



EU TECHNICAL ASSISTANCE  
TO CIVIL SOCIETY ORGANISATIONS  
IN THE WESTERN BALKANS AND TÜRKIYE



# DG NEAR Guidelines for EU Support to Civil Society 2021-2027

BASELINE ASSESSMENT REPORT 2021



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This study was carried out by a team of researchers under the supervision of the EU TACSO 3 project.

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for EU Support to Civil Society  
2021–2027**

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## List of Abbreviations

<b>CSO</b>	Civil Society Organisation
<b>DG NEAR</b>	Directorate-General for Neighbourhood and Enlargement Negotiations
<b>EU</b>	European Union
<b>IPA</b>	Instrument for Pre-accession Assistance – an EU financing instrument
<b>LGBTIQ+</b>	Lesbian, gay, bisexual, trans, intersex, queer, ‘+’ minority gender identities and sexualities not explicitly included
<b>SLAPP</b>	Strategic Lawsuit Against Public Participation – a legal tactic used to silence criticism and investigation by media and CSOs
<b>EU TACSO 3</b>	Technical Assistance for Civil Society Organisations – an EU project



## Executive Summary

This report presents the first assessment against the revised DG NEAR Guidelines for EU Support to Civil Society in the Enlargement Region, 2021–2027. The Guidelines outline the results towards which EU support to civil society in the enlargement region will aspire in this seven-year period. This assessment provides evidence for the situation against the Guidelines' indicators for 2021 which is the baseline year. It is the first assessment report in a series whereby trends in implementation will be identified over time.

Consisting of 59 indicators compiled under 21 specific objectives, the Guidelines are based on three outcomes critical for healthy participatory democracies in which a strengthened civil society contributes to the EU approximation and integration processes in the region. The three outcomes recognise that (1) a conducive environment for civil society to carry out its activities is a fundamental precondition of democracy; that (2) strengthened cooperation and partnership between civil society organisations (CSOs) and public institutions are integral to participatory democracy, and that (3) reinforced CSO capacity and resilience to carry out their activities effectively are necessary so that CSOs can be credible and productive actors in society. The indicators, in turn, are based on international standards, including relevant EU acquis and Copenhagen criteria, international human rights law and CSO accountability standards, and informed by recommendations, opinions and guidelines adopted by international organisations and inter-governmental fora.

The assessment against each of the indicators provides all stakeholders – EU staff, CSOs in the region, and IPA beneficiary policy-makers and officials – with a detailed set of data showing the degree of progress toward the three main objectives. This report presents the assessment of the implementation in 2021 in the region, comprising Albania, Bosnia and Herzegovina, Kosovo<sup>1\*</sup>, Montenegro, North Macedonia, Serbia and Türkiye. It is worth noting that, in 2021, CSO activities were disrupted by the COVID-19 pandemic. As a result, the data collected may be atypical, if compared with the pre-COVID-19 situation.

The analysis presented in this report is based on data collected from primary and secondary sources by the EU TACSO 3 team. Primary research included surveys of CSOs and public authorities, focus group discussions with CSO representatives, as well as a legal analysis of relevant laws carried out by external legal experts. Moreover, secondary sources such as reports produced by CSOs, national human rights institutions, governments and others were relied upon for relevant information and data. The CSO survey was circulated broadly and elicited 766 valid responses from across the region. The survey of public officials targeted those officials in all IPA beneficiaries with experience of engaging with CSOs or working on CSO issues from a range of ministries, such as labour and social welfare, finance, local government, youth and sports, among others; it received 76 valid responses.

Research has shown a mixed record of implementation of the Guidelines across the region. Generally, IPA beneficiaries tended to score better on legal frameworks relevant for the civic environment than they did on their implementation. There were considerable gaps in cooperation between authorities and civil society which would benefit from improvement across the region. Similarly, the assessment of CSO capacity and resilience varied: scores were lower in areas such as organisational accountability, transparency and organisational policy, while they were higher in the areas of organisational learning, consultation of stakeholders and financial diversification.

<sup>1</sup> \* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.



**Specific Objective 1** A conducive environment for civil society to carry out its activities is in place is concerned with the appropriate legal, judicial and administrative environment for exercising fundamental freedoms and rights, with a focus on freedoms of association, peaceful assembly and expression. The report highlights that, in IPA beneficiaries, legal frameworks for the protection of the fundamental freedoms of association, peaceful assembly and expression

are generally in line with international standards. They are guaranteed by the constitution and further regulated by laws. There are, nevertheless, a number of areas in which improvements are required.

With regard to freedom of association, for instance, better recognition of informal and community groups would strengthen their participation in public life, while better definition of certain terms used in laws would ensure clarity. With regard to freedom of peaceful assembly, positive developments have been observed where, for instance, laws have been amended to require prior notification of an assembly instead of authorisation. A number of concerns, nevertheless, remain such as overly restrictive definition of assembly, lack of clarity about the responsibilities of organisers who could be subjected to penalties for acts of others and fined for damages, as well as unclear obligation of the authorities to inform of their decision to ban assemblies so that such decisions could be appealed in a timely fashion. Of particular concern has been the introduction of separate laws, regulating unrelated matters such as noise pollution, to impose undue restrictions on freedom of peaceful assembly. With regard to freedom of expression, criminalisation of defamation remains a concern, as well as the failure of the law to distinguish between public figures and private persons with respect to the right to privacy. In some IPA beneficiaries, journalists are required by law to disclose sources; in others, SLAPPs against media companies, journalists and human rights defenders pose an increased risk for the exercise of this freedom.

The right to access to an effective remedy for CSOs to challenge or seek review of decisions affecting their rights is guaranteed by laws and procedures which protect the rights of natural and legal persons in general. Similarly, laws that protect CSOs from threats, attacks, judicial harassment and discriminatory treatment are general laws that apply to all natural and legal persons such as criminal and civil codes, and anti-discrimination laws which provide general protection. It is of concern, however, that a small but not insignificant proportion of CSOs participating in the survey reported that, in 2021, government authorities took decisions which negatively impacted their organisation's ability to exercise its rights which, in their view, they were not able to challenge effectively. Similarly, a small but significant proportion of CSOs reported that their organisation, members or both, were subjected to threats, attacks, judicial harassment and discriminatory treatment, including for alleged connections with extremism, terrorism, money laundering or corruption.

Furthermore, although laws to combat extremism, terrorism, money laundering and corruption, in general, do not contain provisions on CSOs, their implementation can create additional burdens for CSOs. These relate to complications with bank transactions because of additional checks, as well as the requirement for CSOs to declare beneficial ownership. Participating CSOs have reported that, on occasion, states have abused laws on the prevention of money laundering to target certain public figures, CSOs and media outlets without a legal basis. It is particularly concerning that such laws have been used to limit access to foreign funding in some cases; in general, however, the prevailing legal framework enables CSOs to raise funds from a variety of sources without restrictions.

With regard to public funding, the situation is more complex, raising issues of transparency, access and fairness. With one exception, the level of public funding available to CSOs is not set in law or regulations but rather dispersed across different laws, policies and programmes and linked to their specific budgets. While funding tends to be awarded based on public calls, consistency and transparency are often lacking given that different funding agencies have different rules which they uphold with varying degrees of success. Moreover, information on awards is often not available or not sufficiently comprehensive and transparent. Consequently, a significant proportion of CSOs were of the view that the provision of public funding to CSOs was insufficiently or not at all transparent.





**Specific Objective 2** *Strengthened cooperation and partnership between CSOs and public institutions* is concerned with civil society participation as a key factor in ensuring good governance and developing and implementing legislation and policies that fulfil people's needs and rights. For civic participation in political decision-making to be effective, the latter's processes must be open, inclusive and non-discriminatory,

well-informed in a timely fashion, with clear procedures and timelines, among others. The report presents a mixed record of civic participation across the region. In a number of IPA beneficiaries, civic participation in the development of laws and policies is legally required. Legal provisions tend to ensure public access to draft documents, specify the consultation timelines and require the publication of consultation outcomes; however, their implementation varies. It is of concern, for instance, that in some IPA beneficiaries, public consultation is left at the discretion of ministers. To facilitate public consultation, some governments have instituted online platforms, but the uptake has not been significant primarily due to the lack of feedback by authorities and their inability to engage in a participatory manner. On the other hand, some governments have bypassed the civic participation requirement by adopting laws in extraordinary procedures which do not require public consultation.

The proportion of CSOs that reported being effectively consulted in the drafting of laws, bylaws, strategies or acts of public interest and policy reforms remains low, at under one-third of participating CSOs. Representation and inclusion are also of concern: when they are consulted, CSOs tend to be larger organisations with an annual turnover of more than EUR 50,000. Only a small proportion of them are local organisations, or CSOs working on disability issues, minority rights and non-discrimination or gender equality and LGBTIQ+ rights.

Although a well-developed national civil society cooperation strategy is a precondition for the strengthening of the national civil society sector, in 2021, such a strategy was in effect in only two IPA beneficiaries and adopted at the end of 2021 in the third. Regardless of whether there was a strategy in place, respondents from both CSOs and public authorities have shown a significant degree of confusion and lack of awareness about whether a strategy existed or not. Where a civil society cooperation strategy was in effect, the implementation record was mixed, the main challenges being insufficient resources for, and limited monitoring of, its implementation.

Furthermore, a gap in views between surveyed public officials and CSO representatives is noted, whereby public officials tended to view the situation more positively than CSOs. In particular, CSOs perceived the attitude of public officials towards civil society as overwhelmingly unsupportive which gives rise to serious concerns about the feasibility of cooperation between civil society and governments.



**Specific objective 3** *CSO capacity and resilience to carry out their activities effectively are reinforced* is concerned with the accountability, effectiveness and efficiency of CSOs. CSO accountability includes good governance, participation of stakeholders, in particular the rights-holders, timely communication, organisational learning, fair and respectful partnerships, transparency about funding, and sound organisational systems

that protect and enable people in a safe work environment. Although the picture is mixed, research results point to a number of areas in organisational accountability in which the performance of CSOs across the region could be improved. The implementation of good governance standards overall is low. While governing bodies tend to be effective insofar as their terms of reference are clearly articulated in governance documents, they tend not to be independent. A significant proportion of CSOs report that paid staff members are, at the same time, decision-making members of the boards. Organisational transparency is another area in need of strengthening. Although a significant proportion of CSOs has a website, and most have a social media presence, the proportion of CSOs that publish relevant information about their organisational governance, policies, annual reports, financial statements and sources of funding is low.



Across the region, organisational learning is seen as important with a significant proportion of CSOs committed to research and evaluation. In order to sustain this commitment, financial resources and organisational capacities will have to be maintained. The strong involvement of local communities in stakeholder consultations is also noteworthy. The level of diversification of the organisational funding base bodes well for organisational sustainability, given that the funding of the majority of CSOs is spread across different types of donors, as well as sources of funding which are not donor dependent such as individual donations and organisational membership fees. Governments at local, regional and national levels are the most frequent donors in all but two IPA beneficiaries. A significant proportion of CSOs in the region rely on paid staff; a plurality are small organisations with up to five staff members, including consultants. They are committed to investing in staff and volunteers with a significant proportion of CSOs providing training opportunities in 2021.

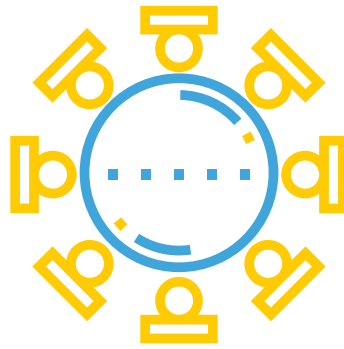
A more detailed overview of research results by each specific objective is presented in the body of the report while the justification for the assessment of the respective indicators and related analysis for each IPA beneficiary is included in the Annex.



Table of Indicators Awarded Numerical Values		AL	BA	XK	ME	MK	RS	TR
1.1.a	Extent to which relevant domestic legislation provides for freedoms of association, assembly and expression	4	4	4	4	4	3	1
1.2.a	Extent to which CSOs have access to an effective remedy to challenge or seek review of decisions affecting exercise of their rights	3	4	3	4	4	3	2
1.2.b	Extent to which CSOs are protected by law from threats, attacks, judicial harassment and discriminatory treatment, in particular:	5	3	4	4	4	3	1
1.3.a	Extent to which laws to combat extremism, terrorism, money laundering and corruption do not unduly restrict legitimate activities of CSOs	4	2	4	5	4	3	1
1.4.a	Extent to which laws (1) do not require CSOs to submit more reports and information, and (2) do not submit CSOs to more inspections and sanctions, than business entities, all else being equal	4	4	5	5	5	5	1
1.5.a	Small community/local organisations and civic initiatives are allowed to operate by law without registering	5	4	3	5	5	5	2
1.5.b	In law, unregistered small community/local organisations and civic initiatives enjoy the same right to participation in decision making processes as registered CSOs	5	4	3	3	5	5	2
1.6.a	Extent to which relevant laws allow CSOs to seek a broad range of funding, including from abroad, without undue restrictions, as regards:	5	4	5	5	5	5	2
1.7.a	The level of public funding available for CSOs and associations is clearly articulated in laws and regulations, and the rights and duties of the state body invested with the ability to set and revise the level of public funding available is clearly defined in law	1	1	4	5	1	2	1
1.7.c	Extent to which legal provisions regulating the award of public funding to CSOs ensure that it is clear, impartial and well regulated	3	4	4	3	3	2	1
1.7.d	Central governments make the information on awards publicly available and sufficiently detailed to identify individual awards	4	2	4	5	3	2	2
1.7.e	Proportion of CSOs indicating that the provision of domestic public funds is transparent, fair, and non-discriminatory	2	2	2	1	1	1	1
1.8.a	Tax legislation allows for tax relief as regards individual and corporate giving	2	3	5	4	3	3	2
1.9.a	Extent to which applicable tax laws provide for appropriate tax benefits for CSOs	4	3	3	4	3	4	3
1.10.a	Laws regulating volunteering are adopted	2	5	1	2	4	2	1
1.10.b	Government volunteering strategies and programmes support volunteering for CSOs and have sufficient resources allocated for implementation	1	3	2	1	5	2	1
2.1.a	Laws, bylaws, strategies, other acts of public interest and policy reforms are effectively consulted with CSOs	3	2	3	4	2	2	1
2.2.a	Extent to which CSOs assess the attitude of public officials towards civil society as supportive	2	1	3	1	1	1	1
2.3.b	IPA beneficiaries have adopted currently valid civil society cooperation strategies	5	1	5	1	1	1	1
2.3.c	Civil society cooperation strategies are accompanied by adopted budgeted action plans	1	1	5	1	1	1	1
2.3.f	Mechanisms for dialogue between civil society cooperation councils and central governments meaningfully include CSOs:	4	4	3	3	5	1	2
3.1.a	Proportion of CSOs that have an independent and effective governing body with clear terms of reference to oversee the organisation's strategic goals, impact, management, legal compliance, and accountability	3	3	3	3	2	3	2
3.1.b	Proportion of CSOs that regularly check potential conflicts of interest with regard to the political, economic and personal relationships of their governing body	1	1	2	2	2	1	1
3.1.c	Proportion of CSOs that share relevant information on their organisation using means and channels that are accessible to all stakeholders	2	2	2	2	2	1	3
3.1.d	Proportion of CSOs that have an organisational gender equality policy	3	2	3	2	2	3	3
3.1.e	Proportion of CSOs that have an organisational strategy, including vision, mission, and goals	4	3	4	3	4	3	3
3.2.a	Proportion of CSOs that have at least one on-line channel of communication	5	5	5	5	5	5	5
3.3.a	Proportion of CSOs that publish their annual reports and financial statements	2	3	2	4	3	3	3
3.3.b	Proportion of CSOs that publish information on their sources of funding and amounts received in the previous year	2	2	2	2	2	2	2
3.4.a	Proportion of CSOs that have carried out an evaluation of their work in the last year	4	4	3	4	4	5	4
3.5.a	Proportion of CSOs whose work is based on evidence generated through research	5	5	5	5	5	5	5
3.5.b	Proportion of CSOs whose work is informed through consultation with people who have a stake in their current or future work	5	5	4	5	5	5	5
3.7.a	Proportion of CSOs whose sources of donor income are diversified	4	4	3	3	3	3	4
3.7.b	Proportion of CSOs raising funds from sources other than donors e.g. membership fees, corporate/individual giving and income generating activities	4	4	4	3	5	4	5
3.8.b	Proportion of CSOs that have organisational human resources policies	1	1	1	1	1	1	1
3.8.e	Proportion of CSOs whose staff and volunteers have attended a training course in the past year	4	4	4	5	5	5	4



## Introduction



This report presents the first assessment against the revised *DG NEAR Guidelines for EU Support to Civil Society in the Enlargement Region, 2021-2027*<sup>2</sup>. The Guidelines outline the results towards which EU support to civil society in the enlargement region will aspire in this seven-year period. This assessment provides evidence for the situation against the Guidelines' indicators for 2021 which is the baseline year.

Consisting of 59 indicators compiled under 21 specific objectives, they are based on three outcomes critical for healthy participatory democracies in which a strengthened civil society contributes to the EU approximation and integration processes in the region. The three outcomes recognise that (1) *a conducive environment for civil society to carry out its activities* is a fundamental precondition of democracy; that (2) *strengthened cooperation and partnership between CSOs and public institutions* is integral to participatory democracy, and that (3) *reinforced CSO capacity and resilience to carry out their activities effectively* are necessary so that CSOs can be credible and productive actors in society. The indicators, in turn, are based on international standards, including EU Rule of Law Acquis, international human rights law and CSO accountability standards, and informed by recommendations, opinions and guidelines adopted by international organisations and inter-governmental fora.

The annual assessment against each of the indicators provides all stakeholders – EU staff, CSOs in the region, and IPA beneficiary policy-makers and officials – with a detailed set of data showing the degree of progress toward the three main objectives. This report presents the assessment of the implementation in 2021 in the region, namely in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Türkiye. It is worth noting that, in 2021, CSO activities were disrupted by the COVID-19 pandemic. As a result, the data collected may be atypical, if compared with the pre-COVID-19 situation.

The report presents a comprehensive overview of issues and developments under each specific objective. The report does not present a consolidated regional analysis but rather an overview of the most salient developments, positive and negative, in each IPA beneficiary. It is expected that, over the years, this exercise will enable year-on-year comparisons with a view to identifying trends.

This report has five sections plus annexes. The methodology is explained in the next section, followed by the presentation of findings and conclusions for each specific objective under the three areas. A more detailed analysis of all indicators at the level of each IPA beneficiary is included in the Annex, as is the data collected through the survey of CSOs in each IPA beneficiary.

The full Guidelines and their Explanatory Note with a detailed explanation of each indicator, and its basis in international law and standards, can be found at <https://tacso.eu/eu-civil-society-guidelines/>

<sup>2</sup> Available from [https://neighbourhood-enlargement.ec.europa.eu/dg-near-guidelines-eu-support-civil-society-enlargement-region-2021-2027\\_en](https://neighbourhood-enlargement.ec.europa.eu/dg-near-guidelines-eu-support-civil-society-enlargement-region-2021-2027_en).

## Methodology



The analysis presented in this report is based on data collected from primary and secondary sources by the EU TACSO 3 team. Primary research included surveys of CSOs and public officials, focus group discussions with CSO representatives, as well as a legal analysis of relevant laws, carried out by external legal experts. Moreover, secondary sources such as reports produced by CSOs, national human rights institutions, governments and others were relied upon for relevant information and data. The data collection and analysis refer to 2021 which is the baseline year.

The CSO survey was run in all IPA beneficiaries; the data collection period was between 26 September and 18 October 2022. The aim of the survey was to collect the perspectives of civil society actors in the region on all applicable indicators. It consisted of mostly closed questions. The survey instrument, available in all official languages, in addition to English, was circulated broadly on social media, through National Resource Centres, and to more than 5,000 CSO contacts in the TACSO database. The survey was anonymous.

The survey of public officials was run in all IPA beneficiaries; the data collection period was between 13 October and 22 November 2022. The aim of the survey was to collect the perspectives on specific relevant indicators of selected public officials who, in their work, engage most closely with CSOs. The survey consisted of mostly closed questions. The survey questionnaire, available in all official languages, in addition to English, was circulated to select public officials at the central level of government known to have experience in collaborating with CSOs. The survey was anonymous.

A team of legal experts was engaged to provide legal analysis of relevant domestic laws for each IPA beneficiary as applicable to those indicators which assessed compliance of domestic legislation with international standards.

EU TACSO 3 Country Coordinators, in addition, reviewed a variety of documents such as CSO reports on a range of issues, reports by national human rights institutions, statistical data published by relevant authorities and national reports on CSO development.

The data collected informed the analysis of the situation in 2021 in each IPA beneficiary and against each indicator. For the indicators that have a normative assessment, such as compliance with legislation or standards, the following traffic-light system was used to provide a quick visual guide:

5 – fully meets standards
4 – meets most standards
3 – moderately meets standards
2 – minimally meets standards
1 – does not meet standards



The assessment was applied to those indicators where the assessment was deemed meaningful. It was based either on the data collected through the CSO survey or on the detailed analysis of applicable laws, policies and procedures against standards. The justification of the assessment is available in the respective IPA beneficiary reports and related analysis in Annexes 1–7.

The remaining indicators provide an indication of year-on-year trends. For these, the current value of the indicator for each IPA beneficiary is provided. Future assessment reports will provide comparative values against the 2021 baseline.

The analysis at the level of each IPA beneficiary provided the basis for the comprehensive report which compiled the assessments and level of implementation of individual indicators by respective specific objectives under each of the three areas shown on the next page.



Summary of Specific Objectives		
Objective 1	Objective 2	Objective 3
<b>A conducive environment for civil society to carry out its activities is in place</b>	<b>Strengthened cooperation and partnership between CSOs and public institutions</b>	<b>CSO capacity and resilience to carry out their activities effectively are reinforced</b>
<p>SO 1.1. All individuals and legal entities in the Enlargement region can establish, join and participate in non-formal and/or registered organisations, can assemble peacefully and can express themselves freely</p> <p>SO 1.2. Public authorities protect CSOs from interference and attacks and respect their right to privacy</p> <p>SO 1.3. Measures used to fight extremism, terrorism, money laundering or corruption are targeted and proportionate, in line with the risk-based approach, and respect human rights standards on freedom of association, assembly and expression</p> <p>SO 1.4. Public authorities treat all CSOs equally with regards to their operations, and equitably with other entities (such as businesses)</p> <p>SO 1.5. Central and/or local public authorities have enabling policies and rules for small community organizations and civic initiatives (grass-roots organisations)</p> <p>SO 1.6. All CSOs are free to solicit and receive funding</p> <p>SO 1.7. Public financial and non-financial support to CSOs is available in IPA beneficiaries, and provided in a transparent, accountable, fair and non-discriminatory manner</p> <p>SO 1.8. Individuals and corporations enjoy tax benefits for their donations to CSOs</p> <p>SO 1.9. Tax benefits are available to CSOs</p> <p>SO 1.10. The policies and legal environment provide incentives and facilitate volunteering and employment in CSOs</p>	<p>SO 2.1. Public authorities and institutions include CSOs in decision- and policy-making processes</p> <p>SO 2.2. Public authorities and institutions acknowledge the importance of civil society in societal policy debate and EU integration processes</p> <p>SO 2.3. Public authorities contribute to civil society strengthening by cooperating with civil society through strategic policy frameworks and relevant institutional mechanisms</p>	<p>SO 3.1. CSOs' internal governance structures follow the principles of good governance</p> <p>SO 3.2. CSOs are able to communicate the results of their activities to the public</p> <p>SO 3.3. CSOs are transparent about their programme activities and sources of funding</p> <p>SO 3.4. CSOs monitor and evaluate the results and impact of their work</p> <p>SO 3.5. CSOs use research and evidence to underpin their work</p> <p>SO 3.6. CSOs work in fair and respectful partnerships to achieve shared goals</p> <p>SO 3.7. CSOs have a diversified funding base</p> <p>SO 3.8. CSOs have effective, empowered and developed human resources</p>

The findings of the CSO survey were validated in focus group discussions. Focus group discussions were held in each IPA beneficiary, with the exception of Serbia, between 29 November and 14 December 2022. In total, 43 discussants took part in 7 focus group discussions. Discussants were CSO representatives selected based on their experience, sectoral expertise, and active participation in civil society, taking into consideration the size of their organisation, as well as gender and geographical balance. Focus group discussions took place online and each lasted up to 2 hours.

The full report was presented to CSO representatives for comments and feedback in validation workshops. Validation workshops were held for each IPA beneficiary between 27 April and 5 May 2023. In total, 170 CSO representatives (120 women, 49 men, 1 non-binary) took part in 7 validation workshops. The workshops took place online and each lasted up to 2 hours. Participants had a further opportunity to provide comments in writing. The feedback received informed changes to the respective reports.



## Survey response

### CSO survey

The CSO survey was circulated broadly and elicited 766 valid responses in total, mostly equally distributed across IPA beneficiaries, with the exception of the highest contribution of 24% from Türkiye.

# of responses and share in total responses, per IPA beneficiary		
Albania	95	12%
Bosnia and Herzegovina	103	13%
Kosovo	83	11%
Montenegro	114	15%
North Macedonia	92	12%
Serbia	95	12%
Türkiye	184	24%
<b>Total</b>	<b>766</b>	<b>100%</b>

Over half of the respondents, 54%, were senior officers within the organisation, mostly executive directors, but also other senior managers, board members or presidents. The same proportion of respondents, also 54%, have been with the organisation for eight years or more. A similar majority of respondents, 55%, identified as women; only 1.6% did not select a binary identification. More than four-fifths of respondents, 88%, were aged 31 or older; 32% were older than 51 years of age.

Just over a quarter of respondents, 27%, identified as belonging to a community, minority or marginalised group. Of those who identified as belonging to such a group, 16% identified as persons with disabilities, 8% as belonging to the Roma, Ashkali or Egyptian communities, and 6% as belonging to the LGBTIQ+ community.

More than two-thirds of participating CSOs, 73%, were established over the past two decades; the majority of them, 41%, between 2011–2021. Only 7% of participating CSOs were established in 1990 or earlier. Virtually all respondents, 98%, came from officially registered organisations. Three-fifths of participating CSOs, 59%, are registered as citizen’s associations; 11% are foundations.

Two-thirds of participating CSOs, 68%, work in-country at the local, regional or national levels: 25% work at the national level only and 15% are local organisations. One-quarter, 24%, work internationally, in addition to domestically.

The highest proportion of CSOs participating in the survey, 24%, works on human rights, followed by environment and climate action, 20%; education, research and innovation, 19%; and social inclusion, 18%. Moreover, 11% of participating CSOs work on minority rights and non-discrimination, and the rights of persons with disabilities, respectively, followed by 10% working on children’s rights and 9% on gender equality and LGBTIQ+ rights.

More than half of participating CSOs, 58%, are small organisations with 1–10 permanent, full or part-time staff and volunteers working at the time of the survey. Only 6% of participating CSOs engaged 51 or more staff and volunteers. Just over a third of participating CSOs, 34%, had an annual turnover of up to EUR 25,000. 17% of respondents stated that the annual turnover of their CSO was between EUR 100,001 and EUR 500,000, while 8% stated that the annual turnover of their organisation exceeded EUR 500,000.





## Public authorities survey

The survey of public officials received 76 valid responses. The questionnaire was shared among public officials at the central level of government with experience in engaging with CSOs or working on CSO issues from a range of ministries, such as labour and social welfare, finance, local government, youth and sports, among others. Most respondents, 18% each, came from Bosnia and Herzegovina and Kosovo, the fewest from Türkiye, 9%. The majority of respondents, 68%, were women, with men accounting for the remainder. Almost half of the respondents, 45%, were aged between 31–40 years of age; 47% were 41 or older. A minority of 14% of respondents self-identified as belonging to a community, minority or marginalised group, however, none were from Albania, Kosovo and Türkiye.

# of responses and share in total responses, per IPA beneficiary		
Albania	9	12%
Bosnia and Herzegovina	14	18%
Kosovo	14	18%
Montenegro	11	14%
North Macedonia	8	11%
Serbia	13	17%
Türkiye	7	9%
<b>Total</b>	<b>76</b>	<b>100%</b>

## Research constraints

The research faced certain challenges with regard to data collection.

Some indicators rely on public data which was either not available or very difficult to access.

With regard to surveys, the public authority survey covered only those officials who work on civil society issues; their numbers are limited. While their responses gave an indication of their views, it was not possible to draw representative conclusions based on their small sample.

The CSO survey, on the other hand, was open to anybody who wanted to take part and the data had to be cleaned to filter respondents who indicated that they did not belong to the target group. Because respondents were not obliged to complete the survey, the number of responses per question decreased as the survey progressed. Nevertheless, the responses were sufficient to provide valid data on which the analysis is based. Moreover, given that the distribution of responses per IPA beneficiary was not proportionate to the total population, survey results cannot be interpreted to be representative of the region as a whole. Similarly, given that it was not possible to establish whether samples at the level of the IPA beneficiary were representative of the total population of CSOs, survey results cannot be interpreted to be representative of civil society in the respective IPA beneficiary. Nevertheless, they offer a solid basis for understanding the situation among the majority of active CSOs.



## **Specific Objective 1**

### **A conducive environment for civil society to carry out its activities is in place**

A country wishing to join the EU needs to have in place and implement an appropriate legal, judicial and administrative environment for the exercise of fundamental freedoms and rights, with a focus on freedoms of association, peaceful assembly and expression. This includes transparent and non-discriminatory registration procedures for CSOs, free and independent operation and cooperation between citizens – formal or informal – and the absence of disproportionate or unwarranted state interference, including when dealing with challenges such as terrorism, extremism, money laundering and corruption. An enabling funding environment is required to support the sustainability of CSOs, and to ensure that CSOs are adequately funded to exercise their rights in practice.

In the majority of EU Member States – and so expected for the aspiring EU members – legislation provides benefits to CSOs pursuing activities considered to be in the public interest. This can be achieved through favourable tax rules for private donations, membership fees and philanthropy. Direct, public financial and non-financial support should be provided and reported in a transparent, accountable, fair and non-discriminatory manner.

In IPA beneficiaries, legal frameworks for the protection of the fundamental freedoms of peaceful assembly, association and expression are generally in line with standards. They are guaranteed by the constitution and further regulated by laws. There are, nevertheless, a number of areas in which improvements are required.

With regard to freedom of association, better recognition of informal and community groups would strengthen their participation in public life. A better definition of terms, such as ‘secret’ association, would ensure clarity. The requirement that CSOs register beneficial owners has created an undue burden for CSOs. Further consideration should be given to lowering the minimum age for founders or members of associations in order to enable the effective enjoyment of freedom of association among children and young people.

With regard to freedom of peaceful assembly, positive developments have been observed where, for instance, laws have been amended to require prior notification of an assembly instead of authorisation. A number of concerns nevertheless remain, such as overly restrictive definition of assembly, lack of clarity about the responsibilities of organisers who could be subjected to penalties for acts of others and fined for damages, as well as unclear obligation of the authorities to inform of their decision to ban assemblies so that such decisions could be appealed in a timely fashion. Of particular concern has been the introduction of separate laws, regulating unrelated matters, such as noise pollution, to impose undue restrictions on freedom of assembly. Moreover, inconsistent application of restrictions during the 2021 pandemic resulted in unequal treatment of different groups. For instance, while restrictions were placed on the exercise of peaceful assembly on public health grounds, thus preventing groups and communities from exercising this right, gatherings of political parties were allowed.

With regard to freedom of expression, the criminalisation of defamation remains a concern, as well as the failure of the law to distinguish between public figures and private persons. Given that public figures hold positions of power and influence, they should be subjected to a greater level of scrutiny than private persons and therefore afforded a different level of protection of privacy. In some IPA beneficiaries, journalists are required by law to disclose sources; in others, SLAPPs against media companies, journalists and human rights defenders are posing an increased risk for the exercise of this freedom.



The right to access an effective remedy enabling CSOs to challenge or seek reviews of decisions affecting their rights is guaranteed by laws and procedures which protect the rights of natural and legal persons in general. Nevertheless, a considerable proportion of participating CSOs reported that, in 2021, government authorities took decisions which negatively impacted their organisation's ability to exercise its rights, such as subjecting CSOs to tax and administrative inspections, imposing additional reporting and registration requirements, using anti-money laundering and terrorist financing legislation to target CSOs and restrict their fundraising activities, and that, in their view, they were not able to challenge such decisions effectively.

Similarly, laws that protect CSOs from threats, attacks, judicial harassment and discriminatory treatment are general laws that apply to all natural and legal persons such as criminal and civil codes, and anti-discrimination laws. Again, a considerable proportion of CSOs reported that their organisation, members or both were subjected to threats, attacks, judicial harassment or discriminatory treatment in 2021.

Although laws to combat extremism, terrorism, money laundering and corruption in general do not contain provisions on CSOs, their implementation can create additional burdens for CSOs. These relate to complications with bank transactions because of additional checks, as well as the requirement for CSOs to declare beneficial ownership. Moreover, on occasion, states have abused laws on the prevention of money laundering to target certain public figures, CSOs and media outlets, without a legal basis. It is particularly concerning that such laws have been used to limit access to foreign funding in some cases. A small but not insignificant proportion of CSOs reported that in 2021 their organisation, members or both were subjected to judicial harassment for alleged connections with extremism, terrorism, money laundering or corruption.

Across the region, laws do not appear to require CSOs to submit more reports or subject them to more inspections and sanctions than businesses. CSOs are generally required to submit annual financial statements in line with accounting and auditing requirements. Financial reports are subjected to audits. In addition, CSOs that are recipients of public funding have to report on how such funds have been expended. Moreover, with regard to inspections and sanctions, the law treats CSOs equally to businesses.

Community groups and local organisations are in general allowed to operate without registering, although in some IPA beneficiaries there is a constitutional requirement to register associations. The right to participation in public affairs of such groups is also guaranteed, for the most part.

Across the region, the legal framework generally enables CSOs to raise funds from a variety of sources without restrictions. Laws on association typically define the sources of funding as membership fees, donations, grants, gifts and others. Income-generating activities are also mostly allowed. According to CSOs participating in the survey, this was generally the case in 2021.

With regard to public funding, however, the situation is more complex, giving rise to issues of transparency, access and fairness. With the exception of Montenegro, the level of public funding available to CSOs is not set in laws and regulations but rather dispersed across different laws, policies and programmes and linked to their specific budgets. While funding tends to be awarded based on public calls, consistency and transparency are often lacking given that different funding agencies have different rules which they uphold with varying degrees of success. Moreover, information on awards is often not available or not sufficiently comprehensive and transparent. Consequently, a significant proportion of CSOs were of the view that the provision of public funding to CSOs was insufficiently or not at all transparent. The exclusion of CSOs representing different communities seems to have been less of a concern given that it was the overall lack of trust in the process that prevented CSOs from applying, rather than the expectation that their application would be treated differently because of whom they serve or whom they represent. Almost half of the respondents stated that they did not apply for public funding in



2021, and half of them did not do so because they did not think they had a realistic chance of winning. Of those who did apply for public funding, three-quarters have had unsuccessful applications. When asked why they thought their application was unsuccessful, two-thirds stated that it was because the authorities funded their preferred organisations.

While some tax relief is available for individual and corporate donors to CSOs, there is considerable space for improvement in creating a fiscal environment which encourages donations to civil society. While tax relief may be applicable to individual and corporate donations, it will often be characterised by low ceilings or other types of restrictions.

With regard to tax regimes applicable to CSOs, they are somewhat favourable. Income from grants, donations, membership fees and similar is generally not subject to taxation. However, profits generated through economic activities, even if used for investing in mission-related activities, are treated at par with businesses and subject to taxation.

While volunteering is supported by the existing legal framework in several IPA beneficiaries, laws would benefit from improvement, or indeed adoption where they do not exist. Their implementation would be strengthened by the adoption of effective and relevant strategies which are missing in most IPA beneficiaries.

A more detailed overview of research results by each specific objective is presented below while the assessment of the respective indicators and related analysis for each IPA beneficiary is included in Annexes 1–7.

## **SO 1.1. All individuals and legal entities in the Enlargement region can establish, join and participate in non-formal and/or registered organisations, can assemble peacefully and can express themselves freely**

### **Indicator 1.1.a: Extent to which relevant domestic legislation provides that:**

- Associations can be established or registered without discrimination on any grounds;
- No unlawful restrictions are placed on the scope of their activities or pursuit of their objectives;
- Their termination may only occur following a decision by an independent and impartial court;
- No unlawful restrictions are placed on freedom of peaceful assembly;
- Freedom of expression is exercised by all, and no unlawful restrictions imposed.

The rights to freedom of expression, peaceful assembly and association are cornerstones of democracy and preconditions for a conducive environment which enables civil society to operate effectively. Firmly enshrined in international human rights law,<sup>3</sup> these rights are interrelated. Domestic laws should ensure that the enjoyment of these rights is enabled in line with international standards which require that they be enjoyed without discrimination and without unlawful restrictions. Thus, any restrictions imposed on the right to freedoms of peaceful assembly and of association must be prescribed by law and necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. Similarly, any restrictions imposed on the right to freedom of expression must also be prescribed by law and necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of

<sup>3</sup> International Covenant on Civil and Political Rights, Articles 19, 21 and 22; European Convention on Human Rights, Articles 10 and 11; EU Charter of Fundamental Rights, Articles 11 and 12.



the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. This specific objective assesses the extent to which domestic legal frameworks ensure the effective realisation of these rights.

In general, legal frameworks for the protection of the rights to freedoms of expression, peaceful assembly and association across the region tend to be in line with international standards. The rights are guaranteed by the constitution, and in addition, regulated by specific legislation. There are, however, some, not insignificant, exceptions.

In **Albania**, freedoms of peaceful assembly, association and expression are guaranteed by the constitution; freedom of association is further regulated by the civil code, while the penal code regulates the freedom of assembly. The penal code was amended in 2021 to require prior notification of an assembly rather than authorisation. In June 2021, the law on the registration of non-profit organisations was adopted amidst strong objections from CSOs because of the level of fines prescribed for administrative violations deemed disproportionate, and the lack of a judicial procedure for deregistration in cases when CSOs are not registered with tax authorities. The law entered into force in 2021.

In **Bosnia and Herzegovina**, freedoms of association, peaceful assembly and expression are regulated at the level of the state, the two entities and Brčko District. In addition to the constitutional level, the rights are protected by respective legislation in the three jurisdictions. Given the set-up of Bosnia and Herzegovina, international human rights law, including the European Convention on Human Rights, is embedded in domestic legislation and takes precedence over domestic law. With regard to freedom of association, even if laws on associations and foundations are enacted in each jurisdiction separately, they feature similar or identical provisions. They place no unlawful restrictions on the scope of CSO activities and pursuit of objectives, and they provide for both voluntary and involuntary termination of CSOs. An area of improvement here would be to further simplify the regulatory requirements, for instance by providing recognition to informal groups and civic initiatives, in order to decrease the burden on the associations. Some laws on public assemblies prohibit individuals and entities from organising or participating in assemblies if they are under a court order not to participate in an assembly, without providing clear grounds for and effective safeguards to challenge such a ban. Even though laws on freedom of expression are largely in line with standards, case law differs across jurisdictions creating uncertainty given that the same situations can be adjudicated differently in different courts. Laws on the protection from defamation should be amended to incorporate higher standards of acceptability, tolerance, and proof in cases involving public figures.

In **Kosovo**, freedom of association and freedom of peaceful assembly are guaranteed by the constitution. The law on freedom of association for NGOs includes limitations or restrictions that can be applied to organisations or activities that infringe on the constitutional order, violate human rights and freedoms or encourage racial, national, ethnic or religious hatred. These may be prohibited by a decision of a competent court. Moreover, the law provides for voluntary and involuntary termination of associations. An NGO can be dissolved for various reasons, including insolvency, expiry of the term for which it was established and based on a final court decision. In some cases, the government can suspend the activity of an NGO at the request of an authorised security institution. The law on public gatherings requires notification to the Kosovo Police 72 hours in advance of the event while urgent gatherings require at least three hours' notice. The criminal code provides that anyone inciting and spreading hatred, discord or intolerance between national, racial, religious, ethnic or other such groups living in Kosovo, in a manner which was likely to disturb public order can be fined or imprisoned up to five years.

In **Montenegro**, the rights are guaranteed by the constitution and further regulated in law. The law on public gatherings and public events defines an assembly as a gathering of more than 20 people for a specific purpose. Moreover, it stipulates that the police may impose restrictions to prevent the violation of public law and order, commission of criminal acts, endangerment of human rights and freedoms, special



minority rights and freedoms of other persons, the safety of persons and property, or upon the request of health authorities in case of endangerment of health. The law enables the police not to allow an assembly if the event is 'not reported in a timely and proper manner.' In 2021, additional restrictions were imposed on public health grounds, however, they were applied inconsistently, restricting the activities of the public and CSOs, but not those of certain political parties. The media law restricts the freedom of the media in the interest of national security and territorial integrity of Montenegro, to prevent disorder or the commission of criminal acts, to protect health and morals, and the reputation or rights of others, to prevent disclosure of confidential information, or to preserve the authority and impartiality of the judiciary. Moreover, the law requires journalists to disclose their sources of information at the request of the state prosecutor, in the interest of national security, territorial integrity and public health.

In **North Macedonia**, the rights are guaranteed by the constitution and further regulated in law. The law on associations and foundations restricts the registration and establishment of an association if its name, programme, goals, activities and actions are directed towards the violent demolition of the constitutional order or the violation of the rights and freedoms of others. The law allows associations to be registered by a broad range of people but prevents undocumented persons from exercising the same right. Termination of associations may occur only based on a decision by an independent and impartial court. Laws on assemblies and public gatherings, and the criminal code, guarantee the right to spontaneous and simultaneous assemblies, as well as counter assemblies, without the requirement of prior notification. The law also defines an assembly as a gathering of at least 20 people. Moreover, the responsibilities and obligations of organizers are defined only vaguely, high fines are imposed in cases of damage during the assembly, and foreigners require authorisation to assemble under threat of penalty. The law on civil liability provides a strict definition of insult and defamation; facts, opinions, reporting privileged information, works of art and scientific research are protected.

In **Serbia**, the rights are protected by the constitution and specific laws. The constitution prohibits secret and paramilitary associations. However, it remains unclear what a secret association is and the extent to which the work of an unregistered organisation should be public in order not to be considered secret. Moreover, the law on associations prohibits associations whose goals and actions are directed toward the violent overthrow of the constitutional system, breach of territorial integrity of the state, violation of guaranteed human and minority rights or causing and encouraging inequality, hatred and intolerance based on racial, national or other affiliation or orientation, as well as sex, gender, physical, mental or other characteristics and abilities. The law on associations allows for the establishment of associations without prior approval, but with inclusion in the register maintained by the state. The law allows minors over the age of 14 to be founders or members of associations provided they have obtained certified written consent from their legal representative. With regard to the termination of an association, the procedure, the role of relevant public authorities, the manner and conditions are specifically prescribed.

The law on public assemblies prescribes general restrictions in the event of a threat to the safety of people and property, public health, morals, the rights of others or state security when the purpose of the assembly is to incite and instigate armed conflict, use violence, or violate human and minority freedoms and the rights of others. It also prescribes special restrictions as regards places where assemblies are prohibited such as in front of health facilities, school and preschool buildings, as well as facilities of strategic and special importance for state defence and security. Furthermore, public assemblies are not allowed in places where holding them violates human and minority rights and freedoms of others, endangers morals, or in places that are closed to the public. In addition, the law on protection from noise pollution in the environment, adopted in 2021, further restricts assemblies by empowering local self-governments to decide the places where assemblies and events that cause noise can be held. It requires that assemblies be notified at least 20 days in advance, significantly longer than the five days required by the law on assemblies. Moreover, the law allows for the confiscation of objects such as technical equipment in the event of a violation. In the event of a ban, the timeframe for the adoption and contestation of the decision does not allow for the exhaustion of the remedy in time for the assembly



to take place. The law makes the organiser responsible for the actions of individual participants, as well as the overall safety of the assembly, and envisions high fines for violations. Should the police decide to ban an assembly, the law does not place an obligation on the police to inform the organizer that the assembly has been banned. The police may decide to ban an assembly based on a security assessment which is not available for public scrutiny.

Laws on freedom of expression require that restrictions be proportionate, prescribed by law and for the purpose of protecting the rights and reputation of others, preserving the authority and impartiality of the court, protecting public health, the morals of a democratic society, and national security. Defamation remains criminalised with the crime of insult incurring high fines. This has enabled a slew of strategic lawsuits against public participation (SLAPPs) against media companies, journalists and human rights defenders. The situation is exacerbated by the fact that the criminal code does not distinguish between public figures and private persons in such cases.

The current legal framework for freedom of association in **Türkiye** is regulated by the constitution. It allows anyone to establish an association or foundation and there are no limits to the purpose of association. No one may be compelled to become or remain a member of an association. However, the constitution also states that in certain cases it is possible to limit the right to association for military personnel, members of security forces or civil servants. In addition, the constitution identifies certain cases in which freedom of association may be limited or terminated on the grounds of national security, public order, prevention of commission of crime, public morals, public health and protecting the freedoms of other individuals. Associations may be dissolved or suspended from activity by the decision of a judge in cases prescribed by law. The civil code prohibits the formation of associations against the 'law' or 'morality'.

With regard to freedom of association, the law requires the disclosure of personal information of members of associations to public authorities, including of current and former members. Moreover, the law on preventing the financing of proliferation of weapons of mass destruction allows for arbitrary audits, and ultimately the direct intervention of the government in the operations of CSOs aimed specifically at those receiving foreign funding. There is a risk that LGBTIQ+ organisations and associations established for political purposes may be subjected to discriminatory treatment for reasons of 'public morality' and 'terrorist offences', respectively.

Some laws prevent the exercise of freedom of peaceful assembly, otherwise guaranteed by the constitution. The right to hold meetings and demonstration marches is restricted on grounds of national security, public order, prevention of commission of crime, protection of public health and public morals or the rights and freedoms of others. Prior authorisation is required to hold a peaceful assembly.

Similarly, although freedom of expression is guaranteed by the constitution, its exercise is restricted by laws and the actual practice of public authorities. Provisions of the criminal code, the anti-terrorism law and the Regulation of Publications on the Internet and Combating Crimes Committed by Means of Such Publication and Anti-Terrorism Law violate international standards on freedom of expression.



## SO 1.2. Public authorities protect CSOs from interference and attacks and respect their right to privacy

**Indicator 1.2.a:** Extent to which CSOs have access to an effective remedy to challenge or seek review of decisions affecting exercise of their rights

**Indicator 1.2.b:** Extent to which CSOs are protected by law from threats, attacks, judicial harassment and discriminatory treatment, in particular:

- threats including intimidation, harassment, defamation, as well as hate speech online and offline;
- attacks including acts of violence, physical abuse, searches and damage to property;
- judicial harassment including arbitrary arrest and detention, unlawful interference with communications, and abuse of criminal, civil and administrative proceedings or threats thereof;
- discriminatory treatment including disproportionate reporting requirements for CSOs

**Indicator 1.2.c:** Proportion of CSOs that operate effectively without threats, attacks, judicial harassment and discriminatory treatment, in terms of:

- number of complaints concerning lack of protection of CSOs;
- number of attacks on CSOs and their members;
- number of instances of damage to property;
- number of instances of discriminatory treatment in reporting;
- number of instances when CSO offices were unlawfully searched, subjected to inspections;
- number of instances of interference with the communications of CSOs.

The right of everyone whose rights and freedoms are violated to have an effective remedy before a national authority is considered a fundamental guarantee for the protection of human rights.<sup>4</sup> This means that CSOs and their members may challenge or seek review of decisions affecting the exercise of their rights. To be effective, a remedy must be sufficient, accessible, prompt and fair, among others. CSOs and their members must be able to appeal or request a review, by an independent and impartial court, of any decisions or inaction by the authorities. If a violation is found to have occurred, proper and effective redress should be made available in a timely manner. The procedure for appeal and review should be clear and affordable, and remedies should provide adequate reparation, including compensation for moral or pecuniary loss. CSOs should have equal standing before impartial tribunals.

International law protects CSOs and their members from threats, attacks, judicial harassment and discriminatory treatment by state and non-state actors. States are required to protect anyone within their territory and under their jurisdiction from violation of their right to life, the prohibition of torture and other ill-treatment, their right to privacy, including from defamation, as well as protection from arbitrary and unlawful searches, and unlawful interference with communication, their right to property, their right to liberty and security, and their right to a fair trial in criminal and civil proceedings.<sup>5</sup> Moreover, they are protected from discrimination.<sup>6</sup> This specific objective assesses the extent to which the right to an effective remedy is realised in practice, how CSOs and their members are protected from interference, attacks and invasion of privacy, as well the proportion of CSOs that operate effectively without threats, attacks, judicial harassment and discriminatory treatment.

With regard to access to an effective remedy, there are generally laws and procedures in place which allow CSOs to challenge or seek the reviews of decisions affecting their rights. However, their ability to

<sup>4</sup> European Convention on Human Rights, Article 13; EU Charter on Fundamental Rights, Article 47.

<sup>5</sup> European Convention on Human Rights, Articles 2, 3, 5, 6, 8, Article 1 Protocol 1; EU Charter on Fundamental Rights, Articles 4, 6, 7, 17, and 47.

<sup>6</sup> European Convention on Human Rights, Article 14 in conjunction with Article 11, and Article 1 Protocol 12; EU Charter on Fundamental Rights, Article 21





challenge such decisions through official, legal, judicial and administrative proceedings varied. Across the region, one-fifth of participating CSOs, 20%, reported that government authorities took decisions which negatively impacted their organisation's ability to exercise its rights in 2021. More than half of them, 57%, were of the view that they were not able to challenge such decisions effectively; they accounted for 12% of CSOs participating in the survey. Respondents cited reasons such as lack of organisational capacity and funding, lack of legal expertise, lack of trust in the process, failure of the administration to respond and claims of no jurisdiction for the inability to pursue successful challenges.

In **Albania**, criminal and civil codes guarantee the right of CSOs as legal persons to use all the mechanisms to challenge or seek the review of the decisions affecting their rights. In 2021, 6% of participating CSOs from Albania felt they were unable to challenge effectively such decisions, the lowest in the region.

In **Bosnia and Herzegovina**, criminal and civil procedure codes, as well as laws on administrative procedures at various levels regulate the issue of regular and extraordinary remedies in criminal, civil and administrative legal matters. Excessive length of judicial proceedings constitutes a major obstacle to an effective remedy. In 2021, 7% of participating CSOs from Bosnia and Herzegovina felt that they were unable to challenge effectively decisions affecting their rights.

In **Kosovo**, the law on freedom of association provides for review of decisions such as on registration, dissolution and deregistration, including before a competent court. Moreover, CSOs can seek review of decisions affecting the exercise of their rights beyond these matters. Issues arise with the administrative instruction on the registration and functioning of NGOs which allows the Department of NGOs to both suspend the activity of an organisation and review the appeal of such decision. In 2021, 10% of participating CSOs from Kosovo felt they were unable to challenge effectively decisions which negatively affected them.

In **Montenegro**, the right to an effective remedy is guaranteed by the constitution to both natural and legal persons, including CSOs. All procedural laws ensure the right to an effective legal remedy through regular and extraordinary legal remedies. Yet, in 2021, 18% of participating CSOs from Montenegro felt they were unable to challenge decisions which negatively affected them, the highest proportion in the region.

In **North Macedonia**, registered CSOs have the capacity to initiate proceedings and appeal decisions against them in line with the law on associations and foundations. In 2021, 12% of participating CSOs from Macedonia felt they were unable to challenge decisions which negatively affected them.

In **Serbia**, access to a legal remedy by CSOs is equivalent to that provided to natural and legal entities. Thus, CSOs have the right to appeal, which ensures a two-stage administrative procedure, the right to sue, which enables the judicial review of administrative acts, as well as the right to file criminal charges. Appeal of decisions to prohibit the work of CSOs is conducted before the Constitutional Court. Fifteen percent of participating CSOs from Serbia said they were unable to challenge decisions which negatively affected them.

In **Türkiye**, although the right to an effective remedy is guaranteed by the constitution, access to an effective remedy by CSOs to challenge or seek review of decisions affecting the exercise of their rights is barred by high costs of civil and administrative proceedings. In 2021, 11% of participating CSOs said they were unable to challenge decisions which negatively affected them.

With regard to legal protection of CSOs from threats, attacks, judicial harassment and discriminatory treatment, such protection is provided in general to natural and legal persons in criminal codes, civil codes and laws prohibiting discrimination. While CSOs are not specifically mentioned by such legislation, **Kosovo** is an exception insofar as its criminal code provides protection from attacks and



threats against international organisations. Moreover, CSOs generally feel they are not protected from abuse of criminal, civil and administrative proceedings such as in the form of SLAPPs. Across the region, 18% of participating CSOs reported that they were not able to operate effectively without threats, attacks, judicial harassment and discriminatory treatment in 2021. At the same time, the majority of public officials who took part in the survey were of the view that, in 2021, CSOs were sufficiently or very much able to operate effectively without threats, attacks, judicial harassment and discriminatory treatment.

The proportion of CSOs that reported that their organisation, members or both were subjected to threats, attacks, judicial harassment or discriminatory treatment in 2021 was considerable across the region: 12% reported that they were subjected to threats or physical attacks; 6% reported that they experienced property damage; 4% reported that authorities interfered with the communications of their organisation, and 2% and 1%, respectively, reported that their organisation was subjected to unlawful inspections and unlawful searches. Moreover, 5% of participating CSOs reported that they were required by authorities to submit reports which, in their view, were excessive and unjustifiable. The situation was most concerning in **Serbia** and **North Macedonia**. In Serbia, 30% of participating CSOs reported being subjected to threats or physical attacks; 12% reported property damage; 12% reported interference with communications, and 5% reported being subjected to unlawful inspections. In North Macedonia, 13% of participating CSOs reported being subjected to threats or physical attacks; 12% reported property damage; 7% reported interference with communications, and 5% reported being subjected to unlawful searches. In **Türkiye**, 4% of the CSOs reported that both their organisation and members had been subjected to threats or physical attacks, 3% reported property damage, 4% reported being subjected to unlawful inspections and 1% reported interference with communications.

### SO 1.3. Measures used to fight extremism, terrorism, money laundering or corruption are targeted and proportionate, in line with the risk-based approach, and respect human rights standards on freedom of association, assembly and expression

**Indicator 1.3.a:** Extent to which laws to combat extremism, terrorism, money laundering and corruption do not unduly restrict legitimate activities of CSOs

**Indicator 1.3.b:** Proportion of CSOs whose ability to undertake legitimate activities is not restricted by the implementation of laws to combat extremism, terrorism, money laundering and corruption, and in particular by:

- being judicially harassed for their alleged connections with extremism, terrorism, money laundering and corruption;
- discriminatory restrictions placed on funding,
- authorities or banks preventing them from opening bank accounts, sending or receiving money

In line with international human rights law, any restrictions imposed on the right to freedoms of peaceful assembly, association and expression must be the least intrusive possible, necessary in a democratic society to pursue a defined legitimate aim and proportionate to the benefit obtained in achieving the legitimate aim in question. Laws to combat extremism, terrorism, money laundering and corruption, therefore, may not be used by states to place undue restrictions on these rights and legitimate activities of CSOs. This specific objective assesses the extent to which laws to combat extremism, terrorism, money laundering and corruption do not unduly restrict legitimate activities of CSOs, as well as the perception of CSOs about their ability to undertake legitimate activities without undue restrictions imposed by such laws.



Across the region, laws to combat extremism, terrorism, money laundering and corruption, in general, do not contain provisions for CSOs.

In **Albania**, the law on the registration of non-profit organisations requires the establishment of an electronic register of CSOs. The law was adopted in 2021 to address a MONEYVAL<sup>7</sup> recommendation. The register was not set up in 2021.

In **Bosnia and Herzegovina**, the law on prevention of money laundering and financing of terrorist activities and the law on associations of Bosnia and Herzegovina and the law of Brčko District have incorporated MONEYVAL recommendations. There seem to be no other legal provisions which would explicitly restrict the activities of CSOs.

In **Montenegro**, laws to combat extremism, terrorism, money laundering and corruption do not contain provisions which restrict the activities of CSOs.

In **North Macedonia**, the law on the prevention of money laundering and the financing of terrorism does not contain provisions relating to CSOs. Nevertheless, the law imposes several requirements for bank transactions which burden the work of CSOs: every transaction over EUR 1,000 is subject to checks which require that extensive information be submitted. Moreover, CSOs are required to declare beneficial ownership and significant fines are imposed if they fail to do so.

In **Serbia**, the implementation of the law on the prevention of money laundering and terrorist financing was used in the past to target public figures, CSOs and media outlets with specific checks without a legal basis. The legal framework in this area requires further improvement to prevent such transgressions in the future. In particular, the national risk assessment is not fully available to the public making it impossible to determine the criteria on the basis of which CSOs can be inspected. Moreover, the law on the central register of beneficial owners requires that CSOs as well declare beneficial ownership.

In **Türkiye**, the law on the prevention of financing of proliferation of weapons of mass destruction allows the Ministry of Interior to impose restrictions due to foreign funding collected and distributed by CSOs. The law authorizes the Ministry of Interior to suspend temporarily the activities of a CSO, and replace its members, if they are being investigated for a 'terrorism-related' offence. Moreover, both the Ministry and provincial governors have the authority to monitor financial activities of CSOs and impose penalties of up to EUR 22,000. In addition, all associations and foundations are required to inform the Ministry of Interior if they receive foreign donations.

Across the region, a not insignificant proportion of participating CSOs, 4%, reported that, in 2021, their organisation, members or both were subjected to judicial harassment for alleged connection with extremism, terrorism, money laundering or corruption. In **Serbia**, this proportion was as high as 12% of participating CSOs. A similar proportion of participating CSOs across the region, 5%, reported that, in 2021, their organisation was subjected to discriminatory restrictions as a consequence of receiving funding from a particular source. Their proportion was highest in **Serbia** at 9%, followed by **Türkiye** at 6% of participating CSOs. Again, 4% of participating CSOs from the region reported being prevented by government authorities or banks from opening a bank account, sending or receiving money in 2021. Their proportion was highest in **Kosovo** at 9%, followed by **North Macedonia** at 8% and **Serbia** at 7%.

<sup>7</sup> Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism, a monitoring body of the Council of Europe



## SO 1.4. Public authorities treat all CSOs equally with regards to their operations, and equitably with other entities (such as businesses)

**Indicator 1.4.a:** Extent to which laws (1) do not require CSOs to submit more reports and information, and (2) do not submit CSOs to more inspections and sanctions, than business entities, all else being equal

Any administrative and operational requirements imposed on CSOs by the state must comply with the principle of proportionality. By the same token, requirements for accessing public funding should be proportionate to the value of funding or other benefits received from the state. States may legitimately require that associations be subjected to financial reporting and other transparency requirements. Such obligations, however, should not be unnecessarily burdensome and disproportionate. Moreover, CSOs should not be required to submit more reports and information than other legal entities, such as businesses, and equality between different sectors should be exercised.

Any oversight or supervision of CSOs should respect the principles of minimum state interference: it should not be invasive or more exacting than what is applicable to private business. It should be carried out based on the presumption of lawfulness of the association and of its activities. This specific objective assesses the extent to which the legal framework treats CSOs equally with businesses in terms of reporting requirements placed on them.

Across the region, laws do not appear to require CSOs to submit more reports or subject them to more inspections and sanctions than businesses. CSOs are generally required to submit annual financial statements in line with accounting and auditing requirements. Financial reports are subjected to audit. In addition, CSOs that are recipients of public funding have to report on how such funds have been expended.

Similarly, with regard to inspections and sanctions, the law treats CSOs equally to businesses. Those CSOs that are employers may be subjected to labour inspections in line with labour laws.

In **Türkiye**, however, the reporting and inspection regime appears less favourable for CSOs. The law on associations requires CSOs to submit programmatic and financial reports to the local administrative authority on an annual basis; failure to meet the deadline may result in fines. CSOs can be subjected to state inspections which review both their programmatic work and financial matters. CSOs are required to submit annual declarations to competent authorities; failure to do so in time may result in sanctions. CSOs are also required to notify them of receipt of foreign funding. Overall, the administrative burden on CSOs is heavy, both in legislation and in practice, with significant fines envisioned should CSOs fail to fulfil their reporting obligations.



## SO 1.5. Central and/or local public authorities have enabling policies and rules for small community organizations and civic initiatives (grassroots organisations)

**Indicator 1.5.a: Small community/local organisations and civic initiatives are allowed to operate by law without registering**

**Indicator 1.5.b: In law, unregistered small community/local organisations and civic initiatives enjoy the same right to participation in decision making processes as registered CSOs**

Registration is not a requirement for groups or associations to exist. Persons should be able to form groups or associations without an obligation to register or obtain legal personality in order to pursue their activities. The right of persons to participate in public affairs includes the right to take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives. This includes the right to participate of informal civic groups. This specific objective assesses the extent to which grassroots organisations are able to realise their right to participation without formal registration.

In general, across the region, anyone has the right to collective organisation without the requirement to register. For instance, in **Albania**, the laws on non-profit organisations and on national councils for civil society recognise the right of communities and informal groups to be active in social life. In 2021, the draft law on the organisation and functioning of local action groups was consulted. Local action groups are partnership-based non-profit organizations, composed of representatives of local socio-economic public and private interests, in which, at the decision-making level, no public authority or interest group represents more than 49% of voting rights. The aim of the law is to strengthen the participation of community groups in local processes. In **Bosnia and Herzegovina**, the law allows local and community organisations and civic initiatives to operate without registration. In 2021, environmental groups and cultural heritage groups ran successful campaigns. On the other hand, in **Montenegro**, the constitution requires registration for associations. Interestingly, the law on local self-government allows residents to establish local communities in which they can participate in decision-making around the specific needs of the community in a range of areas of concern; local communities, however, have to register in order to acquire the status of a legal entity. Moreover, local self-government statutes regulate in more detail the mechanisms of citizen participation at the local level, including various forms of direct participation of citizens in decision-making.

The right of unregistered community or local organisations to participate in public affairs is not restricted across the region. For instance, in **Albania**, laws on governance and public consultation provide equal right to participation in formal and unregistered organisations. In **Bosnia and Herzegovina**, rules on consultation when drafting legal regulation at the level of the BiH Council of Ministers, and a government decree on regulatory impact assessment at the level of the Federation both recognize the right of informal groups and civic initiatives to take part in consultation processes; similar formal entitlements, however, do not exist in the legislative framework of Republika Srpska and Brčko District. In **Montenegro**, various laws, rules of procedure and decrees, allow individuals to take part in the decision-making process; however, equal participation of unregistered organisations is allowed only in public consultations, not in working groups. Relevant regulation requires that members of consultative working groups be nominated by registered organisations established three or more years ago.



## SO 1.6. All CSOs are free to solicit and receive funding

**Indicator 1.6.a: Extent to which relevant laws allow CSOs to seek a broad range of funding, including from abroad, without undue restrictions, as regards:**

- cash and in-kind donations from all sources;
- funding from domestic public bodies;
- funding from institutional, corporate or individual donors;
- funding from foreign governments or multilateral agencies

**Indicator 1.6.b: Proportion of CSOs that can access a broad range of funding without undue government interference**

The right to freedom of association encompasses the right of associations to operate and carry out their activities freely. This includes soliciting and receiving funding. Access to funding must be available equally for unregistered associations with no legal status, as well as legally registered associations.

Any restrictions on access to funding from abroad must be prescribed by law, legitimate, proportionate and necessary in a democratic society. Specifically, in the context of EU law, imposing obligations of registration, declaration and publication on CSOs that receive foreign funding and providing for the possibility of penalties to organisations that do not comply with those obligations, constitutes discriminatory and unjustified restrictions, and is therefore contrary to EU law.<sup>8</sup> This specific objective assesses the extent to which relevant laws allow CSOs to seek funding without restrictions and the proportion of CSOs that can do so without interference.

In general, across the region, the legal framework enables CSOs to raise funds from a variety of sources without restrictions. Laws on association typically define the sources of funding as membership fees, donations, grants, gifts and others. Income-generating activities are also allowed. That fundraising is generally unobstructed is corroborated by CSOs the overwhelming proportion of which reported that, in 2021, they were able to access any type of funding without undue government interference. Nevertheless, 3% of participating CSOs reported that they have been subjected to some form of undue government interference in 2021, such as having the organisational bank accounts frozen or being subjected to arbitrary audits. The situation was most concerning in **Serbia** and **Türkiye** where 7% and 4% of participating CSOs, respectively, reported experiencing such interference in 2021.

In fact, **Türkiye's** legal framework is an exception to regional practice. Domestic law uses two different concepts of funding sources: 'aid' and 'donation' without providing clear definitions. The law on collection of aid prevents organisations from raising funds without prior permission from relevant authorities. Similarly, if organisations are to receive in-kind or cash donations from foreign individuals or institutions, they are required to declare the funds to local authorities beforehand, as well as notify relevant state authorities before using the funds. Fundraising activities carried out in public spaces online and off-line are subject to permission. Only the associations, institutions and foundations serving for public interest and allowed by the President are entitled to collect aid without obtaining permission. Moreover, the law on the prevention of financing of proliferation of weapons of mass destruction requires CSOs to inform the Ministry of Interior about foreign funding they receive and gives the ministry and provincial governors the authority to monitor the financial activities of CSOs and impose penalties as deemed necessary.

<sup>8</sup> Commission v. Hungary (Transparency of Associations), C-78/18, Judgment, 31 July 2020.



## SO 1.7. Public financial and non-financial support to CSOs is available in IPA beneficiaries, and provided in a transparent, accountable, fair and non-discriminatory manner

**Indicator 1.7.a:** The level of public funding available for CSOs and associations is clearly articulated in laws and regulations, and the rights and duties of the state body invested with the ability to set and revise the level of public funding available is clearly defined in law

**Indicator 1.7.b:** Percentage of public budget actually disbursed to CSOs in a year

**Indicator 1.7.c:** Extent to which legal provisions regulating the award of public funding to CSOs ensure that:

- funding criteria are clearly defined, objective and publicly announced
- evaluation of proposals is clear and impartial
- conflict of interest is clearly regulated
- reporting requirements are clear and proportionate

**Indicator 1.7.d:** Central governments make the information on awards publicly available and sufficiently detailed to identify individual awards

**Indicator 1.7.e:** Proportion of CSOs indicating that the provision of domestic public funds is transparent, fair, and non-discriminatory

**Indicator 1.7.f:** Public funding does not exclude CSOs on the basis of their constituency representation

Given that associations do not generate profits and considering their importance to society, state support may be necessary for their establishment and operations. The level of public funding available, as well as the rights and duties of the state body invested with the ability to set and revise it, should be clearly defined in law.

Any form of state support for associations should be governed by clear and objective criteria, as well as be transparent. There should be no discrimination against associations owing to their fields of operation or the constituency they represent. The results of evaluation processes should be made available to the public, as should information concerning the applications of associations that did not receive funding, specifying the reasons for awarding funding to some projects and not to others.

This specific objective assesses the extent of government commitment to civil society as evidenced by a sustained level of funding allocated to CSOs, the effectiveness of distribution of such funding, its transparency and fairness, as well as equity in its distribution.

With the exception of **Montenegro**, the level of public funding available to CSOs is not set in laws and regulations. Rather, funding for CSOs is dispersed across different laws, policies and programmes and linked to their specific budgets. The data on funding made available to CSOs is not available from a single repository. For instance, in **Albania**, the law does not set the level of public funding available, however, it does specify that the budget of the Agency for the Support of Civil Society, the main public body providing funding to CSOs, cannot be set at a level lower than in the previous year. In **Bosnia and Herzegovina**, public funding to CSOs is awarded by all levels of government, however, the planning, procedure and award criteria are not consistently and transparently regulated. In **Kosovo**, the law requires that each provider of public financial support include financial support for CSOs within the framework of separate budget lines, without setting the level of funding. In **North Macedonia**, the law on associations and foundations requires the government, other bodies and local authorities to establish annual funding plans and programmes; it does not, however, provide guidance on the level of funding which should be set. Similarly, in **Serbia**, the laws that foresee the possibility of public funding



for CSOs stipulate the manner in which the funding is to be provided but not its level. Relevant laws in **Türkiye** also do not specify the level of public funding to be made available to CSOs in a given year. It is therefore not possible to determine how much funding was allocated to CSOs from the central budget. Some funding is disbursed by relevant ministries; however, the levels of funding are at their discretion and the information on total amounts allocated is not available. By contrast, in **Montenegro**, the law on non-governmental organisations requires the government to allocate 0.5% of the annual budget for the funding of CSO projects and programmes. The funding is divided between areas of public interest (0.3%), protection of persons with disabilities (0.1%) and co-financing and inter-financing of NGO projects and programmes supported by EU funds (at least 0.1%).

The available data on proportions of public budget actually disbursed to CSOs is not sufficiently reliable and consistent to make a comparison between IPA beneficiaries possible.

With regard to laws that regulate the award of public funding to CSOs, and the transparency and impartiality of the procedure, the picture is mixed across the region. In **Albania**, the award of public funding to CSOs is generally based on open calls issued by various public institutions; not all institutions, however, have made public the rules and procedures about the scope of funding and selection criteria. The Agency for the Support of Civil Society, the principal institution which provides funding to CSOs, has a transparent and publicly accessible procedure which accounts for any conflict of interest and includes information on reports required from funding recipients. In 2021, the Agency held a public consultation to determine its priority areas prior to the announcement of the call for proposals.

In **Bosnia and Herzegovina**, the legal framework varies across jurisdictions. At the state level, the grant awarding procedure differs depending on the awarding institution. While some grants are awarded through a public call, others are awarded solely on the basis of the submitted application. The current rulebook on the criteria and conditions for the public financing of CSOs requires that relevant documents be publicly available in all stages of the public call. It also requires that all institutions publish their annual plans for public calls for financing within 30 days of the adoption of the budget, however, this information does not appear available on their websites. At the level of the Federation, the rulebook on financial reporting and annual budget statements specifies the reporting requirements for the recipients of public funding, as well as the obligation on the part of relevant institutions to provide information on the recipients of funding, the funds awarded and the purpose for which they have been awarded. The process, however, appears not to be fully transparent given that relevant information is not always available to all, and some grants are not awarded through public calls. Similarly, in Republika Srpska, the grant management methodology defines the general criteria for the selection of projects, as well as the required application forms, evaluation process and reporting requirements. Challenges with transparency nevertheless remain as ministries tend not to submit reports on allocated funds as required by the methodology. In Brčko District, the planning, awarding and reporting on grants is regulated by the laws on budget and budget execution.

In **Kosovo**, regulation on public funding of NGOs sets the criteria, standards, procedures and rules on transparency for the award of public funding based on set and clear criteria.

In **Montenegro**, the law on non-governmental organisations sets the criteria for the funding of projects and requirements for CSOs. While the conflict of interest for CSO members of the award commission is regulated by law, the commission does not have the authority to evaluate proposals. Instead, proposals are evaluated by independent assessors, whose work has been regularly criticised by CSOs given that they tended to be employees of ministries, without experience in volunteering, project management or the subject matter of the proposal.

In **North Macedonia**, the law on associations and foundations authorises the government and local authorities to set the criteria for the distribution and use of public funding. They are required to develop





annual funding plans and the criteria for its award through a public call for applications with clear guidelines and criteria.

In **Serbia**, the process for the allocation of funds to CSOs is regulated with the requirement that the annual plan for public calls is published, including clear deadlines, the definition of conflict of interest, independent experts as evaluators, reporting requirements, as well as the obligation to inform the public about selection results.

In **Türkiye**, although some ministries publish circulars on the financial support they offer, including application guidelines with the criteria and the amount of contribution, the majority of project application guidelines do not specify the amount of funding. With regard to funding criteria, the law does not require that funding criteria be fair and impartial and does not regulate the conflict of interest.

With regard to making the information on awards publicly available, sufficiently comprehensive and transparent, the record is mixed. For instance, in **Kosovo**, the government has a website which publishes data on awards and disbursements of public funding to CSOs. In **Montenegro**, all ministries publish such information on their websites. Additionally, information about projects and programmes which have received public funding can be found on a designated website. In **North Macedonia**, the office responsible for cooperation with CSOs within the General Secretariat has been publishing the data on CSO funding on their website. Other ministries and agencies that run their own calls, however, publish such information on their own website based on their internal regulations. Consequently, it can be challenging to find all the relevant information. In **Serbia**, information which is available on the websites of various government bodies is limited to decisions on the allocation of funding and does not include information such as data on proposal evaluation committees, criteria for their membership or project evaluations. In **Türkiye**, public institutions are required to publish lists of organisations that have received funding, the amounts received and the purpose every year. Although relevant ministries publish the total amounts disbursed to CSOs and the total number of recipient organisations, they do not publish the names of the organisations that have received the funding. Nevertheless, more than half of public officials from across the region who responded to the survey of public authorities were of the view that information on awards of public funding to CSOs was sufficiently or fully publicly available.

The challenges with transparency of public funding provided to CSOs are reflected also in the perceptions of CSOs that took part in the CSO survey: only 12% of the respondents were of the view that the provision of public funding to CSOs was transparent and fair. The level of confidence was the highest in **Albania** at 21% of participating CSOs, and lowest in **North Macedonia** where only 5% of participating CSOs said they found the provision of public funding transparent and fair. In this regard, 58% of respondents were of the view that the provision of public funding to CSOs was insufficiently or not at all transparent. The highest level of reservation was shown by CSOs in **Serbia**, 71% of whom felt the provision of public funding was insufficiently or not at all transparent. The rate was lowest in **Türkiye** where 49% of respondents said the same. An even higher proportion of participating CSOs, 62%, was of the view that the provision of public funding was insufficiently or not at all fair in that all CSOs were not treated equally without favouritism or discrimination. The highest level of such sentiment was reported in **Serbia** where 78% of CSO respondents were of the view that the process was insufficiently or not at all fair, and the lowest was in **Kosovo** where 48% of participating CSOs reported the same. Public officials who took part in the survey of public authorities tended to disagree with the view of the CSO respondents as only about a quarter thought that the provision of public funding to CSOs in their IPA beneficiary was not sufficiently or at all transparent and fair.

When asked how inclusive the award of public funding to CSOs was in 2021, in that it did not exclude CSOs on the basis of the constituencies they represented, half of the respondents to the survey of public authorities were of the view that the process was sufficiently or very inclusive; one-third did not have a view. In practice, the situation is quite complex. Just under one-half of CSOs that took part in



the CSO survey, 47%, stated that their organisation did not apply for public funding in 2021. When asked why not, 45% of participating CSOs stated that they did not apply for public funding because they did not think they had a realistic chance of winning. Moreover, 18% of respondents stated that they did not apply because they did not need public funding; 15% thought the funds offered were too small while 7% thought the application procedure was too complicated. Of the ones that did not apply for public funding, 16% worked on social inclusion, 11% on gender equality and LGBTIQ+ rights, and 8% on minority rights and non-discrimination. They amounted to between one-third and two-thirds of CSOs working on these issues: 59% of CSOs working on gender equality and LGBTIQ+ rights did not apply, as did not 41% of CSOs working on social inclusion, 40% of CSOs working on minority rights and non-discrimination, and 28% of CSOs working on the rights of persons with disabilities.

Of the 49% of participating CSOs that did apply for public funding in 2021, 75% had unsuccessful applications. When asked why they thought their application was unsuccessful, 64% stated that it was because the authorities funded their preferred organisations. This view was held by 85% of participating CSOs from **North Macedonia**, and 68% of participating CSOs from **Serbia**. Moreover, 15% of participating CSOs thought their application was unsuccessful because the authorities did not want to provide funding for the work with people they served and represented. The highest proportion of CSOs holding this view was from **Türkiye**, 33%, followed by **Bosnia and Herzegovina** with 19%.

Of the CSOs participating in the survey that did apply for public funding in 2021, 21% worked on social inclusion, 15% on the rights of persons with disabilities, 12% on minority rights and discrimination, and 7% on gender equality and LGBTIQ+ rights. Their respective success rates were 25% for CSOs working on the rights of persons with disabilities, 19% for CSOs working on gender equality and LGBTIQ+ rights, 16% for CSOs working on social inclusion, and 11% for CSOs working on minority rights and non-discrimination. Of the CSOs that thought their application was unsuccessful because the authorities did not want to fund the work with people they served and represented, 23% worked on the rights of persons with disabilities, 21% worked on social inclusion, 17% worked on minority rights and non-discrimination, and 15% worked on gender equality and LGBTIQ+ rights.

## SO 1.8. Individuals and corporations enjoy tax benefits for their donations to CSOs

### Indicator 1.8.a: Tax legislation allows for tax relief as regards:

- Individual giving
- Corporate giving

### Indicator 1.8.b: Proportion of private individuals who have given money to a CSO

Access to funding is an integral part of the right to freedom of association. To enable its effective realisation, states may take a range of measures including creating tax or other incentives for businesses and natural persons to benefit from supporting associations by allowing income tax deductions, credits or other forms of tax relief on donations. This specific objective assesses the extent to which tax legislation allows for tax relief as regards individual and corporate giving. It also looks at the proportion of private individuals who have given money to a CSO in 2021.

While some tax relief is available for individual and corporate donors to CSOs, there is considerable space for improvement in creating a fiscal environment which encourages donations to civil society. In some IPA beneficiaries, tax benefits that are available have ceilings or specific restrictions. For instance, in **North Macedonia**, corporations can deduct up to 5% of their taxable income for donations made for

qualifying public benefit purposes, however, the total amount cannot exceed EUR 60,000. Individuals can deduct a higher percentage of their taxable income, up to 20%, however the total amount cannot exceed EUR 400. In **Albania** and **Serbia**, humanitarian donations are tax deductible only if made to the government authorities. In **Türkiye**, individual and corporate donations can be tax deductible for up to 5% of total taxable income, however, donations have to be made to CSOs with a public benefit or tax exemption status. Such status is held by only 0.3% of associations and 5% of foundations. In other IPA beneficiaries, donations are tax deductible up to a certain percentage of income. In **Bosnia and Herzegovina**, it is up to 2% of last year's income; in **Montenegro**, the percentage ranges from 3–3.5% depending on the purpose of the donation; in **Serbia**, corporations can claim tax deductions for donations not exceeding 5% of their annual income, however, there are no tax benefits for individual donors; in **Kosovo**, individuals are allowed deductions for up to 10% of their taxable income.

Across the region, the proportion of private individuals who have given money to a CSO in 2021 has varied from a high of 59% in **Kosovo** to a low of 25% in **Türkiye**.

**Proportion of private individuals who have given money to a CSO, in 2021**

Albania	Kosovo	Bosnia and Herzegovina	Montenegro	North Macedonia	Serbia	Türkiye
31%	59%	45%	39%	45%	47%	25%

**Source:** Charities Aid Foundation, World Giving Index 2022, <https://www.cafonline.org/about-us/publications/2022-publications/caf-world-giving-index-2022>.

## SO 1.9. Tax benefits are available to CSOs

### **Indicator 1.9.a: Extent to which applicable tax laws provide for the following:**

- CSO income generated from grants, donations, and membership dues, income from economic activities, investment income, real property, gifts and inheritance is not subject to taxation
- any excess revenue or profit generated through economic activity and used for mission-related purpose by CSOs is not subject to corporate income/profit tax

Access to funding is an integral part of the right to freedom of association. CSOs should be assisted in the pursuit of their objectives also through forms of support that include exemption from income and other taxes or duties on membership fees, funds and goods received from donors or governmental and international agencies, income from investments, rent, royalties, economic activities and property transactions. Other forms of support may include reducing the costs of bank transfers or making donations from international organisations tax-free.

Tax regimes across the region are somewhat favourable to CSOs. CSOs are generally exempt from taxes on income such as donations, grants and membership fees provided that the funds are used for public benefit. Some IPA beneficiaries, however, have additional specific requirements. For instance, in **Kosovo**, the tax administration has the authority to impose taxes on CSOs if it deems that their activities are of commercial nature, rather than for public benefit. In **North Macedonia** and **Serbia**, gifts and inheritance of real estate are exempt from property taxes. In Serbia, moreover, donations of up to EUR 850 are not taxed; donations exceeding this amount may be taxed unless certain limited criteria are met.

With regard to income generated from economic activity, such income is subjected to profit taxes. In **Albania**, CSOs are liable to pay tax on profits from economic activities on the same basis as business



entities. In **Bosnia and Herzegovina**, both in the Federation and Republika Srpska, CSO income from commercial activity is subjected to profit tax. In **Kosovo**, a tax rate of 10% applies to all profit generated from commercial activity. In **Montenegro**, a CSO registered for economic activity sees its tax base reduced by EUR 4,000 under the condition that the profits are used to further the mission of the organisation. In **North Macedonia**, CSOs that generate income from economic activity, are taxed on total revenues that exceed EUR 16,000. In **Serbia**, CSOs pay tax on income generated from economic activities which exceeds EUR 3,400; a tax rate of 15% applies. In **Türkiye**, income generated through economic activities is subject to tax; this includes income generated from the rent of property, dividends, and other forms of investment.

## SO 1.10. The policies and legal environment provide incentives and facilitate volunteering and employment in CSOs

**Indicator 1.10.a: Laws regulating volunteering are adopted**

**Indicator 1.10.b: Government volunteering strategies and programmes support volunteering for CSOs and have sufficient resources allocated for implementation**

**Indicator 1.10.c: Proportion of CSOs that benefit from state employment strategies and programmes**

**Indicator 1.10.d: Proportion of CSOs that benefit from state volunteering strategies and programmes**

**Indicator 1.10.e: Proportion of employees in CSOs in relation to the total workforce**

**Indicator 1.10.f: Percentage of people who have volunteered their time to an organisation**

In recognition of its valuable contribution to economic and social development, governments should support volunteering by adopting a fiscal, legal and policy framework which promotes volunteering. In this regard, the lack of national strategies for promoting voluntary activities is an obstacle to the development of volunteering and the adoption of such strategies is encouraged. Furthermore, given the general requirement that CSOs not be treated less favourably than businesses, CSOs should have the same access to state employment strategies and programmes as businesses do. This specific objective assesses whether legal and policy frameworks on volunteering exist, and the proportion of CSOs that benefit from state employment and volunteering strategies and programmes. Moreover, it considers the proportion of employees in CSOs in relation to the total workforce, as well as the percentage of people who have volunteered their time to an organisation.

Across the region, the legal framework in support of volunteering was in place in most IPA beneficiaries. **Albania, Bosnia and Herzegovina** and **North Macedonia** had laws on volunteering; **Bosnia and Herzegovina** had laws at the level of the two entities and Brčko district. Laws on volunteering in force in 2021 in **Montenegro** and **Serbia** were seen as inadequate and insufficiently supportive of volunteering. **Kosovo** and **Türkiye** had no such law in place.

IPA beneficiaries with laws on volunteering, in 2021						
Albania	Kosovo	Bosnia and Herzegovina	Montenegro	North Macedonia	Serbia	Türkiye
Yes	No	Yes	Yes	Yes	Yes	No



With regard to a volunteering strategy, however, in 2021, such a strategy was in place only in **North Macedonia** and in the Republika Srpska entity of **Bosnia and Herzegovina**. In **Kosovo**, there was no volunteering strategy per se, however, sections on volunteering were included in the strategies on youth and civil society cooperation. **Montenegro** was the first in the region to adopt a strategy in 2010; however, after its expiration in 2015, a new strategy was not developed. **Serbia** and **Türkiye** had no strategy on volunteering.

With regard to the proportion of CSOs that, in 2021, benefited from government employment programmes, 16% of participating CSOs reported that they have benefited from such a programme, largely in the form of financial support to employ staff, including from marginalised communities, persons with disabilities or persons without previous work experience. Their proportion was highest in **Montenegro** at 31% of participating CSOs and lowest in **Türkiye** at 5%. Given that the year 2021 saw significant disruptions caused by the COVID-19 pandemic and related public health measures, governments instituted a number of measures in support of businesses affected by the lockdowns. In this connection, only 11% of participating CSOs reported benefiting from COVID-related governmental employment programmes. This proportion was highest in **Serbia** at 24% of participating CSOs, and lowest in **Montenegro** at 3% of CSOs. With regard to government volunteering programmes, the proportion of CSOs that benefited from them in 2021 was negligible. In spite of the weak legal and policy framework on volunteering, across the region sections of people dedicated their time to CSOs in 2021. The highest proportion of people volunteering their time to an organisation was in **Albania, Montenegro** and **North Macedonia** at 11%, the lowest in **Serbia** at 5%.

**Percentage of people who have volunteered their time to an organisation, in 2021**

Albania	Kosovo	Bosnia and Herzegovina	Montenegro	North Macedonia	Serbia	Türkiye
11%	10%	7%	11%	11%	5%	10%

**Source:** Charities Aid Foundation, World Giving Index 2022, <https://www.cafonline.org/about-us/publications/2022-publications/caf-world-giving-index-2022>.

**Proportion of employees in CSOs in relation to the total workforce, in 2021**

	Albania	Kosovo	Bosnia and Herzegovina	Montenegro	North Macedonia	Serbia	Türkiye
No. people employed in civil society sector	9,872	25,385	4,247		1,665	13,196	57,272
Total no. people employed	1,264,384	315,772	121,343		693,494	2,273,591	28,797,000
Total no. people in workforce	1,426,737	483,823			938,072	3,081,700	32,716,000
Civil society as % of total employees	0.78%	8.04%	3.50%	0.8%*	0.24%	0.58%	0.20%
Civil society as % of total workforce	0.69%	5.25%			0.18%	0.43%	0.18%

**Source:** various – see country analyses

\* Data for 2020



## Specific Objective 2

### Strengthened cooperation and partnership between CSOs and public institutions

Civil society participation is a key factor in ensuring good governance and in developing and implementing legislation and policies that reflect people's needs and are accepted by those concerned. It is also important in the reforms that IPA beneficiaries need to implement as part of their EU integration agenda. Structures and mechanisms for cooperation between public authorities and CSOs should enable meaningful involvement and genuine consultation and consideration of CSOs' contributions in the decision-making process. Free, clear and accessible flows of information on matters of public interest are of critical importance. Minimum standards of consultation should be respected, including functional feedback mechanisms.

The right to participation in public affairs, including in the affairs of a local authority, is firmly enshrined in international human rights law.<sup>9</sup> In fact, associations and groups of citizens are considered 'key partners in developing and sustaining a culture of participation and as a driving force in the practical application of democratic participation.'<sup>10</sup> The means to facilitate the exercise of this right should be provided by law which could include particular measures for different circumstances or categories of persons. The right to participation includes the right of CSOs to participate in consultations about the drafting of, and follow-up to the concluding observations to state reports submitted in compliance with international human rights treaties.

Civic participation in political decision-making has to be effective. This means that public decision-making processes must be open, inclusive and non-discriminatory, well-informed in a timely fashion, with clear procedures and timelines, among others.<sup>11</sup>

Research has shown that the record of civic participation across the region is mixed. In a number of IPA beneficiaries, civic participation in the development of laws and policies is legally required. It is of concern, however, that in some IPA beneficiaries, public consultation is left at the discretion of ministers. Legal provisions tend to ensure public access to draft documents, specify the consultation timelines and require the publication of consultation outcomes; however, their implementation varies. To facilitate public consultation, some governments have instituted online platforms, but the uptake has not been significant primarily due to the lack of feedback by authorities and their inability to engage in a participatory manner. On the other hand, some governments have bypassed the civic participation requirement by adopting laws in extraordinary procedures which do not require public consultation.

The proportion of CSOs that reported being effectively consulted in the drafting of laws, bylaws, strategies or acts of public interest and policy reforms remains low, at 28% of participating CSOs. Representation and inclusion are also of concern: when they are consulted, CSOs tend to be larger organisations with annual turnover of more than EUR 50,000. Only a small proportion of them are local organisations, or CSOs working on disability issues, minority rights and non-discrimination or gender equality and LGBTIQ+ rights.

<sup>9</sup> International Covenant on Civil and Political Rights, Article 25; EU Charter of Fundamental Rights, Articles 25 and 26; Council of Europe Framework Convention on the Protection of National Minorities, Article 15; Council of Europe Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, Articles 1–3.

<sup>10</sup> Council of Europe Recommendation Rec(2001)19 of the Committee of Ministers to member states on the participation of citizens in local public life, 6 December 2001, Appendix 1, para. 12.

<sup>11</sup> Council of Europe Committee of Ministers Guidelines for civil participation in political decision making, CM(2017)–83 final, 27 September 2017.



There is a general lack of awareness among CSOs about the possibility to take part in government consultations around the drafting of state reports on the implementation of international human rights and other treaties, and the implementation of treaty body recommendations, as only 16% indicated that they have taken part in such consultations in 2021.

Although a well-developed national civil society cooperation strategy is a precondition for the strengthening of the national civil society sector, in 2021, such a strategy was in effect in only two IPA beneficiaries. Regardless of whether there was a strategy in place, respondents from both CSOs and public authorities have shown a significant degree of confusion and lack of awareness about whether a strategy existed or not. Where a civil society cooperation strategy was in effect, the implementation record was mixed, the main challenges being insufficient resources for and limited monitoring of its implementation.

Finally, a gap in views between public officials and CSO representatives is noted, whereby public officials tended to view the situation more positively than CSOs. In particular, CSOs perceived the attitude of public officials towards civil society as overwhelmingly unsupportive which gives rise to serious concerns about the feasibility of the cooperation between civil society and governments.

A more detailed overview of research results by each specific objective is presented below while the assessment of the respective indicators and related analysis for each IPA beneficiary is included in the Annexes 1–7.

## SO 2.1. Public authorities and institutions include CSOs in decision- and policy-making processes

### **Indicator 2.1.a: Laws, bylaws, strategies, other acts of public interest and policy reforms are effectively consulted with CSOs in that:**

- CSOs have access to the draft document from the beginning of the drafting process to the end of the adoption procedure;
- At least 15 days are allowed for commenting before the draft document enters adoption procedure;
- The use of extraordinary/expedited procedures to adopt legislation without allowing for consultation is an exception and duly justified;
- Reports on results of public consultations, including reasons for rejection of comments, are published in a timely fashion;
- Working groups members from CSOs are selected based on a public call, clear criteria and in line with equal treatment;
- Working group members from CSOs include representatives of society as a whole, including women's groups, LGBTIQ+ groups, migrant groups, minorities, disability groups, and others as appropriate, in line with the Human Rights Based Approach

### **Indicator 2.1.b: CSOs are effectively included in oversight mechanisms**

### **Indicator 2.1.c: Proportion of CSOs that have participated in consultations during preparation of state reports under international human rights and other legal obligations and the implementation of treaty body recommendations**

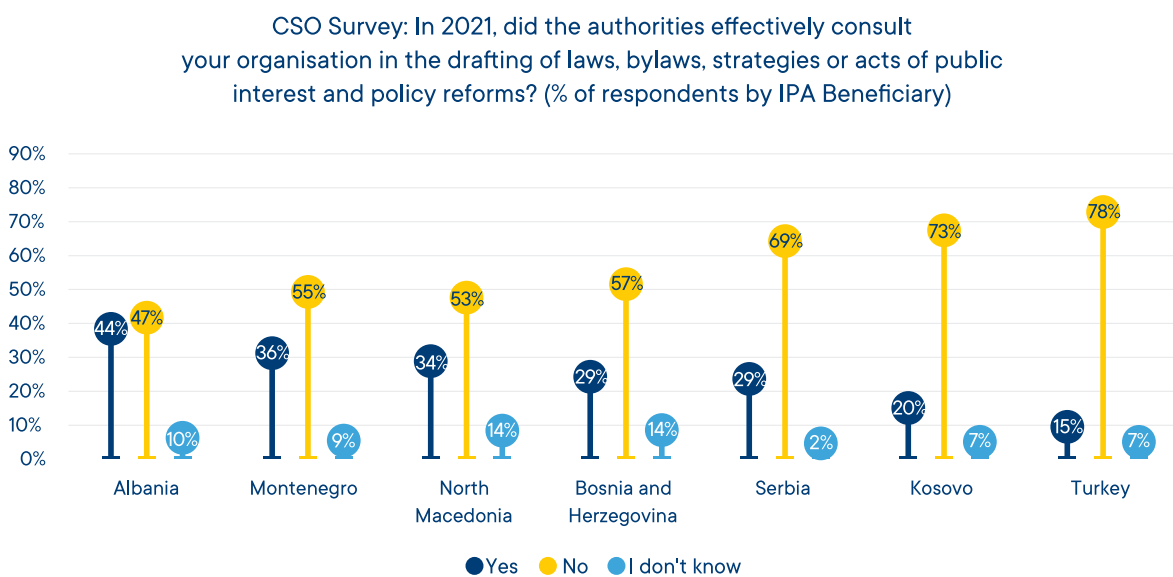
To be in line with international standards, the inclusion of CSOs in public decision- and policy-making processes must be effective. This specific objective considers whether and how CSOs were consulted in the process of adoption of laws and other acts of public interest. Specifically, it looks at issues of access to



documentation, timelines, publication of information, transparency of procedures and inclusion of diversity. It reflects on whether CSOs were effectively included in oversight mechanisms understood as government-established mechanisms that oversee the implementation of public policies.<sup>12</sup> Finally, it reviews the participation of CSOs in consultations during the preparation of state reports under international human rights and other legal obligations and the implementation of treaty body recommendations.

Across the region, effective participation of CSOs in public decision- and policy-making is marred by significant gaps. In most IPA beneficiaries, there is a legal framework in place regulating public participation in law- and policy-making. However, the laws may be insufficiently specific or inadequately implemented. Just over one-quarter of respondents, 28%, stated that their organisation was effectively consulted by authorities in the drafting of laws, bylaws, strategies or acts of public interest and policy reforms in 2021.

**Figure 1: Effective consultation of CSOs by the authorities**



In **Albania**, the participation of CSOs and citizens in policy- and decision-making processes is regulated by law. The law specifies the timeframe for consultations of between 20–40 days, as well as the requirement for officials to explain why recommendations have been accepted or rejected. An online platform has been created to facilitate the involvement of citizens in co-governance.

In **Bosnia and Herzegovina**, the cooperation between the government and civil society is regulated by the 2017 agreement between the Council of Ministers of Bosnia and Herzegovina and the CSOs. A web platform was designed to facilitate this cooperation. However, the awareness among CSOs of this agreement and the web platform has been low, hindering effective participation of CSOs, in particular in legislative processes.

In **Kosovo**, the law specifies a minimum timeframe of 15 days within which the public should provide input in online consultations. Moreover, it regulates the conduct of public consultation meetings, and the requirements for reporting on consultation outcomes. Although an online platform was created by the government to facilitate public consultations, civic participation has been low; the reasons cited included a lack of feedback by authorities and the inability of institutions to engage with the public in a participatory manner.

<sup>12</sup> Data on CSO participation in oversight mechanisms was not available for 2021. This was due, in part, to the lack of understanding of the term 'oversight mechanism' which made it impossible to obtain consistent data. The scope of the indicator will be clarified and narrowed down for the next assessment.





In **Montenegro**, CSO participation in public decision-making processes is regulated by law which prescribes the criteria and the procedure for the selection of CSO representatives in working groups, the procedure for the conduct of public discussions, the type of information to be made publicly available and the timeframes. Moreover, the report on public consultation outcomes has to be published promptly and include reasons for rejection of any proposals. The law does not, however, require that working group members from among CSOs be drawn from a diversity of backgrounds.

In **North Macedonia**, the code of good practice promotes the participation of CSOs in public decision-making, however, their inclusion has not been satisfactory. In 2021, only four ministries included CSOs in consultations, and did so for only 16 of the 46 working groups established for this purpose.

In **Serbia**, authorities are legally obliged to consult the public in the development of public policy documents. The law requires that participation of relevant stakeholders in consultation processes be enabled, and that public administration bodies publish information on the outcomes of the consultation within 15 days. However, the regulation governing public hearings during the adoption of other legally binding documents is less clear. For instance, competent government committees have the discretion to decide when to hold a public debate. Moreover, the format for the publication of consultation outcomes is not specified and authorities often disregard their duty to publish the consultation outcomes report. Consequently, the form and content of such reports are not standardized, and they tend not to include explanations of why a suggestion was accepted or rejected. The situation is exacerbated by the fact that, in 2021, a consultative process was held for only 44% of the laws and 21% of bylaws adopted during the year.

On the other hand, in **Türkiye**, the legal framework for public consultation does not make public consultation obligatory; rather, the regulation stipulates that the decision on whether to carry out a public consultation is at the discretion of the relevant minister. Moreover, mechanisms, procedures and criteria for CSO participation in consultations are not defined by law. While the relevant regulation sets a 30-day period during which the public can share their opinions; unless CSOs submit their views during this window, it is held that their opinion of the draft law is positive.

Public officials surveyed for this report were generally of the view that, in 2021, the public was sufficiently or fully informed of the opportunities to contribute to and participate in the development of laws policies and strategies in their respective jurisdictions. Moreover, they were of the view that consultation processes fully or sufficiently accounted for the views of all communities and groups affected by the laws, policies and strategies that were being consulted. By contrast, however, CSO survey data showed that CSOs that are consulted tended to be larger organizations that do not work on issues affecting the rights of communities, minorities or otherwise marginalised groups. Of the 28% of participating CSOs that reported having been effectively consulted in the drafting of laws, bylaws, strategies and other relevant documents in 2021, more than half, 53%, had an annual turnover of EUR 50,000 or more; only 9% worked on the rights of persons with disabilities, 8% worked on minority rights and non-discrimination, and 5% worked on gender equality and LGBTIQ+ rights. Furthermore, a mere 7% of consulted CSOs operated only at the local level with annual turnovers of under EUR 50,000.

With regard to CSO participation in consultations on the drafting of government reports under international human rights or other treaties and, in the implementation of treaty body recommendations, the situation is patchy across the region. One-third of participating CSOs, 34%, stated that they knew of open calls by authorities for participation in such consultations, while only 22% took part in such consultations. The most active participation in consultations was in **Montenegro** where 32% of participating CSOs reported taking part, and the lowest in **Türkiye** where only 13% reported the same. While the availability of the opportunities to participate in treaty body reporting will depend on the reporting cycles and schedules, in 2021, CSO participation principally concerned UN human rights treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women, the



Convention on the Rights of the Child and the International Convention on the Rights of People with Disabilities. With regard to conventions under the Council of Europe, the most frequently cited were the Convention on Preventing and Combating Violence against Women and Domestic Violence, and the Convention on Action against Trafficking in Human Beings.

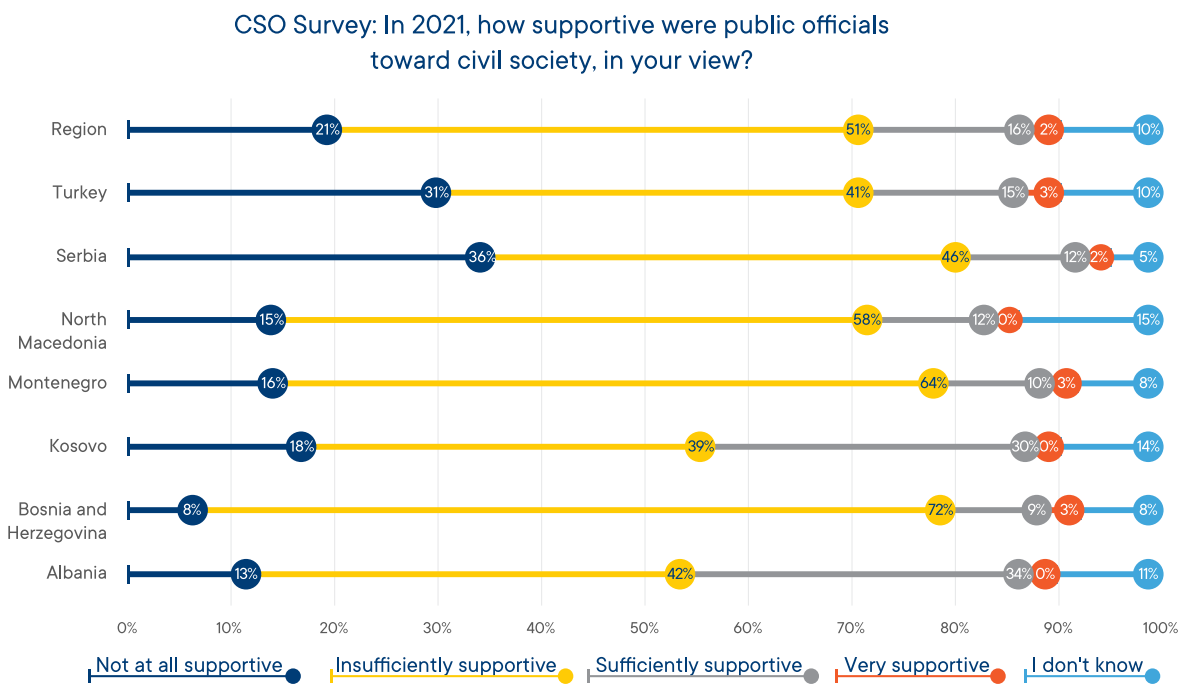
## SO 2.2. Public authorities and institutions acknowledge the importance of civil society in societal policy debate and EU integration processes

### Indicator 2.2.a: Extent to which CSOs assess the attitude of public officials towards civil society as supportive

The attitude of public officials towards civil society exerts significant influence over the effectiveness of civil participation in public decision-making. It is therefore critical that their attitude be supportive of civil society rather than adverse. This specific objective assesses the extent to which CSOs perceive the attitude of public officials towards civil society as supportive.

In 2021, at under one-fifth, 18%, the proportion of CSOs across the region that considered the attitude of public officials towards civil society as very or sufficiently supportive was minimal. The overwhelming perception by CSOs was that their attitude was unsupportive: CSO perception of lack of support was highest in **Serbia, Bosnia and Herzegovina** and **Montenegro** at 81%, 80% and 79% respectively. On the other hand, about one-third of participating CSOs in Albania and Kosovo indicated that they perceived public officials to be supportive of civil society, at 34% and 30%, respectively. By contrast, public officials who responded to the survey of public authorities were largely of the view that public officials were sufficiently or very supportive of civil society in their respective IPA beneficiaries.

Figure 2. Extent to which CSOs considered public officials supportive towards civil society





### SO 2.3. Public authorities contribute to civil society strengthening by cooperating with civil society through strategic policy frameworks and relevant institutional mechanisms

**Indicator 2.3.a:** Proportion of CSOs that were effectively consulted in the preparation of civil society cooperation strategies

**Indicator 2.3.b:** IPA beneficiaries have adopted currently valid civil society cooperation strategies

**Indicator 2.3.c:** Civil society cooperation strategies are accompanied by adopted budgeted action plans

**Indicator 2.3.d:** Proportion of CSOs that rate civil society cooperation strategies as relevant and effective.

**Indicator 2.3.e:** Public structures responsible for the implementation of civil society cooperation strategies are appropriately resourced.

**Indicator 2.3.f:** Mechanisms for dialogue between civil society cooperation councils and central governments meaningfully include CSOs in that:

- they have an agreed programme of work
- they have agreed rules of procedure
- they meet regularly
- rules allow CSOs to call the meetings and contribute to agenda setting
- there is adequate follow-up to conclusions and recommendations

Strategic policy frameworks and well-functioning institutional mechanisms, such as a national civil society cooperation strategy, serve to strengthen civil society. Such frameworks and mechanisms are relevant and effective if CSOs were meaningfully included in their design, establishment and implementation. They also need to be properly resourced, and CSOs have to be effectively included in their work. This specific objective assesses the extent to which this is the case.

In 2021, a valid civil society cooperation strategy was in effect only in **Albania** and **Kosovo**. In **North Macedonia**, the Strategy for Cooperation and Development of the CSO Sector was adopted on 28 December 2021 covering the period from 2022–2024. Nevertheless, there appeared to be considerable confusion and lack of awareness among CSOs across the region given that 44% of respondents did not know whether there was a national strategy for working with civil society in effect in their IPA beneficiary. In **Kosovo**, 70% of participating CSOs thought there was no such strategy or did not know about it; in **Albania**, this proportion was 60% of CSOs. The same confusion appeared prevalent among the public officials whose responses, when asked whether their country had a civil society strategy in effect, were roughly split among ‘yes,’ ‘no’ and ‘I don’t know.’

Civil society cooperation strategy in effect in 2021						
Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia	Türkiye
Yes	No	Yes	No	Adopted in December 2021	No	No

Given that the effectiveness of CSO consultation in the process of preparation of the civil society cooperation strategy was assessed based on the responses provided by respondents who indicated that a strategy was in place, and said that they were consulted in its preparation, the number of responses to



these questions was too low to be able to assess confidently this indicator. The data available points to a low rate of participation of CSOs in the preparation of the strategy document. For the same reason, it was not possible to assess whether CSOs considered the civil society cooperation strategy effective and relevant; such as it was, the view was split between insufficiently relevant and effective and sufficiently relevant and effective. The majority of respondents from public authorities tended to rate their civil society cooperation strategy as sufficiently or very effective and relevant, regardless of whether such a strategy was actually in effect.

Effective implementation of civil society cooperation strategies presents a mixed picture. In **Albania**, the Roadmap for the Government Policy towards a More Enabling Environment for Civil Society Development 2019–2023 was not accompanied by an appropriate budget and the responsibility for the implementation of the strategy was shared among different ministries. Virtually no measures planned for 2021 were implemented, and there had been no report on monitoring and evaluating the progress of the Roadmap implementation. By contrast, the Government Strategy for Cooperation with Civil Society 2019–2023 in **Kosovo** was accompanied by an action plan and a specific budget. The monitoring of the implementation of the strategy showed that, in 2021, efforts were made to increase the transparency of public funding by appointing and training institutional reporting coordinators. The Strategy for Cooperation and Development of the CSO Sector in **North Macedonia** was accompanied by an action plan, however, given that it was adopted in December 2021, its implementation will be reviewed in future reports.

As to public structures responsible for the implementation of civil society cooperation strategies, this role is held by a variety of institutions. In **Albania**, they are the National Council for Civil Society and the Agency for Civil Society Support, in addition to line ministries responsible for the implementation of the Roadmap. The National Council did not meet in 2021. The Agency has an annual budget which, by law cannot be less than in the previous year. The effectiveness of the work of these structures would benefit from greater mutual coordination. In **Kosovo**, the Secretariat of the Council for Cooperation with Civil Society was insufficiently staffed as only two persons were appointed to deal with all the procedures and monitoring. In **North Macedonia**, the Council for Cooperation between Government and Civil Society Sector was responsible for the implementation of the civil society cooperation strategy, along with a range of ministries and institutions.

Although just about half of public officials responding to the survey of public authorities were of the view that the dialogue between civil society cooperation councils and governments in their IPA beneficiaries was sufficiently or very meaningful, in practice, the situation was mixed. In **Albania**, the principal instrument for dialogue and consultation between the government and civil society is the National Council for Civil Society, established in 2015. In **Bosnia and Herzegovina**, the Advisory Body of the Council of Ministers of Bosnia and Herzegovina for Cooperation with Non-Governmental Organisations was formed in 2021. The Advisory Body consisted of seven members selected by way of a public call and included CSO representatives. In **Kosovo**, the Council for Government Cooperation with Civil Society was the formal group that coordinated the process of government cooperation with civil society. In **Montenegro**, the Council for Cooperation of State Administration Bodies and Non-Governmental Organisations was tasked with the implementation of the civil society strategy and the provision of opinions on draft regulations related to the work and development of civil society. The Council comprised six representatives of state administration bodies and six representatives of non-governmental organisations. In **Türkiye**, a Civil Society Consultation Council was envisioned and its composition was mixed. However, the body operated at the discretion of the Minister of Interior who convenes the meetings and sets the agenda. In 2021, the Council met once to discuss the draft civil society strategy, among other items, but there was no public call launched for CSO participation in the meeting. By contrast, in **North Macedonia**, the Council for Cooperation with and Development of Civil Society was an advisory body to the government for the promotion of cooperation, dialogue and civil society development. It consisted of 31 members, the majority of whom, 16, were appointed on the recommendation of CSOs. CSO representatives were selected via open calls. The president of the Council, who is a CSO representative, schedules the meetings which are held at least once per quarter.



### **Specific Objective 3**

## **CSO capacity and resilience to carry out their activities effectively are reinforced**

Growing global and regional challenges can only be tackled successfully if civil society is effectively engaged in seeking and implementing solutions. To be able to do that, CSOs have to be strong, efficient, and credible. Most importantly, perhaps, they have to be accountable. The Global Standard for CSO Accountability provides a widely accepted framework of reference for what constitutes CSO accountability.<sup>13</sup> Among others, CSO accountability includes good governance, participation of stakeholders, in particular the rights-holders, timely communication, organisational learning, fair and respectful partnerships, transparency about funding, and sound organisational systems that protect and enable people in a safe work environment.

Although the picture is mixed, research results point to a number of areas in organisational accountability in which the performance of CSOs across the region could be improved. The implementation of good governance standards overall is low. While governing bodies tend to be effective insofar as their terms of reference are clearly articulated in governance documents, they tend not to be independent. A significant proportion of CSOs report that paid staff members are, at the same time, decision-making members of the boards. In addition to hindering the independence of the board, such a set-up also raises issues around management accountability. Moreover, there appears to be no requirement for board members to declare their interest at regular intervals in order to prevent any conflicts, potential or actual.

Organisational transparency is another area in need of strengthening. Although a significant proportion of CSOs have a website, and most have a social media presence, the proportion of CSOs that publish relevant information about their organisational governance, policies, annual reports, financial statements and sources of funding is low.

Across the region, organisational learning is seen as important with a significant proportion of CSOs committed to research and evaluation. In order to sustain this commitment, financial resources and organisational capacities will have to be maintained. The strong involvement of local communities in stakeholder consultations is also noteworthy.

Organisational networking in the region has been strong with a considerable proportion of CSOs participating in local, national and international networks. Moreover, informal networks play an important role in facilitating exchanges and contacts among CSOs.

The level of diversification of the organisational funding base bodes well for organisational sustainability, given that the funding of the majority of CSOs is spread across different types of donors, as well as sources of funding which are not donor dependent such as individual donations and organisational membership fees. Governments at local, regional and national levels are the most frequent donors in all but two IPA beneficiaries.

A significant proportion of CSOs in the region rely on paid staff; a plurality are small organisations with up to five staff members, including consultants. They are committed to investing in staff and volunteers with a significant proportion of CSOs providing relevant training opportunities. There is, however, room for strengthening the organisational policy framework and attracting more diverse talent by improving job advertising and its reach.

A more detailed overview of research results by each specific objective is presented below while the assessment of the respective indicators and related analysis for each IPA beneficiary is included in the Annexes 1–7.

<sup>13</sup> <https://www.csostandard.org/our-work/the-global-standard/>

### SO 3.1. CSOs' internal governance structures follow the principles of good governance

**Indicator 3.1.a:** Proportion of CSOs that have an independent and effective governing body with clear terms of reference to oversee the organisation's strategic goals, impact, management, legal compliance, and accountability

**Indicator 3.1.b:** Proportion of CSOs that regularly check potential conflicts of interest with regard to the political, economic and personal relationships of their governing body

**Indicator 3.1.c:** Proportion of CSOs that share relevant information on their organisation using means and channels that are accessible to all stakeholders in terms of publishing

- their statutes
- governance structure
- organisational policies

**Indicator 3.1.d:** Proportion of CSOs that have an organisational gender equality policy.

**Indicator 3.1.e:** Proportion of CSOs that have an organisational strategy, including vision, mission, and goals.

Responsible leadership of an organisation is shared by management and an independent and effective governing body. To be effective in their role, members of governing bodies have clearly delineated authorities and responsibilities, are free of conflict of interest, and provide strategic leadership, among others. Transparency and respect for gender equality are integral to organisational accountability. This specific objective assesses the effectiveness and independence of CSO governing bodies, the extent to which they regularly check conflicts of interest, share relevant information in an accessible way, promote gender equality and are strategic in their work.

In 2021, only 43% of participating CSOs across the region reported having an independent and effective governing body; their proportion was highest in **Kosovo** at 57% and lowest in **Türkiye** at 30%. Participating CSOs reported that 98% of CSOs have a governing document which almost universally, in 95% of the cases, defined the roles and responsibilities of their governing body. However, while governing bodies may have had clear terms of reference, they tended not to be independent: 45% of respondents indicated that the executive director or another paid staff member of their organisation was a voting member of their governing body in 2021.

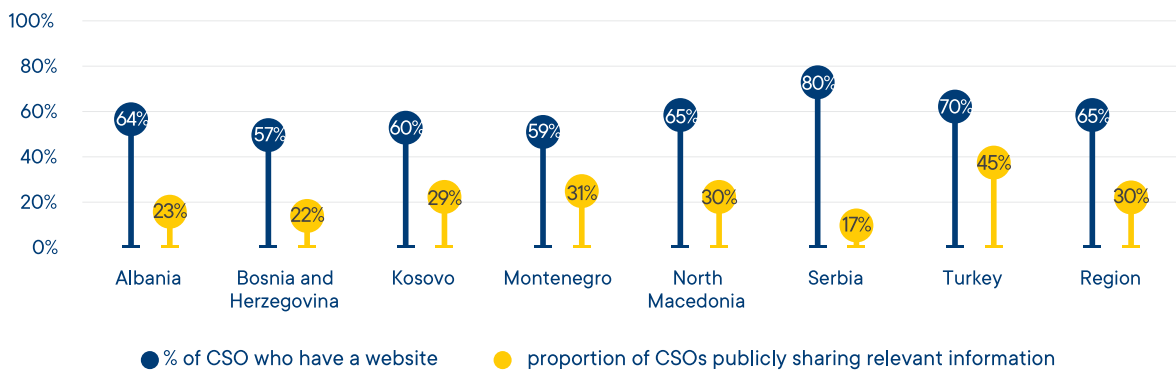
**Figure 3. Proportion of CSOs in which paid staff are also voting members of the governing bodies**



Similarly, the proportion of CSOs that checked potential conflict of interest with regard to the political, economic and personal relationships of the members of their governing body on an annual basis was low across the region, with only 15% of CSOs reporting doing it. The highest proportion was reported in **Kosovo** where 25% of respondents indicated their organisation did that annually, and the lowest was in **Türkiye** where only 6% of respondents stated the same.

Transparency, meaning that relevant information on their organisation was shared using accessible channels of communication remained a challenge for CSOs across the region in 2021. Fewer than a third, 30%, reported that they published their statutes, governance structures and organisational policies on their website, even though 65% of participating CSOs reported having a valid website. The highest proportion of CSOs publicly sharing relevant information was in **Türkiye** at 45%, although 70% reported having a website. The lowest proportion of CSOs was in **Serbia** at 17%, although 80% reported having a website, the highest proportion in the region. The lowest gap between sharing information and having a website was found in **Montenegro** where 31% of CSOs reported sharing information and 59% reported having a website.

**Figure 4. Proportion of CSOs that have a website and proportion of CSOs that share relevant information using the website**



Although gender equality plays a vital role in the socio-economic development of peaceful societies and is critical to civil society accountability, fewer than half CSOs in the region, 44%, reported having an organisational gender equality policy in 2021. The proportion was highest in **Albania**, where 56% of participating CSOs reported having a gender equality policy, and lowest in **North Macedonia**, where only 33% reported the same. Of those that reported having a gender equality policy, 61% were organisations working on human rights, gender equality and LGBTIQ+ rights, minority rights and non-discrimination, rights of persons with disabilities, children's rights or social inclusion. Overall, 51% of CSOs that were human rights organisations reported having a gender equality policy. On the other hand, organisations that did not work on human rights issues were less likely to have such a policy: only 36% of such CSOs reported having a gender equality policy. Therefore, CSOs working on human rights were more likely to have a gender equality policy.

Having a strategic direction and delivering on strategic goals is another important aspect of organisational accountability, and 60% of participating CSOs reported having an organisational strategy document which included a vision, mission or goals in 2021. The highest proportion of CSOs was found in **North Macedonia** at 78%; the lowest was in **Türkiye** at 50%.



### SO 3.2. CSOs are able to communicate the results of their activities to the public

**Indicator 3.2.a:** Proportion of CSOs that have at least one online channel of communication

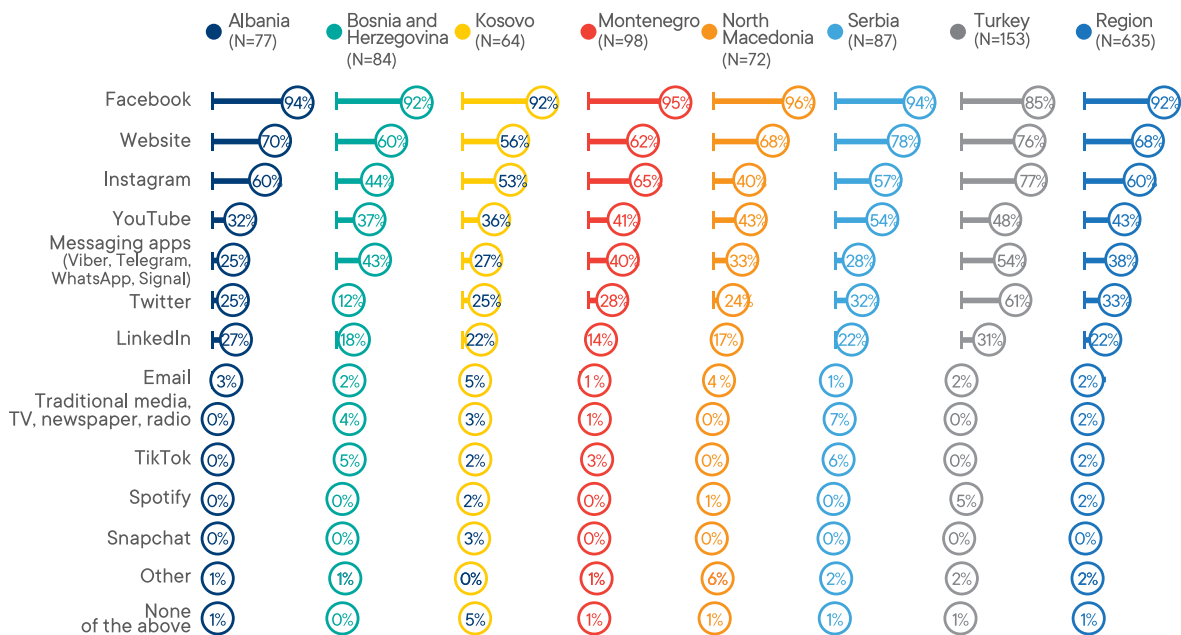
**Indicator 3.2.b:** Proportion of CSOs that have specialised communication staff

**Indicator 3.2.c:** Proportion of CSOs that cooperate with the media

Communicating accurate information about themselves and the work they do contributes to the transparency of organisations. Organisational effectiveness is enhanced by strong partnerships which enable CSOs to accomplish goals more efficiently and with greater impact. This specific objective assesses the extent to which CSOs rely on online channels and cooperate with the media to communicate about their work.

CSOs in the region reported using a multitude of channels in 2021 to regularly communicate about their work to the public: 98% of participating CSOs reported having at least one channel for on-line communication. While 68% of participating CSOs reported regularly using their website, Facebook was the most popular among social media with 92% of CSOs reporting using it. Facebook was followed by Instagram at 60% of CSOs and YouTube at 43% of CSOs.

**Figure 5. Proportion of CSOs that regularly use the following channels of communication to communicate about their work to the public**



Close to two-thirds of participating CSOs, 65%, reported having a staff member employed in 2021 who was responsible for external communication with stakeholders and the public. The highest proportion was in **Serbia** where 77% of CSO reported having such staff, while the lowest was in **North Macedonia** at 58% of CSOs.

Cooperation with the media, however, was less prevalent: only 32% of CSOs reported engaging in partnerships with media organisations in 2021. Such cooperation was highest in **Serbia** where 47% of CSOs partnered with the media, and lowest in **Türkiye** where only 21% of CSOs did so.



### SO 3.3. CSOs are transparent about their programme activities and sources of funding

**Indicator 3.3.a: Proportion of CSOs that publish their annual reports and financial statements**

**Indicator 3.3.b: Proportion of CSOs that publish information on their sources of funding and amounts received in the previous year**

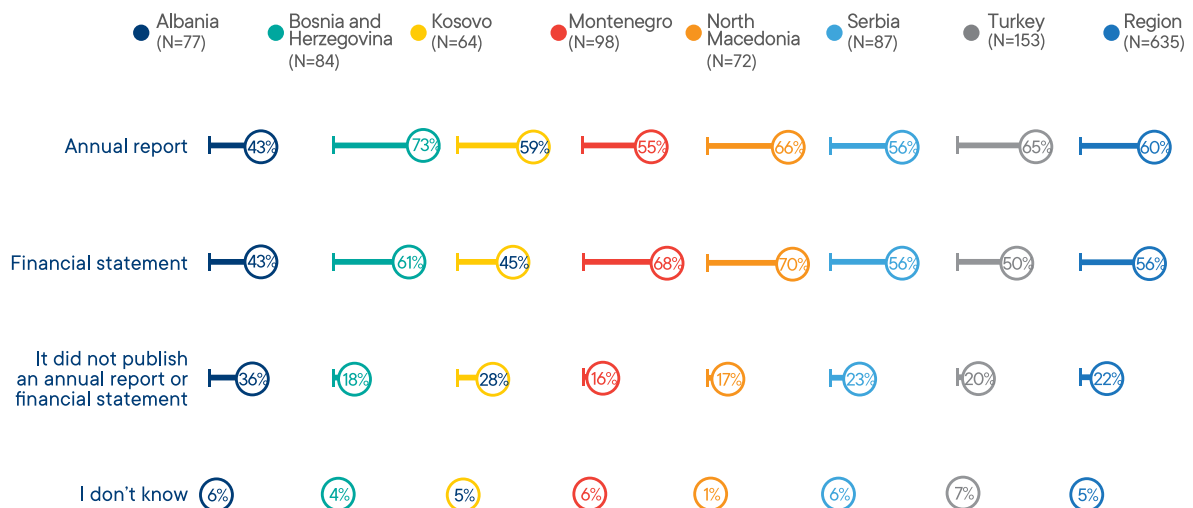
**Indicator 3.3.c: Degree of public trust in CSOs**

Open and transparent reporting about sources of funding and how funds are managed is an important aspect of CSO accountability. This includes publishing financial statements and information on sources of funding and amounts received on an annual basis and in a manner which makes them easily accessible to the public at large. Such transparency contributes to increased public trust in CSOs. This specific objective thus looks at the extent to which CSOs publish this information and the degree of public trust in CSOs at the national level.

Across the region, almost two-thirds of participating CSOs, 60%, published their annual report in 2021; 56% published their financial statement, while 44% published both. Slightly over one-fifth, 22%, did not publish any such reports and statements. When asked to explain why no reports were published, respondents focused on such issues as the CSO had no funding or project activity in the previous year, they only submitted reports to authorities as per statutory requirements, it was not their usual practice, or the organisation had no website.

The highest proportion of CSOs publishing the annual report was in **Bosnia and Herzegovina** at 73%; 61% published the financial statement, and 55% published both, as did CSOs in North Macedonia. The lowest level of publication was reported in **Albania**, where only 29% of CSOs published both the annual report and the financial statement.

**Figure 6. Proportion of CSOs that publish annual report and financial statement, multiple choice**



When it comes to publishing information on sources of funding and amounts received, the figures were similar in that 55% of participating CSOs reported that they published information on their sources of funding in 2021. The proportion was significantly lower for amounts received: just about one-third, 34%, of CSOs published that information in 2021. More than one-quarter, 28%, did not publish any such information.



However, only 27% published both the information on their sources of funding and the amounts received in 2021. The highest proportion of CSOs publishing information on their sources of funding was in **North Macedonia** at 68%, and the lowest was in **Türkiye** at 35%. The highest proportion of CSOs publishing information on amounts of funding received was in **Montenegro** at 43%, followed by **North Macedonia** at 42%; the lowest proportion was in **Albania** at 25%. At 36%, Montenegro and North Macedonia had the highest rate of publishing both; Türkiye's at 22% was the lowest, followed by Albania and Serbia at 23%.

Consistent regional data on the degree of public trust in CSOs was not available for 2021.

### SO 3.4. CSOs monitor and evaluate the results and impact of their work

#### **Indicator 3.4.a: Proportion of CSOs that have carried out an evaluation of their work in the last year**

Organisational learning is an integral part of CSO accountability because learning from people and partners, evaluating results, and continuously monitoring and adapting enable CSOs to achieve sustainable impacts which in turn contribute to increasing the trust in and the legitimacy of CSOs. This specific objective assessed the extent to which CSOs evaluate the results and impact of their work.

Across the region, CSOs have shown significant commitment to organisational learning: 79% reported carrying out at least one evaluation in 2021, with 40% carrying out 2–4 evaluations. Just under one-fifth, 18%, reported not carrying out an evaluation in 2021. When asked to explain why not, among the reasons cited were the disruption caused by the pandemic, as well as a lack of projects, resources or capacity. At 64%, project evaluations were the most frequent form of the evaluation carried out by participating CSOs, followed by evaluations of internal processes at 38% of CSOs, and strategies at 26% of CSOs.

### SO 3.5. CSOs use research and evidence to underpin their work

#### **Indicator 3.5.a: Proportion of CSOs whose work is based on evidence generated through research**

#### **Indicator 3.5.b: Proportion of CSOs whose work is informed through consultation with people who have a stake in their current or future work**

To be effective, CSOs must ensure their programmatic work is based on evidence and is informed by the views of affected people. To achieve justice and equality, the participation of people in the decisions that affect their lives and hold those in power to account is required. This specific objective considers how much CSOs engage in research and stakeholder consultation to inform their work.

Across the region, 89% of CSOs reported carrying out some form of research in 2021. Focus group discussions, carried out by 55% of participating CSOs, were the most frequent form of research, followed by community consultations by 51% and surveys by 42% of CSOs. Those that did not carry out research in 2021 cited reasons such as a lack of projects and resources, no donor support, lack of capacity and disruption caused by the pandemic.

As regards stakeholder consultation, 91% of participating CSOs reported carrying out at least one stakeholder consultation in 2021. At 59%, local communities were the most frequent stakeholder consulted by participating CSOs in 2021. This was followed by members at 58%, and local authorities at 51% of CSOs.



**Table 1. Proportion of CSOs that have consulted during their work the following stakeholders, multiple choice**

	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia	Türkiye	Total
Total CSOs	70	80	58	96	65	79	145	593
Local communities	64%	58%	64%	61%	60%	59%	54%	59%
Partners	66%	58%	62%	64%	63%	75%	36%	58%
Members	37%	58%	52%	58%	72%	53%	69%	59%
Local authorities	53%	50%	55%	48%	48%	34%	63%	51%
National authorities	30%	14%	36%	32%	31%	29%	29%	28%
Public institutions	44%	35%	41%	41%	37%	35%	57%	43%
Institutional donors	43%	28%	41%	25%	31%	38%	19%	30%
Individual donors	21%	28%	16%	19%	15%	32%	21%	22%
Private businesses	16%	18%	21%	9%	26%	20%	18%	18%
Academic institutions	36%	24%	24%	22%	26%	24%	41%	30%
Other	1%	3%	3%	0%	2%	4%	4%	3%
I don't know	0%	3%	5%	4%	2%	0%	1%	2%
None of the above	1%	4%	3%	4%	3%	3%	2%	3%

### SO 3.6. CSOs work in fair and respectful partnerships to achieve shared goals

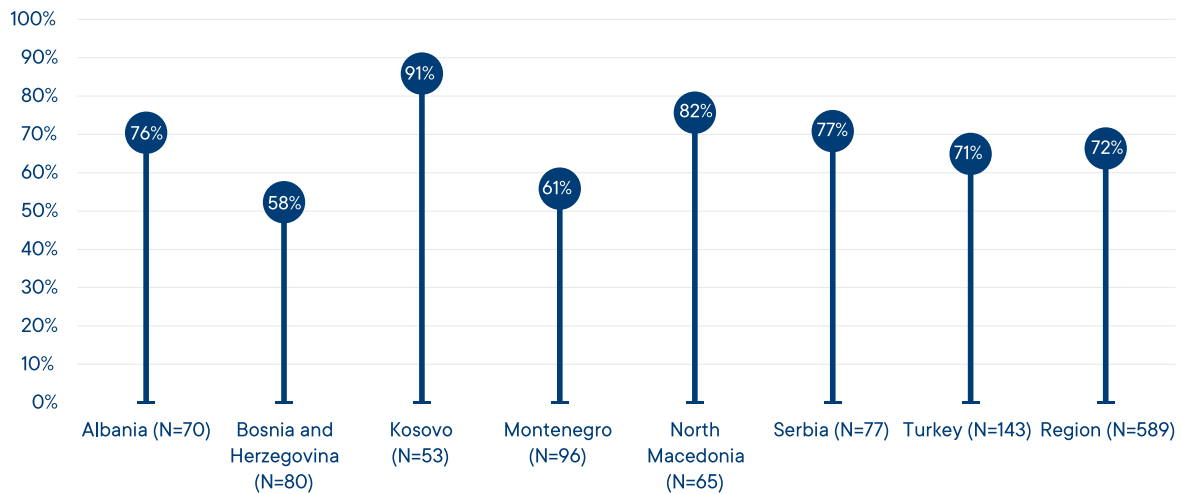
**Indicator 3.6.a: Proportion of CSOs taking part in local, central and international CSO networks**

**Indicator 3.6.b: Proportion of CSOs engaged in cross-sectoral partnerships with academia, social partners and private sector**

Strong partnerships help CSOs accomplish goals more efficiently and with greater impact. This specific objective assesses CSO participation in networks and their cross-sectoral partnerships.

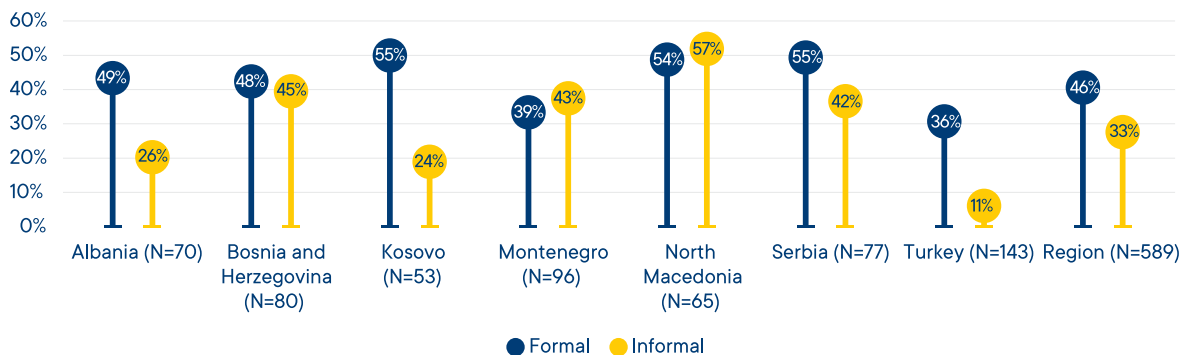
Across the region, 72% of CSOs reported being part of local, national or international networks in 2021. More than half of participating CSOs, 54%, reported being a member of national networks, followed by international networks at 42% and local networks at 25% of CSOs. The highest level of networking was observed in **Kosovo** where 91% of participating CSOs reported being part of such a network; the lowest was in **Bosnia and Herzegovina** with 58% of CSOs.

**Figure 7. Proportion of CSOs that are part of local, national or international networks**



Informal networks have an important role to play with one-third of CSOs, 33%, reporting that they were a member of such a network in 2021.

**Figure 8. Proportion of CSOs that are part of formal and informal networks**



Around one-third of participating CSOs, 37%, also engaged in partnerships<sup>14</sup> with universities, and with the private sector, 28% of CSOs. Cooperation with universities was the strongest in **Albania** and **Türkiye** where 53% and 50% of CSOs, respectively, reported engaging in partnerships with academia in 2021. It was weakest in **Montenegro** where only 15% of CSOs reported engaging in such partnerships. As regards cooperation with the private sector, it was highest in **North Macedonia** and **Kosovo** where 35% of participating CSOs reported establishing partnerships with businesses in 2021. It was, again, lowest in **Montenegro** with only 17% of CSOs.

<sup>14</sup> Due to its apparent inaccuracy, it was not possible to include the data on partnerships with social partners for 2021. This is because it appears that the respondents did not understand the meaning of 'social partners' and likely confused the term with 'CSOs'.

### SO 3.7. CSO have a diversified funding base

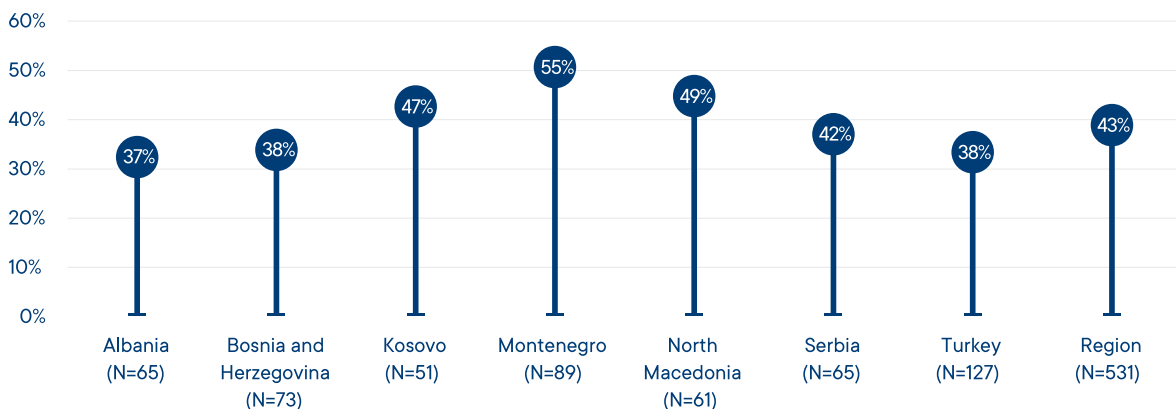
**Indicator 3.7.a: Proportion of CSOs whose sources of donor income are diversified**

**Indicator 3.7.b: Proportion of CSOs raising funds from sources other than donors e.g. membership fees, corporate/individual giving and income-generating activities**

A diversified funding base contributes to CSO sustainability. For the purpose of this specific objective, a diversified funding base is defined as having at least two different donor types of which no single donor type constitutes more than 50% of the organisation's annual budget. Donors were grouped into six types: (1) domestic private foundations; (2) foreign private foundations and international CSOs; (3) local, regional and national government; (4) bilateral donors; (5) European Commission; (6) international organisations. The specific objective also looks at the prevalence of other sources of income which is not raised from donors, such as membership fees, individual donations, donations from private businesses, own social enterprise activity and crowdfunding.

Across the region, the situation is encouraging: 57% of CSOs reported that no single donor type provided more than 50% of their funding in 2021.

**Figure 9. Proportion of CSOs that receive 50% or more of their budget from only one donor type**

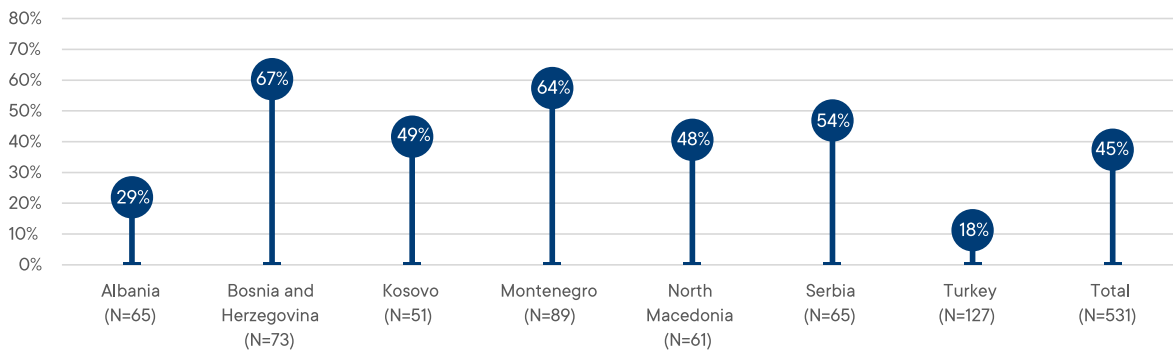


Almost three-quarters, 73%, of CSOs reported that they had at least one source of income which was not provided by donors.

The majority of CSOs with a diversified funding base were in **Albania** where 63% reported having no single donor type contributing more than 50% of their funding; **Montenegro**, at 45%, had the lowest rate. With the exception of two IPA beneficiaries, local, regional and national governments were the most frequent providers of CSO funding: in **Bosnia and Herzegovina**, 67% of CSOs reported receiving funding from this source; 64% in **Montenegro**, 54% in **Serbia**, 49% in **Kosovo** and 48% in **North Macedonia**. By contrast, this figure was 29% in **Albania** and 18% in **Türkiye** where the most frequent donors were foreign private foundations and international CSOs at 68% and 30%, respectively.



**Figure 10. Proportion of CSOs receiving funding from government sources (local government, Provincial/cantonal/entity government, National government)**



The European Commission provided funding to over one-third, 38%, of participating CSOs. The highest proportion of recipients was in **Albania** where 46% of participating CSOs reported receiving EU funding in 2021; the lowest rate was in **Kosovo** at 29%. Bilateral donors provided funding to just about one-fifth, 21%, of CSOs. The highest proportion of recipients was again in **Albania** where 34% of CSOs reported receiving funding from foreign governments, and the lowest was in **Montenegro** with only 10% of CSOs. Domestic private foundations provided funding to only 14% of CSOs in the region. The rate was the highest in **Bosnia and Herzegovina** where 22% of participating CSOs reported receiving such funding, and lowest in **Türkiye** with 6% of CSOs.

As regards other sources of funding, 41% of CSOs had one other source of income, while one-third, 32%, had two or more sources of income in 2021. Individual donations were the prevalent source of income for 39% of participating CSOs, followed by membership fees at 38% of CSOs, and income generated through social enterprise at 22% of CSOs across the region. Individual donations were a source of income for 53% of participating CSOs in **Türkiye**, and 43% in **Serbia**; in **Albania**, the rate was the lowest at 22% of CSOs. Similarly, the highest reliance on membership fees was in **Türkiye** where 59% of CSOs relied on this form of income, followed by **Bosnia and Herzegovina** and **North Macedonia** at 51% of CSOs; the lowest was in **Albania** at 19%. Private businesses provided income for almost one-quarter of CSOs in **Serbia** and **North Macedonia**, 24% and 23%, respectively, but only 8% in **Kosovo**. One-fifth of CSOs relied on social enterprise activity as a source of income: 30% of CSOs in **Serbia** and 28% in both **North Macedonia** and **Türkiye**; the rate was the lowest in **Montenegro** at 8%. In 2021, crowdfunding was relied upon by only 9% of CSOs across the region.



## SO 3.8. CSOs have effective, empowered and developed human resources

**Indicator 3.8.a: Proportion of CSOs that employ staff**

**Indicator 3.8.b: Proportion of CSOs that have organisational human resources policies**

**Indicator 3.8.c: Proportion of CSOs that have advertised publicly their staff and volunteering vacancies in the last year**

**Indicator 3.8.d: Proportion of CSOs that have organisational policies encouraging recruitment of a diverse workforce**

**Indicator 3.8.e: Proportion of CSOs whose staff and volunteers have attended a training course in the past year**

Qualified and committed staff and volunteers are a prerequisite for organisational effectiveness. Professional, well-equipped, and loyal staff and volunteers improve the quality of an organisation's work and reduce the risks of mismanagement. To achieve this, CSOs must have transparent and fair principles, policies and procedures for recruitment and employment; encourage and provide resources for staff and volunteers to improve their skills constantly; include staff and volunteers in planning and decision-making processes, as well as create safe and supportive workplaces. This specific objective reviews whether CSOs have human resource policies, their transparency in recruitment and whether they are recruiting a diverse workforce, as well the organisational commitment to and investment in staff and volunteers.

Across the region, 71% of participating CSOs reported employing paid staff in 2021. The largest proportion of CSOs, 39%, were small organisations employing between 1–5 staff members, including consultants. Just under one-third, 32% of CSOs, reported employing six or more members of staff, including consultants; 27% of CSOs stated that they employed no paid staff. Close to two-thirds, 61% of CSOs, reported having at least one human resource policy, but only 11% reported having five or more: 31% reported having a recruitment policy, followed by diversity, equality and inclusion policy at 30%, and safeguarding of children and vulnerable adult policy at 24% of CSOs. The proportion of CSOs that had all nine policies under consideration here (recruitment; diversity, equality and inclusion; disciplinary; grievance/complaints; performance evaluation; redundancy; remuneration; bullying and harassment; safeguarding of children and vulnerable adults) was negligible.

One-fifth of participating CSOs, 21%, reported not advertising publicly their vacancies in 2021. This proportion was the highest in **Montenegro** where 22% of CSOs did not advertise vacancies, and lowest in **Serbia** where 16% of CSOs reported not advertising them. When they did advertise, CSOs mostly did so on social media, 47%, followed by their websites for 38% of CSOs, and various internet portals for 23% of CSOs.

Moreover, across the region, one-quarter, 25% of CSOs had policies encouraging the recruitment of a diverse workforce. This proportion was highest in **Bosnia and Herzegovina** where 35% of CSOs reported having recruitment and diversity and inclusion policies, and lowest in **Türkiye** where only 16% of CSOs had the same policies.

Nevertheless, CSOs appear committed to investing in their staff and volunteers: more than three-quarters, 78%, of CSOs reported enabling their staff or volunteers to attend a training course for the purpose of their professional development in 2021. This proportion was highest in **Serbia** where 83% of CSO reported enabling their staff or volunteers to attend training, and lowest in **Albania** and **Bosnia and Herzegovina** at a still respectable 74% of CSOs.



## Conclusion

This report presents a snapshot of the implementation of the DG NEAR Guidelines for EU Support to Civil Society in the Enlargement Region, 2021–2027, with the year 2021 serving as the baseline. It is the first assessment report in a series whereby trends in implementation will be identified over time.

The research has shown a mixed implementation of the Guidelines across the region. With some exceptions, IPA beneficiaries tended to score better on legal frameworks for a conducive civic environment than they did on their implementation. Cooperation between authorities and civil society generally requires considerable improvement. Similarly, CSO capacity and resilience require strengthening in the area of accountability, transparency and organisational policy, while they rated positively in the areas of organisational learning, consultation of stakeholders and financial diversification.

With regard to Specific Objective 1 *A conducive environment for civil society to carry out its activities is in place*, the report has highlighted how legal frameworks for the protection of the fundamental freedoms of peaceful assembly, association and expression were generally in line with standards. However, a number of areas for improvement remained such as better recognition of informal and community groups to strengthen their participation in public life, adapting administrative and registration requirements to the CSO context, improving legal definitions of assembly, and decriminalising defamation. Of some concern was the government use of laws to combat terrorism and money laundering to target CSOs. While CSOs were generally able to raise funds from a variety of sources, as far as public funding was concerned, the process of award needed to be more transparent and fairer.

The implementation of Strategic Objective 2 *Strengthened cooperation and partnership between CSOs and public institutions* was likely the most challenging as research has shown that the record of civic participation across the region presented significant scope for improvement. While in a number of IPA beneficiaries civic participation in the development of laws and policies is legally required, the implementation of laws has varied, resulting in a low proportion of CSOs reporting that they were effectively consulted in the drafting of laws, bylaws, strategies or acts of public interest and policy reforms. Moreover, a well-developed national civil society cooperation strategy, seen as a precondition for the strengthening of the national civil society sector, was, in 2021, in effect in only two IPA beneficiaries.

With regard to Strategic Objective 3 *CSO capacity and resilience to carry out their activities effectively are reinforced*, the picture is, again, mixed. Research has shown that, across the region, a significant proportion of CSOs reported engaging in organisational learning. The strong involvement of local communities in stakeholder consultations is also noteworthy. Similarly, the majority of CSOs have successfully diversified their organisational funding base which has been spread across different types of donors, as well as sources of funding which are not donor dependent, such as individual donations and organisational membership fees. Governments at local, regional and national were the most frequent donors in all but two IPA beneficiaries in the region. Nevertheless, research findings point to a number of areas in organisational accountability in which the performance of CSOs across the region could be improved. The implementation of good governance standards overall was low. While governing bodies tended to be effective insofar as their terms of reference were clearly articulated in governance documents, they tended not to be independent. A significant proportion of CSOs reported that paid staff members were, at the same time, decision-making members of the boards. Organisational transparency was another area in need of strengthening. Although a significant proportion of CSOs reported having a website, and most had a social media presence, the proportion of CSOs that published relevant information about their organisational governance, policies, annual reports, financial statements and sources of funding was low.





## List of Annexes

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- Annex 1** IPA beneficiary report – Albania
- Annex 2** IPA beneficiary report – Bosnia and Herzegovina
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