

# BRIEFING #74

## Assessing social progress in the Western Balkans 2015

This briefing paper provides policy recommendations on how to promote human rights and social investment in the Western Balkan region in response to European Commission's Progress reports on the Enlargement Strategy and challenges 2014 – 2015. Specific recommendations on how to tackle the ongoing migrant and refugee crisis along the Western Balkan route are also presented in this briefing paper.

This briefing is based on inputs provided by members of the IRIS Network, a regional network that brings together CSOs providing social services in the Western Balkans. The **IRIS network** has been founded in the in the framework of the EU-funded project "**Improving the provision of Social Service Delivery in South Eastern Europe through the empowerment of national and regional CSOs**"; implemented by the consortium of **LIR CD BiH, OGI Croatia, EDC Serbia, SOS TELEPHONE Montenegro, CLARD Kosovo, ARSIS Albania, ASYD FYROM, and SOLIDAR** - led by **ASB Germany**.

The inputs provided by our partners in the Western Balkans are focused on the following sections:

1. social inclusion, human rights and protection of minorities;
2. the situation of civil society organizations as service providers;
3. civil dialogue and the role played by the civil society in the country's democracy and rule of law.







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## Introduction

SOLIDAR as a network of 60 NGOs active in over 90 countries is actively working to advance social justice in Europe and worldwide. Part of SOLIDAR work is dedicated to the promotion of democratic transitions in Central and Eastern Europe and the Western Balkans, and to ensure the social dimension in the EU Enlargement process. Together with local partners SOLIDAR works to contribute to the promotion of social progress and prosperity in the Western Balkans.

SOLIDAR advocates for increased assistance in all policy areas and components that specifically address the needs of the most vulnerable citizens and those most at risk of poverty/social exclusion. Also, our aim is to continue strengthening the innovative capacities of Civil Society Organizations (CSOs) providing social services and to directly engage local and regional beneficiaries in decisions around the 'EU Social Acquis' in order to enhance economic, social and territorial cohesion.

In order to respond to DG NEAR's invitation to provide observations on the performance of countries in the Western Balkans in our sphere of activities, notably the social dimension of EU Enlargement, SOLIDAR has launched a consultation with our strategic partners<sup>1</sup> from Albania, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Bosnia and Herzegovina and Kosovo who are part of the IRIS Network, a regional network that brings together CSOs providing social services in the Western Balkans. The IRIS network has been founded in the in the framework of the EU-funded project "Improving the provision of Social Service Delivery in South Eastern Europe through the empowerment of national and regional CSOs<sup>2</sup>", implemented by

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1 The full list of local partners is available on the IRIS Network website: <http://iris-see.eu/about-us/>

2 Financed by the Civil Society Facility as part of the Instrument for Pre-Accession.

the consortium of LIR CD BiH, OGI Croatia, EDC Serbia, SOS TELEPHONE Montenegro, CLARD Kosovo, ARSIS Albania, ASYD FYROM, and SOLIDAR - led by ASB Germany.

The inputs provided by our partners in the Western Balkans are focused on the following sections:

1. social inclusion, human rights and protection of minorities;
2. the situation of civil society organizations as service providers;
3. civil dialogue and the role played by the civil society in the country's democracy and rule of law.

Based on the inputs received by partners, this briefing paper provides recommendations on how to tackle the ongoing migrant and refugee crisis along the Western Balkan-route as well as on how to promote human rights and social investment through the EU accession strategy.





## RECOMMENDATIONS TO TACKLE THE MIGRANT AND REFUGEE CRISIS ALONG THE WESTERN BALKAN ROUTES

In 2015 the number of refugees and migrants trying to reach the EU through the Western Balkan-route increased tremendously due to the worsening conditions in their countries of origin. In recent months along this route many atrocities of human traffickers have been recorded. Additionally, many international organizations reported several and perpetuated violations of the fundamental rights of asylum seekers.

Against this background the European Commission decided in September to release an additional €1.5 million in humanitarian funding to assist refugees and migrants in Serbia and the former Yugoslav Republic of Macedonia, a small amount compared to the Pre-accession support for migration-related activities in the Western Balkans and Turkey since 2007 of around €600 million. Similarly, on 23 April the European Council decide to assist Western Balkan countries to manage the refugee crisis through pre-accession instruments.

SOLIDAR considers that more efforts are needed, in particular the following recommendations have been developed on the basis of inputs received from members and partners in the region:

- Strengthen the human rights dimension of the EU Enlargement policies by using the the EU accession strategy as a tool to enhance **human rights protection in candidate countries** - including the rights of refugees and migrants - instead of a way to stop migration flows.
- Seek an immediate end to the ongoing human tragedies along the Western Balkans route by opening **lawful and safe roots** for people fleeing wars and seeking international protection. This would provide safe alternatives for refugees and contributes to the fight against smuggling

business.

- Develop coordinated strategies to **support CSOs providing humanitarian aid and socio-economic integration services to migrants and refugees** in the Western Balkans. These strategies should include the viewpoint of CSOs and reflect the need of beneficiaries.





## RECOMMENDATION TO SUPPORT SOCIAL INVESTMENT IN THE WESTERN BALKANS

In response to the European Commission's Progress reports on the Enlargement strategy and challenges 2014 - 2015 published on 8 October 2014, SOLIDAR together with the IRIS network developed some recommendations<sup>3</sup> on how to foster social inclusion and support social investment in the Western Balkans region.

The recommendations are based on the findings of an extensive consultation carried out by SOLIDAR and members and partners in the Western Balkans as well as on the on Comparative Analysis of the Role of Civil Society in Providing Social Welfare Services, developed by SOLIDAR with its partners from the IRIS network in April 2014. The feedback received in this consultation clearly highlights the need to strengthen comprehensive rights-based strategies that promote active inclusion and social investment. Furthermore it underlines the need to involve a wide range of stakeholders – including civil society – during the design and implementation of policies. This integrative approach will help to tackle the key challenges for within the active inclusion measures in the region.

On this basis the EU Enlargement strategy can contribute to the creation of legal frameworks for CSOs that are empowered to provide social services to people. Additionally, they will support and further develop community-based initiatives fighting social exclusion of vulnerable groups and promoting civic engagement.

For the creation of the best environment to improve social investment, the following needs can be extracted – amongst others – from the feedback received:

- The need to create institutional frameworks to

guarantee universal access to quality services and foster social services reforms;

- The need to improve the quality of institutions, based upon the partnership principle (i.e. social and civil dialogue), and reinforcing the capacity building for civil society initiatives in this field;
- The need to fight discrimination and reduce barriers to access and guarantee equal opportunities;
- The need to reinforce laws and legal systems, including the capacities of labour inspectorates, to promote labor and socio-economic rights, tackle the growing informal economy and informal labor employment;
- The need to develop efficient implementation mechanisms for the existing regulation;
- The need to gear the Civil Society Facility, under the Instrument for Pre-Accession, to strengthen community-based initiatives aiming at fighting social exclusion, reducing inequalities, and promoting active citizenship and social investment.

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3 More information can be found in SOLIDAR Briefing #68 'Supporting social investment in the Western Balkans – European Enlargement Monitoring Report 2014'.





## Albania

*This country report has been developed on the basis of inputs provided by ARSIS, Social Organisation for the Support of Youth (Albania), member of the IRIS network.*

On **social inclusion and the protection** of minorities, the Albanian Government will approve the National Plan on Social Inclusion 2015-2020. This policy-paper includes, among other things, the National Action Plan respectively: on Gender Equality, children, Roma and Egyptian citizens, the LGBTI persons, persons with disabilities, elderly and other vulnerable groups in the society.

Since March 2014 the Ministries of Social Welfare and Youth, Interior Affairs, Education and Science, Health, line-government agencies and related CSOs have formally undertaken the National Initiative in Support of Children living in the streets. Since June 2015 the implementation of the National Action beside Tirana is being expanded in the cities of Durres and Elbasan.

In the frame of this National Action, a Task-Force has been established that includes representatives from State Social Services, the National Agency for the Protection of Children's Rights, the Police officers and the NGOs that provide social services. In the frame of this action the following activities have been conducted:

- Outreach interventions,
- Case management team in support of particular cases of vulnerable children living in the street.

The coalition of social service provider CSOs are involved in the Task Force that operates in Tirana and Durres, morning and evening seven days a week.

In the frame of the National Reform of Social Services the General Department of Social Services

has started the process of de-institutionalization of beneficiaries from the residential social centres. The Government provides 9'000 LEK / month / child (approx. 60 EUR / month / child) for the alternative families that take over the responsibility to look after children out of parental care.

This amount is:

- Much lower compared to funds allocated per each child enrolled in the residential institutions,
  - Not delivered timely to the alternative family.
- No wonder the number of alternative families willing to look after children out of parental care is very low.

In the frame of deinstitutionalization process the residential centers do hand-over several children to be taken over by their relatives. This process is not accompanied with any case assessment that should include the assessment of the family situation, intervention measures, monitoring and follow up, potential emergency solutions.

Often children that have been deinstitutionalized end up being back on street situation. The follow up and monitoring of the alternative care taking in consideration the best interest of the child is rather inexistent.

For the year 2015 the Government has doubled the budget of incentives on the employment of vulnerable individuals. According to the respective legislation the state fully covers the social benefits, four month salary while the business provides coaching for employment and employment relations.

Many unemployed women through the cooperation of the State Employment Agencies and business have been employed on the garment and textile industry. Similarly several state agencies have fulfilled their legal obligation to employ persons with disabilities. Several Call Centre Agencies and mobile companies have employed some of these





persons based on their academic level and skills. Based on EU Commissions roadmap and respective list of priorities the Parliament of Rep. of Albania has issued various resolutions such as on Roma and Egyptian citizens, on children, on women, on LGBTI persons, as well as for persons with disability. The best recommendations are already in place; it is just a matter of implementation per each of it.

There have not been major developments in the areas of human rights and protection of minority rights. So far Albania has been marginally affected by the wave refugees and asylum seekers. So far the Albanian Government has not developed and shared with the related actors any Action Plan for the registration, transportation, sheltering and longer-term plans for the potential mass-waves of refugees.

Regarding **civil society organizations as service providers**, Albanian CSOs are in general terms able to provide a wide range of services timely and efficiently. However, the financial support toward the CSOs social services providers is rather limited; such funds come mostly from foreign donors.

The Albanian Government does not:

- Implement the Instruction no.4 date 12.01.2013 "On the reimbursement of VAT for the non-profit organizations that benefit from the EU funds";
- Support financially any project/program of social service provision by CSOs.

The Albanian coalition of CSO service providers would need government funding, further training on Human Resources, Case Management, project-proposal writing; and certification with ISO-9001:2008, standards of quality management. In addition, this coalition would like to see that the EU to recommend the Albanian Government to: allocate funds in support of lacking and strengthening social service provision by CSOs, and ensure tax relief for

businesses that provide funds for provision of social services by CSOs.

Concerning the **dialogue between civil society organizations and the national government**, the Albanian Government does involve the CSOs to some extent on dialogue in the political process but not satisfactory enough. CSOs are not involved on Government's process of the Annual Budget Approval. Also each Ministry on its 3-4 years list of priorities and budget forecast has not involved the CSOs on a dialogue process. The same applies for the annual budget of the local government bodies. The Government bodies do involve the CSOs on dialogue during the drafting of various bills and strategies; the CSOs provide their input on most of these draft-papers; in the final version though the opinion of CSOs very often is ignored. Most of draft-laws, strategies, policy-papers in Albania are declarative; often they do not specify in detail the definition of roles, competences and are not accompanied with the financial provisions in state budget.

## The former Yugoslav Republic of Macedonia

*This country report has been developed on the basis of inputs provided by ASYD, Association of students and youth with disabilities (FYROM), member of the IRIS network.*

On **social inclusion and the protection of minorities**, the national government in recent years has undertaken measures at a time when it needed to gain political points. These measures are not covered in detail. However, the adopted measures contain discriminatory elements. For example: the Law on social protection predicted financial compensation Allowance, Appendix for Mobility and Blindness Appendix are entitled only for people who are completely visually impaired and persons who are wheelchair users. Here it is made discrimination as







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a result of insufficient analysis many people are left without this Appendix (financial support) which they really need. Another example is the Law of employment of invalid persons. The measure for employment of 300 persons with disabilities is externally positive but based on discrimination. The main criteria for employment were the person to be unemployed for at least 5 years. In this competition unlike any other person was not required to submit CV. Discrimination also affects the elderly because there are more private care homes and not every old person has sufficient financial resources to pay for private care center. One measure that is recommended, is lobbying through media campaigns to improve the situation of vulnerable groups.

The situation considering the **respect and protection of human rights** in Macedonia is steadily deteriorating. The main problems in Macedonia in terms of human rights protection are not related to the lack of affordable legal framework, but with the enormous political influence in every area of social life. As a result, Macedonia is facing massive violations of the right to privacy, independence of the media and freedom of expression, equal access to goods and services, protection from discrimination (in particular on the basis of political affiliation and political belief in relation to the protection of vulnerable groups) and the access to justice. A particular problem is the impact on judicial independence, which has contributed to the range of politically motivated court decisions whose outcome is rapid growth in the number of political prisoners in the country. The abuse of public institutions for political purposes has resulted in a reduction of the functionality of the protection mechanisms and a lack of political will for consistent application of relevant international standards for the respect and protection of human rights and freedoms.

Regarding **civil society organizations as service providers**, CSOs in the country do not have sufficient fi-

nancial resources to provide services by themselves. Insofar as they are able to take on the role of service providers, this is done with the financial support of foreign donors through projects. Several measures are recommended in order to increase the capacity of local CSOs in this regard, including: opening governmental cooperation to all CSOs, rather than only the ones related to a political party, a complete revision of how CSOs are financially supported, setting criteria for licensing CSOs as service providers, and establishing a real partnership between the Ministry of Labor and Social Policy and the CSOs that receive such a license. It will take time to develop and implement these recommendations, but most important is providing a sustainable framework wherein CSOs can develop their capacities.

Concerning the **dialogue between civil society organizations and the national government**, an official dialogue did not exist until very recently. CSOs found out about government measures only after these had been decided on. Since 2008, the situation has improved and CSOs are involved in and have an impact on the outcomes of the legislative and policymaking process. However, there are concerns regarding the politicization of CSOs, specifically governmental involvement in the establishing of NGOs, and the reduction of their numbers due to a lack of human resources and financial support. In light of the current political situation in the country, this puts CSOs in a weak position.

#### Refugees crisis

According to the unofficial information from the Legis Association, more than 500,000 people have passed through Macedonia. According to the official information regularly kept by the Government officials from June 19 until September 25, 2015, over 97,000 people have applied for asylum. According to the Law on Amendments and Modifications of the Law on Asylum and Temporary Protection, the persons who shall express their intention to submit an asylum application can move freely for 72 hours





throughout the Republic of Macedonia, and they will be treated in accordance with the regulations for foreigners. However, the information from the onsite situation indicate that the security forces of the Republic of Macedonia do not allow it, or they just transport the refugees from the southern to the northern border, sending them to Serbia. On 19.08.2015, the Republic of Macedonia declared a crisis situation in the southern and northern borders, which in September was extended to 15.06.2016 by the Parliament. As a result of the declaration of a crisis situation, on 19.08. 2015 Macedonia has closed the border to new refugees, using force in order to prevent refugees from entering the territory of the country. Currently, in the Republic of Macedonia there are two reception centers for asylum seekers - in Skopje and Gevgelija. According to the unofficial information from the Legis Association, very soon a refugee camp is going to be built near the border crossing point.

## Montenegro

*This country report has been developed on the basis of inputs provided by SOS Telephone for women and children victims of violence Podgorica (Montenegro), member of the IRIS network.*

On **social inclusion and the protection of minorities**, a New Action plan for Gender Equality (2015-2017) was adopted in the beginning of the 2015, but there are concerns regarding the lack of budget from the governmental side allocated to implement the measures foreseen in the plan. For examples, the action plan for **Negotiation Chapter 23** in the area of Human rights and gender includes measures to support providers of services for victims of violence according to the obligations envisaged in the Istanbul Convention, but there is no budget allocated

for this. When talking about strategic approach, and even EU support in this area, allocations for local and national CSOs working in this area almost do not exist for years, and none of women lead CSOs project with main goal of fighting against violence was not supported by DEU in Montenegro. Supporting free SOS line for victims of domestic violence, that was previously planned by the ministry in cooperation with CSOs, when joint proposal of the rulebook for its work was made, and importance of regional coverage was stressed failed in 2015 because UNDP and ministry in charged in August 2015 made a decision to support only 1 CSO to provide this service for the whole country. This means that in the future government will not provide resources for other SOS lines, and other 8 SOS CSOs that work for more then 18 years will struggle to ensure sustainable services and will have to do continue work with their regular and new clients on voluntary basis.

Some of the structural reforms adopted by the Government in recent times (e.g. Labour Law, Law on social protection and planned for the future (e.g. Law on health protection) seems not to meet the expectations of civil society organisations advocating for gender equality and presents some elements that can give room to discrimination towards pregnant women, mothers on sick leave or maternity leave and put women in a more vulnerable position. The most important comments and amendments made by civil society in this area have not been taken into account by decision making bodies.

The implementation of legislation which regulates rights of persons with disabilities is taking more time than expected and in some cases is a cause for concern. The most important fact is the adoption of the Law on higher education in October 2014. Representative of Association of Youth with Disabilities of Montenegro (AYDM) participated in the working group which prepared this Law and most of the





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suggestion of our organization were accepted and incorporated in the Law which will ensure more positive, inclusive and affirmative environment for students with disabilities in Montenegro. There is a small progress in terms of accessibility for persons with disabilities. Despite the legal obligations and action plans adopted, majority of state and local institutions are still inaccessible and no measures were taken to improve the situation. In 2014, four court cases were initiated by persons with disabilities (members in front of Montenegrin courts for discrimination in access to public institutions. Montenegrin courts are also inaccessible; therefore persons with disabilities have no equal access to justice. In only one case court ordered to the sued party to take measures to remove cause of discrimination in relations to the Law. In the other three cases which were initiated, more than six months has passed from the time when the lawsuit was filled till the preliminary hearing at the court. This is violation of the principle of the Law on prohibition of the discrimination that the processes related to discrimination are urgent. Another problem is that courts did not take into account relevant international and European legal documents and practice in field of antidiscrimination.

In the field of health inequalities, activities have been carried out to inform the Roma population about their right to healthcare in all health facilities, although health mediators have been established and trained.

Recommendations provide by our partners in Montenegro are: by creating the new Law on the Prohibition of Discrimination of the Persons with Disabilities define the relation between this law and general anti-discriminatory law, prescribe protection mechanisms and punishment provisions, define missing forms of discrimination, prescribe stricter punishments, possibility of submitting a claim by the Protector of human rights and freedoms, as

well as non-governmental organizations, due to the discrimination towards undefined number of persons and without written consent of these persons; envisage the possibility of imposing protection measures in discrimination cases.

Even after five years of project base support from EU to the process of reform in area of social services, on local and national level, besides adopting strategic documents there is no developed funding mechanism or any kind of structured way of support for **CSOs providers of social services**. There is no system of keeping record on the available social services as well as evaluating them. In the field of mental health, measures are being taken to introduce community-based services as an alternative to institutionalisation but a new service — house visits to mentally ill patients — has notably been implemented services for persons with disabilities, like for other vulnerable groups, are provided on a project basis, which means that there are not systematically supported by the State. The Law on social and child welfare has serious shortcomings when it comes to protection of people with disabilities. This Law is not providing social security for persons with disabilities since the amounts for the basic social welfare benefits are symbolic and they cannot provide even fulfillment of basic needs. Furthermore, the Ministry of Labor and Social Welfare still did not develop two important bylaws which treat this area of social and child protection. Lack of these bylaws has led to the situation that financing of support services is not ensured.

At the beginning of 2015 Ministry of Labour and Social Welfare adopted Rulebook on medical indication for realization of rights on social and child protection. This Rulebook prevents significant number of persons with disabilities to exercise their rights in this area.

Government has adopted an Action plan for the gradual harmonization of the EU acquit and build





the necessary capacity for the implementation and enforcement of the “*acquis communautaire*” for Chapter 19 - Social policy and employment, according to the recommendations of the Commission, as well as Information on the implementation of the Action Plan of the Strategy for the Integration of Persons with Disabilities in Montenegro in 2014. However, none of these documents pass the opinion of the Council for the care of persons with disabilities, nor were in the development of the Action Plan for Chapter 19 included members of the negotiating group from NGOs, and there was no consultation with NGOs. Also, the Action Plan for Integration of Persons with Disabilities in Montenegro is adopted for a period of two years, regardless of the one-year policy changes and is not revised by the Working Group, nor deadlines for implementation of certain activities are adjusted. Information on the implementation of the Action Plan mainly do not follows his steps, therefore it is not possible to conclude the extent to which this action plan is implemented or the efficiency of the implementation. Representatives of persons with disabilities have small influence on the reporting system.

Legal documents regulating state funding of the NGOs are not in accordance with each other, namely, the Law on Budget is not in accordance with The Law on Games of Chance, which causes allocation of significantly smaller means to NGOs. Second legislative needed for adequate application of the Law on NGO has not been adopted even two years after the Law adoption.

#### Recommendations:

- Provide framework for ensuring sustainability of the services already established and functioning in Montenegro for last 18 years, mainly on voluntary basis, projects and personal commitments and sacrifice of providers.
- Provision of financial support for CSOs service providers for improving their condition of work

and achieving standards that will be required in social service provision.

- Putting in practice measures and the second legislation prescribed, and stated in the Action Plan for the Implementation of the Strategy for Development of Social and Children protection.
- In next period it is necessary that state institutions include representatives of NGOs dealing with persons with disabilities into consultative and decision making processes and to ensure full participation.
- Patients infected with HIV should not be collateral damage from the newly established system and relations state – trade – so this regulations needs to be changed again, at least to be on the previous stage.
- State is obliged to provide medication and support services for the this target groups – people living with HIV and their families, and potentially affected (injectable drug users, sexual workers), which have so far mostly provided by NGOs.

There has been further progress in the area of consumer and health protection but legal alignment and administrative capacity building need to continue in both areas. Due attention needs to be paid to *acquis* enforcement and the application of EU quality and safety standards, in particular in the area of public health.

Participation of the NGOs in the decision-making process is regulated through several documents on national and local level, but it can be noted that large part of state bodies consider their obligation fulfilled by adoption of the documents and creation of mechanisms which ensure participation of NGOs and citizens in decision making processes, without making further effort in actual encouraging them to be active in society<sup>4</sup>.

<sup>4</sup> Monitoring Matrix on Enabling Environment for Civil Society Development - Country Report -, BSDN and CRNVO





At legislative level, there are mechanisms regulating citizen participation on national level. There is

Decree on the procedure for cooperation between state authorities and nongovernmental organizations as the obligatory documents for state bodies to inform, consult and involve CSOs representatives in drafting public policies. There is Decree on the procedure and manner of conducting public debate in preparation of the laws as obligatory document for ministries to consult civil society in drafting laws. Some municipalities either don't have, either have the legislation which is not the best model for the cooperation with the NGOs and their inclusion in the decision making process (Union of Municipalities created Models of four different Decisions regarding citizen participation on the local level but less than half of the municipalities have put their decisions in accordance with the Models).

In practice, NGO representatives participate in decision making process on several levels (working groups formed by state bodies, parliamentary committees, public debates...); NGO representatives participate in the working groups for the preparation of negotiating chapters in the process of accession to EU; NGO representatives in the working groups formed by Ministries are chosen in a transparent matter, based on clear criteria; Members of the working groups formed by local self-governments are sometimes chosen based on personal contacts, not following the legally prescribed procedure; Process of previous consultations in creating strategic and legal documents is not being conducted on regular basis. Only 26 previous consultations has been conducted in all of the municipalities in 2013; Institute of "free chair" which is a mechanisms for NGO participation on local level is often being misused; Reports from public debates are not being published regularly, especially on local level; Most of the participants of our focus groups complained about not getting feedbacks

to their comments and suggestions; Current Law on Volunteer Work complicates and bureaucratizes process of hiring volunteers, thus ignoring the core meaning of the voluntarism; and treats volunteering as a special form of labor-law relations, rather than voluntary citizens' initiative.

#### Recommendations:

- Adoption of the Law on Volunteerism in order to legally define volunteerism as voluntary citizens' initiative, focusing on the real nature of volunteerism not misusing institute of volunteerism for legalization of non-paid full time work.
- It is necessary to better define the actual tasks of the contact persons for NGO (that exists in the Ministries and other state bodies, as well as in the local self-governments)
- Process of previous consultations should become practice on national as well as on the local level
- Reports from the consultations and public debates need to be published and participants need to get feedback on 50 monitoring public consultations are functional and have sufficient capacity. process of negotiations with the EU, through the participation in the working groups for different chapters. their suggestions.
- Capacities of the local officials should be strengthened in order for the better implementation of all of the mechanisms of citizen participation.

The current **refugee crises** has not extensively affected Montenegro. There are cases of refugees coming into the territory of Montenegro via mountain at the border with Albania, but in significant numbers. All medical services were provided, need for support presented in media, but there are no developed services in the languages of the coming refugees, and xenophobia is noticeable. Having in mind closing the borders on the North, in Hungary, we are expecting that the waves of refugees will go more on South, and that more and more they will use opportunity to transfer via Montenegro to







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Croatia and further EU.

## Bosnia and Herzegovina

*This country report has been developed on the basis of inputs provided by LIR CD – Local Initiative for Development Civil Society (Bosnia and Herzegovina), member of the IRIS network.*

On **social inclusion and the protection of minorities**, a new labor law was adopted by the House of Peoples of the FBiH in July 2015 and in August it was enacted. In RS the new labor law will be adopted by the end of 2015 according to RS Minister of Labor and Veterans. The new law is in the line with EC rule and regulations and supports BiH integration process to EU.

Regarding **civil society organizations as service providers**, in Bosnia and Herzegovina this takes on a complementary character: if government institutions lack the capacity or resources to implement certain activities or provide particular services, they then employ CSOs or the private sector, which receive funding to implement the activities or services in question but procedures for service provision contracts, and those for obtaining licenses or work permits, remain complicated and time-consuming and usually CSO receive the financial support for Daily centers for Roma, Youth at risk, disabled persons, safety houses. On this issue, it is recommended to create possibilities for CSOs to take over provision of some services that have previously been the exclusive competence of government institutions or the private sector; and conduct a cost-benefit analysis of service provision, or one type of services in a specific sector, to obtain data on the costs and effectiveness of service provision by the government, as opposed to by CSOs. This could then serve as a basis for decisions to entrust certain services that CSOs provide to the civil sector,

and funding could be located to other needs. In addition, this would require an increase of the monitoring and evaluation by state authorities with regard to service provision by CSOs and the establishment of licenses process, standards and accreditation and commitment to the fulfillment of quality standards.

Concerning the **dialogue between civil society organizations and the national government**, there are no adequate and necessary legal and institutional mechanisms for proper implementation of inter-sector partnership and civil dialogue at neither state nor entity level, which obstructs relations between the two. The Strategy for Creation of an Enabling Environment for the Development of a Sustainable Civil Society has not been developed yet. The Rules on Consultations on Legislative Drafting in BiH and other standards on the involvement of CSOs in policy- and decision-making processes are clearly defined, but are rather sporadically implemented. In terms of service provision, CSOs are not yet recognized as valuable partners to the state, and are not fully supported through funding incentives actions which would permit an increase in the quality and quantity of the services they provide. On this issue, it is recommended to establish a functional institutional mechanism (Office for Cooperation with the Non-governmental Sector) within the Council of Ministers for its cooperation with civil society, in accordance with the Cooperation Agreement. In addition, it is recommended to change and harmonize existing Rules of Consultation, and adopt and implement them on all levels of government where such rules do not already exist. Moreover, to ensure a broader and more systematic application of the Rules of Consultation in Legislative Drafting, this should take place not only in the process of development of legislative and regulative drafts, but also in the public policy development process, as a basic analytical instrument to ensure transparency while designing public policies and legislation. And finally, it is recommended to adopt decisions to establish units for cooperation with CSOs within all ministries





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and institutions in BiH, and to monitor and assist their work and involve them in decision-making in a timely manner.

## Kosovo

*This country report has been developed on the basis of inputs provided by CLARD – Centre for Legal Aid and regional Development (Kosovo), member of the IRIS network.*

**Social inclusion and the protection of minorities** is one of the most delicate challenges in Kosovo. Roma, Ashkali, and Egyptian communities, numbering approximately 40,000 people, are the most vulnerable and marginalized groups and continue to face difficulties obtaining personal documents, impeding their access to health care, social assistance, and education. In July, the Ministry of Social Welfare changed the eligibility criteria for social assistance in a way that effectively prevents many Roma, Ashkali, and Egyptian families from accessing social benefits. The 2010 Strategy for Integration of Roma, Ashkali, and Egyptians continues to exist on paper only, with the government failing to allocate necessary funds to implement the strategy. Movement occurred with respect to the 2010 Strategy on Reintegration of Repatriated Persons, including Roma, Ashkali and Egyptians, as central funds were transferred from the Ministry of Internal Affairs to the Municipal Offices for Communities and Return, responsible for identifying and supporting Roma, Ashkali, and Egyptian returnees. Situation of these communities is no great progress but in this situation is constantly working for the progress of this category of peoples.

There is an issue with the judiciary agreement which was reached between Serbia and Kosovo in Brussels in February 2015. Representatives of the non-Serb minority communities in Kosovo, which

include Ashkali, Bosniaks, Egyptians, Gorani, Roma and Turks, have criticised the fact that the judiciary agreement only mentions Serbs and Albanians and completely excludes other communities.

Patriarchal attitudes limit women's ability to gain an education or secure employment. Domestic violence also remains a problem. Despite these obstacles, Kosovo has the largest participation of women in its legislative and executive branches among Western Balkan countries thanks to gender quotas enshrined in the constitution. Serbian communities remain as divided as ever. Most Serbs who remain are still confined for their own protection to ethnically homogenized enclaves under international armed guard, or live north of the Ibar river in a Serb-controlled area that maintains close connections with Belgrade. Several political parties represent the Serb minority, but the population itself is not fully integrated into the electoral process or Kosovo's institutions. Recent riots in the northern FYROM bringing additional insecurity and danger of shedding in Kosovo.

Regarding to the sexual orientation and gender identity LGBT people face social stigma and a culture of silence. Qesh, the only public LGBT organization in Kosovo, reported receiving several threats via social media related to an LGBT event in May hosted in cooperation with the government ministry for good governance. This year is the second time organized form QESH gay parade in cooperation with Embassies in Kosovo and with big support from the Government of Kosovo in 17 of may they organized a several activities to mark the international day against homophobia and transphobia.

Legal support is very important to marginalized groups in Kosovo considering the difficult situation of citizens of different social categories, social inclusion, also means financial output and deadline of actions, which should be undertaken with emergen





cy sense and analytic care.

The state of play of **the dialogue between civil society organizations and the national government** in Kosovo is comparable with the countries in the region or is comparable with the situation in which other countries have passed in the context of overall development and civil society-government relations. By virtue of the relevant legislation, nongovernmental organizations function freely, though the courts can ban groups that infringe on the constitutional order or encourage ethnic hatred. The constitution protects the right to establish and join trade unions. However, workers face intimidation, and private sector unions are nearly nonexistent. Office on Good Governance in close cooperation with CiviKos Platform and with the support and cooperation of Legal Office and Office of Strategic Planning in the Office of the Prime Minister, as well as in continuation of implemented the Law nr.04/L-57 on Freedom Association in Non Governmental Organization, Rules of Procedure of the Government in order to find ways of cooperation, civil society involvement in policy making and support of civil society organizations, have taken the initiative to develop the Government Strategy for cooperation with civil society. The office mentioned above usually organizes regular meetings with CSO's for the implementation of the government strategy for cooperation with civil society 2013-2017.

The steps to successfully implementing the strategy of cooperation between CSO's and the government needs more than just formal approval of the document. However, it is best to emphasize that - the process, and not only document produced - is equally important, which means that even when the two the parties do not agree on any objective or about the methods of implementation of cooperation they still can benefit from the negotiations and direct contact. As such, the government and Civil society can build a stronger partnership and

better communication through the negotiation process, notably by having more frequent contacts, constructive discussions, active cooperation, compromise and mutual understanding.

## Serbia

*This country report has been developed on the basis of inputs provided by EDC – Education Centre Leskovac (Serbia), member of the IRIS network.*

On **social inclusion and the protection of minorities**, it is reported that this is still a very widespread phenomenon in Serbia, as assessed in the annual report of the commissioner for the protection of equality by Nevena Petrušić, published in March 2015. The report for 2014, submitted to the National Assembly of the Republic of Serbia, states it is clear that the social reality in Serbia is marked by deeply rooted and widespread gender, ethnic and other stereotypes and prejudices and a high degree of social distancing against certain minorities. The public survey indicates that the largest predisposition for discrimination exists in regards to LGBT persons, members of other ethnic communities and minority religious communities. Likewise, the survey that encompassed representatives of public authorities indicates that a significant number of those surveyed makes no difference between discrimination and prejudice, as well as between mobbing and discrimination. Social service providers, NGOs and experts had a broad consensus regarding the instrument of systematic and sustainable programme that can secure and deliver funds for social inclusion. Despite of the general compliance on the topic amongst all stakeholders (EU representatives included) inclusive fund programme was never on the political agenda. This led to the fragmented competences and funding on the ministerial level and consequently there are no strict procedures and rules regarding the granting neither the systematic approach for the social inclusion improvement.







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Election of the new **Commissioner for Equality**, Ms Brankica Jankovic, has significantly derogated an independent regulatory body, which in previous years in particular contribute to the development of civil society in Serbia. New Commissioner did not meet the basic requirements of the concourse and despite all warnings from civil society and professional associations, the Serbian Parliament voted and using the force the majority has elected her for new Commissioner. The Anti-Corruption Agency determine that the Minister of Defense during the tenure of Mayor of Krusevac was in a conflict of interest and that he has allocation local budget funds for companies that are owned by him and his family. Further reaction of the responsible authorities on this is lacking. Ombudsman Mr. Sasa Jankovic filed a request for dismissal of Minister of Defense and Chief of the Military Security Agency (VBA) to their responsibility for illegal and improper functioning of its organs and non-cooperation with the Ombudsman in connection with incidents during last year's Pride Parade in which were involved brothers of the Serbian Prime Minister and the Mayor of Belgrade.

In the second half of September, there was **Pride Parade and Trans-gender people Parade**. Public services were provide good security and safety of Parade's participants and they passed without incident. In the same time it was noticeable that before or during the Parade nothing has been done to sensitize the public and to point out the needs of LGBT people as well as violation of their human rights.

Regarding **civil society organizations as service providers**, the Minister of Labour, Employment, Veteran and Social Policy implement controversial allocation of funds for social services and distribute funds for project to the organization without any previous experience in delivering of social services as well as to newly established organisaiton. Some of these organisations have been registered during the process of receiving applications/projects. The

process of strengthening of community-based social services aiming to prevent institutionalisation of persons with intellectual and mental disabilities is commendable. Several projects and initiatives targeting deinstitutionalisation opened a dialog at the local level in order to promote the importance of community based social services in the process of de-institutionalization and to contribute to positive changes at both the policy and the practical level in realizing the right to social inclusion for persons with intellectual and mental disabilities. Recommendations include: the approach to the issues of persons with intellectual and mental disabilities needs to be analysed from a human rights aspect and this should guide the planning of support; programmes of lifelong learning should be introduced as an instrument for achieving greater social equality and justice and to respond to the challenges caused by educational drop-out of persons with intellectual and mental disabilities; and promote programmes of work engagement and employment of persons with intellectual and mental disabilities as one of the key criteria of personal competence and mechanisms for the productive inclusion of these persons in the community.

Due to the noticeably poor management of social inclusion at the local level there has been a cessation of funding to local social welfare services in many municipalities. Very often they does not implement the Law on public procurement and its noticeable lot of arbitrariness in the allocation of resources for the most vulnerable social groups. As new phenomenon it's noticed, double financing of the same program. Very often its case that organizations that provide social services at the local level, in conjunction with the ruling parties in power, obtained from the local and national budget funds for the same service costs. Very dangerous process is linear reduction of budget proposals in process of contracting of local service providers, on the Ministry of labor, employment, veterans and social policy concourses, without explanation and mea





ning. Thus significantly compromises quality and scope of support of the local social service beneficiaries.

Concerning the **dialogue between civil society organizations and the national government**, in February Humans Rights House, a network of civil society organizations, has asked the Serbian parliament to investigate and remove from office four cabinet ministers. A statement by the non-governmental organizations (NGOs) says those ministers have continuously undermined the country's legal system, separation of powers, development of democracy and the values the Serbian Constitution and laws are based on. The defense minister committed a flagrant violation of the law by refusing to cooperate with the ombudsman and afterwards behaving irresponsibly in order to defend that action, the statement says. Minister of Interior Stefanovic, who joined in the campaign against the ombudsman and tried to present official Interior Ministry documents as views and statements by individuals, should have been relieved last year, when it was discovered that his PhD thesis was plagiarized, the Human Rights House pointed out. The justice minister caused a four-month strike by the lawyers and paralyzed the country's legal system through his actions and proposed laws, according to the NGOs. The head of the Anti-Corruption Agency has also recommended that Selakovic be replaced, and recommendations from that independent body have to be considered and should be followed if the goal is to establish the rule of law in Serbia, the statement says. When it comes to the labor minister, the NGOs note there is «a huge number of legal violations that warrant his immediate removal from office.» «Vulin should have been replaced because of an attempt to embezzle almost EUR 2 million from the state budget, which happened in his ministry, and for introducing forced labor for welfare users among other things,» the Human Rights House points out. Undermining the rule of law, criminal actions and

attempts to destroy independent institutions demand an urgent reaction from the parliament, the NGOs remarked. During the reporting period there were several examples of active engagement and joint efforts in the development of important policies. The Office for Human and Minority Rights of the Government of the Republic of Serbia, with the Open Society Foundation in Belgrade, jointly drafted the "Initial Study for Drafting the Roma Inclusion Strategy in Serbia, Harmonized with the Europe 2020 Strategy". The Gender Equality Council of the Ombudsman designed the Model Law on Gender Equality presented on 10 December 2014 in the National Assembly of the Republic of Serbia. One of the key novelties in the Model Law is the choice of the most fruitful method of normative regulation of gender equality as an area where numerous and very different fields of social life intertwine and cross over. Likewise, part of the proposed solutions in the Model also contains alternatives, representing a reflection of the efforts to find the optimum solution through dialog and open public debate on various options for normative regulation of certain issues. The process of drafting of the new Law on Social Protection has started and working groups are formed without transparent process. Social service providers and academic community were not invited to delegate their representatives (this was the case in the previous process of drafting of the Law), up to now, draft of the Law on Social protection is not presented to the public, not one public debate or the process of the public hearings in the Parliament is organized, which was a methodology used, in previous draft of the Law, to harmonize opinions and to provide the best solution in the best interest all parties involved.

During the ongoing **refugee crisis** in the Middle East republic authorities have tried to find a good answer to the needs, however, no one had any cooperation with civil society organizations and local governments. Available funds of the central government donor organizations intended to support





refugees from Middle-east, almost all go through the Commissariat for Refugees and Migration, and the impression is that, they are not implemented on the basis of the identified needs of beneficiaries, but on the basis of Commissariat predictions.



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Part of SOLIDAR work is dedicated to the promotion of democratic transitions in Central and Eastern Europe and the Western Balkans, and to ensure the social dimension in the EU Enlargement process. Together with local partners SOLIDAR works to contribute to the promotion of social progress and prosperity in the Western Balkans.

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