

## Horizontal Facility for Western Balkans and Turkey



## Results of actions in Albania under the European Union/Council of Europe Horizontal Facility for the Western Balkans and Turkey

### WHAT IS THE HORIZONTAL FACILITY FOR THE WESTERN BALKANS AND TURKEY?

The Horizontal Facility for the Western Balkans and Turkey is a co-operation initiative of the European Union and the Council of Europe for South East Europe. This is a three-year programme, which is being implemented as from May 2016 for a period of 36 months. The actions under the Horizontal Facility are funded primarily by the EU and are co-funded and implemented by the Council of Europe.

Through the Horizontal Facility, the European Union and the Council of Europe assist beneficiaries in South-East Europe in complying with Council of Europe standards and the European Union *acquis* in the context of the enlargement process, covering three themes: *ensuring justice, fighting economic crime, and combating discrimination and protecting the rights of vulnerable groups.*

There are seven beneficiary-specific actions for Albania, with a total budget of EUR 4.75 million.

### ENHANCING THE QUALITY OF THE PRISONS SERVICE

This Action was implemented from 1 October 2016 to 30 September 2018.

The action aimed to improve conditions and the provision of health care in prisons, as shortcomings in these areas were identified by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the European Court of Human Rights. Poor prison conditions not only hinder prisoners' reintegration into society but can also amount to a violation of the European Convention on Human Rights.

- The Action helped to reinforce a rehabilitative rather than punitive approach to prisoners by providing various legislative and practical tools to prison authorities. In addition, internal prison regulations were drawn up and the Law on the Treatment of Prisoners was reviewed. Emphasis was put on an individual approach, which entails assessing the risks each prisoner poses to society. To apply this approach in practice, the Action provided a risk and needs assessment tool and trained more than 100 prison staff members in its practical use. As a result, the prison staff acquired skills in using the tool during interviews, enabling them to prepare individual sentence plans based on the prisoners' needs and circumstances.

## Horizontal Facility for Western Balkans and Turkey



- Health care services in prisons were reinforced to reduce the risks prisoners might pose to society upon their release due to inadequate health care during their time in prison. An assessment of the prison health services was carried out, resulting in a general overview of needs and areas for improvement in prisoner care. To address the identified shortcomings, a Manual for Suicide Prevention in Prisons was developed and prison staff were trained to provide adequate care and treatment to inmates. In addition, recommendations were made to the Ministry of Justice on the proposed measures to establish a new forensic institution and to transform the Lezha Prison into a hospital for forensic patients.
- The Action developed tools to better combat unethical behaviour and misconduct by prison staff. Such behaviour erodes public confidence in the penitentiary service and therefore needs to be eradicated. The revised Code of Ethics for prison staff laid down ethical standards and disciplinary proceedings in case of infringements. A Rulebook for staff recruitment was also developed to increase transparency and fairness in recruitment procedures. These tools were accompanied by an in-service training curriculum aimed at increasing the professional capacities of the prison staff. Particular emphasis was placed on care for female and juvenile prisoners.

### SUPPORTING THE INTRODUCTION OF EFFECTIVE DOMESTIC REMEDIES TO PREVENT VIOLATIONS OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

This Action started on 1 January 2017 and will continue until 23 May 2019.

The action aims to support the Albanian authorities in taking measures to execute the judgments of the European Court of Human Rights (ECtHR), allowing Albania to progress in implementing key judicial reforms.

- The existing scheme for compensation and restitution of property expropriated during the communist regime was assessed and further steps to improve its efficiency were identified so as to ensure satisfactory compensation. As a follow up to the assessment, the Action carried out a number of concrete activities to support the national authorities' efforts to implement the restitution/compensation mechanism in Albania. One outcome was that the Council of Europe [Committee of Ministers adopted a resolution](#) on 20 September 2018 whereby it closed its examination of the *Manushaqe Puto and others* group of cases because it considered that the required measures had been taken to offer compensation for property and to enforce final domestic judicial and administrative decisions recognising the right to compensation.
- Addressing the Committee of Ministers' recommendations relating to the *Caka* group of cases, the Action provided an analysis of ways to effectively implement the domestic criminal

## Horizontal Facility for Western Balkans and Turkey



regulations on reopening of judicial proceedings following a judgment from the ECtHR. The project involved providing assistance in identifying further improvements needed and advice on harmonising domestic practice, so as to allow every citizen affected by domestic decisions reversed by the ECtHR to benefit from a retrial of their case taking into account ECtHR case-law.

- Based on an analysis of legislation and practices, the reasons for excessive length of judicial proceedings were identified. Further actions to improve judicial time management were devised with the beneficiary institutions. This will facilitate the supervision of the execution of the *Luli and Others v. Albania* group of cases by the Committee of Ministers. The Action is currently monitoring the implementation of new legislative amendments in order to support effective and rapid judicial proceedings.
- The State Advocate Law was amended on 22 November 2018, reinforcing domestic capacity to effectively execute the Court's judgments and thus bringing Albanian legislation closer to the best European standards.
- In order to apply the legislation on property restitution/compensation, reasonable judicial proceedings and the reopening of cases following violation of a judgment of the ECtHR, the capacities of the School of Magistrates and the School of Advocates were strengthened. To provide quality training for judges, prosecutors and lawyers, comprehensive training manuals on effective remedies for excessively lengthy proceedings, property rights, and the fairness of criminal proceedings were developed and integrated into the in-service training curriculum. 36 national trainers have already been qualified and equipped with relevant knowledge and skills to conduct training sessions after the completion of the Action. Over 200 representatives of the judiciary and other legal professions received manuals and were trained with the Action's support. This will increase the likelihood of better implementation of the European Convention on Human Rights in Albania.

### STRENGTHENING THE QUALITY AND EFFICIENCY OF JUDICIAL SERVICES

This Action started on 1 July 2016 and will continue until 23 May 2019.

The action contributes to implementing key aspects of the judicial reforms process in order to strengthen the quality and the efficiency of justice using the tools and methodology of the European Commission for the Efficiency of Justice (CEPEJ). The Action achieved the following results:

- Developed a methodology for reviewing the judicial map – the distribution of judicial bodies within the country – so as to respond to new needs in order to deliver justice. The methodology

## Horizontal Facility for Western Balkans and Turkey



was developed with a view to taking concrete steps for reviewing Albania's judicial map in order to strengthen access to justice while ensuring its quality.

- Contributed to improving the current case management system: a significant number of old cases have been closed at the Lezha District Court and the Court of Appeal. Court staff have been trained in this area, thus improving court management.
- Contributed to introducing a new electronic case management system in close co-operation with EURALIUS<sup>1</sup> and USAID. The Action supports the authorities in developing a new strategy to introduce changes involving increased recourse to cyber justice adapted to Albanian specificities. The strategy offers ways to collect and analyse judicial data in order to address the reasons behind the backlog of cases and the length of court proceedings, which will be used in setting up the future electronic case management system.
- Improved the capacities of the Administrative Court of Appeal in Tirana and the Shkodra District Court to carry out satisfaction surveys among court users and to address the respective findings. Two selected courts began taking measures to address concerns raised by users in the satisfaction surveys.
- Strengthened security and safety in courts, mainly through assessment of the existing risks and measures to improve court infrastructure. The Albanian authorities took steps to implement the recommendations resulting from the assessment.
- Improved the relationship between the judiciary and the media. Court representatives, prosecutors' offices and the media were trained to draw up press releases and improve websites and communication regarding highly sensitive cases. The training provided them with guidelines and concrete measures to enhance public trust in the judiciary through improved communication.
- Developed modules on court management for the initial and in-service training programmes offered by the School of Magistrates. The modules have been integrated into the School's training curriculum and constitute a permanent tool for training of the judiciary to improve their working methods. Training of court staff was pursued, opening up prospects for more efficient and fairer justice.

---

<sup>1</sup> "Consolidation of the Justice System in Albania" (**EURALIUS**) is an EU-funded technical assistance project that seeks to strengthen the Albanian Justice System.

## Horizontal Facility for Western Balkans and Turkey

Funded  
by the European Union  
and the Council of Europe



COUNCIL OF EUROPE



Implemented  
by the Council of Europe

### FIGHTING ECONOMIC CRIME

The project started on 24 May 2016 and will continue until 23 May 2019.

Corruption and money laundering undermine trust in state institutions. This action aims to support the authorities in taking measures to prevent and investigate corruption and money laundering by implementing the recommendations issued by the Council of Europe's Group of States against Corruption (GRECO) and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL).

- Progress has been made in strengthening legislation on political party financing so as to better fight corrupt practices. The law on political party financing and the Criminal Code were amended taking into account the Council of Europe's recommendations, and the new provisions were applied for the 2017 parliamentary elections. Following additional legislative support, the Prime Minister issued an order prohibiting political parties from using state resources in electoral campaigns for party purposes. As a result of all these measures, parliamentary campaign costs were reduced, thereby addressing one of the key shortcomings of Albania's electoral process – excessive electoral campaign spending.
- Steps were taken to strengthen the asset recovery process when freezing, seizing and confiscating the proceeds of crime linked to corruption, in particular by strengthening the asset recovery and asset management strategic and legal framework, and establishing a multidisciplinary Asset Recovery Office.
- To reinforce the existing asset declaration system, the law on asset declarations and audits, adopted in April 2017, was further improved in December 2018, by incorporating the Council of Europe's recommendations. The Action also supported the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests (HIDAACI) in establishing an electronic system for the submission, processing and publication of asset declarations. Inspectors' capacities to implement the new legal requirements for submission and verification of asset declarations were enhanced.
- Law enforcement agencies' capacities to fight money laundering and corruption were reinforced through practical guidelines, workshops and training on asset tracing and confiscation. In Albania 253 persons were subject to legal proceedings, which resulted in the seizure of approximately 16 million euros and the confiscation of 1.5 million euros between May 2017 and May 2018.

## Horizontal Facility for Western Balkans and Turkey



- Support for parliamentary activities was at the heart of the Action, with a view to fighting corrupt practices by Members of Parliament. The Parliamentary Immunity Committee approved a draft Code of Conduct for Members of Parliament, thereby taking an important step towards compliance with GRECO recommendations. The Code of Conduct lays down standards of ethical behaviour and sanctions for their infringement, and therefore strengthens the ethical obligations of Members of Parliament.
- The capacities of the Central Election Commission to oversee the financing of electoral campaigns and political parties were reinforced. A specific oversight unit was set up for this purpose. Rules on the use of campaign materials were adopted, as were guidelines on how to monitor election campaigns and calculate their costs. This clarified the legal and regulatory requirements, while at the same time providing practical advice. New tools, such as templates for reporting on campaign financing, were developed. Together with the newly appointed financial experts to monitor campaigns in line with the above rules and guidelines, these tools were already introduced for the monitoring of the 2017 elections. As a result of this support, seven political parties were fined for violating the political party funding rules during the 2017 elections.

## FIGHTING BULLYING AND EXTREMISM IN THE EDUCATION SYSTEM

This project started on 1 June 2016 and will continue until 31 January 2019.

Using the experience of pilot schools, the action aims to support the national authorities in developing strategies and responses to bullying and extremism in schools while raising the awareness of all members of the school community - children and young people, parents and school staff - about the harm that bullying causes and how children and young people can be protected.

- The new Law on the Rights and Protection of the Child, adopted in February 2017, recognises the phenomenon of bullying in schools and includes provisions for the establishment of mechanisms for ensuring its effective prevention and reporting. The Action's objectives were also integrated into the "National Agenda for the Rights of the Child 2017-2020".
- 21 November has been designated as the National Day against Bullying in School in Albania.
- Members of local communities and the media, including children and young people, parents and school staff, can now better understand the harm that bullying causes and how children and young people can be protected. The Action reached approximately 14 000 citizens through the

## Horizontal Facility for Western Balkans and Turkey



National Day against Bullying, TV and radio broadcasts and the anti-bullying open days in schools.

- The Ministry of Education, Sport and Youth and the Ministry of Economy and Finance issued a joint decision officially instructing the pilot schools to implement anti-bullying action plans during the 2018/2019 school year; to coordinate awareness-raising activities between schools; to ensure the organisation of anti-bullying day on 21 November; to make arrangements for knowledge sharing with other schools; and to monitor and improve the referral systems regarding cases of bullying at school.
- Based on the knowledge and good practices of the pilot schools, a national roadmap to guide policy-makers in preventing or reducing bullying and creating a safe and inclusive school environment was proposed in partnership with the Ministry of Education, Sport and Youth, to be further integrated into the New National Strategy for Pre-University Education.
- A Teacher Training and School Support Programme - conceived as a step-by-step intervention programme for teachers with a view to preventing or reducing bullying, building an inclusive environment and developing policies and procedures - was accredited by the Commission for the Accreditation of Training Modules and Programmes for the period 2017-2021.
- 210 teachers, members of school anti-bullying teams from 21 pilot schools, were trained as change agents in preventing or reducing bullying in schools.

## PREVENTING AND COMBATING DISCRIMINATION ON THE GROUNDS OF SEXUAL ORIENTATION AND GENDER IDENTITY

This Action was implemented from 1 October 2016 to 31 May 2018.

The action aimed to support the national authorities in implementing the recommendations issued by the European Commission against Racism and Intolerance (ECRI) regarding LGBTI issues in Albania.

- An inter-ministerial team responsible for the monitoring of the 2016-2020 National Action Plan for LGBTI Persons in Albania was established and is now functional.
- Over 150 police officers from different parts of Albania (Tirana, Durrës, Kukës, Lezhë, Korçë, Vlorë and other cities) were trained to identify and address hate crimes towards LGBTI people.

## Horizontal Facility for Western Balkans and Turkey



- A guide on “Policing Hate Crime against LGBTI persons: Training for a Professional Police Response” was developed and has been integrated into the curriculum of the Security Academy for in-service police training.
- The capacities of 45 gender focal points, established in municipalities in Albania, were enhanced with regard to the implementation of the National Action Plan on LGBTI. A training curriculum has been accredited by the Albanian School of Public Administration (ASPA), and an e-learning module on LGBTI rights is available on-line and can be accessed via the ASPA website.

## STRENGTHENING THE PROTECTION OF PERSONS BELONGING TO NATIONAL MINORITIES

This project started on 1 January 2017 and will continue until 23 May 2019.

The action aims to strengthen the protection of persons belonging to national minorities in Albania, by addressing the legal framework and policy and the authorities’ institutional capacity in view of the recommendations made by the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) and the Committee of Ministers of the Council of Europe.

- In October 2017 a comprehensive Framework Law on the Protection of National Minorities was adopted, which abolished differentiation between national minorities and ethno-linguistic communities and introduced nine national minorities and the principle of self-identification.
- Two legal opinions on secondary legislation were provided and submitted to the government.

### FOR MORE INFORMATION:

Website: <https://pjp-eu.coe.int/en/web/horizontal-facility/home>

Nichola Howson, Communication Officer, +33 3 88 41 22 39

Marija Simic, Regional Communication Officer, +38 1 63 60 13 37