

## Freedom of Information and Citizens' Perception in Albania

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### Abstract

Transparency and the right to information are among the most important components of good governance, strong and stable democracy, citizen's participation and the fight against corruption. The right to information is a constitutional right that is guaranteed not only by freedom of information law but also from the Albanian constitution. This legal framework is ranked 6<sup>th</sup> in the world and guarantees not only citizens right to access public information but also obliges institutions to proactively disclose information. Beside the fact that the Albanian legal framework is a very good one, it is very important to know citizens perception regarding the necessity of this right. For this reason, a survey was conducted and the data show that citizen education and their contact with the law are not enough for the proper implementation of this law. Public awareness is needed not only to explain how to exercise the right to access information but especially to explain the importance of this law in the fight against corruption.

**Keywords:** transparency, information, access, citizen's perception

### Introduction

An important element of transparency that directly affects the fight against corruption is access to public information. Lack of access to public information deprives citizens from the possibility to control government's activity and undermines comprehensive and democratic decision-making process. A transparency - based governance is easier to be control by citizens and accountability is better accomplished. Through transparency and various ways of its implementation, public administration is able to understand what the needs and interests of the public are. In this way government has the opportunity to provide proper services to citizens. Public administration can absorb citizen's opinion regarding transparency through various mechanisms and should react when it comes to concerns or suggestions from their side. This increases the rationality, maturity and effectiveness of the decision-making process. This also improves public trust towards public authorities. In order to have a successful public administration, transparency is a must but also the legal framework is a basic condition that should be fulfilled.

Access to information brings benefits not only to citizens but also to the government (Dunion 2011). This access is provided by the freedom for information law and serves as an instrument for citizens to exercise their right to seek information held by public bodies (Holsen, 2007).

Worthy, B., & Hazell, R. (2013) argue that the law on information should aim to achieve six main objectives:

1. Increase transparency
2. Increase accountability
3. Improving government decision-making
4. Increase public understanding of government decision-making
5. Increase Civic Participation
6. Increasing public trust in the government

While other researchers argue that transparency and access to public information are considered as the main tools in preventing corruption (Lidberg, 2002). The prevention of corruption is achieved not only by having a good legal framework but the most important is how this framework is being implemented by all stakeholders like public bodies, civil society actors, citizens and also by the media. As democracy is based on the power of people, then citizens have the right to access the information that is produced and maintained by public authorities. Access to information enables citizens to better understand and judge government decisions and also to increase the accountability of public institutions (Michener, 2011, Vleugels, 2010). But this theory was objected by Lord (2006) that in his study argues that transparency can bring negative effects. The case of Singapore illustrates how a government can control public information by using different and soft techniques, or by weakening the links between information and political change. The findings of his study are in contradiction of the perception that people have about transparency.

Indeed, many countries have adopted the freedom of information law. Sweden is the first country that adopted the law in 1766. Then in 1951, Finland adopted the law and it was followed in 1970 Norway and Denmark. The United States implemented the freedom of information law two centuries later than Sweden (Darch & Undearood, 2005). Australia, Canada and New Zealand followed the same example in 1982-1983. The law encountered a bit more resistance in the UK and continental Europe. Initially, the right to information was envisaged as part of the Code of Administrative Procedures. After 1990 many European States adopted the freedom of information law, such as Hungary (1992), Portugal (1993), Ireland (1997), Latvia (1998), Czech Republic (1999), Kingdom United Kingdom (2000), Estonia (2000), Lithuania (2000), Poland (2001), Romania (2001), Slovenia (2003), Germany (2005), and the European Union (2001). This delay in adopting the freedom of information law showed strong political resistance to provide citizens the right to access information. Other countries such as Austria, France, Italy or Spain have aligned the administrative procedural legislation further with the requirements of transparency.

Albania has taken important steps towards adopting an advanced legal framework for the right to information. Also the adoption of an anti-corruption strategy as well as the implementation of a good action plan are considerable steps for the Albanian public administration. The right to information is guaranteed by Article 23 of the Constitution of the Republic of Albania and Law 119/2014 "On the Right to Information". This law is among the best laws in use of its kind and is ranked 6th<sup>1</sup> in the world. But is it enough just to have a good legal framework? Is the freedom of information law massively recognized by the public? What is the perception of the public regarding this phenomenon? These are just some of the issues that will be addressed in this research paper.

### Freedom of information in Albania

The right to information in Albania is guaranteed by article 23 of the Constitution of the Republic of Albania, which provides that: *The right to information is guaranteed. Everyone has the right, in accordance with the law, to obtain information on the activity of state bodies as well as people exercising public functions. Everyone is given the opportunity to attend meetings of elected collective bodies.* In addition, Law 119/2014 "On the Right to Information" was adopted to guarantee this constitutional right as well as to determine citizens' rights and obligations of the institutions. The main purpose of this law is and should be to provide information to the public. Also institutions are and should be in continuous correspondence with citizens, should demonstrate in front of them accountability, willingness to provide information regarding their everyday activity, performance and also should contribute to increase citizens trust.

This law regulates the right to access information that is produced or maintained by public authorities, being so a regulatory framework that enables transparency of government activities and public authorities. In this context, the law provides a broad understanding of the term 'public information' which means *any data recorded in any type of form or format, in the course of assuming the public function, regardless whether it has been worked out by the public authority or not.* The assessment that an information is public means that it is not subject of possible restrictions therefore it should be present to the public.

The freedom of information law has expanded the circle of the institutions that are subject to this law and have the obligation to receive and respond to the requests for public information. Institutions that should implement this law are: a) all administrative bodies provided for in the current legislation with regard to the administrative procedures, law-making, judicial and prosecution bodies of every level, bodies of local government, state bodies and public entities, created by the

<sup>1</sup> [http://www.rti-rating.org/country-data/scoring/?country\\_name=Albania](http://www.rti-rating.org/country-data/scoring/?country_name=Albania)

Constitution or by law; b) commercial companies where: i) the state holds the majority of shares; (ii) and exercises public functions, (c) any natural or legal person who is provided by law, sub-legal act or any other form provided by the legislation in force. The law has not only regulated the issue of the right to access information but also the procedural aspects by establishing an institutional mechanism to monitor the implementation of this law.

The right to information law provides two main categories of public information:

Information that should be public without request that includes transparency programs

Information that should be public with request

Information that should be public without request or the proactive transparency should be in accordance with the following principles:

**Make available to citizens** all the information produced from the activity of the institution, beginning with the budget, public procurements information, legal or regulatory framework, concession contracts, CV's of employees and subjects declaring their assets, organogram etc.

**Legality, transparency and anti-discrimination.** Access in information is secured in conformity with all the legal framework, giving precedence to the freedom of information law and non-discriminating none of the requesters of information.

**Offering free of charge information.** The tariffs imposed for making available public information are considered an impediment to obtain access in information. For this reason proactive transparency secures that a large part of the information becomes public on web pages securing thus free of charge access for all citizens. While, in the cases when the requested information is large it can be offered to the requester through a cost oriented tariff.

**Access for anyone.** Access on information must be offered to anyone, a special focus granted to the vulnerable segments of the society.

**Offering of information** must be done as soon as possible and not later than 10 working days, except the cases when the specific legislation has foreseen it differently

**Quality of information.** Every information available to citizens must be:

- complete;
- precise;
- updated;
- easy to review;
- understandable;
- easily accessed;
- in conformity with the original documents of the respective institution;
- easily used.

The information which becomes public following a request is related to every document produced or administered by public authorities, which the citizens reserve the right to request it and public authorities to make it available within 10 working days. It is true that the freedom of information law has had a very positive impact following the increase of transparency in public institutions, it even serves as an instrument to fight corruption, but the question stands whether this law is indeed known well by citizens? Do they know the importance and impact of this right? These are some of the topics dealt with in this study.

## Methodology

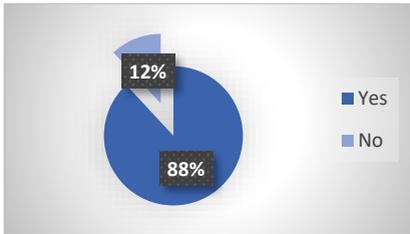
In order to evaluate which is the perception of citizens in connection to the right of information a survey was organised and answered by 697 individuals in 7 days. According to the outcome of the survey, it can be easily understood that more women than man answered it, specifically 63% of the responders were female and 37% male, but all positioned inside the age interval (70-30). The age variable offers an interesting insight into the understanding of the results, where it can discerned that the majority (77%) who answered the survey belongs to the age group 25-50 years old. It is important to underline that the survey aimed to target the able for work group age, which are presumed to have the most contacts with the public authorities. The other age groups are under 25 years old, 18% and over 50 years old 5%. The large majority of the respondents have higher education, specifically 59% have an MA degree, 13% have a PhD and only 5% have high school as their stated education. Analyzing the answers given by the majority of the respondents, it results that 38% of

them is employed in the private sector while 35% in the public sector. Students/in process of education/in training represent 10% of the respondents list, entrepreneurs 9%, jobless 5% and 3% did not answer this question.

### Findings

In relation to the question regarding the understanding people had on the term 'right of information', it resulted that 88% of the respondents had knowledge about it and only 12% did not have any knowledge on this term.

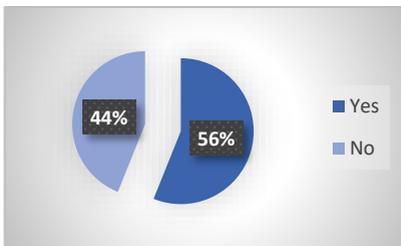
Graphic No.1: Knowledge on the term 'right of information'



Source: the author

But when citizens were asked on the knowledge of the freedom of information law, 56% of them responded positively. While 44% of the respondents were not aware of the law, as graphic 2 below shows. This result may seem as a paradox, since it leads to the conclusion that the understanding of the term on the right to information confuses citizens. It should be underlined that given this apparent confusion the purely statistical output may not be entirely true when it comes to some kind of knowledge the respondents may have had prior to answering the survey, nevertheless the way the survey question was framed did not provide a third alternative, with the aim of understanding as much as possible the confidence with the law every respondent had.

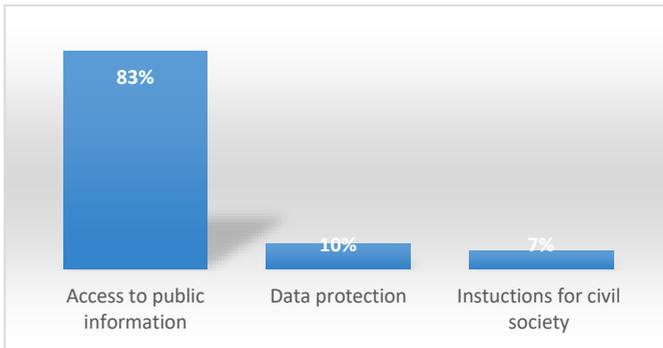
Graphic No. 2: Knowledge on the freedom of information law



Source: the author

At the graphic below are shown the results on the question related to the content of the freedom of information law. The majority of the respondents, specifically 83%, expressed that this law means access to public information. While the protection of personal data and instructions for civil society perceptions of the law, are represented by respectively 10% and 7% of the respondents. Despite the fact that the % of citizens having knowledge regarding the freedom of information law (graphic no. 2), is lower than the % of people showing a large understanding of the law aims (graphic no.3), the alternative answer (graphic no.2) still shows their orientation towards access to public information.

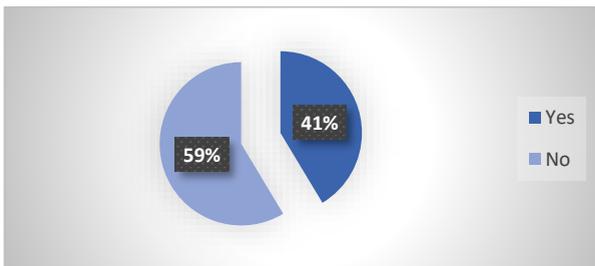
Graphic No. 3: The content of the freedom of information law



Source: the author

The respondents mainly did not have any contact with the freedom of information law, where 59% have answered negatively. The other part of the respondents as represented at graphic no.4 below, have had previous experiences with the law, which perfectly correlates with those having knowledge regarding the law (graphic no.2).

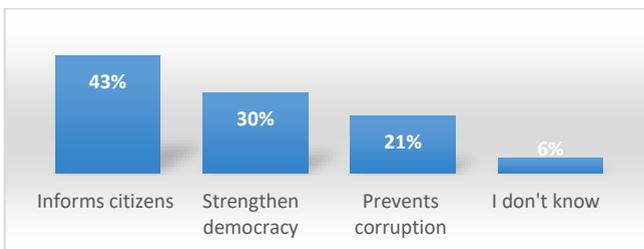
Graphic No. 4 : Use of the freedom of information law



Source: the author

In relation to the importance of the law, 43% of the respondents have expressed their opinion that this law is important since it serves to inform citizens. The strengthening of democracy and prevention of corruption have been specifically chosen by 30% and 21% of the respondents. Only 6% of the respondents did not know the importance of the law. Thus, from the citizen's perception it results that they do not perceive freedom of information law and transparency as one of the main tools which prevents corruption.<sup>1</sup>

Graphic No. 5: The importance of the freedom of information law

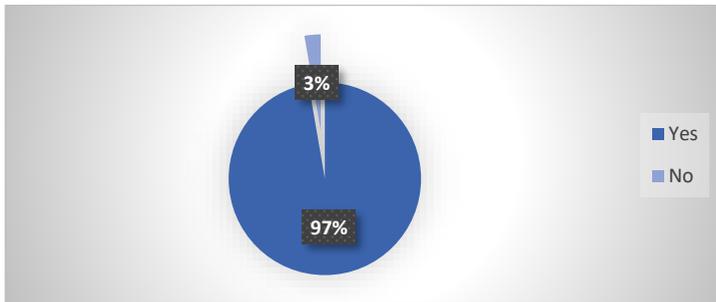


Source: the author

97 % of the respondents believe it is necessary for citizens to be informed on the contents of the law. Only 3% of the respondents have answered negatively on the importance of the law in informing citizens.

<sup>1</sup> Graphic no.2 is the best comparison basis to understand this %.

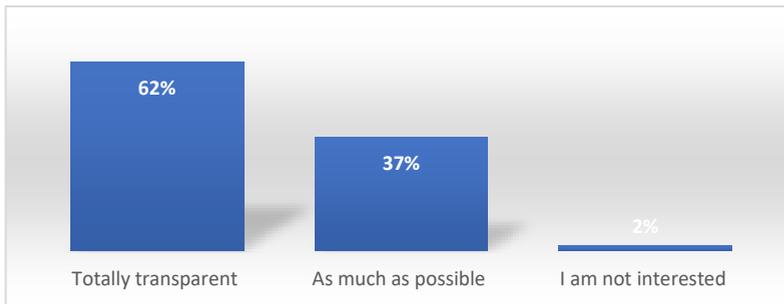
Graphic No. 6: The importance of citizens' information regarding the law



Source: the author

Furthermore, the importance given to this law is reflected on the answers of the last question where 62% of the respondents think the administration must be fully transparent, 37% think that administration should be more transparent while only 2% are not interested in the transparency of the administration.

Graphic No. 7: Level of transparency that the Albanian administration should have



Source: the author

Apart from the descriptive analysis of the survey question it was deemed necessary to analyze if various question have a correlation with each other. For this reason, the education level and perception connected to the fact how transparent should the administration be were analyzed.

Correlations: Education and Transparency

			Education	Transparency
Spearman's rho	Education	Correlation Coefficient	1.000	.004
		Sig. (2-tailed)	.	.924
		N	697	697
	Transparency	Correlation Coefficient	.004	1.000
		Sig. (2-tailed)	.924	.
		N	697	697

Source: the author

From the above table, it resulted that: Sig. (2 tailed) is 0.924 which indicates that the variables don't correlate with each other. Thus, regardless of the increase of education level, this has no connection to the perception of citizens on the transparency level of the administration.

Moreover, the use of freedom of information law by citizens with their perception regarding the importance of this law was analyzed.

Cross tabulation: Contact with the law and the importance of the law

		The importance of the law					Total
		Prevent corruption	Strengthen democracy	Informs citizens	Don't know	5	
Contact	No	70	75	118	24	12	299
	Yes	33	71	99	3	5	211
Total		103	146	217	27	17	510

Source: the author

It results that only 15,6% of those who used the freedom of information law think this law is important to prevent corruption while 23,4% of the people who made no use of the law think the same. In total, 21% of the citizens who took part in the survey, think this law is important to prevent corruption. The majority think this law is important to inform citizens. This shows that awareness raising is needed.

As Albania is divided in four regions, it is important to know citizens' perception all over the country. The data below shows that in region no.4 (Fier, Gjirokaštër, Vlorë) citizens are more informed compared with other regions. Given the short time of the existence and functioning of the current law (less than 4 years), the numbers simply show a relatively slow progress, and would be interesting to compare again against these figures through a similar survey in the next 2 and 4 years. Such periodicity may offer another insight into the distribution of knowledge, both nationwide and region wide.

Cross tabulation: Regions and the knowledge of the law

		Knowledge of the law		Total
		No	Yes	
Regions	R1(Kukës, Lezhë, Shkodër)	47.7%	53.3%	100%
	R2(Tiranë, Durrës, Dibër)	43.3%	56.7%	100%
	R3(Berat, Elbasan, Korçë)	54.9%	55.1%	100%
	R4(Fier, Gjirokaštër, Vlorë)	36.8%	63.6%	100%
Total		44%	56 %	100%

Source: the author

## Conclusions

Despite the fact that the freedom of information law in the case of Albania is ranked 6<sup>th</sup> worldwide with regards to the legal provisions, still lots of work should be undertaken to increase public understanding regarding the legal framework. The aforementioned legislation is one of the most important for preventing corruption in public administration and it's perceived in the same way even by the respondents of this nationwide survey. It should be also mentioned that it's the first time a perception survey regarding freedom of information in Albania has been conducted at such scale, including all regions of the country, various age groups, different level of education and professions alike. The fact that the participation of respondents from the private and public sphere was almost even, indicates that the distribution of awareness and understanding of the law aims is the same. Still, the percentage of knowledge is relatively low, and as discussed above, it may be interesting that this question is included into another perception survey at least in the next 2 and 4 years, in order to offer some kind of periodicity as well as broader understanding of the path that the law is now taking into the Albanian reality.

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