

# COVID-19: The Effects to and the Impact of Civil Society in the Western Balkans

## 2021 Update

More than two years have passed since COVID-19 shook the world and changed our lives. Much like everyone, civil society organisations (CSOs) had to quickly adapt to a new environment, legislative changes restricting basic freedoms and altered funding structures. On one hand, many organisations in the Western Balkans still face difficulties because less support and funding is available, and states' practices as regards support to and cooperation with civil society are not facilitating CSOs' daily work. On the other, CSOs dived into the new reality continuing to provide social services for the people in need, advocating for democratic values, and fostering societal changes. In light of the above depicted challenges and the altered modus operandi, CSOs continue to be irreplaceable partners of the state, responding to increasing needs of citizens, especially to those of marginalised and vulnerable groups, even when not recognized in this role. New ways of cooperation among civic actors emerged and new work methods institutionalised. Now, having adapted to the "new normal", CSOs continue monitoring policy processes, being local "watchdogs" of governments, and keep pushing to uphold democratic standards and promote civic space.

Two years in, it is still important to monitor the impact of COVID-19 on civil society in our region, the civic space violations, as well as information on the changing role of civil society, new ways of working, and CSOs actions in response to the pandemics, as means for identifying both the challenges and lessons learnt. This update gives an overview of the effects of the COVID-19 outbreak on civil society actors in the Western Balkans throughout 2021, covering country developments on issues such as: legal changes or measures affecting, restricting or violating civic freedoms or CSO operations; state support to CSOs; CSO involvement in decision-making and service provision; changes in donor responses etc.

*As a regional network focused on empowering civil society, promoting an enabling environment and safeguarding civic space, the **Balkan Civil Society Development Network (BCSDN)** has been following the impact of the COVID-19 pandemic on civil society in the Balkan region throughout 2020 and 2021, in a joint effort with our member organizations. This document, produced with the support of the Balkan Trust for Democracy, is part of a series dedicated to the CSOs' efforts in relation to the ongoing corona-crisis and the post-pandemic world, as well as the influence this crisis has on their work, aiming to provide for an overview of responses and examples we could all learn from.*



## POST-STATE OF EMERGENCY MEASURES | FREEDOM OF ASSEMBLY

*In the course of 2021, several restrictions imposed as part of the state of emergency measures have been lifted. Governments no longer reverted on very harsh measures in the fight against the pandemic, e.g. restrictions on gatherings were loosened and no more curfews were imposed. There have been limits on how many people were allowed to gather, differing in numbers across the countries but also during different periods, as per the epidemiological state in the countries. In this context, in spring 2021, the Albanian Constitutional Court assessed the constitutionality of the ban on all gatherings of more than 10 people, and decided that the element of temporality of restrictions was not sufficiently considered, thus violating the Constitution.*

*While COVID-protocols were imposed to all public gatherings, these were particularly often not respected during anti-COVID or anti-vaccination protests, which decried the limitations of basic freedoms. In many cases, throughout the region, heterogeneous groups of people protested for divergent ends unifying in the demand to lift restrictions. Citizens, economic operators, catering industry employees, political parties and others protested the restrictions. In some cases, governments have been accused of applying double standards as regards enforcing anti-COVID measures; civil society in Kosovo and Montenegro has reacted on the police interrupting certain gatherings – often those not in line with government positions – while allowing others to take place, demanding to stop the selective behaviour in how public gatherings are handled. In Serbia, on the other hand, private actors have been accused of “weaponising” epidemiological concerns and the state apparatus to curb protest activity, as criminal complaints were filed by private individuals against civic activists due to an alleged failure to follow health regulations.*

### ALBANIA

In spring 2021, the Albanian Constitutional Court provided a [decision on the constitutionality](#) of the Order 633/2020 of the Ministry of Health and Social Protection which banned all gatherings of more than 10 people. In its decision, the court criticized that the element of temporality of restrictions was not sufficiently considered, thus violating the Albanian constitution. The court urged the authority to carefully analyse constitutional principles before adopting restrictive measures and inform citizens sufficiently on their scope and purpose, safeguarding that human rights are only restricted as measure of last resort and for a temporary period. Starting from 15 June 2021, outdoor gatherings were [allowed up to 50 people](#), respecting the rules of social distance in accordance with the protocols of the Institute of Public Health. On 24 November 2021, the Ministry of Health and social protection drafted the Order for prohibition of gathering in closed or open places, changing and prolonging the date till 13 December 2021.

### BOSNIA & HERZEGOVINA

Entity-level, Brcko District, and state-level governments, following epidemiological patterns, issued recommendations and measures that inevitably affected basic right to free movement. On several occasions, measures were issued to regulate the movements, such as those issued before the holidays to prevent the gathering of a larger number of citizens. Besides entity-level restrictions, measures were also issued at the cantonal levels, such as in the Sarajevo canton where in the spring 2021 it was forbidden to move from one canton to another. Following the various measures issued by the authorities was an aggravating circumstance for many citizens, as well as CSOs throughout BiH. This meant that governments at different levels, including the cantonal level, often differed in decisions and regulations, which additionally affected the activities of CSOs.

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| KOSOVO          | <p>The preventive measures to combat the spread of COVID-19 mainly impacted the freedom of assembly by strict restrictions on the limited number of attendees allowed to participate in a gathering and requiring a social distance of 1 meter, not exceeding 50 participants. However, a trend of citizens and activists organizing public gatherings to advocate for various themes, demands, and interests has been observed. Citizens, economic operators' associations, and political parties protested COVID-19 related restrictions, demanding from the Government to lift the measures, allow the gastronomy and hospitality sectors to work without restrictions, and to suspend payment of fines for non-compliance with anti-COVID measures.</p>  |
| MONTENEGRO      | <p>On 12 May, police in Podgorica <a href="#">interrupted a peaceful gathering</a> of several dozen citizens in support with the Palestinian people. According to the media, but also the information received from the participants, the Police Directorate instructed the participants to disperse with the explanation that they had violated the anti-COVID measures in place. At the same time, a gathering of several thousand citizens in Nikšić was left uninterrupted, as police did not interfere at the <a href="#">Nikšić mass religious procession</a> based on the same grounds. The civil society sector reacted to the competent authorities to resolutely stop the selective behavior <a href="#">in relation to public gatherings</a>.</p>   |
| NORTH MACEDONIA | <p>In 2021, additional measures for prevention of COVID-19 entered in force, such as a mandatory COVID pass for entrance to catering facilities, cafes and bars. Namely, regardless of the capacity and number of visitors, it is mandatory to have and show a certificate / confirmation of vaccination, or a proof of recovery, for persons over 18 years of age. This measure is mandatory for organising and participating at outdoor events as well as for entering the closed part of malls. Restrictions with respect to freedom of association were not recorded in light of the COVID measures. Moreover, elections for local government were conducted where people freely gathered during rallies following the preventive measures for COVID.</p>  |
| SERBIA          | <p>No direct restrictions on the freedom of assembly related to COVID-19 were recorded in 2021, unlike in 2020, when epidemiological measures were stricter and instances of direct institutional pressure related to COVID measures were reported. However, cases of private actors "weaponizing" epidemiological concerns and the state apparatus to curb protest activity and protect private interests have been recorded. In May 2021, criminal complaints were filed by private individuals against three civic activists from Leskovac due to alleged failure to act pursuant to health regulations during an epidemic, in accordance with the Serbian Criminal Code, which carries a potential sentence of three years in prison. They stand accused of organizing protests against an investor who planned to build in the area where a local park is currently located, and the complaints were lodged by the owners of the company. When questioned by police, the activists highlighted that the protests were a spontaneous gathering of citizens from surrounding buildings, held respecting all epidemiological restrictions.</p> |

## BASIC RIGHTS | FREEDOM OF EXPRESSION AND INFORMATION

*With regards to freedom of expression one could identify a deterioration during the pandemic in all Western Balkan countries. Despite a good legal environment guaranteeing access to information and freedom of expression, enforcement is not sufficiently safeguarded in almost all countries; libel and defamation of journalists remain frequent while crimes against media representatives are not the norm. Nonetheless, in 2021 there were less cases of violating this freedom, than in the beginning of the pandemic. In separate incidents, Kosovo civic actors reported a case of violation of transparency and information rules with the exclusion of journalists from the Parliamentary Committee for Education of the Assembly of Kosovo, while in Serbia, 37 SLAPP suits have been lodged against doctors and activists that have criticized the handling of the coronavirus crisis in Novi Pazar. The situation has been most challenging in Bosnia and Herzegovina, where only in the period from January to June 2021, 35 cases of violations of Bosnian journalists' rights and pressures on media were recorded, although not all of them have been COVID-related.*

*Concerns remain also as regards the human right of protection of personal data, such as in Montenegro where, according to the Agency for Personal Data Protection, COVID-19 measures most likely put citizens' personal data at risk, as these were not sufficiently protected from unauthorized access. Finally, in all countries of the Western Balkan region, "fake news" have continued to rise, especially the spread of false information about vaccine safety, developed into a server issue leading to, among others, low vaccination coverage; this endangers not only the most vulnerable in society, but also basic freedoms as measures restricting civic liberties need to stay in place for longer periods. There is a general lack of targeted policies preventing the spread of so called "fake news".*

### BOSNIA & HERZEGOVINA

Censorship, self-censorship, contactless work, blackmail, pressure on the family, challenging basic human rights, financial depletion are just some of the ways used to control media workers during the pandemic. [Journalists](#) sought protection and public support in cases of physical attacks and death threats, illegal police interrogation, attempts to discover sources of information, confiscation of TV equipment, denial of information, boycott of journalists and employees, irregular payment of salaries. According to the Helpline for Journalists only from January to June 2021, BH journalists recorded [35 cases of violations](#) of journalists' rights. Hate speech and violence against journalists in the online space is significantly increasing and deepening. [Gender-based violence](#) in the online world accounts for over 53%, over 40% of journalists have been attacked or threatened, and 75% have experienced it from a politician or public official. In the spring of 2021, a [proposal to amend the BiH Criminal Code](#) was submitted to the parliamentary procedure to expand the punishment of hate speech, so that it is not, as before, only because of national, racial or religious hatred or intolerance, but to be any form of hatred that contaminates the public space of Bosnia and Herzegovina for years.

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| KOSOVO      | <p>Generally, there were no major restrictions related to the freedom of expression in 2021, with only few exceptions. Namely, a case of violation of the freedom of the freedom of expression was marked when journalists were excluded from the Parliamentary Committee for Education of the Assembly of Kosovo during the reporting of the Minister of Education, Science, Technology, and Innovation. The journalists were expelled after the head of the Committee considered that there was not enough space for all journalists, which consequently would bring to the violation of anti-COVID measures. The case was condemned by the EdGuard Institute which stated that it is the Committee’s responsibility to provide sufficient space for all stakeholders and that transparency and information of the public is essential to democracy.</p> <p>Furthermore, Democracy Plus published the report “<a href="#">Fake news during the COVID-19 pandemic and its impact in Kosovo</a>”, which shows that fake news increased during the pandemic, especially related to the possible side effects of vaccines, therefore making many people boycott vaccination.</p> |
| MONTE-NEGRO | <p>Montenegro’s Council of the Agency for Personal Data Protection expressed concern that new COVID-19 measures could put citizens’ personal data at risk. A member of the Council said that unauthorized persons could get insight into citizens’ personal data, calling on the Health Ministry to be more precise about its new health measures.</p>   |
| SERBIA      | <p>Indirect pressures from private actors connected to the government have been recorded that infringed the rights to freedom of association and expression. In Novi Pazar, 37 SLAPP suits have been lodged by the acting director of the city’s hospital, Meho Mahmutović, against doctors and activists that have criticized his handling of the coronavirus crisis in the city. Mahmutović lodged 7 criminal complaints against activist the founder of CSO “Free Citizens’ Initiative” Aladin Paučinac, demanding penalties of around three million RSD for insults to his person on social media and during protests. In 2021, courts in Novi Pazar found Paučinac guilty in three cases, his lawyers have announced an appeal them at a higher instance.</p>   |

## THE STATE OF CSOs & THEIR INVOLVEMENT IN THE CRISIS RESPONSE

*Two years in the COVID-19 pandemic, most CSOs adopted to the new work environment. However, in light of fewer funding opportunities, several organisations had to prioritize their activities. Flexible donor support remains to be a key demand expressed by CSO representatives. The transition to using new communication means, for interacting with partners or target groups/beneficiaries, has been successfully realised. CSOs involvement into the crisis response across the Western Balkan countries has been manifold, providing expertise to national governments and international organisations, as well as assistance to vulnerable people and local communities. However, the involvement of civil society actors in both the response and the legislative procedures remained relatively low. Despite CSOs managing to successfully advocate for measures which have been implemented by states, this lack of cooperation is tantamount to neglecting the importance of societal oversight in such an unprecedented crisis situation, as well as limiting the suitability of policy response with respect to the needs of people on the ground.*

*In 2021, still many decisions taken by governments have been labelled as ad-hoc in their nature, which consequently prevented a meaningful consultation process with CSOs. Some coordination between the government and CSOs was noted in Albania in the drafting process of the Manual of public participation in the decision-making process of the Assembly; however, even in this case involved organisations complained about narrow time limitations for submitting responses. In Kosovo, neglecting the participatory approach to policy-making led to serious opposition of economic operators and professional organisations against measures aiming to limit the spread of COVID-19. Given the unique polity of Bosnian politics, CSOs have played a crucial role in overseeing local regulations, while helping with their specific knowledge to implementing measures enacted by the entities. On the overall, one can state that CSO involvement into the crisis response lacked a strategic approach.*

### ALBANIA

During 2021, the government did not ensure a meaningful participation of CSOs by involving them in the design, implementation, and monitoring of national strategies and policies for COVID-19 response. Moreover, the National Council for Civil Society has not yet been reformed to unfold its full [ability to voice priorities of CSOs in policy-making](#).

CSOs continued supporting the Albanian government to provide assistance and services to people affected by the crisis, e.g. for providing [housing assistance to people in need](#).

In 2021, there were no legal barriers for CSOs to work with marginalized populations and at-risk group as far as they followed the state protocols measures of COVID-19. CSOs have organized activities, awareness-raising campaigns and deliver services to target groups in need of support due to the pandemic. Technology is used to effectively perform the work of CSOs and connect with other stakeholders; however, there is lack of capacities and skills to fully benefit from the new technical opportunities.

### BOSNIA & HERZEGOVINA

Civil society has proven to be extremely valuable in the process of monitoring and reporting on actions at the local level. Nonetheless, meaningful and systematic consultations with civil society remains to be ensured as part of an inclusive policy dialogue. In 2021, there have been neither changes in the cooperation between the governmental and non-governmental sector, nor in the involvement of CSOs in decision-making processes or consultations with CSOs.

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| BOSNIA & HERZEGOVINA | <p>According to CPCD <a href="#">research</a>, strong growth in demands for civil society services has been identified; however, blocking of funding by the authorities, measures to ban and restrict movement and closure, as well as difficulties in reorganizing services and the inability to reach the workplace and different areas occurred frequently. Many CSOs expressed uncertainty as regards funding opportunities and internal administration of the daily businesses.</p>   |
| KOSOVO               | <p>During 2021, no involvement of CSOs in decision-making regarding consultations on measures enacted was reported. Measures taken by the Government have often been labelled as ad hoc, thus lacking a proper evaluation of the context and a participatory approach. As regards service provision, in October 2021, the Ministry of Education allocated 200,000 EUR for NGOs that support and promote students with disabilities, students with exceptional IQ, as well as students in need of psychological support.</p> <p>According to surveys conducted by the Kosovar Civil Society Foundation, the vast majority (88.1%) of NGOs have stated that COVID-19 negatively impacted their work. Delays in the implementation of ongoing projects and shortages in funds for new programs have been amongst the major challenges faced by the CSOs during the pandemic crisis.</p>   |
| NORTH MACEDONIA      | <p>CSO's continued to be included in service provision, especially providing social assistance. Some examples of CSOs activities that are notable to mention are: distribution of food to vulnerable communities, distribution of protective equipment, assistance in online educational language activities for children, compiling informational brochures from victims of domestic violence during COVID-19.</p> <p>CSOs faced similar challenges as in 2020 regarding delayed projects, reduction of number of employees etc. According to the <a href="#">latest data</a>, 44% of organizations stress that funding for their projects have been delayed due to the COVID-19 crisis. Additionally, 23% of organizations stated that funding for projects was suspended during the COVID-19 crisis. 28% said that the crisis has led to a reduction in the number of employees in their organization. 30% said that due to the crisis, they were reduced salaries in their organization. 34% of the organizations do not have enough technical and digital equipment to be able to work from home and to respect the measures for protection of their employees from COVID-19.</p> |
| SERBIA               | <p>CSOs in Serbia continue to implement activities and provide services aimed towards helping the most vulnerable groups in the country, such as people with disabilities, members of the Roma community, women and children, the elderly, refugees and asylum seekers, and homeless people. In the reporting period, no CSOs have reported instances of their ongoing projects and contracts being terminated due to COVID-19, or inability to access funding due to COVID related state measures.</p> <p>CSOs have successfully shifted their work and projects' implementation online, and managed to continue communicating with their partners and beneficiaries by using various online platforms. The majority of events still took place remotely, hybrid or in person respecting epidemiological measures</p>   |

## STATE SUPPORT | DONORS APPROACHES AND RESPONSES

*CSOs had to walk the fine line between identifying funding opportunities as well as continuing project work. In light of significantly lower state funding opportunities in nearly all Western Balkan counties, CSOs had to spend more time applying for funds while experiencing the “uncertainty” of not being sure whether it would be possible to obtain sufficient financial contributions. This situation limited the operational capacities of several organisations. Nonetheless as regular employers, CSOs could benefit from economic support packages issued by the government. Though, these were not tailor made for the practical needs of civil society actors and hence, only a drop in the ocean. Once again, the Bosnian case is particular as the adoption of a framework for transparent funding of civil society organizations remains outstanding. More than a quarter of public entities does not publish public calls for funding; 30% of public bodies does not have transparent guidelines for funds allocation, while only 3.5% of CSOs believe funds are attributed according to transparent criteria.*

*Concerning international donors’ fund allocation practices, most CSOs in the Western Balkans indicated that they did not experience major changes, also as regards the funding priorities. CSO’s received very limited targeted financial support for coping with effects of the COVID-19 crisis. In Kosovo however, the EU launched a sub-grants scheme for 30 local non-governmental organizations aiming to provide social services to vulnerable groups in Kosovo, in response to COVID-19. Moreover, Serbian CSOs indicated that calls for financing CSO projects did adapt to the COVID pandemic. In this light, several donors required CSOs applying for funds to reflect on the potential impact of COVID-19 on project activities, while allowing space for amending project modalities in case of unexpected circumstances. Additionally, a significant number of donors provide funding for projects specifically related to COVID. Across the Western Balkans, only a handful organisations and bodies received operational grants from international donors and even less from national institutions. Most funding allocated remains linked to specific project objectives, making a long term planning of CSO’s priorities difficult.*

### ALBANIA

The Agency for the Support of Civil Society remains the main public body providing financial support for civil society, however, its budget was reduced by 40% in 2020, making public funding opportunities insufficiently available to sustain CSOs’ activity, in particular with respect to social services.

### BOSNIA AND HERZEGOVINA

CSOs were not protected or supported by the government to face adequately the consequences of the COVID-19 crisis, as the ban and restriction of movement affected the implementation of their activities (project implementation, service provision, product sales), while costs were still present (staff salaries, running costs, etc.) No CSOs or vulnerable groups have been covered by government mitigating efforts. Most CSOs could not apply for local economic recovery measures, such as in the private sector, causing urgent need for proper governance of organizations, and CSOs began to seek financial and material support from local authorities in their countries and communities, as well as from national and international donors.

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| <p><b>KOSOVO</b></p>          | <p>While the Economic Recovery Package was 420 million EUR prioritizing to groups such as people who lost their jobs, self-employed individuals, the public sector, and education, CSO employees could benefit from the following three measures: first, return to work of those who lost their jobs during the pandemic through subsidizing up to 50% of gross salary for 3 months; second, support for formalized employees through subsidizing pension contributions amounting to 10% of the gross salary for 12 months; and third, supporting the employment of women through subsidizing up to 50% of gross salary for 3 months.</p> <p>74.3% of CSOs have claimed not receiving extra funding to cope with the pandemic crisis caused by COVID-19, and almost half of them have reported a decline in incomes compared to the previous year. The European Union launched sub-grants scheme for 30 local non-governmental organizations aiming to provide social services to vulnerable groups in Kosovo, in response to COVID-19. The main aim of the project is to reduce the impact of the pandemic on vulnerable groups. The project seeks to support capacity building and improve the quality of social services in Kosovo. The project is being implemented in 24 municipalities of Kosovo, while its main targets are children and women.</p> |
| <p><b>NORTH MACEDONIA</b></p> | <p>The trend of absence of specific measures from the state is maintained, and the donor response remains without significant changes. No significant changes of donor approaches to funding compared to 2020 have been noted. CSO's received very limited targeted financial support for coping with effects of the COVID-19 crisis. No shift of priorities has been identified. The North Macedonian state supported CSOs in realms of regular financial support which is approved to CSO.</p>   |
| <p><b>SERBIA</b></p>          | <p>No measures, nor philanthropic incentives directed specifically directed towards CSOs have been recorded in the reporting periods. A significant number of donors provide funding for projects specifically related to COVID. For example, the project "For an Active Civil Society Together – ACT" funded by the Swiss Government, through the Swiss Agency for Development and Cooperation (SDC) has funded projects related to the response of civil society to the Covid-19 pandemic and plans to continue to doing so in 2022.</p>   |

## THE WAY FORWARD

*Having in mind the above depicted restrictions of fundamental and human rights, legal challenges with which CSOs have to cope, the current state of civil society actors' cooperation with governments, as well as donors' modus operandi and their relations with CSOs, it becomes obvious that there is still much space to institutionalising cooperation between all actors. In this light, 2022 will be a crucial year for civil society development. The following priorities ought to be collectively addressed by government actors, international donors and CSOs in the coming months:*

- ❖ *To constantly review persisting restrictions of fundamental rights with respect to their proportionality in light of the development of the COVID-19 pandemic;*
- ❖ *Effective implementation of legislation granting access to information for and consultation of civic actors as part of transparent policy drafting processes;*
- ❖ *Developing effective measures tackling the spread of disinformation ("fake news");*
- ❖ *Safeguarding protection of journalists and human rights activists through law enforcement;*
- ❖ *Ensuring institutional support and flexible funding opportunities for CSOs, including thorough the attribution a higher percentage of operational grants; and*

*Now, more than ever, it is necessary for CSOs and the whole society to work hand in hand across sectors, striving to mitigate the negative effects of the COVID-19 outbreak. Only if lessons are learned from the challenges which societal actors faced in 2021, cooperation can be institutionalised to the benefit of the society at large.*

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