

## **BCSDN input to the Open Consultation on the Preparation of the Guidelines for EU Support to Civil Society in the Enlargement region, 2021-2027**

### **Introduction**

For years now, BCSDN has been following the EU's approach in supporting civil society in the enlargement countries and has been advocating the civil society to be recognized and supported as a competent and democratic partner in the EU accession process. We have based our advocacy on the findings from the monitoring conducted through our [Monitoring Matrix on Enabling Environment for Civil Society Development](#), on our extensive experience as a network, and on the individual experience and knowledge of our member organizations which are the leading CSOs supporting civil society development in the Western Balkans and Turkey.

Our network has regarded the Guidelines for EU support to Civil Society in the Enlargement region, 2014-2020 as the key document for ensuring enabling environment for the civil society to play a significant role in the countries' development and the EU enlargement process, and we have been invested in their development, promotion and implementation.

With this in mind, we appreciate the opportunity to provide early feedback on the First Draft of the new Guidelines for EU Support to Civil Society in the Enlargement region, 2021-2027 (the Guidelines) via the [Public Consultation Process](#) organized by EU TACSO 3 on the Preparation of the Guidelines for EU Support to Civil Society in the Enlargement region, 2021-2027.

Our input has been based on our joint expertise and is of the individual feedback provided by our members.

Below are our responses to the structured consultation:

### **(I) Structure of the monitoring framework**

**Question: 1. Does the Guidelines result framework reflects the needs and is there any issue or element that is missing and needs to be included? Please, give your answer per each Area of the Guidelines result framework:**

#### **Area 1: Conducive environment:**

The increasing trend of establishing GONGOs/PONGOs need to be recognized and reflected in the Guidelines.

It is also necessary to introduce indicator about up-to-date data on public funding allocations also on local level. There is ongoing problem in all countries for determining the total amount of funds allocated for CSOs on central and local level, especially since governments under the budget lines for civil society organizations provide funds also to sports clubs for ex.

**1.3 (The state treats all CSOs equally with regards to their operation, and equitably with business entities).** "Business entities" should be replaced with other entities or service providers. Referring to businesses, indirectly suggests that these are similar or equal entities.

**1.3b (CSOs are not subject to stricter administrative and operational requirements than business entities, can receive benefits and compete in public procurement on equal basis with business entities) – numbers of rejections or limited CSOs access to public procurement competition** - "Number of rejections" might not be adequate indicator as the reasons for rejection might be reasonable and substantiated.

## Area 2: Changing relations CSOs and public institutions:

**2.5.c. (Quality of legislative framework for employment and volunteering in terms of: - supportive employment policy and incentive programs for employment in CSOs). Clearly defined and non-discriminatory contractual relationships and Changing relations CSOs and public institutions- *"implementation" should be included.***

**3.1.a (Percentage of laws/ by laws, strategies, other acts of public interest and policy reforms effectively consulted with CSOs).** As some countries do not keep records of the number of participating CSOs, additional sub-criteria should be introduced that would entail the obligation of the state to keep such records.

**3.1.b (Mechanisms for dialogue are clear, open, accessible and efficient (issues are resolved in timely manner) on state (government, ministries, parliament) and local level (mayor, local administration, municipality council) efficient\*)** it is necessary to define what is meant by the mechanism for cooperation. Experience to date shows that the Councils for Cooperation with Civil Society in some countries do not meet the needs of the CSOs in the current state of societal polarization, and growing GONGOs activity. ***Adequate follow-up of conclusions and recommendations*** (to be added as in 3.1.b, and implemented)

3.2.c part to be included: ***Mechanism for cooperation between state-CSOs are properly established and effectively operating.***

## Area 3: CSOs Resilience and capacities

The biggest challenge in this area relates to the sample of CSOs that are covered and whose capacities are assessed. First of all, it is necessary to establish a clear definition of the sector, considering that there are numerous, often broad definitions which, in addition to associations and foundations, also include professional associations, religious and sport organizations, etc.

Then, even within the association itself, previous experiences show that the number of active organizations is much smaller than the total number of registered ones. An additional problem is the fact that, there are associations that are established to perform commercial activities through a legal form that allows easier functioning for example (IT, recreation and entertainment, working with children, performing the activities of a psychologist, etc.). In such circumstances, it is quite a challenge to determine what is a realistic and representative sample of the sector whose capacities are being assessed. The growing trend of GONGO and PONGO organizations further complicates the situation, as such organizations often mitigate the findings according to indicators that are expressed quantitatively.

**4.1.b. (Percentage of CSOs publishing their organizational structure and internal documents (statutes, financial regulations, rulebooks, codes of conduct etc.), incl. gender balance policies)-** *Rulebooks and financial regulations are might not be essential to be published, but financial information, governance structure, activities and results and list of its officials, donors and partners.*

**4.1.e (Gender balance in organization structures).** *Gender structure not only in organization but also in management structures of organization.*

**4.4.a (Share of CSOs that monitor and evaluate their projects and programmes funded by the EU using baselines and quality indicators (alt. Share of CSOs that engage in data collection))** is actually a mandatory part of EU funded projects, so this indicator doesn't have a sense. It is more indicative if CSOs are using M&E tools for its functioning, for projects but also for overall work.

**4.4.b is missing entirely.**

**6.1.c (Data on sources of CSOs funding are available (incl. disclosure of names of the donors in line with data protection regulations).** This indicator is more related to transparency of work.

Additional indicators that will measure other aspects important for the CSO capacities and resilience should be included such as competence of personnel, competitive organizational capabilities, and dynamic organization structure, staff well-being, shared lidership, participatory of the internal decision making processes etc.

**5.1. (CSO activities are guided by long-term mission, vision and goals (VMG) defined by its members and are able to consistently follow it in their actions)-** *not all CSOs are member based.*

**5.1.a. (Number of CSOs, which have clearly defined VMG by its members)-** *not all CSOs are member based.*

**5.4. CSOs pursue public good in their work-** *CSOs activity is led by the public good / well-being of the public*

**6.1.b. (Donor policies are based on and inclusive of CSOs needs (indirect indicator)-** *Donor policies are consulted, based on and inclusive of CSOs needs.*

**6.2.b. (Cases of alternative funding sources (i.e. crowdfunding) practiced by CSOs)-** *There is a need for definition of the alternative funding sources, mentioning all types or an exhaustive list of the most used/known alternative funding sources)*

**6.3.a. (Existence of internal codes of conducts for employees and staff)- and Existence of human resource policies**

**6.3.b (Cases of support to exchange know-how, learning by staff and volunteers)- Cases of support to staff development (exchange know-how, trainings, study visits, courses etc.)**

**6.3.c. (Hiring process are transparent and fundamental labour rights and standards are upheld, incl. gender policies)- incl. antidiscrimination policies**

## **(II) Methodology guiding the monitoring and assessment**

**Question 2. What is the most appropriate monitoring approach in terms of period, who should gather data, etc.?**

Appropriate monitoring and integration of the monitoring results in the annual country reports and/or the negotiation framework is of key importance for the successful results of the Guidelines. Therefore it is necessary to be clearly state in the introductory part of the document who is conducting the monitoring process and at what dynamics. Based on all the information gathered and lessons learned so far, an optimal and sustainable model should be chosen. After the completion of the TACSO 3 phase, the optimal way is to entrust this process to the civil society itself, to those CSOs which have demonstrated the capacity for efficient and objective monitoring and commitment to supporting the development of the civil society. Such reports should be politically recognized by the EC. Another possibility is to shift the obligation to the Governments to collect data and report according to the model used for reporting by individual chapters (action plans). This approach would provide additional political credibility and at least partially solve the problem of the lack of the official state records. However, in the case of individual chapters, the question of the quality, and credibility of information and findings would be raised. In which case, CSOs would need to continue to do their shadow reports.

**Question 3. How can the Guidelines result framework be practically linked to national strategic frameworks (strategies) and measures in order to ensure they are implemented in practice?**

Governments will link practically the Guidelines result framework to the national strategic frameworks, if the EU accession process requires this from them. Therefore the Guidelines need to be reflected consistently and in detail in the a) the annual Country Reports, b) where possible, in the Chapters of the negotiation framework and c) within the existing tools for monitoring implemented and used by the EU Commission.

The process of reporting on the progress in the negotiation process, the findings of its monitoring must be clearly stated. The monitoring findings should be shared and discussed with national governments, civil society and other donors, for ensuring more substantial and coordinated support for the implementation of the national policies and strategies for an enabling environment for civil society.

They should provide basis and leverage to the EU Commission to take appropriate action towards Enlargement governments, especially in cases when there is an increasingly hostile environment for civil society and growing obstacles to civil society operations.

The Guidelines are also valuable reference document empowering CSOs to advocate and raise awareness on the importance of a conducive environment for civil society.

To serve to this purpose, the Guidelines must be provided with a political label and be included as a regular and binding monitoring instrument for assessing the progress of the WB countries. In addition the DG Near and EUDs should be willing and committed to using the monitoring results of the Guidelines for their programming of the financial support, but also in the political dialogue with the governments in the Enlargement countries.

Lessons from the previous period indicate that, even at the level of informing the state bodies, the Guidelines were recognized exclusively by the Government's contact points for cooperation or communication with CSOs. In order to achieve its purpose, a wide range of government actors must be informed about its importance and obligation to implement it, and reports about the progress in the negotiation process, need to clearly state the findings of the Guidelines monitoring.

**Question 4. Can you share any relevant sources (global, regional, national) on measuring any specific indicator in the Guidelines result framework? Please, state the frequency of data gathering for each source shared, e.g. annually, bi-annually?**

BCSDN's Monitoring Matrix provides annual monitoring of the state of the civil society enabling environment in the Western Balkans and Turkey. Where the full MM methodology where each of the 152 indicators is monitored is performed on every two years, while in between the monitoring is performed on more limited number of indicators.

**Question 4.1 Can you share any specific and relevant sources on measuring local public funding (Result 2.2.) and public consultation (Result 3.1.), e.g. annually, bi-annually?**

Same as above, BCSDN's Monitoring Matrix on enabling environment for civil society development.

**Question 5. Do you have any other comments or suggestion?**

When it comes to the inclusion of data from the local level, given the large number of LSGs and their non-harmonized practice, we consider it very challenging to include local level in the monitoring process. A more effective approach would be to include in the indicators the

establishment of the comprehensive state records related to the state funding and the participation of CSOs in decision-making. These are the areas where relations between CSOs and local authorities are most often established. In that way, the Governments would be obliged to be more up-to-date and responsible, and the data obtained in that way could be included in the reporting according to other indicators as well as for the national level.

Finally, indicators that are defined in a way to determine the number of the certain situations (attacks on CSOs, obstruction by the state, various complaints of CSOs, etc.), must have additional monitoring instructions for assessing the weight of individual cases.

And lastly, Thank you for the opportunity for providing feedback to the Draft Guidelines at this stage of the process.

**6. Please, attach here any document, report, analysis etc. you would like to share and could be useful in improving the Guidelines result framework.**

Attached:

[BCSDN Background Analysis of the Enlargement Package 2020: Should Civil Society Be Satisfied with Just Being Acknowledged?](#)

[BCSDN's Advocacy Platform towards the EU](#)

[BCSDN's Position on the EU Civil Society Guidelines](#)