

JOINT ACTION FOR PROMOTING CIVIC SPACE AND A MORE RESILIENT CIVIL SOCIETY



TAKEAWAYS FROM THE “IMPROVED CSO RESPONSES TO PANDEMIC AND POST-PANDEMIC CHALLENGES IN THE WESTERN BALKANS” PROJECT IMPLEMENTED BY THE BALKAN CIVIL SOCIETY DEVELOPMENT NETWORK AND THE BELGRADE CONFERENCE “JOINT ACTION FOR PROMOTING CIVIC SPACE” ORGANIZED IN MAY 2022

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Authors: Anja Bosilkova-Antovska,
Marija Vishinova Shemova, Simona Mladenovska

Balkan Civil Society Development Network

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Balkan Civil Society Development Network

Address: ul. Makedonija 43-1/9, 1000 Skopje, Republic of North Macedonia

Phone: +389 2 6144 211

E-mail: executiveoffice@balkancsd.net

Website: www.balkancsd.net | www.monitoringmatrix.net

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About the publisher: Biljana Spasovska, Executive Director

Authors: Anja Bosilkova-Antovska, Marija Vishinova Shemova, Simona Mladenovska

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FOREWORD

From October 2021 to December 2022, the Balkan Civil Society Development Network has been implementing the project “Improved CSO responses to pandemic and post-pandemic challenges in the Western Balkans”, with the support of the Balkan Trust for Democracy. The project aims to contribute towards enhanced civil society resilience in facing COVID-19 and post-pandemic challenges through regional cooperation.

As the COVID-19 pandemic heightened the crisis of democracy in the Balkans, it has become evident that our societies face a turning point for their sustainable and democratic development. With the EU less impactful in pushing for change, and the governments in the Balkans more resilient to the pressure, the role of civil society is now more important than ever. But for civil society to maintain and strengthen its role in driving positive change in our region, it has to find new ways of working in the (post-) pandemic world and responding to the numerous challenges amplified by the economic and social recession. In such a situation, CSOs need to come up with innovative and responsive advocacy approaches for reaffirming the role of civil society at national, regional and EU levels in the pandemic and post-pandemic reality, by working more together. They should join forces to defend the civic space by grounding their work on mobilizing citizen support and civic engagement, improving the capacities for evidence-based advocacy. They should also invest in building partnership and coalitions for common goals, especially when using the international fora as a venue for pressuring for government accountability.

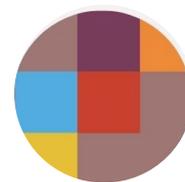
*To this end, on 30-31 May, BCSDN organized the Regional Workshop “Joint Action for Promoting Civic Space and a More Resilient Civil Society” in Belgrade, with the aim to discuss new and effective advocacy approaches and CSO actions to address the challenges brought about by the recent crises. The workshop gathered over 50 representatives from national and international CSOs, donors, journalists and interested individuals. Starting from the idea that such events and discussions are more worthy if shared and public, instead of being exclusively accessible, our regional workshop took a hybrid format. The event was **live-streamed** through social media, making the topics of public interest – publicly available.*

With this document, we aimed to reflect on the work we have conducted within the project and summarize the lively Belgrade discussions and valuable exchanges, hoping to share knowledge and inspiration as widely as possible. The document offers a wealth of information and resources to support the work of anyone who cares about civic space and shares the same values and motivation for advancing it.

Enjoy the read!

CSO AFFAIRS IN THE WESTERN BALKANS

THE STATE OF ENABLING ENVIRONMENT FOR CIVIL SOCIETY DEVELOPMENT



The latest Monitoring Matrix findings for 2021, presenting no notable change from the previous years, show that despite the relatively stable and (formally) enabling environment, CSOs in the countries across the region operated in a state of prolonged crisis environment and continuous political instability. Numerous challenges and restrictions have been noted in practice, as well as insecurities and instabilities that continuously challenge their skillfulness and capacities for influence as societal change actors.

The continuous attacks and threats over the basic freedoms and the deteriorating relations between civil society and public institutions have been continuously noted over several years of monitoring, affecting the overall environment for civil society. The implementation of standards of freedom of association, assembly and expression is a continuous major challenge, further amplified following the state measures undertaken in combating COVID-19, and most severely pronounced in Serbia and Bosnia and Herzegovina. Fiscal treatment of CSOs and donors is still problematic in the countries throughout the region, with complex VAT exemptions and tax incentives for individual and corporate giving being insufficient. Financial state support to CSOs lacks a comprehensive scope of all the elements related to sustainable and viable CSO operations, straightforward legislative clarity and practical implementation. The legislative frameworks remain short of a strategic approach for regulating, facilitating and stimulating both employment and volunteering in CSOs, and recognizing the specific nature of CSO operation.

In 2012, BCSDN developed the first [Monitoring Matrix on Enabling Environment for Civil Society Development](#), defining the main principles and standards that comprise an environment that is considered enabling for the operations and development of CSOs in the Western Balkan region and Turkey. The principles, standards and indicators take into consideration internationally guaranteed freedoms and rights and best regulatory practices at the European Union level. The MM covers 3 areas divided in 9 sub-areas: 1) Basic Legal Guarantees to Freedoms (Freedom of association, assembly and expression); 2) Framework for CSO's Financial Viability and Sustainability (Tax regime, state funding and human resources); 3) Government-CSO Relationship (Framework for cooperation, involvement in decision-making & service provision). As a research tool for measuring the health of the legal, regulatory, and financial CSO environment, the Matrix aims to respond to the need of CSOs to have evidence-based research products and capacities to advocate for policy changes towards a more enabling CSO environment. The research conducted also aims to provide for shadow reporting on the enabling environment and influence Enlargement policy and funding support towards sustainable and strategic CSO development. Annual research findings and policy recommendations are published on www.monitoringmatrix.net

[The Guidelines for EU Support to Civil Society in Enlargement Countries](#) are an EU instrument that monitors the civic space, the cooperation between governments and civil society, and the capacities of civil society. The Guidelines have put forward a clear and coherent roadmap of objectives and indicators telling us where countries stand and where they need to improve to advance in fulfilling the Political criteria for EU accession. Although not a formal document, they have been used by the DG NEAR – to some extent – as a framework for monitoring and reporting on each candidate country’s progress in this area, via the EC Annual Country Reports. In addition, they are also used to inform the EU’s programming of the IPA Civil Society Facility (CSF), strengthening the evidence base about what works, what the priorities should be, and how effective the CSF is. Following the first set of the Guidelines adopted in 2014, the new Guidelines 2021-2027 are more rooted in international law, international and European standards. The Guidelines have the potential to be used as a diplomatic tool for membership negotiations, as they monitor standards to which the governments are already obliged, providing transparency to the whole process. Unfortunately, the EC has so far failed to use the Guidelines as a political tool embedded in the EU integration policy framework.

In parallel with the shrinking of civic space, for years now, we have been witnessing a downward trend in the cooperation between civil society and public institutions throughout the region. Given the current external circumstances – including the Covid-19 pandemic and its effects, as well as the new economic crisis, this trend is expected to continue. In this area, we again note a formalized, regulated relationship through strategic documents, institutions/mechanisms for cooperation and legislation that governs the inclusion of CSOs in the political, policy and decision-making processes. Nonetheless, genuine collaboration is lacking in all countries in the WB region. National-level mechanisms for development and cooperation with civil society have been established in all countries of the Western Balkans, but when it comes to practice, their effectiveness and functioning have been unsatisfactory. There is a notable absence of quality dialogue between civil society and policymakers, and very low inclusion and influence of CSOs in these processes. Due to the focus on quantitative criteria, a trend of faking public participation and debates with GONGOs has been observed. CSO representation in cross-sector bodies in most of the countries in the region is not adequately regulated and thus, such practice happens sporadically and only formally. Policymakers throughout the region seem to lack understanding of not only the way that CSOs operate, but even more importantly the role of civil society and its importance. This, in fact, is the main precondition for ensuring their public support and adequate financing for CSOs – both those engaged in service provision and those engaged in watchdog activities and advocacy.

A significant development on the global policy level is the adoption of the [OECD DAC recommendation on Enabling Civil Society in Development Co-operation and Humanitarian Assistance](#). The Recommendation aims to support DAC members, donors and other development cooperation and humanitarian assistance providers to enhance how they approach civic space and work with civil society actors, highlighting that they should also improve their effectiveness, transparency, and accountability. It addresses three correlated pillars: 1) respecting, protecting, and promoting civic space; 2) supporting and engaging with civil society; and 3) incentivizing CSO effectiveness, transparency, and accountability. The Recommendation, signed by several OECD DAC countries, reaffirms the commitment and engagement to support civil society to be operating in a meaningful operating environment – legal framework and having fundamental rights being respected, and CSOs doing their own homework on accountability to reestablish the trust of citizens.

THE IMPACT OF COVID-19 ON WB CIVIL SOCIETY

The Covid-19 pandemic has brought about a calamity that will likely shake up institutions and societies permanently. Causing much more than a health crisis, the new coronavirus has led to grave economic and social disruptions, but also a heightened crisis of democracy, which is becoming more and more visible in the Balkan region. Fighting the pandemic has tested the health and legal systems of all countries, but also the democratic capacities of institutions. States were forced to take the strictest measures to limit the further spread of the disease, even restricting some of the guaranteed human rights, having discretionary powers under the state of emergency.

In these unprecedented times, states often take steps that human rights activists see as curtailing civil liberties, such as increased surveillance, curfews, restrictions on gatherings, or limiting freedom of expression. The measures undertaken in such a situation must be proportionate to the threat they are addressing and are in accordance with national constitutions and international standards and conventions. Addressing the threat must be done following the principles of democracy, the rule of law and respect for human rights, and it must include a specified time limit and parliamentary oversight. Yet, government measures in the Western Balkans have not necessarily passed this test, as they prevent citizens to fully take part in civil society.

Civil society in the Balkans has been facing many uncertainties and difficulties brought about by the Covid-19 crisis. CSOs have been adjusting their operations and priorities to respond adequately to the emergency situation and meet their goals, all the while struggling with funding and support available from the states and the donors. Despite the experience of many CSOs in providing services necessary in crisis response, or the expertise in areas affected by the state of emergency and the measures enacted, in most cases, CSOs have not been included in the national coordinated crisis responses, and even less in the consultations or decision-making processes and crisis bodies.

Still, driven by self-initiative, CSOs have contributed significantly to filling the gaps and responding to the increased needs of citizens, especially to the most vulnerable and marginalized groups. Even without governments' acknowledgement or economic support measures, CSOs have proved they can be a relevant and irreplaceable partner to the state in such unprecedented times. Having this in mind, the role of donors as partners and supporters of civil society is even more essential both in ensuring its sustainability and supporting the CSOs' efforts and shifted priorities. Now, more than ever, it is necessary for CSOs and the whole society to work together and across sectors, to support and complement as much as possible the efforts of public authorities, the private sector, academia, media and every other actor in mitigating the negative effects of the Covid-19 outbreak.

BCSDN and its partners in the WB6 countries monitored the impact of COVID-19 on civil society and gathered information on the changing role of CSOs and the ways of working during 2020 and 2021. Based on the framework of the Monitoring Matrix, applied through the lens of COVID, BCSDN members monitored and reported on changes in the legal environment prompted by the pandemic, restrictions on the basic freedoms, the state support to CSO as potential means of mitigating the effects of the pandemic, the involvement of CSOs in the decision-making and the crisis response, as well as the state of civil society including the changing CSO needs and actions, and the potential changes in the donors' responses. The information collected feeds into BCSDN's [online Balkan Civic Practices](#) platform dedicated to the CSOs' efforts concerning the corona-crisis. The BCP online platform has been regularly updated since the beginning of the pandemic, and this update ensured that relevant and timely information is provided for all WB countries covering the period until the end of 2021, aiming to provide an overview of responses and examples we could all learn from.



CSO RESPONSES TO THE PANDEMIC: BEST PRACTICES

The pandemic prompted CSOs to navigate their activities towards helping the most vulnerable groups of people in the communities they serve, but also to advocate and affect some of the measures taken by the state. Showcasing their resilience and ability to adapt, CSOs continued working in a hybrid mode by using different platforms to communicate and cooperate with their partners, target groups/beneficiaries and towards their stakeholders in achieving their mission. Many examples of CSOs' good practices in policy and advocacy, responding to the basic needs of constituencies, community mobilization and other transformative actions have been identified throughout this period.

The examples provided below are excerpts from the country-based case studies on Covid-19 impact in the region, prepared as part of the project "Fostering regional cooperation & policy responses in time of crises", funded by the Balkan Trust for Democracy, and implemented by Partners Albania for Change and Development, in cooperation with Centre for Civic Initiatives (CCI, Bosnia and Herzegovina), Centre for Development of NGOs (CRNVO, Montenegro), Civic Initiatives (CI, Serbia), Kosovar Civil Society Foundation (KCSF, Kosovo) and Macedonian Centre for International Cooperation (MCIC, North Macedonia).

Policy & Advocacy

A group of 30 NPOs in **Albania** showed a strong **joint stand** against the proposed amendments to the Criminal Code that included fines and imprisonment sentences of up to 15 years for violating quarantine and curfews imposed under the state of emergency. A public statement was addressed to the Assembly of Albania, also supported by the Ombudsman, requesting to overturn the proposed amendments due to violating the Constitution and the basic rights and freedoms of citizens. Revised changes to the Criminal Code were **approved** only after their harmonization with the constitutionally guaranteed human rights, although considered by the Venice Commission as unnecessary.

CSOs in **Kosovo** were successful in their advocacy efforts regarding the implementation of the Ministry of Finance Fiscal Emergency Package. Although initially, this package targeted only the private sector, the Kosovar Civil Society Foundation successfully advocated for the inclusion of CSOs in the assistance package to alleviate damages during the coronavirus crisis. Later, due to the advocacy of the Coalition of NGOs for child protection, several socially vulnerable groups, such as children with disabilities and their families, housing for children without parental care and family housing in alternative housing families, were also included in the package.

The Human Rights Action from Podgorica **analyzed and reported** on the deprivation of liberty and prosecution of individuals in **Montenegro** for publishing rumors about coronavirus on social media, as well as the publication of names and addresses of over 2000 people who were subject to self-isolation due to their risk of Covid-19 infection. The case of publication of personal data provoked a strong reaction in the civil sector, resulting in the removal of the data. Further on, a court decision in favour of the citizens who had their right to privacy violated.

In **North Macedonia**, the Association for Emancipation, Solidarity and Equality of Women (ESE) **demanding** the government to amend the Decree for implementing the Law on Social Protection during a state of emergency. This request was answered positively by the state institutions with the adoption of new criteria for exercising the right to guaranteed minimum assistance. ESE also successfully **advocated** for the Ministry of Labor and Social Policy to undertake specific activities to overcome the crisis situation in the municipality of Suto Orizari, housing a significant population of vulnerable groups, many of the Roma community.

Responding to Basic Constituency Needs

The NGO **Nisma për Ndryshim Shoqëror** from **Albania**, as part of their “House of Colors” center for children at risk, introduced “The Friendly Quarantine Diary” - a distance e-learning programme which could reach out to each family, offering them an interactive tool to apply with their children. As part of this new service, children were given their own notebook where they could verbalize thoughts, feelings and emotions by drawing, playing or writing. Daily activities were shared with parents through the online interfaces and secure communication channels, which not only allowed for continuance of the center’s programs, but also the sharing of children’s purest emotions.

An interesting and unique example of cooperation between CSOs and the government in **Bosnia and Herzegovina** is the introduction of a “Blue Phone” for providing psychological support for protecting citizens’ mental health during the Covid-19 crisis. Combining the resources of the CSO “New Generation” from Banja Luka, the Association of Psychologists of Republika Srpska (RS), and the RS Ministry of Education and Culture, the public was provided with easily accessible psychological support (11 psychotherapists). The **campaign** promoting the service was organized under the slogan “You Are Not Alone” covering the entire BiH territory.

Responding to Basic Constituency Needs

In light of the protective mask shortage in **Montenegro** during the Covid-19 outbreak, several initiatives aiming to provide the masks to the citizens were realized. One such effort was made by NGO Mare Mare from Herceg Novi, whose members created and donated homemade protective face masks to the orphans of the Bijela orphanage. Another notable initiative was organized by ND Vijesti and supported by the Delegation of EU by distributing reusable, locally-made face masks with every daily newspaper in the country.

In **North Macedonia**, **Food for all - Food Bank MK**, in 2020, managed to collect and distribute over 280 tons of food and over 8 tons of hygiene items to the poor and socially disadvantaged citizens. On a monthly basis, the organization provides food for 1000 to 1100 families or about 2500 to 3000 persons. About 300 persons from 11 towns in the country are provided with meals daily. In May 2021, Food Bank MK and other local organizations organized the caravan *Standing together against COVID-19 and hunger*, distributing over 25 tons of food and disinfectants to over 5300 citizens in about 20 towns in the country.

Community Mobilization and Other Transformative Actions

The local association “We Share the Sun” from **Bosnia and Herzegovina**, which brings together children with special needs and their parents in a day centre in Trebinje, had to stop all its activities because of the anti-Covid measures. To continue their services and work with the community, they turned their workshop into a small operation for **producing protective face masks**, when these masks were unavailable on the market. Working hard, night and day, they made and distributed 1.000 face masks in the first week.

During the pandemic, the Rural Coalition from **North Macedonia**, working on improving the conditions in rural areas for establishing sustainable family farms, **created the first virtual rural women's E-marketplace**. Over 100 women on this platform promoted their products during Covid-19. In March 2021, Rural Coalition started working with the population in rural areas to increase their digital skills and use of available government e-services. Furthermore, the first **platform for e-agricultural services** was created and further expanded through cooperation with the municipalities to increase the availability of e-services at the local level.

In **Serbia**, a successful campaign was directed at securing urgent help for persons in danger due to COVID-19 in Novi Pazar, Tutin and Sjenica, which raised RSD2.537.833 on the “donacije.rs” portal. The campaign the alarming data on how many people were infected and died because of COVID-19 in Novi Pazar, Tutin and Sjenica. It is further explained that hospital capacities were full and that the lack of medical equipment and expert personnel suggested that the increase in the numbers of persons in danger of COVID-19 could not be controlled. Moreover, fear spread among citizens after the city administration announced a call for urgent purchasing of medical equipment, including tin coffins and burial sacks, which prompted even higher support for the fundraising campaign.



THREATS TO THE CIVIC SPACES

The global trend of shrinking civic space has been evident for years now, only exacerbated by the Covid-19 pandemic. Governments misused restrictions on legitimate civil society actions and basic human rights in the name of preserving public health, having discretionary powers under the state of emergency. But many of these restrictions have lingered way past the state of emergency periods, and governments have continued using different tactics to suppress critical voices and impede their work, often afraid of the potential of civil society to mobilize people and to use new opportunities and technologies more effectively than the conservative political elites. The Monitoring Matrix research highlights several trends and tactics used in the Western Balkans that contribute to the shrinking of the civic space and threaten the fundamental rights and freedoms. It has been noted many times how these trends – and especially the negative ones – spill over easily from one country to another in the WB region. Yet, wider trends, namely the ones noted in the European Union, are no less important. While the Western Balkans turns to the EU for best practices and solutions, we must equally pay attention to the challenges CSOs in the EU face too and learn from them. Many of these trends and challenges are evidently present both in EU and the Western Balkans, and lessons learned can be shared cross borders.

TRENDS IN THE WESTERN BALKAN REGION

In the past couple of years, most severe violations have been reported in Serbia and Bosnia and Herzegovina, while many cases of obstructions have been noted in all of the countries. Within the pandemic, many countries introduced or drafted new laws and specific measures restricting *freedom of peaceful assembly*. What is of particular concern is that, despite the decrease in the number of public gatherings, numerous detentions and arrests of participants, as well as cases of excessive use of force by the police, and even police brutality, have been recorded. With regards to *freedom of expression*, attacks on activists, media and journalists continued, alongside weak judicial protection and high impunity of violence, which has been a persistent regional issue. In practice, restrictions to freedom of expression remain to be especially severe in Serbia, with an **alarming rate of new SLAPP cases** being initiated by public officials or private companies affiliated to them.

In the regional context, it is becoming more often that **Strategic Lawsuits against Public Participation** (SLAPPs) are initiated by public officials or their proxies, misusing the resources and mandate of the public institutions as acts of retaliation against activists that fight for the public interest and for keeping the public institutions accountable. In countries where rule of law is not enforced, judges and prosecutors rarely go against those in power to protect SLAPP victims. In such a context, policy solutions have a limited effect, and mechanisms to prevent SLAPPs are limited to raising awareness, providing legal aid and initiating crowdfunding opportunities for protection of the victims. In Kosovo, the perspective of working with lawyers and judges to prevent SLAPPs has been recently emphasized, as lawyers and judges are trained to identify SLAPPs elements before the cases are put in the system, showing a proactive approach to dealing with SLAPPs.

The issue of **GONGOs and PONGOs** remains in Bosnia and Herzegovina and Serbia, visible in the misuse of public funds and taking over the public discourse. In these countries, independent CSOs have increasingly been a target of media smears, hostility and labelling. Finally, new anti-money laundering regulations have challenged the freedom of association and brought additional challenges for CSOs daily functioning, due to a lack of understanding of the way CSOs operate. The AML/CFT developments have been misused to a great extent in Serbia, paving the way for serious administrative pressures as well as invasive financial investigations, whose result was publicly smearing CSOs as foreign mercenaries and building a negative narrative around the sector.

SLAPP lawsuits targeting civic activists and local media/journalists, as a mass phenomenon, have risen in Serbia during the past year, and civil society has been put in a position to defend, raise awareness and build solidarity around the cases. As one of the particular cases, in April 21, the company "Millennium Team" filed lawsuits against 11 media for reporting from the press conference of the opposition People's Party, where officials stated that the government enabled this company to attain several facilities below market price. The company demanded damages of 100 and 200 thousand EUR per case from the media. In another case, the acting Director of the General Hospital in Novi Pazar filed 37 private lawsuits for reputational damage against activists and fellow doctors who criticized his actions during the pandemic. A further worrying example of this trend are the lawsuits filed by private investors against the activists of the CSOs "Let's Defend the Forests of Fruška Gora" and "Fruškać", who not only demand high financial compensation, but also a one-year prison sentence for one of the CSO representatives for the criminal offense of "damaging of business reputation and credit rating".

In July 2020, the Administration for the Prevention of Money Laundering and Terrorist Financing (APML) sent an official request to all commercial banks in Serbia to turn over information on all foreign and domestic currency bank accounts belonging to and transactions undertaken by 57 organizations and individuals, including human rights defenders, watchdog organizations, investigative media and individual journalists and activists. This type of institutional pressure, known in Serbia as "**The List case**" caused great non-material and reputational damage to Serbian civil society, especially given the dominant narrative against this sector in recent decades. This legally unfounded act by the Administration was sharply criticized by the domestic and international public; with the **FATE statement** confirming that Serbia had no basis for conducting such checks, and that the Administration's actions violated the basic principles of the fight against terrorist financing and money laundering. In response to an appeal by the targeted CSOs, on 11 November 2020, the United Nations Special Rapporteurs issued a **statement** outlining that the State of Serbia had abused its anti-money laundering and anti-terrorist financing mechanism to intimidate and restrict the work of civil society and human rights defenders and stifle criticism of the authorities.

Far-right activists and viewpoint activities have not skipped the region. On the contrary, it seems like the movement has found its allies in the Western Balkan countries, showing a worrying trend of the **rise of far-right narratives'** presence in the public space. In the passing year, we have been witnessing the contamination of the civic space with those narratives and creating an unsafe environment, especially for victims of the past and civic rights activists. As stated in the **report** titled Violent Right-Wing Extremism in the Western Balkans states, the Western Balkans have numerous risk factors that can be related to right-wing extremism (RWE), such as unresolved identity-related issues, conflicting historical and governance issues, in some cases difficult transition to a fully accomplished democracy, frozen conflict, and administrative dysfunctionality. Yet, knowledge about RWE in the Western Balkans has been scattered and unorganized.

The **Russian influence** in the Western Balkans has become even more notable since the start of the Russian aggression towards Ukraine. Russia's strong historical ties with the Western Balkans hold a **relative soft power** that has both political and economic influence, but also has played a significant role in the disinformation propaganda framed to tackle the pro-EU narratives. Postponing the admission to the EU of the countries of the Western Balkans exponentially increases the risk of strengthening Russian influence in the region. The window of opportunity for seizing the popular support of the Western Balkans lies in the fact that although Russia views the Balkans as its traditional sphere of influence, it does not have a long-term strategy for the development of relations with the region, but its advantages are seen in flexible actions and swift decisions.

With the closing of "offline" civic spaces due to the pandemic, CSOs and citizens increasingly started exploring the online spaces for exercising their basic freedoms. The **digital space** as a civic space, however, is still not enabling and adequately regulated in the Western Balkans. In fact, it presents a ground for easy spreading of **fake news and disinformation**, including negative campaigns against CSOs, activists and political opponents. Certain incidents related to excessive **hate speech** in the region have encouraged the OHCHR to issue an official press on the uprising of hate speech in Western Balkans. The hate speech phenomenon, including increased **gender-based violence** on the internet, enabled by the improper implementation of the law through the countries of the region, remains a challenge to the same extent as in previous years.

While **digitalization** offers many opportunities, it progresses faster than the provision of related protections and the enjoyment of digital rights, so civil society is yet to find its way through the restrictions and threats. Monitoring online civic space and activity is a real challenge, especially since these online spaces can be closed for the wider public due to fear of repercussions. Therefore, to improve the understanding and insight in these communities, and but also ensure the freedom to open them up, minimum standards of protection that the states in the region should assure for these online spaces are necessary. CSOs in the region must lead the discussions on how we can both define and measure these standards, to enable safe online spaces for civil society activism.

TRENDS IN THE EUROPEAN UNION

In the EU, shrinking civic space has been noted on different levels - from unintentional administrative obstacles to deliberate attacks against the very existence of civil society and its representatives. These issues have been reported in detail in the yearly rule of law report by Liberties, which covers 16 countries in the EU with a focus on civic space. The report distinguishes among the following trends

SMEAR CAMPAIGNS, as the most visible forms of direct attacks against CSOs, take place only in former communist countries (Bulgaria, Romania, Croatia, Slovenia, Hungary and Poland). The motivation behind these is rather common among politicians in these countries, such as: creating a divided society by building on people's fears and negative emotions, silencing critics and scapegoating CSOs, shifting attention from other important issues of public interest, etc.

HOSTILE REGULATORY FRAMEWORKS, with the main difference among countries where governments deliberately attack CSOs (e.g. Romania, Hungary, Poland, by adopting new legislation that directly targets CSOs) and those where existing opportunities (e.g. the outdated Charity Law in Germany or the new national values in France) are used to more subtly go against CSOs or are the reason for new challenges faced by CSOs as a side product of a wider political agenda.

CRIMINAL HARASSMENT AND INTIMIDATION OF DIFFERENT GROUPS,

such as LGBTQ+, refugees, environment activists, journalists or other, especially through the increased initiation of Strategic Lawsuits Against Public Participation (SLAPP) cases. Only in Croatia, in 2022, there are over 900 active potential SLAPP cases identified against journalists and activists. Currently, the EU is working on a SLAPP directive, which is a crucial first step forward in the fight against abusive lawsuits against public watchdogs in Europe. It will focus on civil cases, not including libel and defamation from a criminal law perspective, but will serve to provide a more positive framework to the whole problem.

[Liberties](#) (Civil Liberties Union for Europe) is a network of national level human rights watchdog organizations in the 18 countries across the EU, established in 2017 to that safeguards the human rights of everyone in the European Union. The areas of work include: tech and rights, democracy and justice, and EU watch. Liberties' annual publishes its review of the rule of law, democracy and fundamental rights in the EU. The [Rule of Law 2022 report](#), an independent piece of analysis built on information contributed by 32 rights groups across the EU, responds to the Commission's request for information as it prepares its next annual audit of the rule of law. The report finds the broad trends among 17 EU countries.

LIMITED OR POLITICALLY BIASED FUNDING is reported in a wide range of countries, even in those where CSOs can enjoy state funding. Organizations continuously stress the importance of stable, core funding instead of project funding, as crucial for enabling CSOs, especially watchdogs, to promptly and effectively react to arising problems.

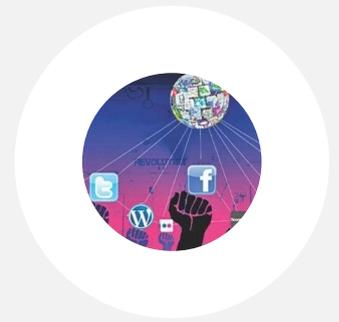
RESTRICTIONS TO ACCESS TO INFORMATION have seriously increased in the EU, especially since the Covid-19 measures provided a good framework for governments to continue the practice of delays and increased deadlines for answering to Freedom of Information requests (e.g. Italy, Romania, Hungary, Austria).

EXCLUSION FROM PUBLIC CONSULTATIONS has been noted in many countries, even in those considered as most supportive of civil society participation, such as the Netherlands. Many complaints are being raised about how CSOs cannot effectively take part in policy making.

It is evident that CSOs face diverse challenges across the Union. The Fundamental Rights Agency, and EU Agency mandated with promoting and protecting fundamental rights across the EU, is collecting tremendous knowledge and information on all these challenges, published within its yearly Fundamental Rights report and the report on Protecting civic space in the EU. The latter outlines relevant legal and policy developments that have an impact on activities of CSOs working on human rights across the EU, as well as relevant promising and worrying practices. Another important report is the annual Rule of Law report by the European Commission, which assesses the health of democracy of each member state, and provides an overview of the rule of law situation in the bloc. While it not always focuses systematically on shrinking civic space, it gives an opportunity to raise related issues, and further promotes the importance of EU's Rule of Law mechanism.

However, although all this work serves the purpose of promoting a more positive working environment for civil society, neither the European Commission, the Fundamental Rights Agency (FRA), or any other EU bodies ever “name and shame” Member States, or even EU candidates, and seem to avoid taking concrete actions even in the most worrying cases. Mechanisms to prevent democratic backsliding in EU countries are sometimes weaker than in candidate countries, and serious additional efforts are needed to improve this. Several recent developments seem to take this in a positive direction, such as the development of a European Civil Society Strategy, or the European Parliament **legislative initiative resolution** from February 2022, with recommendations to the European Commission to harmonize the status of non-profits throughout the EU and establish a statute for European association. To this end, the European Commission in August launched a public consultation on establishing a **single market for associations**.

All these developments help civil society by presenting a more fresh and positive narrative of CSOs, improving the monitoring and reporting on civic space issues, and aiming to provide more supportive regulatory framework and environment that ensure democratic societies within the EU and beyond its borders. Nonetheless, the EU does not have the capacity to fully solve all negative trends and challenges, neither within the bloc or beyond its borders. Therefore, it is important that civil society builds its capacities and empowers itself to address these challenges by different means.



EXPLORING NEW CIVIC SPACES

While the trend of digital transformation has been present for several years now, the pandemic significantly fast-forwarded the process of changing the way we work and communicate both offline and online. The impossibility of citizens to assemble and associate in the traditional way, opened new spaces for online activism and offered alternatives for participation in public processes. Yet, there is much more we can still learn and do to effectively use the potential of the “digitalization” – from better adapting and digitalizing our work, to using different digital tools and opportunities to improve the engagement of citizens for the public good. At the same time, we must be mindful of the threats and challenges to these processes, as well as the importance of ensuring human connection through it all.

The multiple challenges civil society faced as the world shut down due to the pandemic prompted many CSOs to digitally transform their work and find new avenues for reaching their constituency. This has been especially difficult for organizations that work primarily “on the field” and directly with local and vulnerable communities and that had to start working remotely. This process of **digital transformation** for many CSOs requires internal development and adaptation through learning new digital skills, analyzing the organization’s capacities and revising the strategies and approaches towards its constituencies and stakeholders. While this for many is not an easy process, especially when available and limited funds are intended to support project activities and not the organization’s lifeline, the ones that managed to go through this process have confirmed how it has strengthened their capacities, functioning and resilience in times of crisis.

The Balkan Network for Local Democracy is one of the successful examples of efficiently adjusting its work digitally, providing staff with new tools and skills to reach and stay close to the citizens, as well as for strengthening its work at the regional level by acting closely together. With the continuous donor support, in the past two years, BNLD created an **online community platform** for their stakeholders, resource hub tools and several digital applications. This has enabled their constituencies to remain informed and engaged, integrating multiple ways to engage citizens, especially youth, by creating online tools and games with an educational purpose, interactive books, an informative webpage for regular information, etc. But while the online space has become the central hub for information and discussion during this period, it also highlighted the importance of ensuring that the personal aspect of contact and communication remains central to their – and wider civil society’s – activities.

The Balkan Network for Local

Democracy (BNLD) is a regional network promoting active citizen participation, democratic governance principles, local development and co-operation between CSOs and local public authorities in the Western Balkan Region. According to BNLD, strengthening the local democracy, through empowering authorities, civil society groups and citizens to work together to solve the local problems and shape the future, is a key factor for democratic transition, stabilization and development. BNLD stays committed to local democracy development, good governance principles and getting the EU integration closer to citizens in local communities across the Western Balkans.

Zelen Human Grad (Green Humane City

is a network uniting 20+ eco activist organizations, whose goal is to ensure better citizen representation in the local institutions' policies and progressive institutional transformation in the direction of the transfer of power from the political and business elite to the citizens. After years of organizing protests, guerilla actions and community activities to push for a change in society with very few results, Zelen Human Grad started focusing on using web and mobile applications to get a wider group of citizens more interested and involved in issues of public interest, and to support them to take a more active role. As changes on the local policy level were hard to obtain despite the increased engagement, Zelen Human Grad representatives decided to run for local election and won two seats as independent representatives to the Council. This has allowed for a different way of communication, including the use of digital tools to extend what is going on in the city council.

Now, more than ever, we see the importance of inclusivity and openness of both CSOs and public institutions and to create more and different spaces for citizens to have an active role in the public debates and policy making processes. There are several positive examples in the region of using digital tools and **innovative approaches to better involve citizens in the decision-making** bodies and processes, such as the MojGrad portal developed by Zelen Human Grad in North Macedonia and the Gradimo Mostar Citizens Assembly - a new tool for deliberative democracy implemented in Mostar, Bosnia and Herzegovina.

The MojGrad Portal (MyCity) is a project of the Zelen Human Grad initiative in North Macedonia, which has been using digital tools and spaces to get people informed and connected, and to increase their options to inform and participate in the work of the Skopje City Council. Through the portal, any citizen can submit their ideas and get support through the votes of the community. Most voted ideas are presented at each Council meeting by the two independent Council members – ZHG representatives, who decided to run for local elections in 2021 and got the opportunity to influence the work of the Council from inside. Later, they ensured the recording and livestreaming the Council meetings, sharing documents via email and publishing them on the platform, thus enabling citizens to have a better overview and directly comment their opinions and suggestions. Digitalizing the work of the Council in this sense, offers many citizens the option to be better informed what the Council is doing and get more actively involved. Having in mind that, traditionally, Council meetings often take place behind closed doors and are not open to the public as much as they should be, ZHG strives to ensure two-way communication (getting ideas from the community and bringing back information from the Council) and act as a bridge between the citizens and the Council. Concrete results and realization of the citizen's ideas and suggestions, however, are yet to be seen.

On the other hand, the **Citizens' Assembly in Mostar** directly engaged citizens in a complex decision-making process of deliberative democracy, which lasted around nine months and ended in all 32 recommendations submitted by the citizens being adopted by the City Council. In July 2021, the Congress of Local and Regional Authorities of the Council of Europe commissioned and successfully organized the Citizens' Assembly for the first time in Bosnia and Herzegovina and South-East Europe. The **digital deliberative democracy** process included random selection of citizens representing the demographic composition of the city which meet over four consecutive weeks to learn about, discuss, and deliberate on how the cleanliness of public spaces can be improved. This topic was chosen as a pressing issue of common interest for the city following online consultations with citizens, civil society, academics and representatives of the City council and public administration. After learning more about the topic from experts, as well as positive experiences shared from other cities in the region, citizens deliberated with facilitators to prepare recommendations, to which they later got feedback also from the mayor, administration representatives and all political parties in the city council. The success of the process can be seen with the unanimous adoption of the citizen's recommendation, and is widely considered to have happened due to the high inclusivity and transparency of the process, and continuous communication with all stakeholders involved from the very beginning. While the process heavily relies on the digital platform, it confirms that a hybrid model is very effective, as long as such processes do not exclude citizens who have no access to internet.

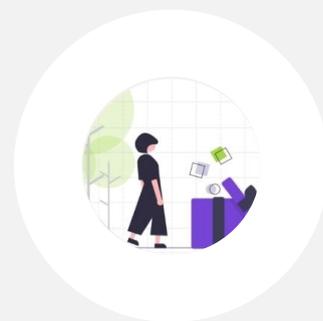
Digital deliberative democracy is a popular tool used in Europe that complements the existing representative democracy in our societies. Mostar pioneered the approach of deliberative democracy in the region, not only because of the complicated composition with constituent and non-constituent ethnicities but also because the city had no elections and was operating without a City Council for a period of 8 years, with an acting mayor, illustrating a process with no legitimacy and impossibility for crucial decisions to be taken on a local level. After the electoral law amendments took in December 2020, it was decided to include citizens in the decision-making process through a deliberative process, represented by a citizens' assembly. The deliberation model in the Mostar case consisted of three phases: the learning phase, the deliberation phase, and recommendations. The model was characterized by selecting citizens' representatives by a public lottery in which 48 citizens were chosen to represent the public interest. The process was confirmed to serve as a useful method for policymaking in the City of Mostar. This case also demonstrates how the failure of one way of representation due to a lack of elections could inspire an alternative way of decision-making and citizens participation.

Recent information by the **ICEDA project** show that, in the region, internet penetration in rural areas is no more than 70% and in urban households around 80%. The Covid-19 pandemic was a spark for increased use of public e-services (in fact, the health certificates were the first e-services used by many citizens), but the increased availability of internet and e-services has opened new questions and areas of improvement, in order to maximize the potential of this digitalization. The ICEDA project, aimed to **increase the engagement of CSOs in the shaping and implementation of the Digital Agenda** in the Western Balkans, notes that in the process of increasing civic engagement, both the government and civil society, including citizens, have a role to play. The governments must ensure improved quality and effectiveness of these services, with cybersecurity, privacy and data protection measures taken into consideration, as well as building the system and HR capacities for providing e-services. While citizens must put efforts in improving their digital literacy, CSOs can support these efforts and assist citizens in accessing and regularly using e-services. The digitalization of public services, and the work of the public institutions overall, implies the need for much greater transparency on behalf of the government. The lack of public data infringes citizens engagement, so civil society must mobilize to ensure increased availability of public information. To that end, civil society must also work inter-sectionally and make coalitions outside of the sector (e.g. with IT community members, lawyers, media, etc.) to create or support open data platforms where the abundance of publicly available data can be systematized, explained, and put into use for both CSOs and citizens to monitor and produce policy ideas on issues of public interest.

In this new digital environment, citizens need **access to meaningful information** in order to be able to exercise their civic role, and to support this engagement digital tools are needed to make sense out of the extensive data available. Civil society has a great role to play in the development of these tools, as well as in their promotion – to bring all these issues closer to the citizens’ understanding and interest in the first place. This, however, requires a much stronger connection between CSOs and citizens online but even more so offline. Better connection would rebuild the trust that, especially in this region, has been long undermined by the negative public narrative aimed toward CSOs, as one of the factors contributing to the trend of shrinking civic space in the Western Balkans, addressed in the next chapter.

SUPPORT TO CIVIL SOCIETY IN CRISES: DONORS' PERSPECTIVES

Civil society has gone through a metamorphosis during the COVID-19 pandemic. Accepting the new circumstances while they were changing day by day, CSOs have found a way continuously evolve and shapeshift through time and space(s) towards their strategic goals. While discussing the CSOs' adaptability to the new reality, we cannot view it as an isolated process happening independently in a vacuum. The donor community has gone through at least an equally comprehensive transformation while trying to maintain the pursuit of its goals. Since CSOs and donors are part of the same indivisible ecosystem, it is highly important to always take each others' perspective into account.



“ Due to its broad definition of priorities and flexibility, BTD managed to integrate all of these priorities that arose during the crisis into its regular programmes. There was no specific need for changing operations or any other comprehensive measures, but we believe that this is due to the fact that we have been established as a very flexible mechanism, we have always been open for discussions and we have always been able to listen to the needs of the organizations.

Natasa Petrovic, BALKAN TRUST FOR DEMOCRACY

“ In the context of the Covid and Ukraine crises, there has been no reduction of funds planned for the CSO sector. We have this imperative to see how we can continue to meaningfully invest resources in civil society support in a context where the space for engagement is contested, the willingness of partner institutions to have meaningful dialogue is put into question.

Melina Papageorgiou, SWISS DEVELOPMENT COOPERATION

“ The Covid crisis demonstrates that the EU is open to change and be responsive, to hear from local actors with particular regard the CSOs which are really considered as key partners to the EU in how to deal with these emerging challenges and changing context in the best way for the sake of local populations and vulnerable groups. CSOs are really important in that regard and can play a crucial role in bringing social innovation, new forms of participation in promoting democracy.

Daniele Aloisi, DG NEAR

“ This is where I see the future value of TACSO – to take a more analytical view of the dynamics of civil society, understanding its systems, and - not necessarily ourselves - informing Brussels and other donors how to support and how to intervene in a system that will actually make civil society more resilient, more sustainable and more localized – driven within the region.

Richard Allen, EU TACSO 3

CORE PRIORITIES VS. FLEXIBILITY AND ADAPTABILITY

As circumstances change, different societal, economic and political developments are informing and influencing donors' strategies and practices, with similarities across the countries of the region. However, while at times some things have been prioritized in the name of others (e.g. focus on stability during conflict or economic crisis, or focus on philanthropy and community actions in response to floods or migration issues), most of the donors in the region have kept focused on their core priorities (e.g. democracy, civic engagement, human rights, reconciliation, etc.). A principal framework that is relatively broad gives just enough space for a donor to be able to respond to CSOs' and local communities' needs adequately. Moreover, it allows for prioritizing urgent matters without stepping much aside from their priorities or core values throughout the years of active involvement in society. At the same time, only those that have certain principles and practices already engrained in their work, such as flexibility, local ownership, understanding of the context and the local needs, as well as different mechanisms of support (instead of one-size-fits-all), have been able to adequately and rapidly respond to any crisis. Yet, even for rather rigid systems like the EU, Covid-19 brought about an urgency for learning and reprogramming to ensure the most rapid and effective response. Positively, the European Commission managed to keep all funds and regular programs already planned for civil society, while providing additional funds for the Covid-19 response and flexibility in their active programmes.

The donors' awareness and understanding that it is not always possible to implement the initially planned project and program activities in newly imposed conditions- especially in such a global crisis- provides room for adjustments to what CSOs are expected to deliver. This approach ensures no discontinuity in the support when it is most needed. The donors' willingness not to operate under rigid procedures and introduce new priorities into their long-term programs enables a more efficient donor response to any next crisis in the future based on flexible operating procedures. One of the most valued facilitators and enablers of dealing with the Covid-19 crisis regarding functional Donor-CSOs relations has been the efficient use of cyberspace and digital technologies. Through digital tools and online communication, the flexibility of the administrative procedures has been put to action, while maintaining regular and extended contact, exchange of information, and active involvement.

BUILDING DONOR-COMMUNITY RELATIONS

While considering each other's perspectives is significant for building sustainable and mutually beneficial relations, maintaining ongoing, in-depth conversations on the needs and expectations of both sides is essential for enabling growth and building long-lasting cooperation and resilient communities.

One of the aspects the community has been trying to overcome since the beginning of time is the sectoral bubble. The sectoral bubble makes it nearly impossible for new community members to fit into the existing system easily and properly. On the other hand, it makes the existing community somewhat incomprehensible and distant to the public – the same public that needs to be informed and involved in the change we are working towards. The environment is even harsher for newcomers due to the lack of access to systematized information regarding the donor community and obscure communication channels – often based solely on personal connections – that hinder matching donors and CSOs.

The skill gap in the changing generations in CSO causes an additional burden on the sustainability of the organizations, hence the sustainability of the whole sector. Although there have been many capacity-building-oriented programs over the last few decades that have significantly improved the overall state of the sector, capacity building cannot be viewed as a one-time activity, rather as a perpetual motion in a constant need of a re-do.

Naturally, funding is the most tangible aspect of the donor-CSO relations, and discussions are still needed on several aspects. Availability of long-term funding is an old and horizontal challenge that appears in the largest number of organizations, regardless of the thematic or geographical area of operation. Real change is difficult to realize and takes a long period of consistent efforts to see results, for which continuous support is needed instead of short-term projects. This is even more evident and necessary when progress has been made after certain risky steps have been undertaken, and urgently need a follow-up. Finally, limited access to funds due to increasingly limiting eligibility criteria has been raised as a concern. Provisions that obstruct CSOs from taking part in some calls due to previously receiving funding from the same donor but from another program, limit the space in which CSOs can raise funds without compromising priorities and values.

It is important to stress that, in the region, there has been a strong dependence of CSOs on foreign donors due to the lack of state support or additional, alternative sources of funding. In the WB6, this situation is sometimes overshadowing the connection that should be established between the CSOs and the public, rather than with the donors. Traditional use of donor language and jargon should be reversed by using storytelling and a more simple and appealing language aimed towards citizens, which is one way of overcoming the problems created by the dependence on donors. Finally, donor dependence is to be addressed by both sides. Donors should be more self-reflecting on what they do and how they work with CSOs, and CSOs to stay true to their missions, instead of actively shifting their priorities to fit the donors' calls, choosing to work with donors that match their interests and strategic priorities, and understand the core value of their work.

DONOR'S PERSPECTIVES OF CIVIL SOCIETY AND CIVIC SPACE IN THE REGION

The shrinking of civic space has been part of donors' and civil society discussions well before the pandemic hit. Internationally recognized human rights have been eroding for years as a result of democratic deficits, economic crises, the recent Covid-19 crisis, and most recently, the Ukraine war. These events have brought about increasingly divided societies, polarized narratives and disinformation – all putting strains on people's minds, but also on the effectiveness of civil society. Major democratic setbacks have been observed in the region and globally, leading not only to the shrinking of civic space, but also to this space being contested by different actors.

Organizations with less liberal ideals and agendas, often linked to governments or political parties, have become more vocal in the public space on the expense of CSOs with human-rights-oriented approaches. These unlike-minded groups are not only in the race for the same resources as the other group, but they also fight for the attention of the people and the public narrative, creating confusion for many citizens. This takes the disinformation challenge further and hinders the meaningful engagement of citizens and public trust in civil society. Donors should shift their approach to identifying and partnering strategically with allies who share similar values and could effectively contribute towards the common goal.

Constituency engagement is one of the main challenges identified by donors, but also greatly acknowledged by CSOs. The prevalent mistrust among citizens, or their lack of understanding about who is and what is the role of civil society, is still a challenge. The way CSOs should engage citizens more profoundly and raise public support for issues they work on, is seen by donors as the most prominent area for improvement on behalf of CSOs, as it is the key factor that determines the success of CSOs' action. Working more closely with the media and relying upon them to echo CSOs' messages and positively depicting the work of civil society is an important approach to building and maintaining people's trust in CSOs. However, while there is still a lack of involvement of citizens in the CSOs' efforts, at the same time, there is a lack of effort from the donors' community to engage the CSOs in the same manner expected from the CSOs to engage the citizens. Working closely with local organizations not only benefits the CSOs, but more importantly the local communities.

The recurrent crisis situations have had a deep impact on societies with visible effects on the economic situation (e.g. inflation, higher unemployment, poverty and exclusion) as well as on the political level (e.g. increased polarization and disinformation), with vulnerable groups being the most affected part of society, and many other challenges we are all yet to deal with. Donors have greatly acknowledged the crucial role of CSOs in identifying and responding to the needs of most vulnerable in any crisis, as well as their ability to learn and adapt rapidly to a changing reality. Still, they also acknowledge that CSOs are not only *not* given the space they deserve, but that there are actors with vested interests not to enable them have this space. In such a challenging context, it is up to civil society to fight for and gain spaces for action and impact by exploring new tools and opportunities and jointly overcoming the closing of civic space.

HOW TO OVERCOME THE CLOSING OF CIVIC SPACE TOGETHER



If CSOs are to fulfil a range of important public interest roles, an enabling operating environment for both online and offline is a necessary precondition for civil society to flourish. But CSOs are only one part of the civil society environment, along with activists, journalists, donors, corporate workers and officials, that have different but equally important roles in promoting the civic space. How shall we act together to ensure functional civic spaces and allow for innovation to take place? What are the different paths that come together in opening civic spaces? Before acting, we need to THINK and STRATEGIZE, but in order to act effectively we need to BUILD BRIDGES and ALLIANCES. And finally, we should never forget that some times it is important to simply STOP, RECOVER and START AGAIN - SMARTER.

THINK & STRATEGIZE

- ▶ **UNDERSTAND THE ECOSYSTEM BEYOND CIVIL SOCIETY**
- ▶ **DIAGNOSE THE CONTEXT AND BE SPECIFIC ABOUT THE STORIES YOU TELL**
- ▶ **CREATE ALLIANCES TO BUILD RESISTANCE AND RESILIENCE AND SOLIDARITY**

BUILD BRIDGES & ALLIANCES

- ▶ **COOPERATE WITH BOTH THE NATURAL ALLIES AND "UNUSUAL SUSPECTS"**
- ▶ **HARNESS THE POWER OF NARRATIVES AND VALUE-BASED COMMUNICATION**
- ▶ **ENGAGE YOUR CONSTITUENCY AND GET CLOSER TO THE COMMUNITIES**

THINK & STRATEGIZE

UNDERSTAND THE ECOSYSTEM BEYOND CIVIL SOCIETY

Civil society does not operate in a vacuum. There is a whole system around civil society that supports and enables (or the other way around) its operation and development. As previously discussed, it encompasses the donor community too, but it is not just where the money comes from – it is about where the people come from, the skills that they have, the attitudes of the public, the legal framework and wider the role of the government and the public institutions, etc. Only if we look at it from a systems-point of view, and deliberate how this system works, we would be able to see what can and needs to be changed. Understanding the eco-system will allow us to see which are the key elements at play in our country, how all the parts of this system could and should act together. Moreover, it makes our priorities for action much clearer. Using this knowledge to inform and strengthen the other parties' understanding about what is needed and what is important, could help us move towards an eco-system that is better functioning, enabling and self-sustaining.

DIAGNOSE THE CONTEXT AND BE SPECIFIC ABOUT THE STORIES YOU TELL

Informing and educating others about the civic space issues and challenges, requires a strong evidence base and sound, consistent monitoring. However, it is important that the research is very specific of the context, looking at restrictions more closely: who is doing the restriction (e.g. the government, parts of the government, anti-rights groups, political parties, businesses or others), who is being targeted and how. There are always some groups that are more under attack than others, and it will always be the hard cases that tell us most about the restrictions. Not everyone feels the restrictions and threats equally, and it is most often the more excluded groups or the ones that have the least power (e.g. environmental groups and activists who are “standing in the way” of economic development) or those articulating women or LGBTI+ rights, as they are challenging the conventional social status quo or the political parties that are defensive of social conservatism. Ultimately, most important for combating restrictions is not just providing a good analysis of what is happening, rather understanding why these restrictions are happenings and what are the drivers, agents and motivation behind them.

In the Western Balkans, the concept of “**state capture**” has been increasingly used to describe what is going on with civil society in the region. This concept explains that even though most of the legislation in the WB6 countries is quite good on paper, in practice, institutions and government systems are manipulated for the benefit of the few and not the public interest. The motivation behind it often is not just pure power, rather taking away resources through the government to control the market, to influence political competitions (e.g. free but not fair elections), to influence media and civil society and all the other elements to effectively capture the state. We must be able to understand the different phases of a captured state, and diagnose the stage that we are in, in order to shape our ambitions and identify the opportunities for action. From the initial phase of *autocratic attempt* (i.e. the aspiration to implement specific legislation changes for economic or political advantage), through the second stage of *autocratic breakthrough* (i.e. full disbalance between the three branches of power, when the executive power takes over the legislative and judiciary, most commonly through constitutional changes), up to the final stage of *autocratic consolidation* (when there are no independent civil society, academia or businesses left, and therefore no potential for alternatives to emerge and challenge the institutions), the scope of opportunities is much bigger in the initial phase, than in the third one where we are only left to defend what is left of civil society.

CSOs must do stronger research to go beyond the abstractness of shrinking civic space and drill down understand the dynamics and the interplay of civil society restrictions and civil society action. Eventually, this will show where do opportunities for action arise – around electoral shifts, changes of government, social or technological trends and developments, etc. Some success stories exist even when the civic space is restricted heavily. When making the case for civil society, we need to focus on the success stories and make stronger connections between issues of civic space and other issues. An obvious current example is climate change – the only reasons governments are acting on climate change (at least formally) is because of the pressures by civil society, which made this a priority issue on the streets, through courts and all means possible. But we rarely connect these two narratives and talk about civic space in the context of climate change, even though, eventually, no action on climate change will take place unless there is more open civic space and opportunities to put pressure on governments regarding this or any other issue.

A particular example of connecting the dots between climate crisis and shrinking of civic space is the transition minerals mining. Minerals like cobalt, copper, lithium, manganese, nickel and zinc are required in large quantities to produce renewable energy technologies – from wind turbines and solar panels to electric vehicles and battery storage. Demand for these minerals is expanding as companies race to produce the technology needed to support the energy transition. But mining companies' human rights due diligence is not keeping pace with expanding exploration, increasing the risk that the transition fuels further abuse in this already troubled sector. Communities and CSOs are bearing the brunt of the abuse, with almost 2/3 of all allegations concerning human rights abuses against them. Through the [Transition Minerals Tracker](#), since 2019 the Business and Human Rights Resource Center has been consistently tracking the human rights implications of the mineral boom powering the transition to a net-zero carbon economy. So far, unfortunately, it seems that this transition, instead of a positive power, can lead to even more abuses and attacks on civic space.

CREATE ALLIANCES TO BUILD RESISTANCE AND RESILIENCE AND SOLIDARITY

CSO coalitions and solidarity is likely the easiest and best response, especially on local level, as national or regional/international CSOs and coalitions raise these local issues on another level and draw attention to the problems they are facing. International networks offer a valuable access to new venues of advocacy and safe space to take action internationally (e.g. through UN special procedures, special mandate holders, or the Human Rights Council – despite all the flaws in these systems) to hold governments to account, knowing there are others behind you to help you spread your voice much further. Standing behind local civil society in larger numbers can be of great help for advocacy and putting pressure on the institutions to do what needs to be done. Moreover, it has a psychological effect on activists, as knowing they are not alone, makes them and their efforts more resilient.

Resistance and resilience depends on broad alliances, not just CSO networks. Broader and more dynamic civil society coalitions should be formed between more established and conventional civil society forms (e.g. CSOs, unions) and new emerging forms of civil society (e.g. young activists, grassroots, feminist groups, etc.) that are instinctively intersectional, leader-full instead of elitist, and internationally connected, showing resilient outbursts of energized movements. Such alliances do not lack motivation to act in the right momentum due to them not fearing the consequences (e.g. lack of funding, pressures or intimidation), but feeling the power of solidarity.

BUILD BRIDGES & ALLIANCES

COOPERATE WITH BOTH THE NATURAL ALLIES AND “UNUSUAL SUSPECTS”

Civic space is a shared space, and it is not only civil society that has the interest and responsibility to protect it, but its also the media – as CSOs’ natural allies – and the business sector – as the more unusual suspect in the relationship with civil society.

Independent and professional journalists and media have many things in common with civil society organizations and civic activists (such as increasingly being the main target of attacks and pressures), but the one key thing they share is that they work in the public interest. The role of both civil society and media is to act as guardians of the common good, building civic consciousness and overseeing the processes of government and governance, while playing mutually reinforcing roles to exert pressure over the public institutions’ accountability towards the citizens. Yet, there is a gap in the understanding between the sectors, differences in the languages and approaches used. This is seen as especially problematic when CSOs see media only as a channel for promoting their work and the messages that themselves are unable to communicate to the public. Independent and professional media can and should play a much bigger role in echoing the work of civil society, as long as this is a relationship of mutual cooperation and willingness from both sides to learn more about the issues of concern for both communities, and to build upon each other’s skills and resources. Common platforms should be built on national and regional level so that media and CSOs can act and react together, and give more visibility to the identified problems in front of the citizens but also in front of the international media community, in order to build wider solidarity . Ultimately, this would allow both sectors to have a stronger influence regarding issues of public interest, especially in a contested civic space where many GONGOs and PONGOs go against it by serving the narrow interest of political parties or businesses.

The [SafeJournalist](#) network, initiated in 2016 within the project Western Balkan’s Regional Platform for advocating media freedom and journalists’ safety, aims to ensure spaces for regional connection and exchange of knowhow. SafeJournalists cooperate with the international community and organizations that are also working on media freedom or journalists’ safety, monitoring the attacks and pressures on journalists. They have annual publication indicators concerning media freedom and journalist safety and recently developed the [Index of Journalist safety](#). The cooperation with the European Association of Journalists, the International Federation of Journalists, and the Council of Europe guarantees that their voices can also be heard in the international community. This international connection and solidarity has been essential for creating a system and protocols for reacting together regarding more significant events, ensuring a louder voice in their fight for independent media and freedom of expression.

The role of businesses in civil society, on the other hand, can be seen through two perspectives: 1) the corporate accountability for their impact on people, especially concerning key human rights challenges, and 2) their direct engagement and cooperation with civil society towards promoting the civic space. There is an increased demand for businesses to respect human rights more and protect and promote the civic space, as well as a major role for businesses in helping to prevent harms to HRDs. Thus, CSOs should keep companies to account for their role in the shrinking of civic space, and support them in making a positive impact towards the rule of law and a rights-respecting environment amid growing threats to civic space. According to the [2021 Guidance published by the UN working group on business and human rights](#), “the most wise, forward thinking and effective business enterprises will view human rights defenders as partners. They will engage with them early, and often, in a spirit of dignity and respect, recognising that this is the right thing to do. Doing so, they will also find that it is in their own best interests, strengthening risk management overall, contributing to building trust and ultimately making a positive impact towards the rule of law and a rights-respecting environment amid growing threats to civic space.”

Cooperating with the business sector in practice may look like joint public statements, private engagements, companies playing a positive role in relation to a piece of legislation etc. but it could also focus on problem identification and risk mitigation, directly showing businesses that there is an actual advantage to be gained from partnering with civil society. CSOs must work on demystifying businesses, engaging with the sympathetic ones or finding the allies within less-sympathetic ones, so that civil society and businesses together develop tactics to confront growing authoritarianism, as both sectors need rule of law and space to create, innovate and speak up.

The [Business and Human Rights Resource Center](#) collects data on the human rights policy and performance of over 10,000 companies in over 180 countries, with the aim of exploring accountability for key human rights challenges and promoting cooperation with business. BHRRC systematically tracks cases of attacks against HRDs related to companies since 2015. Over the 4,000 cases tracked, 30 cases of attacks against CSOs and media are reported in the region (namely in Romania, Bulgaria, Serbia and Albania), including lawsuits to silence descent. These attacks are usually connected with construction projects, hydroelectric projects, and those intensively occurring in the context of mining. In 2016, BHRRC initiated the [Business Network on Civic Freedoms and Human Rights Defenders](#) which brings together 40 major multinational corporations from across all sectors that are interested in better promoting civic space and working more loosely with civil society to do so. Members are brought together on a bi-monthly basis with CSO representatives, union leaders, investors, UN representatives and others to talk about key trends and insights, learn of topics of common interest, and deep-dive into specific geographic areas where deterioration of the civic space is evident. The Network tries to oppose legal restrictions, hostility toward defenders, and the global trend of deterioration of civic freedoms.

HARNESS THE POWER OF NARRATIVES AND VALUE-BASED COMMUNICATION

Over time, CSOs got very good at telling negative stories about shrinking civic space and restrictions, which has become more mainstream within the development community and donors, but focusing on the negatives has created a narrative of disempowerment, which denies the optimism and the agency we have as civil society. We live in an era where a compelling narrative is very important, and telling emotional stories that connect and resonate with people is crucial in gathering public support. CSOs have become rather technical and timid in the language used, using jargon that historically was built to speak to donors rather than the public, and not being able even to describe their work so that it resonates with people outside the sectoral bubble. Fighting this trend, donors should be much more self-reflective about their operations and approaches, while CSOs should invest well in their communication efforts and professional staff. In times when those same people are being subjected to very emotional, powerful narratives and disinformation, CSOs have a hard time competing.

Some lessons can be learned from pro-government or politically-oriented organizations, especially in the way they communicate and mobilize people. These organizations have long mastered the importance of value-based communications for changing attitudes and people's minds, putting in focus the values and emotions of people, and especially the strongest emotion – fear – much like populist and authoritarian governments and political movements do. The progressive organizations, on the other hand, still believe that using the same positive messages over time, winning lawsuits in national or international courts, and simply being on the good side is enough – but it seems they are wrong. Value-based framing, as a form of communication that has its roots in social psychology, neuroscience and cognitive linguistics, shows that different ways of framing the same message affects how persuasive we are to different audiences. It has been used to change attitudes on social & political issues and, while it can be successfully applied to campaigns promoting various social justice, equality and civil liberties causes, it has not been enough used by progressive and independent civil society.

Smear campaigns are a tool to undermine trust in and intimidate CSOs, and are often used by authoritarian governments and their allies to create public support for (or depress resistance against) regulatory measures to inhibit the work of CSOs. Unfortunately, CSOs and others who promote progressive causes have difficulty developing messages that fire up their base and persuade people outside their existing supporters. If CSOs are to preserve and expand the vital role they play in protecting and advancing progressive causes, they need to build greater support among the public for the work they do.

Liberties published a [**Guide for CSOs promoting human rights & other progressive causes on how to counter smear campaigns & build public support**](#). The recommendations and findings are also likely to be useful for those working in academia, national human rights institutions and international organisations that promote and protect progressive causes and are interested in engaging a public audience. The guide includes: sample narratives, frames and messages that campaigners can adapt to use in campaigns to build support for their causes and support for the role that CSOs play in making democracy work for everyone; examples of counter-productive arguments and habits that campaigners should ditch when facing smear campaigns; and a summary of research on public attitudes towards CSOs and what factors affect public trust towards CSOs.

ENGAGE YOUR CONSTITUENCY AND GET CLOSER TO THE COMMUNITIES

Communication, and especially two-way communication, is key in effectively engaging the constituencies and getting closer to them. Closer communication further helps CSOs' mobilization and fundraising efforts, i.e. the ability to convince people to join and donate for their cause. Independent CSOs should shift their focus from mostly getting foreign donations to mobilizing public contributions and organizing more fundraising campaigns towards the citizens they represent, as it directly builds the legitimacy and credibility of these organizations. Yet, what mostly builds legitimacy and credibility is regularly talking to the people or organizations we represent and being there to understand what they need and find solutions together.

Nonetheless, talking to those closer to you is still much easier than going beyond your bubble, where people think differently, often as a result of the polarization of societies. While mass polarization is continuously inflamed with various political narratives and disinformation, we must set aside our differences to try and build a better relationship based on listening and understanding. One-on-one conversations with people that are not part of the sector, which offer them an opportunity to share their concerns and engage more, are greatly beneficial to bridge the gap between CSOs and the public, and ensure stronger connection with the people on the ground that still find it challenging to see the role and real value of civil society in such a deeply polarized world.

Accountability and credibility often go hand in hand and are used interchangeably. However, whereas accountability is holding organizations responsible for “walking the walk”, credibility is the foundation of trustworthiness and expertise upon which a durable relationship between an organization and its constituents is built. This reinforces an organization's position in the sector despite efforts to undermine civil society. The Global Standard for CSO Accountability defines **dynamic accountability** as “a systemic approach to CSO accountability that is grounded in processes of meaningful engagement with all stakeholders that are inclusive, participatory and continuously practiced.” This includes “creating a transformational relationship between a CSO and its stakeholders” and “redressing unequal power dynamics and building mutual partnerships”, as a tool to improve trust and legitimacy through engaging the constituencies.

The **Global Standard for CSO Accountability** is a reference standard that CSOs can adopt and implement to strengthen their accountability practices. Using 12 accountability commitments, the Global Standard focuses on putting people at the centre of CSOs' decision-making process. This is a starting point that will help the civil society sector become highly resilient, participative and responsive, generating trust on the ground and leveraging stakeholder contributions for greater impact. This is crucial to preserve and strengthen civic space and to build a just and sustainable world.

AND FINALLY....

STOP, RECOVER AND START AGAIN - SMARTER

As an end note, it is important to stress that people who work for social change and better societies for all can easily be overwhelmed by all the things we should do to overcome the closing and promote the expanding of civic spaces, as discussed both above and in person during the conference in Belgrade. Here, we must acknowledge that as much as these most-welcome in-person gatherings felt exhilarating after such a long period of distancing, they have also testified of the tiredness, anxiety, burnout and disconnect felt by almost everyone working in this area.

We must acknowledge the psychological aspect of shrinking civic space, seen with the increasing rates of burnout by civic activists, loss of motivation and increased sense of futility of civic efforts, especially during the pandemic. When many communities are suffering from loss of life and health, increased social injustice or domestic violence, taking the time for self-care can seem unthinkable for many people in the non-profit sector. But the longer burnout goes unaddressed, the less productive people become, until they reach their point of full exhaustion. Constantly responding to crises, reacting to blows after blows (smear campaigns, attacks, harassment, restrictions...), we need to stop, take the time to recover from the unprecedented levels of stress further exacerbated by the pandemic, and then take the time to think proactively and brainstorm together about the future and what each of us can do to achieve the change we all aim towards.

Ultimately, it is important to remember that we cannot and should not think one organization can do it all: crowdfunding builds legitimacy - but not all CSOs can do it; advocacy organizations that work in the international fora should have highly technical, diplomatic and sophisticated language skills, but conveying the message so everyone can understand it requires a completely different set of skills; generating funds through other means than through donors' resources requires a shift in thinking, but we are still accustomed to using primarily donor-language... It becomes clear that we need a diversity of skills and more closely work together, because only if we combine our skills and employ them where appropriate, we can use that collective power to bring resilience and help share part of the fightback. The superpower of civil society is hope and optimism, and thus working together, sharing good examples and seeing positive wins are important motivation boosts for everyone aspiring to advance the civic space.

For CSOs:

Faced with unprecedented challenges in a (post-)pandemic world, CSOs have a vital role in being watchdogs to the governments, advocating for better democratic governance and greater respect for human rights, and responding to the needs of citizens, especially when governments are failing to do so. Despite undue pressures and restrictions, CSOs in the Western Balkans keep supporting their constituencies, remaining accountable, and achieving positive societal changes. As the environment changes and digitalization takes over, CSOs must keep being innovative in transforming their work and finding new spaces for action. In the midst of rising disinformation, polarization and far-right tendencies, it is paramount for CSOs to engage with the citizens and mobilize their support by building positive narratives around the civic space. Still, CSOs cannot be the sole keepers of democracy and the common good, so uniting their voices, skills and synergies with those of the media and the private sector could be the key to their resilience.

For Donors:

In lieu of the lack of reliable and appropriate state funding, international donors have for long been the main supporters of CSOs in the Western Balkans. But more importantly, their adaptability and ability to listen and respond adequately during Covid-19, confirmed their role as key partners to civil society. The efficiency of the donor response was seen not only with the introduced flexible operating procedures, but mainly with the increased understanding for the need of continuous, institutional funding to partner CSOs. This has been the principal support for CSOs in achieving their core missions, instead of shifting priorities and chasing short-term funding for sustaining their operations, and thus further fueling donor-dependency. Maintaining regular conversations with CSOs and close relationships of understanding and trust has been essential for enabling growth and building long-lasting partnerships.

For Governments:

Governments in the Western Balkans, much like in the rest of the world, used the pandemic as a pretext for curtailing civil liberties and silencing critical voices. But many of these restrictions have lingered way past the state of emergency periods, and governments have continued using different tactics to impede instead of support CSOs' work. Failing to understand the CSOs' value and essential role they play in society has further deteriorated the relationship between civil society and public institutions. The pandemic showed that civil society can be an irreplaceable partner to the government in responding to the citizens needs, but governments need to ensure CSOs operate in an environment that is stimulating for their operations and development. It is about time that public institutions become more accountable, transparent, inclusive and open to create spaces for civil society to have an active role in the public debates and policy processes, to maximize their contribution to the sustainable democratic development of the countries.

