# INSTITUTE FOR DEMOCRACY AND MEDIATION

ALBANIA

OPEN GOVERNMENT PARTNERSHIP PROJECT - PASOS

MAPPING OF OPEN GOVERNMENT PARTNERSHIP IN
SOUTH EAST EUROPE

advocacy for
open government

civil society agenda-setting
and monitoring of country action plans

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## I.    EXECUTIVE SUMMARY

The Open Government Partnership (OGP), launched on September 20, 2011, is a new multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption and harness new technologies to strengthen governance.  To become a member of the OGP, participating countries must embrace a high – level Open Government Declaration; deliver a country Action Plan developed with public consultation and commit to independent reporting on their progress. Currently, 60 countries have committed to OGP Partnership.

Republic of Albania has **signaled the government's intent to participate in the Open Government Partnership (OGP) Initiative by sending a letter to the OGP Steering Committee in August 2011,** thus **accepting the obligation to draft its first OGP National Action Plan**. An Inter-Ministerial Working Group was established on December 28th, 2011, with the primary goal of drafting the Albanian Action Plan 2012-2013, which was presented at the annual OGP meeting on April 17-18, 2012 in Brazil.

**The purpose of the Albanian Action Plan** is to increase quality and efficiency of managing public resources by implementing measures in the area of fiscal transparency, access to information, using of information technology (IT) and citizens' participation in the process of developing public policies. The Action Plan comprises **3 priority areas:**  Increase Public Integrity, Manage Public Resources Effectively, and Improve Public Services. For the purpose of accomplishing goals in these priority areas, the Action Plan anticipates implementation of **9 measures,** through **the implementation of 30 commitments.**

At the aftermath of one year of the implementation of the Albanian OGP National Action Plan, within the *"Advocacy for Open* **Government***: civil society agenda-setting and monitoring of country action plans"* project, funded by the European Union, a mapping exercise of open government policies was undertaken by the Institute for Democracy and Mediation (IDM). The purpose of this mapping exercise is to have a clear context assessment and analysis of the challenges in terms of open governance in each policy area tackled by the Albanian OGP National Action Plan. The analysis is based against 4 OGP dimensions: *transparency*, *public participation*, *government accountability* and *use of technology*.  The structure of this report is provided by a common methodology for all 6 Western Balkan project countries, which at the same time allows for a cross – country analysis.

*In general*, the report concludes that there seems to be a lack of awareness and understanding of the Open Government Partnership Initiative principles on both sides, from the government institutions / official and from the citizens and the general public. Moreover, there appears to be confusion between an open and accountable government and the establishment of a digital government (e – government). Most *of the commitments undertaken* in the Albanian Action Plan refer to the digitalization of government, through the establishment of online portals and web-pages.

Progress has been made on commitments referring to the establishment of web-pages and e-government processes. On the other hand, most of the other commitments in the Action Plan are either lacking assessment indicators or falling outside the OGP rationale.

With regard to transparency, whilst improvement has been achieved with regard to transparency in open and transparent budgets, the legal environment and the practical implantation of the Law on the Right to Access Information continue to be problematic. Problems are also identified with regard to legal framework and procedure on Disclosure of Information on Income and Assets of Public Officials. Publishing of information online is not timely and most of the time not easy to access and process.

With regard to promoting public participation, most of the public institutions' official websites have established the tools of inviting public participation to participate in planning / programming or during other policy making phases, however the control and enforcing mechanisms with regard to the inputs coming from the public are missing. There is no single legal act that precludes public participation when drafting of policy documents or legal acts and/or during budget drafting, be it both at central or local level.

With regard to holding the government accountable, no monitoring mechanisms and Customer Feedback System to control the quality of the public services extended to the citizens are at place. Merely, such controls come from the civil society organizations, in form of sporadic projects funded by international organizations. The Albanian legal framework does not contain any act that refers specifically to the protection of whistleblowers as such.

The use of e – technology is the strongest point of the Action Plan. A single entry point, www.e-albania.al  has been established, covering information of interest for the citizens, the private sector, institutions and visitors.  This portal includes information on legal frameworks, economy, transport, food and agriculture, public procurement, tax system, employment, health and wellbeing, security, business, civil society organizations, environment, science and technology, education, funds available, consumer protection etc.  This portal is updated continuously.

This report covers the period of April 2012 – May 2013.

OGP Articles of Governance foresee a self-assessment upon the completion of the first year of the implementation of action plan implementation. In the case of Albania, a self assessment report was due on April 2013. No self  assessment was undertaken by the Albanian government.

## II.    APPROACH TO OPEN GOVERNMENT

As a member of the global OGP Initiative, the Republic of Albania has declared its willingness to support principles of transparency, fight against corruption, strengthening of citizens and using advantages of information technologies to create the right preconditions for a more efficient and innovative way of providing public services and managing of public resources.

Upon submitting the Action Plan, structures and government officials were nominated to coordinate and oversee its implementation. The Inter-Ministerial Working Group (IWG) was established by a Prime Minister Order[1], to drafting the Albanian Action Plan to the Open Government Partnership.  The chairman of the IWG is the Minister of Innovation and ICT, whilst the other WG members are Deputy Ministers, the Advisor to Prime Minister on the Information Society, and the General Director of the National Agency for Information Society. The other two structures are the Technical Working Group (TWG) compound of experts from line ministries and the Technical Secretariat (TS), which plays the role of the coordinator and has the responsibility to revise the action plan.  These are not permanent structures; rather they are nominated officials who gather on an *ad hoc* basis. Within the Ministry of Innovation and ICT, a contact person has been appointed.

Based on OGP Articles of Governance[2], countries must follow a certain Process of Development of the Action Plan, which includes certain steps as a minimum condition, namely:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation;

- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views; and make a summary of the public consultation and all individual written comment submissions available online;

- Undertake OGP awareness-raising activities to enhance public participation in the consultation;

- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage;

- "Consultation during Implementation":

- Countries must identify a forum to enable regular multi-stakeholder consultation on OGP implementation through an existing or new entity.

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1    Prime Minister Order No. 104, dated 28 December 2011
2    http://www.opengovpartnership.org/articles-governance

In Albania, the process of developing the OGP National Action Plan 2012-2013 has been quite incomplete. There has been a lack of public awareness from the government to inform the public on the OGP objectives and to include the public opinion in consultations. Few sporadic and isolated initiatives to inform the public have been undertaken by individual CSO's.

Another drawback to the process is a limited consultation process with the CSO's and the private sector, whereby only one round table has been organized with the CSOs and no consultation with the private sector has been held at all. Information on the conclusions of the meeting with the CSO is lacking.

No consultation during the implementation of the Action Plan has been foreseen or held.

## OGP STAKEHOLDERS IN ALBANIA

The main stakeholders identified in the frame of OGP implementation in Albania include: Public Institutions, Private Sector and Civil Society Organizations.

Public Institutions at central level, namely Line Ministries and National Agencies are the main actors responsible for implementing and fulfilling the OGP commitments and initiatives with respect to their area of work. The Ministry of Innovation and Information Society is the main coordinating and overseeing body. There is no official information whether these institutions have appointed responsible officials to act as contact points for OGP and whether awareness raising and capacity building activities have taken place within the institutions. Local Level Government Units are not included in the Action Plan.

The Albanian OGP does not include the private sector in the Action Plan. The private sector was not consulted during the drafting of the Action Plan and no awareness raising activities targeting the private sector is held.

The Open Government Partnership commitment to a partnership between the Government and the Civil Society Organizations and its accent on domestic rather than international accountability distinguishes it from many other international initiatives promoting open government. The level of cooperation and inclusiveness of Civil Society in within the OGP processes in Albania, remains at basic and sporadic level.

Generally in Albania, according to the Civil Society Sustainability Index 2012[3], consultations with the civil society at the government and parliamentary levels are sporadic and largely ineffective. The government lacks standard procedures and binding rules to engage in dialogue with civil society and other non –state actors when developing legislative and policy measures. When the government does agree to consult with civil society it is often due to international pressure. Despite the unfavorable environment, Albanian CSOs actively engaged in a number of advocacy campaigns in 2012. In many of these advocacy campaigns, however, state institutions failed to address civil society concerns and recommendations, further discouraging civic advocacy.

3    The 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia
     http://idmalbania.org/sites/default/files/publications/english_ok.pdf

## III.    THE GRAND CHALLENGES OF THE OPEN GOVERNMENT PARTNERSHIP

Open Government Partnership is a multilateral initiative aims **to secure concrete commitments from governments to promote transparency, empower citizens and civil society, fight corruption and harness new technologies to strengthen governance.**

The Open Government Partnership was formally launched on September 20 2011, on margins of the UN General Assembly in New York, when 8 member countries of the Steering Committee of the Initiative (Brazil, Mexico, Philippines, Indonesia, South Africa, Norway, United States and United Kingdom) signed Open Government Declaration and announced action plans for their countries.

OGP commitments are structured around a set of five "grand challenges" that governments face. Countries will choose at least one of these grand challenges and develop concrete commitments around open government to address it. Countries may focus their commitments at the national, local and/or sub-national level – wherever they believe their open government will have the greatest impact. OGP Grand Challenges are grouped in 5 main areas:

**Improving Public Services** – includes the full spectrum of citizen services including health, education, criminal justice, water, electricity, telecommunications and any other relevant service areas, by fostering public service improvement or private sector innovation.

**Increasing Public Integrity** – includes initiatives related to corruption fighting and public ethics, increasing access to information, campaign finance reform, media and civil society freedom;

**More Effectively managing Public Resources** – includes initiatives with regard to (amongst others) effectively managing budgets, procurement, natural resources and foreign assistance aid.

**Creating Safer Communities** – includes initiatives addressing public safety, the security sector, disaster and crisis response and environmental threats.

**Increasing Corporate Accountability** – includes initiatives referring to corporate responsibility on issues such as the environment, anti-corruption, consumer protection, and community engagement.

While the nature of concrete commitments under any Grand Challenge area should be flexible and allow for each country's unique circumstances, all OGP commitments should reflect

four core open Government principles:

**Citizen Participation** – governments seek to mobilize citizens to engage in public debate, provided input and make contributions that lead to more responsive, innovative and effective governance.

**Technology and Innovation** – governments embrace the importance of providing citizens with open access to technology and role of new technologies in driving innovation, and the importance of increasing the capacity of citizens to use technology.

**Transparency** – information on government activities and decisions is open, comprehensive, timely, and freely available to the public and meets basic open data standards.

**Accountability** – there are rules, regulations and mechanisms in place that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws and commitments

As already mentioned, Albania has undertaken commitments under three OGP Challenges, namely: Improving Public Services, Increasing Public Integrity and Managing Public Resources Effectively. As follows, an analysis of the commitments undertaken by the Albanian OGP Action Plan and their implementation for the period 2012-2013 will be made, against two core questions: 1) what is relevant from the openness point of view already included in the Action Plan and 2) what is missing and what should be added for making government more open.

Finally, it is important to highlight that the Open Government Partnership covers almost the entire public sector operation. This report will help to define the most critical issues in Albania focusing mainly on those types of data, which help to hold governments to account.

## Challenge I- Improving Public Services

Openness in the field of public services is critical both from economic point of view and for guaranteeing affordable level of public services. The actual control over services depends on the organizational forms of service delivery, given that public, private or other intermediary forms allow different options for interventions. The service performance and outputs are set during the planning process, where several actors are involved.

> **Challenge I:** *Improving Public Services*
> It includes the full spectrum of citizen services including health, education, criminal justice, water, electricity, telecommunications, and any other relevant service areas by fostering public service improvement or private sector innovation.

Conditions of public service provision depend on the human conditions and the physical assets made available. Elements of service provision depend on the financing schemes; that is the sources of funding, budgeting and financial management.

**Major conditions of openness in this field are: a) rules of establishment; b) policy design and planning; c) control over the service performance; d) financing; e) supervision and audit; f) customer feedback[4].**

For the purposes of this mapping exercise, public service responsibilities have been grouped into four areas: **merit based personal services; infrastructure; public administration and security and defense[5].**

### 1. Merit Based Personal Services

Rules of Establishment:  Guaranteeing fair treatment and equality of public, private, community based or other organizations goes beyond the general rules of assigning service responsibilities, procedures and specific conditions for issuing service licences. The current legal and institutional framework includes:

- *The National Licensing Center (NLC)* was established in 2009[6] as a public institution subordinated to the Ministry of Economy, Trade and Energetic (METE). With the establishment of NLC, pursuant to Article 14 of the founding Law, all licenses and permits issued in Albania are enforced only after publication in the Online Licensing Register. This register contains all licenses awarded by NCL and other institutions in Albania; it is available on NLC website[7] and can be printed.

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4    Peteri (2013) "Monitoring and advocating open government partnership commitments in the Western Balkans" pp.15-17
5    Peteri (2013) "Monitoring and advocating open government partnership commitments in the Western Balkans: Generic Methodology." pp.15-17
6    Law No.10081, date 23.02.2009 "For the licenses authorizations and permits in the Republic of Albania"
7    http://qkl.gov.al

- *The National Registration Office (NRO)* was established in 2007[8]. The NRO is a public institution that operates in Tirana and in regional (municipality) level and it is the responsible institution to the national Trade Register. The general public has access to the Trade Registry through the website of NRO[9]. Moreover registration of businesses is simplified by the creation of regional stations of NRO at municipal level, which are all connected on-line to the head NRO office in Tirana, a process that can be completed within 24 hours[10]. With the employment of e-government tools, interested parties can their registration procedure online at the NRO website.

- *Albanian Patent and Trademark Office (APTO)* is the directorate in charge concerning the registration of objects of industrial property in the Republic of Albania. In the official website of *APTO[11]* there is information concerning the legal national and international framework that regulates its functioning, information on how to fill in the form for mark registration and on the necessary documents and information on tariffs for registration of objects of industrial services[12].

*In the OGP National Action Plan 2012-2013*, it was foreseen the establishment of a portal for the National Registry of Territorial Planning within the National Territorial Planning Agency[13]. This commitment has been fulfilled. However, *a complete registry* of all the service organizations at national level would improve the openness and transparency and will facilitate the monitoring processes.

**Policy Design and Planning:** With regard to policy design and planning at national level, sectorial strategies and local programmes for service management set the framework for public service provision. Public participation in planning and programming is the critical condition for openness.

Currently in Albania there is no single legal act that precludes public participation in drafting of sectoral strategies. Recently, with the use of electronic tools public participation in planning and programming national strategies is a principle that is receiving more importance. Moreover, official websites of line ministries refer to public consultations when drafting of new sectoral strategies.

*However*, in practice the procedure of consultation with interest groups at executive or even at legislative level is often disregarded. Examples of sectoral strategies that dedicate most attention to public consultations with civic actors include merely the strategies drafted within the framework of different international conventions signed by the Albanian government[14].

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8   Created by Law No.9723, date 3.5.2007 "On the Creation of the National Legislation Office", and by Decision of Council of Ministers No.505, date 1.8.2007 "On approving the statute of the National Legislation Centre"

9   www.qkr.gov.al

10  Partners Albania (2010) "Monitoring the Performance of NRO" http://www.partnersalbania.org/Brochure_Raport_Albanian_English_Final.pdf

11  Website of Albanian Patent and Trademark Services: http://alpto.gov.al/default.asp?k=1

12  As defined by Decision of Council of Ministers No. 883, date 13.5.2009

13  http://www.akpt.gov.al/

14  One such case relates to the right of public within the framework of the Arhus Convention.

The same situation is found at local level government, whereby there is no specific law or defined procedure to be followed in this regard by local governance unit.  In practice, there have been many initiatives undertaken by CSO's , supported by international donors operating in Albania, aiming at introducing the principle of public participation in policy / programe design  and budgeting, however, these remain sporadic initiatives.

*In the OGP National Action Plan 2012-2013*, it was foreseen the drafting of a Law on "Information and Consultation", which would regulate the consultation processes of governmental structures with the civil society organizations and other interest groups, including economic and social partners. This initiative was not fulfilled; no such draft law has been prepared.

**<u>Control over Service Performance:</u>**  At central level, the Consumer Protection Commission (CPC) was established by the Government of Albania in April 2009. CPC is tasked with enforcing provisions of the law on consumer protection.  Its competencies include dealing with infringements related to: unfair commercial practices,  misleading, unfair and comparative advertising,  unfair terms in consumer contracts,  legal and commercial; guarantees associated to the sales of consumer goods,  contracts concluded away from business premises, distance contracts, supply of energy, water and telecommunication services,  timeshare agreements and  consumer credit[15].

At local level, Law No 8652, dated 31.7.2000 "On organization and functioning of local governance" empowers Local Government Units (LGUs) to assume exclusive responsibilities concerning  water supply; sewage and drainage system and [flood] protection canals in the residential areas; construction, rehabilitation and maintenance of local roads, sidewalks and squares; public lighting; public transport; cemeteries and funeral services; city/village decoration; parks and public spaces; waste management; urban planning, land management and housing according to the manner described[16].

Nonetheless, the law does not go beyond delegation of public services to LGUs. It does not specify any further obligations regarding controls over the quality of public services delivered by municipalities. Sporadic monitoring on the quality of public services delivered by municipalities is conducted by local NGO's with the support of international donors.

*In the OGP National Action Plan 2012-2013* it was foreseen the establishment of a public complaint mechanism, namely electronic tools for submitting complaints and dedicated telephone line, in various central government institutions[17]. Most of these institutions have provided an electronic tool and / or dedicated telephone line to receive public complaints.

*However*, in practical terms, there is no Customer Feedback System, which processes the complaints and provides feedback to the complainer. There is no information with regard to what happens with the filed complaints in practical terms, be it at central and local government level.

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15  Consumer Protection Commission: http://www.kmk.al/cpcEN/Competencies.html#

16  Ibid,  Article 9

17  State Police, Ministry of Interior, Ministry of Justice, Ministry of Economy, Trade and Energy, National Labor Inspectorate, Ministry of Defence, Ministry of Agriculture and Consumer Protection and Tourist Office Service

**Financing:** All public and private sources of funding public services should be made available in a comparative format, especially when private contractors are involved in service delivery. The budgeting methods and fiscal planning practices are critical conditions of openness. Financial management rules, such as control over public assets, own source revenue raising options, disbursement regulations, reporting forms and methods etc. define government accountability[18].

While appointing the competences on managing the local budget to the LGUs the Law No 8652, dated 31.7.2000 does not specify any obligation regarding the publication of sources for funding pubic services, which fall under the competences of LGUs. Nevertheless, some municipalities publish the decision approving the budget of the Municipality[19]. Such is the case of the Municipality of Tirana. Even in this case, the only budget decision to be found in the website is the one of 2012.

**Supervision and audit** concerning finances of LGU's is divided into internal and external. According to Article 21 of Law No 8652, dated 31.7.2000, each council of LGUs creates a finance commission responsible for controlling and auditing expenses conducted by the executive organ in line with the approved budget by the respective council. According to Article 22 of the same Law, "Each local governance unit is subject to external audit by the High State Control (HSC) and to external audit by government units stated by law[20].

## 2. *Infrastructure*

**Rules of establishment:** the same legal and institutional framework described in Merit Based Service Delivery section applies for infrastructure services as well.

**Development planning:** At central level the Ministry of Public Works and Transport publishes on its website strategic documents concerning transportation. Examples include the national plan on railway transport, national plan on air transport etc. Nevertheless the information is far from user friendly and often (see for instance the railway strategy) is presented as power-point presentation[21].

At local level, the Municipality of Tirana publishes some information concerning projects related to infrastructure. Information dates from the period 2009-2011[22]. However this site does not provide information specifically on infrastructure related projects and it encompasses only the initiatives that were realized by foreign donors' assistance.

**Service contracts** There is no legal obligation at central or local level regarding publication of service contracts. However the Law on the Right to Information over Official Documents

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18  Peteri (2013) "Monitoring and advocating open government partnership commitments in the Western Balkans"

19 Website of the Municipality of Tirana: http://www.tirana.gov.al/sq/Planifikimi-Strategjik-i-Bashkise1

20  Law No. 8652 dated 31.07.2000 " On the Organization and Functioning of Local Governments"Articles 21 and 22 http://www.urban.org/PDF/alb-newlocgov.pdf

21  Website of the Ministry of  Public Works and Transport: http://www.mppt.gov.al/

22 Website of the Municipality of Tirana: Kredi/Donacione: http://www.tirana.gov.al/sq/Kredi---Donacione

[23]guarantees in principle the right to request such information to responsible institutions. Exceptions include merely acts that are protected by the Law on Classified Information[24].

**Environmental impact** Most activity regarding the conducting of environmental impact assessments have intensified after the signing by Albania of the Arhus Convention. In this regard in January 2012 the Council of Ministers has approved a decision concerning the right of the public to be informed for environmental matters[25] and the Ministry of Environment conducts several consultations mainly during the last months concerning the impact in environment of public works.[26]

## 3. *Public Administration*

**Recruitment and employment:** A dministrative services are related to other areas of government openness, so in this report, the basic condition of transparent **civil service** will be highlighted.

Recruitment and employment procedures of public administration employers in Albania are regulated by the following laws:

- Law No. 8549, date 11.11.1999 "On the status of Civil Servant"

- Law No. 9131, date 8.9.2003 "On the Rules of Ethics in Public Administration,

- Law No. 9367, date 7.4.2005 "On the prevention of the Conflict of Interest in the exercise of the public functions"

- Law No. 8510, date 15.7.1999 "On the extra contractual responsibility of the state administration"

**A new Law has been approved by the parliament Law no 152/2013 "On the status of Civil Servant", which is foreseen to enter into force on 1 March 2014. Political and technical debate on the effectiveness of this Law, is still going on.**

Currently, with regard to **Procedure,** the Department of Public Administration (DoPA) is in charge with recruitment and employment procedures in public administration. DoPA is

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23 Law No. 8503, date 30.06.1999, "On the right for Information over official documents."

24 Law No. 8457, date 11.2.1999 "On the information classified as state secret". Article 6 categories of classification "Information subject to the process of classification is related to: a)military plans, weapons or operations; abilities or weaknesses, b)capacities of systems, instalments project and plans related to national security; c)intelligence services' activities related to the forms and work methods, cryptology in objects and technical means in places where information is processed and archives where information is preserved; ç)Information of foreign governments, international relations or international relations of the Republic of Albania and with confidential sources; d)scientific, technological and economic issues related to national security ."

25 Website of the Council of Ministers of the Republic of Albania http://www.km.gov.al/?fq=brenda&m=news&lid=15798&gj=gj1

26 Website of MoE: Documents for Public oppinion. http://www.moe.gov.al/index.php?option=com_content&view=category&id=44:dokumenta-per-mendim-te-publikut&Itemid=64&layout=default

responsible to manages civil service in all central administration institutions, leads and implements the functional and structural reform in the area of payments and coordinates the reform for enforcement of information technologies in the area of e-government.[27] DoPA publishes on its website notification regarding job vacancies in several ministries and the main legislation that regulates employment and recruitment procedures within the public administration. It also publishes reports concerning its annual activities[28]; its annual activity reports (from 2002-2011).[29]

However, the EU progress report of 2012 states that "in most cases central government institutions fail to request approval by DoPA for recruitment based on temporary contracts and even have disregarded DoPA's refusal." and that "DoPA lacks the authority to play an effective role in monitoring public institutions and to enforce its decisions[30] ", The DoPA still lacks the authority to play an effective role in monitoring public institutions under its remit and to enforce its decisions. Data gathering by the DoPA has improved. However, problems remain in terms of reliability and clear administrative rules on data collection and storage. The Human Resources Management Information System (HRMIS) is not fully operational.[31]

Recruitment in Public Administration in Albania suffers from nepotism and party affiliations remains one of the key precondition for employment in public administration.

*In the OGP National Action Plan 2012-2013*, **there is no commitment** undertaken with regard to Public Administration.

**Operation and management:** The Law on the Rules of Ethic in Public Administration[32] also referred to as the Codes of Ethics and the Law on the Prevention of Conflict of Interests[33] complete the legal framework for civil servants and public employees and for those involved in administration decision making including managers in public administration, and other state institutions and in customs and tax offices. The codes of ethic law establish ethical standards for all public employers and mandates the CoM, to develop them. In 2004, a CoM decree was adopted that prohibits the acceptance of gifts from rendering services to the public. Moreover according to this law all public employees, from the moment they are appointed and in accordance with the specifications made in their job descriptions must declare that they do not have interests that might interfere with their public duties. Law 9131 also states that public employees cannot be hired in the private sector for a period of two years after leaving office if that employment entails using information gained during the term of public duty. Likewise, a former public employee cannot act as a representative in a

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27  http://www.pad.gov.al/dap.html

28  On vacant places see http://www.pad.gov.al/dopawebpage2/vendevakante.aspx

29  Website of the Public Administration Department http://www.pad.gov.al/raporte.html

30  Commission of European Communities (2012) "Commission Staff Working Document, Albania 2012 progress report accompanying the document Communication form the Commission to the European Parliament and the Council" P.10 http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/al_rapport_2012_en.pdf

31  Albania 2012 Progress Report

32  Law No. 9131 of 8 September 2003

33  Law No. 9367, date 25 April 2005

case against the public administration when the case refers to the job previously performed in the public service by that former employee.[34]

The Law on conflict of interest[35] was adopted in 2005 and applies to elected officials including members of parliament, ministers and mayors and to certain civil servants such as managers in public administration and custom and tax officers[36]. According to this law public employees should not be directly involved in economic activities in areas of their public engagement and limitless prohibition is available for certain categories of public officials. The main agency in charge for conflict of interest issues is the High Inspectorate of Declaration and Audit of Assets HIDAA[37]. HIDAA has published a guideline on the establishment, operation and responsibilities of authorities responsible for the prevention of the conflict of interest[38] a regulation on the prevention of conflict of interest and several guidelines on the prevention of conflict of interest in different sectors such as tax administration[39], customs administration[40] and local governance administration[41].

## 4.   Security and Defence

Police, intelligence and military services are special subsectors of public services. Due to the nature of these services some internal regulations have to be adjusted to the specifics of this sector. As general public oversight is usually exercised through special bodies and elected committees the general laws and procedures are the points of intervention and control for the general public. They should have access to detailed information on personnel, the special units and their equipment. Accountability in security and police services is enhanced by establishing procedures for registering and responding on complaints.[42]

The Constitution of 1998 provides the main basis for the civil oversight of the Armed Forces (AF) of the Republic of Albania. Moreover additional provisions are laid down by the "Law on the powers and Command Authority and Strategic Direction of the Armed Forces" of 2000[43]. The competences of the AF in Albania are regulated by means of law "On the Armed Forces of the Republic of Albania" (Law No.7948 of 1995). The law defines obligation and responsibilities of military staff and prospective soldiers. The Law on "The powers and

34  SIGMA (May 2008) "Assessment Report: Albania" http://www.oecd.org/countries/albania/47081099.pdf

35  Law No. 9367, date 25 April 2005 "On the prevention of the conflict of interest in exercising of public functions."

36  Ibid, Articles 29 and 32

37  Website of HIDAA: http://www.hidaa.gov.al

38  Guideline No. 622, dated 30.11.2012 "On the establishment operation and responsibilities of the authorities responsible for the prevention of conflicts of interst." Published in the Official Gazette No.172, 2012

39  ILKDP, "Guidë për Parandalimin e konfliktit të interesit në administratën tatimore" (Information available only in Albanian). http://www.hidaa.gov.al/guide/Guide_PKI_Administraten_Tatimore.pdfv

40  ILKDP "Guidë për parandalimin e konfliktit të interesit të zyrtarëve që ushtrojnë funksione publike në administratën Doganore" (Information available only in Albanian) http://www.hidaa.gov.al/guide/GUIDE_PKI_Administraten_Doganore.pdf

41  Ibid

42  Peteri (2013) "Monitoring and advocating open government partnership commitments in the Western Balkans" pp.18

43  Dyrmishi et.al. (2012) "Monitoring and evaluation of the security governance in Albania". P.32

Command Authority and Strategic Chains of Command Authorit and Strategic Directions of the Armed Forces of 2000" defines the competences of the Minister of Defence (MoD), the Chief of Staff (CoS), and Commanders of Forces and introduces the last as the power and command authorities of the AF[44].

With regard to institutional framework, the main organs concerned with AF control are the President, the Prime Minister (PM) and the MoD. The President is the commander of AF at war times while at times of peace it shares competences in this regard with the PM, the CoS and MoD. President's competencies include appointment and dismissal of the CoS, by proposal from PM and appointment and discharge of the commander of land forces, navy and air forces. Appointment process has never been open to parliamentary over-sight and the process remains exclusively within the will of Presidents, MoD and PM[45].
  The parliament performs its obligations in relation to security sector institutions mainly through the Parliamentary Committee on National Security (PCNS). The PCNS discuses and approves the draft-budget law of armed forces, can exercise oversight over its implementa-tion and can request explanations from the MoD and can make recommendations based on these actions[46].

However, **in practice,** despite the competencies provided on paper, parliamentary over-sight of AF has been weak. Morover, budget implementation is often a formal procedure and members of the parliament are incapable to offer any substantial discussion in this regard. This fact is emphasized even more by the lack of supporting parliamentarian specialized staff. Likewise with most standing parliamentary committees the PCNS de-pends mainly on the personal capabilities of the Members of Parliament that constitute it[47].

AF in Albania is also oversight by independent oversight bodies including the People's Ad-vocate (PA) and the HSC. The PA controls and oversights the respect of human rights by the AF.  It conducts visits, inspections and thematic oversight into army bases and command centres and based on the conclusion from these controls produces recommendations. Main issues treated recently by the PA include improvement of the treatment of military person-nel and improvement of the conditions of military arrests. The HSC oversights the activity of state institutions with regard to financial and economic issues, Studies observe that HSC reports almost never touch upon issues related to financial irregularities of security sector institutions and it so far has never investigated on the so-called "black budget" of security institutions[48]

State police law of 2007 provides for state police to be a separate structure from the Minister of Interior MoI), with separate budget line from the last and clearly defines and separates the

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44  Ibid  P.36
45  Institute for Democracy and Mediation (2012) "Almanac on security sector oversight in Western Balkans." p 22.
46  Institute for Democracy and Mediation (2012) "Almanac on security sector oversight in Western Balkans." p. 24
47  Ibid, p.26
48  Ibid

tasks of the MoI and the General Director of State Police (GDSP)[49].

The main oversight actors for the State Police are the Executive and the Parliament. The executive control of the police is exercised by the council of ministers and minister of interior. The Prime Minister appoints the General Director by proposal of the (MoI).The GDSP reports to the MoI yearly on the activity of state police. The Internal Control Service functions as an independent agency in charge regarding disciplinary procedures[50].

Although it approves the legal framework in most cases the Parliament does not oppose or refuse the draft laws on police that come from the government Parliament. Moreover, PA is also involved in police oversight but its role in this regard is often overshadowed by government attitude towards this institution[51].

*In the OGP National Action Plan 2012-2013*, there is no commitment undertaken within this field.

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49  Ibid,  p. 38
50  Ibid,  p. 38
51  Ibid, p.39

## Challenge II - Increasing Public Integrity

National integrity systems comprise of various institutions, such as judiciary, professional public administration, government oversight and audit organizations, independent media and free civil society. These systems are supported by regulations such as election laws, anti-corruption practices, effective regulations on conflict of interest, whistleblowers protection etc. The OGP Declaration does not highlight all the elements of a properly functioning national integrity system, because it would risk making the OGP Initiative less focused. Primary objective of OGP Initiative is to increase government accountability, which can be achieved by greater transparency and through other anti-corruption mechanisms.

For the purpose of this report, specific instruments of national integrity system will be analyzed, namely: **1) freedom of access to information**, **2) anti-corruption initiatives**, **3) public finances and financial management**, **4) disclosure of information on income and assets of public officials**, **5) legislation on whistleblowers protection.**

> **Challenge II: Increasing Public Integrity**
> Includes measures that address corruption and public ethics, access to information, campaign finance reform, and media and civil society freedom.

### 1. *Freedom of Access to Information:*

In Albania the legal framework on public access to information includes two primary sources. First the Constitution of 1998, which states that freedom of public information, is a fundamental right for every Albanian citizen[52]. Secondly, Law No. 8503, date 30.06.1999 "On the right for Information on Official Data[53]", which defines the rights and obligations of public informant holders and outlines the procedures for obtaining public information. Moreover, the Law on "People's Advocate" authorizes the People's Advocate to request classified information from the government bodies during its investigations[54]. Provisions that limit the right for information disclosures are included in the Constitution and regulated by the Law on Information Classified as "State Secret"[55] and the Law on the "Protection of Personal Data"[56]

According to a study undertaken by the Albanian Media Institute in 2012, in practice many problems are reported with regard to the implementation of the right to access the informa-

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52  Constitution of the Republic of Albania: Part IV: Fundamental Freedoms, Chapter II: Personal Rights and Freedoms, Article 22 (1) http://www.ipls.org/services/kusht/contents.html
53  Law No. 8503, date 30.06.1999 "On the right for Information over official Data."
54  Law No.8454, date 4.2.1999 "On People's Advocate.", amended by Law No. 8600, dated 10.04.2000 and Law No.
55  Law no. 8457 dated 11.2.1999 On Information Classified as "State Secret"
56   Law no 9887 dated 10.3.2008 "On the protection of Personal Data"

tion, such as[57]:

- Extensive time limits to process and respond to a request for information. The public authority should decide whether to accept the request within 15 days and if the request is accepted, it should provide information within 30 (40) days.

- According to the "Law on the Right for Information on Official Data" subject to the law is the "public authority", defined as a public administration institution and any other public entity, obliging these institutions to provide access to information on official data. However, experts propose that not only public officials, but also the natural or legal persons benefiting from public funds to allow access of the document relating to public funds.

- The existing law does not have a clear definition and an exhausting list of the cases when the information may be denied.

- Another problem in the implementation of the existing law is the inefficient processing of public complaints.

- The existing law does not foresee any sanctions for non-compliance from the state officials.

A recent testing conducted by the Albanian Media Institute (published in March 2012) shows that out of the 250 requests for information sent from journalists to different institutions, only 152 of them were provided with the requested information (61% of total demand).

*In the OGP National Action Plan 2012-2013*, was foreseen an amendment of the Law on the Right for Information on Official Data, which would have been based on a wide consultation process with civil society actors. This commitment remains unfulfilled.

## 2. *Anticorruption Initiatives:*

Albania has signed several anti corruption conventions including the United Nations Convention against Corruption, the Council of Europe Civil Law Convention against Corruption and the Criminal Law Convention on Corruption. Moreover, corruption and money laundering are both criminalized in the legal framework, in line with the obligations deriving from the signing of the Criminal Law Convention on Corruption of the Council of Europe.

The government of Albania has adopted the Inter-Sectoral Strategy on the Prevention and Combating of Corruption in 2008 and its respective Action Plan. The strategy elaborates the vision, directions and long term strategic goal of the Government of Albania in the fight against corruption emphasizing prevention of corruption, increase of integrity of institutions and promotion of good governance values, comprehensive monitoring of corruption and strengthening of the role of civil society in this aspect as well as on the administrative

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57 "Monitoring the access of information from public institutions", Albanian Media Institute, Tirana 2012, http://www.institutemedia.org/Documents/PDF/monitorimi%20i%20aksesit%20ne%20institucione%20publike.pdf

punishment of corrupt officials[58].

While noting some progress concerning the drafting and implementation of policies to fight corruption in 2011 with the approval of a new anti-corruption action plan for 2011-2013, Freedom House 2012 notes that nevertheless, widespread corruption remains a serious concern in Albania. Moreover it is argued that despite successful efforts to combat low and mid-level corruption, high level corruption remains highly unaddressed. Weak institutions and the lack of political will have prevented the generation of substantial results concerning the fight against corruption. Growing political interference in institutions, legal immunity offered to a wide range of officials, lack of transparency and access to information, and the absence of self-regulating mechanisms all complicated efforts to improve the situation. Moreover, the same study notices that high level officials' corruption cases face several barriers including parliamentary immunity, pressure from other institutions and the ruling majority and the full immunity of judges[59].

*In the OGP National Action Plan 2012-2013*, there are several commitment aiming at increasing transparency and combating corruption.

- Dedicated phone call lines and web tools inviting the general public to report on corruption cases are placed on most of the public institutions official websites. This commitment is fulfilled in most of the official websites of the public institutions, however, the lack of Feedback Control Mechanism, makes the web tools inefficient.

- Concerning transparency and anticorruption in the education system, MES has also drafted the preuniversity Teachers' Code of Conduct, which gives information on permitted and prohibited activities in educational institutions. This commitment has been fulfilled

- The Albanian government will create a single portal of inspections, "e-Inspection", relevant for the coordination, management, unification and monitoring of inspection procedures. This portal will help improve the transparency and accountability of the inspection system in the country and will reduce corruption. An agreement with USAID (the funding source) was signed on February 15, 2013. There is no further information on the implementation of this project.

- Based on the law "On the Right to Information on Official Data," as well as the Albanian government's initiative to fight corruption and increase transparency, the Ministry of Finance's General Directorate of the Treasury has disclosed the list of payments made daily by all general government units since January 2012. This document reflects such details as: the beneficiary, invoice number, description, the institution to which the treasury branch makes the payment, the respective amount and the date of registration of this bill in the Treasury system.

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58  OSFA and IDM (2010) "Civic Monitoring of 2010 anti corruption action plan.", p. 7
59  Freedom House, (2012) "Albania: Nations in Transit" http://www.freedomhouse.org/sites/default/files/Albania_final_0.pdf

### 3. Public finances and financial management:

E-Public procurement: Albania has improved the public procurement system by introducing an e-procurement platform aiming to secure transactions among Albanian public institutions and the international and national business community as well as to secure and make preparations and administration of tender related documents transparent[60]. The Public Procurement Agency (PPA) is the authority in charge for public sector procurement. PPA is required by law to make transparent and available to the public information concerning public tenders[61]. According to IDRA (2007) PPA website has been the most common and preferred source of information concerning information on public tenders[62]. Nevertheless, as in many other areas also in Public Procurement the proper enforcement of the law remains a challenge and problems with the tender procedures are frequent[63].

Recently, the Ministry of Finance's General Directorate of the Treasury has disclosed the list of daily payments for government units since January 2012. This document reflects details concerning beneficiary's invoice number, description of the institution to which the treasury branch makes the payment, the respective amount and registration date of the bill to the treasury system[64].

### 4. Disclosure of information on income and assets of public officials:

Albania's legal framework concerning declaration of incomes and assets of public officials is regulated by the Assets Disclosure Law[65]. The responsible state authority concerning declaration and audit of assets of public authorities is the High Inspectorate for the Control and Audit of Assets (HIDAA).

The law on declaration and control of assets and income of public officials, states that members of Parliament and all other officials defined within this law shall declare to HIDAA sources of creation of the following financial sources: immobile properties and their real rights on them, mobile properties that can be registered in public registers, objects whose value is over 5000 USD, the value of bonds, actions and share of capital possessed by them, the value of liquidities, their cash and deposit financial situation, treasury bonds in their possession and credits and debits in ALL or foreign currency, yearly personal incomes from salary or from participation in boards commissions and from participation in any activity that

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60 Agency of Public procurement website. www.app.gov.al

61 Business anti-corruption Portal: http://www.business-anti-corruption.com/country-profiles/europe-central-asia/albania/initiatives/public-anti-corruption-initiatives/

62 IDRA (2007), "Business needs survey. Final report" http://www.idra-al.org/en/pdf/en/finalreportanglisht.pdf ;

63 US Department of State 2012 Investment Climate statement Albania: http://www.state.gov/e/eb/rls/othr/ics/2012/191094.htm

64 Website of the Ministry of Finances: http:www.mifin.gov.al

65 Law No.9049, date 10.04.2003 "On the declaration and audit of assets, financial obligations of elected persons and certain public officials"

generates income and licences or patents that generate income. Declaration of wealth shall be conducted yearly each 31st of March. Refusal to declare leads to removal from the public function and punishment in accordance with the provisions of the Penal Code. For refusals from High Rank Officials with immunity, HIDAA notifies the Parliament. In all cases if no action by the concerned public official is taken within 30 days HIDAA discloses the name of the public official that refuses to reveal its wealth and assets[66].

HIDAA has increasingly contributed to continuously exposing, identifying and publicizing cases of irregularities regarding assets declarations by public officials.

Nevertheless, there are several issues that challenge the impact of HIDAA's work in practice. First, it lacks investigative powers, and has to rely on other institutions such as the General Prosecutor's Office, the Courts, the Financial Intelligence Unit and other structures with investigative powers to finalize its investigations. Secondly, HIDAA has limited resources to carry investigations especially concerning investigation of official assets located abroad[67]. Consequently studies asses that HIDAA has yet to prove a solid track record of achievements especially regarding control of assets of high rank political officials (including MPs)[68].

*In the OGP National Action Plan 2012-2013,* it was foreseen that within the year 2012, the personal income declaration system (G2C) would be developed; however, this commitment remains unfulfilled.

### 5. *Legislation on the protection of whistleblowers:*

The Albanian legal framework does not contain any act that refers specifically to the protection of whistleblowers as such. On the other hand the protection of whistleblowers is an international requirement under the United Nations Convention against Corruption (2003) and the Council of Europe Civil Law Convention against Corruption[69] which have been both signed and ratified by Albania.

Albania has adopted in 2006 the Law No.9508, date 03,04,2006 "On public cooperation in the fight against corruption[70]." This law aims to provide "a procedure by which citizens including public officials can submit 'denunciations' on 'corrupt practices' involving public officials; a procedure by which the institutions to which the denunciation is submitted must process it; financial rewards for those who file denunciations whether the persons concerned

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66  Law No. 9049 "On the declaration of audit assets, financial obligations of the elected and certain public officials",

67  Ibid

68  Vurmo, Gj (2012) "Open Parliaments Bulletin 2012: Albania Country report", p.14

69  Article 33 of United Nations Convention Against Corruption states that "Each State Party shall consider incorporating into its domestic legal system appropriate measures to protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to competent authorities any facts concerning offences established in accordance with this convention"; Council of Europe Civil Law Convention on Corruption, Article 9 "Each party shall provide in its internal law for appropriate protection against unjustified sanction for employees who have reasonable grounds to suspect corruption and who report in good faith their suspicion to responsible persons or authorities."

70  Law No.9508, date 03,04,2006 "On public cooperation in the fight against corruption."

are ordinary citizens or public officials[71]. Moreover, the same law provides protection from recrimination or other negative consequences for civil servants.

The above mentioned law is assessed by GRECO as in compliance with international best-practice standards on whistleblowers protection[72]. Nevertheless it represents a set of problematic that makes difficult its practice implementation. First the law regulates within the same framework citizens complaints/denunciations on corruptive practices and complaints made by public officials in this regard. Moreover, this law fails to provide protection of whistleblowers against retaliation, fails to ensure proper notification channels that do not include superiors' subject of notifications, as well as fails to properly define institutions to which the law applies[73].

Moreover it is noted that although civil servants are protected by law in principle when reporting cases of corruption, this is not always the case in practice and often whistleblowers are punished for disclosing corruption directly or indirectly.[74]

71  PACA (June 2012) "Technical paper: Facilitating and protecting complaints of alleged official corruption and malpractice in Albania: the current system and recommendation for improvement." P.9 http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/Albania/Technical%20Papers/1917-PACA%20-TP-Jazaj-july10.pdf

72  GRECO (20 march 2009) "The protection of whistleblowers in the Light of GREC0's work" http://www.batory.org.pl/doc/Whistleblowing%20mechanisms%20REV2%20for%20Batory%20Foundation%20Conf%20of%2030March09.pdf

73  PACA (June 2012) "Technical paper: Facilitating and protecting complaints of alleged official corruption and malpractice in Albania: the current system and recommendation for improvement."  pp.  8-10

74  Business anti corruption portal:  http://www.business-anti-corruption.com/country-profiles/europe-central-asia/albania/initiatives/public-anti-corruption-initiatives/

## Challenge III - Effective public resource management

Effective public resource management comprises of several components of public finances and financial management. In this report, based on the OGP Initiative point of view, only critical elements from the accountability point of view will be analyzed, namely: **1) Open and Participatory Budgeting** and **2) Public Procurement.**

> **Challenge III: Effective public resource management**
> Includes measures that address budgets, procurement, natural resources, and foreign assistance.

*1.    Open and participatory budgeting:*

Open and participatory budget concerns guaranteeing access to information for the public during all the stages of the budget.[75]

*In the OGP National Action Plan 2012-2013,* one of the commitments under Challenge three is *the* Open Budget Initiative.   According to this commitment, based on the law "On the Right to Information," as well as the Albanian government's initiative to fight corruption and increase transparency, the Ministry of Finance's General Directorate of the Treasury has disclosed the list of payments made daily by all general government units since January 2012. This document reflects such details as: the beneficiary, invoice number, description, the institution to which the treasury branch makes the payment, the respective amount and the date of registration of this bill in the Treasury system. This document is available on the official website of the Ministry of Finance. Periodically, this ministry also publishes online the budget law (every June), the statistical bulletin of finance, periodic data about the public debt, etc.

According to the Constitution of Albania the draft state budget law is proposed by the Council of Minister to the Parliament and has to be approved by it.[76] The draft budget law is discussed within the Standing Committee of Economic Activity and Finances   and then in plenary session. The website of the Albanian parliament contains the minutes of budget discussions within the section that concerns the Committee of Economic Activity and Finances and the minutes concerning discussion of draft budget law within the plenary sessions. The information mainly rates from 2009 onwards and its presentation has been improved through years.[77] Moreover, the laws approving budget are also presented under the section approved laws of the parliament's website.[78]

The Albanian Parliament does not exercise any *ex post* control of budget execution.  Control

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75   Peteri, G (2013), "Monitoring and advocating open government partnership commitments in Western Balkans, General Methodology" p.19

76   Constitution of the Republic of Albania, Article 158 http://www.ipls.org/services/kusht/cp10.html

77   Website of the Albanian Parliament: http://www.parlament.al

78   Website of the Albanian Parliament, Approved legislation http://www.parlament.al/web/Ligje_te_miratuara_59_1.php

on budget execution is performed by the Supreme State Audit (SSA)[79] that reports on its activity to the Albanian Parliament on yearly basis. In its website the SSA publishes the yearly reports on the implementation of state budget from 2004 onwards.[80]

Regarding publication of budget of local governance units the Municipalities of Tirana[81], Durrës,[82] Kamëz,[83] Elbasan,[84] and Vlorë[85] publish on their websites information concerning local budget. However in some cases like for instance in the website of the Municipality of Shkodra[86] the budget data date back to 2009 and information needs to be updated.

Referring to Open Budget Survey[87], which is an independent, comparative and regular measure of budget transparency, participation and accountability around the world, Albania has improved its score from 33 points in 2010 to 47 points in 2012. Based on the Open Budget Index, countries that earn a score of 61 and higher are considered to provide significant budget information to citizens and civil society organizations, which enables them to effectively monitor and hold their governments to account for raising and spending public funds.

While noting an improvement of Albania in budget openness compared to 2010 the Open Budget Survey for Albania 2012 recommends that public engagement in the budgeting process has to be improved and expanded. In this regard it is recommended the publication of the End-Year report of the budget which is currently published only for internal use, the publication of a Citizens Budget and increasing the comprehensiveness of the Executive Budget Proposal.[88]

## *2. Public procurement:*

According to the methodology of this study, this section refers to the publication of information related to public procurements and making it available for the public.[89]

Electronic Procurement System (EPS) is an internet based system that enables electronic management of public procurement procedures at national level. Starting from 2009, Based on a Decision of the Council of Ministers[90] public procurement for all public sector tenders above the threshold of 3000 Euro are conducted electronically through the Agency of

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79   Constitution of Republic of Albania Part 14: The High State Control: http://www.ipls.org/services/kusht/cp10.html

80   Website of Supreme State Audit: http://www.klsh.org.al/

81   Website of the Municipality of Tirana: http://www.tirana.gov.al/sq/Planifikimi-Strategjik-i-Bashkise1

82   Website of the Municipality of Durrës: http://www.durres.gov.al/pdf/buxheti_2012%20.pdf

83   Website of the Municipality of Kamza: http://kamza.gov.al/

84   Website of the Municipality of Elbasan:  www.elbasani.gov.al

85   Website of Municipality of Vlorë: http://www.bashkiavlore.org/

86   Website of the Municipality of Shkodra: http://www.shkodra.gov.al/

87   Open Budget index, Albania: http://internationalbudget.org/wp-content/uploads/OBI2012 AlbaniaCS-English.pdf

88   Ibid.

89   Peteri, G (2013) "Monitoring and advocating open government partnership commitments in Western Balkans, General Methodology.", p.18

90   Decision of Council of Ministers no 45 date 21.01.2009

Public Procurement website, eliminating the procedures of hard copy application.[91] These procedures increase the transparency and competitiveness among economic operators and minimize the chances for abuse.

The APP official website enables interested economic operators to access the documents submitted by the contracting authority on a tender or concession and can send their offers. Moreover, it provides also information for notices on prior information regarding concessions and tenders, notices on contracts and contract award and notifications on suspended calls. The information on concessions and tenders is provided both for central and for local government units and agencies. The website includes also yearly reports of APP from 2008 onwards. [92]

Based on a Monitoring Report conducted in 2013[93], e-procurement system has increased the efficiency of procurement procedures, compared to the previous system in several aspects: increasing the speed of procurement procedures implementation, reducing costs, increasing competition, preventing and reducing corruption. Moreover, the e-procurement has enabled more transparent procedures in the management of public funds.

On the other hand, despite the advantages, implementation of e-procurements reveals also certain weaknesses. Economic operators express concerns regarding the publication in real time of tender announcements and the difficulties they encounter while accessing this website. Furthermore, for provision of services at local level (greening, city decor, maintenance of cemeteries etc) there are legal gaps that create space for unfair competition.[94] The EU progress report for Albania of 2012 while positively assessing the e-procurement system, states also that "efforts shall be made to improve the transparency of terms of reference and selected procedures and in ensuring publication of tender announcements in real time."[95]

Recommendations deriving from the Monitoring Report[96] include:

- The PPA should take special measures to assure proper functioning of its webpage at any time with needed parameters in speed and quality of service.

- PPA should look at the possibility for improvements in the legal and regulatory framework related to the requests for clarification procedures, to address difficulties, faced by economic operators.

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91   Government of the Republic of Albania, "Action Plan: Open Government partnership initiative", April 2012, p.8

92   Website of the  Agency of Public Procurement of Albania: http:// www.app.gov.al

93   "Use of online procurement system at local level: Monitoring Report" – Partners Albania – Center for Change and Conflict Management

94   Ibid.

95   Commission of European Communities (2012) "Commission Staff Working Document, Albania 2012 progress report accompanying the document Communication form the Commission to the European Parliament and the Council", p. 34

96   Use of online procurement system at local level: Monitoring Report" – Partners Albania – Center for Change and Conflict Management

## IV. CONCLUSIONS

The Albanian Government has publicly and internationally voiced its commitment to the Open Partnership Declaration and the growing availability of the information about government activities, encouraging the public participation, implementing the highest integrity standards in the public administration and facilitating the access to new technologies. The Albanian government was quick to endorse the OGP principles, which indeed is a commendable undertaking. However, the first year of implementation of the OGP Action Plan in Albania, hasn't given notable results, partially due to the limited scope of proposed measures and lack of monitoring and evaluation mechanisms for their implementation.

The main conclusions deriving from this mapping exercise, with regard to process and content can be summarized as follows:

- **Low Understanding and Awareness on OGP -** Upon analysis of the OGP National Action Plan, there seems to be confusion between the two terms: open government and electronic (digital) government. The majority of the activities foreseen in the Action Plan refer to digital government rather than open government. Due to lack of awareness rising and capacity building activities there is a low level of awareness and understanding of the OGP principles and objectives, at levels, government institution and the general public.

- **The Process of Action Plan Development** has been very limited to government institutions at central level. Only one consultation process has been held with the Civil Society Organizations and no consultations are held with the private sector and the general public.

- A number of commitments included in the Action Plan did not require new activities that stretched government practice beyond the existing baseline. This selection of ongoing activities makes it difficult to review government's performance in fulfilling those commitments. Based on OGP Articles of Governance, only achievements that take place after the Action Plan commitment are valid for performance assessment.

- Most of the commitments in the Action Plan, fail to refer to responsible institutions, clear deadlines or budget allocations.

- Most often the published information is incomplete; web pages and portals quite often don't work. In most cases, the information published online is not up dated.

- Local level government which is responsible for most of public services delivered to the public is left outside the Action Plan.

With regard to **transparency**, whilst improvement has been achieved with regard to transparency in open and transparent budgets, the legal environment and the practical implantation of the Law on the Right to Access Information continue to be problematic. Problems are also identified with regard to legal framework and procedure on disclosure of information on

income and assets of public officials.

With regard to promoting **public participation**, most of the public institutions' official websites have established the tools of inviting public participation to contact, participate in planning / programming or during other phases, however the control and enforcing mechanisms with regard to the inputs coming from the public are missing. There is no single legal act that precludes public participation when drafting of policy documents or legal acts and/or during budget drafting, be it both at central or local level.

**With regard to holding the government accountable,** no monitoring mechanisms and Customer Feedback System is in place for the quality of the public services extended to the citizens are at place. Merely, such controls come from the civil society organizations, in form of sporadic projects funded by international organizations. The Albanian legal framework does not contain any act that refers specifically to the protection of whistleblowers as such.

The use of **e-technology** is the strongest point of the Action Plan. A single entry point, www.e-albania.al has been established, covering information of interest for the citizens, the private sector, institutions and visitors. This portal includes information on legal frameworks, economy, transport, food and agriculture, public procurement, tax system, employment, health and wellbeing, security, business, civil society organizations, environment, science and technology, education, funds available, consumer protection etc. This portal is updated continuously.

## RECOMANDATIONS

- **Undertake a Self Assessment Procedure** to evaluate the implementation of commitments undertaken in the first Action Plan. According to OGP Participation criteria, all governments should publish a progress report approximately three months after the end of the 12-month OGP implementation cycle. This report should assess government performance in living up to its OGP commitments, according to the substance and timelines elaborated in the Action Plan. The focus of the report analysis should be on the process of developing the Action Plan (internal and external consultations) and implementation status of commitments and the government approach to OGP.

- **Launch and OGP Awareness and Participation Campaign** to promote public understanding of the OGP and to ensure meaningful public input during all phases of Action Plan implementation. For this purpose, media tools can be employed (print, television and radio) as well as organization of round tables and open debates with relevant stakeholders and the general public.

- **Establish a Forum of Consultations**, during the development and implementation of the Action Plan, open to Civil Society Organizations, the private sector and the general en large, ensuring a smooth communication with stakeholders.

- **With regard to the content of the Action Plan**, it is important the commitments are

framed properly, in line with the objectives of the OGP Grand Challenges and against the four dimensions: Transparency, Public Participation, Accountability and Use of Technology. Commitments should have clear deadlines, responsible institutions and indicators to measure their implementation. Initiatives already completed, cannot be presented as commitments, rather as the baseline of the state of art.

- The 2nd Action Plan should include commitments that focus on improving transparency, increase public participation and accountability at **Local Level Governance.**

- In parallel with establishing information portals across different government departments the government should consider publishing more information as a public good. Specifically, it needs to proactively disclose more sector-specific data sets in significant detail and in easily usable formats. This should also include providing contextual information on what the purpose of this raw data is and how citizens can benefit from using it.

- Since several public institutions are reluctant to proactively publish information of public interest in an open format, the central government must impose a number of standards: The standards developed by the OGP Secretariat or other institutions should be taken over and be turned into mandatory requirements.

## OPINION POLL: TRUST IN GOVERNMENT

An Opinion Poll on "Trust in Government" was undertaken throughout April - May 2013. For this purpose **the phone based survey methodology** a   sample of the survey was **1205 interviewees** were selected.  The **questionnaire** was divided into 2 groups of questions: Section I included general information questions (sex/gender, age, education, employment status, and individual monthly income), whilst Section II included questions in line with open government: trust in state institutions, transparency, citizen participation, accountability and use of technology.

Results have been analyzed and graphical presentations of the findings have been prepared, as follows.

**SECTION I - The general demographic characteristics of the respondents:**

CHART 1: Respondents by Gender
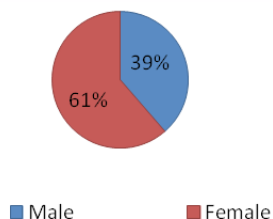
## Chart 2: Respondents by age groups



| | 18 – 25 years old | 26 – 35 years old | 36 – 45 years old | 46 – 55 years old | 55 – 65 years old | Over 66 years old |
|---|---|---|---|---|---|---|
| | 14% | 14% | 14% | 19% | 20% | 18% |
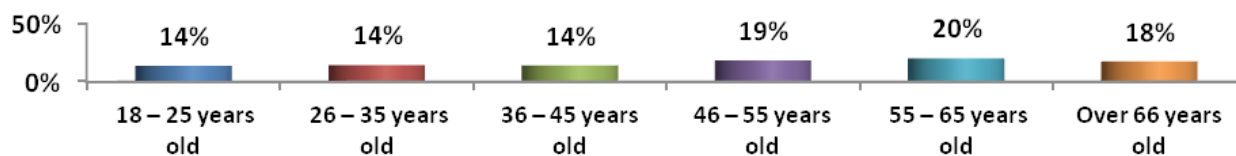
## Chart 3: Respondents by education level



| Uneducated | Completed elementary school (4 years) | Completed secondary school(8/9 years) | Completed High School | University degreee universitare | Post university decree | Refusals |
|---|---|---|---|---|---|---|
| 1% | 3% | 11% | 40% | 37% | 7% | 2% |
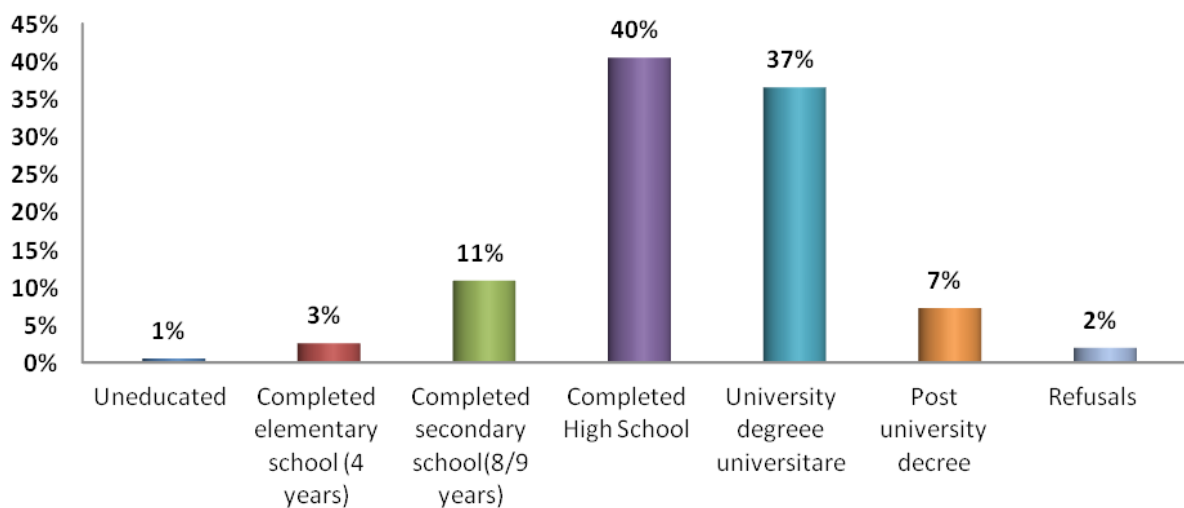
## Chart 4: Respondents by employment status



Employed with defined contract: 26%
Employed with undefined time: 14%
Unemployed- seeks employment: 16%
Unemployed-seeks no employment: 4%
Student: 8%
Retired: 26%
Other: 3%
Refusals: 2%

- Employed with defined contract
- Employed with undefined time
- Unemployed- seeks employment
- Unemployed-seeks no employment
- Student
- Retired
- Refusals
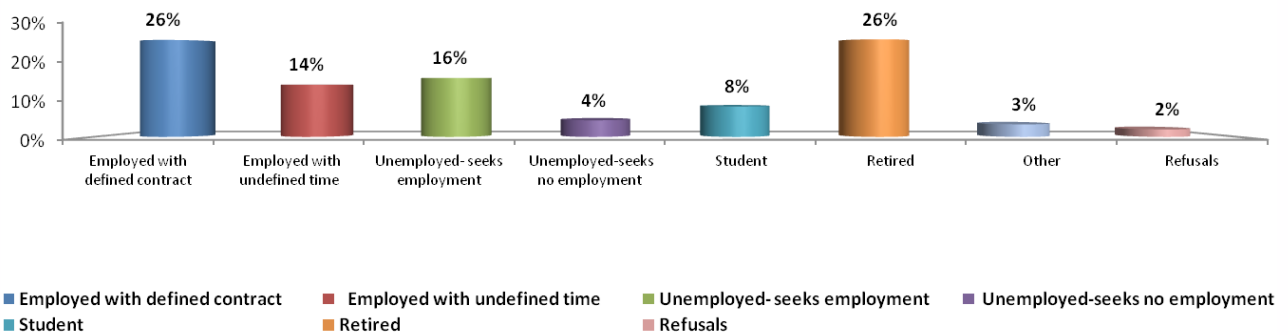
## Chart 5: Respondents by income level



No incomes: 32%
Up to 20.000 Lek / month: 29%
From 20 001 – 50 000 Lek /month: 24%
From 50 001 – 70 000 Lek/month: 6%
Over 70 000 Lek/month: 2%
Refusals: 7%

- No incomes
- Up to 20.000 Lek / month
- From 20 001 – 50 000 Lek /month
- From 50 001 – 70 000 Lek/month
- Over 70 000 Lek/month
- Refusals
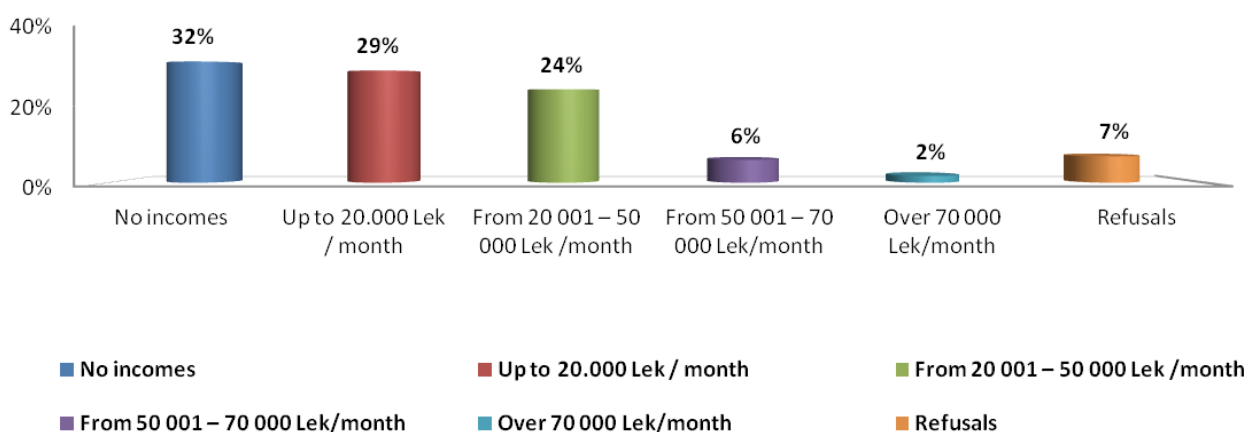
## SECTION II - TRUST IN GOVERNMENT

**Question 1 – Trust in the Albanian Government**

### Chart 6: Trust in Government



- I have great trust
- Generally I have trust
- Generally I do not have trust
- I do not have trust at all
- I do not have an opinion
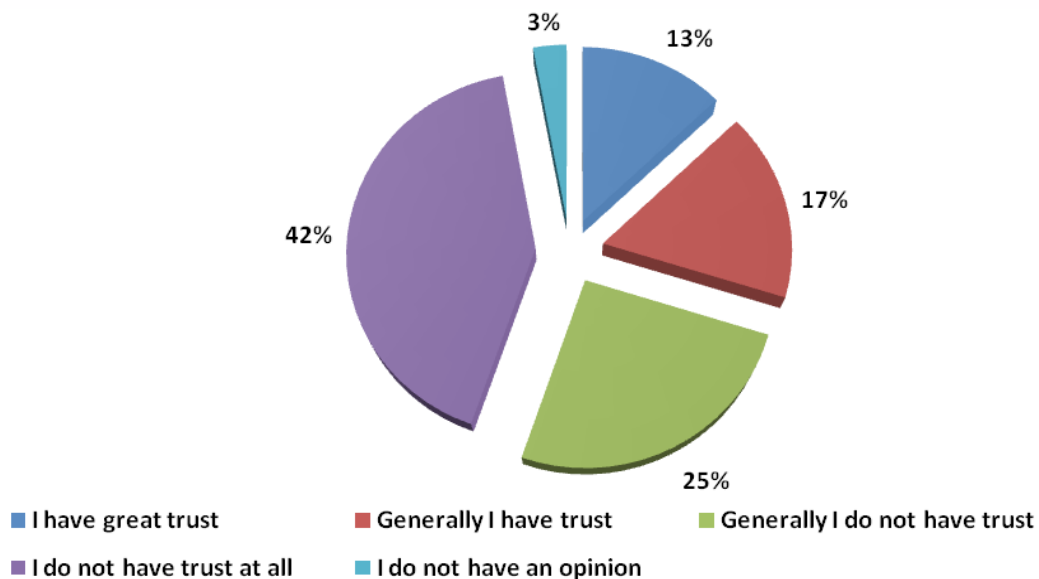
### Chart 7: Trust in the Institution of President
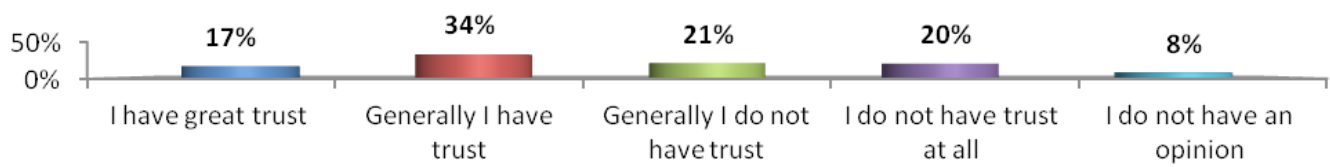


- I have great trust
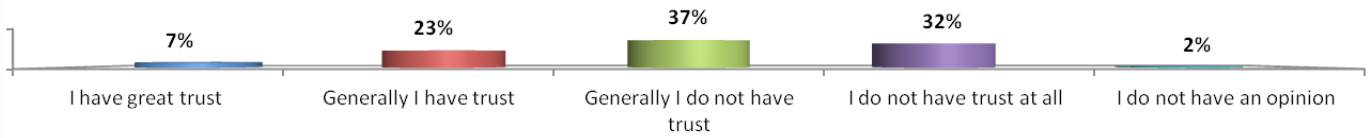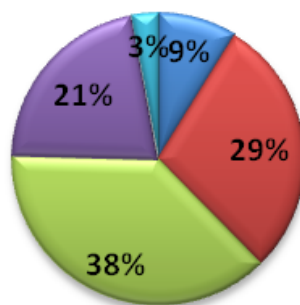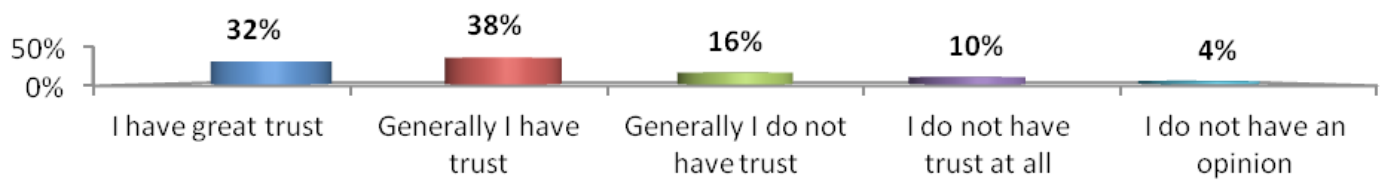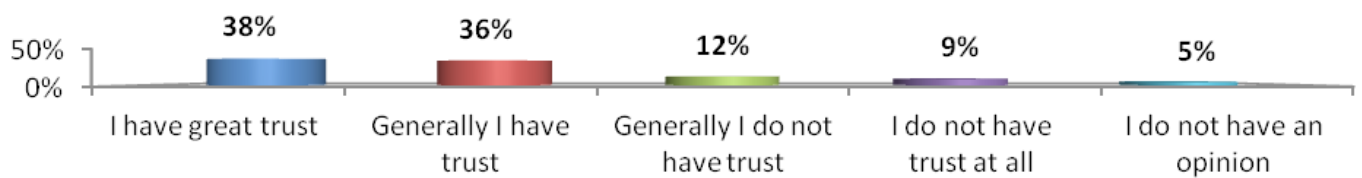- Generally I have trust
- Generally I do not have trust
- I do not have trust at all
- I do not have an opinion
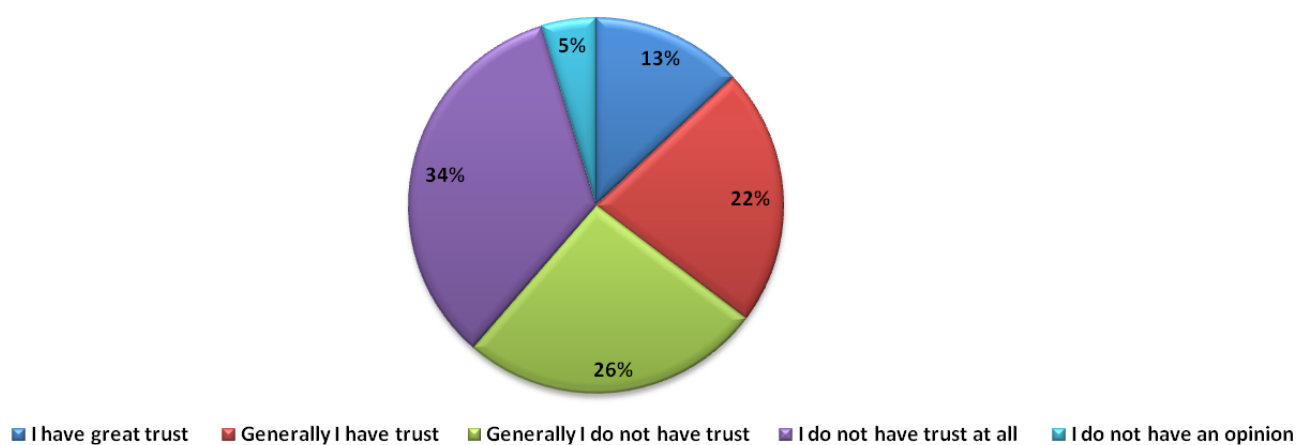
## Chart 8: Trust in the Parliament

| Category | Value |
|----------|-------|
| I have great trust | 9% |
| Generally I have trust | 15% |
| Generally I do not have trust | 28% |
| I do not have trust at all | 44% |
| I do not have an opinion | 4% |
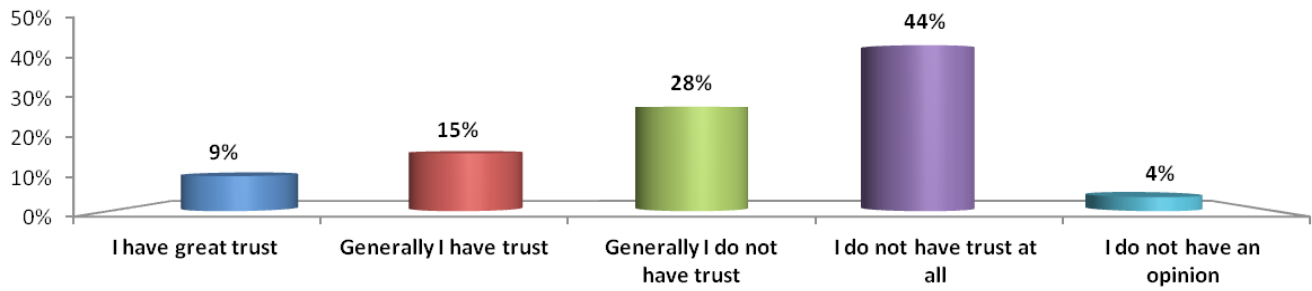
## Chart 9: Trust in the judicial system

| Category | Value |
|----------|-------|
| I have great trust | 5% |
| Generally I have trust | 14% |
| Generally I do not have trust | 29% |
| I do not have trust at all | 47% |
| I do not have an opinion | 5% |
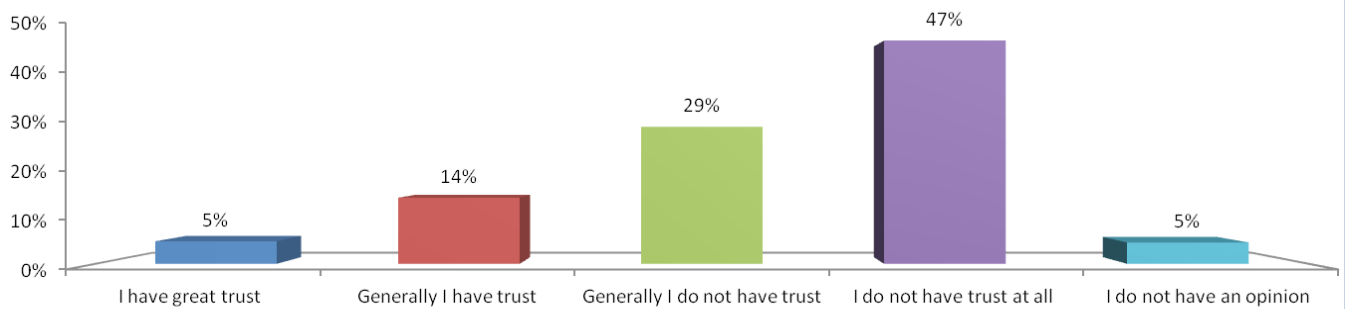
## Chart 10: Trust in the State Police
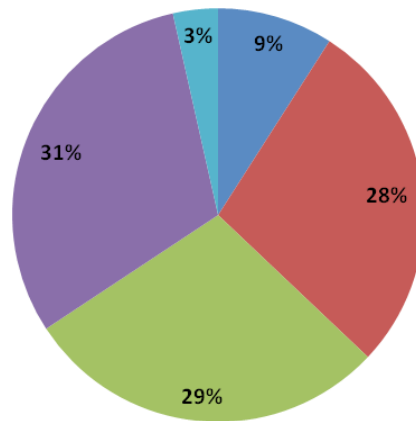


■ I have great trust  ■ Generally I have trust  ■ Generally I do not have trust  ■ I do not have trust at all  ■ I do not have an opinion

## Chart 11: Trust in Religous Institutions
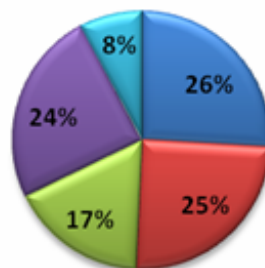


■ I have great trust     ■ Generally I have trust     ■ Generally I do not have trust

■ I do not have trust at all     ■ I do not have an opinion

## Chart 12: Trust in the Armed Forces

| | I have great trust | Generally I have trust | Generally I do not have trust | I do not have trust at all | I do not have an opinion |
|---|---|---|---|---|---|
| % | 17% | 34% | 21% | 20% | 8% |

## Chart 13: Trust in Political Parties

3%
5%
12%
50%
30%

- I have great trust
- Generally I have trust
- Generally I do not have trust
- I do not have trust at all
- I do not have an opinion
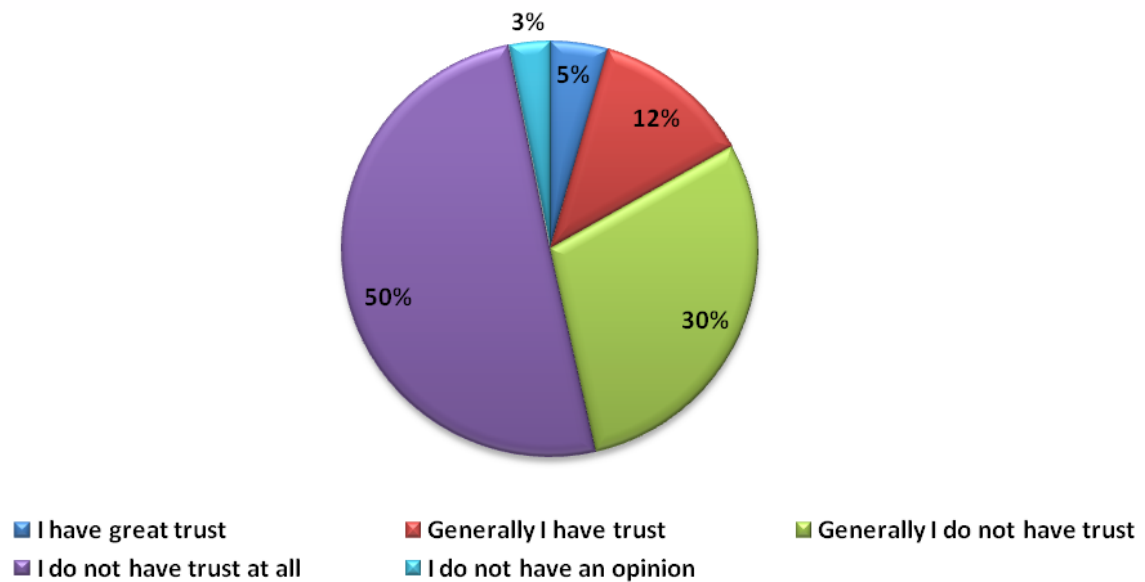
## Chart 14: Trust in healthcare institutions

| | | | | |
|---|---|---|---|---|
| 7% | 23% | 37% | 32% | 2% |
| I have great trust | Generally I have trust | Generally I do not have trust | I do not have trust at all | I do not have an opinion |

## Chart 15: Trust in education institutions

3% 9%
21%
29%
38%

◾ I have great trust   ◾ Generally I have trust   ◾ Generally I do not have trust
◾ I do not have trust at all   ◾ I do not have an opinion

## Chart 16: Trust in European Union

| | | | | |
|---|---|---|---|---|
| 32% | 38% | 16% | 10% | 4% |
| I have great trust | Generally I have trust | Generally I do not have trust | I do not have trust at all | I do not have an opinion |

## Chart 17: Trust in NATO

| | | | | |
|---|---|---|---|---|
| 38% | 36% | 12% | 9% | 5% |
| I have great trust | Generally I have trust | Generally I do not have trust | I do not have trust at all | I do not have an opinion |

## Chart 18: Trust in Civil Society Orgranizations



- I have great trust
- Generally I have trust
- Generally I do not have trust
- I do not have trust at all
- I do not have an opinion
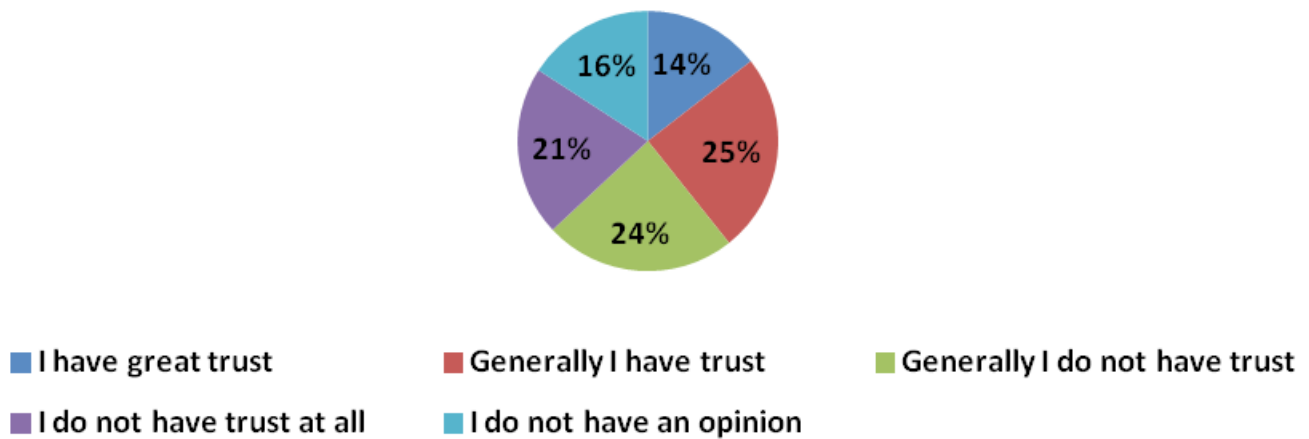
## Chart 19: Trust in Media
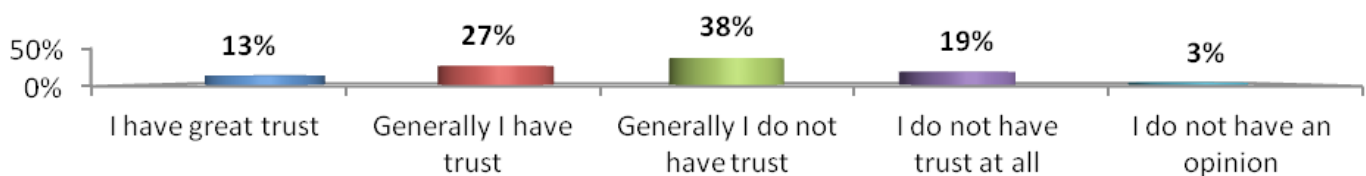
QUESTION: Have you ever filed a formal request for public information or data?

## Chart 20: Request for Official Information
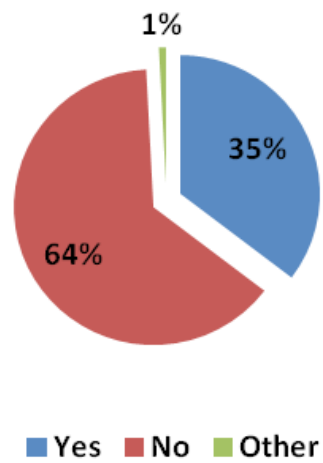
# TRANSPARENCY

How much do you agree with the following statements?

**Statement 1:** Too much publicity on government actions makes our country vulnerable;

## Chart 21: Transparency statement 1

| Category | Percentage |
|---|---|
| I absolutely disagree | 39% |
| I generally disagree | 26% |
| I generally agree | 11% |
| I absolutely agree | 20% |
| Refusals/no answer | 4% |
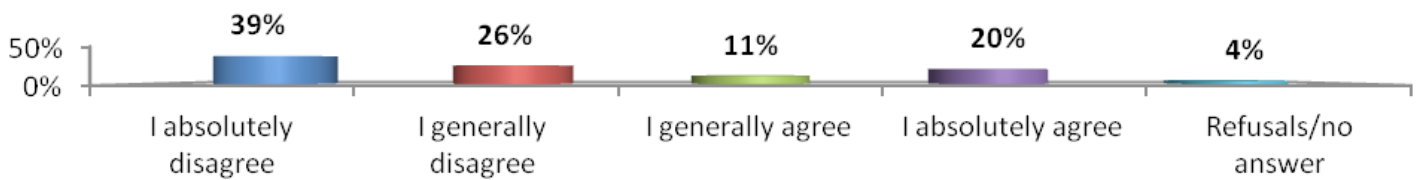
**Statement 2:** MPs and local councilors have the right to keep information on their personal assets and income confidential;

## Chart 22: Transparency Statement 2

| Category | Percentage |
|---|---|
| I absolutely disagree | 36% |
| I generally disagree | 27% |
| I generally agree | 16% |
| I absolutely agree | 17% |
| Refusals/no answer | 4% |
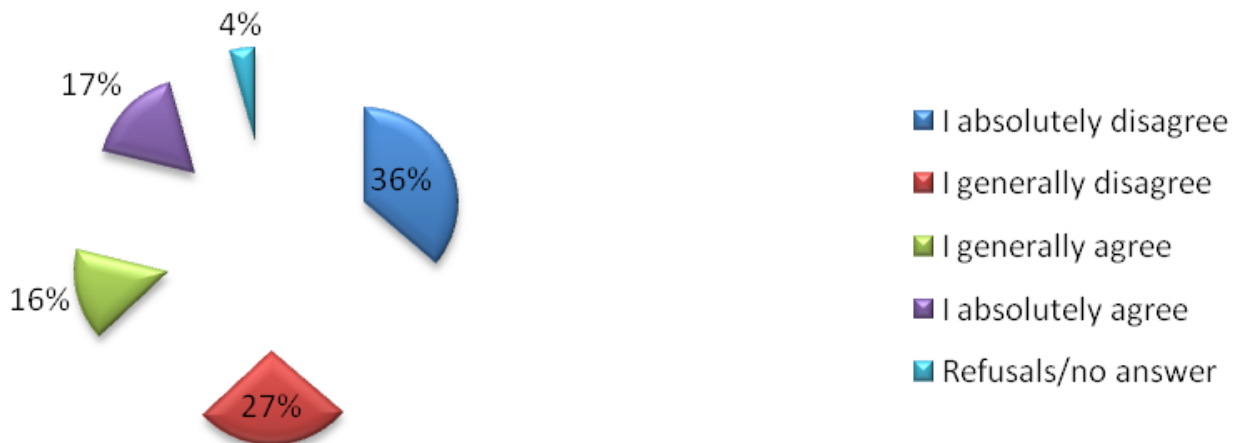
**Statement 3:** All financial, performance and technical information on contracts funded by the government should be made public;

## Chart 23: Transparency Statement 3

**Chart 23: Transparency Statment 3**

| Category | Value |
|---|---|
| I absolutely disagree | 35% |
| I generally disagree | 23% |
| I generally agree | 12% |
| I absolutely agree | 15% |
| Refusals/no answer | 16% |
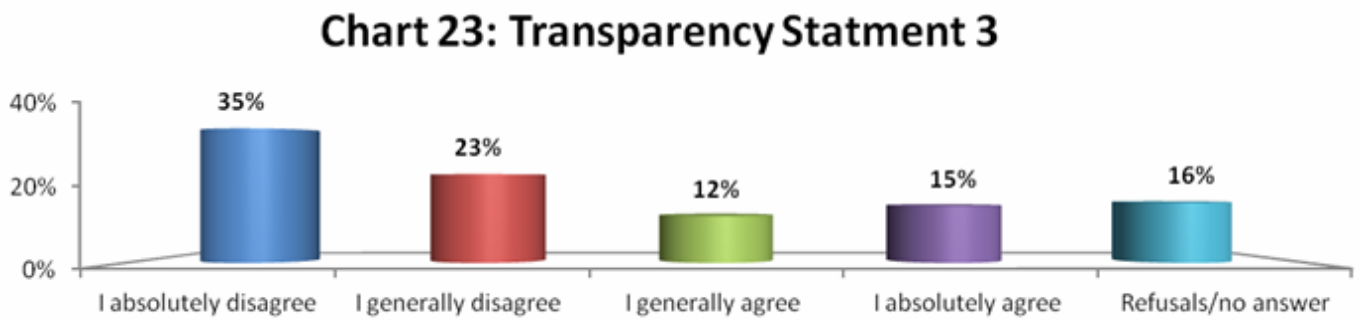
**Statement 4:** For fair recruitment policy in the public sector, information on ethnicity and religion of civil servants should be collected;

## Chart 24: Transparency Statement 4

- 11% I absolutely disagree
- 21% I generally disagree
- 18% I generally agree
- 41%
- 9%

Legend: ■ I absolutely disagree ■ I generally disagree ■ I generally agree
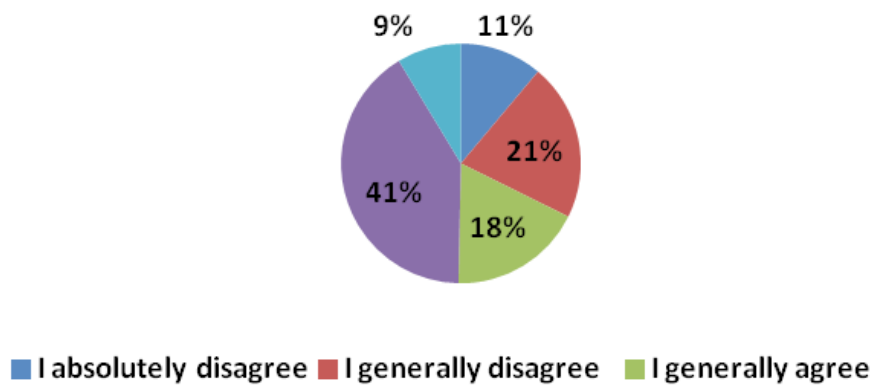
**Statement 5:** A civil servant who leaks classified information on government actions should be punished.

## Chart 25: Transparency Statement 5

- 16%
- 22%
- 18%
- 26%
- 18%

Legend: ■ I absolutely disagree ■ I generally disagree ■ I generally agree
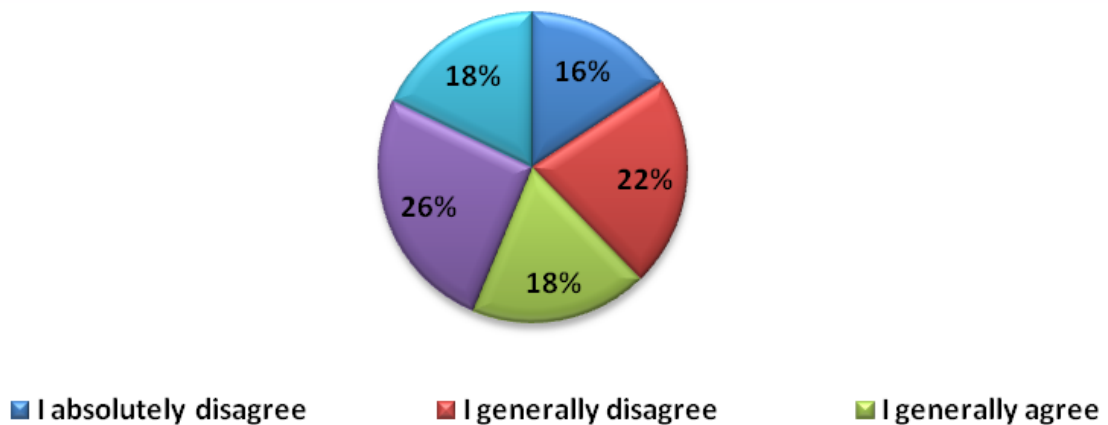
## CITIZEN PARTICIPATION

How much do you agree with the following statements?

**Statement 1:** An ordinary citizen does not have sufficient expertise to decide whether a government decision was good or bad

Chart 26: Citizens Participation Statement 1
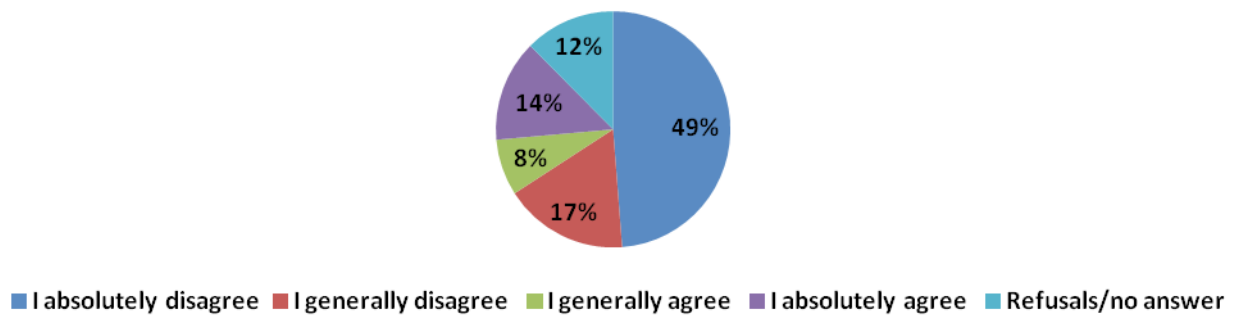


**Statement 2:** An MP takes over the responsibility to conduct public affairs

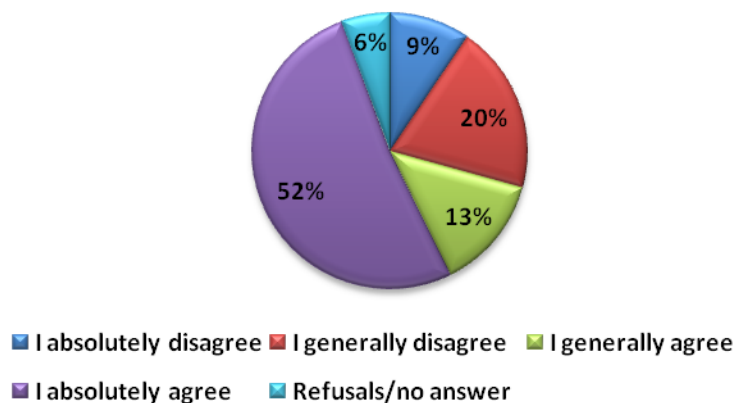Chart 27: Citizens Participation Statement 2
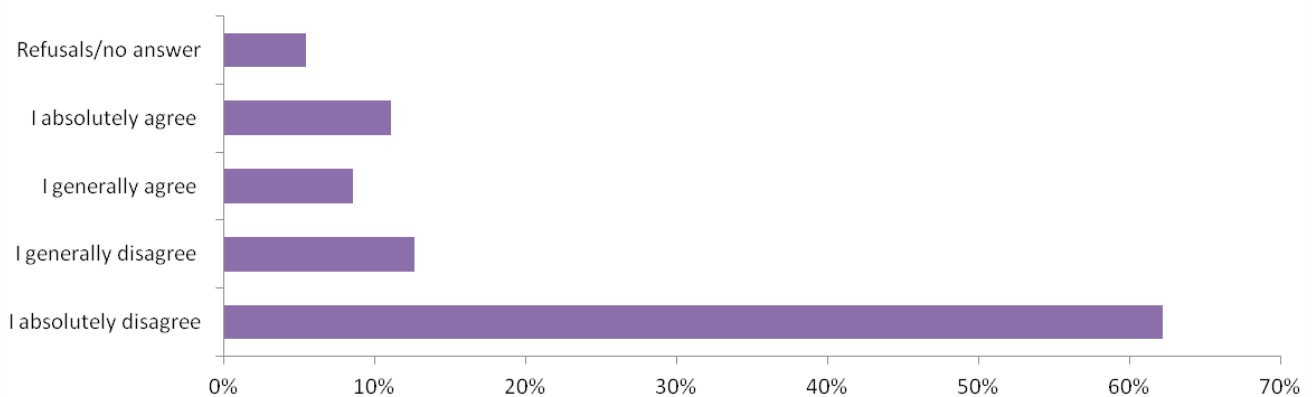
**Statement 3:** Lobbying is bad for the society

### Chart 28: Citizens Participation Statement 3
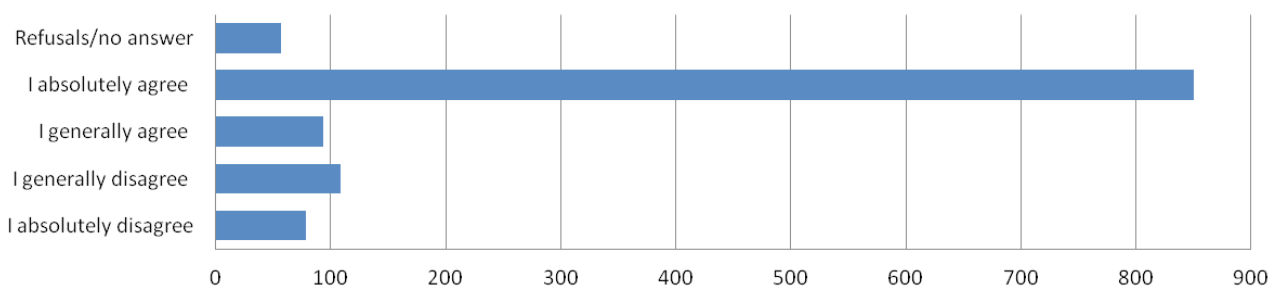


**Statement 4:** Local public hearings are formal events; they have limited influence on municipal decisions

### Chart 29: Citizens Participation Statement 4

**QUESTION:** Have you ever attended a demonstration or rally? Have you ever signed a petition?

Chart 30: *Have you ever attended a demonstration or rally?*

*Have you ever signed a petition?*
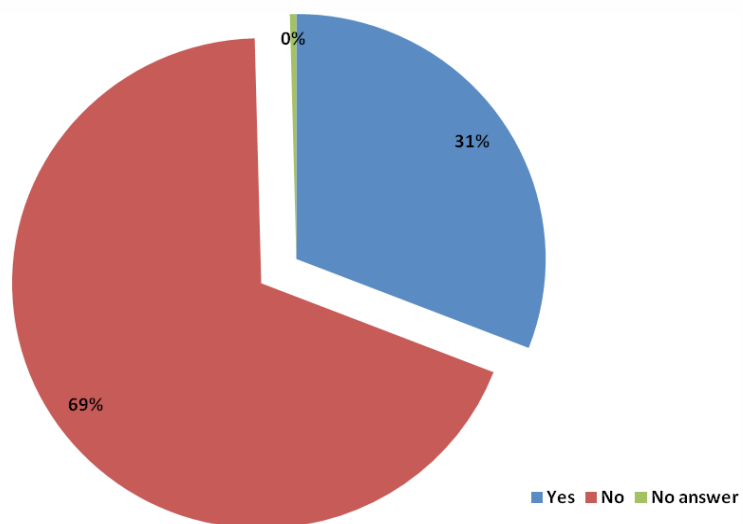
**ACCOUNTABILITY**

**QUESTION**: In your opinion, which institutions or organizations have the greatest impact on the Government's decisions?

## Chart 31: Parliamentary Commitees

| No impact | Low impact | Moderate impact | Great impact | I do not know |
|-----------|-----------|-----------------|--------------|---------------|
| 26% | 29% | 19% | 16% | 11% |
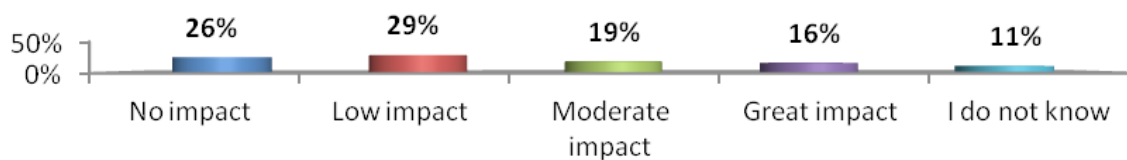
## Chart 32: Members of Parliament

| No impact | Low impact | Moderate impact | Great impact | I do not know |
|-----------|-----------|-----------------|--------------|---------------|
| 20% | 28% | 25% | 20% | 6% |
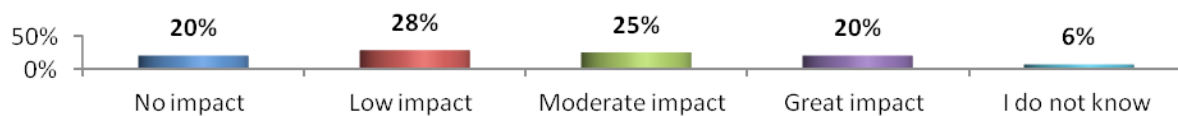
## Chart 33: Oposition Political Parties

| | | | | |
|---|---|---|---|---|
| 38% | 28% | 17% | 12% | 6% |
| No impact | Low impact | Moderate impact | Great impact | I do not know |

50%
0%
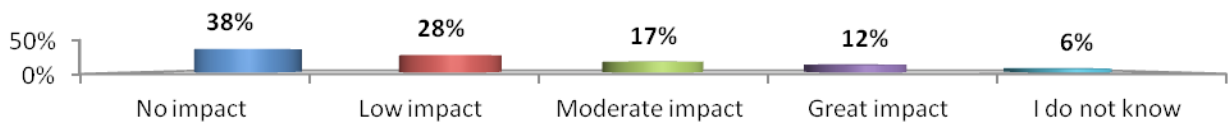
## Chart 34: High State Inspectoriate

| | | | | |
|---|---|---|---|---|
| 31% | 30% | 16% | 14% | 9% |
| No impact | Low impact | Moderate impact | Great impact | I do not know |

50%
0%

## Chart 35: Ombudsman



- No impact
- Low impact
- Moderate impact
- Great impact
- I do not know

37%
27%
19%
10%
7%

## Chart 36: Private Media



| | |
|---|---|
| I do not know | 5% |
| Great impact | 14% |
| Moderate impact | 20% |
| Low impact | 29% |
| No impact | 33% |
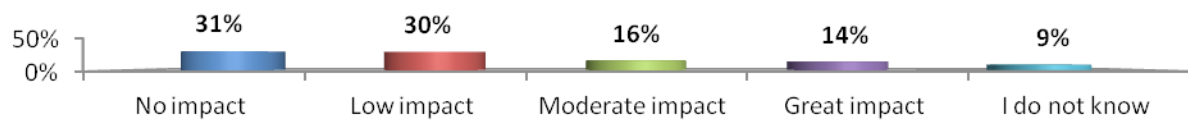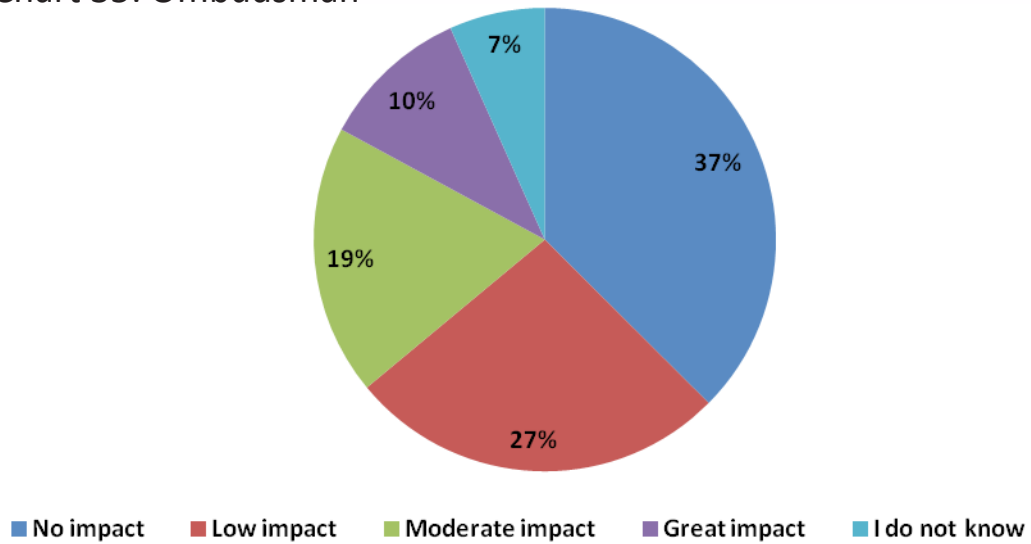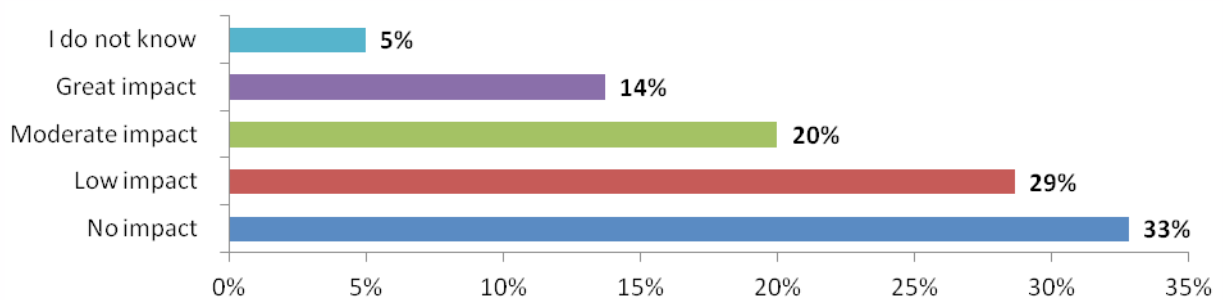
## Chart 37: Labor Unions
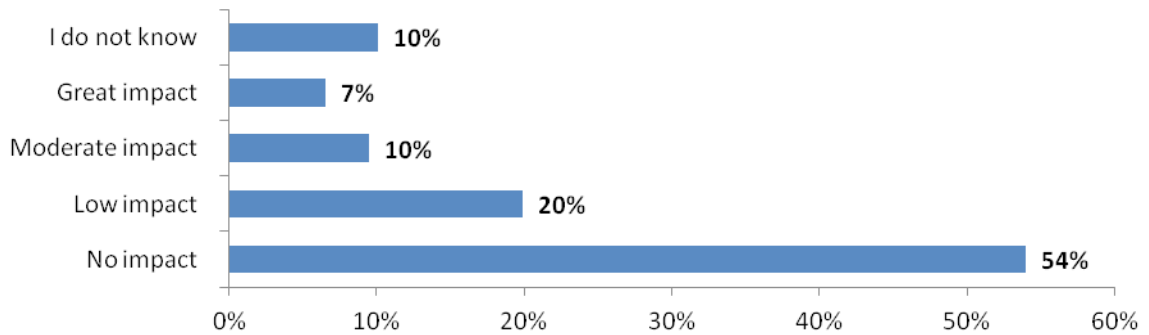


## Chart 38: Local Governance Units (associations)

## Chart 39: International Organizations

| Category | Percentage |
|----------|-----------|
| No impact | 49% |
| Low impact | 21% |
| Moderate impact | 12% |
| Great impact | 6% |
| I do not know | 12% |
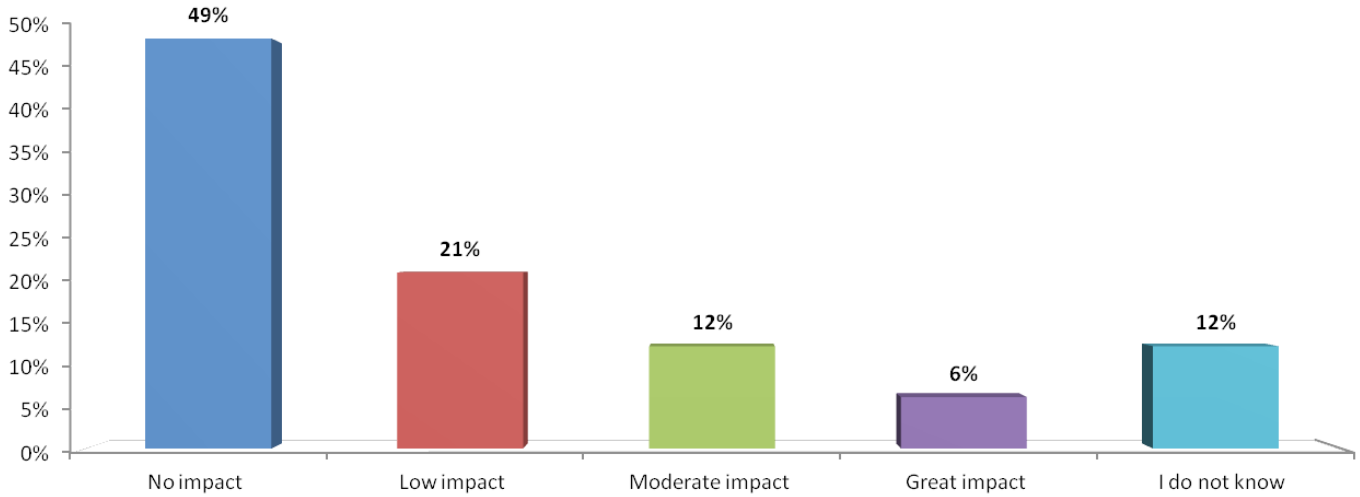
## Chart 40: Religious Communities

| Category | Percentage |
|----------|-----------|
| No impact | 54% |
| Low impact | 22% |
| Moderate impact | 10% |
| Great impact | 8% |
| I do not know | 7% |
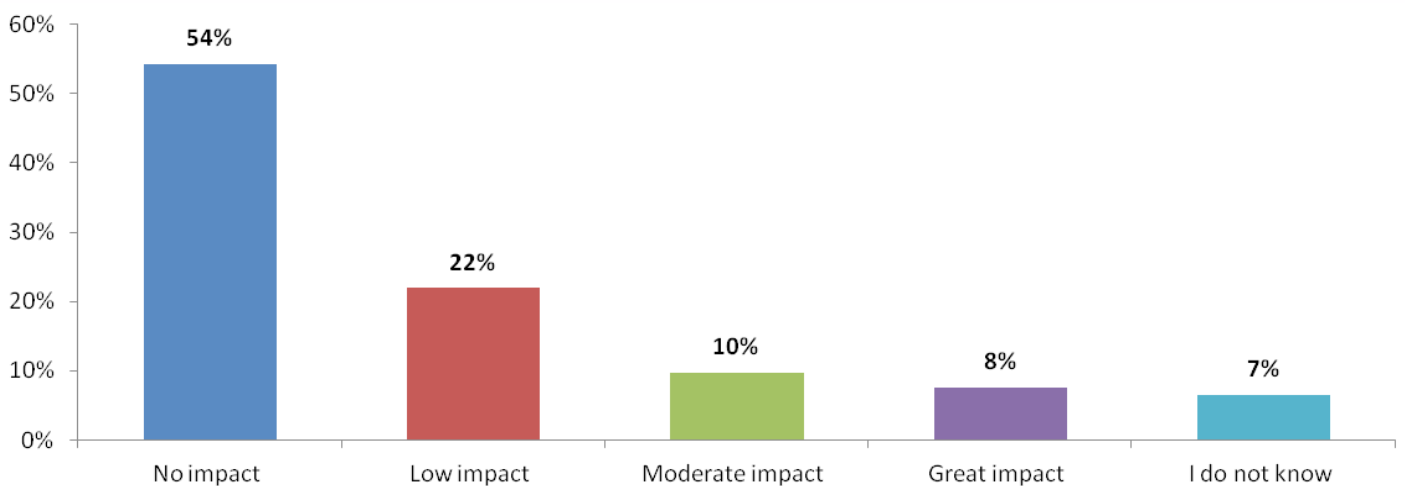
## Chart 41: International Organizations



No impact 17% · Low impact 24% · Moderate impact 24% · Great impact 28% · I do not know 7%

■ No impact   ■ Low impact   ■ Moderate impact   ■ Great impact   ■ I do not know

## Chart 42: Business



No impact 27% · Low impact 26% · Moderate impact 25% · Great impact 16% · I do not know 6%

■ No impact   ■ Low impact   ■ Moderate impact   ■ Great impact   ■ I do not know
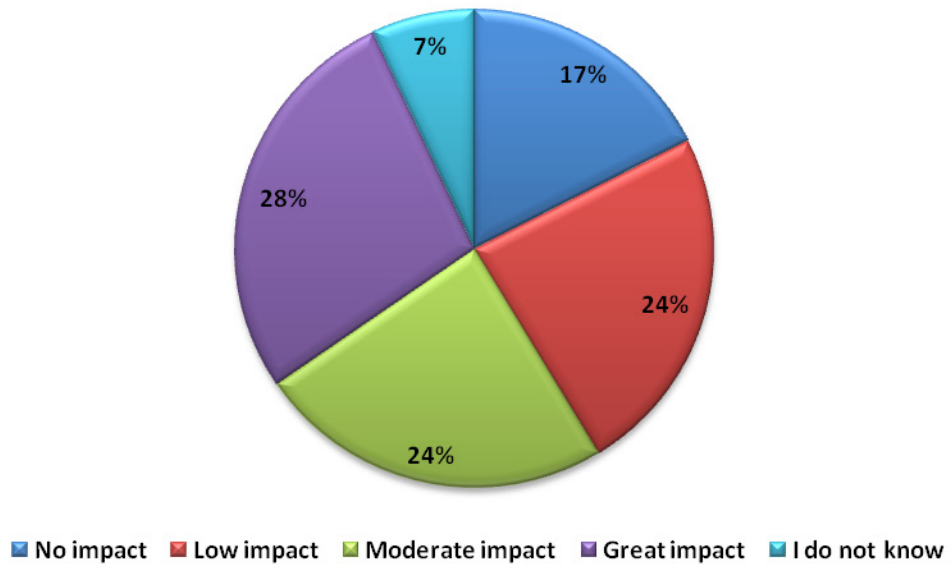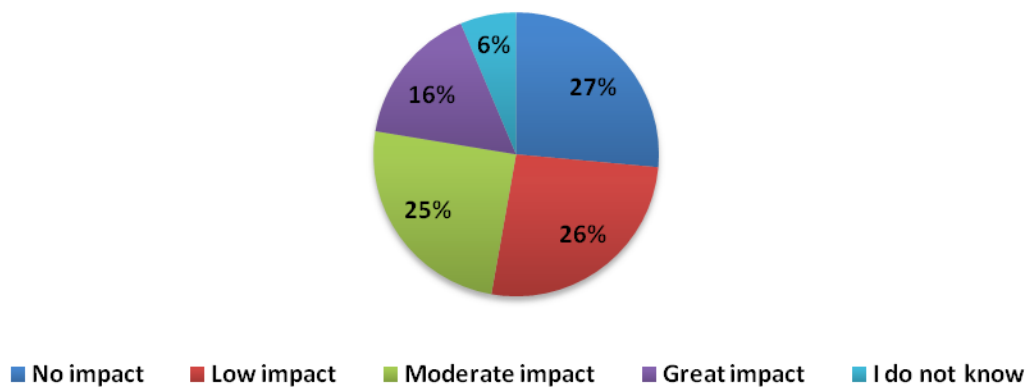
## USE OF TECHNOLOGY

**QUESTION:** Do you know whether your Municipality has an official internet website?

Chart 43: *Does your municipality have a website?*

- Yes: 34%
- No: 9%
- Don't know: 57%
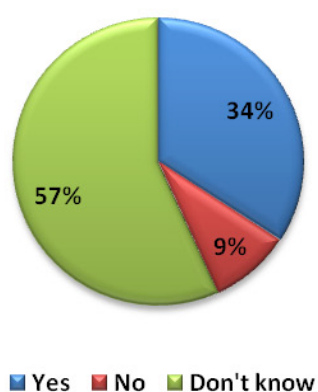
**QUESTION:** If your municipality has an official internet website, how do you use it?

Chart 44: *Do you read the published programmes for your town?*
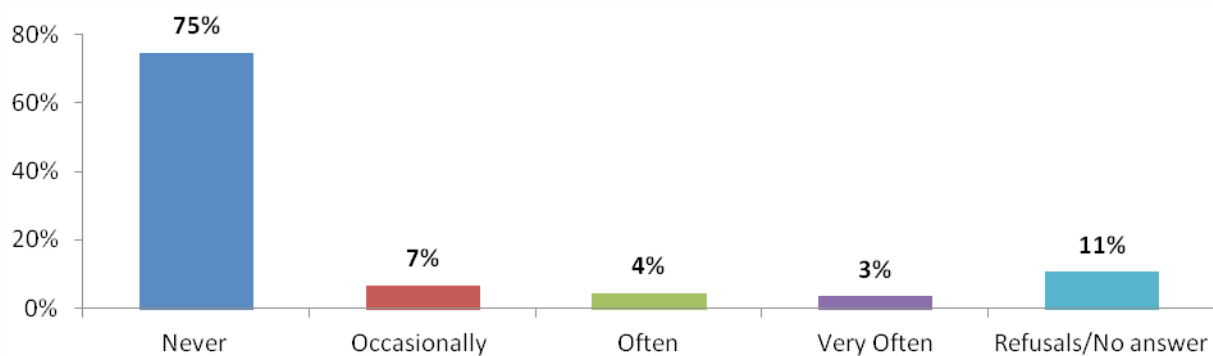
- Never: 75%
- Occasionally: 7%
- Often: 4%
- Very Often: 3%
- Refusals/No answer: 11%

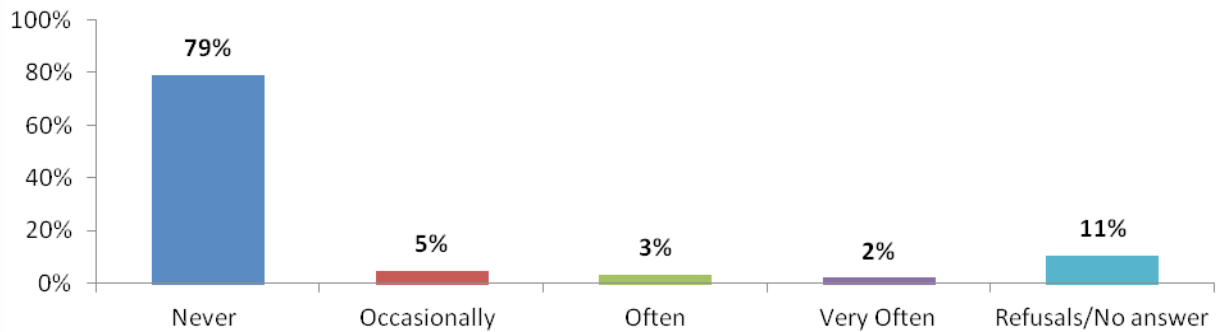Chart 45: *Do you follow an read Council Decisions and minutes of meetings?*



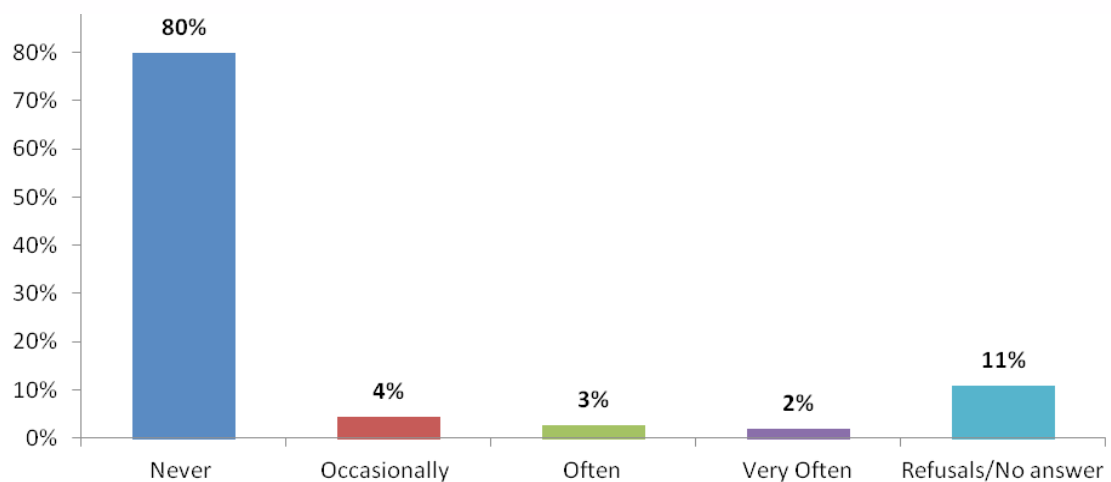Chart 46: *Do you download the municipalitie's decrees and resolutions?*

**Chart 47:** *Do you communicate with the representative of the council of the municipality through internet (e-mail)?*
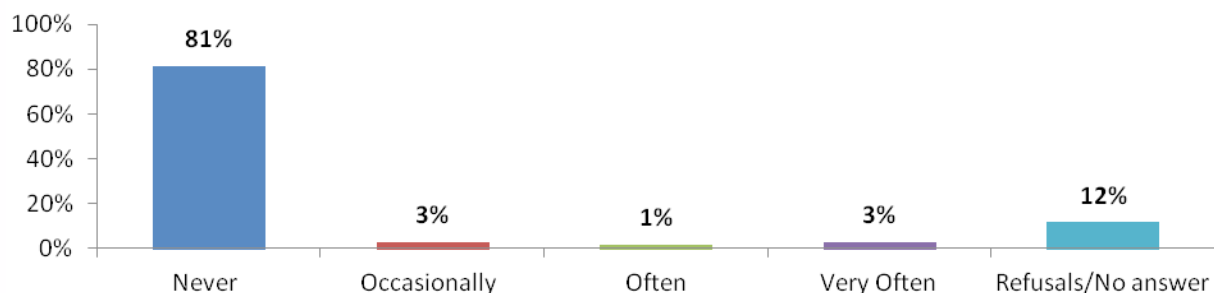


**Chart 48:** *Do you send requests or comments to responsible offices in your municipality through the internet?*
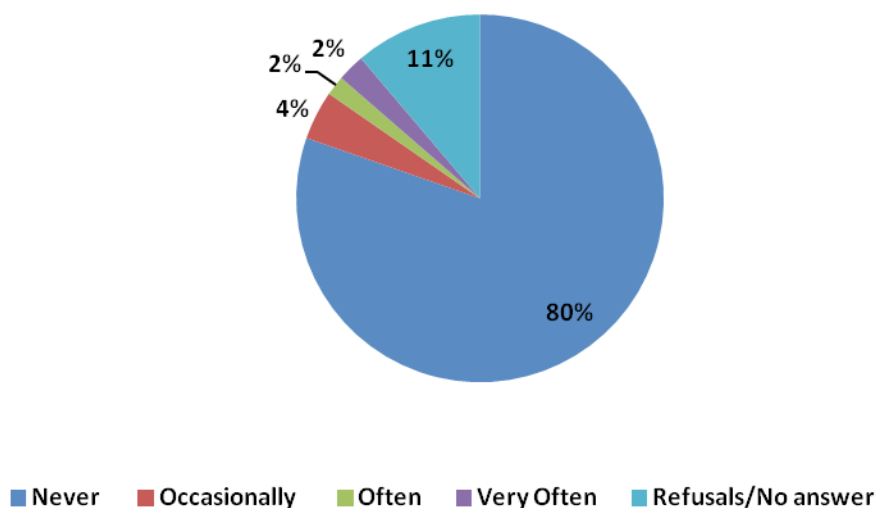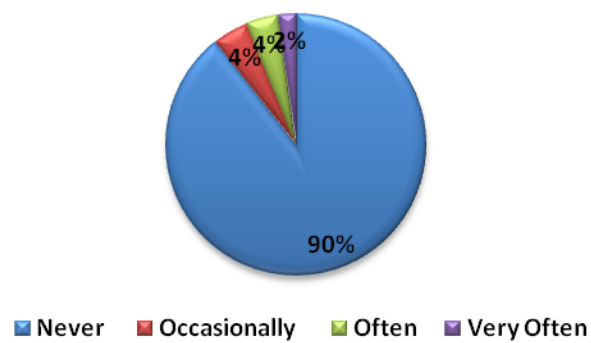
Chart 49: *Do you submit forms and documents to the municipality administration through internet (e-mail)?*

## ANNEX 1 - TABLE OF ACTION PLAN

» *CHALLENGE 1 – INCREASING PUBLIC INTEGRITY*

| No | Measures | Short Description | Institution in Charge / Partner | Deadline | Status |
|----|----------|-------------------|--------------------------------|----------|--------|
| 1 | Establish an Open Data Portal for General Treasury | An Open Data portal covering the daily expenses of the Treasury General Directorate / based on the Open Budget model | National Agency of Information Society | | **Fulfilled prior to launching of Action Plan** |
| 2 | Establish an Open Data Portal for the Electronic and Postal Communications Authority | Open Data Portal | The Electronic and Postal Communications Authority | | Fulfilled prior to launching of Action Plan |
| 3 | Establish an Open Data Portal | It aims to standardize the data publication process | National Institute of Statistics | N/A | **Not Fulfilled**. An Open Data Portal is established as an initiative by the civil society funded by International Donors. |
| 4 | Establish the Electronic Official Journal | The E-Cabinet System established in 2009 will be followed by E-Parliament, E-President and e-Publication. This system will support the process of drafting and approval of laws electronically | N/A | N / A | **Not Fulfilled.** |
| 5 | Extending the Government Electronic Network | Improve the quality of governance in Albania by speeding up the exchange of a wider range of information within government, and increasing public access to information at Central and Local level | Council of Ministers | 2013 | No clear indicators to measure the implementation |

| | | | | | |
|---|---|---|---|---|---|
| 6 | Establish the e-government Interoperability Framework; e-GIF | It will support the exchange of information amongst institutions of Public Administration aiming at increasing transparency and efficiency. | National Agency of Information Society | 2012 | Government Data Centre was established at the National Agency for Information Society (NAIS), with an area of 672 m² and includes 11 rooms for technical infrastructure, monitoring and provision of electronic services. Currently the data centre operates over 12 government services concentrated to about 60 institutions of public administration, including the Prime Minister's ministries and their line. **There is no website for the data centre.** |
| 7 | Establish the Electronic Excise system | Increase Transparency in the Customs Service | Albanian Customs Service | 2012 | **Fulfilled.**<br><br>ASYCUDAWorld (AW) is now fully operational in the Albanian Customs Administration (ACA) headquarters (HQ) and all Customs offices. |
| 8 | Establish an Integrated E-Tax system | E –Tax<br><br>Online declaration of personal incomes (G2C)<br><br>M-service – each customer can check the tax situation through mobile phone | General Directorate of Taxation | 2012 | My taxes service available<br><br>G2C not established<br><br>M-service not established |
| 9 | Operate the State Matura Exam online | Increase Transparency | Ministry of Education and Science | 2012 | **Fulfilled.** |

| | | | | | |
|---|---|---|---|---|---|
| 10 | Establish the System of Information Management in Education<br><br>Establish the System of School Infrastructure Management | Increase Transparency | Ministry of Education and Science | N/A | **Not fulfilled.** |
| 11 | Launch the U-GOV module | U-GOV combines in a single architecture the main administrative application for universities: Learning and Student, Research, HR, Accounting, Planning and Controlling. | Academic Network of Albania | 2012 | There is a description of the project but the data cannot be accessed |
| 12 | Establish E-employment Portal www.kerkojpune.gov.al | Digitalizing public employment offices; the database of job-seekers and job-offers | National Employment Service | 2012 | **Fulfilled.**<br><br>**Missing**: Registry of job-seekers and job-offers to enable for an online match |
| 13 | Establishing the electronic map of social services offered in Albania www.sherbimeshoqerore.gov.al | Services for children, elderly, families, trafficked women, people with disabilities, legal consultancy services; humanitarian services etc. | Ministry of Equal Opportunities<br><br>National Services Office | 2012 | **Fulfilled.**<br><br>Information about social services offered in 12 Qarks of Albania. |
| 14 | Online applications for Licensing | Provide online application for different kind of Licenses | Ministry of Public Works and Transport | N/A | **Fulfilled. Missing**: online application procedure |
| 15 | Publish of Human Resource pool | Aiming at monitoring of recruiting, career promotion etc. | Ministry of Interior | 2012 | **Not fulfilled.** |

| | | | | | |
|---|---|---|---|---|---|
| **16** | Amendment of Law no 8503 dated 30.06.1999 "On the right to Information"<br><br>Drafting of Law on "Information and Consultation" | | Ministry of Justice | | **Not fulfilled.**<br><br><br><br>**Not fulfilled.** |
| **17** | Establish of Registry of Business Legislation www.rlb.gov.al | Energy Business Consulting; consulting laws, bylaws, information on energy | N/A | N/A | **Fulfilled.** |
| **18** | Online applications for concessions for public assets administered by the Ministry of Transports and Public Works | Increase transparency in public procurement | Ministry of Interior | 2012 | **Fulfilled.**<br><br>Online applications through National Procurement Agency |
| **19** | Establish *Tracking* online procedures | Each citizen would be able to follow online the status of their application | National Agency of Information Society | N/A | Not accomplished |
| **20** | Establish electronic system of registering cases of prosecution/ conviction for corruption charges | Each citizen or businessman can follow on-line the corruption cases, reregistered, under prosecution, convicted | State Police<br><br>Ministry of Interior | N/A | **Not fulfilled.** |
| **21** | Establish link: Complain online Ministry of Justice | Citizens can submit complaints towards the justice system; increase transparency etc | Ministry of Justice | 2012 | **Fulfilled.** |
| **22** | Establish Complain online Link | Fasten the process of complaints by citizens, increase transparency | State Labour Inspectorate | 2012 | Fulfilled. |

| | | | | | |
|---|---|---|---|---|---|
| **23** | Publish online the Permissions approved by the authorities in the area of Environment<br><br>Hold online consultations with the public on legal framework on environment. | Ensuring transparency / increase public participation | Ministry of Environment, Forests and Water Management | N/A | **Fulfilled.**<br><br>Several legal documents have been published online requesting for public opinion. Missing: The link, "public opinions" is under construction |
| **24** | Publish online 50 Legal acts for consultation in the field of agriculture. | Ensuring transparency / increase public participation | Ministry of Agriculture, Food and Consumer Protection | 2012 | **Not fulfilled.**<br><br>Legal acts are published once they are approved and there is not consultation process with the public |
| **25** | Online complaint service for tourists | Tourists can submit their complaint electronically | Office for Tourism Services | 2012 | **Fulfilled**. |

» *CHALLENGE 2 : IMPROVING PUBLIC SERVICE*

| No. | Measures | Description | Institution in Charge / Partner | Deadline | Status |
|---|---|---|---|---|---|
| 26 | Establish a central financial management module for all educational institutions | Increase transparency of budget management and online tacking of expenditures | Ministry of Education and Science | 2012 | Not fulfilled. |
| 27 | Approve Code of Ethics for Teachers in pre-university education system | Increase transparency | Ministry of Education and Science | 2012 | Fulfilled. Available online |
| 28 | Publish online the list of licenses for restorations of cultural heritage sites / museums | Increase transparency | Ministry of Tourism, Culture, Youth and Sports | Prior to 2012 | Not available at the official website: www.mtkrs.gov.al |
| 29 | Registering of audio and video court proceedings/ publish online on www.gjykata.gov.al | Increase transparency | N/A | 2012 | Not available at the official website |
| 30 | Transparency in political party financing | Publish audit reports of party financing | Central Election Commission | Ongoing | Fulfilled. At the official website of CEC, the audit reports on the expenditures by political parties subject to elections are published. |

| 31 | Transparency in science and research and publication with regard to "Code of Ethics in Research and Publications" | Institutions and researches are obliged to publish online in their official websites any scientific work the produce | Ministry of Education and Science (Research Institutions, Universities etc) | N/A | The "Code of Ethics in Research and Publications" is available online.<br><br>Scientific work is not available online in any of the major education and research institutions |
|---|---|---|---|---|---|
| 32 | www.e-albania.al<br><br>www.gjykata.gov.al<br><br>www.akpt.gov.al<br><br>www.privatizime.al<br><br>www.albaniantourism.com | Increase transparency through digitalization / establishing e-government | | | **Fulfilled.** |
| 33 | Establish portal for National Council for Labour<br><br><br>Establish portal e-inspection – National Inspectorate | Increase transparency through digitalization / establishing e-government | Ministry of Labour | | **Not fulfilled**<br><br><br><br>**Fulfilled** |
| 34 | Online publication of internal audit reports | Each public institution should publish on their official website the audit reports | Line ministries, central institutions | N/A | All of the public institutions have their Internal Audit units. |

» *CHALLENGE 3 – EFFICIENT MANAGEMENT OF PUBLIC RESOURCES*

| No. | Measures | Description | Institution in Charge / Partner | Deadline | Status |
|---|---|---|---|---|---|
| **35** | Electronic Public Pro-curement | Centralized, public procurement of items over 3000 Eur | Public Procurement Agency | N/A | **Fulfilled.** |
| **36** | EITI – Extractive Industries Transparency Initiative | **(EITI)** was launched in 2002 at the World Summit on Sustainable Development in Johannesburg. It brought together a global coalition of governments, companies, civil society organizations and investors to pro-mote greater transparency in the payment and receipts of natural resource revenue. | Albanian Extractive Industries Transparency Initiative Transparency | 2013 | **Fulfilled.** May 2, 2013 the EITI Board declared Alba-nia 'Compliant' with the EITI Standard. |

## ANNEX II - POLLING QUESTIONAIRE

» *SECTION I – GENERAL INFORMATION*

Town:_____

**Q1: Sex/Gender:**

1. Male

2. Female

**Q2:  Age:**

1.  18 – 25 years

2.  26 – 35 years

3.  36 – 45 years

4.  46 – 55 years

5.  55 – 65 years

6.  Over 66 years

7.  Refuse to answer

**Q3:  Educational level?**

1.  No education

2.  Primary school

3.  Compulsory level (9th grade)

4.  High school

5.  Undergraduate

6.  Postgraduate

7.  Refuse to answer

**Q4:  What is your employment status?**

1.  Permanent employment

2.  Fixed-term employment

3.  Non-employed – seeking for employment

4.  Non-employed – not seeking for employment

5.  Student

6.  Pensioner

7.  Other _____

8.  Refuse to answer

**Q5 :  Regular individual monthly income?**

1.  No incomes

2.  Up to 20.000 Lek / month

3.  From 21 000 – 50 000 Lek / month

4.  From 51 000 – 70 000 Lek / month

5.  Over 70 000 Lek / month

» *SECTION II – TRUST IN GOVERNEMNT*

**Q1: TRUST**

*Please, state your confidence and trust in the following institutions:*

| Attitude | I have great trust | Gener-ally I have trust | Generally I do not have trust | I do not have trust at all | I do not have an opinion |
|---|---|---|---|---|---|
| 1. Government | 1 | 2 | 3 | 4 | 99 |
| 2. President | 1 | 2 | 3 | 4 | 99 |
| 3. Parliament | 1 | 2 | 3 | 4 | 99 |
| 4. Judiciary | 1 | 2 | 3 | 4 | 99 |
| 5. Police | 1 | 2 | 3 | 4 | 99 |
| 6. Religious Institutions | 1 | 2 | 3 | 4 | 99 |
| 7. Army | 1 | 2 | 3 | 4 | 99 |
| 8. Political Parties | 1 | 2 | 3 | 4 | 99 |
| 9. Health system institutions | 1 | 2 | 3 | 4 | 99 |
| 10. Educational system isntitutions | 1 | 2 | 3 | 4 | 99 |
| 11. European Union | 1 | 2 | 3 | 4 | 99 |
| 12. NATO | 1 | 2 | 3 | 4 | 99 |
| 13. Civil Society Organizations | 1 | 2 | 3 | 4 | 99 |
| 14. Media | 1 | 2 | 3 | 4 | 99 |

*Q2:  Have you ever filed a formal request for public information or data?*   (1) **YES**  (2) **NO**

*Q3: TRANSPARENCY*

| *How much do you agree with the following statements?* | 1= I absolutely disagree<br><br>2=I generally disagree<br><br>3=I generally agree<br><br>4=I absolutely agree<br><br>9=Refusal, no response |
|---|---|
| Too much publicity on government actions makes our country vulnerable. | 1   2   3   4        99 |
| MPs and local councilors have the right to keep information on their personal assets and income confidential. | 1   2   3   4        99 |
| All financial, performance and technical information on contracts funded by the government should be made public. | 1   2   3   4        99 |
| For fair recruitment policy in the public sector, information on ethnicity and religion of civil servants should be collected. | 1   2   3   4        99 |
| A civil servant who leaks classified information on government actions should be punished. | 1   2   3   4        99 |

### Q4: CITIZEN PARTICIPATION

| *How much do you agree with the following statements?* | *1= I absolutely disagree*<br><br>*2=I generally disagree*<br><br>*3=I generally agree*<br><br>*4=I absolutely agree*<br><br>*9=Refusal, no response* | | | | |
|---|---|---|---|---|---|
| An ordinary citizen does not have sufficient expertise to decide whether a government decision was good or bad. | 1 | 2 | 3 | 4 | 99 |
| An MP takes over the responsibility of the citizens to shape public affairs | 1 | 2 | 3 | 4 | 99 |
| Lobbying is bad for the society. | 1 | 2 | 3 | 4 | 99 |
| Local public hearings are formal events, they have limited influence on municipal decisions | 1 | 2 | 3 | 4 | 99 |
| Blogs and comments on the internet do not represent the public opinion properly. | 1 | 2 | 3 | 4 | 99 |

### Q5: Have you ever attended a demonstration or rally? Have you ever signed a petition?

1. YES
2. NO

### Q6: ACCOUNTABILITY

| *According to your opinion, how the following organizations can influence government decisions?* | *1=no impact*<br><br>*2= low impact*<br><br>*3=moderate impact*<br><br>*4=great impact*<br><br>*9=do not know, no response* | | | | |
|---|---|---|---|---|---|
| Parliamentary committees | 1 | 2 | 3 | 4 | 99 |
| Individual MPs | 1 | 2 | 3 | 4 | 99 |
| The opposition party/ies | 1 | 2 | 3 | 4 | 99 |
| State Audit Office | 1 | 2 | 3 | 4 | 99 |
| Ombudsman | 1 | 2 | 3 | 4 | 99 |
| Private TV stations, newspapers | 1 | 2 | 3 | 4 | 99 |
| Trade unions | 1 | 2 | 3 | 4 | 99 |
| Local government association | 1 | 2 | 3 | 4 | 99 |
| Civic groups, non-governmental organizations | 1 | 2 | 3 | 4 | 99 |
| Religious institutions | 1 | 2 | 3 | 4 | 99 |
| Big international companies | 1 | 2 | 3 | 4 | 99 |
| Domestic businessmen | 1 | 2 | 3 | 4 | 99 |

### Q7: USE OF TECHNOLOGY

**Do you know whether your Local Government Unit has an official internet website?**

1. Yes
2. No
3. I don't know

| **Q.7.a.** *If the local authority has a website, how do you use it?* | *1=never* <br><br> *2=occasionally* <br><br> *3=often* <br><br> *4=very often* <br><br> *9=do not know, no response* |
|---|---|
| Do you read the published programs for your town? | 1    2    3    4         99 |
| Do you follow and read Council Decisions and minutes of meetings? | 1    2    3    4         99 |
| Do you download the municipality's decrees and resolutions? | 1    2    3    4         99 |
| Do you communicate with the representative of the council of the municipality through internet (e-mail)? | 1    2    3    4         99 |
| Do you send requests or comments to responsible offices in your municipality through the internet? | 1    2    3    4         99 |
| Do you submit forms and documents to the municipality administration through internet (e-mail)? | 1    2    3    4         99 |

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