

Council of Europe
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Project against Corruption in Albania

PACA – summary –

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Project title	Project against Corruption in Albania (PACA)
Project area	Albania
Budget	EURO 2 130,000.00
Funding	The European Commission (93,90%) and Council of Europe (6.10%)
Implementation	Council of Europe: Economic Crime Division, Directorate of Cooperation, DGHL
Duration	30 months (1 September 2009 – 29 February 2012)

BACKGROUND AND JUSTIFICATION

The government of Albania had expressed its commitment to proactively implement the anti-corruption strategy as part of the National Strategy for Development and Integration (NSDI). The adoption of the new Crosscutting Strategy for the Prevention and Fight against Corruption and for Transparent Governance 2008-2013¹ is clearly a positive development and the strategy itself is very ambitious. The Strategy aims at the progressive and sustainable reduction of corruption, boosting of the institutions' integrity and promotion of good governance and transparency.

However, the Strategy is a long-term tool which must be implemented correctly to be able to make a positive change in the corruption situation in the country. Therefore effort must be made by the government, supported by the international community, to keep the commitment to actively fight corruption. The Integrated Action Plan for 2009 produced to implement the Crosscutting Strategy is supposed to compile sectorial action plans developed by different institutions. Nevertheless, it is not clear how the implementation of these plans is supposed to be coordinated at national level along the identified priorities.

The Strategy also represents a response of the Government to the GRECO Second Evaluation Round Compliance Report on Albania, adopted in October 2007². Furthermore, it represents a mean of implementation of the Stabilisation and Association Agreement (SAA)³ and of the European Partnership for Albania. Pursuant to Article 4 of the Stabilisation and Association Agreement (SAA), Albania commits itself to continue and foster cooperation and neighbourly relations with the other countries of the region including an appropriate level of mutual concessions concerning the movement of persons, goods, capital and services as well as the development of projects of common interest, notably those related to combating organised crime, corruption, money laundering, illegal migration and trafficking, etc. This commitment constitutes a key factor in the development of the relations and cooperation between the Parties and thus contributes to the regional stability.

Therefore, the technical assistance project aiming at contributing to better implement the measures/ objectives foreseen by above-mentioned strategic documents will serve as a tool for providing and supporting reforms and interventions in the following areas:

- Implementation of anti-corruption policies and strategies (Anti-corruption Strategy and Action Plan 2007-2013);
- Drafting/providing expert opinions and technical support to anti-corruption legislation in line with international standards;
- Promoting the participation of civil society in monitoring of the implementation of anti-corruption initiatives;

¹ Council of Ministers' Decision No. 1561 of 3 October 2008

² [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC2\(2007\)12_Albanie_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC2(2007)12_Albanie_EN.pdf)

³ Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, Brussels, 22 May 2006.

- Capacity building of the of the anti-corruption and law enforcement agencies and the judiciary to ensure that they efficiently meet their obligations under applicable laws and apply international best practices;
- Contribute to the prevention of corruption in the education sector by improving transparency, accountability and social participation in the education system;
- Carrying out risk analyses and awareness raising with regard to opportunities of corruption in the education system;
- Providing mechanisms to increase integrity and regulate conflicts of interest with regard to the administration of staff in the education system;
- Developing the anti-corruption education modules for primary and secondary schools.

OBJECTIVE, OUTPUTS AND ACTIVITIES

Overall objective: To contribute to democracy and the rule of law through prevention and control of corruption	
Purpose 1: To enhance the implementation of anti-corruption policies and strategies (Anti-corruption Strategy and Action Plan 2007-2013) in line with GRECO and MONEYVAL recommendations and European Partnership commitments	
Output 1.1	Tools and mechanisms available to ensure the implementation of the anti-corruption strategy and action plan in line with GRECO recommendations and good practices
RISK ANALYSES/SURVEYS	
Activity 1.1.1	Identify sectors and institutions for anti-corruption risk analysis, based on clear criteria such as the extent of contacts between citizens and public officials, geographical coverage or size of budget
Activity 1.1.2	Preliminary assessment (following the identification of the institutions under 1.1.1) by civil society organizations and experts of sectors and institutions identified for anti-corruption risk analysis, including identification of sources of information for risk assessments and analyses to be conducted
Activity 1.1.3	Conduct risk assessments and analyses of the institutions and sectors identified, and provide risk assessment methodology to DIACA
Activity 1.1.4	Undertake targeted surveys in two of the selected institutions as a tool for the Government to determine the impact of the strategy and action plan and design appropriate policies
Activity 1.1.5	Review and analysis of results of High Council of Justice and Ministry of Justice thematic inspection of Albanian courts in order to identify priority areas for training and, as appropriate, recommendations for other legislative or institutional reforms
SUPPORT IMPLEMENTATION OF ACS/AP	
Activity 1.1.6	Support further development of the Anti-corruption Strategy and its Action Plan (2007-2013) by providing technical support and advice to its monitoring structures (DIACA)
Activity 1.1.7	Assisting DIACA in developing anti-corruption workplans/policies based on the risk assessments and analyses carried out under Activity 1.1.1, Activity 1.1.2 and Activity 1.1.3
Activity 1.1.8	Support the development of indicators to assess/measure the implementation of the Anti-corruption Strategy, Action Plan and workplans/policies developed
Activity 1.1.9	Assisting DIACA in improving the existing standing interagency coordination mechanism by developing and providing methodologies and standardised templates for public administration institutions on the formulation of anti-corruption action plans (including performance indicators), and reporting on implementation of specific anti-corruption related reforms.
Activity 1.1.10	Training of the contact points in public administration institutions on the interagency coordination mechanism issues.
Activity 1.1.11	Organise a yearly event to monitor progress in the implementation of the Anti-corruption Strategy and Action Plan
RAISING PUBLIC AWARENESS	
Activity 1.1.12	Increase awareness of international standards and best practices by publishing and disseminating relevant Council of Europe documents in Albanian language
Activity 1.1.13	Publicize and disseminate all GRECO evaluations and compliance report findings in order to raise awareness of the public and of institutions responsible for implementation of GRECO recommendations
Output 1.2	Proposals available for more efficient anti-corruption legislation in line with international standards
Activity 1.2.1	Review the situation and applicable legislation of Albania and provide a comparative analysis of options for addressing the lifting of immunities and privileges of elected officials in cases of corruption allegations in order to yield recommendations to ensure conformity with international standards and GRECO recommendations:
Activity 1.2.2	Provide a review of the legal and institutional framework for regulating and supervising the financing of political parties and elected representatives, including recommendations for amendments to the Law on Political Parties, and

	the Electoral Code as appropriate, <i>inter alia</i> in the light of Third Round GRECO Evaluation recommendations
Activity 1.2.3	Provide advice on amendments to relevant legislation in order to comply with recommendations of the Third Round GRECO Evaluation concerning criminal liability and incriminations.
Activity 1.2.4	Provide assistance to HIDAA in the development of proposed amendments to legislation on conflicts of interest and declaration and audit of assets
Activity 1.2.5	Provide a review of the current Civil Service Law and proposed amendments to it
Activity 1.2.6	Support the drafting of the necessary legislative instruments based on the results of the reviews conducted under Activities 1.2.1-1.2.5.
Activity 1.2.7	Elaboration of a ‘compliance matrix’ for domestic legislation against the relevant international legal instruments signed and ratified by Albania: the Council of Europe Criminal and Civil Law Conventions, Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism; European Convention on Mutual Assistance in Criminal Matters
Activity 1.2.8	Provide a methodology for screening proposed or valid legal acts for provisions that create risks of corruption (‘corruption proofing’) and assistance on the drafting of guidelines or internal instructions to incorporate corruption proofing into the existing legal drafting manual.
Activity 1.2.9	Provide training on corruption proofing for officials in institutions of public administration responsible for drafting legal acts
Output 1.3	Proposals available to improve legislation and practice and increase the efficiency of the key institutions with regard to the search, seizure and confiscation of proceeds from crime and money laundering and the financing of terrorism
Activity 1.3.1	Review the new legislation related to money laundering, financing of terrorism seizure and confiscation of proceeds of crime for its internal consistency and functionality in the light of relevant treaty obligations and Albanian judicial practice in the interpretation of search and seizure of crime proceeds and their procedural provisions.
Activity 1.3.2	Support the drafting of proposals/regulations on basis of MONEYVAL recommendations and reviews conducted under 1.3.1 to improve the new Law on the Prevention of Money Laundering and its implementation as recommended through the suggested MONEYVAL’s progress report action plan.
Activity 1.3.3	Support the development of guidelines (if necessary including rules of ethical conduct) and tailored methodologies for investigations of economic crime (including corruption) and the tracking of the proceeds from crime, by the use of special investigative means (SIMs)
Activity 1.3.4	Support the development of guidelines on the detection of money laundering (including typologies of operations) involving persons and institutions subject to duties to report suspicious transactions, including private accountants and auditors as provided through MONEYVAL recommendations.
Activity 1.3.5	Support the development of guidelines on the implementation of MOUs for persons and institutions subject to duties to report suspicious transactions and those of the Politically Exposed Persons (PEPs) category when conducting financial and economic crime investigations, to enable improved implementation of the Memorandum of Understanding between HIDAA and the FIU and in line with MONEYVAL recommendations.
Activity 1.3.6	Provide training to entities with obligations to report suspicious transactions on the detection of suspicious transactions, with particular emphasis on developing a risk-based approach and client profiling techniques in accordance with the DPML Action Plan.
Activity 1.3.7	Support the development of guidelines and methodologies for international cooperation relating to cross border confiscation of crime proceeds regard to specific criminal proceedings
Output 1.4	Participation of civil society organizations in the promotion and monitoring of the implementation of anticorruption initiatives, and conducting independent periodic and thematic surveys is increased
Activity 1.4.1	Provide recommendations and facilitate public consultations and debates organized with NGOs on anti-corruption reforms aimed at supporting legal and institutional anticorruption initiatives
Activity 1.4.2	Assist in the establishment of a mechanism (network) for coordinating information exchange and activities for NGOs active in the area of anti-corruption policy
Output 1.5	Human capacities of the of the anti-corruption and law enforcement agencies and the judiciary enhanced to ensure that they efficiently meet their obligations under applicable laws and apply international best practices.
Activity 1.5.1	Support the elaboration and implementation of training plans (and training materials) on Conflict of Interests and Auditing for HIDAA inspectors and other relevant officers and by training the core group of local trainers.
Activity 1.5.2	Support HIDAA’s Public relations Department in organising media campaign with regard to issues of preventing and controlling conflict of Interests.

Activity 1.5.3	Support HIDAA on elaboration of guidelines which will lead to improvement in the maintenance, management and/or sharing of public databases and enhanced cooperation with the FIU and other relevant agencies and/or databases (including international as appropriate) in 3 areas (Components) selected from the following and other relevant areas: <ol style="list-style-type: none"> 1. Immovable Property database 2. Customs database 3. Tax database 4. Vehicle registration database 5. Database of ALUIZNI (Agency for Legalisation, Development and Integration of Informal Urban Areas and Construction)
Activity 1.5.4	Support the School of Magistrates, former Police Academy structure and other relevant training units in elaboration and implementation of training plans (both in terms of training methods and content) for the law enforcement agencies (including Ministry of Interior Internal Control Service), prosecutors, judges on the following subject matter areas: <ol style="list-style-type: none"> 1. Investigation of Corruption; 2. Investigation of Money Laundering; 3. Tracking Proceeds from Crime--Search and Seizure of Crime Proceeds aspects and International cooperation on these matters.
Activity 1.5.5	Support the provision of foreign literature, of exchange of information and experiences on pedagogical adult training skills for the School of Magistrate's trainers through organisations of Study Visits and Training events of analogous institutions in Europe.
Activity 1.5.6	Provide training for HIDAA inspectors, ASCA officials and other relevant law enforcement officials (including customs and tax officials, prosecutors and judicial police) with responsibilities for seizing/confiscating assets, with regard to <ol style="list-style-type: none"> i) investigations of corruption and economic crime offences, ii) investigation of money laundering and terrorism financing offences, and iii) tracking proceeds from crime; and iv) training trainers
Activity 1.5.7	Provide guidelines and training for private accountants and auditors on how to identify signs of corruption and its proceeds and report such findings, as part of their professional activities through TIPA curricula and training development programme based on agreement between TIPA and relevant professional associations
Activity 1.5.8	Provide training to local government officials on ethics and implementation of the Law on Conflict of Interest through TIPA curricula and train the trainer's development programme.
Purpose 2	Contribute to the prevention of corruption in the education sector by improving transparency, accountability and social participation in the education system
Output 2.1	Risk analyses carried out and awareness raised with regard to opportunities of corruption in the education system
Activity 2.1.1	Conduct risk analysis to identify corruption risks within the education system, including but not limited to the following areas: governance and financing; personnel policy including status, recruitment, promotion, evaluation and regulation of conduct; procurement/evaluation of textbooks; the education process (admissions, teaching, tests and exams, marking/grading, private tutoring); mechanisms of redress (including complaints mechanisms)
Activity 2.1.2	Publication, dissemination and public raising of awareness on the results of analyses and assessment report
Activity 2.1.3	Peer discussion on identification of recommended actions and possible solutions for policy makers based on the results of the analysis and assessment report
Activity 2.1.4	Evaluation/follow up on the risk assessment issues as identified at the initial report in order to determine progress made (prior to the end of project).
Output 2.2	Mechanisms available to increase integrity and regulate conflicts of interest with regard to the administration of staff in the education system
Activity 2.2.1	Identification of policy options for introducing criteria and standardised procedures for the recruitment, appointments and promotion of teachers and other educational staff,
Activity 2.2.2	Providing a review of the draft Code of Conduct for Teachers and as relevant the draft Order of Teachers in the education sector and assessment on disciplinary measures for educational staff.
Activity 2.2.3	Elaboration of preventive anti-corruption legislation/secondary legislation and guidelines for licensing, regulating and controlling private education institutions including private tutoring
Output 2.3	Development of anti-corruption education modules for primary and secondary schools
Activity 2.3.1	Developing a framework of anti-corruption terms, governance and ethics concepts to be included to the existing civic values education programmes

Activity 2.3.2	Developing modules of anti-corruption education for inclusion in civics education at primary and secondary schools study programmes
Activity 2.3.3	Piloting the use of the anti-corruption education module/s

PARTNERS/BENEFICIARIES

The main project partners from the Albanian side will be the Department of Internal Administrative and Anti-corruption Control at the Council of Ministers (DIACA) and the Ministry of Education. Project beneficiaries/target groups will also include:

- The High Inspectorate of Declaration and Audit of Assets
- The Ministry of Justice
- The Department for Prevention of Money Laundering⁴
- Law enforcement agencies
- Prosecutors and Judges (General Prosecutor Office and High Council of Justice)
- Private auditors and accountants and selected financial institutions with reporting obligations

IMPLEMENTATION ARRANGEMENTS

The Council of Europe's project team in Tirana, Albania is composed of one Team Leader (TL), one Long Term Adviser (LTA) and one Local Project Officer (LPO). The team based in Tirana will work directly with the beneficiaries, and will be guided and supported by a Project Manager in Strasbourg, France. The entire team will be responsible for project management and implementation of project activities in Albania on behalf of the Council of Europe. The Government's appointed project liaison person will be a senior expert of the DIACA. S/he will function as the main counterpart in the organisation of project activities on behalf of the Albanian authorities.

Overall project management supervision will be ensured by the Corruption and Fraud Unit at the Department of Information Society and Action against Crime, Directorate of Cooperation, DG-HL of the Council of Europe in Strasbourg. A Project Officer (PO) in Strasbourg will be assigned to oversee the project's implementation and daily follow up of actions and assist the team in Tirana. A Workplan and Calendar of Activities detailing all project actions, engagement of short-term international and national consultants/experts and of responsible government institutions is available after the inception phase. The Council of Europe will ensure the active participation of local professional skills where available, and a suitable mix of European and local experts in all project activities. All local experts are to be independent and free from conflicts of interests.

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⁴ The Department for Prevention of Money Laundering operates within the Ministry of Finance