



**EU TECHNICAL ASSISTANCE
TO CIVIL SOCIETY ORGANISATIONS
IN THE WESTERN BALKANS AND TÜRKIYE**

**DG NEAR Guidelines for
EU Support to Civil Society
in the Enlargement Region
2021–2027**

2023 Assessment Report

ANNEX 1

COUNTRY ANALYSIS

ALBANIA



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Introduction to Annex

This country analysis is an Annex to the DG NEAR Guidelines for EU Support to Civil Society 2021–2027: Assessment Report 2023.

The Guidelines outline the results towards which EU support to civil society in the enlargement region will aspire in this seven-year period. This assessment provides evidence for the situation against the Guidelines' indicators for 2023.

This annex provides a summary of the evidence for assessment of the situation in Albania against each of the 59 indicators in the Guidelines. This annex should be read in conjunction with the main report, which is available on the tacso.eu website.

Methodology

The analysis presented in the main report and country annexes is based on data collected from primary and secondary sources. Primary research included surveys of CSOs and public officials, as well as a legal analysis of relevant laws. Secondary sources such as reports produced by CSOs, national human rights institutions, government, and others were reviewed to provide relevant information and data. The data collection and analysis mainly refer to 2023, but in some cases, data collection cover 2022 for certain important developments.

The survey of public officials was run between 27 February and 13 March 2024. The survey aimed to collect the perspectives on specific relevant indicators of selected public officials who, in their work, engage most closely with CSOs. The survey consisted of mostly closed questions and was anonymous. For Albania, 20 responses were received from public institutions. The survey was anonymous.

The CSO survey was run between 31 January and 19 February 2024. The survey was circulated broadly and elicited 107 valid responses from Albania. This constituted 11.8% of the total responses in all seven IPA beneficiaries.

Two-thirds of CSOs were from the capital of Albania and the rest of them 35% from outside of Tirana (from 11 other regions of the country). More than half of the respondents, 64%, were senior officers within the organisation, mostly executive directors, and board members.

More than half of the respondents, 64%, identified as women while 35% identified as men. One percent of respondents preferred not to disclose their gender identity. More than four-fifths of respondents, 87%, were aged 31 or older; 29% were older than 51 years of age.

One-tenth of the respondents, 10%, identified as belonging to a community, minority, or marginalised group. Of those who identified as belonging to such a group, 6% identified as belonging to the Roma or Egyptian communities.

More than three quarters of participating CSOs, 79%, were established over the past two decades; almost half of them, 49%, from 2011–2021. Only 2% of participating CSOs were established in 1990 or earlier.

Ninety seven percent of respondents came from officially registered organisations. Thirty eight percent of participating CSOs are registered as citizen's associations; 20% are foundations. Most of surveyed CSOs, 85%, have a website.

Most organisations say they work at different levels within the country – local, regional or national. Forty five percent of organisations say they work at the local or regional levels within the country, while only 6% say they work exclusively at the local level. Twenty four percent say they work nationally and internationally. In terms of thematic areas, the highest proportion of CSOs participating in the survey, 28%, work on socio-economic development. They are followed by youth, 26%; environment and climate action, 25%; social inclusion 22%; and human rights 17%.

More than half of participating CSOs, 70%, are small organisations with 1-10 permanent, full, or part-time staff and volunteers working at the time of the survey. Only 5% of participating CSOs engaged 51 or more staff and volunteers. Six percent of respondents said their organisation had a turnover under EUR 5,000 in 2023. Twenty percent had an annual turnover of up to EUR 25,000, and 23% of respondents had an annual turnover of between EUR 100,001 and EUR 500,000. Eight percent stated that their annual turnover exceeded EUR 500,000.

Assessment against indicators

The data collected informed the analysis of the situation in 2023 in Albania against indicators under review.¹ The indicators were reviewed and assessed following the same method used in the baseline assessment. To ensure greater clarity and accuracy of the assessment, the methodology for three indicators was enhanced with additional analysis.² The changes to simplify the CSO survey affected seven indicators for which the 2021 baseline was recalculated.³

For indicators that have a normative assessment, such as compliance with legislation or standards, the following traffic-light system was used to provide a quick visual guide:

5 – fully meets standards
4 – meets most standards
3 – moderately meets standards
2 – minimally meets standards
1 – does not meet standards

The traffic light system was applied to those indicators where such an assessment was deemed meaningful. It was based either on the data collected through the CSO survey or on the detailed analysis of applicable laws, policies and procedures against standards. The justification of the assessment is available in the respective country reports and related analysis in Annexes 1-7 of the regional report.

The remaining indicators provide an overview of year-on-year trends building on the baseline established in 2021.

The report compiles the assessments and level of implementation of individual indicators following the structure of specific objectives under each of the three areas.

1 The following indicators were not reviewed for 2023: 1.7.b; 1.10.e; 2.1.b; 2.1.c; 3.2.b; 3.8.c. These indicators were excluded from the review because data collection for their assessment was not feasible or because the language of the indicator was insufficiently specific to enable consistent data collection and analysis.

2 The assessment of the following indicators was enhanced with additional analysis: 1.2.a; 1.3.b; 1.6.b.

3 The baseline for the following indicators was recalculated: 1.1.a; 1.4.a; 1.5.b; 1.7.d; 1.9.a; 3.3.a; 3.4.a.



Specific Objective 1

A conducive environment for civil society to carry out its activities is in place.

SO 1.1. All individuals and legal entities in the Enlargement Region can establish, join and participate in non-formal and/or registered organisations, can assemble peacefully and can express themselves freely.

Indicator 1.1.a: Extent to which relevant domestic legislation provides that:

- Associations can be established or registered without discrimination on any grounds;
- No unlawful restrictions are placed on the scope of their activities or pursuit of their objectives;
- Their termination may only occur following a decision by an independent and impartial court;
- No unlawful restrictions are placed on freedom of peaceful assembly;
- Freedom of expression is exercised by all, and no unlawful restrictions imposed.

2021 assessment:

3 – moderately meets standards

2023 assessment:

3 – moderately meets standards

In Albania non-profit organisations (named associations, foundations, or centres) can be created by any person without any discrimination. The legal framework guarantees the right of individuals to get organised and exercise the freedom of association, and registration is not mandatory.

Referring to the changes in the legal framework⁴ for CSOs, an important development was the approval of the creation and implementation of the electronic register of non-profit organisations. It was supposed that the electronic registry to be created at the Tirana Judicial District Court and to become functional starting from 30 December 2023. However, even the content and structure of the electronic registry⁵ and the respective formats have been developed, the register is not yet in place.

Furthermore, the administration of the electronic register of CSOs is in accordance with the principles, criteria, and technical-organisational measures applicable to the guarantee and management of security in the processing of personal data, according to the provisions of the legislation in force for the protection of personal data. However, the content of the electronic registry was not consulted with NPOs⁶. In addition, during this reporting period the standard forms of the electronic register for CSOs were approved. Also, the requests for initial registration and later changes were defined in detail, as well as the requested supporting documents for this⁷.

4 High Judicial Council Decision no. 35, dated 26.01.2022, "On the creation and implementation of the electronic register of non-profit organizations". The text is available at: <https://qgz.gov.al/eli/vendim/2022/01/26/35/af554540-b05d-4ac0-bdbe-659c59b57f8c>

5 Council of Ministers Decision no. 94, dated 9.2.2022, "On the approval of detailed rules on the primary and secondary data that are registered in the electronic registry of non-profit organizations, detailed rules for information providers, interaction with other databases, as well as the level of access for interested subjects", published at Official Gazette 23/2022. The text is available at: <https://qgz.gov.al/eli/vendim/2022/02/09/94/815d9ea4-65b2-400d-b51e-e39b4674418d>

6 Monitoring Matrix on Enabling Environment for Civil Society Development, Country Brief for Albania 2022, Partners Albania for Change and Development, Tirana, May 2023, p. 10

7 High Judicial Council adopted decision no. 445, dated 24.07.2023, "On the approval of the standard forms of the electronic register for non-profit organizations".

Part of the landscape of CSOs in Albania are the Local Action Groups (LAG), the law on which was adopted in 2022⁸. The LAG is a mechanism that aims to involve local communities in the identification and implementation of rural development strategies in Albania. The LAG is a non-profit organisation based on partnership, consisting of representatives of local public and private socio-economic interests, in which no public authority or interest group is represented at the decision-making level with more than 49% of voting rights.

Several LAGs were established in 2023 in different areas of the country. Each LAG is provided with authorisation from the Minister of Agriculture before starting to exercise the activity. However, to obtain the authorisation LAG should have the decision of the Tirana Judicial District Court and certification from the register of NPOs, resulting in delays in the establishment of LAGs, given the complexity of the process.

In a decision⁹ of November 2023, the Constitutional Court partially accepted the request of some CSOs (Albanian Helsinki Committee and 4 other CSOs) to repeal some of the key provisions of Law No. 80/2021 “On the registration of non-profit organizations”. Thus, the Court stated that the Law on registration did not meet the criterion of “quality of the law”, the principle of proportionality, and the principle of legal security and that they are contrary to the Constitution’s provisions. Hence, the Court decided on: the abolition of the specific powers of the Chancellor, making the Court the only competent body for registrations and the activity of organisations; the elimination of administrative sanctioning elements, with fines for non-profit organisations; the release of NPOs from the obligation for initial registration with the Tirana Judicial District Court within 30 days.

So, there has been a lot of jurisprudence that is favourable for the exercise of freedom of association, and one new law. However, institutions responsible for the implementation of court decisions have not adopted the necessary by-laws to enable their implementation. Also, the Law No. 80/2021 “On the registration of non-profit organizations” is not being implemented. Implementation remains a big challenge, as the public service and public administration are not prepared enough. What the CSOs contest, however, is the lack of public consultation before the adoption of these acts which has a negative impact on the process of implementation.

Regarding the provisions on freedom of peaceful assembly, the domestic legislation has not changed; it is guaranteed to all individuals and legal entities.

In 2022–23, several protests took place in different cities in Albania against the increase of prices, especially for fuel and basic goods. These protests were organised by different groups of activists, and by the opposition in some cases. Regarding these protests, based on the observations of some CSOs and also on the Annual Report of the Albanian Ombudsman for 2022, there were several complaints and cases made public in the media, concerning the exercise of excessive force by the police during the protests. Also, several assemblies were over-policed. Other problems were related to the presence of police officers mixed up in the crowds without uniforms and visible identification documents, the high number of penal acts attributed to the detainees by the police officers to justify their detention, and the intimidation of citizens against participation in assemblies¹⁰.

In almost all the protests the State Police Officers dressed in civilian clothes physically restrained protesters and then handed them over to uniformed police officers to escort them to the police premises. The law does not consider this illegal, but the State Police Officers did not carry visible identification documents, as is provided in the law¹¹.

Furthermore, the report of the European Network of Human Rights Institutions, Albania Country Report 2023 states that: “Freedom of assembly and peaceful organisation is generally consistent with the

8 Law no. 36/2022, dated 14.4.2022, “On the organisation and functioning of Local Action Groups”.

9 Decision of Constitutional Court, no. 62, dated 20.11.2023 (V–62/23)

10 The report is available at: <https://kuvendivebfiles.blob.core.windows.net/webfiles/202305041105044995Raporti%20vjetor%20i%20vep- ritarise%20se%20institucionit%20te%20Avokati%20te%20Popullit%20per%20vitet%202022-%20Final.pdf>

11 Article 37, point 5 of Police State Regulation, adopted with the Decision of Council of Ministers no.750, dated 16.09.2015 and in accordance with the case law of European Court of Human Rights.

OSCE/ODIHR Freedom of Peaceful Assembly Guidelines, but the law does not elaborate on the right to online gatherings, spontaneous gatherings or counter-gatherings (counter-protests)¹².

Concerning freedom of expression, the situation of media and freedom of expression has deteriorated. What has been observed is an increase in the cases of physical and verbal threats toward journalists and media workers¹³ by media owners, representatives of state structures (mainly police), and individuals identified as involved or implicated in crime.

According to the Reporters Without Borders World Press Freedom Index 2023, press freedom in Albania has improved, from the country ranking 103rd in 2022, to 96th in 2023. “However, the situation remains worrying, with editorial independence threatened by party political interests and journalists at risk from organised crime and occasional police violence”¹⁴.

In 2022, the government decided to withdraw the legal changes known as the “anti-defamation” package from the parliamentary agenda. The so-called “anti-defamation” package was proposed by the Government and was a proposal to expand the powers given to the Audio-Visual Media Authority (AMA) and the Electronic and Postal Communications Authority (AKEP). These two state institutions were empowered to impose fines and close electronic portals if they “defame and violate the dignity of the individual” in online publications. The legal package was opposed by the media, journalists, experts, and civil society organizations. Following a request from interested parties, the Opinion of Venice Commission also considered this initiative to be a tool to restrict the freedom of expression and to violate it.

However, no progress has been made in improving the environment for independent and watchdog journalism or media pluralism. Defamation remains a criminal offence, although not punished with imprisonment¹⁵.

Furthermore, the report of DCAF¹⁶ and IDM Albania 2023 states that: “Cases of ordered shutdowns of websites, targeted cyber-attacks, online harassment of journalists and narrowing of the space for freedom to receive and impart information further testify to the decline of media freedom. As online forms of censorship grow that stifle criticism and promote government propaganda, independent journalism faces increasing challenges”.

The Audio-Visual Media Authority adopted the Audio-visual Broadcasting Code¹⁷. The code is obligatory and defines the principles, rules, requirements, and practices of audio and audiovisual broadcasting. Before the adoption, a draft code was prepared based on consultations with the interested stakeholders. The Code aims to improve the application of the right to gender equality, to tackle hate speech, and to address disinformation in respect to human rights, freedom of expression and information, the highest interests of children, the right to privacy and personal data protection, the secrets of information sources, not allowing broadcasts that incite or justify violence, respect for dignity, gender equality, and pluralism, and impartiality of information, etc.

Overall, Albania continues to experience a deterioration in media freedom. Journalists especially are at risk from organised crime and occasional police violence. While the legal framework remains generally adequate, gaps remain, and no progress has been made in recent years in improving the environment for independent and watchdog journalism or media pluralism¹⁸.

12 https://ennhri.org/wp-content/uploads/2023/08/Albania_Country-Report_Rule-of-Law-2023.pdf

13 Comparative Report on the Situation of Respect for Human Rights and Freedoms in Albania for 2022–2023, Albanian Helsinki Committee, Tirana, December 2023, p. 34.

14 [Explore – Civicus Monitor](#) accessed on 25 March 2023.

15 Monitoring Matrix on Enabling Environment for Civil Society Development, Country Brief for Albania 2022, Partners Albania for Change and Development, May 2023, p. 14.

16 Online actions, offline harms: Case studies on Gender and Cybersecurity in the WB, DCA, November 2023.

17 <https://ama.gov.al/wp-content/uploads/2020/07/AMA-Kodi-I-Transmetimit.pdf>; Decision no. 60, dated 10.07.2023 “On the adoption of Audiovisual Broadcasting Code”.

18 <https://www.ecpmf.eu/albania-media-pluralism-and-transparency-concerns-fuel-deterioration-in-media-freedom/>

SO 1.2. Public authorities protect CSOs from interference and attacks and respect their right to privacy.

Indicator 1.2.a: Extent to which CSOs have access to an effective remedy to challenge or seek review of decisions affecting exercise of their rights.

2021 assessment:

3 – moderately meets standards

2023 assessment:

3 – moderately meets standards

The legal framework in Albania provides full access to CSOs, as legal persons, to an effective remedy to challenge or seek the review of the decisions affecting the exercise of their rights. Thus, CSOs may legitimately complain to the courts with regard to civil, administrative, and criminal matters.

During this reporting period, CSOs have been using the right to information and public consultation as an instrument to get information on issues of interest to them from different public institutions and the Courts as well. Several CSOs received a license from the Ministry of Justice to provide (First or Second) Free Legal Aid for other CSOs and individuals, a practice that occurred in 2021 as well.

There have been delays in adopting the draft law “On class action”, prepared by CSOs in 2021 as a remedy for them to protect collective interests. The status of this draft law did not change in 2023¹⁹. It aims to create a new legal tool, “class action”, which facilitates citizens’ access to justice and prohibits illegal behaviour by various operators. The draft law has been waiting for more than 2 years to be discussed at Parliamentary Commissions.

Furthermore, referring to the CSO Survey, 81% of the respondents said the government did not take any decisions on their organisations that impacted negatively their ability to exercise their rights. On the other hand, 14% of respondents did state that the government took decisions on their organisations that impacted negatively on their ability to exercise their rights. The respondents mentioned as one of the decisions that had a negative impact on their ability to exercise their rights as follows:

- The registration of beneficial owners, according to which CSOs were forced to be registered in the National Business Centre even though they were not businesses, with unaffordable financial costs for registration to be faced as a result.

By looking at the figures of the CSO survey, 50% of those negatively affected by Government decisions said they were unable to effectively challenge these decisions. It is difficult for CSOs to challenge or seek a review of decisions affecting the exercise of their rights, due to the implication of financial costs and the lack of legal expertise. However, 29% of respondents who were negatively affected by the government decisions said they were able to effectively challenge these decisions. Also, there was a high percentage (21%) of respondents who said the final decision was still pending.

In conclusion, the legislation and the procedural acts affirm the right of CSOs to an effective remedy; and there was an improvement in implementation compared with the baseline assessment of 2021.

¹⁹ <https://www.parlament.al/dokumentacioni/aktet/80cfa5e-a3c6-497e-9def-0cdf23d76ecd>

Indicator 1.2.b: Extent to which CSOs are protected by law from threats, attacks, judicial harassment and discriminatory treatment, in particular:n, as well as hate speech online and offline;

- threats including intimidation, harassment, defamation, as well as hate speech online and offline;
- attacks including acts of violence, physical abuse, searches and damage to property;
- judicial harassment including arbitrary arrest and detention, unlawful interference with communications, and abuse of criminal, civil and administrative proceedings. or threats thereof;
- discriminatory treatment, including disproportionate reporting requirements for CSOs..

2021 assessment:

5 – fully meets standards

2023 assessment:

5 – fully meets standards

In Albania, the Criminal and Civil Code provisions are in general met with, and determine the rules for responsibility, criminal proceedings, and types of punitive measures that are taken against legal persons, for the commitment of a criminal offense by natural/physical persons. These provisions should be interpreted in an expanded way to provide protection and apply to CSOs.

In 2023, a group of experts was established to work on drafting a New Criminal Code. The Criminal Code is the main act where the provisions in general for threats, attacks, and other criminal abuse are laid down.

Furthermore, the Roadmap on the Rule of Law - Chapter 23 “Judiciary and fundamental rights” - lays down the obligation of the School of Magistrates to provide training for judges related to Strategic Lawsuits Against Public Participation/SLAPPs. This provision is detailed in the Report of Public Consultation Results²⁰. In Albania, Strategic Lawsuits Against Public Participation is a new concept and there has been no initiative in this area apart from what is mentioned here.

Thus, there were no essential legislative changes in 2023, and therefore the situation is nearly the same as the previous report, underlining that there is no special legal framework for the protection of CSOs from threats, attacks, judicial harassment, and discriminatory treatment. CSOs are entities like natural persons that could secure their rights from the general provisions. These provisions are divided into different acts which meet most international standards, although their implementation in practice needs further improvement.

Indicator 1.2.c: Proportion of CSOs that operate effectively without threats, attacks, judicial harassment and discriminatory treatment, in terms of:

- number of complaints concerning lack of protection of CSOs;
- number of attacks on CSOs and their members;
- number of instances of damage to property;
- number of instances of discriminatory treatment in reporting;
- number of instances when CSO offices were unlawfully searched, or subjected to inspections;
- number of instances of interference with the communications of CSOs.

Based on the results of the CSO Survey, 88% of respondents (84% in 2021) said their organisation or its members were not subjected to threats or physical attacks. On the other hand, 3% of surveyed CSOs (3% in 2021 as well) said they were subject to threats or physical attacks on their organisation or their members.

²⁰ <https://konsultimipublik.gov.al/Konsultime/Detaje/661>

The proportion of CSOs that submitted an official complaint because they were denied protection from threats or physical attacks was 1% instead of 2% in 2021. Also, in 2023, of those who did not submit an official complaint, 1% said they did not know how to submit an official complaint; 2% said they had complained in the past and the response by the authorities was not effective.

Furthermore, 97% of respondents (97% in 2021 as well) said that their organisation did not experience property damage as part of the threats and physical attacks against them. There was, however, a small percentage of CSOs (2%, instead of the 3% in 2021) that experienced property damage as part of the threats and physical attacks against them.

Almost all the respondents (97%, from 98% in 2021) said that their offices were not subjected to unlawful searches or inspections. However, 2% of them said their offices were subjected to unlawful searches or inspections. 93% of respondents (92% in 2021) said the authorities did not interfere with the communications of their organisations; whilst 4% (5% in 2021) said the authorities had interfered with the communications of their organisation.

It should be added that almost all public officials who took part in the survey believed that CSOs could operate effectively without threats, attacks, judicial harassment, and discriminatory treatment.

SO 1.3. Measures used to fight extremism, terrorism, money-laundering or corruption are targeted and proportionate, in line with the risk-based approach, and respect human rights standards on freedom of association, assembly and expression

Indicator 1.3.a: Extent to which laws to combat extremism, terrorism, money-laundering and corruption do not unduly restrict legitimate activities of CSOs.

2021 assessment:

4 – meets most standards

2023 assessment:

4 – meets most standards

Under legislation intended to tackle money laundering and terrorist financing, CSOs were required to register their beneficial ownership, despite the concept of ‘beneficial ownership’ of a non-profit entity being poorly defined. In early 2022²¹, in response to pressure from CSOs, the Government extended the deadline for CSOs to register their beneficial ownership. At the same time, however, the amount of the fine for not registering within the deadline was increased. In addition the public authority responsible for maintaining the Register of Non-Profit Organizations was given the additional power of being able to change the status of CSOs from ‘active’ to ‘suspended’, until a fine was paid.

The Government has adopted the Intersectoral Strategy for the Prevention of Violent Extremism and the Fight against Terrorism 2023–2025 and the Action Plans 2023–2025²². In the strategy document, CSOs are considered as strategic partners in the achievement of the goals and implementation of this strategy. They are key collaborators in preventing violent extremism.

This strategy has provided different measures, some of which are related to CSOs. Thus, CSOs can create different school programmes for when and where the first signs of violent extremism and radicalisation have been identified, in connection with activities that empower and strengthen social cohesion,

21 Amended Law No. 112/2020 “For the register of beneficial owners” with law no. 6/2022, dated 27.1.2022 <https://qbz.gov.al/preview/caaa4106-aab1-44bb-a34b-1ada78851423/cons/20220216>

22 Decision of Council of Ministers no. 81, dated 14.02.2023 <https://qbz.gov.al/eli/vendim/2023/02/14/81/799f9821-562e-4489-a4f3-04d2e-24c1a8e;q=Strategjia%20kunder%20ekstremizmit%20te%20dhunshem>

community and personal resilience against violent extremism in vulnerable communities. Also, CSOs can develop surveys, and the collection and exchange of data to identify the factors conducive to the spread of the phenomenon of radicalism and violent extremism online. It provides that the stakeholders' work must continue to prevent the risks of terrorist financing in the case of the instrumentalisation of non-profit organisations by radicalised groups. The government has included a cost for each measure of the strategy.

Based on a report prepared by Partners Albania²³ in cooperation with CSOs, state authorities, and financial institutions, the level of risk for the NPO sector is rated as LOW. This report was part of an international response of CSOs to protect the civic space and address over-regulation of NPOs in the name of Anti Money Laundering and Counter Financing Terrorism (AML/CFT), in line with the targeted, risk-based, and proportionate approach mandated under the FATF Recommendation 8 on CSOs²⁴.

The implementation of the National Risk Assessment in Albania, guided by the Council of Europe, has so far been implemented behind closed doors and without the involvement of civil society. Amendment of the legal framework for the declassification of CSOs as 'high-risk' clients for the banking sector is expected after the publication of the National Risk Assessment in 2024²⁵.

Furthermore, the Decision no.62 of the Constitutional Court in 2023²⁶ raised some questions on the obligation of CSOs to report, inform, monitor, or supervise under the fight against extremism, terrorism, money laundering, and corruption. It explained that: "*the legislation cannot be applied without distinction that any financial support from a non-national entity and any civil society organisation that receives such financial support is essentially liable to endanger the political and economic interests of the state and the ability of its institutions to operate free from interference.*"

So, the assessment for this indicator is the same as in the baseline report in 2021.

Indicator 1.3.b: The proportion of CSOs whose ability to undertake legitimate activities is not restricted by the implementation of laws to combat extremism, terrorism, money-laundering and corruption, and in particular by:

- being judicially harassed for their alleged connections with extremism, terrorism, money-laundering and corruption;
- discriminatory restrictions placed on funding,
- authorities or banks preventing them from opening bank accounts, sending or receiving money.

Referring to the CSOs survey, 87% (90% in 2021) of respondents were able to undertake legitimate activities without judicial harassment, discriminatory restrictions on funding and restrictions on opening bank accounts, etc. A small amount - 2% of CSOs (2% in 2021) - said their members were subject to juridical harassment.

Also, about 92% (95% in 2021) of respondents said their organisation was not subjected to discriminatory restrictions as a consequence of receiving funding from a particular source, unlike the 4% (5% in 2021) of CSOs who said their organisations had been subjected to discriminatory restrictions as a consequence of receiving funding from a particular source. The rest of the respondents (4%) said they did not know.

The same percentage of respondents (95%) as in 2021 (95%) confirmed that their organisation was not prevented by government authorities or banks from opening a bank account and sending or receiving money. The rest of the respondents - about 3% (5% in 2021) - mentioned that they could not open a bank account because opening a bank account in a second-level bank requires the submission of a renewed

23 <https://partnersalbania.org/wp-content/uploads/2023/01/Terrorist-financing-risk-assessment-metodology.pdf>

24 Monitoring Matrix on Enabling Environment for Civil Society Development, Country Brief for Albania 2022, Partners Albania for Change and Development, May 2023, pg. 12

25 Balkan Civil Society Development Network AML-CFT Brief, February 2024, p. 4.

26 Decision of Constitutional Court, no. 62, dated 20.11.2023 (V-62/23). Available at: <file:///C:/Users/Admin/Downloads/vend.6223.pdf>

statement every three months and that has a financial cost. Also, in some banks, the account opening procedures are so bureaucratic (justified in the framework of the Money Laundering Law) that they make it practically impossible to open an account.

SO 1.4. Public authorities should treat all CSOs equally with regard to their operations, and equitably with other entities (such as businesses)

Indicator 1.4.a Extent to which laws (1) do not require CSOs to submit more reports and information, and (2) do not submit CSOs to more inspections and sanctions, than business entities, all else being equal.

2021 assessment:

5 – fully meets standards

2023 assessment:

5 – fully meets standards

One of the laws affecting the reporting of the CSOs that changed in 2023 is Law No. 29/2023 “On income tax”, amended with the normative act no. 2, dated 7.6.2023, and normative act no. 7, dated 14.12.2023²⁷. This law aims to determine the rules regarding a) tax on the income of natural persons and entities; and b) tax on income from inheritances, donations, and winnings from gambling, and it defines the rates and the time frame of the taxes for different entities.

This law defines “Entity” as any company or any structure of organisation, incorporated or unincorporated, regardless of the form, profit or non-profit nature. So, this Law affects also CSOs and imposes on them the same obligation as businesses. The law extends its effects from 1st January 2024.

In January 2022, the Albanian Parliament extended the deadline²⁸ for the initial registration of ultimate beneficial owners by reporting entities. The level of all administrative sanctions related to (1) delays in the initial reporting of beneficial owners and (2) non-registration of respective changes part of the registry was also amended. Even though the deadline was extended, several CSOs got penalised with high fines because they were not able to register the beneficial owners on the indicated deadline due to the lack of information and resources. However, for CSOs, also the new level of fines is high.

Thus, according to the legislation in force, CSOs submit the same reports and information to authorities as business entities. There is therefore no difference between CSOs and business entities in the field of inspections and sanctions. The reasons for inspections are the same, the days of reporting are the same and most of the fines are at the same rate.

However, the Decision No. 62 of the Constitutional Court in 2023²⁹ raised some questions on the obligation of CSOs to report, inform, monitor, or supervise under the fight against extremism, terrorism, money laundering, and corruption. Thus, Albania’s law on NPO registration introduced duplication, and unjustified reporting requirements, including disproportional and unjustified penalties³⁰. The CSOs consider these provisions and the fines too high and disproportionate.

27 The text is available at: <https://qbz.gov.al/eli/liqj/2023/03/30/29/e0b4e6c5-bf37-4102-a57c-fd51244a2d5f>

28 Law no. 6/2022 “On some amendments and additions to Law no. 112/2020 “On the register of ultimate beneficial owners”

29 Decision of Constitutional Court, no. 62, dated 20.11.2023 (V-62/23). Available at: <file:///C:/Users/Admin/Downloads/vend.6223.pdf>

30 Balkan Civil Society Development Network AML-CFT Brief, February 2024, p. 4.

SO 1.5. Central and/or local public authorities have enabling policies and rules for small community organisations and civic initiatives (grass-roots organisations)

Indicator 1.5.a: Small community/local organisations and civic initiatives are allowed to operate by law without registering.

2021 assessment:

5 – fully meets standards

2023 assessment:

5 – fully meets standards

There are no changes regarding the framework for the ability of community/local organisations and civic initiatives to operate without registering regardless of the size of the organisation. So, the legal framework in force does not foresee and does not define obligations regarding the form of organisation, be it formal or informal.

Thus, Albanian legislation recognises the legal right of communities or informal groups to be active in social life, to take up legislative activities (like local referendums), and to fight against negative phenomena. Also, small community/local organisations and civic initiatives are allowed to apply for grants equal to registered NPOs.

Indicator 1.5.b: In law, unregistered small community/local organisations and civic initiatives enjoy the same right to participation in decision-making processes as registered CSOs.

2021 assessment:

4 – meets most standards

2023 assessment:

4 – meets most standards

The legal framework allows and underlines equal participation for citizens or interest groups in all the phases of the decision-making process. The electronic registry for consultation www.konsultimipublik.gov.al has been established and provides separate sections for citizens, interested groups, and experts. Public consultation is a mechanism that enables the involvement of the public, interest groups, businesses, the academic community, experts, and the media in decision-making processes. However, with regard to its application in the field, the surveys of CSOs, and reports of different stakeholders, the participation of CSOs, and interested citizens, including informal groups, in the public decision-making processes is still a challenge.

Hence, besides the legal provisions, CSOs, unregistered organisations, and initiatives are not effectively involved in the consultation process before an act is published in the electronic register of public consultation. Civil society organisations report varying degrees of inclusivity in public consultation processes, with some ministries not always representing diverse interest groups - for example, informal groups of activists. Instances of fictitious consultations have also been reported³¹.

Furthermore, the involvement of informal groups from rural areas is a big challenge, owing to the lack of internet and lack of skills to use online platforms such as 'konsultimi publik'. This is more obvious in cases of approved interventions in parks and protected areas, since the communities of these areas have not been able to properly participate in the consultation processes since the beginning of the process, owing to a lack of information and lack of know-how as to how to contribute to the consultation platform.

31 Study Report "A decade since the public consultation law in Albania: A call for reform", <https://idmalbania.org/sq/raport-studimor-nje-deka-de-nga-ligji-per-konsultimin-publik-ne-shqiperi-thirrje-per-reforme/>

SO 1.6. All CSOs are free to solicit and receive funding.

Indicator 1.6.a: Extent to which relevant laws allow CSOs to seek a broad range of funding, including from abroad, without undue restrictions, as regards:

- cash and in-kind donations from all sources;
- funding from domestic public bodies;
- funding from institutional, corporate or individual donors;
- funding from foreign governments or multilateral agencies.

2021 assessment:

5 – fully meets standards

2023 assessment:

5 – fully meets standards

As in the previous report of 2021, the general provision conditions the receipt of funds only on their legitimacy and their source. The sources of funding are: membership fees (for associations), funds, grants, and donations provided by private or public, domestic or foreign entities, as well as income from economic activity and assets owned by the non-profit organisation. Thus, there are no restrictions or financial burdens on CSOs to secure funds from different legitimate sources.

The legislative framework, in general, is fully in line with international standards. However, the implementation in practice is impacted by the origin of funds.

Indicator 1.6.b: Proportion of CSOs that can access a broad range of funding without undue government interference.

Eighty-six percent of participating CSOs stated that they were not prevented from accessing any type of funding. There was a difference of 6% compared with the result in 2021 (92%). Thus there is a decrease in the proportion of CSOs that said they were not prevented from accessing any type of funding.

SO 1.7. Public financial and non-financial support to CSOs is available in IPA beneficiaries, and provided in a transparent, accountable, fair and non-discriminatory manner

Indicator 1.7.a: The level of public funding³² available for CSOs and associations is clearly articulated in laws and regulations, and the rights and duties of the state body invested with the ability to set and revise the level of public funding available is clearly defined in law.

2021 assessment:

1 – does not meet standards

2023 assessment:

1 – does not meet standards

It remains a challenge to find out the amount that is directed to CSOs because it is not fixed in the law. There is no specific place where the data for funding CSOs from all the relevant ministries and agencies can be found. The fund for CSOs is addressed to public policies and strategies, and the budget is planned as a whole.

The Agency for the Support of Civil Society/ASCS continues to be the main public body providing financial support for civil society as in 2021. So, the total amount that ASCS distributed for supporting CSOs in 2023 was LEK 96,200³³ million (approximately EUR 900,000).

Indicator 1.7.b: Percentage of public budget actually disbursed to CSOs in a year.

This indicator is not reviewed for 2023.

Indicator 1.7.c: Extent to which legal provisions regulating the award of public funding to CSOs ensure that:

- funding criteria are clearly defined, objective and publicly announced;
- evaluation of proposals is clear and impartial;
- conflict of interest is clearly regulated;
- reporting requirements are clear and proportionate.

2021 assessment:

3 – moderately meets standards

2023 assessment:

4 – meets most standards

The legal framework that regulates the award of public funding is not unified. Thus, each public institution that awards public funding has provisions on the procedure, management, and control of these funds.

The annual state budget provides an allocation of public funding to support civil society. The Agency for the Support of Civil Society (ASCS) remains the main public body that provides grants and regulates state support for institutional development, project support, and co-financing support. Other public institutions have provided public funds in the form of grants to CSOs as well.

³² "Public funding" refers to funds allocated and disbursed from the state's own resources. It does not include European Union funds distributed through public institutions in Türkiye, since they are subject to different rules and procedures which are in line with the rules and procedures of European Union. Here the analysis only refers to the total amount of public funding for CSOs which is distributed according to rules and procedures defined by public institutions.

³³ Annual Report 2023, Agency for the Support of Civil Society, Tirana, March 2023, p. 13.

In general, public institutions provide their financial support to CSOs through open calls for proposals or restricted calls for a specific category of CSOs. Most public institutions that provide financial support have public rules and procedures about the scope of funding, application criteria, selection, and awarding criteria.

The Agency for Supporting the Civil Society/ASCS has been operating in a very organised manner regarding the call for proposals and makes a difference in this regard. Everything related to grant procedures is available for the public on their website. The agency openly announces the calls, and it provides sufficient time to prepare (more than 30 days) and submit project proposals and all required documents under the call. In 2023, the ASCS organised consultations with CSOs to determine the priority areas before announcing the call for proposals.

The existing provisions outline clearly the general provisions on conflict of interest in the decision-making processes of representatives of ASCS, especially as related to financial issues. The application criteria and the selection procedures are indicated there. Also mentioned there are the narrative and financial reports that are required from the CSOs that receive public funds. Some acts go further in requiring other documents in cases of doubt. The reporting documents are part of the contract, and CSOs are informed of them when the contract is signed. Different institutions have specific requirements on the deadlines of reports, upon which the transfer of funds is conditional.

Indicator 1.7.d: Central governments make the information on awards publicly available and sufficiently detailed to identify individual awards.

2021 assessment:

1 – does not meet standards

2023 assessment:

1 – does not meet standards

The monitoring of the web pages of public institutions that provided financial support to CSOs during 2023, including the ASCS, showed that there was no sufficiently detailed information on (1) the name of the CSO receiving funding, (2) size of award, (3) project title, (4) project description, (5) thematic area of project, and (6) geographical area of expenditure.

To get information regarding the respective funds granted by the state agencies it is necessary to send them a request for information. However, not all of them provide a response with the requested information on (1) the name of the CSO receiving funding, (2) size of award, (3) project title, (4) project description, (5) thematic area of project, and (6) geographical area of expenditure.

Therefore, the lack of publicly available documents with regard to (1) the name of the CSO receiving funding, (2) size of the award, (3) project title, (4) project description, (5) thematic area of the project, and (6) geographical area of expenditure makes public financing of CSO activity non-transparent and increases the level of scepticism towards the distribution of public funds.

Based on the Public Authorities survey, most Government officials said the relevant authorities made the information on awards of public funding to CSOs publicly available at the level of sufficiently public or fully public. However, there was a small number of public officials who said the information on awards of public funding to CSOs was publicly available only at the level of insufficiently public.

Indicator 1.7.e: Proportion of CSOs indicating that the provision of domestic public funds is transparent, fair, and non-discriminatory.

2021 assessment:

2 – minimally meets standards	21%
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2023 assessment:

1 – does not meet standards	19%
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Regarding the provision of public funds to CSOs, the situation has deteriorated compared with the previous assessment. Thus, less than one-fifth (19%) of the respondents (21% in 2021) said the provision of funds was transparent and fair. The majority - 55% of them in the CSO Survey (53% in 2021) - said the provision of domestic public funds was neither transparent nor fair.

On the other hand, almost all public officials contacted said the provision of funds was sufficiently/ very transparent and fair.

Indicator 1.7.f: Public funding does not exclude CSOs on the basis of their constituency representation.

The percentage of CSOs that applied for public funds based on the CSOs survey was 51% (50% in 2021) and the percentage of those that did not apply was almost the same – 47% of respondents (48% in 2021).

Seventy six percent of those that applied for funds (77% in 2021) said their application was not successful. Only 22% of respondents (19% in 2021) said their application was successful. Among the reasons given by those that said their application was unsuccessful were: the competition was very strong, 21% (25% in 2021)), or the authorities funded their preferred organisation, 59% (66% in 2021).

Regarding the organisations that did not apply for public funding, 38% (60% in 2021) said they did not think they had a realistic chance of winning, 19% (13% in 2021) said the funds offered were too small, and 17% said the application procedure was too complicated.

Some other reasons mentioned for not applying for funds were:

- We do not trust the public funding assessment procedure;
- Most of the funds are previously earmarked;
- There was a lack of information related to public funding;

SO 1.8. Individuals and corporations enjoy tax benefits for their donations to CSOs.

Indicator 1.8.a: Tax legislation allows for tax relief as regards:

- Individual giving
- Corporate giving

2021 assessment:

2 – minimally meets standards

2023 assessment:

2 – minimally meets standards

The legislation on individual/corporate giving did not change in 2022–23. The existing laws do not recognise donations from the individual as tax-deductible for purposes of personal income tax. Thus, Individual philanthropic activity is not subject to tax deduction.

Albania still does not have tax incentives in place for individual donations and only marginal tax incentives for corporate donations.

The Law No. 29/2023 “On Income Tax” dated 30 March 2023, effective starting from 1 January 2024, brings some changes and clarifications in relation to expenses that are considered as non-deductible for corporate income tax purposes. In comparison to the existing law, the new Law on Income Tax has abolished the thin capitalisation rules and the limits for the deductibility of donations in case of official natural disasters³⁴. Thus, sponsored amounts, exceeding the following limits, are non-deductible:

- 5% of profit before tax for press publishers and publications of literary, scientific, encyclopaedic works, as well as for cultural or artistic activities;
- 5% of profit before tax for sports activities, provided that certain conditions are met;
- 3% of profit before tax for sponsorship of any other activities.

So, corporate donations can be given for every issue, but the corporation just refers to it in the annual report and does not benefit from tax exemptions.

Indicator 1.8.b: Proportion of private individuals who have given money to a CSO.

Based on the CAF Report 2023, in Albania, 25% of private individuals donated money to CSOs. Comparing this percentage with the previous years (31% in 2021 and 36% in 2022), there was a decrease in the participation of people in giving money to CSOs.

³⁴ <https://kpmg.com/al/en/home/insights/2023/10/non-deductible-expenses-and-bad-debts-in-2024.html>

SO 1.9. Tax benefits are available to CSOs.

Indicator 1.9.a Extent to which applicable tax laws provide for the following:

- CSO income generated from grants, donations, and membership dues, income from economic activities, investment income, real property, gifts and inheritance is not subject to taxation;
- any excess revenue or profit generated through economic activity and used for mission-related purposes by CSOs is not subject to corporate income/profit tax.

2021 assessment:

3 – moderately meets standards

2023 assessment:

3 – moderately meets standards

Based on the type of organisation, their scope, and the exercise of activities, CSOs are exempted from income tax on grants, donations, membership quotas, gifts, and inheritance that are not used for the benefit of founders or members.

Also, based on the amendment of the Law on Value Added Tax/VAT, CSOs funded by foreign donors, including Civil Society Facility funds both from the EU Delegation and regional CSF funds, are eligible for VAT exemption, and refund-provided contracts are under IPA III (IPA II projects are not eligible for exemption)³⁵. The VAT exemption system for IPA III funded projects was introduced by law in September 2023, and currently, the procedures for obtaining project registration is under development.

Furthermore, CSOs are allowed to engage in economic activities. Thus, CSOs are explicitly permitted to raise income from their assets using investments, and the renting and sale of property. However, in these cases, the financial regulations do not distinguish between CSOs and commercial enterprises. Consequently, CSOs are liable to profit tax on all income from economic activities on the same basis as other legal entities.

Conversely, “NPOs that have economic activity at the level of 20% of total annual income are not subject to tax on income unless the revenues generated by the economic activity are not reinvested in the activity of the organisation. There is a lack of tax incentives for NPOs that have the status of social enterprises”³⁶.

³⁵ Instruction No. 27, dated 13.09.2023, published in the Official Gazette no.137, date 20.09.2023.

³⁶ Monitoring Matrix on Enabling Environment for Civil Society Development', Country Brief for Albania 2022, Partners Albania, Tirana, May 2023, p.15.

SO 1.10. The policies and legal environment provide incentives and facilitate volunteering for and employment in CSOs.

Indicator 1.10.a: Laws regulating volunteering are adopted.

2021 assessment:

2 – minimally meets standards

2023 assessment:

2 – minimally meets standards

As stated in the previous assessment in 2021, Albania approved the Law on Voluntarism (Law 45/2016) in 2016. The Law aims to boost the civic engagement and participation of citizens in community development. However, the legal framework does not provide an enabling environment for CSOs to focus on and work with volunteers. The law was more an obstacle than an enabling framework because it could not be applied in practice.

The situation is pretty much the same, because no significant change was noted since the previous assessment. The only thing to mention is that in 2022, a working group was created with representatives from interested CSOs, the Minister of State for Youth and Children, the Ministry of Finance, the National Agency for Employment and Skills, and legal experts, to discuss legal and regulatory changes and improvements of the current law.

According to Decision no.790, dated 28.12.2023, "On the approval of the general analytical program of the draft acts that will be presented for review in the Council of Ministers during 2024", the revision of Law 45/2016 "On Volunteerism" is foreseen to be undertaken in the third Quarter of 2024.

Indicator 1.10.b: Government volunteering strategies and programmes support volunteering for CSOs and have sufficient resources allocated for implementation.

2021 assessment:

1 – does not meet standards

2023 assessment:

1 – does not meet standards

The situation was the same as in 2021, thus there were no national volunteering strategies or programmes in Albania.

Indicator 1.10.c: Proportion of CSOs that benefit from state employment strategies and programmes.

According to the results of the CSO Survey, 11% (6% in 2021) of respondents said they had benefited from the state employment strategy.

Those who benefited mentioned that they had an agreement with the National Agency for Employment and Skills to employ people from vulnerable communities.

Indicator 1.10.d: Proportion of CSOs that benefit from state volunteering strategies and programmes.

Not applicable for Albania since there were no national volunteering strategies or programmes in Albania.

■ **Indicator 1.10.e: Proportion of employees in CSOs in relation to the total workforce.**

This indicator is not reviewed for 2023.

■ **Indicator 1.10.f: Percentage of people who have volunteered to give their time to an organisation.**

Referring to the CAF Report 2023, the percentage of people in Albania who volunteered in 2023 was 8%, instead of 11% in 2021. It was 8% in 2022. So, from 2021 to 2023 fewer people volunteered to dedicate some of their time to CSOs.



Specific Objective 2

Strengthened cooperation and partnership between CSOs and public institutions.

SO 2.1. Public authorities and institutions include CSOs in decision- and policy-making processes.

Indicator 2.1.a: Laws, by-laws, strategies, other acts of public interest and policy reforms are effectively consulted with CSOs in that:

- CSOs have access to the draft document from the beginning of the drafting process to the end of the adoption procedure;
- At least 15 days are allowed for commenting before the draft document enters the adoption procedure;
- The use of extraordinary/expedited procedures to adopt legislation without allowing for consultation is an exception and duly justified;
- Reports on results of public consultations, including reasons for rejection of comments, are published in a timely fashion;
- Working groups members from CSOs are selected based on a public call, clear criteria and in line with equal treatment;
- Working group members from CSOs include representatives of society as a whole, including women's groups, LGBTIQ groups, migrant groups, minorities, disability groups, and others as appropriate, in line with the Human Rights Based Approach.

2021 assessment:

3 – moderately meets standards

2023 assessment:

3 – moderately meets standards

Public consultation is a mechanism that enables the involvement of the public, interest groups, businesses, the academic community, experts, and the media in decision-making. The electronic registry for consultation, www.konsultimipublik.gov.al, where the government and public agencies carry out consultations with the public was established³⁷. The legal basis for the development of the public consultation process³⁸ is among the most advanced based on European Union standards. This Register has served as the main instrument for the public consultation process since 2021.

Another mechanism to ensure the participation of civil society in the EU Accession Negotiation Process was the Partnership Platform for European Integration, where CSO participation in the steering board of the Platform and 33 consultation tables is a legal requirement. During 2022–2023, some of the leading institutions of different chapters opened a call for new members from CSOs for the consultation tables.

The Annual Report on the Performance of Public Consultation 2023 stated that out of 69 acts consulted in total, for 53 acts the public consultations lasted at least 20 working days. The duration of “20 working days” is the legal deadline for the publication of acts in the Electronic Register for Public Notices and Consultations.

³⁷ Law no. 146/2014, “On public notification and consultation”, as well as order no. 3, dated 29.1.2021, of the Secretary General of the Prime Minister’s Office, “On the approval of the guide of public consultation”.

³⁸ Raporti Vjetor i Performances se Konsultimeve Publike 2023, Government of Albania, February 2024.

There are also other methods for the consultation process, such as the organisation of consultative meetings, public hearings, working tables with stakeholders, e-mail communications, and official letters, which take place from the early stages of drafting the act to the final version, which is then submitted for approval. Depending on the complexity and importance of the legal initiative, the institutions select the methods and time for conducting public consultations. After applying the necessary exceptions, the total number of acts for which public consultations were required was 64, of which 59 underwent this process through at least one of its methods.

During the year 2023, 241 draft acts were expected to be approved, and the exemption provisions from the public consultation process were applied to 172 acts. Thus, the index of the use of exemptions from public consultation for acts in sectoral strategic documents for 2023 was 71.36%, compared to 72.6% for 2021³⁹.

In general, a report is prepared for all draft acts published for consultation in the Electronic Register for Notifications and Public Consultation, presenting the acceptance or rejection of feedback received during the consultation process.

However, CSOs, unregistered groups and initiatives are not effectively involved in the consultation process before the act is published in the electronic register of public consultation. CSOs report varying degrees of inclusivity in public consultation processes, with some ministries not always representing diverse interest groups - for example, informal groups of activists⁴⁰.

Furthermore, the CSO survey showed a CSO rate of effective consultation of 34%, instead of 31% in 2021. Also, 29% of CSOs had access to the draft document from the beginning of the drafting process to the end of the adoption procedure (24% in 2021). 23% of CSOs had at least 15 days available for commenting (24% in 2021). There were 15% of the CSOs whose representative was a member of a working group tasked with the development of laws, by-laws, strategies, or acts of public interest and policy reform, instead of 18% in 2021.

Considering the application in the field, the survey of CSOs, and reports of different stakeholders, the participation of CSOs in public decision-making processes is still a challenge. The meaningful participation of CSOs in policy and decision-making processes continues to be ineffective, regardless of the legislation in place and the mechanisms of cooperation established.

Indicator 2.1.b: CSOs are effectively included in oversight mechanisms.

Not reviewed

Indicator 2.1.c: Proportion of CSOs that have participated in consultations during preparation of state reports under international human rights and other legal obligations, and the implementation of treaty body recommendations.

Not reviewed

39 <https://konsultimipublik.gov.al/documents/reports/Raporti%20vjetor%20i%20performanc%C3%ABs%20p%C3%ABr%20konsultimet%20publike%202023.pdf>

40 Study Report "A decade since the public consultation law in Albania: A call for reform", <https://idmalbania.org/sq/raport-studimor-nje-deka-de-nga-ligji-per-konsultimin-publik-ne-shqiperi-thirrje-per-reforme/>

SO 2.2. Public authorities and institutions acknowledge the importance of civil society in societal policy debate and EU integration processes.

Indicator 2.2.a: Extent to which CSOs assess the attitude of public officials towards civil society as supportive.

2021 assessment:

2 – minimally meets standards | 34%

2023 assessment:

2 – minimally meets standards | 38%

Concerning the CSO Survey for 2023, 38% of CSOs indicated the attitude of public officials toward civil society as supportive, instead of 34% in 2021. More than half (57%) of CSOs indicated the attitude of public officials toward civil society as not supportive in 2023 (55% in 2021).

By contrast, looking at the public authorities' survey results, the overwhelming majority of respondents said in Albania public officials are supportive towards CSOs in general.

SO 2.3. Public authorities contribute to civil society strengthening by cooperating with civil society through strategic policy frameworks and relevant institutional mechanisms.

Indicator 2.3.a: Proportion of CSOs that were effectively consulted in the preparation of civil society cooperation strategies.

Not relevant for Albania because the current strategy covers the period 2019–23. Furthermore, there was not any consultation process initiated in 2023 regarding the new strategy 2024–27.

Indicator 2.3.b: IPA beneficiaries have adopted currently valid civil society cooperation strategies.

2021 assessment:

5 – fully meets standards

2023 assessment:

5 – fully meets standards

The Government of Albania approved the original Road Map for an enabling government policy towards civil society in May 2015. The current revised Road Map 2019 – 2023 is presented through three strategic directions, mainly covering the original nine priority areas of the 2015 Road Map. The three strategic directions with its nine priority areas took into account the principles and objectives set out in the Guidelines for EU support to civil society 2014–2021. Thus, 2023 was the last implementation year for the current strategy.

Indicator 2.3.c: Civil society cooperation strategies are accompanied by adopted budgeted action plans.

2021 assessment:

1 – does not meet standards

2023 assessment:

1 – does not meet standards

The situation for this indicator in 2023 was the same as in 2021. There was no annual action plan that could have indicated the resources necessary for the implementation of the strategy for cooperation with civil society (Road Map for an Enabling Government Policy towards Civil Society Development 2019–2023). The different ministries that are responsible for implementing certain measures and actions of the Strategy did not publish the budgets for these measures.

Almost none of the actions and measures planned to be accomplished by the end of 2023 were implemented, notwithstanding the partial implementation of very few actions; and there is no report on monitoring and evaluation of the Roadmap implementation.

Indicator 2.3.d: Proportion of CSOs that rate civil society cooperation strategies as relevant and effective.

The CSO survey result showed that 33% of respondents said they considered the civil society cooperation strategy relevant and effective. Comparing the figure with the result in 2021 (40%), there was a decrease of 7% for respondents who considered the strategy as relevant/effective.

Indicator 2.3.e: Public structures responsible for the implementation of civil society cooperation strategies are appropriately resourced.

In 2023 the institutional mandate for coordinating civil society policy shifted from the Prime Minister's Office to the Ministry of Health and Social Protection (MoHSP). Thus, the MoHSP was in charge of the Roadmap Strategy for Civil Society. However, there was no legal basis or decision of the Council of Ministers that clearly showed the role or mandate of the Ministry. The situation was quite vague regarding the roles of the different public institutions in the implementation of the Roadmap Strategy 2019–2023, due to the internal restructuring of some of the Government institutions.

Furthermore, the MoHSP department that is responsible for covering the implementation of the Roadmap Strategy does not have adequate human and financial resources to be able to operate effectively. The Department for Social Inclusion Policies and Gender Equality is responsible for the implementation of other strategies as well. Consequently, they feel overloaded and not able to deal properly with this new role.

Indicator 2.3.f: Mechanisms for dialogue between civil society cooperation councils and central governments meaningfully include CSOs in that:

- They have an agreed programme of work.
- They have agreed rules of procedure.
- They meet regularly.
- Rules allow CSOs to call the meetings and contribute to agenda setting.
- There is adequate follow up to conclusions and recommendations.

2021 assessment:

4 – meets most standards

2023 assessment:

4 – meets most standards

The Council operates on the basis of the annual work plan. The annual Plan is renewed every year according to the actions agreed to be undertaken by the NCCS and its state and civil society members, and with a view to wider coordination with the development partners (or Sector Working Group for Civil Society) engaged in actions related to the Roadmap for an Enabling Government Policy towards Civil Society development.

Hence, in April 2023 a national workshop was organised to define some priorities of CSOs in Albania, and these priorities served as input for the activity of NCCS for this year. However, there was no developed annual plan prepared for 2023. In practice, there was not enough space for CSOs to contribute to the work of the council.

The NCCS has its internal regulation⁴¹, which defines the rules and procedures for the functioning of the council. This regulation mentions the number of meetings, the compilation of the agenda, the person responsible for taking the minutes of the meetings, and how the minutes are circulated.

Regarding the follow-up to the conclusions and recommendations, the process for how it should be carried out remains unclear, except that the Agency for Supporting the Civil Society (the executive body of the NCCS) is responsible for sharing the conclusion and recommendations.

⁴¹ <https://drive.google.com/file/d/1KY0yh1cbw8UP3fEgZW4U1nfiPW3B3oTz/view> accessed on 25 March 2023 on the website <https://amshc.gov.al/kkshc/>



Specific Objective 3

CSO capacity and resilience to carry out their activities effectively are reinforced

SO 3.1. CSOs' internal governance structures follow the principles of good governance.

Indicator 3.1.a: Proportion of CSOs that have an independent and effective governing body, with clear terms of reference to oversee the organisation's strategic goals, impact, management, legal compliance, and accountability.

2021 assessment:

3 – moderately meets standards	56%
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2023 assessment:

4 – meets most standards	61%
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In 2023, 61% of CSOs had an independent and effective governing body. In 2021, this was the case with 56% of CSOs.

The CSOs report nearly full compliance with the requirement of having a governing body with clear terms of reference. 95% (99% in 2021) report having a governing body; 100% report having a governing document. As regards the independence of governing bodies, however, it is concerning that 31% (41% in 2021) of the respondents reported that the executive director or another paid staff member of their organisation was a voting member of the governing body.

Indicator 3.1.b: Proportion of CSOs that regularly check potential conflicts of interest with regard to the political, economic and personal relationships of their governing body.

2021 assessment:

1 – does not meet standards	20%
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2023 assessment:

2 – minimally meets standards	29%
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Despite a slight improvement, the situation in 2023 is still challenging concerning the potential conflict of interest of members of the governing body. Thus, 29% of CSOs require that a conflict of interest declaration be signed by the members of the governing body every year, instead of 20% of respondents, as was the case in 2021. However, 37% require that a declaration be signed upon a member's entry into a governing role but fail to check at regular intervals.

Some of the answers given by respondents to the question of how often members of your governing body are required to sign a conflict of interest declaration were:

- Based on our ethical code,
- Based on the donor's requirements,
- Based on our statute.

Indicator 3.1.c: Proportion of CSOs that share relevant information on their organisation, using the means and channels that are accessible to all stakeholders in terms of publishing.

2021 assessment:

2 – minimally meets standards	22% (2021)
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2023 assessment:

1 – does not meet standards	13% (2023)
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Based on the CSO Survey, 13% (as compared with 22% in 2021) of respondents said they published, i) their governing document on the website, and ii) the organisational structure.

34% (38% in 2021) of CSOs publish their governing document on the website. Slightly more than half of the respondents (57%) stated that their organisation shares information with the stakeholders by publishing their organisational structure, while 29% (22% in 2021) stated that they publish the names of their board members.

Indicator 3.1.d: Proportion of CSOs that have an organisational gender equality policy.

2021 assessment:

3 – moderately meets standards	56% (2021)
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2023 assessment:

3 – moderately meets standards	45% (2023)
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In Albania, 45% of respondents have a gender equality policy. Compared with the baseline assessment (56% in 2021), there is a decrease of 11% of respondents who said they have a gender policy.

Indicator 3.1.e: Proportion of CSOs that have an organisational strategy, including vision, mission, and goals.

2021 assessment:

4 – meets most standards	65% (2021)
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2023 assessment:

4 – meets most standards	64% (2023)
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The result of the CSO Survey in 2023 showed almost the same percentage of respondents (64%) as that of 2021 (65%) which have a strategy document. Thus, CSOs continue to pay attention to the importance of having a strategic document to properly plan and organise the work of the organisation.

SO 3.2. CSOs are able to communicate the results of their activities to the public.

Indicator 3.2.a: Proportion of CSOs that have at least one on-line channel of communication.

2021 assessment:

5 – fully meets standards	97% (2021)
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2023 assessment:

5 – fully meets standards	100% (2023)
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Based on the CSO Survey, all respondents (100%) have at least one online channel of communication. In 2021, 97% of respondents had at least one way of communication.

Furthermore, websites and social media are the most common channels used by CSOs to communicate their activities to the public. So, Facebook is used by 93% of CSOs (the same as with the 93% in 2021), followed by Instagram with 77% (60% in 2021), and websites with 64% (64% in 2021). The least used is TikTok, with 5% of respondents.

Indicator 3.2.b: Proportion of CSOs that have specialised communication staff.

Not reviewed

Indicator 3.2.c: Proportion of CSOs that cooperate with the media.

Thirty one percent of respondents said they cooperate with the media, compared with 37% in 2021.

SO 3.3. CSOs are transparent about their programme activities and sources of funding.

Indicator 3.3.a: Proportion of CSOs that publish their annual reports and financial statements.

2021 assessment:

3 – moderately meets standards	44% ⁴² (2021)
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2023 assessment:

2 – minimally meets standards	35% (2023)
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One-third of CSOs - 35% - said they published both annual reports and financial statements on their websites or in hard copy. The percentage was higher in 2021 (44%).

Annual reports were the most commonly published documents. Thus, 47% of respondents (43% in 2021) said they published only the annual report. Almost the same percentage (43%) said they published only their financial statement (43% in 2021).

Indicator 3.3.b Proportion of CSOs that publish information on their sources of funding and amounts received in the previous year.

2021 assessment:

2 – minimally meets standards	23% (2021)
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2023 assessment:

2 – minimally meets standards	31% (2023)
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Based on the CSO Survey, 31% of respondents said they published both the source and the amount of funding - more than the 23% in 2021. At the same time, on this indicator the following answers were received: 17% (compared to 36% in 2021) of CSOs did not publish information either on their sources of funding or on the amounts received, 68% said they published only the sources of funding, whilst 36% published the amounts received.

Indicator 3.3.c: Degree of public trust in CSOs

Referring to the RCC survey 2023, for Albania the public trust in CSOs was 30%. The percentage is lower compared with the regional level of public trust (39%).

⁴² The baseline assessment was changed (from 2 - minimally meets standards) to reflect a more rigorous application of indicator criteria.

SO 3.4. CSOs monitor and evaluate the results and impact of their work.

Indicator 3.4.a: Proportion of CSOs that have carried out an evaluation of their work in the last year.

2021 assessment:

5 – fully meets standards	85% ⁴³ (2021)
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2023 assessment:

5 – fully meets standards	81% (2023)
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Eighty-one percent of the CSOs surveyed carried out at least one evaluation (85% in 2021).

Furthermore, 66% of respondents said that monitoring and evaluation on the project level were more common. This was primarily due to donor requirements. Forty percent said that monitoring and evaluation were carried out on internal processes.

SO 3.5. CSOs use research and evidence to underpin their work.

Indicator 3.5.a: Proportion of CSOs whose work is based on evidence generated through research.

2021 assessment:

5 – fully meets standards	87% (2021)
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2023 assessment:

5 – fully meets standards	89% (2023)
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Eighty-nine percent of CSOs surveyed had conducted at least one form of research, less than the 87% in 2021. The tools used most often by CSOs to research the necessary information for their work were (1) focus group meetings, with 64% of respondents; (2) surveys with specific groups, with 49% of respondents; and (3) field research, for 39% of CSOs.

The tools least used turned out to be (1) the randomised control trial, with 6%; and (2) the public opinion survey, with 13% of responses.

Indicator 3.5.b: Proportion of CSOs whose work is informed through consultation with people who have a stake in their current or future work.

2021 assessment:

5 – fully meets standards	91% (2021)
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2023 assessment:

5 – fully meets standards	97% (2023)
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Almost all respondents (97%) said that they consulted with relevant stakeholders. This is a positive further development compared with 2021 (91%).

The survey showed that more than half of the CSOs were conducting quite a lot of use of consultations - 69% of them with local communities, and 52% with their members. Also, 49% of respondents said they consulted with local authorities, and 38% of them with academic institutions.

⁴³ The baseline assessment was changed (from 4 - meets most standards) to reflect a more rigorous application of indicator criteria.

SO 3.6. CSOs work in fair and respectful partnerships to achieve shared goals.

Indicator 3.6. Proportion of CSOs taking part in local, central and international CSO networks.

The survey showed an increase of the percentage of CSOs (86%) that were at least members of local, national, or international networks, compared with the result in 2021 (76%).

This figure was followed by 69% of CSOs taking part in national networks, and 60% in international networks. The lowest percentage was related to the CSOs taking part in local networks, with 27%.

Indicator 3.6.b: Proportion of CSOs engaged in cross-sectoral partnerships with academia, social partners and private sector.

Seventy two percent of respondents said they engaged in partnership either with academia, or social partners, or the private sector, a little less than the 77% of respondents in 2021.

When it came to cross-sectoral partnerships, CSOs responded that academia is their most frequent partner - in 55% of cases - followed by 41%, which were engaged in partnerships with the private sector.

SO 3.7. CSO have a diversified funding base.

Indicator 3.7.a: Proportion of CSOs whose sources of donor income are diversified.

2021 assessment:

4 – meets most standards	63% (2021)
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2023 assessment:

3 – moderately meets standards	43% (2023)
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Based on the CSO Survey, 43% of the respondents had a diversified funding base. There was a decrease of 20% compared with the result in 2021 (63%).

The main sources of funding for all surveyed CSOs (80%) in Albania were foreign private foundations (compared with 68% of the respondents in 2021). The second source of funding were bilateral donors, with 60%, followed by the European Commission, for 56% of CSO respondents.

Also, 41% of CSOs received funds from government entities of a local or national nature, and 26% of CSOs received funds from domestic private foundations.

Indicator 3.7.b: Proportion of CSOs raising funds from sources other than donors e.g. membership fees, corporate/individual giving and income generating activities.

2021 assessment:

4 – meets most standards	69% (2021)
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2023 assessment:

4 – meets most standards	64% (2023)
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In total, 64% of CSOs raised funds from sources other than donors, 5% less than the 69% of respondents in 2021. Consequently, in Albania in 2023, membership fees accounted for 21%, a little bit higher than in the 2021 responses (19%). 27% of CSOs said they received funds from individual donations, compared

with 22% in 2021, and 20% (13% in 2021) said they had obtained funds from private businesses.

Furthermore, 21% (20% in 2021) of the CSOs surveyed said they had mobilised funds from their own business/social enterprise activity/service provisions. As regards crowdfunding, 12% (14% in 2021) of the CSOs received funds from this source. Thus, fundraising from crowdfunding showed the lowest percentage compared with the other sources.

SO 3.8. CSOs have effective, empowered and developed human resources.

Indicator 3.8.a: Proportion of CSOs that employ staff.

In 2023, 88% of respondents said they had employed staff, which is the same percentage as that in 2021 (88%). Furthermore, the survey shows that 51% (55% in 2021) of the organisations fell into the category of having employed 1–5 staff. There was also a considerable percentage of CSOs – 25% (as compared with 11% in 2021) – who reported they employed 6–10 staff. The lowest percentage of CSOs, about 11% (compared to 22% in 2021), said they employed 11 or more staff. However, there were also 9% (13% in 2023) of CSOs who reported they had no paid staff at all in 2023.

Indicator 3.8.b: Proportion of CSOs that have organisational human resources policies.

2021 assessment:

1 – does not meet standards	2% (2021)
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2023 assessment:

1 – does not meet standards	2% (2021)
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The survey proposed nine types of human resources policies, and the result in 2023 showed 2% of respondents had developed all 9 types of human resources policies, which is the same result as in 2021 (2%).

Indicator 3.8.c: Proportion of CSOs that have advertised publicly their staff and volunteering vacancies in the last year.

Not reviewed

Indicator 3.8.d: Proportion of CSOs that have organisational policies encouraging recruitment of a diverse workforce.

Twenty four percent (25% in 2021) of respondents affirmed that they had adopted both of the required policies, the recruitment, and the diversity, equality and inclusion policies. Also, a considerable proportion of CSOs – about 47% (more than the 33% in 2021) – have a recruitment policy, and 39% of the CSOs (37% in 2021) said they had a diversity, equality, and inclusion policy.

Indicator 3.8.e: Proportion of CSOs whose staff and volunteers have attended a training course in the past year.

2021 assessment:

4 – meets most standards	73% (2021)
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2023 assessment:

5 – fully meets standards	82% (2023)
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A majority (82%) of the CSOs surveyed gave a positive answer regarding the attendance of their staff at a training course. In 2021, this indicator had a high percentage as well (73%). Thus, CSOs are offering higher opportunities for their staff to increase their skills and knowledge.

In the Survey, 17% of CSOs (compared to 25% in 2021) said that their staff did not attend any training course in 2021.

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List of Laws Consulted

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- Civil Code
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- Law no. 80/ 2021 “On the registration of Non-Profit Organizations”
- Law no. 36/2022, dated 14.4.2022, “On the Organisation and Functioning of Local Action Groups”.
- Law no.8773, 2001 “On assemblies”
- Law no.108/2014 “On State Police”
- Police State Regulation
- High Judicial Council Decision no. 35, dated 26.01.2022, “On the creation and implementation of the electronic register of non-profit organizations”
- Council of Ministers Decision no. 94, dated 9.2.2022, “On the approval of detailed rules on the primary and secondary data that are registered in the electronic registry of non-profit organizations, detailed rules for information providers, interaction with other databases, as well as the level of access for interested subjects”
- High Judicial Council adopted decision no. 445, dated 24.07.2023, “On the approval of the standard forms of the electronic register for non-profit organizations”
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- Decision of Council of Ministers no.750, dated 16.09.2015

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- Amended Law No. 112/2020 “For the register of beneficial owners” with law no. 6/2022, dated 27.1.2022
- Decision of Council of Ministers no. 81, dated 14.02.2023
- Law no. 6/2022 “On some amendments and additions to Law no. 112/2020 “On the register of ultimate beneficial owners
- Law No. 29/2023 “On income tax”, amended with the normative act no. 2, dated 7.6.2023, and normative act no. 7, dated 14.12.2023
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- Law no. 146/2014, “On public notification and consultation”
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