



Assessment of the Anti-corruption Framework in Albania

Quentin Reed, Team Leader, Assessment of the Anti-
corruption Framework in Albania

Regional Conference on Good Governance and Anti-
corruption Policy Challenges, 13-14 November 2014,
Tirana

Assessment of the Anti-corruption Framework in Albania

- Aim:
 - Assess frameworks for the preventing/fighting corruption in a number of areas
 - Some assistance to Anti-corruption Action Plan
 - Focus on legal/institutional capacities to tackle corruption, rather than vulnerabilities of institutions to corruption
 - Key areas: access to information (draft law); political party/election campaign finance (implementation/oversight; whistleblower protection (draft law); conflict of interest regulation and asset declarations (legal frameworks and implementation); investigation/prosecution/adjudication of corruption-related offences; corruption prevention in judiciary; immunities

Sample Findings/Recommendations: Asset Declarations Regime

- Main focus
 - High Inspectorate for Declaration/Audit of Assets and Conflict of Interest (HIDAACI)
- Main recommendations
 - Independence/autonomy should be more strongly anchored
 - Reduce number of officials subject to full audits of asset declarations
 - Introduce interim electronic system for declarations prior to full online declarations to replace highly inefficient paper-based declaration
 - Improve data exchange and proactive cooperation with other institutions
 - Clarify cooperation with prosecution and High Council of Justice to ensure detected violations lead to sanctions/convictions

Sample findings: Political Party/Election Campaign Finance

- Focus on:
 - Legal framework, compliance, audit and institutional oversight (CEC)
- Main findings
 - Legal framework mostly OK (GRECO!) though still problems
 - Especially need measures to reduce campaign spending
 - Endemic non-compliance with disclosure requirements and dysfunctional system of independent audit
 - Zero capacity of CEC to oversee political finance or verify audit findings

Sample recommendations: Political Party Finance

- Amendments to Political Parties Law, Electoral Code and other laws: E.g.
 - Clearer reporting requirements and deadlines
 - Audits limited to relevant parties
 - Clear requirement of public disclosure
 - Bans on certain campaign activities in order to limit spending
 - Clarify procedures or complaints of alleged violations
- Simplify audit regime: E.g.
 - Require only audit of key relevant info
- Central Election Commission: E.g.
 - Clear internal responsibilities and resources
 - Selective verifications of party audits
 - Cooperation with non-governmental monitoring organisations

Sample findings: Immunities of Elected Officials and Judges

- Recent Constitutional amendments to narrow immunities OK but:
 - Scope of immunities still too wide
 - list of officials
 - personal/house search
 - Procedures not amended to reflect constitutional changes
 - Criminal Procedure Code
 - Rules of Procedure of Parliament, Constitutional Court and High Council of Justice

Overall findings

- ACFA project final report
 - Will draw together findings from individual areas assessed
 - Assess links/connections between different components of the anti-corruption framework
 - E.g. police and prosecution, HIDAACI and all other institutions
 - Draw broader conclusions and recommendations
 - Including on desirability/form/location of an anti-corruption agency