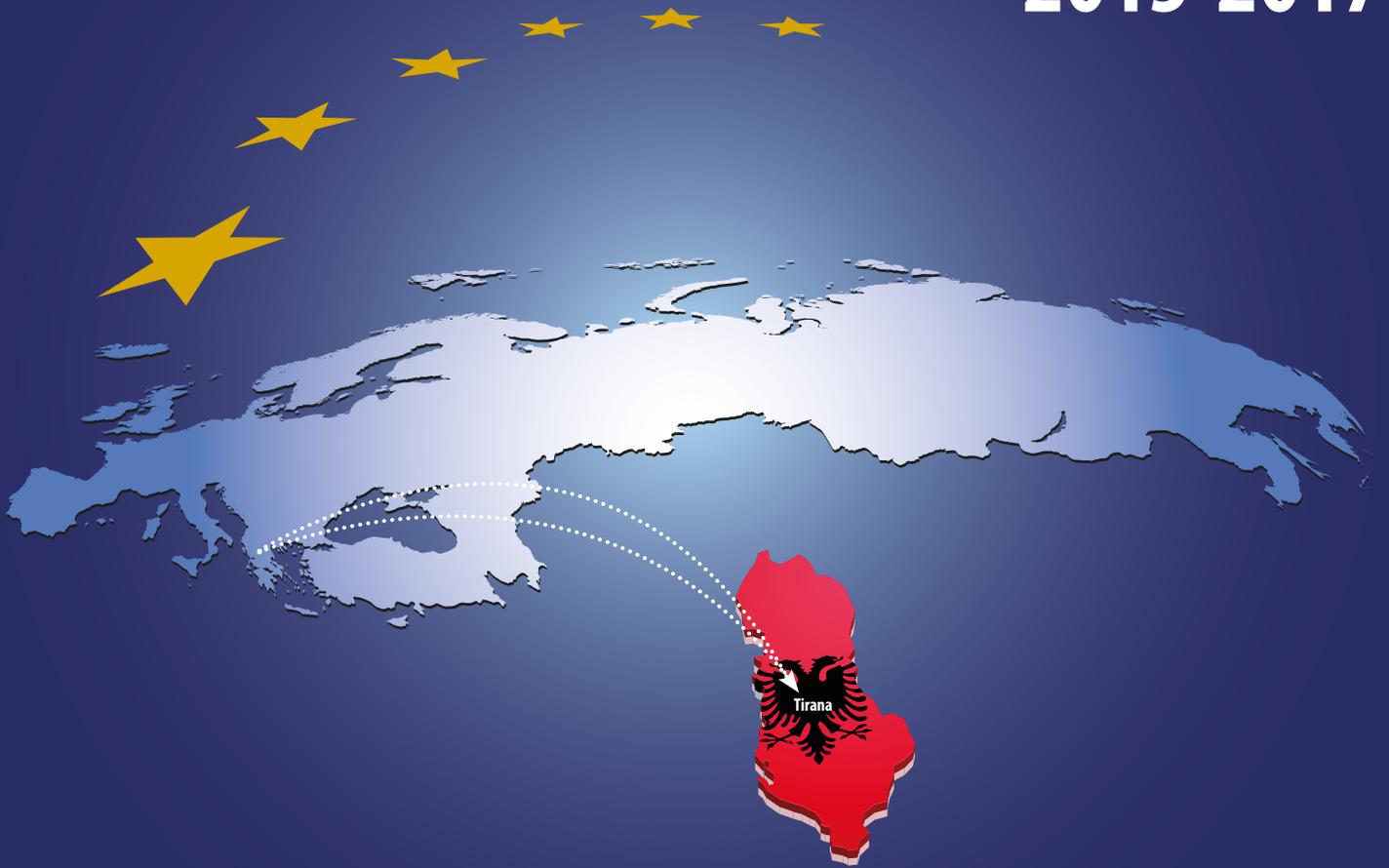


Council of Europe  
**Albania : Programmatic  
Co-operation Document  
2015-2017**



[www.coe.int](http://www.coe.int)

# Albania: Programmatic Co-operation Document 2015-2017

GR-DEM(2015)7  
17 March 2015

*Document approved by the Committee of Ministers of the Council of Europe on 1 April 2015  
[CM/Del/Dec(2015)1224]*

## TABLE OF CONTENTS

<b>List of Acronyms and Abbreviations .....</b>	<b>3</b>
<b>General Overview .....</b>	<b>4</b>
<b>1. Ensuring Justice.....</b>	<b>6</b>
1.1 Overall Objective .....	7
1.2. Specific Objectives and Expected Results .....	7
<b>2. Fighting Corruption, Economic Crime and Organised Crime.....</b>	<b>11</b>
2.1. Overall Objective .....	11
2.2. Specific Objectives and Expected Results .....	11
<b>3. Freedom of Expression and Information Society .....</b>	<b>14</b>
3.1. Overall Objective .....	14
3.2. Specific Objectives and Expected Results .....	14
<b>4. Anti-discrimination, Respect for Human Rights and Social Inclusion .....</b>	<b>17</b>
4.1. Overall Objective .....	18
4.2. Specific Objectives and Expected Results .....	18
<b>5. Democratic Governance and Participation .....</b>	<b>25</b>
5.1. Overall Objective .....	25
5.2. Specific Objectives and Expected Results .....	25
<b>Appendix I. Financial Table: Budget Allocation per Sector .....</b>	<b>29</b>
<b>Appendix II. Provisional List of Actions .....</b>	<b>30</b>
<b>1. Ensuring Justice.....</b>	<b>30</b>
<b>2. Fighting Corruption, Economic Crime and Organised Crime.....</b>	<b>31</b>
<b>3. Freedom of Expression and Information Society .....</b>	<b>31</b>
<b>4. Anti-discrimination, Respect for Human Rights and Social Inclusion .....</b>	<b>31</b>
<b>5. Democratic Governance and Participation .....</b>	<b>33</b>

## LIST OF ACRONYMS AND ABBREVIATIONS

CEB	Council of Europe Development Bank
CEC	Central Election Commission
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers of the Council of Europe
CoE	Council of Europe
Congress	CoE Congress of Local and Regional Authorities
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRA	Communications Regulatory Agency
CRPD	Convention on the Rights of Persons with Disabilities
EC	European Commission
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECRML	European Charter for Regional or Minority Languages
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EHEA	European Higher Education Area
ESC	European Social Charter
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
GR-DEM	Rapporteur Group on Democracy
GRECO	Group of States against Corruption
HJPC	High Judicial and Prosecutorial Council
HRM	Human Resources Management
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally Displaced Persons
IMC	Inter-Municipal Co-operation
JPTC	Judicial and Prosecutorial Training Centres
JSRS	Justice Sector Reform Strategy
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NFA	Norway Framework Agreement
OB	Ordinary Budget
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the CoE
SEE	South East Europe
UNHCR	Office of the United Nations High Commissioner for Refugees

## GENERAL OVERVIEW

Albania joined the Council of Europe on 13 July 1995 as its 35th member State. Upon accession, Albania accepted the obligations incumbent on all member States under Article 3 of the Statute<sup>1</sup>: compliance with the principles of pluralist democracy and the rule of law as well as respect for human rights and fundamental freedoms of all persons placed under its jurisdiction. At the same time, it entered into a number of specific commitments which it agreed to honour within set deadlines and which are listed in Parliamentary Assembly Opinion No. 189 (1995) on Albania's application for membership of the Council of Europe. The Parliamentary Assembly Monitoring Committee is responsible for verifying the fulfilment of obligations under the terms of the Statute of the Council of Europe, the European Convention on Human Rights (ECHR) and all other Council of Europe conventions, as well as the honouring of commitments entered into by the authorities upon accession to the Council of Europe.

Albania is also subject to a number of specific monitoring mechanisms, including the European Court of Human Rights (ECtHR) that delivers judgments, the execution of which are being supervised by the Committee of Ministers. Other institutions promote or monitor compliance with commitments, such as the European Commission for Democracy through Law (Venice Commission), the Human Rights Commissioner, the European Commission against Racism and Intolerance (ECRI), the European Committee for the Prevention of Torture (CPT), the European Committee of Social Rights (ECSR), the Group of States Against Corruption (GRECO), the Congress of Local and Regional Authorities (the Congress), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures (Moneyval), the Group of Experts against Trafficking in Human Beings (GRETA), and the Advisory Committee on the Framework Convention for the Protection of Minorities.

Experts designated by Albania contribute to the Council of Europe's intergovernmental activities, through their participation in steering (or other) committees, and may also be required, in their field of competence, to review the application of conventions and/or Committee of Ministers' recommendations, on the basis of information supplied by their members.

### Co-operation programme between the Council of Europe and Albania

The first Council of Europe Co-operation Document for Albania was approved by the Committee of Ministers in October 2012. It was a framework for co-operation between the Council of Europe and Albania for the period 2012 – 2014 to sustain reforms aimed at fulfilling the country's commitments as a Council of Europe member State. The priority areas for the Programmatic Co-operation Document included: anti-discrimination and social inclusion; ensuring justice and promoting human rights; fighting corruption and organised crime; freedom of expression and information society and democratic governance, including elections and local democracy.

On 15 April 2014, representatives of the Council of Europe Secretariat and Albanian authorities met in Tirana to review the progress made in the implementation of the Co-operation Document during the period October 2012 – March 2014. In July 2014, the Committee of Ministers took note of the progress report on the implementation of the co-operation document, acknowledged the progress achieved and paved the way for the preparation of a new Programmatic Co-operation Document 2015 – 2017.

The present Programmatic Co-operation Document is a strategic and sectoral programming instrument, allowing for an inclusive and coherent approach to co-operation. It aims to support Albania in meeting its remaining statutory and specific obligations as a CoE member State and to help bring Albania's legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy. The priority areas for the Programmatic Co-operation Document are derived from a number of sources: the country's political priorities (including EU accession criteria), relevant CoE standards and recommendations of the CoE monitoring bodies, as well as the experience of CoE's implementation of previous and ongoing co-operation programmes in Albania.

This Programmatic Co-operation Document outlines co-operative efforts to address pressing issues jointly identified for action between the Council of Europe and Albanian authorities. These issues include completion of justice sector reform, media freedom and information society, good governance and democratic participation, overcoming divisions in education and cybercrime. The CoE will support Albanian efforts to enhance implementation of the ECHR and the case-law of the ECtHR, the penitentiary and to implement recommendations of GRECO and MONEYVAL regarding corruption, money laundering and economic crime, and to enhance local and regional democracy in line with the recommendations of the Congress. Focus on promoting the human rights of country-specific actions are complemented with coherent regional initiatives.

---

<sup>1</sup> CoE constitutional document

The Programmatic Co-operation Document places a strong emphasis on promotion of equal opportunities for women, youth, Roma and other vulnerable groups, contributing to increased social cohesion and democratic participation.

The Programmatic Co-operation Document will ultimately broaden the scope and the impact of the overall CoE action aimed at improving social inclusion and cohesion in Albania. In this context it is also worth recalling the activities of the Council of Europe Development Bank (CEB), which has been playing an active role in Albania through the implementation of actions with high social added value. Recent actions approved by the CEB in Albania include hospital reconstruction and rehabilitation in the sector of health, as well as the construction of local roads, creation of public spaces and improvements to the water supply in the sector of improving living conditions in urban and rural areas.

Consultations have taken place between Council of Europe and the European Union in order to ensure coherence and proper co-ordination with the ongoing government's roadmap to EU accession. A number of the key priorities set as pre-conditions for the opening of accession negotiations are part of Albania's CoE accession commitments and correspond to fields in which the CoE has a clear added value. The CoE is fully committed, in close co-ordination with the EU, to accompanying and assisting the Albanian authorities through some of these reform processes in the areas of human rights, the rule of law and democracy.

The "Statement of Intent" signed between the European Commission and the Council of Europe on 1 April 2014, indeed foresees an increase in co-operation between the two organisations in particular in those four areas of common priority which fully correspond to the key priority areas identified as precondition for the opening of accession negotiations: i) efficient and independent judiciary; ii) fight against corruption, organised crime and economic crime; iii) freedom of expression/media; iv) anti-discrimination and protection of the rights of vulnerable groups (including the rights of lesbian, gay, bisexual, transgender and intersex persons (LGBTI) and protection of minorities, in particular Roma).

## **IMPLEMENTATION AND REPORTING MODALITIES**

The CoE will be responsible for implementation of the Programmatic Co-operation Document, monitoring and review, with the Ministry of Foreign Affairs of Albania as the main partner. For this purpose, a Steering Committee will be established, composed of representatives of the CoE, the MFA and of relevant stakeholders involved in Programmatic Co-operation Document implementation. The Steering Committee will meet to assess implementation and to discuss new proposals for intervention where appropriate.

The CoE will provide regular updates on the progress of programmes and actions, including mid-term and final reports prepared by the Office of the Directorate General of Programmes and submitted to the CM for discussion and adoption. The CoE Office in Albania and the CoE operational services in Strasbourg will be responsible for the management of the Programmatic Co-operation Document at the action level. In particular, the CoE Office in Albania will play an important role in coordinating implementation of activities in the field.

Actions included in the Programmatic Co-operation Document are designed according to standard CoE criteria and are to be funded from multiple sources which include the CoE's ordinary budget and voluntary contributions from donor countries and international organisations. A number of actions mentioned in the Programmatic Co-operation Document are being or will be implemented through EU/CoE Joint Programmes.

The Programmatic Co-operation Document takes account of the activities of other international organisations and partner states. The work of the CoE is designed to foster synergies among all the stakeholders involved.

## 1. ENSURING JUSTICE

### SECTOR OVERVIEW AND PRIORITIES

The Venice Commission, the Group of States against Corruption (GRECO), the European Commission for the Efficiency of Justice (CEPEJ), the European Court of Human Rights (ECtHR), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Commissioner for Human Rights have been involved with Albanian authorities in action pertaining to assisting Albanian judiciary, police and penitentiaries in order to more closely meet European standards. The Council of Europe has developed a solid track record of co-operation activities in this regard, utilising CoE experts in order to work together with Albanian authorities to maximise the benefits of reform activities.

Judicial reform constitutes one of the key priorities for Albanian progress towards European Union accession negotiations. Strengthening the independence, accountability and efficiency of the judiciary remains essential for Albania to further advance on its path to European Union integration. Measures regarding judicial reform are included in strategic European Union integration documents such as Albania Progress Report in October 2014 and the National Plan for EU integration in June 2014.

The Government of Albania has committed itself to judicial reform, notably through the adoption of the roadmap with the EU. In January 2014 the MoJ agreed to co-operate with the Venice Commission on these issues.

In 2014, the Albanian parliament adopted amendments to i.a. the law on the High Council of Justice, the law on the School of Magistrates and the law on Administrative Courts. In addition, a new cross-cutting Justice Sector Strategy 2014 – 2020 is currently in development, with a view to reform the overall strategic framework.

Through its multi-faceted collaboration, the Council of Europe is poised to continue to assist Albania to strengthen the independence, efficiency and accountability of justice-related bodies. The Venice Commission has accepted the invitation of the Chair of the Ad Hoc Committee, Mr Xhafaj, to participate in the work of the Ad Hoc Committee as part of the group of experts (both national and international) attached to it. This intervention will be complementary to the ongoing CoE's intervention in the field of the efficiency and quality of justice in Albania, through the application of CEPEJ tools.

Council of Europe's European Human Rights Training Network (the HELP Network) has had an active presence in Albania, and will continue to support capacity-development of Albanian legal professionals by ensuring adequate training to apply the European Convention on Human Rights at a national level, in accordance with Paragraph 9.iv of the 2012 Brighton Declaration.

In February 2014, the CPT completed its last periodic visit to Albania to assess progress made since the previous periodic visit in 2010, in particular as regards the treatment and conditions of persons in police custody and the situation in prison establishments. The CoE can provide substantial support to address needs for penitentiary reforms. In view of the ECtHR judgments with findings of violations as regards ill-treatment as well as the reports of the Commissioner for Human Rights, the CoE will support Albania's efforts in reforming the police service.

#### **Sources of justification:**

Requests from the authorities; Venice Commission's Opinions; CEPEJ report on European Judicial Systems: Efficiency and Quality of Justice (Edition 2014), the 2010 Interlaken Declaration and the 2012 Brighton Declaration, ECtHR judgments in Caka, Alimucaj, Mullai, Shkalla, Izet Haxhia, Berhani, Kaciu, Kotorri, Laska, Lika, Marini, Mishgjoni, Dauti, Shkalla, Ramadhi cases The Albanian Government Action Plan approved by the CM decision no.236 date 23.04.2014 for the execution of the ECHR decisions regarding the right to property; ECtHR decisions on Albania including Case no. 604/07, 43628/07, 46684/07 and 34770/09 of Manushaqe Puto and others v. Albania" regarding the right to Property and the Case no. 40430/08 "Memishaj v. Albania". Reports and Recommendations of the Committee of Ministers; Reports and Recommendations of the Committee of Ministers in its meeting 1193 CM-DH in March 2014; ECtHR judgments with findings of violations in Albania as regards ill-treatment and its improper investigation and supervision of the execution of judgments by the Committee of Ministers; Reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on the visit of February 2014 and of the Council of Europe Commissioner for Human Rights of 2008, 2011 and 2014.

## 1.1 OVERALL OBJECTIVE

To contribute to an independent, efficient and professional justice system capable of ensuring respect for human rights and rule of law.

## 1.2. SPECIFIC OBJECTIVES AND EXPECTED RESULTS

### *Judiciary*

#### **1.2.1. To improve independence and accountability of justice in Albania in accordance with European standards; where:**

- Amendments to the laws of Albania related to the appointment, evaluation, promotion and transfer of judges and the system of judicial accountability are discussed and agreed with major stakeholders, drafted, and submitted for adoption;
- Albanian legislation related to the organisation of judicial self-governance is in line with European standards;
- The High Council of Justice is able to perform its functions efficiently and act as a guarantor for the well-functioning and the independence of the judiciary and individual judges, in line with European standards and existing best practices of European states;
- The institutional capacity of the High Council of Justice in conducting disciplinary proceedings is strengthened and public trust in the judiciary is increased;
- The system of disciplinary liability of the judiciary as a whole is improved and made transparent so as to increase professional responsibility and public trust in judiciary.

Through co-operation with the Council of Europe under the proposed programme, and continued engagement with the Venice Commission, Albania will be able to pursue judicial reform, including improvement of the legislation, in order to ensure independence of the judiciary, effective self-governance and the reinforcement of the disciplinary system for judges.

The independence and impartiality of judges should remain a priority for continuous judicial reform in Albania. Therefore, further steps to increase transparency in the appointment, evaluation, promotion and transfer of judges will also be a focus of the action under the programme. Additional measures will be taken to ensure that these procedures are based exclusively on applicants' merits and other objective criteria, in line with the Council of Europe Committee of Ministers' Recommendation No. CM/Rec(2010)12 on judges' independence, efficiency and responsibilities.

As far as self-governance of the judiciary and the role and capacity of the High Council of Justice are concerned, the action proposed by the Council of Europe aims to strengthen the Council's capacity to contribute to the functioning of the judiciary, ensuring its independence, integrity and transparency. The independence of the High Council of Justice will be further strengthened by the necessary legislative amendments. The High Council of Justice should have decisive influence on the appointment and promotion of judges and on any disciplinary proceedings. Establishing clear competences for the High Council of Justice will help reduce any undue political influence on the judiciary or the appearance thereof, and should also help increase public trust in the judiciary. The proposed action would also seek to build the High Council's capacity to produce and implement strategic plans and communication strategies, and to link that to the financial needs of the judiciary.

It is also envisaged that the European Court of Human Rights will provide additional assistance by translating relevant ECtHR publications, including case-law guides on relevant ECtHR provisions and joint publications of the CoE and EU Fundamental Rights Agency, and producing and disseminating video training materials.

The Council of Europe will provide legal expertise and suggestions for improvement of the current system of appointment of the judges of the Supreme Court to guarantee their impartiality and reduce the risk of any improper political influence. The Albanian authorities will be further assisted in drafting necessary legislative amendments to ensure the transparency of the procedures and their compliance with relevant Council of Europe recommendations and standards.

As regards judicial accountability, the Council of Europe will assist the Albanian authorities in reviewing existing disciplinary proceedings to reduce the risk of interference by the executive branch. Measures will be taken to contribute to define the sanctions that may be imposed on members of the judiciary. The issue of accountability of the members of the High Council of Justice should also be tackled and clear procedures developed.

**1.2.2. To strengthen national capacities for effective address of European Court of Human Rights standards at a national level; where:**

- Harmonisation of judicial practice is fostered in line with relevant European Court of Human Rights (ECtHR) case-law;
- The capacity of relevant bodies to apply European standards in national judicial proceedings is improved, specifically Article 6 using the HELP methodology, tools and platform;
- Support is provided to the Magistrate School with regard to initial and continuous human rights training for judges and prosecutors;
- Knowledge of judges, prosecutors and other legal professionals is increased regarding case-law of the ECtHR;
- Ad hoc support is provided upon request for the execution of ECtHR judgments concerning specific identified structural issues;
- Accessibility of ECtHR case law in Albanian is increased;
- Support is provided to the Constitutional Court;
- Capacity of specific agencies to steer reforms is reinforced;
- Co-ordination between responsible national institutions for the execution of ECHR judgments is increased.

Albania has undertaken efforts to address issues pertaining to Article 6 of the European Convention of Human Rights, the right to a fair and speedy trial. However, assistance is needed in order to more fully attend to this right and decrease the number of cases being referred to the European Court of Human Rights. 17 out of 35 judgments of the ECtHR against Albania which have not yet been implemented concern violation of the right to a fair trial, pointing to structural problems in the functioning of the judiciary. Judgments of the ECtHR have discerned shortcomings in the implementation and interpretation of law by the domestic courts. The issue of the non-execution of domestic judgments will also be addressed.

In addition, the implementation of European Court of Human Rights' judgments at the domestic level have proved cumbersome and prolonged. The Albanian Government Agent has requested support by the CoE in order to improve its performance with regard to the execution of European Court of Human Rights judgments.

At a national level, the present programme will co-ordinate and improve national and international training activities and awareness-raising measures for legal professionals, enhancing the capacity to apply the European Convention on Human Rights in their daily work. Curricula on the ECtHR will further be developed in co-operation with the School of Magistrates for sustainability in knowledge building, specifically addressing the main issues faced by the Albanian judiciary.

Support can further be provided to address structural problems in the functioning of the justice system as highlighted in the European Court of Human Rights' case law upon request. In particular, the CoE stands ready to provide expertise and technical assistance on the execution of the European Court of Human Rights' decisions regarding property cases.

The Constitutional Court will be supported by action to improve capacity regarding the constitutional impact of European Court of Human Rights' judgments.

**1.2.3. To improve the efficiency and the quality of justice by the court system through the application of the specific tools and methodologies developed by the European Commission for the Efficiency of Justice (CEPEJ); where:**

- Efficiency and effectiveness of courts and court proceedings are enhanced;
- Capacity development of court staff is pursued, particularly as regards status, organisation and professionalism;
- The quality of judicial services is improved through the application of specific CEPEJ tools in selected courts;
- The School of Magistrates' capacity to address quality and efficiency of justice is strengthened;
- The capacity of the HCJ and the judicial inspectorate on matters related to efficiency and quality evaluation is enhanced;
- The collection and analysis of judicial statistics for policy-making is strengthened;
- Public service in justice and courts is strengthened.

The action fully meets the needs of the Albanian justice system as regards improving the efficiency and quality of justice, and addresses shortcomings identified *inter alia*, in the Justice Reform Strategy and EU strategic documents. Action addresses in particular the policy area 3 of the Strategy “Consolidation of justice system in order for it to be effective, efficient, willing to act in line with the Constitution, international acts and domestic legislation, guided by the principle of the rule of law, as well as strengthening the international judicial co-operation.”

**1.2.4 To ensure the conformity of the judicial reform with European standards through the assistance to the Ad Hoc Parliamentary Committee on Judicial Reform**, where:

- Legal assistance and comparative material is provided to the ad hoc committee, including through formal and informal opinions.

Venice Commission experts will follow the work of the Committee and intervene where necessary by providing comparative material and legal analyses, and at each important phase also opinions (informal and formal). A final opinion on the draft amendments as finalised will also be prepared.

## **Police**

**1.2.5. To improve police capacities in guaranteeing full observance of fundamental rights through an efficient and reliable regulator and operational framework**; where:

- Regulatory and institutional guarantees against ill-treatment by the police in public security operations and in criminal investigation procedures is further developed, and complaint and investigation mechanisms is supported;
- Conditions and treatment of persons in police custody is improved;
- Investigation techniques are in line with human rights standards and best European practices;
- Independence and efficiency of the police complaints system is improved;
- National capacities for combating ill-treatment by legal professionals, law enforcement agencies and penitentiary institutions are developed, including strengthening the effectiveness of prevention, documentation and investigations of allegations of ill-treatment;
- The roles of the National Preventive Mechanism (NPM) and of civil society in monitoring detention facilities are enhanced.

In line with the CPT recommendations, the intervention will assist the police service to improve its capacities to act in accordance with the European and international human rights standards. The action provides assistance to the Albanian Police in reviewing and strengthening the regulatory framework and practice regarding the treatment of persons deprived of their liberty by the police. It will focus on areas such as the procedural safeguards in protecting detainees’ rights in police custody and during the investigation; detention conditions; fight against ill-treatment and impunity; an effective police complaints system; proportionate use of force in police operations; investigation techniques and dealing with minors in criminal procedures.

The action by Council of Europe will in particular aim to further develop national capacities for combating ill-treatment by law enforcement agencies and investigative institutions, including strengthening the effectiveness of investigations of allegations of ill-treatment and improving the conditions of pre-detention centres.

The Council of Europe will aid in the continuing development of the national regulatory framework to incorporate material and procedural guarantees against ill-treatment, in line with relevant international standards.

Through these actions, investigations into alleged police ill-treatment will meet the requirements of effectiveness as set out in the case-law of the ECtHR. The judicial practice in cases of ill-treatment will be streamlined, ensuring that the sanctioning policy corresponds to the gravity of infringements of human rights and prevents impunity. Legal professionals, police officers and prison staff will be trained on protection of human rights in detention facilities, as well as on the implementation of codes of ethics and disciplinary mechanisms for promoting zero tolerance against ill-treatment. Finally, the mechanism of monitoring detention facilities by the Ombudsman/NPM will be strengthened and the framework of civilian monitoring will be enhanced and harmonised.

## **Penitentiary**

### **1.2.6. To strengthen the penitentiary system in Albania based on the rule of law and respect for fundamental rights, in line with European standards; where:**

- Prison management is improved, in line with the CoE standards and European good practices;
- The application of medical ethics and the provision of health care in prison are improved;
- The Probation Service is strengthened, to improve the social reintegration of offenders in the community;
- The capacity of relevant bodies to apply European standards in national judicial proceedings is enhanced using the HELP methodology, tools and platform.

In the interest of supporting Albanian authorities to meet European standards (including those elaborated by the CPT), the Council of Europe has designed action to promote basic human rights in Albania's prison system.

Council of Europe action will focus on supporting prison officials in deepening their professional skills and assisting in the development and implementation of new managerial policies in Albania's prisons. Support will be provided to bring prison management closer to the level of the professional standards contained in the European Probation Rules and the CM/CoE Recommendation (92)16 on staff concerned with the implementation of sanctions and measures and other Recommendations in the penitentiary field. Special focus will be placed on the recruitment, selection and training of prison staff, including prison governors and other managerial staff, in order to enhance their professionalism and ensure better human rights protection for the prisoners. Further, equal treatment of all ethnic groups during detention, including Roma, will be advanced through Council of Europe's actions.

The programme will assist authorities to develop a comprehensive health policy, health education and promotion of a healthy life style for staff and inmates, as well as proper treatment and rehabilitation capacities in light of the CM/CoE Recommendation (98)7 concerning the ethical and organisational aspects of health care in prison. Special focus will be placed on mental health care and psychological assistance to prisoners.

In order to support social reintegration of offenders, with the long-term goal of reducing re-offending, probation will be strengthened through Albania's collaboration with the Council of Europe. Reinforcement of the Probation Service in Albania will enhance its capacity to better supervise, guide and assist offenders to reduce re-offending and promote their social inclusion, contributing to public safety. The CoE will support the Albanian Probation Service to develop good practices, especially good assessment and effective programmes of re-socialisation, in line with CoE standards<sup>2</sup>. Alternatives to detention will additionally be advanced through CoE's actions in Albania.

---

<sup>2</sup> in particular Rec. (92)16 and Rec. (2010)1 on CoE Probation Rules

## 2. FIGHTING CORRUPTION, ECONOMIC CRIME AND ORGANISED CRIME

### Sector Overview and Priorities

Given the importance of adequately addressing the problem of corruption, anti-corruption policy continues to be high on the list of priorities of the Albanian Government. The government in Albania has defined the fight against corruption and economic crime as one of its key priorities, and announced 2015 as the Year against Corruption. Key policy documents have been developed in government efforts to minimise corruption, including a new Anti-corruption Strategy and Anti-corruption Action Plan.

Anti-corruption efforts have been the target of extensive assistance, in particular from the Council of Europe. The recent positive impetus has opened up new opportunities for CoE re-engagement, drawing on the PACA<sup>3</sup> legacy and the findings of the expert mapping exercise conducted by the CoE in November 2013. Specific needs in risk sectors identified by PACA include combatting corruption practices in the healthcare sector, establishing a quality assurance system for higher education institutions, designing and implementing anti-corruption curricula for high schools, development of integrity testing systems, improving frameworks for ethics, conflict of interest and asset declaration along with the functioning of the High Inspectorate for the Declaration and Audit of Assets (HIDAACI). The latter is expected to play a central role in the anti-corruption framework, being inter alia the central source of guidance on issues of conflict of interest, public sector ethics and creating the mechanisms for the implementation of the new Law on Whistleblowing.

Continued Council of Europe targeted action on corruption will be of great use to Albania, given CoE's successful track record in co-operation assistance to government reform on this crucial issue. The Council of Europe remains available to provide support to ensure more effective implementation of GRECO recommendations.

Albania has additionally undertaken a number of legislative initiatives to address organised crime, including initiatives to target human trafficking in Albania, with a national referral mechanism and co-operation of police, the judiciary and prosecutorial professionals.

Cybercrime and criminal money flows is a concern shared by both the government of Albania and the Council of Europe. Albania has taken action against cybercrime, including by becoming Party to the Budapest Convention. Legislation on cybercrime has been strengthened and further harmonised with European standards, with emphasis on rule of law and human rights requirements. Specialised cybercrime units have been created or strengthened. Following a joint regional project on cybercrime by the Council of Europe and the European Union concluding in 2013, specific recommendations were prepared, upon which the Council of Europe will deepen its actions against cybercrime through a new regional initiative focusing on crime proceeds.

#### Source of justification:

Evaluation and compliance reports of GRECO and MONEYVAL; EC Progress reports; EC Progress reports; Ensuring quality education (Recommendation CM/Rec(2012)13); Recommendations and reports of the Joint EU/CoE Project Against Corruption in Albania (PACA) 2009-2012; Council of Europe Standing Conference of Ministers of Education – Final Declaration; "Governance and Quality Education", Helsinki, 26-27 April 2013; CoE Pan-European Platform on Ethics and Integrity in Education; Cybercrime Convention Committee (T-CY) reports.

### 2.1. OVERALL OBJECTIVE

To contribute to the strengthening of the rule of law and good governance through the fight against corruption and organised crime.

### 2.2. SPECIFIC OBJECTIVES AND EXPECTED RESULTS

#### 2.2.1. To strengthen Albanian government mechanisms to implement GRECO and MONEYVAL recommendations; where:

- Anti-corruption legislation and measures are in line with European and international standards and are effectively implemented;
- The existing preventive mechanisms for fighting corruption, money laundering and terrorism financing is improved;

<sup>3</sup> Joint EU/CoE Programme "Project against corruption in Albania" implemented from 01/09/2009 to 31/12/2012

- The capacities of the authorities, and related mechanisms, to implement anti-corruption preventive measures in the areas of political party financing, declaration of assets and conflict of interest are enhanced, and commitments for ethical conduct by public officials increase;
- Support is provided upon request for the implementation of GRECO and MONEYVAL recommendations through legal expertise and technical assistance.

Albania has been subject to enhanced reviews by the International Co-operation Review Group (ICRG) of the Financial Action Task Force (FATF). Albania continues to be subject to MONEYVAL's follow-up processes scheduled for a review under MONEYVAL's 5th round of evaluations in 2017.

The Council of Europe will assist the government of Albania in its efforts to fight corruption through supporting government officials and structures to commit to ethical conduct, in order to maximise results of anti-corruption activities and impact citizens' perceptions of the level of misconduct by public officials in the country. Further, through Council of Europe action, the impact of the government's response to identified corruption will be increased.

A needs assessment will be conducted following which measures will be implemented with a view to enhance the existing preventive mechanisms and strengthen the capacities at central and local level in the fight against corruption and money laundering. These measures will respond to the specific needs of the national institutions. Legal expertise will be mobilised in the process of reviewing, when requested, the national normative frameworks in line with GRECO and MONEYVAL recommendations.

In particular, support could be provided to the High Inspectorate for Declaration and Audit of Assets for the enhancement of procedures and mechanisms with regards to the declaration of assets by high-ranking state officials. The Council of Europe can also provide assistance for the implementation of the laws on conflict of interest and whistle blowers.

**2.2.2. To strengthen the prevention of corruption in the education sector, by improving transparency, integrity, accountability and social participation in the education sector; where:**

- An overall quality assurance system based on European best practice is supported;
- The capacity of the Accreditation Agency for Higher Education and State Inspectorate of Education is developed, strengthening its role as an independent higher education quality agency;
- With the agreement of the institutions of higher education, a co-ordinated quality review is carried out and will offer institutions independent support to manage change and enhance quality;
- Specific recommendations from the quality review are supported for implementation, based on governance and positive ethical principles, and Recommendations stemming from the CoE 'Project against corruption in Albania' are pursued.
- The cross-disciplinary curriculum, "Education Against Corruption", for primary to upper secondary education on anti-corruption issues (general and vocational) is implemented in schools in co-operation with the Ministry of Education and Science;
- *The Teachers' Code of Ethics* is introduced in schools and teachers' competences are strengthened through the implementation of specific training of trainers sessions;
- Youth and parents become more aware of issues regarding ethics, transparency and integrity of education.

The Council of Europe is committed to assist the Albanian authorities to contribute to the prevention of corruption in the education sector. This intervention will be built on the results of the PACA project. It aims to boost the integrity of education institutions and educate new generations on civic values. In close co-operation with the relevant ministries and institutions, a comprehensive analysis will be conducted to identify corruption risks within the education system (governance of institutions, personnel policies, admissions, tests and exams etc.), in order to define priorities for action. Assistance will be provided to raise awareness of these risks, the nature of corruption in education, and to develop anti-corruption education models for primary and secondary schools.

The quality of the higher education system in Albania will be strengthened through support at both the central and institutional levels, with a focus on quality assurance in both public and private higher education institutions. The improved quality assurance system will also contribute to the recognition of qualifications of students. Student concerns in regards to corruption will also be addressed, including access to education and corruption occurring during the course of their studies.

The Ministry of Education and Sports will be supported in its efforts to introduce, initially through pilot schools and eventually throughout the education system in Albania, both a cross-disciplinary curriculum on corruption, as well as a code of ethics for teaching staff. These tools were developed in 2012 through the joint EU/CoE

“Project against Corruption in Albania” (PACA). Teaching training and awareness-raising campaigns will complement these measures. In the higher education sector, following the recent reforms of both the accreditation and quality assurance systems in Albania, further support will be provided to strengthen the quality assurance system in line with the objectives of the European Higher Education Area. Underpinning these initiatives will be the CoE Pan-European Platform of Ethics, Transparency and Integrity and Education, which can, *inter alia*, offer perspectives and good practices from other member States.

**2.2.3. To strengthen the capacity of authorities to search, seize and confiscate cybercrime proceeds and prevent money laundering on the Internet; where:**

- Public reporting systems (with preventive functions) on online fraud and other cybercrime are established;
- Legislation is strengthened regarding the search, seizure and confiscation of cybercrime proceeds and the prevention of money laundering on the internet in line with data protection requirements;
- Cybercrime units, financial investigators and financial intelligence units co-operate with each other in the search, seizure and confiscation of online crime proceeds;
- Guidelines on the prevention and control of online fraud and criminal money flows for financial sector entities are developed and disseminated;
- Public/private information sharing and intelligence exchange mechanisms on cybercrime are established at domestic and regional levels;
- Judicial training academies provide training on cybercrime, trends, electronic evidence, related financial investigations and anti-money laundering measures;
- International co-operation and information-sharing are strengthened between cybercrime, financial investigation and financial intelligence units, as well as between competent authorities for judicial co-operation.

This regional intervention will address a challenge that is of increasing concern to countries in South-East Europe, by strengthening the capacities to search and confiscate cybercrime proceeds and prevent money laundering on the internet. The action will build upon past successes of the Council of Europe to support Albanian institutions in their efforts to take effective measures against cybercrime based on existing tools and instruments, in particular the Budapest Convention on Cybercrime. A recently concluded joint regional intervention of the European Union and the Council of Europe, CyberCrime@IPA, found that public authorities in Albania (and other countries in the region) have limited information on threats and trends regarding criminal money flows on the internet. Further strengthening of legislation is needed to enhance financial investigations. Confiscation of cybercrime proceeds and improvements in inter-agency co-operation, public/private information sharing and international co-operation is additionally needed, with more guidance for financial sector entities and judicial bodies.

In co-operation with representatives of cybercrime, economic crime, and finance intelligence units as well as judicial training academies in Albania and other beneficiary countries, the intervention will *inter alia* evaluate existing reporting mechanisms, share good practices, analyse existing legislation and advise the Albanian authorities on changes therein. The initiative will serve to organise joint workshops and training for cybercrime units, economic crime units, financial investigators and the financial intelligence unit(s), analyse indicators and red flags used by financial sector entities to prevent on-line fraud and money-laundering. It will further prepare guidance, promote and support the setting up of Financial Sector Information Sharing and Analysis Centres, prepare training modules and provide training of trainers for judicial authorities. Finally, the Council of Europe will assist with the elaboration and promotion of protocols for the international sharing of intelligence and evidence.

### 3. FREEDOM OF EXPRESSION AND INFORMATION SOCIETY

#### SECTOR OVERVIEW AND PRIORITIES

The Council of Europe has a distinct advantage in its partnership with Albania to work towards meeting standards on freedom of expression, as set out in Article 10 of the European Convention on Human Rights which was ratified by Albania in 1996. Considering the European Court of Human Rights case-law together with the findings of the Council of Europe monitoring bodies and its targeted co-operation activities, the Council of Europe can provide valuable expertise to assist in the implementation of European conventions and legal instruments.

The CoE has carried out a wide range of activities aimed at guaranteeing and promoting freedom of expression and information and at promoting the functioning of professional, independent and pluralistic media in Albania. The current Programmatic Co-operation Document presents areas of common interest to the government of Albania and the Council of Europe regarding freedom of expression and information society. Pressing issues of internet governance are addressed through expert advice, best practice, legislative assistance and capacity-development.

Fruitful collaboration between the Council of Europe and the Albanian authorities, in line with Council of Europe conventions in fields such as human rights, data protection and the protection of children on the internet, will advance pressing needs in Albania while at the same time providing the tools needed to move toward meeting Copenhagen criteria.

#### **Source of justification:**

European Convention on Human Rights (Art. 8, 10, 11, 13); PACE and CoE Commissioner for Human Rights reports and thematic documents; Results and lessons learnt from previous CoE co-operation programmes in the field of freedom of expression and media; CoE adopted standards on the internet (e.g. Standards on Children and the Internet, Internet Governance Principles, net neutrality, public service value of Internet, etc.); Case-law of the European Court of Human Rights related freedom of expression; CoE Internet governance strategy; CoE Guide to Human Rights of Internet Users; CoE Parliamentary Assembly (PACE) adopted texts on Internet; compliance with the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data; requests from the authorities; EC Progress reports on Albania; Relevant Universal Periodic Review recommendations for Albania; UN Resolutions and reports on freedom of expression on the internet and on human rights and business; OSCE Recommendations on internet and freedom of expression.

#### 3.1. OVERALL OBJECTIVE

To strengthen legal and institutional guarantees for freedom of expression and information in line with Council of Europe standards.

#### 3.2. SPECIFIC OBJECTIVES AND EXPECTED RESULTS

##### 3.2.1. *To further promote freedom of media, quality journalism and a pluralistic media landscape; where:*

- Support is available for aligning the laws and regulations in the traditional and new media field with CoE standards and for securing the proper implementation of the legal framework;
- The independence and effectiveness of the Albanian Audio-visual Media Authority (AMA), (responsible for broadcasting regulation) is enhanced;
- The public-service broadcasting system is enabled to better fulfil its remit, and its independence is strengthened;
- Progress is seen on full decriminalisation of defamation;
- Standards and best practices for online media are introduced and enforced;
- Journalists are supported to fulfil their professional duties through actions addressing intimidation, labour rights, arbitrary dismissal and strengthening of the journalist trade union;
- Professionalism, responsibility and respect for ethical conduct among journalists are further developed;
- Curricula on Article 10 of the European Convention on Human Rights are developed.

The current action foreseen by the Council of Europe aims to strengthen freedom of expression and the media, through the development of legal and institutional guarantees, quality journalism and a pluralistic media landscape in line with CoE standards. Issues impacting the quality of journalism in Albania will be examined, including the status and protection of journalists, polarisation of the media, improvements in journalistic education, and efforts to eradicate self-censorship.

The Council of Europe will provide training on European standards related to freedom of expression, right to privacy, ethical standards in media reporting, implementation of amendments on defamation and awareness-raising to encourage implementation of standards in media reporting and practice. The action will serve to promote media self-regulatory mechanisms in order to consolidate good practices. Curricula addressing article 10 of the European Convention on Human Rights, as regards freedom of expression, will additionally be designed to specifically address the main issues faced by Albanian judiciary. These curricula will be developed in co-operation with the School of Magistrates for sustainability in knowledge-building.

The Council of Europe will provide support for the implementation of the recommendations deriving from the INDIREG study on the Audio-visual Media Authority (AMA) of Albania carried out in November 2014. The study provided an assessment of the independence and the functioning of the AMA which will serve as a basis for further intervention.

Upon request, Council of Europe experts will further evaluate media law and regulation against Council of Europe standards and make recommendations for possible amendments. Legal assistance could be provided to authorities to align the media-related legislation with Council of Europe standards, such as regulation of broadcast and on-line media, defamation, public advertising standards, protection of journalists, access to public information and transparency of media ownership and financing.

**3.2.2. To enhance implementation of data protection principles in line with relevant CoE standards including Article 8 of the European Convention on Human Rights and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data;** where:

- The independence and professionalism of the Commissioner for the Right to Information and Protection Personal Data (CRIPPD) are strengthened with a view to ensuring effective implementation of the Law on Personal Data Protection;
- The balance between freedom of expression/data protection and between transparency/informed public opinion is enhanced in line with CoE standards;
- Assistance is given to relevant public administration entities to ensure data protection requirements when developing IT systems;
- Legislative and policy changes are advanced in line with CoE monitoring mechanisms;
- Public awareness on basic rules and principles of personal data protection is raised;
- The capacity of relevant bodies to apply European standards in the national judicial proceedings is enhanced using the HELP methodology, tools and platform in order to familiarise legal professionals with this area of law.

The enhancement of the right to privacy and data protection can be achieved through providing support in terms of effective implementation of the law and legal expertise, specifically as regards the law on data protection and access to information.

Council of Europe assistance to guarantee the effectiveness of the relevant legislative reforms in the data protection field will consist of legal expertise and recommendations on the balance between informed public opinion, transparency and data protection. Proposed actions will also include general technical support and capacity-building of the Data Protection Agency, exchange of expertise and good practices, development of specific recommendations on the respect of privacy in media coverage, as well as data protection awareness-raising activities and campaigns.

### **Internet Governance**

**3.2.3. To enhance the protection of human rights on the Internet and contribute to sustainable democracy and development, in line with the Council of Europe's Strategy on Internet Governance;** where:

- The capacity of public officials is enhanced to better understand policies and practices relating to human rights and new technologies, including CoE standards and European Court of Human Rights' case law related to the Internet;

- The national Strategy on Information Society is reviewed in order to support Internet policies which maximise the protection of human rights;
- The capacity of the internet private sector is raised to understand and respect human rights and transparency of services provided to internet users;
- Awareness-raising activities take place to further public knowledge of human rights on the internet;
- A National Internet Governance Forum is established to promote Albanian participation in European and global discussions on internet governance;
- Media literacy skills are developed, and a safe internet for children is promoted, in line with CoE instruments including the Council of Europe Internet Strategy and relevant Committee of Ministers' Recommendations.

The Council of Europe will offer support to public officials, including judiciary, to add to their knowledge on internet governance and human rights standards of CoE and related European Court of Human Rights case-law. Internet service providers will further benefit from increased capacity and knowledge enabling them to better protect human rights and implement CoE internet governance standards. This includes pressing current issues such as internet governance principles, freedom of expression, online discrimination, management of information fluxes by big data, cloud computing, domain-squatting, the public service value of the internet, and net neutrality. Assistance in documentation of human rights on the internet will also be provided.

Albania will be supported through review of the new national Strategy on Information Society and its concrete principles and actions to support internet policies which maximise the protection of human rights. Involvement in European and global internet governance discussions will further be enabled through its co-operation with Council of Europe.

Assistance will be provided to policy makers in Albania in the implementation of commitments under the 2013 Law on Audio-visual Media, particularly as regards protecting children from harmful online content and personal data protection. The Council of Europe also envisages action in assistance toward the development of standards and regulation of potentially harmful commercial content.

The Council of Europe will further assist Albanian authorities to harmonise Albanian legal framework with Committee of Ministers' recommendations and declarations regarding the safety of children online.

Young internet users will benefit from this action through awareness-raising activities on their human rights online, as well as how to exercise and protect these rights. Available remedies in the case of infringement will further be discussed.

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

### SECTOR OVERVIEW AND PRIORITIES

The principle of equality and non-discrimination is a fundamental element in the protection of human rights. It is guaranteed by the European Convention on Human Rights (ECHR) (Article 14) and reinforced by its Protocol No.12, which was ratified by Albania in 2004, and by the European Social Charter (Article E), which was ratified by Albania in 2002. Notwithstanding the notable progress in the legal area, Albania remains poised to adopt further reforms, particularly regarding the implementation of existing legislative and policy tools in this field. The Council of Europe, in its capacity as the leading European institution focusing on human rights, democracy and rule of law standards and implementation, is well placed to assist the Albanian authorities in their efforts.

Ensuring equality and an effective system of protection against discrimination was prioritised as a pre-condition for Albania to obtain candidate status for EU membership. Following the granting of candidate status, Albania has committed to an intensification of efforts to ensure a sustained, comprehensive and inclusive implementation of the key priorities including the protection of human rights and anti-discrimination policies.

The Council of Europe will assist Albania in strengthening the effectiveness of anti-discrimination and human rights protection in the country, as well as contributing to the social inclusion of minorities and vulnerable persons. Bolstering institutional frameworks while strengthening implementation of anti-discrimination and human rights legislation will enhance the effectiveness of the Albanian systems of human rights protection and anti-discrimination.

The government of Albania is currently developing a number of strategies and action plans to address outstanding needs in human rights, discrimination and social inclusion. These instruments include the Strategy on Social Protection, Strategy on Social Inclusion, cross-sectoral Strategy on Children's Rights, Strategy for Gender Equality, Action Plan for People with Disabilities, Action Plan for Roma and Egyptians, Action Plan for LGBTI persons, and National Strategy and Action Plan on Youth. The Council of Europe stands ready to assist in the preparation or implementation of these important reforms.

CoE action is geared towards empowering local communities to foster a culture of respect for human rights, with a particular focus on the inclusion of young people and women. The country-specific action foreseen for the protection of human rights and promotion of tolerance and non-discrimination is reinforced by CoE regional initiatives. Child-focused protection activities will ensure that the rights of children are strengthened in line with important Council of Europe conventions.

Education and training play an essential role in the promotion of social inclusion and tolerance. Efforts to promote inclusiveness in education, particularly in primary and secondary schools, require support for maximum effectiveness.

Harmonisation of the legal framework in place regarding minorities both originating from Albania and persons migrating or seeking asylum in Albania would clarify Albania's policy towards its minorities in a number of areas. The Council of Europe will provide co-operation actions to strengthen Albania's institutions, in order to more fully address minority concerns and structure dialogue with representatives of national minorities and vulnerable persons including the LGBTI community, persons with disabilities, Roma and Egyptians, women and victims of trafficking in human beings.

#### **Source of Justification:**

PACE Resolution 2019 (2014) The Honouring of obligations and commitments by Albania; the European Commission against Racism and Intolerance (ECRI) Conclusions on the Implementation of the Recommendations in respect of Albania subject to Interim follow-Up (December 2012); Republic of Albania Ministry of Social Welfare and Youth Social Inclusion Strategy; case-law from the European Court of Human Rights; Reports of the CoE Monitoring mechanisms including: the Group of Experts on Action against Trafficking in Human Beings (GRETA), the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM), the Council of Europe Commissioner for Human Rights, case-law of the European Committee of Social Rights (ECSR), the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (T-ES/the Lanzarote Committee);

Council of Europe Standards on Children and the Internet; Reports of the Ad-Hoc Committee of Experts on Roma Issues (CAHROM); CDDH(2013)004fin Steering Committee For Human Rights Follow-up to Committee of Ministers' Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity; Council of Europe project reports; Outcomes and lessons learnt from previous CoE co-operation; EC M 2014 Progress Report on Albania; EC Road Map on 5 Key Priorities April 2014; The Albanian Government Action Plan approved by the CM decision no.236 date 23.04.2014 for the execution of the ECtHR decisions regarding the right to property; ECtHR decisions on Albania including Case no. 604/07, 43628/07, 46684/07 and 34770/09 of Manushaqe Puto and others v. Albania" regarding the right to Property; Reports and Recommendations of the Committee of Ministers.

#### 4.1. OVERALL OBJECTIVE

To improve the overall protection of human rights, combat discrimination and contribute to social inclusion in Albania.

#### 4.2. SPECIFIC OBJECTIVES AND EXPECTED RESULTS

##### ***Anti-discrimination***

##### ***4.2.1. To further strengthen anti-discrimination and human rights protection frameworks in Albania; where:***

- Anti-discrimination and human rights legal framework and policies are brought further in line with European human rights standards and good practices;
- The existing anti-discrimination mechanisms are reinforced;
- Victims of discrimination have effective access to legal aid to enforce their rights;
- Co-operation between the national human rights structures and co-ordination in the implementation of their respective mandates are improved;
- Awareness of European and national anti-discrimination standards and mechanisms is raised among the relevant authorities, human rights defenders, media and the public at large;
- National and international training activities for legal professionals are co-ordinated and improved to enhance judges, prosecutors and lawyers' capacity to apply the ECHR standards concerning anti-discrimination and the ESC in their daily work using the HELP methodology, tools and platform.

Action will focus on improving the legislation and policies on anti-discrimination and human rights, as well as their implementation, and strengthening the institutional framework in order to secure a better protection against discrimination in light of the European Convention on Human Rights (ECHR Article 14), by its Protocol No.12 and in light of the European Social Charter (ESC Article E).

Responding to the needs expressed by relevant Albanian institutions, measures will be undertaken to contribute to the improved co-ordination of the work of the national human rights structures, strengthening their capacities and efficiency to effectively implement and monitor anti-discrimination legislation and policies, with reference to Albanian anti-discrimination legislation, European Court of Human Rights' case law and the case law of the European Committee of Social Rights. During the first semester of 2015 the Council of Europe's Commission against Racism and Intolerance (ECRI) will publish its fifth report on Albania. The findings and recommendations contained in this report, as well as ECRI's General Policy Recommendations on combating racism and discrimination will constitute, *inter alia*, valuable guidelines for the action. Further, awareness of the general public and specific target groups on the key aspects of anti-discrimination policy and mechanisms will be a focus of the action.

The programme will promote Council of Europe and national anti-discrimination standards and raise awareness of them among the relevant authorities and the public at large. Activities will target governmental bodies and legal professionals to promote fulfilment of anti-discrimination standards and their implementation, taking into account European human rights' standards and good practices observed in other countries.

##### ***Minority rights***

##### ***4.2.2. To improve access to rights for minorities in line with European minority protection standards, in particular the Framework Convention for the Protection of National Minorities (FCNM); where:***

- Awareness of European human rights and minority protection standards, in particular the FCNM is increased at central and local levels;

- Legislative and policy support to advance minority rights based on CoE monitoring mechanisms are introduced in Albania at all levels;
- Relevant Albanian institutions are supported through capacity-development exercises;
- Consideration of minority rights in municipalities in the region is strengthened;
- Good practices on respect and protection of minorities are promoted and streamlined in Albania.

Council of Europe activities will focus on addressing barriers inhibiting the rights of minorities despite progress in legal commitments, while additionally providing advice on legislation related to the protection of minorities. Action will further aim to raise awareness among decision-makers and the public on the issues of minority rights. The Council of Europe will broach these issues through capacity-development activities of central government officials directly tasked with responsibilities relevant to respect for and protection of minorities and vulnerable persons.

With the support of ongoing CoE international and regional expertise, this programme will also target local authorities and local communities to allow municipalities the opportunity to address specific issues of minority protection that they consider most relevant in the local context. The application of human rights' standards will be put into practice through concrete changes in policy and practice at both a local and central level, drawing on relevant examples as required.

**4.2.3. To facilitate ratification of the European Charter for Regional or Minority Languages (ECRML);** where:

- The ratification of the ECRML is facilitated through legal assistance provided in the preparation of the instrument of ratification;
- As a result of the ratification of the ECRML, the protection and promotion of traditionally used minority languages are improved in line with European standards;
- Capacity-building activities will support national and local authorities in implementing the provisions of the ECRML;
- The competence of NGOs representing the speakers of the minority languages in contributing actively to the ratification and implementation processes is strengthened.

On the basis of the existing legislation, policies, and practice in Albania as well as the standards of the Framework Convention of the Protection of National Minorities (FCNM), the Albanian authorities will be supported in identifying those ECRML provisions they wish to include in the ratification instrument. The selection of those ECRML provisions which correspond best to the Albanian context will facilitate political consensus on the ratification and avoid any significant additional expenditure by the state.

In addition, the activities will raise awareness of the ECRML and the best practices existing in other countries, and strengthen the implementation of European minority standards.

Awareness-raising events and capacity-building activities for NGOs representing the speakers of the minority languages will be organised to provide information on the ECRML. These activities will also enhance the relationship between the NGOs and the authorities and build confidence based on permanent contacts and dialogue.

### ***Roma and Egyptians***

**4.2.4. To improve the human rights of Roma and Egyptians in Albania, namely through further enhancement of the implementation of the Strasbourg Declaration, Committee of Ministers' and ECRI's Roma-related recommendations and European Court of Human Rights' case-law; where:**

- Knowledge of European Court of Human Rights' case-law and human rights standards as pertains to the rights and conditions of Roma and Egyptians is increased, with wider use of existing tools and training materials;
- Support is provided to central authorities to enable disaggregated data collection on Roma and Egyptian communities and implementation of the Roma Action Plan;
- Improvements are made in co-ordination to develop and implement strategies for Roma inclusion between local and central authorities, as well as between ministries, while further supporting improved communication and co-operation between Roma and Egyptian communities and public institutions;
- Specific self-identified needs of Roma and Egyptians are included in mainstreaming strategies and activity plans;

- Progress is achieved in access to justice and better housing policies for Roma and Egyptians;
- Prejudice and stereotypes against Roma and Egyptians and of the extent and effects of anti-gypsyism is the focus of awareness-raising, including challenges facing Romani women and youth.

The Council of Europe will take action to decrease the risk of social exclusion and to ensure better conditions of the Roma community in Albania through actions focusing on the legal and human rights standards currently in place in Europe. A new set of Roma-related recommendations will be contained in ECRI's fifth report on Albania. Through CoE actions to train lawyers, judges and prosecutors on the European Court of Human Rights and of the European Social Charter case-law related to Roma, stakeholders will develop their capacity to harmonise Albanian practice with current laws and commitments in order to decrease discrimination/anti-gypsyism facing Roma and Egyptian communities. Cultural mediators will be trained to increase communication between Roma and Egyptian communities and Albanian authorities. Further, Roma-related expertise and capacity-development in local and national public administration, partnerships with Roma CSOs and improved co-operation between government bodies will be pursued through Council of Europe's work in Albania.

Upon request, actions will support and strengthen co-operation on Roma affairs through the work of the Ad hoc Committee of Experts on Roma Issues (CAHROM), particularly as regards policy assistance.

### **Children's rights**

#### **4.2.5. To strengthen the capacity of the child protection system at the national and local level;** where:

- National legislation on children's rights is brought into line with European standards, in particular the Lanzarote Convention and the Convention on Action against Trafficking in Human Beings;
- A comprehensive national strategy to protect children's rights and eliminate violence against children is developed;
- An effective multi-disciplinary and multi-sectoral framework for child protection is strengthened and improved at a central and local level, with capacity-development of relevant Albanian authorities;
- Support is provided for development and implementation of relevant Action Plans such as the Children's Rights Action Plan and the Action Plan to Address the Situation of Children Living/Working on the Street;
- Child-friendly and family-friendly services and mechanisms are established and/or reviewed, in line with CoE Guidelines on child-friendly justice;
- Public education, awareness-raising and social mobilisation programmes take place focusing on the need to protect children from all forms of violence, including sexual abuse and violence, and promote a culture of zero violence;
- Progress is made in protection and elimination of discrimination against vulnerable groups of children including juveniles in detention, children belonging to minority communities, street children, unaccompanied minors, children in institutions or residential care and other vulnerable persons, as well as discrimination against girls;
- The capacity of relevant bodies to apply European standards in national judicial proceedings is enhanced using the HELP methodology, tools and platform in order to offer an in-depth examination of the relevant aspects of children's rights and child-friendly justice.

The Council of Europe's bodies and institutions have developed a range of sophisticated tools to uphold and expand the protection of children's rights in Europe and provide guidance and support to its member States on how best to bridge gaps between the rights and the reality of children in Europe. The programme for action will follow the Council of Europe Strategy for the Rights of the Child (2012-2015) by focusing on promoting child-friendly services and systems in the areas of justice, health and social services and eliminating all forms of violence against children, including sexual exploitation and abuse, trafficking, corporal punishment and violence in schools. Of equal importance is the guarantee of rights of children in vulnerable situations such as those with disabilities, in detention, in alternative care, migrant or Roma children, children confined to their homes in fear of retribution, and the promotion of child participation, in line with the case law of the European Committee of Social Rights.

The aim of Council of Europe action is to strengthen the system of public services to identify, monitor and address violence against children and build holistic and preventative child protection systems. Effective state-civil society partnerships will be supported as a mechanism to stimulate critical dialogue and national consensus on child rights violations.

The current reform processes in the social care system, justice, order, and education in Albania will provide momentum for engaging in public debate, revising relevant laws, policies and other measures to prevent and combat violence against children and broader protections of children's rights, in line with European and

international standards. Further, curricula will be developed to raise awareness in schools on trafficking, focusing on groups vulnerable to trafficking, in particular girls and members of the Roma and Egyptian communities as well as institutionalised children. Training for teachers in order to expand preventative measures against human trafficking will additionally be developed.

### ***Inclusive education and democratic citizenship***

#### ***4.2.6. To increase access to quality education for all groups, and promote human rights and democratic citizenship in schools; where:***

- Access to quality education for all groups is enhanced in accordance with the CoE Recommendation CM/Rec(2012)13 on ensuring quality education, together with Albanian policy plans for inclusive education;
- Schools and their communities have a deeper understanding and are better equipped to support inclusive education practices and terminology;
- Models are developed to support administrative and legal measures to encourage inclusive education practices, including increased access to education in minority languages;
- Human rights and a democratic culture in schools are strengthened to prepare young people for life as active citizens in democratic societies.

Schools in Albania will be supported with technical assistance, capacity building and grants to increase the level of inclusiveness and active citizenship. Specific support will be given to school leaders and inspectors to become more aware and support inclusive education policies as a reform principle, respecting and catering to diversity amongst all learners, with specific focus on those who are at higher risk of marginalisation and exclusion. Individual education professionals and relevant civil society actors will receive training in inclusive education, education for democratic citizenship and/or human rights as applied in educational facilities, and co-operation with relevant state actors to promote these concepts within educational institutions will be prioritised.

Support will be given to put into practice policy plans for inclusive education, which will draw upon experiences both nationally and from the region and will be based upon concrete evidence from the pilot schools. A model will be proposed for the establishment of educational facilities as a legal entity and assistance will include the necessary legal and administrative measures for its implementation.

### ***Youth policy***

#### ***4.2.7. To support the development and implementation of open, evidence-based and inclusive youth policy and the participation of young people in its definition and implementation; where:***

- Albanian institutions are supported to define a new National Youth Strategy harmonised with European standards;
- Co-operation is fostered between public actors of youth policy, non-governmental youth actors and youth policy experts in the planning and implementation of youth policy;
- The development and recognition of youth work and non-formal education is supported;
- The capacity of youth policy actors and representatives of youth organisations is further developed to support the participation of young people, including those from minority backgrounds, in youth policies and programmes.

The Council of Europe will build on its previous support for Youth Policy in Albania through providing technical assistance to the Ministry of Social Welfare and Youth in support of a renewed National Strategy and Action Plan on Youth. Support for implementation of the Youth Action Plan following its adoption is further foreseen, particularly as regards youth participation in policy and planning, youth work, and non-formal education. The Council of Europe will additionally act to further improve the capacity of relevant central and local level authorities to fully implement the Action Plan across various sectors in Albania.

### ***Social rights***

#### ***4.2.8. To enhance the respect of social rights in Albania in line with the provisions of the European Social Charter as well as other relevant international instruments; where:***

- The effective implementation of the rights guaranteed by the European Social Charter is supported, in particular as regards labour rights, employment, working conditions, health, legal and social protection;

- Greater awareness of economic and social rights is promoted, as well as practical implementation of the European Social Charter among civil society;
- Public awareness is raised of rights under the European Social Charter;
- Acceptance by Albania of the provisions not yet accepted and of the collective complaints procedure of the European Social Charter is addressed and stimulated;
- The development of the new Strategic Document on Social Inclusion 2014 – 2020 is assisted, and capacity-development and expertise is provided to Albanian institutions, supporting policy responses across sectors to be effectively co-ordinated, implemented and monitored;
- Relevant ministries are supported by capacity-development in Social Cohesion to promote the effective implementation of the principles embodied in the social cohesion instruments of the Council of Europe.

Albania ratified the revised European Social Charter on 14/11/2002, accepting 64 of its 98 paragraphs, excluding the collective complaints procedure. Upon request the Council of Europe can support the Government of Albania to meet the requirements of the Social Charter, producing studies on the compatibility of Albanian legislation with the provisions of the Charter. Further, the Council of Europe can help to define ways to remedy situations of non-conformity identified in the European Committee of Social Rights Conclusions 2006 – 2014. Capacity of relevant Albanian officials can be enhanced, specifically focusing on standards and required reforms with regard to an effective guarantee of social and economic rights. The Council of Europe can further strengthen public awareness of economic and social rights, and aid in the development of curricula in the field of social rights.

### ***LGBTI persons***

#### ***4.2.9. To support the authorities of Albania, upon their request, in action taken to combat discrimination on grounds of sexual orientation or gender identity; where:***

- The Albanian government is supported in the implementation of the Action Plan “Measures for non-discrimination on the basis of sexual orientation or gender identity 2012-2014”;
- Technical expertise is provided to review national legal framework and harmonisation with CM/Rec(2010)5;
- Capacity of relevant professionals to detect and combat discrimination on grounds of sexual orientation and gender identity is increased;
- Albanian institutions and civil society organisations are supported in increasing awareness on LGBTI issues and respect of their human rights
- The capacity of relevant bodies to apply European standards in national judicial proceedings is enhanced using the HELP methodology, tools and platform in order to offer an in-depth examination of the relevant aspects of discrimination on the ground of sexual orientation and gender identity.

Based on the review by the Council of Europe’s Steering Committee for Human Rights of progress by member States on the state of implementation of the Recommendation CM/Rec(2010)5 and recommendations contained in ECRI’s fifth country report, ad hoc support, technical assistance and thematic capacity-development will be provided.

The Government of Albania’s Action Plan on “Measures for non-discrimination on the basis of sexual orientation or gender identity” 2012 – 2014, which benefited from Council of Europe assistance, has yielded positive results. At the government’s official request, the CoE will provide assistance in drafting an action plan on measures against discrimination on grounds of sexual orientation or gender identity, as well as provide technical assistance in the implementation of the action plan.

Expertise will be provided to review national legal and policy framework and support compliance with CM/Rec(2010)5, and governments, local authorities and civil society actors assisted through capacity-development exercises. Awareness-raising activities will be conducted, with strategies and tools for a media campaign made available. Good practices of countries in the region will be made available to stakeholders, as well as a study on European Court of Human Rights case law pertaining to sexual orientation and gender identity.

## ***Violence against women***

***4.2.10. To support initiatives to address gender equality, violence against women and domestic violence, in line with the Council of Europe Gender Equality Strategy and the Istanbul Convention; where:***

- The Council of Europe provides assistance for the development of a national co-ordinating body as required by Article 10 of the Istanbul Convention;
- The Council of Europe provides assistance for the development of a National Action Plan on violence against women and domestic violence based on the requirements of the Istanbul Convention;
- The Council of Europe offers guidance on the provision and setting-up of services for victims of the various forms of violence against women in Albania on the basis of the requirements of the Istanbul Convention;
- Awareness-raising materials on violence against women and the Istanbul Convention are made available by ensuring translation into Albanian;
- Full implementation of Council of Europe standards in the area of gender equality are promoted, while supporting the five key objectives of the Council of Europe Gender Equality Strategy 2014-2017, in particular objective 2 of the Strategy – preventing and combating violence against women and domestic violence.

Assistance will be provided to policy makers in Albania in the development and implementation of actions specifically pertaining to the Istanbul Convention. Council of Europe co-operation activities aim to provide expertise on the implementation of these standards, as well as capacity-development of authorities and awareness-raising.

With a view to advancing social inclusion of girls and women, this programme will promote the Council of Europe Gender Equality Strategy through technical assistance including assessments and expert advices, capacity-development, and local actions.

## ***People with disabilities***

***4.2.11. To support initiatives to address social inclusion and protection of vulnerable groups, particularly targeting persons with disabilities; where:***

- The human rights-based approach and social model of disability is promoted, in line with the Council of Europe Disability Action Plan 2006 – 2015, the European Social Charter and the Committee of Ministers;
- The awareness and capacity of stakeholders to implement the Council of Europe legal instruments is increased;
- Dialogue and confidence between national stakeholders in the disability field is enhanced
- The capacity of relevant bodies to apply European standards in national judicial proceedings is enhanced using the HELP methodology, tools and platform in order to offer an in-depth examination of the relevant aspects of discrimination of person with disabilities.

The Council of Europe, through its actions, will support Albanian authorities to integrate legislation and implement actions supporting the rights and full participation of people with disabilities in society. This will include areas which are not the direct responsibility of public authorities, but where they nonetheless have a certain power or may play a certain role. Further, awareness-raising as regards Council of Europe Recommendations pertaining to disability will be increased, as well as their dissemination amongst concerned parties. This will help Albanian authorities to guarantee the right of persons with disabilities to independence, social integration and participation in the life of the community, as set out in Article 15 of the European Social Charter.

## ***Property rights***

***4.2.12. To strengthen the protection of property rights, in line with judgments of the European Court of Human Rights (see also 1.3.1); where:***

- Technical assistance and expertise for the execution of European Court of Human Rights judgments on property rights is provided upon request;

- The capacity of relevant bodies to apply European standards in national judicial proceedings is enhanced, specifically Article 1 (P1-1) ECHR using the HELP methodology, tools and platform;
- Assistance is provided for implementing the guarantees that international texts provide for in connection with forced evictions.

Upon request, the government of Albania can be assisted to act upon the judgments of the European Court of Human Rights regarding property rights. The CoE can additionally provide expert guidance on the legislative and institutional framework. Further technical assistance can also be provided for the implementation of the structural reform.

Based on ECRI's monitoring reports, the government of Albania can be assisted in ensuring that members of vulnerable groups such as Roma and Egyptians, who are at the risk of forced evictions, enjoy the guarantees and protection that international texts provide for in this connection.

## 5. DEMOCRATIC GOVERNANCE AND PARTICIPATION

### SECTOR OVERVIEW AND PRIORITIES

The development of structures and legal frameworks which allow for the flourishing of inclusive democracy is a shared aim of the Council of Europe and the government of Albania. The Council of Europe has, through its co-operation activities, long demonstrated its determined efforts to support Albanian authorities in reforms to develop systems which are ever more participatory, inclusive, egalitarian and accessible. Based on its standards and policy recommendations, through sectors as diverse as electoral reform, local democracy and cultural heritage, the Council of Europe has approached the development of democracy from various perspectives to encourage greater involvement of a population in decisions with a direct impact on their lives.

Through the current Democracy Governance and Participation programme, the Council of Europe will work with first time voters, providing training and education on the rights and responsibilities of all citizens within democratic systems. Further, it will support the Central Election Commission's capacities as regards training of election administration and other relevant stakeholders. In particular, CoE assistance will be directed towards capacity-building of local authorities, the legislative and policy framework, performance management, as well as institutional dialogue and co-operation between local and central authorities.

As regards the administrative and territorial reform, the newly established local government units will further be assisted by advancing decentralisation efforts and institutionalising the process of consultation. Support will be provided to local government structures and local elected representatives, particularly in view of the implementation of the territorial administrative reform and national decentralisation strategy. In particular, CoE assistance will be appropriated towards capacity-building of local administration, improving the legislative and policy framework, performance management as well as institutionalisation of dialogue and co-operation between local and central authorities.

Additionally, CoE support to the Ministry of Culture will continue with particular focus on Albania's cultural heritage. Finally, in December 2014 the Albanian majority and opposition agreed to work towards a solution regarding the "issue of individuals with criminal records who hold public positions or seek to be selected for or appointed to such positions" with the assistance of the Venice Commission. This should imply amendments to the electoral code and/or the criminal code after researching the legislative options of other countries.

#### **Source of justification:**

Reports and recommendations of the Council of Europe Congress of Local and Regional Authorities; Recommendation 349 (2013) of the Congress on local and regional democracy in Albania, adopted in October 2013, Congress Recommendation 347 (2012) on the right of local authorities to be consulted by other levels of government; Venice Commission/OSCE-ODIHR's Opinions; Congress' and PACE election observation reports on Albania; compliance with the Lisbon Recognition Convention; the 2012 Bucharest Ministerial Conference for the Ministers responsible for Higher Education and the Communiqué on the EHEA; Report of the Consultative visit on the Anti-doping Convention (2104), Report of the Consultative Visit on the European Sports Charter (2012), EC Progress reports. Resolution of the political agreement between the governing majority and the parliamentary opposition of the Assembly of the Republic of Albania, 23 December 2014.

### 5.1. OVERALL OBJECTIVE

To strengthen good governance, improve the functionality and sustainability of institutions, and expand democratic culture and participation.

### 5.2. SPECIFIC OBJECTIVES AND EXPECTED RESULTS

#### ***Local democracy***

#### ***5.2.1. To improve local democracy and the overall functioning of local authorities, and to strengthen good democratic governance at a local level in Albania; where:***

- Conditions are improved for fostering the implementation of Inter-Municipal Co-operation (IMC) initiatives between Albanian Local Government Units (LGUs);
- The creation of standards and benchmarks on Human Resources Management (HRM) are supported, transposed into legislation and practices;
- Newly elected local representatives lead change for improved local self-government practices;

- The Consultative Council is set up and becomes an efficient mechanism for institutionalised dialogue between central and local government;
- A pluralistic and representative platform promotes the common interests of local authorities.

CoE assistance will be focused on improving the quality of local self-governance through de-centralisation, as well as increasing the capacity of local government units. The Council of Europe will continue to provide legal assistance pertaining to a number of laws subject to amendments due to TAR and the De-centralisation Strategy. Capacity-building activities will aim to facilitate the transitional phase of amalgamation of Local Government Units (LGUs) to the new territorial units. CoE actions will further aim to strengthen institutional dialogue and a culture of partnership between central and local authorities. Well-functioning local government structures and co-operation of locally elected representatives in Albania will continue to be encouraged by providing support to the ongoing de-centralisation process and the consolidation of good governance principles in Albania. The action aims to improve the conditions for and to foster the implementation of Inter-Municipal Co-operation (IMC) initiatives between Albanian LGUs) and to support the creation of standards and benchmarks on Human Resources Management (HRM), transposed into both legal assistance and practices. At the same time, through the action of the Congress, support will be provided for increased LGU dialogue with central authorities and among themselves. Capacity-building activities pertaining to local government administration and leadership abilities of newly elected officials will enhance the reform process.

Through the action of the Congress, central and local authorities will receive support with the implementation of the principles enshrined in the European Charter of Local Self-Government and relevant Congress recommendations.

The territorial administrative reform, which is being implemented by the Government of Albania is reshaping the geographic and administrative panorama of local authorities. After local elections, a pluralistic and legitimate platform acts effectively and addresses issues of common interest, so as to reinforce the co-ordinated position of local authorities in the local-central government Consultative Council. This will enable local and regional authorities to better perform their tasks in the new territorial setting. Assistance will be provided to the central government and LG associations alike for the operational establishment of the Consultative Council: the Congress will assist with expertise and, where needed, organisational support.

Furthermore, the Council of Europe will strengthen the leadership abilities of the newly elected mayors and municipal councillors, thus enhancing the democratic culture at local level and nurturing confidence and trust in local elected representatives. National and/or regional events will be organised for local elected representatives, on themes related to the local good governance, the principles enshrined in the European Charter of Local Self-Government, the situation of local democracy in Albania and Congress recommendations for Albania. A specific programme for municipal councillors will be developed and proposed to the newly elected councillors. The Congress will work in partnership with other international stakeholders active in the field of local democracy, in order to create an integrated and comprehensive capacity building programme for mayors.

In addition, the CoE would assist local authorities to improve public ethics through the use of the relevant CoE tools, which comprise a European Score Card and a methodology organised around objective self-assessments and reviews by trained peers, already in use in several member States. The ethical level in participating municipalities, but also in non-participating municipalities which take inspiration from the former, is improved through reform of regulations, institutions and practice.

The CoE will continue to assist the institutional dialogue between local and central authorities, the leadership capacities of the newly elected mayors and members of municipal councils and the institutional capacities of local government associations.

### ***Support to the Albanian Parliament***

#### ***5.2.2. To strengthen institutions and links with the CoE PACE; where:***

- Assistance to the Parliament is provided in view of fourth round GRECO recommendations pertaining to the conflict of interest of parliamentarians;
- Capacity of MPs is bolstered from the local democracy perspective;
- In co-operation with PACE, the Assembly library is supported through provision of relevant literature.

## **Electoral assistance**

### **5.2.3. To reinforce the capacity of the electoral administration in a sustainable way in order to organise and run the electoral process, and to raise awareness amongst first-time voters; where:**

- The capacities of the Central Election Commission of Albania are enhanced;
- A training centre for Elections Commissioners is established and supported in its implementation;
- Voter education programmes for first time voters is developed, in co-operation with the CEC, the Ministry of Education and Sport and the Academy of Political Studies.

A pre-electoral assistance programme for Albania will be put in place ahead of the 2015 local elections to support free and fair elections in the country. Through the programme, the Venice Commission will provide hands-on assistance for the facilitation of rules for procedures and training materials for commissioners and manuals. The Venice Commission can also provide opinions and expertise on electoral legislation upon request.

The capacities of the Central Election Commission (CEC) will be further enhanced allowing the electoral administration to better comply with European electoral standards in respect of electoral procedures as well as training.

An awareness-raising programme for first time voters will help the CEC to reach out not only first-time voters but also their peers and families, and will ensure that they are better informed about their duties and responsibilities in democratic states. The awareness-raising programme will build on the results of the previous CoE initiatives in the 2011 local elections and 2013 general elections. Further, the capacities of the Election Commissioners will be advanced through the setting up and development of a training centre.

The CoE can also organised activities to increase awareness of Albanian media professionals of the legal framework governing media conduct during elections, and to improve their ethical standards in the electoral context.

### **5.2.4 To ensure the conformity of the electoral legal framework with international standards, and to ensure the adoption of a system of ineligibility linked to previous criminal convictions in conformity with the international electoral standards and best practices; where:**

- The Venice Commission assesses (draft) amendments to the Electoral Code, in particular those following the administrative-territorial reform.
- A joint opinion of the Venice Commission and OSCE/ODIHR is provided on electoral legislation.

## **Local Development through Cultural Heritage**

### **5.2.5. To assist national, regional and local authorities in setting up new mechanisms and procedures related to local development; where:**

- Existing legal and institutional frameworks are assessed and revised;
- Experimental and exploratory pilot actions are undertaken;
- Legal and technical expert advice is provided, coupled with capacity-building activities for civil servants and stakeholders;
- Innovative procedures generating actions are institutionalised;
- A new law on heritage is adopted.

At the request of the Ministry of Culture, the Council is poised to assist in the revitalisation of the cultural heritage sector through legal revisions and the identification and implementation of appropriate policies and strategies. The Heritage Assessment Report provided by the Council of Europe at the end of the Ljubljana Process, which ran through 2014, will serve as a basis to identify future actions needed in this field and will include extending the definition of heritage based on the Faro Convention; encouraging democratic participation, fostering the sustainable use of local resources, revising the legal framework and providing institutions with relevant tools in order to promote new local development heritage-led approaches.

Expertise by the Council of Europe was recently provided on the new draft law on culture, and the CoE stands ready to further assist in its implementation.

**5.2.6. To assist national, regional and local authorities in developing co-operation with the Sports Movement;** where:

- A national sports council of experts is re-activated
- Dialogue and co-operation contribute toward good-governance and promotion of sport for all
- Training is provided for key stakeholders.

**APPENDIX I. FINANCIAL TABLE: BUDGET ALLOCATION PER SECTOR**

TOTAL PROGRAMMATIC CO-OPERATION DOCUMENT BUDGET: € 18 500 000

<b>PRIORITY SECTORS</b>	<b>Total funds secured</b>	<b>Additional funds required</b>	<b>Total</b>
1. JUSTICE SECTOR	€ 1 159 866	€ 4 038 879	€ 5 198 745
2. FIGHTING CORRUPTION, ECONOMIC CRIME AND ORGANISED CRIME SECTOR	€ 0	€ 1 433 921	€ 1 433 921
3. FREEDOM OF EXPRESSION AND INFORMATION SOCIETY SECTOR	€ 0	€ 1 338 326	€ 1 338 326
4. ANTI-DISCRIMINATION, RESPECT FOR HUMAN RIGHTS AND SOCIAL INCLUSION SECTOR	€ 883 483	€ 6 084 547	€ 6 968 030
5. DEMOCRATIC GOVERNANCE AND PARTICIPATION SECTOR	€ 1 923 000	€ 1 637 978	€ 3 560 978
<b>TOTAL</b>	<b>€ 3 966 349</b>	<b>€ 14 533 651</b>	<b>€ 18 500 000</b>

**APPENDIX II. PROVISIONAL LIST OF ACTIONS**

(to be complemented in the course of the implementation of the Programmatic Co-operation Document, within the budget allocation per sector)

Action title	Duration	Status	Main Partners
<b>1. ENSURING JUSTICE</b>			
Project to increase the efficiency of the Albanian justice system, in line with European standards	06/01/2014 – 05/01/2016	ongoing	Ministry of Justice, High Council of Justice, Judicial Inspectorates of the MoJ and High Council of Justice, School of Magistrates and Office for the Administration of the Judicial Budget, Office of the Prosecutor General, Constitutional Court, Bar Association.
Support measure for the implementation of domestic court judgments	36 months	proposed	State Advocate, Ministry of Justice, Ministry of Finance, Supreme Courts, judges, Bailiffs, The Agency for Restitution and Compensation of Property (ARCP), Chamber of Advocates representatives and Public Administration Department (PAD).
Strengthening implementation of Article 6 of the European Convention on Human Rights (ECHR)	24 months	proposed	Tirana Council of Europe Information Office, State Advocate, National School of Magistrates, High Council of Justice, Supreme Court of Albania, Magistrates and judges, in particular in the criminal law, in various levels of jurisdiction (first instance judges, appellate judges, Supreme and Constitutional Court judges).
Assistance to the ad hoc parliamentary committee on judicial reforms	12 months	proposed	Parliament, Ministry of Justice
Strengthening the capacities of the Ministry of the Interior of Albania in compliance with international human rights instruments	24 months	proposed	Ministry of Interior of Albania and its General Police Directorate, staff of Ministry of the Interior, police officers.
To develop national capacities for combating ill-treatment by law enforcement agencies and investigative institutions	24 months	proposed	Legal professionals, police and prison staff, law enforcement authorities, persons deprived of their liberty and the population in Albania in general.
Support for penitentiary reform in Albania	24 months	proposed	Ministry of Justice and its General Directorate of the Prison Administration and Probation Service, Ministry of Health, Prison staff (prison governors and staff in charge of regime, security etc.), prison medical and other health care staff, probation staff, judges and prosecutors, Offenders and the society at large.
Production in Albanian of ECHR publications and video materials on European Convention standards	36 months	proposed	Ministry of Justice, High Council of Justice, School of Magistrates, Office of the Prosecutor General, Constitutional Court, Bar Association.
European Programme for Human Rights education of Legal Professionals (HELP)	01/01/2014 – 31/12 /2015	ongoing	Ministries of Justice, State Advocate, HJPC, JPTCs, Courts of Albania, International Association of Judges (IAJ), Council of Bars and Law Societies of Europe (CCBE), European Judicial Training Network (EJTN).

<b>2. FIGHTING CORRUPTION, ECONOMIC CRIME AND ORGANISED CRIME</b>			
Ethics and integrity in higher education	36 months	proposed	Ministry of Education and Sports, higher education institutions, the European University Association, other donor agencies, Quality assurance agency, higher education institutions, university professors and administrators and students.
Co-operation on Cybercrime: targeting crime proceeds on the Internet (CyberProceeds@IPA)	36 months	proposed	Internet service providers, financial sector institutions, criminal justice authorities, financial sector entities, public and private sector institutions (such as law enforcement, financial intelligence units, banks, regulators etc.) judicial officials.
<b>3. FREEDOM OF EXPRESSION AND INFORMATION SOCIETY</b>			
Promoting freedom of expression and information and freedom of the media	24 months	proposed	Audio-visual Media Authority (AMA), Ministry of Innovation, Media Parliamentary Committee, Ministry of Justice, Parliamentary Laws Committee, Albanian Media Institute, civil society and other international organisations, decision makers, public officials, media, audio-visual media regulatory, civil society, Ministry of Innovation, public broadcasters, self-regulation organisations, Media professionals and citizens of Albania.
Enhancing privacy and data protection	12 months	proposed	Albanian Data protection authority, Data Protection Authority, competent government agencies, ministries and academia, media actors, private sector.
Enhancing the protection of human rights on the Internet in Albania	24 months	proposed	National Agency for Information Society, Ministry of Innovation and Public Administration, Ministry of Justice/ Data Protection Agency, Ministry of Culture/ Albanian Copyright Office, Ministry of Education, NGOs- Open Data Initiative, Albanian Media Institute, etc., civil society representatives, journalists, bloggers, youth, internet service providers (ISPs), Current and potential internet users in Albania.
<b>4. ANTI-DISCRIMINATION, RESPECT FOR HUMAN RIGHTS AND SOCIAL INCLUSION</b>			
Enhancing the effectiveness of the Albanian system of human rights protection and anti-discrimination	24 months	proposed	Ombudsperson, Commissioner for protection against discrimination (CPD), Ministry of Welfare and Youth, NGOs
Promoting Human Rights and Minority Protection in South East Europe	30/11/2011 – 28/12/2016	ongoing	Ministries, offices or agencies for human and/or minority rights including independent institutions such as Ombudspersons, Equality Commissioners or national minority councils, non-governmental and civil society bodies, local authorities.

Training on Anti-discrimination with a specific focus on Roma housing and fighting prejudice/Anti-Gypsyism against Roma	24 months	proposed	Ministry of Labour, Social Affairs and Equal Opportunities/Technical Secretariat on Roma; Ministry of Public Works and Transport; People's Advocate and his Office; Municipality of Tirana and other municipalities interested, UNDP-Albania; UNICEF-Albania; OSCE-ODIHR and OSCE mission in Tirana; EU Delegation to Albania; OHCHR, lawyers/ judges/ prosecutors, human rights institutions, police officers, public institutions, Roma communities, the Egyptian community.
Intercultural Mediation for Roma communities (ROMED 2)	01/04/2014 – 28/04/2015	ongoing	Ministry for Human Rights and Refugees, local authorities, Romalen NGO, World Vision, local NGOs.
ROMACT - Building up political will and understanding of Roma inclusion at local and regional level	01/01/2013 – 31/03/2015	ongoing	Elected representatives, relevant officials, municipality/region administration, Roma population, population of municipality/ region in general.
Strengthening and protecting child rights in Albania	24 months	proposed	Ministry of Social Welfare and Youth, Ministry of Justice, Ministry of Interior, Ministry of Education, Ministry of Health, State Agency for the Protection of the Children's Rights, Ombudsman (section for children), Local authorities.
Education for Democracy and Human Rights in Schools (EDHRS)	24 months	proposed	European Wergeland Centre, participants in Regional Summer Academies, teachers, students and administrators in target schools, local community actors, teacher training institutions, NGOs/CSOs, EDHRS programme alumni.
Regional Support for Inclusive education	01/01/2013 – 30/11/2015	ongoing	Ministry of Education and Sports, education policy institutes, higher education institutions, civil society and other donor agencies, Ministry and local authorities, teachers, school professional staff, university professors and administrators, media, teachers, pupils and their parents.
Regional Support for Inclusive Education	36 months	proposed	Ministry of Education and Sports, education policy institutes, higher education institutions, civil society and other donor agencies, Ministry and local authorities, teachers, school professional staff, university professors and administrators, media, teachers, pupils and their parents.
Youth policy reform and capacity-building for youth participation	36 months	proposed	Ministry of Social Welfare and Youth of Albania, Members of the European Steering Committee on Youth and of the Advisory Council on Youth, Civil servants and policy-makers responsible for youth policy, Young people and youth organisations.
Promoting social rights in Albania	24 months	proposed	Ministry of Labour, Social Affairs and Equal Opportunities, other relevant ministries, Parliament, NGOs, Social Insurance Institute and relevant bodies at the State and local levels; European Committee of Social Rights, Academic Network on the European Social Charter, Ministries concerned by the

			implementation of the European Social Charter; Parliamentarians; Ombudsman; Labour inspectorate; Judges; Lawyers; Local authorities; Human Rights related NGOs; Managers and decision makers in the field of social rights; People living in Albania, including children and vulnerable groups of people.
Promotion of the human rights-based approach to disability and implementation of the Council of Europe disability-related legal instruments	One-time activity	proposed	Ministry of Labour, Social Affairs and Equal Opportunities, Albanian decision-makers, authorities, NGOs and academia representatives responsible for the rights of persons with disabilities, people with disabilities themselves, national stakeholders in the disability field.
Property rights in the light of the ECHR – Phase I	01/02/2015 – 31/5/2015	ongoing	Ministry of Justice, State Advocate
Property rights in the light of the ECHR – Phase II (monitoring and implementation)	6 months	proposed	Ministry of Justice, State Advocate
<b>5. DEMOCRATIC GOVERNANCE AND PARTICIPATION</b>			
Strengthening Local Government Structures and Co-operation of Local Elected Representatives in Albania – Phase II (2012 – 2015)	01/10/2012 – 31/12/2015	ongoing	Local elected representatives, LG Associations, Government of Albania, State Ministry for Local Issues, International organisations active in the field of local democracy, local elected representatives (mayors, heads of council, councillors), with special emphasis on elected women, LG Associations, Government of Albania (component 3), Albanian local elected representatives, Albanian citizens and civil society, Ministry for Local Issues, Local Government Units, LG Associations.
Strengthening local government structures and co-operation of local elected representatives (Phase III)	36 months	proposed	Local elected representatives, LG Associations, Government of Albania, State Ministry for Local Issues, international organisations active in the field of local democracy, local elected representatives (mayors, heads of council, councillors), with special emphasis on elected women, LG Associations, Government of Albania, Albanian local elected representatives, Albanian citizens and civil society.
Strengthening Institutions and Links with the CoE PACE	36 months	proposed	Albanian Assembly, Minister for Relations with the Assembly
Venice Commission assistance and legal opinions on ineligibility causes, (draft) electoral legislation and capacity-building of the electoral administration	36 months	proposed	Central Electoral Commission, Parliament, Government, political parties, civil society, academics.
Heritage Management Policy	24 months	proposed	Ministry of Culture and associated ministries, municipalities, competent institutions, local communities.

**Council of Europe  
Office of the Directorate General of Programmes**

Avenue de l'Europe  
F-67075 Strasbourg CEDEX  
E-mail: [odgp@coe.int](mailto:odgp@coe.int)  
[www.coe.int/en/web/programmes](http://www.coe.int/en/web/programmes)

**Council of Europe  
Office in Albania**

Skanderbeg Square, Palace of Culture  
Tirana, Albania  
Tel: +355 44 54 02 01  
Fax: +355 42 24 89 40  
E-mail: [informtirana@coe.int](mailto:informtirana@coe.int)  
[www.coe.al](http://www.coe.al)

[www.coe.int](http://www.coe.int)

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.