

## **The implementation and enforcement of legal civic initiatives, through legal improvements and increasing activism of civil society**

Center for Legal Civic Initiatives (CLCI) is implementing the project "The implementation and enforcement of legal civic initiatives, through legal improvements and increasing activism of civil society", with the support of "Open Society for Albania" (SOROS) Foundation.

The project aims to increase the activism of civil society organizations for exercising legal civic initiatives (direct legislative initiative and initiative for referendum), through legal improvements.

CLCI is realizing this project with several important partners, with whom the collaboration will enable results in a national level. These partners are the Public Law Department, Faculty of Law, University of Tirana and also other faculties in the Universities of Vlore, Durres and Shkoder. Moreover, other partners are NGOs such as the Albanian Center for Human Rights, Res Publica, the Albanian Center for People and Development in Vlore, the "Today for Tomorrow" Center in Durres, the "Woman to Woman" in Shkoder etc. CLCI will rely heavily on the experience created by the Albanian civil society for exercising popular legislative initiatives.

Two prominent institutes for citizen participation in the legislative process envisaged in the Constitution of the Republic of Albania are popular legislative initiative (Article 81/1 of the Constitution) and the popular initiative referendum, both national and local (Articles 150 and following Article 108/4 of the Constitution).

During July-September 2015, CLCI conducted a study of the situation of these institutions and found major shortcomings in the legislation. The Electoral Code does not set any preliminary institutional guarantee, for collecting signatures for a referendum. In Albania, the collection of signatures according to the form prepared by the CEC is a private task, without any supervision or official authentication. The same situation results for the popular legislative initiative. Specifically, there is no legal form for collecting signatures, which must be validated by law, through clear procedures for their storage and by creating conditions for entities that collect signatures. There are no provisions on how to verify them and this is used by authorities to curb the initiators. These shortcomings have led to problems in the practical implementation of the above institutions.

Furthermore there is a complete silence in the legislation regarding the contribution of civil society organizations in these initiatives, resulting in the loss of all historical memory of the development initiative.

The failure of the law for guaranteeing these initiatives and the difficulties created for their implementation, have become a cause for indifference and sluggishness of the civil society to take such actions, which are very helpful to practice direct democracy.

On the basis of these preliminary findings, we believe that there is a need to increase the activism of civil society organizations to undertake such initiatives, as well as legal improvements, especially in the following acts:

1. Developing a special law for the popular legislative initiative and in accordance with it, the Rules of Assembly should be amended.
2. Providing an improved Electoral Code, with regard to referendums (Articles 126-127).

The most advanced international practices are being used by the group of experts who are working on the preparation of the relevant draft and will guide the project activities.

The implementation of the project will result in legal guarantees for exercising the legislative initiative by 20,000 voters, through the drafting of the law "On civil legislative initiative". The legal guarantee for collecting signatures in the exercise of the right to referendum for repealing a law, by 50,000 voters, by improving the "referendum" part of the Electoral Code, will complete another target of the project. In its entirety, the project will contribute to the involvement of civil society organizations in the process of drafting the initiatives for legislative changes.

Drafts prepared by a group of experienced experts will become part of a broad discussion, by organizing seminars in Tirana, Durres, Vlora, Korca and Shkodra, before being taken into consideration by the Council of Ministers and Parliament for approval.

Any contribution of stakeholders with previous experience in relation to the popular legislative initiative institutions and popular initiative referendum, both national and local, is welcome.

We invite experts, civil society organizations and other stakeholders to become part of this process.