

Independent Reporting Mechanism (IRM): Albania Transitional Results Report 2018–2020

This report was prepared in collaboration with Walter Leiva, Independent Researcher

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I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their progress and determine if efforts have impacted people's lives.

The IRM has partnered with Walter Leiva to carry out this evaluation. The IRM aims to inform ongoing dialogue around the development and implementation of future commitments. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

This report covers the implementation of Albania's fourth action plan for 2018-2020. In 2021, the IRM will implement a new approach to its research process and the scope of its reporting on action plans, approved by the IRM Refresh.¹ The IRM adjusted its Implementation Reports for 2018-2020 action plans to fit the transition process to the new IRM products and enable the IRM to adjust its workflow in light of the COVID-19 pandemic's effects on OGP country processes.

¹ For more information, see: <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>

II. Action Plan Implementation

The IRM Transitional Results Report assesses the status of the action plan's commitments and the results from their implementation at the end of the action plan cycle. This report does not re-visit the assessments for "Verifiability," "Relevance" or "Potential Impact." The IRM assesses those three indicators in IRM Design Reports. For more details on each indicator, please see Annex I in this report.

2.1. General Highlights and Results

Albania's fourth action plan included four commitments. According to the IRM, Commitment 2 on modernizing public services, as well as Commitment 3 on improving the regulation of public administration, were fully implemented. Commitment 1 on increasing government transparency and access to information was substantially implemented, and Commitment 4 on facilitating reporting of corruption had limited completion. The level of completion is an improvement on the 2016-2018 action plan, where six out of 17 commitments were completed.¹ The level of completion for this plan could be attributed to the fact the commitments derive from existing government programs and strategic documents on good governance and public administration reform, and implementation of some activities had started prior to the submission of the action plan in December 2018.

The IRM identified Commitments 2 and 4 as noteworthy in its 2018-2020 Design Report for Albania. The implementation of Commitment 2, in particular, is assessed to have had marginal impact in improving access to information (via the open data portal) as well as toward meeting minimum Participation and Co-Creation Standards (by having a publicly available online repository).²

The government point of contact elaborated on some of the key challenges faced during implementation of the action plan, including calculating the cost of planned activities particularly when they include processes that are part of the daily work in institutions.³ See section 2.2. on how the COVID-19 pandemic also posed a challenge for the implementation of activities.

It is worth noting that implementation of this action plan occurred in a context of high political polarization characterized by opposition boycotts and large public demonstrations, some of which erupted in violence. In the aftermath of a large demonstration in February 2019, opposition members of parliament resigned in an unprecedented act, demanding new elections.⁴ Following months of political crisis, citing election fraud and corruption, opposition parties refused to participate in local elections held in June 2019. This led to the ruling Socialist Party winning absolute majority of seats in all municipalities. The withdrawal of the opposition from parliamentary engagement has contributed to the politicization of protests and weakening of checks and balances over an increasingly powerful executive.⁵

Furthermore, in July 2020, the OGP Secretariat informed the Albanian Government that it had acted contrary to OGP process during the development of the 2018-2020 action plan because it had not ensured a multi-stakeholder forum nor civil society engagement in accordance with the OGP Participation and Co-Creation standards.⁶ The IRM has since not found any evidence of engagement of civil society in the implementation or oversight of the 2018-2020 plan. The IRM contacted three Albanian civil society organizations (CSOs) as part of its research for this report, but did not receive any response. This may be a consequence of civil society absence during the implementation, as much as the original design process, of the action plan. It is noted that the government launched a national OGP repository during implementation of the 2018-2020 plan.⁷ However, this repository failed to collect, publish, or document any information on progress or participation of at least one commitment during implementation of the 2018-2020 plan, as explained in OGP's procedural review.⁸ Nor did the repository publish the self-assessment report which was

shared with the OGP Secretariat and is only available on the country page of the OGP website. Both the lack of engagement with civil society and not collecting, publishing, or documenting progress in a repository, leads the IRM to assess that Albania had “no consultation” in terms of the level of public influence during implementation of this action plan.

2.2. COVID-19 Pandemic impact on implementation

The Albanian Government announced lockdown measures on 11 March 2020 and later introduced emergency legislation that, among other things, limited public gatherings and set a daily curfew to prevent the spread of the virus.⁹

Measures were slowly lifted from the end of April onwards. Instances of COVID-19 oscillated at around 1,000 cases per week toward the end of the action plan implementation cycle (August 2020). Albania had officially banned street demonstrations during the pandemic but protest rallies erupted across the country in December 2020 after the fatal police shooting of a 25-year-old man during a COVID-19 curfew patrol.¹⁰

According to the government self-assessment report, the pandemic posed a challenge for implementation of action plan activities. For example, government agencies working on the creation of an online tool for asset declaration (as part of Commitment 4) had to change priorities to respond to the pandemic.¹¹ It also affected the administrative capacity to deal with anti-corruption denunciations. The self assessment also states that the pandemic led to the postponement until December 2021 of a project by the European Union’s State Secretariat of Economic Affairs (SECO) that would assist Albania in producing government finance statistics, as part of Commitment 1.¹²

¹ Open Government Partnership, IRM Albania End-of-Term Report 2016-2018,

<https://www.opengovpartnership.org/documents/albania-end-of-term-report-2016-2018/>

² Open Government Partnership, Participation and Co-Creation Standards, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

³ Evis Qaja, Government OGP Point of Contact, email correspondence, 23 February 2021.

⁴ EuroNews, Albanian opposition in mass resignation, <https://www.euronews.com/2019/02/22/albanian-opposition-in-mass-resignation-move-to-demand-fresh-elections>

⁵ Bertelsmann Transformation Index, Albania Country Report 2020, <https://www.bti-project.org/en/reports/country-report-ALB-2020.html#pos0>

⁶ Open Government Partnership, Letter to Deputy Prime Minister, https://www.opengovpartnership.org/wp-content/uploads/2021/03/Albania_Contrary-to-Process-Letter_July2020.pdf

⁷ The creation of the website was an activity of Commitment 2, <https://ogp.gov.al>

⁸ Open Government Partnership, Procedural Review, <https://www.opengovpartnership.org/procedural-review/>

⁹ Reuters, Albania declares 30-day emergency to stop coronavirus outbreak, <https://www.reuters.com/article/us-health-coronavirus-albania-idUSKBN21C37P>

¹⁰ Euronews, Tension in Tirana amid protests, <https://www.euronews.com/2020/12/10/tension-in-tirana-amid-protests-over-police-shooting-during-curfew>

¹¹ Evis Qaja, Government OGP Point of Contact, email correspondence, 23 February 2021.

¹² Government of Albania, Albania End-of-Term self-assessment 2018-2020, <https://www.opengovpartnership.org/documents/albania-end-of-term-self-assessment-2018-2020/>

2.3. Early results

The IRM acknowledges that results may not be visible within the two-year time frame of the action plan and that at least a substantial level of completion is required to assess early results. For the purpose of the Transitional Results Report, the IRM will use the “**Did it Open Government?**” (DIOG) indicator to highlight early results based on the changes to government practice in areas relevant to OGP values. Moving forward, new IRM Results Reports will not continue using DIOG as an indicator.

Section 2.3 focuses on outcomes from the implementation of commitments that had an ambitious or strong design, per the IRM Design Report assessment or that may have lacked clarity and/or ambition but had successful implementation with “major” or “outstanding” changes to government practice.¹ Commitments considered for analysis in this section had at least a “substantial” level of implementation, as assessed by the IRM in Section 2.4. While this section provides the analysis of the IRM’s findings for the commitments that meet the criteria described above, Section 2.4 includes an overview of the level of completion for all the commitments in the action plan.

Commitment 2: Open Government to Modernize Public Services And E-Gov. Governance	
Aim of the commitment	This commitment was tied to Albania’s Digital Agenda 2015–2020 and aims to further develop e-services for citizens and businesses in Albania. In addition to making new e-services available on the e-Albania portal, the commitment aimed to develop a national open data portal and a dedicated OGP website. ²
Did it open government? Marginal	<p>The number of online services available to Albanian citizens on the e-Albania portal increased from 591 to 1,086 services according to the National Agency for Information Society (NAIS).³ Demand for online services increased significantly during the COVID-19 pandemic,⁴ and NAIS representatives said that 1,210,093 citizens used the platform between January and August 2020.⁵ According to the government point of contact, NAIS implemented a new method for password reset on the e-Albania portal (using a security question) after receiving complaints and feedback on the previous method.⁶ The government also developed the System of Circulation of Documents with Electronic Signature in 2019, allowing different agencies to share different files provided by citizens, and saw a 35 percent increase in activity during the first half of 2020.⁷</p> <p>An increase in the number of centralized datasets means there are more than 100 datasets now available on the www.opendata.gov.al website,⁸ the national open data portal for Albania. Some relevant areas include economy and finance; health and social protection; education, culture, and sport; environment; agriculture; and population.⁹ According to NAIS, data related to payments made by the Treasury are among the most downloaded from the portal.¹⁰ The government took national legislation and international standards into consideration when including data on the portal, some of which is directly collected from different government agencies’ information systems.¹¹ According to NAIS, some startups and students from the Techspace initiative have started using open data to create ICT applications, but no final products have been produced.¹²</p>

	<p>The new national OGP website, www.ogp.gov.al, aims to centralize information on the country's participation in the OGP process. The previous action plans are available on the website as well as general information on the initiative. No information is available on the implementation of the 2018-2020 action plan. The website provides access to the national open data portal and the electronic register of public notifications and consultations. While it represents an important step toward meeting the requirement for having a publicly available OGP repository, the government needs to proactively publish information regarding the co-creation and implementation process, functioning of the multi-stakeholder forum, and evidence in support of commitment implementation in line with IRM guidance.</p> <p>In terms of change in government practice, the launch of both the national open data portal and national OGP website represent a positive but marginal step forward in improving access to information. The national open data portal now offers centralized statistics in several areas that can be accessed and used for different purposes and interests. The usefulness or quality of the datasets (or if they are new datasets, or just centralized datasets that already existed) is not clear, limiting the IRM's assessment. Results could be improved through the implementation of IRM Design Report recommendations, including a public awareness-raising campaign for the new open data portal; continuous monitoring of feedback to make data more understandable for the public; and defining a set of implementation, outcome, and impact-oriented performance indicators (such as the number of unique yearly and monthly visitors to the new OGP website; and an increased number of users of the open data platform) to track the effectiveness of implementing this commitment.¹³ The Albanian OGP website is a first step in providing a fully functional repository, but the government needs to publish relevant information to ensure the country meets OGP requirements. The e-Albania platform offers numerous new online services and has seen an increase in usage due to the pandemic. Responding to citizen feedback on technical issues, such as the method for password reset, is a positive development, although it is unclear whether citizens themselves report that they can more easily access information about e-services or prefer these processes to in-person services.</p> <p>The IRM reached out to CSOs as part of research for this report but did not obtain a response.</p>
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¹ IRM Design Reports identified strong commitments as “**noteworthy commitments**” if they were assessed as verifiable, relevant, and “transformative” potential impact. If no commitments met the potential impact threshold, the IRM selected noteworthy commitments from the commitments with “moderate” potential impact. For the list of Albania's noteworthy commitments, see the Executive Summary of the 2018-2020 IRM Design Report:

<https://www.opengovpartnership.org/documents/albania-design-report-2018-2020/>

² Open Government Partnership, IRM Albania Design Report 2018-2020,

<https://www.opengovpartnership.org/documents/albania-design-report-2018-2020/>

³ Marseda Prifti and Romina Kostani, National Agency for Information Society, email correspondence with researcher, 23 February 2021. They also stated that the government's goal is to reach 1,207 electronic services (95 percent of total services provided). An estimated 5 percent of services cannot be provided online due to their requirements such as needing to be physically present.

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- ⁴ European Commission, Commission Staff Working Document Albania 2020 Report, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020SC0354&from=EN>. The report states that more than 12.7 million uses of electronic services were registered between January and May 2020 (compared to 2.9 million uses in the same period one year earlier).
- ⁵ Marseda Prifti and Romina Kostani, National Agency for Information Society, email correspondence with researcher, 23 February 2021.
- ⁶ Evis Qaja, Government OGP Point of Contact, email correspondence, 16 July 2021.
- ⁷ European Commission, Commission Staff Working Document Albania 2020 Report, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020SC0354&from=EN>
- ⁸ The POC reported there were 17 datasets available on the open data portal in 2018, 97 available in 2019, and 101 datasets available in 2020. It is not clear if these are new datasets, or already-available datasets that are now centralized. Evis Qaja, Government OGP Point of Contact, email correspondence, 23 February 2021.
- ⁹ Marseda Prifti and Romina Kostani, National Agency for Information Society, email correspondence with researcher, 23 February 2021.
- ¹⁰ Marseda Prifti and Romina Kostani, National Agency for Information Society, email correspondence with researcher, 23 February 2021. They gave the following statistical breakdown: Ministry of Finance and Economy (Payments Made by the General Directorate of Treasure) 1153 downloads and (Statistics on the import of fuel, coffee and beer) 432 downloads, National Business Center (Businesses registered by Cities) 986 downloads, Ministry of Health and Social Protection (List of Medicine) 653 downloads, General Directorate of Road Transport Services (statistics on vehicles by: fuel, model, capacity etc.) 174 downloads and (statistics on registered vehicles) 168 downloads.
- ¹¹ Government of Albania, Albania End-of-Term self-assessment 2018-2020, <https://www.opengovpartnership.org/documents/albania-end-of-term-self-assessment-2018-2020/>
- ¹² Marseda Prifti and Romina Kostani, National Agency for Information Society, email correspondence with researcher, 23 February 2021.
- ¹³ Open Government Partnership, IRM Albania Design Report 2018-2020, <https://www.opengovpartnership.org/documents/albania-design-report-2018-2020/>

2.4. Commitment implementation

The table below includes an assessment of the level of completion for each commitment in the action plan.

Commitment	Completion: <i>(no evidence available, not started, limited, substantial or complete)</i>
1. Open Government in order to Increase Transparency of Government Reporting and Improve Accessibility to Information	<p>Substantial:</p> <p>This commitment focused on improving and implementing internal procedures and methodologies for financial management and control including a standardized and comprehensive statistical system, integrating information into the Treasury’s system, drafting statements of fiscal risks, and monitoring the implementation of financial management and control in public institutions.</p> <p>For Milestones 1.1-1.6: The government self assessment states that in 2019 INSTAT successfully developed data exchange systems aiming to create a sustainable statistical system for General Government Units. Ministry of Finance and Economy (MFE) representatives said it improved the compilation of National Accounts from 50 percent in 2018 to 75 percent in 2019, in accordance with European and international standards.¹ The EU has reported that progress has been made on alignment with ESA 2010 standards but compliance can be further improved.² Ministry representatives said that by the end of the implementation period, it was still testing the data exchange system it created which aims to establish a sustainable statistical system for the General Government Units.³ The COVID-19 pandemic has led to the postponement until December 2021 of a project by the EU’s State Secretariat of Economic Affairs (SECO) that would further assist Albania in producing government finance statistics.⁴</p> <p>For Milestone 1.7, 1.8, and 1.9: The government self assessment states that it published fiscal risk assessments for the annual budget in 2019 and 2020. Regarding the implementation of financial management control systems, the self assessment states that five public institutions were monitored for which an official letter was prepared with the relevant findings and recommendations for improvement.</p> <p>Although not part of the commitment, the MFE said 149 government officials received training on the role and importance of implementing financial management instruments, and that the ministry developed and published a citizen’s budget guide with training provided to 25 CSOs.⁵ This guide aims to provide better understanding of the entry points for CSOs in the budget framework and budget cycle, as well as methods and tools for analyzing and monitoring budget data.</p>

2. Open Government to Modernize Public Services And E-Gov. Governance	<p>Complete:</p> <p>For details regarding the implementation and early results of this commitment see section 2.3.</p>
3. Open Governance for “Better Regulation”	<p>Complete:</p> <p>For Milestones 3.1-3.6: The government established integrated policy management groups (IPMGs) aimed at facilitating coordination of sectoral reforms across four priority sectors: public administration, competitiveness, employment and social, and integrated water management.⁶ The IRM was unable to find further information about the functioning of these IPMGs, but a 2020 EU report says that their administrative capacity and the involvement of development partners, local governments, and CSOs in IPMG sectoral dialogue needs improving.⁷ Government officials received training on methodologies and guidelines in relation to the Integrated Planning System Information System, but administrative capacities could still be improved in this area.⁸</p> <p>For milestones 3.7-3.9: The self-assessment reports that institutionalization of existing legal mechanisms and guidelines has strengthened the process of public consultation on policy proposals. Drafting of some of these guidelines included consultations with relevant government agencies and international organizations.⁹ The government point of contact stated that 72 percent of legal acts went through public consultation during 2019, up from 47 percent in 2018.¹⁰ Government officials received nine ministry-specific trainings on the use of public consultations during 2020. The EU working document reports that citizens’ use of the online portal for public consultations is limited and that quality control on public consultations remains weak and focuses mostly on the process rather than on content.¹¹</p> <p>For milestones 3.10-3.12: According to the self-assessment and information provided by the point of contact, Council of Ministers Decision 197/2018 means that draft primary legislation is now subject to Regulatory Impact Assessments (RIA).¹² RIAs for draft laws are published in the Electronic Register of Notifications and Consultations, which also provides information and results of public consultation on policy proposals.¹³ According to the government point of contact, in 2019, institutions had drafted 70 RIAs, of which 40 had been approved by the Council of Ministers.¹⁴ SIGMA notes that, so far, Albania has ensured consistency of analysis across RIAs produced by different ministries, although not all RIAs are published on the public consultation website.¹⁵</p>
4. Open governance for creating safe communities	<p>Limited:</p> <p>For milestones 4.1.1-4.1.5: The annual monitoring reports on Albania’s cross-sector anti-corruption strategy outline the outcomes of various control and verification investigations.¹⁶</p>

The Anti-Corruption Task Force inspected 58 institutions in 2018 and 13 institutions in 2019. In 2018 it recommended 445 disciplinary measures and 196 such measures in 2019.¹⁷ It did not inspect any institutions in 2020.

For milestones 4.2.1, 4.2.2, and 4.3.1: The government self assessment says that the Minister of Justice and National Coordinator against Corruption communicated information about the actions of the Anti-Corruption Task Force online and through 13 press releases on the Ministry of Justice website in 2018.¹⁸ There is no evidence available of such communications in 2019 or 2020. The Ministry has also presented this information during meetings with international organizations and on the International Day Against Corruption.¹⁹ Regularly and consistently publishing online anti-corruption statistics in a clear and comparable manner, as well as providing information and analysis of the overall content of complaints and summaries of feedback provided to citizens, could guarantee sustained changes for greater transparency in the medium- to long-term in the Ministry of Justice. The self-assessment and a Ministry of Justice official confirm that the Agency for Dialogue and Co-Government does not publish information in relation to denunciations as originally expected for milestone 4.3.1, but rather the information is presented only to ministers and the prime minister.²⁰

For milestone 4.4.1: The online platform for reporting corruption registered 1,084 complaints in 2018, 928 complaints in 2019, but only registered 205 complaints in 2020. There is no publicly available evidence on any changes on public accountability here, as the IRM could not verify if citizens received feedback on their complaints, or the type of feedback they get from authorities. According to the government point of contact, the COVID-19 pandemic in 2020 delayed the processes for investigating and dealing with anti-corruption denunciations.²¹ The self assessment states that in 2020, of the 205 people prosecuted for corruption, 21 were prosecuted while detained, 180 were prosecuted while on bail and 4 were declared wanted.²²

For milestones 4.5.1-4.5.5: The government self assessment states that the milestones under the policy goal of strengthening anti-corruption prevention mechanisms which would prepare an assets declarations system are completed, but there is no evidence of having met the indicator of 'declaration of assets online by declaring subjects' on the High Inspectorate website. The government point of contact pointed to pandemic restrictions as preventing implementation of the online asset declaration system, which is now due to become operational in 2021.²³ The pandemic led to a delay in the approval of the related legislation, and well as finalizing the procurement procedures to implement the system.²⁴

The IRM reached out to CSOs as part of research for this report but did not obtain a response.
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¹ Ministry of Finance and Economy, INSTAT, written answers to interview with IRM, 23 February 2021; The standards which they reference are the European System of Accounts 2010, <https://ec.europa.eu/eurostat/web/esa-2010>, and IMF Government Finance Statistics Manual 2014, <https://www.imf.org/external/np/sta/gfsm/>

² European Commission, Commission Staff Working Document Albania 2020 Report, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020SC0354&from=EN>

³ Ministry of Finance and Economy, INSTAT, written answers to interview with IRM, 23 February 2021; Evis Qaja, Government OGP Point of Contact, email correspondence, 23 February 2021.

⁴ Government of Albania, Albania End-of-Term self-assessment 2018-2020, <https://www.opengovpartnership.org/documents/albania-end-of-term-self-assessment-2018-2020/>

⁵ Ministry of Finance and Economy, INSTAT, written answers to interview with IRM, 23 February 2021; Evis Qaja, Government OGP Point of Contact, email correspondence, 23 February 2021.

⁶ Austrian Development Agency, Albania: Modern Public Administration, <https://www.entwicklung.at/en/ada/news/detail-en/albania-modern-public-administration-1>

⁷ European Commission, Commission Staff Working Document Albania 2020 Report, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020SC0354&from=EN>

⁸ Ibid.

⁹ Government of Albania, Albania End-of-Term self-assessment 2018-2020, <https://www.opengovpartnership.org/documents/albania-end-of-term-self-assessment-2018-2020/>

¹⁰ Evis Qaja, Government OGP Point of Contact, email correspondence, 23 February 2021.

¹¹ European Commission, Commission Staff Working Document Albania 2020 Report, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020SC0354&from=EN>

¹² Tunyan, B. (2021) "Regulatory impact assessment and EU law transposition in the Western Balkans: A comparative analysis of the practice of ex ante assessment of regulatory proposals and EU law transposition", *SIGMA Papers*, No. 61, OECD Publishing, <https://doi.org/10.1787/2cbdb615-en>. In Albania, the regulations require extension of the RIA to secondary legislation from January 2020. The implementation of this rule, however, had not started at the time this report was published.

¹³ Government of Albania, Electronic Register of Notifications and Consultations, <http://konsultimipublik.gov.al/>; See also example of an RIA, <https://www.konsultimipublik.gov.al/Konsultime/Detaje/310>

¹⁴ Evis Qaja, Government OGP Point of Contact, email correspondence, 23 February 2021.

¹⁵ Tunyan, B. (2021) "Regulatory impact assessment and EU law transposition in the Western Balkans: A comparative analysis of the practice of ex ante assessment of regulatory proposals and EU law transposition", *SIGMA Papers*, No. 61, OECD Publishing, <https://doi.org/10.1787/2cbdb615-en>

¹⁶ Ministry of Justice, Monitoring Report for January-December 2018 for Cross-Sector Against Corruption Strategy 2015 – 2020, https://www.drejtesia.gov.al/wp-content/uploads/2021/04/2.-Raporti-i-monitorimit-SNKK-Janar-Dhjetor-2018_EN.pdf; Ministry of Justice, Monitoring Report for January-December 2019 for Cross-Sector Against Corruption Strategy 2015 – 2020, https://www.drejtesia.gov.al/wp-content/uploads/2021/04/2.-Raporti-i-monitorimit-SNKK-Janar-Dhjetor-2019_EN.pdf; Ministry of Justice, Monitoring Report for January-December 2020 for Cross-Sector Against Corruption Strategy 2015 – 2023, https://www.drejtesia.gov.al/wp-content/uploads/2021/04/2.-Raporti-i-monitorimit-SNKK-Janar-Dhjetor-2020_EN.pdf;

¹⁷ Evis Qaja, Government OGP Point of Contact, email correspondence, 23 February 2021; Government of Albania, Albania End-of-Term self-assessment 2018-2020, <https://www.opengovpartnership.org/documents/albania-end-of-term-self-assessment-2018-2020/>

¹⁸ Government of Albania, Albania End-of-Term self-assessment 2018-2020, <https://www.opengovpartnership.org/documents/albania-end-of-term-self-assessment-2018-2020/>

¹⁹ Ministry of Justice, Monitoring Report for January-March 2020 for Inter-Sectoral Strategy Against Corruption 2015 – 2020, http://drejtesia.gov.al/wp-content/uploads/2020/08/Monitoring-Report-ISAC-January-March-2020-ENGLISH_.pdf

²⁰ Hener Shanaj, Ministry of Justice, comment received during the public comment period, 8 November 2021; Government of Albania, Albania End-of-Term self-assessment 2018-2020, <https://www.opengovpartnership.org/documents/albania-end-of-term-self-assessment-2018-2020/>

²¹ Evis Qaja, Government OGP Point of Contact, email correspondence, 23 February 2021.

²² Government of Albania, Albania End-of-Term self-assessment 2018-2020, page 60, <https://www.opengovpartnership.org/documents/albania-end-of-term-self-assessment-2018-2020/>

²³ Evis Qaja, Government OGP Point of Contact, email correspondence, 23 February 2021; Council of Europe (GRECO), Albania Fifth Round Evaluation Report, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a0923d>

²⁴ Hener Shanaj, Ministry of Justice, comment received during the public comment period, 8 November 2021; Government

III. Multi-stakeholder Process

3.1 Multi-stakeholder process throughout action plan implementation

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP’s Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to the OGP process. Albania **acted contrary** to OGP process.¹ Albania did not collect, publish, and document a repository on the national OGP website/webpage in line with IRM guidance. There was also no space or multi-stakeholder forum for stakeholders to discuss the OGP process during development of the action plan. The Integrated Policy Management Group for Good Governance and Public Administration (IPMG-GGPA) is not an OGP dedicated multi-stakeholder forum, but rather serves on other, non-OGP related issues.

Please see Section 3.2 for an overview of Albania’s performance implementing the Co-Creation and Participation Standards throughout the action plan implementation.

Table [3.2]: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply it to OGP.² In the spirit of OGP, most countries should aspire to “collaborate.”

Level of public influence		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.	✓	
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		✓

The government point of contact stated that the IPMG-GGPA operated as the multi-stakeholder forum during co-creation and implementation of the action plan.³ However, this structure has already been assessed by the IRM in its Design Report as not meeting the requirements of OGP process and, in July 2020, the OGP Secretariat informed the Albanian Government that it had therefore acted contrary to OGP process.⁴

The IRM has since not found any evidence of engagement of civil society in the implementation or oversight of the 2018-2020 plan. The IRM contacted three Albanian CSOs

as part of its research for this report, but did not receive any response. This may be a consequence of civil society absence during implementation, as much as the original design process, of the action plan. The government has not provided evidence, such as minutes of meetings, where implementation of the action plan was discussed with civil society. It is noted that there were public consultation opportunities in activities related to Commitments 1 and 3 but it is not clear to what extent, if at all, there was feedback provided, and in any case, these opportunities do not relate to engagement or oversight of the action plan as a whole.

The Albanian Government developed and launched the online repository in 2019 (ogp.gov.al) but to date there is no information available on implementation of the 2018-2020 action plan.⁵ This repository has failed to collect, publish, or document any information on progress or participation of at least one commitment during implementation of the 2018-2020 plan, as outlined in OGP's procedural review.⁶ Some information on the implementation of various activities that are part of action plan commitments is spread across government websites and not necessarily with any reference to the action plan itself. The government shared the self-assessment report with the OGP Secretariat, but the document is only available on the country page of the OGP website.

Both the lack of engagement with civil society and not collecting, publishing, or documenting progress in a repository, leads the IRM to assess that Albania had “no consultation” in terms of the level of public influence during implementation of this action plan.

¹ Acting Contrary to Process - Country did not meet (1) “involve” during the development or “inform” during implementation of the action plan, or (2) the government fails to collect, publish, and document a repository on the national OGP website/webpage in line with IRM guidance.

² “IAP2’s Public Participation Spectrum,” IAP2, 2014,

https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf

³ Evis Qaja, Government OGP Point of Contact, email correspondence, 23 February 2021.

⁴ Open Government Partnership, IRM Albania Design Report 2018-2020,

<https://www.opengovpartnership.org/documents/albania-design-report-2018-2020/>; Open Government Partnership, Letter to Deputy Prime Minister, https://www.opengovpartnership.org/wp-content/uploads/2021/03/Albania_Contrary-to-Process-Letter_July2020.pdf

⁵ The creation of the website was an activity of Commitment 2, <https://ogp.gov.al>

⁶ Open Government Partnership, Procedural Review, <https://www.opengovpartnership.org/procedural-review/>

3.2 Overview of Albania's performance throughout action plan implementation

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Multi-stakeholder Forum	During Development	During Implementation
1a. Forum established: As explained in the IRM Albania Design Report 2018-2020, the Integrated Policy Management Group for Good Governance and Public Administration (IPMG-GGPA) is not considered to carry out the function of an open government multi-stakeholder forum.¹	Red	Red
1b. Regularity: N/A	Red	Red
1c. Collaborative mandate development: N/A	Red	N/A
1d. Mandate public: N/A	Red	Red
2a. Multi-stakeholder: N/A	Red	Red
2b. Parity: N/A	Red	Red
2c. Transparent selection: N/A	Red	N/A
2d. High-level government representation: N/A	Red	Red
3a. Openness: N/A	Red	Red
3b. Remote participation: N/A	Red	Red
3c. Minutes: N/A	Red	Red

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Action Plan Implementation	
4a. Process transparency: The Albanian national open government webpage (ogp.gov.al) does not publish regular updates on the progress of commitments nor has it published its 2018-2020 self-assessment report. The self-assessment report is only available on the Albania page of the Open Government Partnership's website.	Red
4b. Communication channels: It is not possible for people to provide comments on updates presented on the website, but the Albanian OGP website includes a telephone number, an info@ogp.gov.al email address, and an online contact form.	Yellow
4c. Engagement with civil society: There is no evidence to suggest the government held at least two open meetings with civil society (one per year) to discuss implementation of the action plan.	Red
4d. Cooperation with the IRM: The government organized interview meetings between public institutions and IRM researchers to provide information during the research phase of drafting IRM reports. It has also collected comments from institutions during prepublication and public comment phases.	Green
4.e MSF engagement: There is no dedicated and functioning open government multi-stakeholder forum in Albania.	Red
4.f MSF engagement with self-assessment report: There is no dedicated and functioning open government multi-stakeholder forum in Albania.	Red
4.g. Repository: A space as a repository exists on the Albanian national OGP website, but it is missing most information related to implementation of the 2018-2020 action plan as explained in IRM guidance.²	Red

¹ Open Government Partnership, IRM Albania Design Report 2018-2020, <https://www.opengovpartnership.org/documents/albania-design-report-2018-2020/>

² Open Government Partnership, <https://ogp.gov.al>

IV. Methodology and Sources

Research for the IRM reports is carried out by national researchers. All IRM reports undergo a process of quality control led by IRM staff to ensure that the highest standards of research and due diligence have been applied. The IRM tried contacting three CSOs that were interviewed for the Design Report, but did not receive a response.

The International Experts Panel (IEP) of the IRM oversees the quality control of each report. The IEP is composed of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual¹ and in Albania's Design Report 2018-2020.

About the IRM

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 (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



¹ IRM Procedures Manual, V.3, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

Annex I. IRM Indicators

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.¹ A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
 - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - Public Accountability: Will the government create or improve public facing opportunities to hold officials answerable for their actions?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the IRM Implementation Report.

Results oriented commitments?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment design is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.')
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26 percent of judicial corruption complaints are not processed currently.")?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation (e.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")?

Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. To receive a star, a commitment must meet several criteria:

- The commitment’s design should be **Verifiable, Relevant** to OGP values, and have **Transformative** potential impact. As assessed in the Design Report.
- The commitment’s implementation must be assessed by IRM Implementation Report as **Substantial** or **Complete**.

This variable is assessed at the end of the action plan cycle, in the IRM Implementation Report.

¹ “IRM Procedures Manual,” OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>