processes

The legal framework concerning the inclusion of CSOs in decision-making processes has advanced in Montenegro and Serbia, while no changes occurred in other IPA Beneficiaries. The lack of changes means that, for example, in Turkey there is still no legal obligation to consult and publish draft laws.

In Montenegro, during 2018 new rules were adopted on the format of public calls and reports for consultations<sup>76</sup>. The Regulation<sup>77</sup> on the election of CSO representatives to the working bodies of the state administration and the conduct of public debates in the preparation of laws and strategies was adopted, ensuring the inclusion of CSO representatives in relevant bodies and the public's participation in the process of drafting laws. In Serbia, changes were introduced that allow greater participation of public such as the passing of the new Law on the Planning System<sup>78</sup> and the amendments of the Law on State Administration<sup>79</sup> and the Law on Local-Self Government<sup>80</sup>. Although the amendments to the legislation governing the participation of CSOs in decision-making processes made during 2018 and 2019 represent a step forward, the practice of organizing public hearings in an expedited procedure, without relevant CSOs and experts, is still present<sup>81</sup>.

<sup>75</sup> In Turkey the only existing legal framework for public consultation is the "Regulation on the Procedures and Principles of Drafting Legislation" Available at: <https://www.mevzuat.gov.tr/MevzuatMetin/3.5.20059986.pdf>. Accessed on 20 March, 2020. However, the existing regulations do not make public consultation obligatory and do not define objective mechanisms, procedures and criteria with respect to the consultation process and selection of CSOs that are to be involved in the policy process.

<sup>76</sup> Centar za Razvoj NVO (2019) *Civilno društvo u kreiranju i primjeni javnih politika*. (Facebook note, Published 02.07.2019) Available at: <https://www.facebook.com/notes/centar-za-razvoj-nvo/civilno-dru%C5%A1tvo-u-kreiranju-i-primjeni-javnih-politika/1310909032413584/> Accessed on 07.10.2019.

<sup>77</sup> Government of Montenegro (2018) *Uredbu o izboru predstavnika nevladinih organizacija u radna tijela organa državne uprave i sprovođenju javne rasprave u pripremi zakona i strategija*. [Pdf] Available at: <http://www.nvo.mju.gov.me/ResourceManager/FileDownload.aspx?Id=324013&rType=2> Accessed on 12.12.2019.

<sup>78</sup> Government of the Republic of Serbia (2019) *Public Policy Secretariat of the Republic of Serbia: Law on the Planning System Adopted*. Available at: <https://rsjp.gov.rs/EN/law-on-the-planning-system-adopted/> Accessed on 10.11.2019.

<sup>79</sup> Parliament of the Republic of Serbia (2018). *Law on State Administration*. Official Gazette of RS, Nos. 79/05 of 16 September 2005, 101/07 of 6 November 2007, 95/10 of 17 December 2010, 99/14 of 11 September 2014, 30/18 of 20 April 2018 (other law) and 47/18 of 20 June 2018. Available at: <http://propisi.pravno-informacioni-sistem.rs/article.php?pid=865&id=26418> Accessed on 10.12.2019.

<sup>80</sup> Standing Conference of Towns and Municipalities (2018). *Usvojen Zakon o izmenama i dopunama zakona o lokalnoj samoupravi*. National Association of Local Authorities in Serbia. Available at: <http://www.skgo.org/vesti/detaljno/1995/usvojen-zakon-o-izmenama-i-dopunama-zakona-o-lokalnoj-samoupravi> Accessed on 10.12.2019.

<sup>81</sup> Civic Initiatives (2018). *Associations of citizens: Shrinking Civic Space -Serbia 2014-2018*. [pdf]. Available at: <https://www.gradjanske.org/wp-content/uploads/2019/03/SHRINKING-SPACE-5.2.2018-REPORT-BY-CIVIC-INITIATIVES.docx-pdf> [12.12.2019], Centar za evropske politike – CEP (2018). *Nacionalni PAR Monitor. Srbija 2017/2018*. [pdf]. Available at: [https://weber-cep.s3.amazonaws.com/data/attachment\\_800/nacionalni\\_par\\_monitor\\_srbija.pdf](https://weber-cep.s3.amazonaws.com/data/attachment_800/nacionalni_par_monitor_srbija.pdf) [08.12.2019]

Data on the draft laws and bylaws consulted with CSOs in accordance with the national legislation is not available in Albania, Montenegro, North Macedonia and Turkey, while in Kosovo, with the entry into force of the Regulation on Minimum Standards for Public Consultation Process in January 2017, the data is being collected and published in spring each year. In addition, in North Macedonia, the Ministry for Information Society and Administration has prepared the first feedback report that is set to analyse the consultations with CSOs<sup>82</sup>. In Bosnia and Herzegovina, by the end of 2018, fifty-one state-level institutions registered on the platform, 191 public consultations were held, and 151 reports published. Over 1,000 individuals and organizations actively used the platform during 2018. When it comes to consultations with CSOs regarding draft laws/bylaws/strategies and policy reforms, there is no adequate access to information in Turkey, while there is adequate access in Albania, Bosnia and Herzegovina, Montenegro and North Macedonia and moderate access to information in Kosovo<sup>83</sup>.

Time available for consultations varies between 15 and 30 days or longer in specific cases. Minimum consultation time in different IPA beneficiaries include: 20 working days or for particularly complex or important acts, may be extended to 40 working days in Albania, 15 days, or exceptionally 30 days, if the drafted documents are of the special importance and interest of public in Bosnia and Herzegovina, 15 working days in Kosovo, minimum 15 days for public consultations, minimum 20 and maximum 40 days (, North Macedonia (for public debates in Montenegro, 20 days in North Macedonia and in Serbia, 30 days in Turkey. Obligations for selection and representativeness/diversity of working groups do not exist in Albania, Bosnia and Herzegovina, Kosovo and Turkey, while they do exist in Montenegro, North Macedonia and Serbia.

In terms of obligations regarding to feedbacks by public institutions on the outcome of consultations, in almost all IPA Beneficiaries there is no obligation for acknowledgement of input, nor the degree to which these have been accepted. The exception is Bosnia and Herzegovina where, with the establishment of the e-consultation platform<sup>84</sup> in 2017, the state-level institutions are not only obliged to have consultations, but institutions required to respond and offer justification for accepting or not accepting once inputs have been received. A drawback to this system is that the online consultation mechanism exists only at the state level, while a large number of issues addressed by civil society are the responsibility of the entities, where cooperation between the authorities and CSOs remains limited. Similarly, the Law on Public Notification and Consultation in Albania also requires reporting on how inputs by CSOs are taken into consideration, but little evidence exists on the use and efficiency of the feedback mechanisms.

In practice, in majority of IPA Beneficiaries experience an implementation gap, especially concerning consultation deadlines. Additionally, the involvement of CSOs in decision-making has faced serious violations in Montenegro and Serbia. Namely, in Montenegro, there is a lack of transparency of public institutions in terms of publishing their annual plan of operation and reports, lack of using all forms of inclusion of the public, and lack of practice of publishing calls for consultations and the necessary documents (especially draft acts) in the electronic register. Namely, only one third of draft acts in 2018 were consulted with the public.<sup>85</sup> A vast majority of

<sup>82</sup> Government of the Republic of North Macedonia (2019). Годишен извештај за спроведени консултации во процесот на подготовка на предлог закони од страна на министерствата за 2018 година. Ministry of Information Society and Administration. [Pdf] Available at: [https://www.nvosorabotka.gov.mk/sites/default/files/5.Informacija%20za%20ocenska%20na%20konsultacije%20\\_MIOA\\_GS\\_0.pdf](https://www.nvosorabotka.gov.mk/sites/default/files/5.Informacija%20za%20ocenska%20na%20konsultacije%20_MIOA_GS_0.pdf) [19.10.2019]

<sup>83</sup> RS Official Gazette, 123 year XVII, Agencija za ispitavanje javnog mnjenja (2019). REZULTATI ISTRAŽIVANJA „Vlada i NVO - dijalog pa povjerenje!“. [pdf]. Available at: [http://www.crnvo.me/sites/crnvo/files/article\\_files/rezultati\\_istraganja\\_0.pdf](http://www.crnvo.me/sites/crnvo/files/article_files/rezultati_istraganja_0.pdf) [13.01.2020], Government of the Republic of Macedonia (2019) Annual Report on the consultations implemented during the process of preparation of draft laws from the ministries [Internet] Skopje, Government of the Republic of North Macedonia. Available at: [https://www.nvosorabotka.gov.mk/sites/default/files/5.Informacija%20za%20ocenska%20na%20konsultacije%20\\_MIOA\\_GS\\_0.pdf](https://www.nvosorabotka.gov.mk/sites/default/files/5.Informacija%20za%20ocenska%20na%20konsultacije%20_MIOA_GS_0.pdf).

<sup>84</sup> Web platform “eKonsultacije”. Available at: <https://ekonsultacije.gov.ba/>. [03.12.2019]

<sup>85</sup> Centar za Razvoj NVO (2019) Civilno društvo u kreiranju i primjeni javnih politika. (Facebook note, Published 02.07.2019) Available at: <https://www.facebook.com/notes/centar-za-razvoj-nvo/civilno-dru%C5%A1tvo-u-kreiranju-i-primjeni-javnih-politika/1310909032413584/> [07.10.2019]



CSOs perceive that some organizations have preferential treatment compared to others and that not all are treated equally by public institutions. Often, participation of CSOs is seen only as a formality, without real influence on the decisions being made. Finally, in Serbia, there has been significant increase in passing laws through urgent procedure, without respecting any obligation for consultation, as well as rise of GONGOs, which infiltrate and co-opt the discussion<sup>86</sup>. In general, the common challenge identified in almost all IPA Beneficiaries regarding the public consultations are low capacities of public officials for implementing consultations processes. Consultations are consequently not targeted; key stakeholders are usually not identified and their early involvement is very rare. All of the mentioned obstacles result in public consultations of low quality and impact.

No changes were recorded in Turkey, where the inclusion of CSOs in decision-making is still very low. On the other hand, in Albania, the involvement has increased. There are more CSOs being involved in consultations, also through different working groups, but this practice still happens occasionally, even less at the local level, and the adopted laws that are related to civil society noted almost no involvement of CSOs.<sup>87</sup> In Bosnia and Herzegovina, some positive improvements are noted regarding inclusion in preparing legislation related to the EU Accession process<sup>88</sup> and social policies at Entity, cantonal and municipal level. However, CSOs claim to have insignificant influence on public policy making because their report they are really invited to participate. On the other hand, Kosovo and North Macedonia have noted significant improvements in involvement of CSOs in decision-making processes in practice. In Kosovo, the first report on online consultations was prepared for 2017<sup>89</sup>, and in North Macedonia there is an increase in respecting the deadlines for electronic consultations, and in general continuous involvement in all key legislation by using different ways of consultations (working groups, e-consultations, wider consultations, Council, etc.).<sup>90</sup> Moreover, the online consultations through the national e-register on regulations (ENER) have improved, and less acts are adopted in urgent or shortened procedure.<sup>91</sup>

### 3.2. Structures and mechanisms for dialogue and cooperation between civil society and public institutions

The legal framework that regulates mechanisms or structures for dialogue and cooperation between civil society and public institutions has improved in several IPA Beneficiaries. Positive developments were noted in Albania, Bosnia and Herzegovina, Kosovo, Montenegro and North Macedonia, in terms of adopting strategic documents. In Kosovo, the Strategy for Cooperation with Civil Society for the period 2019-2023 was adopted in February 2019<sup>92</sup>. The Strategy on Improving the Enabling Environment for the work of CSOs for the period 2018-2020 was also adopted in

<sup>86</sup> Popović, D., Stojanović, M., Selaković, B. (2018). Udruženja građanija: Suzavanje prostora delovanja; Srbija 2014-2018. Građanske inicijative. [Pdf] Available at: <https://www.gradjanske.org/wp-content/uploads/2018/12/Analiza-suzavanje-prostora.pdf> [10.10.2019]

<sup>87</sup> Partners Albania for Change and Development (2018). The Monitoring Matrix on Enabling Environment for Civil Society Development, Country Report for Albania. Available at: <https://partnersalbania.org/publication/monitoring-matrix-on-enabling-environment-for-civil-society-development-country-report-for-albania-2/> [15.01.2020]

<sup>88</sup> Kronauer Consulting (2019) Final report from the project "Capacity building Government institutions to engage in a policy dialogue with civil society, Bosnia and Herzegovina"

<sup>89</sup> Government of the Republic of Kosovo (2018). Annual report on the public consultations of the Government of the Republic of Kosovo. [Pdf] Available at: <https://konsultimet.rks-gov.net/Storage/Docs/Doc-5b22588443139.pdf> [07.10.2019]

<sup>90</sup> Government of the Republic of North Macedonia (2019). Годишен извештај за спроведени консултации во процесот на подготовка на предлог закони од страна на министерствата за 2018 година. Ministry of Information Society and Administration. [Pdf] Available at: [https://www.nvosorabotka.gov.mk/sites/default/files/5.Informacija%20za%20ocenka%20na%20konsultacite%20\\_MIOA\\_GS\\_0.pdf](https://www.nvosorabotka.gov.mk/sites/default/files/5.Informacija%20za%20ocenka%20na%20konsultacite%20_MIOA_GS_0.pdf) [19.10.2019]

<sup>91</sup> Institute for Democracy Societas Civiciis Skopje (2019). Извештај на Европската комисија за Република Северна Македонија 2019 - Оценка на Институтот за Демократија за напредокот во клучните области на добрососедските односи и регионална соработка, Собрание, борбата против корупцијата и креирање на политиките и носење закони. Skopje: IDSCS. [Pdf] Available at: <https://idscs.org.mk/wp-content/uploads/2019/06/IDSCS-ocenka-1.pdf> [10.08.2019]

<sup>92</sup> Government of the Republic of Kosovo (2019). Office of the Prime Minister: The strategy of cooperation with Civil Society 2019-2023 is approved and the decision to establish the Memorial Center of the genocide against the citizens of Kosovo "Bllaca 1999". Available at: <http://kryeministri-ks.net/en/the-strategy-of-cooperation-with-civil-society-2019-2023-is-approved-and-the-decision-to-establish-the-memorial-center-of-the-genocide-against-the-citizens-of-kosovo-bllaca-1999/> [11.11.2019]

Montenegro and in North Macedonia, the Strategy for Cooperation and Development Civil Society for the period 2018-2020 was adopted in 2018<sup>93</sup>. Furthermore, in Bosnia and Herzegovina, the Agreement on Cooperation between the Council of Ministers and the Non-Governmental Sector was signed in late 2017<sup>94</sup>, with more than 80% of the Council of Minister's obligations from the Agreement now implemented, except the adoption of a civil society development strategy. Despite certain initiatives to implement the agreements on cooperation with CSOs (i.e. the latest redesigned version of which was signed on 30 November, 2017 at the level of Council of Ministers and by the Brčko District on 16 June, 2017), the initiative was abolished due to internal misunderstanding regarding the process of leading responsibilities<sup>95</sup>. In July 2019, the Albanian Government approved the revised Road Map for the Government Policy towards a More Enabling Environment for Civil Society Development for the period 2019-2023, followed by a monitoring framework with measurement indicators and indicated budget. Serbia and Turkey still have no strategic documents adopted for development and cooperation with civil society<sup>96</sup>.

**Table 5: Overview of Government - CSO Cooperation**

IPA Beneficiary	Strategic documents	Mechanism for cooperation	Governmental bodies responsible for development and/or cooperation with CSOs
Albania	Road Map for the Government Policy towards a More Enabling Environment for Civil Society Development for the period 2019-2023	National Council for Civil Society	Agency for Support to Civil Society
Bosnia and Herzegovina	Agreement on Cooperation between the Council of Ministers and the Non-Governmental Sector (2017)	/	Sector for Civil Society (Ministry of Justice)
Kosovo	Strategy for Cooperation with Civil Society for the period 2019-2023	Council for implementation of the strategy (2019 – 2023)	Office for Good Governance (Office of Prime Minister)
North Macedonia	Strategy for Cooperation and Development of Civil Society for the period 2018-2020	Council for Cooperation with and Development of the Civil Society	Unit for Cooperation with Nongovernmental Organizations
Montenegro	Strategy on Improving the Enabling Environment for the Work of CSOs, for the period 2018-2020	Council for the Development of NGOs	Directorate General for Good governance and functioning of CSOs
Serbia	/	/	Government Office for Cooperation with Civil Society
Turkey	/	/	Directorate General for Relations with Civil Society (Ministry of interior)

<sup>93</sup> Government of the Republic of North Macedonia (2018). Unit for collaboration with non-governmental organization in the General secretariat. Available at: <https://www.nvosorabotka.gov.mk/?q=node/250> [19.10.2019]

<sup>94</sup> Council of Ministers of Bosnia and Herzegovina (2017). Sporazum o suradnji između Vijeća ministara Bosne i Hercegovine i nevladinih organizacija u Bosni i Hercegovini. Available at: <http://www.mpr.gov.ba/NVO/default.aspx?id=7076&langTag=bs-BA> [03.01.2020]

<sup>95</sup> Delegation of the EU in Bosnia and Herzegovina (2017). Potpisan Sporazum o saradnji između Vlade Brčko distrikta i lokalnih nevladinih organizacija. Available at: <https://europa.ba/?p=50453> [04.01.2020]

<sup>96</sup> Based on the European Commission Progress Reports.

In terms of bodies/institutions for dialogue and cooperation between civil society and public institutions, the legal framework has improved in North Macedonia with the establishment of the long-awaited Council for Cooperation with and Development of the Civil Society<sup>97</sup> and the adoption of documents for its functioning. The Council has been actively functioning since April 2018, and has held 16 sessions by October 2019, going beyond the legal requirement for at least 4 sessions a year. On the other hand, the lack of consultations and direct communication between civil society and the Council members has been reported<sup>98</sup>. In Montenegro, the Council for the Development of NGOs' organizational structures has changed in 2018, with 6 members out of 12 coming from CSOs ranks now. The Council has also resumed its work<sup>99</sup>. Councils for cooperation also exist on local level and all municipalities must have at least one annual meeting between mayors, local parliaments' presidents and representatives of local CSOs, but in most cases, this does not happen in practice. Turkey still does not have a designated body for dialogue between the Government and CSOs. There is only a public body established by a Presidential Decree<sup>100</sup> from 2018, namely a Directorate General for Relations with Civil Society under the Ministry of Interior, which was established in July 2018<sup>101</sup>. The regulation on the organization and duties of the Directorate included a policy objective to establish an advisory body, i.e. the Civil Society Consultation Council, as a new mechanism for participation, but this has yet to be implemented.

In the rest of the region, there are no improvements in terms of the legislative framework. In Albania, the National Council for Civil Society was established, but it is still not functional<sup>102</sup>. Moreover, a lack of interaction of the civil society members in the Council with other CSOs that they represent is noted, and the legitimacy of the Council is being questioned<sup>103</sup>. In Bosnia and Herzegovina, a decision on the formation of an advisory body for cooperation with CSOs has been adopted and needs to come into force officially. Currently, the appointment of 7 members of the body, all of whom are from civil society, is pending, making it the only such case in the region. In Kosovo, the Office for Good Governance (OGG) of the Office of Prime Minister (OPM) is still functioning and Serbia has had several councils/bodies being established that include civil society representatives<sup>104</sup>, but not a body designed for overall dialogue between the sector and the Government. The Government Office for Cooperation with Civil society is still operational, but its work is characterized primarily with support to other institutions in implementing their regular tasks, e.g. forwarding information on public hearings, co-organization, etc. and lacks any fundamental results<sup>105</sup>.

<sup>97</sup> Civil Society Resource Centre (2019). Better implementation of the activities foreseen in the Strategy needed in the next period. Skopje: RCGO. Available at: <https://rcgo.mk/news/better-implementation-of-the-activities-foreseen-in-the-strategy-needed-in-the-next-period/?lang=en> [11.12.2019]

<sup>98</sup> Ognenovska S., Chaushoska, J. (2019) Report on Enabling Environment for Civil Society Development 2018. MCIC.

<sup>99</sup> European Commission (2018). Montenegro 2018 Report accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2019 Communication on EU Enlargement Policy (COM(2019) 260 final). [Pdf]. Luxemburg: European Commission. Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-montenegro-report.pdf> [17.10.2019]

<sup>100</sup> Presidential Decree No. 17, published on September 13, 2018, amended Presidential Decree No. 1 of July 10, 2018 and abolished the Department of Associations and established a Directorate General for Relations with Civil Society under the Ministry of Interior.

<sup>101</sup> International Center for Not-for-Profit Law (2019). Civic Freedom Monitor: Turkey. Available at: <https://www.icnl.org/resources/civic-freedom-monitor/turkey> [09.01.2020]

<sup>102</sup> Partners Albania for Change and Development (2018). The Monitoring Matrix on Enabling Environment for Civil Society Development, Country Report for Albania. Available at: <https://partnersalbania.org/publication/monitoring-matrix-on-enabling-environment-for-civil-society-development-country-report-for-albania-2/> [15.01.2020]

<sup>103</sup> Law no. 15/2015 "For the Role of the Albanian Parliament in the integration process of Albania in European Integration" [pdf] Available at: [https://www.parlament.al/Files/Integrimi/ligji\\_15-2015-1.pdf](https://www.parlament.al/Files/Integrimi/ligji_15-2015-1.pdf) [12.12.2019], Madhi, G. "Parliament's Role in The EU Integration Process: In Search of a Genuine Catalyst", EU Policy Hub [pdf] Available at: <http://www.eupolicyhub.eu/wp-content/uploads/2019/04/KKIE-brief-en.pdf> [13.12.2019]

<sup>104</sup> Popović, D., Stojanović, M., Selaković, B. (2018). Udruženja građanija: Suzavanje prostora delovanja; Srbija 2014-2018. Građanske inicijative. [Pdf] Available at: <https://www.gradjanske.org/wp-content/uploads/2018/12/Analiza-suzavanje-prostora.pdf> [10.10.2019]

<sup>105</sup> Civic Initiatives (2019). Monitoring Matrix for Civil Society Development Country report for Serbia 2017-2018. [pdf] Available at: [http://udruzenja.info/wp-content/uploads/2019/10/CMR-2017\\_2018.pdf](http://udruzenja.info/wp-content/uploads/2019/10/CMR-2017_2018.pdf) [12.17.2019]

## II. THE STATE OF CSO CAPACITY

*In a rather unstable environment, CSOs' approach towards developing their capacities is quite pragmatic, depending on funding available. Awareness on the need to improve some areas is increasing. This is to the most extent true for transparency and accountability, communications and evidence-based advocacy. In term of funding diversification and strategic approach to fundraising, narrow scope of different funds available needs to be take into account. However, capacities in engaging more in crowdfunding and other forms of local philanthropy are improving.*

In order to put the analysis of CSO capacities in broader context and when considering the future capacity building support and revision of the EU CS Guidelines, one should also acknowledge some general societal and “sectoral” trends that are affecting everyday work of CSOs, their capacities and needs. Since these are much broader than the focus of this assessment, the trends outlined below are described only in a general manner.

### *Polarization of CSOs*

Traditionally, the biggest added value of the sector has always been its diversity. Regardless of how diversified the sector was, there was always a common support to democratization, rule of law and human rights present. Based on this, civil society played an extremely important role in political changes of 1980' all through to 2000 in the region.

Presently, with spreading populism and increasing polarization in society in general, the polarization in the sector has also been increasing. On the one hand, there are CSOs that stay true to their dedication towards human rights for all, and, on the other hand, we are witnessing an emergence of civil society, whose attitudes and position are supporting rights of only a certain group in society, e.g. migrants, LGBTI. Furthermore, the trend of establishing GONGO's and PONGOs, which has been described in the previous chapter on Conducive Environment is also increasing. While the sheer numbers of such organization are not high to affect CSO statistical data, with their activities they influence the quality of public funding and public participation process and outcomes.

### *Migration*

CSOs in the region face different challenges connected to migration. Globally, the region has been severely affected by the migration crisis and the establishment of the Balkan migration route. While this presents new opportunities to some CSOs for work and funding, at the same time several CSOs participating to the assessment have reported being targets of political and media pressures and attacks. Furthermore, most of the IPA Beneficiaries face an increasing immigration trend. As mostly young, educated people are moving from the region, CSOs' potential employment, constituency and funding pool, such as for all other areas of public life, is getting smaller.



### *Emergence of social movements and digitalization*

Many factors have attributed to emergence of different social movements. Some could be assigned to populism and the tendency of political leaders towards authoritarian style governance, but some factors could also be assigned to own CSO behaviour. Although there are several objective reasons for such state of affairs, e.g. low economic development of IPA Beneficiaries, low GDP, low potential for fundraising and low domestic donor culture resulting in dependence on foreign donors, bureaucratic procedures, the fact is that on average the bigger CSOs get, less responsive they are. Hence, people feel that they are not “represented” by CSOs or that they are unable to provide the services they need.

Furthermore, with digitalisation, more and more societal activities are moving on-line and thus changing the nature of human interactions. New media and social networks enable broad, instant and direct action and reaction. On the one hand, we are witnessing an increase of on-line and ad-hoc activism and a decline of citizen engagement with CSOs, on the other hand, since people can now directly participate in public life, state their opinions or help a cause, without interacting with intermediary organisations, including CSOs. Furthermore, new social movements and grassroots have also been characterised by their use of new technologies, which has enabled them to engage in online and ad-hoc activism.<sup>106</sup>

## **4. Basic data analysis**

In majority of IPA Beneficiaries, obtaining basic statistic data on civil society still proves to be a challenge. Official data is annually published by the responsible public agency only in North Macedonia and Serbia, i.e. by Central Register of North Macedonia and Serbian Business Registers Agency, respectively. In other IPA Beneficiaries data can only be gathered from several different bodies, while others can only be gathered through different surveys, i.e. in Bosnia and Herzegovina, Kosovo. Apart from North Macedonia and Serbia, in other IPA Beneficiaries the data obtained are also somewhat unreliable, as data provided by different institutions differ and there is no clear methodology for gathering data, etc..

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<sup>106</sup> Divjak, T., Forbici, G. (2017). *The Future Evolution of Civil Society in the European Union by 2030*. Brussels: European Economic and Social Committee; p. 21.

**Table 6: Basic CSO data<sup>107</sup>**

IPA Beneficiary <sup>1</sup>	Number of CSOs	Number of active CSOs	Number of employees	Total income (in EUR)	Number of networks (estimation)
Albania	11.426	2.323	8.917	35.693.020	N/A
Bosnia and Herzegovina	27.263	19.955	8.188	N/A	50
Kosovo	10.654	Less than 1.000 <sup>2</sup>	8.453	46% of CSOs operate without funding, 23% of them with less than 10,000 EUR / year	20
Montenegro	5.669	N/A	854	26.897.606	256
North Macedonia <sup>3</sup>	10.171	4.810	1.645	101.887.128	69
Serbia	32.948	25.878	8.517	335.652.409	N/A
Turkey	134.816	N/A	64.515 associations in 2018, 17.093 foundations in 2016	8.494,7 million	1247 federations and 103 confederations

<sup>1</sup> The year for gathering data differs, in most cases data are from 2018.

<sup>2</sup> Estimation.

<sup>3</sup> This number was acquired from the Central Registry (CRM) on the request to provide the number of organizations registered under organizational form 10 with activity 94. However, during the working group discussion at the Regional Civil Society Forum (Skopje, January 2020) it was pointed out by one participant that they also asked the CRM for the number of registered associations and foundations (16.703 on 31.12.2019) and the number of active organization (2.710 on 31.12.2019). The difference in numbers additionally supports the conclusion that the official and correct statistical data are difficult to acquire.

The number of registered CSOs in all IPA Beneficiaries is quite high. However, the question on number and percentage of active CSOs still remains. In most IPA Beneficiaries, those organizations that submitted annual report (or a statement that due to their low annual budget are not obliged to submit the annual report) are counted as active. As to the number of employees, the data do not differ among different types of employment (i.e. permanent, part-time, etc.) and do not include other types of contracts, which are quite common in the sector. There also are no official data on the number of networks. In some IPA Beneficiaries, only data from external occasional different surveys, usually measuring the percentage of CSOs active in networks, are available. For example, according to the study CSO Sector in Serbia in 2019 Assessment of the Situation in the Civil Society Organisation Sector in Serbia<sup>108</sup>, 33% of CSOs reported being members of a CSO network. Data from Kosovar Civil Society Index 2018<sup>109</sup> show that CSOs in Kosovo are members of at least one (1) network, umbrella group or federation. More concretely, 15.8% of CSOs are reported members of only one network, about 12% participate in 2 to 3 networks, while 21.8% of them are members of more than four networks. In North Macedonia, almost two thirds of CSOs that were identified, responded that they participated in at least one or more networks (i.e. 45% in one network, 29% in two networks and 26% in more than two networks).

<sup>107</sup> Contains only categories, for which data were available in majority of IPA Beneficiaries.

<sup>108</sup> IPSOS Strategic Marketing, Velat D. (2019). CSO Sector in Serbia in 2019 - Assessment of the Situation in the Civil Society Organization Sector in Serbia. ACT – For an Active Civil Society Together. [Pdf] Available at: [https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019-Summary\\_WEB.pdf](https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019-Summary_WEB.pdf) [28.11.2019]

<sup>109</sup> Puka, D., Hoxha, T. (2018). Kosovar Civil Society Index 2018. Prishtina: Kosovar Civil Society Foundation. Available at: <https://www.kcsfoundation.org/wp-content/uploads/2018/12/Kosovar-Civil-Society-Index-2018.pdf> [19.12.2019]

## 5. Capability, transparency and accountability of CSOs

### 5.1. Internal governance structures

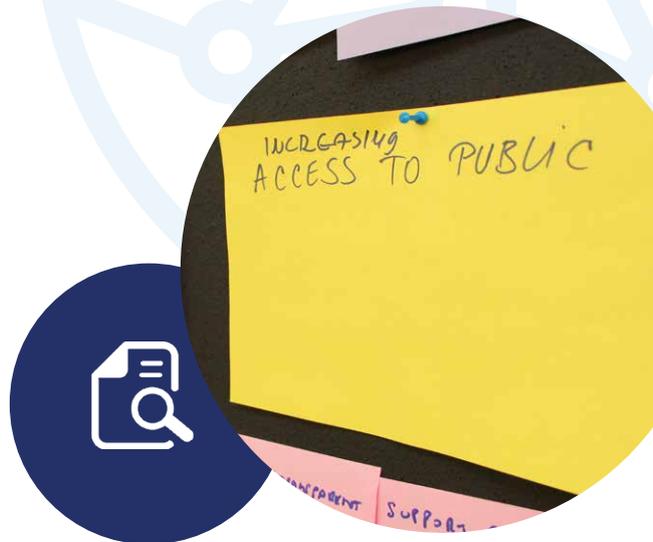
In all IPA Beneficiaries, internal governance structures to a large extent follow legal obligations, which differ according to the different type of CSOs (i.e. assembly for associations, governing board for foundations). Some also have additional structures that are not obligatory, such as managing boards, boards of directors or supervisory boards. For example, one organization in Montenegro pointed out that they have both, an Executive Director and a President. The Executive Director/CEO runs the organization and its work, while the President represents organization in public and takes part in other activities.

In the majority of IPA Beneficiaries, participants of focus groups reported that the actual role of governing bodies differs from their legal role. Legally, governing structures should have a strategic role in giving guidance on the most important aspects of organizational development, but in reality, these structures are merely a formality that formally approves annual reports and internal legal acts. Additionally, it was pointed out in several IPA Beneficiaries (Albania<sup>110</sup>, Bosnia and Herzegovina<sup>111</sup>, North Macedonia<sup>112</sup>, Serbia<sup>113</sup>) that networks struggle with internal structures, mostly due to bigger number of organizations and interests involved.

As pointed out during focus groups and interviews in North Macedonia, CSOs still have difficulties in considering differences between the roles of the executive and managing bodies. On the other hand, there is an improvement in this regard in Serbia, where, in the majority of CSOs, strategic decisions are made by the Managing Board (63%) and the Assembly (34%), which is significantly improvement when compared to 2011 when managing boards were making strategic decisions in 53% of cases<sup>114</sup>.

With regards to the most common internal documents, statute, financial regulations and rulebooks, code of conducts and different rules of procedures were mentioned to exist. Understandably, bigger, more developed organizations have more documents, while smaller organizations tend to develop them on the request, demand of the donor or with support of an intermediary organization.

In general, the awareness about the importance of transparency is improving among CSOs. This is also one of the reasons why organizations develop joint codes of conducts. For example, civil society representatives, led by Civil Society Promotion Center from Bosnia and Herzegovina prepared the CSO Code of Ethics that defines CSO standards of behaviour based on the principles of transparency, openness, cooperation, mutual respect, and partnership and began promoting it in 2017. The Code of Ethics for CSOs had approximately 115 signatories at the end of 2018. On the



<sup>110</sup> CSOs Sustainability Index for Albania (2018).

<sup>111</sup> CSO Sustainability Index for Bosnia and Herzegovina (2018)

<sup>112</sup> MCIC (2019) Mapping practices: level of accountability of networks of CSOs. Skopje, MCIC, Studiorum (2018) Civil society index for 2018-Macedonia

<sup>113</sup> ACT (2019). CSO Sector in Serbia in 2019: Assessment of the Situation in the Civil Society Organisation Sector in Serbia [pdf] Available at: [https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019\\_Summary\\_WEB.pdf](https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019_Summary_WEB.pdf) [19.01.2020]

<sup>114</sup> IPSOS Strategic Marketing, Velat D. (2019). CSO Sector in Serbia in 2019 - Assessment of the Situation in the Civil Society Organization Sector in Serbia. ACT – For an Active Civil Society Together. [Pdf] Available at: [https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019\\_Summary\\_WEB.pdf](https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019_Summary_WEB.pdf) [28.11.2019]

other, while CSOs in all IPA Beneficiaries need to send their narrative and financial reports to the respective authorities, the percentage of CSOs publishing their annual report is rather low (e.g. approximately 52 % of organization in North Macedonia, 58 % in Albania, while in Montenegro the percentage is a bit higher at 82 %<sup>115</sup>); with the percentage of CSOs publishing their financial statements as well as narrative reports is even lower. Furthermore, based on the TESEV survey<sup>116</sup> in Turkey, 28.1 % of CSOs do not respect the obligation to send their reports to authorities. With regards to grassroots, expectation about existence of similar internal structures and documents must be carefully weighted in their case, as their sole purpose is to be an informal, active and, thus, a flexible. As to the networks, participants emphasized difficulties in defining structures and documents in networks with different types of members.

To sum up, CSOs' approach towards internal governance structure is rather pragmatic and reflects the stage of development their and type of work they undertake. All organizations have structures that are demanded by law. However, often they remain a formality, or in practice their role is adjusted to the character and needs of the particular organizations.

## 5.2. Communication of the results and programme activities

CSOs in majority of IPA Beneficiaries mostly use their websites and social media for communicating their results. They also increasingly use infographics and other visualization of their activities and results. On the contrary, for example, in Kosovo, only 27% of CSOs have websites and 39.6% have social media account<sup>117</sup>. In general, the progress in this area is rather slow. The lack of professional PR employees was pointed out as the most common hindering factor in almost all IPA Beneficiaries. This relates to the lack of strategic and institutional funding, as in the “ordinary” project funding organizations and donors tend to give priority to programme staff and not to the support staff, such as communication officers. As a result, communication is carried out along the way by the programme staff that does not possess specific set of communicational skills and usually lack time to devote to substantial communication involvement.

While in some IPA Beneficiary countries, i.e. Albania, Kosovo, North Macedonia, trust in the sector is relatively high, in others, i.e. Bosnia and Herzegovina, Serbia, there exists general scepticism and negative stereotypes about the sector are present among citizens. This is mostly due to the fact that, according to media participants in focus groups, CSOs tend to use project language and are not able to present their results and social impact in a commonly understandable language. Furthermore, the gap between CSOs and their constituencies is increasing in parallel with the development of the organization. While at the beginning when an organisation is small, driven by the enthusiasm of founders, members and supporters, with its development and focus on project funding it loses the connection with not only its initial mission, but also its initial constituency. This gap often increases also because of the already mentioned “project language” communication used by CSOs. Furthermore, media focus groups also mentioned that most of the CSO communications is addressed towards donors, especially about results, and not towards the general public or media.

In many IPA Beneficiary countries, i.e. Kosovo, Bosnia and Herzegovina, North Macedonia, it was also pointed out that lack of trust or at least suspicion on the part of citizens can be assigned to cases of transition of people from CSOs to political parties and public institutions and vice-versa.

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<sup>115</sup> During TACSO 2, a joint annual report of interested CSOs in Montenegro was supported and published by the TACSO 2 project. Available at: <http://tacso.eu/publication-list/annual-financial-reports-of-civil-society-organizations-in-montenegro-2010/> [09.01.2020]

<sup>116</sup> Bayraktar, U. (2020). Strengthened Civil Society And Effective Cooperation In Democratic Urban Governance. Istanbul: TESEV. Available at: [https://www.tesev.org.tr/wp-content/uploads/rapor\\_demokratik\\_kentsel\\_yonetisimde\\_guclenen\\_sivil\\_toplum\\_ve\\_etkin\\_is\\_birlikleri.pdf](https://www.tesev.org.tr/wp-content/uploads/rapor_demokratik_kentsel_yonetisimde_guclenen_sivil_toplum_ve_etkin_is_birlikleri.pdf)

<sup>117</sup> Puka, D., Hoxha, T. (2018). Kosovar Civil Society Index 2018. Prishtina: Kosovar Civil Society Foundation. Available at: <https://www.kcsfoundation.org/wp-content/uploads/2018/12/Kosovar-Civil-Society-Index-2018.pdf> [19.12.2019]

In North Macedonia it was pointed out that the cooperation between CSOs and traditional media is improving and media also increasingly ask CSOs for their expertise regarding different societal topics, e.g. people trafficking, family violence, migrations, but in other IPA Beneficiaries general mistrust among the two actors is still present or increasing. This is especially the case in Bosnia and Herzegovina<sup>118</sup>, Serbia<sup>119</sup> and Turkey, where both actors perceive each other as “political”, while also in both of them media freedom and media’s close relations to political parties was observed by many different international organizations. The situation is somewhat different on the local level, where local organizations have reported better cooperation with the local media, e.g. in Montenegro.

Thus, in terms of communication skills, several factors are important: emergence of new on-line communication tools and struggle to utilize them, use of project language instead of easy-to-understand common language, lack of professional PR staff and relatively low cooperation with (nation-wide) media. Bearing in mind all of the above factors and the emergence of new social movements and grassroots that are usually more skilled in using online communication tools and common language, the negative perception of CSOs is increasing and so is the gap between CSOs in their constituencies. As this is one of the crucial factors of rising populism and shrinking civic space as emphasized by many recent studies<sup>120</sup>, this is one of the areas that requires further attention.

### 5.3. Monitoring and evaluation of CSO work

Generally, CSOs do not utilize monitoring and evaluation mechanisms for programs and projects they implement, because they do not have the ability, are under the impression that their activities cannot be measured or they simply lack time for doing it. Thus, monitoring and evaluation is the slowest developing programme area compared to others being assessed in this Report. Nevertheless, CSOs show that they are well aware of the importance of having a set Monitoring and Evaluation (M&E) processes and that they do employ superficial instruments to assess their activities’ impact such as: number of participants on their events, social media feedback, etc. Mostly, they monitor output indicators, but not the outcome or impact indicators. In most IPA Beneficiaries, focus groups and interviews’ participants stated that internal monitoring procedures are mainly implemented on a project basis and are mostly initiated by donors. Although in theory they are aware of the importance of M&E, CSOs participating in focus groups also often stated that they perceive M&E as too much of a burden.<sup>121</sup>

On the other hand, data from the study in Serbia<sup>122</sup> show that the percentage of CSOs conducting at least project evaluations is not that low (58%). Similarly, it was pointed out in Montenegro that the conclusions from the focus groups and interviews that painted a rather negative picture about the implementation of M&E in CSOs, significantly differ from the last TACSO Traffic Lights Report in 2016, which states that 67% of CSOs evaluate their programs in order to learn lessons for the next cycle and to assess the quality, while the rest of 33% does the evaluation only formally. This discrepancy can to some extent be explained using different methods. However, the main

<sup>118</sup> Focus groups and interviews reports.

<sup>119</sup> ACT (2019). CSO Sector in Serbia in 2019: Assessment of the Situation in the Civil Society Organisation Sector in Serbia [pdf] Available at: [https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019-Summary\\_WEB.pdf](https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019-Summary_WEB.pdf) [19.01.2020]

<sup>120</sup> The Third Sector Impact project (2020). Available at: <https://thirdsectorimpact.eu/> [17.01.2020], Divjak, T., Forbici, G. (2017). The Future Evolution of Civil Society in the European Union by 2030. Brussels: European Economic and Social Committee. [Pdf] Available at: <https://www.eesc.europa.eu/sites/default/files/files/qe-04-17-886-en-n.pdf> [21.12.2019]

<sup>121</sup> ACT (2019). CSO Sector in Serbia in 2019: Assessment of the Situation in the Civil Society Organisation Sector in Serbia [pdf] Available at: [https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019-Summary\\_WEB.pdf](https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019-Summary_WEB.pdf) [19.01.2020], MCIC (2019). Mapping Practices: Level of Accountability of Networks of CSOs. Skopje, MCIC, TACSO (2016). Traffic Lights Report.

<sup>122</sup> IPSOS Strategic Marketing, Velat D. (2019). CSO Sector in Serbia in 2019 - Assessment of the Situation in the Civil Society Organization Sector in Serbia. ACT – For an Active Civil Society Together. [Pdf] Available at: [https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019-Summary\\_WEB.pdf](https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019-Summary_WEB.pdf) [28.11.2019]

factor is that focus groups and interviews offer more time to debate and participants are more open in sharing their experience, while in surveys participants are inclined to answer in a more positive way.

## 6. Effectiveness of CSOs

### 6.1. Strategic approach towards operation

The lack of continuous financial support, in terms of uncertainty of the available funding, is the main reason why the majority of CSOs do not undertake long-term strategic approach towards their operations, but rather plan only on a year basis. In Kosovo, the overwhelming majority (78.2%) stated that the organization's work planning was done for a period of no more than 12 months, 6.9% of CSOs plan their work for 24 to 36 months and an additional 8.9% for more than 36 months. Similarly, in Serbia<sup>123</sup>, less than one third of CSOs (28%) have a strategic plan. However, it is important to emphasize that the great majority of CSOs (82%) implement most of their projects within their main orientation and area of work, and only a small number of CSOs direct and adjust their projects to donors' requirements (10%). Only 8% organizations report not to have main orientation and are entirely oriented towards donors' requests. On the contrary, in North Macedonia, over two thirds of CSOs report to have strategic plans, to a big extent due to support from multi-year capacity development assistance. In Montenegro, according to the CSO Sustainability Index for 2018<sup>124</sup>, developed and big organizations conduct strategic plans on the regular basis, while medium and small organizations do so only when asked by the donor. In Turkey, according to the TESEV survey, 70% of interviewed CSOs state that they have activity or work plans, while 40% of them declare to have prepared strategic plans.

In the environment of unstable financing, strategic plans are often ignored, neglected or stretched far beyond initial plan, as organizations need to adapt to donors' priorities in order to get the funding. Furthermore, it was also pointed out that strategic plans aiming at certain societal or environmental changes have stayed the same for more than a decade, as nothing much has changed in the sector and the same objectives remain valid. In such situations, organizations have the possibility to lower their strategic objectives to make their strategic plans more realistic, but this may be perceived as surrendering their cause or a bureaucratic behaviour.

For CSOs to be mission and not project driven, when operating in an unstable political and social environment, it is of key importance to have a clearly defined mission and vision. Organizations can operate professionally, transparently and in a trustworthy manner without having clearly defined strategic objectives, if they respect their mission and vision. While CSOs in the Western Balkan region report that they are still trying to follow their annual or strategic plans actively, in Turkey, after the failed coup, CSOs are keeping a lower profile as they are working in constrained conditions of liquidations and trials of many CSOs. CSOs had to adopt a pragmatist approach rather than a strategic one to keep up their existence in a feasible and riskless way.

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<sup>123</sup> IPSOS Strategic Marketing, Velat D. (2019). CSO Sector in Serbia in 2019 - Assessment of the Situation in the Civil Society Organization Sector in Serbia. ACT – For an Active Civil Society Together. [Pdf] Available at: [https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019-Summary\\_WEB.pdf](https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019-Summary_WEB.pdf) [28.11.2019]

<sup>124</sup> USAID, FHI360, ICNL (2019). 2018 Civil Society Organization Sustainability Index for Central and Eastern Europe and Eurasia 22nd Edition. Available at: <https://www.fhi360.org/sites/default/files/media/documents/resource-csosi-2018-report-europe-eurasia.pdf> [19.12.2019]

## 6.2. Evidence based advocacy

Focus groups discussions confirmed that the awareness on the importance of evidence-based advocacy is still not high enough and correspondingly the capacities in this area remain rather low. Majority of CSOs tend to mention different advocacy initiatives, their success or failure, but they do not discuss the evidence behind it. In Serbia, for example, CSOs use adequate data / arguments occasionally (43%), one third never use it (34%) and less than one quarter (23%) use data regularly in order to achieve public advocacy activities.<sup>125</sup>

There was also a pessimistic view shared in the conducted focus groups, especially in Bosnia and Herzegovina, that the low percentage of the use of evidence-based advocacy can also be attributed to the CSOs' perception that the Government does not listen to them and that it does not make a difference, whether advocacy is evidence-based or not. In Turkey, for example, CSOs also face obstruction of their work, trials and contradictions, despite their working based on facts and evidence. However, it was also noted that the policies adopted in the aftermath of the state of emergency have also created a window of opportunity by creating pool of qualified human resource amongst the hundreds of academicians, graduate students, technocrats and experts expelled from public service, that can be mobilized especially in analysing data and evidence collection. Advocacy activities, especially those that do not require risky fieldworks, have thus multiplied. Finally, in Montenegro, participants assessed advocacy CSOs as someone being quite influential or s.c. "change makers". The presence of foreign think tanks and research institutes that are funded from abroad and thus more skilled and influential than local CSOs was also mentioned as another factor that affects the needs to increase evidence-based advocacy in the sector, especially in Bosnia and Herzegovina.

On the whole, advocacy among CSOs is increasing, also due to the higher number of sub-granting projects supporting advocacy of smaller organizations, managed by the intermediary organizations. For example, this is the case in Albania. However, the increased number of advocacy projects does not automatically mean that the CSOs capacities for evidence-based advocacy are higher. Furthermore, it was also pointed out in North Macedonia that foreign donors do not invest enough funds in preparation of baseline studies. Rarely, there are examples of projects and programs that receive resources to engage in baseline study and collect methodologically sustained data as a basis for a proposal of a program or project. Thus, programs and projects usually tend to solve certain problems, but maybe fail to tackle the core issues.

To sum up, evidence-based advocacy is very important part of strategic advocacy (i.e. planned advocacy, with clearly defined advocacy objective and different strategies to achieve it), however it is only one of the elements, even though basic. CSOs do not only need to engage in more data collection, but they also need to use different advocacy methods and need to be able to assess, which methods are most appropriate to be applied in a data-gathering situation, etc..

## 6.3. Networking for advocacy

In all IPA Beneficiaries there exist several networks, mostly thematic ones, bringing together CSOs from the same field, as well as ad-hoc coalitions. Due to the informality, the number of networks in reality in the region is higher than showed in the table above. Furthermore, in some IPA Beneficiaries, for example in Turkey, only organizations of the same type (e.g. associations) can form a network.

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<sup>125</sup> ACT (2019). CSO Sector in Serbia in 2019: Assessment of the Situation in the Civil Society Organisation Sector in Serbia [pdf] Available at: [https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019\\_Summary\\_WEB.pdf](https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019_Summary_WEB.pdf) [19.01.2020],

In all IPA Beneficiaries, similar hindering factors for further development and sustainability of the networks were mentioned. First and foremost, lack of sustainable funding as a vast majority of thematic networks is project-based. Therefore, when a project ends, most of such networks cease to exist. Furthermore, the need to structure a network makes it more difficult to function, especially if there are many different interests and viewpoints to consider and coordinate. Nevertheless, as the data in Table 5 show, CSOs tend to actively participate in more than one network, mostly country-wide as they can rarely afford membership fees to be part of the European CSO platforms. In Kosovo, 15.8% of CSOs reported to be members of only one network, about 12% participate in 2 to 3 networks, while 21.8% of them are members of more than four networks.<sup>126</sup> In Turkey, according to the TESEV survey, 66% of survey participants state that they have already cooperated with another CSO and 45% of the interviewees affirm that they establish partnerships with other CSOs in the federations, platforms and networks of which they are also members.<sup>127</sup> As to the motives for networking, in Serbia they are common interests and goals (92%), better exploitation of capacities (35%), helping another organization (31%) and better reputation of partner organization (22%)<sup>128</sup>. In Bosnia in Herzegovina, the most common motive is sharing of information.<sup>129</sup> While in Turkey, the networking among CSOs in Turkey decreased after 2016 and has only now started to increase again, the networking with international organizations increased during and immediately after the failed coup.

Projects and sub-granting schemes that support advocacy actions have increased in the last years, resulting in the increased number of ad-hoc advocacy coalitions or networks. There are also several examples of successful cooperation. For example, in Kosovo, women's organizations have successfully advocated for the inclusion of provisions in the new Penal Code that introduce penalties of up to three years of jail time and fines for perpetrators of domestic violence. In Bosnia in Herzegovina, following advocacy efforts begun by CSOs (mainly Transparency International, Analitika, and the Centre for Investigative Reporting (CIN)), the Council of Ministers of Bosnia and Herzegovina adopted policies and standards to increase governmental transparency and public access to information. The Network for Elimination of Violence against Children (NEVAC), supported by the Human Rights Office Tuzla (HRO Tuzla) and CPCS, led a campaign to amend and supplement the Family Law in Bosnia and Herzegovina and in the Republika Srpska by prohibiting corporal punishment of children and imposing stricter actions against people who engage in physical beating of children. More than 16,000 citizens signed petitions supporting these initiatives, both of which were expected to be in the process of adoption during 2019. There are also cases of mutual support between networks. For example, in North Macedonia, Network 23 gave support to the Network for anti-discrimination during their protest in front of the Assembly for the adoption of the Law on anti-discrimination.

Thus, while CSOs are still struggling with the evidence-based advocacy, it can be concluded that they regularly engage in networks and coalition-building for advocacy efforts. Naturally, only forming a network for advocacy is not enough, successful networking for advocacy needs to be backed by evidence and supported by a campaigning and use of others advocacy methods, as appropriate for each specific advocacy case.

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<sup>126</sup> Puka, D., Hoxha, T. (2018). Kosovar Civil Society Index 2018. Prishtina: Kosovar Civil Society Foundation. Available at: <https://www.kcsfoundation.org/wp-content/uploads/2018/12/Kosovar-Civil-Society-Index-2018.pdf> [19.12.2019]

<sup>127</sup> Bayraktar, U. (2020). Strengthened Civil Society And Effective Cooperation In Democratic Urban Governance. Istanbul: TESEV. Available at: [https://www.tesev.org.tr/wp-content/uploads/rapor\\_demokratik\\_kentsel\\_yonetisimde\\_guclenen\\_sivil\\_toplum\\_ve\\_etkin\\_is\\_birlikleri.pdf](https://www.tesev.org.tr/wp-content/uploads/rapor_demokratik_kentsel_yonetisimde_guclenen_sivil_toplum_ve_etkin_is_birlikleri.pdf)

<sup>128</sup> ACT (2019). CSO Sector in Serbia in 2019: Assessment of the Situation in the Civil Society Organisation Sector in Serbia [pdf] Available at: [https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019\\_Summary\\_WEB.pdf](https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019_Summary_WEB.pdf) [19.01.2020]

<sup>129</sup> CSO Sustainability Index for Bosnia and Herzegovina (2018).

## 7. Financial sustainability of CSOs

### 7.1. Strategic fundraising

In the current environment, the public funding is relatively low and un-transparent, mostly short-term project funding is available and there are several foreign donors, but each with their own priorities, which not always reflect the local needs. Considering this, it is challenging to expect different fundraising practices, much less the strategic approach to fundraising as in theory, the strategic fundraising is targeted fundraising addressed at different sources to cover different organizational needs.

Thus, in all IPA Beneficiaries, there are some bigger, stable organizations that engage in strategic fundraising, but average organizations do not have special staff dedicated only to resource mobilization. Fundraising is undertaken by senior members and they rarely approach international donor or companies. In Montenegro, CSOs stated that most of the fundraising is based on ad-hoc calls for project proposals, where organizations cannot foresee funding allocations for specific fields they work in advance. The situation is somewhat different with EU funds, where there is a cleared indication when calls will be published. Most organizations stated that the main source of funding are EU funds, while, to a lesser extent, they reported also utilizing national funds as well as crowdfunding. In Serbia, larger organizations based in Belgrade, Nis, and Novi Sad reported starting to invest systematically in the resources and capacities needed to secure local sources of funding in order to diversify their income. Well established, mid-sized CSOs based outside of major cities who are also increasing their efforts and have had some success in approaching local businesses and community supporters. However, small CSOs, especially in South and Eastern Serbia, reported they are struggling to survive.

As to the donors, it was pointed out that they conduct consultations with local CSOs, but usually with a closed circle of organizations. Although they have priorities set, they are usually too narrow and do not take into account local needs. This is especially important for women organizations, who in several IPA Beneficiaries pointed out that they need to “camouflage” their initial ideas in order to get funding. The perception of some donors in at least three IPA Beneficiaries, i.e. Bosnia and Herzegovina, North Macedonia and Serbia, was that they insufficiently adjust their programs to the real needs on the ground. Failing to engage directly with local CSOs, they insist on engaging with intermediary international consultancies for re-granting. Such practice was also reported in all other IPA Beneficiaries. On the other hand, it was also reported that donors in Bosnia and Herzegovina, Kosovo and Serbia cooperate with local CSOs who engage in re-granting. As there has been an increase of such cases, this may be a sign of a trend of donors’ transition towards local CSOs.

CSO tend to engage into new forms of fundraising, especially crowdfunding, which is especially important for grassroots. For example, in Montenegro, the grassroots NGO Our Action bought a van, and in Bosnia and Herzegovina there was a successful crowdfunded campaign #ŽeneBosnia and Herzegovina.



## 7.2. Diversified funding base

In all IPA Beneficiaries, membership fees, public funds, international donors and economic activities are the most common funding sources. However, there are differences between the IPA Beneficiaries on the most important funding source for organizations. In Montenegro, for example, the largest donor remains the EU, not only through IPA funds, but also through other EU funding sources, such as Creative Europe, Europe for Citizens and CBC program. In Kosovo, data show that foreign donors continue to be the main source of funding, although in percentage they marked a substantial decline. Public funds are the second most important source and with a significant increase compared to 2015. International donors are also more important in Albania, while in Serbia data counter the existing myth of CSOs being funded mostly by international community, i.e. only 15% of CSOs reported to be funded from such sources (including 4% from EU funds). In Serbia, there is a significant difference in funding sources when compared to 2011. One can note increase in funding by local self-government (from 33% in 2011 to 42% in 2019) and from citizens (11% in 2011 to 23% in 2019), while there is a decrease in financing from domestic donors (from 21% in 2011 to 13% in 2019) and from ministries (16% in 2011 to 10% in 2019).<sup>130</sup> Similarly, also in Bosnia and Herzegovina, domestic public funding is higher than international made by different donors, however international support is very important for topics that are not highly or at all supported by domestic public funding, e.g. democratization, anti-corruption, LGBTI, etc.. In North Macedonia and Turkey, membership fees and donations are pointed out as the most important funding source.

Throughout the region, participants in focus groups, especially grassroots, touched upon the topic of sub-granting mechanism in EU-funded projects. While they are satisfied as sub-granting ensures better geographical coverage and outreach, they shared that grants come with too much administrative burden. Hence, a relevant share of smaller organizations decides against applying as they are not sure if they have enough capacity to fulfil all reporting requirements. On the side of sub-granting organizations, there were also some reservations pointed out. Firstly, they were related to the fact that sub-granting is de-facto obligatory, i.e. a project without the sub-granting component is less likely to be assessed high enough to receive the funding. Secondly, there is a constrain on human resources needed for such endeavours. Namely, organizations that are by their nature not re-granting organizations usually do not employ staff that has technical, administrative, financial and similar skills for re-granting. Therefore, they need to employ new staff, who are only project-based, and organization does not have long-term use of such new employees. Consequently, there is a trend of donor-driven sub-granting schemes, run by organizations lacking the capacity and usually using quite complicated application and reporting rules. As a result, apart from direct access for smaller organizations to funding, the question about the efficiency and impact of sub-granting activities remains to be answered.

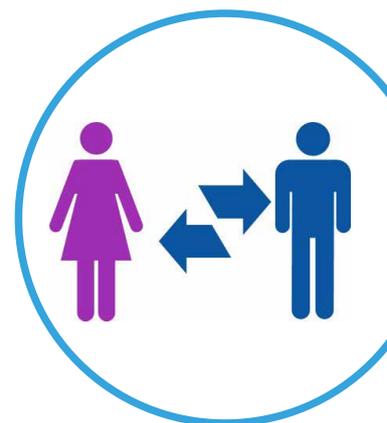
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<sup>130</sup> ACT (2019). CSO Sector in Serbia in 2019: Assessment of the Situation in the Civil Society Organisation Sector in Serbia [pdf] Available at: [https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019\\_Summary\\_WEB.pdf](https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019_Summary_WEB.pdf) [19.01.2020],

## 8. Gender mainstreaming

### 8.1. Gender mainstreaming among CSOs

CSOs across the region are in general very sensitive towards the issue of gender equality. Thus, it can be concluded that their awareness about its importance is higher than in other sectors. Gender mainstreaming is considered a cross-cutting issue, which can mostly be assigned to donor's demand. In reality, a very small percentage of CSOs actually have gender mainstreaming policies in place as reported Bosnia and Herzegovina, in North Macedonia and Serbia. While in Montenegro's CSO sector women are predominantly in leading positions, in Serbia men prevail in managing boards and volunteers. In all IPA Beneficiaries, staff members are mostly women.<sup>131</sup>



In all IPA Beneficiaries there are professional CSOs dealing with issues of gender mainstreaming, gender equality, women's rights and gender-based violence, especially for the latter field their services are crucial. This is demonstrated in Turkey, where women have managed to get organized and carry out their activities even during the state of emergency despite existing pressures and restrictions. The women's manifestation on 8 March was perhaps the biggest public demonstration that took place during the state of emergency. Saturday Mothers continued their weekly sit-in, albeit no longer at their traditional location. Determined protests against impunity or indirect juridical tolerance to the perpetrators of violence against women force tribunals to sentence proportionate punishments. All these women's rights campaigns encouraged new social democrat mayors elected in the local elections of 2019 to support the foundation or operation of women's cooperatives with the objective of supporting their socioeconomic development.<sup>132</sup>

### 8.2. The position of CSOs about supporting the government in gender mainstreaming (policy creation and budgeting)

In Albania, for example, there is a solid political, legal and institutional framework in place to support gender equality, i.e. Strategy on Gender Equality, the Parliamentary Sub-commissions on Gender Equality and Prevention of Violence Against Women, the Alliance of Women Members of Parliament, National Council of Gender Equality, the Sector of policies and strategies for social inclusion and gender equality, gender equality officials at the Ministry and municipality level, etc.. However, CSOs are still underrepresented in these bodies. Underrepresentation, lack of consideration for comments and proposals and other difficulties in cooperation between governments and women's CSOs were mentioned in other IPA Beneficiaries as well, especially in Serbia, where according to the specific focus group composed of women's organizations, GONGOs are replacing the activities of women's organizations.

<sup>131</sup> From focus groups and interviews.

<sup>132</sup> Bayraktar, U. (2020). Strengthened Civil Society And Effective Cooperation In Democratic Urban Governance. Istanbul: TESEV. Available at: [https://www.tesev.org.tr/wp-content/uploads/rapor\\_demokratik\\_kentsel\\_yonetisimde\\_guclenen\\_sivil\\_toplum\\_ve\\_etkin\\_is\\_birlikleri.pdf](https://www.tesev.org.tr/wp-content/uploads/rapor_demokratik_kentsel_yonetisimde_guclenen_sivil_toplum_ve_etkin_is_birlikleri.pdf)

In all IPA Beneficiaries, participants in focus groups and interviewees recognized important role of CSOs, when it comes to awareness raising and promotion of equal opportunities, advocacy campaigns on inheritance rights (e.g. Kosovo), promotion of international conventions, such as the Istanbul convention (e.g. Albania, Bosnia and Herzegovina, North Macedonia), conducting different researches on gender equality, focusing on policy creation related to prevention of violence of women with advocacy and by providing services on the ground (e.g. Albania, North Macedonia, Serbia), preparing gender equality strategies on local level and working with the gender equality councils which are still to become functional (e.g. North Macedonia). Influence CSOs at the local level was emphasized as in majority of IPA Beneficiaries there are national policies in place (e.g. Albanian), but the implementation of these policies at the local level is very weak<sup>133</sup>.

In Montenegro, several women organizations provided comments to the Law Amending the Labour Law, in part that concerns women's labour rights. More precisely, the Government adopted suggestions in part of protection of labour rights of pregnant women and women on maternity leave. In Serbia, influence of women's CSOs is best illustrated by the adoption a draft Law on Equality between Women and Men, initiated by the Coordination Body for Gender Equality, which entered the parliamentary procedure at the beginning of 2016, but has been withdrawn mainly due to the critics of women's CSOs.<sup>134</sup>

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<sup>133</sup> Interview with the representative of National Coalition for Decentralization, Serbia, MCIC (2019). Report on transparency and accountability of CSOs.

<sup>134</sup> N1 (2016). Povučen Predlog zakona o ravnopravnosti žena i muškaraca. Available at: <http://rs.n1info.com/Vesti/a134053/Povucen-Predlog-zakona-o-ravnopravnosti-zena-i-muskaraca.html>. [28.11.2019]

# III. CAPACITY BUILDING NEEDS OF CSOS

*In the past two decades, there has been capacity building support, especially in the form of different trainings available for CSOs. With a huge staff turn-over and un-targeted support, capacities of CSOs in general are not at a much higher level as two decades ago. Still, similar needs exist, but in some areas, there are now higher demand due to environmental changes, i.e. communications, transparency and accountability). As general trainings did not prove very successful, there is a need for more targeted and individualized support in terms of mentoring, coaching, job shadowing, etc..*



## 9. Existing support to capacity building of CSOs

### 9.1. CSOs investment in capacity building

Despite significant investments by donors in capacity building programs over the past two decades, CSOs still have limited organizational capacities. CSOs received capacity building support mainly from foreign donors, but this has not proven to be sufficient for them to be sustainable. Due to lack of stable funding, the majority of CSOs lack the strategic approach to capacity building. Their decisions on capacity building are mostly made on an ad-hoc basis, depending on the offer of free trainings and other capacity building activities, as a vast majority of CSOs do not invest their own funds in this area. They also organize internal capacity building, mostly for new employees and volunteers. The latter seems to be more strategic, as several of participants to focus groups reported there are planned process of mentoring for new staff in their organization.

Concrete statistical data in this area is available only for Serbia and Turkey. The staff of most CSOs in Serbia (72%) did not attend any training in 2018.<sup>135</sup> Among CSOs, the meetings were mainly attended by the management and some of its members (30%), by all members (25%), by volunteers (23%) and by management only (22%). The majority of CSOs (65%) do not allocate any share of the budget for development of their human resources, 15% of CSOs allocate 15% and more money from their budget, 11% designate from 6% to 20%, while 9% of CSOs devote from 1% to 5% of their budget to human resource development. The majority of CSOs are satisfied with the education level of their staff and members (81%), and only 4% are dissatisfied, which is significant difference compared to 2011 when 58% of surveyed CSOs expressed satisfaction and 8% dissatisfaction. These data do not correlate with all the findings from the survey, especially when CSOs listed problems

<sup>135</sup> ACT (2019). CSO Sector in Serbia in 2019: Assessment of the Situation in the Civil Society Organisation Sector in Serbia [pdf] Available at: [https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019\\_Summary\\_WEB.pdf](https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019_Summary_WEB.pdf) [19.01.2020],

and issues they face. In Turkey, 68% of the responding CSOs declared that they follow institutions and mechanisms of capacity building. Yet, only one third of them participated to any capacity (36%) or project (35%) development activity.<sup>136</sup>

## 9.2. Existing support in CB for CSOs

The existing support is somewhat similar in all IPA Beneficiaries. Therefore, commonalities are described first, followed by a shortly presentation of each separately.

Common capacity building support includes:

- National Resource Centres (although present in all IPA Beneficiaries, the NRCs differ as they are building on their existing experiences, outreach and country-level specific needs and contexts);
- EUDs through country sub-granting schemes and other capacity building projects;
- USAID through local intermediary organizations (such as the Albanian National Training and Technical Assistance Resource Centre (ANTTARC), CPCS and Centres for Civic Initiatives (CCI) in Bosnia and Herzegovina);
- EU and EEA member states' (e.g. Sweden, Switzerland, Norway) bilateral support through local intermediary organizations (such as Kosovar Civil Society Foundation (KCSF) in Kosovo, MCIC in North Macedonia);
- ReLOaD project,
- TACSO.

Local capacity building providers included in the assessment include:

- Partners Albania for Change and Development, ANTTARC, Gender Alliance for Development Centre (GADC) and Resource Environmental Centre Albania;
- KCSFs, Advocacy Training and National Resource Centre in Kosovo;
- Regional Youth Cooperation Office in Bosnia and Herzegovina,
- Trag Foundation, CRTA, Smart Collective and Catalyst Balkan in Serbia;
- Association for Civil Society Development Centre (STGM), Hrant Dink Foundation and Memory Centre in Turkey

## 10. Key capacity building needs of CSOs

### 10.1. Key areas for capacity building support

The table below shows the biggest needs for the capacity building support on the regional level (common areas), while also showing specific needs per IPA Beneficiary. For the IPA Beneficiaries, in which this data was collected, specifics for grassroots and networks are also presented.

<sup>136</sup> Bayraktar, U. (2020). Strengthened Civil Society And Effective Cooperation In Democratic Urban Governance. Istanbul: TESEV. Available at: [https://www.tesev.org.tr/wp-content/uploads/rapor\\_demokratik\\_kentsel\\_yonetisimde\\_guclenen\\_sivil\\_toplum\\_ve\\_etkin\\_is\\_birlikleri.pdf](https://www.tesev.org.tr/wp-content/uploads/rapor_demokratik_kentsel_yonetisimde_guclenen_sivil_toplum_ve_etkin_is_birlikleri.pdf)



	Regional	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia	Turkey
General (all)	<ul style="list-style-type: none"> <li>- Management:</li> <li>- Organizational</li> <li>- Administrative</li> <li>- Financial</li> <li>- Human resource</li> <li>- Volunteers;</li> <li>- Fundraising, incl. different ways of fundraising;</li> <li>- Project proposal writing and project management;</li> <li>- PR and communications.</li> </ul>	<ul style="list-style-type: none"> <li>- Strategic planning;</li> <li>- Social entrepreneurship;</li> <li>- Networking / coalition building;</li> <li>- Advocacy;</li> <li>- Cooperation with private sector.</li> </ul>	<p>IT competence:</p> <ul style="list-style-type: none"> <li>- Advanced user competence (Word, Excel, Power Point);</li> <li>- Social networks;</li> <li>- Web design, management;</li> <li>- Development and management of data base;</li> </ul> <p>Additional knowledge and skills:</p> <ul style="list-style-type: none"> <li>- Accountability towards constituency;</li> <li>- Monitoring and Evaluation.</li> </ul>	<ul style="list-style-type: none"> <li>- Accountability towards constituency;</li> <li>- Advocacy;</li> <li>- Constituency mobilization;</li> <li>- Monitoring and evaluation;</li> <li>- Data visualization.</li> </ul>	<ul style="list-style-type: none"> <li>- PR, communication and visibility;</li> <li>- Philanthropy and social entrepreneurship.</li> </ul>	<ul style="list-style-type: none"> <li>- Support concerning different issues of enabling environment (registration, financial and tax administration and regulation, free legal aid);</li> <li>- Advocacy;</li> <li>- Facilitation of networking and cooperation among CSOs and informal initiatives;</li> <li>- EU integration process.</li> </ul>	<ul style="list-style-type: none"> <li>- Strategic planning;</li> <li>- Networking.</li> </ul>	<ul style="list-style-type: none"> <li>- Legal knowledge (establishment and functioning of CSOs, changes in legislation);</li> <li>- Human relations skills and management;</li> <li>- Accountability and transparency;</li> <li>- IT competences.</li> </ul>
Grass-roots		<ul style="list-style-type: none"> <li>- Organizational development</li> </ul>	<ul style="list-style-type: none"> <li>- Project cycle management;</li> <li>- PR management.</li> </ul>	<ul style="list-style-type: none"> <li>- Fundraising; different adapted funding models.</li> </ul>	<ul style="list-style-type: none"> <li>- Project writing and project management;</li> <li>- Fundraising;</li> <li>- Crowdfunding.</li> </ul>	<ul style="list-style-type: none"> <li>- Supporting smaller organizations to profile themselves.</li> <li>- Project writing;</li> <li>- Fundraising;</li> <li>- Capacities for improvement of internal operations adjusted to the needs of smaller organizations.</li> </ul>	<ul style="list-style-type: none"> <li>- Advocacy;</li> <li>- Networking;</li> <li>- Thematic expertise;</li> <li>- Media visibility.</li> </ul>	
Networks		<ul style="list-style-type: none"> <li>- Fundraising;</li> <li>- Policy analysis;</li> <li>- Tax legislation;</li> <li>- Advocacy.</li> </ul>			<ul style="list-style-type: none"> <li>- Internal cooperation</li> </ul>	<ul style="list-style-type: none"> <li>- EU integration process;</li> <li>- Research;</li> <li>- Advocacy (with focus on advocacy on EU level);</li> <li>- Internal capacities of networks (communication, finances, HR);</li> <li>- Visibility of the work of the network and its members.</li> </ul>	<ul style="list-style-type: none"> <li>- Fundraising;</li> <li>- Complex projects' administration and management.</li> </ul>	
Women's organizations			<ul style="list-style-type: none"> <li>- PR management.</li> <li>- Advocacy, basic and advanced trainings.</li> </ul>	<ul style="list-style-type: none"> <li>- PR trainings;</li> <li>- Website maintenance.</li> </ul>		<ul style="list-style-type: none"> <li>-Facilitation of interaction between CSOs working on women issues, and CSOs focusing on other issues;</li> <li>- Support and further building of the capacities of existing experts on gender equality within women`s organizations.</li> </ul>		

## 10.2. Key methods of needed support

The capacity building needs mostly depend on the size and level of the development of individual CSOs. Newly established and smaller CSOs need basic, more general knowledge, while already established CSOs need focused and in-depth knowledge only in certain, still weak, areas. Similarly, the appropriateness of methods depend on the size of CSOs. For smaller, less experienced CSOs, “traditional” trainings are still the best approach as such trainings provide CSOs a broad opportunity to build their skills on several different topics. However, CSOs in all IPA Beneficiaries agree that classic theoretical trainings are not enough for further development of CSOs as they need more practical and longer trainings that are more tailored to their needs. As additional methods, continuous and on-demand mentoring, study visits, mentoring of bigger organizations and other peer-to-peer support, online tutorials and webinars were proposed. Different types of mutual learning, interactions and cooperation with different stakeholders were also mentioned, including:

- direct meetings and engagement with different stakeholders (such as other similar organizations, public institutions, companies) at the country level and in the EU (s.c. learning by doing);
- with journalists;
- mechanism to properly channel CSOs voice and experiences concerning the work of EU and other donors.



## IV. CONCLUSIONS

In recent years, the conducive environment for CSO development in the Western Balkans and Turkey has on average deteriorated. Even though in some IPA Beneficiaries (e.g. Albania, Kosovo, North Macedonia), some improvements have taken place, there are more cases of regression, especially in terms of violations of fundamental freedoms, shrinking civic space (e.g. trials of members and staff in CSOs in Turkey), rise of populism, the increase in phenomena of establishment of GONGOs and PONGOs. What is especially worrying is that, in contrast to 8 years ago, when different monitoring methodologies for civil society development were being developed (i.e. BCSDN Monitoring matrix, EU CS Guidelines), fundamental freedoms were taken for granted and more emphasis was put on areas such as public participation or public funding. Today, the situation is reversed. When it comes to the development of CSOs, the Governments act in contradicting ways. While on the one hand they are increasing public funding and opening up decision-making process, on the other hand they engage in smear campaigns against certain CSOs, prohibit assemblies, liquidate CSOs, etc.. To stop these trends, the EU should not only invest in more funding, but should increase political pressure and introduce more conditionalities in the Accession negotiation process.

The same applies to the assessment of CSO capacities. In terms of increased capacities, we are witnessing an interesting paradox: after at least a decade of broadly available capacity building support, the capacities of organizations remain more or less the same. However, there are several reasons for this. Firstly, in an unstable political and financial environment, CSOs are not sustainable and they face a vast staff turn-over. CSOs focus on survival and lack time and finances to invest in strategic organizational development. In an environment where only project funding and mostly earmarked donations are available, it is very difficult to secure finances for institutional growth. Secondly, in regard to the capacity building methods, only general trainings have been usually available. Even though they are available in different modules (e.g. basic, advanced, etc.) and supported by manuals, they are not tailored to the specific needs of individual organizations. Experience shows that capacities can only be improved, if organizations can depend on a long-term (i.e. at least 3 years) tailored support. These findings, of course, severely affect the capacity of building methods and outputs. While the impact of such support is, in the long run, significantly higher, immediate outputs are lower. Also, as more time is invested into individual organization, the access to such support is limited to a smaller circle of organizations. Ideally, different methods and capacity building approaches should be available to cover different needs of different organizations. Therefore, the support of EU TACSO 3 should indeed focus only on the identified gaps in the assessment.

# V. Way forward (Recommendations)



- **Political and financial support by the EU for Western Balkans and Turkey**

- ✓ *The existing EU CS Guidelines were mostly used as a guidance for the financial support, while the EU's political support has not been so directly visible. The Guidelines should, therefore, be strengthened and used as a regular mechanism for monitoring and pressure on the governments (similar as in the area of PAR). Pressure should be exerted on Governments to implement recommendations made based on monitoring results;*
- ✓ *Stronger political support is needed, especially in defence of basic human rights and fundamental freedoms. Here, the EU should send a strong message of support to CSOs and clearly condemn the pressures and shrinking civic space, while also introducing different mechanisms of impugnments, such as withdrawal of IPA funding. Furthermore, the EU should support the strengthening of the accountability of all relevant institutions responsible for protection of fundamental rights;*
- ✓ *The EU should recognize the emergence of GONGOs and PONGOs and put more focus on qualitative insight of the state of civil society in addition to quantitative data. The existence of such organizations should also be recognized in relevant EU documents and reports (e.g. PAR assessments, EC Country progress reports);*
- ✓ *The EU should support the development of transparent public funding systems, including the development of qualitative criteria for funding based on expertise and public interest contribution. It should also support the establishment of a system for effective regular collecting data on all types of public funding;*
- ✓ *Similar developments should also be supported in regard to CSO inclusion in decision-making process, where more focus should be put on early involvement and equal access based on expertise and public interest contribution;*
- ✓ *The EU should support the increase of tax incentives for individual and corporate giving, the simplification of administrative procedures in this regard and introduction of new financial benefits, such as exemptions for VAT;*
- ✓ *In terms of efficient and trustworthy data collection and publication, the EU should encourage better coordination among different institutions and harmonization of methodologies, as well as development of electronic registers for data collection;*
- ✓ *To increase CSO capacities, the EU should introduce institutional support, provide strong capacity building with focus on mentorship and tailor-made approaches and lead donor coordination in these efforts;*
- ✓ *Furthermore, the EU should continue with the sub-granting approach, which should be simplified (e.g. use of simplified procedures and reporting) and less scattered across different projects. Specific instructions and guidelines for sub-granting should be considered, which would enable to apply lighter management to that prescribed in RAG Rules.*

- **General recommendations to Governments**

- ✓ *First and foremost, the Governments should respect international standards of basic rights and fundamental freedoms. Where existence, they should stop with pressures and attacks on civic space. They should recognize crucial role of CSOs in providing human well-being;*
- ✓ *Governments should implement their own legislation and policies, especially with regard to public funding and CSO involvement in decision-making process, and invest in capacity-building of public officials working in these areas;*
- ✓ *Governments should support grassroots in their advocacy and mobilization of citizens for different issues and find a way to support them financially, and without heavy administrative burden;*
- ✓ *The system of government support to CSOs should be reformed and provided in a transparent, accountable, fair and non-discriminatory manner;*
- ✓ *Tax legislation should be improved, in terms of an increase (or the introduction of) tax incentives for corporate and individual giving and introducing new financial benefits for CSOs;*
- ✓ *A stimulative legislation to promote volunteering should be adopted.*

- **Recommendations for revision of the EU CS Guidelines**

- ✓ *The EU CS Guidelines should be revised through an inclusive process, by ensuring a balance between expertise and representativeness, in order to address: 1) important developments regarding civil society development that have taken place during the period 2014-2020; 2) change of dynamics of EU Accession for the Western Balkans, in particular with regards to the political leverage and conditionality; 3) change of context with regards to the state of democracy and shrinking civic space, both in the Western Balkans and in a number of EU Member States; 4) maximization of EU support through adequate financing models consistent with the political goals of supporting a conducive environment for civil society development. Both expertise and representativeness should aim at a bottom-up approach, recognizing the growing expertise in the region and adequacy of local solutions;*
- ✓ *Concretely, country contexts and recent development should be crucial for revision. For example, the demand for the respect of fundamental freedoms should be stronger; the CSO capacities part should be more realistic in expectations (i.e. less emphasis on strategic fundraising), while making stronger elements crucial for CSO resilience (i.e. transparency and accountability, communications, constituency building).*

- **Possible utilization for CSF programming**

- ✓ *CSF programming should take into account the findings of monitoring EU CS Guidelines for support to civil society, but not limit only to that. An additional level of context analysis and recommendations should be sought through other types of consultations (i.e. experts roundtables, thematic studies, workshops, case studies, etc.). Furthermore, funding approaches and models should be consistent with the political goals of supporting a conducive environment for civil society development, namely being sensitive to specific needs, limitations and advantages of civil society. An open dialogue with stakeholders at country and regional level through an inclusive programming*

would ensure a balance between fair competitiveness and adequacy of support instruments;

- ✓ Concretely, a set of different funding mechanisms should be introduced, from institutional (operational) grants to quickly responsive funds, which would enable quick access to funding when, for example, in need of response to pressure.

- **Recommendations on the regional support and activities of EU TACSO 3**

- ✓ Regional support through EU TACSO 3 should only complement existing resources at country level and ongoing initiatives at a regional level, so as to avoid overlapping and parallel actions. Concretely, at country level, complementarity should be sought with NRCs, but also with other resource centre type of organizations and training providers. Similarly, the regional support should aim to add value to similar initiatives across the region or share country best practices with other regions. Generally, regional support should serve more as a facilitator and convener of locally identified needs rather than an initiator or owner of regional activities;
- ✓ Concretely, EU TACSO 3 should help define the term grassroots, it should support the visibility of CSOs in regional media, such as Al Jazeera Balkans, etc. In respect to capacity-building, it should focus on issues and methods not generally addressed in the region and clearly defining its targeted participants, e.g. CSOs with a potential for growth.



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## Annex 2. Methodology

### Data collection

The existing EU Civil Society Guidelines results framework, comprised of 17 results and 23 indicators that cover the areas of conducive environment and CSO capacities, with concrete benchmarks and country targets tackling specificities in each IPA Beneficiary, was used for the data gathering exercise. A systematic and methodologically sound approach, a data collection protocol, and guidelines for analysis and interpretation were developed to guide the data gathering.

The first phase of the assessment was conducted in June and July 2019, when a regional overview was produced<sup>137</sup> using desk analysis and focusing mostly on the conducive environment elements, for which readily available data existed. The current document was prepared in the second phase of the assessment, building on the initial regional overview, by applying additional research instruments with an emphasis on qualitative data collection methods, in order to provide a more in-depth insight into the state of civil society when it comes to conducive environment and particularly organizational, operational and sectorial capacities.

The instruments used for data collection – desk research, interviews and focus groups<sup>138</sup> – were implemented across the region in a unified yet sensitive manner to the specific conditions in each of IPA Beneficiaries. For each of the indicators defined under the EU CS Guidelines and with additional priority areas added to the assessment, i.e. gender mainstreaming, EU flagship initiatives and networks, appropriate instruments had been assigned:

1. **Desk research:** served to update the desk overview that has already been developed, upgrade it with new information when needed, and complete primarily the picture on the state of conducive environment looking at the relevant documents (analysis of the legal framework and its implementation, international agreements, contracts and declarations, analysis of international and domestic CSOs reports). In addition, secondary data from other reports and Freedom of Information requests (FOI) were used to provide an overall picture on the state of the conducive environment and capacity of civil society.
2. **In-depth interviews:** served to get the perspective of relevant stakeholders on the state of conducive environment, collect the information on useful secondary data, and to get their insight into the capacity needs of civil society. The interviews also helped confirm the data gathered from desk research and set the base for understanding the capacity building needs of the sector. There were several groups of interlocutors that were interviewed in each IPA Beneficiary:
  - NRCs and other organizations providing capacity building and technical assistance to civil society;
  - Donors investing in civil society capacity development;
  - CSOs and CSO policy networks dealing with enabling environment for civil society;
  - CSOs, think-thanks, donors, state institutions conducting similar analysis;

<sup>137</sup> Oggenovska S., Hafner Ademi T (2019). Assessment on the State of the Enabling Environment and Capacities of Civil Society against the Guidelines for EU Support to Civil Society in Enlargement countries, 2014-2020 Phase 1: Regional (desktop) overview

<sup>138</sup> The instruments have been pre-designed by the EU TACSO 3 team and are provided in Annex no. 3 - Instruments for needs assessment phase 2.

- EU Delegations' representatives; and
  - Media sector representatives to feed on the public perception and image of CSOs.
3. **Focus groups:** served to provide an in-depth insight into the capacity building needs of civil society and helped to widen the understanding of the key issues identified through desk research and interviews, regarding capacity building needs. In addition, they included several priority areas that have already been identified such as the EU flagship initiatives, networks, and gender. Focus groups discussions were organized with representatives coming from different backgrounds and areas of work, organization size and geographical location so to ensure a broad perspective when analysing the capacity building needs:
- **Thematic networks** - to identify their specific needs;
  - **Women's organizations** - to identify gender-specific issues (while gender mainstreaming was a topic covered during all focus group discussions);
  - **Grass-roots and community-based organisations** - reaching out organizations from different backgrounds;
  - **CSOs in general;** and
  - **Media**

During the interviews and focus groups, semi-structured questionnaires that were provided by the EU TACSO 3 team were translated into local languages and adjusted to the context and the participants of the interviews and focus groups. These instruments presented the basis to devise a comprehensive and relevant approach, enabling triangulation and alternative ways and tools to gather data (e.g. number of volunteers, employees in CSOs) where data were not directly available.

#### ***Country-level specific challenges in terms of data collection***

National-level researchers have noted the short implementation time for the assessment as a challenge in ensuring an appropriate participation in focus groups and interviews, e.g. Kosovo, North Macedonia, Serbia, leading in some cases to surveying a smaller number of respondents or unavailability of some relevant target groups. In Serbia, low interest of grassroots to participate in this type of research was noted and the research timeframe did not allow for accommodating to the grassroots needs and availability. While great efforts were in all IPA Beneficiaries were invested to guarantee the tight deadlines have least impact on the methodology implementation, further carefulness was needed to ensure that each detail of the methodology has been properly handled to allow genuine data collection and analysis. The researchers' proficiency and expertise regarding the topic, mostly in terms of its available data, simplified the process significantly.

In Bosnia and Herzegovina, the numerous changes in the legislative framework posed a challenge in the desk analysis, while in Kosovo, a challenge was the lack of official statistics from public institutions mainly related to the economic value of the sector. As data on civil society are not kept in a systematic way, they had to be gathered from several institutions in order to generate the sector-level cumulative data, which made the process complicated and time consuming. Similarly, in North Macedonia there is a lack of publicly available data from government institutions on one side, and on the other, almost no available information and research on CSO capacities.

## Data analysis

The data collected at country level through the three main instruments was further organised, analysed and interpreted in order to provide more information on the reasons why a specific situation has arisen, the context of certain results and the contextual meaning of the changes in the indicator. The analysis describes and summarizes the data collected, which was interpreted in a manner that involved fair and careful judgments, later checked by experts and reviewed at country consultation and validation meetings. At the end of the data gathering process, the research team triangulated quantitative results from the desk, analysis, then qualitative knowledge from the interviews and focus groups, which results are often rich with description and examples. A triangulation matrix was developed to ensure that the analysis is done in a comprehensive and consistent way.

## Validation and review process

Triangulation in terms of different instruments was used to generate the data and validate the findings. Secondary data i.e. legal framework review, existing data from previous research reports and analysis, as well as data requested from the public institutions have been benchmarked against the primary data employed by the methodology such as interviews and focus group discussions. In this way, researchers have ensured a variety of data gathered validate the findings, as well as allow for a deeper and wider understanding of certain issues.

During December 2019 and January 2020, in all IPA Beneficiaries, with the exception of Turkey, consultation and validation meetings<sup>139</sup> were organized by the EU TACSO 3 in partnership with the EU Delegations and NRCs. The consultation meetings aimed to provide feedback on the findings and recommendations, and inputs to ensure validation of the assessment results as well as to enable the design of the EU TACSO 3 capacity development and People to People programme, developed based on this Assessment, in a participatory manner. The consultation and validation meetings were organized prior to finalizing the IPA Beneficiary country briefs, in order to include additional relevant comments and recommendations from different civil society representatives.

## Limitations

Data obtained from a narrower part of civil society through focus groups and interviews significantly differs from a larger sample survey that shows a mitigated picture. For example, CSOs from the narrowed sample have stronger capacities in almost all areas, and when it comes to attitudes to capacity building needs, they also show more awareness of their needs, invest certain resources, etc. This indicates that there is a need for methodological improvement of the assessment processes and agreement on the sample of the observed civil society. The focus groups are not considered as a representative method to the general population. Thus, the assessment carefully highlights the main issues that emerged while discussing different questions. Furthermore, there were certain sensitive issues, and, bearing in mind that CSOs are mostly funded by foreign donors, some of the participants might have felt discouraged to discuss openly their engagement with the donors, or the state, or generally any other sensitive issues. Similarly, representatives of the Government and most donors provided only general impressions for almost all questions related to the state of CSOs capacities.

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<sup>139</sup> The consultation and validation meeting in Sarajevo, Bosnia and Herzegovina took place on 11 December, in Podgorica, Montenegro on 13 December, in Belgrade, Serbia on 16 December, in Prishtina, Kosovo on 18 December, Skopje on 23 December and Tirana, Albania on 17 January, 2020. The validation and consultation session in Turkey took place on 9 July, 2020, through an online meeting with 41 participants including CSOs, academia, public institution and international organization representatives. These have not been included in the total number of participants to consultation and validation sessions.

### Lessons learned related to the EU CS Guidelines results framework

With regards to the **conducive environment** part, it is recommended to improve the explanations currently included in the result framework in order to ensure a better understanding of what is important to be monitored. While the benchmarks were developed with the aim to explain the indicators, further improvements are needed. The BCSDN Monitoring Matrix Toolkit, which was used as a basis to develop the explanations of some indicators, could be better utilized in this part. Finally, challenges that are identified in the findings in this assessment, even though they might not be clearly highlighted in the framework, should be considered in the guidelines review stage.

In the **CSO capacities** part, the dominantly quantitative benchmarks, which were developed for the purpose of using a survey on a representative sample of citizens and CSOs, are rather limiting due to the high costs for such a survey, and thus have not been implemented for the needs of the current assessment. Moreover, quantitative numbers that one gets through a survey are insufficient for the interpretation of the results, and therefore adding quality indicators and thus improving the current indicators and benchmarks should be considered.

Special attention should be given to those **indicators that lack data**. While the lack of data is a finding in itself, it poses the question whether it would be more beneficial if the indicators were looking into something qualitative, rather than just a number, which oftentimes is difficult to collect due to various reasons. For example, the benchmark 2.4.a.2. (State provides funding for the implementation of 80% of public policies, identified in policy documents, for which CSOs are identified as key actors for implementation) is very important in showing whether there is a link between the public policies and the support for CSOs. However, getting the percentage is a very difficult task for the researchers, due to the numerous institutions, documents that may not be publicly available, and generally the lack of information on state funding. Thus, formulation of alternative quality indicator is warranted.

Finally, many of the indicators in the EU CS Guidelines are **quantitative**. Although it is understandable that quantification is important, it runs the danger of overseeing quality issues and linkages that contribute to those numbers. Thus, by also engaging quality data collection methods (interviews and focus groups), such as was the case with the current assessment the emphasis on making connections and highlighting relevant issues is made possible. For example, if one has to assess the benchmark 4.4.a. (80% of CSOs monitor and evaluate their projects and programmes using baselines and quality indicators) only with a certain percentage, it misses out on many other important issues around it, such as why and how CSOs do the monitoring and evaluation, etc..



## Annex 3. Key CSOs challenges to be addressed

The below table presents operationalization of identified challenges and findings in the report in terms of possible policy and financial action that could guide DG NEAR staff in using the assessment in their everyday work. It will also potentially provide a basis to link the development of the IPA CSF MiS/Database (EU TACSO 3 project Task 5.3.)



In summary, the common regional challenges to ensuring a conducive environment for the development of CSOs are:

- >> violations of basic rights and fundamental freedoms;
- >> emergence of GONGOs and PONGOs;
- >> lack of transparency in state funding for CSOs;
- >> absence of high-quality dialogues between civil society and public institutions, and CSOs' lack of influence on decision-making processes;
- >> tax legislation that is not "CSO friendly";
- >> lack of (publicly accessible) official data on CSOs.

Key challenges	Key findings on the core problem related to the challenges	Consequences for the CS sector	Needed Policy Support to tackle the challenges	Needed Funding Support to tackle the challenges
<b>1. External (outside civil society)</b>				
<b>1. Violation of basic rights and fundamental freedoms</b>	<p>Legislation not totally in line with international standards;</p> <p>Numerous recorded cases of violations of freedom of association, expression and assembly;</p> <p>Cases include smear campaigns, intimidation and security threats in online and offline spheres, interference gatherings and public events.</p>	<p>Unable to exercise their constitutional rights (e.g. organise a protest);</p> <p>Critical CSOs targets of smear campaigns and intimidations;</p> <p>Narrative on foreign mercenaries and traitors increasing;</p> <p>Citizens' confidence and trust in the sector weakened.</p>	<p>Strong message of support to CSOs and civic space;</p> <p>Clear condemnation of pressures and shrinking civic space, punishment (e.g. suspension of IPA funds);</p> <p>Constant monitoring of situation;</p> <p>Strengthening the accountability of all relevant institutions responsible for the protection of fundamental rights to use the provided mechanisms;</p> <p>Defending achieved standards in the legal framework.</p>	<p>Evidence based monitoring of violation of basic rights;</p> <p>Flexible support of advocacy efforts aimed on defending legal framework when needed;</p> <p>Flexible support for the most vulnerable CSOs, women CSOs in particular (legal aid, institutional grants);</p> <p>Support establishing connections with EU CSOs (conferences, travel grants, study visits);</p> <p>Support establishing relations and peer support with similar CSOs from the IPA Beneficiaries with similar environment (conferences, travel grants, study visits);</p> <p>Support direct contact between Serbian CSOs and EU institutions (conferences, travel grants, study visits).</p>
<b>2. Emergence of GONGOs and PONGOs</b>	<p>The growth of number of GONGOs organizations in the public space and the media;</p> <p>Participation in decision-making processes, distribution of state money, and the initiation and campaigning of critically committed sections of society.</p>	<p>CSOs and activists are committed to defending attacks that interfere their daily work;</p> <p>A parallel civil society is being created;</p> <p>In the decision-making processes they uncritically support all proposals of the authorities;</p> <p>They use state funds contrary to the principle of public interest set out in the legal framework on associations.</p>	<p>Recognizing the GONGOs in a relevant EU documents and reports (PAR, Progress reports, EU Guidelines for civil society etc.) and sending clear messages to the highest political representatives;</p> <p>Providing a political label for the EUG that would allow it to be used as a regular mechanism for monitoring and pressure on the state (such as PAR);</p> <p>More focus on qualitative insight of the state of civil society, not only quantitative data (as they create false data);</p> <p>Developing and respecting clear qualitative criteria for participating in decision making processes and distribution of state funds on a basis of expertise and public interest contribution.</p>	<p>Support efforts in monitoring GONGOs activities as well as developing a methodology for their in-depth assessment.</p>

<p><b>3. Non-transparent state funding</b></p>	<p>Lack of clear procedures or low implementation when in place (high discretion);</p> <p>Lack of or late information on calls, criteria, results;</p> <p>Lack of strategic cycle (calls do not correspond public policies not needs of CSOs);</p> <p>Lack of monitoring and evaluation;</p> <p>Low capacities of public officials.</p>	<p>Quality is not priority</p> <p>There is a threat that more vocal and critical organization don't get funding;</p> <p>Lack of trust in the system;</p> <p>CSOs stop trying to get funding.</p>	<p>Providing a political label for the EUG that would allow it to be used as a regular mechanism for monitoring and pressure on the state (such as PAR);</p> <p>Stronger focus on qualitative indicators in EUG;</p> <p>Full implementation of recommendations based on EUG criteria;</p> <p>Developing additional qualitative criteria for participating in distribution of state funds on a basis of expertise and public interest contribution;</p> <p>Establishing a system for effective regular collecting data on all types of state funding.</p>	<p>Support for qualitative evidence-based monitoring of the state funding;</p> <p>In further developing the system of distribution the state funds support cooperation with state institutions only if it is aimed at a qualitative shift.</p>
<p><b>4. Lack of qualitative dialogue and influence in decision-making process</b></p>	<p>Lack of legal framework in some IPA Beneficiaries;</p> <p>Poor implementation (shortened deadlines, no feedback reports);</p> <p>Focus on on-line consultations, no early involvement, or if there is early involvement, criteria for inclusion are not clear;</p> <p>On-line portals not user-friendly.</p>	<p>No meaningful consultations, policies and legislation don't reflect the voice of stakeholders;</p> <p>Access to public consultations is not equal for all CSOs;</p> <p>Low level of trust as there is no evidence that CSOs comments are taken into account (this leads to a self-exclusion; their place is filled by GONGOs);</p> <p>Using only the on-line tool excludes CSOs that are not so familiar with technology.</p>	<p>Providing a political label for the EUG that would allow it to be used as a regular mechanism for monitoring and pressure on the state (such as PAR);</p> <p>Stronger focus on qualitative indicators in EU CS Guidelines;</p> <p>Full implementation of recommendations based on EU CS Guidelines criteria;</p> <p>Developing additional qualitative criteria for participating in decision making processes on a basis of expertise and public interest contribution;</p> <p>Establishing a system for effective regular collecting data.</p>	<p>Support for qualitative evidence-based monitoring of the participation in decision making process.</p>
<p><b>5. tax legislation not stimulating enough</b></p>	<p>Low (or non-existent in some IPA Beneficiaries) incentives for individual and corporate giving;</p> <p>Complicated procedure for companies, different practices;</p> <p>No system for collecting data on giving;</p> <p>Lack of benefits for CSOs (such as VAT exemption).</p>	<p>Scarce diversification of the financial sources'</p> <p>Poor tax incentives directly reflect the number of those who wish to make a donation;</p> <p>Analyses of existing donations are not available and do not allow organizations to be adequately informed about those who donate.</p>	<p>Providing a political label for the EU Civil Society Guidelines that would allow it to be used as a regular mechanism for monitoring and pressure on the state (such as PAR);</p> <p>Stronger incentives for corporative giving;</p> <p>Introducing incentives for individual giving;</p> <p>Introducing new financial benefits;</p> <p>-Establishing system for collecting data.</p>	<p>Support existing CSOs advocacy efforts in this area;</p> <p>Encourage strategic approach among CSOs for providing more funds from individual and corporative giving including providing institutional support;</p> <p>Support for established local community foundations.</p>
<p><b>6. There is no official data on CSOs (or they are not publicly accessible)</b></p>	<p>No publicly available unified data on CSOs (in most IPA Beneficiaries);</p> <p>Different methodologies for data gathering by different institutions;</p> <p>Electronic register for CSOs is not available (in some IPA Beneficiaries)</p>	<p>Lack of trust in data;</p> <p>Difficulties in obtaining data for evidence-based advocacy;</p> <p>Difficulties in assessing important aspects of the sector (e.g. economic value).</p>	<p>Amending relevant laws;</p> <p>Enabling electronic registries;</p> <p>Encourage better coordination among different institutions;</p> <p>Unifying data.</p>	<p>Support data creation through CFP;</p> <p>Support coordination between different institutions.</p>

## 2. Internal (inside civil society)

<b>1. Low transparency and accountability</b>	<p>CSOs prepare annual financial and narrative reports as they are obliged by law, but they usually don't publish them;</p> <p>CSOs don't share data on internal structures;</p> <p>CSOs tend to share outputs, but not impact.</p>	<p>Low public trust in CSOs;</p> <p>Non-transparency used as an argument by state officials for discrediting CSOs.</p>	<p>Developing standards for transparency tailored to different type of CSOs according to their size, budget, strategic area etc.;</p> <p>Including transparency assessment in grant procedures where possible;</p> <p>Strengthen EUG in this regard;</p> <p>Donor coordination.</p>	<p>Institutional support for increasing transparency;</p> <p>Strong capacity building with the focus on mentorship and tailor-made approaches;</p> <p>Within donor coordination financial or technical support of self-regulation efforts.</p>
<b>2. Low communicational skills</b>	<p>Use of technical project language instead of easy-to-understand storytelling;</p> <p>Focus of communications on donors instead of the public;</p> <p>Focusing on outputs instead of impact;</p> <p>Slow modernisation of communication tools and practices;</p> <p>Lack of professional PR staff.</p>	<p>Low public trust in CSOs (higher support for grassroots and social movements instead of CSOs);</p> <p>Increasing gap between CSOs and constituencies;</p> <p>Lower potential for donations and other resource mobilisation;</p> <p>Low cooperation with media.</p>	<p>Focus on quality rather than quantity;</p> <p>Lower demands regarding publication of donors (logos, disclaimers);</p> <p>Foster cooperation between CSOs and media.</p>	<p>Institutional support for strategic communication, including constituency building;</p> <p>Strong capacity building with the focus on mentorship and tailor-made approaches.</p>
<b>3. Lack of strategic approach towards advocacy</b>	<p>Low level of advanced planning and adjusting to different situations;</p> <p>Low level of evidence-based advocacy;</p> <p>Limited use of different advocacy methods;</p> <p>Low level of CSO knowledge on legislation and institutional rules of decision-making;</p> <p>Low cooperation with public (public support is not utilized for advocacy efforts);</p> <p>Campaigns lack innovative approaches, efficient use of online tools and media and fail to engage citizens.</p>	<p>Low turnout to advocacy activities;</p> <p>A number of unsuccessful activities further undermine the position and trust in CSOs;</p> <p>The level of frustration of CSOs and involved individuals decreases their confidence in a possibility of change.</p>	<p>Reduce pressure on organizations in terms of action results;</p> <p>Involvement of citizens in the process of defining advocacy problem;</p> <p>Innovative approaches and qualitative involvement of citizens, as a core of advocacy instead of superficial involvement (signing petitions, media campaigns);</p> <p>Sharing responsibility with citizens for the success of the action;</p> <p>Establishing connections between registered and capable CSOs with informal movements;</p> <p>Sharing regional experiences and global good practice examples taking into consideration similar trends in legal and political environment.</p> <p>Donor coordination.</p>	<p>Grant schemes based on an innovative advocacy approaches for different type of CSOs dealing with different topics;</p> <p>Strong capacity building based on mentorship and tailor-made approaches.</p>

<p><b>4. Low capacities for monitoring and evaluation</b></p>	<p>Internal monitoring procedures are mainly implemented on a project basis and mostly initiated by donors;</p> <p>Evaluation is carried out even less frequently;</p> <p>Even if conducted, the practice of analysing the lessons learned is poor.</p>	<p>The real civil society impact remains unknown, as well as potential need for improvement;</p> <p>CSOs are unable to learn from previous action;</p> <p>Due to strong donor influence that allowed outsourcing, internal human resources are poorly developed.</p>	<p>Developing indicators and standards tailored to different type of CSOs according to their size, budget, strategic area etc.;</p> <p>Strengthening internal human resources and including M&amp;E in internal roles and responsibilities;</p> <p>Including CSOs impact assessment in grant procedures where possible;</p> <p>Donor coordination</p>	<p>Strong capacity building for different type of CSOs (size, budget, strategic area) based on mentorship and tailor-made approaches;</p> <p>Institutional support for developing and testing internal strategic M&amp;E system.</p>
<p><b>5. Lack of strategic approach</b></p>	<p>Low number of CSOs with organizational strategies;</p> <p>Lack of strategic (well thought through and goal-oriented) approach towards human resource management; communication, advocacy, etc.;</p> <p>Decision-making is abrupt and based only on the current situation.</p>	<p>CSOs are perceived as donor-driven;</p> <p>Lack of clear direction and theory of change;</p> <p>CSOs focus more on activities and outputs instead of impact;</p> <p>Struggle with maintaining human resources due to this lack of strategic outlook;</p> <p>Difficult fundraising in accordance to the strategic outlook.</p>	<p>Emphasizing the need of including community needs when defining strategies, rather than solely focusing on donors funding objectives;</p> <p>Strengthen EU CS Guidelines in this regard.</p>	<p>Institutional support;</p> <p>Tailor-made capacity building.</p>
<p><b>6. Absence of consolidated internal governance structures</b></p>	<p>Members of assemblies and governing boards show lack of interest to effectively carry out their duties;</p> <p>CSOs lack the understanding of the role and functioning of their governance structures.</p>	<p>Lack of requirements to increase transparency towards the community;</p> <p>Lack of communication with constituencies;</p> <p>CSOs lack effectiveness and focus on their daily operations;</p>	<p>Emphasizing the need for more active internal governance structure;</p> <p>Strengthen EU CS Guidelines in this regard.</p>	<p>Tailor-made capacity building.</p>
<p><b>7. Low capacities for fundraising and fund diversification</b></p>	<p>CSOs do not engage in innovative fundraising campaigns;</p> <p>Due to their lack of communication with constituencies, their revenues from membership fees or individual donations are low;</p> <p>Lack of proactive approach towards fund diversification.</p>	<p>Lower recognition by constituencies;</p> <p>Dependence on small number of financial sources (lower resilience); Weak financial viability and sustainability of CSOs;</p> <p>Unrealized fundraising potential.</p>	<p>Sharing regional experiences and global good practice examples;</p> <p>Strengthen EUG in this regard;</p> <p>Donor coordination.</p>	<p>Tailor-made capacity building and People to People;</p> <p>Matching-funds</p> <p>Institutional support.</p>

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