

SUMMARY OF CONSULTATIONS WITH CIVIL SOCIETY ORGANIZATIONS

regarding the challenges and priorities in the sector “DEMOCRACY AND GOVERNANCE”

The sector consultation organized within the action “IPA 2 mechanism for civil society organizations”(IPA2CSO)aimed to discuss the policies, programs, challenges as well as priorities in this sector¹.The opinions and attitudes will be presented to relevant stakeholders, including the Delegation of the EU in Macedonia as input for the draft country report of the European Commission for 2016. This summary includes the input gathered at the meeting with 30 civil society representatives, held on 21.03.2016 in the EU Info Centre in Skopje, as well as additional comments sent by e-mail. The findings regarding the subsector “Economic governance and public finance management” also include input from the workshop with civil society on the Open government partnership (group for “Efficient management with public resources”), held on 24.03.2016.

Public Administration Reform

While the Rules of procedure of the Government stipulate at least 10 days for stakeholder consultations on draft laws, the drafts are frequently published on ENER (Single national electronic register of regulations) with disregard for this time-frame, or are not published at all.

The public administration offers an increasing range of e-government tools and services, with the aim to facilitate their accessibility to citizens, as well as to improve service provision effectiveness and efficiency. However, some of the created e-government tools and services have problems with service downtime due to technical reasons, and frequently there are no alternative ways of providing such services. On the other hand, these services exclude citizens that don't have means or skills to access them, including senior citizens, and the administration is not undertaking specific measures to resolve or mitigate this issue.

Several websites of public sector entities are not regularly updated (for example, the website of the Judicial Council of the Republic of Macedonia) or do not contain basic information (for example, on the work of the municipal committees on equal opportunities). There are instances when some institutions restrict the right to access public information by indiscriminately categorizing documents or data as “confidential” or “for internal use”. The Committee for protection of the freedom of access to public information, the Administrative court and the Higher administrative court do not question the grounds for such classification while acting on complaints or during administrative disputes, i.e. they don't explain how the obligatory “harm test” was conducted and how it has proven that the harmful consequences that might occur by revealing the classified information will be greater than the public interest to access those information.

¹The sector is defined in the Indicative strategic document for the Republic of Macedonia, 2014–2020, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2014/20140919-csp-former-yugoslav-republic-of-macedonia.pdf

Local self-government units, decentralization and deconcentration

The local committees on equal opportunities and the inter-community relations committees are not meeting or are not established in a number of municipalities which are obliged to establish such committees under the Law on local self-government and the Law on equal opportunities of men and women. In such instances, the law is also breached when municipal councils act on items which have not been previously considered by the appropriate committees. This creates problems with the citizens during the implementation phase.

Despite the positive practice of including civil society organizations in monitoring of the implementation of some local strategies (for example, in the Municipality of Centar), the local authorities often do not have human and financial resources and political will for cooperation with the civil society.

Due to lack of knowledge on the division of competences, sometimes citizens' perceptions on the efficiency and effectiveness of the municipal administration are based on the actions taken by state bodies which function on local level (regional departments of different bodies etc.). There is also a disparity in the actions taken by the state bodies and public servants in different parts of Macedonia (for example the regional departments of the Agency for real estate cadastre), which creates legal uncertainty and an impression that laws are not uniformly applied in different municipalities.

Civil society and democracy

The consulted CSOs mentioned cases of: labelling of CSOs by certain political actors and media; pressure on some CSOs to take sides on the polarized political scene; instances of self-censorship by some CSOs that avoid criticizing the authorities – including on the local level – as they want to maintain cooperation; certain media ignore CSOs they consider to be on “the other side of the fence” in the polarized political scene; avoidance by some CSOs of media which they consider to be biased in their reporting; intimidation of certain CSOs by some political actors. This climate degrades the democratic discourse and has a negative impact on the public trust in the civil society and government institutions.

Some authorities, both on central and local level, demonstrated inadequate capacities and insufficient culture of democratic debate to adequately respond to constructive criticism; the authorities often respond to criticism from civil society by ignoring the voice of CSOs or by attacking these CSOs and their leadership. Often the institutions don't respond to invitations, requests for information, meetings, or their representatives don't participate in discussions organized by civil society.

The participation in preparation of laws and bylaws and in the decision-making process was at a very low and insufficient level. The political crisis furthered the practice of making key decisions within a narrow circle of political leaders, circumventing the institutions and excluding CSO participation. In this situation, the existing mechanisms for participation² were totally neglected. Despite the efforts of particular institutions, the representatives of citizen associations and foundations are still not

²For example: the Single national electronic register of regulations – ENER; The code on good practices for participation of the civil in the policy-making process; The code on public consultations during preparation of laws and regulations.

included in the NPAA working groups³ in a transparent manner, on equal footing with the representatives of the public sector entities.

The frequent amendments of the laws caused legal uncertainty for CSOs. The legal provisions for paying social contributions for persons engaged with service agreements⁴ had negative impact on CSOs and resulted in cancellation of some projects or reduced income of the persons engaged on civil sector projects with such freelance agreements.

Some of the political actors encourage a culture of public protests and counter-protests, which only increases and fosters divisions in the society.

The unit for cooperation with civil society within the General Secretariat of the Government has not been expanded yet, and is still functioning with insufficient human and financial resources (4 employees).

The Council for dialogue between the Government and CSOs is yet to be formed – despite the Government's announcement that it would be established at the beginning of 2015. CSOs have not received feedback on their comments to the second version of the draft decision on establishing the Council.⁵ This draft drastically changed the manner of selecting CSO representatives in the Council, i.e. the institutions would have the ultimate say on this, while the majority of Council members would be from the Government – something that was considered unacceptable for most of the CSOs.

There is no progress in the adoption of a bylaw on transparent and accountable funding of CSOs from the state budget and from the proceeds generated from organizing games of chance and entertainment games – although this is stipulated as a measure in the Strategy for cooperation of the Government with the civil sector.

The status of public benefit organizations is not effectively used by CSOs due to lack of additional fiscal stimuli for the organizations which have acquired such status. When employing persons, CSOs cannot use the fiscal incentives of the active labour market measures, as only private sector entities are eligible for those incentives. The programme for covering the expenses for engaging interns is also valid only for private sector employers, while CSOs are ineligible to use this support from the state budget despite the fact that their activities are in the interest of the public.

Regarding the migrant crisis, CSOs and civic activists succeeded to sensitize the public and to pressure the institutions to amend the Law on asylum and temporary protection in June 2015. This enabled the legal transit of migrants through Macedonia.

Economic governance and public finance management

The Ministry of Finance accepted the civil society initiative to publish the 2015 Budget in the form of a “citizens’ budget”. This should have presented the public spending plan for 2015 in a simple and understandable manner for citizens, and inform them how their money would be spent. However, even after the end of the year, the citizens’ budget for 2015 is still in preparation and is not yet published by the Ministry of Finance.

³The working groups in charge for preparation of the National programme for adoption of the acquis.

⁴After an implementation period of seven months, these legal provisions were dropped on August 1, 2015.

⁵The second version of the draft decision was not even published.

The budgetary process on national level is not fully transparent – the Ministry of finance doesn't publish the semi-annual report on execution of the budget.

The budgetary process on national level is not participative – the budgetary institutions do not have a practice of consulting citizens and other stakeholders before submitting the budgetary circulars for the next year to the Ministry of Finance.

Despite the verbal commitments of the Government, representatives of citizens' associations and foundations, as well as of the other civil society organizations, are still not included in transparent and objective manner in the sectoral working groups for planning and programming of the IPA 2 on equal level with the representatives of the state bodies.

There are no databases published on the internet on: state assets, public sector debt which is not guaranteed by the state, public sector arrears, the granted state aid to foreign investors per user and per basis, and concluded concession agreements.

The Central Donor Assistance Database at the Secretariat for European affairs features data only for the foreign aid whose beneficiaries submitted a request for its registration in the database, and does not offer data on all foreign aid granted to the Republic of Macedonia.