

## Sector fiche – IPA National programmes / Component I

### 1 IDENTIFICATION

<b>Title</b>	Pilot Sector Programme for Justice and Home Affairs and Fundamental Rights
<b>MIPD Sector Code</b>	Justice and Home Affairs
<b>ELARG Statistical code</b>	01.23 - Judiciary and fundamental rights
<b>DAC Sector code</b>	15130 - Legal and judicial development 15113 – Anticorruption organization and institutions 15160 – Human rights
<b>Total cost (VAT excluded)<sup>1</sup></b>	EUR 12 700 000
<b>EU contribution</b>	EUR 11 500 000, divided in the following policy areas: 1. reform of justice - 5 M EUR 2. reform of police - 2 M EUR 3. anti-corruption/anti-money laundering - 3 M EUR 4. antidiscrimination/human rights - 1,5 M EUR
<b>Management mode</b>	Centralised
<b>EU Delegation in charge</b>	EU Delegation to Albania
<b>Implementation management</b>	Ministry of Justice General Directory of Supporting Services and Integration/ Directory of European Integration and Projects Mr. Arben Gjalpi, General Director Phone: ++355 4 2259388/ 71158 Fax: ++355 4 234560 Email: <a href="mailto:arben.gjalpi@justice.gov.al">arben.gjalpi@justice.gov.al</a>
<b>Implementing modality</b>	Projects
<b>Zone benefiting from the action(s)</b>	Albania

### 2 RATIONALE

#### 2.1 LINKS WITH NATIONAL SECTOR OBJECTIVE(S) AND MIPD SECTOR OBJECTIVE(S)

##### National Sector Objectives

The National Strategy for Development and Integration (NSDI) envisages an independent, transparent, responsive and efficient justice system, which will restore citizens' trust in the fairness and equity of the judicial system.

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<sup>1</sup> The total cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

For the justice area, the key relevant national sector objectives are to:

- Fully guarantee the separation and balance of powers, increase the independence and strengthen the accountability of judiciary;
- Increase the efficiency and transparency of criminal and civil processes;
- Improve legislation in line with EU *acquis*;
- Strengthen policy planning and management capabilities;
- Increase efficiency and standardisation of procedures;
- Improve the co-operation among law-enforcement agencies;
- Improve prison and pre-trial detention systems;
- Set up organization and functioning of the Administrative Courts;
- Improve prevention and fight against corruption and protect human rights;
- Provide appropriate infrastructure and equipment to all agencies.

Furthermore, NSDI focuses on expanding further the capacities of the authorities in the fight against money laundering. In the same context, the National Strategic Document “For the investigation of the financial crime”, defines the strategic objectives as follows:

- Increasing the professional and human capacities of the institutions;
- Improving the effectiveness of financial investigations;
- Increasing inter-institutional and international cooperation;
- Strengthening the preventive capacities of the law enforcement agencies and establishment of adequate mechanisms for this purpose;

Regarding the fight against organized crime, terrorism and trafficking, the main government priorities are to improve legislation, strengthen investigative and professional capacities of law enforcement authorities, improve national and international cooperation and strengthen the protection of witnesses.

### **MIPD**

The MIPD 2011-2013 defines the need to “Strengthen rule of law, ensuring the independence, efficiency and accountability of judicial institutions and enhance the fight against organised crime” as one of the 3 overall priorities for IPA support.<sup>2</sup> Furthermore, it provides for concrete steps to reinforce the protection of human rights and to effectively implement anti-discrimination policies

Specific MIPD objectives<sup>3</sup> for the JHA Sector are:

- The separation and balance between powers to increase independence, direct the court system towards best European practices, strengthen the status and professionalism of judges and prosecutors;
- Achieve a sustainable increase in the level of execution of court decisions;
- Improve the infrastructure in the judicial sector, i.e. the courts, prison and pre-detention systems.

Other objectives are to:

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<sup>2</sup> Multi-annual Indicative Planning Document (MIPD) 2011-2013, Albania – Executive Summary, p.3

<sup>3</sup> MIPD – p. 16 chapter 3.1.3 Sector Objectives for EU support over next three years (change of reference)

- Further strengthen the capacity of the law-enforcement bodies and improve coordination between them, in particular between prosecutors, the state police and witness protection – with special regard to the areas of fighting organised crime and money laundering<sup>4</sup>;
- On the fight against corruption, to establish an adequate legal framework, strengthen the capacity to investigate and prosecute for corruption and to enforce legislation.

### **EU Progress Reports**

The **Opinion of the Commission on Albania's application for membership (2010)**<sup>5</sup> placed special emphasis on justice and home affairs and fundamental rights sector. From the 12 key priorities the Commission established for Albania's further integration process, several fall under the JHA FR heading. These included the need to:

- Strengthen rule of law through adoption and implementation of a reform strategy for the judiciary, ensuring the independence, efficiency and accountability of judicial institutions;
- Effectively implement the government's anti-corruption strategy and action plan, remove obstacles to investigations, in particular of judges, ministers and Member of Parliaments, develop a solid track record of proactive investigations, prosecutions and convictions in corruption cases at all levels;
- Strengthen the fight against organised crime, based on threat assessment and proactive investigation, increased cooperation with regional and EU partners and better coordination of law enforcement agencies. Develop a solid track record in this area;
- Take additional measures to improve treatment of detainees in police stations, pre-trial detention and prisons. Strengthen the judicial follow-up of cases of ill-treatment and improve the application of recommendations of the Ombudsman in this field;
- Take concrete steps to reinforce the protection of human rights, notably for women, children and Roma, and to effectively implement anti-discrimination policies.

The **Commission's 2012 Progress Report** stated that, as regards **Judiciary and Fundamental Rights**, there has been some progress in implementing policies on the judiciary and fundamental rights, notably through efforts to address the relevant key priorities set out in the Commission Opinion. Yet, significant gaps in the legislative framework remain, in particular as regards judicial reform. Consistent implementation of legislative and policy tools remains a challenge in all areas under this chapter. Albania's alignment with European standards and the *acquis* in the field of the judiciary and fundamental rights is not very advanced.

As regard **Justice, Freedom and Security**, Albania has made some progress, particularly in border management, international cooperation in investigations and the fight against organised crime. Efforts need to be stepped up on coordination between law enforcement institutions and consolidating a track record of investigations, prosecutions and convictions. Overall, preparations in this field are advancing.

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<sup>4</sup> MIPD – p. 19. Chapter 4.4.

<sup>5</sup> Commission Opinion on Albania's application for membership of the European Union, SEC(2010) 1335, Section C, Conclusions and recommendations

**As regard anti corruption** moderate progress was made in the fight against corruption, which is a key priority of the Opinion. Steps were taken to restrict the unlimited immunity of high-level public officials and judges. Some efforts were made to improve inter-institutional cooperation, exchange of information and the prosecution of generally low and medium-level cases. However, the absence of a proactive approach and lack of resources and equipment continue to obstruct effective investigations. There is no adequate track record of investigations, prosecution and convictions at all levels. Corruption is prevalent in many areas and continues to be a particularly serious problem. A sector strategy and Action Plan to implement the former was adopted in 2010, while a three year action plan 2011-2013 is approved. However, the capacity of the Department of Internal Administrative Control and Anti-Corruption to co-ordinate the implementation of the Action Plan, as well as line institutions/Ministries capacities to implement the Actions Plans has to be further increased.

**As regard Anti Money Laundering** progress has been made and inter-institutional cooperation has developed further. However, the number of convictions for money-laundering remains significantly low compared to the scale of the problem. Money-laundering and corruption crimes do not fall under the competence of the Serious Crime Court. However, there is an urgent need for key institutions to step up coordination and information exchange and thus maximise their capacity to investigate serious and organised crime. Continuous specialised training involving police officers, prosecutors and judges remains necessary. Standard operating procedures for managing serious crime scenes have been introduced. Threat assessment and proactive investigations should be further promoted. Preparations in order to build a solid track record of investigations, prosecutions and convictions at all levels are moderately advanced.

As regards **promotion and enforcement of human rights**, moderate progress has been made regarding the implementation of **anti-discrimination policies**.

- The new Ombudsman has taken on a proactive role since his appointment, despite insufficient funding to fulfill its legal obligations;
- The Office of the Commissioner for Protection from Discrimination (CPD) has focused its activities on awareness raising and strengthening the capacity of its staff. Cooperation agreements have been signed with line ministries and the Commissioner has started to systematise case management. Nonetheless, the number of cases handled by the Commissioner remains relatively low;
- Public knowledge of the Law on Protection from Discrimination and awareness of the right to appeal to the CPD remain low. There remains under-reporting of potential cases of discrimination;
- There is a need to build a track record of cases brought to final completion to encourage potential victims to bring their cases to the Commissioner.

## **2.2 SECTOR ASSESSMENT – POLICIES AND CHALLENGES**

### **2.2.1 National sector policy, strategy and context**

Efforts for EU alignment are based on a Justice Inter-Sectorial Strategy and a corresponding action plan enacted by the Albanian Government<sup>6</sup>. The Ministry with the overall co-ordination responsibility for the sector is the Ministry of Justice.

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<sup>6</sup> Justice Inter-sectorial Strategy, approved by the Council of Ministers Decision no.519, on 20.07.2011;

In a nutshell, the government's policy objectives for the Justice and Home Affairs and Fundamental Rights Sector are set out in the main strategic documents, as follows:

- Justice Inter-Sectorial Strategy;
- Albanian State Police Strategy for 2007 – 2013;
- Cross-cutting strategy on prevention, fight against corruption and transparent Government, 2008-2013;
- Cross cutting strategy in the fight against organised crime, trafficking and terrorism, 2008-2013;
- National Strategic Document for Investigating Financial Crime, approved by Government Decision no. 1077, dated 27.10.2009;
- National Strategy of Integrated Border Management and its Action Plan, 2007-2013.

As far as the **Justice Reform (policy area 1)** is concerned, the Ministry of Justice is committed for the implementation of the Justice Inter-Sectorial Strategy and will be the main coordinator among all relevant key stakeholders involved – with different responsibilities for the implementation of national strategies and meeting EU requirements – including the High Council of Justice (HCJ), the Courts, the Judiciary Budget Administration Office (JBAO), School of Magistrates, the General Prosecutors Office (GPO), the Judicial Bailiff Service, the General Directorate of Prisons (GDP), the Probation Service, the Immovable Properties Registration Office (IPRO), and the Agency of Restitution and Compensation of Properties (ARCP).

With regard to implementation of the Justice Inter-Sectorial Strategy, Albanian Parliament has enacted some important laws during 2012. The most important ones are the law "On the organization and functioning of Administrative Courts and resolution of administrative disputes" which creates specialized courts for providing effective and fast resolution of administrative disputes; the law amending the Criminal Code of Albania and which establishes new criminal offenses relating to money laundering, terrorist financing, anti-corruption and industrial property; the law "On the organization and functioning of the National Judicial Conference", providing clear legal basis for such an important institution for the judiciary and the law amending the law on "the profession of advocate in Albania" which, for the first time, provides for the creation of a National School of Advocates and the continuous training of candidates. This new structure within the National Chamber of Advocates will provide for proper training for future lawyers and ensure high professionalism. The new law also contains provisions to ensure uninterrupted judgments and resolving judicial disputes within a reasonable time.

The MoJ has also completed the drafting of some very important legal initiatives, which once approved would have a direct impact on improving the justice system. Specifically, the MoJ has drafted and submitted to Albanian Parliament for review and approval a draft law amending the law on the organization and functioning of the Supreme Court of Albania.

Currently, the MoJ is working on drafting amendments to the Code of Criminal Procedure and the Code of Civil Procedure, which are intended to improve judicial procedures, in order to respect the human rights and fundamental freedoms. In 2013 a draft law on amending the law on organization and functioning of the High Council of Justice is expected to be completed, as well as improvements to the Code of Administrative Procedure. On the other hand, MoJ has finished drafting and is currently discussing with relevant stakeholders the draft law on the organization and functioning of the judicial administration. All these measures are derived from Justice Strategy Action Plan.

One of the main political goals of the Government of Albania is the establishment of a professionally efficient **Police force (policy area 2)**, flexible and dynamic, able to maintain public order and security and guarantee the rule of law all over Albania. All legislative and structural reforms implemented so far are aimed at transforming the Albanian State Police (ASP) into a depoliticized, unique and centralized State Administration body, capable to provide public safety and judicial police capable of carrying out complete investigations, operating in conformity with the requirements of SAA (article 78) and in line with EU standards.

ASP has adopted the long term State Police Strategy, 2007-2013 and an Action Plan accordingly. During the latest reform process the ASP has made relevant progress in several areas, such as, border control and criminal information management, the fight against organized crime, corruption and terrorism. The reforms have introduced, among others, further alignment of ASP legislation and structure with EU standards and democratic policing experiences; strengthened the international police cooperation, improved the quality of services and police image in public. A structural reorganization of the Department of Witnesses Protection was completed according to the EU rule of law mission recommendations in May 2012. A reliable system to compete for new police admissions as well as career promotion (rank order) based on legal criteria and professional merits was established for the first time last year.

Regarding the fight against organized crime, terrorism and trafficking, the main government document is the “cross cutting strategy in the fight against organised crime, trafficking and terrorism”, 2008-2013. It defines the strategic priorities in the fight against organized crime, sets out the objectives for all the institutions involved in and coordinates the crosscutting actions for fulfilling its goals. The key priorities are improving legislation in line with EU and international standards, strengthening investigative and professional capacities, improving national and international cooperation, strengthen the protection of witness and justice collaborators and improve the infrastructure for relevant enforcement authorities.

A decision was taken to restructure the witness protection services with the purpose to increase their effectiveness and meet EU standards. The implementation of the ‘anti-mafia law’ has resulted in an increase in the seizure of criminal assets.

As to border management, the Government aims at passing legislation to guarantee that border management agencies work in line with EU legislation. Therefore, organisational and structural reforms will be continued, reinforcing the lines of command and control, enhancing the co-operation between the different agencies working in the sector, as well as improving the management of human, material and financial resources. Another objective is to improve the flow and distribution of information, for which the establishment of a general information management system is foreseen.

As regards public order, the Government’s main priorities are to reduce the rate of crime and anti-social behaviour, and to improve the quality of service provided by the law enforcement agencies to the citizens. Specific objectives include:

- Building partnerships and confidence among the partner agencies, involving staff training, research on citizen perceptions and their demands, strengthening co-ordination and the improvement of communication lines between them;
- The standardisation of procedures and equipment, improved policy planning and logistics;
- Improving the legal basis;

- Increased emphasis on Intelligence-based policing;
- The provision of proper infrastructure and equipment;
- Improving road safety in terms of strengthening the capacities of traffic police and improving the citizen's education on respecting the traffic rules.

As regards **fight against corruption (policy area 3)**, full implementation of the Strategy on Prevention and Fight against Corruption and Transparent Government (2008-2013) - endorsed by DCM No 1561 of 03.10.2008 - constitutes one of the key commitments of the Albanian Government to achieve tangible results in this area, which is so relevant for the overall integration process. Annual action plans were drafted in 2008 and 2009 to facilitate implementation. A 3-year action plan (2011-2013) was adopted by Inter Ministerial Working Group (IMWG), aiming to achieve the remaining objectives and ensure a uniform planning of objectives in the coming years. On the other hand, the Prime Minister's Order no 173 dated 27.09.2010 "On the establishment and organization of the Inter-ministerial Working Group to monitor implementation of the Anti-corruption strategy" was amended in 2010 in order to improve coordination in the implementation of the Anti-corruption strategy and enhance the capacity of the Department of Internal Control and Anti corruption (DIACA).

Rules of Procedures for the functioning of IWG, ITWG, and IWG Secretariat, were also adopted in 2010. Particularly important was the definition of functions and duties of the IWG Secretariat, which no longer consists only of DIACA representatives, but also includes representatives from Ministry of Innovation & ICT, Department for Strategy and Donors Coordination, MoJ and MEI. Besides, Secretary Generals of each line Ministry were charged to coordinate internal reporting over the progress of implementation of the annual action plans.

Important legal reforms regarding immunities, new criminal offences (Criminal Code amendments), and declaration of assets and conflict of interest have been adopted. Inter-institutional cooperation and coordination has also been strengthened through a series of memoranda between different institutions dealing with the fight against corruption.

Albania has made serious efforts to address the recommendations issued by GRECO in the Third Round Evaluation Report (Evaluation Reports adopted at the 42nd session on 11-13 May 2009): Out of 7 recommendations on Transparency of Party Funding, 6 have been fully implemented, and 1 partly implemented. Out of 5 recommendations on Incriminations, 1 is fully implemented and 4 partly implemented. Moreover, with the adoption of the law amending the Criminal Code, all recommendations are fully implemented.

In order to enhance the powers of the High Inspectorate for Declaration and Audit of Assets (HIDAA), the Parliament in September 2012 enacted some changes to the law "On the declaration and audit of assets, financial obligations of elected officials and some public officials" and law "On the prevention of conflict of interests in the exercise of public functions". The aim of the amendments was to strengthen HIDAA powers in order to ensure a better investigation of declaration and audit of assets as well as conflict of interests in public administration. In addition, HIDAA signed in 2012 several Memoranda of Understanding with a number of institutions such as, Supreme State Audit, IPRO, ALUIZNI and MoJ aiming at facilitating the process of information exchange and thus increasing its efficiency and impact.

As concerns **human rights and protection from discrimination (policy area 4)**, the key short-term priority is to ensure that all law enforcement bodies are aware of their human rights obligations and implement them rigorously in accordance with all international

conventions ratified by Albania, in particular the European Convention on Human Rights, the CoE Convention for the Prevention of Torture and Inhuman or Degrading Treatment, the CoE Convention on preventing and combating violence against women, the CoE Framework Convention on the Protection of National Minorities, the UN Convention on the Rights of Persons with Disabilities, the UN Convention on the Rights of Children and the UN Convention on the Elimination of all Forms of Discrimination against Women.

The mid-term priorities are the adoption of comprehensive anti-discrimination legislation and the appropriate institutional support for victims. There is a need to ensure implementation of adopted legislative and policy tools and to fill the remaining gaps in the legal framework, notably as regards persons with disabilities. Furthermore, strengthening of legal remedy tools and institutions dealing with human rights (People's Advocate Office, Commissioner for protection from discrimination) is needed.

### **2.2.2 Sector and donor coordination**

In Albania, the co-ordination of international assistance is ensured by the Department of Strategy and Donor Co-ordination (DSDC) located within the Council of Ministers (CoM). On the other hand, the coordination of European Union assistance is the responsibility of Ministry of European Integration (MEI), represented by the Minister as the National IPA Coordinator (NIPAC) and supported by NIPAC Office. The process of programming donor funds is fully integrated into the Albanian Government's Integrated Planning System (IPS) that, based on a legally regulated process, produces and regularly monitors the implementation of:

- A National Strategy for Development and Integration (*NSDI – covering seven years, current version: 2007-2013*);
- 38 national strategies, on a sectorial or cross-sectorial basis, each under the responsibility of one lead ministry;
- Medium Term Budget Programmes (*MTBPs – covering 3 years*).

Efforts to ensure co-operation and an appropriate division of labour among donors have been directed by the provisions of the Paris Declaration on Aid Effectiveness, and are performed on the basis of the NSDI and the underlying national strategies. A Harmonisation Action Plan (HAP) has been prepared, jointly with the Donor Technical Secretariat, in November 2009.

Donor Coordination in JHA and Fundamental Rights is carried out through 8 sub-sector working groups between the Government and the Donor Community. These groups are focussed on: Justice Reform, Witness Protection, Albanian State Police, Integrated Border Management, Community Policing, Training and Equipment, and Information Management and Technology.

Main stakeholders on the donors' side include the United States (ICITAP, as donor facilitator), the EU, the Council of Europe, the OSCE, UNICEF as well as Austria, France, Germany, Italy and Sweden. The Donor Focal Point is the "International Consortium", an informal group comprised of representatives from international donor organizations (EU Delegation, OSCE, PAMECA Project, ICITAP) and GoA (Ministry of Justice, Ministry of Interior, Prosecutors Office).

Another co-ordination instrument amongst EU donors in Albania is the so-called FTI-DoL<sup>7</sup>, officially introduced in May 2010. Even though it stands at a very early stage, both the government and the donor community are committed to this instrument, aiming at a clearer

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<sup>7</sup> Fast Track Initiative on Division of Labour



donor mapping, increased coherence of the EU Funding and an elimination of overlaps and duplication.

### 2.2.3 Sector budget and medium-term perspective

<b><u>Ministry of Justice</u></b>	<b>Planned budget (million Euro)</b>		
	<b>2012</b>	<b>2013</b>	<b>2014</b>
Planning, Management and Administration	2.8	2.37	2.45
Official Publication Centre	0.4	0.423	0.45
Institute of Forensic Medicine	0.325	0.4	0.416
The prisons system	26.27	28.99	29.05
Bailiff Service	0.746	1.17	1.22
Adoption Service	0.87	0.106	0.109
Probation Service	0.49	0.6	0.62
Institute for the Integration of the Political Persecuted Persons	0.19	0.225	0.236
<b>Ministry of Justice Budget</b>	<b>32.09</b>	<b>34.28</b>	<b>34.55</b>
Private investments	-	-	-
Foreign aid	1.94	2.68	2.11
Loans (IFI)	0.176	0.176	-
<b>GRAND TOTAL (Ministry of Justice)</b>	<b>34.2</b>	<b>37.13</b>	<b>36.66</b>

<b><u>Albanian State Police</u></b>	<b>Planned budget (million Euro)</b>		
	<b>2012</b>	<b>2013</b>	<b>2014</b>
Integrated Border Management	13.3	12.2	12.3
Organised Crime, Terrorism and Trafficking	15.7	14.9	16
Public Order	41.8	46.5	48.5
Police Training	4.9	4.5	1.9
Supporting Services	7.9	8.5	9
<b>TOTAL</b>	<b>83.6</b>	<b>86.6</b>	<b>87.7</b>
Ministry of Interior Budget	112.4	117.5	125.4
Foreign Investment budget	3.1	2.5	
Loans (incl. IFI)	-	-	-

Grand TOTAL (Ministry of Interior)	115.5	120	125.4
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General Prosecutor Office	Planned budget (million Euro)		
	2012	2013	2014
General Prosecutor Office	12.9	8.878	9.185

EU MIPD allocation	2007-2010	2011-2013	
	€million	€million	% of MIPD total
Justice Home Affairs and Fundamental Rights sector	56.52	38.66	15%

#### 2.2.4 Sector monitoring system

The implementation of the National Strategy for Development and Integration, the related national strategies, the Mid-term (multi-annual) Budget Programmes (MTBP) and the annual budget is monitored on a well-established and result-based performance assessment system, as part of the Albanian Government's Integrated Planning System. The core elements of that system are Performance Assessment Matrices (PAMs) based on the core strategy indicators of the NSDI and the (cross) sector strategies.

The monitoring of IPA funds is jointly ensured by NIPAC and the European Union Delegation in Tirana as contracting authority. The meetings of the IPAMC are co-chaired by the NIPAC and a ranking European Commission representative. For all IPA components I and II under implementation, there is the IPA Monitoring Committee (IPAMC) a high-level committee that meets once a year.

The use of IPA funds is also part of the IPS / MTBP.

#### 2.2.5 Institutional setting

The institution in charge of co-ordination in the JHA sector is the **Ministry of Justice**. The MoJ's co-ordination responsibility covers both legislative and policy aspects as well the rule of law and overall functioning of the justice system.

The Ministry of Justice, 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, provides legal assistance toward all-encompassing legal initiatives undertaken by other enforcement bodies, part of the justice system. It is also in charge of the implementation of the Justice Reform Strategy – including co-ordination with the key stakeholders – and the approximation of the Albanian legislation with the EU acquis and international standards.

Besides the MoJ, different stakeholders with responsibilities for the implementation of national strategies and meeting EU requirements in the JHA sector include the following:

The **General Prosecutors Office (GPO)** exercises criminal prosecution and represents the accusation in court in the name of the state. It directs the criminal investigations and is assisted by judicial police when performing criminal investigations. It is an independent institution neither within the judiciary nor under the executive. In order to strengthen the fight

against corruption, the prosecutor's office, has created within its system, specialized anti – corruption structures, named Joint Investigative Units (JIU) in seven district prosecution offices. To advice and coordinate the work of all JIU a directorate for the fight against economic crime and corruption has been established at the GPO.

The **Albanian State Police (ASP)**, within Ministry of Interior but with its own budget, is the main law enforcement agency within the JHA sector. The main duty is to maintain public order and security and guarantee the rule of law all over Albania. During crime investigation judicial police are under the subordination of prosecution office. Within the General Directorate of the Albanian State Police, specific departments are responsible for public order and security, crime investigation, border and migration etc. In the areas of fight against organised crime, terrorism and trafficking, border management and public order ASP collaborates with important stakeholders like the national agencies of GPO, FIU, GDC, Ministry of Finance etc.

The **Inter-Institutional Maritime Operational Centre (IMOC)** is an inter-ministry institution that has to ensure the surveillance of Albanian maritime space. Based on the Decision No.954 date 30.09.2009 of Council of Ministers, its budget is under the Ministry of Defense. Border and Migration Police is beneficiary of radio equipment (part of radio-communication system), but the funds for their maintenances are planned centrally by IMOC.

The **High Council of Justice (HCJ)** is responsible for the protection, nomination, transfer, discharge, education, professional evaluation, the career and for the 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 **High Court of Albania** is the highest court of the judicial system. It has reviewing powers attributed by the Constitution and it reviews 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 has another important role in unifying judicial practice by the Unified Colleges decisions in those cases where judicial practice of lower courts has resulted in different or conflicting solutions regarding the application or interpretation of certain legal norms.

The **Constitutional Court of Albania** is not a part of the ordinary judicial system and is subject only to the Constitution. It has special jurisdiction over the examination of the constitutionality of legislation and other normative acts. The Constitutional Court guarantees compliance with the Constitution of Albania, and makes final interpretation of it. Its decisions are final and binding.

The **School of Magistrates** organizes and provides the initial training for judges and prosecutors, selected through an admission exam, for a 3 year program and continuous training for in-service judges and prosecutors. On requests, it also carries out professional training activities for the court administration employees and other legal professions. It cooperates closely with HCJ and GPO in carrying out its activities. The School has its institutional, academic and administrative independence but the budget provided has been insufficient.

The **Judicial Budget Administration Office (JBAO)** is organized 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 judicial budget, ensuring 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 **Directorate General of Prisons (GDP)** is an institution under the Ministry of Justice which follows and runs the organization and functioning of the remand system, execution of criminal sentences, serving of sentence 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 organizes, manages and controls all penitentiary institutions under its subordination. The tasks of penitentiary institutions are to provide reception and social treatment and rehabilitation of prisoners and pre-trial detainees.

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. Probation Service maintains ongoing relationship with the courts, prosecution offices and also involves the community in the process of supervision and reintegration of persons under probation.

The **General Directorate for the Prevention of Money Laundering** or Albanian FIU is the primary institution responsible for preventing money laundering. It functions as the national centre in charge of the collection, analysis and dissemination to law enforcement agencies of data regarding the potential money laundering and terrorism financing activities.

The **Department of Internal Administrative and Anti-corruption Control (DIACA)** at the Council of Ministers is tasked to carry out administrative investigations and/or denunciations on abusive, corruptive and arbitrary practices. The Department is investigating/inspecting line ministries, central institutions and state-owned enterprises. The Department verifies the administrative procedures and working practices, offers advice and training and increases the awareness of anti-corruption issues in the public administration.

The **High Inspectorate of Declaration and Audit of Assets (HIDAA)** audits asset declarations of the public officials, collects data, carries out administrative enquiry and investigation on assets declarations and conflict of interest cases based on the Administrative Procedure Code and cooperates with the auditing organs and other structures responsible for the fight against corruption.

The **Central Inspectorate** is a governmental institution under the supervision of the Prime Minister established in 2011 pursuant to law "On inspection". The mission of the Inspectorate is to enhance the effectiveness and accountability of inspection activities in Albania with the aim of improving business climate. The main role of the Inspectorate is to provide guidance on the inspection methodology and programming, coordinate and monitor inspections, evaluate the overall performance and provide training and attestation to 33 different state inspectorates under 11 Line Ministries. Central Inspectorate is also a member of the Inter-institutional Working Group for Monitoring the Implementation of the Strategy for the Prevention and Fight against Corruption and Transparent Governance.

The **Directory of Policies on Equal Opportunities and the Family (DPEOF is under the Ministry of Social Welfare)**, is in charge of formulating and developing policies and programmes as well as drafting and reviewing legislation in order to promote gender equality, prevent and fight domestic violence, protect from discrimination on sexual grounds as well as the right of children.

The **Commissioner for Protection from Discrimination (CPD)** is the sole responsible authority that ensures effective protection from discrimination and every form of conduct that encourages discrimination from both public and private bodies.

The **Ombudsman** is the only independent authority created through the Constitution that ensures mediation in cases where there have been unlawful or irregular acts or omissions by public administration bodies, as well as third parties acting on their behalf, with the aim of protecting the human rights of all citizens.

Other sub-beneficiaries, in the frame of policy area 4, include the Ministry of Education and Science, the Ministry of Health, the Ministry of Interior, district courts, local government units, media operators and relevant stakeholders from the private sector.

Among non-state actors, it is relevant to mention the **Albanian Association of Banks (AAB)**, which is a not-for-profit umbrella organisation for all commercial banks conducting their business in Albania. AAB organizes trainings for the employees of its member banks, aiming to enhance their technical capacities also in the area of anti-money laundering.

### ***2.2.6 Macro-economic context and Public Financial Management***

Currently, the Albanian government is implementing a reform of public financial management and control (FMC). The reform is led by the Ministry of Finance, and aims at moving Albania closer to international standards and the best practices in PIFC/FMC applied by EU member states. A new law<sup>8</sup> to this effect was approved, and is now being gradually implemented using, *inter alia*, international donor assistance. Thereby, improving the efficiency, transparency of the use of taxpayers' money, and the strengthening the accountability of the state administration are receiving special attention. In this context, the implementation of the new law on Financial Management and Control will demand a significant change in the management of public policies and institutions, and requires strong financial and institutional support, if it is to deliver the desired objectives.

Furthermore, in line with NPI SAA priorities, the Albanian government wants to *develop and implement a consolidated system of Public Internal Financial Control*. The reform of FMC will focus not only on spending public money in accordance with relevant laws and regulations, but also on achieving *value for money*. The management of IPA funds is undergoing the process of decentralisation and according to the road map the Albanian authorities are awaiting a conferral of management decision in 2013.

### ***2.2.7 Sector Assessment***

Based on the national sector policies and strategy described under section 2.1 and 2.2.1, the Government of Albania is focusing on the improvement of the JHA Institutional capacity and legal framework in the following 4 areas:

**Judiciary** is currently facing problems related to low budget, delays in courts proceedings, many sessions per trial, lack of adequate court houses and low transparency, lack of public trust, absence of independence and impartiality, high backlog of cases and untrained court administrators.

The preliminary verification procedure of complaints at the **High Court** very often seems not to be effective and brings about direct repercussions on the increase of volume and delay of trials even on other instances. The work of the High Court is characterized by a huge backlog

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<sup>8</sup> Law no. 10296, dated 08.07.2010 "On financial management and control"

of cases due to insufficient number of judges, lack of case filtering procedures, vacancies created for a long time, inadequate working conditions and increased number of cases tried by the Court in its original jurisdiction. These reasons have contributed to the increase of caseload per judges, causing long delays of trials and therefore affecting its performance and efficiency.

The implementation of the law on **Administrative Courts** is expected to ease the caseload and speed up the processing of cases. Support is needed for the selection and appointment of the administrative judges, drafting of sub-legal acts, allocation of necessary resources, training needs assessment and adaptation of the national case management system for the new administrative court.

A true system of **advancement within the judiciary** and prosecution office with clear criteria to fulfil positions in appeal and higher courts or the general prosecutor's office is still not developed. In addition, the laws and regulations on the career, promotion, transfer and disciplinary proceedings of judges and prosecutors are vague and not properly implemented. These issues worsen the performance and efficiency of the judiciary and impact the well-functioning of the judicial system and also may hamper the implementation of the recently adopted legislation.

**Inspection and evaluation in the judiciary** and prosecutor's office seem not to function properly though there are some improvements recently with the signature of a MoU between MoJ and HCJ. Inspectorate competences in the MoJ overlap with the ones of HCJ and GPO. In addition, legal procedures in this regard are not in line with the European standards. Amendments to the Law on Judicial Power and other regulations have not been made. The MoJ has still not adopted a regulation organising and defining its role on inspections. Overall, the risk of overlapping and lack of clarity over the inspection role, which at the end contribute to the risk of the lack of effective inspection of the judges, is still there.

The HCJ has to undertake an overall re-organisation and increase its capacities in performing inspections/evaluation in order to be able to fulfil the important role that it is entrusted with. Disciplinary measures against judges are rare, the cases are not relevant and the sanctions imposed very moderate. There is a need to improve the **system of sanctions** as currently the system foresees either the dismissal or a warning. No system of fines or suspension is in place. Overall, the system of accountability needs to be improved. A code of ethics for judges is in place but needs still to be implemented.

The JHA sector lack universal access to **international legal data base via internet** (e.g. Lawtel, Westlaw, etc) and the research libraries are very poor. This is imperative to raise standards, consistency and professionalism and to set up European standards in all cases investigated, prosecuted and tried.

There is no global information technology strategy or plan for the justice system. Courts, prosecutions offices and other justice institutions have different case management systems in place. Prosecution office is also in the process of installing a new case management system.

**The criminal justice framework** lacks a comprehensive approach. Draft amendments to the Criminal Procedure Code are produced when need arises. Essential necessary amendments, such as those related to the constitutional reform on abolishment of immunities are not adopted yet. In relation to the **International judicial cooperation**, the third additional Protocol to the European Convention on Extradition and a number of bilateral extradition agreements are not fully applied yet. Judges and prosecutors need to be properly trained in order to apply them. The procedures for extradition are not fully operational yet. Other instruments for judicial cooperation such as the agreement with EUROJUST are yet to be

signed. Amendments to the Code of civil procedure have also been drafted, but are still awaiting parliamentary approval.

There is concern over the **budget allocation** for the sector. The overall budget for the sector has not increased, which could jeopardize the results to be achieved. The Judiciary Budget Administrative Office has been pivotal in managing judicial budget but it lacks the necessary human resources and expertise. The law governing the Office needs also to be improved.

An overall comprehensive legal framework is missing in order to improve the functioning, working conditions and overall improvement of the judicial administration proceedings. The MoJ clearly lacks technological and human resources capacities to properly coordinate and supervise many agencies and legal professions such as, private bailiffs, lawyers, notaries, mediators, arbitrators, administrators, property registration and restitution, penitentiary system, etc.). The Codification and International judicial cooperation Departments in MoJ lack adequate human resources too. In general, limited human resources and high degree of staff turn-over at the justice institutions and a lack of civil service status for Courts staff, places under question the sustainability of assistance provided. Organisation, management and internal administrative procedures of the general prosecutors and district prosecutors need also to be improved.

Amendments to the **Legal Profession Law** provide no measures for addressing the question of unjustified absence of lawyers in trials, which is another cause of delays and eventually the backlog of cases. The National Chamber of Advocates lacks capacities to deliver mandatory initial and in service training for lawyers.

In the context of the overall fight against corruption, the role of the judiciary is crucial. But the concept of investigating and criminally prosecuting judges is so new in Albania, that just the constitutional amendments **limiting the immunity of judges** is not enough. Necessary legal amendments in line with the constitutional changes have to be passed and tools in the form of training for prosecutors to start proceeding have to be developed. On-going in-service training for practicing judges and prosecutor is delivered regularly by the **School of Magistrates** but it needs constant adaptation to include new adopted legislation as well as international and European case-law, still relatively new for Albanian judges and prosecutors.

**Access to justice** in remote areas is still a challenge and the number of cases in which legal aid is actually provided is small. The Legal Aid Commission needs to adopt new internal rules that are more efficient and result-oriented. The Law on legal aid was amended, introducing possible exemptions from judicial fees for victims of trafficking and domestic violence, and establishing local legal aid offices. Despite the amendments access to justice is hampered by high judicial fees. There is still a lack of consistency in the publication of decisions between courts and in many courts this is not done in systematic way. Therefore, the court fees system needs to be revised in order to allow access to justice also for victims of serious crimes or vulnerable groups.

The transformation of the criminal punishment into an opportunity of social rehabilitation remains the main objective of the **Albanian Penitentiary System**. In this context, it is indispensable to take effective measures to avoid any case of excessive use of force or psychological abuse of persons in pre-trial detention centers and those serving criminal sentences.

A more coordinated approach is required between the relevant criminal justice agencies, particularly prisons, probation and the police to effectively manage different kinds of offenders. i.e. high risk offenders; offenders from vulnerable groups such as young people and women; offenders from marginalised communities and those suffering from mental health

illnesses. Therefore, systems and procedures for dealing with such groups of offenders should be further developed and their consistent implementation ensures. Existing prison treatment programmes need to be strengthened and updated. The role of the NGOs working with prisons and probation services is also of critical importance and should be further developed

It is also vital that the prison service strengthen the fight against corruption in prisons whereby certain prisoners obtain privileges and benefits that they are not entitled to and which enable them to continue to pursue illegal activities whilst still incarcerated. A national strategy for Juvenile Justice is still not in place and specific legal and administrative arrangements need to be made, notably for children under the age of criminal responsibility. Moreover, effective measures are required to minimize and avoid cases of psychological ill-treatment, especially those who are under police surveillance and juveniles. There is a well established system of free medical treatment of inmates in the prisons, but specific cases of psychiatric illness are not systematically identified or adequately treated.

Improvement of professional capacities of the employees of the penitentiary institutions is needed. Follow-up and implementation of recommendations stemming from inspections need to be stepped up. The Law on the Internal Control Service for the penitentiary system has been adopted, but needs to be implemented.

**Albanian State Police (ASP)** main challenge remains fight against criminality, strengthening the fight against organised crime, based on threat assessment and proactive investigation, increased cooperation with national, regional and EU partners and better coordination of law enforcement agencies. ASP is the main authority dealing with the escorting, detention and arrest of suspects and criminal offenders. There is a need to ensure adequate treatment of persons in police custody, including the administrative or judicial follow-up of reported cases of ill-treatment. The procedures during police escorting include, among others, the identification, registration and data management of escorted, detained or arrested persons. Therefore there is a need to improve the capacity of the ASP to easily access and manage relevant

**Interception of telecommunications in Albania** is strictly regulated by law with a stringent system of authorization by the General Prosecutor. Judicial police officers at Interception Sector in GPO perform interceptions and provide transcriptions of the interceptions to district judicial police officers, who are actually investigating the cases, Interception police officers lack the knowledge of the cases under investigation and they may not be able to identify important elements of the investigation during the interception, which in turn may seriously affect the investigation. In addition, there are difficulties in communication and coordination between Interception Sector judicial police officers and district judicial police officers that deal with the cases, causing further delays in the investigations. Moreover, EU experts have recommended decentralizing the interception system so that district judicial police officers have the chance to perform interceptions of the cases they are investigating. This will make the interceptions more effective for the investigations.

**Fight against corruption and money laundering** received a boost with the coming into force of new legislation in relation to the abolishment of immunities of high officials and judges, on financing of political parties, new criminal offences (Criminal Code amendments), and declaration of assets and conflict of interest. This is a new scenario, to which the law enforcement and judiciary are still not used to. Awareness needs to be raised in relation to the amendments to the provisions for declaration of assets and conflict of interest and enhanced powers of HIDAA in its administrative inspections among the institutions and public officials affected. A solid track record of investigations, prosecutions and convictions for corruption and money laundering at all levels needs to be established.



Inter-institutional cooperation and coordination has to be improved, particularly as regards feedback to the FIU (Financial Investigation Unit) from the ASP and from the FIU to the Prosecution and ASP and among relevant authorities to enforce asset recovery for publicly owned properties that are seized as these require a public auction. Common training needs to be carried out among all relevant authorities. There is limited expertise in financial analyses, criminal investigations and prosecutions, coupled with insufficient awareness of relevant institutions of the relevance of prevention and repression of some of the phenomena and recovery of criminal assets.

There are weaknesses in robust prosecutions of crimes of money laundering and corruption and serious organized crime as well as investigations devoted to **seizure/confiscation of criminal proceeds** and the unawareness of the need to implement routine financial investigations for all acquisitive offences. Currently, the enforcement bodies (prosecutors, judges and judicial police) need to be further trained to investigate and analyse the evidence regarding corruption and money laundering cases. Procedures should be standardized and streamlined to enable cases to be vigorously investigated and prosecuted successfully.

Regarding the prevention of corruption, annual reviewing of the Anti Corruption action plan (2011-2013) and the monitoring of its implementation as well as the drafting of a new AC strategy remain a challenge. DIACA administrative capacity needs to be strengthened. There is need to reinforce cooperation between DIACA and other institutions to improve reporting, coordination and monitoring activities. A functional review of DIACA and its role may be a way forward. The fourth evaluation round on the theme of Corruption prevention in respect of members of parliament, judges and prosecutors has started in 2012. Evaluation preparations as well as recommendations' implementation will be the next challenge for all the relevant stakeholders.

HIDAA control of asset declarations and proper investigation of the origins of the assets need to improve in order to ascertain the reliability of the information provided in declarations. A lack of infrastructure, among others, undermines HIDAA efforts in this regard. The practical implementation of all recent changes in the law as well as the process of raising awareness in these areas represents the future challenge for HIDAA. The several MoUs signed between HIDAA and relevant institutions need to be monitored in order to ensure implementation and clarity in the procedures.

According to the main principles of the Inspection Reform, the Central Inspectorate (CI) aims to improve transparency and accountability of the inspection system in the country and to reduce corruption. While the CI is a new institution, capacity building for the CI staff, training of inspectors to implement new rules and procedures, as well as assistance in drafting the rulebooks, is very important.

In general there is a need for a functional assessment of all departments/agencies involved in the prevention of corruption in order to clearly identify their tasks and any actions needed to establish a well integrated functional system and avoid any overlap. Furthermore assistance is required to further develop public information campaigns by relevant agencies and institutions to inform the public on the new regulations, the role of the institutions working on anti-corruption, achievements and thus increasing accountability and public confidence in the institutions.

As regards the **promotion and enforcement of human rights**, the capacities of the two main institutions, the Ombudsman and the CPD need to be strengthened, notably through additional allocation of resources in order to allow them to effectively fulfil their tasks and obligations

provided for under the law. Despite the notable progress in the legal area, important legislative gaps remain, especially regarding persons with disabilities. Implementation of existing legislative and policy tools in this field is still insufficient.

Legislative system and policies on Human Rights (HR) and anti-discrimination (AD) protection requires further adjustments and harmonization in order to bring them in compliance with international standards and recommendations.

The capacities of the CPD are limited and weak, in particular in managing of cases and encouraging potential victims to come forward. The public needs also to see the efficiency of addressing the CPD in order to increase the trust in its independence and efficiency. The Ombudsman needs to improve its institutional capacities in order to better address human rights violations by legislative, investigatory and research means. In particular, the Ombudsman needs also to increase the efficiency of complaint proceedings. In this view, the institutional capacities of HR and AD relevant bodies require further strengthening.

Despite the support and assistance provided so far by a number of International and non-governmental Organizations (NGOs), the actions remain fragmented, localized and lack sustainability. Furthermore, HR and AD bodies lack proper coordination and coherence at the system level, thus rendering them less efficient.

Lastly, another eminent concern remains the persistent lack of official statistics so far as regards to the discrimination in the fields of education, employment, goods and services and the monitoring, which to date has been conducted mainly by international organizations and civil society.

### **3 DESCRIPTION**

#### **3.1 OVERALL OBJECTIVE OF THE IPA SECTOR SUPPORT**

The overall objective is to contribute to improving the independent, impartial, efficient, and professional functioning of the Justice and Home Affairs and Fundamental Rights Sector in Albania in accordance with EU and international standards.

#### **3.2 SPECIFIC OBJECTIVE(S) OF THE IPA SECTOR SUPPORT**

Specific objectives of the 4 areas identified for IPA support in the JHA sector are:

##### *1. Justice Reform*

To strengthen the independence, transparency, efficiency, accountability and public trust in the Albanian justice system in line with EU *acquis* and best practices.

##### *2. Reform of the Police*

To strengthen the utilisation of scientific evidence for the identification of criminal offenders and the compliance with human rights and fundamental freedoms

##### *3. Fight against Corruption and Money Laundering*

To strengthen the fight against corruption and money laundering in line with EU *acquis* and best practices

##### *4. Anti-discrimination policy and Human Rights protection*

To enhance the effectiveness of anti-discrimination policy and Human Rights protection in Albania.

### **3.3 RESULTS**

#### ***1. Justice reform***

- Result 1.1 The efficiency and effectiveness of judiciary and administration of justice enhanced.
- Result 1.2 The legal basis of the Justice System consolidated in line with EU *acquis* and best practises.
- Result 1.3 Independence, impartiality, accountability and transparency of judges and prosecutors increased.
- Result 1.4 System to manage High Risk Offenders implemented and monitored
- Result 1.5 System to safeguard the needs of Vulnerable Offenders (including mentally ill) implemented and monitored
- Result 1.6 Electronic monitoring programme for detainees fully functional
- Result 1.7 Independent inspection system for prisons and probation services implemented and monitored
- Result 1.8 Public communication and information strategy for prison and probation services established

#### ***2. Reform of the Police***

- Result 2.1 Live scanner system for online monitoring of performance of police escorting, detention and arrest procedures is established and personnel trained.
- Result 2.2 Decentralized and more effective interception of telecommunication

#### ***3. Fight against Corruption and Money-Laundering***

- Result 3.1 Improved policy analysis, organization, coordination and monitoring functions, as well as increased awareness of civil society about anti-corruption institutions.
- Result 3.2 Improved inter-institutional cooperation and coordination of fight against money-laundering.
- Result 3.3 Implementation and efficiency of anti-mafia law improved.
- Result 3.4 Capacities of judicial system and law enforcement agencies to deal with anti-money laundering strengthened

#### ***4. Anti-discrimination (AD) policy and Human Rights (HR) protection***

- Result 4.1 AD and HR legislation, policies and inter-institutional coordination improved
- Result 4.2 Strengthened administrative/professional capacities and efficiency of the main HR and AD bodies to effectively process cases and formulate, implement and monitor anti-discrimination laws and policies.

Result 4.3 Raised awareness of general public and specific target groups on the key aspect of anti-discrimination policy and their rights under the law.

### **3.4 OPERATIONS<sup>9</sup> TO ACHIEVE RESULTS**

#### **Policy area 1: Justice reform**

##### **Activities related to result 1.1: Efficiency and effectiveness of Judiciary**

- 1.1.1** Provide assistance to the School of Magistrates in developing and delivering training to judges in improving the reasoning and quality of decisions and management of trials;
- 1.1.2** Provide assistance to the School of Magistrates to further develop the continuous training for judges and prosecutors on introducing the recent adopted national legislation as well as international legislation and case law;
- 1.1.3** Provide universal access to international legal data base via internet to all judges, prosecutors, School of Magistrates and other enforcement agencies (e.g. Lawtel, Westlaw, etc);
- 1.1.4** Provide assistance to the High Council of Justice and MoJ in preparing the necessary sub-legal acts to the law on the Organisation of Administrative Court;
- 1.1.5** Provide assistance to the HCJ, School of Magistrate and MoJ for the implementation of selection and appointment procedures of new judges to the Administrative Court;
- 1.1.6** Provide assistance to the HCJ and School of Magistrates in preparing a Training Needs Assessment and developing and delivering a training program to the administrative court judges;
- 1.1.7** Provide assistance to the High Court and Constitutional Court in improving their internal organisational structure, as to reduce the backlog of cases;
- 1.1.8** Provide assistance to the High Court and Constitutional Court in the unification and implementation of the legal precedents (case law);
- 1.1.9** Provide assistance to the Ministry of Justice and Albanian National Chamber of Advocates in developing measures to implement the new legislation on legal aid;
- 1.1.10** Provide assistance to the Ministry of Justice and High Council of Justice in implementing the territorial reorganisation of courts, determining the number of judges and organising the transfer and redistribution of judges;
- 1.1.11** Support the General Prosecutors Office in reviewing its own and district prosecution offices internal organisational structure, human resources and financial management;
- 1.1.12** Support the Ministry of Justice in improving its capacities on coordination and monitoring, supervision role and strategic planning and programming;
- 1.1.13** Organise and deliver trainings on budget planning, budget allocation and resources management to Judiciary Budget Administration Office;
- 1.1.14** Assist the School of Magistrates in developing and delivering training to chancellors, court officers and other judicial administrators;

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<sup>9</sup> As defined in Article 6(2) of the IPA Implementing Regulation No 718/2006. IPA Component I programmes are subdivided into sectors (priorities), each of which define a global objective to attain and which shall be implemented through measures, which may be subdivided into operations, or directly through operations. Operations shall comprise a project or a group of projects (implemented by the Commission or the beneficiary country).

- 1.1.15 Support the Ministry of Justice and the National Chamber of Advocates in the implementation of the new Disciplinary Procedures for Advocates;
- 1.1.16 Support the Ministry of Justice and the National Chamber of Advocates in the implementation of a training program for Advocates and the Advocate candidates;
- 1.1.17 Assist the Ministry of Justice and the Office for Administration of Judicial Budget on the unification of the case management system in all the Courts in Albania;
- 1.1.18 Assist the Ministry of Justice in implementing and monitoring the Justice Inter-sectorial Strategy.

### **Activities related to result 1.2: Legal basis of the Justice System**

- 1.2.1 Assist Ministry of Justice in establishing a core team of experts in each Codification and International Judicial Cooperation Department;
- 1.2.2 Assist the Ministry of Justice in reviewing and amending the Civil Code and Civil Procedure Code;
- 1.2.3 Assist the Ministry of Justice in reviewing and amending the Criminal Code and Criminal Procedure Code;
- 1.2.4 Assist the High Council of Justice in the approval and implementation of the draft Law on High Council of Justice and its new internal rules;
- 1.2.5 Assist the Ministry of Justice in the approval and implementation of the draft Law on Courts Administration;
- 1.2.6 Assist the Ministry of Justice, General Prosecutor's Office and the Courts of ordinary jurisdiction in the application of the Additional Protocol to the European Convention on Extradition;
- 1.2.7 Assist the Ministry of Justice, General Prosecutor's Office and Court in the adoption and implementation of other international instruments for judicial cooperation, including a cooperation agreement with EUROJUST;
- 1.2.8 Assist the Ministry of Justice and Ministry of Finance in amending the legislation related to Court's fees for exempting some special categories of persons.

### **Activities related to result 1.3: Independence and accountability of Justice System**

- 1.3.1 Assist the School of Magistrates in developing and delivering joint cross-judiciary training sessions on the implementation of the constitutional amendments limiting the immunities for judges and high public officials;
- 1.3.2 Assist the High Council of Justice in reviewing and amending the rules on disciplinary procedures against judges according to EU standards;
- 1.3.3 Assist the High Council of Justice in implementing the new legislation governing the promotion and transfer of judges according to objective criteria;
- 1.3.4 Assist the High Council of Justice and General Prosecutors Office in the implementation and/or review of the evaluation system for judges and prosecutors respectively;
- 1.3.5 Assist the High Council of Justice and GPO in the establishment of a true system of advancement in career with clear criteria;
- 1.3.6 Support the implementation of the MoU between the Ministry of Justice and High Council of Justice Inspectorates through the conduct of joint inspections;
- 1.3.7 Support the drafting and implementation of the MoU and Joint Manual between the Ministry of Justice and General Prosecutor Office on the inspections in the Prosecution Offices;

- 1.3.8 Support to MoJ and HCJ in the policy analysis and reporting through the establishment of a trial monitoring system of the most publically relevant judicial cases;
- 1.3.9 Assist the School of Magistrates in reviewing the rules on admission exams for prospective judges and prosecutors;
- 1.3.10 Support the High Judicial Council and General Prosecutors Office in the implementation of judges and prosecutors Codes of Ethics;
- 1.3.11 Support the General Prosecutor Office in the implementation of the sub-legal Acts of the Law on Judicial Police with specific reference to the evaluation system and training of judicial police officer;
- 1.3.12 Support the Ministry of Justice in the application of a computerised system of management and random allocation of cases to all courts;
- 1.3.13 Training for a systematic publication of Court decisions.

*Operation in relation to results 1.1; 1.2; 1.3 – grant with Member State following call for proposals to set up the fourth edition of the European Assistance Mission to the Albanian Justice System (EURALIUS IV)*

*A co-financing of 10 % will be provided by the beneficiary institution according to the work plan that will be jointly prepared with the selected Member State. The co-financing, which will cover some of the activities of the project, upon the agreement with the Member State, will be in addition to the contribution in kind (office space, facilities, ect.).*

#### **Activities related to result 1.4: Managing High Risk Offenders**

- 1.4.1 Support the relevant authorities in introducing a system for managing high risk offenders between main criminal justice agencies in line with EU and international standards;
- 1.4.2 Support the relevant authorities in drafting memoranda of understanding to enable information sharing about high risk convicted persons between the prison service, police and probation service and social services departments;
- 1.4.3 Assist the GDP in producing specialised assessment tools for sex offenders and violent offenders;
- 1.4.4 Support the GDP in designing individual and group work programmes for sex offenders and violent offenders;
- 1.4.5 Training to selected prison staff to administer and complete the Probation Service's structured offender assessment model (SVR);
- 1.4.6 Training of approximately 400 prison police and prison and probation staff, including high level managers (directors), in managing high risk offender and dealing with emergency situations;
- 1.4.7 Provide assistance to GDP in strengthening its financial and strategic management, improve its security arrangement and to successfully rehabilitate convicted people.

#### **Activities related to result 1.5: Safeguarding Vulnerable Offenders**

- 1.5.1 Support the development of a coordinated system between relevant institutions for better safeguarding the needs of vulnerable offenders, including mentally ill offenders;
- 1.5.2 Carry out a Training Need Analysis for prison and probation services staff in order to identify gaps for further trainings required;

- 1.5.3 Developing and delivery of a program of professional in-service training for penitentiary institutions staff, including high level managers (directors), regarding vulnerable offenders;
- 1.5.4 Organise common training of Prison and State Police on EU legislation and standards on prevention of torture, ill-treatment and rights of detainees and vulnerable offenders;
- 1.5.5 Support the drafting or amendment of the necessary legislation for improving the treatment of inmates and detainees, including vulnerable offenders;
- 1.5.6 Support the drafting and amendment of the necessary legislation for the treatment of requests and complaints from inmates and disciplinary measures against them;
- 1.5.7 Support the implementation of the Cooperation Agreement between the Ministry of Justice and Ministry of Health on the improvement of the Health care in the penitentiary system;
- 1.5.8 Assist the MOJ and GDP in preparation and implementation of the Juvenile Justice Strategy;
- 1.5.9 Assist the GDP in improving the management of prisoners' files, including the processing and protection of personal data.

#### **Activities related to result 1.6: Electronic Monitoring for Detainees**

- 1.6.1 Support the relevant authorities in ensuring the successful transition from the pilot phase to full implementation of the electronic monitoring programme;
- 1.6.2 Assist the relevant authorities in drafting job descriptions/profiles of staff involved in Electronic Monitoring;
- 1.6.3 Training of staff involved in the Electronic Monitoring.

#### **Activities related to result 1.7: Tackling corruption in the penitentiary system**

- 1.7.1 Support the relevant authorities in developing a fully independent inspection system for prisons and probation services;
- 1.7.2 Assist the GDP in strengthening the inspections and internal audit procedures in order to tackle corruption in prisons and guarantee the fundamental rights and freedoms of the inmates.

#### **Activities related to result 1.8: Public Relations and communications**

- 1.8.1 Delivery of specialised media training to prison and probation services staff on emergency situations and events;
- 1.8.2 Support the development of public communication and information strategy for prison and probation services;
- 1.8.3 Organisation of roundtables with civil society representatives for the treatment of convicted persons in the penitentiary system.

*Operation in relation to results 1.4: 1.5; 1.6; 1.7; 1.8 - twinning for penitentiary system (prisons and probation)*

*A co-financing of 5 % will be provided by the beneficiary institution according to the work plan that will be jointly prepared with the selected Member State. The co-financing, which will cover some of the activities of the project, upon the agreement with the Member State, will be in addition to the contribution in kind (office space, facilities, ect.).*

## **Policy area 2: Police reform**

### **Activities related to result 2.1: Live scanner devices**

- 2.1.1 Purchase, installation, instruction training and on-line connection with central system of Live Scanner devices in all police units nationwide, where the procedures for escorting, detention and arrest are performed (purchase and training) (EU - supply contract);
- 2.1.2 Upgrading the central database (purchase of the server and matchers & training for two system's administrators – national contribution)

### **Activities related to result 2.2: Interception equipment**

- 2.2.1 Purchasing of telecommunication interception equipment for setting up the interception systems;
- 2.2.2 Setting up a network for 7 sub-stations in 7 district prosecutions offices where JIU are functioning with 5 users for each JIU i.e. 35 users in total (national contribution).

*Operation in relation to result 2.1; 2.2 – two supply contracts*

*Beneficiary institution will co-finance this operation with two additional supply contracts.*

## **Policy area 3: Anti-corruption and Anti-money laundering**

### **Activities related to result 3.1; Anti-corruption Institutions<sup>10</sup>**

- 3.1.1 Assistance to DIACA in reviewing internal structure and organization, working methodologies for monitoring, reporting and policy analysis, as well as assistance for setting up a central integrated database for anti-corruption cases;
- 3.1.2 Perform a functional assessment of the Central Inspectorate, Inspectorates in line-ministries and other actors involved, in order to identify their tasks and to create a well integrated system of internal control/inspection;
- 3.1.3 Training of staff from DIACA, LM Inspectorates and other actors involved in the identification of corruption and abuse of office;
- 3.1.4 Assistance to DIACA to draft a new Anti-Corruption Strategy 2014-2020 and action plan;
- 3.1.5 Assistance to DIACA to implement the next round of GRECO recommendations;
- 3.1.6 Support HIDAA with the internal control, checking of the declaration of assets, the identification of possible conflicts of interest and the improvement of the cooperation and flow of information with the prosecution office;
- 3.1.7 Support DIACA for establishing a proper system of exchange of information with all relevant institutions and regularly updating and publishing information;

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<sup>10</sup> The new Government, which came out from the elections of June 2013 and started its function in September 2013, is reshaping the set-up of the anti-corruption institutions and bodies. Consequently, the activities envisaged in the frame of result 3.1 and the related beneficiaries may be adapted to fit with the new institutional set-up. The set of activities will be implemented through a twinning. The fiche of the twinning will describe in details the sequence of actions.



- 3.1.8 Support Central Election Commission on the implementation of the laws that enhance transparency in political party funding;
- 3.1.9 Support Ministry of Education and Ministry of Health for the introduction of a system to follow-up, inspect, monitoring and reporting on the specific sector anti-corruption measures and support to the implementation of the foreseen Law on Health Insurances (follow up of PACA project);
- 3.1.10 Develop awareness campaigns on anti-corruption and training with the involvement of civil society, including NGOs and the Albanian Agency for the support of Civil Society.
- 3.1.11 Training on existing anti-corruption Legal Framework and common corruption practices

*Operation in relation to result 3.1 - Twinning for anti-corruption*

*A co-financing of 5 % will be provided by the beneficiary institution according to the work plan that will be jointly prepared with the selected Member State. The co-financing, which will cover some of the activities of the project, upon the agreement with the Member State, will be in addition to the contribution in kind (office space, facilities, ect.).*

**Activities related to result 3.2: Institutional Cooperation and Coordination**

- 3.2.1 Thorough assessment of the implementation of the Strategy on Prevention and Fight against Money Laundering;
- 3.2.2. Developing measures to improve and strengthen the co-operation between/among different public and private institutions that are involved in fighting Money Laundering;
- 3.2.3 Organise awareness campaigns on the legal framework and mechanisms to fight money laundering at all levels;
- 3.2.4 Support the beneficiaries in developing consistent and reliable statistics, a solid track record of investigations, and convictions in money laundering, as well as improving their reporting skills;
- 3.2.5 Analysis of the implementation and effectiveness of the existing agreements/MOUs among the different institutions, including the JIU;
- 3.2.6 Support to the implementation and updating of the manual on investigations of money laundering, drafted by the Twinning project IPA 2009;
- 3.2.7 Organize ToT to build in-house capacity for cascading training within the GPO, Magistrates School, and other agencies;
- 3.2.8 Establishing a national registry of bank accounts administered by the Bank of Albania, which can be accessed on request by Law Enforcement authorities;
- 3.2.9 Updating of FIUs electronic/information technology capacities;
- 3.2.10 Organise a cycle of joint trainings and technical assistance to enhance the coordination between FIU, reporting entities, bank of Albania and supervisory authorities.

**Activities related to result 3.3: Anti-mafia law**

- 3.3.1 Evaluation of anti-mafia law and identification of practical problems of implementation by the Judiciary and develop proposals for amendment;
- 3.3.2 Evaluation of the current court procedure related to the competence of Serious Crime Court and ordinary courts, with a view of including money laundering/corruption under its competence;
- 3.3.3 Organise targeted joint trainings for prosecutors, judges and judicial police to build up in-house expertise in applying the anti-mafia law rigorous- and consistently.

#### **Activities related to result 3.4: Judicial system and law enforcement agencies**

- 3.4.1 Organise targeted joint trainings for judges and prosecutors regarding money-laundering offences.
- 3.4.2 Organise targeted joint trainings for all law enforcement agencies regarding money-laundering offences.
- 3.4.3 Organize a cycle of trainings and technical assistance for all law enforcement agencies (police, custom, tax, etc) in the application of special investigation methods.
- 3.4.4 Organise a cycles of trainings and technical assistance for all law enforcement agencies (police, custom, tax, etc) to enhance the chain and quality of report writing in furthering investigation (report of FIU, HIDAA, Police, custom, tax, etc).
- 3.4.5 Development of an information data base system shared by all institutions involved in the JIU.

*Operation in relation to results 3.2; 3.3; 3.4 - Twinning for anti-money laundering*

*A co-financing of 5 % will be provided by the beneficiary institution according to the work plan that will be jointly prepared with the selected Member State. The co-financing, which will cover some of the activities of the project, upon the agreement with the Member State, will be in addition to the contribution in kind (office space, facilities, ect.).*

#### **Policy area 4: Anti-discrimination policy and protection of human rights**

##### **Activities related to result 4.1: Human Rights (HR) and Anti-discrimination (AD) legislation, policies and coordination**

- 4.1.1 Perform a quantitative and qualitative analysis of the Albanian HR and AD system: detection of protection gaps, output shortages, lack of coherence and synchronisation, blockages, duplications, misgivings with quality and credibility of outputs - by comparison of such output with the findings and recommendations by international monitoring bodies. This includes the three main beneficiaries (MoLSAEO, Ombudsman and CPD) as well as sub-beneficiaries.
- 4.1.2 Assist practical follow-up on findings and recommendations at the policy and institutional level to enforce effectiveness of HR and AD legislation.
- 4.1.3 Further improve the institutional set-up and coordination of the Albanian HR and AD bodies, including the task sharing and working relations between them (e.g. between the Ombudsman and the CPD).

## **Activities related to result 4.2: Administrative/professional capacities of the main HR and AD bodies**

- 4.2.1** Delivery of specialised in-house tailor-made training courses to CPD and Ombudsman staff to increase their case handling efficiency (expert to provide guidance during the every-day case management/processing within the CPD and Ombudsman' offices with the specialist staff members –experience of EQUINET – EU Network of Equality Bodies - should be used);
- 4.2.2** Technical assistance on monitoring and reporting methodology of the CPD, Ombudsman and DPEOF as well as formulation of national strategies and action plans;
- 4.2.3** Support to ensure follow-up of final decisions of the CPD and Ombudsman;
- 4.2.4** Support to establish an electronic database and case management system for the CPD;
- 4.2.5** Provide assistance for the drafting and implementation of preventive measures, in pilot municipalities with high records of discrimination cases (3 CPD desks will be established for this purpose in 3 pilot cities)

## **Activities related to result 4.3: awareness raising on AD policy and HR protection**

- 4.3.1** Provide assistance to CPD's implementation of its communication strategy for the promotion and monitoring of anti-discrimination policies and actions.
- 4.3.2** Developing a programme of trainings/seminars tailored for representatives of the Ministry of Education and Science (MoES), Ministry of Health (MoH), Ministry of Interior (MoI) and state police, district courts, local government units, media and private sector stakeholders on their co-responsibility or role in implementing the Law on Protection from Discrimination and AD policies;
- 4.3.3** Develop an information campaign on complaints mechanisms against instances of discrimination through publicity given to concrete results of the works of both the CPD and the Ombudsman, including the organization of open days and other awareness events;
- 4.3.4** Organization of nation-wide public awareness campaigns on the meaning and the prohibition of discrimination and on existing complaints procedures.

*Operation in relation to results 4.1; 4.2; 4.3 - Direct grant agreement with the Council of Europe.*

*A co-financing of 10 % will be provided by the Council of Europe.*

## **3.5 OVERVIEW OF PAST OR ONGOING ASSISTANCE, LESSONS LEARNED, MECHANISMS FOR DONOR COORDINATION/SECTOR WORKING GROUP AND/OR POLICY DIALOGUE**

The **lead donor** of the Justice Home Affairs and Fundamental Rights Sector is the **European Union**, which has financed a large number of projects under PHARE, CARDS and IPA programmes.

Overall, EU assistance has focused, amongst others, on improving the penitentiary and court infrastructure, training of court administrators, installing Integrated Computerised Court Management System, setting up a computerisation system for the prosecution service, several twinning programmes with a number of judicial institutions such as the High Council of

Justice or the General Prosecutor's Office in the areas of anti-money laundering and witness protection, support to the School of Magistrates, the consolidation of the institutional and legislative justice system. A specific project in the fight against corruption is funded by IPA 2008 funds and implemented by the Council of Europe<sup>11</sup>.

The list of key assistance projects financed by the EU includes:

- The EURALIUS I, II and III projects<sup>12</sup>;
- The Twinning project "Support to the Albanian Penitentiary Reform", under IPA 2009, still ongoing;
- "Witness Protection" (twining and supply) IPA 2009;
- "Blue Border Management" IPA 2009;
- The EC/Council of Europe Joint Programme in support of the School of Magistrates;
- Project against Corruption in Albania, IPA 2008 (PACA);
- Strengthening the capacity of the ASP in covert evidence gathering and the use of technical aides to investigation" CARDS 2004 (twining and supply);
- "Development of the Albanian State Police's Criminal Intelligence Gathering and Analysis Capability" (twining and supply) CARDS 2003;
- "Data Communication" CARDS 2002 and CARDS 2005.
- MAPE which operated in Albania from 1997 to 2001;
- PAMECA I, September 2001 to the end of 2003; PAMECA II, December 2003 to December 2007 and PAMECA III, May 2008 December 2011.
- A new mission PAMECA IV funded by IPA 2012 is planned to further support ASP. This project is expected to start in 2013.
- Support to the implementation of the Justice Reform Strategy, IPA 2012;
- Construction of the Justice Palace in Tirana, IPA 2012 Assistance to the construction of 4 pre-trial detention centres and prisons, in Fier, Elbasan, Berat and Shkodra (under IPA 2007, 2008, 2010, 2011);
- Assistance to the construction of 3 pre-trial detention centres and prisons in Fushe Kruja, Korca and Vlora (under CARDS 2001-2005);
- Construction of the re-integration centre in Kavaja (under CARDS 2004);
- "Renovation of Police Education Centre" IPA 2010;
- Rehabilitation of the border crossing point of Morine-Kukes, IPA 2009;
- "Renovation of 17 B&M Police Stations" CARDS 2006;
- "Building of 10 BCP" CARDS 2006;
- "Renovation of Academy of Police" CARDS 2004 and CARDS 2005;
- The construction and establishment of the Serious Crimes Court in Tirana and the renovation of the Saranda and Dibra District Courts (CARDS 2004);
- "Building of the Centre for the Readmitted 3RD Country Nationals and Centre for asylum Seekers" CARDS 2004;
- "Border Common crossing Point of Murriqan" CARDS 2004;
- "Reconstruction of RENE" IPA 2012;
- "Building of Hani i Hotit" IPA 2012.

Other donors in this sector are:

- International donors such as the Organization for Security and Cooperation in Europe (OSCE), the United Nations Children's Fund (UNICEF), the International Criminal

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<sup>11</sup> MIPD, Chapter 3.1.2., p. 13.

<sup>12</sup> "European Assistance Mission to the Albanian Justice System"

Investigative Training Assistance Program (ICITAP), the United Nations Office on Drugs and Crime (UNODC), the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT);

- Bilateral donors, among them Austria, France, Italy, Spain, Sweden, the United Kingdom, the United States and Denmark (Ombudsman);
- In 2005 two administrators of the interception system and four Judicial Police Officers of the Interception Sector in General Prosecutor Office, were trained in UK, under SOCA attention;
- In 2008 in the premises of the General Prosecution has been installed the interception system, donation of the UK government (1.2 million pounds) for the need of preliminary investigation, serving to all prosecutions of judiciary districts;
- Since 2012 “Community Policing” project financed by SIDA and focused on areas such as Performance Management; Partnerships building, Police and youth partnership and Domestic Violence. This project will provide substantial assistance to Albanian Ministry of Interior and Albanian State Police in the sector.

Donor coordination for Justice and Home Affairs continues to have the support of International Consortium mechanism. Donor-Government meetings have been organized with the logistical and facilitation assistance of ICITAP.

The Sector Working Group of IC Community Policing/Crime Prevention held on October 8<sup>th</sup> 2012, shared the main development of the sector for the last 6 months. The regional police directorate chief briefed the participants on the 2012 Elbasan Strategy of Community Policing and gave an overview on its implementation state. Representatives from ASP and Line ministries involved in the Drug Awareness Program presented the achievement in the institutional level to raise cooperation among institutions involved and joint actions to be undertaken. The overall donor coordination is important in order to avoid duplication of assistance especially in the phase of launching the EU funded PAMECA IV mission.

The Sector Working Group of IC Integrated Border Management, held on October 12<sup>th</sup> 2012 was focused on the introduction to the donor community of the National Plan for Integrated Border Management and its Action Plan. This document which will cover the 2013-2020 period sets the strategic goals, priority objectives, indicators and serves as a blue print for internal and donor financing in the sector. The Albanian Custom Directorate representative introduced the donor community on the main developments for 2012. The BCP Camera Monitoring Project funded by IPA 2008 was completed and is now fully operational, providing a thorough set of technical tools for border control. The new inter-institutional structure for border control has been trained on issues like the Schengen standards, anti-corruption, border security etc. In addition, progress was made in regard to the customs legislation adoption of conventions, customs tariffs and secondary legislation approximated to EU Acquis.

The **main lessons** learned through IPA assistance include the following<sup>13</sup>:

In the recent years, the Albanian government has benefited from the assistance of EURALIUS and other Twinning projects in legislative reform of the justice system. In this regard, the legislative reform and the European integration processes are dynamic and evolving ones requiring new knowledge and updating the old one, and as such are asking for a flexible and continues instrument of support and assistance.

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<sup>13</sup> See MIPD, Chapter 2.4., p.6.

EU assistance and support to Albanian State Police, Ministry of Interior has improved the operational and logistic capacity of ASP as a professional organization in the delivery of police services. Based on the experience of several previous EU funded projects implemented in ASP and MOI, there is a need for improved maturity of projects and their sustainability; better planning and coordination among different stakeholders and institutions involved in the entire process of identification, formulation and implementation phases of projects; there is a need to reduce bureaucratic delays in order to fulfill obligations within the required time frames, such as issuing building permit in the case of infrastructural projects, or with regards to the co-funding of projects.

Further improvements are needed, even within the prosecution service such as increasing the professionalism, efficiency, independence of the prosecutors, strengthening of the administrative and enforcement capacities of prosecution office and the improvement of the cooperation between law enforcement bodies and especially between prosecutors and judicial police.

The IPA 2008 PACA project has shown that institutional framework on anti-corruption needs to be improved and adequate resources be made available. Further assistance to monitoring the implementation of government anti-corruption strategy is also required.

The proper coordination and harmonization of actions and roles of HR and AD bodies is essential in order to strengthen their effectiveness. CPD and the Ombudsman's Office as the two human rights protection bodies should cooperate and exchange information. CPD staff capacities should be further enhanced. Regular analysis and statistical data are required to adjust the policies and prioritize the actions – in coherence with relevant undertakings (such as the Council of Europe regional LGBT project).

### **3.6 SUSTAINABILITY**

The Albanian government will ensure that the required financial support for the investments/technical assistance under this sector fiche is adequate and planned in due time in line with IPS rules into the MTBP and the National Budget to ensure the financial sustainability.

The project will create strong basis for a full rollout of the justice reform fully in compliance with Justice Inter-Sectorial Strategy thus ensuring sustainability of the projects. Training the major part of the justice system stakeholders in the School of Magistrates will also ensure the transfer of knowledge and know how to Albania judges and prosecutors and other justice system stakeholders.

Improving the efficiency of the justice system will enable development of planning standards to guide the modernization and rationalization and to achieve measures defined by the Strategy. The results achieved through this project will serve as a basis or further development of already defined goals of justice strategy reform.

The project will provide practical assistance and knowledge transfer to the Ministry of Justice, to the court stakeholders, to the GPO, to the School of Magistrate, to the Probation Services, to the Penitentiary system. The investment into all these institutions and stakeholders will have a multiplier effect as the system will be spread under the support of Ministry of Justice and all other parties involved.

Full commitment from senior level of beneficiary institutions will be ensured with appropriate human and financial resources for a successful implementation of projects.

Periodical long term maintenance and full functionality of the systems and equipments will be ensured by providing all the necessary budgetary and human resources.

### **3.7 ASSUMPTIONS AND PRECONDITIONS<sup>14</sup>**

- Government of Albania committed to the independence, transparency, efficiency and accountability of the Albanian justice system;
- The full commitment and cooperation of all beneficiaries and stakeholders, including senior management, is required for the successful implementation of the operations under this sector fiche;
- Political will and cross-party consensus to adopt new legislation, sublegal acts and institutional reforms required;
- Availability of appropriate co-financing from the Albanian budget;
- Institutions and staff concerned should ensure the adequately participation in capacity building measures;
- Adoption of the amendments to the Law on “On Interception of telecommunications” according to EU best practices is a precondition for operation 2.2;
- The beneficiary maintains its stated commitment to fulfill its obligations under the international agreements and conventions (of which it takes part), respect the institutions independence and help their functioning compliant with human rights and the rule of law;
- Adequate national budget provided for sector policy implementation;
- Adequate funds allocated for maintenance costs for supply contracts.

## **4 IMPLEMENTATION ISSUES**

The operations foreseen under the pilot sector programme will be implemented under centralised management through the EU Delegation to Albania.

### **4.1 INDICATIVE BUDGET**

The budget to be provided by IPA 2013 for JHA is 11.5 million EUR and will be divided as follows:

- Policy area 1 – Justice Reform - 5 million EUR;
- Policy area 2 – Police Reform - 2 million EUR;
- Policy area 3 – Anti-corruption and anti-money laundering - 3 million EUR;
- Policy area 4 – Anti-discrimination policy and protection of human rights – 1.5 million EUR.

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<sup>14</sup> Assumptions are external factors that have the potential to influence (or even determine) the success of a project but lie outside the control of the implementation managers. Such factors are sometimes referred to as risks or assumptions but the Commission requires that all risks shall be expressed as assumptions. Pre-conditions are requirements that must be met before the sector support can start.

**Indicative budget (amounts in EUR) (for centralised management)**

SECTOR TITLE			SOURCES OF FUNDING									
			TOTAL EXPENDITURE	IPA CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	% (2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)	
		5,450,000	5,000,000									
Policy area 1												
	X	4,400,000	4,000,000	90%							-	
Operation for results 1.1; 1.2; 1.3 - grant with MS following call for proposals to set up EURALIUS IV												
Additional contract (national contribution)	X				400,000	10%	400,000					
Operation for results 1.4; 1.5; 1.6; 1.7; 1.8 - twinning for penitentiary system	X	1,050,000	1,000,000	95%							-	
Additional contract (national contribution)	X				50,000	5%	50,000					
Policy area 2		2,450,000	2,000,000									
Operation for result 2.1 – supply contract		X	1,300,000	1,000,000	70%						-	
Additional supply contract (national contribution)		X			300,000	30%	300,000					
Operation for result 2.2 – supply contract		X	1,150,000	1,000,000	85%							
Additional supply contract (national contribution)		X			150,000	15%	150,000					
Policy area 3		3,150,000	3,000,000									
Operation for result 3.1 - Twinning	X	1,050,000	1,000,000	95%								



for anti-corruption												
Additional contract (national contribution)	X					50,000	5%	50,000				
Operation for results 3.2; 3.3; 3.4 - Twinning for anti-money laundering	X		2,100,00	2,000,000	95%							
Additional contract (national contribution)	X					100,000	5%	100,000				
Policy area 4			1,650,000	1,500,000								-
Operation for results 4.1; 4.2; 4.3 - direct grant agreement with the Council of Europe	X		1,650,000	1,500,000	90%	150,000	10%			150,000		
TOTAL IB			10,250,000									
TOTAL INV			2,450,000									
<b>TOTAL SECTOR SUPPORT</b>			<b>12,700,000</b>	<b>11,500,000</b>		<b>1,200,000</b>		<b>1,050,000</b>		<b>150,000</b>		

Indicative budget (amounts in EUR) (*for centralised management*)

NOTE: DO NOT MIX IB AND INV IN THE SAME OPERATION ROW. USE SEPARATE ROW

Amounts net of VAT

- (1) In the Operation row, use "X" to identify whether IB or INV
- (2) Expressed in % of the Total Expenditure (column (a))

## 4.2 INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN PER QUARTER)

Dates indicated in the schedule cannot go beyond the contracting and execution deadlines in the financing proposal

Operations	Start of Tendering/ Call(s) for proposals	Signature of contract(s)	Activity Completion
Operation for results 1.1; 1.2; 1.3 - grant with MS following call for proposals to set up EURALIUS IV	4Q 2013	3Q 2014	3Q 2016
Operation for results 1.4; 1.5; 1.6; 1.7; 1.8 - twinning for penitentiary system	4Q 2013	2Q 2014	3Q 2016
Operation for result 2.1 – supply contract	1Q2014	3Q 2014	3Q 2016
Operation for result 2.2 – supply contract	1Q 2014	3Q 2014	3Q 2016
Operation for result 3.1 - Twinning for anti-corruption	1Q 2014	3Q 2014	3Q 2016
Operation for results 3.2; 3.3; 3.4 - Twinning for anti-money laundering	4Q 2013	2Q 2014	3Q 2016
Operation for results 4.1; 4.2; 4.3 - direct grant agreement with the Council of Europe	4Q 2013	2Q 2014	3Q 2016

*Technical expertise may be required for preparation of terms of reference, Twinning fiches guidelines for applicants, technical specifications etc.*

## 4.3 CROSS CUTTING ISSUES

### 4.3.1 Equal Opportunities and non discrimination

The beneficiary institutions are equal opportunity employers. Based on the fundamental principles of promoting equality and combating discrimination, participation in the project will be guaranteed on the basis of equal access regardless of sex, racial or ethnic origin, religion or belief, disability and age.

### 4.3.2 Environment and climate change

The projects have no discernible effect on the environment.

### 4.3.3 Minorities and vulnerable groups

The beneficiary institutions all maintain non-discriminatory recruitment, HR management and promotion regimes for vulnerable groups.

### 4.3.4 Civil Society/Stakeholders involvement

Civil society and stakeholders involvement during the project identification and preparation has been ensured through the consultation in the respective fields to be covered by the projects such as justice reform, fight against corruption and money laundering and antidiscrimination and protection of human rights. Civil society organisations specialised in the respective field will be consulted and involved in relevant activities.

## 5 ANNEXES

### 1.1 LOG FRAME - Policy area 1 – Justice Reform

LOG FRAME PLANNING MATRIX FOR Sector Fiche		Sector support name and number	
		Justice and Home Affairs SF2	
		Contracting period expires	Execution period expires
		Three years following the date of the conclusion of the Financing Agreement	Execution period expires within a maximum of two years from the end date of contracting
		Total budget	IPA budget: EUR 5,000,000
National sector or sub sector objective	Objectively verifiable indicators (OVI)	Sources of verification	What is the percentage proportion or expected quantitative or qualitative contribution of the sector support funded by IPA to this OVI?
To contribute to an independent, impartial, efficient, and professional Justice Home Affairs and Fundamental Rights sector in Albania in line with EU acquis and international standards	Positive assessment done by EU and SAA committee	EU progress reports	
Sector support objective within the MIPD sector	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions
1. To strengthen the independence, transparency, efficiency and accountability of, and public trust in the Albanian justice system in line with EU <i>acquis</i> and best practices.	1.1 Backlog of cases reduced by x% annually. 1.2 Unified implementation of legal precedents by end of 2015. 1.3 Compliance with EU standards by end of 2015. 1.4 Strengthened technical capacities and professionalism of the judicial administration or other law agencies involved within JHA/FR sector by end of 2015. 1.5 High Risk Offenders well managed by end of 2015. 1.6 Needs of Vulnerable offenders (including mentally ill) safeguarded by end of 2015. 1.7 Electronic Monitoring operational by end of 2014. 1.8 Perception of corruption in the penitentiary improved by end of 2015 1.9 Improved Public Relations and Communications.	1.1 Ministry of Justice Statistics 1.2 Ministry of Justice Statistics/Reports 1.3 EU progress reports 1.4 Inspection Reports 1.5 Annual report of GDP/Probation Services 1.6 Annual report of GDP/Probation Services 1.7 Monitoring reports of inspection system 1.8 Annual Report Ministry of Justice 1.9 Information set for media and roundtables	<ul style="list-style-type: none"> <li>Continued commitment of Government of Albania to the independence, transparency, efficiency and accountability of the Albanian justice system</li> </ul>
Results of the sector support	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions

<p>1.1 Efficiency and effectiveness of judiciary and administration of justice enhanced</p>	<p>1.1.1 Training programmes for (i) judges, (ii) prosecutors, (iii) chancellors, court officers and other judicial administrators (iv) advocates and candidates operationalized at the end of 2015.  1.1.2 Unification of the case management system in all the Courts in Albania and unified implementation of legal precedents (case law) at the end of 2015.  1.1.3 Reviewed and updated organisational structures of High Court, Constitutional Court , General Prosecutors Office and District Prosecution Offices at the end of 2015.  1.1.4 Territorial reorganisation of courts implemented at the end of 2015.  1.1.5 New Disciplinary Procedures for Advocates implemented at the end of 2015.  1.1.6 Justice Inter-sectorial Strategy implemented and monitored at the end of 2015.  1.1.7 Sub-legal acts to the law on the Organisation of Administrative court, selection and appointment procedures of new judges, and measures to implement the new legislation on legal aid prepared at the end of 2015.</p>	<p>1.1.1 Complete training programmes (including training needs assessment, topical description and curricula).  1.1.2 Evaluation report on the unification of case management and unified implementation of case law.  1.1.3 Organisation reviews and organisation charts.  1.1.4 President of Albania Decree on Territorial organisation of courts.  1.1.5 Evaluation report of the disciplinary procedures for advocates.  1.1.6 Monitoring reports  1.1.7 Documented acts, procedures and measures.</p>	<p>• Preliminary cooperation between HCJ, Magistrates’ School, Ministry of Justice for the implementation of the laws</p>
<p>1.2 The legal basis of the Justice System consolidated in line with EU <i>acquis</i> and best practises</p>	<p>1.2.1 Core teams of experts in each Codification and International Judicial Cooperation Department established at the end of 2015.  1.2.2 Civil Code and Civil Procedure Code, Criminal Code and Criminal Procedure Code reviewed and amended at the end of 2015.  1.2.3 Draft Law on High Council of Justice and its new internal rules, and draft Law on Courts Administration approved and implemented at the end of 2015.  1.2.4 Application of the Additional Protocol to the European Convention on Extradition at the end of 2015.  1.2.5 Other international instruments for international judicial cooperation, including a cooperation agreement with EUROJUST adopted and implemented at the end of 2015.  1.2.6 Legislation related to Court’s fees for exempting some special categories of persons amended at the end of 2015.</p>	<p>1.2.1 Organisation charts  1.2.2 Documented Codes  1.2.3 Formal passing of Draft laws  1.2.4 Ministry of Justice Report  1.2.5 Documentation on instruments and agreement  1.2.6 Amendments</p>	<p>• Political will and cross-party consensus to adopt new legislation, sublegal acts and institutional reforms required  Legal framework already established, by enactment of various laws, sublegal acts and bylaws concerning the General Prosecutor Office and their priorities.</p>

<p>1.3 Independence, impartiality, accountability and transparency of judges and prosecutors increased</p>	<p>1.3.1 Two trainings on the limitation of immunities for judges and high public officials, and on the publication of Court decisions have been delivered at the end of 2015.  1.3.2 Number of Joint Inspections by the Ministry of Justice and either the High Council of Justice Inspectorates or the General Prosecutor Office annually.  1.3.3 Regulations and legislation regarding the admission, promotion, transfer, ethics, sanctions and performance evaluation pertaining judges and prosecutors amended according to EU standards at the end of 2015.  1.3.4 Random cases allocated to all courts and trial monitoring system of the most publically relevant judicial cases setup at the end of 2015  1.3.5 Sub-legal Acts of the Law on Judicial Police enforced at the end of 2015.</p>	<p>1.3.1 Attendance and evaluation sheets  1.3.2 Inspection Reports  1.3.3 Regulations and legislation  1.3.4 Inspection and Monitoring reports  1.3.5 Evaluation of sub-legal acts</p>	
<p>1.4 System to manage High Risk Offenders implemented and monitored</p>	<p>1.4.1 System for managing High Risk Offenders in line with EU and international standards introduced by end of 2015.  1.4.2 MoUs between the prison service, police and probation service and social services departments on information sharing on high risk convicted persons signed by end of 2015.  1.4.3 Specialised assessment tools for sex offenders and violent offenders produced by GDP at the end of 2015.  1.4.4 Individual and group work programmes for sex offenders and violent offenders developed by GDP at the end of 2015.  1.4.5 Number of selected prison staff trained to administer and complete the Probation Service's structured offender assessment model (SVR) in 2015.  1.4.6 400 prison, probation and police staff trained in managing high risk offender and emergency situation in 2014/2015.  1.4.7 Financial and strategic management, security arrangements and capacity to rehabilitate convicted people enhanced by 2015.</p>	<p>1.4.1 Annual Report of GDP/Probation Services  1.4.2 Signed MoUs  1.4.3 Documented assessment tools  1.4.4 Documented work programmes  1.4.5 Attendance and evaluation sheets  1.4.6 Attendance and evaluation sheets  1.4.7 Annual Report of Ministry of Justice</p>	<p>• Political will and cross-party consensus to adopt New legislation, sublegal acts and institutional reforms required</p> <p>Legal framework already established, by enactment of various laws, sublegal acts and bylaws concerning the General Prosecutor Office and their priorities.</p>
<p>1.5 System to safeguard the needs of Vulnerable Offenders (including mentally ill) implemented and monitored</p>	<p>1.5.1 Coordinated system between relevant institutions to safeguard vulnerable offenders (including mentally ill) installed by end of 2015.  1.5.2 Training needs of prison and probation</p>	<p>1.5.1 Annual Report of Ministry of Justice  1.5.2 Training Needs Assessment  1.5.3 Attendance and evaluation sheets  1.5.4 Attendance and evaluation sheets</p>	

	<p>services staff identified by end of 2014.</p> <p>1.5.3 Number of penitentiary institutions staff receiving in-service training on vulnerable offenders annually.</p> <p>1.5.4 Number of staff of Prison and State Police trained on EU legislation and standards on the prevention of torture, ill-treatment and rights of detainees and vulnerable offenders by end of 2015.</p> <p>1.5.5 Legislation for improving the treatment of inmates and detainees, including vulnerable offenders amended by end of 2015.</p> <p>1.5.6 Legislation for the treatment of requests and complaints from inmates and disciplinary measures against them amended by end of 2015.</p> <p>1.5.7 Cooperation Agreement between the Ministry of Justice and Ministry of Health on the improvement of the Health care in the penitentiary system implemented by end 2015.</p> <p>1.5.8 Juvenile Justice Strategy implemented by end of 2015.</p> <p>1.5.9 Improved management of prisoners' files by 2015.</p>	<p>1.5.5 Amended legislation</p> <p>1.5.6 Amended legislation</p> <p>1.5.7 Annual Report of Ministry of Justice</p> <p>1.5.8 Evaluation of Juvenile Justice Strategy</p> <p>1.5.9 Annual Report of Ministry of Justice</p>	
1.6 Electronic monitoring programme for Albania functional	<p>1.6.1 Electronic Monitoring programme for Albania fully implemented at the end of 2015.</p> <p>1.6.2 Job descriptions /profiles of staff involved in Electronic Monitoring developed at the end of 2015.</p> <p>1.6.3 Number of staff trained in electronic monitoring at the end of 2015.</p>	<p>1.6.1 Annual report of Ministry of Justice</p> <p>1.6.2 Job descriptions/ profiles</p> <p>1.6.3 Attendance and evaluation sheets</p>	
1.7 Independent inspection system for prisons and probation services implemented and monitored	<p>1.7.1 Independent inspection system for prisons and probation services developed by end 2015.</p> <p>1.7.2 Inspections and internal audit procedures to counter corruption in prisons and guarantee the fundamental rights and freedoms of the inmates strengthened by end of 2014</p>	<p>1.7.1 Annual Report of Ministry of Justice/GDP/Probation Services</p> <p>1.7.2 Documented inspections and internal audit procedures</p>	
1.8 Public communication and information strategy for prison and probation services established	<p>1.8.1 Number of prison and probation services staff trained on emergency situations and events by the end of 2014.</p> <p>1.8.2 Public communication and information strategy for prison and probation services developed by the end of 2014.</p> <p>1.8.3 Number of round tables with civil society representatives for the treatment of convicted persons in the penitentiary system</p>	<p>1.8.1 Attendance and evaluation sheets</p> <p>1.8.2 Documented public communication and information strategy</p> <p>1.8.3 Participation lists</p>	

Operations to achieve results	Means	Costs	Assumptions
Operation for results 1.1; 1.2; 1.3 - twinning for EURALIUS IV	Grant agreement with MS following call for proposals	EUR 4,000,000	
Operation for results 1,4: 1,5: 1,6; 1,7; 1,8 - twinning for penitentiary system	Twinning contract	EUR 1,000,000	

## 1.2 LOG FRAME - Policy area 2 – Police Reform

LOG FRAME PLANNING MATRIX FOR Sector Fiche		Sector support name and number	
		Justice Home Affairs SF 02	
		Contracting period expires	Execution period expires
		Two years following the date of the conclusion of the Financing Agreement	Two year following the end date for the execution of contracts
		<b>Total budget</b>	
		<b>IPA budget: EUR 2,000,000</b>	
National sector or sub sector objective	Objectively verifiable indicators (OVI)	Sources of verification	What is the percentage proportion or expected quantitative or qualitative contribution of the sector support funded by IPA to this OVI?
To contribute to an independent, impartial, efficient, and professional JHA and Human Rights sector in Albania in line with EU acquis and international standards	Positive assessment done by EU and SAA committee	EU progress reports	
Sector support objective within the MIPD sector	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions
2. To strengthen the utilisation of scientific evidence for the identification of criminal offenders and the compliance with human rights and fundamental freedoms.	2.1 24/7 monitoring of police escorting, detention and arrest procedures nationwide. 2.2 Properly regulated decentralised interception of telecommunication. 2.3 Number of identified offenders 2.4 Number of criminal cases referred to Prosecution 2.5 Number of discovered offences 2.6 Number of persons escorted of which data are processed by Police	2.1 Annual Report of Albanian State Police. 2.2 Prosecution Report on the decentralised application of interception of telecommunication. 2.3 Annual Report of Albanian State Police. 2.4 Annual Report of Albanian State Police. 2.5 Annual Report of Albanian State Police. 2.6 Annual Report of Albanian State Police.	• Continued commitment of Government of Albania to the principles of human rights and fundamental freedoms
Results of the sector support	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions
2.1 Live scanner system for online monitoring of performance of police escorting, detention and arrest procedures is established, and personnel trained.	2.1.1 Live scanner devices in respective police units fully operational and all have on-line connection with central system by the end of 2015. 2.1.2 Instruction training conducted in respective police units by the end of 2015. 2.1.3 Central live scanner server has been upgraded by the end of 2015. 2.1.4 Training conducted for two system's administrators by the end of 2015.	2.1.1 Evaluation of live scanner system 2.1.2 Attendance and evaluation sheets 2.1.3 Attendance and evaluation sheets	• Full commitment and participation of the Senior Management of the Albanian State Police • ASP ensures that appropriate staff is made available to work with the EU training partner • The beneficiary shall ensure appropriate staff and premises for training



2.2 Decentralised and more effective interception of telecommunication.	2.2.1 Telecommunication interception equipment operational 2.2.2 Network for 7 sub-stations in 7 district prosecutions offices operational	2.2.1 Signed statement on acceptance of equipment 2.2.2 Monitoring reports on interception activities	
<b>Operations to achieve results</b>	<b>Means</b>	<b>Costs</b>	<b>Assumptions</b>
Operation for result 2,1 – supply for live scanner devices	Supply contract	EUR 1,000,000	• Amendment of article 23 of the law no 9157 (date 04.12.2003 “On Interception of telecommunications” (amended)) regarding the decentralization of the management of telecommunication interceptions in Albania has been accepted.
Operation for result 2,2 – supply for telecommunication interceptors	Supply contract	EUR 1,000,000	

### 1.3 LOG FRAME - Policy area 3 – Anti-corruption and anti-money laundering

<b>LOG FRAME PLANNING MATRIX FOR Sector Fiche</b>		<b>Sector support name and number</b>	
		<b>Justice Home Affairs SF 02</b>	
		<b>Contracting period expires</b>	<b>Execution period expires</b>
		Two years following the date of the conclusion of the Financing Agreement	Two year following the end date for the execution of contracts
		<b>Total budget</b>	
		<b>IPA budget: EUR 3,000,000</b>	
<b>National sector or sub sector objective</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of verification</b>	<b>What is the percentage proportion or expected quantitative or qualitative contribution of the sector support funded by IPA to this OVI?</b>
To contribute to an independent, impartial, efficient, and professional Justice and Rights sector in Albania in line with EU <i>acquis</i> and international standards	Positive assessment done by EU and SAA committee	EU progress reports	
<b>Sector support objective within the MIPD sector</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
3. To strengthen the fight against corruption and money laundering in line with EU <i>acquis</i> and best practices.	3.1 Progress in the implementation of Anti corruption strategy by end of 2015 3.2 Decrease of Money Laundering Country Risks by end of 2015.	3.1 Corruption Perception index of Transparency International/EU progress report 3.2 FATF and MONEYVAL Reports 3.3 EU Progress Report 3.4 GRECO reports	• Continued commitment of Government of Albania to anti-corruption and anti-money laundering.
<b>Results of the sector support</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
3.1 Improved policy analysis, organization, coordination and monitoring functions, as well as increased awareness of civil society, of anti-corruption institutions.	3.1.1 Number of staff from DIACA, Inspectorates and other actors trained in the identification of criminal offences of corruption and abuse of office at the end of 2015. 3.1.2 Policy based Anti-Corruption Strategy 2014-2020 and action plan drafted. 3.1.3 Revised organization structure, working methodologies for monitoring, reporting and policy analysis of DIACA at the end of 2014. 3.1.4 Number of integral internal controls and inspections performed by Central Inspectorate, Inspectorates in line-ministries and other actors at the end of 2015. 3.1.5 Improved HIDAA inspections of declarations	3.1.1 Attendance and evaluation sheets. 3.1.2 Anti-Corruption Strategy and Action Plan 3.1.3 Organisation charts and working methodologies of DIACA. 3.1.4 Annual Report of the Inspectorates 3.1.5 Annual Report High Inspectorate for Declaration and Audit of Assets. 3.1.6 Passed law on transparency in political party funding 3.1.7 Periodic reports on anti-corruption measures by Ministries 3.1.8 Campaign and training materials.	• Full engagement and involvement of the management in order to ensure the viability and sustainability of the activities  The full commitment and cooperation of all beneficiaries and stakeholders, including senior management, is required for the successful implementation of the operations under this sector fiche

	<p>and audits of assets at the end of 2015.</p> <p>3.1.6 Increased transparency in political party funding at the end of 2015.</p> <p>3.1.7 Systems to follow-up, inspect, monitor and report on sector anti-corruption measures with Ministries of Education and Health at the end of 2015</p> <p>3.1.8 Awareness campaign and training on anti-corruption developed with civil society at the end of 2015.</p>		
3.2 Improved inter-institutional cooperation and coordination of fight against money-laundering.	<p>3.2.1 Number of awareness campaigns on the legal framework and mechanisms in place to fight money laundering at all levels at the end of 2015.</p> <p>3.2.2 Revised Strategy on Prevention and Fight against Money Laundering at the end of 2015.</p> <p>3.2.3 Cooperation of different public and private institutions fighting Money Laundering at the end of 2015.</p> <p>3.2.4 Number of persons trained on coordination between FIU, reporting entities, bank of Albania and supervisory authorities at the end of 2015.</p> <p>3.2.5 Number of persons that participated in ToT within the GPO, Magistrates School, and other agencies at the end of 2015.</p> <p>3.2.6 Solid track record of investigations and convictions related to money laundering at the end of 2015.</p> <p>3.2.7 National registry of bank accounts accessible by Law Enforcement Authorities at the end of 2015.</p> <p>3.2.8 Assessment of existing agreements/MOUs among the different institutions, including the JIU. at the end of 2015.</p> <p>3.2.9 Updated manual on investigations of money laundering available on intranet at the end of 2015.</p>	<p>3.2.1 Awareness raising materials</p> <p>3.2.2 Strategy document</p> <p>3.2.3 Annual report FIU</p> <p>3.2.4 Attendance and evaluation sheets.</p> <p>3.2.5 Attendance and evaluation sheets.</p> <p>3.2.6 FIU information system</p> <p>3.2.7 National Registry of Bank Accounts</p> <p>3.2.8 Assessment Report</p> <p>3.2.9 Electronic manual</p>	The full commitment and cooperation of all beneficiaries and stakeholders, including senior management, is required for the successful implementation of the operations under this sector fiche
3.3 Implementation and efficiency of anti-mafia law improved	<p>3.3.1 Evaluation of implementation problems by the Judiciary at the end of 2014</p> <p>3.3.2 Proposals for amendment of anti-mafia law by the end of 2014</p> <p>3.3.3 Assessment of including money laundering/corruption under the competence of Serious Crime Court and ordinary courts at the end of 2015.</p> <p>3.3.4 Number of prosecutors, judges and judicial police trained in applying the anti-mafia law</p>	<p>3.3.1 Evaluation report</p> <p>3.3.2 Proposals for amendment anti-mafia law</p> <p>3.3.3 Assessment report</p> <p>3.3.4 Attendance and evaluation sheets</p>	

	rigorously- and consistently.		
3.4 Capacities of judicial system and law enforcement agencies to deal with anti-money laundering strengthened	3.4.1 Number of judges and prosecutors trained in money- laundering offences. 3.4.2 Number of staff of law enforcement agencies trained in money- laundering offences. 3.4.3 Number of staff of law enforcement agencies trained in the application of special investigation methods. 3.4.4 Number of staff of law enforcement agencies trained in report writing in furthering investigation. 3.4.5 Number of people convicted on money laundering 3.4.6 Value of funds/property seized	3.4.1 Attendance and evaluation sheets 3.4.2 Attendance and evaluation sheets 3.4.3 Attendance and evaluation sheets 3.4.4 Attendance and evaluation sheets 3.4.5 Ministry of Justice Statistics 3.4.6 Ministry of Justice/Prosecution Statistics	
<b>Operations to achieve results</b>	<b>Means</b>	<b>Costs</b>	<b>Assumptions</b>
Operation for result 3.1 - Twinning for anti-corruption	Twining contract	EUR, 1,000,000	• GDPML is committed to avail the appropriate staff, premises and equipment for the assistance and training to be provided
Operation for results 3,2; 3,3; 3,4 - Twinning for anti-money laundering	Twining contract	EUR 2,000,000	

## 1.4 LOG FRAME - Policy area 4 – Anti-discrimination policy and protection of human rights

<b>LOG FRAME PLANNING MATRIX FOR Sector Fiche</b>		<b>Sector support name and number</b>	
		<b>Justice Home Affairs SF 02</b>	
		<b>Contracting period expires</b>	<b>Execution period expires</b>
		Two years following the date of the conclusion of the Financing Agreement	Two year following the end date for the execution of contracts
		<b>Total budget</b>	
		<b>IPA budget: EUR 1,500,000</b>	
<b>National sector or sub sector objective</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of verification</b>	<b>What is the percentage proportion or expected quantitative or qualitative contribution of the sector support funded by IPA to this OVI?</b>
To contribute to an independent, impartial, efficient, and professional Justice and Rights sector in Albania in line with EU acquis and international standards	Positive assessment done by EU and SAA committee	EU progress Report	
<b>Sector support objective within the MIPD sector</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
4. To strengthen the effectiveness of the anti-discrimination policy and Human Rights protection in Albania	4.1 Human Rights (HR) and Anti-discrimination (AD) legal framework, policies and coordination installed at end of 2015 4.2 Anti-discrimination laws and Human Rights protection enforced and monitored at the end of 2015 4.3 Awareness on discrimination and human rights raised at the end of 2015	4.1 EC Progress Report 4.2 Annual Reports of MoLSAEO, Ombudsman and CPD. 4.3 Special reports on awareness of discrimination and human rights of by MoLSAEO, Ombudsman and CPD	• Continued commitment of Government of Albania to Anti-Discrimination policy and Human Rights protection
<b>Results of the sector support</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
4.1 Human Rights (HR) and Anti-discrimination (AD) legal framework, policies and coordination improved	4.1.1 Quantitative and qualitative analysis of the Albanian HR and AD systems including the MoLSAEO, Ombudsman and CPD performed at the end of 2014. 4.1.2 Number of procedures, tools and guidelines for the implementation of the legislative framework and national strategies developed at the end of 2015. 4.1.3 Institutional set-up and coordination of the Albanian HR and AD bodies improved and aligned to EC standards at the end of 2015.	4.1.1 Assessment Reports of MoLSAEO, Ombudsman and CPD 4.1.2 Annual Reports of MoLSAEO, Ombudsman and CPD. 4.1.3 EC Progress Report	• The beneficiaries maintain their stated commitment to fulfil the obligations under the international agreements and conventions (of which they takes part), respect the institutions independence and help their functioning compliant with human rights and the rule of law;  • Proper coordination and coherence among HR and AD institutions is ensured and maintain in due

<p>4.2 Strengthened administrative/professional capacities and efficiency of the main HR and AD bodies to effectively formulate, implement and monitor anti-discrimination laws and policies</p>	<p>4.2.1 Number of staff of CPD, Ombudsman and DPEOF trained (on-the-job) on case handling efficiency, monitoring and reporting capacities, and formulation of national strategies and action plans at the end of 2015  4.2.2 Number of staff exposed to international experiences on HR and AD at the end of 2015.  4.2.3 Improved monitoring of HR and AD at the end of 2015.  4.2.4 Preventive measures implemented in pilot municipalities with high records of discrimination cases at the end of 2015.  4.2.5 3 Pilot CPD desks established in respective 3 pilot cities before end of 2015.</p>	<p>4.2.1 Attendance and evaluation sheets  4.2.2 Study visit reports  4.2.3 Electronic database and case management system  4.2.4 Progress reports CPD  4.2.5 Progress report CPD</p>	<p>course and beyond the project lifespan;</p>
<p>4.3 Raised awareness of general public and specific target groups on anti-discrimination policy and human rights protection.</p>	<p>4.3.1 Communication strategies for the promotion and monitoring of anti-discrimination policies and human right protection at the end of 2014  4.3.2 Number of representatives of the Ministry of Education and Science (MoES), Ministry of Health (MoH), Ministry of Interior (MoI) and state police, district courts, local government units, media and private sector stakeholders trained on the implementation of AD law, HR protection, and respective policies.  4.3.3 Number of awareness raising events jointly organised by CPD and the Ombudsman.  4.3.4 Nation-wide public awareness campaigns on the meaning and the prohibition of discrimination, human rights and on existing complaints procedures</p>	<p>4.3.1 Communication strategies  4.3.2 Attendance and evaluation sheets  4.3.3 Progress report CPD  4.3.4 Progress report MoLSAEO</p>	
<p><b>Operations to achieve results</b></p>	<p><b>Means</b></p>	<p><b>Costs</b></p>	<p><b>Assumptions</b></p>
<p>Operation for results 4,1; 4,2; 4,3 - direct grant agreement with the Council of Europe</p>	<p>Direct Grant Agreement with the Council of Europe</p>	<p>EUR 1,500,000</p>	

## **2. Description of Institutional Framework**

### *The Ministry of Justice*

The Ministry of Justice operates according to the law no. 8678, dated 14.05.2001 "On the organization and functioning of the Ministry of Justice", as amended, which provides rules regarding the organization and its functioning. In accordance with the Constitution and other laws, the Ministry of Justice is responsible for developing policies and legislative drafting in the field of its responsibility, participate in the overall legislative drafting process at the governmental level, conduction of other necessary services related to the judicial system, international cooperation in civil and criminal justice and other areas of its competence according to the law.

The Ministry of Justice, in compliance with its organic law, supports, cooperates and coordinates its activity with the judicial power bodies and prosecutors' offices, while complying with the principle of separation of powers and independence of the judicial power and prosecutors' offices.

The legislative process in the framework of justice reform is run by the Ministry of Justice in cooperation with professionals, academics, jurists, practitioners, judges and prosecutors who are remarkable in the justice system.

The MoJ, has drafted the Justice Inter-Sector Strategy, aproved by the Council of Ministers Decision no. 519 dated 20.07.2011, which aims to improve further the justice system in Albania, provide better access to justice, and strengthen public trust in the Albanian justice in the same line with the enhancement and further promotion of contribution of this sector in the development of the Albanian society and promotion and acceleration of the European integration.

This Strategy is based on the existing policies of the Albanian government oriented towards the National Strategy membership perspective in European Union. The Strategy analyses the issues identified in the justice system and the issues raised during its consultative process. Moreover, this strategic document will contribute further, even beyond the justice sector, as an effective tool in the hands of policy-makers and other stakeholders involved in processes related with the justice system

### *Courts*

Judicial power in the Republic of Albania is exercised by the Courts in compliance with the Constitution and the competences conferred on them under the law. The organisation of the Courts relies on the Constitution and on the law no 9877 of 18 February 2008 "On organisation of the judicial power in the Republic of Albania". This law guarantees independence and impartiality of the Courts, foresees the administration, direction and organisation of support services and also the competences of the chancellor of the court.

The High Court is the highest judicial authority and exercises the original and review jurisdiction. Its organisation and functioning is governed in detail by the law no 8588 of 15 March 2000 "On organisation and functioning of the High Court in the Republic of Albania".

As a constitutional body and the highest court of the judicial system, the High Court consists of 17 judges, organised in Civil and Criminal Colleges.

#### Judicial Budget Administration Office (JBAO)

In order to guarantee independence of the activity of judicial bodies, the Constitution (article 114) and the law no.8363 of 1 July 1998 have foreseen the financial independence of the judiciary. To this end, the Law sets up the JBAO, as an independent institution which administers the budgetary funds allocated to the judicial system, ensuring the implementation of the principle of its independence from other powers.

#### Magistrates School

The Magistrates' School of the Republic of Albania is an academic institution with administrative independence, set up by law no 8136/1996 "On Magistrates' School", as amended. The Magistrates' School is set up in Tirana and it is chaired by a Steering Council. The Magistrates School ensures the initial vocational education of candidates for magistrates and continuous vocational education of judges and prosecutors in service.

**The Prosecutor Office** according to Article 148 of Albanian Constitution is entrusted with the following responsibilities:

"The prosecution office exercises criminal prosecution and represents the accusation in court in the name of the state. The prosecution office also performs other duties set by law".

The article 24 of the Criminal Procedure Code states that: "The prosecutor shall carry out the criminal prosecution, perform investigations, controls the preliminary investigations, file the charges in court as well as take measures for the execution of decisions in compliance with the rules provided for in this Code"

To strengthen the fight against corruption, the prosecutor's office, has created within its system, specialised anti – corruption structures. These structures are named Joint Investigative Units and are established at Tiranë, Shkodër, Durrës, Fier, Vlorë, Korçë and Gjirokastër Discritcts prosecution offices. At the General Prosecutors Office is established the sector against economic crime and corruption, whose objective is to coordinate the work of all Joint Investigative Units.

**The Albanian State Police-** it is the main law enforcement agency within the JHA sector, which is organised and function according to law no.9749, dated 04.06.2007 "On the State Police".

During the last decade, Albanian State Police has undergone a profound changes and reforms aiming at establishing modern policing standards in line with the EU standards and requirements.

The structural organisation of ASP have undergone many amendments from 2009 to 2012:

The new structure brought many new elements, especially in terms of providing high-level management executives State Police by creating five new departments in the Directorate General of Police, and other structures.(Department for the Investigation of Crimes; Public Safety; Border and Migration; Support Services, Police Training, Directorate of Professional Standards, Center for processing and Data Protection, Directory of International Cooperation and Coordination and Internal Audit Sector).



In relation to “*Technologies developments*” “the following technologies are implemented:

- TIMS Systems functional in all Border Crossing Points;
- A new version of MEMEX application was introduced in 2011 (Criminal Police information analyses);
- Fines System was established, which allowed the centralized administration of fines process in all Traffic Police units;
- I ADAM system, which manages the reports on data and information of arrested, escorted or detained;
- City Monitoring Camera System first phase;
- Secure connections with Europol and SECI Center fully operational;
- Secure lines of communication increased the exchange of information with EUROPOL, Liaison Offices of EU Member states and third parties attached to this body.

***Albanian State Police – Directorate for Economic Crime and Corruption (ASP)***

Main responsibility of the Directorate against the Financial Crime and Money laundering within ASP is to prevent, to investigate and discover the criminal offences on the money laundering area. Main tasks:

To apply procedural and police measurements in cooperation with FIU and Prosecution Office in following and legal documenting of the criminal groups that operate in the money laundering area, cybernetic crimes and corruption;

Collects, processes, and analyzes the criminal information with regards to unmentioned criminal offences aiming their prevention, detection and investigation;

Takes organizational measures, coordinates, and supervise their enforcement to ensure the prevention, detection and investigation of criminal offences in the money laundering area, cybernetic crimes and corruption.

***General Directorate of the Ministry of Finance for the Prevention of Money Laundering (Financial Intelligence Unit: FIU)***

The primary institution responsible for preventing money laundering is the Ministry of Finance’s General Directorate for the Prevention of Money Laundering - Financial Intelligence Unit

The General Directorate for the Prevention of Money Laundering (GDPML), is the Albanian Financial Intelligence Unit for the prevention and fight against money laundering and terrorism financing and as such functions as the national centre in charge of the collection, analysis and dissemination to law enforcement agencies of data regarding the potential money laundering and terrorism financing activities.

Pursuant to law no.9917 May 19th "For the prevention of money laundering and the financing of terrorism" as amended GDPML carries out the following duties and functions:

- collects, manages, processes, analyses and disseminates to the competent authorities, data, reports and information regarding cases of money laundering and terrorism financing.
- has access to databases and any information managed by the state institutions, as well as in any other public registry within the competencies of this law;
- for the purpose of preventing money laundering and terrorism financing, requests any kind of information from the entities subject to this law;

- supervises the compliance of the entities with the reporting obligations prescribed in this Law, including onsite inspections alone or in collaboration with relevant supervising authorities;
- exchanges information with any foreign counterpart, subjected to similar obligations of confidentiality. The information offered should be utilized only for the purposes of prevention and fighting of money laundering and financing of terrorism. The information may be disseminated only upon prior consent of the parties;
- enters into agreements with any foreign counterpart, subjected to similar obligations of confidentiality.
- exchanges information with the General Prosecutor's Office, Ministry of Interior, State Police, State Information Service and other competent law enforcement authorities on cases of laundering of proceeds of crime or financing of terrorism and may sign bilateral or multilateral memoranda of cooperation with them.
- informs, in cooperation with the prosecution office, the responsible authority on the conclusions of the registered criminal proceedings on money laundering and financing of terrorism;
- may issue a list of countries in accordance with paragraph 5 of article 9 of this law, in order to limit and/or check the transactions or business relations of the entities with these countries;
- orders, when there are reasons based on facts and concrete circumstances for money laundering or financing of terrorism, the blocking or temporary freezing of the transaction or of the financial operation for a period not longer than 72 hours. If elements of a criminal offence are noted, the Authority shall, within this timeframe, present the denunciation to the Prosecution by submitting also a copy of the order for the temporary freezing of the transaction or of the account, according to this article as well as all the relevant documentation;
- maintains and administers all data and other legal documentation for 10 years from the date of receiving the information on the last transaction;
- presents its feedback on the reports that the entities have filed with this authority;
- organizes and participates, together with public and private institutions, in training activities related to money laundering and terrorism financing, as well as, organizes or participates in programs aimed at raising public awareness;
- notifies the relevant supervising authority when observing that an entity fails to comply with the obligations specified in this law;
- publishes within the first quarter of each year the annual public report for the previous year, regarding the activity of the responsible authority. The report should include detailed statistics on the origin of the received reports and the results of the cases disseminated to the prosecution.

**The Department of Internal Administrative and Anti-corruption Control (DIACA)** at the Council of Ministers is tasked to carry out administrative investigations and/or denunciations on abusive, corruptive and arbitrary practices. The Department is investigating/inspecting line ministries, central institutions and state-owned enterprises. The Department verifies the administrative procedures and working practices, offer advice, training and as well as increase the awareness of anti-corruption issues in the public administration.

**The High Inspectorate of Declaration and Audit of Assets, (HIDAA)** audits asset declarations of the public officials, collects data, carries out administrative enquiry and

investigation on assets declarations and conflict of interest cases based on the Administrative Procedure Code and cooperates with the auditing organs and other structures responsible for the fight against corruption.

**The Central Inspectorate** is a governmental institution under the supervision of the Prime Minister established in 2011 pursuant to law “On inspection”. The mission of the Inspectorate is to enhance the effectiveness and accountability of inspection activities in Albania with the aim of improving business climate. The main role of the Inspectorate is to provide guidance on the inspection methodology and programming, coordinate and monitor inspections, evaluate the overall performance and provide training and attestation to 33 different state inspectorates under 11 Line Ministries. Central Inspectorate is also a member of the Inter-institutional Working Group for Monitoring the Implementation of the Strategy for the Prevention and Fight against Corruption and Transparent Governance.

**The Directory of Policies on Equal Opportunities and the Family (DPEOF is under the Ministry of Labor, Social Affairs and Equal Opportunities)**, is in charge of formulating and developing policies and programmes as well as drafting and reviewing legislation in order to promote gender equality, prevent and fight domestic violence, protect from discrimination on sexual grounds as well as the right of children.

**The Commissioner for Protection from Discrimination (CPD) is the sole** responsible authority that ensures effective protection from discrimination and every form of conduct that encourages discrimination from both public and private bodies.

**The Ombudsman** is the only independent authority created through the Constitution that ensures mediation in cases where there have been unlawful or irregular acts or omissions by public administration bodies, as well as third parties acting on their behalf, with the aim of protecting the human rights of all citizens.

### **3. Political, legal and institutional framework:**

- Law No. 8417, dated 21.10.1998 On approval of the Constitution of the Republic of Albania”;
- Criminal Code of Albania;
- Criminal Procedure Code of Albania;
- Civil Code of Albania;
- Civil Procedure Code of Albania;
- Law no 8588 of 15 March 2000 “On the organization and functioning of the High Court in the Republic of Albania”;
- Law no. 8577, dated 10.2.2000 “On the organisation and functioning of the Constitutional Court in Albania”;
- Law No.8678 dated 14.05.2001 “On the Organization and Functioning of the Ministry of Justice”, amended by Law No.9112 dated 24.07.2003;
- Law No. 9877, dated 18.02.2008, “On organization and functioning of the judicial power in the Republic of Albania”;
- The law "On the organization and functioning of Administrative Courts and resolution of administrative disputes";
- Law No. 9109, dated 17.7.2003 "On lawyer’s profession in the Republic of Albania”;

- Law No. 8677, dated 02.11.2000 “On organization and functioning of the judicial police”;
- Law Nr.8402, dated 10.09.1998 “On control and discipline of the construction works”, as amended;
- Law no 8811, dated 17.5.2001 “On the organisation and functioning of the High council of Justice”;
- Law no. 8737, dated 12.2.2001 “On the organization and functioning of the Prosecution office in Albania”;
- Law no. 8363, dated 1.7.1998 “On the establishment of office for administration of Judicial Budget”;
- Law no. 8136, dated 31.7.1996 “On the School of Magistrates”;
- Law no. 8328, dated 16.4.1998 “On the rights and treatment of people convicted with imprisonment and detainees”;
- Law no. 8331, dated 21.4.1998 “On the execution of Criminal Decisions”;
- Law no. 10 192, dated 3.12.2009 “On the prevention and combating the organized crime and trafficking through preventive measures against property”;
- Law no. 9917, dated 19.5.2008 “on the prevention of money laundering and financing of terrorism”;
- Law no. 7829, dated 1.6.1994 “On Public Notary”;
- Law "On the organization and functioning of the National Judicial Conference”;
- Law no. 9157/2003 “On the Interception of Telecommunications”;
- Law no. 9887, dated 10.3.2008 “On the protection of Personal Data”;
- Law no. 9749, dated 4.6.2007 “On the state police”;
- Law no. 10433, dated 16.6.2011“On Inspection in the Republic of Albania”;
- Justice Inter-sectorial strategy, approved by the Council of Ministers Decision no.519, on 20.07.2011;
- The Albanian State Police Strategy for 2007 – 2013, approved by the Council of Ministers, Decision no.14, on 09.01.2008;
- The National Strategy of IBM and its Action Plan 2007-2013 approved by the Council of Ministers, Decision no.668, on 29.09.2007;
- The National Strategy against Organized Crime, Trafficking and Terrorism, approved by the Council of Ministers, Decision no.103, on 14.11.2009;
- Cross-cutting strategy on prevention, fight against corruption and transparent Government, 2008-2013;
- National Strategic Document for Investigating Financial Crime, approved by Government Decision no. 1077, dated 27.10.2009;
- Council of Ministers Decision Nr. 94 of 15 February 2006 “On approval of regulation for the functions and procedures of internal administrative and anti-corruption control of Council of Ministers”;
- Prime Minister’s Order No 173 of 27.09.2010 “On the establishment and organization of Inter-ministerial Working Group to monitor implementation of the Anti-corruption strategy” as amended.

#### **4. Details per EU funded operation(\*) where applicable:**

Operation for results 1.1; 1.2; 1.3 - twinning for EURALIUS IV

Operation for results 1.4; 1.5; 1.6; 1.7; 1.8 - twinning for penitentiary system

Operation for result 2,1 – supply contract

Operation for result 2,2 – supply contract

Operation for result 3.1 - Twinning for anti-corruption

Operation for results 3,2; 3,3; 3,4 - Twinning for anti-money laundering

Operation for results 4,1; 4,2; 4,3 - direct grant agreement with the Council of Europe

#### **5. Possible visibility activities**

The EC rules for the visibility will be implemented. Also all equipment supplied will have a sticker and a logo with EU visibility requirements.