



## THE KOSOVAR CIVIL SOCIETY INDEX

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The Kosovar Civil Society Index is a regular study by KCSF that aims to provide information and assess the state of the civil society in Kosovo. This study is released every two years and covers the main aspects of the work and development of the civil society in Kosovo.

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The Kosovar Civil Society Index was prepared by the Kosovar Civil Society Foundation (KCSF) research team.

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**ABBREVIATION LIST**

<b>TAK</b>	Tax Administration of Kosovo
<b>EU</b>	European Union
<b>CIVICUS</b>	World Alliance for Citizen Participation
<b>DRLNGO</b>	Division for Registration and Liasion of NGO's
<b>DSK</b>	Down Syndrome Kosova
<b>IPA</b>	Instrument for Pre-Accession
<b>KCSF</b>	Kosovar Civil Society Foundation
<b>Law on NGO's</b>	Law 04/L-57 on the Freedom of Association in NGO's
<b>UNDP</b>	United Nations Development Programme
<b>NGO</b>	Non-Governmental Organization
<b>CSO</b>	Civil Society Organization

### EXECUTIVE SUMMARY

The Kosovar Civil Society Index is a regular study of the Kosovar Foundation for Civil Society that aims to assess the state of the civil society in Kosovo, by measuring the main dimensions of this sector in Kosovo: the legal framework for the operation of CSO's, the structure of the civil society, the funding and sources of the funds, the perceived influence of the civil society, and the external environment in which the civil society operates. The methodology used for the composition of this study, includes the revision of secondary sources, the conducting of primary quantitative and qualitative research, the analysis of data and the validation of the findings through discussion with external actors within or outside of the civil society. While the number of non-governmental organizations registered in Kosovo exceeds 7,000, this study includes only organizations which are deemed active within the civil society.

The legal framework for the operation of CSO's includes the basic law for NGO's, which in general conforms to international standards, as well as a small number of other relevant provisions that are scattered throughout various laws. The implementation of existing laws remains unsatisfactory, while many sub-fields of importance to the operation of the civil society remain to be complemented by new legislation.

The internal governance of CSO's is regulated well with internal documentation, but these documents are not always applied rightly in practice. The majority of CSO's in Kosovo fulfill their legal reporting requirements, whereas their financial audits exceed the legal obligations. CSO's seek qualified and experienced staff, however it is difficult to find individuals of such qualities. When they do find and employ them, the organizations are pleased with their work. Nevertheless, half of the organizations can not retain their staff for more than 2 years, mainly on the basis that the majority of projects that are financed in Kosovo last less than 24 months. Citizen membership in civil society organizations remains low, even though CSO's declare that they involve and consult members and beneficiaries in their activities. Nonetheless, issues which the civil society is engaged with enjoy heightened support.

The civil society in Kosovo remains financially dependent on foreign donors, especially those organizations that have a larger number of funds in circulation. Funds from public institutions are on the rise, even though they are still not regulated by legal criteria and procedures. Other sources of funding, such as sales of services, membership fees or private donations, remain exceptionally low. The most practiced form of granted funds are project grants in sums up to EUR 10,000 or EUR 25,000, which usually last up to 12 months. The number of Kosovar CSO's that benefit from EU funds is increasing, but the application procedures continue to be considered difficult. Citizen volunteering through the civil society remains low, and it could even be considered to be in decline. Nevertheless, there is a greater number of volunteers than paid staff within the civil society.

The Kosovar civil society has limited influence on issues that are of main concern to citizens, such as economic development and the rule of law. The influence is perceived as more sensitive/profound in areas like democratization, gender equality and support to poorer communities and marginalized groups. The civil society maintains good communication with public institutions. Yet, this does not translate into sufficient access to public information and necessary consultation in the composition of laws and policies. Larger CSO's with a wider geographical reach are more engaged in policy making, however they view their influence as limited. While their involvement and consultation in general marks a positive trend, the closure of institutions and the exclusion of the civil society from processes, which are considered of increased political or economic interest, remains problematic.

The external environment in which the civil society operates is not favourable and does not represent an encouraging outlook for the sector. By being one of the poorest countries in Europe with virtually half of the population unemployed, without any economic growth and the emphasized corruption, Kosovo's economy continues to remain dependent on remittances from the diaspora and aid from international donors. Similarly, the socio-political context offers limited space for the development of the civil society. Despite the official conclusion of the international oversight of independence, the legitimacy of the state remains limited both in the region and the international arena, while the presence of foreign missions with executive powers continues. The dialog between Kosovo and Serbia has characterized these past years, by drawing attention from other important processes and by causing numerous debates within Kosovo. While many democratic standards exist in theory, the practical implementation of political rights and freedoms as well as the rule of law remain at an unsatisfactory level. Finally, the socio-cultural context appears to vary: while the civil society remains one of the most trusted sectors in Kosovo, the exceptionally low level of interpersonal trust between Kosovar citizens does not present a good basis for the key element of a civil society –cooperation between citizens.

Finally, it is important to stress the fact that the civil society in parallel with its strengths is conscious of its weaknesses and is fairly self-critical in general. By inviting all organizations and relevant institutions to deepen their studies and analysis on specific sub-fields of the civil society, KCSF believes that this study presents a good basis for the treatment of these weaknesses, but also for the further development of the results and successes to this point.

### I. INTRODUCTION

The Kosovar Civil Society Index is a regular study of the Kosovar Civil Society Foundation that aims to assess the state of the civil society sector in Kosovo. Based on global methodology and experience gained from implementing the CIVICUS's Civil Society Index for Kosovo during the period from 2009-2011, the Civil Society Index for Kosovo aims to measure the main dimensions of the civil society based on a methodology adapted to the developmental specifics of this sector in Kosovo.

This study maintains KCSF's tradition of providing comprehensive information for the civil society, which started with the Anthology of the Civil Society in 2001, the Mapping Analyses of Civil Society in Kosovo in 2005 and to CIVICUS Civil Society Index for Kosovo from 2011.

The methodology used to draft this study includes reviewing, gathering, validating and analyzing a broad spectrum of information, including the review of secondary data, undertaking primary qualitative and quantitative research as well as validating data by discussing the findings with other actors within and outside of the civil society.

The used data for this study was collected during the summer and fall seasons of 2013, while it was analyzed and validated until the end of the same year.

This study analyzed the five fields that characterize the work within the civil society: the structure of the civil society, legal framework for the functioning of CSOs, the funding and its sources, the perceived impact of the civil society, as well as the external environment in which the civil society operates.

### II. METHODOLOGY

This study aims to provide a brief and accurate picture of the various elements and dimensions of the civil society, by addressing the common attributes of the sector. While deeper analysis were conducted for some of higher importance topics for which sufficient data was provided, a larger number of other issues have had their current state identified without exhaustive analysis on each individual element. The study highlights these topics for which further studies and analysis are needed.

Although based on the CIVICUS's global methodology, the methodology used for this study has been significantly simplified and adapted, with the aim of addressing specific elements of Kosovo's civil society development.

The data was collected and processed using combined qualitative and quantitative methodology. This methodology includes the collection, revision, analysis and validation of a large amount of primary and secondary data, using the following instruments:

- Research of the legislative literature, relevant reports and unpublished data;
- Organizational survey (100 active CSO's in Kosovo);
- Research of the external perceptions (30 prominent representatives of various sectors outside of the civil society);
- Population survey (1,300 respondents), by incorporating questions dedicated to this study in the regular questionnaire of UNDP's Public Pulse;
- In-depth interviews on specific issues;



- Simple and combined analysis of quantitative data;
- In-depth thematic analysis; and
- Discussion and validation of the final findings with selected actors of the civil society and other sectors.

Of all the instruments utilized for data gathering, the most important were the three large quantitative researches: The organizational survey, the External Perception survey and the Population Survey.

The Organizational survey selected 100 active<sup>1</sup> CSO's in Kosovo based on a representational sample that ensures the proportional inclusion of various CSO's, as follows: 10 CSO's that are considered to be well-established, 10 CSO's that are considered small and less developed but that remain active, 40 CSO's dispersed throughout various thematic sectors, 40 CSO's from various geographic regions of Kosovo. Furthermore, this sample has also taken into account the inclusion of a number of minority organizations along various sub-categories of the sample.

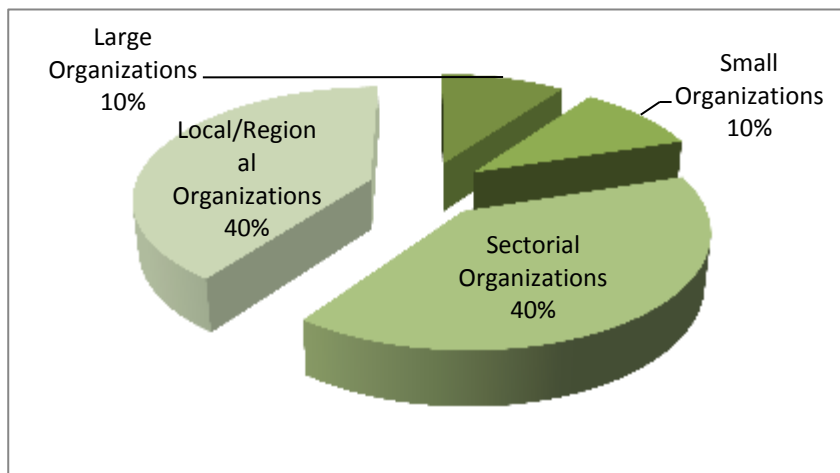


Figure 1: Organizational survey sample

It is worth mentioning that this study has not addressed trade unions, the media and religious communities, although in theory these groups may be considered to be a part of the civil society.

The External Perception Survey selected 30 distinguished representatives of various sectors outside of the civil society such as the Assembly, Government, political parties, municipalities, courts, universities, culture, private sector, religious communities etc.

The Population Survey was carried out with 1,300 respondents from the whole of Kosovo, who answered a limited number of questions related to membership in associations, voluntary work, benefits from civil society activities, and trust in the civil society and interpersonal trust.

In-depth interviews with experts of various fields from different sectors were carried out, in cases where quantitative data was insufficient to establish the current state of play. During data processing and analysis, the research team analyzed each record individually, in order to continue with a combined analysis of certain parts of the data in relation to each other. The initial findings were discussed by an extended KCSF team, which carried out the analysis and thematic link of various data available.

<sup>1</sup> Those organizations which at the very least continue to respond to e-mails or speak on behalf of their organization were considered to be active

The pre-final draft has been presented to a selected group of representatives from the civil society, government, independent institutions and donors with whom the data and main findings were discussed and validated. A number of recommendations from this validation meeting have resulted in the improvement of the final draft.

### III. THE FINDINGS

#### 3.1 BASIC LEGAL FRAMEWORK FOR THE OPERATION OF CSO'S

Civil society organizations work in accordance with the applicable law and legal framework in the country in which they operate, as well as with the principles of international law. Internationally, there are certain documents that determine the main principles of the not-for-profit sector rights, starting from the Universal Declaration of Human Rights, the International Convention for Civil and Political Rights, European Convention of Human Rights, Recommendation CM/Rec(2007)14 of the Committee of Ministers of the Council of Europe to member states regarding the legal status of non-governmental organizations in Europe etc. National legislation must be in compliance with the principles of these international documents.

In Kosovo, freedom of association is guaranteed by the Constitution (Article 44) as well as Law 04/L-57 on Freedom of Association in NGO's. According to this law, this freedom may be exercised through Associations and Foundations. Unions, political parties, employer associations, religious communities etc, are organizational structures which are regulated through other respective laws or are still not regulated by law. Registration is not obligatory, although the majority of civil society organizations that are active throughout Kosovo are registered as NGOs. Because of this, the legal framework that directly impacts this sector, is mostly covered by the Law on Freedom of Association in NGOs (also known as the "Law on NGOs"), which regulates the main elements of establishing, organizing, internal governance and dissolution of NGOs, as well as the main elements of the Public Beneficiary Status. Beside this law, the daily operations of civil society organizations are also influenced by laws that are related to taxation/fiscal issues (Law on Personal Income Tax, Law on Corporate Income Tax, Law on VAT), as well as laws and regulations that govern the work of institutions with which these organizations interact (Rules of Procedure of the Assembly of Kosovo, Rules of Procedure of the Government, Law on Local Self Government and Statute of Municipalities, Law on Access to Official Documents, Law on Legislative Initiatives, etc.), and laws that are specific to the respective scope of activities of various organizations. However, the legal framework is still not properly completed. Consequently, there are no legal provisions on the establishment of non-for-profit companies or investment funds/endowments, although the latter is neither explicitly prohibited nor allowed. At the Government level, a draft law on sponsorship has also been in the drafting stages for years, but there is still no information whether it will soon be sent to the Assembly for approval.

Out of 7,452 registered NGOs in December 2013, 6,947 are domestic and 505 are international/foreign. From the local NGOs, 6,695 are associations and 252 foundations.

Associations may be established by at least three natural or legal persons, whereas foundations may be established by a single person or bequest. There are no conditions/requirements for the minimal amount of initial funds that are required to establish a foundation, which resulted with the majority of foundations that were established having no initial assets or wealth. The registration of CSOs is not mandatory, although the majority of these organizations decide to register so that they may gain a legal status. Registration procedures are simple and free of charge.

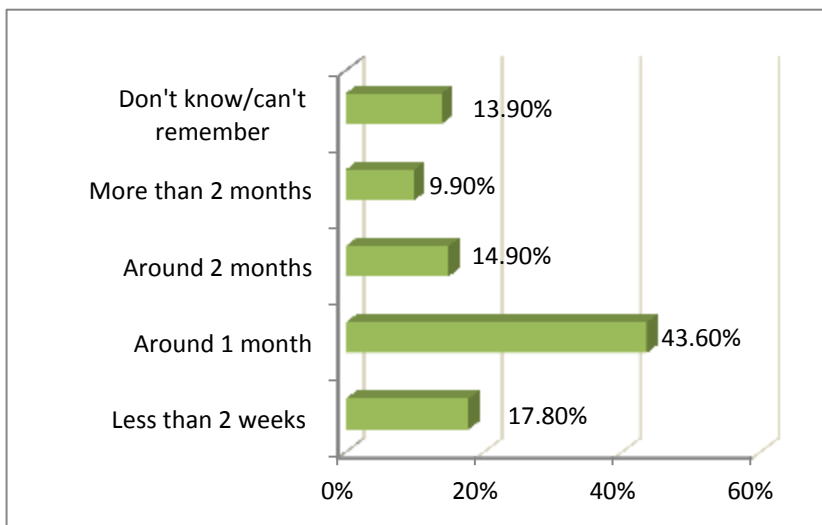


Figure 2: Duration of NGO registration procedure

Registration is done through the Department for Registration and Liaison with NGOs, where necessary documents are submitted, such as: the request, the founding charter, the statute, the member list etc. After the approval of the registration request, the NGO receives a registration certificate from this Department. According to the law, a response must be provided within 60 days by the Department of Registration of NGOs. In practice, the majority of NGOs are registered within this time-frame, whilst the most common time-frame for registration is around 1 month (43.60%). However, there are cases when this time-frame is not upheld, due to requests for additional documentation or amendments to the statute. According to DRLNGO representatives, the time required to register an NGO, in the majority of cases, is even shorter than a month. But there are cases when the proposed name is the same with another NGO, or the documentation is not complete, therefore an amendment or completion of it is requested. According to them, it frequently happens that the applicants, due to their own negligence, do not come back or delay those amendments or the requested completion of the documents. Whereas regarding registration templates, the applicants are allowed to use other templates as well.

This study tested the registration procedures by tracking the application process in two cases, which were in accordance with the legal requirements but not with the templates offered by the DRLNGO. In both of these cases, the procedures lasted over two months, whereas some of the DRLNGO requests even exceeded the legal requirements. For example, the law requires at least three persons to establish an association, whereas the Department for the Registration of NGOs requested an additional list of at least 5 members of the association as one of the documents for the registration of an association. The explanation provided by the officials of this department is that this is requested based on NGO operation practices. However, this request has no legal grounds, and furthermore it runs contrary to the minimum number of persons that have the right to establish an association.

Regarding the registration process, two years ago an online registration platform was designed and is now fully functional. However, this platform is still not used as much in practice because of the inability to stamp registration documents through this system. The possibility of filing an appeal is in place, and is regulated through secondary legislation. However, the problem is that the same authority has been given the mandate to establish an Appeals Committee, whereas there are no clear rules on this Committee's operation. The majority of the registration stage problems come as a

result of insufficient capacities and misunderstanding of legal requests by the Department of the Registration of NGOs, which is the sole responsible authority for the registration of NGOs.

**May be interpreted as...**

DRLNGO in general addresses and responds to NGO registration requests within the legal timeframe of 60 days, and frequently even within 30 days. However, in cases when NGOs submit documents that are in accordance with the legal requirements, but not as per DRLNGO templates, then this procedure may extend beyond the legal timeframes.

In general, NGOs in Kosovo operate freely, without any unreasonable state interference in their internal management and activities. The legal framework prevents public authorities from interfering in the operations and activities of the NGOs and, until now, there are no reported cases of direct state interference in the internal issues of CSO's. The reporting requirements are two-fold: reporting to the Tax Administration on their financial transactions as well as reporting to the Department of Registration and Liaison with NGOs for public beneficiary organizations. The reporting requirements for the Tax Administration are identical to those of businesses, and 53,94% of the CSO's interviewed consider that these requirements are not in accordance with the specific nature of the CSO's work. On the other hand, reporting by Public Beneficiary Organizations (PBO)<sup>2</sup> is done in both narrative and financial forms, whereas PBOs that have an income exceeding EUR

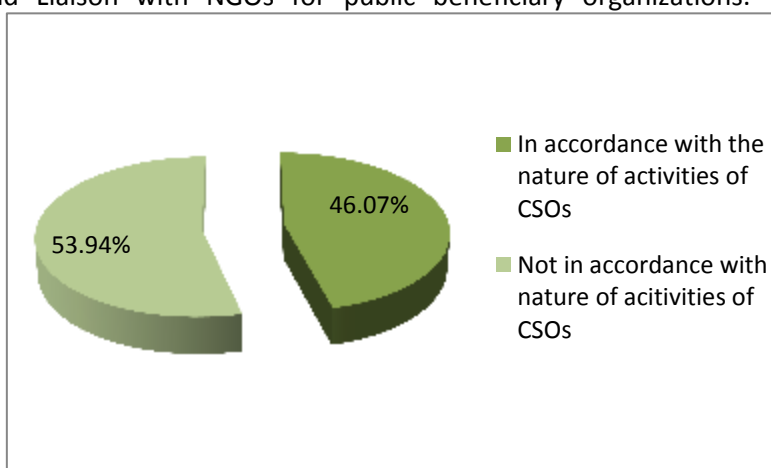


Figure 3: Requests for fiscal reports

100,000 have the additional requirement to present an external audit report. However, the narrative report is prepared using a format which does not allow adequate information as well as the assessment of the public benefit work carried out by CSOs.

The Law 03/L-196 on the Prevention of Money Laundering and Financing of Terrorism has a lower threshold for CSO payments compared to other sectors<sup>3</sup>: NGOs have to ask for a special permission to receive more than EUR 1,000 from a single sender or for payments higher than EUR 5,000 to a single recipient within the same day. To be able to make or receive payments that exceed the amounts specified above, the NGO may request a one-time exemption or to be exempted from these obligations for a certain period of time from the Financial Intelligence Unit of Kosovo (FIU-K). Written requests submitted by NGOs to the FIU-K should stress the required type of exemption and the reasons for this exemption, while FIU-K must respond to the request within thirty (30) days. FIU-K's answers may be: 1) granted 2) conditionally granted or 3) or denied exemption. However, the entire process of request and response is not associated with the criteria that should be considered by FIU-K when reaching a decision. This creates grounds for different interpretations or arbitrary

<sup>2</sup> Out of 1,015 NGOs with PBS, for the time being only 231 are exercising it, out of which 157 are local and 74 international.

<sup>3</sup>Law 03/L-196 on the Prevention of Money Laundering and Financing of Terrorism – Article 24.

decisions. These requirements are cumbersome to the CSOs since they may create problems for the reception of funds from donors or for the payment of funds from local grant donors. Furthermore, the sanctions for violating these limitations are troublesome in two regards: firstly, they are not proportional to the extent of the violation since they go as far as to provide for the closure of the NGO; secondly, they give the Department of Registration of NGOs the authority to close down the NGO, which is not in line with the provisions of the Law on Freedom of Association in NGOs. However, until now, there have been no reports that these provisions have been implemented in practice. Except the provisions of the Law on Prevention of Money Laundering and Financing of Terrorism, the legal provision for the closure of NGOs of the Law on Freedom of Association in NGOs are in line with international principles and standards. The mechanisms for the distribution of assets are not functional, although there is an Administrative Instruction on the establishment of the Committee for the distribution of the remaining assets of an NGO, however without any specific procedures and criteria for the decisions of this Committee.

To support their activities CSOs may freely seek and secure financial resources from various domestic and foreign sources. The legal framework allows CSOs to engage in various economic activities, while economic activities that are related to the mission of the organization are exempted from taxes on profit. However, only a number of CSOs engage in economic activities and many of them are not familiar with the respective obligations and limitations. The reception of foreign funding is allowed, and 74% of the civil society funding comes from international donors. In addition, CSOs may receive donations from individuals, corporations and other sources, but in practice individual and corporate donations are not very common. CSOs are not VAT exempted. Nevertheless, funds coming from the EU or from the majority of bilateral donors are exempt from VAT, regardless of the economic operator that operates with these funds. As a result, CSOs that benefit from these funds are also subject to this exemption, for that portion of the funds only. However, the exemption procedure is not the same for all donors and in many cases the exemption in practice causes difficulties for the CSOs.

### 3.2 CIVIL SOCIETY STRUCTURE IN KOSOVO

#### CSO Internal Governance (documentation and decision-making)

The Law on NGOs recognizes only two forms of NGO registrations: Associations and Foundations.<sup>4</sup> The majority of civil society organizations in Kosovo are registered as membership organizations. According to DRLNGO records from December 2013, there are 7,452 NGOs registered in Kosovo, of which 6,947 are domestic and 505 are foreign. Of the registered domestic NGOs, 6,695 are registered as membership organizations (associations) and only 252 non-member organizations (foundations).

According to the Law on NGOs, the top governing body of an Association is the Members' Assembly, whereas the top governing body of a Foundation is the Board of Directors. From the whole sample of organizations surveyed, 89% of them stated that they are registered as Associations, while 11% were registered as Foundations. If we were to go by the legal requirements, then an identical percentage to this one should also be found in the answer to the question of the highest governing bodies. However, the results prove that not all associations adhere to the legislation in force.

51.5% of the surveyed organizations stated that the Member Assembly is their highest decision-making body, whereas 47% declared this to be the Board. While all the surveyed foundations stated that the Board is their highest governing body, only 60% of associations have stated the Members Assembly as their highest governing body, resulting in 40% of the statements given by associations being inconsistent with the respective legal requirements.

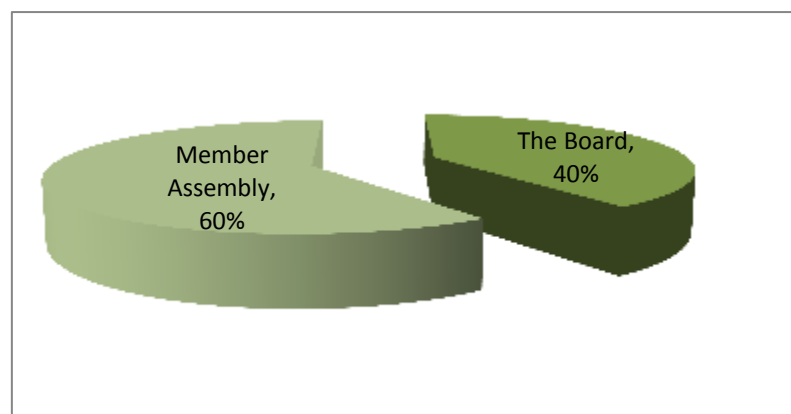


Figure 4: The highest decision making body in membership organizations (Associations)

When asked who makes the key decisions in the organization, the surveyed organizations state that the decision-making in the organization is shared between the highest governing body and the Executive Director. Namely, 69.8% of the organizations state that within the organization the main part in key decision-making belongs to the highest governing body (Assembly of Members), whereas half of those organizations state that the Executive Director is also involved when reaching key decisions. Only 11.3% of the surveyed organizations stated that the staff of the organization is also involved in key decisions being made. Nonetheless, this staff has the main role of determining issues that are addressed by the organization (in 74% of organizations), mainly through analysis, research or other contacts during their daily operations.

According to current legislation, the highest governing body has to meet at least once a year, whereas depending on the volume and the dynamics of the work within the organizations, meetings may take place more frequently.<sup>5</sup> In this regard, 96% of organizations state that they have met this

<sup>4</sup>Law on Freedom of Association in NGOs, Chapter II, Article 5.

<sup>5</sup>Law on Freedom of Association in NGOs, Chapter III, article 13, reviewed on 17.10.2013,

legal obligation, whereas 58% of them have had meetings of the highest governing body more than once during the last year.

Regarding internal documents that regulate/organize the activities of the organizations, the majority of organizations have stated that they have their Rules of Procedure and financial regulations in place. Similar results were also stated in 2011. In broad discussions held during that year regarding governance through democratic decision-making, which was strongly stressed within the internal documents of the civil society sector, it was found that these regulations do not translate into proper implementation of these principles in practice.<sup>6</sup> Furthermore, KCSF's own experience in managing grant schemes proves that not all organizations

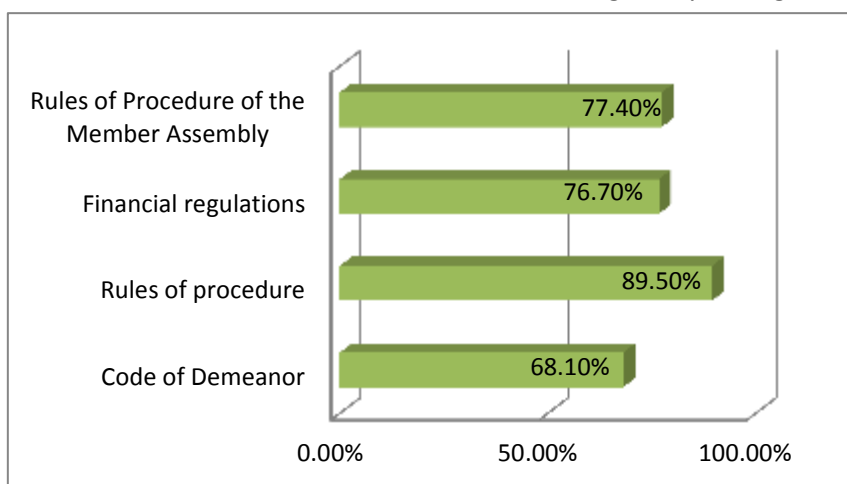


Figure 5: Documentation under the possession of organizations (questions with multiple answers)

stating that they are in possession of the internal regulations actually have implemented them in practice. During visits to organizations applying for KCSF grant schemes, a considerable number of them failed to prove that they are in possession of or that they implement in practice the previously mentioned regulations.

### Financial Management, Auditing and Reporting to TAK

Financial audits are one of the ways through which CSOs prove that the funds used have been managed properly. The Law on NGOs requires all organizations holding Public Beneficiary Status that have an annual turnover exceeding EUR 100,000 to carry out an external financial audit. Other organizations that do not have this status (which represent the majority of active organizations in Kosovo) are not legally obligated to hold financial audits. Nonetheless, the principles and practices of managing the civil sector encourage organizations that have a considerable annual turnover to submit to external financial audits in order to verify that management of available funds is done based on recognized accountancy and financial management principles.

Thus, 37.3% of surveyed organizations submitted to three or more external audits, 7.1% of them to two audits whereas 19.2% submitted to only a single audit during the last three years. A considerable number of organizations (36.4%) have not had a single financial audit done during the last three years. All of those organizations that have had no audit done belong to the group of organizations that have annual incomes of less than EUR 10,000 or less than EUR 50,000. If they are analyzed based on annual turnover, 60.6% of organizations with an annual turnover below EUR 10,000 and 39.4% of those with an income below EUR 50,000 were not audited during the last three years.

This confirms that financial audits are placed in the report together with the annual income of the organizations and their (in)ability to undertake external financial audits. Furthermore, it may be

<sup>6</sup> KCSF-CIVICUS, Civil Society Index, Better governance for a bigger impact (2011), p.15



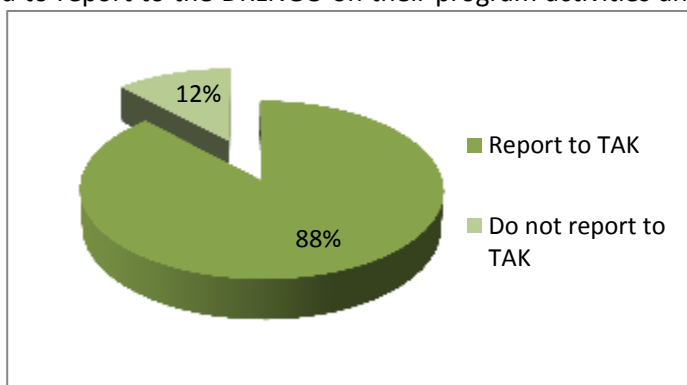
noticed that financial audits are not only a trait of organizations that have annual income which exceeds EUR 100,000, but that this threshold drops even lower, to EUR 50,000. Over 60% of organizations that have incomes ranging from EUR 50,000 to 100,000 have had three or more audits within the last 3 years. More studies remain to be done on whether this good practice of organizations is attributable to the requests and obligations that they have towards their donors, or if this represents a sign of a good organizational culture being put in place.

**How many external audits did you have during the past 3 years?**

Which of the categories below would best describe the annual income of your organization during the past year?	None	1 audit	2 audits	3 audits	More than 3 audits	Total
Less than EUR 10,000 annually	76.92	19.23	3.85	0	0	100.0%
EUR 10,000 – 50,000 annually	50.00	23.07	3.84	19.23	3.84	100.0%
EUR 50,000 – 100,000 annually	0	18.75	18.75	37.50	25.00	100.0%
EUR 100,000 – 500,000 annually	0	15.78	5.26	42.10	36.84	100.0%
EUR 500,000 – 1,000,000 annually	0	0	0	75.00	25.00	100.0%
Over EUR 1,000,000 annually	0	0	0	66.66	33.33	100.0%

**Table 1: Financial audits compared to the annual income of CSO's**

Regarding reporting, according to the legal framework applicable in Kosovo, only those organizations with a Public Beneficiary status are obliged to report to the DRLNGO on their program activities and financial aspect. Other organizations – which represent the majority of active organizations in Kosovo – need to report their financial transactions only to the Tax Administration of Kosovo, similar to businesses. Thus, 88% of organizations state that they regularly report to the Tax Administration of Kosovo, while only 12% of the surveyed organizations have stated that they do not report to this institution.



**Figure 6: CSO reports to TAK**

Organizations that stated that they do not report are mainly small organizations and of incomes lower than 10.000 EUR, whereas a number of them are organizations of minorities.

Moreover, the majority of civil society organizations regularly pay their base taxes. Namely, they regularly pay the personal income tax (84.9%) and pension contributions (83%). Also, among the most paid taxes is the tax on rent, which is paid by 44.3% of the surveyed organizations.

By analyzing a very important aspect of financial management such as the ordering and execution of payments, the most involved posts were stated to be the Executive Director and Financial Officer. However, it is interesting to notice that the Executive Director has been stated to be more involved than the Financial Officer, which does not coincide with the standard sharing of duties within an organization. This is also confirmed through interviews of CSO financial management experts, where it is frequently noticed that Executive Directors report to donors on financial expenditures, without the inclusion of the Financial Officer. Also, smaller organizations with a very small number of staff may not even have a designated financial officer at all.

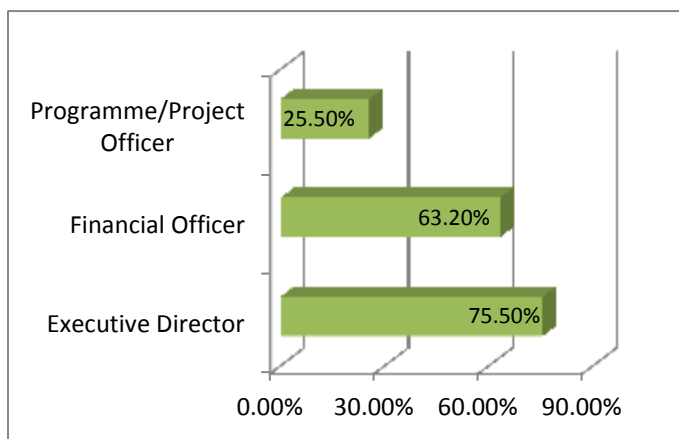


Figure 7: Staff involved in order and execution of payments (Multiple choice questions)

On the other hand, by assessing their capacities for financial management, 72.3% of the organizations consider that they have a high level of financial management, whereas only 2.0% of organizations think that they have a low level of financial management.

### Transparency

There are a limited number of mechanisms in Kosovo that verify the transparency of civil society organizations in Kosovo. Web pages and other social platforms are now the means that are most used by CSOs to promote their work and activities. In this regard, 63.4% of the surveyed organizations stated that they have an active web page. These organizations were asked which of the internal information/documents they have published on these pages. The results show that information that is mostly static or that rarely changes is the most published, such as the mission of the organization (67.9%), the main activities of the organization (66%), scope of work (57.5%). On the other hand, information/documents that are considered more sensitive, and at the same time are the basis for accountability and transparency, are not overly present on the web pages of surveyed organizations. Thus, only 17% of organizations that have an active web page publish their financial statements, whereas narrative reports (20.8%) and members of the Assembly or the Board (31.1%) have also been found to be at a low percentage. These results have been confirmed through a separate study, where the web pages of 70 organizations have been checked with similar results.<sup>7</sup>

<sup>7</sup> FORUM 2015, Who Guards the Guardians? – A study on civil society’s accountability in Kosovo, November 2013

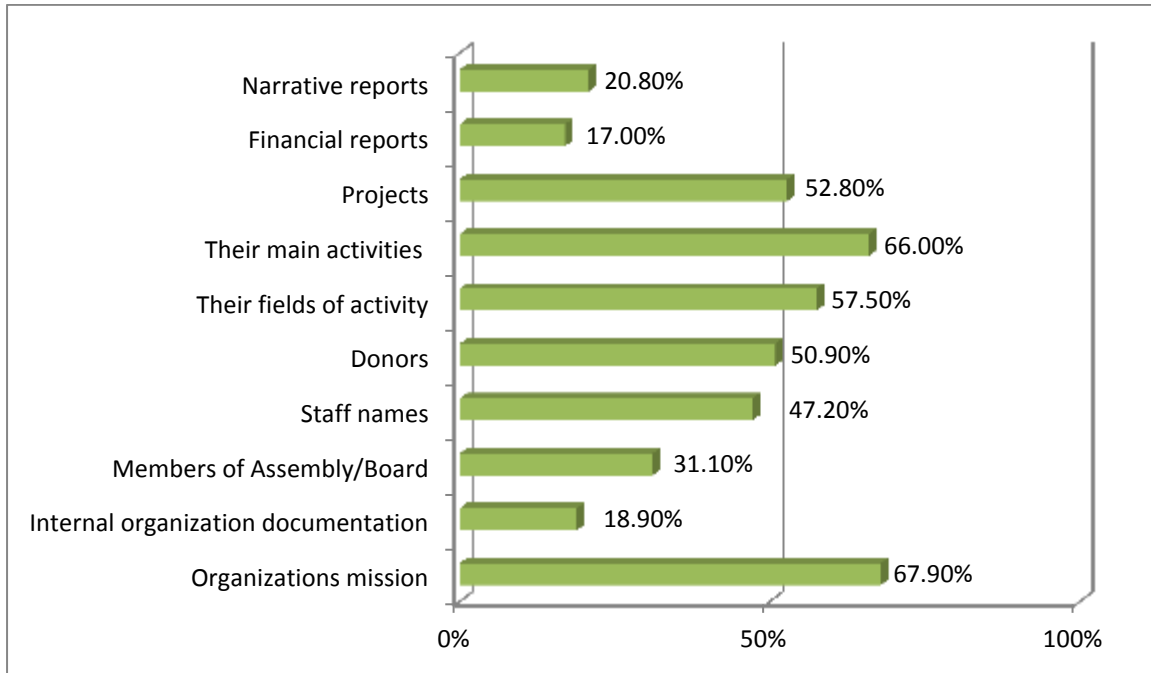


Figure 8: Documents/information published on the organization’s websites (questions with multiple answers)

**Human Resources**

With the purpose of analyzing human resources available to civil society organizations, this study addressed certain interrelated issues that may provide us with a broader view of the current situation. The questions presented aimed to analyze the whole cycle of the engagement of the staff of the organization, starting from the labor market, number of staff engaged, duration of employment, as well as the level of vocational preparedness in the respective field. Also, this data was analyzed in relation to the length of funded projects.

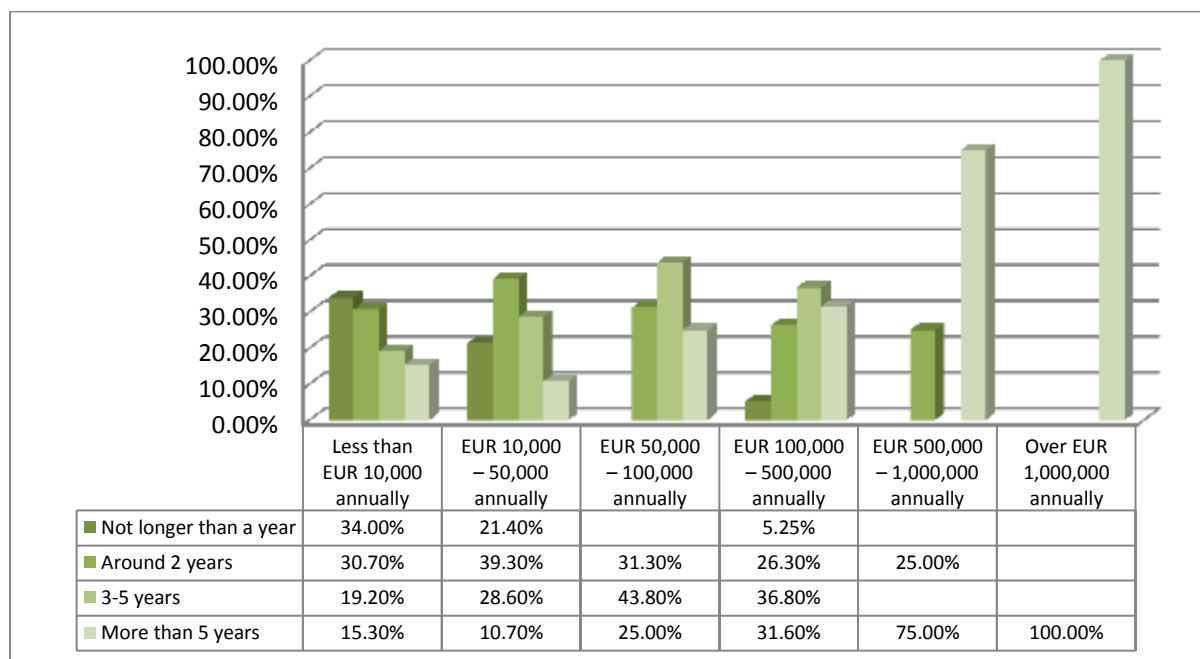
The results show that the main criterion that the civil society organizations employ in hiring their new staff is previous work experience, while their respective level of education as well as positive references from partner organizations are also important. Thus, 90.6% of the surveyed organizations have identified work experience as an important criterion for employment, 73.6% of them have also mentioned the level of education, whereas 61.3% also value references from partner organizations. However, when assessing practically the level at which the labor market provides people that meet these criteria, the findings show that the labor market is not so favorable for civil society organizations. The majority of organizations (73%) find it difficult or very difficult to recruit professionally trained staff.

Nonetheless, upon finding the staff that they require, they then are mostly assessed at being well prepared professionally. Thus 62.4% of organizations estimate their staff to be very well professionally prepared in their respective field, whereas 36.6% as moderately prepared. Naturally, this result is limited to only the level of satisfaction of interviewed representatives of the organizations in relation to their staff and does not contain any indication on their qualifications or true performance.

Job Market – what is demanded?		
Experience	Qualification	References
90.6	73.6	61.3
Job Market – How hard/easy is it to find staff?		
Very Easy	Relatively Hard	Very Hard
27	60	13
Paid Staff		
From 1-3	From 4-8	Over 8
31.6	37.9	30.5
Professional Preparation of the Staff in Respective Field		
High Preparation	Average Preparation	Poor Preparation
62.4	36.6	1
Duration of Financed Projects		
6-12 months	12-24 months	Over 24 months
56.6	36.8	20.8

**Table 2: Human Resources and Duration of Projects**

Regarding the number of staff, the majority of civil society organizations operate with a relatively low number of staff. Thus, 31.6% of organizations have 1-3 employees as paid staff, whereas 37.9% have 4-8 employees. In total, 69.5% of surveyed organizations do not have more than 8 employees.



**Figure 9: Staff duration of stay correlating to annual budget of the organization**

The results show that there is a correlation between the duration that staff spends with the organization and organization’s projects and incomes. According to these results, the lower the income of the organization, the shorter the period the staff spends with the organization and vice-versa. Thus, in organizations that have an annual turnover of up to EUR 50.000, the staff usually

stays for 1-2 years, in those with an income from EUR 100.000 to EUR 500.000 the staff usually stays for 3-5 years, whereas with organizations that have income of over EUR 1.000.000, the staff principally stays over 5 years.

On the other hand, data shows that the majority of civil society projects last 6-12 months or 12-24 months. If the organization has projects that last more than two years, 36.5% of the staff will stay for over 3 years with the same organization, and 50% of the staff will stay over 5 years with the same organization. Employing staff for short-term projects may be one of the reasons for the short stay of the staff with the organization.

**May be interpreted as...**

Organizations seek staff with relevant level of education and experience; however it is hard to find such profiles. Once found and employed, they are satisfied with their performance. However, half of the organizations do not employ their staff for more than two years, and this is due to the fact that the majority of projects funded in Kosovo last less than 24 months.

**Networks**

Civil society organization networks are a form of operation through which various civil society organizations come together to discuss and work on issues of common interest. In Kosovo, civil society organizations are relatively well networked, at least formally. Thus, 27.7% of the surveyed organizations state that they are part of 1-2 networks, whereas 39.6% of them state that they are part of 3-5 networks. Also, there are two extremes regarding networking: 16.8% of surveyed organizations are not part of any network, whereas 15.8% are part of over 5 networks.

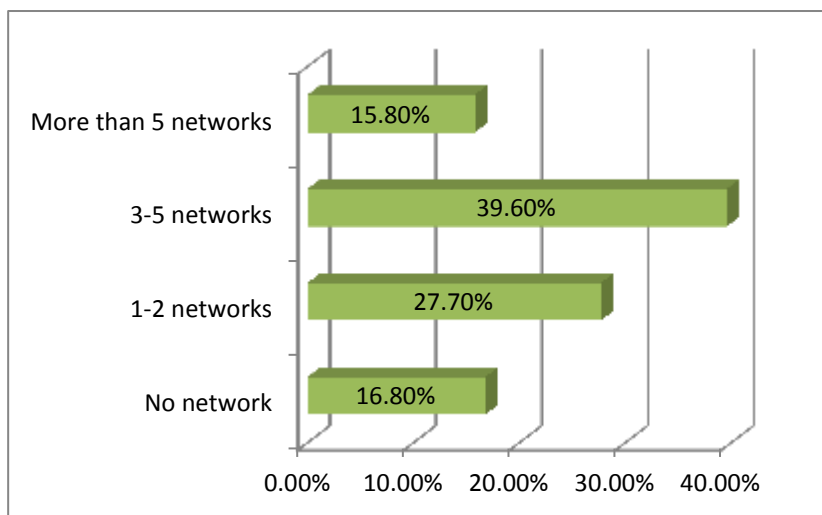


Figure 10: Number of CSO's that are a part of networks

Apart from formal networking, this study has also analyzed the communication within the CSO sector, namely with other organizations with the same or similar scope of activity. According to the study, the majority of networks meet or exchange substantial information on issues relevant to the network several times a year (72.6%). Also, the findings show that there are two types of organizations in Kosovo: the first kind that has no communication with other organizations (26.7% within Kosovo and 32.7% outside Kosovo), or their communication is limited to a single partner organization (12.9% within Kosovo and 10.9% outside Kosovo), and the other that represents the majority who have frequent communications with a larger number of other organizations (60.4% within Kosovo and 56.4% outside Kosovo).

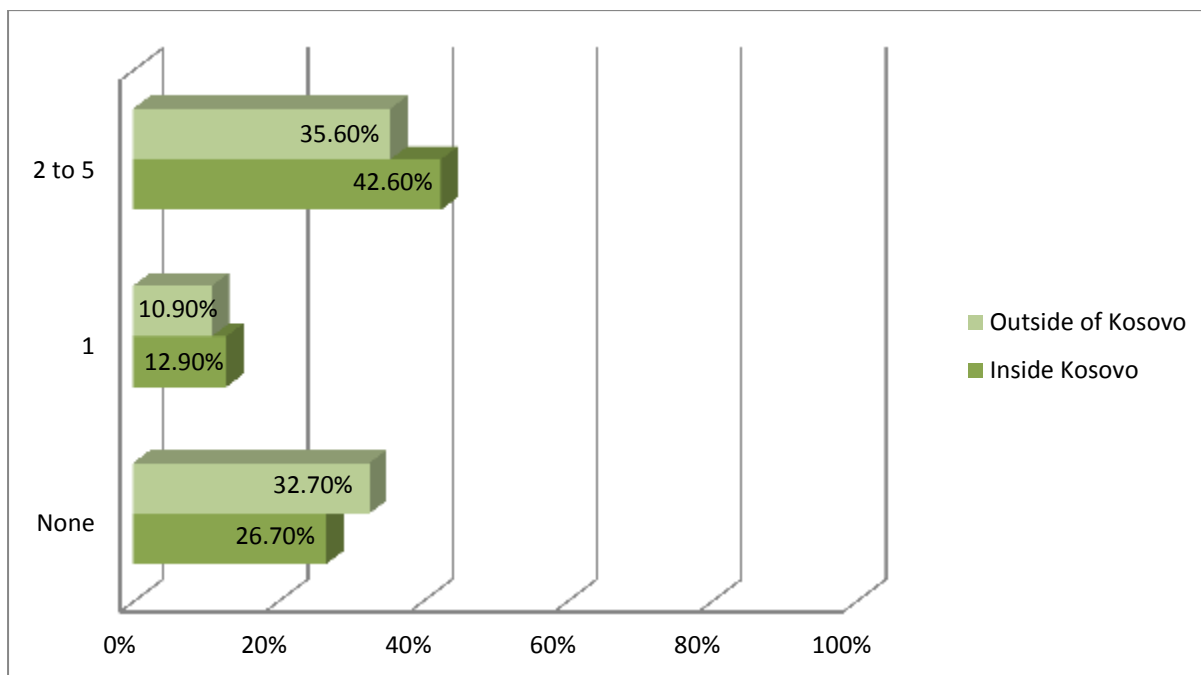


Figure 11: Meetings or exchange of information with similar organizations, inside or outside of Kosovo

For illustration purposes, some of the sectorial networks that have been active during the last few years are Kosovo Women’s Network, Child Protection Coalition, Kosovo Civil Society Consortium for Sustainable Development (KOSID), Democracy in Action (DnV) at the central level, or Prizren Cultural Organizations Network at the local level. Also, CiviKos platform has increased its activities as an all-encompassing network of civil society organizations that aim to structure cooperation with governmental institutions.

### Inclusion of Citizens and Membership

Due to numerous reasons, one of the most debated issues since 1999 was the lack of inclusion of citizens and the low membership in civil society organizations in Kosovo. Similar to the findings of the Civil Society Index from 2011<sup>8</sup>, this study too, shows concerning data about the level of membership. Despite organizations claiming that this inclusion is larger, citizens’ state that their inclusion in the workings of the civil society is at a very low level.

The organizations declare that they include both the beneficiaries and members in their work considerably. According to the statements of the surveyed organizations, issues addressed within their work are based on the identified needs of the beneficiaries (60%) of the members (39%), and frequently through direct contact with beneficiaries (41.58%). However, beneficiary groups vary depending on the project (68.32%). Similarly, when asked about the number of members of their organizations, it turns out that the associations may be divided into three major groups: associations with a low, medium and large number of members. Thus, 1/3 of them state that they have up to 15 members, 1/3 up to 80 members whereas the remaining 1/3 over 80 members. The group of organizations with the highest number of members (over 80 members) is mostly comprised of special needs organizations (i.e. HANDIKOS, Association of the Blind and Down Syndrom Kosova),

<sup>8</sup> KCSF-CIVICUS, Civil Society Index, Better governance for a greater impact (2011).

youth organizations and business organizations such as Kosovo Chamber of Commerce or Women in Business Association.

The results of the population survey show that only 2% of the population is a part of one or more civil society organizations. Similarly, a small percentage of citizens have said that they benefited

from services provided by the civil society (3.1%), or participated in activities organized by the civil society (6.2%). Nonetheless, in certain in-depth interviews it was emphasized that membership in the majority of cases is just formal, but not so much in the practical level of operations of the organization. There are even cases when the staff employed with the organization is simultaneously counted as a member of the organization, whereas there are cases when potential beneficiaries of organization activities are automatically counted as members. For illustration, the Executive Director of a national organization stated that “his organization has 2 million members”, since the activities of this organization benefits all the citizens of Kosovo. Due to this, the membership issue remains to be studied further.

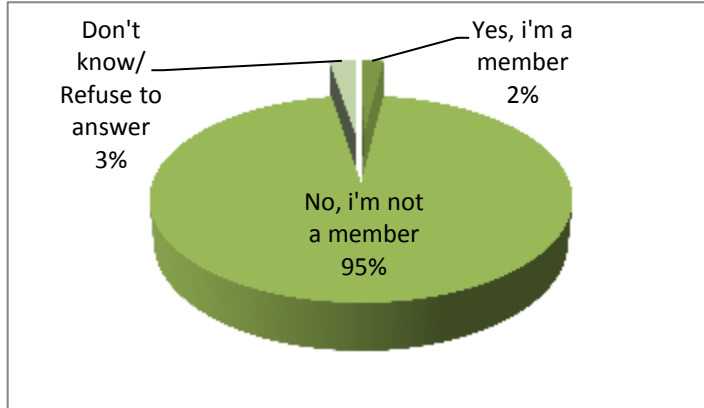


Figure 12: Percentage of population that are members in CSO's

In comparison, it turns out that political parties enjoy a bit of a higher level of membership that was confirmed by 6.2% of the population. This advantage of engagement with political parties compared to civil society organizations may be the result of what they expect from this membership. Political parties can demonstrate a swifter impact that supposedly is more desirable by the citizens compared to the long term impact of civil society organizations, such as those organizations that may deal with human rights or democratization.

Besides membership, the study has addressed the citizens' support for issues/causes raised by civil society organizations. Despite inclusion being generally low, it is noticeable that a larger number of citizens have supported issues raised by the civil society (petitions, protests, etc.), compared to those that participated in civil society activities or that benefited from services provided by the CSOs. To illustrate, some of the civil

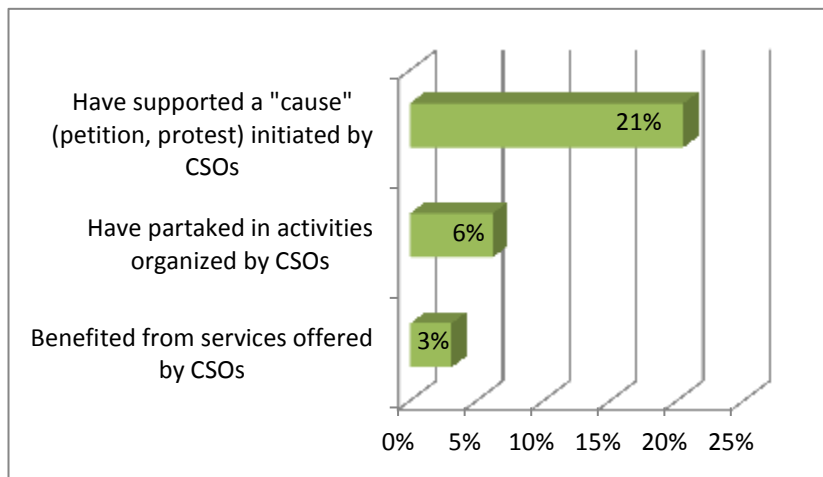


Figure 13: Percentage of population involved in the work of CSO's

society initiatives that gathered meaningful support from citizens during the last two years were related to the opposition to the Law on the Historic Center of Prizren, opposition to the “problematic” billing of electricity, or even the petition against the Law on Amnesty. On the other

hand, during this period there were other similar initiatives that were not met with the same kind of support, despite the fact that issues addressed by these initiatives were considered to be of a general nature.

**Support Organizations for Overall Capacity Building**

Currently, Kosovo does not have many centers capable of providing training for various fields, which the CSOs need, especially those organizations that are considered small or located out of Prishtina. There is only a small number of organizations that are considered to be more consolidated and which provide certain trainings such as training on how to apply for EU funds, public consultation, financial management, research, etc. Support through training and other non-financial forms is more a part of activities within certain projects than it is of any long term sustainable strategy.

The findings of this study show that only a small number of the organizations surveyed think that Kosovan CSOs have a sufficient number of support organizations available to them for: overall capacity building support; relevant training for the management of the organization or for the specific fields of their activities; and, legal and practical advice regarding the functioning of the organization or of their specific field of activities. The percentage of surveyed organizations that think there are sufficient organizations, training and advice in Kosovo fluctuates between 8% and 16%. The remaining part of organizations think that civil society in Kosovo has at its disposal moderate or even little opportunity to ensure such support.

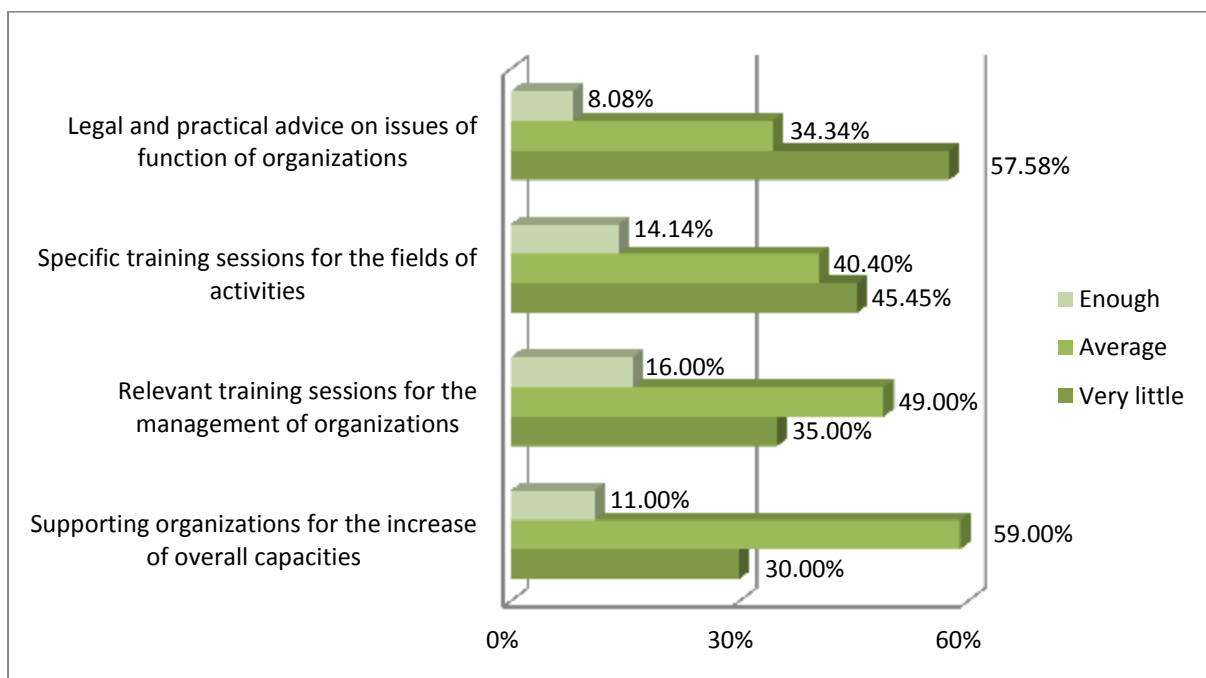


Figure 14: Services available to the civil society (multiple choice questions)



### 3.3 FUNDING AND SOURCES OF FUNDING

CSOs in Kosovo are characterized by different levels of funding and annual turnover. Initially, it is worth mentioning that the present study tackles CSOs considered to be active rather than all of the registered CSOs. Amongst the interviewed CSOs, more than half of them belong to the category with annual turnover below EUR 50,000 (56.3%), and within this category, half of them have an annual turnover of less than EUR 10,000. On the other hand, the rest of CSOs fall within the group with annual turnover ranging from EUR 50,000 – 100,000 (16.7%), and EUR 100,000 – 500,000 (19.8%). A smaller portion of CSOs have larger budgets exceeding the amount of EUR 500,000 (4.2%) or even EUR 1 million (3.1%). As far as the number of projects is concerned, most of them implement more than 3 projects during a year (61%), while 33% have not implemented more than 1 or 2 projects on an annual basis.

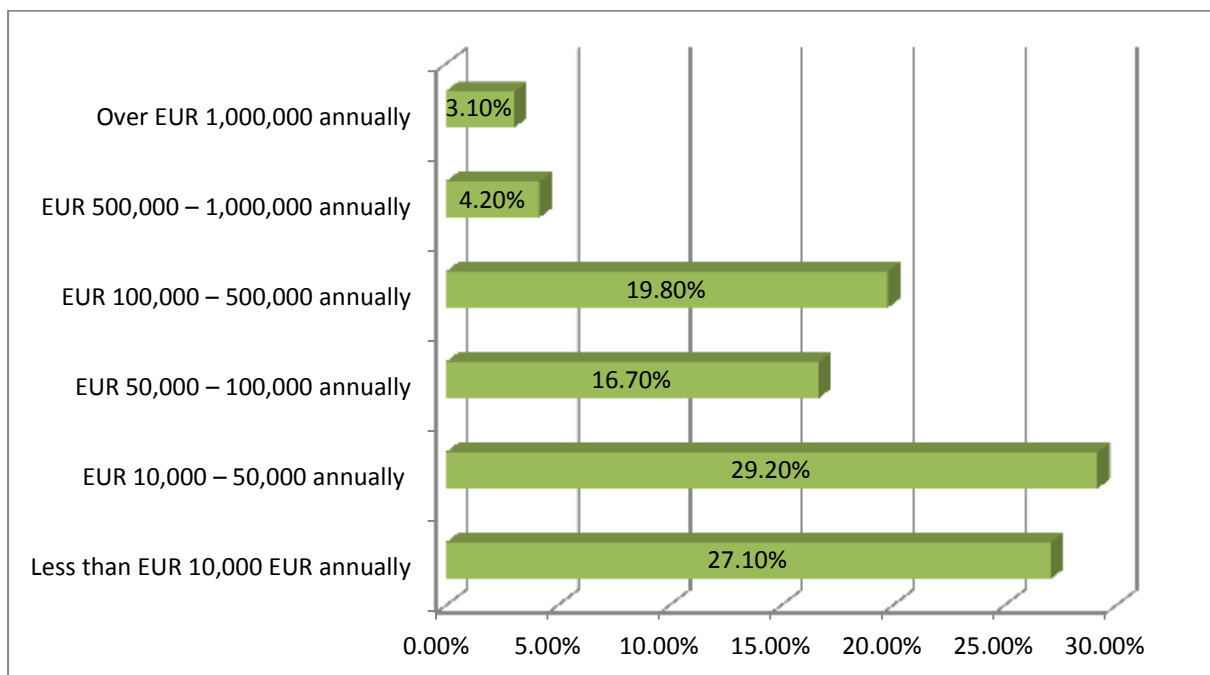


Figure 15: CSOs according to annual income

Unfortunately, an accurate database of foreign and national CSO donors in Kosovo is still unavailable. The Government of Kosovo, supported by the EU Office in Kosovo, has established a digital platform aimed at managing the donor assistance; however it has not been functionalized properly.<sup>9</sup> The available donor data is fragmented and collected depending on the needs of various projects. Consequently, based on the interviews made by KCSF with civil society donors for the purposes of a different study, from a total of 70 different donor organizations that have been identified as active over the recent years, we have obtained the contact details for 56 of them and only 43 donor organizations responded to questions posed. Out of this number, 23 are different United Nations (UN) agencies.<sup>10</sup> These figures show that a number of donors are not active anymore

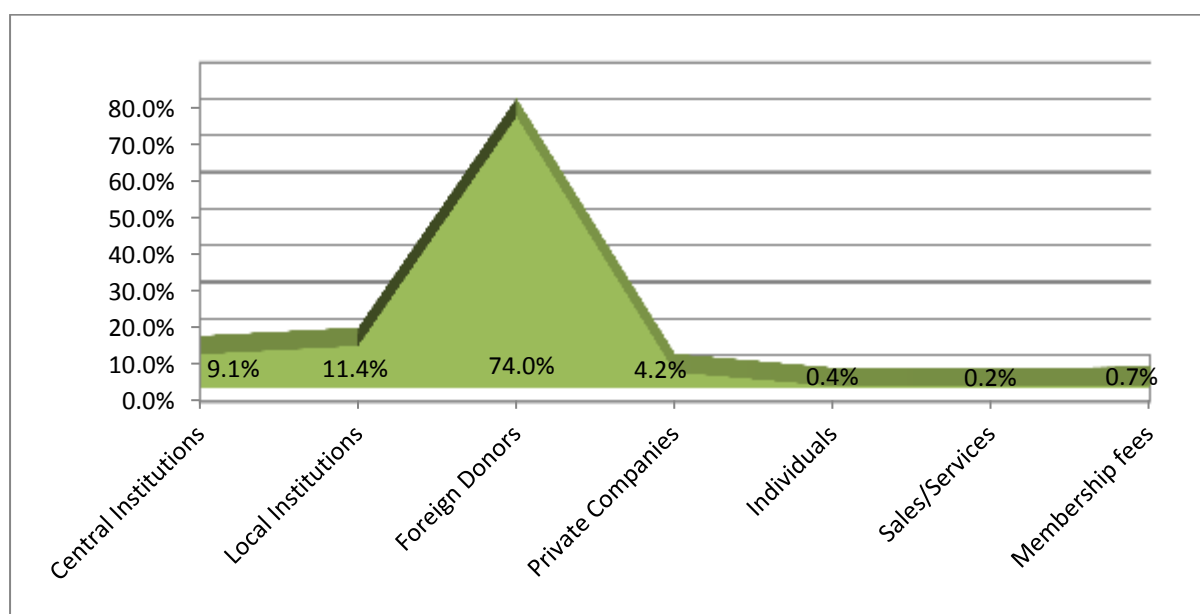
<sup>9</sup> Aid Management Platform-Kosovo, <http://public.amp-mei.net/>

<sup>10</sup> KCSF - Queen Mary, London University, *Donor Sustainable Strategies and Practices for the Development of Civil Society in Kosovo* (unpublished study as separate from others).

in Kosovo (e.g.: DFID), some do not give funds for CSO's or Kosovo anymore (i.e EFB), while a certain number of them were not ready to share their information for the KCSF study (e.g.: TIKA).

Precisely, due to the lack of a general database or information related to all active donors in Kosovo, it is impossible to calculate the total amount of international funds allocated to civil society in Kosovo. Nevertheless, irrespective of the lack of accurate data on the number and activities of donors, the great dependency of Kosovo CSOs on foreign donors remains quite visible. The data from the Civil Society Index for Kosovo (2011) showed that 70.17 % of CSO funding had come from foreign donors, while 5% came from private donors, who also were mainly of foreign origin.<sup>11</sup> This is fully confirmed by this study, which shows that the biggest percentage of funding for civil society comes from foreign donors, namely their share of funding is 74% (including foreign private donors).

While foreign donors continue to maintain the same percentage of funding sources for civil society, now a significant increase of state funds allocated to the civil society is becoming visible. While in 2010 governmental funds (local and central) had a share of 8.84%, now local and central authorities provide 20.5% of funds to the civil society in Kosovo.



**Figure 16: CSO sources of funding**

Compared to 2010, one can notice a decrease on income from membership fees from 5,7% to 0,7%. Nevertheless, a possible explanation to this would be that in the 2010 research some unions were also included, while in the most recent one they were not part of the surveyed organizations. In addition, during the in depth interviews, it was stressed that during very bleak economic circumstances, it is very difficult to require or to expect members to pay membership fees. A slightly different situation is present amongst professional associations, for which it is much easier to levy membership fees from professionals of respective fields. Nevertheless, within these associations there have also been indications that in some instances where members initially paid their dues,

<sup>11</sup> KCSF-CIVICUS, Civil Society Index, Qeverisje më e mirë për një ndikim më të madh/Better Governance for a Higher Impact (2011)

stopped after a certain period of time, mainly with the justification that this fee was not translated into further services for the members themselves.

Other funding sources remain at a standard level, thus confirming once again that the CSO incomes from the sale of their services still remain very low.

By analyzing different types of organizations and their funding sources, it can be noticed that small organizations that mainly operate at the local level are mostly funded by their respective municipalities. The annual turnover of the majority of these CSOs does not exceed EUR 10,000. Moreover, there are CSOs that do not have any foreign funding at all, and rather operate on low funding, mainly allocated by municipal authorities.

Another trend can be noticed with organizations that have a higher turnover – the higher the annual budget is the larger the proportion of funds that comes from foreign donors. For example, 66% of the organizations with an annual turnover higher than EUR 1 million obtain their funds at a 100% rate from foreign donations (the only exemption being a CSO that has managed to gain sizable income from its provided services), while an identical percentage is also noticed with organizations that have an annual turnover between EUR 500,000 and EUR 1 million. Similarly, 84% of CSOs with an annual turnover from EUR 100,000 to EUR 500,000 obtain the largest portion of their funds from foreign donors, where more than half of them are totally dependent on them.

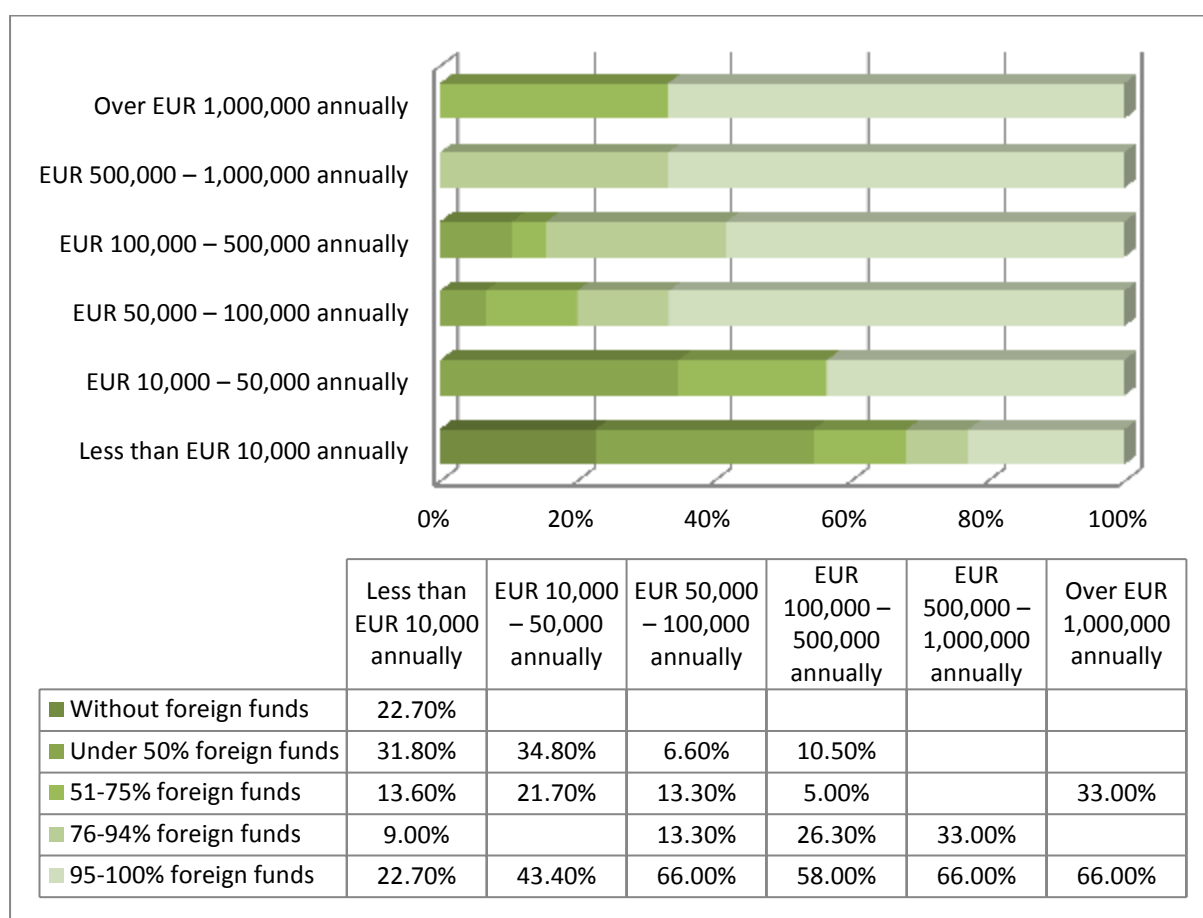


Figure 17: Relations between donor funds and CSO annual incomes

This data also shows that organizations considered to be larger and that mainly operate at the national level have very little funds if none at all from the budget of the Republic of Kosovo. During the in-depth interviews several possible reasons for this were mentioned: state funds are mainly small, and do not meet the requirements of these large organizations; because they manage large international funds, large organizations are not prone to request funds from various state level authorities; due to the lack of necessary mechanisms for state funds, some organizations hesitate to accept state funds with the purpose of preserving their independence.

It is interesting to notice that external perceptions of civil society relatively significantly coincide with

the statements of the sector itself. Thus, on the question of what their take is on the way how the CSOs are funded in Kosovo, respondents outside of the civil sector think that CSOs are financially dependent from foreign donors (40%) or that they have different funding sources and are not dependent on only one source (30%), while 13.3% of them think that CSOs are financially dependent on state funds. This external

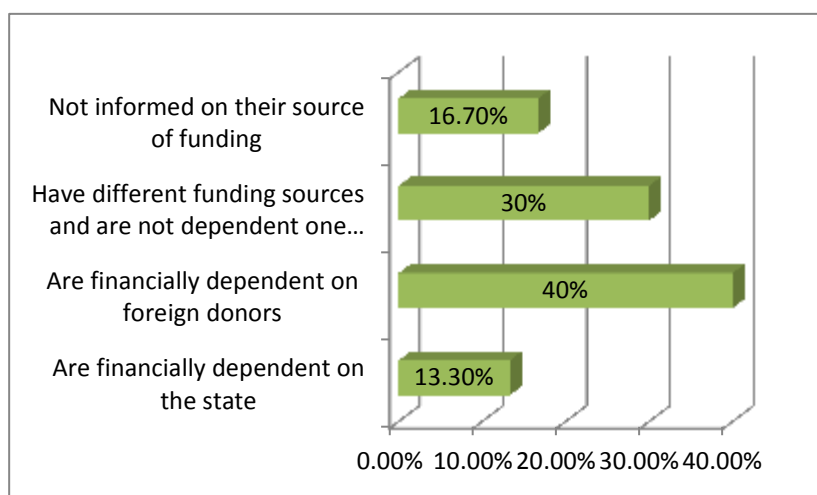


Figure 18: CSO funding according to external perceptions

perception results to be true, considering the different groups of organizations; while a considerable number of small local organizations are mainly funded through public funds, larger national organizations are mostly funded by foreign donors.

Even though there is no data on the total amount of funds managed by the civil society, this study analyzed whether the general income of organizations saw an increase, decrease or remained the same. While for a considerable number of organizations (49%) their income did not change over the

last year, for 32.7% of them this income saw an increase, while 18.4% went through a decrease of their funds. As a result of a more detailed analysis of the types of organizations that saw an increase in their income, it appears that the largest increase was noted at those organizations with an annual turnover from EUR 100,000 to EUR 500,000 (47.36% saw an increase in their income), while this increase has least effected small organizations with an annual turnover of less than EUR 10,000.

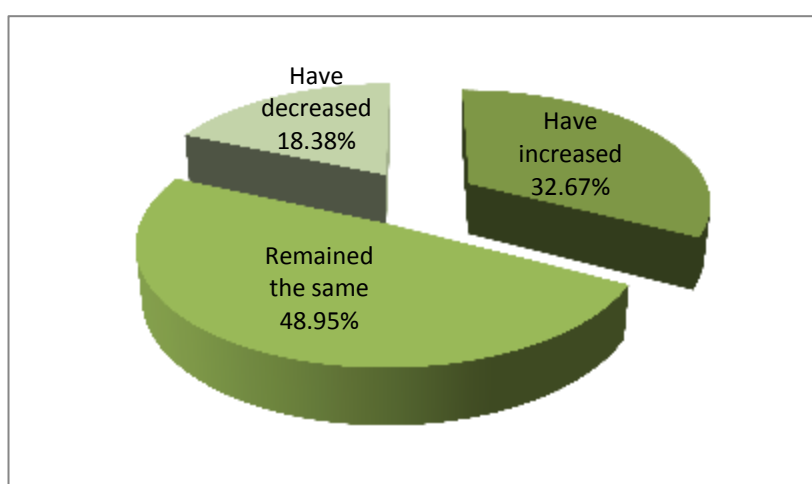


Figure 19: Annual income of organizations compared to the previous year

While in the majority of countries in the region, foreign donors are leaving<sup>12</sup>, in Kosovo however, this is still not the case or at least not to a significant extent. From KCSF's interviews with civil society donors, it appears that for the majority of big donors, (USAID, Soros Foundation, various EU countries, Norway and Switzerland) Kosovo continues to be at the focus of foreign assistance. This also includes European Union, which through its pre-accession assistance allocates funds for the civil society. This focus is expected to continue for a certain period of time, at least until the near future. According to these interviews, one of the main reasons for this is that while other countries in the region have advanced in their European agenda, Kosovo is still lagging behind in the process. In this case, it is considered that if foreign donors were to leave quickly, that departure would bare grave consequences for the development of the civil society, namely it would jeopardize Kosovo's already fragile democracy.

**The Fund Structure and Application Procedure**

If an analysis is made of the civil society fund structure in Kosovo, the results show that the most frequent type of fund allocation is made through project grants, mainly based on an open call for applications for amounts of up to EUR 10,000 or EUR 25,000, which usually last up to 12 months.

The most common type of funding is based on open calls for application, while funding based on direct contacts with the donor is also quite frequent. Thus, 84.69% of organizations have stated that they benefited from funds based on open calls for application, while 54.08% of them have indicated that they obtained funding based on their direct contacts. The type of funding where the donor takes the initiative to invite a specific organization to implement certain projects is more rarely seen with 36.73% of organizations stating that this was the case.

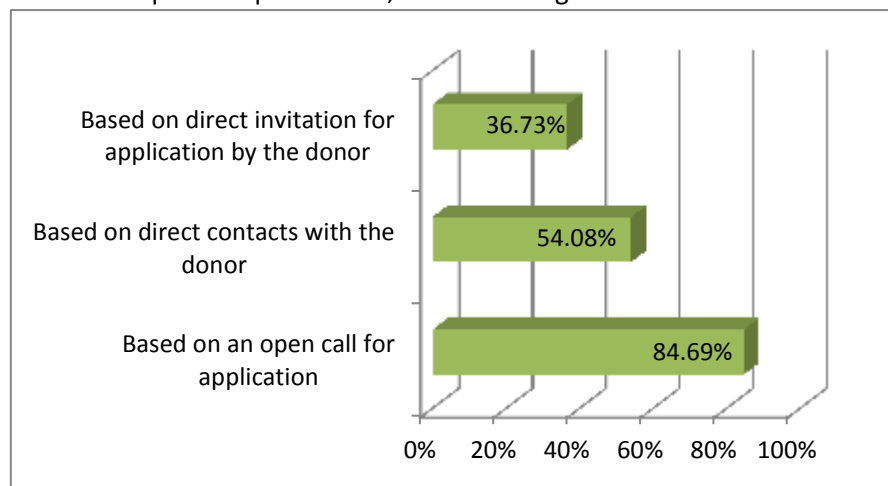


Figure 19: CSO means of funding (questions with multiple answers)

When asked on how they assess the application procedures for the funds granted by donors, the majority of organizations (62.20%) consider these procedures as relatively difficult. However, of significance is the percentage of CSOs considering these procedures as difficult (31.60%).

<sup>12</sup>Transparency International, Andrew McDevitt – Blerja e ndikimit: Zgjedhjet në Ballkan, 2012/Buying the Influence: Elections in Balkans.

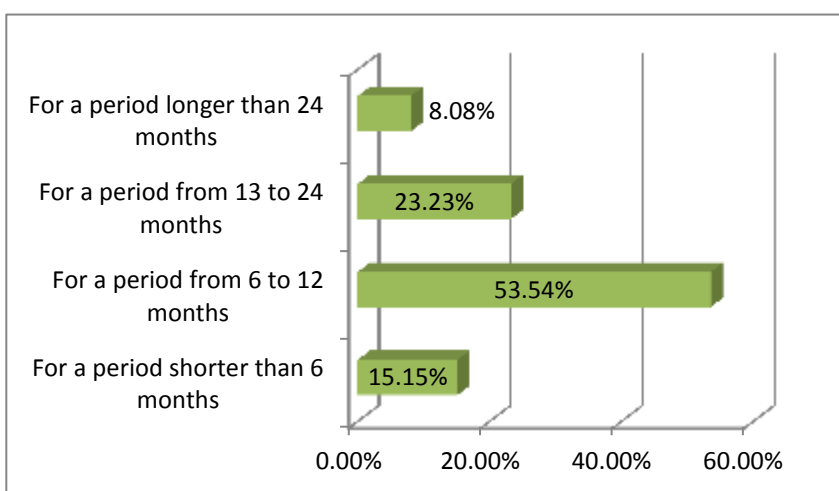
% of organizations that have had funded projects in a duration from:		% of organizations that have been supported by:		% of organizations that have had funded projects in sums:	
Less than 6 months	21.65%	Project grants	92.78%	Up to EUR 10,000	35.79%
6-12 months	61.86%	Institutional grants	19.59%	Up to EUR 25,000	33.68%
13-24 months	40.21%	Service contracts	22.68%	Up to EUR 50,000	22.11%
More than 24 months	22.68%	Technical assistance	21.65%	Up to EUR 100,000	21.05%
				Over EUR 100,000	25.26%

**Table 3: Most common forms of support to CSOs in Kosovo (questions with multiple answers)**

According to statements made by the CSOs, the most common duration of donor funded projects ranges from 6 to 12 months, with 61.86% of CSOs implementing projects falling in this timeframe. The funding for projects of durations of up to 24 months is also quite frequent with 40.21% of CSOs implementing projects within the above duration.

The study's results confirm that donors in Kosovo in the majority of cases fund project grants, while other types of grants, such as institutional grants or service contracts are quite rare. Thus, 92.78% of organizations have benefited from project grants, while only 19.59% of them have benefited from institutional grants. Although project grants are the most common type of funding, results show that these grants in most cases are limited to amounts starting of EUR 10,000 EUR or EUR 25,000.

Since the activities of CSOs are mainly dependent on projects for which they obtain funding, this type of funding also has a direct impact on the planning of their work. Most of the surveyed organizations fail to plan their work toward a timespan of more than 12 months (53.54%), while only a small portion are able to plan for longer than 24 months (8.08%). It is evident



**Figure 20: CSO planning of work**

that this short term planning directly corresponds with the duration of most donor funded projects.

All this data confirms the opinion that the work of CSOs in Kosovo still relies on short term projects, involving small amounts of grants and without support for their institutional development. Knowing that the required impact in the scope of work for majority of CSOs can only be reached through long term and continuous interventions, this type of funding makes it very difficult to build CSOs and undertake sustainable initiatives. In addition, this data confirms the findings that large number of CSO staff is employed for short term projects, making the development of human resources for the civil society sector in Kosovo a very cumbersome issue.

**Donor Influence on CSO Agenda and Activities**

Parallel to the numerous benefits for the development of the civil sector, this large percentage of foreign funds for the civil society in Kosovo may bring with it the risk of foreign donors influencing the agendas of the civil society sector. Through certain related questions, this study tried to approximately assess the issue whether the high level of dependency on foreign donors has influenced the agendas of civil society organizations in Kosovo.

Interesting figures can be noticed in comparison to the assessment made by the CSOs themselves on topics that they address and in the way in which they are determined. When they speak about their own organizations, only 15.80% of the surveyed organizations declare that issues that they address are based on available funds, whereas 56.6% of them state that their organizations design their projects/programs based on the requests of the beneficiaries. On the other hand, when asked about the civil society sector as a whole, 87.10% indicate that the majority of CSOs even apply for funds that are outside of their scope of activities.

Furthermore, there is a notable perception that the majority of CSOs already have very broad missions. This discrepancy between the organizations self-estimation and the estimations for the sector as a whole brings about the need to conduct a more in-depth analysis of this issue.

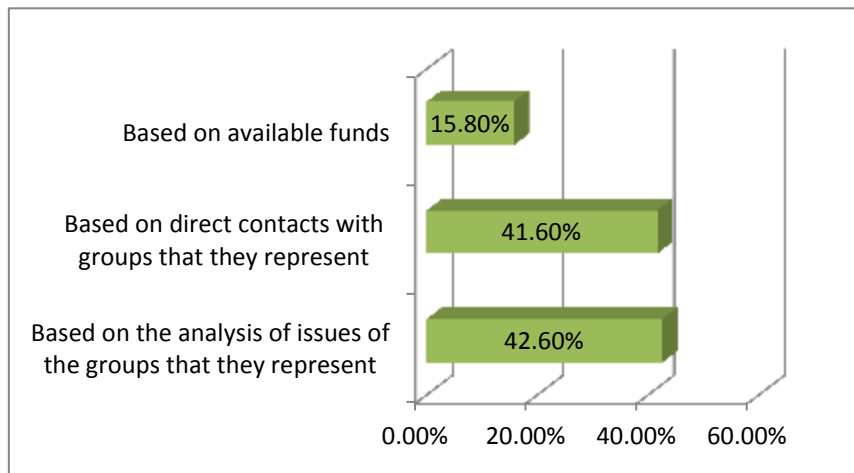


Figure 22: Selection of issues to be treated (Evaluation on their organization)

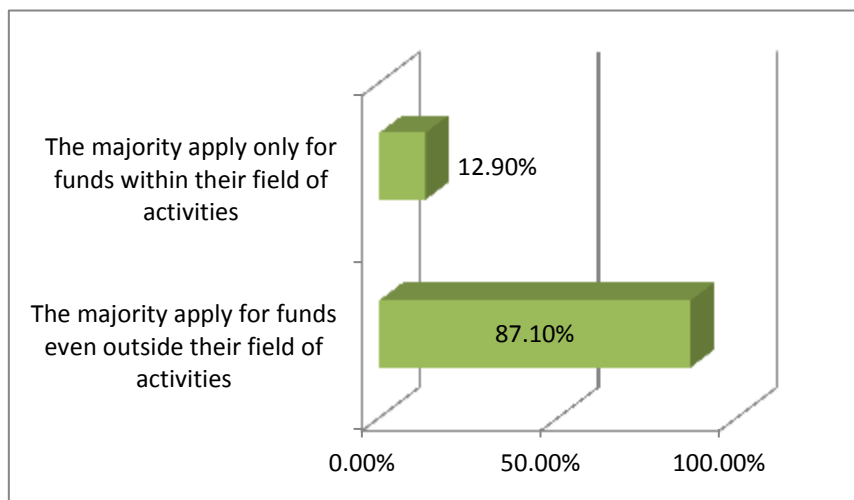


Figure 23: CSO application for funding (evaluation of the sector in general)

The surveyed CSOs were also asked whether they had different experiences during their cooperation with foreign donors, which would not normally be in accordance with the principles of cooperation. In the majority of cases, the organizations were never put under pressure by the donors to carry out any action that they would not otherwise do. Nonetheless, despite this not being widespread, some organizations report cases when donors have requested that they change the nature of their activities; to spend funds outside of planned activities, to unwillingly cooperate with organizations/institutions or to contract certain experts for various services. Although in rare instances, such actions violate the independence of civil society organizations, and as such should not occur.

<b>Has the donor requested from you:</b>	<b>Never</b>	<b>Rarely</b>	<b>Frequently</b>
<b>To substantially change the content of the proposed project, outside of your field of activity</b>	71%	24%	5%
<b>To change the nature of activities for which you have been funded</b>	68%	28%	3.1%
<b>To spend project resources on activities which you otherwise would not have implemented</b>	83%	14.6%	2.1%
<b>To invite or not invite specific participants in your activities</b>	79.2%	16.7%	4.2%
<b>To not cooperate with specific organizations/institutions</b>	91.6%	8.4%	0%
<b>To cooperate with specific organizations/institutions with which you otherwise would not have cooperated with</b>	84.4%	14.6%	1%
<b>To discharge or accept someone from the job</b>	94.8%	5.2%	0%
<b>To contact specific experts/companies which you otherwise would not have contracted</b>	84.4%	15.6%	0%

**Table 4: Influence of donors in the work of CSOs**

The diversification of funds, besides contributing to the sustainability of organizations, also decreases the room of influence of the activities of the organization by donors. For this reason, organizations were asked from how many donors they received funds during the last 3 years. The results show that the majority of organizations had more than 3 donors (64.35%), whereas only 29.70% were funded by one or two donors during the last three years.



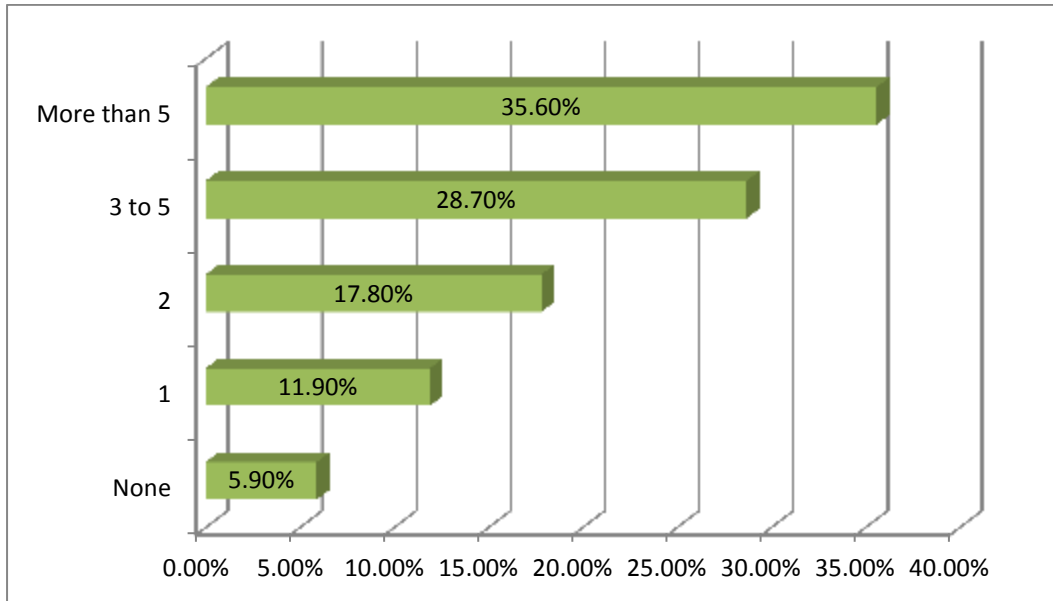


Figure 21: Number of CSO donors during the last 3 years

This result nonetheless shows that the majority of civil society organizations benefit from a number of donors at the same time, something which decreases the possibility of donors influencing their agenda and work.

May be interpreted as...

Despite the fact that donors do not directly influence the work of civil society organizations, the topics themselves for which these funds are provided indirectly affect the agenda of the civil society in Kosovo. The more donors an organization has, the smaller the possibilities to be influenced. Although rare, the influence of donors to the activities of organizations damages the independence of civil society organizations.

**CSO Inclusion in the Programming of Donor Support**

While the donors influence is estimated to be exercised through topics which the donors fund, the study has also analyzed the programming of foreign donor funds, namely the manner in which the fields and topics that are to be funded are determined.

Data from this study shows that a considerable number of organizations (59.6%) are invited by donors for consultation regarding the programming of their funds, or even the organizations themselves (58%) request to be consulted by the donors. However, the organizations state that their contributions are taken into consideration very little or not at all (40.3%) or moderately (48.1%). This data shows that around 40% of civil society organizations are not offered the opportunity to give their contribution for the programming of various donor funds, whereas a considerable number of organizations that are consulted have their contributions not taken into account.

CSOs invited for consultations by donors:		
Yes	No	
59.60%	40.40%	
CSOs that demand consultations:		
Yes	No	
58%	42%	
How much the contributions of CSOs were taken into account		
None or very little	Average	Fully
40.30%	50.50%	11.70%

Table 5: Consultation of CSOs by donors

According to some of those surveyed, during the planning and programming stage, the donors usually consult large organizations that are considered to be more consolidated. However, regarding CSOs that are new and located in smaller cities, they are almost fully excluded from this process. Even when they do participate, the contribution of smaller organizations is taken into account at a far lesser extent. Thus, 60% of organizations with an annual turnover below EUR 10,000 state that even when consulted, their contributions were disregarded. According to the organization ‘Koha’, which is located in the town of Klina, local CSOs are only contacted by foreign donors in cases when they need information or when they have informative sessions on call for grants.<sup>13</sup> This is also confirmed by the in-depth analysis of organizations that are invited by the donors for consultations.

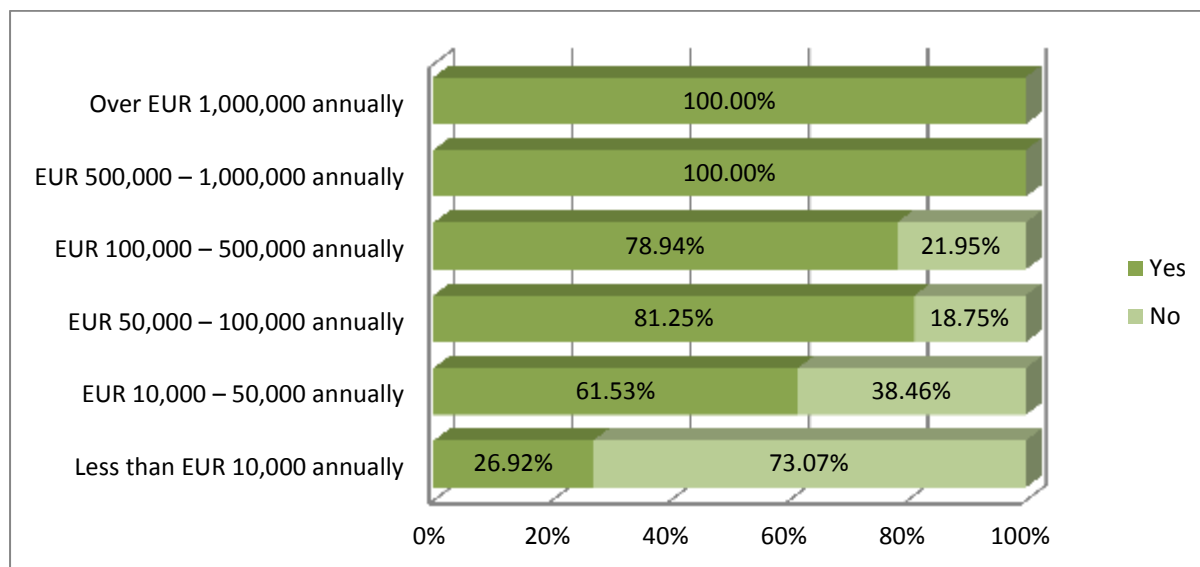


Figure 22: Organizations invited for consultations by donors according to annual income

From the surveys that the KCSF has conducted with civil society donors, it results that there are various manners and mechanisms that donors use to consult local CSOs regarding the programming of their funds. However, only a small number of donor organizations consult other organizations or networks, whereas a portion of donors do not consult local CSOs at all or use other sources of

<sup>13</sup> Interview with Labinot Krasniqi- NGO KOHA, 25.10.2013

information.<sup>14</sup> Essentially, the majority of donors believe that they do manage to take into account local needs and priorities. However, it seems that the meaning and manner of consultation varies from donor to donor. Some of them mainly rely on the contacts and information of their staff or the “collective knowledge” regarding the situation on the field. Other donors have formal consulting processes where local stakeholders are included, whereas some conduct informal consultations with small partner organization groups. Another rather widespread way to take local needs into account results to be the European Commission Progress Report, a document that is widely used by donor organizations to determine the agenda for their funding in Kosovo.

Another important element in the programming of funds is the positioning of decision-makers. Although the general framework on assistance is determined in the countries where these donors come from, the local offices have sufficient room and flexibility in adapting those frameworks to the dynamics of the country. This is exactly the extent, at which the CSOs may and should use to influence donors in the programming of their funds.

May be interpreted as...

There is room for local CSOs (especially for the largest ones) to influence the donors in the programming of their funds. It depends on the capacities and the level of engagement of local CSOs as to how much they manage to use these opportunities to influence the programming of donor funds. While large organizations have the opportunity to influence the programming of donor funds, small and local organizations are very limited in this regard. An additional problem for them is also the English language which is used in application forms, and which represents a constant problem for small organizations that fail to properly understand and digest the application procedures.

**EU Civil Society Funds**

Since Kosovo is aiming toward EU integration, and also based on the experiences of other countries that underwent this process, it is expected that in the near future EU funds will turn into the main funds for the civil society in Kosovo. Thereupon, the study has treated EU funds for the civil society separately, with the aim of seeing whether these funds have a large extent within the civil society in Kosovo, and to record the main challenges in the absorption of these funds.

The results show that the percentage of organizations that have benefited from EU funds is increasing. While in 2010 only 20.6% of surveyed organizations stated that they have benefited from EU funds, this percentage has now reached to 40%. However, a large portion of organizations that benefit from EU funds have managed to do this by being partner organizations rather than leading organizations in various projects.

One of the reasons mentioned during the in-depth interviews for the increase of the number of beneficiary organizations appears to be the new

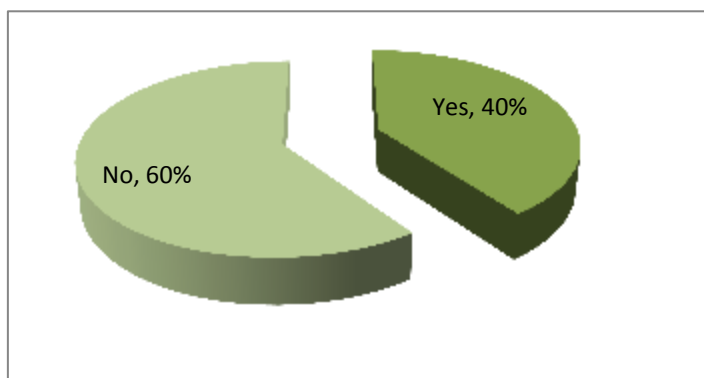


Figure 23: Organizations that have benefited from EU funds

<sup>14</sup> KCSF-Queen Mary, University of London, Sustainable donor strategies and practices for the development of civil society in Kosovo (a study that was not published as separate)

policy of the European Union Office in Kosovo on IPA funds for 2012-2013, which has conditioned applicant organizations to either include as partner organizations or re-granting a portion of the funds to organizations that are smaller and from different regions or Kosovo. Also, another reason mentioned is that this number increased during 2012, where a considerable number of Kosovar CSOs are partners of regional projects funded by the European Union, although within the context of regional projects, Kosovo remains the country with the smallest number of organizations involved.

Nonetheless, the largest portion of civil society organizations (60%) have never benefited from EU funds, whereas 42.62% of those that did not benefit have never even applied. When these organizations were asked what the main reasons for this were, the majority of them (62.3%) mentioned the problem of co-funding as one of the main reasons that prevented them from benefiting from these funds, whereas some of them have mentioned the lack of information about the application procedure as an important problem (26.23%). Some of those interviewed even stated that this frequently forces them to hire professional consultants to draft their projects for the EU, whereas the implementation of these projects is conducted by the organization itself. Normally, this approach of hiring consultants to draft project-proposals is not preferred by all organizations. Some of them emphasize that the consultant fails to understand the approach and issues of the project and thus would make the implementation of projects that may be funded more difficult.

CSOs in Kosovo find the procedures and application forms for EU funds to be difficult and time-consuming, but there are also perceptions of arbitrary assessment, based also on other impacts that are outside of relevant and official criteria. Regardless of all this, it is very clear that a large number of Kosovar CSOs, which although may be considered as being developed, still face huge difficulties in applying for and gaining funds from EU, despite the numerous trainings conducted on this topic.

May be interpreted as...

Bearing in mind the fact that a considerable number of consolidated organizations which manage larger funds from other donors have difficulties to apply and fail to benefit from EU funds, application procedures for EU funds may be assessed as being difficult, as well as the information and capacity building for these procedures being insufficient.

### Domestic Funds

Eventhough international donors remain the main source of funding for the civil society in Kosovo, results of the study show that the percentage of funds from the Budget of the Republic of Kosovo as a source of CSO funding is on the rise. While in 2011 government funds (central and local) had a share of 8.84%, now the local and central institutions provide 20.5% of civil society funding.

Also, the percentage of organizations that benefit from state funds is quite high, where nearly half of the surveyed organizations (44%) stated that they have benefited from state funding during the last 3 years.

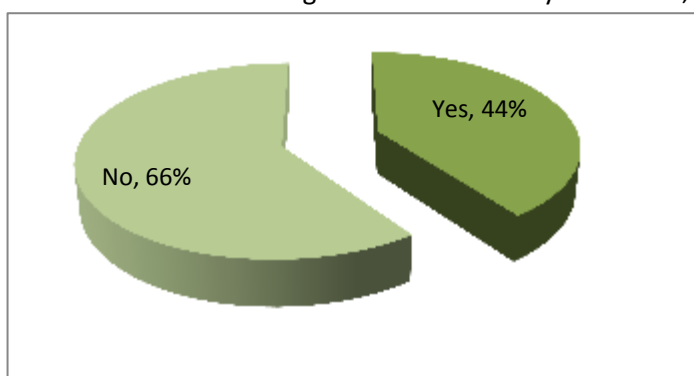


Figure 24: Organizations that have benefited from funds from the budget of the Republic of Kosovo

The study shows that the amounts which various state institutions allocate to civil society are usually lower than EUR 10,000, while in certain cases they reach sums as high as EUR 25,000. Of all the surveyed organizations, only a single case was declared where an organization benefited funds of up to EUR 50,000.

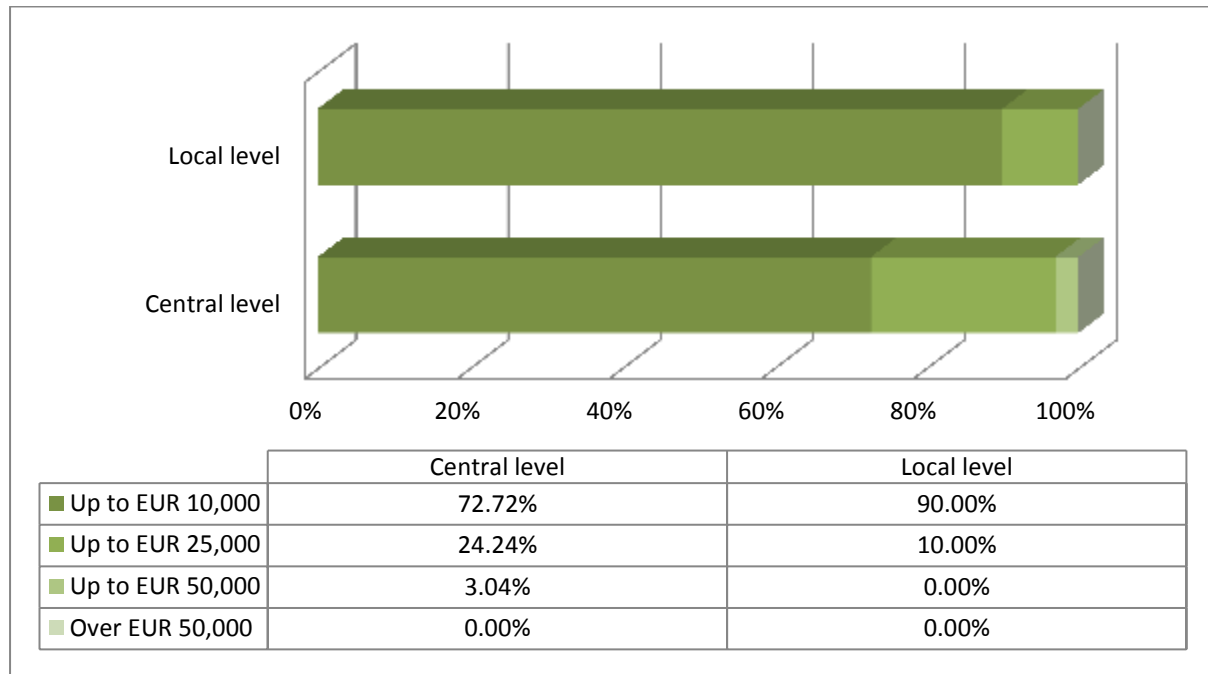


Figure 25: Sums that CSOs have benefited from funds from the budget of the Republic of Kosovo

The trend of state funding leans toward smaller organizations that operate at the local level, which are mainly funded by their respective municipalities. The majority of these organizations have an annual turnover lower than EUR 10,000. There are even those organizations that receive no funding from foreign donors but operate mainly on small, usually municipality-based funds.

On the other hand, a very small number of organizations that have a higher annual turnover or that operate at the national level are beneficiaries of funds from the budget of the Republic of Kosovo. On the contrary, they operate using funds that come mostly or even fully from international donors.

Since one of the main reasons for hesitation to receive state funds was mentioned the lack of appropriate mechanisms which do not guarantee the preservation of CSOs independence, this study has analysed in-depth the manner how state funds are allocated to civil society organizations.

The applicable legal framework in Kosovo does not provide for any separate mechanism for the allocation of funds to CSO's, whereas public procurement procedures that are the only that are applicable are not at all appropriate for the nature of operations of the civil society sector. Currently there are no defined procedures or mechanisms on how various public institutions determine the fields to be financed, the selection of beneficiaries, how these beneficiaries report, or even how they are monitored or evaluated. This lack of mechanisms pushes various institutions to allocate funds on an ad-hoc basis, mostly based on requests filed by various organizations.

These funds are not planned within the state budget, whereas only four cases of specific plans to support CSO projects at the central/local level have been identified in the budget for 2014. According to the 2014 budget, NGOs in Rahovec municipality will be supported with EUR 8,000 for

social issues and EUR 15,000 for rural development projects; in Istog a EUR 15,000 budget line is committed to participation in capital projects of NGOs, community and donors, whereas projects of local NGOs in Kamenica will be supported with EUR 25,000.<sup>15</sup> Until now the Ministries are those who decide what the earmarked funds to CSOs will be allocated for. The government still does not have a comprehensive list of all beneficiary CSOs, funds that have been allocated, and the payments that have been made. In some cases, the data on the number of beneficiary CSOs may be obtained separately in ministries/institutions, but with a lot of difficulties. Officials from the Ministry of Finance interviewed for this study were not able to provide us with data on the funds allocated to the CSOs. In addition, in response to an official request for information on this matter, the Ministry of Finance responded that the Law on Budget does not have any direct allocation or specific budget line for non-governmental organizations. This confirms that funding is unpredictable and that it is impossible to identify the amount of public funds committed or disbursed to CSOs. Also, Law 04/L-080 on Games of Chance provides the possibility of directing a certain amount of funds from the Kosovo Lottery to various social categories, human rights issues, culture and sports. The details of such transfers should be determined by an administrative instruction, but such an instruction is still not drafted and there are no reports that such funds are collected or disbursed.

Regarding the application procedures for support (financial or in assets) from public funds, they are still not well defined. The only field in which there are some set procedures is contracting of social and family services. However, even in this field the specifics of the contract, monitoring and reporting remain not set. Frequently, organizations or individuals address central or local level institutions through a direct request to support their initiative/project. According to the majority of those interviewed, the success or failure of receiving this support frequently depends on the relation/closeness of these organizations/individuals to the representatives of these institutions.

This manner of operation requires more engagement from CSOs but it also leaves a lot more room for misunderstandings and abuse by other parties. There are cases when a good idea or the aim of a project is supported without hesitation by all parties involved. Such a case is the 'ATOM' project from the ENCOMPASS organization, which aims to identify and support persons of extraordinary intelligence. In 2012, on its own initiative, this organization approached various institutions both of the central and local level (Office of the Prime Minister, Municipality of Prishtina, Suhareka, Drenas, Mitrovica, etc.) for financial support and assets. In this case the organization submitted its full dossier, including its Statute, Registration Certificate, audit reports etc. After reviewing the direct request of this organization, through a decision of the OPM and execution by the Ministry of Education, Science and Culture, the project was allocated the amount of EUR 50.000. While, at the municipal level, decisions to support this organization were reached by the Mayors, the implementation was enabled through various budget lines. In the Municipality of Prishtina, the implementation of the decision was conducted through the 'Project Subventions' budget line, in Ferizaj and Suhareka through the Mayor's budget line (subventions), while in Drenas it was conducted by the Youth, Culture and Sports Directorate.

Another case is the Down Syndrome Kosovo organization (DSK) which benefited a symbolic amount from public funds. In this case the request was also made by DSK itself. This organization has applied only once to a public call made by the Ministry of Labor and Social Welfare, where they had to fill in a standard application. In this case DSK was selected and benefited EUR 300 per month for given period, after which this fund was terminated. However, this organization was also supported by

<sup>15</sup> Budget of Republic of Kosovo for 2014; Funding Capital Investments 2013-2015, <http://mf.rks-gov.net/en-us/ministriaefinancave/buxhetiirepublikesekosoves/buxhetiendrore.aspx>,

various municipalities (Ferizaj, Gjakova, Prizren, and Mitrovica), which provided them with offices for use.

According to the Ministry of Finance, the funds for civil society are mostly covered through ‘Subventions/Transfers’ budget lines, whereas rules and criteria of public procurement and of the management of public funds are used when applying for funds. The implementation of these criteria is examined by the internal bodies of respective ministries (Procurement Office, Budget Office, and Office of Certification). According to the Ministry of Finance, the reporting by beneficiary NGOs is conducted in accordance with the Law on Public Procurement (narrative and financial statements), and in some cases reporting may be conducted based on a request.<sup>16</sup> Nonetheless, if we analyze the Law on Public Procurement, the criteria and procedures are not at all in line with the nature of CSO operations, even less with the nature of grants, thus making the state funding for CSOs very problematic.

According to the majority of the interviewed CSOs, municipal officials and in some cases even those from the central level do not require expenditure reports for funds that were allocated to certain organizations. Thus in the case of the ATOM project, despite not being requested to report, they submitted end of year financial and narrative statements to both the central and local level. The same occurred with DSK, who were not asked to report, but nevertheless reported on their own will. According to some of those interviewed, there is a large number of cases when newly-established CSOs receive funds from municipal authorities and then do not report or give account for those funds.

This whole situation represents an immediate need to appropriately regulate the cycle of public funding for the civil society, including their programming, implementation, monitoring and assessment. The designed criteria, standards and procedures should ensure transparent implementation with accountability for all civil society funds allocated from the state budget.

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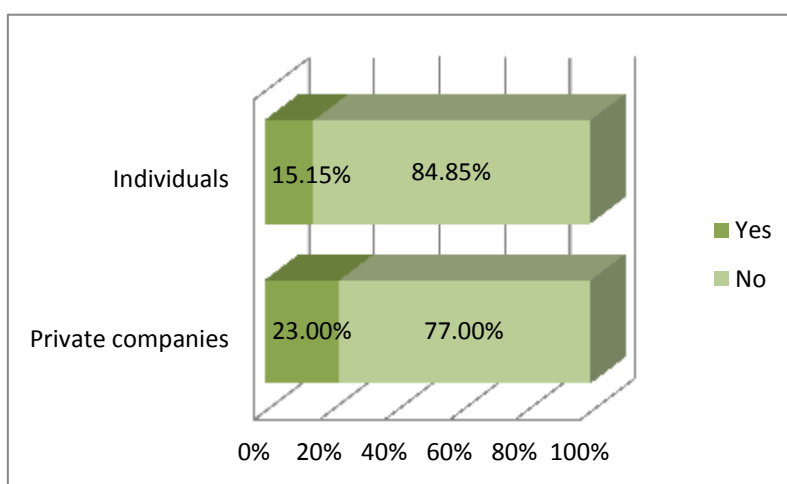
Since there is a symbolic increase of public funding for civil society organizations, drafting the appropriate criteria and procedures for their programming, implementation, monitoring and assessment is an urgent issue.

**Private funds**

In the majority of European countries, private donors who support the civil society enjoy various fiscal incentives, which serve as an encouragement for donations either from the private sector or from citizens who act at an individual capacity. In Kosovo too, the applicable legal framework foresees fiscal incentives for those that donate to organizations with a Public Beneficiary status.

<sup>16</sup> Interview with Qerkin Berisha, Ministry of Finance, 07.08.2013

However, private donations still remain a low source of funding for the activities of the civil society in Kosovo. Only 4.2% of civil society funds come from donations of private companies, while only 0.4% come from individual donations. The number of organizations that benefit from the private sector is rather low (23%), and even lower when it comes to various individual donations (15.15%).



According to the Law on Corporate Income Tax individuals 'Contributions made for humanitarian, health, education, religious, scientific, cultural, environmental protection and sports purposes are allowed as expenditures under this Law up to a maximum of five percent (5%) of taxable income computed before the humanitarian expenditures are deducted'.<sup>17</sup>

Figure 26: CSOs benefiting from donations from private companies or individuals

According to a study conducted by the Riinvest Institute, 'this deduction is allowed if the donation is made to a Public Beneficiary organization or any other non-commercial organization that serves the public interest (medical, educational and religious institutions). This deduction means that the contributor has the right to count that donation as expenditure and deduct the amount of taxable income. The maximum allowed deduction is 5% of gross profit, meaning that should a private institution donate up to 5 percent of its profit, then this contribution is entirely tax deductible. This treatment applies to both corporations and individual business enterprises.<sup>18</sup> Among others, one of the main legal problems is that this tax incentive is given only to a select number of activities that benefit the public, therefore is not in line with the Public Beneficiary status which is determined in the basic Law on NGOs.

However, the results of this study shows that these potential incentives do not produce any effect in practice, namely that they are not the reason that a company or an individual may decide to donate funds for the civil society. Even in those few cases when the organizations receive donations from

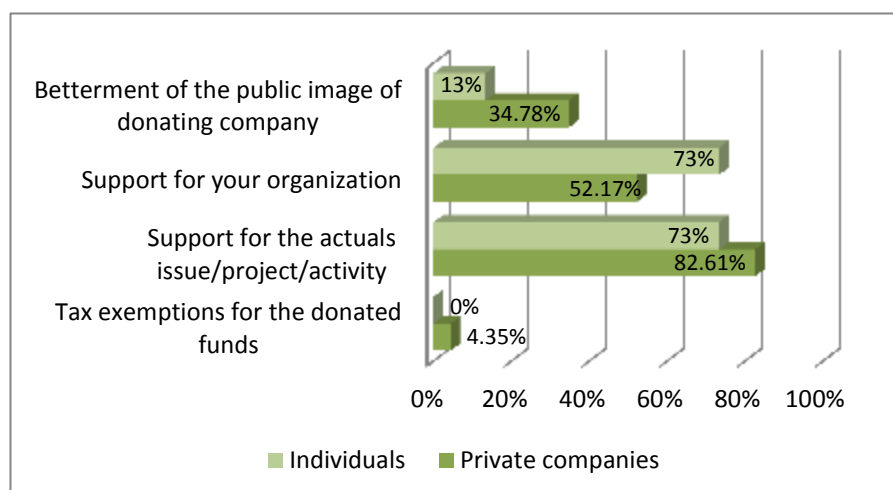


Figure 27: Reasons of private companies/individuals for giving donations (questions with multiple answers)

<sup>17</sup>Article 10, par. 1 of the Law on Corporate Income Tax.

<sup>18</sup> RIINVEST Institute, Analysis of the Legal Framework for the Fiscal Issues of NGOs in Kosovo, p.22, November 2012.



private companies, the main reasons for this turns out to be the support for the specific issue/activity (82.61%) combined with the support of the beneficiary organization itself (52.17%), whereas tax incentives do not seem to be the reason why a local company would decide to donate. The reasons behind the decisions of individuals to donate funds for CSO activities are similar.

One of the interesting reasons stated for which donations are given, is the improvement of the public image of the company/individual donor. To this end, 34.78% of donations by private companies and 13.33% of individual donations were donated for this reason. One of these companies is the producer of non-alcoholic beverages ‘Coca Cola’, which annually allocates donations for various CSOs, such as ‘SOS Kosova’ village for orphaned children. Undoubtedly there are other companies that donate to NGOs in a similar manner, as is the case of the Meridian company or various banks in Kosovo. Although this study does not possess all the detailed data related to this issue, the possibility of confusing the concept of donation with that of sponsorship was mentioned during the in-depth interviews, where the latter is a part of marketing strategies and activities of private companies. This remains an issue that needs to be studied in further detail in the future.

According to representatives from the Tax Administration of Kosovo, ‘there are cases when companies/individuals request tax incentives for their donations made to organizations with a public beneficiary status. This is regulated by law and is implemented. In order to carry out the donation, a receipt needs to be filled, where the business details, as well as those of the beneficiary organization are indicated (which is usually not verified). This donation is then deducted from the net profit on a yearly basis. The reimbursement procedure usually lasts 60 days, whereas the request is sent to the TAK, where the type of tax for which exemption is requested is specified’.<sup>19</sup>

**Volunteering**

Being an important characteristic of the civil society, voluntary work was one of the issues addressed within this study, mainly by analyzing the rising and falling trends of the level of volunteering within the civil sector in Kosovo, as well as the reasons behind these trends. The data from the population survey conducted with 1,300 participants was compared to the same from 2011, and they were compared with the perception of the surveyed organizations themselves.

The results show that voluntary work in Kosovo remains at a low level, with a slight trend of decrease. Thus, while in 2011 voluntary work in various CSOs was 4.5%, in 2013 only 3.1% of citizens have stated to have carried out voluntary work for any CSO.

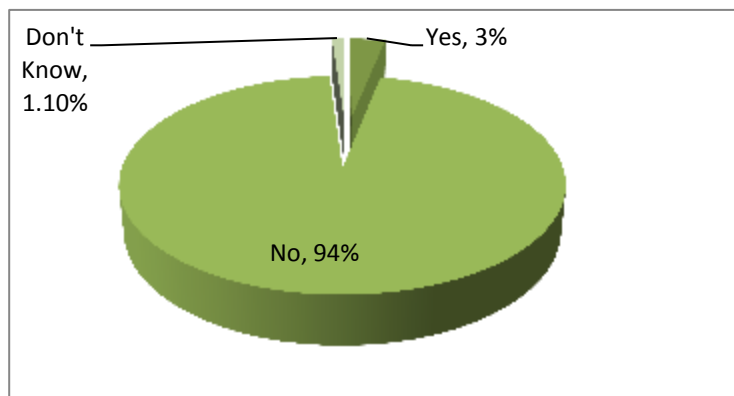


Figure 28: Percentage of citizens that are engaged in voluntary work

<sup>19</sup> Interview with Isuf Zeriqi and Ajtene Shabani, Tax Administration of Kosovo (TAK), August 2013.

This is also confirmed from the perception of the CSOs themselves, which think that voluntary work remains at a constant level (47.52%) or is decreasing (32.67%). Only a small portion of the surveyed organizations (19.8%) think that voluntary work is increasing. When organizations stating that voluntary work is decreasing were asked for the reasons behind this decrease, the most frequently mentioned reasons were the lack of non-monetary benefits and the difficult economic situation of the population, followed by the lack of legal recognition of voluntary work. On the other hand, the small number of organizations thinking that voluntary work is increasing, state that the main reason behind this is the increase of public awareness and the good image of the civil society.

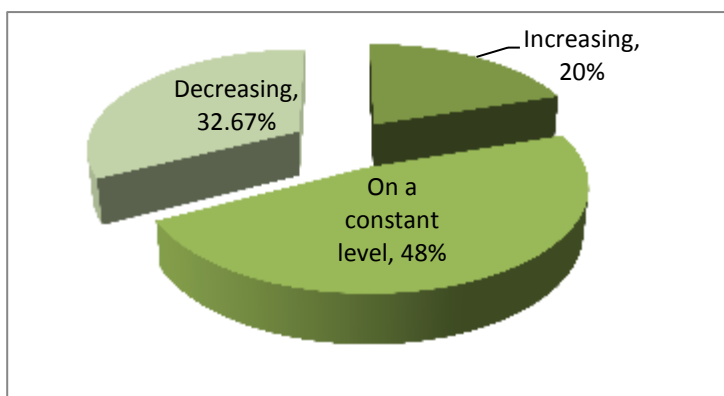


Figure 32: Perception of CSOs on the increase/decrease of voluntary work

Amongst other things, this study has also analyzed the number of regular volunteers that are engaged within CSOs in Kosovo. From the statements of surveyed CSOs themselves, it is noted that the majority of the organizations (55.2%) have fewer than 5 regular volunteers, whereas 16.10% of these organizations have no volunteers. On the other hand, a small number of surveyed organizations state (5%) that they have a large group of volunteers that are regularly engaged in the operations of the organization. These are mainly youth organizations (such as Youth Council of Kosovo or Father Lorenc Mazreku Youth Centre in Peja) or charity organizations (such as Caritas Kosova). Other organizations that address democratization issues are characterized by a lower number of regular volunteers, whereas an exemption in this case is the Council for the Defense of Human Rights and Freedoms (KMDLNj), which has a large number of volunteers due to the specific nature of their development and work.

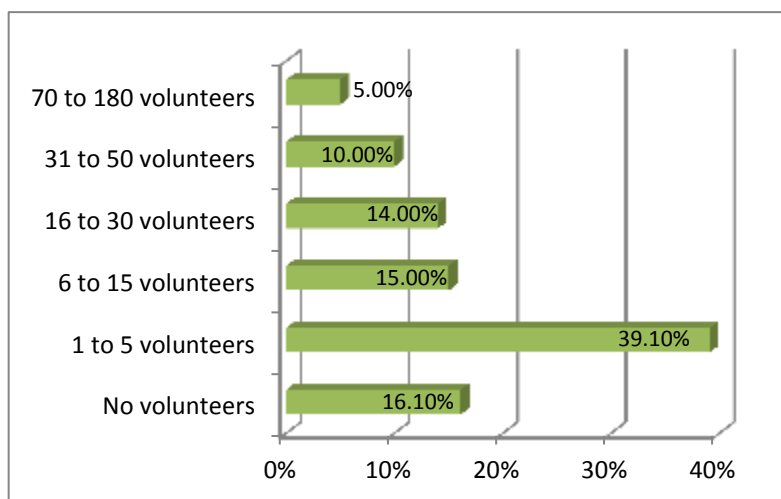


Figura 30: Organizations according to volunteer number

Concerning volunteering, compared to previous years, a lot has not changed. Besides the Law on Empowerment and Participation of Youth, there are no other laws/regulations that regulate voluntary work in detail, not even for other age groups or fields. Similarly, still there are no centres for the promotion of volunteering or any register where all volunteers are registered at the state level. However, the inclusion of volunteering as one of the main objectives of the Government Strategy for cooperation with the Civil Society may be considered to be a positive step.<sup>20</sup> While

<sup>20</sup> Government of Kosovo -CIVIKOS, Government Strategy for Cooperation with the Civil Society, 2013.

institutional engagement remains low, a large number of individuals and CSOs are engaged or engage volunteers on an ad-hoc basis, as part of various projects/activities. Some of these organizations renowned for engaging volunteers are: Dokufest, Mother Theresa, Red Cross of Kosovo and Centre for Promotion of Education.

Despite the low level of voluntary work in civil society, the study shows that, nevertheless, CSOs have more persons engaged in voluntary work than those that receive wages.

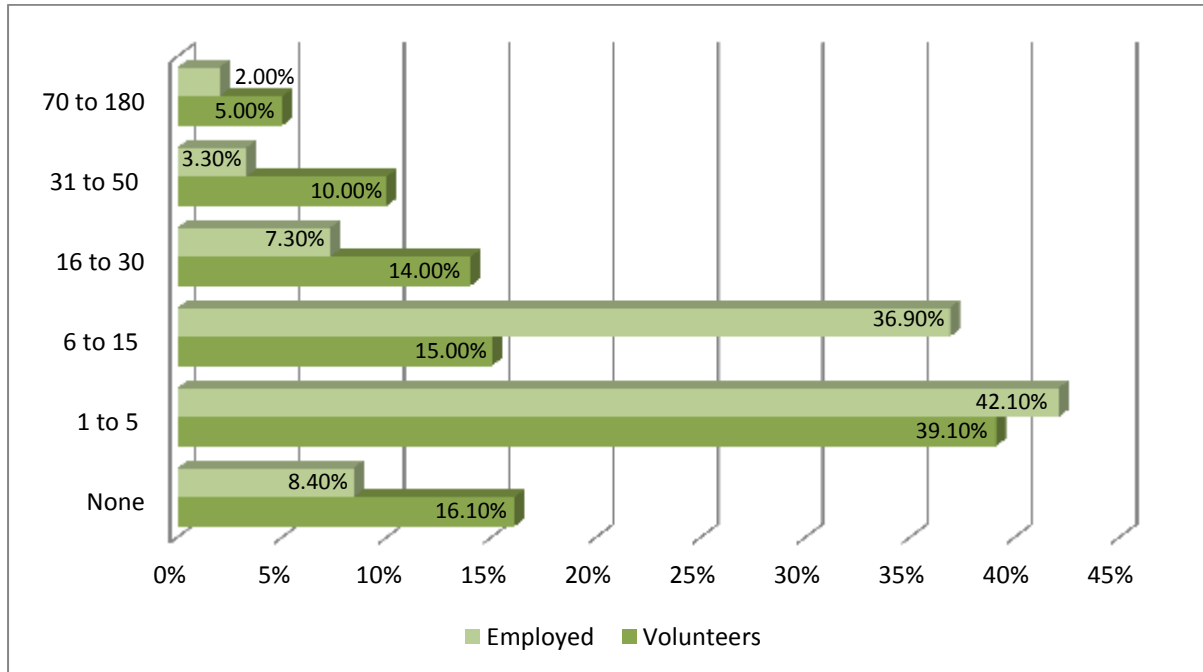


Figure 31: Organizations according to regular volunteers/paid staff numbers

A good case of the promotion of voluntary work is the ‘CAP Project’<sup>21</sup> which is implemented by a group of young volunteers of the American University in Kosovo. The “Kosova CAP” project aims to collect and then recycle plastic bottle caps, as a source for the purchase and donation of wheelchairs to persons with disabilities in Kosovo. This is a charity project and aims to help persons with disabilities in the country, while at the same time aiming to raise awareness of the citizens for recycling. The project has found huge support from a large number of citizens within and outside of Kosovo, both in collecting bottle caps as well as transporting them to Turkey. However, regardless of the proper function of this initiative, its sustainability remains questionable. The engaged volunteers are not paid for the work done, and a part of them are already engaged in regular work, which makes the sustainability of the project rather difficult. According to some volunteers, due to the lack of any continuous state support, this initiative, though currently successful, is under the threat of termination in the future.

<sup>21</sup> Project “Kosova CAP” is a continuation of a similar project which was successfully implemented in Turkey, initiated by Kushtrim Ahmeti, a student from Kosovo.

### 3.4 PERCEIVED INFLUENCE

The initial motivation of people to gather, and the final goal of the civil society – in its broad sense – is the improvement of living conditions within their communities. However, the measurement of such an influence in the current state of play is nearly impossible since it depends on many different factors. For that reason the methodology of this study tries to measure the **Perceived Influence** only, more than the actual influence itself.

#### Responsiveness

Initially the study aimed to analyze the issue of the level of the civil society’s response to the main problems and concerns of the citizens. All the studies conducted during the last years confirm that issues related to economic development (unemployment, poverty, social issues, etc.) and rule of law (corruption, justice and the judicial system, human rights, etc.) continue to remain the main concerns of the citizens of Kosovo. The perceptions of surveyed organizations were measured concerning the influence of the civil society sector in these two fields in general.

The results show that the influence of the civil society to the economic development and rule of law is limited. The majority of surveyed organizations think that the influence of the civil society on economic development is limited (57.73%) or has no influence at all (18.56%). There is a similar perception for the field of rule of law, where 53.61% of the surveyed

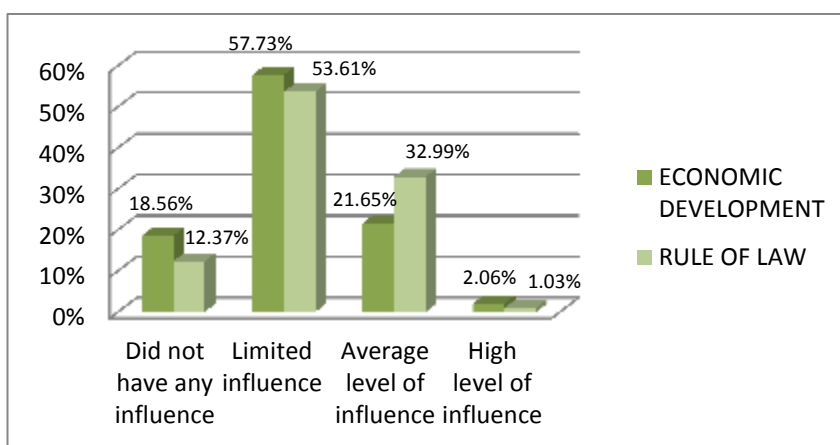


Figure 32: Perception of the influence of the civil society on economic development/ rule of law

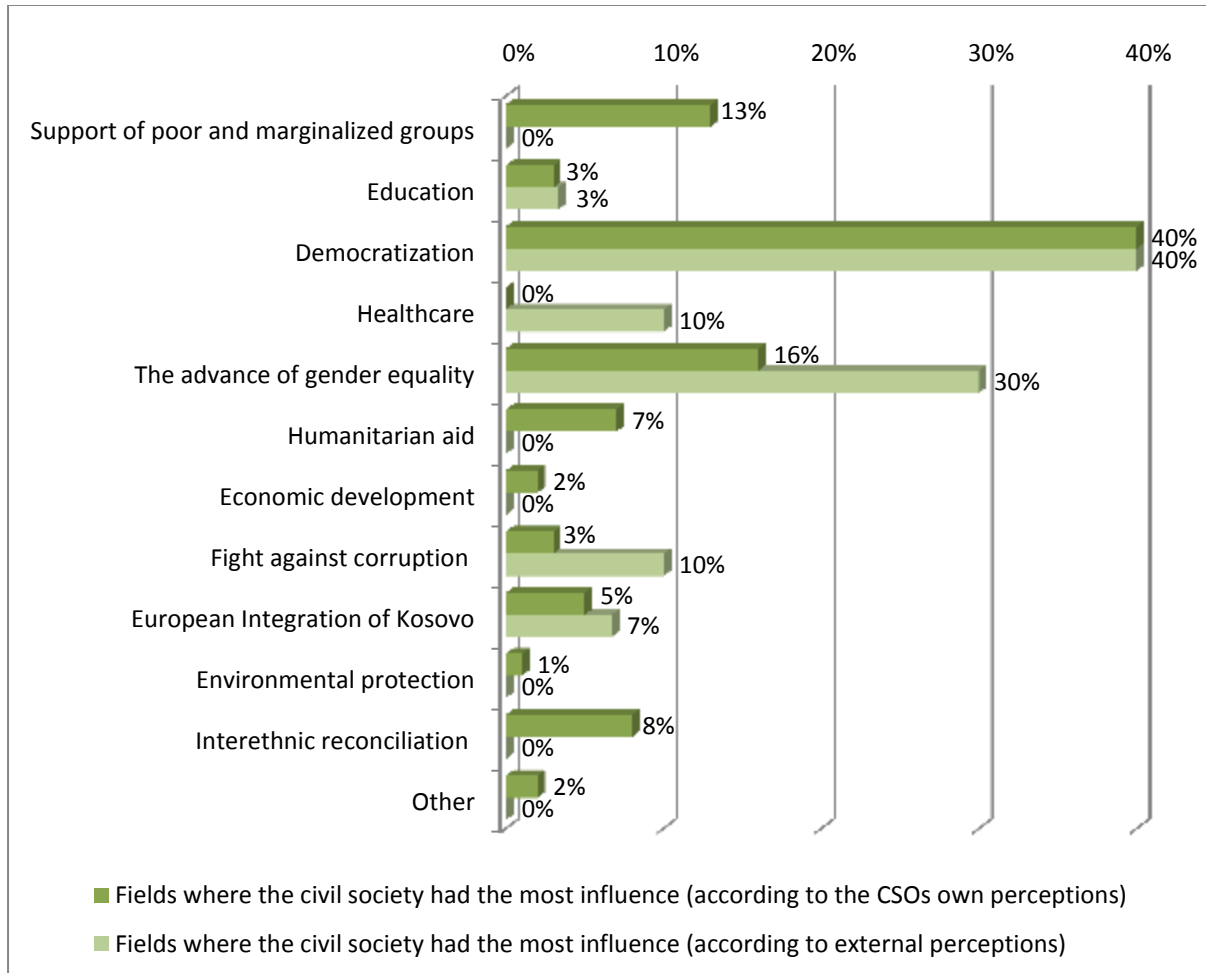
organizations think that there has been limited influence and 12.37% that think that there has been no influence at all. However, a slight change in favor of the rule of law may be noticed, where 34.02% of surveyed organizations think that the civil society had a moderate or a high level of influence, compared to the 22.71% that share this opinion on economic development. This data is nearly identical to the measurement of perception from 2011, including the differences between economic development and the rule of law<sup>22</sup>.

Some of the possible reasons for this limited influence, which were mentioned by the CSOs themselves, are related to the limited means available to the civil society in solving various legal and economic issues. Also, issues of economic development and rule of law are very complex and the improvement of the state of these fields depends on a large number of actors and factors, the majority of which are out of the civil society’s control.

On the other hand, the study also measured the perception of the civil society’s influence in other fields which are an important part of the engagement of the civil society in general. The results show that the biggest influence of the civil society is perceived to be in the field of democratization, where

<sup>22</sup> KCSF-CIVICUS, Civil Society Index, Better governance for a bigger impact (2011), pic. No.10.

40% of the surveyed organizations think that the civil society has had the most influence, followed by gender equality (16%) and support for the community and marginalized groups (13%). In these fields, the largest portion of the surveyed organizations estimates that the civil society had significant (64.29%) or a high influence (10.20%).



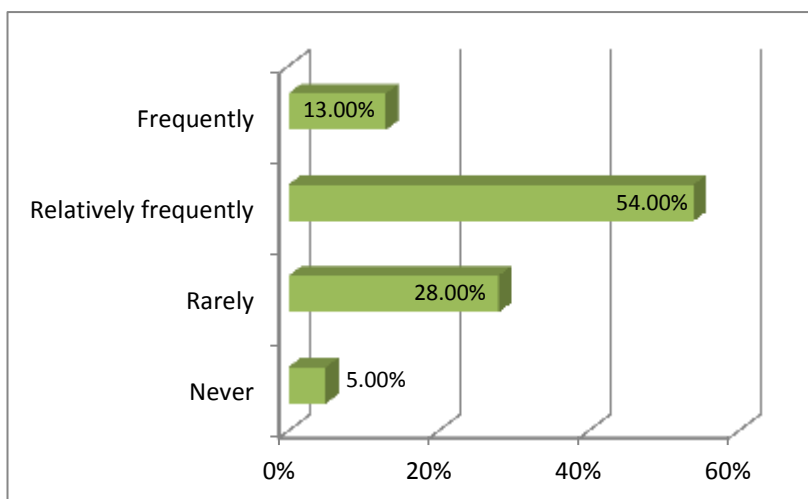
**Figure 33: Most influenced fields by the civil society according to CSO perceptions and external perceptions**

Similar is the perception of actors from other fields that are outside of the civil society who think that the civil society had the largest influence in democratization (40%) and gender equality (30%).

**Advocacy**

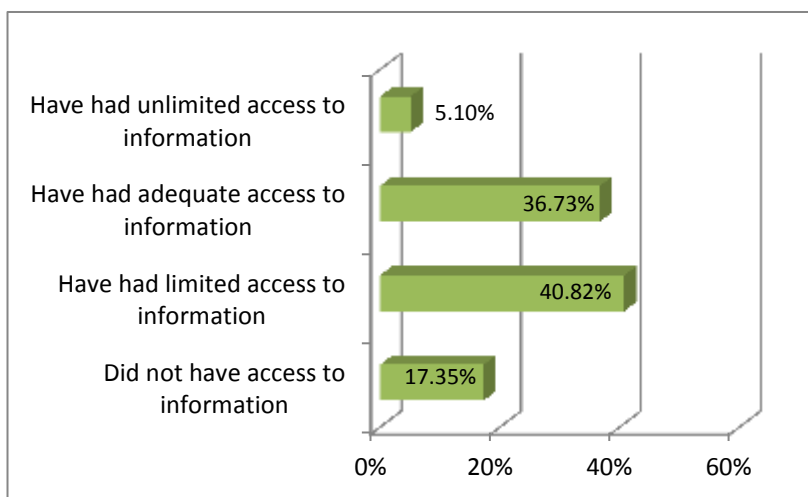
An important part of civil society operations and engagements is directed toward public institutions, by advocating for various laws or policies or by contributing in various decision-making processes. This study addressed some stages of this interaction, starting from the communication between the two sectors, access to public documents and information, as well as the contribution and influence of the civil society in drafting of municipal policies, laws or regulations.

Communication between the civil sector and public institutions, which also entails information exchange, meetings, and joint activities, according to the results of the study appear to be at a relatively high level. The majority of the surveyed organizations communicate relatively frequently with institutions relevant to their work (54%) or very frequently (13%). The other portion of surveyed organizations stated that they rarely (28%) have such communication or do not communicate at all (5%).



**Figure 34: Communication of CSOs with public institutions**

The timely and adequate information about the work of public institutions is a precondition to any type of cooperation between the civil society and public institutions, in addition to being a very important element of CSO advocacy initiatives. This study analyzed CSOs' access to official information and documents, requests for access and how those requests are addressed, as well as if there are any civil society groups that have more privileges or limited access to official information and documents.



**Figure 35: The access of CSOs to public information**

The results of the study show that over half of the surveyed organizations (58.2%) have limited or no access at all to public documents or information, while the remaining portion of organizations estimate that they have sufficient (36.7%) or unlimited (5.1%) access.

While a considerable portion of information on the plans and operations of public institutions should be automatically accessible and should not depend on requests from outer parties, the concern, however, is that a large percentage of organizations do not utilize the right to request access. Namely, when asked about the reasons for the lack of access to information, an interesting finding shows that a considerable portion of the surveyed organizations never made a request to access information (37.11%). The other part of organizations that have used this right is divided into almost equal groups: 20.62% have had their requests refused or response delayed, 20.62% had some of their requests denied and 21.65% were not refused any of their requests to access public information and documents.

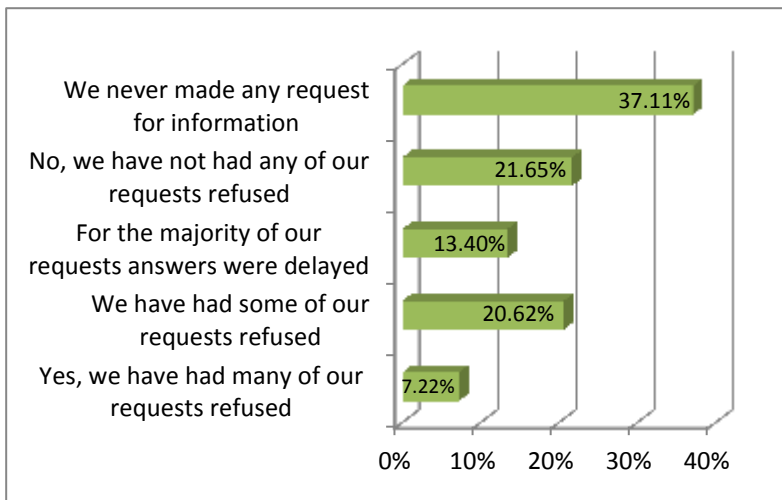


Figure 36: Approval/Denial of requests to access of information

In addition to the data gathered for the needs of this study, the Public Communications Office within the Office of the Prime Minister also published the Annual Government Report on the implementation of the Law on Access to Official Documents for 2012. Some of the key problems identified in this report, which also impact the civil society, have to do with the lack of written decisions on granting or refusing access to the required document, as well as the very low percentage

(28%) of written refusals. Although this report aims to be all encompassing and to include information from all public institutions in the Republic of Kosovo, another problem identified by this government report is the lack of reporting on achieving the right to access official documents, especially from independent agencies established by the Assembly of Kosovo. This report also highlights that the majority of requests for access to official documents comes from journalists, whereas the civil society is mostly exercising this right at the local level.<sup>23</sup>

May be interpreted as...

The lack of by laws, the lack of a written document that clasifies the appropriate listing of documents, the silent refusal or simply not-responding in writing within the foreseen time-frames makes accessing official documents difficult. Finally, the lack of application of foreseen legal sanctions for officials that refuse access to official documents/information only favors the closure of institutions to the citizens and the civil society.

To the question whether they are active in the drafting process of various public documents (laws, policies, bylaws, municipal regulations, etc.), the majority of surveyed organizations (63.64%) stated that during the last 3 years they were engaged in some process of public document drafting. By analyzing the levels of such engagements, the results show that the smaller the territory/area that an organization covers, the lower their inclusion in the drafting of public documents. I.e. organizations that are only active within a village/town/municipality are less active in the process of drafting public documents. 69.23% of

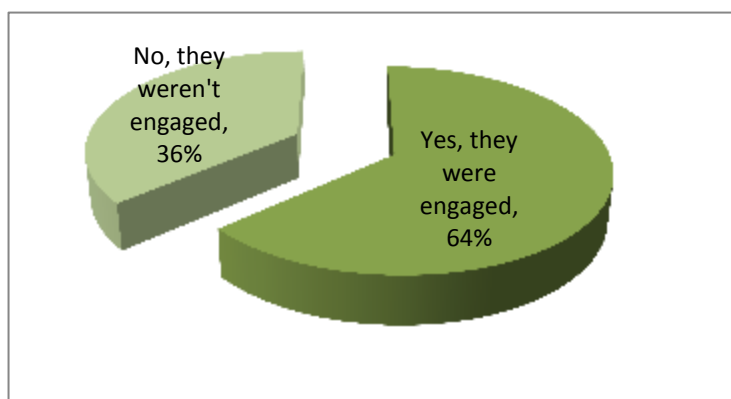


Figure 37: Involvement of CSOs in policy drafting

<sup>23</sup> Comprehensive Report on Public Institutions, achieving the right to access public documents for 2012 - [http://www.kryeministri-ks.net/repository/docs/Raporti\\_Shqipp.pdf](http://www.kryeministri-ks.net/repository/docs/Raporti_Shqipp.pdf)

these organizations have stated that during these last three years, they were not engaged at all in drafting public documents, whereas the level of engagement increases in other organizations that conduct their work in a number of municipalities or at the national level.

Some of the fields where organizations state to have been the most engaged in drafting laws and policies are democratization (26.98%), support for poor and marginalized communities (12.7%), education (11.11%) and gender equality and environment (7.94% each). From the outside, it seems that the engagement of the civil society in the field of gender equality was the most visible, followed by the fight against corruption. The higher profile of these fields within the public opinion, according to some of the interviewees, is connected to the proactive approach of the advertisement of the activities of these organizations compared to organizations from other fields, as well as the higher sensitivity toward those topics in the current circumstances in Kosovo, such as the fight against corruption.

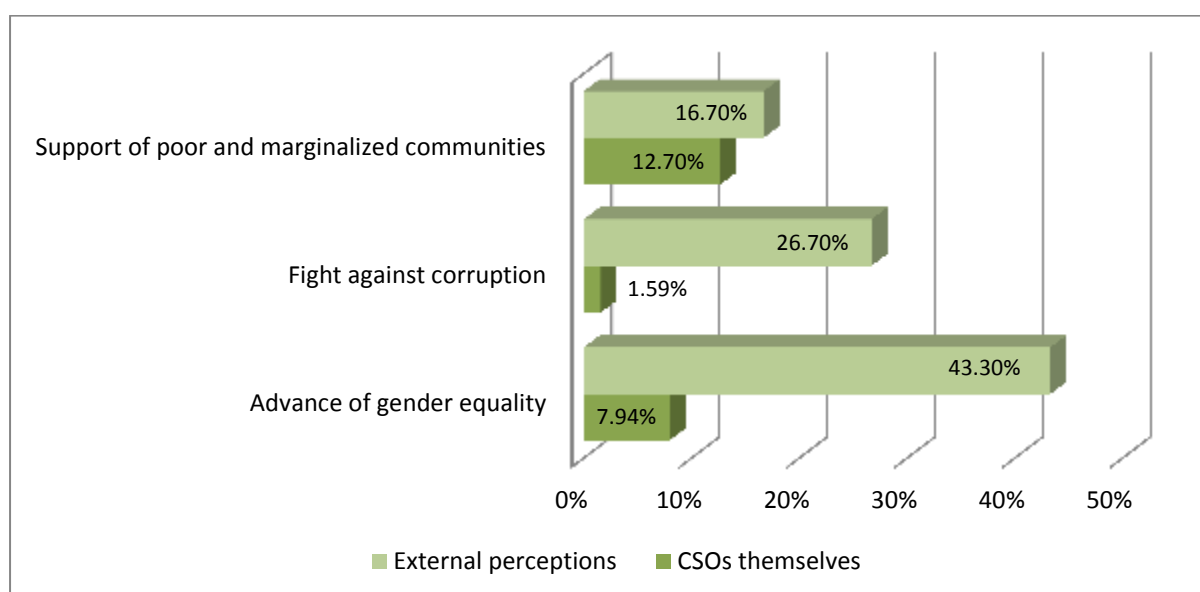


Figure 38: Fields where CSOs were active, according to the perceptions of the CSOs and external perceptions

Nonetheless, even within these two fields where external perceptions consider the civil society being more active, the impact of the activity varies. Actors outside of the civil society think that in drafting policies/laws in the field of gender equality, the civil society had good results and caused a positive change. On the other hand, the impact was very limited in drafting policies/laws

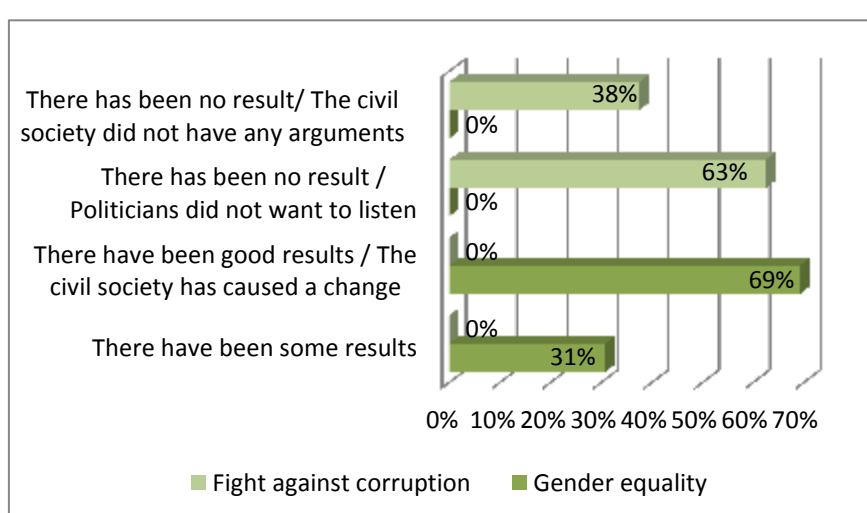


Figure 39: External perceptions on the influence of CSOs in policy drafting



that fight corruption and this is mostly because the politicians/decision-makers did not listen to or failed to consider the contributions made by the civil society.

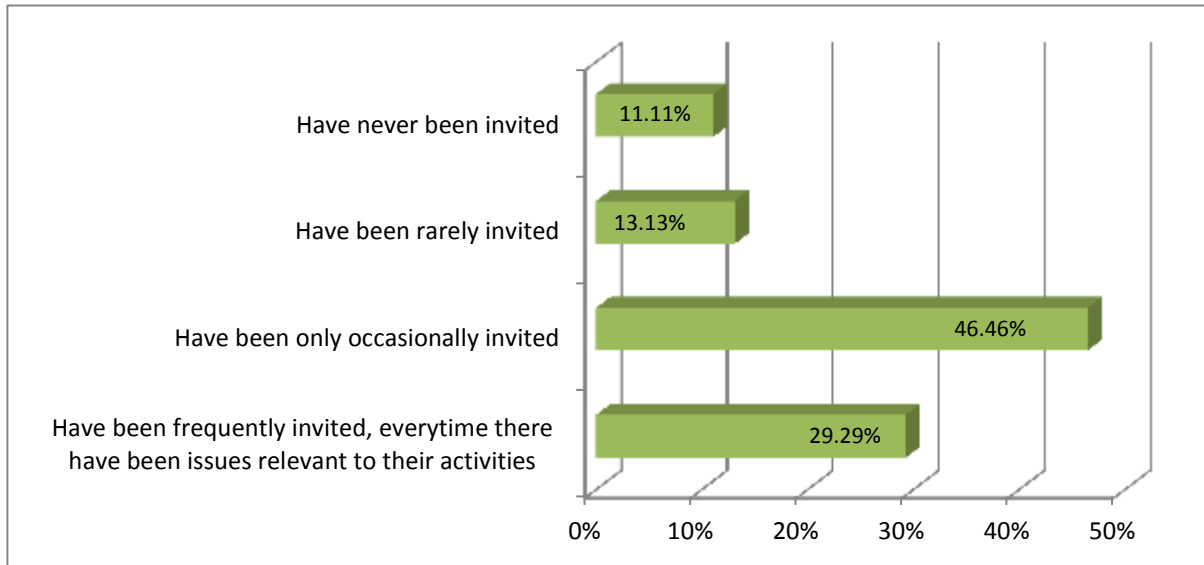


Figure 40: Invited CSOs for consultations by public authorities

By analyzing the second level of the participation of the civil society in decision-making, the results of the study show that a considerable portion of CSOs, time after time, receive invitations from public authorities to consult, while the other portion of organizations belong to the two other extremes: 29.29% state that they were regularly invited (when there were developments in their field of work), whereas 24.24% state to never have been invited or invited rarely.

Concerning the invitations from public authorities, a recent development, which may have had an impact in this result, is the agreement between the Government of Kosovo and the CiviKos platform, which caused the majority of draft-laws and bylaws that are drafted by various ministries to be distributed through this platform to the CSOs for written consultation. This may only be considered a

In 2012, the Assembly of Kosovo adopted the Law sponsored by the Ministry of Finance and Central Bank of Kosovo that would allow the transformation of micro-financial NGOs into private companies, thus enabling the direct transfer of ownership to the NGO leadership. Following the reaction of the CSO coalition, which opposed this transformation, in 2013 the Constitutional Court adjudicated that all provisions related to transformation are unconstitutional.

small positive step, but in no way a sufficient one, due to the fact that there are a lot of organizations which are not a part of CiviKos platform and therefore are excluded from this notice. Furthermore, during the recent years, another challenge was noticed in relation to public

consulting, this being the full exclusion of certain laws of importance for which there is political or economic interest. To illustrate, two laws that were hotly disputed by the civil society, those being the Law on Banks and Micro-Financial Institutions and the Law on Amnesty, never underwent the process of consultation with the public at the governmental level. The case of the Law on Banks and Micro-Finances went through the whole governmental stage without any information or inclusion of the civil society, while at Assembly level the requests of the civil society were ignored and the Assembly approved the law with all of the disputed articles.

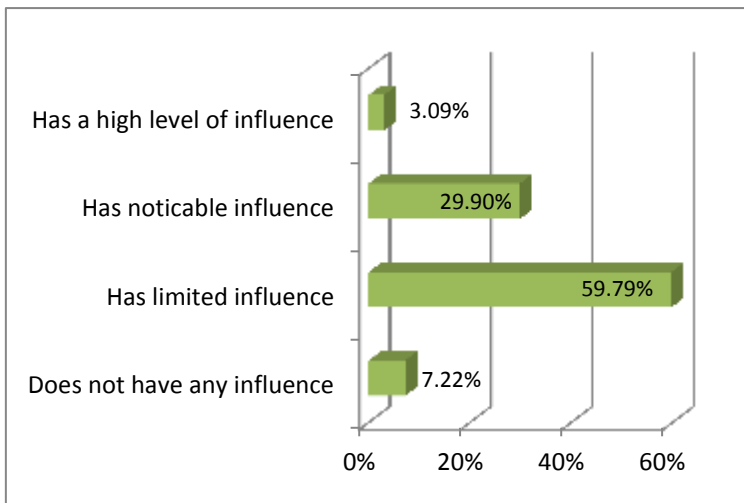


Figure 41: The influence of CSOs in policy drafting

The invitation or participation in consultations alone does not mean that the CSOs definitely influence the content of documents drafted by public institutions. Most of the surveyed CSOs think that their impact on this process was limited (59.79%) or did not have any impact at all (7.22%). A smaller portion of them think that they have had a significant impact (29.9%), while a very small percentage of organizations feel that they have had a high impact (3.09%). This high influence does not necessarily mean that decision makers have become more open,

but in many cases it is tied with the fact that in certain topics the expertise, position and contribution of the civil society dominates over the work of public servants, resulting in specific policies/laws/strategies to be drafted mainly on the civil society's contribution.

### 3.5 THE EXTERNAL ENVIRONMENT

Some of the latest parameters in the fields of social, economic and political developments that directly or indirectly affect the work of the civil society in Kosovo have been analyzed within the 'External environment' chapter.

#### Socio-Economic Context

According to the last population census (2012), Kosovo has 1,815,606 inhabitants, and still remains one of the poorest countries in Europe, with a GDP of only EUR 2,721 per capita.<sup>24</sup> The level of unemployment remains high (45%), and is considered as one of factors that pushes a considerable portion of the population to migrate abroad, while also encouraging the informal economy. The economy is also mainly based on the service sector (64.5%), followed by industry (26%), manufacturing (16%) and agriculture (12.9%).<sup>25</sup> The main problems for the citizens remain unemployment (46%), lack of economic growth (24%), corruption (14%) and poverty (5%).<sup>26</sup>

Whereas the economy of the country, according to the 'EU Business' report, still remains highly dependent to remittances and the technical and financial support of the international community. Remittances from Germany and Switzerland are estimated to be 18% of the Gross Domestic Product, while financial support from the international factor is 10% of the GDP.<sup>27</sup>

When financial transparency is mentioned, public institutions do not have a good standing regarding financial reporting.<sup>28</sup> The way in which the budget of Kosovo is drafted is considered to be problematic, as well as the manner of spending and reporting of expenditures. To illustrate, the Ministry of Finance has reduced their periods of reporting to quarterly and annual basis, a fact that CSOs consider to be a lowering of the transparency level on the manner of the expenditure of public funds. For example, of the 19 Ministries that Kosovo has, only the Ministry of Justice regularly publishes how public funds were spent.

On the other hand, with the exception of the municipalities of Malisheva and Prizren that report regularly on how they spend their public funds, other municipalities conduct a simple description of the budget of the institution. According to GAP Institute report, budget allocations are frequently unclear in the majority of municipalities, whereas large budget amounts allocated for the funding of projects are reported as "Co-funding with Donors", without an adequate explanation on the manner in which these projects are financed. This type of reporting does not allow a clear forecast of investments conducted by budget organizations and provides room for the budget to be manipulated by those that manage these funds.

On the other hand, corruption remains a continuous challenge to the normal development of the country. According to official records published in the Transparency International Report, Kosovo is

<sup>24</sup>Statistical Office of Kosovo, <http://esk.rks-gov.net/>, viewed on 27 November 2013.

<sup>25</sup> EU Business, Kosovo: Economic Overview, <http://www.eubusiness.com/europe/kosovo/aggregator/econ>

<sup>26</sup>Center for Security Studies, Kosovo Security Barometer, 2013.

<sup>27</sup>EU Business, Kosovo: Economic Overview, <http://www.eubusiness.com/europe/kosovo/aggregator/econ>

<sup>28</sup> GAP Institute report, Kosovo Budget, Transparency and Forms of Budget Reporting, 2013, [http://www.institutigap.org/documents/42354\\_AnalizaperbuxhetinSHOIPfinal%20\(1\).pdf](http://www.institutigap.org/documents/42354_AnalizaperbuxhetinSHOIPfinal%20(1).pdf)

ranked as 110th of 176 countries in total. The National Anti-Corruption Council established in 2012, seems to be failing on doing its job properly.<sup>29</sup>

Low economic development, dependency on remittances, the high unemployment, the high level of corruption, as well as the lack of foreign investments make the environment in which the civil society operates unfavorable. On the other hand, the low level of financial support, either from public funds or private companies, makes the existence and sustainability of CSOs in the country even more difficult.

### The Socio-Political Context

Kosovo is considered to be a country characterized by an elevated dynamism in its political context. In September 2012 the supervisory mandate of the “International Supervisory Group” ended, however, a considerable number of international organizations, including EULEX and NATO, still remain. Despite all of this, the legitimacy of the state remains limited both in the region and the international arena. Until now Kosovo has not been recognized by all EU member states, as well as by a large number of UN member states.

On the other hand, high level discussions between Kosovo and Serbia which began in October 2012 are still ongoing, while the agreements made are frequently running into difficulties during the implementation stage. The Law on Amnesty was drafted and approved based on such an agreement, something which raised numerous reactions from the civil society in Kosovo. Furthermore, as a consequence of this dialogue, nine municipalities in Kosovo are now lead by Mayors who do not accept the Republic of Kosovo.

When local elections are concerned, they went well except in Northern Mitrovica. Nonetheless, according to the EU, these elections were considered to have been regular, except for the three centres in the northern part, where incidents occurred.<sup>30</sup> Similar assessments were made by local organizations and institutions for the 2013 local elections.

According to the ‘Freedom House’ report, democracy in Kosovo is marked with 5.25 points, and classified as a semi-consolidated authoritarian regime.<sup>31</sup> EULEX still remains an executive authority in the field of the rule of law throughout the territory of Kosovo. This mission supervises customs, police and the judicial system, however the executive powers of the EULEX mission are mainly related to cases of war crimes, corruption and organized crime in Kosovo.<sup>32</sup> Precisely because of cases that are related to the imprisonment and trial of political figures from the war the Government of Kosovo has recently issued calls for EULEX to leave Kosovo. As a response to the stance of the government, some actors of the civil society have argued that the presence of the EU mission in Kosovo is still necessary<sup>33</sup>.

<sup>29</sup>Freedom House, Kosovo Overview, <http://www.freedomhouse.org/report/freedom-world/2013/kosovo>

<sup>30</sup>EU, Election Observation Mission. Press Release, EUEOM /2013/07, [http://www.eueom.eu/files/pressreleases/english/press-release-kosovo-05112013\\_en.pdf](http://www.eueom.eu/files/pressreleases/english/press-release-kosovo-05112013_en.pdf)

<sup>31</sup>Freedom House, <http://www.freedomhouse.org/report/nations-transit/2013/kosovo>,

<sup>32</sup>KIPRED report, Comprehensive Analysis of EULEX: What Next?, 2013, [http://www.kipred.org/advCms/documents/70619\\_Analize\\_Gjitheperfshirese\\_e\\_EULEX-it\\_Cka\\_me%20tutje.pdf](http://www.kipred.org/advCms/documents/70619_Analize_Gjitheperfshirese_e_EULEX-it_Cka_me%20tutje.pdf)

<sup>33</sup>At the time this study was being published, the mandate of EULEX was under review.

Thus, the Kosovo Centre for Security Studies emphasizes that Kosovan judges and prosecutors hesitate to deal with high profile criminal cases and corruption.<sup>34</sup> Despite the expectations of the Kosovan society, the success of EULEX in solving cases of corruption and organized crime was unsatisfactory, and as a consequence of this, the hopes of the population in the country have started to fade.<sup>35</sup>

As far as the respect for human rights and freedoms are concerned, the Constitution of Kosovo protects basic human rights. However, according to 'Freedom House' Kosovo is considered as a country that is only partially free. Also, according to this report, from time to time journalists face difficulties in conducting their duties. The most frequently reported are cases related to journalist harassment and intimidation.<sup>36</sup> According to this report, there are also difficulties in the free movement of minorities and the economic integration of the returnees in the territory of Kosovo.<sup>37</sup>

As far as the legal framework on the funding and reporting of the political parties is concerned, the findings of "Transparency International" report suggest that they need to be improved further. According to this report, there is a discrepancy between the financial statements, incomes and expenditures. In other countries (Croatia, Serbia, Macedonia) it is legally required that political parties have a separate bank account which allows for the monitoring of all bank transactions relating to the financing and expenses during political campaigns, but this is not the case in Kosovo. Furthermore, during the assessment of the trustworthiness of political parties' financial reporting, the responses by those surveyed (civil society, public opinion, supervisory agencies) have reached a mark of 2.2 that shows a low level of trust.<sup>38</sup>

Frequent political movements, the Kosovo-Serbia dialogue, the unsatisfactory implementation of laws, and the lack of consideration of the 'voice' of the civil society only serve to illustrate the difficult political environment in which the civil society operates in Kosovo.

### The Socio-Cultural Context

Some of the key data from recently published reports were used to analyze the socio-cultural context in which the civil society operates in Kosovo.

As far as the trust for the institutions is concerned, according to the 'Kosovo Security Barometer' (2013), Kosovans in general trust the Kosovo Security force (78%) and religious institutions (60%). Somewhat lower levels of trust were expressed for the Kosovo Police, NGOs (48%) and the media (42%). The trust for the business sector is at 30%. The majority of those surveyed remain distrusting toward the Assembly of Kosovo, Government and the judiciary. The trust for the electoral system and political parties is concerning, being at only 13%.<sup>39</sup>

<sup>34</sup>Telegraf Portal, Eulex, dont go!<http://www.indeksonline.net/?FaqeID=2&LajmID=68282>

<sup>35</sup> KIPRED Report, Comprehensive Analysis of EULEX: What Next?, 2013, [http://www.kipred.org/advCms/documents/70619\\_Analize\\_Gjithperfshirese\\_e\\_EULEX-it\\_Cka\\_me%20tutje.pdf](http://www.kipred.org/advCms/documents/70619_Analize_Gjithperfshirese_e_EULEX-it_Cka_me%20tutje.pdf)

<sup>36</sup> Association of Professional Journalists of Kosovo, News, <http://www.apjk.org/?cid=1.5.168>

<sup>37</sup> Freedom House, Kosovo Overview, <http://www.freedomhouse.org/report/freedom-world/2013/kosovo>

<sup>38</sup> Transparency International, Andrew McDevitt –Buying influence: Elections in the Balkans,2012, [http://issuu.com/transparencyinternational/docs/2013\\_buyinginfluence\\_crinisbalkans](http://issuu.com/transparencyinternational/docs/2013_buyinginfluence_crinisbalkans)

<sup>39</sup> Security Centre Research, Kosovo Security Barometer, 2013, [http://www.qkss.org/repository/docs/Barometri\\_Kosovar\\_i\\_Siguirs%C3%AB- Z%C3%ABrat\\_e\\_Kosov%C3%ABs-V%C3%ABshtrimet\\_dhe\\_P%C3%ABrceptimet\\_864612.pdf](http://www.qkss.org/repository/docs/Barometri_Kosovar_i_Siguirs%C3%AB- Z%C3%ABrat_e_Kosov%C3%ABs-V%C3%ABshtrimet_dhe_P%C3%ABrceptimet_864612.pdf)

On the other hand, the ‘Public Pulse Report’ (UNDP, 2013) on inter-ethnic relations, states that compared to October 2012, when 48% of Serbs thought that ‘interethnic relations are tense and not improving’, in April this percentage dropped to 38%. An opposing trend was recorded with the Albanian population. According to the results of the latest survey, around 72% of them think that ‘interethnic relations are tense and not improving’.<sup>40</sup>

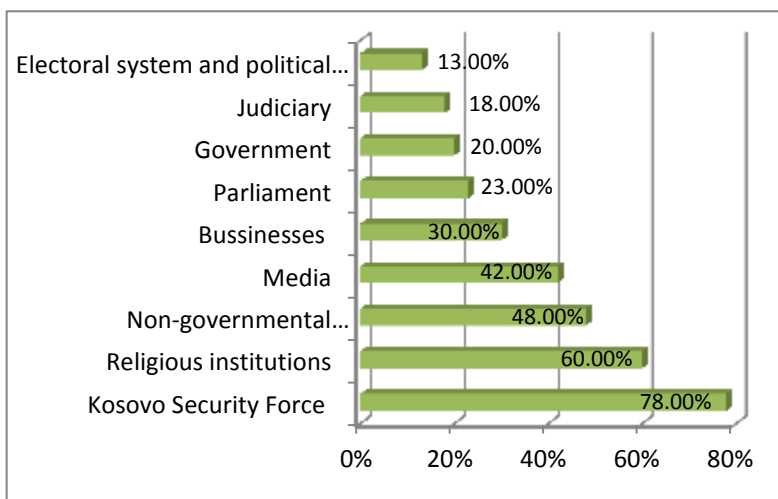


Figure 42: Level of trust in institutions/sectors

Meanwhile, when talking about discrimination, according to the same report, there has been an increase in the percentage of those from other communities who believe that they have been discriminated against during the last six months (24%). The results show that Kosovans feel discriminated against for the following reasons: place of residence, the status of a displaced person or immigrant, social or health status (31%), age (17%), gender (15%), political or other opinions (9%), religion (8%), ethnicity (6%), language (4%), and disabilities (3%).<sup>41</sup>

Finally, the level of interpersonal trust between the citizen of Kosovo remains at a very low level. According to the population survey conducted for the needs of this study, only 10.9% of the citizens of Kosovo think that when dealing with others, there is no need to be very careful. Similar results were reached by the CIVICUS Civil Society Index for Kosovo in 2011, where the level of interpersonal trust was put at 9.1%. While the basis of the civil society is the interaction between citizens, this very low level of interpersonal trust between people may be one of the reasons for the difficulties in initiating and/or maintaining joint activities between citizens as well as CSOs. One of the potential reasons mentioned for this in 2011 was related to the difference between the expectations and the reality during the last decade, where people experienced disappointments as a consequence of the general economic and political stagnation of the last few years.

<sup>40</sup>UNDP, Public Pulse Report 6, 2013 [http://www.undp.org/content/dam/kosovo/docs/Procurement/PPR6\\_Shqip.pdf](http://www.undp.org/content/dam/kosovo/docs/Procurement/PPR6_Shqip.pdf)

<sup>41</sup>Ibid.

## VI. ANNEX

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UNDP (2013): Public Pulse Report 6.

### INTERVIEWEE LIST:

- |                      |   |
|----------------------|---|
| 1. Arben Lila        | KADC  |
| 2. Ajtene Shabani    | Tax Administration of Kosovo                    |
| 3. Behxhet Binaku    | HANDIKOS  |
| 4. Behxhet Gaxhiqi   | Ministry of Work and Social Welfare             |
| 5. Burim Seferi      | Kosovo Red Cross                                |
| 6. Driton Selmanaj   | Kosovo Democratic Institute                     |
| 7. Driton Bajraktari | Down Syndrom Kosova                             |
| 8. Faik Hoti         | Ministry of Healthcare                          |
| 9. Gani Asllani      | ATRC  |
| 10. Gani Lluga       | ASTRA   |
| 11. Hajrulla Çeku    | EC MA NDRYSHE                                   |
| 12. Habit Hajredini  | Office for Good Governance/OPM                  |
| 13. Isuf Zeriqi      | Tax Administration of Kosovo                    |
| 14. Jusuf Thaqi      | ENCOMPASS                                       |
| 15. Kushtrim Kaloshi | ATRC  |
| 16. Labinot Krasniqi | OJQ KOHA  |
| 17. Muhamet Arifi    | Balkan Sunflowers                               |
| 18. Naime Sherifi    | Center for the Protection of Women and Children |
| 19. Petrit Tahiri    | Kosovar Center for Education                    |
| 20. Petrit Zogaj     | Movement FOL                                    |
| 21. Qerkin Berisha   | Ministry of Finance                             |
| 22. Rexhep Bllaca    | Ministry of Trade and Industry                  |
| 23. Shqipe Pantina   | QPA   |
| 24. Shkumbin Spahija | KADC  |
| 25. Valdete Idrizi   | CiviKos Platform                                |
| 26. Vjollca Çavolli  | STIKK   |
| 27. Zef Shala        | Mother Teresa                                   |



**ATTENDEE LIST OF THE VALIDATION MEETING:**

- |                        |  |
|------------------------|--|
| 1. Lis Balaj           | IPKO Foundation                        |
| 2. Rinor Beka          | NDI                                    |
| 3. Driton Bajraktari   | Down Syndrom Kosova                    |
| 4. Habit Hajredini     | Office for Good Governance/OPM         |
| 5. Trendelina Dreshaj  | Office for Good Governance/OPM         |
| 6. Sami Salihu         | Tax Administration of Kosovo           |
| 7. Ardita Metaj-Dika   | TACSO                                  |
| 8. Visar Sutaj         | D4D                                    |
| 9. Ardian Arifaj       | Columnist/Human rights activist        |
| 10. Hamide Latifi      | Women in Business                      |
| 11. Lirije Ajeti       | DRLNGO                                 |
| 12. Minire Ahmetxhekaj | DRLNGO                                 |
| 13. Skender Perteshi   | Kosovar Center for Security Studies    |
| 14. Lorik Bajrami      | Çohu                                   |
| 15. Avni Zogiani       | Çohu                                   |
| 16. Driton Selmanaj    | Kosovo Democratic Institute            |
| 17. Petrit Tahiri      | Kosovar Center for Education           |
| 18. Besart Lumi        | Youth Initiative for Human Rights      |
| 19. Petrit Zogaj       | Movement FOL                           |
| 20. Valdete Idrizi     | CiviKos Platform                       |
| 21. Brikenda Rexhepi   | TACSO                                  |
| 22. Hilmi Jashari      | CRP/K                                  |
| 23. Iliriana Gashi     | Women for Women International          |
| 24. Besnike Koçani     | KCSF                                   |
| 25. Nita Luci          | University of Pristina                 |
| 26. Florina Duli       | Kosovo Initiative for Stability        |
| 27. Bardhyl Kabashaj   | For a Healthy Mind                     |
| 28. Venera Hajrullahu  | KCSF                                   |
| 29. Valon Murati       | Center for Human Rights in UP          |
| 30. Ardiana Shala      | BSFK                                   |
| 31. Saranda Cana       | Swiss Office for Cooperation in Kosovo |
| 32. Nora Sahatçiu      | UNDCO                                  |
| 33. Taulant Hoxha      | KCSF                                   |



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