



BEYOND THE REPORTS: THE NEED FOR CLEAR BENCHMARKS TO SUPPORT CIVIL SOCIETY IN ENLARGEMENT COUNTRIES

Enabling Environment for Civil Society & Enlargement Package 2024

BACKGROUND ANALYSIS

by the Balkan Civil Society Development Network

November 2024

This is BCSDN's 15th analysis of the European Commission's annual reports on civil society development and dialogue with public institutions in the Western Balkans and Türkiye (WBT). Since 2013, this analysis has drawn on the BCSDN Monitoring Matrix on Enabling Environment for Civil Society Development—a framework developed by BCSDN members and partners that defines the principles and standards essential for an enabling environment. This year, for the first time, we apply a [newly updated methodology within the Monitoring Matrix](#), featuring indicators adapted to current realities, digital trends, and emerging threats to civic space in the region. This methodology underpins BCSDN's annual monitoring in the WBT and guides this policy brief in highlighting key issues overlooked in the EC reports. Recognized by the European Commission, the Monitoring Matrix has also inspired the Guidelines for EU Support to Civil Society in Enlargement Countries, 2014–2020.



The European Commission's latest Enlargement Package offers an assessment of Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia, Türkiye, and Eastern Partnership countries: Georgia, Moldova, and Ukraine, on their EU accession paths, with recommendations to guide reform priorities.

The process is **presented as merit-based**, tying each country's progress to objective achievements, with democracy, the rule of law, and fundamental values as cornerstones. However, its implementation is often influenced by political considerations and bilateral disputes, undermining credibility, as noted even by Commissioner Várhelyi at the presentation of the 2024 Enlargement Package. Despite these challenges, 2023-2024 have reinvigorated the enlargement process, fostering reforms and **renewing momentum** toward a stronger Union.

Concerning **countries' individual progress** on their paths toward EU enlargement, the EC notes that Montenegro is advancing toward closing additional negotiating chapters, having met key benchmarks in the rule of law but requiring further reforms in judiciary and governance. The European Council has opened accession negotiations with BiH, with the Commission preparing a negotiation framework. Albania has

started negotiations within the fundamentals cluster, emphasizing reforms in anti-corruption and property rights. North Macedonia, still awaiting the green light to begin negotiation chapters, continues its EU-related reforms in judiciary, anti-corruption, and combating organized crime, with building public trust in the justice system remaining crucial. Serbia has qualified to open its next negotiation cluster but needs stronger alignment with EU foreign policy and improvements in civil society and media freedom. Kosovo's visa liberalization began in January 2024, though the EC observes further reforms in public administration and rule of law are essential.

To further support reforms in justice and rule of law, the EU has introduced **new tools for accelerating socio-economic growth** in partner countries, with initiatives like the 6 billion EUR Reform & Growth Facility for the Western Balkans, 50 billion EUR Ukraine Facility, and 1.8 billion EUR Moldova Growth Plan. However, while these commitments aim to ensure tangible benefits for citizens and contribute to a cohesive European future, they risk falling short if not paired with a more consistent and transparent approach to addressing governance challenges and fostering genuine democratic reforms in partner countries.



CIVIL SOCIETY OVERVIEW

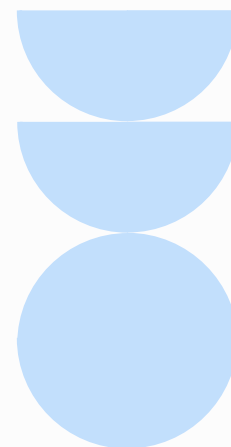
Civil society continues to be screened within the Political criteria as one of the four pillars of Democracy. Yet, again, the **evaluations vary across countries** and in the extent to which they capture the **critical elements affecting civil society** health in each of the countries.

For the first time in years, the Enlargement package omits the well-familiar statement “*an empowered civil society is a key component of any democratic system and should be recognized and treated as such*”. This statement not only underscored the importance of civil society but also served as a straightforward benchmark for assessing its status in each enlargement country. On the other hand, this year, the European Commission’s Communication emphasizes that “*the enabling environment for investigative journalism and civil society must be strengthened and consistently safeguarded*”. This shift in focus suggests a potentially more proactive stance by the EC **signaling a move towards actionable measures** to support civil society and media.

The European Commission assesses that civil society operates in a 'largely enabling environment' in Kosovo, an 'enabling environment' in Montenegro, and an 'overall enabling environment' in North Macedonia, while describing the environment as 'challenging' in Albania, 'constrained' in Bosnia and Herzegovina and 'difficult' in Serbia and Türkiye. This assessment somewhat contrasts with the EC Rule of Law report for accession countries, which, using Civicus Monitor ratings, classifies civic space in Albania, North Macedonia, and Montenegro as 'narrowed,' and in Serbia as 'obstructed’.

While each country in the region faces specific challenges, the Commission recognizes they also share **common issues**, including restricted basic freedoms, limited government consultation with civil society, insufficient public funding, and a lack of transparency in the distribution of public funds. In Kosovo, the most positively assessed in the region, civil society is considered active and engaged in EU-related reforms, with mechanisms in place for public consultation on draft laws and strategies. However, the EC also notes that the country still encounters challenges in effectively reporting on and assessing the impact of public funding for CSOs. In Montenegro, North Macedonia, Albania, and Bosnia and Herzegovina, the existence of frameworks for CSO involvement in public consultations is acknowledged, but participation is observed as often symbolic, while transparent funding remains limited. In Serbia and Türkiye, civic space is highlighted as especially constrained, with CSOs facing escalating smear campaigns and verbal attacks from officials, further limiting their ability to operate.

The following presents the reports’ detailed assessment of the enabling environment for civil society development in the Western Balkans and Türkiye, as compared to BCSDN’s annual [Monitoring Matrix](#) analysis.



BASIC GUARANTEES TO FREEDOMS OF ASSOCIATION, ASSEMBLY & EXPRESSION

SUB-AREA 1.1.: FREEDOM OF ASSOCIATION

Freedom of association is guaranteed and exercised freely by everybody

All individuals and legal entities can freely establish, join and participate in informal and/or registered organizations.

CSOs operate freely without unwarranted state interference in their internal governance and activities.

CSOs can freely seek and secure financial resources from various domestic and foreign sources to support their activities.

While frameworks for **FREEDOM OF ASSOCIATION** in the region generally align with international standards, the EC acknowledges that practical challenges remain for CSOs, with several countries facing constrained environments. Albania's framework meets standards, though the EC reports its nonprofit register is not fully operational. Our monitoring shows that challenges arose from the coexistence of two registration laws and significantly increased registration delays in 2023, despite the Constitutional Court's decision to invalidate certain restrictive provisions of the new law.

The EC notes that Kosovo's framework is strengthened by an Appeals Commission, though its independence from executive power is crucial, but fails to mention that the recent NGO law amendments also extended the registration process from 30 to 45 days, which is excessively long compared to the much shorter period required for registering a business. On a related note, in North Macedonia, too, registering a business is easier than a CSO, as online registration is still not available for CSOs, unlike businesses. BCSDN's monitoring additionally notes **challenges in the registration process** in Montenegro, as changes in practice have resulted in longer registration times and increased administrative burdens.

As North Macedonia is still long awaiting changes in its main NGO law, the EC suggests the country must improve ECtHR compliance and consult the Venice Commission on association laws. Further alignment with European standards is required from Türkiye too, with ECtHR case law application and law revisions.

While the EC briefly notes the withdrawal of the draft law in Republika Srpska labelling civil society groups as **'foreign agents'** and advises against its return, reiterating its recommendation for BiH to protect fundamental freedoms, it fails to address

the law's serious implications, including stigmatizing CSOs, restricting political activities, and raising concerns about future state interference. CSOs in BiH have also raised concerns about the competence of public officials, but this has not been reflected in the EC report.

It is important to note that the Commission has acknowledged and emphasized that CSOs and activists across the region, but especially in Serbia and Türkiye, face persistent challenges like **verbal attacks, smear campaigns, and pressure** on those critical of authorities or involved in sensitive issues. As the EC report confirms, in Serbia, CSOs have been targeted by smear campaigns from officials and media, undermining trust and discouraging formal complaints. Our monitoring reveals that the situation has never been as critical and concerning as it is this year, given the government's escalating actions against those who voice criticism.

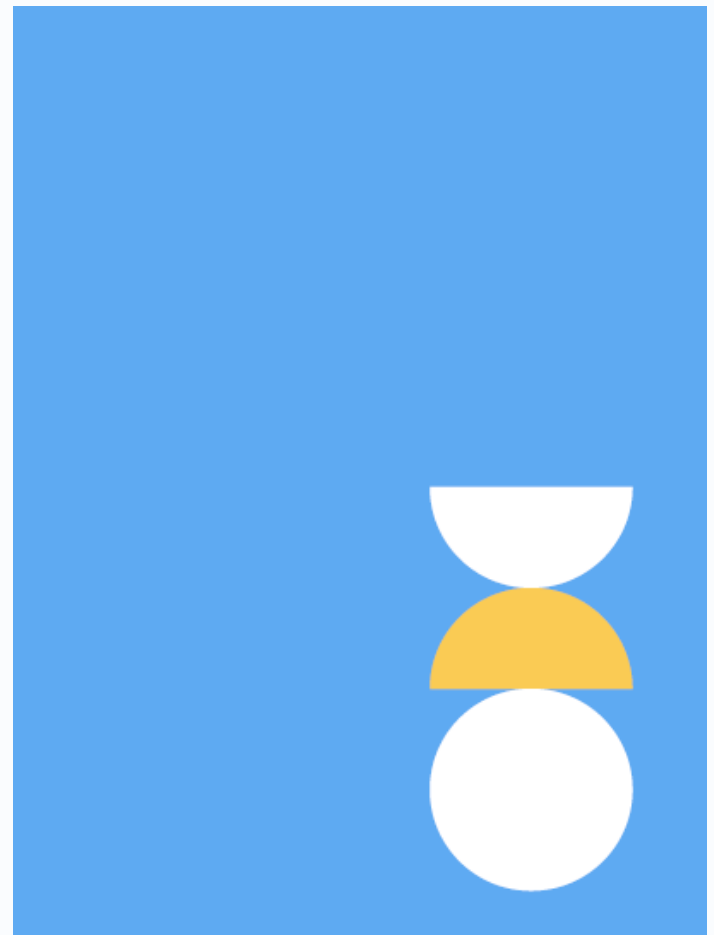
Similarly, activists in BiH advocating for policy changes on sensitive topics continue to face threats. In North Macedonia, the EC rightly observes that hate speech and violence against LGBTIQ individuals remain inadequately addressed, despite some initial legal action. Montenegro also struggles with persistent hate speech and political rhetoric targeting marginalized groups. Much like previous years, the most worrying assessment is made for Türkiye where CSOs, particularly those working on women's rights, LGBTIQ issues, and human rights, face significant pressure, including judicial harassment and broad applications of terrorism laws.

Although Türkiye's worrying foreign "agents of influence bill" emerged after this year's EC report, it is crucial to highlight the **persistent use of foreign-agent narratives and the rise of restrictive legislative initiatives**, which are creating an increasingly hostile environment for CSOs in Serbia, Republika Srpska (RS), and Türkiye. Montenegro also saw a proposal in October 2024 resembling restrictive, Russian-style foreign-agent laws; however, it fortunately failed to gain significant political support. Our monitoring reveals that even in the absence of formal foreign-agent laws, governments are increasingly resorting to selective financial and administrative scrutiny to target foreign-funded or critical CSOs.

The issue of **AML/CFT regulations** for the Western Balkans is not covered in the EC reports; however, it is addressed for Türkiye, noting that, in April 2024, the Constitutional Court annulled provisions granting the Ministry of the Interior extensive control over CSOs with executives facing AML/CFT charges, and advising Türkiye to address these issues. Our monitoring finds that AML/CFT regulations impact CSOs across the Western Balkans. Kosovo stands out as the only country where CSOs remain obliged entities with excessive reporting requirements and where CSO founders must be listed as beneficial owners,

contrary to international standards. Despite civil society's active engagement in the draft 2023 AML Concept Document to address this, its input has been notably overlooked. In BiH, although the new law positively does not consider CSOs as obliged entities, the AML/CFT measures indirectly restrict CSOs through limited banking services.

Albania, North Macedonia, and Serbia also categorize CSOs as high-risk, impacting their banking and financial access, and applying enhanced due diligence to CSOs. Positively, some countries have initiated the integration of a risk-based approach, aimed at easing CSOs' risk classification. These trends highlight the urgent need for harmonized, risk-based AML/CFT frameworks across the region that align with international standards and ensure a balanced approach, safeguarding both financial integrity and the operational space of CSOs.



FREEDOM OF ASSEMBLY is generally respected in most of the countries across the region and aligns with international standards, though challenges remain. Laws on freedom of assembly are still not harmonised across BiH and are not in line with European standards, in particular on grounds for restriction and responsibility of organisers. Only three cantons (Zenica-Doboj, Una-Sana, Canton 10) adopted legislation aiming to align with European standards, following the example of Brčko District. In Serbia, alignment with international guidelines remains lacking, with the UN Human Rights Committee urging legislative amendments due to restrictive notification requirements.

The EC recognizes significant concerns in Serbia and Türkiye in practicing the freedom of assembly. Recent protests in Serbia, particularly **over lithium exploitation**, saw arrests, house searches, police seizures of ecological activists' equipment, and reports of police brutality. Following the December elections, peaceful protests occurred, with some marred by **violent incidents and arrests**, including charges of 'incitement to the violent overthrow of constitutional order' and subsequent plea bargains. Additionally, the Ministry of the Interior banned cultural events, such as the 'Mirëdita, Dobar Dan' festival. In Türkiye, authorities frequently banned gatherings on arbitrary grounds, dispersing protests with excessive force. Although the 2018 ban on the Saturday Mothers' gatherings was lifted in November 2023, cases against human rights defenders continue.

Police in Serbia, BiH, and Türkiye often prioritize security over facilitating peaceful opposition gatherings, especially during Pride counterdemonstrations, with over 100 arrests reported in Türkiye. In Republika Srpska, BiH, the Ministry of Interior banned a planned LGBT+ event, citing insufficient protective measures. Our monitoring shows that incidents of assembly restrictions often involve intimidation, detentions, and physical confrontations, particularly targeting environmental activists, LGBT+ groups, and political opposition, underscoring the lack of consistent protections for peaceful assembly.

SUB-AREA 1.2.: RELATED FREEDOMS	
Freedom of assembly and expression are guaranteed to everybody	CSO representatives, individually or through their organization, enjoy freedom of peaceful assembly
	CSO representatives, individually or through their organizations enjoy freedom of expression.
	Civil society representatives, individually and through their organizations, have the right to open, secure, and safe civic space, offline and online.

In EC's assessment, the Western Balkans and Türkiye vary in their preparation levels for supporting **FREEDOM OF EXPRESSION**. EC presents that Albania, Montenegro and North Macedonia have some level or a moderate level of preparation of the legal framework in this area. BiH constitutionally guarantees freedom of expression, yet its implementation remains weak. Montenegro has largely implemented EU recommendations from last year, yet needs to strengthen protections for journalists, ensuring consistent law enforcement and zero tolerance for harassment. Kosovo aligns largely with international standards but requires further improvements. Türkiye remains at an early preparation stage in this area, with no progress and serious ongoing concerns; restrictive national security and counter-terror laws continue to hinder freedoms. Urgent actions recommended for Türkiye include releasing detained journalists and revising laws to align with ECHR standards, fostering a safer, pluralistic media environment.

The EC observes that **criminalization of defamation** threatens freedom of expression. In Albania, defamation remains a criminal offense with high fines, falling short of European standards and lacking special protections for journalists against violence, attacks, or threats. Last year's EC recommendations to fully decriminalize defamation and enhance protections for journalists were not implemented. BiH faces similar challenges, as criminal penalties for defamation

were reintroduced in the Republika Srpska entity, creating a chilling effect on media freedom.

Furthermore, proposed legislation in Sarajevo Canton introduces disproportionate sanctions for the online dissemination of undefined 'fake news,' which could restrict digital expression and intimidate journalists and reporters. A positive development, although omitted in the EC report, is the amendment of North Macedonia's Law on Civil Liability for Insult and Defamation to align with international standards, particularly the European Convention on Human Rights, addressing previous weaknesses. The amendments significantly reduced penalties for non-pecuniary damage caused by insult or defamation by journalists, editors, or legal entities.

The EC recognizes that journalists, CSOs, and critical voices across the Western Balkans and Türkiye continue to face **threats, verbal attacks, arrests, and smear campaigns, fostering self-censorship and creating a hostile environment** for CSOs and media operations. In Albania, journalists experience intimidation and precarious working conditions despite protections. In North Macedonia, BiH, and Kosovo, reports of threats and violence are rising, with female journalists especially targeted in Kosovo, BiH, and Serbia, where physical attacks are common, and institutional responses remain weak. High-level officials in BiH further intensify pressure on the media with hostile rhetoric and limited action from authorities.

Although not noted in the EC report, our monitor found that Montenegro faced a discrimination-related violation of expression rights when a book promotion was cancelled, with the Ombudsman's recommendation ignored. In Serbia, hate speech, threats, and violence target human rights defenders, the Roma community, LGBTIQ individuals, and migrants, with no central tracking of hate crimes by bias. High-ranking officials and tabloid media have intensified **smear campaigns against CSOs**, exposing activists' personal data and increasing risks. Spyware surveillance has also pressured human rights defenders, many of whom avoid filing complaints due to distrust in the legal system. The unresolved 25-year-old murder of journalist Slavko Ćuruvija remains a significant issue. In Türkiye, restrictions on journalists, activists, and dissenting voices persist, with 54 media workers imprisoned as of mid-2024, driving self-censorship and limiting independent reporting.

The EC report offers a limited view of **strategic lawsuits against public participation (SLAPPs)**, focusing mainly on cases involving journalists and mentioning the rise of SLAPPs only in Serbia, suggesting the need to align with the EU acquis to cover the early dismissal of manifestly unfounded claims and remedies against abusive court proceedings. The report notes that Albania and North Macedonia lack legal safeguards against SLAPPs, as in line with the European standards, including the Venice Commission, an issue relevant across the region.

In contrast, our monitoring provides a broader overview, noting that Serbia, BiH, and North

Macedonia are among the top three European countries facing such threats. In Albania, SLAPPs sharply increased, with 73 cases reported in 2023, reflecting insufficient protections for journalists and weak judicial follow-up despite partial alignment with EU standards. North Macedonia saw a decline in defamation lawsuits due to recent legal amendments, yet six SLAPP cases highlight gaps in support mechanisms for journalists. In BiH, SLAPPs foster self-censorship, with no specific details in the EC report on cases against journalists and CSOs, and officials often downplaying the issue. The report for Kosovo points to a lack of systematic SLAPP research, though cases involving civil society are increasingly documented in our regional research on SLAPPs. Although EC report does not provide data on SLAPPs, our monitoring highlights **cases involving activists and environmental advocates**, some of whom face lawsuits and experience self-censorship due to limited support and legal pressures.

A related positive development, although coming after EC's report, is the Draft Law on Citizens' Initiative and Protection of Citizens and Activists of the Federation of BiH. The proposed law allows for the early dismissal of SLAPP cases, protecting citizens and activists from lawsuits aimed at censoring, intimidating, or silencing them. EU's recent **Anti-SLAPP directive** should further offer guidance to WBT countries in aligning their legal frameworks with EU standards and best practices to protect freedom of expression and ensure that activists, journalists, and civil society actors can operate without fear of legal harassment or undue pressure.

FRAMEWORK FOR CSO FINANCIAL VIABILITY AND SUSTAINABILITY

SUB-AREA 2.1: TAX/FISCAL TREATMENT FOR CSOS AND THEIR DONORS

CSOs and donors enjoy favorable tax treatment	Tax benefits are available on various income sources of CSOs.
	Incentives are provided for individual and corporate giving.

This year's EC assessment briefly addresses the **tax treatment** of CSOs in some countries, highlighting regional challenges but failing to fully address the complexities that hinder civil society's financial sustainability. A recurring issue, in line with our monitoring, is the inconsistent or inadequate application of VAT exemptions and tax incentives. In Albania, the EC report notes VAT challenges for foreign-funded CSO projects, while our monitoring adds that the new 0% VAT requirement inadvertently increased administrative burdens by requiring notarized contracts, logistical complications, and VAT re-registration, reversing previous progress. In Kosovo, the lack of VAT exemptions on grants and donations raises operational costs for CSOs, and the tax framework lacks specific non-profit incentives, limiting financial flexibility.

Montenegro offers some tax incentives for philanthropy, but a narrow "public interest" definition limits these benefits; our findings suggest that broader incentives are needed to support CSO sustainability, while VAT procedures in 2023 also brought complications.

Throughout the region, **philanthropic incentives remain underdeveloped**. In Serbia and Albania, incentives are limited – or non-existent – for individual donations. In Türkiye, heavy taxation continues to hinder the functioning and growth of foundations and associations. BiH faces inconsistent tax regulations that undermine CSO financial stability, and limited individual tax relief discourages personal giving, although corporate philanthropy is incentivized across regions. North Macedonia is updating its legislation on donations to enhance support.



The EC report highlights key challenges related to the **public funding** in the region. There is insufficient public funding in Albania and weak transparency in state funding for CSOs in BiH, Serbia, North Macedonia and Montenegro. In Serbia, the EC observes lack of transparent criteria for approving support to CSOs, selecting independent experts in evaluation commissions, and in the reporting on spent funds.

CSOs in both Serbia and BiH continue to report political connections influencing the allocation of funds, while in Montenegro, examples of favouritism for politically connected CSOs were also reported in 2023. Kosovo, despite improvements in transparency, continues to face issues with funding access and challenges concerning the assessment and effectiveness of allocated funds. In North Macedonia the proper implementation of the existing legal and financial frameworks requires a clear institutional set-up for cooperation with civil society, notes the EC. Yet, the public funding reform has been notably delayed despite long-term CSO advocacy.

Volunteering in CSOs is only marginally mentioned in the reports for Albania and BiH, where the EC reports no progress on **volunteering legislation**. Our monitoring finds that, while volunteering laws are present in several Western Balkan countries—including North Macedonia, Montenegro, Serbia, and BiH—they often lack incentives, best practices, and administrative support, limiting volunteer development. Albania and Kosovo have outdated and restrictive frameworks, with revisions expected by 2027 and 2024, respectively. In Kosovo, a long-pending Concept Document for Volunteering remains incomplete. North Macedonia has taken proactive steps, establishing a National Council to promote and develop volunteering. Still, comprehensive support is still lacking across the region.

SUB-AREA 2.2.: STATE SUPPORT

State support to CSOs is provided in a transparent way and spent in an accountable manner	Public funding is available for institutional development of CSOs, project support and co-financing.
	Public funding is distributed in a prescribed and transparent manner.
	There is a clear system of accountability, monitoring and evaluation of public funding.
	Non-financial support is available from the state.

While the EC report provides no other information on **human capital** as a key factor for CSO sustainability, our monitoring shows that **employment laws** in the Western Balkans treat CSOs like other employers, however practical issues such as limited credit access and inadequate employment incentives persist. Low participation of CSOs in state employment programmes and limited data availability underscore the need for sector-specific support and standardized data collection to better address CSO employment needs across the region.

SUB-AREA 2.3: HUMAN RESOURCES

State policies and the legal environment stimulate and facilitate employment, volunteering, and civic engagement	CSOs are treated in an equal manner to other employers.
	There are enabling volunteering policies and laws.
	The educational system promotes civic engagement.

STATE - CSOs RELATIONS

The EC report acknowledges the importance of CSO cooperation for democratic development but provides limited details on the existence and implementation of **civil society strategies**. In most of the countries in the region low progress in strategy implementation is observed due to limited resources, weak government commitment, and minimal monitoring efforts.

Our monitoring adds that in Albania, North Macedonia, Kosovo, and Montenegro, civil society strategies have seen minimal advancement and lack of significant achievements, with Albania and Kosovo initiating the development of their new strategies. In Serbia, although a cooperation framework exists, transparency issues have led to CSO boycotts. BiH, which is not covered in the EC report, advanced notably in 2023, initiating the drafting of its first national Strategy for an Enabling Environment for Civil Society Development, targeting adoption by 2024. Across the region, as recorded in our monitoring, **weak monitoring and evaluation mechanisms** further hinder progress, underscoring the need for stronger coordination and government prioritization in supporting civil society.

The EC report briefly addresses the **Councils for CSO-government cooperation** and omits critical issues. The EC report states that in North Macedonia, “CSOs have the opportunity to be informed about and participate” in the three Government-CSO bodies, however, this framing overlooks the significant barriers CSOs face in meaningful participation. Notably, the report fails to mention the 2023 boycott of the Council for Cooperation between the Government and Civil Society, prompted by concerns over trust, transparency, and fair representation—issues that have severely hindered the Council’s effectiveness and genuine CSO participation. Montenegro’s Council also remains inactive for over two years. Our monitoring shows that the major cause for the lack of CSO interest comes from the Anti-corruption Law’s interpretation, equating CSO representatives in such bodies with

Sub-area 3.1.: Framework and practices for cooperation

There is a strategic approach to furthering state-CSO cooperation and CSO development	The State recognizes, through policies and strategies, the importance of the development of and cooperation with the sector.
	The State recognizes, through the operation of its institutions, the importance of the development of and cooperation with the sector.

Sub-area 3.2: Involvement in policy- and decision-making

CSOs are effectively included in the policy and decision-making process	There are standards enabling CSO involvement in decision-making, which allow for CSO input in a timely manner.
	All draft policies and laws are easily accessible to the public in a timely manner
	CSO representatives are equal partners in discussions in cross-sector bodies and are selected through clearly defined criteria and processes

Sub-area 3.3: Collaboration in service provision

The environment is supportive for CSO involvement in service provision	CSOs provide different services and compete for state contracts on an equal basis to other providers, through clear and transparent procedures.
	The state is providing predictable and longterm funding for services provided by CSOs, and effectively monitors both the spending and the quality of service provision.

public officials, prompting reporting and administrative burdens.

In Albania, while the EC report briefly notes the need for improved structures, it omits the limited effectiveness of the National Council for Civil Society (NCCS) and does not mention the National Council for European Integration. This council recently opened membership to NPOs, resulting in 16 new civil society members, yet awareness among NPOs about its role remains low. Kosovo’s Council plays an advisory role but also suffers from limited engagement; In Serbia, a Council for cooperation was established for the first time in 2023, though our monitoring notes

that it faces political interference, resource issues, and potential restructuring challenges. In BiH, missing from the EC report, an advisory body has been appointed for the 2024–2028 CSO strategy development, but CSO involvement is sporadic and insufficient.

In line with our monitoring, the Commission notes that CSO engagement in **policymaking** across the region is often superficial, with limited transparency, inclusivity, and effective follow-up. However, our monitoring reveals additional details that further illustrate the weak role of CSOs in policy-making. In Albania, and Montenegro consultation structures exist but remain mostly formal and ineffective often due to dissatisfaction with the consultation processes. In North Macedonia, Serbia, and Kosovo, despite the engagement of CSOs, their input often disregarded. In Kosovo, while mechanisms for public consultation exist and are accessible online, there are gaps in compliance with consultation regulations.

In Serbia, genuine cooperation between the government and CSOs is lacking, and there is often insufficient time for consultations. CSOs report that authorities sometimes include "aligned" organizations in working groups, creating a misleading appearance of legitimacy. The Commission notes that In BiH, uneven legislation and an underutilized e-consultation platform hinder engagement, and the Charter for CSO cooperation has yet to be enacted seven years after adoption. The EC report on Türkiye briefly notes the need for mechanisms to consult independent CSOs.

The EC report acknowledges CSO involvement in **consultations related to EU accession** in Albania, Kosovo, and Montenegro, but our monitoring reveals deeper issues. Kosovo's civil society remains active in EU reforms, while Montenegro's involvement, though structured, has limited impact. In Albania, some progress was made with the establishment of the European Integration Partnership Platform, yet

meaningful CSO engagement is still lacking, with low NPO participation and limited transparency on platform progress. In North Macedonia, omitted from the EC report, recent consultations aimed to enhance CSO input in reform roadmaps.

Access to information across the Western Balkans remains hindered by delays, insufficient institutional transparency, and inconsistent implementation, despite existing legislation. Journalists in Albania, Kosovo, and BiH report frequent delays or outright refusals when requesting public information, reflecting an institutional cultures that often prioritize private over public interests. North Macedonia and Serbia have legislation allowing access to public information, but issues persist with limited proactive disclosure, and outdated online information. In Montenegro, amendments aimed at improving access have been pending for years. Türkiye faces restrictions under national security grounds, with the Constitutional Court's annulment of a disinformation decree in August 2024 offering brief hope before the ruling was removed, allowing the Directorate of Communications to continue operating unchanged. Across the region, transparency and alignment with European standards remain critical.

This year, once again, the European Commission report does not address CSO-state collaboration in **service provision**, but our monitoring highlights that it remains underdeveloped. While CSOs are allowed to provide services, their involvement is limited to some social services. Legislation across the region permits CSOs to deliver social services through administrative contracts with state funding, often requiring licenses or registration. However, challenges persist, including unequal treatment compared to private entities, insufficient and unpredictable funding, and non-transparent selection processes.

CONCLUSIONS AND RECOMMENDATIONS

The European Commission's 2023 progress report provides valuable insights into the state of civil society in the Western Balkans and Türkiye, offering a critical perspective on democratic values, rule of law, and fundamental freedoms in the region. While the report highlights broad trends, it underrepresents the nuanced **challenges CSOs** face, especially concerning basic freedoms, financial sustainability, and government-CSO cooperation. Freedom of assembly, association, and expression remain under pressure, with increasing instances of state interference in CSO operations, restrictive legal measures, and limited opportunities for open civic engagement.

Although the EC report addresses some aspects of freedom of expression, it insufficiently captures key concerns, such as the growing use of **SLAPPs against activists and CSOs** across most countries (not only Serbia), as well as the spread of **'foreign agents'** narratives and related legislative proposals arising. Recent legislation like the foreign agents' law in Republika Srpska and similar initiatives in Serbia and Montenegro demands heightened attention, given its implications on the fundamental freedoms and risking spill-over effect across the region. A comprehensive approach that calls out SLAPPs and restrictive legislation would prevent the normalization of such measures and underscore the EU's commitment to safeguarding democratic values.

Legal frameworks in the region also require consistent improvements to support the full potential of civil society. However, beyond inadequate financial frameworks, recent trends show a concerning **decline in meaningful government-CSO cooperation**, reducing CSOs' participation to a formal requirement with minimal influence on policy. This limited engagement undermines efforts to accurately track and encourage reforms. A more systematic and enforceable approach to consultations would foster productive government-CSO cooperation, empowering civil society to play an effective role in policy advocacy and reform.

Following a decade of stagnation on fundamental issues, with the revived momentum, and a new European Commission, the EU has an **opportunity to reignite its transformative potential**. For this to happen, the EC must ensure that civil society in enlargement countries is able to be the democratic and transformative force it has the potential to be and that it benefits from the foundations the EU is built on. Civil society is indispensable for the reforms required for EU membership, and addressing the specific challenges facing CSOs will demonstrate the EU's genuine interest in the region's progress toward EU integration.

Civil society is the cornerstone of democratic governance and a crucial driver of EU integration in the WBT, yet civic space is under threat across the region, with Serbia standing out as a particularly concerning case. To ensure a credible and transformative enlargement process, the EU must prioritize establishing binding benchmarks for protecting and promoting the fundamental freedoms of association, assembly, and expression. Additional benchmarks should be set for assessing to which extent national frameworks enable the financial viability of civil society and foster its genuine involvement in policymaking processes. EC's own Guidelines for support to civil society in enlargement countries present a solid basis for developing such benchmarks, as they have been underutilized for evaluating progress.

By **establishing binding benchmarks for assessing the enabling environment for civil society,** the EU will recognize that civil society is not only a beneficiary but also a key partner in shaping and monitoring reforms. Strengthening the role of CSOs in the enlargement process would ensure that democratic principles are upheld, while fostering trust and transparency between governments, citizens, and institutions. Integrating civil society into monitoring and reform processes and publicly condemning violations of civic freedoms are crucial so that the EU can demonstrate its commitment to meaningful change, drive sustainable reforms, and restore public trust in its enlargement strategy.



Balkan Civil Society
Development Network

Balkan Civil Society Development Network

Address: Makedonija 43-1/9
Phone: +389(0)2 614 42
ExecutiveOffice@balkancsd.net
www.balkancsd.net



Rockefeller
Brothers
Fund

This publication has been produced with the assistance of the Rockefeller Brothers Fund. The contents of this publication are the sole responsibility of BCSDN and can in no way be taken to reflect the views of the RBF.