



8 steps

*What is*

# **ENABLING ENVIRONMENT FOR CIVIL SOCIETY DEVELOPMENT?**



# What is ENABLING ENVIRONMENT FOR CIVIL SOCIETY DEVELOPMENT?

The enabling environment for civil society is broadly defined as the conditions within which civil society works.

Specifically, enabling environment is viewed as the varied array of conditions -- economic, political, social, cultural, legal, and otherwise -- that affect the capacity of citizens, whether individually or collectively, to voluntarily participate in civil society. The enabling environment has increasingly come to be viewed as key to assessing civil society's health.

This booklet guides you through the main elements of the Enabling Environment for Civil Society Development. These elements include: Legal, Regulatory and Financial Environment in which CSOs operate, depicted through 8 steps.

MONITORING MATRIX IS A  
TOOL DEVELOPED TO MEASURE  
THE ENABLING ENVIRONMENT  
FOR CIVIL SOCIETY  
DEVELOPMENT.

The Monitoring Matrix presents the main principles and standards identified as crucial for legal, regulatory and financial environment to be considered as supportive and enabling for the operations of CSOs.

### THE MATRIX IS ORGANIZED AROUND THREE AREAS

—  
BASIC LEGAL  
GUARANTEES OF  
FREEDOMS

—  
FRAMEWORK FOR  
CSOs' FINANCIAL  
VIABILITY AND  
SUSTAINABILITY

—  
GOVERNMENT – CSO  
RELATIONSHIP

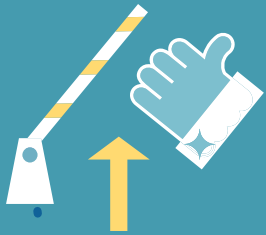
Each area is defined by key principles which are further elaborated by specific standards. The standards are further explained through indicators.

PRINCIPLES

STANDARDS

INDICATORS

# 1 FORMING A CIVIL SOCIETY ORGANIZATION



No matter a person's age, nationality or gender etc., the law allows the establishment of any type of non-profit, non governmental organization.



Citizens are not obliged to register it, but if they do, the registration procedure is easy, timely and inexpensive.



After a CSO is set up, its members are free to form and participate in networks and coalitions locally or abroad.

The state does not interfere in the organization's internal matters, and protects it from the interference of other parties.



An organization can legally engage in economic activities.

Also, it is allowed to receive foreign funding, as well as funding from individuals, corporations or other sources, without any unnecessary cost or administrative burden.

Preparing financial reports is not burdensome, but proportional to an organization's size and scope of activities, and so are any sanctions in case of breaching a legal requirement



## REMEMBER :

### **FREEDOM OF ASSOCIATION IS GUARANTEED AND EXERCISED FREELY BY EVERYBODY**

- ▶ All individuals and legal entities can freely establish and participate in informal and/or registered organizations offline and online
- ▶ CSOs operate freely without unwarranted state interference in their internal governance and activities
- ▶ CSOs can freely seek and secure financial resources from various domestic and foreign sources to support their activities

## 2 FREEDOMS OF ASSEMBLY AND EXPRESSION

### ORGANIZING AN ASSEMBLY

- Spontaneous, simultaneous and counter-assemblies at any desired place and time are not restricted.
- An authorization is not necessary to organize an assembly, but at most a prior notification could be required.
- In the case of any restriction to the assembly, it will be justified and promptly communicated to the CSO, so that it is guaranteed the possibility to appeal.
- The state will protect the CSO against people who aim to prevent or disrupt its assembly, and will not allow the excessive use of force by law enforcement bodies.
- Media will have as much access to the assembly as possible.



### EXPRESSING CITIZENS' OPINION

- If you are a CSO representative, especially of a human rights or watchdog organization, you can freely express yourself on matters you support and are critical of.
- You will not be persecuted or sanctioned for speaking critically in public or private

### WHAT ABOUT COMMUNICATION?

- Communication via and access to any source of information is available.
- Communications are not unjustifiably monitored and personal information is not unlawfully collected.
- CSO members and other members from its social networking groups will not be harassed by the police.

## REMEMBER :

### FREEDOMS OF ASSEMBLY AND EXPRESSION ARE GUARANTEED TO EVERYBODY

- ▶ CSO representatives, individually or through their organization, enjoy freedom of peaceful assembly
- ▶ CSO representatives, individually or through their organizations, enjoy freedom of expression
- ▶ Civil society representatives, individually and through their organizations, have the rights to safely receive and impart information through any media

# 3

## TAX TREATMENT FOR CSOs AND DONORS

Once the organization is up, and its members know their rights...  
...what about the tax duties and benefits? The law provides you with:

- Free tax treatment for grants and donations supporting non-for-profit activities of CSOs

◀ **NO DIRECT OR INDIRECT (HIDDEN) TAXES!**

- Tax benefits for the economic activities of CSOs

◀ **THESE BENEFITS ARE EFFECTIVE AND SUPPORT A CSO'S OPERATIONS**

- Tax benefits for a CSO's passive investments

◀ **CAN BE UTILIZED AND THERE WILL BE NO SANCTIONS APPLIED IN DOING SO**



### **\*ENDOWEMENT:**

An endowment is the capital/assets of an organization which are invested, with only the income from the investment used for running the organization and its programs.

- Tax benefits for \*ENDOWMENTS

◀ **AN ENDOWMENT CAN BE ESTABLISHED WITHOUT MAJOR PROCEDURAL DIFFICULTIES AND CAN BE FREELY OPERATED FREELY**

- Tax deductions for individual and corporate donations

◀ **TAX DEDUCTIONS APPLY TO A WIDE RANGE OF PUBLICLY BENEFICIAL ACTIVITIES AND CAN BE CLAIMED THROUGH A CLEAR AND FUNCTIONAL PROCEDURE**



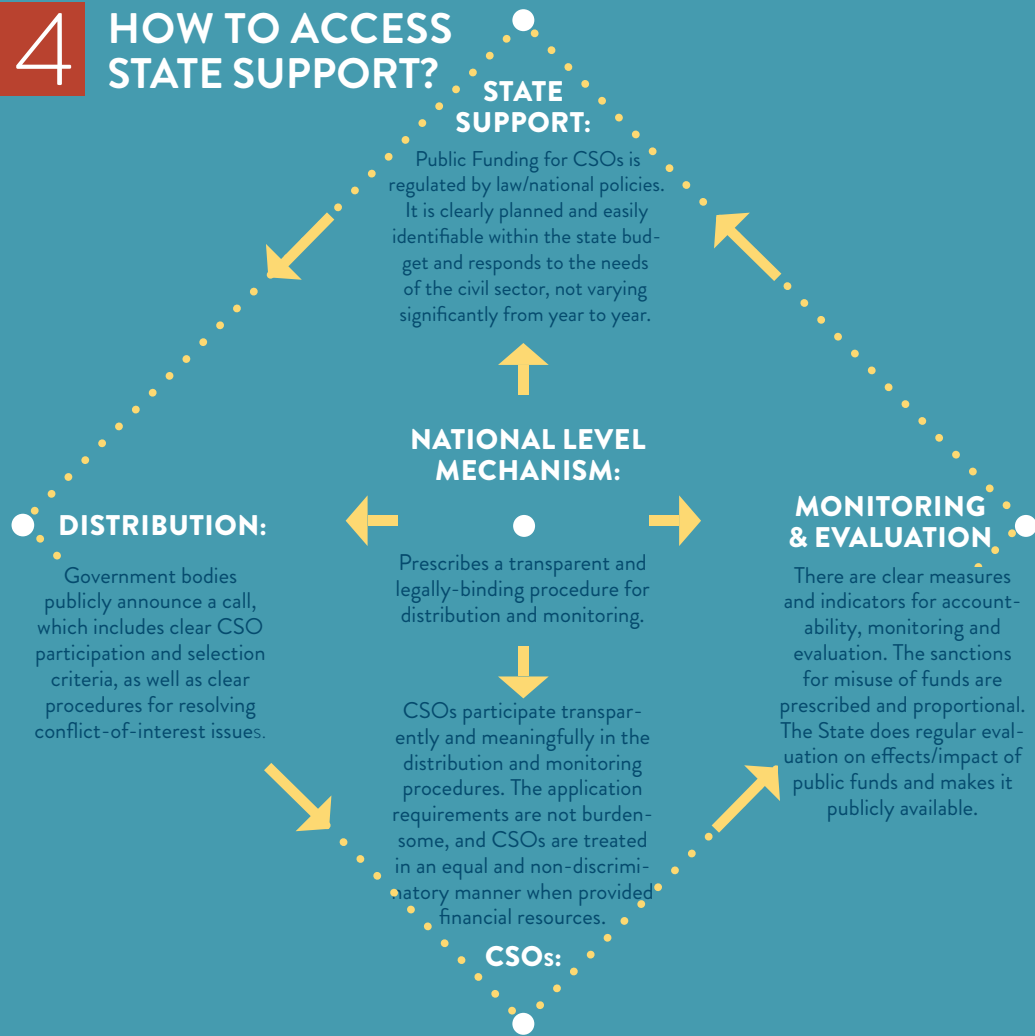
## REMEMBER :

### CSOs AND DONORS ENJOY FAVORABLE TAX TREATMENT

- ▶ Tax benefits are available on various income sources of CSOs
- ▶ Incentives are provided for individual and corporate giving

## 4

## HOW TO ACCESS STATE SUPPORT?

**STATE SUPPORT:****FINANCIAL:**

- ✓ Institutional CSO development
- ✓ Project support
- ✓ Co-financing of EU-funded projects

**NON-FINANCIAL:**

- ✓ State property
- ✓ Renting space
- ✓ Training, Consultations etc.

**REMEMBER :**

**STATE SUPPORT TO CSOs IS PROVIDED IN A TRANSPARENT WAY AND SPENT IN AN ACCOUNTABLE MANNER**

- ▶ Public funding is available for institutional development of CSOs, project support and co-financing of EU and other grants
- ▶ Public funding is distributed in a prescribed and transparent manner
- ▶ There is a clear system of accountability, monitoring and evaluation of public funding
- ▶ Non-financial support is available from the State



## DURING SCHOOL YEARS...

- Civil society related subjects are included in the official curriculum at all levels of education
- Internships and fellowships in CSOs are offered as part of the curriculum
- Non-formal education and training provided by CSOs is recognized



## WHEN VOLUNTEERING...

- CSOs are free to engage volunteers, especially as there are easily available incentives and state programmes that promote volunteering
- While organized volunteering is protected with clear contractual relationships, there are no restrictions and volunteering can also be spontaneous
- Administrative procedures for both CSOs and volunteers are simple and without unnecessary costs.



## WORKING IN A CSO...

- A CSO is treated equally as any other employer – there are no additional requirements when people are employed and CSOs are equally included in state incentive programmes for employment
- National statistics on the number of employees and other relevant information on the non-profit sector is regularly carried out.

## REMEMBER:

**STATE POLICIES AND THE LEGAL ENVIRONMENT STIMULATE AND FACILITATE EMPLOYMENT, VOLUNTEERING AND OTHER ENGAGEMENTS WITH CSOs**

- ▶ CSOs are treated in an equal manner to other employers
- ▶ There are enabling volunteering policies and laws
- ▶ The educational system promotes civic engagement



## 6

## FRAMING THE COOPERATION WITH THE STATE

*How is the cooperation between civil society and the State framed?*

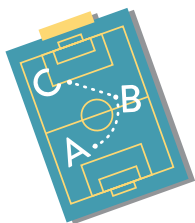


## GOVERNMENT

Examples demonstrate that civil society development and the cooperation between CSOs and the State is implemented as envisaged in the document.

## STRATEGY / COMPACT:

The cooperation between CSOs and the State is regulated with a strategic document for civil society development, based on previously gathered national statistics. This document includes measures, goals, available funding for CSOs and the division of responsibilities.



## CSOs

CSOs participate in the development, implementation and evaluation of the strategic document.

## A NATIONAL LEVEL BODY OR MECHANISM

is there to ensure the cooperation between CSOs and the State, by facilitating dialogue, discussing challenges and proposing main policies for civil society development.

Involvement of CSOs in decisions taken by the national body/ mechanism is provision binding.

## REMEMBER:

## THERE IS A STRATEGIC APPROACH TO FURTHERING STATE-CSO COOPERATION AND CSO DEVELOPMENT

- ▶ The State recognizes, through policies and strategies, the importance of the development of and cooperation with civil society
- ▶ The State recognizes, through the operation of its institutions, the importance of the development of and cooperation with civil society

# 7 PARTICIPATION IN POLICY- AND DECISION-MAKING

How to get involved in...



## POLICY-MAKING PROCESSES?

### INVITATION / ANNOUNCEMENT

- ▶ Public institutions routinely invite CSOs to comment on policy/legal initiatives at an early stage

### PREPARATION

- ▶ For this, they are provided with adequate information on the content of the draft documents and with details of the consultation, in a timely manner

### FEEDBACK

- ▶ Feedback on the consultation is made publicly available, and if any CSO's comments are not included, an explanation is provided by the public institution

### PUBLICATION

- ▶ All draft and adopted laws and policies are made public, unless they are subject to legally prescribed exceptions, and there are clear mechanisms and procedures to access them



## DECISION-MAKING PROCESSES?

CSO representatives are included in decision-making and advisory bodies on issues and policies relevant for civil society, based on transparent and predetermined criteria for selection, that ensure appropriate representation from civil society.

CSO representatives are free to present and defend their positions in these bodies and can additionally use alternative ways of advocacy which are not in line with the position of the respective body, without being sanctioned

**Civil servants are trained on CSO involvement in the work of public institutions, and appointed government units or officers coordinate and monitor the process.**

**Civil servants/units that breach legal requirements on access to public information will be sanctioned**

## REMEMBER :

### CSOs ARE EFFECTIVELY INCLUDED IN THE POLICY AND DECISION-MAKING PROCESS

- ▶ There are standards enabling CSO involvement in decision-making, which allow for CSO input in a timely manner
- ▶ All draft policies and laws are easily accessible to the public in a timely manner
- ▶ CSO representatives are equal partners in discussions in cross-sector bodies and are selected through clearly defined criteria and processes



## COLLABORATION IN SERVICE PROVISION



### HOW CAN A CSO PROVIDE SERVICES FUNDED BY THE STATE

CSOs are allowed to provide services in various areas, such as education, healthcare, social services or any other innovative services that are not defined by law.

In case a CSO needs a certain registration or license, the procedure for obtaining it is not overly burdensome.

Next to service provision, CSOs can also be included in the process of assessing the needs and best ways to address them, as well as in the evaluation process.

CSOs can use state funding for provision of various types of services.

The procedure for distributing these funds is clear and transparent and price is not the main criteria for selection of providers.

While the competition is considered fair and conflicts of interest are avoided, you also have the right to appeal against competition results.



*FUNDING IS SUFFICIENT, TIMELY PAID AND FLEXIBLE, ALLOWING FOR PROVIDING BEST QUALITY SERVICES*



*LONG-TERM CONTRACTS WITH THE STATE FOR SERVICE PROVISION ARE POSSIBLE.*

### MONITORING & EVALUATION

CSOs will be monitored for both spending and service provision quality regularly and according to clear pre-announced procedure and criteria.

State institutions regularly evaluate the effects and impact of services provided, and this evaluation is publicly available.



REMEMBER :

### THERE IS A SUPPORTIVE ENVIRONMENT FOR CSO INVOLVEMENT IN SERVICE PROVISION

- ▶ CSOs are engaged in different services and compete for state contracts on an equal basis to other providers
- ▶ The state has committed to funding services and the funding is predictable and available over a longer-term period
- ▶ The state has clearly defined procedures for contracting services which allow for transparent selection of service providers, including CSOs
- ▶ There is a clear system of accountability, monitoring and evaluation of service provision

Monitoring Matrix has been developed by CSOs' experts from Balkan countries and Turkey, with the support of ECNL. Therefore, it is formulated with consideration of the current state of development of and diversity in the countries of the Balkans and Turkey. Its flexibility provides the possibility for the Matrix to be adapted and used worldwide, in any desirable country, by CSOs, government officials or various donors.

Monitoring Matrix is currently being implemented in 8 countries of the Balkan and Turkey.



The Matrix is designed as a longer-term monitoring mechanism. The monitoring cycle is set at an annual basis. This is also a way to ensure that the monitoring data can feed into the already existing global and regional monitoring indexes in the specific thematic area of CSDev and vice-versa.

Followed by the concept of the Monitoring Matrix, the European Commission developed a set of similar [Guidelines for EU support to civil society in enlargement countries 2014-2020](#) for monitoring and evaluation of the environment civil society operates in the countries that aspire to become members of the European Union.



IPA Balkan CS Acquis, Strengthening the Advocacy and the Monitoring Potential and Capacities of CSOs

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Monitoring Matrix On Enabling Environment for Civil Society  
Development

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**B | T | D**

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