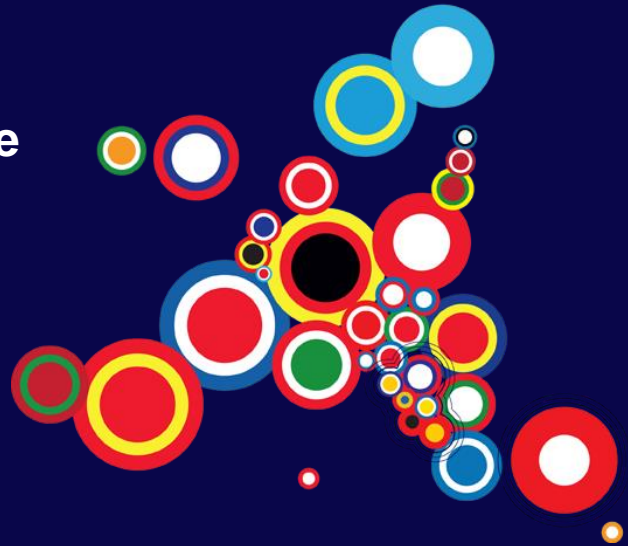




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

ALBANIA

Consolidation of the Justice System in Albania



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 developed along two lines, respectively devoted to the implementation of systemic changes, with particular emphasis on anticorruption and judicial integrity, in the context of the implementation of the justice reform strategy currently under development, and the enhancement of effective case management through improvement of professional skills and technical infrastructures. Details of implementation are highly dependent on the follow-up to be ensured on the recent adoption of the new constitutional framework for the justice sector.

Action Identification	
Action Programme Title	IPA 2016 Action Programme for Albania
Action Title	Consolidation of the Justice System in Albania - EURALIUS V
Action ID	IPA 2016/038717.04/AL/Consolidation of the Justice System in Albania
Sector Information	
IPA II Sector	Rule of Law and Fundamental Rights
DAC Sector	15130 - Legal and judicial development
Budget	
Total cost	EUR 12,500,000.00
EU contribution	EUR 12,500,000.00
Budget line (s)	22.02.01.01
Management and Implementation	
Method of implementation	Direct management (EURALIUS TA): EUR 7, 500,000 Direct management (Vetting): EUR 5,000,000
Direct management: EU Delegation	EU Delegation to Albania
Implementation responsibilities	Institutions of the Judiciary, Ministry of Justice
Location	
Zone benefiting from the action	Albania
Specific implementation area(s)	Albania - all regions
Timeline	
Final date for concluding Financing Agreement(s) with IPA II beneficiary	At the latest by 31 December 2017
Final date for concluding delegation agreements under indirect management	At the latest by 31 December 2017
Final date for concluding procurement and grant contracts	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 189(2) of the Financial Regulation
Final date for operational implementation	6 years following the conclusion of the Financing Agreement
Final date for implementing the Financing Agreement (date by which this	12 years following the conclusion of the Financing Agreement

programme should be de-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"/>	<input checked="" type="checkbox"/>
Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	<input type="checkbox"/>	X	<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"/>

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

This action is designed to improve the capacity of Albanian Ministry of Justice (MoJ) and other actors and to strengthen the independence, transparency, efficiency, accountability and public trust in the Albanian justice system in line with EU standards and the EU acquis.

Albania has embarked in the process of EU integration for many years now. In order to further advance on its EU integration path, it must achieve a number of reforms, respond decisively to the challenges of this process and fulfil its related commitments.

The overall goal of the justice reform is to create a justice system that is credible, fair, independent, professional and oriented toward services, open, accountable and efficient; one that will enjoy the confidence of the public, safeguard women's and men's rights will support the country's sustainable social-economic development and will enable its integration into the European family. The justice reform will seek to create a coherent legal system that will respond to Albania's legal tradition, the country's needs and level of development and that need to enable an equitable and a sustainable economic and social development in the future and prepare Albania's accession to the EU.

The European Commission's 2015 Report for Albania acknowledges that Albania has demonstrated commitment to judicial reform and that Albania has some level of preparation for implementing the acquis and the European standards in this area. As regards the judiciary, an Ad Hoc Parliamentary Committee on Judicial Reform has been set up with a broad mandate (to be implemented in cooperation with the Ministry of Justice) starting from the analysis of the current organisation and functioning of the justice system in order to identify the problems and needs for improvement, and stretching to the drafting of a strategic document for justice system, as well as of a full package of draft legislative and constitutional amendments that are deemed necessary for the improvement of the justice system including a qualification and re-assessment procedure for judges and prosecutors namely to be performed by two bodies: an "Independent Qualification Commission" and a "Specialised Qualification Chamber.

Not with standing this ongoing work, substantial shortcomings in the judicial system remain regarding inter alia independence and accountability of judges and prosecutors, enforcement of decisions, inter-institutional cooperation, and the administration of justice, which remains slow. Against this backdrop, the next crucial steps following the adoption of by the Parliament of the constitutional reform in July 2016 are the adoption of the necessary legislative and procedural measures, as well as the approval, by the government, of a comprehensive judicial reform strategy and action plan.

The Government of Albania has agreed and reiterated in several documents to meet all targets and actions defined under the Policy Dialogue – where the roadmap for Key Priority no. 2 represents the agreed priorities in the area of Judiciary.

The ongoing reform is essential for Albania to move to the next European integration stage, namely the opening of accession negotiations and therefore highly relevant to provide support to its implementation under IPA 2016 and IPA 2017. With regard to the problem of corruption, justice reform will create the conditions for the corps of judges and prosecutors to meet the highest standards of integrity and ethics through conceiving, approving and rigorously applying systems for continued monitoring and testing of moral, ethical and psychological integrity of judges and prosecutors, as a criterion for remaining in office. The implementation of the reform will require a redoubled assistance under the planned EURALIUS V project compared to previous EURALIUS phases. Therefore the IPA 2016 foresees EUR 12.5 million for this project.

The main stakeholders, under this action are¹:

¹ To be noted that the structure and composition of some of the stakeholders might change as a result of the Constitutional reforms process namely HCJ, HC. The process might also create new institutions that should be included among the main stakeholders such as the Independent Qualification Commission" and a "Specialized Qualification Chamber for the so called "vetting procedure". The High Administrative Court, the High Judicial Inspectorate and a judicial election council.

The **Ministry of Justice** that is empowered to conceive and apply general state policies related to justice matters. In order to meet its constitutional obligations, the MoJ issues and follows policies, drafts laws and bylaws, and provides legal assistance toward all-encompassing initiatives undertaken by enforcement authorities. It is also in charge of the implementation of the strategic documents for the justice sector-including co-ordination with the key stakeholders - and of the approximation of the Albanian legislation with the EU *acquis* and international standards. The Ministry has contributed to the work of the Ad Hoc Parliamentary Committee on Justice Reform, providing a significant input to the first phase of its work, namely the Analytical Paper. MoJ, which has several administrative entities within its hierarchical structure, namely the immovable property agency, the agency for restitutions and compensation, and the general directorate of prisons and probations, has low absorption and budget planning capacities. Staff turnover is high, and key positions have remained in the past vacant for long periods, while some of the general public administration shortcomings (lack of career certainty, limited training, and high politicization) can be also noticed.

The **High Council of Justice** (HCJ) is the body responsible for the protection, nomination, transfer, discharge, professional evaluation, career and inspection of the activities of judges of first instance courts and courts of appeal. The HCJ has no powers over the High Court judges.

The Justice System Analysis made by the Ad Hoc Parliamentary Committee highlights a series of problems in the area of governance of the judiciary. These problems include: (i) fragmentation of responsibilities of governance; (ii) weak role of the High Council of Justice due to the lack of competences in important areas of governance (e.g. judicial administration, budget, training, etc.) and capacity; (iii) weak role of the National Judicial Conference (NJC) in strengthening ethics in judicial ranks and protecting its interests; (iv) the tendency for judicial corporatism as a result of the current makeup of the HCJ, whereby 2/3 of members are judges; (v) poor level of collegiality in HCJ work as a result of its members' part-time engagement; (vi) poor quality of HCJ membership as a result of shortcomings of procedures and criteria for the selection of HCJ members; (vii) overlapping of HCJ and Minister of Justice competences with regard to court inspection and the review of complaints against judges².

The **High Court** (HC) is the highest court of the judicial system. Its competence is established in the Constitution, and it is primarily called to review the decisions issued by lower courts. According to the Constitution, it also hears in the first instance criminal charges against the President of the Republic, the Prime Minister, ministers and members of parliament and judges of the Constitutional Court. The High Court, through the decisions given by its plenary session, has another important role in unifying judicial practice in those cases where the decisions of lower courts have resulted in different or conflicting solutions regarding the application or interpretation of a legal provision.

The **Constitutional Court** is not a part of the ordinary judicial system and is subject only to the Constitution. Its jurisdiction is focused on the review of the constitutional compliance of legislation and other normative acts. Its decisions are final and binding.

The Justice System Analysis has identified problems with regard to the independence of the Constitutional Court and with the effectiveness of its decisions. On the basis of these findings, the constitutional reform currently under discussion will review the system for the appointment of the members of the Constitutional Court, the rules concerning the issue of judges staying in office beyond the expiry of their constitutional mandate, the modalities of resignation and dismissal of members of the Court, and its partial renewal.

² To be noted that this current setting will change under the constitutional amendments which foresee the creation of a **High Judicial Council** (HJC) with different membership requirements and powers aimed at addressing the above mentioned shortcomings.

The second instance jurisdiction is up to the **courts of appeal**. In Albania, there is a total of eight (8) courts of appeal. Of these, 6 (six) are courts of appeal of ordinary jurisdiction, 1 (one) is a court of appeal for administrative cases and 1 (one) is a court of appeal for serious crimes.

In Albania, there are 29 **courts of first instance**, of which 22 district courts of ordinary jurisdiction, six administrative courts of first instance and one court of first instance for serious crimes.

The **School of Magistrates** organises and provides the initial training for judges and prosecutors, selected through an admission exam for a three-year programme, as well as continuous in-service training. On requests, it also carries out professional training activities for the court administration employees and other legal professions. It cooperates closely with future HCJ and GPO in carrying out its activities. The School has its institutional, academic and administrative independence, but the budget provided is insufficient.

The analytical document prepared by the Ad Hoc Committee on Justice Reform highlighted that this institution, with regard to initial training, has encountered difficulties in recruiting appropriate candidates due to the impossibility of evaluating indicators of integrity, ethics, social and moral behaviour and honesty upon recruitment. Furthermore, there have been no policies for the establishment of clear criteria for determining levels of legal competence, while difficulties were encountered in drafting tests aimed at verifying the psychological condition and mental health of applicants. Weaknesses were also noticed in the level of awareness of judges and prosecutors about the need for continuous training, and with regard to the professionalisation and specialised training of judges.

Overall the School's training capacities will require strengthening also in view of the foreseen evaluation of judges and prosecutors that might lead to the need to prepare and train an important number of new judges and prosecutors.

Furthermore, the School will require technical assistance for programming of curricula for the preparation of judges in accordance with issues related to procedural rights and other acquis matters where judicial implementation is highly important.

The **Judicial Budget Administration Office (JBAO)** is organised and operates as an independent public entity under the law no. 8363 dated 01.07.1998 on "The establishment of the Judicial Budget Administration Office". The Office manages the judicial budget, ensuring the financial independence of the courts, as defined in the constitution. Budgetary policies pursued each year are aimed at providing budgetary support to the courts at all three levels in order to make courts function independently and transparently.

The **General Prosecutors Office (GPO)** exercises criminal prosecution, acting in court in the name of the state. It directs criminal investigations and is assisted by judicial police when performing criminal investigations. It is an independent institution, neither placed within the judiciary nor under the executive. In order to strengthen the fight against corruption, the prosecutor's office has created within its system specialised anti-corruption structures named Joint Investigative Units (JIU) in eight district prosecution offices. Following the legal changes in 2014, with the transfer of the jurisdiction on four kinds of offenses related to high level corruption, an Investigation Unit on Corruption and Assets was created within the First Instance Prosecution Office for Serious Crimes. To advise, coordinate and control the investigation on cases of corruption, economic crime as well as property investigation, a directorate for Economic Crimes and Corruption (Task Force) has been established at the GPO.

The **Council of Prosecutors** is composed of six prosecutors, as well as of a representative of the Ministry of Justice, and may include a representative of the President of the Republic. It is an advisory body to the General Prosecutor and not a fully-fledged prosecutor career management body. The Justice System Analysis of the Ad Hoc Parliamentary Committee on Justice Reform (mentioned above) pointed out that the performance of the prosecutor's office does not properly address the current challenges posed by organised crime and corruption. At present, the Prosecutor General, as an institution, is characterised by a strictly hierarchical structure and by concentration of power on the allocation of cases to individual prosecutors, as

well as on issues of career, transfers, and discipline. This limited degree of internal independence exposes the system to the risk of external political interferences.³

The Directorate General of Prisons (GDP) is an institution under the Ministry of Justice which follows and runs the organisation and functioning of the remand system, execution of criminal sentences, serving of sentences and treatment of remand prisoners and convicts. The main objective of the GDP is to develop and improve the standard conditions and treatment of persons deprived of their liberty in accordance with the policies of the Albanian Government, as well as their alignment with EU standards. GDP organises, manages and controls all penitentiary institutions under its subordination.

The Probation Service in Albania oversees and assists the convicted persons in fulfilling their obligations from alternative punishments and overcoming the difficulties in their social reintegration. The Probation Service maintains an ongoing relationship with the courts, prosecution offices and also involves the community in the process of supervision and reintegration of persons under probation.

OUTLINE OF IPA II ASSISTANCE

Since 2007, around EUR 500 million have been allocated under the IPA National Programme for Albania, including over 100 million euros for projects in the field of Justice and Home Affairs, dedicated to the construction of courts and prisons, set-up of IT case management systems, as well as to supporting institutional capacities and legal advice. The IPA 2015 programme has also provided support to civil society organisations to promote their role as watchdogs in the justice sector and to take active part to the relevant policy dialogue. There is, however, need for further assistance in order to improve results in this sector. programming foresees assistance to law enforcement authorities and prosecutorial services, the IPA 2016 and 2017 programmes will complement this assistance by focusing on judicial reform and fight against corruption in order to cover in a comprehensive manner all three main EU integration priorities of Albania.

Taking into account the problems and stakeholders' analyses previously outlined and the ongoing IPA assistance, further support is needed in order to achieve the desired results and at the same time to fulfill the EU integration requirements. This also takes into consideration the EU integration phase in which Albania is currently involved and the challenges and commitments ahead that comes with opening the negotiations and the screening of the transposition of the EU *acquis*.

Identified areas of technical assistance are:

Cross Sector Justice Strategy Reform Implementation – to assist the implementation and monitoring of the justice reform strategy - following the priorities that will be indicated by the ongoing constitutional reforms process - including coordination with relevant measures of the anti-corruption strategy and assist the Ministry of Justice (MoJ) and other parts of the judiciary and specialised prosecution offices in assessing and planning relevant human resources and budgetary needs for funding the initiatives called for by the reform process and its strategy.

Strategic Planning for Ministry of Justice and other parts of the judiciary and specialised prosecution offices – to support the structures involved in the integration process to properly respond to the challenging objectives in this regard through strengthening the capacities to draft legislations taking into account European standards and best practices, concrete policies, and programmed steps towards EU integration; as

³ The new constitutional amendments provide for a strengthened CoP, having similar competences with the High Judicial Council.

well as to support the integration structures into daily work practices regarding strategic documents, international cooperation, EU assistance and analysis.

Structure, organisation, human resources and case management capabilities of the judiciary - to improve to increase independence, efficiency, integrity and accountability of the judiciary at all level (i.e. information on court proceedings should be systematically published and courts' decisions available to the public). Support will also be provided to several institutions in improving their institutional capacities to enhance their services and human resources, management including appointments, evaluation and inspection of staff; this pertains in particular to the MoJ, the High Council of Justice (HCJ) and the High Court (HC) School of Magistrates and School of Lawyers and others Institutions that might be created with the justice reform process. Support will also aim at implementing a "zero tolerance" policy regarding corruption and/or misuse of funds inside the judiciary institutions and implement internal control standards (monitoring of specific Court cases will be part of this endeavour). The Action will also support capacity to elaborate statistics including sex-disaggregated statistics and gender data and improve the reporting system on the track record of selected relevant cases. Other forms of support will target the enforcement of law (bailiff system) and the setting-up of a clear, coherent, sustainable strategy concerning IT and equipment in general.

Support to the re-evaluation of judges and prosecutors in Albania – to provide support through and International Monitoring Observation mission to the re-evaluation process, namely a comprehensive inspection of judges and prosecutors about three important elements: assets of judges and prosecutors; detection or identification of their ties with organised crime; evaluation of their work performance and professional skills.

RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES

The action is in line with the objectives and priorities described in **the Indicative Strategy Paper for Albania 2014-2020** focusing on the creation of an accountable, independent and efficient justice system which are aligned to EU legislation and best practices.

The EU Enlargement Strategy 2014 on **judicial reform** acknowledges that many shortcomings remain and there is an overall awareness that deep reform of the judiciary is urgently needed. The **European Commission's 2015 Progress Report for Albania** as previously stated recognises that Albania has demonstrated commitment to **judicial reform**; however, challenges include the clear lack of efficiency and performance of the judicial system as a whole, and an uncompleted legislative framework to strengthen the accountability, independence, and efficiency of the judiciary.

The action is also in line with **the Road Map** addressing **Priority 2**, under which Albania will make further action to reinforce the independence, efficiency and accountability of judicial institutions. The main activities addressed in this context are:

- Continue to engage with the Venice Commission and agree on a set of reforms aimed at enhancing the independence, accountability and professionalism of the judicial system.
- Carry out a needs assessment as regards the human and financial resources of the Ministry of Justice and all judicial bodies.
- Improve the system for appointment, evaluation, promotion and transfer of judges and prosecutors
- Rationalise the court network and increase its efficiency through internal reorganization and better trained judicial staff appointed in a transparent manner.
- Reinforce main institutions related to the Judiciary and strengthen equitable access to justice, as well as its gender-sensitive monitoring.

The action is also in line with the following documents:

The **EU-Albania High-Level Dialogue** has further detailed the requirements in these areas by defining clear commitments regarding judicial reform, namely regarding the necessity to adopt a comprehensive and inclusive justice sector strategy and implement a deep reform to increase independence, transparency, accountability and efficiency of the justice system.

The **Albanian National Plan for European Integration 2015-2020** states that every action taken by the Albanian Government in the framework of the reform of the justice system and rule of law has the ultimate aim of establishing 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 with the EU acquis⁴. After the Ad Hoc Parliamentary Committee on Justice Reform will lay down the interventions on the legislative framework, the Cross-Sector Justice Strategy 2015-2020 will be published by the Ministry of Justice.

The constitutional amendments were adopted by Parliament in July 2016 following their submission by the Ad-Hoc Parliamentary Committee on Justice Reform following consultation with the Venice Commission.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

The EU has provided substantial support to the Albanian authorities in the areas of Justice Reform, Fight against Corruption and other topics affecting these areas. Previous IPA assistance focused on key institutional reforms and capacity building of the various actors of the justice sector, primarily through assistance to the modernisation of the justice system (EURALIUS projects). In addition, a number of infrastructure projects have considerably increased the capacity of the judicial and penitentiary system to comply with international standards. The EU stands as a leading donor also in relation to the promotion of human rights as a result of several projects financed under the civil society facility and in the framework of the European Instrument for Democracy and Human Rights. IPA I assistance in the sector amounts to more than EUR 86.5 million. Various donors are providing support in the area of 17 justice and fundamental rights, e.g. Sweden, Italy, Netherlands, as well as the United States and the United Nations.

Donor fragmentation is a major problem in Albania⁵ and the need for a robust system of donor coordination is high. The Government of Albania is currently addressing the problem through the establishment of Integrated Policy Management Groups (IPMGs) as a key structure to an integrated sectoral approach in order to ensure proper coordination in the framework of an Integrated Planning System the development of which is ongoing. In principle this approach should increase government responsibility and ownership over implemented projects and at the same time guarantee their sustainability.

One of the most relevant issues of assistance in this area relates to the ownership and sustainability of the interventions. The ownership of the project by the beneficiaries is important in case of works and supplies, but taking into consideration the frequent lack of financial resources, and even if at the end beneficiary is proceeding with his own resources, sustainability remains questionable. The possibility to include certain operational costs or maintenance costs in the budgets of future projects is to be investigated. Financial sustainability of the project outcomes is only possible after assigning budget for maintenance. A budget for post warranty support is essential if not a precondition for sustainability of the project deliverables. During the implementation of projects, the amount requested for maintenance is quite limited, but in the following years - as the maintenance costs and operation costs increase - other not anticipated funds are needed.

For technical assistance projects, the key factor hampering impact and sustainability is the lack of political involvement and institutional momentum. Quite often the improvements that are basically successful 'on paper' are not supported in terms of actual implementation of the relevant legislative provisions and continuation of the action. The level of support from the general public, the government, business and civil

⁴ National Strategy for Development and Integration 2014-20 – that is under approval - also states that a more effective judicial system will be a key national policy challenges.

⁵ The political economy of donor intervention in Western Balkans and Turkey: Mapping and potential for stronger synergies, Final Report, August 2014, page 91.

society organisations during the project preparation phase is in general quite high and enthusiastic. Unfortunately, the continuation of the projects results achieved is not always appropriate and will not have any broader perspectives until the respective political decisions will take place. Despite positive observations by many -if not all- beneficiaries on the TAs, also dissatisfaction was reported with regard to the lack of opportunities on the job/in service to make full use of the skills acquired. Therefore, many beneficiary institutions are at a crossroads, and ready for an improved assistance approach⁶. Concrete actions regarding the establishment, restructuring of the institutional system, creation of additional organisations, should be supported by a political will, with political coordination of the different actors.

⁶ Self-Evaluation Albania of CARDS / IPA projects 2013, Lot 1: Studies and technical assistance in all sectors.

2. INTERVENTION LOGIC
LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	
To align the Albanian justice system with European standards and the EU acquis.	Composite indicator (Average of access to justice and Judicial independence) (IPA II Country Strategy Paper	World Justice Project, World Economic Forum	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Specific Objective 1: To support the improvement of the independence, accountability, transparency, professionalism, efficiency and effectiveness of the Albanian justice system pursuant to a clear and comprehensive reform strategy developed by the Ministry of Justice (MoJ) and other actors in the system.</p> <p>Specific Objective 2: To increase the professional quality of judges and prosecutors, reduce the impact of organised crime, politics and corruption in the delivery of justice, and enhance the integrity and accountability of judiciary institutions.</p>	<p>Share of actions implemented as per Action plan of the justice sector strategy 2017 —2022</p> <p>Share of judges and prosecutors re-evaluated by the "Independent Qualification Commissions".</p>	<p>Annual report for Justice Strategy implementation</p> <p>Reports from Independent Qualification Commission and the International Monitoring Operation.</p>	<p>The constitutional reforms package is approved and the Government has a clear political will to enhance the justice system.</p> <p>Relevant institutions are committed and supported by the Government.</p> <p>Institutions of the justice system, in particular the MoJ, the High Council of Justice and the General Prosecutor's Office, are involved.</p> <p>The Government allocates necessary human, operational and budgetary resources.</p>

RESULTS	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Result 1: The Action plan of the Justice sector strategy 2017 —2022,- , for enhanced professionalism integrity and accountability of the judicial institutions, for more effective case management and increased access to justice is implemented in line with EU standards and the EU <i>acquis</i></p> <p>Result 2 The re-evaluation of judges and prosecutors with the support of the international monitoring operation, is completed</p>	<p>Number of laws for the implementation of the Constitution and of the strategy/action plan adopted.</p> <p>Number of judicial institutions which are newly set out in the Constitutional amendment of July 2016, (High Judicial Council, High Prosecutorial Council, Justice Appointment Council, and High Justice Inspector) is established.</p> <p>Backlog for the High Court</p> <p>Public availability of court decisions and reasonings, in line with the <i>acquis</i> and best practices/standards on judicial transparency, privacy and data protection principles</p> <p>Share of Judges and prosecutors re-evaluated based on the criteria set out in the specific law on the "temporary re-evaluation of Judges and Prosecutors</p>	<p>Official Gazette</p> <p>Annual report on the Justice strategy implementation t</p> <p>High Court statistics</p> <p>38 courts websites</p> <p>Reports from International Monitoring Operation.</p>	<p>The constitutional reforms package is approved and the Government has a clear political will to enhance the justice system.</p> <p>Relevant institutions are committed and supported by the Government.</p> <p>Institutions of the justice system, in particular the MoJ, the High Council of Justice and the General Prosecutor's Office, are involved.</p> <p>The Government allocates necessary human, operational and budgetary resources.</p> <p>Memorandum of Understanding for International Monitoring Operation signed</p>

DESCRIPTION OF ACTIVITIES ⁷

Main activities pertaining to Result 1:

1. Support the MoJ and relevant Institutions in developing the capacity necessary for the effective implementation, monitoring and evaluation of justice sector reforms action plan.
2. Create the conditions for a constant monitoring of the quality and effectiveness of the work of judges and prosecutors through conceiving and introducing systems for the assessment of the performance of individual judges/prosecutors and of judicial and prosecutorial offices, relying on the experiences developed in EU countries, while safeguarding the autonomy and independence of judges and prosecutors.
3. Strengthen the capacities of the School of Magistrates in providing curricula and training for an important number of new or assessed judges/prosecutors and support the development and implementation of a system of continuous training for judges/prosecutors and MoJ staff on areas relevant for effective case management that is in line with the legal framework of the justice system, international obligations and in general with the specific context in which this operates in Albania.
4. Support the judiciary in combating corruption amongst its ranks, in terms of both prevention of inappropriate behaviours, and ex-post identification of wrongdoings.
5. Support the Ministry of Justice in the coherent use, collection, and analysis of sex- and age-disaggregated data and gender statistics in all matters where individuals are concerned; and in the adoption of a set of selected indicators measuring the gendered impact of reform in the Justice sector.
6. Support the MoJ in the improvement of the electronic infrastructure of the courts, in order to increase the quality, accountability and transparency of the judicial process and the service offered to the public, including awareness aspects
7. Strengthen access to justice and legal aid mechanisms (including awareness of such mechanisms) especially for women and for women and men from vulnerable groups.
8. Support a review of the legal and technical framework of the execution system, in view of the introduction of an effective bailiff system.
9. Monitor selected concrete Courts cases including types of cases that are of significantly relevance for women's right to justice.

Main activities pertaining to Result 2:

10. Deploy International Monitor Operations (Member States judges and prosecutors) – to support the temporary Re-evaluation of Judges and Prosecutors in the Republic of Albania.

RISKS

Risk	Level	Mitigation measures
Non-approval of main Laws linked to the Constitutional Reforms package. Many of the activities are linked to the approval by the Parliament of the Constitutional Reforms package	Low	Continuous political dialogue with all main interlocutors including main opposition parties are essential to have the constitutional reforms passed and implemented.

⁷ On legislative and policy developments during the implementation of the activities all relevant stakeholders will be included in the process and EU better regulation agenda will be followed.

i.e. Law on the re-evaluation of judges and prosecutors.		
<p>Ownership</p> <p>Previous experience of EU and others donors operating in the Justice sector has been that it is difficult to create ownership in Albania, which impacts negatively on commitment and sustainability</p>	Medium	The programme has been designed in close consultation with a wide range of stakeholders to both identify what support would be most likely to be 'owned' and has focused support on the key functions of relevant institutions. The programme includes mainly technical assistance to attempt to build capacity within institutions and increase ownership, commitment and participation of the senior staff from the targeted Institutions.
<p>Funding</p> <p>Action plan for the implementation of the justice sector strategy and key stakeholders could possibly remain underfunded. This would interfere with stakeholder's ability to meet their mandates and with the proper implementation of the action plan.</p>	Medium	Continuous policy dialogue with Government will be key to ensure proper funds allocations to ensure the funding the action plan and key stakeholders.
<p>Sector strategy</p> <p>Developments of a sector Strategy will also rely on the approval the constitutional reforms.</p>	Medium	Continuous policy dialogue with all main stakeholders

CONDITIONS FOR IMPLEMENTATION

The action is subject to the condition that the legal framework necessary for the re-evaluation of judges and prosecutors is changed in accordance with the constitutional reform. Failure to comply with this requirement may lead to a recovery of funds under this programme and/or the re-allocation of future funding.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

The EU Delegation retains the direct management responsibility.. Sector reform coordination will be ensured through the establishment of the Integrated Policy Management group for Justice Reform including the Institutions of the Judiciary and the Ministry of Justice. Furthermore, coordination for the implementation of the two contracts will be ensured through regular Steering Committee meetings with the participation of the relevant stakeholders from the Institutions of the Judiciary, Ministry of Justice, Project Leaders and the representatives of the EU Delegation.

IMPLEMENTATION METHOD(S) AND TYPE(S) OF FINANCING

Direct management by the EU Delegation:

The Action will be implemented via two grants to cover Specific Objectives 1 and 2.

Specific Objective 1 for the strengthening of the justice system will be implemented by one grant through call for proposal.

Specific Objective 2 for the International Monitoring Operation in support of re-evaluation of judges and prosecutors will be implemented by one grant through direct grant award to Council of Europe or as a fall back option call for proposal for Member States.

The global budgetary envelope reserved for procurement is EUR 12,500,000. This action will be performed via an indicative number of two agreements, one for enhancement of the justice system and one for the continuation of the international monitoring operation in support of re-evaluation of judges and prosecutors.

Grant –call for proposal (*Strengthening of the Justice System*):

- a) Objectives and foreseen results: see result for specific objective 1 above
- b) Essential eligibility criterion: European Union Member State body
- c) Maximum rate of EU co-financing:
The maximum possible rate of EU financing will be 100% of the total cost of the action. Full financing of the action is essential for the action to be carried out because it is in the interest of the Union to be the sole donor for this component (strengthening of the justice system) so as to better ensure EU visibility, and to allow for participation by all interested Member States in the call for proposals.
- d) Indicative amount of the call: EUR 7,500,000
- e) Indicative date for launch of the call for proposals: Q2 2017

Grant – call for proposal (*International Monitoring Operation in support of re-evaluation of judges and prosecutors*):

- a) Objectives and foreseen results: see result for specific objective 2 above
- b) Essential eligibility criterion: European Union Member State body
- c) Maximum rate of EU co-financing:
The maximum possible rate of EU financing will be 100% of the total cost of the action. Full financing of the action is essential for the action to be carried out for this component (international monitoring operation) so as to better ensure its visibility, and to allow for participation by all interested Member States in the call for proposals.
- d) Indicative amount of the grant: EUR 5,000,000
- e) Indicative date for launch of the call for proposals: Q1 2017

The essential selection and award criteria for grants (including direct award):

- The essential selection criteria are operational capacity of the applicant, as well as relevant experience in the sector and past experience in the country and the region.
- The essential award criteria are relevance, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

The Commission may carry out a mid-term, a final or an ex-post evaluation for this action or its components via independent consultants, through a joint mission or via an implementing partner. In case a mid-term or final evaluation is not foreseen, the Commission may, during implementation, decide to undertake such an

evaluation for duly justified reasons either on its own decision or on the initiative of the partner. The evaluations will be carried out as prescribed by the DG NEAR guidelines for evaluations. In addition, the action might be subject to external monitoring in line with the EC rules and procedures set in the financing agreement.

INDICATOR MEASUREMENT

Indicator	Baseline (value + year) (2)	Target 2020 (3)	Final Target (year) (4)	Source of information
Composite indicator (average of Access to Justice and Judicial independence)	53.78 (2010)	63.78	N/A	World Justice Project / World Economic Forum
Share of actions implemented as per Action plan of the justice sector strategy 2017 —2022	0	50%	70%	
Number of judicial institutions, which are newly set out in the Constitutional amendment of July 2016, (High Judicial Council, High Prosecutorial Council, Justice Appointment Council, and High Justice Inspector) is established.	0	4	N/A	Annual report of the Justice reform strategy implementation
Number of laws for the implementation of the Justice strategy action plan adopted. ⁸	0	40	40	Official gazette
Backlog for the High Court	13000	Negative trend	N/A	Court Statistics, High Court,
Public availability of court decisions and reasonings in line with the acquis and best practices/standards on judicial transparency, privacy and data protection principles	Court decisions and reasonings are not published in line with the acquis and best practices/standards on judicial transparency, privacy and data protection principles	Court decisions and reasonings are published in line with the acquis and best practices/standards on judicial transparency, privacy and data protection principles	N/A	38 courts website
Share of judges and prosecutors re-evaluated by the "Independent Qualification Commissions" ⁹	0	70%	100%	Reports from International Monitoring Operation.

⁸ List of laws agreed by the ad hoc committee for the implementation of the Constitutional package July 2016

⁹ (Number of judges and prosecutors re-evaluated divided by the total number of judges and prosecutors. Numbers shall be disaggregated by sex)

5. SECTOR APPROACH ASSESSMENT

The 2011-13 justice sector reform strategy has expired and a new strategy is expected to emerge from the ongoing work of the ad hoc Parliamentary Committee on Justice Reform which started its work in November 2014. The Ad-hoc Parliamentary Committee on Justice Reform (Ad Hoc committee) is supported by high level Albanian and international experts, including in particular the EU funded EURALIUS project.

The result of the process so far has been the adoption of a Justice System Analysis Document, followed by a Strategic Document on the necessary legislative amendments. This document provides an Action Plan with a concrete time line regarding the drafting of legislative amendments and it constitutes a solid basis for an integrated sectorial strategy in the justice system. However, the finalisation of the integrated sectorial strategy awaits inputs from the ongoing parliamentary process and it is expected to be finalised in February 2016 at latest. This sectorial strategy will foresee a detailed action plan on: 1) The implementation of the justice reform; 2) costing and budgeting; 3) precise indicators as well as the institutions responsible for the implementation; and 4) monitoring and reporting mechanisms.

In July 2015, the Ad-hoc Parliamentary Committee on Justice Reform (the Ad Hoc committee) adopted its own justice reform strategy, and its action plan which primarily focuses on the legislative reforms in the judiciary. This strategic document will be the basis for the government to prepare a wider sectorial justice sector strategy. The purpose of the strategic document is to determine the strategic objectives of reform in the justice system and to identify the necessary constitutional and legal interventions for the realisation of these objectives, on the basis of problems identified by the analytical document. Further on, the strategic document is followed by an action plan detailing the concrete constitutional, legal and other kinds of interventions, the subjects that will be engaged for their implementation, as well as the deadlines.

The analysis is a comprehensive document covering wide areas of the justice system, affecting the legal framework including the Albanian Constitutions and most of institutions from the political to the independent ones, the government and also non-state organisations and bodies. However, this document including the action plan is more of a strategic outline of interventions than a concerted roadmap ready for implementation. What are lacking are the implementing measures of the interventions; the way how the instructions affected and involved will take actions; the financial costs; and also the possible coverage from donors working in this area. The strategic document has focused on the legal interventions and it remains to be detailed in the upcoming justice sector strategy.

The limitations of the area of competence of the Ministry of Justice in this sector make it indispensable the cooperation with other institutional stakeholders in drafting, agreeing and implementing the upcoming strategy. One of the main concerns is the stability, absorption capacity and quality of human resources in all relevant public bodies.

In addition, the **Mid Term Strategy of Albanian Prosecution 2015-2017**, provides the objectives and concrete measures to achieve them, focusing in increasing the effectiveness of the investigations, strengthening the professional and technical investigative capacities, strengthening the inter-institutional cooperation, etc.

The Medium Term Budget program sets out a medium term perspective for national funding for the justice sector institutions which include Ministry of Justice, General Prosecution, Office of the Judicial Budget Administration,, Constitutional Court, Magistrates School, High Council of Justice which have a total budget of approximately 91 million Euro in 2016 and some 7000 staff. Detailed costing has been developed in preparation for the implementation of the justice sector reform which amounted to indicatively around Euro 100 million. However with the finalisation and the adoption of the legal package on the constitutional changes the costings and budgeting for the annual and medium term budget will be updated.

Within the finalisation of the draft Justice Sector Strategy there will be a set of indicators used as performance assessment framework to regularly monitor the progress for the implementation of the strategy.

6. CROSS-CUTTING ISSUES

GENDER MAINSTREAMING

The roll-out of the reforms in the justice sector will be in line with Directive 2006/54/EC and the framework of gender justice. The framework brings in substantive and normative contents of rights as well as those relating to governance and the rule of law and other human rights principles which shape both duty bearers and rights holders' roles and capacities.

Support will be provided for increasing the general gender capacity and skills of legal practitioners (legal staff, judges, lawyers, court personnel, external supporting court specialists, notaries, bailiffs, attorneys, etc.) delivered by related professional and technical institutions. This will build the basis for subsequent gender mainstreaming and for absorbing the respectively relevant elements of the EU Gender Equality *acquis* in Albania's Justice Sector.

Support will be continued for the harmonisation of national legislation with international one, and transposition of national laws and sub-legal acts which particularly impact on women (e.g. Recast Directive, UNDP Legislative Analysis Package 2013; Istanbul Convention; UN CEDAW Concluding Observations – fourth periodic report).

Institutional mechanisms in the justice system and the judiciary will be capacitated to monitor and guide progress towards greater gender equality, and for establishing gender indicators allowing for the monitoring of gendered impact of justice reform on women and men, in line with national legislation, Eurostat standards, and EU Gender Action Plan II 2016-2020, Indicator 4.4.1.

Building on gender-sensitive studies and analyses (UNDP, UN Women, UNICEF, and Civil Society Organizations), a gender-sensitive assessment of the justice sector will be conducted as integral part of justice sector reform, identifying and analysing gender inequalities and enabling the tailoring of appropriate actions across the reform process.

Among the general population and among women and marginalised groups in particular, familiarity with key principles of the rule of law, the concept of 'rights', legal literacy, and awareness of specific laws, e.g. on protection against discrimination and of the complaint mechanism, remains low. Acknowledging and responding to the differentiated information and trust gaps of women and men, and of specific subgroups among them, age- and target group – specific information and awareness raising campaigns will be conducted, including targeted action for enhancing women's and men's understanding of the court system's commitment to equal justice under law.

Some of the Activities will increase the capacities for gender mainstreaming as per EU quality assurance, and particularly pursuant to Council of Ministers Decision (CoM) no. 465 (2012) on gender mainstreaming in the medium-term budgetary programme. Special attention will be paid to the linkages between national gender policy, gender-responsive sector priorities, and the MTBP. This will contribute to analysing how resources benefit the female and male citizens, and will identify potential for increased effectiveness of expenditures in the justice sector.

The support provided through IPA 2015 to the Gender Equality Facility will ensure to strengthen capacities to implement and mainstream gender into all program cycle, reporting, monitoring and evaluation. GEF will provide consistent support and technical advice to ensure mainstreaming of gender across the sector as well as support gender responsive planning and budgeting. In addition, close collaboration will be ensured with GEF on annual reporting on progress in implementing gender sensitivity activities and provision of specific capacity building and coaching activities to respective line ministry and responsible staff.

EQUAL OPPORTUNITIES

During the implementation of the action, equal opportunities will be guaranteed. Human resources, strategic plans and policies must contemporary human resource management practices that take into account gender equality and equal opportunities issues.

In line with the EU diversity policy, affirmative action measures will be employed for ensuring women's equal opportunities in professional life; and women's equal participation and representation in decision-making at all levels. There is a slight trend towards feminisation of the justice sector, but the share of women tends to fall in higher echelons. The legally foreseen minimum quota of 30% qualified women in positions of decision-making and leadership will be promoted in the justice sector, and sought on all the managing bodies and activities of the programme and its Actions.

MINORITIES AND VULNERABLE GROUPS

The interventions will be guided by SDG Goal 16 "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". Special attention will be paid to safeguarding the rights, and enabling access to justice, of minority and vulnerable groups, including children, LGBTI, the disabled, poor, rural, elderly, Roma and Egyptians, and particularly women among them, as well as of socially stigmatised groups such as drugs users, STD carriers, sex workers. The proposed action will, as far as is practicable, take the required steps to ensure that the internal policies, structure or operating procedures of the beneficiary will conform to policies protecting women and men from minorities and vulnerable groups, so they can fully exercise their rights granted by the Constitution and recognized by law.

Support will be provided for overcoming current shortcomings in the implementation of the legal aid legislation which hinder effective access to justice especially for vulnerable women and men in urban and rural locations, and with different socio-economic and cultural characteristics.

Special attention will be paid to the effective adoption of EU directives regarding procedural rights of victims and minors, and their gender-specific needs. With regard to juvenile justice, support will be provided for alignment of the legal and policy frameworks pertaining to juvenile justice with international norms and standards and the correct application of international juvenile justice standards.

The gender-sensitive monitoring of impact of reform on access of minorities and vulnerable groups will be an integral part of support.

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

NGOs have for long been advocates of human rights in Albania by monitoring government activities, reporting violations, campaigning for change, and providing legal assistance directly to citizens in need, particularly to women, and women and men of vulnerable, poor and marginalised groups. Collaboration with women's networks, as well as lawyers' associations, and LGBT groups, for example, can be crucial for understanding the realities of gender justice issues, as well as for building legitimacy for the reform process.

Periodical meetings will be held with representatives of civil society and MoJ and other stakeholders regarding the reforms in the justice sector, where the need to improve the quality of the service and bring it closer to the contemporary best practices of European countries. Justice system is particularly important.

The active engagement of the civil society has been recently institutionalised. The recently established National Council for European Integration, where CSOs are duly represented, will be involved in policy and implementation matters. The National Council for Civil Society, when established, will be another relevant forum for dialogue between governmental authorities and CSOs also in definition of investment priorities and implementation. Civil Society has a very crucial role in raising awareness and educating citizens on justice related issues.

Coordination will be secured with EU-funded projects implemented by civil society organizations in the justice sector (monitoring of judicial system, fight against corruption and re-use of assets confiscated to organized crime).

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

N/A

7. SUSTAINABILITY

As highlighted in the lesson learned paragraph one of the most significant issues for the assistance in the justice fields relate to the ownership and sustainability of the interventions and also to the political will to properly implement the reforms in this sensitive sectors. Engagement in a political and policy dialogue with main stakeholders will be key. It is important to ensure that main actors will retain trained personnel - from the technical assistance - in key positions allowing them to improve and transfer knowledge gained from this action to other structures within the targeted institutions. MoJ and other relevant 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 at better results and performance.

The Prime Minister has officially communicated the Governments' commitment to ensure sufficient financial means for their part of the Action. While the Ad Hoc committee and the MoJ have drafted a strategy and analysis for the future needs.

8. COMMUNICATION AND VISIBILITY

Communication and visibility will be given high importance during the implementation of the Action. The implementation of the communication activities shall be funded from the amounts allocated to the Action.

All necessary measures will be taken to publicize the fact that the Action has received funding from the EU in line with the Communication and Visibility Manual for EU External Actions. Additional Visibility Guidelines developed by the European Commission (DG NEAR) will have to be followed.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives and the accession process. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions and will promote transparency and accountability on the use of funds.

The MoJ will draft an awareness raising plan for the implementation of the justice strategy.