

## Albania: Civil Society Report by Institute for Democracy and Mediation

An input to the UNCAC Implementation Review Mechanism:  
First year of review of UNCAC Chapters II and V

**14 November 2023**

This executive summary of a civil society parallel report from July 2023 reviews Albania’s implementation and enforcement of selected articles in UN Convention against Corruption (UNCAC) Chapters II (Preventive Measures) and V (Asset Recovery). The report was supported by the UNCAC Coalition and is intended as a contribution to the UNCAC peer review process of Albania covering those two chapters. The full report is available on the UNCAC Coalition’s website.<sup>1</sup>

While Albania has made progress towards developing normative legal frameworks for the implementation of Chapter II of the UNCAC, several challenges remain to effectively advance anti-corruption efforts, especially regarding the implementation of Chapter V articles. Better inter-institutional coordination and effective asset recovery laws and practices are needed.

### Assessment of the Review Process

Has the government disclosed information about the country focal point?	Yes	
Was the review schedule published somewhere?	No	The Country Focal Point was unaware of the review schedule as of 15 September 2022. UNODC forwarded the draft report of the review to the Ministry of Justice, and notified the Country Focal Point that the in-country visit would take place during Spring 2023, without specifying a date.
Was civil society consulted in the preparation of the self-assessment checklist?	Yes	The following groups were consulted: <input checked="" type="checkbox"/> Anti-corruption and access to information CSOs <input checked="" type="checkbox"/> CSOs working on other issues

<sup>1</sup> The report was published on the UNCAC Coalition website in July 2023:  
<https://uncaccoalition.org/uncacparallereportalbania/>.

Was the self-assessment checklist published online or made available to civil society?	Yes	It was not published online, but provided to the research team upon request.
Did the government agree to a visit to the country?	Yes	
Was a country visit undertaken?	Not yet	
Was civil society invited to provide input to the official reviewers?	Not available	The plan of the official reviewers in-country visit had not been shared with the Country Focal Point as of 8 February 2023.
Was the private sector invited to provide input to official examiners?	Not available	
Has the government committed to publishing the full country report?	Not yet	In April 2023, Albania signed the UNCAC Coalition's Transparency Pledge, committing to publishing the self-assessment checklist and full country report. <sup>2</sup>

## Main Findings and Recommendations (R)

### Anti-Corruption Bodies and Policies

Anti-corruption policy is coordinated at the executive level. The national anti-corruption coordinator, the Ministry of Justice, is responsible for convening representatives from other line ministries, law enforcement agencies, and independent oversight institutions to draft national anti-corruption policy. Despite progress in building anti-corruption institutions' capacities, they are inadequate to meet mandate objectives. Both the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest (HIDAACI) and the Supreme State Audit Institution (SSAI) lack human resources and technical capacities, preventing them from fulfilling their mandates.

*R: Evaluate the needs and take actions to increase human resources, expertise and technical capacities in line with international standards. Review THE anti-corruption coordinator's responsibilities and recruitment to ensure that the Responsible Structure against Corruption is professional, independent, and implements a clear anti-corruption policy- Pursue proactive investigations targeting corruption amongst the top leadership of the public administration.*

### Public Sector Employment

Civil service competition procedures allow for appeals in the preliminary selection phase. The Law on Decriminalization includes broad provisions preventing potential candidates with

<sup>2</sup> <https://uncaccoalition.org/albania-signs-the-uncac-review-transparency-pledge/>.

criminal records from running for public office. However, measures to build integrity in the public sector are insufficient.<sup>3</sup> The legislation lacks clear provisions to address conflict of interest situations, while the procedures and institutional framework to prevent conflicts of interests are lacking.

*R: Revise the recruitment and promotion system to prioritize policy expertise for members of the top-management corps and provide the decisions taken by the selection committees to the public upon request. This will ensure a professional and competent civil service.*

### **Political Financing**

The Electoral Code sets clear thresholds for monetary and in-kind contributions, forbids donations from non-Albanian entities, and aims to curtail political campaign spending. However, the lack of institutional proactivity coupled with regulatory loopholes and lack of capacities undermine the establishment of a professional and apolitical civil service and a rigorous political party financing regime.

*R: Align provisions on political party financing in the Electoral Code and the Law on Political Parties to ensure that legal loopholes regarding the level of contributions and contributions from foreign sources are closed.*

### **Codes of Conduct, Conflicts of Interest and Asset Declarations**

The Law on the Rules of Ethics in the Public Administration provides ethical guidelines for civil servant conduct, but there are no provisions on 'revolving door' situations. Although the law forbids public officials from engaging in secondary profit-making activities during official working hours, they may be allowed to engage in such activities if their superior allows. An improvement by the HIDAACI and the Public Procurement Commission is their introduction of e-filings for asset declarations and complaints mechanism, respectively. The legal framework requires public officials' asset declarations to be published on the official website of the institution.

*R: Adopt the draft law on preventing conflicts in the public administration of interest in line with international standards.*

### **Whistleblower protection**

The HIDAACI is responsible for coordinating the national whistleblowing policy and investigating claims. Whistleblowers can sue and request reparations in cases of damage. The establishment of the Network of Anti-Corruption Coordinators within the Ministry of Justice in 2021 added legal and institutional uncertainty of responsibilities regarding whistleblower complaints and institutional integrity. Medium to large public and private entities are legally required to establish a whistleblower unit to process and investigate claims, but they are unable to effectively process and investigate whistleblower reporting. Whistleblowers reporting on corruption or providing information to the media often refrain from reporting due to pressure.

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<sup>3</sup> <https://www.sigmaweb.org/publications/Monitoring-Report-2021-Albania.pdf>.

*R: Ensure that there are appropriate mechanisms to address whistleblowing in the public administration in practice.*

### **Public Procurement**

The Public Procurement Agency publishes data on public procurement procedures through its open data portal. There has been a notable reduction of public procurement procedures by direct negotiation without prior notification of the contract, but there remains a high number of cancelled public procurement procedures. There is no robust governance structure for defense and security procurement processes.

*R: Review public procurement policy to ensure that contracting authorities seek competitive procurement procedures. Publish analysis of public procurement data and assessments of the implementation of public procurement policy. Ensure the effective monitoring and assessment of defense and security procurement policy by reporting separately on these procurement procedures or include a separate section in the annual report.*

### **Access to Information and Participation of Society**

A precedent set by the administrative courts ordering the temporary execution of decisions has enabled effective access to information in some politically sensitive matters. However, public bodies are reluctant to disclose politically sensitive information which could expose cases of corruption.

Political will to organize genuine and effective public consultation processes in decision-making is lacking. Public participation, awareness, and trust in such processes are low, although some efforts have been made to increase the transparency of consultation processes and enable public participation. There is no anti-SLAPP legislation in force and job-related threats against journalists and activists are not effectively investigated.

*R: Proactively publish in transparency programs all legally required categories of information. Ensure that legal exemptions from disclosure of information are not misused by public institutions. Adopt anti-SLAPP legislation. Investigate job-related threats against journalists and activists thoroughly. Amend the public consultation law to include decisions issued by the Council of Ministers.*

### **Anti-Money Laundering**

The national Financial Investigation Unit enjoys the necessary competences and mandate to investigate money laundering cases independently. The General Directorate for the Prevention of Money Laundering has established an ongoing training and capacity and awareness building program for reporting entities. The domestic AML regime is largely compliant with most FATF recommendations, although strategic deficiencies in the national AML regime<sup>4</sup> have not been addressed within FATF deadlines. National authorities do not maintain comprehensive and disaggregated data and statistics on money laundering cases.

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<sup>4</sup> <https://www.fatf-gafi.org/en/publications/high-risk-and-other-monitored-jurisdictions/documents/increased-monitoring-june-2022.html>.

**R:** *Identify and assess the money laundering risks of each sector under their mandate and design regulations to ensure that they effectively prevent money laundering. Revise the legal framework governing the Anti-Money Laundering Coordinating Committee to clarify the functions of the Committee as the national AML policy coordinator. The Committee must guarantee enhanced transparency to allow for public oversight, accountability, and scrutiny.*

### **Asset Recovery**

While the legal framework for the return and disposal of assets is strong, it does not include provisions on victim compensation. The Agency for the Administration of Seized and Confiscated Assets' mandate does not clearly outline its responsibilities in international penal cases, reflected in the low number of exchange of requests for assets seizure or confiscation.

**R:** *Adopt legislation on the return and disposal of assets that include clear provisions for the compensation of victims of corruption and for the mandate of the Agency for the Administration of Seized and Confiscated Assets on international cooperation for the seizure, confiscation, return, and disposal of assets.*