

Contribution and challenges of Civil Society in Albania

Policy Paper

October, 2024

This publication of the Albanian Helsinki Committee (AHC) was realized in the context of the project C1 – EU – NPA, “Improving the Debate on Policies and Accountability to Fulfill Basic Rights, through the creation of the Cluster 1 Negotiation Platform Albania,” implemented by four Albanian organizations, the Center for the Study of Democracy and Governance, the Albanian Helsinki Committee, the Institute for Political Studies and the Albanian Institute of Science, with financial support from the Embassy of the Kingdom of the Netherlands in Tirana.

The views expressed in this document are of the Albanian Helsinki Committee and do not represent necessarily the views of the donor and the implementing organizations.

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ABBREVIATIONS

NYA – National Youth Agency

ASCS – Agency for Supporting Civil Society

EU – European Union

FG – Focus group

II – Individual Interview

EC – European Commission

NCCS – National Council for Civil Society

AHC – Albanian Helsinki Committee

MHSP – Ministry of Health and Social Protection

CSO – Civil Society Organization

CS – Civil Society

VAT – Value Added Tax

GoA – Government of Albania

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EXECUTIVE SUMMARY

Throughout the world, concerns about the functionality of representative democracies have been on the rise, mainly with regard to the inadequacy of representation, making researchers and experts seek to make up for it through representative democracy, whereby inclusivity and participation of citizens in policymaking and decision-making processes are the leading words. Representative democracy has the potential to influence both democratic and technical aspects of governing processes. Not only does it enable more ‘essential’ democracy, allowing citizens to have a continued voice, and not only in times of elections, but it also contributes to building and consolidating civil society (CS), which is essential for countries that are experiencing democratic transformations, that have autocratic tendencies, or those where the situation of public ethics, accountability, transparency, corruption, and good governance is disturbing.

The civil society sector in Albania has evolved considerably since the mid-‘90s, but despite progress, CS in Albania faces continued challenges that affect its effectiveness, sustainability, and public perception thereof. The Government of Albania (GoA) has shown that it has the will to consider and involve the CS in efforts for (better) good governance and sustainable results, as seen concretely in policy documents such as the National Strategy for Development and Integration for 2015-2021, the Action Plan for European Integration, as well as in dedicated documents to the CS environment, such as “Roadmap for Government Policy toward an Enabling Environment for Civil Society Development 2019–2023”. Beyond the will, the efforts and achieved results have been limited and scarcely documented. Evaluations to date from international actors (such as the EC Screening Report 2023) and national actors (such as the Civil Society Matrix by Partners Albania 2023) paint an overview that is far from the objectives set in the Roadmap and raise concerns about a shrinking trend in the space and role of civil society. In this context, the Albanian Helsinki Committee (AHC), with support from the Embassy of the Netherlands, undertook the drafting of this policy paper, based on the review of literature as well as on primary data collected through interviews and focus group discussions with representatives from the main stakeholders.

The findings confirm concerns that are linked with the perception of a narrowing of the space or an inadequately enabling environment for civil society in the country. Although there is no evaluation report on achievements in the scope of the CS Roadmap, the implementation of measures envisaged for creating an enabling environment for civil society has been insufficient and requires additional efforts, resources, and improved monitoring. A series of problems are carried over from before, without receiving necessary attention to be addressed or without achieving sustainable results. Issues of implementation and functionality of the legal framework for CS remain problematic and the effectiveness of consultation processes remains limited, among others, also due to the poor access and low transparency.

Institutional support for CS remains poor and the role of the National Civil Society Council (NCSC) is still marginal. The financial environment has only seen small improvements in terms of increased public funds to ensure CSO sustainability, especially in the service provider roles. The tax regime is unfavorable, lacking stimulate for donations, and imposes complex VAT reimbursement processes.

A worsening of the language used vis-à-vis CS, continued attacks on it or certain actors, and the problem of the image, competition, and corruption within the sector add to the challenges for the CS and addressing problems that have been identified and underscored by the European Commission Report for 2023.

With regard to these findings, a series of recommendations were reviewed and validated with the stakeholders involved in the process of drafting this paper. They are presented at the end of this paper and target four main categories of actors: stakeholders responsible for law and policy-making in the country and enabling their implementability, the community of international stakeholders and donors, CS organizations themselves, and the media.

From the middle of the previous century, criticism on modern representative democracy¹ have been on the rise.² The main concern has been linked with the inadequacy of representation, both as a concept or system as well as in practice.³ It has been noted that “representatives,” i.e. the elected in representative democracies, more than the “voice” of the people who have elected them, act simply “in their stead.”⁴, creating gaps between the will of the electorate and the activities undertaken by elected politicians. Numerous researchers have seen the addressing of these deficiencies and problems as being possible only through participatory democracy.⁵ Thus, from the start of the years 2000, all-inclusivity and participation of citizens in policy-making and decision-making processes have turned into a leading word and expectation that is almost standard in democratic countries.⁶

Representative democracy has the potential to affect both democratic aspects as well as technical ones of governance processes. It not only enables more ‘essential’ democracy, allowing citizens to have a continued voice rather than during elections alone, but also contributes to building and consolidating civil society (CS).⁷ This is valid even more for countries that are undergoing democratic transformations,⁸ that have autocratic tendencies,⁹ or those where the situation of

¹ Representative democracy is a system in which citizens elect representatives to make decisions on their behalf. In this model, elected officials have a duty to reflect the will of the people and make legislative or political choices in the best interest of their electors.

² Arnstein, S. R. (1969). A ladder of citizen participation. *Journal of the American Planners*, 35(4), 216–224.; Pateman, C. (1970). *Participation and democratic theory*. Cambridge: Cambridge University Press.

³ For more, see: Radzik-Maruszak, K., Haveri, A., & Pawłowska, A. (2020). Pro-civic representation? Citizens’ participation in the opinion of Finnish and Polish local councilors. **Transylvanian Review of Administrative Sciences**, (60E), 85–103. <https://doi.org/10.24193/tras.60E.6>.

⁴ Pitkin, H. F. (2004). Representation and democracy: Uneasy alliance. *Scandinavian Political Studies*, 27(3), 335–342., p. 339

⁵ Participatory Democracy is a system in which citizens have direct involvement in decision-making processes. This approach enables the active engagement of citizens, often through mechanisms such as public for a, referenda, or community-based structures, making sure that their voice is heard in shaping policies and laws.

⁶ For a summary, see Quick, K. S., & Bryson, J. M. (2016). Public participation. In C. Ansell & J. Torfing (Eds.), *Handbook on theories of governance* (pp. 158–169). London: Edward Elgar., p. 159

⁷ Geurtz, C., & Van de Wijdeven, T. (2010). Making citizen participation work: The challenging search for new forms of local democracy in the Netherlands. *Local Government Studies*, 36(4), 531–549. p. 533

⁸ Baba, C., Cherecheș, R., Mora, C., & Țiclău, T. (2009). Public participation in public policy process – Case study in seven counties from North-Western region of Romania. *Transylvanian Review of Administrative Sciences*, 26E, 5–13. p. 5-13

⁹ Freedom House (2024), NATIONS IN TRANSIT 2024, https://freedomhouse.org/sites/default/files/2024-04/NIT_2024_Digital_Booklet.pdf, p.10 (accessed on July 21, 2024).

public ethics, accountability, transparency, corruption, and good governance is disturbing.¹⁰ In these contexts, civic participation is a key feature of the (will for) good governance.

The civil society sector in Albania has seen considerable evolution from the start of the 1990s, moving from a simple group of organizations in the beginning to a more structured and more impactful part on the country's social-political landscape.¹¹ This evolution reflects the broader political and economic transition of Albania as the country moved from a communist regime to a democratic society. Nevertheless, in spite of progress, civil society in Albania faces continuous challenges that affect its effectiveness, sustainability, and public perception.¹² Despite progress in numbers and professionalism, as well as the expansion of their impact in different areas,¹³ including advocating policies, public accountability, and provision of services, the sector manifests challenges and inequalities in capacities, impact, and financial stability among the different organizations.¹⁴

The Government of Albania (GoA) has shown that it has the will to consider and include CS in efforts for (better) good governance and sustainable results. By means of official documents, CS is engaged to actively involve CS in determining the country's political agenda and implementing monitoring policies, especially in the European Union (EU) accession process. The National Strategy for Development and Integration for the period 2015–2021¹⁵, and the Action Plan for

¹⁰ Council of Europe (2020) GEORGIA Handbook on Transparency and Citizen Participation

¹¹ Dhëmbo, E. (2017). "Albania" in Civil Society in Central and Eastern Europe: Challenges and Opportunities Edited by Peter Vandro, Nicole Traxler, Reinhard Millner, and Michael Meyer, ERSTE Stiftung Studies, Vienna, Austria. ISBN 978-3-902673-10-7, https://www.erstestiftung.org/wp-content/uploads/2020/02/civil_society_studie_issuu_e1-1.pdf

¹² Dhëmbo, E. (2019). "Albania" in Civil Society in Central and Eastern Europe: Monitoring 2019 Editors: Eva More-Hollerweger, Flavia-Elvira Bogorin, Julia Litofcenko, Michael Meyer, ERSTE Foundation, Vienna, ISBN 978-3-902673-14-5 <https://www.erstestiftung.org/wp-content/uploads/2020/02/civil-society-in-central-and-eastern-europe-monitoring-2019-1.pdf>

¹³ Bino, B, Qirjazi, R., & Dafa, A. (2021). CSO PARTICIPATION IN DECISION-MAKING IN ALBANIA. Institute for Democracy and Mediation, <https://idmalbania.org/wp-content/uploads/2021/11/CSO-Participation-in-Decision-Making-in-Albania-1.pdf>; Dhëmbo, E. (2019). "Albania" in Civil Society in Central and Eastern Europe: Monitoring 2019 Editors: Eva More-Hollerweger, Flavia-Elvira Bogorin, Julia Litofcenko, Michael Meyer, ERSTE Foundation, Vienna, ISBN 978-3-902673-14-5 <https://www.erstestiftung.org/wp-content/uploads/2020/02/civil-society-in-central-and-eastern-europe-monitoring-2019-1.pdf>

¹⁴ Partners Albania for Change and Development. (2023). MONITORING MATRIX ON ENABLING ENVIRONMENT FOR CSOS DEVELOPMENT: COUNTRY REPORT FOR ALBANIA 2022. <https://www.partnersalbania.org/publication/monitoring-matrix-on-enabling-environment-for-csos-development-country-report-for-albania-2022/>; Partners Albania for Change and Development. (2019). Needs assessment report 2019. <https://www.partnersalbania.org/wp-content/uploads/2019/12/Need-Assessment-Report-2019.pdf>

¹⁵ Ministry of Defense of the RA (2015), National Strategy for Development and Integration for the period, https://www.mod.gov.al/images/PDF/strategji2016/SKZHI_FINAL_QBZ.pdf

European Integration¹⁶ emphasize the importance of civil society participation in the country's European integration process. according to the "Roadmap for Governance Policy toward an Enabling Environment for Civil Society Development 2019–2023"¹⁷, active and inclusive encouragement of the participation of citizens and their organizations in the country's social, economic, and political life, a characteristic of democratic societies, may be enabled through an adequate legal and financial framework.

The "Roadmap for Government Policy toward an Enabling Environment for Civil Society Development 2019-2023" was approved by the Government of Albania in recognition of CS's role in policymaking and good governance, as well as the growing need to determine necessary actions for improving the environment for its work and development. This strategic document was drafted to facilitate and strengthen cooperation between the government and civil society organizations (CSOs), aiming to support Albania's aspirations for integration into the European Union and improve the framework for participatory democracy. Although a dedicated evaluation on the implementation of the roadmap has been commissioned and is being finalized,¹⁸ evaluations by international actors (such as the EC Screening Report 2023¹⁹) and national actors (such as the Civil Society Matrix Civile 2022 by Partners Albania, 2023)²⁰ paint a picture that is far from the objectives and raise concerns about a shrinking trend for the space and role of civil society. In this context, the Albanian Helsinki Committee (AHC), with support from the Embassy of the Netherlands in Tirana, present this policy paper, which is a result of a review of literature, collection and review of evidence on challenges encountered by key actors, and of the opportunities for an enabling environment for CS in the country.

METHODOLOGY

This policy paper is based on the review and analysis of existing reports and research studies, on the review of the legal framework on CS in the Republic of Albania, and the collection, review, and analysis of primary data from key stakeholders.

¹⁶ Ministry of Justice of the RA (2022), (2023). National plan for European integration 2023–2025. <https://www.drejtesia.gov.al/wp-content/uploads/2023/03/PLANI-KOMB%C3%8BTAR-P%C3%8BR-INTEGRIMIN-EVROPIAN-2023-2025.pdf>

¹⁷ DECISION No. 539, dated 25.7.2019, On the Approval of the Roadmap for Government Policy toward an Enabling Environment for Civil Society Development 2019–2023", revised

¹⁸ According to information from key informers interviewed in the context of drafting this paper.

¹⁹ European Commission (2023). Screening report - Albania, 20/07/2023. https://neighbourhood-enlargement.ec.europa.eu/screening-report-albania_en

²⁰ Partners Albania. (2023). *Monitoring matrix on enabling environment for CSOs development: Country report for Albania 2022*. <https://www.partnersalbania.org/publication/monitoring-matrix-on-enabling-environment-for-csos-development-country-report-for-albania-2022/>

An important starting point in this process was the key document on progress toward Albania's accession into the European Union, the 2023 Screening Report. Based on the findings of this report, the main issues to investigate further into reports and literature in the field were defined and the instruments for collecting primary data were designed. One-on-one interviews (3) and focus group discussions (2) were conducted with the participation of representatives from state institutions and agencies (2), civil society organizations (13), including service providers and think tank organizations,²¹ as well as researchers, journalists, and academicians (5). They focused on the following issues:

- Perceptions on the shrinking space for CS in the country.
- Causes for an (un)enabling environment for CS and CSOs in the country.
- Perceived and expected effects.
- Challenges and coping strategies.
- Opportunities for improvement, including those created by the EU accession process.

These topics guided also the analysis of data and were used to structure the presentation of findings and discussions in this document.

Participants were informed and gave their consent on the use of data with confidentiality. To this end, the quotations used from interviews or focus group discussions will be accompanied solely with information on the typology of the profile of the participant/institution or organization that he/she represents.

LEGAL AND INSTITUTIONAL FRAMEWORK FOR CS IN ALBANIA

The importance of the role civil society plays in the accession process for EU candidate countries has been emphasized continuously by the EU in the past two decades. Relying on lessons learned from previous rounds of EU enlargement, it has been accepted that complex reforms linked with the EU's legislation may not be sustainable without the existence of an active and lively civil society that is capable of holding the government accountable for the quality of the implementation of approved reforms. In order to help governments of candidate countries in structuring their

²¹ A "think tank" is a non-government organization that focuses on conducting research, analysis, and advocacy in different policy areas, such as economy, social issues, governance, or international relations. These organizations seek to influence public policies, decision-making, and public opinion, by offering data-based knowledge, recommendations of experts, and innovative ideas. Think-tank organizations often engage with governments, international organizations, and the public to shape policies and promote an informed debate on important social issues.

efforts toward a more favorable environment for civil society development, DG NEAR of the European Commission has developed Guidelines for EU support to civil society 2021-2027.²²

In Albania, the freedom of organization is guaranteed by the Constitution in article 46. The Constitution also envisages restriction of this liberty when involved actors (for instance, organizations or associations) ‘pursue unconstitutional goals.’ Further on, it is the Law on non-profit organizations that shapes the main legal, regulatory framework for the activity of civil society in the country. This law determines the rules for the founding, registration, functioning, organization, and activity of a non-profit organization. It also provides guarantees against state interference in internal affairs of CSOs, guaranteeing the exercise of their activity in an independent manner from state bodies and interests. The law stipulates that a CSO may be dissolved only by court ruling.

The law on the registration of non-profit organizations, approved in 2021,²³ determines both the process for the registration of non-profit organizations and the rules for maintaining their register. Nevertheless, the continued work for the creation of the National Electronic Register of non-profit organizations envisaged by the law in question is yet to be concluded with a final operational product.²⁴ It is notable that during 2023, the Constitutional Court, upon request of a group of CSOs,²⁵ took under review and invalidated some of the provisions of this law, which infringed upon the constitutional right to organize. The Court ruled that the obligation for registration within 30 days, envisaged by article 8 of the law, creates a disproportionate burden for new organizations and limits the freedom of organization. Furthermore, the competences of the chancellor are in contravention of article 46 of the Constitution as the only the court has the right to register organizations. Moreover, the Court found that the provisions on fines established in law no.

²² European Commission. (2021). *DG NEAR guidelines for EU support to civil society in the enlargement region, 2021–2027*. https://neighbourhood-enlargement.ec.europa.eu/dg-near-guidelines-eu-support-civil-society-enlargement-region-2021-2027_en

²³ Republic of Albania. (2021). Law no. 80/2021, dated 24.6.2021: On non-profit organizations <https://resourcecentre.al/wp-content/uploads/2021/08/ligj-nr.-802021-dt.-24.6.2021.pdf>

²⁴ The NPO Registration office functions at the Tirana Judicial District Court, pursuant to Law no. 8788, dated 07.05.2001 and Law no. 8789 dated 07.05.2001 "On the Registration of NPOs" <https://gjykatatirana.gov.al/gjykatatirana/zyrat-e-regjistrimit-te-ojif/> Until the time of drafting this paper, September 2024, the electronic register has not become functional.

²⁵ The request was addressed by the Albanian Helsinki Committee, Civil Rights Defenders Tirana Branch, Albanian Media Council, Alliance Against LGBT Discrimination, and the Balkan Investigative Reporting Network Albania - Balkans

80/2021 did not fulfill constitutional standards for clarity and proportionality, thus limiting the freedom of organization.²⁶

The legal framework for the activity of associations includes also the *law on volunteerism*,²⁷ which establishes the principles, conditions, and main criteria on volunteerism, the *law on the organization and functioning of Local Action Groups*,²⁸ which establishes the possibilities for civic engagement by local communities, as well as the *Civil Code of the Republic of Albania*,²⁹ which establishes the rights and obligations of non-profit organizations.

In order to encourage and facilitate an active role of CS in the country, structures have been established and dedicated means have been made available. The main structure for state-CS dialogue and cooperation, created by law, is the National Council for Civil Society (NCCS),³⁰ an advisory body of the Council of Ministers that brings together representatives of civil society and of government institutions. The Agency for Supporting Civil Society (ASCS), which was established and functions on the basis of law no. 10093, dated 09.03.2009: ON THE ORGANIZATION AND FUNCTIONING OF THE AGENCY FOR SUPPORTING CIVIL SOCIETY,³¹ provides financial support for civil society in accordance with the priorities and strategy of the Government Program. The Agency serves to connect civil society and state institutions. To date, the leading strategic document for civil society has been the 'Roadmap for government policy toward an enabling environment for the development of civil society 2019-2023'. The Roadmap established three strategic guidelines and 9 priority action areas:

Strategic Direction: 1: Institutionalized government-civil society cooperation in policymaking and European integration

²⁶ See the full decision of the Constitutional Court here:

https://www.gjk.gov.al/web/NJOFTIM_VENDIMARRJEJE_2838_1-94.php

²⁷ Law no 45/2016, On Volunteerism, <https://qbz.gov.al/eli/fz/2016/92/2f033324-df83-4afc-88b8-f04967bf0052;q=Ligji%20Per%20Vullnetarizmin%20>

²⁸ Law no. 36/2022, On the Organization and Functioning of Local Action Groups, <https://bujqesia.gov.al/wp-content/uploads/2022/09/ligj-2022-04-14-36-P%C3%8BR-ORGANIZIMIN-DHE-FUNKSIONIMIN-E-GRUPEVE-VENDORE-TE-VEPRIMIT.pdf>

²⁹ Civil Code of the Republic of Albania, approved by law no. 7850, dated 29.7.1994; amended by laws no. 8536, dated 18.10.1999; no. 8781, dated 3.5.2001, and no. 17/2012, dated 16.2.2012; no. 121/2013, dated 18.4.2013 https://www.drejtesia.gov.al/wp-content/uploads/2017/11/Kodi_Civill-2014_i_azhornuar-1.pdf

³⁰ Republic of Albania. (2015). Law no. 119/2015: On the creation of the National Council for Civil Society. https://www.connectwitheu.al/wp-content/uploads/2019/06/Dokumenta-Kombetare_-2015_Ligj_Nr.119-2015_KKSHC-AL.pdf

³¹ Republic of Albania. (2009). Law no. 10093, dated 09.03.2009: On the Organization and Functioning of the Agency for Supporting Civil Society, <https://amshc.gov.al/wp-content/uploads/2024/08/ligj-2009-03-09-10093-1.pdf>

- Priority 1: Creating and maintaining a nationwide strategic policy for civil society development
- Priority 2: Government institutions with a service mindset that appreciate cooperation with CSOs
- Priority 3: Sustainable and effective involvement of CSOs in the policymaking process
- Priority 4: Ensuring CSO contribution to the accession process in accordance with best EU practices
- Priority 5: Supporting CSO volunteerism and active citizenship with a special focus on the local level

Strategic Direction 2: Enabling the legal environment and data governance

- Priority 6: Creating a more enabling framework for the registration and functioning of CSOs
- Priority 7: Collection and availability of data on civil society development

Strategic Direction 3: Favorable fiscal and funding framework

- Priority 8: Creating a framework for public funding for CSO programs in accordance with EU best practices
- Priority 9: Financial reporting/accounting and taxation of CSOs.

According to Albania's reporting to the European Commission 2023 report,³² it is noted that Albania has implemented 85% of the measures regarding strategic direction1³³ and about 2/3 of measures regarding strategic directions 2 and 3.³⁴ In this document, in consultation with local stakeholders, we go beyond these numbers in order to understand more about the impasses, challenges, and measures to guarantee an enabling environment for CS and deter the advancement of trends for a shrinking of the space or role of CS in the country.

CARRYOVER PROBLEMS OF CS IN ALBANIA & AND THE 2023 EUROPEAN COMMISSION REPORT

As addressed above, although relatively new, the CS sector in Albania has seen real development in the recent decades. Nevertheless, some problems continued to accompany it, challenging its sustainability, impact, and sometimes its space in general or for certain actors. Based on the review

³² European Commission (2023). Screening report - Albania, 20/07/2023. https://neighbourhood-enlargement.ec.europa.eu/screening-report-albania_en

³³ Priority 1: Creating and maintaining a nationwide strategic policy for civil society development

³⁴ Priority 2: Service-minded government institutions that appreciate cooperation with CSOs; Priority 3: Sustainable and effective involvement of CSOs in the policymaking process

of reports and continuous assessments on the CS environment and challenges in Albania,³⁵ it results that the main obstacles are linked with shortcomings or inappropriateness in the legal and regulatory framework, the operational and political environment, civic trust and engagement, as well as the sector's financial sustainability.

Legal and Regulatory Framework: The legal environment for civil society in Albania has seen some improvements, especially with regard to the process of CSO registration and measures to increase transparency. However, remaining challenges are those linked with the unsustainability and inconsistency of the implementation of the regulatory framework as well as with concerns about potential restrictions on the freedom of organization. According to the Monitoring Matrix 2022³⁶ on the Enabling Environment for CSO Development, while Albania has made some level of progress, the regulatory framework still poses obstacles for the sector's growth and effectiveness.

Operational Environment: While there is a basic legal framework that supports CSO functioning, issues such as taxation of grants and donations, bureaucratic obstacles and limited access to public funding remain problematic. Besides, the lack of a favorable environment for philanthropy and the non-development of social entrepreneurship further harm CSOs' financial sustainability in Albania.³⁷

Political environment: Albania's political environment continues to affect the activity of civil society organizations. The country has experienced political polarization, such that sometimes it

³⁵ See e.g. Dhëmbo, E. (2017). "Albania" in Civil Society in Central and Eastern Europe: Challenges and Opportunities Edited by Peter Vandro, Nicole Traxler, Reinhard Millner, and Michael Meyer, ERSTE Stiftung Studies, Vienna, Austria. ISBN 978-3-902673-10-7, https://www.erstestiftung.org/wp-content/uploads/2020/02/civil_society_studie_issuu_e1-1.pdf; EU Policy Hub. (2018). Founding the National Civil Society Council: Challenge or achievement? <https://eupolicyhub.eu/wp-content/uploads/2018/09/policy-brief-CSO2018-sq-3.pdf>; Dhëmbo, E. (2019). "Albania" in Civil Society in Central and Eastern Europe: Monitoring 2019 Editors: Eva More-Hollerweger, Flavia-Elvira Bogorin, Julia Litofcenko, Michael Meyer, ERSTE Foundation, Vienna, ISBN 978-3-902673-14-5 <https://www.erstestiftung.org/wp-content/uploads/2020/02/civil-society-in-central-and-eastern-europe-monitoring-2019-1.pdf>; Partners Albania for Change and Development. (2019). Needs assessment report 2019. <https://www.partnersalbania.org/wp-content/uploads/2019/12/Need-Assessment-Report-2019.pdf>; Bino, B, Qirjazi, R., & Dafa, A. (2021). CSO PARTICIPATION IN DECISION-MAKING IN ALBANIA. Institute for Democracy and Mediation, <https://idmalbania.org/wp-content/uploads/2021/11/CSO-Participation-in-Decision-Making-in-Albania-1.pdf>; Partners Albania for Change and Development. (2023). MONITORING MATRIX ON ENABLING ENVIRONMENT FOR CSOS DEVELOPMENT: COUNTRY REPORT FOR ALBANIA 2022. <https://www.partnersalbania.org/publication/monitoring-matrix-on-enabling-environment-for-csos-development-country-report-for-albania-2022/>

³⁶ Partners Albania for Change and Development. (2023). Monitoring matrix on enabling environment for CSOs development: Country report for Albania 2022. <https://www.partnersalbania.org/publication/monitoring-matrix-on-enabling-environment-for-csos-development-country-report-for-albania-2022/>

³⁷ Ibid.

has resulted in pressure or interference with NPOs. Some CSOs have fought to preserve their independence and credibility in this context, as it has been further complicated by the lack of trust between civil society and government institutions.³⁸

Image of the sector and public engagement: Public perception remains a significant obstacle to Albanian civil society. While CSOs have contributed to the public discourse and have advocated for important reforms, they are often faced with skepticism from the public. Many citizens view these organizations as detached from their needs and concerns, which has impeded broader civic engagement and, therefore, support for undertaken initiatives. The public image of the CSO sector worsened somewhat in 2021 as a result of continued attacks in recent years by the government and media influenced by it.³⁹

Funding and financial sustainability: A significant challenge for civil society in Albania is financial sustainability. Many CSOs still remain heavily dependent on international donors, which creates weaknesses with regard to changes and shifts (including geographic ones) in donor priorities and the reduction of their funding for our country or the region we are a part of (e.g. the Covid-19 pandemic and the war in Ukraine led to a reduction of attention and funding for certain areas or themes). Lack of diverse sources of funding has led to financial unsustainability for many organizations, thus limiting their ability to implement long-term projects or maintain operations in a consistent manner.⁴⁰

Even in 2023, the European Commission Screening Report, aside from findings on undertaken steps also highlights a series of challenges that threaten the space, impact, and sustainability of the sector in the country. These include:

³⁸ USAID. (2021). Civil Society Organizations Sustainability Index 2021. <https://smartbalkansproject.org/wp-content/uploads/2023/07/Indeksi-i-Qendrueshmerise-se-Organizatave-te-Shoqerise-Civile-2021.pdf> ; Bino, B, Qirjazi, R., & Dafa, A. (2021). CSO PARTICIPATION IN DECISION-MAKING IN ALBANIA. Institute for Democracy and Mediation, <https://idmalbania.org/wp-content/uploads/2021/11/CSO-Participation-in-Decision-Making-in-Albania-1.pdf>; Dhëmbo, E. (2019). “Albania” in Civil Society in Central and Eastern Europe: Monitoring 2019 Editors: Eva More-Hollerweger, Flavia-Elvira Bogorin, Julia Litofcenko, Michael Meyer, ERSTE Foundation, Vienna, ISBN 978-3-902673-14-5 <https://www.erstestiftung.org/wp-content/uploads/2020/02/civil-society-in-central-and-eastern-europe-monitoring-2019-1.pdf>

³⁹ Albanian Helsinki Committee. (2022). Legal instruments and challenges for the engagement of citizens and civil society in decision-making and legislative processes of the Assembly: research report. <https://ahc.org.al/wp-content/uploads/2022/10/Raport-Studimor-Instrumentet-ligjore-dhe-sfidat-e-angazhimit-te-qytetareve-dhe-te-shoqerise-civile-ne-proceset-vendimmarrese-dhe-legjislativ-te-kuvendit.pdf> ; USAID. (2021). Civil Society Organizations Sustainability Index 2021. <https://smartbalkansproject.org/wp-content/uploads/2023/07/Indeksi-i-Qendrueshmerise-se-Organizatave-te-Shoqerise-Civile-2021.pdf>;

⁴⁰ USAID. (2021). Civil Society Organizations Sustainability Index 2021. <https://smartbalkansproject.org/wp-content/uploads/2023/07/Indeksi-i-Qendrueshmerise-se-Organizatave-te-Shoqerise-Civile-2021.pdf>

1. *Issues of the implementation and functionality of the legal framework for CS:* In spite of an inclusive and consulted legal framework, many mechanisms are not fully functional. The Electronic Register of Non-Profit Organizations, essential for simplifying CSO registration, has not yet been created and existing registration procedures remain cumbersome.

2. *Limited effectiveness of consultation processes:* Although there are platforms and procedures in place for engaging CSOs in decision-making, consultations often remain formal, without involvement or any proactive orientation. Legal deadlines are not always respected and accelerated procedures restrict CS meaningful contributions. The legal framework envisages a 20- workday deadline for the publication of online consultation, but this is respected in only about 60% of the cases and is not always it for complex policy initiatives. Often, the accelerated procedure does not allow sufficient time for CSOs and interested stakeholders to provide real contributions.⁴¹

3. *Poor institutional support for civil society:* The National Council for Civil Society (NCCS), which was intended for facilitating dialogue, is not yielding the expected results and is hardly functioning, thus failing to represent effectively the CSO priorities. The European Commission finds an urgent need for reform that would improve the functioning and representation of the NCCS.

4. *Insufficient financial and tax support:* Public funding remains inadequate for ensuring the sustainability of CSOs, particularly in the service provider roles. The tax regime is unfavorable, lacking stimulate for donations and imposes complex VAT reimbursement processes.

5. *Issues of transparency and accessibility shortcomings:* The digital and monitoring platforms of the Assembly have partial improvements in accessibility and transparency, but technical problems, such as the lack of security certificates, impede full use.

6. *Slow progress regarding the Roadmap for an Enabling Environment for CS:* Although there has been progress, the implementation of measures to create an enabling environment for civil society requires additional efforts, resources, and improved monitoring to create trust and ensure evidence-based policymaking.

LOCAL STAKEHOLDERS' PERCEPTIONS ON THE SHRINKING SPACE FOR CS AND CAUSES

⁴¹ European Commission (2023). Screening report - Albania, 20/07/2023. https://neighbourhood-enlargement.ec.europa.eu/screening-report-albania_en, p.21.

1. DEFINING AND MEASURING CIVIL SOCIETY SPACE

The discussion on the shrinkage of space for CS in the country is challenged primarily by the need for clarity on the very concepts and meanings they assume in different contexts and from different stakeholders. One of the discussions in the conducted focus group discussions started precisely with a counter question by participants – *Which space and which CS?* The very definition of what is meant by space for CS, who we refer to and whom we involve in the discourse on CS, and how this ‘space’ is measured, need continued attention and addressing. CSO representatives raise the concern that the definition and operationalization of terms is an issue by itself. CS is often reduced to CSO or more accurately to a few certain CSOs, which are more known by the names of their leaders than their name and mission. Likewise, the term ‘space’ does not tell much (unless clearly defined) and there are no indicators that would concretize it. The space may be *shrunk*, or it may be *there but is not exploited or is exploited less than* in the past and the result may be similar, less role and impact of CS. Only such clarity could show us whether the mechanisms that are used for creating or exploiting this space are the right ones or need to change.

During interviews with representatives from other stakeholders with an impact on the environment that CS operates in, it was highlighted that there is lack of clarity on determining the indicators and lack of continued measurements in this regard. Representatives of state institutions argued that as long as, in general, there is no measurable indicator or monitoring and evaluation processes conducted institutionally to measure the ‘civil society space,’ it is difficult to discuss objectively about this.

“Ok, because based on perception, we may say that there are things that did not go right, but to say whether there is a shrinkage or not, it’s a little difficult. How do you measure that? We do not have indicators, and we have not made such measurements. Even the reports that have been done are based on opinions more than on measurements.” (II with representatives of state institutions)

Overall, there appears to be an agreement that serious and sustainable efforts to define, measure, and evaluate the space for and role of CS in the country have been lacking or have not been sufficiently successful/sustainable.

“I do not see an effort to define and measure it. The definition and measurement deserve to be broadened.” (FG discussion, CSO representative, think tank)

The lack of relevant and updated data for the sector are a constant obstacle for realizing necessary measurements. Although one of the priorities of the Roadmap has been focused on governing CSO data (priority 7), progress has been limited and challenges appear to remain long-term in this regard. The latter are conditioned by problems of a lack of resources and poor cross-institutional

harmonization. A concrete example in this regard is the failure to finalize the electronic register for non-profit organizations in the country.

Upon approval of law no. 80/2021 “On the registration of non-profit organizations,” the High Judicial Council (HJC) approved Decision no. 35, dated 26.01.2022 “On the creation and functioning of the Electronic Register of Non-Profit Organizations.” On the basis of this decision, the electronic register is created at the Tirana Judicial District Court; it was envisioned to be functional at the end of 2023 (Official Gazette 17/2022). Although it is the second half of 2024, this register is yet to become functional. Although based on interviews with key informants it is understood that we are close to the finalization of the process, the digitalization of CSO registration requires interaction of different databases managed by different state institutions, which presents a series of additional challenges. In spite of concrete reasons, the lack of updated data remains a fact.

Besides the issue of the national register, data on the sector is scarce. The ASCS itself does not offer much in this regard. It still does not publish accessible information and statistics for the CSO sector, such as CSO trends through the years, field of activity, number of employees, number of volunteers, etc. In fact, data collection itself appears to be challenged by a clear lack of clarity.

“We have about 70-80 organizations that benefit, out of 200 that apply. It is difficult to collect and disaggregate data about their profiles. Even those, because they need to survive, are not very clearly specialized. For instance, there are those that include from youth, human rights, and so on to anti-corruption, and the statistics office finds it difficult to report on the profile of beneficiaries.” (Representative of state institution)

The lack of updated data and reports on trends of the sector and its performance not only create a gap in monitoring and evaluation, but they also create room for speculations that affect the image of CS and certain CSOs in the country.

2. EVERYTHING STARTS FROM THE IMAGE – CS IMAGE AND ROLE OF THE MEDIA

Discussions on the space and role of CS in the country are closely linked with those about the image of the CS and mutual trust among CS stakeholders and other stakeholders. In a research study about the rapport between CS and the Assembly of the RA, AHC highlighted that these elements present a conditioning nature for the rapport created among stakeholders.⁴²

⁴² For more, please see: <https://ahc.org.al/wp-content/uploads/2022/10/Raport-Studimor-Instrumentet-ligjore-dhe-sfidat-e-angazhimit-te-qytetareve-dhe-te-shogerise-civile-ne-proceset-vendimmarrese-dhe-legjislativ-te-kuvendit.pdf>

Based on discussions with sector representatives, we see a growing concern about the continued infringement on the image of CS (in general and of CSOs in particular). Denigrating language and attacks on CSOs have been growing, as have those toward journalists and media outlets. This fact has been manifested in the increased concern about judicial processes initiated toward them (known also as SLAPPs - Strategic Lawsuit Against Public Participation).⁴³

“With technological advances, everyone has an opportunity to have their own forum and we see that there is an increase of extremist narratives that find space among those that we document as ‘digital right violations’⁴⁴ – these are ‘far right’⁴⁵ and nationalistic narratives and have a direct impact on attacks on civil society. I may take two examples from recent months – first, the continued attacks on the LGBT community, on representatives of this community and the initiatives they have undertaken, which entirely reflects the ‘pro-family,’ right-wing, conservative narrative – and it comes even from high-level representatives – which has then entered even into parliamentary discussions, e.g. in discussions about changes to the law on reproductive health, etc., etc. Second, there have been the organizations that were strongly involved in opposition to amendments to the law on protected areas. They were attacked as anti-national, as bought by the Greeks, or as foreign agents.” (FG discussion, representative from the media)

In the face of attacks and lynching of certain actors, the space for recognizing the contribution and success stories of CS stakeholders is deemed as very limited. For instance, there is very little coverage of CSO activity and access to national media is confined by financial possibilities to buy space/airtime.

“The national media’s approach is – everything with payment. Any space you may need, you need to pay. Even for a one-minute story about something that happened, that may be of importance for the community or public opinion, televisions want payment...Donors, though

⁴³ Partners Albania for Change and Development. (2023). *From silence to strength: A regional response to SLAPPs in the Western Balkans*. <https://www.partnersalbania.org/publication/from-silence-to-strength-a-regional-response-to-slapps-in-the-western-balkans/>

⁴⁴ Violations of digital rights refer to violations of the rights of individuals in the digital sphere, including issues that are linked with privacy, freedom of expression, access to information, and data protection. These violations may affect the ability of an individual to express themselves freely and to maintain control over their personal information in an increasingly digitalized world.

⁴⁵ The participant indicates the political extreme right. The term ‘extreme right’ refers to a political ideology and movement characterized by extreme nationalistic, authoritarian, and anti-immigration views. Extreme right groups often advocate for preserving a perceived national identity, cultural homogeneity, and traditional values, and may convey enmity toward multi-culturalism and principles of liberal democracy.

interested in visibility, are not very enthusiastic about payments for TV airtime.” (FG discussion, international CSO representative)

“[W]e have been part of protests related to the amendments to the law on protected areas and there has not been a lot of coverage.” (FG discussion, new CSO representative)

“In the media, there was very little space for youth, for activism, especially national media...” (FG discussion, activist)

These apply to both the national level but also the local one. Moreover, the filters and mechanisms that should protect against denigrating or hate speech, have been felt mostly in the shrinkage and restrictions of space for CS actors and activism even beyond the national level, for instance in social media. The best illustration for this situation full of limitations was offered by an organization operating at the local level.

“[W]e are a local organization, a watchdog, certainly not at the national level, but even at the local level, we see it very difficult with space in the local media. We are constantly attacked – for instance, materials that help transparency, such as meetings of the municipal council, when we wanted to give them more visibility, it was impossible. Facebook has not accepted sponsorship for such materials. Even though they are materials that violate none of the FB or community rules or standards. It was very difficult to share these materials on social media because they are reported, poorly ranked, and as a result, even blocked.” (FG discussion, local CSO representative)

To address this gap, individuals with knowledge of both ‘worlds,’ journalists and CSO representatives working with media, recommend bringing CSOs closer to the media and exploring shared interests. One example is the provision of expertise that CS has to support the media regarding expectations for coverage of events that, in themselves, do not present any interest for them.

3. BEYOND THE IMAGE – PERCEPTIONS AND TESTIMONIES ON THE SHRINKAGE OF SPACE FOR CS

3.1. GENERAL TRENDS

Beyond the discussions on the nuances of the operationalization of terminology, the participants consulted on conceiving this document shared their perceptions and testimonies on what might be considered a ‘narrowing’ or ‘shrinkage’ of CS space in Albania. The topic is not at all new for CS stakeholders’ forums; in fact, some feel even annoyed that we are still only at the ‘finding’ and ‘description’ level of the issue, claiming a lack of will or agency to bring about necessary change. For them, the narrowing of the CS space is manifested more evidently in attacks and efforts to

‘smear’ the image and certain stakeholders. In practice, this is a systemic and structural issue, where the imbalance of powers and stakeholders create a disabling, even restraining environment for CS.

“We have had the opportunity to discuss about this with other colleagues as well. In fact, we are in these conditions of a narrowing of space for civil society – not only for non-profit organizations, but even more broadly, where I would include independent academics, journalists’ associations, independent journalists, etc. The first thing I notice this is the low or low-impact participation of CSOs in local and central decision-making – the consultation and accountability process is entirely formal. Given how parliament has functioned, especially in the past year, legal amendments presented by the government go through a very formal consultation process and not all proposals go through this process... The processes are entirely formal, not inclusive, and non-transparent. The second element is the anti-civil society narrative. This has grown starker; as CS we’re portrayed as just doing papers, just getting funds, and doing nothing. We are conscious that not all organizations have similar contributions or do genuine work; however, this kind of generalization and putting everyone in the same basket harms the CSO image and, therefore, citizens’ trust in them drops; as a result, so does the impact they may have. Add here the element of pressure – hidden pressure, that if they criticize, they may not get (as much) funding or be even more estranged. What connects everything – which is a structural, systemic issue – is the issue of the very large concentration of power in the hands of the government, of the executive, and the weakening of the role of parliament or independent institutions, including commissioners, the High State Audit, People’s Advocate, and so on, which would need to be the counterweight and raise the role of CSOs.”

(Representative from CSO, think-tank)

According to participants in this evaluation, there are some developments that go beyond the CS sector and give shape to this issue. They have to do with the health of democracy and social values in the country. ‘Interference of politics,’ ‘threats and capture,’ as well as ‘centralization of power’ were described as problematic by some of the participants in discussions. Control tendencies are also seen outside the CS sector.

“The narrowing of spaces affects not only civil society organizations, but also more broadly, the media, academia have similar problems. Just look at the latest elections in universities when we saw that even academia is under the pressure of power and under its internal and external pressure. For instance, Albanology was shut down with a decision of the Prime Minister and it was moved under the Academy of Sciences; 5 of 6 universities in Tirana held elections with one single candidate, thus killing competition and alternatives, while accusations of plagiarism of two of the main candidates were not taken under review by the bodies in the relevant universities.” (Representative from youth CSO)

“Centralization of power, mentioned earlier too, is a key problem. We also have the creation of new structures. Not that new, it’s been 2-3 years now, there’s SASPAC, which for me is an indicator of the trend to control CS. It is still not fully functional because making it functional with full capacities would bring about even greater restriction for CS. For instance, when you do your procurements, you need to pick from the list of suppliers that they have selected.”

(Representative from international CSO)

Nevertheless, some participants say that these trends and the dimensions of the shrinking space for CS do are not sufficiently evident as the situation is always reported as being better than it is in reality and government reports take precedence over reports by CS stakeholders.

“These guys [Government of Albania] are masters of reporting! We have to admit it, they are experts in reporting according to EU expectations. On the other hand, the EU, having a tendency to empower domestic institutions of candidate countries, when it has in front of it two reports, it tends to support the one by an institution more than one by CS.” (Representative from international CSO)

3.2. CHALLENGES OF THE LEGAL, REGULATORY, AND OPERATIONAL FRAMEWORK

A not-so-small part of the perceived narrowing of space for CS is attributed to the lack of expected progress of the legal and regulatory framework for CS in the country, as well as challenges for its operationalization and smooth functioning in practice. These include elements that vary from leaving aside the issue of regulating volunteerism in the RA to lack of implementation and lack of reporting progress for the document dedicated to CS – the Roadmap for CS.

Supporting volunteerism and active citizenship represents one of the priorities (priority 5) of the Roadmap for CS; nevertheless, the completion/review of the legal framework in this regard has not had the expected results. The lack of a strategy or national program on volunteerism affects the quality of the environment for CSO work in the country as well as the sustainability of their work. Although a revision of law no. 45/ 2016 “On volunteerism” is scheduled for review in the third quarter of 2024, dialogue on it began from 2021, with the engagement of a series of responsible institutions; several opinions and legal studies have been produced regarding the numerous problems of the legal framework on volunteerism in Albania and practices from other countries in the region, EU, and beyond. Nevertheless, to date, the responsible ministry has not initiated any concrete proposals for legal amendments.

“There is a kind of will for improving legislation, e.g. on volunteerism, and after several years of lobbying, an inter-ministerial group was established that seems to have a good will to take the process forward.” (Representative, national CSO)

A similar situation is reported also with regard to easing the regulatory framework on the registration and functioning of CSOs. Direction 2 of the Strategy of the Roadmap for CS envisages priority 6 for a more enabling legislative framework for the registration and functioning of CSOs. Although Law no. 80/2021 “On the registration of non-profit organizations” was approved by the Assembly of Albania three years ago, its goal to simplify the NPO registration has not been fully achieved. As highlighted above, the Electronic Register has not become functional yet, continuing to keep in force old, long and costly practices for CSOs. Enabling the electronic register and the harmonization of data with other systems and institutions would make a considerable contribution to a more enabling environment for CS.

“The lack of a register does not enable even the documentation of the contribution that CSOs make in the society... There is an increased time for registration. According to data from the court, reported in the matrix for 2022, the time for registration has doubled.”

(Representative from national CSO)

“Add here that there is very little information regarding taxes or even e-Albania on the beneficiary owners – which are concepts with a very limited outreach in the sector. In other words, there is a need for continued information campaigns. These have also had costs, e.g. fines, because organizations do de-registration in the court but not from other institutions, such as regarding beneficiary owners.” (Representative from national CSO)

3.3. “THINGS ON PAPER ARE NOT ENOUGH!” – LACK OF RESOURCES AND CLARITY IN THE DIVISION OF ROLES AND RESPONSIBILITIES

Besides issues of shortcomings in the legal framework, a good part of what is planned and promised for a more enabling environment for CS remain only on paper as a result of a lack of resources and of clarity in roles and responsibilities of relevant stakeholders. This is illustrated in the progress of the implementation of the Roadmap for CS. As highlighted earlier, it is difficult to report on this matter as long as there are no monitoring and evaluation reports on the achievements on established objectives, although the deadline for completing the implementation of the roadmap was December 2023.

The stakeholders consulted in the context of drafting this document argue that the implementation of the Roadmap had minimal chances from the very start, for two main reasons: 1. Lack of a budget and, 2. lack of clarity in the definition of a leading/coordinating role for its implementation.

“The Roadmap did not have a budget – you can see it in that... And then there are the problems that accompanied coordination. It was started by the Prime Minister’s Office, then moved to the

Ministry of Health and Social Protection, but in both cases, no dedicated structures were established.” (Representative of a State Institution)

This change of responsible stakeholders and the lack of clarity in roles or failure to clearly define them is argued to have left things “in the air.” In 2023, the institutional mandate for coordinating the new policy on civil society shifted from the Prime Minister’s Office to the Ministry of Health and Social Protection (MHSP), but without any legal basis or proper decision of the Council of Ministers that would show clearly the Ministry’s role/mandate. The situation was also unclear regarding the roles of different public institutions in the implementation of the Roadmap due to the internal restructuring of some of the government institutions.

Moreover, the MHSP department that is responsible for covering the implementation of the Roadmap Strategy does not have adequate human and financial resources to be able to operate in an effective manner. The Department for Social Inclusion Policies and Gender Equality is responsible for the implementation of two other strategies (social inclusion and gender equality). Thus, they feel overloaded and incapable of coping with this new role appropriately.

Add to the issue of lack of clarity of institutional roles and responsibilities the issues of distrust in them and the evaluation of poor performance compromised by political and government influence nuances.

“There are 2-3 responsible institutions such as the ASCS, etc. [It] has been used politically by different powers, but not by our sector. The National Council for Civil Society is headed by the Minister of Health! [This] is even more absurd as how can the Minister of Health lead a council for us. There is also the NYA that funds youth initiatives – in fact, it funds municipalities more than it supports youth organizations, doesn’t have a board with elements from outside, depends on the minister, and decision-makers are employees of the Council of Ministers, so it’s not that...

The role of these agencies should be that by now, they should have created a portfolio of funds from foreign donors, but they have no credibility and only consume state budget funds – they take it and disseminate it to some NGOs.” (Representative from a Youth Organization)

Other participants shared the concern that the proper functioning of institutions responsible for an enabling environment for CS in the country “has been left to chance,” indicating that even if something happened, it was sporadic and fragmented. The information obtained from ASCS representatives, such as its secretariat, indicate that time after time there were discussions with CSOs about some priorities of the Roadmap (e.g. discussion on Law no. 80/2021 “On the registration of CSOs”) but not systematically and consistently. The ASCS website does not have a dedicated space or a communication platform with CSOs in order to obtain contributions or to make it possible to involve CSOs with the ASCS or other events regarding the Roadmap.

This is also reflected in the failure to fulfill another priority (2) that is linked with the evaluation of cooperation of government institutions with CSOs. Again, the ASCS website, as well as based on interviews and FG discussions, it is perceived that there is a minimal effort to encourage such cooperation. NCCS itself through the years has not held the minimal number of meetings required by law.⁴⁶ The MHSP has only one individual who deals with the NCCS and CSOs, as an additional duty that is not included in the person's job description. The ASCS has received technical assistance from the EU and officially, there are two individuals assigned to support the NCCS. Nevertheless, the support is not fully effective due to the lack of clear mandate and division of duties.

3.4. (NON)INVOLVEMENT OF CS IN POLICYMAKING AND EU INTEGRATION ISSUES

Another priority of the Roadmap (priority 3) focused on the sustainable and effective involvement of CSOs in the policymaking and EU integration process. Annual reports on the implementation of the Law on Public Announcement and Consultation are prepared regularly, with support of the EU technical assistance project. Nevertheless, it is not possible to monitor the number of CSOs participating in an active manner and providing written information, or to determine the number of legal initiatives affected by CSOs. It is not yet possible to make a distinction between the different categories of contributors to online contributions and provide statistics on the participation of different groups of stakeholders, including CSOs, in public consultations.

One reason why some perceive a shrunk space for CS is precisely the continuity of challenges that have been identified earlier with public consultation.⁴⁷ EC annual reports still point out the lack of meaningful CSO participation in policymaking. This becomes even more difficult when it comes to involving organizations and informal groups from rural areas, or vulnerable groups, due to the lack of internet access and the lack of skills to use online consultation platforms, etc.⁴⁸ The IDM report identifies a series of shortcomings in the quality of CSO engagement in public consultations

⁴⁶ During 2023, three meetings of the ACSC were held, as reported in the ACSC annual report: https://amshc.gov.al/wp-content/uploads/2024/02/Raport-Vjetor-2023-AMSHC_compressed.pdf

⁴⁷ See EC Annual 2023 Report for Albania (f.12-13) https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_690%20Albania%20report.pdf; IDM. (2023). Research Report: A Decade of Public Consultation Law in Albania: Call for Reform <https://idmalbania.org/research-report-a-decade-of-public-consultation-law-in-albania-call-for-reform/>; AHC report 2021 <https://ahc.org.al/wp-content/uploads/2022/10/Raport-Studimor-Instrumentet-ligjore-dhe-sfidat-e-angazhimit-te-qytetareve-dhe-te-shqerise-civile-ne-proceset-vendimmarrese-dhe-legjislativ-te-kuvendit.pdf>

⁴⁸ Albanian Helsinki Committee. (2022). Legal instruments and the challenges of engagement of citizens and civil society in decision-making and legislative processes of the Assembly. <https://ahc.org.al/wp-content/uploads/2022/10/Raport-Studimor-Instrumentet-ligjore-dhe-sfidat-e-angazhimit-te-qytetareve-dhe-te-shqerise-civile-ne-proceset-vendimmarrese-dhe-legjislativ-te-kuvendit.pdf>

and provides a series of recommendations for improving the effectiveness of the implementation of the law on public consultation – from planning to reporting.⁴⁹

“Just as it is noticed that some initiatives were not conducted in full consultation with the sector, and do not result to be effective, in spite of the desire to improve the environment for CS. In our monitoring reports, we find that even participation in consultations, consultation processes, do not appear very effective – whether at the central level but especially at the local one – and not always consulted. The consultation part does not appear to be effective, especially from CSOs outside Tirana.” (Representative from national CSO)

With regard to the integration process, too, CS involvement is sporadic and non-systematic. In the context of Priority 4: Ensuring CSO contribution to Albania’s accession process into the EU in keeping with EU best practices, and with the purpose of ensuring more effective contribution of CSOs to Albania’s accession process into the EU, the Platform for European Integration Partnership was approved, by Order of the Prime Minister no. 113, dated 30.08.2019. Nevertheless, the real and meaningful engagement of CSOs in these processes remains limited, mainly as a result of very scarce communication and transparency on the process.

“There is a clear lack of involvement and information on the process and the obligations that arise for the Albanian state, because they are not only for the government and the parliament, but for every institution, including CS. The screening process that Albania passed through for the first cluster of chapters within one year was a process that passed fast, but for which there was a total lack of information. Likewise, direct public consultation was missing. Consultation is not only publication online and waiting for 30 days, but it means the active involvement of stakeholders throughout the process. [C]oncerns have been raised about both roadmaps and the office of the chief negotiator. During one year, there was no public appearance, no interview in the media, or meeting with CS, so then, where is the transparency of this process?! The government has not been open about what obligations we have, what we have done and what we’ll need to do.” (Representative from the Media)

4. FINANCIAL ENVIRONMENT

4.1. CS FUNDING

⁴⁹ IDM. (2023). Research Report: A Decade of Public Consultation Law in Albania: Call for Reform <https://idmalbania.org/research-report-a-decade-of-public-consultation-law-in-albania-call-for-reform/>

The financial environment has been and remains a very meaningful determinant vis-à-vis the creation of possibilities and space for CS.⁵⁰ For this, it had dedicated attention in the Roadmap under Strategic direction 3: Favorable fiscal and funding framework, with the 2 main priorities, Priority 8: Creating a public funding framework for supporting CSO programs in accordance with EU best practices; and Priority 9: Financial reporting/accounting and taxation of CSOs. Even in this regard, efforts and achieved results have been partial. Some actions have been implemented partially regarding public funding and the tax framework, while there are still obstacles to the full implementation of these activities that should be overcome in the future.

The increase of funds from the state budget, aimed at supporting CS, have been low, while the ASCS has not yet managed to raise additional funds, more due to limitations in capacities to achieve this than limitations of a regulatory framework that would enable the raising and delivery of these additional funds. It is difficult to say how much the funds going to support CS are. The Secretariat should have started reporting for the NCCS, but this has not been done yet – this should include the funds given through line ministries, such as culture, justice, environment, youth, etc., listed among the line ministries that provide funds for CS.

“There has been an increase of funding from the state budget, but very little. That’s how much it is possible. However, the ACSC could raise additional funds and it is not that it doesn’t have human resources – almost half its staff has the capacities and it has received continued training.

There are some other hiccups... the lack of experience in managing large funds and bureaucracies linked with bank accounts does create limitations. Everything should go through the state budget and this adds to management challenges. However, some experiences as partners and not lead applicants have taken place and with a little more will, it may be possible to raise additional funds, which I believe will be a priority in the new roadmap as well.”

(Representative from State Institution)

“The sector is weak. It can be seen in what significance is attached to the relevant agency and the money that is allocated. For instance, the media, which is important and powerful, they spend millions to capture them. Apparently, we, are not possible to capture and so they don’t spend [grins].” (Representative from CSO think-tank)

⁵⁰ See e.g. Dhëmbo, E. (2019). “Albania” in Civil Society in Central and Eastern Europe: Monitoring 2019 Editors: Eva More-Hollerweger, Flavia-Elvira Bogorin, Julia Litofcenko, Michael Meyer, ERSTE Foundation, Vienna, ISBN 978-3-902673-14-5 <https://www.erstestiftung.org/wp-content/uploads/2020/02/civil-society-in-central-and-eastern-europe-monitoring-2019-1.pdf>; Dhëmbo, E. (2017). “Albania” in Civil Society in Central and Eastern Europe: Challenges and Opportunities Edited by Peter Vandro, Nicole Traxler, Reinhard Millner, and Michael Meyer, ERSTE Stiftung Studies, Vienna, Austria. ISBN 978-3-902673-10-7 https://www.erstestiftung.org/wp-content/uploads/2020/02/civil_society_studie_issuu_e1-1.pdf

Another challenge linked with funding for CS is that of scarce orientation and streamlining with regard to the way in which funds for CS are given. There is still no inclusive regulatory framework that would unify public funding for CSOs, which would force all public bodies to respect the same standards, criteria, and procedures for disseminating public funds for CSO programs and activities. Most of public institutions providing financial support have their special public rules and procedures regarding the area of funding, criteria for applications, selection and award criteria.

Transparency too is lacking and, on this, more than a regulatory or infrastructure framework, it is the will that is needed. Article 22 of law no. 10093, dated 03.09.2009 “On the organization and functioning of the Agency for Supporting Civil Society” obliges the ASCS to make available to the public the criteria for selection, signed contracts between the contracting authority and beneficiaries, as well as reports on spending of funds, but these reports are lacking. The lack of detailed information on grants issued to CSOs is a significant obstacle to stronger accountability in the overall process of public funding for CSOs.

“For instance, we have the experience with the NYA, as we focus on youth. We have applied several times, with all the necessary documentation and we were never ranked among winners while the winners have not had even the required experience – at the local level, the ones I know, as we don’t know the others well and I can’t speak to that. Or, we may do events, even massive ones with youth, but we are not preferred, neither by the local government nor by the ministers, or senior representatives compared to when an organization that is “nice” to power does an event. And this certainly is a shrinking of the space for civil society through lack of attention. It is impossible for us to win funds from the Albanian government, the local government. we are only funded by foreign donors. So, there space is lacking for us to benefit funds from our taxes, after all.” (Representative from local CSO)

4.2. CS TAXATION

‘Unfair’ taxation or ‘like business’ has been a continued concern for CSOs in Albania. Although there have been changes regarding taxation policies, the practice remains challenging. Thus, with the amendments to the law on Value Added Tax (VAT), CSOs funded by foreign donors, including IPA funds, EU funds, and regional funds, have a right to VAT exemption, but the change is from 2023 and practice for contracts insured by reimbursement appear to be ongoing and there is little information/clarity on them. What remains unaddressed is non-recognition of donations by individuals as tax deductible for the purposes of the income tax. In Albania, donations made by individuals are not recognized as tax deductible for the purpose of the income tax. This means that individuals may not reduce their tax base through donations they make, unlike some other countries where donations may be used to reduce tax dues. This continues to impede individual

philanthropic activity; for corporate donations, these tax stimulate are very marginal although they do exist.

“We are taxed like big business, we are taxed even by second-level banks we work with – by taxes, by the municipality too, and every other body. This is not normal as an organization has nowhere to get such money. The organizations are funded for their activities to achieve the goals they have, but not for these costs.” (Representative from youth CSO).

Some link this non-enabling environment with a kind of tendency to attack CS and certain CSOs. More than a shrinkage of space, this may lead to its ‘deformation,’ meaning different standards in addressing them.

“CSOs pay all dues as businesses; nothing is reimbursed. We are targeted even in the context of the risk for money laundering. Meanwhile, the Albanian Muslim Community is also a NPO, but nobody is able to and nobody asks for their balance sheets. They say, we’ve been told by ‘Money laundering’ to deal with NPOs, while we are funded by foreign donors who support and pressure on money laundering issues. All this creates a kind of deformation in that enabling environment for CS.” (Representative from CSO, think-tank)

Taxation policies need not only to be more enabling, but also to create sustainability and clarity. The need to create and stabilize best practices such as information and familiarization with them is essential for a more enabling financial environment for CS. This requires a more open and cooperative cross-institutional stance and a more proactive approach by the sides.

“Regarding legislation for VAT reimbursement, there have been three amendments within 2023 alone. This has caused a kind of confusion in the sector. The CMD sought to exempt CSOs from VAT from the start, but not making available the necessary structures, this has led to non-enforcement and confusion not only among CSOs, but even involved businesses or even donors linked with law enforcement.” (Representative from national CSO)

“Often, it seems as if the two sides see one another as enemies. At a joint round table that we had, representatives from the tax office asked CSO representatives about who had been to their office and had not been able to get things done. In fact, some of the NGOs that raised the concern were not very clear as to what had not gone right concretely. I think there is a need for informing people and creating examples that may be replicated more easily in daily practice.”
(Representative from a state institution)

A non-enabling financial environment not only restricts spaces for CSOs, but also threatens a shrinkage of another kind. Part of small, new CSOs, or those that find it easier to be mobile, are looking at the possibility of applying migration.

“Here, whether you have activity or not, you have to have an administrator, you need to pay insurance, leaving things in passive status... these are costs, so they go to Kosovo, where they don’t have these [costs].” (Representative from a youth organization)

4.3. ROLE OF DONORS

In the face of the financial environment and spaces created or closed by a (non)enabling financial environment, donors are viewed as very important stakeholders. According to participants in consultations, money made available for CS in the country is insignificant compared to the support that CS receives from donors.

“The amount of money provided by Albanian institutions is almost irrelevant – about 200,000 from the ASCS, while the ministries have little or no money, such as the Ministry of Foreign Affairs, etc.” (Representative from CSO think-tank)

Some standards and developments established through a ‘top-down’ approach by donors have added to pressure and limitations to CSO work in various ways. Below are some of these challenges though this is not an exhaustive list.

The rigidity of policies and practices of donors compared to support only for formal organizations, combined with the costs of registration and formally keeping an organization ‘open,’ as addressed above, undermines citizens’ activism – individuals or informal groups of interest. Likewise, budgeting remains rigid and scarcely reflects contemporary dynamics or context.

“Donors should be more open and flexible with supporting individuals and informal groups. Care should be shown with sub-granting that have put small organizations into great bureaucracies. Sub-granting in itself is good, but when accompanied with too much bureaucracy even for tenders of less than 1,000 euro, it turns from enabling to disabling.” (Representative from CSO think-tank)

“That is why the need arose for a local media, because it was impossible to find space. You may budget the realization of a sensitizing video, but it is impossible to budget for broadcast minutes.” (Representative from local CSO)

Sub-granting schemes, instead of the expectation of broader support for CS, are viewed as giving the opposite effect, creating artificial workload for very small projects, whose activity and efficiency is eclipsed by the overburden of bureaucracy of detailed and voluminous reporting. This is felt especially by organizations that operate at the local level and sub-granting schemes may be among the only ones they manage to access.

“Extremely small funds, but for which we need to reporting like those of the European Union. Meanwhile, the idea was to facilitate, but... - now, we either do the work we’ve said we’d do, or we’ll spend time with reporting. With the capacities we have, it is impossible to do both.”

(Representative from local CSO)

Lastly, conditions for financial support in cooperation with government institutions make it difficult for CSOs’ work in general and in particular those viewed as ‘opposition’ or ‘without weight,’ further harming the potential space for activism and an engaged CS.

“The approach of many donors, which is linked with empowering institutions in the country, for the implementation of projects or when you want to apply for a project, as an organization, you need to have partnership with state institutions, both at the local level, and the central level. Often, this makes you go toward compromise. Institutions play with this part, it’s a way to say that things are done according to their rules.” (Representative of international CSO)

5. OTHER PROBLEMS AND CHALLENGES

5.1. UNFAIR COMPETITION AND CORRUPTION OF THE SECTOR ITSELF

The narrowing of space and the non-enabling environment are not linked solely with factors outside the sector. Especially small, local, or new organizations feel that these spaces are primarily narrowed or ‘occupied’ by other CS actors as a result of two main factors – unfair competition and corruption within the sector itself. According to participants in FG discussions, these problems have become increasingly enhanced.

“Especially since 2019, there is a kind of monopolization – there is only networking and many friends! Add here the fact that it is very difficult to create a new organization. It requires about one year of procedures – I said it earlier, many are heading to Kosovo because the environment here is very discouraging, especially for the young.” (Representative from youth CSO)

Under the umbrella of unfair competition, CS representatives categorize also ‘domination of the local market by foreign, international organizations.’ They perceive unfair competition based on the great gaps that exist in resources and capacities between them and international organizations. This makes them feel powerless both to compete and to address this concern.

“One thing, based on my knowledge of the region, is problematic in Albania only, as it relates to an enabling environment, is the involvement of these large organizations, such as the OSCE, Council of Europe, UNDP, GIZ, and so on – I haven’t done any estimate as to what percentage they get, I don’t know whether there is such research, but I know that in Macedonia and

Montenegro, these large operators do not exist and there is more space for local organizations to engage, grow, and develop their profile. Presently, CSOs are at the stage of ‘gwc’ [get what you can], because unlike the region, e.g. even in Serbia, organizations are contacted continuously and they have the possibility to specialize in a certain field. Here, there is no specialization, as to who deals with activism, with think-tanks, and so on, but all of them do everything. This narrows the space. It also affects the human resources because you cannot build and specialize them. for instance, you can’t focus on building a think-tank profile and deal with research studies. No, say the donors, we know things now, you get in the field and do action. So, the enabling environment, it’s not just the government. since in our region, they are also a bit authoritarian, they are easier to target, but it’s not just them.” (Representative from CSO think tank)

The sub-granting schemes themselves have turned into a kind of ‘sub-contacting’ that occurs in the CS sector. This is at least unfair and not moral from the standpoint of local CSOs. The very concentration of funds in few stakeholders raises suspicions of corrupt practices in the CSO – donor rapport.

“We have rivalry with internationals. We compete with international organizations, with the NDI, OSCE, IDEA, with organizations that have 100 times our budgets, and we certainly find it difficult to compete in this market. Then, we become their sub-grantees because we can’t win as rivals. We do their work and they manage large funds, large projects.” (Representative from youth CSO)

“Whoever deals with the sector is clear that which are the organizations that get funds, that are everywhere. Why?!” (Representative, youth organization)

5.2. CRISES AND NARROWING SUPPORT

In recent years, some other threats to CS in Albania have also emerged. Global crises (such as the Covid-19 pandemic) or wars (e.g. the one in Ukraine), have led to attention and support for the region in general and CS in particular to see considerable decrease. Financial and operational limitations and difficulties have been the first to be felt. Smaller and less empowered organizations were hit disproportionately.

“For example, during the pandemic, we found it very hard. We were forced to move into passive status and there was no assistance, no support. Nobody remembered that there is CS too. We are local organizations, not powerful ones with large funds so we can cover such periods, and as a result survival becomes very difficult.” (Representative from local organization)

“As a result of the pandemic and the war in Ukraine, priorities changed and this led to a reduction in funds for us. There is a difference between guarantors and CSOs and this affects what CSOs wish to provide.” (Representative from think-tank organization)

Crises, such as the pandemic, have impacts that go beyond restrictions and difficulties in resources. The very restriction of rights and freedoms, though temporary, has led to steps backward in some contexts that are essential for CSO work.

“Since after Covid, not only in Albania, but everywhere in the world, there are restrictions to human rights, and as a result, also to CS work. For the sake of a major cause such as protection of health, we accepted these restrictions of rights and this has been very convenient for governments, the Albanian government and other ones, that continue with this approach.”
(Representative from international CSO)

6. THE NEAR FUTURE – OPPORTUNITIES AND RISKS

Aside from the problems that were discussed, participants in FG discussions saw room for immediate changes that would create more opportunities and space for CS, just as they wanted to raise vigilance on some developments that might turn into potential risks for a worsening environment for CS in the country.

Measures that supported the activity of newly created CSOs or of those that operate in difficult areas and/or with low CSO concentration could lead to immediate effects. Forms of support might include from those about tax exemption in the first year of activity to infrastructure support (e.g., with office space or conduct of activities).

“Just like space is provided to any political party that has just been registered, something similar could be thought also for organizations, office space would be of great help. Of course, this would need to be looked at given that according to a latest report based on data from the court, about 13,000 CSOs appeared registered in Albania. The building was just as an example, but there could be other forms of facilitation, depending on the types and criteria.”
(Representative from international CSO)

Similarly, other forms could be thought of for supporting the activity of informal groups and particularly youth interested in civic engagement. For this, donors could give their example by revisiting policies for more inclusivity and support for youth and less empowered groups in society.

“I see a lot of restrictions for youth. Fortunately, there are projects in almost every subject now and we see brilliant ideas and projects of a social nature that don’t manage to be channeled,

simply because they are just groups of active youth. So, you may undertake initiatives without the need to be part of any organization. Why should it always be through a CSO? This is also seen in the low number of calls for individuals, groups of activists...” (Teacher, activist)

CSOs themselves could take concrete and immediate steps to empower the sector and retake space or create new spaces. The most effective strategies appear to be linked with good coordination, synergy, and greater solidarity among the sector, as well as a higher sense of responsibility.

“Greater solidarity is needed among CSOs; only by networking and with solidarity among ourselves can we ensure greater and broader participation. If we don’t have that, of course it will be easier for governments, both during screening processes or even when we are members. In Albania, as everywhere, governments do not like to be opposed, whether by CS or the media. They do their utmost for their work to appear maximal and if they find allies on the other side, of course they will take advantage.” (Representative from national CS)

“We need to take a look at how effective we are – check and balance where we participate. For instance, how much do we manage to hold accountable the institutions where we are a part, ASCS, the NCSC, parliament, committee on integration, etc., - this is where we lag behind.” (Representative from national CSO)

On the horizon, there are also developments that are seen as having potential for worsening the CS environment in Albania. One of them is linked with the steps being undertaken and planned to be taken regarding the issue of disinformation. Regulations that would need to protect against disinformation might turn into very restrictive for CS space.

“The establishment of the ad hoc anti-disinformation committee in parliament has raised concerns. It has been unclear and with accelerated procedures. It did not create opportunities for us, CS stakeholders, to engage to determine the functioning and processes....Thematically, it is positive, but it remains to be seen how it will be used – for instance, there is growing concern throughout Eastern Europe, that autocratic or quasi-autocratic countries are trying to take initiatives in the form of ‘anti-foreign agents’ – in Hungary, it failed, but in Georgia, we have seen extraordinary restriction of the functioning of organizations, media, activists... It is a delicate issue and it remains to be seen how it will function, but the lack of information and consultation are very disturbing, on an issue where the CS, the media should have a primary role.” (Representative from the media)

Lastly, there are findings that the EU integration process is not being exploited properly and that more should be done to maximize space for CS in this process. beside the concern about future reduction of funds, because *“When the country advances toward accession, it becomes ineligible*

for many funds and the ACSC would need to raise other funds itself, but in this regard, they are totally behind.” (Representative from CSO think-tank)

“The EU and screening will create opportunities – I have no doubt that laws will be revised and fulfill the required standards; the problem is what comes next and we know that the main problem lies with implementation. Meanwhile, the EU itself is not at a good moment. We saw it even with the election for the European Parliament. Eu issues will be reflected also in the opportunities that will be created for us as a country aspiring accession.” (Representative from international CSO)

“Consultations will need to be more real. For instance, how is it ensured that those 2-3 organizations that participate are consulted extensively? Of course, not all organizations will need to agree and be of the same opinion – because there is even criticism from internationals that you have different views and do not agree – it is very normal because we have different positions and represent different groups of interest. This should not be used to delegitimize the sector; on the contrary, this is a democracy of voices within the sector that should be listened to in full.” (Representative from the media)

The Government of Albania recently launched for consultation a new document on policies that will be drafted in the next 2-3 years. It will guide all funds that will be benefited from the EU regarding the accession process for the coming years. This will influence the way in which these funds will be disseminated and accessed. According to participants in FG discussions, the consultation has not yet reached groups of interest and vulnerable groups. For this kind of consultation, the platform is not enough.

CONCLUSIONS AND RECOMMENDATIONS

At the conclusion of the process for drafting this paper, several concerns are reconfirmed and re-dimensioned that create the perception of a narrowing of the space or of an insufficiently enabling environment for civil society in the country. Although there is no evaluation report on the achievements and the space scope of action of the Roadmap for CS, the implementation of measures envisioned to create an enabling environment for civil society requires additional efforts, resources, and improved monitoring to create evidence-based policymaking.

Meanwhile, a series of issues are carried over through time, without receiving the needed attention to be addressed or without reaching sustainable results. Issues of the implementation and functionality of the legal framework for CS still remain problematic and the effectiveness of consultation processes limited, among others as a result of the poor level of access and low transparency. Institutional support for CS remains poor and the role of the National Civil Society Council (NCSC) still marginal. The financial environment has only seen little improvement in terms of public funds added in support of CS, but public funding remains insufficient to ensure CSO sustainability, especially in roles having to do with service providers. The tax regime is unfavorable, lacking stimulate for donations, and imposes complex VAT reimbursement processes.

A worsening of the discourse used vis-à-vis CS, continued attacks on it or certain actors, as well as the problems with the image, competition, and corruption within the sector add to challenges for CS and to an addressing of issues that have been identified and underscored also by the Council of Europe Report for 2023.

In the context of these conclusions, the findings elaborated in this paper, as well as the ideas and suggestions shared by participants during interviews and focus group discussions, we conclude that the following recommendations, for different stakeholders, could help for a more enabling environment and greater and sustainable space for CS in Albania.

RECOMMENDATIONS FOR LAWMAKERS AND POLICYMAKERS

1. Completion of the legal, political, and institutional framework

For a more enabling and operational legal framework, the following initiatives could be undertaken:

- Conducting an ex-post analysis of the implementation of law no. 80/2021 to identify areas for improvement, filling the legal vacuum, and reflecting the decision of the Constitutional Court.

- Review of the law on NCSC to clarify its role, mandate, and composition, ensuring that it functions effectively through broad consultations with CSOs, ministries, donors, and other interested parties.
- Finalization of the review of the legal framework on volunteerism, ensuring a consultative process with CSOs.
- Enabling the electronic register that is functional and accessible, with data harmonized with other systems in the country (for instance, taxes, etc.).
- Facilitating CSO taxation policies and procedures (considering differentiated approaches for new, small, peripheral organizations, etc.), at the central and local level, such as including stimulate for donations/charity. Minimizing frequent amendments extensive information about changes to facilitate procedures for implementation.
- Increasing funding for CS from public funds and raising additional funds (e.g. by ACSC), for a more enabling financial environment and reduction of dependency on donors and their priorities. Transparent allocation of funds and continued monitoring and evaluation of the effectiveness of their use. Review of other forms of support (e.g., infrastructure support, office space, etc.).

2. Analysis of the situation and continuity of the Roadmap

After the first Roadmap, it is recommended that a complete analysis be prepared on the situation of the main areas addressed in it, so that the next Roadmap is fully evidence-informed and that it has realizable and measurable objectives and indicators.

3. Institutional Responsibility and Coordination

It is recommended that there is a clear setting of institutional responsibilities within the government for the coordination of civil society policies, including the drafting, monitoring, and reporting of strategic documents. Ensure administrative support for responsibilities.

4. Broad and meaningful consultation of laws and policies

Mechanisms available for consulting laws and policies on CS in particular, as well as those in general, have been improving with time. Nevertheless, we encourage the combination of different mechanisms and approaches for the realization of broad-based consultations, which are meaningful, effective and non-formal, and reach all groups of interest.

RECOMMENDATIONS FOR DONORS AND THE INTERNATIONAL COMMUNITY:

1. Increasing, diversifying, and improving support

It is recommended that there be a revision of grant-awarding policies, addressing the needs of the sector for support for informal groups and ‘grassroots’ initiative with a bottom-up approach, enabling support for costs that are not linked directly with activities and results, but also with the

operationalization of CSOs, their PR, etc., and reducing artificial and/or disproportionate bureaucracies as in the case of sub-granting schemes.

Discourage similar ‘sub-contracting’ schemes whereby the international organization is funded to then realize activities through smaller local organizations. This would then address what local CSOs view as ‘unfair competition.’ One way to avoid this is dedicating calls and budgets for different types of CSOs and relevant reporting and financial transparency. This, in turn, would then clarify and address suspicions of corruption in the sector regarding ‘Why do the same organizations or the same people always win?’

2. Respect diversity of CS

The community of donors and international stakeholders should create policies and mechanisms for inclusivity and for hearing all voices in the CS, respecting diversity within it and not coercing or intimidating with labels such as weakness when the CS does not have harmonized positions.

3. Support for EU accession and a more real role for CS

It is recommended that schemes are developed to fund CSO contributions in the EU accession process, ensuring that CSOs themselves are an effective part programming EU funds.

RECOMMENDATIONS FOR CIVIL SOCIETY ORGANIZATIONS

1. Good coordination on monitoring and participation

There is room to improve the coordination of CS actors to ensure greater and more active engagement in monitoring the implementation of policies and laws on CS and to be more participatory and active in the activity of NCCS and other relevant institutions and agencies.

2. Involvement in a responsible and accountable manner in public consultations

It is encouraged that there be good planning to ensure meaningful participation in consultative processes. This not only to be a part of it, but also to do this with responsibility and accountability toward groups of interest or other CS stakeholders who may not have the possibility/capacity to be a part.

3. Transparency and accountability

Start from yourself by ensuring a higher degree of transparency and accountability. This would contribute to better knowledge of the sector and certain actors and have a direct impact on their image.

4. Better exploitation of capacities and volunteer work

Create networking to enable better knowledge and exploitation of resources and capacities. Create a database for getting to know and managing volunteer work done and provided by CSOs.

RECOMMENDATIONS FOR THE MEDIA:

1. Public Transparency and Accountability

Promote public transparency and accountability by collaborating with CS in general, especially with the NCSC and other relevant institutions, providing transparency over their activity, their decision-making, etc.

Encourage reporting on the results of public consultations, ensuring that the data of all contributors by category, including CSOs, are communicated clearly and then follow up on what happens with them.

2. Cover CS, “in good and in bad”

Create room in the media and cover issues belonging to CS and active citizenship, not only problems and failures of CS and certain actors, but also their concerns and achievements.

Find meeting points and shared interests to exploit what the parties may offer one another.

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