

## Council of Europe Programmatic Co-operation Document for Albania 2015-2017

Final Report (1 April 2015 – 31 December 2017)

Document prepared by the Office of the Directorate General of Programmes

*Item to be considered by the GR-DEM at its meeting on 29 May 2018*

### EXECUTIVE SUMMARY

The Council of Europe Programmatic Co-operation Document for Albania 2015-2017 (henceforth 'Co-operation Document') was adopted by the Committee of Ministers (CM) on 1 April 2015 and launched by Deputy Minister of Foreign Affairs, Mrs Odeta Barbullushi, and Director of the Council of Europe Office of the Directorate General of Programmes, Mrs Verena Taylor, on 27 October 2015 in Tirana.

This final report covers the period from 1 April 2015 to 31 December 2017 and presents an overview of co-operation, main achievements and outstanding issues in each of the five priority sectors. Under the Co-operation Document, Albania has benefitted from country-specific and regional actions under all strategic priority sectors: Ensuring Justice, Fighting Corruption, Economic Crime and Organised Crime; Freedom of Expression and Information Society; Antidiscrimination, Respect for Human Rights and Social Inclusion and Democratic Governance and Participation. The report neither aims at providing reflection on the general political, social and economic situation in the country nor detailed information on individual projects.

During the reporting period, Albania was accompanied by the Council of Europe to move closer to European standards and practices through key reforms and strengthened institutional capacity. Majority of these are set as precondition for the opening of European Union (EU) accession negotiations. The overall progress of the Co-operation Document was good in all five strategic directions with which the Council of Europe engaged. Important achievements reached within the reporting period include the contribution by the Venice Commission to the reform of the judiciary (Constitutional Reform Package and *Amicus Curiae* on the implementation of the Vetting Law). The new Law on Status of Judges and Prosecutors contains relevant recommendations by the European Commission for the Efficiency of Justice (CEPEJ) and puts in place a new evaluation scheme of judges. The amended Law on Political Parties (adopted in May 2017), which prohibits the use of state resources during election campaigns for party purposes, and improvements of the legislation on asset declaration (adopted in April 2017) are examples of concrete achievements in the field of fight against corruption and money laundering. The Council of Europe provided expertise in drafting of the new Framework Law on National Minorities (adopted in October 2017), in line with Council of Europe standards. The Council of Europe assisted the Commissioner for Protection from Discrimination in the development of an electronic database and a case-management system. The engagement of the Council of Europe in the field of local democracy accompanied Albanian authorities in a substantial reorganisation of local government structures and led to the establishment of a platform of dialogue between central and local powers (the Consultative Council) and to improvements in relevant legislation and practice.

<sup>1</sup> This document has been classified restricted until examination by the Committee of Ministers.

The revised overall budget of the Co-operation Document amounted approximately € 17.3 million in total, of which more than € 8.2 million were secured. The donors were the EU, Switzerland, the Human Rights Trust Fund (HRTF), Norway and Finland. Albania has participated in eight regional projects mainly financed by the EU and also by the HRTF.

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**LIST OF ACRONYMS AND ABBREVIATIONS**

AMA	Audio-Visual Media Authority
AML	Anti-Money Laundering
ASPA	Albanian School of Public Administration
CEC	Central Electoral Commission
CEPEJ	European Commission for the Efficiency of Justice
CFT	Countering of Financing Terrorism
CM	Committee of Ministers of the Council of Europe
CoE	Council of Europe
Congress	Council of Europe Congress of Local and Regional Authorities
Co-operation Document	CoE Programmatic Co-operation Document for Albania 2015-2017
CPD	Commissioner for Protection against Discrimination
CPT	Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CPU	Child Protection Units
CSO	Civil Society Organisation
e-PAV	Electronic-Platform of Local Administration
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECRML	European Charter for Regional or Minority Languages
ECTEG	European Cybercrime Training and Education Group
ECtHR	European Court of Human Rights
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
FIU	Financial Intelligence Unit
GDPA	General Directorate of the Prison Administration
GR-DEM	Rapporteur Group on Democracy
GRECO	Group of States against Corruption
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
HELP	European Programme for Human Rights Education for Legal Professionals
HIDAACI	High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest
Horizontal Facility	EU/CoE Horizontal Facility for the Western Balkans and Turkey
HRMIS	Human Resources Management Information System
HRTF	Human Rights Trust Fund
iPROCEEDS	EU/CoE Regional project on targeting crime proceeds on the Internet in South-East Europe and Turkey
JP	EU/CoE Joint Programme
JUFREX	EU/CoE Regional Programme "Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe"
LEA	Law Enforcement Agency
LGBTI	Lesbian, gay, bisexual, transgender and intersex persons
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NDI	National Democratic Institute
NYAP	Albanian National Youth Action Plan 2015-2020
OB	Ordinary budget

ODGP	CoE Office of the Directorate General of Programmes
OSCE	Organisation for Security and Co-operation in Europe
PA	People's Advocate
PACE	Parliamentary Assembly of the CoE
PAR	Public Administration Reform
SDC	Swiss Agency for Development and Co-operation
SEJ I	Support to Efficiency of Justice I
SEJ II	Strengthening the Quality and Efficiency of Justice II
Sida	Swedish International Development Co-operation Agency
SOGI	Sexual Orientation and Gender Identity
UN	United Nations
USAID	United States Agency for International Development
TAR	Territorial and Administrative Reform
ToT	Training of Trainers
VC	Voluntary contribution

## **1. INTRODUCTION**

### **1.1 GENERAL OVERVIEW**

The Council of Europe Programmatic Co-operation Document for Albania 2015-2017 was adopted by the Committee of Ministers (CM) at its 1224th meeting on 1 April 2015 and launched by the Director of the Council of Europe Office of the Directorate General of Programmes on 27 October 2015 in Tirana.

This report describes the results of the implementation of the Co-operation Document and covers the period from 1 April 2015 to 31 December 2017. It describes outcomes at the strategic level and therefore does not provide detailed information regarding the individual projects implemented in the framework of the Co-operation Document.

The Co-operation Document was developed taking in account decisions, resolutions, recommendations, conclusions of reports and opinions provided by the Council of Europe's monitoring bodies, the CM, Parliamentary Assembly (PACE) and the Congress of Local and Regional Authorities (Congress), the Commissioner for Human Rights and judgments of the European Court of Human Rights (ECtHR). It also draws on Albania's reform priorities in areas of expertise of the Council of Europe. In addition, it builds on the results of the Co-operation Document for Albania 2012-2014.

The Co-operation Document aims to support Albania in meeting its obligations as a Council of Europe member State by bringing legislation, institutions and practice further in line with Council of Europe standards in the areas of human rights, the rule of law and democracy. Albania has been an European Union (EU) candidate country since June 2014. The Council of Europe through the Co-operation Document accompanies and assists the Albanian authorities through some of the reform processes, which are set as preconditions for the opening of accession negotiations.

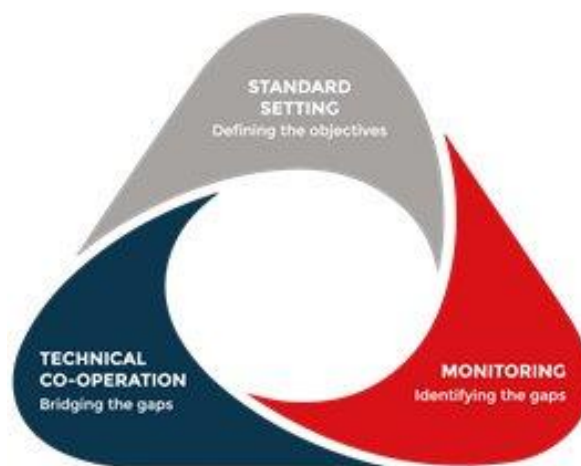
The Co-operation Document includes the following sectors for co-operation:

- Ensuring Justice;
- Fighting Corruption;
- Economic Crime and Organised Crime;
- Freedom of Expression and Information Society;
- Antidiscrimination, Respect for Human Rights and Social Inclusion;
- Democratic Governance and Participation.

A Steering Committee meeting took place in Tirana on 8 September 2016 to assess the implementation of the Co-operation Document. The Council of Europe and the Albanian authorities positively assessed the results of the Co-operation Document at the meeting and reiterated their commitment to continue close co-operation with the Organisation within the framework of the Co-operation Document.

### **1.2 OVERALL ASSESSMENT AND MAIN ACHIEVEMENTS**

Council of Europe technical assistance programmes form an integral part of the unique strategic triangle of standard-setting, monitoring and co-operation of the Organisation: the development of legally binding standards is linked with their monitoring by independent mechanisms and supplemented by technical co-operation to facilitate their implementation. The Council of Europe actions are developed and implemented in areas where the Council of Europe has strong expertise and added value.



**Figure 1: Council of Europe strategic triangle**

This report has been prepared using project reports, including those from the Joint Council of Europe-European Union Horizontal Facility for Western Balkans and Turkey (Horizontal Facility) as well as evaluation reports, where available.

The overall progress of the Co-operation Document was good in all five strategic sectors with which the Council of Europe engaged: ensuring justice; corruption, economic crime and organised crime; freedom of expression and information society; anti-discrimination, respect for human rights and social inclusion; democratic governance and participation. The lack of funding and evolving needs of the Albanian authorities led to readjustments of some priorities and non-implementation of some actions originally envisaged, as detailed in the chapters devoted to the five strategic areas.

The main results of the implementation of the Co-operation Document are the following:

- Substantial constitutional amendments adopted in July 2016, in the framework of the justice reform package including the reorganisation of the judicial architecture and the vetting of all judges and prosecutors, based on Venice Commission expertise;
- Adoption of the Laws on the Organisation of the Judicial Power and the Law on the Status of Judges and Prosecutors, embodying relevant recommendations of the European Commission for the Efficiency of Justice (CEPEJ) and, for the latter putting in place a new evaluation scheme for judges, in December 2016;
- Improvement of the legislation on asset declaration by incorporating Council of Europe recommendations into the Albanian Law on Declaration and Audit of Assets and Financial Obligations of Elected Persons and Certain Public Officials in April 2017;
- Adoption of the amended Law on Political Parties in May 2017, notably providing for a clearer definition of permitted funds limits and restrictions on particular campaign activities and measures to monitor election campaign finances;
- Adoption of the new Framework Law on National Minorities, in line with the Framework Convention for the Protection of National Minorities in October 2017;
- Development of an electronic database and case management system for the Commissioner for Protection from Discrimination;
- Substantial reorganisation of local government structures through the amalgamation of 373 municipalities and communes into 61 municipalities in the framework of the Territorial and Administrative Reform (TAR);

- Adoption of an enhanced legal framework for local self-government and decentralisation with a new organic Law on Local Self-Government, a Law on Civil Service, a Law on Local Finances, and a Decision of the Council of Ministers on the creation of a Consultative Council between central government and local and regional authorities.

## 2. SECTOR REVIEW

### 2.1 ENSURING JUSTICE

#### 2.1.1 JUDICIARY

A thorough justice reform agenda, supported by Venice Commission expertise, resulted in substantial constitutional amendments in late July 2016. The ambitious justice reform package, which has led to the still ongoing reorganisation of judicial architecture and the vetting of all judges and prosecutors, has been closely assisted by relevant Council of Europe actions. A Venice Commission Amicus Curiae brief to the Constitutional Court contributed to the adoption of the Vetting Law, a key pillar of the Justice Reform and a key criteria for the opening of EU accession negotiations with Albania.

Good progress has been achieved with regard to strengthening the quality and efficiency of justice in Albania in line with the European Commission for the Efficiency of Justice (CEPEJ) tools and methodology. CEPEJ experts provided specific recommendations and hands-on assistance to relevant Albanian judiciary institutions.

Efforts were made to improve the collection and quality of judicial statistics through targeted trainings and workshops provided to relevant institutions and over 400 court staff. As a concrete result, the CEPEJ indicators were incorporated in the courts' statistical reports to the Ministry of Justice. Technical assistance was provided to improve the case management system to initiate the development of a strategy on Cyberjustice in Albania.<sup>2</sup>

The new Law on the Organisation of the Judicial Power includes relevant recommendations of the CEPEJ. The CEPEJ supported the work of Albanian authorities to improve the judicial mapping<sup>3</sup> and carried out court coaching programmes on new court management roles and responsibilities. Specific CEPEJ modules were provided for the School of Magistrates' new curriculum for court chancellors.

The new Law on the Status of Judges and Prosecutors also embodies relevant recommendations of the CEPEJ and a new evaluation scheme of judges was put in place and supported.

Trainings and recommendations were provided to improve the relationship between the judiciary and the media in order to strengthen public trust, and courts were supported to assess their own performance through CEPEJ satisfaction surveys.

The Ministry of Justice, Supreme Court, Constitutional Court, the General Prosecution Office, the State Advocate Office and the Agency for the Treatment of Property benefited from targeted Council of Europe legislative assistance and capacity building activities with a view to effectively implementing the European Convention of Human Rights (ECHR) in Albania. The awareness and understanding of the European Court of Human Rights' (ECtHR) requirements and procedures increased among lawyers and potential applicants, thus contributing to reduce number of applications by 50% and to increase the quality of those submitted.

As of 1 January 2018, 551 applications against Albania were pending before the ECtHR, most of which concern systemic problems. Work in the legislative field to address systemic problems advances slowly due to political and institutional changes. Special attention is paid to property rights issues (see section 2.4.11). Three training modules and Training of Trainers (ToT) manuals were prepared for the School of Magistrates and the School of

<sup>2</sup> CEPEJ Guidelines on how to drive change towards Cyberjustice.

<sup>3</sup> CEPEJ Guidelines on the Creation of Judicial Maps to Support Access to Justice within a Quality Judicial System (p. 3).

Advocacy and enrolled in their respective in-service training curricula. Three ToTs were successfully completed targeting over 59 participants. A comparative analysis on the progress made by Albania in meeting the ECHR standards was provided through three assessment reports.

### **2.1.2 POLICE**

Only a limited number of activities was undertaken in this field. This is due to a lack of funding and the need to ensure co-ordination and avoid duplication with other donors and international actors in the sector (European Union (EU) via PAMECA<sup>4</sup> V, Organisation for Security and Co-operation in Europe (OSCE), US Embassy, Swedish International Development Co-operation Agency (Sida)). Given that the Co-operation Document originally foresaw a significant intervention in this area, this change of priorities substantially contributed to the gap between foreseen projects and funded projects.

### **2.1.3 PENITENTIARY**

The Council of Europe contributed to addressing the systemic shortcomings identified in the case law of the European Court of Human Rights (ECtHR) and in the findings of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). There was a need for the General Directorate of the Prison Administration (GDPA) and other national institutions to increase their efforts to improve the protection of prisoners' human rights and support their rehabilitation in order to reduce reoffending after release.

The Council of Europe's assistance involved specific recommendations stemming from evidence-based assessment reports on health care in prison, prison staff recruitment procedures, initial and in-service training, individual sentence planning, system of regime, complaints, government inspection and monitoring.

A rule book on staff recruitment was prepared with Council of Europe expertise setting strict professional and integrity criteria for the recruitment of prison staff. It also aims to ensure that staff protects the human rights of prisoners and supports their rehabilitation. Council of Europe assistance was also provided to improve prison management standards through preparation of a Code of Ethics and updating the initial and in-service training curricula focusing on vulnerable prisoners, including women prisoners.

The Council of Europe provided support for a further improvement of the provision of health care in prison, including mental health care. To this end, the drafting of a training manual on mental health care was initiated in co-operation with the GDPA. In addition, 42 prison staff developed new capacities on ethical and professional standards and 95 medical staff improved their knowledge on common mental disorders, prevention and treatment of transmissible diseases and the treatment and management of prisoners with drug-related problems, based on Council of Europe standards and CPT recommendations.

## **2.2 FIGHTING CORRUPTION, ECONOMIC CRIME AND ORGANISED CRIME**

### **2.2.1 FIGHTING CORRUPTION AND MONEY LAUNDERING**

Albanian authorities have shown a commitment to reforms, which translated into action through important legislative and institutional changes to address the fight against corruption and economic crime.

In 2015, the Albanian Government adopted the National Inter-Sectoral Strategy against Corruption 2015-2020, which also contained an Action plan for the period 2015-2017. These developments were followed by the adoption of the Law on Whistle-blowers in June 2016.

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<sup>4</sup> Police Assistance Mission of the European Commission to Albania.

In September 2017 the government revealed its Program for 2017-2021 and approved two important decisions relating to fighting economic crimes. Namely the Program focuses on the implementation of the judicial reform, especially on the vetting process (re-evaluation of judges and prosecutors, background checking of their assets, etc.) and the fight against high-level corruption through seizure and confiscation of assets deriving from criminal activity, including property of corrupt officials for which the latter cannot justify its legal source.

However, in its compliance report of March 2016 assessing the measures taken by the authorities of Albania to implement the recommendations issued in the Fourth Round Evaluation Report on Albania, the Group of States against Corruption (GRECO) concluded that only one of the ten recommendations on prevention of corruption in respect of members of parliament, judges and prosecutors had been implemented satisfactorily by Albania. GRECO commended the authorities of Albania for the inclusive process with which rules of ethics for prosecutors had been adopted as well as the guidance and training made available to prosecutors on preventing corruption within their own ranks. However, concluding that the remaining nine recommendations had been partly implemented, GRECO stated that further significant material progress would be necessary to demonstrate an acceptable level of compliance with its recommendations for all three professional groups under review.

The Council of Europe assistance under the Co-operation Document 2015-2017 aimed at improving the implementation of various key recommendations of GRECO and Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), and to further strengthen institutional capacities in countering and preventing corruption, money-laundering and the financing of terrorism in accordance with European standards.

Progress was made in strengthening the legislative framework relating to prevention of corruption and money laundering through amendments to:

- The Law on Declaration and Audit of Assets and Financial Obligations of Elected Persons and Certain Public Officials<sup>5</sup>. The new law<sup>6</sup> incorporates recommendations provided by Council of Europe experts;
- The Law on Political Parties<sup>7</sup> was strengthened by implementing some of the Council of Europe recommendations, regarding restrictions on particular campaign activities, as well as measures to monitor election campaign finances. The Council of Europe remains one of the key interlocutors for the Ad-Hoc Committee on Electoral Reform and will continue to support the efforts to further strengthen the regulation on Political Party Financing;
- The Council of Europe has provided a legal opinion on the draft Law on the Prevention of Money Laundering and Financing of Terrorism. The gaps identified and the recommendations provided in this opinion were duly taken into account for the enhancing of the draft version of the law which is set for adoption in spring 2018.

With the aim of strengthening the transparency of political party and election campaign financing, in April 2017 the Central Electoral Commission (CEC) adopted the templates and tools (developed jointly by the Council of Europe and the National Democratic Institute (NDI)) for the financial monitoring of election campaigns. These reporting templates were used during the electoral campaign of the June 2017 elections; the reporting template on election campaign funding provided certain new tasks and increased the role of the CEC in actively monitoring election campaign finances and their level of transparency regarding the received and spent funds by electoral subjects.

The Council of Europe undertook a thorough assessment of the IT infrastructure of the High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest (HIDAACI) and 14 other institutions for the purpose of establishing an effective electronic system facilitating the submission, processing and auditing of asset declarations. The assessment report provides a detailed description of the infrastructure needed to enable HIDAACI to introduce a system of e-declarations. Subsequently in co-operation with the United States Agency

<sup>5</sup> Concerns remain about the delayed implementation of the system for electronic submission, processing and publication of asset declarations as provided in Article 42/1 of the amended law.

<sup>6</sup> Adopted on 19 April 2017.

<sup>7</sup> Amended in May 2017.

for International Development (USAID), the Council of Europe is assisting HIDAACI in acquiring the software and the key elements of the hardware to enable the piloting of the system for submission and online publication of declared assets.

The Albanian authorities benefited from guidelines and recommendations for the development of an effectiveness oriented asset recovery strategy in Albania and guidelines on the implementation of a risk-based approach to supervision in the area of Money Laundering and Terrorist Financing.

The capacities of prosecutors and investigators specialised in economic crime are enhanced with regard to tracing, seizure and ultimately confiscation of criminal assets. Over 60 representatives of the General Prosecution Office, District Prosecutions, Serious Crime Prosecution, Albanian State Police, General Directorate for the Prevention of Money Laundering, General Directorate of Customs, General Directorate of Taxation, benefited from training on asset tracing and identification for purposes of seizure and confiscation in a criminal case.

In addition, in the course of 2017 the Albanian authorities boosted the personnel capacities of the General Directorate for the Prevention of Money Laundering and Terrorist Financing (a.k.a. Albanian Financial Intelligence Unit).

### **2.2.2 PREVENTION OF CORRUPTION IN EDUCATION**

The higher education reform agenda undertaken by the Albanian Government in 2014 transformed the respective legal and institutional frameworks, including from the anti-corruption perspective. This affected the Council of Europe's scheduled assistance with regard to promoting ethics and integrity in higher education, both in terms of timing and targeted objectives. As the subject remains relevant, potential follow up intervention in this areas should be well coordinated and carried out in complementarity with other relevant international stakeholders.

The Council of Europe supported the Ministry of Education and Sport in drafting and piloting the cross-disciplinary curriculum "Education Against Corruption", for primary to upper secondary education, following the adoption of the Teachers' Code of Ethics, prepared with the Council of Europe's expertise. The curriculum was certified by the National Agency for Accreditation of Training Programmes and became part of the compulsory teachers' Qualification Programme as related teachers' competences were strengthened.

### **2.2.3 FIGHTING CYBERCRIME**

The Council of Europe supported the Albanian authorities in improving cybercrime reporting mechanisms. The effectiveness of the current mechanisms was assessed and corresponding recommendations for the reform of the reporting systems of online fraud and other types of cybercrime were prepared. They aim at improving inter-agency and public-private co-operation in exchanging cybercrime-related information. The collection of reliable statistics and their use to monitor the performance of criminal justice capacities regarding cybercrime were also made available.

Good progress was made in strengthening inter-agency and international co-operation for the search, seizure and confiscation of online crime proceeds. General guidelines on domestic protocols on inter-agency and international co-operation were produced. This will assist the Albanian authorities in preparing structured and documented procedures for inter-agency and international sharing of information and evidence that are auditable, simple and applied by cybercrime unit, financial investigation unit, Financial Intelligence Unit (FIU) and Prosecution service in the search, seizure and confiscation of online crime proceeds.

Due to increasingly sophisticated methods and complexity of the cybercrime and online crime proceeds the capacity of cybercrime and financial investigators, prosecutors and FIUs in the search, seizure and confiscation of online crime proceeds was increased through a number specialised workshops/conferences/trainings and by supporting the studies of two representatives of the Albanian authorities (Cybercrime Unit and FIU) on Cybercrime and Digital Forensics. Law enforcement officers and prosecutors were trained on how to detect,

identify, and collect intelligence and evidences in order to prosecute cybercrime, on techniques to investigate on the Darknet and virtual currencies, as well as on how to better cooperate with law enforcement officials worldwide, including through the effective use of 24/7 Network of Contact Points.

The Council of Europe assisted in ensuring sustainable training programmes both for law enforcement agencies and for the judiciary. To this end, the law enforcement training institution was familiarised with the European Cybercrime Training and Education Group (ECTEG) training materials to ensure their delivery at the national level, thus facilitating best use of opportunities provided by EU. To increase the level of specialisation of the judiciary and prosecutors, a pool of trainers was established and charged to deliver the Council of Europe Introductory Training Course on Cybercrime, Electronic Evidence and Online Crime Proceeds for Albanian judges and prosecutors. The course was integrated into the curriculum of the Albanian School of Magistrates and its first delivery at the national level was successfully conducted by the local trainers.

With the aim to mitigate money laundering risks and control online fraud and criminal money flows on the Internet, the project supported the FIU, Bank of Albania and other regulators in improving guidelines and indicators for such crimes and offences. An analysis of relevant guidelines, typologies, regulations, indicators and red flags used by the financial sector entities to prevent money laundering in the online environment was conducted. Corresponding findings and recommendations were made available and discussed with the Albanian relevant authorities that undertook the task to review the quality and application of existent red flags and indicators and review them in order to better address specific risks related to new technologies and prevent and identify online crime proceeds.

## **2.3 FREEDOM OF EXPRESSION AND INFORMATION SOCIETY**

### **2.3.1 FREEDOM OF EXPRESSION/FREEDOM OF MEDIA**

The legal framework regarding freedom of expression and the media has undergone a number of reforms benefiting from Council of Europe expertise, notably on the audio-visual media law and on online media content and regulation in line with Council of Europe standards.

The Council of Europe supported the Audio-Visual Media Authority (AMA) in drafting its 3-year strategy and in updating the Transmission Code, defining the audio-visual transmission principles, rules, requirements and practices in Albania.

The setting up of the first Media Council Association in Albania and the updating of the Code of ethics were also supported. The capacities of the School of Magistrates and the Bar Association are enhanced with the development of a specific curriculum on Freedom of Expression, including training material, the establishment of a pool of trainers and an online course in Albanian of the European Programme for Human Rights Education for Legal Professionals (HELP) Platform). The Council of Europe supported the School of Magistrates and Bar Association in developing and implementing grant agreements to carry out cascade training sessions for hundreds of judges, lawyers and prosecutors on art.10 of the European Convention of Human Rights (ECHR) and the relevant case law of the European Court of Human Rights (ECtHR).

Through high level and technical seminars, the Council of Europe provided recommendations and enhanced the understanding of members of parliament, magistrates, media actors and associations with regards to the on-line media regulation in compliance with the best European practices and Council of Europe standards.

### **2.3.2 / 2.3.3. DATA PROTECTION AND INTERNET GOVERNANCE**

In both areas, due to the lack of financial resources, the intervention of the Council of Europe was limited. The Organisation nevertheless contributed to awareness raising activities through producing and broadcasting audio-video material on children rights, in particular on safe internet for children. Conferences were organised on freedom of expression online with the Albanian Parliament and on safeguarding privacy in the media with the Albanian Information and Data Protection Commissioner.

## 2.4 ANTI-DISCRIMINATION, RESPECT FOR HUMAN RIGHTS AND SOCIAL INCLUSION

### 2.4.1 ANTI-DISCRIMINATION

The Council of Europe assisted the Albanian authorities' efforts in aligning domestic policies, legislation and practices with European standards.

In the framework of the Co-operation Document, the Council of Europe contributed to the improvement of the legal and policy frameworks on human rights and antidiscrimination as well as to the strengthening of the institutional capacities and outreach of the Commissioner for Protection from Discrimination (CPD), the People's Advocate (PA) and the Ministry in charge of social affairs. This involved in particular:

- Drafting the CPD strategy and action plan 2018-2021;
- The development of an electronic database and case management system for the CPD;
- The improvement of the CPD internal policies and procedures;
- The establishment of three CPD offices in the cities of Korca, Shkodra and Gjirokastra along with the action plans of preventive measures for respective municipalities;
- Enhancing the capacities of over 120 representatives of the CPD, the PA, legal professionals and relevant domestic institutions on various aspects pertaining to antidiscrimination standards and practices;
- The development of an effective and sustainable non-judicial domestic remedy, by analysing internal rules and procedures of the relevant equality institutions, along with providing expertise for improving existing case management system introducing HELP on-line training programme;
- Sharing of best practices with other Council of Europe member States as well as providing recommendations to Albanian authorities on how to improve the existing human rights and antidiscrimination systems in place.

### 2.4.2 MINORITY RIGHTS

At the request of the Ministry of Foreign Affairs, the Council of Europe provided three legal opinions in the drafting process of the new Framework Law on National Minorities. The opinions found that the law, as adopted by the Albanian Assembly on 13 October 2017, is in line with the contents of the Framework Convention for the Protection of National Minorities (FCNM) and the 'list of rights' used by the Venice Commission<sup>8</sup>. Moreover, the authorities took on board the opinion regarding the importance of developing the relevant secondary legislation and to this end, they formed an inter-institutional working group responsible for drafting secondary legislation. The newly adopted Law on protection of national minorities prescribes that the secondary legislation should be developed within six months of the new law coming into effect. This has paved the way for further action relating to implementation of the Law on National Minorities.

Future activities aim at facilitating the ratification of the European Charter for Regional or Minority Languages (ECRML) by Albania.

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<sup>8</sup> Council of Europe expert's Opinion on the Law No 96/2017 "On the Protection of National Minorities in the Republic of Albania", dated 8 December 2017.

### **2.4.3 ROMA AND EGYPTIANS**

The regional joint EU/CoE ROMACTED Programme “Promoting Good Governance and Roma Empowerment at Local Level” started in September 2017, contributing to empowering Roma and Egyptians in seven Albanian municipalities, both at the individual and community level, as well as improving and expanding the institutions’ commitment, capacities, knowledge and skills in working for their inclusion, putting in practice the concepts of good governance.

Article 3 of the new Law on protection of national minorities prepared with the support of the Council of Europe (see above) recognises Roma and Egyptians as a national minority with equal rights among the nine minorities thus putting an end to the previous distinction of ethno-linguistic community and ethnic minority.

The Council of Europe provided legal assistance to the Albanian authorities regarding the draft legislation on social housing and in particular the inclusion of concrete Roma and Egyptians-related provisions, such as preventing evictions and introducing a quota system for accessing social housing. These provisions have been incorporated in the final draft law by the Government. Once the law is adopted, the Council of Europe is ready to assist the Albanian authorities with the drafting of by-laws related to these provisions and, through the European Alliance of Cities and Regions for Roma Inclusion.

### **2.4.4 CHILDREN’S RIGHTS**

In recent years, Albania has made efforts to establish a child protection system. Positive steps have been taken towards establishing new structures and approaches, such as adopting of the Law on the Rights and Protection of the Child, the establishment of the State Agency for the Protection of Child Rights, including the Child Protection Units (CPUs) as referral mechanism at the national level. The Council of Europe supported the efforts of the Albanian Government to improve the protection of children’s rights in Albania through developing a policy document on integrated child protection systems. It provided the vision of how to move towards a more advanced and contemporary child protection system, focusing on the clarification of the roles and responsibilities of the relevant authorities in organising child protection and providing policy suggestions in the areas of first priority for action. Further joint action was foreseen between the Council of Europe and the Agency for the Protection of Children’s Rights via a specific project proposal on “Preventing and protecting children from violence in Albania” (2018-2019), but could not be implemented due to the absence of funding.

Council of Europe actions also aimed at addressing the European Commission against Racism and Intolerance (ECRI) recommendations on Albania on the implementation of measures combatting discrimination in schools and raising awareness of the right to equal treatment, diversity, discrimination and bullying in schools.

To inform policy development, a national survey (conducted in 141 public and private schools in urban and rural areas) provided evidence of bullying affecting a substantial number of pupils in Albania, highlighting the lack of appropriate education programmes to prevent bullying. Subsequent focus group discussions with main stakeholders (public authorities, civil society and schools) confirmed the need for evidence - based prevention programmes and specialised trainings for teachers.

Furthermore, over 312 teachers from 21 pilot schools in Albania were trained on the concepts, forms and consequences of bullying and extremism based on the Resource Pack and School Support Programme developed by the Council of Europe experts and accredited by relevant Albanian authorities. They will further contribute as multipliers and agents of change in addressing bullying and extremism in their respective schools. Thematic awareness and educative events at national level reached out to over 11,000 citizens and received high media visibility.

### **2.4.5 INCLUSIVE EDUCATION AND DEMOCRATIC CITIZENSHIP**

The Council of Europe contributed to strengthening inclusion and social cohesion by promoting relevant standards and by enhancing the capacities of education institutions on inclusive education. The development of the National Strategy on Developing Pre-University Education was supported from the perspective of inclusive education standards. Likewise, the capacities of education institutions were further enhanced notably through streamlining successfully piloted tools in domestic policies, legislation and practice.

Council of Europe action contributed to addressing the ECRI recommendations on combatting discrimination in schools and raising awareness of the right to equal treatment, diversity, discrimination and bullying in schools (see 2.4.4 children rights). An assessment on the implementation of the European Charter on Education for Democracy/Human Rights Education was carried out to provide a basis for further targeted intervention in this area in the future.

### **2.4.6 YOUTH POLICY**

The Council of Europe supported the implementation of the Albanian National Youth Action Plan 2015-2020 (NYAP) through empowering the capacities of relevant stakeholders at national and local level, including their co-operation in view of best European models. Only a limited number of activities were implemented due to lack of funding. Two trainings were organised: one for civil servants responsible for the implementation of the NYAP, together with the Ministry of Social Welfare and Youth in Albania and one for Albanian youth sector professionals. The trainings respectively aimed at familiarising with the NYAP provisions, mechanisms and instruments; at supporting capacities for its effective implementation in partnership with young people and youth organisations; and at strengthening co-operation and partnership between public authorities and civic actors of the youth sector in the service of youth policy implementation.

### **2.4.7 SOCIAL RIGHTS**

The new draft Law on Social Housing<sup>9</sup> was prepared in line with the Council of Europe standards, notably through:

- The introduction, for the first time in the Albanian legal order, of the concepts of adequate housing, homelessness, and forced evictions, including a series of judicial remedies for challenging evictions from social housing / non-granting of social housing benefits (e.g. rent subsidy);
- Ensuring that evictions from all forms of social housing would be subject to review by an independent tribunal, as required by the jurisprudence of the European Court of Human Rights (ECtHR);
- The introduction of the concept of social housing as a means of promoting social cohesion through targeted educational, vocational, and other interventions aimed at promoting the reintegration of marginalised groups (such as the Roma<sup>10</sup> and Egyptians) in the society.

### **2.4.8 LGBTI PERSONS**

The Council of Europe supported the Albanian authorities' efforts in aligning the domestic policies, legislation and practices with European standards. Initially this happened through drafting the Albanian National Action Plan 2016-2020 on LGBTI followed by enhancing the capacities of its National Implementation and Co-ordination Team. It further facilitated the inter-institutional co-operation and co-ordination involving line ministries, civil society organisations and international partners in the context of the National Action Plan and actively supported public events on awareness raising with regard to LGBTI.

<sup>9</sup> Pending before Parliament at the time of drafting of the report.

<sup>10</sup> Albania did not take part in the ROMACT project but was included in the regional Joint ROMACTED Programme (see 2.4.3).

A Council of Europe 'Compendium of good practices on local and regional level policies to combat discrimination on the grounds of sexual orientation and gender identity' (SOGI) and a Handbook on Policing Hate Crime against LGBTI persons were adapted to the local context and translated into Albanian.

Representatives of the Albanian Police Academy attended the first Training of Trainers organised by the SOGI unit in Strasbourg. Cascade trainings will be organised at national level in 2018.

The capacities of 30 gender focal points, representing their municipalities in northern and central Albania, were enhanced with regards to the implementation of the National Action Plan on LGBTI, along with the capacities of police, prosecutors and judges to investigate and prosecute homo/transphobic offences and discrimination on grounds of SOGI.

To support evidence-based policy development, a nation-wide survey of 2,500 households and an on-line survey specifically for the LGBTI community were developed. The survey takes into account the European and national initiatives that have been launched in recent years in this field and relates to various possible forms of discrimination, including in the areas of education and employment. The preliminary consultation among key stakeholders to establish a draft questionnaire has already contributed to raising awareness of SOGI issues.

#### **2.4.9 VIOLENCE AGAINST WOMEN**

Activities foreseen under the Programmatic Co-operation Document for 2015-2017 concerning Albania were postponed in view of the upcoming monitoring to be undertaken in conformity with the Istanbul Convention. In November 2017 the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) published its first (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on Albania. The report contains a list of concrete proposals and suggestions addressed to the Albanian authorities and constitutes a solid basis for future Council of Europe co-operation assistance, in co-ordination and synergy with United Nations (UN) Agencies who actively operate in this area.

#### **2.4.10 PEOPLE WITH DISABILITIES**

Actions undertaken to strengthen the capacities of the Commissioner for Protection from Discrimination (CPD) and the Ombudsperson (see 2.4.1) contributed directly to addressing issues of discrimination against people with disabilities. No additional specific action could be pursued due to the lack of funds.

#### **2.4.11 PROPERTY RIGHTS**

The Council of Europe provided support to the authorities in implementing the relevant European Court of Human Rights (ECtHR) judgments. Property rights have been identified as a systemic issue in Albania. In this respect, the Venice Commission *Amicus Curiae*<sup>11</sup> brief on the new law on Property Treatment guided the Constitutional Court's decision. Additional legislative assessments have been conducted to clarify further steps in its understanding and implementation by relevant domestic actors. In this respect training manuals on property compensation/restitution (Article 1, Protocol 1 ECHR) have been developed and in-service training for judges and prosecutors have been enhanced within the School of Magistrates.

The Council of Europe has supported the assessments by mapping the current situation and identifying gaps pertaining to lengthy proceedings, property issues and reopening of judicial proceedings.

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<sup>11</sup> Venice Commission *Amicus Curiae* brief for the Constitutional Court of Albania does not have the intention of taking a final stand on the issue of the constitutionality of certain provisions of the Law No. 133/2015, but merely to provide the Court with material as to the compatibility of the relevant provisions with European standards, so as to facilitate the Court's consideration of these provisions under the Constitution of Albania.

## 2.5 DEMOCRATIC GOVERNANCE AND PARTICIPATION

### 2.5.1 LOCAL DEMOCRACY

Since 2000, the Council of Europe has supported the Albanian authorities in developing and consolidating the application of the European Charter of Local Self-Government and good governance principles.

In June 2015, the implementation of a thorough Territorial and Administrative Reform (TAR)<sup>12</sup> led to substantial reorganisation of local government structures by the amalgamation of 373 municipalities and communes into 61 municipalities. The TAR was accompanied with a comprehensive package of reforms in the field of local government and public administration which is one of the key priorities for Albania's integration in the European Union (EU). This includes the adoption of a new Crosscutting Strategy on Decentralisation and Local Governance 2015-2020 and a new Public Administration Reform (PAR) Strategy 2015-2020 (PAR). A new Local Self Governance was prepared with the Council of Europe assistance, including a clear provision on consultation of local government, in line with Recommendation 349 (2013) on local and regional democracy in Albania<sup>13</sup>, and the implementation of Inter-Municipal Co-operation mechanisms.

Furthermore, Council of Europe efforts to ensure proper implementation of the laws on Civil Service and on Local Finances at local level largely contributed to a more efficient and accountable public administration in Albania. At the policy and legislative level, the Council of Europe provided significant expertise on:

- Drafting the Law No. 139/2015 on Local Self-Government and reviewing previous legal framework;<sup>14</sup>
- Shaping the criteria, methodology and processes pertaining to the TAR;
- Drafting the Council of Ministers' Decree on the Consultative Council, a platform of dialogue between central and local government representatives;
- Drafting the PAR Strategy 2015-2020 and Crosscutting Strategy on Decentralisation and Local Governance 2015-2020.

The Department of Public Administration adopted secondary legislation on the implementation of the Civil Service Law, along with additional tools (e.g. competency framework of staff) with the assistance of the Council of Europe.

Civil servants and other staff of 61 municipalities were registered in a Web-Based Platform (known as e-PAV) containing their respective profiles and competences. For the first time the e-PAV system gathered all the relevant actors into a comprehensive and interactive platform of communication, that is data compliant with their legal mandates. Help Desks established at the Department of Public Administration and the Albanian School of Public Administration (ASPA) supported the new municipalities during the transition phase of the TAR by addressing over 673 and 54 requests from local employees with dedicated legal advice on practices of Human Resources Management (HRM) and training needs, respectively.

Over 413 Human Resources Managers (67% women and 33% men) have been trained on the use and procedures of the e-PAV platform, the Civil Service Law, data protection and modern HRM (job profiles, assessments of competences and training needs). The training improved the management of employees' records, increased the efficiency of the administrative operations at the local administration and introduced a new working culture. The use of this system prepared the administration for the transition to the Human Resources Management Information System (HRMIS), which is the legal database of civil servants foreseen in the Civil Service Law.

<sup>12</sup> Initiated with the adoption of the law on the administrative and territorial division in the Republic of Albania in July 2014

<sup>13</sup> <https://rm.coe.int/168071992c>

Recommendation 349 (2013) on local and regional democracy in Albania adopted by the Congress of Local and Regional Authorities on 31 October 2013.

<sup>14</sup> Including the provision of a formal Opinion on the Law by the Congress (CG/MON/2015 of 20 October 2015) and by the Centre of Expertise for Local Government Reform (CELGR/LEX (2015)4 of 12 October 2015).

Experts of the Congress of Local and Regional Authorities, in co-operation with locally elected representatives and their associations, supported the establishment of the Consultative Council in 2016.

The creation of the first-ever institutionalised consultative body was an important highlight towards a culture of political dialogue between central and local government. It serves as a tool for consultation and preparation of relevant legislation, allowing Albanian local and regional authorities to advocate for their interests and concerns. It represents a milestone in the development of local democracy in Albania, and is exemplary for the whole region.

### **2.5.2 SUPPORT TO THE ALBANIAN PARLIAMENT**

Throughout 2016 and 2017, with a view to strengthening democratic governance, the Parliamentary Assembly of the Council of Europe (PACE) promoted interactions between members of Parliament from Albania and from other member States, through a peer-to-peer approach, allowing European-level debates to find their way more easily to the local level.

On the basis of the assessments carried out in the framework of the PACE Monitoring Committee regarding Albania but also by other Council of Europe bodies (such as Group of States against Corruption (GRECO) and Venice Commission), three priority themes were identified for the 2016-2017 PACE co-operation activities. Therefore, three seminars, including a joint seminar with the Parliaments of Bosnia and Herzegovina and Italy, were held over the course of the implementing period aiming to serve as open platforms for timely, enhanced and active dialogue between members of the Parliament of Albania and their peers from other Council of Europe member States (namely, Croatia, Italy, Portugal, Spain and Ukraine) in the fields of media transparency and independence, parliamentary integrity and anti-corruption strategies as well as the fight against racism, discrimination, hatred and intolerance.

All seminars contributed to identifying gaps and encouraging parliamentarians to make concrete commitments, and further consolidated the institutional links between PACE and the National Assembly.

### **2.5.3 ELECTORAL ASSISTANCE**

Council of Europe electoral assistance action aimed to assist Albania in conducting elections in accordance with democratic standards and in line with the principles defined in the Venice Commission's Code of Good Practice in Electoral Matters. In the context of the 2015 Local Elections, the Albanian Central Electoral Commission (CEC) adopted rules of procedure with the expertise of the Venice Commission. In addition, the latter supported the preparation of the training manuals for election commissioners at all levels.

In the run up to 2017 parliamentary elections, in addition to the work on improving transparency of election campaign finances (see 2.2.1), Council of Europe electoral assistance aimed to reinforce the capacity of the electoral administration in a sustainable way. To this end, the Council of Europe contributed to address some of the CEC pressing needs ahead of elections, notably to support:

- The CEC training/education facilities and infrastructure;
- The establishment of a smartphone application VOTO 2017 for information/education and monitoring of public complaints on illegal practices encountered during election administration;
- A telephone hotline system (call centre) for collecting public complaints (via landline) on illegal practices encountered during election administration;
- Overhauling the CEC website to make it more user-friendly and operational.

In addition, the Council of Europe supported the nationwide education/awareness campaign for first time voters, an initiative of the Academy of Political Studies<sup>15</sup> and the Swiss Embassy in Albania targeting over 385 high schools in Albania. It helped the CEC reach out over 60 000 first-time voters in total during 2015 and 2017 elections. Requests for additional assistance in the electoral field have been addressed to the Council of Europe by the CEC in October and November 2017.

## **2.5.4 LOCAL DEVELOPMENT THROUGH CULTURAL HERITAGE**

Pursuant to the Council of Europe expertise on the Law on Cultural Heritage, provided back in 2014, assistance has been provided to the Ministry of Culture in drafting the National Strategy of Culture. A Council of Europe expert conducted a first assessment visit to this end to Albania in November 2017 and run a workshop with stakeholders from the cultural, creative economy, heritage and tourism sector in February 2018, which led to a draft Cultural Strategy for Albania.

Contrary to what was foreseen in the Co-operation Document, no specific assistance was requested by Albanian authorities in the field of sports.

## **3. IMPLEMENTATION AND CO-ORDINATION**

The Council of Europe Committee of Ministers (CM) assesses the overall implementation of the Co-operation Document through its Group of Rapporteurs on Democracy (GR-DEM).

The Co-operation Document Steering Committee, comprising representatives of the Ministry of Foreign Affairs, other national stakeholders and Council of Europe representatives, also assesses the progress of the Co-operation Document implementation. The Steering Committee considers the implementation of approved projects, discusses challenges and relevant proposals for future co-operation, and recommends measures to improve effectiveness.

The overall co-ordination of technical co-operation implemented by the Council of Europe falls within the remit of the Office of the Directorate General of Programmes (ODGP), which steers the programming and fund-raising for co-operation actions, and ensures the efficiency of Council of Europe Offices in the field. Projects are implemented by the Council of Europe's Major Administrative Entity responsible for the relevant area of expertise (the Directorate General of Human Rights and Rule of Law including the Venice Commission, the Directorate General of Democracy, the Parliamentary Assembly of the Council of Europe (PACE), the Council of Europe Congress of Local and Regional Authorities (Congress) and the Directorate of Policy Planning). The Council of Europe Tirana Office plays a key role in co-ordinating and supporting project implementation in accordance with the co-operation decentralisation policy. As of 1 December 2017, 22 staff members in total (including six core staff and 16 project staff) worked at the Tirana Office.

Project implementation can involve needs assessments, legislative expertise, capacity-building, awareness-raising and peer-to-peer reviews. Implementation methodology aims to reinforce the ownership of national stakeholders and to ensure the sustainability of the outcomes.

The Council of Europe implements projects in close co-operation with the Albanian authorities, targeting governmental stakeholders, parliament, judiciary, media regulatory bodies, civil society and independent governance institutions, such as Peoples' Advocate (PA), the Commissioner for Protection from Discrimination and local and regional authorities. This creates a unique leverage for comprehensive, inclusive, successful and sustainable reforms.

Co-ordination to ensure an efficient use of resources and relevance of Council of Europe actions is performed at different levels and in different bodies, including the Committee of Ministers.

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<sup>15</sup> The name of the School of Political Studies in Albania.

The Council of Europe closely co-ordinates with relevant international partners notably the European Union (EU) and its Delegation to Albania. Co-ordination is also ensured with other multilateral organisations, in particular the Organisation for Security and Co-operation in Europe (OSCE), the United Nations (UN) Agencies as well as bilateral Agencies from Council of Europe member and observer States. In this view, the Council of Europe worked closely with the Swiss Agency for Development and Co-operation (SDC), One UN, and United States Agency for International Development (USAID), in the framework of Donor Technical Secretariat<sup>16</sup>.

### 3.1 TRANSVERSAL ISSUES

The Council of Europe prioritises a human rights approach at all levels and stages of its activities. Its *acquis*, including Council of Europe legal instruments, information and institutions, combined with the principles of equality, non-discrimination, balanced participation brings further added value to Council of Europe activities.

As a component of this human rights approach, the Council of Europe emphasises gender mainstreaming throughout its project activities. For more information, see the Council of Europe *web page* on gender mainstreaming. The Organisation also promotes civil society participation, as outlined in the *Guidelines on civil society organisations' participation in Council of Europe's co-operation activities*.

Results of gender mainstreaming include:

- The newly developed electronic case management system for the Commissioner for Protection against Discrimination enables the segregation of data, including gender based ones, thus enabling the institution to (1) monitor the trends of gender based discrimination, (2) report to national and international monitoring bodies (3) communicate gender based discrimination with the general public and media, as well as (4) conduct research in this regard in co-operation with academia. In addition, gender related data have been collected with regards to the obstacles women are facing in accessing justice with the view to better design remedial measures;
- A particular focus has been given to gender and human rights dimension in the curricula prepared for the School of Magistrates, the School of Advocacy, the Ministry of Education, the General Directorate of Prison, Local Authorities etc. Moreover, a specific module on gender based discrimination in the country has been prepared and followed by 50 staff from relevant national institutions;
- The rulebook on prison staff recruitment has been adapted to the needs of female prison staff.

The Organisation pays considerable attention to fostering dialogue between authorities and civil society, thus contributing to the transparency of reforms and supporting their independent monitoring:

- The co-operation with the Academy of Political Studies in running a country wide first time voters' education campaign in 2015 and 2017 elections;
- Capacity building and granting of six relevant Civil Society Organisations (CSO) to monitor the implementation of electoral campaign funding;
- The partnership with CSOs representing the LGBTI community in delivering trainings to gender focal points in 61 municipalities in Albania.

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<sup>16</sup> Since 2004 the Donor Technical Secretariat facilitates improvements in the quality and effectiveness of external assistance in line with Albanian policy priorities and international commitments. It facilitates donor-donor co-ordination as well as donor-Government co-ordination.

### 3.2 RISK MANAGEMENT AND SUSTAINABILITY

Due to the nature of its mandate, the Council of Europe sometimes operates in complex and unstable environments that expose it to risks. The risk analysis of the Co-operation Document and possible mitigation strategies are carried out on the basis of the Council of Europe risk management *guidelines* and the Risk Management Policy of the Organisation adopted in June 2016.

Progress of the Co-operation Document depends on political stability and consensus of political forces to complete reforms. In this context, the reform of the judiciary is an example, showing how much risk can be mitigated through permanent dialogue with the authorities at all levels and by strengthened co-ordination with other international organisations, notably the EU.

Insufficient donors' contributions to the Co-operation Document did not allow to effectively implement activities in several priority areas (e.g. police reform, children's rights). Under a dynamic and evolving context, this challenge was only partially mitigated – also due to lack of unearmarked funding on the Co-operation Document level- through appropriation of actions and proactive resource mobilisation, in close co-ordination with the national authorities. However, despite this funding gap the overall results achieved under this framework were positive and tangible, providing a good basis for continued assistance. Many achievements are sustainable as they consist of legislation changes and transfer of know-how and tools to national authorities.

### 3.3 LESSONS LEARNED

The Council of Europe results-based management methodology involves looking at lessons learned:

- The existence of the Co-operation Document was key for the arbitration in financing actions under the EU/CoE Horizontal Facility for Western Balkans and Turkey (Horizontal Facility) and it contributed to the fact that Albania is the main beneficiary of this EU/CoE Joint Programme;
- The Council of Europe provided assistance and legal expertise in key priority areas set as pre-conditions for the opening of European Union (EU) accession negotiations. To this end, regular consultations and close co-operation between the Council of Europe and the EU have been instrumental in this process. This constructive process underlines the complementarity between the two organisations;
- A human rights approach to co-operation – using Council of Europe standards as both means and goals of technical assistance – can significantly contribute to securing those rights;
- Technical assistance towards comprehensive reforms requires long-term funding and effective co-ordination mechanisms among national and international partners (e.g. Donor Technical Secretariat<sup>17</sup>);
- Co-operation Document-level funding, in particular, would have allowed for an increased flexibility for allocating funds where they are most needed;
- Risks affecting project implementation stemming from external factors, such as elections or other political developments need to be considered and managed through careful risk management on the planning level;
- Local capacity development remains an important element of the technical assistance programmes;

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<sup>17</sup> See footnote 9.

- The Council of Europe can play an important bridging role between various state and non-state actors;
- To further reinforce efforts in the promotion of gender equality, there is a need to set clear goals, strengthen leadership, improve training, allocate more resources and ensure systemic reporting on gender issues.

#### 4. FUNDING AND PARTNERS

Continued financial support for the Co-operation Document allowed the Council of Europe to build on and design projects that support European standards and the principles of the European Convention of Human Rights (ECHR) and other legal instruments, and are based on findings of its monitoring bodies. The Council of Europe increasingly seeks to deliver on agreed priorities rather than on individual projects and activities.

In line with the Council of Europe resource mobilisation strategy an effort was made to secure funding at Co-operation Document level. However, in the case of Albania only earmarked, project-level, contributions were received. Total funding secured for the Co-operation Document amounted to € 8 244 220 (48 % of the total budget of € 17 340 633) (see Figures 1 & 2).

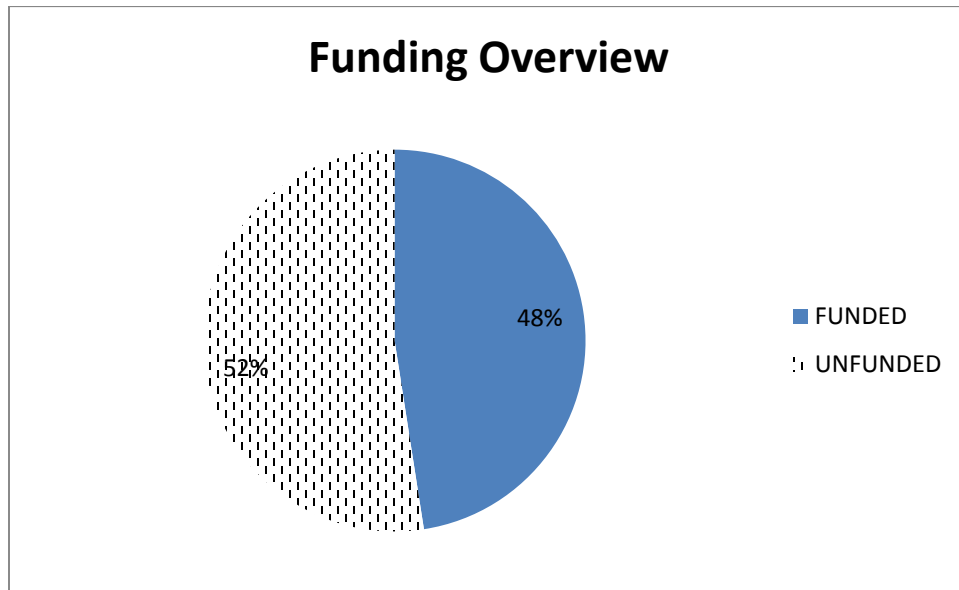
In order of volume, contributions were from: the European Union -mainly through the EU/CoE Horizontal Facility for Western Balkans and Turkey (Horizontal Facility) - Switzerland, Norway, Human Rights Trust Fund (HRTF) and Finland.

66 % of the funds were secured under the partnership between the Council of Europe and the European Union. During the reporting period of the Co-operation Document, Albania benefitted from Joint Programmes between the Council of Europe and the European Union (EU) in areas related to efficiency of justice, cybercrime (i-PROCEEDS), freedom of expression and freedom of the media with a focus on the judiciary (JUFREX), anti-discrimination systems, protection of human rights and minorities, inclusive education, and mediation and inclusion benefiting the Roma population (ROMACTED). The Horizontal Facility backs actions in Albania amounting to € 4.5 million, which represents ca. € 3 million for the reporting period. Funding from the EU to the Co-operation Document totalled € 5 408 594.

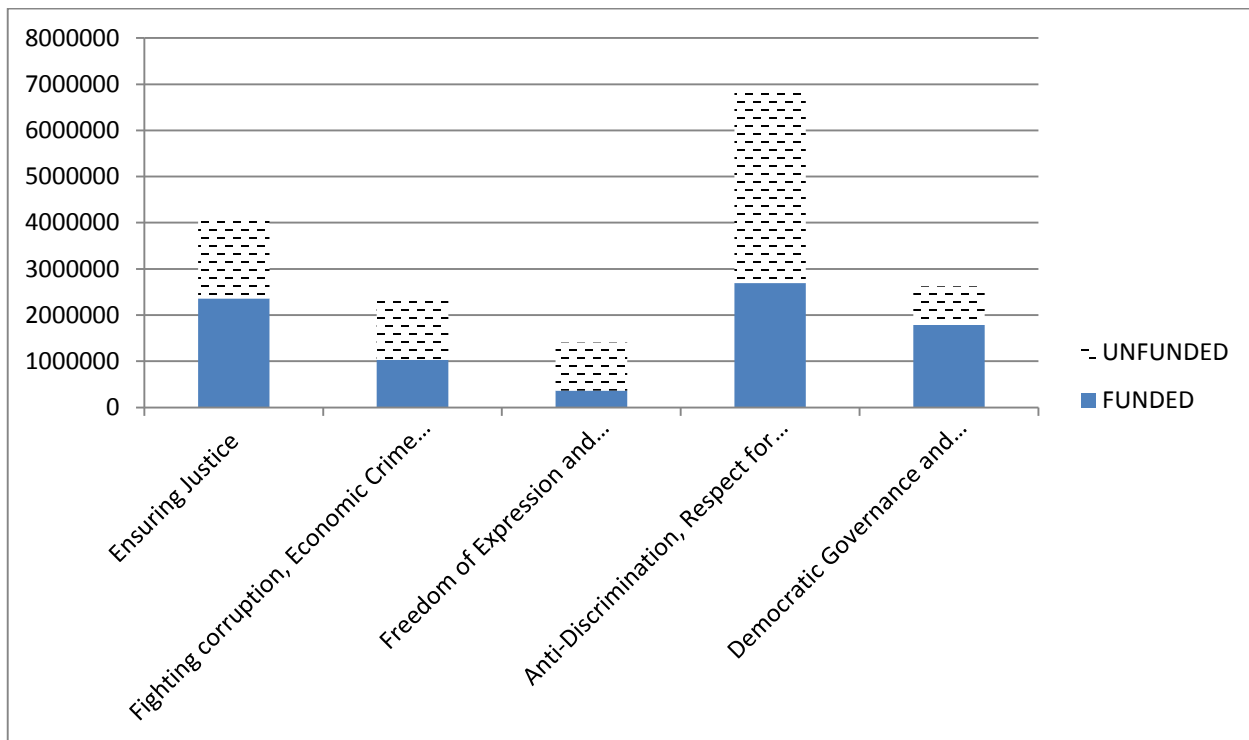
Switzerland (20 % of the secured funding) supported actions in the field of local democracy. Norway, HRTF and Finland (1.5 %) contributed respectively to activities in the field of freedom of expression, justice reform and Roma.

The contribution from the Council of Europe's Ordinary Budget amounted to € 1 097 275, representing 12.5 % of the total funding provided (see Figure 3).

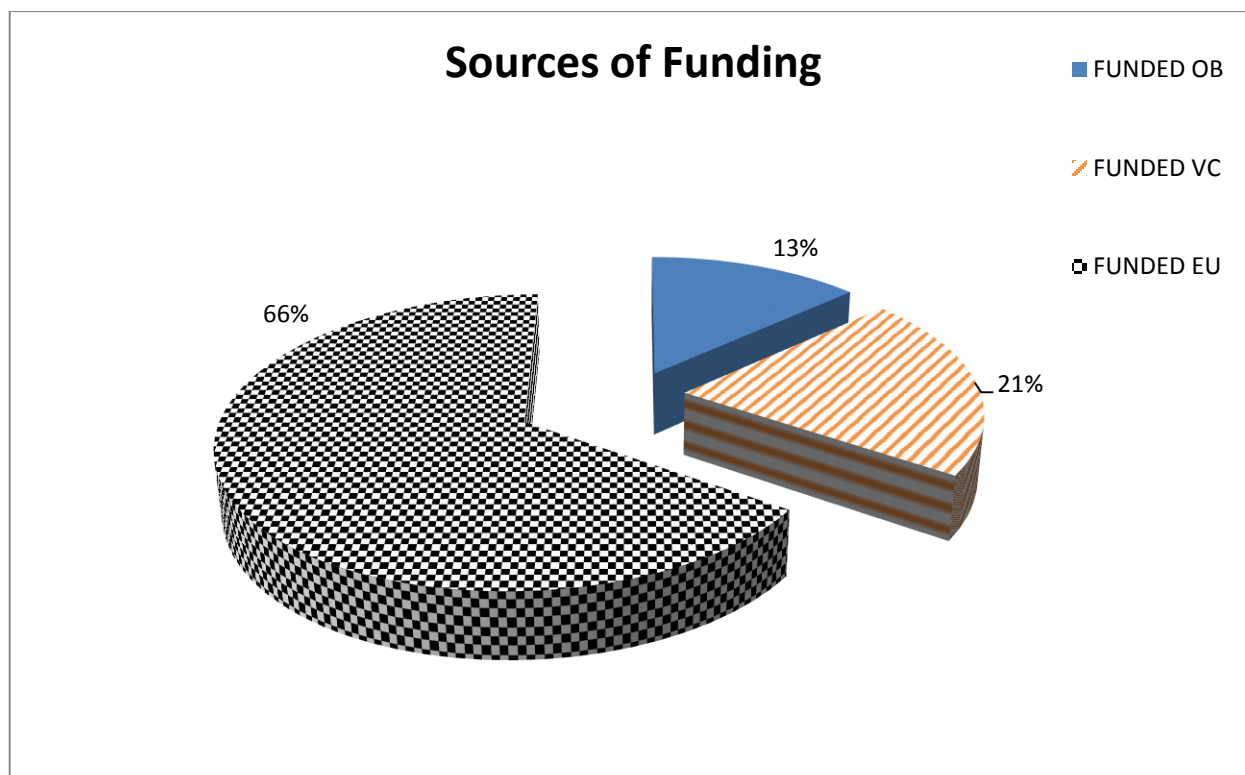
The Co-operation Document is a living document responding to the needs of Albanian authorities. Despite the funding gap, most priority areas were covered. The funding gap can be partially explained by the limited financial resources available under the current financial circumstances. It is also due to evolving needs and priorities of the authorities (in particular relevant for the actions foreseen with regard to police and human rights, as well as fighting corruption in higher education). In addition, in some areas, timing was not appropriate for the Council of Europe involvement in view of cycles of monitoring bodies and actions of other actors in Albania.



**Figure 2: Programmatic Co-operation Document for Albania 2015-2017 - Funding Overview (December 2017)**



**Figure 3: Funding of the Programmatic Co-operation Document for Albania 2015-2017 per sector (December 2017)**



**Figure 4: Programmatic Co-operation Document for Albania 2015-2017 – Sources of Funding (December 2017)**

## 5. APPENDICES

### APPENDIX I: FINANCIAL REPORT

Sectors	Total revised budget	Funded OB	Funded JP	Funded VC	Total funds secured	Additional funds required
Ensuring Justice	€ 4 068 413	€ 436 320	€ 1 907 794	€ 20 000	€ 2 364 114	€ 1 704 299
Corruption, Economic Crime and Organised Crime	€ 2 387 945	€150 943	€ 880 712		€ 1 031 655	€ 1 356 290
Freedom of Expression and Information Society	€ 1 407 829	€ 57 407	€ 229 630	€ 77 780	€ 364 817	€ 1 043 012
Anti-Discrimination, Respect for Human Rights and Social Inclusion	€ 6 850 871	€ 302 605	€ 2 390 458	€ 3 000	€ 2 696 063	€ 4 154 808
Democratic Governance and Participation	€ 2 625 575	€ 150 000		€ 1 637 571	€ 1 787 571	€ 838 004
<b>TOTALS</b>	<b>€ 17 340 633</b>	<b>€ 1 097 275</b>	<b>€ 5 408 594</b>	<b>€ 1 738 351</b>	<b>€ 8 244 220</b>	<b>€ 9 096 413</b>

**APPENDIX II: LIST OF PROJECTS****COUNTRY SPECIFIC PROJECTS**

<b>Title</b>	<b>Duration</b>
EU/CoE JP "Enhancing the effectiveness of the Albanian system of human rights protection (HR) and anti-discrimination (AD)"	01/12/2015 - 31/05/2018 (30 months)
Horizontal Facility Action – "Enhancing the protection of human rights of prisoners in Albania in line with Council of Europe and European Committee for Prevention of Torture (CPT) standards"	01/10/2016 – 30/09/2018 (24 months)
Horizontal Facility Action – "Strengthening the Quality and Efficiency of Justice in Albania" (SEJ2)	01/07/2016 – 30/06/2018 (24 months)
Horizontal Facility Action – "Supporting effective domestic remedies and facilitating the execution of ECtHR judgments by Albania "D-REX""	01/12/2016 – 31/07/2018 (20 months)
Horizontal Facility Action – "Fighting Corruption, Economic Crime and Organised Crime: Economic Crime"	24/05/2016 – 23/05/2019 (36 months)
Horizontal Facility Action – Anti-discrimination/SOGI in Albania	01/10/2016 – 31/05/2018 (20 months)
Horizontal Facility Action - Albania-Bullying and Extremism in Education	01/06/2016 – 31/01/2019 (32 months)
Horizontal Facility Action - Strengthening the protection of national minorities in Albania	01/07/2016 – 31/12/2017 (18 months)
Strengthening local government structures (and co-operation of local elected representatives)	Phase III 01/08/2017 – 31/07/2019 (24 months) Phase II 01/10/2012 – 30/06/2017 (57 months)
EU-CoE JP to increase the efficiency of the Albanian justice system, in line with European standards (SEJ)	06/01/2014 – 05/04/2016 (27 months)
Strengthening Institutions and Links with the Council of Europe Parliamentary Assembly	01/10/2016 – 31/12/2018 (27 months)

**REGIONAL PROJECTS**

<b>Title</b>	<b>Duration</b>
EU/CoE JP "Regional Support for Inclusive Education"	01/01/2013 - 30/11/2015 (35 months)
EU/CoE JP "Promoting Human Rights and Minority Protection in South East Europe"	01/12/2013 - 29/12/2016 (37 months)
EU/CoE JP "Democratic Governance and Roma Community Participation through Mediation"	01/04/2014 - 31/08/2016 (29 months)
European Programme for human rights education of legal professionals (HELP)	01/01/2014 - 31/12/2015 (24 months)
Promoting freedom of expression and information, and freedom of the media in the SEE	01/09/2013 - 31/08/2015 (24 months)
EU/CoE JP "Co-operation on Cybercrime under the IPA: Project on targeting crime proceeds on the Internet (iPROCEEDS)"	15/12/2015 - 14/06/2019 (42 months)
EU/CoE JP "Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe" (JUFREX)	20/04/2016 - 19/04/2019 (36 months)
EU/CoE JP "ROMACTED: Promoting good governance and Roma empowerment at local level"	01/05/2017 - 30/04/2020 (36 months)