

## DG Enlargement

### Guidelines for EU support to civil society in enlargement countries, 2014-2020

#### 1. CIVIL SOCIETY AND PARTICIPATORY DEMOCRACY

The Treaty on the European Union (Article 49) establishes that any European State which respects and is committed to promoting the principles of human dignity, freedom, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, may apply to become a member of the Union.

An empowered civil society can play an important role in ensuring these principles are upheld in practice. It is also in itself a crucial component of any democracy. By articulating citizens' concerns, civil society organisations (CSOs) - understood as all non-state, not-for-profit structures in which people organise to pursue shared objectives and ideals<sup>1</sup> – are active in the public arena and engage in initiatives which foster pluralism and further participatory democracy.

The enlargement countries face a range of challenges, especially in fields such as the rule of law, corruption, organised crime, the economy and social cohesion. Civil Society actors and organisations can make a substantial contribution to addressing many of these through their lobbying, advocacy and oversight activities at national, regional and local level. When it comes to democratic governance and the rule of law and fundamental rights, including freedom of expression & association and minority rights, they can create demand for enhanced transparency, accountability and effectiveness from public institutions and facilitate a greater focus on the needs of citizens in policy-making. CSOs in the region have also demonstrated their ability to initiate effective anti-corruption initiatives, contribute to regional integration and reconciliation processes, support independent media, campaign for gender equality, fight against discrimination, and promote social inclusion and environmentally sustainable policies and practices.

Beyond this, the involvement of civil society in the pre-accession process can contribute to deepening citizens' understanding of the reforms a country needs to complete in order to qualify for EU membership. This can help ensure EU accession is not just a government exercise and stimulate a balanced public debate, which is crucial to achieving a well-informed decision on EU membership at the end of the pre-accession process.

#### 2. THE ENLARGEMENT AGENDA FOR CIVIL SOCIETY

Support to civil society within the enlargement policy<sup>2</sup> should be focused on enabling and stimulating participatory democracy. This should be reflected in two main goals: achieving an

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<sup>1</sup> Definition from COM(2012) 492 final: The roots of democracy and sustainable development: Europe's engagement with Civil Society in External Actions – Brussels 12/09/2012

<sup>2</sup> This applies primarily to the Western Balkans and Turkey, however, Iceland and the Turkish Cypriot community can also be associated where appropriate, including for lesson learning and sharing of experiences.

environment that is conducive to civil society activities and building the capacity of CSOs to be effective and accountable independent actors.

## 2.1 Conducive Environment

A country wishing to join the EU needs to have an appropriate legal, judicial and administrative environment for exercising the freedoms of expression, assembly and association. This includes rights for CSOs such as formalised, transparent and non-discriminatory registration procedures, free and independent operation and cooperation between citizens and the absence of disproportionate or unwarranted state interference.

An enabling financial environment is required to make it possible to transpose these rights into practice. In the majority of EU member states, legislation provides benefits to CSOs pursuing activities considered to be in the public interest; this can be achieved through favourable tax rules for private donations, membership fees and philanthropy. Others provide direct, public funding.

Beyond that, CS participation is a key factor in ensuring good quality comprehensive legislation and in developing sustainable policies that reflect people's needs and are accepted by those most concerned by them. This also applies to the reforms a country needs to implement to qualify for EU membership. Having adequate structures and mechanisms for CS cooperation with public institutions as well as free, clear and accessible flows of information on matters of public interest through structured durable mechanisms are of critical importance.

## 2.2 CSO Capacity

CSOs take many forms and operate with different degrees of formality. The Commission will engage with CSOs that are committed to strengthening their own capacity to fulfil their objectives. First and foremost, this requires many CSOs to improve their autonomy, representativeness and accountability by strengthening their membership base, by higher internal governance standards, including democratic structures, monitoring and evaluation, financial management, transparency<sup>3</sup>, geographic outreach and cooperation. Moreover, CSOs can increase their effectiveness by increasing their capacity for analysis, monitoring and advocacy as well as networking, partnership, coalition-building and active involvement in the policy and law making processes. Finally, financial sustainability requires membership development and improved capacity for diversified fundraising targeting public as well as private sources of income.

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<sup>3</sup> For instance working towards adherence to the standards of the International Aid Transparency Initiative (IATI) to which the European Commission is a signatory.

### 3. EU SUPPORT

The Commission will offer a combination of political and financial support to meet these priorities, employing a more strategic, effective and results-focused approach to deliver maximum impact with the limited human and financial resources available.

In its political support the Commission will encourage enlargement countries to make legislation more conducive for civil society.<sup>4</sup> It will also promote the involvement of civil society in the pre-accession process, including in the formulation, implementation and monitoring of sector strategies for EU financial assistance which will be strengthened under IPA II.<sup>5</sup>

The Commission's financial assistance will use an appropriate mix of funding instruments<sup>6</sup> to respond to different types of CSOs, needs and country contexts in a flexible, transparent, cost-effective and results focused manner which also considers the administration burden for the Commission. This will include: aiming for longer term contracts, recognising that capacity building and advocacy work requires time and resources; moving away from project based support to a more flexible approach that fosters partnership and coalition building; and doing more to reach out to grass-root organisations, in particular through re-granting and flexible support mechanisms to respond to their immediate needs. Social partners play an important role in promoting the right to association and should therefore also be supported to improve their action. The perspective of social partners and professional and business associations also needs to be reflected in the Commission's work, and partnerships between these organisations, particularly from disadvantaged regions, and their counterparts in the EU should be strengthened. Civil Society will also be supported under sector programmes<sup>7</sup> through measures that enhance their role and capacities to participate actively in formulation and implementation of sector strategies for EU financial assistance.

The Commission recognises that a genuine culture of active citizenship cannot be created with financial assistance from the outside alone. External donors may over influence civil society activities. Organisations that are excessively dependent on international or domestic public funding can in some instances hardly be considered genuine civil society and risk de-legitimising their activities in the eyes of the public.

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<sup>4</sup> Whether this should be systematically reflected in the annual progress reports will be decided at a later stage.

<sup>5</sup> The implementation of sectoral strategies for EU financial assistance aims to broaden national ownership over public sector policy and resource allocations, thereby increasing coherence between policy, spending and results. Sector strategies will be developed by the national governments and, in agreed sectors, implemented with EU co-financing..

<sup>6</sup> The Commission may consider all funding instruments and approaches provided for in the Financial Regulation. These include projects, programme funding, direct awards, pooled funding, follow-up grants, simplified calls and re-granting.

<sup>7</sup> For example, there will be some measures under IPARD (IPA II) which will address the needs of local action groups (LEADER measure and producers organisations measure).

It must also be understood that accession-related EU funding is limited in volume and time. Although having been a major donor to Civil Society, the EU cannot and should not aim to fill the funding gap left as other donors exit from the region. As the enlargement countries move towards accession, the Commission will support CSOs to become less dependent on international donor funding, including funding from the EU, as set out in Section 2.

#### 4. MEASURING RESULTS AND IMPACT

The Commission will develop a set of objectives, results and indicators for EU support to civil society which will allow for the measurement of progress at country level as well across the enlargement region, including also from a gender perspective. The monitoring and evaluation system will include a yearly regional meeting with the involvement of CSOs to analyse the state of play and advancement towards targets. As this may serve as input into the annual progress reports, the political desks will be associated.

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Annex A: Monitoring and Evaluation and Proposed Results Framework

## ANNEX A: MONITORING AND EVALUATION AND PROPOSED RESULTS FRAMEWORK

The implementation of support to civil society should include monitoring and evaluation systems at different levels:

- CSOs will be involved for the yearly monitoring of indicators and results with the support of TACSO, the EU funded technical assistance programme for CSOs in the enlargement region. Yearly national and regional meetings will analyse the development of the CSOs in all countries and the advancement towards the targets.
- Coordinated systems for monitoring of grants will be developed by each contracting authority (ELARG Headquarters, Delegations, National Authorities). TACSO could assist these efforts with guidance and capacity building.
- A mid-term evaluation of the Enlargement support to CSOs in the enlargement countries should be carried out mid-way through the period (2017) to assess progress towards objectives and results as well as the continued viability of the strategy.
- A final evaluation should be commissioned at the end of the period (2020) to provide the necessary inputs for further support after the end of the current financial framework.

The proposed results framework has been developed in line with the principles and objectives set out in the guidelines for EU support to civil society 2014-2020. It has been conceived as a framework for the enlargement region as a whole and will provide the basis for a tailor-made approach at national level in accordance with the country context. Indicators were defined in consultation with CSOs and other stakeholders at a brainstorming event in April 2013. The same are being re-fined further considering them under the operational / easy-to-estimate point of view.

Objectives	Results	Indicator	MoV
Conducive environment			
1. An enabling legal and policy environment, for the exercise of the rights of freedom, expression, assembly and association,	1.1 All individuals and legal entities <u>can express themselves freely</u> , assemble peacefully and establish, join and participate in non-formal and/or registered organisations	<p>1.1.a. Number of cases of infringement of basic constitutional rights of individuals and legal entities to express freely, to assemble, to join and/or participate in non-formal and/or registered organisation, and of these, the number of cases duly investigated and sanctioned (disaggregated to show human rights defender cases)</p> <p>1.1.c. Quality assessment of existing legislation and policy framework</p> <p>1.1.d. Progress with the adoption and implementation of relevant legislation</p>	<p>1.1.a. ACMIS court data base and/or ECtHR case law</p> <p>Court Case management Systems, Yearly Reports of Albanian Ombudsman, Reports from State Commission against Discrimination.</p> <p>1.1.c. Through independent assessment</p> <p>1.1.d. Assessment through DG Enlargement's annual Progress Report</p>
	1.2 The policies and legal environment stimulate and facilitate volunteering and employment in CSOs;	<p>1.2.a. Number of employees in CSO (permanent and part-time)</p> <p>1.2.b Ratio of employees to CSOs' annual budgets</p> <p>1.2.c. Number and type of incentives and state supported programs for the development and promotion of volunteering.</p> <p>1.2.d. Number of volunteers in CSOs per type of CSO / sector</p> <p>1.2.e. Number of volunteer projects offered to citizens</p>	<p>1.2.a. National registries/surveys</p> <p>1.2.b. Survey (sample of 5%)</p> <p>1.2.c Mapping and analyses on existing incentives and programmes</p> <p>1.2.d Annual reports of the National Council for Volunteering/ Survey</p> <p>1.2.d. and e. Ministry of Labour and Social Policy, EU Progress report , State Statistical Office, State registers/research, CSO data (SR)</p>

		1.2.f. Quality of legislative framework	1.2.f. Through independent assessment
	<p>1.3. National and/or local authorities have enabling policies and rules for grass-roots organisations. *</p> <p>*A grass-roots organisation is a self-organised group of individuals pursuing common interests through a volunteer-based, non-profit organisation. Grassroots organisations usually have a low degree of formality but a broader purpose than issue-based self-help groups, community-based organisations or neighbourhood-associations.</p>	1.3.a. Quality of the enabling environment for grass-roots organisations	<p>1.3.a Through independent assessment</p> <p>Definition of grass-roots organisations used by DG DEVCO</p> <p>(organize a kind of peer review of CSO related legal frameworks)</p>
2. An enabling financial environment which supports sustainability of CSOs.	2.1 Easy-to-meet financial rules for CSO, which are proportionate to their turn-over and non-commercial activities;	<p>2.1.a. CSOs' perception of the ease and effectiveness of financial rules and reporting requirements (disaggregated by type / size of CSO)</p> <p>2.1.b. Quality assessment of financial rules (with the focus on built-in mechanisms that financial rules and obligations change as the turn-over and non-commercial activities change).</p> <p>2.1.c Proportion/ratio of taxes and financial duties to the overall budget available (Specified per costs and activities implemented)</p>	<p>2.1.a. Through survey</p> <p>2.1.b. Through independent assessment</p> <p>2.1.c Survey (looking into legislation and balance sheets of the CSOs)</p>

	<p>2.2 Donations are stimulated with adequate legislation and regulations</p>	<p>2.2.a. Number and kind of donations to CSOs from individual and corporate donors (specified in monetary values)</p> <p>2.2.c Quality and applicability/ 'implementability' of deductibles for individual and corporate giving stipulated by legislations and regulations (including disaggregation on types of deductible donations)</p>	<p>2.2.a., Public Revenue Office, Ministry of Justice Data Base for Donations and Sponsorships, Annual financial reports by CSOs</p> <p>2.2.c Through survey (peer to peer review)</p>
	<p>2.3 Financial (e.g. tax or in-kind) benefits are available</p>	<p>2.3.a. Percentage of CSOs benefiting from tax incentives</p> <p>2.3.b. Quality of the system of tax benefits for the CSOs' <u>operational and economic activities</u></p>	<p>2.3.a. Central Registry, Public Revenue Office, other national registries</p> <p>2.3.b. Though independent assessment</p>
	<p>2.4. Government support to CSOs is available and provided in a transparent, accountable, fair and non-discriminatory manner</p>	<p>2.4.a. CSO's perception of the provision of funds in terms of transparency, fairness and non-discrimination</p> <p>2.4.b. Ratio of amount sought vs. amount approved/disbursed annually through state funding to CSOs. (this proves availability of funds)</p> <p>2.4.d. Quality of state funding frameworks for civil society organisations (focusing on procedural document)</p>	<p>2.4.a. Survey</p> <p>2.4.b. Annual Reports published by line Ministries providing financial support to CSOs.</p> <p>2.4.d. Through independent assessment</p>



Changing relations CSOs and government				
3	Civil society and public institutions work in partnership through dialogue and cooperation, based on willingness, trust and mutual acknowledgment around common interests	3.1. Public institutions recognise the importance of CSOs in improving good governance through CSOs' inclusion in decision making processes	<p>3.1.a. Percentage of laws/bylaws, strategies and policy reforms effectively* consulted with CSOs</p> <p>* in terms of:</p> <ul style="list-style-type: none"> <li>- adequate access to information</li> <li>- sufficient time to comment</li> <li>- selection and representativeness / diversity of working groups</li> <li>- acknowledgement of input</li> <li>- degree to which input is taken into account</li> <li>- feedback / publication of consultation results</li> </ul> <p>3.1.b Quality* of structures and mechanisms in place for dialogue and cooperation between CSOs and public institutions</p> <p>* in terms of:</p> <ul style="list-style-type: none"> <li>- CSO representation in general</li> <li>- representation of smaller/weaker CSOs</li> <li>- its visibility and availability</li> <li>- government perception of quality of structures and mechanisms</li> <li>- CSOs perception of structures and mechanisms</li> </ul>	3.1.a. national registry and / or information from national government and surveys with CSOs (Department for Cooperation with CSOs and Secretariat for European Integration)

CSOs Capacities			
4. Capable, transparent and accountable CSOs	4.1. CSOs' internal governance structures are transparent and accountable to members/constituents/beneficiaries	4.1.a. Percentage of CSOs publishing their governance structure and internal documents (statutes, codes of conduct etc.)	4.1.a. based on sample or National registries
	4.2. CSOs are able to communicate the results of their activities to the public	4.2.a. External perception of importance and impact of CSOs activities.	4.2.a. From CIVICUS CSI
	4.3. CSOs are transparent about their programme activities and financial management	4.3.a. Percentage of CSOs making their (audited) financial accounts and annual reports publicly available	4.3.a Based on sample or national registries (if available)
	4.4. CSOs monitor and evaluate the results and impact of their work	4.4.a. Share of CSOs that monitor and evaluate their projects and programmes using baselines and quality indicators	4.4.a. Survey and assessment of sample of CSOs
5. Effective CSOs	5.1. CSO activities are guided by strategic long-term organisational planning	5.1.a. Share of CSOs which have developed strategic plans including human resources development activities in order to attract and retain talent  5.1.b. Share of CSOs that monitor and evaluate the implementation of their strategies and make this information publicly available/accessible  5.1.c. Average percentage of CSOs budget allocated for human resources development and organizational development	5.1.a., 5.1.b., and 5.1.c Based on survey/sample
	5.2. CSOs use research and other forms of evidence to underpin their activities	5.2.a. Number of CSOs' who use adequate argumentation and analysis for achieving	5.2.a. CIVICUS (evidence based advocacy indicator) and/or Based on survey/sample based on the use self-assessment in

		advocacy goals	survey
	5.3. CSOs regularly network within and outside country borders and make use of coalition-building for increased impact in campaigning and advocacy	5.3.a. Share of CSOs taking part in local, national, regional and international networks	5.3.a. Survey and research
6. Financially sustainable CSOs	6.1. Fund-raising activities are rooted in CSOs' long-term strategic plans and the core mission of the organisation	6.1.a. Percentage of CSOs that confirm that they are able to raise funds according to their strategic plans	6.1.a. Based on survey/sample
	6.2. CSO have a diversified funding base, including membership fees, corporate/individual giving and social entrepreneurship	6.2.a. Diversity in CSO sources of income	6.2.a. sample and survey