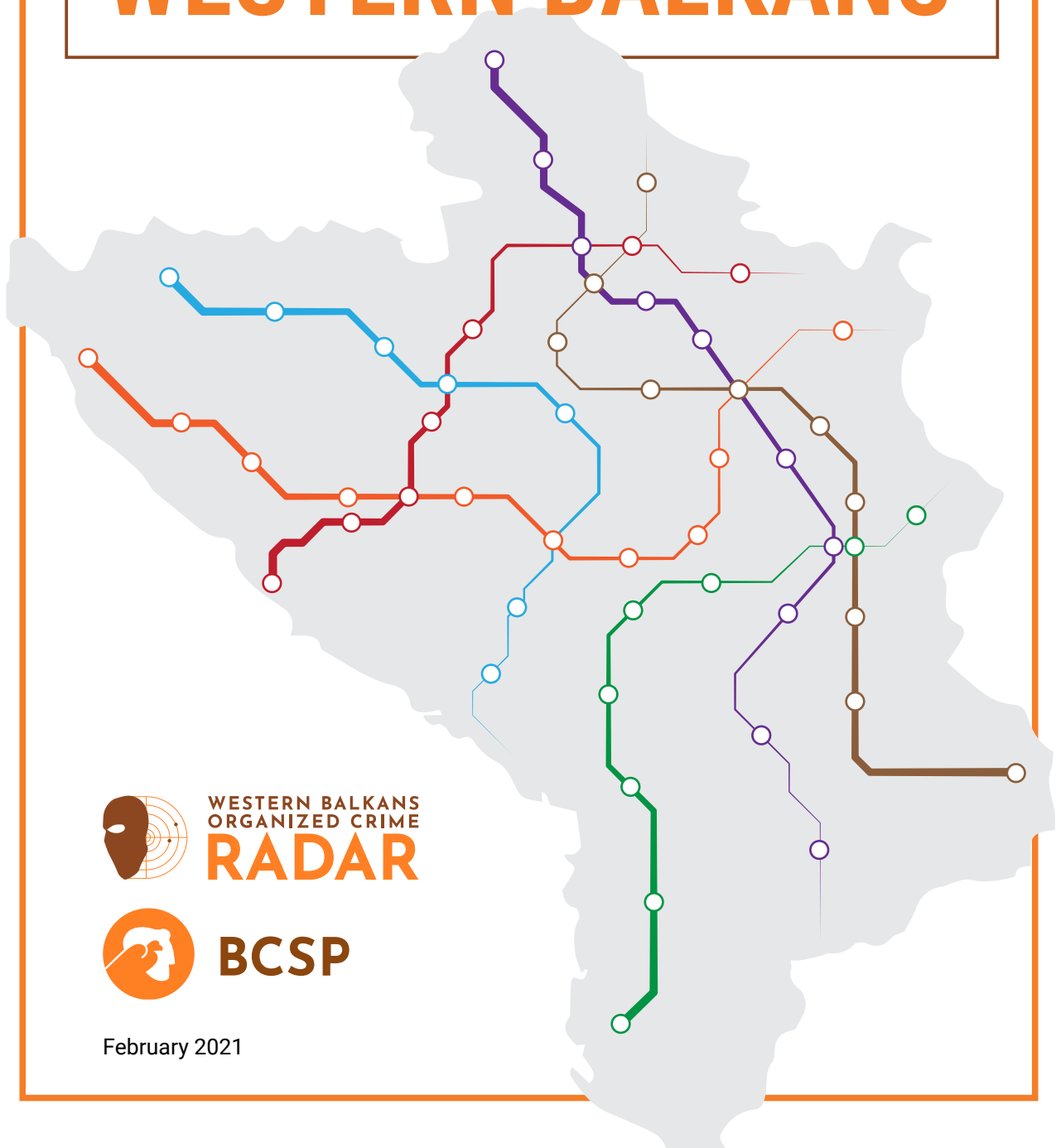


# MAPPING CIVIL SOCIETY RESPONSES IN CONFRONTING ORGANIZED CRIME IN THE WESTERN BALKANS



WESTERN BALKANS  
ORGANIZED CRIME  
**RADAR**



**BCSP**

February 2021

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## Foreword by the Editor

Organised crime is a problem of such magnitude that it has limited the potential for democratisation and development of the Western Balkans as a whole. Despite its significance for regional policy agendas and the fact that it has been in the focus of both national and international actors for decades now, the fight against organised crime has had a very limited impact. The infamous Balkan Route remains the main venue for human trafficking and smuggling drugs into Europe, with devastating effects on the communities along its way. Twenty years after the adoption of the United Nations Convention against Transnational Organised Crime, the challenges of tackling this phenomenon in the Western Balkans seem as impossible to resolve as ever.

Organised crime has become so normalised in the WB that one cannot meaningfully separate it from politics, business or many other aspects of everyday life. In the EU's Credible Enlargement Strategy of 2018, it was stated that "countries show clear elements of state capture, including links with organised crime and corruption at all levels of government and administration". If a state is captured and linked with organised criminal groups, how can one expect its effective response to organised crime?

This 'catch-22' is what this report - the first of its kind produced by the Western Balkans Organised Crime Radar initiative - aims to address. Instead of focusing on the repressive side of fighting organised crime, which is the domain exclusive to the state law enforcement agencies, it took a different perspective. The report looks into the experiences of numerous civil society organisations in confronting organised crime in the WB, i.e. what it is that they do to raise awareness about organised crime, investigate and report high-profile cases, increase societal resilience to crime, monitor and improve policies, and offer support to help adversely affected victims and communities.

The analysis presented in this report encompasses an assessment of CSOs' resources, their knowledge base and most successful approaches, but it also identifies the challenges faced by practitioners and provides guidelines on how to address them. The team of researchers has collected data by conducting extensive desk research, interviews with experts, practitioners and journalists, as well as through focus group discussions with law enforcement agencies. The results are presented in separate chapters for each of the WB6, followed by key findings concerning the common characteristics and challenges from a comparative perspective.

First, there is a significant difference between what CSOs from the WB region do and what could be, in the broadest of terms, classified as contributing to fighting organised crime. CSOs are at the forefront of providing support to victims of this type of crime, such as victims of human trafficking, or alleviating negative impact of crime in the communities by helping during drug addiction recovery. One of the most visible and recognised contributions is that of investigative journalists, who report on high-profile cases and unearth links between organised criminal groups and politics, thus raising awareness of the scope of and harm inflicted by organised crime. The most widespread activities are those performed by watchdog organisations charged with monitoring government's work, assessing track-records in fighting organised crime, researching and advocating for better policies.

Second, and probably due to such a wide variety of approaches and activities, CSOs are not really aware of the fact that they all have the same mission: tackling organised crime. This is especially true for organisations that provide victim support. They rarely recognise their own work as fitting into the wider tapestry of anti-organised crime efforts. As CSOs lack awareness that they belong to the same crime-fighting community, there is little networking between them and there is, consequently, an enormous untapped potential to create synergies and join efforts on various fronts. With this in mind, the Western Balkans Organised Crime Radar created a civil society roster of WB6 organisations that are actively dealing with this phenomenon, intended to serve as a one-stop-shop for anyone who wishes to find out what other CSOs are doing and where potential for cooperation lies.<sup>1</sup>

Third, one of the key findings, which applies to the entire region, is that legal, strategic and institutional frameworks for CSO participation are largely in place; what is lacking is their systemic inclusion in crime prevention and the recognition of the importance and potential that lies within them. In many places, distrust between CSOs and the state authorities still affects their mutual cooperation, which is why these organisations' potential is not utilised to the full extent. This is particularly relevant for community outreach activities and crime prevention, owing to the fact that CSOs, especially small locals ones, have strong ties with the communities as well as legitimacy acquired through dedicated work, which is something that government institutions often lack.

Like most of the civil society sector, crime-fighting CSOs suffer from lack of access to long-term, institutional funds that would allow for a more structured approach and organisational development. They usually have to struggle with one-off, short-term grants that are used to support some of their core activities, and then move on to implement another project. Donor-driven agendas are another issue that seriously impacts the organisations' ability to dedicate time and resources to growth and development. Another problem is that national governments often fail to secure funds for supporting CSOs, which is why most - if not all - anti-crime initiatives are funded by international donors. These challenges are structural and their effects spill over into all other areas of organisation, causing inability to retain staff or offer specialisation. They are also the reason for difficulties with office space financing, equipment procuring, etc.

Last but not least, one of the most pressing challenges in the work of Western Balkans CSOs is the shrinking of the civic space brought on by democratic backsliding, deterioration of democratic standards and hostile environments. This is particularly dangerous for crime-fighting CSOs. According to their reports, they often find themselves subjected to smear campaigns. They are fearful for their physical safety, unable to count on law enforcement agencies to provide them with adequate protection. There are numerous reported incidents of CSO activists receiving threats, both online and offline. There is also suspicion of surveillance by state institutions, or regulatory pressure aimed at putting a strain on their already stretched resources, all with the intention of preventing them from doing their work. This is a serious, structural challenge, one that CSOs cannot counter on their own. Consequently, there is a need for pooling efforts and wider networking across the WB region.

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<sup>1</sup> Available in English at: <http://radar.bezbednost.org/mapa-org/>

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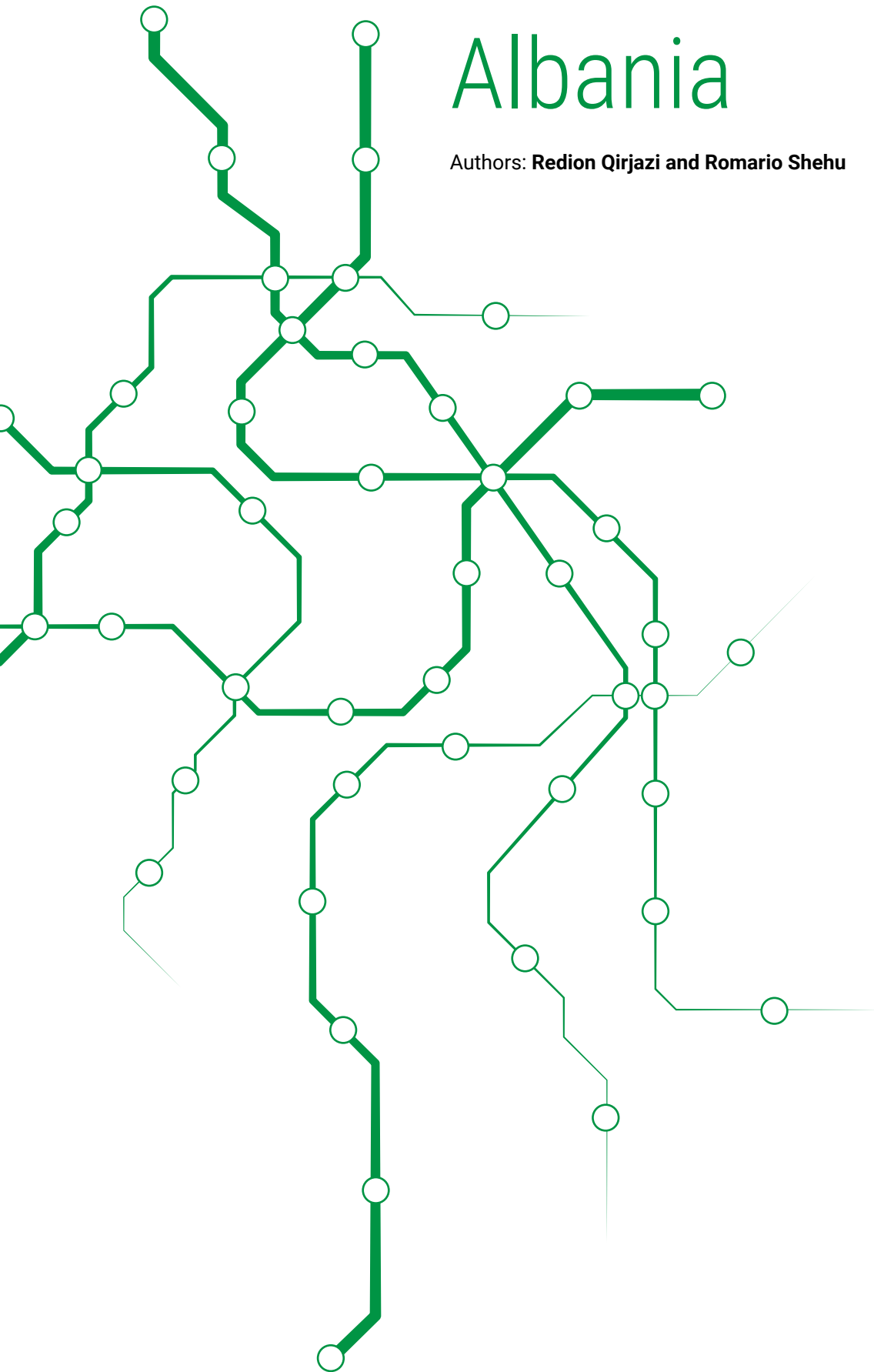
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# Albania

Authors: **Redion Qirjazi and Romario Shehu**





## Executive summary

The main purpose of this study is to analyze current efforts and the impact of civil society organizations in implementing anti – organized crime projects, examine challenges and identify successful approaches. It also seeks to provide recommendations to further strengthen the role of civil society organizations that implement anti – organized crime projects in Albania.

The involvement of civil society organizations in the anti – organized crime efforts is hampered by a number of interrelated factors. Civil society organizations are not focused on the fight against organized crime as they have traditionally seen their role in meeting the objectives set by foreign donors, who have not prioritized the issue of the fight against organized crime.

The lack of interaction between civil society organizations and the criminal justice system makes it even more difficult for civil society organizations to be involved in anti – organized crime efforts. There are only few civil society organizations who implement anti – organized crime projects in Albania (mostly victim support and crime prevention) and there is no network of anti – organized crime civil society organizations.

The report concludes with specific recommendations on how to improve the role of civil society organizations that implement projects against organized crime in Albania. There is a need to establish a network of anti – organized crime civil society organizations in order to increase their cooperation, boost their role in the field and organize capacity building activities because they have been unable to cope with the evolving nature of the organized crime in Albania. The foreign donors need to prioritize the issue of the fight against organized crime, as it is a fundamental issue in the country.

There is a need to diversify the role of civil society organizations in researching organized crime in Albania and the institutional practices employed to fight it. Criminal justice system should be more open and collaborative with civil society organizations. It is fundamental for law – enforcing authorities to ensure the safety of those who implement anti – organized crime activities. Civil society must raise awareness in the field of organized crime, and build a counter – narrative, because a considerable percentage of youth do not perceive it as necessarily bad.

## Introduction

The purpose of this study is to analyze current efforts and the impact of civil society organizations in implementing anti – organized crime projects, examine their challenges and identify successful approaches. It further seeks to provide recommendations to further strengthen, support, and promote civil society organizations that implement anti – organized crime projects in Albania.

The study is based on qualitative research method using primary and secondary data. The research had three stages, i) desk review of previous literature and relevant information about the topic, ii) 10 structured interviews with civil society representatives, as well as a focus group with criminal justice professionals (police, prosecution, courts, prison), both interviews and focus group were administered through a semi-structured questionnaire, and iii) an analysis of all the collected data.

This research shed light into several findings. First, there has been little focus on the anti – organized crime agenda in Albania for the past decade or so, and very few civil society organizations primarily implement anti – organized crime projects. Second, the current approaches of civil society organizations' anti – organized crime efforts in Albania are rather one-dimensional – that is, most of the work done in the sector pertains to supporting victims of organized crime. Third, the lack of interaction between civil society organizations and the criminal justice system to obtain information makes it even more difficult for civil society organizations to be involved in anti – organized crime efforts.

To conclude, there are some limitations to this research and its attempts to analyze current efforts and impact of civil society in implementing anti – organized crime projects, and identify successful approaches. This study is the first to look into the role of civil society in implementing anti – organized crime projects in Albania, so the scope and depth of its analysis might not present the full picture – therefore, its biggest contribution is paving the way in this field, and more research is needed to enrich the understanding in this topic.

# Analysis of legal and strategic frameworks

## Legal framework

The activity of civil society organizations (CSOs) in Albania is regulated by the Law No. 8788/2001 (amended in 2007 and 2013) “On non-profit organizations”<sup>1</sup> which determines the rules for the establishment, registration, operation, organization and activity of non-profit organizations. The legal framework provides clear limits on government oversight of CSOs, and CSOs have the right to appeal administrative decisions.

To support CSOs development and establish a sustainable institutional cooperation between them and the Government of Albania (GoA), two laws have been enacted, i) Law No. 10093/2009, “On the Organization and Functioning of the Agency for the Support of Civil Society (ASCS)” and ii) Law No. 119/2015 “On the Establishment of National Council for Civil Society (NCCS).”<sup>2</sup> The primary objective of the ASCS is to channel funds from the government and donors to CSOs, whereas the NCCS aims to facilitate the institutional cooperation between the GoA and CSOs.<sup>3</sup>

The 2019 Civil Society Sustainability Report<sup>4</sup> notes several problems in the legal environment of CSOs in Albania. First, the processes for CSOs to register, amend their statutes, and de-register are centralized, bureaucratic, long, and costly, especially for CSOs outside of Tirana. Second, the Law on Accounting and Financial Statements, poses a risk for state intervention in CSOs operations. Third, the Law on Volunteerism should enable CSOs to rely on volunteers to operate when they lack funding. Fourth, the Law on Social Enterprise remains problematic because CSOs with the status of social enterprises have limited ability to generate income from their economic activity. Fifth, the government’s fiscal treatment of CSOs is similar to other taxable bodies. Last, few legal resources are available to CSOs, especially those based outside of Tirana.<sup>5</sup>

There is no specific regulation or report about the need to involve CSOs in the fight against organized crime (OC). Following a series of consultative meetings, a 2019 report<sup>6</sup> notes that, the role of CSOs in anti – OC efforts in the Western Balkans (WB) and globally, should be to investigate the topic, raise awareness, monitor government responses and maintain pressure on state institutions.

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1 Official Publications Center of the Republic of Albania. On non-for-profit organizations. Retrieved from: <https://qbz.gov.al/eli/fz/2001/28>

2 Bino et al., 2020. Civil Society Participation in Decision Making in Albania, Tirana: Institute for Democracy and Mediation.

3 Official Publications Center of the Republic of Albania. On the approval for the Government Policy towards a More Enabling Environment for Civil Society Development (2019-23). Retrieved from: <https://qbz.gov.al/share/Gz6YWy0kSBOPHiQH8F8cog>

4 Azizaj and Shehu, 2020. Civil Society Organization 2019 Sustainability Index, Washington D.C.: United States Agency for International Development (USAID).

5 Ibid., pp. 2-3.

6 Amerhauser, 2019. How can civil society counter organized crime in the Western Balkans? Insights and recommendations from roundtable engagements with civil society actors across the region, Geneva: Global Initiative against Transnational Organized Crime.

## Strategic framework

The Council of Ministers of Albania approved in July 2019 the revised Road Map<sup>7</sup> for the Government Policy towards a More Enabling Environment for Civil Society Development (2019-2023) in July 2019, through an open and participatory process.<sup>8</sup> The plan includes forty-two actions for the government to undertake in order to make an enabling environment for civil society development. Nevertheless, given the poor implementation of the 2015 Road Map, which finished with nearly 80 percent of planned actions reported as unimplemented, CSOs have low expectations<sup>9</sup> for the realization of the revised Road Map.

A National Resource Center for Civil Society (NRCS) was launched<sup>10</sup> in 2019, as a platform for civil society at the national level to support the capacity building, policy dialogue, and advocacy efforts for an enabling environment in the sector.

Overall, the civil society sector has made noticeable progress in Albania. According to a 2019 poll, CSOs are perceived as the second most effective vertical accountability mechanisms in the country.<sup>11</sup> Nevertheless, there is a current tendency towards shrinking of the space of civil society in Albania, which prevents CSOs from voicing the concerns of different communities and performing their watchdog role effectively.<sup>12</sup> Among the indicators for this tendency are the CSOs' hurdles in fully exercising their functions of channeling citizens' concerns into policy processes through meaningful participation and genuine consultation mechanisms and the smear campaigns and negative image of CSOs in the public sphere, seeking to discredit and delegitimize the role and work of civil society in the country.<sup>13</sup>

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7 Official Publications Center of the Republic of Albania. On the approval for the Government Policy towards a More Enabling Environment for Civil Society Development (2019-23). Retrieved from: <https://qbz.gov.al/share/Gz6YWy0kSBOpHiQH8F8cog>

8 National Resource Center for Civil Society in Albania. The Road Map towards a More Enabling Environment for Civil Society Development (2019-23) Retrieved from: <https://resourcecentre.al/sq/2019/07/26/udherrefyesi-per-hartimin-e-politikes-dhe-masave-per-nje-mjedis-mundesues-per-zhvillimin-e-shoqerise-civile-2019-2023/>

9 Azizaj and Shehu, 2020. Civil Society Organization 2019 Sustainability Index, Washington D.C.: United States Agency for International Development (USAID).

10 Azizaj and Shehu, 2020. 2019 Civil Society Organization Sustainability Index, Washington D.C.: United States

11 "Trust in Governance" Opinion Poll, Institute for Democracy and Mediation: 2020. Available at: <https://idmalbania.org/public-opinion-poll-trust-in-governance-2019/>

12 Bino et al., 2020. Civil Society Participation in Decision Making in Albania, Tirana: Institute for Democracy and Mediation.

13 Ibid., pp. 21-22.

## Profile of the Anti-Organized Crime and Corruption CSOs

There is a small number CSOs who implement anti – OC projects, and most of those targeted by this study argued they are not primarily focused on OC but rather implement activities that indirectly deal with some of OC issues. Almost half of the CSOs who implement anti – OC activities are focused on support of victims of human trafficking targeting mainly women, youth, and children. The main crime areas on which CSOs are focused include human trafficking, prostitution, and exploitation of minors. While there has been considerable progress on providing victim support, these efforts have been focused on women – as victims of exploitation – but have neglected men – as perpetrators of exploitation. Moreover, the key challenging crime-areas in Albania such as the network between politics, business, and OC, money laundering, and illicit trade, remain outside of the focus of the work of CSOs.

The motives of CSOs to work on such activities revolve around addressing OC because it endangers the future of the country, to protecting public interest, protecting human rights, educating future generations, and achieving social welfare.

Most of responders believe civil society sector has an important role on anti – OC efforts; however, the sector is currently underperforming due to the lack of human resources, financial reliance on an external donor-driven agenda, and due to the unsafe environment that OC poses. Responders believe CSOs can do much better in this topic, especially by raising awareness<sup>14</sup> and filling the role of watchdog, as one responder argued “Albanian civil society is not fulfilling its role as a watchdog by monitoring, pressuring institutions, and informing citizens, which are crucial for democracy”.<sup>15</sup>

## Resources

Financial sustainability is a substantial challenge despite the experience, location, or size of the CSOs. The vast majority of CSOs do not have a reserve fund in their organization,<sup>16</sup> and there is a lack of diversity in funding sources. Many of the larger CSOs in the country continue to rely primarily on grants from international donors, with the bulk of funding coming from the European Union (EU).<sup>17</sup> State funding is available to CSOs but has remained low for years. Furthermore, state funding is limited and it often comes with strings,<sup>18</sup> either in the form of favorable coverage for the state institutions or corrupt practices that build clientelistic relations between the state and the CSOs.

14 Interview No. (5), with CSO representative in Tirana (20 August 2020).

15 Interview No. (6), with CSO representative in Vlora (26 August 2020).

16 Partners Albania, 2019. Mapping and assessment of civil society organizations’ networks in Albania, Tirana: Partners Albania for Change and Development.

17 Azizaj and Shehu, 2020. Civil Society Organization 2019 Sustainability Index, Washington D.C.: United States Agency for International Development (USAID).

18 Interview No. (7), with an informal group’s representative in Kamza (27 August 2020).

In such environment, CSOs sometimes prefer to be alone in undertaking initiatives in order to sustain themselves financially,<sup>19</sup> and sometimes apply for funds even in areas they lack specific expertise needed for the project implementation.<sup>20</sup> Thus, cooperation among CSOs becomes extremely difficult in an environment where financial resources are scarce and each organization strives to survive.<sup>21</sup>

The inability to establish well –structured organizations and build expertise has adversely affected the engagement of CSOs in anti – OC – related initiatives. Limited funding opportunities affected the work of CSOs at all levels and have led to a donor – driven agenda instead of one that is more tuned to respond to local needs. Despite a recently increased role against OC of external donors in Albania, some responders described donor’s lack of interest as the main reason why the contribution of CSOs is so weak on anti – OC efforts.

## Knowledge

The knowledge infrastructure supporting the CSO sector has been slightly improving during previous years as new sub-grants and technical assistance programs offered opportunities for Albanian CSOs to develop their resources and capacities.<sup>22</sup> Although such trainings have rarely included anti – OC, the general view of respondents is that they can indirectly contribute to crime prevention by organizing awareness campaigns for youth and by supporting communities in preventing those at risk from turning to crime.

As indicated by responders of this study, beside the media and victim-support CSOs, who are described during the interviews as well-informed about OC, other CSOs perceive to have little knowledge in this field. CSOs engaged in victim support and service provision highlighted that the regulations of their sphere of work evolve constantly and they have to occasionally train their staff on the amended regulations and refresh their knowledge.<sup>23</sup> For this, CSOs organize trainings for their staff or attend trainings organized by other actors, which have their limitations because the information received is basic, regional workshops do not reflect country differences, and the increased knowledge does not necessarily lead to career progression. Noteworthy, CSOs that are part of international or regional networks are at an advantage because knowledge sharing and capacity building is part of their networks’ objectives.

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19 Interview No. (10), with CSO representative in Tirana (8 September 2020).

20 Interview No. (5), with CSO representative in Tirana (20 August 2020).

21 Interview No. (5), with CSO representative in Tirana (20 August 2020).

22 Azizaj and Shehu, 2020. 2019 Civil Society Organization Sustainability Index, Washington D.C.: United States

23 Interview No. (5), with CSO representative in Tirana (20 August 2020).

## Practices

There are few civil society projects in Albania focused on anti – OC since projects targeting OC are scarce. Most of responders deemed the role of CSOs in this field as important, but they struggled to give examples of successful anti-OC initiatives. CSOs focused on victim-support highlighted that they have contributed significantly in re-integrating the victims of trafficking during the 90's and early 2000's. Some responders described awareness raising activities with youth as their most successful initiatives, while others believe CSOs have a more important role that goes beyond awareness-raising activities, including their role as watchdog in monitoring and advocating better institutional performance, as well as pressuring state institutions in providing information to citizens. These initiatives, would require human resources and technical expertise build through conscious efforts rather than *ad hoc* initiatives.

The role of CSOs on this field has been weak, partly because their activities are project-based and often with no continuation,<sup>24</sup> but also as a result of the financial instability which makes CSOs financially vulnerable and easily influenced by other actors.<sup>25</sup> CSOs contribution is especially important in remote areas where – given the lack of opportunities - youth are more vulnerable to join OC groups. For this, the sector of civil society is well-equipped in educating youth by providing them with skills and opportunities in order to guide them towards lawful occupations and to distance themselves from OC, and also to end society's tolerance of crime.<sup>26</sup>

An important contribution towards greater CSO engagement in anti-OC initiatives is the EU-funded project CAUSE (Confiscated Assets Used for Social Experimentations), the first initiative of its kind in Albania or the WB. <sup>27</sup> The project objective is to establish a model of sustainable reuse of confiscated assets from OC through the promotion and development of the culture of social entrepreneurship and the fight against OC. It provides opportunities, skills, and financial support to CSOs that are interested in developing social enterprises and makes them able to generate income and contribute to the local economy, but most importantly, as one responder argued,<sup>28</sup> this project gives the message that what is stolen from society shall be returned.

## Cooperation

The common impression among responders is that the cooperation among CSOs in anti – OC efforts is weak as a result of the financial instability, lack of CSO networks, shortage of CSO staff, the danger that OC poses, the lack of donor attention and because OC is perceived as a field with no place for civil society.

24 Interview No. (6), with CSO representative in Vlora (26 August 2020).

25 Interview No. (8), with CSO representative in Shkodra (5 September 2020).

26 Interview No. (9), with CSO representative in Tirana (7 September 2020).

27 Partners Albania, 2020. CAUSE - Confiscated Assets used for Social Experimentation, Tirana: Partners Albania for Change and Development.

28 Interview No. (10), with CSO representative in Tirana (8 September 2020).

Several hurdles were highlighted with regard to CSOs cooperation. The CSOs of the same networks and coalitions have good cooperation with each other, while the cooperation with CSOs outside these coalitions or networks is weak. There is a geographical disparity among CSOs – while local CSOs cooperate with each other, at the national level Tirana-based CSOs dominate the sector and they rarely engage local CSOs. Such centre vs periphery gap is also observed by other research on the topic.<sup>29</sup> The lack of continuity of actions and issues among anti – OC CSOs was highlighted as another hurdle for their cooperation.<sup>30</sup>

Although 72% of organizations are part of a network or coalition in Albania,<sup>31</sup> there is no anti – OC CSO network. The responders emphasized the need for networks and alliances in this field.<sup>32</sup> As a respondent put it:

*“There is a need to improve the sharing of information between organizations, the collaboration in the form of joint projects and initiatives, as well as the coordination in order to train non-specialized organizations by specialized organizations.”<sup>33</sup>*

The capacities and needs of CSOs for cooperating and joining networks have particular importance in the context of amplifying intervention and advocacy issues and increasing the impact on the general public and decision-making institutions.

## Challenges

There are several challenges identified by the responders. As mentioned in the previous sections, the financial instability, the lack of a network and the geographical disparity makes the cooperation among anti – OC CSOs difficult. Those coupled with a donor-driven agenda and a lack of continuity of actions and issues among anti – OC CSOs result in a setback. As a non-governmental media organization representative argued:

*“Our task is to make the issues public, then other CSOs should follow up the case in the justice system. Differently from the environmental CSOs, this has never happened before with anti-OC CSOs.”<sup>34</sup>*

There is a common perception that OC is an issue that exclusively belongs to the criminal justice system (CJS) with little role for CSOs contribution. In addition, CJS usually does not provide proper information when asked by CSOs, especially when there are cases of OC and high-level corruption.<sup>35</sup> The weak cooperation with CJS is seen as twofold, on one side they disregard criticism, but on the other, very few CSOs have the ability to make a professional assessment of the performance of CJS.<sup>36</sup>

29 Bino et al., 2020. Civil Society Participation in Decision Making in Albania, Tirana: Institute for Democracy and Mediation.

30 Interview No. (1), with CSO representative in Tirana (21 July 2020).

31 Partners Albania, 2019. Capacity and needs assessment for civil society organizations in Albania, Tirana: Partners Albania.

32 Interview No. (9), with CSO representative in Tirana (7 September 2020).

33 Interview No. (3), with CSO representative in Vlora (3 August 2020).

34 Interview No. (1), with CSO representative in Tirana (21 July 2020).

35 Ibid.,

36 Interview No. (4), with CSO representative in Tirana (29 July 2020).



Most of the anti – OC CSOs have not been directly threatened, however, they feel intimidated, especially non-governmental media organizations when reporting investigative cases of OC and high-level corruption. This perceived intimidation is mentioned by other authors<sup>37</sup> who explain that in autocratic societies such as in the WB, only a handful of people control the economy and the distribution of political power, and in this environment, the space for civil society to expose OC networks and corruption becomes more challenging.

## Criminal Justice perspective

In general, CSOs and government institutions (local and central) need to increase transparency, trust, and cooperation between each other.<sup>38</sup> Half of the responders of this report claim they rarely cooperate with central government institutions, while more than one-fourth of them claim they have no cooperation at all. Law enforcement, timely approval of bylaws and regulations, and implementation remain a hindering factor for civil society participation and interactions with public authorities.<sup>39</sup> Whereas in the issue of OC the cooperation between CSOs and state institutions is even more difficult, given the infiltration of OC in state authorities and the danger it poses.<sup>40</sup>

Some of the CSOs that work on victim support argue that CJS fails to provide relevant information to the victims, which leads to feelings of insecurity, distrust and the deterioration of victims' health.<sup>41</sup> Moreover, some of the victims consider withdrawing their accusations due to fear from their exploiters in sex industry or labor,<sup>42</sup> hence, there is a need for changes in CJS approach towards victims. CJS is mainly focused on the perpetrators and neglect the victims, with whom anti-OC CSOs mostly work.<sup>43</sup>

Often the image of CSOs is affected by negative narratives such as captured, bought, or money-seeking, which are reproduced by politicians and the media<sup>44</sup>, and there may be prejudices which make the cooperation between CSOs and CJS more difficult.<sup>45</sup> As other authors have argued before,<sup>46</sup> the systematic exchange of information could be

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37 Hoxhaj, 2019. Blogs - London School of Economics. [Online] Available at: <https://blogs.lse.ac.uk/europpblog/2019/10/30/civil-society-needs-support-to-fight-corruption-and-organised-crime-in-the-western-balkans/> [Accessed 5 October 2020].

38 Partners Albania, 2019. Capacity and needs assessment for civil society organizations in Albania, Tirana: Partners Albania.

39 Bino et al., 2020. Civil Society Participation in Decision Making in Albania, Tirana: Institute for Democracy and Mediation.

40 See Zhilla and Lamallari., 2015. Organised Crime Threat Assessment in Albania, Tirana: Open Society Foundation Albania, pp. 45-46; see also Hoxhaj, 2019. Blogs - London School of Economics. [Online] Available at: <https://blogs.lse.ac.uk/europpblog/2019/10/30/civil-society-needs-support-to-fight-corruption-and-organised-crime-in-the-western-balkans/>

41 Interview No. (3), with CSO representative in Vlora (3 August 2020).

42 Ibid.,

43 Interview No (2), with CSO representative in Tirana (30 July 2020).

44 Smear campaigns or negative narratives against CSOs are used by politicians in Albania, which have affected to close up their space and opportunities to participate in the decision-making. For more see: Bino et al., 2020. Civil Society Participation in Decision Making in Albania, Tirana: Institute for Democracy and Mediation, pp. 21-22

45 Interview No. (10), with CSO representative in Tirana (8 September 2020).

46 Amerhauser, 2019. How can civil society counter organized crime in the Western Balkans?

a first step in boosting cooperation among CSOs in the region and their relations with CJS because it is important that CSOs maintain a monitoring role over state institutions.

Concerning the safety of the environment where CSOs operate, most of the responders do not perceive the environment as safe, despite not having been directly threatened or intimidated by OC. Non-governmental media organizations feel intimidated when reporting investigative cases of OC and high-level corruption.<sup>47</sup> Moreover, some of the CSOs were not willing to provide detailed information about threats made towards them. However, the findings from the interviews suggest that CSOs engaged in victim support receive threats from perpetrators, as a responder argued,<sup>48</sup> the lack of apt state protection enables OC groups to threaten civil society professionals.

## Conclusions

The involvement of CSOs in the fight against OC is hampered by a number of interrelated factors.

CSOs are not focused on the fight against OC as they have traditionally seen their role in meeting the objectives set by foreign donors, who have not prioritized the issue of the fight against OC. Although recently there is a more active approach by foreign donors to these issues, their initiatives are still insufficient in relation to needs.

The lack of interaction between CSOs and the CJS to obtain information makes it even more difficult for CSOs to be involved in efforts to fight OC. This interaction becomes even more difficult as CSOs do not have the capacity to conduct research or other projects that help in the fight against OC.

There is no network of anti – OC CSOs in Albania and only few CSOs primarily implement anti – OC projects. Almost all their work is focused on victim support or crime prevention, with little projects on the fields of monitoring and advocating better institutional performance or investigating specific OC cases.

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Insights and recommendations from roundtable engagements with civil society actors across the region, Geneva: Global Initiative Against Transnational Organized Crime.

47 Interview No. (1), with CSO representative in Tirana (21 July 2020).

48 Interview No. (4), with CSO representative in Tirana (29 July 2020).

## Recommendations

Establish a network of anti – OC CSOs in order to increase their cooperation in the form of joint projects, boost their role in the field, and improve their know-how and sharing of information.

The anti-OC network should organize capacity building activities which are needed for CSOs who work on anti-OC projects. Increased trainings and educational engagements are necessary to ensure the capacity-building of CSOs staff in the field.

The foreign donors need to prioritize the issue of the fight against OC, as it is a fundamental issue in the country.

There is a need to diversify CSOs role in researching OC in Albania and the institutional practices employed to fight it. Research should be focused on drug trafficking, ties between politics, business and illicit trade, money laundering, and human trafficking.

CJS should be more open and collaborative with CSOs. It is fundamental for law-enforcing authorities to ensure the safety of anti-OC CSOs who implement anti-OC projects. Although most of the CSOs have not been directly threatened, they feel intimidated, especially the non-governmental media organizations when reporting investigative cases of OC and high-level corruption.

Civil society must raise awareness in the field of OC, and build a counter-narrative, because a considerable percentage of youth do not perceive it as necessarily bad.

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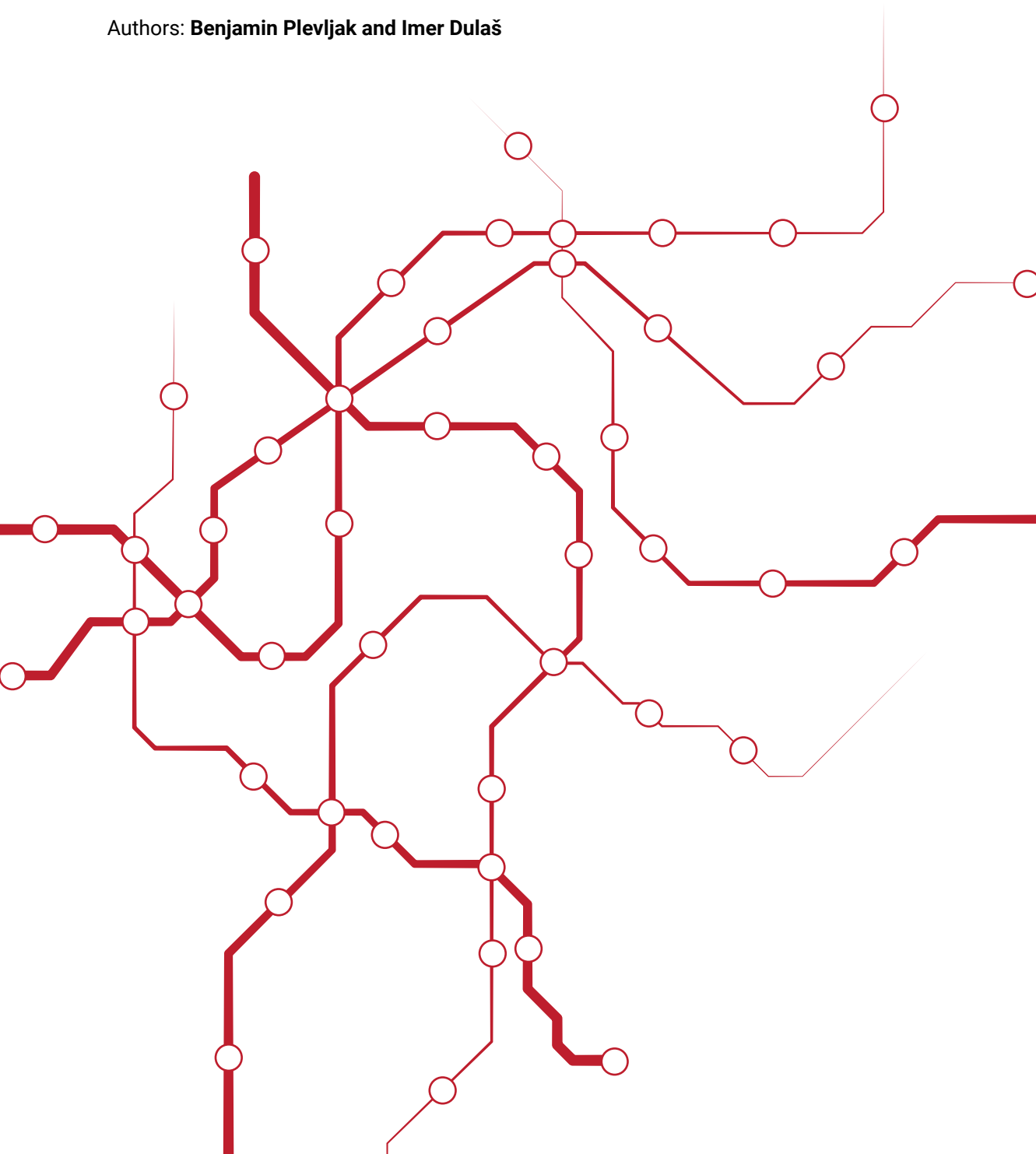
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# Bosnia and Herzegovina

Authors: **Benjamin Plevljak and Imer Dulaš**



## Executive summary

The purpose of this empirical study is to analyse the efforts and impact of the civil society, improve the capacities of civil society organisations (CSOs) for dealing with organised crime (OC), and strengthen the relations between CSOs and state institutions in Bosnia and Herzegovina. The aim is to formulate recommendations to further strengthen, support, and promote CSOs dealing with OC, and to encourage better cooperation and greater engagement in the fight against OC.

As regards research, the method of qualitative analysis of the content of documents was used to analyse the national legal framework and other strategic documents related to the fight against OC. Interviews were conducted with 6 representatives of CSOs, as well as with representatives of the criminal justice system through a focus group.

Bosnia and Herzegovina does not have many CSOs that deal with OC, and the cooperation between CSOs and the criminal justice system can be described as average. Also, there are certain gaps in mutual coordination.

According to the representatives, CSOs educate their employees to deal with OC and corruption mainly through trainings, educations, seminars, webinars, conferences and professional gatherings. It was also emphasised that it is necessary to improve both human and technical capacities, in terms of IT equipment and knowledge of researchers regarding OC. Many CSOs do not have the privilege of sustainable funding which would enable its employees to specialise closely and deal exclusively with OC and corruption; also, the environment in which they carry out their activities related to organised crime and corruption is not sufficiently safe.

The main focus of activities implemented by the CSOs or their networks is on the prevention of OC through acting as watchdogs and pointing out shortcomings. Viewed from the criminal justice perspective, the role of civil society in the fight against OC is most often characterised as a battle fought through the media, i.e. investigative journalism.

Given the overall situation caused by the Coronavirus pandemic, activities of the CSOs are rather limited. The capacities of certain CSOs have been redirected to the challenges brought about by Covid-19. The purpose of this analysis is to improve the capacities of CSOs to tackle the issue of OC, strengthen the relations between CSOs and state institutions, and provide insight into their capacities, opportunities, education and challenges.

## Introduction

Organised crime is one of the most obvious issues that endanger the security of almost any country. Its negative impact on societies and states is not exclusively confined to specific criminal acts; in most cases, it can also be reflected in the political and economic processes.

There is an extremely large number of organised crime activities in Bosnia and Herzegovina, among which drug trafficking, money laundering, human trafficking, etc. are the most dominant. Based on the documents of the European Union regarding the situation in BiH, it can be concluded that corruption is continuously one of the most prevailing phenomena in the society. As stated in the BiH-related documents for the years 2018, 2019 and 2020, corruption is still very much present and is the cause for serious concern, as direct political influence on everyday lives of citizens is noticeable at all levels.

This analysis will serve to examine the relationship between CSOs and the criminal justice system, and to provide a realistic picture thereof.

As the report continues, it will focus on the analysis of legal frameworks and strategies in the fight against OC, knowledge capacities and practices of CSOs and the criminal justice system, their practices and the challenges they face, and the level of their mutual cooperation.

## Analysis of the Legal and Strategic Framework

Given the specific status of the state and the constitutional order in Bosnia and Herzegovina, there are four criminal codes: The Criminal Code of Bosnia and Herzegovina,<sup>1</sup> the Criminal Code of the Federation of Bosnia and Herzegovina,<sup>2</sup> the Criminal Code of the Republic of Srpska<sup>3</sup> and the Criminal Code of the Brčko District.<sup>4</sup>

Also, in addition to the above legislation, one of the most important laws for the work and activities of CSOs is the Freedom of Access to Information Act<sup>5</sup> of BiH. It ensures the right of each natural and legal person to access information under the control of a public authority, while obliging each public authority to publish such information.

Besides the Criminal Codes and other legislation, the active approach to this issue is also reflected in the development of the Organised Crime Threat Assessment, Strategies and Action Plans for the Fight against Organised Crime in BiH,<sup>6</sup> and Strategies and Action Plans for the Fight against Corruption.<sup>7</sup>

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1 Criminal Code of Bosnia and Herzegovina

2 Criminal Code of the Federation of Bosnia and Herzegovina

3 Criminal Code of the Republic of Srpska

4 Criminal Code of the Brčko District of Bosnia and Herzegovina

5 Freedom of Access to Information Act

6 Strategy for the Fight against Organised Crime in Bosnia and Herzegovina for the period 2017-2020. p. 3

7 Strategy for the Fight against Corruption in Bosnia and Herzegovina (2015-2019)



The Council of Ministers of Bosnia and Herzegovina has adopted four Strategies for the Fight against Organised Crime, but there is also the Strategy for the Fight against Corruption in BiH which has been issued by the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption.

There are other strategies as well, both at the state and entity levels, that are closely linked to the fight against OC. Some of them are: the Strategy for Combating Trafficking in Human Beings in BiH, the National Strategy on Supervision over Narcotic Drugs, Prevention and Suppression of the Abuse of Narcotic Drugs in BiH, the Small Arms and Light Weapons Control Strategy in BiH, etc.

The principles of all the above strategies indicate the need for the involvement of civil society in the fight against the phenomenon of OC.

Perhaps the two most important principles contained in the Strategy for the Fight against Organised Crime in BiH, are the “principle of coordination and cooperation”, which implies that procedures to combat organised crime should be based on a single concept of cooperation between the public and private sectors, international organisations in BiH, civil society and citizens, and the principle of “public and private sector and civil society participation”, which implies active cooperation of public and private sectors with the civil society, international institutions and citizens.<sup>8</sup>

As a potential candidate for membership in the European Union and a country that is engaged in the process of Euro-Atlantic integration, Bosnia and Herzegovina has committed itself to strengthening the rule of law and institutions that deal with justice and home affairs.<sup>9</sup>

## | Resources

All the interviewed CSOs are funded by donors; basic support for institutional costs is always extremely useful, as well as securing additional funding for increasing the number of researchers in the fight against corruption and OC.

What CSOs need to carry out their day-to-day activities effectively, including anti-organised crime activities and corruption prevention, is education in the field of fight against OC.

One organisation did not reply to the question on the number of full-time employees, while the majority of those who did answer it said that they have between one and five full-time employees.

Most organisations have up to 10 part-time employees, associates and volunteers, while two of them have up to 20.

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<sup>8</sup> Strategy for the Fight against Organised Crime in Bosnia and Herzegovina for the period 2017-2020. Principles for Strategy Development, p. 6

<sup>9</sup> Organised Crime Study in Bosnia and Herzegovina, p.11, Centre for Security Studies

Between one and five employees deal exclusively with topics and issues relating to OC and corruption. By vocation, most of such persons are researchers, but there are also organisations that employ journalists, former police officers, crime prevention practitioners and victim support practitioners.

The activities of CSOs are related to international organisations and the work on projects whose funding is based on grants obtained from various donors. As one of the representatives of the criminal justice system described the capacities of CSOs, they are symbolic and result in limited reach.

## | Knowledge

Interviews with representatives of the organisations showed that almost all of them have excellent or good knowledge of organised crime and high-level corruption. Only the representative of one organisation stated that the level of knowledge of his organisation in these areas was average.

When interlocutors were asked to assess the knowledge of their CSOs regarding the responsibilities and performance of the criminal justice system in the fight against OC, the situation was the same. Almost all said that their knowledge was good or excellent.

There are also cases where staff is independently educated on these issues, which becomes evident especially during the implementation of specific projects related to OC or corruption. Knowledge of this phenomenon depends on the focus of the work of CSOs. The interviews showed that employees are trained on organised crime and corruption mainly through informal education. Researchers have attended numerous trainings, webinars, conferences and round tables related to high level corruption issues, which have been organised by both domestic and international non-governmental organisations.

As regards the capacity and ability of CSOs to deal with the issue of OC, representatives of criminal law institutions were focused on [CSOs] gaining new knowledge and getting additional education, and on knowledge of the legal framework in which the institutions operate and the level to which investigations can and are allowed to go.

## | Practices

All the representatives characterised the role of civil society in the fight against OC as very important. CSOs should play a more active role in combating this phenomenon. Most CSOs do not have the privilege of sustainable funding that would allow them to specialise narrowly and deal exclusively with OC and corruption.

Anti-OC initiatives most often involve cooperation among several CSOs, such as the *ad hoc* consortium of CSOs for monitoring public procurement in the security sector created as part of the “ACroSS” project.

As a representative of BIRN stated: “It is difficult to single out just one initiative, but as a media organisation we would like to stress the important work of many newsrooms, both in BiH and the region (BIRN offices, Žurnal, Fokus and Capital in BiH, Centre for Investigative Reporting in BiH and Serbia, KRIK in Serbia, etc.) in investigating and reporting discovered institutional and public abuse of power, inadequate implementation of law, corruption among public workers, etc.”.

As for the activities carried out by CSOs in the fight against OC, they are most often described as watchdog or educational. There are also those related to investigative journalism, victim support and crime prevention. Almost all CSOs engage in these types of activities often and just one organisation stated that it conducts them rarely.

The main focus of all the organisations’ activities is restorative response (prevention). Only one is also engaged in the watchdog activity.

The area of crime in which CSOs are most active is corruption related to organised crime, while it is interesting that no organisation deals with drugs, illegal gambling and property crime. They deal with these issues to a greater or lesser extent as part of their *other* activities.

Some CSOs write educational materials about organised crime and corruption, such as studies and publications. They also organise seminars, workshops, webinars, etc.

Some organisations follow corruption-related trials and monitor all the cases related to potential or alleged governmental abuse of power.

Respondents had mixed views of the efforts of CSOs in the fight against OC, but in general, most of them said that efforts are poor or average. Interestingly, not a single respondent stated that the efforts of civil society organisations were excellent. The reason for this could be the fact that most CSOs are not narrowly specialised in the fight against organised crime.

Finally, according to the interviewed representatives of CSOs, it is necessary to increase the efforts of civil society in the following areas: fight against corruption linked to organised crime, human trafficking and money laundering.

## Cooperation

All the representatives of CSOs replied that their organisations were members of networks of non-governmental organisations, and that they cooperated with other organisations on projects related to OC.

As regards mutual cooperation of CSOs, it seems interesting that none of the respondents think that it is poor, while half find it average. On the other hand, there are also respondents who believe that cooperation is mostly good, even excellent.

According to the majority of the interviewed representatives, CSOs have a good relationship with the police. As organisations often deal with security issues, they state that they cooperate with the police quite frequently and that the police have proven to be ready for any form of cooperation and assistance in the implementation of certain projects.

As for the prosecutor's office, half of the respondents have rated cooperation as good, while the rest considered the relationship average or even poor. Regarding cooperation with the courts, most respondents view their relations with the judiciary as average. Looking at the profiles of organisations whose representatives were interviewed, those whose activities involve investigative journalism generally have the poorest cooperation with the police, prosecution and the judiciary.

One of the main problems in terms of cooperation between the CSOs and the criminal justice system is the lack of two-way communication. Numerous projects and initiatives are not receiving needed attention from state institutions. Also, when it comes to obtaining information (official statements or documents) from state institutions, especially the judiciary, there is a lack of responsiveness and will to share information. This could imply that, despite the Freedom of Access to Information Act, it may be necessary to provide additional education on the provisions of this law and their implementation, both by the CSOs and state institutions. Also, one respondent stated that, in general, state institutions work with civil society only to the extent that it can be shown that such cooperation exists (i.e. at the necessary minimum).

## Challenges

According to the experiences of interviewed representatives, the main issue in the area of coordination and cooperation among the CSOs is the lack of a common platform to be used to coordinate the activities. Similar project ideas often come up, and certain activities and topics overlap. One of the representatives pointed out that state institutions also show sympathies towards certain CSOs, and that they practice selective sharing of information.

When asked whether the environment in which CSOs operate is safe enough to deal with issues of OC and corruption, most representatives answered that the environment is not sufficiently safe and that sometimes there are pressures, political influences and intimidation of journalists.

Two representatives had been exposed to threats and certain forms of intimidation, and have pointed out that there is a need for additional protection training and advice (mostly IT protection).

The majority of the respondents believe that the space in which CSOs operate has been reduced, and that there are not enough projects or grants, especially those related to the fight against OC and corruption. It was emphasised that one of the reasons for this is the lack of education and knowledge of employees on this topic. They also stated that it is important that official institutions, be they state or local, begin to see CSOs as equal partners in the fight against OC and corruption, by respecting them and taking their ideas and initiatives into account.

## The Criminal Justice Perspective

The focus group participants view CSOs mostly as young and educated people who advocate the rights of “ordinary” people, minorities and vulnerable groups and provide support for the development and progress of society as a whole. Since citizens have ceased to trust the work of state institutions responsible for combating organised crime, CSOs have come to the fore. By communicating with “ordinary” citizens, they can obtain information that will allow for a timely response of competent institutions and restore citizens’ trust in the rule of law.

Participants believe that the civil society should participate in the fight against OC, with all its aspects and in accordance with its capabilities. It could act as a corrective for criminal justice and other institutions. They stated that OC is taking more sophisticated forms, and that, consequently, there is a need for joint and concerted action.

As for the role of civil society in the fight against OC, it is most often characterised as a battle that is fought in the media, i.e. through investigative journalism. However, it should be taken into account that investigative journalism can also have a counter-effect, in the sense that journalists sometimes publish unverified or untrustworthy information. In some cases, published articles also have a political background.

Detection of corruption and criminal activities in their early or initial phase was highlighted as the segment of OC in which the role of CSOs is necessary.

When asked about CSOs’ most successful initiatives, one participant mentioned that “all initiatives initiated and implemented by the civil society are significant if their aim is the development and progress of our country on its path to joining the European Union. One of the basic preconditions for joining the EU is the fight against all forms of organised crime, which means that any initiative that contributes to a concrete result can be considered “most important and most successful”.

From the standpoint of the police and the judiciary, the current efforts of the civil society against OC in Bosnia and Herzegovina are efforts to operate more efficiently and equitably. It is important to note that the participants have also noticed the competition between the CSOs, which fight for projects and funding and thus act in an uncoordinated manner. As one of the focus group participants concluded, more could be achieved through a synergy of CSOs.

Cooperation between the participants (as representatives of the criminal justice system) and CSOs is most often reflected in trainings, seminars and professional gatherings organised by CSOs themselves. It was emphasised that this segment of cooperation is beneficial for both.

The main gap in the cooperation between the criminal justice system and CSOs is precisely insufficient cooperation and lack of communication. As one of the participants stated, "so far, in my work, I have had contact with civil society organisations only through certain trainings in the field of corruption, which is a positive example of cooperation, but in principle, I think that this segment of cooperation can and must be improved".

As regards the safety of the environment in which the CSOs operate, none of the focus group participants were involved in a case where someone was putting pressure on them, but an interview with civil society representatives showed that two of the CSO members were exposed to pressure through media and social networks, as well as lawsuits.

## Conclusion

CSOs are usually involved in the fight against OC and corruption through project activities, but there are very few organisations that are engaged in nothing else but the fight against OC. There is a problem of absence of CSOs' specialisation, which - in the long run - can contribute to a lack of efficiency in the fight against OC. This is caused by the fact that CSOs are funded by projects and grants which are not always focused exclusively on OC.

This leads us to the capacities of CSOs, which are limited. Some organisations lack education and resources to specialise employees and researchers on the topic of fighting OC and corruption, while others have excellent knowledge of issues related to organised crime. The absence of sustainable funding prevents employees from achieving narrow specialisation and being able to deal exclusively with OC and corruption. According to the analysis, most civil society organisations have between one and five employees working as researchers and dealing with OC and corruption issues.

Most respondents believe that the environment in which they carry out their activities related to OC and corruption is not sufficiently safe. Some organisations have been exposed to threats and certain forms of intimidation, and their members have pointed out the need for additional protection training and advice (mostly IT protection).

Regarding the cooperation of CSOs with the criminal justice system, it is noticeable that cooperation with the police and the prosecutor's office is slightly better than that with the judiciary, given the lack of responsiveness and will to share information. This shows the need to provide additional education on the provisions of the Freedom of Access to Information Act, as well as its implementation, for CSOs and public institutions alike.

Absence of cooperation and mutual trust impacts both CSOs and the criminal justice system, in terms of performing their activities as well as possible.

From the criminal justice perspective, the role of civil society in the fight against OC is most often viewed as a fight through investigative journalism and educational activities (seminars, workshop, publications, etc.).

The level of cooperation and trust could be raised if the criminal justice system would truly consider CSOs as partners in the fight against organised crime, as CSOs are the initiators of positive changes and point to shortcomings and deficiencies - both social and systemic.

## Recommendations

Improve technical and human capacities (modernisation of IT equipment, researchers specialised in combating OC);

Increase the level of education regarding IT security (cyber-security);

Improve cooperation and create a more strategic approach. This can be achieved through more frequently organised meetings, forums and workshops aimed at achieving mutual trust;

Increase efforts to jointly combat all forms of organised crime, especially corruption, human trafficking and money laundering;

Ensure the specialisation of CSO staff in the fight against organised crime;

Additional education on the Freedom of Access to Information Act and other important aspects related to access to information;

More frequent long-term training, informing and education of the civil society on organised crime and corruption;

Citizens' trust in the criminal justice system needs to be strengthened; this can be achieved through the activities of CSOs;

Build stronger connections with international networks and organisations, to exchange experiences and learn from good practices;

Reach out to international organisations, embassies and other donors, to put emphasis on grants and projects focused on fighting organised crime and corruption.

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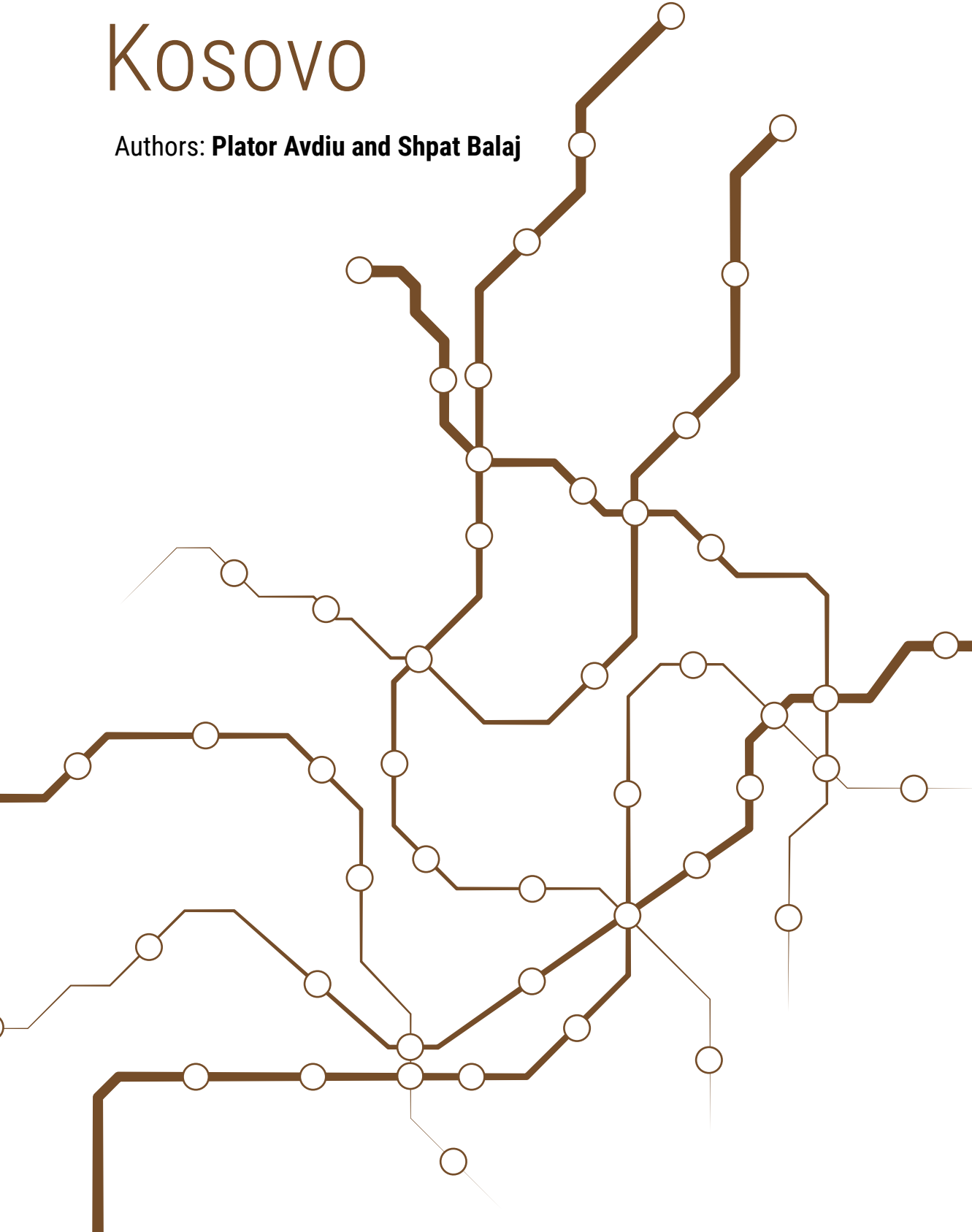
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# KOSOVO

Authors: **Plator Avdiu and Shpat Balaj**



## Executive Summary

The purpose of this report is to analyse the current efforts and the impact of Kosovo's civil society on tackling the issue of OC, identify successful approaches and examine the existing challenges. The aim is to formulate recommendations to further strengthen, support, and promote CSOs dealing with OC and inspire new anti-OC engagement in Kosovo. The report intends to educate interested national stakeholders on how and why involvement in the area of anti-OC makes a difference, and to present the benefits of such an approach to all relevant stakeholders.

The study was prepared based on qualitative research methods using primary and secondary data. Accordingly, a content analysis has been conducted focusing on the following research activities: i) analysis of the current constitutional and legal framework, as well as strategic documents on the CSOs environment in Kosovo, ii) interpreting and understanding data from interviews on the work of CSOs in fighting OC, and iii) gathering data by focus group organised with criminal justice professionals aiming to understand their perceptions of the role of CSOs in fighting OC in Kosovo.

In Kosovo, the work of CSOs is guaranteed by the Constitution and respective laws on freedom of association in NGOs and access to public documents. CSOs' contribution to policymaking and the public consultation processes is also recognised by the country's legislation. As evidenced by current strategic documents, key problems of cooperation between CSOs and state institutions are: lack of adequate participation of CSOs in policy formulation and legislation, the fact that direct and indirect funding of CSOs is not yet operational, underdeveloped and non-transparent practices for contracting public services by CSOs, and lack of volunteering in public benefit programmes.

# Analysis of the Legal and Strategic Framework

## Constitutional and Legal Framework

In Kosovo, the work of civil society organisations (CSOs) is ensured by a specific provision of the Constitution of the Republic of Kosovo. Article 44 guarantees the freedom of association which “includes the right of anyone to establish an organisation without obtaining any permission, to be or not be a member of any organisation, and to participate in the activities of an organisation.”<sup>1</sup>

Besides this general provision, the legal framework in Kosovo regulates the details of the CSOs’ environment within the country. Accordingly, the Law no. 06/L-043 on Freedom of Association in Non-Governmental Organisations (NGOs) entered into force in April 2019.<sup>2</sup> Prior to entering into force, the Law was fiercely criticised by CSOs in Kosovo because its initial versions foresaw the possibility for microfinance institutions (registered as NGOs) to privatise the earned capital as NGOs, creating an opportunity for funds acquired for the general public interest to be potentially used for private purposes.<sup>3</sup> Recommendations of the civil society, supported by Kosovo’s President,<sup>4</sup> have been taken into account in the final version of the Law which is currently in force.

The Law sets out the rules for the establishment, registration, operation, suspension, termination, prohibition of activities and de-registration of non-governmental organisations.<sup>5</sup> It refers specifically to NGOs and therefore does not apply to political parties, trade unions and trade union organisations, religious communities, religious centres and temples, or other fields regulated by specific laws.<sup>6</sup> Public institutions cannot interfere with the NGO’s rights and freedoms, or with those of persons exercising their right to freedom of association.<sup>7</sup> The Law recognises three forms of organisation of NGOs: i) association, ii) foundation and iii) institute.<sup>8</sup>

Contribution of Kosovar CSOs to policymaking and the public consultation processes is legally guaranteed by the Government’s Regulation no. 05/2016 on Minimum Standards for Public Consultation Process, adopted in 2016. It aims to promote and ensure a public consultation process between the public authorities, interested parties and the public including CSOs, to facilitate an inclusive participation process of policymaking and decision making in the public interest, raise the level of transparency and increase the

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1 Paragraph 1 of Article 44, Constitution of the Republic of Kosovo. Available at: [http://www.kuvendikosoves.org/Uploads/Data/Files/6/KushtetutaeRepublikesseKosoves\\_nJ4SXNnEAT.pdf](http://www.kuvendikosoves.org/Uploads/Data/Files/6/KushtetutaeRepublikesseKosoves_nJ4SXNnEAT.pdf)

2 Law No. 06/L-043 on Freedom of Association in Non-Governmental Organizations, No. 11 / 24 April 2019. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=19055>

3 Shefkiu, A. (2018). *Fati i Ligjit për OJQ-të mbetet në duart e deputetëve*. Kallxo.com, 12 December. Available at: <https://kallxo.com/shkurt/fati-i-ligjit-per-ojq-te-mbetet-ne-duart-e-deputeteve/>.

4 Koha.Net (2018). *Presidenca ia kthen në rishqyrtim Kuvendit ligjin për OJQ-të*. Koha.Net, 24 November. Available at: <https://www.koha.net/arberi/130623/presidenca-ia-kthen-ne-rishqyrtim-kuvendit-ligjin-per-ojq-te/>.

5 Article 1, Law no. 06/L-043 on Freedom of Association in Non-Governmental Organizations, No. 11/24 April 2019. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=19055>

6 *Ibid*, Article 2

7 *Ibid*, Paragraph 6 of Article 13

8 *Ibid*, Article 19

accountability of public bodies to interested parties and the public.<sup>9</sup> Following the adoption of this regulation, the Kosovo Government created the online platform which is used by all public authorities to identify the stakeholders for developing public consultations in order to implement provisions of the regulation.<sup>10</sup> The platform's purpose is to help the ministries and Government agencies facilitate public consultations by including public and non-governmental authorities, CSOs and other relevant partners in the policymaking and decision making process.<sup>11</sup>

## Strategic Framework

The current State Strategy and Action Plan against Organised Crime 2018-2022 contains rather superficial references on the role of Kosovo CSOs in the fight against organised crime. Among other stakeholder groups, the strategy lists members of the civil society as organisations that should cooperate with the government and public institutions to enable efficient prevention and fight against threats of organised crime, albeit this implies quite a generalized role of CSOs.<sup>12</sup> In addition, this documents recognises CSOs' participation in the process of monitoring and assessing the strategy, for the purpose of strengthening inclusiveness, transparency and accountability.<sup>13</sup> In this regard, the strategy also refers to reports of CSOs, which will be taken into account within the monitoring and assessment processes.<sup>14</sup>

On the other side, the Government Strategy for Cooperation with Civil Society 2019-2023 has identified four key problems related to the cooperation between the civil society and state institutions: i) lack of adequate participation of CSOs in policy formulation and legislation, ii) the fact that direct and indirect funding of CSOs is not yet operational, iii) underdeveloped and non-transparent practices for contracting public services by CSOs, and iv) lack of volunteering in public benefit programmes.<sup>15</sup> As a result of the above challenges, the strategy has set priority objectives to address the current problems and have an impact on interrelated policy reforms that can jointly contribute to creating a better environment for civil society in the country.<sup>16</sup>

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9 Article 1(1), Regulation (GRK) no. 05/2016 on Minimum Standards for the Public Consultation Process. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=15036>

10 The online platform for public consultation is available at: <https://konsultimet.rks-gov.net/>

11 Platform of Public Consultation. "About Platform", available at: <https://konsultimet.rks-gov.net/about.php>

12 Ministry of Internal Affairs of the Republic of Kosovo. (2018). *State Strategy and Action Plan against Organized Crime*, p. 7. Available at: <https://mpb.rks-gov.net/Uploads/Documents/Pdf/EN/48/STATE%20STRATEGY%20AND%20ACTION%20PLAN%20AGAINST%20ORGANIZED%20CRIME%202018%20%E2%80%93%202022.pdf>

13 *Ibid*, p. 16

14 *Ibid*.

15 Government of Kosovo – Office of the Prime Minister/Office on Good Governance. (2019). *Government Strategy for Cooperation with Civil Society 2019-2023*, Prishtina 2019, p.12. Available at: [http://www.civikos.net/repository/docs/Strategy\\_eng\\_291507.pdf](http://www.civikos.net/repository/docs/Strategy_eng_291507.pdf).

16 *Ibid*, p. 13

## Resources

Civil society organisations that are engaged in the topics of organised crime and corruption analysed in this paper operate with a number of staff ranging from 10 to 40 full-time employees. In most of them, at least 30% of the staff deal specifically with OC and corruption, while the rest are administrative staff and/or employees that cover other topics. On the other hand, organisations/media outlets are characterised by a larger number of staff, more than 50; however, due to the high volume of work and the cases they cover, this number is insufficient. Increasing the number of investigative journalists remains a challenge since the current available funding for investigative journalism is limited, whereas government assistance in this regard has so far been questionable and focused mainly on organisations/media outlets that do not cover OC and corruption issues.<sup>17</sup> In terms of financial capacities, respectively operational capacities, although there are diverse sources of funding available, CSOs believe that there is lack of additional sources of funding in the form of *'institutional grants'* to cover operational expenses outside the framework of actual projects.<sup>18</sup> Such a form of financing would prevent CSOs' *ad hoc* engagement in OC and corruption based on short-term projects and simultaneously raise their capacities by enabling them to establish sustainable programme-based approach on these issues.<sup>19</sup>

## Challenges

A key challenge for CSOs, namely media, is that there is a lack of in-depth and detailed research in Kosovo in the topics of OC and corruption due to the lack of needed resources and a work practice centred on daily news production.<sup>20</sup> In addition, criminal justice institutions tend to not publish information on OC and corruption cases, which further complicates the work of investigative journalists covering such topics.<sup>21</sup> Generally, CSOs in Kosovo feel that they have sufficient and adequate capacities to manage and implement projects.<sup>22</sup> In principle, such a perception is present in CSOs that cover OC and corruption issues as well, however, the challenges in this regard arise with the lack of exclusive focus of CSOs on these topics. Most civil society representatives interviewed for the purpose of drafting this paper consider that CSOs in Kosovo are generally not profiled. This is due to the nature of the functioning of CSOs, whose activities are mostly project-based, consequently leading to an assortment of topics covered by one organisation, depending on the interests of donor community shown in their open calls for projects.

While the organisations interviewed for this paper are well established, financially independent and with satisfactory capacities, various organisations have had to shut down certain programmes or are unable to consistently cover certain topics because of

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17 Interview no. (2) with Civil Society Representative, 12 August 2020, Prishtina

18 Interview no. (6) with Civil Society Representative, 10 July 2020, Prishtina

19 *Ibid.*

20 Ahmeti, A (2018), *"PRESIONI I PAFUND: Raportimi I mediave të Kosovës për krimin e organizuar dhe korrupsionin"*, BIRN

21 *Ibid.*

22 Hoxha, T. (2016), *"The Kosovar Civil Society Index 2016"*, KCSF, Prishtina, October 2016

financial obstacles.<sup>23</sup> The project-based approach is more taxing for CSO's dealing with victim support. This is because, in addition to expertise, the services they offer require quality and easy accessibility of their premises. Therefore, long-term and adequate accommodation is a key factor for the efficiency of their work.<sup>24</sup>

## Knowledge

Despite the challenges, CSOs are convinced that they possess a high level of knowledge of OC and corruption issues, as well as the criminal justice institutions' performance and responsibilities. The vast majority of their staff working on these topics are researchers and/or investigative journalists, mostly with a legal background. Furthermore, the teams of some of the organisations include core staff that have successfully concluded the Jurisprudence, the highest level of the certification process for legal officers in Kosovo.<sup>25</sup> Despite the high academic level and adequate professional background of the staff in many of these organisations, the research team [of this paper] has not found any former public officials with backgrounds such as those of prosecutors, judges, police, etc. in them. As almost all of these organisations conduct daily monitoring of institutions, mainly cases of corruption and OC in the courts, in addition to their full- and part-time staff they also engage a large number of field monitors/volunteers. However, given the high volume of cases and processes requiring monitoring, CSOs have challenges in recruiting field monitors and keeping them engaged for longer periods, beyond the implementation of certain projects, which affects the effectiveness sought by the organisations.<sup>26</sup>

In the absence of a well-consolidated formal mechanism that would provide knowledge and practice to those seeking apprenticeship in the NGO sector, the knowledge of CSO representatives concerning the management of the non-profit sector and certain topics depends on the experience in this sector and the internal resources of the organisations.<sup>27</sup> While some of the organisations provide regular trainings for staff members engaged as field monitors or volunteers, the training of regular staff is mainly based on internal experience and gradual development of the staff within the organisation itself.<sup>28</sup> Cooperation of CSOs with each other and international organisations, and the consolidation of different networks and partnerships, results in the organisation of conferences, workshops and various activities, which, among other things serve to increase the capacities of the staff.<sup>29</sup> On the other hand, organisations that provide support to victims of OC, in addition to the professional level with backgrounds in medicine, social services, law, etc. enrich their knowledge with a peer-to-peer approach in recruiting and training staff, as well as approach the victims of OC.<sup>30</sup>

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23 Interview no. (4) with a civil society representative, 21 July 2020, Prishtina

24 Interview no. (8) with a civil society representative, 14 July 2020, Prishtina

25 Interview no. (2) with civil society representatives, 12 August 2020, Prishtina

26 Interview no. (3) with a civil society representative, 27 July 2020, Prishtina

27 Hoxha, T. (2016), "*The Kosovar Civil Society Index 2016*", KCSF, Prishtina, October 2016

28 Interview no. (4) with a civil society representative, 21 July 2020, Prishtina

29 *Ibid.*

30 Interview No. (8) with a civil society representative, 14 July 2020, Prishtina

CSOs in Kosovo have obvious independence in their functioning and actively advocate for better institutional performance in fighting OC and corruption. As an additional step in ensuring operational independence, some CSOs have integrated the prohibition of accessing public funds on their statuses.<sup>31</sup> According to the CSOs, their significant independence makes Kosovo a model on how CSOs advocate and put pressure on the government] to be less corrupt and fight corruption. Such a model cannot be found in the region due to the lack of this form of CSO activism.<sup>32</sup> CSOs feel that they have sufficient space and a secure environment to operate, and – apart from occasional non-serious threats, mainly on social media – they have not encountered any direct risks caused by their work on OC and corruptions issues.<sup>33</sup> However, the media remain more vulnerable in this regard, and are facing frequent threats, from those made by citizens who are dissatisfied with their reporting, to public officials' undertaking public campaigns to discredit and attack their work.<sup>34</sup> Journalists are constantly confronted by phone calls from politicians and influential people who are trying to stop the publication of certain articles, resulting with frequent serious threats and physical attacks.<sup>35</sup> In addition to the outside interference, journalists also face internal pressure in their own media and are often forced to self-censor.<sup>36</sup>

Most of the CSOs dealing with OC and corruption operate as research institutes/think-tanks, serving as watchdogs for institutions dealing with these issues and applying a top-down approach to the problem. Most of them are focused on corruption and money laundering, while other areas of OC such as exploitation in the sex industry, exploitation of labour, smuggling of goods, smuggling of migrants, cybercrime, property crime, drug trafficking etc. remain just slightly covered. However, organisations such as the *Kosovo Democratic Institute (KDI)* and the *Kosovo Law Institute (KLI)*, in addition to research and advocacy components, have implemented programmes that provide free legal aid to citizens affected by organised crime and corruption.<sup>37</sup> On the other hand, organisations such as *BIRN Kosova* and *Internews Kosova* cover a wider range of areas of OC through their media platforms.<sup>38</sup>

In addition to the self-initiatives of different CSOs, which have resulted in an increased transparency of institutions such as publication of government expenditures, opening of procurement files, filing of indictments as a direct result of the reporting of different cases of corruption and OC by CSOs, there have been a number of highly successful joint initiatives in these areas.<sup>39</sup> One of them is the “*Anti-Corruption Week*”, an annual initiative of 11 key CSOs focused on anti-corruption and OC.<sup>40</sup> Within this joint initiative, certain topics that contribute to the debate on corruption and OC are in focus each year, while the activities are diverse and include conferences, documentaries, research, public debates, etc.<sup>41</sup>

31 Interview No. (4) with a civil society representative, 21 July 2020, Prishtina

32 Interview No. (2) with civil society representatives, 12 August 2020, Prishtina

33 Interview No. (5) with civil society representatives, 07 July 2020, Prishtina

34 Interview No. (2) with civil society representatives, 12 August 2020, Prishtina

35 Ahmeti, A (2018), “*PRESIONI I PAFUND: Raportimi I mediave të Kosovës për krimin e organizuar dhe korrupsionin*”, BIRN

36 *Ibid.*

37 Interview no. (5) & (7) with civil society representatives, 07 July 2020 & 25 August 2020, Prishtina

38 Interview no. (2) with civil society representatives, 12 August 2020, Prishtina

39 *Ibid.*

40 Maliqi V. (2019), “*Java Kundër Korrupsionit*” me korrupsion deri në fyt”, Zeri, 10 December. Available at: <https://zeri.info/aktuale/311428/java-kunder-korrupsionit-me-korrupsion-deri-ne-fyt/>

41 *Ibid.*

## Cooperation

CSOs in Kosovo have good mutual cooperation which has resulted in various joint initiatives that provided concrete results on certain issues, mainly those related to corruption. Although most CSOs consider their cooperation to be genuine and effective, the project-based approach has created a sort of “*competition*” that has eroded it to some extent.<sup>42</sup> However, despite the occasional shortcomings in this regard, there is an effective mobilisation and substantive cooperation regarding issues that are in the public interest. For example, in 2019, a large coalition of CSOs - most of which were interviewed and analysed for the purpose of drafting this paper - protested in various ways against the approval of the updated Law on the Financing of Political Parties. In addition to joint written reactions and media appearances opposing said Law, there have been several symbolic related actions and protests, which in recent years have not been so common for CSOs in Kosovo.<sup>43</sup> This cooperation proved successful and the Law was withdrawn due to the concerns raised by the CSOs.<sup>44</sup>

Besides the local coverage of corruption and OC issues, CSOs in Kosovo also contribute regionally through their membership in regional and international networks and platforms. One of the leading investigative journalism CSOs, BIRN Kosova, contributes more widely through its membership in *Organised Crime and Corruption Reporting Project (OCCRP)*, a global network investigating corruption and OC.<sup>45</sup> In addition to media platforms, other CSOs such as *KDI*, which represents the branch of Transparency International in Kosovo, also cooperate with or are members of various regional and international networks.

In addition to cooperation with non-governmental entities, CSOs believe that they cooperate well also with institutions dealing with OC and corruption such as the prosecution, police and the courts. Building this cooperation has been a challenge for the CSOs because regular reporting and reactions to various violations by the above institutions, as well as their lack of response in certain cases, has created a perception that CSOs are an “institutional foe” and that their reports on the performance of institutions are tendentious.<sup>46</sup> The key problems concerning cooperation are delays, various complications when responding to the requests of CSOs for access to information, and non-response of the prosecution to public denunciations of CSOs in some cases.<sup>47</sup> However, certain organisations have established direct partnerships with the Kosovo police, prosecution and the courts in various areas such as information exchange, joint awareness campaigns, etc., while still maintaining their overseeing role towards the institutions.<sup>48</sup> Furthermore, CSOs are engaged in many processes as well as the drafting of legislation in these institutions, and leverage their expertise in continuously developing good governance principles.

42 Interview No. (3) with a civil society representative, 27 July 2020, Prishtina

43 Fana V. (2019), “*Shoqëria civile nesër proteston sërish kundër Projektligjit për Financimin e Partive*”, Kallxo.com, 20 June. Available at: <https://kallxo.com/shkurt/shoqeria-civile-neser-proteston-serish-kunder-projektligjit-per-financimin-e-partive/>

44 Kqiku A. (2019), “*Zmbrapset Qeveria, bie poshtë Ligji për Financimin e Partive Politike*”, Zeri, 22 June. Available at: <https://zeri.info/aktuale/268887/zmbrapset-qeveria-bie-poshte-ligji-per-financimin-e-partive-politike/>

45 Interview no. (2) with civil society representatives, 12 August 2020, Prishtina

46 Interview no. (3) with a civil society representative, 27 July 2020, Prishtina

47 Interview no. (9) with civil society representatives, 20 July 2020, Prishtina

48 Interview no. (2) with civil society representatives, 12 August 2020, Prishtina



## Criminal Justice Perspective

Representatives of institutions have different perceptions on the work of CSOs in countering OC and corruption. While they are all unanimous when it comes to the fact that civil society is a key and irreplaceable partner in achieving the common goals, they express dissatisfaction with the criticism they receive from CSOs concerning their work. In this regard, they perceive that the absence of narrower profiling has resulted in the lack of CSOs' in-depth knowledge of institutional performance, which is consequently leading to the production of various research reports that do not reflect the reality of their work and damage their image.<sup>49</sup> They state that, in addition to misleading the local audience on several occasions, CSOs happen to be a very trusted and credible partner of the international presence in Kosovo, and they have influenced the negative assessment of Kosovo in various international reports, such as e.g. the Country Report on Human Rights Practices of the US Department of State.<sup>50</sup> In addition, they feel that CSOs have also misinterpreted such reports in their analyses, creating a misperception about the institutions.

Despite their reserves, representatives of the institutions highly value their cooperation with CSOs in certain areas. They believe that, in addition to corruption, CSOs should work more at the community level, with a focus on the victims of OC and corruption and awareness-raising among the community. The Kosovo Police has joint projects with different CSOs, concerning both direct intervention in the reintegration of victims of OC and increasing the level of integrity within the institution. Similarly, the Prosecutor's Office believes that, by providing important information on a regular basis, CSOs play an important role in providing assistance with filing and concluding corruption cases.<sup>51</sup> However, representatives of the Prosecutor's Office have encountered cases where the phenomenon of corruption was not understood well by CSOs, which resulted in several cases that did not merit investigation and unnecessarily increased their workload. They welcome cooperation with CSOs when it comes to conducting various campaigns to clarify what corruption and OC are, and what the role of the prosecution is in this regard.<sup>52</sup>

Representatives of the institutions concluded that CSOs should make an assessment of their capacities and - through profiling - increase their expertise on the topics of corruption and OC. In this respect, however, they consider that while the work of CSOs contributes to the internal reflection of institutions and results in improved capacity and performance, CSOs should take into account the perspective of institutions for capacity building.<sup>53</sup>

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49 Focus group with institutions' representatives, 26 August 2020, Prishtina

50 *Ibid.*

51 *Ibid.*

52 *Ibid.*

53 *Ibid.*

## Conclusions

This research paper shows that CSOs and media in Kosovo generally have sufficient and adequate capacities to manage and implement anti-OC and anti-corruption projects; however, very few CSOs are specifically profiled because implemented projects are mostly donor-driven. On the other hand, they enjoy independence in their functioning and actively advocate for better institutional performance in the field, while some of CSOs have integrated the prohibition of accessing public funds on their statuses.

It is worth mentioning that CSOs have not been exposed to any direct risks as a result of their work in the field, but the media sector remains more vulnerable and faces frequent threats from citizens and public officials who are attacking their work.

Fruitful cooperation among the CSOs has led to an effective mobilisation, such as the 2019 initiative to oppose the adoption of the amended Law on the Financing of Political Parties. Cooperation between the CSOs and state institutions is assessed as good, even though the path towards this cooperation has been severely challenged. Additionally, some Kosovar CSOs are members of regional and international anti-OC networks.

Representatives of the Kosovo institutions have expressed criticism regarding the work of CSOs that operate in the area of anti-OC and anti-corruption, stating that they are not sufficiently profiled and lack in-depth knowledge of institutional performance. Furthermore, state officials perceive that CSOs have influenced the negative assessment of Kosovo in various international reports. Nevertheless, stakeholders from state institutions have suggested that, in addition to corruption, CSOs should also engage on working at the community level, with a focus on victims of organised crime and corruption, and awareness-raising in the community.

## Recommendations

CSOs working on the topics of OC and corruption must ensure consistent covering of these topics by establishing sustainable programmes, becoming specifically profiled, and avoiding superficial and short-term engagement on different project-specific topics;

CSOs should increase the number of joint initiatives and conduct joint activities on the topics of OC and corruption with national and regional organisations, networks and/or platforms;

CSOs should conduct a thorough sectoral needs assessment and use the findings of the assessment to advocate with the donor community to provide CSOs with funds based on their actual needs; the donor community, on the other hand, should design projects based on the actual needs of the CSOs working in the field of anti-OC and anti-corruption;

CSOs should increase their research capacities in the field of anti-OC and anti-corruption; therefore, increased trainings and educational engagements are necessary to ensure the specialisation of certain staff members in these topics;

In cooperation with international donors, state institutions should provide increased assistance to the anti-OC and corruption victim-support CSOs in improving and creating stability to their premises and expertise;

Media outlets should be more focused on in-depth and detailed research of topics relating to OC and corruption, while Rule of Law institutions must provide easier access to OC and corruption data to facilitate CSOs' monitoring and research in OC and anti-corruption cases;

Institutions should provide increased security measures to media outlets covering OC and corruption issues and be more focused on eliminating political influence in censoring research publications on these topics.

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An abstract graphic composed of blue lines and white circular nodes, resembling a circuit board or a network diagram. The lines are of varying thickness and connect the nodes in a complex, non-linear pattern. The nodes are small white circles with blue outlines. The overall style is clean and modern, with a focus on geometric shapes and connectivity.

# Montenegro

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Organised crime and corruption are common problems in all Western Balkan countries. Considering that Montenegro has had the same ruling party for almost 30 years, and that the 2020 Freedom House Report rated it as a transitional or hybrid regime,<sup>1</sup> it is no wonder that numerous international and domestic reports are citing that this political environment did not contribute to the fight against OC. Although small, Montenegro is known as a country in which the war between cocaine clans has escalated,<sup>2</sup> where journalists who investigated such cases have been attacked, and as a country that has a serious problem with organised crime.<sup>3</sup> Civil society organisations (CSOs) in Montenegro are recognised as a very important part of society, but those that were critical of the existing problems were often characterised by the Government as “enemies of the state”.<sup>4</sup>

This analysis is the result of qualitative research aimed at presenting the efforts of CSOs in fighting OC and corruption. As Montenegro is not a big country, the number of CSOs focused on the fight against OC and corruption is small. This is why the research included organisations whose domain of work in the area of fight against corruption and OC is much broader, and whose activities tackle this problem directly or indirectly. There are very few organisations that deal strictly with OC, for reasons of complexity and sensitivity of the topic itself, among other things. The profiles of organisations included in the research encompass those that fight against OC and corruption by conducting watchdog activities, engage in investigative journalism and crime prevention, as well as those that provide victim support and offer education. The IA research team has conducted in-depth interviews with representatives of seven such organisations, and has found that the work of most of them is related to victim support.

Even though the work of certain organisations is related to OC and the fight against it, CSOs that do not strictly revolve around organised crime (prevention and victim support) do not perceive themselves as included in the fight against OC and corruption.

The situation with OC in Montenegro is very complicated as there are numerous claims that it is connected with both decision makers and high ranking structures in the government. This connection between the government and crime is the reason for the absence of any significant progress. CSOs in Montenegro aim to contribute to the fight against OC primarily because it is a matter of public interest, and to make decision makers on top aware of the fact that this connection can be revealed.<sup>5</sup>

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1 Freedom House, [Nations in transit Report](#) 2020

2 OCCRP, Bad [Blood: A War Between Montenegrin Cocaine Clans Engulf the Balkans](#), 2020

3 The Guardian, [Organised crime in Montenegro on the rise amid claims of gang links to the government](#), 2018

4 IA, CGO, CRNVO, CEMI, [Montenegro – Reform Leader or Reform Simulacrum](#), 2018

5 Interview CIN

## Analysis of the Legal and Strategic Framework

The first strategic document adopted concerning the fight against corruption and OC in Montenegro was the Programme for the Fight against Corruption and Organised crime from 2005. To enable its affective implementation, the Action Plan and the Revised Action Plan were adopted as well (in 2006 and 2008, respectively), while the National Commission was established in 2007 to monitor their implementation, with two CSO representatives as members. From the very beginning, EC kept saying that *“The administration is continuing to show insufficient understanding of the genuine role of NGOs in a democratic society, which also involves criticism of the government.”*<sup>6</sup>

Later on, this area was covered by the Strategy for the Fight against Organised Crime and Corruption 2010-2014. This document recognised the role of civil society in combating OC, but also that only a few of them actually deal with OC and corruption and that their actions therefore have limited effects.

In 2015, to avoid duplication with the Action Plan for Chapter 23, it was decided that, for the time being, there would be no new strategies or action plans.<sup>7</sup> Some of the organisations, such as MANS, thought that this was a political decision aimed at diminishing their significance and the role they had in the National Commission. Consequently, MANS did not apply for participation in the Working Groups for Chapters 23 and 24.

Besides the Annual Progress Report, the European Commission also publishes a non-paper i.e. the working report on the state of play in Chapters 23 and 24. These are the documents that show how CSOs participate in fighting OC and corruption, and track Montenegro’s progress in this area from one year to the next. These reports kept mentioning the same problems and offering the same remarks, but unfortunately there were no significant improvements.<sup>8</sup> After eight years of implementation, the Action Plans for these two chapters became obsolete, without reflecting any need for reforms. However, the European Commission expects Montenegro to fulfil its obligations regarding the interim benchmarks before it starts to prepare new action plans.

The latest EC Report, for 2020,<sup>9</sup> noted some progress in the fight against OC but also stated that Montenegro needs to address some horizontal systemic deficiencies in its criminal justice system, including the way OC cases are handled in court. The progress made in the fight against corruption was assessed as limited and it was stated that there was a need for a strong political will to effectively address this issue, and a robust criminal justice response to high-level corruption.

This report also confirmed that NGOs’ participation in working groups remained in many cases a mere formality, and that the lack of timely information, inclusion and openness to their recommendations was preventing them from influencing the decision-making process.

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6 European Commission, [Montenegro 2006 Progress Report](#)

7 Montenegrin Employers Federation, [Corruption in Montenegro](#), 2016

8 Institute Alternativa, [First impressions of the Non-Paper on Chapters 23 and 24](#), June 2020

9 European Commission, [Montenegro 2020 Progress Report](#)

Most of the organisations dealing with OC in Montenegro are focused on victim support. Of the 7 that were interviewed, only one specifically mentioned crime prevention as the main focus of its work in this area. Two organisations investigate specific OC and corruption cases, and the same number work in this domain through education. Research, monitoring, and advocating for better institutional performance and results in fighting OC – which are, all together, defined as watchdog activities – are performed by three organisations. Bearing in mind that most organisations in Montenegro cover several topics, and work in different areas, almost none of them conduct just one of these activities, but rather combine several of them in their work. The number of organisations that see their activities as preventive is the same as the number of those who consider their activities to be a combination of a conventional response (repression) and a restorative response (prevention). All these forms of activities in the fight against OC and corruption are carried out on a daily basis.

When it comes to specific areas of OC in which CSOs in Montenegro are the most active, the answers differ from one organisation to the next depending on their activities. Based on their own claims, NGOs in Montenegro are not specialised in one area of OC and instead tackle most of the topics to a certain extent. Organisations whose work is focused on victim support are mostly active in the domain of exploitation in the sex industry, exploitation of labour, and human trafficking including begging. Some are also active in the domain of drugs, by providing support to drug users. Drugs, corruption linked with OC, money laundering, arms trafficking, cybercrime and work and development of organised criminal groups are the areas that are covered by organisations that investigate specific OC and corruption cases and conduct watchdog activities. Smuggling of human beings, organised fraud and illegal exploitation of natural resources were, also, the topics of some investigative articles.

Montenegrin CSOs are funded mostly by foreign donors, such as international organisations and foundations, the EU, and various embassies. Some of them have also had a few anti-OC and corruption projects that were funded from the state budget.

One of the resource problems troubling the CSOs in Montenegro – and not only those that fight OC and corruption – is office space. Organisations mostly do not have their own premises and have to rent offices and other space required for work (e.g. shelters).

The professional capacity to fight OC and corruption is definitely an issue that needs to be addressed, as well as human resources. One of the NGO representatives stated the following: *“Unfortunately, we cannot have one journalist/researcher dealing with just one topic. We would like to have professional journalists who would be narrowly focused on this area, because this area is very broad.”*<sup>10</sup>

Organisations that deal with OC in Montenegro are mostly very small. Only one has more than 20 employees, but not all of them are involved in anti-OC activities. Other watchdog organisations that work in this area employ between 6 and 10 persons. Depending on the organisation, the number of employees dealing with OC ranges mostly from one to five.

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10 Interview, CIN



Organisations that conduct watchdog activities and engage in investigative journalism employ researchers and journalists, while others hire mostly victim support practitioners. There are no former police officers, prosecutors or judges working in any of these organisations, but lawyers are sometimes hired for specific activities.

## Knowledge

Interviewed CSOs rate their knowledge or capacity on the topic of OC as mostly good or average. Members of only one organisation stated that they have excellent knowledge in terms of victim support they provide, but not in OC as a whole. However, another organisation that provides victim support assessed its knowledge of OC as very poor.

Montenegrin CSOs have good knowledge of the current responsibilities and performance of the criminal justice system in the fight against OC, and only organisations that provide victim support report otherwise.

Organisations that conduct watchdog activities and engage in investigative journalism acquire knowledge mainly at trainings and workshops organised by international organisations such as OCCRP, Transparency International, DCAF and UNDOC. These trainings are very important and useful, especially when it comes to learning new research techniques. Regular in-house trainings are also organised for the new employees. Employees upgrade their knowledge mainly at seminars and trainings organised by other organisations.

## Practices

CSO's role in fighting OC and corruption in Montenegro is crucial. They play the key role in researching and detecting criminal cases which the government and competent institutions are not willing to pursue. Even though they use different methods, they are recognised as one of the actors in society that discovered some of the biggest stories and scandals in the field of OC and corruption.

*One of the CSO representatives stated as follows: "Considering the high number of cases related to OC and corruption that were initiated and discovered by CSOs, we can conclude that this sector has professional staff."<sup>11</sup>*

Montenegrin CSOs are very active in both researching institutional weaknesses in the fight against OC and corruption and working on specific criminal cases. They are also advocating for legislative changes that would boost the work of institutions in this field.

Free access to information is one of the tools that are very important for the work of CSOs. However, the situation in this area is deteriorating and this was listed as one of the biggest issues that CSOs have been encountering in the recent period. The proposed

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11 Interview, CAZAS

amendments could introduce new restrictions and drastically reduce the transparency of institutions, contrary to international standards. They completely exclude access to any information concerning the intelligence and security sector, or any other information the Government decides to label as confidential. If this amendment is adopted, CSOs dealing with OC will have a problem obtaining documentation or any information from this sector. This is still an open question in Montenegro, as the Government has postponed the public debate on these amendments at the request of CSOs.<sup>12</sup>

It is also important to notice that Montenegrin CSOs are open to cooperation and joint efforts regarding any important issue, as in the above case when almost 50 organisations requested that the Government stop the adoption of a problematic law.<sup>13</sup>

Although critical analysis of the work of institutions is the first thing that comes to mind with regard to the work of CSOs, one of their very important roles is also placing on the agenda the issues that most concern the citizens of the country, as well as those that should be discussed in order to find proper solutions. Montenegrin NGOs are very visible in the media and therefore successful in initiating important debates.

It is also important to mention that the situation in Montenegro shows that people's expectations, when it comes to the NGO sector, are enormous and sometimes unrealistic. NGOs are perceived as someone who should always be there to respond and act in any situation, sometimes even concerning things that only institutions are authorised to address, such as protection and support in exercising citizen's rights. Even though the state has its own system and institutions, namely the prosecution and the judiciary, through which it ought to be discovering cases of OC and pursuing and prosecuting criminals, due to the institutions' lack of political will to deal with most important cases NGOs are sometimes forced to do their work.

When asked about the most successful initiative initiated by CSOs at the regional or national levels, interviewed NGO representatives provided very different answers; however, most of them think that organisations working in the area of victim support were the most successful.

At the national level, saving Tara River, known as '*The Tear of Europe*', from devastation was one of the most common answers associated with successful CSO initiatives. The CSOs and media outlets successfully stopped the flooding of the Tara River Canyon and the construction of a hydroelectric power plant.<sup>14</sup> Although this sounds like an environmental initiative, this project was marked as being linked with corruption. It was supported by energy lobbies and their helpers from the government, while public interest was subordinated to private interest.<sup>15</sup>

Another successful action involved the preservation of the salt production facility in Ulcinj and aborting the decision to destroy it and build a tourist complex in its place. This project involved a businessman who is viewed as 'controversial' and with strong political connections. This action too was initiated by NGOs, media and local activists.<sup>16</sup>

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12 Open Letter of the CSOs, at <http://bit.ly/3pidOGu>

13 [Almost 50 NGOs and media representatives demanded that Government give up on proposed changes](#)

14 Durmitor, [Chronology of the public campaign "I do not want a puddle, I want Tara"](#)

15 For additional information, see: <http://bit.ly/3og2MQL> and <http://bit.ly/2YepgHr>

16 RFE, Prosecution should investigate the salt production plant case

When it comes to initiatives that are closely related to organised crime or corruption, most were initiated by NGO MANS. Other important initiatives included the launching of call centres for the victims of violence, violation of children's rights and similar. Interviewed organisations also mentioned BIRN's investigation of the 'Skopje 2014' project as a successful initiative in the region. The cost of Skopje's new look had increased sevenfold from the originally planned amount, while the number of monuments and buildings had tripled. This investigation revealed numerous scandals and irregularities.<sup>17</sup>

Current civil society efforts in dealing with organised crime are mostly perceived as good. Three out of seven organisations assessed CSO's efforts as good, and two of them as average. Only one organisation assessed them as excellent, while one saw them as very poor.

## Cooperation

As regards cooperation among the CSOs dealing with OC, all the organisations agreed that cooperation at the national level was good. But, at the regional level, only a few of them mentioned membership or participation in a regional anti-OC network or project, such as UNCAC coalition, OCCRP, Transparency International and Global Investigative Journalism Network. Interlocutors also mentioned membership in regional initiatives specifically devoted to their primary scope of work, such as shelters for victims, networks of women's organisations,<sup>18</sup> etc.

CSOs do not have the same experience regarding cooperation with institutions dealing with OC. Bearing in mind the scope of work and the different activities of CSOs, we have divided the question into parts relating to cooperation with the police, the prosecutor's office and the courts, and requested that the interviewees rate it from 'very poor' to 'very good'. Answers were different depending on the type of CSOs' activities. Organisations oriented towards watchdog activities or investigative journalism rated their cooperation with the police, the prosecutor's office and the courts the same - as *very poor* or *poor*. 'Good' was the highest mark that was given regarding cooperation with these institutions - by organisations whose work is focused dominantly on crime prevention and education. Organisations whose activities are related to victim support were slightly more positive. Cooperation with police was rated as *good* and *average*, with the prosecutor's office as *poor*, while cooperation with the courts was assessed as *poor* or *very poor*.

Be that as it may, Montenegrin CSOs have greatly contributed to the strengthening of the justice system. One of the regional projects in that regard was implemented by the Alternativa Institute and the Prosecutors' Association of Serbia. The main goal of the project was to support the efficient and effective administration of the criminal justice system in Serbia and Montenegro through the exchange of regional experiences and the successful implementation of the prosecutorial investigation introduced by new Criminal Procedure legislation.<sup>19</sup> The project was focused mainly on improving cooperation among relevant actors in criminal procedure by identifying current shortcomings and introducing good cooperation between public prosecutors and the police as the main stakeholders in the pre-trial stage.

<sup>17</sup> BIRN's investigative story is available at: <https://bit.ly/3oe4qCv>

<sup>18</sup> [Advocates for Human Rights](#), [WAVE](#), [ASTRA](#), etc.

<sup>19</sup> Additional information can be found in the following publication: [SixYearsofProsecutorialInvestigationinMontenegro](#)

## Challenges

Insufficient networking is listed as one of the gaps in the cooperation among the CSOs in Montenegro. One of the NGO representatives stated the following:

*“Organisations usually have permanent partners, whom they rarely change, or are somehow self-centred, while other organisations are members of small regional networks that no one else can join”.<sup>20</sup>*

As the greatest obstacle to successful cooperation among the CSOs, interviewed organisations mentioned rivalry and organisations’ project orientation. Activities are conducted mainly through projects, for which organisations have to compete and fight each other. To be able to join big, specific and international projects, organisations need previous experience in managing large amounts of funds, which mid-level organisations usually do not have.

Another reason for the lack of cooperation among the CSOs is the so-called “a bit little of everything” approach. Namely, many organisations, although lacking capacities, engage in areas that are unrelated to their mission. A possible cause for this is the above mentioned competition for projects. As one of the CSO representatives said:

*“Regardless of the fact that the NGO sector in our country is growing, the number of narrowly profiled organisations is decreasing, which creates a problem regarding efficient cooperation and networking based on principles”.<sup>21</sup>*

When it comes to cooperation between the CSOs and the criminal justice system, the greatest challenge is that this system is very closed and unwilling to share information about its work.

Institutions do not perceive CSOs as partners and someone who could help them improve either their work or the overall situation in Montenegro. Furthermore, they do not see CSOs as sufficiently professional and competent to operate in the field of corruption and organised crime. Institutions mostly do not recognise the contribution of CSOs. Lack of trust is strongly expressed when it comes to these two segments of society, despite the fact that their mission is the same.

*“Institutions of the system and the civil society strongly mistrust each other, although, in my opinion, this should not be the case”.<sup>22</sup>*

Cooperation does exist, but it is based on *ad hoc* activities, occurring from project to project or from one event to another. Representatives of the CSOs also mentioned that these organisations are not perceived as a sector, but as one or two groups of people.

The environment in which the Montenegrin civil society operates is not sufficiently safe for its members to work on the fight against OC and corruption.

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20 Interview, CIN

21 Interview, CAZAS

22 Interview, Defendology

*“The environment is simply not safe, in the sense that someone who speaks publicly about organised crime and corruption cannot be certain that he/she will not experience some sort of penalty for it. We can see that the environment is not safe from the experiences of various researches and journalists working on stories about corruption, organised crime and affairs on high level in Montenegro. Much time has passed since these stories were published, but the cases have not yet been resolved.”<sup>23</sup>*

As regards violations of rights, Montenegrin CSOs and their representatives have so far been subjected to illegal wiretapping, illegal interruption of communication, punctured car tires, threats via messages, e-mail, indirectly and in direct communication, etc. Employees of NGOs were often insulted and their reputations damaged. Members of their families have been harassed fired from their jobs, etc.

Representatives of CSOs believe that it is especially important that they receive training on how to protect collected data, computers and databases, but also on how to deal with the above mentioned threats. This is very important also for organisations that provide support to victims, as they have internal databases that contain private information about their users. Trainings on IT protection should be organised continuously, but - unfortunately - there is no sufficient planning for them in the organisations' budgets. On the other side, it is also unclear where these funds would come from, since this issue is not always a priority of the donors.

Formally, many organisations are included in the work of different working groups and bodies, including the working groups for negotiation chapters. But their involvement in practice is uneven and not that extensive, varying from one working group to the next. On the other hand, CSOs are becoming ever more visible and present in the media. The NGO sector in Montenegro has never been more active than in the recent years, so it sometimes seems that the effects of their work are quite disproportional to the number of projects and the effort that they put into them.

*“CSOs are often not given sufficient information, or information that would enable them to make meaningful contributions, or our work is simply ignored.”<sup>24</sup>*

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23 Interview, Juventas

24 Interview, “SOS Telefon” for Women and Children Victims of Violence

## Conclusion

Generally speaking, only a few organisations in Montenegro consider themselves engaged in the fight against OC. Even the ones whose work does impact OC (prevention) or its victims (victim support) do not recognise themselves as engaged in fighting OC and corruption. They are mostly funded by international donors; only a few have received state support, which served to finance just some of the projects of organisations that provide victim support (shelters, drop-in centres, etc). CSOs in Montenegro are usually small. The organisation with the largest number of employees has just over 20, while they usually have between one and five people working on organised crime.

No organisation that operates in Montenegro is specialised for just one area of organised crime. Mechanisms used the most are research, working on concrete criminal cases and informing the public about them. Even though the environment is unsafe for those dealing with this topic in Montenegro, the most important cases and stories were in fact revealed by CSOs. When it comes to resources, organisations need to increase the number of professional staff working on OC, solve the problem of renting office space, and receive training, especially on how to protect their data. For learning and acquiring new knowledge, the most useful trainings are those that are organised by international organisations specialised in investigating OC.

The problem arises when cases need to be processed by institutions, since many of them are connected with high level officials. Consequently, the lawsuits often end up in someone's drawer, where they wait for the expiry of the statute of limitations. That is one of the reasons why CSOs that investigate specific cases rate cooperation with the criminal justice system as very poor. Unsolved attacks on journalists and other researchers in the field of OC, as well as the lack of rule of law and transparency in institutions, additionally contribute to a larger gap between these two actors in society. As regards mutual cooperation, distrust on both sides is definitely the biggest problem.

## Recommendations

State authorities should create preconditions for a greater number of CSOs to investigate OC in general, particularly by improving the implementation of the Freedom of Information Act.

Donors should provide greater support and enable specialisation of NGOs that are willing to work in the field of organised crime.

CSOs should step up their capacity building in the area of dealing with OC, and especially increase the number of professional staff that are working on this topic.

CSOs need to improve their mutual cooperation in order to achieve greater impact on institutions. They should also maintain continuous communication with the media and organise joint actions so that their statements can reach a greater number of the citizens.

Institutions should resolve attacks on journalist and researchers so as to enable CSOs to do their job without fear of being threatened. This will improve trust in institutions and lead to better cooperation between them and the CSOs.

Institutions should be more proactive in processing criminal charges filed by CSOs regarding OC, and should fully conclude such cases in accordance with the law.

Institutions should improve the transparency of their work and make it possible for CSOs and the public to obtain information from them; they should not narrow the space for CSO's operation and use of tools such as free access to information.

The criminal justice system should recognise CSOs as partners in the fight against OC and corruption.

There is a need for better data exchange between CSOs at the national, but also at the regional level (as organised crime in the Western Balkans is of cross-border nature), as this would help understand the broader picture of prevalence of OC.

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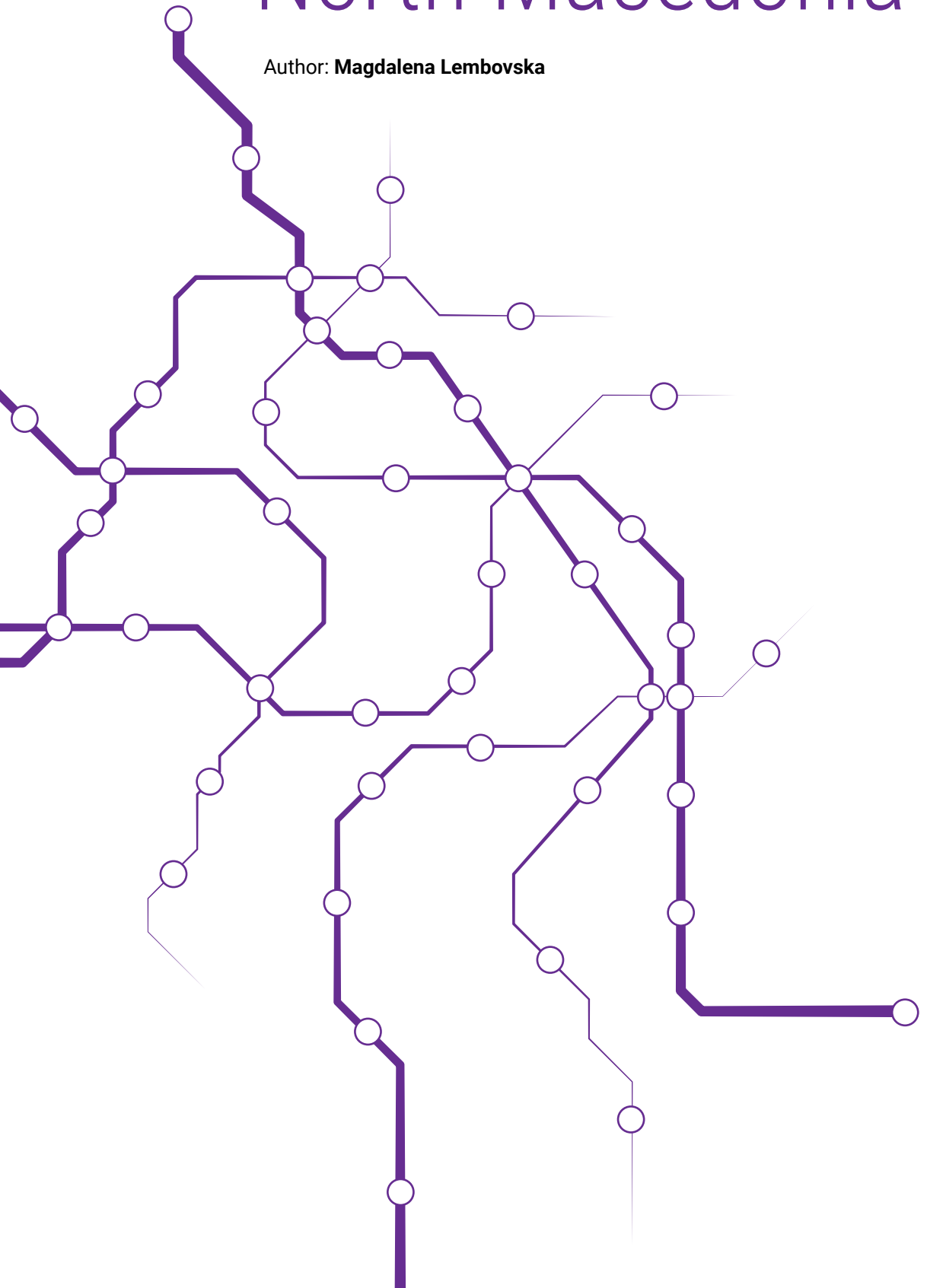
## List of interviews:

- Interview 1: MANS The Network for Affirmation of the NGO Sector, interview conducted on 21 July 2020
- Interview 2: Centre for Investigative Journalism of Montenegro, interview conducted on 21 July 2020
- Interview 3: Women's Safe House, interview conducted on 21 July 2020
- Interview 4: "SOS Telefon" for Women and Children Victims of Violence in Nikšić, interview conducted on 22 July 2020
- Interview 5: Juventas, interview conducted on 30 July 2020
- Interview 6: Defendology centre for security, sociological and criminological research of Montenegro, interview conducted on 29 July 2020
- Interview 7: CAZAS, interview conducted on 22 July 2020



# North Macedonia

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## Executive Summary

This paper will look into the efforts of civil society organisations (CSOs) to address organised crime (OC) issues in North Macedonia. It will map the main roles that CSOs have assumed in fighting organised crime, their existing resources, knowledge and capacities, as well as their intra- and inter-sector cooperation. It will also identify the main challenges in fighting OC from the civic point of view.

The analysis relies on desk and field research, including review of legal and strategic documents regulating the work of the civil society, reports of national and international organisations, electronic and phone interviews, and review of websites of national CSOs. A consultation with representatives of the criminal justice system was also conducted.

The analysis shows that CSOs in North Macedonia have been especially interested in addressing corruption, while the fight against OC has not been that popular a topic. A significant portion of the work of CSOs is structured around the EU integration process, especially regarding Chapter 23. CSOs usually assume the role of a watchdog, followed by capacity building activities and victim support. However, financial sustainability is a serious challenge for this sector, influencing the capacities and specialisation of CSOs and increasing competitiveness at the expense of cooperation. Moreover, cooperation with the criminal justice system institutions is challenging, not only because of the lack of tradition and trust, but also due to insufficient understanding of the roles and responsibilities of state and non-state actors.

Finally, the author provides a set of recommendations to CSOs, state institutions and the donor community, aimed at increasing the capacities of CSOs and allowing for better networking opportunities and a more structured approach to addressing OC issues.

As one of its main efforts is to map and analyse civil society engagement in the fight against OC, the present study does not aim to provide a comprehensive overview of all CSOs' activities in North Macedonia. The objective is to simply map the best practices and the most pressing challenges in order to propose a set of recommendations. There has been a limited responsiveness by CSOs, partially due to the fact that several of them do not consider themselves organisations that "work on organised crime issues", even though they do provide social services to vulnerable groups and conduct education activities. This further demonstrates a lack of awareness of the role of CSOs in this area and the widespread notion that OC is a "matter of the state".

Civil society in North Macedonia is dynamic and diverse. As such, it should play an important role in the fight against organised crime (OC). In doing so, CSOs can assume a variety of roles: monitoring the work of institutions and their results in the fight against OC, contributing to policy-making, investigating and analysing specific cases, as well as crime prevention and provision of legal and social services to victims of OC.

In order to establish the environment in which CSOs operate, the paper starts with the legal and strategic network resources that CSOs have at their disposal; they are analysed and interconnected with the capacities and knowledge to engage in OC issues. Furthermore, the paper provides examples of current efforts and successful initiatives of the civil sector, demonstrating the type of work that has been conducted on the national level to date. Cooperation of CSOs with the institutions of the criminal justice system is also analysed, as well as cooperation among the CSOs themselves. The institutions' perspective is described in a separate section. Special attention is given to detecting challenges in order to develop practical and applicable recommendations for improved civil engagement against OC.

The analysis was conducted by way of desk and field research. It looks into the legal and strategic documents regulating the work of the civil society, reports of national and international organisations and other documents. Furthermore, five interviews were conducted using an online questionnaire, as well as two semi-structured in-person interviews. In addition, the author reviewed questionnaires on the profile of selected organisations that cover various aspects of OC and websites of CSOs, whenever talking to their representatives was not possible. There was also one face-to-face consultation with representatives of the criminal justice system.

## Analysis of the Legal and Strategic Framework

Freedom of association to exercise and protect citizens' political, economic, social, cultural and other rights and convictions is guaranteed under the Constitution of the Republic of North Macedonia.<sup>1</sup> Citizens are allowed to freely establish civic associations, join them or withdraw from them. This area is further regulated by the Law on Associations and Foundations of 2010.<sup>2</sup>

According to the Central Registry, in 2018 there were almost 9,000 registered CSOs (out of which 8,780 were associations and 144 - foundations). Almost 6,000 of them were active, with approximately 2,000 employees.<sup>3</sup>

The Unit for Cooperation with the Civil Society, which operates within the General Secretariat of the Government, has been active since 2004. The Government also has a Strategy for Cooperation with the Civil Society (2018-2020) accompanied by an Action Plan<sup>4</sup>, as a continuation of previous similar strategies (2012-2017, 2007-2011), which contains three strategic goals: 1) normative, institutional and financial framework for the development of the civil society; 2) democratisation, active participation of the civil society in policy-making and monitoring, especially regarding the EU integration process; and 3) civil society as a stakeholder in socio-economic development. There is also the Code of Good Practices for Participation of the Civil Society in Policy-Making,<sup>5</sup> as well as the Code of Good Practices for Financial Support of CSOs.<sup>6</sup>

In 2018, the Government formed the Council for Cooperation with and the Development of Civil Society as its own advisory body, consisting of representatives of CSOs and state institutions and covering a wide range of issues. The fight against OC is not explicitly mentioned in any of the Council's documents; however, it can be considered a cross-cutting issue, closely linked to the areas of democracy and rule of law, human rights, EU integration, as well as youth and social protection.

All in all, it can be concluded that there are no formal obstacles for CSOs to address OC. The European Commission progress report for 2020 notes that the "civil society remains active and plays a key role in policy and decision-making processes."<sup>7</sup> However, the EC also notes that "efforts are needed to ensure a more meaningful and timely consultation process."<sup>8</sup>

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1 Constitution of the Republic of North Macedonia, Article 20

2 Law on Associations and Foundations, Official Gazette of the Republic of North Macedonia, nos. 52/2010, 135/2011 and 55/2016

3 *Ibid.*

4 Available at: [https://www.nvosorabotka.gov.mk/sites/default/files/dokumenti/Akciski\\_plan2018-2020usvoen9102018.pdf](https://www.nvosorabotka.gov.mk/sites/default/files/dokumenti/Akciski_plan2018-2020usvoen9102018.pdf)

5 Official Gazette no. 99/2011

6 Official Gazette no. 130/2007

7 European Commission, "North Macedonia 2020 Report," Brussels, October 2020. Available at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north\\_macedonia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf)

8 *Ibid.*

Independent studies have assessed the environment for the development of the civil society in 2019 as “relatively enabling,” where “basic freedoms of association, assembly and expression were legally guaranteed, and generally protected and enjoyed in practice.”<sup>9</sup>

## | Resources

In the past, fight against OC used to be considered a sovereign right of the state. Still, over the years, CSOs have shown an increasing specialisation, interest and results in this area.

Most of the CSOs dealing with OC and corruption issues in North Macedonia have assumed the role of a watchdog, i.e. they research, monitor and advocate for better institutional performance and results in fighting OC. Corruption related to OC and misuse of office are unquestionably hot topics among the Macedonian CSOs. However, there are also organisations that deal with migrant smuggling and trafficking in human beings, exploitation of natural resources, financial crimes, etc.

Most of the CSOs have between one and five employees covering the topics of OC, regardless of whether it is a smaller organisation (with 1-5 employees) or one of medium size (6-10 employees). Hence, the majority of the organisations cover a wider range of issues, including the fight against OC and/or corruption. As for the profile of the employees, they are mostly researchers and lawyers, but there are also journalists and people who provide social support.

Given that OC topics are closely related to the legal profession, this is one of the areas where one might notice a greater involvement of academia, i.e. university staff (professors and teaching assistants) in civil society activities. They are often involved in capacity-building and education activities for lawyers, prosecutors and other professionals.

CSOs are allowed to receive funding from foreign and national public or private sources, and to conduct economic activities to ensure their own sustainability. However, most of the organisations depend on foreign funding, i.e. bilateral donors (embassies) and international organisations. The Foundation Open Society - Macedonia has been mentioned as the only private donor. In addition, certain organisations collect membership fees; however, these are usually small, rather symbolic amounts.

Lack of funds available to address OC has contributed to the absence of specialisation or undertaking a strategic approach in fighting OC. Some interlocutors highlighted the risk of CSOs’ management adjusting to the needs, views and attitudes of donor organisations, undermining their own independence. Moreover, financial issues are reported to influence staff turnover.

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9 Ognenovska, Simona. “Monitoring Matrix on Enabling Environment for Civil Society Development. Country Report for North Macedonia 2019,” Macedonian Centre for International Cooperation and Balkan Civil Society Development Network, Skopje, 2020

The issue of financial sustainability has been recognised by the Government, and there have been efforts to reform the state financing system of civil society. Several CSOs have contributed to addressing the issue with monitoring, analysis and recommendations.<sup>10</sup> However, there are certain concerns regarding the state financing of monitoring activities, especially those referring to monitoring and detection of possible misuses by state actors. CSOs should be fully independent in investigating and analysing such cases, and financial independence is thus crucial.

## Knowledge

Self-assessment in regards to knowledge of OC issues showed that a small number of CSOs have obtained valuable expertise in specific areas in which they are specialised. However, CSOs in general are less knowledgeable of “the big picture”, i.e. current responsibilities and performance of the criminal justice system in the fight against OC.

CSOs’ employees upgrade their knowledge through participation in regional and international conferences and trainings in their respective fields of work, and by following legislative and policy changes. Exchange of knowledge has been identified as best practice, including internally, i.e. knowledge transfer within the organisation, and externally, i.e. by attending trainings and cooperating with international partners. For instance, an interviewee from the Institute for Democracy “Societas Civilis” highlighted that their organisation has greatly benefited from their membership in the SELDI<sup>11</sup> Network.

## Practices

The role of the civil society in fighting organised crime and corruption has been recognised as crucial – both as a corrective mechanism and a watchdog to state institutions, and as a partner in dealing with these phenomena. However, the efforts of civil society to deal with the topic of fighting OC and high-level corruption have been assessed as “average”, and some of the reasons indicated for such an assessment are weak capacities and lack of interest to address certain topics. Nonetheless, there is a positive trend of an increased engagement of civil society against OC.

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10 See: Macedonian Centre for International Cooperation “Sustainable civil society – state financing of CSOs” 2018-2021, <https://www.otcetnigo.mk/> Foundation Open Society - Macedonia provided the analysis and recommendations (adopted by the Government on 24 November 2020) as part of its established cooperation with the Unit for Cooperation with the Civil Society and the Council for Cooperation with the Civil Society. Available at: <https://fosm.mk/current-project/prifateni-preporakite-koi-pridonesuvaat-vo-unapreduvanje-na-okolinata-vo-koja-raboti-go/>

11 SELDI stands for Southeast Europe Leadership for Development and Integrity. It is a coalition of 39 CSOs and anti-corruption agencies in Southeast Europe joined by the objective to contribute to a dynamic civil society in the region, capable of participating in public debates and influencing policy and decision-making processes in the area of anti-corruption and good governance. For additional information see: <https://seldi.net/>

Based on desk and field research on the available mechanisms and modalities of work, one might note that there is a greater variety of activities addressing corruption issues than those that deal with OC. Common practices include: 1) specialisation in narrow aspects of corruption;<sup>12</sup> 2) exploring state capture as a type of systemic political corruption;<sup>13</sup> monitoring the work of criminal justice institutions or oversight bodies; and 3) joint recommendations, advocacy and influencing the policymaking process.<sup>14</sup>

In regards to OC, the most visible part of CSOs' work is support to victims of OC and corruption. CSOs provide free legal aid and social support - for instance, by managing a shelter for victims of human trafficking and sexual exploitation,<sup>15</sup> operating the SOS Help Line,<sup>16</sup> offering free legal aid to victims of OC during criminal proceedings,<sup>17</sup> providing whistleblower protection,<sup>18</sup> etc.

Furthermore, CSOs analyse and/or investigate concrete crime cases. This is usually done through investigative journalism<sup>19</sup> or by monitoring trials for OC cases.<sup>20</sup>

One of the less developed roles of CSOs in North Macedonia is the support of communities in diverting those at risk from turning to crime, i.e. crime prevention.

## Cooperation

In their efforts against OC, CSOs experience different levels of mutual cooperation – from good to excellent. However, CSOs are aware of many challenges that hamper cooperation in this regard, including their exclusion from certain initiatives and lack of exchange of information or consolidated efforts for joint initiatives, even when they do have the capacity and expertise to contribute.

The reasons for the lack of cooperation are diverse. The most common ones are: competitiveness among the CSOs,<sup>21</sup> and insufficient knowledge and understanding of each other's work, results and potential. Cooperation is often limited to concrete projects and dependent on donor support. Moreover, financial dependence has led to the lack of specialisation, which further weakens the organisations. They are not recognised as desirable partners for concrete activities either. Motivational divergence has also been identified as an obstacle to cooperation.

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12 For instance, monitoring of public procurement (Center for Civil Communications) or management of public enterprises (Institute for Democracy "Societas Civilis")

13 For instance: researching the nexus between state capture and radicalisation (EUROTHINK), development of the Hidden Economy Index (Center for Research and Policymaking), or unpacking the "Skopje 2014" project and illustrating the systemic corruption within all branches of power (Transparency International Macedonia).

14 Example: Platform of CSOs against Corruption

15 Open Gate La Strada

16 *Ibid.*

17 Coalition "All for Fair Trials"

18 Transparency International Macedonia

19 See: Investigative Reporting Lab Macedonia <https://irl.mk/en/> or Centre for Investigative Journalism SCOOP Macedonia

20 Conducted by the Coalition "All for Fair Trials"

21 Which can be attributed to limited access to funding, but also to other underlying issues.

As one interlocutor explained,

*“cooperation increases when there is a common threat, like pressure the civil society was exposed to in 2015. However, after the Government changed, CSOs working on policies adopted the individual approach, and no longer see cooperation and networking as substantial aspects of their work.”*

In addition, there is a lack of cooperation between different types of CSOs such as think tanks, community-based NGOs and professional associations.

At the regional level, cooperation is mostly project-based and lasts for the duration of the project. However, a positive example is the cooperation of Macedonian CSOs within the SELDI Network, which has also been identified as a great source of expertise and knowledge transfer.

There is significantly less cooperation with the institutions of the criminal justice system. The most responsible institution within this system seems to be the Ministry of Interior, where CSOs have noted a higher level of responsiveness and openness. From the CSOs’ point of view, institutions have not shown interest and will to cooperate with them, and do not see the civil sector as a partner that can contribute to achieving the institutions’ objectives. Where there is cooperation, it is based on already established trust and contacts with just a few organisations and (personal) connections. Moreover, some organisations have noted a large discrepancy between the human and technical capacities on this particular topic.

The Council for Cooperation with and Development of the Civil Society is supposed to facilitate cooperation between CSOs and institutions, for instance, by selecting representatives to working bodies established by the institutions. While this practice might provide a structured model for CSOs’ engagement in policymaking, there is a criticism that such competences exceed the Council’s mandate.<sup>22</sup> The Council is supposed to be an advisory and not an executive body<sup>23</sup> overtaking the competences of the institutions

## Challenges

CSOs in North Macedonia do have safety concerns when addressing OC topics. While they have assessed the environment in which they work on anti-corruption as generally safe, the same cannot be said regarding OC issues and cases.

Representatives of CSOs believe that representatives of the police, state institutions and political parties are part of OC schemes, and this has been highlighted as a safety concern. Moreover, due to the lack of access to data, they find it difficult to reveal and support their claims on corruptive practices.

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22 “Analysis of the work of the Council for Cooperation with and Development of the Civil Society,” Macedonian Centre for International Cooperation, Skopje, 2019. Available at: <https://rcgo.mk/wp-content/uploads/2020/07/analiza-na-rabotata-na-sovetot-noemvri-2019.pdf>

23 *Ibid.*



A representative of a CSO that works on OC issues said:

*“We have experienced verbal threats from local strongmen, so we have submitted complaints to the local police. However, we were not at all satisfied with the treatment we got from the police.” Other organisations reported that they have been threatened with litigation because of their claims.*

While some CSOs are confident that they do not need any additional capacity building to ensure their safety, others have highlighted the need to receive training on safety issues, including IT safety. However, it should be noted that lack of awareness of the risks is an additional safety concern, as CSOs might unknowingly jeopardise their researchers and other employees.

Some CSOs have noted that the civic space has been shrinking and that CSOs are not vocal enough regarding evident cases of high-level corruption and crime involving public officials.

## | The Criminal Justice Perspective

The consultation with representatives of the criminal justice system<sup>24</sup> showed that the main mode of cooperation between the institutions and CSOs is through CSOs' involvement in drafting legislation. The perceptions of CSOs in this regard are positive, and they are recognised as relevant partners that add value to the processes. CSOs that specialise in particular areas are especially welcome to cooperate, as they can fill certain gaps in the institutions, especially regarding specific international standards or comparative analysis.

A positive example is the work of the National Commission for Combating Trafficking in Human Beings, where - in addition to representatives of various institutions - CSOs<sup>25</sup> take formal part as members of the Commission.

Institutions from the criminal justice system predominantly recognise the educational and preventive role of the CSOs and see them as a link between the institutions and citizens. Examples of such work could raise awareness of the consequences of OC and help to decrease social tolerance of criminal behaviour.

At the same time, there are certain dilemmas regarding the role that CSOs can play in fighting OC, taking into consideration that the state is the only legitimate authority that can implement repressive measures and conduct investigations. In order to protect their staff from possible consequences, CSOs should be especially careful when presenting their findings and work related to OC. For instance, investigative journalists have already been identified as possible targets of criminals. Moreover, according to representatives of the police, revealing the specifics of an ongoing investigation can jeopardise the case itself.

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24 Ministry of Interior (including the department for fighting organised crime), Ministry of Justice and Prison Administration

25 Open Gate La Strada and Macedonian Young Lawyers' Association

Representatives of the criminal justice system recommended greater proactivity of the CSOs in cooperating with the institutions. In order to be able to influence the policy-making process, CSOs need to closely follow the developments in their area of work and try to influence the initial phases of legislative drafting.

## | Conclusion

There is a very limited number of CSOs that work on fighting OC. By contrast, corruption has been a hot topic for CSOs in the last several years. Nevertheless, even when working on fighting corruption, CSOs' endeavours have been focused on legal, institutional and structural challenges and on monitoring the work of the institutions. CSOs rarely tackle or expose specific cases of corruption, especially high-level corruption.

Capacities of CSOs to work on OC are limited, and there is a limited number of CSO activists and analysts who have the necessary understanding of the functioning of the criminal justice system while taking a multidisciplinary approach. However, there is a number of CSOs whose employees are highly skilled and knowledgeable in specific aspects of OC and/or corruption. The absence of financial support for addressing OC has prevented interested individuals from specialising in these issues.

Financial sustainability is one of the most important issues as CSOs predominantly depend on project-based funding from international donors, and core funding is rarely available. There have been initiatives to reform the state funding for CSOs in North Macedonia; however, such funding might negatively affect the independence and credibility of the organisations. CSOs oftentimes tailor their projects, and even shift their topics, to suit the donors' agendas. This negatively affects their capacity and knowledge, but also the reputation and trust of state institutions and citizens in the civil society.

Since OC, corruption, politics and business are closely intertwined, the environment in which CSOs operate is a challenge in itself. This is not a completely safe environment, which might discourage analysts and researchers from greater engagement on the topic, or they might unconsciously put themselves in danger. In terms of safety, there is limited awareness and/or availability of training on physical, IT and other types of protection. Even when CSOs are interested in working in these areas, they face challenges in accessing comprehensive and reliable data or finding interlocutors who are ready to speak openly.

## Recommendations

OC should not be viewed only through the security lens. All stakeholders (CSOs, institutions and donors) should develop a holistic approach in designing their activities. This would imply an emphasis on the development components, prevention of organised crime, protection of human rights and freedoms and the quality of life, and raising awareness of the consequences of OC.

Given the strategic priority of the country and the significant interest of CSOs, media and the general public in European integration, the EU integration process should be used as a platform to address OC issues. While CSOs are already doing important work regarding Chapter 23, there is a need for increased support to CSOs specialising in topics related to Chapter 24.

CSOs should build relationships with law enforcement agencies by initiating a constructive dialogue and raising their awareness on the role of civil society in fighting OC, highlighting various roles and opportunities for civic engagement.

Taking into consideration the imbalance of power between CSOs, OC groups and institutions in matters related to OC, there is a need for building strong coalitions and networks between various types of CSOs that can work on joint initiatives and advocacy.

Donor organisations should coordinate their available assistance and take into consideration priorities and needs identified by the CSOs, not vice versa. They should also focus on sustainability by funding strategic initiatives and developing a better understanding of where a proposed project fits within the CSO's strategy and work.

There is a need for raising awareness among CSOs on safety issues, and for providing training and support in developing safety protocols for gathering and storing data, conducting interviews, IT security, etc. The police should handle all complaints or reports on threats against activists, researchers and investigative journalists with utmost professionalism, and provide them with ultimate available protection.

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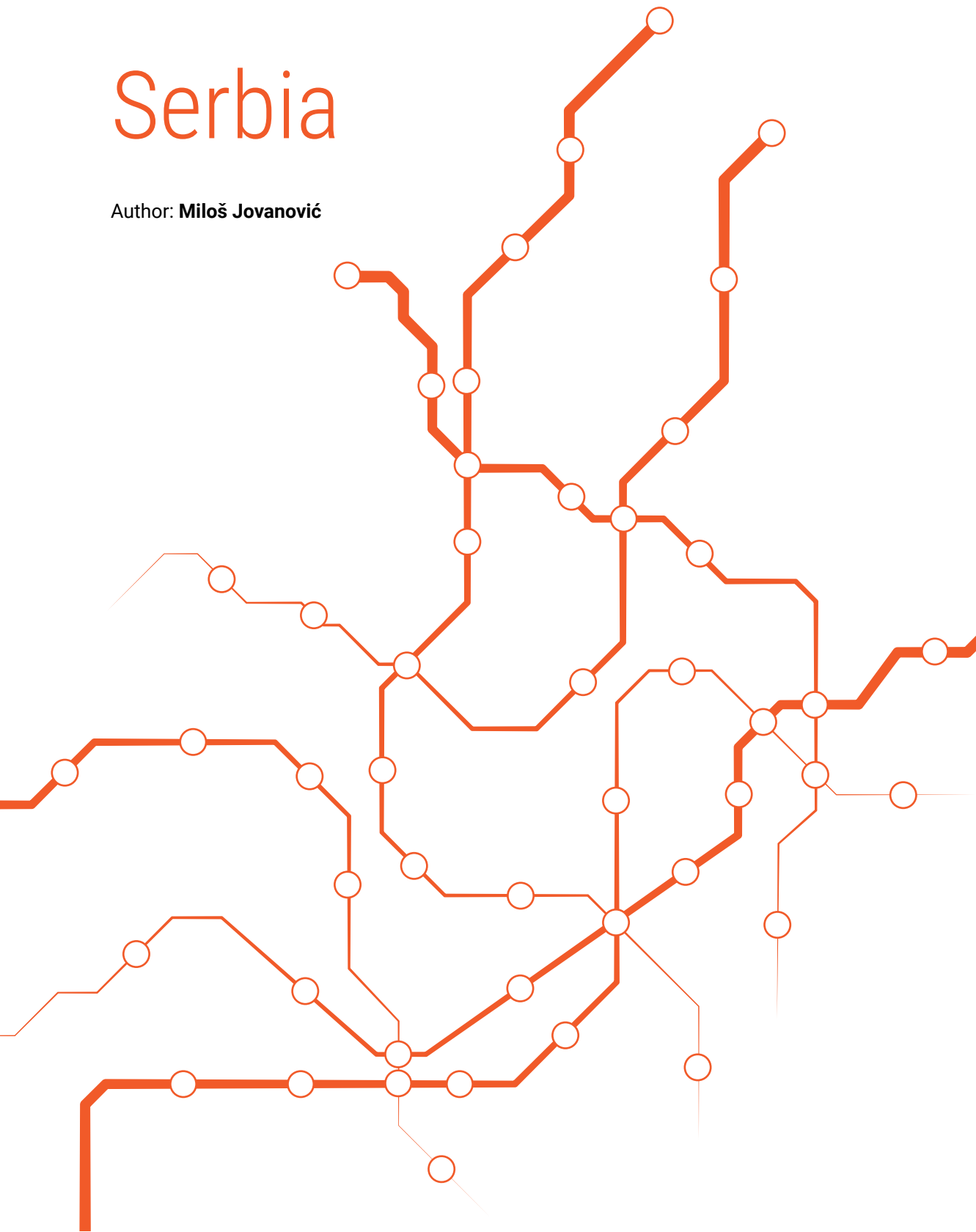
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# Serbia

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## Executive Summary

The main purpose of this report is to show how civil society organisations (CSOs) in Serbia fight organised crime (OC), and what obstacles and challenges they encounter while combatting this socially dangerous phenomenon. The report will also propose recommendations, based on the analysis of the activities of the civil society, to improve the contribution of CSOs in the fight against OC.

The report was prepared using a qualitative research methodology, as follows: 1) the analysis of current legal acts and reports of relevant national and international organisations; and 2) the analysis and interpretation of data from obtained during interviews conducted with representatives of the civil society. There were nine structured interviews with representatives of CSOs, and their responses were used to corroborate the findings.

Although the National Strategy for the Development of Civil Society has been drafted, it has not been adopted. Freedom of association, expression and assembly, which are necessary for the work of CSOs, are defined by the Constitution, while their more detailed of practice are regulated by specific laws. However, the amendments to certain laws show that there is an intention to endanger these freedoms and further limit space for the operation of the civil society.

The nature of OC requires cooperation of the state and members of organised criminal groups, which shows one aspect of state capture. This can also potentially threaten the employees of CSOs and narrow the space for cooperation between the CSOs and the state.

CSOs are making efforts to reduce the scope of OC in Serbia, but because of these efforts, their employees are subjected to tracking and wiretapping, and their apartments are broken into. Therefore, there are clear indications that the political elite is trying, in various ways, to compromise the activities and work of the civil society and thus conceal its own participation in the OC.

Cooperation of CSOs at the national level is good, while cooperation with the police, as an actor in the crime-fighting system, is very weak because of political influence. In general, political pressures slow down the work of civil society and make their operation difficult. However, membership in CSOs networks provides protection and support.

Political elites and pro-government media label members of CSOs as enemies and foreign mercenaries, thus compromising the work of CSOs in the eyes of the public. On the other side, government-organised non-governmental organisations (GONGOs) are doing the same with the aim of undermining the work the real civil society in Serbia.

## Introduction

The following report analyses the legal and strategic frameworks that are important for CSOs. It also presents the main findings of the research on resources, knowledge, practice and challenges encountered by CSOs in their everyday operation, as well as cooperation among the CSOs themselves and their cooperation with the anti-fighting system. Also, report contains recommendations regarding of the research that should be conducted and continue the fight against OC.

## Analysis of the Legal and Strategic Framework

The Constitution of the Republic of Serbia guarantees freedom of association. The details of the exercise of this form of freedom are regulated by specific laws. “The Law on Associations and the Law on Foundations and Endowments continue to serve as the basic legal framework for CSOs in Serbia. The registration process with Serbian Business Registers Agency (SBRA) continues to be efficient and takes no longer than five days. CSOs reporting requirements are the same as those for companies, and relatively easy to meet”.<sup>1</sup>

It is necessary to mention Recommendation no. 8 of the Financial Action Task Force (FATF) and its implementation in Serbia. Namely, this recommendation refers to the financing of non-profit organisations and, potentially, money laundering and terrorism financing by CSOs. As good implementation practice, it mentions that the state itself should assesses which CSOs represent threats in the above sense and that verification should be conducted without compromising CSOs-related freedoms.<sup>2</sup> As a consequence of this sort of verification in Serbia, we have had the “List Affairs” in July 2020. In addition, the report found that “the Law on Free Legal Aid, which was adopted in 2018, strictly prohibits lawyers from providing *pro bono* legal services through CSOs. This is a significant blow for civil society, as women’s and human rights CSOs have been important providers of *pro bono* legal services in Serbia for the last twenty years”.<sup>3</sup>

The work of citizens’ associations and CSOs is inseparably connected with the freedom of expression and media. Without free media, associations cannot achieve their mission. They will endanger particularly if they criticise the work of the government, investigate corruption, protect human rights, advocate for the improvement of the position of marginalised groups, or deal with socially sensitive issues such as reconciliation.<sup>4</sup> In addition to freedom of association and expression, freedom of

1 “2019 Civil Society Organization Sustainability Index: Central and Eastern Europe and Eurasia”, p. 197., available at: <https://www.fhi360.org/sites/default/files/media/documents/resource-cso-si-2019-report-europe-eurasia.pdf> (accessed on 21 November 2020)

2 Civic Initiatives (2018), “Associations of Citizens: Shrinking Civic Space Serbia 2014-2018”, available at: <https://www.gradjanske.org/wp-content/uploads/2019/03/SHRINKING-SPACE-5.2.2018-REPORT-BY-CIVIC-INITIATIVES.docx-.pdf> (accessed on 21 November 2020)

3 “2019 Civil Society Organization Sustainability Index: Central and Eastern Europe and Eurasia”, p. 197., available at: <https://www.fhi360.org/sites/default/files/media/documents/resource-cso-si-2019-report-europe-eurasia.pdf> (accessed on 21 November 2020)

4 Civic Initiatives (2018), “Associations of Citizens: Shrinking Civic Space Serbia 2014-2018”, p.

assembly is also important for CSOs because it is only by exercising these freedoms that the work of CSOs can have full effect. However, “the Law of Public Assembly (2016) is not in accordance with the Constitution of Serbia – it does not comply with either the international standards, or the civilisational heritage, because it imposes restrictions on freedom of assembly in terms of place and time of assembly, cumulative punishment and the envisaged high fines”.<sup>5</sup>

While drafting the National Strategy for the Development of Civil Society in the Republic of Serbia for the period 2015-2019, the state missed the opportunity to establish good cooperation with the civil society. The process of drafting the Strategy included consultations, official statistics and data from the initial survey on cooperation between the civil sector and public administration. About 600 CSOs were involved in this process, which lasted more than a year.<sup>6</sup> However, due to the absence of political will and misunderstanding the role of CSOs, the Government of the Republic of Serbia did not adopt the Strategy.

## | Practical application of legal norms

In the midst of widespread protests that took place in Serbia during in 2019, the Serbian Progressive Party took a range of steps to restrict the work of independent journalists, civil society groups and others who challenge power. As conditions for the functioning of the civil society deteriorated in the course the year, Serbia’s civic space rating was changed from ‘narrowed’ to ‘obstructed’.<sup>7</sup> The CIVICUS Monitor report uses five terms to describe the work of CSOs - open, narrowed, obstructed, repressed, and closed - and it was emphasised that Malta and Serbia had suffered a significant decline in the activities of CSOs compared to 2018. The Monitoring Matrix report listed the following key findings: in 2019 in Serbia, there were violations of freedom of association, expression and assembly; there was a trend of establishing GONGOs and political non-governmental organisations (PONGOs); state funding of CSOs was directed towards GONGOs; and there was an inadequate evaluation of volunteer engagement in CSOs.<sup>8</sup> According to the CSOs Sustainability Index, in 2019 in Serbia “overall CSO sustainability deteriorated. Four out of seven dimensions - legal environment, organizational capacity, advocacy, and public image - experienced deteriorations, which was mostly attributed to the hostile environment in which civil society activists operated”.<sup>9</sup>

46., available at: <https://www.gradjanske.org/wp-content/uploads/2019/03/SHRINKING-SPACE-5.2.2018-REPORT-BY-CIVIC-INITIATIVES.docx-.pdf> (accessed on 21 November 2020)

5 Resource Center (2019), “Assessment of the needs of civil society organizations in Serbia 2019”, p. 9, available at: [https://www.gradjanske.org/wp-content/uploads/2020/01/NAR-ENG\\_2019\\_01.10.pdf](https://www.gradjanske.org/wp-content/uploads/2020/01/NAR-ENG_2019_01.10.pdf) (accessed on 21 November 2020)

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9 “2019 Civil Society Organization Sustainability Index: Central and Eastern Europe and Eurasia”,



The list of non-governmental organisations, created by the Administration for the Prevention of Money Laundering of the Ministry of Finance, appeared in public in July 2020. It included CSOs and individuals listed by name and surname who criticize the political elite, while possible financing of terrorism and money laundering by CSOs was stated as the reason for its creation. However, it was considered by most of those who appeared on it as an attempt at intimidation.

The key mechanism for supporting the development of a dialogue between the Government of Serbia and CSOs, i.e. the Office for Cooperation with the Civil Society, was recognised within the state administration, as an advisory body for engaging CSOs in the regulatory process.<sup>10</sup> After the creation of the newly formed Ministry of Human and Minority Rights and Social Dialogue, the Office was disbanded. Some of its jurisdictions were taken over by the Ministry, and it therefore remains unknown who will be in charge of coordinating the future cooperation between the state and civil sector. One thing is, however, certain: the disappearance of this Office will make cooperation even more difficult.

## | Resources

“It is a fact that many organisations do not have sufficient funds to improve their capacity, in terms of purchasing books or attending different forms of educational events. This is the biggest challenge for organisations as none of them have extra resources that can be used for it”.<sup>11</sup> Namely, it is the size of the office space that determines how many people will be engaged in an organisation, and that also affects the technical equipment required for work. Although there is a constant need for more people in the organisations’ core team, it is the size of the office space that prevents them from expanding. In addition, there is a question of the ideal number of team members which would allow them to avoid unneeded bureaucracy while still maintaining the necessary efficiency.

As for the numbers of employees, the conducted interviews show that most organisations that are active in the fight against OC have between one and five employees in their core teams. Far fewer of them have between five and 10, which show that human resources are one of the key challenges. The most common position in organisations dealing with OC is that of researcher, but there are also journalists who perform investigative work. Investigative journalism organizations “have a problem because it is difficult to find journalists willing to perform investigative work, and regarding whom the organisation could be sure that they were not planted by someone else”.<sup>12</sup>

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p. 196., available at: <https://www.fhi360.org/sites/default/files/media/documents/resource-cso-si-2019-report-europe-eurasia.pdf> (accessed on 21 November 2020)

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11 Interview with a representative of Group 484, 12 August 2020, Belgrade

12 Interview with a representative of KRIK, 11 August 2020, Belgrade

## | Knowledge

Knowledge in CSOs is at an excellent level in terms of OC activities and manifestations, while the assessment of knowledge of jurisdictions and effects of the work of the criminal justice system is divided between excellent and good. Some CSOs have organised trainings for their employees based on needs assessments and plans, while others do it on an *ad hoc* basis or in the form of project activities. However, “strategic planning shows what employees need and adapts to it”.<sup>13</sup> Also, the practice is to organise closed trainings, within the organisation itself, where “if a person goes to a conference or training and learns something new while there, upon his/her return s/he organises a training session to transfer this new knowledge to others”.<sup>14</sup> These closed trainings also include lecturers from other organisations. In investigative journalism, there is also practice of mentoring of young colleagues; namely, “when someone new comes in, there are rules they must learn on how things work – from the way an article is to be written, to following the rules of classic journalistic work. For this reason, a mentor always works with a new person”.<sup>15</sup>

## | Practices

Based on what they do, the primary distinction between the CSOs is that there are those that are engaged in watchdog activities, investigative journalism, provision of services. “The role of civil society is very important as they conduct watchdog activities, have research events and practices, and engage in documenting and shadow reporting. It is important to also widely involve citizens in documenting OC cases. In essence, citizens are powerless, marginalised and provided with no mechanisms for participation, and it is necessary for the entire society to fight these phenomena”.<sup>16</sup>

The most important role of CSOs in fighting OC is their outreach among the citizens, especially in the light of state-controlled media landscape where there are not report even concerning the most prominent cases. As a representative of investigative portals CINS noticed, “The especially important role of CSOs is to inform the citizens who are interested in the level of crime in this country, because it is difficult for them to recognise problems and connect them with OC, which is very harmful for any society because as it makes it less competitive and economically capable. Citizens feel all this, but they cannot connect it with OC”.<sup>17</sup> Therefore, investigative journalists are extremely important for providing access to accurate and timely information. “What is missing in Serbia, despite the fact that there are so many of CSOs, is an organization, such as MANS in Montenegro, which would file criminal charges and initiate at least some trials”.<sup>18</sup> Unfortunately, the fact that there is a trial pending for offences involving OC does not necessarily mean that it will be concluded within a reasonable time. Instead, it will probably be obstructed in various ways.

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13 Interview with a representative of Atina, 06 August 2020, Belgrade

14 Interview with a representative of CINS, 13 August 2020, Belgrade

15 Interview with a representative of KRIK, 11 August 2020, Belgrade

16 Interview with a representative of DPNSEE, 11 August 2020, Belgrade

17 Interview with a representative of CINS, 13 August 2020, Belgrade

18 Interview with a representative of KRIK, 11 August 2020, Belgrade

Most interviewees assessed that the work of civil society at the national level in the field of fight against OC as good. “The civil sector has great potential for the role of partner, but the state sector considers CSOs insignificant. They do not understand that we are not anti-government organisations but non-governmental organisations, i.e. independent institutions founded by citizens”.<sup>19</sup> The most successful initiatives of CSOs at the national level were investigative journalists’ reports of the Krušik affair, “which is very multi-layered – it involves crime and corruption, conflict of interest, but also international arms trade, which was not illegal but it is immoral”.<sup>20</sup>

## | Cooperation

Representatives of CSOs are of the opinion that their cooperation with other similar organisations is good. Good cooperation is confirmed by the existence of the coalition prEUrup and the National Convent on the European Union. The Working Group for Chapter 24 (Freedom, Justice, Security) operates within the Convent to enable CSOs to consult with Government regarding anti-OC policies. “The Convent is the formal way in which the state of Serbia has chosen to cooperate with the civil sector in the EU accession process; however, but it is very limited in what it can do and how far it can go, while the informal coalition prEUrup is free to go further, and its reports go much higher”.<sup>21</sup> CSOs successfully cooperate with MARRI (Migration, Asylum, Refugee Regional Initiatives) as regional initiative for the fight against OC. Proof of this cooperation was “the process of signing the Memorandum of Cooperation between the Balkan Refugee and Migration Council with MARRI”.<sup>22</sup>

At the regional level, Serbian CSOs mainly participate by engaging in *ad hoc* projects. Some organisations are members of international networks, such as the Balkan Refugee and Migration Council, the Vienna NGO Committee on Narcotic Drugs, and the La Strada International – the first anti-trafficking network in Europe. Also, “BIRN Serbia is part of the BIRN regional network, which covers all Southeast European countries and includes a large number of investigative journalists dealing with detection of OC and corruption”.<sup>23</sup> In addition, CSOs are members of the Global Alliance against Trafficking in Women (GAATW), the Organised Crime and Corruption Reporting Project (OCCRP) and Transparency International (TI). “Membership in international networks is very important because when pressure starts there are more organisations to provide support and raise the issue to the international level”.<sup>24</sup>

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19 Interview with a representative of DPNSEE, 11 August 2020, Belgrade

20 Interview with a representative of CINS, 13 August 2020, Belgrade

21 Interview with a representative of CINS, 13 August 2020, Belgrade

22 Interview with a representative of Group 484, 12 August 2020, Belgrade

23 Interview with a representative of BIRN, 06 August 2020, Belgrade

24 Interview with a representative of KRIK, 11 August 2020, Belgrade

## | Challenges

“Project financing is the greatest challenge, and things often end there. The continuity of certain activities is rare, regardless of whether or not is concrete funding. Readiness of an organisation to truly become actively involved is another significant challenge”.<sup>25</sup> Financing is the primary obstacle for additional association of CSOs. Unfortunately, “organizations that deal with similar issues are competing for the same funds, which not healthy”.<sup>26</sup>

CSOs in Serbia engage in several activities at the same time: for example, they conduct watchdog activities, support victims or lecture at trainings, and are very rarely focused on one activity. “What civil society in Serbia lacks is the profiling of organisations, because it is one thing to operate as an organisation that is a part of the system and works directly with service users, another to be a watchdog organisation, and yet another to be an expert organisation that provides expertise. Such a division used to exist, but was lost over the years due to the mixing of different activities. Specialisation is very important, however, because it would facilitate the work of organisations on the one hand, and bring additional better results in certain fields on the other”.<sup>27</sup>

The main challenges of an environment that is insecure for the work of CSOs are: security of communication, protection of sources and political pressures.<sup>28</sup> At the same, the space for civil society action is narrowed because the political elites do not understand the role of civil society. Watchdog organisations do not have the cooperation of state institutions because of their closedness, investigative journalists cannot protect their sources of information, while organisations that provide services are attacked for assisting with vulnerable groups like migrants or victims of human trafficking. “The biggest enemies of CSOs are government officials, because they tend to draw targets when CSOs reveal their involvement in OC. They also produce disinformation and mislead citizens into thinking that all CSOs are composed of ‘foreign mercenaries’ and spies”.<sup>29</sup> The consequences of unsafe environment are manifested in the tracking of employees of these organisations, wiretapping, verbal threats, threats posted on social networks, even burglary of their apartments and publishing of private information of employees in tabloids and on social networks.

Another reason for the reduced space for the work of civil society are GONGOs. “GONGOs are dangerous and operate on several levels: first, they muddle the space in which civil society operates, trying to create the illusion that there is a voice that is pro-state, which makes the work of the real civil society meaningless; second, they very often attack traditional CSOs and redirect resources to respond to those attacks; third, they try to confuse the public by taking parts of the names of, or calling themselves similar to, organisations that already exist. The problem is that they are funded by the state”.<sup>30</sup>

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25 *Ibid.*

26 Interview with a representative of Transparency Serbia, 12 August 2020, Belgrade

27 Interview with a representative of Group 484, 12 August 2020, Belgrade

28 Interview with a representative of BIRN, 06 August 2020, Belgrade

29 Interview with a representative of KRIK, 11 August 2020, Belgrade

30 Interview with a representative of Atina, 06 August 2020, Belgrade

Because of the nature of the work they do, CSOs employees need some form of training in computer security, especially data protection in the online and physical space. Also, human trafficking, which is also a form of OC, “is increasingly transferring in the online space, where it is more difficult to recognise and thus requires different sort of knowledge of how to identify the language of recruitment on the Internet”.<sup>31</sup>

## | Criminal justice perspective

The anti-crime system of the state consists of three main bodies – the police, the prosecutor’s office and the courts. The effects of their work combating OC are important, and CSOs should be their equal partners in this fight. Unfortunately, in practice, the work of three main bodies of the anti-crime system responsible for the fight against OC exists in a relative sense. CSOs cooperation with the prosecutor’s office and the courts was assessed as good. “The potential for cooperation with courts and prosecutor’s offices has not been sufficiently exploited, but when it comes to courts, it is very important not to cross the line of their independence”.<sup>32</sup> Political elites obstructs their work or, in other words, “There are certainly many good prosecutors and police officers who are good people, and who are professionals, but by sitting around and doing nothing they become bad”.<sup>33</sup>

More than half of the interviewees that participated in this research assessed cooperation with the police as very weak. First of all, there is a difference between in cooperation with the political and professional part of the police, and “everything must pass the political level or the level of the Police Directorate, only then is it transferred to operational level. So, there is formal and informal cooperation, but definitely, nothing can be done without the political-managerial level”.<sup>34</sup> The second reason “is a product of much stricter subordination they have introduced in the police. Whatever is being done requires the consent of several levels, including the Minister, which makes cooperation more difficult. It creates many challenges for the police because, to start cooperating with CSOs, they have to overcome several obstacles that were not there before”.<sup>35</sup>

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31 *Ibid.*

32 Interview with a representative of Group 484, 12 August 2020, Belgrade

33 Interview with a representative of KRIK, 11 August 2020, Belgrade

34 Interview with a representative of Group 484, 12 August 2020, Belgrade

35 Interview with a representative of DPNSEE, 11 August 2020, Belgrade

## Conclusion

In Serbia, the environment of CSOs engaged in research of OC is unsafe and narrow. Also, the civil society is discovering at connection between the state and OC. The state does not understand the role of CSOs and believes that they are trying to control its work, which is completely wrong. It is clear that OC cannot be eradicated from the state, but it is possible to reduce its scope. That, however, requires cooperation between the state and CSOs. In order for CSOs to be a relevant partner in this fight, they need financial sustainability which, in turn, requires the awareness of the donor community. Funds are the main problem when it comes to the functioning of CSOs, as they prevent any long-term planning. They also limit the number of people in organisations and their development. Additional profiling of CSOs is also necessary, because it makes the effect of their work better. Consequently, better contribution of CSOs to countering OC in Serbia requires greater support from the donor community.

## Recommendations

Political elite must change its narrative of and behaviour towards the civil society, which would result in a safer environment for the work of CSOs;

The political elite should understand the role of civil society, where CSOs should be viewed as an equal partner since this is a precondition for better cooperation;

The Government of the Republic of Serbia needs to adopt the National Strategy for the Development of Civil Society, in which it would strategically define relations between the state and CSOs;

CSOs should raise the awareness of the donor community of harmful nature of OC and thus ensure sustainable funding of projects aimed at combating this phenomenon;

Competent authorities need to process cases of OC uncovered of CSOs and, while doing this, explain to the public how OC functions in practice.

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