



INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

IPA II BENEFICIARY

International Monitoring Operation (IMO): Support to the process of temporary re-evaluation of Judges and Prosecutors in Albania – Phase II

Action Summary

The action is aimed at strengthening the independence, transparency, efficiency, accountability and public trust in the Albanian justice system in line with the European standards and the EU acquis. Activities will be devoted to: increase the professional quality of judges and prosecutors; reduce the impact of organized crime, politics and corruption in the delivery of Justice; and enhance the integrity and accountability of judiciary institutions.

Action Identification	
Action Programme Title	Annual Action Programme for Albania for the year 2020
Action Title	International Monitoring Operation (IMO): Support to the process of temporary re-evaluation of Judges and Prosecutors in Albania - Phase II
Action ID	2020/ 042-914.06/AL/ International Monitoring Operation (IMO): Support to the process of temporary re-evaluation of Judges and Prosecutors in Albania - Phase II
Sector Information	
IPA II Sector	Rule of Law and Fundamental Rights
DAC Sector	15130 - Legal and judicial development
Budget	
Total cost	EUR 9,700,000
EU contribution	EUR 8,700,000
Budget line(s)	
Management and Implementation	
Method of implementation	Indirect management with an entrusted entity
<i>Indirect management:</i> National authority or other entrusted entity	Member State agency - Austrian Development Agency
Implementation responsibilities	Independent Qualification Commission Appeal Chamber Public Commissioner
Location	
Zone benefiting from the action	Albania
Specific implementation area(s)	Tirana
Timeline	
Final date for concluding Financing Agreement(s) with IPA II beneficiary	At the latest by 31 December 2021
Final date for concluding contribution/delegation agreements, procurement and grant contracts	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 114(2) of the Financial Regulation
Indicative operational implementation period	6 years following the conclusion of the Financing Agreement
Final date for implementing the Financing Agreement (date by which this programme should be de-	12 years following the conclusion of the Financing Agreement

committed and closed)			
Policy objectives / Markers (DAC form)			
General policy objective	Not targeted	Significant objective	Main objective
Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	X	<input type="checkbox"/>	<input type="checkbox"/>
Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
RIO Convention markers	Not targeted	Significant objective	Main objective
Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>
Internal markers	Not targeted	Significant objective	Main objective
Migration	X	<input type="checkbox"/>	<input type="checkbox"/>
COVID response	X	<input type="checkbox"/>	<input type="checkbox"/>

1. RATIONALE PROBLEM AND STAKEHOLDER ANALYSIS.

In November 2014 Albania started a judiciary reform process. On 22 July 2016, the Albanian Parliament adopted by unanimity the constitutional amendments kick starting the judicial reform process. An annex to the Constitution was also adopted to discipline the process of a ‘Transitional Qualification Assessment’ for all members of the judiciary – an extraordinary process for the re-evaluation of all judges and prosecutors within the judiciary of Albania. The ground for the implementation of the process was then further prepared with the adoption of the necessary secondary legislation. This was approved by the Parliament of Albania on 30 August 2016 as Law 84/2016 on the transitional re-evaluation of judges and prosecutors in the Republic of Albania (‘Vetting Law’), which entered into force on 8 October 2016. Its purpose is to determine specific rules for the re-evaluation of all judges and prosecutors in duty, with the final aim to guarantee the functioning of the rule of law and the independence of the judiciary. As the reform itself, the vetting law aims to rebuild public trust in the judiciary.

As provided in Article B of the Annex of the Constitution, and as further disposed in the Vetting Law, an International Monitoring Operation (IMO) shall support the re-evaluation process throughout. The IMO is led by the European Commission. On the 18 January 2017, the authorities of Albania submitted a formal request for the deployment of the IMO to the European Commission services, specifically inviting the IMO to begin operations. The IMO is entrusted with monitoring the vetting process, from the establishment of the vetting organs until the completion of the whole re-evaluation exercise.

The Albanian vetting organs, namely the Independent Qualification Commission, the Appeal Chamber and the Public Commissioner, were appointed in August 2017 for a 5 year period. The temporary re-evaluation of all judges and prosecutors (vetting process) has since advanced steadily, producing tangible results. Under the aegis of the European Commission, the IMO has continued to oversee the process. The vetting institutions have continued to build their investigations on the basis of the following three pillars provided for in the law (“three pillar assessment”): (i) asset assessment, (ii) background assessment, (iii) proficiency assessment. By February 2020, almost 226 files had been processed by the Independent Qualification Commission (IQC), resulting in approximately 41% dismissals, 38% confirmations and 19% resignations/retirements. Most dismissals pertained to issues related to unjustified assets. These concrete and credible results have substantially contributed to consolidating independence, impartiality, professionalism, and accountability of the judiciary.

Following the vetting of the candidates for the new bodies of the self-governing of the judiciary (the High Judicial Council, the High Prosecutorial Council, and the Justice Appointment Council) it was possible to establish the new Institutions in December 2018. This represents a crucial step in strengthening the independence and accountability of the judiciary. The newly established institutions mark a decisive step towards the implementation of the justice reform. The High Judicial Council (HJC) and the High Prosecutorial Council (HPC) are the two pillars for an impartial and qualitative judicial system. The HJC was established on 12 December 2018 after a lengthy process delayed by the implementation of the justice reform, and in particular by the vetting process. Following the establishment of these new institutions in July 2019, the ‘Pole of Justice’ building was inaugurated. It accommodates justice institutions, such as the HPC, HJC and the School of Magistrates. HJC and HPC have adopted appropriate regulations according to their individual areas of responsibility. In December 2019 the Special Prosecution Office (SPO) combating corruption and organised crime, as well as the special anti-corruption and organised crime Courts, of first and second instance, whose jurisdiction mirrors that of the SPO, were also established. In February 2020, the High Justice Inspector was established.

OUTLINE OF IPA II ASSISTANCE

The action seeks to contribute to strengthening the independence, transparency, efficiency, accountability and public trust in the Albanian justice system. The actions envisage continuation of International Monitoring Operation (IMO) started under the AAP 2016 with an IMO Phase II. Specifically, this action will continue to carry out the constitutional mandate of the IMO to monitor the vetting process in line with the Annex to the 2016 revised Constitution of Albania, Article B. The final beneficiaries of the action are the

Albanian citizens, who – as a consequence of the vetting process and the work of the IMO – will benefit from reduced levels of corruption within the justice system in Albania. This will ultimately restore public confidence and trust in the judiciary. The main stakeholders are; the Independent Qualification Commission, the Appeal Chamber, and the Public Commissioners.

RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES

The Stabilisation and Association Agreement (SAA) 2014-2020 requires Albania to reinforce the institutions in the area of law enforcement; extend cooperation in border control; prevent illegal migration; cooperate in fighting and preventing terrorism and its financing; and fight criminal and illegal activities, especially organised crime, money laundering, irregular migration and smuggling. According to article 78 of SAA, particular importance shall be paid to the consolidation of the rule of law, and to the reinforcement of institutions at all levels in the areas of law enforcement and the administration of justice in particular. Cooperation between Albania and the EU shall notably aim at strengthening the independence of the judiciary and improving its efficiency, fostering the functioning of the police and other law enforcement bodies, providing adequate training and fighting corruption and organised crime.

In line with the policies defined in the latest Enlargement Strategy, the revised enlargement methodology, the most recent country reports by the EC, and the government's general priorities, IPA II focuses on strengthening the rule of law and justice sector as a key strategic priority. Progress in the sector will ensure a stable and democratic future for the country, and will benefit directly the country's socio-economic development, including through increased inward investment.

The Revised Indicative Strategy Paper for Albania (2014-2020) (ISP) of 2018, focuses on rule of law and police cooperation and the fight against organised crime, terrorism and drugs, trafficking in human beings, money laundering, migration and asylum policy, and integrated border management. IPA II support has so far focused on the enhancement of the capacities of the Ministry of Justice, the judiciary, Albania State Police and other law-enforcement agencies.

The EU strategy for “A Credible enlargement perspective for an enhanced EU engagement with the Western Balkans” of 6 February 2018 reconfirms a merit-based prospect of EU membership for the Western Balkans as the Union's own political, security and economic interest and underlines the crucial role of strategic and operational cooperation between EU and the Western Balkans on security and justice. The action plan in support of the transformation of the Western Balkans underlines under the main action 1 that: i) Strengthening support to the rule of law, and ii) Work towards better use of conditionality in the accession negotiations, in particular by ensuring concrete results in judicial reform and in the fight against corruption and organised crime, are achieved before technical talks on other chapters can be provisionally closed.

The objective of the National Strategy for Development and Integration with regard to justice is to “build a country based on the rule of law, guarantee human rights and fundamental freedoms, with a system of open and equal justice that ensures justice for all”. The objective of the Albanian National Plan for European Integration is to establish an independent, accountable and efficient justice system in Albania, which is able to deliver justice in a fair and transparent manner, as well as to implement legislation approximated in line with the EU acquis.

The Cross-sector Justice Strategy for the period 2017-2021 includes clear objectives and measures to improve the functioning of the justice system. The objectives and actions of the justice strategy are well designed to address the needs of the justice sector, including challenges the sector will face during the ongoing justice reform. The justice strategy will be reviewed regularly and its action plan fine-tuned in tandem with implementation progress and changing circumstances. Its implementation shall be monitored and reported on regularly through the Justice Sector Steering Committee meetings, the forum for consultation with donors and civil society. The Steering Committee is part of the Integrated Policy Monitoring Group on Rule of Law and Fight Against corruption.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

The EU has provided substantial support to the Albanian authorities in the areas of Rule of Law and Justice Reform. Previous IPA assistance focused on key institutional reforms – and capacity building of the various judiciary and rule of law actors, primarily through assistance to the modernisation of the justice system and support to increase the efficiency of law enforcement agencies and prosecutions service. In addition, a number of infrastructure projects have considerably enhanced the capacity of the judicial and penitentiary system to comply with international standards and best practices.

The Sector Reform Performance Contract in support of the reform in the Justice Sector commenced in 2019 in line with the objectives of the Indicative Strategy Paper 2014-2020. It will, inter alia, assist the reforms in the field of rule of law and fundamental rights. The fight against corruption, especially within judiciary institutions, is a key priority. Accordingly, substantial and sustained support is provided under budget support, to strengthen the enforcement of the legislation, especially regarding the fight against corruption, organised crime, money laundering, trafficking in human beings and of drugs.

The main lessons learned through IPA assistance so far include the following: Donor fragmentation calls for strengthening of the system of donor coordination. Coordination of the activities under a number of ongoing projects is lacking in the absence of a permanent sector coordinating body. A higher level of ownership by the beneficiary is needed to ensure both the appropriate targeting of funds and effective implementation. There is also a deficiency in the follow up and project monitoring processes. The Justice Sector Steering Committee monitors the strategy implementation and ensures consultation with donors and civil society organisations. However, the functioning of the committee should be further strengthened.

Furthermore, donor interventions cannot substitute in-country systems and their insufficient use for the delivery and management of assistance. Further support should be made available for building internal capacities to ensure proper and sustainable ownership. This includes continued strengthening of statistics, reporting capacities, monitoring and ability for analysis. This particularly applies to the Ministry of Justice which holds key responsibility for policy coordination and policy design.

Taking into consideration the scarcity of national financial resources allocated to the justice reform, sustainability requires close follow up. Clear links to the budget with adequate funds allocated also for maintenance of works and supplies provided under donor assistance, needs to be ensured upfront.

The key factors affecting impact and sustainability of the technical assistance projects are the lack of political involvement and the lack of human and financial resources for continuation of the implementation of reform measures after the end of the technical assistance projects.

The **final report of the “Evaluation of Justice and Home Affairs (JHA) sector IPA programmes in Albania”** (April 2016) concluded that the impact of EU support for improvement of the rule of law and law enforcement standards is still limited by systemic weaknesses, but would improve once the justice reform removes existing structural obstacles. The report highlights that the series of EURALIUS and PAMECA projects have a successful record of achievements in the justice and law enforcement sectors. However, their sustainability is linked to the constitutional reform processes at large. Better coordination of the outputs of past interventions would be required with regard to technical infrastructure. The report adds that, after the advancement of the constitutional reform, fine-tuning of the project design for upcoming projects is needed, in order to focus them on reinforcing reform process effectiveness.

Furthermore, the report recommends for the next EURALIUS and PAMECA support to focus on support for fighting corruption, in terms of both prevention and repression, combined with monitoring of judicial and prosecutorial performance. Other important areas of intervention are: (i) capacity building for the implementation of the justice sector strategy with regard to planning, monitoring, legislative drafting and legislative/regulatory assessment; (ii) development of a judicial career system; (iii) improvement of the case management system; (iv) assessment of the quality and revision of the legislative framework in several areas to ensure compliance with the EU acquis and best practice, (v) strengthening of the statistical system for judicial data, (vi) support to the review of accomplishments in the area of integrated border management, and (vii) support to development of community policing.

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE(S) / (IMPACT(S))	INDICATOR'S NAME	OBJECTIVELY VERIFIABLE INDICATORS			SOURCES & MEANS OF VERIFICATION	
		BASELINES (INCL. VALUE & REFERENCE YEAR)	MILESTONES (INCL. VALUE & REFERENCE YEAR)	TARGETS (INCL. VALUE & REFERENCE YEAR)		
To align the Albanian justice system with the EU acquis and best international practices	Progress made towards meeting the accession criteria (justice, fight against corruption and organised crime and social policies)	Good progress (2019)	Good progress (2020)	Good progress (2022)	EC Annual report Albania	
	World Justice Project Rule of Law Index	71/126 (2019)	65/126	60/126	WJP report	
SPECIFIC OBJECTIVE(S) / OUTCOME(S)	OBJECTIVELY VERIFIABLE INDICATORS (*)				SOURCES OF VERIFICATION	ASSUMPTIONS
The specific objective of the action (outcome) is threefold: <ul style="list-style-type: none"> increase the professional quality of judges and prosecutors, reduce the impact of organized crime, politics and corruption in the delivery of justice, enhance the integrity and accountability of judiciary institutions. 	Albanian judges and prosecutors have been vetted by the IQC	196 legal professionals (judges and prosecutors) vetted by December 2019	Approx. 300 judges, prosecutors in the Albanian justice system are vetted	All 807 judges, prosecutors in the Albanian justice system are vetted	Vetting process reports and documents EU reports IMO reports	The project is not disrupted by external developments (e.g. economic or societal crises) Albania is financially supporting the Vetting Institutions
OUTPUTS	OBJECTIVELY VERIFIABLE INDICATORS (*)				SOURCES OF VERIFICATION	ASSUMPTIONS
Vetting organs are properly and timely monitored by the IMO to implement the re-assessment process	Number of assessment cases re-viewed and monitored by the IMO	196 cases have been reviewed and monitored by December 2019 by the IMO	Approx. 300 cases have been reviewed and monitored by the IMO	All 807 cases have been reviewed and monitored by the IMO	Internal progress reports Reports by stakeholders	The auxiliary bodies willingly cooperate with the vetting organs and IMO and provide factual and true information, and in due time International and local staff is fully available (incl. team leader) and operational (i.e. sufficiently se-cured premises are in place) during the entire lifetime of the project.

DESCRIPTION OF ACTIVITIES

The IMO deploys international observers to monitor the actual carrying out of the vetting process, through a long-term operation that will last until all relevant members of the judiciary in Albania, as prescribed by law, have undergone this transitional qualification assessment. In order to achieve this output, IMO divides the work into four sets of activities, whereby the first three activities are the technical core activities and the fourth one is related to ensuring a smooth operation of IMO:

1) Monitoring of Investigations

According to the Vetting Law, the international observers participate in the investigation phase by monitoring the work of the working groups (National Security Authority, State Intelligence Service, Internal Intelligence, Complaint Service of Ministry of Internal Affairs, assess all necessary circumstances for the re-evaluation procedure, investigate the declarations of assets, have the right to request information as basis for assessment (art. 45, 49, 50), have access to databases (art. 50), have the right to request international cooperation within the framework of international treaties/diplomatic channels (art. 50), monitor disciplinary behaviour of re-evaluation institutions, review of disciplinary violations of the re-evaluation institutions reported by the public, review of statements of collaborators of justice as to corruption charges and have the right to initiate disciplinary investigations against a member of the re-evaluation institutions.

2) Monitoring of Hearings

According to the Vetting Law, the International Observers monitor the hearing procedures, are present in the hearings and during the deliberations. They have the right to put questions and provide written dissenting opinions.

Monitoring of hearings procedures: The IOs are physically present at the hearings of the IQC and a specific desk is reserved for them. Since the Albanian language is the standard language in the procedure, simultaneous interpretation is ensured by IMO staff, present in the hearing room. From their place, the IOs can closely follow the procedure which is going as follows:

- Opening remarks by the Chair of the panel (legal basis of the procedure, instructions for the press...)
- Oral report on the findings of the investigation by the case-rapporteur
- Remarks by the assessee (and his/her legal adviser if any)
- Question time for the panel and the IO
- Closing statement of the assessee

At the beginning of the hearing, the assessee is informed about the legal right of the IO to ask questions directly to him/her and of the right of the assessee to refuse to answer. A refusal, however, might be considered as a lack of cooperation of the assessee, which can be considered during the deliberation.

It is up to the IO present to decide, if questions are posed to the assessee or if the procedure is quietly monitored.

Monitoring of the deliberations: IOs are also present during the deliberation of the IQC / Appeal Chamber panel assigned to the case. In no way, IOs participate at the final voting, which is reserved for the panel.

Dissenting opinions: The IOs have the right to file a dissenting opinion. So far, this has been done on very limited occasions. These dissenting opinions are part of the initial decision. Dissenting opinions filed by IMO are always followed by a recommendation to appeal, sent to the Public Commissioners. It has been done only once at the appeal stage. IMO and the Appeal Chamber have a different opinion on the right of the IMO to write dissenting opinions regarding the Appeal Chamber decisions. The Appeal Chamber is of the opinion that this right does not exist and therefore the Appeal Chamber is not willing to accept them and have them in the case file. Therefore, IMO dissenting opinions are only made public through the website of the EU Delegation.

3) Monitoring of Appeals Procedures

As to the regulation in the Vetting Law, a panel consisting of three International Observers may submit written recommendations to the Public Commissioner for presenting an appeal, in the case they believe the final decision is not grounded.

The Albanian Constitution and the Vetting Law foresee the possibility for the IOs to recommend an appeal. By December 2019, this had been done about 10 times. This instrument is used in those cases in which the IO is not satisfied with the decision taken by the first instance vetting body, the IQC. According to the Vetting Law, at least 3 IOs must co-sign the ‘recommendation for appeal’. In case the recommendation is refused / not followed by the Public Commissioner, the respective Public Commissioner is required to provide a written report with the reasons for the refusal. So far, all recommendations have been followed by the Public Commissioners. Even more, it is happening frequently that IQC decisions are appealed by the Public Commissioners without any recommendation coming from IMO.

With regard to the hearings at the Appeal Chamber, the IOs decided in 2019 on a policy that, in case the appeal has been recommended by IMO, an IO, different from the one who followed the case at first instance level, will represent IMO at the Appeal Chamber hearing.

RISKS

Description of the Risk	Risk Level	Mitigation measures
Lack of commitment, political support and ownership to properly continue the justice reform as a whole and the related vetting of judges and prosecutors in particular.	Low	Continuous political dialogue with all main interlocutors including main opposition parties.
Reluctance of Vetting Institutions to cooperate with IMO	Low	To engage in continuous policy dialogue with Albanian Vetting institutions
Lack of capacity and dedicated staff in the Vetting institutions and auxiliaries bodies involved in Vetting	Low	Possibility to provide training and additional support
Lack of funding for the implementation of the Vetting might affect the stakeholders' ability to fulfil their mandates.	Medium	Continuous policy dialogue in the context of the High Level Dialogue and EU support for the implementation of the road maps concerning the key priorities in view of the opening of accession negotiations.

CONDITIONS FOR IMPLEMENTATION

Stakeholders continue to provide to IMO phase II full cooperation on disclosing information and sufficient working space for the implementation of the action.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

The IMO Management Board is chaired by the Director for the Western Balkans at the European Commission's Directorate-General for Neighbourhood and Enlargement Negotiations. It is composed of representatives from the European Commission and representatives of the US Government (including both the Department of State and the Department of Justice), who monitor and coordinate the overall progress by providing strategic and political guidance for the implementation of IMO.

The IMO Steering Committee (SC) is responsible to verify the achievements of the operation and to discuss possible actions. The SC meetings will serve the purpose of disseminating information on the achievements to the stakeholders, of coordinating, but also of collecting feedback and advice on the intervention strategy and further activities. Decisions such as those having budget implications will be subject to approval by EU and ADA. The SC is chaired by ADA and composed of members and observers. SC members are representatives of ADA and the EU Delegation to Tirana, the Chair of the Independent Qualification Commission (IQC), the two Public Commissioners and the Chair of the Appeal Chamber. The SC observers are the representative of the Albanian Ministry of Justice, representatives of the U.S. Embassy, representatives of the Austrian Embassy, representatives of the Italian Embassy and representatives of the Consiglio Superiore Della Magistratura (CSM).

METHOD(S) OF IMPLEMENTATION AND TYPE(S) OF FINANCING (SEE ANNEX IMPLEMENTATION – BUDGET)

Indirect Management with the Austrian Development Agency (Member State Agency, entrusted entity), in order to sign a Contribution Agreement as per article 62 of the Financial Regulation.

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING AND EVALUATION

Having regard to the nature of the action, an evaluation will not be carried out for this action or its components.

The Commission may decide, during implementation, to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner.

In addition, the Action might be subject to external monitoring in line with the European Commission rules and procedures set in the Financing Agreement.

5. SECTOR APPROACH ASSESSMENT

The Cross-sector Justice Strategy for the period 2017-2021 and its Action Plan include clear objectives and measures that will be undertaken in order to improve the functioning of justice system. The cross sector Justice Strategy is based on an assessment of the achievements under the previous strategy, on the conclusions of the analytical work carried out by the Ad-hoc Parliamentary Committee on Justice Reform, on the conclusions of other strategic documents, on the identified needs of all the stakeholders, and on the identified weaknesses of the justice sector. The objectives and actions of the justice strategy are well designed to address the needs of the justice sector including challenges the sector will face during the ongoing justice reform. The cross-sector justice strategy will be reviewed regularly and its Action Plan fine-tuned in tandem with implementation progress and change of circumstances. Justice Sector Steering Committee meetings, which are also the forum for consultation with donors and civil society, shall monitor and report regularly its on implementation.

The Justice Sector Strategy is linked to national policy priorities as laid down in various strategic and policy documents. It addresses the objectives of the **NSDI** with regard to Justice, which aims to “*build a country based on the rule of law, guarantee human rights and fundamental freedoms, with a system of open and equal justice that ensures justice for all*”. The Strategy also addresses the objectives of the **Albanian National Plan for European Integration** “*to establish an independent, accountable and efficient justice system in Albania which is able to deliver justice in a fair and transparent manner, as well as to implement legislation approximated in line with the EU acquis*. It links with the **Anti-corruption Strategy** in the framework of the “*Repressive approach*”, which includes:

- Improved efficiency and effectiveness of criminal investigations against corruption;
- Improving cooperation among law enforcement agencies in the criminal prosecution and punishment of corruption;
- Improving the legal framework for the prosecution of economic and financial crimes;
- Improving international legal and police cooperation in the fight against economic and financial crime, etc.

6. CROSS-CUTTING ISSUES

GENDER MAINSTREAMING

The Vetting Institutions and IMO are committed to equal gender treatment.

EQUAL OPPORTUNITIES

Enrolment and participation of the women and men will be encouraged to apply and take managerial positions in the respective Institutions.

MINORITIES AND VULNERABLE GROUPS

It is necessary to ensure protection of minorities and vulnerable groups while implementation of the vetting. In this regard it is necessary to ensure protection of minorities and vulnerable groups and to install effective protection mechanisms. All implementer partners and beneficiaries should agree at the beginning of the activities an acceptable method of ensuring these concerns are managed

ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)

Civil society organisations and non-state actors are important part of the reform implementation and are well placed to engage in the public consultation, policy dialogue, monitoring and awareness raising for the citizens on the Vetting.

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

The re-evaluation of Judges and Prosecutors, which aims to increase the professional quality of judges and prosecutors and reduce the impact of organised crime, politics and corruption in the delivery of justice, will also increase the capacity of the Albanian judiciary to properly prosecute environmental crimes and convict the perpetrators.

The IMO Office in Tirana will implement a plan to improve their environmental performance and promotes green initiatives to support the creation of healthier and more environmental sustainable workplace.

The vetting process is crucial for the better functioning of the judicial system as a whole. As a result cases related to environmental crime will be better investigated and adjudicated.

7. SUSTAINABILITY

As highlighted in the lessons learned section, one of the most significant issues for the assistance in the rule of law fields relate to the ownership and sustainability of the interventions and to the political will to properly implement the reforms in these sensitive sectors. Engagement in a political and policy dialogue with main stakeholders will be key.

The UN Agenda 2030 explicitly mentions the provision of access to justice for all and building effective, accountable and inclusive institutions at all levels. By supporting the re-evaluation process through international monitoring and overseeing the entire process of the re-evaluation, the action contributes to addressing existing challenges in the Albanian justice system, such as integrity, independence, efficiency, accountability and transparency. This will result in increasing public trust in the justice system. The action therefore particularly contributes to UN Sustainable Development Goal (SDG) 16. There will be consistent monitoring of how the action contributes towards achieving the defined SDG.

All stakeholders should also provide sufficient budget and staff to ensure the effective use and maintenance of equipment supplied, as well as further extension of the proposed actions, aiming for better results and performance. Since results should be sustained, the beneficiary should describe how they in their budget planning (Medium-Term Business Planning (MTBP) or alike) have planned necessary resources ensuring the operation and maintenance of equipment and the necessary human resources for smooth operations.

8. COMMUNICATION AND VISIBILITY

Due to the nature of the Action EU explicitly asked ADA to refrain from any communication and visibility activities, thus no Communication and Visibility Plan will be developed for IMO II. Therefore, ADA does not plan to undertake any communication and visibility activities. IMO board is in charge of all communications on the Action.