

EC Guidelines for EU Support to Civil Society in Enlargement Countries 2014-2020

Report from the mid-term workshop held in Bosnia and Herzegovina, March 10, 2015

This report includes proposals for the national targets for BiH in 2020. Where participants of the mid-scale workshop had additional comments or proposals for specific national target those are added as well. National targets were set having in mind the following definitions:

- **Benchmark:** That which is attainable under ideal conditions; it is a standard or reference point. Building on a definition that a benchmark is “a quantitative target which represents what can be achieved by the best”, the benchmark in this framework is an **optimum situation**, measured through EU member states average or, in some cases, general assessment.
- **Target:** a specified level of performance for an indicator at a predetermined point in time. Since benchmarks for indicators cannot be achieved until 2020, **national targets represent a step towards achieving the benchmark and are set to 2020**. In other words, targets represent a mid-term goal towards achieving benchmarks. When setting the national target, stakeholders need to have in mind *national specifics*, e.g. baseline for each indicator in 2014.

Furthermore, national targets are set for the national (central) level. Guidelines are a regional document and in order to keep them comparable targets should address the national level as much as possible. However, as some of the policies, included in the Guidelines, are responsibility of the entities, this level is included in targets as well, but only at the respective indicators.

As a general remark, participants emphasized that too many indicators measure perception. To keep the guidelines as objective as possible, these indicators should be avoided as much as possible.

[targets that were set or changed during the mid-scale workshop are marked in yellow, targets that were not set are marked with red]

| Objectives | Results | Indicator | MoV | Benchmark | National target (2020) | Additional comment/proposal (mid-scale workshop) |
|--|--|--|-------------------------|---|---|--|
| Conducive environment | | | | | | |
| 1. An enabling legal and policy environment, | 1.1. All individuals and legal entities can express themselves freely, assemble peacefully and establish, join and participate in non-formal | 1.1.a. Quality assessment of existing legislation and policy | 1.1.a. and 1.1.b. BCSDN | 1.1.a. Continuous comparative monitoring and analysing of | 1.1.a. % of gaps in national legislation and policy framework | National target was not set, since the baseline information is |

| | | | | | | |
|---|--|--|--|--|---|---|
| <p>for the exercise of the rights of freedom, expression, assembly and association,</p> | <p>and/or registered organisations</p> | <p>framework</p> <p>1.1.b. Progress with the adoption and implementation of relevant legislation</p> | | <p>legislation and policy framework is in place, 90 % of gaps in national legislation and policy framework are identified and addressed.</p> <p>1.1.b. Legislation provides for freedom of speech without state interference, freedom of assembly without discrimination and hindering conditions, and for accessible, timely and inexpensive registration of CSOs</p> | <p>are identified and addressed.</p> <p>1.1.b.</p> <ul style="list-style-type: none"> - Freedom of speech is explicitly guaranteed in legislation - legislation requires only prior notification (and not authorization) for exercising freedom of assembly - maximum 30 days needed for registration of CSOs, the registration costs are maximum 100 EUR, the cost of registration of changes are maximum 50 EUR - procedures and rules for CSO registration are harmonized throughout BiH | <p>missing. Participants propose that a comprehensive independent analysis is done to establish a baseline that would enable setting the national target.</p> <p>Additional national target was added to measure the cost of registration of changes (e.g. new statutes, president, ...). Also additional targets were added to</p> |
|---|--|--|--|--|---|---|

| | | | | | | |
|--|--|---|---------------------------------|--|--|---|
| | | | | | - establishment of the unique register of CSOs | measure progress in harmonizing the procedures. |
| | 1.2. The policies and legal environment stimulate and facilitate volunteering and employment in CSOs | 1.2.a. Number of employees in CSO (permanent and part-time) 1.2.b. Number of volunteers in CSOs per type of CSO / sector | 1.2.a., 1.2.b. and 1.2.c. BCSDN | 1.2.a. 5,4 % of total workforce is employed in CSO sector (EU average) 1.2.b. The contribution of volunteers to GDP is 1,3 % (EU average) | 1.2.a. [redacted] % of total workforce is employed in CSO sector 1.2.b. The contribution of volunteers to GDP is [redacted] % Law on volunteers is passed in Brčko district. | Participants propose that the reference point would be number of all employed (and not active population). To establish a baseline, TACSO BiH checks the number of all employed and number of employees in the CSO sector. The economic value of volunteers is not set in BiH. Benchmark and target should be changed to measure the increase in number of volunteers. When establishing |

| | | | | | | |
|--|--|---|--|---|--|---|
| | | 1.2.c. Quality of legislative framework | | <p>1.2.c.</p> <ul style="list-style-type: none"> - Labour legislative framework (including active employment policy) is not discriminative towards CSOs¹; - Legislative framework is stimulative towards promotion of volunteering | <p>1.2.c</p> <p>There are no discriminative articles for CSOs in labour legislation (including active employment policy)</p> <ul style="list-style-type: none"> - legislation enables tax-free reimbursement of travel expenses and per diems to volunteers | <p>the baseline (number of volunteers), only legally recognised volunteers should be taken into account. Since Brčko district does not have a law on volunteers yet, additional national target is added.</p> |
|--|--|---|--|---|--|---|

¹ While labour law as such probably is not discriminative (= does not put CSOs as employers in a different position as other employers. e.g. with different conditions or demands), this may happen with other labour connected legislation and its implementation, especially active employment policy. Labour legislation would be discriminative, if, for example, subsidy for employment of people registered as unemployed would be available only for public institutions and/or business sector and not for CSOs.

| | | | | | | |
|---|---|---|---------------------|--|--|---|
| | <p>1.3. National and/or local authorities have enabling policies and rules for grass-roots organisations* and/or civic initiatives.</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 and/or civic initiatives | 1.3.a. BCSDN | 1.3.a. Registration of grass-roots is not mandatory; unregistered organizations can freely operate and receive financial support | 1.3.a. Legislation recognizes and enables existence and functioning of grass-roots | Since non-formal groups can normally function in BiH, participants proposed to delete this indicator. |
| 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 | 2.1.a. CSOs' perception of the ease and effectiveness of financial rules and reporting requirements (disaggregated by type / size of CSO) | 2.1.a. 2.1.b. BCSDN | 2.1.a. 80 % of CSOs perceive financial, including tax, rules as reasonable, clear, proportionate to CSO turn-over; in their opinion, an efficient support system is in place (clear instructions, knowledgeable financial public officers) | 2.1.a. 55 % of CSOs perceive financial, including tax, rules as reasonable, clear, proportionate to CSO turn-over; in their opinion, an efficient support system is in place (clear instructions, knowledgeable financial public officers) | |
| | | | | 2.1.b. Financial, | 2.1.b. Financial, | |

| | | | | | | |
|--|---|---|--------------|--|---|--|
| | | 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). | | including tax, rules are clear, understandable and proportionate to CSOs' turn-over (at least 3 different formats) | including tax, rules are stable, clear, with at least ___ different formats according to CSOs' turn-over | Participants propose to delete the last part of the national target. They also pointed out that this indicator is not a priority till 2020. |
| | 2.2. Donations are stimulated with adequate legislation and regulations | 2.2.a. Quality and applicability/practice of the legal framework for individual and corporate giving | 2.2.a. BCSDN | 2.2.a Legislation provides for stimulating tax incentives for corporate and individual giving: - tax relief in the amount of 5 % of taxable income for corporations, - tax relief in the amount of 10 % of taxable income for individual persons OR 2 % tax allocation for public benefit purposes (for the countries with % law system) | 2.2.a. - tax relief ² in the amount of ___ % of taxable income for corporations, - tax relief in the amount of ___ % of taxable income for individual persons OR ___ % tax allocation for public benefit purposes (for the countries with % law system) - ___ % of corporations and ___ % and individuals that donate | Participants propose to add the target to measure % of corporations and individuals that donate. Comprehensive analysis should be done to present the state of affairs regarding tax benefits and its realization. On the basis of the analysis national target will be set. |

² If there is some other system of tax incentives for donations in place in respective countries, participants at the mid-scale workshop should change the target accordingly.

| | | | | | | |
|--|---|--|-------------------------|--|--|---|
| | 2.3. Financial (e.g. tax or in-kind) benefits are available | 2.3.a. Quality of the system of tax benefits for the CSOs' operational and economic activities | 2.3.a. BCSDN | 2.3.a. Income from CSOs mission-related economic activity ³ , is tax free. | 2.3.a. Income from CSOs mission-related economic activity, is tax free up to amount of annual income of _____ EUR | Participants propose to change the national target in a way that it does not set an income limit (income from the economic activity should not be taxed at all) |
| | 2.4. Government support to CSOs is available and provided in a transparent, accountable, fair and non-discriminatory manner | 2.4.a. Ratio of amount sought vs. amount approved/disbursed annually through state funding to CSOs. (this proves availability of funds) 2.4.b. Quality of state funding frameworks for civil society organisations (focusing on | 2.4.a. and 2.4.b. BCSDN | 2.4.a. State provides funding for the implementation of 80 % of public policies, identified in policy documents, for which CSOs are identified as key actors for implementation 2.4.b. Legal framework for public funding includes: public funding on the basis of policy papers, inclusion of beneficiaries in | 2.4.a. State provides funding for the implementation of _____ % of public policies, identified in policy documents, for which CSOs are identified as key actors for implementation 2.4.b. Legal framework for public funding includes: inclusion of beneficiaries in programing of the tenders, clear criteria published in | Proposal to change the benchmark and target. If the target will measure the percentage of the public funding in the overall CSO income, comprehensive analysis is needed to establish a baseline. Participants added monitoring and evaluation to the national target. |

³ Mission-related economic activity is economic activity, implemented by CSO, which is directly connected to CSO's mission and the income from it is solely used for the realization of such mission.

| | | | | | | | |
|---|--|---|--|--|--|---|---|
| | | procedural document) | | programming of the tenders, clear criteria published in advance, deadlines for decision, merit decision with arguments, evaluation of achieved outputs and outcomes on the project and program level, possibility of prepayments and multi-annual contracts. | advance, deadlines for decision, merit decision with arguments, monitoring and evaluation | | |
| Changing relations CSOs and government | | | | | | | |
| 3 | Civil society and public institutions work in partnership through dialogue and cooperation, based on | 3.1. Public institutions recognise the importance of CSOs in improving good governance through CSOs' inclusion in decision making processes | 3.1.a. Percentage of laws/bylaws, strategies and policy reforms effectively* consulted with CSOs * in terms of: - adequate access to information - sufficient time to | 3.1.a. and 3.1.b BCSDN | 3.1.a. 80 % of laws/bylaws, strategies and policy reforms effectively consulted with CSOs | 3.1.a. 50 % of laws/bylaws, strategies and policy reforms effectively ⁴ consulted with CSOs | This target should include entity and canton level as well. comprehensive analysis is needed to established the state of affairs regarding public |

⁴ For the purpose of Guidelines and monitoring effective consultations are those when minimum standards of consultations, as follows, are respected:

1. there is a legal obligation to publish draft laws on the Internet and drafts are regularly published,
2. sufficient time to comment: minimum 15 **working** days,
3. if there is a working group or other advisory body established for the preparation of specific draft, the working group members represent various stakeholders and criteria for appointment of the representatives are transparent, open, inclusive and known in advance,
4. there is an obligation to publish a feedback report with a summary of consultation process, list of involved stakeholders, summary of received comments/proposals, their impact on the draft law and justification of rejected comments/proposals.

| | | | | | | |
|--|--|---|--|---|--|--|
| willingness, trust and mutual acknowledgment around common interests | | <p>comment</p> <ul style="list-style-type: none"> - selection and representativeness / diversity of working groups - acknowledgement of input - degree to which input is taken into account - feedback / publication of consultation results <p>3.1.b Quality* of structures and mechanisms in place for dialogue and cooperation</p> | | 3.1.b. Mechanisms for dialogue are clear, open, accessible and efficient (issues are resolved in timely | 3.1.b. There is a designated body ⁵ , institution or contact point for dialogue on governmental and | <p>participation on the entity and canton level. On the basis of that also targets for these two levels will be added.</p> <p>Participants propose that the contact points are measured only at the CSO relevant</p> |
|--|--|---|--|---|--|--|

⁵ For the purpose of Guidelines and monitoring the existence of a designated body for cooperation can be acknowledged if:

1. there is an equal representativeness of Governmental/public and CSO sector,
2. criteria for appointment of CSO representatives are transparent, open, inclusive and known in advance,
3. among CSO representatives, different types of CSOs are represented (according to the type, scope, missions of the CSO sector in the respective country)
4. The work of the body is open and transparent: there is a designated web-page, on which all documents and minutes of meetings are published, CSOs and other interested can send different proposals for discussion at the body's session and they receive feedback after the respective session,
5. The body meets regularly (at least 3 times per year) and discusses current issues.

In the case of ministerial contact point established, above criteria do not apply. The contact point may be acknowledged if:

1. the contact point is published on the ministerial web-page,
2. CSOs can access the contact point through various communication mechanisms (email, phone, etc.),
3. the contact point is actively engaged in solving proposals and issues raised by CSOs (there is a reaction and further action upon CSOs' proposals/issues raised),
4. the contact point provides feedback on the proposals and issues raised by CSOs.

| | | | | | | |
|--|---|---|--|---|---|---|
| | | <p>between CSOs and public institutions * in terms of:</p> <ul style="list-style-type: none"> - CSO representation in general - representation of smaller/weaker CSOs - its visibility and availability - government perception of quality of structures and mechanisms - CSOs perception of structures and mechanisms | | manner) on governmental and ministerial level | at least 100 % of [CSO relevant] ministries has such a body with continuous and constructive cooperation | ministries. Since this indicator is important also for the entity and canton level, special targets should be added for that on the basis of the analysis, which would establish a baseline for these levels. |
| 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. independent survey run by TACSO | 4.1.a. 80 % of CSOs regularly publish and updates their governance structure and internal documents (statutes, codes of conduct etc.) | 4.1.a. 80 % of CSOs [that have a website] regularly publish and updates their governance structure and internal documents (statutes, codes of conduct etc.) | Participants propose to measure only those CSOs that have their own web site. |
| | 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. independent survey run by TACSO | 4.2.a. 70 % of respondents can list at least 10 positive CSO achievements | 4.2.a. 55 % of respondents can list at least 10-5 positive CSO achievements | Participants propose to lower the number of achievements to 5. |

| | | | | | | |
|-------------------|---|--|--|---|--|--|
| | 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 independent survey run by TACSO | 4.3.a. 80 % of CSOs make their (audited) financial accounts and annual reports publicly available | 4.3.a. 30 % of CSOs make their (audited) financial accounts and annual reports publicly 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. independent survey run by TACSO | 4.4.a. 80 % of public benefit CSOs (public benefit status/implementing activities in public benefit) ⁶ monitor and evaluate their projects and programmes using baselines and quality indicators | 4.4.a. 50 % of public benefit CSOs (public benefit status/implementing activities in public benefit) monitor and evaluate their projects and programmes using baselines and quality indicators | |
| 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.a. independent survey run by TACSO | 5.1.a. 80 % of professional CSOs (with at least 1 employee) develop strategic plans, including human resources development activities, in order to attract and retain talent | 5.1.a. 20 % of professional CSOs (with at least 1 employee) develop strategic plans, including human resources development activities, in order to attract and retain talent | |

⁶ For the purpose of Guidelines and monitoring we used broader definition of public benefit organizations: not only those with officially recognized status (by the law or administrative decision), but also those that perceive themselves as active in public interest (they are active in one of the public interest fields, their services are not membership based), but cannot from different reasons gain the public benefit status (e.g. there is no legal basis for their legal type of CSO to gain such status).

| | | | | | | |
|---------------------------------|--|---|--|--|---|--|
| | 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 advocacy goals | 5.2.a. independent survey run by TACSO | 5.2.a. 80 % of advocacy CSOs use adequate argumentation and analysis for achieving advocacy goals | 5.2.a. 50 % of advocacy CSOs use adequate argumentation and analysis for achieving advocacy goals | |
| | 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. independent survey run by TACSO | 5.3.a. 80 % of CSOs are taking part in at least 1 local, national, regional or international network | 5.3.a. 80 % of CSOs are taking part in at least 1 local, national, regional or international network | |
| 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. independent survey run by TACSO | 6.1.a. 80 % of CSOs are able to fundraise at least 70 % of their strategic plan | 6.1.a. 20 % of CSOs are able to fundraise at least 70 % of their strategic plan | |
| | 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. independent survey run by TACSO | 6.2.a. Sources of Income of 80 % of CSOs are derived from: one third public funding, one third economic activities and one third donations, including membership fees. | Sources of Income of 30 % of CSOs are derived from: one third public funding, one third economic activities and one third donations, including membership fees. | |



Technical Assistance for
Civil Society Organisations
Regional Office



This project is funded
by the European Union.