



Legal Frameworks and Public Service Risks in Albania's Digital Era

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Abstract: *The digital transformation of public services in Albania has brought significant improvements in efficiency and accessibility but has also raised critical concerns regarding citizens' fundamental rights. This study examines the Albanian legal framework governing digital public services, focusing on its compliance with international standards on data protection, the right to access services, and equality in participation. In the Albanian context, key risks include the digital exclusion of vulnerable groups, such as the elderly, ethnic minorities, and persons with disabilities, due to a lack of digital skills and inadequate infrastructure. Additionally, the absence of effective complaint mechanisms and oversight by relevant authorities has limited accountability and transparency in the implementation of digital services. By analyzing the practical barriers to accessing public services, this study underscores the urgency of adopting a more inclusive digitalization strategy. It advocates for the integration of alternative access points, enhanced digital literacy programs, and stronger legal safeguards to ensure that the transition to digital public services does not undermine fundamental rights, but rather fosters equitable participation for all citizens.*

Keywords: *digital exclusion; risk; digital service; equality; internet*

1. Introduction

The public service delivery system in Albania has traditionally relied on in-person interaction. This included direct assistance to individuals through clarifying the type of service, supporting them during the application process, managing physical documentation, and welcoming or guiding citizens throughout the procedure.

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The shift toward digital services was formally introduced through legal and sub-legal acts, and the implementation of electronic services was centralized through a single, unified platform known as e-Albania. This platform was developed based on the concept of similar systems already in use across Europe and was designed to align with the European Union's digital transformation agenda, particularly the principles set out in the European Declaration on Digital Rights and Principles for the Digital Decade¹.

In response to this transition, Albania's legal framework has undergone frequent changes, reflecting the gradual digitalization of public services. Initially, this process began with partial online delivery and eventually moved toward exclusive digital access. During this transition, several support offices were established to assist citizens, but they were later closed, eliminating any remaining form of physical service provision and direct interaction with the administration.

While digitalization marks an important step toward the modernization of public administration, it has also introduced significant challenges especially for vulnerable groups. These individuals often lack the ability to choose how they access public services or to use the formats that best suit their skills and conditions. In many cases, they have been forced to rely on private intermediaries, who assist with the e-Albania platform in exchange for payment, often without clear standards for data protection. In other cases, individuals depend entirely on family members to navigate digital services. Consequently, a growing number of discrimination cases have emerged, linked to the absence of digital literacy or the inability to independently access electronic platforms.

This article aims to present a current overview of how individuals' rights are affected by the use of digital platforms and how various legal actors are involved in the protection and enforcement of these rights.

2. The Legal Evolution of Digital Services in Albania

Since June 2014, when Albania was granted candidate status for membership in the European Union², the country has accelerated its reform processes, giving renewed momentum to institutional and political transformations.

¹ European Union. (2023). *European Declaration on Digital Rights and Principles for the Digital Decade* (2023/C 23/01). Official Journal of the European Union, C 23, 1–7. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC_2023_023_R_0001. Accessed on 1 May 2025.

² Council of the European Union. (2014). *Council conclusions on Albania* (General Affairs Council meeting, Luxembourg). Retrieved from <https://www.consilium.europa.eu/media/21900/143354.pdf>. Accessed on 1 May 2025.

The Digital Agenda Strategy in Albania is one of the Government's key priorities, serving as an essential instrument for improving the quality of services provided to citizens and businesses. The "Digital Agenda of Albania 2015–2020" was approved by Decision No. 284, dated 01.04.2015, of the Council of Ministers, and it was drafted in line with the European Agenda 2020 and the Regional Strategy SEE 2020.

The main priorities of this strategy include the development of electronic governance, the improvement of the national ICT infrastructure, and the establishment of a Multipurpose Cadaster¹.

This strategy has been updated with the Digital Agenda of Albania 2022–2026², which aims to ensure that citizens and the workforce have secure and easy access to quality digital data, information, and services, anytime, anywhere, and from any device. At the same time, government agencies are increasingly tasked with delivering a broader range of services to the public, while operating with limited resources and implementing an information-driven approach³.

Access to public services in Albania was traditionally provided in its most typical form through physical presence at service counters. Law no. 13/2016, dated 18.02.2016, "On the manner of providing public services at the service counter in the Republic of Albania"⁴ was the first law adopted to establish a unified legal framework for the delivery of public services at physical counters. Its main objective was to standardize procedures and improve the quality of services offered to citizens.

The law set out the fundamental principles, rules, and institutional responsibilities related to service provision at counters, including the creation of the Agency for the Delivery of Integrated Public Services (ADISA) as the main body responsible for its implementation. Prior to the adoption of this law, the delivery of public services at counters was not governed by a dedicated legal act. Instead, the practices and procedures varied between institutions and were based on a fragmented set of legal

¹ Ministry of Innovation and Public Administration. (2016). *Monitoring Report – Cross-Sector Strategy "Digital Agenda of Albania 2015–2020"*. https://www.infrastruktura.gov.al/wpcontent/uploads/2017/11/Raport_Monitorimit_te_AD-R1-final_-_20_Korrik_2016.pdf. Accessed on 10th May 2025.

² Council of Ministers of the Republic of Albania. (2022). *Decision no. 370/2022 "On the approval of the Cross-Sectoral Strategy 'Digital Agenda of Albania' and the Action Plan 2022–2026"*. Official Gazette, no. 84/2022.

³ Council of Ministers of the Republic of Albania. (2022). *Decision no. 370/2022 "On the approval of the Cross-Sectoral Strategy 'Digital Agenda of Albania' and the Action Plan 2022–2026"*. Official Gazette, no. 84/2022. point 5, page. 4.

⁴ Parliament of the Republic of Albania. (2016). Law No. 13/2016, "On the manner of providing public services at the service counter in the Republic of Albania." Official Gazette, No. 37/2016.

and sublegal provisions, which changed depending on the type of service and the institution responsible.

In implementation of this law, several sub-legal acts were also adopted, establishing specific regulations for the transfer and administration of service counters to ADISA, including:

- Decision of the Council of Ministers “On the transfer of the service counters of the Compulsory Health Care Insurance Fund under the administration of the Agency for the Delivery of Integrated Public Services (ADISA)”¹;
- Decision of the Council of Ministers “On the transfer of the reception counters for citizens of the Local Offices for Immovable Property Registration under the administration of the Agency for the Delivery of Integrated Public Services”²;
- Decision of the Council of Ministers “On the transfer of the counters of the Social Insurance Institute under the administration of the Agency for the Delivery of Integrated Public Services (ADISA)”³.

All three of these decisions were repealed through the adoption of Decision of the Council of Ministers “On the transfer of service counters under the administration of the Agency for the Delivery of Integrated Public Services (ADISA)”⁴, which redefined the scope of citizen service counters while also specifying certain types of services that were excluded from its application.

The need to intervene in individuals’ rights through the use of information technology tools was supported by the development of a regulatory legal framework. This was first reflected in Law No. 107/2021 “On Co-Governance”⁵ and

¹ Council of Ministers of the Republic of Albania. (2016). Decision no. 640, dated 7 September 2016, “On the transfer of the service counters of the Compulsory Health Care Insurance Fund under the administration of the Agency for the Delivery of Integrated Public Services (ADISA).” Official Gazette, no. 170/2016.

² Council of Ministers of the Republic of Albania. (2016). Decision no. 757, dated 26 October 2016, “On the transfer of the reception counters for citizens of the Local Offices for Immovable Property Registration under the administration of the Agency for the Delivery of Integrated Public Services.” Official Gazette, no. 205/2016.

³ Council of Ministers of the Republic of Albania. (2018). Decision no. 715, dated 5 December 2018, “On the transfer of the counters of the Social Insurance Institute under the administration of the Agency for the Delivery of Integrated Public Services (ADISA).” Official Gazette, no. 174/2018.

⁴ Council of Ministers of the Republic of Albania. (2019). Decision no. 639, dated 02.10.2019, “On the transfer of service counters under the administration of the Agency for the Delivery of Integrated Public Services (ADISA).” Official Gazette, no. 137/2019.

⁵ Parliament of the Republic of Albania. (2021). Law no. 107/2021, “On co-governance.” Official Gazette, no. 197/2021.

later in Law No. 43/2023 "On Electronic Governance"¹, which aimed to clearly define the roles and responsibilities of public institutions and private entities regarding the creation and operation of information technology systems. The latter introduced binding obligations to follow relevant IT standards and defined the rules for how electronic services should be designed and delivered within the Republic of Albania. It also covered important issues related to accessing, processing, and registering electronic documents. In addition, it introduced the "only once submission" principle, a key element of electronic governance. This principle aims to make administrative procedures simpler for both individuals and legal entities by ensuring that citizens only need to provide the same information once, with access to services made easier through system interoperability².

Furthermore, the e-Albania portal was officially recognized as the sole access point for obtaining public services, serving as the single digital contact interface through which citizens can request electronic services online³.

Among the most significant implementing acts under Law No. 43/2023 is Decision of the Council of Ministers No. 252, dated 29.04.2022⁴, which sets out the procedures for delivering services online and establishes the methodology for monitoring and overseeing the administrative activity of public service provision in electronic form. It regulates the procedures for delivering services in digital format, including the issuance of final documents signed or sealed electronically for the requesting parties, as well as the method and deadlines for exchanging documents between institutions via the electronic signature-based circulation system, particularly when supporting documentation is required. As of May 1, 2022, all physical counters have been shut down, and public services are now provided exclusively through the e-Albania platform. This means that electronic access is mandatory, and citizens have no alternative means of obtaining the services in question, effectively requiring them to adapt to the digital format.

Complementing this framework is Decision No. 782/2024, "On the determination of detailed rules for accessing the official websites of public authorities" that requires

¹ Parliament of the Republic of Albania. (2023). *Law no. 43/2023, "On electronic governance."* Official Gazette, no. 99/2023.

² Parliament of the Republic of Albania. (2023). *Law no. 43/2023 "On electronic governance"*, Official Gazette, no. 99/2023, Article 1.

³ Parliament of the Republic of Albania. (2023). *Law no. 43/2023 "On electronic governance"*, Official Gazette, no. 99/2023, Article 13. Point 2.

⁴ Council of Ministers of the Republic of Albania. (2022). Decision no. 252, dated 29 April 2022, *"On the procedures for the provision of online services by service-providing institutions and the methodology for monitoring and controlling the administrative activity of their delivery"*. Official Gazette, no. 66/2022.

every public authority to maintain an official website that provides information about the institution itself as well as the public services it offers¹.

These changes, stemming from legal and institutional transformation, have not taken into account the social, economic, and educational conditions of individuals. As a result, they have created significant barriers for the most disadvantaged groups without access to technological tools or the necessary skills to use digital platforms.

France is an example where, despite facing challenges similar to those encountered by Albanian citizens in the implementation of the digital agenda, the government has accompanied digitalization efforts with important safeguards. In its report on the digitalization of public services, the French institution *Défenseur des droits* emphasized that no individual should be forced to access administrative services exclusively through digital means. Accordingly, it recommends that, upon request, users of public services must be able to receive in-person administrative assistance to complete their procedures within a reasonable timeframe, defined as up to two months. The existence of digital services does not imply an obligation for citizens to interact with public administration solely through electronic channels².

It is important to emphasize that the e-Albania platform does not provide clear guidance for citizens on which institution or authority to contact in case they face difficulties while trying to access a specific service. Other mechanisms, such as those provided under Law No. 107/2021 "On Co-Governance", or the option to file complaints with specialized institutions for the protection of fundamental rights and freedoms, serve as remedial tools, intended to restore violated rights. Within this context, a complaint cannot and should not be treated as equivalent to the act of applying for public service.

3. Modalities of Access to Public Services under the Code of Administrative Procedures

Unlike the previously mentioned acts, the Code of Administrative Procedures (hereinafter referred to as "the Code") assigns an active role to public institutions in facilitating citizens' access to public services. The Code imposes a clear obligation on public authorities to create conditions that enable individuals to understand and effectively exercise their rights in the simplest way possible. Specifically, public

¹ Council of Ministers of the Republic of Albania. (2024). *Decision no. 782/2024 "On the determination of detailed rules for accessing the official websites of public authorities"*. Official Gazette, no. 216/2024.

² Defender of Rights. (2022). *Dematerialisation of public services: Three years later, where are we?* Retrieved from: <https://www.defenseurdesdroits.fr/rapport-dematerialisation-des-services-publics-trois-ans-apres-ou-en-est-265>. Accessed on 11th May 2025.

bodies are required to inform citizens of their rights and obligations during an administrative procedure, as well as to notify them of the legal consequences of their actions or inaction¹.

In addition, public institutions are encouraged to support the use of electronic tools for communication and procedural purposes, while ensuring that such use remains an option, not an obligation for citizens. Another key principle embedded in the Code is that lack of legal knowledge or understanding should not negatively impact on the rights or interests of the individual. This reflects the institutional commitment to ensuring a more accessible and inclusive administration that serves the protection of individual rights.

Importantly, the Code clearly envisions digital service access as an alternative, existing alongside traditional service delivery methods, thus recognizing the citizen's right to choose the format that best fits their needs. However, in practice, individuals are no longer able to access services in person, as no physical structures exist to provide direct assistance. For many citizens, particularly those lacking intellectual, digital, or technical skills due to age, education level, or other factors this has led to increased vulnerability, dependence on third parties, or even complete exclusion from services. This practical reality highlights a clear disconnect between the intent of the law and its implementation, exposing the difficulties that individuals face when public institutions fail to fulfill their obligations to provide active support and equal access to services.

According to the Constitution of the Republic of Albania, restrictions on rights and freedoms may only be established by law, in the public interest or for the protection of the rights of others and must be proportionate to the situation that necessitates them. Such restrictions cannot infringe upon the essence of rights and freedoms and, under no circumstances, may exceed the limitations provided for in the European Convention on Human Rights (ECHR)².

The Constitutional Court of Albania, in several of its rulings, has interpreted Article 18 of the Constitution by emphasizing that the principle of equality aims to ensure that all individuals are equal before and under the law, not only in relation to the fundamental rights enshrined in the Constitution but also in regard to all rights provided by other applicable laws³.

¹ Parliament of the Republic of Albania. (2015). *Law no. 44/2015: Code of Administrative Procedures of the Republic of Albania*. Official Gazette, no. 87/2015. Article 10.

² Parliament of the Republic of Albania. (1998). *Law no. 8417/1998: Constitution of the Republic of Albania*. Official Gazette, no. 28/1998, Article 17.

³ Constitutional Court of Albania. (2010 & 2021). *Decisions no. 4, dated 12.02.2010, and no. 31, dated 04.10.2021*.

Furthermore, as the highest-ranking legal instrument, the European Convention on Human Rights (ECHR) prohibits discrimination in the enjoyment of the rights and freedoms it guarantees. In addition¹, Protocol No. 12 to the ECHR, ratified by Albania, extends this protection by prohibiting discrimination in the enjoyment of “any right set forth by law,” thereby offering broader protection than Article 14, which applies only to the rights explicitly guaranteed by the Convention itself.

The process of digitalizing and automating public services directly impacts not only on how citizens interact with public administration, but also their fundamental rights and freedoms. This development is closely tied to the principle of respect for human dignity, which the Constitutional Court of Albania has recognized as the constitutional foundation upon which all other rights are built². While technology can enhance efficiency and simplify procedures, it is not inherently neutral or impartial. Maintaining human interaction in institutional processes is therefore essential to ensure equal treatment, prevent errors resulting from automation, and protect individuals from mechanical decision-making that often overlooks personal circumstances (Danks & London, 2017). This is particularly important in the context of digital governance, where legal and policy frameworks must be shaped to uphold human dignity as a guiding principle in the design and delivery of electronic public services.

Respect for human dignity includes, among other things, the protection of individuality and personal identity, the integrity of the individual, and the guarantee of equality before the law. These elements are essential to ensure that technology serves as a tool for the individual rather than a barrier to the exercise of fundamental rights. By adopting a “human dignity” lens in the development and implementation of inclusive policies, public institutions and lawmakers must place the citizen at the center ensuring that no one is left behind or deprived.

In this context, the choice between accessing public services online or in person should remain a fundamental right and individual responsibility of every citizen. Such an approach upholds the principle of freedom of choice and personal autonomy, ensuring that individuals have the opportunity to determine the most suitable way to interact with public institutions. The right to self-determination and the protection of human personality require that individuals be free to make decisions about their lives in accordance with their values and worldview. Any obligation to follow a specific mode of service delivery be it digital or physical, may

¹ Council of Europe (1950/2021). *European Convention on Human Rights, as amended by Protocols No. 11, 14, and 15*. Rome, 4 November 1950. Article 14.

² Constitutional Court of Albania (1999 & 2021). *Decisions no. 65, dated 10.12.1999, and no. 20, dated 20.04.2021*.

constitute an unjust restriction of this freedom and contradict the need to respect the diversity of opinions, experiences, and capabilities.

To ensure the protection of rights and freedoms related to the internet, numerous international initiatives have been undertaken to oblige states to provide equal standards and to respect individuals' rights and freedoms to access online services and use the internet. In decision 1 BvR 1073/20, the German Federal Constitutional Court stated that the protection of fundamental rights requires a balancing assessment of the harms that threaten citizens' rights and legal interests, particularly in cases where general rules may prove discriminatory for specific categories of individuals¹.

It is important to emphasize that access to public services and digital rights are no longer merely abstract concepts but have evolved into concrete rights. While not all states have adopted a clear and unified definition of digital rights, many have integrated these rights into their legal frameworks, treating them as extensions of fundamental freedoms within the digital society. For example, the Constitution of Greece guarantees access to and protection of electronically transmitted information², with a strong focus on the processing of personal data³. In France, the Constitutional Council has ruled that access to the internet is an essential component of freedom of expression and communication, affirming that any restriction on this right must be subject to judicial oversight⁴.

Based on this treatment of internet freedom and the right to access public services, it can be easily concluded that internet access or access to digital platforms is now regarded as a fundamental human right. This is because it is intrinsically linked to several rights and freedoms enshrined in the Constitution, such as the right to expression, access to information, data protection, and participation in public life, as provided in Articles 18, 20, 41, 42, 49(2), 52, 53, 54, and 55. The Constitutional Court of Albania has consistently emphasized that the guarantee of fundamental rights

¹ German Federal Constitutional Court. (2021). *Judgment of 15 June 2021 – BvR 1073/20*.

² Hellenic Parliament (2019). *The Constitution of Greece: As revised by the parliamentary resolution of November 25, 2019 of the IXth Revisionary Parliament*. Retrieved from: <https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/THE%20CONSTITUTION%20OF%20GREECE.pdf>. Accessed on 10th May 2025. Article 5A.

³ Hellenic Parliament (2019). *The Constitution of Greece: As revised by the parliamentary resolution of November 25, 2019 of the IXth Revisionary Parliament*. Retrieved from: <https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/THE%20CONSTITUTION%20OF%20GREECE.pdf>. Accessed on 10th May 2025. Article 9A.

⁴ French Constitutional Council (2009). *Decision no. 2009-580 DC of 10 June 2009*. Retrieved from: <https://www.conseil-constitutionnel.fr/decision/2009/2009580DC.htm>. Accessed on 10th May 2025.

must be accompanied by concrete measures that aim to advance those rights and strengthen the rule of law. These guarantees must not, without justification, result in a deterioration of other individuals' legal standing, nor deny acquired rights or legitimate interests. Otherwise, the principle of equality of rights is undermined, and broader efforts to build a democratic state governed by the rule of law are obstructed.

Moreover, according to the case law of the European Court of Human Rights, in the judgment *Kalda v. Estonia*, the Court underscored that domestic courts must not overlook the fact that numerous Council of Europe instruments as well as other international standards recognize the public service nature of internet access and its critical role in the enjoyment of multiple human rights. Internet access is increasingly understood as a right, with growing calls for the development of effective policies to achieve universal access and bridge the digital divide. The Court acknowledged that these developments reflect the significant role the internet plays in everyday life, especially given that an increasing amount of services and information are available exclusively online¹.

Access to the internet and public services today is not merely a tool for communication, information, and interaction, but a fundamental right that directly impacts the quality of life and the enjoyment of other basic human rights. For this reason, it is essential to take concrete measures and establish infrastructure that ensures equal access for all.

According to the established case-law of the ECtHR, it has been concluded that the refusal to provide information/documentation constituted an interference with the applicant's right to receive it. Access to information held by public authorities is vital for the exercise of freedom of expression or other rights. Furthermore, the Court has found that the state interference was not "necessary in a democratic society" as the authorities failed to properly balance the public interest. Although states have a certain margin of discretion in providing public services, any difference in treatment must have an objective and reasonable justification. States must ensure that their policies regarding access to public services comply with the principle of non-discrimination and other related rights².

On matters of such importance, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression has stated that "*The internet can only truly fulfill its purpose if governments take active responsibility in formulating and implementing effective policies aimed at achieving universal access*".

¹ European Court of Human Rights. (2016). *Kalda v. Estonia* (Application No. 17429/10). Retrieved from: <https://hudoc.echr.coe.int/eng?i=001-160270>. Accessed on 8th May 2025.

² European Court of Human Rights. (2011). *Ponomaryovi v. Bulgaria* (Application No. 5335/05). Retrieved from: <https://hudoc.echr.coe.int/eng?i=001-105295>. Accessed on 10th May 2025.

Without concrete strategies and dedicated efforts, the internet risks becoming a tool limited to a privileged minority, thereby intensifying what is known as the "digital divide." The term "digital divide" refers to the gap between individuals who have reliable access to digital and information technologies and the skills to use them, and those who do not. This divide is often shaped by factors such as income level, gender, geographic location, and social inequality within countries¹.

In this context, the Special Rapporteur has expressed concern that without inclusive internet access and sufficient digital literacy, which are essential for economic development and the enjoyment of various human rights, marginalized communities and developing nations may remain in disadvantaged positions. This could reinforce inequality both within and between nations. To address this challenge, the Special Rapporteur urges states to support initiatives that ensure meaningful online access for all segments of society, including people with disabilities and speakers of minority languages².

On the other hand, based on Recommendation CM/Rec(2016)5 of the Committee of Ministers to member States on internet freedom, guidance is provided for member States to respect, protect, and promote human rights online. Internet freedom is understood as the exercise and enjoyment of fundamental human rights and freedoms on the internet, and the protection of these rights in accordance with the ECHR and the International Covenant on Civil and Political Rights. Member States of the Council of Europe are expected to take a proactive approach in implementing the Convention and other Council of Europe standards relating to the internet. The right to internet access should include³:

- Internet availability, accessibility, and affordability for all population groups without discrimination.

¹ United Nations Human Rights Council. (2011, May 16). *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue* (A/HRC/17/27). Retrieved from: https://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/a.hrc.17.27_en.pdf. Accessed on 10th May 2025.

² United Nations Human Rights Council. (2011). *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue* (A/HRC/17/27). Retrieved from: https://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/a.hrc.17.27_en.pdf. Accessed on 10th May 2025.

³ Council of Europe, Committee of Ministers. (2016). *Recommendation CM/Rec(2016)5 of the Committee of Ministers to member States on Internet freedom*. Retrieved from: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415fa. Accessed on 10th May 2025.

- Public access to the internet through facilities supported by the public administration (internet access points), educational institutions, or private providers (universal community service).
- The State takes reasonable measures to ensure internet access for low-income individuals, those living in rural or geographically remote areas, and individuals with special needs, such as persons with disabilities.
- No general, nationwide restrictions on internet access should be imposed, except where such restrictions are in compliance with Article 10 of the Convention.

4. Unequal, Disadvantaged, and Unjust Treatment of Citizens Unable to Access Electronic Public Services

The right to benefit from public services and to access personal information and documentation constitutes one of the foundational pillars of the rule of law. This right is closely connected to constitutional rights and other legal guarantees that ensure respect for human dignity and individual autonomy.

In the era of digital transformation, the shift of public services to electronic formats has been promoted as a step toward administrative efficiency and modernization. However, this development has not been equitable for all citizens. A significant portion of the population including the elderly, people with disabilities, marginalized communities, and individuals lacking digital skills or access to technological infrastructure face real barriers in obtaining public services. This has resulted in unequal, disadvantaged, and often unjust treatment of these groups, deepening social divides and challenging the principles of equality before the law and fair access to public services.

The Commissioner for Protection from Discrimination (hereinafter referred to as “the Commissioner”) has been engaged on several occasions in handling cases related to findings of discrimination arising from the inability to access services electronically. These cases often interact with other contributing factors such as educational, familial, economic, social, or racial circumstances.

The principle of equality and non-discrimination is one of the fundamental pillars of the constitutional order and the human rights system in Albania. This principle is clearly enshrined in Article 18 of the Constitution, which provides that all citizens are equal before the law and that differential treatment of individuals is permissible only when there is an objective and reasonable justification. This standard aims to ensure that no one is excluded or unjustifiably favored based on characteristics such as gender, ethnic origin, religion, political beliefs, economic status, or social

affiliation. By enshrining the principle of equality before the law, the Constitution does not give it the meaning of an absolute right, as it simultaneously defines the conditions under which this right may be restricted. Paragraph 3 of Article 18 of the Constitution permits limitations to the right to equality subject to the fulfillment of specific conditions, namely that the limitation is objectively and reasonably justified¹.

In its jurisprudence, the Constitutional Court has emphasized that this principle does not imply identical treatment in every case but requires that individuals in similar conditions be treated equally, whereas differential treatment is allowed only when it is based on objective and reasonable criteria. Only in such cases can differential treatment for specific categories of individuals be justified. This means that equality is not an absolute right, but one that can be limited if justified by legitimate aims and in accordance with the principle of proportionality between the adopted measure and the intended goal².

Equality before and under the law does not imply identical solutions for individuals or groups in objectively different circumstances. This principle presupposes equality for individuals who are in comparable situations, and only in exceptional cases, for objective and reasonable reasons, can different treatment of certain categories benefiting from this right be justified³.

This principle requires all subjects to be treated equally, but it does not prohibit differentiated treatment when individuals or groups are not in the same or similar conditions, or when a reasonable and objective justification exists, establishing a fair and proportional relationship between the means used and the goal intended to be achieved⁴.

At the international level, this principle is directly reflected in Article 14 of the European Convention on Human Rights, which prohibits any form of discrimination in the enjoyment of the rights guaranteed by the Convention. However, Protocol No. 12 to the Convention, which has been ratified by Albania, goes further by prohibiting discrimination in the exercise of any right set forth by national law, regardless of whether that right is directly protected by the Convention.

¹ Constitutional Court of Albania (2009). *Decision no. 19, dated 09 July 2009.*

² Constitutional Court of Albania (2008 & 2009). *Decisions no. 18, dated 29 July 2008, and no. 19, dated 9 July 2009.*

³ Constitutional Court of Albania (2013–2021). *Decisions no. 48, dated 15 November 2013; no. 10, dated 29 February 2016; no. 20, dated 20 April 2021; no. 27, dated 29 June 2021; and no. 31, dated 4 October 2021.*

⁴ Constitutional Court of Albania (2008 & 2019). *Decisions no. 18, dated 29 July 2008, and no. 19, dated 9 July 2019.*

The European Court of Human Rights has consistently interpreted the notion of discrimination as differential treatment of individuals in similar situations, when such treatment lacks an objective and reasonable justification. According to the Court, the failure to adopt special measures to treat differently individuals who are in objectively different conditions also constitutes a violation of the principle of equality. This interpretation emphasizes the necessity for states to maintain a fair balance between the measures undertaken and the aim pursued, ensuring that any differentiation is proportionate and based on genuine needs¹.

The Law on Protection from Discrimination (LPD)², which serves as the current legal framework for preventing and addressing discrimination, also provides protection in relation to access to goods and services. Specifically, Article 20, paragraph 1 of this law prohibits any form of discrimination by entities, whether natural or legal person, that offer goods or services to the public, whether for a fee or free of charge. This prohibition encompasses both the refusal to provide services to an individual on grounds prohibited by law and the provision of less favorable treatment in terms of the quality, manner, or conditions under which the service is delivered, compared to what is generally applied to the public.

Currently, regarding the issue of access to public services through the e-Albania platform, the Commissioner has been engaged through seven complaints³, four of which have been concluded and three are in the decision-making phase. In all four concluded cases, discrimination was found on grounds related to⁴:

- **Age:** It has been assessed that digital skills necessary for accessing electronic services are closely related to the applicant's age. If their age prevents them from using technological devices, they will face difficulties or even impossibility in obtaining the service. The youngest age accepted by the Commissioner (at least in the cases submitted so far) is 48 years old⁵.
- **Education:** In cases where complainants lacked an educational level that would provide even minimal knowledge in the field of technology or the use of technological devices, the lack of education has been considered a factor leading to unequal and discriminatory treatment. Moreover, the technical and administrative language used on official platforms is often

¹ European Court of Human Rights. (2000). *Thlimmenos v. Greece* (Application no. 34369/97). Retrieved from: <https://hudoc.echr.coe.int/eng?i=001-58561>. Accessed on 4 May 2025.

² Parliament of the Republic of Albania. (2010). *Law no. 10221/2010 "On Protection from Discrimination"*, published in the Official Gazette no. 15/2010.

³ Five of the cases are being followed by the author of this article, A. Duraku.

⁴ Commissioner for Protection from Discrimination. (2025). *Decisions no. 122, dated 13 May 2025, and no. 96, dated 28 April 2025*.

⁵ Commissioner for Protection from Discrimination. (2025). *Decisions no. 122, dated 13 May 2025, and no. 96, dated 28 April 2025*.

difficult to understand for individuals with low levels of education, further deepening exclusion and inequality in access to public services.

- **Profession:** If the complainants have not exercised a profession that required the use of technological devices or basic or specialized knowledge for digital services, the lack of professional preparedness may constitute a discriminatory factor in accessing digitalized public services.
- **Economic status:** This criterion refers to situations where individuals, due to difficult financial conditions, cannot afford to pay for access to public services through intermediaries such as internet cafes, notary offices, or other entities offering technical assistance. Such economic obstacles may lead to actual exclusion from essential services.
- **Family situation:** This relates to circumstances in which the family unit lacks members of suitable age or with the necessary technological skills to assist others in using digital public services. This situation, closely linked to the family's composition and structure, may create additional barriers to equal access to services.

Likewise, one of the other key achievements secured through these decisions is the obligation imposed on institutions that committed acts of discrimination to take appropriate measures and ensure the provision of tools and means for offering assistance and support to all individuals who are unable to independently access online services via the e-Albania platform.

The decisions of the Commissioner represent an important step toward recognizing and ensuring equality in access to digital services. These decisions not only identify instances of discrimination and the exclusion of individuals from public services due to technological or social limitations, but also impose concrete obligations on public institutions, guiding them toward a more inclusive and equitable approach. In doing so, these decisions contribute not only to the rectification of individual injustices but also to the strengthening of the rule of law and the principle of non-discrimination in the digital era.

5. Barriers to Accessing Online Public Services

The digitalization of public services has significantly influenced how citizens access these services, with the e-Albania platform serving as one of the main mechanisms of this process. While its use has expanded and some procedures have become easier, citizens' experience with the platform remains an open subject for discussion. Technical aspects, clarity of information, and accessibility are elements that require

further analysis to understand the extent to which the platform meets the needs of all users and what areas may require improvement.

The initial goal of the platform was to provide simple and efficient user experience. However, in order to maintain its functionality in line with citizens' needs and international standards, continuous adaptation is necessary. This means that every improvement must focus on simplifying navigation, improving the quality of information, and increasing transparency.

The lack of improvements may create barriers for certain categories of citizens, limiting their access to public services. For this reason, it is essential that the platform is adapted and developed through consultations with experts, civil society, and citizens, to ensure it is as inclusive and effective as possible. If these issues are not addressed, there is a risk that a large segment of the population will be left out of the system, losing access to essential public services. The digitalization of public services must not be a mere technological shift, but a comprehensive transformation that guarantees access for all.

Within the framework of Albania's social context, it has been identified that:

- One of the groups most impacted by the shift to digital public services is the elderly.

Many of the services they rely on such as applying for pensions, economic aid, or obtaining personal and family certificates, are now accessible only through the e-Albania platform. However, for individuals who have spent the majority of their lives outside the digital age, adapting to these technologies presents a significant challenge. Basic digital tasks, like using a smartphone or navigating a computer, often remain unfamiliar, making it extremely difficult for them to complete online forms or upload necessary documents without assistance.

According to studies conducted by INSTAT for the year 2023, internet usage among youth aged 16–24 stands at 99.1%, while 32.3% of individuals aged 65–74 reported never having used the internet. Furthermore, 99.8% of individuals accessed the internet via mobile phones or smartphones. In contrast, 28.2% used laptops, 27.4% accessed it through computers/desktops, and 19.1% through tablets¹.

These figures on device usage are particularly relevant in the context of the e-Albania public service platform, as certain services are only accessible through laptops or desktop computers and not via other devices (Duraku, 2025). Nonetheless, in terms of aligning legislation with the EU, Albania has made good

¹ Institute of Statistics (INSTAT). (2023). *Use of Information and Communication Technology in Households*. Retrieved from: https://www.instat.gov.al/media/12854/ict-2023_shqip.pdf. Accessed on 10th May 2025.

progress in following up on recommendations, particularly with the implementation of the 2022–2026 Digital Agenda, which has resulted in 95% of public services being offered online¹.

- Individuals with limited financial means who are compelled to access public services through fee-based intermediaries.

Difficulties in accessing online public services are often linked to multiple factors that go beyond the mere absence of internet access. The lack of financial means to afford a home internet connection, the inability to purchase suitable technological devices, as well as the lack of skills to use these devices, represent real barriers for many citizens. This category is particularly affected by the digitalization of public services, as their inability to afford additional costs leaves them effectively excluded from access to basic services.

Difficulties in accessing online services, not only in Albania, are linked to the inability to finance internet connection, purchase suitable technological equipment, or the inability to use technological tools or even to understand the administrative language used in the online service portal².

The Law "On Social Assistance" aims to alleviate poverty and prevent social exclusion for individuals and families in need³. Based on this logic, it is paradoxical that individuals who receive economic aid to cover basic living needs are required to bear additional costs to access public services that are offered only online. In circumstances where they lack the financial means for home internet or suitable devices, they are forced to seek help from third parties to carry out electronic applications. Due to the lack of support from civil servants, citizens often turn to internet centers or private offices offering assistance, which turns access into a paid service that is potentially unaffordable for the most vulnerable categories.

- People with disabilities.

The commitments undertaken by the Albanian state through the ratification of the United Nations Convention on the Rights of Persons with Disabilities have been directly incorporated into domestic legislation through Law no. 93/2014, "On the

¹ European Commission. (2023, November 8). *Commission Staff Working Document: Albania 2023 Report* (SWD(2023) 690 final). Retrieved from: https://enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_690%20Albania%20report.pdf. Accessed on 10th May 2025. Page 93.

² Defender of Rights. (2022). *Dematerialization of public services: three years later, where are we?* Retrieved from: https://www.defenseurdesdroits.fr/sites/default/files/202307/ddd_rapport_dematerialisation_EN_2022_202205.pdf. Accessed on 18th May 2025. Page 39.

³ Parliament of the Republic of Albania. (2019). *Law no. 57/2019 "On Social Assistance in the Republic of Albania"*, published in Official Gazette no. 113/2019, Article 2, point b.

Inclusion and Accessibility of Persons with Disabilities”¹. This law aims to ensure that people with disabilities can participate independently, equally, and effectively in all aspects of social life. These principles are also applicable to the domain of online public services, establishing the obligation that such services must be accessible and adapted to the needs of this category of citizens.

The law defines the concept of “barriers” broadly, encompassing not only physical or infrastructural obstacles but also communication-related barriers. This includes the challenges faced by individuals with sensory impairments such as vision or hearing difficulties as well as those who cannot use verbal communication or require simplified formats for reading and comprehension. Moreover, the law also identifies institutional structures, including legal provisions and public policies that result in exclusion or segregation, as potential sources of barriers (Article 3, paragraph 3). This approach should guide the development and implementation of policies related to the digitalization of public services, ensuring they do not create new barriers for people with disabilities.

People with disabilities and/or individuals with special needs face specific types of obstacles in accessing online public services. Among the recommendations submitted to the National Agency for Information Society, is the need to improve accessibility for users who are deaf or blind, through the integration of sign language, audio options, or other formats tailored to the needs of specific groups. In addition, the recommendations emphasize the development and implementation of customizable interface options that allow users to adjust visual settings, such as text size and screen colors, and to enable simplified modes to better accommodate the needs and preferences of a wide range of users.

- National minorities

National minorities are defined by a specific law and include the Greek, Macedonian, Aromanian, Roma, Egyptian, Montenegrin, Bosniak, Serbian, and Bulgarian minorities².

With the aim of improving access to public services and promoting the social inclusion of these communities, the National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians 2021–2025 was drafted to significantly enhance these communities’ access to public services and promote their social inclusion. One of the main objectives of the plan is to ensure that all Roma and Egyptian citizens

¹ Parliament of the Republic of Albania. (2014). *Law no. 93/2014 “On Inclusion and Accessibility of Persons with Disabilities”*, published in Official Gazette no. 135/2014, Article 2.

² Parliament of the Republic of Albania. (2017). *Law no. 96/2017 “On the Protection of National Minorities in the Republic of Albania”*, published in Official Gazette no. 196/2017, Article 3, point 2.

have real opportunities to benefit from basic services such as civil registration, free primary legal aid, quality healthcare, and preventive services¹.

The challenges faced by individuals from these groups are numerous and complex. Many lack basic skills such as reading and writing, making it nearly impossible for them to use electronic public services without direct assistance. Furthermore, they often do not have physical or institutional support to guide them through the process of accessing services, frequently encountering a lack of clear information, guidance, and administrative assistance. Added to this is the lack of internet connectivity and technological devices, which are essential tools for accessing digitalized services.

In many cases, these obstacles reflect the absence of inclusive policies that genuinely address the specific needs and conditions of these groups. As a result, without targeted and systematic interventions aimed at building capacities, providing technological tools, and offering human support at every step of the process, digitalization risks further deepening existing inequalities.

6. Conclusions and Recommendations

The digitalization of public services is an irreversible process and a present-day reality both in Albania and across European Union member states. It offers clear advantages, including increased administrative efficiency, reduced bureaucracy, and improved access to services for a broad segment of the population. However, these benefits are not distributed equally. Certain groups such as people with disabilities, individuals with low income, the elderly, and members of marginalized communities face significant barriers due to a lack of digital literacy, limited access to technological devices, or insufficient institutional support.

According to the European Commission's 2023 report on Albania, 95% of applications for 1,217 public services were submitted online during the reporting period. In 2022 alone, over 7.8 million electronically sealed documents were downloaded via the e-Albania portal by more than 2.8 million registered users although only around 1.5 million of them were considered active. E-services were accessed a total of 14.2 million times during the year. While this demonstrates the significant progress made in the digitalization agenda, the report also notes that further efforts are needed to ensure equal access to digital services for all citizens

¹ Council of Ministers of the Republic of Albania. (2021). *Decision no. 701/2021 "On the approval of the National Action Plan for Equality, Inclusion, and Participation of Roma and Egyptians, 2021–2025"*, published in Official Gazette no. 186/2021, page 36.

and to align with the requirements of the Digital Services Act and the Digital Markets Act¹.

However, despite this progress, the digital transition is not without challenges. These disparities risk deepening digital exclusion and social inequality unless addressed through targeted and inclusive policies.

While digital transformation is a necessary and progressive step, it must be accompanied by a human rights-based approach that ensures no one is left behind. In this context, the conclusions and recommendations drawn from this analysis aim to guide the digitalization process toward a more inclusive model, one that respects and upholds fundamental human rights.

Recommendation no. 1: Guarantee alternative access points

Reinstate or ensure the availability of physical service points or assisted access hubs for individuals who cannot use digital platforms independently, in compliance with the principles of equal treatment and accessibility.

Recommendation no. 2: Implement targeted support mechanisms

Provide tailored assistance for vulnerable groups, including the elderly, persons with disabilities, Roma and Egyptian communities, and those with low digital literacy, through community mediators, mobile units, or on-site administrative help.

Recommendation no. 3: Invest in digital literacy and infrastructure

Launch national programs for digital skills development, especially in rural and underserved areas, and ensure affordable access to internet and technological equipment.

Recommendation no. 4: Ensure accessibility of digital platforms

Comply with international accessibility standards (e.g. WCAG) and domestic legislation by making platforms like e-Albania adaptable for people with sensory or cognitive disabilities (sign language, audio formats, easy-read options).

Recommendation no. 5: Strengthen legal and policy frameworks

Align national legislation with the EU Digital Services Act and Digital Markets Act, reinforcing the obligation of public authorities to ensure inclusive and equal access to e-services.

¹European Commission. (2023). *Commission Staff Working Document: Albania 2023 Report (SWD(2023) 690 final)*. Retrieved from: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_690%20Albania%20report.pdf. Accessed on 16th May 2025. Page 93.

Recommendation no. 6: Monitor and evaluate impact

Establish independent oversight mechanisms to assess the social impact of digital transformation policies and collect disaggregated data on access barriers, with regular public reporting and civil society consultation.

Recommendation no. 7: Institutionalize the role of equality bodies

Strengthen the capacity and mandate of the Commissioner for Protection from Discrimination to investigate structural digital exclusion and issue binding recommendations to public institutions.

These recommendations aim to ensure that Albania's digital transformation process promotes not only efficiency, but also equity, accessibility, and fundamental rights in alignment with European and international standards.

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