

Independent Reporting Mechanism Albania Progress Report 2011-13

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Executive Summary: ALBANIA

Independent Reporting Mechanism (IRM) Progress Report 2012-13

As part of its national action plan, Albania achieved significant reforms on judicial transparency and e-procurement. At the same time, the government will need to work to make its action plan clearer and, in the case of many commitments, ensure that each clearly delivers on public transparency, public participation, and public accountability. In the current action plan, internal administrative reforms and e-government commitments dilute otherwise highly relevant and ambitious commitments.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each OGP participating country.

Albania officially began participating in OGP in August 2011 when Genc Pollo declared the government's intent to join.

OGP efforts in Albania are led by the Inter-ministerial Working Group (IWG) established by an order of the Prime Minister. During the period covered by this report, (April 2012–June 2013), Minister Pollo chaired the IWG which included all deputy ministers of the Albanian Government, the Prime Minister's Adviser for the Information Society, and the General Director of the National Agency for Information Society.

OGP PROCESS

Countries participating in the OGP follow a process for consultation during development and implementation of their OGP action plan.

The Albanian government carried out consultation on a draft document in February 2012 with at least 40 civil society groups participating. Areas in which the process could be improved include presenting the draft earlier and using online tools to reach outside the capital. Many groups found the meetings helpful in raising awareness, and a few followed up on specific recommendations. Given the number of sector-specific commitments, the consultation was lacking in participation from relevant business and professional associations and labor unions.

Consultation during implementation was limited to consultation on particular commitments and suffered from a general lack of awareness raising at the national level. Positive examples included stakeholder engagement by the Ministries of Justice and Education.

The country's one-year assessment report does not focus largely on implementation of individual commitments and has not yet been published in Albanian. Conversely, it did include an innovative survey of the public on the level of awareness of commitments.

At a glance

Participating since: 2011
Number of commitments: 30

Level of Completion

Completed: 9 of 30
Substantial: 7 of 30
Limited: 10 of 30
Not started: 4 of 30

Timing

On schedule: 10 of 30

Commitment emphasis:

Access to information: 14 of 30
Participation: 2 of 30
Accountability: 13 of 30
Tech & innovation for transparency & accountability: 18 of 30
Unclear: 9 of 30

Number of commitments with:

Clear relevance to an OGP Value: 21 of 30
Moderate or transformative potential impact: 19 of 30
Substantial or complete implementation: 16 of 30
All three (★): 7 of 30

COMMITMENT IMPLEMENTATION

As part of OGP, countries are required to make commitments in a two-year action plan. Table 1 summarizes each commitment, its potential impact, its level of completion, and whether it falls within the planned (or implied) schedule, and the key next steps for the commitment in future OGP action plans. Albania's action plan was concerning in two respects. First, it was difficult to distinguish between commitments and background information, making the government less accountable to public monitoring. Second, the long action plan was weighed down by a significant number of commitments that, as articulated, did not address core OGP values of transparency, participation, and accountability. When these less relevant commitments are removed, Albania's level of completion of commitments falls significantly. Nonetheless, Albania completed 10 of its commitments a few of which, especially those concerning the judiciary, have significant potential impact. Table 2 summarizes the IRM assessment of progress on each commitment.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>✦ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										
Challenge 1: Increasing Public Integrity										
1.1. OPEN DATA										
<p>1. Open Data Portal: To include finance and treasury data for daily expenses, followed by the National Postal and Electronic Communications Authority database and the National Statistics Institute (INSTAT).</p>									Behind schedule	Revision of the commitment to be more achievable or measurable
1.2 e-GOVERNANCE: 2012 AND ONWARD										
<p>✦ 2. e-Acts: Post legislative processes online to make them more participatory.</p>									On schedule	New commitment building on existing implementation
<p>3. e-Parliament: Integrate parliamentary processes into the e-Acts system (see commitment 2)</p>									On schedule	Revision of the commitment
<p>4. Extension of the Governmental Network (GOVNET): Provide a central platform for all government e-services in major cities.</p>									Behind schedule	Revision of the commitment
<p>5. e-Government Interoperability Framework (E-GIF): Digital framework enables intergovernmental exchange of information</p>									Unclear	New commitment
<p>6. Government Data Center: Create a high-capacity data center for centralization of online services.</p>									On schedule	New commitment
<p>7. Excise System: Online system for tax payments.</p>									On schedule	New commitment
<p>8. Start the e-Tax System: Unify tax system and prepare terms of reference.</p>									Unclear	None: Abandon commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL		
<p>☛ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>									
Challenge 1: Increasing Public Integrity (continued)									
1.2 e-GOVERNANCE: 2012 AND ONWARD									
<p>☛ 9. Online State Matura: Improve system of national student higher education applications and exams.</p>								On schedule	Maintenance and monitoring of completed implementation
<p>10. Regulation on Ethics in Research and Publishing: Institutions will publish and verify the originality and authenticity of their research work.</p>								On schedule	New commitment
<p>11. Digitize Higher Education Accreditation Process: Institute a central digital platform for higher education.</p>								Behind schedule	New commitment
<p>12. U-Gov System: Set up internal management systems for universities.</p>								Behind schedule	None: Abandon commitment
<p>13. Online Inspections of Courts and Judicial Hearings: Develop a portal to improve inspection of courts.</p>								Behind schedule	Further work
<p>14. Digitize the Judicial File Transfer Process: Make files easily transferable within the judicial system to reduce wait times,</p>								Behind schedule	Revision of the commitment
<p>15. e-Employment Project: Create a central registry of job seekers and employers.</p>								Behind schedule	Revision of the commitment
<p>☛ 16. e-Concessions Procedures: Electronic publication of concessions documents</p>								Unclear	Maintenance and monitoring
1.3 INCREASING PUBLIC ACCESS IN DECISIONMAKING									
<i>1.3.1 Public Information and Consultation Law</i>									
<p>17. Amend the Law “On the Right to Information for Official Documents”: Carry out consultation on amendments to this law.</p>								Behind schedule	Further work
<p>18. Draft a New Law On "Notice and Consultation": Develop a new law to structure participation in decisionmaking.</p>								Behind schedule	Revision of the commitment
<i>1.3.3 Public Claims</i>									
<p>19. Tracking Project: Establish an online platform allowing members of the public to track claims progress.</p>								Unclear	Further work
<p>20. Digitize the Notary Register: Provide a public list of notaries</p>								Behind schedule	Further work
<p>☛ 21. Online Citizens’ Claims in the Judiciary System: Shorten claims in the judiciary system by putting processing online.</p>								Behind schedule	Revision of the commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>⊛ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										
<p>22. Work Inspection, Online Complaints: Report labor law violations online.</p>									Behind schedule	Revision of the commitment
<p>Challenge 2: Improving Public Services</p>										
<p>2.1 DIGITIZATION TO IMPROVE PUBLIC SERVICES</p>										
<p>23. Financial Module of All Educational Institutions: Set up a single management system for finance and budgets.</p>									Behind schedule	Further work
<p>⊛ 24. Audio and Video Recording of Judicial Hearings: Now deployed in 14 regional courts</p>									On schedule	New commitment
<p>2.2 CREATION OF PORTALS</p>										
<p>⊛ 25. e-Albania Portal: Set up a portal for e-government services.</p>									On schedule	New commitment
<p>26. e-Inspection Portal: Set up a central, standardized process for various inspections functions.</p>									Behind schedule	Further work
<p>⊛ 27. Portal www.gjykata.gov.al: Allow download of data including judiciary decisions.</p>									On schedule	New commitment
<p>Challenge 3: More Effectively Manage Public Resources</p>										
<p>3.1 OPEN BUDGET</p>										
<p>28. Disclose the List of Payments Made Daily by Government Units: Disclose all payments made to private units since January 2012.</p>									Behind schedule	Revision of commitment
<p>3.2 PUBLIC PROCUREMENT</p>										
<p>29. e-Procurement System for All Small Purchases of Public Procurement: Amend rules for e-procurement to improve system.</p>									On schedule	Maintenance and monitoring
<p>3.3 EXTRACTIVE INDUSTRIES</p>										
<p>30. Implement the EITI Recommendations : Continue work on EITI, including addition of workshops and seminars,</p>									Unclear	Revision of the commitment

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
<p>★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>	
<p>1.1. OPEN DATA</p>	
<p>1. Open Data Portal –Portals on finance, postal service, electronic communications, and national statistics</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	<p>No tangible progress was noted by the IRM researcher on the posting of finance and treasury data or data from the National Statistics Agency during the evaluation period. Reasons given were lack of data, technical difficulties, and lack of funding. Some progress was made on publication of statistics by the postal authorities, although it was not in an open data format. As a result, the commitment has been postponed.</p>
<p>1.2 e-GOVERNANCE: 2012 AND ONWARD</p>	
<p>★ 2. e-Acts</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial 	<p>This commitment promised the implementation of the e-Acts system as well as its integration with the system for harmonization of legislation with the Acquis Communautaire of the European Union. The first of these goals was achieved fully, but interviews did not reveal the extent of implementation of the second. Most important, e-Acts has not delivered on its promise to make the full text of legislation, as proposed by the Council of Ministers, publicly available in advance of consultations. Going forward, draft legislation will need to be published on a regular basis in advance of consultations.</p>
<p>3. e-Parliament</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	<p>This commitment would see the implementation of e-Parliament and its integration into the e-Acts project (commitment 3). Publication of votes and minutes has enabled some actors to monitor behavior of parliamentarians. However, most of the activity that took place during the period did not achieve the goal of opening the preparation phase of legislation. In particular cases, the state continues to actively frustrate efforts at monitoring. Moving forward, ICT improvements can build on much needed changes to the Parliamentary Rules of Procedure around ethics and public access.</p>
<p>4. Extend the Governmental Network (GOVNET)</p> <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: Moderate • Completion: Substantial 	<p>This commitment enhances the capacity of different levels of government to communicate with one another. While substantial progress was made on this commitment and it may improve efficiency and delivery of services, it remains unclear how this commitment, as written, will open up government processes.</p>
<p>5. e-Government Interoperability Framework (e-GIF)</p> <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: Transformative • Completion: Substantial 	<p>e-GIF allows for greater interoperability of government systems through more universal government protocols and records management. The commitment underpins a number of the other service delivery commitments in the OGP action plan. Moving forward, beyond extending the commitment, the government will need to better articulate how this commitment will open government, in addition to improving efficiency and service delivery.</p>
<p>6. Government Data Center</p> <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: Moderate • Completion: Complete 	<p>The Government Data Center was officially launched on 18 February 2013. This commitment largely dealt with internal government communications. A future commitment could more specifically identify which key services will be integrated and how this will promote core OGP values of access to information, civic participation, and accountability.</p>
<p>7. Excise System</p> <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: Moderate • Completion: Complete 	<p>The new excise system became fully operational during the evaluation period. Economic operators can declare online imported and produced goods and pay their fees. The system did not have its full intended impact of bringing taxes in line with projections or reducing fraud. Going forward, internal control systems will need to be made</p>

	public to better fulfill the goals of OGP.
8. Start the e-Tax System <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: Minor • Completion: Not started 	This commitment would draft terms of reference and develop bidding procedures for a centralized tax system. No specific information on completion of this commitment was provided. Going forward, as work is continued on this commitment, it will be essential to integrate “open” elements into the system including publication of internal audits and inspections.
9. Online State Matura <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Complete 	This commitment allows for online registration for high school graduation exams. Stakeholders see this as one of the most important achievements of the OGP action plan, reducing room for mismanagement and serving more than 45,000 citizens. The Ministry of Education publishes the state matura reports online regularly, free of charge. If pursued in the next action plan, the Albanian government could include making anonymous data from this commitment available for public review.
10. Regulation on Ethics in Research and Publishing <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: None • Completion: Complete 	This commitment gives guidance to research institutions on ethics in research and publishing. The commitment was already achieved before the action plan was published. As currently drafted, the commitment has no clear relationship to transparency, participation, or accountability of public institutions. A future commitment might work to inform the public of the new guidance through consultations and informational meetings.
11. Digitize Higher Education Accreditation Process <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: Minor • Completion: Limited 	This commitment brings the accreditation process for higher education systems online. As written, its relationship to OGP values is weak. Involvement of the student and academic community could be improved if this commitment is to remain a part of the next action plan.
12. U-Gov System <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: Minor • Completion: Not started 	The U-Gov system represents a tool serving universities for their internal information management. The IRM report was unable to detect progress toward this commitment’s implementation. Given that the commitment is unclear in its relevance to OGP values as written, the next action plan could consider either dropping it or revising it to make clear how it will make government more open to the public.
13. Online Inspections of Courts and Judicial Hearings <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited 	An online module allows internal government inspection of statistics of courts. The IRM researcher found conflicting assessments of the level of completion during the implementation period. If implemented, this commitment could greatly improve the transparency of the country’s most critical accountability mechanisms.
14. Digitize Judicial File Transfer Process <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Not started 	The commitment would have improved the transfer of key documents within the judicial system. It was not achieved because of lack of funding.
15. e-Employment Project <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: Moderate • Completion: Substantial 	This project created a digital database of employers and job seekers. As written, however, it is unclear how it makes government more open, regardless of its other merits. As next steps, the government could centralize systems, develop stronger partnerships with user groups, and carry out (and publish) user satisfaction surveys.
16. e-Concessions Procedures <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Complete 	This commitment allows economic operators to access all concession-related documents and allows individuals to see the contracting process. e-Concessions is a significant step forward in improving integrity and fighting corruption in Albania and has been used for several major concessions during the period assessed, including hydroelectric construction. Currently, however, documents associated

	with this system have not been made public, meaning that the commitment has had only limited impact on OGP values.
1.3 INCREASING PUBLIC ACCESS IN DECISION-MAKING	
<i>1.3.1 Public information and consultation law</i>	
17. Amend the Law “On the Right to Information for Official Documents” <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	Improving the legal framework on the right to information has been a long-standing priority on the agenda of Albanian civil society. The existing law is outdated and Albanian decisionmakers have not acted on civil society calls for improvements. While some consultations had taken place on a draft version of the law, that draft has not been made public online. The report details more specific proposals for both the process and contents of passing these important, crosscutting amendments.
18. Draft a New Law on "Notice and Consultation" <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Limited 	The commitment would set the legal basis for structured consultation processes with civil society. Such a law would have a potentially large effect on the business of government. While a draft law and official commentary have been published, there is little evidence of stakeholder consultation. The full report details a step-by-step process for drafting and passing the law in cooperation with civil society and Parliament.
<i>1.3.3 Public Claims</i>	
19. Tracking Project <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	This commitment allows citizens and businesses to follow the progress of their applications online. While the service was already available prior to the publication of the action plan, new processes were added during the implementation period. The tracking system has not been used by the public because of lack of publicity.
20. Digitize the Notary Register <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial 	The index of notaries is online, but it is strictly limited to certified users. The IRM researcher was unable to obtain information as to the service and coverage of the register. As a consequence, the next step of making the registry public is essential.
✪ 21. Online Citizens’ Claims in The Judiciary System <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial 	The commitment aimed to improve the processing and transparency of claims in the court system. The tool was launched prior to the implementation period. It has since been replaced or augmented by two similar tools allowing tracking of claims and reports of corruption. However, many claims lack adequate evidence of their implementation. Continued confusion can be lessened by reducing the multiple systems for complaint.
22. Work inspection, online complaint <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: None • Completion: Limited 	This system enables citizens to file an online complaint or to report violations. In the context of institutionalized failure to address major violations by large employers under the existing system, there is little evidence to suggest that the new system will produce improved inspections. To achieve this, the State Labor Inspectorate will need to establish a system to track and present data on institutional actions resulting from citizens’ complaints.
Challenge 2: Improving Public Services	
2.1 DIGITIZATION TO IMPROVE PUBLIC SERVICES	
23. Financial Module of All Educational Institutions <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Not started 	The commitment promises to improve transparency in institutional spending among educational expenses. No progress was recorded on this commitment. The government may chose to include this very relevant commitment in its next action plan.
✪ 24. Audio and Video Recording of Judicial Hearings	This commitment established audio recordings of judicial hearings and set up cameras for security. The system has been established in the majority of appellate courts in the country and is used in 47

<ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Complete 	percent of cases where the system is installed. It has had significant impact in improving judicial transparency, but its success is limited by the shortage of available court rooms.
2.2 CREATION OF PORTALS	
<p>✪ 25. e-Albania Portal</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Complete 	The e-Albania portal aims to serve as a single point of contact for government services. While it improves general access to information for the public, it is not a targeted transparency program. Nonetheless, the commitment does support some accountability functions including case tracking for licenses and ministries. Moving forward, the interoperability framework underlying the portal can be extended to other core open government topics and the tracking service (Commitment 19) can be fully implemented.
<p>26. e-Inspection Portal</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	The government created the e-Inspection portal to be piloted in three inspectorates by the end of 2013. Although the commitment promises increased efficiency of the process, at this point, it is unclear how the portal will improve transparency of operations. The IRM researcher recommends continued work with an eye to improving transparency aspects.
<p>✪ 27. Portal www.gjykata.gov.al</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Complete 	This portal allows citizens to download data, including published judicial decisions. At the time of writing, much of the data and statistics was readily available online. However, as shown by the low usage of the citizen feedback tools, more work is needed in promoting this transformative OGP commitment.
Challenge 3: More Effectively Managing Public Resources	
3.1 OPEN BUDGET	
<p>28. Disclose the list of Payments Made Daily by Government Units</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited 	The Ministry of Finance has uploaded 281 Microsoft Excel files of daily payments processed by the Treasury General Directorate covering 30 January 2012 to 11 July 2013. Since then, payments have not been uploaded and many of the data files are corrupt or have broken links. Moving forward, technical standards on open data will need to be better implemented around this very important data set.
3.2 PUBLIC PROCUREMENT	
<p>29. e-Procurement System for Small Purchases</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Complete 	The directive on public procurement was issued but subsequent changes in rules made compliance difficult. A new directive was issued just after the end of the assessment period. Time will tell whether the new directive sorts out some of the widespread confusion.
3.3 EXTRACTIVE INDUSTRIES	
<p>30. Implement the EITI Recommendations</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial 	This commitment promised to continue work on the EITI in Albania and to organize seminars and workshops. Albania became an EITI compliant country in May. More work could be done ensure that there is greater involvement by civil society stakeholders around the process.

RECOMMENDATIONS

The OGP Albanian Action Plan has largely been an internal government affair, with little external consultation or collaboration. Nonetheless, civil society groups have been working on key areas for development in the next action plan. In particular, areas emphasized by interviewed stakeholders include:

- **Access to information:** Legal framework on right to information; code of ethics in government; political party finance
- **Public participation:** commitment to adopt a law on public participation; EU accession process

- **Accountability:** judicial reform; information on recent disasters; corporate social and environmental accountability; anticorruption measures in the executive branch including local governments
- **Technology and innovations:** targeted transparency and data on key areas such as tourism, health, education, public safety, employment, electoral processes, and parliamentary business.

The IRM researcher recommends action around two areas:

- **Establish and inclusive process and communication with stakeholders:**
 - Identify Albanian OGP stakeholders and launch **awareness-raising activities** for the process.
 - Launch an ongoing **public information campaign** through media and other tools (including e-participation mechanisms) to communicate the OGP Albania platform;
 - Launch an **internal government campaign** on OGP at all levels of the administration.
 - Develop a midterm **vision and timeline** designed to anchor nonstate actors in all stages of the process—preparation of the action plan, consultation, implementation, evaluation, and review.
 - Establish joint **OGP standing structures** (multistakeholder forums) with civil society, the private sector, media, academia, local authorities, and other relevant stakeholders as part of the institutional setup.
 - **Coordinate with the donor community** to better streamline medium-term official assistance in line with the OGP plan.
 - Include more **commitments on safer communities and corporate accountability**
 - **Develop a results-oriented action plan** with measurable indicators and a realistic implementation timeframe.
- **Implement partnerships, ownership, and a learning process:**
 - Work with civil-society actors, academia, and local authorities to **develop and share best practices**, promote results, and assist their efforts.
 - **Share responsibility** with nonstate actors of specific stages of the OGP process including in the context of implementation of specific commitments.
 - Take actions to improve **active involvement of subnational governments** engaged in or assisting implementation of concrete commitments.
 - **Encourage the donor community to support shared ownership** and partnership-oriented support to OGP-relevant reforms and development objectives in Albania.
 - Champion a **(Western) Balkan OGP regional forum** for mutual assistance and exchange. Explore opportunities for cross-regional commitments on issues or areas of shared interest.
 - Use the OGP mechanism for government **peer learning** and encourage civil- society exchange at all levels.
 - Develop a **participatory national evaluation** with a timeline that allows all actors the opportunity to give feedback.
 - Harmonize ambitions with the needs and priorities of the local context in the design of future action plans that rely on **increased feedback from societal actors**.

Eligibility Requirements 2012: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, visit <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>. Raw data has been recorded by OGP staff into a four-point scale, listed in parentheses below.

Budget Transparency: Executive budget proposal and audits	(4 of 4)	Access to Information: Law enacted	(4 of 4)
Asset Disclosure: Elected officials and parliament	(4 of 4)	Civic Participation: 7.35 of 10	(3 of 4)

The Institute for Democracy and Mediation (IDM) is an independent, nongovernmental organization, founded in November 1999 in Tirana, Albania. Its mission is to strengthen Albanian civil society, to analyze and support the EU accession and development process, and to help consolidate good governance and inclusive policy-making.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. BACKGROUND

Introduction

The Open Government Partnership (OGP) is a voluntary, multistakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In pursuit of these goals, OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government. OGP stakeholders include participating governments as well as civil society and private sector entities that support the principles and mission of OGP.

Albania officially began participating in OGP in August 2011 when Minister for Innovation and Information and Communications Technology Genc Pollo declared the government's intent to join.

To participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of minimum performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Indicators produced by organizations other than OGP to determine the extent of country progress on each of the dimensions, with points awarded as described below. Albania entered into the partnership exceeding the minimal requirements for eligibility, with a high score in each of the criteria. At the time of joining, the country had a high ranking for Open Budgets (2 out of a possible 2),¹ the principle of Access to Information embodied in its constitution,² a high ranking in Asset Disclosure for Senior Officials,³ and a score of 7.35 out of a possible 10 on the Economist Intelligence Unit's Democracy Index Civil Liberties subscore.⁴

All OGP participating governments must develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments should begin their action plans by sharing existing efforts related to a set of five "grand challenges," including specific open government strategies and ongoing programs. (See Section 4 for a list of grand challenge areas.) Action plans should then set out each government's OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant grand challenge. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Along with the other members of OGP, Albania developed its national action plan from January through April 2012. The effective start date for the action plan, submitted in April was officially 1 July 2012 with an end date of 30 June 2013. Albania published its self-assessment report on 21 October 2013 in English, online at the OGP website.⁵

Pursuant to OGP requirements, the Independent Reporting Mechanism (IRM) of OGP partnered with an experienced, independent local researcher to carry out an evaluation of the development and implementation of the country's first action plan. In Albania, the IRM partnered with Gjergji Vurmo of the Institute for Democracy and Mediation, who authored this progress report. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country.

Institutional Context

The Open Government Partnership in Albania is led by the Inter-Ministerial Working Group (IWG) established by a Prime Minister's order in 2011.⁶ During the evaluation period (April 2012–June 2013) members included all deputy ministers of the Albanian government, the Prime Minister's adviser for the information society, and the general director of the National Agency for Information Society. The IRM researcher found evidence of only one IWG meeting (January 2012) throughout the reporting period.

The Presidential order also established a Technical Working Group of experts, directors, and specialists, from all participating ministries and institutions. They serve as the contact point for monitoring and reporting on the implementation of specific activities. A Technical Secretariat of the IWG was established to coordinate the action plan implementation and review. The Secretariat liaises directly with the contact points in the institutions responsible for or involved in the implementation of OGP commitments. While limited consultation with civil society was carried out in the phase of drafting the action plan (February–April 2012), public participation and exchange with civil society actors by the Technical Working Group was almost completely missing from the broader implementation. The OGP institutional framework in Albania did not include civil society members and did not allow for any form of exchange or coordination.

The network of chief information officers of line ministries, however, proved to be a great asset in the coordination and implementation of ICT related commitments.⁷

During the research on and drafting of this report (September–October 2013) the new government, elected in June 2013 took office. The former Ministry of Innovation and Information and Communication Technology was restructured and transformed into the Ministry of State for Innovation and Public Administration, assuming responsibilities for OGP Albania. Further, the OGP institutional framework—including the IWG, the Technical Working Group, and the Technical Secretariat—was expected to undergo reorganization by the end of 2013 in line with the new Cabinet structure of line ministries.

While the composition of the Inter-Ministerial Working Group has understandably changed with the new ministers and deputy ministers of the cabinet, the IRM researcher also identified changes in the Technical Secretariat and the Technical Working Group by the time of drafting of this report. As a consequence, the IRM researcher experienced difficulties with and delays in obtaining official information from the liaison (nonpolitical) officers at different institutions in the first weeks of his research (September 2013).

Methodological Note

IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government, working with local individuals or organizations with experience in assessing open government. The program director of the Institute for Democracy and Mediation (IDM), a nonpartisan think tank in Albania, authored this report. The IRM researcher reviewed the government's progress, gathered the views of civil society, and interviewed appropriate government officials and other stakeholders. OGP staff and a panel of experts reviewed the report. Government and civil society were also given an opportunity to comment, provide additional information, and identify factual errors prior to publication.

To gather the voices of multiple stakeholders, the IRM researcher organized two stakeholder forums in Tirana. The researcher reviewed the government's action plan,⁸ and the government's self-assessment report published 21 October 2013.⁹ Numerous references are made to these documents in this report. Further, IDM put forward an assessment of government progress in early October 2013 as part of Policy Association for Open Society www.pasos.org (PASOS) regional project, "Advocacy for Open Government: Civil Society Agenda-Setting and Monitoring of Country Action Plans," targeting governments in Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro, and Serbia.¹⁰ Other relevant information from civil society, government units, and foreign assistance missions (e.g. U.S. Agency for International Development [USAID]) in Albania were gathered and analyzed through desk research, stakeholder forums and a series of interviews.

Summaries of forum and interviews are given in "Annex: Methodology."

1 Open Budget Partnership, "Open Budgets Change Lives," (Washington, DC: Open Budget Partnership, 2012).

http://internationalbudget.org/wp-content/uploads/2011/06/2010_Full_Report-English.pdf

2 1998 Constitution of the Republic of Albania (as amended), Article 23. Parliament of the Republic of Albania,

http://www.parlament.al/web/Kushtetuta_e_Republikes_se_Shqiperise_e_perditesuar_1150_1.php

3 Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009). http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1334126##; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level of Transparency," in *Government at a Glance 2009*, (OECD, 2009). <http://bit.ly/13vGtqS>; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009). <http://bit.ly/1clokfy>

4 Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: Economist, 2010).

http://graphics.eiu.com/PDF/Democracy_Index_2010_web.pdf

5 Open Government Partnership (OGP), country page – Albania.

<http://www.opengovpartnership.org/sites/default/files/Self%20Assesment%20Report%20Ver%202.23.pdf>

6 Prime Minister's Order 104 of 28 December 2011 on the Establishment of the Inter-Ministerial Working Group,

<http://www.mitik.gov.al/mitik/OGP/urdheri.pdf>

7 Interviews with a former member of the Technical Working Group and a specialist of the National Agency for Information Society.

8 Republic of Albania, action plan “Open Government Partnership Initiative” (April

2012). http://www.opengovpartnership.org/file/942/download?token=gHCVJ17uMpSGKiwGY8UabPh473jXyRDJ9soKIV_gTjk

9 Ministry for Innovation and Public Administration of the Republic of Albania, “Country Self Assessment Report” (18 October 2013). Report accessed at Open Government Partnership (OGP), country page – Albania:

<http://www.opengovpartnership.org/sites/default/files/Self%20Assesment%20Report%20Ver%202.23.pdf>

10 Institute for Democracy and Mediation, “Mapping of Open Government Partnership in Albania” (October 2013).

<http://idmalbania.org/sites/default/files/publications/mapping-open-government-partnership-south-east-europe-case-of-albania.pdf>

II. PROCESS: ACTION PLAN DEVELOPMENT

While it did have in-person consultations during the development of its action plans, Albania could improve consultation through advance notice and deeper, iterative collaboration with nongovernmental and private sector organizations.

Countries participating in OGP follow a set process for consultation during development of their OGP action plans. According to the OGP⁹ Articles of Governance, countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation
- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views and; make a summary of the public consultation and all individual written comment submissions available online
- Undertake OGP awareness raising activities to enhance public participation in the consultation
- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is dealt with in the section “III: Consultation during Implementation”:

- Countries are to identify a forum to enable regular multistakeholder consultation on OGP implementation—this can be an existing entity or a new one.

This requirement is dealt with in the next section, but evidence for consultation both before and during implementation is included here and in Table 3 for ease of reference.

Table 3: Development Process Checklist

Consultation during action plan development	Timeline and process: Prior availability	No
	Advance notice	No
	Awareness-raising activities	No
	Online consultations	No
	In-person consultations	Yes
	Summary of comments	No
Consultation during action plan implementation	Regular forum	No

Advance notice of consultation

Following the setting up of the OGP Albania institutional framework¹ a draft action plan was prepared between early January and mid February 2012. The work was coordinated by the then Ministry of Innovation and ICT based on input from line ministries. At this stage, none of the governmental bodies involved in drafting carried out any preliminary consultation with civil society. Upon finalization of the draft, a consultative meeting with civil society organizations was held on 24 February 2012. In the absence of a participants’ list from the event, the IRM researcher was unable to establish the exact number of organizations invited. Civil society representatives reported that 40–45 civil society organizations (CSOs) participated in the brief event. In contrast, former officials of the Ministry of Innovation and ICT interviewed by the IRM researcher reported 60–70 civil society representatives participating in the consultative meeting of 24 February 2012.²

The invitation to civil society organizations was sent just a few days before the consultation event. The draft action plan was not sent prior to the event, but it was instead presented in the meeting. Further, civil

society representatives at the stakeholders meeting reported that the action plan was not online and no online consultation tools were used in the preparation of the action plan. The consultative meeting of 24 February served to identify civil society organizations working in the areas of drafted OGP commitments.

Depth and breadth of consultation

Without a summary of comments and proposals from civil society or a list of invited organizations, it is unclear exactly how many civic and other nonstate groups were invited or participated in the consultation process. Based on reports from civil society and interviews with former and current governmental officials, some general remarks can be made.

The consultation event of 24 February 2012 was held with short notice and without sharing the draft action plan in advance. With a predominantly civil society audience and very few business-sector representatives, most of participants were not familiar with OGP. Some civil society representatives reported to the IRM researcher that limited discussion took place.

It is unclear whether most of the CSOs with an interest in OGP themes were invited or participated. Furthermore, no consultation on the draft action plan took place outside the capital. This fact combined with the low level of information on the OGP at the time raises serious doubts over the extent and depth of the consultation process at the event. Although some CSOs consider the consultative meeting in Tirana as very helpful for their awareness on the OGP, very few reported follow up activities on the OGP agenda in Albania. While a few stakeholders confirmed involvement of some business associations in the OGP consultations in Albania, no evidence was found of involvement of other important nonstate actors such as labor unions, or professional associations (such as lawyers, notaries, auditors, researchers). This is particularly striking given the thematic focus of a significant number of commitments (including employment, research, judiciary and inspections).

Civil society and governmental officials told the IRM researcher in the stakeholders meetings and semistructured individual interviews that some organizations followed up the event with concrete recommendations. IRM research found “traces” of such follow up during the preparation of the action plan (February–April 2012) in two cases; namely, the Open Society Foundation for Albania (OSFA) and the Albanian Institute of Science (AIS) presented their recommendations on action plan commitments, which were partially reflected on the final document. AIS recommendations were largely reflected in Albania’s final OGP action plan.³ The Ministry of Innovation and ICT cooperated with OSFA and other civil society actors on two of the commitments (draft law on “Notice and Consultations” and amendments to the law “on the Right to Information for Official Documents”) during the preparation and also in the implementation phase of the action plan.

Officials of the Ministry of Innovation and ICT also reported other in-person consultations and email exchanges with individual representatives of civil society in the drafting of the action plan. However, in the absence of any record of such meetings, exchanges, or information on representatives consulted, the IRM researcher was unable to establish the extent or depth of such feedback.

1 Prime Minister’s Order 104 of 28 December 2011.

2 Interview with Gjergji Gjinko, former Director of Cabinet of the Ministry of Innovation and ICT (14 October 2013).

3 AIS Recommendations on OGP Albania (10 April 2012), <http://ais.al/propozime-te-ais-ne-kuader-te-ogp-albania/146#>

III. PROCESS: CONSULTATION DURING IMPLEMENTATION

Consultation during implementation was limited to consultation on particular commitments. There was a general lack of awareness at the national level.

The process of consultation during the implementation of the action plan was poor and limited to a few commitments such as the amendment of the law “on the right to information for official documents,” the draft law on notice and consultation, and the Online State Matura. Participants at the stakeholder forum pointed out that the OGP has had a low profile even among civil servants of Albanian state institutions involved in the action plan implementation. The information flow on OGP has been mostly limited to the members of the Technical Secretariat and the network of Chief Information Officers (CIOs) in the line ministries. While political representatives (members of cabinet, advisors, ministers, and their deputies) of concerned institutions have acted in full awareness of the country’s OGP commitments, they have not initiated a continuous information campaign to inform stakeholders (including public administration) and the general public about the action plan.

The IRM researcher also identified cases of lack of coordination with and information of key stakeholders on different commitments. More specifically, senior representatives of the USAID- funded program Albanian Justice Sector Strengthening Project (JuST) were not aware that their project on audio recordings of judicial hearings was listed as one of the Albania’s OGP commitments.¹

The exchange and consultation with civil society and other nonstate actors was limited to a few of the 30 commitments undertaken by the Government of Albania. The Ministry of Information and ICT gathered the opinion of some CSOs on the amendments to the law on the right to information for official documents and the draft law on notice and consultation. Specialists and representatives of line ministries participated in the training workshop organized by the Albanian Institute of Science on “Public Data Usability – New Standards of Publishing Government Data.”²

In relation to the other commitments, the government actions have been mostly limited to informing rather than consulting and encouraging feedback that would improve the implementation of specific commitments. Namely, the Ministry of Economy has held information workshops with media, business associations, and civil society on the Extractive Industries Transparency Initiative (EITI) process in Albania. The Ministry of Education has continuously informed the general public on the “Online State Matura” throughout 2012–13. The Ministry of Justice has informed stakeholders on the digitization of the notary register.

1 Interview with Chief of Party, Justice Sector Strengthening Project ,4 October 2013.

2 Albanian Institute of Science training workshop, “Public Data Usability – New Standards of Publishing Government Data” (27 April 2012). Link to invitation: <http://ais.al/public-data-usability-new-st>

IV. IMPLEMENTATION OF COMMITMENTS

The Albanian action plan had a number of ambitious commitments, some of which were achieved. Based on this action plan, the next Albanian action plan would be improved through greater clarity on specifying what deliverables will result from a concrete set of commitments.

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to their chosen grand challenge(s), including specific open government strategies and ongoing programs. Action plans then set out governments' OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant policy area. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

OGP commitments are to be structured around a set of five “grand challenges” that governments face. OGP recognizes that all countries are starting from different baselines. Countries are charged with selecting the grand challenges and related concrete commitments that most relate to their unique country contexts. No action plan, standard, or specific commitments are to be forced on any country.

The five OGP grand challenges are:

1. **Improving Public Services**—measures that address the full spectrum of citizen services including health, education, criminal justice, water, electricity, telecommunications, and any other relevant service areas by fostering public service improvement or private sector innovation.
2. **Increasing Public Integrity**—measures that address corruption and public ethics, access to information, campaign finance reform, and media and civil society freedom.
3. **More Effectively Managing Public Resources**—measures that address budgets, procurement, natural resources, and foreign assistance.
4. **Creating Safer Communities**—measures that address public safety, the security sector, disaster and crisis response, and environmental threats.
5. **Increasing Corporate Accountability**—measures that address corporate responsibility on issues such as the environment, anti-corruption, consumer protection, and community engagement.

While the nature of concrete commitments under any grand challenge area should be flexible and allow for each country's unique circumstances, OGP commitments should be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP participating countries. The IRM uses the following guidance to evaluate relevance to core open government values:

- **Access to information** - These commitments:
 - pertain to government-held information;
 - are not restricted to data but pertain to all information;
 - may cover proactive or reactive releases of information;
 - may pertain to strengthen the right to information; and
 - must provide open access to information (it should not be privileged or internal only to government).
- **Citizen Participation** — governments seek to mobilise citizens to engage in public debate, provide input, and make contributions that lead to more responsive, innovative and effective governance. Commitments around access to information:
 - open up decision-making to all interested members of the public; such forums are usually “top-down” in that they are created by government (or actors empowered by government) to inform decision-making;
 - often include elements of access to information to ensure meaningful input of interested members of the public into decisions;
 - often include the enhancing citizens' right to be heard, but do not necessarily include the right to be heeded.
- **Accountability** — there are rules, regulations, and mechanisms in place that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.
 - As part of open government, such commitments have an "open" element, meaning that they are not purely internal systems of accountability without a public face.

- **Technology and Innovation** — Commitments for technology and innovation
 - promote new technologies offer opportunities for information sharing, public participation, and collaboration.
 - Should make more information public in ways that enable people to both understand what their governments do and to influence decisions;
 - May commit to supporting the ability of governments and citizens to use tech for openness and accountability; and
 - May support the use of technology by government employees and citizens alike.

Countries may focus their commitments at the national, local and/or subnational level—wherever they believe their open government efforts are to have the greatest impact.

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach timeframes and benchmarks to their commitments that indicate what is to be accomplished each year, wherever possible.

This section details each of the commitments Albania included in its initial action plan. It is unclear in both the English and Albanian versions of the action plan which items are “background” and which are concrete “commitments.” A casual reader of the action plan would be confused. Based on interviews with government staff, the following items in Table 4 listed in the action plan are not commitments, but should be considered “background.” Many of these items were either completed well before the commencement of this action plan, may be covered by the other action plan items, or are considered background. Unlike other countries, the Albanian action plan did not contain a separate “Achievements to Date” section, which would help differentiate between commitments and background.

Table 4. Action Plan Items Considered Noncommitments

Action Plan Language (English Version)	Action Plan Item
The General Directorate of Customs will achieve several objectives related to the information offered to economic operators via internet access. In July 2012, the new Excise system will be implemented, which will include online access and services for economic operators; the system will enable operators to check online the status of their statement, transit and account balance, and it will begin to prepare the processing of online payments.	Background information to “7. Excise System”
This year, the Tax Administration will develop the terms of reference and bidding procedures for starting the full implementation of the e-Tax system. This project aims to integrate the current tax system and subsystem into a single one, intending to increase the tax administration performance (http://www.tatime.gov.al). Also, within the year 2012, the personal income declaration system (G2C) will be developed, as well as, gradually, the M-service technology, which will provide individuals with the ability to check their tax statements via cell phone, not only via computer.	Background information to “8.e-Tax System”
In terms of increasing transparency in staff management, the Ministry of Defense will publish in 2012 its human resources statistics, in order to enable the monitoring of recruitment, and it will establish an online system for digitalizing, monitoring, inventorying and accounting for logistical materials.	Considered background information
In 2009, the Ministry of Interior (MoI) created the electronic National Civil Status Registry, which enables online issuance of civil registry documents from the 354 registry units connected with the central database. All civic documents are provided online in about 10 seconds with the highest standard of electronic operation.	Considered background information. (The electronic registry system was fully implemented in 2009).
In the framework of OGP, the Albanian government is conducting a survey of all official websites of central institutions and agencies, in order to make them more user friendly. An inspection of the official websites of local institutions has also been launched and an update of the content of these websites is expected to occur this year.	Considered background information
In this context, in order to increase citizens’ access to public consultation, especially regarding the legal acts issued by the Albanian government, a Registry of Business Legislation has been set up	Considered background information. The portal has been online since September 2011.

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<p>(http://www.rlb.gov.al), where in addition to access to the legal acts, up to the instruction/command level, it is possible for business representatives to draft and send their own comments. Also, several central institutions have begun to publish laws/policy papers on social media sites, such as Facebook, Twitter and LinkedIn, in order to get input/suggestions from the public: http://www.facebook.com/Mitik.gov.al;http://twitter.com/#!/mitikgova; Këshilli TeknikpërQeverisjenElektronike LinkedIn</p>	
<p>In accordance with this, next year the Ministry of Public Works and Transport (MPWT) will implement an online application of simplified concessions procedures for all State assets that MPWT administers, which will be conducted directly on the ministry website through standard and interactive forms.</p>	<p>Background information to “16 e-concessions” commitment</p>
<p>This year the State Police and the Ministry of Interior (http://moi.gov.al) will establish a consolidated system of recording data about investigations, prosecutions and convictions of official corruption. Also this year an online compilation of the claims form for citizens will be launched on the Internal Audit Service website (http://moi.gov.al/?page_id=967).</p>	<p>Not considered an official commitment.</p>
<p>To further strengthen transparency in public policy-making and legislative initiatives, the Ministry of Environment, Forests and Water Administration (MEFWA) will hold several seminars this year for public consultation in relation to the Protected Areas proclamation (relevant map: http://bit.ly/ItsOU), will organize several meetings of the Board for the Aarhus Convention, as well as publish on its website all environmental permits issued by this Ministry: (http://bit.ly/1a6bu6L).</p>	<p>Considered background information.</p>
<p>The Tourist Service Office of the Ministry of Tourism, Culture, Youth and Sport (MTCYS) has examined for many years now the complaints that Albanian and foreign tourists have made against tourist enterprises over goods and services. In this respect, all tourists can complain directly to the Tourist Service Office, by mail or electronically, via a complaint form which is published on the official website (www.zsht.gov.al).</p>	<p>Considered “background information” (Tourist service office was tasked to do this beginning in 2005)</p>
<p>Customs digitalization, conducted since 2008, was an initiative which aimed at increasing the efficiency of the system, gathering information in real time at all customs points. The commitment is to improve the customs system by monitoring the work of customs officers (through the installation of cameras), increasing transparency and informing citizens about their rights and obligations at customs points (http://www.dogana.gov.al).</p>	<p>Considered background information. The Albanian version of the action plan speaks about the “objective of this initiative” while the English version uses the term “commitment”.</p>
<p>Regarding the transparency of political party financing, the Council of Europe has directed to Albania 7 recommendations, which are nearly fulfilled with the Parliament’s approval of the “Law for Political Parties.” The aim is to implement detailed rules concerning the financing of political parties after the electoral campaign; to set up an independent mechanism to oversee the funding of political parties after the electoral campaign; to enable the same body, the Central Election Commission (CEC) (http://www.cec.org.al), to control and monitor the overall political party financing both during and after the electoral campaign; and to improve and enhance the standards of electoral campaign finance control by outsourcing licensed auditors.</p>	<p>Considered background information (and maybe a future commitment in the next AP). Stakeholders interviewed were very much supportive of a concrete commitment in this field.</p>
<p>The National Labor Council portal will also be created. The role of this Council is to coordinate the three key decision-making actors in this sector: the Ministry, the unions and the employers.</p>	<p>Was not considered official commitment. No evidence of portal.</p>
<p>To improve implementation of the national territorial plan and taking community concerns into account, next year the Albanian National Territorial Planning Agency will create a portal for the national registry</p>	<p>Not considered an official commitment (already created before OGP). The work for the creation of this portal started with</p>

<p>of territorial planning (http://www.akpt.gov.al/default.aspx).</p>	<p>the Council of Ministers Decision no 460 16 June 2010. (See http://bit.ly/1a6b6oE based on Law 10119 of 23 April 2009). The portal was created under Millennium Development Goals – MDGs (online at http://bit.ly/17VF8yP) and is managed by the National Agency for Territorial Planning (established in 2009). Training modules were designed and implemented, see http://bit.ly/1hjiZi9</p>
<p>Created by METE (Ministry of Economy, Trade and Energy) to increase the transparency of the process, the portal of state asset privatization (www.privatizime.al) is designed in such a way that the search engine quickly delivers the required results, displaying each object, accompanied by a picture, the county or city where it is located and, most importantly, the status of the object, such as “ongoing evaluation,” “sent for sale” or “approved for privatization.”</p>	<p>Not considered an official commitment. The portal was online well before OGP (since January 2011).</p>
<p>In terms of tourism in Albania, the Ministry of Tourism, Culture, Youth and Sports (MTCYS) has set up a portal for Albanian tourism (http://www.albaniantourism.com). MTCYS also created the Albanian database of iso-polyphony, a UNESCO-recognized intangible world heritage, published on the website: http://www.isopolifonia.com.</p>	<p>Not considered an official commitment. The portal was already online before 2009 (See annual report at http://www.akt.gov.al/material/e/raporti_09.pdf and http://isopolifonia.com)</p>

While most indicators given on the fact sheets for each commitment are self-explanatory, a number deserve further explanation.

- **Relevance:** The IRM researcher evaluated each commitment for its relevance to OGP values and OGP grand challenges.
 - OGP values: Some OGP commitments are unclear in their relationship to OGP values. To identify such cases, the IRM researcher made a judgment based on a close reading of the commitment text. This identifies commitments that are clearly linked to fundamental issues of openness.
 - Grand challenges: While some commitments may be relevant to more than one grand challenge, the reviewer only marked those challenges that had been identified by government.
- **Ambition:**
 - *Potential impact:* OGP countries are expected to make ambitious commitments (with new or pre-existing activities) that stretch government practice beyond an existing baseline. To contribute to a broad definition of ambition, the IRM researcher judged how potentially transformative a commitment might be in the policy area. This is based on researcher’s findings and experience as a public policy expert.
 - *New or pre-existing:* The IRM researcher also recorded, in a nonjudgmental fashion, whether a commitment was based on an action that predated the action plan.
- **Timing:**
 - **Projected completion:** The OGP Articles of Governance encourage countries to put forth commitments with clear deliverables with suggested annual milestones. In cases where this information was not available, the IRM researcher made a best judgment, based on the evidence of how far the commitment could possibly be at the end of the period assessed.

Challenge 1: Increasing Public Integrity

1.1 OPEN DATA

1. Open Data Portal

The National Agency for Information Society is establishing a governmental portal in the open data format. This portal initially will include the Ministry of Finance and Department of Treasury data for daily expenses by all central institutions and agencies. The same practice will be implemented by the National Postal and Electronic Communications Authority database.

Another institution, the National Statistics Institute (INSTAT) will implement on its long term strategy the open data format for its database. As the national coordinator for collecting data on Albania's economy and society, INSTAT will standardize the entire process of publishing the public sector's statistical open data during its long term program.

Commitment description					
Answerability	Lead institution	National Agency for Information Society (NAIS)			
	Supporting institutions	Institute of Statistics (INSTAT)			
	Point of contact specified?	No			
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)			
Relevance	OGP grand challenges	Increasing public integrity			
	OGP values	Access to Information	Civic Participation	Accountability	Technology and Innovation for Trans. & Acc.
		✓		✓	
Ambition					
New vs. pre-existing		Potential impact			
Unclear		Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)			
Level of completion					
Start date: Not specified		Actual completion		Limited	
End date: Not specified		Projected completion		Substantial	
Next steps		Revise commitment to be more achievable or measurable			

What happened?

Progress on this commitment was limited. While progress was made on the areas of postal service and electronic communications, no tangible progress was seen on the core finance data or the national statistics agency.

No tangible progress was noted by the IRM researcher on the implementation of the core area of establishing an open data system for national finance data during the evaluation period. The implementation of this commitment was postponed until December 2014. (As a clarification, the commitment's description refers to the publishing of daily expenses by all central institutions. This is a separate commitment of the action plan and is covered as such by this IRM report.)

No significant progress was reported from the Institute of Statistics (INSTAT) during the evaluation period.¹ Senior representatives of the National Agency for Information Society (NAIS) reported several problems encountered in the implementation of the “open data portal” commitment, such as:

- Lack of sufficient data for the implementation of a separate portal dedicated to publishing data in an open data format
- Technical difficulties related to the automatic publishing of data from existing websites of state institutions
- Lack of funds to develop the technical platform.

Meanwhile, other agencies have moved forward. The National Postal and Electronic Communications Authority has launched online a “Statistics” section reporting on statistical data regarding postal services and the electronic communication market for 2008–12. Information is not provided in an open data format but rather as a narrative report (.pdf file) with numerous charts and figures.² A new document on the technical standards for data publication in open data format was published in February 2013 by NAIS.³ Additionally, the agency published technical specifications on the interoperability of state databases (July 2012), on procurement of computer equipment, and a set of regulations on electronic services and facilities for the public administration.⁴

NAIS organized an open data training workshop with approximately 50 IT officers of state institutions to build capacity of the technical staff. The workshop was carried out in cooperation with Microsoft and participants were introduced to the OGD DataLab v.5 software that serves to publish data in open data format.⁵

Did it matter?

Because of technical difficulties and lack of resources, the implementation of this commitment was postponed until December 2014.

Civil society representatives interviewed attached particular importance to the future implementation of this commitment not only in terms of ensuring government transparency and citizen participation, but also to move more boldly into evidence-based policy design and implementation.⁶

Moving forward

As the work for establishing the open data portal is yet to start, the IRM researcher suggests that the action plan should be better elaborated in order to meet realistic expectations. Responsibility among involved institutions also needs to be reconsidered, with perhaps a leading role assigned to INSTAT in addition to NAIS.

Most significantly, given the high interest among civil society stakeholders and the potential role of other nonstate actors (e.g., businesses, academia, media) the work on the open data portal must rely on a more participatory approach. Involvement of civic actors in the process will provide governmental agencies with access to expertise among civil society and academia representatives to help build a tool that is responsive to needs and expectations of the general public and the target users of the portal (e.g., media, academia, civil society, businesses).

1 IRM contact with INSTAT senior official, 30 October 2013.

2 Data available at <http://www.akep.al/sq/statistika>.

3 National Agency for the Information Society Technical Standards of data publication on an Open Data format http://akshi.gov.al/previewdoc.php?file_id=530.

4 Documents available at NAIS website (Albanian only) under “Standarde TIK” section. Source: <http://akshi.gov.al>

5 NAIS official information submitted to IRM, October 2013.

6 Interview with representative of Albanian Institute of Science.

1.2 e-GOVERNANCE: 2012 AND ONWARD

2.e-Acts

e-Acts project aims to support the process of preparation, approval and submitting of legal acts (laws, decisions of the Council of Ministers, etc). It offers an extended collaboration process between ministries, working on joint acts and requesting opinions or suggestions within the system. Also, through this system are administered the sessions of the Council of Ministers of the Republic of Albania and are also published all the decisions of these sessions.

The project's goal is to increase the working efficiency and accountability of the public administration. The project also aims to increase the e-participation in the process of legal act preparation.

Commitment Description						
Answerability	Lead institution	Council of Ministers				
	Supporting institutions	National Agency for Information Society (NAIS)				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
		✓		✓	✓	
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
Level of completion						
Start date: Not Specified		Actual completion		Substantial		
End date: Not specified		Projected completion		Substantial		
Next steps		New commitment building on existing implementation				

What happened?

The action plan specifies the following actions for the implementation of this commitment:

- Implementation of e-Acts Project; and
- Integration with National Action ALAN System or the approximation of the Albanian legislation to the Acquis Communautaire.

The self-assessment report considers this commitment as fully implemented. However, official information provided to the IRM researcher by the National Agency for Information Society (NAIS), the executing agency for this commitment, elaborated only on the first action. More specifically, NAIS reported that institutions make full use of electronic communication and exchange in drafting acts. In addition to increased efficiency and better time management the system allows for monitoring of processes and assessment of performance of civil servants involved in the preparation of acts. Sixty two meetings were held in the reporting period after the launch of the e-Act system, which has processed approximately 20,000 documents. Currently the e-Act system has 450 active users of and 800 consultative users.

No information was provided on the second action: Integration of e-Acts with the National Action Plan System for the approximation of Albanian legislation to the Acquis Communautaire. The National Action

Plan System was established a few years ago under an EU- funded project in the Ministry of Integration. Its purpose is to coordinate and facilitate the alignment of legislation with EU Acquis, a core membership precondition for Albania's EU bid. Interviews with specialists of the Ministry of Integration revealed that the system is active but it is not clear whether or how the e-Acts project is integrated with it.

Did it matter?

The e-Acts project marks a significant step forward in the context of e-Governance in Albania. It contributes toward better use of time and resources of the government as one of the main institutions that has the recognized right to draft and propose legislation. e-Acts also improves the executive's efforts in the context of the country's EU accession process and its obligation to comply with EU norms.

In addition to the uncertainties regarding the integration with the National Action Plan System for the approximation of the Albanian legislation to the Acquis Communautaire, the e-Acts project does not fully deliver on one of the main expectations from nonstate stakeholders, namely public access to e-Acts as a means for involvement and consultations of nonstate actors. Albanian civil society organizations (CSOs) such as MJAF! Movement, Albanian Helsinki Committee, Center for Public Information, and others have repeatedly called for transparency in the government's legislation drafting process.¹ The Council of Ministers regularly publishes decisions of the Cabinet on draft laws sent to the Parliament for approval. However, the decisions do not include the text of draft legislation. Greater transparency in the drafting process and an "e-access to information" component of the e-Acts project must be enabled in all line ministries in order to ensure active involvement of nonstate interest groups at the executive level.

Further tangible impact of the e-Acts project would be visible with its integration with the e-Parliament system, particularly because civil society and other nonstate actors often engage at this stage of the legislative process. One of the deficiencies at this stage, as reported by the Center for Parliamentary Studies² and the Institute for Democracy and Mediation,³ relates to the fact that interest groups are invited to consult on specific draft legislation by Parliamentary committees without being provided with the text of the draft law in advance.⁴

Moving forward

The IRM researcher does not consider this commitment completed as reported in the government self-assessment report. The responsible institutions did not report on the implementation of the second action (integration with National Action Plan System for the approximation of the Albanian legislation to the Acquis Communautaire) of the commitment while additional IRM investigation could not establish progress in this regard.

Requests from civil society to enable access to interest groups in the drafting of the legislation at the executive level are not taken into consideration in the e-Acts project. Equally important, this element needs to be reflected in the integration of e-Acts with e-Parliament systems. The IRM researcher therefore recommends new commitments addressing these deficiencies. More specifically:

- Adopt binding rules for all line ministries and the Council of Ministers to publish online draft legislation under review and actively engage interested stakeholders in consultation.

Publish draft legislation approved by the government and sent for Parliamentary approval at the Council of Ministers and Parliament websites. Allow space for advance notice and review of draft legislation.

1 See recommendations of the Center for Public Information (CIP). <http://infocip.org/rekomandime.html>

2 <http://www.ascdpd.org/index.php?lang=en>.

3 <http://www.idmalbania.org>

4 See recommendations at IDM Monitoring Brief 1/2012 (September 2012).

http://idmalbania.org/sites/default/files/publications/kie_shqip.pdf

3.e-Parliament

Through the use of e-Parliament Project the Parliament of Albania will be able to harness the information and communication technologies in order to support its primary functions which are preparation, representation and approval of laws. The e-Parliament Project will also offer the possibility for the promulgation of the approved laws by the President of the Republic of Albania. The project's goal is to use ICT in the law-making process in order to make it more representative, transparent, accessible, accountable and effective.

Commitment Description						
Answerability	Lead institution	Parliament				
	Supporting institutions	National Agency for Information Society (NAIS)				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
		✓		✓	✓	
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
Level of completion						
Start date: Not specified		Actual completion		Limited		
End date: Not Specified		Projected completion		Limited		
Next steps		Revise the commitment to be more achievable or measurable				

What happened?

There was limited progress on this commitment.

The action plan anticipates two measures to address this commitment: implementation of the e-Parliament project; and its integration with the e-Acts project. The implementation period is not clearly stated in the action plan. The government self-assessment reports that this commitment is still in progress (October 2013). The use of ICT during plenary sessions is embodied in the Parliament's Rules of Procedures.¹

The use of ICT in the law-making process is carried out only at the approval stage in the plenary sessions. e-Parliament has not yet extended its impact in the preparation phase of laws or their promulgation by the President, as described in the commitment. Work is also still in progress with regard to the integration of e-Acts with e-Parliament.

Did it matter?

The e-Parliament project aims to meet two main expectations: more efficient work of legislators and greater access by the public, thus improving accountability and transparency of the Parliament. However, the progress of this initiative's implementation as an OGP commitment has not been satisfactory. Achievements cited in the self-assessment mostly relate to the pre-2012 period while significant work remains to be done in the next year.

The IRM researcher established that the e-Parliament project is a pre-existing commitment and its implementation started well before the OGP Albania process. e-Parliament aims to make broader use of ICT in parliamentary dealings and also to increase public access in the Legislature's work. In this context, based on an Order of the Speaker of the Parliament of 18 January 2011, full transcripts of the proceedings of parliamentary committees are accessible online at the the Parliament's website (www.parlament.al) although the Rules of Procedure require only a summary.

However, civil society organizations—the primary monitoring actors of this body—claim that e-Parliament has not yet delivered the desired impact. ICT tools are sometimes misused by members of Parliament (MPs) at plenary sessions; MJAFT! Movement's "Une Votoj" monitoring report series (2010–13) has evidence of several cases where MPs have used the electronic voting system to cast a vote for colleagues not present in the plenary session.²

Some measures, such as the full transcript of parliamentary committee hearings, online at www.parlament.al, have improved transparency of parliamentary dealings and accountability of MPs. This is largely owed to ongoing monitoring initiatives of civil society organizations such as the Center for Parliamentary Studies, Institute for Democracy and Mediation, Albanian Helsinki Committee, MJAFT! Movement, and others. However, (physical) access to the parliamentary work is often obstructed. Monitoring officers of MJAFT! Movement have been denied access to parliamentary hearings. MJAFT! took legal action against the Parliament administration.³ A few months later, the USAID CSOs Sustainability Index for Albania (2011) reported state harassment when the organization received a US\$10,000 fine from the tax administration. The court of first instance in Tirana ruled in favor of MJAFT! thus considering as illegal the tax authorities actions.⁴

Complete implementation of the project—through extending ICT use in the preparation phase of es, publishing online draft laws under parliamentary review, live and online broadcasts of plenary and standing committees' sessions etc. —will deliver on key impact benchmarks of the action plan for this commitment. Additionally, adequate implementation of the commitment particularly in relation to public access and parliamentary ethics in the use of ICT tools will likely impact positively on involvement of nonstate actors in lawmaking process and greater accountability of the Legislature.

Moving forward

The IRM researcher recommends more concerted efforts for the complete implementation of this commitment. The responsible institution must address shortcomings in the broader context of parliamentary dealings, as evidenced in the past few years by civil society organizations. Improving public access to parliamentary work, enhancing ethics and enforcing the Parliamentary Rules of Procedure must be taken into consideration in the implementation of the remaining actions of e-Parliament, as follows:

- Complete implementation of e-Parliament.
- Integrate e-Parliament with the e-Acts system.

1 Rules of Procedure of Albanian Parliament, http://www.parlament.al/previewdoc.php?file_id=13666

2 MJAFT! Movement "Une Votoj" Report 2011 – 2012 (September 2012) page 43 and evidence (pictures) provided in pages 46-47. The same problems are evidenced also in the "Une Votoj" Report 2012 – 2013 (September 2013). See Press conference of MJAFT Movement <http://www.oranews.tv/vendi/monitorimi-i-kuvendit-2009-2013-mjajt-jane-konstatuar-214-shkelje/>

3 Interview with Elton Kacidhja, director of MJAFT! Movement.

4 USAID, "2012 CSOs Sustainability Index for Albania," p. 2 (September 2013).
<http://www.usaid.gov/sites/default/files/documents/1863/ALB.pdf>

4. Extend the Governmental Network (GOVNET)

GOVNET provides centralized delivery of major government electronic services to all ministries and other institutions of public administration that are located in Tirana, Durres, Elbasan and other main cities of the country.

Commitment Description						
Answerability	Lead institution	Ministry for Innovation and ICT				
	Supporting institutions	National Agency for Information Society (NAIS)				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
Level of completion						
Start date: Not specified		Actual completion		Substantial		
End date: Not specified		Projected completion		Complete		
Next steps		Revise the commitment to be more achievable or measurable				

What happened?

The IRM researcher noted substantial progress during the evaluation period in relation to the implementation of the Government Network (GOVNET). According to the OGP action plan, the government network would be extended to offer centralized access to government services from local governments in the main regions. The GOVNET project started implementation since 2004 mainly for line ministries with the financial support of the European Union and the United Nations Development Programme (UNDP).

In February 2013, the Governmental Data Center was launched and the main state institutions in the capital Tirana and those in two other major cities are now interlinked via optical fiber connections. Nearly 155 state institutions are directly connected to the data center and use its services. The extension of the governmental network to the nearby cities of Durres and Elbasan was made possible through an ALL 56 million (nearly US\$0.5 million) investment from the state budget.¹

The e-Albania portal includes a description of the National Agency for Information Society (NAIS) application procedure for state institutions in GOVNET which allows them to use internet services and to interlink with other governmental services such as the Treasury and Midterm Budgetary Planning System.²

Some civil society stakeholders noted that instead of elaborating separate specific commitments (e.g. extension of GOVNET, the Government Data Center, e-GIF etc.) the government's action plan should have included them under a single commitment (for example e-governance) with a number of concrete actions because commitments such as GOVNET, the Data Center, and e-GIF, are specific investments around one objective.

Did it matter?

GOVNET represents an important initiative in the context of e-governance in Albania. Its major strength, according to many stakeholders, relates not only to the objective of increasing the efficiency of public administration but also to improving public services. The interoperability enabled through this commitment and also through other tools allows for the greatest tangible impact in the eyes of citizens.

In addition to helping central government agencies and line ministries use their own resources more efficiently while providing services to the public (e.g. under the e-Acts, e-Matura, e-DL) GOVNET's extension will also help decentralized agencies (e.g. regional directorate of line ministries and other central authorities) of state institutions increase efficiency and improve services.

Moving forward

This IRM researcher echoes the suggestions of many stakeholders to:

- Elaborate a single commitment instead of multiple actions / investments as separate commitments.

Achieve tangible results and impact with e-services offered by central government and decentralized agencies of central institutions, before involving local governments in major initiatives such as the data center, GOVNET, and e-GIF . This is suggested because local authorities' involvement must build on the successful achievements and on lessons learned. They also need resources to comply with technical standards, as well as human capacity and technical skills.

1 NAIS official information submitted to IRM researcher (October 2013).

2 e-Albania Portal, http://www.e-albania.al/_layouts/Services/Service.aspx?shId=692#.UnEopnA_v-o .

5.e-Government Interoperability Framework (e-GIF)

e-GIF enables the exchange of information between public administration institutions. This infrastructure is managed by the National Agency for Information Society and enables fully electronic service delivery.

Commitment Description						
Answerability	Lead institution	Ministry for Innovation and ICT				
	Supporting institutions	National Agency for Information Society (NAIS)				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Transformative (the commitment entails a reform that could potentially transform “business as usual” in the relevant policy area)				
Level of completion						
Start date: Not specified		Actual completion			Substantial	
End date: Not specified		Projected completion			No dates or milestones attached or inferable	
Next steps		New commitment building on existing implementation				

What happened?

The e-Government Interoperability Framework (e-GIF) saw substantial progress during the evaluation period. The main institutions of public administration are currently interlinked in offering various services for the public. The National Agency for Information Society (NAIS) has coordinated interactions among institutions such as the General Directorate of the Civil Register, National Exams Agency, National Licensing Center, and National Registration Center.

The Electronic Records and Management System (ERDMS), which is a milestone for the upcoming electronic protocol in the public administration (including the Tracking Project based on the number of protocols assigned by line ministries), also relies on the e-GIF platform.

Stakeholders participating in the IRM focus groups and individuals interviewed from civil society organizations were not familiar with this commitment. Those who were or who were briefed on the commitment’s content evaluated this initiative highly and reported familiarity with the results achieved at the citizen’s level through the e-Albania portal (e.g. the commitment “State Matura 2013”).

A strategic document (on the development of broadband) adopted in May 2013 reported that the legal framework of e-Government interoperability is yet to be adopted.¹ In April 2013, the government approved the rules on the management of electronic documents in Albania.² A number of other bylaws were issued by the Council of Ministers and the Minister of Innovation and ICT between June and September 2013.³

Did it matter?

The NAIS reported to the IRM researcher that the e-GIF platform has had a significant impact in its few months of operation during the evaluation period. Through this platform, state institutions are offering services to approximately 47,000 citizens.⁴ A few examples stand out. Nearly 45,000 high school graduates benefited from the e-matura services offered online at the e-Albania portal (March–September 2013) thanks to the e-Government interoperability framework. The e-DL (driver’s license) service also offered online at e-Albania thanks to e-GIF has a potential user base of nearly 0.4 million citizens.

At the same time, former employees of the Ministry of Innovation and ICT and student councils suggested to the IRM researcher that the impact should have been larger.⁵

With the extension of the Tracking Project and other e-services the number of potential beneficiaries and active users of interoperability- generated services must reach higher levels.

Moving forward

With a legal framework generally in place and a successfully piloted e-GIF system for a number of services during the evaluation period, the major challenge ahead lies in expansion to interlink all state institutions at the central level. Civil society stakeholders considered particularly important the expansion of e-GIF coverage of local government authorities and other central government institutions with operations at the local level. The IRM researcher agrees with this recommendation.

1 The National Strategy for the development of broadband in Albania (Council of Ministers decision no 468, dated 30 May 2013, Official Gazette no 97, dated 11 June 2013). See page 4032. Source

http://www.qbz.gov.al/botime/fletore_zyrtare/2013/PDF-2013/97-2013.pdf

2 Council of Ministers Decision no 357, dated 24 April 2013. Source

http://www.mitik.gov.al/mitik/legjislacioni/VKM_nr_357_date_24_prill_2013_Per_miratimin_e_rregullores_Per_Menaxhimin_e_Dokumentit_Elektronik_ne_Republiken_e_Shqiperise.pdf

3 Instruction of the Minister of Innovation and ICT no 2 dated 2 September 2013; CMD no 710 dated 21 August 2013; CMD no 734 dated 28 August 2013. Source: <http://www.mitik.gov.al/index.php/legjislacioni>

4 Information submitted by NAIS, dated 17 October 2013.

5 IRM interviews with student associations representatives and former staff of the Ministry of Innovation and ICT (October 2013).

6. Government Data Center

The National Agency of Information Society establishes a high capacity data center, that enables all online public services to be centralized and integrated, in accordance with high standards of space and conditions of servers.

Commitment Description						
Answerability	Lead institution	National Agency of Information Society (NAIS)				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
Level of completion						
Start date: Not specified		Actual completion			Complete	
End date: Not specified		Projected completion			Complete	
Next steps		New commitment building on existing implementation				

What happened?

The Government Data Center was officially launched on 18 February 2013. It represented a successful investment of nearly US\$3 million. The data center (11 rooms with a total 672 square meters of space) is on the premises of the National Agency of Information Society (NAIS) and serves as the “brain” of all governmental e-services currently offered to the public. The latest NAIS official information submitted to the IRM researcher (October 2013) reports that the following services are provided through the data center:

- Secure authentication and identification
- The governmental email (Gov mail)
- Secured internet and domain name system (DNS)
- Hosting services for systems, equipment, applications, websites, and portals

Currently, approximately 154 institutions are connected through optical fiber, another 103 are part of the intranet (GovNet). The data center has so far enabled:

- Internet for 78 institutions
- Email for 71 institutions
- Active directory for 19 institutions
- Cloud hosting for 38 institutions
- Automatic licensing for 24 institutions
- Centralized management of applications for 19 institutions
- Centralized antivirus management in 4 institutions

- Instant messaging (IM) and audio communication for 15 institutions.¹

In addition to the primary legislation, the government adopted the following bylaws that regulate data center operations:

- Council of Ministers decision 734 of 28 August 2013, “Establishing a unique system for registration, authentication and identification of users receiving public services from electronic systems;”
- Council of Ministers Decision 710 of 21 August 2013, “Establishing and functioning of backup systems and business continuity;”
- Directive of the Minister of Innovation and ICT 2 of 2 September 2013, “Standardization of ToRs for ICT projects in the public administration.”

Civil society and other stakeholders were not involved in the planning or implementation of this commitment.

Did it matter?

Very few stakeholders contacted through the IRM research said they were familiar with the Governmental Data Center OGP commitment. As in the case of the GOVNET commitment, civil society stakeholders suggested that the data center is one of several closely interlinked actions centering around a single commitment. Accordingly, they recommended that the government should now focus on addressing the remaining OGP commitments for more efficient e-services for citizens. In doing so, the government should carefully consider existing capacities, needs, and the range of services to be offered by institutions that will be involved.

Moving forward

Build on the successful implementation of this commitment and expand the range of e-services offered through e-Government. A future commitment could more specifically identify which key services will be integrated and how this will promote core OGP values of access to information, civic participation, and accountability.

¹ Official information submitted by NAIS, October 2013.

7. Excise System

The new excise system includes online access and services for economic operators. The system enables operators to check online the status of their statement, transit, and account balance. It will also begin to prepare the processing of online payments.

Commitment Description						
Answerability	Lead institution	General Directorate of Customs				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
Level of completion						
Start date: 2012		Actual completion		Complete		
End date: 2012		Projected completion		Complete		
Next steps		New commitment building on existing implementation				

What happened?

The new excise system became fully operational during the evaluation period.

The legal basis for the implementation of the new excise system is found in a new law and accompanying bylaws¹ that enable economic operators to declare online imported or produced goods that are subject to excise tax and to check the status of their statement, transit, and account balance. This law also transfers responsibility for excise tax collection from the General Tax Directorate to Customs to the responsible state agency.

Did it matter?

The new system was particularly welcomed by business representatives as another measure that contributes to the fight against corruption in the state administration. Economic operators now have fewer direct contacts with state administrators which lowers the probability for unlawful pressure by customs officials or corruption.

However, the first year of the new excise system was accompanied by poor performance by state institutions. The latest European Commission (EC) Progress Report on Albania (October 2013) suggested that “revenues underperformed by some 7% in 2012 compared with the initial budget, as the largest items, VAT and excise tax revenues, fell significantly short of the initial targets, reflecting sluggish domestic demand.”² Also, technical difficulties with the implementation of excise stamps persisted.³

During the evaluation period, several news media reported on the decline of state revenues since the introduction of the new excise system. Most important, recent internal controls in the General Customs

Directorate shed light on serious violations of the law by different companies and also by the Customs Administration.⁴

Moving forward

The new excise system had major challenges in implementation and monitoring. The Customs Administration must improve its performance by detecting failures and preventing low revenue collection. Additionally, Customs must act in close partnership with the business community to improve the implementation of the law by informing them about the process of how to better comply, rather than just on the consequences if they don't. The EC's 2013 Albania progress report suggests that further efforts are required to enhance the online interoperability of the General Customs Directorate including with the EU customs and excise systems.⁵

As it stands, there are no plans to make data available to the public. Consequently, the government may reconsider putting this commitment into the next action plan.

1 Law 61/2012 on Excise of 24 May 2012, in force since 1 October 2012, and the Council of Ministers Decision (CND) 61 of 5 September 2012, as amended by CMD 128 of 20 February 2013.

2 2013 EC Albania Progress Report, 16 October 2013, Brussels, p.14.

3 Ibid., p. 31.

4 General Customs Directorate information available at: <http://www.dogana.gov.al/node/618>;
<http://www.dogana.gov.al/node/622>

5 2013 EC Albania Progress Report, 16 October 2013, Brussels, p. 55.

8. Start an e-Tax System

The Tax Administration will develop the terms of reference and bidding procedures for starting the full implementation of the e-Tax system.

This project will integrate the current tax system and subsystem into a single one, intending to increase the tax administration performance.

Commitment Description						
Answerability	Lead institution	General Tax Directorate				
	Supporting institutions	not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
Unclear		Minor (the commitment is an incremental but positive step in the relevant policy area)				
Level of completion						
Start date: Not specified		Actual completion		Not started		
End date: Not specified		Projected completion		Complete		
Next steps		Further work on basic implementation				

What happened?

The key activities for the implementation of this commitment, as outlined in the OGP action plan include:

- Drafting the terms of reference for the e-Tax system
- Developing bidding procedures for the e-Tax system.

By the time of drafting of the IRM report, the responsible institutions had not submitted any information related to this commitment. In early 2013, the Albanian Prime Minister launched the m-Tax and e-Payment serviced of the General Tax Directorate.¹

Albania's government self-assessment reports that this commitment's implementation is still in progress. However, no additional information was offered.

Did it matter?

The 2013 EC Progress Report on Albania² acknowledges "improvements in the electronic tax payment and tax filing system," but notes that "the effects on tax collection remain to be seen." The 2012 EC Progress Report on Albania said that improvements such as the e-tax filing were already in place, but that electronic payment of taxes was underdeveloped.³ The full implementation of the e-Tax system and integration with the current tax system and subsystems is expected to lower corruption in the tax administration, improve its performance, and increase state revenues from taxes.

Moving forward

Implement the e-Tax system.

1 Press release of the Prime Minister's Office, 25 February 2013,

<http://www.km.gov.al/index.php?fq=brenda&m=news&lid=17806>

2 2013 EC Progress Report on Albania, p.14.

3 2012 EC Progress Report on Albania, pp. 27 and 46.

9. Online State Matura

In 2006 the Albanian government established the State Matura Exams system. This year, the government implemented the online state matura, which enhanced the quality of the application process. Through this system all student applications to the State Matura exams 2013 are submitted online through www.e-albania.al portal

Commitment Description						
Answerability	Lead institution	Ministry of Education and Science				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
		✓			✓	
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Transformative (the commitment entails a reform that could potentially transform “business as usual” in the relevant policy area)				
Level of completion						
Start date: Not specified		Actual completion		Complete		
End date: 2013		Projected completion		Complete		
Next steps		Maintenance and monitoring of completed implementation				

What happened?

Although the government self-assessment ranked this commitment as “in progress,” the IRM researcher considers that the implementation of the online state matura OGP commitment is completed.¹ This conclusion is drawn on the basis of progress measured vis a vis the key impact benchmarks of the action plan.

The online matura was launched early in 2013. High school seniors could register online at the e-Albania portal for their high school graduate exams (matura) through completing the A1 and A1Z forms beginning 1 March 2013. This commitment relates to other commitments on the interoperability functionality of the e-Albania portal allowing for state institutions (National Exams Agency, Ministry of Education) involved to exchange information on the state matura applications.

The Minister of Education and Science issued a directive on the implementation of matura 2013 exams.² Registration is required to use the e-Matura service.³ The e-Albania portal provided detailed information on the use of the online matura through different tools as follows:

- Video presentation on how to register with the portal⁴
- Video presentation on how to fill in A1 and A1Z forms.⁵

Additional information is offered on the website of the Ministry of Education and Science⁶ including the full State Matura Transparency Book for both the nation and for each of the regional education directorates. Users can access on this website a rich array of information, including regulations, directives, forms, and orientation programs for state matura bylaws, covering 2009–13 state maturas.

Did it matter?

The online state matura is one of the most important achievements of the OGP action plan and in general, of Albania's e-Governance initiatives. It is also the most impactful e-Governance initiative and the one with the broadest outreach, as suggested by the vast majority of stakeholders contacted throughout the IRM research. Reducing room for mismanagement in the high school graduate exam system has been a long-standing issue. A number of measures have struggled to tackle these concerns in the last years. The e-Matura is one such measure that has recently contributed to improve integrity and public trust in this system and especially as regards the procedure that is followed to award and enroll high school graduates in the higher education system.

The e-Matura is the most massively used service of Albania's OGP commitments with at least 45,000 users in 2013—that is, high school graduates who took the state matura exams in 2013. This commitment is also one of the most known by CSOs, along with the e-Employment project and the digitization of the notary register according to the survey with CSOs of the government self-assessment.⁷

Moving forward

Continue implementation of the online state matura annually. In the next action plan, the Albanian government could include making anonymous data from this commitment available for public review.

1 Similar to the IRM report, Albania OGP section reports that this commitment is completed,

<http://www.opengovpartnership.org/country/commitment/online-state-matura>

2 Directive 35 of 27 November 2012, [http://www.e-](http://www.e-albania.al/Documents/Sherbimet/Agjencia%20Kombetare%20e%20Provimeve/Matura%20Shteterore/klikoni%20ketu.pdf)

[albania.al/Documents/Sherbimet/Agjencia%20Kombetare%20e%20Provimeve/Matura%20Shteterore/klikoni%20ketu.pdf](http://www.e-albania.al/Documents/Sherbimet/Agjencia%20Kombetare%20e%20Provimeve/Matura%20Shteterore/klikoni%20ketu.pdf)

3 Link to login: <http://bit.ly/194v4nV>

4 http://www.e-albania.al/Pages/RegistrationVideo.aspx#.US3ivDCce_U0.

5 http://www.e-albania.al/Pages/StateMaturaRegistrationVideo.aspx#.US3jMzCce_U.

6 Ministry of Education and Science website, State Matura section, <http://www.mash.gov.al/faqe.php?id1=1&id2=6&id3=15> .

7 Albania self-assessment report, p. 33,

<http://www.opengovpartnership.org/sites/default/files/Self%20Assesment%20Report%20Ver%20202.23.pdf>

10. Regulation on Ethics in Research and Publishing

The Ministry of Education and Science has adopted and published the regulation on: “Ethics in research and publishing”. This regulation provides, inter alia, the obligation of institutions and researchers to publish and verify on the relevant official website every scientific Master’s thesis, PHD dissertation, monograph, book, scientific article or reference, a other forms of research and publication, in order to maintain the originality and authenticity of the work and to fight plagiarism.

Commitment Description						
Answerability	Lead institution	Ministry of Education and Science				
	Supporting institutions	Research, Technology and Innovation Agency; Higher Education and Research Institutions				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
New		None (the commitment maintains the status quo)				
Level of completion						
Start date: Not specified		Actual completion		Complete		
End date: Not specified		Projected completion		Complete		
Next steps		New commitment building on existing implementation				

What happened?

The only measures outlined in the action plan for the implementation of this commitment are:

- Adoption of the regulation on ethics in research and publishing
- Publication of the regulation on ethics in research and publishing.

The regulation on ethics in research and publishing was adopted through an order of the Minister of Education and Science.¹ Accordingly, this commitment, as it was formulated in the action plan, was already addressed before Albania submitted the action plan.²

The implementation of the regulation is entrusted to the Ministry of Education and Science; the Agency for Research, Technology and Innovation; and to higher education and scientific research institutions. The regulation offers detailed definitions of activities under its scope, monitoring and evaluation rules, responsibilities of target institutions and appeal procedures. Institutions are obliged to publish and verify scientific Master’s theses, PhD dissertations, monographs, books, scientific articles or reference books, and other forms of research and publication.

The self-assessment report of the Albanian government considers this commitment as “partially implemented” while its progress on the OGP website³ is reported as “completed.”⁴ The IRM researcher views the implementation of this commitment as “complete.” However, the full program of work implied by the text of the commitment, underlines the fact that the adoption and publication are just the beginning of a process aimed to “maintain the originality and authenticity of the work and to fight plagiarism” as outlined in the impact benchmark of the action plan.

Did it matter?

This commitment's description and scope is considered incomplete by the IRM researcher and also by stakeholders from the academic sector contacted by IRM researcher. The adoption and publication of the regulation were already implemented by the Government of Albania before the action plan was submitted. Stakeholders argue that the Ministry of Education must now assume responsibility to inform higher education and research institutions nationally through a series of consultations and information meetings.

Representatives of some higher education institutions in Tirana suggest that the Ministry of Education and Science did not consult academic stakeholders in the preparation of this regulation. However, they argue that the most important challenges ahead relate to implementation by the targeted institutions. Despite Albania's large number of higher education institutions (per 100,000 population), research remains underdeveloped. Institutional capacities of universities and other academic centers need greater focus in the government policies and the State budget.

Moving forward

The successful implementation of the regulation in higher education institutions remains a major challenge. The Ministry of Education must assume responsibility for monitoring the implementation of this regulation by target institutions, both public and private ones. Universities and other research and academic centers must be engaged in consultative and information forums with the Ministry to ensure compliance and to carry out eventual improvements in the regulation to reflect the Albanian context.

Last but not least, to ensure higher quality of the postgraduate education system in Albania the regulation's implementation must also be coordinated with the accreditation process for academic institutions. This may form an integral part of a new and OGP-relevant commitment by the Albanian government to encourage academic research.

1 Order 105 of 23 March 2012 (protocol no 1827).

2 Ministry of Education and Science, http://www.mash.gov.al/File/arsimi_larte/rregullore-etika-veprintari-kerkimore-botuese.pdf.

3 <http://www.opengovpartnership.org/country/commitment/regulation-ethics-research-and-publishing>.

4 <https://ogpirm.wufoo.com/cabinet/z1ny4mwz0263zvp/A9JZu68DytY%3D/>, accessed, 27 October 2013

11. Digitize Higher Education Accreditation Process

The Public Agency for Higher Education Accreditation is completing the digitalization of its management system, which will facilitate the evaluation and accreditation procedures of higher education institutions.

This process will serve to strengthen cooperation and awareness with both stakeholders of higher education institutions and the public in general.

Commitment Description						
Answerability	Lead institution	Ministry of Education and Science				
	Supporting institutions	Public Agency for Higher Education Accreditation				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Minor (the commitment is an incremental but positive step in the relevant policy area)				
Level of completion						
Start date: Not specified		Actual completion		Limited		
End date: Not specified		Projected completion		Complete		
Next steps		Further work on basic implementation				

What happened?

The accreditation system in Albania is based on the 2007 law “On Higher Education” and is regulated by a Council of Ministers Decision.¹

Work on addressing this commitment is still in progress. The Public Agency for Higher Education Accreditation has published online the procedure for first and periodic accreditation of higher education institutions.²

Analysis and rating indicators along with evaluation forms are also elaborated and publicly accessible at the agency’s website.³ In March 2012, the agency selected a company to implement an information system for agency management.⁴

Senior staff of the Public Agency for Higher Education Accreditation participated in four capacity-building and experience-sharing events between April and October 2012.⁵ The agency has published online external evaluation reports on 44 private higher education institutions.⁶

The IRM researcher could not establish the planned actions and progress achieved in the evaluation period from the scarce information received from the commitment’s description, the action plan, and the government self-assessment.

Did it matter?

Stakeholders from the academic sector (Tirana State University and a private University in Tirana) contacted through the IRM research reported that the digitization of the accreditation system is underway and that the first tangible results will be enjoyed in the upcoming year. Involvement of the student and academic community was reported as not fully developed.

Given the number of higher education institutions (public and private) operating in Albania and the large number of the (current and future) students, there is significant room for improvement for more public visibility of the accreditation process. Private sector representatives have often called for better coordination and harmonization of economic development priorities and higher education policies in the country. The analysis indicators of the accreditation system, business stakeholders suggest, should reflect this aspect.

Moving forward

Very little information was gathered on the implementation of this specific commitment during the evaluation period. The IRM report is unable to elaborate on specific recommendations regarding next steps other than those pointed out in the stakeholders forums (See “Did it matter?” section above). As written the relationship of the commitment to OGP values is unclear, although, if further work is to be pursued in the next action plan, a commitment to make the entire accreditation process and credentials public in order to allow for public scrutiny of colleges could advance the goal of making colleges more transparent.

1 Council of Ministers Decision 424 of 6 February 2010, “On the Approval of the Regulation on Accreditation System, Organization and Operation of Institutions of External Quality Assurance,” as amended by CMD 368 of 14 April 2011 and CMD 101 of 6 February 2013.

2 Public Agency for Higher Education Accreditation, website section on accreditation procedures, <http://www.aaal.edu.al/sq/procedurat-e-akreditimit.html>.

3 Analysis indicators, <http://www.aaal.edu.al/sq/indikatore-per-analiza.html>; Rating indicators, <http://www.aaal.edu.al/sq/ranking/indikatore.html>; Evaluation forms <http://www.aaal.edu.al/sq/formulare.html>.

4 http://www.albranking.com/web/dokumente/njoftime/Formulari_i_publikimit_te_fituesit_26.03.2012.pdf

5 Reports available at <http://www.aaal.edu.al/sq/aktivitete-ne-al/year.listevents/2012/10/29/-/-.html>.

6 Ibid.

12. U-Gov System

The first module of the U-Gov system, a system at the service of universities for internal information management, is underway.

The system will enable reduced processing time and data distribution, reduced costs for financial transactions and enhanced efficiency in resource management for educational structures.

Commitment Description						
Answerability	Lead institution	Ministry of Education and Science				
	Supporting institutions	Higher Education Institutions				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
Unclear		Minor (the commitment is an incremental but positive step in the relevant policy area)				
Level of completion						
Start date: Not specified		Actual completion		Not started		
End date: Not specified		Projected completion		Substantial		
Next steps		None: Abandon commitment				

What happened?

The U-Gov system is a tool serving universities for their internal information management. The system consists of five components:

- Management of the electronic secretary, students services, and didactics
- Financial and accounting management
- Management of research activities
- Human resources management
- Planning and evaluation.

The IRM report was unable to detect progress on this commitment's implementation. Responsible institutions did not provide detailed information on actions carried out in the evaluation period despite numerous queries by the IRM researcher. A Ministry of Education report submitted to the Ministry of Innovation and Public Administration offers information on (the procurement of) software for collection, processing, and analysis of data in the higher education system (public universities). It is not clear whether this information relates to the U-Gov system.¹

The government self-assessment reported that the first module of the U-Gov system is underway. Stakeholders' forums and individual interviews with CSOs and academic sector representatives reported they were not familiar with the commitment. No progress was reported through IRM contacts with some public universities (in Korca and Tirana) or from their websites.

Did it matter?

The IRM report was unable to detect progress of this commitment's implementation.

Moving forward

Given that the commitment is unclear in its relevance to OGP values as written, the next action plan could consider either dropping the commitment or revising it to make clear how it will make government more open to the public.

1 Official information submitted by the Ministry of Education, 1 October 2013.

13. Online Inspections of Courts and Judicial Hearings

The Online Inspection of courts and judicial hearings is one of the new functionalities that the Integrated Case Management Information System (ICMIS) provides. This project is implemented through the www.gjykata.gov.al portal. By introducing this system, the administration seeks to minimize the time needed for the compilation of inspected reports.

Commitment Description						
Answerability	Lead institution	Ministry of Justice				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
				✓	✓	
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Minor (the commitment is an incremental but positive step in the relevant policy area)				
Level of completion						
Start date: 2012		Actual completion		Limited		
End date: Not specified		Projected completion		Complete		
Next steps		Further work on basic implementation				

What happened?

The government self-assessment report refers to the implementation of this commitment as still “in progress.” The Ministry of Justice reported that this commitment’s implementation is complete.¹ The “online inspection” module was added during 2012 in the Integrated Case Management Information System (ICMIS) for courts.² The Ministry of Justice did not provide details as to whether the module was made operational prior to or during the implementation period. The module allows inspectors of the Ministry of Justice and the High Council of Justice to analyze statistical reports and other information regarding the performance of courts, judges, and the judicial administration.

Senior representatives of USAID, which funded the Albanian Justice Sector Strengthening (JuST) project, reported to the IRM researcher that online inspection is technically possible and that it also depends on the completion of the central server and progress on ICMIS.³

Responsible state institutions did not consult civil society or other stakeholders (except EURALIUS assistance) in the implementation of this commitment.

Did it matter?

Increasing public trust in the judiciary stands as a paramount challenge in Albania. Online inspection of courts and judicial hearings aims to strengthen the accountability mechanisms within the system and responsiveness to citizens’ concerns. While it is too soon to conclude on the impact, expectations from the implementation of this commitment are closely linked to accountability and transparency of the judiciary, as much as to its independence.

The IRM researcher gathered conflicting information on this commitment's implementation from the government self-assessment, the Ministry of Justice, civil society, and other partnering institutions that assist the Albanian government. The Ministry of Justice has not reported on the number of online inspections carried out during 2012–13 by its inspectors or inspectors of the High Council of Justice. Accordingly, the IRM researcher is unable to draw conclusions on this aspect.

As it is written, the commitment does not intend to make reports on the judiciary public. As a result, its ability to be transformative is only minor.

Moving forward

Improve implementation of this commitment by making public the track record of results achieved.

1 Ministry of Justice, personal communication, 14 October 2013)

2 Information submitted by the Ministry of Justice on 14 October 2013 to the Ministry of Innovation and Public Administration and on 30 October 2013 to the IRM researcher.

3 IRM interview with JuST project representatives, 4 October 2013.

14. Digitalize the Judiciary File Transfer Process

Another initiative in progress within the justice sector is to digitalize the file transfer process within and between the various levels of the judicial system. The process will significantly reduce the time needed for registration and other court procedures.

Commitment Description						
Answerability	Lead institution	Ministry of Justice				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
				✓	✓	
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Transformative (the commitment entails a reform that could potentially transform “business as usual” in the relevant policy area)				
Level of completion						
Start date: Not specified		Actual completion			Not started	
End date: Not specified		Projected completion			No dates or milestones attached or inferable	
Next steps		Revise the commitment to be more achievable or measurable				

What happened?

This commitment was not implemented. The reason is lack of funds according to the Ministry of Justice.¹

Did it matter?

Not applicable.

Moving forward

Take actions to implement the digitization of the file transfer process.

¹ Official information submitted by the Ministry of Justice, 30 October 2013.

15.e-Employment Project

The e-Employment project will be implemented in 2012, with the aim of digitalizing the information in all employment offices. The project will consolidate the databases for the labor market and will create a registry of job seekers and employers.

Commitment Description						
Answerability	Lead institution	Ministry of Labor, Social Affairs and Equal Opportunities				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
						✓
Ambition						
New vs. pre-existing		Potential impact				
Unclear		Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
Level of completion						
Start date: Not specified		Actual completion		Substantial		
End date: 2012		Projected completion		Complete		
Next steps		Revise the commitment to be more achievable or measurable				

What happened?

Progress was made in the implementation of this commitment during the evaluation period. However, implementation is not considered complete by the IRM researcher. Two main portals on e-employment in Albania are managed by the National Employment Service. The first portal (www.kerkojpune.gov.al), which is referred to in the action plan, offers limited information vis a vis this commitment's impact benchmarks. A second portal (<http://www.epunesim.gov.al>), also managed by the National Employment Service represents a more comprehensive initiative. The government self-assessment reported this commitment as fully implemented, although it offered no detailed information on progress and did not answer the question (raised by civic stakeholders) as to which of the two portal it refers to.

The action plan's portal www.kerkojpune.gov.al is operational online and allows job seekers and employers to register in separate databases. However, IRM investigation could not access data on the number of job seekers or employers registered with the databases. Also, the portal's search engine did not offer any result in a test search conducted by the IRM researcher.¹ No databases on the labor market are available at this portal. The information regarding services offered by the regional employment offices is incomplete. Information on vocational training services is provided for only 10 regional offices. As suggested on the website, the training services are free of charge only for limited categories of unemployed persons. The portal offers information regarding the labor legislation in force, strategic documents, employment advice, and information on reintegration of migrants. Civil society stakeholders and other important actors such as labor unions, youth, and student associations, civic groups of persons with special needs, were not consulted by government in the implementation of this commitment. The portal is enabled through an International Labor Organization (ILO) project and the National Employment Service has not followed up on project activities at the local level.

In contrast, the <http://www.epunesim.gov.al> (e-employment) portal offers a far more comprehensive response to this commitment's benchmarks.² A job-seekers' database with 8,011 entries and an employers' database with 5,154 entries are available.³ Registered users can have full access to both databases. A manual for users (how to register and use the portal) is publicly accessible.⁴ On 30 October 2013, the portal registered 523 jobs, both open and closed. A total of 47 entries were still active (deadline on or after 30 October 2013) and registered users (job seekers) could apply directly online for them.⁵ The portal does not offer information on employment assistance or training offered by the National Employment Service.

Did it matter?

Overall the quality and extent of information offered in the www.kerkojpune.gov.al portal is insufficient and often inadequate from the viewpoint of both job seekers and employers. Civil society stakeholders suggested that given the unemployment rate, especially among youth, the portal is far from offering well-targeted, useful and practical information, including job openings or other opportunities for vocational trainings. The www.epunesimi.gov.al site also does not respond to all benchmarks of this OGP commitment especially in terms of digitization of the information in all employment offices and consolidating the databases for the labor market. Cooperation with local government authorities is also missing for both portals, as well as partnership with other local stakeholders.

There is no information on the impact of this commitment and the IRM researcher was unable to track progress in the fulfillment of key impact benchmarks as stipulated in the action plan. Furthermore, this commitment must track progress and measure its impact above all, in relation to the number of successful experiences of job-seekers. A users' satisfaction survey could be a good start.

Moving forward

The following specific recommendations are considered key to the full and successful implementation of e-employment commitment:

- Unify into a single e-employment portal efforts to address this commitment.
- Partner with key societal actors including civil society, labor unions, local governments, and representatives of the target groups, to better streamline content and services offered.
- Build on the partial success of the www.epunesimi.gov.al portal (most notably in relation to registered users) to expand the number of employers registered with the portal and provide more up-to-date and relevant information to job seekers.
- Take further the digitization of services offered by local employment offices nationally, by building on the approach of www.kerkojpune.gov.al portal.

Launch a public information campaign and carry out target-specific information sessions with job seekers, employers, and vocational and training institutions.

1 The search engine was tested twice by the IRM researcher on 29 September and 30 October 2013.

2 Albania's OGP action plan does not refer to this portal as part of the commitment. Instead, it refers to www.kerkojpune.gov.al,

http://www.opengovpartnership.org/file/942/download?token=gHCvJ17uMpSGKiwGY8UabPh473jXyRDJ9soKIV_gTjk and http://www.mitik.gov.al/mitik/OGP/Plan_veprimi_OGP_shqip.pdf.

3 The number of entries as of 30 October 2013.

4 http://www.epunesim.gov.al/Manual%20ndihmes_online.pdf.

5 <http://www.epunesim.gov.al/VLPDisplay.aspx>.

16.e-Concessions Procedures

The Public Procurement Agency (PPA) developed the electronic concessions procedures in the opening phase of the offerings. The system enables the submission of the concession procedures offers in an electronic way through the electronic platform of the e-procurement system on the APP's website.

The electronic publication of all documents of the concession procedures will increase the transparency of the process and will enable all operators full and free access to the documents. The e-Concession system provides the integrity and confidentiality of the offers and insures thus fair competition and reduces the opportunities for corruption as economic operators are not in contact neither with each other or with the contracting authorities. The e-Concession system will also reduce the costs required to perform the procedures in the classical way for both the contracting authorities and economic operators.

Commitment Description						
Answerability	Lead institution	Public Procurement Agency				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
		✓			✓	
Ambition						
New vs. pre-existing		Potential impact				
Unclear		Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
Level of completion						
Start date: Not specified		Actual completion			Complete	
End date: August 2013		Projected completion			No dates or milestones attached or inferable	
Next steps		Maintain and monitor completed implementation				

What happened?

The action plan reads that the commitment's implementation will be carried out through a Council of Ministers Decision (CMD) and through actions of the Public Procurements Agency (PPA) to adjust the e-Procurement system to allow for e-Concession procedures.

The first action of this commitment was carried out parallel to the submission of Albania's final OGP action plan. A 2012 decision of the Council of Ministers¹ stipulated that the publication of documents in bidding procedures for concessions will be carried out electronically. Additionally, economic operators participating in concession procedures will submit their bids electronically through the System of Electronic Procurements (e-Procurement) of the Public Procurements Agency.² The PPA was given the authority to implement the decision and to undertake necessary adjustments of the e-Procurement system to allow for e-Concessions implementation.

The PPA has delivered on the second action of this commitment on time, namely the adjustment of the e-Procurement system and the design of manuals for contracting authorities³ and for economic operators⁴ involved in the e-Concessions procedures (August 2012).

Did it matter?

e-Concessions is a significant step forward in improving integrity and fighting corruption in Albania. The system reduces costs of concessions procedures for both contracting authorities and economic operators participating in the bidding procedures for concessions. Further, it is particularly advantageous for economic operators outside the residence of contracting authorities.

The e-Concession system was used for several concessions during the evaluation period such as for hydroelectric power plants concessions. Business association representatives generally agree with governmental officials on the advantages of e-Concessions. However, a few of them stated that it is too soon to give a firm answer and media reports on mismanagement of the e-Procurement system in the past year or so (2012–13) may extend to the e-Concessions, both managed by the PPA.

However, the e-Concessions are not the only means of bidding even after the changes introduced through the April 2012 CMD,⁵ potentially leaving many procurement contracts beyond public scrutiny. On the same date, the Council of Ministers adopted another decision⁶ amending the rules for evaluation and granting of concessions. These amendments add as an alternative the e-Concession and stipulate that, “in case publication/submission is carried out electronically PPA’s e-Procurement will be used.”⁷

Moving forward

Broader use of electronic means for concessions procedures is expected in forthcoming years. However, doubts persist among business community representatives and the news media has often reported on concerns arising from the (mis)management of the PPA’s electronic system. Therefore, it is essential to ensure full integrity of this system, including e-Concessions, through addressing existing gaps in its management.

News reporters and business representatives suggest that publishing concession contracts will improve public trust in and accountability of e-Concessions. Additional measures are needed to extend the electronic system in all concession procedures and to improve the management of the system. The credibility of e-Concessions is vital and greater openness, and cooperation with and awareness raising for the business community must receive adequate attention. Furthermore, responsible institutions must act on news reports and concerns over PPA’s electronic system and cases of suspicious concessions.

1 Council of Ministers Decision 268 of 18 April 2012, “On the Electronic Performance of Competitive Procedures for the Award of Concessions.”

2 www.app.gov.al.

3 Public Procurement Agency, “Manual for Use of the Electronic Procurement System for Contracting Authorities,” https://www.app.gov.al/ep/DF_DocumentViewer.aspx?id=cf18402e-4f07-4c1b-9bd0-f62e7322cb8e.

4 Public Procurement Agency, “Manual for Use of the Electronic Procurement System for Economic Operators,” https://www.app.gov.al/ep/DF_DocumentViewer.aspx?id=8030cc90-a713-447c-a7ba-98bc4bc58a17

5 CMD 268 of 18 April 2012.

6 Council of Ministers Decision 269 of 18 April 2012.

7 Council of Ministers Decision 27 19 January 2007.

1.3 INCREASING PUBLIC ACCESS IN DECISIONMAKING

1.3.1 Public Information and Consultation Law

17. Amendment of the Law “On the Right to Information for Official Documents”

The Ministry of Justice will amend the law “On the Right to Information for Official Documents” (Law No. 8503, dated 30.06.1999).

The process will be based on a broad consultation with civil society organizations, in order to improve and clarify the legal dispositions on this matter.

Commitment Description						
Answerability	Lead institution	Ministry of Justice				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
		✓	✓			
Ambition						
New vs. pre-existing		Potential impact				
Unclear		Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
Level of completion						
Start date: 2012		Actual completion			Limited	
End date: 2013		Projected completion			Complete	
Next steps		Further work on basic implementation				

What happened?

This commitment was partially implemented during the evaluation period.

Improving the legal framework on the right to information has been a long-standing priority on the agenda of Albanian civil society. Several civil society initiatives have focused on the law on the right to information for official documents,¹ the consequences it has produced, and the challenges to keep pace with contemporary developments and standards related to freedom of information. The existing law is outdated and Albanian decisionmakers have not acted on civil society calls for improvements.

The Center for Development and Democratization of Institutions (<http://qzhdi-alb.org>) prepared a set of recommendations and amendments to the law in 2007. The Soros Foundation in Albania also offered a set of proposals for improvement in the same year.² An earlier Organisation for Security and Cooperation in Europe report (2004) provided several proposals.³ Civil society actors who have prepared recent analysis and studies and draft recommendations and amendments include:

- Albanian Media Institute (2012), “Monitoring of Access to Public Institutions.”⁴

- Albanian Ombudsman Annual Report 2012 (February 2013), “Right to Information,” pp. 54-57.⁵
- Institute for Democracy and Mediation (November 2011) “Assessment of the Role of Oversight Institutions in the Security Sector Reform in Albania.”⁶

The almost 10-year quest of civil society organizations in Albania calling for improvements of the law and presenting concrete recommendations has not been successful.

This OGP commitment in the action plan elaborates two actions:

- Consultations with civil society organizations
- Approval of the law amendments in Parliament.

The commitment was included in the OGP action plan following a proposal by civil society organizations (February 2012). A few individual contacts between the Ministry of Innovation and ICT and CSOs representatives are reported in the preparatory phase. A draft law was prepared by the Ministry of Justice and a consultative meeting with civil society was held 28 March 2013.⁷ However, the draft law is not publicly available on the website of the Ministry of Justice.⁸ Only a few of the contacted CSO representatives reported to the IRM researcher they were aware of and had a draft of the proposed amendments.

No other consultative meetings with CSOs were carried out in the evaluation period by the Ministry of Justice. Regardless of this fact, CSOs continue to advocate and raise awareness on the need for improving the law. Participants in the stakeholder forum reported that the Albanian Ombudsman had raised serious concerns over the oversight role which in the draft text of the law was entrusted to the Commissioner of personal data protection.⁹

Did it matter?

The right of access to information has been recognized by international human rights tribunals and leading international authorities as being an intrinsic part of the right to freedom of expression. Civil society actors and international / foreign assistance missions in Albania have provided in the course of the past 10 years well-structured inputs to the debate on possible amendments to the law “On the Right to Information for Official Documents”.¹⁰ Albania’s OGP membership in the first year did not produce any breakthrough in the 10-year quest of civil society to improve the legal framework on the matter. However, the OGP can provide a valuable source of expertise that is reflected in the Albanian civil society proposals. The Government of Albania must strive toward meeting contemporary standards and expectations with regard to the public right to information. Making public information that is produced by the government is slightly different from merely making public information on governmental functioning. Openness with respect to government-produced information is part of the right of the public to access any output of taxpayer funding.

Actions carried out by the government in relation to this commitment during the evaluation period have produced limited results. Only one civil society consultation has been held by this Ministry. Most significantly, the draft amendments are not online or publicly available through other means and the Ministry is not collecting feedback from CSOs through a structured process.

Against the need for more inclusive consultations and calls from contacted stakeholders, the Ministry of Justice considers the “civil society consultations on the draft law” as completed and the draft law is now pending approval by the Council of Ministers before parliamentary review and adoption.¹¹

Moving forward

Albanian CSOs suggest that “governmental information” which should be publicly accessible must extend also to “information held by the government.” The IRM researcher proposes concrete steps to address this commitment in the near future:

- Launch an inclusive consultative process on the draft law, covering civil society and other possible stakeholders (businesses, public companies etc.) accompanied by publicly available draft law and inputs generated through the process.
- Allow time for the consultations and expand the consultative mechanism nationally. Work with OGP partners to benefit from best practices.
- Establish a joint working group on the draft law in the Ministry of Justice with representatives from interested stakeholders and include a financial plan for the implementation of the amendments to the existing law.
- Allow for a participatory review of the draft law at the parliamentary level by inviting civic and other nonstate stakeholders to participate in the parliamentary scrutiny.

Approach implementation of the new law through actively encouraging civil society monitoring and impact assessment.

1 Ibid.

2 Activities of the Center for Development and Democratization of Institutions, section on Legal Reforms, <http://qzhdi-alb.org/aktivitete-dhe-projekte>; and Soros Foundation (March 2007) "Proposals for legal amendments to the Albanian law on the right to information," <http://www.soros.al/Propozimperndryshimeneligjineinformimit.mars07.pdf>.

3 Memorandum on the Albanian law "On the Right to Information for Official Documents," <http://www.osce.org/sq/fom/29291>

4 Albanian Media Institute 2012,

<http://www.institutemedia.org/Documents/PDF/monitorimi%20i%20aksesit%20ne%20institucione%20publike.pdf>

5 Albanian Ombudsman Annual Report 2012 (February 2013). Recommendations on amending the existing law , pp. 56-57.

Source: <http://www.avokatipopullit.gov.al/wp-content/uploads/2011/02/Raporti.pdf>

6 A. Dyrmishi, B. Kuci, E.Gjokutaj, Institute for Democracy and Mediation (IDM 2011) "Assessment of the Role of Oversight Institutions in the Security Sector Reform in Albania," p.11,

http://idmalbania.org/sites/default/files/publications/vleresim_i_rolit_te_institucioneve_te_pavarura_ne_ekurine_e_reformes_se_sektorit_te_sigurise_final_0.pdf.

7 Soros Foundation, "Discussing the Draft Law on the Right to Information," <http://www.soros.al/2010/article.php?id=438>

8 Ministry of Justice website, section on "Draft Laws under Discussion,"

<http://www.justice.gov.al/?fq=brenda&gj=gj1&kid=155>.

9 IRM stakeholders forum, 28 September 2013.

10 Law 8503 of 30 June 1999.

11 Official information submitted by the Ministry of Justice, 30 October 2013.

18. Draft a New Law on "Notice and Consultation"

The Minister for Innovation and ICT office will draft a special law "On Notice and Consultation". The law will include the legal regulation of the structured consultation processes with civil society actors and interest groups, including economic and social partners.

Commitment Description						
Answerability	Lead institution	Ministry for Innovation and ICT				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
		✓	✓			
Ambition						
New vs. pre-existing		Potential impact				
New		Transformative (the commitment entails a reform that could potentially transform "business as usual" in the relevant policy area)				
Level of completion						
Start date: Not specified		Actual completion			Limited	
End date: Not specified		Projected completion			Complete	
Next steps		Revise the commitment to be more achievable or measurable				

What happened?

Albania has not fully addressed this OGP commitment for which the action plan requires two main activities:

- Consultations with civil society organizations
- Approval of the law in Parliament.

This is another commitment that was strongly recommended by civil society organizations during the consultations on the action plan (February–April 2012). During the evaluation period the Ministry of Innovation and ICT prepared a draft law on notice and consultation that was uploaded online in June 2013.¹ Explanatory information is available on the same webpage.² However, this initiative seems to have been carried out in complete isolation from civic consultations. The vast majority of contacted civil society stakeholders had no information on the existence or text of the draft law. The few CSO representatives familiar with the initiative reported to the IRM researcher that they were not contacted or involved in consultations with the Ministry.³

No public consultation is reported to have been carried out by the Ministry during the evaluation period. Further, this initiative is the second least known OGP commitment by civil society stakeholders that responded to the self-assessment survey with only 17 percent of CSOs declaring familiarity with it.

Did it matter?

The draft law on notice and consultation is an important act responding to civil society calls to establish clear procedures and binding rules for involvement of nonstate actors in decisionmaking and in processes

for drafting legislation at the executive level. Special emphasis is dedicated to the use of ICT tools (e-Participation), while the draft stipulates that an electronic register and official website on notice and consultations is to be established. The implementation of the law (once adopted) will depend on additional bylaws to be adopted by the Council of Ministers.

The explanatory note on the draft law refers only to the opinion and recommendations put forward by line ministries and no reference is made to consultations with civil society and other interested parties—as one of the main beneficiaries of the draft law. Furthermore, it is essential to emphasize that a number of civil society stakeholders have advocated for years the adoption of such legislation and their expertise would add value and transform the consultation process into a participatory and meaningful one.

Moving forward

The draft law prepared by the Ministry of Information and ICT needs to enter a comprehensive consultation process with civil society and interested stakeholders (private or public actors). This process has to take place at the drafting phase, prior to sending the draft law for parliamentary review, where time, resources and opportunities for its improvement are limited and will not reflect on far-reaching feedback from interested parties. To complete the implementation of this commitment, the IRM report suggests the following steps:

- Partner with relevant civil society actors to launch a wide consultative process covering not only geographic but especially various sectorial and thematic stakeholders (businesses, CSOs, media, oversight institutions etc). Allow more time for consultations and give more visibility to the e-Participation tools for gathering additional inputs.
- Involve civil society and representatives from other interested nonstate stakeholders in the working group to review and improve the draft law in compliance with or reflecting on gathered feedback from the consultation process.
- Resubmit the draft law for opinion and recommendations from the relevant institutions targeted by the draft law, most notably line ministries, and allow for joint consultations between state and nonstate actors in this phase.
- Introduce the draft law for parliamentary review and invite interested parties to present their views and recommendations on the final draft law.

Adopt the law and ensure bylaws are quickly adopted by the Council of Ministers, with due attention to financing, safeguarding, and other means to ensure actual implementation of the law.

1 Ministry of Innovation and ICT (currently, Ministry of Innovation and Public Administration [MIAP]) draft law on notice and consultation, <http://bit.ly/LlpDst>.

2 Ministry of Innovation and ICT (currently, Ministry of Innovation and Public Administration [MIAP]), explanatory note on the draft law on notice and consultation, <http://bit.ly/1ab1rdp>.

3 As reported in separate meetings with representatives from PARTNERS Albania, Institute for Democracy and Mediation, and others, September 2013.

1.3.3 Public Claims

19. Tracking Project

The National Agency for Information Society has developed the Tracking Project, a functionality which enables each citizen or business that applies to a State office to follow the progress of their application online, until the official response. Up to now there are three state agencies that have already implemented this service, Public Procurement Agency, National Registration Center and National Licensing Center. e-Tracking can be accessed through the Government Portal, www.e-albania.al. The project's goal is to increase the working efficiency and accountability of the public administration.

Commitment Description						
Answerability	Lead institution	Ministry of Innovation and ICT				
	Supporting institutions	National Agency for Information Society				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
				✓	✓	
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
Level of completion						
Start date: 2012		Actual completion			Limited	
End date: 2013		Projected completion			No dates or milestones attached or inferable	
Next steps		Further work on basic implementation				

What happened?

The Tracking project has been one of the main priorities for the Government of Albania along with other e-Government tools and objectives. The functionality was planned to be offered for public use through the government services' portal e-Albania (www.e-albania.al). During 2012 the portal was developed and populated with data under the leadership and coordination of the National Agency for Information Society (NAIS).

During the evaluation period, NAIS reported three services as subject to the e-Tracking project:

- Tracking of applications to the National Center for Registration of Businesses
- Tracking of applications to National Licensing Center, and
- Tracking of applications under public procurement.¹

The government self-assessment reported that this commitment is partially implemented. Citizens and other interested parties (e.g. businesses) are able to track progress of their applications and requests submitted to various state agencies. Representatives of the NAIS reported to the IRM researcher that soon various matters raised by citizens with line ministries will be assigned a protocol number that will enable the matter to be tracked in the future.²

A direct check of the e-Albania portal carried out by the IRM on 27 October 2013 provided evidence that the tracking service on matters with a protocol number was launched, thus raising to four the number of services under this functionality.³ Council of Ministers Decision 357 of 24 April 2013 approved the regulation on the “Management of the Electronic Documents in the Republic of Albania,” where rules on the electronic protocol are also outlined.⁴

The use of these services requires registration with the portal and also includes authorization for the use of personal data.⁵

Did it matter?

The NAIS reported that the tracking service is not used by citizens.⁶ Participants at the stakeholders forums reported that they were not aware of this tool, although they were familiar with the e-Albania portal mostly because of media reporting on the launch of the online matura and drivers’ license services offered therein.

Additionally, participants expressed skepticism toward the “tracking functionality” given the fact that it is necessary to register with the portal and to allow use of personal data, even if it is in compliance with the data protection legislation in force.

Moving forward

The IRM researcher concludes that the Tracking project has not started to generate results and impact. Governmental agencies must pay equal attention to actions promoting and allowing easy access to the public. Based on progress reported to the IRM researcher and the government self-assessment, the government needs to reconsider settings of use for this service by the general public. Furthermore, broader promotion of this functionality of the e-Albania portal through the media, e-tools, CSOs, and also at the offices offering these services is essential to reach an increased number of informed citizens, and ultimately have more users of the service.

1 Official information submitted to the IRM researcher by the National Agency for Information Society, 17 October 2013.

2 Email communication with Valmira Osmanaj, Director of NAIS Department of Projects Coordination and Databases, 17 October 2013.

3 http://www.e-albania.al/Pages/eServicesList.aspx#Um6vRnA_v-r. Date accessed 27 October 2013.

4 Council of Ministers Decision 357 of 24 April 2013, http://www.mitik.gov.al/mitik/legjislacioni/VKM_nr_357_date_24_prill_2013_Per_miratimin_e_rregullores_Per_Menaxhimin_e_Dokumentit_Elektronik_ne_Republiken_e_Shqiperise.pdf.

5 See http://www.e-albania.al/_layouts/UserRegisterPage_IMI.aspx#Um6yFHA_v-o.

6 Official information submitted to the IRM researcher by the National Agency for Information Society , 17 October 2013.

20. Digitize the Notary Register

The main objective is to ensure accuracy, promptness and minimum time for providing the service to the citizens. The use of modern technology equipment provides to the notary service structures access to the general data base and consequently accuracy and significant shortening of the time needed by the notary acts.

The establishment of a centralized notary electronic system will enable the online access of all the Albanian notaries in real time, in the entire territory of the country and, at the same time, real time supervision by the authorities for the system. In the administrative aspect, the implementation of this system shall generate online statistics and various reports designated for the Ministry of Justice, National and Local Chambers of Notaries, as well as for the private entity (the notaries).

Commitment Description						
Answerability	Lead institution	Ministry of Justice				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
				✓	✓	
Ambition						
New vs. pre-existing		Potential impact				
Unclear		Minor (the commitment is an incremental but positive step in the relevant policy area)				
Level of completion						
Start date: June 2012		Actual completion			Substantial	
End date: December 2012		Projected completion			Complete	
Next steps		Further work on basic implementation				

What happened?

The digitization of the notary register was considered “completed” in the government self-assessment report (October 2013). The centralized notary electronic register was launched on 22 February 2013 by the Government of Albania and the Chamber of Notary.¹ The register has been operational since 1 March 2013 and, according to government representatives, covers the whole territory of Albania and allows access to notaries (including the Chamber) to the Ministry of Justice, and other institutions such as tax and other inspectorates, investigation institutions, and others.² Work on the register was carried out in the second half of 2012 by Ministry of Justice experts in close cooperation with the Chamber and the International Union of Notaries.³

Ministry of Justice officials declared that the register is connected to the OSS system allowing for online checks of property certificates and offers the possibility to interlink with other online systems such as tax, civil registry, local authorities, the execution of court orders system, banks, and others. In 2012 the government established a “one-stop-shop” for notaries and transactions with respect to real estate property.

However, nonstate stakeholders interviewed individually and through focus groups by the IRM researcher suggested that the system is not operational nationally.⁴ Rather, it is active only in a few of Albania’s main

urban centers (such as Tirana, Durrës, and Elbasan) and does not involve all notaries operating in the country. While the notary digital register is online at <https://rnsh.justice.gov.al/rnsh/login.php> and its use is strictly limited to certified users, the IRM report was unable to establish its service and geographical coverage.

Did it matter?

Because the register has been operational only a few months (since March 2013) and no additional information has been provided by state institutions on its operations so far, the IRM researcher can only use limited feedback from representatives of various nonstate sectors, which is far from enough to assess the impact of this commitment.

Moving forward

Recommendations on the next steps mostly rely on feedback from nonstate stakeholders contacted by the IRM researcher. Addressing concerns over the geographical coverage of the notary register and doubts over its use nationally is essential. Beyond this, additional awareness raising with citizens is needed along with training for the Notary Register's users, particularly in view of the possibility of interlinking with other online systems including tax, civil registry, local authorities, the execution of courts' orders system, and banks.

1 Press release of the Ministry of Justice, 22 February 2013, <http://www.justice.gov.al/?fq=brenda&m=news&lid=8090>.

2 Albanian Notary Register, <https://rnsh.justice.gov.al/rnsh/login.php>.

3 Official information submitted by the Ministry of Justice, 30 October 2013.

4 Stakeholder forum with OGP-informed stakeholders, 28 September 2013.

21. Online Citizens' Claims in the Judiciary System

The Ministry of Justice (MoJ) implemented the project for the online processing of citizens' claims at the ministry and the High Council of Justice (HCJ). The goals of the project are to shorten the processing time of claims in the judiciary system, increase the transparency of the processing of claims and avoid overlap between the HCJ and MoJ during judicial auditing.

Commitment Description						
Answerability	Lead institution	Ministry of Justice; High Council of Justice				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
				✓	✓	
Ambition						
New vs. pre-existing		Potential impact				
New		Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
Level of completion						
Start date: Not specified		Actual completion			Substantial	
End date: Not specified		Projected completion			Complete	
Next steps		Revise the commitment to be more achievable or measurable				

What happened?

The Ministry of Justice launched an online tool for citizens' claims on 10 May 2012. This initiative was financially supported by the British Embassy in Tirana and was implemented by the Center for Transparency and Free Information,¹ an Albanian civil society organization (CSO) based in Tirana.² The tool allowed citizens to submit claims on the judiciary directly to the Ministry of Justice and the High Council of Justice. The Ministry of Justice did not provide any information for this IRM report regarding the use of this tool by the public and the subsequent inspection procedures initiated by the Ministry or by the High Council of Justice.

Almost a year after the launch of this tool, the Ministry of Justice was involved in developing a new tool to enable online citizens' claims and to fight corruption in the justice sector. The reasons that led to this are unclear to the IRM researcher and the governmental agencies did not offer information on this issue. The new online tool (<http://ankesa.justice.gov.al/>) entitled "Stop Corruption in the Judiciary – Denounce Now!" was launched on 24 September 2013. In addition to giving citizens access to their claims in the judiciary system (related to concrete cases) the tool serves as a means for citizens to denounce corruption in the judiciary and in all Ministry of Justice subordinate institutions and agencies (13 institutions and agencies). The portal allows for a relatively easy process of submitting claims, including photos, videos, or other documents as part of the evidence. Submitted claims are published on the same portal thus ensuring complete transparency of this part of the process.

Separate from this portal, the High Council of Justice has its own online tool for citizens' claims in the judiciary which is part of its website.³ As with the Ministry of Justice's online tool, the process of submitting a claim is relatively easy. In contrast to the first tool, the High Council of Justice requires more

detailed information (such as the number of the court case, name of the judge, the court, etc). Submitted claims are not made available online and the IRM researcher was not provided with official information on the number of claims submitted or on the eventual actions by the High Council of Justice inspectors.

Did it matter?

Within less than five weeks of the launch of this tool (24 September–29 October 2013) a total of 90 claims were recorded in the portal. Although a few evidenced claims were submitted by citizens, a significant number of claims contained no specific information that could be subject to inspection and some others related to institutions that are not the subject of the tool (e.g. the municipality police, which is not an institution subordinated to the Ministry of Justice). With the portal online for only a month, the IRM researcher could not obtain information regarding follow up actions by the Ministry of Justice.

Civil society stakeholders contacted through the IRM research process reported they were familiar with the tools which they consider a significant first step. Corruption and political interference in the judiciary are particularly serious according to the public (who perceives the judiciary as the country's most corrupt institution) and also according to judges themselves. A recent Center for Transparency and Freedom of Information's survey of judges in 14 courts suggested that 25 percent of respondents claimed the judiciary is corrupt, 30 percent of respondents said they had been offered a bribe at least once, and another 57 percent said that the judiciary is not independent from politics.⁴

However, results from both online tools (Ministry of Justice <http://ankesa.justice.gov.al/> and High Council of Justice <http://www.kld.al/ankesa-online>) will largely depend on concrete actions by the institutions concerned and on coordination and cooperation between the two controlling institutions. Both tools are important as an additional channel for the public to act, but they are yet to prove themselves as an additional remedy within the system. Civil society stakeholders contacted by the IRM researcher agreed that the extent to which both tools will address expectations in the later context will enable a firmer answer to whether it mattered.

Moving forward

While applauding the efforts of the government to extend the number of institutions on which citizens can submit claims through these portals, a number of issues raise concerns:

- The very existence of two portals managed separately by the Ministry of Justice and the High Council of Justice causes confusion among users who intend to submit a claim addressed to judiciary institutions.
- The format for submitting claims is different in each portal. The Ministry of Justice allows additional evidence to be submitted (e.g. pictures, videos), while the High Council of Justice requires short but specific information (e.g. the number of the court case).
- The Ministry of Justice portal goes beyond the judiciary institutions by including its subordinated agencies (such as the Agency of Restitution and Compensation of Property), while the portal of the High Council of Justice is strictly related to the court and judge, and does not include other parties such as the prosecutor or attorneys.

In view of the above and based on feedback from civil society stakeholders, the IRM researcher suggests the creation of a single portal administered and coordinated jointly by the High Court of Justice and the Ministry of Justice. Involving the General Prosecution's office in this initiative is strongly advised given its role in the judiciary. Currently the General Prosecution allows for citizens' claims through an email communication (denonco@pp.gov.al) against the prosecutors and all state officials involved in unlawful actions.⁵

1 <http://www.qtil.altirana.com>.

2 Official information submitted by the Ministry of Justice, 30 October 2013.

3 <http://www.kld.al/ankesa-online>.

4 Findings of the report were presented at a joint press conference with the Ministry of Justice, the High Council of Justice, and the British Embassy in Tirana (23 October 2012). The full report is not available at the website of the Center for Transparency and Free Information, <http://www.qtil.altirana.com>. Survey data reported here are from a press release of the Ministry of Justice (<http://www.justice.gov.al/?fq=brenda&m=news&lid=8035>) and various media reports:

http://news.albanianscreen.tv/pages/news_detail/49294/ALB#Xchiu;

<http://www.shekulli.com.al/web/p.php?id=6441&kat=87>; and <http://www.tiranaobserver.al/v1/korrupsioni-ne-gjyqesor-320-gjyqtare-gati-per-transferim/>.

5 Official website of the General Prosecution, <http://www.pp.gov.al>.

22. Work Inspection, Online Complaint

Concerning work inspection, the State Labor Inspectorate website (www.sli.gov.al), will also be used by citizens this year to make an online complaint or to report violations. The goal is to achieve timely review of the complaint and to take appropriate measures.

Commitment Description						
Answerability	Lead institution	Ministry of Labor, Social Affairs and Equal Opportunities				
	Supporting institutions	State Labor Inspectorate (SLI)				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
				✓	✓	
Ambition						
New vs. pre-existing		Potential impact				
Unclear		None (the commitment maintains the status quo)				
Level of completion						
Start date: 2012		Actual completion		Limited		
End date: Not specified		Projected completion		Complete		
Next steps		Revise the commitment to be more achievable or measurable				

What happened?

The State Labor Inspectorate (SLI) has included an online form on its webpage (www.sli.gov.al) for citizens to report labor legislation violations by public and private employers. A toll-free number is available to the public during working hours.

Citizens can submit an online complaint against the labor inspectorate via the Central Inspectorate website (<http://www.inspektoratiqendror.gov.al>)

Did it matter?

No information is available on the number of online complaints submitted by citizens or on the SLI's actions on submitted complaints. The government's self-assessment report suggests that only 33 percent of CSOs were aware of this commitment in the evaluation period.¹ A recent (October 2013) report of the Supreme State Audit (<http://www.klsh.org.al>) found that SLI tolerated a scandalous situation of the informal labor market in Albania. The State Supreme Audit launched an audit of the SLI covering the period from January 2012 to March 2013. According to this report, SLI inspectors have not carried out inspections in major companies employing hundreds of employees. Instead they have often carried out inspections in small enterprises with one or two employees.²

The findings of the Supreme State Audit discourages hope for a positive impact of the online complaint tool.

Moving forward

The SLI must embark on a set of measures to operationalize the online complaint mechanism and also to present publicly available data on institutional actions resulting from citizens' complains. Better coordination with other state inspectorates is necessary, not least to comply with Council of Ministers Decision 753 of 8 September 2010 on the "Cooperation of SLI with Ministry of Finance's Agencies."

SLI must analyze the use of the online complaint form and of the toll-free number by citizens to design further steps to prove results and impact of these mechanisms.

1 Albania Self-Assessment Report, October 2013, p. 34.

2 Media coverage of the report of the Supreme State Audit,
<http://www.shqiptarja.com/news.php?IDNotizia=183516&IDCategoria=1>.

Challenge 2: Improving Public Services

2.1 DIGITIZATION TO IMPROVE PUBLIC SERVICES

23. Financial Module of all Educational Institutions

Last year, a system was created to manage the finances and budget of the Ministry of Education and Sciences and all regional education departments in order to built on a central/unique database platform. The second phase of the module has begun in April 2012. The system enhances the quality of interaction, avoids duplication of information, increases transparency and tracks educational institutions' expenses electronically.

Commitment Description						
Answerability	Lead institution	Ministry of Education and Science				
	Supporting institutions	All regional education departments				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
		✓		✓		
Ambition						
New vs. pre-existing		Potential impact				
Unclear		Minor (the commitment is an incremental but positive step in the relevant policy area)				
Level of completion						
Start date: 2012		Actual completion			Not started	
End date: Not specified		Projected completion			Complete	
Next steps		Further work on basic implementation				

What happened?

No progress is reported on the implementation of this commitment by the IRM report. The government's self-assessment reported in October 2013 that this commitment is partially implemented though it failed to provide information on the progress achieved. This was, in fact, the least known commitment according to the government's self-assessment report.¹

While this measure has a low profile in terms of citizen awareness, the IRM investigation found that there was also no familiarity among some of the contacted representatives from the executing agencies (Regional Education Directorates). An online National Agency for Information Society (NAIS) presentation (February 2012) suggested that the financial module will provide a single management system for all education institutions' finances and budget (with separate modules such as budget, finance, investments, and salaries).²

The IRM researcher was not able to establish progress or the state of play of this commitment. A Ministry of Education report submitted to the Ministry of Innovation and Public Administration offers information

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on the development of software for financial management in all education institutions including public universities. However, it is not clear whether it relates to this specific commitment.³

Did it matter?

The IRM researcher was not able to establish progress or the state of play in relation to this commitment.

Moving forward

The IRM researcher recommends that the government take steps to ensure implementation of this commitment.

1 Albania's self assessment report (October 2013), p. 34. Only 8 percent of responding CSOs declared they are aware of this OGP commitment, <http://www.opengovpartnership.org/sites/default/files/Self%20Assesment%20Report%20Ver%20202.23.pdf>.

2 http://www.akshi.gov.al/previewdoc.php?file_id=413.

3 Official information submitted by the Ministry of Education to the Ministry of Innovation and Public Administration (1 October 2013).

24. Audio and Video Recording of Judicial Hearings

The Ministry of Justice will implement the project of the audio and video recording of judicial hearings and also will develop court personnel training for this process. Until April 2013 the project is implemented in 14 regional courts.

Commitment Description						
Answerability	Lead institution	Ministry of Justice				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
		✓		✓	✓	
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Transformative (the commitment entails a reform that could potentially transform “business as usual” in the relevant policy area)				
Level of completion						
Start date: March 2012		Actual completion			Complete	
End date: April 2013		Projected completion			Complete	
Next steps		New commitment building on existing implementation				

What happened?

The OGP action plan refers to audio and video recording of judicial hearings. IRM investigation and contacts with state agencies and foreign assistance missions supporting these efforts suggest that the commitment relates only to “audio recording of judicial hearings” while the video monitoring refers to the installation of video security systems in court buildings.¹

The use of digital audio recording technology in creating judicial session records in Albania is provided for in the Criminal Procedure Code and the latest amendments to the Civil Procedure Code.² The Minister of Justice issued relevant instructions (no 353) on 3 September 2013 which updated the previous instruction of June 15, 2012.

The commitment relies on two actions: (1) installation of the digital audio recording (DAR) systems (in 14 regional courts by April 2013) and (2) court personnel trainings for recording. The USAID-funded project Albanian Justice Sector Strengthening (JuST), the Ministry of Justice, the High Council of Justice, and other courts are the main actors involved in the implementation of this commitment. The software package enables audio recording and playback, indexing notes that are automatically associated with time stamps, as well as the archiving of audio records and making of copies on CD or DVD as needed. The JuST project has provided a basic level of integration of the DAR system with the Integrated Case Management Information System (ICMIS) thus enabling the start of the recording process from the electronic case file.

In March 2012, Lezha District Court became the first Albanian court where the DAR technology was installed. The Ministry of Justice reported to the IRM researcher that by September 2013, DAR systems were installed in 21 courts (total of 97 court rooms).³ The JuST project officials reported that the DAR

system was implemented in 20 courts (out of 30), which included all those in the appellate districts of Korçë, Durrës and Tirana, the Serious Crimes Court, the First Instance Court, and the Appeals Court, as well as four of the five courts in the Vlora appellate district.

The support offered by the USAID JuST project to implement the DAR system in all Albanian courts consists of several components, which include:

- Purchasing, installing, and configuring the DAR equipment, and preparing the physical infrastructure of the system in courtrooms;
- Providing comprehensive training on the use of the DAR system to the session secretaries, judges and IT staff of the court;
- Strengthening the legal basis and establishing sustainable practices and common standards on the use of DAR technology as well as reporting on such usage in compliance with the relevant instruction of the Minister of Justice;
- Public outreach to inform all the users of the system (beyond the court personnel), such as prosecutors, defense lawyers, parties to a case, or other interested parties, and the public, regarding the benefits of the DAR system, and encouraging them to take advantage of these benefits.⁴

When the DAR system is installed and in use in all the courts in an appellate district, the JuST project organizes a regional court leadership conference with the aim of sharing experiences in using the DAR system and promoting common standards of usage. Between March 2012 and October 2013 the JuST project organized several trainings for court staff and judges, supported with manuals and handouts. Work is still in progress in completing the set of DAR trainings for courts and other interested stakeholders such as prosecutors and other lawyers.

Did it matter?

The use of a state-of-the-art DAR technology in Albanian courts is a significant step forward in terms of transparency and fairness of court proceedings. The proven and user-friendly technology guarantees a verbatim record of court hearings. The audio record, now part of the case file, makes disputes about what was actually said in the courtroom a thing of the past. The DAR technology helps sustain fair judgment efficiently based on access to actual data rather than on-the-spot notations or recollection.

DAR use contributes to increased efficiency and transparency of court proceedings. In addition, given the permanent audio record produced, this technology promotes more professionalism and ethical behavior in the courtroom.

However, the USAID-funded JuST project reported to the IRM researcher that the percentage of DAR use is yet to improve and that sometimes facility (court room) shortages become a major concern. Currently, DAR is used in roughly 47 percent of judicial hearings in courts where the system has been implemented.

The JuST project organizes DAR seminars for lawyers and prosecutors. In addition, the project promotes regional DAR awareness activities by Albanian civil society organizations. Besides a video presentation, the Q&A brochure on the DAR system, and the leaflet on how to request DAR copies, the public outreach materials include informative posters and courtroom parties' nameplates.⁵ The approach of the JuST project has proved particularly advantageous to ensure real impact of the DAR technology, including more ethical behavior in the courtroom.⁶

Moving forward

The government's ambition is to extend DAR technology to all Albanian court rooms. According to the JuST project, 30 courts of the Albanian judiciary system will use the DAR systems by March 2014. However, further investments are essential to enable DAR in all court rooms. Many courts in Albania are faced with the challenge of a low number of court rooms while the practice of holding court hearings in judges' offices is still present. Nonavailability of court rooms is still used as an excuse for not using DAR in judicial hearings.

The DAR system provides instruments to measure performance of judges, starting with the use of recording facilities in court rooms. Informing the public, CSO, and stakeholders involved in the judiciary system about DAR's benefits must continue even beyond completion of the project in 2014.

1 Interview with John Carver, Chief of Party of USAID- funded Albanian Justice Sector Strengthening Project (JuST), 4 October 2013.

2 Law 122 of 2013, published in the Official Gazette no. 67, 3 May 2013.

3 Official information submitted by the Ministry of Justice, 30 October 2013.

4 Information provided by JuST project in Tirana, email communication, 4 October 2013.

5 DAR video presentation, <http://vimeo.com/39626092> (Albanian) and <http://vimeo.com/41759639> (English),

<http://www.youtube.com/watch?v=xHA2PA-DJQ0&feature=youtu.be>; Link to FAQ

<http://www.justforumalbania.org/download/file.php?id=217>; link to leaflet on the request (submitted to courts) for DAR

copies <http://www.justforumalbania.org/download/file.php?id=204>

6 A Tirana Court judge reported to the IRM researcher that attorneys (in addition to judges and prosecutors) are increasingly attentive to ensure that the audio recording is on during court hearings,

<https://ogpirm.wufoo.com/cabinet/z1ny4mwz0263zvp/KFU9KvD5X30%3D/>.

2.2 CREATION OF PORTALS

25.e-Albania Portal

A new multi-functional governmental portal is established, e-albania.al. This portal is oriented toward users' needs, providing updated and easily accessible information for them. In the future, this portal will serve as a single point of contact for e-government services offered to citizens, businesses and public employees.

Commitment Description						
An sw er a bil ity	Lead institution	Ministry of Innovation and ICT				
	Supporting institutions	National Agency for Information Society (NAIS)				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Re lev an ce	OGP grand challenges	Improving public services				
	OGP values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
		✓			✓	
Ambition						
New vs. pre-existing		Potential impact				
New		Transformative (the commitment entails a reform that could potentially transform “business as usual” in the relevant policy area)				
Level of completion						
Start date: Not specified		Actual completion			Complete	
End date: Not specified		Projected completion			Complete	
Next steps		New commitment building on existing implementation				

What happened?

This commitment was completed during the evaluation period. The government’s self-assessment reports that the commitment was implemented between April and August 2013.¹ National Agency for Information Society (NAIS) officials reported that implementation started much earlier; namely since 2012.² Civil society stakeholders and several media reports confirm that the portal has been online since early 2013. Also, high school graduates have started to complete their A1 forms online at e-Albania 1 March 2013.³

The e-Albania portal is one of the most successful commitments according to many stakeholders contacted by the IRM Researcher (September–October 2013) as it provides useful information through a single hub for citizens, businesses, state and nonstate institutions and other visitors. The portal offers information about 177 public services, including information on the legal framework, economy, transport, agriculture, public procurement, tax system, employment, health, security, CSOs, environment, science and technology, education, funds available, consumer protection.⁴

The portal is bilingual (Albanian and English) and information in English is offered for a number of (not all) services, especially those related to the private sector. Through the e-Albania portal the government has enabled online interoperability on the following services:

- e-Matura, an online application for all high school graduates submitting online A1 and A1Z forms, which are further processed by relevant institutions
- e-DL, the online application for driver’s licenses.

A tracking service is also provided for citizens in relation to four public services (as of 29 October 2013):

- National Business Registration Center cases
- National Licensing Center cases
- Public procurement cases
- Cases and matters registered with a protocol number by line ministries.

However, the IRM researcher could not find information on the number of users benefiting from the tracking services. Based on the official information received from the NAIS (17 October 2013), no civil society involvement was enabled in the implementation (that is the design) of this commitment. Instead, NAIS reports consultations only with AM Consulting, EU Delegation representatives and the CSI Piemonte (<http://www.csipiemonte.it/en/>) companies. This information contradicts the findings of the self-assessment, according to which “the portal was developed under constant consultation with several CSOs in order to identify the information priorities.”⁵

Did it matter?

With its 240 components, the forum has been visited by roughly 17,170 users. Other statistics on e-Albania usage since its launch include:

- 282 unique visitors per day
- Total of 4,222,170 page views
- An average of 922 page views per day
- Total number of unique visitors: 171,855.

The most visited services of e-Albania are (1) the State Matura 2013, (2) the application for driver’s license (e-DL); and (3) hosting services for web portals and information systems for the public administration. The vast majority of IRM-contacted stakeholders believed that the state matura and e-DL were the main reasons that citizens visit the e-Albania portal.

The success of the e-Albania portal is based on a number of strengths and advantages. First and foremost, the interoperability function of the portal has provided improved and more efficient services for users. The State Matura 2013 is an outstanding success and also the e-DL service which is being increasingly used by citizens. These two services have also impacted the work of state institutions, through greater transparency, better management, and improved efficiency. The services have provided broader reach to a wider audience of citizens.

The rich array of information provided through the portal (including some services offered in Albanian and English) and the relatively easy navigation and access, are other advantages of e-Albania, as perceived by stakeholders. Further improvement of the Tracking service could potentially lead to a massive usage of the portal by citizens and other interested actors (e.g., private companies, academia, CSOs, donors).

Moving forward

Further work must build on the successfully implemented actions of the first year of the e-Albania portal. Extending interoperability functionality in other public services and “population” of the portal with more information and services will improve its visibility and the importance attached to it by citizens (through greater use of the portal).

The Tracking service, one of the least used services of the portal, needs to be improved by NAIS in order to ensure its use by citizens and other interested parties such as businesses and CSOs.

1 Albania Self-Assessment, p.22.

2 The National Strategy for the Development of Broadband in Albania (Council of Ministers decision 468 of 30 May 2013, Official Gazette no 97, 11 June 2013, p. 4032, reports that the e-Albania Portal was launched on 28 November 2012.

http://www.qbz.gov.al/botime/fletore_zyrtare/2013/PDF-2013/97-2013.pdf

3 See information on the State Matura 2013 available at e-Albania Portal, http://www.e-albania.al/_layouts/Services/Service.aspx?shId=694#Um-vznA_v-o.

4 All services listed at http://www.e-albania.al/_layouts/Services/ServicesList.aspx?cat=Topics#UkRtF9Ji1Z8

5 Albania Self-Assessment, p. 23,

<http://www.opengovpartnership.org/sites/default/files/Self%20Assesment%20Report%20Ver%20202.23.pdf>

26.e-Inspection Portal

The Albanian government will create a single portal of inspections, "e-Inspection", relevant for the coordination, management, unification and monitoring of inspection procedures.

This portal will help improve the transparency and accountability of the inspection system in the country and will reduce corruption.

Commitment Description						
Answerability	Lead institution	Ministry of Innovation and ICT				
	Supporting institutions	National Agency for Information Society; Central Inspectorate				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
		✓		✓	✓	
Ambition						
New vs. pre-existing		Potential impact				
Unclear		Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
Level of completion						
Start date: Not specified		Actual completion			Limited	
End date: Not specified		Projected completion			Complete	
Next steps		Further work on basic implementation				

What happened?

The action plan does not provide a timeline for the implementation of this commitment. The work on creating a single portal of inspections started during the evaluation period.

The government launched a tender in 2012 and selected the company that is designing the e-Inspection portal.¹ Council of Ministers Decision 696 of 16 August 2013 outlines the procedures and competencies of the Central Inspectorate and rules on content and administration of the e-Inspection portal. The mission of the Central Inspectorate is to improve efficacy and accountability of inspection activity at the national and local levels in Albania.

On 15 February 2013 the director of the Central Inspectorate and USAID Mission in Albania signed an agreement to assist e-Inspection project implementation through offering 260 portable inspection packages (consisting of laptops, USB-based internet connection, and portable scanners and printers). In September USAID delivered the full set of equipment and provided for training of 260 inspectors covering four inspection areas (sanitation, labor, environment, and the copyright office).

A central database of inspectors covering 12 inspection areas (inspectorates) was established and publicly accessible online.² According to Central Inspectorate officials, in the first year after its establishment, the portal will be populated with data that will allow for risk assessments, and development of the methodology and timeline of inspections. However, while this will clearly help improve efficiency and accountability of state inspectorates, it is unclear how it will increase transparency of inspections.

By the end of 2013, the system will be piloted in three inspectorates.

Did it matter?

The e-Inspection portal has just completed the preliminary phase of legal adjustments, training, and equipment with portable inspection packages for 260 inspectors from the pilot inspectorates (September 2013). While this is a major reform in the inspection field that will take three to five years for piloting and full implementation, first results and tangible impact may be visible in the next year (2014).

Moving forward

Continue with the implementation of the e-Inspection in line with the project's action plan and objectives.

1 Presentation of Mimoza Hajdarmataj (Director of Central Inspectorate) at the Parliamentary Committee of Productive Activity, Trade and Environment during hearing on the draft law amending the Law on Inspections, 30 January 2013 (Transcript of parliamentary hearing, p. 11). http://www.parlament.al/web/pub/veprintaria_30_1_13_13327_1.pdf

2 <http://www.inspektoratiqendror.gov.al>.

27. Portal www.gjykata.gov.al

The Ministry of Justice established the www.gjykata.gov.al portal. The Portal enables citizens to download data, including the publication of judicial decisions.

Commitment Description						
Answerability	Lead institution	Ministry of Justice				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology and Innovation	None
		✓		✓	✓	
Ambition						
New vs. pre-existing		Potential impact				
Pre-existing		Transformative (the commitment entails a reform that could potentially transform “business as usual” in the relevant policy area)				
Level of completion						
Start date: Not specified		Actual completion			Complete	
End date: Not specified		Projected completion			Complete	
Next steps		New commitment building on existing implementation				

What happened?

The portal was launched online in July 2012 and represents an important source of information not only for interested (involved) parties but also for other stakeholders reporting on or monitoring the work of the judiciary. The portal covers all First Instance (22) and Appeal Courts (6) in the country, the Supreme Court and the Court of Serious Crimes.

Citizens can access real-time information on their cases at all stages of the judicial proceedings. Information from the previous decentralized online system of courts (each court had its own webpage) is now in a single portal, with separate sections for each of the courts of the Albanian judicial system.

Detailed information and sources for further reference on the judicial system in Albania are provided through the portal. Links to other institutions, an online form for feedback, and a Court’s Forum section are also available, although no activity was reported on the latter by the time of drafting of this IRM report (October 2013).

The portal includes a statistics section where public users can obtain data on monthly, quarterly, semiannual, and annual bases on the work of all courts for civil and penal cases and other relevant statistics. This section is particularly important not only for the general public, media, and civil society actors, but also for state institutions (e.g. Ministry of Justice) that monitor the work and performance of the judicial system, including reports of each of the courts and judges.

Did it matter?

The www.gjykata.gov.al portal represents a key milestone in the efforts for transparency and accountability of the judicial system in Albania. It places a powerful tool in the hands of the judiciary and state agencies

involved in inspection of courts and the work of the judiciary (Ministry of Justice, High Council of Justice). Additionally, the portal is particularly helpful for interested parties, citizens and other stakeholders involved in monitoring and reporting on the judiciary.

Nevertheless, broader promotion of this portal is necessary among the public. Fifty four percent of CSOs reported they were aware of this commitment in the self-assessment.¹ Media and civil society organizations are essential in their watchdog role over the judiciary in Albania.

The portal marks a significant first step toward greater accountability of the Albanian judiciary. The latter is to be addressed through more vibrant efforts of responsible state institutions, as well as through the work of nonstate actors such as media, civil society watchdog organizations, and the general public .

No information is available on the frequency of use of the portal, either by state agencies or the general public. The Ministry of Justice reported that their experts are cooperating with the EURALIUS Assistance Mission in Tirana to adjust the software ICMIS applications to protect personal data and guarantee anonymity of data in courts decisions.²

Moving forward

Future steps must build on the successful implementation of this commitment particularly in view of ensuring accountability of the judiciary through greater use of the portal by the public and greater involvement of nonstate actors in monitoring and reporting on the work of judiciary.

1 Albania's self-assessment report, p. 33.

2 Official Information submitted by the Ministry of Justice, 30 October 2013,
<https://ogpirm.wufoo.com/cabinet/z1ny4mwz0263zvp/T2pzbl2h7xU%3D/>

Challenge 3: More Effectively Manage Public Resources

3.1 OPEN BUDGET

28. Disclose Payments Made Daily by the Government Units

Based on the law “On the Right to Information,” as well as the Albanian government’s initiative to fight corruption and increase transparency, the Ministry of Finance’s General Directorate of the Treasury has disclosed the list of payments made daily by all general government units since January 2012. This document reflects such details as: the beneficiary, invoice number, description, the institution to which the treasury branch makes the payment, the respective amount and the date of registration of this bill in the Treasury system. This document is available on the official website of the Ministry of Finance.

Commitment Description						
Answerability	Lead institution	Ministry of Finance				
	Supporting institutions	General Directorate of the Treasury				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
		✓			✓	
Ambition						
New vs. pre-existing		Potential impact				
New		Minor (the commitment is an incremental but positive step in the relevant policy area)				
Level of completion						
Start date: January 2012		Actual completion			Limited	
End date: July 2013		Projected completion			Complete	
Next steps		Revise commitment to be more achievable or measurable				

What happened?

The Ministry of Finance has uploaded online a total of 281 Microsoft Excel files of daily payments processed by the Treasury General Directorate. The datasets cover an 18 month period from 30 January 2012 to 11 July 2013.¹

The self-assessment report considers this commitment completed, despite the fact that no list of payments was disclosed after 12 July 2013.

A significant number of the Microsoft Excel files containing data on daily payments is not accessible (links do not work regardless of the browser used). Another set of files (e.g. a payments list dated 3 June 2013 open a corrupt (unreadable) file.²

Of the links that work, public users can access information on the name, place, number, and description of receipt, name of institution, provider, amount, and date of registration of the payment.

Did it matter?

Only one nonstate stakeholder contacted through the stakeholders forums and semistructured interviews conducted by the IRM researcher was aware that these data were online. The IRM report found that 25–30 percent of the data uploaded were not usable (corrupt or nonexistent files).

Experts from both, the governmental and the nongovernmental sectors suggest that the data are, to a certain extent, useful, mostly for media and for CSOs and researchers engaged in budget transparency and in monitoring of governmental activities. In addition to improvements of the format (Microsoft Excel) they advise additional measures for “categorization” of data.

Most significantly, the data made available are not used due to a number of reasons, starting with lack of information on their availability.

Moving forward

Transparency in respect of budget implementation is a particularly important issue in Albania. Yet, this commitment’s results and impact have not materialized. The National Agency for Information Society has drafted technical standards for publishing data in the open data format. The implementation of an Open Data Portal was part of this action plan’s commitments. The disclosure of payments made by the Treasury General Directorate may in the future be part of the Open Data Portal, complying with technical standards for publishing data and interlinked to other functionalities of the portal.

1 http://www.minfin.gov.al/minfin/Arkivi_1910_1.php.

2 http://www.minfin.gov.al/previewdoc.php?file_id=4429.

3.2 PUBLIC PROCUREMENT

29.e-Procurement System for Small Purchases

This year, the Public Procurement Agency implemented the e-procurement system for all small purchases of public procurement, below the threshold of 3000 Euros. The e-procurement system enables the submission of offers and their evaluation in an electronic way. This e-procurement platform is a web-based application that enables secure transactions between Albanian public institutions and national and international business. This system provides a secure and transparent administration for the preparation of all tender documents, thus avoiding unnecessary paperwork and providing data about the entire process. In 2009 Albania was the first country in the world that carried out a mandatory electronic procurement system for all public sector procurements above the threshold of 3000 Euros. For implementing this project, Albania received the second prize of the 2010 UN Public Service Award for excellence in public service. In accordance with the statistics, pointed out for the year of 2011, the costs for the performance of public procurement procedures are down 20%. The number of economic operators participating in tenders is up from 2 to 6 on average.

The current legislation defines the range of electronic procurement procedures with electronic means, reinforces the principle of non-discrimination in the application of rules and guarantees the necessary functional, legal and technical requirements for performing public procurement procedures by electronic means.

Commitment Description						
Answerability	Lead institution	Public Procurement Agency (PPA)				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP Values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
		✓			✓	
Ambition						
New vs. pre-existing		Potential impact				
Unclear		Minor (the commitment is an incremental but positive step in the relevant policy area)				
Level of completion						
Start date: Not specified		Actual completion		Complete		
End date: July 2013		Projected completion		Complete		
Next steps		Maintenance and monitoring of completed implementation				

What happened?

The Public Procurement Agency (PPA) adopted Directive 7 of 20 December 2012 on the use of the e-Procurement system for all small purchases below ALL 400,000 (approximately €3,000).

Pending adoption of additional rules to implement the directive, some confusion was present in early 2013 among economic operators and contracting authorities. Additional rules and forms for use under this procedure were set out in the PPA's Directive 1 of 1 February 2013. This directive was canceled in less than three months by Directive 2 of 28 March 2013 on the procedure for all small purchase procurement.

In July 2013 the PPA canceled Directive 7 of 20 December 2012 through a new Directive 4 of 7 July 2013, which sets the rules for holding small purchase procurements in the electronic procurement system. This directive and Directive 2 of 28 March 2013 are currently the legal base for the rules, procedure, and forms of use under the small purchase electronic procurement system.

An inspection of PPA's electronic procurement system by the IRM researcher in October 2013 showed that the vast majority of the open bids published relate to "small purchases" by central government agencies, local and regional authorities, and public companies.¹

Did it matter?

The lack of clarity and frequent amendments of the rules in the first half of 2013 caused confusion not only among economic operators but also among contracting authorities. Over 2,000 entries of small purchase contract notice publications are on PPA's website for the period September–October 2013 which shows an outstanding response from state authorities at the central and local levels, including public associations and companies.

However, with the new Directive 4 of 7 July 2013 in place for just a few months, it is difficult to assess the response and use of the electronic system by economic operators. It is therefore too early to establish and draw conclusions on the impact of the "electronic system for all small purchases" in Albania.

Moving forward

Given the short time of implementation of the system, the IRM report refrains from outlining concrete recommendations on the way forward before a periodic (annual) monitoring of its implementation.

¹ Contract notice section of PPA's Electronic procurement system, <https://www.app.gov.al/ep/ContractNotice.aspx>.

3.3 EXTRACTIVE INDUSTRIES

30. Implement the Extractive Industries Transparency Initiative Recommendations

In 2012, the Albanian Secretariat for EITI, ALBEITI, will continue to implement the International Secretariat of EITI recommendations' (the Extractive Industries Transparency Initiative), including the reorganization of the Inter-Ministerial Working Group of the ALBEITI.

Also this year, ALBEITI will organize seminars and workshops with the Albanian EITI Working Group, stakeholders, civil society, communities in areas of extractive industry, etc.

Commitment Description						
Answerability	Lead institution	Ministry of Economy, Trade and Energy				
	Supporting institutions	ALBEITI				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP values	Access to Information	Civic Participation	Accountability	Technology & Innovation for Trans. & Acc.	None
		✓		✓	✓	
Ambition						
New vs. pre-existing		Potential impact				
New		Minor (the commitment is an incremental but positive step in the relevant policy area)				
Level of completion						
Start date: Not specified		Actual completion		Substantial		
End date: Not specified		Projected completion		No dates or milestones attached or inferable		
Next steps		Revise the commitment to be more achievable or measurable				

What happened?

Significant progress has been made in the implementation of this commitment. Albania's mineral deposits include chromites, copper, limestone, and petroleum. In 2010, industrial production made up about 10.5 percent of the GDP, and the mineral extraction industry accounted for about 12 percent of the value of industrial production and about 1 percent of the GDP. The Albanian government is seeking to promote foreign direct investment in the sector, with a view to stimulating development and job creation. Law 10304 of 15 July 2010 on the mining sector in Albania obliges mining companies to implement the Extractive Industries Transparency Initiative (EITI).¹

This commitment's implementation relies on two actions as outlined in the government's action plan:

- Reorganization of the Inter-Ministerial Working Group of the ALBEITI
- Organization of several information and awareness seminars and workshops.

Council of Ministers Decision 540 of 07 July 2010 established the Secretariat for implementing the procedures related to Albania's accession to EITI. Prime Minister Order 71 of 21 July 2011 established the Inter-Institutional Working Group to implement Albania's EITI accession procedures. On 20 January 2012 Minister of Economy Order 21 established a regulation for the organization and functioning of the Inter-Institutional Working Group as a multistakeholder group (MSG) with representatives from Ministry of Economy, Ministry of Finance, Ministry of Justice, General Tax Directorate, National Agency of Natural Resources, Albanian Geological Service, five business representatives, and five civil society representatives. The Internal Regulation of the ALBEITI (Albanian Extractive Industries Transparency Initiative) Secretariat was adopted through Minister of Economy Order 20 of 20 January 2012. ALBEITI is currently funded by the State budget while its establishment was assisted through the World Bank project: EITI Implementation in Albania.

Albania has been considered an EITI-compliant country since 2 May 2013 and is the first country in southern Europe to comply. This followed a process where the EITI board in October 2011 granted Albania candidature renewal as at the time the country had not met all the necessary EITI requirements, but was considered to have made meaningful progress in implementing EITI. Albania published its 2010 EITI Report on 26 December 2012.

ALBEITI² submitted an action plan for 2011–13 thus fulfilling one of the recommendations of the EITI validation report of August 2011. The establishment of the MSG (in place since January 2012), capacity building and communication (on-going), and 2010 EITI reconciliation were some of the other recommendations for Albania outlined in the validation report 2011.³

Until the next EITI validation report (1 October 2016) Albania has to move boldly to address all recommendations, particularly those related to capacity building of ALBEITI and informing stakeholders through awareness raising and other activities. During the evaluation period (April 2012–June 2013), ALBEITI organized 13 awareness-raising and training workshops with participants coming from state institutions (central and local level), civil society, and the media. Another 10 such events were previously organized between January 2011 and March 2012. Awareness-raising and training workshops have been organized in eight cities covering all main extractive industry sites in Albania.⁴

However, there are doubts about the total number of participants. The Ministry of Economy reported approximately 400 persons attended 23 events. However, of the 23 events, officials of the Ministry of Economy offered “lists of participants” for only 14 meetings carried out between 2011 and 2013. Also, a cross-check of one event (“SNAP SEE National Workshop,” of 12 June 2013 in Tirana) by the IRM researcher found a mismatch between the number of participants reported by the Ministry of Economy (60 participants) and that of the SNAP-SEE project (47 participants).⁵

Did it matter?

Albania has made significant progress in the implementation of this commitment and more specifically in addressing EITI recommendations. However, the EITI process in Albania was unknown to almost all nonstate (civil society, media) stakeholders contacted by the IRM researcher. Despite numerous awareness-raising activities, the process has reached mostly state institutions' representatives, part of the academic community, and a number of extractive industry companies operating in Albania only. Civil society and media—important watchdog actors—appear largely uninformed on EITI, on Albania's EITI obligations, and the “to-do-list” arising from the last validation report.

Albania produces EITI reports that disclose revenues from the extraction of its natural resources. Companies disclose what they have paid in taxes and other payments and the government discloses what it has received. However, the data made available at EITI website⁶ cover only 2009 and 2010 with an increase in the number of companies reporting from 34 in 2009 to 64 a year later.

Most importantly, the general public or civil society and other interested stakeholders have not referred to these sources or to EITI process obligations in general, although in the past two years civic actors and media have often raised environmental, safety, working conditions, child labor, and other issues related to extractive industries in Albania.⁷

Moving forward

One of the most important recommendations as regards the EITI process in Albania has to do with the awareness-raising activities. ALBEITI must work to increase the public profile of the initiative and to ensure more active involvement in and reporting by civil society, academia, the news media, and other interested stakeholders. Additionally, local governments—especially at the extractive industry sites—must play a more active role to benefit from the EITI process and to make use of its advantages to benefit the communities in these areas.

1 Law 10304 of 15 July 2010 on the Mining Sector in Albania, Official Gazette no 107, 12 August 2010,

http://www.akbn.gov.al/images/pdf/legjislacion/minierat/Nr._10304_dt._15.07.2010.pdf.

2 <http://www.albeiti.org>.

3 EITI, August 2010. Albania's Validation Report (August 2011), <http://www.albeiti.org/download.php?id=12>

4 Official information provided by Fotjon Kosta, Ministry of Economy, Trade and Energy via emails, 7, 17 and 21 October 2013.

5 See SNAP-SEE Project, Website section on "SNAP-SEE national Workshop for stakeholders in Albania"

http://www.snapsee.eu/index.php?option=com_content&view=article&id=636&Itemid=432.

6 <http://eiti.org/node/749/reports>.

7 Top Channel TV report, "The Other Albania: Bulqiza's Lost Children," http://www.dailymotion.com/video/xottds_shqiperia-tjeter-femijet-e-humbur-te-bulqizes-top-channel-albania-shqiperia-tjeter_news.

V. Self-Assessment

The government published its self-assessment report in English on 21 October 2013, three weeks after the deadline.¹ The self-assessment was carried out over five weeks between September and October 2013. By the time of drafting of this IRM report (end of October 2013) the self-assessment had not been published in Albanian on the website of the Ministry of Innovation and Public Administration.

In addition to official information from state institutions responsible for the implementation of the action plan, the report relies on inputs from nonstate actors. The IRM investigation confirmed such contacts took place in October 2013, mostly with civil society actors.

The 39-page self-assessment report offers a 10-page table with a summary of the country's commitments and benchmarks based on OGP's grand challenges and principles. Albania's progress in the implementation of the action plan is summarized in a two-page narrative (pp. 18 and 19) and another two-page table at the end of the report (Annex E. Completion Status of Every Commitment, pp. 37–38). This accounts for less than 10 percent of the self-assessment. The remainder of the report comprises an introduction and background, the assessment methodology and process, the self-assessment preparation, the OGP process in Albania, featured practices, conclusions and recommendations for future commitments, and findings of online and workshop surveys.

The report does not elaborate in detail on the implementation of the country's commitments or on the impact achieved vis-a-vis the key impact benchmarks outlined in the action plan. Instead, it limits itself to reporting on the completion status and offering extremely scarce information on a few of the commitments and the preparation and consultation processes. Clustering of commitments and reference to indicators of success is not carried out, which reflects the poor quality of the action plan in this regard. Also, the evaluation scale is not in compliance with the OGP process. Accordingly, the content of the report raises serious concerns over the depth of the self-assessment, and also displays deviations from the process.

By the time of drafting of the IRM report for Albania, the self-assessment was not available in the local language (Albanian) and the only forum where one could access the English version online was the OGP website. Hence, it is not clear yet whether or how the public comments on the self-assessment will be carried out.

One interesting and commendable aspect of the self-assessment is a survey carried out with members of the public on the level of awareness of the various commitments. This has been cited throughout the IRM report. The self-assessment report relies on some feedback gathered from nonstate actors via a workshop and survey. However, the depth of such consultations leaves significant room for improvement. Senior officials of the Ministry of Innovation and Public Administration announced at a civil society workshop in October 2013 that the government would initiate more robust consultations in evaluating past actions and developing the new action plan.

Table 5. Self-Assessment Guidelines

Was annual progress report published?	Yes
Was it done according to schedule?	No
Is the report available in the local language?	No
According to stakeholders, was this adequate?	Unclear
Is the report available in English?	Yes
Did the government provide a two-week public comment period on draft self-assessment reports?	Unclear
Were any public comments received?	Unclear
Is the report deposited in the OGP portal?	Yes
Did the self-assessment report include review of the consultation efforts?	Yes
Did the report cover all of the commitments?	No
Did it assess completion according to schedule?	No
Did the report reaffirm responsibility for openness?	Yes
Does the report describe the relationship of the action plan with grand challenge areas?	Yes

¹ Albania Self-Assessment report:

<http://www.opengovpartnership.org/sites/default/files/Self%20Assesment%20Report%20Ver%202.23.pdf>

VI. Moving Forward

The second national action plan for Albania will be due in the next several months, to be made official and active on 1 July 2014. This section outlines the broader national context relevant to open government and sets out some priorities for the government and civil society to tackle in the coming year.

Country Context

All four OGP values— access to information, public participation, accountability, and technology and innovation for openness and accountability— stand high on Albanian civil society’s priority list. Stakeholder and public outreach, however, has been one of the weakest elements of OGP in Albania since the country’s endorsement of process in 2011. Because government has dominated every stage of the process in the first year (2012–13), Albanian civil society and other nonstate actors have remained largely uninformed about the process despite recent strides to make government more open. Few serious attempts were noted in the past year to “unlock” the process from the government agenda and to enable the “civic” component in OGP Albania. A few areas of work can inform the major priorities for the next action plan

Access to information

Civil society actors have been long struggling to improve access to information through providing evidence on barriers imposed by the 1999 Law on the Right to Information, alternatives on how to improve the legal framework and expertise that would help decisionmakers keep pace with contemporary developments of forms, access, and release of government-held information. Some of these resources include:

- Findings of the Albanian Media Institute in “Monitoring of Access in Public Institutions,” Tirana 2012, <http://www.institutemedia.org/Documents/PDF/monitorimi%20i%20aksesit%20ne%20institucione%20publike.pdf>;
- Findings and Recommendations by the Center of Public Information Issues in “Transparency of Official Publications in R. Albania,” Tiran, 2009, http://infocip.org/Raporti_web.pdf;
- Recommendations by Soros Foundation, Tirana, 2007, <http://www.soros.al/Propozimperndryshimenelegjineinformimit.mars07.pdf>

Albanian media and civil society activists have voiced serious concerns regarding the recently adopted Code of Ethics of the Government of Albania which obliges ministers to seek approval from the Council of Ministers’ Communication Department before issuing public statements or press releases.¹

Public participation

Involving citizens, nonstate actors, and other interest groups in decisionmaking and policymaking through efficient legal mechanisms and improved decisionmaking practices is considered essential for the health of the Albanian democracy, the quality of reforms, and the country’s EU accession process. Albania’s 2012 commitment to adopt a law on notice and consultation proved a good first step that was inadequately approached by excluding civil society from the consultations process. Structuring consultative and participatory mechanisms particularly in the context of the EU accession process is crucial to improve the process and to prepare sound societal (in addition to State) capacities especially among private sector actors to deal with the challenges of the European market and to make full use of EU membership benefits.

Accountability

Accountability of institutions and institutional leaders, not least in a context of the judiciary’s weak performance in delivering justice, represents a paramount challenge for Albanian society. Civil society is still seeking justice for a number of scandals, including two tragic events: the Gerdec Explosion (2008) and 21 January 2011 victims. Civil society has initiated petitions on the tragic events, such as:

- Civil society petition on the Gerdec explosion, <http://respublicalb.wordpress.com/2012/03/21/peticion-i-shoqerise-civile-drejttesi-per-tragjedine-e-gerdecit/>;
- Civil Society petition on 21 January 2011 events: <http://respublicalb.wordpress.com/2013/02/25/reagim-i-shoqerise-civile-per-drejttese-e-munguar/>

Greater accountability of state institutions and sound oversight mechanisms are increasingly perceived by citizens, private sector, civil society, and other stakeholders as key to increasing public trust in institutions, to fight corruption, improve governance and deliver on citizen-driven policies.

Technology and innovation for openness and accountability

In addition to notable efforts of the government to expand the use of ICT to offer better services to citizens and increase efficiency of institutions, Albanian civil society actors provided several examples of best practices in the use of technology and innovation for greater openness and accountability. These initiatives cover a rich array of issues ranging from environmental (<http://www.smarttourist.al>), to access to information (<http://open.data.al>), electoral processes (<http://zalart.al>), and monitoring of parliamentary work (<http://www.unevotoj.org/zgjedhjet09/index2.php>).

Accordingly, Albania's OGP pursuit in the upcoming period finds an abundant civic environment for more energetic actions and citizen-driven agendas. Most significantly, Albanian governmental actors have the opportunity to build on successful experiences of the first year and to move boldly in addressing the current societal concerns and challenges ahead in cooperation with resourceful and knowledgeable partners in civil society.

The OGP Albania process is still struggling to unfold and to reach audiences of nonstate stakeholders, with only a few civil society initiatives that are expected to raise awareness nationally and to use regional best practices,² in addition to the OGP civil society dialogue and learning mechanisms.³ As Albanian civil society must act more vigorously to embark on the OGP process, the government needs to lay the foundations for such involvement and to create necessary structures that will gather and process feedback and inputs from nonstate actors.

Stakeholder Priorities

Current action plan

Interviewed stakeholders showed varying preferences toward the current action plan's commitments, depending on which sector they represented and which subareas they were professionally involved in. The common denominator for the importance they attached to different commitments was linked to the question of whether their fulfillment would directly impact citizens' lives and whether it would improve performance of all (not only state) actors in different sectors.

Out of the 30 commitments in the action plan, most stakeholders could single out only a few as being less important such as "Implementation of the EITI recommendations" or "Financial module of all educational institutions." Stakeholders agreed that some of the commitments are incomplete or that the way they are addressed in the action plan will likely not achieve tangible impact. Some of these include "Disclosure of the list of payments made daily by the government units" and "The regulation on ethics in research and publishing."

In addition to the large number of pre-existing commitments, some stakeholders pointed out the problem with "already addressed" commitments. For instance, "The regulation on ethics in research and publishing" was confirmed as a commitment by the Government of Albania in May 2012. However, the IRM researcher established that the regulation was adopted two months before that (23 March 2012). Former government officials interviewed by the IRM researcher stated that this was probably an unintentional error and that this commitment was relevant at the time the action plan was drafted (January–February 2012).⁴

The most significant commitments in the current action plan are considered those related to challenging issues and concerns for Albania at present, most notably the judiciary, civil society, economic growth, transparency, and the fight against corruption. The majority of contacted stakeholders referred to the following commitments as the most important ones:

- Online inspections of courts and judicial hearings
- e-Parliament
- Amendment of the law "on the right to information for official documents"
- Drafting a new law on "notice and consultation"
- Digitization of the notary register
- Open data portal
- Audio and video recording of judicial hearings
- Tracking project
- e-Employment project
- Online State Matura

Additionally, well-informed stakeholders expressed disappointment that issues such as political party financing and health and public safety were not given concrete commitments, although the government action plan specifically refers to these issues.

Future plan: Stakeholder priorities

A general observation from most of stakeholders, particularly those informed about OGP, relates to the fact that Albania did not make any commitments on two grand challenges: “creating safer communities” and “increasing corporate accountability,” despite the fact that the country is currently experiencing major challenges in public safety issues, environmental concerns, and consumer rights and protection. While the majority of stakeholders agree that the government has correctly identified as most important the first three grand challenges (“improving public services,” “increasing public integrity,” and “more effectively managing public resources”) they strongly suggested that Albania assume some concrete measures for the remaining two.

Compared with the content of the first action plan, civil society and other nonstate stakeholders suggest that Albania should be less ambitious with its number of commitments and more concrete with new (instead of pre-existing) commitments that deliver measurable and sustained impact. More specifically, some areas where respondents see significant needs to be addressed include:

1. Accountability, transparency, and anticorruption measures particularly in the judiciary and the executive, including local governments
2. Economic growth and employment
3. Access to information and improved framework for consultations with nonstate actors
4. Political party financing
5. Improved public services
6. Public safety
7. Technology and open data
8. Health and education systems

To better streamline the content of the next action plan and the measurability of its commitments’ progress, well-informed stakeholders strongly suggest that the government work closely with experienced national actors and also make use of the peer-to-peer learning mechanisms offered by OGP.

Recommendations: OGP Process and Action Plan

In view of the above and based on the findings of the first IRM report for Albania, the following specific recommendations are suggested as a road map to a realistic, impactful, inclusive, and results-driven upcoming phase of the Open Government Partnership. The IRM recommendations are clustered into two categories: Inclusive Process and Communication and Implementation Partnerships, Ownership and Learning Process.

Inclusive process and communication

Given the evidenced shortcomings and deficiencies of the OGP preparations in Albania during late 2011 and early 2012, its low profile among key societal stakeholders including State actors beyond the capital and the lack of public visibility throughout the past two years, the following measures will help address past concerns with the aim to build a context-specific and broadly accepted OGP agenda:

- Identify the range of civic, public, and private stakeholders of OGP in Albania and launch immediately target-specific information activities to raise awareness and build networks of supporters for the process.
- Launch an ongoing public information campaign through media and other tools (including e-participation mechanisms) to communicate the OGP Albania platform and to encourage citizens’ active and continuous involvement.
- Launch an informative internal campaign on the OGP and OGP in Albania among state administration at all levels—including central government institutions and agencies, local authorities, oversight bodies— to ensure informed and cooperative state actors.
- Approach OGP consultations on the upcoming action plan through a midterm vision designed to anchor nonstate actors in all stages of the process—preparation of the action plan, consultation, implementation, evaluation and review. The government should also set a clear timeline that gives civil society actors sufficient notice to prepare and participate in the deliberations.
- Establish joint OGP standing structures (multistakeholder forums) with civil society, private sector, media, academia, local authorities, and other relevant stakeholders as part of the

governmental institutional setup that actively coordinates, monitors, and assesses action plan implementation.

- Communicate to and coordinate with the donor community involved in assisting Albanian reform processes to better streamline medium-term development assistance and bilateral and multilateral assistance agreements in line with national strategic documents.
- Explore alternatives and mechanisms to generate continuous public input into the national OGP Agenda.
- In addition to the first three OGP grand challenges, assume responsibilities and take specific commitments in relation to the remaining two grand challenges (creating safer communities, and increasing corporate accountability) thus responding to current public safety concerns and civil society calls for sustained mechanisms in support of community engagement.
- Embark on a results-oriented action plan accompanied with an adequate framework of measurable indicators with clear and realistic implementation timeframe.

Implementation partnerships, ownership and learning process

The first year of OGP Albania implementation was largely dominated by central government actors with very few synergies created among the range of possible stakeholders in the country. Simple communication about the Open Government Partnership as an international multistakeholder initiative may risk proving another case of an externally “imposed” and donor-dependent endeavor, should the government fail to share ownership and develop sustained partnerships nationally. In this regard, it is essential to consider the following recommendations:

- Support efforts invested by civil society actors, academia, and local authorities in the framework of OGP principles, buy into best practices (to be) established, promote results and assist sustainability development efforts.
- Share responsibility with and entrust nonstate actors with implementation of specific stages of the OGP process (based on the Irish experience⁵) including cooperation and synergies in the context of a specific commitment’s implementation.
- Take actions to improve active involvement of state actors at regional and local level, engaged in or assisting implementation of concrete commitments in partnership with local stakeholders from civic and private sector
- Encourage the donor community to embark on shared ownership and partnership-oriented support to OGP-relevant reforms and development objectives in Albania.
- Champion the creation of a (Western) Balkan OGP regional forum with separate and joint (state and nonstate actors) experience sharing subforums for mutual assistance and exchange. Explore opportunities for cross-regional commitments on issues or areas of shared interest.
- Make greater use of the OGP mechanism for peer-to-peer learning at the government level, as well as by encouraging civil society exchange and experience sharing at national, regional, and global levels.
- Approach national evaluation via a participatory approach and with an adequate timeline that allows both state and nonstate actors to provide feedback,
- Harmonize ambitions with the needs and priorities of the local context in the design of future action plans that rely on increased feedback from societal actors.

1 Code of Ethics available at: <http://www.kryeministria.al/al/newsroom/lajme/kodi-etik-ministror>.

2 See Order 105 of the Minister of Education and Science of 23 March 2012 (Protocol number 1827),

http://www.mash.gov.al/File/arsimi_larte/rregullore-etika-veprintari-kerkimore-botuese.pdf.

3 See <http://www.opengovpartnership.org/how-it-works/civil-society-dialogue>.

4 Interview with a former member of the Technical Working Group.

5 <http://www.ogpireland.ie/consult-and-result/>.