The Action Plan to Address the 12 Priorities of the EC Opinion for Albania (ADOPTED 10/06/2011)
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(ADOPTED 10/06/2011)
OPEN SOCIETY FOUNDATION ALBANIA (OSFA)

Civic Monitoring Report 2011:
The Action Plan to Address the 12 Priorities of the EC Opinion

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### Abbreviations

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<th>Abbreviation</th>
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<tr>
<td>AITPP</td>
<td>Agency for the Inventory and Transfer of Public Property</td>
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<td>ALUIZNI (ALUIICA)</td>
<td>Agency for Legalization, Urbanization and Integration of Informally Constructed Areas</td>
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<td>AP</td>
<td>Action Plan</td>
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<tr>
<td>CoE</td>
<td>Council of Europe</td>
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<td>CoM</td>
<td>Council of Ministers</td>
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<td>DCM</td>
<td>Decision of Council of Ministers</td>
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<td>DSDC</td>
<td>Department for Strategy and Donor Coordination</td>
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<td>EC</td>
<td>European Commission</td>
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<td>ECtHR</td>
<td>European Court of the Human Rights</td>
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<td>GIS</td>
<td>Geographical Information System</td>
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<td>GLC</td>
<td>Government Land Commission</td>
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<td>GoA</td>
<td>Government of Albania</td>
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<td>IPRO</td>
<td>Immovable Property Registration Office</td>
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<td>IT</td>
<td>Information Technology</td>
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<tr>
<td>Kartela</td>
<td>The page in the legal Register Book which is kept for each immovable property in the IPRO</td>
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<tr>
<td>LAMP</td>
<td>Land Administration and Management Project (World Bank)</td>
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<tr>
<td>METE</td>
<td>Ministry of Economy, Trade and Energy</td>
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<td>MI/Moi</td>
<td>Ministry of Interior</td>
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<td>MoAFCP</td>
<td>Ministry of Agriculture, Food and Customer Protection</td>
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<td>NAPSM</td>
<td>National Agency for Producing the Standardized Maps</td>
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<td>NTPA</td>
<td>National Territory Planning Agency</td>
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<td>NSDI</td>
<td>National Strategy for Development and Integration</td>
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<td>OPC</td>
<td>Prosecution Office and Courts</td>
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<td>OSCE</td>
<td>Organization for Security and Cooperation in Europe</td>
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<td>OSFA</td>
<td>Open Society Foundation Albania</td>
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<td>PACA</td>
<td>Project Against Corruption in Albania</td>
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<td>PRCA</td>
<td>(Immovable) Property Restitution and Compensation Agency</td>
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<td>Registration Index Map</td>
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<td>SAA</td>
<td>Stabilisation and Association Agreement</td>
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<td>SIDA</td>
<td>Swedish International Development Agency</td>
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<td>USAID</td>
<td>United States Agency for International Development</td>
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1. Introduction

1. Background


The European Commission is publishing Annual Reports on the progress of Albania in implementing the commitments assumed.

The 2010 Opinion and Analytical Report of the European Commission outlined 12 Priorities aiming at pushing forward the reform process in Albania in the areas of Parliamentary life, elections, judicial reform, anti-corruption, property rights, fight against organized crime, human rights protection and improvement of the detainees’ situation.

In January 2011 Albanian Government drafted an Action Plan Addressing the Priorities of the 2010 EC Report for Albania in the 12 areas. Progress in the implementation of the Action plan in 2011 will be instrumental for based on the advancement in those policy areas, the country might be invited to start negotiations for EU accession. This will provide Albania with a clear roadmap and timeframe for joining the EU and will further increase the stimulus for the implementation of the reforms needed. Therefore it’s important to redouble the efforts and enhance partnership between civil society and government institutions aiming at advancing the EU integration agenda of the country.

The country’s accession to the European Union affects the life and fate of all Albanian citizens. Considering the broad public support for Albania’s EU membership, the publicity and transparency of the process of fulfilling the commitments assumed by the responsible institutions is exceedingly important and indispensable itself. That is why the OSFA has undertaken the task to monitor the activity of the relevant institutions and exercise active civic control over the progress in implementation of the commitments assumed within the pre-negotiation and later during the negotiation process.

2. Goal and Methodology of the Civic Monitoring Initiative

The civic monitoring of the implementation of the Action Plan Addressing the Priorities of the 2010 EC Report for Albania provides an expert assessment of the progress in advancing the Albanian reforms in the identified areas to both the Albanian citizens and the EU citizens and decision-makers independently from the Albanian government and the European Commission thus contributing to the publicity and transparency of the process.

Objectivity and impartiality are the underlying principles of the Monitoring of Albania’s progress in respect of the measures implemented under the Action Plan. The evaluation of implementation falls into three categories:

- Legal approximation - measures to adopt legal standards or to align effective legal standards with the acquis communautaire.
- Capacity Building (administrative capacity building, human and financial capacity, partnerships, operational interaction etc.).
- Practical application (enforcement) of already harmonised legal standards.

**Access to information** for conducting the monitoring activities is secured through establishment of contacts with the relevant line ministries and institutions. To obtain information on implementation, OSFA sent 50 **formal requests for information and meetings** to the relevant line ministries and authorities on implementation of the monitored measures. In 48% of the cases, the letters resulted in meetings with the authorities, and in only 34% of the cases the information obtained was complete. In 20% of the cases there was no answer at all to the formal requests for information. Whenever possible, information from authorities was confronted with other sources from civil society and international actors.

The assessment of the Albania’s progress in the implementation of the Action Plan includes:
- Expert evaluation of the **adequacy of the measures** planned by the Albanian Government in the monitored areas and
- **Qualitative Assessment** through a scale of three values to measure implementation of any given measure (**Implemented; Not implemented; Partially implemented**).

### 3. Civic Monitoring Reports

**Two reports are published** under the civic monitoring initiative:

#### 3.1 Analysis and Recommendations for the Action Plan to Address the 12 Priorities of the EC Opinion

was presented in the civil society consultation meeting organised by the Ministry of European Integration on 22 April 2011.

**The main goal** of the report was to contribute to the elaboration of a sound Action plan which implementation could effectively address the 12 EC Priorities by complementing the Albanian governmental expertise with the civil society expert knowledge in the policy areas concerned.

The document assesses the adequacy of the measures planned by the Albanian government in the draft Action Plan of January 2011 in each of the 12 areas against the EC Priorities and the actual context.

**Main Conclusion of the report** was that the 12 Priorities of the EC could be addressed effectively only if the political stalemate in Albania is resolved. This is especially valid for the implementation of any measures related to adoption/amendment of laws requiring qualified majority in the Parliament (e.g. Criminal Code, Electoral Code etc.) but also for any practical action that needs the participation of all Parliamentary represented political parties as nomination and appointment of the Ombudsman or effective conduct and implementation of the legal framework for local elections. Therefore the failure to overcome the political crisis in Albania is posing a risk to the progress in the implementation of the EU Integration reform agenda in Albania.

Based on the main conclusion, the Report envisages a **Proposal for a Package of Negotiations** to be
considered by Parliamentary political groups for solving the political crisis with respect to pushing forward Albanian Integration agenda.

The Report elaborates **general recommendations** for improving the quality of the Action plan as well as **specific recommendations for 40 additional activities** to be included in the final version of the Action plan in order to adequately address the respective EC Priority(s) including responsible institution(s) and the deadline for implementation. They have been presented and discussed at a civil society consultation meeting organised by the Ministry of European Integration on 22 April 2011.

**3. Analysis of the progress in the implementation of the measures planned by the Albanian government in the Action Plan Addressing the Priorities of the EC Opinion for Albania (adopted 10/06/2011)** assesses the progress in the implementation of the measures envisaged in the final version of the Action plan adopted in June 2011 until **September 2011**.

The Progress report does not cover Priorities 4 and 5 concerning elections. The revision and development of a new legislative framework for elections in Albania after the local elections of May 2011 will be addressed by a separate specialized OSFA initiative. The monitored policy areas are the following:

- Functioning of the Parliament
- Adoption of pending laws,
- Appointment of the Ombudsman and an orderly hearing and voting process in Parliament for Constitutional and High Court appointments,
- Public administration reform,
- Judiciary reform,
- Anti-corruption,
- Fight against organised crime,
- Property rights,
- Human rights and
- Rights of detainees.

**4. Project Team and Experts:**

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**Iris Xholi** – Project Assistant, Open Society Foundation Albania

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- **Priority 12** - Ertilda Saliu
2. Executive Summary

The Government of Albania had planned altogether 102 measures to address the 10 EC Priorities monitored. By September 2011, it has implemented only 20% of the commitments taken. 76% of the measures are partially implemented, as work for them has started but has not yet been completed, or because deadlines are defined until the end of the year, and therefore there is still time left for implementation. In 4% of the cases implementation has not started.

The Action plan reveals uneven distribution of Measures across the 10 monitored areas. More than half of the Measures envisaged (58 out of 102) are concentrated in 2 policy areas - anti-corruption and the fight against organized crime. While prioritisation of efforts in these two fields is logical considering the degree of effort required to register progress, the quantity of measures in these 2 areas is not proportionately matched by their strategic relevance.

There seems to be an underestimation of the efforts needed in the areas where progress is dependent on political consensus-building as there are only 5 measures envisaged to address the functioning of the Parliament and adoption of laws requiring qualified majority, and none regarding the appointment of the Ombudsman, and Constitutional and High Court members. A total of 17 measures and key developments in Priorities 1-9 are strictly linked to consensus, and Priorities 1-3 entirely depend on it.

In the areas dependent on political consensus, progress has been limited or stalled.

Within the implemented measures, 80% are in the
fights against corruption and organised crime. No measures have been fully implemented in the areas of the functioning of the Parliament, the appointment of the Ombudsman and Constitutional and High Court judges, and only 5% of the overall implemented measures come from the priority on justice reform.

In fact, in Priorities 1 and 2 on the proper functioning of the Parliament based on constructive and sustained dialogue, and adoption of pending laws requiring qualified majority there are no implemented measures. Out of the 5 measures envisaged in the Action Plan, 4 are partially implemented and 1 is not implemented. So far, despite the intensified lobbying of mediators such as the United States, the EU, and the Council of Europe to resolve the political crisis, political parties have scarcely invested in sustainable dialogue. Therefore, political parties and the administration of the Assembly need to coordinate together the update of the Action plan for 2012 which should be a result of a consensual revision of the document by political actors based on the input from civil society, reflecting the remarks of the EC Progress Report.

Overall status of implementation of measures:
0% Implemented;
80% Partially Implemented;
20% Not Implemented

In Priority 3, there were no measures planned to appoint the Ombudsman. The majority has reiterated its offer to vote any candidate for Ombudsman proposed by the opposition. Political bargaining and the necessity of opening room for dialogue, negotiation and consensus must not shortcut the spirit of the Constitution. The constitutional requirement to appoint and discharge the Ombudsman by qualified majority is meant to induce sober consensus and safeguard from politicisation.

Leaving the appointment of the Ombudsman in the hands of a single party, be it in power or in opposition, by pledging a priori consensus independently from the candidature breaches the spirit of the Constitution on the matter and risks to jeopardise the future independence of this institution.

As regards the Constitutional and High courts in Priority 3, the voting process on the President’s nominations to the courts in the Assembly’s plenary was suspended until the Constitutional Court issued a decision upon a request of 30 MPs on the interpretation of constitutional articles related to criteria for nominations and the Constitutional Court’s rotation mechanism. The Constitutional Court issued Decision nr. 24 on 9 June 2011 reiterating the need for cooperation between the President and the Assembly to ensure qualitative and professional compositions of both the Constitutional and High courts.

Overall, consensual amendments are required to the law on the Constitutional Court and the law on the High Court. Consensus is not only required between parliamentary parties in order to reach the necessary qualified majority, but also between the Assembly, the President and other justice institutions to ensure wide agreement on the amendments and compliance with the principle of checks and balance of powers enshrined in the Constitution. The Assembly is yet to exercise its law-making functions in this regard. The concern over the politicisation of the procedure by the Assembly remains, therefore, unaddressed.

In Priority 6 on public administration reform, the new law on Civil Service, which will also require a qualified majority in the Assembly, has been consulted in principle with stakeholders, but remains to be drafted. The institutional position of the Department of Public Administration (DoPA) is not addressed. The role of
the Civil Service Commission in view of the impending overtake of some of its functions by the Administrative Court (draft-law is pending in the Assembly) is still to be clarified, a concern raised in OSFA’s last report as well. The development of an electronic, exhaustive register of public administration employees and civil servants should be completed. The role of the Ombudsman should be strengthened to safeguard the rights, freedoms and lawful interests of individuals from unlawful or improper actions or failure to act by institutions of the public administration.

*Overall status of implementation of measures:*
29% Implemented; 57% Partially Implemented; 14% Not Implemented

**In Priority 7 on justice reform**, an important step forward is the adoption of the Justice Reform Strategy, accompanied by an action plan that will facilitate its implementation and monitoring of the progress achieved. Implementation of other measures in this sector is modest. The issue of double inspection for judges and prosecutors has not been sufficiently addressed by the Action Plan on the 12 Priorities. Efforts should be made to transfer the inspection competences to the HCJ for judges and to the GPO for prosecutors in order to limit the role of the MoJ to the inspection of judicial administration. This requires changes to HCJ law, Judicial Power Law and the Law of Ministry of Justice. Overall, the MoJ should prioritize the finalization of organic laws and Codes and the process of their consideration by the CoM and adoption by the Assembly should be accelerated.

*Overall status of implementation of measures:*
17% Implemented; 83% Partially Implemented; 0% Not Implemented

**In Priority 8 on anti-corruption**, improvements in terms of design and reporting have been marred by a delayed approval process and lack of public availability of both the revised Anti-corruption Action Plan 2011-2013 and the reporting on 2010 implementation. Amendments to Assembly’s Rules of Procedure on immunity do not adequately address the issue and Constitutional amendments rely on political cooperation. Immunity of judges remains to be widely and intensively consulted, if the deadlines of the newly approved Justice Reform Strategy and Action Plan are to be respected.

Amendments to the Law on political parties are a step in the right direction.

With respect to the establishment of a solid track record of proactive investigations, prosecutions and convictions, developments have been positive in terms of training and capacities of JIUs, but year-to-year comparative data on the above is unavailable at this point in time and concrete outputs will remain hard to measure until data management is digitalized and harmonized across law enforcement agencies.

Measures foreseen in this Action Plan in the finance, foreign service, healthcare and education sectors are not strategically related to EU Priority 8. Implementation of measures in the abovementioned sectors has been partial. Key legal and administrative acts planned for the restructuring of public finance institutions and processes have not been completed. Outcomes are yet to be seen in the healthcare sector. Most measures (e.g. treatment protocols) are key parts of reforms that have been started or discussed since 2009. Progress in the education sector is more satisfactory although overall measures are less strategic.

*Overall status of implementation of measures:*
13% Implemented;
In Priority 9 on the fight against organised crime, progress is registered with regard to a number of legal changes on the fight against money laundering, terrorist financing and human trafficking. Almost all the activities related to capacity building of human resources are implemented due to the approval of a specific Action Plan on trainings by the General Directorate of State Police, which suggests progress towards effective threat assessments and proactive investigations.

The anti-drug strategy remains to be drafted and adopted, and the Action Plan does not foresee necessary changes to the Criminal Code and Criminal Procedure Code that are closely linked to the aspects of investigation and handling of organized crime cases in court. Interception of telecommunications and the division of tasks between the Albanian State Police and the Secret Intelligence Service remains to be addressed.

Overall status of implementation of measures:
43% Implemented;
53% Partially Implemented;
4% Not Implemented

In Priority 11 on human rights and anti-discrimination, the approval of the widely consulted National Strategy on Gender Equality and Domestic Violence is an important achievement. However, women’s participation in political and public life remains a concern. Important legislation has been passed on children’s rights, but work for the adoption of necessary sublegal acts, enforcement and work on the adoption of the National Strategy needs to be accelerated. The situation of children without parental care over 16 years old that leave state care needs to be better addressed. The signing of the UN Convention on the Rights of Persons with Disabilities and the drafting of the Integral law on disabled persons are positive developments. The Convention has not been ratified yet.

Regarding Roma rights, after the incident at the Train Station in Tirana, the ministry of Labour reacted adequately establishing a working group (with representatives from the ministry, civil society, donors) that adopted an emergency and a long term plan to deal with this issue. The impact of these actions is unclear.

In the field of antidiscrimination some progress is registered through enhancing the human and financial capacities of the Commissioner’s Office for Protection from Discrimination and increase awareness on the law on antidiscrimination. In order to make further progress a social reintegration program of victims of domestic violence through training, employment and access to long term housing for abused women should be adopted and a functional framework for free legal
assistance should be created.

Overall status of implementation of measures:
8% Implemented;
92% Partially Implemented;
0% Not Implemented

In priority 12 on rights of detainees, significant progress has been made in respecting human rights in the penitentiary institutions but less so in the police stations. Nevertheless, poor conditions especially in old institutions and pre-trial facilities in the police commissariats, the lack of effective policies for employment of detainees and mainly for their re-integration, the lack of access to adequate medical and psychiatric services remain still the main constrains that need to be addressed by the responsible state institutions. Despite measures taken for the transference of a part of Durres Institution to the Ministry of Health, it has not started to function yet, and treatment of detainees with mental health disorder and their placement in a special psychiatric institution remains unaddressed.

The recommendations against torture of the Ombudsman Institution contributed to the improvement of human rights in the penitentiary institutions aligned with European and international standards. However there is a need to ensure measurable, concrete and effective initiatives to strengthen juveniles' rights such as the mediation and applying mitigate criminal policies and to reduce the excessive use and length of pre-trial detention period especially in cases of juvenile offenders

Overall status of implementation of measures:
0% Implemented;
91% Partially Implemented;
9% Not Implemented
3. Recommendations

3.1. The results of the monitoring reconfirm that addressing the 12 Priorities (including those on elections) is inextricable from solving the political crisis. To resume Albania’s reform agenda and obtain candidate status, the monitoring team recommends the following Proposal for a Package of Negotiations to be considered by Parliamentary political groups:

1. Proper implementation and where beneficiary amendments of Rules of Procedure of Parliament:
   a. To unequivocally establish a practice of consensus and coordination of agendas of the plenary and committees;
   b. To guarantee sufficient time for consideration, discussion and passing of legislation;
   c. To guarantee adequate room for debate, interpellations, Q&A;
   d. To keep a regular track record of reporting of ministries and independent institutions, hearings, Q&A sessions;
   e. To unequivocally establish a practice of collegial decision making on matters related to the functioning of the Parliament;
   f. To remove impediments to and facilitate civil society participation in committee meetings

2. Regular and active participation of the opposition in Parliament

3. Active engagement of both parties in inquiry committees independently from the fact who proposed the setting up of the inquiry committee, with a view to the constructive conclusion of the work of such committees with policy impact (e.g. inquiry committee on the workings of the Assembly and its expenditures during 2005-2010)

4. Establishment and proper participation of all parliamentary parties in the parliamentary committee on electoral reform
   a. Identification of issues to be addressed/amended and establishment of a consensual agenda
   b. Discussion of proposals in Parliament
   c. Discussion of proposals with CSOs and non-parliamentary political parties

5. Appointment of Ombudsman


7. Depoliticisation of the appointment procedure of members of the High Court, through:
   a. Consensual amendments to the High Court Law and Constitutional Court Law, with a view to defining clear criteria for the nomination of candidates by the President
   b. Consensual amendments to the Assembly Rules of Procedure and/or Constitution to strengthen mechanisms that guarantee against politicisation of voting, such as:
      i. ensure that hearing sessions on presidential nominations strictly
abide to the consensually agreed criteria to be specified in the High Court Law and Constitutional Court Law

ii. introduce qualified majority voting for appointments of High Court and Constitutional Court members,

iii. reinstate secret voting and amendment of the High Court Law based on inclusive consultations to clarify criteria for nominations

8. Establishment of an inter-institutional working group (MoJ, Parliament, HCJ, GPO) to draft consensual proposals on constitutional, criminal code and criminal procedure code changes on immunity and obstacles to investigations

3.2. Recommendations regarding the update of the Action plan to the Ministry of Integration and relevant institutions responsible for its drafting:

- Update and adopt the Action plan for 2012 immediately after the publication of the EC Progress Report (12 October 2011).
- Seek consensual revision of the Action Plan by political parties based on the input from civil society and reflecting the remarks of the EC Progress Report.
- Focus on strategic, short-term, and realistic actions in key sectors
- Make clear distinction between achievements reported and tasks still to be implemented without including routine actions of the institutions (e.g. tables should only include future activities).
- Formulate a detailed division of tasks and responsibilities for each action, especially distinguishing responsibilities of political actors from those of the administration.
- Define realistic and concrete deadlines (not defining the entire year as the deadline for a specific activity) in such a way that the implementation timeframe for all the measures and activities coincides with the assessment period of the European Commission.
- Specify tangible indicators to facilitate the assessment of the progress achieved.
- Increase transparency and accountability of performance by provision of information on a regular basis on the websites of the relevant institutions as regards the implementation of measures and activities envisaged in the Action Plan.
- Allocate relevant financial costs to envisaged measures and activities.
4. Prioriteties 1 dhe 2

- Ensure the proper functioning of Parliament on the basis of a constructive and sustained political dialogue among all political parties.
- Adopt pending laws requiring a reinforced majority in Parliament

A. Activities envisaged to address the Priority

Following the seminar and consultations held by the European Commission and the Ministry of Integration in spring 2011, measures and respective activities concerning Priorities 1 and 2 have been further developed and broken down in the final version of the Action Plan. However, the specification of tasks within the institution structures is still lacking, leaving in many cases responsibility vague.

Measures and related activities are generally of two types: some are formulated in the form of general principles on the functioning of a democratic parliament, expressing what would be desirable, rather than representing concrete actions (e.g., attempts to reach a bipartisan agreement on reforms, establishing a track record for the legislative process, increased support to the committees and MPs, etc); the second type of measures and activities are more concrete actions of capacity building of the administration and observance of Rules of Procedure.

B. Qualitative Assessment

Measure 1: Assembly of Albania will further strengthen its role through its constitutional and lawmaking functions as well as parliamentary oversight

1.1 Activity: The majority and the opposition commit to enhance cooperation in order to improve laws and amendments, with the intention of addressing the commitments taken before the European Union as well as SAA obligations, in line with the Constitution and Albania’s international obligations and standards, including voting of laws requiring reinforced majority already present in the Assembly’s agenda.

Responsible institution: Assembly of Albania (Parliamentary Committees)

Deadline: During 2011

Status: Not implemented

Justification: The abovementioned activity implies a commitment of the parties difficult to be documented, particularly taking into account claims of the opposition that their input to the A.P. is not reflected in the final version. Moreover, the developments in parliamentary life reveal behaviour in contradiction with the abovementioned statement, i.e. no particular enhancement of cooperation in order to improve laws and amendments is noticed in the last months. Although the return of the opposition in the Assembly since September 2011 may be considered a positive development, certainty about its commitment to enhance cooperation in order to improve laws and amendments is lacking. Apart exceptions (such as the draft law on the Administrative court) the opposition has generally not provided any input to improve laws and amendments. The commitment of the majority to remove the laws requiring qualified majority

1 See minutes of the meeting of the European Integration Committee of 19.04.2011 - Kuvendi i Republikës së Shqipërisë, Komisioni Për Integrimin Europian Procesverbal, datë 19.04.2011, ora 11:00, pg. 2.
from the work plan and agenda of September and review them after the opposition request, indicates a positive step towards the alignment of positions of both parts for their approval. The opposition has endorsed a proposal for the amendment of the Rules of Procedures as a prerequisite for the normalisations of the work of the Assembly and paving the way for a substantial reform. The amendment of the Rules of Procedures constitutes the first of the ten points of the “Albania like Europe” deal proposed by the Socialist Party. The deal proposed includes also the addressing of: the electoral reform; elect consensually central bank’s Governor and Board, the ombudsman, and the chair of the High State Audit; agree to approve all the majority requiring laws after being administered jointly by both parties together with a group of constitutional experts; limiting the immunity through a joint table on constitutional changes etc.

1.2 Activity: Political parties that have agreed in the committees to proposed changes, should constructively proceed with this spirit in plenary session also, refraining themselves from bringing their political stance in the way of discussions and voting of draft laws that are vital to the EU integration process, as suggested by the Parliamentary Committee on European Integration.  

Responsible institution: Assembly of Albania (Parliamentary Committees)

Deadline: During 2011
Status: Not implemented
Justification: Although this is a constructive suggestion often raised by civil society and international actors, the abovementioned sentence does not constitute an activity and is contradicted by actual trends in parliamentary life in Albania. Apart from the draft law on the Administrative court, the opposition has generally not agreed on the proposed changes in legislation in the committees.

1.3 Activity: Assembly’s Secretary General issues an administrative act on establishing this civil society database which will be made available to committees and MPs.

Responsible institution: Assembly of Albania (Parliamentary Committees)

Deadline: April – May 2011
Status: Implemented
Justification: See justification of Activity 4

1.4 Activity: Distribution of the list of NGOs to standing committees.

Responsible institution: Assembly of Albania (Parliamentary Committees)

Deadline: April – May 2011
Status: Implemented
Justification: Although the act is not public, this activity is reported as already carried out in the narrative part of the A.P. and could have therefore been omitted from the table of measures and activities at the time of the approval of the final A.P. (June 2011). Concerns

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2 The proposal was handed over by the SP parliamentary group on 19th of September.
4 Press conference of Edi Rama, head of SP, on 23 September 2011.
5 However, Committees can pass pieces of legislation through simple majority, even for laws requiring qualified majority in plenary session.
about lack of transparency and proper consultation in the legislative process have been raised for several years and are also emphasized by the OSCE Report of September 2011. The initiative to establish a civil society database, proposed by OSFA during the consultation meeting organised by the Ministry of European Integration on 22 April 2011 could contribute to a more structured and institutionalised relation between the Albanian Assembly and interest groups.

1.5 Activity: Publication on the web of Assembly of the procedures for participating in committee.

Responsible institution: Assembly of Albania (Parliamentary Committees)
Deadline: May 2011
Status: Not implemented
Justification: Procedures published on the web so far only refer to the possibility to attend plenary sessions. In order to participate in the committee meetings or plenary sessions further procedures managed by the staff of the Assembly are required. These procedures are not explained in the website.

1.6 Activity: Improve functioning of 4 other secretariats.

Responsible institution: Assembly of Albania (Parliamentary Committees)
Deadline: April 2011
Status: Partially implemented
Justification: See justification of Activity 7.

1.7 Activity: Develop a Rules of Procedure for the activity of these secretariats.

Responsible institution: Assembly of Albania (Parliamentary Committees)
Deadline: April 2011
Status: Partially implemented
Justification: The Assembly of Albania currently has five secretariats composed of 3-5 MPs each: the Secretariat on Budget; the Secretariat on procedure and voting; the Secretariat on the status of the members of the assembly; the Secretariat on research, library and publications; and the Secretariat of foreign relations. Of these, only the second is operative. New rules of procedure for their activity are being developed, but it is not specified when they shall be finalized and whether improvements will consist of other measures (e.g. provision of support staff).

1.8 Activity: MP receives necessary professional expertise.

Responsible institution: Assembly of Albania (Parliamentary Committees)
Deadline: During 2011
Status: Partially implemented
Justification: Some improvements in support to the work of MPs are reported in the narrative part of the A.P. such as the addition of an economic advisor and a legal advisor to the Committee on EU Integration. However, this merely concerns one committee and the impact of such measures in providing necessary expertise to MPs remains modest.

Status of the Implementation of the Measure: Partially Implemented

9 Interview with staff of the Assembly of Albania, 21 July 2011.
10 Ibid.
Measure 2 - Assembly of Albania will further strengthen its examination role in the framework of Albania’s EU integration process and in the process of approximation of national legislation with the acquis:

2.1 Activity:
- Political parties commit themselves to constructive political dialogue. Therefore, parties should clearly set priorities under their political agenda and priorities under the European agenda and should not obstruct the latter.
- In cases when the party agenda matches with Albania’s European agenda, the national interest should prevail in finding multi-party compromise in line with Constitution and Albania’s international obligations and standards.
- Parliamentary parties jointly and consensually should decide clearly the Assembly’s European agenda which should not be influenced by political positions.

Responsible institution: Assembly of Albania (Parliamentary Committees)
Deadline: During 2011
Status: Not Implemented
Justification: See justification of activities No.1 and 2.

2.2 Activity: Minister of European Integration reports at Assembly on: the implementation of the SAA, on the adoption of budget for the coming year and on the annual EC progress report for Albania.

Responsible institution: Assembly of Albania (Parliamentary Committees)
Deadline: Missing
Status: Implemented
Justification: The Minister of European Integration reported on the implementation of the Action Plan to the Parliamentary Committee for European Integration while other Parliamentary Committees have not been involved in similar activities. The Measure is not broken down into specific activities. It should be more detailed as it fails to show how the Assembly will check the implementation of the Priorities of the EC Opinion and react to improve the implementation.

Status of the Implementation of the Measure: Partially Implemented

Measure 3: Assembly of Albania will check implementation of Priorities of the EC Opinion for Albania and the 2010 Analytical Report.

Responsible institution: Parliamentary Committee for European Integration, and other Parliamentary Committees.
Deadline: Missing
Status: Partially Implemented
Justification: The Minister of European Integration reported on the implementation of the Action Plan to the Parliamentary Committee for European Integration while other Parliamentary Committees have not been involved in similar activities. The Measure is not broken down into specific activities. It should be more detailed as it fails to show how the Assembly will check the implementation of the Priorities of the EC Opinion and react to improve the implementation.

Status of the Implementation of the Measure: Partially Implemented


4.1 Activity: Draft laws requiring reinforced majority have been and are included in the Assembly’s work programme (21 March - 19 May 2011).

Responsible institution: Missing
Deadline: May 2011
Status: Implemented
**Justification:** The work programme of the Assembly and the agenda are currently not publicly accessible on the website, nor were provided by the plenary session service until July when the working session of the Assembly was closed\(^\text{13}\). However, MPs confirm that draft laws requiring qualified majority have been included in the work programme, though not in the agenda. Hence, no vote was cast. Draft laws requiring reinforced majority are included in the 3 week work plan and agenda for September. None of them has been voted yet.

**Status of the Implementation of the Measure: Not Implemented**

**Measure 5: Further improve administrative capacity handling EU integration matters**

**5.1 Activity:** E-Parliament project will be implemented in February-December 2011. It will ensure digitalization of parliamentary procedures, acts, documents and connection to e-government.

**Responsible institution:** Assembly of Albania

**Deadline:** February-December 2011

**Status:** Partially Implemented

**Justification:** The digitalization of parliamentary procedures is ongoing. Several actions have been implemented to date and the final products are expected by the end of the year\(^\text{14}\). To facilitate implementation of this project, a working group of Assembly staff was set up by order of the Assembly’s Secretary General.\(^\text{15}\)

**5.2 Activity:**
- In order to further enhance transparency, the Assembly of Albania will prepare and approve the Public Relations and Communications Strategy 2011-2013 of the Assembly of Albania
- The draft Strategy with be discussed with journalists, specialists and experts during January-March 2011.
- The Strategy with be approved in April 2011.

**Responsible institution:** Assembly of Albania

**Deadline:** April 2011

**Status:** Partially Implemented

**Justification:** Authorities report that the final draft of the abovementioned strategy was prepared by the communication expert on 26 January 2011.\(^\text{16}\) The draft strategy has been discussed with experts and journalist during early 2011.\(^\text{17}\) However the final draft has not been approved, nor made public yet.

**5.3 Activity:** Assembly staff will continue intensive training on integration issues, specifically:
- Training course “EU Company Law” (February 2011);
- Training course “European Integration programme” (10-12 February 2011);
- Training course “EU social and gender policy” (29-30 April 2011);
- Training course “Common Foreign and Security Policy” (26-27 February 2011);
- Training course “Liberalisation policy, free trade impact and the EU” (5-6 February 2011);
- Training course “EU environmental policy” (1-4 March 2011)
- Training seminar “EU issues in Parliament, legislative process and legal harmonisation in candidate countries – Hungarian experience” (in the Hungarian parliament, until March 2011)

**Responsible institution:** Assembly of Albania

**Deadline:** April – September 2011

**Status:** Partially Implemented

**Justification:** Staff of the Assembly confirms to have taken part in some of the abovementioned trainings

\(^{13}\) Experts have made two attempts in July 2011 to obtain the documents through the procedure indicated in the website of the Assembly, without positive result.

\(^{14}\) Interview with staff of the Assembly, 1 July 2011.


\(^{16}\) *Ibid.*

\(^{17}\) Interview with staff of the Assembly, *Op. Cit.*
during the reporting period (e.g. the last)\textsuperscript{18}. Other trainings seem to be part of the IPA project supporting the administrative capacities of the Assembly and will be carried out from September 2011\textsuperscript{19}.

**Status of the Implementation of the Measure: Partially Implemented**

**C. Conclusion on the progress registered in the respective thematic field**

To address Priorities 1&2 on proper functioning of the parliament through sustained political dialogue and adopting pending laws requiring qualified majority, the Government has approved five measures, out of which three are partially implemented and one not implemented.

Four out of five measures are partially implemented because the implementation of some activities was delayed or they have an ongoing deadline.

One out of five measures is not implemented – adequate activities to implement it have not been foreseen and political will is lacking.

Progress concerning constructive political dialogue between parties and proper functioning of the Assembly remains limited if not stalled. Political dialogue in the Assembly constitutes a prerequisite to resume Albania’s reform agenda in addressing the 12 key priorities set by the EC Opinion on Albania’s application for EU membership\textsuperscript{20}. So far, despite the intensified lobbying of mediators such as the United States, the EU, and the Council of Europe to resolve the political crisis, political parties have scarcely invested in sustainable dialogue.\textsuperscript{21}

Concerning the addressing of the 12 Priorities through the Action Plan in particular, the Commission pushed for consultation activities with some political actors and civil society, paving the ground for its improvement\textsuperscript{22}. While contributions from civil society have been taken into account\textsuperscript{23} to a certain extent, input from political actors – though directly concerned by Priorities 1 and 2 - has not been included in the revised A.P. Members of the opposition in parliament provided several recommendations\textsuperscript{24} such as:

- address in the AP the blocking of the Inquiry Committee on the Assembly’s work;
- address the constitutional implication deriving from the changes of the Rules of Procedures to limit the immunity for its members;
- include other parliamentary committees in the draft of the A.P.
- include mechanisms to guarantee the rights of the opposition to chair the sessions and for the assignment of fair time limits; etc.

The A.P. does not properly address Priority 2 concerning

\textsuperscript{18} Ibid. 
\textsuperscript{19} Ibid. 


\textsuperscript{22} In this framework, a core activity is constituted by the Consultative meeting between representatives of Government and other Albanian institutions and the European Commission, Draft Action Plan Addressing the Recommendations of the EC Opinion for Albania, held in Tirana on 29-30 March 2011 as well as a civil society meeting with the Deputy Director-General Mr. Sannino on the Action Plan of the Albanian government to address 12 key priorities of the 2010 Opinion held in Tirana on 14 April 2011.

\textsuperscript{23} Such as the suggestion of OSFA for a more institutionalized relation with interest groups through the establishing of a database of interest groups.

\textsuperscript{24} See minutes of the meeting of the European Integration Committee of 19.04.2011, 11:00 a.m, page 17-20
the adoption of laws requiring qualified majority and closely linked to the political dialogue of the parties. This is mainly due to the approach in drafting the A.P. which avoided involving both the majority and the opposition in the Assembly and rather represents a technical answer to a political issue. Attempts to open up the consultation process have been carried out through a joint seminar and meetings with high officials of the European Commission, and debates in the Parliamentary Committee for European Integration. Still the final approved A.P. does not reflect contributions of the opposition, a fact that decreases chances of proper addressing and implementation of the EC Priorities.

Overall, it would have been commendable for the A.P. to foresee a self-assessment of the needs and pitfalls in the functioning of the Assembly and hence the corresponding measures and activities to address them.

Progress in implementation of this part of the A.P. often relates to the least pertinent measures necessary to address Priorities 1 and 2.

D. Recommendations on future developments in the respective policy area

Overall, political parties and the administration of the Assembly need to speed up efforts to implement the A.P. in order to catch up the time spent to produce the final version of the Action Plan which consumed much of the monitoring period of the EC for the next progress report. Although the A.P. may not be fully ambitious in addressing Priorities 1 and 2, it could seek to fix technical, but relevant aspects which would positively affect its impact. In particular:

- Following the publication of the EC Progress Report (12 October 2011), the Government should catch the occasion to review the A.P. for the year 2012 concerning the first two Priorities (but ideally also the rest of them), through the invitation of all political groups to contribute and come up with an agreed position and/or proposals to address the EC Priorities.

  Responsible institution: Assembly of Albania, CoM, MiE.

- The Ministry of Integration (seeking the support of the EC, if needed) should repeat the positive experience of consultative seminars/tables. Attempts to improve the A.P. concerning Priorities 1 and 2 would provide grounds for political dialogue, consensual revision of the document by political parties as well as input from civil society, reflecting the remarks of the EC Progress Report.

  Responsible institution: MiE, European Commission (if needed).

- The A.P. should make clear distinction between achievements reported and tasks still to be implemented (e.g. tables should only include future activities).

  Responsible institution: Staff of the Assembly.

- A detailed division of tasks and responsibilities for each action should be provided in the A.P., especially distinguishing responsibilities of political actors and structures from those belonging to the administration.

  Responsible institution: Staff of the Assembly.

- In order to mark progress in making the parliament more open to the public: 1. The civil society database should widen its scope, e.g. turn into an interest group database available on the web, with the possibility of all actors to register; 2. Meetings, agenda of committees as well as draft law and/or other working documents should be published in time for interested stakeholders to register and take part prepared to provide input. (e.g. 2-3 working days ahead).

  Responsible institution: Staff of the Assembly (Directorate for Public Relations).
Bibliography

4. Civil society meeting with the Deputy Director-General Mr. Sannino on the Action Plan of the Albanian government to address 12 key priorities of the 2010 Opinion on Albania’s EU Membership application, Tirana 14 April 2011.
9. Interviews with staff of the Assembly of Albania, 1 and 21 July 2011.
11. Kuvendi i Republikës së Shqipërisë, Komisioni Për Integrimin Europian Procesverbal, datë 04.04.2011, ora 11:00, (Minutes of the meeting of the European Integration Committee of 04.04.2011, 11:00 a.m.)
12. Kuvendi i Republikës së Shqipërisë, Komisioni Për Integrimin Europian Procesverbal, datë 19.04.2011, ora 11:00, (Minutes of the meeting of the European Integration Committee of 19.04.2011, 11:00 a.m.)
5. Priority 3

- Appoint the Ombudsman and ensure orderly hearing and voting process in Parliament for Constitutional and High Court appointments.

A. Activities envisaged to address the Priority
   - Ombudsman.

The term of the Ombudsman ended in February 2010. Parliament is supposed to appoint the new Ombudsman within one month from the end of the term of the existing one, through qualified majority. To this date, the Parliament has failed to do so.

The revised version of the Action Plan, adopted in June 2011, again did not foresee any measures for the appointment of the new Ombudsman. It rather points to the enforcement of Article 9 of the Law on the Ombudsman, which stipulates that:

“The National Assembly elects the Ombudsman within a month from the end of the term. Until the election of the new Ombudsman, and in the cases when the Ombudsman is not capable to fulfill its obligations, its function will be fulfilled by the eldest Commissioner on Duty.”

Since November 2010, the eldest Commissioner on duty has been Acting Ombudsman. The Action Plan suggests the situation to have thus been addressed, despite the temporary nature of Article 9.

The earlier version of the Action Plan (approved 31/01/2011) referred to the pledges of the governing majority to support any opposition-proposed candidate and the refusal of the opposition to accept such offers. The document portrayed the political negotiation efforts to be exhausted and the situation to be addressed by the enforcement of Article 9 stated above. The current Action Plan refers to the offer made by the Speaker of Parliament to the opposition and states that the opposition will again be invited to propose a candidate.

- High Court of Justice and Constitutional Court

During 2010 in particular, the process of nominations to the Constitutional and High Courts was marred by controversial hearing sessions in the Legal Affairs Committee and frequent refusal by the Assembly of the President’s nominees. This led the EU to question the independence of the process and list it as one of the key priorities to be addressed. The

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25 Article 4 and Article 9 of the Law “On the Ombudsman” No 8454 of 04.2.1999
27 Article 9 of the Law “On the Ombudsman” No 8454 of 04.2.1999
29 See the website of the Parliament for official records of the hearing sessions, or summaries such as: http://www.parlament.al/web/Komisioni_i_Ligjeve_shqyrtont_dekretet_e_Presidentit_te_Republikes_per_emerimet_e_tre_anetareve_10291_1.php
30 EC Analytical report for Albania p. 22 states: “the fact that the Parliament votes on the appointment of judges to the High Court and Constitutional Court entails a strong risks of politicization hence of a weakening of in
Action Plan did not elaborate this issue further by including specific measures, but it was limited only to the actions taken by the ruling majority. Through a request for Constitutional Court for interpretation of the articles 125 and 136 of the Constitution, ruling majority required at the same time a stronger role of the parliament in this process\textsuperscript{31}. The process of appointments for Constitutional Court and High Court was suspended until the ruling of the Constitutional Court was delivered.

The Constitutional Court decision was issued on June 2011\textsuperscript{32} and soon after the Assembly continued with the appointments to the High Court and Constitutional Court. The constitution court in its decisions on 9\textsuperscript{th} of June 2011, stipulates that the Parliament must find and implement a proper mechanism so as to regulate the rotation procedure every three years as provided by the constitution for the Constitutional Court. This mechanism should be found by changes to the law “On organization and functioning of the Constitutional Court”, which requires 3/5 of the members of the parliament. Besides the competences for the dealing with the merits of candidates for the constitutional court, the President of the Republic and the Parliament should cooperate together for defining the legal criteria’s with the purpose of ensuring qualitative composition of the Constitutional Court. The parliament has the right and competences to change and improve the law “On the Organization ad functioning of the High Court”, with the purpose of reaching a qualitative and professional composition of this court. This could be achieved by amending the law, which requires 3/5 of the members of the parliament.

So far the Assembly has voted for the two out of the three presidential nominees for the High Court and renewed the Constitutional Court with one new member\textsuperscript{33}.

B. Qualitative Assessment

- Ombudsman

The enforcement of the Law on the Ombudsman, presented by the government as a measure in place, is insufficient and does not address the Priority. Article 9 of the Law on the Ombudsman provides for a provisional measure and efforts should continue with the launch of a political discussion on consensual candidates by the Parliament.

- High Court of Justice & Constitutional Court

Although the Constitutional Court has issued its decision, the process of the appointments of High Court

\textsuperscript{31} 30 MPs from the ruling majority basically asked the Constitutional Court to interpret articles 125 and 136 as giving power to Assembly to set additional criteria for appointments of the constitutional and high court judges – See Constitutional Court Decision nr. 24, dated 9.06.2011, pg. 3.

\textsuperscript{32} http://www.gjk.gov.al/

and Constitutional Court judges is not yet completed. The Assembly continues to reject the nominees of the President. At the same time, the Constitutional Court did not provide a concrete solution for addressing the potential “conflict of competences” between the Assembly and the President on that matter.

The Constitutional Court decision no. 24, dated 09.06.2011 stated that, the President of the Republic and the Assembly should cooperate together for defining the legal criteria with the purpose of ensuring qualitative composition of the Constitutional Court\(^{34}\). It is under the discretionary power of the Assembly to change and/or improve the law “On the Organization ad functioning of the High Court”, with the purpose of reaching a qualitative and professional composition of the High Court.

On one hand, it is reasonable that clear criteria enshrined in law for the appointments to the High Court would reduce the potential disagreements between the two respective institutions in the future. On the other hand, it seems that the Assembly will continue to play an important political role in this process, which goes contrary to the spirit of the EC Opinion key priority 3.

C. Conclusion on the progress registered in the respective thematic field

- Ombudsman

No progress has been achieved in initiating a political discussion, proposing candidates or voting in Assembly for the appointment of the Ombudsman. The role continues to be carried out by the eldest Commissioner on Duty.

The ruling majority has again reiterated its offer to accept any candidate put forward by the opposition. In turn, the opposition has again deemed the offer political maneuvering and unacceptable.

Appointment of the Ombudsman cannot be left to a single party, approval of a candidate for an independent institution cannot be pledged \(a\ priori\), and Article 6 of the Law on the Ombudsman is meant to be a temporary measure to facilitate the functioning of the institution while Assembly appoints the new Ombudsman in due time.

- High Court of Justice & Constitutional Court

The Constitutional Court decision unlocked the situation temporarily as long as the Assembly did not approve all the proposals of the President of the President of the Republic for both courts. However as stated above, this does not correspond with the genesis of the key priority 3 of EC Opinion, since it does not overcome the political influence exerted by the Assembly in this process.

D. Recommendations on future developments in the respective policy area

- Ombudsman

With the expected return of the opposition in Parliament at the start of the new session, it is necessary for the Albanian Assembly to urgently launch a political discussion between parliamentary groups on the proposal and voting of potential consensual candidates.

- High Court of Justice & Constitutional Court

At this stage it is highly recommended that the EC Opinion key priority 3 is rightly understood and addressed by the Albanian institutions. Concerns raised on the political nature of the procedure of

\(^{34}\) See Constitutional Court decision nr.24 dated 9.06.2011
appointments to the High Court especially, which is the highest instance of the judiciary in civil and criminal cases and has original jurisdiction on criminal charges against many of the highest institutional representatives of the country (the President, the Prime Minister, ministers, MPs, judges of the High Court, and judges of the Constitutional Court) should explicitly and immediately addressed.

Depoliticisation of the appointment procedure of members of the High Court should be sought with priority, through:

1. Consensual amendments to the High Court Law and Constitutional Court Law, with a view to defining clear criteria for the nomination of candidates by the President

   Responsible institutions: Ministry of Justice, in consultation with justice institutions and experts

2. Consensual amendments to the Assembly Rules of Procedure and/or Constitution to strengthen mechanisms that guarantee against politicization of voting, such as:
   - ensure that hearing sessions on presidential nominations strictly abide to the consensually agreed criteria to be specified in the High Court Law and Constitutional Court Law
   - introduce qualified majority voting for appointments of High Court and Constitutional Court members,
   - reinstate secret voting

   Responsible institutions: Assembly, political parties

Bibliography

5. Law “On the Ombudsman” No 8454 of 04.2.1999
6. Priority 6

- Essential steps need to be undertaken in public administration reform, including changes in civil service law and strengthening the Department of Public Administration, aiming to increase the professionalization and de-politicization of public administration, as well as enhance appointments and promotions based on transparency and merit.

A. Activities envisaged to address the Priority

Following the EC seminar of 30 March with the Ministry of Integration, staff of the Assembly and Members of the Parliament as well as the consultations with civil society and relevant state institutions organised by the Ministry of Integration on 22 April, the section of the Action Plan concerning Priority 6 on Public administration reform has been further developed and consolidated. Notably, the final version includes more details, particularly concerning concrete amendments to legislation, reflecting to a certain extent suggestions from the European Commission and civil society.35

Measures in the Plan represent a combination of key legal initiatives to reform public administration and capacity building activities, although strengthening of monitoring and control mechanisms, that appear to be weak,36 have not been foreseen as part of such measures. Overall, this part of the Action Plan lacks a self-assessment on the issues currently hampering full efficiency of public administration, which would allow for a comprehensive, strategic and specific response to the Priority. The choice has been the continuation of already-planned reforms in this sector.

Overall, measures and respective actions foreseen are part of the more than three-year old debate on public administration reform. Others, notably capacity building and law enforcement activities represent routine tasks of institutions.

B. Qualitative Assessment

MEASURE 1: Undertake Amendments to the Civil Service Law

1.1 Activity: Draft and adopt (by the government/CoM) the draft law on Civil Service legislation

Responsible institution: Ministry of Interior (DoPA + TIPA), DSDC

Deadline: May 2011

Status: Partially implemented

Work on the new Civil Service draft law has started since 2010 and all along the process DoPA has been assisted by the OECD-EU joint initiative of Support for Improvement in Governance and Management in Albania (SIGMA). A SIGMA policy paper exploring possible amendments has been presented in October 2010 and discussed in the consultations held by DoPA on 1 July 2011 (see measure 2 below). Some information on the nature of the law, partly in compliance with the policy paper, has also been

35 Amendments to the Law on Civil Service foreseen are generally in line with OSFA’s recommendation for clear amendments to the Civil Service Law with view to enhance stability, efficiency, transparency and accountability, April 2011.

36 Report of the Head of the OSCE Presence in Albania to the OSCE Permanent Council, 8 September 2011. See: http://www.osce.org/albania/8227, p.4
provided in the Action Plan. They mainly refer to the: the general nature of the law, the expansion of the scope of the status of civil servant to include in the scope of civil service legislation institutions depending on the line ministers or the Prime Minister, Office of the Prefect, the administration of municipalities, the introduction of pool recruitment, the establishment of a senior civil service corps, provisions of rotation and transfer as the instruments of mobility and of career enhancement. Although the introduction of entry point criteria for the public administration has been announced, details on consistence remain not clarified. To date the draft law has not been finalized nor adopted by the Council of Ministers.

1.2 Activity: Organise consultations and a conference with stakeholder group

Responsible institution: Ministry of Interior (DoPA + TIPA), DSDC

Deadline: May 2011

Status: Implemented

On 1 July 2011, a consultation table was organised by DoPA to discuss the reform legal package. Discussions between DoPA, international institutions and experts of SIGMA, GIZ, etc. and interested national stakeholders were based on policy papers and not actual drafts. During the consultation, experts in charge of drafting the laws presented their general intentions/views and some feedback from the participants was collected. The organization of an institutionalized consultation marks a positive practice in democratic legislation drafting, sometimes lacking in Albanian institutional life.

Status of the Implementation of the Measure: Partially Implemented

MEASURE 2: Develop a draft law on the functioning of the public administration, in terms of the functioning of the institutions of the executive

2.1 Activity: Prepare draft legislation

Responsible institution: Ministry of Interior (DoPA + Line Ministries), DSDC

Deadline: May 2011

Status: Partially implemented

Work for the new draft law is going on with the support of Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). A paper concerning this new law was discussed during the consultation of 1 July 2011. The paper provides a general outline on the scope of the draft-law: it covers central institutions such as the Council of Ministers, Ministries, as well as central dependant institutions (currently the Law “On the organization and functioning of the Council of Ministers” No. 9000/2003 provides rules on the organization and functioning of similar institutions). However, no draft has been made public yet. According to DoPA, it should be available in July 2011. While the narrative part of the Action Plan makes clear reference to the new law on the Civil Service, it fails to clearly explain how the draft law on the functioning of the public administration, in terms of the functioning

37 Concerning specifically input from civil society on the revision of the Law on Civil Service, it must be noted that the consultation of the Action Plan held by the Ministry of Integration on 22 April 2011 has served as such forum as well.

38 Interview with Blerta Selenica, Director of DoPA and Denada Kakeli, Expert – 15 June 2011.
of the institutions of the executive will contribute to addressing EC Priority 6. The draft-outline discussed in the consultative table of July 1st provides that a reduction of political counsellors, a unified structure in the institutions regulated by the law, and rules to shift the Prefect from a political to a non-political position are to be addressed by the law.

2.2 Activity: Organise consultation with stakeholders
Responsible institution: Ministry of Interior (DoPA + Line Ministries), DSDC
Deadline: May 2011
Status: Implemented
The policy paper on this draft law and general points on the content of the law were presented and discussed during the consultation of 1 July 2011 on the legal reform package (see measure 1, activity 2).

2.3 Activity: Submit draft to parliament following government approval
Responsible institution: Ministry of Interior (DoPA + Line Ministries), DSDC
Deadline: May 2011
Status: Not implemented
The draft law has not been finalized yet and hence it has not undergone neither government approval, nor submission to the parliament.

Status of the Implementation of the Measure: Partially Implemented

MEASURE 3: Improve professional criteria for appointments and promotions
3.1 Activity: Introduce pool recruitment, as a general recruitment method for public administration, at specialist level;
- Improve existing testing methods (admission tests);
- Establish a Body/Group of High Civil Servants;
- Strengthen internal mobility of civil servants (by preferring /selecting internal candidates and programmed rotation);
- Improve performance appraisal and evaluation of the individual and the organization, including introduction of self-assessment method;
Responsible institution: Ministry of Interior (DoPA + Line Ministries), DSDC
Deadline: (6 months from adoption of Civil Service Law)
Status: Not implemented
Rather than a measure and correspondent activities, this part of the A.P. represents (repeated) detailed information on the new law on Civil Service. Improvement of professional criteria for appointments and promotions should be a continuous general objective to enhance public administration efficiency. Concerning the activities – amendments of the Civil Service law, implementation should start immediately after the entering into force of the new law and its enforcement should be continuous. The period of 6 months refers after adoption of the Civil Service Law could be a reasonable period to introduce bylaws. Since they will be fundamental to the actual implementation of the Civil Service Law, the A.P. should foresee them concretely.

Status of the Implementation of the Measure: Not Implemented

MEASURE 4: Ensure effective implementation of the existing legal framework
4.1 Activity: Monitor line ministries’ work in addressing Prime Minister’s Order on some measures to improve implementation of civil service legislation.
- Report periodically to the Prime Minister on the progress made in implementing the Order.
Responsible institution: Ministry of Interior (DoPA + Line Ministries), Civil Service Commission; DSDC
Deadline: ongoing
Status: Partially implemented
DoPA informs that line ministries have reported the
monitoring data to DoPA, while the latter has reported to the Prime Minister’s office.\(^{39}\) A monitoring report has not been made public though, while the legislation requires that an annual report on the civil service situation in the country has to be submitted at the end of the year by the Council of Ministers to the Assembly of the Republic of Albania. Concerning the implementation of the Prime Minister’s Order no. 174, dated 1.10.2010, mainly aimed at reducing the number of temporary contracts, the following picture emerges: from September 2010 - January 2011 there has been a decrease of the number of temporary contracts to 10.9\%.\(^{40}\) While the Civil Service Commission estimates that during 2010 the number of temporary contracts in some institutions was as high as 40%- 45% (e.g. Ministry of Defense, Ministry of Health)\(^{41}\), the threshold established by the abovementioned Order of the Prime Minister is at the level of 2.5\%.

Measures in this regard have also been seemingly counteractive. CoM Decision No. 55, dt. 26.1.2011, approving the limited numbers of employees contracted through temporary contract in central government units, has been amended a few times during the year. The most recent amendment of September 2011 increases the number of such employees to 1557, adding 5 new positions in the Ministry of Justice\(^{42}\).

**Status of the Implementation of the Measure: Partially Implemented**

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\(^{39}\) Ibid.  
\(^{40}\) Council of Ministers, Report On The Implementation Of The Action Plan Addressing The Recommendations Of The Ec Opinion For Albania, Tirana, 4 March 2011, pg. 18.  
\(^{41}\) Civil Service Commission . Annual Report. 2010, pg. 35.  
\(^{42}\) See Decision in http://www.keshilliministrave.al/?fq=brenda&m=news&lid=15150.

**MEASURE 5: Develop a Council of Ministers’ draft decision on the institutions set-up, in terms of structural and organizational set-up (including line ministries, institutions subordinate to the Council of Ministers or line ministers, as well as independent institutions)**

5.1 Activity:  
- Prepare draft decision  
- Organise consultation with stakeholders  
- CoM approval  

**Responsible institution:** Ministry of Interior (DoPA + Line Ministries), DSDC  
**Deadline:** April 2011  
**Status:** Implemented

A Council of Ministers decision No. 474, dt. 16.6.2011, “On the standards and procedures to be followed in the drafting and approval of the structures of the public administration institutions” has been already approved. The Decision is still under the procedures required for its publication and has not yet been published in the official journal. The Decision has been consulted with line ministries, but not generally with the public administration institutions in the country. The decision respects the separation of powers principle and the independence and autonomy ones, by not extending its scope to independent institutions, nevertheless it suggests to such institutions to adopt similar procedures and standards regarding structuring of the latter. Principles in decision-making such as hierarchy and communication through the immediate supervisor are introduced. Also, the decision provides for a categorization of the institutions in policy-making ones, regulatory and service delivery ones. The decision foresees rules on structures within one institution and on their structure, restructuring, and monitoring of their organization in accordance with the decision. Such a decision seems to precede the rules foreseen to be adopted by the Law on Public Administration. Even though it requires a coherence
in the public administration structures, still it seems to introduce rules that will run counter to a number of laws currently in place, for example the law on civil servant status, or different laws on different independent institutions.

**Status of the Implementation of the Measure: Implemented**

**MEASURE 6: Strengthen DoPA capacity**

6.1 Activity: Continue with on-the-job training of new and existing staff that matches work needs and the ongoing legal amendments

*Responsible institution:* Ministry of Interior (DoPA + TIPA), DSDC

*Deadline:* On-going

*Status:* Partially Implemented

Experts of the Department of Public Administration affirm such training has continued under the support of the GiZ programme “Support to the Albanian Civil Service/Public Administration Department” financed by IPA 2008. The ITAP Training Plan 2011 does not indicate how many DAP employees are targeted and the type of training provided/to be provided.

**Status of the Implementation of the Measure: Partially Implemented**

**MEASURE 7: Implement TIPA’s training plan of the period 2011 – 2013**

7.1 Activity:

In view of increasing the following data in comparison to the previous year:

- Number of employees trained;
- Number of courses organized
- Participation in mandatory training
- The level of assessment at the end of training

- The degree of usefulness of the trainings conducted

*Responsible institution:* Ministry of Interior (DoPA + TIPA), DSDC

*Deadline:* December 2011 and On-going

*Status:* Implemented

Comparative data from the *ITAP 2010 Annual Report*[^45], the *2011 TIPA Training Plan*[^46], and interim 2011 data by ITAP[^47] are shown in Table 1 below:

Quantitative training indicators[^48] in the 2011 TIPA Training Plan are lower than the planned provisions for 2010 but higher than the factual achievements in 2010.

The 2011 Plan foresees double the amount of courses organized and days of training achieved in 2010. Provisions in the 2011 Plan are however much lower than those planned for the previous year (2010 Plan), the realization of which has overall been less than 50%.

The data suggests improved planning for 2011 although it is to be noted that during the first half of year (January-June 2011), the implementation level of the plan has reached levels of only 25-30%. More realistic planning and higher implementation efforts may be required in the future to address OSCE and CoE recommendations.

Qualitative assessments on quality and usefulness of training provided are positive and comparable to previous years.

**Status of the Implementation of the Measure: Implemented**

[^47]: Fatmir Demneri, Director, Training Institute of Public Administration. 15 Jul 2011
[^48]: Number of training, days, and employees trained.
C. Conclusion on the progress registered in the respective thematic field

To address the Priority on Public Administration, the Government has approved 7 measures, out of which two are implemented and the other 5 are partially implemented.

- 2 (two) out of 7 measures of the AP have been implemented (Measures 5, 7)
- 4 (four) out of 7 measures are partially implemented:
  - 2 (two) out of these 4 measures (Measures 1, 2) have been partially implemented because the implementation of some activities was delayed.
  - 2 (two) out of these 4 measures (Measures 4, 6) have been partially implemented because they have an ongoing deadline.
- 1 (one) out of 7 measures has not been implemented (Measure 3) because the set of criteria foreseen is not yet adopted.

Overall, progress in addressing EC Priority 6 on public administration remains modest. Several activities are running late to be considered significant and successful steps in the October Progress Report of the EC.

Measures seeking to strengthen the role of DoPA merely attempt to address human resources and capacity building aspects, leaving aside concrete initiatives to strengthen its institutional position. No specific measure concerning the Civil Service Commission is foreseen, leaving uncertainties on whether and how its role is to be strengthened in light of other reforms that may affect some of its competencies (e.g. Administrative Court, whose draft-law is pending in the Assembly). The development of an electronic, exhaustive register of public administration employees and civil servants remains to be completed.

Training activities seem to mark progress: the plan is being implemented as some support from several international projects is received. However, activities could be planned more realistically, perhaps also foreseeing external program evaluation (not merely self-assessments).

Costs for addressing Priority 6 remain presented in a lump sum of 460,714.00 euros, not tied neither to measures nor types of support and resources deployed.

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49 Irrespective of the deadline
D. Recommendations on future developments in the respective policy area

In order to make progress in addressing Priority 6 of the EC Opinion and the specific issues raised by the accompanying Analytical Report, we would recommend these additional measures:

- Update the A.P. foreseeing concrete bylaws to ensure implementation of new laws that will eventually be approved.
  
  *Institution responsible: CoM*

- Establish a single central personnel register.
  
  *Institution responsible: DoPA, CoM*

- Foresee measures to strengthen the role of the Civil Service Commission, until and in light of reforms that may affect some of its competencies (Administrative Courts).
  
  *Institution responsible: Assembly*

- Speed up efforts to implement the A.P.
  
  *Institution responsible: DoPA, CoM, Assembly*

- Seek ways to obtain the collaboration of the opposition during the drafting of new laws
  
  *Institution responsible: Assembly*

- In compliance with the Law no.9131, dt 8.9.2003 ‘On Ethics Rules in the Public Administration” establish a national register of administration, which includes information on sanctions applied for all administration employees.
  
  *Institution responsible: DoPA, CoM*

- Strengthen the role of the Ombudsman in safeguarding the rights, freedoms and lawful interests of individuals from unlawful or improper actions or failure to act by institutions of the public administration should be strengthened through respect of its recommendations, more adequate allocation of human resources and budget;
  
  *Institution responsible: CoM, Assembly.*

- The High State Control (HSC) needs to be strengthened, reporting to the Parliament and the follow-up of audit recommendations by state institutions need to be improved.50
  
  *Institution responsible: HSC, Assembly, Institutions receiving recommendations*

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Bibliography

17. Law “On the Status of Civil Servants” No. 8549, of 11.11.1999
19. Order of the Prime Minister No. 174, dated 1.10.2010 On measures to improve implementation of civil service legislation.
26. Interviews
27. Fatmir Demneri, Director, Training Institute of Public Administration. 15 Jul 2011.
7. Priority 7

- Strengthen rule of law through adoption and implementation of a reform strategy for the judiciary, ensuring the independence, efficiency and accountability of judicial institutions

A. Activities envisaged to address the Priority

This priority is addressed by a number of measures that have to be fulfilled within this year and in the next two years. These measures and the activities are reorganized in order to correlate to the strategic goals and draft strategy of the justice reform. The key objectives of the draft strategy comprise inter alia the consolidation of the structural, functional and financial independence of judiciary and justice system authorities; consolidation of the accountability and effectiveness of the justice system; strengthening of international judicial cooperation; appropriate functioning of the system through investments into the infrastructure of courts and working conditions. The activities listed under each specific objective/measure include legislative amendments, capacity building in form of trainings, as well as improvement of judiciary infrastructure. The adoption of the justice sector strategy, the essence of priority 7, constitutes a measure on its own and the activities include the consultation and its approval from the Council of Ministers.

B. Qualitative Assessment

MEASURE 1: Finalizing the strategy on reform in justice

1.1 Activity: Presentation of strategy before the Donors

Responsible institution: MoJ and 14 institutions of the Justice System

Deadline: January 2011

Status: Implemented: The first draft was a contribution of the national and international experts who have worked for this document for more than a year.

1.2 Activity: Finalization of the Consultation Process and Suggestions Reflection

Responsible institution: MoJ and 14 institutions of the Justice System

Deadline: February-March 2011

Status: Implemented: The Ministry of Justice assisted by the experts of EURALIUS III, has further developed the draft Strategy of the Judicial Reform, focusing on priorities and strategic goals. The consultation process with EURALIUS mission was completed on 17.05.2011. The draft Strategy was presented for comments to the services of the Delegation of European Commission in Albania. European Commission experts have sent their suggestions and comments which are under the process of reflection by the experts of the Ministry of Justice.

1.3 Activity: Re-sending for feedback and reflection of the latest comments

Responsible institution: MoJ and 14 institutions of the Justice System
Deadline: 2011
Status: Implemented: The Council of Ministers have approved the Justice Sector Strategy and its work plan with the Decision no. 519 dated 20.07.2011. The strategy and its action plan cover all the justice institutions and it contains the strategic vision of the government for improving the performance of these institutions in terms of improving their independence accountability and the efficiencies in delivering justice. It comprises actions to be undertaken by the justice institutions for the period 2011-2013.

1.4 Activity: Sending for consideration and approval to the Council of Ministers
Responsible institution: MoJ and 14 institutions of the Justice System
Deadline: 2011
Status: Implemented: The Council of Ministers have approved the Justice Sector Strategy and its work plan with the Decision no. 519 dated 20.07.2011. The strategy and its action plan cover all the justice institutions and it contains the strategic vision of the government for improving the performance of these institutions in terms of improving their independence accountability and the efficiencies in delivering justice. It comprises actions to be undertaken by the justice institutions for the period 2011-2013.

1.5 Activity: Entry into effect and starting its implementation
Responsible institution: MoJ and 14 institutions
Status: Partially implemented;
Justification of the status identified – The strategy is already in force and according to the CoM decision no. 519/2011 the Ministry of Justice and all the justice institutions are obliged to start implementing the strategy.

Status of the implementation of the measure: Implemented

MEASURE 2. The Law on the National Judicial Conference to be approved
1.1 Activity: Re-sending for feedback to the interested entities
Responsible institution: MoJ
Deadline: 2011
Status: Implemented: The work for drafting the new law on National Judicial Conference have started soon after the Constitutional Court repealed completely the law on National Judicial Conference no. 9399 dated 12.05.2005 with the decision no. 25/2008, effective 26 December 2008. During the year 2009 the MoJ have worked together with EURALIUS II experts and representatives of the judiciary in order to finalise the new draft. However the issue of finalising the draft went through many controversies. On one hand it was an obligation from the Constitutional Court decision to have a new law in order to have the meeting of judges for the purpose of electing members of the HCJ, on the other hand there was an urgent need from to replace the position of the HCJ members whose mandate was finished. The NCJ law needed 3/5 of the votes to be adopted, thus for it was hard to get the approval from the Assembly. At that time the SP was boycotting the assembly.

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52 Interview with M Xhaferllari, 14.07.2011
2.2 Activity: Reflection of the opinion of interested entities

**Responsible institution**: MoJ

**Deadline**: 2011

**Status**: Partially implemented: The Ministry of Justice have already prepared a draft of the law and they have circulated for comments to the representatives of the judiciary\(^{55}\). However it is clear whether the Ministry of Justice have reflected the comments made by the representatives of the judiciary. In the absence of clear deadlines and in the situation where no draft was made available it is difficult to reach a solid conclusion for the status of the implementation of this measure.

2.3 Activity: Sending for Consideration and Approval to CM

**Responsible institution**: MoJ

**Deadline**: 2011

**Status**: Not implemented

Justification of the status identified – The MoJ is waiting for the normal functioning of the parliament in order to further proceed on this draft law, meaning to send it to the Council of Ministers\(^{56}\). However it is worth highlighting that failure to approve this draft-law in time did not hinder the community of judges to self-organise and exercise the constitutional functions directly. There are 5 members elected to the HCJ by the National Judicial Conference in its meeting dated 15 November 2010 and it expected that 2 other members are confirmed, having been elected in the last meeting dated 8 April 2011\(^{57}\).

**Status of the implementation of the measure**: Partially Implemented

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\(^{55}\) Interview with M. Xhaferllari 14.07.2011

\(^{56}\) Interview with M. Xhaferllari 14.07.2011

\(^{57}\) Action plan for addressing EC the recommendation for Albania, 10.06.201110.06.2011, pg. 44 http://mie.gov.al/previewdoc.php?file_id=1722

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**MEASURE 3. The powers of the inspectorates for controlling the courts to be defined**

1.1 Activity: Establishing a working group for drafting the Memorandum of Understanding MoJ HCJ to the effect of clear demarcation of powers of inspectorates

**Responsible institution**: MoJ and HCJ

**Deadline**: March 2011

**Status**: Implemented. In May 2011 the HCJ has established a working group composed of three members of the HCJ\(^{58}\) in order to prepare the Memorandum of Understanding for the division between the two inspectorates.

1.2 Activity: Drafting the draft of Memorandum by the Work Group

**Responsible institution**: MoJ and HCJ

**Deadline**: April 2011

**Status**: Implemented

Justification of the status identified – The working group established by the MoJ and HCJ with the assistance of EURALIUS III has drafted a memorandum of understanding between MoJ and HCJ for the division of competences between the two inspectorates\(^{59}\).

3.3 Activity: Consultations concerning the draft with EURALIUS mission

**Responsible institution**: MoJ and HCJ

**Deadline**: April 2011

**Status**: Implemented

Justification of the status identified – The European experts were part of the process of drafting the MoU from the very beginning and the draft is almost final\(^{60}\).

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\(^{58}\) See HCJ Decision 276 dated 06.05.2011, at: http://www.kld.al/node/336

\(^{59}\) Interview with M. Xhaferllari, 14.07.2011

\(^{60}\) Interview with V Vata chief inspector HCJ, 14.07.2011
3.4 Activity: Consideration and approval by the High Council of Justice and Ministry of Justice

**Responsible institution:** MoJ and HCJ

**Deadline:** May 2011

**Status:** Partially Implemented

Both institutions confirm that they have done their work and have finalized the draft of the MoU however the MoU is not approved yet.

3.5 Activity: Signing up to the Memorandum of Understanding between the Minister of justice and High Council of justice

**Responsible institution:** MoJ and HCJ

**Deadline:** May 2011

**Status:** Not implemented

**Justification of the status identified** – The MoU on the division of competences between the two inspectorates is not signed yet. The delays in this process can be justified by the fact that the new Minister took the office in early August. The signing of the MoU on the division of competences between the two inspectorates is a temporary measure and both the representatives of the MoJ and HCJ agree that it will be in force until the new law on HCJ will be approved.

3.6 Activity: Implementation of the Memorandum of Understanding MoJ - HCJ

**Responsible institution:** MoJ and HCJ

**Deadline:** 2011-2013

**Status:** Not implemented

**Justification:** The MoU is not signed yet therefore it cannot be implemented.

3.7 Activity: Revision of the HCJ decision “On disciplinary proceedings”

**Responsible institution:** MoJ and HCJ

**Deadline:** May 2011

**Status:** Partially Implemented

**Justification of the status identified** – The HCJ has established a working group to revise the internal regulation on the HCJ inspectorate and the inspection procedures. The work is under process. The HCJ is waiting for the new Minister of Justice in order to finalize the two documents covering the inspection issues, the MoU and the Regulation on Disciplinary Proceedings.

**Status of the implementation of the measure:** Partially Implemented

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**MEASURE 4: Independence of prosecutors in the investigation process to be strengthened**

4.1 Activity: Signing up to the Memorandum of Cooperation MoJ – GP Office on the inspections for conducting the cooperation between the respective inspection structures

**Responsible institution:** GP Office and MoJ

**Deadline:** May 2011

**Status:** Partially Implemented

**Justification of the status identified** – The draft Memorandum of Understanding between the MoJ and GPO on the division of competences between the two inspectorates is prepared and it is expected to be signed gain due to the fact that the new Minister of Justice has just taken the office.

4.2 Activity: Establishing the work group upon the Order of Prosecutor General for drafting the by-law acts for drafting the law “On judicial police”, as amended, to improve the functional tasks of the judicial police and prosecution office in accordance with their separated roles and responsibilities
**Responsible institution:** GP Office and MoJ  
**Deadline:** March 2011  
**Status:** Implemented  
In March 2011, the Order of the Prosecutor General for the establishment of the working group was issued in order to for draft by-law acts for implementing the Law “On judicial police”, in cooperation with representatives of the Ministry of Interior.

**4.3 Activity:** Starting work for drafting the draft-acts, assignment of work and establishment of sub-groups  
**Responsible institution:** GP Office and MoJ  
**Deadline:** March 2011  
**Status:** Implemented

**4.4 Activity:** Finalizing the draft-acts, sending them for feedback and signing up to the by-law acts issued in accordance with the Articles 12/a and 12/b of the law  
**Responsible institution:** GP Office and MoJ  
**Deadline:** 2011  
**Status:** Partially Implemented  
**Justification of the status identified** – The working group established for drafting the sublegal acts of the law on judicial police has prepared the four draft acts, in July. These draft acts have been consulted and approved by EURALIUS. The finalized drafts are: The draft order “On the setting of criteria of granting the salary bonus for difficulty at work to Judicial Police Officers”, which is supported in the article 12/a item 5 of the Law “On the organization and functioning of the Judicial Police”; The draft instruction “On the setting of criteria of bonuses for professional merits of Judicial Police Officers”, which is implementing the article 12/a item 5 of the Law, aiming at contributing to the professional growth of the officers and agents of the judicial police by valuing this as a necessary need in the fight against criminality; The joint draft instruction between the General Attorney and the Minister of the Interior “For the execution and fulfilment of the directly reported investigations at the prosecution office or started ex officio”, which is implementing article 12/a item 5 of the Law, aims at regulating the delegation power from the Prosecutor to the Officer of the Judicial Police, but also to strengthen the cooperation among them.

**Status of the implementation of the measure:** Partially Implemented

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**MEASURE 5: The transparency and efficiency of justice authorities to be improved**

**5.1 Activity:** Amendments to the Civil Procedure Code for eliminating the backlog cases and delays across the entire instances of adjudication  
**Responsible institution:** MoJ and other justice institutions  
**Deadline:** 2011  
**Status:** Partially Implemented  
**Justification of the status identified** - A working group with EURALIUS III has been established and the first output is expected within July 2011. The working group is composed of experts from the Ministry of Justice, law professors and practitioners. The working group has had few meetings and it is going to restart the work in September.

**1.2 Activity:** Amendments to the Criminal Procedure Code for eliminating the backlog cases and delays across the entire instances of adjudication  
**Responsible institution:** MoJ and other justice institutions

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66 Interview with representative of the GPO 2 September 2011  
67 Interview with M. Xhaferllari, 14.07.2011
**Deadline:** 2011  
**Status:** Partially Implemented

**Justification of the status identified** – Parallel to the establishment of the working group dedicated to the Civil Procedure Code the MoJ has established a second working group for working on the amendments to the Criminal Procedure Code again with the participation of EURALIUS and OPDAT experts as well as local experts.  

1.3 **Activity:** Amending the law on legal profession to eliminate the delays by the defense lawyer  
**Responsible institution:** MoJ and other justice institutions  
**Deadline:** May 2011  
**Status:** Partially Implemented

**Justification of the status identified** - An initial draft has been prepared and it is being consulted with EURALIUS mission and other justice institutions. The HCJ has already agreed to prepare and submit comments to the MoJ on this draft law.

1.4 **Activity:** Approval by the Assembly of the law “On the organization and functioning of the Administrative Courts”, as well as supplementing it with by-law acts  
**Responsible institution:** Assembly and MoJ and other justice institutions  
**Deadline:** 2011  
**Status:** Partially Implemented

**Justification of the status identified** - This draft has reached the Assembly and it has been put on the agenda of the plenary session of the parliament several times. The assembly could not be adopted because it needs 3/5 of the votes and the opposition did not support this law.

1.5 **Activity:** Amending the Civil Code to the effect of transposing the EU directives, including also the simplified procedures for obligations  
**Responsible institution:** MoJ and other justice institutions  
**Deadline:** 2011  
**Status:** Partially Implemented

**Justification of the status identified** – These amendments are part of the work of the working group established by the MoJ and EURALIUS. The work is under process. First drafts are supposed to be prepared within July 2011.

1.6 **Activity:** Drafting and approving the new Code of Administrative Procedures  
**Responsible institution:** MoJ and other justice institutions  
**Deadline:** 2011  
**Status:** Partially Implemented

**Justification of the status identified** – The work for drafting the changes to the Administrative Procedure Code have started after the finalization of the new law on the Administrative Court and Administrative Disputes. The first draft of the Code of Administrative Procedures is prepared and is ready to be consulted with the interested groups. Again it will need 3/5 of the votes to be approved in Parliament.

1.7 **Activity** Improvement of the remuneration of judges by law  
**Responsible institution:** MoJ and other justice institutions  
**Deadline:** 2011  
**Status:** Partially implemented

**Justification of the status identified** – A draft law is prepared and it is under the consultation process.

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68 Interview with M. Xhaferllari, 14.07.2011  
69 Interview with M. Xhaferllari 14.07.2011  
72 Interview with M. Xhaferllari 14.07.2011  
73 Interview with Marsida Xhaferllari 14.07.2011
1.8 **Activity:** Making fully functional the Electronic Case Management System in the entire judicial districts  
**Responsible institution:** MoJ and other justice institutions  
**Deadline:** 2011  
**Status:** Implemented

1.9 **Activity:** The approval of the necessary legal framework for the functioning of ICMIS system  
**Responsible institution:** MoJ and other justice institutions  
**Deadline:** 2011  
**Status:** Partially Implemented  
**Justification of the status identified** – The work for drafting the necessary acts have started.

5.10 **Activity:** Consolidation through the Maintenance and Improvement of the Case Management System by MoJ  
**Responsible institution:** MoJ and other justice institutions  
**Deadline:** 2011  
**Status:** Implemented

5.11 **Activity:** Approval of Amendments to the Criminal Code by the Assembly with regard to the Recommendations of GRECO and MONEVAL  
**Responsible institution:** MoJ and other justice institutions  
**Deadline:** 2011  
**Status:** Partially Implemented  
**Justification of the status identified** - Discussions in parliamentary committees have been completed. It remains to be voted in plenary hearing; 3/5 of the votes are needed in the Assembly.

5.12 **Activity:** Continuous Training for Judges and Prosecutors, including High Court, focusing on human rights, domestic violence, ethics, commercial cases, SAA and acquis, European law, ECHR case law, case law of the European Court of justice, alternative forms of dispute resolution, discrimination and new developments in legislation  
**Responsible institution:** School of Magistrate  
**Deadline:** 2011  
**Status:** Implemented;  
**Justification of the status identified** – these trainings are part of the curricula for continuous trainings of judges and prosecutors within the School of Magistrate.

5.13 **Activity:** Drafting and approving the draft-law “On judicial administration” on the gradual incorporation of the administration into the civil service  
**Responsible institution:** MoJ and other justice institutions  
**Deadline:** 2011  
**Status:** Partially Implemented  
**Justification of the status identified** – The work on this draft law has been pending for almost two years. A draft law was introduced to the Law Committee of the Assembly in April 2009 and at that time it was strongly opposed by judicial representatives as an attempt by the executive to control judicial power. The Law Committee asked the MoJ to withdraw it in order to reflect the changes proposed by the interested groups at that time the association of judges. The MoJ is revising the draft again.

5.14 **Activity:** Continuous Training for Judges and Prosecutors, including High Court, focusing on human rights, domestic violence, ethics, commercial cases, SAA and acquis, European law, ECHR case law, case law of the European Court of justice, alternative forms of dispute resolution, discrimination and new developments in legislation  
**Responsible institution:** School of Magistrate  
**Deadline:** 2011  
**Status:** Implemented;  
**Justification of the status identified** – these trainings are part of the curricula for continuous trainings of judges and prosecutors within the School of Magistrate.

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75 See Minutes of Meeting of the Parliamentary Committee on Legal Affairs of 27. 06.2011 at http://www.parlament.al/web/Procesverbalet_10044_1.php  
76 See the Continues training program of the School of magistrate http://www.magjistratura.edu.al/media/users/4/PTV_2009_2012.pdf  
77 Interview with M. Xhaferllari 14.07.2011
MEASURE 6: Improvement of infrastructure of the justice system

6.1 Activity: Drafting and approving the amendments to the JBAO law to ensure a functional scheme for the administration of Judicial Budget

Responsible institution: MoJ and other justice institutions
Deadline: May 2011
Status: Partially Implemented
Justification of the status identified – The first draft is prepared and is under consultation process. The representative of the JBO explained that the work for drafting the amendments to the JBO law has started during EURALIUS II Mission (2008) but the JBO has not been able to comment on a draft law.

6.2 Activity: Realization of the feasibility study and drafting the draft law for the Administrative Court

Responsible institution: MoJ and JBAO
Deadline: 2011
Status: Partially Implemented
Justification of the status identified – Again in my interview with the Director she told me that the MoJ is working on this issue, but they are not involved in the process yet.

6.3 Activity: Approval of draft-decision “On establishment, registration, functioning, administration, interaction and security of the electronic case management system of judicial enforcement (ALBIS)”

Responsible institution: MoJ, GDE, Chamber of Private Bailiffs;
Deadline: May 2011
Status: Implemented: This act is approved by Council of Ministers.
Status of the implementation of the measure: Partially Implemented

6.4 Activity: Extension at national level of the electronic case management system of judicial enforcement

Responsible institution: MoJ, GDE, Chamber of Private Bailiffs
Deadline: 2011
Status: Partially Implemented
Justification of the status identified – The MoJ is working on project for establishing electronic case management system for enforcement cases (ALBIS), however is not finished yet.

6.5 Activity: Generation of certain on-line statistics and reports about the enforcement service

Responsible institution: MoJ, GDE, Chamber of Private Bailiffs
Deadline: 2011
Status: Not implemented
Justification of the status identified – The General Director of Bailiffs is working on this matter, but there is not progress to be reported.

6.6 Activity: Approval of joint instructions for enforcing the monetary obligations of public institutions; for holding auctions

Responsible institution: MoF & MoJ
Deadline: 2011
Status: Implemented: This act is approved by Council of Ministers.
Status of the implementation of the measure: Partially Implemented

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78 Interview with the representative of the JBO 2.09.2011
C. Conclusion on the progress registered in the respective thematic field.

In order to address the Priority number 7 on Justice Reform, the Government have approved 6 measures, out of which 1 is implemented and the other 5 are partially implemented.

- 1 (one) out of 5 measures are partially implemented because it has one ongoing activity
- 2 (two) out of 5 measures are partially implemented because they have still ongoing activities and activities that are not implemented
- 2 (two) out of 5 measures are partially implemented because they have ongoing activities

The overall progress in this thematic field is modest/low. The government has adopted the justice sector strategy which is a big step forward that fulfils one of the key concerns raised by the EC in the last five years for the justice area80. The strategy provides an overview of the current situation with regard to legislative framework, human resources and infrastructure of the justice institutions and it envisages the government vision on how to improve the justice system in Albania. The strategy follows the structure of the National Strategy for Development and Integration (NSDI). The strategy is also accompanied by an action plan that will facilitate its implementation and monitoring of the progress achieved. The measures included in the strategy are of legislative, capacity building and improvement of infrastructure nature, and in most of the cases the financial cost is attached. The strategy includes measures that are going to be implemented for 2011-2013.

The activities of the Action Plan re-bring for consideration the important draft laws of the justice system such the draft law on the National Judicial Conference; the High Council Law, Law on Administrative Justice; Law on Judicial Administration. Instead of resetting the deadlines for the purpose of reporting the MoJ should publish the planned draft laws on its website, under the existing section “Draft Acts”, together with a concrete timetable for consultation with interested parties.

The issue of double inspection for judges and prosecutors office is not sufficiently addressed by the activities provided in the action plan. The signature of the MoUs respectively by MoJ and GPO is a temporary solution which has also been used in the past. Efforts should be made to transfer the inspection competences to the HCJ for judges and to the GPO for prosecutors and limit the role of the MoJ to the inspection of judicial administration. These issues need to be solved out by legislative changes81. The discretionary authority of the Minister of Justice to initiate disciplinary proceedings against judges without any control remains undressed by the action plan. This issue requires changes to HCJ law, Judicial Power Law and the Law of Ministry of Justice.

The starting of the work for amending the Code of Procedures as well as law on private lawyers for addressing the delays in the court proceedings is a welcome step. Most likely the changes listed in the action plan will not occur soon. Activities foreseen for improving the judicial infrastructure can hardly be measured. They are not specific and do not contain concrete deadlines. The same holds true for other activities as well, especially for those

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that include implementation of laws, training of judges/prosecutors and judicial administration.

As a conclusion we can emphasize that the government has only implemented 1 out of 6 measures foreseen for the 2011, which in our view address the key requirement of the EC, the adoption of the Justice Sector Strategy. The other 5 measures are partially implemented, because some of the activities foreseen are implemented and others not. The delays are noticed in all the activities foreseen in the action plan.

D. Recommendations on future developments in the respective policy area

- The Action Plan should be revised to remove routine activities and focus on key measures with clear and concrete deadlines.
  
  *Responsible institutions*: MoJ and other justice institutions

- As a leading institution in the structure to be established in framework of the Justice Strategy to monitor its implementation, the MoJ should publish on its website 1) the Strategy and Action Plan, and 2) Regular monitoring progress reports.
  
  *Responsible institution*: MoJ

- The MoJ should prioritise the finalization of organic laws and Codes, send them to the CoM for consideration and subsequently to the Assembly.
  
  *Responsible institution*: MoJ, Council of Ministers, Assembly

- The MoJ, HCJ, and GPO should work together to amend the HCJ, Ministry of Justice and Judicial Power laws with a view to solve the issue of the double inspectorate in long-term
  
  *Responsible Institutions*: MoJ, HCJ; and GPO

- Legal basis for determining a better remuneration of judges should be specified.
  
  *Responsible institutions*: MoJ, JBO

- The approved justice reform strategy should be implemented following the measures and the deadlines foreseen in its action plan
  
  *Responsible Institutions*: MoJ and other Justice Institutions

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**Bibliografia dhe burime të tjera informacioni**

5.  *National in Transit for Albania 2010*
7.  *High Council of Justice www-kld.al*
9.  *School of Magistrate www.magistratura.edu.al*
8. Priority 8

- 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.

A. Activities envisaged to address the Priority

Due to the nature of the phenomenon of corruption, the activities of the Action Plan addressing Priority no. 8 of the EC Opinion for Albania are wide and cross-cutting.

They Action Plan mainly consists of measures pertaining to legislative changes (GRECO recommendations, immunity of public officials) and efforts to strengthen the implementation of legislation via improvements in inspections, in inter-institutional cooperation, in the investigation of corruption at all levels, as well as in informational and educational efforts.

The plan approved on 31.01.2011 also included a group of sectorial activities, specifically targeted towards proactive investigations and the follow-up of corruption investigation cases amongst the ranks of the police. The revised Action Plan adopted on 10.06.2011 added a significant array of other measures pertaining to a wider range of sectors. These measures are mainly related to reforms and inspections in the justice system\(^\text{82}\), registration of property (IPRO), financial control, tax and customs administration, the management of resources in healthcare\(^\text{83}\), as well as the regulation of educational institutions\(^\text{84}\).

B. Qualitative Assessment

**MEASURE 1: Effective implementation of the Anti-corruption Strategy**

1.1 Activity: Design a 3-year Action Plan 2011-2013

**Responsible institution:** Line ministries Technical Secretariat / DIACA

Field experts + representatives of civil society and international organizations

**Deadline:** Feb-March 2011

**Status:** Implemented

A 3-year 2011-2013 Work Plan was approved in the Inter-ministerial Working Group meeting of 6 June 2011. The document has been officially requested, but it remains to be shared or published despite a number of public commitments on the part of DIACA\(^\text{85}\) to do so.

The Work Plan 2011-2013 envisages implementation over a period of 3 years, includes a number of independent institutions (HIIDA, Prosecution), and is organised around both implementing institutions as well as sectors. The longer-term drafting process was assisted by 5 institutional risk analyses conducted by PACA. The Plan will be strategically managed by the IWG Secretariat, composed of representatives of the Ministry of Innovation & ICT, Department for Strategy and Donor Coordination (DSDC), Ministry of

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82 Immunity of judges, inspections, court infrastructure and management, pre-court resolution mechanisms, bailiff service

83 Registration of equipment in health system, procurement for hospitals, procedures for medicament pricing.

84 Development on curricula on corruption, inspections, licensing and classification of educational institutions

1.2 Activity: Report in 2010 according to a standard format

**Responsible institution:** Line ministries Technical Secretariat / DIACA
Field experts + representatives of civil society and international organizations

**Deadline:** Feb-March 2011

**Status:** Partially Implemented

The Project Against Corruption in Albania (PACA) has provided a standard format for the reporting of implementation in 2010. The 2010 Report on the Implementation of the Action Plan has been endorsed in the meeting of the Inter-ministerial Working Group in June 2011. The Department of Internal Control and Public Administration (DIACA) has thus far presented and distributed the aggregate quantitative results on implementation levels for each ministry. Like the 2011-2013 Work Plan, the 2010 Implementation Report is yet to be made public despite official requests and public commitment to the full publication of results by DIACA. It thus cannot be verified if standard reporting formats have been used.

**Status of the Implementation of the Measure: Partially Implemented**

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Interview with Mr. Gent Ibrahimi, Long Term Advisor, PACA – 12 July 2011

87 Interview with Quentin Reed, Team Leader, PACA -12 Sep 2011


90 Compliance report adopted by GRECO as its 50th plenary meeting in March 2011

91 Based on the Action Plan of Albania for the Recommendation 8, approved in June 2011

92 This concern was previously raised in the 2009 OSCE/ODIHR and Venice Commission Joint Opinion on the Electoral Code. For more information see the “Final
CEC is unable to carry out its oversight functions effectively given it has limited funds for the payment of appointed auditors.\textsuperscript{93}

While marking important progress, the amendments to the law on political parties are insufficient. Amendments to the Electoral Code remain necessary to complete the legal framework on public funding of electoral subjects for both local as well as parliamentary elections\textsuperscript{94}.

\textbf{2.2 Activity:} Prepare and approve a standard format for reporting public and nonpublic funds

\textbf{Responsible institution:} CEC

\textbf{Deadline:} March – May 2011

\textbf{Status:} Partially Implemented

The standard format for reporting public and nonpublic funds is in the drafting process\textsuperscript{95}. Meanwhile a training session with the staff of CEC based on the last changes is planned to be held.

\textbf{2.3 Activity:} Amend Corruption – related provisions of the Criminal Code, extending them to another category of officials, i.e. foreign officials

\textbf{Responsible institution:} DIACA, CEC, PACA, MoJ

\textbf{Deadline:} March – May 2011

\textbf{Status:} Not Implemented

This activity is not implemented yet since the Criminal Code needs the majority of the votes of the Parliament to be approved. Meanwhile draft amendments including amendments on the corruption of foreign officials are on in the drafting process\textsuperscript{96}.

\textbf{Status of the Implementation of the Measure: Partially implemented}

\textbf{MEASURE 3: Complete the legal framework on judges, ministers and members of parliament, concerning unlimited immunity of these public officials}

\textbf{3.1 Activity:} Amend the Rules of Procedure of the Parliament

\textbf{Responsible institution:} PACA, MoJ

\textbf{Deadline:} -

\textbf{Status:} Implemented

The Assembly has on 24 February 2011 approved the draft-decision “On some additions and amendments to the Rule of Procedure of the Parliament” as well as the draft-decision “On the limitation of the immunity of Members of Parliament and conditions for the authorization of criminal investigation” as Annex 1 to the Rules of Procedure\textsuperscript{97}. The major change introduced was the provision for a voluntary relinquishment of immunity on the part of Members of Parliament. The amendments were approved via a simple majority and have been strongly opposed by the opposition. In turn, the governing majority has described changes to the Rules of Procedure to be a temporary measure that does not seek to attack and has invited the opposition to propose Constitutional Amendments on the issue of immunities\textsuperscript{98}. With the start of the new parliamentary session and its return in Parliament, the opposition

\textsuperscript{93} For more information see the “Final Report of OSCE/ODIHR for the election of 8th May, section VIII, Campaign – A. Campaign Finance, page 15. http://www.osce.org/odihr/81649

\textsuperscript{94} Ibid 7, page 31

\textsuperscript{95} Based on the information from the meeting with Mr. Gent Ibrahimi, 12 July 2011

\textsuperscript{96} Based on the information from the meeting with Mr. Gent Ibrahimi, 12 July 2011

\textsuperscript{97} With 74 votes http://www.parlament.al/web/Kuvendi_miraton_me_73_vota_ndryshimet_ne_Rregulloren_e_tij_mes_te_cileve_aneksin_per_kufizimin_11915_1.php


### 3.2 Activity: Statement by each MP to give up immunity

**Responsible institution:** PACA, MoJ  
**Deadline:**  
**Status:** Implemented

It is reported that a format for the voluntary relinquishment of immunity granted as a Member of Parliament has been duly drafted.

### 3.3 Activity: Make a thorough analysis to produce proposals and recommendations for legal changes

**Responsible institution:** PACA, MoJ  
**Deadline:** January 2011  
**Status:** Partially Implemented

The Project Against Corruption in Albania (PACA)\footnote{Financed by Council of Europe and European Union} has drafted a study with proposals and recommendations for legal changes concerning the unlimited immunity of elected officials.\footnote{Interview with Gent Ibrahimi, Long Term Advisor, PACA – 12 Jul 2011 & Quentin Reed, Team Leader, PACA, 12 Sep 2011}

On the other hand, EURALIUS is working on a technical proposal on the immunity of judges.\footnote{Interview with Marsida Xhaferllari. Ministry of Justice. 13 July 2011.}

### 3.4 Activity: Summon a round table with representatives of the Albanian Parliament (Law Commission), Prosecution General Office, Council of Ministers, President’s Office, High Council of Justice.

**Responsible institution:** PACA, MoJ  
**Deadline:** 31 January 2011  
**Status:** Implemented

On 12 April 2011, PACA summoned a roundtable which presented a range of European best-practices on the immunity of senior public officials and judges, which was followed by remarks by the General Prosecutor, the Chair of the Law Commission of the Albanian Parliament, a representative of the opposition (Saimir Tahiri) and a representative of the High Council of Justice.

Discussion focused on the validity of the amendments to the Rules of Procedure of the Parliament in light of the legal primacy of the Constitution. A spoken agreement among parties on the need for Constitutional Amendments was achieved.

### 3.5 Activity: Organise a round table to present legal opinions and possible solutions to the immunity issue.

**Responsible institution:** PACA, MoJ  
**Deadline:** March-April 2011  
**Status:** Not implemented (dependent on political climate)

The roundtable was initially postponed to June 2011. Currently, PACA is awaiting a more positive political climate for the public presentation and discussion of its legal opinion on the issue. The roundtable is expected to be organized in October 2011.\footnote{Interview with Gent Ibrahimi, Long Term Advisor, PACA – 12 Jul 2011}

**Status of the Implementation of the Measure: Partially Implemented**

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**MEASUrE 4: Strengthen cooperation between different institutions involved in fighting corruption outside JIUs**

### 4.1 Activity: Sign Cooperation Agreements. DIACA will sign two Cooperation Agreements with:
Prosecution General Office, Transparency International Albania  
**Responsible institution:** DIACA, General Prosecutor’s Office, TIA  
**Deadline:** March-April 2011  
**Status:** Partially Implemented  
No Cooperation Agreement has been signed with the General Prosecutor Office\(^{104}\), although there have been ongoing discussions on the drafting of a cooperation agreement.

A Memorandum of Understanding has been signed between the Department of Internal Audit and Anti-Corruption of the Council of Ministers (DIACA) and Transparency International Albania (TIA), on March 11, 2011.  
**Status of the Implementation of the Measure:** Partially Implemented

**MEASURE 5:** Increase the number of cases investigated on corruption at all levels of the administration

**5.1 Activity:** Increase the number of proactive investigations in combating corruption  
**Responsible institution:** Department against Crime and serious Crimes-state police, General Prosecutor’s Office  
**Deadline:** During 2011  
**Status:** Partially implemented  
Based on the information provided by the General Directorate of State Police, 9 cases of proactive investigations (with 14 perpetrators) have been identified until June 2011. In the framework of these investigations, JIU actors have engaged in continuous joint analyses. Six (6) task forces have been established for fighting corruption cases in compliance with the Memorandum of Understanding signed between JIU actors\(^{105}\). Proactive means of investigation such as observations and tapping are always used in the cases when there are indications that a corruption-related criminal act will be committed. The activity cannot be measured given there is no year-to-year comparative data on proactive investigation cases. However, according to the information provided by the General Prosecutor Office, proactive investigations are evaluated as the most successful means of investigating and prosecuting corruption\(^{106}\).

**5.2 Activity:** Make efficient use of special investigations techniques in order to obtain evidence and combat corruption  
**Responsible institution:** Department against Crime and Serious Crimes- State Police, General Prosecutor’s Office  
**Deadline:** During 2011  
**Status:** Partially implemented  
The General Prosecutor Office provides prosecutors with various guidelines and orders for the investigation of corruption cases. Data and other statistical records are kept manually from each JIU and Prosecutor Office at each District Court. This is one of the shortcomings that leads to inaccuracy in data collection and is expected to be overcome by a new IPA-funded project approved for the General Prosecutor’s Office. The project commencing in the second half of 2011 will enable electronic data handling for case management. On the other hand, data and information on corruption cases is also registered in the MEMEX database operative in the structures of the General Directorate of State Police.

\(^{104}\) Interview with Arben Kraja, Prosecutor, General Prosecutor Office – 29 June 2011  
\(^{105}\) Memorandum of understanding No. 3521, dated on 06.05.2009.  
\(^{106}\) Information provided by Mr. Arben Kraja, General Prosecutor Office via e-mail on 23 September 2011,
A number of capacity-building efforts such as training on Anti-Corruption and Economic Crime have continued with the involvement of the Magistrate’s School and projects like PACA, Millennium Challenge Corporation (MCC) Stage II Threshold Program, and other EU twinning programs. During 2011, 3 OPTAD–supported training sessions for 46 staff members of JIUs where held on various themes like the provision of evidence from banks and the investigation techniques of financial crimes in the first and intermediate levels.

5.3 **Activity**: Increase the number of criminal investigations of corruption in medium and high levels of administration

**Responsible institution**: Department Against Crime and Serious Crimes-State Police, General Prosecutor’s Office

**Deadline**: During 2011

**Status**: Partially implemented

The training of JIU staff plays a key role in the enhancement of criminal investigations on corruption. A number of training sessions have been held by the Professional Standards Department and international programs like OPDAT and TAIEX. A Joint Order of the Ministry of Interior and the General Prosecutor’s Office has been approved in order to enhance staff professional investigations skills. There have been 8 cases of corruption investigations among mid-level officials, out of which one case was one of a high official. This activity is difficult to be measured given the lack of data on investigations related to the corruption cases at the medium and high level of the administration.

In the meanwhile, according to information from the General Prosecutor’s Office, the number of corruption-related investigations at different levels of the public administration by JIUs during the first half of 2011 is lower than that of 2010. The reason of this decrease is the reduction of the number of the cases referred by the respective institutions entitled to identify and to raise charges to the Prosecution on suspected cases for corruption. The data for the criminal acts for corruption based on the Criminal Code, for the period 1 January – 30 June 2011 are: 38 cases investigated, 14 cases sent for judgement in courts, 5 cases rested, and 6 persons convicted. A case of corruption investigation at high levels of the administration is the case of the investigation and the sending to the High court of the former Deputy Prime Minister Mr. Ilir Meta. This case is under process.

For 2011 (January – September 2011) around 58 cases, including 78 police employees are referred for criminal proceeding in the General Prosecutor Office. Out of these 2 employees are from mid-management level, 21 are from high-level supervisory positions, and 52 come from the operational level. Twelve (12) police employee have been arrested.

**Status of the Implementation of the Measure**: Partially implemented *(deadline runs till end of year)*

**MEASURE 6: Strengthen inter-institutional coordination in combating corruption**

6.1 **Activity**: Foster cooperation through exchange of information between Police and GD Customs,

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107 Joint order No. 113, dated on 12.04.2010 “On planning, coordinating, organizing and holding the training activities”.

108 Data provided by Mr. H. Shkembi, Chief of Corporate Development Sector, Performance Standards Directorate Police General Directorate, dated on 15.9.2011,

109 Information provided by Mr. Arben Kraja, General Prosecutor Office via e-mail on 23 September 2011,

110 Information provided by Mr. Arben Kraja, General Prosecutor Office via e-mail on 23 September 2011,

111 Information provided by the ICS by e-mail on 7.9.2011, Oriana Elmazi, specialist of ICS
FIU, GD Taxation, State Intelligence Service, Military Intelligence Service, etc.

**Responsible institution:** Department against Organized Crime and Serious Crimes, General Prosecutor’s Office, Other law enforcement bodies

**Deadline:** During 2011

**Status:** Implemented

The exchange of information between the Prosecution offices, the Ministry of Interior, the Ministry of Finance and the National Intelligence Service has continued via the continued functioning of the Joint Investigative Units (JIUs), operational in 7 districts.

### 6.2 Activity: Improve corruption investigation mechanisms and means through joint analyses conducted with the prosecutor’s office and other agencies of JIUs, in order to keep track of progress made in corruption investigations

**Responsible institution:** Department against Organized Crime and Serious Crimes, General Prosecutor’s Office, Other law enforcement bodies

**Deadline:** During 2011

**Status:** Partially implemented

Various institutions including JIUs do not share integrated databases of information. The 2010 report of the General Prosecution Office in addition to some positive efforts, highlights the lack of data on several important elements like: who brings cases to the attention of the Prosecution, how many sanctions/judicial decisions have been given, and a categorization of level of public authorities investigated/convicted. An electronic case management system is however expected to be developed via IPA financial support during the second half of 2011. This electronic database will help all the responsible institutions to provide correct data related to the number of investigated corruption cases.

**Status of the Implementation of the Measure:** Partially implemented *(deadline runs till end of year)*

### MEASURE 7: Follow up corruption cases at all levels, for certain structures (State police)

#### 7.1 Activity: Wealth Declaration Forms to be filled by high level officials of State Police: Department Directors, Directors of GDP, Regional Directors of HIDAA to inquire suspicious cases

**Responsible institution:** MOI, Internal Control Service

**Deadline:** January – February 2011

**Status:** Implemented

In accordance to Law No. 9049, dated on 10.04.2003 “For declaration and audit of assets of elected persons and some officials and prevention of conflict of interest”, the deadline for periodic declaration is March 31. Rather than a strategic measure, this is a legal requirement for all categories of high officials.

#### 7.2 Activity: Inspect the work of 20 regional directors of State Police and directors of Directories and departments in GDP State Police, in order to measure and assess their performance

**Responsible institution:** MOI, Internal Control Service

**Deadline:** March - April 2011

**Status:** Implemented *(beyond the deadline foreseen)*

The inspection of the performance of the regional directors and the General Directorate of State Police is conducted according to the Inspections Annual Program for 2011. Inspections are performed in the General Regional Directorate of Berat, Vlore, Fier (2), Shkoder (2), Korçe (3) Elbasan (2 inspections in process). The inspections have focused on

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112 Interview with Gent Ibrahimi, Long Term Advisor, PACA – 12 Jul 2011

113 Interview with Arben Kraja, Prosecutor, General Prosecutor Office – 9 Jul 2011

114 Information provided by the ICS by e-mail on 7.9.2011, Oriana Elmazi, specialist of ICS
performance evaluation of sectors or the evaluation of investigation of crimes. Performance evaluations have been conducted in the sector against trafficking and narcotics, the sector of public security and the human resources department.  

7.3 Activity: Publish an Annual Performance report for the work of the Internal Control Service for 2010  
Responsible institution: MOI, Internal Control Service  
Deadline: January 2011  
Status: Implemented (beyond the deadline foreseen)  
The report for 2010 is published in March 2011 in the web site of the Ministry of Interior.

7.4 Activity: Conduct regular inspections in the state police based on the theme planned in the annual work programme, at all levels of State Police  
Responsible institution: MOI, Internal Control Service  
Deadline: January – December 2011  
Status: Implemented  
The Internal Control Service (ICS) conducts regular inspections at all levels of the state police based on legally-defined competencies. This is a routine inspection activity in various police stations and structures in order to reduce cases of corruption.  
Status of the Implementation of the Measure: Implemented

MEASURE 8: Raise awareness on legal framework and mechanisms in place to fight corruption, at all levels and outside the central institutions.  
8.1 Activity: Design an anti-corruption website  
Responsible institution: PACA, DIACA, NAIS  
Deadline: During 2011  
Status: Partially implemented  
The development of an anti-corruption web-site is in process. PACA has developed five draft-models, which have been submitted for DIACA's review.  

8.2 Activity: Publish the Anti-corruption strategy, action plans and making them available online  
Responsible institution: PACA, DIACA, NAIS  
Deadline: During 2011  
Status: Partially Implemented  
100 copies of the Anti-corruption strategy will be printed and distributed. Only the Anti-Corruption Strategy and the 2010 Action Plan is available online. The newly approved Action Plan 2011-2013 is still not made public.  

8.3 Activity: Prepare and distribute info leaflets - 3 to 5 models of awareness leaflets to be distributed countrywide: What are the criminal offences of corruption? Strategic documents (Anti-corruption strategy, briefly), Public officials and prevention of conflict of interest, in health care, in property rights  
Responsible institution: PACA, DIACA, NAIS  
Deadline: During 2011  
Status: Partially implemented  
PACA, in consultation with DIACA has published 15,500 brochures on the first three topics:

- What are the criminal offences of corruption?
- Strategic documents (Anti-corruption strategy, briefly),
- Public officials and prevention of conflict of interest

No brochures have been produced on health care and property rights.  
In June, 14,500 copies of each of the 3 anti-corruption

115 Information provided by the ICS by e-mail on 7.9.2011, Oriana Elmazi, specialist of ICS  
116 For further information http://www.moi.gov.al/drupal1/shkb/revista%20SHKB%20shqip(2).pdf  
117 Interview with Gent Ibrahimi, Long Term Advisor, PACA – 12 Jul 2011  
118 At www.dsdc.gov.al
leaflets were distributed with “Çelësi” newspaper (43,500 copies in total). Another 1000 copies have been distributed via OSCE projects.

Status of the Implementation of the Measure: Partially Implemented (deadline runs till end of year)

MEASURE 9: Improve data quality in IPRO and update them

9.1 Activity: Introduce necessary amendments to the law on IPRO to enable entry of additional data

Responsible institution: IPRO, MoJ

Deadline: 2011

Status: Partially implemented

Amendments have not been adopted and work is reported to be in progress. The MoJ does not report these amendments in the list of adopted legal acts.

Status of the Implementation of the Measure: Partially implemented (deadline runs till end of year)

MEASURE 10: Improve customer service through an adopted Regulation laying down IPRO service delivery procedures

10.1 Activity: Complete and approve Regulation on IPRO services

Responsible institution: IPRO, MoJ

Deadline: 2011

Status: Partially implemented

Information publicly available suggests IPRO continues to operate based on the Regulation adopted on 07.01.2000. The Ministry of European Integration reports work in this regard to be in progress.

Status of the Implementation of the Measure: Partially implemented (deadline runs till end of year)

MEASURE 11: Improve judiciary status and review legislation on judges’ immunity

11.1 Activity: Complete the legal framework on financial remuneration/motivation of judges

Responsible institution: MoJ

Deadline: 2011

Status: Partially implemented

A draft law is prepared and is under the consultation process. It is not clear if these legislative amendments refer to the amendments of the Law on Judicial Power since the remuneration/motivation of judges is foreseen by this law.

11.2 Activity: Study the legal framework that safeguards judges’ immunity and identify potential interventions

Responsible institution: MoJ, HCJ, PACA & other interested groups

Deadline: 2011

Status: Partially Implemented

The study of the legal framework is ongoing. The technical work (first paper) has taken place but has not been made public and discussed with the main

119 Interview with Gent Ibrahimi, Long Term Advisor, PACA – 12 Jul 2011


122 Rregullore 7 - 7.01.2000 Për disa ndryshime në rreguren e punës së ZRPP


124 For more information please see the chapter related to the recommendation No.7 Rule of law

125 Interview with Marsida Xhaferllari 14.07.2011
It is expected that following the finalization of a second paper with concrete recommendations, a discussion with the main actors will be held during October 2011.126

Status of the Implementation of the Measure 11: Partially implemented (deadline runs till end of year)

MEASURE 12: Ensure efficient inspection of courts and prosecution offices by clarifying competences of inspectorates, and their cooperation

12.1 Activity: Conduct thematic and general inspections based on citizens’ complaints, and conducted by inspectors in courts and prosecution offices in district & appeal courts

Responsible institution: MoJ & HCJ & Prosecution Office

Deadline: 2011

Status: Implemented

This activity is part of the routine work of the HCJ and MoJ. However the HCJ has conducted thematic inspections in three areas, namely on the lengthy court procedures, the backlog of cases in civil and criminal matters, and the decision on the registration of population.127

12.2 Activity: Amendments and addenda to the law on Functioning of High Council of Justice

Responsible institution: MoJ & HCJ & Euralius

Deadline: 2011

Status: Partially implemented

Like the HCJ draft law, these amendments and addenda have now been under discussion for a few years. The monitoring team has not been able to see a copy of the draft law.

12.3 Activity: Amendments and addenda to the law on Functioning of Ministry of Justice

Responsible institution: MoJ & Euralius

Deadline: 2011

Status: Partially implemented

12.4 Activity: Conclude a MoU between MoJ and HCJ to clearly divide competences between the inspectorates

Responsible institution: MoJ & HCJ & Euralius

Deadline: 2011

Status: Partially implemented

The Memorandum of Understanding between the MoJ and the HCJ on the division of competences between two inspectorates is drafted by a joint working group established by both relevant institutions. The draft of the MoU is consulted with the experts of the EURALIUS Mission III. However, the MoU has not been signed due to vacant position of the Minister of Justice, who was appointed a few weeks ago.128

Status of the Implementation of the Measure 12: Partially implemented (deadline runs till end of year)

126 Information provided by Mr. Quentin Reed, Team Leader, Council of Europe/EU Project Against Corruption in Albania, via e-mail 5 September 2011

127 Information provided by Marsida Xhaferllari, Ministry of Justice and Valbona Vata, High Council of Justice, date 14.07.2011

128 Interviews with V. Vata and M Xhaferllari, 14.07.2011
MEASURE 13: Improve court electronic infrastructure
13.1 Activity: Develop and improve ICMIS system
Responsible institution: MoJ
Deadline: 2011
Status: Partially Implemented

13.2 Activity: Install computerised system in archives of all courts
Responsible institution: MoJ
Deadline: 2011
Status: Partially Implemented

Status of the Implementation of the Measure: Partially implemented (deadline runs till end of year)

MEASURE 14: Foster and develop pre-court resolutions, i.e. arbitration and intermediation
14.1 Activity: Draft law “On arbitration”
Responsible institution: MoJ & Euralius
Deadline: 2011
Status: Partially implemented

The drafting of this draft law is under process. The monitoring team has not been able to see a copy of the draft law.

14.2 Activity: Complete the draft law “On intermediation in dispute resolution” with implementing legislation
Responsible institution: MoJ
Deadline: 2011
Status: Implemented

The Law no. 10135 “On intermediation in dispute resolution” was approved by the Assembly on 24th of February 2011. This has been followed by two decisions of the Council of Minister approved on 8th of June 2011 and other acts of the MoJ are to follow these by-laws.

Status of the Implementation of the Measure: Partially implemented (deadline runs till end of year)

MEASURE 15: Develop new case management system for bailiff service
15.1 Activity: Implement central computerised data management system
Responsible institution: MoJ & GD Bailiff Service
Deadline: 2011
Status: Partially implemented

The Council of Ministers has approved Decision No 443 of 16.6.2011 “On the creation, registration, functioning, administration, interaction and security of the electronic management system of judicial cases of bailiff service (ALBIS)”. This decision aims to summarize data on the management of cases from operators of the judicial bailiff system. This decision is expected to make this system operational. The MoJ is working on a project on the establishment of an electronic case management system for enforcement cases (ALBIS), but work in this regard has not yet been finished.

Status of the Implementation of the Measure: Partially implemented (deadline till end of year)

MEASURE 16: Reduce backlog of cases and length of court proceedings
16.1 Activity: Introduce amendments to Civil Procedure Code
Responsible institution: MoJ, HCJ, Euralius and other interested groups
Deadline: 2011
Status: Partially implemented

A working group with EURALIUS III has been
established. The working group is composed of experts from the Ministry of Justice, law professors and practitioners. The working group has held a few meetings and is going to restart work in September 2011.\footnote{132}.

\textbf{16.2 Activity:} Introduce amendments to Criminal Procedure Code  
\textbf{Responsible institution:} MoJ, HCJ, Prosecution Office, EURALIUS and other interested groups  
\textbf{Deadline:} 2011  
\textbf{Status:} Partially implemented  
Parallel to the establishment of the working group dedicated to the Civil Procedure Code the MoJ has established a second working group to work on amendments to the Criminal Procedure Code, once again composed of EURALIUS and OPDAT experts as well as local experts.\footnote{133}

\textbf{16.3 Activity:} Introduce amendments to Civil Code  
\textbf{Responsible institution:} MoJ, EURALIUS and other interested groups  
\textbf{Deadline:} 2011  
\textbf{Status:} Partially implemented  
Work for the drafting of these amendments is in process. A joint working group between MoJ and EURALIUS has been established.

\textbf{16.4 Activity:} Amend the law on lawyers to prevent delaying tactics by lawyers  
\textbf{Responsible institution:} MoJ, Bar Chamber & EURALIUS  
\textbf{Deadline:} 2011  
\textbf{Status:} Partially implemented  
An initial draft has been prepared and is being consulted with the EURALIUS mission and other judicial institutions.\footnote{134} The HCJ has already agreed to prepare and submit comments to the MoJ on this draft law.\footnote{135}  
\textbf{Status of the Implementation of the Measure: Partially implemented (deadline till end of year)}

\textbf{MEASURE 17:} Enforce law on public financial inspection through these measures:  
\textbf{17.1 Activity:} Establish a Public Financial Inspection Directorate within the Ministry of Finance  
\textbf{Responsible institution:} MoF  
\textbf{Deadline:} June 2011  
\textbf{Status:} Implemented  
Law Nr. 10 294, dated 01.07.2010. on Public Financial Inspection (Part II) sets out the establishment and functioning of the Public Financial Inspection Directorate within the Ministry of Finance.\footnote{136} The structure and organisation of the Public Financial Inspection Directorate has been stipulated by the Order of the Prime Minister Nr, 9, Dt. 02.02.2011. The Directorate is lead by Ilir Meçe. Instructions and regulations for the functioning of this Directorate are in place since May-July 2011.\footnote{137}  
\textbf{Status of the Implementation of the Measure: Implemented}

\textbf{MEASURE 18:} Reform Internal Control system to implement best practices, through these measures:  
\textbf{18.1 Activity:} Develop a draft DCM laying down

\footnotesize{\textsuperscript{132} Interview with M. Xhaferllari, 14.07.2011  
\textsuperscript{133} Interview with M. Xhaferllari, 14.07.2011  
\textsuperscript{134} Interview with M. Xhaferllari 14.07.2011  
\textsuperscript{135} See HCJ Decision no.278 dated 19.07.2011, www.kld.al  
requirements for establishment of Internal Audit bodies in public institutions

**Responsible institution:** MoF, CoM  
**Deadline:** June 2011  
**Status:** Partially Implemented  
The Ministry of Integration reports efforts in this respect to be in progress\(^\text{138}\).

18.2 **Activity:** GD Audit will turn into Central Audit Harmonization Unit, transferring financial inspection duties to Financial Inspection body  
**Responsible institution:** MoF  
**Deadline:** June 2011  
**Status:** Implemented  
The Central Audit Harmonization Unit has been established and is led by Hysen Muceku\(^\text{139}\).  
**Status of the Implementation of the Measure:** Partially Implemented

**MEASURE 19: Conduct awareness-raising campaign on Code of Ethics in Tax administration**  
19.1 **Activity:** Prepare and distribute posters, brochures and leaflets  
**Responsible institution:** MoF/ GD Taxation French-Swedish Twinning project under IPA  
**Deadline:** 2011  
**Status:** Partially Implemented  
The Code of Ethics has been approved but the preparation for the awareness raising campaign in still in process\(^\text{140}\).  
**Status of the Implementation of the Measure:** Partially Implemented (deadline runs till end of year)

**MEASURE 20: Improve investigation efficiency through these measures:**  
20.1 **Activity:** Department of Internal Investigation and Anti-Corruption (DIIA) will include a unit tasked with information management and exchange  
**Responsible institution:** DG Taxation  
**Deadline:** 2011  
**Status:** Partially implemented  
The Ministry of Integration reports efforts in this respect to be in process\(^\text{141}\). The organisational structure on the website of DG Taxation does not indicate such a unit to have been established\(^\text{142}\). The Directorate of Investigation has a unit tasked with information exchange while the Internal Investigation and Anti-corruption Directorate has one person dedicated to information management and exchange\(^\text{143}\).

20.2 **Activity:** Finalize the manual for DIIA  
**Responsible institution:** DIIA/DG Taxation  
**Deadline:** 2011  
**Status:** Implemented  
The Manual has been finalised with the technical support of USAID and has been approved at the beginning of 2011\(^\text{144}\). Public events of the EU Delegation to Albania in framework of an EU-funded twinning project to assist DG Taxation indicate that work in this direction might also be ongoing with EU assistance\(^\text{145}\).  
**Status of the Implementation of the Measure:** Partially implemented (deadline runs till end of year)

\(^{139}\) [http://www.minfin.gov.al/minfin/Njesia_Qendrore_e_Harmonizimit_per_Auditimin_e_Brend-shem_18_1.php](http://www.minfin.gov.al/minfin/Njesia_Qendrore_e_Harmonizimit_per_Auditimin_e_Brend-shem_18_1.php)  
\(^{140}\) Information from DG Taxation, 27 Sep 2011  
\(^{142}\) Information from DG Taxation, via email. 27 Sep 2011  
\(^{143}\) Ibid  
\(^{144}\) Ibid  
MEASURE 21: Improve HR management to make customs officers less susceptible to corruption

21.1 Activity: Propose legal amendments making rotation of customs officers mandatory

Responsible institution: GD Customs, CoM

Deadline: 2011

Status: Partially implemented

No legal amendments that refer specifically to rotation have been presented in CoM Meetings. The Ministry of Integration reports efforts in this respect to be in process. In framework of an EU-funded twinning project, a new Customs Code has been proposed by the project team to the Albanian authorities. However, it remains unclear to this monitoring team whether the new Code also addresses the issue of rotation.

21.2 Activity: Adopt Code of Ethics

Responsible institution: GD Customs

Deadline: 2011

Status: Partially Implemented

The Ministry of European Integration reports this measure to be implemented. However, no reference number is provided for the act of approval, and the Code of Ethics publicly available on the website of GD Customs is the Code of Ethics approved in December 2000 via “Guidance of Minister of Finance – Rules of Ethics in the Albanian Customs Service.”

Status of the Implementation of the Measure: Partially implemented (deadline runs till end of year)

MEASURE 22: Minimize corruptive acts in Embassies and Consulates when Albanian citizens apply for biometric passport, and when issuing other documents

22.1 Activity: Raise awareness among citizens on application rules, passport fee, etc. applied in 4 diplomatic representations where windows with be opened, through printed & electronic media and internet, in the websites of MoFA and diplomatic & consular Representations

Responsible institution: MoFA

Deadline: 2011

Status: Implemented

In March 2011 and April 2011, the Albanian embassies in Athens and Rome respectively began to process biometric passports for Albanian citizens. Information on application procedures and fees is available online. The Ministry of Foreign Affairs reports that information is posted at the respective Embassies and Consulates in Athens, Thessaloniki, Rome, and Milan.

22.2 Activity: Create favourable conditions to prevent long queues in Embassies and Consulates, by using fixed telephone to register the queue numbers

Responsible institution: MoFA

Deadline: 2011

Status: Implemented


151 Meeting with Mrs. Ilda Zhulali, General Director for European Affairs, Ministry of Foreign Affairs, 23 September 2011, Tirana

152 Meeting with Mrs. Ilda Zhulali, General Director for European Affairs, Ministry of Foreign Affairs, 23 September 2011, Tirana; See the website of the Albanian Embassy in Rome for an example: http://www.ambalbania.it/vis_dettaglio.php?primo_livello=menu&id_livello=866
22.3 **Activity:** Arrange comfortable reception premises in the 4 Representations abroad  
**Responsible institution:** MoFA  
**Deadline:** 2011  
**Status:** Partially Implemented  
The Ministry of Foreign Affairs reports that this is fully implemented in the case of the Albanian Embassy in Athens and notes that in some other representation offices, despite limited space and resources, efforts are ongoing\(^{153}\).

22.4 **Activity:** Increase consulate staff and auxiliary staff, in order to enhance application processing capacity  
**Responsible institution:** MoFA  
**Deadline:** 2011  
**Status:** Implemented  
The Ministry of Foreign Affairs reports that with the opening of biometric passport applications in 4 representative offices, staff has increased by 6 persons in Athens, 5 in Thessaloniki, 6 in Rome and 6 in Milan\(^{154}\).  
**Status of the implementation of the measure:** Partially implemented (deadline till end of year)

**MEASURE 23:** Register/publish medical equipment in hospitals and health institutions, in order to reduce abuse and deviation of patients to private clinics  
**23.1 Activity:** Develop a DCM on registration of equipment according to standards  
**Responsible institution:** MoH, CoM  
**Deadline:** 2011  
**Status:** Partially implemented  
Work is reported to be in progress\(^{155}\). Due to lack of information, verification is not possible.

**23.2 Activity:** Set up commissions in each institution to make inventory of equipment  
**Responsible institution:** MoH  
**Deadline:** 2011  
**Status:** Partially implemented  
Work is reported to be in progress\(^{156}\). However, this activity foresees the implementation of the DCM on the registration of equipment. Given no such DCM has been approved, the implementation of this activity has not started.  
**Status of the implementation of the measure:** Partially implemented (deadline runs till end of year)

**MEASURE 24:** Arrange/simplify procedure for selection of medicaments to be included in the basic list which are procured for hospitals  
**24.1 Activity:** Separate/Divide supply of medicaments to “QSUT” from supply to regional hospitals  
**Responsible institution:** MoH  
**Deadline:** 2011  
**Status:** Partially implemented  
Work is reported to be in progress\(^{157}\) but cannot be independently verified due to lack of information.

**24.2 Activity:** Publish procurement procedures in the website of MoH and websites of regional hospitals  
**Responsible institution:** MoH

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\(^{153}\) Meeting with Mrs. Ilda Zhulali, General Director for European Affairs, Ministry of Foreign Affairs, 23 September 2011, Tirana

\(^{154}\) Ibid


\(^{156}\) Ibid

Deadline: 2011
Status: Partially Implemented
Information on procurement procedures is only posted on the website of the Ministry of Health.\(^{158}\)
Status of the implementation of the measure: Partially implemented (deadline runs till end of year)

**MEASURE 25: Enhance transparency in approving procedure of medicament pricing**

**25.1 Activity:** Develop draft DCM on Structure and Functioning of Medicament Pricing Commission

**Responsible institution:** Pharmaceutical Directorate, Health Care Insurance Institute

**Deadline:** 2011
**Status:** Partially implemented

The development of a draft-decision on the structure and functioning of the Medicament Pricing Commission has been planned since 2009\(^{159}\) as part of the commitments of the Ministry of Health to adopt legislation to EU standards, in the framework of the National Action Plan for the Implementation of the SAA.

While it is reported that the Pharmaceutical Directorate is still working on a draft\(^{160}\), the Commission functions according to Decision Nr.504, 8.8.2007 “On the establishment and functioning of the Medicament Pricing Commission”\(^{161}\).

**25.2 Activity:** Set up Medicament Pricing Commission

**Responsible institution:** MoH

**Deadline:** 2011
**Status:** Partially implemented

The Commission exists and functions on the basis of previously existing acts mentioned above. The activity most likely refers to a restructuring of the Commission based on the draft DCM planned.

**25.3 Activity:** Publish Commission's decisions and prices adopted by it

**Responsible institution:** MoH

**Deadline:** 2011
**Status:** Implemented

The 2011 List approved by the Medicament Pricing Commission is publicly published and is available on the website of the Ministry of Health.\(^{162}\) This is a routine duty of the Medicament Pricing Commission, as stipulated by Decision Nr.504, 8.8.2007 “On the establishment and functioning of the Medicament Pricing Commission”, to be fulfilled within December 5th of every year\(^{163}\).

Status of the implementation of the measure: Partially implemented (deadline runs till end of year)

**MEASURE 26: Continue efforts to calculate real costs to be paid by patients, in order to institutionalize formal payments**

**26.1 Activity:** Approve treatment protocols

**Responsible institution:** MoH

**Deadline:** 2011
**Status:** Partially implemented

Efforts in this regard have been ongoing for some time.

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\(^{158}\) [http://www.moh.gov.al/go to Publikime/ Prokurime](http://www.moh.gov.al/go to Publikime/ Prokurime)

\(^{159}\) “Progress Report: Second Contribution (June-August 2009)”, Reporting on Anti-corruption Issues

\(^{160}\) Report of Ministry of Integration. Elda Kalaja. Secretary General. 31 August 2011


Decision of Council of Ministers Nr. 140, dt. 17.2.2010 on “Financing of Hospital Healthcare Services by the Obligatory Scheme of Health Care Insurance” requires that the Ministry of Health determines the protocols of diagnosis and treatment for all services by 30 October 2010, while hospitals and the Institute of Health Insurance were requested to calculate costs of all services within the year 2010\textsuperscript{164}.

In 2010, the Ministry of Health has reported that 40 task forces have been created for the preparation of guidelines and medical protocols. 105 guidelines on main diagnoses, covering 90% of the budget and 112 treatment protocols have been approved\textsuperscript{165}. Despite the completion of a considerable amount of work, the deadlines were not met. They were as a result amended by a second decision of the Council of Ministers\textsuperscript{166}, which extended the deadlines for the calculation of costs by hospitals and the IHI to mid-2011.

The Ministry of Health reports that guidelines on medical practices and treatment protocols have been completed, but that work is continuing for the identification of the costs of services\textsuperscript{167}.

\textbf{Status of the implementation of the measure: Partially implemented (deadline runs till end of year)}

\textbf{MEASURE 27: Combat corruption phenomenon in Albanian society}

\textbf{27.1 Activity:} Develop and include anti-corruption education modules

\begin{itemize}
\item \textsuperscript{164} Articles 16 and 17
\item \textsuperscript{165} Ministry of Health Report on the Implementation of the 2010 Plan.
\item \textsuperscript{166} DCM Nr.24, date 19.1.2011 On Some Changes on DecisionNr.140, Date 17.02.2010, of the Council of Ministers, “On the Financing of Hospital Health Services from the Obligatory Healthcare Insurance Scheme”.
\item \textsuperscript{167} Mehmet Hoxha, Deputy Director of Nënë Tereza Hospital University Center. Referred Tashi, Jonida (2011) “QSUT, gati kostot për pacientët”, Gazeta Mapo, 07-02-2011.
\end{itemize}

\textbf{Responsible institution:} MES, Institute of Curricula and Training, and PACA Project

\textbf{Deadline:} 2011

\textbf{Status:} Partially implemented

The Project Against Corruption in Albania has submitted the Ministry of Education and Science a version of anti-corruption education modules for piloting. PACA expects to receive feedback from teachers and print the modules by January 2012\textsuperscript{168}.

\textbf{27.2 Activity:} Open seminars with pupils and students on corruption risks

\textbf{Responsible institution:} MES

\textbf{Deadline:} 2011

\textbf{Status:} Partially implemented

Seminars will be organised by teachers once the anti-corruption education modules are finalised, printed and distributed.

\textbf{Status of the implementation of the measure: Partially implemented (deadline runs till end of year)}

\textbf{MEASURE 28: Monitor enforcement of pre-university education law}

\textbf{28.1 Activity:} Enhance effective inspection in public & non-public education institutions

\textbf{Responsible institution:} MES

\textbf{Deadline:} 2011

\textbf{Status:} Implemented

According to the Ministry of Education and Science (MES), the National Inspectorate for Pre-University Education\textsuperscript{169} (IKAP) has determined the professional development standards required of inspectors, has designed official guidelines on inspections and external evaluations of kindergartens, schools and

\begin{itemize}
\item \textsuperscript{168} Interview with Quentin Reed, PACA Team Leader, 12 September 2011
\item \textsuperscript{169} Member of the European Network of Education Inspectorates
\end{itemize}
Regional Education Directorates, and has developed official templates for different types of inspections and inspection reports. The Ministry reports that all non-public high schools in the country have been inspected and that more than 80% of basic non-public education institutions have been inspected during 2010-2011. Eleven (11) public schools have been inspected during 2011.\(^{170}\)

Reports have not been made public and comparative year-on-year data is not available. Reported achievements can thus not be independently verified. **Status of the implementation of the measure: Implemented**

**MEASURE 29: Eliminate corruptive practices in non-public education**

29.1 **Activity:** Regulate licensing of non-public education institutions  
**Responsible institution:** MES, NLC  
**Deadline:** 2011  
**Status:** Implemented  
Two acts have been approved for the regulation of licensing of non-public education institutions.

- Guideline Nr. 11, 28.02.2011 “On procedures and documentation for the establishment of a private higher education institution, programs of university studies of the first and second cycles, programs of non-university studies of a vocational nature, and on procedures for the suspension and revocation of licenses.”
- Order nr. 136, 21.03. 2011 “On the approval of State Quality Standards on the evaluation and accreditation of study programs of the third cycle in higher education institutions”.

These materials have been made publicly available. The objective is not adequately specified, so it is difficult to make a judgment on the extent to which the measure has been implemented.

29.2 **Activity:** Reduce time for obtaining licence  
**Responsible institution:** MES, NLC  
**Deadline:** 2011  
**Status:** Partially Implemented  
During the monitoring period, no acts have been adopted to affect any aspect of licensing at any level of education. The information provided by the NCL does not indicate reduction of the time for obtaining a license, or comparative data to come to that conclusion.\(^{171}\)  
**Status of the implementation of the measure: Partially Implemented (deadline runs till end of year)**

**MEASURE 30: Assess and Classify Higher Education Institutions in line with European standards**

30.1 **Activity:** Complete classification and assessment of all public & non-public HEIs, done by German “CHE”  
**Responsible institution:** MES  
**Deadline:** 2011  
**Status:** Implemented  
The Center for the Development of Higher Education (Centrum fuer Hochschulentwicklung- CHE) has on 15.07.2011 published the results of the pilot ranking of higher education institutions, for programmes of the first cycle of studies (Bachelor) in the areas of economic studies, social sciences, law and nursing.

30.2 **Activity:** Publication of assessment results on website  
**Responsible institution:** MES  
**Deadline:** 2011  
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\(^{171}\) Enhela Shehu. National Licensing Center. 08 September 2011
Status: Implemented

Information on the methodology of assessment and respective rankings are published on the MES website\textsuperscript{172}. Status of the implementation of the measure: Implemented

C. Conclusion on the progress registered in the respective thematic field

The Action Plan on the Priority on Anticorruption efforts consists of 30 measures and 68 activities.

- Four (4) out of 30 measures of the AP have been implemented.
- Twenty six out of 30 measures (26 / 30) are partially implemented out of which 21 have a deadline running until the end of the year.

Overall progress achieved is modest and the majority of measures foreseen in the action plan are partially implemented. Only 4 out of 30 measures have been fully implemented.

Most importantly, the Action Plan does not adequately address the Priority and its focus on the anti-corruption strategy and the investigation and effective prosecution of corruption at all levels of administration. The Action Plan of June 2011 has especially lost focus with the addition of a number of peripheral and generally not-strategic measures pertaining to public finances, foreign affairs, health, and education (14 measures out of 30 in total).\textsuperscript{173} The Table of Measures of Priority 8 is largely the sum of pieces of the government’s existing anti-corruption strategy in a number of sectors. This highlights the need for better strategic planning and a focus on outcomes rather than quantity in the design of short and medium term efforts.

Some of the shortcomings noted are a result of the political stalemate which has blocked the approval of important legal acts requiring qualified majorities in Parliament\textsuperscript{174} and has discouraged legal initiative in areas where such majority is required.

The design and reporting on the Anti-corruption action plan has noted improvements in procedural terms and consultation mechanisms. However, it has been marred by a delayed approval process and lack of public availability of both the revised action plan 2011-2013 and the reporting on 2010, despite official request and public commitments of DIACA to share them. This makes the verification and assessment of progress in this regard impossible. Also, the Action Plan again fails to address the need for boosted role of DIACA in anti-corruption policy-making and coordination.

Amendments to the Law on political parties are a step in the right direction, regulating the process of party funding outside the electoral period, as well as in electoral period. However, fully addressing of the EC, OSCE/ODIHR and GRECO recommendations on this matter reiterates the need for amendments to the Electoral Code. Also, effective enforcement of the recent legal changes and existing provisions in the Electoral Code on CEC rights to verify audit reports will require better CEC resources and rigorous checks by auditors of the completeness of parties’ records.

Technical input and the consultation process on the immunity of MPs has been successful, but the finalization of the process, requiring amendments to the Constitution, remains dependent on political cooperation. In the meanwhile, the issue of the immunity of judges and as part of the justice reform

\textsuperscript{172} At \url{http://www.mash.gov.al/faqe.php?id1=1&id2=86&id3=209}
\textsuperscript{173} Added to the Action Plan approved on 31 Jan 2011, which consisted of measures 1-8 only.
\textsuperscript{174} such as the addenda and amendments of the law on Administrative Court, Criminal Code, Civil Code
needs to be widely and intensively consulted without further delays, especially if the deadlines of the newly approved Justice Reform Strategy and Action Plan are to be respected. Currently, neither of these two reforms has been at the forefront of discussion at the start of the new parliamentary session and the return of the opposition in Parliament. During a reporting session in the Parliamentary of European Integration on 19.09.2011, the Minister of European Integration declared that the governing majority is willing to consider Constitutional amendments on the issue of immunity should they be presented by the opposition.

With respect to the establishment of a solid track record of proactive investigations, prosecutions and convictions, developments have been positive in terms of training and capacities of JIUs, but comparative data is unavailable at this point in time to enable an assessment of impact. Concrete outputs will remain hard to measure until data management is digitized and harmonized across law enforcement agencies. The Internal Control Service and Inspection Directorate of MoI have continued their routine inspection activities in various police stations and structures in order to reduce corruption cases. The Action Plan however does not make reference to relevant HIDAA proposals for amendments of the Asset Declaration Law and the Conflict of Interest Law.

Measures related to finance, healthcare and education are not strategically related to the EU Priority. Future efforts in these sectors should be based on overall new assessments and risk evaluations. Overall implementation of measures in these areas has been partial. Key legal and administrative acts planned for the restructuring of public finance institutions and processes have not been completed. Results in the implementation of measures related to critical improvements in the healthcare sector are modest as work is reported to be in progress. Outcomes are yet to be seen although most measures, such as those on treatment protocols and the pricing and procurement of medicaments, are key parts of reforms that have been started or discussed since 2009. Progress in the education sector is more satisfactory although overall measures are less strategic in nature.

The role of civil society is misunderstood and cannot be limited to the signing of memoranda of cooperation with few organizations. A wide, transparent consultation and cooperation process is required. As previously mentioned, the monitoring project has highlighted remaining serious issues with access to information.

Despite some achievements in the implementation process, overall, the Action Plan for Priority 8 fails to adequately focus on strategic responses to the key elements of the EU Priority - the implementation of the anti-corruption strategy and the investigation of cases of corruption of higher officials.

The analysis of the action plan and the monitoring process have also highlighted the need for more strategic planning, break-down of measures, specific realistic deadlines, the definition of monitoring indicators, awareness-raising and communication of tangible reform successes and outcomes in the fight against corruption. The costing of most activities is also a missing element that is key to effective implementation.

D. Recommendations on future developments in the respective policy area

In order to make progress in addressing Priority 8 of the EC Opinion and the specific issues raised by the accompanying Analytical Report, the following additional recommendations are made for the format and content of the Action Plan:
**Format of the Action Plan:**

1. The Action Plan should better focus on strategic, short-term actions in key sectors.
2. Measures should be more realistic and not over-ambitious.
3. Deadlines should be more specific (not defining the entire year as the deadline for a specific activity).
4. The Action Plan should identify clear tasks for each relevant actor in order to better allocate responsibility and monitor implementation.
5. The Action Plan should specify tangible indicators to facilitate the assessment of the progress achieved.
6. The Action Plan and each measure should be accompanied by identified, relevant budgetary implications.

**Responsible Institutions:** DIACA, CoM, Line Ministries, MIE

**Content:**

- Develop and discuss proposals on Constitutional Amendments in regards to immunity of public officials.
- Launch wide consultation process with opposition and independent institutions involved.

**Institutions responsible:** Council of Ministers, Parliament, MoJ, High Council of Justice, President, Technical Assistance Programmes

- Effective Enforcement of the Strategy on Justice Sector
- Undertake proper and effective measures to ensure timely enforcement of the action plan of the Strategy on Justice Sector.

**Responsible institution:** MoJ, Council of Ministers, Parliament, High Council of Justice

- Effective publication of 3 year work plan and of reporting of implementation of Anti-corruption Strategy.

**Responsible institution:** DIACA, CoM

- Effective Implementation of Anti-Corruption Strategy
- Enhance DIACA’s policy-making and coordination capacities.
- Appoint permanent point of contact at Technical Secretariat.
- Determine and make public specific DIACA representation and contribution to Technical Secretariat.
- Make work of DIACA publicly accessible.
- Expand DIACA work beyond inspection activities: e.g. institutional risk assessments.

**Institutions responsible:** Council of Ministers

- Strengthen prevention, prosecution and conviction of corruption at all levels.
- Make public draft-amendments to the Asset Declaration Law and Conflict of Interest Law.

**Responsible institution:** Council of Ministers

- Discuss draft-amendments with all stakeholders and adoption of these amendments by the Parliament.

**Responsible institution:** Council of Ministers, Parliament

- Enhance institutional cooperation in fighting corruption.
- Increase number of Joint Investigation Units (JIUs) to cover the entire territory of the country.

**Responsible institution:** MoJ, Prosecution Office and other signatory parties to the MoC establishing JIUs

- Change the Criminal Procedure Code for the Serious Crimes Court so that they can be given the responsibility to judge cases of corruption.

**Responsible institution:** MoJ, Prosecution Office and other signatory parties to the MoC establishing JIUs
6. Compliance report adopted by GRECO as its 50th plenary meeting in March 2011
7. DCM Nr.24, date 19.1.2011 On Some Changes on Decision Nr.140, Date 17.02.2010, of the Council of Ministers, “On the Financing of Hospital Health Services from the Obligatory Healthcare Insurance Scheme”.
15. DSDC. www.dsdc.gov.al
19. GRECO’s Third Round Evaluation Report
22. Joint order No. 113, dated on 12.04.2010 “On planning, coordinating, organizing and holding the training activities”.
24. Law No. 10374, dated on 10.02.2011 “One some Addenda and Amendments to law No. 8580, dated on 17.02.2000 “On political parties” as amended”

25. Law No. 9049, dated on 10.04.2003 “For Declaration and audit of assets of elected persons and some officials and prevention of conflict of interest”


29. Memorandum of Understanding signed between JIU actors Memorandum of understanding No. 3521, dated on 06.05.2009.


36. PACA Roundtable on Immunity. 12 April 2011. Tirana International Hotel. Tirane


38. Report of Ministry of Integration, Elda Kalaja. Secretary General. 31 August 201, page 40


40. Rregullore 7 - 7.01.2000 Për disa ndryshime në rreguren e punës së ZRPP

INTERVIEWS AND EMAIL COMMUNICATIONS:

41. Arben Kraja, Prosecutor, General Prosecutor Office – 29 June 2011 & via e-mail on 23 September 2011, Tirana

42. Enhela Shehu. National Licensing Center. 08 September 2011. Tirana

43. Gent Ibrahimi, Long Term Advisor, PACA – 12 July 2011. Tirana


45. Ilda Zhulali, General Director for European Affairs, Ministry of Foreign Affairs, 23 September 2011, Tirana


47. Marsida Xhaferllari. Ministry of Justice. 13 July 2011. Tirana

48. Oriana Elmazi, specialist of ICS by e-mail on 7.9.2011. Tirana

49. Quentin Reed, Team Leader, PACA -12 Sep 2011. Tirana


9. Priority 9

- 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.

**A. Activities envisaged to address the Priority**

In response to EC Priority 9 - Fight against organized crime - the government has provided a number of measures and activities aimed to address the requests arising from it. Generally these vary from a series of training activities which improve operational and investigative methods up to institutional cooperation between agencies within the country and beyond for increasing the efficiency of the fight against organized crime. The types of actions of the activities, envisaged in the Action Plan are predominantly related to capacity building but are also interlinked with the improvement of the legal framework or strengthening the technical capacities of the structures which are responsible.

A special role was given to measures related to establishment of a solid track record against organized crime by providing activities which further improve the gathering of statistical data and their processing to facilitate the daily work of law enforcement agencies.

**B. Qualitative Assessment**

**MEASURE 1: Strengthening of inter-institutional coordination in the fight against organized crime**

1.1 **Activity:** Signing of cooperation agreements/memorandums with FIU, Customs Administration, General Directorate of Civil Registry and Office for Registration of Immovable Properties for the common use of databases of these institutions.

**Responsible institution:** All agencies mentioned

**Deadline:** Within 2011

**Status:** Partially implemented

**Justification:** Since the coordination among institutions is seen as a year based time the process is still ongoing. However the working groups to draft memorandum are established so far.

1.2 **Activity:** Joint drafting and approval of strategies and actions plans of the relevant sectors against drugs and terrorism.

**Responsible institution:** Working Groups of institutions in charge against drugs and terrorism

**Deadline:** Within 2011

**Status:** Partially implemented

**Justification:** Since the coordination among institutions is seen as a year based time the process is still ongoing. However the working groups to draft memorandum are established so far.

1.3 **Activity:** Analyses and joint monitoring of the implementation of the relevant strategies and actions plans.

**Responsible institution:** Technical secretariats established with responsible institutions

**Deadline:** Within 2011

**Status:** Partially implemented

**Justification:** The above activity is still partially implemented as time period to fully analyze the implementation outcomes of relevant strategies and actions plans goes beyond the monitoring time line.

The measure is partially implemented
MEASURE 2: Continuance of joint trainings with prosecutor office and other law enforcements agencies, in order to enhance the cooperation between police and prosecutor office

2.1 Activity: Joint training with the Prosecutor office on cyber crime investigation, organised by ICITAP and OPDAT February 2011

Responsible institution: General Prosecutor Office, General Directorate of State Police (DPT-Department for Police Training, DOSC –Department against Organized and Serious Crime),
Deadline: February 2011
Status: Implemented

2.2 Activity: Joint training with Prosecutors Office and Task Forces against financial crimes, on bank secured evidences, organised by OPDAT.

Responsible institution: General Prosecutor Office, General Directorate of State Police (DPT-Department for Police Training, DOSC –Department against Organized and Serious Crime),
Deadline: February 2011
Status: Implemented

2.3 Activity: Joint training with prosecutor’s office, FIU, AHSCA, Customs and Tax Office on money laundering, financial crime, criminal assets investigation, organised by ILECU-DET II.

Responsible institution: General Prosecutor Office, General Directorate of State Police (DPT-Department for Police Training, DOSC –Department against Organized and Serious Crime),
Deadline: March 2011
Status: Implemented

2.4 Activity: Five joint training courses with courts, prosecutors office, FIU, HIDA, AAPSK on money laundering, corruption and criminal assets investigation, organised by PAMECA, OPDAT, ICITAP, PACA and PTC.

Responsible institution: General Prosecutor Office, General Directorate of State Police (DPT-Department for Police Training, DOSC –Department against Organized and Serious Crime, Financial Intelligence Unit –FIU, High Inspectorate of Asset Declaration-HIDA
Deadline: April 2011
Status: Implemented

2.5 Activity: Drafting and adoption of joint training plans with the prosecution office.

Responsible institution: General Prosecutor Office, General Directorate of State Police (DPT-Department for Police Training)
Deadline: April 2011
Status: Implemented

2.6 Activity: Delivery of 10 joint training courses with prosecutors’ office and other law enforcement agencies according to this plan.

Responsible institution: General Prosecutor Office, General Directorate of State Police (DPT-Department for Police Training, DOSC –Department against Organized and Serious Crime, Financial Intelligence Unit –FIU, High Inspectorate of Asset Declaration-HIDA
Deadline: Within 2011
Status: Partially implemented

Justification Implementation of these training courses has been so far almost fully implemented as a result of a clear defined Action Plan on police training. To implement the Priorities of the Report of European Commission a Plan Matrix with Prot No. 159/3 dated 19.01.2011 was approved by General Directorate of State Police. Regarding the training, an Order by the Deputy / Director General of State Police “On the implementation of tasks arising from the Plan Matrix was issued and followed up by Prot No. 159/3 dated
On the other hand as result of a Joint Order No. 1447/5 No 1283 dated 04/04/2011 and dated 05/04/2011 respectively by the Office of General Prosecutor and Department of Police Training a series of joint training activities were designed and still are in implementation process by the two law enforcement agencies involved. The measure is implemented. We expect that the activities which are partially implemented to be fully completed by the end of year 2011 as is provided by the Action Plan

MEASURE 3: Development of specialised training courses on international aspects of organised crime

3.1 Activity: Training exercise “controlled delivery” organised by OSCE, with participation of Albania, Montenegro, Macedonia, Bulgaria, Turkey and Germany; February 2011

 **Responsible institution:** General Directorate of State Police (DPT-Department for Police Training, DOSC –Department against Organized and Serious Crime

 **Deadline:** February 2011

 **Status:** Implemented

3.2 Activity: Training organised by ICITAP “Advanced undercover techniques” with participation of regional countries.

 **Responsible institution:** General Directorate of State Police (DPT-Department for Police Training, DOSC –Department against Organized and Serious Crime

 **Deadline:** February 2011

 **Status:** Implemented

3.3 Activity: Training exercise within the framework of Vienna Convention on “cross-border surveillance” in cooperation with Austria and Macedonia.

 **Responsible institution:** General Directorate of State Police (DPT-Department for Police Training, DOSC –Department against Organized and Serious Crime, PAMECA

 **Deadline:** March 2011

 **Status:** Implemented

3.4 Activity: Training on regional cooperation against internet money laundering, organised by CoE (IPA) March 2011

 **Responsible institution:** General Directorate of State Police (DPT-Department for Police Training, DOSC –Department against Organized and Serious Crime, ICITAP

 **Deadline:** March 2011

 **Status:** Implemented

3.5 Activity: Training for undercover agents in special operations within the framework of SOCA Twinning Project.

 **Responsible institution:** General Directorate of State Police (DPT-Department for Police Training, DOSC –Department against Organized and Serious Crime

 **Deadline:** March 2011

 **Status:** Implemented

3.6 Activity: Two training courses for undercover agents and controlled delivery operations. (PAMECA and OSCE)

 **Responsible institution:** General Directorate of State Police (DPT-Department for Police Training, DOSC –Department against Organized and Serious Crime

 **Deadline:** May 2011

 **Status:** Not implemented

 **Justification:** Because of training arrangement the above course have been postponed to another date within timeline of 2011.
3.7 Activity: Training on information development and organised crime investigation, organised by FBI and SECI in Skopje, Macedonia. May 2011

**Responsible institution:** General Directorate of State Police (DPT-Department for Police Training, DOSC –Department against Organized and Serious Crime, FBI, SECI

**Deadline:** May 2011

**Status:** Implemented

3.8 Activity: Training on international trafficking of works of art. (FBI and MoI of Macedonia) June 2011

**Responsible institution:** General Directorate of State Police (DPT-Department for Police Training, DOSC –Department against Organized and Serious Crime

**Deadline:** June 2011

**Status:** Implemented

3.9 Activity: Training on criminal assets investigation – PACA Project.

**Responsible institution:** General Directorate of State Police (DPT-Department for Police Training, DOSC –Department against Organized and Serious Crime

**Deadline:** October 2011

**Status:** Partially implemented

**Justification:** The deadline provided by responsible institutions goes beyond the monitoring time frame.

3.10 Activity: 13 training courses planned with Spain and Bulgaria in the framework of Twinning Project AL-2009-1BJH-03 “Support to the structures for structures against money laundering and financial crime in Albania

**Responsible institution:** General Directorate of State Police (DPT-Department for Police Training DOSC –Department against Organized and Serious Crime

**Deadline:** During 2011

**Status:** Partially implemented

**Justification:** As a result of a well detailed Action Plan on police training approved by the Order of Deputy Director General of State Police on Police Training

“On the implementation of tasks arising from the Plan Matrix” with Prot No. 159 / 3 dated 19.01.2011 these training activities are expected to take place along the year 2011. Until now is organized a training seminar where participated 20 police officers and a study visit in Madrid, Spain.  

The measure is implemented. We expect that the activities which are partially implemented to be fully completed by the end of year 2011 as is provided by the Action Plan

**MEASURE 4: Improvement of MEMEX System and purchase of new licences**

4.1 Activity: Purchase of 28 new licences

**Responsible institution:** General Directorate of State Police (GDSP)

**Deadline:** March 2011

**Status:** Implemented

4.2 Activity: Upgrade of MEMEX system introducing Patriarch

**Responsible institution:** General Directorate of State Police (GDSP)

**Deadline:** March 2011

**Status:** Implemented

4.3 Activity: Training of system administrators and trainers from MEMEX Company

**Responsible institution:** General Directorate of State Police (DPT-Department for Police Training DOSC –Department against Organized and Serious Crime

**Deadline:** March 2011

**Status:** Implemented

176 According to information released by the interview with Mr. Maringlen Sheplo, Head of Police Training Department at Academy of Police Tirana, date, 15 June 2011
4.4 Activity: Migration of data into the new application.  
**Responsible institution:** General Directorate of State Police, DOSC –Department against Organized and Serious Crime)  
**Deadline:** March 2011  
**Status:** Implemented

4.5 Activity: Training of all users of MEMEX on the application of “Patriarch”.  
**Responsible institution:** General Directorate of State Police (DPT-Department for Police Training DOSC –Department against Organized and Serious Crime  
**Deadline:** May 2011  
**Status:** Implemented  
*The measure is implemented.*

**MEASURE 5: Enhancement of data protection within police**

5.1 Activity: Periodical audit of collection, processing and use of the data in MEMEX, based on the Order No. 851/1 of 22.7.2010 of the General Director of State Police  
**Responsible institution:** General Directorate of State Police-GDSP  
**Deadline:** During the year 2011  
**Status:** Implemented

5.2 Activity: Drafting and adoption of the Regulations for Data Protection and their security.  
**Responsible institution:** General Directorate of State Police-GDSP, Commissioner for Personal Data Protection  
**Deadline:** June 2011  
**Status:** Implemented.  
*The measure is implemented.*

**MEASURE 6: Wider use of special investigative methods**

6.1 Activity: The Monitoring Room for secret police operations will be completed and functional.  
**Responsible institution:** General Directorate of State Police-GDSP  
**Deadline:** January 2011  
**Status:** Implemented

6.2 Activity: Drafting and adoption of standard procedures for Monitoring Room of secret police operations.  
**Responsible institution:** General Directorate of State Police, DOSC –Department against Organized and Serious Crime)  
**Deadline:** July 2011  
**Status:** Not implemented

6.3 Activity: Enhance of capacity – building on human and technical resources of special operations’ structures, by adding 20 more new functions as well as the purchase of new equipment for 130,000 euro.  
**Responsible institution:** General Directorate of State Police, DOSC –Department against Organized and Serious Crime)  
**Deadline:** During year 2011  
**Status:** Partially implemented  
**Justification:** Since the deadline to complete this activity is still open until now is proceed with the selection process of people working at new functions.

6.4 Activity: The number of operations using the special investigative methods will increase by 10%.  
**Responsible institution:** General Directorate of State Police, DOSC –Department against Organized and Serious Crime)  
**Deadline:** During year 2011  
**Status:** Partially implemented  
**Justification:** The operations using the special
investigative methods are still underway. However it should be mentioned so far 4 operations against trafficking of narcotics and 9 against economic crime realized with these methods but is difficult to make a comparative approach with the same period of the last year since the data are missing.

The measure is partially implemented.

**MEASURE 7: Increase of forensic police capacities, include DNA examination**

7.1 Activity: Training for DNA experiments. (Greek Police)
**Responsible institution:** General Directorate of State Police, DOSC –Department against Organized and Serious Crime), Forensic Police Directorate

**Deadline:** April 2011

**Status:** Implemented

7.2 Activity: Trainings for DNA experiments. (PAMECA, OSCE)
**Responsible institution:** General Directorate of State Police, DOSC –Department against Organized and Serious Crime), Forensic Police Directorate, DPT-Department for Police Training

**Deadline:** December 2011

**Status:** Partially implemented

**Justification:** A series of training had taken place so far and have to be completed by the end of the year according to Action Plan on police training approved by the Order of Deputy / Director General of State Police on Police Training “On the implementation of tasks arising from the Plan Matrix with Prot No. 159/3 dated 19.01.2011.”

7.3 Activity: Establishment of data bank of DNA in cooperation with PAMECA and OSCE.
**Responsible institution:** General Directorate of State Police, DOSC –Department against Organized and Serious Crime), Forensic Police Directorate, PAMECA, OSCE

**Deadline:** During the year 2011

**Status:** Partially implemented

**Justification:** Further negotiations and clear legal framework is needed among institutions to complete a data bank of DNA so the process is foreseen to be completed by the end of year 2011

7.4 Activity: Extension and deepening of computer examinations through application of computer software programmes.

**Responsible institution:** General Directorate of State Police, DOSC –Department against Organized and Serious Crime), Forensic Police Directorate, DPT-Department for Police Training

**Deadline:** During the year 2011

**Status:** Implemented

7.5 Activity: Starting of accreditation procedures for DNA laboratory, aiming at meeting the required standards.

**Responsible institution:** PAMECA, OSCE, ICITAP

**Deadline:** During the year 2011

**Status:** Partially implemented

**Justification:** Since the accreditation procedures for DNA laboratory takes more time than usually such activity is provided to be fully completed by the end of year 2011.

The measure is partially implemented.

**MEASURE 8: Establishment of a reliable statistical report system**

8.1 Activity: Preparation of necessary legal acts, adoption for implementation of the Project

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178 According to information released by the interview with Mr. Maringlen Sheplo, Head of Police Training Department at Academy of Police Tirana, date, 15 June 2011
“Management of the statistical analysis by means of digital maps”

**Responsible institution:** General Directorate of State Police- GDSP  
**Deadline:** July 2011  
**Status:** Not implemented  
**Justification:** There is no information why the legal acts for implementation of the Project Management of the statistical analysis by means of digital maps are not yet drafted and approved.

8.2 **Activity:** Implementation at Tirana Police Directorate of the Pilot Project for supplementary events reports  
**Responsible institution:** Prosecutor’s Office  
**Deadline:** During the year 2011  
**Status:** Partially implemented  
**Justification:** The pilot project at Tirana Police Directorate to provide supplementary events reports has just started and a close cooperation with prosecutor’s office remain essential to be completed within the year. 
*The measure is partially implemented.*

**MEASURES 10: Further reduction of cannabis sativa cultivation**

10.1 **Activity:** Drafting of a special action plan for the fight against cultivation of narcotic plants;  
**Responsible institution:** Ministry of Interior, Local Government Units  
**Deadline:** March 2011  
**Status:** Implemented

10.2 **Activity:** Implementation of the first phase, namely the awareness-raising and prevention one;  
- establishment of central and regional working groups for the fight against cultivation of narcotic plants;  
- organisation of national and regional conferences, meetings with the communities, TV programmes and adds.  
**Responsible institution:** Ministry of Interior, General Directorate of State Police, Local Government Units  
**Deadline:** May 2011  
**Status:** Implemented

10.3 **Activity:** Implementation of the second operational phase, namely the destruction of cultivated narcotic...
plants and takes to justice the perpetrators:
- monitoring and control of the territory
- identification of eventual cultivation areas and their destruction
- identification and taking to justice the perpetrators

**Responsible institution:** Ministry of Interior, General Directorate of State Police, Local Government Units

**Deadline:** November 2011

**Status:** Partially implemented

**Justification:** Following the 2010 Action Plan, the General State Police launched 2011 Action Plan at the National Conference against cultivation of narcotic plants on 16 March 2011.\(^{179}\) However both its phases - the prevention and operation - need the necessary time to be visible. Despite this during July-August were seen some concrete actions concluding with 6 airborne and 21 ground operations against the cultivation of narcotics plant across the country.\(^{180}\)

The measure is implemented.

**MEASURE 11:** Further strengthening of border control for the prevention and repression of drug trafficking

**11.1 Activity:** Purchase of new equipment for border police, including 7 sailing boats, 4 x 4 vehicles, etc.

**Responsible institution:** General Directorate of State Police-GDSP,

**Deadline:** During 2011

**Status:** Implemented

**MEASURE 12:** Further enhancement of inter institution cooperation on the fight against narcotics trafficking

**12.1 Activity:** Based on the UNODC initiative, within the framework of the regional project, based on a joint agreement, there will be established a common structure among border police, anti-drug services and customs, which will be called “the office for containers control-OCC.”

**Responsible institution:** Ministry of Interior, Ministry of Finance, Ministry of Health

**Deadline:** During the year 2011

**Status:** Partially implemented

\(^{179}\) Action Plan Nr 624/2 dated 11.03.2011 issued by the Minister of Interior “On prevention of the cultivation of narcotics plants and taking to justice of the perpetrators”. It was followed by the operational plans drafted and approved by the General Directorate of Police such as Nr 937 dated 03.06.2011 “On the monitoring, control, evidencing and destruction of parcels planted to narcotics plants and Nr 985 dated 10.06.2011 “On monitoring by helicopters to identify the areas cultivated to narcotic plants “cannabis”


**Justification:** Since the national inter-institutional cooperation has raised certain difficulties to speed up the conclusion of joint agreement, it is expected to happen before the end of year 2011.

12.2 **Activity:** Within Public Health Institute there will be established the National Centre for Data collection on drug issues, in partnership with EMCDDA. This initiative is sponsored and supported by UNODC.

**Responsible institution:** Ministry of Interior, Ministry of Finance, Ministry of Health

**Deadline:** June 2011

**Status:** Implemented\(^{182}\)

*The measure is partially implemented.*

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**MEASURE 13: Continuance and enhancement of international cooperation with foreign law enforcement agencies**

13.1 **Activity:** Exchange of undercover agents for realisation of special operations against organised crime.

**Responsible institution:** General Directorate of State Police- GDSP

**Deadline:** During the year 2011

**Status:** Partially implemented

**Justification:** It happens according to investigation requests by regional counterparts.

13.2 **Activity:** Implementation of Regional Project Cooperation in Criminal Justice: “The Protection of Witnesses in the Fight against Serious Crimes and Terrorism (WINPRO)” in the Western Balkans Countries, Albania, Bosnia & Herzegovina, Macedonia, Serbia etc.\(^{183}\)

**Responsible institution:** General Directorate of State Police- GDSP

**Deadline:** During 2011

**Status:** Partially implemented

**Justification:** Since the international cooperation raise a lot of challenges and the process takes much more time than is needed due to coordination between institutions, the implementation deadline is beyond the monitoring timeline.

13.3 **Activity:** Establishment of joint investigation teams with regional counterparts in addition to implementation of Vienna Convention.

**Responsible institution:** General Directorate of State Police- GDSP

**Deadline:** During 2011

**Status:** Partially implemented

**Justification:** Since the international cooperation raise a lot of challenges and the process takes much more time than is needed due to coordination between institutions, the implementation deadline is beyond the monitoring timeline.

13.4 **Activity:** Accomplishment of negotiations for assignment of technical cooperation agreement with EULEX for fight against organised crime”

**Responsible institution:** General Directorate of State Police- GDSP

**Deadline:** June 2011

**Status:** Not implemented

**Justification:** Since the international cooperation raise a lot of challenges and the process take much more

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\(^{182}\) DCM No. 299 dated 14/04/2011 for the Approval of the regulation "On the functioning of the National Coordination Committee on Combating Drugs, the Secretariat of the Committee and the Office of National Data System on Drugs (Official Journal No. 59, Year 2011, Page 2446)

\(^{183}\) However could be also mentioned DCM No. 43 dated 19/01/2011 For the Approval of Memorandum of Understanding for cooperation and support of the Secretariat of the Southeast European Police Cooperation’s Convention (Official Journal No. 7, 2011, Page 160)
time than is needed due to coordination between institutions.

13.5 Activity: Accomplishment of negotiations for assignment of agreement with Austria “for exchange of data on asylum and migration management”.
Responsible institution: General Directorate of State Police- GDSP
Deadline: During the year 2011
Status: Partially implemented
Justification: Since the international cooperation raise a lot of challenges and the process takes much more time than is needed due to coordination between institutions, the implementation deadline is beyond the monitoring timeline.

13.6 Activity: Completion of negotiations related to the amendment of the cooperation agreement with Germany (extension of cooperation areas).
Responsible institution: General Directorate of State Police- GDSP
Deadline: During the year 2011
Status: Partially implemented
Justification: Since the international cooperation raise a lot of challenges and the process takes much more time than is needed due to coordination between institutions, the implementation deadline is beyond the monitoring timeline.

13.7 Activity: Completion of negotiations for the signing of the agreement with CEPOL.
Responsible institution: General Directorate of State Police- GDSP
Deadline: During the year 2011
Status: Partially implemented
Justification: Since the international cooperation raise a lot of challenges and the process takes much more time than is needed due to coordination between institutions, the implementation deadline is beyond the monitoring timeline.

13.8 Activity: Drafting of a handbook on regional cooperation with Montenegro and Macedonia, etc.
Responsible institution: General Directorate of State Police- GDSP
Deadline: During 2011
Status: Partially implemented
Justification: Since the international cooperation raise a lot of challenges and the process takes much more time than is needed due to coordination between institutions, the implementation deadline is beyond the monitoring timeline.

13.9 Activity: Exchange of information with foreign law enforcement agencies in any occasion when international connections are evident with regard to the trafficking of narcotic substances. Actively participate in all regional projects on the fight against drug trafficking (BESA, DRUG POLICING BALKAN etc).
Responsible institution: General Directorate of State Police- GDSP
Deadline: During 2011
Status: Partially implemented
Justification: Although there is frequent exchange information between GDSP and foreign law enforcement agencies based on the current agreements in force, the further commitments on the regional fight against drug trafficking are expected to take place within the defined deadline.

13.10 Activity: Increase the number of international operations by 7% in cooperation with Regional and EU counterpart law enforcement agencies related to the fight against organised crime.
Responsible institution: General Directorate of State Police- GDSP
Deadline: During 2011
Status: Partially implemented
The international operations are depended on the mutual request by the regional and EU counterpart law enforcement agencies. However, a joint international operation against trafficking of drugs was concluded within the monitoring period where Italy, Spain and Albania cooperated together. It is still an unclear evidence to make a significant comparison on the percentage of increased number of international operations.

**The measure is partially implemented.**

**MEASURES 14:** It should be assessed the implementation of the existing activities and should be drafted new strategies

**14.1 Activity:** The assessment of the implementation of the Strategy against Trafficking of Human Beings for 2010 and the publication of the respective report.

**Responsible institution:** National Coordinator for the Anti-Trafficking of Human Beings

**Deadline:** February 2011

**Status:** Implemented

**14.2 Activity:** Drafting and approving the National Action Plan for the fight against trafficking of human beings and of the additional document, the action plan for the fight against trafficking of minors and the protection of minors, victims of trafficking 2010 - 2013.

**Responsible institution:** National Coordinator for the Anti-Trafficking of Human Beings, GDSP Ministry of Labour, Social Affairs and Equal Opportunities

**Deadline:** February 2011

**Status:** Implemented

**The measure is implemented.**

**MEASURE 15:** The implementation of the National Action Plan for the Fight against Trafficking of Human Beings and of the additional document, the action plan for the fight against trafficking of minors and the protection of minors, victims of trafficking approved by DCM No 142 of 23.02.2011

**15.1 Activity:** Drafting and approving the Operational Standard Procedures for the identification of the victims of trafficking

**Responsible institution:** National Coordinator for the Anti-Trafficking of Human Beings, Members of MKR

**Deadline:** September 2011

**Status:** Implemented

**Justification:** The Standard Working Procedures has been approved by a Council of Ministers Decision thus facilitating its implementation.

**15.2 Activity:** The implementation of the Operational Standard Procedures (OSP)

**Responsible institution:** National Coordinator for the Anti-Trafficking of Human Beings, Members of MKR

**Deadline:** During the year 2011

**Status:** Partially implemented

**Justification:** After the approval of the Operational Standard Procedures (OSP) a multidisciplinary monitoring group to assess its implementation will be established.

**The measure is partially implemented.**

**MEASURE 16:** Training of the law enforcement officers regarding the identification, interviewing of the victims as well as regarding the special investigation

**16.1 Activity:** Training of 200 police officers of border police structures, public security for the identification of victims/potential victims of trafficking.

**Responsible institution:** National Coordinator for the Anti-Trafficking of Human Beings, Members of MKR

**Deadline:** February 2011

**Status:** Implemented

**The measure is implemented.**

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184 DCM No. 142 dated 23/02/2011 for the approval of the National Action Plan for combating the trafficking of human beings and “the additional document” Action Plan to combat child trafficking, protecting children as victims of trafficking (Official Journal No. 30, 2011, Page 1051)

185 DCM Nr 582 dated 27.07.2011 “The standard operating procedures for the identification and referral of victims/potential victims of trafficking.”
of victims and possible victims of trafficking.

**Responsible institution:** General Directorate of State Police  
**Deadline:** During 2011  
**Status:** Partially implemented  
**Justification:** The training activities have been carried out as planned. No delays have been verified during the monitoring period. The activity is partially implemented because of the deadline going beyond the monitoring period.

**16.2 Activity:** Training of police officers engaged in the fight against trafficking of human beings on the application of criminal information oriented investigation techniques;  
**Responsible institution:** General Directorate of State Police  
**Deadline:** During 2011  
**Status:** Partially implemented  
**Justification:** Nine trainings and meetings have been conducted by the Office of the National Coordinator in the Fight against Trafficking in Human Beings and its partners with members of the Local Anti-trafficking Committees, respectively in the Committees of Durrës, Dibra, Vlora, Kukes, Shkodra, Lezha, Elbasani, Tirana, and Fieri. The activity is partially implemented because of the deadline going beyond the monitoring period.

**16.3 Activity:** Development of monthly periodic meetings on the reporting of the phenomena of human beings trafficking in each region and coordination with all actors for the prevention of these phenomena.  
**Responsible institution:** General Directorate of State Police  
**Deadline:** During 2011  
**Status:** Partially implemented  
**Justification:** The activity qualifies as partially implemented as the monthly periodic meetings are ongoing throughout 2011.

The Measure is partially implemented

**MEASURE 17:** It should go on the recruiting process of the women police in the most sensitive positions.

**17.1 Activity:** It will draft and approve the Action Plan "For Gender Diversity in State Police “  
**Responsible institution:** General Directorate of State Police  
**Deadline:** April 2011  
**Status:** Implemented

**17.2 Activity:** It will appoint a woman police officer in each section against illegal trafficking who will address the cases of trafficking of women, they will be appointed especially in BCPs.  
**Responsible institution:** General Directorate of State Police  
**Deadline:** During 2011  
**Status:** Partially Implemented  
**Justification:** The counter trafficking structures have been strengthened with 18 additional positions, 3 in the Sector against Trafficking (at central level) and 15 specialists at the local structures of the Regional General Directorate of Durres, Shkoder, Vlora, Korca, Kukes, Dibra and Gjirokastër. Still the appointment of woman police officers in each section is yet to be completed.

The Measure is partially implemented

**MEASURE 18:** It should be improved the cooperation at local level including schools, social services, local government bodies (municipalities and communes).

**18.1 Activity:** Drafting, approving, implementing and monitoring the annual strategies for community security and policing of Regional Police Directorates and Regional Border and Migration Directorates for
2011.

**Responsible institution:** General Directorate of State Police, Regional Police Regional Border and Migration Directorate, Professional Standards Directorate,

**Deadline:** January - December 2011

**Status:** Implemented

**Justification:** The cooperation at local level has been increased with Local governments and Prefects\(^{186}\) units of seaside regions during summer time period. Drafting and implementing the annual strategies for community security and policing of Regional Police Directorates has been carried out as part of the National Strategy on Community Policing.

*The Measure is implemented*

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**MEASURES 19:** It should be offered a more efficient protection for the victims of trafficking that cooperated with the law enforcement agencies.

**19.1 Activity:** Drafting and approving a manual for the establishment of standard procedures that need to be implemented by the law enforcement officers for the protection of citizens, including also the victims of trafficking that collaborate with the justice bodies.

**Deadline:** March 2011

**Responsible institution:** National Coordinator for the Anti-Trafficking of Human Beings

**Status:** Implemented

**19.2 Activity:** The training of the law enforcement officers for the procedures that need to be implemented for the protection of the victims of trafficking.

**Responsible institution:** General Directorate of State Police

**Deadline:** June 2011

*The Measure is implemented*

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**MEASURE 20:** Amendments in the legal framework according to international norms FATF, recommendations and acquis provisions

**20.1 Activity:** The approval of the draft law “For some additions and amendments in the Law No 9917 of 19.05.2008 “On prevention of money laundering and finance of terrorism”, where have been reflected the FATF and MONEYVAL Committee recommendations, that deal in particular with the surveillance and control of persons politically exposed etc.\(^{188}\)

**Responsible institution:** Directorate for the Prevention of Money Laundering Department against Organized Crimes’ Prosecution Office, which were attended by 82 police officers\(^{187}\).

**Status:** Implemented

**Justification:** 5 training courses were organised in cooperation with the Training Department and Serious Crimes’ Prosecution Office, which were attended by 82 police officers\(^{187}\).

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\(^{187}\) GoA contribution to the EC for the October Progress Report, September 2011.

\(^{188}\) Law No. 10391 dated 03/03/2011 For some amendments and changes to Law No. 9917 dated 19.05.2006 “On prevention of money laundering and terrorist financing (Official Journal No. 31, Year 2011, Page 1107)
Crime and Serious Crimes

**Deadline**: January 2011

**Status**: Implemented

**Justification**: The measure has been implemented by the approval of Law Nr 10391 of 03.03.2011 “For some additions and amendments in the Law No 9917 of 19.05.2008, For the prevention of money laundering and financing of terrorism” which included the “politically exposed persons” within its scope.\(^{189}\)

*The Measure is implemented*

**MEASURE 21: It should be increased the minimum of criminal convictions on money laundering**

**21.1 Activity**: Amendment of the Criminal Code provisions regarding the amendments required criminal act of laundering of crime proceeds and finance of terrorism.

**Responsible institution**: Ministry of Justice, Ministry of Interior General Prosecutor’s Office, Directorate for the Prevention of Money Laundering Department against Organized Crime and Serious Crimes

**Deadline**: During 2011

**Status**: Implemented

**Justification**: More than 98% of the reports by the entities are delivered online and this has contributed significantly in the enhancement of the quality as well as the accuracy of the reporting\(^ {190}\).

**22.2 Activity**: Participation in the training activities in the framework of IPA project 2009 “Support for the structures for the investigation of money laundering and financial crime"

**Deadline**: During 2011

**Status**: Implemented

**Justification**: 3 courses have been organised at the Police Training Centre in Tirana

**22.3 Activity**: For 2011 have been planned 13 joint trainings between law enforcement agencies and 3 specific trainings only for police

**Responsible institution**: Directorate for the Prevention of Money Laundering, DGSP

**Deadline**: During 2011

**Status**: Partially Implemented

**Justification**: Within the monitoring deadline there have been organised 4 training courses in the field of money laundering whereby 60 police officers of the Department against Serious and Organised Crimes were trained. The remaining trainings are to be organised until the end of 2011.

**22.4 Activity**: Active participation in the meetings of the EGMONT group, MONEYVAL Committee and the exchange of best practices with international partners

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\(^{190}\) GoA contribution to the EC for the October Progress Report, September 2011.
**Responsible institution:** Directorate for the Prevention of Money Laundering,  
**Deadline:** During 2011  
**Status:** Implemented  
**Justification:** Routine activity of the institutions with little relevance and no measurable indicators.

**22.5 Activity:** Enhancing the work for training and inspection of institutions in order to increase the online reporting as well as to increase the number and quality of the reports of suspicious activity  
**Responsible institution:** Directorate for the Prevention of Money Laundering,  
**Deadline:** During 2011  
**Status:** Implemented  
**Justification:** See Activity 22.1

**22.6 Activity:** Continuous control from the Directorate for the Prevention of Money Laundering and from the other supervisor legal institutions  
**Status:** Implemented  
**Responsible institution:** Directorate for the Prevention of Money Laundering  
**Deadline:** During 2011  
**Justification:** Routine activity of the institutions with little relevance and no measurable indicators.

**The Measure is partially implemented**  
**Justification:** The majority of the activities foreseen in the plan are part of the daily work of the institutions involved and are not relevant for this Action Plan. They do not target specific problematic issues noticed by the Analytical Report of EC (and other international organisations’ reports) and in the same time lack concrete indicators of progress. Few activities are repeated in the following measures.  

**MEASURE 23: Increase of the number of proceedings in the field of money laundering**  
**23.1 Activity:** Increase with 5% of proactive investigations against money laundering  
**Responsible institution:** Department of Organized & Serious Crime  
**Deadline:** During 2011  
**Status:** Partially Implemented  
**Justification:** The activity is on-going with a deadline set by the end of 2011. No official data have been released to measure the potential increase of investigations. Up to September 2011 State Police sent to the Prosecution Office 24 cases of laundering of crime proceeds, with the involvement of 39 suspected offenders prosecuted. There have been 98 requests sent by State Police for accounts verifications and bank transfers of individuals and companies.  

**The Measure is partially implemented**

**MEASURE 24: To fully adapt the national legal framework with acquis**  
**24.1 Activity:** It will be worked with the Inter-institutional Working Group on the amendments in the Albanian legislation in the field against terrorism.

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**Responsible institution:** Department of Organized & Serious Crime, Legal Service Sector  
**Deadline:** During 2011  
**Status:** Partially Implemented  
**Justification:** The measure is too wide and the activity very vague. No concrete progress has been achieved in drafting and proposing pieces of legislation in this area.  
*The Measure is partially implemented*

**MEASURE 25:** To draft and approve the national strategy against terrorism  
25.1 **Activity:** Drafting the strategy against terrorism.  
**Status:** Implemented  
25.2 Drafting the Action Plan for the implementation of the strategy against terrorism  
**Status:** Implemented  
**Responsible institution:** Inter-institutional Working Group  
**Deadline:** June 2011  
**Status:** Implemented  
**Justification:** The draft strategy against terrorism and its Action Plan has been prepared by the Inter-institutional Working Group led by the Deputy Minister of Interior and also assisted by international experts. They were adopted by Decision of the Council of Ministers on 6.7.2011 and little time remains available for the Albanian institutions to show progress in this area until the EC progress report is issued in October.  
*The Measure is implemented*

**MEASURE 26:** It should go on and finish the data transfer from archives to the MEMEX system.  
26.1 **Activity:** The registration in the Memex system of data that are administrated in manual format in the criminal archives.  
**Responsible institution:** Department of Organised & Serious Crime  
**Deadline:** March 2012  
**Status:** Partially Implemented  
**Justification:** The deadline, March 2012 goes beyond the achievement needed before the publishing of the progress report. Although experts interviewed confirm progress in the registration of the data up to 70 %, official figures showing the extent of the implementation of this process have not been provided.  
*The Measure is partially implemented*

**MEASURE 27:** It should be strengthened the fight against organized crime, based on the threats assessment and proactive investigations.  
27.1 **Activity:** Drafting the report for threat assessment against organized crime (based on the Order of General Director No 603 of 1.6.2010)  
**Responsible institution:** Department of Organised & Serious Crime  
**Deadline:** January 2011  
**Status:** Implemented  
**Justification:** Threats assessment report has been completed with the support of international experts assisting the Department.  
*The Measure is implemented*

**MEASURE 28:** Increase of number of property investigations, which brings about increase of seizures and confiscations through:  
28.1 **Activity:** Increase with 15 % of the number of cases dealing with property investigations regardless of the criminal proceedings, through:  
- Putting in full function the Sector for the Investigation of State Police
of Assets

- Development of staff capacities, through joint trainings with Prosecutors Office, Court, AHSCA, GDPML, (10 joint trainings for 2011, have been planned from January, March, April, May, June, September, October, November, December where will be trained 208 employees, in collaboration with strategic partners such as: PAMECA, ICITAP, OPDAT, ILECU II project, PACA),
- Acknowledgement and exchange of best practices and experience.
- Drafting of the procedures manual for the investigation of criminal assets
- Increase of collaboration with regional counterparts and beyond as well as with the ZGJAK & CARIN network, with the Egmont group, SECI, (use of Europol, Interpol, and Liaison Officers

**Responsible institution:** Department of Organised & Serious Crime, Department for Police Training, PAMECA, OPDA

**Deadline:** During 2011

**Status:** Partially Implemented

**Justification:** There has been progress in implementing the above-mentioned activities although not being fully implemented with the deadline going until 2011. The sector for the Investigation of Assets is now fully operational, while the inter-institutional cooperation has been strengthened through the organisation of 4 meetings of the Technical Inter-institutional Committee of experts regarding the measures for assets freezing and sequestering. The cooperation has continued for the drafting and approval of the Regulation for the functioning of the Committee. The standard working procedures for the investigation of criminal assets are being drafted but have not been approved yet. Professional capacities have been strengthened through the participation in 11 trainings for the investigation of criminal assets, corruption, money laundering and their connection with organised crime.

28.2 Activity: Strengthening of cooperation and exchange of data between Police and FIU, Traffic Transport Directorate, ALUIZNI, IPRO, Tax Directorate, Customs, National Licensing Centre, Albanian Directorate of Patents and Trademarks.

**Responsible institution:** State Police, FIU, Traffic Transport Directorate, ALUIZNI, IPRO, Tax Directorate, Customs, National Licensing Centre, Albanian Directorate of Patents and Trademarks.

**Deadline:** During 2011

**Status:** Not Implemented

**Justification:** No feasible progress in interagency data exchanging has been verified although all agencies are committed to cooperation.

**The Measure is partially implemented**

**MEASURE 29: Presentation of full statistics on the fight against organized crime**

29.1 Activity: Improvement of the quality of data gathered from the case management system in courts and law enforcement agencies.

**Responsible institution** Ministry of Justice, General Prosecutor Office, General Directorate of State Police

**Deadline:** During 2011 (Periodical reporting)

**Status:** Partially Implemented

**Justification:** General Directorate of State Police has made improvements in collecting and reporting statistics. In February 2011, Criminal Investigation Assets sector at State Police has drafted the statistical modules on the investigation of criminal assets and statistics on the statistical data on discovered assets, seized, confiscated and those returned.

29.2 Activity: Improvement of the process for the elaboration of MoJ statistics and of their analysis.

**Responsible institution:** Ministry of Justice,
Deadline: During 2011 (Periodical reporting)
Status: Not Implemented
Justification: No progress has been registered by Ministry of Justice.
The Measure is partially implemented

C. Conclusion on the progress registered in the respective thematic field
A large number of measures and activities which address EC Priority 9 in the Action Plan are to be implemented until the end of 2011 thus going beyond the issuing of the EC progress report of October 2011. That is why very often the status of implementation for most of them is ongoing. While the activities implemented within the deadline are related either to the fulfilment of training needs or to the requirements for improvement of technical capacities of law enforcement agencies against organized crime. Parts of the measures or activities related to inter-institutional or regional cooperation are partially implemented because of their longer-term nature. The same assessment can be made for those activities associated with implementation of measures which aim to improve the strategic framework in the fight against organized crime such as the adoption of anti-drug strategy. Also a number of legal changes provided by Action Plan have taken place especially those on the fight against money laundering, terrorist financing and human trafficking. It should be noted that almost all the activities envisaged to capacity building of human resources have already meet the implementation status due to the approval of a specific Action Plan on trainings by the General Directorate of State Police. Despite the progress achieved so far still remain a significant number of measures and activities to be implemented within the deadline set by the Action Plan before the review of Albania’s request for EU candidate status in October 2011.

- Twelve measures (out of 29 in this chapter) have been implemented within the deadline. (Measures 2-3-4-5-10-11-14-18-19-20-25-27)
- A total of sixteen measures are partially implemented.
- Nine measures (out of 29 in this chapter) have been partially implemented. (Measures 8-13-15-17-22-23-24-26-29)
- Seven measures (out of 29 in this chapter) have been partially implemented because of a deadline which is later than the civic monitoring report cut-off date. (Measures 1-6-7-9-12-16-28)
- The implementation of one measure (out of 29 in this chapter) is delayed – not implemented or partially implemented beyond the deadline that was scheduled before 5 September. (Measures 21)

Comments on the adequacy of the measures planned by the Albanian Government in the Action Plan addressing the Priorities of the EC Opinion for Albania:

This chapter of the Action Plan addressing the 9th EU Priority doesn’t look to respond appropriately to the four pillar structure the Priority entails such as: 1) threat assessment and proactive investigations; 2) increased cooperation with regional and EU partners; 3) better coordination of law enforcement agencies;

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194 Academy of Police in Tirana was the only agency fully cooperating with the monitoring experts and providing verifiable data. Mr. Mariglen Sheplo, Head of Police Training Department was interviewed on the progress achieved for the trainings component of the Action Plan.
and 4) develop a solid track record in this area. To better measure the performance of the institutions involved it would have been more practical for the action plan to have explicit references to these four elements and only for a short –term period (no later than 30th of September). The Action Plan for the Priority 9 has been augmented with irrelevant activities and measures part of the daily work of the institutions involved (such as reporting, participation in meetings, regular controls, etc) hardly measured and in the same time decreasing the overall relevance of this chapter. The lack of measurable indicators is one of the biggest shortcomings of this part of the plan. Even where such indicators exist they are not matched by an appropriate reporting format thus remaining unmeasured. The majority of statistical data is produced by the end of the year and until then correct evaluations of data and trends cannot be performed.

Generally the measures envisaged by the government in the action plan are related to further improvement of the equipment and institutional infrastructure of law enforcement agencies involved in the fight against organized crime. Also a series of trainings (29 activities out of 91) on further strengthening of capacities are provided which mainly address the EC Priority for an effective implementation of threat assessment and proactive investigations. On the other side what is clearly lacking in the Action Plan are measures about the need for legal changes in the Penal Code and the Code of Penal Procedure that are closely linked to the aspects of investigation and handling of organized crime cases in court. In particular these needs relate to the most important provisions of the Penal Code or Penal Procedure Code on the extension of detention and trial period or house arrest measures which have create space for “obstructing the justice” and an ineffective fight against organized crime and proactive investigations. Manny high profile cases are being delayed for years jeopardising the finalisation of judicial processes.

Other short – term measures such as “recruitment of women police in key positions” or “community policing” does not seem relevant to what the Priority provides. The Action Plan also lacks to address the issue of the interception of telecommunications especially regarding the division of tasks between the Albanian State Police and the Secret Intelligence Service. The Secret Intelligence Service is an important institution in the fight against organised crime and should be included in the Action Plan.

D. Recommendations on future developments in the respective policy area

- For a better monitoring and assessment of the implementation of measures and activities, these need to be regrouped accordingly with the 4 areas of activity for the fight against organized crime as stated by the EC Priority.

_Responsibility Institution: MoEI, MoI, MoJ, SP, GPO_

- In the new Action Plan setting of the deadlines should be carefully performed in order that the implementation timeframe for all the measures and activities to coincide with the assessment period of the European Commission October 2012.

_Responsibility Institution: MoEI, MoI, MoJ, SP, GPO_

- The Action Plan must be provided with more measurable activities which will facilitate the use of evaluation indicators from EC rather than provide figures not easily measured (e.g. increase 5 % number of special investigative operations). To increase the transparency and accountability of the institutions an evident improvement is needed for the on line
information available on the web sites of the Ministry of Interior and General Directorate of State Police as regards the level of implementation on measures and activities envisaged by the Action Plan.

Responsible Institution: MoI, SP, GPO

- Changes in the Penal Code and the Code of Penal Procedure regarding aspects of investigation and handling of organized crime cases in court are needed. In particular the extension of detention and trial period, and provisions regulating house arrest measures need to be improved.

Responsible Institution: MoJ, GPO, SP.
LEGAL ACTS

1. Law No. 10371 dated 10/02/2011 On ratification of the Memorandum on the legal and judicial guarantees against unlawful processing of personal data (Official Journal No. 13, Year 2011, Page 338)

2. Law No. 10391 dated 03/03/2011 For some amendments and changes to Law No. 9917 dated 19.05.2006 “On prevention of money laundering and terrorist financing (Official Journal No. 31, Year 2011, Page 1107)


4. Law No. 10438 dated 28/06/2011 For the participation of State Police in humanitarian and peacekeeping police missions abroad (Official Gazette No. 91, Year 2011, Page 3747)


6. DCM No. 43 dated 19/01/2011 For the Approval of Memorandum of Understanding for cooperation and support of the Secretariat of the Southeast European Police Cooperation’s Convention (Official Journal No. 7, 2011, Page 160)


8. DCM No. 291 dated 14/04/2011 For some additions to DCM No. 718 dated 29/10/2004 “On the list of persons designated as funders of terrorism (Official Gazette No. 59, Year 2011, Page 2432)

9. DCM No. 299 dated 14/04/2011 for the Approval of the regulation “On the functioning of the National Coordination Committee on Combating Drugs, the Secretariat of the Committee and the Office of National Data System on Drugs (Official Journal No. 59, Year 2011, Page 2446)

10. DCM No. 326 dated 29/04/2011 For the reallocation of funds between programes within the 2011 budget, approved by the Ministry of Interior (Official Journal No. 66, Year 2011, Page 2660)

11. DCM No. 340 dated 04/05/2011 For the approval of the Protocol between the Council of Ministers of the Republic of Albania and the Government of Malta for the implementation of the Agreement between the Republic of Albania and the European Community on the readmission of persons without legal residence (Official Gazette No. 75, Year 2011, Page 3040)

12. DCM No. 403 dated 08/06/2011 For the approval of the Agreement between the Council of Ministers of the Republic of Albania and the Republic of Kosovo to carry out common control procedures at border check points Qafë- Prush (Has) - Qafë - Prush (Gjakovë between Republic of Albania and Republic of Kosovo and the protocol of common actions at this border check point(Official Journal No. 78, Year 2011, Page 3163)

13. DCM No. 404 dated 08/06/2011 For the approval of the Agreement between the Council of Ministers of the Republic of Albania and the Republic of Kosovo to carry out common control procedures at border check points Qafë- Morinë (Tropojë) - (Gjakovë between Republic of Albania and Republic of Kosovo and the protocol of common actions at this border check point(Official Journal No. 78, Year 2011, Page 3179)

14. DCM No. 405 dated 08/06/2011 For the approval of the Agreement between the Council of Ministers of the Republic of Albania and the Republic of Kosovo to carry out common control procedures at border check points Morinë
(Kukës) - Vermiçë (Prizren between Republic of Albania and Republic of Kosova and the protocol of common actions at this border check point (Official Journal No. 78, Year 2011, Page 3184)

15. DCM No. 515 dated 08/06/2011 For some special rights to the Internal Control Service ICS in Ministry of Interior (Official Journal No. 87, Year 2011, Page 3624)

REPORTS OF INTERNATIONAL ORGANIZATIONS


17. http://www.coe.int/t/dghl/monitoring/moneyval/

18. The mutual evaluation Report on the 4th assessment visit of Albania, as adopted at MONEYVAL’s 35th plenary


US STATE DEPARTMENT REPORT


24. The INCSR is the United States Government’s country-by-country two volume report that describes the efforts to attack all aspects of the international drug trade, chemical control, money laundering and financial crimes. / http://www.state.gov/p/inl/rls/nrcrpt/2011/index.htm


UNODC-UNITED NATIONS OFFICE REPORT ON DRUGS & CRIME 2011


EUROPOL


IMF


INTERVIEW

31. According to information released by the interview with Mr. Maringlen Sheplo, Head of Police Training Department at Academy of Police Tirana, 15 June 2011
10. Priority 10

A national strategy and action plan pertaining to the property titles has to be prepared, approved and implemented, carrying out extensive consultations with the interest groups and taking account of the case law of the European Court of the Human Rights (ECtHR); this initiative should encompass the processes of restitution, compensation and legalization.

A. Activities envisaged to address the Priority

The final version of the AP takes into consideration many of the comments and suggestions made during the consultative meeting and it focuses in three main aspects for the property right issues:

i. Legal framework – mainly addressed through measure 1: The strategy on property titles has to be drafted and existing legal framework to be improved, involving interest groups

ii. Institutional framework – addressed through measure 2: Improving the inter-institutional coordination in the field of property titles and the sectoral legislation

iii. Enforcement of existing legal norms – addressed through measure 3: Observation and enforcement of the judgments of the ECtHR

Furthermore, it seems that many issues will need to be addressed through a more concrete and detailed AP that will be prepared as part of the Inter-Sectorial Strategy Reform in the Field of Property Rights.

B. Qualitative Assessment

MEASURE 1: The strategy on property titles has to be drafted and existing legal framework to be improved, involving interest groups

Activity 1.1: Establishment of the Working Group upon the Order of Minister of Justice No. 1132 of 11.2.2011

Responsible institution(s): MoJ, PRCA, IPRO, State Advocacy, ALUIZNI, METE, MoF, Land Governmental Commission, MoAFCP, MoI

Deadline: February 2011

Status: Implemented

Justification: The working group has been established upon the Order of the Minister of Justice Nr. 1132, date 11/02/2011.

Activity 1.2: Drafting a draft-policy for identifying the cases to be included into the property strategy

Responsible institution(s): MoJ, PRCA, IPRO, State Advocacy, ALUIZNI, METE, MoF, Land Governmental Commission, MoAFCP, MoI

Deadline: March-April 2011

Status: Implemented

195 Most of the issues related to capacity building, and also issues related to the legal framework (ex. revisiting the legal framework to address gaps and inconsistencies, introducing an ad valorem tax on land and properties, addressing the security of immovable property rights, etc.) are foreseen as processes that will be tackled from the Inter-Sectorial Strategy Reform in the Field of Property Rights (ref. Concept Note/draft policy document prepared for the inter-sectoral strategy on property titles, from the MoJ)

196 Confirmed from the Director General of Codification, MoJ, Mrs. Marsida Xhaferllari, during the meeting organized in the MoJ, date 13/07/2011
Justification: A three days workshop is reported to have taken place on March 7th 2011, in Tirana organized from the MoJ with the assistance of CoE. This has been the moment where recommendations and suggestions for the preparation of a policy document were given from the EC and other donors and a first draft of the document was prepared.

Activity 1.3: Consultation with CoE concerning the draft-policy
Responsible institution(s): MoJ, PRCA, IPRO, State Advocacy, ALUIZNI, METE, MoF, Land Governmental Commission, MoAFCP, MoI
Deadline: May 2011
Status: Implemented by June 2011
Justification: It is not clear, whether this process happened through correspondence, or it was considered completed at the moment that the draft-policy was discussed and prepared. One workshop was organized in March 2011. However, it was confirmed that the draft-policy document has been somehow consulted with the CoE.

Activity 1.4: Drafting the draft-Strategy on Property titles
Responsible institution(s): MoJ, PRCA, IPRO, State Advocacy, ALUIZNI, METE, MoF, Governmental Land Commission (GLC), MoAFCP, MoI
Deadline: June 2011 (the forecast to be drafted during 2011)
Status: Partly implemented

Justification: In 2008, the government began an initial discussion of immovable property related issues in its draft Crosscutting Strategy Reform in the Field of Property Rights. The document of the “draft strategy” addresses the various issues with each institution independently and fails to define how improvements will be made in an overall coordination, harmonization and cooperation. A seminar to discuss the draft strategy was held with the relevant government institutions and donor representatives in late 2008, where these issues were raised. (Kelm & Jazaj, 2011)

A concept note for a new Property Rights Strategy has been drafted, aiming to create the basis for a public policy debate on a comprehensive manner. Following this process the working group, already established, has started work on the preparation of the first chapter of the strategy, which presents the situation and reflects on the problems. The composition of the working group is not clear.

Activity 1.5: Consultation with state institutions and local actors dealing with the issue of ownership
Responsible institution(s): MoJ, PRCA, IPRO, State Advocacy, ALUIZNI, METE, MoF, GLC, MoAFCP, MoI
Deadline: June - July 2011
Status: Partly implemented
Justification: The process of drafting the crosscutting strategy on property titles has just started. There has been a 3-days workshop mainly with donors organized by the CoE and MoJ related to the process of strategy preparation. A concept note was prepared based on the workshop recommendations and was delivered for comments to

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197 Ref. meeting Director General of Codification, MoJ, Mrs. Marsida Xhaferlari, date 13/07/2011. Confirmation by Mrs. Florensa Haxhi, DSDC Coordinator for Strategies, ref. meeting date 28/07/2011
198 World Bank has delivered and discussed the findings of the Report on “Governance in the Protection of Immovable Property Rights in Albania: A continue Challenge” during this workshop. Ref. WB, June 2011, Report No. 62519-AL
199 Ref. meeting Director General of Codification, MoJ, Mrs. Marsida Xhaferlari, date 13/07/2011
200 Komisioni Qeveritar i Tokës – Governmental Land Commission on Verification of Titles to Agricultural Land
202 Ref. meetings with meeting Director General of Codification, MoJ, Mrs. Marsida Xhaferlari, date 13/07/2011 and meeting with Mrs. Florensa Haxhi, DSDC Coordinator for Strategies, date 28/07/2011
all institutions (ministries and agencies). 90% of them (7 line ministries and all subordinate institutions) have already sent back comments to the MoJ\textsuperscript{203}. Although it is recommended from different donors, that a comprehensive solution to the immovable property rights agenda cannot and should not come from the Government alone -recognizing that the security of immovable property rights is of fundamental national interest, no broader process on discussing the issues listed in the concept note has started yet\textsuperscript{204}.

Activity 1.6: Consultation with international donors and partners

Responsible institutions: MoJ, PRCA, IPRO, State Advocacy, ALUIZNI, METE, MoF, GLC, MoAFCP, MoI

Deadline: July 2011

Status: Partly implemented

Justification: A consultation meeting with donors was organized in March 7\textsuperscript{th} 2011, and it aimed to assist the MoJ in starting the process of preparation of the strategy on property. This meeting will be followed by other consultation meetings, once the draft strategy is finalized. Meanwhile after the draft-policy document was consulted with the line ministries and subordinate institutions and their comments were reflected, the document was submitted to the World Bank\textsuperscript{205} for comments (June 2011) as one of the main donors involved in property issues\textsuperscript{206}.

Activity 1.7: Analyzing and reflecting the comments into the draft-strategy

Responsible institutions: MoJ, PRCA, IPRO, State Advocacy, ALUIZNI, METE, MoF, GLC, MoAFCP, MoI

Deadline: June - July 2011

Status: Not implemented

Justification: The process is linked with the preparation and finalization of the draft strategy on property. This is not finished yet. So far, only the first chapter of the strategy is under preparation\textsuperscript{207}.

Activity 1.8: Sending for consideration and approval to the Council of Ministers (CoM)

Responsible institutions: MoJ, PRCA, IPRO, State Advocacy, ALUIZNI, METE, MoF, GLC, MoAFCP, MoI

Deadline: 2011

Status: Not implemented

Justification: The General Director of Codification mentioned that the strategy is foreseen to be approved by the end of 2011\textsuperscript{208}. However, the main concern of MoJ, referring also to the donors and partners’ recommendations, was to guarantee a broad, participatory and transparent process, rather than reaching the deadline for finalizing the product/process.

Status of the Implementation of the Measure: Partially Implemented

\textsuperscript{203} Ref. meeting Director General of Codification, MoJ, Mrs. Marsida Xhaferllari, date 13/07/2011. Confirmation by Mrs. Florensa Haxhi, DSDC Coordinator for Strategies, ref. meeting date 28/07/2011

\textsuperscript{204} As mentioned, an early-stage draft strategy was already prepared and presented to related institutions and donors back in 2008. In the meetings organized with MI, Mrs. Dhurata Cupi, Head of the (AITPP), date 20/06/2011 and ALUIZNI, Mrs. Jonida Cela and Mrs. Jeta Velaj, both coordinators, responsible for following the process of Strategy preparation from ALUIZNI, date 22/06/2011, we were told that both of these institutions had read and worked on updating the first draft-strategy, but had no information either on the policy document (known as concept note) or on the fact that the process of inter-strategy on property has restarted.

\textsuperscript{205} World Bank has discussed and delivered clear specific recommendations related to the Protection of the Immovable Property Rights in Albania in the workshop organized with the GoA on March 7\textsuperscript{th} 2011, and through the Report No. 62519-AL, “Governance in the Protection of the Immovable Property Rights in Albania: A continuing Challenge”, June 2011.

\textsuperscript{206} Ref. meeting Director General of Codification, Mrs. MoJ, Marsida Xhaferllari, date 13/07/2011. Confirmation by Mrs. Florensa Haxhi, DSDC Coordinator for Strategies, ref. meeting date 28/07/2011

\textsuperscript{207} Ref. meeting Director General of Codification, MoJ, Mrs. Marsida Xhaferllari, date 13/07/2011

\textsuperscript{208} Ref. meeting Director General of Codification, MoJ, Mrs. Marsida Xhaferllari, date 13/07/2011
MEASURE 2: Improving the inter-institutional coordination in the field of property titles and the sectoral legislation

Activity 2.1: Establishment of a coordination structure with the Ministry of Justice to the effect of coordination, supervision, monitoring and assisting the process of enforcing the ownership judgments.

Responsible institution(s): MoJ

Deadline: April - September 2011

Status: Partly implemented

Justification: The process has started and is on-going; the necessary legal acts on the functioning of the coordination structure are under preparation. Its establishment, composition and main responsibilities and competences are foreseen in the DCM nr.350, date 29/04/2011. It is expected that this structure shall be operational by the end of November 2011, once the legal improvements concerning compensation of properties shall enter into force.

Activity 2.2: Establishment of the Agency for producing the standardized maps, which are going to be available for use by institutions involved in the property related process.

Responsible institution(s): CoM

Deadline: May - September 2011

Status: Not implemented

Justification: There have been discussions in the CoM related to the establishment of the National Agency for Producing the Standardized Maps (NAPSM), but considering the overlapping of the competences between different institutions and agencies (NTPA, ALUIZNI, IPRO, etc.) no decisions has been taken to date. Besides, in DCM nr. 350, date 29/04/2011, it is foreseen the establishment of the Agency for Producing the Standardized Maps as one of the main actions to be taken for addressing the strategic property issues, identified in the Memorandum of the European Council of Ministers Committee, CH/Inf/DH (2010) 20, date May 25, 2010.

Activity 2.3: Updating the existing legislation on ownership issues.

Responsible institution(s): MoJ, Prosecution Office and Courts (OPC), International experts

Deadline: September - December 2011

Status: Not implemented

Justification: There are plans to start updating the existing legislation with regard to property (setting the framework for coordination of all the agencies and institutions involved in the property field, setting the framework for the standards of a complex and inclusive data base in line with Directive 2007/02/CE “Inspire”, etc.)

Activity 2.4: Simplification and improvement of the effective legislation providing for clear, transparent and direct procedures

Responsible institution(s): MoJ, OPC, International experts

Deadline: 2011 - 2012

Status: Partly implemented

Justification: The process is foreseen to take place during 2011 - 2012. Some first steps are undertaken.

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209 Ref. meeting Director General of Codification, MoJ, Mrs. Marsida Xhaferllari, date 13/07/2011
210 Published in the Official Gazette nr. 67/2011
211 Ref. meeting with Mrs. Florena Haxhi, DSDC Coordinator for Strategies, date 28/07/2011
212 Meeting with the General Director of Codification, MoJ, Mrs. Marsida Xhaferllari, date 13/07/2011
214 For example: DCM nr. 350, date 29/04/2011, provides some clear actions for addressing the strategic property issues, identified in the Memorandum of the European Council of Ministers Committee, CH/Inf/DH (2010) 20, date May 25, 2010. On the other hand the last DCM, date 13/07/2011 regarding the execution of the decision of the ECtHR, dated 7/12/2010, issue nr.42832/06 and nr.35720/04, “Case of Vrioni and others against Albania” (not yet published in Official Gazette),
mainly in the direction of improving the effective legislation and providing transparent and direct procedures.

Activity 2.5: Continuation of the process of Initial Registration of Properties

Responsible institution(s): IPRO

Deadline: 2011 – 2013

Status: Partly implemented

Justification: The process is on-going, as foreseen in the AP. Taking into consideration the issues identified in the Memorandum CH/Inf/DH(2010)20, date May 25, 2010 of the Council of Ministers of the CoE, the GoA prepared an action plan listing the main measurers proposed to be taken in order to address the problematics of properties in Albania. The fund for systematic in kind compensation shall be established within 2018. In the meantime, the transitory scheme established foresees that the available in kind fund shall be distributed from time to time. As to monetary compensation higher or lower amounts of monetary compensation or surfaces may be foreseen in order to accommodate the problematic explained under the transitory scheme for 2011.

The foregoing scheme shall be part of the amendments to the property act to be adopted in November 2011. Such scheme was foreseen to be discussed during June – July of this year with ex-owners and other interested stakeholders. So far this process has not taken place yet.

Activity 2.6: Identification and establishment of the physical fund of properties (land and buildings being state owned property)

Responsible institution(s): PRCA, METE, MoF/Directorate of Administration and Sale of Public Property

Deadline: 2011 – 2013

Status: Partly implemented

Justification: The process is on-going, as foreseen in the AP. The process started in 2008, through donor support. World Bank and SIDA have started to support the IPRO through LAMP project, component A, and latter USAID, OSCE and EU have been continuously engaged in supporting the registration process.

The above table (Table 1) gives a general overview for the progress of the process of first registration of properties until 2010.

Activity 2.7: Continuation of the Administrative Review of the requests from PRCA

Responsible institution(s): PRCA

Deadline: 2011 – 2013

Status: Partly implemented

Justification: This is literally translated from the DCM nr. 350, date 29/04/2011, published in the official gazette 67/2011, and there are no further specifications regarding the distribution time of the in kind fund.
Justification: Since 2006 the responsibility for implementing restitution and compensation in Albania has rested with PRCA. Some 39,000 claims were submitted under restitution and compensation process. As of late 2009, some 10,000 files were pending with the PRCA. The deadline for PRCA to reach decisions on all claims has been extended to December 31st 2011. According to official data, the authorities have restituted 58% of the land claimed and 30% of properties. An additional 20% of properties were partly restituted, and 50% of property claims are to be compensated.

Only a small proportion of compensation claims handled by PRCA have been paid due a shortfall of funds. PRCA reports that in 2005 – 2008, compensation amounting 1.5 billion lek (one third of the total approved) had been paid. In 2009 another 1.25 billion lek was paid, while in 2010-2011 the budget for compensation was 1 billion lek.

Activity 2.8: Revision of the criteria of evaluation methodology of land
Responsible institution(s): MoJ, CoM and Assembly
Deadline: May 2011
Status: Not implemented
Justification: There was no information about this document in none of the institutions we have contacted (MoJ, DSDC, ALUIZNI, On Building Inspectorate of Tirana Municipality, AITPP).

Still, the issue for reviewing the methodology that defines the land value has been somehow indirectly addressed through the draft policy document prepared from the MoJ, on March 2011, where it is stated: “European experience will be analyzed for property taxation as a source of continuous and stable income that supports the budget systematically”. On the other hand there have been declarations from the deputy Minister of Justice, Mrs. Brikena Kasmi, published on newspapers related the possibility of the introduction of a new system of property taxation.

Activity 2.9: Continuation of legalization process
Responsible institution(s): ALUIZNI
Deadline: 2011-2013
Status: Partly implemented
Justification: The legalization policy aimed to regularize informal constructions, transfer ownership of the land on which they were built, and extend urban planning to informal settlements. The first legalization attempt was undertaken in 2004, but resulted unsuccessful. The second attempt on legalization process started in 2006 with the Law 9482, dated 3 April 2006, On Legalization, Urbanization and Integration of Informal Constructions, as amended, coming into force.

The law provides

217 While several countries in Central Europe have adopted legislation on the restitution of property nationalized under communism, Albanian law is the only case that requires compensation at the current market value. Based on the level of partial compensation awarded so far, compensating all outstanding claimants even partly would at least cost 625million Euro (over 7% of Albanian’s GDP in 2009) (World Bank, Report No. 62519-AL, June 2011)

218 World Bank, Report No. 62519-AL, June 2011


220 Law 9482, dated 3 April 2006, On Legalization, Urbanization and Integration of Illegal Constructions, as amended: Law 9482 was adopted in order to legalize illegal constructions that meet the defined criteria, to transfer ownership of the land on which illegal constructions are built and to develop urban plans for informal settlements. Law 9482 has been subject to several Constitutional Court challenges, including the concept of legalization itself. The Constitutional Court declared that the process of legalization meets the standard of “in the public interest” and the policy decision to legally transfer land to the illegal occupants is permissible.
mechanisms for legalizing illegal constructions and extensions and establishes a system for urban planning approval. It also sets up a mechanism for transferring the ownership of land on which a legalized construction is built, to the applicant, and includes a right of compensation for the former owner and a formula for calculating compensation. The process of legalization has moved slowly despite all the resources devoted to it. Only a small portion of legalizations has been completed, and the titles have been registered to IPRO (4,504 properties were registered with IPRO by the end of 2010 out of 270,592 applications received).221

Activity 2.10: Prevention of other illegal buildings following the completion of the legalization process

Responsible institution(s): Local Units, Town-Planning Inspectorate, OPC

Deadline: 2011-2013

Status: Not implemented

Justification: The on-going process of legalization leaves out a large number of informally constructed buildings (estimated from the World Bank in at least 80,000 buildings), that remain illegal and outside the process of legalization. Furthermore the number of illegal buildings continues to grow as no concrete action is undertaken to stop this process. Prevention of other illegal buildings alongside with the completion of the legalization process is one of the issues identified in draft - policy document (known as the concept paper) prepared from the MoJ with the assistance of CoE. It is supposed to start in 2011 (not happened yet) and the deadline for completion goes up to 2013.

Activity 2.11: Drafting and approval of the draft-decision of financial compensation of the expropriated entities for 2011

Responsible institution(s): MoJ, PRCA

Deadline: March 2011

Status: Implemented

Justification: DCM nr. 192 date 09.03.2011 “On defining the rules and criteria for distribution of the compensation fund in cash to ex-owners for the year 2011”, published in official gazette nr. 22/2011. On 15 August 2011, the PRCA published in the official web site the final list of the names of the subjects eligible to receive compensation in cash, a total of 107222 applicants for a total fund of 670 Million ALL (approx. 6.7 Million USD).223 On the other hand, the approval of the decision of financial compensation of expropriated entities do not solve the final problem with the compensations, as it covers only a small proportion of compensation claims handled by PRCA224.

Activity 2.12: Finalizing the draft-instruction “On some addenda and amendments to the Instruction No 9 of 26.2.2008 “On taxing the transfer of immovable property title”, as amended

Responsible institution(s): MoJ & MoF

Deadline: May 2011

Status: Not implemented

Justification: There is no information in the official

221 It was difficult and not possible to get more updated data for the progress of the process from IPRO and also ALUIZNI office, even after the meeting with Mrs. Jonida Cela and Mrs. Jeta Velaj - both coordinators, responsible for following the process of strategy on property titles preparation from ALUIZNI, date 22/06/2011.


224 See the justification on the activity 2.9: Continuation of the Administrative Review of the requests from PRCA
gazette (the last gazette published to date is nr. 126,) related to amendments on the existing Instruction nr. 9, date 26.02.2008 “On taxing the transfer of immovable property title”.

Status of the Implementation of the Measure: Partially Implemented

MEASURE 3: Observation and enforcement of the judgments of the European Court of the Human Rights

Activity 3.1: Establishment of Inter-Ministerial Committee upon the Order of Prime Minister No 169 of 17.9.2010, pertaining to addressing the recommendations of the Memorandum of CoE

Responsible institution(s): Prime Minister
Deadline: September 2010
Status: Implemented
Justification: Through order no. 169, dated 17.09.2010 “On formation and functioning of the Inter-ministerial Committee that shall draft the strategy and propose the measures implementing the Memorandum of the Committee of Ministers of CoE.”

Activity 3.2: Drafting the report of measures for addressing the recommendations of the Memorandum of Council of Europe (A clear Action Plan with realistic time lines)

Responsible institution(s): Inter-Ministerial Committee and its secretariat of experts
Deadline: April 2011
Status: Implemented
Justification: This report of measures was prepared as an AP and was approved with the DCM nr. 350, date 29/04/2011 (published in official gazette nr. 67/2011) and was submitted to the CoE on 02/05/2011, DH – DD (2011) 316rev.

Activity 3.3: Approval of the report of measures by the CoM for addressing the recommendations of the CoE

Responsible institution(s): CoM
Deadline: May 2011
Status: Implemented
Justification: This report of measures was prepared as an AP and was approved with the DCM nr. 350, date 29/04/2011 (published in official gazette nr. 67/2011) and was submitted to the CoE on 02/05/2011, DH – DD (2011) 316rev.

Activity 3.4: Entry into force and the implementation of the Work Plan in regard of the report for the Measures Approved by the CoM

Responsible institution(s): All the public institutions involved with the property related process.
Deadline: 2011-2013
Status: Partly implemented
Justification: As referred to the measures and actions discussed above, part of the actions have already started to be implemented, such as execution of the compensation scheme for 2011, or execution of decision of the ECtHR, date 7.12.2010 issue nr. 35720/04 and nr. 42832/06 through the DCM date 13/07/2011, establishment of the coordination structure, etc.

Activity 3.5: Sending for Consideration and Approval of judgments of ECtHR to CM within the deadline provided

225 See the web site of the Council of Europe on pending cases for Albania, the case of Beshiri and others v. Albania. (http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_en.asp?CaseTitleOrNumber=&StateCode=ALB&SectionCode=)

226 Ref. meeting with the General Director of Codification, MoJ, Mrs. Marsida Xhaferllari, date 13/07/2011
by ECtHR in specific judgments.

**Responsible institution(s):** MoJ and State Advocacy  
**Deadline:** 2011-2013  
**Status:** Partly implemented  
**Justification:** In the last two years, the ECtHR has admitted an increasing number of cases filed by Albanian citizens claiming their right to property, a fair trial and effective remedy. An estimated 200 cases from Albania are pending before the ECtHR. Given that over 80% of ECtHR judgments have been in favour of the former owners, the Albanian Government is facing large compensation ills and penalties. If all, or at least many of the outstanding claims were taken to ECtHR, Albania, could potentially face a compensation bill of several billion euros, which would pose an unaffordable burden on the country’s public finances227 (See decision date 13/07/2011, “Execution of the decision of the European Court of Human Rights, dated 7.12.2010, issue nr.42832/06 nr.35720/04, “Vrioni and other against Albania”, amounting to 1 900 000 (one million nine hundred thousand), and the payment of income tax on compensation at 10 per cent of this amount).

**Status of the Implementation of the Measure:** Partially Implemented

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**C. Conclusion on the progress registered in the respective thematic field**

With regard to measure 1 that covers the legal framework the AP focuses on actions that will guarantee the preparation of a crosscutting strategy on property titles and the respective detailed action plan. Out of 8 actions foreseen for implementing this measure, 3 of them have been implemented, 3 others are under implementation and 2 actions are not implemented yet. If we refer the progress of the actions implemented as per the foreseen dates in the AP we can say that only 3 out of 7 actions that should have been accomplished by September 2011 are implemented (For more detailed data please refer to table 2, below).

To conclude on the measure 1 (which mainly tackles the legal framework issues), though the preparation of the crosscutting strategy on property rights has started, it is progressing slowly and this will impact the foreseen deadline for the completion and approval of the strategy within 2011. On the other hand, the approval of the strategy shall impact the deadline of several actions listed under the 3 measures and foreseen to be detailed further by the action plan of the strategy.

**Measure 2** addresses mainly the institutional framework, but also the coordination of the sectorial legislation. There are 15 actions foreseen under this measure, out of which 12 are relevant to this report (three other measures are foreseen to start on 2012). 1 measure out of twelve has been implemented, 6 are under implementation and 5 are not implemented yet.

With respect to the time line: only 1 action is implemented out of 5 whose deadline was September 2011; and 6 actions out of 7 whose initiation was foreseen by this time (September 2011) are partly implemented. Most of the actions that still need to be implemented address issues of coordination between institutions, establishment and/or coordination of databases, finalization of the property registration and legalization processes, prevention of informal constructions, etc., which are considered among the most important issues to be addressed for resolving the issues of property rights in Albania.

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227 World Bank, June 2011, Report No. 62519-AL
Measure 3 focuses on the observation and enforcement of the judgments of the ECtHR, and foresees 5 actions, out of which 3 already implemented and two under implementation. The necessary legal basis for this measure is completed (actions 1-4), however, only few ECtHR cases (action 5), out of several ones, are recognised by GoA. Given the large number of pending cases at the ECtHR still to be recognised by GoA and the financial value that is involved, we have to stress that this measure is only in its initial phase of implementation.

As a conclusion out of three measures designed to address the Priority 10 of the EC all three of them are under implementation (see table 2 above) as foreseen by the AP prepared from the GoA on June 2011. However, we have to underline that almost all actions that are implemented concern establishment of relevant working groups and structures, preparation of legal acts and draft strategic documents. The implementation of systematic actions that have a tangible effect on the concerned stakeholders (citizens and property owners) has yet to start.

D. Recommendations on future developments in the respective policy area

In general, the GoA needs to speed up efforts to implement the AP prepared in June 2011 (note that monitoring is carried out in September). This means that GoA and relevant institutions should engage now not only in improving and amending legal frameworks, or establishing working groups, but in concrete actions such as preparations of the standardized maps and coordination of databases, finalization of first registration of properties, finalization of legalization process, controlling the territory and preventing illegal building, introducing land management and land development instruments, etc. Following this and considering the fact that the crosscutting strategy on property rights, which should align all the complex aspects of the property issues and shall provide a more concrete and detailed AP is still to be designed, the GoA in general and MoJ in particular should focus their efforts on preparing and approving this document as soon as possible (within 2011) - so to guarantee that the AP will start to be implemented by next year.
To conclude, more actions should be added to the AP to guarantee an integrated approach considering all several aspects of the property rights in Albania, and some existing actions should be improved:

- Improve the Action 2.10 “Prevention of other illegal buildings following the completion of the legalization process” (ALUIZNI and MoJ) by clarifying how this action can be accomplished. There are several recommendations made by other institutions such as the World Bank, etc. that explain how another round of legalization could solve the current situation, while preventing further informal land development and construction from taking place. This would require the direct involvement of the GoA and institutions already involved in the legalization process such as ALUIZNI, local government units (although they have been somehow left aside the process). Broad consultations with civil society and citizens should take place and a general consensus has to be achieved to guarantee success in the implementation of this activity.

- The Action 2.7 “Continuation of the Administrative Review of the requests from PRCA” can require the revision of the legal base on property restitution and compensation to move from compensation of previous land-owners at market land value to a fair compensation, in line with international practice, the ECHR and the Albanian constitution. In this case, a broad process would be required, which would extend implementation beyond 2011. For this reason this action also requires the direct involvement of the GoA and a broad consensus from political parties, previous land-owners, civil society and citizens.

- Initiate a process for amending the law on local taxes to revise the property tax. The Ministry of Finance should revise the law. Otherwise, the NTPA could amend the law on territorial planning to include this tax. The new tax should be about both buildings and urban land and should be based on the land value (it could be market value or the value on the official map). Next to this tax, a proposal for the “tax on non-development” could be made. However, the latter could be proposed only based on a good analysis of the property tax. The non-development tax addresses the cases in which owners do not develop land within the time and conditions set by the planning instruments. A detailed analysis would show whether a revision of the property tax only is sufficient, or there would be a need to add the new tax of non-development. The draft-amendment can be finalized and submitted to the Parliament within September 2011 and the analysis/proposal should be a cooperation of the Ministry of Finance and NTPA.

- Amend the law on urban planning to include the principle of the development rights, well distinguished from the property rights. This would be well in line with the Albanian Civil Code and the 1st protocol of the European Convention on Human Rights. The draft-amendment should be prepared as soon as possible so to guarantee that will be approved within September 2011, time when the law shall enter fully in force, or at least within December 2011. NTPA and the Ministry of Public Works and Transportation are the responsible institutions.

- Develop negotiation procedures with applicants and former owners whose final decisions from Albanian courts are subject to ECtHR. This process should be a joint effort of the State Advocate, experts from Council of Europe, and Ministries of Justice and Finance. A legal framework for negotiation procedures is also needed.
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8. ALUIZNI, Mrs. Jonida Cela and Mrs. Jeta Velaj, coordinators, responsible for following the process of strategy on property titles preparation from ALUIZNI, meeting date 22/06/2011
9. DSDC, Mrs. Florensa Haxhi, Coordinator for Strategies, meeting date 28/07/2011
10. MoJ, Mrs. Marsida Xhaferllari, Director General of Codification, meeting date 13/07/2011.
11. Tirana Municipality, Mr. Ardit Kaja, Chief inspector of On the Construction Inspectorate, meeting on date 16/06/2011
11. Prioriteti

- Take concrete steps to reinforce the protection of human rights, notably for women, children and Roma, and to effectively implement anti-discrimination policies

**A. Activities envisaged to address the Priority**

Most of the activities planned by the Albanian Government to address the EC Priority on Human Rights relate to adoption of legislation. Several new National Strategies are in the process of drafting, while others are expected to be adopted by the end of 2011, such as the National Strategy on Gender Equality and Domestic Violence 2011-2015, the National Strategy on the Rights of the Child 2011-2015 and its action plan, as well as the normative acts to help in the implementation of the law “On the Protection of the Child Rights” and the integral law on the rights of people with disability.

Some other activities include capacity building (human and financial capacities, operational coordination) and enforcement (practical enforcement of existing legal acts). New institutions and implementing mechanisms are being established in order to facilitate implementation of new strategies and laws. New staff is being recruited and existing staff is being trained to get acquainted with amendments of the legislation, so as to ensure compatibility with the EU and international standards.

**B. Qualitative assessment**

**MEASURE 1: Effective implementation of domestic violence strategy**

1.1 **Activity:** Adoption of the National Strategy on Gender Equality and Domestic Violence for 2011-2015

**Responsible institution:** MOLSAEO - (DEOPF), MoH, MoI, MoES, MoJ, METE, MoAFCP, DSDC, NGO-s, gender experts, academic area, media, local government

**Deadline:** May 2011

**Status:** Implemented

All the activities planned (consultation on the draft strategy with donors, civil society and line ministries, and adoption in the National Council of Gender Equality) were concluded. The National Strategy on Gender Equality and Domestic Violence for 2011-2015 is approved by the Council of Ministers on the 16.06.2011. Currently, a consultant is appointed by the Ministry to evaluate the actual costs of this Strategy, as this is a process not completed simultaneously with the adoption of the Strategy.

1.2 **Activity:** Establishing the National Coordination Mechanism on the Fight against Domestic Violence

**Responsible institution:** NCGE, DEOPF, Council of Ministers, MoLSAEO, GDSP

**Deadline:** Ongoing

**Status:** Partially implemented

The Council of Ministers adopted a decision “On the Establishment of the National Referral Mechanism (NRM) for Victims of Domestic Violence (DCM...
There is an action plan to inform local government units on the establishment of such mechanism, but the awareness raising campaigns have not yet been launched because of the new municipality and commune mayors coming out of the local elections in the country. The process is expected to start once the newly elected representatives take office.

1.3 Activity: Operation of the national shelters for victims of domestic violence

**Responsible institution:** MoLSAEO - (DEOPF)

**Deadline:** February 2011

**Status:** Implemented

The National Shelter for the Victims of Domestic Violence started work in summer 2011, even though it was supposed to start work in February 2011. The standards for the domestic violence shelter are approved with a Decision of the Council of Ministers on 13.07.2011. Eleven persons are already recruited as staff in the Shelter. The staff is being trained by an international expert.

1.4 Activity: Imposing of serious penalties through a zero-tolerance legal framework against domestic violence

**Responsible institution:** Albanian Parliament, Ministry of Labour Social Affairs and Equal Opportunities, Ministry of Justice

**Deadline:** March-July 2011

**Status:** Not implemented

The MoLSAE0 has asked for a review of the Criminal Code in order to strengthen sanctions against domestic violence. This would involve making amendments to the Criminal Code, which needs a qualified majority to be approved by the Parliament. Nevertheless, so far the Ministry of Justice has not taken any concrete steps in this regard.

1.5 Activity: Conducting a study on domestic violence during 2008-2010

**Responsible institution:** Ministry of Interior

**Deadline:** Ongoing

**Status:** Implemented

The study “On Domestic Violence – Current Legislation and Protective Measures” was concluded in March 2011 by the Ministry of Interior and relevant institutions. MoLSAE0 has already received a copy of it.

1.6 Activity: Training of 120 police officers of crime investigation and prevention units on treatment and protection of victims of domestic violence

**Responsible institution:** Ministry of Interior

**Deadline:** January-May 2011

**Status:** Implemented

The Ministry of Interior has conducted several trainings, both with the support of NGOs, and making
use of own capacities. In cooperation with the NGO \textit{Refleksion}e the Ministry conducted training activities with 52 police staff in the cities of the pilot projects on treating and protecting victims of domestic violence. More specifically, such trainings were organized in Kombinat Local Unit of Tirana Municipality, Lac, Gramsh, and Shijak. In addition, the Ministry of interior itself organized 4 other trainings in Tirana, Korca, and Gjirokastra, attended by 75 police staff. Other trainings are planned for the period of September to October in Shkodra, and probably Lezha, for approximately 20 police officers per training.\textsuperscript{239}

\textbf{Status of the Implementation of the Measure: Partially Implemented}

\textbf{MEASURE 2: Enhancing the protection of the rights of lesbian, gay, bisexual and transgendered persons}

\textbf{2.1 Activity:}

\begin{itemize}
  \item Establishment of the working group
  \item Revision of legislation in labor and social protection field, by the working group
  \item Development of concrete work programme, awareness activities for LGBT persons
  \item Survey on the LGBT situation in the employment field
\end{itemize}

\textbf{Responsible institution:} MoLSAEO, National Employment Service, State Social Service, Office of the Commissioner for the Protection Against Discrimination

\textbf{Deadline:} April-December 2011

\textbf{Status:} Partially Implemented: ongoing

By Order of the Minister of Labor, Social Affairs and Equal Opportunities no. 55, dated 14.4.2011 “On Drafting of a Plan of Measures for Persons with Different Sexual Orientation” a working group was established to address issues including:

- review of legislation
- a national review of the target group situation and
- drafting of a working plan.

The working group is headed by the Deputy Minister of Labor Social Affairs and Equal Opportunities. It held only one meeting so far. The work of this group is planned to be finalized in December 2011.\textsuperscript{240} Also, MoLSAEO organized on 28 July 2011 a public meeting with civil society to discuss the LGBT situation in Albania and receive civil society input for the MoLSAEO future Action Plan\textsuperscript{241}. Among other NGOs, two LGBT organizations participated and provided input, which, according to the Ministry, will be taken into account.

\textbf{Status of Implementation of the Measure: Partially Implemented}

\textbf{MEASURE 3: Social and economic empowerment of women}

\textbf{3.1 Activity:}

\begin{itemize}
  \item Organize information and training sessions on: management of existing enterprises, establishment of new enterprises, use of loans
  \item Promote women’s enterprise through organization of annual national fairs on women’s enterprises.
\end{itemize}

\textbf{Responsible institution:} MoLSAEO, METE,

\textsuperscript{239} Information received in the meeting with Alma Gjurgji, Chief of the Domestic Violence Protection Sector, Ministry of Interior, on 21.07.2011.

\textsuperscript{240} Order by the Minister of Labor, Social Affairs and Equal Opportunities No. 55, dated 14.4.2011 “On Drafting of a Plan of Measures for Persons with Different Sexual Orientation”

\textsuperscript{241} Interview with Alliance against Discrimination of LGBT (Aleanca kundër Diskriminimit LGBT), 29.07.2011; MoLSAEO press release, 28 July 2011: http://www.mpcs.gov.al/zedhenesi/6-njoftime-per-shtyp/618-mpcsshb-organi-zoi-takimin-per-mbrojtjen-nga-diskriminimi-ne-bashkepunim-me-ambasaden-pink-dhe-lbgt-pro-shqiperi-
**Associations of women’s enterprises**

**Deadline:** Ongoing  
**Status:** Implemented

The Ministry of Labour, Social Affairs and Equal Opportunities is in charge of organizing fairs in different Albanian cities to promote the activity of women entrepreneurs.242 The fairs were not just a place to sell the products, but also a venue to listen to the problems these women face in their activity and to share opinions on any matter.243 In July 2011, MoLSAEO, with the support of Soros Foundation, Centre of Gender Alliance for Development and Professional Business and Artisan Women’s Association, organized two regional fairs of two days each: Economic Empowerment of Women - Economic Empowerment of Albania, in Korça and Vlora. The purpose of organizing these fairs was encouraging and supporting women’s entrepreneurial initiatives, promoting the model of successful businesswomen, increasing the sensitivity of these businesswomen to recruit women and girls in their business, establish a network of businesswomen in order to support and develop businesses run by women. Even though the official information in the MoLSAEO website reads that grants will be provided to women, 244 in the meeting with the Directorate for Equal Opportunities and Family Policies we were informed that the Ministry does not provide direct assistance to women.245

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242 Meeting with Alma Marku (Director at the Directorate for Equal Opportunities and Family Policies) and Etleva Sheshi (Directorate for Equal Opportunities and Family Policies) in the MoLSAEO, on 16.06.2011
243 Meeting with Alma Marku (Director at Directorate for Equal Opportunities and Family Policies) and Etleva Sheshi (Directorate for Equal Opportunities and Family Policies) in the MoLSAEO, on 16.06.2011
245 Meeting with Alma Marku (Director at the Directorate for Equal Opportunities and Family Policies) and Etleva Sheshi (Directorate for Equal Opportunities and Family Policies) in the MoLSAEO, on 16.06.2011

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**3.2 Activity:** Review legislation on social insurance regarding paternity leave, so as CEDAW and EU Priorities are met.  
**Responsible institution:** MoLSAEO  
**Deadline:** Ongoing  
**Status:** Not implemented

Social policies were reviewed, however there is still no clear concrete action vis-à-vis reviewing the social insurance legislation to include the paternity leave.246

**Status of the Implementation of the Measure:** Partially Implemented

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**MEASURE 4: Upgrading women’s representation level in every field of life (in decision-making structures)**

**4.1 Activity:**

- Enhancement of women’s representation ability to participate in decision making structures by over 30%
- Raising awareness on the participation of women and girls in politics, focusing particularly on local elections May 2011
- Monitoring of women 30% quota application in the highest decision-making levels of politics and administration

**Responsible institution:** MoLSAEO (DEOPF), Local Government, Line Ministries, INSTAT

**Deadline:** March 2011- in progress  
**Status:** Partially implemented

MoLSAEO has done continuous awareness raising campaigns all over Albania for the participation of girls and women in politics, policy-making and public life.247 Regarding the 30% gender quota requirement

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246 Meeting with Mirela Selita, Legal Director of the Social Insurance Institute in Albania, held on 13 July 2011
247 Meeting with Alma Marku (Director at the Direc-
of the Electoral Code and the Gender Equality Law implementation in the local elections of May 2011, this quota has not been respected in the composition of the candidate lists by all electoral entities, even though the Electoral Code stipulates that in local elections one in every three names on each candidate list must be a female. Failure to respect the quota requirement ends with a penalty of only ALL 30,000. The CEC has sanctioned only one party for failing to respect the gender requirement (Party for Justice, Integration and Unity, list for Tirana Municipality Council), but stated that it would not review the compliance of candidate lists submitted from the CEAZs prior to the Election Day. In these elections, out of the 872 mayoral candidates, only 14 were female (2 per cent).

Also, number of the women members in the CEAZs is low, especially in leading positions. Women represented 26% of all CEAZ members, but only a small percentage were chairwomen and vice chairwomen.248

**Status of the Implementation of the Measure: Partially Implemented**

**MEASURE 5: Effective implementation of the Strategy on the Child Rights**

5.1 **Activity:** Drafting of the National Strategy on the Child Rights 2011-2015 and of its Action Plan  
**Responsible institution:** MoLSAEO  
**Deadline:** January- September 2011

An inter-institutional working group for drafting the National Strategy on the Child Rights 2011-2015 and its Action Plan has been established by an order of the Minister of Labour.249 So far, two meetings are held discussing the assessment report of the National Strategy 2005-2009, the main directions of the new Strategy and identifying the priority fields of the new Action Plan 2011-2015.250 However, work is progressing slowly, thus the deadlines may be postponed with one or two more months.251 End of October 2011 is foreseen as a tentative date for having the Strategy and the Action Plan available.252

**Status of the Implementation of the Measure: Partially Implemented**

**MEASURE 6: Establishing a functional child protection system**

6.1 **Activity:** Drafting and approval of the normative acts emerging from Law No. 10347, dated 04.11.2010

- A draft-order by the Albanian Prime Minister “On the Establishment of the National Council on Protection of the Child Rights”.

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249 Meeting with Alma Marku (Director at the Directorate for Equal Opportunities and Family Policies) and Etleva Sheshi (Directorate for Equal Opportunities and Family Policies) in the MoLSAEO, on 16.06.2011  
250 Meeting with Miranda Pashaj, Director of the State Agency on the Child Rights Protection on 15.09.2011  
251 Meeting with Alma Marku (Director at the Directorate for Equal Opportunities and Family Policies) and Etleva Sheshi (Directorate for Equal Opportunities and Family Policies) in the MoLSAEO, on 16.06.2011  
252 Meeting with Miranda Pashaj, Director of the State Agency on the Child Rights Protection on 15.09.2011
Council on the Child Rights Protection;

- The work for drafting the Decision of the Council of Ministers “On the Organization and Functioning of the National Council on the Child Rights Protection” is complete; it is sent for opinion to the line ministries.
- Recruiting the staff of the State Agency on the Child Rights Protection.

**Responsible institution:** MoLSAEO, Council of Ministers

**Deadline:** January - April 2011

**Status:** Implemented

The Council of Ministers approved the decision on the organization and functioning of the National Council on the Child Rights Protection (DoCM no. 201, date 16.03.2011)\(^{253}\). However, this Council has not yet begun working.\(^{254}\) An Order by the Prime Minister was approved in July 2011 enabling start of operation for the institution.\(^{255}\)

A decision of the Council of Minister “On the Organization and Functioning of the State Agency on the Child Rights Protection” was approved in April (DCM no. 346, date 29.04.2011).\(^{256}\) Recruitment of staff for the State Agency is over (total of 6 staff, 5 specialists and 1 Director) and the Agency has already started its work.\(^{257}\)

**6.2 Activity:** Capacity building for the national mechanism on the human rights protection

**Responsible institution:** MoLSAEO, Council of Ministers

**Deadline:** June 2011

**Status:** Not implemented

The draft of the Albanian Prime Minister establishing the National Council on the Child Rights Protection was sent for review and got adopted in July 2011, following selection of two members from civil society to be part of this Council. But, no meetings of the National Council were convened so far.\(^{258}\)

**Status of the Implementation of the Measure:** Partially Implemented

**MEASURE 7: Drafting and approval of other normative acts deriving from Law no. 10347 dated 04.11.2010**

**7.1 Activity:**

- Draft Decision of the Albanian Council of Ministers “On the Kinds, Manner of Exchange and Processing of Information and Statistics Requested by the State Agency and the Responsible State Structures at a Central and Local Government Level”.
- Draft Decision of Council of Ministers “On the Procedures for Controlling and Sanctioning those Violating Rights of the Child”.
- Draft Decision of Council of Ministers “On the Cooperation with Non-profitable Organizations regarding the Implementation

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254 Meeting with Alma Marku (Director at the Directorate for Equal Opportunities and Family Policies) and Eteleva Sheshi (Directorate for Equal Opportunities and Family Policies) in the MoLSAEO, on 16.06.2011

255 Meeting with Alma Marku (Director at Directorate for Equal Opportunities and Family Policies) and Eteleva Sheshi (Directorate for Equal Opportunities and Family Policies) in the MoLSAEO, on 16.06.2011


257 Meeting with Miranda Pashaj, Director of the State Agency on the Child Rights Protection on 27.06.2011

258 Meeting with Miranda Pashaj, Director of the State Agency on the Child Rights Protection on 15.09.2011
of Local Policies on the Child Rights Protection”.

- Draft Decision of Council of Ministers “On the Mechanisms Coordinating the Work Among State Bodies Responsible for Referring Cases of Children in Danger and Dealing with Such Cases”.

**Responsible institution:** MoLSAEO  
**Deadline:** During 2011  
**Status:** Partially implemented

A working group was established to deal with this issue by Order no.53, dated 14.04.2011 of the Minister of Labour. The work is already underway, while four out of five drafts are already prepared by the MoLSAEO. The draft decision of the Council of Minister “On the Kinds, Manner of Exchange and Processing of Information and Statistics Requested by the State Agency and the Responsible State Structures at a Central and Local Government Level” is under preparation. The finished drafts are already sent for comments to the line directories inside the MoLSAEO. The drafts will be consulted with UNICEF experts. They are expected to be finalized by the end of October 2011. These normative acts are foreseen to facilitate the work of the State Agency on the Child Rights Protection.

**Status of the Implementation of the Measure:** Partially Implemented

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**MEASURE 8: Effective implementation of the National Strategy on the People with Disabilities**

**8.1 Activity:** Preparing of the draft integral law in line with the EU Strategy on the Rights of Persons with Disabilities and EU Action Plan, the Revised European Social Charter and Directive 2000/78/EC

**Responsible institution:** MoLSAEO, MoH, MoES, MoJ, MoPWT, MIE  
**Deadline:** April- December 2011  
**Status:** Partially implemented

The Convention on the Rights of Persons with Disabilities was signed by the Albanian Government in 2009. Its ratification is still pending. Nonetheless, the Government is currently reviewing its policies and legislation while assessing the ratification of the Convention by the Republic of Albania. MoLSAEO is getting international assistance for this component by UNDP. For this purpose, an overall assessment study was conducted by an international expert for the identification of the compatibility in legislation, policies and institutional areas with the UN Convention on the Rights of Persons with Disabilities. The study shows areas where intervention is needed. MoLSAEO is working on the respective legislative review. In the period from June to July this year, the MoLSAEO held consultations with the civil society representatives and the interest groups in four districts (Shkodra, Tirana, Korce, Vlore) prior to drafting the integral law. Such roundtables do serve the process of ratification of the UN Disability Rights Convention by Albania.

An inter-institutional working group is established

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259 Meeting with Miranda Pashaj, Director of the State Agency on the Child Rights Protection on 15.09.2011  
260 Meeting with Albana Shytlla, Director of the Legal Department at the MoLSAEO, on 18.07.2011 and 2 September 2011  
262 Information received by Mirela Bylyku, project coordinator of UNDP, in Tirana, on 10 June 2011.  
to work on the drafting process of the law “On the Protection of Rights of Persons with Disabilities” (Order no.35, date 09.03.2011, of the Minister of Labor). The draft law is being prepared by an international expert.

A training of the inter-institutional working group, organized by MoLSAEO regarding the Convention on the Rights of Persons with Disabilities, was held on 6-7 July 2011 in Tirana and two more meetings, directly related to the drafting of the integral law, took place in 14-15 and 16 September 2011 in Durrës and Tirana.265 Another training was held in Tirana on 19 September 2011 on the monitoring process of the Convention on the Rights of Persons with Disabilities and the rules the draft law needs to embrace in order to ensure such monitoring process. The final version of the draft law will be finalized by the international expert by October 2011.266

**Status of the Implementation of the Measure: Partially Implemented**

**MEASURE 9: Protection of Roma Rights**

**9.1 Activity:** Monitoring of the objectives of the National Strategy and National Action Plan on the Roma Inclusion Decade 2010-2015

**Responsible institution:** MoLSAEO, Commissioner for the Protection against Discrimination, MoES, State Social Service

**Deadline:** June- September 2011

**Status:** Partially implemented

An expert is working to set indicators that are planned to be finalized by the end of the year. Also, on the basis of CoM Decision No. 563, dated 12.8.2005 “On Setting Regional Responsibilities on Distribution of Social Services”,267 technical working groups are established in almost half of the regions of the country to inform on the real situation of the livelihoods of the Roma community. These technical working groups are planned to be established in all the regions where Roma live. So far 4 roundtable meetings were held between the MoLSAEO, local stakeholders and non-for-profit organizations working on Roma issues to inform on the real situation of living conditions of Roma community in Tirana, Elbasan, Fier and Durres. The rest of the meetings are expected to take place by the end of November 2011.268

**9.2 Activity:** Designing of a database and collection of data at central and local government level

**Responsible institution:** MoLSAEO

**Deadline:** July- October 2011

**Status:** Partially implemented

The work on designing the database has already started. Needs Assessment Committees (such committees are established in local government units and are composed of representatives from Education Departments, Health Departments, Labor Offices, etc.) foreseen by the Albanian legislation are asked to establish technical groups to analyze Roma needs within their regions.269 Several trainings on data collection are planned for fall of 2011 at the regional level with the participation of these groups. Following this activity, the Ministry is going to draft the Progress Report 2008-2010 to assess the implementation of the National Strategy and National Action Plan for the Roma Inclusion Decade.

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265 Trainings attended by E. Çani and information received by Ilda Bozo, Director of the Directorate of Monitoring of Cross-Sector Strategies, MoLSAEO. Meetings held on 16.06.2011 and 16 September 2011.

266 Information received by Ilda Bozo, Director of the Directorate of Monitoring of Cross-Sector Strategies, MoLSAEO, on 16 September 2011.


268 Meeting with Blerina Tepelena, Head of the Roma Strategy Unit at the MoLSAEO, on 16.06.2011

269 Ibid
2010. Meantime, a first draft of the progress report for the Action Plan of the Roma Inclusion Decade was compiled and introduced in the 20th meeting of the Steering Committee on the “Roma Inclusion Decade”, held in Prague 27-28 June 2011.

Status of the Implementation of the Measure: Partially Implemented

MEASURE 10: Establishing adequate administrative capacities of the “Commissioner for Protection against Discrimination”

10.1 Activity:
- Development of staff recruitment procedures according to Law no 8549, dated 11.11.1999 “On the Civil Servant Status”
- Improvement of institution infrastructure
- Drafting of the Development Strategy on the Commissioner’s Office
- Strengthening of administrative capacities

Responsible institutions: Commissioner’s Office, NGO-s

Deadline: September 2011

Status: Partially implemented

The organigramme of the Commissioner’s Office was approved by Decision of the Albanian Parliament no 34, dated 20.05.2010, including 23 staff in total. The recruitment process is finalized for 20 employees so far, while the process is still ongoing for 3 vacancies. The Commissioner’s Office is now refurbished, following a reconstruction process in June 201.

Starting from August 2011 the Commissioner and her staff has moved to the newly reconstructed premises. Drafting of the Development Strategy for the Commissioner’s Office is supported by OSFA-Albania. The Strategy is expected to cover the period from 2012 to 2015 and to be accompanied by an Action Plan for 2012.

Status of the Implementation of the Measure: Partially Implemented

MEASURE 11: Awareness raising campaigns

11.1 Activity:
- Participation in TV debates and interviews
- Distribution of posters, booklets etc
- Other activities of the Office in different regions
- Concrete projects with NGO-s
- Round tables with NGOs focusing on the protection of human rights
- Building of the Commissioner’s Office webpage in cooperation with OSCE
- Information Session on the Law “On Protection from Discrimination” held at the EU Information Centre in Vlora.

Responsible institution: Commissioner’s Office

Deadline: Ongoing

Status: Implemented

In view of the awareness-raising activities on the Anti-Discrimination Law and on the work of the Commissioner for the Protection Against Discrimination, several activities were held in 2011 in cooperation with various international organizations, such as the OSCE, UNDP, EU Delegation in Albania, etc., and national organizations focusing on protection of human rights, especially on

270 Ibid
271 Information received at the meeting with Irma Baraku (Commissioner for Protection against Discrimination) on 15.07.2011.
272 Information received at the meeting with Irma Baraku (Commissioner for Protection against Discrimination) on 15.07.2011 and from Ersida Sefa, Rule of Law and Human Rights Programme Coordinator, Open Society Foundation for Albania (OSFA), Albania.
273 Such actions have been suggested by SOROS in reflection of the first draft-action plan prepared by the Albanian Government. Such activities are currently included in the final government action plan.
protection from discrimination.\textsuperscript{274} In addition, the Commissioner is collaborating with international organizations, like UNDP,\textsuperscript{275} OSCE\textsuperscript{276} and the Albanian civil society stakeholders, like the Albanian Helsinki Committee\textsuperscript{277}, to address several issues regarding a better administrative functioning of the Commission. The Commissioner herself has participated at a Debate featured in the Albanian Public TV, TVSH, talking discrimination-related issues in Albania.\textsuperscript{278} An official website is now at the disposal of the Commissioner’s Office: forms in minority languages are also uploaded therein.\textsuperscript{279} The institution continues cooperation with the OSCE Presence in Albania to further improve its website.\textsuperscript{280} Even though several actions are taken on awareness-raising, the Commissioner does not yet have a concrete plan of awareness-raising activities (activities against discrimination, information about the Law, etc.), targeting specific groups vulnerable to discrimination. Such plan is being drafted as part of the Commissioner’s Office strategy that is being developed with the support of SOROS.\textsuperscript{281}

**Status of the Implementation of the Measure: Implemented**

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\textsuperscript{274} Information received at the meeting with Irma Baraku (Commissioner for Protection against Discrimination) on 15.07.2011
\textsuperscript{275} Information received at the meeting with Irma Baraku (Commissioner for Protection against Discrimination) on 15.07.2011.
\textsuperscript{276} See for example http://www.osce.org/sq/albania/76707 Training held on 1\textsuperscript{st} and 29\textsuperscript{th} March in Tirana. See: http://www.ahc.org.al/al.php?mid=33&type=37
\textsuperscript{277} Information received at the meeting with Irma Baraku (Commissioner for Protection against Discrimination) on 15.07.2011.
\textsuperscript{278} See http://www.kmd.al/
\textsuperscript{279} Information received at the meeting with Irma Baraku (Commissioner for Protection against Discrimination) on 15.07.2011.
\textsuperscript{280} Information received at the meeting with Irma Baraku (Commissioner for Protection against Discrimination) on 15.07.2011. and Ersida Sefa, Rule of Law and Human Rights Programme Coordinator, Open Society Foundation for Albania (OSFA), Albania.

#### MEASURE 12: Establishing cooperation with public institutions and NGOs

**12.1 Activity:**

- Signing of Memoranda of Understanding with the line ministries having obligations to meet according to Law no 10221 of 4 February 2010 “On the Protection from Discrimination”, such as: Ministry of Justice, Ministry of Education and Science, Ministry of Labour, Social Affairs and Equal Opportunities, Ministry of Health.
- Signing of Memoranda of Understanding with other public institutions: State Commission on Legal Aid; NGOs: Albanian Helsinki Committee

**Responsible institution:** Commissioner’s Office, NGOs, State Commission for Legal Aid

**Deadline:** March- September 2011

**Status:** Partially Implemented

The Commissioner has signed a Memorandum of Understanding with the State Commission on Legal Aid in April 2011.\textsuperscript{282} The purpose of this memorandum is to increase effective support and legal aid to vulnerable population affected by discrimination. Furthermore, the Commissioner has also signed a Memorandum of Understanding with the Albanian Helsinki Committee in March 2011.\textsuperscript{283} Such documents are expected to be signed with the line ministries by the end of September 2011.\textsuperscript{284}

**Status of the Implementation of the Measure: Partially Implemented**

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C. Conclusion on the progress recorded in the respective thematic field

To address the Priority on the human rights, the Government has approved 12 measures.

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\textsuperscript{282} http://www.justice.gov.al/?fq=brenda\&m=news\&lid=7827
\textsuperscript{283} Information received at the meeting with Irma Baraku (Commissioner for Protection against Discrimination) on 15.07.2011. and Ersida Sefa, Rule of Law and Human Rights Programme Coordinator, Open Society Foundation for Albania (OSFA), Albania.
\textsuperscript{284} Ibid.
Only 1 out of 12 measures has been implemented so far.
- 11 out of 12 measures are partially implemented.
- 5 out of 12 measures are partially implemented, as their deadline is later than the civic monitoring report cutoff date (5 September)
- 3 out of 12 measures have an ongoing deadline
- 3 out of 12 measures are partially implemented, because the implementation of some activities is delayed.

The Government is committed to fill the gaps in legislation, or to work on the capacity building. Drafting and approval of the National Strategy on Gender Equality and Domestic Violence was one of the areas that took a lot of efforts. At the end, the Strategy came out to be a very good, comprehensive and concrete documents, involving experts, civil society and interest group representatives.

Regarding the measures intended to increase women's participation in the political and public life, especially with respect to the 30% gender quota, actually binding in nature, more active and effective measures are needed to ensure enforcement of this provision.

The children's right area saw some improvements too. The integral law “On the Protection of the Child Rights” was approved in November 2010. Some mechanisms need to be established so as to ensure its appropriate enforcement. So far, the State Agency on the Child Rights Protection is established, while the National Council on the Child Rights Protection is not yet operational. Approval of the other normative acts as required by the integral law “On the Protection of the Child rights” is needed for the Agency to work properly and be fully operational. These acts are expected to be approved in the following months. However, the situation of children without parental care over 16 years of age and leaving state care needs to be better addressed. This situation is more problematic especially for the biological orphans.

For the persons with disabilities, positive steps are witnessed upon signing of the UN Convention on the Rights of Persons with Disabilities and drafting of the integral law “On the Disabled Persons”. Nonetheless, the Convention has not yet been ratified. Over the last months, the Ministry organized several consultation meetings with the civil society and interest group representatives, in order to be more open and transparent to the public. The National Disability Council is transferred under the auspices of MoLSAEO in the past it was chaired by the Deputy Prime Minister). Its composition will be 50% from the State, 50% from the civil society, plus the Deputy Director of the National Council comes from the civil society.

Regarding the Roma rights, after the incident at the Train Station in Tirana, MoLSAEO established a working group immediately after the event (with representatives from the ministry, civil society, donors) to deal with this issue. An emergency plan is in place, including food and housing until September. A long-term plan will follow afterwards, identifying a state building to accommodate the Roma households.

Likewise, some progress in attained in the field of anti-discrimination to enhance the human and financial capacities of the Commissioner’s Office for Protection against Discrimination and raise awareness on the antidiscrimination law. That said, we will have to wait and see how the Office works in the future.

D. Recommendations on future developments as per relevant policy area

In order to make progress in addressing Priority 11 of the EC Opinion, as well as specific issues raised by the accompanying Analytical Report, we would recommend the following additional measures:
<table>
<thead>
<tr>
<th>SHORT-TERM MEASURE</th>
<th>ACTIVITY</th>
<th>RESPONSIBLE INSTITUTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Implementation of Domestic Violence Strategy</td>
<td>□ Adopt a social reintegration program of victims of domestic violence through training, employment, access to long term housing for abused women</td>
<td>MoLSAEO, Ministry of Education, Ministry of Health, State Social Services, NGOs, donors, local government</td>
</tr>
<tr>
<td>Create a functional framework for legal aid</td>
<td>□ Take more active steps to implement the law (“On Legal Aid” entered into force in April 2009). □ Coordination with the General Chamber of Advocates. □ Increase the number of lawyers assigned in the field of domestic violence and enhance the service</td>
<td>Ministry of Justice, General Chamber of Advocates</td>
</tr>
<tr>
<td>Upgrading women’s representation level in every field of life (in decision-making structures)</td>
<td>□ Impose serious sanctions when parties fail to respect the 30% quota, otherwise changing the law (Electoral Code) would be involved</td>
<td>Government, political will from all parties</td>
</tr>
<tr>
<td>Effective Implementation of the Strategy on the Child Rights</td>
<td>□ A better scheme adopted for children over 16 and having no parental care, especially related to long housing problems</td>
<td>MoLSAEO</td>
</tr>
</tbody>
</table>
| Effective implementation of the National Strategy on People with Disabilities     | □ Supporting measures for the disabled people  
- Creating facilitating services just for their needs in education, employment, health through improving infrastructure                                      | MoLSAEO, MoES, MoH, Local government                                                      |
| Take note of shortfalls in Roma policies and implementation of the Action Plan for the Roma Decade | □ Consult with stakeholders, including NGOs, on the shortfalls identified by the expulsion of Roma families from the train station in Tirana, especially housing policy and treatment by police.  
□ Make appropriate changes to policy resulting from the consultation | MoLSAEO, Government, Commissioner’s Office, Donors, civil society                        |
| Effective implementation of the anti-discrimination law                          | □ More informative and awareness raising campaigns from the Government and the Office of the Commissioner on Antidiscrimination are needed to raise awareness on the issue.                                   | Government, Commissioner’s Office, MoLSAEO                                                |
Bibliography

1. Meeting with Alma Marku (Director at the Directorate for Equal Opportunities and Family Policies) and Etelea Sheshi (Directorate for Equal Opportunities and Family Policies) in the MoLSAEO, on the 16.06.2011.
2. Meeting with Denada Dibra, Director of the Policy Department at the MoLSAEO on 22.07.2011.
3. Meeting with Mirela Selita, Legal Director of the Social Insurance Institute in Albania, held on 13 July 2011.
5. Meeting with Miranda Pashaj, Director of the State Agency on the Child Rights Protection on 27.06.2011 and 15.09.2011.
6. Meeting with Albana Shtylla, Director of the Legal Department at the MoLSAEO, on 18.07.2011.
7. Information received by Mirela Bylyku, project coordinator of UNDP, in Tirana, on 7 July 2011 in the training organized in Hotel Tirana.
9. Meeting with Berina Tepelena, Head of the Roma Strategy Unit at the MoLSAEO, on 16.06.2011.
12. Priority 12

- Additional measures have to be taken for improving the treatment of inmates in the police stations, remand centres and prisons. Judicial follow-up of cases concerning maltreatment has to be strengthened, while the implementation of the recommendations of Ombudsman in this respect has to be improved.

A. Activities envisaged to address the Priority

In the light of Priority no. 12 of the European Commission, in June 2011 the Albanian government approved a detailed Action Plan for the improvement of treatment of detainees and prisoners. Key priorities, envisaged as short term measures in this area, are mainly focused on improving capacities of penitentiary institutions and developing professional training for the employees, increasing the number of inspections of these institutions and enforcing the recommendations of the Ombudsman. Moreover, a special attention is paid to investigate cases of legal violation and decrease the time of stay in remand imprisonment, especially in the cases of juvenile offenders. The foreseen priorities strive to address almost all issues of concern and the Priorities identified by the European Commission in connection to this area.

Evaluating the nature of the activities, the majority are related to the improvement of institutional capacity building not only in the aspect of development of penitentiary institutions’ infrastructure, but also on fostering professional capacities of the staff. Despite the lower quantitative level of measures on adoption of new legislation and enforcement of existing norms, significant initiatives are introduced to accomplish government’s priorities and improvement of detainees’ treatment.

B. Qualitative assessment

MEASURE 1: Increasing the capacity of penitentiary institutions and improvement of conditions there

1.1 Activity: Construction of the new Remand Centre in Elbasan  
Responsible institution: MoJ, GDoP, EUD  
Deadline: 2011  
Status: Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

This measure is still in process. The construction of the new remand centre in Elbasan started in May 2010 and is planned to finish in December 2011. The capacity of this institution will be 120 pre-detainees.

1.2 Activity: Projects for improving the general conditions in penitentiary institutions  
Responsible institution: MoJ, GDoP,  
Deadline: 2011-2013  
Status: Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

Some of the projects that are planned for improving the general conditions in penitentiary institutions are implemented; some of them are still in process. Some of the initiatives planned for 2011 by GDoP are as below:

- Improving the system of wastewater drainage in Korça prison. This is not implemented because the budget for this item is reduced.
after the amendments of the state budget.

- Improving the infrastructure of the living conditions through the reconstruction of Rrogozhina and Lezha prisons. This initiative is in process.
- Reconstruction of the premises of the Tropoja prison (second phase).
- Removing of the humidity in the General Directorate of Prisons. This activity is implemented.
- Emergency investments in the premises of pre-detention sites of Jordan Misja no.313. This activity is implemented.

1.3 Activity: Projects for new electrical lines and water pipelines for penitentiary institutions

**Responsible institution:** MoJ, GDoP

**Deadline:** 2011-2013

**Status:** Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

For the period 2012 – 2014 is planned the termination of electrical lines and some other projects related to the infrastructure. For 2012 are planned to be terminated the electrical lines in Lezha, Fushe Kruja and Kruja institutions.

1.4 Activity: Projects for improving the working conditions in penitentiary institutions

**Responsible institution:** MoJ, GDoP

**Deadline:** 2011-2013

**Status:** Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

This activity is still under process. GDoP has planned to improve the working conditions in prisons such as improving the premises of the prison's administration, various computer programs, training rooms and gyms, etc.

1.5 Activity: Approval of the DCM “On including the persons sentenced to imprisonment and remand prisoner into the category of economically non-active persons”

**Responsible institution:** CoM

**Deadline:** April 2011

**Status:** Implemented

This activity is implemented by the decision of the Council of Ministers dated 06.04.2011. According to this decision, persons sentenced to imprisonment and the remand prisoners are included into the category of economically non – active persons and they benefit, free of charge, from all the services offered by the health insurance scheme recognized by the legal framework in force.

The work for implementing it is in process. Currently, the labour organic structure of the prisoners it has been drafted, where 606 persons are included according to the needs of the penitentiary institutions. The employed prisoners will be remunerated according to the work performed and they will be included in the social security scheme. These structures are submitted in the Ministry of Justice which will in turn submit them to the Ministry of Finance in order to include the respective expenses in the annual budget.

1.6 Activity: Making health care available to inmates; specifically to mentally sick persons.

**Responsible institution:** GDoP

**Deadline:** 2011-2013

**Status:** Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)
Based on the information of the General Directorate of Prisons\textsuperscript{286}, the quantity of medications available for the inmates has increased which is a positive development. The expenditure fund of GDoP each year for medications of inmates is around 5 million Lek per year.

On the other hand, the health care situation in prisons and in pre-detention facilities is an issue of concern. Despite that in some cases the prisons were provided with modernized medical equipment and additional medical staff and supplies, in general the level of medical treatment and care is poor and it suffers from many deficiencies\textsuperscript{287}. In compliance with monitoring visits carried out by various NGOs working in this area, only in some remand centers the pre-detainees are provided with qualified dental services and respective supplies\textsuperscript{288}. In the Prisons Hospital is identified the need to increased the number of psychiatric staff in order to cope with current situation of involuntary psychiatric prisoners. Currently, special health care for mentally ill prisoners is provided by one psychiatric while the number of this category of prisoners is high. After all, there is a considerable number of complaints concerning the medical treatment for the inmates\textsuperscript{289}.

**1.7 Activity**: Amending the General Regulation of Prisons

**Responsible institution**: GDoP, MoJ

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\textsuperscript{286} Interview with Mrs. Blerina Gjerazi, responsible person for the public relation, in the General Directorate of Prisons, 20 July 2011 and via e-mail September 2011.

\textsuperscript{287} Albanian Report of State Department 2010.


\textsuperscript{289} Interview with representatives of Albanian Helsinki Committee, and for further information web site http://www.ahc.org.al/al1.php?lang=al&type=16

**Deadline**: February 2011

**Status**: Implemented

Amendments of General Regulation of Prisons are approved by the Council of Ministers Decision, no. 73, dated on 02.02.2011.

**Status of the Implementation of the Measure 1**: Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

**MEASURE 2**: Enhancing the efficiency of supervision of alternative punishments by Probation Service

**2.1 Activity**: Opening four new offices of Probation service at the judicial district courts in Kuksi, Mat, Berat and Vlore.

**Responsible institution**: Probation Service, MoJ, CoM

**Deadline**: May - July 2011

**Status**: Not implemented

In accordance with the Order of the Prime Minister No. 140, dated 01.07.2010 “On approval of the structure of probation service”, the Probation Service has eight Local Offices respectively located in Shkodër, Lezhë, Tiranë, Durrës, Elbasan, Korçë, Fier and Gjirokastër. The proposal to amend the above mentioned Order of the Prime Minister was done in order to bring the total number of offices up to 12, covering the entire territory of the country\textsuperscript{290}. However, due to the fact that as of now this decision has not been approved by the Council of Ministers, these four new offices are yet to be opened. Moreover, this measure will have a direct impact on the improvement of overpopulation in prisons by putting in place legislation on probation service.

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\textsuperscript{290} Interview with Mr. Sajmir Shyti, responsible for the legal department and public relation, in the General Directorate of Probation Services, 13 July 2011.
2.2 Activity: Continuous implementation of the Twinning Project with the United Kingdom Support for the Probation service and alternatives to imprisonment punishment (with funds allocated by EU).

**Responsible institution:** MoJ, Probation Service, Probation Service of United Kingdom

**Deadline:** May - July 2011

**Status:** Implemented

The implementation of this project is currently running and a number of training sessions with the local offices personnel are taking place. The first training was conducted in March 2010, where 8 employees of local offices and the General Directorate of Probation service were trained. The second training took place during 30th of May - 3rd of June 2011 on the activity “Sentence Planning and Supervision”, where 8 employees from local offices and the General Directorate of Probation took part. In June, two other trainings were conducted, respectively during 6th-10th of June 2011 on the activity “National Strategy”, and during 20th -24th of June 2011 on the activity “Methodology of Compliance and Enforcement”, where another eight employees from local offices and the General Directorate participated.

2.3 Activity: Increase of the number of alternatives to imprisonment punishment for minors.

**Responsible institution:** Probation Service, Courts, FP Office, NGOs

**Deadline:** May - July 2011

**Status:** Partially Implemented

An eminent role in increasing the number of alternatives to imprisonment punishment for minors plays the infrastructure settled not only for monitoring the accomplishment of these decisions but even the infrastructure of the execution of these alternative punishments. In order to establish a proper structure, the Probation Service has signed different memoranda of cooperation with various municipalities, communes and NGOs that offer different services in this area. The staff of the Probation services has participated in different training sessions in order to increase their capacities to properly monitor the accomplishment of the execution of alternative decisions. Nevertheless, it is very difficult to assess this activity as implemented, because the data provided by the probation service office are not annually based which makes it difficult to measure changes in the number of alternative punishment.

**Status of the Implementation of the Measure 2:** Partially implemented

**MEASURE 3 - Improve conditions in detention canters and police stations**

3.1 Activity: Complete reconstruction works of detention centers and police stations to comply with international standards, in:

- Police station in Kukës.
- Police station in Korçë.
- Police station in Gjirokastra.

**Responsible institution:** Public Security Department and Support Services Department (GDSP)

**Deadline:** May 2011, April 2011, March 2011

**Status:** Partially implemented (because the implementation of this measure is delayed)

The total reconstruction of the police station of Kukes, Korca and Gjirokastra has finished. Before the police stations become functional, on July 2011 the detention centers and police station for Gjirokatra, Korça, Kukesi were inspected. From the inspection was found out that the police station of Gjirokastra has finished the reconstruction of these premises and has

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291 Interview with Mr. Sajmir Shyti, responsible person for Legal Department and public relation in the General Directorate of Probation Services, 13 July 2011.
fully fulfilled the requested standards so this is done functional. Meanwhile the Police station of Kukes and Korca will be operational within 2011.292

3.2 Activity: Complete reconstruction with State budget of detention centers and police stations to comply with the international standards, in:
- Tirana Regional Police Directorate,
- Police station in Durrësi

**Responsible institution:** Public Security Department and Support Services Department (GDSP)

**Deadline:** June 2011

**Status:** Not implemented

Despite the deadline foreseen, the reconstruction of Tirana Regional Police Directorate and Durres Police station is not performed. This was due to the failure of the state institutions’ ability to plan in advance in the annual state budget the necessary funds for their reconstruction. In these circumstances, this measure will be postponed in the future.293

**Status of the Implementation of the Measure 3:** Partially implemented

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**MEASURE 4: Professional training of employees in penitentiary institutions to be improved**

4.1 Activity: Improve professional skills of staff

**Responsible institution:** Public Security Department and Policy Training Department

**Deadline:** January-May 2011

**Status:** Implemented

120 police officers serving in various police stations of the Regional Directorates of Police were trained.

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292 Interview with Mr. Muharet Rrumbullaku, General Deputy Director of Public Security, in the General Directorate of State Police, 27 June 2011.

293 Interview with Mr. Muharet Rrumbullaku, General Deputy Director of Public Security, in the General Directorate of State Police, 27 June 2011.

4.2 Activity: Intensive training of the civil and police staff of prisons

**Responsible institution:** MoJ, AHC, UNICEF, EUD

**Deadline:** 2011

**Status:** Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

During this period, many trainings of civil and police staff of prisons are conducted and some others are still in continuous process. Different trainings are conducted with role-based staff, multidisciplinary working groups, middle level staff, the middle and high management staff, doctors, lawyers, social worker, etc. Until July 2011, the number of prisons staff that have profited from these training sessions is 541 persons, where 246 persons are basic role staff and 295 persons are services staff and from other levels. Some of these trainings are conducted in cooperation with several NGOs like as Albanian Helsinki Committee294, UNICEF, etc. The main topics covered by these training sessions were such as: legal modules, communication psychology, security issues, management measures, emergency measures, health knowledge, leadership, motivation, building working groups, integrity, etc.295

294 177 middle management level employees, coming from 20 penitentiary institutions from all over the country, were trained with the middle management training curricula; they come from the uniform and civil staff, and having applied a mixed training was another positive approach that helped to unify the mentalities of the entire working structures in the prison. 31 employees of different sectors and work hierarchy positions of Kavaja institution were trained regarding the concrete working methods with juveniles in order to create the safe climate in the institution. All the high and middle management staff and some specialist from civil and uniform staff were given expertise regarding the improvement of the quality and effectiveness of work performance - Information taken by Klejda Ngjela, Project’ Assistant, Albanian Helsinki Committee, dated on 12.09.2011.

4.3 Activity: Intensive training for police staff concerning the rights of escorted persons and minors in police stations, about interviewing and necessary advice to be offered to them

Responsible institution: MoI

Deadline: 2011-2013

Status: Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

A specific working group is reviewing the manual of the rules for the treatment of detainees in police stations, approved by the Order no. 64, dated 25.01.2010. The final draft of the manual is prepared and has been distributed for comments and suggestions to other state institutions and international partners, such as to the Ombudsman, PAMECA III, ICITAP program and services within the Directorate of State Police. PAMECA III reviewed the ASP Manual for Detainees which will be approved by the GD at the end of September 2011.

The ICS carried out an inspection program of all detention facilities in the 12 Regional Police Directorates in the early part of this year. Status of the Implementation of the Measure 4: Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

5.2 Activity: Performing inspections

Responsible institution: GDoP, MoJ and MoI

Deadline: 2011

Status: Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

During 2011 GDoP has performed approximately 535 inspections (104 by the Legal Directorate, 100 inspections by the Economic Directorate, 310 inspections by the Police Directorate, 21 inspections by financial audits office). GDoP has conducted all the inspections planned for persons deprived of their liberty according to the sectors such as permissions, psycho-social files, several educational and rehabilitation activities, enforcement of their rights. After each inspection, a monitoring report is prepared including specific recommendations and then submitted to the inspected institution in order to undertake the necessary measures.

Moreover, the Internal Control Service (ICS) has performed various periodic inspections to the 12 police stations on the treatment of detainees. These inspections are performed by the Inspection Directorate of ICS on a two weeks period of time.

5.3 Activity: Taking of measures according to recommendations of inspections

Responsible institution: GDoP, MoJ and MoI

Deadline: 2011

Status: Implemented

There is no specific plan on how the respective institutions are going to take measures according to recommendations and conclusions of the inspections performed.

After each inspection, the monitoring report prepared (as in the case of GDoP and ICS and state police)

MEASURE 5: Number of inspections to be increased in institutions

5.1 Activity: Drafting of topic-related plan of inspection

Responsible institution: GDoP, MoJ and MoI

Deadline: January – February 2011

Status: Implemented

The object of the inspections is the observation of human rights from the prison administrate and the proper and effective enforcement of the law and security.

5.2 Activity: Performing inspections

Responsible institution: GDoP, MoJ and MoI

Deadline: 2011

Status: Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

During 2011 GDoP has performed approximately 535 inspections (104 by the Legal Directorate, 100 inspections by the Economic Directorate, 310 inspections by the Police Directorate, 21 inspections by financial audits office). GDoP has conducted all the inspections planned for persons deprived of their liberty according to the sectors such as permissions, psycho-social files, several educational and rehabilitation activities, enforcement of their rights. After each inspection, a monitoring report is prepared including specific recommendations and then submitted to the inspected institution in order to undertake the necessary measures.

Moreover, the Internal Control Service (ICS) has performed various periodic inspections to the 12 police stations on the treatment of detainees. These inspections are performed by the Inspection Directorate of ICS on a two weeks period of time.

5.3 Activity: Taking of measures according to recommendations of inspections

Responsible institution: GDoP, MoJ and MoI

Deadline: 2011

Status: Implemented

There is no specific plan on how the respective institutions are going to take measures according to recommendations and conclusions of the inspections performed.

After each inspection, the monitoring report prepared (as in the case of GDoP and ICS and state police)

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296 Information provided by Mr. Cecil Craig, PAMECA III
297 Information provided by the GDoP via e-mail and meeting with Mrs. Blerina Gjerazi, during the period July – September 2011.
including specific recommendations is submitted to the inspected institution to undertake the necessary measures. A copy of this report is forwarded to the relevant structures of the GDoP or State Police Directorate and a copy to the General Directorate of Police State. Meanwhile, the General Director of State police and General Deputy Directors have provided different internal orders to address some of the problems identified by the inspections carried out in police station and detention centers.

**Status of the Implementation of the Measure 5: Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)**

**MEASURE 6: Measures with regards to the treatment of the persons taken into custody or arrested in police stations**

**6.1 Activity:** Control over the implementation of the recommendations included in the inspections report following the inspections made in relation with the treatment of the persons taken into custody or arrested by the police, in District Police Directorates of Tirana, Lezha and Durres during 2010.

**Responsible institution:** Inspections Directorate Internal Control Service/ GDSP

**Deadline:** January – February 2011

**Status:** Implemented (beyond the deadline foreseen)

This activity is implemented not in compliance with the time-frame foreseen. Thus, the inspections are performed by ICS inspection structures on 29.03.2011-12.04.2011. Based on this inspection, a monitoring report is submitted describing the findings and the relevant recommendations for specific state police structures in order to undertake the necessary measures.

**6.2 Activity:** Performing routine inspections in other eight District Police Directorates on the issue of the treatment of persons taken into custody or arrested by the Albanian State Police.

**Responsible institution:** Inspections Directorate Internal Control Service/ GDSP

**Deadline:** March – June 2011

**Status:** Partially implemented (because the implementation of this measure is delayed)

So far, inspections are conducted only in Police Directorates of Gjirokastra and Korca District. These inspections aimed to control various issues related to the general conditions, norms and standards of the premises of the security rooms, the security, the hygienic conditions, etc. A finding report is prepared on the problematic issues identified during the inspection process providing also specific and concrete measures that need to be taken into account by the responsible institutions.

**6.3 Activity:** Inspect respect of human rights during take-in, arrest and detention in the police stations, and conduct surveys for these problems.

**Responsible institution:** Public Security Department and Professional Standards Directorate

**Deadline:** On going

**Status:** Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

This activity is still ongoing because the General Directorate of State police does several inspections in police stations and detention centers. For the year 2011 different inspections took place, such as in the Police station of Gjirokastra, Korça, Kukesi, Police station No. 4 in Tirana, Lezha, etc

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298 Information provided by the ICS by e-mail on 7.9.2011, Oriana Elmazi, specialist of ICS.

299 Inner orders of General Deputy Director for public security, No. 542 date 10.06.2011 and No.562 dated on 16.06.2011

300 Information provided by ICS by e-mail on 7.9.2011.
6.4 Activity: Conduct extraordinary inspections on treatment of persons brought in or detained in local police premises.

**Responsible institution:** Public Security Department and Professional Standards Directorate

**Deadline:** On going

**Status:** Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

This activity is ongoing.

**Status of the Implementation of the Measure 6:** Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

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**MEASURE 7: Comments of the Ombudsman to be observed**

7.1 Activity: Identification of problems raised in the Annual Reporting of the Ombudsman

**Responsible institution:** GDoP, MoJ

**Deadline:** January – February 2011

**Status:** Implemented

A multidisciplinary working group is established according to the Order no. 514, dated 30/12/2010 of the General Director of Prisons\(^{301}\) to monitor the implementation of the recommendations of the Ombudsman. The main scope of this group's work is: to maintain a database system and detailed statistics on the number of inspections carried out by the Ombudsman, number/percentage of recommendations implemented, number/percentage of recommendations which are still on implementation process; thematic inspections in prisons and pre-detentions sites, indicating specific and concrete deadlines for the implementation of the recommendations in the investigation/prosecution process; respecting the cut off date for replying to the Ombudsman institution.

The recommendations of Ombudsman\(^{302}\) introduced in 2010 Annual Report are identified and taken into consideration. In order to address these recommendations work plans and special inspections are drafted.

7.2 Activity: Taking of measures for reflection with regard to the comments of Ombudsman

**Responsible institution:** GDoP, MoJ

**Deadline:** March – May 2011

**Status:** Partially implemented (because the implementation of this measure is delayed)

This activity is partially implemented because the GDoP and MoJ have not taken measures for all of the Ombudsman's recommendations. From January 2011 - May 2011, Ombudsman has addressed to GDoP 52 recommendations for 15 prisons and remand centers. Relying upon the information provided by the GDoP, 28 recommendations are realized, 12 are under process and 12 other recommendations are not implemented due to the lack of investment funds. The object of recommendations is in frame of improving the living conditions, the human treatment, verification of different complaints, and so on.

7.3 Activity: Cooperation of police with the National Mechanism against Torture and NGOs

**Responsible institution:** MoI, NGOs, Ombudsman

**Deadline:** 2011

**Status:** Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

State Police has cooperated with the National Mechanism on Prevention of Torture operating in Ombudsman Office for different issues such

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\(^{301}\) Information provided by the GDoP via e-mail and meeting with Mrs. Blerina Gjerazi, during the period July – September 2011.

\(^{302}\) Interview with Mrs. Florina Nuni, in Acting Head of Ombudsman Office, dated on 29 June 2011
as on increasing staff capacities related to the recommendations that the Mechanism addressed in case of monitoring missions and verification of various complaints in police stations. Moreover, the police has had positive cooperation with several NGOs focused on protection of fundamental human rights and freedoms. Despite this good relations, there have been cases when the access to some NGOs for carrying out inspections is given with delay.

**Status of the Implementation of the Measure 7: Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)**

### MEASURE 8: Transfer of penitentiary institution Kruja to the authority of the Ministry of Health

**8.1 Activity:** Drafting the draft-Decision  
**Responsible institution:** MoJ, MoH  
**Deadline:** 2011  
**Status:** Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)  
The drafting of this decision is ongoing.

**8.2 Activity:** Approval of Decision  
**Responsible institution:** CoM  
**Deadline:** 2011  
**Status:** Not Implemented  
This initiative is stipulated to be implemented within 2011 in cooperation between the Ministry of Justice and the Ministry of Health. The lack of approval of this decision is due to the fact that the institution in Kruja does not meet the required standards for such an institution.

**Status of the Implementation of the Measure 8: Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)**

### MEASURE 9: Transfer of the hospital in Durrës to the authority of Ministry of Health

**9.1 Activity:** Approval of the draft decision “On repealing the Decision of Council of Ministers No 504 of 13.5.2009 “On the transfer of administration responsibility over the former hospital of KFOR, Durres, from Ministry of Justice to Ministry of Health, for the treatment of persons with the medical measure “Obligatory treatment in a medical institute”  
**Responsible institution:** GDoP, MoJ  
**Deadline:** March 2011  
**Status:** Implemented  
This initiative is implemented with the Decision of Council of Ministers dated 23.03.2011. However, the Durres hospital has not started to be fully operational yet.

**9.2 Activity:** Taking of measures for making the building efficient  
**Responsible institution:** GDoP, Durrësi prison  
**Deadline:** April 2011  
**Status:** Not Implemented  
The building is not efficient yet, and the persons sentenced by the court with “obligatory medical measures” still stay in the Center of Prisons Hospital or Kruja Institution.

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303 Interview with Mrs. Florina Nuni, in Acting Head of Ombudsman Office, dated on 29 June 2011 and interview with Mr. Muhamet Rrumbullaku, General Deputy Director of Public Security, in the General Directorate of State Police, 27 June 2011  
304 Interview with Mrs. Elona Haska and Mrs. Fatbardha Coka, dated on 29 July 2011, Ministry of Justice  
305 The Action Plan states “Transfer of the hospital in Durres to the authority of GDoP”. We believe this to be a mistake as the transfer is expected to be to the Ministry of Health  
306 For further information see, http://www.keshilliminishtrave.al/?fq=brenda&m=news&lid=14537  
307 Information taken by Albanian Helsinki Committee
9.3 **Activity:** Taking of measures for enhancing the security elements of the building  
**Responsible institution:** GDoP, Durrësi prison  
**Deadline:** May 2011  
**Status:** Partially implemented (because the implementation of this measure is delayed)  
This activity is under process, the procurement for the security elements, such as doors and windows, is performed but it is not enforced yet.

9.4 **Activity:** Proposal of the Minister of Justice for changing the category of the penitentiary institution Durres  
**Responsible institution:** MoJ  
**Deadline:** April 2011  
**Status:** Implemented  
The order of the Minister of Justice No. 3187/2 dated 13.06.2011 titled “For some changes in the order No 329, dated on 15.01.2009 “For the categorization of the prison institution” changed” changed the categorization of Durres penitentiary institution.

9.5 **Activity:** Issue of order by MoJ and overpopulation  
**Responsible institution:** GDoP, MoJ  
**Deadline:** May 2011  
**Status:** Not implemented  
**Status of the Implementation of the Measure 9:** Partially implemented

**MEASURE 10: Cases of legal violations to be investigated**

10.1 **Activity:** Approval by the Council of Ministers of the draft-law “On Internal control Service in Penitentiary System”  
**Deadline:** May 2011  
**Status:** Not Implemented  
Aiming to improve the activity of the Internal Control service in Penitentiary Police and consequently provide an impact to the improvement of the legal framework on investigating into the legal violations in the penitentiary system, a draft-law “On Internal Control Service for the Penitentiary System” has been drafted. This draft law is consulted with EURALIUS Mission and OPDAT, however it is not yet finalized and approved by the Council of Ministers.

**Status of the Implementation of the Measure 10:** Not implemented (because the deadline is past the assessment date)

**MEASURE 11: Rights of children and shortening the time of stay imprison**

11.1 **Activity:** Extending the range of services to be offered by the institution of Probation Service with regard to the implementation of sanctions and alternative punishments and measures in the community for the minors through the signing up to the memoranda of cooperation with NGOs  
**Responsible institution:** Probation Service  
**Deadline:** 2011-2013  
**Status:** Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)  
According to the Decision of the Council of Ministers No, 302, dated on 25.3.2009 “On approval of the regulation “On organization and functioning of the probation service and on defining the standards and procedures for the supervision of the alternative punishments” and on the Order of the Minister of Justice No 6325, dated on 31.7.2009 “On approval of the regulation “On cooperation of the Probation service with NGOs and mediation service”, are signed memoranda of cooperation with 7 specialized NGOs. Some of these NGOs work with minors such as

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308 Information received by Mrs. Elona Haska, specialist in the Ministry of Justice, via e-mail, 9 September 2011.
What different NGOs have done is offering legal services for the alternative punishments, monitoring the accomplishment of the alternative measures, offering psychological services even for the family members of minors being in treatment, offering different kind of services for the minors such as professional courses, plumber, carpenter, etc. Priority for the upcoming months shall be the extension of the network of NGOs and variety of services offered by them

11.2 Activity: Strengthening the implementation of the alternative measures of punishment for minors conflicting with the law

**Responsible institution:** Probation Service  
**Deadline:** 2011-2013  
**Status:** Partially implemented (since the deadline of this activity is beyond the monitoring report cut-off date)

General Directorate of Probation service in Tirana has signed up 84 Memoranda of Cooperation between the Probation Service and authorities of local government and specifically with 6 Regional Councils, 28 municipalities (out of which 5 Municipal Units in Tirana) and 50 communes in order to have the due means that the alternative measure could be accomplished

11.3 Activity: Amendments to the law “On legal profession” and Criminal procedure

**Responsible institution:**  
**Deadline:** May 2011  
**Status:** Not implemented

The law “On legal profession” is not amended yet. The same applies to the Criminal procedure code, for amendments to which qualified majority is required.

11.4 Activity: Topic related inspections by DIGJ and DIP at the Courts and Prosecution Offices for the verification of the implementation of the law in the case of remanded minors

**Responsible institution:** MoJ, HCJ, GP Office  
**Deadline:** 2011  
**Status:** Not implemented (no information)

11.5 Activity: Approval in the Assembly: “Draft-law on accession of Republic of Albania into the Hague Convention On Recognition and enforcement of judgments with regard to alimony”

**Responsible institution:** MoJ  
**Deadline:** March 2011  
**Status:** Implemented

This initiative is approved by the Parliament with the law No. 10398, dated on 17.03.2011. This law is published in the Offical Gazette No. 34, dated on 7.4.2011


**Responsible institution:** MoJ  
**Deadline:** March 2011  
**Status:** Implemented

This is approved by the Parliament with the law No. 10397, dated on 17.03.2011

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309 The information for this activity is received in the interview with Mr. Sajmir Shyti, Responsible for the legal department and public relation, in the General Directorare of Probation Services, 13 July 2011

310 Ibid 21

11.7 **Activity:** Drafting and approval of the draft decision “On approval in principle of the Convention of Hague Conference On international reinstatement of child support and other forms of support for other family members”.

**Responsible institution:** MoJ

**Deadline:** May 2011

**Status:** Partially implemented *(because the implementation of this is delayed)*

The draft decision is prepared. In 26.05.2011, the Council of Ministers approved in principle the project decision “On approval in principle of the Convention of Hague Conference on international reinstatement of child support and other forms of support for other family members”. Currently, this is in process of signature thus the convention is not yet in force.\(^{312}\)

11.8 **Activity:** Sending for consideration and approval of the Draft-Law “On the ratification of Hague Convention On international reinstatement of child support and other forms of support for other family members”

**Responsible institution:** MoJ

**Deadline:** June – July 2011

**Status:** Not implemented *(because the deadline is past the assessment date)*

The draft decision will be drafted by the Ministry of Foreign Affairs after the signature of the Convention. Afterwards all the procedures will be followed by the Ministry of Foreign Affairs\(^{313}\).

Status of the Implementation of the Measure 11: Partially implemented

C. **Conclusion on the progress**

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\(^{312}\) Information received by Mrs. Elona Haska, specialist of Ministry of Justice, via e-mail, 9 September 2011

\(^{313}\) Ibid 24

registered in the respective thematic field

In the framework of improvement of treatment of detainees and prisoners as the Priority no.12 of the European Commission asked for, the action plan foresees 11 concrete Measures and 39 activities.

The evaluation of the status of these measures shows the following:

- No Measures out of 11 in this chapter have been implemented within the deadline
- 10 out of 11 measures are partially implemented in which: 6 out of these measures (Measures No. 1, 4, 5, 6, 7, 8) have been partially implemented since the deadline of this activity is beyond the monitoring report cut-off date
- 4 out of these 10 measures (measures No. 2, 3, 9, 11) have been partially implemented because the implementation of some activities was delayed
- 1 out of 11 measures has not been implemented (measure No.10) because the deadline is past the assessment date

In general, measures envisaged to address the findings of Priority no. 12 of the EC and to address the challenges and problematic issues in this area are necessary and concrete. The measures and activities are comprehensive and strive to address almost all issues of concerns aiming to accomplish European standards for better treatment of prisoners and pre-detainees.

However, the lack of tangible and specific indicators prevents effective assessment of the progress achieved for each measure and activity. There are some cases where the activities scheduled are superficial and insufficient to achieve proper implementation of the
respective measure. For example, regarding measure no.10 “Cases of legal violation to be investigated” only one activity is identified that is necessary for its achievement, like the approval by the Council of Ministers of the draft-law “On Internal control Service in Penitentiary System”. Meanwhile, the action plan does not include the adoption of secondary legislation aligned with the amendments of this law or follow up of the cases of legal violation which are under investigation by the prosecution office. The action plan also fails to address effective enforcement of complaint-request mechanism of the detainees in pre-trial facilities and prisons as well as strengthening the capacities the National Mechanism on Prevention of Torture with professional expertise and sufficient financial means as effective instruments that can contribute in intensifying the investigation of law infringement.

In addition, each of these measures need a mini detailed action plan especially in the activities where more than one actor is involved and where several measures are foreseen to be taken into consideration.

The action plan fails to address the incitement of the employment of inmates and increasing of the employment reimbursement as one of the ways to improve their treatment in the penitentiary institutions. In addition, strengthening of existing mechanisms within penitentiary institutions to improve internal and external communication of inmates aiming to help in their integration is not encompassed by the responsible institutions in this action plan.

However, it is important to highlight that during these last years, Albania has made significant progress in respecting human rights in the penitentiary institutions less so in police stations. This was a result of the investments for the improvement of the infrastructure, building of new pre-trial facilities and prisons due to increased financial support of foreign donors and particularly EU funds, the work performed by the state institutions, the contribution of the civil society as well as improved professional capacities of the staff of these institutions also on monitoring missions for respecting the inmates rights.

Nevertheless, poor conditions especially in old institutions and pre-trial facilities in the police commissariats, the lack of effective policies for employment of detainees and mainly for their re-integration, the lack of access to adequate medical and psychiatric services remain the main constrains that need to be addressed by the responsible state institutions. Despite measures undertaken for the transfer of part of the Durres Institution to the Ministry of Health, it has not started to function yet. As a result, urgent measures should be ensured for the appropriate treatment of detainees with mental health disorder and their placement in a special psychiatric institution.

The recommendations of monitoring mechanisms against torture in the Ombudsman Institution has been concrete and has contributed for improvement of human rights in the penitentiary institutions aligned with European and international standards.

D. Recommendations on future developments in the respective policy area

1. The measures related to the Priority no. 12 should be more concrete and should include detailed activities.
2. The deadlines should be precise and not
defining the whole year as the deadline for a specific activity.

3. It would be recommended that the action plan identify clear tasks for each actor in order to assess the responsibilities that should be accomplished by them.

4. It would be recommended that the action plan to envisage tangible indicators to facilitate the assessment of the progress achieved.

Some recommendations for inclusion of new content measures in the future action plan, would be as below:

**Measure 1:** Improve medical, psychological and psychiatric treatment of detainees with mental health disorder by a specialized staff in an adequate psychiatric hospital

**Activity 1.2:** Appointment of specialized staff for medical, psychological and psychiatric treatment of the detainees

**Responsible institution:** Ministry of Justice, General Directorate of Prisons, Ministry of Health

**Deadline:** June 2012

**Measure 2:** Ensure measurable, concrete and effective initiatives to strengthen juveniles’ rights such as the mediation and applying mitigate criminal policies.

**Activity 2.1:** Drafting and adoption of legal acts in compliance with the law “For the right of children” adopted recently by the Parliament

**Responsible institution:** Ministry of Justice, Ministry of Labor, Social Affairs and Equal Opportunities and Council of Ministers

**Deadline:** June 2012

**Activity 2.2:** Strengthening of professional capacities of the defined responsible directorate for the implementation of the law “For the rights of children”.

**Responsible institution:** Ministry of Labour, Social Affairs and Equal Opportunities

**Deadline:** June 2012

**Measure 3:** Reducing the excessive use and length of pre-trial detention period especially in cases of juvenile offenders

**Responsible institution:** Ministry of Justice and Council of Ministers

**Deadline:** June 2012

**Activity 3.1:** The approval of the amendments of the Criminal Procedure Code for reducing the excessive use of length pre-trial detention for juveniles

**Responsible institution:** Ministry of Justice, Council of Ministers, Parliament

**Deadline:** June 2012

**Activity 4.1:** Drafting of a strategy in order to prevent juvenile offenders under the age of criminal responsibilities.

**Responsible institution:** Ministry of Justice, Ministry of Labor and Social Affairs, Council of Ministers

**Deadline:** January – December 2012

This strategy will identify some ways and the concrete responsible institutions for taking measures for this category of juvenile offenders. Through the strategy it will be better identified the manner how will be solved this issue, the number of this target group, the policy that need to be followed for preventing the criminal acts by juveniles, and so on.

**Activity 4.2:** The construction of a new rehabilitation
institution for the juveniles under the age of criminal responsibilities

**Responsible institution:** Ministry of Justice and Ministry of Labor and Social Affairs; CoM

**Deadline:** 2012 - 2013
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6. Albanian Twinning Project – Probation Service, AL 09 IB JH 01 “Support to the Establishment of the Probation Service and Alternative Measures to Detention”.


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9. Interview with Mrs. Florina Nuni, in Acting Head of Ombudsman Office, dated on 29 June 2011

10. Interview with Mrs. Elona Haska and Mrs. Fatbardha Coka, dated on 29 July 2011, Ministry of Justice


12. Contacts with Mrs. Elona Haska, specialist in the Ministry of Justice, via e-mail, 9 September 2011.


14. Information by Mr. Cecil Craig, PAMECA III

(Footnotes)

1 Implemented
2 Partly Implemented
3 Not Implemented
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Civic Monitoring Report 2011:
The Action Plan to Address the 12 Priorities of the EC Opinion