

**to the Commission Implementing Decision on the financing of the multi-country multiannual action plan on an EU Civil Society Facility and Media Programme in favour of the Western Balkans and Turkey for 2021-2023**

**Action Document for “EU Civil Society Facility and Media Programme for Bosnia and Herzegovina 2021-2023”**

## 1. SYNOPSIS

### 1.1. Action Summary Table

<b>Title</b>	<b>EU Civil Society Facility and Media Programme for Bosnia and Herzegovina 2021-2023</b> Multi-country multiannual action plan on an EU Civil Society Facility and Media Programme in favour of the Western Balkans and Turkey for 2021-2023			
<b>CRIS/OPSYS number</b>	IPA III/2021/043-102/03			
<b>Basic Act</b>	Financed under the Instrument for Pre-accession Assistance (IPA III)			
<b>Team Europe Initiative</b>	No			
<b>Zone benefiting from the action</b>	Bosnia and Herzegovina			
<b>Programming document</b>	IPA III Programming Framework			
<b>PRIORITY AREAS AND SECTOR INFORMATION</b>				
<b>Window and thematic priority</b>	Mainly Window 1. Rule of law, fundamental rights and democracy Thematic Priority 5: Fundamental rights (with reference to media - freedom of expression) Thematic Priority 7: Civil Society (Partially Windows 2 and 3)			
<b>Sustainable Development Goals (SDGs)</b>	Main SDG (1 only): SDG 16: Peace and Justice Strong Institutions Other significant SDGs (up to 9) and where appropriate, targets: SDG 01: No Poverty SDG 05: Gender Equality SDG 08: Decent Work and Economic Growth SDG 10: Reduce Inequalities SDG 11: Sustainable cities and communities			
<b>DAC code(s)</b>	15150 Democratic participation and civil society – 50% 15153 Media and free flow of information – 50%			
<b>Main Delivery Channel</b>	20000 - Non-governmental organisations (NGOs) and civil society 41000 - United Nations agencies			
<b>Markers (from DAC form)</b>	<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Gender equality and women's and girl's empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Nutrition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Internal markers</b>	<b>Policy objectives</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Digitalisation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Migration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	COVID-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>BUDGET INFORMATION</b>				
<b>Amounts concerned</b>	<p>Budget line: 15.020101.01</p> <p>Total estimated cost: EUR 9 500 000.00</p> <p>Total amount of EU budget contribution EUR 8 800 000.00</p> <p>The EU contribution is for an amount of <b>EUR 1 000 000.00</b> from the general budget of the European Union for financial year <b>2021</b> and for an amount of <b>EUR 7 800 000.00</b> from the general budget of the European Union for financial year <b>2022</b>, subject to the availability of appropriations for the respective financial years following the adoption of the relevant annual budget, or as provided for in the system of provisional twelfths.</p>			
<b>MANAGEMENT AND IMPLEMENTATION</b>				
<b>Type of financing and method(s) of implementation</b>	<p>Project Modality</p> <p><b>Direct management</b> through:</p> <ul style="list-style-type: none"> <li>- Grants</li> <li>- Procurement</li> </ul>			
<b>Relevant priorities and flagships from Economic and Investment Plan for the Western Balkans</b>	<p>Priorities: "Green Agenda", "Digital Transition", "Innovation Agenda", "Human Capital Development", "Governance, Rule of Law"</p>			
<b>Final date for concluding contribution / delegation agreements, procurement and grant contracts</b>	<p>For 2021 Budget: At the latest by 31 December 2022</p> <p>For 2022 Budget: At the latest by 31 December 2023</p> <p>For 2023 Budget: At the latest by 31 December 2024</p>			

**Indicative operational implementation period**

72 months following the adoption of the Financing Decision

## 1.2. Summary of the Action

The overall objective of the Action is to strengthen participatory democracies and the EU approximation and integration process in Bosnia and Herzegovina, through an enhanced contribution by civil society and media.

IPA III assistance within the Civil Society Facility and Media Programme 2021-2023 will encourage sector-based networking and cooperation among Civil Society Organisations (CSOs) in particular in the following areas: rule of law, anti-corruption, education, health, electoral processes, social inclusion, environment and climate change, youth, culture, local economy and entrepreneurship, women rights, freedom of expression and media. Gender and inclusion of minorities will be a cross cutting issue. This support will be further consolidated via Resource Centre, second phase, for CSOs with aim to address the problem of low capacity of CSOs in Bosnia and Herzegovina and make sustainable impact achieved through [www.EUResurs.ba](http://www.EUResurs.ba) web portal.

Assistance will also increase domestic CSOs' capacities to contribute to transparent and fair elections, and improve capacities of CSOs to combat corruption, improve social dialogue and support social partners. Furthermore, assistance will also be provided to the Governments at different levels to build their capacities for more effective inclusion of CSOs in policy and decision-making.

Pm - the contribution to the RELOAD programme will continue with the aim of strengthening partnerships between local governments and civil society in the Bosnia and Herzegovina by scaling-up a successful model of transparent and project-based funding of CSOs from local government budgets towards greater civic engagement in decision-making and improvement of local service delivery. This is being channelled through the multicountry CSF and media programme.

## 2. RATIONALE

### 2.1. Context Analysis

The IPA III Programming framework considers the support to civil society and media as one of the priorities to improve democracy and rule of law. It calls, inter alia for "*particular focus (...) to safeguard the freedom of expression and independence of media as pillars of democracy*". Gender is transversal to all the IPA III frameworks, and it has a specific mention in the following below.

The Programme will primarily contribute to:

Window 1: Rule of law, fundamental rights and democracy

Thematic Priority 5: Fundamental rights (with reference to media- freedom of expression and gender) mentions that "*Promoting and protecting freedom of expression and the independence of media as a pillar of democracy remains a priority. The media business environment is also characterised by political interference and ambiguous media ownership that undermine the sustainability of independent media*".

Thematic Priority 7: Civil Society

Window 2: : Good governance, EU *acquis* alignment, good neighbourly relations and strategic communication

Thematic Priority 1: Good governance - Economic governance (Gender)

Window 3: Green agenda and sustainable connectivity

Thematic Priority 1: Environment and climate change (Gender)

CSO support will also be mainstreamed across other policies.

Over the recent years, the EU has increased its focus on civil society as a way to meet the key challenges in establishing functioning democratic institutions.

DG Neighborhood and Enlargement Negotiation's approach to supporting civil society in enlargement countries for the period 2014 – 2020 focuses on supporting the development of an "environment that is conducive to civil society activities and building the capacity of CSOs to be effective and accountable independent actors". This is also reflected in the 2018 Western Balkan Strategy stating that "governments should ensure stakeholders can actively participate in the reform and policy making process, for example by establishing inclusive structured dialogues on reform priorities with the involvement of an empowered civil society. An enabling environment for civil society organisations is therefore crucial".

As indicated in DG NEARs Guidelines for EU support to media freedom and media integrity in enlargement countries, 2014-2020, "Free media come as the principal precondition for freedom of expression. Since the media and their markets are basically national in scope, there is little EU *acquis*. However, in the context of the EU

Enlargement policy, the European Commission assesses against the Copenhagen political criteria whether there is real respect and true commitment to promoting freedom of expression in the given aspiring country."

The 2021-2023 main priorities of the Civil Society Facility and Media Programme, identified by stakeholders for support through consultation during the programming exercise, are as follows:

- Institutionalisation of civil society participation in policy and decision making process.
- Further capacity building of CSO in Bosnia and Herzegovina, particularly of grassroots CSOs.
- Continuation of support to issue based networks in the area of rule of law, anti-corruption, education, health, electoral processes, social inclusion, environment and climate change, youth, culture, local economy and entrepreneurship, women rights, freedom of expression and media.

## 2.2. Problem analysis by areas of support

### Civil Society

An active civil society is a critical component of democratic systems and an important player in reform processes taking place in Western Balkans and Turkey. An empowered and active civil society is an essential component of any democracy. Civil society organisations (CSOs) can contribute to address many societal challenges, by engaging in policy debates, proposing innovative, sustainable and inclusive solutions and monitoring the results of reform processes at beneficiary, regional and local level.

The 2020 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Enhancing the accession process - A credible EU perspective for the Western Balkans" spells out that "*a core objective of the European Union's engagement with the Western Balkans is to prepare them to meet all the requirements of membership. This includes supporting fundamental democratic, rule of law and economic reforms and alignment with core European values. This will in turn foster solid and accelerated economic growth and social convergence*"<sup>1</sup>.

EU support to Civil Society Organisations (CSOs) aims at building stronger democracies, improving accountability systems and ultimately achieving better policy and economic and social development. It seeks to empower civil society to fulfil the following key roles:

- Creating stronger links to citizens by engaging in public policy processes, reaching out to society as a whole including marginalised groups and grass-root communities and encouraging civic activism and public participation in policy-making across all areas;
- Becoming professional and reliable partners in the policy-making and reform process through evidence-based advocacy across all sectors and close monitoring of reforms;
- Contributing to enhancing responsible and inclusive leadership in the political, economic and social spheres and provide early warning in case of societal change,
- Strengthening economic development and create better links with business by promoting entrepreneurship, social innovation and job creation.

As was outlined in the Bosnia and Herzegovina 2021 Report<sup>2</sup>, "*Limited progress was made in addressing the Opinion<sup>3</sup> key priority 11 on ensuring an enabling environment for civil society, notably by adopting a new law on freedom of assembly in the Brčko District, broadly in line with EU standards. Freedom of assembly and of expression remain restricted in the Republika Srpska entity, where activists of the 'Justice for David' movement have been subject to intimidation and judicial prosecution, and where a new crime of offence to the reputation of the Republika Srpska entity and its peoples was introduced in August 2021. Meaningful and systematic consultations with civil society remain to be ensured as part of an inclusive policy dialogue. The adoption of a framework for the transparent funding of civil society organisations remains outstanding.*"

An long-term EU support to Bosnia and Herzegovina authorities and Civil Society led to establish a publicly accessible registry<sup>4</sup> of the Civil Society Organisations.

Some further details on civil society organisations in Bosnia and Herzegovina:

- According to the records from registry there are 25,646 registered associations and foundations.

<sup>1</sup> COM(2020) 57 final. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Enhancing the accession process - A credible EU perspective for the Western Balkans", Brussels, 5.2.2020

<sup>2</sup> SWD(2021) 291 final /2; <https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-10/Bosnia%20and%20Herzegovina%202021%20report.PDF>

<sup>3</sup> [https://ec.europa.eu/commission/presscorner/detail/nl/COUNTRY\\_19\\_2778](https://ec.europa.eu/commission/presscorner/detail/nl/COUNTRY_19_2778)

<sup>4</sup> Please consult <http://zbimiregistri.gov.ba/> only accessible in Bosnia and Herzegovina's official languages .

- The official data obtained from entity statistics bureaus and tax offices related to full time employees vary from 3,063 to 4,247 employees. It represents some 3.5% of the total number of employees outside of the agricultural sector in Bosnia and Herzegovina.
- Civil society in Bosnia and Herzegovina has all characteristics of civil society in a transitional country dominated by sport-recreational associations and associations that represent interests of specific social groups.

According to the Bosnia and Herzegovina 2021 Report<sup>5</sup>, there is some level of preparation on freedom of expression. The country made no progress on addressing the Opinion key priority 12 on guaranteeing freedom of expression and of the media and the protection of journalists by ensuring the appropriate judicial follow-up to cases of threats and violence against journalists and media workers, and ensuring the financial sustainability of the public broadcasting system. Last year's recommendations remain valid. The legislative framework needs to be aligned with European and international standards and fully enforced. Political influence over public broadcasters persists, and their financial sustainability has not been secured. The law on the public broadcasting system remains unimplemented and entity-level legislation is still not harmonised with this Law. Political pressure, intimidation and harassment towards journalists, including physical and verbal attacks continued during the reporting period, without appropriate institutional follow-up. In the coming year, Bosnia and Herzegovina should in particular: →ensure the protection of journalists and a systematic institutional follow-up on threats and violence against them; →ensure the financial sustainability and political independence of public broadcasters, and harmonise entity legislation with the state-level law on the public broadcasting system; →adopt legislation on media ownership transparency and criteria on public advertising.

Finally, Bosnia and Herzegovina is at an early stage/has some level of preparation in the fight against corruption. No progress was made in addressing the Opinion key priority 7, the 2020 recommendations and the findings of the Expert Report on Rule of Law issues, which remain outstanding. Continued negative effects of widespread corruption and signs of political capture manifested strongly during the COVID-19 pandemic, directly affecting the wellbeing of citizens. Within their respective remits, both judicial office holders and political leaders have failed to tackle the generalised phenomenon of corruption and actively obstructed progress, leading to long-term stagnation, and a serious risk of backsliding in this field. Selective and non-transparent judicial follow-up in corruption cases of public resonance was observed, alongside pressures and intimidations, and is a cause of significant concern. No action was taken towards the adoption of new strategic documents at state and Federation entity levels. Lack of harmonisation of legislation across the country and weak institutional cooperation and coordination continued to hamper results. The track record on prevention and repression of high-level corruption remains insignificant, due to operational inefficiency and political interference. The Sarajevo canton authorities continued corruption prevention activities, however efficient follow-up from prosecution and judiciary remains to be ensured. The continued lack of progress at all levels shows the country's lack of advancement in the area and increases the risk of backsliding. The political leaders and criminal justice system institutions need to urgently remedy the situation. In the coming year, Bosnia and Herzegovina should in particular: →adopt the law on the prevention of conflict of interest at state level, and further harmonise the legislation at entity and Brčko District levels with international standards and best European practices; complete the legal framework and step up implementation on the protection of whistle-blowers; →demonstrate progress towards establishing a track record on the repression and prevention of high level corruption, and ensure an effective and independent judicial process in the COVID-related corruption cases; amend criminal legislation to address lack of harmonisation and competence conflicts, excessive length of proceedings and weak institutional cooperation in corruption cases across the country; adopt a new state-level anticorruption strategy and action plan, and ensure the effective functioning and coordination of corruption prevention bodies at all levels of government.

In summary, the main issues to be addressed with this programme are as follows:

1. The dialogue between the governmental and the non-governmental sector is weak and not institutionalised at all levels.
2. Citizens' participation in policy and decision making processes at local level is sporadic and not institutionalised.
3. Capacities of CSOs, particularly at grass-root level, remain low.
4. CSOs do not contribute sufficiently to fight corruption and support socio-economic development.
5. Media freedoms remain threatened and must be ensured and strengthened.

<sup>5</sup> SWD(2021) 291 final /2; <https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-10/Bosnia%20and%20Herzegovina%202021%20report.PDF>

Central strategies for Civil Society does not exist. Recently appointed, Advisory Body, members being nominated upon public call for CSOs organisation and academia, under the Council of Ministers of Bosnia and Herzegovina included in their plan development of National Strategy for Civil Society.

A Charter on Cooperation between the Council of Ministers of Bosnia and Herzegovina and CSOs was signed in November 2017, unfortunately no visible and/or identified progress linked to Charter implementation.

### 2.3. Relevance and complementarity with strategies supported by key national stakeholders

There is no strong sector approach in this area and no strategies, per se, developed on entity or state level at this moment. This said, the action is fully in line with some recent developments in Bosnia and Herzegovina, in particular the Charter on Cooperation between the Council of Ministers of Bosnia and Herzegovina and CSOs; and could help support the development of a Bosnia and Herzegovina's Strategy for Civil Society.

### 2.4. Relevance and complementarity with EU policy and EU and other donors' assistance

The IPA III Programming framework considers the support to civil society and media one of the priorities to improve democracy and rule of law.

The way in which IPA beneficiaries address these issues is a core aspect under the political criteria, on which the Commission elaborates in the context of the annual enlargement package of reports. It is therefore also addressed in the context of accession negotiations, including in the fundamentals cluster of the revised enlargement methodology adopted in 2020 .

The priorities for support to CSOs and media freedom for 2021 - 2027 are guided by two sets of Guidelines. The Guidelines for EU support to civil society in enlargement countries, and the Guidelines for EU support to Media freedom and media integrity in enlargement countries<sup>6</sup>. The two documents were prepared through wide consultation with governments, civil society, media and International Organisations within the region and beyond. The guidelines translate the political objectives of the Commission as indicated in the IPA III Programming Framework and in the Enlargement packages into a concrete results' framework with outcomes and indicators.

The support to civil society contributes to promoting a conducive environment for civil society to carry out its work, promoting a strengthened cooperation between civil society and public authorities, and reinforcing CSO capacities and resilience.

### 2.5. Lessons learned and links with previous financial assistance

The Civil Society Facility and Media Programme offers a single window of support to civil society and media freedom, bringing together EU support at bilateral and multi-country level.

Considerable IPA II funding has been allocated to civil society development, in particular to build the capacities of civil society to actively take part in policy dialogue, reinforce local democracy and strengthen civil society organisations to fight corruption and protect the environment.

The **Mid-term Evaluation of the Civil Society Facility for the Western Balkans and Turkey** contains a section specifically related to Bosnia and Herzegovina. Major conclusions are:

- The CSF is a very relevant instrument for support to civil society in Bosnia and Herzegovina. Relevance is high both from the point of strong linkages of the CSF objectives to the Copenhagen political criteria for accession and their operationalisation for Bosnia and Herzegovina in terms of preservation of democratic governance and human rights.

- CSF financial assistance is efficient. The cycle of programming, tendering and contracting goes relatively quickly, without major delays. CSF financial assistance has increased its reach to grassroots and community-based organisations in Bosnia and Herzegovina. The evaluation found that CSF assistance is flexible and responds to the changing needs of civil society organisations and of the government. This is extremely important in Bosnia and Herzegovina, where the political and socio-economic context is very complex and affects civil society significantly. This flexibility also raises the very relevance of CSF.

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<sup>6</sup> Guidelines for EU support to Civil Society and Media in the enlargement region were in place for the period 2014-2020, and are currently being updated for the period 2021-2027. The actions under the 2021 -2023 CSF are aligned with these documents.

- There is a varying degree of effectiveness of CSF assistance in addressing civil society needs. With regards to effectiveness of support to the capacities of CSOs in internal organisation and organisational capacity, the CSF has had more success, with direct results seen in improvements to individual CSO and network capacities.
- Whilst project level impacts are visible, the broader impact from CSF funding in Bosnia and Herzegovina is less strong. Donor involvement is shrinking, leaving the EU as the main donor. CSF-supported projects have more visible outcomes on specific target groups. The most visible impact of the assistance is seen in the profiling and consolidation of networks, allowing them to continue to enhance constructive dialogue and collaboration with public authorities. External factors affecting CSF ability to achieve positive outcomes and impacts are political, as well as the low institutional and human capacities within grassroots CSOs, and a lack of continuous financial support for CSOs.
- The sustainability of CSF actions in Bosnia and Herzegovina remains fragile, and many of the actions financed by the CSF will face difficulties in producing effects after projects close. Systematic and transparent mechanisms for funding of CSOs are lacking, as is an overall government strategy for ensuring the enabling environment for the development of civil society.
- The focus on human rights in the CSF for Bosnia and Herzegovina is strong; however, the focus on gender seems to be more declarative than essential. Focus on the environment has been positive. While CSF assistance appropriately targets issues relating to human rights and the environment, it seems that gender is not yet a truly mainstreamed concept.
- CSF actions in Bosnia and Herzegovina follow priorities as recognised by EU programming documents and EU progress reports. Synergies between the CSF, Cross-Border Cooperation (CBC) and the European Instrument for Democracy and Human Rights (EIDHR) and some sectoral support instruments can be further developed.
- CSF projects follow EU visibility requirements. The CSF is, besides the EIDHR, the most visible instrument for civil society. Participation in CSF-funded projects also allows organisations to work on stronger advocacy and inclusion in policy processes, which in turn, raises the visibility of the EU as a donor. Also, as civil society organisations work at the local level, their proactive promotion of the EU as a donor raises awareness of EU support in local communities.

Finally, evidence indicates that civil society should not be supported in isolation, but as an integral part of every policy area. Civil society should be regarded as a cross-cutting issue and not as separate sector. In Bosnia and Herzegovina, the EU is promoting involvement of CSOs in consultations regarding programming of EU funds (namely IPA I, IPA II and EIDHR) as well as in the preparation of the EU annual enlargement report. The EU Integration process will be a major challenge for Bosnia and Herzegovina with a particular role for CSOs. Through the Technical Assistance to CSOs (TACSO) project, the Delegation of the EU in Bosnia and Herzegovina encourages civil society organisations, entrepreneurs, academia, activists, bloggers and similar, to actively participate in the “Alliance for EU Integration” – a joint platform bringing together non-governmental actors as a counterpart and complement to the governmental institutions in Bosnia and Herzegovina.

### 3. DESCRIPTION OF THE ACTION

#### 3.1. Planned results and intervention logic

The capacity of the Bosnia and Herzegovina governments to include CSOs into decision-making will be enhanced with technical assistance support with aim to better include CSOs into the decision and policy-making and improve/develop their strategic documents defining cooperation with CSOs and social partners (employees, employers, governments) in an inclusive, evidence-based process. It will target the problem of weak cooperation and dialogue between governments and civil society in Bosnia and Herzegovina and extend it in direction of support to social dialogue and social partners (employees, employers, governments) including on such issues as legislation, collective negotiations, assessing the need for new legislation, drafting the laws and monitoring the implementation of reforms.

The support to existing and newly established CSOs networks will enable and support CSOs to engage in sector networking across a range of themes, such as rule of law, anti-corruption, education, health, electoral processes, social inclusion, environment and climate change, youth, culture, local economy and entrepreneurship, women rights, freedom of expression and media. The assistance will enable CSOs to advocate for positive societal changes, including towards public institutions. This support will be consolidated via Resource Centre, second phase, for CSOs with aim to address the problem of low capacity of CSOs in Bosnia and Herzegovina and make sustainable impact achieved through **www.EUResurs.ba** web portal.

Above described outputs cannot be achieved without Bosnia and Herzegovina' governments will to implement the outcomes of the cooperation with civil society and followed by Civil Society responsiveness to the given opportunities.

The main outcome will be to support civil society' involvement in the EU integration process in Bosnia and Herzegovina including in the formulation, implementation and monitoring of sector strategies for EU financial assistance and in influencing policy, decision-making processes and legislation enacting in the areas critical for EU integration under main assumption that Civil Society and the governments cooperate in a transparent way based on institutional arrangements.

The main impact will be strengthened participatory democracy and the EU approximation process in the Bosnia and Herzegovina by empowering civil society to actively take part in decision making and by stimulating an enabling legal and financial environment for civil society and pluralistic media.

### 3.2. Indicative type of activities

#### **Activity 1. Capacity-building for the Bosnia and Herzegovina governments to include CSOs into decision-making** (linked to outputs 1 and 2):

Activity 1 will consist in technical assistance support with aim to better include CSOs into the decision and policy-making and improve/develop their strategic documents defining cooperation with CSOs and social partners (employees, employers, governments) in an inclusive, evidence-based process. It will target the problem of weak cooperation and dialogue between governments and civil society in Bosnia and Herzegovina and extend it in direction of support to social dialogue and social partners (employees, employers, governments) including on such issues as legislation, collective negotiations, assessing the need for new legislation, drafting the laws and monitoring the implementation of reforms.

#### **Activity 2. Support to existing and newly established CSOs networks** (linked to outputs 3 to 6)

Activity 2 will provide support to existing and newly established CSOs networks will enable and support CSOs to engage in sector networking across a range of themes, such as rule of law, anti-corruption, education, health, electoral processes, social inclusion, environment and climate change, youth, culture, local economy and entrepreneurship, women rights, freedom of expression and media. The assistance will enable CSOs to advocate for positive societal changes, including towards public institutions. This support will be consolidated via Resource Centre, second phase, for CSOs with aim to address the problem of low capacity of CSOs in Bosnia and Herzegovina and make sustainable impact achieved through [www.EUResurs.ba](http://www.EUResurs.ba) web portal.

### 3.3. Risks and assumptions

<b>Risks</b>	<b>Risk level (H/M/L)</b>	<b>Mitigating measures</b>
Political instability/lack of political will	<b>M</b>	Regular inclusive and evidence-based regional political dialogue with the parties concerned  Continuous monitoring of progress achieved in order to adapt the approach of the action during the implementation phase  Steering Committees to be set up for the different initiatives established through the action will review information at beneficiary level to assess the potential impact on implementation and suggest further mitigation measures, as required
The overall political situation and establishment of the governments on all levels upon the 2022 General Elections could influence implementation of the proposed activities.	<b>M</b>	Knowledge-based approach supported by partnership promotion and mutual respect among stakeholders
The main implementation risk on project level is lack of transparency in re-granting process by the successful implementers	<b>M</b>	close follow-up and involvement in monitoring of re-granting process by EU Delegation
<b>Assumptions (to be reflected in the Logical Framework Matrix above) – grouped by outputs and outcomes</b>		

- Political support and will of the government levels of Bosnia and Herzegovina to continue with the democratisation and EU integration process in Bosnia and Herzegovina with the involvement of a strong civil society.
- Support and sufficient level of interest by all government levels to cooperate with CSOs and their networks.
- Political support to election monitoring, media freedom and anti-corruption activities.
- CSOs have interest to cooperate under sectoral networks.

### 3.4. Mainstreaming

#### **How does this Action contribute to Gender Equality and Women's and Girls' Empowerment (in line with the EU gender equality strategy 2020-2025)?**

Bosnia and Herzegovina is in the process of acceding to the European Union and over the past years has successfully set up the legislative and policy framework for gender equality. It is a signatory to a number of important and binding international documents, which guarantee the equality of men and women and prohibit gender-based discrimination. Yet, despite the progress that has been made to establish a legal and policy framework for the advancement of women's rights and gender equality, inequalities are pervasive. In 2021, Bosnia and Herzegovina ranked 76th out of 156 countries in the Global Gender Gap Report<sup>7</sup>, after all Western Balkan countries. Challenges in effectively implementing the legal and policy framework on gender equality negatively impact on real equality experienced by women and men, and on development outcomes in general. The challenges of implementation in Bosnia and Herzegovina have been highlighted in the Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union<sup>8</sup>. Women are underrepresented in politics and public life. The gender equality law sets out special measures to achieve at least 40% representation of each gender in legislative, executive and judicial authorities at all levels. However, these measures have not been thoroughly implemented. Gender impact assessments of policy and legislative processes are not carried out, although they are required by law. In terms of pay gap, despite the lack of official data, it is estimated that women earn on average 78% to 85% of a man's salary for the same position. The treatment of maternity, paternity and family leave differs between entities and among cantons. Data collection needs to be improved to enable the development of sound policies targeting key gender gaps, and provide relevant data on gender-based violence. Lack of human resources and institutional capacity to implement the normative framework for equality of women and men remain among the most serious challenges in Bosnia and Herzegovina. Therefore, within the complex web of social inequalities and discrimination, reform processes need to pursue gender equality as a core element of governance, shifting from 'equality of rights' to the equality of results. The EU accession agenda and its profound reform of governance, procedure and contents clearly require the provision of specific and enhanced support to the governments in Bosnia and Herzegovina for absorbing and effectively implementing the EU gender equality legislation.

Great challenges remain in Bosnia and Herzegovina to achieve gender equality and to allow equal opportunities for all. The evaluation of the CSF indicated that this matter needed enhanced attention.

Therefore, in Terms of Reference and guidelines, it will be requested that successful candidates use gender-sensitive methodologies, closely monitor gender equality rights and make sure that they are addressed and reported properly. Each activity will - to a maximum extent possible - include a perspective on critical gender issues in Bosnia and Herzegovina like: women's low political participation; insufficient resources of the institutional mechanisms for ensuring gender equality; unavailability of gender-related statistical data; financial resources for implementation and awareness of the Action Plan on the UN Security Council Resolution 1325 on Women, Peace and Security and Istanbul Convention; a low level of participation of women in the workforce; discrimination in employment with regard to maternity rights; harmonisation of relevant laws and documents. Gender-related (including sexual orientation and gender identity) hate speech and intolerance will also be tackled. Law on Gender equality in Bosnia and Herzegovina will have to be observed promoting and protecting gender equality and guaranteeing equal opportunities to all.

Collection of gender sensitive data will be upgraded ensuring i) better use of the existing data, ii) better collection of data which exists in the institutions (if any), iii) better procession and cross tabulation of data (i.e. age and sex, sex and education, etc.), iv) better accessibility and timeliness of data (on-line), v) better interpretation of statistical data, vi) organising some additional surveys, if needed. In general, a gender perspective will be maintained ensuring that the results of the projects impact positively on gender equality as well.

The focus should also be on media attention or critical approach of media to the work of civil society activities in thematic areas dealing with youth and women's rights.

#### **How does this Action address Environment and Climate change?**

<sup>7</sup> <https://www.weforum.org/reports/ab6795a1-960c-42b2-b3d5-587eccda6023>

<sup>8</sup> COM(2019) 261 final; <https://ec.europa.eu/neighbourhood-enlargement/system/files/2019-05/20190529-bosnia-and-herzegovina-opinion.pdf>

There are a number of environmental/ecological CSOs active in Bosnia and Herzegovina who have been instrumental in persuading responsible authorities to take a more pro-active role in dealing with environmental problems. It is envisaged that continued activities and development in this area towards influencing responsible authorities at all levels to deal with the pressing environmental problems would be covered by the project. Transparency of the decision making process in area of environment and public participation, as well as access to environmental information needs to be further pursued and improved. CSOs could play a vital role in this process.

Local authorities have an important role to play in environmental protection and civil society groups have been active in co-operating at local level in order to bring about improved practices. These efforts need to be carried out in a consistent and harmonised manner in order to enable tangible progress and in line with requirements of the EU *acquis* in area of environment. It is anticipated that this project would encourage and "systematise" this development.

Environment and climate action relevant budget allocation: EUR 0.5 million

#### **How does this Action address the Rights Based Approach?**

This action will be implemented in a non-discriminatory manner and according to equal opportunities principles that guarantee that no distinctions will be made on the basis of race, ethnicity, religion, sexuality, ability or other possible grounds in any aspect.

As regards international human rights instruments, Bosnia and Herzegovina has ratified all major UN and international human rights conventions. The principles of the European Convention on Human Rights are entrenched in the Constitution of Bosnia and Herzegovina, which also guarantees the supremacy of this Convention over national legislation. However, the Constitution fails to guarantee full access to fundamental human rights to citizens who do not affiliate to any of the three "constituent peoples" in Bosnia and Herzegovina. The judgment of the European Court of Human Rights in the Sejdic-Finci case, which relates to some major constitutional amendments, has yet to be addressed. The action will pay attention to this issue and where possible seek to address it.

Lesbian, Gay, Bisexual, Trans, Non-binary, Intersex and Queer (LGBTIQ) people in Bosnia and Herzegovina are regularly suffering from discrimination and violence. Same-sex couples are continuously discriminated against, as the legal system fails to recognise their social and economic rights, including the right to family life. The social inclusion of intersex and especially transgender persons, who are particularly marginalised, also needs to be improved. The prosecution of hate crimes and hate speech against LGBTIQ persons must be improved. The intervention will also target LGBTIQ persons, assisting in furthering their interests, ensuring full respect of their rights and advocating for the full equality of this group in Bosnia and Herzegovina

#### **How does this Action promote the systematic engagement with Civil Society?**

By definition, this action is aiming to improve the environment for active citizenship and to strengthen the capacity of organised active citizens and has been designed based on inputs provided by activists and CSO representatives during several consultation processes.

Intervening in different specific frameworks and sectors, this action is broadly aimed at strengthening the role and participation of civil society in policy and decision-making processes through an improved dialogue with all level of governance.

The selection of the priorities for the CSF is based on consultations organised by the EU with civil society since October 2015; consultations in the context of ISP preparations; discussions with civil society organised by TACSO since 2016; and DG NEAR "Guidelines for EU support to civil society in enlargement countries 2014-2020" under revision.

Other instruments are available to support civil society: the European Instrument for Democracy and Human Rights (EIDHR) and the Cross-Border Cooperation programmes. As concerns EIDHR, approximately EUR 16 million were contracted during the programming period 2007-2020 to support LGBTIQ, women - victims of war, disabled, democratic reforms, etc. From bilateral CBC programmes, approximately EUR 12 million annually are being programmed for all 9 programmes, focusing mostly on social and territorial cooperation in the areas of environment, natural and cultural heritage, employment opportunities and social rights, local governance and others.

Also, a number of on-going IPA projects are providing direct support to the civil society, for example the Regional Local Democracy (ReLOaD) II project implemented by UNDP as well as different grant schemes focused on lifelong learning, anti-corruption, demining, social inclusion, and others.

#### **Others (such as Resilience and Conflict Sensitivity, Roma, people with disabilities and other vulnerable groups)**

Even though Bosnia and Herzegovina ratified the Convention on the rights of persons with disabilities (CRPD) and its optional protocol and the relevant law prohibits discrimination, persons with disabilities continue to face challenges regarding access to education, healthcare and social assistance. Very few public buildings are accessible to persons with physical disabilities. The Council for Persons with Disabilities needs to be further engaged in all relevant processes. The authorities also need to improve data collection, including gender-disaggregated data on women and men with disabilities. However multi-sectoral and comprehensive implementation mechanisms should be put in place in order to address all mentioned issues.

In addition to being exposed to constitutionally inherent political discrimination, The Roma are the most vulnerable and disadvantaged minority. They continue to live in extremely vulnerable conditions regarding health, employment and education while Roma women in particular face multiple forms of discrimination.. The very slow progress in this area

will be also addressed by the action ensuring alignment with the Roma action strategy and related action plans. The social inclusion of the Roma population requires a more comprehensive and integrated approach based on reliable data. Social inclusion relevant budget allocation: EUR 0.5 million

### 3.5. Conditions for implementation

The most significant conditions for implementation of the action are in place. All IPA III beneficiaries have a legal framework ensuring that the exercise of the freedom of association and expression is formally guaranteed, although there are issues of different degrees of seriousness in the implementation of that legal framework.

An important condition for the proper advancement of the programme is the functioning of the relevant ministries at all levels of authorities with particular attention to be given towards Bosnia and Herzegovina's Council of Ministers and entity governments. The implementation of the established CSOs/Govs' Agreements e.g. 2017 Charter on Cooperation between Bosnia and Herzegovina's Council of Ministers and CSOs will add important value to all EU funding directed towards Bosnia and Herzegovina's Civil Society.

General Elections will be held in October 2022 and the speedy implementation of their results will be important for the programme.

### 3.6. Logical Framework

Results	Results chain: Main expected results (maximum 10)	Indicators (at least one indicator per expected result)	Baselines (2021)	Targets (2024)	Sources of data (1 per indicator)	Assumptions
<b>Impact</b>	To strengthen participatory democracies and the EU integration and approximation process in Bosnia and Herzegovina, through an enhanced contribution by civil society and media.	Quality of structures and mechanisms in place for cooperation between CSOs/media and public Institutions	- The Charter(s) of Cooperation applied in 5%	- The Charter(s) of Cooperation applied in 25%	Independent assessments by International Organisations and CSOs  Annual reports by International Organisations and CSOs; and Commission reports	<i>Not applicable</i>
<b>Outcome</b>	Civil society's capacity and resilience to be involved in the EU integration process in Bosnia and Herzegovina including in the formulation, implementation and monitoring of sector strategies for EU financial assistance and in influencing policy, decision-making processes and legislation enacting in the areas critical for EU integration is enhanced, and cooperation between CSOs and public institutions is strengthened	-Percentage of laws/bylaws, strategies and policy reforms effectively consulted with CSOs.	- Civil Society participation identified in 5%	- Civil Society participation verified in 25%	Project reports  Competent government institutions' reports	Civil society and the governments cooperate in a transparent way based on institutional arrangements
<b>Output 1</b>	Government support to CSOs is available and provided in a transparent, accountable, fair and non-discriminatory manner	-Amount of public funding for CSOs	-There are no state bodies with a clear mandate for allocation and/or monitoring of state funds.	- At least 3 bodies established	Competent government institutions' reports	Governments implement the outcomes of the cooperation with civil society.
<b>Output 2</b>	Public institutions recognise the importance of CSOs in improving good governance through CSOs' inclusion in decision making processes	-Quality of structures and mechanisms in place for dialogue and cooperation between CSOs and public institutions	- CSOs inclusion lower than 5%	- CSOs inclusion reaches 20%		

<b>Output 3</b>	All individuals and legal entities continue to express themselves freely, assemble peacefully and establish, join and participate in non-formal and/or registered organisations	- Quality of existing legislation and policy framework - Progress with the adoption and implementation of relevant legislation	-Legislation applied in limited number of cases	-Legislation applied always	Project reports  Project Monitoring visits	Civil Society responsive to the given opportunities.  Active participation of all stakeholders involved in the project implementation.
<b>Output 4</b>	Central and/or local authorities have enabling policies and rules for grass-roots organisations and/or civic initiatives	-Quality of the enabling environment for grass-roots organisations and/or civic initiatives	- 15% of CSOs stated that had a greatest benefit from the network in terms of the exchange of experience/knowledge.	- 30% of CSOs stated that had a greatest benefit from the network in terms of the exchange of experience/knowledge		
<b>Output 5</b>	CSO' activities are guided by strategic long-term organisational planning	-Share of CSOs which have developed strategic plans including human resources development activities	- 30% of CSOs have a human resource development plan	- 50% of CSOs have a human resource development plan		
<b>Output 6</b>	CSOs regularly network within and outside countries borders and make use of coalition-building for increased impact in campaigning and advocacy	-Share of CSOs taking part in local, central, regional and international networks	- 45% of CSOs do not find CSO networks efficient	- 30% of CSOs do not find CSO networks efficient		

## 4. IMPLEMENTATION ARRANGEMENTS

### 4.1. Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country.

### 4.2. Implementation modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>9</sup>.

#### 4.2.1. Direct Management (Grants)

##### **Grants: (direct management)**

##### **(a) Purpose of the grant(s)**

The purpose of the grant is to strengthen the capacity of CSOs to contribute to Bosnia and Herzegovina' society development in particular sectors

Output 3: All individuals and legal entities continue to express themselves freely, assemble peacefully and establish, join and participate in non-formal and/or registered organisations

Output 4: Central and/or local authorities have enabling policies and rules for grass-roots organisations and/or civic initiatives

Output 5: CSO' activities are guided by strategic long-term organisational planning

Output 6: CSOs regularly network within and outside countries borders and make use of coalition-building for increased impact in campaigning and advocacy

**(b) Type of applicants targeted.** The applicants shall comply with essential eligibility criteria as follows:

- be legal persons and
- be non-profit-making and
- be non-governmental organisations

#### 4.2.2. Direct Management (Procurement)

Procurement will contribute to achieving the following outputs:

Output 1: Government support to CSOs is available and provided in a transparent, accountable, fair and non-discriminatory manner and

Output 2: Public institutions recognise the importance of CSOs in improving good governance

This assistance shall provide support the Bosnia and Herzegovina governments to better include CSOs into the decision and policy-making and improve/develop their strategic documents defining cooperation with CSOs and social partners (employees, employers, governments) in an inclusive, evidence-based process. It will target the problem of weak cooperation and dialogue between governments and civil society in Bosnia and Herzegovina and extend it in direction of support to social dialogue and social partners (employees, employers, governments) including on such issues as legislation, collective negotiations, assessing the need for new legislation, drafting the laws and monitoring the implementation of reforms.

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<sup>9</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu) Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

#### 4.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

#### 4.5. Indicative budget

	<b>EU contribution (amount in EUR) 2021</b>	<b>EU contribution (amount in EUR) 2022</b>	<b>Indicative third party contribution, (EUR)</b>
<i>Direct management (Grants)</i>			
<b>Support to existing and newly established CSOs networks (2022 budget)</b>		7 800 000	700 000
<i>Direct management (Procurement)</i>			
<b>Capacity-building for the Bosnia and Herzegovina governments to include CSOs into decision-making (2021 budget)</b>	1 000 000		
Grants – total envelope under section 4.3.1		7 800 000	
Procurement – total envelope under section 4.3.3	1 000 000		N.A.
<b>Totals: EUR 8 800 000</b>	<b>1 000 000</b>	<b>7 800 000</b>	<b>700 000</b>

#### 4.6. Organisational set-up and responsibilities

The actions will be implemented under Direct Management mode.

The Contracting Authority shall be the Delegation of the European Union to Bosnia and Herzegovina

## 5. PERFORMANCE/RESULTS MONITORING AND REPORTING

### 5.1. Internal monitoring

The implementation of support to civil society should include monitoring and evaluation systems at different levels:  
Activity level: the EU Delegation will be responsible for monitoring and evaluation throughout the implementation phase. TACSO as well as external contractors may assist these efforts.

Central/Programme level: CSOs will be actively involved in the yearly monitoring of indicators and results. Yearly meetings will analyse the development of the CSOs in all countries and the advancement towards the targets.

### 5.2. Roles & responsibilities for data collection, analysis & reporting

The implementing partners will continuously capture, record and track key statistical information on the implementation of activities. Particular emphasis will be placed on systematic collection of data required to track progress on indicators identified in the logical framework. The monitoring methods and sources will include the following as relevant: action records showing details about events held and actions taken; website and social media

analysis showing viewership, reach, and engagement of target audiences; visibility and impact of social media campaigns; number of mainstream media stories published using material provided through the action; and feedback from participants through questionnaires designed for the action.

### 5.3. Evaluation

Having regard to the importance of the action, a mid-term evaluation will be carried out for this action or its components contracted by the Commission.

It will be carried out for problem solving and learning purposes, in particular with respect to the programming of next Civil Society Facility and Media Programmes on 2024 and onwards.

The Commission shall inform the implementing partner at least 1 month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner beneficiary and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner beneficiary, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing Decision.

## 6. AUDIT

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing Decision.

*"For the part of the action incorporating a form of financing not linked to costs but on the achievement of results, the verification mechanisms will focus on the results and performance indicators previously agreed"*

## 7. COMMUNICATION AND VISIBILITY

Visibility of EU funding and communication about objectives and impact of Actions are a legal obligation for all Actions funded by the EU, as set out in the EU communication and visibility requirements<sup>10</sup> in force.

In particular, the recipients of EU funding shall acknowledge the origin of the EU funding and ensure its proper visibility by:

- providing a statement highlighting the support received from the EU in a visible manner on all documents and communication material relating to the implementation of the funds, including on an official website and social media accounts, where these exist; and
- promoting the actions and their results by providing coherent, effective and proportionate targeted information to multiple audiences, including the media.

Visibility and communication measures shall be implemented, as relevant, by the national administrations (for instance, concerning the reforms linked to EU budget support), entrusted entities, contractors and grant beneficiaries. Appropriate contractual obligations shall be included, respectively, in financing agreements, delegation agreements, and procurement and grant contracts.

The measures shall be based on a specific Communication and Visibility Plan, established and implemented in line with the EU communication and visibility requirements in force. The plan shall include, inter alia, a communication narrative and master messages for the Action, customised for the various target audiences (stakeholders, civil society, general public, etc.)

Visibility and communication measures specific to this Action shall be complementary to the broader communication activities implemented directly by the European Commission services and/or the EU Delegations and Offices. The European Commission and the EU Delegations and Offices should be fully informed of the planning and

<sup>10</sup> [https://ec.europa.eu/international-partnerships/comm-visibility-requirements\\_en](https://ec.europa.eu/international-partnerships/comm-visibility-requirements_en)

implementation of the specific visibility and communication activities, notably with respect to the communication narrative and master messages.

## 8. SUSTAINABILITY

In order to achieve sustainability beyond the implementation period, the design of the assistance takes account of the following:

- Financial assistance will be delivered in an appropriate mix of funding instruments to respond to different types of CSOs and needs in a flexible, transparent, cost-effective and results focused manner.
- Design corresponding to needs/demands shared amongst the key beneficiaries, i.e. key stakeholders such as civil society and public institutions are consulted in the design process.

The focus of the assistance is on the development of strategic documents for Bosnia and Herzegovina by joint efforts of governments and civil society. In the process of developing the documents, governments and civil society will be assisted to build and develop the mechanism for their cooperation as well as to build capacity needed for use of these mechanisms. The three components of the assistance's outcome (Bosnia and Herzegovina strategic documents, mechanisms for cooperation between the governments and civil society, and developed capacities of governments and civil society) support each other, they will be developed by key local stakeholders in accordance with their assessed and confirmed needs, so their ownership will guarantee sustainability.

The action will seek to have its outcomes enacted in relevant Bosnia and Herzegovina legislation wherever possible with ensured financial resources and implementation mechanisms.