



Civic Space Report 2024

WESTERN BALKANS



BALKAN CIVIL SOCIETY
DEVELOPMENT NETWORK





About the author

Initiated in 2001 and formalised in 2009, BCSDN is a regional network uniting 12 CSOs from 9 Balkan countries with a focus on promoting civil society development. We are particularly proud of the work we have achieved in the field of monitoring the enabling environment for civil society through our Monitoring Matrix methodology and our evidence-based advocacy. BCSDN supports regional civil society cooperation towards protecting and expanding the civic space in the Western Balkans, and advocates for financial support to civil society to be responsive to civic space challenges and support the development of a strong civil society.

About this report

This analysis was published as part of the European Civic Forum's Civic Space Report 2024. The full report contains chapters written by its secretariat, by member organisations, or by partner organisations and individuals. Much of the content originally appeared as part of ECF's submission to the European Commission's Rule of Law consultation. Each chapter reflects the views and analysis of its respective author. For more information about the European Civic Forum, please visit www.civic-forum.eu

Read the full report at

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TABLE OF CONTENTS

KEY TRENDS	7
SUMMARY	7
INSTITUTIONAL, POLITICAL AND SOCIO-ECONOMIC LANDSCAPE	8
CIVIC FREEDOMS: REGULATORY ENVIRONMENT AND IMPLEMENTATION	10
SAFE SPACE	13
FUNDING FOR CIVIL SOCIETY	16
CIVIL DIALOGUE AND THE RIGHT TO PARTICIPATION	17
CIVIL SOCIETY RESILIENCE	19
RECOMMENDATIONS	21
ABOUT EUROPEAN CIVIC FORUM	23

Key trends

- 🔍 **Legislative initiatives aimed at stigmatising CSOs as “foreign agents”.**
- 🔍 **LGBTQI+ and gender rights groups face hostilities marked by continuous smear campaigns and attacks on activists.**
- 🔍 **deteriorating relationship between governments and civil society limits CSOs' involvement in public dialogue and policymaking processes.**

Summary

Throughout the past year, civil society in the Western Balkans has operated in a narrowing civic space, especially in Serbia and Bosnia and Herzegovina.¹ Legislative initiatives aimed at stigmatising CSOs and curbing dissent have emerged, including the reintroduction of criminal defamation penalties and the 'foreign agents' law in Republika Srpska. In Serbia, CSOs focusing on democracy and rule of law issues have faced threats, while LGBT+ and gender groups encounter a hostile environment marked by continuous smear campaigns and attacks on activists. Across the region, SLAPP cases targeting journalists and activists have risen, posing a further threat to freedom of expression. Anti Money Laundering and counter terrorist financing (AML/CFT) legislation and practice still creates major administrative burdens for CSOs, while the inconsistent implementation of tax and fiscal legislation poses limitations to the operations and development of civil society, starting from dysfunctional tax incentives to non-transparent and ineffective public funding systems. The deteriorating relationship between governments and civil society across the region poses a threat to democracy and limits CSOs' involvement in public dialogue and policymaking processes. These challenges highlight the

¹ According to the CIVICUS Monitor ratings: Albania is rated as “narrowed”, Bosnia and Herzegovina is rated as “Obstructed”, Kosovo is rated as “narrowed”, Montenegro as “narrowed”, North Macedonia is rated as “narrowed” and Serbia is rated as “Obstructed”, see more: <https://monitor.civicus.org/>

urgent need for sustained efforts to uphold democratic principles, protect fundamental rights, and create an enabling environment for civil society to thrive in the Western Balkans.

Institutional, political and socio-economic landscape

In the past year, civil society in the Western Balkans has faced numerous challenges within the institutional landscape, which has impacted on the functioning of the rule of law, democracy, and access to fundamental rights. According to Freedom House, democratic institutions in the region continued to falter in 2022, positioned in the grey zone between democracy and autocracy² (hybrid regimes), while the biggest decline in freedom in 2023 is noted in Serbia and Bosnia and Herzegovina.³

The use of legislative initiatives to target and stigmatise CSOs, stifle dissenting voices, and attack fundamental freedoms is alarming. Examples included the reintroduction of criminal penalties for defamation and the adoption of a draft 'foreign agents' law in Republika Srpska (RS), Bosnia and Herzegovina. Additionally, the RS Parliament's declaration regarding the inapplicability of decisions by Bosnia's Constitutional Court⁴ has exacerbated the institutional crisis, undermining the country's unity and further limiting judicial independence. The landscape for civil society operations in Serbia has also been under threat particularly for CSOs working on democracy and rule of law issues.

LGBTQI+ and gender rights groups across the region are navigating a progressively hostile environment. In addition to a discriminatory legislation targeting LGBTQI+ organisations in RS, Serbia

² <https://europeanwesternbalkans.com/2023/05/24/freedom-house-democratic-institutions-in-the-western-balkans-continued-to-falter-in-2022/>

³ https://freedomhouse.org/sites/default/files/2024-02/FIW_2024_DigitalBooklet.pdf

⁴ <https://balkaninsight.com/2023/06/28/bosnias-serb-entity-passes-law-rejecting-constitutional-courts-authority/>

Civic Space Report 2024

has witnessed major attacks on LGBTI activists without adequate legal actions or judicial proceedings to investigate and prosecute perpetrators, highlighting deficiencies in protecting marginalised groups and concerns about access to justice. In North Macedonia, the involvement of the Orthodox Church in anti-LGBT protests and anti-gender movements further complicates efforts to promote human rights and underscores ongoing challenges in addressing gender inequalities and violence against women, indicating the persistence of systemic issues. Amid a worrying rise of femicides in the region, Albania introduced the 'Femicide Observatory' initiative, first of its kind, aimed to improve policies and mechanisms to prevent the killing of women and girls.⁵ On the other hand, in Albania, the lack of independent media has been a significant human rights issue, with political pressure, corruption, and self-censorship hindering freedom of speech.

Across the region, with the exception of Kosovo, the deteriorating relationship between governments and civil society has resulted in limited involvement in the public dialogue and policy-making processes, which threatens to undermine democracy and restrict civil society's ability to advocate for social change. On the other hand, public discourse in Kosovo has been hijacked by the Kosovo-Serbia dialogue, stalling ongoing discussions on good governance, while heightened tensions and violence, particularly in the northern region, have escalated amid political and social unrest. Despite Kosovo and Serbia reaching an Agreement on the Path to Normalisation in the spring of 2023, the Banjska event of 24 September represented the gravest escalation in recent years.⁶

Pending elections have blocked major processes in North Macedonia, while in Serbia, concerns over manipulated elections in December 2023 have intensified civic activism. Civil society advocacy activities seem to have yielded results as the European Parliament adopted a resolution calling for an investigation into election irregularities⁷. However, this has also triggered more attacks on the country's pro-democracy and pro-European-oriented civil society. These developments highlight the urgent need for sustained efforts to uphold democratic principles, protect fundamental rights, and create an enabling environment for civil society to thrive.

⁵ <https://www.avokatipopullit.gov.al/sq/articles-layout-1/media/news/shqipria-ndrmerr-nismn-observatori-i-femicidit-997/>

⁶ https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_695_Serbia.pdf

⁷ <https://europeanwesternbalkans.com/2024/02/08/ep-adopted-resolution-on-serbia-calling-for-an-investigation-into-december-elections/>

Civic freedoms: regulatory environment and implementation

The Western Balkan countries face ongoing challenges in upholding the fundamental freedoms of association, assembly, and expression. These freedoms, while enshrined in law, encounter restrictions and violations in practice, particularly related to freedom of expression. Recent years have also seen a notable rise in obstacles to freedom of peaceful assembly and association.⁸

Legal reforms affecting civil society, especially regarding the freedom of association, have been either delayed or problematic in several countries. For example, North Macedonia in 2022 saw the introduction of controversial changes regarding the use of historical names by CSOs without consulting civil society, while Albania's new law on NPO registration, despite some improvements, brought about issues such as excessive sanctions for administrative breaches. Advocacy efforts in Albania led to the Constitutional Court revising these sanctions⁹, highlighting the importance of civil society's role in legislative processes. Moreover, CSOs also raised concerns that the new templates for electronic registering of NPOs still reflect the prevalent ambiguities and confusion surrounding NPOs.¹⁰ Long-expected revisions of the main CSO laws in Montenegro and North Macedonia are still being delayed.

State interference in the internal affairs of CSOs is increasing. In BiH, a series of bills have been introduced to silence dissent, including amendments to the Republika Srpska (RS) Criminal Code that re-criminalise defamation, and the recently adopted draft "foreign agents law" which targets and stigmatises foreign-funded organisations, thus going beyond the usual "foreign agents" narrative used by politicians against civil society towards a legal proposal. A draft law on financing CSOs in Federation of Bosnia and Herzegovina (FBiH) is another potentially dangerous law for civic space,

⁸ <https://balkancred.net/novo/wp-content/uploads/2023/04/62-3-MM-Regional-Report-2022.pdf>

⁹ <https://politiko.al/english/e-tjera/gjykata-kushtetuese-u-jep-te-drejte-organizatave-jofitimprures-per-liri-i496240>

¹⁰ <https://www.partnersalbania.org/News/7085/>

Civic Space Report 2024

currently under very limited and questionable pre-consultations. Not only do these laws pose a threat to CSOs, activists, and critical media, but their hurried adoption, without thorough consultations with civil society, directly undermines democratic principles and curtails citizens' rights.

In September 2023, the RS parliament adopted in the first reading a draft law on the Special Registry and Publicity of Non-Profit Organisations' Work, referred to as the "foreign agents" law, that imposes onerous reporting and compliance requirements on all CSOs in RS receiving foreign funding.¹¹ While proponents of the law argue that it will better regulate the sector and enhance transparency, there is a significant potential for misuse and wide interpretation. The draft law prohibits non-profits from carrying out 'political activities' vaguely defined to encompass all forms of advocacy, and introduces sanctions including closure and criminal prosecution, as well as an inherently stigmatises "NPO mark" required to be displayed on any materials they publish, raising concerns about further stigmatisation of civil society in an already hostile environment. While not formally adopted yet, the threat of its eventual resurfacing persists as authorities continue to use various mechanisms to oversee the work of CSOs and exert pressure over them, for example through excessive inspections which increasingly target "vocal" or outspoken organisations.

Legal frameworks on anti-money laundering and terrorism financing further challenge CSOs, including through restricted banking access, enhanced due diligence processes, unfeasible reporting requirements or inapplicable beneficial ownership registration provisions. While this is linked to the limited understanding of policymakers and relevant stakeholders about the core principles of civil society, as well as a lack of targeted and risk-based approach, efforts are being made across Albania, BiH, Montenegro, and Kosovo to address these challenges through risk assessments and small, but mostly positive, legislative reforms.¹²

Freedom of peaceful assembly is legally guaranteed in the region, generally respected and mostly in line with international standards. However, there are some outstanding issues to be addressed in Serbia, Montenegro and BiH. In terms of specific forms of assemblies, online or digitally-mediated assemblies are not recognised in legislation and this bears an inherent risk of restrictive interpretation of the general rules of assemblies, privacy and data protection.¹³

In practice, freedom of peaceful assembly has been mostly restricted in Republika Srpska, including a ban on LGBT events¹⁴, and in Serbia, where criminal sanctions were issued against protesters. CSOs

¹¹ <https://balkaninsight.com/2023/10/24/bosnian-serbs-push-ahead-with-controversial-foreign-agents-bill/>

¹² <https://balkancsd.net/novo/wp-content/uploads/2023/09/112-4-FINAL-Policy-Paper-AMLCFT-Regulations-and-Implications-on-Civil-Society-in-WBT.pdf>

¹³ https://myla.org.mk/wp-content/uploads/2023/01/DIGITALLY-MEDIATED-ASSEMBLIES-en-FINAL-web.pdf?fbclid=IwAR2QtSp_002C-9IkPc4hngOn3Q_JbfLFVy1X7vLmM4b0ypp4wwPlcnh904Q

¹⁴ <https://apnews.com/article/bosnia-serb-lgbt-assault-2bd5a4836f047fe88ff039ee2f190af7>

in Serbia have also reported cases of verbal attacks by politicians and the media on participants, police intimidation before protests, police and private security violence and worrying brutality against protesters. Several 'Serbia Against Violence' protests, which started in May 2023 following two mass shootings and called for the resignation of top officials and a crackdown on promoting violence in the media¹⁵, were met with aggressive rhetoric and harsh condemnation by the government and the pro-government media.¹⁶ Separately, instances of police brutality were also reported during protests against the undemocratic election conditions and reported election fraud, with several people and journalists injured.¹⁷

Backsliding has been noted with regards to freedom of expression across the region. Legal changes in the Criminal codes in BiH and Serbia related to slander are worrying, while changes in Montenegro and North Macedonia seem to provide a stronger protection of journalists. Recriminalisation of defamation and insult in the Criminal Code of Republika Srpska (BiH) represents a severe setback of over two decades.¹⁸ The law has serious potential to stifle freedom of expression and media independence, potentially leading to self-censorship, arbitrary judicial proceedings, or fines of up to 25,000 EUR that could threaten the survival of some media outlets. In addition to this, a new Law on media in RS has been announced, but the draft has not been made public yet, nor has it entered the Parliament procedure, while in the Sarajevo Canton amendments to the local public order laws that would penalise the spread of 'fake news' and criticism of state authorities were introduced¹⁹ but later withdrawn for modifications due to the public outcry it caused. In Albania, the introduction of laws prohibiting the publication of leaked documents has further threatened freedom of information and speech, creating potential grounds for censorship.²⁰

Violations to freedom of expression have been noted in almost all WB countries, to a different extent. Threats, intimidation, and violence against journalists and activists have been reported, which creates a chilling effect, especially in view of ineffective institutional responses and investigations in bringing perpetrators to account. Online harassment and verbal attacks continued, especially on social media, with an increase in cases – online and offline – against female journalists in Bosnia and

¹⁵ <https://europeanwesternbalkans.com/2023/05/18/the-wave-of-mass-shootings-in-serbia-sparks-political-turmoil/>

¹⁶ <https://euRopeanwesternbalkans.com/2023/06/17/just-another-protest-or-the-beginning-of-the-end-of-vucics-reign/>

¹⁷ <https://www.gradjanske.org/en/police-brutality-against-citizens-must-stop/>

¹⁸ <https://seenpm.org/new-red-line-law-against-freedom-of-expression-in-republika-srpska/>

¹⁹ <https://balkaninsight.com/2023/05/11/bosnian-cantons-move-to-penalise-fake-news-worries-critics/>

²⁰ <https://ipi.media/albania-media-must-not-face-criminal-prosecution-for-public-interest-reporting/>

Civic Space Report 2024

Herzegovina, North Macedonia²¹, and Serbia. 2023 was also a challenging year for journalists and media workers in Kosovo, notably related to escalating tensions between Kosovo and Serbia.²²

A notable defamation case in North Macedonia led to a disconcerting verdict against a journalist and a prominent investigative media outlet, that set a dangerous precedent allowing severe limitations on the exercise of both freedom of association and expression due to the judge's personal and wrongful interpretation of the Law on Associations and Foundations.²³ Strategic Lawsuits Against Public Participation (SLAPPs), as such, are not specified by the laws that apply in any of the WB countries, and the existing legal framework that regulates the issue of defamation can be abused in the same way, for the purpose of limiting freedom of expression.²⁴ Environmental associations in the Federation of BiH have submitted a law to the parliamentary procedure aimed at protecting citizens, activists, and journalists from SLAPPs and to create a legal framework safeguarding individuals involved in environmental activism. If adopted, this law could offer protections against legal actions aimed at suppressing public engagement.²⁵

Safe space

Throughout the past year, numerous attacks have been carried out against civic actors, yet authorities consistently failed to respond promptly and effectively. A significant deterioration of the civic space in 2023 was observed in Bosnia and Herzegovina and Serbia. The ongoing political crisis in BiH has intensified pressures on civil society and the media, materialising in controversial regulations that severely restricted the activities of civic actors. Particularly in Republika Srpska (BiH), political leaders' inflammatory rhetoric and persistent attacks have heightened the vulnerability of civil society, while in the Herzegovina-Neretva Canton, CSOs have faced repeated and excessive

²¹ <https://glasprotivnasilstvo.org.mk/reaktsija-na-platformatata-za-rodova-ednakvost-zakanite-po-zhivot-ne-se-sloboda-na-izrazuvane-solidarnost-so-aktivistkata-i-novinarkata-rita-behadini/>

²² <https://rm.coe.int/annual-report-2024-platform-for-the-safety-of-journalists-web-pdf/1680aeb373>

²³ <https://www.occrp.org/en/40-press-releases/press-releases/18225-dangerous-judicial-ruling-against-occrp-member-center-in-north-macedonia-erodes-protection-for-independent-media>

²⁴ <https://ndnv.org/2023/10/slapp-tuzbe-u-bih-sve-dok-je-nase-pravosude-u-raljama-politike-nama-su-progoni-presudeni/>

²⁵ <https://objavi.ba/anti-slapp-u-fbih-predlozen-prvi-zakon-protiv-strateskih-tuzbi-u-europi/>

inspections. Activists in BiH addressing issues such as anti-corruption, environment, women's rights, and LGBTQI+ rights have been subjected to continuous threats, abuse, physical assaults, and legal harassment.²⁶

In Serbia, the systematic misuse of media to tarnish the reputation of CSOs has become alarmingly common. Organisations like Belgrade Center for Security Policy²⁷ or CRTA²⁸, which address sensitive social issues and often critique government policies,²⁹ are frequent targets of such attacks. These assaults, coupled with ongoing intimidation tactics against outspoken civic actors³⁰, underscore a deliberate attempt to undermine civil society.³¹ The pre and post-electoral periods have exacerbated these challenges, with smear campaigns³² directed at CSOs³³, activists³⁴, and journalists³⁵. Instances of physical violence and excessive force have occurred during protests against electoral fraud³⁶ and environmental issues.³⁷ Despite these threats, there has been a lack of appropriate institutional response, leading to an escalation of violence, derogatory and inflammatory rhetoric. The rise of nationalistic and far-right movements has further fuelled attacks on anti-fascist activists³⁸ and on organizations promoting peace and reconciliation, such as Women in Black, which has been attacked on several occasions.³⁹

²⁶ <https://apnews.com/article/bosnia-serb-lgbt-assault-2bd5a4836f047fe88ff039ee2f190af7>

²⁷ <https://eukonvent.org/nacionalni-konvent-o-evropskoj-uniji-osudjuje-kampanju-protiv-beogradskog-centra-za-bezbednosnu-politiku/>

²⁸ <https://n1info.rs/vesti/helsinski-odbor-organizovana-i-opasna-kampanja-protiv-crte/>

²⁹ <https://n1info.rs/vesti/helsinski-odbor-organizovana-i-opasna-kampanja-protiv-crte/>

³⁰ <https://bezbednost.org/en/call-to-address-volatile-and-violent-rhetoric-targeting-a-human-rights-defender/>

³¹ <https://bezbednost.org/en/call-to-address-volatile-and-violent-rhetoric-targeting-a-human-rights-defender/>

³² <https://www.gradjanske.org/en/three-freedoms-under-the-magnifying-glass-march-8-march-21-2024/>

³³ <https://europeanwesternbalkans.com/2023/12/21/serbia-tabloids-accusing-germany-of-fuelling-violent-protests-in-serbia-dw-denies-any-involvement/>

³⁴ <https://www.univerzitetskiodjek.com/drustvo/nikola-ristic-nikome-na-politickoj-sceni-ne-odgovara-da-se-glas-mladih-cuje>

³⁵ <https://www.cins.rs/en/attempts-to-infiltrate-instagram-profile-of-cins-journalist-who-reported-on-call-center/>

³⁶ <https://n1info.rs/vesti/izbori-2023/video-policija-tukla-demonstrante-prve-informacije-ima-uhapsenih-i-povredjenih/>

³⁷ <https://monitor.civicus.org/explore/new-clashes-against-police-and-environmental-activists-in-%C5%A1odro%C5%A1/>

³⁸ <https://www.slobodnaevropa.org/a/crni-ovan-napad-kafic-novi-sad/32639549.html>

³⁹ <https://www.slobodnaevropa.org/a/napad-na-prostorije-nvo-zene-u-crnom-beograd/31940160.html>

Civic Space Report 2024

Additionally, in 2023, the Serbian government resorted to using state-sponsored spyware to target critics challenging its authority. Serbia's main intelligence agency has a track record of deploying spyware and other digital surveillance tools, such as Cytrox's Predator, Circles, Cyberbit, and FinSpy.⁴⁰

In Montenegro, high-level politicians have openly disparaged CSOs critical of the government, although such attacks occur sporadically rather than systematically. Additionally, 2023 witnessed a surge in anti-gender movements, particularly noticeable in North Macedonia. These movements, comprising both formal and informal groups, actively engage in propaganda campaigns and political mobilisation against organisations advocating for gender equality, LGBTQI+ rights, and women's rights. Moreover, institutional forces at the local level increasingly support anti-gender actors and implement policy restrictions that further limit the space for civil society resistance and hamper advocacy efforts. The anti-gender movement, fuelled by religious justifications and right-wing populism, poses a significant threat to activists, who continue to face hate speech and hate crimes.⁴¹

The persistent use of various tactics to stifle dissent has brought to light the alarming rise of SLAPPs across the entire region. According to the CASE Coalition, Serbia and BiH rank among the highest in the Western Balkans for SLAPP cases, with journalists, media organisations, activists, and CSOs being primary targets.⁴² Environmental defenders especially find themselves frequently targeted, facing lawsuits and harassment. Notable cases include the lawsuit against young activists for their environmental photo exhibition⁴³, and another aimed at silencing an activist critical of a mining company's operations in Vareš.⁴⁴ However, SLAPP cases are not exclusive to these two countries in the region. In Albania, environmental activists⁴⁵ and journalists⁴⁶ have also faced defamation charges by private companies. Unfortunately, SLAPPs fall outside the limited protections provided by existing media laws and remain inadequately addressed in judicial systems across the region.

⁴⁰ <https://balkaninsight.com/2023/12/08/pro-democracy-forces-in-serbia-targeted-with-spyware/>

⁴¹ <https://mhc.org.mk/wp-content/uploads/2023/12/the-policy-ang-final-1.pdf>

⁴² <https://www.gradjanske.org/case-koalicija-srbija-10-u-evropi-po-broju-slapp-tuzbi/>

⁴³ <https://monitor.civicus.org/explore/youth-environmental-activists-face-slapps-protests-over-election-outcome-in-serbian-republic-entity/>

⁴⁴ <https://civilnodrustvo.ba/saopcenje-za-javnost/>

⁴⁵ <https://citizens-channel.com/2023/12/22/ne-gjyq-per-mbrojtjen-e-vlores-aktivisti-strategji-tipike-per-te-shtyre-procesin/>

⁴⁶ <https://birn.eu.com/news-and-events/albania-court-hears-judges-lawsuit-against-birn/>

Funding for civil society

Across the Western Balkans, CSOs are navigating a complex landscape of regulatory changes, bureaucratic inefficiencies, and financial uncertainties. While some progress is noted in enhancing operational conditions for non-profits, significant hurdles in the tax framework, public funding reforms, and transparency remain.⁴⁷

VAT exemption continues to pose a challenge for CSOs in Albania and Montenegro. While the introduction of a new directive for VAT exemption of foreign donor grants marks a pivotal development for Albania's non-profit sector, the directive's ambiguities have hindered the effective implementation for foreign aid programs. Namely, the tax-liability of non-profits for VAT purposes and the complexities surrounding the electronic tax declaration submission system, have led to the accumulation of VAT as ineligible cost for the non-profit sector. CSOs have therefore requested a transitional solution to reimburse accumulated VAT until the exemptions are fully operationalised. The VAT exemption process in Montenegro is also hindered by bureaucratic uncertainty, with CSOs struggling to identify the responsible authority to implement the EU obligations. The systemic issues within Montenegro's regulatory framework is compounded by anticipated pending legal reforms to restrict CSOs abilities to engage in economic activities and the potential elimination of the long-fought-for minimum percentage of public funding for CSOs.

In Kosovo, CSOs have expressed concerns both with the content and with the drafting process of the Draft Law for the allocation for use and exchange of municipal immovable property⁴⁸, which was approved by the government in December 2023. Despite their active contribution to an important reform of the use of municipal properties for the public good during the preparation of the Concept note in 2022 and 2023, CSOs and their comments were ignored in the law drafting process. Challenges remain also in ensuring that government policies on volunteering are, too, aligned with CSO needs and contributions. Furthermore, efforts are underway to establish a more transparent financial reporting system for CSOs, aimed at combating accusations of financial mismanagement and to increase public trust, as well as to improve access to banking services, such as e-commerce solutions for online donations.

⁴⁷ <https://balkanecd.net/novo/wp-content/uploads/2023/04/62-3-MM-Regional-Report-2022.pdf>

⁴⁸ <https://kcsfoundation.org/en/news/leter-nga-kcsf-per-kryeministrin-kurti/>

Civic Space Report 2024

On the other hand, despite long-standing expectations, North Macedonia faces setbacks in state funding reforms.⁴⁹ The persistent boycott of the Council for Cooperation⁵⁰ - a platform for dialogue between the government and civil society- further impedes progress toward equitable and transparent funding practices. Like the rest of the countries, allocation of state funds very often lacks transparency – there is a lack of clear and fair criteria, recipient names or fund utilisation details are not disclosed, raising concerns about potential misuse and corruption.⁵¹ Significant cases of misused funds and non-transparent open calls continue to be recorded in Serbia⁵², in addition to allocating public money to religious organisations through open calls for CSOs, as well as to phantom organisations or organisations established only prior to the call, without any previous experience in the topic they receive funding for.

Overall, due to lack of harmonisation of tax and NGO legislation, and of inadequate implementation mechanisms, very few cases of tax benefits are reported in practice in most countries. Similarly, individual and corporate giving is poorly practiced in the region. Finally, although human resources are an important aspect of CSO sustainability, legislation neither impedes nor encourages volunteering and employment in the civil society sector in most countries.

Civil dialogue and the right to participation

There are many drawbacks in the frameworks and practices for cooperation between civil society and the government across the WB countries, leading to a lack of systematic, genuine and meaningful cooperation. While strategic documents are long in place in all countries, and are currently being

⁴⁹ <https://mcms.mk/en/news-and-publicity/news/2486-samo-4-e-udelot-na-drzhavnoto-finansiranje-vo-prihodite-na-gragjanskite-organizacii-za-2022.html>

⁵⁰ <https://rcgo.mk/en/news/the-organisations-asked-the-government-to-restore-the-dialogue-and-the-transparency-of-state-funding-for-csos/>

⁵¹ <https://www.radiomof.mk/opshtinskite-pari-za-gragjanski-organizacii-rechisi-celosno-zavrshuvaat-vo-sportski-klubovi-pokazhuva-novo-istrzhuvanje/>

⁵² <https://www.gradjanske.org/javni-konkursi-u-srbiji-izvlacenje-novca-kroz-fantomska-udruzenja/>

revised in Albania, BiH and Kosovo, their implementation is generally unsatisfactory, and effective monitoring frameworks are missing.

The worsening intersectoral cooperation and trust is noted in several countries, especially in Montenegro and North Macedonia, where the Councils for Cooperation have not been functional for over two years. In Montenegro, six attempts to appoint members of the Council representing CSOs have been unsuccessful, undermining the dialogue between the government and civil society.⁵³ CSOs in North Macedonia that are part of the Council for Cooperation between the Government and Civil Society have expressed strong concern against the attitude of the Government towards the Council and towards civil society in general, noting a deterioration in the cooperation and absence of substantive and even formal communication and dialogue. Claiming that the work of the Council was made impossible by the government's ignoring of its key recommendations and conclusions, CSOs began boycotting the Council in March 2022, and continue to do so, two years later.⁵⁴

A stalemate in the work of the Councils is also noted in Albania, Kosovo and Bosnia and Herzegovina. On the other hand, in Serbia, although the relationship between the government and the civil society sector has deteriorated following increased harassment and attacks on CSOs from both the legislature and the executive, after ten years in the making the newly established Council for Cooperation and Civil Society Development, may gradually restart civil dialogue and ensure that civil society is included in decision-making.

Although institutionally aligned with European standards, public participation in decision-making is often a formal rather than a meaningful exercise in all countries. Only in Kosovo, civil society continues to actively participate and contribute to policymaking and monitoring processes. In other countries, the trend of "tick-box" consultations and the use of fast-track procedures is still pervasive, as consultations are implemented without any or proper opportunity for wide engagement of those affected, while at the same time allowing for GONGO activities and influence.

According to the WeBER Monitor, governments in the Western Balkans struggle with low public availability of information, particularly in Albania, North Macedonia, and Kosovo. Moreover, CSOs perceive government decision-making as lacking transparency, with limited use of evidence from external sources and inconsistent inclusion of civil society input in policy development processes.⁵⁵

⁵³ https://neighbourhood-enlargement.ec.europa.eu/document/download/e09b27af-427a-440b-a47a-ed5254aec169_en?filename=SWD_2023_694%20Montenegro%20report.pdf

⁵⁴ <https://balkanecd.net/macedonian-csos-alarming-about-governments-attitude-towards-civil-society/>

⁵⁵ <https://cep.org.rs/wp-content/uploads/2023/06/Regional-PAR-Monitor.pdf>

Civil society resilience

While governments in the Western Balkans have for years utilised various tactics to suppress critical voices and impede the work of CSOs, significant developments showcase the resilience of civic actors in fostering democracy, the rule of law, and fundamental rights. The initiation of joint advocacy efforts by CSO coalitions, exemplified by initiatives like Civilka⁵⁶ at national level or those facilitated by BCSDN at regional level⁵⁷, have created a stronger regional voice and more effective advocacy efforts to address threats to civic space and protect fundamental freedoms.

Cooperation, networking, and coalition-building within the civic sector have shown positive developments, with CSOs collaborating both within and across thematic fields of work. Despite the high competition among CSOs largely due to heavy donor dependence, organisations providing horizontal support, together with donors that have been already sensitised about civic space challenges, have initiated concrete and proactive efforts, including financial support, to promote stronger coalition building. Such examples are the Swiss-funded Civica Mobilitas programme in North Macedonia⁵⁸ and the regional Engaged Democracy Initiative by the European Fund for the Balkans⁵⁹. Additionally, partnerships between CSOs and other sectors, including trade unions, journalists, academia, and National Human Rights Institutions, have strengthened collective efforts to defend civic space. These collaborations have facilitated knowledge sharing, resource pooling, and coordinated advocacy efforts, enhancing the effectiveness of civil society.

However, the level of public trust in civic actors, including human rights defenders, social movements, CSOs, and grassroots organisations, varies across the region. While many people trust and support these actors for their advocacy and service delivery, instances of smear campaigns and intimidation have eroded trust in some cases. This underscores the ongoing challenges faced by civil society in gaining and maintaining public trust amidst government hostility.

Despite these challenges, civil society has implemented various good practices to address and overcome threats to civic space. For example, CSOs have adopted constituency-led accountability⁶⁰ approaches to build stronger ties with their constituencies and combat smear campaigns and

⁵⁶ <https://civilnodrustvo.ba/civilka-2023-civilno-drustvo-ne-smije-bit-projekt-na-industrija/>

⁵⁷ <https://balkanbsd.net/novo/wp-content/uploads/2023/11/129-4-Workshop-Notes-Report-1.pdf>

⁵⁸ <https://civicamobilitas.mk/en/civica-mobilitas/>

⁵⁹ <https://www.balkanfund.org/engaged-democracy-initiative>

⁶⁰ <https://www.balkanbsd.net/novo/wp-content/uploads/2022/05/Constituent-Led-Accountability.pdf>

misinformation. Initiatives focused on media literacy, fact-checking, and civic education have empowered citizens to discern and challenge disinformation narratives, thus playing a crucial role in combating the spread of fake news and disinformation. These efforts contribute to a more informed and engaged public, enhancing resilience against manipulation and falsehoods propagated through various channels.

In terms of good practices at the national or regional level, donor support and advocacy have played crucial roles in safeguarding civic space. Donors have provided flexible funding, expertise, and capacity-building assistance to independent CSOs, enabling them to navigate hostile regulatory environments and continue their essential work. These examples highlight the importance of multilateral cooperation and solidarity in defending democracy and fundamental rights in the face of growing threats.

Recommendations

Targeted recommendation:

🔍 Prioritise reforms essential for advancing along the EU accession pathway, including the Rule of Law (RoL) process, which not only fosters regional integration but also underscores a steadfast commitment to democratic principles, human rights, and the rule of law.

- 🔍 Embark on comprehensive reforms to cultivate an enabling civic space.
- 🔍 Address the underlying causes of challenges faced by CSOs, such as revising restrictive legislation, ensuring the protection of fundamental freedoms, and ceasing harassment against activists and organizations.
- 🔍 Prioritise genuine engagement with civil society in policymaking processes to foster a culture of dialogue and mutual respect.
- 🔍 Ensure that any policy enacted is in line with international standards and best practices and supports the functioning and development of the sector.
- 🔍 Ensure a supportive tax and fiscal framework.
- 🔍 Allocate sufficient resources and support mechanisms for CSOs in a transparent and accountable manner, and establish effective mechanisms for CSO-state collaboration.
- 🔍 As part of the preparatory work in crafting the Enlargement Package, ensure that the RoL monitoring process operates not in parallel but in concert with this initiative, thereby reinforcing and augmenting its objectives.
- 🔍 Ensure greater clarity and transparency in the monitoring process, in order to facilitate substantive engagement and input from civil society actors in the Western Balkans.
- 🔍 Bolster the monitoring and scrutiny mechanisms pertaining to civil society and civic space issues to systematically identify and address challenges and trends affecting it. Such measures are indispensable for fostering an

environment conducive to meaningful dialogue, collaboration, and progress towards shared democratic aspirations within the region.



About European Civic Forum

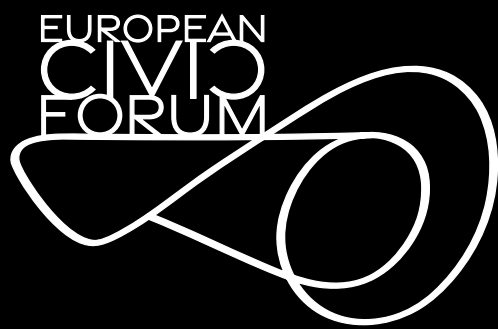
European Civic Forum (ECF) is a pan-European network of more than 100 associations and NGOs across 30 European countries,

Founded in 2005 by our member organisations, we have spent nearly two decades working to protect civic space, enable civic participation and build civil dialogue for more equality, solidarity and democracy in Europe.



About Civic Space Watch

Civic Space Watch collects findings and analyses from actors in Europe on the conditions for civil society to operate, capturing national and trans-European trends in civic space. Through ongoing monitoring of social media and regular contact and interviews with a strong network of members and partners on the ground, we strive to provide easy access to resources and improve information sharing within civil society across Europe.



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