



The Role of Civil Society in Kosovo in the Creation and Strengthening of Democracy

BY

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By expressing my deepest gratitude, I dedicate this success – just like all my other successes – to the brightest souls there are, my **mother** and **father** – always and forever.

## **ABSTRACT**

This dissertation assesses the role of civil society for the creation and strengthening of democracy in Kosovo. A thorough overview of the previous literature has been made, and interviews have been conducted with all stakeholders of the field, including civil society leaders and activists, civil servants in charge for cooperation with civil society, politicians, and donors. Civil society has played a unique role in Kosovo's long journey of becoming an independent state and its ongoing road towards becoming a fully democratic country. From 1999 – 2008, the contribution of civil society organizations for the democratization of Kosovo was limited, this mainly happened due to their lack of knowledge for the field and also the need to be focused on humanitarian assistance and infrastructure. The Kosovan civil society field was under vast influence from the international since they were the main financiers of the sector. From 2008, the focus of civil society has shifted towards the democratization of the country, and they are focused on institutional building, strengthening of the rule of law, human rights, and other areas that are needed in making Kosovo a country with European Union standards. Unfortunately, a substantial number of organizations in Kosovo are part of the sector just as an opportunity for employment and acquiring funds, but add no value to the society by their work. In conclusion, the results given by civil society as a sector for the creation and strengthening of the democracy in Kosovo are mixed.

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## **1.0. Introduction**

Historically speaking, Kosovo is a country whose development is nothing but unique. In the last century, Kosovo went into various milestones, starting from the division from its motherland, occupation, suffered different regimes, went through different wars, got liberated in 1999, and finally, in 2008 it became an independent country recognized internationally by 116 countries (“List of Recognition”, 2020). Throughout the decades, the people of Kosovo took collective action around their shared interests, values, and purposes which mainly were focused on seeking their basic human rights which were being neglected continually. Therefore, it can be assessed that the term “civil society” as a group/community that takes collective action and is distinct from the government or/and commercial-for-profit actors has been within the society for decades. However, it should be noted that the development of the civil society in Kosovo has evolved quite differently from other countries in all Europe, including the neighboring countries of the Balkan Peninsula.

During the 1990s, the people of Kosovo were faced with deep segregation and discrimination in all fields of life. Kosovan children were not allowed to attend school in their language, Kosovan people were not allowed to have access to healthcare (Gashi, 2004), individuals belonging to the Kosovan ethnicity were being fired from their job places, etc. causing a societal crisis followed by ethnic cleansing and genocide (Booth, 2012). The Serbian regime led by Slobodan Milosevic removed Kosovo’s self-governing status and took full control of the local institutions in Kosovo by installing a colonial type regime where the minority ruled (Pula, 2005). The challenges and difficulties that the people of Kosovo were facing doubtlessly led to a mobilization of groups for collective action, and considering the fact that Kosovars had no governmental power of any kind, the only option for them to raise their voices and seek their rights were through civil society. For an individual born and raised in a developed country, it may be difficult to understand the level of organization that the civil society in Kosovo had during the years of apartheid by also being one of the main pillars for organizing a parallel system which would serve to improve the life of the people by offering education, healthcare, aid, etc. The conditions under which the Kosovans were developing civil society were quite challenging, firstly due to the legal challenges which restricted the scope of civil society organizations and also their effectiveness. Additionally, there were also security issues which led the individuals to have second thoughts when it came to their involvement and contribution in the civil society.

At the beginning of the 1990s when the situation started to escalate, civil society organizations such as “Mother Theresa Society (MTS)” were created in order to serve the people. From 1990 – 1998, the “Mother Theresa Society” had created the 96 mobile clinics and maternity centers which were free of charge and could be used by the Kosovans who at that time had no access to healthcare (Demolli, 2002). Through civil society engagement, the people of Kosovo were trying to cover for the state social welfare by providing humanitarian assistance, cover the ministry of health by providing access to healthcare services, and education by creating an entire parallel educational system so that children can still attend school. Another important civil society organization that played a pivotal role in the seek of human rights for Kosovan was the Council for the Defence of Human Rights and Freedoms (CDHRF) (Artur, 2000). A civil society organization found in December 1989, the CDHRF became the main institution that has reporting the violation of human rights and freedom in Kosovo. An institution composed of intellectuals whose opportunities to contribute to their country through proper state channels were limited and focused their entire professionalism for the protection of human rights through civil society. Other independent and non-state-controlled organizations were formed in Kosovo during this time, such as the Kosovo Helsinki Committee, the Union of Independent Trade Unions, etc.

During the period when other European countries had the goal to enable their domestic democracies by creating non-state controlled independent groups that will fight for political pluralism and democratic politics, for Kosovo the civil society became a completely different dimension. Civil society was the basis of resistance against the regime and seeking human rights and freedom for the Kosovan people. In his book “Civil Resistance in Kosovo” (2000), the author Howard Clark examines how an outstanding non-violent movement by Kosovan’s at that time, through mobilizing groups and individuals to be engaged in civil society in Kosovo, frustrated the plans that the Serbian regime had for Kosovo. This mainly comes due to the fact that the removal of Kosovo’s self-governing status was made in order to provoke physical conflict in Kosovo where the regime would counter-act violently but still to use the intervention as an excuse of self-protection; however, the Kosovan’s decided that for many years to counter the regime by being active citizens that contribute for their society.

After decades of occupation and suffering with a particular emphasis on the 1990s when apartheid and genocide occurred, in June 1999 Kosovo was finally liberated. As one would expect, civil society would become the guardian of the society “protecting” the people from

the government actions and also making sure that the government acts when they fail to do so. Civil society – especially in transitioning countries – is the one that supervises the work of the government and is actively working with the governmental institutions in different fields in order to create a sustainable society with progressive policies. However, Kosovans found themselves again in a unique situation, that of the international protectorate. After the North Atlantic Treaty Organization (NATO) bombing and the liberation of the country, Kosovo came under the administration of the United Nations and in 2002 also created its local administrative bodies named “Provisional Institutions of Self-Government” (Pula, 2005). The United Nations Mission in Kosovo (UNMIK) was in charge to form and functionalize the civil society in Kosovo. Kosovo, a society in transition and with no history in institutional building, was in substantial need for a proper civil society (Zeqiri, 2018). Coming out from a “system” where the entire civic and political life are made outside of the governmental institutions, the end of the war brought a new momentum where civil society and political movements/parties needed to be separated because for more than a decade their roads were intercrossed unquestionably more than they do in a normal situation. After 1999, Kosovo had an “invasion” from the international community, not only by its military presence through NATO and UNMIK as the administrator of Kosovo, but also from international organizations both governmental and non-governmental, which became the pillar for the development of the civil society in Kosovo. In less than 5 years after the war, Kosovo had more than 1,000 international non-governmental organizations, and more than 2,300 Kosovan non-governmental organizations. A large number of these civil society organizations were focused on humanitarian aid as tens of thousands of homes were burned and large investment in infrastructure was needed to provide people shelter and food. Thus, a number of civil society organizations had their focus on the creation of a democratic rule. It may be assessed that number wise Kosovo had flourished in the civil society field; however, mixed opinions are to be found when it comes to the effectiveness that the civil society had for the life improvement and state-building in Kosovo.

During 1999 – 2008 Kosovo was under international protectorate where all the processes and decisions were made under the United Nations administration. Therefore, the Kosovan civil society did not have the opportunity to create the standard “civil society – state” relationship that is the usual case for democratic countries, however, it created the relationship “civil society – international power structures” since the state itself did not exist (Zeqiri, 2018). After February 2008, when Kosovo declared its independence the situation changed



completely. The Kosovan civil society would need to start to create a direct relationship with the state, without the interference of the international community. However, for almost a decade, the civil society in Kosovo has been solely supported by the international community as they were the ones who had the financial opportunity to do so since the Kosovan provisional institutions and the business community lacked the financial means to do so. The Kosovan civil society had to overcome the barrier of being labeled as the “ones that work for the interests of the international community”. Throughout years, the perception has been created – in many cases even correctly – that the majority of civil society works for the goals and objectives that the international community has, and their work is under their directives. Besides, people created the misperception that civil society individuals are over-paid since they “serve” the foreigners. The new state of affairs where Kosovo became an independent country obliged the two parties – civil society and state institutions – to work together. Since 2008, the civil society in Kosovo had the opportunity to become the “guardian” of society by monitoring the government’s activity and to work actively in the fields that no stakeholder other than the civil society can. The time where the main focus of civil society would be for the reconstruction of the infrastructure and also humanitarian aid has passed, and now the civil society had the opportunity to have more diversification and have a special focus on the state-building in the fragile democracy that Kosovo had back in 2008. In the second half of 2008, the civil society organizations in Kosovo started to present their organized agendas in different thematic areas. The increase in the level of the organization of the civil society in Kosovo was seen as a direct impact that the declaration of independence had for the re-organization of civil society in Kosovo (Deda, 2009). According to Freedom House 2008 report “Nations in Transit”, the declaration of independence opened space for a stronger and more credible role of the civil society in Kosovo. The focus a substantial number of the civil society organizations switched to policy analysis and provision of recommendations, monitoring law implementation, oversight of corruption, and provision of human rights for all citizens considering that Kosovo is a multi-ethnic country.

Considering the unique history that the civil society of Kosovo has had throughout the last three decades, there is a need for a proper assessment for its contribution to the democratization of the state. The focus of this dissertation is to examine the role of civil society for the creation and strengthening of democracy. The dissertation will assess the level of civil society in Kosovo, the civil and political rights in Kosovo, and also analyze the areas where civil society organizations are most engaged. Some various studies and reports have

analyzed the work that civil society in different phases and in limited fields; however, this dissertation will have an inclusive approach by analyzing the development of civil society and democracy in Kosovo with a special emphasis on the post-war period, continuing with the first post-independence decade and continuing till the present time. This dissertation will focus on how much did civil society organizations help Kosovo to become a democratic society by analyzing their contribution to the main pillars of democracy. The results will be based on the analysis of all the existing literature and also conducting interviews with all the stakeholders for the development of civil society in Kosovo including civil society activists, politicians, donors, and researchers.

## **2.0. Civil and Political Rights in Kosovo**

As previously stated, the role of this dissertation is to assess the impact of civil society in Kosovo for the democratization of the country. In order to do so, a clear picture of the civil and political rights in Kosovo is required, which will be provided in this section. The third chapter of this dissertation analysis will be provided on how did civil society in Kosovo contribute to the betterment of civil and political rights by analyzing various fields. This chapter will provide a thorough grounding for the civil and political rights in Kosovo, the progress achieved throughout the years, and what is their current level.

Regardless of the fact that the international community and their protectorate were leading and administering Kosovo during the transitional period after the war, Kosovo's democracy score was around 6 (1 being the best, and 7 being the worst). This shows that the obstacles that needed to be surpassed during the institutional building phase were tremendous (Nations in Transit - Kosovo, 2004). The transitional democracy of Kosovo was facing all sorts of problems, including the lack of ethnic harmony, lack of human rights, organized crime, violence with roots to politics, and a concerning rate of corruption, and all of these problems were supposed to be tackled and resolved during the time that the basic state institutions itself were under creation.

February 17<sup>th</sup>, 2008, the declaration of independence was adopted from Kosovo's Assembly. In an extraordinary parliament plenary attended by 109 of the 120 members of Parliament, Kosovo's assembly unanimously declared Kosovo as an independent state. The independence has been voted by all Kosovan Albanian's representatives, and also from Turkish, Bosnians,

RAE (Roma, Askali, Egyptian), and Gorani minority communities' representatives. However, the proceedings were boycotted from all 11 Serbian representatives. It should be noted that the rights of minorities, which were included in the independence "package" are nothing but unique when it comes to the freedom and decision-making of minority groups. At the time of independence, 93% of the population were Kosovo-Albanians, 3-4% Serbs (1.5% in the 2011 census, but they boycotted the census), and the other 5% were composed by Turks, Bosniaks, Gorani, Roma, Askalis, Egyptians and Croats. The general opinion is that the rights that minorities have gained after the independence of Kosovo, with the power for the veto in big decisions even considering that all minorities together are less than 8% of the entire population show the commitment of Kosovo institutions for the provision of all rights to all minority groups.

Additionally, the power of veto was given as a power to be also used by the Serbian representatives alone. Even though they have only between 3-4% of the population in Kosovo, the new Republic of Kosovo gave them not only equal rights but went even further where it gave them preferential treatment. This was considered to be a crucial step for the creation of a democratic society, considering that the political representatives of the Serbian minority in Kosovo are the "trouble-makers" in domestic politics. This belief comes since they accord all political actions with Belgrade, which is the capital of Serbia and the epicenter of countering Kosovo in every field. It is not a secret that even today, 12 years after the declaration of independence of Kosovo, the Serbian government has a strategy of lobbying against Kosovo's independence and publicly calls for the removal of recognition to all countries that have recognized Kosovo so far. This happens during a period when the European Union is having a dialogue on the table between Kosovo and Serbia, where the final goal is to have reciprocal recognition. It should be noted that Kosovo made significant progress on its reconciliation, there were tensions only between Kosovan-Albanian and the Serbs (not with other minority groups), but the progress throughout the years is visible, and the situation is stable with few exceptions in the Northern part of Kosovo where the problems are caused from the Government of Serbia and not the actual Serbs who live there.

Immediately after the independence was declared, the first recognitions for Kosovo as a free and sovereign country were made from various countries, and the transition for the transferring of all competencies from the international community to newly-formed Kosovo's governmental institutions started. The shifting of the competencies began the end of the

United Nations protectorate in Kosovo's territory, which lasted almost for a decade. When the international community started the transferring of the competencies, Kosovo was measured as a "semi-consolidated authoritarian regime," and its democracy score was no better than 5.21 (Nations in Transit - Kosovo, 2009). The performance of the United Nations protectorate was heavily criticized by various stakeholders in Kosovo, but most notably from the citizens themselves. Taking into consideration the position in 1999, there was unquestionably progress in many fields; however, the progress was far from the intended one, and the situation from where the Kosovo institutions would take over was much fragile.

Even though one may assume that the word "independence" states everything, the situation was relatively different. Assembly of Kosovo took the decision by which invited the European Union to arrange EULEX which was the rule of law mission in Kosovo and to also establish the mechanism for the supervision of Kosovo institutions which was named International Civilian Office (ICO) whose executive power was far more significant from one would expect. Mr. Peter Feith became the European Union Special Representative (EUSR) and the International Civilian Representative in Kosovo, and he would serve as the head of ICO. Even though Kosovo had declared its independence and had its institutions derived from the vote of the citizens of Kosovo, Mr. Feith was still the "final authority" in Kosovo. The position assigned to him and the competencies allowed him to be the central authority when it comes to decision-making, had the power to annul any decision including laws which were adopted by Kosovo institutions, and last, but not least, he could sanction/remove any public official that would be considered as incompetent for any reasons to hold the office ("Comprehensive Proposal for the Kosovo Status Settlement", 2007). The work of the International Civilian Office in Kosovo lasted until mid-September 2012, after which Kosovo's government took the full competences that belonged to ICO. However, the work of the rule of law mission EULEX is continuing. Thus, their mission is way more limited than it was initially ("What is EULEX", n.d.). It is comprehensive that the journey of Kosovo towards creating a democratic society where civil and political rights are respected has been accompanied by various problems, and the country today is still far from where it needs to be. February 2020 marked the 12<sup>th</sup> year since Kosovo declared, and June marked the 21<sup>st</sup> anniversary of liberation, and Kosovo is still considered to be a hybrid-regime. Throughout the years, Kosovo has been capable that with the help of the international community to create a sound statutory framework for the protection of human rights, however, the implementation of these laws in practice remains the true challenge for the Kosovan society. The following

part of this chapter will elaborate on the current situation of civil and political rights in Kosovo, and each of the rights that will be presented below will be analyzed in the fourth chapter in how did the civil society in Kosovo contribute for the improvement of that particular field.

### **2.1. Minority Rights in Kosovo**

Kosovan Albanians have a historical tradition of living in a multi-ethnic society. After the liberation of Kosovo in 1999, the country's population changed since the displaced Kosovans returned into their country, and a large number of Serbians left Kosovo. A substantial number of Roma community also left Kosovo, and this happened since several Romas were accused of working with the Serbian regime for the ethnic cleansing of Kosovo ("Stop Deporting Roma to Kosovo", 2010); nevertheless, the most substantial portion of them used this as an excuse to leave the country and seek for political asylum in a European country where the standard of living would be much better from the one they had in Kosovo. Regardless of the changes that occurred after the end of the war, Kosovo remained a multi-ethnic society composed of six main communities: Kosovan Albanians, Serbians, Bosnians, Turkish, RAE (Roma, Askali, Egyptians), and Gorani.

The Constitution of the Republic of Kosovo, as the highest law of the land, states that: "No one shall be discriminated against on the grounds of race, color, gender, language, religion, political or other opinions, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or another personal status" (Constitution of Republic of Kosovo, 2008, page 7). The Constitution also states that the official languages in Kosovo are Albanian and Serbian. Turkish, Bosnian, and Roma languages, as the languages of the small minorities, have the status of the official languages but only at the municipal level, or they will be in official use at all levels as the law provides it. Preferential treatment is given to minority groups in Kosovo also when it comes to the distribution of seats in Kosovo's Parliament. The Constitution states that twenty (20) out of the one-hundred twenty (120) seats in Kosovo's Parliament are guaranteed for representatives of the communities that are not a majority in Kosovo. This means that if for a Kosovan Albanian party 250,000 votes are required to have 20 seats in the Parliament, the minorities will have 20 seats guaranteed even if they have 0 votes. Additionally, 2 out of 5 deputy Presidents of the Parliament should come from the non-majority communities, one of them should be Serbian, and the other should be from one of the communities that are not part of the majority. Besides their representation in the Parliament, their representation is also guaranteed in the government. For each government that is created in Kosovo, there shall be

at least one (1) government member (minister) from the Serbian community in Kosovo and also one government member (minister) that comes from one of the other non-majority communities in Kosovo (Constitution of Republic of Kosovo, 2008, page 34). The Constitution declares that in case if the government is composed of more than twelve (12) members of the government, than one (1) more government member should be given to the non-majority communities in Kosovo. Kosovo's Judicial Council should have at least two (2) out of the thirteen (13) members that come from the non-majority communities, one (1) should be from the Serbian community in Kosovo. The rights for communities continue by ensuring them seats on the Central Election Commission, representation in Kosovo's Security Force, Kosovo Police, Kosovo Customs, etc. It should be noted that there the non-majority communities in Kosovo, especially the Serbian minority, do lead several important municipalities in Kosovo. This is especially true for the North of Mitrovica, which is rich in mines, and municipalities like Sterpca, which has the biggest skiing resort in the Republic of Kosovo. It may be assessed that the non-majority communities in Kosovo are vested with power at both the central and local levels is present.

It may be assessed that the legal framework which has been created by Kosovo institutions with the assistance and supervision of the international community ensures equal rights to all communities in Kosovo, by also providing preferential treatment for non-majority groups as a form for achieving equity. Despite the legal rights that they possess, the situation of minorities in the field is completely different. While the Serbian community in Kosovo uses its legal rights for their community strengthening, their economic standing is also quite stable. Compared to the other non-majority communities, the Serbian community is more integrated when it comes to state institutions, by which they create economic stability, but the Serbian Government in Belgrade has declared that each month they give 40,000 salaries for Kosovo Serbians ("Serbia gives 40,000 Monthly Salaries for Kosovo-Serbs", 2019). The Turkish community is also well integrated, and they are also largely helped by the Turkish Cooperation and Coordination Agency with various projects (Morina, 2018). The situation is completely different with the Roma, Askali, and Egyptian (RAE) community in Kosovo, they still have problems on acquiring personal documents, limiting them on having proper access to health care, social assistance, and education. The work for the improvement of their situation will be elaborated in the fourth chapter of the dissertation where a special role is also played by civil society organizations in Kosovo ("Human Rights Watch World Report", 2020).

## **2.2. Women's Rights**

Kosovo was one of the first countries in the region that applied the mandatory quota for the representation of women in Parliament. Under the supervision of the international community, and with the support of the political parties, Kosovo voted for a 30% mandatory representation of women in the Parliament. Although in the first and second elections after the quota was put in place, women still had way fewer votes than men, and they would become members of Parliament just because of the quota, the situation has changed dramatically in 2017 and 2019 elections. During the last elections held in October 2019, only 13 out of 39 candidates benefited from the quota. The status of women in politics had changed vividly especially when Kosovo elected its first female as President in 2011, and in 2019 the second most voted candidate on the elections became the first female speaker of the Parliament.

As the position of women in the politics did improve, positive developments have also been achieved on increasing the number of women who own property; however, it should be noted that the rate of women who co-own properties with their husbands or own property alone is still low. The concern is still the position of women in the workforce where they face continuous discrimination on getting a job and those who have employed face discrimination in wages. Women have also suffered from the lack of proper state inspection where a large number of women working on the private sector have had problems using their maternity leave and being paid, something which is regulated by law. Another major problem is still the domestic violence made by men towards women, this comes due to the lack of reporting, and the problems such as the inadequate police response and lack of prosecution even in the cases when they were reported. Kosovo is still dealing with the 1999 war victims, even though it is assessed that 20,000 women have been sexually abused during the last war, there were no public statements from the victims, and more than a decade after the war was over, one of the victims broke the silence and started to speak publicly about what they went through. Since 2014, the Parliament voted to provide special legal status to wartime survivors of sexual violence. Human Rights Watch report states that by 2018 more than 800 applications have been made from the victims to seek financial compensation from the authorities ("Serbia/Kosovo Events", 2019). The issues concerning women in the Kosovan society who still has patriarchal elements continue in various fields.

## **2.3. Rule of Law**

Kosovo's judicial power is exercised by courts. According to the Constitution, the judicial power is independent, fair, unique, impartial, and not affected by politics, and it ensures equal access to the court. Kosovo's legal framework has always been EU oriented, and the assistance of European Union institutions with various projects for the strengthening the independence, accountability, and the quality of the judicial and prosecutorial systems has always been present. A new country like Kosovo without laws and with the presence of the international experts on the rule of law managed to create a national legal framework which was considered by both domestic and international community as a solid work and creating a legal environment where everyone is equal and will be appropriately treated by the justice system. However, the situation in the field is entirely different.

### **2.3.1. Corruption**

The judicial system in Kosovo did not manage to create a society where corruption is not a significant problem. Kosovans today perceive corruption as the key to society. The Transparency International 2019 Corruption Perception Index shows Kosovo ranked in the 101st place (out of 180) with a score of 36/100 (0 highly corrupt – 100 very clean), an indication that shows the weakness of Kosovo institutions to prevent and fight corruption (“Corruption Perception Index”, 2019). Based on the EU progress report 2019, Kosovo is still at an early stage of fighting corruption and organized crime (“Key Findings of the 2019 Report on Kosovo”, 2019).

### **2.3.2. Right to Justice**

Kosovo is on the list of the countries from whom the Turkish President Recep Tayyip Erdogan has asked for cooperation and help after the attempted coup d'état of 2016. A request was made to arrest everyone that his government assumes that may have been part of the attempt to throw him out of power. It should be noted that President Erdogan is known as a good friend of Kosovo's former Prime Minister and current President Mr. Hashim Thaci.

During March 2018, 6 Turkish citizens, 5 of them being teachers at Mehmet Akif College in Kosovo, which is owned by Fetullah Gulen, were arrested by Kosovo police and deported to Turkey within hours. The request for their arrest came from Ankara authorities, which alleged that they were part of the movement who tried the coup of 2016. Turkey had stated that this had been a joint operation with Kosovo's authority; however, the general public in Kosovo, including the Prime Minister of Kosovo, were shocked. Immediately that day, the Prime Minister stated that this entire procedure had been made without him being informed of anything. The situation was highly controversial, and it was assessed that the chain of



command of Kosovo's state had not been respected, which led that both the minister of internal affairs and the director of the agency of secret service to be axed ("Kosovo security chiefs sacked after six Turks deported", 2018). Kosovo's Parliament initiated an investigation commission for the issue of deportation of the Turkish citizens, and the report resulted that no less than 31 laws were breached while deporting the arrested persons (Begisholli, 2019). In addition, the commission has elevated their suspicions. This operation was allowed by Kosovo's President. The commission had Kosovo's President in a hearing, but this became a public show where he declined to answer all the important questions, and just attacked the commission and called their credibility into ("Kosovo President called into hearing on Turk's deportation", 2019). The denial of the fair trial from Kosovo authorities is a violation of fundamental human rights. The arrested were denied their basic rights to a fair trial, receive of legal aid, and contact with their families.

From the previous information, it may be assessed that Kosovo is still struggling to provide its citizens with a society that is not highly affected by corruption and organized crime, and it also shows that the political influence can deny an individuals' basic right which is the right for justice.

#### **2.4. Freedom of Religion**

By Constitution, Kosovo is a secular state, and it stands neutral in matters that involve religious beliefs. Besides, the Constitution, the freedom of belief, conscience, and that of religion is guaranteed. The census data conducted in 2011 states that around 95.6% of the Kosovan population identify themselves as Muslim, around 2.2% are Roman Catholic and 1.4% Serbian Orthodox ("Kosovo 2018 International Religious Freedom Report", 2018). Kosovo was well known as a country where religious freedom and tolerance is present within society. Ferizaj, one of the biggest municipalities in Kosovo, still has the mosque and the church in the same yard located in the center of the city. However, it should be noted that in the last decade, Kosovo has been followed by a wave of radicalism and the spread of hate towards certain groups. Kosovo has had the highest number of fighters per capita in the ISIS war. Besides the fact that there are elements that do threaten the general harmony of freedom of religion in Kosovo, it is still assessed that Kosovo's society has religious freedom and tolerance.

#### **2.5. Sexual Orientation and Gender Identity**

Before the Kosovo law, each citizen is equal and shall not be discriminated against on the grounds of sexual orientation. One should note that in a society composed of more than 90%

being Muslims, who for centuries have been led by a patriarchal mindset, there will be discrimination against people belonging to lesbian, gay, bisexual, and transgender (LGBT) community. During 2019, there were 18 cases of threats and discrimination against the members of this community. Cases were opened by the police, but none of them were prosecuted. However, besides the discrimination that this community has in continuity, progress has been made on improving their social status. Prishtina, the capital of Kosovo, is one of the first cities in Europe, and the first one in the Balkans that does organize the “Love is Love” every year, which is the pride parade of LGBT+. In April 2019, Kosovo authorities entered into force the new criminal code, which strengthens the protection of LGBT+ by adding a definition of “hate act” as a crime committed against a person on grounds including sexual orientation and gender identity (“Human Rights Watch World Report”, 2020).

## **2.6. Freedom of Media**

In the last years, there is an increase in the trend for threatening and attacking journalists, and at the same time, the investigations and prosecutions for these cases were slow. The legal framework in Kosovo ensures one of the highest standards for the protection of journalists in the region, regarding both freedom and pluralism, however, the implementation of these laws has been inadequate and there is a high-pressure environment over journalists in Kosovo. With all the difficulties that journalists do face in Kosovo, the media sector is considered to be the most independent one in the region. Doubts have been given to the online media, which are not controlled and are highly used for propaganda and fake news.

The media sector in Kosovo has clashed many times with the governments. PDK, which has been the biggest parliamentary party from 2007 – 2019, has issued statements to boycott “Gazeta Express” which is the most-watched online media in the entire Balkan Peninsula. This has been considered as direct pressure in this independent sector; however, during March 2020, when the newly voted government was voted down only 50 days after taking power. This has led the Prime Minister in resignation and his party Movement for Self-Determination (VV) to launch attacks in most media outlets in Kosovo by labeling all of them as “fake news”. This has been considered as a dangerous tool that is used only by authoritarians who want to undermine the role of free media.

## **2.7. Freedom of Movement**

Citizens of the Republic of Kosovo have the right to freely move within Kosovo and choose the location where they want to reside. However, even though Kosovans may move within the country, this is not the case for other European places. Kosovo is the only country in the entire

European continent that does not have free visa liberalization. Kosovo citizens should wait for months just to get an appointment at one of the embassies located in Prishtina, and the possibility of getting a visa is quite low. Since 2015, the European Union officials have stated that Kosovo citizens cannot move freely before the parliament votes the demarcation line with the neighboring country of Montenegro. After three years of bloody protests in Kosovo's Parliament followed by continuous tear gas thrown out from the back-then opposition parties, the newly appointed government voted the demarcation line in March 2018. This was a clear sign that Kosovans will finally benefit from it, but immediately after this happened, the European Union officials stated that more progress needs to be done in the rule of law before the free movement is guaranteed. The lockdown of Kosovans within its borders without the possibility to move freely, just like other citizens of the continent, is viewed as discrimination of fundamental human rights.

### **3.0. The development of civil society and democracy in Kosovo – the postwar period with civil society under the international protectorate**

#### **3.1. The first post-war quarter (June – August 1999)**

In the introductory section of this dissertation, it has been discussed how the activation of Kosovo's civil society in the period from 1990 – 1999 has been the aspect that enabled the functioning of the Kosovan society, which was living under oppression and facing denial of their basic human rights. Regardless of the grave post-war circumstances, in 1999, there was optimism for Kosovo due to the eagerness of the local population to rebuild its country after a long period of suffering. Kosovo was entering the post-war period with a population having experience of self-organization, which they did learn through the creation of the parallel system. In the first quarter after the war ended, there were no more than 30 local non-governmental organizations that were operating in Kosovo, and most of them were informal, whereas, in the same period, there were around 180 international organizations that started to run in Kosovo (Demes, 1999). One should note that in the first quarter of the post-war period, the cooperation between local and international non-governmental organizations was at a low level, and there were no consultations for the coordination of efforts between these two parties. The rapid presence of international organizations in Kosovo immediately after the war helped the country also economically since hundreds of people found jobs in this sector.

Kosovo has entered the post-war period with few non-governmental organizations such as the Mother Theresa Society and the Council for the Defense of Human Rights and Freedom (CDHRF) that were experienced in human rights and also humanitarian field. This has served as the base to start a civil society which deals with the seeking of human rights for the local population of Kosovo and also provides humanitarian assistance. To date, the work of these organizations during the 1990s is considered as highly organized and with excellent impactful outcomes. During the immediate post-war period, Kosovo also had organizations such as Independent Student Union, Youth League Alternativa, which were students' organizations that operated even before the war, but new civil society organizations working on the same field (such as Kosovo Youth Council) were created. Local non-governmental organizations like the Center for the Protection of Women and Children, Motrat Qiriazi, the Women's Forum, etc. were working towards the improvement of the position of women within the Kosovan society. Kosovo also had few NGOs working on the protection and promotion of the Albanian ethnic culture. One should note that during the first quarter after the war, there was no activity of any Serbian non-governmental organization that was doing visible work.

Just like in all the other countries that find themselves in a post-war period, Kosovo also found itself in a devastating position with a lack of infrastructure. Living and working facilities have been burned and destroyed, and most areas of life started from the bottom. The same applied to the Kosovan civil society whose immediate work started from the bottom but also in a much chaotic way. Besides the willingness of the civil society organizations to contribute to the strengthening of the Kosovan society, in the beginning, they lacked basic needs. According to Demes (1999), the majority of organizations working in the first quarter after the war had no access to electricity and water supplies, no access to telecommunication, and their equipment and office supplies were at a low level since the ones they had before were destroyed during the conflict. Ms. Shukrije Gashi, a human activist since the early 1990s, confirmed that the majority of civil society organizations after the war in Kosovo worked without having any tool or essential equipment; also, she stated that there were a large number of individuals that did start their activity in the civil society without even being paid for months (S. Gashi, phone, May 18<sup>th</sup>, 2020). Therefore, the struggle of operation for civil society organizations started from the most basic things. Besides, the majority of non-governmental organizations worked without having a legal status and an organizational structure. Besides few organizations such as the Council for the Defense of Human Rights and Freedom that had a formal structure from before, the vast majority of the organizations lacked

formal structures. The newly founded organizations were often run by volunteers and had no experience in running an organization, they lacked the board of directors as the main mechanism for running an organization, objectives of membership, and transparency in their decision-making processes (Demes, 1999, p. 12). The civil society organizations in this period were service providers for the international community, where they invited CSOs to implement a project, and not how it turned out to be in the years after 2002 where a CSO needs to brainstorm their own ideas, submit an application, and only then to receive funding for their projects (K. Kaloshi, phone, June 6<sup>th</sup>, 2020).

The year 1999 found Kosovan civil society organizations in a situation where the only way how they could register an NGO was with the Serbian Ministry of Interior or Serbian Ministry of Culture, which by default both of the options were excluded. The lack of law in the immediate post-war period in Kosovo made it impossible for anyone to register NGOs. Therefore, several committed individuals decided to “overcome” the legal barriers and started their work as non-governmental organizations by working informally and not registering their organizations. However, this solution was not feasible since it would limit the international community to provide grants and donations to unregistered entities. An assessment made by Freedom House observers in 1999 showed that the founders of the unregistered were faced with legal liability since they operated without registration. Stakeholders like European Union and World Bank found it problematic that there was a lack of a framework for the operation of NGOs in Kosovo since that limited their objective for the development of civil society and economic development in Kosovo.

Even though the United Nations administration in Kosovo had listed the development of the civil society in Kosovo as one of their priorities, such thing did not happen in the immediate post-war period. There was no information sharing, collaboration, or systematic efforts from the civil society in Kosovo. Kosovo lacked civil society coordination or resource center (something common now in independent Kosovo). There was only one grant-making network, the “Kosovo Foundation for Open Society” part of the Open Society Foundations. Significant work has been made from the USAID for the creation of the local community councils. The creation of local community councils were community meetings where the citizens received information for the humanitarian relief efforts (“USAID Kosovo Transition Initiative Program-Related”, 1999). In addition, the local community council served as a tool to define the community priority needs. The Organization for Security and Cooperation in

Europe (OSCE) as an organization whose scope of work includes also building the civil society of the country where they operate had started to work for the creation of a coordination system between the international and local non-governmental organizations. The first meeting was held in August 1999, and 10 organizations working in the field of human rights got together in Prishtina to discuss common concerns, opportunities for cooperation, and the urgent need for capacity building (Demes, 1999).

The majority of the interviewees expressed that the first post-war year had found almost every new civil society organization created after the war without a strategic plan. The individuals working in these organizations were possessed with a strong commitment towards the improvement of the situation; however, the lack of human resources, activity plans, and strategic planning, led their work to face difficulties and not reach the potential it had. However, throughout this period with various difficulties, the civil society in Kosovo has been active especially in the field of seeking human rights. It should be noted that the work of human rights was made for all ethnic groups that live in Kosovo, and CSOs led by Kosovan-Albanians and Kosovan-Serbs started to have at least some basic cooperation in order to have success. Such a step was seen as one of the first steps towards reconciliation. The focus of the human rights activists and organization was to document war crimes, locate thousands of missing persons, lobbies for the detained persons of the political persecution in Serbian jails and prisons, etc. The Council for the Defense of Human Rights and Freedom remained the main mechanism fighting for the human rights in Kosovo, in the first quarter of the post-war period CDHRF had more than 2,000 volunteers working towards their common objective, and it was considered that their quality of work was quite sophisticated and they managed to document the human rights violations. CDRF became the first human rights organization that presented its facts and arguments for the human rights atrocities in front of the International Criminal Tribunal for the Former Yugoslavia (“The Kosovo Report: Conflict. International Response. Lessons Learned”, 2000). The first quarter of the post-war period had been closed with new civil society organizations being active, with the large majority being focused on humanitarian aid and human rights. The level of coordination between all stakeholders was at a low level; however, the first attempts for the creation of a joint network have been made.

### **3.2. Developing civil society under special circumstances**

In a state with normal circumstances, the civil society’s duty would be to become the opposite of the Government each time that is required. However, Kosovo’s civil society found itself in the unique position of being in-between the international protectorate, which was the ultimate

power taking real decisions and the provisional institutions of self-government in Kosovo which derived from free elections. Being in such a position, Kosovan civil society became confused about who it should oppose, the institutions which in the near future will become the sole authority in Kosovo (after independence would be declared) or an international protectorate of the United Nations whose duration of power no one knew. Before going further, one should note that the representatives of the United Nations in Kosovo were the most privileged group that a society may have. One of the interviewees stated that: “Their salaries started at no less than 20 times the salary of a teacher in Kosovo at that time, and this would go to more than 100 higher”; additionally, being a member of the “powerful community” in a country like Kosovo with Pro-Western approach was nothing but exclusive and this fueled their desire that this mission to continue as long as possible because once the situation would have improved, their privileges would be gone. One should note that their salaries and privileges were calculated as part of “foreign aid” for Kosovo. Thus, it soon became clear that being the “real” governors of Kosovo, the international protectorate was the one that should have been opposed from the civil society organizations. In the same time, the international community was the one who was building the civil society in Kosovo and was the main financer of it (Agani, 2012), so how would one oppose his financer and still be able to continue working; therefore, opposing the international protectorate was a “tough-to-impossible” mission. Besides, the problem was a bit deeper, because even if the civil society tried to keep the international protectorate accountable, the UN mission could not be counterbalanced because they were not accountable to the citizens of Kosovo, nor the Kosovan civil society, but solely to their headquarter in New York (Zeqiri, 2016).

While the civil society in Kosovo was being built to work for the creation of a democratic society as its main priority, the priority of the international community was completely different. Besides the fact that the international protectorate would work for the creation of a democratic society and empowering its political and economic development, the main goal and priority of the international protectorate were to have peace and security within Kosovo. For the international protectorate the economic development and the creation of a democratic society were more than welcome, however, as long as there would be no wars and people would live in peace, their mission would be fulfilled. Nevertheless, this was far from the goals and requests of the Kosovan society itself, who was in great need of both economic development and democratic society.

Since September 1999, when the first quarter of the post-war period was over, the civil society in Kosovo had started to get a form by having new organizations (even though informal) working on the field, the first steps towards cooperation between stakeholders, and a cash influx from the international community which was the core base for the functioning of the civil society. In 1999, the international community tended to start to build a civil society from scratch, therefore, avoiding the work of civil society made before the war which is considered to be one of the key elements which led to the liberation of the country. The first Special Representative of the Secretary-General for Kosovo (July 1999 – January 2001), Bernard Kouchner (future French Minister of Foreign and European Affairs 2007 – 2010) had the goal to integrate the existing NGOs inside the administrative structure of UNMIK, and this groups would be labeled as the one that represents the real interests of civil society and which is completely distinguished from the local political groups. United Nations Transitional Council had members who came from the Kosovan civil society. Besides, UNMIK did appoint individuals within its departments to represent the civil society interests (Pula, 2005). This lasted until the elections of 2001, and after the Provisional Institutions of Self-Government were created, the NGO representatives within UNMIK were removed. Throughout being part of the Transitional Council, the NGO representatives had a direct influence in the policy-making, which is still often debated if it was just a *de facto* or *de jure*. After September 1999, UNMIK created the Non-Governmental Organization Liaison Unit, which was functioning under the regulation 1999/22 of UNMIK. The creation of this regulation and the unit gave an end to the informal NGOs operating in Kosovo since now they had the opportunity to become legal entities. The Liaison Unit is the one that registers a non-governmental organization. Differently from the other departments/unit of the UNMIK, the NGO LU was characterized as the low-budget and understaffed unit. According to the report “A Changing Society, A Changing Civil Society” (2005), during the year 2000, the Liaison Unit had only two employees and could not monitor the work of the civil society, and no capacity to register 30 – 40 new NGOs per week which was the request at that time. A different approach from that of the UNMIK was played from the other international actor OSCE. A major initiative from OSCE was the creation of the NGO Assembly, which would serve as the central institution under which all NGOs would fall; however, this initiative failed immediately after the initiation (Pula, 2005). By civil society activists, the creation of a central umbrella managed by an international actor such as OSCE was seen as direct pressure on the independence that the sector should have; thus, they claimed that this was happening due to the funds that the internationals had.



The booming of civil society in Kosovo started in the second half of 1999, and its growth continued for years. Except for the Open Society Foundations (Kosovo Foundation for Open Society – KFOS), Kosovo became the country of other foundations as well, which served as donors and enforcers of the civil society in Kosovo. The European Union (EU) provided financial support to the creation of the Kosovo Civil Society Foundation (KCSF) which to the day is one of the biggest civil society foundations which provide grants and donations to Kosovan civil society organizations. Differently from KFOS, the new foundation of KCSF was composed of a board of Kosovans. The creation of various foundations had a goal to make people aware of their particular roles for the betterment of the society, to provide guiding principles to civil society organizations, and to assist institutions in many areas.

Except for foundations like the ones mentioned above, the list of donors(s) in the post-war period was the longest Kosovo had ever seen, a much larger donation pool than the one that Kosovo currently has. Donors like U.S. Liaison Office in Pristina, United States Agency for International Development (USAID), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Canadian International Development Agency, the British Department for International Development, Swiss Agency for Development and Cooperation, were some of the donors that had started their work in Kosovo by creating opportunity funds for civil society organizations and their professional advancement. The peak of the donations for Kosovo was in 1999 – 2000, after which the transitional emergency was over, which led different organizations to continue their contribution to other countries that were more in need. It should be noted that just like in the majority of the countries in transition, Kosovo also started to have an influx of money from foundations coming from the middle-east and whose mission was to support Kosovo with humanitarian assistance through civil society organizations, but this turned out to be a direct threat for the democracy in Kosovo, this will be elaborated more in the 5th section of this dissertation named “controversy”.

Based on the previous arguments, it may be assessed that the UNMIK was the legal entity by whom the civil society was being monitored, besides that UNMIK was the sole authority of governing Kosovo, and lastly, the funding to the civil society was going through the channels of the international protectorate. Therefore, it is understandable that the civil society in Kosovo was not independent of the international community. Even though with few exceptions, the majority of the work of the civil society was to follow the priorities of the

donor organizations. The entire sector of civil society in Kosovo was highly dependent on the financial resources of the international community, therefore, the international community had the opportunity to push their agenda further however it saw fit, this came due to their financial capability.

As previously noted, a large number of civil society organizations that were operating in the immediate post-war years were focused on documenting war crimes, working on locating missing persons, worked with political prisoners in Serbian prisons, etc. However, by late 2000 and early 2001, the focus of the donors was shifted towards the protection of minority rights as they were seen as vulnerable and marginalized. Consequently, the focus of the work of civil society organizations has shifted in the same direction as one of the donors, and that comes due to the need for adjustment based on donor requests, all of this to get funding and ensure the continuation of the work of the organization. The years were passing, Kosovo was becoming closer to the declaration of independence, progress has been made within the society and the more that the situation was improving, the harder it became for the civil society organizations to survive since donors were leaving for countries which were in deeper crisis, and this led civil society organizations to adjust even more to the requests of the donors.

The post-war period found many organizations having a mission for “human rights”, “reconciliation”, “reintegration” but they had no clear guidelines on how to reach their mission. Basically, they were dependent on the donor’s requests, and they switched their “mission” to whatever the “market” wants, which should not be the case in the world of civil society. Based on the inputs given by civil society activists, it may be assessed that the donor community did not have an equal approach towards civil society organizations. Most donors would find strategic partners that would work under the directives and objectives of the donor organization and they would start a long partnership with them which would be transferred from one project to another which many times led to the “discrimination” of other civil society organizations who were more specialized in that particular field. Besides the fact that the post-war period created diversity in the Kosovan civil society where organizations would be involved in all different fields concerning the citizens, their actual work in the field was completely imposed based on the donor requests.

From to liberation till independence, 1999 – 2008, Kosovo, with the help of the international community managed to create civil society as a sector. Even though a lot of work had been done by civil society organizations, especially in the human rights field, the impact of civil society organizations on the policy-making processes was still weak. Additionally, capacity building for the civil society activists remained a substantial problem as based on various reports throughout the years, it can be understood that the internal organization of the civil society organizations was at a poor level, and the staffed lacked the required professionalism. Another problem was that the great majority of the civil society organizations were based in Prishtina, and the other cities lacked their presence. Although the organizations that were based in Prishtina were also working in other cities the effect was not the same as being stationed in these cities. The civil society organizations were in urgent need to create monitoring and evaluation mechanisms that would enable them to improve their level of professionalism. Furthermore, during this period of 9 years, the majority of civil society organizations troubled to define their mission and lacked a strategy towards self-sustainability. As the years passed, the civil society started to have more coordination where networks and unions were created to create better cooperation between the civil society organizations themselves, but also the cooperation with the Kosovan governmental institutions. In 2007, at the time when local authorities in Kosovo were being consolidated and started to take competencies, several civil society organizations, together with the support of the Prime Minister's office, started the process to build an institutional way of cooperation between the two stakeholders. A few months later, in September 2007, the CiviKos Platform was created, a platform opened for all civil society organizations in Kosovo whose goal was to create a democratic society. In November 2007, just three months before the declaration of independence, the CiviKos Platform and the Provisional Institutions of Self-Government of Kosovo signed the memorandum of cooperation by which they committed to coordinate actions for creating a fruitful relationship between the civil society sector and the Government (H. Hajredini, phone, June 15<sup>th</sup>, 2020). It should be noted that progress was made as years passed, just before the independence was declared, in the general elections of 2007, the civil society in Kosovo was more than active not by only monitoring the electoral process in Kosovo but by also having public campaigns to encourage citizens to use their right to vote. However, for almost a decade, the civil society in Kosovo did not manage to become an independent sector, which would have immunity from the political actors, either international or local. It should be noted that during this time it was significantly hard to find local CSOs which would have staff composed by both Kosovan-Albanians and Kosovo-Serbs, whereas it

was quite easy to find CSOs whose staff would be composed by Kosovan-Albanians and other ethnic groups (Turks, Bosnians, RAE, Gorani). Thus, the cooperation between CSOs led by Kosovan-Albanians and Kosovo-Serbs from separate organizations did exist, and this was seen as a sign of reconciliation was being strengthened.

### **3.3. The contribution of civil rights actors for the democratization of independent Kosovo**

After almost a decade since liberation, in 2008, Kosovo declared its independence, and this led to the beginning of the process where state institutions would start to be in charge and the international community would begin to shift from being the administrator to the supervisor. Article 44 of the Constitution of Kosovo guaranteed the freedom of association and stated: “The freedom of association is guaranteed. The freedom of association includes the right of everyone to establish an organization without obtaining any permission, to be or not to be a member of any organization, and to participate in the activities of an organization” (“Constitution of Republic of Kosovo”, 2008, page 12). It should be noted that to use the freedom of association one does need to register an organization or even be employed somewhere, however, the greater majority of civil society actions and organizations in Kosovo are under the category of the non-governmental organization; therefore, in Kosovo, the term civil society is immediately associated with the non-governmental organization even though there is a difference between those two. Regardless that under the international protectorate there were steps taken to create legislation for the operation of the non-governmental organizations, there was a failure to achieve the desired level. The European Commission’s Progress Report for Kosovo 2008 stated that Kosovo lacks the legislation for the regulation of the non-governmental sector (Ilazi, 2008).

In 2008, Kosovo’s Ministry of Public Service had more than 4,600 civil society organizations, but still no law on freedom of association in non-governmental organizations. For the newly found independent state institutions, the lack of law presented a challenge since there was a lack of mechanism on how the state would function concerning the civil society sector. Because the lack of legislation will be the main barrier between the state and civil society, in March 2009, Kosovo passed the “LAW NO. 03/L-134 ON FREEDOM OF ASSOCIATION IN NON-GOVERNMENTAL ORGANIZATIONS” which set out the establishment, registration, activity, internal management, striking off, and the cease of legal persons which are organized as non-governmental organizations in Kosovo. The creation of the legal

framework was considered to be a good start for the operation of civil society organizations without government control.

The Freedom House Nations in Transit (2009) report shows that from all the sectors which measure democracy, Kosovo had the highest score in civil society, which shows that besides the weaknesses that the civil society had, it still had more progress than the other field. However, the spirit of the Kosovan's to be active participants like they were during the apartheid had faded slowly. The Civil Society Index (CSI) showed that Kosovan's had a high level of apathy for engagement in public life in general (Hoxha, 2011). Besides, the impact of civil society organizations to impact in priority issues was considered to be at the lowest point, confirming that civil society is not responsive to the real needs of the society. When it comes to the public perception of the citizens towards the civil society organizations the opinion of the people is split, when it comes to humanitarian and charitable civil society organizations, the citizens have high trust on CSOs, whereas for advocacy and democratization people have a deficient level of trust towards civil society organizations (Hoxha, 2011). It is quite concerning to see that Kosovan does not feel that civil society played only a small role in the democratization of the country. Immediately after the independence was declared, only 2.9% of Kosovan Albanians believed that the CSOs represent their interest, whereas this percentage was slightly higher at 3.9% for Kosovan Serbs (Haskuka, 2008). The percentage of Kosovan Albanians that believed that CSOs did not represent their interest was at 46.3%, whereas the Kosovan Serbs were at 46.6%. This shows that almost half of the population (including majority and non-majority communities) believed that CSOs work only for their benefit and do not represent the interest of the citizens, and this rate was quite problematic. In addition, 23% of the people expressed their view that the sector as most in need of the involvement of civil society organizations is that of infrastructure. Therefore, we may assess that in the immediate post-independence period, almost ¼ of the population thought that civil society should play an essential role in the creation of infrastructure, something which is very uncommon in developed and democratic societies. Luckily, the second sector that people expressed the need to have civil society involved is that of anti-corruption, around 20% of the people thought that CSOs should be active in the fight against corruption. It should be highlighted that in 2008, corruption was thought to be the second biggest problem of the Kosovan society, whereas the high rate of unemployment was considered as the main one.

There was an obvious effect of not having a proper state – civil society relationship till 2008, this was also seen by the perception of the people where 60% of them thought that it is the international community that should hold the Kosovo government accountable, whereas less than 40% thought that it should be the civil society (Haskuka, 2008). Nevertheless, after creating a civil society for almost a decade, the Kosovan civil society was ready to support the independent legislative and executive institutions for policy-making by providing the local knowledge and also being the voices of the discriminated and marginalized groups. Also, civil society was ready to become the guardians of the society by monitoring the work of the Government (Skendaj, 2008); however, that would still be dependent on the international community since they were the ones providing the funds. The independent state of Kosovo would bring changes also in the composition of civil society. Organizations that provided humanitarian assistance and creation of infrastructure would diminish, whereas the number of organizations focused on advocacy, policy-making, anti-corruption, and other forms for the democratization of the country would increase. Civil society organizations like the Institute for Advanced Studies GAP and KIPRED, not that provided support to the Government by providing policy papers, but they also trained the government officials on how to create better policies. Thus, with the declaration of independence, there would be an additional problem for civil society organization since a significant amount of the funds which were previously donated to them would now be donated for governmental support (Skendaj, 2008).

Kosovo's civil society would continue to be active on the advocacy for the provision of human rights, but there was a significant increase on the work of CSOs for the creation of functional governmental institutions, strengthening of the judicial system (special focus on anti-corruption), and also it became more active on its work towards integrating Kosovo into the European Union. The years after independence found civil society quite active in all of the fields mentioned above. The perception of the citizens towards the civil society was improving, even though not at the satisfactory rate, still, it was showing that the people started to know more about the role of the civil society and saw them as the force that can keep the Government accountable. However, in 2010 the civil society sector had a decrease in the good reputation that it was trying to build, and this affected their influence towards the democratization of institutions. The “punch” that civil society got mainly happened since in the 2010 elections many of the civil society activists decided to join politics and ran for positions, but the majority of them failed to achieve success, and the civil society started to be labeled as the “trampoline” for the opportunists. In addition, Kosovo did fail to hold free and

fair elections in the parliamentary elections of 2010, and civil society played a significantly weak role in monitoring the elections, therefore, disappointing the citizens who believed that they would be the guardians of a free vote. However, civil society continued its work in all different fields and tried to improve its reputation.

During its work, the Kosovan civil society protested that not so many efforts are being made from the government side to create fruitful cooperation between the state – civil society. A need for better cooperation was indeed needed, and publicly both stakeholders declared that they need each – other and expressed the willingness for cooperation. In 2013, after an intensive work from various stakeholders, Kosovo finally had the first Government Strategy for Cooperation with Civil Society 2013 – 2017. The objectives of the strategy were to 1) ensure the participation of CSOs in policy-making and legislation, 2) create a mechanism which allows CSOs to contract public services, 3) defining the needed criteria to support civil society with public funds, 4) promote an approach for volunteerism in Kosovo (“Government Strategy for Cooperation with Civil Society 2013 – 2017”, 2019). The creation of this strategy allowed civil society organizations to have a more active role in the democratization of the country by becoming an active actor on the government processes when it comes to policy-making and the creation of legislation. It has become quite common that civil society organizations will be the voice of the people and often labeled as “rebels” when it comes to creating policies that are related to the marginalized groups whose voices are often not heard. The first strategy resulted in being relatively successful, especially in allowing civil society to be active on policy-creation; this led to the adaptation of the second strategy named “Government Strategy for Cooperation with Civil Society 2019-2023”, where the goal is to increase even more the participation of civil society in policy-making. Compared to 2008, the years after 2017 did find the cooperation between the civil society and Government of Kosovo at a completely different level, CSOs did express that the Government is having a completely different approach and is valuing their contribution way more than a decade ago. It cannot even be compared with the years prior to independence (K. Kaloshi, Director of Advocacy Training and Resource Center, June 6<sup>th</sup>, 2020). The years 2017 – 2019 have been quite revolutionary in terms of the cooperation between the CSOs and the state. In 2017, the Government of Kosovo created the regulation where all civil society organizations are invited through a public call to participate in the drafting of laws and policies and in public consultation. This step settled once and forever, the issue of discrimination towards civil society organizations when it comes to their involvement in the decision-making processes.

Currently, not that the process is fully inclusive, but it also has full transparency (H. Hajredini, phone, June 15<sup>th</sup>, 2020). For example, if a civil society organization partakes in a public consultation for the creation of a law, its contribution will be recorded online and they cannot be deleted even if the Government wants to take such a step. The creation of this platform is building confidence between the stakeholders, and only in 2018, there was 247 public consultation where laws and public policies were drafted in which civil society gave its contribution. This platform is the first one in the non-EU countries in the Balkans, and its success has been a motivation since the state of North Macedonia, Serbia, and Montenegro has started to create such platforms also. In addition, there was a request of the European Union in 2018 that in order to strengthen the civil societies in all the Balkan region each state should create the “National Council for Cooperation Between the Civil Society and the Government”. Kosovo did follow such a request and has created this council. The council is composed of state institutions and 90 Kosovan CSOs, and the meetings are held quarterly.

By 2018, Kosovo had 9,545 registered non-governmental organization, and around 1,000 of them had financial or employment activity (Puka, 2018). Around 46% of civil society organizations in Kosovo operate without funding, and 23% of CSOs have a budget of less than EUR 10,000 annually. Differently from 2008, according to the Kosovar Civil Society Index (2018), the year 2018 found the Kosovan civil society with the greatest impact in the democratization, followed by the rule of law, anti-corruption, education, and gender equality. This may be considered great progress where within a decade, the civil society went from being the stakeholder that provides humanitarian assistance and infrastructure to be the one that has a great impact on democratization and creation of a functional society. Kosovan civil society has a lot of merits for the creation of a relatively independent media sector in Kosovo. According to Reporters Without Borders (2020), Kosovo’s independent media is ranked the best in the entire region, and it is believed that the coalition between civil society and media has brought these results.

Besides the significant progress in many fields, the Kosovo civil society organizations failed to become profiled in a certain sector. The lack of funds and the great “appetite” of some civil society organizations did lead to a situation where one organization can be active in the field of seeking human rights, the rule of law, religious freedom, and culture. This is also admitted by the majority of the interviewees, where they state that they need to “shift” their mission just in order to “survive” due to the lack of financial self-sustainability.



### **3.4. The development of civil society in the neighboring countries of Albania and North Macedonia**

To better understand the impact and the role that the Kosovan civil society has played for the creation of a democratic society in Kosovo, this section will provide a comparison to the development of the civil society in Albania and North Macedonia and their contribution for the democratization of the respective countries. The reason behind choosing Albania comes due to the significant similarities that Kosovo and Albania have since they used to be one country until 1912, and they share the same language and many of the traditions. Whereas the state of North Macedonia is selected due to the fact that both countries have approximately 2 million inhabitants, they were both parts of former Yugoslavia, they are first neighboring countries, and both countries had wars in a close period (Kosovo 1999; North Macedonia 2001).

Just like in Kosovo, after the war of Macedonia in 2001, there was an influx of the international community to provide funds for non-governmental organizations. According to Nations in Transit (2002), the civil society sector in North Macedonia (back then the Former Yugoslavia Republic of Macedonia) was seen more as an opportunity for employment, rather than a field from which an individual can contribute for the betterment of the society. Differently from Kosovo, in North Macedonia, there was no tradition of volunteering, and if not employed in the civil society sector, there would be little to no civil public engagement. While Kosovo had the international community that had a sort of focus for the development of the civil society sector, in North Macedonia, the sector was simply left behind. While politicians and the Government tolerated civil society to operate in various fields, they did not support the development of the sector and never considered them as beneficial (Fraenkel, 2003).

With the taking of power by VMRO – DPMNE, the civil society in North Macedonia started to become more politicized. The Freedom House Nations in Transit (2012) report showed that the civil society sector is politicized and polarized, and their advocacy role and NGOs and other civil society actors are politicized and polarized. The civil society sector had fallen under the administration of the political parties in power and was sending their interest further by developing an agenda that was compatible with their intentions. While a large number of the civil society sector was working for the party in power, another part of the civil society was working for the opposition party. Thus, none of the groups were independent as they

should. It should be noted that when it came to sensitive issues such as the use of police force against citizens, both groups got unified and rallied for justice – something that surprised many monitors of the civil society. In 2017, the split of civil society continued when VMRO – DPMNE refused to leave the office and prevented the democratic process for the transfer of power (“Nations in Transit – Macedonia”, 2018). During this time, the groups of civil society were split into the pro or against the back-then party in power. Previously that year, the party that later lost the power (VMRO – DPMNE) started the process for “de-Sorosization” by which the Government conducted new financial checks on civil society organizations. This was seen as a direct pressure and threat to the freedom of association, which is guaranteed in Macedonia. VMRO – DPMNE had started the process to forbid the operation of civil society organizations that were against them, and at the same time, it began to provide public funding to civil society organizations that were supporting them. The change of power from VMRO – DPMNE to SDSM brought many changes. The SDSM annulled many decisions that were seen as threatening and harmful for the civil society sector, including the decision to provide grants to CSOs, and it also started the process for the creation of the Council of the Cooperation between the Government and the civil society sector. The European Commission 2019 Communication on EU Enlargement Policy stated that the civil society in North Macedonia did make progress where more space was given to civil society organizations for the creation of the annual governmental program. Besides, the civil society sector is playing an important role in the comprehensive electoral reform. However, there is a need for a legal framework to strengthen the environment where civil society functions. Lastly, the civil society in North Macedonia lacks financial stability, and there is an urgent need to settle their financing mechanism by allowing them to have tax exemptions and predictable public budgeting (“Communication on EU Enlargement Policy”, 2019).

Differently from Kosovo and North Macedonia, Albania did not go through a war; however, they were under dictatorship for almost 50 years, and only six years after they started the transition to a democratic society, in 1997 there was a civil disorder resulted from by the pyramid scheme failures where the Government was toppled, and 2,000 people were killed (Jarvis, 2000). The years after the civil disorder created severe socio-economic conditions in Albania, it was relatively also to monitor and guard the Government, which often were related to organized crime. In the first years after the civil disorder, the civil society in Albania lacked the institutional capacity to develop, monitor, and lobby for their work and mission. The funding for a non-governmental organization in Albania was at a lower level than in Kosovo;

therefore, it was a harsh competition of which NGO will become the beneficiary of a grant, and this led them to deviate from their mission and objectives. According to Nations in Transit – Albania (2003), the impact of civil society in the daily life of Albanians was quite limited. However, compared to Kosovo, Albania had a better framework for the regulation of civil society organizations. Differently from both Kosovo and North Macedonia, the civil society in Albania organizations were entitled to tax exemptions. As years passed, the civil society in Albania did not manage to gain the trust of the citizens, and the perception for civil society was that they are either controlled by politicians or the international community. According to Nations in Transit – Albania (2010), during 2000 – 2010, when Kosovo was making progress on strengthening its civil society, Albania was still lagging and had the weakest civil society in the Balkan region. The migration of civil society actors to politics happened in Albania just like it happened in Kosovo; however, the difference was that in Albania, the majority of the civil society actors who ran for seats got elected. The remaining candidates that did not get elected returned to the civil society, and this affected the public perception of civil society since it was considered to be the nest of those that either want to join politics or those than are not successful in politics. Till 2019, the situation of the civil society in Albania remained the same, there was a lack of funding and adequate work of the civil society in advocacy and policy-making. However, progress is now being seen from the mobilization of groups to counter the so-called “authoritarian” approach of the current Government due to the complete lack of opposition. One should note that the opposition in Albania has vacated all the seats in the parliament, and did boycott the local elections, allowing the Socialist party to have absolute power in Albania. Due to the lack of opposition, the groups of civil society are now playing the role of opposition and are improving their perception of the public.

Based on the facts mentioned above and arguments, it may be assessed that Kosovo progressed the most on the development of the civil society sector compared to North Macedonia and Albania. The civil society of all three countries shares many common problems, such as the limited availability of funds and also the challenges of impacting the priorities of the Government. However, it may be seen that the civil society is more politicized in North Macedonia and Albania than in Kosovo, and this may be the case since the civil society in Kosovo was mostly under the influence of the international community. Nevertheless, one should note that both North Macedonia and Albania have had governmental institutions for more than a hundred years, while Kosovo got its independent institutions only

12 years before. Lastly, Kosovo did manage to create a civil society that can influence at least to a certain extent, the policies established by the Government and can be the voice of the marginalized groups.

To conclude, the reasons why Kosovan civil society is in a better position than North Macedonia and Albania are as follows:

- The experience of the Kosovans with the civil society during the 1990s has led them to create more space for CSOs and also have a more knowledgeable civil society sector
- The international community in Kosovo was composed with employees from all the continents of the world and more than 190 countries; therefore, the Kosovan civil society organizations had the opportunity to gain a multi-dimensional perspective for the development of the sector by using the experiences of others
- After the war in 1999, Kosovo was flooded by funds available for civil society organizations, and this has lasted for a few years and has been used as an opportunity to strengthen the sector
- The approach of the Government of Kosovo for cooperation with civil society organizations has been more inclusive than of those of the Governments of North Macedonia and Albania where they use the civil society for their own political agenda
- There was less pressure and effort from the political parties to use civil society for their own agenda.

#### **4.0. The contribution of Kosovan civil society for building the main pillars of democracy**

This chapter will analyze the role of civil society for institutional and capacity building throughout the years, the contribution for the enforcement of the rule of law, and also the inputs of civil society for integrating Kosovo into the European Union. In addition, it will assess the role of civil society organizations for the promotion of LGBT rights, which was a taboo topic for a long time in the patriarchal society in the transition of Kosovo. While Kosovo was trying to become a country with European Union values, the radicalization and violent extremism became one of the main problems of the Kosovan society; therefore, it will assess the role that civil society has played to prevent this phenomenon. The issues above have been key issues and challenges for Kosovo and its democratic order; therefore, analyzing the role played by civil society in these particular fields is of utmost importance.

#### **4.1. The role of civil society in Kosovo for institutional and capacity building**

As previously noted, there was a “mushrooming” effect of civil society organizations in Kosovo after the liberation happened in 1999. Several civil society organizations were created to benefit from the available funds, even though they lacked professional capacities. Such a phenomenon has also affected the public perception of the citizens towards the civil society as a sector. However, one should note that besides having the “opportunists” who were benefiting from the civil society and not contributing, there was a significant number of organizations that were truly committed to contribute to the betterment of Kosovo. As years passed, several civil society organizations gained experience, and by the time when the independent institutions of Kosovo were founded in 2008, a significant number of civil society organizations were ready to contribute for the institutional building by contributing in various forms.

Starting from 2008, Kosovo was largely focused on institutional building, and regardless of an advanced mechanism for cooperation between the state and civil society, this did not discourage civil society organizations from being active in the process. At the time when the civil servants of the Government were not at the desired professional level, the civil society intervened. The majority of the interviewees for this dissertation stated that from 2008 to 2010, there was an active role of civil society organizations to conduct training for government civil servants and government officials on how to create better policies applicable to Kosovo. The support from civil society organizations was also for the local level, which usually is left behind by simply focusing on the central Government. CSOs such as Kosovo Local Government Institute (KLG I) started to support the reforms of local governance in Kosovo on how to be decentralized and how to increase the accountability and the capacity development at the local level. During the creation of the legislation in Kosovo, there was a limited number of civil society organizations that had an active role, however, besides the fact that the number of CSOs involved in the process was not at the desired level, those CSOs that participated played a substantial role.

In 2008, the Ministry of Health started the process for the creation of the law on health insurance (an act that is still in the process even after a decade has passed) the civil society organization especially the federation of health unions of Kosovo played a substantial role by giving their inputs. In the question regarding the role of CSOs in this process, the back-then Minister of Health: “While creating laws we would have non-governmental organizations and also members of the unions in our working groups. In addition, we would also include

independent experts who wanted to contribute. By having the civil society actors included in the process, the process would become much easier due to their practical experience in the field, and also their critical point of view. Working closely with CSOs helped us to have better results in the time when it was most needed, in the time when we were building institutions from scratch” (A. Gashi, personal communication, June 27th, 2020).

Kosovo’s civil society organizations played an important role also for the creation of a functional education system. Being a country that aims to join the European Union, it was a necessity to create an education system that will be competitive with the EU member states. One of the critical problems for the education system in Kosovo and the main challenge of the Ministry of Education, Science, and Technology (MEST) was considered to be the lack of continuing education programs for teachers and also the outdated school curriculum. CSOs like Kosovo Education Center (KEC) played a significant role in supporting MEST in reaching these goals. Only KEC managed that to the day to create 68 programs that are accredited by MEST to advance teachers and school managers in various fields, throughout the years they managed to train around 30,000 participants (“Improving the Quality of Education”, 2020). Besides, Kosovan CSOs supported the MEST for the update of the curriculum and also the creation of extra-curricular materials. Teuta Zymeri, director of Center for Advanced Studies FIT, a civil society organization focused on youth empowerment, stated: “Our organization created the extra-curricular manuals for safer internet use for lower secondary school and high school students. We provided these manuals pro-bono to the MEST as a sign of support for the Government and the education system in Kosovo” (T. Zymeri, phone, June 22<sup>nd</sup>, 2020). Various CSOs provided training also for MEST officials to increase their capacities.

During the institutional building phase, many civil society organizations took the role to monitor both the executive and legislative bodies. The parliamentarian committees such as the committee on the budget, security and defense affairs; oversight of public finance; legislation, etc. were working closely with civil society actors to fill the gaps that were needed. One can assess that the role of the civil society organizations was crucial, especially when it came to sharing the experience that by that time the civil society had but the elected officials lacked this experience.

The newly founded state of Kosovo was also at the beginning of its journey in foreign affairs. Although the Kosovan politicians gained experience in the promotion of Kosovo during the years of apartheid when they were offering arguments of severe Serbian repression against civilian population in Kosovo which resulted with the military intervention of Western democracies. The new journey was utterly different, and help was needed. Kosovan civil society supported the governmental institutions by joining the nation branding campaign, “Kosovo the Young Europeans” (Hapciu and Sparks, 2012). Civil society organizations were campaigning parallel to the state institutions by promoting Kosovo in social media and also in the international arena. Several civil society organizations were part of global networks, and they had access to conferences and events in some places where even the state itself did not due to the ongoing veto made from Serbia.

One of the critical problems for the Kosovo government was also the lack of equal rights for all communities. Besides the fact that the constitution and the legislation provide equal treatment for all communities and ethnic groups, they also offer preferential treatment to minority groups. While the Serbian minority (the largest minority group in Kosovo) is treated equally or even benefits from the preferential treatment that the law provides, it is the Roma – Egyptian – Askali (RAE) that suffers discrimination. Civil society organizations have raised their voice that not only that these groups suffer from discrimination from society, but the institutions themselves also discriminate against them. Kosovan civil society for years did lobby to the leaders of the Government to create programs for the training of government officials on how to reach a European Union level where the Government treats all groups the same. After many years of work, a strategic plan is created that through 2016 – 2020 a substantial number of government officials to be trained on the “Training Programs for Civil Servants and Capacity Building for Respecting the Rights of Communities” (“Equal Rights for All Coalition”, 2018). It is the merit of the civil society organizations to reach such a step, Donjeta Havolli, an activist for RAE rights stated: “for years the ear of the Government was deaf. We felt that our efforts would fail, and the failure would have been simply from the negligence of the Government to understand that they are participants on the discrimination against these groups. However, now that we got their attention, our voice will be even stronger, and we will continue our work”. Civil society organizations themselves will conduct the training since they are considered to be the ones who have the expertise to train the civil servants. This shows that in a few cases, the Government itself refused to become part of the progress by refusing to take responsibility; thus, it may be seen that the civil society voice

continued until they reached results. Ms. Shukrije Gashi stated: “Discrimination from the government side for civil society organizations happened continually. Each time we had criticism for the Government, they would exclude us for the processes, and they would categorize us as the ones who support their opposition; therefore, the cooperation with state institutions many times failed” (S. Gashi, phone, May 18<sup>th</sup>, 2020).

#### **4.2. The role of Kosovan civil society for free elections**

During the elections of the 1990s organized from the parallel system, the participation of citizens in elections was exemplary. The voting by that time was considered to be illegal, and the polls were held in private houses; still, people would use their right to vote. In the first elections after the war, in 2001, the willingness of the people to elect the legislative and executive body was still high. However, for many reasons, including low-quality governance throughout the years, the turnout in the votes started to fell. In the elections of 2001, voter turnout was 64.30%, in 2004, this decreased to 53.57%, and in the elections of 2007, the voter turnout was only at 40.10% (“Certified Results”, n.d.). Besides, the election processes were also followed with various problems including vote manipulation. Being the witnesses of the voting processes and seeing the need for intervention, in 2007, 11 civil society organizations in Kosovo got together and created the coalition “Democracy in Action” whose aim was to support free elections in Kosovo. The objectives of the coalition were:

- Educate voters
- Monitor elections
- Contribute for elections reform
- Ensure the transparency of political parties.

The creation of this coalition, which was composed of civil society organizations that had previous experience in monitoring elections, brought a little bit of hope to the people that the elections will be fairer.

During the 2007 elections, “Democracy in Action” did a decent job by creating awareness-raising campaigns and also educating all groups of voters. Besides, during the voting day, “Democracy in Action” had observers in all voting stations in Kosovo and was contributing to a regular voting process. The contribution of “Democracy in Action” was acknowledged from all stakeholders in Kosovo, and a sense of hope was created that even if there are attempts for misuse of the vote, the civil society actors will be there to report irregularities. From 2007 till 2010, when the next parliamentary elections were held, the reputation of the civil society for



the contribution for free elections was highly appreciated; however, the situation drastically changed in the 2010 elections. The voting process of 2010 was followed by industrial theft of vote; the level of vote manipulation was to that level that the central election commission was forced to repeat elections in seven municipalities (Gashi & Musliu, 2011). By not being able to affect the process at all, citizen's perception of the civil society as the one who can save their free will changed completely. One should note that civil society is not in charge of doing such a duty, however, considering that people had lost faith in other stakeholders, civil society was all that remained to them, and that was also gone.

The elections of 2014 were a chance for civil society to restore the lost trust regarding their role in contributing to free elections. A large number of civil society organizations were active by monitoring around 208 party rallies, and also having monitors in all voting stations. A strong coalition was made by civil society organizations with media, where they were supporting each other. For example, when any political party blocked media work, it was the civil society organizations that reacted publicly and vice versa. The voting process of 2014 was considered to be regular, and all political parties accepted the results. Since then, civil society organizations have become a trustworthy partner of the citizens to continually inform them for any irregularity and also be the guardian of their vote.

#### **4.3. The role of civil society for the rule of law**

Since 1999, Kosovo has been known for its weak position on the rule of law. As previously described, Kosovo has been under full administration of the international protectorate, and so was the rule of law. Despite the fact that the rule of law was under the United Nations mission, their work on this field is considered to be a complete failure where corruption remained one of the key problems of the society. After the independence, Kosovo's parliament voted to establish the European Union Rule of Law mission named EULEX. EULEX was the most expensive mission outside of the borders of the EU (Bytyqi, 2018). A decade after being in Kosovo, the mission of EULEX was considered to be simply another failure of the international community in their efforts for the rule of law in Kosovo. Not only that EULEX failed to sentence cases of corruption, but the mission itself was followed with various scandals of corruption within their office. According to the Transparency International Corruption Perception Index (2019), Kosovo is listed in the 101<sup>st</sup> place out of 180 countries that are assessed. The score of Kosovo in the fight against corruption is 36/100 (100 being the best score), this shows that Kosovo is far from the position it should be if it wants to join the European Union.

Kosovan civil society organizations have tried to take an active role in the enforcement of the rule of law in Kosovo. CSOs have been engaged mainly in two categories: 1) awareness-raising campaigns for the importance of the rule of law with a particular focus on the fight against corruption, 2) monitor public institutions, and require accountability and transparency. CSOs have been active in monitoring the public spending in Kosovo, the implementation of laws and policies for the strengthening of the rule of law, the financing of political parties, the level of progress for the anti-corruption strategy, monitoring of court cases, etc. Civil society organizations were working closely with the Kosovan media, and together, they were reporting the lack of law enforcement in Kosovo. Cases when the misuse of public spending took place, was reported by CSOs, and the media supported the CSO activists by allowing them to use time in television to explain these scandals. In 2017, a Kosovan CSO revealed a scandal within the Kosovo Police where the head of the Directorate for Economic Crimes was giving information to criminal groups and stopped the work of his staff to investigate some cases all of this in exchange for bribes (“Nations in Transit – Kosovo”, 2018). Civil society organizations are being quite active in monitoring important court cases. The most recent one was the “Pronto” case where the highest state officials were wiretapped while discussing the process for the appointment of political affiliates in senior positions in most important institutions like the Government, judicial system, police, independent agencies, and media.

Kosovan civil society organizations have been active in raising the awareness of the public for the importance of reporting and fighting corruption. In 2016, the Group for Legal and Political Studies (GLPS), together with five other civil society organizations, had launched the Anti-Corruption Week. This week is followed by roundtables, conferences, and public discussions with all stakeholders in the fight against corruption. For years, the Anti-Corruption week is followed by a protest in front of the palace of justice as a sign of discontent with the work of the justice system. Last year, civil society organizations created the “Museum of Corruption” where the most prominent corruption cases were presented, this is a satirical form to raise the awareness of the people to seek justice, but also a way of pressure towards the institutions. Lastly, civil society organizations have been active in creating cooperation with state institutions to make policies that strengthen the rule of law, and they have been keen on organizing training with international experts to advance the staff of the justice system. Training did include but was not limited to advanced methods of anti-

money laundering, prevention of violent extremism, monitoring of suspicious government expenditure, etc.

#### **4.4. Kosovan civil society on European Union integration**

Kosovo is a pro-western country whose goal is to join the European Union. Thus, Kosovo is the only country in the European continent that does not have free movement in the EU but whose citizens need to obtain a visa before traveling into any EU member state. However, in 2015 Kosovo's Government and the EU signed the Stabilization and Association Agreement (SAA), which is the first contractual country by the EU and any country that aspired to become a member. The signing of the SAA opened the road of Kosovo towards the EU; however, a long journey was ahead. Kosovan civil society was committed to contributing to creating EU values in Kosovo even before the independence of 2008; however, after independence, these efforts were increased, and much more work was done.

Civil society foundations like the Kosovo Foundation for Open Society did create the European Integration Program, which assisted Kosovo's transparent and inclusive integration in the EU. The Kosovan civil society was supporting Kosovo's Government to adopt adequate policies that complied with European Union both economic and political standards (Kosovo Foundation for Open Society, n.d.). The case of Kosovo was more complicated than of the other aspiring candidates from the Balkan peninsula because Kosovo needed to respect the "Ahtisaari Plan" which was the Comprehensive Proposal for the Kosovo Status Settlement (CSP). Based on the "Ahtisaari Plan", Kosovo institutions needed the simple majority of all minority groups when it came to critical decision making.

Civil society groups were supporting Kosovo's institution to start and reach a policy reform that would be compatible with the standards which the European Union requires. Besides, civil society was trying to develop local expertise for EU policies to create capacities that would both help and criticize the Government in this particular field. Kosovo Civil Society Foundation (KCSF) has a program for more than 15 years named "European Integration School" by which they did train 23 generations with around 1100 participants for the increase of capacities and proper information of Kosovo society on the EU integration ("School for European Integration", n.d.).

Besides the inputs of civil society alone to contribute to the creation of EU values in Kosovo by conducting various activities, there was a serious approach also from the Government of

Kosovo in this direction. In 2010, the Ministry of European Integration was created in Kosovo with the sole purpose of supporting the country's transformation and reforms for its journey towards the EU. Surprisingly, the Ministry of European Integration was keen to understand that civil society can be the most exceptional partner to achieve their goal. Ministry of European Integration was one of the first public institutions to provide funding for civil society organizations for them to support the ministry. Civil society organizations continued their contribution to EU integration by:

- Supporting the implementation of the Stabilization Association Agreement (SAA),
- Support and monitor the reform of the European agenda in Kosovo,
- Create various awareness-raising campaigns for the importance of EU integration and the EU standards,
- Research studies for assessing multiple methods for better implementation of the SAA,
- Activities to inform citizens about the rights and obligations stemming from the visa liberalization process, with a focus on reintegration of repatriated persons,
- Organize the “European Week in Kosovo”, etc.

The partnership government – civil society in the field of the European Union integration is continuing. In June 2020, the Government decided to depoliticize the process of European Integration and dismantled the Ministry of European Integration and created the independent Agency of European Integration, which is planned to be led by a professional individual in the field and not by someone who is a political appointee (i.e., minister). The process of transforming a ministry to agency brought hope that cooperation between the agency and the civil society will be even stronger than before.

#### **4.5. Civil society improving the position of Kosovan women**

Since the early days of the Kosovan civil society, organizations were committed to contributing to the improvement of the position of women in the Kosovan society. For years Kosovo women were kept out of schools, and they were supposed to be the ones who take care of the family, and there is no need for education. As years passed, Kosovo women started to pursue degrees more and more. However, abuse and discrimination remained a factor in Kosovan society. Women discrimination happened in all fields, starting from discrimination in the workplace, discrimination in family inheritance, discrimination in the society, etc. The biggest problem was that a concerning percentage of the population was raised in a society where it is alright that women not to be equal with men; however, for a society that has aspirations to become a member of the European Union, this is simply unimaginable.

Firstly, Kosovo was fortunate to have civil society organizations that gained the knowledge and experience to protect, support, and promote the rights of women in Kosovo. Secondly, the civil society organizations that promoted and protected women's rights were in different sections within the field of women's rights. It should be noted that the position of women in the Kosovan society is still far from the intended one; however, considering the starting point, the progress is impressive. Kosovo civil society created the Kosovo Women's Network (KWN), which is a coalition with 151 member organizations and partners that work together for the improvement of the position of women ("Kosovo Women's Network", n.d.). The work of the civil society organizations for improving the position of women has been focused in various directions; however, this dissertation has assessed that the significant fields with concrete results were on:

- Stopping the physical violence of women,
- Empowering women to become entrepreneurs and economically self-sustainable,
- Improve the position of women in politics and decision-making,
- Support women for equal rights on family inheritance,
- Support women who were sexually abused (special programs for women who are victims of sexual abuse during the war of 1999).

According to the data from Kosovo Police, each year, around 1000 women report that they have been victims of physical violence within the family (their husbands usually commit the violence); nevertheless, this number is thought to be even higher since many women still lack the courage to report the cases ("NATIONAL STRATEGY OF THE REPUBLIC OF KOSOVO ON PROTECTION FROM DOMESTIC VIOLENCE AND ACTION PLAN", 2016). Physical violence against women is not a new phenomenon in the Kosovan society, but it has been present for decades (if not centuries). However, in the last two decades, the voices of women have started to be heard. Ms. Iliriana Jaka Gashi, director of Kosovo Women for Women, an organization that promotes and supports marginalized women in Kosovo, stated: "We aim to make women feel safe with us. They should not hide the cases when they are physically abused, and the abusers should be punished regardless of who they are. For almost two decades, we have created the so-called "safe spaces" where women get together and talk for any problems that they have. We have created mechanisms by which we support women psychologically and strengthen their characters" (I. Jaka – Gashi, personal communication, June 27<sup>th</sup>, 2020). Besides, Kosovo civil society organizations have worked actively to improve the legal framework associated with women's domestic violence and also to include the institutional responsibility to assist women who have suffered violence. CSOs continued

their work by improving policies and procedures in order to address physical violence. Various campaigns were made to increase the awareness of women to report physical violence.

Civil society organizations have been active in also improving the economic position of women. Kosovo women were known to be economically dependent on their husbands; therefore, their position within the family was weaker. In addition, this was one of the reasons why they suffered violence and discrimination since they lacked the self-esteem to report because they knew that they would be poor without their husbands. Kosovo Women for Women (KW4F) is one of the organizations that worked the most in the economic empowerment of Kosovo women. KW4F created entrepreneurial programs for marginalized women in Kosovo with a special focus for the women who were living in the villages since they were the ones that were mostly facing discrimination. They used the skills that women had in agriculture and also in other fields such as tailoring, and taught them how to create a business and how to operate it. In addition, they provided small grants so the participants can have a small budget to start their business. Ms. Jaka - Gashi stated: “We had women that were unemployed but were highly skillful in different fields, but they were unconscious for their capacity. For example, women who joined our program had no idea for the income that they can make in the beekeeping field. We provided the training and also supported them with small grants to finance their hives, and we have cases where within a year, a previous unemployed woman became the main source of income for her family”. In addition, KW4W conducted basic training where women participated in training for a few days, and they listened to different ways on how to make income. Ms. Jaka – Gashi stated: “Women graduates (2014) reported noticeable changes in their monthly earnings from \$3.66 at enrolment to \$23.86 at the end of the year-long program” (I. Jaka – Gashi, personal communication, June 27<sup>th</sup>, 2020). Many civil society organizations have contributed to raising the entrepreneurial soul of Kosovo women to make them independent and improve their socio-economic status.

The position of women in politics and decision-making is another field that civil society organizations did address. As noted in the introduction section of this dissertation, Kosovo is a country that has a mandatory quota of 30% for the minimum representation of women within the parliament. For years, this quota has been successful and has allowed women to become successful politicians even if they initially got into the parliament due to the quota.

While women in politics have made substantial progress, civil society organizations are now focused further to improve the position of women in all decision-making levels. It is assessed that within the Kosovan family, it is the male gender that decides for the majority of the decisions taken within the family. Various programs have been made where women were educated on how to make decisions and how to become an equal pillar of the house, just like men are. Kosovo Women for Women has conducted different training in which even men participated in order to raise the discussion of why women must be part of the decision-making at home. Statistics show that these programs were successful. Women graduates described noteworthy increases in being involved in family planning decision making (from 31.2% to 60.7%) and finances (from 64.3% to 81.7%) between the time they were enrolled in the program till graduation.

In the Kosovan society, it is a well-known factor that the majority of the family inheritance belongs to the son of the family. In contrast, the daughter will get a smaller percentage or nothing at all. This concerning phenomenon has been part of our society for decades; therefore, it has become a sort of value and tradition. The most concerning part was the created mindset (at both genders), and this was best seen in a research study made by Kosovo Kosovo Center for Gender Studies (KGSC) in 2011. This research study showed that 40.83% of women in Kosovo thought that regardless of the law gives them equal rights to family inheritance, this issue should be settled based on our traditions, where the majority of the inheritance should go to the son of the family (Vuniqi, 2011). Being the witnesses of this situation, the civil society organizations created the coalition “For Our Common Good” where they actively work with all stakeholders in order to create a society where family inheritance is split into half just like the law foresees. For years, the coalition, with the help of international donors, did push the Government of Kosovo to implement its National Strategy on Property Rights. In addition, it did support the creation of advanced court procedures to adjudicate various property claims and disputes efficiently. The campaign “For Our Common Good” did ongoing raising awareness campaigns explaining to the public the importance that family inheritance has, where the “daughter” of the family deserves just as much as the “son”. Civil society organizations organized various training and public education gathering where they went into the rural areas to talk to various target groups in order to create a better standing in this particular field. The campaign resulted successfully; in 2015, only 0.3% of women did initiate inheritance claims, whereas, in 2017, this went to 3%. At the same time,

there is a 100% increase in the women who reported inheriting property (“Property Rights Program, n.d.).

Kosovan CSOs have been significantly active on the protection of women who were sexually abused. During the war in 1999, approximately 20,000 Kosovan women were subjected to systematic rape. For years, this has been a taboo topic in the Kosovan society since these women were afraid that they would be bullied by society, and their children and families will be humiliated. Civil society organizations whose mission was to provide treatment and rehabilitation for Kosovar torture victims were present since 1999; however, it took almost 15 years in order to “break the ice” for this topic. Kosovan civil society organizations like the Kosova Rehabilitation Centre for Torture Victims (KRCT) actively worked to create conditions for the women who were sexually abused during the war. For years, civil society activists – usually female activists – met privately with women who were victims and talked to them. The provision of psychologists and psychiatrists to support the victims did not lack; however, these civil society activists became like family members to a number of the victims that decided to talk. In the first years, it was challenging to convince someone to share their story even in small circles where only a few individuals were, let alone to talk publicly about it. However, the commitment of the activists to send this issue further did help. While CSOs activists were working directly with the victims, they also started to lobby to state institutions to improve the institutional support for individuals who have been victims of sexual violence during the war. The cooperation between CSOs and the Ministry of Welfare led to the creation of a draft law by which the sexually abused victims of the 1999 war would receive a special legal status and also receive financial aid. The Ministry of Welfare did a vetting process for CSOs that can deal with issues since they were fully committed to not making any mistake in this very fragile process, and did not want to create space for anyone to misuse the trust of women. This was considered to be the peak of cooperation between the Government of Kosovo and CSOs. In the beginning, it was believed that women would not use the right that the law provides due to the “embarrassment” that they may suffer. However, by 2018, there were 800 applications from these women to receive special legal status. Notably, this rate is still at 4%; thus, it is considered progress considering the starting point at which they did not even agree to talk about this topic. Civil society organizations are continuing their ongoing work by working individually with the victims, but by also educating the public that if someone is a sexually abused victim, there is nothing to be ashamed of. In the contrary, these cases should be reported, and the abusers should be punished. In 2018, Vasfije Krasniqi



became the first victim who publicly came out on the national television and shared her story of how she was raped while she was 16. Vafrije has become part of the civil society in Kosovo and together with other activists with the support of the state, are encouraging other victims not to hide behind the curtains.

#### **4.6. The role of civil society organizations for the prevention and countering of violent extremism and radicalization (P/CVE-R)**

Besides the fact that Kosovo had a majority of its population belonging to the Islam religion, during the years of occupation, religiosity was suppressed by the Serbian occupier (Phillips, 2017). Immediately in 1999, the lack of institutions in Kosovo combined with the weak economy and a high percentage of unemployment made Kosovo the flawless ground for extremism groups to spread their ideology. For years this topic neglected by the public, and whoever brought up this topic that Kosovo is a fertile ground for extremists was labeled as a “traitor” who wants to destroy the image of Kosovo as the country with an exemplary level of religious tolerance. However, the truth was completely different, Kosovo indeed was being used by groups with radical ideology, and they were actively working on spreading their school of thought. This became undeniable when the conflict in Syria started. Kosovo became the country that had the highest number per capita of foreign fighters from Europe that did join the Islamic State of Iraq and Syria (Kursani, 2015). Till 2017, Kosovo had 403 citizens that did become foreign fighters for ISIS (“Country Reports on Terrorism”, 2017), and this did shake not only the consciousness of Kosovo institutions but also of its general public.

From being a country with a high level of religious tolerance where the mosque and church can be in the same yard, and people live together in harmony, Kosovo went under a constant threat from violent extremists. For the majority of the people, the foreign fighters were not the main problem since they already left; however, the main problem would be their reintegration into the society (if they come back alive). Kosovo did pass laws by which becoming a foreign fighter is illegal, and each individual will be sentenced for it; however, the fear was that they will spread their radical ideology while being in jail was constant. In addition, none could assume how many individuals with radical ideology were inside of Kosovo that did not join ISIS, but remain a threat for Kosovo. While the government institutions were focused on trying to identify the groups and individuals who were doing the recruitment, it was the civil society organizations that took the lead to do actual and concrete work in the field for the prevention and countering of violent extremism and radicalization.

According to the “Civil Society in Prevention and Countering of Violent Extremism in Kosovo - Mapping Report” (2018), the work of civil society organizations in this field can be split into two categories, followed by different sub-categories. The two categories are:

- prevention and countering of violent extremism,
- research on violent extremism.

CSOs did assess that in order to be successful in the field, they need to focus their primary efforts on the work with youth. Based on the research that they did, the results told that the radicalization in Kosovo was happening mainly due to the lack of perspective for youth and the lack of extra-curricular activities for students after they finish their daily school schedule. According to the mapping report (2018), one of the sub-categories where CSOs have been active was to engage youth in decision making processes. CSOs like LIZA-R, and Kosovo Youth Council (KYC) were some of the organizations that did work with youth in this field. CSOs would start by training youth on how to become effective decision-makers. The results were noticeable, in the municipality of Kacanik, which in 2015 it was the “hot-spot” of radicalization, after a few months of training, the participants were able to become part of the working group to create the Strategy for Youth Development. Besides, they would train children on advocacy and lobbying and would engage them in a project to do advocacy and lobbying for their school.

Building critical thinking skills was another field where CSOs were quite active. The work on this particular sub-category is quite diverse, and some CSOs organize training on how to build creative critical thinking, some of them do it by engaging youth in games that require brain work, etc. Ms. Zymeri, a contributor on this field, stated: “Our way to build creative critical thinking skills for the Kosovan youth was by training lower secondary and high school students on the Karl Popper debate format. We would conduct these training during the weekends in order to have full attention from students. By the end of the training program, together with the students, we would create the debate clubs within their schools and also create an annual working plan where the work of the clubs would be ongoing” (T. Zymeri, phone, June 22<sup>nd</sup>, 2020. The thought behind creating the debate clubs was that in order to participate in the debate you need to listen and respect someone else’s opinion even if you do not agree with it, something that radical people do not have.

Entrepreneurship is another field which was used by CSOs in order to prevent and counter violent extremism and radicalization. It was believed that by preparing youth to become

future entrepreneur, they would have less time and interest for activities which may radicalize them (Gashi, 2018). CSOs like Kosovo Center for Business Support were providing entrepreneurial programs for youth in all seven regions of Kosovo. In order to create incentives for youth, CSOs were also distributing small grants to participants with effective ideas. Moreover, CSOs create programs to engage youth in information and communication technology (ICT) in order to prevent the dangerous phenomenon. Open Data Kosovo (ODK), a prominent Kosovan CSO for technology, has created the program “Countering Through Technology” where they organized ICT workshops that would be useful for Kosovans to find jobs in the market. The work of the civil society organizations continued by working together with parents of marginalized students in order to help parents to understand the first signs of radicalization in their children, and it was assessed that early identification and the immediate intervention could prevent a child from going deeper into radical ideology (Gashi, 2018). CSOs were also focused on monitoring and reporting social media group activities whose goal is to promote a radical ideology, created the manual for the Ministry of Education, Science and Technology, which was used for teachers for the protection of students from radicalization and violent extremism. Last but not least, the Islamic Community of Kosovo (ICK), a civil society organization, has partnered with the Ministry of Internal Affairs (MIA) to create programs for the training within Kosovo jails in order to de-radicalize the foreign fighters. Prior to starting such a program, MIA did a vetting process for all the imams that would conduct training. Civil society organizations have been considered the leading partner of the state institutions for the P/CVE-R field since the activities of prevention can be much efficient if they are conducted from CSOs rather than the Government.

#### **4.7. Civil society organization on the promotion of LGBT rights**

Kosovo, a society that was built on conservative values with the majority of the population belonging to Islam, is a place where the promotion of LGBT rights is a difficult duty. Based on Kosovo’s Constitution, one shall not be discriminated against for his belief, including his sexual orientation. However, the truth appears to be significantly different. Besides the protection provided by the Kosovo legislation with the 2015 law on anti-discrimination, which covers both sexual orientations and also the gender identity, the LGBT community still faces continuous discrimination and violence. As thoroughly described in the previous part of this chapter, Kosovo has a group of people (unfortunately not low in percentage) that promote radical ideas and whose beliefs are that LGBT groups should not have equal rights within the Kosovan society.

Kosovan civil society organizations have started to break the taboo of being an LGBT member decades ago. However, intensive work was missing until after independence when CSOs started to be more active in this field. A large number of the general public claimed that being an LGBT member is not a Kosovan value, and this is being imposed by the international community who is administering Kosovo. The majority of the LGBT members of Kosovo live a double life by trying to adjust to the Kosovo society (Nuhiu, 2017). On 14<sup>th</sup> of December 2012, the civil society organization “Kosovo 2.0” organized the open debate for LGBT rights in Kosovo with the topic “Kosovo 2.0 talks about sex”; however, before the debate started a large group of individuals went to the venue and started to use physical violence upon the organizers, thus, did not allow the debate to happen (Shkreli, 2013). The attempt of the abusers was to “shut-down” the LGBT movement in Kosovo and plant fear within the activists who promote these rights; however, the contrary did happen. For years, CSOs focused on LGBT rights started to advocate Kosovo institutions to conduct training with civil servants for the promotion and protection of LGBT rights. Center for Equality and Liberty did organize training for 13 police officers, where they taught them about the legal framework that protects LGBT rights in Kosovo (Nuhiu, 2017); similar training was conducted with media activists, civil society activists, students, and other stakeholders. CSOs continued their work by organizing year-round campaigns with different thematic motto like “Gay is OK”, “Love is love”, etc. Roundtables were organized where all stakeholders were invited, where they discussed how to empower the LGBT community in Kosovo. As years passed, the CSOs managed to increase the awareness of the people that LGBT members have equal rights and should not face exclusion or discrimination in any field.

Civil society organizations did manage to make huge progress for the protection of LGBT members. Center for Social Group Development created a mechanism where free legal support would be provided for LGBT members for any case of discrimination that they would have. The same was applied from other organizations that did provide free psychological counseling for the traumatized members of this community. CSOs, in cooperation with the media, were active to include the topic of LGBT rights in every debate possible. Besides the fact that the acceptance of LGBT members still remains low, it should be noted that the population and general public are rapidly increasing the consciousness for LGBT rights, says the 2019 Communication on EU Enlargement Policy. In June 2020, the newly appointed Minister of Justice declared that the new Civil Code in Kosovo allows the legal marriage between the people of the same gender, which is considered to be significant progress considering the

traditional approach of Kosovo towards these issues. In less than a decade after independence was declared, Kosovo, the patriarchal society in transition, became the first country in the Balkan Peninsula that organized the “Pride Parade” in the main square of the capital of Kosovo, Prishtina. The 2017 Pride Parade was attended by thousands of citizens, including the highest authority of Kosovo, the President of the Republic. “When we started this journey, we never thought that we would reach this point. Maybe we publicly stated that we would make it, but our unconscious would tell us that this is impossible, but we made it” stated an LGBT activist during the pride parade. Kosovo continued to organize the pride parade also in 2018 and 2019, where the number of participants was higher each year. The CSOs are committed to make Pride Parade an annual tradition, and now it is becoming value for the city, and activists from other countries in the region and the EU are joining the parade in Prishtina as a sign of support. Such parades planned to be also organized in other countries in the region; however, threats from radical groups breached those plans. The work of LGBT activists is continuing, and now they are working even closer with state authorities on creating an advanced plan for the further inclusion of LGBT members within the society. Lastly, it should be noted that the Government of Kosovo considers that the CSOs' contribution to LGBT rights was one of the fields where the civil society succeeded the most (H. Hajredini, phone, June 15<sup>th</sup>, 2020).

## **5.0. Controversy**

Being a fertile ground for the spread of radical ideology, Kosovo has been used by extremists groups to send further their agenda. Suspicious groups did use the lack of proper institutions and monitoring in Kosovo to finance their illegal agenda, and this was mainly done through the financing of civil society organizations. The Provisional Institutions of Self-Government and the United Nations Mission in Kosovo did identify and monitor several civil society organizations who were acquiring suspicious funds, and they were using these same funds for the funding of extremism movements (Lovelace, 2008). Prior to the independence of 2008, several civil society organizations were part of suspicious activities and tried to use their presence as CSOs to gain a base in Kosovo. Considering the strategic geographical position of Kosovo, this land was considered to be favorable to become the hub of violent extremist groups who would then continue their activities in other European Union countries. In addition, by using the cause of “humanitarian assistance” these groups who were mainly

coming from the Middle-East country would find a way not only to create a logistical base in Europe, but also create a way on how to bring money in Europe.

While the Kosovan institutions were being consolidated, there were ongoing investigations regarding the suspicious work of a number of civil society organizations. In 2015, the Ministry of Internal Affairs, based on the information received from the Kosovo Intelligence Agency and Kosovo Police, removed the license of fourteen (14) civil society organizations that were receiving funding from Saudi Arabia. In 2016, a similar decision was taken for an additional eight (8) civil society organizations (Konushevci, 2017). These decisions were made after these organizations were seen as a threat to national security due to their suspicious activities, lack of reporting to state institutions for their work, and also the suspicious funds received from abroad, mainly from Middle-East countries. The funding of suspicious activities primarily related to violent extremism was made through civil society organizations. In order to prevent these activities and to strengthen the fight against this phenomenon, the state, together with the central bank, ordered that commercial banks that have CSOs as clients to start a vetting process for all the accounts of civil society organizations. There were in total nine (9) different documents that each civil society organization that wanted to continue to have a bank account needed to have, and the most important one was the source of funding for their organization. In order to have an inclusive process, some of the banks did this process also for credible civil society organizations whose financial statements were public throughout the years; however, they did that in order to be secured that none will pass this process without being filtered.

The operation of these suspicious civil society organizations has been harmful to the Kosovan society and its democratic processes. Their activity has threatened Kosovo's national security, and in the international scene, the public image of Kosovo was damaged. However, it was the civil society sector that got hurt the most from these organizations since the entire figure of the civil society sector work was put under jeopardy. Newly founded CSOs suffered the most in this process since they started to have difficulties acquiring funds due to the fact that donors began to work only with those organizations whom they trust. In order to prevent such issues happening in the future, civil society networks publicly declared that they are open to brainstorm ideas with state institutions on how to make monitoring mechanisms for the work of the civil society.

## 6.0. Conclusion

Considering all the articulated issues in the previous chapters, we may assess that the Kosovan civil society has played a unique role in Kosovo's long journey of becoming an independent state and its still ongoing road towards becoming a fully democratic country.

The results given by civil society as a sector for the creation and strengthening of the democracy in Kosovo are mixed. While the work of several civil society organizations was crucial for the development of various areas needed for the democratization of the country, the "other side of the coin" shows that a substantial portion of the civil society organizations has joined the sector without having a mission, human capacity, or practical knowledge, but saw an opportunity for employment.

It is evident that the period from 1999 – 2008 the civil society was in the vast majority controlled by the international community since they were the ones who provided the fund and had absolute power for any decision in Kosovo. In general, the civil society in Kosovo failed to hold the international community accountable during their administration for almost a decade. This happened mainly for two reasons, the first being that the international community was the financer of the civil society, and second the UN mission in Kosovo was accountable only to their headquarters in New York.

The capacity of the majority of civil society organizations in the first decade after the war was quite limited due to the lack of human capacities. However, the first decade brought a lot of progress for CSOs, they were continually learning how to become better at their job by building their capacities through various training and also learning-by-doing.

Becoming an operational CSOs was relatively easy in the first part of the decade since there was a cash influx from the international community. It should be noted that equal beneficiaries with the Kosovan society it was the international community itself since they were the ones who were enjoying the high salaries and also the power over the Kosovans.

The period of 1999 – 2008 has been used by civil society to understand that without proper cooperation between them, it will be difficult to achieve results. Therefore, throughout the years, they did take various initiatives on how to create a better partnership within the sector. While CSOs were receiving funds from the international community, and they were working in multiple fields, they did not manage to become independent and were following the mission that was set by their donors.

Under the international protectorate, Kosovo had a basic legal framework and failed to have an adequately regulated civil society. In the first period of the decade, the CSOs were mainly focused on providing humanitarian assistance and infrastructure since they were the top

priorities at that time. However, a decent job was also done in seeking human rights for all ethnic groups in Kosovo.

Regardless of its willingness to contribute, the Kosovo civil society till 2008 was in a weak position of influencing national priorities, and the same applied for its position in policy-making. Just before 2008, when Kosovo became independent, the Kosovan CSOs managed to start promising cooperation by signing a memorandum of understanding between them and the provisional institutions of Kosovo, which later became the independent institutions of the Republic of Kosovo.

The declaration of independence started a new chapter for the civil society in Kosovo. By this time, Kosovo was overloaded by the number of civil society organizations but still lacked the basic law for the freedom of association. The CSOs started to pressure the Government for this law, and less than a year after Kosovo's parliament voted the law, which set out the basic rules for the operation of civil society.

Regardless of its weak position under the international protectorate, civil society still had the best score compared to the other section of democracy measured by the Freedom House. However, the image of civil society in 2008 was at the bottom-low; they were considered as the category which serves the international community and has no interest in representing the needs of the society. Thus, the situation would change drastically in the near future. Several CSOs were ready to become the guardian of the society by monitoring the work of the Government, but by also contributing in the most important fields for the democratization of the country. By this time, a substantial number of CSOs had gained experience since they were operating in the field for years and had the opportunity to build their capacity through the variety of training which the international protectorate provided.

There was a transformation in the priorities of the work of CSOs, while the previous decade found them focused on humanitarian assistance and infrastructure, the civil society under independent Kosovo was focused on institutional building, strengthening of the judicial system, EU integration, and continue their work on the provision of human rights.

The perception of the citizens for the civil society was facing improvements since they saw that they are becoming useful for the democratic order in Kosovo. When people were losing hope from the Government, they would find support from the civil society, and this was seen as progress.

In the first years after independence, the cooperation between the Government and civil society was still at an unacceptable level. However, the situation started to change rapidly, and in 2013 it resulted in the first national strategy for the cooperation between those two.



One of the most significant contributions of civil society for the Kosovan society was their partnership with the media. The biggest scandals in Kosovo were not revealed from the political opposition but from the cooperation between the civil society and media. Besides organizing awareness-raising campaigns and training, civil society has been impactful for strengthening the rule of law by monitoring the wrong-doings and making them public.

From 2008, the Kosovan CSOs started to support the institutional building of the Kosovo institutions by supporting them in the policy-making and also providing training for state officials on how to create better policies applicable to Kosovo.

The contribution of CSOs was also for the local Government, where they supported them on being self-sustainable. State institutions started to become dependent on the participation of civil society organizations for the creation of laws and policies, and this was seen as significant progress. The civil society became the leading partner of the Government of Kosovo in the process of EU integration. CSOs did assist institutions for creating EU compatible policies, by educating the public for the importance of EU integration, supporting the Stabilization and Association Agreement (SAA), etc. Throughout the years, the CSOs did support also the education sector in Kosovo by contributing to the betterment of the curriculum and advancing the public education staff. CSOs started their journey on becoming a guardian of the “free vote” and monitoring elections; however, the results in this field are quite mixed. In the first elections after independence, the civil society was expected to play an essential role in ensuring free and fair elections; however, under their co-monitoring, the “industrial theft of vote” happened. However, CSOs were efficient in monitoring the financing of political parties, educate voters, and are giving their contribution to creating free and fair elections.

Since 2008, CSOs managed to become the voice of marginalized groups. The work of CSOs to empower Kosovo women has been much successful. In many cases, the CSOs substituted the state institutions by becoming the mechanism that supports the marginalized women of Kosovo. The most successful initiative was to break the taboo for the women who were sexually abused during the last war in Kosovo, whereby the end, the CSOs, together with the state institutions, managed to create a special legal status for this category.

The work of CSOs in the prevention and countering of violent extremism and radicalization (P/CVE-R) in Kosovo has been signed for the preservation of democracy in Kosovo. For years, radical groups did use civil society as their “get-through” towards pushing their radical ideology within the Kosovo society. CSOs have been quite successful in countering this phenomenon by working with all target groups, but especially the Kosovan youth. The results

achieved by the CSOs in the P/CVE-R were appreciated and acknowledged by the state institutions.

The work of CSOs for the protection and seeking of rights for the LGBT community is simply outstanding. In less than a decade, the CSOs managed to break the taboo of being an LGBT member, provided free legal and psychological support for LGBT members, organized the Pride Parade in Prishtina, and advocated that same-gender marriages to be included in the new civil code, something that can be considered as revolutionary for a society like Kosovo.

Civil society in independent Kosovo has gone under substantial transition. Despite having some CSOs that use the sector only as a sort of employment, there is an increase in the number of CSOs that are using their knowledge for the betterment of society. Should be noted that the Kosovan CSOs did manage to convince the Government that they can be valuable for them, and the cooperation between those two is towards the desired level. The new reforms made by the Government where the inclusion of CSOs for all public consultation is mandatory, and this process is open for all CSOs that have been taken as a model by many countries in the region. Also, CSOs, together with the state institutions, are working to prevent anyone from using civil society to send further their hidden agenda, just like it happened with the radical groups from middle-east in the previous years.

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## **Acronyms / Definition**

CDHRF (Council for the Defence of Human Rights and Freedoms)

CSO (Civil Society Organization)

EU (European Union)

EUSR (European Union Special Representative)

ICO (International Civilian Office)

ICT (Information and Communication Technology)

PISG (Provisional Institutions of Self-Government)

KCSF (Kosovo Civil Society Foundation)

KEC (Kosovo Education Center)

KFOS (Kosovo Foundation for Open Society)

MEST (Ministry of Science, Education, and Technology)

MIA (Ministry of Internal Affairs)

MTS (Mother Theresa Society)

NATO (North Atlantic Treaty Organization)

NGO (Non-Governmental Organization)

OSCE (Organization for Security and Co-operation in Europe)

P/CVE-R (Prevention and Countering of Violent Extremism and Radicalization)

RAE (Roma, Askali, and Egyptians)

UNMIK (United Nations Mission in Kosovo)

USAID (United States Agency for International Development)

## Appendix A

### Questionnaire I

1. When did the cooperation between civil society and the state institutions start?
2. How do you select with which civil society organization to work, is there a mechanism?
3. What methodology do you use to invite civil society organizations for public consultations?
4. Are you satisfied with the level of cooperation between civil society and state institutions?
5. Do you have a focal point which civil society organizations can contact when they need someone from the state institutions?
6. What was the level of help that civil society provided for governmental institutions during the institutional building phase?
7. Whose initiative was it to create a national strategy for cooperation between civil society and state institutions? Did you contribute equally to the strategy?
8. In which field did civil society contribute the most?
9. Do you think that the Kosovan civil society has capacities to contribute to the democratization of the country?
10. Do you think that cooperation is at the desired level, or should it still be improved?
11. Do you think that Kosovan civil society did an optimal job during the last decade?  
What about the 1999 – 2008?



## Appendix B

### Questionnaire II

1. Can you please explain your contribution to civil society? What particular field did you work, and in which period?
2. If you were involved in civil society in the period from 1999 – 2008, can you please express how your experience was working under the international protectorate?
3. How do you evaluate the role of the international protectorate on the creation of civil society as a sector?
4. What fields did civil society contribute the most from 1999 – 2008? Do you think they had the capacity to do optimal work?
5. Was the civil society sector independent from 1999 – 2008?
6. How was the transition from international protectorate to an independent Kosovo?
7. Were Kosovo institutions in a position to create a bridge of cooperation with civil society?
8. Did the priorities of civil society change after independence?
9. Was civil society able to have influence in national priorities after independence?
10. In which fields did civil society contribute the most?
11. Do you think that you have a good cooperation level with the government?
12. Do you think that the civil society in Kosovo did an optimal job?