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PARTICIPATION OF CITIZENS AND CIVIL SOCIETY IN DECISION MAKING

STUDY ON THE LEGAL AND REGULATORY FRAMEWORK
AND PRACTICE IN ALBANIA



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ABBREVIATIONS

ASCS	Agency for the Support of Civil Society
GDP	General Directorate for Policies
IT	Information Technology
GDPML	General Directorate for the Prevention of Money Laundering
ECNL	European Center for Not-for-Profit Law
HDPC	Human Development Promotion Centre
MLSAEO	Ministry of Labor, Social Affairs and Equal Opportunities
LGU	Local Government Unit
OECD	Organization for Economic Co-operation and Development
NPO	Non for Profit Organization
PA	Partners Albania, Center for Change and Conflict Management
LG	Local Government
TACSO	Technical Assistance for Civil Society Organizations
VAT	Value Added Tax
UNECE	United Nations Economic Commission for Europe
CIO	Citizens' Information Offices

1. Introduction

This publication is prepared from Partners Albania, Center for Change and Conflict Management. It presents the report of a study on the legal and regulatory framework for civil society and citizens' engagement in Albania, administered by PA during 2012. The study was conducted in the framework of the project "Increase citizen participation in policy making and implementation" supported by Olof Palme International Centre in Albania and financed by the Swedish Government.

The main purpose of the study was the assessment of the legal and enabling framework, and the level of citizens' and civil society engagement in decision making processes in Albania.

The study presents a summary of the legal and regulatory framework that affects citizens engagement including: principles, fundamental rights and freedoms guaranteed in the Albanian Constitution, laws and regulations that affect the right to organization, freedom of expression, the right of information etc.

In its content the publication offers information on basic concepts of citizens' participation, its level and forms, its importance and the role of civil society in it.

The evaluation of the civil society organizations' engagement and groups of interest that they represent, in decision making processes on local and central level, enabling factors and challenges faced in this direction, take a considerable part in this study.

The publication includes a series of recommendations gathered by the survey conducted with 100 NPOs in the country (in 10 Municipalities), interviews and focus groups with representatives of civil society, local government, experts and other interested local actors.

The analysis of these data offers findings to be used to promote reforms on local and central level to encourage citizens' and civil society participation in decision making processes, from designing, implementing and monitoring policies in all governing levels.

2. Methodology

Objective of the study:

- Creating a general view of the legal and regulatory framework that guarantees citizens' participation on local and central level;
- Evaluating the level of engagement of civil society in decision making processes and identifying challenges;
- Identifying priorities for reforms in the legal and regulatory framework to encourage collaboration and dialogue among civil society organizations and the government.

To realize this study, PA used the following research tools:

- Desk research of the legal and regulatory documentations, and the reports and publications of national and international organizations and institutions related to citizens' participation and its development;
- Survey realized through the administration of a questionnaire with 100 NPOs in Berat, Durrës, Elbasan, Gjirokastra, Korça, Kuksi, Lezha, Puka, Shkodra, Tirana and Vlore;
- Interviews and focus groups with representatives of civil society, local governments, experts and other actor in the above mention cities;
- Field survey and monitoring of LGU's WebPages. This tool was used to monitor the access in information on issues of public interest, type quality of available information to the citizens online, the ethic of this communication etc.

3. What is Civic Participation?

Civic participation may be regarded as the process by which citizen's concerns, needs, values, expectations and problems are taken into account into the governmental decision-making process. It is a two-way communication process between the government and citizens, with the overall goal of better decisions made, supported by the public and increasing the well-being of the population as well as the reduction of poverty.

Civic participation encompasses three inter-related elements:

- An open and transparent government, involving citizens in its complex activities and decision-making processes;
- A consistent and persistent flow of information from the government to its citizens and vice-versa; and
- Efficient ways of informing citizens to understand their roles and responsibilities to participate as equal partners.

Civic participation is the combination of these three elements, so that national government plans are developed and carried out jointly, as responsively as possible to the needs and desires of citizens (Chetwynd and Chetwynd, 2001).

Another important dimension to citizens' participation is that of how the relationships between the different institutions and actors are shaped through the distribution of authority.

This dimension was a particular focus of Sherry Arnstein, the American sociologist, who, in 1969, published landmark research on the role of citizens' participation in decision making processes. Arnstein argued that citizens' participation is a "categorical term for citizens' power", as it has to go beyond mere citizen observation and inactive participation, because the Public is not

a passive actor, but an agent who has the power to change and influence how public affairs are managed. Thus, it becomes clear that citizens' participation is not just part of a description of particular institutional arrangements for decision making, but an aspect of the authority that actually makes the decisions.

According to political scientists such as Robert Dahl, democracies must provide equal and adequate opportunities for citizens to participate. These opportunities should see citizens: a) putting issues on the agenda; b) expressing their views on those issues, and c) exercising some form of authority (through voting or otherwise). All three of these rights are enshrined in the European Union's Lisbon Treaty and, for both the EU as a whole and its individual Member States, present significant challenges to be upheld and stand as useful benchmarks for those seeking EU membership. The Treaty sets out to support a more democratic and transparent Europe, with a strengthened role for the European Parliament and national parliaments, a clearer sense of who does what at European and national level, and more opportunities for citizens to have their voices heard.¹

Civic participation is a key element for democracy. Albania has undergone to a series of reforms and changes regarding citizens' participation in decision making processes and designing laws to construct its democratic system. Still, there persist some challenges as: (1) little information; (2) deformed understanding that the citizens themselves have on their citizens' rights and duties; (3) low participation of citizens in designing, implementing and monitoring laws and reforms; (4) incorrect implementation of the legal and regulatory framework from the public officials.

¹ TACSO. (2011) OSHC-të dhe Pjesëmarrja e Qytetarëve në Proceset Vendimmarrëse

3.1 Levels of Citizens' Participation

According to the OECD methodology there are three levels of cooperation between citizens and authorities in the decision making processes²:

1. Information. The right of information from the public, the access to public documents and information, the official journal, web pages, information offices of the local government bodies is all forms and tools of access and participates in the local governance activities. This information flows in one direction – from government to the citizens; the government informs citizen at its own and the citizens obtain information on their own initiative.

2. Consulting – the authorities seek and receive feedback from citizens in the process of policy formulation. This is already a two-way relationship in which it is necessary to determine the participants in a process. In addition, in order to receive the feedback authorities should provide adequate information to citizens.

3. Active participation – a higher level of two way relationship. Citizens are actively involved in policy formulation and decision making processes (for example, membership in working- groups for shaping a law).

² OECD Public Management, Policy Brief Engaging Citizens in Policy-Making: Information, Consultation and Public Participation. PUMA, Policy Brief No.10, July 2001, page. 2.

4. Civil society and NPO's role in encouraging citizens' engagement and decision making processes

There is little literature to review on the history of civil society and its development in Albania and even less on the definition of the concept itself. Defining civil society is a difficult task not only in countries like Albania, because it is a relatively new concept in the scholarly discourse, but also in countries with a recognized tradition of the third sector.

The term "civil society" has a functional meaning and refers to the wide array of non-governmental, voluntary and not-for-profit organizations having a presence in public life, and which perform a wide range of activities to further the values and interests of their members and others, based on ethical, cultural, political, scientific, religious, or philanthropic considerations. This definition refers to the sphere outside the family, the state and the market, and excludes for-profit businesses, although professional associations may be included. In this report, "civic engagement" means the participation of private actors in the public sphere, conducted through direct and indirect interactions of NPOs and citizens-at-large with government, multilateral institutions and business establishments to influence decision making or pursue common goals. Civic engagement is a process through which citizens or their representatives organize to "influence, shape and control public affairs and development initiatives, implementation and resources."³

The civil participation and engagement in Albania is linked with historical moments and economic, social and political factors that Albania went through. Archived data show the existence of citizens' organizations in professional groups (esnafe) or benefactress associations since early 1700. These organizations operated mainly as benefactor/human organizations or associations

³ World Bank. (2009) World Bank - Civil Society Engagement: Review of Fiscal Years 2007 to 2009

for the development and dissemination of Albanian language. Since that until the establishment of the Albanian state at 1920, there can be recalled dozens of associations established in Albanian regions and Diaspora. Those were closely linked with the national Albanian movement, dissemination of Albanian language and national cultural elements. After 1920 there was a lack of sustainability of these associations, whose activities became sporadic and unorganized. It was the state that undertook a more active role in curing social problems. In 1922 there was established the Albanian Red Cross.⁴

The implementation of the socialist model in Albania after World War II would have extreme consequences for the history of the country and on the civil participation and engagement. A new political, economic and social system would be established, which aimed at homogenizing the society and turning it into a one color society and putting every sector of life under severe control. During this period, civic engagement was framed in the new format according to the interests and the ideology of the communist system. This new format, limited the civic engagement in organizations created by the state party (youth organization, professional unions, women organization, vet organization, the democratic front etc). Meanwhile civic engagement was encouraged and promoted through the concept and practices of volunteer work. Indeed this was a forced voluntarism.

Not surprisingly, when the regime fell in 1991 many of the critical ingredients needed to establish and sustain a healthy civil society were lacking; namely collaboration, trust, formal partnerships, and networks and alliances, in short, social capital.

Transition and social and economic development challenges were too big to be addressed in the context of the new political system; poor economy, weak institutions, mentality of a society that had been isolated for 45 years and increased unemployment. The development of free initiatives, established the conditions for the flowering of many private initiatives, impacting the economy growth and development of society in the country. Establishment of non – for – profit organizations and the development of civil society were other development factors which had an important contribution in the economic and social development.

⁴ Partners Albania. (2011) A historical view on Philanthropy Development in Albania

Albania's first NPO established in December 1990, legally operational by January 1991, was the Forum for Defending Fundamental Human Rights and Freedoms (today Albanian Helsinki Committee).⁵

Nowadays there is no official data from the Judicial District Court of Tirana, the competent court for updating the Register of Non for Profit Organizations in the country. It's a fact that the number of active organizations in the country is far smaller than the registered ones. In the needs assessment report for Albania, published from TACSO in 2011, the number of registered organizations is 2231.⁶ Meantime the General Directorate for Money Laundering Prevention has it published in its Webpage the list of organizations registered to the tax organisms in the Albanian Republic, and till June 2010 this number was 1651 non for profit organizations.⁷

The work of these organizations is focused mainly on service offering sector, community mobilization, transparency and good governing, capacity building etc.

Their work and contribution in years, has a considerable social and economic value, but unfortunately unstudied and underestimated till now.

NPOs play a very important role in encouraging citizens' engagement and advocating interests of the groups they represent and work for. In years can be counted many initiatives of their in citizens' engagement in defending priority issues of public interest, as well as cases of NPO's active involvement in consultations with the government for designing new laws, existing laws' amendments and designing strategic documents such as : Law "On measures for prevention of violence within families"; Law "On Gender Equality in Albania"; Law "For the Protection from discrimination"; National Strategy for People with Disabilities 2005-2010; National Strategy for Gender Equality and against Domestic Violence 2007-2010; National Strategy of War against Human Trafficking 2008-2010; National Strategy for Gender Equality, Violence against Women and Domestic Violence 2011-2015; National Youth Strategy and National Action Plan 2007-2013 etc. Though there still lack legal standardized, consolidated and sustainable mechanisms, for the organizing and functioning of the above mentioned mechanisms.

Lately there have been attempts from the government to increase the col-

5 HDPC. Third Sector Development in Albania: Challenges and Opportunities.

6 TACSO. (2011) Needs Assessment Report, Albania

7 DPPP. www.fint.gov.al/doc/Lista%20e%20OJF%20.xls

laboration and the support for the civil society sector. In 2009 the Albanian Parliament approved the Law Nr.10 093, date 9.3.2009 For the Organization and Functioning of the Agency for the Support of Civil Society, ⁸ with the mission to encourage sustainable development of civil society and creating favorable conditions for civic initiatives for the highest interest of the public. Following this there was designed the Civil Society Chart, a political engagement document that emphasizes the role of civil society as a key partners of the government in country development, even though, such a good intention, yet hasn't been reflected in any enabling legal framework for the sector.

Another important engagement of the Albanian government in this regard was the participation in the global initiative "Open Government Partnership" in 2011.

As part of the action plan designed in the timeframe of the Civil Society Chart, mentioned above, there is expressed the engagement of the governmental institutions for creating mechanisms that enable increased citizens' participation in decision making and the encouragement of collaboration among civil society and the government.

Though there is lot of work needed to be done regarding the implementation of this legal framework, and of other engagement articulated from the government that remain till today just paper engagements. Civil society should play a key role for encouraging the state institutions to respect the rule of law, keep the promises and engagements and deepen the institutional reforms that encourage citizens' participation and collaboration.

Further down follows a summary of the legal and regulatory framework in the Republic of Albania⁹, which guarantees the fundamental freedoms and rights in regard to participation, its forms and mechanisms.

8 www.amshc.gov.al/web/doc/ligjore/LIGJ_Nr._10093_date_9.3.2009.pdf

9 Note. As part of the legal and regulatory framework summary, for special articles there are mentioned only relevant points.

5. The Actual Legal Framework and Regulatory Procedure on Civic Participation

The right of the citizens (and civil society) to participate in decision making processes or other instruments of public policy is not a specific right guaranteed by the Constitution.

This right is rather derived from general principals of a democratic political system and other rights guaranteed from the **Constitution** such as the right to free access to information of public importance, the right to petition to authorities, right to a healthy environment, the right to propose laws, the right to referendum, freedom of speech and association etc.

The exercise of these rights is regulated by constitutional legal dispositions, international legal acts, regulations and guidelines that sanction and regulate their implementation.

Republic of Albania has ratified a series of international convents such as: Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to you to justice in environmental matters (known as the Aarhus Convention), the European Charter of Local Self Government, the Council of Europe Convention on Access to Official Documents, European Social Charter etc.

These international acts guarantee the right and the freedom of speech and think; the rights of gathering and peaceful rally; the right of organization; the right to participate in the governance of the country directly or indirectly through freely voted representatives; the right to participate in the decision making processes; the right to access in official documents; the right to ask for information in official institutions on local or central level; the right to complain in the court etc.

All the above mentioned creates the baseline for the right of civic participation in decision making processes.

The legal framework in the Republic of Albania, stands in a line with all the above mentioned acts and in most of its laws and regulations defines and guarantees most of these rights.

5.1 Albanian Constitution

Article 2

1. Sovereignty in the Republic of Albania belongs to the people.
2. The people exercise sovereignty through their representatives or directly.

Article 20

1. Persons who belong to national minorities exercise in full equality before the law the human rights and freedoms.
2. They have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop it, to study and to be taught in their mother tongue, as well as unite in organizations and societies for the protection of their interests and identity.

Personal Rights and Freedoms

Article 22

1. Freedom of expression is guaranteed.
2. The freedom of the press, radio and television are guaranteed.

Article 23

1. The right to information is guaranteed.
2. Everyone has the right, in compliance with law, to get information about the activity of state organs, as well as of persons who exercise state functions.
3. Everybody is given the possibility to follow the meetings of collectively elected organs.

Political Rights and Freedoms

Article 46

1. Everyone has the right to organize collectively for any lawful purpose.
2. The registration of organizations or societies in court is done according to the procedure provided by law.
3. Organizations or societies that pursue unconstitutional purposes are prohibited pursuant to law.

Article 47

1. Freedom of peaceful meetings and without arms, as well the participation in them is guaranteed.
2. Peaceful meetings in squares and places of public passage are held in conformity with the law.

Article 48

Everyone, by himself or together with others, may direct requests, complaints or comments to the public organs, which are obliged to answer in the time periods and conditions set by law.

Economic, Social and Cultural Rights and Freedoms

Article 56

Everyone has the right to be informed for the status of the environment and its protection.

People's Advocate

Article 60

1. The People's Advocate defends the rights, freedoms and lawful interests of individuals from unlawful or improper actions or failures to act of the organs of public administration.
2. The People's Advocate is independent in the exercise of his duties.
3. The People's Advocate has his own budget, which he administers himself. He proposes the budget pursuant to law.

Article 63

3. The People's Advocate has the right to make recommendations and to propose measures when he observes violations of human rights and freedoms by the public administration.

4. Public organs and officials are obligated to present to the People's Advocate all documents and information requested by him.

The Legislative Process

Article 81

1. The Council of Ministers, every deputy, and 20,000 electors each have the right to propose laws.

Constitutional Court

Article 134

1. The Constitutional Court is put into motion only on the request of:

- f) The People's Advocate;
- g) Organs of the local government;
- h) Organs of religious communities;
- i) Political parties and other organizations;
- j) Individuals.

2. The subjects provided for in subparagraphs 'f', 'g', 'h', 'i', and 'j' of paragraph 1 of this article may make a request only for issues related with their interests.

Referendum

Article 150

1. The people, through 50 thousand citizens who enjoy the right to vote, have the right to a referendum for the abrogation of a law, as well as to request the President of the Republic to hold a referendum about issues of special importance.

2. The Assembly, upon the proposal of not less than one-fifth of the deputies or the Council of Ministers, can decide that an issue or a draft law of special importance be presented for referendum.

5.2 Legal framework for the Right of Organization

The Albanian Constitution explicitly protects the right to free association, which in addition is regulated through a series of laws and regulations that have been designed to guarantee the right of citizens to organize in groups according to their interests.

In 1991 was approved the Law Nr. 7516, dated 7.10.1991 The Trade Union Act in Republic of Albania, which defines trade unions as social organizations that are created as volunteer unions of workers to defend their economic, professional and social rights and interests.

Meanwhile only in 2001, after a long multilateral attempt, there were passed in the Parliament the legal package for the registration and the functioning of non-for-profit organizations in Albania¹⁰. Some of its core laws and articles there define its object and the functioning of this package is presented further down.

In 2006 entered into power the Law Nr. 9640, dated 9.11.2006 "On Chambers of Commerce and Industry". According to this law, the Chamber of Commerce and Industry, is a juridical person that does not exercise for-profit activities. Object of its activity among others are: presentation and protection of legal economic interests of its members; as well as promotion and realization of services of general interests and on behalf of its members.

Law Nr. 8788, dated 7.5.2001 On Non-Profit Organizations

Article 1 Object of the Law

This law sets out rules for the establishment, registration, functioning, organization and activity of non-profit organizations, which follow purposes in the good and interest of the public.

¹⁰ Law nr. 8789, dated 7.5.2001 "On Non for Profit Organizations Registration", Law Nr.8788, dated 7.5.2001 "On Non for Profit Organizations", Law Nr.8781, Dated 3.5.2001, "On some Amendments and Changes in Law Nr.7850, Dated 29.7.1994 "Civic Code of the Republic of Albania"

Article 4

The Right to Establish and Participate

Every natural or juridical, local or foreign person has the right to establish a non-profit organization, to be a member of it or to take part in its management organs or in the administrative personnel of the non-profit organization.

Law No.8789, dated 7.5.2001 "For the registration of nonprofit organizations."

Article 1

Object of the Law

This law sets out rules for the establishment, registration, as well as the rules for the maintenance of their register.

Article 2

Legal framework

Rules for the form of organization, establishment, activity and functioning of non for profit organizations are defined by law.

Article 3

Registration

Associations, foundations and other forms of non for profit organizations that gain the quality of juridical person only after court registration, can exercise their activities defined explicitly by law.

CIVIL CODE OF THE REPUBLIC OF ALBANIA Approved by Law nr.7850, dated July 29, 1994, changed by Law 8781 dated May 3, 2001

Part of the legal package for the registration and functioning of non for profit organizations in Albania were even the changes that were made through the Law 8781 dated May 3, 2001 in the Civil Code Of The Republic Of Albania (approved by Law nr.7850, date 29.7.1994). These changes were reflected in the articles 39 – 63 of it.

5.3 Legal Framework for Resource Mobilization and Key Constraints

Civic engagement and effective participation of civil society in decision making, asks for an economically sustainable sector. Nowadays, NPOs sector in Albania is financed almost entirely by donors, primarily foreign ones. The sector receives very little funding from sources that provide significant resources to NPOs in other countries, such as the government, local philanthropy, or even membership fees, incomes from economic activities or utilization of assets on organization's property.

Even though based on the existing legal framework, the NPOs are allowed to have economic activities (explicitly said in articles 36 and 37 of Law Nr.8788), as the recommendations of the evaluation report of the legal and regulatory framework in Albania, conducted from ENCL experts, there is still big confusion among the terms "non for profit" "for profit" and "economic activities". These terms should be defined clearly in these laws, to make a sharp difference among economic activities and non for profit activities and define at what extend NPOs are allowed to engage in economic activities. This might ask for a review of the respective legal of the Civic Code and the Law on NPOs.¹¹

In the enabling legal framework of the NPOs on resources mobilization, apart the existing law on NPOs, a very important role plays the Law on Value Added Tax.¹² This law, on its article 24, states a special exception for the non for profit organizations that offer services on reduced price. Though classified under this exception there are only services offered from religious or philosophical organizations for spiritual purposes, as well as services offered from organizations that have a status for public profit (as defined from the Ministry of Finances).¹³

11 ECNL. (2011) Assessment Report on the Fiscal Framework of Civil Society in Albania (designed upon request of Open Society Foundation for Albania)

12 Law nr.7928, dated 27.4.1995 "On Valued Added Tax"

13 Law Nr. 10003, Dated 6.10.2008 "On some Amendments and Changes in Law nr.7928, dated 27.4.1995 " On Valued Added Tax "

As mentioned earlier in this session, the incomes of the organizations from the services paid from state budget are very low. Even though Law nr. 8788 clearly states in its article 39 that, non for profit organizations have the right to participate in entrepreneurship field, in tenders' and grants' procurement, contract and sells of public services from the state organs, in practice there have been lots of problems related to the legal regulatory and procedural procurement of these services.

Another supportive resource for the sector, regulated by law, is sponsorship. Law Nr.7892, dated 21.12.1994 "On Sponsorship" (changed by law nr nr.8282, dated 21.01.1998; with law nr.9040, date 27.03.2003 and law nr. 9807, date 20.09.2007), regulates the support with financial and material aids of social and public activities including humanitarian, cultural and artistic, educational, ecologic activities and literature, scientific and encyclopedic and editorial publishing objects.

5.4 Legal Framework for the Freedom of Speech and Key Constraints

Albania offers Constitutional guarantees for the right to free expression and freedom of the press.

The other four enabling elements of civic engagement and civil society--association, resources, information and negotiation--depend upon freedom of expression. Without free expression, people are unable to form associations, cannot effectively mobilize resources, and are unable to request disclosure of official information, and cannot negotiate, or debate, with the government and other civic institutions.

Albania was the first country in the region to adopt is legal framework to assure citizens the right of information and access in unclassified official documents through the law Nr.8503, dated 30.6.1999 On the Right to Information on Official Documents.

Only with adequate information citizens and civil society, being sufficiently informed about what the government and its officials are doing, can oversee and evaluate the government's performance can discuss and debate the activities of their governments. If freedom of expression is the oxygen of civic engagement, access to information is a crucial nutrient to it.

LAW No. 8503, dated 30.6.1999 ON THE RIGHT TO INFORMATION ON OFFICIAL DOCUMENTS

Article 3 Right to information

Everyone has the right to request information on official documents, pertaining to the activity of state organs and persons that exercise state functions, without being obliged to explain the motives.

The public authority is obliged to give any information pertaining to an official document, except in cases when the law provides differently.

Any information on an official document, granted to a person, shall not be refused to other persons, who request it, excluding the case when this information constitutes personal data of the individual himself, to whom the information was granted.

Article 4 Limitation

If the requested information on an official document is restricted by law, the public authority shall provide the requester with a written declaration expressing the reasons for the refusal of information and the rules under which he can get such information.

If the restriction of the information is related to only one part of the official document, the remaining part shall not be refused to the requester.

Article 5 Right to information on the subject exercising state functions

Everyone has the right to information on the personal data of persons exercising state functions or public services, kept in an official document, to the extent these data are related to the requirements provided by law or a sub-legal act for the person exercising these duties.

Article 6 Duty on the quality of information service

A Public Authority shall issue rules and set up structural and practical facilities in order to provide the public with exact, full, speedy and adequate information on official documents.

Article 7 Forms of information granting

The requester shall have at his/her disposal a complete copy of the official document, on which he/she requests to be informed.

Public Authority, upon request of an interested party or on its own initiative, offers the requester other forms of submittal including the oral form. In such cases, the requester shall express his/her consent to the form offered in writing.

Article 8 Official documents available without a public request

A Public Authority shall make available to the public and duplicate by itself, in sufficient quantity and appropriate formats, official documents that facilitate the information of the public on:

- a) Information as to where its central and local organs are situated, places, as well as the names of the employees from whom the public can receive information, submit requests or receive answers;
- b) Rules, procedures and methods by which different forms can be obtained,

explanations about their scope and contents or about the documents and necessary certificates for filling in these forms;

c) General legal rules based on which the public authority acts, general policies implemented by the public authority, as well as changes made to them;

ç) detailed explanations on working methods and procedures of the public authority.

In the articles 10-11- 12 of the law there are defined the timelines, and reasons for not accepting the request for information, for extended timelines and the right to appeal. The government must generally “satisfy the request” within forty days from its “acceptance,” only if law foresees otherwise. In cases when the authority is impossible to respond the request within the timelines foreseen on article 11 of the law, due to the specific of the request or the need to further consultation with a third party, it should immediately notify the requestor on a written form not later than 7 days prior to the previous deadline, for the impossibility of satisfying the request for information, reasons and causes of this result.

Articles 15 and 16 of the law state that everyone who believes that his/her rights, as recognized by this law, are infringed, is entitled to lodge an administrative appeal.

Law no. 8485, dated 12.5.1999 “The Code of Administrative Procedures in the Republic of Albania” shall regulate the procedure for the administrative appeal.¹⁴.

Another important law related to the right of information is the Nr. 8410, dated 30.9.1998 “On the Public and Private Radio and Television in the Republic of Albania”, changed in 2000 and 2003.¹⁵

Among other articles the Law defines basic principles of radio and television activities in accordance with the fundamental rights and freedoms of individuals; guarantees impartiality is of transmitting messages of social utility or high interest for the wide public.

¹⁴ Law Nr.8503, dated 30.6.1999 “On the Right of Information on Official Documents”

¹⁵ Law Nr. 8410, date 30.9.1998 “On Public and Private Radio and Television in the Republic of Albania”

**Law Nr. 8410 dated September 30, 1998
On Public and Private Radio and Television in the
Republic of Albania**

**Article 4
Fundamental Principles of Conducting Radio-Television
Activity**

Radio-television activity is free.

Radio-television activity respects impartially the right to information, political convictions and religious beliefs, the personality, dignity and private life of the individual, as well as his fundamental rights and freedoms.

In this activity, the rights, interests and moral and legal requirements for the protection of minors are respected in a special manner. Radio-television activity is not permitted to infringe on the constitutional order, sovereignty and national integrity.

Article 36

Public and private radio-televisions' programs respect human dignity and the fundamental human rights; impartiality, completeness and pluralism of information, the rights of children and adolescents, public order and national security, Albanian language and culture, the humane constitutional rights of citizens and national minorities in compliance with international conventions signed by the Republic of Albania, and Albanian religious diversity.

**Article 39
Information Transmitted without Compensation**

The National Council of Radio and Television specifies by regulations messages for the social good or in the high interest for the public at large, which the public and private radio-television networks are obligated to transmit without compensation. The organs of local power and state administration have the right to request licensees for local private radio-television transmissions to transmit without compensation short communications that present special interest for the public of the zones where they are transmitted and which have to do with health, natural disasters, and order.

Transmitters do not have responsibility for the content of these messages.

Article 41

News Transmissions

Public and private radio and television on the national scale are obligated to transmit news every day. News and information transmitted by radio-television operators in informational editions shall present facts and events in a correct and impartial manner, shall encourage the free formation of opinions and shall not serve in a one-sided manner the interests of a party or political organization, economic grouping and religious community or association.

5.5 Other laws and regulations

To support and guarantee the fundamental constitutional rights mentioned above, and to assure citizens' participation and involvement on local and central decision making, there are designed a series of laws, regulations and guidelines. Among the most important ones listed below there are: Law for Organizing and Functioning of Local Government – that is the main legal base for citizens' participation on local decision making; Law for Peoples' Advocate; Law for the Agency for the Support of Civil Society; Rules of Procedures of the Albanian Parliament; Rules and Procedures of the Council of Ministers and Working Regulations of Ministries.

Law No.8652, dated 31.7.2000 On Organization and Functioning of Local Governments

Article 3

Mission of Local Governments

The purpose of local government in the Republic of Albania is to promote the welfare of the people and guarantee good governance, at the level closest to the residents through:

- a) Recognition of the existence of different identities and values of the communities in Albania,
- b) Respect and enforcement of the fundamental rights of citizens provided for in the Constitution and other laws in those communities,
- c) Opportunity to make choices between different kinds of local public facilities and services for the benefit of the community,
- ç) Efficient and effective exercise of the functions, competencies and realization of duties of various bodies of local government,
- d) Delivery of appropriate services,
- dh) Promotion of effective participation of local residents in local government.

Article 32

Duties and competencies of commune or municipality Councils

The communal or municipal council has the following duties and competencies: (among others):

- dh) Approves the budget and amendments to it.
- e) Approve the transfer of the ownership or giving in use [usufructs] to third parties of its property.
- f) Decides rates of all local taxes and tariffs [fees].
- k) Approves norms, standards and criteria for the regulation and the enforcement of the functions granted to the Council by Law, as well as protects and guarantees the public interest.

Article 34

Open meetings

1. Meetings of Council shall be open to the public. Every citizen has the right to attend Council meetings according to the manner set forth in the Council regulation.
2. The announcement of the Council meeting shall be made public in the places assigned by the Council and in the media. The announcement contains the date, place, time, and agenda of the meeting.
3. The Council, by a majority vote of all the Councilors, shall decide for cases when the meeting will be closed to the public.

Article 35

Public hearings and the Right of the public to be informed

(There is added point 2/1 by the law nr.9208, date 18.3.2004, article 3)

1. The Council, in advance of discussing and approving its acts, holds public hearings [panels]. The public hearings are obligatory in cases determined in Article 32, paragraphs "dh", "e", "f" and "k" of this Law.
2. The public hearings shall be organized according to the manner determined in the regulations of the Council by using one of the necessary methods such as open meetings with inhabitants, meetings with specialists [experts], interested institutions and NGOs or by means of taking the initiative to organize local referendums.
- 2/1. For municipal/communal councils, it is obligatory to have consulting sessions with villages' heads of and village's headship in accordance with the definitions of points "ç", "dh", "e", "f", "k" and "ll" of article 32 of the law. Every consulting session's minutes will be recorded.
3. The Council Acts shall be displayed [posted] in public places within the ter-

ritory of the commune or municipality and where available, the Council also shall set other forms to publicize its decisions. The information to the public shall be made in compliance with the law No. 8503, dated 30.06.1999 "On the right of public to be informed about official documents", and by additional rules determined by the respective Council for this purpose.

Law nr 8678, dated 14.5.2001 "For the Organization and Functioning of the Ministry of Justice"

Article 6

Field of activity

27. Responsible for the follow up and coordination of the relation with the civil society in the field of justice.

LAW

No. 9355, date 10.03.2005 On Social Assistance and Services, Changed with the law nr. 9602, date 28.7.2006

Article 18

2. The public social services that are funded by the central or local budget shall be procured by the local government units from private providers under the legislation in force on public procurement.

Article 29

The municipal/communal council has the responsibility to (among others):

12. Approve cooperation programs with the Non Profit Organizations, religious institutions and representatives of civil society in compliance with the national and regional social assistance and care services plan.

RULES AND PROCEDURES OF THE ALBANIAN PARLIAMENT

ORGANIZATION AND FUNCTIONING OF THE PARLIAMENT CHAPTER VI HOLDING MEETINGS OF PERMANENT COMMITTEES

Article 32 Commissions' meetings

4. Commissions' meetings can be attended by persons with no right to vote in it and deputies that are not members of it, **members of the Council of Ministers, and other persons invited from the commission.**

Article 35 Meeting's publicity

1. Commissions' meetings, by rule, are open ones. The meeting is classified opened when media, groups of interest and visitors are allowed to attend it.

Article 36 Public hearing sessions

1. Commissions can organize hearing session open to the public, with members of the Council of Ministers, experts, representatives of civil society, representatives of groups of interest and other interested parties. Commissions is obliged to realize the hearing session according the rules pointed in this article, when a third of all its members arguments it on a written form.

Chapter VII. ORGANIZING PLENARY SESSIONS

Article 43 Plenary session's publicity

1. Plenary sessions are opened ones, with exceptions only when the Parliament decided otherwise.

Article 54 Registration and publication of minutes of discussions

1. During the plenary session of the Parliament there a held summed up minutes, and the session are also recorded. In the minutes there is signed the date of the session and its program of discussions, participation of the deputies, summary of the discussions and the results of the voting process. **Everyone has the rights to get to know the content of the minutes of the Parliament before being published. These minutes are published on the website of the Parliament.**

LEGISLATIVE PROCEDURE

CHAPTER I

LAWMAKING INITIATIVES

Article 68

1. The Council of Ministers, every deputy, and 20,000 electors each have the right to propose laws.

Article 69

Distribution of draft laws

2. Speaker of the Parliament orders their distribution to the deputies. Copies of the draft laws are available upon their request to the media, **or other interested parties.**

CHAPTER III

REVIEW ON THE DRAFTLAW OF STATE BUDGET AND FINANCIAL DRAFTLAWS

Article 80

Reviewing in commissions

2. Commissions of the Parliament can organize hearing sessions aiming to get suggestions and opinions from institutions, persons or groups of interest for the draft law on the State Budget and other financial projects directly related to it.

CHAPTER III

OTHER DISPOSITIONS FOR THE CONTROL FROM THE PARLIAMENT

Article 104

Petitions

1. Petitions, addressed to the Parliament, are reviewed from the respective permanent commissions.

2. There are accepted for approval, written petitions, which have clearly visible the name and signature of the sender are understandable and clearly state their object.

3. Petitions are passed from the Speaker of the Parliament, to the respective permanent commission, related to the petition's issue. The chair of the commission can resend the petition back to the senders for clarification and additions.

4. No later than 45 days from the date of receipt of the petition, the committee chairman presents the petition to the commission, also proposing legal al-

ternatives and ways for its solution or its rejection. If the commission judges the issue to be resolved, it authorizes the Chair of the Commission to present a statement at the plenary session of the Parliament. The petition senders are notified for the steps taken and the resolvement of the issues of the petition.

FOURTH PART PARLIAMENT'S ACTIVITY TRANSPARENCY

Article 105 Parliament's Open Activities

1. Parliament's activities are open to public, except the cases foreseen in the Article 43 of this Regulation.
2. Parliament's Open Activities is realized through:
 - a) public participation in decision making process;
 - b) reflecting Parliament's activities and its organs in the written and televise media;
 - c) publication of the parliamentary documentation;
 - ç) webpage of the Parliament;
 - d) internal audiovisual network.

Article 106 Parliamentary documentation

2. Parliamentary documentation is open to the public.

COUNCIL OF MINISTERS RULES OF PROCEDURE (Approved with the Council of Ministers Decision Nr. 584, Dated 28.8.2003 "For the Council of Ministers Rules of Procedure Approval")

Point 14

"Draft laws are designed under the responsibility of the juridical structure, which in collaboration with responsible structures of the ministry, organizes consultations sessions with heads and specialists of the departments and sectors, as well as with the structures of civil society whose activity is related to the object, aim and implementation of the draft laws".

INTERNAL RULES OF PROCEDURE

“For Organizing and Functioning of the Ministry of Labor Social Issues and Equal Chances” (Approved by order nr.1360, date 15.06.2010 of MLSIEC)

CHAPTER III CIVIL SERVICE

Article 10

Social Service Policies’ Directorate

2. Programs and follows up the delegations of fund for decentralized institutions of social services of local government and encourage civil society participation in offering these services.

Article 21

Inter - sectorial Strategies Monitoring Directorate

5. Establish and strengthen a network of focal points on local and central level with the civil society sector, building collaborations with all actors aiming to implement the objectives of Inter - Sectorial National Strategies and action plans.

CHAPTER IV

RULES OF PROCEDURE

Article 24

Draft laws designing procedure

II. Preparing draft laws and regulations

During draft laws designing the Directorates of the line in collaboration with the Directory of Juridical Services, judge when it is necessary to get opinions from experts and structures of civil society whose activity is related to the object, aim and implementation of the draft laws”.

INTERNAL REGULATION FOR THE ORGANIZATION AND FUNCTIONING OF THE MINISTRY OF ENVIRONMENT, FORESTS AND WATER ADMINISTRATION

GENERAL DIRECTORATE FOR POLICIES

I/10. Extension's specialist:

- n) Takes initiatives for public awareness on the importance of community participation in managing natural resources, environment etc;
- m) Prepares programs and packages for communications, public relations, counselor service for common and private forestry for certain groups of population;
- o) Collaborates and keeps communication with local and international NPOs that operate in communal forests and pastures;

III. BIODIVERSITY DIRECTORATE

III/3. Chair of sector:

Leads and actively participates in improving policies and legislation, adapting it to the European legislation through direct involvement of the groups of interest.

VIII/5. Public information and IT sector; Chair of IT sector:

- b) Assures communication with the public and civil society, and takes needed measures for their active participation in the activities of the Ministry.
- f) Follows the procedures of the Aarhus Convention (the convention for the right of information of the public in decision making and the right to appeal to the court for environmental issues), and follows duties accomplishment in its timeframe.
- g) Follows and responds for the maintenance and update of the ministry Webpage.
- h) Follows and administrates the information regarding public requests and keep communication with the respective directories;
- i) Keeps the electronic register of the public complains.

VIII/6. Public information specialist

Helps in increasing active participation of the subjects, NPOs and the wide public for environment protection in the areas where they live and operate.

6. Analysis of the Findings from the Study on the Legal and Regulatory Framework for Civil Society and Citizens' Participation in Albania

This survey was conducted during 2012 in 10 cities of the country. Its instrument was a standardized questionnaire. Apart the general information on the form of organization, mission and focus of work of the NPOs, the questions referred to their experience regarding a) access to public information from the local government offices, forms of application, best practices, critics and suggestions; b) knowledge on the legal and regulatory framework on the right for information and c) partnership among NPOs and Local Government, and among NPO's.

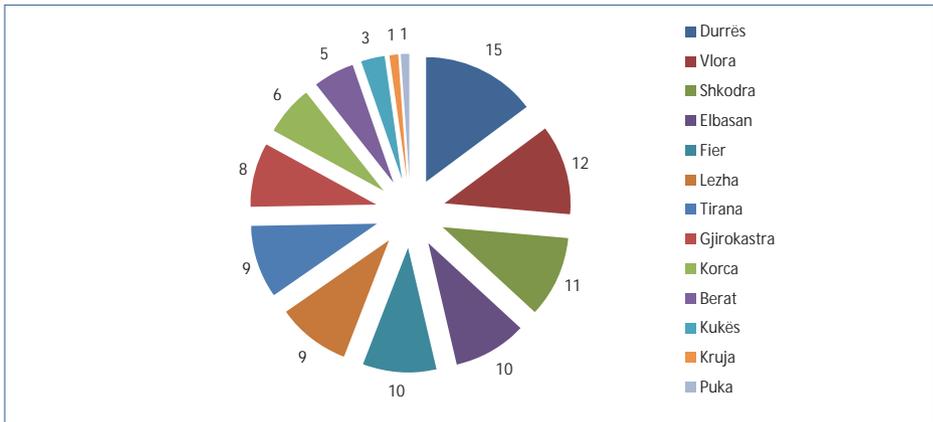
Prior to questionnaire administration, PA asked a large number of NPOs countrywide to participate in the survey. The sample of this survey rounds up to 100 NPOs (based on their will to participate and to respond to the issues it tackles). Out of 100 responded questionnaires, 95 were liable for data analysis.

Following the data gathered from the questionnaires, PA realized a serial of interviews and focus groups to get a deeper insight on the practices, challenges and results of the NPO's and local governance work regarding citizen's participation in decision making processes.

It should be emphasized that the organizations that responded the questionnaire, are among the highly active ones, with considerable experience on project implementation, collaboration with the central and local governance and citizen's mobilization.

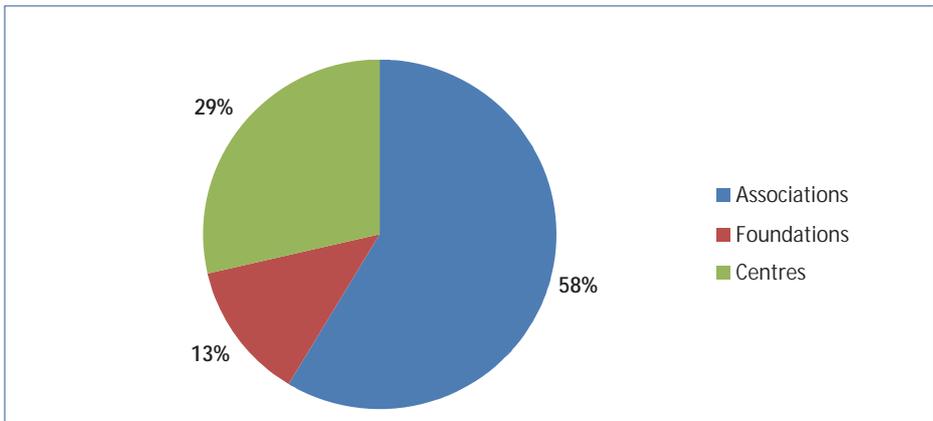
6.1 Analysis of the sample

Graphic 1. Map of the distribution of the sample



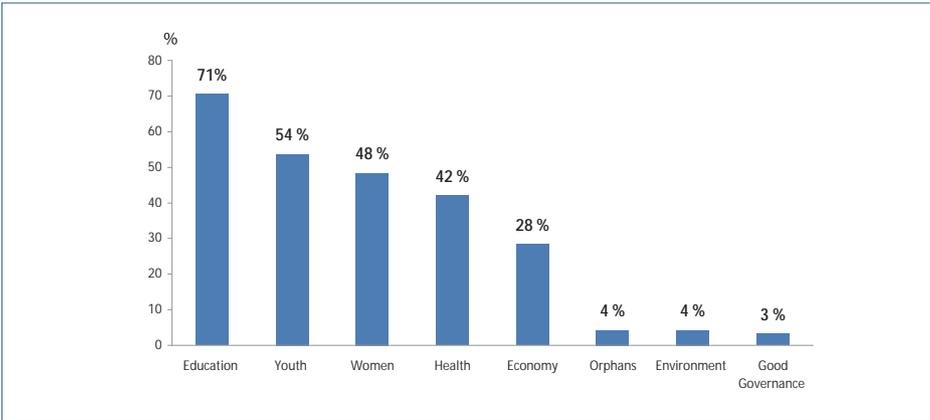
Graphic 1 gives the geographical distribution of the organizations that responded to the questionnaires.

Graphic 2. Form of registration of the organizations within the sample



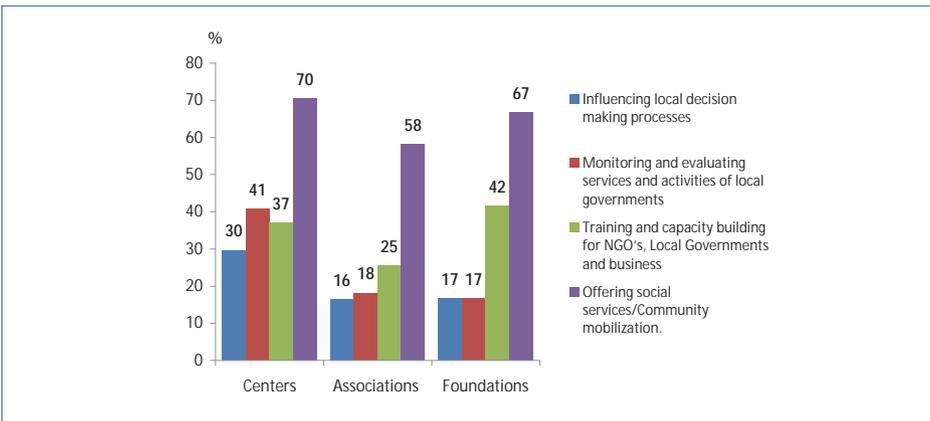
Responding to the question on their form of registration and the functioning of their organizations, based on the actual legal framework, the respondent NPO's declared: 58% Associations, 29% Centres and 13% Foundations.

Graphic 3. Fields of work of the organizations of the sample



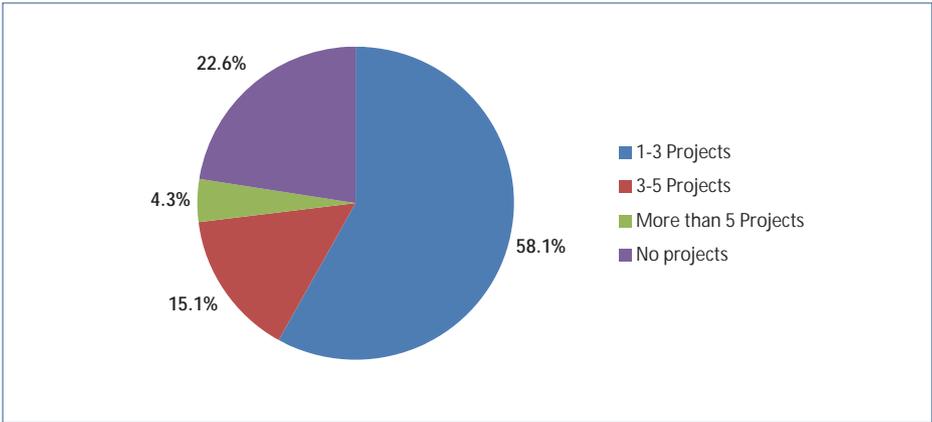
Based on their responses, above are configured the field of work of the NPOs part of the sample, and their main activities as in their missions and statuses.

Graphic 4. Main activity of the organization according there from of registration



As figured on Graphic 4, the main activity of the organizations of the sample is services offering and community mobilization, capacity building for other NPOs, local government and the business. Meanwhile, 23 organizations or 24% of the sample have it stated on their missions and statuses monitoring local government activities. Less organizations, 20% of the samples have it in their missions and statues influencing local policies.

Graphic 5. Number of project of organizations during 2011 - 2012



During 2011-2012, 23% of the organizations declare to not having had projects under implementation. Generally, almost all the organizations of the sample, specially recently established ones, declare to have difficulties in fund raising. Funding opportunities reduced; some strategic and historic donors leaving the country or the closure of some core programs have strongly affected this possibility. Also this difficulty relates to the lack of capacities of organizations themselves on project's designing and writing qualitative proposals meeting donors' standards and requests.

6.2 Access in information and public documents and public relations

Local Government is designed to be the form of government in the closest relation with the citizens. Based on this philosophy, the Local Government should pay special attention and make its priority relations with the public.

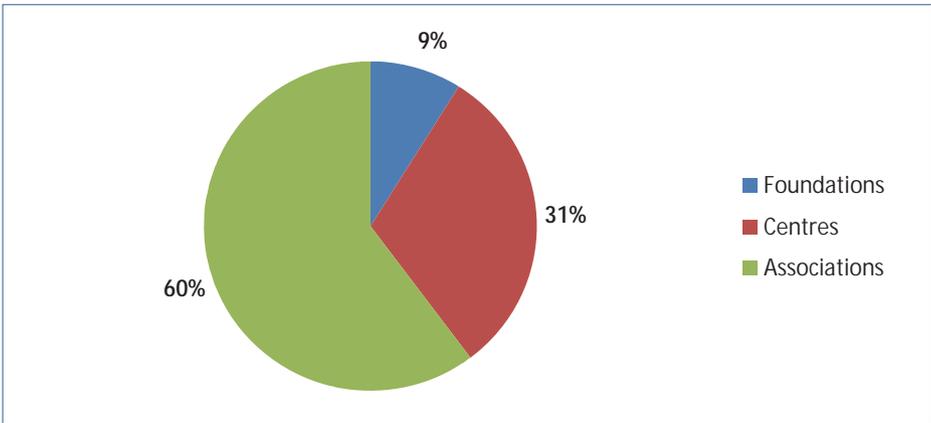
To serve this prior aim of LG in every municipality there have been established the *Information and Public Relations Offices or Citizen's Information Offices* as a practice to serve the citizens in time and high quality. CIOs are the first bridges to link LGUs and their officials to the citizens and to all the forms in which they organize themselves, including here NPOs as well.

Citizen's Information Offices were established based on the Law 8503—*Right to Information about Official Documents*—securing citizens' right to information. Article 23/2 of Law 8503 states that: "everyone has the right, in compliance with law, to get information about the activity of state organs, as well as of persons who exercise state functions."

But CIOs haven't been established in every LGU of the country. Main reasons for this go from lack of financial possibilities for creating optimal physical conditions for their establishment, lack of operational technological systems, lack of human and other resources and capacities to serve in these offices, to the lack of political willingness to make operational the existing investment and infrastructure on this concern.

The following graphics and their analysis reflect the perceptions and the experiences of the NPO's on the access in information that CIOs offer, the level of their satisfaction on these services, and their general considerations on CIOs, on those LGUs where this structures are established and functional (this analysis relates to 81% of the sample).

Graphic 6. Percentages of the organizations that asked for information during 2011 – 2012



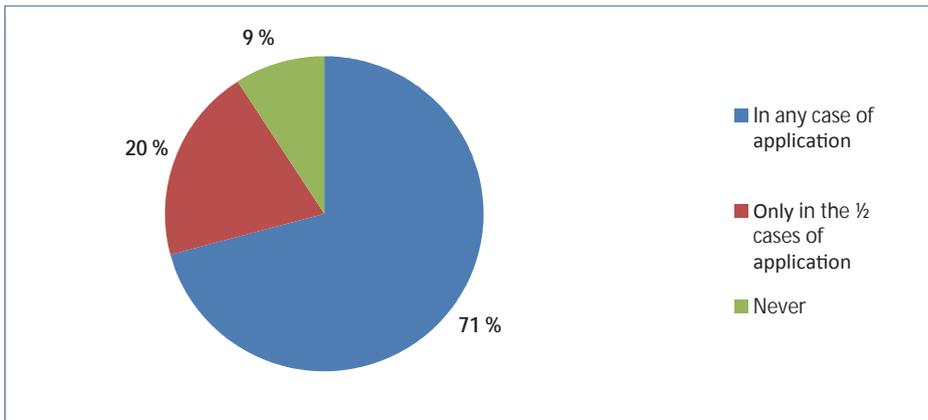
During this period of time, 71 organizations had submitted a request for public information from the Local Government at least once for different reasons related to their activity and projects being implemented or needs of the groups to whom they serve. From Graphic 6 is clear that there are the Associations the ones to ask more often for information from the local government.

Requests for information are made in one of the following forms:

- Written application;
- Going to the Information desk;
- Via Fax/telephone;
- Via E-mail.

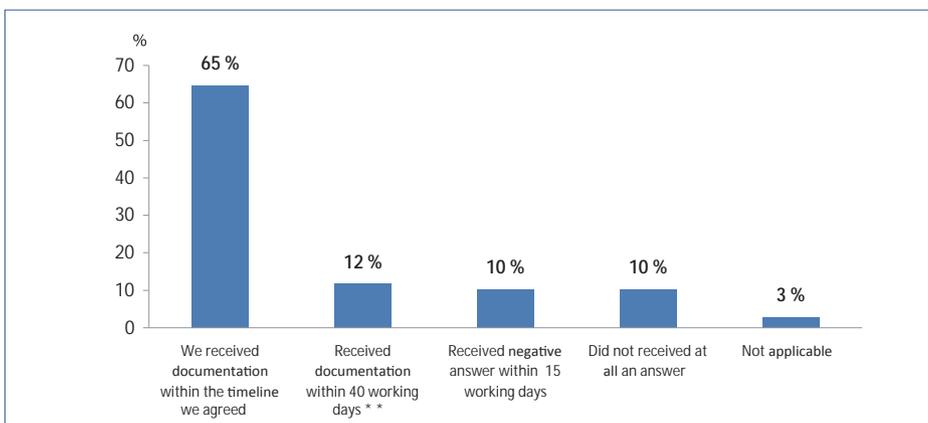
From the declarations of the organizations themselves, the most frequent form of the request for information, complain etc, remains the written form and physical presence to the LGU.

Graphic 7. Cases of getting requested documents



Asked on the cases the organizations, which had at least once applied for information, have succeeded on receiving this information they respond as above.

Graphic 8 Time of getting a response for the request for information/ documents

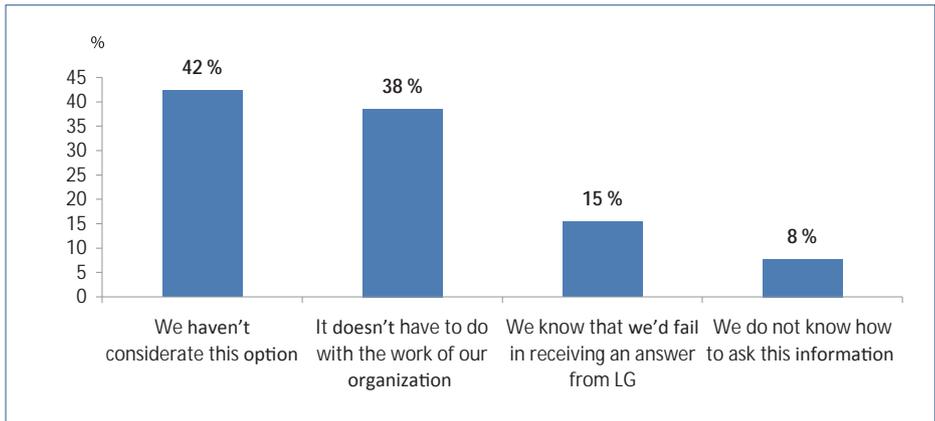


As per the time of getting the requested information, according to the legal timelines clearly stated in the Law Nr.8503, date 30.6.1999 on Right to Information about Official Documents, the NPO's refer as above.

65% of NPO's that had submitted requests for public information to their LG have had a response in any case, said that the time of getting this response is satisfactory, upon common accord on the NPO and the CIO for the time of getting the information; 10% of the NPOs have had no response at all for their request for information even though the law foresees LGU's obligation answer in a time line from 15 to 40 working days.

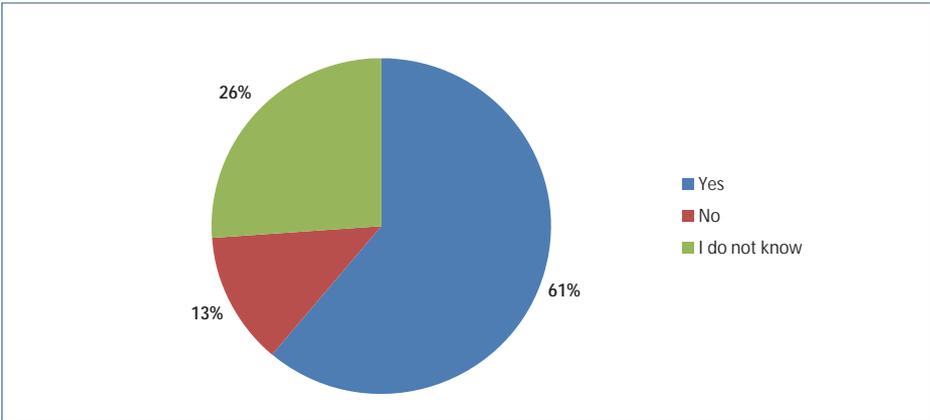
Though the common picture looks positive on timeline on these services, the organizations declare that there is a lot to be done to improve the service and the ethics of communication in most of the municipalities' CIOs included in the survey.

Graphic 9. Reasons why they haven't asked for information on local government documents

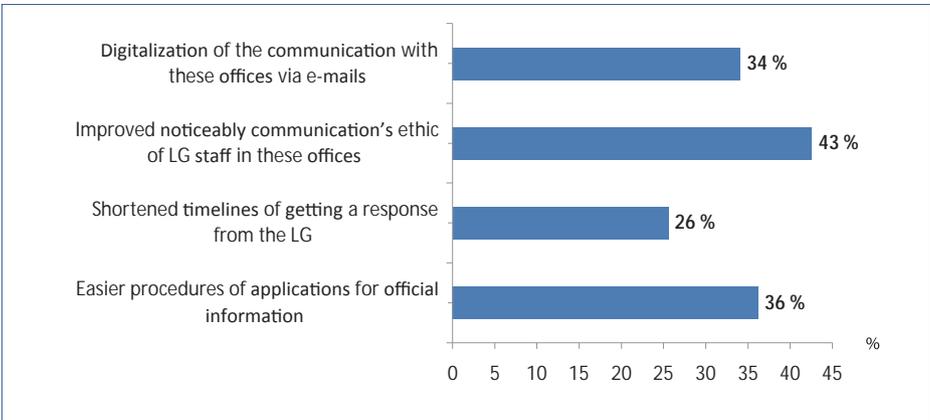


27% of the sample hadn't asked for information on local government documents. Reasons behind this stand are reflected Graphic 9.

Graphic 10. CIO's effect on improving access in information

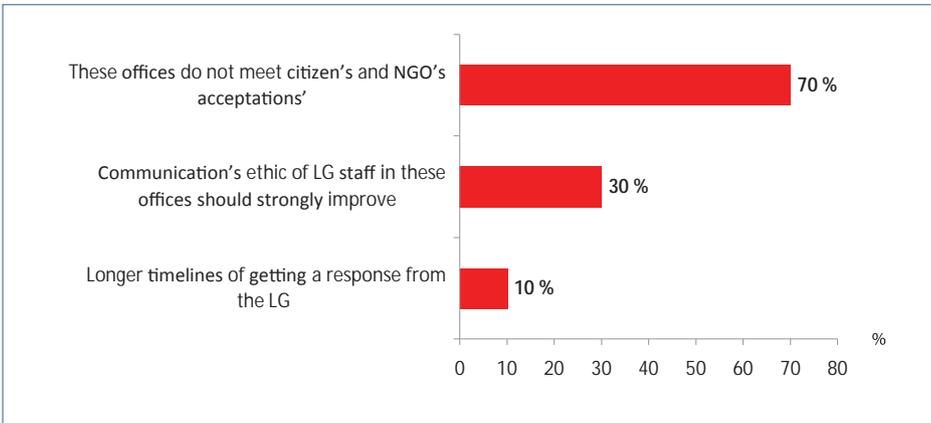


Graphic 11. Main aspects improved of the access of information since CIO's establishment.



Based in the experience and the declarations of 61% of the organizations of the sample (see Graphic 10), access on public information of local governance has improved since CIO's establishment. This improvement is reflected mainly on the ethic of communication and eased procedures of application and response of the request for information. Though there is many work needed to be done relating to the times of responding a request and the usage of interactive communication through technologies (e-mail, websites etc) (Graphic 11).

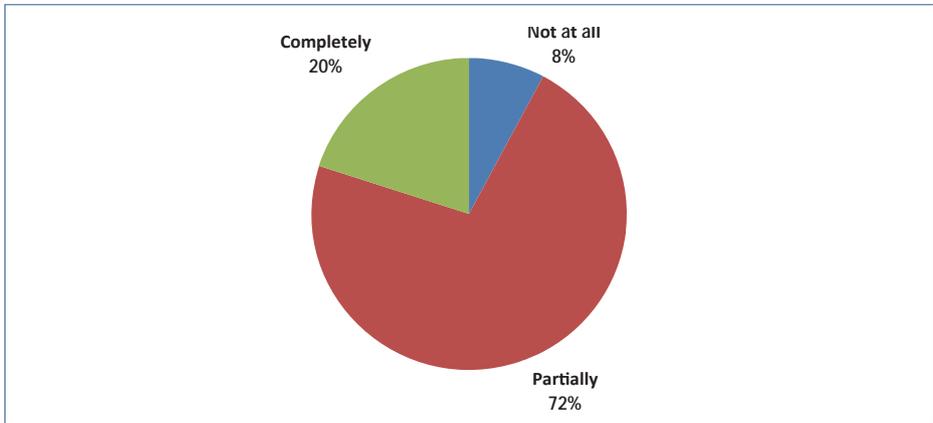
Graphic 12. Main problematic identified from NPO's related to the access in information since CIO's establishment.



13% of the organizations that had experienced asking for information on CIOs think that the service in these offices has not improved and their opinions are reflected in Graphic 12.

CIOs apart, another very important tool of communication with the citizens are the WebPages of the LGUs and email communications. Nowadays where more and more public services on local and national level are being digitalized and accessible and interactive through the internet, the official Web pages of the municipalities should offer all of information open and to public interest. Not all the municipalities, where the respondent NPO's operate, have a functional webpage, and there are referred that access in online information and its quality needs lots of improvement.

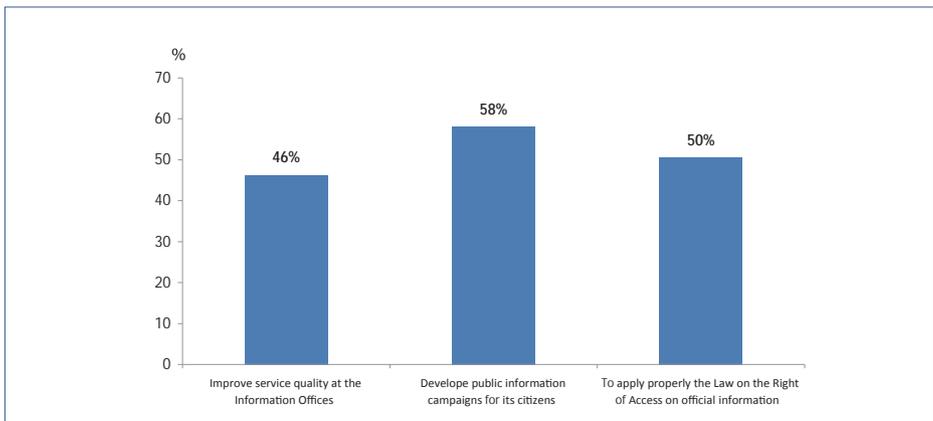
Graphic 13. Relevance of official online documents on the webpage of the LGUs



From 10 municipalities, where the respondent NPO's operate, 72% of them respond that the WebPages of their municipalities exist, but there is little useful information on them for the public and the needs of the organizations themselves.

In most of the cases, these pages aren't updated with news and notices on different issues, information on the dates of city council meetings and its decisions made (a legal obligation of the LGU). There are still LGUs, whose WebPages haven't updated even the profile of the new leadership.

Graphic 14. Actions to be taken from the local government to encourage the access of public in information

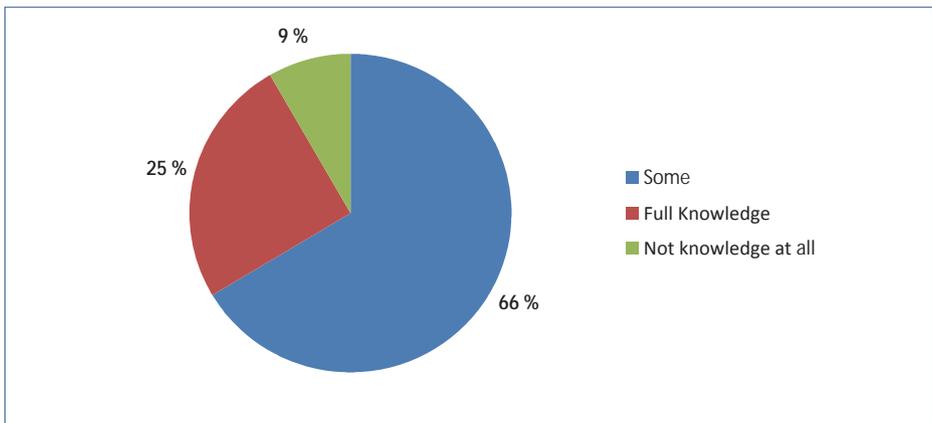


Graphic 14 reflects the suggestions of the organizations on the measures that local governments should undertake to encourage the access of public in information and to meet the criterions foreseen by the law for the right of information in these regard.

6.3 Collaboration among civil society organizations and local government

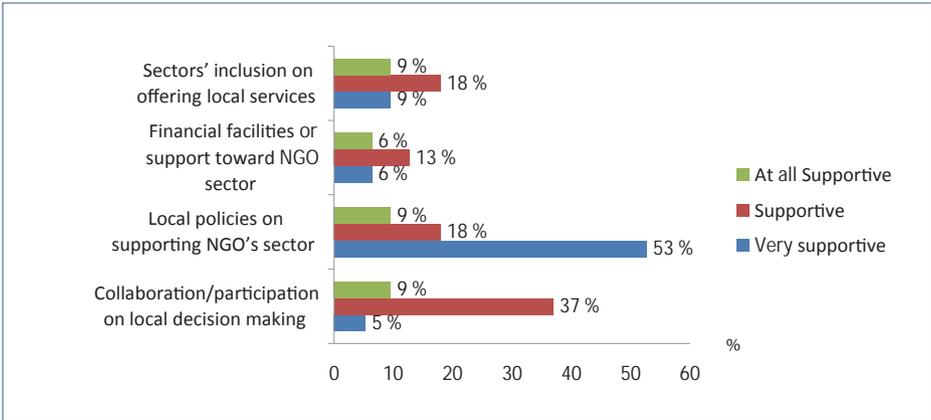
Collaboration among civil society organizations and local government was one of the most important fields of the questionnaire, measured in some dimensions: level of knowledge of the NPO's on the Law on Functioning of Local Government; forms of partnerships NPO - LG; partnership in projects and initiatives; NPO's participation on level public forums and the obstacles meet in the timeframe of the collaboration of the NPOs with the LG.

Graphic 15 Knowledge of the organizations on the content of the Law on Functioning of the Local Government



25% of the organizations declare to have lot of knowledge and information on the Law Nr.8652, date 31.7.2000 For the Organization and the Functioning of the Local Governance, while 9% said to have no knowledge at all on this law and the spaces it guarantees for getting information from the local governance and the monitoring of its activities. Even though 66% of the sample declared to have knowledge on the quoted law, this knowledge varies from just knowing its existence to knowledge on special aspects of it that regulates the relation with citizens and service offering. This was identified during the deepen discussions in focus groups organized and facilitated from PSh in eight major municipalities where the NPOs respondent operated.

Graphic 16. Local government attitude toward NPO's



Graphic 16 above, presents the perception of the respondent organizations on local government attitude toward NPOs according four major orienting aspects.

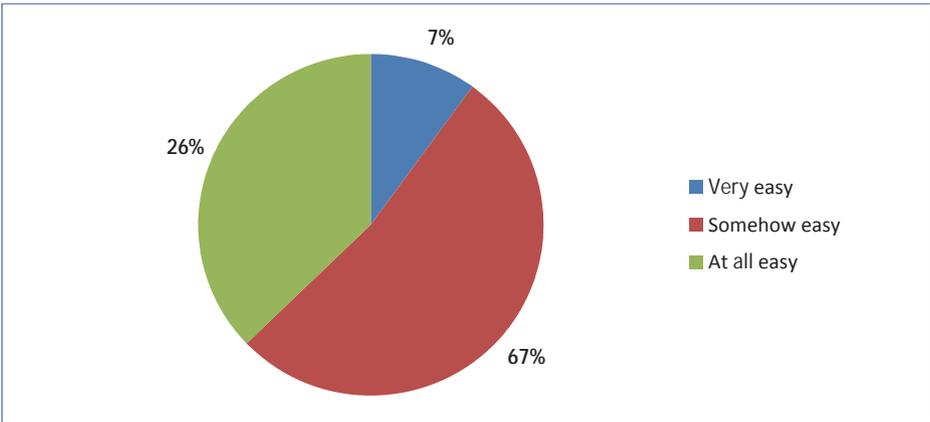
Common projects and the collaboration NPOs - LG

71 organizations declare to have had at least one common project with the LGU where they operate, and give comments based on these collaborations. Almost in all of the cases the collaboration was asked from the NPOs.

The most frequent forms of collaboration LG – NPOs, listed are free access to public areas for NPOs' activities, free public offices for NPOs etc, but very few cases of financing NPOs activities from LG. Lack of such financing is referred to be one of the biggest obstacles to fruitful NPO - LG partnerships.

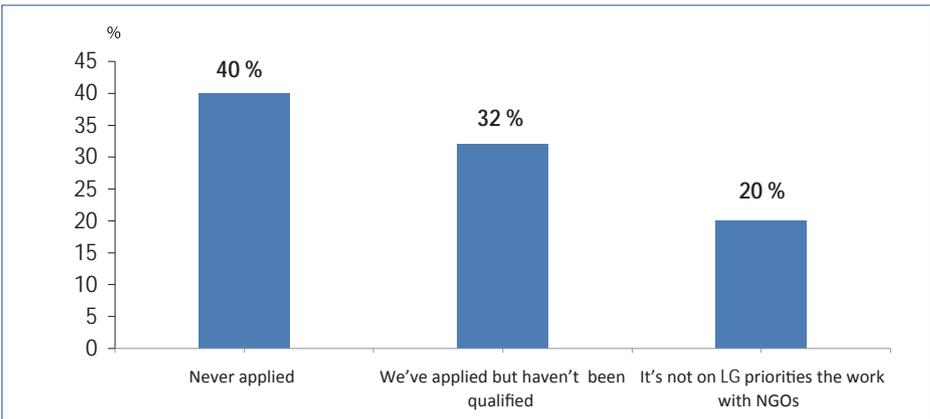
Some organization mentioned participatory budgeting practices, as one of the most frequent common activities with LG, and active participation in the designing of the local development strategies.

Graphic 17. Evaluation of the partnerships of the NPOs with the Local Government



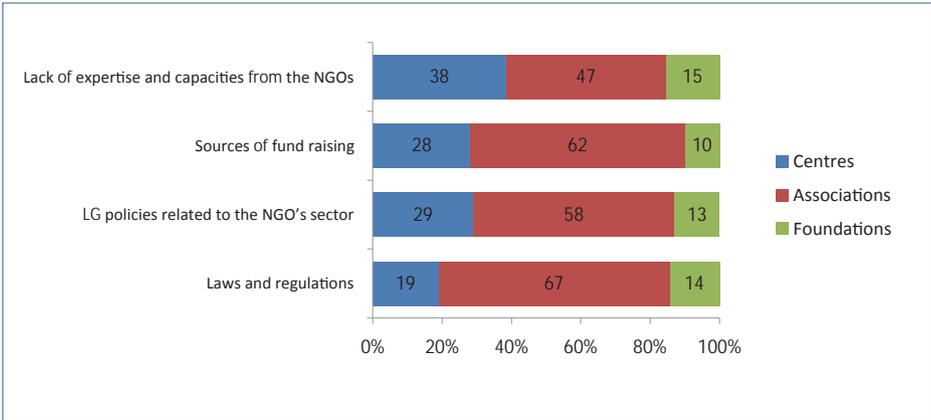
Among the NPOs that have had collaborations with the local government, only 10% define these partnerships as easy and helpful ones, whereas 37% share the opinion that working with the local government is not at all easy. In many cases there is lack of will and real commitment from LGU's staff to collaborate and get really involved in common projects and initiatives.

Graphic 18. Reasons of lack of collaboration in projects with local government



Those organizations that hadn't partnerships with the respective local government, declare as above presented the reasons of the lack of this practice.

Graphic 19. Obstacles on implementing projects with local government

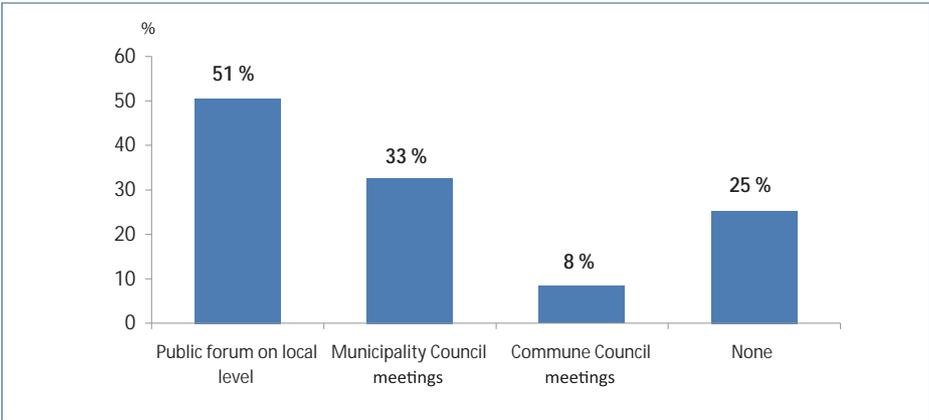


Financial resources remain to be the main obstacle of implementing projects on local level from the organizations of the sample. Cases of projects or activities financed from the LG are very rare and in minimal sums, as NPO's declare.

NPO's participation in city council meeting and public forums

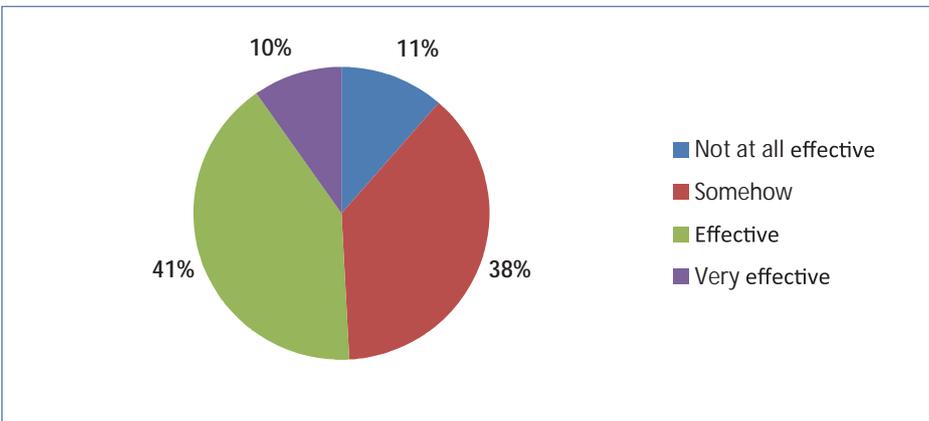
As quoted earlier in this study, NPOs are considered to be the tie that links citizens with local government. Despite the opinions and the suggestions that the NPOs give on the need for collaboration and improvement of communication with respective LGUs, there is a noticeably low indicator of their own presence in monitoring municipal activities or city council meetings, as one of the direct forms of citizen participation on local decision making.

Graphic 20. Participation in public forums during 2011-2012

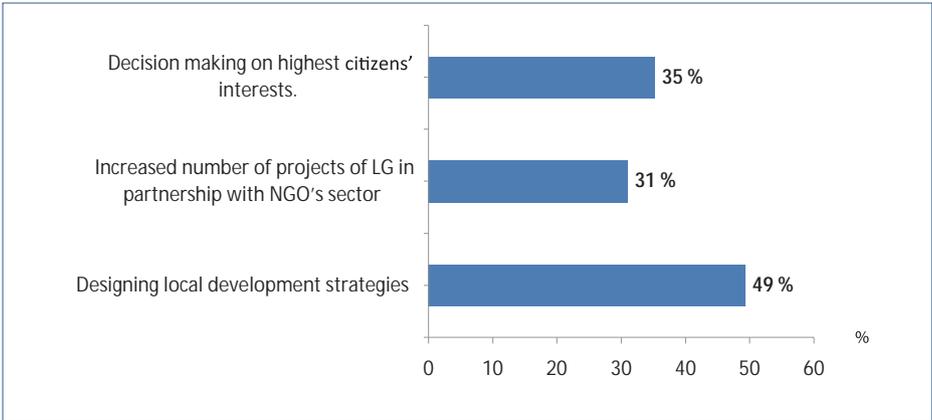


Regarding their participation in public forums during 2011-2012, organizations declare as above in Graphic 20. The highest participation is seen on public forums such as meetings and discussions among involved actors and groups of interest on local level, seminars, workshops, meetings in community and institutions etc.

Graphic 21 Effectiveness of public forums

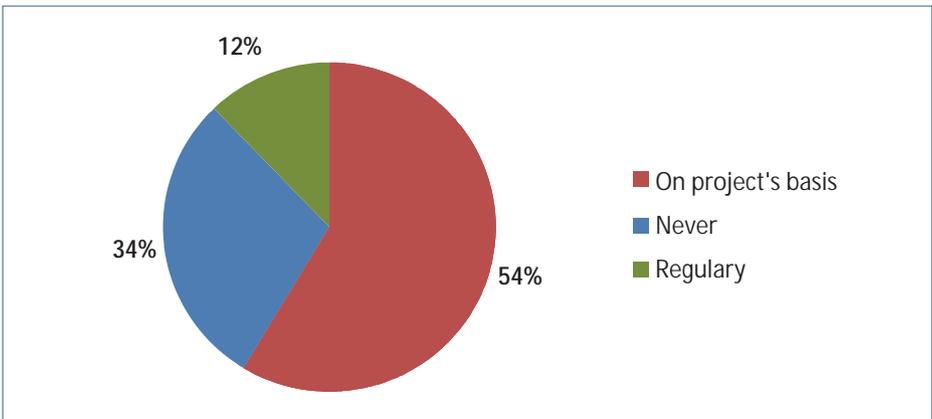


Graphic 22. Results of NPO's participation on public forums



Those organizations that have evaluated these forums from “Somehow effective” to “Very effective” have monitored continuously their activity and have seen results reflected in the above mentioned activities.

Graphic 23. Frequency of participation in city council meetings



Asked on their participation in city council meetings, as one of the forms of local government monitoring; 12% of the NPOs responds to have monitored these meetings regularly.

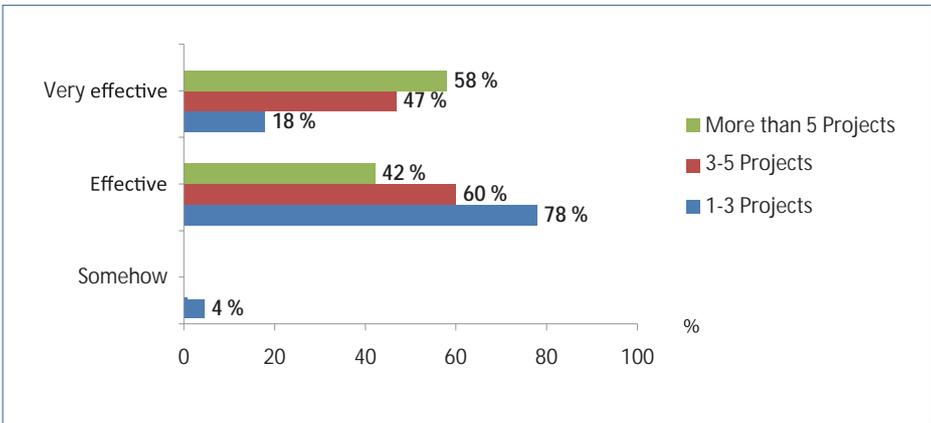
Graphic 23 clearly presents that most of the organizations monitor city council meetings only in cases when they have a project under implementation on this issue, and not as a sustainable concern of their activity.

From the results of the focus groups, NPO's representatives admit that they should be more present in every meeting of the city council that treats issues of common and community interest and not only to those target groups whose interests the NPOs represent and advocate for.

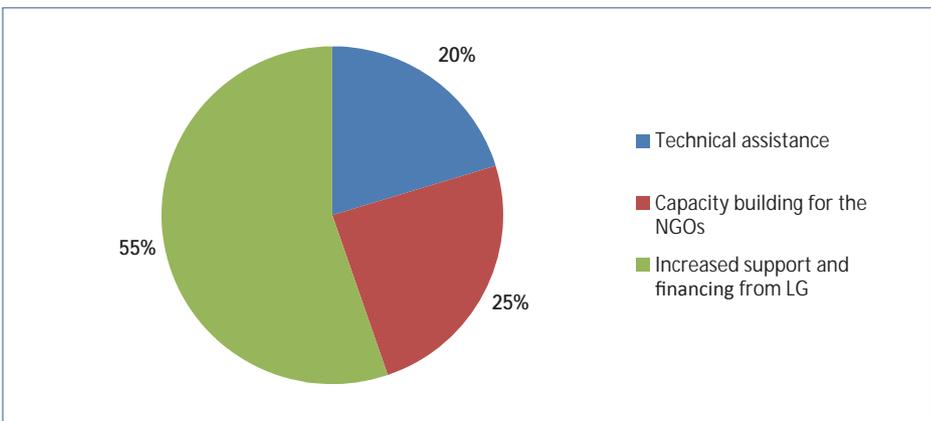
6.4 Partnership NPOs- NPOs

To evaluate the spirit of collaboration within the sector of civil society, the study focused in the evaluation of the partnership among the organizations of the civil society, in implementation of common projects and initiatives. 87% of the respondent organizations have had in the past and still have project implemented in partnerships with other organizations in their locality or national based. Regardless the number of projects, the partnership within the sector is evaluated as effective. (Graphic 24)

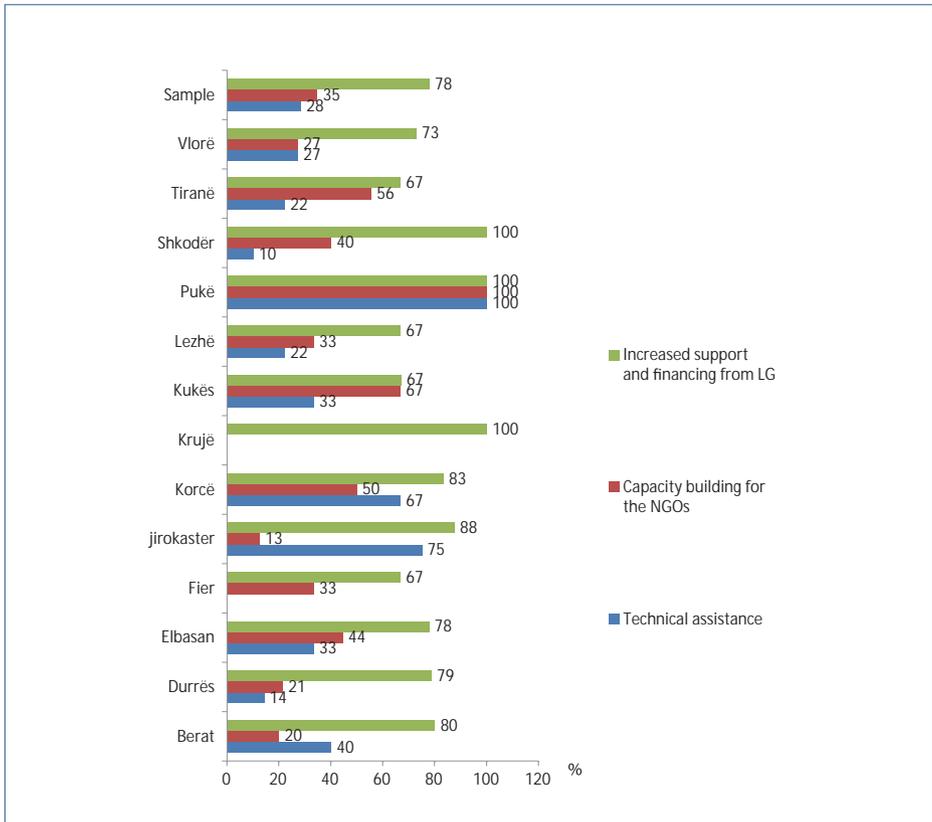
Graphic 24. Effectiveness of the partnership among NPOs according the number of projects



Graphic 25. Needs to achieve more effective partnerships within the sector



Graphic 26. Needs to achieve more effective partnerships within the sector city based



As organizations declare, (see Graphic 25), local government should play a major role in encouraging organisations on their projects and financing initiatives of the sector in order to assure a more sustainable local development. This is a common stand of all the organisations of the sample, regardless the region they operate, as a core need to achieve more effective partnership within the sector.

As per other articulated needs of the NPO sector, created and operational more than 20 years now, still persists in capacity building and technical assistance on project implementation as constants needs to be filled and issues to be addressed.

7. Conclusions and recommendations

The following recommendations aim giving ideas and suggestions on the fields of interventions and measures to be taken for guarantying and increasing citizens' and NPO's participation in decision making processes.

- **Increased transparency of the LGUs on their activity and improved communication of local government with NPOs and citizens.** From the referral of the organizations responded of the study, there is a common standing that states that lack of correct communication and transparency to the public related to the decision making processes and the work of the LGUs. They don't use channels of communication designed by law to communicate with the public. Good communication was identified from the NPOs as one of the most important factors in creating and keeping a healthy and productive relation among central and local governance with NPOs and citizens, contributing to good and effective governance and transparency. In this concern, there are a series of need to be addressed. Increasing the channels of communication and their effective usage (specially e – communication, e – mails, WebPages, social media etc), digitalization of systems of information in LGUs and central institutions, usage of written and televised media for transmitting information of public interest (notices, calls for interests etc) are some of the measures to be taken to improve the status quo in this direction.
- **Correct implementation of the existing legal and regulatory framework and creating sustainable legal and institutional mechanisms to guarantee citizens' participation on local and central level.** Some NPOs declared that participation in consulting sessions with the government are made on sporadic based, not sustainable ones, and relate more to political and personal preferences

of governing institutions. Few ministries and LGU's have it stated on their internal rules of procedures, the involvement of citizens or groups of interest in policy or decision making processes, and even when so, forms and manners of involvement are quite evasive and based upon these institution's judgments. Further specifications are needed to be made, through legal acts, or obligations to be explained in guidelines or rules of procedures on this concern. Setting these standards and increased transparency would increase citizens' trust in institutions and their participation also, guaranteeing so more contributors to community development.

- Creating sustainable structures and mechanisms (coordination units, responsible persons for communication with the NPO's etc) to ease practices of collaboration among the NPO sector and the central and local government. From the study there is seen lack of structures of functional institutional ways for direct communication, coordination and involvement of the NPOs in decision making and service providing. Lately, in few ministries and municipalities, there are appointed responsible persons on their staff, whom among other duties prescribed have the role of coordinating and informing the public and the NPOs.
- Increased capacities of LGU's human resources regarding improvement of the quality of services provided and improved ethic of communication. Still there is low level of knowledge of the LGUs staff on their legal obligations, low capacities in absorbing and using new information and communication technologies, lack of professionalism on service offering, preferential treatment of citizens based on personal relations and political beliefs etc. There is seen lack of sustainability in the relations of the sector with the LGUs, due to the changes in leadership and their staffs. Trainings and assistance for LGU's staffs, proper recruitment based on merits, and the institutionalization of the relations of the LG with the NPOs would help a lot in this concern.
- Improvement and adaption of physical infrastructure for people with special needs. Access in information and services for people with special needs in local government buildings is very difficult, due to the lack of adapted infrastructure for them.

- Increased role of NPO's in local and central decision making. Evaluating the key role of the NPOs in citizens' engagement for representing and advocating their interests, their increased and active participation in designing, implementing and monitoring policies is needed. NPO's apathy¹⁶, their sporadic and not sustainable involvement (as NPO's choice or as a result of LGU's policies in this regard), low capacities in citizens' mobilizations or to represent and advocate the sector itself, are main problems of the sector to be tackled and addressed. Another very important element in this concern is empowering internal democracy and increased transparency within the sector. This will bring increased knowledge of the government representatives on the sector and its activity, increased chances for institutional partnerships based on merits and not preferences. All the above mentioned as well as the coordination of NPO's activities within the sector, will empower its voice and contribute to the society.
 - Increased collaboration of NPOs with local and central government, aiming to encourage and increase sector's activities.
 - Designing collaborating strategies among government (local and central one) and civil society organizations;
 - Creating competitive financial schemes for NPOs with LG funds;
 - Encouraging partnerships among NPOs-Government and Businesses.
- Improvement on the legal and enabling framework for NPOs specially the fiscal one. After a decade of having the legal framework on NPOs passed, the sector still suffers its gaps and imperfections, subjectivism in its interpretation and implementation. Considering latest development of the sector, it is pointed that the existing legal and regulatory framework for the NPOs does not assure sector's sustainability and risks its normal activity and relations with the state institutions.
- There is still a considerable legal gap that obstacles the work of the NPOs, their economic activities with social benefits or the services offered by them with public funds. Its review will increase NPO's active role in social and economic development of the country. In this concern, the review of the legal framework and the designing of new laws regarding social enterprises, corporative philanthropy and voluntarism would be of big contribute to the sector's development and the social economical development of the country.

¹⁶ Ligji Nr.8503, datë 30.6.1999 "Për të Drejtën e Informimit për Dokumentet Zyrtare"

- The existing fiscal treatment of the NPOs sector is problematic, and considered evasive and open to subjectivity from tax institutions. The core problem in this regards has been and still persist to be the VAT. In the timeframe of the current legislation, the sector has zero incentive to be oriented toward offering paid services, may these be at a reduced price. After 20 years of experience, the sector still reports to the state tax institutions, same as large businesses, creating so a big financial and administrative burden for the NPOs.
- Improvement on the law on public procurement. The mechanism of social contracting is a very important tool to developing a better social service system and an important source of work for the organizations that offer such services. The law on public procurement is a barrier that complicates contracting the NPOs for different services to which they are already specialized, as the procedure of procurement applications etc are too long and bureaucratic to face the immediate response that the issues needs. In the ECNL report, quoted earlier in the study, as well as in the focus groups discussions with representatives of NPOs and LG, service procurement is problematic. Main challenges and obstacles regard to the regulatory and procedural framework of these services' procurement, a framework that needs to be further adapted to the sector's needs and potential.
- Increased collaboration of the NPOs with the People's Advocate. People's Advocate protects the rights, freedoms and legal interests of the individuals from illegal actions on non actions of organs of public administration or third parties that operate on its service. Since its establishment, there is no evident or considerable collaboration among the sector and local NPOs. Increased needs of the sector and its groups of interest would be addressed much better and effectively if there would be bigger collaboration and coordination with this institution.

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