



Accountability, Technology and
Institutional Openness Network
in SEE

Road map on good governance for state institutions in Albania

*Based on the Regional Openness
Index of state institutions*

*Based on the
measurements
for 2018*



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Road Map

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for state institutions in
Albania

*Based on the
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MJAFT! Movement

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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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1. General Information

Openness is a key requirement of 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 conducted policies. Institutions worldwide undertake specific activities to enhance their transparency and accountability toward 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, parliaments and the judiciary.

The Openness Index is a complex indicator that measures the degree to which governments in the Western Balkan countries are open to citizens and society, and is designed to define to what degree citizens of the Western Balkans receive opportune and understandable information from their institutions.

The Openness Index is part of the **ACTION SEE** project – the network for responsibility, new technologies and openness of institutions in Southeastern Europe, financed by the European Union. Seven organizations are implemented in six countries: Metamorphosis foundation (North Macedonia), CRTA – Center for research, transparency and accountability (Serbia), NGO Why not? (Bosnia and Herzegovina), Center for democratic transition (Montenegro), Open Data Kosovo (Kosovo), Mjaft! (Albania) and Westminster Democracy Foundation.

Action SEE is a civil society organizations network working together to promote and ensure accountability and transparency of authority in the Southeastern Europe by creating the potential for civil activism and for participation, promotion and protection of human rights and liberties on the internet, as well as by strengthening the capacity of non-government organizations and individuals in the

region regarding the usage of new technologies to ensure government accountability. In order to measure the degree of institutional openness, the **ACTION SEE** partners, adhering to international standards, recommendations and examples of good practice, assessed the institutions through special quantitative and qualitative indicators, which conduct the assessment on the basis of: access to information on official websites of institutions, the quality of the legal framework for individual cases, other sources of public informing and questionnaires delivered to the institutions.

The responsiveness of the institutions to the questionnaires was an additional indicator of their openness. A substantial number of institutions scored negatively on the indicators due to their non- responsiveness, the importance of which is twofold: first, that institutional responsiveness is an indicator of openness itself, and second, that institutions' non- responsiveness has affected their index scores negatively, as in these cases they automatically scored

0. Additionally, some of the indicators could have been assessed positively only if the existing laws were fully implemented.

The research was conducted in the period from December 2018 to the end of March 2019. A set of recommendations and guidelines based on data monitoring and research results has been created for the institutions. The recommended steps made for each category of institutions were based on the indicators that were not entirely fulfilled. Additionally, for some of the categories of institutions assessed, i.e. executive agencies, local self-governments, courts and public prosecution offices, the recommendations and action steps are general and they apply to all of the institutions in the group.

Readers can find the methodology and general information about the project at the end of this document.

2. Executive power in the Republic of Albania

2.1. Core Executive

Main conclusions

Core executive in the Republic of Albania has scored 74.08% of fulfilled indicators regarding institutional openness, which shows an increase compared to the previous year's measurements. The Prime Minister Office has scored 82.39% of indicators referring to accessibility, 87.38% of awareness' indicators, 86.02% fulfilled indicators of integrity and 60.35% transparency.

The lowest percentages Parliament of Albania scored in providing information on organizational organogram of the institutions, publishing state budget, as well as monitoring the procedures of ministries' reporting. While there is still a lack of public debate on drafting a law on lobbying in Albania.

There is not published a full text of rules of procedures/laws in the official website of Prime Ministry. Also the work reports and programs or the agendas of the next session are not found in the web page. Even the minutes of core executive meetings are not published.

While there is no information on the budget of the institution, all the indicators that measure the transparency of public procurement procedures are accessible by the citizens, except the contract signed with bidders.

The best performance of the Albanian Parliament is in meeting the fulfillment of all the indicators of Monitoring and Evaluation, as well as the indicators that measure Code of Ethics of the institution.

Action steps

- The institution should publish the organogram and all the information which provides the competences that the Prime Ministry Office has, to enable the citizens to understand where and to whom to address their concerns.
- All the Rules of Procedures/Laws that are related to the scope of work of the Prime Ministry Office should be published on the official website of the institution.
- The Prime Ministry Office should constantly update on its work by publishing quarterly/semi/annual reports.
- The Prime Ministry Office should publish the upcoming sessions' agendas, as well as the discussions in the meeting, while all the sessions should be transmitted via audio or video, to be more transparent towards citizens regarding the decisions taken by the Government.
- The institution should publish all the information related to the state budget and all the expenditures of the government by providing mid-year reports, on open data format.
- Improvement of legal frame on enabling public participation in preparing state budget, compiling a law on lobbying, as well as improvement of law on public consultation to define a structure of reporting, to make the law more efficient.

2.2 Line Ministries

Main conclusions

54.07% of openness' indicators are met by 11 line ministries of the Republic of Albania. The ministry that performed the highest result is the Ministry of Interior, while the ministry that scored negatively is the Ministry of Tourism and Environment. Performance under four pillars of good governance for the Albanian ministries is: 57.35% accessibility's fulfilled indicators, 51.89% transparency, 64.77% integrity indicators and 47.27% awareness performance indicators.

The access to information meets only 64.22% of fulfilled indicators, an unsatisfactory score performed by the line ministries, even though the law on FOI in Albania has been considered as one of the best laws in the top ten best performing countries in the field of institutional transparency. On the other hand, the implementation of law on public consultation performed the lowest score of accessibility, only 19.19% of fulfilled indicators.

Unsatisfactory performance was scored on providing all the necessary information to make transparent the procedures of public procurement, 8.68% of fulfilled indicators and budget spending of ministries, 51.96% of fulfilled indicators. The reason why all the ministries scored negatively is because all the procedures of procurements are held by a competent executive agency, Agency of Public Procurements, that publishes the necessary information on these procedures, while the information on budget can be found on the website of the Ministry of Economy and Finances.

Action Steps

- All the necessary information related to public consultations should be published in the official website of each ministry, for each draft law that they discuss. Since according to the law, a dedicated portal will be maintained to publish all the call on public consultation (konsultimepublike.gov.al), each ministry should publish their draft laws in this portal and actively interact with citizens, experts or any stakeholder who leave their comments on these drafts.
- Ministries should set indicators to measure the performance of public servants.
- The information on institutions' budget should be published in the official websites of each ministry in open data format, even though this information can be found in the website of the Ministry of Economy and Finances.
- Even though the Agency on Public Procurement is the responsible institution for the procedures of procurements, each ministry should publish the necessary information for the procedures that will be held on its behalf.

2.3 Executive Agencies

Main conclusions

Thirteen of Executive Agencies in Albania presented the sample of the third measurement on institutional openness, which performed 38.63% of fulfilled indicators. The best performance is scored by the Agency of Public Procurement with 73.59% of the openness set indicators, while the Nuclear National Agency did not met any of indicators. The performance under the four pillars of good governance for the sample of agencies measured in this research is: 48.54% completion of accessibility indicators, 44.23% fulfilled indicators of awareness, 33.6% transparency and 26.92% indicators met of integrity.

82.37% of executive agencies do not provide information on institutions' budget, as well as 82.06% of these agencies do not publish calls, decisions, contracts and annexes of public procurements.

The information on the names, position and contact of public servants, the publication of organogram, plans of work and strategies is met in only 44.85% of the sample. The most negative score results on fulfillment of indicators of integrity. The conflict of interest prevention is performed in only 26.92% of the cases.

Action steps

- Each Executive Agency should own an official website, in order to increase citizens' interaction with their activities and scope of work. Also, for those that already have a website, the information published should be more in accordance with the transparency programs approved per each public institution.
- The agencies should establish their internal policies of anti-corruption and conflict of interest prevention and make them visible and accessible for the citizens in their official websites.
- Budgetary transparency should be on focus of each executive agency, to publish budgets in understandable tables.
- Public procurement procedures of each institution should be published also in their official websites.

3. Parliament in the Republic of Albania

Main conclusions

Parliament in the Republic of Albania has scored 72.94% of fulfilled indicators. Four pillars of good governance for the Parliament of Albania resulted as follows: 83.43% of accessibility indicators are fulfilled, 78.52% of awareness, 82.86% integrity and 62.21% transparency. More concrete, the Parliament of Albania achieves the lowest scores in being transparent providing information on state budget, public procurement and organizational information.

Parliament of Albania has scored 0% in accomplishing the indicators that measure lobbying rules. In addition, the Assembly fails in positively performing in strategic planning, with only 33% of indicators fulfilled.

The information published on open calls for procurements, contracts and annexes meet 44% of fulfilled indicators. Organizational information is provided in 63.88%. Whilst, the state budget is transparent in 72.68%.

The Parliament of Albania represents the most opened public institution in the country.

Action steps

- The Parliament of Albania should create a medium to discuss on the drafting of lobbying law, since it represents the only country in the Western Balkan that does not have one.
- Asset card of MPs of the Albanian Parliament should be published and accessed by the all the citizens, not only upon official request.
- In spite of publishing information on the institution's organogram and public officials, the Assembly should publish names, positions and salary categories of its public servants.
- Budgetary transparency should be increased; all the expenditures of the institution and citizen's budget should be easily accessed in the official website of the institution.
- Improvements regarding annual planning and strategies should be considered by the institution, in order for the citizens or the interested stakeholders to check the percentage of results achieved in compliance with plans.
- The upcoming sessions' agenda should be published on the website, as well as the minutes of the meetings and plenary sessions held as soon as possible.
- The Assembly should be more transparent in providing information on how the MPs vote in committee meetings, as it is transparent regarding plenary sessions.
- The Parliament of Albania should enable each citizen to find the necessary information through search engine.

4. Judiciary

Main conclusions

Courts and prosecutions in the Republic of Albania have performed 31% of the institutional openness. It is almost the same percentage as last year, with a small difference of 1%, which shows that courts and prosecutions in the Republic of Albania still need a lot work to achieve satisfactory results and to become more transparent and accessible.

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. These processes are very important and need to speed up to have the desired results and finally the formation of the whole judiciary system in Albania. 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 49% 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.

It is important to also note that for two years in a row the lowest ranking institution was Mat's Court, showing not only improvement, but a decrease in the latter year. Accessibility for courts in Albania reaches 51% of institutional opening indicators. More specifically, access to information reaches 37% while last year reached 40%; access to justice reached 58% while last year reached 60% of the set 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 limited number of cases.

Prosecutions in the Republic of Albania complete only 13,5% 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 13% of accessibility indicators, 36,5% of awareness, 34% of integrity and only 2% of transparency, which seriously undermines public confidence in this institution. It is very concerning the fact that for the third year of this study, the Prosecution's offices still show low results, especially in regards of transparency where it is considered almost insignificant.

Action steps:

- Courts and prosecutions in the Republic of Albania should work a lot on transparency and institutional openness.
- Judiciary in the Republic of Albania has to be more focused 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.

5. Local self-government units in the Republic of Albania

Main conclusions

Local self-government units in the Republic of Albania have a significant growth during the last three years of the research, but they still do not perform in satisfactory levels. Four pillars of good governance for municipalities in Albania result as follows: accessibility 33.58%, integrity, 45.1%, transparency, 27.03% and awareness, 71.76%. The lowest performance met by the municipalities refers to institutions' budget (40.99%), organizational information (25.18%), public procurement procedures (6.59%), as well as in the implementation of law on public consultation (6.58%).

29% of municipalities in Albania did not respond to the questionnaire sent to their administrations. It is noticed that for those institutions that provided information for ACTION SEE's questionnaire, most of coordinators of FOI are not aware of the information published in their official website or the activities held by their administrations.

It is necessary to mention that none of municipalities in Albania completed these indicators: publication of the calls on public procurement procedures, publication of the decisions on the allocated funds and the resulting projects, publication of Municipalities Councils' minutes of meetings, as well as live transmission (video or audio) of the meetings. The interaction of citizens remains in unsatisfactory levels, where only 41.73% of indicators are fulfilled.

Action steps

- Local self-government units in Albania should publish their draft laws in their official website and invite interested stakeholders to comment in order to improve these drafts and increase the interaction with citizens.
- Municipalities should be more transparent on their annual expenditures, as well as in publishing their final accounts of last three fiscal years.
- More needs to be done in open data field. Municipalities should organize or participate in trainings that aim to prepare public servants to produce institutional materials in open data format, in order to be reused by interested stakeholders.
- To increase the institutional transparency regarding the allocation of funds for project proposals.
- All the public procurement procedures to be held on their official websites.
- Municipality Council meetings should be live transmitted, via video and audio, as well as all the written record to be posted on the official website.

6. 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: transparency, accessibility, integrity and 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 as well as strengthening interaction with citizens. 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 the information availability on official websites, legal framework's quality for specific questions, and 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.

6.1 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.

Members of the Action SEE network undertook improvements and modifications of the research methodology and its indicators on the basis of the results and findings from the monitoring conducted in 2016, hoping that the new information obtained would contribute to better project results. The goal to use new and improved indicators is adding a new dimension to the research and more efficient approach to improvement of openness of institutions in the region.

Possessing the knowledge, concrete results and analysis of regional openness, and believing that the institutions of executive power would work on improvements in the area led by simply presented steps for making the improvements, we decided to advocate for the higher level of openness of institutions of government in the region.

Through about 80 indicators per institution, we measured and analyzed the openness of 645 government institutions through 30,000 indicators. After the monitoring was carried out, a control phase followed that showed a standard measurement error of +/- 3%.

7. PROJECT

Good governance is key to the rule of law. While corruption, transparency, rule of law and good governance are always in the spotlight, the understanding of systematic problems, which hardly receive sufficient coverage, remains very limited.

"ACCOUNTABILITY, TECHNOLOGY AND INSTITUTIONAL OPENNESS NETWORK IN SOUTHEASTERN 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.

7.1 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 interests within civil society organizations and individuals in the region when it comes to the usage of new technologies to ensure government accountability.

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