

ALBANIA
Monitoring Year 1
APRIL 2015

Objectives	Results	Indicator	Baseline findings	Scoring	Recommendations
	Conducive environment				
1. An enabling legal and policy environment, for the exercise of the rights of freedom, expression, assembly and association,	1.1. All individuals and legal entities can express themselves freely, assemble peacefully and establish, join and participate in non-formal and/or registered organisations				
	1.1.a. Quality assessment of existing legislation and policy framework				
	<p>Freedom of establishment and participation in informal/ formal organisations online/offline of individuals/ organisations</p> <p>Legislation: (10)</p> <ol style="list-style-type: none"> 1) There is a legal framework according to which any person can establish associations, foundations and other types of non-profit, non-governmental entities (e.g., non-profit company) for any purpose. (1.1.1.L1) 2) The legal framework allows both individual and legal persons to exercise this right without discrimination (age, nationality, legal capacity, gender etc.). (1.1.1.L2) 3) Registration is not mandatory, and in cases when organizations decide to register, the registration rules are clearly prescribed and allow for easy, timely and inexpensive registration and appeal process (1.1.1.L3) 4) The law allows for networking among organizations in the countries and abroad without prior notification. (1.1.1.L4) <p>Practice (10):</p> <ol style="list-style-type: none"> 1) Every individual or legal entity in practice can form associations, foundations or other non-profit, non-governmental organizations offline or online. (1.1.1.P1) 2) Individuals and legal entities are not sanctioned for not-registering their organizations. (1.1.1.P2) 3) Registration is truly accessible within the legally prescribed deadlines; authorities decide on cases in non-subjective and apolitical manner. (1.1.1.P3) 4) Individuals and CSOs can form and participate in networks and coalitions, within and outside their home countries. (1.1.1.P4) <p>Freedom of CSOs operations in relation to unwarranted state interference in CSOs' internal governance and activities</p> <p>Legislation (15):</p> <ol style="list-style-type: none"> 1) The legal framework provides guarantees against state interference in internal matters of associations, foundations and other types of non-profit entities. (1.1.2.L1) 2) The state provides protection from interference by third parties. (1.1.2.L2) 3) Financial reporting (including money laundering regulations) and 	<p>Freedom of establishment and participation in informal/ formal organisations online/offline of individuals/ organisations</p> <p>Legislation:</p> <ul style="list-style-type: none"> • In accordance to the primary legislation like Civil Code¹ and secondary legislation like Law on Non Profit Organizations² and Law on the Registration on Non-profit Organizations³, any person can exercise his right to establish associations, foundations and centres (three types of CSOs recognized Law on Non Profit Organizations: an association, centre or foundation). • The freedom of association is a constitutional right for any individual and legal entity without any age, nationality, legal capacity, gender, and ethnics based discrimination. • Registration of CSO is not mandatory, and in cases when CSO decides to register, rules and procedures for registration are clearly established and foreseen by the Law. The process of registration of CSOs is centralized and the registration procedures is done only in Tirana Court of First Instance • The legal framework is too permissive for networking both within and outside the country without prior notice. <p>Practice</p> <ul style="list-style-type: none"> • There are no official data on the number of registered CSOs and organizations cannot register online • There are no sanctions applied for non-registered CSOs. Registration in Tirana is considered as a barrier for the CSOs based outside Tirana because of additional costs and time needed • The registration process is easy (59% of surveyed CSOs), allowing for a relatively straightforward registration of CSOs, and it is within the 15 days from the date the request is deposited with the court⁴ • There are additional costs related to the registration deriving from the centralization of the registration process only in Tirana Court of First Instance, which represents a barrier for the CSOs. • Participation of individuals in formal and non-formal organizations is easy, and in practice individuals and CSOs can participate in networks and coalitions within and outside their home countries. <p>Freedom of CSOs operations in relation to unwarranted state interference in CSOs' internal governance and activities</p> <p>Legislation</p> <ul style="list-style-type: none"> • The Law on the Registration of Non-Profit Organizations stipulates the right of CSOs to operate without state interference in their internal governance and activities • The legal framework guarantees the right of CSOs to regulate their internal structure and operating procedures without unwarranted state interference in their governance and activities. • There is no special provision in the Law related to state protection 	62/100	<p>Freedom of establishment and participation in informal/ formal organisations online/ offline of individuals/ organisations</p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • Decentralization of CSOs' registration process <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN's <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • Official data on the registered CSOs number is needed. <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN's <p>Freedom of CSOs operations in relation to unwarranted state interference in CSOs' internal governance and activities</p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • Adoption of separate financial reporting and accounting rules and procedures, appropriate for CSOs, improvement of the current tax and financial reporting-related legislation through a separate framework for the CSOs sector taking into consideration account the specific nature of CSOs the sector, and the size of the organization and scope/type of activity • Clarification of duties for the decision-making body and executive 	

¹ Law No.8781 , dated 03.05.2011, For Some Amendments to Law 7850 , dated 07/29/1994 " Civil Code of the Republic of Albania"

² Law No.8788, dated 07.05.2001 on "Non-Profit Organizations"

³ Law No. 8789, dated 7.5.2001 "For the registration on non-profit organizations"

⁴ Law No. 8789, dated 7.5.2001 "For the registration on non-profit organizations", Article 24

	<p>accounting rules take into account the specific nature of the CSOs and are proportionate to the size of the organization and its type/scope of activities. (1.1.2.L3)</p> <p>4) Sanctions for breaching legal requirements should be based on applicable legislation and follow the principle of proportionality. (1.1.2.L4)</p> <p>5) The restrictions and the rules for dissolution and termination meet the standards of international law and are based on objective criteria which restrict arbitrary decision making. (1.1.2.L5)</p> <p>Practice (5): There are no cases of state interference in internal matters of associations, foundations and other types of non-profit entities. (1.1.2.P1)</p> <p>1) There are no practices of invasive oversight to which impose burdensome reporting requirements. (1.1.2.P2)</p> <p>2) Sanctions are applied in rare/extreme cases, they are proportional and are subject to a judicial review (1.1.2.P3)</p> <p><i>Freedom of CSOs in seeking and securing financial resources from various domestic and foreign sources to support CSOs' activities</i></p> <p>Legislation:</p> <p>1) Legislation allows CSOs to engage in economic activities (1.1.3.L1)</p> <p>2) CSOs are allowed to receive foreign funding (1.1.3.L2)</p> <p>3) CSO are allowed to receive funding from individuals, corporations and other sources (1.1.3.L3)</p> <p>Practice:</p> <p>1) Legislation on CSOs engaging in economic activities is implemented and is not burdensome for CSOs. (1.1.3.P1)</p> <p>2) There are no restrictions (e.g. administrative or financial burden, preapprovals, or channelling such funds via specific bodies) on CSOs to receive foreign funding. (1.1.3.P2)</p> <p>3) Receipt of funding from individuals, corporations and other sources is easy, effective and without any unnecessary cost or administrative burden. (1.1.3.P3)</p>	<p>from interference by third parties.</p> <ul style="list-style-type: none"> Financial reporting and accounting rules do not take into account the specific nature of the CSOs and are not proportionate to the size of organization and its type/scope of activities Duties for the decision-making body and executive body with regards to money laundry and financing of terrorism, which are evasive and put the responsibility on these bodies to ensure that partner organizations and those providing funding services and material support are not used or manipulated for terrorism reasons and money laundry Sanctions for breaching legal requirements do not follow the principle of proportionality. The restrictions and the rules for dissolution and termination are in accordance with international standards and clearly prescribed by the law for the registration of the non-for-profit organizations. The rules for dissolution and termination are clearly prescribed in the law for the registration of non-for-profit organisations, and restrict arbitrary decision making. <p>Practice</p> <ul style="list-style-type: none"> In general there are no cases of state interference in internal governance of CSOs There is an increased number of surveyed CSOs (73% of CSOs) declaring that there is no practice of state interference in their internal governance There are cases of political pressure from the government on CSOs playing a watchdog role, by misusing laws on financial inspection, financial management, and control. Tax authorities fined Mjaft! on unclear grounds in 2011. Mjaft! filed two cases court against the fine and the tax authorities' report. And in December 2012, the Tirana Court of First Instance ruled in favor of Mjaft!* There are no practices of invasive oversight by the state, evidenced by surveyed CSOs (81% of CSOs) The sanctions are applied in rare cases or not at all applied Lack of capacities of tax inspectors dealing with CSOs. <p><i>Freedom of CSOs in seeking and securing financial resources from various domestic and foreign sources to support CSOs' activities</i></p> <p>Legislation:</p> <ul style="list-style-type: none"> The Law on Non – Profit Organization allows CSOs to engage in economic activities. With the last amendment of the law on NPOs there is a clarification of "CSOs engage directly in economic activities but according to Civil Code they are not permitted to perform profit-making activities; so there seems to be a general misunderstanding as to what profit-making activities means According to the Law on Non Profit Organizations, the sources of income for CSOs are from dues, when there are such, grants and donations offered by private or public subjects, local or foreign, as well as income from economic activity and the assets owned by the non-profit organization <p>Practice:</p> <ul style="list-style-type: none"> Reporting of economic and non-economic activities with the same format is not effective and is burdensome for CSOs 	<p>body with regards to money laundry and financing of terrorism in the legal and regulatory framework of CSOs</p> <p>Legislation (possible other):</p> <ul style="list-style-type: none"> Closer monitoring of provision and application of anti-money legislation. Modification of the sanctions so they follow principle of proportionality. <p>Practice:</p> <ul style="list-style-type: none"> Training programs for tax inspectors dealing with CSOs. N/A <p>Practice (possible other):</p> <ul style="list-style-type: none"> Closer and further monitoring of state interference in internal governance of CSOs, and application of sanctions. <p><i>Freedom of CSOs in seeking and securing financial resources from various domestic and foreign sources to support CSOs' activities</i></p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> Legal clarifications for differentiation between economic and non-economic activity of CSOs; State authorities should provide guidance to CSOs to engage in economic activities to facilitate the process. <p>Legislation (possible other):</p> <ul style="list-style-type: none"> Sam as BCSDN's <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> Different report format for economic and non – economic activities for CSOs; Application of separate format for reporting of economic and non-economic activity of CSOs by tax authorities Provision of tax incentives for individuals and corporations providing funds from CSOs
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*USAID, The 2011 NGO Sustainability Index/ USAID, The 2012 NGO Sustainability Index

	<p>Freedom of peaceful assembly of CSOs' representatives, individuals or CSOs</p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) The legal framework is based on international standards and provides the right for freedom of assembly for all without any discrimination (1.2.1.L1). 2) The laws recognize and do not restrict spontaneous, simultaneous and counter-assemblies (1.2.1.L2) 3) The exercise of the right is not subject to prior authorization by the authorities, but at the most to a prior notification procedure, which is not burdensome. (1.2.1.L3) 4) Any restriction of the right based on law and prescribed by regulatory authority can be appealed by organizers (1.2.1.L4) <p>Practice:</p> <ol style="list-style-type: none"> 1) There are no cases of encroachment of the freedom of assembly, and any group of people can assemble at desired place and time, in line with the legal provisions. (1.2.1.P1) 2) Restrictions are justified with explanation of the reason for each restriction, which is promptly communicated in writing to the organizer to guarantee the possibility of appeal. 3) (1.2.1.P2) Simultaneous, spontaneous and counter-assemblies can take place, and the state facilitates and protects groups to exercise their right against people who aim to prevent or disrupt the assembly. (1.2.1.P3) 4) There are cases of freedom of assembly practiced by CSOs (individually or through their organizations) without prior authorization; when notification is required it is submitted in a short period of time and does not limit the possibility to organize the assembly. (1.2.1.P4) 5) No excessive use of force is exercised by law enforcement bodies, including pre-emptive detentions of organizers and participants. (1.2.1.P5) 6) Media should have as much access to the assembly as possible (1.2.1.P6) <p>Freedom of expression of individuals or through their organisations</p> <p>Legislation</p> <ol style="list-style-type: none"> 1) The legal framework provides freedom of expression for all (1.2.2.L1) 2) Restrictions, such as limitation of hate speech, imposed by legislation are clearly prescribed and in line with international law and standards (1.2.2.L2) 3) Libel is a misdemeanour rather than part of the penal code (1.2.2.L3) <p>Practice:</p> <ol style="list-style-type: none"> 1) CSO representatives, especially those from human rights and watch dog organizations enjoy the right to freedom of expression on 	<p>• Bank transaction fees and charges which are not allowed as budget costs represents financial burden to receive foreign funding.</p> <p>• The legislation does not present any legal barrier with regard to access to funding, having them a local or foreign origin</p> <p>• The level of tax deduction is not encouraging enough for individuals and corporate donations to CSOs. There are no tax incentives for individual and corporation donations that would increase receipt of funding from individuals, corporations and other private sources</p> <p>Freedom of peaceful assembly of CSOs' representatives, individuals or CSOs</p> <p>Legislation:</p> <ul style="list-style-type: none"> • The legal framework guarantees the right to enjoy freedom of peaceful assembly by the Albanian Constitution and specified in the law on Assemble. <p>• The right to enjoy freedom of peaceful assembly is respected in practice, as evaluated by 74% of surveyed CSOs.</p> <ul style="list-style-type: none"> • The laws recognize and do not restrict spontaneous, simultaneous and counter-assemblies. • The law regulates the procedures of prior notifications in case the assembly is organized in public spaces or public passages. When assemblies are planned on open public spaces they may be organized even without prior notification of the police • The Law foresees the right of administrative appeal by organizers <p>Practice:</p> <ul style="list-style-type: none"> • The perception and experiences of CSOs with regards of exercising their right of assembly is improved right to enjoy freedom of peaceful assembly is respected in practice. • 88% of CSOs declare that the freedom of assembly is respected. Assemblies are organized in conformity and in respect to the law, and the role of the police has been supportive. • 32% of CSOs declare that there are cases of spontaneous and simultaneous assembly without prior written authorization. There are no cases of the assemblies and meeting without prior notification to the police. • 91% of CSOs declare that there is no excessive use of force exercised by law enforcement bodies during assemblies. There are no cases of interference from the police during the assemble. • Media is present in peaceful assemblies. <p>Freedom of expression of individuals or through their organisations</p> <p>Legislation:</p> <ul style="list-style-type: none"> • Albania offers constitutional and legal guarantees of the right of citizens to express freely • Any limitations, such as restrictions on hate speech, imposed by legislation are described clearly and in accordance with international laws in the Penal Code of the Republic of Albania • Libel is regulated in the Penal Code, despite efforts in 2012 to remove them and include in the civil code. <p>Practice:</p> <ul style="list-style-type: none"> • In practice CSOs exercise their freedom of expression without any 	<p>Practice (possible other):</p> <ul style="list-style-type: none"> • Investigate possibilities for decreasing bank charges for foreign funding. <p>Freedom of peaceful assembly of CSOs' representatives, individuals or CSOs</p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • N/A <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • N/A <p>Practice:</p> <ul style="list-style-type: none"> • Requests to obtain permission for spontaneous and simultaneous assembly should be limited and should be reduced to notification instead of written authorization of chief of police. N/A <p>Practice (possible other):</p> <ul style="list-style-type: none"> • N/A <p>Freedom of expression of individuals or through their organisations</p> <p>Legislation (BCDN):</p> <ul style="list-style-type: none"> • Libel and defamation should be introduced in the Civil Code rather than being part of the Penal Code <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN'S <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • Establishment of a CSO cross-sectoral lobby group, for the protection and public defence of the right to freedom of
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	<p>matters they support and they are critical of. (1.2.2.P1)</p> <p>2) There are no cases of encroachment of the right to freedom of expression for all. (1.2.2.P2)</p> <p>3) There are no cases where individuals, including CSO representatives would be persecuted for critical speech, in public or private. (1.2.2.P3)</p> <p>4) There is no sanction for critical speech, in public or private, under the penal code. (1.2.2.P4)</p> <p>Rights of CSOs representatives, individuals and through their organisations to safely receive and impart information through any media</p> <p>Legislation:</p> <p>1) The legal framework provides the possibility to communicate via and access any source of information, including the Internet and ICT; if there are legal restrictions, these are exceptional, limited and based on international human rights law (1.2.3.L1)</p> <p>2) The legal framework prohibits unjustified monitoring of communication channels, including Internet and ICT, or collecting users' information by the authorities (1.2.3.L2)</p> <p>Practice</p> <p>1) There are no cases in practice where restrictions are imposed on accessing any source of information, including the Internet or ICT. (1.2.3.P1)</p> <p>2) The Internet is widely accessible and affordable(1.2.3.P2)</p> <p>3) There is no practice or cases of unjustified monitoring by the authorities of communication channels, including the Internet or ICT, or of collecting users' information. (1.2.3.P3)</p> <p>4) There are no cases of police harassment of members of social network groups. (1.2.3.P4)</p>	<p>interference, as they are allowed to organize seminars, conferences and other public events to discuss different issues, to participate and express their views and opinion in written, electronic and social media, even in the cases of critics to the government.</p> <ul style="list-style-type: none"> 58% of surveyed CSOs express that there is a very high level of freedom of expression by CSOs. Despite that, there are rare cases like the one of four activists of the Rinia Aktive movement who were detained in Tirana and accused of "slander and distributing false information" after posting a mock obituary of Albania's prime minister. They were released after two days following a prosecutor's decision not to pursue charges brought against them by the police. <p>Rights of CSOs representatives, individuals and through their organisations to safely receive and impart information through any media</p> <p>Legislation:</p> <ul style="list-style-type: none"> Albania legislation met the basic requirements in order to facilitate and support the implementation and improvement of new technologies, new services and new regulations in the Albanian ICT sector. Still, Albania suffer from the low penetration of fixed lines and Internet, low percentage of PC ownership, high costs of Internet and mobile access and services, low level of awareness of the benefits of the use of ICT, digital gap between urban and rural areas and in comparison to other countries in Europe, low level of state subsidies and lack of policies to support all these <p>Practice:</p> <ul style="list-style-type: none"> There are no cases in practice where restrictions are imposed on accessing any source of information, including the Internet or ICT. Internet is widely accessible and affordable among CSOS in big cities, while CSOs, the remote and rural areas, have difficulties with internet penetration, and payment affecting their existence and effective operations There is no practice or cases of unjustified monitoring by the authorities of communication channels, including the Internet or ICT, or of collecting users' information There are no cases of police harassment of members of social network groups. 	<p>expression:</p> <ul style="list-style-type: none"> Improvement of the protection of CSO activists and journalists as human rights defenders.N/A <p>Practice (possible other):</p> <ul style="list-style-type: none"> Closer monitoring of freedom of expression. <p>Rights of CSOs representatives, individuals and through their organisations to safely receive and impart information through any media</p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> Improvement of penetration even in rural and remote areas; Revise Law on cost for internet and mobile access and services. Public policies for the development of ICT. <p>Legislation (possible other):</p> <ul style="list-style-type: none"> Same as BCSDN's <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> Internet penetration needed in rural and remote areas. Affordable prices of internet for small CSOs in remote and rural areas <p>Practice (possible other):</p> <ul style="list-style-type: none"> Same as BCSDN's
1.1.b. Progress with the adoption and implementation of relevant legislation	Progress	Will be monitored as of this baseline in accordance to the adopted recommendations	
1.2. The policies and legal environment stimulate and facilitate volunteering and employment in CSOs			
1.2.a. Number of employees in CSO (permanent and part-time)			

		<ul style="list-style-type: none"> There is no prices data on number of employees in CSOs in Albania. Financial constraints determine that most Albanian CSOs cannot engage full-time professional staff. Most of CSOs that have the financial ability to maintain staff can retain 1-3 professional personnel, often employed on short-term project contracts of annual basis.⁶ (there are only 1,651 CSOs registered with tax authorities.⁷ However, recent civil society assessments underline that only round 450 CSOs are active) 1% of CSOs stated that they do not have employees, 16% have one employee, 40% from 2-5 employees, and 46% over 6 employees Out of total number of employees, 7.3% work full-time, and 3.9% work part-time⁸ 	<p>Legislation (BCSDN): N/A</p> <p>Legislation (possible other): N/A</p> <p>Practice (BCSDN): N/A</p> <p>Practice (possible other): N/A</p>
1.2.b. Number of volunteers in CSOs per type of CSO / sector			
		<ul style="list-style-type: none"> There is no official data available on number of volunteers in Albania 47% of CSOs believe that up to 10% of organisation engaged volunteers, 9% believe that 11-20% of CSOs engage volunteers, 23% believe that 21-50% CSOs engage volunteers, and 17% of CSOs believe that over 50% of CSOs engage volunteers 77% CSOs stated that they have engaged, 23% stated that have not engaged volunteers in 2013, and for 1% it was not applicable 28% of the organisation had 1-5 volunteers, 42% of CSOs over 15 volunteers, and 30% between 6-15 volunteers in 2013 15% of CSOs paid pecuniary compensations to the engaged volunteers in the amount of their costs, and 65% did not pay any pecuniary costs 70% of CSOs stated that they did not conclude any volunteering contract with volunteers, 6% stated that they have concluded with up to 3 volunteers, 14% if CSOs concluded volunteering contract with 4-10 volunteers, and 10% with more than 10 volunteers 84% of CSOs did not conclude any other contract with volunteers⁹ 	
1.2.c. Quality of legislative framework			
<p><i>Equality of treatment of CSOs' employees in comparison with other employees</i></p> <p>Legislation:</p> <ol style="list-style-type: none"> CSOs are treated in an equal manner to other employers by law and policies. (2.3.1.L1) <p>Practice:</p> <ol style="list-style-type: none"> If there are state incentive programs for employment, CSOs are treated like all other sectors. There are regular statistics on the number of employees in the non-profit sector. 	<p><i>Equality of treatment of CSOs' employees in comparison with other employees</i></p> <p>Legislation:</p> <ul style="list-style-type: none"> The Albanian legislation related to human resources is unified for all employers and applied without differential treatment for CSOs The legal framework on social insurances in place remains problematic for CSOs with regards to the obligations to pay insurances for at least one employee, even for the periods of time in which the organization has no projects running, no activities and no funds. <p>Practice:</p> <ul style="list-style-type: none"> There are no incentive programs for employment. State policies on employment are not considered stimulant for CSOs (45% of the surveyed CSOs) There are no national statistics and information on the employed people (permanent and part-time) in the civil society sector. 	<p><i>Equality of treatment of CSOs' employees in comparison with other employees</i></p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> State policies should be designed to promote and stimulate employment in CSOs. The legal framework putting obligations for CSOs to pay insurances for at least one employee even when CSO has no activity, should be revised, taking into consideration the specific nature of CSOs. N/A <p>Legislation (possible other):</p> <ul style="list-style-type: none"> Look for the possibilities for more flexibilities in employment arrangements in CSOs <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> Design of state incentive programs for CSOs Conduction of regular statistical analysis of the non-profit sector Development of a mechanism to collect national statistics 	

⁶ According to a CSO survey conducted by Partners Albania in 2005 with a sample of 131 CSOs, 40% of the CSOs do not employ any professional staff and the average staff size is four.

⁷ Source: 2012 CSO Sustainability Index based on data from the Financial Intelligence Unit (Ministry of Finances)

⁸ Baseline Survey, Ipsos April 2014

⁹ Ibid 9

	<p>Enabling volunteering policies and laws</p> <p>Legislation:</p> <ol style="list-style-type: none"> 4) Legislation stimulates volunteering and incorporates best regulatory practices, while at the same time allowing for spontaneous volunteering practices. (2.3.2.L1) 5) There are incentives and state supported programs for the development and promotion of volunteering. (2.3.2.L2) 6) There are clearly defined contractual relationships and protections covering organized volunteering. (2.3.2.L3) <p>Practice (15)</p> <ol style="list-style-type: none"> 1) Incentives and programs are transparent and easily available to CSOs and the policy/strategic document/ law is fully implemented, monitored and evaluated periodically in a participatory manner. 2) Administrative procedures for organizers of volunteer activities or volunteers are not complicated and are without any unnecessary costs. 3) Volunteering can take place in any form; there are no cases of complaints of restrictions on volunteering. 	<p>number of employees in the non-profit sector</p> <p>Enabling volunteering policies and laws</p> <p>Legislation:</p> <ul style="list-style-type: none"> • Albania does not has a law on voluntarism • There are no state programs on voluntarism • There are no contractual agreements between the CSOs and volunteers to clearly define the role of volunteers, rights, duties and responsibilities. The contracts exist only in the cases the volunteers comes from the EU programs, as the European Voluntarily Service, in which the existence of such contacts is a must. The state puts legal obligations to declare and register at the employment office, and to pay insurances for volunteers, otherwise there are harsh penalties. <p>Practice:</p> <ul style="list-style-type: none"> • 76% of CSOs declare that they have no information on volunteering programs. There are no incentives and programs on voluntarism • There is no case of restriction on volunteering reported. There are legal obligations for CSOs to declare and register at the employment office, and to pay insurances for volunteers, otherwise there are harsh penalties. By the other hand, there are no moral and financial incentives for CSOs that perform activities based on voluntary work. <p>As much as 6 out of 10 surveyed CSO representatives (59%) point out that the existing legal regulations [for the development of volunteerism and engagement of volunteers] are not stimulating, while one third of them think that they are stimulating (35%).</p>	<p>and information on the number of employees in the non-profit sector.</p> <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN's <p>Enabling volunteering policies and laws</p> <p>Legislation (BCSDN)</p> <ul style="list-style-type: none"> • Approval of the Law on voluntarism • Design state programs on voluntarism. Adoption of a Law on Voluntarism to regulate the relationships between the CSO and volunteers, as well as between CSOs and the state. <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN's <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • Provision of moral and financial incentives for CSOs that perform activities based on voluntary work. Increased exchange of information among CSOs on volunteering programs and procedures for organization of volunteer activities. <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN's
<p>1.3. National and/or local authorities have enabling policies and rules for grass-roots organisations* and/or civic initiatives.</p> <p>*A grass-roots organisation is a self-organised group of individuals pursuing common interests through a volunteer-based, non-profit organisation. Grassroots organisations usually have a low degree of formality but a broader purpose than issue-based self-help groups, community-based organisations or neighbourhood-associations.</p>			
<p>1.3.a. Quality of the enabling environment for grass-roots organisations and/or civic initiatives</p>			
	<p>Registration, informal vs. formal</p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) Registration is not mandatory, and in cases when organizations decide to register, the registration rules are clearly prescribed and allow for easy, timely and inexpensive registration and appeal process. (1.1.1.L3) <p>Practice:</p> <ol style="list-style-type: none"> 1) Every individual or legal entity in practice can form associations, foundations or other non-profit, non-governmental organizations offline or online. (1.1.1.P1) 2) Individuals and legal entities are not sanctioned for not-registering their organizations. (1.1.1.P2) 3) Registration is truly accessible within legally prescribed deadlines; authorities decide on cases in non-subjective and apolitical manner. (1.1.1.P3) <p>Spontaneity</p> <p>Legislation</p> <ol style="list-style-type: none"> 1) The laws recognize and do not restrict spontaneous, simultaneous and counter-assemblies. (1.2.1.L2) 2) The exercise of the right is not subject to prior authorization by the 	<p>Registration, informal vs. formal</p> <p>Legislation:</p> <ul style="list-style-type: none"> • Registration of CSO is not mandatory, and in cases when CSO decides to register, rules and procedures for registration are clearly established and foreseen by the Law. The process of registration of CSOs is centralized and the registration procedures is done only in Tirana Court of First Instance <p>Practice:</p> <ul style="list-style-type: none"> • There are no official data on the number of registered CSOs and organizations cannot register online • There are no sanctions applied for non-registered CSOs. Registration in Tirana is considered as a barrier for the CSOs based outside Tirana because of additional costs and time needed • The registration process is easy, allowing for a relatively straightforward registration of CSOs <p>Spontaneity</p> <p>Legislation:</p> <ul style="list-style-type: none"> • The laws recognize and do not restrict spontaneous, simultaneous and counter-assemblies. 	<p>Registration, informal vs. formal</p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • Decentralization of CSOs' registration process <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Strong accent should be placed on the decentralized model of registration of CSOs should the conditions for grass-root organizations be ensured. <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • Official data on the registered CSOs number is needed. <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN's <p>Spontaneity</p> <p>Legislation:</p> <ul style="list-style-type: none"> • Improvement of Internet penetration even in rural and remote areas;

	<p>authorities, but at the most to a prior notification procedure, which is not burdensome. (1.2.1.L3)</p> <p>3) The legal framework provides the possibility to communicate via and access any source of information, including the Internet and ICT; if there are legal restrictions, these are exceptional, limited and based on international human rights law. (1.2.3.L1)</p> <p>Practice:</p> <p>1) There are no cases of police harassment of members of social network groups. (1.2.3.P4)</p>	<ul style="list-style-type: none"> The law regulates the procedures of prior notifications in case the assembly is organized in public spaces or public passages. When assemblies are planned on open public spaces they may be organized even without prior notification of the police Albania legislation met the basic requirements in order to facilitate and support the implementation and improvement of new technologies, new services and new regulations in the Albanian ICT sector But still Albania suffer from the low penetration of fixed lines and Internet, low percentage of PC ownership, high costs of Internet and mobile access and services, low level of awareness of the benefits of the use of ICT, digital gap between urban and rural areas and in comparison to other countries in Europe, low level of state subsidies and lack of policies to support all these. <p>Practice</p> <ul style="list-style-type: none"> There are no cases of police harassment of members of social network groups 	<ul style="list-style-type: none"> Revise Law on cost for internet and mobile access and services. Public policies for the development of ICT. Improvement of penetration even in rural and remote areas Revise Law on cost for internet and mobile access and services Public policies for the development of ICT <p>Legislation (possible other):</p> <ul style="list-style-type: none"> Same as BCSDN's <p>Practice (BCSDN):</p> <p>Internet penetration needed in rural and remote areas</p> <p>Affordable prices of internet for small CSOs in remote and rural areas</p> <p>N/A</p> <p>Practice (possible other):</p> <p>N/A</p>
<p>2. An enabling financial environment which supports sustainability of CSOs.</p>	<p>2.1. Easy-to-meet financial rules for CSO, which are proportionate to their turn-over and non-commercial activities</p>		
	<p>2.1.a. CSOs' perception of the ease and effectiveness of financial rules and reporting requirements (disaggregated by type / size of CSO)</p>		
<p>1)</p>		<ul style="list-style-type: none"> 80% of the surveyed CSOs evaluated the prescribed financial rules, obligation of bookkeeping and accounting as relatively clear and understandable 67% of the surveyed CSOs evaluated the prescribed financial rules, obligation of bookkeeping and accounting as simple to implement¹⁰ 	
	<p>2.1.b. Quality assessment of financial rules (with the focus on built-in mechanisms that financial rules and obligations change as the turn-over and non-commercial activities change).</p>		
	<p>Financial reporting</p> <p>Legislation:</p> <p>1) Financial reporting (including money laundering regulations) and accounting rules take into account the specific nature of the CSOs and are proportionate to the size of the organization and its type/scope of activities. (1.1.2.L3)</p> <p>Practice:</p> <p>1) There are no practices of invasive oversight which impose burdensome reporting requirements. (1.1.2.P2)</p> <p>Economic activities</p> <p>Legislation:</p> <p>1) Legislation allows CSOs to engage in economic activities. (1.1.3.L1)</p> <p>2) CSOs are allowed to receive foreign funding. (1.1.3.L2)</p> <p>3) CSO are allowed to receive funding from individuals, corporations and other sources(1.1.3.L3)</p> <p>Practice:</p> <p>1) Legislation on CSOs engaging in economic activities is implemented and is not burdensome for CSOs. (1.1.3.P1)</p>	<p>Financial reporting</p> <p>Legislation:</p> <ul style="list-style-type: none"> Financial reporting and accounting rules do not take into account the specific nature of the CSOs and are not proportionate to the size of organization and its type/scope of activities <p>Practice:</p> <ul style="list-style-type: none"> There are cases of political pressure from the government on CSOs playing a watchdog role, by misusing laws on financial inspection, financial management, and control. Tax authorities fined Mjaft! on unclear grounds in 2011. Mjaft! filed two cases court against the fine and the tax authorities' report. And in December 2012, the Tirana Court of First Instance ruled in favor of Mjaft!¹⁴. There are no practices of invasive oversight by the state, evidenced by surveyed CSOs (81% of CSOs) <p>Economic activities</p> <p>Legislation:</p> <ul style="list-style-type: none"> The Law on Non – Profit Organization allows CSOs to in engage in economic activities. With the last amendment of the law on NPOs there is a clarification of “economic activity” of to be involved. engage directly in economic activities but according to Civil Code they are not permitted to perform profit-making activities; so there seems to be a general misunderstanding as to what profit-making activities means 	<p>Financial reporting</p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> Improvement of the current tax and financial reporting-related legislation through a separate framework for the CSOs sector taking into account the specific nature of the sector, size of the organization and scope/type of activity Adoption of separate financial reporting and accounting rules and procedures, appropriate for CSOs taking into consideration the specific nature of CSOs and the size and type/scope of activities. <p>Legislation (possible other):</p> <ul style="list-style-type: none"> Same as BCSDN's <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> N/A <p>Practice (possible other):</p> <ul style="list-style-type: none"> Closer monitoring of the invasive oversight which impose burdensome reporting requirements. <p>Economic activities</p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> Legal clarifications for differentiation between economic and non-economic activity of CSOs. State authorities should provide guidance to CSOs to engage in economic activities to facilitate the process. <p>Legislation (possible other):</p> <ul style="list-style-type: none"> Same BCSDN's <p>Practice (BCSDN):</p>

¹⁰ Ibid 9

¹⁴ USAID, The 2011 NGO Sustainability Index/ USAID, The 2012 NGO Sustainability Index

	<p>2) There are no restrictions (e.g. administrative or financial burden, preapprovals, or channelling such funds via specific bodies) on CSOs to receive foreign funding. (1.1.3.P2)</p> <p>3) Receipt of funding from individuals, corporations and other sources is easy, effective and without any unnecessary cost or administrative burden. (1.1.3.P3)</p> <p>4) Endowments are established without major procedural difficulties and operate freely, without administrative burden or high financial cost (2.1.1.P4)</p>	<ul style="list-style-type: none"> According to the Law on Non Profit Organizations, the sources of income for CSOs are from dues, when there are such, grants and donations offered by private or public subjects, local or foreign, as well as income from economic activity and the assets owned by the non-profit organization. <p>Practice:</p> <ul style="list-style-type: none"> Reporting of economic and non-economic activities with the same format is not effective and burdensome for CSOs Bank transaction fees and charges which are not allowed as budget costs represents financial burden to receive foreign funding. The legislation does not present any legal barrier with regard to access to funding, having them a local or foreign origin The level of tax deduction is not encouraging enough for individuals and corporate donations to CSOs. There are no tax incentives to individual and corporation donations that would increase receipt of funding from individuals, corporations and other private sources. There is no practice for endowments by CSOs in Albania Endowments are not regulated by law, but in practice they can operate freely without burdensome procedures. 	<ul style="list-style-type: none"> Application of separate format for reporting of economic and non-economic activity of CSOs by tax authorities Different report format for economic and non-economic activities for CSOs Provision of tax incentives for individuals and corporations providing funds from CSOs Promotion of endowments as income sources for CSOs. <p>Practice (possible other):</p> <ul style="list-style-type: none"> Same BCSDN's
<p>2.2. Donations are stimulated with adequate legislation and regulations</p>			
<p>2.2.a. Quality and applicability/practice of the legal framework for individual and corporate giving</p>			
	<p><i>Incentives for individual and corporate giving</i></p> <p>Legislation:</p> <ol style="list-style-type: none"> The law provides tax deductions for individual and corporate donations to CSOs (2.1.2.L1) There are clear requirements/conditions for receiving deductible donations and these include a wide range of publicly beneficial activities. (2.1.2.L2) <p>Practice:</p> <ol style="list-style-type: none"> There is a functional procedure in place to claim tax deductions for individual and corporate donations. (2.1.2.P1) CSOs working in the main areas of public interest, including human rights and watchdog organizations, effectively enjoy tax deductible donations. (2.1.2.P3) 	<p><i>Incentives for individual and corporate giving</i></p> <p>Legislation:</p> <ul style="list-style-type: none"> According to the Law on Sponsorship sponsors are considered only business companies and individuals that have the "quality of merchants" The level of tax deduction is not encouraging enough for individual and corporate donations to CSOs Albanian is one of the few countries in the region that provides no tax incentives for individuals who give charity. Businesses that pay standard profits tax may claim back tax on donations (classed as a business "sponsorship") to CSOs of up to 4% of taxable income. Entrepreneurs that pay "small business tax", the tax on donations can be deducted up to 1% of taxable income.¹² <p>Practice:</p> <ul style="list-style-type: none"> Procedures in place to claim tax deduction are not functional and do not encourage individual and corporate donations No specific deductions for these types of organizations Businesses rarely use tax incentives for charitable giving. On one hand, the law is not known and understood among the business community. On the other hand, corporate philanthropy is at its earliest stages of development in Albania.¹³ 	<p><i>Incentives for individual and corporate giving</i></p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> Revision of the law on sponsorship for further fiscal incentives/facilities for donations, as well as simplification of procedures for reimbursement. <p>Legislation (possible other):</p> <ul style="list-style-type: none"> Make legal provisions for individual giving <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> Creation of incentives that will lower the tax burden for enterprises to carry out philanthropic activities Recognition of the donation (making it public and visible) <p>Practice (possible other):</p> <ul style="list-style-type: none"> Promote philanthropy and corporate giving
<p>2.3. Financial (e.g. tax or in-kind) benefits are available</p>			
<p>2.3.a. Quality of the system of tax benefits for the CSOs' operational and economic activities</p>			

¹² Albania Needs Assessment Report, TACSO, December 2013, pg. 12

¹³ Ibid 9

	<p>Tax benefits for CSOs</p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) The law provides tax free treatment for all grants and donations supporting non-for-profit activity of CSOs. (2.1.1.L1) 2) The law provides tax benefits for economic activities of CSOs. (2.1.1.L2) 3) The law provides tax benefits for passive investments of CSOs. (2.1.1.L3) 4) The law allows the establishment of and provides tax benefits for endowments. (2.1.1.L4) <p>Practice:</p> <ol style="list-style-type: none"> 1) There is no direct or indirect (hidden) tax on grants reported (2.1.1.P1) 2) Tax benefits for economic activities of CSOs are effective and support the operation of CSOs (2.1.1.P2) 3) Passive investments are utilized by CSOs and no sanctions are applied in doing so. (2.1.1.P3) 4) Endowments are established without major procedural difficulties and operate freely, without administrative burden nor high financial cost (2.1.1.P4) 	<p>Tax benefits for CSOs</p> <p>Legislation:</p> <ul style="list-style-type: none"> • The Law on Non-Profit Organizations stipulates that CSOs are exempt from tax on revenues realized from donations and membership dues, and it seems that grants are not included in the exempt from taxes. As a conclusion from the survey, it can be said that there is confusion at the legal framework as well as practice level regarding the exemption of grants from tax scheme (taxes on grants vs. donors' requests for VAT invoice for grants received). This omission, may lead to incorrect interpretation by different state authorities, donors and CSOs in Albania. The Law on NPOs, amended with the Law no. 92/2013 provides that incomes for all donations, grants, bank deposits, and membership fee are exempted for the income tax • The new law on VAT, Law no. 92/2014 clarifies grants' exemption from VAT scheme • Economic activities are not subject of tax on incomes, only in the cases when these incomes are not used for activities for which the organisation is registered • Economic activities of CSOs called "activities with public interest" are exempted from VAT • The economic activity of CSOs is subject to 10% tax on the profit (similar to companies taxed with the same rate for their profits). CSOs are required to report under the VAT system even if formally they do not have the necessary turnover from economic activity. • CSOs in Albania are allowed to engage in passive investments, but they are treated in the same way as business activities, and are respectively taxed, with no exceptions provided by the tax legislation (except for the bank interest). Only bank interest (one in the form of passive investment) are excepted from tax on income • Tax benefits from endowments are not applied because Albania does not have any law regulating this issue. There is no legal framework for endowments <p>Practice:</p> <ul style="list-style-type: none"> • There is tax on grants reported applied by donors, not state authorities. The domestic income sources remains at low level, thus not contributing significantly to the financial viability and sustainability of CSOs • There are no effective tax benefits for economic activities of CSOs that support the operation of CSOs. The CSO sector is treated in the same way as other economic providers • Passive investments are not utilized by CSOs. There is lack of information and understanding among CSOs with regards to fiscal treatment • There is no practice for endowments by CSOs in Albania. Endowments are not regulated by law, but in practice they can operate freely without burdensome procedures 	<p>Tax benefits for CSOs</p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • Revision of the legislation regarding the explicit exemption of grants from taxation scheme. • Regulation of the Fiscal legislation for CSOs • Revision of taxation regime for economic activities. • Exemption from VAT scheme or reduction of VAT value for CSOs; Provision of legal regulation for establishment and tax benefits for endowments and all passive investments <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Legal regulation of tax benefits for endowments. <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • Clarification at the practical level regarding the exemption of grants from tax which will follow legal amendments. • Reimbursement of VAT. Organisation of information sessions for CSOs in the legal changes related with the fiscal treatment of grants, economic activity and other sources of funds • Promotion of endowments as income sources for CSOs <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Promote passive investments and endowments.
<p>2.4. Government support to CSOs is available and provided in a transparent, accountable, fair and non-discriminatory manner</p>			
<p>2.4.a. Ratio of amount sought vs. amount approved/disbursed annually through state funding to CSOs. (this proves availability of funds)</p>			

		<ul style="list-style-type: none"> The state budget for CSOs is roughly the same from year to year <ul style="list-style-type: none"> 2010: total allocated budget was 125,918,000 Lekë¹⁴ out of which 52 organizations have received financial support with a total amount of 62,959,000 Lekë (50% of the total fund). 2011 the Agency published two calls for grants for CSOs¹⁵: 1) from 69 applications only 31 CSOs won with a total budgeted of 16,000,000 Lekë (round of 114.500 EUR); 2) for the second call the Agency distributed the fund of 131,960,000 Lekë (round 943.920 EUR) for 69 CSOs. 2012: 61 CSOs won with a total amount of 56,675,000 Lekë¹⁶ (round 398.820 EUR). 	
2.4.b. Quality of state funding frameworks for civil society organisations (focusing on procedural document)			
	<p>Availability of public funding for institutional development of CSOs, project support and co-financing of EU and other grants</p> <p>Legislation</p> <ol style="list-style-type: none"> There is a law or national policy (document) that regulates state support for institutional development for CSOs, project support and co-financing of EU funded projects. (2.2.1.L1) There is a national level mechanism for distribution of public funds to CSOs. (2.2.1.L2) Public funds for CSOs are clearly planned within the state budget. (2.2.1.L3) There are clear procedures for CSO participation in all phases of the public funding cycle(2.2.1.L4) <p>Practice:</p> <ol style="list-style-type: none"> Available public funding responds to the needs of the CSO sector. (2.2.1.P1) There are government bodies with a clear mandate for distribution and/or monitoring of the distribution of state funding. (2.2.1.P2) Funding is predictable, not cut drastically from one year to another; and the amount in the budget for CSOs is easy to identify. (2.2.1.P3) CSO participation in the public funding cycle is transparent and meaningful. (2.2.1.P4) 	<p>Availability of public funding for institutional development of CSOs, project support and co-financing of EU and other grants</p> <p>Legislation:</p> <ul style="list-style-type: none"> Albania does not have a national strategy (document) that regulates state support for institutional development of CSOs and targets civil society as a whole. State support for institutional development of CSOs and project support is stipulated in the law for the establishment and functioning of ASCS Funds are provided only through national mechanism, which has a mandate for distribution of public funds to CSOs and this is the Agency for Support of Civil Society (ASCS) Civil Society Support Agency (CSSA). The field of priorities of CSSA are decided conform the priorities of Albanian Government, and are not based on a consultation with CSOs sector. ASCS is working for the creation of a Joint Fund with other donors, to support common projects of strategic importance in the country. 20% of the annual budget of ASCS will be dedicated to this Joint Fund The Law and the regulation of the procedures of financing with grants of the agency are prescribed clearly and in details, in support of a transparent process in all its steps. A contribution of 2,2% of the annual turnover from the National Lottery is dedicated to the "good issues", not specifically targeting CSOs. CSOs can compete for this fund <p>Practice:</p> <ul style="list-style-type: none"> State support through public funding does not respond to the CSOs needs. CSOs representatives in the supervisory board of CSSA are "pro government civil society activists", which affects the agency's impartiality. Watchdog organizations and movements campaigning against government policies are unlikely to receive support from the Agency. Co-financing of EU programs and projects through public funds is not a practice in Albania Participation of CSOs in public financing cycle is not transparent Public funding are not available for institutional and programme development of CSOs. 64% of the surveyed CSOs declare that public funds do not respond to their needs at all. The ASCS priority areas of funding are in line with the strategic priorities of the government and do not consider the needs and 	<p>Availability of public funding for institutional development of CSOs, project support and co-financing of EU and other grants</p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> Preparation and application of clear procedures for CSOs participation in all phases of the public funding cycle, including planning and monitoring of public fund distribution approval of a national strategy regulating the state support for institutional development of CSOs Creation of specific budget line in the budget of ASCS dedicated to the institutional support of CSOs Inclusiveness of CSOs representatives in the Board for Good Issues of the National Lottery Restructuring of CSSA to improve its functioning, making it more supportive for the sector, in conformity with its role as mandated by the law <p>Legislation (possible other):</p> <ul style="list-style-type: none"> Same as BCSDN's <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> Increase state support for the co-financing of EU funds Increase external monitoring of CSSA CSSA should have a coordinating role among CSOs Establishment of mechanisms to increase transparency of public funding to CSOs ASCS should conduct regular consultations with CSOs to set the priority areas of public funding in response to the needs and priorities of CSOs. <p>Practice (possible other):</p> <ul style="list-style-type: none"> Same as BCSDN's

¹⁴ http://www.amshc.gov.al/web/raporte/vjetore/2010/Raporti_Vjetor_2010_shqip.pdf

¹⁵ http://www.amshc.gov.al/web/raporte/vjetore/2011/Raporti_Vjetor_2011_shqip.pdf

¹⁶ This data is evaluated based on the publication that Agency published on its website on 02 April 2013, since the report for 2013 is not yet publish.

	<p>Procedures and transparency of distribution of public funding</p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) The procedure for distribution of public funds is transparent and legally binding. (2.2.2.L1) 2) The criteria for selection are clear and published in advance. (2.2.2.L2) 3) There are clear procedures addressing issues of conflict of interest in decision-making. (2.2.2.L3) <p>Practice:</p> <ol style="list-style-type: none"> 1) Information relating to the procedures for funding and information on funded projects is publicly available. (2.2.2.P1) 2) State bodies follow the procedure and apply it in a harmonized way. (2.2.2.P2) 3) The application requirements are not too burdensome for CSOs. (2.2.3.P3) 4) Decisions on tenders are considered fair and conflict of interest situations are declared in advance (2.2.3.P4) <p>System for accountability, monitoring and evaluation of public funding</p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) The procedure for distribution of public funds prescribes clear measures for accountability, monitoring and evaluation. (2.2.3.L1) 2) There are prescribed sanctions for CSOs that misuse funds which are proportional to the violation of procedure. (2.2.3.L2) <p>Practice:</p> <ol style="list-style-type: none"> 1) Monitoring is carried out continuously and in accordance with predetermined and objective indicators. (2.2.3.P1) 2) Regular evaluation of effects/impact of public funds is carried out by state bodies and is publicly available. (2.2.3.P2) <p>Availability of the state non-financial support</p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) Legislation allows state authorities to allocate non-financial support, such as state property, renting space without financial compensation (time-bound), free training, consultations and other resources, to CSOs. (2.2.4.L1) 2) The non-financial support is provided under clearly prescribed processes, based on objective criteria and does not privilege any 	<p>priorities of CSOs.</p> <p>Procedures and transparency of distribution of public funding</p> <p>Legislation:</p> <ul style="list-style-type: none"> • The procedure for distribution distribution of public funds as described in the law for the establishment of ASCS of CSSA and its internal regulation, allows for a transparent and legally binding procedure. • The list of criteria is published during the launch of the call for proposals. • Procedures addressing issues of conflict of interest in decision-making are prescribed in the ASCS law, but not implemented properly in practice CSSA law. <p>Practice:</p> <ul style="list-style-type: none"> • Information are publicly announced on the official website of the competent authorities and/or daily newspaper. • The areas and amount of funds distributed are prescribed clearly in the annual reports of CSSA, but the impact of the projects funded is missing. • The procedures of application are not simplified and CSOs encounter unnecessary bureaucracies. • Decisions on tenders are not considered fair and transparent. • ASCS has adopted a more open dialogue with the civil society sector, although transparency and accountability in funding distribution and conflict of interest within the agency remain problematic • Internal monitoring is carried during the project implementation by CSSA but without consolidated standards • The regular evaluation of effects/impact of public funds is not carried out by CSSA <p>System for accountability, monitoring and evaluation of public funding</p> <p>Legislation:</p> <ul style="list-style-type: none"> • The procedure for distribution of public funds and sanctions are prescribed in the CSSA Law <p>Practice:</p> <ul style="list-style-type: none"> • Internal monitoring is carried during the project implementation by CSSA but without consolidated standards • The regular evaluation of effects/impact of public funds is not carried out by CSSA <p>Availability of the state non-financial support</p> <p>Legislation:</p> <ul style="list-style-type: none"> • Legislation allows state authorities to allocate non-financial support, such as state property, renting space without/ or with reduced financial compensation • There no clear procedures/guidelines for non-financial support <p>Practice:</p> <ul style="list-style-type: none"> • Non-financial support from the state is required by the CSOs, as: state property, making renting space without financial 	<p>Procedures and transparency of distribution of public funding</p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • Adoption of clear procedures to address issues of conflict of interest in decision making of ASCS N/A <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • N/A <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • The procedures of application should be simplified and unnecessary bureaucracies should be removed • Increased transparency and accountability of ASCS in funding distribution and appropriate programming to respond to the needs of the CSO sector • Simplifier of application requirements applied and documentation required by the ASCS • ASCS should provide written, clear and on-time feedback to CSOs with regards to the rejection of their proposals • More studies for the impact of the projects <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN's <p>System for accountability, monitoring and evaluation of public funding</p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • Develop a regulation with clear system of accountability, monitoring and evaluation. <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • More studies for the impact of the projects. <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Improve monitoring and evaluation practice of the public funding cycle. <p>Availability of the state non-financial support</p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • Develop a clear procedure/guidelines for non-financial support of the state Increase non-financial support for CSOs • Increased role of CSSA in providing non-financial support to CSOs <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN <p>Practice (BCSDN):</p>
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	<p>group. (2.2.4.L2)</p> <p>Practice:</p> <ol style="list-style-type: none"> 1) CSOs use non-financial state support(2.2.4.P1) 2) CSOs are treated in an equal or more supportive manner as compared to other actors when providing state non-financial resources. (2.2.4.P2) 3) There are no cases of state authorities granting non-financial support only to CSOs which do not criticize its work; or of cases of depriving critical CSOs of support; or otherwise discriminating based on loyalty, political affiliation or other unlawful terms. (2.2.4.P3) <p><i>CSOs' engagement in different state services and equality of competition among all providers for state contracts</i></p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) Existing legislation allows CSOs to provide services in various areas, such as education, healthcare, social services .(3.3.1.L1) 2) CSOs have no barriers to providing services that are not defined by law ("additional" services). (3.3.1.L2) 3) Existing legislation does not add additional burdensome requirements on CSOs that do not exist for other service providers. .(3.3.1.L2) <p>Practice:</p> <ol style="list-style-type: none"> 1) CSOs are able to obtain contracts in competition with other providers and are engaged in various services (e.g., education, health, research, and training). (3.3.1.P1) 2) CSOs are included in all stages of developing and providing services (needs assessment, determining the services that best address the needs, monitoring and evaluation). (3.3.1.P2) 3) When prior registration/licensing is required, the procedure for obtaining that is not overly burdensome. (3.3.1.P3) <p><i>Commitments of state to funding services and predictability and long-term availability of the funding</i></p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) The budget provides funding for various types of services which could be provided by CSOs, including multi-year funding. (3.3.2.L1) 2) There are no legal barriers to CSOs receiving public funding for the provision of different services (either through procurement or through another contracting or grants mechanism). (3.3.2.L2) 3) CSOs can sign long-term contracts for provision of services (3.3.2.L3) <p>Practice:</p> <ol style="list-style-type: none"> 1) CSOs are recipients of funding for services. (3.3.2.P1) 2) CSOs receive sufficient funding to cover the basic costs of the services they are contracted to provide, including proportionate institutional (overhead) costs. (3.3.2.P2) 3) There are no delays in payments and the funding is flexible with the aim of providing the best quality of services. (3.3.2.P3) 	<p>compensation (time), training, consulting and other free resources for CSOs</p> <ul style="list-style-type: none"> • There are cases, especially at local level when a local authority ensures the non – financial support, but they are sporadic cases • CSSA do not provide non-financial support to CSOs <p><i>CSOs' engagement in different state services and equality of competition among all providers for state contracts</i></p> <p>Legislation:</p> <ul style="list-style-type: none"> • The Law on Non-Profit Organization based on which CSOs exercises activities in the good and benefit of the public, and the Law on Social Assistance and Services allows CSOs to deliver privately funded social services as well as public services with funding by state budget. • To deliver social care services, CSOs need to obtain a license by the Ministry of Social Welfare and Youth based on criteria and procedures defined in a decision by the Council of Ministers <p>Practice:</p> <ul style="list-style-type: none"> • The contracting of CSOs from the state is limited in basic social services related with the reintegration of persons in needs, as the victims of trafficking and domestic violence, or Roma integration. • CSOs are not included in all stages of developing and providing services. <u>They are invited to participate in the procurement procedure for the delivery of the service, after it is determined.</u> • The procedure for obtaining a prior licensing is somehow burdensome for CSOs <p><i>Commitments of state to funding services and predictability and long-term availability of the funding</i></p> <p>Legislation:</p> <ul style="list-style-type: none"> • Financing opportunities from the state have been low and the governments have failed to contract CSOs for an inclusive strategy to support the development of civil society. • The tender process is very difficult, the expenses for the preparation of the required documents are high, and the CSOs have no liquidity to cover these expenses. • If there are cases of state funding, the funding available is for short term period, maximum of one year. <p>Practice:</p> <ul style="list-style-type: none"> • Most of CSOs do not have revenues from public procurement, nor from the state contracts. • The fund is disbursed at the end of the project, making it difficult the implementations of the project for the CSOs that do not have liquidities to cover the expenses. In some cases, the funding to not cover administrative costs of the organization needed for the implementation of the project. • There are delays in payment and funding is not flexible. 	<ul style="list-style-type: none"> • Increase non-financial support for CSOs • Increased role of CSSA in providing non-financial support to CSOs <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN's <p><i>CSOs' engagement in different state services and equality of competition among all providers for state contracts</i></p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • <u>Adoption of a new law on social procurement</u> • <u>Establishment of a new procedure for social contracting, separate from the general public procurement procedures easy procedures for CSOs to obtain a license</u> <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Aforementioned recommendation needs to take into consideration other players in the market of social service provision. <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • <u>Inclusiveness of CSOs not only in the delivery of services but also in the identification of needs, planning the social services and in monitoring the local social policy should be ensured by state authorities</u> • <u>Easiness of procedures of obtaining a license by CSOs</u> • <u>Involvement of CSOs in all stages of service provision</u> <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Increase capacities of the CSOs so they are equal player in acquiring the licences for provision of social services. <p><i>Commitments of state to funding services and predictability and long-term availability of the funding</i></p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • <u>Introduction of Social Contracting as a new practice of public service provision through CSOs Establishment of mechanisms that would allow state authorities to sign long-term contracts with CSOs for provision of services.</u> • <u>Procurement procedure should also be sufficiently simple (not too burdensome) and should allow for CSOs to take part in it</u> • <u>Secured funding in the local government budget and national budget for the delivery of community-based social services</u> <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Enable longer-term contracts for provision of social services. <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • <u>Simplified procedures of payment Public funding should cover administrative costs of CSOs for the implementation of the project, should be disbursed in time and should be flexible</u> <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Improve frequency of payment distribution, or introduce pre-payment in contracts for social services.
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	<p>Clarity of procedures for contracting services and transparency in selection of service providers including CSOs</p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) There is a clear and transparent procedure through which the funding for services is distributed among providers.(3.3.3.L1) 2) Price is not the lead criterion for selection of service providers and best value is determined by both service quality and a financial assessment of contenders. (3.3.3.L2) 3) There are clear guidelines on how to ensure transparency and avoid conflict of interests. (3.3.3.L3) 4) There is a right to appeal against competition results. (3.3.3.L4) <p>Practice:</p> <ol style="list-style-type: none"> 1) Many services are contracted to CSOs. (3.3.3.P1) 2) Competitions are considered fair and conflicts of interest are avoided. (3.3.3.P2) 3) State officials have sufficient capacity to organize the procedures. (3.3.3.P3) <p>Clarity of a system for accountability, monitoring and evaluation of service provision</p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) There is legal possibility for monitoring both spending and the quality of service providers. (3.3.4.L1) 2) There are clear quality standards and monitoring procedures for services. (3.3.4.L2) <p>Practice:</p> <ol style="list-style-type: none"> 1) CSOs are not subject to excessive control. (3.3.4.P1) 2) Monitoring is performed on a regular basis according to pre-announced procedures and criteria. (3.3.4.P2) 3) Regular evaluation of quality and effects/impact of services provided is carried out and publicly available. (3.3.4.P3) 	<p>Clarity of procedures for contracting services and transparency in selection of service providers including CSOs</p> <p>Legislation:</p> <ul style="list-style-type: none"> • The Public Procurement law prescribes clear procedures and types of procedures for the funds for services distribution. • Price is the lead criteria for selection of service providers, not taking into consideration the quality of the service delivered. • There is not clear guidance to ensure transparency and avoid conflict of interest. <p>Practice:</p> <ul style="list-style-type: none"> • Few service are contracted to CSOs • Lack of information and clarity regarding the legal framework and technicalities for CSOs contracting among the public officials dealing with procurement <p>Clarity of a system for accountability, monitoring and evaluation of service provision</p> <p>Legislation:</p> <ul style="list-style-type: none"> • The Law on public procurement foresees obligations valid throughout the performance of the contract for service providers. The Law foresees standards for service provider's qualifications, but not for the monitoring procedures. <p>Practice:</p> <ul style="list-style-type: none"> • CSOs are not subject of excessive control • The regular publication on impact of services is not available for the public. • No regular evaluations on the impact of the services are carried out and publicly available. 	<p>Clarity of procedures for contracting services and transparency in selection of service providers including CSOs</p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • Provisions in the procurement legislation should allow for the selection of the service provider based on the capacity of the candidate and the quality of service and not on the lowest financial offer • Prescription of clear rules and guidelines for procurement units to ensure transparency and avoid conflict of interests <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN's. <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • Training for public officials on contracting CSOs contracting for public services service delivery. <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN's. <p>Clarity of a system for accountability, monitoring and evaluation of service provision</p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • Improvement in the Law on Public procurements Establishment of clear quality standards and monitoring procedures for services in the public procurement legislation <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Ensure that legislation recognises quality standards of provision of the services. <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • Increased monitoring and evaluation of impact of services delivered by service providers • CSOs and the public should be informed on the results of the monitoring and evaluation performed by public authorities on service delivery <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN's
Changing relations CSOs and government			
<p>3 Civil society and public institutions work in partnership through dialogue and cooperation, based on willingness, trust and mutual acknowledgment around common interests</p>	<p>3.1. Public institutions recognise the importance of CSOs in improving good governance through CSOs' inclusion in decision making processes</p> <p>3.1.a. Percentage of laws/bylaws, strategies and policy reforms effectively* consulted with CSOs * in terms of:</p> <ul style="list-style-type: none"> - adequate access to information - sufficient time to comment - selection and representativeness / diversity of working groups - acknowledgement of input - degree to which input is taken into account - feedback / publication of consultation results <p>3.1.b Quality* of structures and mechanisms in place for dialogue and cooperation between CSOs and public institutions * in terms of:</p> <ul style="list-style-type: none"> - CSO representation in general - representation of smaller/weaker CSOs - its visibility and availability - government perception of quality of structures and mechanisms - CSOs perception of structures and mechanisms 		

	<p><i>CSO-government cooperation strategic document</i></p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) There are strategic documents dealing with the state-CSO relationship and civil society development. (3.1.1.L1) 2) The strategic document includes goals and measures as well as funding available and clear allocation of responsibilities (action plans incl. indicators). (3.1.1.L2) 3) The strategic document embraces measures that have been developed in consultation with and/or recommended by CSOs. (3.1.1.L3) <p>Practice:</p> <ol style="list-style-type: none"> 1) CSOs from different areas of interest regularly participate in all phases of the strategic document development, implementation and evaluation. (3.1.1.P1) 2) There are examples demonstrating that cooperation between state and CSOs and civil society development is improved and implemented according to or beyond the measures envisaged in the strategic document. (3.1.1.P2) 3) The implementation of the strategic document is monitored, evaluated and revised periodically. (3.1.1.P3) <p><i>Accessibility of all draft policies and laws to the public (easiness and timelines)</i></p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) Existing legislation obliges public institutions to make all draft and adopted laws and policies public, and exceptions are clearly defined and in line with international norms and best practices. (3.2.2.L1) 2) Clear mechanisms and procedures for access to public information/documents exist. (3.2.2.L2) 	<p><i>CSO-government cooperation strategic document</i></p> <p>Legislation:</p> <ul style="list-style-type: none"> • Albania does not have a national strategy for the cooperation between CSOs and Government. • There is lack of clear mechanisms for consultations with CSOs that would ensure that civil society are properly consulted in the process of drafting and adopting legislation or policies • Cooperation between state institutions and civil society organisations (CSOs) has improved • The Resolution "For Recognition and Strengthening the Role of Civil Society in the Process of Democratic Development of the Country", approved by the Parliament is the first political document that recognizes and establishes concrete commitments in this regard • Draft Road Map for Government Policy on Civil Society that has been developed in 2014, with the aim of leading the Government toward efficient decision-making to improve the environment for cooperation with civil society. <p>Practice:</p> <ul style="list-style-type: none"> • There is a lack of a strategic document dealing with state—CSO relationship and civil society development. • Encouraged by the open and collaborative approach demonstrated by the new government coming into power after the Parliamentary elections of June 23, 2013, the civil society sector has started the dialogue on a series of issues including the Charter. They became the subject of the National Conference "Social Partners—Time for Action" organized by Partners Albania, in December 2013, as the first conference called by civil society with a new government. The Conference resulted with a Statement from the representatives of CSOs. The revision and presentation of The Charter for Civil Society to the Albanian Parliament for approval in 2014 was one of the requests of the Statement. • There is increased cooperation and willingness from state institutions and CSOs for the establishment of a dialogue State-CSO for the discussion and proposal of strategies and policies on civil society. 43% of the CSOs have declared that the collaboration among State and CSOs is improved. <ul style="list-style-type: none"> • Out of the surveyed CSOs, 36% were consulted on strategies on the national level; 35% on strategies on the local level; 32% on the programming of IPA financial support; 31% on policy documents; 30% on action plans on the local level; 29% on action plans on the national level and 27% on specific laws <p><i>Accessibility of all draft policies and laws to the public (easiness and timelines)</i></p> <p>Legislation:</p> <ul style="list-style-type: none"> • There are no binding rules or procedures for public authorities requiring them to publish draft policies and draft laws. • Law on the right of the information on the official documents guarantees the right of information on official documents and defines clear procedures for access to public information, conditions, exception and deadlines 	16/ 100	<p><i>CSO-government cooperation strategic document</i></p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • Adopt a national strategy for the cooperation between CSOs and Government—Adoption of the draft Road Map for Government Policy on Civil Society <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN's <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • N/A Implementation in practice of the strategic documents prepared and adopted in 2014. <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Follow up on further developments of the Charter and Statement from the CSOs towards government. <p><i>Accessibility of all draft policies and laws to the public (easiness and timelines)</i></p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • Drafting of binding rules/ procedures for public authorities requiring them to publish draft policies and draft laws Establishment of mechanisms to monitor proper implementation of the law in the right of information <p>Legislation (possible other):</p>
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	<p>3) There are clearly prescribed sanctions for civil servants/units for breaching the legal requirements on access to public information. (3.2.2.L3)</p> <p>Practice:</p> <ol style="list-style-type: none"> 1) Public institutions actively publish draft and adopted laws and policies, unless they are subject to legally prescribed exceptions. (3.2.2.P1) 2) Public institutions answer the majority of requests for access to public information within the deadline prescribed by law, in a clear format, provide written explanations on the reasons for refusal, and highlight the right to appeal and the procedure for appealing. (3.2.2.P2) 3) Cases of violations of the law are sanctioned. (3.2.2.P3) <p><i>Representativeness of CSOs in discussions in cross-sector bodies and clarity of criteria and selection process</i></p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) Existing legislation requires public institutions to invite CSO representatives on to different decision-making and/or advisory bodies created by public institutions. (3.2.3.L1) 2) There are clear guidelines on how to ensure appropriate representation from civil society, based on transparent and predetermined criteria. (3.2.3.L2) <p>Practice:</p> <ol style="list-style-type: none"> 1) Decision-making and advisory bodies on issues and policies relevant for civil society generally include CSO representatives. (3.2.3.P1) 2) CSO representatives in these bodies are enabled to freely present and defend their positions, without being sanctioned. (3.2.3.P2) 3) CSO representatives are selected through selection processes which are considered fair and transparent. (3.2.3.P3) 	<p>• There are clearly prescribed sanctions for civil servants/units for breaching the legal requirements on access to public information.</p> <p>• Adoption of the Law No. 119/2014 On the Right of Information, in line with international standards, establishes clear mechanisms and procedures for access to public information</p> <p>Practice:</p> <ul style="list-style-type: none"> • Draft laws are not published by public authorities. • Public access in draft policies and draft laws is difficult (by 45% of the CSOs) • Some improvements are made by the parliament and other public institutions when draft laws are published on their website. Draft laws are not published by public authorities. • Although improvements in the legal framework, public access in draft policies and draft laws is evaluated difficult by CSOs • Deadlines for providing comments generally remain too short and there are no clear rules on public consultation.¹⁷ <ul style="list-style-type: none"> • 66% of the surveyed CSOs had adequate access to information • 58% of the surveyed CSOs point out that they did not have enough time for comments • 18% of surveyed CSOS did not have their comments and suggestions taken into account at all; 3% state that all of their suggestions were taken into consideration during the consultation processes, while one fifth of CSOs (20%) claim that was the case with the majority of their suggestions • 2 out of 10 of the surveyed CSOs claim that there was no feedback information and that the results of the consultations were not published (21%); 21% state that the government institutions gave detailed enough feedback information and that results of consultations were easily accessible to all interested parties; and 56% claim to have received feedback information and that the results were published, but not in all consultation processes. <p><i>Representativeness of CSOs in discussions in cross-sector bodies and clarity of criteria and selection process</i></p> <p>Legislation:</p> <ul style="list-style-type: none"> • There is no specific law regulating the issue of CSOs as equal partners represented in advisory bodies, but in different laws it is sanctioned the creation of advisory bodies • There are laws which stipulates the creation of an advisory body they are in minority and can hardly influence any policy initiative <p>Practice:</p> <ul style="list-style-type: none"> • There is lack of information among CSOs regarding the existence and functioning of such bodies/structures • Participation of CSOs in advisory bodies is considered difficult • The selection procedures are considered unclear and non – transparent by CSOs (by 57% of CSOs) • Participation in these bodies does not prevent CSOs from using alternative ways of advocacy or promoting alternative stand-points which are not in line with the position of the respective body 	<ul style="list-style-type: none"> • Same as BCSDN <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • N/A-Establishment of clear procedures by all public institutions to provide written and on-time feedback on the requests for access to information, in line with the new law adopted. • Public authorities and CSOs should provide information to the public on the changes in the law on right of information. <p>Practice (possible other):</p> <ul style="list-style-type: none"> • N/A <p><i>Representativeness of CSOs in discussions in cross-sector bodies and clarity of criteria and selection process</i></p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • Creation of a National Council for Collaboration between Government and CSOs • Adoption of the legal framework that would require public institutions to invite CSO representatives to decision-making and advisory bodies created by public institutions • Public institutions should prepare and publish clear guidelines to ensure transparency and fairness in the selection of representatives from CSOs in advisory bodies <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • High transparency, trust, collaboration, two-way and
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¹⁷ Ibid 9 pg. 19

	<p>4) Participation in these bodies does not prevent CSOs from using alternative ways of advocacy or promoting alternative stand-points which are not in line with the position of the respective body. (3.2.3.P4)</p> <p><i>Recognition of the state, through the operation of its institutions, of the importance of the development of and cooperation with the CS</i></p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) There is a national level institution or mechanism with a mandate to facilitate cooperation with civil society organizations (e.g., Unit/Office for cooperation; contact points in ministries; council). (3.1.2.L1) 2) There are binding provisions on the involvement of CSOs in the decisions taken by the competent institution or mechanism(s). (3.1.2.L2) <p>Practice:</p> <ol style="list-style-type: none"> 1) The national level institution or mechanism(s) has sufficient resources and mandate for facilitating CSO-government dialogue, discussing the challenges and proposing the main policies for the development of Civil Society. (3.1.2.P1) 2) CSOs are regularly consulted and involved in processes and decisions by the competent institution or mechanism(s). (3.1.2.P2) <p><i>Recognition of the state, through the operation of its policies and strategies, of the importance of the development of and cooperation</i></p>	<p><i>Recognition of the state, through the operation of its institutions, of the importance of the development of and cooperation with the CS</i></p> <p>Legislation:</p> <ul style="list-style-type: none"> • There are unit in ministries covering relations with civil society but always within the scope of the ministries. • Binding provisions on the involvement of CSOs in the decision making process do not exist. • The draft Law for the Establishment and Functioning of the National Council for Civil Society is prepared • “Resolution for Recognition and Strengthening the Role of Civil Society in the Process of Democratic Development of the Country” is adopted by the Albanian Parliament <p>Practice:</p> <ul style="list-style-type: none"> • National mechanisms at ministry level lack the capacities to facilitate CSO-government dialogue. • Relationship between the government and CSOs has been weak and sporadic, and the capacities of public institutions to facilitate the dialogue have lacked. • There are established some mechanisms/structures at the central administration level, to deal with civil society issues and to facilitate the interaction of the institution with civil society • National level institutions have insufficient resources to facilitate the dialogue between CSOs and government and to propose main policies for the development of civil society. <ul style="list-style-type: none"> • 69% of surveyed CSOs are aware of the current structures and mechanisms for dialogue and cooperation with state institutions, but 37% believe that these mechanisms exist only pro-forma and one of three surveyed CSO representatives (32%) think that these mechanisms are useful. • 67% of surveyed CSOs are aware of the current structures and mechanisms for dialogue and cooperation with local institutions, but 35% believe that these mechanisms exist only pro-forma and one of three surveyed CSO representatives (32%) think that these mechanisms are useful. <p><i>Recognition of the state, through the operation of its policies and strategies, of the importance of the development of and cooperation with the CS</i></p> <p>Legislation:</p> <ul style="list-style-type: none"> • There are no binding norms on the involvement of CSOs in the policy and decision-making processes. • Civil servants lack the capacities and knowledge on CSOs involvement in the work of public institutions. • Transparency and access to information remains poor and problematic. 	<p>consistent communications based on clear rules and procedures.</p> <ul style="list-style-type: none"> • Public authorities should use different means of communication to publish information on the establishment of advisory bodies/structures • CSOs should be involved in the selection process, in order to increase correctness and transparency of the process • Increased capacities of CSOs to be equal partners in these bodies • Establishment of clear rules of participation; clear roles and responsibilities based on written agreements <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN’s <p><i>Recognition of the state, through the operation of its institutions, of the importance of the development of and cooperation with the CS</i></p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • Adoption of the draft Law for the Establishment and Functioning of the National Council for Civil Society by the Albanian Parliament Drafting and approval of binding provision for the involvement of CSOs in decision-making processes <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN’s <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • CSOs should be involved in all phases of the process Development of programs to increase capacities and resources of state institutions to facilitate CSO-government dialogue • Development of programs to increase capacities of CSOs to facilitate CSO-government dialogue • Consultation with CSOs for the preparation of laws/bylaws and strategies for the establishment of national level mechanisms of cooperation and dialogue between CSOs and the state should be conducted by the structures in charge <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN’s <p><i>Recognition of the state, through the operation of its policies and</i></p>
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	<p><i>with the CS</i></p> <p>Legislation:</p> <ol style="list-style-type: none"> 1) There are clearly defined standards on the involvement of CSOs in the policy and decision making processes in line with best regulatory practices prescribing minimum requirements which every policy-making process needs to fulfil. (3.2.1.L1) 2) State policies provide for educational programs/trainings for civil servants on CSO involvement in the work of public institutions. (3.2.1.L2) 3) Internal regulations require specified units or officers in government, line ministries or other government agencies to coordinate, monitor and report CSO involvement in their work. (3.2.1.L3) <p>Practice:</p> <ol style="list-style-type: none"> 1) Public institutions routinely invite all interested CSOs to comment on policy/legal initiatives at an early stage. (3.2.1.P1) 2) CSOs are provided with adequate information on the content of the draft documents and details of the consultation with sufficient time to respond. (3.2.1.P2) 3) Written feedback on the results of consultations is made publicly available by public institutions, including reasons why some recommendations were not included. (3.2.1.P3) 4) The majority of civil servants in charge of drafting public policies have successfully completed the necessary educational programs/training.(3.2.1.P4) 5) Most of the units/officers coordinating and monitoring public consultations are functional and have sufficient capacity. (3.2.1.P5) 	<ul style="list-style-type: none"> • The Law on Public Notification and Consultation adopted in 2014 puts forward the requirements for consultation on draft laws, strategies and policies with the group of interest • The law predicts the creation of the electronic register for public notification and consultation that guarantees access to all group of interest • The law also provides options for redress if the provisions for consultations are not respected <p>Practice:</p> <ul style="list-style-type: none"> • Involvement of CSOs in policy making and decision making have been characterized by spontaneity, selectivity of participants in the process using the political criteria or limited it to the certain stages of the process. • Increased participation of civil society in decision and policy making process, as a result of a more open, collaborative and transparent approach by the state institutions at the central level. • Information on the draft documents is not provided in time • Written feedback on the results of the consultations is not provided and reasons for not taking into consideration the recommendations provided by CSOs are not provided. • There are no available data regarding the educational programs/ trainings of the civil servants who are in charge of drafting public policies. • The units coordinating and monitoring public consultations do not have sufficient capacities. <ul style="list-style-type: none"> • Many parts of public administration are suspicious about CSOs that are often seen as political opponents of the Government and, therefore, as potential obstacle to the ongoing reform process. There is also the perception that CSOs exist to serve the interests of private individuals or selective fractions of society rather than the public at large. On the other hand, CSOs have their own concerns about the government. According to different surveys, CSOs do not believe that government considers civil society a serious or important actor in its efforts to increase transparency and accountability.¹⁸ 	<p><i>strategies, of the importance of the development of and cooperation with the CS</i></p> <p>Legislation (BCSDN):</p> <ul style="list-style-type: none"> • Bringing into force binding norms for central and local institutions regarding consultation with CSOs in all areas that constitute the public interest. Preparation and establishment of mechanisms to ensure proper implementation of the law on notification and consultation by all public institutions <p>Legislation (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN <p>Practice (BCSDN):</p> <ul style="list-style-type: none"> • Establishment and empowerment of the state structures and mechanisms supporting public participation • Increase capacities of public officers in charge with the organization, coordination and monitoring of public consultations • Preparation and implementation of clear rules and procedure on the consultation processes by all state institutions • Establishment of a practice by state institution to provide in-time and written feedback on the results of the consultation process. <p>Practice (possible other):</p> <ul style="list-style-type: none"> • Same as BCSDN's
CSOs Capacities			
4. Capable, transparent and accountable CSOs	4.1. CSOs' internal governance structures are transparent and accountable to members/constituents/beneficiaries		
	4.1.a. Percentage of CSOs publishing their governance structure and internal documents (statutes, codes of conduct etc.)		
	4.1.a. independent survey run by TACSO	<ul style="list-style-type: none"> • 18% of the surveyed CSOs claim that in the majority of cases the decisions are in compliance with the prescribed rules and include consultations with the employees and volunteers and 21% believe that the majority of CSOs in Albania are managed in the same way. • It was noted, that there was no discrepancy between the perception of CSO representatives about the way in which CSOs are generally managed in Albania and the perception of the way in which their own CSOs are managed. 	

¹⁸ Ibid 10 pg. 18

		<ul style="list-style-type: none"> 77% of the surveyed CSOs state that there is, by internal acts defined obligation to inform their members, stakeholders or broader public about the results of their work. Similarly, when it comes to organisations which actually inform the stakeholders about their activities, there is a considerably smaller percentage of such organisations in Albania. 		
4.2. CSOs are able to communicate the results of their activities to the public				
4.2.a. External perception of importance and impact of CSOs activities.				
	4.2.a. independent survey run by TACSO	<ul style="list-style-type: none"> Surveyed citizens have the strongest confidence in the media, 64%; the Police, 51%; and in the local administration in their place of residence, 41%. Surveyed citizens had the lowest confidence in political parties, 19%; trade unions, 24%; and the judiciary 25%. One in three citizens of Albania (33%) of those surveyed, have confidence in CSOs. 35% of the surveyed general population believe that NGOs are trying to solve the problems in their country; 63% believe that the media is trying to solve the country's problems and political parties are trying the least to solve the country's problems at 25%. 14% of the surveyed CSOs believe that CSOs are too present in the public, 42% believe that CSOs in Albania are not visible enough in the public, while 38% believe the presence is just right. For those who consider the presence of CSOs in the public insufficient, 58% believe that the key reason for this is the insufficient interest of the media in Albania to report on CSO activities, while 4 out of 10 believe that CSOs are responsible, or that they are not working sufficiently (or adequately) on expanding their presence. According to the surveyed general population, the most important topic areas for CSOs are employment at 58%, safety, violence and education all at 52% and the fight against corruption at 51%. Whereas the less important topic areas are animal protection at 30%, social care and humanitarian activities at 36%; and overseeing government and local governments at 37%. Interestingly, social care and humanitarian activities are perceived to be more active in this topic area, compared to employment, which is considered the most important topic area. According to the surveyed general population, CSOs are perceived to be most active in the topic areas: the rights of women at 42%, human rights at 38% and education at 36%. They are perceived to be least active in employment and animal protection both at 22%; rural development and 		

		<p>overseeing the government at 23% and safety at 25%.</p> <ul style="list-style-type: none"> • According to the surveyed CSO representatives, the most important topic areas are education and rights of women at 66%, human rights at 65% and employment at 62%. The least important topic areas are animal protection at 28%, ecology at 38% and the culture and arts at 42%. • According to the surveyed CSO representatives, CSOs are perceived to be most active in the rights of women at 82%, human rights at 79% and the young and their problems at 72% - showing that they are for the most part most active in their most important topic areas. They are least active in animal protection at 34%; rural development at 37% and ecology at 47%. 		
4.3. CSOs are transparent about their programme activities and financial management				
4.3.a. Percentage of CSOs making their (audited) financial accounts and annual reports publicly available				
	<p>4.3.a independent survey run by TACSO</p>	<ul style="list-style-type: none"> • As much as 4 out of 10 of the surveyed CSOs (41%) state that the statute of the organisation is not accessible to the broader public • 41% of the surveyed CSOs do not have a rulebook, while 14% claim to have a rulebook, but it is not accessible to the public. • Surveyed CSOs believe that in the NGO sector, 67% of organisations do not publish or make publicly available their annual program statement of work • 51% of the surveyed CSOs claim that the organisation they are engaged in does not have an annual program statement of work which is accessible to the public in any way. • Surveyed CSOs believe that 63% of CSOs in Albania do not publish their financial statements • 62% of the surveyed CSOs do not publish their financial statements • Surveyed CSOs believe that 65% of CSOs in Albania do not publish their audited financial statements • 67% of the surveyed CSOs do not publish their audited financial statements 		
4.4. CSOs monitor and evaluate the results and impact of their work				

	4.4.a. Share of CSOs that monitor and evaluate their projects and programmes using baselines and quality indicators		
	4.4.a. independent survey run by TACSO	<ul style="list-style-type: none"> • One fourth of the surveyed CSO representatives (27%) openly claim that the project assessments are done only pro-forma, while 73% claim that the projects are evaluated for the purpose of establishing the efficiency and drawing a lesson for further projects • 36% of the surveyed CSOs use the services of external evaluators when they evaluate the realization of conducted projects. • One in four of the surveyed CSOs (24%) state that they do not have an established system for the performance evaluation for the projects which they realize. 	
5. Effective CSOs	5.1. CSO activities are guided by strategic long-term organisational planning		
	5.1.a. Share of CSOs which have developed strategic plans including human resources development activities in order to attract and retain talent		
	5.1.a. independent survey run by TACSO	<ul style="list-style-type: none"> • 15% of the surveyed CSOs use an external evaluator to evaluate the employees' performance • Three out of 10 of the surveyed CSOs (31%) do not evaluate their employees' performance • Six out of 10 of the surveyed CSOs (63%) have available a plan for the development of human resources; 28% of the organisations openly admit to not having a plan, while 10% of the organisations claim to be currently preparing their plan. For the surveyed CSOs who do have a plan, 5% claim that they are not able to keep talented associates, while seven times as many CSOs (34%) without a plan claim that they are not able to keep talented associates. Of the surveyed with a plan, 6% claim that they fail to keep talented associates, while six times as many CSOs without a plan, 37%, state that they fail to keep talented associates. • More than four fifths (85%) of the surveyed CSOs state that their organisations succeed in attracting valuable new members, while 82% claim that they are able to keep talented associates. • 16% of the surveyed CSOs state that an external evaluator evaluates the implementation of their strategic plan • Four out of 10 of the surveyed CSOs (41%) do not evaluate the implementation of the organisation's strategic plan 	
	5.2. CSOs use research and other forms of evidence to underpin their activities		
	5.2.a. Number of CSOs' who use adequate argumentation and analysis for achieving advocacy goals		

	5.2.a. independent survey run by TACSO	<ul style="list-style-type: none"> • Eight out of 10 of the surveyed CSOs (79%) state that they often use the results of research and analyses in their advocacy activities; one in three of the surveyed CSOs claim to be using this type of data very often and only one in five CSOs representatives use this type of data rarely. • It is important to point out that Albania is faced with the problem of lack of statistical data (12%) which can probably be link with the Census 2011 problems. In addition, there are also problems with information on legal regulations (8%). • Out of the surveyed CSOs, 61% use the official data of the national statistical offices, ministries, etc.; 17% use international institutions such as the World Bank, UNICEF, EBRD; 13% use their own research; 3% use academic studies and 2% other 		
5.3. CSOs regularly network within and outside country borders and make use of coalition-building for increased impact in campaigning and advocacy				
5.3.a. Share of CSOs taking part in local, national, regional and international networks				
	5.3.a. independent survey run by TACSO	<ul style="list-style-type: none"> • • Two fifths of the NGO sector representatives in Albania (those surveyed) (41%) state that their organisation is a not a member of any international network. • Organisations which belong to at least one international network are active in 2.12 international networks. • Of the surveyed CSOs, three out of 10 (29%) are not members of any national network • CSOs in Albania which belong to at least one national network are active in 3.57 national CSO networks. • 57% of the surveyed CSO representatives state that their organisations are not members of any local network. • CSOs in Albania, which belong to at least one local network, are active in 2.59 local CSO networks on average • 70% of the surveyed CSOs have a positive opinion on the efficiency of CSO networks • 52% of the surveyed CSOs state that the opportunity for exchanging experiences and knowledge as a benefit for taking part in NGO networks; 7% single out the opportunity for cooperation and joint projects; 6% single out the opportunity for better visibility, influence and strength of the NGO sector. 		
6. Financially sustainable CSOs	6.1. Fund-raising activities are rooted in CSOs' long-term strategic plans and the core mission of the organisation			
6.1.a. Percentage of CSOs that confirm that they are able to raise funds according to their strategic plans				

	6.1.a. independent survey run by TACSO	<ul style="list-style-type: none"> • The surveyed CSO representatives state that more than half of the organisations (56%) within the NGO sector mainly adapt to the donors' priorities and collect means for other activities not in line with their strategic plan. • 35% of the surveyed CSOs state that the CSO in which they are personally engaged is adapting to the donors' priorities and collect means for other activities not in line with their strategic plan; while 49% at least declaratively conduct activities focused on collecting fund in line with the organisation's strategic plan. 		
6.2. CSO have a diversified funding base, including membership fees, corporate/individual giving and social entrepreneurship				
6.2.a. Diversity in CSO sources of income				
	6.2.a. independent survey run by TACSO	<ul style="list-style-type: none"> • On average, CSOs in Albania have 2.2 sources of financing per CSO • The surveyed CSOs state that they had income from the following sources: 50% from other FOREIGN private or state resources (most common); 40% from members; 27% from citizens: one in four CSO representatives (25%) mention private companies operating in the companies as well as EU funds. The lowest percentages for sources of income were local administration and/or regional administration at 20%; 19% from the national level, government, ministries and 9% from public companies. 		