

ARVIN Framework: Association

<u>Identifier</u>	<u>Descriptor</u>
A.1	Constitutional and International Legal Protections Relating to the Freedom of Association
A.2	Creation and Registration of NPOs
A.3	Laws Concerning NPO Internal Governance
A.4	Prohibition on Direct or Indirect Private Benefit
A.5	Accountability and Transparency
A.6	Termination, Distribution and Liquidation
A.7	Voluntary Self-Regulation
A.8	Laws Affecting Free Association

Descriptor A.1 Constitutional and International Legal Protections Relating to the Freedom of Association

To what extent are the freedoms of association, assembly, and expression protected by the constitution and binding international instruments?

Components¹

- **Constitutional Provisions Relating to Association, Assembly, and Expression**
- **International Instruments Relating to Association, Assembly, and Expression**
- **Hierarchy and Applicability of International Legal Norms**
- **Applicability of Rights and Freedoms to Legal Entities in addition to Physical Persons**

Albanian Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology²</i>
<ul style="list-style-type: none"> ▪ Constitutional Provisions and International Instruments Relating to Association, Assembly, and Expression <p style="margin-left: 20px;"><i>⇒ To what extent is there stakeholder awareness of constitutional and international rights and freedoms affecting associational activities?</i></p>	FR, SSI

¹ This section describes areas of inquiry relevant to each descriptor.

² FR = Field Research, SSI = Semi-Structured Interviews, SY = Survey, FG = Focus Group, DR = Desk Research

Descriptor A.2 Creation and Registration of NPOs

What are the laws and regulations pertaining to the establishment and registration of NPOs?

Components

- **Organizational Forms**
- **Foreign Organizations**
- **Registration Body**
- **Registration Process**
- **Right of Appeal**
- **Public Registry**
- **Attributes of Legal Entity Status**

Albanian Assessment Priorities

Issue Identified by Stakeholders	Methodology
<ul style="list-style-type: none"> ▪ Organization Forms ⇒ <i>Is the registration court imposing a minimum capitalization requirement for a center?</i> 	FR, SSI
<ul style="list-style-type: none"> ▪ Registration Body ⇒ <i>How does centralized registration impact NPOs located outside of Tirana?</i> ⇒ <i>To what extent does the Registration Court in Tirana have the necessary capacity and resources to implement the laws?</i> ⇒ <i>How widespread is distribution of registration forms by the Tirana District Court?</i> 	SY, FG SSI, FG SY
<ul style="list-style-type: none"> ▪ Registration Process ⇒ <i>How many NPOs have registered since the enactment of the 2001 NPO laws³?</i> ⇒ <i>How long does it take to register an NPO?</i> 	FR FR, SY

³ Law #8788, dated May 7, 2001, "ON NON-PROFIT ORGANIZATIONS".

<p>⇒ <i>For NPOs seeking to engage in licensed activities, is a license required prior to registration?</i></p> <p>⇒ <i>Are NPOs aware of their rights and responsibilities under the 2001 NPO laws?</i></p> <p>⇒ <i>To what extent is there a perception of corruption in the registration process?</i></p>	<p>SY, FG</p> <p>SY, FG, SSI</p> <p>SSI</p>
<p>▪ Right of Appeal</p> <p>⇒ <i>How frequently are registration decisions appealed? What are the results?</i></p> <p>⇒ <i>Is the registration court amending registration decisions after they become final?</i></p>	<p>FR, SSI</p> <p>FR, SSI</p>

Descriptor A.3 Laws Concerning NPO Internal Governance

What are the Albanian laws and regulations pertaining to the internal governance of NPOs?

Components

- **Mandatory Provisions for Organizational Documents**
- **Optional Provisions for Organizational Documents**
- **Liabilities of Officers, Board Members, and Employees**
- **Duties of Loyalty, Diligence, and Confidentiality**
- **Prohibition on Conflicts of Interest**

Albanian Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Mandatory Provisions for Organizational Documents <p>⇒ <i>To what extent have NPOs amended their registration documents pursuant to the 2001 NPO Laws?</i></p>	FR

Descriptor A.4 Prohibition on Direct or Indirect Private Benefit

To what extent do laws and regulations prohibit NPOs from distributing profits or otherwise providing inappropriate private benefit to officers, directors, or other insiders?

Components

- **Prohibition on the Distribution of Profits**
- **Prohibition on Private Benefits**
- **Prohibition on Self-Dealing**
- **Prohibition on the Reversion of Assets**

Albanian Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Prohibition on Self-Dealing <p>⇒ <i>Have NPOs adequately complied with the provision of the 2001 NPO law relating to self-dealing, and if not, why?</i></p>	FR, SY, FG

Descriptor A.5 Accountability and Transparency

To what extent do the NPO laws provide for periodic reporting to the government, public disclosure of organizational information, and other accountability and transparency mechanisms?

Components

- **Periodic Reporting**
- **Audits**
- **Public Disclosure Requirements**

Albanian Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Periodic Reporting <p>⇒ <i>How can accountability and transparency requirements best be addressed in the next phase of NPO law reform in Albania?</i></p>	FG, SSI

Descriptor A.6 Termination, Distribution and Liquidation

What are the laws and regulations governing the termination of NPOs and the distribution of assets upon dissolution?

Components

- **Grounds for Voluntary Termination**
- **Grounds for Involuntary Termination**
- **Termination Procedure**
- **Distribution of Assets upon Dissolution**

Albanian Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Basis for Voluntary Termination <p>⇒ <i>To what extent is the Tirana District Court carrying out the process for removing terminated organizations from the central registry?</i></p>	DR, FS, SSI

Descriptor A.7 Voluntary Self-Regulation

To what extent have NPOs adopted means of voluntary self-regulation?

Components

- Codes of Conduct
- Watchdog Organizations
- Public Image of NPOs

Albanian Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Codes of Conduct <p>⇒ <i>What prospects exist for NPO self-regulation?</i></p>	FR, FG

Descriptor A.8 Other Laws Affecting Free Association

To what extent is there concern that other laws, regulations, and policies might infringe upon the right to free association protected by the constitution, international law, and NPO framework legislation?

Components

- **Laws Governing Assembly**
- **Conspiracy Laws**
- **Martial Law**
- **Other Laws, Regulations, and Practices**

Albanian Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
▪ <i>None identified by stakeholders at this time.</i>	

ARVIN Framework: Resources

<u>Identifier</u>	<u>Descriptor</u>
R.1	Income or Profit Tax
R.2	Legal Framework for Donations
R.3	Other NPO Tax and Fiscal Issues
R.4	Foreign Funding
R.5	Government / State Financing of NPO Activities
R.6	Licensing of Certain NPO Activities
R.7	Employment Issues
R.8	Laws Affecting Volunteerism
R.9	NPO Economic Activity

Descriptor R.1 Income or Profit Tax

To what extent do NPOs pay income or profit tax on their sources of revenue?

Components

- **NPOs Eligible for Tax Exemptions**
- **Tax Treatment of Revenue from Donations, Grants, Government Contracts and Dues**
- **Tax Treatment of Revenue from Economic Activity**
- **Tax Treatment of Revenue from Passive Investment Activity**
- **Accounting**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology⁴</i>
<ul style="list-style-type: none"> ▪ Income or Profit Tax : Generally <ul style="list-style-type: none"> ⇒ <i>How can political will be mobilized by NGO's to engage in profit tax reform affecting NPOs be mobilized within the government?</i> ⇒ <i>To what extent are the provisions of the profit tax law enforced in relation to NPOs?</i> ⇒ <i>What is the capacity of the government to enforce the profit tax law in relation to NPOs?</i> 	<p>SSI</p> <p>SSI</p> <p>FR, SSI</p>
<ul style="list-style-type: none"> ▪ NPOs Eligible for Tax Exemptions <ul style="list-style-type: none"> ⇒ <i>What can be done to best harmonize terminology in the profit tax law with the 2001 NPO laws?</i> 	<p>SSI, DR</p>
<ul style="list-style-type: none"> ▪ Tax Treatment of Revenue from Economic Activity <ul style="list-style-type: none"> ⇒ <i>What are the tax and regulatory burdens on NPOs that engage in economic activities?</i> ⇒ <i>What is the effect of these burdens on NPOs in carrying out economic activities?</i> 	<p>DR</p> <p>SSI, SY</p>

⁴ FR = Field Research, SSI = Semi-Structured Interviews, SY = Survey, FG = Focus Group, DR = Desk Research

Descriptor R.2 Legal Framework for Donation

To what extent do donors receive tax incentives for philanthropy?

Components

- **NPOs Eligible to Receive Tax-Benefited Donations**
- **Tax Incentives for Corporate Philanthropy**
- **Tax Incentives for Individual Philanthropy**
- **Public Fundraising**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
▪ Tax Incentives : General ⇒ <i>What can be done to improve tax incentives for corporate and individual philanthropy?</i>	DR, SSI, FG
▪ NPOs Eligible to Receive Tax-Benefited Donations ⇒ <i>What can be done to best harmonize terminology in existing tax laws with the 2001 NPO law?</i>	SSI, DR
▪ Public Fundraising ⇒ <i>Is there a need for regulation of public fundraising as envisioned by the 2001 NPO law?</i>	SSI, FG

Descriptor R.3 Other NPO Tax and Fiscal Issues

How do other taxes, duties, and fees affect the financial sustainability of NPOs?

Components

- VAT
- Customs Duties
- Local Taxes, Fees, and Charges
- Property Tax
- Gift or Estate Tax
- Endowments

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
▪ VAT ⇒ <i>To what extent is the VAT refund process working in relation to NPOs and how can it be improved?</i>	FG, SSI
▪ Local Taxes, Fees, and Charges ⇒ <i>To what extent do the local taxes, fees and charges affect NPOs' financial sustainability?</i>	FR

Descriptor R.4 Foreign Funding

To what extent do laws, regulations or policies affect the foreign funding of NPOs?

Components

- **Regulation**
- **Bilateral and Multilateral Agreements Affecting Foreign Donors**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<i>No issues identified at this time.</i>	

Descriptor R.5 Government / State Financing of NPO Activities

To what extent is the legal framework conducive to government/state funding of NPOs?

Components

- **Grants and Subsidies**
- **Contracts for Goods and Services**
- **Privatization of Service Delivery**
- **Decentralization Issues**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Grants and Subsidies<ul style="list-style-type: none">⇒ <i>What are the laws, rules and policies currently governing government grants and subsidies?</i>⇒ <i>What improvements in the legal framework for grants and subsidies are needed?</i>	DR, FR SSI, FG
<ul style="list-style-type: none">▪ Contracts for Goods and Services<ul style="list-style-type: none">⇒ <i>What are the laws, rules and policies currently governing contracts for goods and services?</i>⇒ <i>What improvements in the legal framework for contracts for goods and services are needed?</i>	DR, FR SSI, FG

Descriptor R.6 Licensing of Certain NPO Activities

To what extent do licensing rules and policies support or hinder NPO service delivery?

Components

- **Types of Activities Subject to Licensing**
- **Entities Subject to Licensing**
- **Process for Developing Licensing Rules and Standards**
- **Licensing Requirements**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Licensing : General<ul style="list-style-type: none">⇒ <i>What are current Ministry policies governing licensing of service delivery NPOs?</i>⇒ <i>What can be done to support a pilot project by the Ministry of Labor and Social Affairs for licensing of service delivery NPOs?</i>⇒ <i>How can existing work on the development of the legal environment and licensing regimes be linked with similar work proposed under the World Bank's Social Service Delivery Project for Albania?</i>	<p>DR, FR, SSI</p> <p>SSI</p> <p>SSI</p>

Descriptor R.7 Employment Issues

To what extent do laws and regulations affect the ability of NPOs to attract, hire and retain qualified personnel?

Components

- Payroll and Social Insurance Taxes
- Employment Contracts
- Required Benefits
- Issues of Multiple Employment

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Issues of Multiple Employment ⇒ <i>Should laws be enacted relating to simultaneous employment in the government and NPO sector?</i>	FG

Descriptor R.8 Laws Affecting Volunteerism

What are the legal issues affecting volunteerism in the NPO sector?

Components

- **Definitional Issues**
- **Eligible Organizational Beneficiaries**
- **Legal Status of Volunteers**
- **Reimbursement of Expenses**
- **Liability Issues**
- **Safety Standards**
- **Benefits (Unemployment, Social Security, Health Insurance, etc.)**
- **Tax Issues**
- **International Volunteerism**
- **Internships**
- **Other Issues (Contractual Relations, Volunteering by Minors, etc.)**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<i>No issues identified at this time.</i>	

Descriptor R.9 Economic Activity

To what extent are NPOs allowed to engage in economic activity?

Components

- **Types of NPOs Permitted to Engage in Economic Activities**
- **Permissibility of Business Subsidiaries**
- **Limitations on Economic Activity**
- **Accounting Issues**
- **Taxation (See R.1)**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Types of NPOs Permitted to Engage in Economic Activities ⇒ <i>To what extent are NPOs engaging in economic activities following the enactment of the 2001 NPO laws?</i>	SY, SSI

ARVIN Framework: Voice

<u>Identifier</u>	<u>Descriptor</u>
V.1	Constitutional and International Legal Provisions Relating to the Freedom of Expression
V.2	Rights of Individuals and Legal Entities to Exercise Free Expression
V.3	Expression Content
V.4	Time and Place Restrictions
V.5	Regulation of Business of Media
V.6	Government Media Operations
V.7	Access to Media

Descriptor V.1 Constitutional and International Legal Provisions
Relating to the Freedom of Expression

To what extent is the freedom of expression protected by the constitution and binding international instruments?

Components

- **Constitutional Provisions Relating to Expression**
- **International Instruments Relating to Expression**
- **Hierarchy and Applicability of International Legal Norms**
- **Applicability of Rights and Freedoms to Legal Entities in Addition to Physical Persons**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology⁵</i>
▪ <i>None identified by stakeholders at this time.</i>	

⁵ FR = Field Research, SSI = Semi-Structured Interviews, SY = Survey, FG = Focus Group, DR = Desk Research

Descriptor V.2 Rights Of Individuals And Legal Entities To Exercise Free Expression

What are the laws, regulations and policies pertaining to who is able to exercise freedom of expression?

Components

- **Citizenship Requirements for Media Ownership**
- **Media Ownership and Licensing Requirements**
- **Media Cross Ownership Requirements**
- **Foreign Regulation of Domestic Media Distribution (outside borders)**
- **Internet and Service Providers' Licensing and Other Requirements**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Media Ownership and Licensing Requirements<ul style="list-style-type: none">⇒ <i>What improvements are needed in the legal framework regulating who may exercise the right to freedom of expression?</i>⇒ <i>What improvements are needed in the legal framework for licensing of broadcast stations?</i>	DR, FG, SSI DR, FG, SSI

Descriptor V.3 Expression Content

What are the laws and regulations pertaining to the content of expression?

Components

- **Prior Restraint Requirements**
- **Restrictions Based on Judicial Process**
- **Restrictions for Integrity of Electoral Process**
- **Restrictions for National Security**
- **Restrictions for Security of Penal System**
- **Restrictions on “Fighting Words”**
- **Defamation**
- **Obscenity Restrictions**
- **Commercial Speech**
- **Official Language Requirements**
- **Media Fairness Requirements**
- **Copyright**
- **Commercial/Private Rights to Restrict Publication or Dissemination of Content**
- **Privacy Restrictions**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none"> ▪ Content of Expression: Generally <ul style="list-style-type: none"> ⇒ <i>To what extent does the government attempt to affect the content of speech?</i> ⇒ <i>What improvements in the legal framework are needed to reduce government interference with the content of speech?</i> ▪ Restrictions for Integrity of Electoral Process <ul style="list-style-type: none"> ⇒ <i>To what extent does government attempt to affect media content and coverage related to local elections?</i> ▪ Defamation <ul style="list-style-type: none"> ⇒ <i>To what extent does the law relating to defamation need to be improved?</i> 	<p>DR, FG, SSI</p> <p>FG, SSI</p> <p>FG, SSI</p> <p>DR, FG, SSI</p>

Descriptor V.4 Time and Place of Expression

What are the laws and regulations pertaining to the time and place of expression?

Components

- **Public Property Requirements**
- **Private Property Requirements**
- **Pamphleteers**
- **Charitable Solicitation**
- **Private Carriage of Letters**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Time and Place of Expression: Generally ⇒ <i>What improvements are needed in the legal framework regarding the time and place of expression?</i>	

Descriptor V.5 Regulation of Business of Media

What laws and regulations govern the business of owning and operating media?

Components

- Regulation of Competition Among Media Outlets
- Telecommunication Regulation
- Broadcast Regulation
- Spectrum Allocation
- Consumer Protection Regulation
- Advertising Regulation
- Regulation of Distribution Networks
- News Agencies

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Regulation of Business of Owning and Operating Media: Generally<ul style="list-style-type: none">⇒ <i>What improvements are needed in the legal framework governing the administrative, operational, and business aspects of media?</i>▪ Broadcast Regulation<ul style="list-style-type: none">⇒ <i>What improvements are needed in the legal framework for licensing of broadcast stations?</i>	<p>DR, FG, SSI</p> <p>DR, FG, SSI</p>

Descriptor V.6 Government Media Operations

What laws and regulations govern the government's sponsorship and participation in media?

Components

- **Government Ownership or Control of Media Outlets**
- **Competition with Private Sector**
- **Government Assistance to Media**
- **Foreign Government Assistance to Media**
- **Government Advertising**
- **Government-sponsored Press Councils**
- **National Council of Radio-Television**
- **Requirements regarding Media Access to Public Schools**
- **Public Libraries**

Assessment Priorities

Issue Identified by Stakeholders	Methodology
<ul style="list-style-type: none"> ▪ Government Ownership or Control of Media Outlets <ul style="list-style-type: none"> ○ <i>To what extent should the laws be amended to prohibit government officials' ownership or control of media outlets, or to require public notice of such ownership or control?</i> 	DR, FG, SSI
<ul style="list-style-type: none"> ▪ Government Assistance to Media <ul style="list-style-type: none"> ○ <i>To what extent are improvements in laws, regulations, or policies necessary to ensure the independence of public broadcasting?</i> 	DR, FG, SSI
<ul style="list-style-type: none"> ▪ Government Advertising <ul style="list-style-type: none"> ○ <i>To what extent should the laws, regulations, and policies affecting the governments' purchase of advertising be amended?</i> 	DR, FG, SSI

V.7 Journalists

What laws and regulations govern journalists?

Components

- **Qualification, Accreditation and Licensing of Journalists**
- **Conflicts of Interest**
- **Confidential Sources**
- **Ethical Standards**
- **Media Harassment**
- **Media Concessions**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Laws and regulations governing journalists: Generally ⇒ <i>What limitations should be imposed on government's regulation of journalists?</i>	

ARVIN Framework: Information

<u>Identifier</u>	<u>Descriptor</u>
I.1	Constitutional and International Legal Provisions Related to Access to Information
I.2	Access to Printed and Electronic Information Held by Government
I.3	Access to Government Officials
I.4	Access to Government Places

Descriptor I.1 International and Constitutional Provisions Related to Access to Information

To what extent is the access to information protected by the constitution and binding international instruments?

Components

- **Constitutional Provisions Relating to Access to Information**
- **Binding International Instruments Relating to Access to Information**
- **Hierarchy and Applicability of International Legal Norms**
- **Applicability of Rights and Freedoms to Legal Entities in addition to Physical Persons**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology⁶</i>
▪ <i>None identified by stakeholders at this time.</i>	

⁶ FR = Field Research, SSI = Semi-Structured Interviews, SY = Survey, FG = Focus Group, DR = Desk Research

Descriptor I.2 Access to Printed and Electronic Information Held by Government

What laws and regulations affect public access to printed and electronic information possessed or controlled by the government?

Components

- Freedom of Information Laws
- Exceptions to Public Access to Information
- Privacy Rights
- Ethics/Public Disclosure Requirements
- Direct and Transaction Costs of Access to Information about Licensed Professionals
- FOI Monitoring
- Criminal Justice Records
- Military Records

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none"> ▪ Freedom of Information <ul style="list-style-type: none"> ○ <i>To what extent is the public able to access government information without delay or difficulty?</i> ○ <i>How can the process of accessing print and electronic information held by the government be improved?</i> ▪ Ethics/Public Disclosure Requirements <ul style="list-style-type: none"> ○ <i>To what extent are government officials required to disclose their private business interests?</i> ○ <i>Are government officials' public disclosure documents made available in a timely and complete manner?</i> 	<p>FR, SY, FG, SSI</p> <p>SY, FG, SSI</p> <p>FR, FG, SSI</p> <p>FR, SSI</p>

Descriptor I.3 Access to Government Officials

To what extent are government officials accessible to the public??

Components

- Requirements for Access to High Government Officials
- National Security Personnel
- Press Conferences
- Other Access to Government Officials

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Press Conferences<ul style="list-style-type: none">⇒ <i>What rules and practices govern participation at government press conferences?</i>	FR, FG, SSI
<ul style="list-style-type: none">▪ Other Access to Government Officials<ul style="list-style-type: none">⇒ <i>What government officials are most difficult for the public to access?</i>	FG, SSI
<ul style="list-style-type: none">⇒ <i>What opportunities exist for the public to meet with government officials about their personal or organizational interests?</i>	FG, SSI

Descriptor I.4 Access to Government Places

To what extent are government buildings and other places in which government business is conducted accessible to the public?

Components

- **Requirements for Access to Government Property**
- **Alternatives to Physical Access**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Requirements for Access to Government Property<ul style="list-style-type: none">⇒ <i>Under what circumstances is access to government building denied to the press and the public?</i>⇒ <i>What rules and practices govern participation at government press conferences?</i>	<p>FR, FG, SSI</p> <p>FR, FG, SSI</p>

ARVIN Framework: Negotiation

<u>Identifier</u>	<u>Descriptor</u>
N.1	Political and Public Policy Activities
N.2	Ombudsman Law
N.3	Laws Affecting Trade Unions
N.4	NPO/State Relations
N.5	Mechanisms Enabling Civic Engagement in Governmental Decision Making

Descriptor N.1 Political and Public Policy Activities

To what extent are NPOs allowed to engage in the political process and/or participate in public policy activities?

Components

- **Nominating Candidates for Public Office**
- **Supporting or Opposing Political Parties**
- **Supporting or Opposing Political Candidates**
- **Fundraising for Political Parties/Candidates**
- **Pursuing Public Interest Legislation**
- **Lobbying For or Against Legislation**
- **Public Policy Activities (education, research, advocacy, publication of position papers)**
- **NPO Monitoring of Government Activities, Performance and Services**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology⁷</i>
▪ Public Policy Activities ⇒ <i>To what extent are NPOs aware of their legal right to engage in public policy activities?</i>	DR

⁷ FR = Field Research, SSI = Semi-Structured Interviews, SY = Survey, FG = Focus Group, DR = Desk Research

Descriptor N.2 Ombudsman Law

To what extent does the Ombudsman's Office provide opportunity to redress grievances between the public and the government?

Components

- **Constitutional Provisions**
- **Qualifications**
- **Selection/Election Procedures**
- **Jurisdiction**
- **Complaint Procedure**
- **Duties/Powers of Advocate to Investigate, Demand Cooperation**
- **Duties/Power after Investigation**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<ul style="list-style-type: none">▪ Complaint Procedure ⇒ <i>To what extent are NPOs availing themselves of the resources of the People's Advocate?</i>	FG, SSI

Descriptor N.3 Laws Affecting Trade Unions

To what extent does the legal framework enable trade unions to serve as an effective voice for labor?

Components

- **Constitutional Provisions**
- **International Instruments**
- **Voluntary vs. Compulsory Membership**
- **Registration Requirements for Trade Unions**
- **Unions' Rights and Duties with Regard to Members**
- **Unions' Right and Duties with Regard to Employers**
- **Unions' Relationship to/Representation in Government**
- **Enforcement Procedures**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
<i>No priority issues identified by stakeholders at this time.</i>	

Descriptor N.4 NPO/State Relations

To what extent are there compacts, liaison offices, and other similar mechanisms to promote cooperation between government and civil society?

Components

- **Compacts and National Strategies on Government/Civil Society Cooperation**
- **Liaison Offices at Ministerial Level**
- **Liaison Office at Presidential Level**
- **Parliamentary Commissions and Caucuses**
- **NPO Representational Structures**
- **Special Committees, Commissions and Other Structures**
- **Local, Regional and Other Decentralized Structures**
- **Informal Channels to Promote Cooperation and Communication between Civil Society and the Government**

Assessment Priorities

<i>Issue Identified by Stakeholders</i>	<i>Methodology</i>
▪ Liaison Offices at Ministerial Level ⇒ <i>To what extent have Ministries appointed liaisons for partners, including NPOs?</i>	SSI

Descriptor N.5 Mechanisms Enabling Civic Engagement in Governmental Decision Making

To what extent does the legal framework provide formal mechanisms by which the public can participate in governmental decision-making through referenda, participatory budgeting, social audits and similar activities?

Components

- **Constitutional Provisions**
- **International Conventions**
- **Referenda**
- **Social Audit**
- **Publication (notice) of Laws, Regulations, Policymaking Activities**
- **Participatory Budgeting**
- **Public Initiation of Legislation**
- **Comment Process on Laws, Regulations, Policies**
- **Public Hearings**
- **Decentralization Issues**

Assessment Priorities

Issue Identified by Stakeholders	Methodology
<p><i>[Note: Priority issues identified by stakeholders relate to civil society's participation in Albania's National Strategy/GPRS process. That said, other parts of the Bank are engaged with the Carter Center and other stakeholders in evaluating this process, and we were not sure of the extent to which this evaluation should focus on these issues based on the principles of differentiation and value-added that have served as guideposts for our selection of priority issues.]</i></p>	