

Monitoring Matrix on Enabling Environment for Civil Society Development

Country Report:
Albania
2021



monitoring
matrix

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Country Brief for Albania 2021

Partners Albania for Change and Development

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Contents

<i>Executive summary</i>	6
Civil Society Overview	6
Key findings	7
Key recommendations	8
<i>Findings</i>	9
Area 1: Basic Legal Guarantees of Freedoms	9
Sub-area 1.1. Freedom of association	9
Sub-area 1.2. Related-freedoms	11
Area 2: Framework for NPO Financial Viability and Sustainability	13
Sub-area 2.1. Tax/fiscal treatment for NPOs and their donors	13
Sub-area 2.2. State support	14
Sub-area 2.3. Human resources	17
Area 3: Government-NPO Relationship	18
Sub-area 3.1. Framework and practices for cooperation	18
Sub-area 3.2. Involvement in policy- and decision-making process	19
Sub-area 3.3. Collaboration in service provision	22

Abbreviations

<i>AASCA</i>	The Agency for the Administration of Sized and Confiscated Assets
<i>ASCS</i>	Agency for the Support of Civil Society
<i>AML</i>	Anti-Money Laundering
<i>CoM</i>	Council of Ministers
<i>GTD</i>	General Directory of Taxation
<i>ICT</i>	Information and Communication Technology
<i>MHSP</i>	Ministry of Health and Social Protection
<i>MM</i>	Monitoring Matrix
<i>NPO</i>	Non-Profit Organisation
<i>OGP</i>	Open Government Partnership
<i>TF</i>	Terrorist Financing

Executive summary

Civil Society Overview

	2021
Number of registered organizations (per type) (+ how many have registered in 2021)	12,240 NPOs 278 NPOs registered in 2021 156 Association 73 Centres 49 Foundation
Main civil society laws	Civil Code of Albania Law no. 8788 "For the Non-Profit Organization" Law no. 8989 "For the Registration of Non - Profit Organization" Law 80/2021 "For the registration of non-profit organisations" Law 65/2016 "For Social Entrepreneurship"
Relevant changes in legal framework	Law 80/2021 "For the registration of non-profit organisations" Law 107/2021 "On Co-governance" Law no. 7895, date 27.1.1995 Penal Code of the Republic of Albania
State funding (for the previous year) (key bodies and amounts)	Agency for the Support of Civil Society 90 million ALL (Approx. 744,000 EUR)
Human resources (employees and volunteers)	9872 employers No data on volunteering
NPO-Government Cooperation (relevant and new body: consultation mechanism)	National Council for Civil Society
Key challenges (e.g. lack of official data related to Civil Society)	- Lack of unified data and accurate information for NPOs - Effectiveness of NPO-Government cooperation remains low

Key findings

Key findings of the report

1.	Law no. 80/2021 for the registration of NPOs was approved with strong reactions and objections from NPOs
2.	The Penal Code was amended recognizing the right to assembly without a permission (only notification) from the state police, in line with international standards
3.	After years of discussions, advocacy of the sector, and collaboration with public institutions responsible, the VAT reimbursement procedure on grants awarded in compliance with the financial agreements ratified by the Parliament or grant agreements approved by the CoM has started its implementation with 4 projects refunded
4.	The methodology for the NPO risk assessment methodology on TF is being prepared, contributing to risk-based approach with regard to state measures on AML/CFT for the NPOs sector.
5.	Consultation with and participation of NPOs in policy and decision making processes remains not effective, regardless of mechanisms of cooperation established by the government.
6.	A new invoicing and monitoring system of the trading activities of all registered taxpayers, including NPOs is implemented by the Albanian tax authorities leading to the fiscalization of the sector

Key recommendations

Key recommendations of the report	
1.	With the approval of the new law on the registration of NPOs, it is of utmost importance for a new law on NPOs, to replace the Law 8788/ 2001, amended, to reflect changes in the NPO sector and legal framework during the years.
2.	Amendment of the law on NPO registration is needed to address the remaining key issues identified by NPOs during the consultation process.
3.	The start of implementation of the VAT reimbursement procedure for grant related activity expenses requires an increased awareness of foreign donor institutions to bring the certification of their funding expenditure reports in line with the procedure. It will allow NPOs to have more flexibility to claim VAT reimbursement in frequent basis against once overall funding contract is approved as it is happening now.
4.	State measures on AML/CFT, which target NPOs should also ensure their protection from abuse, and not impede the legitimate work of NPOs.
5.	Public funding for the NPO sector should be transparent, accompanied by public accountability and reporting instruments about its impact.
6.	NPOs should actively participate in the EU integration process, using effectively the space they have in Partnership Platform for EU Integration and other consultative mechanisms, while state institutions should make these mechanisms effective through transparent protocols of participation and recognition of NPO contribution as a legitimate partner in the process.

Findings

Area 1: Basic Legal Guarantees of Freedoms

Sub-area 1.1. Freedom of association

1.1.1. Establishment of and Participation in NPOs

In total there are **12,240 NPOs** registered at the District Court of Tirana, the only public authority responsible for the registration of NPOs in the country¹. There are **278 new NPOs registered** in 2021, out of which 156 associations, 73 centres, and 49 foundations, while 44 requests for registration have been rejected by the Court and 48 requests have been returned to the requesting subjects for revision. In total, there are **5,174 NPOs** registered at the General Directorate of Taxation (GTD)², out of which **2,217 NPOs** (approx. 42%) have an active status³ and **946** are registered in the VAT scheme. Based on the response from the District Court of Tirana, the average time for registration of an organisation from the day of the submission of the request and documentation **is 67.3 days**, four times more than the period (15 days) stipulated in the Law “For the Registration of Non-profit Organisations”.

In August 2021,⁴ Law 80/2021 “For the registration of non-profit organisations” entered into power, fulfilling measure 6.1 of the Road Map 2019 – 2023⁵. This government initiative came as an effort to address one of the recommendations of the MONEYVAL Report “Anti-Money and counter-terrorist financing Measures, Fifth Round Mutual Evaluation Report”⁶, which required establishment of an electronic register for NPOs. The process for this legal initiative was accompanied by a heated debate between the non-profit sector on one side, the Ministry of Justice, and the Parliament, on the other side. Criticisms from the nonprofit sector have been two-folded. First, related to its consultation process and transparency, particularly by the government, and secondly related to the content of this law, as described in the MM Report 2020.

As a result of the wide mobilisation of the non-profit sector led by Partners Albania and the legal analyses and proposals submitted, 32 articles of the draft law were changed,

¹ The data is provided by the District Court of Tirana in response to the request for information sent by Partners Albania.

² The data is provided by the General Directorate of Taxation in response to the request for information sent by Partners Albania.

³ Active status means that the organisation has carried out activities for a taxation period of 12 consecutive months

⁴ Official Gazette 121/2021 [Online] <https://qbz.gov.al/eli/ligj/2021/06/24/80/852c9af6-f25b-492e-aa48-577ff8077583>

⁵ The information is retrieved from the National Centre for Civil Society webpage [Online] <https://resourcecentre.al/wp-content/uploads/2021/08/ligj-nr.-802021-dt.-24.6.2021.pdf>

⁶ MONEYVAL, 2018 “Anti-Money and counter-terrorist financing Measures, Fifth Round Mutual Evaluation Report, Albania” [Online] <https://rm.coe.int/committee-of-experts-on-the-evaluation-of-anti-money-laundering-measur/16808ff138>

with the main change with regards to exercise the right of associations without the obligation to be registered⁷. Still, the approved law represents a series of challenges for the free operation of the organizations, such as:

- High level of fines for administrative violations, in contradiction with the principle of proportionality and in violation with the legal framework in power.
- Lack of a procedure for deregistration of NPOs in the court and the authority responsible for the process, in cases when the NPOs are not registered at tax authorities.

The drafting process suffered from poor participation not only from the NPO side but also state institutions and the institution in charged with the implementation of this law, High Judicial Council (HJC), was introduced in the draft law at the very last minute. As a result, HJC could not come up with a decision about the date when the electronic register would be in place as required by the law. The main reason was the lack of a dedicated budget for it, which was always raised as an issue by NPOs in the process.

With the approval of the new law on the registration of NPOs, it is of utmost importance for a new law on NPOs, to replace the Law 8788/ 2001, amended, to reflect changes in the NPO sector and legal framework during the years.

1.1.2. State Interference

The legal framework on state interference did not changed and reflects the same situation as in the MM Report 2020.⁸ According to the District Court of Tirana, 25 NPOs have submitted requests for deregistration or liquidation in 2021. Concerning the sanctions, in 2021 according to the GTD were issued 14 fines to NPOs for breaching the law without specifying its nature. In addition, according to the response received from the National Business Centre, **2,018 NPOs have registered their beneficiary owners**, which is very close to the number of NPOs with active tax status.

In 2021 started the work for the preparation of the NPO Risk Assessment Methodology on Terrorist Financing, following a series of legal initiatives affecting the operation of NPOs including here the law on beneficial owners, the central register of bank accounts, and the new NPO registration law. The initiative is part of the international response of NPOs to protect the civic space and avoid over-regulation of NPOs in the name of AML/CFT, in line with FATF Recommendation 8 on NPOs. The purpose of the methodology is to help understand the risks of TF in the NPO sector, to assess how effectively these risks are mitigated, and for them to be able to demonstrate how they have achieved this understanding. It is being implemented through a collaborative process with the participation of NPOs and state authorities, based on a Memorandum of Understanding between the General Directorate of Taxation, Partners Albania for

⁷ The information is retrieved from the Partners Albania webpage [Online] <https://partnersalbania.org/News/informacion-lidhur-me-hyrjen-ne-fuqi-te-ligjit-nr-80-2021-per-regjistrimin-e-organizatave-jofitimpruese/>

⁸ Partners Albania, 2021 "Monitoring Matrix for Enabling Environment for Civil Society Development, Country Report for Albania" [Online] <https://partnersalbania.org/publication/monitoring-matrix-on-enabling-environment-for-NPOs-development-country-report-for-albania-2020/>

Change and Development, and Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ).

1.1.3. Securing Financial Resources

The legal framework regulating the NPOs activity to seek and secure funds from different domestic and foreign sources has not changed in 2021. In practice, there are no restrictions or financial burdens for NPOs to secure funds from different legitimate sources.

Sub-area 1.2. Related-freedoms

1.2.1. Freedom of Peaceful Assembly

A positive development toward guaranteeing freedom of peaceful assembly was the amendment of the Penal Code, article 262: "Organisation and participation in illegal assemblies", in response to the decision of the Albanian Constitutional Court issued on 5th May 2021⁹. The Court ruled in favor of amending the article 262, which deemed assemblies without police permission as illegal. In 2021 The Ministry of Health and Social Protection (MHSP) issued 19 acts, amending¹⁰ the Order no. 633, dated 17.11.2020 "On the prohibition of gathering in open and closed spaces", as a preventive measure in the pandemic situation of COVID-19, imposing restriction to the right of peaceful assemblies. Regardless of these changes, several protests were organized by citizens and human rights activists. The protests were related to issues of private and public property, domestic violence and sexual assaults¹¹, femicide, environment¹², etc. In June 2021, Albania held the Parliamentary elections in the midst of the pandemic situation. The electoral campaign preceding the elections follow none of the health protocols in power, seriously jeopardizing the health situation in the country¹³.

1.2.2. Freedom of Expression

Albania is ranked 83rd out of 180 countries in Reporters Without Borders Report 2021, improving its ranking by one place from the previous year.¹⁴ In June 2021, the government adopted several resolutions¹⁵ to safeguard freedom of expression, protect

⁹ Official Gazette 87/2021 [Online] <https://qbz.gov.al/eli/vendim/2021/05/04/24/ca2d2e4d-3fc2-46da-a852-29a63dbd5dc0>

¹⁰ Official Gazette 210/2020 [Online] <https://qbz.gov.al/eli/urdher/2020/11/17/633/5c8ca1e2-0838-4488-9f0b-2ecfbc756f45>

¹¹ The information is retrieved from Civicus organisation [Online] <https://monitor.civicus.org/updates/2021/07/01/protests-over-gender-based-violence-media-banned-parliamentary-sittings/>

¹² The information is retrieved from Civicus organisation [Online] <https://monitor.civicus.org/updates/2021/05/07/media-outlet-under-pressure-reveal-its-sources-over-confidential-data-leak/>

¹³ The information is retrieved from the Friends of Europe organization [Online]

<https://www.friendsofeurope.org/insights/albanian-elections-during-covid-19-democracy-must-remain-a-top-priority/>

¹⁴ Reporters Without Borders, 2021 [online] [World Press Freedom Index](https://www.rwb.org/en/world-press-freedom-index)

¹⁵ The information is retrieved from exit.al [Online] [Elisa Spiropali Promises Council of Europe to Protect Journalists, Support Independent Media - Exit - Explaining Albania](https://www.exit.al/en/Elisa-Spiropali-Promises-Council-of-Europe-to-Protect-Journalists-Support-Independent-Media-Exit-Explaining-Albania)

journalists and ensure that COVID-19 does not impede access to information and media. In addition, the Albanian government promised to create and enact a national action plan dedicated solely to ensuring the safety of journalists, adding that civil society, academics, journalists, and professional associations will be a part of this process¹⁶. Since then, there is no further updates from the government to this regard.

In the same month, the Presidency of the Assembly of Albania decided¹⁷ to change the regulation for media accreditation and the audio-visual system to transmit the meetings of the parliamentary commissions. Based on the changes, the journalists will no longer be able to attend the meetings of parliamentary commissions; rather, they will be able to watch them via an audio-video system in a designated room for media. Following the reactions by the Union of Albanian Journalists and international journalists' associations considering it as a restriction to media freedom, as well as the journalists' protests, the Assembly withdraws from this decision¹⁸.

1.2.3. Access to Information

The legal framework provides the possibility to communicate via and access any source of information, including the internet and ICT. No legal changes have happened in 2021 and the legal environment reflects the MM Report 2020.¹⁹ Internet penetration in Albania stood at 69,6% and there are 2 million internet users in Albania.²⁰

¹⁶ Information is retrieved from the Civicus organisation website [Online]

<https://monitor.civicus.org/updates/2021/07/01/protests-over-gender-based-violence-media-banned-parliamentary-sittings/>

¹⁷ The information is retrieved from the Albanian Parliament [Online]

<https://www.parlament.al/Files/Lajme/Dokument/RREGULLORE%20PER%20AKREDITIMIN%20E%20MASMEDIES.pdf>

¹⁸ The information is retrieved from the Albanian Parliament [Online]

<https://www.parlament.al/Files/Lajme/Dokument/RREGULLORE%20PER%20AKREDITIMIN%20E%20MASMEDIES.pdf>

¹⁹ Partners Albania, 2021 "Monitoring Matrix for Enabling Environment for Civil Society Development, Country Report for Albania", pg.27 [Online] <https://partnersalbania.org/publication/monitoring-matrix-on-enabling-environment-for-npos-development-country-report-for-albania-2020/>

²⁰ The information is received from Data Reportal [Online] [Digital in Albania: All the Statistics You Need in 2021 — DataReportal – Global Digital Insights](#)

Area 2: Framework for NPO Financial Viability and Sustainability

Sub-area 2.1. Tax/fiscal treatment for NPOs and their donors

2.1.1. Tax Benefits

On December 2019, the Ministry of Finance and Economy issued an instruction on VAT refund procedures for foreign donors' grants to NPOs²¹. With this regulation in place, the VAT refund is not only applied for IPA project, but for all financial agreements ratified by the Parliament or grant agreements approved by the Council of Ministers. Also, subject of VAT reimbursement are sub-granting schemes implemented through intermediary organizations. In 2021, progress is noted with regard to implementation of instruction No. 34, dated 2019, on the VAT reimbursement of grants awarded in compliance with the financial agreements ratified by the Parliament or grant agreements approved by the CoM. According to the information received from the GTD, there are 34 NPOs that have registered their projects for VAT refund, and 4 of them have been already refunded in 2021. This is the very first time NPOs have been successful in being refunded, since the very first instruction was introduced. Despite the enacted instruction, the interpretation of tax authorities is different. As a result, NPOs have to submit additional type of documents and in different formats compare to the one stipulated in the instruction. This issue come primarily from the fact that tax authorities still are not fully aware about rules and procedures governing the relationship between the NPOs and their donors and high level of mistrust. Considering that, the effective implementation of VAT reimbursement requires to a certain degree also an adaptation of certain procedures by donor institutions. It would be beneficial to include also them as part of this awareness campaign.

A new invoicing and monitoring system of the trading activities of all registered taxpayers, including NPOs is implemented by the Albanian tax authorities leading to the fiscalization of the sector. The system allows flexibility for NPOs that (i) are not subject to VAT, (ii) have no violations related to not issuing invoices in the last 3 years, (iii) have no more than one premises to exercise their activity and (iv) have employees/ self-employed only one person.

These two legal and procedural changes and the way they have been implemented until now have indicated the need for more training and awareness among tax administration dealing with the non-profit sector. Such need is relevant also for NPOs that were unprepared when the changes came into power. NRC tried to mitigate the gaping awareness about law requirements but also digital illiteracy by providing large scale training and assistance in enrolling the sector into these systems.

²¹ This information is retreated from the General Directory of Taxation webpage. [Online] <https://www.tatime.gov.al/shkarko.php?id=6990>

With regards to the Roadmap none of the measures of the Priority 9, which is related to the financial reporting/accounting and tax treatment of NPOs have been addressed within 2021, as planned in the Action Plan of the roadmap.

2.1.2. Incentives for Individual/Corporate Giving

There were no changes in the legal framework with regard to incentives on donations from individuals and corporate giving.

In 2021, 579 fund raising campaigns and individuals and corporate donations with a total amount of 262,465,000 ALL (approx. 2.1 million EUR) were identified by Partners Albania from the Monitoring on Philanthropic Activity through Media and Online Platforms²² as the only instrument in place to monitor giving in Albania. Out of these donations 21% of them were channelled through NPOs.

Sub-area 2.2. State support

2.2.1. Public Funding Availability

The Agency for the Support of Civil Society (ACSS) remains the main public body that provides financial support to NPOs through public funding.

For this monitoring exercise, the following are the sources of funding from public institutions identified for the year 2021. These are the only institutions that responded to our request for information, which included line ministries and the ASCS. The rest of them did not respond at all. The analyses under this sub area of the report refers only to the data collected by the institutions that responded. The information collected was validated through checking of public information in their website.

²² Partners Albania, 2022, Philanthropy Magazine [Online] http://partnersalbania.org/wp-content/uploads/2022/02/philanthropy.ed_.3.pdf

Table 1: Public funding from public institutions

<i>Institutions</i>	<i>Number of call for proposals</i>	<i>Application Submitted in total</i>	<i>Awarded NPOs</i>	<i>FY 2021</i>
<i>ASCS</i>	1	236	72	90 million ALL (approx. 744,000 EUR)
<i>Ministry of Culture²³</i>	1	152	104	54,320,000 ALL (approx. 449,000 EUR)
<i>National Lottery Fund</i>	1	No information	No information	No information
<i>AASCA²⁴</i>	1	No information	7	18.6 million ALL (approx. 155,000 EUR)
<i>National Youth Agency</i>	1	66	12	28,722,680 ALL (approx. 239,355 EUR)
<i>Ministry of Tourism and Environment</i>	1	73	7	17,215,147 (approx. 143,000 EUR)
<i>Ministry of Justice</i>	1	10	None	8,000,000 (approx. 66,600 EUR)

The Ministry of Justice launched a restricted call for proposal to support NPOs that are licensed by the ministry to provide free legal aid. After the assessment of ten (10) applications received, the Evaluation Committee and the Appeal Commission did not award any grant.

One of the measures under Priority 8: Establishment of a public funding framework in support of NPOs' programs in compliance with EU best practices is: Revision of the existing legislation for the financing of NPOs initiatives from local and central government institutions based on the analysis of shortcomings, including the specification of procedures for call for proposals. No analyses were carried out and reported for 2021, and as a result, no changes were made in the legislation in place.

2.2.2. Public Funding Distribution

Not all of the public institutions that provide financial support have public rules and procedures about scope of funding, selection and awarding criteria. The ASCS makes a difference to this regard. Everything related to grant procedures is public available in their website.

The announcement of the procedure is public and it provides sufficient time to prepare (more than 30 days) and submit project proposals and all required documents. For 2021

²³ The information is retrieved from the Ministry of Culture webpage [Online] https://www.kultura.gov.al/wp-content/uploads/2021/01/NJOFTIMI_LISTA.pdf

²⁴ The information is retrieved from the Agency of the Administration of Seized and Confiscated Assets webpage [Online] <https://aapsk.gov.al/ceremonia-e-firmosjes-se-kontratave-me-obj-te-e-shpallura-fituese-te-projekteve-qe-financohen-nga-para-te-konfiskuara-nga-krimi-me-vendim-te-komitetit-nderinstitucional-per-masat-kunder-krimit-te-or/>

call ACSC organised consultations with NPOs to determine its priority areas.

2.2.3. Accountability, Monitoring and Evaluation of Public Funding

The monitoring of all web pages of public institutions that have provided financial support to NPOs during 2021, including the ASCS, showed that there are no evaluation reports on the impact of public funding distributed to NPOs. Lack of public available documents with regard to access to public funding, their contracting procedures and their monitoring make public financing of NPO activity non-transparent, and increases the level of skepticism towards distribution of public funds.

2.2.4. Non-Financial Support

The only institutions that have provided non-financial support to NPOs from those who responded are ASCS and the National Youth Agency. The type of support offered has been dialogue facilitation with different stakeholders and usage of premises free of charge. In 2021, the Agency for the Administration of Seized and Confiscated Assets gave one confiscated asset for social reuse from NPOs.

Sub-area 2.3. Human resources

2.3.1. Employment in NPOs

There are no changes in the legal framework on employment in NPOs. According to the information received by the GTD, there are 9,872 employees working in the NPO sector in 2021 with low increase of only of 79 employees, compared with the previous year (9,793 employees). The employees number shows stagnation although there are 230 new NPOs registered with tax authorities in 2021.

No information was provided by GTD regarding the number of full-time versus part-time employees, although this information is collected on monthly bases through declarations submitted by NPOs.

2.3.2. Volunteering in NPOs

Even though measure 5.2 of the Roadmap stipulated amendment of the law on voluntarism and other sub-acts within 2021, no legal developments took place. As evidenced and regularly reported by NPOs working with volunteers, the law presents a series of uncertainties and lack of clarity that have negatively influenced the engagement of volunteers in NPOs. The National Resource Centre with a group of organizations continued to advocate for amendments to the law, requesting among other issues, the clarification of the contractual relations nature between the volunteer and the hosting entity, and the respective parties' tax obligations.

2.3.3. Non-Formal Education

No legal changes occurred concerning non-formal education. Civic engagement / voluntarism is treated as a special topic part of civic education subject at primary school. NPOs are involved in the provision of non-formal education within and outside educational system.

In October 2021, the government approved the National Strategy for Education 2021-2026²⁵ and its action plan, which includes non-formal education. NPOs are considered a partner in the implementation of the strategy.

²⁵ Decision No 621, date 22.10.2021 "For the Approval of the National Strategy for Education 2021 – 2026 and Its Action Plan" [Online] <https://arsimi.gov.al/vendim-nr-621-date-22-10-2021-per-miratimin-e-strategjise-kombetare-per-arsimin-2021-2026-dhe-te-planit-te-veprimit-per-zbatimin-e-saj/>

Area 3: Government-NPO Relationship

Sub-area 3.1. Framework and practices for cooperation

3.1.1. State Policies and Strategies for Development of and Cooperation with Civil Society

The main strategy for developing and cooperating the state with civil society is the Road Map for the Government Policy towards a More Enabling Environment for Civil Society Development 2019-2023. Three years after the approval of the revised Roadmap, limited progress has been noted to implementation of its measures. Almost none of the actions and measures planned to be accomplished by the end of 2021 have been implemented (partial implementation of very few actions), and there is no report on monitoring and evaluating the progress of the Roadmap implementation. In order to accelerate its implementation is required higher commitment by the government, resources available, and better coordination among stakeholders.

In June 2021, the ACSS organized a meeting with NPOs to discuss the Roadmap, but neither a follow up report was produced, or any action was taken. The Roadmap was also discussed in a meeting of civil society members in the NCCS producing no results.

3.1.2. Institutions and Mechanisms for Development of and Cooperation with Civil Society

No advancement was observed concerning the work and impact of institutions and mechanisms for development of and cooperation with civil society. The National Council for Civil Society (NCCS), established in 2016 as an independent, collegial consultative body aiming to guarantee institutional collaboration between the state and NPOs, has been inactive during 2021, with no meetings held. In 2021 NPOs members elected the vice chair and to discussed the Roadmap among them.

The National Council for European Integration (NCEI), an important structure in the frame of the EU accession of Albania, has organized 4 meetings and 3 awareness raising activities²⁶ in 2021 and has elected 14 NPO members, all of them being Tirana-based NPOs.²⁷

A special meeting of the NCEI was organized about the contribution and role of civil

²⁶ The information is retrieved from the Albanian Parliament website [Online] <https://www.parlament.al/Files/Integrimi/raport2021.pdf>

²⁷ The information is retrieved from the Albanian Parliament website [Online] <https://www.parlament.al/Files/Integrimi/ListaOSHCKKIE.pdf>

society during the EU negotiation process. In this meeting, representatives of NPOs in the Council, and other invited NPOs expressed their concerns towards institutions which neglect contribution of civil society, lack of follow-up on the issues raised in the council meetings, delays with the creation of consultative roundtables on the negotiating chapters. It was also recommended the need for inclusion of members from civil society in the working groups.²⁸ They highlighted the importance of civil society participation in roundtables.

Sub-area 3.2. Involvement in policy- and decision-making process

5.2.1. Standards for NPO Involvement

Consultation and participation of NPOs in policy and decision making processes, remain low. Although the legal framework in place is considered progressive, its implementation is weak.

In 2021, the Independent Reporting Mechanism (IRM) published the Action Plan Review of Open Government Partnership for Albania's fifth action plan 2020 - 2022²⁹. According to the document, Albania has not meet the minimum requirements to act according to OGP process. The main failure remains lack of establishment of a dedicated multistakeholder forum or space of discussion between civil society and government on the action plan process, including monitoring of the implementation of the current plan as well as development of the next action plan.

The participation of civil society in the European Union Accession Negotiation Process is enabled through the Partnership Platform for European Integration. Based on the Prime Minister Order No.113, dated 30.08.2019³⁰, civil society representatives may participate in the steering board of the Platform and 33 discussion and consultation tables.

The Ministry for Europe and Foreign Affairs has created a dedicated online space that aims to provide information on the draft negotiating position of the Republic of Albania for the relevant acquis chapters; programming and monitoring of EU assistance; drafting of the National Plan for European Integration or other plans in the framework of the European integration process, as well as other issues that must be consulted with the non-state structures of public representation within the integration process.

Besides the information on the structure and process on negotiations, structures, acquiesce chapters, there is no information about the activities related to the implementation of the platforms. Although some discussions and consultations are established, the webpage does not provide any information about the members or minutes of the meetings. According to the information provided in the ministry of lines, like the Ministry of Justice, and Ministry of Finance discussion and consultation tables for

²⁸ The information is retrieved from the Albanian Parliament website [Online] [*MbledhjeKKIE15dhjetor21.pdf \(parlament.al\)](#)

²⁹ The information is retrieved from the Open Government Partnership website [Online]

<https://www.opengovpartnership.org/documents/albania-action-plan-review-2020-2022-for-public-comment/>

³⁰ <http://integrimi-ne-be.puneteshastme.gov.al/wp-content/uploads/2020/04/3.-Urdher-i-KM-no.113-dt.30.08.2019-PPIE.pdf>

chapter 23 and 10 chapters under the leadership of the Ministry of Finance and Economy are established, but even here no information is provided on its members or minutes of the meeting. Regardless the skepticism voiced by civil society actors regarding the clarity application and decision making criteria for the participation in the discussion and consultation tables, no improvement has been noticed.

It seems that the low level of engagement of civil society into this process is a result of ineffective consultation processes taking place during these years, but also limited information about the platform, negotiation process in itself and expected role of civil society in these discussion and consultation tables.

In November 2021, the Parliament approved Law 107/2021 “on Co-Governance”³¹. The law aims to expand public participation in policy and decision-making and increase accountability of public administration, through the establishment of an agency and an online platform where citizens and different stakeholders can receive information, leave feedback, and file complaints. The agency will report to the Prime Minister and will have its coordinators on other institutions tasked with monitoring, follow up and addressing the issues registered in the online platform. The law was not published in the electronic register of public consultation, and this was one of the reasons that the law was returned for revision by the President³², but was approved with the votes of the majority.

Albanian Parliament even this year seems to be the most open towards public and civil society. It also keeps data on these consultations. They continue to have the request and answer register and also civil society coordinator. A number of 73 NPOs representatives have participated in these consultations. Regarding other aspects of consultation and participation of NPOs they remain the same as the previous year.

<i>Standing Committees</i>	<i>Public hearings</i>	<i>NPOs representatives</i>
Committee on Legal Affairs, Public Administration and Human Rights	8	23
Committee on European Integration	0	0
Committee on Foreign Affairs	0	0
Committee on Economy and Finance	2	3
Committee on National Security	3	0
Committee on Production Activity, Trade and Environment	6	16
Committee on Health, Labour, and Social Affairs	25	24
Committee on Education and Means of Public Information	1	7

³¹ The information is retrieved from the Official Publishing Centre [Online] <https://qbz.gov.al/eli/vendim/2021/02/17/90/b8a74244-4688-4227-bfb6-f75c873a5708>

³² The information is retrieved from the Albanian President website [Online] <https://president.al/wp-content/uploads/2021/11/Arsyet-e-Kthimit-te-Ligjit-nr.-107-2021-26.11.2021.pdf>

5.2.2. Public Access to Draft Policies and Laws

The Commissioner for the Right to Information and Protection of Personal Data, issued two new orders in 2020, respectively: 1) Order no. 187, dated 18/12/2020 “For the Approval of the Revised Transparency Program” and 2) Order no.188, dated 18/12/2020 “For the Approval of the Revised Register of Request and Responses” entered into power on June 2021. The Orders marked an improvement in standardizing the registration of request for information and the obligation from the public institutions to respond to them. The new formats introduced the date of the registration of the request for information, the date of the response, and the types of response provided (complete answer, limited answer, refused, or delegated), addressing some of the problematic issues faced by NPOs during the exercise of their right to information. In 2021, from the monitoring of 313 public authorities, it was observed that 300 public authorities have published in their webpage the transparency program, 286 have published the contact of the coordinator for the right to information, and 217 have published the register of requests and answers³³. Implementation of the right to information remains problematic, as evidenced also by the responses of the ministries received in the framework of this report. Only three ministries responded to the request for information out of 15 ministries. Even in these cases the information provided was partial. In the case of the Ministry for Health and Social Protection, which is the competent ministry for most of the NPO sector and the Minister herself is the chair of NCCS, no information was provided. The request for information related to the ministry activity was delegated to the ASCS.

In 2021, the Commissioner introduced a project act for the improvement of the law on the right to information, aiming to strengthen the role of coordinators for the right to information. It will go through public consultation in 2022.

3.2.3. NPOs’ Representation in Cross-Sector Bodies

NPOs representation in cross-sector decision-making bodies remains the weakest element of NPOs involvement in policy and decision-making in Albania. There is no public evidence of NPOs participation in these type of structures. This is also confirmed by the responses received from the ministries (four that responded to the request for information for this report).

³³ The information is retrieved from the Albanian Parliament [Online] [20220412133422RAPORTI_VJETOR_2021_FINAL_PDF.pdf](https://www.parlament.al/20220412133422RAPORTI_VJETOR_2021_FINAL_PDF.pdf) ([parlament.al](https://www.parlament.al))

Sub-area 3.3. Collaboration in service provision

3.3.1. NPO Engagement in Service Provision and Competition for State Contracts

In 2021, a series of DCM were approved for the implementation of the new Law on Public Procurement³⁴, including DCM no. 768, dated 15.12.2021 “For defining the types of social services and other specific services, for which can be reserved the right of participation of organisations in the procurement procedures and the detailed rules for their procurement”.

In May 2021, the minimal standards of social care for LGBTQI persons in public and nonpublic residential centres were approved.³⁵

NPOs remain the main service providers for social services as regulated under law for social service. Most of the non-public service providers are civil society organizations. In Albania 493 social services are provided by 399 social service providers, out of which 46% are public institutions, 42% are non-public institutions and 12% of services are provided by jointly by public and nonpublic institutions³⁶.

3.3.3. Procedures for Contracting Services

The DCM no. 768, dated 15.12.2021 introduced a simplified procedure for social and other specific services for which the participation of NPOs in procurement procedures is granted, in line with the EU Directives.

3.3.4. Accountability, Monitoring and Evaluation of Service Provision

Accountability, monitoring and evaluation of service provision is under the responsibility of the contracting authority, in line with the DCM No. 285, dated 19.05.2021 “On the approval of the public procurement rules”, amended with CDM No. 710, dated 24.11.2021.

³⁴ The information is retrieved from the Public Procurement Agency
<https://www.app.gov.al/GetData/DownloadDoc?documentId=8031e2e4-710a-4f61-9b15-378aef3f38f9>

³⁵ UNDP, 2021, “Mapping of Social Services in Albania” [Online]

https://www.al.undp.org/content/albania/en/home/library/poverty/_mapping-of-social-services-in-albania.html

³⁶ Ibid, pg. 5