

EC KOSOVO REPORT 2020 ON CIVIL SOCIETY: POSITIVE LEGAL AND POLICY FRAMEWORK, BUT IMPLEMENTATION LAGS BEHIND.

Public Funding for CSOs and Access to Banking Services among the biggest challenges for operation of civil society in Kosovo

Brussels, Prishtina – 8th of October 2020

With some delay due to Covid-19 pandemics, yesterday the European Commission published the Kosovo Report 2020. The section on Political Criteria, among others also includes an assessment of the main issues on civil society and the enabling environment for the operation of this sector. KCSF notes that this year's EC Report has taken into account the vast majority of issues raised by KCSF and largely is a realistic reflection of the state of environment for civil society development in Kosovo

The EC Report states that civil society plays an active and critical role in promoting civil, political, economic, social and cultural rights, and do so **largely free from undue pressure by Kosovo authorities**. The biggest progress is noted with regards to adoption of a number of legislative and strategic documents, such as the adoption of the **Law on Freedom of Association in NGOs (NGO Law)** in April 2019 and the **Government Strategy for cooperation with civil society 2019-2023** in February 2019. While both of the above are highly important documents for the operation of civil society in Kosovo, KCSF reminds that both documents have been accompanied by serious challenges. The NGO Law was restored in April 2019 only after the Assembly had previously adopted a highly restrictive law and following an intensive advocacy campaign of civil society, while its implementation is suffering from unreasonable delay in drafting and adoption of the secondary legislation. On the other hand, the Government Strategy for cooperation with civil society continues to suffer from lack of both political will and financial and human resources dedicated to its implementation.

Progress is noted also on **public consultations at central level**, which the Report rightly assess that are becoming more regular, as more than 82% of all primary policy documents and draft laws were published for consultation on the web portal during 2019. Yet, the Report adds that the minimum standards for such consultations are not being followed consistently. Easier access to data and more regular feedback from public authorities, as well as awareness and promotion of consultation platforms are noted among the elements that need to be improved. In addition to the above, KCSF regular monitoring of public consultation process shows that written online consultation at the end of the drafting process are almost the only method of consultation, being neither timely nor adequate to ensuring that public consultations are effective.

The area where most challenges have been noted is the **public funding to CSOs**, where both central and local authorities are assessed to have limited capacities to correctly implement new transparency and accountability standards, thus posing a risk of corruption and conflicts of interest. The Report also requires easily accessible and publically available information regarding public funds to CSOs. KCSF observations confirm that such a situation is prevalent throughout public institutions, at all levels, while existing data that are published by the Government each year remain unreliable and misleading, both in terms of amounts and nature of funding.

KCSF is very happy to see that the Report brings forward the **CSO access to banking services**, which faces several limitations in Kosovo. Such an issue has been identified by KCSF and other CSOs as one of the biggest burdens in daily operation of civil society, and needs to be addressed urgently. The Report extends also the need to update the **sectorial risk assessment of money laundering and terrorist financing of the CSO sector** so to allow for a flexible approach to lower-risk CSOs, an approach that has been advocated by KCSF since 2013.

Last but not least important, the Report reaffirms the need for more transparent and better harmonised procedures for **CSOs' public service**, a favourable **tax regime for individual and corporate philanthropy**, standard criteria and procedures for **allocating public property**, as well as **promotion of volunteering** through dedicated programmes, standards and practices.



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The European Commission recognizes **the crucial role of civil society** not only in building democracy in general, but also in specific sectors such as women's rights and gender equality, reconciliation, LGBTI rights, protecting of consumers rights, environmental protection and government accountability.

Nevertheless, **the Report remains silent on issues related to the non-inclusion of civil society in the EU agenda**, in particular on the lack of implementation of the **Guideline on Consultations with Civil Society Organisations and Other Stakeholders in the Framework of the EU – Kosovo Stabilisation and Association Bodies**. Although the Guideline is in existence since February 2018, up to date it is not serving its purpose, as CSOs are still not informed about this mechanism and have very limited possibilities to utilize it as a channel of contribution for the implementation of the SAA.