

Monitoring Report

TRANSPARENCY AND ACCOUNTABILITY
AT LOCAL GOVERNMENT LEVEL

A COMPARATIVE ASSESSMENT
OF TRANSPARENCY PROGRAMS
IN 12 ALBANIAN MUNICIPALITIES



Institute for Democracy and Mediation
Instituti për Demokraci dhe Ndërmjetësim



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IN 12 ALBANIAN MUNICIPALITIES

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This monitoring report was drafted in the framework of “Civic Monitoring of Transparency and Accountability at Local Governance Level” project. The data used for drafting this report were generated from the analysis of twelve local reports on transparency and accountability at local level drafted by civil society experts through IDM technical assistance.

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1. Introduction

The best local governance practices consider transparency as the milestone of good governance and strong communities. Local institution's transparency fights corruption, increases citizens' trust, and strengthens the integrity of local leadership. The monitoring of local transparency and accountability by civil society is of special importance in fostering and promoting civic engagement in decision-making processes. Furthermore, it is an efficient tool for fostering the public and social responsibility and accountability of local institutions. Citizens' participation in decision-making is paramount to strengthening local democracy and minimizing corruptive practices.¹ This process enables citizens to objectively assess the quality, adequacy and efficiency of public services, by proposing changes for the enhancement of services provided. Transparency of local institutions is a prerequisite to an open and democratic governance. On the other hand, open governance is more controllable by citizens, since access to public information allows citizens to be more informed about the government's activity. When informed, citizens find it easier to monitor the behavior of local officials and demand that they take actions that are of a public interest. Access to public information is a fundamental human right and a first step towards local participatory democracy. The right to information in Albania is exclusively guaranteed by the Constitution of the Republic of Albania and Law No. 119/2014 "On the Right to Information", and the local government units as public authorities have the obligation to guarantee such right to ensure the transparency of their activities.

The law on the right to information guarantees citizens' access to official documents and provides for state institutions to make available the information without requesting the motives. The free provision of information is carried out through the drafting and approval of the institutional transparency program, which should be published by public institutions. The Commissioner for the Right to Information and Protection of Personal Data has approved a model for the Transparency Program (TP) for local self-government units² and the 61 municipalities in the country have the

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- 1 Advocacy Training & Resource Center. (2012) Citizen Participation in Decision-Making at Local Level. Pristina: ATRC
- 2 Order of the Commissioner for the Right to Information and Protection of Personal Data No. 211, dated 10.09.2018, "On the Approval of the Model Transparency Program for Local Self-Government Units."

obligation to enforce it and proactively inform citizens and other stakeholders about their activities.

Private stakeholders, including civil society organizations, media, citizens and various interest groups have a significant role in overseeing and monitoring the implementation of the Transparency Program. These stakeholders serve as effective instruments to exert “pressure” on local self-government units for more accountability, thus fostering competition among them, as well as improving the overall performance. TP monitoring by civil society aims at fostering the principle of horizontal accountability from private stakeholders.

During the September-October 2020 period, 12 local CSOs monitored and assessed the Transparency Programs published on the municipalities’ official websites. Subsequently, through IDM technical assistance, those CSOs drafted transparency and accountability monitoring reports, the findings of which were presented and validated in 12 local round tables, whereby representatives of municipalities, civil society, media and other local key stakeholders participated. The data used to draft this report were generated from the comparative analysis of the 12 local reports on transparency and accountability at local level drafted by civil society experts.

The main purpose of this report is to assess the proactive transparency of the 12 main municipalities of their respective regions (Shkodra, Lezha, Kukës, Dibër, Durrës, Tirana, Elbasan, Fier, Berat, Vlora, Korça and Gjirokastra), through the monitoring of their Transparency Programs. Moreover, this report aims at improving the enforcement of the right to information, through the monitoring and contribution that could be provided by local CSOs in the effective enforcement of the law. The report’s findings and recommendations aim at further encouraging local government institutions to increase their transparency level through the proactive publication of information in the TP. The monitoring process was carried out during the August-September 2020 period, by employing the Transparency and Accountability Measurement System instrument, which is the main instrument to monitor Transparency Programs.

The report is structured in three main parts. The first part of the report includes a general introduction by briefly describing the aim of the report. The second part provides a summary and analysis of the legal and institutional framework on the right to information at local level. Following is presented an overview on studies or reports published regarding the right to information, monitoring of transparency, and accountability, as well as the anti-corruption efforts of the relevant municipalities. The fourth part describes the methodology, as the main instrument for the monitoring process. The fifth part of the report presents the main findings from the analysis of monitoring the 7 transparency program areas of the 12 municipalities over the August-September 2020 period. The conclusion provides several recommendations on improving transparency at local level.

2. The legal and institutional framework for the right to information at local level

2.1 The legal framework for the right to information

Constitution of the Republic of Albania

The paramount document in the hierarchy of normative acts that protect and guarantee the right to information is the Constitution of the Republic of Albania. It guarantees the right to information as well as the right of everyone wishing to obtain information about the activity of state organs/persons exercising state functions.³ Whereas the principle of an open and transparent governance is indirectly inferred as follows: “Everyone is given the possibility to attend meetings of elected collective organs.”⁴

Law No. 8485 dated 12.05.1999 “Code of Administrative Procedures ”

The principle of transparency sanctioned by the Code of Administrative Procedures, obliges public bodies to be transparent and closely cooperate with natural and legal persons, i.e. citizens and interest groups, engaged with their administrative activity.⁵ Furthermore, the Code of Administrative Procedures sanctions the principle of information by providing that: “Any individual is entitled to request public information on the activity of a public body without needing to explain the motives, in line with the legislation in force regulating the right to information”⁶. Additionally, the Code of Administrative Procedures prescribes the obligation of the public administration to inform the citizens by supporting the principle of an open and transparent administration.⁷

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- 3 Constitution of Albania, Article 23
- 4 *Ibid.*
- 5 Code of Administrative Procedures, Article 5
- 6 Code of Administrative Procedures, Article 6
- 7 *Ibid.* Articles 51-55

Law No. 119/2014 “On the right to information”

The main law that guarantees the right to information with regards to the information produced or held by public authorities is law no. 119/2014, “On the Right to Information”, adopted on 18.09.2014. This law aims to ensure public access to information, in the framework of exercising the rights and freedoms of the individual in practice, as well as establish views on the state and society situation. The provisions of this law aim at encouraging integrity, transparency and accountability of public authorities⁸. As any other human right, the right to information belongs to everyone. Article 2 of this law provides that any natural or legal, local or foreign person, as well as stateless persons may request information.

The law provides the right to information whether requested or not. Information upon request is the right of citizens to request information without having to provide any motives, and public institutions are obligated to fulfill this right while adhering to restrictions on the right to information.⁹ Information without request is the obligation of public institutions to proactively publish a wide range of information produced and held by them. Access to information without request is achieved through the Transparency Program (TP) defined as the range of information and its methods of disclosure by the public authority. The Transparency Program allows municipalities to become proactive with regards to provision of public information through which they aim at guaranteeing their citizens’ right to freedom of expression on local issues. Article 7 of law 119/2014 “On the Right to Information” provides for all categories of information that should be included in the transparency program, whereas Article 6 provides for the Commissioner for the Right to Information and Protection of Personal Data (the Commissioner) to approve and disseminate transparency program models to various public authority categories. The Commissioner, by Order No. 211, dated 10.09.2018, has approved the Transparency Program model for local self-government units. Referring to the Commissioner’s order, municipalities should have drafted and approved the new transparency program within January 1, 2019.

Even though Law 119/2014 “On the Right to Information” has ranked in the 6th place worldwide as regards its provisions, its implementation remains challenging.¹⁰

Law no. 139/2015 “On Local Self-Governance”

One of the most important laws regulating the organization and functioning of local

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8 Law No. 119/2014, dated 18.09.2014, “On the right to information”, Article 1

9 Ibid., Article 3.

10 See<https://www.law-democracy.org/live/rti-rating/global/>

self-government units in Albania, as well as setting forth their functions, competences and rights is the law “On Local Self-Governance”. Citizens’ right to information at local level is also laid out in this law thus ensuring transparency of the local government bodies and enabling the public to actively engage in governance. The law pays special attention and span to guaranteeing the right to information of citizens as well as their participation in decision-making. The public’s right to information and the principle of transparency sanctioned by this law include the obligation of the self-government units to ensure the transparency of their activities to the public, and publish their acts on their websites and display them in their premises.¹¹ Moreover, the law determines that every local government unit is obligated to assign a transparency coordinator and approve the transparency program by ensuring access of all, especially the poorest groups of the community, in compliance with the provisions of the law in force on the right to information.¹²

Law No. 146/2014 “On Notification and Public Consultation”

The Law No. 146/2014 “On Notification and Public Consultation”, aims at promoting public authorities’ transparency, responsibility and integrity. This law regulates the process of notification and public consultation of draft laws, national and local strategic draft documents as well as policies of great public interest. The law lays down the procedural rules that must be implemented to ensure transparency and public participation in policymaking and decision-making processes of public bodies.

Law No. 68/2017 “On Local Self-Governance Finances”

The law on Local Self-Governance Finances has in its scope the regulation of local self-governance finance procedures, the transfers from central to local government, the determination of policy rules, the instruments and procedures for public finance management at local level, as well as other relevant issues in local self-governance finances. This law envisages the principle of transparency in several of its Articles¹³, regarding the transfers from central to local government, public funds management policies, agreements entered into by LGUs and sale/lease of LGU property and assets. Additionally, this law provides for the obligation of local government units to disclose important documents such as decisions on local fiscal obligations, the taxes and tariffs base, fines and applicable late fees, assets and properties offered for sale

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11 Law no. 139 /2014 “On Local Self-Government”, Article 15/1 and 15/2

12 Ibid, Article 15/3

13 Law No. 68/2017 On Local Self-Government Finances, Articles 2/2, 2/6, 12/3, 19/5

or lease, and the annual budget. The law on Local Self-Governance Finances bears further importance because it provides for the financial documents for which the LGU is obligated to carry out a public consultation, e.g. Mid-Term Budgetary Program¹⁴ and temporary local taxes¹⁵.

Law No. 152/2013 “On Civil Servant”

The law primarily aims at regulating civil service and the relationship between the state and civil servants, whereby it lists transparency as one of the main principles of civil service administration.¹⁶ Furthermore, this law provides for the obligation of every civil servant (including the local administration) for transparency and providing information to the public: “Civil servants shall be obliged to perform their duties in the civil service with transparency and ensure to the parties as well as to the large public the requested information, except for the cases when such information is classified as state secret by law.”¹⁷

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14 Ibid, Article 5ç

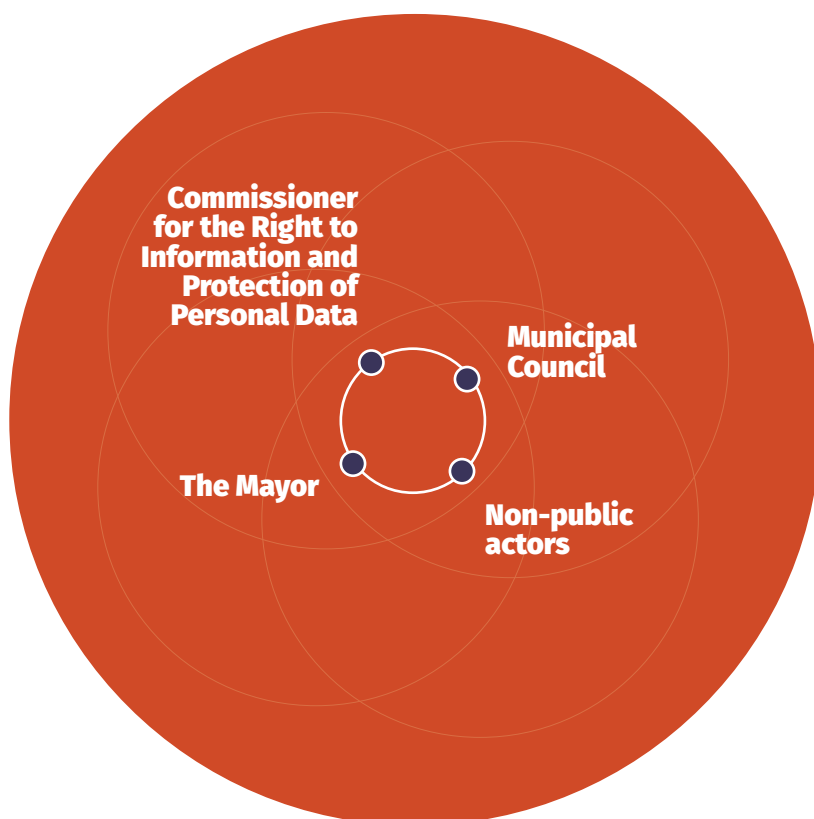
15 Ibid, Article 13/3

16 Law No. 152/2013 “On Civil Servant”, Article 5

17 Law No. 152/2013 On Civil Servant, Article 44

2.2 Institutional framework for the right to information and the role of local CSOs

Figure 1. The actors involved in the monitoring process of transparency at local level are as follows:



- 1. The Commissioner for the Right to Information and Protection of Personal Data** is the public institution that is aware and has access to information and documents, subject to complaint, pursuant to the law “On the right to information” and the law “On notification and public consultation” or related to the issue under review. Accordingly, the Commissioner proposes the respective recommendations or even administrative measures to the responsible municipalities.
- 2. The Municipal Council** as the representative body of the municipality oversees the municipal administration’s informing of the public; is responsible for carrying out public counseling sessions and consultations; oversees the guarantee of

public participation in the decision-making process. The Municipal Council also approves the municipality's Transparency Program and relevant information according to its areas and it can undertake initiatives or mechanisms for monitoring its implementation by the municipal administration.

3. **The Mayor** is the executive body of the municipality and the head of the institution, who oversees the Transparency Program implementation process by the municipal administration and subordinate administrative units.
4. **Non-public actors**, including civil society organizations, media, businesses, citizens and various interest groups, play a significant role as external observers of the Transparency Program implementation. These stakeholders, through their monitoring activity encourage local government units to improve their transparency by demanding more accountability. The role of private stakeholders has proven to be especially important during emergency periods, serving not only to the monitoring process but also to the demand for greater responsibility of local decision-makers, particularly in cases of citizens' urgent needs, such as: the earthquake event or communities in need during the pandemic¹⁸ to secure humanitarian aid and services, fundraising campaigns, as well as by raising awareness of various issues through public denouncement.

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18 Bino, B. Xhaferaj, O. Lula, L. (2020) "The role of civil society and media in crises management in Albania" <https://www.wfd.org/wp-content/uploads/2020/12/Roli-i-Shoq-civ-media-final.pdf>

3. Access to information: Vital to local democracy and empowerment of citizens

Municipalities, as the level of government closer to citizens and as providers of public services at local level, have an essential role in informing the public and enabling participatory local decision-making. Access to public information empowers citizens to demand their rights, to undertake informed actions or choices and become more responsible engaged citizens. Access to information also creates the proper conditions for citizens and civil society to have a greater consciousness of their overseeing role towards governance, thus encouraging informed public participation in decision-making, by creating the conditions for an open government, and therefore guaranteeing more transparency and accountability.

The right to information is closely linked to freedom of expression, and both are vital to a functional democracy. In international law, freedom of information is an integral part of freedom of expression, which is a fundamental human right, and includes all forms of expression: verbal, written, printed and online media, as well as various forms of visual arts. This implies that protection of freedom of expression as a right includes not only content, but also the means and forms of expression. Therefore, freedom of expression cannot be understood without freedom of information, as both expression and information are the two sides of public communication” (Matlija 2015, 7).¹⁹

Local government units, as public authorities, have the obligation to guarantee the right to information as a constitutional and legal obligation to ensure the transparency of their activities. Public access to information is the first step towards transparency and accountability, constituting the foundation for building public trust in local institutions.²⁰ On the other hand, by increasing public trust in the government it is more likely to create an open communication and greater synergy between

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19 Matlija, D. (2015). Commentary of Law No. 119/2014 “On the right to information” along with the practice of the Commissioner for the Right to Information.

20 Diba, B. (2016). Informative Legal Handbook. The Right to Information in Albania. Shkodra: “Young Intellectuals, Hope” Association

citizens and local government. Being closer to the public through citizens' information centers, proactively publishing TP information or employing social media to inform citizens on various issues are some effective ways to achieve this.

Transparency monitoring by private stakeholders is significant as it raises awareness on the problems of enforcing the right to information, as well as encourages municipalities to improve their work and accountability. Transparency monitoring takes on a special importance mainly in the event of emergencies or natural disasters, during which many citizens' rights are restricted. During emergency situations, local transparency monitoring by various stakeholders has a positive impact for two reasons: first, it puts pressure on local self-government units to become more responsible by publishing every procedure in order to maintain public trust, and second, with regards to managing public funds,²¹ since during such periods there are more public procurement procedures taking place.

3.1. Monitoring the right to information by private stakeholders

Local self-government units have been subject to various monitoring of transparency, quality of services or oversight of decision-making, etc., which have been mostly carried out by civil society actors. Such monitoring has highlighted local governments' performance, achievements, as well as encountered challenges and barriers, by comparing them to the required standards. A considerable number of them have provided a comparative approach of municipalities with regards to the transparency level.

According to the monitoring report "Local Government Through the Right to Information Lens" prepared by BIRN Albania, from the comparative assessment of transparency indicators in the field and online for the 61 municipalities in 2019, Shkodra Municipality ranked first with a proactive online transparency level of 74%. Even though during the online monitoring it resulted that the number of municipalities with an official website has increased from 40 in 2017 to 61 in 2019 – thus including all LGUs in the country, the average transparency of monitored pages in 2019 has decreased compared to the two previous years.²²

The same report ranks Berat Municipality at 54th place, thus rating it as one of the municipalities with the lowest transparency level based on field monitoring (29%),

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21 Shehaj, A. and Totoni, L. (2021) Toolkit on the Civic Monitoring of Transparency and Accountability of Local Self-Government Units, Institute for Democracy and Mediation

22 <https://birn.eu.com/wp-content/uploads/2019/05/Pushteti-vendor-single-page-web-1.pdf>;
<https://www.monitor.al/bashkite-bejne-hapa-pas-ne-nivelin-e-transparences-proaktive/>

whereas Mat Municipality ranks at 61, rating it as one of the municipalities with the lowest online transparency level (8%).

Based on the national monitoring report prepared by BIRN for 2016 – 2017, “Local Government Through the Right to Information Lens”, Korça Municipality ranked first among all municipalities for 2017, with a transparency level of 69% (BIRN, 2017).²³ The most transparent categories for Korça Municipality are financial transparency, enforcement of the right to information, and disclosure of Municipal Council’s meetings and decisions. Regarding the overall transparency level of the 61 monitored municipalities, Shkodra Municipality ranked second, whereas Vlora and Berat Municipalities ranked at the bottom of the list for 2017. Moreover, it is evident from the report that Tirana Municipality saw an increase by 26% from 2016 to 2017, in almost all Transparency Program areas. Whereas one of the areas that remained at low transparency level for 2017 is the financial transparency of Tirana Municipality.

Since 2015, Res Publica Center, as one of the most active organizations in the field of the right to information, has continuously published monitoring reports on the implementation of the law on the right to information. The 2019 report “The Right to Information 2019” displays the performance results of 100 public authorities regarding the completion and update of transparency programs, the publication and keeping of a requests and responses register, the institutions’ behavior towards the requests for information, etc. over the course of 2019.²⁴ The municipalities’ adoption of the transparency program as the initiative of the Commissioner is deemed a positive practice which should be followed by other institutions. However, municipalities are obligated to approve the TP according to the Commissioner’s model, but the monitoring carried out by Res Publica revealed that less than half of them have implemented this decision. Among the 100 monitored institutions, Shkodra Municipality is deemed to have achieved a complete transparency program according to the required standards.

In September 2019, Res Publica Center published a national report on the Local Government Transparency Index, which aimed at analyzing transparency and identifying positive and negative examples of LGU proactive transparency levels. The report data reveal that Shkodra Municipality is ranked first among all other municipalities for 2019, with a score of 86 (Publeaks, 2019).²⁵ The most transparent

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23 BIRN Albania. (2017) Monitoring 2017- Local Government Through the Right to Information Lens <https://birn.eu.com/wp-content/uploads/2016/10/Pushteti-vendor-nen-lenten-e-te-drejt-es-per-informim.pdf>

24 Matlija, D., and Dule, I. (2019). Right to information 2019. When the Commissioner for the Right to Information is reduced to an observer ... Tirana: “Res Publica” Center <http://www.respublica.org.al/wp-content/uploads/2020/01/E-drejta-e-informimit-2019-Res-Publica-web.pdf>

25 Publeaks 2019 Transparency Race <https://www.publeaks.al/renditja-e-institucioneve/>

categories of Shkodra Municipality are financial transparency, the implementation of the right to information and disclosure of Municipal Council meetings and decisions.²⁶

Another study conducted by the Center for Public Information Issues, INFOÇIP (2018), on the implementation of law no. 119/2014 “On the right to information” at local government level, has evaluated Shkodra Municipality’s Transparency Program as one of the best programs in Albania for 2018 after Korça Municipality. Gjirokastra Municipality has been rated as one of the municipalities with the slowest progress on the proper implementation of the legal regulatory framework for access to information.²⁷ The 2017 monitoring report prepared by INFOÇIP, rated Korça Municipality as the most transparent municipality in Albania for 2017, based on five indicators: 1) Having an official website; 2) Requests and responses register; 3) Coordinator for the right to information; 4) Publication of Municipal Council’ decisions; 5) Drafting and publishing the transparency program (INFOÇIP, 2017).²⁸

Moreover, the Handbook on Transparency and Citizen Participation in Albania, drafted by the Congress of Local and Regional Authorities of the Council of Europe jointly with Partners Albania For Change and Development in 2018, considers Korça as a good example of best practices for the implementation of the legal regulations on access to information. Some of the most transparent categories for Korça Municipality are financial transparency, implementation of the right to information and publication of municipal council meetings and decisions. Fier Municipality is rated as one of the municipalities with the best practice of public finance management system analysis. The same study rates Elbasan Municipality as among the most progressive municipalities regarding best practices of participatory budgeting implementation process. Elbasan Municipality is rated as one of the first municipalities to implement participatory budgeting since 2004.²⁹

In 2021, the Civil Rights Defenders organization published a regional report assessing “The Effectiveness of National Human Rights Institutions in the Western Balkans”³⁰ which included Albania as well. Among others, this report highlights the need of

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26 Res Publica Center (2019) Monitoring 2018-2019- Transparency Index, part of “Investigative journalists’ increased access in official information”

27 INFOCIP (2019) Monitoring 2019- The Right to Information Implementation by Albanian Municipalities.Tirana;<https://www.infocip.org/al/wp-content/uploads/2018/09/Monitorimi-INFOCIP-2018-E-DREJTA-E-INFORMIMITNE-61BASHKI.pdf>

28 INFOCIP (2017) Monitoring 2017- The Right to Information Implementation by Albanian Municipalities.Tirana

29 ALBANIA Handbook on Transparency and Civic Participation. 2018

30 Xhaho, A. (2021) “Effectiveness of NHRIs WB Albania, Bosnia and Herzegovina, Kosovo” Civil Right Defenders <https://crd.org/wp-content/uploads/2021/03/Effectiveness-of-NHRIs-in-the-WB-What-is-behind-and-beyond-the-average.pdf>

independent institutions in Albania, including the Commissioner for the Right to Information and Protection of Personal Data, to improve the effectiveness of their activity by further implementing recommendations through systematic case tracking, drafting institutional communication strategies, initiating research on important human rights issues, adjusting request and complaint forms for persons with special needs, etc.

Further studies and monitoring have been carried out during the 2019-2020 period, when Albania faced two natural disasters, the November 2019 earthquake and the COVID-19 pandemic in 2020. These studies carry a special significance because transparency and information take on an added value during times of crises, and it is quite important for journalists, doctors, civil society activists and citizens in general to be able to criticize authorities and monitor their response to the crisis. According to civil society reports, institutions reduced transparency after the earthquake and during the COVID-19 pandemic. They worked with reduced staff and often did not have the necessary infrastructure to respond to the situation. According to Porta Vendore³¹, municipalities of Durrës, Tirana, Kruja and the Ministry of Interior and Ministry of Education did not reply to information requests during the period that followed the November 2019 earthquake, thus leaving unanswered questions of public interest. Whereas according to the Res Publica report “The Right to Information During Natural Disasters in Albania”, throughout 2020, reactive transparency has decreased by 15%, whereby the information provided during the pandemic has been mainly centralized by the government³² and therefore, the media and civil society organizations’ monitoring ability has been limited.

With regards to overall institutions transparency during the pandemic, from the monitoring conducted by Bashki të Forta it is worth mentioning the practice of several municipalities to broadcast live the Municipal Council meetings³³, however, on the other hand, this has been lacking in the country’s largest municipality, i.e. Tirana.³⁴

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- 31 Emiri, G. (2020) “Institutions reduced transparency and withheld information after the earthquake and during the COVID-19 pandemic” Accessed at Porta Vendore <https://portavendore.al/2020/07/19/institucionet-ulen-transparencen-dhe-kufizuan-informacionet-pas-termetit-dhe-gjate-pandemise-se-covid-19/>
- 32 Matlija, D. (2021) “The Right to Information During Natural Disasters in Albania”, Civil Rights Defenders
- 33 Bashki të Forta (2020) “On A Functional Government in Response to the Covid-19 Challenge in Cooperation with Local Communities” <http://bashkiteforta.al/wp-content/uploads/2020/06/Raporti-Javor-19Maj-3Qershor.pdf>
- 34 Gjerani, E. (2020) “Transparency of Municipalities during the Pandemic – Civil Society and Local Media pressure and its Effects”, accessed at Porta Vendore <https://portavendore.al/2020/08/07/transparenca-e-bashkive-gjate-pandemise-presioni-i-shoqerise-civile-dhe-medias-lokale-dhe-efektet-e-saj/>

According to the monitoring carried out by Qëndresa Qytetare³⁵, the decisions of Tirana Municipality have been made without holding consultations with citizens, and draft decisions have not been published prior to approval in line with the legal provisions in force. Recently, according to the “Evaluation of Human Rights and Rule of Law During the Albanian Presidency of the OSCE” report, the key central institutions in managing the pandemic crises have not been transparent and have made it difficult for journalists/civil society organizations to monitor, fact-check or investigate their activities.³⁶

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- 35 Civic Resistance (2020) “Informative Report: Tirana Municipal Council Decision-Making during the COVID pandemic” <https://qytetarin.com/wp-content/uploads/2020/06/final.pdf>
- 36 Krasniqi, A. Metalla, A. Bozo, A. Likmeta, B. Skendaj, E. Cukaj, I. Voko, K. Reçi, M. Shehu, R. (2021) “Evaluation of Human Rights and Rule of Law During the Albanian Presidency of the OSCE” <https://ahc.org.al/wp-content/uploads/2021/01/Vleresimi-i-te-Drejtave-te-Njeriut-dhe-Shtetit-te-se-Drejt-es-teksa-Shqiperia-kryeson-OSBE-ne.pdf>

4. Methodology

This monitoring report provides a comparative approach of the proactive transparency of 12 main municipalities of the regions, through the monitoring of the Transparency Programs published on their official websites. The base instrument for monitoring the Transparency Program is the Transparency and Accountability Measurement System developed by the Institute for Democracy and Mediation (IDM), in the framework of the “Consolidation of the Administrative and Territorial Reform – STAR 2” project. It complements the municipalities’ Transparency Program and facilitates publishing information of public interest on time and effectively by contributing to the implementation of legislation on the right to information and public consultation at local level. The Measurement System aims at achieving an objective evaluation of the entire information/documentation that must be published in the Transparency Program, pursuant to Article 7 of Law No. 119/2014, “On the Right to Information” aggregated on 7 main areas. For each of the above areas a list of documents as well as the relevant regulatory legal basis has been detailed. The detailed list of documents that should be published in the Transparency Program can be found in Annex 3. Every area has been disaggregated in several subareas with the respective indicators. The indicators have been selected based on the relevant responsibilities, competences, functions and procedures of local self-government units that are determined by the legal framework in force. In total, there are 147 indicators for the 7 areas, whereby each carries the same weight. It should be pointed out that the Transparency Program may be reviewed every five years, while it should be updated regularly.

The following table displays the number of indicators and scores for each of the 7 transparency program areas:

Table 1. Number of indicators and scores for the 7 transparency program areas

Area	Subareas	Indicators	Score
I: On municipality organization and functioning	4	32	64
II: Economic and financial transparency and accountability	10	29	58
III: Requests for information	8	23	46

Area	Subareas	Indicators	Score
IV: Services provided by the municipality	3	15	30
V: Legislation and internal regulatory acts	1	6	12
VI: Citizens participation in decision-making	9	32	64
VII: Other information	4	10	20

Each indicator represents a document or information that should be published by municipalities and be easily accessed by citizens. Additionally, the indicators aim at measuring the transparency level of municipalities as well as serving to assess the willingness of local officials to be open to citizens and inclusive in decision-making. Each indicator may be rated with 0, 1 and 2 points, based on the quantity and quality of related information resulting from the monitoring. The total evaluation sum is calculated based on the score of each indicator. The relative specification of the degree of transparency and accountability in the respective unit is made by using the table scaled in quantiles of the Transparency and Accountability Measurement System. The following table shows the 5 large aggregations of the transparency level: 1. Low transparency; 2. Partially low transparency; 3. Medium transparency; 4. Partially high transparency; 5. High transparency

Table No. 2: Transparency categories

Total score	Quantiles based on the total score	Performance category
Quantile 1 (0-59 points)	0-20%	Low Transparency
Quantile 2 (60-118 points)	20-40%	Partially low transparency
Quantile 3 (119-177 points)	40-60%	Medium transparency
Quantile 4 (178-235 points)	60-80%	Partially high transparency
Quantile 5 (236-294 points)	80-100%	High transparency

Even though the initiative in question for monitoring transparency and accountability, through the use of a unified system such as the Transparency and Accountability Measurement System, aims to be widely replicated in other municipalities, we must keep in mind that the instrument assesses only the proactive transparency of the institution. This type of assessment does not undertake to assess field transparency or the level of municipalities' willingness (duration, interaction with the institution, etc.) to provide information through requests for information (reactive transparency). For a more comprehensive approach to the assessment of TA in its entirety, the assessment of reactive transparency is also suggested, as it provides the broadest and most complete view of the institution's openness to the public. This exercise does not serve only to the municipality, but also to civil society actors, who play a key role in fostering similar initiatives that promote transparency and accountability at local level.

Another implication of the methodology is the selection of the municipality sample, which is based on the selection of 12 main municipalities of the respective regions, and not on other indicators such as for example the size of the municipality.

Out of the 12 monitored municipalities, two municipalities (Gjirokastra and Berat) have not published on their website a Transparency Program according to the model approved by the Commissioner for the Right to Information. However, monitoring experts have assessed the level of transparency of the information which was published online on the municipality's website. A summary analysis of the online transparency monitoring of these two municipalities may be found in Annex 1 of this study.

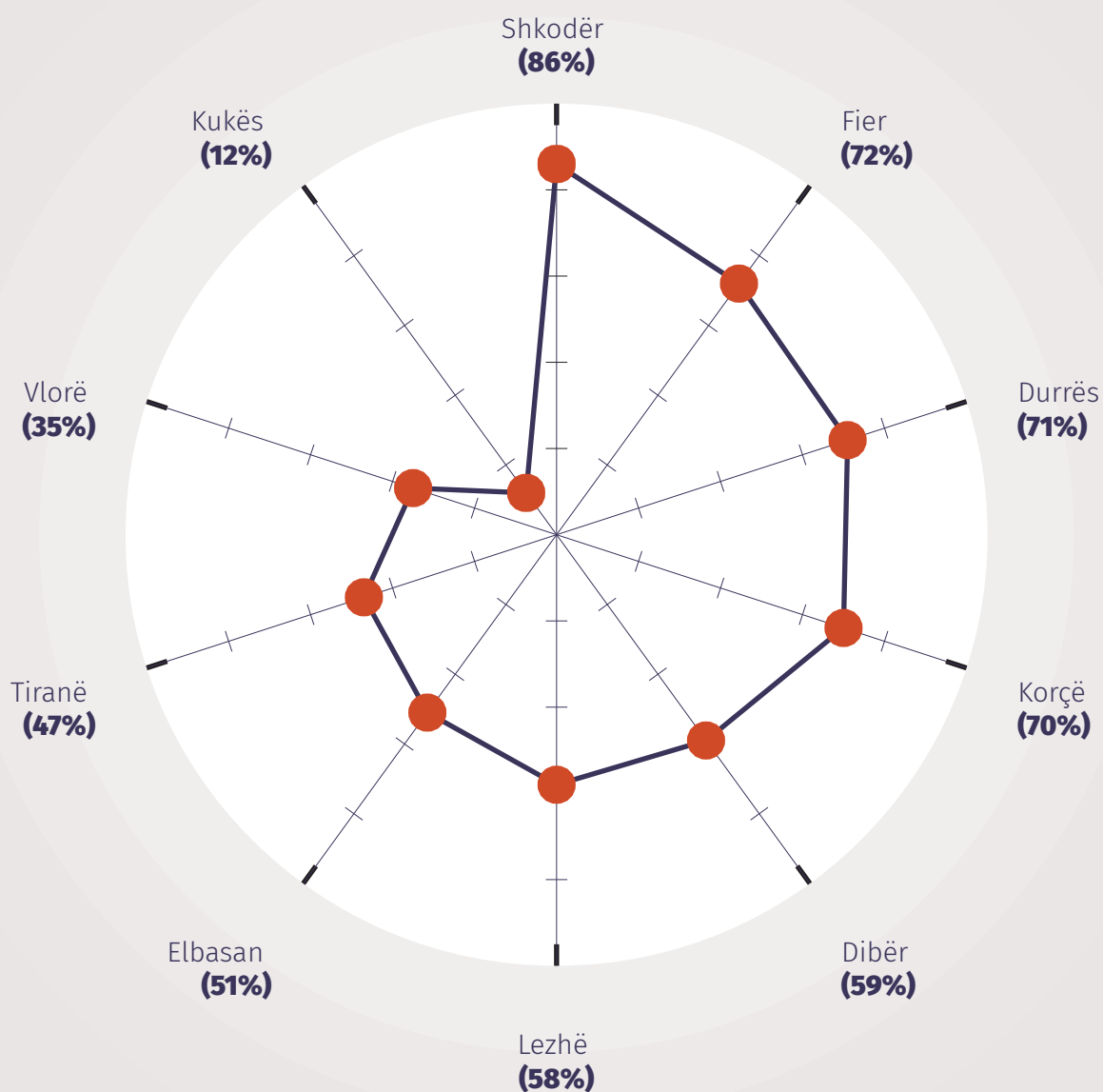
5. Reporting the findings

Every public authority is obliged according to Law 119/2014 "On the Right to Information", to publish without request on its website a significant number of categories of information by publishing them in the "Transparency Program" (TP) section. By publishing information in the TP, local authorities should consider the community's highest interest, in particular to ensure maximum access to information available to the public, and to disclose as much information as possible, in order to reduce the need for individual requests for information. The information should be in easily understandable and accessible formats, as well as organized according to the categories of information defined in the law.

Out of the 12 monitored municipalities, only 10 of them had approved and published the Transparency Program according to the model approved by the Commissioner. In the case of the two municipalities that had not published a TP, Berat and Gjirokastra Municipality, only the information published on their websites was monitored. Therefore the findings from the monitoring of these two municipalities will be analyzed separately in Annex 1.

Municipalities have presented the Transparency Program in various forms. In some municipalities, such as Shkodra, Dibra or Vlora, the TP is placed on a separate section, easily identifiable when clicking on the municipality's main page. Whereas, the placement of a tab with automatic content as soon as the section is clicked, as in Dibra's case, facilitates information search. It is encouraging that for most municipalities the published information is accessible and easily usable, as it can be copied, processed (when in Word), downloaded and printed. Another positive element noted is the publication of brochures related to remote information under the conditions of the COVID-19 pandemic, as in the case of Shkodra Municipality or the placement of a message with anti-Covid advice that automatically appears on the screen as soon as entering the Tirana Municipality website. In addition, Tirana Municipality has a special section for civil emergencies with advice on the event of earthquakes and floods, as well as a special section with updates about the situation of the COVID-19 pandemic. On the other hand, at the top of the web page of Durrës Municipality, the contact numbers for citizens who need help because of COVID-19 are displayed. It is to be highlighted that this information, although not mandatory, was published on the municipalities own initiative to respond to the most urgent needs and concerns of citizens regarding emergency situations that the country has been facing.

FIGURE 2
RANKING OF MUNICIPALITIES ACCORDING
TO THE TRANSPARENCY RATIO



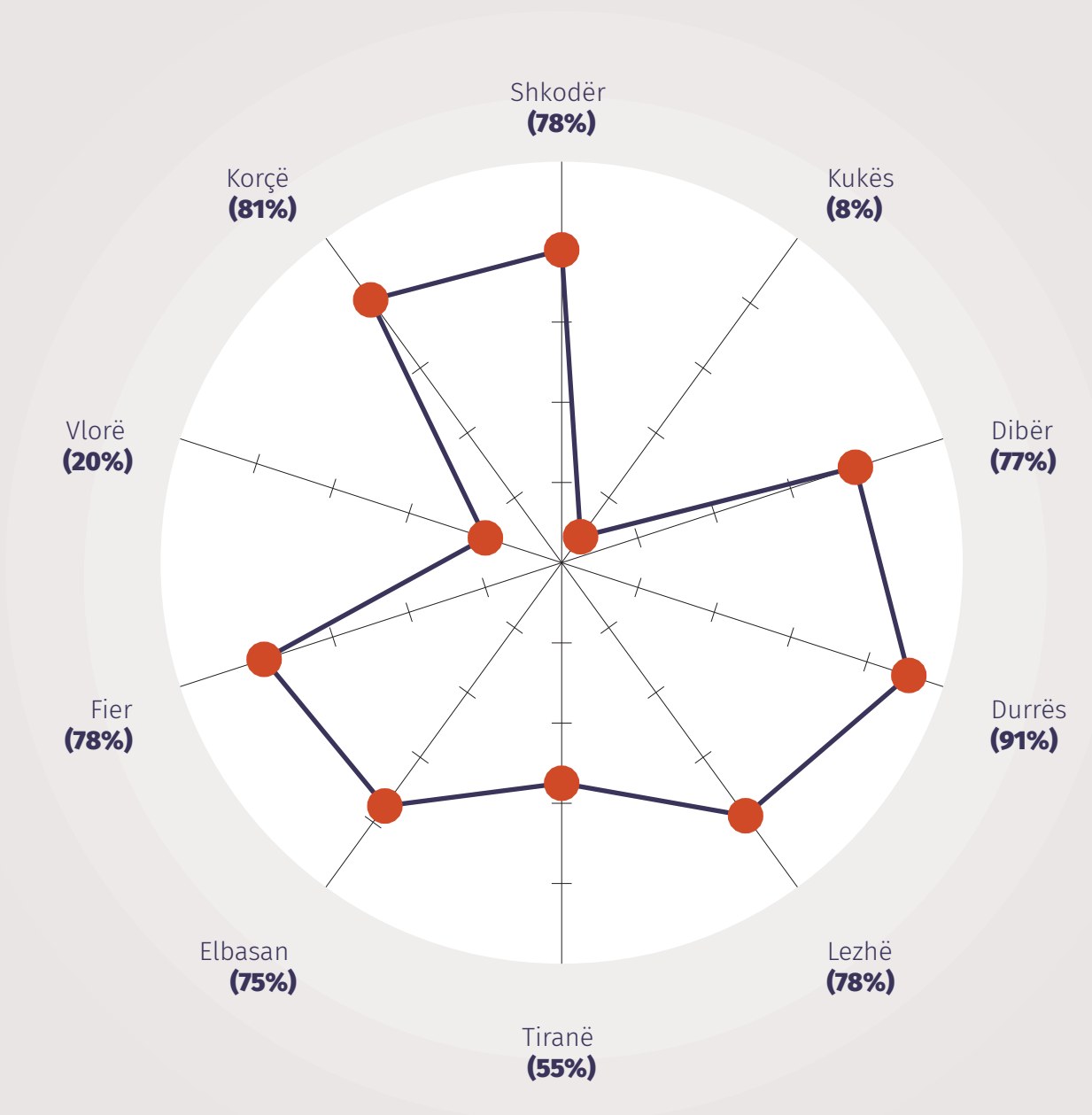
In addition to the way of presentation, the way of organizing the TP also varies from one municipality to the other, e.g. Korça Municipality has well-organized TP sections and sub-sections, while, some municipalities have placed their TPs as sub-sections in other sections with different names. For example, in the case of Elbasan and Fier Municipalities, the TP is under the “Services” section; in Kukës and Tirana Municipality, it is found under a section called “Your voice” and in Durrës Municipality the TP is found under a section called “The city and citizens”. The lack of a unified model makes it difficult to find information for citizens who cannot easily navigate the website. Another problem is that some of the sections for information exist only as titles and do not generate information when clicked, such as in the case of Kukës Municipality.

From the monitoring of the documentation published in the Transparency Program in 10 municipalities of the country, it resulted that one municipality belongs to the “Low transparency” category (Kukës), one of them belongs to the “Partially low transparency” category (Vlora), four of them belong to the “Medium transparency” category (Dibra, Lezha, Tirana, Elbasan), three municipalities belong to the “Partially high transparency” category (Durrës, Korça, Fier) and only one municipality belongs to the “High Transparency” category (Shkodra). The municipality with the highest score is Shkodra Municipality, whereas the one with the lowest score is Kukës Municipality.

» *Area I - On municipality organization and functioning*

For the evaluation of the first area “On municipality organization and functioning” were monitored 4 subareas with 32 indicators. The information in this area is not of a sensitive nature and serves the citizen to better know the institution of the municipality, how it is organized from the administrative-territorial point of view but also internally, providing information on the competencies and duties of the municipal and administrative bodies, staff, etc. A very important element of this area is the information that allows citizens and interest groups to track and monitor the decision-making activity of municipal bodies, for example by having access to draft decisions of the Municipal Council prior to approval, the calendar of meetings, agenda, etc. Besides, this area is important for its practical and guiding aspect, which includes citizens’ reception hours, postal or electronic addresses of the institution or the procedure for submitting requests, complaints, comments or whistleblowing. The latter are important for reporting suspected acts or practices of corruption.

FIGURE 3
AREA I - ON MUNICIPALITY ORGANIZA -
TION AND FUNCTIONING



In this area, most municipalities, Durrës being on top, have provided partially high level information. Whereas, Kukës and Vlora municipalities stand out for the lowest score level in this area. In Kukës municipality, basic information such as data on administrative-territorial division of the municipality or the mayor's duties and competencies are missing, while in Vlora, among others, all indicators of the municipality organization and functioning subarea are missing.

The average level of transparency for the 10 monitored municipalities is 64.1%, or partially high transparency. This is the third most transparent area for the monitored municipalities.

In the **first subarea “Administrative-territorial organization, mission and functions”**, it is encouraging that most municipalities (8/10) have scored the maximum points, except for Kukës municipality, where information is completely missing and Fier Municipality, which does not have complete information on the duties of administrative units.

Even in the second subarea “Municipal Bodies”, Durrës municipality has scored the maximum points, while Vlora and Kukës Municipalities have the minimum points. The municipalities of Korça, Lezha, and Elbasan also have a high score in this area. It is positive that some municipalities have arranged the information in several sections such as city, units or regions and have presented a well-structured organizational chart, and documents can be easily accessed and used. Whereas some noted problems relate to the lack of links or placement of outdated links, as well as the presentation of information in a difficult technical language that is not understandable for everyone. The first three indicators related to the Municipal Council, composition and structures, duties and competencies as well as regulations, are supplemented with information in most municipalities except for Kukës and Vlora Municipalities, where these are missing or incomplete, and Fier Municipality where regulatory information is incomplete. The other municipalities have the maximum scores for these 3 indicators. However, the situation is not as encouraging when it comes to the next indicators which are more important and relate to the opportunity to be informed in advance about the decision-making activity of the Municipal Council. The calendar of meetings of the Municipal Council is not published in half of the municipalities, while only 4 municipalities have complete information. Notification of the meetings of the Municipal Council is complete only in Durrës, Lezha and Fier Municipalities, while in the rest this information is missing or incomplete. In Dibra Municipality, the information about the Municipal Council meetings or agenda is published through other platforms such as Facebook, which does not exempt the municipality from the obligation of publishing this information in the Transparency Program. Information on the agenda is missing in the majority of municipalities (7/10); it is complete only for Lezha and Durrës Municipalities, and partial for Fier Municipality. The draft decisions under review by the Municipal Council are published only in 4 municipalities (Shkodra, Durrës, Lezha, Korça) and are missing in all others.

Even the publication of the minutes of the meetings of the Municipal Council appears problematic, and is complete only in 3/10 municipalities. This lack of information and transparency in most of the monitored municipalities regarding the decision-making activity of the Municipal Council, including meetings, agenda and draft decisions, makes it difficult and limits the possibility for prior monitoring and consultation with stakeholders and citizens. This practice of non-publication of draft acts contradicts the provisions of the law on local self-governance, the right to information and notification and public consultation.

The Law on Local Self-Governance stipulates that the meetings of the Municipal Council should be open to the public and that the announcement of meetings should be made in advance in the most accessible way.³⁷ On the other hand, non-publication of draft decisions for consultation is in violation of the Law on Public Consultation which requires that information on draft acts be made public at all stages.³⁸ Nonetheless, an indicator where most municipalities have performed well is that of publishing normative decisions, ordinances and orders. Their publication is complete in 8/10 municipalities, while it is completely missing in Kukës and Vlora Municipalities. It therefore appears that municipalities choose to publish the decisions of the Municipal Council only when they are final, and not at the phase when they are draft decisions and can be subject to debate and public consultation. Shortcomings are noted with regards to the Mayor's decisions, ordinances and orders of normative nature, which are published in full only by half of the monitored municipalities. Whereas information on the procedures of the election of the mayor is missing in 3 municipalities, it is incomplete in one municipality and complete in the rest of the monitored municipalities. Other mayor related information such as duties and competencies (7/10) or data on the mayor's education, qualifications and salary (6/10) is complete in most municipalities. It is concerning that in 6 municipalities there is a lack of primary and guiding information for the public, such as the citizens' reception hours. The situation is more favorable with regards to information on the postal/ electronic address which is missing only in 2 municipalities.

In the third subarea “Municipal Administration” the municipalities with the highest scores are Dibra and Fier while the municipalities with the lowest scores are Kukës and Vlora. Information on the organizational structure and number of employees (9/10) and the regulation on the organization and functioning of the administration (8/10) are published in full in the vast majority of municipalities. Regarding the salary structure, 2/10 municipalities do not have any information at all, while 2/10 do not have complete information. The administrative units' administration duties are published in full in 6 municipalities. The information on the organization and

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37 Law No.139/2015, dated 17.12.2015 “On local self-governance”, Article 17

38 No. 146/2014 “On Notification and Public Consultation”, Article 5

functioning of the subordinate units is also problematic, whereby in 3 municipalities it is completely missing, and in the other 3 it is incomplete. It is striking that even the most transparent municipality that of Shkodra, scored 0 points for this indicator. The announcement of vacancies and recruitment procedures is complete only in 6/10 municipalities. Also, only half of the municipalities have published complete information on the postal and electronic addresses of the municipal offices / administrative units / subordinate units. While 4 municipalities have not published information on the heads of offices, administrative units and subordinate units, and 2 municipalities have incomplete information.

In the fourth subarea “Procedures for making requests, complaints and comments about the actions or omissions of municipal bodies and administration”, three municipalities have scored maximum points, respectively Durrës, Elbasan and Korça. Whereas, Vlora, Tirana, and Kukës municipalities have the poorest performance in this subarea. Information on the procedure for making requests, complaints, comments and whistleblowing to municipal bodies is complete in a significant part of the municipalities (6/10), completely missing in Kukës and Vlora Municipalities, and it is partial in Tirana and Lezha Municipalities. This indicator has marked the only point of Tirana Municipality in this subarea, and it should be noted that in practice the (partial) information given in this case on the procedure, does not serve the public because all other information is missing, and above all, it does not provide the postal/ electronic address where the request/ complaint/ comment should be submitted. The internal regulation on the procedure of reviewing the administrative investigation of whistleblowing and the protection mechanisms of confidentiality is published in full only in 2/10 municipalities, while the information on the unit responsible for registering, administratively investigating and reviewing whistleblowing is complete only in half of the municipalities. On the other hand, 4 municipalities have not published the postal/ electronic address for filing requests, complaints, alerts or comments, denying citizens the practical opportunity to submit a request or complaint, while 7 of them have full or partial information on deadlines and ways of responding to requests, complaints or comments. These indicators are quite important to inform citizens on how to process their requests or complaints and above all, they are important to the seriousness of the process, fostering public trust and fighting corruption. The implementation of the Law on Whistleblowing and Whistleblower Protection at national level is unsatisfactory. At the local level, its implementation faces increased challenges related to lack of trust in maintaining confidentiality and fear of retaliation, as in small communities people are more exposed to each other and this has the effect of holding them back from reporting corruption cases.³⁹ Lack of public trust, accompanied by lack of information on this

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39 <https://ahc.org.al/sinjalizuesit-apo-bilbilfryresit-instrumenti-ligjor-i-pashfrytezuar/>

mechanism which is evident in the monitored municipalities (both for citizens and municipal employees themselves⁴⁰), as well as delays in setting up whistleblowing units at the local level or lack of regulatory acts, result in a low number of whistleblowing cases which is also evidenced in the monitoring conducted by the Albanian Helsinki Committee.⁴¹

Finally, in this area, it is noticeable that non-sensitive and conceptual information, such as organizational structure, has been made available at a high level, while information that may be of more interest such as Municipal Council meetings, the regulation on the procedure of reviewing the administrative investigation of whistleblowing and the mechanisms of protection of confidentiality, the unit responsible for whistleblowing, are limited. Also, practical and essential information such as the postal/ electronic address of municipal offices/ administrative units/ subordinate units, are not made available at a satisfactory level.

» *Area II - Economic and financial transparency and accountability*

In the second area “Economic and financial transparency and accountability” 10 subareas with 29 indicators were monitored. Information in this area is quite important, as it allows citizens to be informed on the financial capacity of their municipality, the applicable fiscal package, the municipality's plan to cope with financial difficulties, how revenues are managed, if/ how many of these revenues are being used for sustainable development, the source of these revenues, etc. On the other hand, the publication of the local mid-term budget program during all its phases prior to approval is very important so that stakeholders have the opportunity to advocate for the proper budgeting of a particular issue/service. Above all, economic and financial transparency and accountability in general, and especially in the area of public procurement and management of public property and assets, are key to fighting corruption at local level. These areas imply interaction with the public and create opportunities for benefits, favoritism and abuse and can be considered as “risk areas” in the municipality. Corruption risks may be related to processes such as public procurement where public-private interaction is quite high, the process of managing and administering public property, which includes the alienation of public property, processes with managerial functions such as financial management, the process of

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40 Integrity Plans of Durrës, Elbasan and Gjirokastra Municipalities.

41 *Ibid.*

protecting the territory from illegal constructions, etc. Transparency in these areas would also positively affect public trust. Most documents in this area are in pdf format, allowing the download and copying of information. However, voluminous documents are often noted, which makes data search difficult.

In assessing economic and financial transparency and accountability, some municipalities have scored a significantly lower number of points compared to others, e.g. Vlora Municipality has completed only 24% of the indicators, followed by Kukës Municipality with 36.2% and Tirana with 47%. It should be noted that Tirana Municipality, the one with the highest budget⁴², ranks among the least transparent in terms of economic and financial matters. Whereas, Kukës Municipality, despite having an overall low score, it has performed better precisely in the area of economic and financial transparency. The most transparent municipality in this field is Shkodra Municipality, followed by Dibra, Fier and Korça Municipalities. These area indicators are more technical than in the first area, and consequently the information in the Transparency Program is more complicated. During the monitoring, it was noted that documents were not adapted or simplified to be easily understood by the citizens.

The average transparency level in this area for the 10 monitored municipalities is 65%, or partially high transparency. This is the second most transparent area for the monitored municipalities.

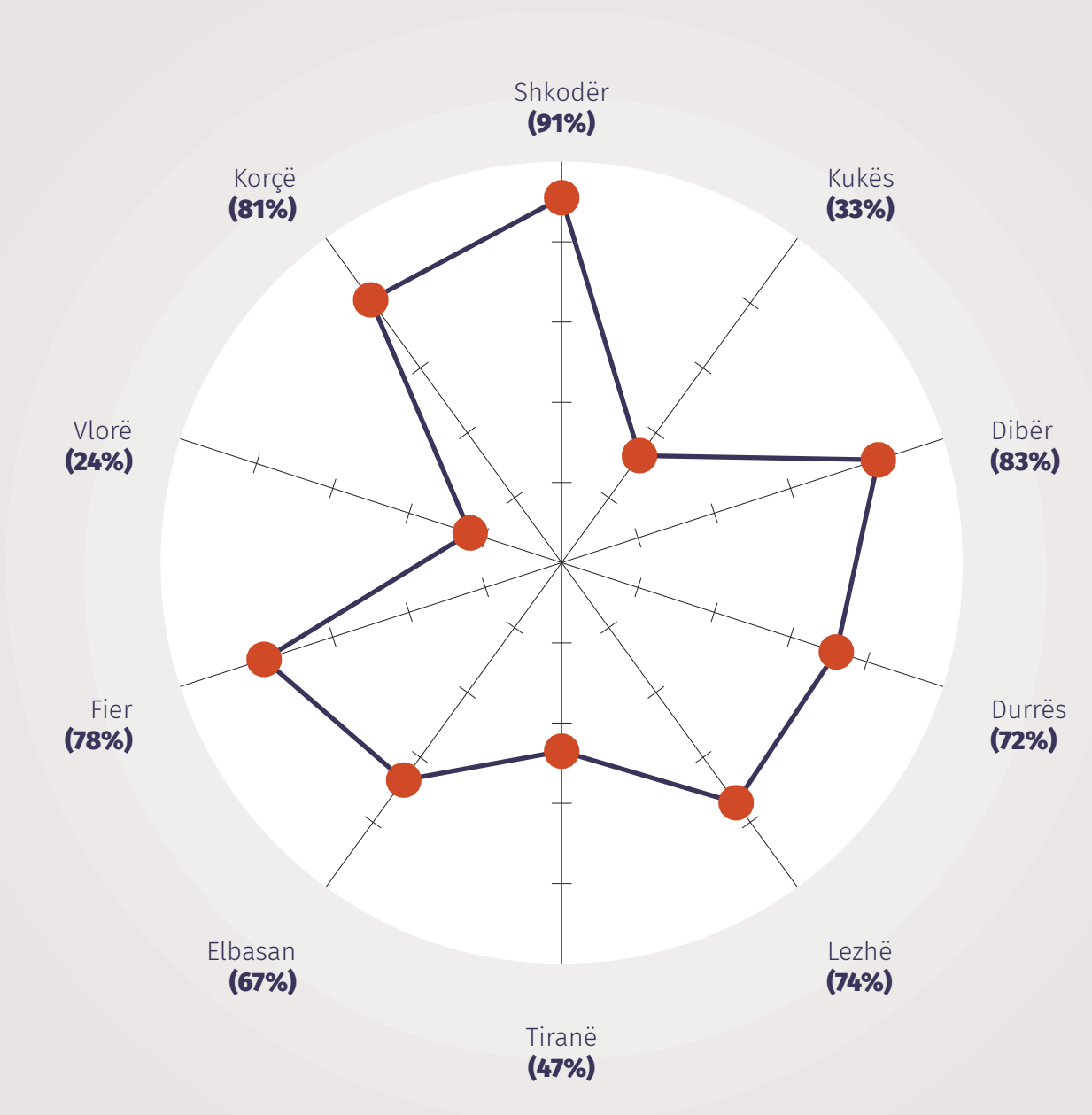
In the first subarea “The calendar of the mid-term budget program and annual budget”, all municipalities, except for Kukës have presented complete information. The Mid-Term Budget Program is a crucial process for municipalities, as it ensures the necessary mechanisms for integrating the institution’s priority and strategic objectives into the budgetary process. The publication of the annual calendar for this process is the first step to the information of citizens who should further engage in consultations through participatory budgeting to state their priorities in public expenditure.

In the second subarea “Fiscal package”, the taxes and tariffs base indicator is complete in all municipalities, except Tirana. The information on taxes and tariffs is complete in 8/10 municipalities, and it is missing in Kukës and Tirana municipalities. Exemptions and facilities for certain categories have been published in full in 7 municipalities, whereas the information is incomplete or missing for the rest. Information on payment deadlines is missing in 4/10 municipalities and is complete in the rest, whereas information on fines and late fees is complete only in half of municipalities. Publishing information on the fiscal package does not constitute a difficulty for municipalities, and it is in their interest that citizens are informed and

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⁴² See <http://financatvendore.al/buxhetet>

FIGURE 4
AREA II - ECONOMIC AND FINANCIAL
TRANSPARENCY AND ACCOUNTABILITY



regularly pay their taxes and fees. Nonetheless, many municipalities have published incomplete information on this subarea.

In the third subarea “Municipality strategic development plan”, the information on the municipality's strategic development policies is complete in 7/10 municipalities, whereas it is missing in the other 3 municipalities including Shkodra. The two indicators related to taking into account the need and potentials of local development (7/10) and presenting the main goals of the areas (8/10) have been completed by most of the municipalities. The indicator of identifying the actions to be taken by estimating the relevant costs and the indicator of funding sources are complete only in 6/10 municipalities. The strategic development plan of the municipality is very important for the sustainable and economic development, environmental issues, infrastructure and services upgrade, etc. Therefore, it is encouraging that the indicators for this subarea are highly completed for most municipalities.

In the fourth subarea “Local Mid-Term Budget Program”, it is to be commended that half of the municipalities have scored the maximum points (Shkodër, Dibra, Durrës, Fier, Korça). While Vlora Municipality is rated with 0 points. The publication of this document from its drafting to the approval phase is very important to public consultation. It is noted that the municipalities have been more diligent in publishing the initial and final MTBP documents which are missing in only 2/10 municipalities while the revised document is missing in 4/10 municipalities. It should be pointed out that Kukës Municipality has published only the final document and not the documents in the other two phases of its preparation.

Despite the encouraging tendency to publish such information by municipalities, the technical language used and the large amount of information can make it difficult for citizens who are unfamiliar with the field terminology to obtain the needed information. To facilitate access to information to a wider category of the public, it is recommended that municipalities provide the opportunity to present information in a more interactive way. These platforms increase the likelihood for municipalities to be more transparent and inclusive in decision-making.⁴³

In the fifth subarea “Annual budget”, municipalities have performed quite well for most of the indicators, and half of municipalities have scored the maximum points. The municipalities with the lowest score are Vlora and Tirana with 4/10 points. The annual budget along with the related documentation is published in full in all municipalities. The information on financial indicators is incomplete for Tirana and

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43 Although some municipalities are not subject to evaluation in this monitoring process, they have created more interactive platforms that enable the absorption of information by a wider category of citizens. For example Kolonja Municipality https://public.tableau.com/profile/denalda.kuzumi#!/vizhome/Planning_Dashboard_Kolonje/Menu

Shkodra Municipalities. The register of public procurement estimations is the most problematic indicator; in this subarea, it is missing in 3/10 municipalities and is incomplete in one of them.

The situation is discouraging for the sixth subarea “Budget implementation”, as 4 municipalities have not published the monthly report on the progress of achieving the main indicators for revenue and expenditure, whereas in 2 municipalities the information is incomplete.

In the seventh subarea “Budget monitoring, oversight and audit”, only Korça Municipality has scored the maximum points, while the rest of the municipalities have performed poorly. Budget implementation monitoring reports are complete only in three municipalities. The consolidated annual budget for budget implementation and the information on the implementation and monitoring of contracts (public works, goods, services) is complete only in 4/10 municipalities. Whereas, it is commendable that although the public procurement procedures register is missing in 3/10 municipalities (Kukës, Tirana, Elbasan), it is complete in half of the municipalities (5/10).

In the eighth subarea “Financial difficulties”, it is observed that half of the municipalities have not published a financial emergency plan, despite the fact that during 2019-2020, the country faced two natural disaster events, the September and November 2019 earthquakes and the COVID-19 pandemic. Both these extraordinary events have significantly impacted the economy, thus under these conditions, having a plan and strategy to cope with their aftermath should have been a priority. Only Fier, Shkodra and Korça Municipalities score the maximum points for this indicator.

The ninth subarea “Sale or lease of properties and assets” shows a low implementation level since only 2/10 municipalities (Fier and Shkodra) have published complete information on property and assets offered for sale or lease, and only 4/10 municipalities have published the legal criteria that should be met.

The tenth subarea “Donations” is at an unsatisfactory level as only half of the municipalities have published donor names, and only 4/10 have published donation amounts and related purpose. Dibra, Lezha and Shkodra Municipalities are to be commended as they have published complete information on donations, thus scoring the maximum points for this subarea.

» *Area III - Requests for information*

The third area “Requests for information” has 8 subareas with 23 indicators. The information made available for this area is mainly of a practical and guiding nature, and aims at presenting the citizens with the information on the procedure of submitting requests for information, beginning with the contact details of the Coordinator for the Right to Information, continuing with the request format, deadlines, complaint procedure, fees, etc. For this area, an important indicator is the requests and complaints register, as well as the information frequently requested by citizens through requests for information. Their publication allows anyone who requests the same information to easily find it without having to file a request.

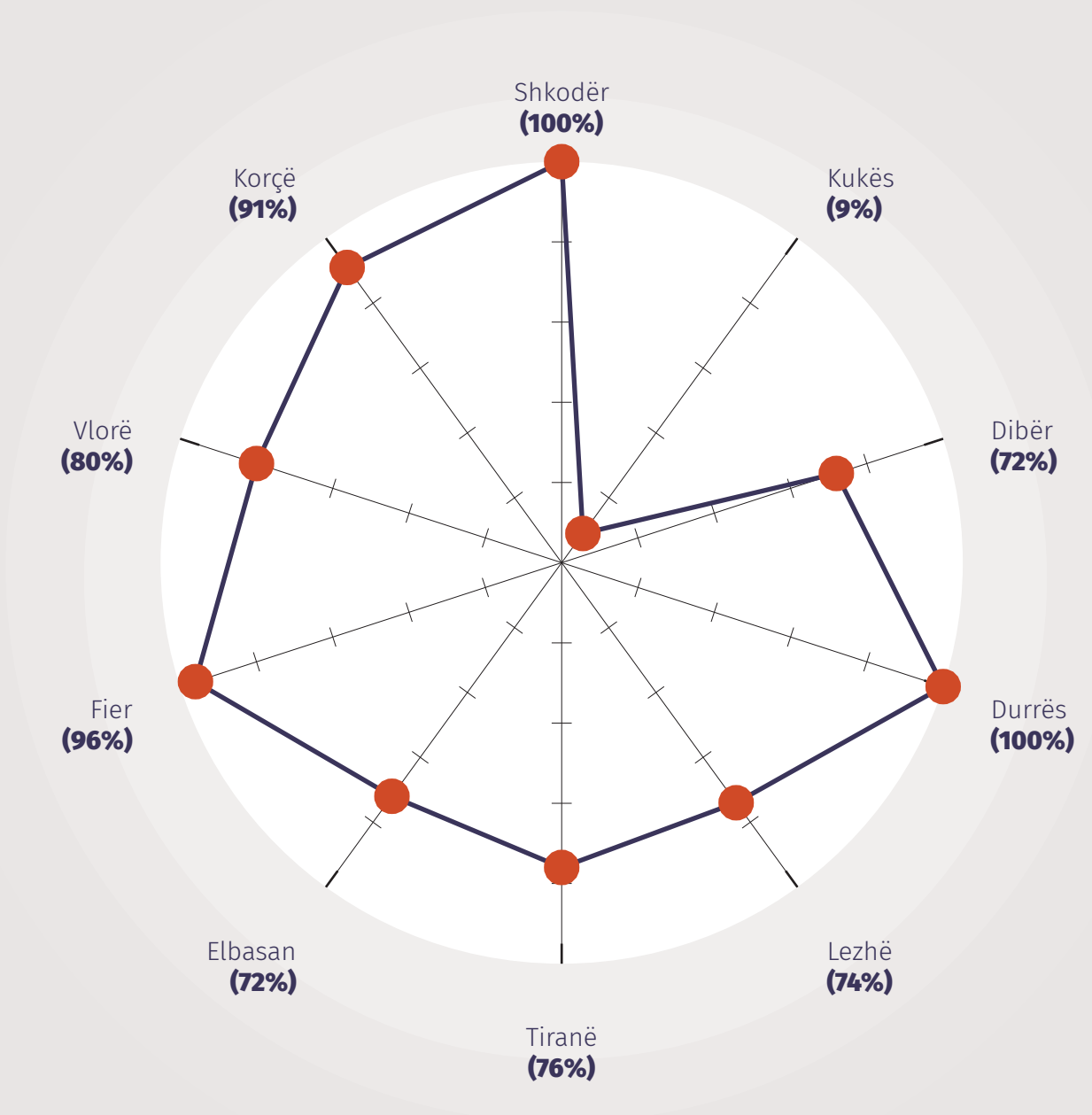
The area of requests for information is one of the areas whereby municipalities have been highly rated, and in general (mainly conceptual) information on the requests for information procedure has been made available. Overall, the information in this area is complete (including all necessary documents), easy to use and understand. It has been observed that some municipalities have either not published their postal/electronic address, the request for information format, or the format is not accessible thus making it difficult for citizens to request information. Durrës and Shkodra Municipalities must be commended with regards to this area of information content as they have scored the maximum points. Kukës Municipality has scored the lowest points, whereas the rest of the municipalities are at a similar score level.

The average transparency level for the 10 monitored municipalities is 76.96%, or partially high transparency. This is the most transparent area for the monitored municipalities.

In the first subarea “The data on the Coordinator for information”, the overall performance of municipalities is very good and 8/10 has scored the maximum points. Kukës Municipality is the most problematic as it lacks information on all indicators, whereas Lezha Municipality has incomplete information on the indicator “Duties and competences of the coordinator”.

The second subarea “Standards and procedures to follow when filing a request for information or complaint” is of particular practical importance as it allows for the public to be clarified on the actions and procedures to be followed when filling a request for information or complaint, the respective deadlines, the template format of the request, etc. It is encouraging that half of the municipalities have scored the maximum points for this subarea. The procedure to be followed in order to file a request for information and the response deadlines have been fully disclosed in 9/10 municipalities, except for Kukës. The postal/electronic address to file the requests for information is complete in 7/10 municipalities. The standard model of a request for information is complete in 8/10 municipalities but is missing for Kukës and Dibra. The

FIGURE 5
AREA III - REQUESTS
FOR INFORMATION



information on the procedures that must be followed in order to lodge a complaint for refusal to provide information is incomplete in four municipalities (Kukës, Dibra, Tirana, Elbasan), and the postal/electronic address to file the complaint for refusal to provide information is missing in two municipalities (Kukës dhe Elbasan).

For the third subarea “Requests and responses register”, 4/10 municipalities have scored the maximum points, Shkodra, Lezha, Durrës and Fier. However, it has been noted that often the section of requests and responses register actually is missing the accessible information when clicking on it. Information on all requests for information is partial in 4/10 municipalities, whereas the information provided as a response is complete in half of the municipalities and is incomplete in the rest. It is encouraging that the indicator of every-3-months register update has been carried out by 6/10 municipalities, while 3/10 have not completely updated it, whereas Tirana Municipality does not have one.

The fourth subarea “Previously provided information” appears more problematic as half of the municipalities have incomplete information. The same observation has been made for the subarea of “Frequently requested information and documents”, which is incomplete/ missing in half of municipalities. The update of these indicators such as the register, previously and frequently requested information, as well as their availability in a user-friendly format would facilitate the municipalities’ own work, since citizens and stakeholders would find lesser use for requests for information because they could easily find their needed information under these sections. However, Vlora, Tirana, Elbasan, Shkodra and Durrës municipalities are to be commended for providing a complete and accessible frequently requested information.

For the fifth subarea “Handling requests for information”, 6/10 municipalities have scored the maximum points, whereas Lezha, Tirana and Kukës Municipalities have not completed any of the indicators. These municipalities do not provide information on the procedure of registering requests on the requests and responses register, the deadlines for handling requests by the municipal administration and the way of providing information, whereas Elbasan Municipality provides partial information on all indicators.

For the sixth subarea “Restriction on the right to information”, which includes information on the cases of restrictions on the right to information (provisions of the law on the right to information), Kukës and Lezha Municipalities have not completed this indicator, while the rest of the municipalities have published complete information.

As regards **the subarea “Information provision fees, if applicable”,** it is complete in 6/10 municipalities, whereas in Kukës, Dibra, Tirana and Vlora the information is incomplete. A clear and full information on the set fees for providing information may positively impact the increase in the numbers of requests for information (e.g.

via electronic means, which are costless), because citizens being unaware of the fees, may hesitate to request information.

» *Area IV - Services provided by the municipality*

Area IV “Services provided by the municipality” has three subareas with 15 indicators. The area of services provided by the municipality is the most important to citizens, as unlike the other areas, it is more tangible to them because it affects their daily life including transport, water supply, education, waste management, social services, various documents/attestations issued by the municipality, etc. The information in this area aims at making available to the public the data on public and administrative services provided by the municipality, criteria and procedures for beneficiaries, and relevant fees if applicable, criteria to be exempt from fees, the structures upon which citizens should rely to obtain such services or file complaints, etc. Information about the procedure of filing complaints or comments about services is also quite important because it promotes accountability and service improvement.

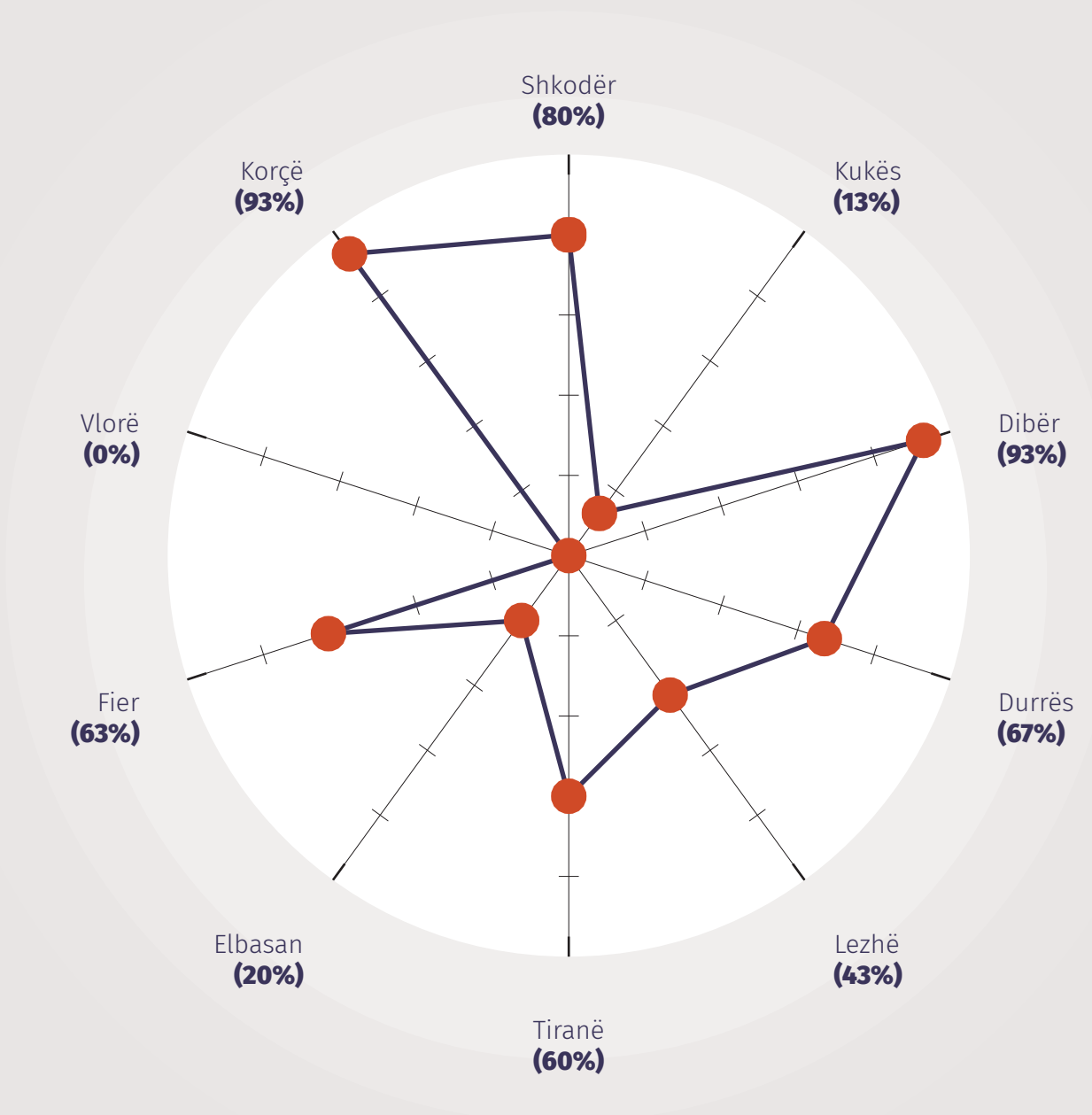
Despite the great importance that the services area holds for citizens, most municipalities have performed partially poorly - Vlora Municipality has not scored any points, while Kukës and Elbasan Municipalities have scored a very low number of points. Durrës Municipality has performed better in this area, followed by Dibra and Korça.

The average transparency level for the 10 monitored municipalities is 53.3%, or medium transparency. This is ranked the fifth transparent area amongst the monitored areas.

For the first subarea “Public services according to the 7 areas of the functions laid out in the legislation in force”, Shkodra and Korça Municipalities have scored the maximum points and are the only municipalities to have published complete information on all indicators. Moreover, these municipalities have organized/ aggregated information in several areas, with the purpose of facilitating user access. The provided information is clearly written and understandable by everyone. It is user friendly as it can be easily downloaded and printed. In the rest of the municipalities, the information for this area is either missing or incomplete.

For the second subarea “Administrative services according to the 7 areas of the functions laid out in the legislation in force”, only Durrës Municipality has published complete information. The structures responsible for providing the service have been published in full by 8/10 municipalities. The postal/electronic address of

FIGURE 6
AREA IV - SERVICES PROVIDED
BY THE MUNICIPALITY



the structures/units/desks providing administrative services is missing in half of the municipalities. One of the most important information that of the procedures to be followed to obtain administrative services is complete in only half of the municipalities. This information should not only be published in full, but the presentation of the documentation required to benefit from services, such as social housing programs, should be presented as clearly and comprehensibly as possible. The working hours of the structures/ units/ desks providing administrative services are published in full in only 3 municipalities. Information on administrative services fees is completely missing in 4 municipalities and is incomplete in 2 of them. The payment method rules are published in full in Shkodra, Dibra, Korça and Durrës municipalities. On the other hand, information on entities exempt from fees is missing or incomplete in 8/10 municipalities. This problem has also been identified in municipalities with a high level of transparency such as Korça and Shkodra. Whereas some municipalities, such as Fier, have not published this information in the Transparency Program, but on the budget section, thus making it more difficult to find. Beneficiaries exempted from fees often belong to vulnerable groups who generally have limited access to information; therefore their situation is not alleviated at all by such shortcomings in the Municipal Transparency Program. Finally, with regards to information organization, it is structured in areas according to the functions defined by law in half of the monitored municipalities.

In the third subarea “Right to complain and comment about services”, 8/10 municipalities have made available complete information on the procedures for filing complaints or comments about services as well as the postal / electronic address for filing complaints or comments. The only exceptions are Kukës and Vlora Municipalities. This type of information improves the standard of public service delivery as a whole as it allows citizens to oversee and monitor services that directly affect their quality of life. On the other hand, such information helps the municipality to design a service performance management system, based on standards, which further enhances the performance and image of the institution to the citizens.

Seemingly, it is encouraging that these indicators have been completed at a high level, but in order to exercise the right to complain, it is necessary that citizens foremost have the opportunity to be informed about services, the administration's and their rights and obligations, facilities and criteria, etc. Otherwise, completing the Transparency Program only with regards to the complaint procedure does not properly serve the public. For example, in the case of Dibra, which is one of the municipalities with the highest score in this area, the information on the complaint procedure is complete, but the postal/ electronic addresses of the structures/ units/ desks that provide administrative services are missing. Therefore, the citizen can file a complaint about the service, but he/she does not have the opportunity to address it directly to the structure responsible for the related service. It is important that municipalities upgrade/ complete the information required in other areas, so that citizens equipped with complete information can effectively exercise their right to complain. A positive

practice followed by some municipalities in the services area is that of presenting services in different categories/ subcategories such as environment, investments, education-culture-sports, public transport, demographic movements, etc., thus facilitating information search.

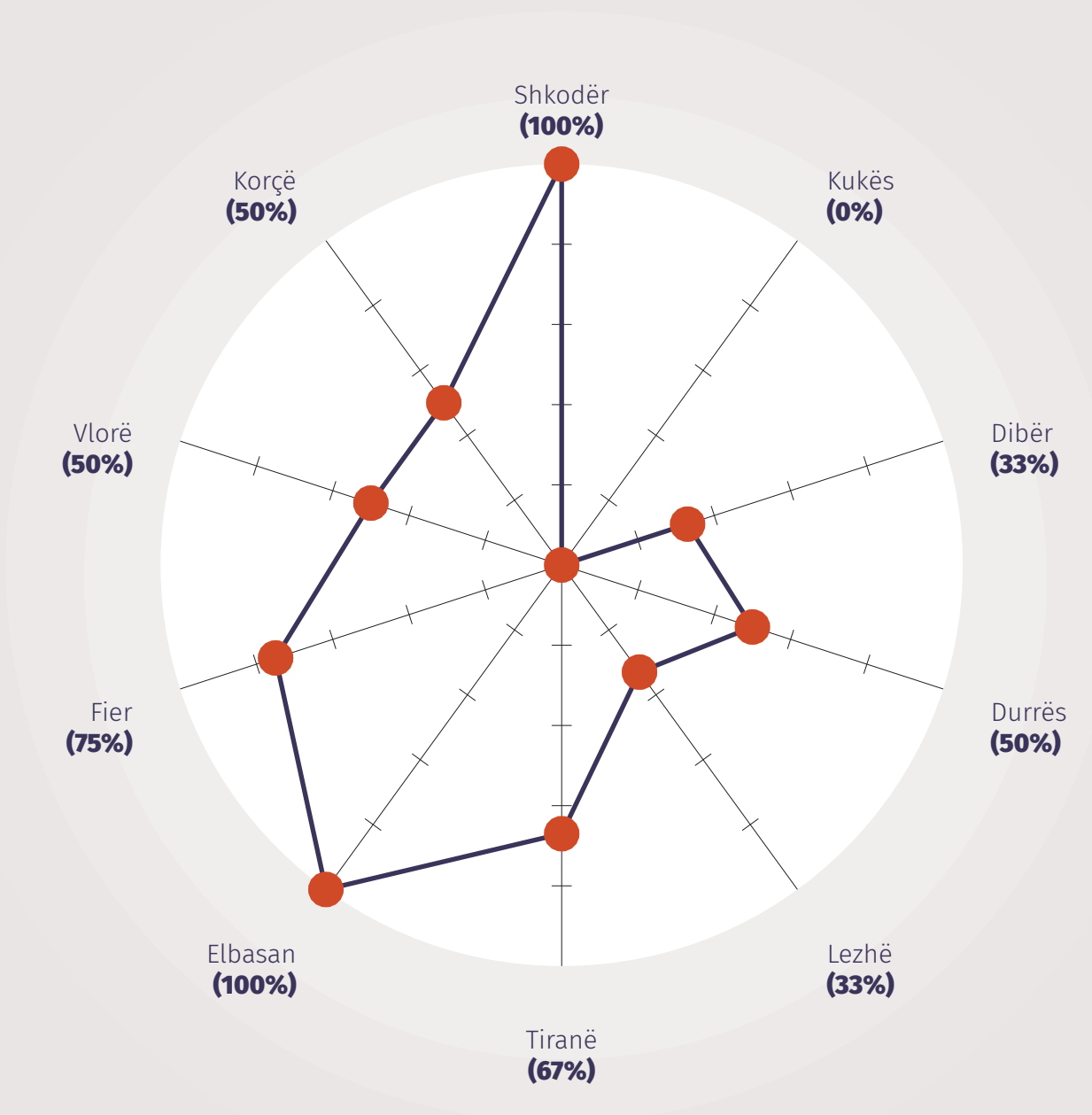
» *Area V - Legislation and internal regulatory acts*

Area V “Legislation and internal regulatory acts” has one subarea with 6 indicators. In this area of the Transparency Program, municipalities must present the base of the legal framework and bylaws whereby local government functions and operates, local policy documents, municipal bodies’ decisions, ordinances, orders, etc. The area of legislation and internal regulatory acts, in practice does not present any difficulty to be completed by municipalities, as it consists in the presentation / publication of existing legislation and regulatory framework, which are mainly ready-made materials that do not require further work other than publication. Nonetheless, most municipalities have performed unsatisfactorily in this area. Two municipalities, Shkodra and Elbasan have scored the maximum points, while Kukës Municipality has not completed any indicators in this area, and Lezha and Dibra Municipalities have scored less than half of the points. Other municipalities, such as Korça, Durrës and Vlora, have managed to score only half of the points.

What is noted in the municipalities in this area is that often the information is scattered, not well organized, and available after many browsing and placed outside the Transparency Program (e.g. Fier and Korça Municipalities). The information is **organized according to the functions defined in the legislation in force** in 6/10 municipalities. Whereas in some cases, the information has been very technical, lengthy, and difficult to understand. **Legal and sub-legal acts in the area** are incomplete in half of the municipalities, while the **relevant national policy documents** are complete in only 4 municipalities. It is noted that in most of the municipalities (8/10) the decisions, ordinances and orders of the Mayor and those of the Municipal Council are missing or incomplete. The latter are missing/ incomplete in half of the municipalities. These documents are of particular importance to the local community as opposed to general national legislation which could be accessed from other sources as well. Finally, information on **local policy documents** has been provided in full only in Shkodra, Dibra, Elbasan and Vlora municipalities.

The average transparency level for the 10 monitored municipalities is 55.8%, or medium transparency. This is the fourth transparent area for the monitored municipalities, at the same level with the services area.

FIGURE 7
AREA V - LEGISLATION AND INTERNAL
REGULATORY ACTS



» *Area VI – Citizens’ participation in decision-making*

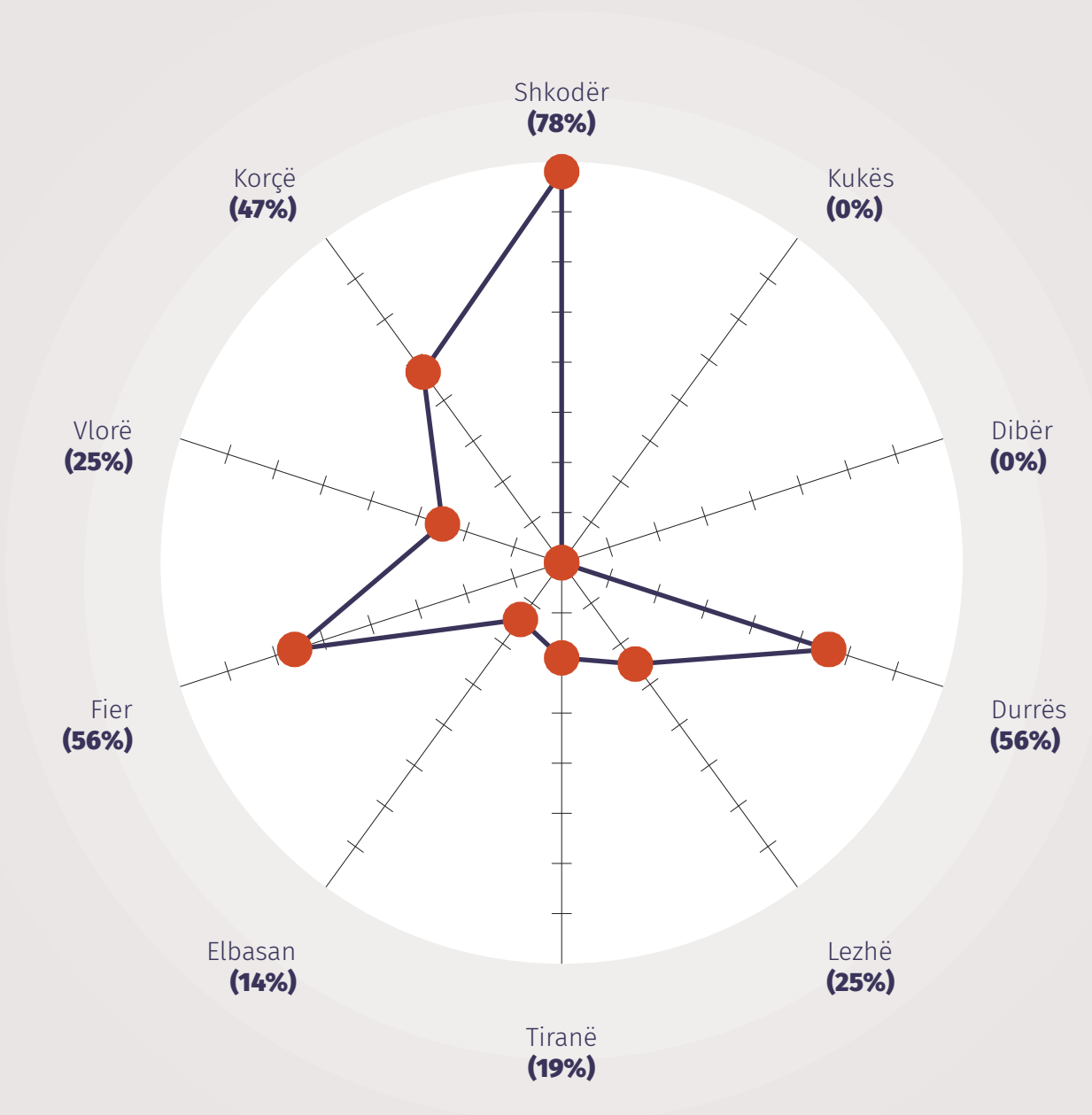
Area VI “Citizens’ participation in decision-making” has nine subareas with 32 indicators. Citizens’ participation in decision-making is an important indicator of local democracy and transparency level. Information in this area of the Transparency Program, informs citizens on the procedures and tools available to influence local government decision-making, through the right of public consultation, or using mechanisms such as civic initiatives for certain issues subject to decision-making by the Municipal Council. Information in this area is of particular importance because it includes information as required by the law on the right to information, as well as the law on public consultation.

Despite the importance of information in this area, it appears that municipalities have performed worse in this area compared to other areas. Shkodra Municipality has the largest score in this area, while all other municipalities are at an average or lower level. Although this area has 32 indicators, Kukës and Dibra municipalities have not completed any of them. For some municipalities this has been the area with the lowest score, thus reinforcing the general concern about weaknesses in implementing the law on public consultation. It is encouraging that for this area the indicator on the data of the coordinator for notification and public consultation is generally complete and a good part of the municipalities have scored the maximum points. However, it seems that some municipalities have “invested” more in the publication of contacts, as in the case of the coordinator, rather than in the publication of quality information. For example, even though Tirana Municipality did not provide information on the procedures of complaints regarding the public consultation process, it sufficed to make available the relevant postal/ electronic address for submitting these complaints. Similarly to some other areas, information has been published outside the Transparency Program (Fier, Korça) or only on Facebook (Fier). Furthermore, in Fier Municipality some information in this area can be found on the budget section, which takes more time to search. On the other hand, in Lezha Municipality, outdated (over 10 years ago) documents or links were found, while in Tirana Municipality there was a calendar for decision-making initiatives that has not been updated since 2016.

The average transparency level for the 10 monitored municipalities is 32.03%, or partially low transparency. This is the area with the lowest transparency for the monitored municipalities.

In the first subarea “Data of the coordinator for notification and public consultation”, the name and surname of the coordinator and his/her postal/ electronic address are published in full in most municipalities (7/10), while the working hours are missing in 4 municipalities. It is encouraging that in this area, more than half of the municipalities have properly met all the indicators.

FIGURE 8
VI - CITIZENS PARTICIPATION
IN DECISION-MAKING



The second sub-area “Annual plan for the participatory decision-making process”

is quite problematic. Shkodra Municipality is the only one that has met all the indicators, while in 6 municipalities there is a complete lack of information on the acts to be consulted, actions to be taken, deadlines, and responsible structures, and in 3 of them this information is incomplete. This information is of special importance to stakeholders and actors who monitor the decision-making of municipal bodies and intend to be involved in consultations, submit written recommendations, etc. Regular publication of the annual plan gives them the opportunity to prepare and plan their monitoring work.

The completion of the **third subarea “Internal regulatory provisions for public consultation”** is also at a worrying level. This information is important for its practical aspect and aims to guide concerned citizens on ways to be involved in consultations. However, only Korça and Shkodra Municipalities have complete information regarding the procedures, deadlines, ways of organizing consultations and the structures responsible for the acts subject to consultation. All other municipalities have missing or incomplete information, while Tirana and Lezha Municipalities have only one complete indicator.

In the fourth subarea “Acts subject to public consultation”, even though it requires simply the submission of a short list of acts subject to consultation, 6 municipalities have not published any information and 2 of them have only partial information. Only Shkodra and Durrës Municipalities have published the full list of acts. This information is of interest, as it is about important acts such as the budget, local taxes and fees, alienation or use of third party properties, etc.

For the fifth subarea “Notification of participatory decision-making initiative”, Shkodra Municipality yet again scores the maximum points. Draft acts, explanatory reports and associated documents as well as information on the reasons necessary for the issuance of acts and their possible impact, are completely missing in most municipalities. The deadline, place and method in which the interested parties submit their recommendations have been fully published by Shkodra Municipality, partly by Elbasan and Korça, and are missing in other municipalities. The contact address of the coordinator for notification and public consultation of the public body or the structure responsible for collecting recommendations and comments on the draft act is complete only in 3 municipalities. The information on the place and date of public meetings is completely missing in 7/10 municipalities. Lack of information limits the opportunities for citizens and stakeholders to get acquainted with explanatory reports and the impact of the draft acts being approved as well as the reasons for their issuance, to participate in public meetings, as well as to submit comments and recommendations for draft acts that will be approved.

For the sixth subarea “Procedure for receiving and reviewing comments and recommendations”, Durrës Municipality is to be commended as it is the only municipality scoring the maximum points, while Kukës, Dibra, Tirana and Elbasan

Municipalities have not scored any points. Information on the postal/ electronic address for submitting comments and recommendations is complete in half of the municipalities, while the information on the deadline for submitting comments and recommendations is complete in only 4 municipalities. There is a lack of information on how to keep minutes of the meeting and records of public meetings in 7/10 municipalities. There is a lack of information in all municipalities, except Durrës, with regards to the handling of comments and recommendations by citizens and interest groups as well as on how to provide reasons for their refusal. Transparency of information in this area would increase citizens' trust in the procedure of reviewing comments and recommendations.

For the seventh subarea “Complaints procedures related to the public consultation process”, Korça Municipality is to be commended as it is the only one that has met all the indicators. Information on the entities where the complaint can be made is complete in 6 municipalities, while the postal/ electronic address for sending the complaint is properly published only in 4 municipalities. Information on the procedures for making a complaint about the public consultation process is completely missing in most municipalities, while information on the responsible structure that registers and reviews the complaint is missing in the vast majority of municipalities, and is complete only in the municipalities of Tirana and Korça. For this subarea also transparency affects the increase of citizens' trust in the responsible structures through increased accountability, as well as their clarity and understanding of the complaint procedure.

In subarea eight “Annual report on transparency in the decision-making process”, Durrës Municipality is the only one to have met all the indicators. This sub-area is at a worrying level, as half of the municipalities have not scored any points, i.e. have not met any indicators. The information on the number of acts approved by the municipal bodies through public consultation during a year is missing and the total number of comments and recommendations from stakeholders is missing in the vast majority of municipalities. The number of recommendations and comments received and rejected during the decision-making process is complete only in the municipality of Durrës, partial in that of Fier, and missing in the rest. While the number of organized public meetings is published in full by Shkodra and Durrës Municipality, and partially by Fier and Korça Municipalities. Information in this area, if properly published, is an important indicator of the transparency of the decision-making process of the respective municipalities over a given year. The regular publication of the annual report on transparency in the decision-making process, as well as the annual plan for the participatory decision-making process allows various stakeholders or actors to evaluate the implementation of the plan by the municipalities.

Even the completion of the **ninth subarea “Civic initiative”** is at a worrying level as half of the municipalities have not met any indicators. None of the municipalities scored the maximum points, thus they all had shortcomings. The information on the

manner and form of presenting the civic initiative mechanism has been published fully by only 2 municipalities, Shkodra and Vlora. The procedure for reviewing and approving the civic initiative has not been presented in full in any municipality, while there is partial information in only 3 of them. The postal / electronic address for filing of the civic initiative and the methods and deadlines for returning the responses for the refusal of the civic initiative have been published in full only in Fier Municipality. The civic initiative instrument is important as it allows the residents of a municipality to bring forth issues important to them for decision-making by the Municipal Council. The lack of information on this instrument is associated with its non-use by citizens and therefore it undermines participatory democracy.

» *Area VII - Other information*

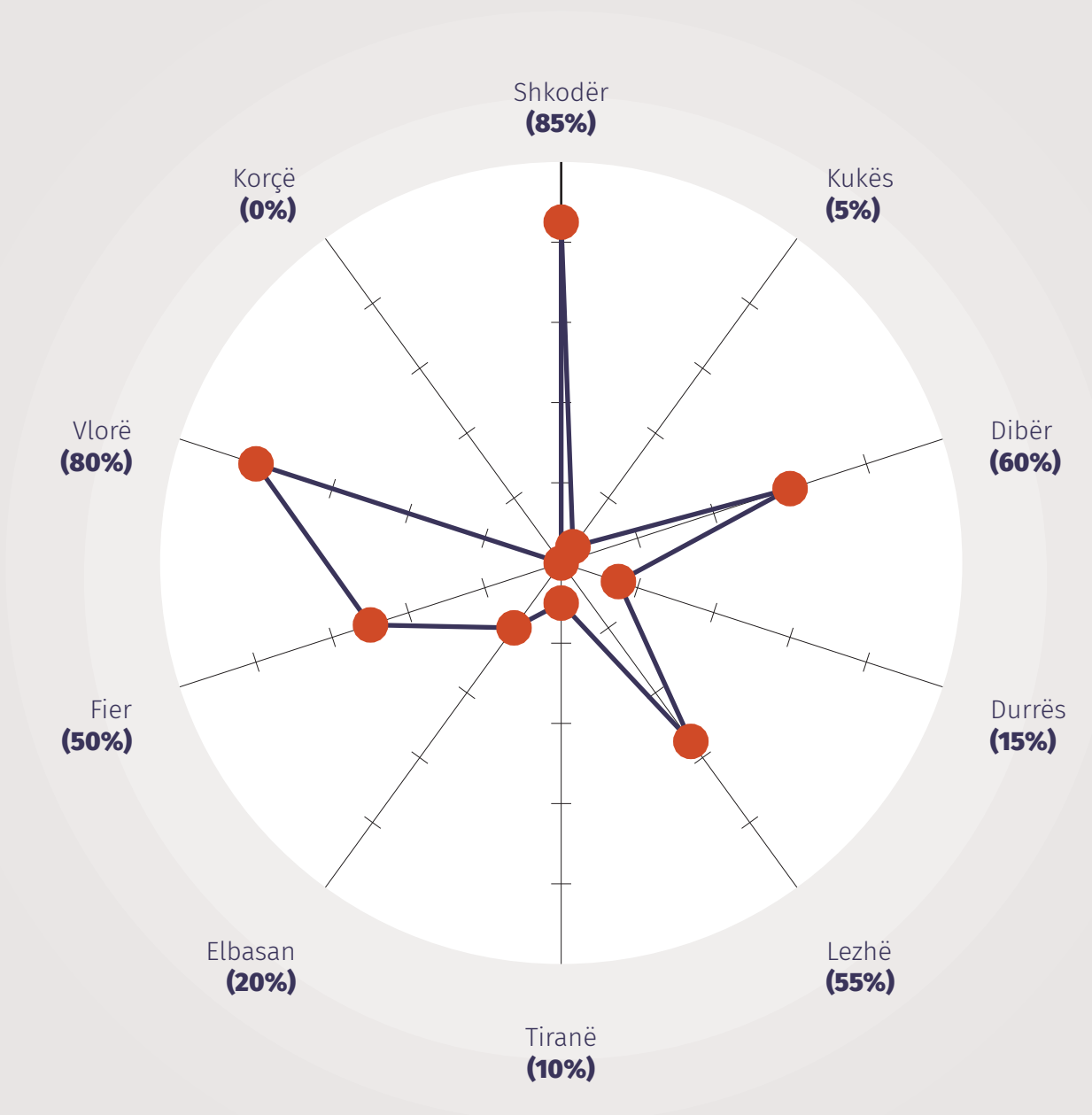
Area VII “Other information” has four subareas with 10 indicators. The “other information” category is of interest as regards the municipality’s activities pertaining to European integration as well as activities and services provided by civil society organizations within the territory of the municipality. On the other hand this area contains information on community structures which aim at strengthening, organizing and mobilizing citizens on issues significant to them and constitute an important factor in the application of participatory democracy. Lastly, in this area, municipalities should publish studies, reports and assessments on the implementation of transparency. This indicator is of interest because it indicates how much municipalities are open to criticism and recommendations for improvement made by monitoring stakeholders like civil society organizations.

For the “other information” area, overall, municipalities have scored a medium level of points. The best performing municipalities in this area are Shkodra and Vlora. Whereas Korça, Kukës, Tirana, Durrës, and Elbasan have scored minimum points.

The average transparency level for the 10 monitored municipalities is 38%, or partially low transparency. This area ranks sixth as regards the transparency level for the monitored municipalities.

For the first subarea “The municipality in the European integration processes”, most of the municipalities have published complete data pertaining to the projects, initiatives and activities of the municipality in the framework of EU integration. When compared with other subareas, it is noted that municipalities have given more importance to this subarea. Indeed, despite scoring zero points in other subareas, some municipalities score the maximum points in the EU integration subarea, such as the Tirana Municipality.

FIGURE 9
AREA VII - OTHER INFORMATION



For the second subarea “Municipality and civil society” none of the municipalities have published full information, while Durrës, Kukës, Tirana, Korça have not completed any of the indicators. Tirana Municipality scores zero points in this subarea despite being the municipality with the largest number of active organizations and the city where the vast majority of them carry out their activity. Overall, stakeholder data has been published in full only in Shkodra Municipality, incomplete in 3 municipalities, and are missing in the rest. Data on NGOs, media representatives and businesses are complete only in two municipalities. Data on services provided by various organizations are complete only in three municipalities and are missing in the rest. Civil society organizations oftentimes provide free services which either are not covered by public service or are complementary, therefore publishing such information would be quite useful to the public. On the other hand, information about advocacy, lobbying and monitoring initiatives by civil society is incomplete in all municipalities and lacking in 8/10 municipalities. Having information on civil society organization activity and promoting them, attests, among others, of an open and cooperating institution that appreciates stakeholders and deems them partners.

For the third subarea “Reports, studies and assessments on transparency implementation”, five municipalities have published reports, studies and assessments pertaining to their transparency implementation; indeed, a considerable part has scored the maximum points for this subarea. However, Tirana Municipality has scored zero points for this subarea, despite being the largest municipality in the country whereby monitoring actors pay the most attention. Reports and assessments published by civil society organizations on this municipality’s transparency are plentiful. This subarea is important as it shows, among others, how open are municipalities to criticism and consequently their tendency for self-improvement.

For the fourth subarea “Community structure”, data on community structures in the villages and towns are missing for most of the municipalities. This information is important to encourage community organization and participation in decision-making. Information on the duties and competences of these structures has been published in full by half of the municipalities, whereas the regulation on the organization and functioning of community councils has been published only by Fier and Vlora Municipalities. This indicator appears problematic and it is missing even in Shkodra Municipality which has not published a regulation on the organization and functioning of community councils.

Finally, it has been noted that for some municipalities this area was not included at all in the Transparency Program, and parts of it could be found in other sections, which makes it difficult for the public to find the information.

6. Conclusions

Transparency and accountability are two fundamental principles of local democracy. Public and accessible information on the activity of local government institutions, enables monitoring of decision-making, citizen participation in this process resulting in an increase in public trust in local government. Meanwhile, public accountability ensures that local officials are openly accountable and responsible for decisions they take on behalf of citizens.⁴⁴

Despite the progress made thus far, the transparency monitoring process carried out in 12 municipalities in Albania indicates that there is still work to be done in order for Transparency Programs to be functional and complete with information. Even though 10/12 municipalities have their Transparency Programs and all of them have official websites, if they do not provide any information than they cannot effectively serve the citizens.

It is thus observed that overall municipalities have published in full both with regards to the form and content, those information categories deemed “easier” and more informative for the public. Consequently, areas where information is generally conceptual and not sensitive are the areas where municipalities have performed better compared to the other areas, such as the **information about requests for information** which is the area with the highest transparency (76.96%, partially high transparency) as well as the area of the organization and functioning of the municipality (64.06%, partially high transparency, ranked third). Despite having a partially high transparency, the area of **the organization and functioning of the municipality** displayed shortcomings in certain indicators such as the calendar on the notification of the Municipal Council meetings or agenda. Whereas in the area of requests for information, the most problematic indicators were those of previously and frequently requested information. Organizational structure and number of employees as well as the data on the coordinator for the right to information are the indicators with the most favorable performance for these areas.

The area of economic and financial transparency, despite shortcomings, is the area with the second best performance, with an average transparency level of 65%, which is classified as partially high. It is encouraging that in this area, the annual budget

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44 IDM. (2018a). Toolkit: Municipalities on the Right to Information in Action. Tirana: IDM

along with the related documentation has been published in full by all municipalities. However, a significant part of this area of information deemed sensitive, such as the information about budget monitoring and audit, public procurements, donations, information on assets and properties put on sale or lease, are missing for a considerable part of municipalities. Vlora and Kukës municipalities have the lowest transparency in this area.

Even though conceptual and not sensitive information has in general been published by municipalities, this does not apply to the **area of legislation and internal regulatory acts**, which despite not having a sensitive nature or difficulty in publishing the information, is quite incomplete in most municipalities. Transparency in this area is at the medium level, 55.83%. For this area, the most problematic were the indicators of local policy documents and mayoral decisions, ordinances and orders of normative nature. Shkodra and Elbasan Municipalities are to be commended for scoring the maximum points, whereas in the TP of Kukës Municipality the legislation area was completely missing.

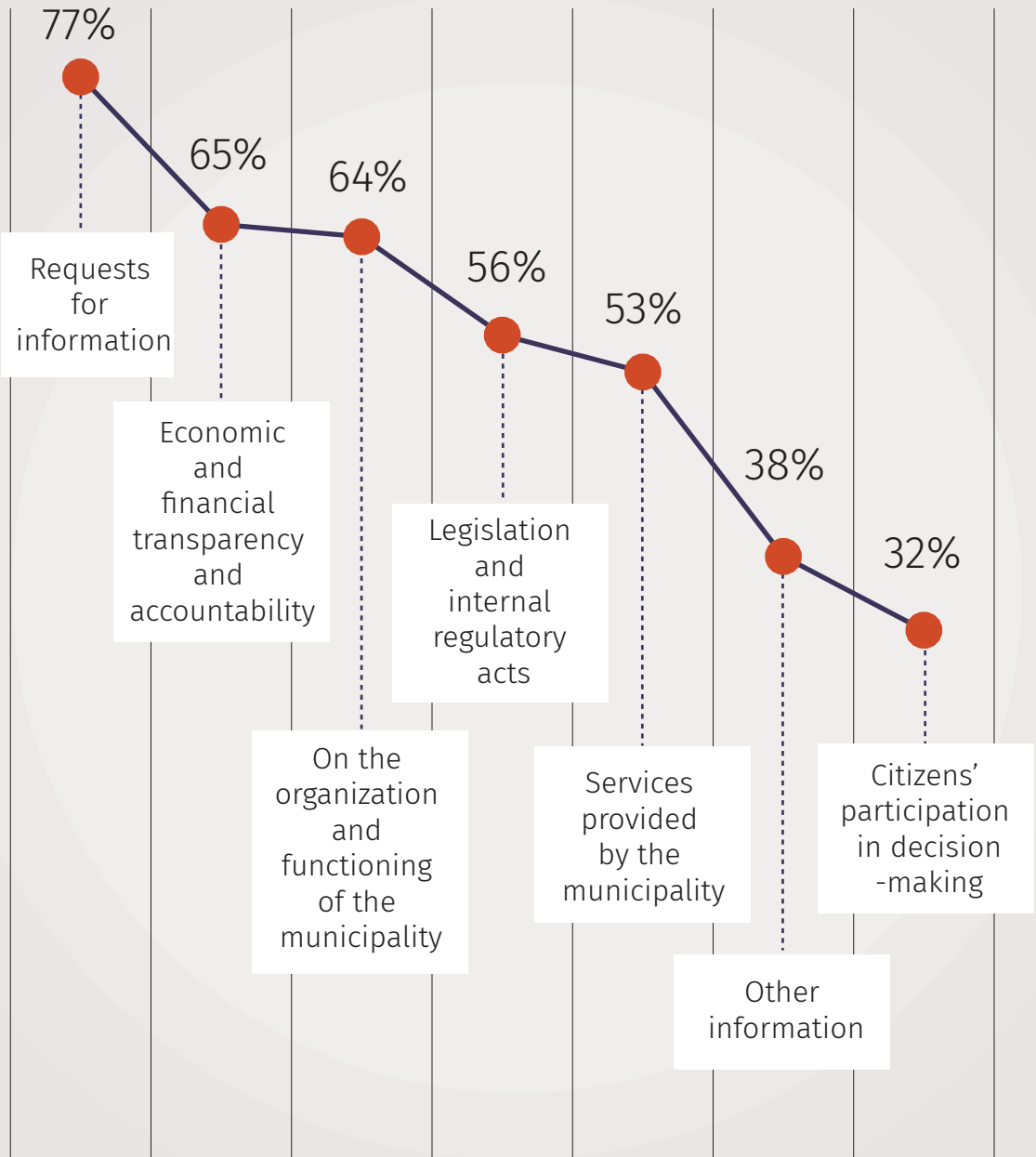
The area of services is also at a medium transparency level (53.33%). Durrës Municipality is to be commended in this area for scoring the maximum points, whereas in the TP of Vlora Municipality this area is totally missing. It is encouraging that the indicator of the procedures to file complaints or comments about services has been properly published in the vast majority of the municipalities, whereas it appears problematic the information for entities exempt from fees and working hours of structures/units/ desks providing administrative services.

The area of **other information** is categorized as partially low transparency (38%). In this area, the information about civil society and community structures' activity has been published at low levels. This may serve as an indicator for the level of cooperation or promotion of civil society organizations activity at local level. For these subareas, certain municipalities have scored the minimum points (Kukës, Tirana, Durrës, Elbasan), while some municipalities have not completed any indicator (Korça).

The area where municipalities have been least transparent is **citizens' participation in decision-making**, with partially low transparency, 32.03%. This area is completely lacking in the TP of two municipalities, Kukës and Dibra. Data on decision-making initiatives, the procedure of receiving and reviewing feedback and recommendations and the annual report on the municipality's transparency are missing in this area. Among the most complete indicators in this area are the information on the coordinator for notification and public consultation, as well as the entities responsible for complaints about the public consultation process.

The monitoring revealed that useful information which is made public without request are published under subsections, or various categories within the official websites of the municipalities, but outside the "Transparency Program" category. Therefore citizens have to browse more thus making the search more difficult and

FIGURE 10
RANKING THE AVERAGE PERFORMANCE
FOR EACH AREA IN % FROM THE MOST
TO THE LEAST TRANSPARENT



time-consuming. If the information were to be presented in accordance with the standard model of the Transparency Program, citizens and stakeholders would be better informed. However, some municipalities have a positive practice of publishing user friendly information, which can be easily downloaded and printed, as well as placing an automatic content table that facilitates searching information on the website.

Some other accessibility-related issues were the publication of outdated information, publication of voluminous material or materials in a very technical language, as well as the publication of links/sections simply as text without the relevant information as content, as in the case of the requests and responses register in some municipalities. Furthermore, most of the municipalities had not filled the “previously requested information” section, as well as “frequently requested documents”, which would facilitate the municipality’s work and citizens’ search process. It was encouraging that several municipalities had published useful information about COVID-19 measures, updates pertaining to the pandemic, remote information or ways to seek first aid. However, on the other hand, the vast majority of municipalities did not have a financial emergency plan in response of the two natural disasters during 2019-2020.

In order to improve the situation regarding the areas which lack information, following is a list of recommendations for municipalities, the Commissioner for the Right to Information and civil society organizations.

7. Recommendations

For Municipalities:

Regarding the presentation of the TP:

- The Transparency Program should be published as a clear section in the main menu. Its content should be in line with the standard model of the TP for local government approved by the Commissioner. All information according to the areas should be included in full in the TP as well as be easily accessible by the citizens.
- Information should be user-friendly; allowing its download and printing, and it should accommodate persons with special needs. Publication of voluminous technical documents should be avoided and their summaries in a language understandable to the public should be provided instead.

Regarding TP content:

Area I: On municipality organization and functioning

- Documents pertaining to the decision-making activity of the municipal bodies which enable consultation and monitoring by stakeholder such as: the calendar of Municipal Council meetings, notifications on Municipal Council meetings, agenda, draft decisions under review, as well as Mayor and Municipal Council decisions, ordinances and orders of a normative nature – should be published and updated.

Area II: Economic and financial transparency and accountability

- The document of the Mid-Term Budget Program in all its phases in order to enable effective monitoring and public consultation should be published in full and coherently.
- The complete and regularly updated register of public procurement estimation, information on contract implementation and monitoring, and assets and properties put for sale or lease should be published.
- The monthly report on the progress of achieving the main indicators of income and expenditure, the reports on the monitoring of the budget implementation,

the consolidated annual report on the implementation of the budget as well as the complete information on the source, amounts and purpose of donations – should be regularly published.

- A proper plan at the local level for overcoming the difficult financial situation in response to the negative economic consequences of natural disaster events should be prepared and published.
- The fiscal package section should be completed with easily understandable information and fully reflect the deadlines for payment of taxes and fees, the method of payment as well as late fees and penalties.

Area III: Requests for information

- The completed requests and responses register should be published according to the model approved by the Commissioner for the Right to Information and it should be regularly updated every 3 months.
- The sections of "previously provided information" and "frequently requested information" shall be completed and updated regularly to facilitate the search process for citizens and municipalities' own work.

Area IV: Services provided by the municipality

- Full and clear information should be published on the procedures to be followed in order to benefit from administrative services, service fees, payment method as well as procedures for entities who are exempt from paying such fees.

Area V: Legislation and internal regulatory acts

- The information on all relevant laws and bylaws for local government, as well as national and local policy documents should be published in a complete and comprehensible manner.

Area VI: Citizens participation in decision-making

- An annual plan for the participatory decision-making process including the acts to be consulted, the actions to be taken, the consultation procedures and deadlines and the responsible structures should be developed and published. The annual report on transparency in the decision-making process should also be drafted and published on a regular basis to evaluate the implementation of the annual plan for the participatory decision-making process.
- Coherent and complete information should be published on decision-making initiatives including: draft acts and their explanatory reports, deadlines, place and manner of sending and handling comments and recommendations, contact address of the coordinator for notification and public consultation, place and the

date of organization of the public meeting, the complaint procedure. Complete and clear information should be published regarding the civic initiative, the manner and form of its presentation, the review procedure.

Area VII: Other information

- Data on stakeholders, civil society organizations, activities and services they provide, as well as reports, studies and assessments on the implementation of transparency conducted by stakeholders should be published.
- Data on community structures in the village and in the city, the duties and competencies of these structures, as well as the regulation on the organization and functioning of community councils should be published.

Municipal bodies, the Municipal Council and the Mayor should:

- Exercise their decision-making with regards to the approval of the TP with complete information on all its areas (transparency model program requirements) taking into account the above recommendations.
- Play a more active role in monitoring the TP and increase the administration's accountability when the right to information is violated.
- Provide in the internal regulations of the staff or in the Code of Ethics punitive measures taken in case of non-timely submission of information to the TP or the requests and responses register.
- Expand the range of information published in the TP by responding to local situations, needs and the context. The list of mandatory indicators to be published in the TP should not be considered exhaustive, but only as a first and necessary step towards accountability and engagement of citizens in decision-making processes.
- Carry out quality studies/ assessments of the municipality's needs regarding its capacities, challenges and issues in terms of the implementation of proactive transparency.
- Increase human and infrastructural capacities for the use of technology and innovation to conduct more systematic monitoring in order to improve transparency in their activities.

The Commissioner for the Right to Information should:

- Carry out periodic monitoring activities for transparency programs in the country's municipalities within the monitoring competencies attributed by law.
- Draft an institutional strategy of public communication for municipalities and stakeholders in the framework of guaranteeing the right to information at local level.
- Build tracking systems to monitor the implementation of the recommendations issued for the local self-government units by the Commissioner as well as municipalities' feedback to the given recommendations, in order to guarantee citizens' right to information.
- Update the TP model for local self-government units, making it accessible to people with disabilities, as well as including the use of social media.
- Promote the creation of a national digital platform containing the TPs of the 61 municipalities, and enabling the evaluation of each municipality's transparency according to different areas via the visual comparison of data. This would help raise awareness of TPs transparency level in different municipalities.

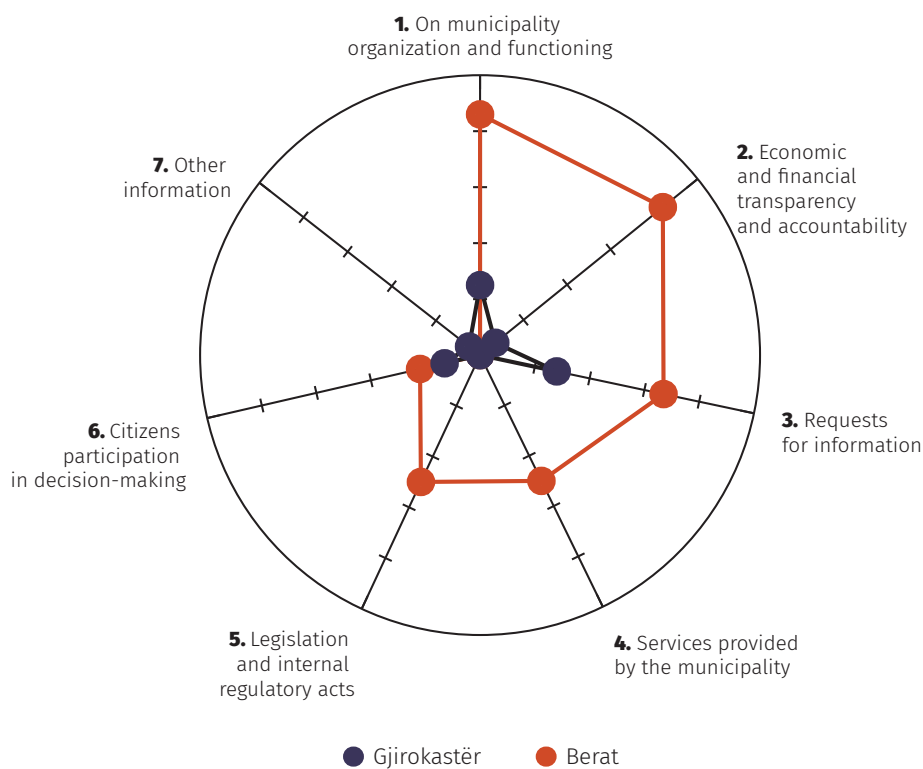
Civil Society Organizations should:

- Actively monitor the transparency in the local government units as an observer of public institutions' behavior, to guarantee and respect citizens' right to information.
- Carry out advocacy activities to promote and raise public awareness about the law and how citizens should exercise this right;
- Be active in addressing violations related to the right to information and public consultation through administrative and judicial proceedings.
- Organize information activities for citizens to enable awareness raising on the existence and functioning of instruments of civic participation in decision-making such as participatory budgeting, civic initiatives, community structures in rural and urban areas, etc.

8. Annexes

Annex 1 - Municipalities without a Transparency Program

FIGURE 11
TRANSPARENCY LEVEL OF
MUNICIPALITIES' WEB PAGES



	Gjirokastrër	Berat
1. On municipality organization and functioning	25%	86%
2. Economic and financial transparency and accountability	7%	84%
3. Requests for information	28%	67%
4. Services provided by the municipality	0%	50%
5. Legislation and internal regulatory acts	0%	50%
6. Citizens participation in decision-making	13%	22%
7. Other information	5%	0%

During the monitoring process conducted during the August-September 2020 period in the municipalities that are the subject of this report, it was identified that two municipalities, Berat and Gjirokastra, did not have a Transparency Program. Instead, the information that was published on the website during the monitoring period was monitored. Therefore, the level of transparency and accountability of these two municipalities is analyzed separately in this section.

During the monitoring period, Gjirokastra Municipality did not have a Transparency Program, while in Berat Municipality there was an empty section. Despite this common shortcoming, these two municipalities have significant changes in the level of transparency: Gjirokastra municipality belongs to the “low transparency” category with a transparency level of 13.9%, while Berat municipality belongs to the “medium transparency” category with a transparency level of 57%.

The first area **“On the organization and functioning of the municipality”** is one of the areas where the two municipalities have performed better than in the others; however there are significant differences between them in terms of points. This is one of the areas with the highest performance for Berat municipality, while Gjirokastra municipality has a much lower score. (Although it is the highest for this municipality compared to other areas.) For the administrative-territorial organization, mission and functions, Berat Municipality has published complete information, while in Gjirokastra Municipality the information on this subarea is completely missing. Berat Municipality has complete information on the municipal bodies, the vast majority of indicators, in addition to data on the mayor’s education, qualifications and salary, and citizen reception hours. While in Gjirokastra Municipality, there is complete information only for one indicator that of the calendar, while there is a complete lack of information about the regulation, meeting announcements, agenda, mayor and election procedures, duties and competencies, reception hours and postal / electronic address. The rest of displayed information is incomplete. Regarding information on municipality’s administration, both municipalities have shortcomings in the structure of salaries and the postal and electronic address of the municipal offices / administrative units / subordinate units. In Berat Municipality this information is incomplete, while in Gjirokastra Municipality it is completely missing. Berat Municipality has completed almost all other indicators related to the administration of the municipality, while Gjirokastra Municipality lacks most of the information. As regards the procedures for filing requests, complaints and comments about the actions or omissions of the bodies and administration, both municipalities are almost at the same level, and have not published information at a satisfactory level. An exception is the information of the postal / electronic address for filing requests, complaints, whistleblowing or comments, which is completely missing in Berat Municipality, but is partial in Gjirokastra Municipality.

In the second area **“Economic and financial transparency and accountability”** the differences between the two municipalities are considerable. Even though this

area has 29 indicators, Gjirokastra municipality has scored only 4 points. The only indicators completed by this municipality are the information pertaining to the municipality's strategic development plan. Whereas Berat Municipality, despite having a considerably better performance, unlike Gjirokastra, has incomplete indicators for the strategic development plan and lacks information on financial sources. Another problematic area for Berat Municipality is the lack of budget implementation monitoring reports. On the other hand, both municipalities lack a financial emergency plan. Lastly, it is to be commended that Berat Municipality has published complete information on important subareas like the local mid-term budgetary program, the annual budget and budget implementation, sale or lease of assets and properties, donations, however, in Gjirokastra Municipality, the information on these subareas is missing entirely.

The third area **“Requests for information”** is the one where Gjirokastra Municipality has scored the highest points compared to the other areas. Nonetheless the difference with Berat Municipality is still large. In both municipalities there is a lack of postal/electronic address for submitting complaints when information is not provided, lack of previously provided information, not updating the requests and responses register every 3 months, along with the information on the fees if applicable, as well as lack of information and documents frequently requested by the public with a request for information. Some important indicators, whereby Berat Municipality has not published any information, and has actually performed poorer than Gjirokastra, are the standard model of the requests for information and the postal/electronic address for submitting requests for information. On the other hand, it must be emphasized that in most cases when Gjirokastra Municipality has published information, it has been incomplete. The requests and responses register is one of the subareas most problematic for Gjirokastra municipality as it has not published for any of the indicators.

For the fourth area **“Services provided by the municipality”**, Gjirokastra has not published any information, whereas Berat has scored only half of the points. Both municipalities are totally missing important information on procedures that should be followed to benefit from administrative services, the right to complaint and comment about services, postal/electronic addresses of structures/units/desks providing administrative services, administrative services fees, as well as payment method rules. Whereas a considerable part of other indicators is completed for Berat Municipality.

Likewise, for the fifth area **“Legislation and internal regulatory acts”**, Gjirokastra Municipality has not published any information, while Berat Municipality has scored only half of the points. It is noted that the latter has published in full the legal and sub-legal acts in the field and the relevant national policy documents, as well as organized them according to the functions defined in the legislation in force, but has not published very important documents at the local level, such as decisions, ordinances and orders of the municipal council and the mayor and local policy

documents. Searching for decisions, ordinances and orders of the mayor and the municipal council is difficult, as many browses are needed in other sections of the official website.

For the sixth area **“Citizens participation in decision-making”**, both municipalities have performed poorly. Even though this area has 32 indicators, both municipalities have scored low points: Berat 14/64 and Gjirokastra 8/64. For some subareas such as the annual plan for the participatory decision-making process, acts for which public consultation is mandatory, the annual report on transparency in the decision-making process and civic initiatives - none of the municipalities has completed any indicators. It is encouraging that an important subarea such as the information on the coordinator for notification and public consultation is the most complete.

Both municipalities have also performed poorly in the seventh area **“Other information”**, whereby Berat Municipality has scored zero points while Gjirokastra has scored 1/20. The only indicator in this area where Gjirokastra municipality had published partial information was that on projects, initiatives and activities of the municipality in the framework of EU integration. While data on civil society organizations, stakeholders, their activities and services are completely missing in both municipalities. As for Berat Municipality, this is the area with the poorest performance.

Finally, it can be said that the Municipality of Gjirokastra has generally had poor performance; however the two areas where there has been more published information are that of the organization and functioning of the municipality and requests for information. While the municipality of Berat has scored the highest points in the area of transparency and economic-financial accountability as well as the organization and functioning of the municipality. The areas with the worst performance for Berat Municipality are the area of other information and civic participation in decision-making, whereas for Gjirokastra Municipality are the area of services and legislation, in which this municipality has not fulfilled any indicators. In general, the two municipalities, although they have large differences between them, lack very important information for citizens such as participation in decision-making or services, local policy and normative documents, the right to complaint, etc. The lack of a Transparency Program and the publication of disseminated information with significant shortcomings is in violation of the law on the right to information and denies citizens not only of the right to information, but also affects other rights related to the effective exercise of complaints, the use of mechanisms to be involved in decision-making, the provision of public and administrative services, etc.

Annex 2 – Summary table: TP Transparency Level disaggregated by municipalities

Area	Score	Shkodra	Elbasan	Dibra	Durrës	Fier	Korça	Kukës	Lezha	Tirana	Vlora
Area I - On municipality organization and functioning	64	78%	75%	77%	91%	78%	81%	8%	78%	55%	20%
Area II - Economic and financial transparency and accountability	58	91%	67%	83%	72%	78%	81%	33%	74%	47%	24%
Area III - Requests for information	46	100%	72%	72%	100%	96%	80%	9%	74%	76%	80%
Area IV - Services provided by the municipality	30	80%	20%	93%	67%	63%	93%	13%	43%	60%	-
Area V - Legislation and internal regulatory acts	12	100%	100%	33%	50%	75%	50%	-	33%	67%	50%
Area VI - Citizens participation in decision-making	64	78%	14%	-	56%	56%	47%	-	25%	19%	25%
Area VII - Other information	20	85%	20%	60%	15%	50%	-	5%	55%	10%	80%
Total of Areas I + II + III+ IV + V + VI + VII	294	86%	52%	59%	75%	71%	70%	12%	58%	51%	35%

Annex 3 – Areas, subareas and indicators of the Transparency and Accountability Measurement System at municipality level

Area I“ On municipality organization and functioning”

Subareas:

1. Administrative-territorial organization, mission and functions (Indicators: Data on the municipality’s administrative-territorial division; Rights, responsibilities and mission of the municipality; Functions);

2. Municipal bodies (Indicators: Composition and structure; Duties and competencies of the Municipal Council; Regulation of the Municipal Council; Calendar of Municipal Council meetings; Announcements on the Municipal Council’s meeting; Agenda; Draft decision under review by the Municipal Council; Minute meetings of Municipal Council meetings; Decisions, ordinances and orders of a normative nature; the Mayor; Election procedures; Duties and competencies; Data on the education, qualifications and salary of the Mayor; Decisions, ordinances and orders of a normative nature; Citizens reception hours; Postal/electronic addresses);

3. Municipality administration (Indicators: Organizational structure and number of employees; Regulation on the organization and functioning of the administration; Salary structure; Working hours of the municipality, administrative units and subordinate units; Duties of the administrative units’ administration; Organization and functioning of subordinate units; Vacancy announcements and recruitment procedures; Postal and electronic addresses of the municipalities/ administrative units/ units subordinate to the municipality; Heads of offices, administrative units and subordinate units);

4. Procedures of making requests, complaints and comments regarding the actions and omissions of the bodies and administration (Indicators: Procedures to make requests, complaints, comments and alerts to municipal bodies; Internal regulation on the procedure of reviewing the administrative investigation of whistleblowing and the protection mechanisms of confidentiality; the unit responsible for registering, investigating administratively and reviewing whistleblowing; Postal/electronic address for submitting requests, complaints, alerts or comments; Deadlines and ways of responding to requests, complaints or comments.)

Area II “Economic and financial transparency and accountability”

Subareas:

1. The calendar of the mid-term budget program and annual budget (Indicator: the Calendar);

2. Fiscal package (Indicators: taxes and tariffs base; taxes and tariffs level; exemption and facilities of certain entities; payment schedule; fines and late fees);

3. Municipality development strategic plan (Indicators: sustainable development policies; taking into consideration the needs and potential for local development; presentation of main goals for each area; identification of actions that should be undertaken with the relevant cost estimations; funding sources); **4. Local Mid-Term Budget Program** (Indicators: MTBP draft document; MTBP revised document; MTBP final document);

5. Annual budget (Indicators: annual budget with relevant documentation; financial indicators; number of budget employees, for every expenditure unit; public procurements forecast register);

6. Budget implementation (Indicator: Summary monthly report (after 30 April of each budgetary year) on the progress of achieving the main indicators for revenues and expenditures);

7. Budget monitoring, overseeing and auditing (Indicators: monitoring reports of budget implementation; consolidated annual report on budget implementation; information on the implementation and monitoring of contracts (public works, goods, services); procurement procedures register);

8. Financial difficulties (Indicator: financial emergency plan);

9. Sale or lease of properties and assets (Indicators: publication of assets and properties offered for sale or lease; criteria that should be met according to the legislation);

10. Donations (Indicators: donor name; donor amount; purpose of donation).

Area III “Requests for information”

Subareas:

- 1. Data on the coordinator for information** (Indicators: Coordinator’s name and surname; His/her postal/electronic address; Working hours; Coordinator’s duties and competencies; Postal/electronic address for filing requests for information);
- 2. Standards and procedures that should be followed to make a request for information and complaint** (Indicators: Procedures to be followed when making a request for information; Postal/electronic address for filing the requests for information; Standard form of a request for information; Deadlines for responses; Procedures to be followed when making a complaint in case of refusal to provide information; Postal/electronic address for filing the complaint in case of refusal to provide information);
- 3. Requests and responses register** (Indicators: All requests for information; Information provided as response; Every 3 months update);
- 4. Previously provided information** (Indicator: Information available in the most practical way for all citizens who might request it in the future);
- 5. Handling requests for information** (Indicators: Procedure of registering the request in the Requests and Responses Register; Deadlines for handling requests by the municipal administration; Method of providing the information);
- 6. Restricting the right to information** (Indicator: Cases of restricting the right to information in accordance to the law on the right to information);
- 7. Information provision fees if applicable** (Indicators: All requests for information; Information provided as response; Every 3 months update);
- 8. Frequently requested information and documents** (Indicator: Information and documents requested most often by the public with request for information).

Area IV “Services provided by the municipality”

Subareas:

1. Public services according to the 7 areas of the functions provided for by the legislation in force (Indicators: Instrument for service administration; Standard-based system of service performance administration; System of indicators, including the gender aspect in measuring performance; Structure responsible for introducing, overseeing and monitoring the service performance, including gender; Organizing/aggregating in some areas, with the purpose of facilitating access);

2. Administrative services according to the 7 areas of the functions provided for by the legislation in force (Indicators: Structures responsible for providing services; Postal/electronic address of the structures/ units/ desks providing administrative services; Procedures to follow in order to obtain administrative services; Working hours of the structures/ units/ desks providing administrative services; Administrative services fees; payment method rules; Entities exempt for fees; Organizing in areas according to functions provided for by the law);

3. The right to complaints and comments about services (Indicators: Procedures of making complaints or comments about services; Postal/ electronic address for submitting complaint or comments)

Area V “Legislation and internal regulatory acts” – Subareas: Of normative nature; Local policy documents)

Subareas:

1. Legislation and internal regulatory acts (Indicators: Organized according to the function determined by the legislation in force; Area-related laws and bylaws; Relevant national policy documents; Municipal Council’s decisions, ordinances and orders of a normative nature; Mayor’s decisions, ordinances and orders)

Area VI “Citizens participation in decision-making” – Subareas:

Subareas:

1. Data on the coordinator for notification and public consultation (Indicators: Coordinator’s name and surname; Postal/electronic address; Working hours);

2. Annual plan for the participatory decision-making process (Indicators: Acts subject to consultation; Action to be undertaken; Deadlines for carrying out these actions; Responsible structures);

3. Internal regulatory provisions for public consultation (Indicators: Procedures, deadlines and methods of organization for each form/type of consultation; Structures responsible for acts subject to consultation);

4. Acts subject to public consultation (Indicator: List of acts subject to public consultation);

5. Notification of the participatory decision-making initiative (Indicators: Draft act, explanatory report and associated documents; Reasons necessary to issue the draft act, as well as its potential impact; Deadline, place and manner through which stakeholders present or submit their recommendations; Contact address of the coordinator for notification and public consultation of the public body or the structure responsible for collecting recommendations and feedback on the draft act; Venue and date of the public meeting when the public body decides on holding a meeting);

6. Procedure of receiving and reviewing feedback and recommendations (Indicators: Postal/ electronic address for submitting feedback and recommendations; Deadline for submitting feedback and recommendations; Method of keeping minutes of the meeting and records of the public meetings; Method of providing reasons for refusal of accepting feedback and recommendations)

7. Procedures of complaint regarding the public consultation process (Indicators: Entities where citizens may address their complaints: The Mayor; the Commissioner for the Right to Information and Protection of Personal Data); Postal/ electronic address for submitting the complaint; Procedures on how to make a complaint regarding public consultation; Municipal level structure responsible for registering and reviewing the complaint)

8. Annual report on transparency in the decision-making process (Indicators: Number of acts approved by municipal bodies through public consultation over the course of a year; Total number of feedback and recommendations received by stakeholders; Number of recommendations and feedback approved and denied during the decision-making process; Number of public meetings held)

9. Civic initiative (Indicators: Method and form of presenting the civic initiative; Procedure of reviewing and approving the civic initiative; Postal/ electronic address for submitting the civic initiative; Methods and deadlines of responding when rejecting the civic initiative)

Area VII - Other information:

Subareas:

- 1. Municipality in the European integration processes** (Indicator: Data on municipality projects, initiatives and activities in the EU integration framework)
- 2. Municipality and civil society** (Indicators: General data on stakeholders; Data on NGOs, media and business representatives; Services provided by various organizations; Advocacy, lobbying and monitoring initiatives by civil society)
- 3. Reports, studies and assessments on Transparency implementation** (Indicator: The published information contains all elements provided by the preparer)
- 4. Community structures** (Indicators: Data on community structures in villages; Data on community structures in towns; Duties and competencies of structures; Regulation on the organization and functioning of the community councils)

