



CORRUPTION ASSESSMENT REPORT ALBANIA

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EXECUTIVE SUMMARY

The Southeast Europe Leadership for Development and Integrity, a think-tank coalition of some 29 like-minded CSOs from the region, carried out in 2016 **the fourth round of the Corruption Monitoring System** in Southeast Europe and Albania. SELDI's local lead partner the Albanian Center for Economic Research undertook in the beginning of this year a national survey with 1,000 respondents across Albania, which **tracked citizens experience with corruption pressure and involvement** (victimisation), and their perceptions of the level of corruption and anticorruption efforts. This survey, following the same methodology, was undertaken in 2001, 2002, and 2014, which provides a unique data trend.

The Corruption Monitoring System Results for Albania, 2016 indicate that almost **one in two Albanian adult citizens admit to being demanded directly or indirectly to bribe public officials** (49.6 %). Respectively, this shows **a worsening of around 5 percentage points** compared to the study of 2014. This indicates that there has been a self-admitted increase of the corruption pressure from public officials on citizens. Consequently, the involvement of citizens in corruption has also marginally increased. There is **a small increase with 1 percentage point of respondents that admit to giving a bribe to public officials**, compared to two years ago.

The larger part of the respondents (38.2%) declared that they have been pressured by public officials to engage in bribery. Only **1.6% of them have initiated themselves a corruption transaction without being pressured** from public officials. Giving bribes under pressure has manifested a slight increase compared to 2014. This data shows that **anticorruption measures undertaken by the government, civil society, and the international community have not yet taken root**, which also calls for reinforcement of efforts in this direction. Data could also reflect temporary factors but still indicate a lack of radical change, which both the Albanian society and the European partners expect.

High susceptibility and acceptability of corruption in the Albanian society further exacerbates efforts to counter its negative influence. For example, asked if they were in the position of a public official, **2/3 of the adults (66%) indicated that they would accept a bribe** (in cases where their involvement would have solved a serious problem). This result is supported and is in line with the index of the involvement in corruption practices undertaken without any pressure. In 2016, **the citizens that are susceptible to corruption represent the majority of the population over 18 years old (91 %)**. From the year 2001 until 2016, the set of the respondents that are totally **unsusceptible to corruption** (meaning that they declared they would never get involved in corruption practices) **has increased by 3 percentage points**.

According to the results of the survey of the year 2016, the **groups citizens perceive as the most corrupt** are **judges, customs officials, public officials, political parties and political leaders**. The results show that in the last two years there has been **no improvement in citizens' trust in these groups**. According to public perception, the level of **these groups'**

involvement in corruptive practices remains high. The top negative rank for judges mirrors reality. The judiciary system in Albania suffers from a number of problems from the way it is organized, to the status of the judges, and to the lack of European standards in its functioning. The groups which citizens perceive as the least corrupt are the teachers, journalists, members of the city councils, and the university faculty members. This creates an indication where examples of personal integrity might be sought to improve the standing of other systems.

3/4 of the respondents (76 %) think that “Corruption cannot be reduced drastically” whereas less than 1/5 of them (22%) think that “Corruption can be drastically reduced or eradicated”. The increasing distrust of the citizens in the capacity and effectiveness of the Albanian society to confront the problem of corruption seems to indicate a dangerous weariness with the efforts of the state institutions to fight corruption. Furthermore, the number of respondents that think that corruption can be reduced drastically has decreased compared to the findings in the years 2001, 2002, and 2014. While this mirrors the experience of other European countries with high levels of corruption, it also indicates a thinning of support for mainstream political action and makes antic-corruption dangerously unpopular politically. This calls for more efforts to be focused **on long-term civil society and media sustainability**, and the proper management of expectation of the Albanian public regarding corruption, without reducing pressure on politicians to act.

The current state of the country requires further developments and recommendations in the area of anti-corruption and good governance. Along with measures related to the judicial reform the country will need to implement several recommendations related to some main pillars of progressive behaviours such as **transparency, accountability** etc. On the other hand the role of Civil Society remains crucial in the reformation process and in the fight against corruption, as no other structure or sector can replace it or provide the same outputs in the development of a country.

Some of the main recommendations related to **institutional anti-corruption measures and policies** are:

- Develop a **proactive approach** towards improved practices in the fight against corruption through **in-time implementation** of specific anti-corruption regulatory and institutional measures;
- Strengthen **institutional accountability** through internal and external **monitoring systems** and good governance **transparency principles** implementation:
 - . Implementation of public monitoring in the framework of anti-corruption (especially of high risk sectors or segments of the economy);
 - . Implementation of good governance transparency principles to ensure equal accountability to the public.

-
- Develop an **inclusive cooperation** within institutional bodies themselves and among governmental and nongovernmental structures and ensure openness for the voice of the “third sector” to be heard.

The role of **civil society** in the **fight against corruption** remains important at least in three directions in which policy recommendations are focused:

- Increase public awareness against corruption;
- Monitor government decisions and actions that have a potential corruption risk;
- Expose corruption cases and launch public criticism against corrupt officials and institutions.

Abbreviations

ACER	Albanian Center for Economic Research
BIRN	Balkan Investigative Reporting Network
CAR	Corruption Assessment Report
CMS	Corruption Monitoring System
CSO	Civil Society Organization
EU	European Union
FDI	Foreign Direct Investments
GoA	Government of Albania
GRECO	Group of States against Corruption
HIDAACI	High Inspectorate of Declaration and Audit of Assets and Conflict of Interests
OECD	Organisation for Economic Co-operation and Development
SAA	Stabilisation and Association Agreement
SELDI	South-East Europe Leadership for Development and Integrity
SIGMA	Sustainability Integrated Guidelines for Management
SSA	Supreme State Audit
UN	United Nations

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INTRODUCTION

The phenomenon of corruption in Albania has been one of the society main concerns since the systemic change of 1991, beside that since the Ottoman occupation in the Balkans this issue is part of the Albanian society.

The surveys, analyses and studies on the perception of the citizens and business on this phenomenon done by local and international institutions or organizations reveal a large scale of the corruption diffusion in the Albanian society in the public and private sector in general, in particular within the public administration. To be emphasized is that the high level of public perception on corruption in the country is related with the unclear division of power, with the inability and the lack of expertise as well as the stark politicization of the judiciary power (the prevailing culture of impunity), and with the absence of a real political participation in the decision-making process. The public perception is also related to the unprincipled political struggle based on the public image degradation of the political opponent, on the continuous failures of the promised reforms by the consecutive governments; the high level of political and economic control over the media and the political and institutional instability manifested in the form of a general crisis during this period (1997) etc.

By definition, administrative corruption involves receiving benefits (money, gifts, favours, etc.) from citizens, in return for having some services by public officials. At the same time if we analyze the words involved in this phenomenon is seen a negative connotation already given to them: i.e. favour (m) - according to the Albanian language dictionary is seen as aid or assistance given to someone unjustly, favour (v) can be seen as support or protection to someone by being on his/her side.¹

During the last two or three years the Albanian government has undertaken several measures in the fight against corruption considering different outreach levels and final outputs, i.e. anticorruption targeted public campaigns², creation of the Inter-Sectorial Strategy Against Corruption 2015-2020³ or the Action Plan 2015-2017⁴. However, more efforts are needed in this direction such as the independence of the institutions involved in the fight against corruption.⁵ The recent report of the US State Department (2016) emphasizes that the spread of corruption in all the governing system remains one of the

¹ Albanian Dictionary

² Ministry of State for Local Issues: <http://www.ceshtjetvendore.gov.al/al/newsroom/lajme/fushata-anti-korrupsion-sms-citizen-nder-te-perzgjedhurat-e-bankes-boterore&page=1>

³ For more please refer to the website of the Ministry of State for Local Affairs: http://www.ceshtjetvendore.gov.al/files/pages_files/Inter-sectoral_Strategy_against_Corruption_2015-2020.pdf

⁴ For more please refer to the website of the Ministry of State for Local Affairs: http://www.ceshtjetvendore.gov.al/files/pages_files/15-05-04-05-52-24Action_Plan_of_the_Inter-sectoral_Strategy_against_Corruption_2015-2017.pdf

⁵ European Commission (2015) *Progress Report*, Retrieved from : http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_albania.pdf

biggest issues, especially in the judiciary system. A similar result is shown in the SELDI study realized by the Albanian Center for Economic Research (ACER)⁶ in the first two months of 2016 based on a face to face survey of more than 1000 adult citizens across the country. According to the study, judges, custom officers, state prosecutors, public officials in the judiciary system, political parties and the leaders of the coalition are perceived by the citizens as the most corrupted groups for the year 2015.

The 2016 study goes in line with the one conducted in 2014, bringing to the public and policymakers actual levels of corruption indicators based on experience, attitude and perception towards corruption. In the following chapters of this report are presented the *Indexes of the SELDI Corruption Monitoring System 2016* and a comparison is made with the three previous surveys of corruption public perception and victimization done by ACER (2001, 2002, and 2014), based on the same methodology.

Further in the report are presented several discussions and recommendations consulted with respective target groups. Further the report analyzes a number of issues of interest to the topic, which have been considered with priority in the previous Corruption Assessment Report in Albania, as guidelines for policies that can reduce corruption in society. In conclusion therefore are presented a set of recommendations of the analysis and consultations with interest groups such as civil society, independent public institutions, government institutions etc.⁷ At the end of the report are present two comparative sections/tables: i) specified indicators in the framework of the Action Plan of the Inter-Sectorial Strategy Against Corruption 2015-2020 with the considered current evaluations towards the targeted ones; ii) results of the studies undertaken by different specialized agencies and civil society organizations either foreign or local on the perception of corruption among the public officials, the business community, etc.

⁶ Partner of the SELDI Network

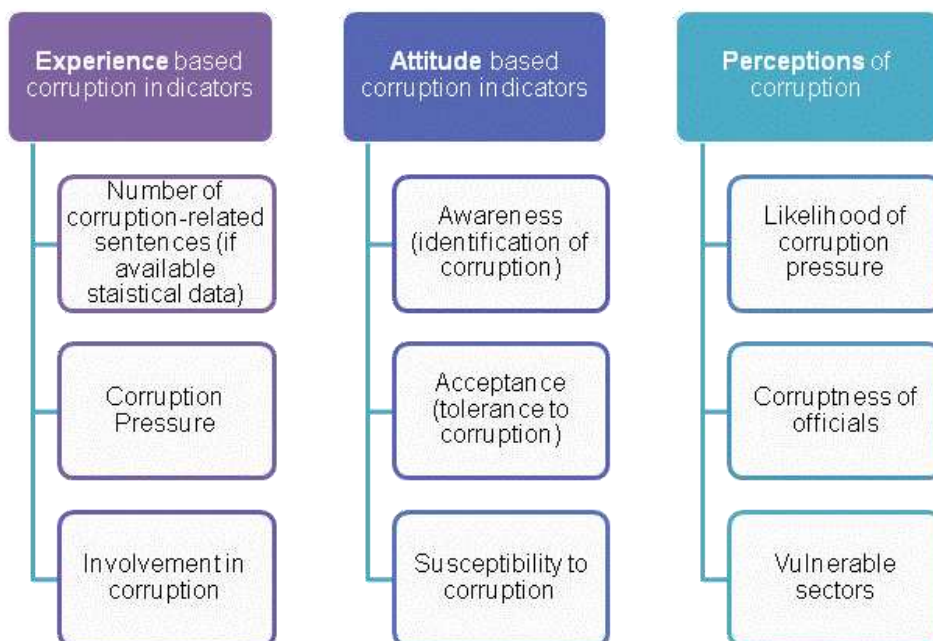
⁷ Conference 'Good governance and Anticorruption in Albania and SEE in an Uncertain European Environment: Results of the Corruption Monitoring System and Future Challenges', Maz 12, 2016, Tirana, Albania

METHODOLOGY

The *Corruption Monitoring System (CMS)* is developed by the Center for the Study of Democracy (Bulgaria) and it has been applied for 15 consecutive years. The CMS is recognized by the UN as the best system for monitoring corruption. The CMS interweaves a system of empirical studies with analytical reports, producing in this way results on the frequency and the dynamics of corruptive practices that affect the citizens. This methodology presents the actual levels and trends of corruption as well as the attitudes, mind-sets and expectations of the citizens on corruption. The main products of the CMS are the Corruption Indexes, which are based on the surveys of the population in general and the business community, by summarizing and gathering the most important dimensions of corruption manifestations.

Three different concepts and terms are used as the main indicators of the CMS to describe the phenomenon of corruption: experience, attitude and perception. By definition, administrative corruption includes embezzlement (money, gifts, favouritism, etc.,) from citizens in exchange of the services provided by public officials. In order to generate these indicators, we undertook in the beginning of this year a survey with 1,000 respondents across Albania.⁸ This survey, following the same methodology, was undertaken in 2001, 2002, and 2014. The indicators of the CMS provide the possibility to compare different time periods, bringing interesting comparison results of the actual conditions, development progress related to corruption and anti-corruption in the country, the success or failure of anti-corruption policies etc.

Figure 1: Principle corruption assessment indicators from the Corruption Monitoring System



⁸ In order to gather the information in the field, ACER contacted the Albanian Socio-Economic Think-Tank (ASET) <http://www.aset-al.com/>

Each of the main indicators of the CMS is disaggregated into sub-indicators as explained below.

Experience based corruption indicators are disaggregated in two indicators:

1. ***Corruption pressure*** reflects instances of initiation of bribe seeking by public officials: directly, by asking for an informal payment or indirectly, by “hinting” that informal payment would lead to a positive outcome (for the citizen).
2. ***Involvement in corruption*** that evaluates cases when the citizens provide informal and illicit payments to the public officials. This indicator incorporates the citizens’ reports and divides them in two categories: citizens that have had an experience of administrative corruption (those that have made an informal payment at least once during the last year) and citizens that have not had such an experience (those that have not made informal payments).

Dimensions of attitudes towards corruption are disaggregated in three indicators:

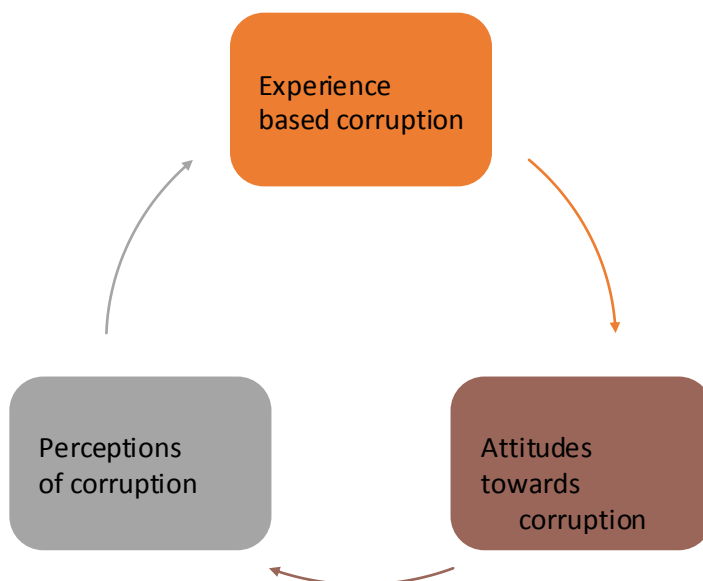
- a) ***Awareness (Identification of corruption)***, is an index accounting for the level of understanding of citizens about corruption behaviour patterns. The index differentiates between three categories of awareness: high (citizens who identify most common corruption behaviour patterns as corruption), moderate (many corruption practices are identified, but some forms of corruption are considered “normal behaviour”), low (few corruption patterns are identified as corruption).
- b) ***Acceptance (tolerance to corruption)*** summarizes citizens’ assessments of acceptability for members of parliament or the government, as well as officials at ministries, municipalities and mayoralities to take gifts, money, favors, or receive a free lunch (get “a treat”) in return for solving someone’s personal problems
- c) ***Susceptibility (Influence by) to corruption*** reflects the tendency of the respondents to react in two hypothetical situations – one involves being in the role of a public official and accepting or denying a bribe that has been offered, the other situation asks about giving a bribe to a corrupt public official if one had a major problem to solve and was asked explicitly for a bribe (cash). Denying a bribe in both situations is interpreted as being not susceptible to corruption, accepting/giving a bribe in both situations is interpreted as susceptibility, while giving/ taking a bribe in one of the situations and not in the other is considered “mixed behaviour”.

Dimensions of the perception on corruption are disaggregated in three indicators:

- a) **Likelihood of corruption pressure**, which measures the expectations of the citizens on the possibility of facing a corruption pressure when interacting with public officials. This indicator evaluates the existence of a broader corruptive environment.
- b) **Corruptness of public officials** is an index reflecting perceptions of the corruption reputation of different groups of public officials. The interpretation of this index is specific, as it is an assessment of political attitudes of citizens towards public officials, rather than a measure of the prevalence of corruption.
- c) **Feasibility of policy responses to corruption** is an indicator capturing the “public thinking” about policy responses to corruption. More specifically, it evaluates potential public support for anti-corruption policies.

Besides the methodology and indicators described above, information on the levels of the spread of corruption can be obtained by official sources such as INSTAT, Ministry of Justice and the Prosecutor Office, etc.

Figure 2: Interaction between corruption indicators

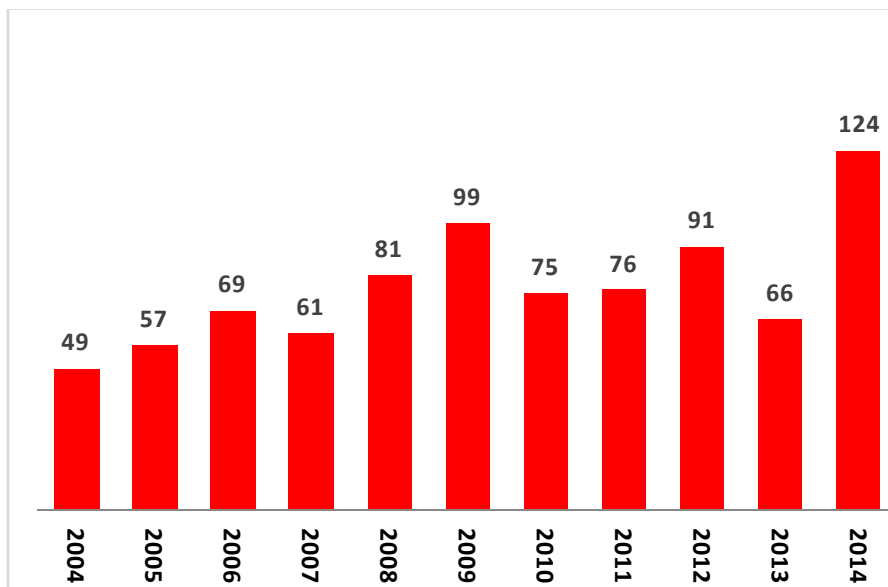


A. LEVELS OF CORRUPTION IN ALBANIA

1. Corruption Related Sentences

Based on the annual reports of the Ministry of Justice (2004-2014)⁹, the number of people sentenced for abuse of office has not followed a stable trend. The official data show that, the year 2014 marks the highest number of people sentenced for abuse of office with around 124, which is almost the double of the previous year 2013. This data could be interpreted as an increase in the number of persons who were involved in abuse of office or that have obtained illicit personal gains, but on the other hand could indicate a better level of state mobilization towards the issue.

Figure 3. Number of people sentenced for abuse of office (2004-2014)



Source: Ministry of Justice (2015)

This can be directly related with the actions undertaken by the current government in tackling corruption in public institutions (in the years 2013-2014) in different governing levels. A new “anti-corruption” website was launched, where citizens can denounce their experiences with corruption, and infrequent reports/presentations on the corruption reported data, followed up, opened and closed cases of are produced. Nevertheless, no further details on concrete cases are publicly available.

Currently there are no official data available on the sentences of individuals involved in a bribe which hinders further analysis, for 2015.

⁹The Reports of the Ministry of Justice prior to 2004 cannot be accessed. The last report being published is that of 2014. Henceforth, the declared data are based on the official reports of the Ministry which can be accessed to this link: <http://www.drejtesia.gov.al/al/dokumente/statistika>

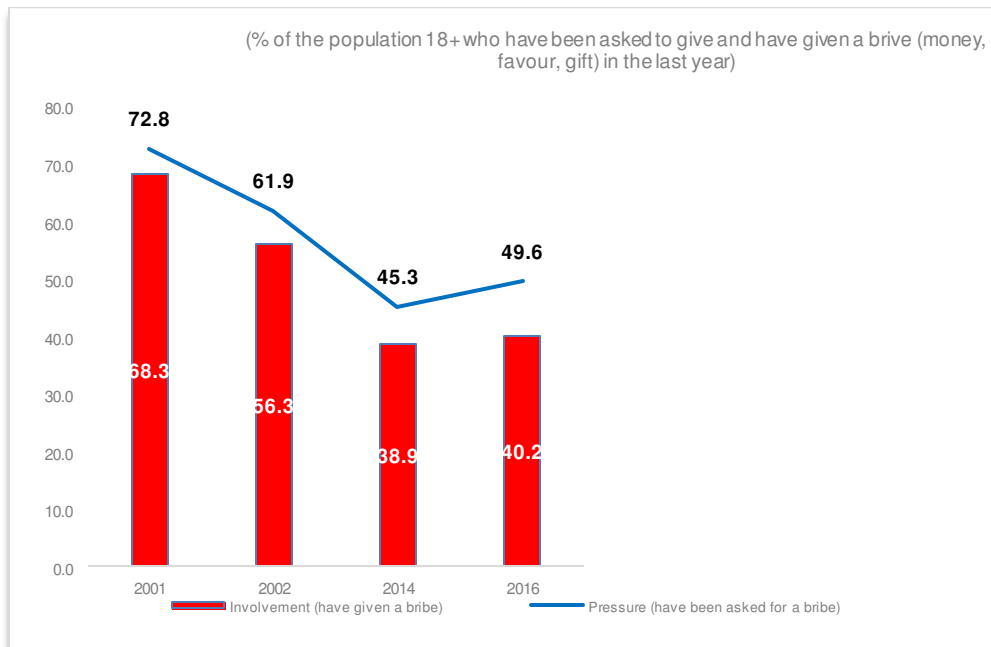
2. Results of the SELDI Corruption Monitoring System Data in Albania 2016

2.1. The Experience with Corruption

Respondents were asked about experiences they have had in relation to corruption practices. According to the results (Figure 4), about half of respondents (49.6%) have admitted that bribes were demanded from public officials either directly or indirectly. In overall the 2016 results show a slight improvement in comparison to 2001 and 2002, but a worsening by about 5 percent points compared to 2014. This means that there has been a growing pressure from public officials, which directly or indirectly have exercised pressure upon citizens to give bribes. It turns out that the same trend is shown by the involvement of citizens in corruption, whereas in the last year there is a slight increase of 1 percent of the respondents admitting to have bribed public officials, compared with two years ago.

Direct experience of citizens in their involvement in corruption practices, has declined significantly (approximately 20%) compared with 2001, indicating a general progress and positive development in a period of 15 years. But according to the latest survey results (2016), there seems to be a worsening of the presence of corruption in citizens every-day activities compared to 2014, under an increasing pressure to want to bribe and be involved involuntarily in corrupted practices (although by lower levels).

Figure 4. Corruption Pressure and involvement in corruption



Source: SELDI Corruption Monitoring System, 2016

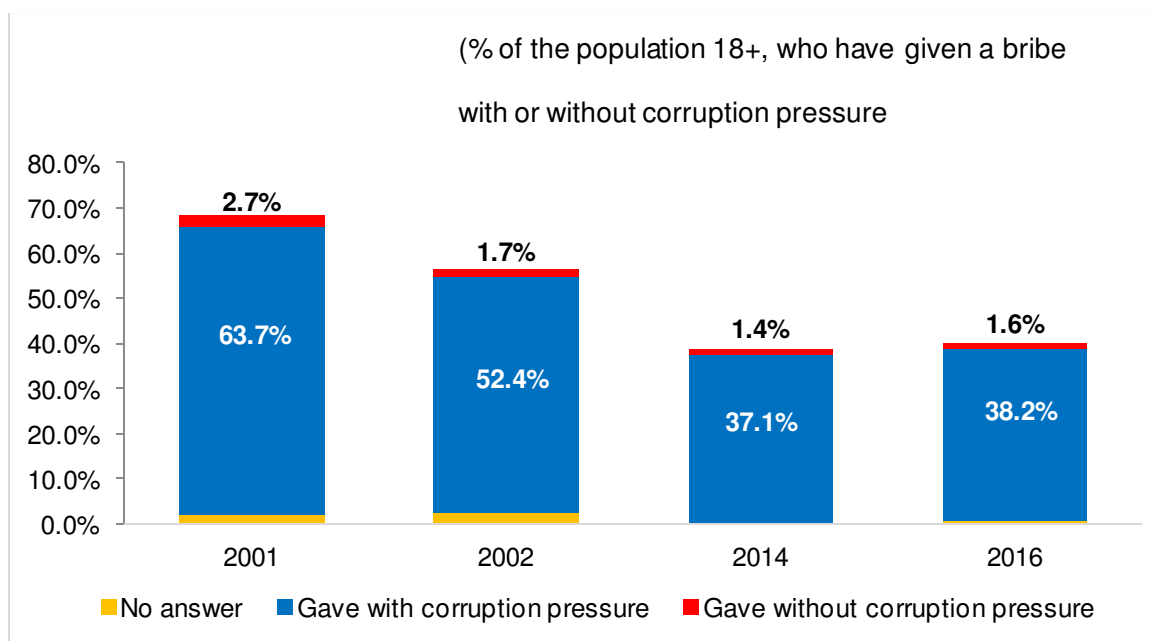
However, it should be noted that 2014 represents the first year of the full mandate of the current cabinet (June 2013 marked the political rotation), which was associated with a number of measures and initiatives against corruption, as well as some administrative

measures. Initially, this spirit of governance and the drafting of a revised government strategy for an efficient fight against corruption increased the expectations of citizens, in reducing the degree of corruption at all levels of public administration.

Meanwhile, after two years it can be said that the governing model (beside the fact that a lot of experts argue that no model exists) showed that the fight against corruption is something more than an institutional process associated with increased citizens' participation and increasing accountability of elected officials of higher political and public functions. Unfortunately the anti-corruption promises, remained in the context of an empty political rhetoric for the needs of the day. Moreover, this model has proven to be unstable and the interventions made to the legal and institutional governing framework did not generate the promised results in reducing corruption in the country.

From the level of involvement in corruption can be easily deduced that the factors that push citizens to engage in corrupt practices are associated with the direct interaction they have with public officials. Figure no. 5 shows that the majority of respondents (38.2%) have given bribes under pressure. Therefore the reasons for citizens' engagement in corruption are not to be found in citizens' behaviour as a starting point, but in the working conditions of public officials and structural and regulatory framework of the administration itself.

Figure 5. Involvement in corruption with or without corruption pressure



Source: SELDI Corruption Monitoring System, 2016

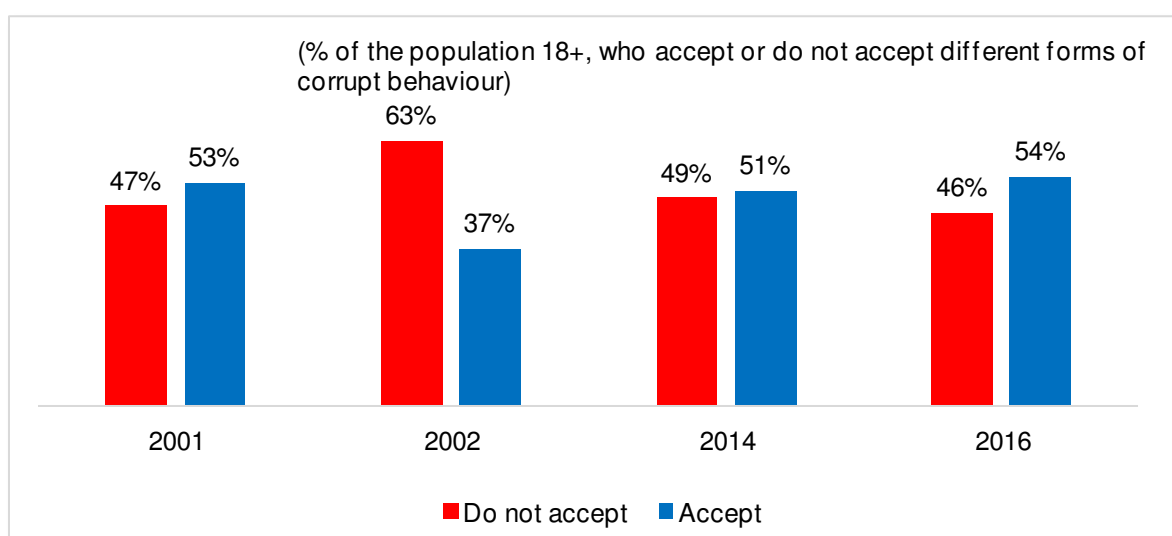
In the same time only 1.6 percent of the respondents were part of a corruption transaction, without being under pressure. Giving bribes while being under pressure has experienced a slight increase compared with 2014, indicating a worsening of the situation. Practically, this means that the biggest part of corruption transactions occur after the request of a public official for informal payments or other benefits. Both indexes have increased compared to 2014. The results show that citizens bribe public officials, even when these latter do not

require such a thing. This means that we have an increased belief from citizens that bribes are expected by public officials, even when they are not specifically required by them.

2.2. Attitudes towards corruption

With regard to the attitude that Albanians hold towards corruption, the survey results show that one in two Albanians has a tolerant attitude towards corruption (Figure 6). This level is unchanged in comparison to 2014, with a slight increase of 3%, which implies a more deteriorating situation. In contrast to this result, in 2002 Albanians showed a relatively low tolerance to corruption, and currently they show the same tolerance levels as in 2001. The results of the latest study indicate that Albanians show the maximum levels of tolerance compared with the surveys conducted in 2001, 2002 and 2014. This indicates a lack of trust of Albanian citizens, factor which has decreased over the years. The public believes that they cannot benefit from public services without giving bribes to public officials. This result is confirmed by the indicator of corruption pressure, which remains in very high levels. The latter implies that Albanians are very pessimistic for the situation in the future and do not believe in government policies targeted to fight corruption.

Figure 6. Acceptability of corruption

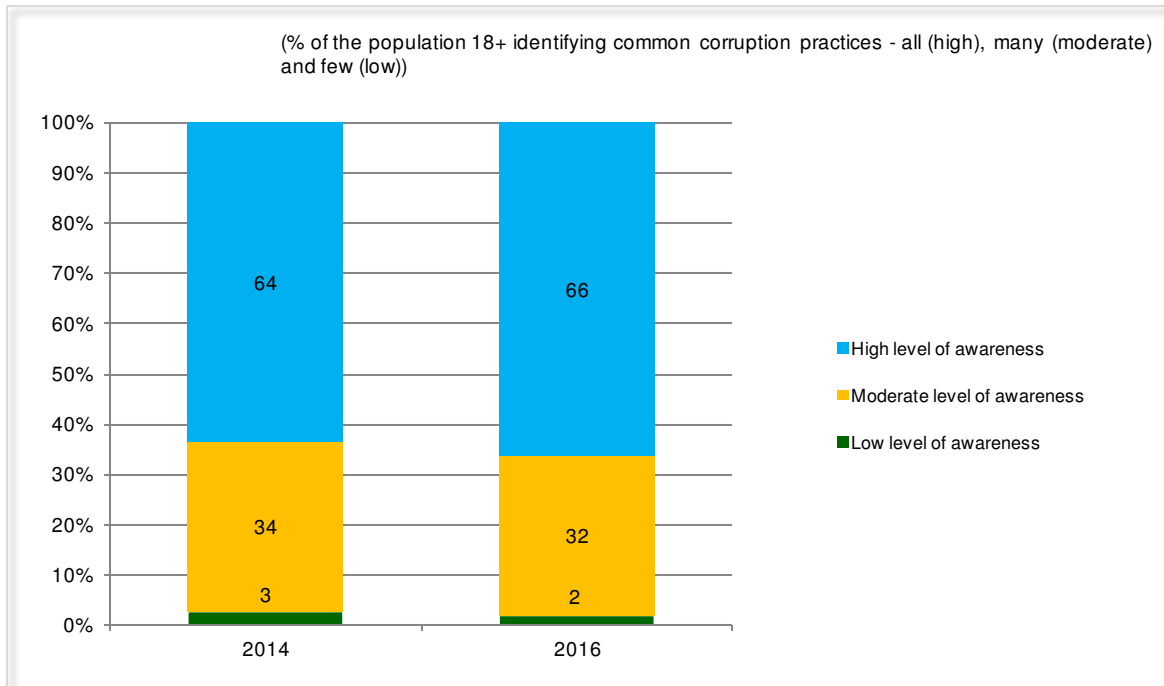


Source: SELDI Corruption Monitoring System, 2016

In regards to the known patterns of corruption by the Albanians, the survey results show that the majority of the population has no issue in identifying / recognizing corrupted models that are widely accepted as corrupted behaviours (Figure 7). The awareness degree of corrupted practices by Albanians has been increasing, with a positive margin of 2 percent compared with 2014.

The complete level of susceptibility to corruption (giving and taking bribes at the same time) has been at high levels over the years, with an increasing trend during the past two years. Compared with 2014, 2/3 of respondents (66%) confirm that they tend to get (if they were in the position of public officials) and to give bribes (if they had a major problem and an official would require money to solve).

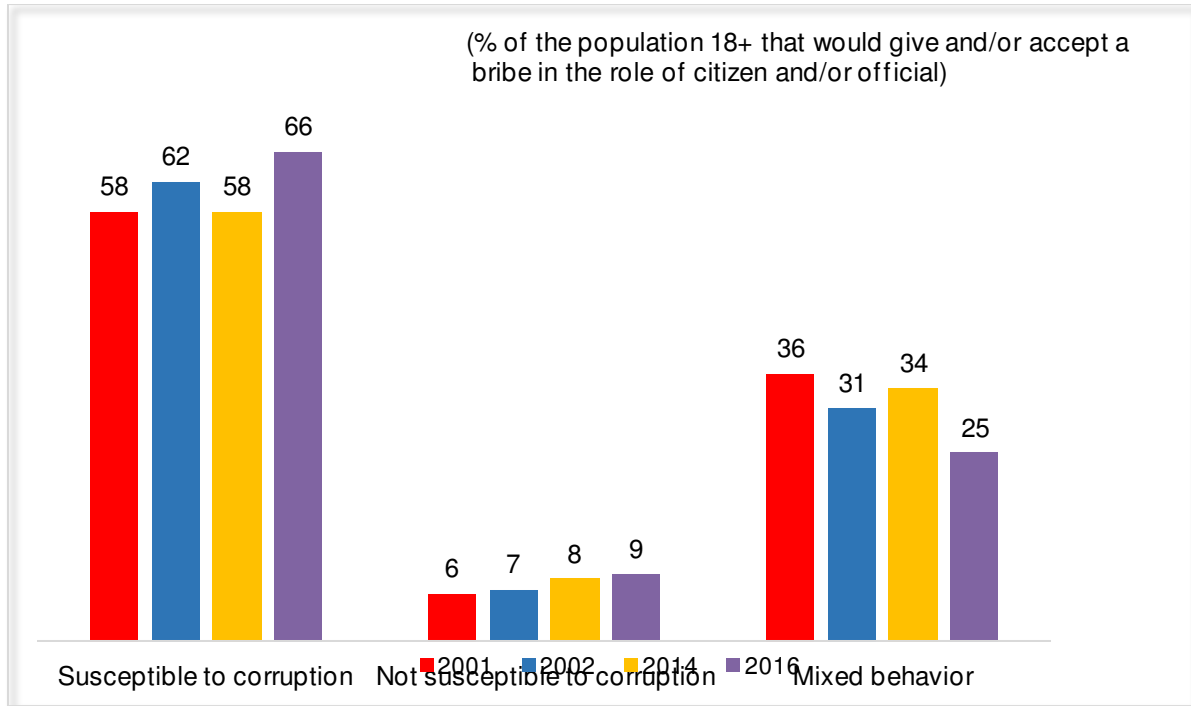
Figure 7. Awareness (identification) of common corruption practices



Source: SELDI Corruption Monitoring System, 2016

This result is in line with the results of the index of involvement in corrupt practices without pressure. In 2016, citizens who are more or less susceptible, represent about 91% of the share of the population over 18 years. From 2001 to 2016, the share of the respondents that are completely not susceptible to corruption (that means that they would never get involved with corrupt practices) increased only 3% - an insignificant increase in relation to the total.

Figure 8. Susceptibility to corruption



Source: SELDI Corruption Monitoring System, 2016

2.3. Perceptions of Corruption

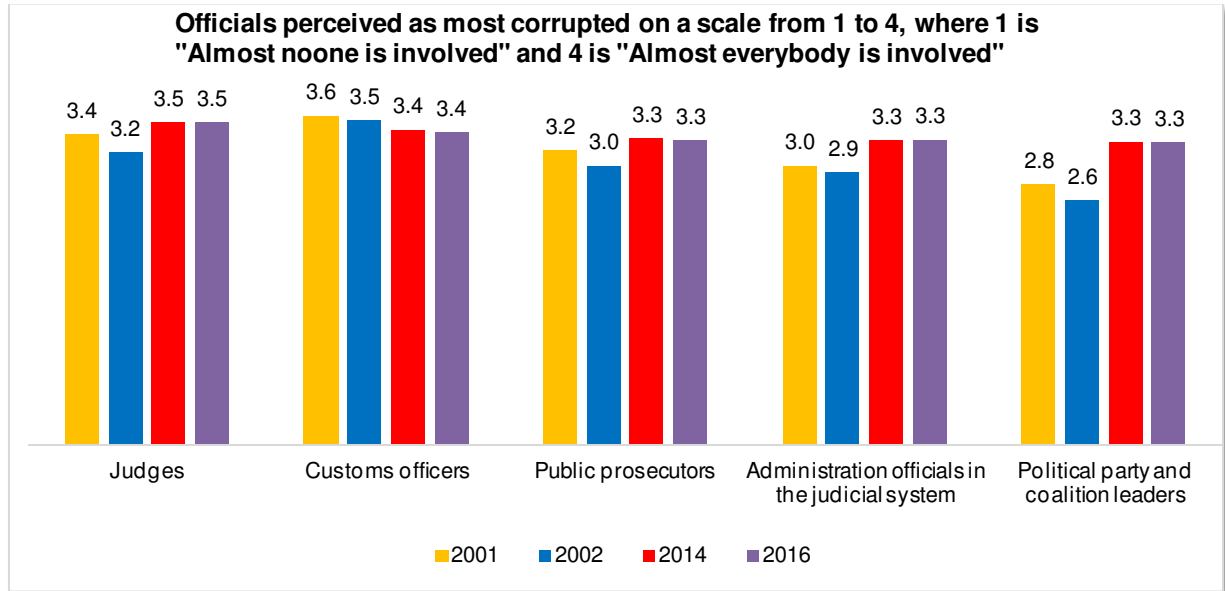
According to survey results, in 2016 the groups that are perceived as the most corrupted are **judges, customs officers, prosecutors, administration officials in the justice system, political parties and leaders of the ruling coalition** (Figure 9a). The results show that during the past two years, there has been no improvement for reducing abuse of power by these groups. As reported by the public, their level of involvement in corrupted practices remains very high.

Judges are listed as the most corrupted group by the wider public. In real terms, the judicial system suffers from a number of problems, starting with the organization, the status of judicial officials, administration and overall ability of the system itself to operate according to European standards. It is to be considered that efforts have been made to improve the justice system, but they have been mainly operational in nature i.e.: modernization of physical infrastructure, partial introduction of information technology, improvement of public communication/relation, etc. In some cases there have also been legislative interventions to correct or improve certain aspects of the organization system and its management. Such were for example, the adoption of laws for the Court for Serious Crimes and Administrative Court; the recent amendments in the laws on Supreme Court and the High Council of Justice, etc.¹⁰ However, the achieved results have not reached the expectations and were not in line with European standards. Further effort should be placed

¹⁰ Ad-hoc Parliamentary Commission on the Reform on Judiciary, Parliament of Albania, June 2015, Republic of Albania: http://reformanedrejttesi.al/sites/default/files/dokumenti_shqip_0.pdf

on the law enforcement, not just in its adaptation. All of these have contributed in the decline of public trust in the justice system, prompting on the other hand the "culture " of bribing.

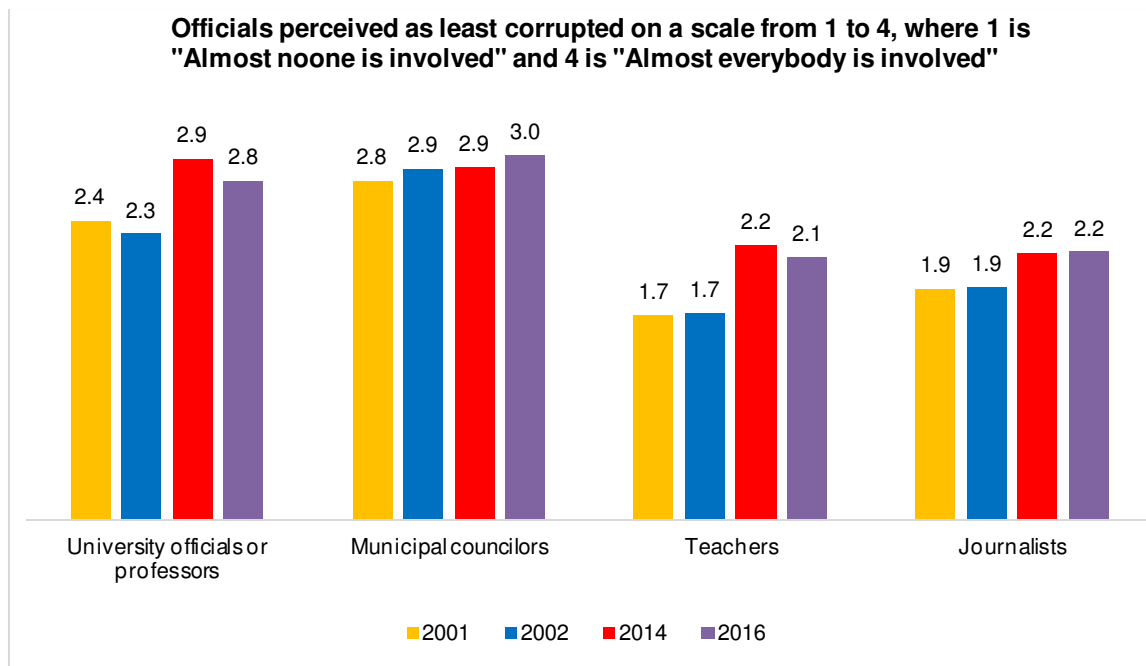
Figure 9a: Perceptions of corruptness of public officials – most corrupted



Source: SELDI Corruption Monitoring System

The groups perceived as the least corrupted are the teachers, journalists, municipal counsellors and academic staff of universities.

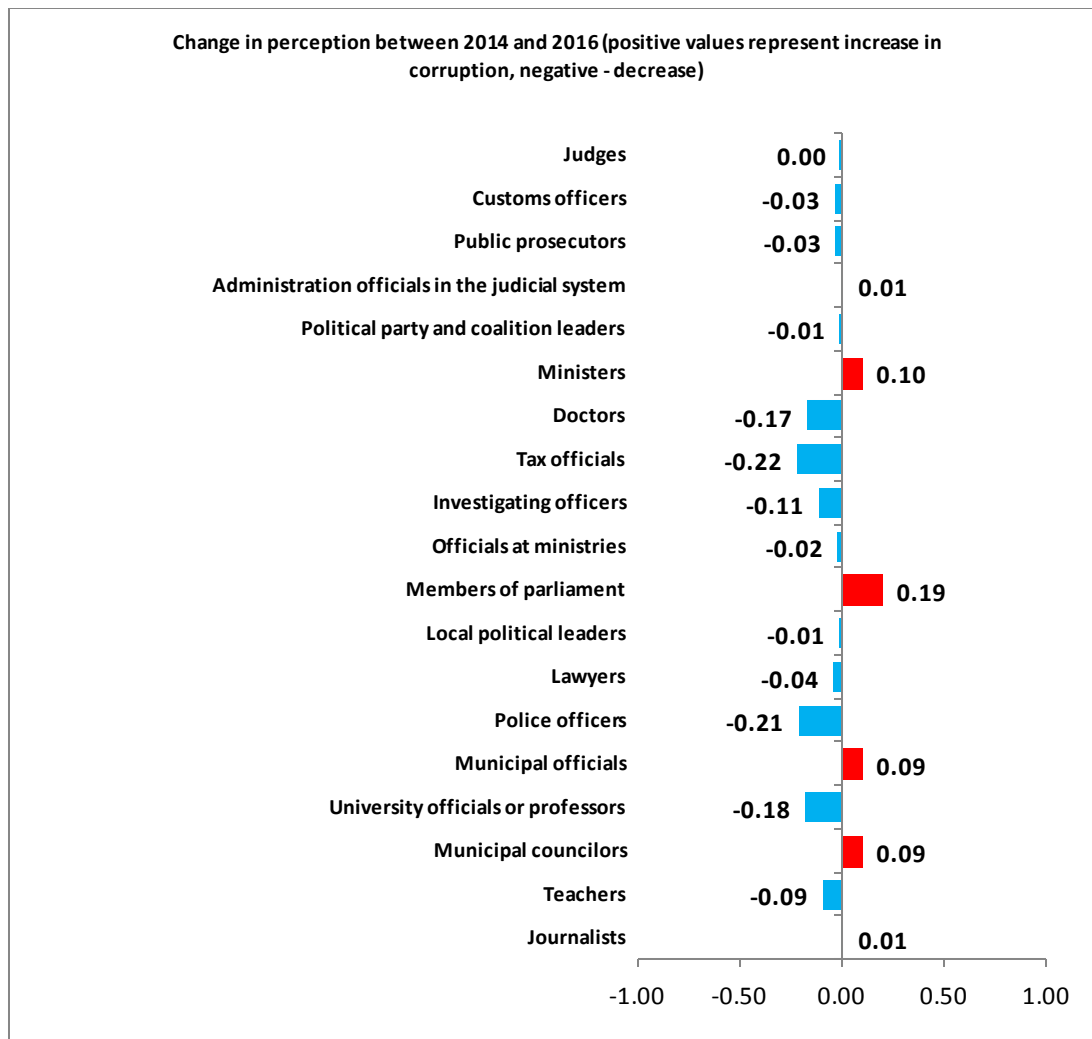
Figure 9b: Perceptions of corruptness of public officials – least corrupted



Source: SELDI Corruption Monitoring System, 2016

Citizens perceptions on the corruption of public officials and on the corrupted environment in general, explain the best some aspects of the issues related to the effectiveness of corruption: **those institutions that should be in the forefront of the fight against corruption are in fact the most corrupted ones.** The same can be said on the fight against corruption through law implementation, such as “the law on decriminalization”¹¹ and other similar political acts, which should actually be implemented from institutions considered free of corrupted practices. In fact, the public perception for the Albanian Parliament is more negative than ever before.

Figure 9c: Perceptions of corruptness of public officials – change in perception between 2014 and 2016



Source: SELDI Corruption Monitoring System, 2016

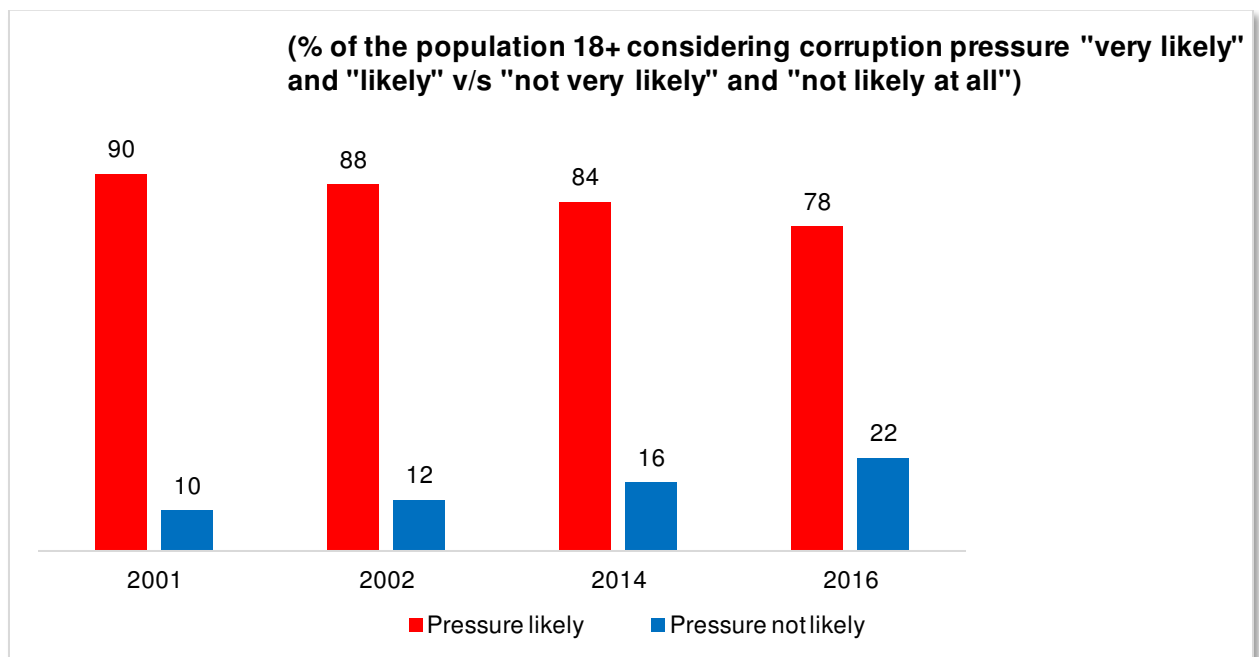
According to the above figure, it is obvious that judges remain equally corrupted as in 2014, by showing no improvement in the area. The last report of the US State Department,

¹¹ Law No. 138/2015 “On guaranteeing the integrity of persons appointed to public offices, or exercising public functions”, Online: http://www.mjedisi.gov.al/files/userfiles/Public/ligj_nr_138_dt_17.12.2015.pdf

confirmed the spread of corruption in the justice system as one of Albania's main challenges. The length and costs of the judicial/court procedures, the evaluations criteria for judges, their election and performance, the lack of publicly published court decisions and moreover the lack of execution of the court decisions (showing a lack of the enforcement of this decisions) in a reasonable time show the environment of a corrupted functioning system.

All results presented above do not indicate a positive situation about the aspects of corruption occurrence and the extent of involvement of public officials in corrupted practices. According to the perception of the Albanian citizens, the future does not seem very bright. 4/5 of Albanians (78%) consider corruption pressure as "highly possible" and "possible", while only 22 percent of them consider corruption pressure as "not at all possible". In addition, the same amount of respondents believes that the Albanian government will not take any measures to reduce the level of corruption in the country. This means that citizens believe that in any interaction that they might have with public officials, they would be subject of corruption pressure.

Figure 10: Perceptions of the likelihood of corruption pressure (%)



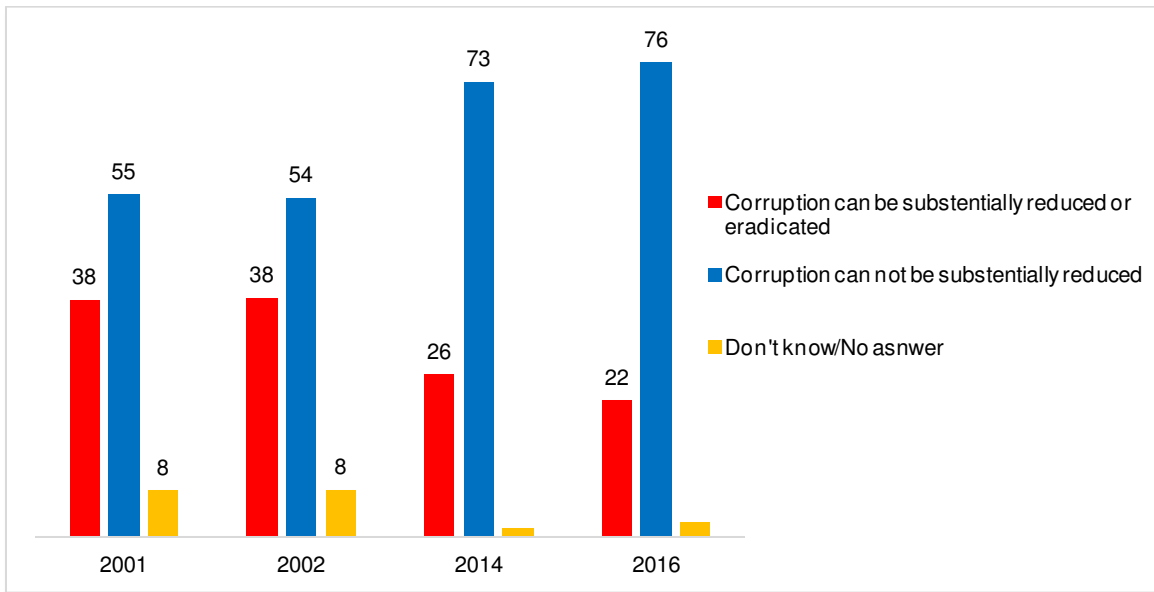
Source: SELDI Corruption Monitoring System, 2016

The survey results indicate a very pessimistic perception on the governmental anti-corruption measures. 3/4 of respondents (76%) stated that: "Corruption cannot be significantly reduced ", while slightly more than one fifth of them (22%) believe that "Corruption can be substantially reduced or eradicated".

The "tiredness" of Albanian citizens coming from the failure of government's and overall society measures in fighting corruption is expressed by increased levels of mistrust in the society's potential to deal with this phenomenon. Furthermore, the number of those

citizens, who believe that corruption can be reduced or it can disappear, has decreased compared to monitoring undertaken in 2001, 2002 and 2014 (Figure 11).

Figure 11: Perceptions of feasibility of policy responses to corruption (%)



Source: SELDI Corruption Monitoring System, 2016

B. Development of Good Governance and Anti-corruption in Albania

1. Regulatory Framework and Anti-Corruption Policies

Among the most important steps in the fight against corruption in Albania is the Inter-sectorial Anti-Corruption Strategy 2015-2020¹² of the GoA. This latter represents an important and integral document focused in three main areas: prevention, punishment and awareness. This document, with measurable commitments and objectives, is in line with the obligations deriving from the Stabilisation and Association Agreement and the EC's recommendations for Albania to join the European Union. In addition, the GoA has presented as well the Inter-Sectorial Strategy on the Public Administration Reform 2015-2020, which is based on the priorities identified in SIGMA Report of 2013¹³. The purpose of this strategy is to create efficient and accountable public administration structures in order to reduce corruption¹⁴. In the same time the commitment of the Albanian political class in the regulatory framework against corruption, and the evaluations for these results can be measured, taking into account the findings of CMS for Albania, serving as a basis for an increased or decreased trust in the efforts of the GoA for a further democratization of the country and for providing adequate public services, as an essential obligation towards them. These policies show particular importance given that the CMS clearly presents that groups perceived as the most corrupted in Albania are judges, customs officers, prosecutors, administration officials in the justice system, political parties and political leaders.

1.1. Institutional Practices and Rule of Law

The implementation of the public administration reform continues to be of concern, in particular with regard to structural laws and administrative acts, such as the preparation of secondary legislation and the one on the civil service. The findings of the CMS 2016 for Albania show an increase in the number of citizen's experiences in corrupt practices. Reported cases of appointment to managerial positions, in the public administration and in the public sector in general, of individuals without education and relevant experience, with criminal records¹⁵, show the lack of respect/obedience for the law and party influence the reforming process of this administration.

¹² Ministry of Defence, the Inter-sectorial Anti-Corruption Strategy 2015-2020, http://www.mod.gov.al/images/PDF/Strategjia_Antikorrupsion2015_2020.pdf

¹³ Public Administration Department, 'the Inter-Sectorial Strategy on Public Administration Reform 2015-2020', <http://dap.gov.al/publikime/dokumenta-strategjik/64-strategjia-ndersektoriale-e-reformes-ne-administraten-publike-2015-2020>

¹⁴ Ibid.

¹⁵ Rilindja Demokratike (2015), http://www.rilindjademokratike.com/index.php?option=com_content&view=article&id=15570:2015-01-24-23-25-38&catid=58:lajme-kyce,

Also there are reliable signs indicating an increase of nepotistic relations in different parts of the state structure¹⁶, which reduce the performance of the administration and disable the correct application of the law. The incorrect implementation of the law leaves paths open for leakage of information, "short corruptive circuits", favouritism, deformation of competition in tenders, procurement and concessions, etc. This situation is also highly present in the judiciary and is repeatedly articulated in a number of public appearances of state authorities. Consequently, there is still a weak institutional cooperation and limited human and financial resources in the fight against corruption.

Some progress in investigative initiatives for a number of senior officials suspected of being involved in corruption, criminal acts in and out of the country, laundering activities, etc., was done, even, among several MPs. Despite the deepening of targeted investigations, they are still more reactive than proactive in nature. State institutions involved in the fight against corruption remain significantly vulnerable to political pressure and influence; justice institutions have also shown incoherent attitudes even towards the justice reform that is in final stage before the approval by Parliament, etc. Meanwhile a number of high levels appointments in justice institutions have become subject of political debate and to some extent also of institutional conflicts especially in between the Parliament and the President of the Republic. The situation is quite controversial as public positions are for the institutional reform undertaken by the government, while facts differ. This attests clearly the challenges and resistance which will be faced in the implementation process of this reform, when approved.

1.2. Anti-Corruption in the Judiciary

The ongoing process of the judicial reform initiated by the current political majority and especially the wide support of specialized international institutions in this field has brought light on the darkest corners of this segment of the state. "Areas of intervention" and appropriate instruments for this purpose have been identified. Through a complicated and multi-stakeholders technical, political and institutional consulting process,, as well as thanks to the specialized international agencies as EURALUS and OPDAT, a full draft / "reform package" was drafted by the ad hoc committee, a draft that promises for a normalization of the situation in the Albanian justice system at least within a relatively long period, i.e. within the next 10 years. This can be considered a good premise for a step by step reduction of corruption, organized crime, for improving the competition in markets and enhancing

Ikub.al (2015), <http://time.ikub.al/Lajme/6313bd78f8/Ristani-U-kap-me-750-kg-kanabis-Klemend-Balili-Rama-e-beri-drejtor.aspx>

¹⁶Gazeta Telegraf (2016), Nepotistic Employments in 17 ministries, 522 directories, 44 municipalities, <http://telegraf.al/aktualitet/punesime-nepotike-ne-17-ministri-522-drejtori-dhe-44-bashki>,

Arkiva e Lajmeve (2012), <http://www.arkivalajmeve.com/Emerimet-ne-ambasada-Nepotizem-me-familjaret-e-17-deputeteve.1047179765/>

competitiveness in them, for improving the business climate, for increasing the attractiveness of the country's economy to foreign direct investment (FDI), for stopping the dropout of people and restoring hope for the possibilities of a better life in it, for accelerating the European Integration Process of Albania etc. Furthermore, regarding the judiciary there are many improvements to be undertaken since the last GRECO¹⁷ report indicated that Albania has implemented in a satisfactory level only one¹⁸ of the ten recommendations of the Fourth Round Evaluation Report. Among these improvements are listed: the establishment of an adequate system for periodic evaluation of judges' performance; the presence of rigid criteria for the evaluation of judges' performance and prosecutors' integrity; and the enforcement of ethical rules regarding judges.

1.3. Corruption and the Economy

A number of elements have aroused public concern in business circles and international financial institutions in time such as the wide presence of the global crisis' effects¹⁹, the uncertainties in the government vision about effective routes of economic and social development of the country, the high public debt and its growth in the possible repayment ability limit of the economy²⁰. Other issues to be listed are focusing on the law enforcement of some specific sectors of the economy (or shares of some sectors), such as the penalties/punishments for informal buildings, collection of past electricity payment by households and businesses, the "fight" against informality, quick proceedings in concession procedures or in public-private partnerships in favour of a number of enterprises and public assets, exclusive rights of the state passed to the private sector (evaluation and encouragement of the case).

The main concerns of the economy today relate to the lack of competition that would lead to maximize benefits to the state budget or to use the proper budgetary efficiency of available funds; favouritism towards politically affiliated businesses and doubts on the governing majority for hasty and non-transparent decision-making; the transfer of some important public services in the hands of private companies, which do not possess the necessary financial capacity and expertise; the creation of legal barriers that negatively affect the competitive environment and domestic market as flights, containers customs scanning, colouring stations, etc.

Among other issues of concern, can be mentioned the need for having a clear distinction between the classic concession contract in which the risk is taken by the private investor (domestic or foreign) and the common procurement contract of public funds, which lies

¹⁷ Greco Secretariat, Council of Europe, Fourth Evaluation Round, 'Corruption prevention in respect of members of parliament, judges and prosecutors',
[https://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/RC4/GrecoRC4\(2016\)6_Albania_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/RC4/GrecoRC4(2016)6_Albania_EN.pdf)

¹⁸ Please refer to the Appendix 1 of this report.

¹⁹ International Monetary Fund (2016), Albania – Selected Issues, pg. 4-6,

<http://www.imf.org/external/pubs/ft/scr/2016/cr16143.pdf>

²⁰ Ibid.

over years mainly on business cycle, beyond the usual four year term of government in most cases. In the second case, the risk is entirely on the state and apparently we are dealing with a form of public procurement which essentially bypasses the normal competitive process in public funds.

In Albania this form of public service concession is used in some important contracts especially in the health sector, which have been widely debated in the circles of experts and political environments of the media as alleged to corruption. The analysis of the data on the experience and financial capacity of the companies involved in the process of concessions of Albanian state assets and public services, shows that: an overwhelming majority of investors come from offshore companies (1/2 in extraction and utilization sector oil gas); a good portion of them are companies or consortium created specifically to enter the national market; in many cases investors have invisible domestic partners mainly due to political lobbying and "legitimate" engagement of the latter in co-ownership of the investment, and in some cases they show up only with the withdrawal / exit from the consortium or the shares selling by the "parent company".

In fact, the concessions are given precisely to the latter company, generally thanks to credentials, experience and expertise, but apparently in exchange for money or other different benefits, these companies maintain their *good will*, while their domestic partners take upon important part of public assets or exclusive rights of the state. This process appears to be significantly favoured by the overrepresentation in the Albanian legislative of business lobbies and by the increase of their influential power in decision-making and management of public assets and funds, as well as exclusive rights to the state. Similarly, the impact on industry is similarly extended to the market regulatory institutions. This has created not only a situation of conflict of interest, but it has also affected competition in the markets thus contributing to an increased cost of some goods and services for costumers.

In terms of the impossibility for a further growth of the public debt, two years ago the GoA revised the legal framework for a rephrasing of the concept of strategic investment. A strategic investment is considered any investment that the government appraises as such. This opens the way for the creation of procedural and fiscal incentives for certain categories of investors, but basically it does not have to do with the notion of "strategic investment" in Western Countries. The same can be said for some questionable government contracts under the term "public-private partnership", which lack the necessary transparency i.e. feasibility study, etc. It is worth mentioning that in Albanian legislation "corrupt practices" or spaces for dubiety in the cooperation and transactions between government and private economic operators, such as the "unsolicited proposal" (on the basis of which the selection of investors entering the Albanian economy is made in an uncompetitive and extra-institutional manner).

The above described situation regarding the use of assets and public funds and the exercise of the exclusive rights of the state together with the growing influence of business lobbies on government decision-making in this field, suggest the need for strengthening anti-corruption measures aimed at protecting the public interest from the evident risk of state capture.

1.4. Civil Society, Media and Anti-Corruption

Aiming at monitoring the activities of organizations that receive support from government funds, the Government has built a public institution and consultative council.²¹²² Despite this, the "third sector" continues to suffer the similar signs with the past period after the systemic changes of 1990, which consist of more or less as follows:

- Modest impact on the community toward common destiny in a fragmented and apathetic society,
- Apparent lack of community and volunteering values ,
- Lack of philanthropic contributions from the business community; visible institutional and financial sustainability conditioned from foreign donors' support,
- The partnership between the "third sector" and the government is generally conditioned and depends on the loyalty and the visible and invisible services towards the political leadership in power,
- This sector continues to be significantly fragmented mainly under the influence and constraints of financial resources as well as under the powerful influence of political lobbies, which have weakened the focus of its activities in defence of the public interest and consequently have also lead to lower credibility in the eyes of citizens.
- Full control and direct political authority over representatives of managerial troops of CSO in the government's relations with the "third sector" - a trend recently present in the representation of the business community in dialogue with the government (as such retrieval of compulsory membership in chambers of commerce²³, etc.),
- In the recent years, it is noticed an increase in the number of civil society organizations²⁴, but there are credible indications that a number of them have been formed under the promotion and support of former civil society activists who are involved in politics in the current central and local administration. Considering this is, the competition between civil society organizations can be considered exacerbated, fading and dissolving in this way the

²¹ Creation of the National Council of Civil Society (NCCS) Announcement:

<http://www.amshc.gov.al/web/KKSHC/>

²² Law No. 119/2015, On the creation and functioning of the National Council for Civil Society, [http://www.amshc.gov.al/web/KKSHC/Ligji%20KKSHC%20\(119.2015\).pdf](http://www.amshc.gov.al/web/KKSHC/Ligji%20KKSHC%20(119.2015).pdf)

²³ Parliamentary Commission on Production Activity, Trade and Environment, Minutes of Meeting, (19.04.2016), <https://www.parlament.al/wp-content/uploads/sites/4/2016/04/Komisioni-i-Veprihtaris-dat--19.04.2016.pdf>

²⁴ Open Data Albania, (2015), Statistical Indicators of CSOs 2005-2016, (Last access 29.06.2016), <http://open.data.al/sq/lajme/lajm/lang/sq/id/1186/Tregues-statistikor-per-Organizata-Jofitimpruese-2005-2013>

expected impact on public awareness against corruption, the promotion of civic movements and the addition of positive pressure on the government, etc.

It is worth mentioning that for the above reasons, issues of corruption are evident even among civil society organizations, either in their relations with donor agencies during the process of obtaining funds, or also in the respect of fiscal obligations. Meanwhile the efforts of various west country donors to contribute in strengthening the aspects of the internal management of these organizations and in increasing the transparency of their operations, it seem to yet not have yielded the expected results due to the general mentality that rules in society and Albanian institutions, but also due to very limited financial resources for the third sector.

Recently we have seen intended efforts of peripheral segments of the political elite running the country to stigmatize the "third sector" as corrupted similarly to the political class. They have been considered as serving various political lobbies (e.g. favouring the opposition), or as one of the most benefiting sectors segment in the country(e.g. official statement that the NGOs workers have the highest wages in the country).

In a country where citizens have lost hope that corruption can be significantly reduced²⁵, civil society takes a special role as a sector that can contribute seriously to increase civic engagement in the country, and in expanding the accountability of elected representatives in high political posts and in public administration, without being directly engaged politically. For this reason and for the aforementioned arguments, civil society must undergo radical changes and improvements, in order to "compete" with political developments in the country and play to the best way possible its role in society.

1.5. International Cooperation

The recent year's engagement of international partners has been supportive to the country's reformist improvement not only in displayed changes, but also in the content. The justice reform itself, as a good example of cooperation of domestic and foreign experts and structures, has led to a product that can serve as a turning point for the future progress of the country. The actor's multilateral engagement can be considered a key factor in current developments in this regard.²⁶ Strong influence and unstopped pressure of the diplomatic

²⁵ According to the Results of the Corruption Monitoring System (2016)

²⁶ Embassies and International Delegations in the country have advocated and lobbied for the implementation of the Justice Reform, on the improvements and successes of the country against corruption and the organized crime etc:

Declarations – On the Approval of the Law on Decriminalization (US Embassy in Tirana

<http://albanian.tirana.usembassy.gov/latest-embassy-news/2015-deklarata/deklarata-e-ambasads-s-shba-17-dhjetor-2015.html>,

EU Delegation in Albania:

http://eeas.europa.eu/delegations/albania/press_corner/all_news/news/2015/20151217_sq.htm,

http://eeas.europa.eu/delegations/albania/press_corner/all_news/news/2015/20151218_sq.htm,

and European structures representatives in the country, have led to a rebound of the political class and to a revival of the civil society in tackling high importance topics related to corruption.

The need for further progress requires for the international community to continue being present, through a 'controlled pressure' in order to avoid unrealistic and superficial measures with the only purpose of meeting the requirements in the context of EU integration, etc. Following the recommendations of the previous CAR 2014 in Albania there is still a need to support reformist politicians, isolated politic groups, media and civil society. The continuous cooperation with international organisations and other countries' representatives has brought so far experience and support in the steps towards an economic and political development.

2. A revision of Anti-Corruption Recommendations from the Corruption Assessment Report 2014

The biannual anticorruption cycle of SELDI has made it possible for the Indexes of Corruption to be measured within this timeline, but also for recommendations to be finalised, creating in this way the opportunity in 2016 to make a comparison in time and see the development progress of these policy recommendations on the fight against corruption.

From the context of the main recommendations in the fight against corruption, Albania has shown efforts and several initiatives by improving its approach in the fight against corruption. That is also supported by the Albania Progress Report (2015)²⁷ of the European Commission, which sees the country with a slightly better preparation in the fight against corruption. The performance of the main recommendations of the CAR is briefly presented below:

An effective prosecution of corrupted politicians and high-level senior civil servants

On the Proceedings of the Justice Reform (US Embassy in Tirana:

<http://albanian.tirana.usembassy.gov/latest-embassy-news/2016-deklarata/deklarate-e-ambasades-se-shteteve-te-bashkuara-te-amerikes-8-qershor-2016.html>, <http://albanian.tirana.usembassy.gov/latest-embassy-news/2016-deklarata/deklarate-e-ambasades-se-shteteve-te-bashkuara-te-amerikes-14-qershor-2016.html>,

EU Delegation in Albania:

http://eeas.europa.eu/delegations/albania/press_corner/all_news/news/2016/statement20160415_sq.htm,
http://eeas.europa.eu/delegations/albania/press_corner/all_news/news/2016/statement20160608_sq.htm,
etc.)

²⁷ European Commission, Progress Report (2015)

http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_albania.pdf

As seen in Figure 3 of the report of the Ministry of Justice data show an increase in the number of persons convicted for abuse of office and corruption in the period 2004-2014 (about 150%). The data for 2015 have not been made public yet, but we can affirm that there have been a number of cases which have been publicly prosecuted or no, as there have already been cases of mediatisation of several corruption cases, but a follow up of the cases in the appropriate institutions has been lacking.

State Police records on the performance of crimes of corruption and abuse of power (Table 1) show an increase in crimes of corruption identified in years, but even a higher level of crimes classified as criminal offenses of public employees.

Table 1. State Police Data on Crime Category of Corruption and Abuse of Power

	Year 2008		Year 2009		Year 2010		Year 2011		Year 2012		Year 2013		Year 2014		Year 2015	
Corruption	69	18.80%	52	14.70%	79	20.60%	64	18.10%	99	22.90%	113	24.70%	151	28.40%	258	28.40%
Criminal Offenses of Public Employees	299	81.30%	302	85.30%	302	78.60%	289	81.60%	329	76.20%	338	73.80%	537	69.80%	633	69.80%
Others	0	0.00%	0	0.00%	3	0.80%	1	0.30%	4	0.90%	7	1.50%	3	1.80%	16	1.80%

Source: General Directorate of State Police, Authors Calculations (2016)

Many of the above issues have been referred by the Supreme State Audit or are issues that have been brought to attention due to the functioning of the new anti-corruption portal (stopkorrupsionit.al). However, it is observed that there is a lack of coordination between the responsible institutions for the investigation process and the progress review and increased issues of mutual accuses between these structures. Cases brought to the prosecution are investigated and prepared to be subject of the trial in court, but they are not finalized by these latter. This analysis clearly raises doubts that the courts are the most corrupted part/linage of the justice system. This affirmation is supported by the conclusions of the CMS for Albania in 2016, presented earlier in this report, where judges are classified as the most corrupted individuals nationwide in the perceptions of citizens. The reactive and slightly proactive nature of the investigative process, has become a worry, despite a higher number of public officials are involved in these processes. Despite investigations conducted for Members of Parliament for criminal offenses in and outside Albania, political conditions in the country and current developments, bring not much hopeful positioning that anti-corruption institutions are still subject to a high political pressure.

It is worth mentioning that the support of foreign structures and missions in the country in the development of the positive performance has been high and has become an important factor. The inseparable link with the successes in the field of decriminalization and bringing in front of the justice politicians and senior public officials with criminal past shows that the pressure of international institutions and representatives should be present in continuation in order to avoid deviations from the journey due to downsizing the phenomenon of corruption.

An independent monitoring mechanism of corruption and anticorruption must be presented at national and regional level to ensure consistent data and analysis and to integrate diagnosis of corruption and assessment of anti-corruption policies.

Monitoring systems have been developed or have continued to operate in Albania in the past 2 years. The Corruption Monitoring System is one of the systems that has been implemented, bringing to attention the current corruption conditions in the country.

In the context of increasing access to statistical data and information from the public, the GoA has not yet reached the desired level. However, there have been improvements in terms of standardization of complaints procedures for corruption cases, with the creation of unified anticorruption portal according to the Action Plan of the National Coordinator for Anti-Corruption, but there is no parallel procedure standardized by ministries²⁸ and no clear political will s seen in this regard.

In the Corruption Assessment Report 2014 and SELDI Regional Report for 2014, the energy sector was identified as a critical sector with high levels of corruption and the risk of state capture in Albania. Some of the main priority measures suggested were: increasing competition in public procurement; improving governance of state owned enterprises; transparent management of major investment projects; increased accountability and independence of energy regulators.

The GoA itself is trying to provide public data, through the ‘e-Albania’ portal, through the National Agency for Information Society, and through an electronic registry of the Ministry of Energy and Industry. Beyond the implementation phase of the projects, their existence is positive for the transparency of procedures and public funds, but it surely should not be the sole source of information for the public. The literature supports the existence of independent monitoring structures in the fight against corruption and sees the civil society sector as catalyst effective initiatives for improving accountability and transparency.

Civil society organizations or independent experts have progressed in the latest period in the involvement in issues of this nature, i.e. BIRN Albania with its website-n reporter.al and their investigative articles, Open Data Albania in the area of procurement, etc.

Albanian organizations have expressed the desire to further the common commitment towards the implementation of legislation on conflict of interest, the monitoring of state aid, budget transfers, annual performance reports to oversight and control agencies etc.²⁹

²⁸ Open Government Albania (2015), Albania Mid-term Self-Assessment, <http://www.opengovpartnership.org/sites/default/files/Midterm%20Self%20Assesment%20Report%20Albania.pdf>

²⁹ Empowering Civil Society Efforts for Good Governance and Anticorruption in Albania (2016), <http://sel di.net/events-and-news/seldi-events-and-news/empowering-civil-society-efforts-for-good-governance-and-anti-corruption-in-albania/>, <http://acer.org.al/2-uncategorised/157-fuqizimi-i-per-pjekjeve-te-shoqerise-civile-per-mireqeverisje-dhe-anti-korrupsion>

International partners and primarily the European Commission should directly engage civil society organizations in the region.

As mentioned above the international factor has been an important element in the progress and recent developments in the country. A number of projects funded by the European Union are currently in implementation in the country. Recent years projects mainly in the fields of interest of this study include public administration reform efforts in the fight against corruption, development of investigative journalism, local development within the administrative-territorial reform, etc. However the current phases of political and economic development of Albania, meeting the requirements of EU integration, etc., require an increased commitment of the civil society and improve the quality of engagement. The independence of funding civil society work is a key element in the process of reforming the country, public awareness, government accountability, etc., taking away civil society from political interests and clientelist networks that hostage the public administration.

C. POLICY RECOMMENDATIONS

Despite the fact that the finalization of the legal acts and the start of implementation of the justice reform is expected to begin in 2016 and to last several years, a number of recommendations related to the regulatory and anti-corruption policies are likely to be implemented in parallel with this reform. Along with measures related to the judicial reform the country will need to implement several recommendations related to some main pillars of progressive behaviours such as transparency, accountability etc. On the other hand the role of Civil Society remains crucial in the reformation process and in the fight against corruption, as no other structure or sector can replace it or provide the same outputs in the development of a country. Below are listed the main recommendations brought up based on the results of the Corruption Monitoring System and discussions on the current state of anti-corruption and good governance in the country.

1. Institutional Anti-Corruption Measures and Policies

Develop a proactive approach towards improved regulatory and institutional practices in the fight against corruption through in-time implementation of specific anti-corruption regulatory and institutional measures

- Further improve the Criminal Code to coordinate partial interventions performed earlier to this document by responding in time to challenges, especially to sophistication forms such as organized crime, corruption and "state capture".
- Improve and ensure the protection of victims and persons who report cases of corruption.
- The legal framework for "whistle-blowers" and "fiscal spies" to be further complemented by secondary legislation enabling their effective implementation.
- The legal framework for the Prevention of Conflict of Interest and Declaration of Assets of Public Officials:
 - a) to be further supplemented regarding the obligation to declare family members of officials employed in the public sector / institutions (for avoiding nepotism) and the obligation to declare in the HIDAACI within 15 days from the changes of a property of any kind to the value of over 3000 EUR.
 - b) Review the legal framework in order to increase the engagement of the General Tax Directorate in the review of false declarations of assets by public officials and to expand the engagement of the HIDAACI in the prevention, examination and punishment of conflicts of interest.
 - c) To study the possibility of moving to an electronic declaration of assets by public officials and facilitating the access to statements in the respective formats of mass media and other interested parties.

-
- Review the legal framework on the functioning of the public administration to include regulation of personal responsibility of high public officials in cases where the exercise of their leading activities caused property damage to the state (as is the case of firings from jobs for which the court decides to return the person to his previous labour position and provides financial compensation for the employees leave, compensation that is currently carried out by the state budget and for which there is a lack of personal responsibility of the directors of institutions who ordered their removal from work illegally).
 - Considering the incidence of nepotism among the public administration and the justice system of the country harmful to the functioning of the state apparatus, it is recommended that on the basis of the EU experience, legal provisions in relation to conflicts of interest should be revised, and clear restrictions for this purpose and sanctioning in the cases when holders of various agencies/pubic institutions hide information in this regard (by acting against the law), should be specified.

Considering the quite delicate the management of concession contracts and with high risk of corruption it is recommended as follows:

- For the legal framework for concessions in general and in each contract in force or to be signed in the future become / includes these changes:
 - . Determine the exact time (in years) when to start payments to the state by the concessionaire;
 - . The obligation of the Contracting Authority to establish an Ad-hoc Committee of experts for each new concession contract;
 - . Direct legal responsibility of the Contracting Authority to collect the full and timely fiscal payment by the concessionaire,
 - . Having periodic audit by the SAA of the relevant concession and specific procedures of this process.
- Undertaking a one-year moratorium on concession contracts and public-private partnership aiming to use this period for revision and completion on the basis of the best practices of public finances' governance and the competitiveness of the relevant regulatory framework.
- Drafting (from the central and local government units) of a three-year Plan of Concessions, which is to be administered by the Ministry of Finance. In specific years, this plan should be specifically reflected in the income plan of the state budget for the next year and the implementation of the plan should be subject to the audit of the SAA with a special program on the basis of a risk analysis.
- In the hierarchy of institutions issuing concession contracts the Parliament of Albania should be included, only for "concession contracts with strategic interest for the country".

Strengthen institutional accountability through internal and external monitoring systems and good governance transparency principles implementation

Implementation of public monitoring in the framework of anti-corruption (especially of high risk sectors or segments of the economy)

- The government Anti-Corruption Strategy 2016-2020 and the respective Action Plan are recommended to be made public regularly (at least annually) under relevant independent evaluations and the findings.
- Stringent monitoring of concessionary contracts to date particularly as regards the fulfilment of their obligations to protect the environment, to realize the investments according to the agreed technology in the relevant investment project, to respect the rights of communities in the areas where concessionaries operate and to meet the recognized standards of financial management, of the Albanian fiscal obligations to the state, and the publication of their progress regularly.
- Appreciating the increase of recommendations from the Supreme State Audit (SSA) for undertaking legal acts that help increasing the effectiveness of use and reducing misuse, robbery in the procurement process and misuse of budgetary funds, tax and public property. It is suggested that in the periodic and annual reports of state institutions to be included a separate chapter with information about acceptance/rejection of these recommendations and the reasons for the position held by them. Similar information must be provided from justice bodies for the Parliament and public opinion for cases referred by external analysis of the Supreme State Audit.

Implementation of good governance transparency principles to ensure equal accountability to the public

- All analysis, reports, decisions and other institutional acts of ministries, agencies, regulators, various public institutions part of/depending from the executive and outside of it etc., which have to do with monitoring the budget implementation, privatizations, licensing, concessions, procurement of public funds, discovering and punishing corruption acts, etc., to be published regularly in an informative apposite web-site in order to facilitate access for the public and the mass media. For this purpose, it is suggested that the publication of official data should be adapted to western models so that data is published in time and is easily accessible in statistical terms, providing opportunities for independent analysis and interpretation, providing more than just information without contents, as currently is done by a number of public institutions.
- Review and improve standards, quality and validity/periodicity to official data, especially with regard to the implementation of anti-corruption legislation, having a regular update. To this end can serve a regulating act for government, ministries and their subordinate institutions that obligate them to publish the annual reports

according to a specific format, including full audit reports. As for the other constitutional institutions or created by special law, the suggestion is to publish not only annual reports detailing their activities, but as well as periodic reports, thematic reports etc., which give answers to the major concerns in society and inform the public about the results of the fight against corruption, organized crime and state capture, etc.

- Increasing transparency to the public, especially in terms of feasibility studies for public utility of any concession contract of the government.
- The Ministry of Finance and Ministry of European Integration should report specifically in the Albanian Parliament with the draft budget of the preceding year on the performance results of the concession agreements signed so far (which are legally uncontested but carry other risks for the country), and on their collision with the country's obligations under the SAA for the EU membership.

Develop an inclusive cooperation within institutional bodies themselves and among governmental and nongovernmental structures and ensure openness for the voice of the “third sector” to be heard

- Strengthening of the horizontal cooperation (policy-making institutions - market - regulatory and supervisory institutions) in an order to implement rigorous legal framework which guarantees and protects the interests of the countries' economy and democratic development.
- Ensure the proper implementation of the law on Public Consultations as the tool for a participatory decision-making process, through multi stakeholders' cooperation.

2. Civil Society in Anti-Corruption

The role of civil society in the fight against corruption remains important at least in three directions.

Increase public awareness against corruption.

- It is recommended to encourage the initiatives of civil society organizations that promote principles of good governance, ethics and ethical behaviours, for a society of free people and free of corruption.
- To guarantee the consolidation of ethical principles and increase the positive pressure in the future, it is suggested that the civil society organizations should cooperate with teachers and professors in the educational system of the country and bring to the attention of the media matters of this nature, which enable a clearer perception from the society and youth not only on types of manifestation and carried risks, but especially on manners that can reduce and eradicate corruption wherever it appears.

- Complete support by the civil society in the implementation of the judicial reform, considering the latter as the beginning of an historical process in stabilizing the functioning of the rule of law in general, and in restoring citizens' trust in justice, as one of the most important integral parts of the state in particular and striking the quarter century old governmental corruption in Albania. This will bring to an end the impunity culture and will increase the citizen participation in governance. For this purpose, it is suggested that the civil society initiatives for monitoring further the implementation of this reform to be among the priorities of any support for civil society organizations from the EU and other donors in the medium term, along with knowledge dissemination for the public.

Monitor government decisions and actions that have a potential corruption risk.

- It is recommended for civil society organizations, to use the established capacities, but as well professional work performed during project implementation, programs, experience of EU, OECD, SIGMA, etc., (e.g. BIRN), to publish regularly evaluations on the expectations, potential risks and benefits of certain sectorial policies of the government, policies to encourage foreign investment, policies of regional and strategic cooperation, etc.
- It is recommended that civil society organizations should organize open debates with senior political and high levels public administration officials about the development options for the exit from the economic crisis, the sources of growth for ways of increasing employment within the country, the role of FDIs to the EU integration process, etc.
- It is recommended that civil society organizations should analyze the electoral programs of the political forces represented in the Albanian Parliament and should offer comments and suggestions on the implementation degree/level of commitments in the fight against corruption, and articulate the risks carried in the current situation of the Albanian society. A similar practice should be followed even nearly the next political elections in order to provide comments and ratings on the challenges and opportunities of a successful fight against corruption, organized crime and state capture.
- It is recommended that civil society organizations specialized in issues of government transparency should track unpublished or partly published decisions (without supporting documents) of the government and report on the mass media about their nature and should deepen the analysis of potentially suspected corruption cases.
- For sensitive issues with high potential risk of corruption, such as concessions and public-private partnerships, civil society organizations, with the support of experts in the field should prepare special reports and submit them in public hearings in the committees of the Albanian Parliament, or in cases of inability should share the findings of the related studies with all members of the Assembly and with mass-Media.

Expose corruption cases and launch public criticism against corrupt officials and institutions.

- In suspicious corruption cases of senior officials' and state institutions', civil society organizations should aim for a wider cooperation in between them and should also utilize their members in the framework of public protests, petitions addressed to senior state officials, written denunciations in the prosecution, sending informational letters / requests toward international institutions, diplomatic corps accredited in Tirana, etc.

APPENDIXES

Appendix 1. Performance Indicators of Anti-Corruption Policies

Description of indicators	BASELINE/ MAIN POINTS IN THE STRATEGY	PERFORMANCE		TARGET	
		2015	2016	2017	2020
Index of corruption perception	(0-100, where 0 corresponds to a high level of corruption and 100 corresponds to a low level of corruption) Albania's index - 33	36 (Increased with 3 points for one year) ³⁰	-	37.5 (Increase of 1.5-2.5 points per year)	40.5 (Increase of 1.5-2.5 points per year)
Corruption Control, World Bank	Compound indicator measuring corruption status and indicating percentage of countries with a lower performance Albania is ranked better than 35.6 % of assessed countries ³¹	-	-	Albania performs better than 34% of other countries assessed in relation to corruption	Albania performs better than 40% of other countries assessed in relation to corruption
Study on the Performance of Entrepreneurship and Investment Environment, World Bank	2005 and 2008 studies indicate corruption as a main obstacle for the business (ranked second in relevance).	The 2014 study indicate corruption as second main obstacle for the businesses ³²	-	Corruption is not one of the 3 most important obstacles for the business	Corruption is not one of the 4 most important obstacles for the business
Nations in Transit Report	The assessment of the corruption situation in Albania is 5.25 (where 1=very well, 7= very bad) The average assessment is 3.43 for the EU countries and 4.79 for the Balkans ³³	Corruption assessment for Albania is 5.25 ³⁴	Corruption assessment for Albania is 5.25 ³⁵	Assessment for Albania is 4.5	Assessment for Albania is 4.2
GRECO recommendations on prevention of corruption and the conflict of interest among judges, prosecutors and MPs	10 recommendations given to Albania in the 4th round of assessments in 2014 ³⁶	Recommendations have yet to be fully implemented ³⁷ .	Only one of the ten recommendations has been fully implemented while the other nine have so far been partly implemented. ³⁸	All the recommendations of the 4th round have been fully implemented	All the recommendations of the 5th round have been fully implemented

³⁰ Transparency International, Corruption Perceptions Index, 2015, <http://www.transparency.org/cpi2015#results-table>

³¹ World Bank, Control of Corruption: Percentile Rank, 2014, <http://databank.worldbank.org/data/reports.aspx?source=worldwide-governance-indicators&preview=on>

³² European Bank for Restruction and Development, Business Environment and Enterprise Survey, 20012-2014 <http://www.balkan.eu.com/wp-content/uploads/2015/04/albania.pdf>

³³ Freedom House, Nations in Transit Report 2014, https://freedomhouse.org/sites/default/files/NIT2014%20booklet_WEBSITE.pdf

³⁴ Freedom House, Nations in Transit Report 2015, https://freedomhouse.org/sites/default/files/FH_NIT2015_06.06.15_FINAL.pdf

³⁵ Freedom House, Nations in Transit Report 2016, https://freedomhouse.org/sites/default/files/FH_NIT2016_Final_FWeb.pdf

³⁶ Council of Europe, Fourth Evaluation Round, Compliance Report Albania, 2014, [https://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4\(2013\)9_Albania_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4(2013)9_Albania_EN.pdf)

³⁷ European Comission, Albania 2015 Report, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_albania.pdf

³⁸ Council of Europe, Fourth Evaluation Round, Compliance Report, Albania, 2016, [https://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/RC4/GrecoRC4\(2016\)6_Albania_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/RC4/GrecoRC4(2016)6_Albania_EN.pdf)

Appendix 2. Table of Studies in the Area of Anti-Corruption³⁹

Study / Index	Albania Assessment	Link / URL	Explanatory Notes
Freedom in the World, 2016	Partly Free Score: 67 Political Rights: 3 Civil Liberties: 3 Freedom Rating: 3	https://freedomhouse.org/report/freedom-world/freedom-world-2016	Freedom in the World evaluates the state of freedom in 195 countries and 15 territories during the year before. Each country and territory is assigned two numerical ratings—from 1 to 7—for political rights and civil liberties, with 1 representing the most free and 7 the least free. The two ratings are based on scores assigned to 25 more detailed indicators. The average of a country or territory's political rights and civil liberties ratings determines whether it is Free, Partly Free, or Not Free (0=Worst, 100=Best).
Transformation Index (BTI) 2016	Index Status Rank: 33 Democracy Status: 36 Market Economy Status: 37	http://www.bti-project.org/en/reports/country-reports/detail/itc/ALB/	The Bertelsmann Stiftung's Transformation Index (BTI) analyzes and evaluates whether and how developing countries and countries in transition are steering social change toward democracy and a market economy. Guided by a standardized codebook, country experts assess the extent to which a total of 17 criteria have been met for each of the 129 countries. (1 is considered the best position and in a increasing order the BTI decreases.)
Nations in Transit 2016	Democracy Score 4.14 National Democratic Governance 4.50 Electoral Process 3.75 Civil Society 3.00 Independent Media 4.25 Local Democratic Governance 3.50 Judicial Framework and Independence 4.75 Corruption 5.25	https://freedomhouse.org/report/nations-transit/2016/albania	<i>Nations in Transit</i> measures progress and setbacks in democratization in 29 countries from Central Europe to Central Asia. A year volume covers events from the period of one year (previous year), and since its first edition in 1995, it maintains the pace of surveys publishing. (The ratings are based on a scale of 1 to 7, with 1 representing the highest and 7 the lowest level of democratic progress.)
Survey 2016 – Judicial Reform	Knowledge on Justice Reform: 14% Very Informed, 40% Somehow Informed; 25% Not very Informed; 12% Not at all Informed Support on Justice Reform: 64% Strongly Support; 27% Somehow Support; 2% Somehow Oppose; 3% Strongly Oppose; 2% Do not know	http://www.idrainstitute.org/files/reports/judicial_reform_2016/Grafiket_sondazhi.pdf	<i>A survey conducted in Albania by IDRA Institute on the knowledge, support and expectations from the judicial reform in the country. The survey included 1000 face-to-face interviews based on a national representative sample with citizens above 18 years of age, in the period of January-February 2016.</i>
Audit of Political Engagement in Albania 2016	Two out of three participants reported they knew 'a little' or 'nothing at all' about the role of the MPs and the role of the President. Men and older participants, along with those with higher education, claimed to report they knew more. The majority of the surveyed participants were neither a political party (75.4%) nor an NGO/association member (89.4%). Members of a political party were mostly men (63.7%) versus women (36.3%). Almost half of the participants were not supporters of any party (45.5%) and 1 out of 4 was not a very strong supporter (24.9%). Overall, 2 out of 3 participants were not supporters of any party. Younger participants were more likely to be engaged with NGOs/other associations. Gender, on the other hand, did not bring any	https://www.ndi.org/files/1DM%20Audit%20of%20Political%20Engagement%20in%20Albania.pdf	The Audit of Political Engagement in Albania, conducted by the the National Democratic Institute and the Institute for Mediation and Democracy, is a public opinion study that explores citizens' engagement in democratic processes as an indicator of the health of a society. The study was organised in February 2016 and it involved interviews across Albania with 1,538 participants over 18 years of age, as well as four focus groups. It examined a range of political engagement indicators grouped in three areas: political knowledge and interest; political participation and action at local and national levels; and efficiency and satisfaction.

³⁹ The table includes only studies where Albania is included.



difference. **More than 1 out of 2 participants are dissatisfied with the current work of the Parliament (57.5%) and of the government (56.8%). Two out of three are not satisfied with the work of opposition (69.3%).**

Transparency International Corruption Perceptions Index 2015	Rank (2015): 88 Score: 36	http://files.transparency.org/content/download/1952/12820/file/2015_CPI_ReportInfographicsZIP.zip	Based on expert opinion from around the world, the Corruption Perceptions Index measures the perceived levels of public sector corruption worldwide. (1 is considered the best position and in a increasing order the CPI decreases.)Not one of the 168 countries assessed in the 2015 index gets a perfect score and two-thirds score below 50, on a scale from 0 (highly corrupt) to 100 (very clean).
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Freedom of the Press, 2015	Partly Free Press Freedom Score: 49 Legal Environment: 15 Political Environment: 17 Economic Environment: 17	https://freedomhouse.org/sites/default/files/FreedomofthePress_2015_FINAL.pdf	The Freedom of the Press report assesses the degree of media freedom in 199 countries and territories, analyzing the events and developments of each calendar year. Each country and territory receives a numerical score from 0 (the most free) to 100 (the least free), which serves as the basis for a status designation of Free, Partly Free, or Not Free. Scores are assigned in response to 23 methodology questions that seek to capture the varied ways in which pressure can be placed on the flow of objective information and the ability of media platforms. Issues covered by the methodology include the legal and regulatory environment in which media operate; the degree of partisan control over news content; political influences on reporting and access to information; the public's ability to access diverse sources of information; violations of press freedom etc.. The scores reflect not just government actions and policies, but also the behaviour of the press itself in testing boundaries, as well as the influence of private owners, political or criminal groups, and other non state actors. (For the sub indicators: Legal Environment (0 = Best, 30 = Worst), Political Environment (0 = Best, 40 = Worst), Economic Environment (0 = Best, 30 = Worst).
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Corruption Assessment Report 2014	In 2014 the main problem for 66% of the respondents, is <i>corruption</i> , for 56% - <i>unemployment</i> and for 40% and 38% <i>crime</i> and <i>low incomes</i> respectively. From a scale from 0 (unacceptable) to 10 (acceptable), the index acceptability in principle scores a 2,6 in 2014 compared to 2,4 in 2002 and 3,0 in 2001. With a score of 3.5, on a scale from 1 to 4 where 4 is "Almost everybody is corrupt", judges rank as the officials perceived as most corrupt by Albanians in 2014, with customs officers coming second. When asked about the basis on which their assessment of corruption proliferation was formed, 29% of the respondents indicated their <i>personal experience</i> and 35% indicated <i>media information</i> . Perceptions on corruptness of political party and coalition leaders have worsened the most comparing the 2002 results with those of 2014. Perceptions on university officials or professors and local political leaders follow suit. Corruption expectations index has worsened in 2014 to 6.3 compared to 5.5 in 2001 and 2002. In this line, the share of people who think that corruption cannot be substantially reduced has increased to 73%.	http://www.acer.org.al/new/images/downloads/CARRReportEn.pdf	The Corruption Assessment Report 2014 assesses the progress of anti-corruption in Albania by exploring the relationship between government anti-corruption policies, the institutional setup of governance and the levels of corruption victimization of the population. The principle method used to assess results is to measure the dynamics of administrative corruption prevalence among the general population (18+). Despite the large gap in years, the results allow for an assessment in the dynamics and trends of the main corruption indicators. The survey was carried out on a sample of 1000 respondents through face-to-face interviews. The main indicators obtained by this survey come in the form of index which may include one or more research questions, and takes on a value from 0 to 10. The closer the value is to 10, the more negative the assessment of corruption is, whereas the opposite holds true for values closer to 0.
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Anti-Corruption Reloaded : Assessment of Southern Europe	Perceptions on corruptness of political party and coalition leaders have worsened the most comparing the 2002 results with those of 2014. Perceptions on university officials or professors and local political leaders follow suit. Corruption expectations index has worsened in 2014 to 6.3 compared to 5.5 in 2001 and 2002. In this line, the share of people who think that corruption cannot be substantially reduced has increased to 73%.	http://selidi.net/fileadmin/public/PDF/Publications/RAR/SELDI_Regional_Anticorruption_Report_Final_Revised.pdf	The Anti-Corruption Reloaded is an Assessment of the South-eastern Europe with outputs of CMS, Corruption Indexes in all the countries of the SEE region and Turkey. Every index is based on the aggregation of data from several variables (research questions). They summarise the most important aspects of corruption behaviour patterns. The main indicators of the CMS describe corruption as a social phenomenon using three groups of sub-concepts: experience, attitudes, and perceptions.
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Research report: Gender and corruption in the Albanian civil service	Around 26.8% of the participants in the survey perceive corruption in the Albanian civil service as "prevalent" and another 11.3% as "very prevalent". Bribery is not the most "popular" practice (only 8.1% find it as "very prevalent").	http://www.undp.org/content/dam/albania/docs/Gender%20and%20Corruption%20Ang.pdf	The aim of this study was to explore and understand more the relation between gender and corruption by looking at the case of the civil service in a specific context – Albania. The survey included a qualitative and quantitative approach to the phenomenon assessment.
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Favouritism and patronage receive the highest scores (20% and 22.2% respectively) as corrupt practices “often” offered to the respondents. Even though respondents admit to have witnessed corruption they very rarely (if not at all) reported it.

40% of respondents admit the level of corruption has increased

% of people who believe these institutions are corrupted:

- Political Parties: 72%
- Parliament/Legislature: 66%
- Military: 33%
- NGOs: 16%
- Media: 34%
- Religious Bodies: 9%
- Businesses: 29%
- Education System: 70%
- Judiciary: 81%
- Medical/Health Services: 80%
- Police: 58%
- Public Officials/Civil Servants: 52%

Prevalence of business bribery: 15.7%

Frequency of bribes: 4.6 bribes/ per year

Cash bribes paid by businesses to public officials: 50%

Average Bribe: 383 EUR

Mean bribe as % of average net monthly salary: 152%

Direct and indirect bribe requests by public officials: 60%

The most important reason for not reporting bribery is that it is perceived to be “common practice”: 36.2%

Global Corruption Barometer 2013

<http://www.transparency.org/gcb2013/report>

Transparency International’s Global Corruption Barometer is the largest world-wide public opinion survey on corruption. It addresses people’s direct experiences with bribery and details their views on corruption in the main institutions in their countries. Significantly, the Barometer also provides insights into how willing and ready people are to act to stop corruption. For the Global Corruption Barometer 2013, approximately 1,000 people from each of 107 countries were surveyed between September 2012 and March 2013. Five hundred people were surveyed in countries with a population of less than 1,000,000. The survey sample in each country has been weighted to be nationally representative where possible. In six countries, the sample was urban only.

Business, Corruption and Crime in the western Balkans: The impact of bribery and other crime on private enterprise 2013

http://rai-see.org/wp-content/uploads/2016/01/Western_balkans_business_corruption_wb.pdf

This study offers a comprehensive assessment of corruption as experienced by businesses in the western Balkans, based on interviews with more than 12,700 companies. This survey, which follows UNODC previous survey of bribery and other forms of corruption as experienced by private households in the western Balkans, seeks to provide the tool/ guidance for public interventions and evidence-based policymaking that support the rule of law and fair markets, it is necessary to go beyond perception-based and general indicators of corruption and measure the actual experience of corruption and crime.