



Accountability, Technology and
Institutional Openness Network
in SEE

Roadmap on good governance for state institutions in the Republic of Albania

On the basis of the Regional Index of
Openness of state institutions

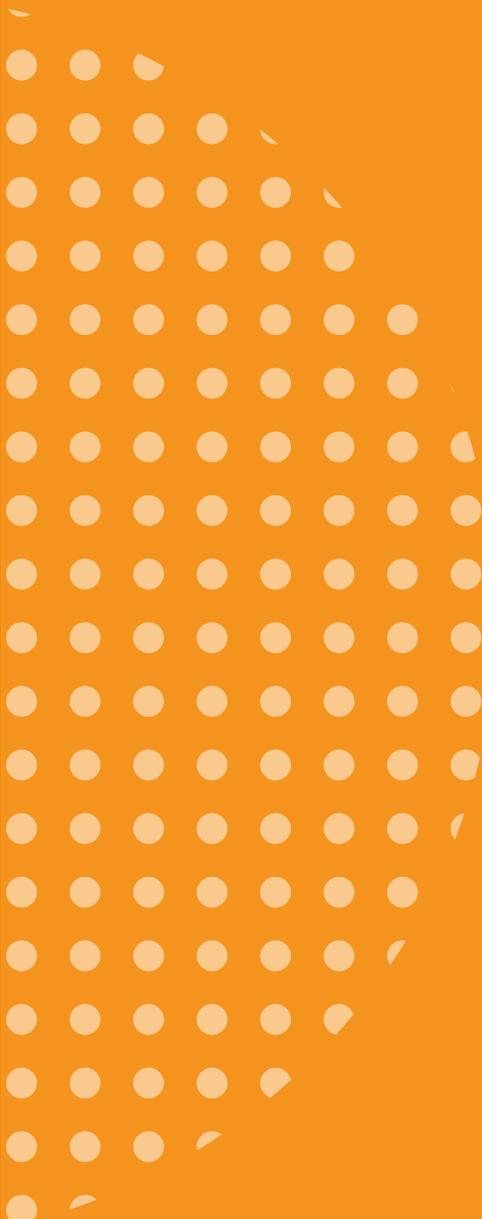
Based on the
measurement
for 2018



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The "Accountability, Technology and Institutional Openness Network in South East Europe - ACTION SEE" project is implemented by Metamorphosis Foundation, Westminster Foundation for Democracy, CRTA – Center for Research, Transparency and Accountability, Citizens Association Why not?, Center for Democratic Transition, Open Data Kosovo (ODK) and Levizja Mjaft!.



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for **2018**

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MJAFT!

Movement mission is to increase active citizenship, strengthen the sense of community, promote responsible governance and improve the image of Albania in the world through encouraging participation of citizens in decision-making by influencing and monitoring policies at both local and national level; promoting volunteerism, and improve cooperation within communities; and rehabilitating the sense of protest.

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ACTION SEE – Accountability, Technology and Institutional Openness Network in SEE project aims to increase the inclusion of civic society and media organisations in decision making processes and the creation of public opinion and policies, as well as to raise the capacity of civic societies to address sensitive issues.

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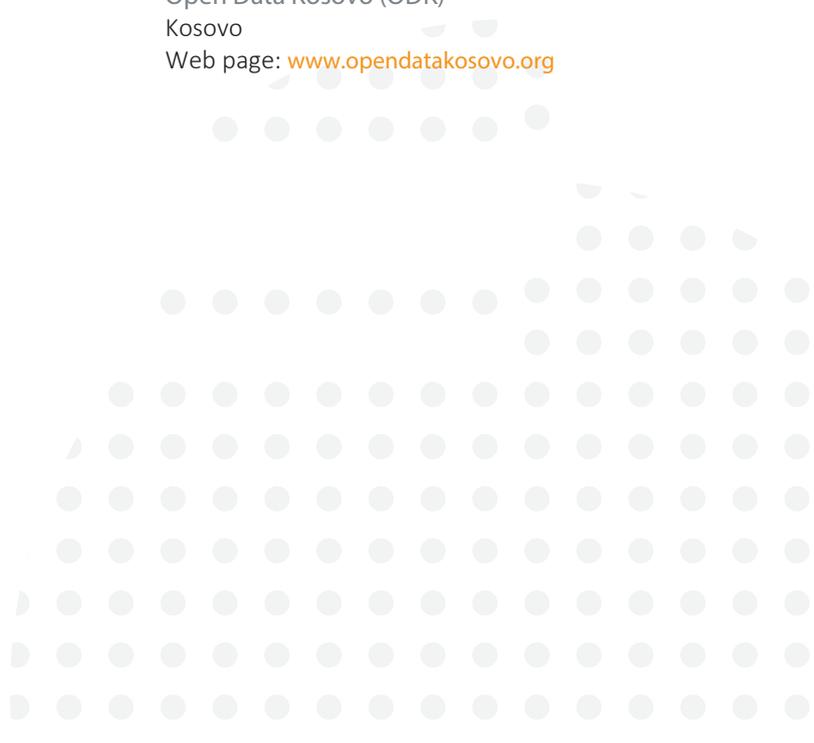


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1. GENERAL INFORMATION

Openness represents a key condition for democracy - since it allows citizens to receive information and knowledge necessary for equal participation in political life, effective decision-making and holding institutions accountable for policies which they conduct. Institutions worldwide undertake specific activities with the aim to enhance their transparency and accountability before the citizens. Open governance is based on four organizational principles: transparency, accessibility, integrity, and awareness. These principles apply to all branches and levels of power, from the central executive power to the local self-government, the Parliament and the judiciary. The Index of Openness is a composite indicator that measures the degree to which governments in the Western Balkan countries are open to citizens and society and is designed in order to define to which degree citizens of the Western Balkans receive opportune and understandable information from their institutions. In order to measure the degree of institutional openness, the ACTION SEE partners, adhering to international standards, recommendations as well as examples of good practice, assessed institutions through special quantitative and qualitative indicators, which assess institutions on the basis of: access to information on official websites of institutions, quality of a legal framework for individual cases, other sources of public informing and questionnaires delivered to institutions.

The responsiveness of institutions to the questionnaires was an additional indicator for their openness. Plenty of institutions scored negatively on indicators due to their non-responsiveness, which is also important to mention for two reasons: first, that institutional responsiveness is an indicator on openness itself, and second, that institutions' non-responsiveness has affected their index scores negatively, because they were automatically assessed with 0. Additionally, some of the indicators could've been assessed positively only if the existing laws were implemented. The assessment was conducted in the period from October to the end of December 2016. On the basis of the monitoring of data and the findings, a set of recommendations and guidelines dedicated to institutions was developed based on the research results. The recommended steps for each category of institutions are made on the grounds of indicators that were not entirely fulfilled. Additionally, since some of the categories of institutions were assessed, i.e. executive agencies, local self-governments, courts and public prosecution offices, the recommendations and action steps for these institutions are general for the whole group of institutions. Readers can find methodology and general project information at the end of this paper.



2. STATE INSTITUTIONS

2.1. EXECUTIVE POWER IN THE REPUBLIC OF ALBANIA

2.1.1. Core executive

Main conclusions

Core Executive of the Republic of Albania has performed approximately 55% of the openness level and still does not represent a satisfactory level on the implementation of the openness policy, compared this with the international standard in which our research is based on. The Albanian government has scored 75% of the fulfilled indicators of awareness principle, 72% of accessibility indicators, 55% of integrity and 40% transparency. It is noticed that conflict of interest, code of ethics, lobbying, budget transparency, and public procurement procedures present low scores in this measurement. There is no information on the transparency of the government or state budgets on the official website of the Albanian Government. Also, there are not published budget plans, mid-reports on the expenditures, the state of public debt, as well as annual factic expenditures compared with the budget planning. Furthermore, no documents on the submission on time of the annual draft budget by the prime ministry to the Albanian Parliament are published. Also, the government scores negatively on the transparency of spending the revenues of the budget. A revised of guidelines on access to information is one of the indicators to measure the openness of public institutions toward citizens and other stakeholders who work with these institutions. This guideline is not updated on the official website of the prime ministry, where moreover, the responsible person signed to be this institution's Coordinator of FOI is not published. There are several problems noticed in the websites such as the fact that the government has not published any anti-corruption strategy.

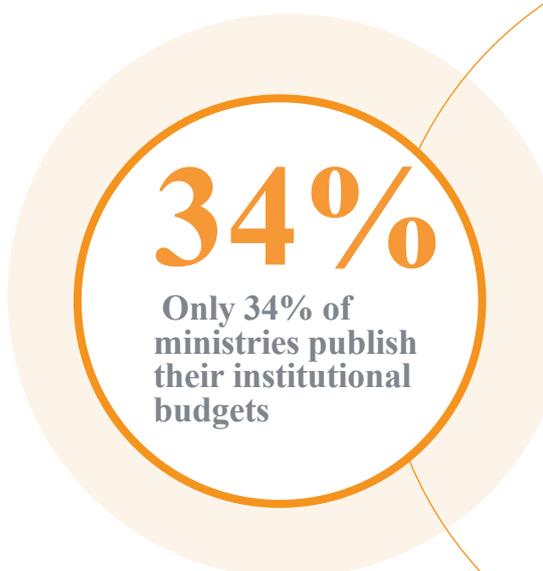
Recommendations for action steps

- There should be information on the transparency of the government or state budgets on the official website of the Albanian Government.
- Documents on the submission on time of the annual draft budget by the prime ministry of the Albanian Parliament should be published. This submission should be done at least three months prior discussions on parliamentary committees.
- There should be transparency on the spending revenues of the budget.
- The lobbying activities are still not regulated in the Albanian legal frame so the Albanian government should take action to start the implementation of such regulations.
- In addition, the government has not published an integrity plan or any anti-corruption strategy/policy
- In the ministerial cabinet activity, there should be publishing materials and agendas of the meetings as well as access to the annual work planes or the formats on how the line ministries should report to the prime ministry.
On the prime ministry's website should be published organized and structured data on asset cards of the officials.

2.1.2. LINE MINISTRIES

Main conclusions

Line ministries in the Republic of Albania have scored 42% of set indicators on openness. In this conducted research, 11 ministries are evaluated, compared to 18 line ministries estimated in the previous measurements. With the second term of the “Rama” government, the competences of two or three ministries are merged in one, thus shrinking the size of the government and increasing responsibilities within a single institution. Performance under four pillars of good governance for these ministries is: 44% accessibility’s fulfilled indicators, 42% transparency, 41% integrity indicators and 40% of performance indicators. For these components, the ministry with the best performance is the Ministry of Culture with 75.7%, while the lowest result is performed by the Ministry for Europe and Foreign Affairs. The holding of public consultations procedures remains an issue to be addressed to line ministries to pay more attention; public consultations score 9% of implementation. Although Albania is in the fourth year of the adoption of the law no. 146/2014 "On notification and public consultation", the results continue to be unsatisfactory. As the law provides, public consultations are going to be conducted on a single platform for all public institutions’ legal initiatives, by publishing the calls for consultations and all the necessary documents for the effective implementation of the process. Observing of platform konsultimepublike.gov.al, it is noted that the list of institutions is not updated, providing information for institutions’ public consultations procedures, as well as publishing the new list of line ministries. Another indicator, Monitoring, and Evaluation have a low score, with 27.3% of set indicators. It was noted that the indicators used by line ministries often appeared unclear and not specific to measure the performance of civil servants. Line ministries do not use specific and clear indicators to measure the performance of the civil servants. Only 34% of ministries publish their institutional budgets and 11.5% publish information on public procurement.



34%

Only 34% of ministries publish their institutional budgets



11.5%

Publish information on public procurement.

http://www.hidaa.gov.al/ligje/Ligji_146-2014_per_njofimin_dhe_konsultimin_publik.pdf
<http://www.konsultimipublik.gov.al/>

Recommendations for action steps

- There should be more attention to the holding of the public consultations procedures
- There should be put more effort into making the Law 146-2014 more efficient so it can bring satisfactory results.
- Update the platform konsultimepublike.gov.al with the list of institutions to provide information for institutions' public consultations procedures.
- They do not use specific and clear indicators by line ministries to measure the performance of the civil servants.
- Publication of the institutional budget and public procurement.

2.1.1. Executive Agencies

General conclusions

Executive Agencies in the Republic of Albania scored 21% of the openness set indicators. National Agency of Tourism performed the highest result with 47% of fulfilled indicators, while the Agency of Bankruptcy Supervision, the Regional Agency of Health System and the National Agency of Income scored the lowest performance in respecting the principles of good governance, with 0 indicators fulfilled. The performance under the four pillars of good governance for the sample of agencies measured in this research is 27% completion of performance indicators, 22% accessibility indicators, 21% transparency and 7% integrity indicators. Approximately 29% of these institutions have not set up an official website, while those agencies that have an official site score low values in terms of access to information, with only 28% of set indicators, and 15% of citizen interaction. Regarding internal anti-corruption policies and trainings conducted on conflict of interest/preventing corruption/whistleblowing in case of irregularities, agencies score 7% of set indicators. The budget transparency of the Executive Agencies in Albania is also at 7%, which comes as a result of the non-updating websites, as well as the lack or non-understandable tables of the annual budget. Public procurement presents a concerning issue in terms of agency performance, with approximately 7% of transparency indicators fulfilled. As it is for all the institutions of Executive Power, the Executive Agency also conducts procurement procedures through the Public Procurement Agency.

Recommendations for action steps

- The opening of an official website in order to increase the level of transparency.
- Updating the websites in order to have transparency of the budget.
- The increasing of the terms of performance in the Public Procurement Agency.
- Clarifying the tables of the annual budget in order to make them more understandable.

47%

National Agency of Tourism performed the highest result with

The budget transparency of the Executive Agencies in Albania is also at

7%

2.2. Parliament in the Republic of Albania

Main conclusions

The results of the conducted research showing that the openness of parliaments at the regional level does not have satisfactory results. On average 61% of indicators were fulfilled in 2017 in the area of openness. This score is 2% lower compared to the openness recorded in 2016 when it reached 63%. The highest legislative bodies of the region do not have a strategic approach to openness policy as it was discernible and indicated in the analysis of the parliament openness in 2016, and as well remained unchanged in the results of the monitoring conducted in 2017.

The decline in the level of openness of all parliaments at the regional level, with the exception of the Albanian Parliament that achieved a better result in 2017 (75%), compared to 2016 (60%), shows that for a year parliaments had not strived to maintain the achieved degree of openness, or invest in its development. The performance of the four pillars of good governance for the Parliament is 88% of fulfilled indicators, 84% efficiency indicators, 71% transparency and 60% integrity indicators.

Although the asset cards of MPs include information on the income sources and paid outside position work, as well as information on gifts, although late filing is followed by administrative sanctions, this information can be accessed only upon a public request to the High Inspectorate of Declaration and Audit of Assets. The procedure for storing the content of asset cards electronically has not been implemented yet. Also, lobbyists and their activities still remain unregulated by law in Albania; moreover, there is not a medium for drafting such law, yet.

Annual work programs are not published on the Albanian Parliament's website, although reports on the annual work can be accessed. Regarding human resources of the Parliament administration, with the exception of the organogram published on the website by departments and hierarchical levels, there is no information on names, positions, contacts, and salaries of the civil servants of this institution. Nevertheless, the voting records of the MPs in the plenary sessions are published in the website.

Budget transparency is an issue to be addressed for this institution. The plans, calls, decisions, contracts, and appendixes of the public procurement procedures performed by the Parliament of Albania are not transparent on the official website. Also, the budget of citizens is not a practice pursued by the highest lawmaking body in Albania. Even though the law No. 119/2014 "On Freedom of Information" is considered one of the best laws in Europe in the field of accessing the public information, the public administration is yet not performing in satisfactory levels in implementing the articles of this law.

Recommendations for action steps

- The publication of the MP's asset card in the parliament's official website. High Inspectorate of Declaration and Audit of Assets. The procedure for storing the content of asset cards electronically should be implemented to strengthen the transparency for the public.
- Annual work programs should be published on the Albanian Parliament website. The official website of Parliament of Albania should publish the human resources of the Parliament administration, with the organogram by departments and hierarchical levels, and information on names, positions, contacts, and salaries of the civil servants of this institution.
- On the website, it should be posted the live transmission of parliamentary session and commission, and the transactions should be published in time.
- The plans, calls, decisions, contracts, and appendixes of the public procurement procedures performed by the Parliament of Albania should be transparent and published on the official website. Also, the parliament of Albania should make publish the budget for the citizens.

2.3. Judiciary in the Republic of Albania

Main conclusions

Courts and prosecutions in the Republic of Albania have performed 32% of the institutional openness, putting them in the third place on a regional level. Comparing with last year, this power shows a scale of improvement; 22% of the indicators which were completed last year have been raised with 10 points in percentage in the second study. Being one of the most discussed powers in this year's political debates, as part of the reforms this system is having in Albania, this increase of performance still isn't in the satisfactory levels and indicates that still needs a lot of work done in order to increase the institutional transparency of courts and prosecutions.

The challenge of creating new institutions, that are predicted by the judiciary reform and vetting of the all system's representatives, are seen as two important factors that influence these results. The concentrations of power in the truth of the declaration of the judges and prosecutors assets in Albania have left the focus of the issues related to the institutional opening of power.

Meanwhile, courts in the Republic of Albania separately have completed 45% of the indicators that measure their institutional opening. Comparing with last year, the performance has been increasing, nevertheless, the fact that not even half of the indicators were not complete, indicates that there is still needed a lot of work and attempts to be made from these institutions to be more transparent and accessible from the public.

In the 77% of the cases, the issues are shared with the judges with the principle of impartiality. What appears to be problematic regarding issues is that decisions made by judges for them are difficult to find online. Many of the courts in Albania still do not have their official website but are inscribed on a single page that provides trivial information for all these institutions. As a consequence, the organizational information regarding the administrative persons of these institutions scores low, with only 36% of the completed indicators. Additionally, it is worrying about the fact that in no case the courts do not publish on their pages audio recordings of court hearings, which violates the transparency and security of the process. Accessibility for courts in Albania, on the other hand, reaches 51% of institutional opening indicators. More specifically, access to information reaches 40%, access to justice is 60%, and public prosecution complements only 50% of the indicators. What is noteworthy is that the second study that Action SEE has developed is the accessibility of courtrooms by people with disabilities. The facilities of these institutions are accessible in only 50% of the cases.

Prosecutions in the Republic of Albania complete only 10% of the indicators of the institutional opening, result which is shown far from the regional average, even though the latter is in unsatisfactory value. In the case of Albania, all district prosecutors are listed within the official website of the General Prosecutor's Office, where the lack of detailed information on their institutional activity is very

pronounced and explains the outcome of the indicators designed to measure the institutional opening of the prosecutor's office.

More specifically, for each category, Albania's prosecutors' offices have met 5% of accessibility indicators, 31% of efficiency, 34% of integrity and only 2% of transparency, which seriously undermines public confidence in this institution. Concerning the publication of a concrete integrity plan or initiatives related to the training of staff to prevent corrupt practices, these institutions have noted the lowest integrity values, with 21% of the achieved result, which leaves room for discussion on the efforts of these institutions to improve their work.

Recommendations for action steps

- Courts and prosecutions in the Republic of Albania still need a lot of work to do in order to increase the institutional transparency to satisfactory levels.
- Judiciary in the Republic of Albania has to be more focus on the issues related to the institutional opening of power.
- Courts and prosecutors in the Republic of Albania should have their own individual websites, not a common one. These websites should be periodically updated and contain all the information found in the transparency programs of these institutions.
- The court decisions should be published, so all the stakeholder could check about issues they are interested in as well as individual included in a trial could get information in real time. Institutions also should provide scripts with the language of minorities in order to respect their rights guaranteed by law.
- Courts should publish audio recordings from court hearings in accordance with the transparency criteria and the security of the process.
- It is very important that everyone has Access to the court, the buildings must be accessible and offer assistance with different facilitations needed as sign languages interpreter or Brail text and so on.
- Budget and financial transparency is a key point of open governance, so the courts have to publish their final accounts for the annual year and for the previous years.
- Structural information, transparency, and accountability are very linked with information about public servants, on official websites should be published the information about names, contacts, and salaries of the Courts Administration.
- The judiciary institutions should develop and implement the institution's internal integrity plans, with a view to preventing and managing corrupt practices and conflicts of interest. In this context, courts and prosecution offices should undertake training initiatives for their administrative staff in order to build capacity on FOI issues, anti-corruption practices, conflicts of interest, and whistle-blowing.

2.4. LOCAL SELF-GOVERNMENT UNITS IN THE REPUBLIC OF ALBANIA

Main conclusions

Analyses of numerous indicators in the second year of measurements showed a significant difference compared to the last year's results. Namely, the Albanian level of openness in 2016 reached only 12.12% while the 2017 measurement showed 27.55%, which demonstrates enormous work done by the local self-government in Albania in the past period. Although this result is very close to the average of the Western Balkans region, it remains unsatisfactory, as some of the indicators are not met even in half. The regional level of openness of the local self-governments this year reached 31.5% which is 2.5% decreases compared to the previous measurement. Only 6% is achieved by completing indicators that measure the feasibility of public consultations by municipalities in Albania, where calls for these procedures are not published online and often the holding of this process is an unclear procedure for local employees. Also, 67% of the local units lack integrity plans or internal anti-corruption policies, as well as direct communication channels or guidelines to raise public concerns and complaints to public services that institutions provide. In 32% of cases, local units hold meetings with citizens, create and update social network accounts, publish monthly news bulletins, and integrate into their platforms the electronic publication of services. In part, as a result of the legal obligations of the administrative-territorial reform, local units meet approximately 66% of the Monitoring and Evaluation Indicators, to develop annual work programs and reports for mayors and municipal councils, but neglecting the establishment of performance indicators for the development of annual plans and annual reports. Only in 27% of the cases, public information on municipal budget is published on official websites, 22% of organizational information is transparent, while documents related to public procurement procedures are almost non-existent in their websites. Achieving 22% of transparency indicators leaves room for suspected corrupt practices with the public finances that local units manage but also on the quality of public service provided from these administrations to the community under their jurisdiction. In addition, in the case of local government, there is also a low use of open data formats, with 7.2%. This result represents the lowest percentage in the region.

Recommendations for action steps

- Municipalities in Albania should make consultation for different issues and the procedures and calls for consultation should be published online.
- Integrity plans or internal anti-corruption policies, as well as direct communication channels or guidelines to raise public concerns and complaints to public services, should be drafted and published on the website.
- Municipals should create and update social network accounts, publish monthly news bulletins, and integrate into their platforms the electronic publication of services.
- Municipales that doesn't official website should to creat. Municipales should develop annual work programs and reports for mayors and municipal councils, and shouldn't be neglecting the establishment of performance indicators for the development of annual plans and annual report.
- In website should be public information on municipal budget and citizens budget. Organizational information should be transparent, while documents related to public procurement procedures are almost non-existent in their websites should be transparent too.
- Municipalities should train the staff that publics the pieces of information in open data version.

3. METHODOLOGY

The Regional Index of Openness is a composite indicator that measures the degree to which governments in the Western Balkan countries are open to citizens and society. Openness is a key condition for democracy because it enables citizens to obtain the information and knowledge they need to equally participate in public debates, to take enlightened decisions and to hold governments accountable. Openness also supports good governance because it allows governing elites to reconsider and draw on ideas and expertise dispersed in society.

The Regional Index of Openness measures the extent of institutions' openness to citizens and society based on the following four principles: 1. transparency, 2. accessibility 3. integrity and 4. awareness.

The principle of transparency means that a government provides clear and relevant public information on its work. This information relates to the organization and work of government institutions, mostly to budgeting and public procurement procedures. Accessibility is related to ensuring and adhering to procedures on free access to information and strengthening interaction with citizens as well.

Integrity includes mechanisms for preventing corruption, adopting codes of conduct and regulating lobbying activities.

The last principle, **awareness**, is related to monitoring and assessment of policies which are conducted. Awareness denotes the availability and provision of information and knowledge within the government.

The four principles are further disaggregated into individual questions that are assessed on the basis of information availability on official websites, legal framework's quality for specific questions, other sources of public informing and questionnaires delivered to institutions. The Openness Index assesses how these four principles are realized in the following institutions or sets of institutions: core executive; line ministries; executive agencies; parliament; local self-government; courts; public prosecution. Since these institutions perform different functions in the process of governing or policy-making, individual questions are adapted to match the profiles of the respective institutions.

METHODOLOGICAL CONSTRAINTS

Research methodology provides a formal insight into the achieved level of institutional openness in the region. However, in certain cases, its conclusions on how the institutional openness functions on the ground are limited. The very existence of the legal framework on institutional openness is not a guarantee that good governance principles are implemented in practice. This research provides a space for further, in-depth policy analyses of particular segments of openness and good governance principles implementation, which would be valuable for obtaining a comprehensive and clear picture of the openness of public institutions in the region.

Moreover, differences in governance structure and territorial organization between Western Balkans countries limit, to a certain extent, the comparative assessment of the achieved levels of institutional openness. In that regard, results of executive, legislative and judicial openness sometimes do not reflect actual relations between different institutions at both, national and regional levels.

4. PROJECT

Good governance is the key to rule of law. While corruption, transparency, rule of law and good governance are always in the spotlight, the understanding of systemic problems, which hardly receive sufficient coverage, remains scant. The “ACCOUNTABILITY, TECHNOLOGY AND INSTITUTIONAL OPENNESS NETWORK IN SOUTH-EASTERN EUROPE - ACTION SEE” project aims to raise awareness of such challenges by facilitating cooperation among civic organizations and consolidated strategic efforts for representation.

ACTION SEE provides a platform for dialogue and a concrete tool for measuring the degree to which state institutions uphold principles and standards of open governance (Index of Openness).

The project aims to increase the inclusion of civic society and media organizations in decision making processes and the creation of public opinion and policies, as well as to raise the capacity of civic societies to address sensitive issues.

SPECIFIC PROJECT GOALS:

- Promote a dynamic civic society which effectively mobilizes citizens for active participation in issues related to the rule of law and good governance and affects policies and decision making processes at a national and regional level.
- Strengthen mechanisms for dialogue between civic organizations and government institutions and influence good governance and public administration reforms.
- Stimulate civic and media organization networking at local and EU level, allowing the exchange of know-how, skills and connections, as well as increase the influence of their representation efforts.

Action SEE is a network of civil society organizations that jointly work on promoting and ensuring government accountability and transparency in the region of Southeastern Europe, raising the potential for civic activism and civic participation, promoting and protecting human rights and freedoms on the Internet and building capacities and interest within civil society organizations and individuals in the region in using technology i democracy promotion.

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5. READ MORE

Openness of institutions of Executive Power in the region and in Albania

<http://www.mjaft.org/en/reports/openness-institutions-executive-power-region-and-albania-0>

Parliamentary openness in the region and in Albania

<http://www.mjaft.org/en/reports/parliamentary-openness-region-and-albania>

The openness of judiciary in the region and in Albania

<http://www.mjaft.org/en/reports/openness-judiciary-region-and-albania>

Openness of Local Self-Government Units in the Region and in Albania

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