

CIVIL SOCIETY ENGAGEMENT FOR SUCCESSFUL ANTI-CORRUPTION ACTIONS (Case of Albania)

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Capture in Southeast Europe
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Key Issues for Discussion:

1. Corruption and Anti-Corruption in Albania
2. Recent Development in Anti-Corruption Policies and Justice Reform
3. Civil Society and its Anti-Corruption efforts
4. Steps towards Good Governance and a Reformed Judicial System

Corruption and Anti-Corruption in Albania

Albania's Position in the Global Rankings

- has decreased in (with 35 positions) in **Doing Business** 2016 and (with 3 positions) in the **Freedom of the Press Index**,
- has improved (with 1 position) in the **BTI** 2016, and in **Corruption Perceptions Index** 2015.

Table no. 1. Albanian Assessment in International/Global Indexes

Study / Index	Albania Assessment		Link
Freedom in the World, 2016	Partly Free Score: 67 (0=WORST, 100=BEST)	Political Rights: 3 (1-highest, 7 - lowest) Civil Liberties: 3 Freedom Rating: 3	https://freedomhouse.org/report/freedom-world/freedom-world-2016
Transformation Index (BTI) 2016	Index Status Rank: 33 (1=BEST, 129=WORST)	Democracy Status Rank: 36 Market Economy Status Rank: 37	http://www.bti-project.org/en/reports/country-reports/detail/itc/ALB/
Global Competitiveness Index	Rank (2015-2016): 93 (Ratings from 1 to 140, 1=BEST, 140=WORST)		http://www3.weforum.org/docs/gcr/2015-2016/Global_Competitiveness_Report_2015-2016.pdf
Nations in Transit 2016	Democracy Score: 4.14 (The ratings - 1 to 7, with 1 - the highest and 7 - the lowest level, of democratic progress.)	National Democratic Governance 4.50 Electoral Process 3.75 Civil Society 3.00 Independent Media 4.25 Local Democratic Governanc 3.50 Judicial Framework and Independence 4.75 Corruption 5.25	https://freedomhouse.org/report/nations-transit/2016/albania
Freedom of the Press, 2016	Partly Free Press Freedom Score: 51 (0=BEST, 100=WORST)	Legal Environment: 15 (out of 30 points) Political Environment: 18 (out of 40 points) Economic Environment: 18 (out of 30 points)	https://freedomhouse.org/report/freedom-of-the-press/freedom-of-the-press-2016
Doing Business	Rank (2016): 97	(1=BEST, 189=WORST)	http://www.doingbusiness.org/data/explore-topics/economic-complexity/economies/albania/
Transparency International Corruption Perceptions Index	Rank (2015): 88	(1=BEST, 167=WORST) Score: 36	http://files.transparency.org/content/download/1952/12820/file/2015_CPI_Report_InfographicsZIP.zip

Although there are slight improvements in some indexes, the average evaluation is negative. Albanian business climate, media environment, and corruption level perceptions are worsened.

Corruption and Anti-Corruption in Albania (continued)

The Corruption Monitoring System Results for Albania, 2016:

- **One in two Albanian adult citizens admit to being demanded directly or indirectly to bribe public officials (49.6 %).** (A worsening of around 5 percentage points compared to the study of 2014.)
- There is a **small increase with 1 percentage point of respondents that admit to giving a bribe to public officials**, compared to 2014. The larger part of the respondents (38.2%) declared that they have been pressured by public officials to engage in bribery.
- Only **1.6% of them have initiated themselves a corruption transaction without being pressured** from public officials. (Giving bribes under pressure has manifested a slight increase compared to 2014.)
- Asked If they were in the position of a public official, **2/3 of the adults (66%) indicated that they would accept a bribe.**
- In 2016, **the citizens that are susceptible to corruption represent the majority of the population over 18 years old (91 %).**
- From the year 2001 until 2016, the set of the respondents that are totally **unsusceptible to corruption** (meaning that they declared they would never get involved in corruption practices) **has increased by 3 percentage points.**
- **3/4 of the respondents (76 %) think that “Corruption cannot be reduced drastically”** whereas **less than 1/5 of them (22%) think that “Corruption can be drastically reduced or eradicated”.**
- The number of respondents that think that **corruption can be reduced drastically has decreased** compared to the findings in the years 2001, 2002, and 2014.

In overall there is an increase in the level of corruption in the public administration as experienced by citizens, a small increase in the level of people involved in bribery, a higher susceptibility to corruption, and lower trust in anticorruption initiatives and policies.

Recent Development in Anti-Corruption Policies and Justice Reform

GoA Anti-Corruption Strategy and other Initiatives aiming at education, public awareness and condemnation (2015)

- Inter-Sectorial Anti-Corruption Strategy 2015-2020
- Anti-Corruption Action Plan 2015-2017
- A higher use of IT resources in the fight against corruption:
 - A Unified Anti-Corruption Webpage (www.stopkorrupsionit.al)
 - Android Application – Digital Commissariat
- Law 138/2015 “On the guarantee of the integrity of persons selected, appointed or that exercise public functions“
- Law 44/2015 “Code of Administrative Procedure of the Republic of Albania“

(Starting point of the Public Administration Reform; Finalised with the EU assistance and SIGMA; Reflection of legal changes since 1999 and updates in accordance with the electronic communication, one stop shops, reconciliation of parties and other innovative initiatives.)

Despite some well accepted improvements, an extensive support of the EU and USA what is mostly seen is political rhetoric and no concrete impacting results are achieved.

Recent Development in Anti-Corruption Policies and Justice Reform (continued)

Justice reform main pillars:

I.The Judicial System under the Constitution and the Constitutional Court

II.Judiciary

III.Criminal Justice

IV.Legal Education and Legal Education

V.Legal Services and Liberal Professions

VI.Funding and Infrastructure Support System

VII.Measures Against Corruption

1. Promote Public Participation in the Fight Against Corruption
2. The creation of a Judges and Prosecutors Corp with the Highest Ethical-Moral and Professional Integrity by improving the evaluation and re-evaluation system of their performance and ethics.
3. Preventing Corruption through Increased Accountability of Judges and Prosecutors and the Strengthening of Administrative and Criminal Investigation over their Assets.
4. Punishment of Criminal Acts in the Area of Corruption aiming to Strengthen the Intelligence and Proactive Investigations, and to establish Specialized Anti-Corruption Structures.
5. Stopping Corruption by Completing the Legal Framework and Consolidating the Criminal Policy in the area.

The Judicial Reform has considered the fight against corruption and its effects crucial in the road towards a good governed country and a less captured state. Yet there is no agreement between the parties on the reform.

Recent Development in Anti-Corruption Policies and Justice Reform (continued)

Law 138/2015 “On the guarantee of the integrity of persons selected, appointed or that exercise public functions”

Enforcement of the so known “**Decriminalization Law**” (self declaration of justice records for public officials and political appointees) as a useful tool against “state capture”:

- a) Lack of internal mechanism of “check and balance” within the political parties, electoral system favourable to “leaders”, poverty, weak competition in the market, problems with public procurement, etc.
- b) Involvement in the political life (including mayors, and MPs) of an increasing number of representatives of business community, some people with criminal records inside, and mostly outside Albania.
- c) Lower integrity of parties as representatives with criminal records cover high positions and are present in the political life lowering the trust of citizens in the government and bringing instability.

The “Decriminalization Law’ is in the beginning of its implementation. The follow up of the self declarations with political decisions and/or investigations will need monitoring and advocacy and will show the real political will for decriminalisation of the political arena. So far little but maybe meaningful activity has been. The prosecution has just started its work.

Civil Society and its Anti-Corruption Efforts

Civil society - old problems in new times:

- a. money driven agency (In 2013: No of NGOs 2364, No of Active NGOs 625, **Ratio 26%**),
- b. a lack of philanthropy,
- c. a **fragmented** sector, under political influences,
- d. with **no significant influence** in the Albanian society and/or regions, (districts, or communities),
- e. low **public confidence** on civil society,
- f. **weak networking and collaboration**, especially in “group pressure” functions,
- g. serious concerns regarding the internal management, institutional developments, transparency and accountability, etc.
- h. wide presence of “**conflict of interest**”, especially under the current administration.

The CSOs Sector in Albania can be considered weak in engagement, persistence, and performance, with a high risk of political influence and decreased integrity.

Civil Society and its Anti-Corruption Efforts (continued)

Developments:

- a. Increased number of anti-corruption projects/programs;
- b. Improved expertise in several areas of good governance;
- c. Findings of different latest studies supporting each-other (public perception about corruption) such as: *Corruption Monitoring System 2016, Public Opinion Survey on the Justice Reform 2016, Corruption in Albania 2015-2016, Audit of Political Engagement in Albania 2016 etc.*
- d. Increased political will to interact with CSOs, Business Community, etc.
- e. Some Institutional Developments (National Council of Civil Society – *not finalized* – *the no of CSOs is equal to the number of Government representatives and the direction is covered by the Minister of Youth and Social Welfare.*

Improvement is seen in and through the work done by CSOs in the area of anti-corruption and good governance. The expertise of quality and increased political will can serve as a future catalyst to the strengthening of Civil Society in the country.

Steps towards Good Governance and a Reformed Judicial System

- Empowering CSOs through the professional expertise, support in scanning economic, social, institutional environment;
- Enhancing the “horizontal” cooperation among CSOs, and efforts to wake up community awareness and reaction against corruption;
- Continuing efforts for the success of Justice Reform, building some “island of integrity” among public agencies, which can increase public support to the reforms and reduce transaction costs;
- End of “impunity culture” through serious condemnation without compromise in corruption cases among political leadership clans,
- Confiscation of criminal assets under control of criminal groups that have political support, extensive involvement in buying votes/voters: of high officials, judges, and politicians who can not justify the legitimate sources of their assets,

Steps towards Good Governance and a Reformed Judicial System (continued)

- Continued support to GoA agencies/institutions to improve their performance against corruption;
- Special EU support to strengthen the public administration and justice system for embodying the reform expectations;
- Increasing the reach and transparency of EU reports towards Albanian citizens;
- Provide direct narrowed messages to the people/communities. Increasing transparency/frankness of EU presence in Albania in communication with Albanian citizens can be a way to increase awareness, rebuild hopes for a better future, for making the country liveable and discouraging abandoning of the country.
- Better use of EU pressure/support through heavier conditions to the GoA, which can also lead to the increasing pressure from citizens to their political representatives. etc.



Thank you !