



Ethics

INTEGRITY BUILDING OF THE ALBANIAN PUBLIC SERVICE

An Analysis of the Ethical Framework Governing
the Conduct of Albanian Public Servants

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Abbreviations and Acronyms

ALSAI	Supreme State Audit Institution of Albania (ALSAI)
ASPAA	Albanian School of Public Administration
CEE	Central and Eastern Europe
CS	Civil Service
DoPA	Department of Public Administration
EU	European Union
HRM	Human Resources Management
ITAP	Public Administration Training Institute
NPS	New Public Service
OAS	Organization of American States
OSCE	Organization for Security and Co-operation in Europe
RESPA	Regional School of Public Administration
RoA	Republic of Albania
TI	Transparency International
SIGMA	Support for Improvement in Governance and Management
UN	United Nations

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Executive Summary

During the last two decades, many Western as well as Central and Eastern European countries (CEE) have undertaken important reforms in public administration, including ethics and integrity issues that were thus influenced by fundamental changes in the public administrative systems.

In CEE countries ethics was an issue that emerged in the early 2000s as codes that aimed at addressing ethical issues were adopted. The Public Service Code of Ethics in Estonia adopted in 1999 was the first code of ethics in CEE countries. Subsequently, other countries adopted their codes of ethics as well.¹

In Albania, efforts have been made to introduce and establish ethical principles, together with other reforms that aimed at building a depoliticized, effective, and uncorrupt public administration. From 1999 onwards, codes of ethics have been adopted by various institutions of the public administration at both central and local level as part of integrity-building efforts.

However, results of these efforts have been mixed as ethics in the Albanian public administration has failed so far in becoming a fully effective anti-corruption tool. Irrespective of the adoption of a certain number of codes of ethics, the level of implementation and actual value of the adopted codes are generally poor.

The main factors that account for this situation include: (1) the lack of clear understanding of ethics which is regarded as a norm that often overlaps with other existing rules and regulations; (2) the limitation of efforts with the mere adoption of the ethical codes and lack of the necessary ethical infrastructure for implementing ethics.

¹ Palidauskaite, J. Codes of Ethics in Transitional Democracies: A Comparative Perspective. *Public Integrity*, Vol. 8, No 1, 2005, 35 - 48.

A number of codes provide general statements on principles of ethics, without providing clear objectives and specifications related to the particular profession, or sanctions, while other codes have been adopted by law and are, therefore, legally binding.

Another aspect that reveals the fragmented approach to ethics is the lack of any code of ethics at the national level that would cover those who are elected or appointed to high level offices, such as members of parliament, ministers, heads of independent institutions and agencies that do not belong to the category of civil servants.

In addition to the lack of clarity and focus on the definition of ethics, there is an evident lack of bodies or structures responsible for the implementation of ethics and promotion of ethical standards. This omission makes it almost impossible to be informed on the implementation of ethics and its impact on the public administration integrity building process.

Therefore, the main conclusion of this study is that in spite of the fact that Albania has made efforts to build ethics by adopting a number of codes of ethics, the mechanisms that would ensure their efficient implementation are lacking, leading thus to an overall deficient ethics management.

In order to address the identified shortcomings, this publication recommends the establishment of a national body that should be responsible for the implementation and promotion of integrity and ethics standards.

The normative framework on ethics needs to be re-evaluated and reviewed in order to provide a better understanding of the role of ethics and contribute to the building and development of an effective ethics infrastructure. Ethics should be inclusive and a code of ethics intended for high level officials should be adopted following international standards and as an important anti-corruption tool.

Introduction

After the collapse of the communist system and the beginning of the democratic transition, the reformation of the public administration in Albania became a key element of the democratic governance.

Responding to the international community's efforts to approve legal standards as a mean of combating corruption and bribery among public officials, a number of ethical codes have been adopted in Albania starting from late 1990s to early 2000s.

However, despite the proliferation of ethical codes affecting different segments of the public administration, there has been no assessment on how these codes have contributed to ethics and integrity building in the Albanian public administration.

Against this background, this publication provides an assessment of the ethical framework in the Albanian public administration by examining the international and national setting that has led to the promotion of ethics, the normative and institutional framework on ethics in Albania as well as ethics infrastructure and implementation.

The main objective of this publication is to identify the progress made in this respect and the gaps and shortcomings, and to make recommendations for improvement.

The paper is divided in four main sections. The first section provides an overview of the approaches to ethics and their compatibility with certain international public administrative systems. General approaches to ethics management, their implementation and some features of particular public administration are also described in this section.

The second section discusses initially the instruments adopted by the international community to set regional and international standards and to develop and maintain high standards and values of ethics and conduct in public administration. Additionally, this section analyzes the steps undertaken by Albania to adopt a framework of normative ethics and establish institutional capacities.

The third section examines more closely the normative framework on ethics and provides an assessment of the codes of ethics adopted so far by analyzing the approach to ethics, the relevant infrastructure provided by the codes, the institutional framework and the level of internalization and impact of the ethical approaches.

The fourth section focuses on the analysis of ethics infrastructure by examining elements such as communication, recruitment, training and the establishment of ethical bodies.

The last section provides some concluding remarks and recommendations for improving the ethical standards in Albania.

The case study method is used as a research method in the project and has used both qualitative and quantitative data gathering processes. The data collected include primary and secondary legislation, various reports as well as in-depth interviews and focus group discussions to assess the level of internalization of codes of ethics.

1. Approaches to Ethics Management

In general, there are two approaches that are considered to encourage ethics in public agencies: the high road and the low road. According to John Rohr the “high road” stresses social equity. “Relying on moral character, this approach counts on ethical managers individually to reflect, decide, and act. Individual responsibility is both a starting and an end point on the integrity route in public service”.² Rohr examines ethical approaches, grounded on political philosophy, especially in J. Rawls’s theory of justice, in humanistic psychology and in regime values. He suggests that the method of the ‘regime values’ is the most appropriate one for integrating ethics into a public administration curriculum.³

Unlike the high road approach, which rejects administrative realities that stem from accountability,⁴ the “low road” approach addresses ethical issues almost exclusively in terms of adherence to agency rules.⁵ According to this approach “ethical behaviour is reduced to staying out of trouble”.⁶ The “low road” has in focus the adherence to formal rules, legally enforceable standards and legalistic problem solving. The “low road” is designed for people to meet a minimum of standards of conduct and respect legal prohibitions.

Analogous dichotomist approaches are “compliance”, “integrity” and the “verification” “values” set of integrity institutions.⁷ The compliance approach emphasizes

2 Lewis C.W., Gilman, S.C. *The Ethics Challenge in Public Service*. Jossey-Bass, 2005, pp 16-17.

3 Rohr, J.A. *Ethics for Bureaucrats. An Essay on Law and Values*. Marcel Dekker Inc., 1989, pp 68.

4 Lewis C.W., Gilman, S.C. *The Ethics Challenge in Public Service*. Jossey-Bass, 2005, pp 17.

5 Public Service Act and Public Service Code of Ethics. Estonia. 1999. <http://unpan1.un.org/intradoc/groups/public/documents/NISPAcee/UNPAN007216.pdf>, pp 60.

6 Ibid, pp 62.

7 Maesschalk, J. *Approaches to Ethics Management in the Public Sector. A Proposed Extension of the Compliance-Integrity Continuum*. *Public Integrity*, Vol.7, No. 1, 2004, 21 - 42.

the importance of external controls in shaping the behaviour of public servants.

Lewis and Gilman offer a third approach (they use a modernistic term 'fusion')⁸ that incorporates both compliance with formal standards and the promotion of individual ethical responsibility. The insufficient character and built-in problems of the dual continuum lead Jeroen Maesschalk to propose an expansion of the continuum – based on grid-group theory.⁹ His approach gives new possibilities to classify already existing ethics management systems in public administrations and to work out effective solutions for the concrete problems. On the other side, it basically remains on the domain of the dualistic approach.

Features of ethical frameworks are described and introduced by international organizations, such as the European Union and OECD.¹⁰ Ethics framework or ethics infrastructure is focused on the elements or features which member states consider important for the proper functioning of public service. There are differences in those documents, but some of the most important ideas, such as the need for clear ethical standards or values, the importance of leadership, the handling of misconduct, avoiding conflicts of interests, are the same.

As a result of the influence of the new and private sector management methods applied to the public service systems and management, various countries have applied new public management methods and dealt with challenges in the field of ethics differently. Consequently, many European countries have redirected ethics demands in this evolving reality by reconsidering their core values or guiding principles of public service.

Thus, CEE countries have adopted different models of ethical management. These countries have adopted their codes of ethics in early 2000s, including Albania. In most of these countries, the codes offer a detailed list of principles and administrative arrangements and have been drafted as laws.¹¹ Based on the results and observations rising from the analysis made in these countries, the issues and concerns of implementation of ethics into public administration continue to remain unanswered to a large extent.

As previously discussed, in all the above-mentioned countries the elements of

8 Lewis C.W., Gilman, S.C. *The Ethics Challenge in Public Service*. Jossey-Bass, 2005, pp 18.

9 Maesschalk, J. *Approaches to Ethics Management in the Public Sector. A Proposed Extension of the Compliance Integrity Continuum*. *Public Integrity*, Vol.7, No. 1, 2004, 21 - 42.

10 *Building Public Trust: Ethics Measures on OECD Countries*. PUMA Policy Brief, OECD, No. 7, 2000. *Ethics in the Public Service. Current Issues and Practice*. PUMA Occasional Papers, OECD, No. 14, 1996. *Main features of an Ethics Framework for the Public sector*. European Union, 2004. *Principles for Managing Ethics in the Public Service*, PUMA Policy Brief, OECD, No. 4, 1998.

11 Palidauskaite, J. *Codes of Ethics in Transitional Democracies: A Comparative Perspective*. *Public Integrity*, Vol. 8, No 1, 2005, pp 38.

ethical infrastructure are in place but they have been adopted and developed differently. The main concern regarding the practices of implementing ethics depends on how general demands and values are expressed.

Taking into consideration the relationship between the ethical system of a country and its approach to public management, the following section below examines the application of different systems of ethics.

1.1. Application of Ethical Systems and Approaches in Regulation

The code offers a detailed list of principles. The rules of ethics are designed as a legal category and the value of regulating the ethical conduct of public servants is closely associated with the element of obligation. Thus, the ethics as norms becomes mandatory for anyone who is subject to normative regulations by adopting a number of normative acts and codes of ethics.

Countries that have expressed their ethical demands in rules (codes of ethics) need enforcement mechanisms to implement these rules. Therefore, when obligations and core values are expressed in the legislation, compliance becomes a legal requirement. The approach to rules or to law implies two different approaches related to the regulatory framework.

The first refers to the 'compliance' approach that utilizes measures that fall short of prosecution. The second one relies on 'deterrence' and utilizes penal sanctions in case of failure to abide by the law.¹² This is important because codes and value statements can help understand better the approach to ethics of a government.

In countries where a central coordinating body for ethics does not exist and the responsibility of ethics is left in the hands of individual public servants, the integrity approach is built based on aspirational values for the public sector, sometimes supplemented with decentralized codes of conduct.¹³

The second refers to the compliance-based approach to ethics management that focuses on strict compliance with administrative procedures and detailed rules, which define what public servants should do and how.¹⁴ In this approach, there is

12 Hunt, M. Ethics and British Local Government: The Relevance of Compliance Strategies. Paper presented to the international conference 'Ethics and Integrity of Governance', Leuven, 2005 http://soc.kuleuven.be/io/ethics/paper/Paper%20WS1_pdf/Michael%20Hunt.pdf

13 Ethics in the Public Service. Current Issues and Practice. PUMA Occasional Papers, OECD, No. 14, 1996, pp 61.

14 Ibid.

usually no difference made between how rules are expressed, whether they are embedded in laws or set as rules or codes of conduct.

Many countries have a tendency to move away from law- or rule-based systems towards the values-based system. "In terms of the evolution of an ethics regime, the question remains as to whether it is possible to go directly to an integrity-based system or whether a rules based system is a necessary transitory phase".¹⁵ Comparing to Western European countries that have started to create their codes of ethics recently and that do not have an approach to ethics based on rules, in the Central and Eastern Europe there is a greater tendency to create detailed codes of conduct with punitive measures.

1.2. Management of Ethics and Public Administration

There are two main known traditions in the field of public administration: the Old Public Administration and the New Public Management. "New Public Management refers to a cluster of ideas and practices that seek, at their core, to use private-sector and business approaches in the public sector".¹⁶ "While New Public Management in the 1980s was primarily focused on promoting a more efficient and effective government service, the attention in the 1990s included issues such as equity, integrity and so forth. This was conceptualized as "good governance".¹⁷ In fact, the approach to public management is relevant for analyzing ethics because it offers signals as to how the ethics regimes should be developed.¹⁸ The changes in the public administration system have influenced the rise of ethical problems in the public service.¹⁹ In most European countries, the changes that have accompanied the move towards managerialism and New Public Management have had a huge impact.

Considering the issues of ethics from the perspective of the public administration system, it becomes obvious that the choice of ethics management tools has

15 Ibid.

16 Denhardt, R. B., Denhardt J. V. *The New Public Service: Serving Rather than Steering*. *Public Administration Review*, Vol. 60, No. 6, 2000, 549 – 559; pp 550.

17 Bekke, H., van der Meer, F. *Civil Service Systems in Western Europe*. Edward Elgar Pub, 2000, pp 9.

18 *Ethics in the Public Service. Current Issues and Practice*. PUMA Occasional Papers, OECD, No. 14, 1996, pp 61.

19 *Civil Service Reform in Europe*. Report, Doc. 9711, Parliamentary Assembly, Committee on Economic Affairs and Development, Rapporteur: Mr Giovanni Crema, COE, 2003. Demmke, Ch. and Bossaert, D. (Responsible for the study). Survey "Ethics in the Public Services of the European Union Member States". Collaboration Between the Irish and Dutch Presidencies, European Union / European Institute of Public Administration, 2004, pp. 50; Maesschalk, J. *The Impact of New Public Management Reforms on Public Servants' Ethics: Towards a Theory*. *Public Administration*, Vol. 82 No. 2, 2004, pp. 466.

to fit with certain conditions. There are several indications that show that the integrity-based ethics management suits with New Public Management style of public management while the compliance approach does not fit this result-based managerial approach.²⁰

²⁰ Ethics in the Public Service. Current Issues and Practice. PUMA Occasional Papers, OECD, No. 14, 1996.

2. Introduction of Ethics in the Albanian Public Service

2.1. International Legal Instruments on Ethics

From the mid-1990s and early 2000s, the international community began to set regional and international standards and draw attention on countries to develop and maintain high standards and values, as well as ethics and conduct in public administration, as a mean of combating corruption, especially prohibiting bribery of public officials (Table 1).

During this period, there was a big need to implement and enforce these standards and other legal instruments that led to key modifications in existing institutions and their organizational structures. All actors from government to private and civil society faced these challenge at international, national and sub-national levels.

These standards were introduced in conventions such as the Inter-American Convention Against Corruption (1996), Organization for Economic Cooperation and Development (OECD), Convention Against Bribery (1997), Council of Europe's Criminal and Civil Conventions (1999), African Union Convention on Preventing and Combating Corruption (2003) and the UN Convention Against Corruption (2003).

Features of ethical framework were described and introduced by international organizations such as the European Union and the OECD.²¹ These frameworks provided also the terms of ethics infrastructure as 'a range of tools and processes for regulating against undesirable behaviour and/or providing incentives to

21 Building Public Trust: Ethics Measures on OECD Countries. PUMA Policy Brief, OECD, No. 7, 2000; Ethics in the Public Service. Current Issues and Practice. PUMA Occasional Papers, OECD, No. 14, 1996; Main features of an Ethics Framework for the Public sector. European Union, 2004; Principles for Managing Ethics in the Public Service, PUMA Policy Brief, OECD, No. 4, 1998.

encourage good conduct of public officials'.²²

Ethical framework or ethics infrastructure is focused on the elements or features which member states consider important for the proper functioning of their public service. There are differences in those documents, but the main ideas, the need for clear ethical standards or values, the importance of leadership, handling misconduct, avoiding conflicts of interests, are the same. They are generally recommended instruments or mechanisms, whose existence does not say much about their effectiveness regarding ethics of a particular public service.

The International Code of Conduct for Public Officials adopted by the United Nations General Assembly in 1996,²³ and the Model Codes of Conduct for Public Officials developed by the Council of Europe and adopted by the Member States in 2000²⁴ served as a reference point and an ideal for many state administrations. They were intended to set a precedent for countries drafting their own mandatory codes of conduct. Many of the used standards are similar to the United Nations' Code of Conduct, but the Council of Europe text goes further into aspects of public service linked to anti-corruption measures and policies.

The Council of Europe's Model Code applies to all public officials (meaning persons employed by a public authority), and every public official has the duty to take all necessary actions to comply with the provisions of the code. The purpose of the code is to specify the standards of integrity and conduct that will be observed by public officials, to help them meet those standards and to inform the public of the conduct it is entitled to expect from public officials.

In addition, the concept of integrity has been identified by the UN member countries, collectively and individually, as part of the founding principles of public administration.²⁵ In public administration, integrity refers to "honesty" or "trustworthiness" in the discharge of official duties, serving as an antithesis to "corruption" or "the abuse of office."

The Transparency International (TI) concept of a national integrity system also describes the key institutions integral to combating corruption. The nine "pillars"

22 Organization for Economic Cooperation and Development (OECD) (1996) *Ethics in Public Service*, Paris: OECD.

23 See www.un.org/documents/ga/res/51/a51r059.htm See also the report "Implementation of the International Code of Conduct for Public Officials" by the UN Social and Economic Council, at <https://www.unodc.org/pdf/crime/commissions/11comm/6add1e.pdf>

24 See: [www.coe.int/t/dg1/greco/documents/Rec\(2000\)10_EN.pdf](http://www.coe.int/t/dg1/greco/documents/Rec(2000)10_EN.pdf)

25 The UN Charter states, "The paramount consideration in the employment of the (UN) staff ... shall be the necessity of securing the highest standards of efficiency, competence and integrity." (Article 101) In addition, many Member States identify *integrity*, *transparency* and *accountability* among core values or founding principles for their public administrations in their constitutions and relevant laws.

of the system include the executive, civil society, private sector, champion of reform, judiciary, enforcement agencies, media, watchdog agencies, and parliament. They affect the three spheres: a) rule of law, b) sustainable development, and, c) quality of life.

Table 1: The main international legal instruments and standards against corruption and the promotion of ethics

List of International Legal Standards against Corruption and the Promotion of Ethics	
1996	Inter-American Convention Against Corruption The United Nations General Assembly - International Code of Conduct for Public Officials
1997	Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union Council of Europe (Committee of Ministers), Resolution (97) 24 On the Twenty Guiding Principles for the Fight Against Corruption Convention on Combating Bribery of Foreign Public Officials in International Business Transactions Commentaries on the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions
1998	Code of Ethics & Auditing Standards Recommendation of the Council on Improving Ethical Conduct in the Public Service
1999	Criminal Law Convention on Corruption Civil Law convention on Corruption (Council of Europe)
2000	Model Code of Conduct for Public Officials - Council of Europe, Committee of Ministers
2001	The European Code of Police Ethics. Recommendation Rec(2001)10 adopted by the Committee of Ministers of the Council of Europe on 19 September 2001 and explanatory memorandum Economic Community of West African States Protocol on the Fight against Corruption
2002	Council Framework Decision on Combating Corruption in the Private Sector

List of International Legal Standards against Corruption and the Promotion of Ethics	
2003	<p>Communication on a comprehensive EU Policy against Corruption</p> <p>Recommendations of the Council on OECD Guidelines for Managing Conflict of Interest in the Public Service</p> <p>African Union Convention on Preventing and Combating Corruption</p> <p>General Assembly Resolution 58/4; United Nations Convention against Corruption</p> <p>OECD - Managing conflict of Interest in the Public Service (OECD Guidelines and Country Experiences)</p>
2004	<p>Main features of an Ethics Framework for the Public sector. As proposed by the Dutch Presidency and adopted by the Directors General responsible for Public Administration in the members states and the institutions of the European Union in their 43rd Meeting in Maastricht (NL).</p>
2005	<p>The UN Convention against Corruption (UNCAC) establishes a legally binding obligation on signatories “to apply, within [their] own institutional and legal systems, codes or standards of conduct for the correct, honorable and proper performance of public functions”.</p> <p>Managing Conflict of Interest in the Public Sector – A Toolkit</p>
2009	<p>Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions</p> <p>Global Standards to Combat Corruption in Police Forces/Services</p>

2.2. Legal Initiatives and Instruments for Developing Public Service Ethics in Albania

The EU membership has been Albania’s biggest political and social challenge for nearly two decades. The public administration reform represents one of the country’s key challenges and is directly linked to EU membership. The EU integration requires as a precondition the establishment of a sufficient administrative capacity and the ability to adopt and implement EU legislation. For this reason, the public administration reform has been and continues to remain a priority for the Albanian Government.²⁶

²⁶ Department of Public Administration (2013) “Crosscutting Strategy on Public Administration Reform” 2013-2020. http://www.pad.gov.al/strategjite%5CSNAP_draft.pdf

In order to meet the international standards and respect of shared international standards and norms in the field of ethics, Albania began to undertake steps to address ethical issues by adopting legislation and establishing institutional capacities.

Adopted by law in 1998, the “Code of Ethics of the Police” was the first document tackling ethical issues.²⁷ Years later, the Law on the Rules of Ethics in Public Administration was adopted in 2003. In the same year (2003) the Law No. 9049 on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials was adopted, which in 2005 was supplemented with the Law No. 9367 “On the Prevention of Conflicts of Interests in the Exercise of Public Functions”.

In the auditing sector, ethics and integrity have been, since 2012, on the focus of the Supreme State Audit Institution of Albania (ALSAI), which in the context of its institutional strategy has undertaken steps regarding the promotion of ethics and integrity. In 2012, ALSAI established the Investigative Directorate, which is responsible for investigating violations of ethics/integrity by the auditors and the other ALSAI staff.

In response to an increased focus in ethics, since 2011 there has been a significant increase in the number of codes of ethics adopted by different institutions and segments of the public administration. (Table 2)

Table 2: 23 Codes of Ethics adopted in Albania since 1999

Codes of Ethics in Albania since 1999	
1999	1. Law No. 8291, dated 25.02.1998 “On the Code of Ethics of the Police”
2003	2. The Law on the Rules of Ethics in Public Administration
2003	3. Code of Ethics of the Bank of Albania (BoA)
2005	4. Code of Ethics of the Supreme State Audit (ALSAI) 5. Attorney’s Ethics Code
2007	6. Code of Ethics of the Competition Authority 7. Code of Ethics of the Municipality of Bilisht
2008	8. The Order of the Nurse in the Republic of Albania (Code of Ethics and Deontology)

²⁷ Law No. 8291, dated 25.02.1998, On the Code of Police Ethics

Codes of Ethics in Albania since 1999	
2010	9. Code of Ethics of the University of Vlora 10. Code of Ethics of the Chartered Auditors
2011	11. Code of Medical Ethics and Deontology 12. Code of Ethics of the University of Tirana 13. Code of Ethics of Internal Auditors 14. Code of Ethics and Professionalism for Domestic Observers
2012	15. Code of Ethics of the Teacher in the Public and Private Pre-University Education 16. Code of Ethics of the “Aleksandër Moisiu” University of Durrës
2013	17. Code of Ethics for the Public Financial Inspectorates
2014	18. Code of Ethics of the General Directorate of Customs 19. Code of Ethics in Agency of Restitution and Compensation of Property 20. Code of Ethics of HIDAACI 21. Code of Psychologist Ethics and Deontology 22. Code of Ethics of the Regional Hospital of Durrës 23. Code of Ethics of the Polytechnic University of Tirana

More recently, several legislative initiatives were taken to improve the ethical conduct in the public service. Some of them include the new Law No. 44/2015 “The Code of Administrative Procedures of the Republic of Albania” approved by the Parliament of Albania on 30 April, 2015; Crosscutting Public Administration Reform Strategy 2015-2020²⁸ approved by the Council of Ministers on 15 April 2015, highlighting the main directions of the government program for public administration; the National Strategy for Development and Integration (NSDI II) 2014-2020,²⁹ organized in two major parts. National Strategy on Fight Against Corruption (2014-2017) prepared by the National Anti-Corruption Coordinator with the technical assistance of the OSCE Presence in Albania; the new Law No 119/2014 “On the Right to Information” which seeks to improve and regulate the protection of the right to information, as stipulated by Article 23 of the Consti-

28 http://www.dap.gov.al/attachments/article/399/ENG_Draft_PAR_Strategy.pdf

29 http://shtetiweb.org/wp-content/uploads/2014/06/NSDI_2014-2020_version_JUne-2013.pdf

tution of the Republic of Albania; Law 90/2012 “On the Organization and Functioning of the State Administration” approved in September 2012, which enables the Government to put in place a more coherent structure of public institutions. Another initiative, supported by the Embassy of the Kingdom of the Netherlands in Tirana, was initiated in 2015 to develop a second draft of the law on whistle-blowing, which is in process of discussions.

In February 2015, the Albanian Government launched an online anti-corruption portal, www.stopkorrupsionit.al, to allow citizens to anonymously record and report instances of corruption and malpractice. The portal contains 12 menu items corresponding to 12 key areas that could lead to corruption.³⁰ This step is another effort to respond to the European Commission call for progress in the fight against corruption and organized crime which reiterates that in Albania “corruption remains prevalent in many areas and it remains a very serious problem.”³¹

In compliance with Article 7 of Law No. 119/2014 “On Right to Information”, the Albanian Government prepared the Transparency Program for Public Authorities. The “Transparency Model Program for Public Authorities” was approved by the Information and Data Protection Commissioner’s Order No. 14, dated 22.01.2015. This program defines the legal framework of the activity of the authority in the context of Law No. 119/2014, “On Right to Information”.

The table below presents a general summary of the legislation related with the regulation of conduct of public servants.

Table 3: The normative framework on transparency, impartiality, non-discrimination that regulates the actions and conduct of Albanian public servants

Legislation Related to Public Servants’ Conduct	
1995	Law No. 7961, dated 12.07.1995 “Labor Code of the Republic of Albania”
1999	Law No. 8549, dated 11.11.1999 “On the Status of the Civil Servant”, amended with the new Law No. 152/2013 “On Civil Servants”
	Law No. 8485, dated 12.05.1999, “The Code of Administrative Procedures of the Republic of Albania”, (Official Gazette 19/1999, page 578; date of publication: 20.07.1999), amended with the new Law No. 44/2015 “The Code of Administrative Procedures of the Republic of Albania”
	Law No. 8503, dated 30.06.1999 “On the Right to Information Over Official Documents”, amended with the Law No. 119/2014 “On the Right to Information”

30 www.stopkorrupsionit.al

31 Albania 2014 Progress Report, pp 44

Legislation Related to Public Servants' Conduct	
2003	Law No. 9049 "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials"
2005	Law No. 9367 "On the Prevention of Conflicts of Interests in the Exercise of Public Functions"
2006	Law No. 9643, dated 20.11.2006, as amended by the Law No. 9800, dated 10.09.2007, Law No. 9855, dated 26.12.2007, Law No. 10170, dated 22.10.2009, Law No. 10309, dated 22.07.2010, Law No. 22/2012, Law No. 131/2012 and Law No. 182/2014 "On Public Procurement"
2008	Law No. 9887, dated 10.03.2008, as amended by Law No. 48/2012, dated 26.04.2012 "On the Protection of Personal Data"
2012	Law No. 90/2012 "On the Organization and Functioning of Government Administration"
2015	Crosscutting Public Administration Reform Strategy 2015-2020

3. Current Ethics Framework in Albania

3.1. Codes of Ethics Adopted by Law

This section analyzes the approaches of the codes of ethics according to the theoretical framework described above. It initially elaborates on the codes of ethics adopted by law. The second part of this section analyzes the institutional and professional codes of ethics.

As it will be described below, no difference can be made in Albania about how rules on ethics are embedded. Albania can be considered a country which has expressed its ethics demands by means of rules, by adopting the regulatory framework and a considerable number of codes of ethics. Despite the fact that the scope of the Law on Ethics adopted in 2003 includes all public servants, a plurality of professional codes of ethics are adopted in the following year. As result of the previous vacuum in legislation on ethics and the rule-based approach aiming to legally institutionalize ethics, it results that Albania has applied the compliance-based approach to ethics management, by focusing, therefore, on adopting administrative procedures and detailed rules and on defining the guidelines and general principles that the public servants should apply.

The Code of Ethics of the Police is the first code of ethics adopted by law in Albania seeking to fight corruption and strengthen integrity in policing. The Code of Ethics stipulates the police officers' obligation "to fight corruption with determination" and to report "any act of appearance of corruption and abuses".³² Another form of legal violation foreseen in the Code of Ethics is the obligation to use force in accordance with the legal provisions.³³ The Code of Ethics foresees the "obligation [of the police officers] to fight abuses in the performance of state

³² Law No. 8291, dated 25.2.1998, "On the Code of Ethics of the Police", Article 5

³³ Law No. 8291, dated 25.2.1998, "On the Code of Ethics of the Police", Article 10

duties”.³⁴ Another form of legal infringement foreseen in the Code of Ethics is the obligation to safeguard secret information.³⁵ One of the major deficiencies of the legal and sublegal framework is that it does not provide a clear definition on police corruption and does not differentiate between misconduct and corruption.

In 2003, the Law “On the Rules of Ethics in the Public Administration” was adopted building on the Council of Europe’s Model Code.³⁶ The main purpose of the Code of Ethics is to set rules of conduct for the employees of the public administration,³⁷ according to the required standards, to help them achieve these standards and to make the public aware of the conduct that an employee of the public administration should have.³⁸ The provisions of the Law on the Rules of Ethics in Public Administration (2003) are obligatory for all employees of the public administration as long as it is not provided otherwise in other legal provisions.³⁹ The Law includes also an obligation to apply its provisions for persons employed by private organizations that perform public services.⁴⁰ Thus, the implementation of the Law is mandatory for all persons employed in the public administration and not limited only to the public officials or civil servants.

While it has not specified the bodies of public administration, the Constitution of the Republic of Albania makes mention of public employees in Article 107. According to the new Law No. 44/2015, “The Code of Administrative Procedures of the Republic of Albania”, Article 3/6 has defined as “*public body*”: “*each body of the central government exercising administrative functions; each body of public entities to the extent they exercise administrative functions; each body of the local government exercising administrative functions; each body of Armed Forces to the extent they exercise administrative functions, as well as any other physical or legal person, who according to the legislation in force is provided by law, by-laws or others with the right to exercise public administrative functions*”.

Consequently, to the extent institutions perform administrative functions, the scope of the Law on the Rules of Ethics in Public Administration (2003) is extended to all these institutions, but not limited to elected persons, members of the

34 Law No. 8291, dated 25.2.1998, “On the Code of Ethics of the Police”, Article 5

35 Law No. 8291, dated 25.2.1998, “On the Code of Ethics of the Police”, Article 11

36 Annual Report of the DoPA (2002), <http://dap.gov.al/images/tedhenainst/websitedap/dokumenta%20strategjike/raporte%20vjetor%20Dap/raportivjetor2002.pdf>

37 Law on the Rules of Ethics in Public Administration (2003), Article 2/4; “Employees of the Public Administration” are all persons employed at an institution of the public administration

38 Law on the Rules of Ethics in Public Administration (2003), Article 1

39 Law on the Rules of Ethics in Public Administration (2003), Article 2/1

40 Law on the Rules of Ethics in Public Administration (2003), Article 2/3

41 The meaning of the public entity is given in the Law 8480, dated 27.05.1999 “On Functioning of Collegial Bodies of State Administration and Public Authorities”

Council of Ministers and judges.⁴²

The law gives no explanations or definitions of certain terms on ethics or ethical conduct. It lays down the principles to which the public administration officials should adhere, including compliance with the legislation, political neutrality, honesty, impartiality, efficiency, serving public interests, courtesy, avoiding conflict of interests, respect for individual rights and duties, fairness, reliability.⁴³ It is drafted in the spirit of imperative and has the task to regulate the activity (“the public employee should respect the following principles”).⁴⁴ In addition to the principles mentioned above, the Law on the Rules of Ethics in Public Administration (2003) addresses the issues of conflict of interest,⁴⁵ external activities of employees of public administration, and benefits (gifts and favors) in separate chapters.⁴⁶

The law defines the conflict of interest as the “situation in which a public administration official has a private interest that influences or can influence the impartiality and objectivity in the performance of the official duty”.⁴⁷ The private interests are defined as “any advantage for oneself, relatives, individuals or organizations with which the official has had or has business or political relations, in addition to any financial or civil obligation of the official”.⁴⁸ The law provides for the means to avoid the conflict of interest, including the resolution of any conflict of interest before the employment, as well as the obligation to resolve the conflict of interest at any instance when the official realizes that such a conflict has appeared. The official resolves the conflict of interest by notifying the line manager and the human resources management. Both instances have the obligation to undertake the necessary measures to resolve the conflict of interest of the official. The law provides for the resolution of continuing conflict of interests by obliging the official to renounce or transfer the conflicting interests.⁴⁹

The law regulates the external activities of the public official which are defined as “any regular or occasional activity that requires the commitment of the public administration official and that are performed out of the official duty for profit

42 Law on the Rules of Ethics in Public Administrations (2003), Article 2/2

43 Law on the Rules of Ethics in Public Administrations (2003), Article 3

44 Law on the Rules of Ethics in Public Administrations (2003), Article 3/1

45 The Conflict of Interest is further regulated by the Law No. 9367, dated 7.04.2005 “On the Prevention of Conflicts of Interests in the Exercise of Public Functions”, Law 44/2015 “The Code of Administrative Procedures”, Articles 13; 30-32

46 Law on the Rules of Ethics in the Public Administration (2003), Chapters II, III, IV

47 Law on the Rules of Ethics in Public Administration (2003), Article 4/1

48 Law on the Rules of Ethics in Public Administration (2003), Article 4/2

49 Law on the Rules of Ethics in Public Administration (2003), Article 5

or non-profit purposes".⁵⁰ The law does not forbid the performance of external activities by the officials when such activities do not prevent the official from performing the official duty, do not damage the image of the official or the institution and with prior notification of the line manager.⁵¹

In addition, the law bans the public officials from requiring or accepting any benefit such as gifts, favours or any other benefit or promise for himself, his family, friends or affiliated organizations. The law requires the official to refuse any such benefit and report the attempts to provide him/her with such benefits.⁵² The regulation of external activities and benefits are further specified by a Council of Ministers' Decision.⁵³

The law provides for the obligations of the officials during their employment in the public administration regarding the use of time and resources as well as for post-employment obligations regarding the use of confidential information and representation of individuals or organizations in a conflict or commercial relation with the public administration.⁵⁴

The Law on the Rules of Ethics in Public Administration (2003) stipulates that the provisions of this law are part of employee's term of employment and violation of these provisions might lead to undertaking of disciplinary measures.⁵⁵ As regard to sanction mechanisms, the law provides for disciplinary sanctions in accordance with the Law on Civil Servant and requires the relevant public institutions and Department of Public Administration (DoPA) to identify and register all the sanctions in the national register of the public administration.⁵⁶

3.2. Institutional or Professional Codes of Ethics

After the mid-2000s, a number of codes on ethics were adopted in Albania aiming to guide the professional (deontology) and personal conduct of members or staff in the respective institutions.

This section analyses the codes of ethics adopted in Albania with the aim of

50 Law on the Rules of Ethics in Public Administration (2003), Article 6

51 Law on the Rules of Ethics in Public Administration (2003), Articles 7-8

52 Law on the Rules of Ethics in Public Administration (2003), Article 11

53 Council of Ministers' Decision, No. 714, dated 22.10.2004, "On the External Activity and the Giving of Gifts by Public Administration Officials"

54 Law on the Rules of Ethics in the Public Administration (2003), Articles 12-17

55 Law on the Rules of Ethics in the Public Administration (2003), Article 18/4

56 Law on the Rules of Ethics in the Public Administration (2003), Articles 19-20

assessing its scope and relevance. Based on this analysis, and as it can be evidenced below, it can be concluded that most of the codes of ethics, especially the institutional codes, incorporate the same general principles as defined in the provisions of the Law on the Rules of Ethics in Public Administration (2003). An exception is evidenced when analyzing code of ethics adopted in the health sector, which, in addition to the adoption of the abovementioned general ethics principles, aims to regulate specific issues of the medical deontology. Its main goal is to set up guidelines of the professional practice and relations to other parties.

By assessing the general approach to which these codes are adopted, it can be realized that a limitation of clear understanding regarding their goal or objectives does exist. An example to this are the cases of the codes of ethics adopted by only three municipalities, basically on the initiatives of the mayors themselves.⁵⁷

One of the first codes of ethics adopted after 2000 is the **Code of Ethics of the Bank of Albania (BoA)**. Adopted in 2003, this Code is composed of four main sections. The first part provides a definition on what “ethics” and “ethical behaviour” mean for the Bank of Albania.⁵⁸ The second part (general considerations) describes the aim of the Code, its scope and objectives of the Bank of Albania, and sanction mechanisms for the implementation of the code.⁵⁹ The third part of the code regulates the ethical rules for the members of the Supervisory Council. It includes the main standards of behavior,⁶⁰ the use and dissemination of information⁶¹ conflict of interest and other issues.⁶² The last part of the code describes the ethical standards of the staff of the bank, including the main standards of behavior,⁶³ the conduct inside the Bank of Albania,⁶⁴ the use and dissemination of information,⁶⁵ the conflict of interest,⁶⁶ the external activities and others.⁶⁷ Regarding the sanctions mechanism, the Code refers to the provisions in the Law on the Bank of Albania.

The **Attorneys’ Code of Ethics** adopted in 2005 aims to set up, inform and implement the rules of the lawyer’s professional conduct and ethics in the defence of

57 The Municipalities of Bilisht, Shkodra and Korça

58 Code of Ethics of the Bank of Albania, pp. 5

59 *Ibid.*, pp. 7

60 *Ibid.*, Part 3, Chapter I

61 *Ibid.*, Part 3, Chapter II

62 *Ibid.*, Part 3, Chapter III

63 *Ibid.*, Part 4, Chapter I

64 *Ibid.*, Part 4, Chapter II

65 *Ibid.*, Part 4, Chapter III

66 *Ibid.*, Part 4, Chapter IV

67 *Ibid.*, Part 4, Chapter V

the rights and legitimate interests of the client and while serving the interests of justice.⁶⁸ The first chapter of this Code defines the general principles to be abided to in the course of practicing the profession of lawyer such as independence, professional dignity, diligence and competence, incompatible occupations, confidentiality.⁶⁹ Relations with clients are described in a separate chapter (Chapter II) and foresee the obligation of the lawyer to respect the client's interests, inform the client and use the client's property and funds upon his/her approval.⁷⁰ The Code also regulates the conflict of interest, discontinuance of representation and defence and withdrawing from representation.⁷¹ In addition, the relations with the court are described in the Chapter III.⁷² The Code regulates relations among lawyers and relations with the public.⁷³ Article 54 of the Code provides the sanction mechanisms in case of ethics violations, building on the provisions of the Law "On the Legal Profession in the Republic of Albania" and the Statute of the National Chamber of Advocates.

The **Code of Ethics of Supreme State Audit (ALSAI)** was adopted in 2005. It is composed of 6 chapters and provides for a definition on what "ethics" and "ethical behaviour" mean for Supreme State Audit.⁷⁴ The Code describes the aim, scope and objective of the ALSAI,⁷⁵ mission of the institution,⁷⁶ core principles,⁷⁷ and basic values.⁷⁸ Ethical rules of ALSAI are described in a separate chapter of the code.⁷⁹ The Code also regulates issues related to the conflict of interest and obligation to file declarations,⁸⁰ use and dissemination of information,⁸¹ external activities, and other matters.⁸² Article 29 of the Code specifies the sanctions to be applied in case of ethics violations in accordance with the provisions of the Labor Code or the Status of Civil Servants, as per the case.

In 2008, codes of ethics in the health sector were adopted with the aim to regu-

68 Code of Ethics of Attorneys, page 1

69 Ibid., Articles 1-14

70 Ibid., Articles 15-18

71 Ibid., Articles 21-29

72 Ibid., Articles 30-34

73 Ibid., Articles 35-53

74 Code of Ethics of the Supreme State Audit, Chapter I, Article 1

75 Ibid., Article 2

76 Ibid., Article 4

77 Ibid., Article 5

78 Ibid., Article 6

79 Ibid., Chapter II, Articles 7-21

80 Ibid., Chapter III, Articles 20-21

81 Ibid., Chapter III, Articles 22-23

82 Ibid., Chapter III, Articles 24-28

late the rules of ethics in specific professions of the healthcare sector, such as Order of the Nurse in the Republic of Albania, pharmacists, doctors, dentists and psychologists performing their professional activity in the Republic of Albania.

The **Code of Ethics and Deontology** for the Professions of the Order of the Nurse in the Republic of Albania was adopted in 2008, one year after the creation of the Order of the Nurse in the Republic of Albania.⁸³ The Code gives a description on its content (values and principles) and its legal base.⁸⁴ In Article 1, the Code gives a detailed description of the professions of the Order of the Nurse in the Republic of Albania. Article 2 describes the obligations of the professional ethics and Article 3 specifies the obligation for continuous professional training for the professions of the Order of the Nurse in the Republic of Albania. Article 4 of the Code regulates relations between the professionals of the Order of the Nurse in the Republic of Albania and their patients. More details of this relation (including an agreement between the nurse and the patient) are provided in Article 5. In addition, the Code regulates other relations, such as those among colleagues and with other operators (Article 6) and the relations with institutions (Article 7). Article 8 describes the regulation for professional judgment and Article 9 sets forth the disciplinary measures in case of ethics violations and how these measures will be addressed.⁸⁵

The Code of Pharmaceutical Ethics and Deontology is composed of five chapters. The first chapter addresses the core principles in the pharmaceutical deontology including definition on pharmaceutical deontology.⁸⁶ Chapter II regulates the obligations of pharmacist towards the patient,⁸⁷ and Chapter III regulates the relations among colleagues and other employees in the healthcare sector.⁸⁸ Chapter IV delineates the conditions to be met for exercising the profession. In the last chapter are described final provisions regarding the implementation of the code and the mechanism of sanctions.⁸⁹

The Code of Medical Ethics and Deontology gives a definition on some major principles, such as medical deontology, acknowledgement on the legislation and the Order of Physicians in the Republic of Albania, and the recognition of the

83 Law No. 9718, dated 19.04.2007 "The Order of the Nurse in the Republic of Albania"

84 Code of Ethics and Deontology for the Professions of the Order of the Nurse in the Republic of Albania, General Provisions

85 Ibid., Article 10

86 Code of Pharmaceutical Ethics and Deontology, Chapter I, Articles 1-12

87 Ibid., Chapter I, Articles 13-21

88 Ibid., Chapter I, Articles 22-28

89 Ibid., Chapter I, Articles 38-40

code.⁹⁰ In its first chapter, the Code describes general duties of the physicians.⁹¹ The second chapter of the Code provides the obligations of the physician towards the patient.⁹² Chapter III stipulates the relations among colleagues, profession and institutions,⁹³ and Chapter IV regulated the position of the physician toward human reproduction, clinical experiments, and bio-medical researches and organic tissues transplants.⁹⁴ Chapter V specifies the conditions of medical practice.⁹⁵ The last chapter defines the respective provisions on the implementation of the code and the sanctions.⁹⁶

The Code of Psychologist Ethics and Deontology is composed of three main parts. The code gives a description of its content and general principles. The first part regulates issues related to the exercise of the profession, including definition of the profession,⁹⁷ conditions to exercise the profession,⁹⁸ technical modalities of the practice,⁹⁹ obligations of the physiologist towards the colleagues,¹⁰⁰ and the role of the physiologist in psychology.¹⁰¹ Chapter 2 of the Code describes the academic background of the psychologist¹⁰² and Chapter 3 describes the provisions on the research work in psychology.¹⁰³ The code does not foresee any sanction for cases of the breach of the code.

In addition, in 2014 the Parliament of Albania passed the Law No. 127/2014 “On the Order of the Dentist in the Republic of Albania”. Articles 5/1-ç, 5/4-c, 6/2-a, 11/2-e, 14/3, and 15/1 of this Law recognize the Code of Dentistry Ethics and Deontology.

The healthcare sector incorporates another code of ethics - The Code of Ethics of the Regional Hospital of Durrës. Adopted in 2014, this Code is composed of 4 main parts. The first part provides a definition on the meaning of “ethics” and “ethical

90 Code of Medical Ethics and Deontology, Articles 1-3

91 Ibid., Chapter I, Articles 4-17

92 Ibid., Chapter II, Articles 18-41

93 Ibid., Chapter III, Articles 42-48

94 Ibid., Chapter IV, Articles 49-57

95 Ibid., Chapter V, Articles 58-65

96 Ibid., Chapter VI, Articles 66-69

97 Code of Psychologist Ethics and Deontology, Part I, Chapter I, Articles 1-3

98 Ibid., Part I, Chapter II, Articles 4-22

99 Ibid., Part I, Chapter III, Articles 23-28

100 Ibid., Part I, Chapter IV, Articles 29-31

101 Ibid., Part I, Chapter V, Articles 32-33

102 Ibid., Part II, Articles 34-43

103 Ibid., Part III, Articles 44-55

behavior” for the Regional Hospital of Durrës.¹⁰⁴ The second part (general considerations) describes the aim of the Code, the scope of work and objectives of the Regional Hospital of Durrës and sanction mechanisms for the implementation of the code.¹⁰⁵ The third part of the code regulates the ethical rules for the members of the Supervisory Council. It includes the main standards of behavior,¹⁰⁶ use and dissemination of information,¹⁰⁷ conflict of interest and other issues.¹⁰⁸ The last part of the Code describes the ethics rules of the staff of the hospital, including the main standards of conduct,¹⁰⁹ the conduct inside the Regional Hospital,¹¹⁰ the use and dissemination of information,¹¹¹ conflict of interest,¹¹² the external activities and others.¹¹³ Chapter 5 of the Code designates a supervisory structure of ethics composed of 3 members. Disciplinary proceedings are initiated in case of violation of the Law on Civil Servant, Labor Code, and the hospital’s internal regulations.

The Code of Ethics of the Competition Authority was adopted in 2007. Articles 1 and 2 of this Code states the aim and scope of implementation. Article 3 describes the general provisions and principles, including¹¹⁴ prohibition of discrimination, impartiality, conflict of interest, gifts or other favors, protection of the officer’s personality, use of information, relations with media, other activities, conduct in social life, and protection of the institution’s assets.¹¹⁵ Article 15 sets out the sanctions and obligation for information. Each official of the institution is obliged to know and enforce the Code. In case of violations of the Code, sanctions are applied in pursuance of the Law No. 9121, dated 28.7.2003, “On Protection of Competition”, Labor Code, and the Law on Civil Servant.¹¹⁶ Every case of violation of the Code must be reported to the Commission or the General Secretary.¹¹⁷

The codes of ethics in the education sector aim to regulate the ethical conduct of

104 The Code of Ethics of the Regional Hospital of Durrës, pp. 4

105 Ibid., pp. 5

106 Ibid., Part 3, Chapter I

107 Ibid., Part 3, Chapter II

108 Ibid., Part 3, Chapter III

109 Ibid., Part 4, Chapter I

110 Ibid., Part 4, Chapter II

111 Ibid., Part 4, Chapter III

112 Ibid., Part 4, Chapter IV

113 Ibid., Part 4, Chapter V

114 The Code of Ethics of the Competition Authority, Article 4

115 Ibid., Articles 5-14

116 Ibid., Article 15/15.1

117 Ibid., Article 15/15.2

the academic staff and students according to the professional ethics standards. In 2011, the University of Tirana adopted its code of ethics. Other institution in the education sector followed suit adopting their codes of ethics.

The Code of Ethics of the University of Tirana regulates ethical issues related to the obligations of the staff¹¹⁸ and students¹¹⁹ as well as dissemination of knowledge and academic freedom.¹²⁰ In case of violation of the ethics provisions, as described in the Articles 4 and 5, the Code provides a mechanism of sanctions¹²¹ to be reported in accordance with Article 9 of the Code. This mechanism is divided in several categories based on the type of provision violated.¹²² In addition, Article 8 of the Code establishes the Council of Ethics, a supervisory structure operating as a disciplinary body in case of violation of ethical rules. The Council of Ethics functions in reliance of the provision stipulated in Article 10 of the Code.

The Code of Ethics of the Polytechnic University of Tirana regulates similar issues of ethics highlighted in the Code of Ethics of the University of Tirana, but at the same time it regulates additional ethical issues, such as misconduct,¹²³ intellectual property,¹²⁴ and academic plagiarism.¹²⁵ Article 4 of the Code describes the general principles. The Article 11 defines the responsible body to supervise the enforcement of the Code –the Council of Ethics– a similar structure foreseen in the Code of Ethics of the University of Tirana. The procedures to be handled in the case of ethics violations and disciplinary measures are foreseen in the articles 12, 13 of the Code.

The Code of Ethics of the University “Aleksandër Moisiu” Durrës, in addition to addressing the abovementioned ethical issues in the educational sector, regulates several additional matters, including discriminatory policies,¹²⁶ confidentiality of information,¹²⁷ the use of the University’s “name”,¹²⁸ resources of the University,¹²⁹

118 The Code of Ethics of the University of Tirana, Article 4

119 Ibid., Article 5

120 Ibid., Article 6

121 Ibid., Article 7

122 Ibid., Article 7, a./b./c. and d.

123 The Code of Ethics of the Polytechnic University of Tirana, Article 8

124 Ibid., Article 9

125 Ibid., Article 10

126 The Code of Ethics of the “Aleksander Moisiu” University of Durres, Article 6

127 Ibid., Article 7

128 Ibid., Article 8

129 Ibid., Article 9

sexual harassment,¹³⁰ personal relations,¹³¹ conflict of commitment,¹³² administrative services,¹³³ forms of written communication,¹³⁴ electronic communication,¹³⁵ and ethics and written form of internal communication.¹³⁶ Chapter VI of the Code specifies disciplinary measures.¹³⁷ Article 24 of the Code describes how ethics violations will be addressed. Disciplinary measures are classified by severity of violations of the provisions stipulated in the Code.¹³⁸ Article 26 of the Code establishes the Council of Ethics, a supervisory structure functioning as a disciplinary body in case of ethics violations.

The Code of Ethics of the University “Ismail Qemali” Vlorë was adopted in 2008 in reliance of Article 17 of the Law No. 9741, dated 21.05.2007, “On Higher Education”. The Chapter I states the goal, mission, principles, values, enforcement and monitoring of the Code. Chapter II provides several definitions of the Code, its communication and the composition of the Ethics Council. Chapter III regulates obligations and misconducts and Chapter IV stipulates the procedures to handle ethics violations. Chapter V describes disciplinary measures.

Also, **the Code of Ethics of the Faculty of Economy and Agribusiness**, unlike the other codes of ethics mentioned above, describes guidelines on how students and staff should act ethically, how to avoid illegal and inappropriate acts, how professors should respect students, etc. The last chapter of Code describes conducts that are subject to disciplinary measures. The Code does not, however, foresee any disciplinary body responsible for initiating the disciplinary measures.

In addition to the codes of ethics analyzed above, in 2012 the educational sector introduced the Teacher’s Code of Ethics in the Public and Private Pre-University Education, which stipulates general principles and the aim and scope of the Code. The Teacher’s Code is divided in two main parts. The first part focuses on the commitment to the students and the process of learning and the second part addresses the commitment to the profession and a supportive learning environment. The Code includes guidelines for abidance to the code of ethics. In case of ethics violations the Code refers to the Labor Code, Law on Pre-university Education, normative acts on education and collective contract of the education staff.

130 The Code of Ethics of the “Aleksander Moisiu” University of Durres, Article 10

131 Ibid., Article 11

132 Ibid., Article 12

133 Ibid., Article 14

134 Ibid., Article 19

135 Ibid., Article 20

136 Ibid., Article 21

137 Ibid., Articles 24-26

138 Ibid., Article 25, a./b./c./d./e./f./g

The Code envisages the establishment of an Ethics and Conduct Committee, as provided for in Article 33 of the Law on Pre-University Education.

The Code of Ethics of the General Directorate of Customs was adopted in 2014. The code provides the definitions on the rules of ethics and describes its goal and content. The code has identified and aims to regulate 12 elements of ethics, which are further detailed in the Code, including personal responsibility; respect of the law; public relations; limitations on gifts, remunerations, various offers; avoidance of conflict of interest; public activities; limitations on political activities; conduct involving monetary issues; confidential information/professional secret; use of state service assets; purchase of state objects by the employees as well as the work environment. In terms of disciplinary measures, the Code of the General Directory of Customers is based on them as provided in the Law on Civil Servant.

The Code of Ethics in the Agency for the Restitution and Compensation of Properties was adopted in 2014 seeking to regulate the norms of conduct for the staff of the institution.¹³⁹ The Code defines the general ethics principles,¹⁴⁰ conflict of interest, external activities, gifts and favors, obligations of the staff of the Agency.¹⁴¹ The staff members and newly-hired officers admit the principles of the Code on yearly basis by signing a declaration form.¹⁴² The Code envisages a mechanism of sanctions in reliance of the provisions of Labor Code and the Agency's internal regulation.¹⁴³

The Code of Ethics of the High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest (HIDAACI) was adopted in 2014. It is divided in three major chapters, the first of which provides general provisions on ethics including impartiality, conflict of interests, external activities, professionalism, confidentiality, integrity, and correctness.¹⁴⁴ The second chapter regulates institutional and cross-institutional relations.¹⁴⁵ The last chapter stipulates a supervisory structure for monitoring the enforcement of the code of ethics.¹⁴⁶ A mechanism of sanction builds on the provisions of the the Law on Civil Servant, Labor Code, and HIDAACI Internal Regulation.¹⁴⁷

139 The Code of Ethics of the Agency for the Restitution and Compensation of Properties, Article 1

140 Ibid., Article 2

141 Ibid., Article 3-14

142 Ibid., Article 15

143 Ibid., Article 17

144 Code of Ethics of HIDAACI, Articles 1-9

145 Ibid., Articles 10-12

146 Ibid., Article 13

147 Ibid., Article 14

The Code of Ethics for the Employees of State Inspectorates in the Republic of Albania defines its goal and its scope,¹⁴⁸ general principles,¹⁴⁹ activities outside the scope of work.¹⁵⁰ Enforcement of the code incorporates procedures foreseen in internal regulations and legislation in force, thus defining the appropriate disciplinary measures.

Chapter I (General Provisions) of the **Code of Good Administrative Conduct of Ombudsman** provides for the goal, definitions, scope of personal and material implementation, ethics, and ethical behavior. Chapter II describes the general principles of ethics behavior. The code also regulates the ethics norms to be applied concerning claims, requirements, or notifications.¹⁵¹ It specifies provisions on access to information and documentation,¹⁵² rules, and special violations,¹⁵³ mechanism of sanctions.¹⁵⁴ With respect to the violation of the ethical rules, the code is based on disciplinary measures delineated in the Law on Civil Servant, its Internal Regulation or in the employee's contract.

The Code of Ethics of Internal Auditors was adopted by the Albanian Financial Supervisory Authority (FSA) in 2011 seeking to promote an ethical culture in the course of exercising internal audits. The Code comprises of two major parts. The first chapter regulates the principles related to the profession and the activity of internal audit, including integrity, objectivity, confidentiality and competence. The second part regulates the rules of conduct, which determine the behavior norms to be enforced by the internal auditor.

The Code of Integrity of the Albanian Water Regulatory Authority (WRA) was adopted in 2012. Articles 1 and 2 this Code define its goal and scope. The Code foresees the responsible bodies for its implementation¹⁵⁵ as well as an Integrity Committee. In addition, the Code regulates general principles,¹⁵⁶ including impartiality, conflict of interest, gifts and favors, information and confidentiality, and external relations.¹⁵⁷

Adopted in 2011, the **Code of Ethics and Professionalism for Domestic Observ-**

148 Code of Ethics for the Employers of State Inspectorates in the Republic of Albania, Chapter II

149 Ibid., Chapter III

150 Ibid., Chapter IV

151 The Code of Good Conduct of Ombudsman, Chapter III, Articles 14-20

152 Ibid., Articles 21-24

153 Ibid., Articles 25-38

154 Ibid., Article 37

155 The Code of Integrity (WRA), Article 3

156 Ibid., Article 4

157 Ibid., Articles 5-9

ers/Code of Good Conduct for Observers' Coalition serves as a guide for domestic elections observers. It provides definitions for terms such as “observation”, “observer” and foresees basic and professional principles for electoral observers including objectivity, independence, competence, professionalism/reliability of judgment, transparency, and accuracy. The Code does not provide for a mechanism of sanction in case of ethics violations.

The Code of Ethics for Bankruptcy provides a definition of the ethics in its preamble and specifies its scope of application and goal. The code is divided in three chapters. The first chapter describes the main principles that guide the code, including legality, responsibility, integrity, professionalism, objectivity, independence, impartiality, confidentiality, and conflict of interest. Chapter II includes the rules of ethics in practice.

4. Implementation of Ethics

4.1 Institutional Framework

4.1.1. Department of Public Administration (DoPA)

The Law No 9131, dated 08.09.2003, “On Rules of Ethics in the Public Administration”, is monitored by the institutions through their human resources management units. According to the Law No. 152/2013, “On Civil Servants”, institutions are required to establish a human resources management unit.¹⁵⁸ The Council of Ministers may decide that several state administration institutions establish a joint human resource management unit or that certain the functions of the human resource units of a subordinate institution are carried out by the HR unit of a direct superior institution.¹⁵⁹

The Department of Public Administration (DoPA) was established in 1994 and referred to the Law on Civil Service adopted initially in 1996. The DoPA became a central agency responsible for the elaboration of an overall policy for recruitment, training and promotion of civil servants and coordination and implementation of technical assistance to the public administration. The DoPA is part of the Ministry of Interior and operates under its direct authority.¹⁶⁰ The Main responsibilities of DoPA are stipulated in the Law on the Civil Servant.¹⁶¹ In addition, a new enhanced structure of DoPA was created by the Prime Minister’s Order No. 91 of February 2014, including four main directories and a total staff of 43 people.¹⁶²

¹⁵⁸ Law 152/2013 “On the Civil Servant”, Article 10/1

¹⁵⁹ Law 152/2013 “On the Civil Servant”, Article 10/2

¹⁶⁰ Law 152/2013 “On the Civil Servant”, Article 7/1

¹⁶¹ Law 152/2013 “On the Civil Servant”, Article 7/2 (a-i)

¹⁶² <https://www.google.al/webhp?hl=en#hl=en&q=struktura+e+re+DAP>

In the context of the reforms in the public administration, DoPA has recently adopted the “Crosscutting Public Administration Reform Strategy 2015-2020”, which is composed of five major parts: (I) Current Situation (II); Vision, Policies, Policy Goals; (III) Policy Objectives and Major Outputs; (IV) Accountability, Monitoring and Evaluation Analysis; and, (V) Financing of the Strategy. The strategy pays attention to the areas and challenges related to policy making, quality of information, organization and functioning of public administration, civil service, human resources management, administrative procedures, and oversight.¹⁶³

Also, in the framework of reforms in public administration and since it is considered to be one of the priorities of the Albanian Government, DoAP coordinates the technical assistance provided by various donors in the framework of modernizing the overall civil service and public administration. Based on the information obtained from the DoPA official website, the department regularly analyzes the progress made to date and identifies the areas that require additional financing. In support of the public administration reform, the Department of Public Administration has received technical assistance from various donors, with funding from European Union, World Bank, and other important donors such as UNDP, OSCE, GIZ, SIGMA WENT, Soros, etc.¹⁶⁴

In the context of reporting, DoPA has systematically presented its annual reports, which are also published in the official website of the institution.¹⁶⁵ In addition, during 2009-2012, DoPA has published its Magazine on the website.¹⁶⁶

4.1.2. The Albanian School of Public Administration

Established in 2013, the Albanian School of Public Administration (ASPA) is a government institution reporting to the Ministry of Interior. ASPA was established with the aim of developing a sustainable, professional and efficient public administration in general and civil servants in particular. The mission of the institution is “to train civil servants, to enhance professional skills and to improve the knowledge base so that each civil servant can contribute optimally to the achievement of his or her institution’s goals”. The school builds its strategy and activity on the Law 152/2013, “On the Civil Servant”. It is organized and functions according to Council of Ministers’ Decree No. 220, dated 13.02.2013 “On the Establishment and Functioning of the Albanian School for Public Administration and Civil Servants”. The institution consists of a Director and Board of Directors.¹⁶⁷

¹⁶³ Crosscutting Public Administration Reform Strategy 2015-2020, DoPA

¹⁶⁴ <http://www.dap.gov.al/dokumenta/projekte>

¹⁶⁵ <http://www.dap.gov.al/dokumenta/raportet-vjetore>

¹⁶⁶ <http://www.dap.gov.al/dokumenta/botimet>

¹⁶⁷ Council of Ministers’ Decision No. 220, dated 13.02.2013 “On the Establishment and Functioning of the

The main priority of ASPA is vocational training of civil servants of public administration, including:¹⁶⁸

- i. Compulsory training during trial period for civil servants;
- ii. Career development training for civil servants of public administration;
- iii. Professional adaptation, in cases of change requirements of job description, according to the Law on Civil Servant;
- iv. Special training for special tasks for civil servants of public administration;
- v. Professional training, knowledge development for civil servants of public administration

Over the last few years (2010-2013), the Public Administration Training Institute (ITAP), ASPA's predecessor, has reported a number of awareness raising activities and training seminars on ethics, conflict of interest and anticorruption.¹⁶⁹ In general, all abovementioned activities have been organized within the framework of projects supported by foreign donors such as the OSCE, USAID, and EU Delegation to Albania, while there are no records of projects supported by government funds.¹⁷⁰

In its 2014 Annual Report, the Albanian School of Public Administration (ASPA)¹⁷¹ shows a number of trainings on ethics performed during 2014. The Report emphasizes the importance of trainings related to this issue. A part of the General Training, 'Introduction to the Public Administration', incorporates training sessions conducted at central and local level on issues of conflict of interest and corruption in public administration.

The report does not give a specific number on each of the trainings on ethics and the topics related to it, but based on the Annex 1 of the Report, Table 4 below presents a summary of the training topics on issues of ethics.

Albanian School for Public Administration and Civil Servants", 4

168 Council of Ministers' Decision No. 220, dated 13.02.2013 "On the establishment and functioning of the Albanian School for Public Administration and Civil Servants", 2

169 Report of DoPA 2010, 2011, 2012, and 2013, available at <http://dap.gov.al/dokumenta/raportet-vjetore>, accessed in September 2014

170 Report on the activity of ASPA for year 2014

171 Law 152/2013 "On the Civil Servant", Article 8 and Decision No. 138, dated 12.03.2014 "On the Rules of the Organization and Functioning of the Albanian School of Public Administration and Training of Civil Servants"

Table 4: Trainings on Ethics, Conflict of Interest and Corruption in conducted in 2014

Training Topics	No. of Training Sessions
Issues of Ethics in Public Administration	5
Ethics and Conflict of Interest in Public Administration	2
Issues of Ethics and Anticorruption in Public Administration	15
Total	22

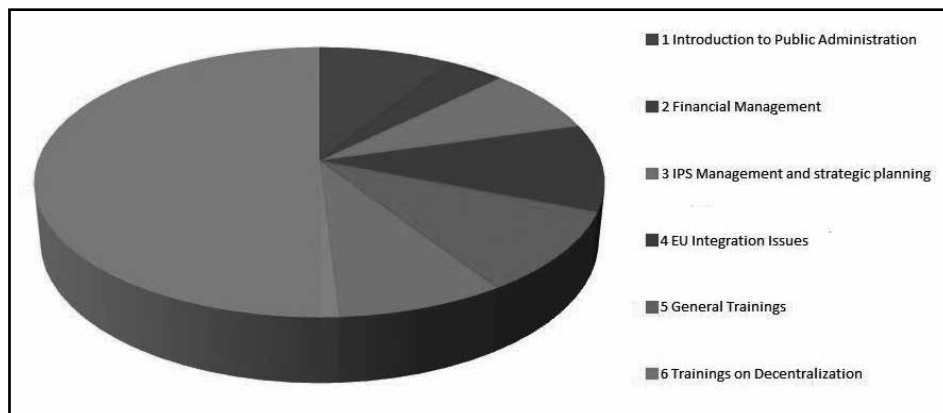
4.2. Infrastructure of Ethics

For implementing, promoting and stimulating the ethics values and standards, some important provisions should be in place.

4.2.1. Training on Ethics

The issue of training on ethics is already discussed above, but it will be briefly addressed again in this section considering its role in the implementation of ethics mechanisms. Training of civil service employees on ethical issues is a necessary instrument to inform them and raise their awareness on processes of ethics. In its 2014 Annual Report, ASPA provided the total number of training sessions it has provided and civil servants it has trained. Yet, there is no data on other institutions that may have adopted professional codes of ethics.

Graph 1. The distribution and topics of training courses organized by the ASPA in 2104



Source: Report on the Activity of ASPA for year 2014

4.2.2 Communications of the Stated Ethics Core Values or Principles

Regarding the implementation of ethics by public servants, the personnel units of the respective institutions are obliged to make known to the employees at the moment of their employment the obligations that derive from the Law on the Rules of Ethics in Public Administration¹⁷² and which should be respected by the employees. This implies that the stated core values on ethics are made known when a person joins the public service.

In cases the employee is uncertain about abidance to the provisions of this law, he/she should ask for advice from the human resources unit of the institution.¹⁷³

The provisions of this law are part of the conditions of employment of the employee,¹⁷⁴ which implies that all employees in public sector under the provisions of this law must be aware and informed on the principles and all other contents related with ethics issues and regulated by this law. The respective authority responsible for the implementation of the above mentioned provisions is the direct superior of the employee of the public administration who has responsibility to check whether they are applying the rules indicated in this law and to undertake or propose the appropriate disciplinary measures for its violations.¹⁷⁵ Actually, it is has not been possible to collect data regarding how ethical norms and principles are communicated to public servants, apart from what is already provided by the law or the codes of ethics.

Forms of communicating ethical values in Albania include:

- Negotiation of the employment contract;
- Obligation of Human Resources Department to inform the employee;
- Employees' referral task/consult the Human Resources/Personnel Unit;
- Dissemination of Manuals on Ethics to all employees;
- Publication of Ethics Manuals and values within the institutions

¹⁷² Law on the Rules of Ethics in Public Administration (2003), Article 18

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

4.2.3. Recruitment

The selection of staff is a crucial factor for building integrity in the public sector. Part of the selection process should also cover the dissemination of knowledge on ethics and integrity by candidates who apply to work in the public service. In Albania, in order to join the civil service, candidates are obliged to pass an entrance examination, which is based on the assessment of the professional skills of the candidates, through a competitive testing procedure, including a written test, an oral test and other appropriate forms of verification of skills as well as the assessment of the professional background of the candidates.

Part of this selection process is the knowledge of the main legal instruments that ensure transparency and regulates ethical norms. The following legislation on ethics is included in most of the examination tests required for the recruitment of public servants.

- Law No 9131 dated 08.09.2003, "On the Rules of Ethics in the Public Administration";
- Law No 8485, dated 12.05.1999, "The Code of Administrative procedures in the Republic of Albania", (Official Gazette 19/1999, page 578; date of publication: 20.07.1999);
- Law No 9367, dated 7.4.2005, "On the Prevention of Conflicts of Interests in the Exercise of Public Functions";
- Law No 8503, dated 30.06.1999, "On the Right to Information over Official Documents";
- Law No 8417, dated 21.10.1998, "The Constitution of the Republic of Albania";
- Law No. 152/2013, "On civil servants"

4.2.4. Establishment of Ethics Bodies

Ethical bodies to coordinate and monitor enforcement of the overall ethics legislation and infrastructure are lacking in Albania. The need to establish these structures for the central and local level administration is very imminent. A specialized central agency or department, mandated to oversee ethics in the overall public service, is an option that can be considered.

- They serve to coordinate and support all of the other infrastructure elements;
- They operate either through directly implementing ethics initiatives or by delegating this task to other departments or agencies;
- These bodies usually may perform other roles in counseling and promoting ethics

4.3 Implementation of the Codes of Ethics

4.3.1 Implementation of the Codes of Ethics Adopted by Law

Despite the fact that the Code of Ethics of the Police is the first code on ethics to have been adopted by law in the country and the fact that the fight against corruption is considered an important priority for the State Police, its implementation has been at least partial and poor. The Code of Ethics of Police has been of little use in the daily activity of the police and the knowledge of police officers on the code is limited.¹⁷⁶ The Code of Ethics of Police is the perfect example of a document that despite being legally binding has been poorly implemented due to lack of deficient elaboration of its content, weak communication and lack of the adequate infrastructure for its implementation.

The Law 152/2013 “On Civil Servants” was adopted with two main purposes: 1) introduce ethics in the civil service; 2) serve as a basis for adopting more specific and detailed laws on ethics by the different segments of the public administration.¹⁷⁷ The Law “On Civil Servants” considers violations of ethics rule to be serious infringements and whereas the Rules of Ethics in the Public Administration Law repeated violation of these rules in the civil service as minor violations.¹⁷⁸ Regarding the implementation of the Law on Rules of Ethics in the Public Administration, which at the time of the adoption was the main target of the law, the analysis of the Department of Public Administration (DoPA) reports for 2006 to 2013 shows no relevant implementation records. The reports of early years (2003-2004) highlight the significance of the law, but no implementation outcomes are reported, while for a number of years (2005-2009) no related data exists.

¹⁷⁶ Institute for Democracy and Mediation, Police Integrity and Corruption in Albania, Tirana 2014. pp 63-65, 95

¹⁷⁷ Annual Report of the DoPA 2003, <http://dap.gov.al/dokumenta/raportetvjetore/65-raporti-vjetor-dap-2003>

¹⁷⁸ Law 152/2013 “On the Civil Servant”, Article 57/3c and 57/4b

The Law on the Rules of Ethics in the Public Administration includes sanctions as well, which, as the law stipulates,¹⁷⁹ are administered in accordance with the Law “On Civil Servants”. These sanctions include reprimand; withholding up to 1/3 of the remuneration for a period up to 6 months; suspension of the right to any type of promotion, including salary increase, for a period of up to 2 (two) years; dismissal from the civil service.¹⁸⁰ The table below presents a summary of the disciplinary and administrative sanctions given to civil servants over the period from 2006 to 2013, as reported by the Department of Public Administration.¹⁸¹ (Table 5).

Table 5: Administrative sanctions carried out to the civil servants for the period 2003-2013

Year	Expulsion from civil service	Suspension of promotion for 2 years	Demotion	Written reprimand	Written reprimand and warning	Total
2002						
2003						
2004						
2005						
2006	27		6	2	10	45
2007	15	1	5	14	14	49
2008	10			10	3	23
2009	6		1	12	6	25
2010	13		2	7	7	29
2011	7	1	1	4	1	14
2012	4		1	3	14	22
2013	15		1	1	6	23
Total	97	2	17	53	61	230

Source: Department of Public Administration (DoPA) 2003-2013

¹⁷⁹ Law on the Rules of Ethics in the Public Administration (2003), Article 19

¹⁸⁰ Law 152/2013 “On the Civil Servant”, Article 58

¹⁸¹ The data received and presented in the table below is referred for the period 2003-2013 time when it was in force and applicable the Law No. 8549, dated 11.11.1999, “On the Status of Civil Servant”.

4.3.2 Implementation of Institutional and Professional Codes of Ethics

This section analyzes the 32 codes of ethics adopted in different sectors that were found at the time when the study was conducted. In most of the cases the codes of ethics are found by researching for their content in the respective website of institutions.

When the content of the ethics codes is analyzed, there is evidence that several codes are just declarations on general principles, without focusing and following their aim, scope, objectives, principles, specifications of profession and sanctions. In this way, it has been quite impossible to make considerations on their implementation and objectives. In general, these documents are mere statements of norms without aiming to regulate and guide relevant ethics issues. A number of codes of ethics do not provide a definition on ethics or ethical behavior. It can be concluded that most of the general principles as foreseen in the Law on Ethics are adapted in the codes of ethics of the respective institutions. A comprehensive and consistent approach to ethics and infrastructure in specific sectors is lacking, for example a code of ethics of the banking system or a code of ethics of the local governance.

Focus Group: Most of the ethics codes adopted in Albania share the same core values such as: impartiality, legality, integrity, transparency, efficiently, equality, responsibility and justice. Meanwhile the need to standardize some of the codes of ethics would be very important, as for example by adopting sector codes of ethics in specific professions or institutions.

There are little or no systemic data available regarding the implementation of ethics codes.

Focus Group Discussion: It was found during this focus group discussion that the data regarding the implementation of the analyzed codes of ethics varies, but in general there is little or no information. A small percentage of all the state administration employees covered by the Law on the Rules of Ethics have attended trainings on ethics, which shows that there is a lack of awareness on the need to train the employees on ethics, as well as a lack of interest in attending these trainings by the employees.

The analysis of the codes of ethics shows that, apart from the Code on Ethics of Police¹⁸² and the Law on the Rules of Ethics in Public Administration,¹⁸³ no other

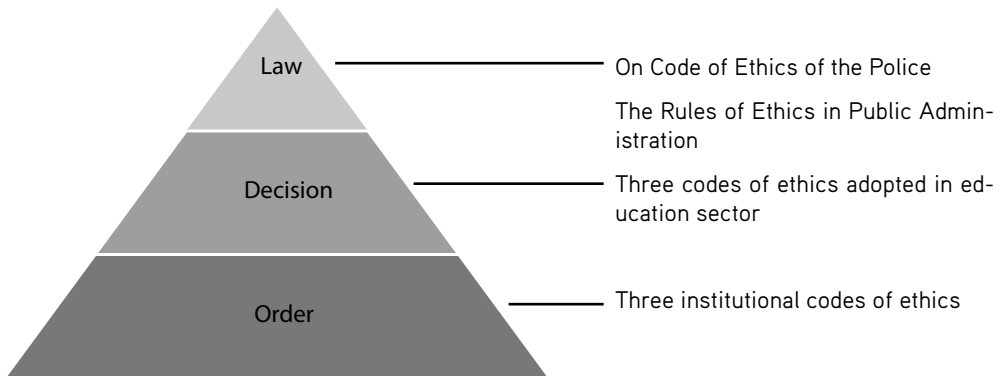
182 Law No. 8291, dated 25.02.1998, "On Code of Ethics of the Police"

183 Law 9131, dated 8.09.2003 "On the Rules of Ethics in the Public Administration"

code has been adopted by law.

Most of codes of ethics have been approved by means of governmental decisions or orders of the heads of institutions and in other cases by acts issued from boards, assemblies, councils or senates. In other cases, as identified in the Annexes, the legal act used to adopt the code is unclear, unknown, or unspecified.

Graph 2. The legal bases of the codes of ethics adopted



The same problem is evident when the ethics legal acts adopted by local government units are analyzed. One of the codes addresses the regulation of ethics as provided by the Law on Ethics in the Public Administration (in the Municipality of Dibra), while two other municipalities have adopted their code of ethics (municipalities of Shkodra and Bilisht) to regulate ethical issues by drawing on their internal regulations.

Focus Group Discussion: In 2002, through an initiative of the Council of Municipalities of Albania, rules of ethics were adopted as an integrated part of the local government units' internal regulations. In 2005, the "Model Initiatives Package" was adopted by all municipalities in Albania. This package provides guidelines and advice on issues and problems related to ethics. However, most municipalities did not respond to Council of Municipalities' proposal.

Referring to the sanctions' mechanisms in the cases of ethical violations, the analysis shows that there is a lack of a standardized approach or system. Some codes of ethics refer to sanctioning measures as described in the Law "On Civil Servants", the Labor Code or in the internal regulations. Other codes of ethics refer to disciplinary measures based on the respective organic law, while other codes provide no specific sanctioning mechanisms at all.

The abovementioned evidence reveals the lack of clear and unified approach to ethics. Also, lack of track records on the implementation of sanctions testifies the poor enforcement or impact of these codes.

For those codes that refer to the Law “On Civil Servants” in case of ethics violations, DoPA is the responsible institution for processing and maintaining the data and information on this issue. However, this institution does not specify the number of sanctions administered for violations of ethics in its annual reports.

Focus Group Discussion: In many cases, the existence of sanction mechanisms is considered a mandatory part of ethical codes, as it may refer to existing legislation. Ethics is considered more than a strict and formal issue that needs to be regulated, an internal value of employers and leaders within an organization. The need to regulate and institutionalize it shows that there is a problem with regard to the approach towards the internalization of ethics in the respective institutions.

Other institutions have created specific ethical bodies, which serve to identify and handle ethical issues, for example the so-called ethics councils or ethics committees, created mostly in education sector. The same approach is evident in some other institutions or sectors, which have created respective bodies in dealing with ethics violations cases. Codes of ethics adopted in the education and health sectors have addressed this issue by referring to ethics councils, ethics commissions or similar bodies. However, even in these cases it has not been possible to obtain any data from these institutions or respective bodies on the implementation of the codes of ethics.

Focus Group Discussion: The lack of an authority in all levels supervising ethics is an issue that needs to be addressed and discussed further. Ethics committees are bodies or structures adopted lately in several countries of the region. Firstly, ethics committees may serve to monitor the implementation of ethics codes. Secondly, these bodies may play an active role towards promoting ethics codes and develop and apply strategies aimed raising awareness about ethical standards in public service and the need to report breaches.

Another problem identified by this research is the lack of code of ethics at the national level to cover the persons in managerial positions in state institutions (ministers, state secretaries, and heads of authorities). The management level positions are considered the most important part in proving ethics in administration and in the fight against corruption.

Practical examples promoting and stimulating ethics in Albania



The Order of the Nurse in the Republic of Albania, Code of Ethics and Deontology¹⁸⁴

In 2010 the institution of the Order of the Nurse in the Republic of Albania in cooperation with USAID prepared a basic document (pocket manual) in 15.000 copies, which included, among others, the Law No. 9718, dated 19.04.2007 and the Statute, the Code of Ethics-Deontology for the professions of the Nurses' Order. This Manual was delivered to all professionals as guideline to ethical standards of the professions of the Order of the Nurse in the Republic of Albania.



Legal and Sublegal Acts in Field of Competition - Code of Ethics of the Competition Authority¹⁸⁵

The same practice was followed by the Competition Authority in 2011. This institution prepared a document, which included legal and sublegal acts in the field of competition, including the Code of Ethics of the Competition Authority (in page 223). The document was prepared with the financial support of the European Union in Albania and a copy of it was delivered to all staff members of the institution.

¹⁸⁴ Faik Toska, President of the Order of the Physicians in the Republic of Albania, Tirana, 4th September, 2015

¹⁸⁵ Vitori Kristo, Director of the Department of Human Resources and European Integration, Competition Authority, 8th September, 2015

5. Conclusions and Recommendations

This paper analyzed the ethical framework governing the conduct of Albanian public servants. It concludes that in spite of the adoption of a number of codes of ethics, there is not a comprehensive approach to ethics that reflects the phase of development, the challenges and needs of the public administration in Albania. As a result the level of implementation is poor and the mechanisms that would ensure their efficient implementation of ethics are lacking.

Law on Ethics: Despite the fact that the rules of ethics as provided in the Law on Ethics are applicable to bodies of public administration as defined in the Code of Administrative Procedures of the Republic of Albania (Article 3/6), several institutions have adopted their codes of ethics, even that ethics rules as provided in the law address ethics by including all these institutions. Two main concerns may be evidenced and addressed in this situation. Firstly, there is a confusion in the hierarchy of legislation that is created because the codes of ethics adopted duplicate the law on ethics and are therefore either redundant or have failed to address specific institutional, professional or sectoral ethical concerns. Secondly, the lack of data on the implementation of ethics codes demonstrates that the contribution of these codes has been limited.

Moreover, the Law on Ethics in the Public Administration pays a special attention to the issue of the conflict of interest in addition to defining comprehensive ethics guidelines, by creating in this way confusion between its content and the provisions of the Law on the Conflict of Interest. Consequently the Law on Ethics in Public Administration could be reconsidered and amended in the way to be an

integral part of the ethical management of public administration as a whole.

Codes of Ethics: codes of ethics should serve as a guide to how the involved parties are expected to act and behave, mutually and towards their environment. In this way codes of ethics are statements of the principles on which institution's mission and values are based and performed. Some of the analyzed codes of ethics provide more than describing guidelines related with the behavior or performance of parties are just declarations on general principles, without focusing and defining its aim, scope, objectives, principles, specifications of profession and sanctions. In this way is quite impossible to create considerations on their implementation and objectives.

The Codes of ethics should make their objectives very clear and offer specific directions on how ethical standards should be implemented and developed. Meanwhile a necessary step would be to create sectoral ethics codes, creating in this way a comprehensive and consistent ethics approach and infrastructure in specific sectors. For instance a code of ethics of the banking system, or a code of ethics of the local government adopted by an umbrella organization so that not each municipality need to adopt one, etc.

Transparency: An apparent problem with the codes of ethics in Albania is the poor dissemination and communication on these documents and the analysis and review of the results of its implementation. Most of the codes of ethics in Albania serve as formal documents on which few people know or have adequate information. In some cases this issue is more evident as some of the codes have not been even published by the respective institutions. This situation limits the knowledge on the existence of these codes and even when these codes exist they are not referred as important documents.

Although the ethics codes are adopted as instruments to promote ethical issues between the staff members of the institutions or between them and other external parties, the need to give guidelines and information regarding their existence and implementation would create a better understanding of their implementation and internationalization. All codes of ethics should be published at the respective websites of the institutions and the Human Resources Department website section dedicated to the ethics bodies as Committees or Councils.

Ethics infrastructure: As an important part of ethics infrastructure is the establishment of the responsible bodies for monitoring ethics and integrity standards. In most of the cases these structures are lacking. In such cases it is indispensable to establish them as the implementation of the ethics codes would not be possible without this infrastructure.

A consolidated body responsible for the implementation and promotion of integrity and ethics standards would be necessary and very important. These structures may not only serve to receive complaints on ethics violations and investigate the cases when ethics rules are breached but may be a reference structure to track data e monitor the overall process of ethics in the country.

Sanctions Mechanism: Firstly the ethics codes analyzed do not foresee specific bodies and sanctions at all. Consequently in these cases is very difficult to receive accurate information and data regarding the implementation of the respective ethics code. Secondly, in cases when such sanctions mechanisms are formally provided in the codes the way how these sanctions can be addressed is unclear or is missing.

In this context it is important that all institutions establish ethics bodies for monitoring the implementation of codes of ethics. At the same time to avoid the confusion when addressing disciplinary measures, the legal reference made in the cases of the breach of the code should be made clear and specified as for example: what legislation should serve as reference; the Law on Civil Servant, the Code of Labor, Internal regulation or other legal acts.

Hierarchy of the Laws: Another problem with the ethic's framework is the legal basis for the adoption of the codes, which has a direct impact on their implementation and internalization of ethics. As it has been identified when analyzing the codes on ethics some of the codes have been adopted by law, while others by government decisions, by ministerial orders, heads of independent institutions, or by professional associations. Consequently it will be very difficult to manage the ethics infrastructure with the current approach to the legislation. There has been no systematic or strategic approach to ethics as the variations in the hierarchy of the legal acts shows. As result of the lack of such a vision or strategy the implementation has also been negatively affected. The regulatory framework on ethics should provide a framework of compliance and sanctions and at the same time develop institutional integrity and ethical decision making. As part of this approach, a number of existing laws and codes on ethics should be reconsidered and their proper enforcement should be encouraged.

Ethics Infrastructure: The vision and clear objectives to be achieved through ethics are missing. Despite the fact that instruments responsible addressing ethics in Albania were adopted after 1990's, the structures in charge of implementing ethical standards have been only partially in place. At the same time the promotion of ethical standards is insufficient and the guidelines for applying ethic codes at all levels are missing.

The DoPA and other responsible authorities should develop and apply communication strategies aimed at raising awareness about ethical standards in public administration and the need to report breaches of ethics. The amount and quality of trainings on ethics issues is not considerable and must be increased, as well as their scope. It is very important that a strategic planning of these trainings is made as well as the body in charge of monitoring the implementation of ethical standards within the public administration.

Lack of ethics code for high level managing and political positions: Another apparent problem in Albania is the lack of code of ethics at the national level that would cover the persons that are appointed to high level managing and political positions in state bodies (ministers, state secretaries, heads of authorities) but do not belong to the category of civil servants and state employers.

The adoption of a code of ethics for this management is an international standard¹⁸⁶ and an important anti-corruption tool and need to be adopted.

186 In 1996, the UN General Assembly adopted an International Code of Conduct for Public Officials, which covers the top level positions in state administration. The Council of Europe also adopted a resolution in 2000 and the annexed model code of conduct for public officials, which covers not only the appointed representatives of the ruling parties, but also the managers in state administration.

Bibliography

- Denmark's National Reform Programme. Contribution to EU's Growth and Employment Strategy. The Danish Government, 2005 – <http://www.um.dk/NR/rdonlyres/15E3C091-7A14-493C-82C9-2204B3A9964A/0/TheDanishNationalReformProgramme.pdf>
- Frederickson, H. G. Public Ethics and the New Managerialism: An Axiomatic theory. In H. G. Frederickson and R. K. Ghere (Eds). *Ethics in Public Management*. Sharpe, 2005.
- Maesschalk, J. The Impact of New Public Management Reforms on Public Servants' Ethics: Towards a Theory. *Public Administration*, Vol. 82 No. 2, 2004, 465 - 489.
- Bilhim, J., Neves, B. New Ethical Challenges in a Changing Public Administration. Paper presented to the international conference 'Ethics and Integrity of Governance', Leuven, 2005 – http://soc.kuleuven.be/io/ethics/paper/Paper%20WS4_pdf/Joao%20Bilhim_Barbara%20Neves.pdf
- Brady N. F. Public Administration and the Ethics of Particularity. *Public Administration Review*, Vol. 63, No. 5, 2003, 525 - 534.
- Menzel, D. C. Research on Ethics and Integrity in Governance: A Review and Assessment. *Public Integrity*, Vol. 7, No. 2, 2005, 147 - 168.
- Cocking, D., Oakley, J. *Virtue Ethics and Professional Roles*. Cambridge University Press, 2001, pp 2.
- Lewis C.W., Gilman, S.C. *The Ethics Challenge in Public Service*. Jossey-Bass, 2005, pp 16-17.
- Rohr, J.A. *Ethics for Bureaucrats. An Essay on Law and Values*. Marcel Dekker

Inc., 1989, pp 68.

Public Service Act and Public Service Code of Ethics. Estonia. 1999. – <http://unpan1.un.org/intradoc/groups/public/documents/NISPAcee/UNPAN007216.pdf>, pp 60.

Maesschalk, J. Approaches to Ethics Management in the Public Sector. A Proposed Extension of the Compliance-Integrity Continuum. Public Integrity, Vol.7, No. 1, 2004, 21 - 42.

Building Public Trust: Ethics Measures on OECD Countries. PUMA Policy Brief, OECD, No. 7, 2000.

Ethics in the Public Service. Current Issues and Practice. PUMA Occasional Papers, OECD, No. 14, 1996.

Main features of an Ethics Framework for the Public sector. European Union, 2004.

Principles for Managing Ethics in the Public Service, PUMA Policy Brief, OECD, No. 4, 1998.

Laws & Decisions

Council of Ministers Decision, No.714, dated 22.10.2004, “On the external activity and the giving of gifts by public administration officials”.

Law No. 9030, dated 13.03.2003, an Amendment to the Law No. 8240, dated 10.04. 1997, ‘Criminal Code of the Republic of Albania’, amended by Law No. 8279, dated 15.01.1998, and Law No. 8733, dated 24. 01. 2001

Law No. 9131, dated 8.09. 2003, ‘On the Rules of Ethics in the Public Administration’

Law No. 152/2013, 30.05.2013, ‘On the Civil Servant’

Law No. 119/2014, ‘On the Right to Information’

Law No. 8485, dated 12.5.1999, ‘The Code of Administrative Procedures of the Republic of Albania’

Law No. 8291, dated 25.02.1998 “On the Code of Ethics of the Police”

Strategies and Conventions

Public Administration Reform, Assessment of Albania, 2014

Transparency International (TI), Corruption Perceptions Index, 1995, – <http://>

www.transparency.org/research/cpi/overview

Organization of American States, Inter-American Convention Against Corruption, 1996, – <http://www.oas.org/juridico/english/Treaties/b-58.html>

The United Nations General Assembly, International Code of Conduct for Public Officials, 1996, – <http://www.un.org/documents/ga/res/51/a51r059.htm>

Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union – <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:l33027>

Council of Europe (Committee of Ministers), Resolution (97) 24 On the Twenty Guiding Principles for the Fight Against Corruption – <http://polis.osce.org/library/f/2678/487/CoE-FRA-RPT-2678-EN-487.pdf>

OECD, Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 2011. – <http://www.oecd.org/corruption/oecdantibriberyconvention.htm>

OECD, Commentaries on the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, November 1997. – <http://www.justice.gov/sites/default/files/criminal-fraud/legacy/2012/11/14/combabribe2.pdf>

Code of Ethics & Auditing Standards – <http://saiwb1.saiuae.gov.ae/Reports/INTOSAI%20Code%20of%20Ethics%20English.pdf>

OECD, Recommendation of the Council on Improving Ethical Conduct in the Public Service – <http://www.oecd.org/gov/ethics/Principles-on-Managing-Ethics-in-the-Public-Service.pdf>

Council of Europe, Criminal Law Convention on Corruption, 1999 – <http://conventions.coe.int/Treaty/en/Treaties/Html/173.htm>

Council of Europe, Civil Law Convention on Corruption, 1999 – <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168007f3f3>

Transparency International (TI), Bribe Payers Index, 1999 – <http://www.transparency.org/research/bpi/overview>

Council of Europe, Model Code of Conduct for Public Officials, 2000 – [https://www.coe.int/t/dghl/monitoring/greco/documents/Rec\(2000\)10_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/documents/Rec(2000)10_EN.pdf)

Council of Europe, The European Code of Police Ethics. Recommendation Rec(2001)10 adopted by the Committee of Ministers of the Council of Europe

on 19 September 2001 and explanatory memorandum – [http://polis.osce.org/library/f/2687/500/CoE-FRA-RPT-2687-EN European%20Code%20of%20Police%20Ethics.pdf](http://polis.osce.org/library/f/2687/500/CoE-FRA-RPT-2687-EN%20European%20Code%20of%20Police%20Ethics.pdf)

Economic Community of West African States (ECOWAS), Protocol on the Fight against Corruption, 2001 – http://www.afrimap.org/english/images/treaty/ECOWAS_Protocol_on_Corruption.pdf

Council Framework Decision on Combating Corruption in the Private Sector – <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:I33201&from=EN>

Commission of the European Communities, Communication on a comprehensive EU Policy against Corruption, 28 May 2003 – <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0317:FIN:EN:PDF>

OECD, Recommendations of the Council on OECD Guidelines for Managing Conflict of Interest in the Public Service, June 2003 – <http://www.oecd.org/gov/ethics/2957360.pdf>

African Union, Convention on Preventing and Combating Corruption – http://www.au.int/en/sites/default/files/AFRICAN_UNION_CONVENTION_PREVENTING_COMBATING_CORRUPTION.pdf

United Nations, General Assembly Resolution 58/4; United Nations Convention against Corruption, 31 October 2003 – <http://www.un-documents.net/a58r4.htm>

OECD, Managing conflict of Interest in the Public Service (OECD Guidelines and Country Experiences), 2003 – <http://www.oecd.org/gov/ethics/48994419.pdf>

Transparency International (TI), Global Corruption Barometer, 2003 – <http://www.transparency.org/research/gcb/overview>

Main features of an Ethics Framework for the Public sector. As proposed by the Dutch Presidency and adopted by the Directors General responsible for Public Administration in the members states and the institutions of the European Union in their 43rd Meeting in Maastricht (NL), 22 November 2004 – <http://www.eupan.eu/en/documents/show/&tid=48>

The UN Convention against Corruption (UNCAC) establishes a legally binding obligation on signatories “to apply, within [their] own institutional and legal systems, codes or standards of conduct for the correct, honorable and proper performance of public functions” – http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50027_F.pdf

OECD, Managing Conflict of Interest in the Public Sector (A Toolkit), 2005 – <http://www.oecd.org/gov/ethics/49107986.pdf>

OECD, Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions, 26 November 2009 – <http://www.oecd.org/daf/anti-bribery/44176910.pdf>

INTERPOL, Global Standards to Combat Corruption in Police Forces/Services, 1 March 2008 – <https://ipc498a.files.wordpress.com/2007/07/newsonnindian-policescandals.pdf>

Codes of Ethics

Attorney Ethics Code, Decision No. 31 of the General Council of the National Chamber of Advocates on date 12.11.2005

Code of Ethics of the Bank of Albania (BoA), Decision of the Supervisory Council No.46, dated 25.06.2003

Code of Ethics of the Competition Authority, Decision No. 69, dated 24.12.2007

Code of Ethics of the University of Tirana, Decision of the Academic Senate No. 12, dated 18.04.2011

Code of Ethics of Internal Auditors, Decision of the Board No. 119, dated 19.09.2011

Code of Ethics of Supreme State Audit (ALSAI), Decision of the chairmen of ALSAI No. 80, dated 11.07.2005

Code of Medical Ethics and Deontology, Order of Physicians of Albanian National Council with Decision No. 9, dated 11.11.2011

Code of Pharmaceutical Ethics and Deontology

The Order of the Nurse in the Republic of Albania, Ethics-Deontology Code, approved in the National Council with Decision No. 4, dated 8.11.2008, amended with the Law No. 10 462, dated 13.09.2011, approved with the Decision No. 43, dated 15.02.2012

Code of Ethics of the Regional Hospital of Durrës

Code of Ethics of the Registered Auditors, amended with the Decision of the Assembly No. 76, dated 30.06.2010 and approved by BMP with Decision No. 31, dated 08.09.2010. Approved by the BMP with Decision No. 21, dated 24.04.2012

Code of Ethics of the University “Aleksandër Moisiu” Durrës, Decision of the Academic Senate No. 9, dated 01.06.2012

Code of Ethics of the Teacher in the Public and Private Pre-University Education, Ministry of Education and Science, No. 6222 Prot., dated 12.11.2012

Code of Ethics of the Polytechnic University of Tirana, Decision of the Academic Senate of PUT No. 13, dated 11.04.2014

Codes of Ethics of the General Directory of Customs, Order No. 90, dated 18.11.2014 of the General Directory of Fiscal Policy and Public Revenues, Ministry of Finance

For the Code of Ethics in the Agency of Restitution and Compensation of Property, Order No. 274, dated 15.07.2014 of the General Director of ARCP

Ethics Code of Albanian Media

Code of Ethics for the Public Financial Inspectors, Order No. 8, dated 13.02.2013, Ministry of Finance

Code of Ethics of the Municipality of Shkodër

Code of Ethics of the Municipality of Bilisht

Code of Good Administrative Behavior of Ombudsman

Code of Ethics for the Employers of State Inspectorates in the Republic of Albania

Code of Ethics for the Bankruptcy Trustee

Code of Integrity of the Albanian Water Regulatory Authority (WRA)

Code of Ethics and Basis Work Principles of the Local

Code of Ethics of Media and Persons with Disabilities

Reports

Annual Report of Albanian School of Public Administration (ASPA) 2014 – http://www.aspa.gov.al/images/raporti_2014.pdf

Commission of the European Communities, Albania Stabilization and Association Report, SEC (2003) 339 – http://eeas.europa.eu/delegations/albania/documents/eu_albania/2003_progress_report_en.pdf

Report of the Department of Public Administration 2004 – <http://dap.gov.al/images/tedhenainst/websitedap/dokumenta%20strategjike/raporte%20>

[vjetor%20Dap/raportivjetor2004.pdf](#)

Report of the Department of Public Administration 2005

Report of the Department of Public Administration 2006 – <http://dap.gov.al/images/tedhenainst/websitedap/dokumenta%20strategjike/raporte%20vjetor%20Dap/raportiVjetor2006.pdf>

Report of the Department of Public Administration 2007 – <http://dap.gov.al/images/tedhenainst/websitedap/dokumenta%20strategjike/raporte%20vjetor%20Dap/raportiVjetor2007.pdf>

Report of the Department of Public Administration 2008 <http://dap.gov.al/images/tedhenainst/websitedap/dokumenta%20strategjike/raporte%20vjetor%20Dap/Raportivjetor2008.pdf>

Report of the Department of Public Administration 2009 – <http://dap.gov.al/images/tedhenainst/websitedap/dokumenta%20strategjike/raporte%20vjetor%20Dap/Raportivjetor2009.pdf>

Report of the Department of Public Administration 2010 – <http://dap.gov.al/images/tedhenainst/websitedap/dokumenta%20strategjike/raporte%20vjetor%20Dap/Raportivjetor2010.pdf>

Report of the Department of Public Administration 2011 – <http://dap.gov.al/images/tedhenainst/websitedap/dokumenta%20strategjike/raporte%20vjetor%20Dap/Raportivjetor2011.pdf>

Report of the Department of Public Administration 2012 – <http://dap.gov.al/images/tedhenainst/websitedap/dokumenta%20strategjike/raporte%20vjetor%20Dap/Raportivjetor2012.pdf>

Report of the Department of Public Administration 2013 – http://dap.gov.al/images/tedhenainst/websitedap/dokumenta%20strategjike/raporte%20vjetor%20Dap/DAP_Raporti_Vjetor_2013_.pdf

Annexes

Annex 1: Legislation on Ethics in Albania

Code of Ethics of Institutions

Name of the Code	Purpose	Scope	Approved by	Disciplinary Measures
Code of Ethics of the Competition Authority	N/A	N/A	Decision No. 69, dated 24.12.2007	N/A
Code of Ethics of the Supreme State Audit	Chapter 1, General Provisions, Article 2 (2.1)	Chapter 1, General Provisions, Article 2 (2.2)	Chapter 1, Article 1 of the Code	
Decision of the chairman of ALSAI No. 80, dated 11.07.2005 (amended Article 2 with Decision No. 1, dated 03.01.2012)	Code of Labor, Law "on Civil Servants" – as the case may be			
Code of Ethics of the General Directory of Customs	In the Preamble - Object	In the Preamble - Content	Order No. 90, dated 18.11.2014 of the General Directory of Fiscal Policy and Public Revenues, Ministry of Finance	Law "On Civil Servants"

Integrity Building of the Albanian Public Service

Name of the Code	Purpose	Scope	Approved by	Disciplinary Measures
For the Code of Ethics in AKKP Restitution and compensation of property	Article 1	Article 1	Order No. 274, dated 15.07.2014 of the General Director of AKKP	Code of Labor and Internal Regulation
The Code of Good Administrative Behavior of Ombudsman	Chapter 1, General Provisions, Article 1.	Chapter 1, General Provisions, Articles 3 & 4.	N/A	Law No. 152/2013 "On Civil Servants"; Law on the Rules of Ethics in Public Administration (2003)
Code of Ethics of HIDAACI	Chapter 1, General Provisions, Article 1	Chapter 1, General Provisions, Article 2	02.09.2014	Chapter II, Articles 13, 14-Supervisory Structure of Ethics (Law "On Civil Servants", Code of Labor, Internal Regulation)

Annex 2: Code of Ethics of Professional Practice

Health Sector

Name of the Code	Purpose	Scope	Approved by	Disciplinary Measures
Code of Medical Ethics and Deontology		Article 1	Order of Physicians of Albanian National Council with Decision No. 9, dated 11.11.2011	Law 8615, dated 01.06.2000 "On the Order of Physicians in the Republic of Albania" and Professional Disciplinary Regulation of the Order of the Doctor"
The Order of the Nurse in the Republic of Albania Ethics-Deontology Code		General Provisions	Approved in the National Council with Decision No. 4, dated 8.11.2008, amended with the Law No. 10 462, dated 13.09.2011, approved with the Decision No. 43, dated 15.02.2012	Article 8 - Regulation of Professional Judgment; Article 9 - Sanctions, Article 10 - Central Commission of Professional Judgment (appeal)
Code of Pharmaceutical Ethics and Deontology	Chapter 1, General Provisions, Article 1	Chapter 1, General Provisions, Article 1 & 2	N/A	Regulations for Disciplinary Commissions of the Law no 9150, dated 30.10.2003 'On the Order of the Pharmacists in the Republic of Albania'.
Psychologists Ethics and Deontology Code	Introduction	Introduction	Albanian Institute of Psychology; 5 May, 2014	N/A
Code of Ethics of the Regional Hospital of Durrës	General Consideration (A)	General Consideration (E)	2014-2015	General Consideration (D)

Education Sector

Name of the Code	Purpose	Scope	Approved by	Disciplinary Measures
Code of Ethics of the Polytechnic University of Tirana	Article 2	Article 3	Decision of the Academic Senate of PUT No. 13, dated 11.04.2014	Article 11 Ethics Council, 12, 13
Code of Ethics of the Teacher in the Public and Private Pre-University Education	Article 3	Article 4	Ministry of Education and Science, No. 6222 Prot., dated 12.11.2012	Code of Labor, Law on Pre-university Education, normative provisions in education and collective contract of the education employees. Ethics and Conduct Committee –Article 33 of the Law on Pre-University education.
Code of Ethics of the University “Aleksandër Moisiu” Durrës	Chapter I, General Provisions, Article 2	Chapter I, General Provisions, Article 3	Decision of the Academic Senate No. 9, dated 01.06.2012	Chapter VI, Articles 24,25,26 Ethics Council
Code of Ethics of the University of Tirana	Article 2	Article 3	Decision of the Academic Senate No. 12, dated 18.04.2011	Articles 7, 8 (Ethics Council), 9, 10
The Code of Ethics of the University of Vlora	Chapter I, Article 1	Chapter II, Articles 1, 2	08.10.2010 - Based on the Law No. 9741, dated 21.05.2007 “On the Higher Education” – Article 17.	Chapter IV, Articles 1-16, Ethics Commission (7 members from the academic staff) and Chapter V, Articles 1-3
Code of Ethics of the Faculty of Economy and Agribusiness	N/A	N/A	N/A	Defines the acts which constitute ethics violations, but not specific measures and bodies for sanctions

Other Codes of Ethics

Name of the Code	Purpose	Scope	Approved by	Disciplinary Measures
The Code of Ethics Police	Article 1	Article 1	Law No. 8291, dated 25.02.1998	Articles 8, 14, 16 Disciplinary Commission
Code of Ethics of the Bank of Albania (BoA)	General Consideration (A)	General Consideration (E)	Decision No. 46, dated 25.06.2003 of the Supervisory Council	General Consideration (D)
Attorney Ethics Code	Defined in the Preamble	Defined in the Preamble	Decision No. 31 of the General Council of the National Chamber of Advocates on date 12.11.2005	Law "On the legal profession in the Republic of Albania" and the Statute of the National Chamber of Advocates
Albanian Financial Supervisory Authority (FSA) Code of Ethics of Internal Auditors	Introduction	Introduction	Decision of the Board No. 119, dated 19.09.2011	N/A
Code of Ethics of the Registered Auditors	Establishes ethical requirements that must be implemented by all professional accountants, members.	All members of the Institute of Authorized Chartered Auditors of Albania (IEKA)	Amended with the Decision of the Assembly No. 76, dated 30.06.2010 and approved by BMP with Decision No. 31, dated 08.09.2010. Approved by the BMP with Decision No. 21, dated 24.04.2012	Yes, investigations and disciplinary proceedings.
Code of Ethics for the Public Financial Inspectors	Yes, defined in the Code	Yes, defined in the Code	Order No. 8, dated 13.02.2013, Ministry of Finance	Yes, administrative offense, legal sanctions are implemented.
The Code of Ethics for the Employers of State Inspectorates in the Republic of Albania	Yes: Chapter II	Yes: Chapter II	N/A	Chapter IV – Internal regulations & legal acts in force
The Ethics Code for the Bankruptcy Trustee	Yes, at page 3 of the Code	Yes, at page 3 of the Code	Bankruptcy Supervisory Agency	N/A

Integrity Building of the Albanian Public Service

Name of the Code	Purpose	Scope	Approved by	Disciplinary Measures
The Code of Integrity of Albanian Water Regulatory Authority (WRA)	Article 1	Article 2	Albanian Water Regularity Authority (WRA)	Integrity Committee (one representative of the Juridical Sector and one from the Human Resources Sector for one year period) - Standards of Administrative Procedures
Code of Ethics and		Observers – defined in page 3	AIESD-Albanian Institute for Election System Development, 2011	N/A
Code of Ethics of Media and Persons with Disabilities	The Code contents only the general deontological principles to be respected.	N/A	N/A	N/A