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

Progress Review Report

Document prepared by the Office of the Directorate General for Programmes

Item to be considered by the GR-DEM at its meeting on 3 November 2016

¹ This document has been classified restricted until examination by the Committee of Ministers.
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EXECUTIVE SUMMARY

The Council of Europe Programmatic Co-operation Document for Albania 2015-2017 was adopted by the Committee of Ministers on 1 April 2015 and launched by the Director of the Council of Europe's Office of the Directorate General of Programmes on 27 October in Tirana.

This Progress Review Report presents developments between 1 April 2015 and 30 September 2016. It consists of a narrative of major achievements and programming outlook in each of the priority areas.

The Programmatic Co-operation Document priorities take into account planned national reforms and obligations of Albania as a member state of the Council of Europe. Conclusions of the recent reports, resolutions and recommendations of the Committee of Ministers and of the Parliamentary Assembly were considered during its preparation, as well as recommendations from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Group of States Against Corruption, the Framework Convention for the Protection of National Minorities, European Social Charter, recommendations from the European Commission for Democracy through Law, the Commissioner for Human Rights and issues identified in judgements of the European Court of Human Rights. As of 27 June 2014, Albania has been a candidate for accession to the European Union. In this context, harmonising Albanian legislation and practice with European standards has been one of the main priorities of the country, supported by actions included in the Programmatic Co-operation Document.

The Programmatic Co-operation Document covers the following areas: justice; corruption, economic crime and organised crime; freedom of expression and information society; anti-discrimination, respect for human rights and social inclusion; and democratic governance and participation.

The overall budget of the Programmatic Co-operation Document totals approximately €17.3 million, of which over €7.9 million (46% of the revised budget) have been secured. The donors are the European Union, Switzerland, Norway and the Human Rights Trust Fund. Roughly €4.5 million have been secured through the EU/CoE Joint Programme "Horizontal Facility for the Western Balkans and Turkey" for projects beginning during the second half of 2016 to be completed in 2018 and 2019. While the actions will be implemented in all 5 priority sectors of the Programmatic Co-operation Document, additional resources are required to address other key objectives, in particular in the area of anti-discrimination, respect for human rights and social inclusion. Furthermore, a number of actions foreseen need to be revised and adapted to the evolving context and country's strategic priorities.

During the period under review, Albania has been accompanied by the Council of Europe to move closer to European standards and practices through key reforms and strengthened institutional capacity. Albania has benefited from country-specific and regional programmes aimed at supporting the development of legal frameworks in key areas and their effective implementation, while reinforcing capacities of relevant institutions, improving training systems and promoting good practices. Main achievements to date include: the development of effective and sustainable justice system mechanisms through European Commission for the Efficiency of Justice tools and guidelines for Albanian courts; strengthened capacities of legal professionals in the areas of ill-treatment, anti-discrimination, hate crime and hate speech; mainstreamed and prioritised inclusive education in national policies, including the development of teacher education practices; increased capacities of the Audio-Visual Media Authority staff as well as journalists, legal professionals, parliamentarians on Council of Europe standards with regards to freedom of expression and freedom of media; enhanced capacities of the anti-discrimination and human rights bodies to formulate national strategies, monitor implementation and ensure reporting; enhanced understanding and implementation of Council of Europe recommendations on minority rights by local authorities; drafting of strategies and legislation pertaining to decentralisation and public administration reforms, including the effective implementation of the latter at local level; increased capacities of the Central Election Commission and participation of young people in elections; provision of expertise on the Draft Law on the Organisation and Functioning of Local Self Government.

Further support will be provided through the joint EU/CoE Horizontal Facility with substantial actions pertaining to justice, fight against corruption and organised crime and fight against discrimination, while the new regional EU/CoE Joint Programme "Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe" will promote freedom of expression and freedom of the media in line with Council of Europe standards, with a specific focus on the judiciary. Additional funding would allow the Council of Europe to engage in joint work with the Albanian authorities to address further fundamental human rights, rule of law and democracy issues identified in the Programmatic Co-operation Document.

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LIST OF ACRONYMS AND ABBREVIATIONS

AMA	Audio-Visual Media Authority
ASPA	Albanian School of Public Administration
CEC	Central Electoral Commission
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers of the Council of Europe
CoE	Council of Europe
COCS	Commissioner for the Oversight of the Civil Service
Congress	CoE Congress of Local and Regional Authorities
Co-operation document	CoE Programmatic Co-operation Document for Albania 2015-2017
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CSL	Civil Service Law
DoPA	Department of Public Administration
e-PAV	Electronic-Platform of Local Administration
ECHR	European Convention on Human Rights
ECRML	European Charter for Regional or Minority Languages
ECtHR	European Court of Human Rights
ESC	European Social Charter
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
GR-DEM	Rapporteur Group on Democracy of the Committee of Ministers
GRECO	Group of States against Corruption
Horizontal Facility	EU/CoE Horizontal Facility for the Western Balkans and Turkey
HRM	Human Resources Management system
iPROCEEDS	EU/CoE Regional project on targeting crime proceeds on the Internet in South-East Europe and Turkey
JP	EU/CdE Joint Programme
JUFREX	EU/CoE Regional programme "Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe
LGBTI	Lesbian, gay, bisexual, transgender and intersex persons
LGU	Local Government Unit
MAE	Major Administrative Entity
MFA	Ministry of Foreign Affairs
MoLI	CoE Project against Money Laundering and Terrorist Financing
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
OB	CoE Ordinary Budget
ODGP	CoE Office of the Directorate General of Programmes
PACE	Parliamentary Assembly of the CoE
SEJ	Support to Efficiency of Justice
SOGI	Sexual Orientation and Gender Identity
TNA	Training Needs Assessment
TRIA	Territorial Reform Implementing Agency
VC	Voluntary contributions

INTRODUCTION

The Council of Europe (CoE) Programmatic Co-operation Document for Albania 2015-2017 (henceforth 'Co-operation Document') was adopted by the Committee of Ministers (CM) on 1 April 2015 and launched by the Director of the CoE's Office of the Directorate General of Programmes (ODGP) on 27 October in Tirana, after extensive consultation with Albanian authorities. The Co-operation Document is a joint initiative of the CoE and the Albanian authorities to support Albania in fulfilling its statutory and specific obligations as a CoE member state and to help the country address fundamental issues in the fields of human rights, rule of law and democracy.

The Co-operation Document builds on concerns identified in CoE reports, resolutions and recommendations regarding Albania, notably those of the CM, the Parliamentary Assembly (PACE), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Group of States Against Corruption (GRECO), the Framework Convention for the Protection of National Minorities (FCNM) and recommendations from the European Commission for Democracy through Law (Venice Commission) and the Commissioner for Human Rights. Several lines of action in the Co-operation Document stem from concerns identified in the judgments of the European Court of Human Rights (ECtHR). The Co-operation Document also builds on the priorities of the country, especially in light of the on-going European Union (EU) accession process, in areas of expertise of the CoE.

This Co-operation Document is a tool designed for assisting Albania in its efforts to bring its legislation, institutions and practice in line with European standards in the abovementioned priority areas.

This Progress Review Report presents major achievements based on implementation of the Co-operation Document between 1 April 2015 and 30 September 2016. The report makes reference to the related actions that were on-going and effective as from January 2015.

OVERALL ASSESSMENT AND MAIN ACHIEVEMENTS

The Co-operation Document includes 33 projects for a total amount of €17.3 million, of which 15 have received funding as of 30 September 2016. In addition to country-specific projects, four on-going regional projects covering the following areas included Albania as one of the beneficiary countries:

- Enhancing the effectiveness of the European Convention on Human Rights (ECHR) and its implementation;
- Strengthening the capacity of authorities to search, seize and confiscate cybercrime proceeds and prevent money laundering on the Internet;
- Improving respect for minority protection by enhancing the capacities of national bodies;
- Promoting freedom of expression and freedom of the media in line with CoE standards, with a specific focus on the judiciary.

Achievements of the joint work between the Albanian authorities and the CoE include to date:

ENSURING JUSTICE

Efficiency of the Justice System and Quality of Public Service of Justice

- Significant improvements of the judicial system through strengthening the enabling environment of legislation, policies and programmes;
- Development of effective and sustainable justice system mechanisms through tools and guidelines for Albanian courts;
- Development of quality data on the Albanian justice system for informed decision making;
- Increased capacities of court administrators on the implementation of the various European Commission for the Efficiency of Justice (CEPEJ) tools and guidelines, thus leading towards improved court management.

Protection and promotion of human rights in the judiciary

- Improved professionalism of Albanian legal professionals. National institutions from Albania, including the School of Magistrates and the National Chamber of Advocacy of Albania (Dhoma Kombëtare e Avokatisë) were trained as regards implementation of the ECHR in the areas of ill-treatment, anti-discrimination, and hate crime and hate speech;
- Enhanced capacities of judges, prosecutors and lawyers to apply the ECHR, the European Social Charter (ESC) and Revised ESC in their daily work.

FREEDOM OF EXPRESSION AND FREEDOM OF MEDIA

- Increased capacities of the Audio-Visual Media Authority (AMA) staff as well as journalists, legal professionals, parliamentarians;
- Setting-up of a Press Council in Albania;
- Opinions on various legal initiatives pertaining to audio-visual media law, online media regulation in line with relevant CoE standards.

ANTI-DISCRIMINATION, RESPECT FOR HUMAN RIGHTS AND SOCIAL INCLUSION

Inclusive Education

- Improved national policy framework as regards Inclusive education;
- Development of tools and strengthened teacher education practices related to inclusive education;
- Increased capacities of public authorities/administrations in charge of education at both central and local level;
- Creation of regional platforms for policy dialogue, mutual learning and exchange of experience;
- Development by the CoE of the “Language Education Policy Profile: Albania” – a comprehensive forward-looking analysis.

Human Rights and Minority Protection

- Advice and capacity building provided in preparation of the Law on Minorities in Albania;
- Implementation of CoE recommendations on minority rights supported through tailored actions at local government level;
- Minority protection mechanisms and understanding reinforced in municipalities; capacity building in the process of signing and ratification of the European Charter for Regional and Minority Languages (ECRML) provided to relevant authorities.

DEMOCRATIC GOVERNANCE AND PARTICIPATION

- Contribution to the drafting and implementation of Decentralisation and Public Administration Strategies and respective action plans;
- Provision of a formal opinion on the Law on the Organisation and Functioning of Local Self Government through CoE’s Congress of Local and Regional Authorities (Congress) as well as the Centre of Expertise for Local Government Reform;
- Development of a modern and effective system (including an online platform) of Human Resource Management (HRM) at the local government level, in view of the implementation of Civil Service Legislation;
- Enhanced capacities of key institutions in charge of implementation of Public Administration Reform, including HRM units in all local government units (LGUs);
- Drafting the training strategy and action plan for local government administration;
- Support to the drafting of the Council of Minister’s Decision on the Consultative Council (a formal platform of dialogue between central and local authorities), in line with the European Charter of Local Self-Government;
- Increased capacities of the Central Election Commission (CEC) and participation of young people in elections.

Good progress has been achieved through the actions implemented on human rights, support to the justice system, democratic governance and anti-discrimination. The Horizontal Facility will allow for continued support in key areas such as the implementation of the ECHR, reinforced action to combat discrimination and the efficiency of the justice system. However, additional funding is needed for the CoE to engage in joint work with the Albanian authorities to address some fundamental human rights, rule of law and democracy issues identified in the Programmatic Co-operation Document.

MODALITIES FOR IMPLEMENTATION AND COORDINATION

The CoE and the Albanian authorities jointly assess the implementation of the Co-operation Document through a Steering Committee composed of representatives of the CoE, the Ministry of Foreign Affairs and other national stakeholders involved in the implementation of this Co-operation Document. Responsibility for monitoring implementation of the Co-operation Document lies with the CM and in particular the Rapporteur Group on Democracy (GR-DEM).

The Co-operation Document ensures synergy and complementarity of action with other stakeholders. Projects are implemented in close coordination with the Albanian Government and other relevant institutions at central and local level, international partners active in Albania, notably the EU the OSCE and the UN, as well as with development agencies of the CoE member states.

The main counterpart for coordinating the Co-operation Document within the Albanian Government is the Ministry of Foreign Affairs. The CoE office in Albania maintains regular contacts and exchanges with the Department of Development, Financing and Foreign Aid under the Council of Ministers as well as through Donors and International Partners meetings.

The CoE office in Albania plays an important role in the coordination and implementation of the Co-operation Document. It currently employs six core staff members and eight project staff. The office is directly involved in project implementation and assists CoE Major Administrative Entities (MAEs) with regional and thematic programmes. The office facilitates contacts with international partners present in the field. It also contributes to the increased visibility of the Organisation's actions in Albania and significantly contributes to efficient use of resources through de-centralised project management. The office provides regular support to various CoE Institutions and bodies for organising events and project activities in Albania, as well as assistance for CoE monitoring visits.

Gender equality is mainstreamed throughout the CoE's projects. In addition, the CoE promotes the active participation of civil society in project activities. For this purpose, the Guidelines on gender mainstreaming and Guidelines on civil society organisations participation in CoE's co-operation activities are also taken into account.

FUNDING AND PARTNERS

In line with the CoE resource mobilisation strategy, ODPG coordinates fundraising, and has focused its efforts on Co-operation Document level contributions. The overall budget of the Co-operation Document totals €17,340,633. Funding of €7.9 million (46% of the total budget) has been secured for the reporting period of the programming cycle (see Figures 1 and 2).

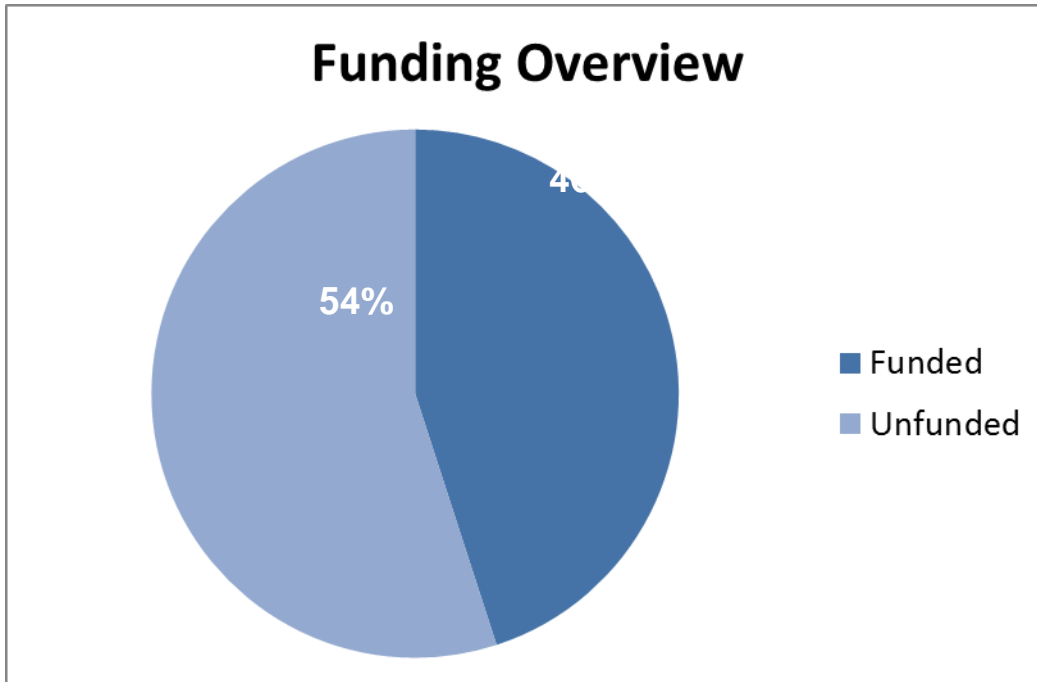


Figure 1: Programmatic Co-operation Document for Albania 2015-2017 funding overview as of September 2016

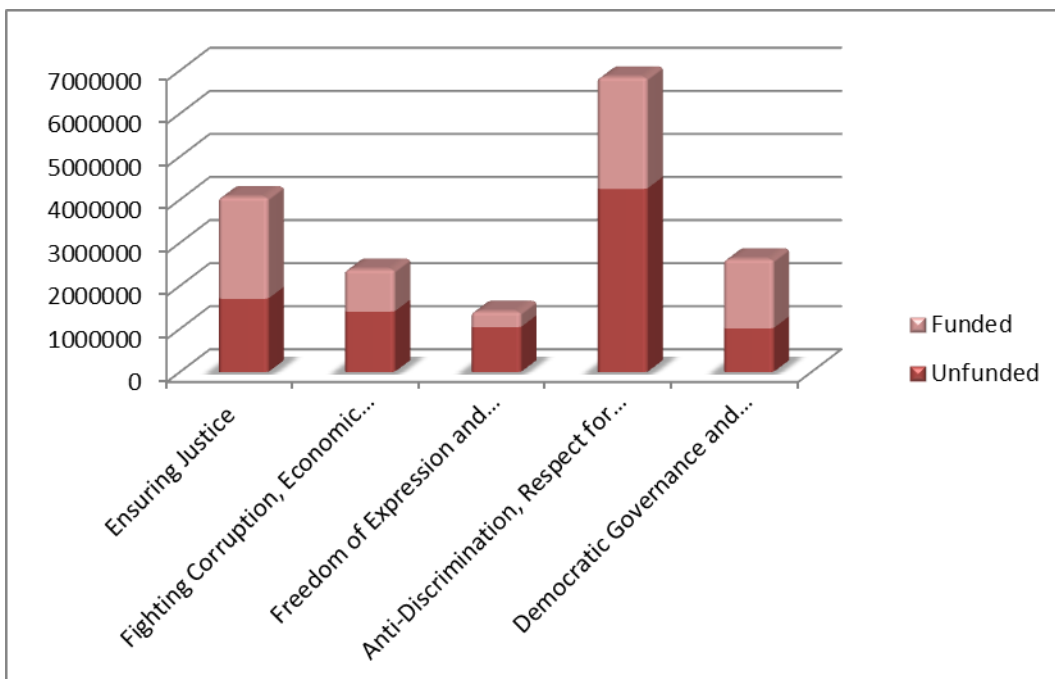


Figure 2: Funding of the Programmatic Co-operation Document for Albania 2015-2017 per sector as of 30 September 2016

Out of the total secured, 66.5% of the funds were ensured under the partnership between the CoE and the EU. During the reporting period of the Co-operation Document, Albania benefitted from Joint Programmes between the CoE and the EU in areas related to efficiency of justice, cybercrime, anti-discrimination systems, protection of human rights and minorities, inclusive education, and mediation and inclusion benefiting the Roma population. The Horizontal Facility that entered into force recently² backs actions in Albania amounting to €4.5 million. Overall, funding from the EU to the Co-operation Document totalled €5,258,594.

² The funds allocated to the different Horizontal Facility Actions will be fine-tuned during the inception period (23 May - 30 September 2016) and confirmed after the end of inception.

Voluntary contributions (VCs) from CoE member states amounted to €1,555,805 and enabled the implementation of projects in the areas of the protection and promotion of human rights, support to execution of judgements of the ECtHR as regards property rights, and local government. Switzerland provided funding of €1,458,025 in support of local government reform. Norway and the Human Rights Trust Fund contributed to the implementation of the Co-operation Document with €77,780 and €20,000 respectively through regional projects³. In addition, the CoE Ordinary Budget (OB) funding supplemented contributions.

An additional €9,428,959 is needed for full funding of the Co-operation Document.

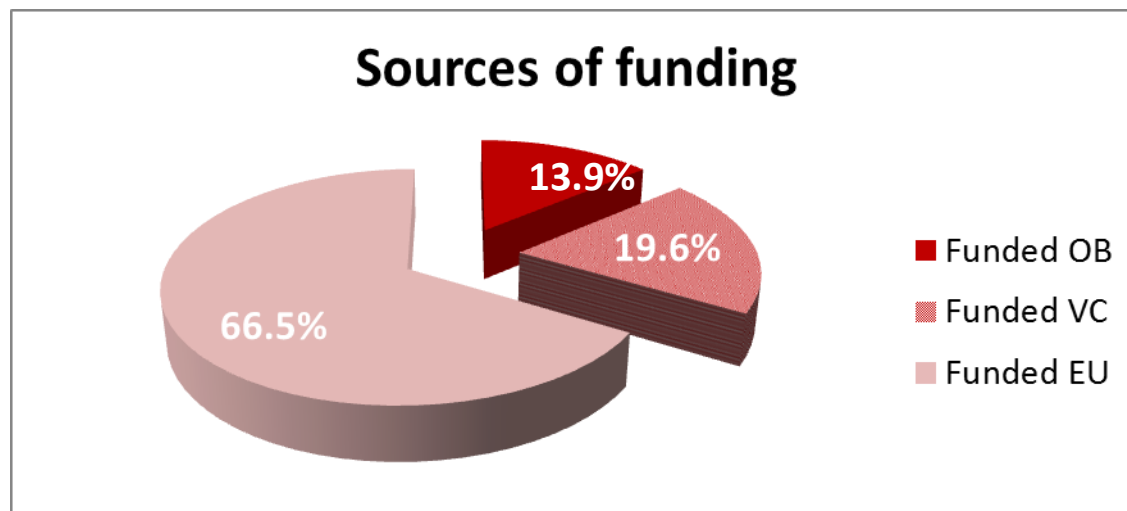


Figure 3: Funding sources for the Programmatic Co-operation Document for Albania 2015-2017 as of September 2016

LESSONS LEARNED

The following list summarises the operational lessons learned during Co-operation Document implementation.

- Effective coordination of projects is of crucial importance considering the multiplicity of international donors and in the case of Horizontal Facility the variety of national actors involved in new actions;
- The CoE human rights-based approach to technical assistance is an important complement to existing international assistance programmes in Albania;
- Local capacity development remains an important element of the technical assistance programmes;
- Effective co-operation and communication with the EU is essential in advancing the close partnership between the two organisations, to ensure both obligations of Albania as a member state of the CoE and EU accession process requirements;
- Un-earmarked VCs are welcomed, as they allow the CoE to adjust to the needs and dynamics of the reform processes.

PROGRAMMING OUTLOOK

The implementation of additional actions included in the Co-operation Document will further contribute to the overall objective to support Albania in fulfilling its obligations as a CoE member state and to help it address fundamental human rights, rule of law and democracy issues.

The EU/CoE Horizontal Facility and the programme “Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe” (JUFREX) began in the spring 2016 and will last for three years. Actions included in these programmes have been closely discussed with both the Albanian authorities and the EU.

³ “Promoting freedom of expression and information and freedom of the media in South-East Europe”; “European programme for human rights education of legal professionals” (HELP)

SECTOR REVIEW

1. ENSURING JUSTICE

BACKGROUND

The CoE has a solid track record of co-operation activities in the justice sector. Judicial reform remains vital for Albanian progress towards EU accession negotiations. The Government of Albania committed itself to judicial reform, notably through the adoption of the roadmap with the EU. At the request of the Ad hoc Committee on Justice System Reform of the Albanian Parliament, the Venice Commission provided an opinion on the Draft Amendments to the Constitution of Albania⁴. With the adoption of the Constitutional Amendments by the Albanian Assembly on 22 July 2016, the next crucial steps are the adoption of the judicial reform strategy and action plan followed by the adoption of the necessary institutional, legislative and procedural measures. Through its multi-faceted collaboration, the CoE continued to assist Albania to strengthen the independence, efficiency and accountability of justice-related bodies⁵.

ACTIVITIES AND RESULTS

The CoE strengthened the quality and efficiency of the Court and enforcement systems in Albania, by supporting reforms in the field of Court Administration and Case Management. During the period 2015-2016, the CoE co-operation with Albania focused mainly on strengthening institutional frameworks for implementing European human rights standards in the country. Activities focused on enhancing the efficiency and effectiveness of Courts and court proceedings, through court coaching sessions have been delivered in all 36 first and second instance courts, as well as the High Court of the Republic of Albania. A thematic report on Judicial Time Management was prepared, providing an assessment of the courts' efficiency as well as indicators and methodology for setting and monitoring timeframes of proceedings. Court staff was further a focus of activities, with the Albanian School of Magistrates benefitting from insertion in European circuits in the area of judicial and prosecutorial training. Provisional recommendations were provided to the School of Magistrates to address challenges in the current training curriculum.

The CoE further advanced the skills of judges, legal advisors and judicial assistants in the Constitutional and High Courts of Albania and enhanced knowledge of the character and functioning of the ECtHR and its case law, with particular focus on Article 6 of ECHR. Concrete recommendations were made as regards the issue of data protection and transparency in proceedings in Albanian courts.

The CoE supported the strengthening of the penitentiary system of Albania through one bilateral and three multilateral co-operation activities. The support focused on the improvement of detention conditions and treatment of prisoners, combating ill-treatment in prison, the social reintegration of offenders - to reduce reoffending – co-operation between prison and probation services and the improvement of mental health care in prison.

The CoE has also supported the effectiveness and implementation of the ECHR in Albania by providing training for legal professionals, increasing the co-operation among relevant international and national actors and the coordination of their different initiatives. Through this training, lawyers and potential applicants were introduced to the requirements for cases to be brought to the ECtHR; thus enhancing their capacity to comply with the admissibility criteria, increasing the quality of well-founded applications and reducing the total number of application submitted to the ECtHR. In addition, on-line supporting resources were further provided to enhance knowledge and skills on the implementation of the ECHR at a national level.

⁴ (CDL-REF(2015)037)

⁵ See Support to Efficiency of Justice Project (SEJ)

PROGRAMMING OUTLOOK

Actions under the Horizontal Facility in the field of justice will begin in the coming period. Through these interventions, the CoE will continue to support the efficiency and quality of justice⁶, while expanding work toward supporting the implementation of domestic court judgments, in particular in view of Articles 1 of Protocol 1 to the ECHR (right to property), and Article 6 of the ECHR (the right to a fair trial).

In the framework of the Horizontal Facility the prison system will be supported to enhance the professionalism of the prison staff, to ensure better human rights protection of prisoners, to support the rehabilitation of prisoners through individual sentence planning based on risks and needs assessment, to improve the provision of health care, including mental health care and the application of medical ethics in prison and to strengthen safeguards against ill-treatment through an efficient complaint system and by strengthening governmental inspection and independent monitoring.

The CoE is seeking extra-budgetary resources to fund four additional projects under this theme, focusing on assistance to the Parliamentary Committee on judicial reforms, strengthening the capacities of the Ministry of the Interior, combating ill-treatment by law enforcement agencies and producing ECHR publications and videos in Albanian.

2. CORRUPTION, ECONOMIC CRIME AND ORGANISED CRIME

BACKGROUND

Anti-corruption policy has been high on the list of priorities of all Albanian Governments since at least 2003, as well as being the target of extensive assistance through consecutive CoE/EU joint projects. On 20 March 2015, the Albanian Government adopted the National Cross-cutting Strategy and Action Plan 2015-2020, followed by the adoption of the Law on Whistleblowers on 2 June 2016. However, corruption is widespread and more efforts are needed to establish a solid track record of investigations, prosecutions and convictions at all levels, in particular for cases where high-level state officials are involved. The independence of institutions involved in the fight against corruption needs to be enhanced, as they remain vulnerable to political pressure and other undue influence⁷. GRECO's Fourth Round Evaluation Report on Albania concluded that only one of the ten recommendations has been implemented satisfactorily or dealt with in a satisfactory manner by Albania. Nine recommendations have so far been partly implemented, and GRECO has invited the Albanian authorities to report on the progress towards full implementation of these recommendations by 30 September 2017. A regional project focusing on co-operation on Cybercrime was initiated on 15 December 2015. Albania is a party to the Criminal Law and Civil Law Convention on Corruption, the Convention on Cybercrime and the Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime and on the Financing of Terrorism.

ACTIVITIES AND RESULTS

In May 2015 the CoE organised a Regional Conference on "Detecting and Investigating Corruption and Fraud through Audit Procedures" in Tirana. The main goal of the conference was to identify problems and discuss corruption typologies linked with improper management of public funds.

The CoE has started its activities addressing cybercrime and money laundering on the internet under the regional EU/CoE "Project on targeting crime proceeds on the Internet in South-East Europe and Turkey" ("iPROCEEDS"). It will aim to improve the Albanian legislation on the search, seizure and confiscation of cybercrime proceeds. Moreover, in line with data protection requirements, laws regarding money laundering on the Internet will also be strengthened through upcoming actions. This will be compounded with the development of guidelines on the prevention and control of online fraud and criminal money flows and the establishment of public/private information sharing and intelligence exchange mechanisms.

⁶The Horizontal Facility includes actions in the area of the efficiency of justice that will ensure a continuation to the "Project to increase the efficiency of the Albanian justice system, in line with European standards (SEJ 1)".

⁷EC Progress report 2015 Albania

PROGRAMMING OUTLOOK

In the framework of the Horizontal Facility, the CoE will continue working with relevant national authorities in Albania. In the coming period, the CoE action will aim to improve implementation of key and recent recommendations of GRECO and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), and to further strengthen institutional capacities to counter and prevent corruption; money laundering; and the financing of terrorism in accordance with European standards. The action will focus on supporting the authorities in several directions including: support for the strengthening of legislation and regulatory frameworks; institutional capacity building; and support enhanced inter-agency and international co-operation.

Additional projects in need of funds in this sector include work aimed at addressing ethics and integrity in higher education.

3. FREEDOM OF EXPRESSION AND INFORMATION SOCIETY

BACKGROUND

The legal framework regarding freedom of expression and the media has undergone a number of reforms. However, in its 2015 Progress Report the EU has observed that, the Albanian government failed to act on the identified priorities in the area of freedom of expression and media.

The Law on Audio-visual Media was adopted in March 2013 with the assistance of international organisations and the expert advice provided by the CoE. The 2013 EU progress report on Albania pointed that the adopted law had substantially improved the legislative framework for audio-visual media in Albania, whilst “failing to provide a selection procedure for the governing bodies of the regulator and the public broadcaster that guarantees their independence”.

In 2014, a new legislation on access to information was adopted which significantly improved the timelines public authorities need to respond to official requests for information. The law was drafted with the contribution of civil society organisations in the country and is in line with the European best practices. However, reports of several civil society organisations have shown that public institutions lack understanding of the obligations coming from the law and refuse to provide information as required by the law.

On 19 April, the Albanian Constitutional Court examined a request filed by the Albanian Association of Electronic Media, claiming the constitutional incompatibility of the Article 62, point 3 of the law on Audio-Visual Media, and ruled its repeal.

ACTIVITIES AND RESULTS

Between September 2013 and August 2015, Albania has been part of the CoE regional project aimed at developing legal and institutional guarantees for freedom of expression, higher quality journalism, and a pluralistic media landscape in line with CoE standards. Some of its major achievements in Albania include:

- Increased capacities of the AMA staff as well as journalists, legal professionals, parliamentarians, etc;
- Setting-up of a Press Council in Albania;
- Provided opinions on various legal initiatives pertaining to audio-visual media law, online media regulation in line with relevant CoE standards.

The regional project JUFREX held its first regional activity in July and focuses much of its work in Albania, in particular on the judiciary.

On 9 June 2016, the CoE provided an expert’s opinion to the Albanian Minister of Innovation and Public Administration on the draft amendments to e-commerce law which concern online media content.

PROGRAMMING OUTLOOK

In the coming period, the CoE will aim, inter alia, to enhance the application of the ECHR and the ECtHR case-law in the field of freedom of expression in the daily work of the judiciary through the interpretation and implementation of the legislation in line with European standards. Further it will aim to enhance the independence and effectiveness of the bodies responsible for broadcasting regulation, in line with European standards and promote rights and responsibilities of journalists, including professionalism and ethics among them, based on the ECtHR case-law and other CoE legal instruments.

A supplemental country-based project to the regional project on Freedom of Expression and the Media will be implemented pending funding. Likewise, financing is being sought for projects on enhancing privacy and data protection, as well as enhancing the protection of human rights on the internet.

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

BACKGROUND

The CoE has assisted the Albanian authorities' efforts in aligning the domestic policies, legislation and practices with the European standards. The government of Albania has recently developed a number of strategies and action plans to address outstanding needs in human rights, discrimination and social inclusion.

On 12 December 2015, the Albanian Government adopted the National Strategy on Social Protection. The Draft Cross-cutting National Strategy on Gender Equality has been prepared by the Ministry of Social Welfare and Youth and it's awaiting to be adopted by the Council of Ministers. In addition, a number of action plans have been established starting from the National Action Plan on Youth (6 May 2015), the National Action Plan for the Integration of Roma And Egyptians (November 2015), the National Action Plan for People with Disabilities (March 2016) and the National Action Plan on Lesbian, gay, bisexual, transgender and intersex persons (LGBTI) (in May 2016) drafted with the CoE support and assistance.

In the same vein, the CoE has assisted the Albanian Ministry of Social Welfare and Youth to draft the Policy Document "The future of Integrated Child Protection System in Albania", launched on 16 December 2015.

Based on an official request from the Ministry of Foreign Affairs of Albania (MFA), the CoE (through a regional joint EU/CoE project "Promoting Human Rights and Minority Protection in South East Europe) provides expertise to support the working group drafting the Law on minorities in Albania. The new Law is planned to be submitted to the Parliament before the end of 2016.

Notwithstanding the notable progress in the legal and policy areas, effective implementation of improved legislative and policy frameworks in this field remains a challenge. The new territorial and administrative organisation of local government necessitates further consolidation of relevant institutions, tools and capacities.

The CoE remains committed to 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.

In the field of education and social inclusion, the Ministry of Education and Sports has availed of the CoE's offer to provide support and expertise in reflecting upon their language education policy aiming at reviewing Albania's language policy.

ACTIVITIES AND RESULTS

The CoE has focused many of its activities on enhancing social inclusion and social cohesion through the promotion of inclusive education and training. To this end, activities in Albania included the establishment of 7 pilot schools which support inclusiveness. 7 schools in Albania received grants of €9,500 each to implement small projects supporting enhanced inclusive practices in their communities. Opportunities for comparison with successful models of inclusive education were extended to 5 new schools, whose administrators participated in study visits to France, Belgium, Germany and Luxembourg. Training provided by the CoE resulted in increased ownership and motivation for inclusivity in educational establishments, which is vital for sustainability of the actions. A publication outlining successful school-based projects on inclusive education was produced. School Development Plans on systematically planning and integrating school projects are currently in place in 12 schools in Albania, in view of the project's policy recommendations.

Institution strengthening activities which focus on the main human rights and anti-discrimination bodies have recently commenced in Albania. The focus of CoE's interventions in this regard is to improve human rights and anti-discrimination legal frameworks, policies and coordination, through focused work with the Ombudsperson and the Commissioner for Protection against Discrimination.

The CoE provided expert advice in the context of amending the Law on "social programs for housing the citizens of urban areas, targeting the vulnerable people". It aimed, *inter alia*, at:

- Introducing (for the first time in the Albanian legal order) the concepts of adequate housing, homelessness, and forced evictions;
- Introducing (for the first time in the Albanian legal order) a series of judicial remedies for challenging evictions from social housing / non-granting of social housing benefits (e.g. rent subsidy);
- Ensuring that evictions from all forms of social housing would be subject to review by an independent tribunal, as required by the jurisprudence of the ECtHR;
- Introducing the concept of social housing as a means of promoting social cohesion; social housing should not be seen in isolation but rather as a component of targeted educational, vocational, and other interventions aimed at promoting the reintegration of marginalised groups (such as the Roma⁸ and Egyptians) in the society, etc.

At the same time, the CoE provided capacity building and advice to authorities on national level to develop and revise instruments for the protection of rights of national minorities through the joint EU/CoE project "Promoting Human Rights and Minority Protection in South East Europe".

During 2015-2016, the Project awarded small grants worth €108,000 to six municipalities to find solutions to issues which national minorities face at the grassroots level. Such grant scheme was operational during a period of twelve months.

More than 50 key municipal officials from six municipalities with the largest number of minorities were provided a number of opportunities to strengthen further the capacity of the local self-governments in planning, implementing and monitoring-evaluating small-scale projects implemented on the local level with special emphasis on minority promotion and protection issues.

PROGRAMMING OUTLOOK

The EU/CoE Horizontal Facility signed on end of May 2016, has included funding for three projects in the Anti-Discrimination, Respect for Human Rights and Social Inclusion sector.

⁸ Albania did not take part in the ROMACT project but it is foreseen that it will be included in the regional Joint Programme under negotiation regarding Roma.

The first action will be based on the new law on national minorities, where assistance will work toward finalizing the law on minorities and drafting secondary legislation. Also, a comprehensive analysis on the possible application of the ECRML in Albania will be carried out. The second action will aim at enhancing the system of data collection by the police, social workers and labour inspectors, while supporting the capacity of the police to investigate homo/transphobic offences and discrimination on the ground of sexual orientation and gender identity (SOGI). The third action concerns the fight against bullying, extremism and discrimination in education institutions in Albania. It will focus on fostering social cohesion by fostering inclusive schools and communities, in particular through addressing bullying and extremism in the education system.

A number of projects in this sector still require funding. In particular the project "Training on Anti-discrimination, focusing particularly on Roma housing" is awaiting funds. Likewise, the projects aimed at strengthening and protecting child rights in Albania, and related to education for democracy and human rights remain unfunded. Financial support for youth policy reform and promotion of social rights are also being sought. Human-rights based approaches toward disability is additionally currently in need of extra-budgetary resources.

5. DEMOCRATIC GOVERNANCE AND PARTICIPATION

BACKGROUND

Since 2000, the CoE has demonstrated through its co-operation activities its determined efforts to support Albanian authorities in establishing and consolidating local democracy and good governance. Based on its standards and policy recommendations, through sectors as diverse as electoral reform, local democracy and cultural heritage, the CoE has approached the development of democracy from various perspectives to encourage greater involvement of the population in decisions with a direct impact on their lives.

In February 2014 a new Law on Civil Servants became effective. In July 2014, the Albanian Parliament adopted a new law "On the territorial and administrative division of the LGUs in the Republic of Albania", which was cleared by the Constitutional Court in December 2014 thus leading to amalgamation of 373 municipalities and communes to 61 municipalities. In April 2015, the Public Administration Reform Strategy 2015-2020 was adopted being the main governance framework for local governments and governance reforms as well as one of the key priorities for Albania's EU integration. A new Crosscutting Strategy on Decentralisation and Local Governance 2015-2020 was adopted in July 2015, constituting the Albanian government's vision for the strengthening of local governance and local democracy in the country. The new Organic Law on the Organisation and Functioning of Local Government was adopted in December 2015, as part of the Decentralisation Strategy Action Plan. It provides a new framework for local government operations, in line with the government strategic vision for furthering decentralisation in the context of the administrative and territorial reform. The 21 June local elections were the first to be held after the adoption of the territorial-administrative law on 31 July 2014 thus constituting the 61 new local governments.

A pre-electoral assistance programme for Albania was put in place ahead of the 2015 local elections to support free and fair elections in the country. Through this programme, the Venice Commission provided hands-on assistance for the facilitation of rules for procedures and training materials for commissioners and manuals. In addition, an awareness-raising programme for first time voters helped the CEC to reach out not only first-time voters but also their peers and families, building on the results of the previous CoE initiatives in the 2011 local elections and 2013 general elections.

In its 29th Session (20-22 October 2015), the Congress adopted its report on the observation of the local elections⁹.

⁹ CPL/2015(29)2FINAL

ACTIVITIES AND RESULTS

Longstanding support has been provided to decentralisation reforms in Albania. In the framework of Co-operation Documents with Albania 2015-2017, the CoE has continued to implement the Swiss funded project “Strengthening Local Government Structures and Co-operation of Local Elected Representatives in Albania”¹⁰ aimed at improving the quality of local self-governance through decentralisation and capacity of LGUs, including constructive dialogue and co-operation between local and central authorities. It contributed notably to:

- Shape the criteria, methodology and process pertaining to Territorial Administrative Reform;
- Draft the Public Administration Reform Strategy 2015-2020 (PAR) and Crosscutting Strategy on Decentralisation and Local Governance 2015-2020;
- Draft the Law No. 139/2015 on Local Self-Government and reviewing previous legal framework¹¹;
- Build a modern and effective HRM and standards at local level;
- Set up the Local and Central Government Consultative Council;
- Establish a platform of dialogue between local elected representatives and central government (Congress).

The project has assisted the Department of Public Administration (DoPA) in developing secondary legislation on implementation of the Civil Service Law (CSL), and in coordination with DoPA is pursuing the adoption of manuals and guidelines, tools and procedures for implementing and monitoring the compliance with the civil service legislation regarding the whole human resources cycle from job descriptions to recruitment, performance appraisals, career development, mobility, training planning, etc. In the framework of the project, an Institutional Assessment and a Training Needs Assessment (TNA) methodology has been developed, including assessment tools, data entry, processing and results generation system that allows interaction between the demand (LGUs policy maker (CoE Project against Money Laundering and Terrorist Financing (MoLI)) and the service provider (DoPA and Albanian School of Public Administration (ASPA)).

The project has supported the development of e-PAV (electronic-Platform of Local Administration), a web-based HRM electronic system designed to serve the purpose of documenting the local administration workforce which is used as an HRM tool by LGUs, in communication with DoPA and ASPA for training purposes, linking the civil service performance appraisal with training aspect. The e-PAV system for the first time brings all the relevant actors around a comprehensive and interactive platform of communication and data compliant to their legal mandates. A help-desk, manned by two staff, is already established to support the 61 municipalities and 12 counties as far as implementation of CSL and HRM are concerned, including support for operating the e-PAV.

The project has assisted government to improve the legislation on local government by ensuring that the principles of the European Charter of Local Self-government are enshrined. The team of Congress experts in co-operation with the locally elected representatives and their associations contributed to the new Law on Local Government and the draft Council of Ministers Decree on the Consultative Council between central and local self-government. The consultation process involving locally elected representatives demonstrated that their common interests on local democracy and decentralisation prevailed on the respective party affiliation.

¹⁰ Phase II of the project was granted an extension until June 2017, (total contribution over 1.9 million Euro).

¹¹ Including the provision of a formal Opinion on the Law through the Congress and the Centre of Expertise for Local Government Reform

PROGRAMMING OUTLOOK

Within the project framework, the CoE will further guide and support the implementation of the CSL and HRM tools and procedures in LGUs and consolidate fully-fledged human resources management units at the LGU level. The CoE will continue to provide legal assistance and carry out capacity-building activities. With the help of the e-PAV platform and Help Desk services, the CoE will support the finalisation of the staff competences' database and the national register of local administration and ensure proper interaction between DoPA and ASPA on TNA, training plans and training delivery. Further, it will introduce and enhance the implementation of modern HR tools, enable peer to peer exchange among HR managers of 61 municipalities; support the improvements of the legal infrastructure for HRM as necessary; support the conduct of central institutions assessment such as MoLI, DoPA, ASPA, Commissioner for the Oversight of the Civil Service (COCS) and Territorial Reform Implementing Agency (TRIA) from the HRM perspective including improvement of their horizontal and vertical communication and coordination;

In addition, the 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 decentralisation process and the consolidation of good governance principles in Albania. The action to foster the implementation of Inter-Municipal Co-operation initiatives will also continue. At the same time, the Congress will provide support for increased dialogue between central and local authorities and among themselves.

As concerns electoral assistance, the Venice Commission stands ready to assist the on-going electoral reform agenda in Albania. In addition, the CoE will support the CEC efforts to improve its training capacities and outreach through the establishment of a Centre for Electoral Training and Voter Education. The CoE will also support the increased participation of young people in elections through an awareness-raising programme for first time voters.

Finally the PACE will work in close partnership with the Albanian Parliament in the fields of freedom of expression, anti-corruption, anti-discrimination and parliamentary immunity.

Appendix I. Financial table

Sectors	Total revised budget	Funded OB	Funded JP	Funded VC	Total funds secured	Additional funds required
Ensuring Justice	€ 4 068 413	€ 436 320	€ 1 907 794	€ 20 000	€ 2 364 114	€ 1 704 299
Corruption, Economic Crime and Organised Crime	€ 2 387 945	€ 150 943	€ 830 712		€ 981 655	€ 1 406 290
Freedom of Expression and Information Society	€ 1 407 829	€ 57 407	€ 229 630	€ 77 780	€ 364 817	€ 1 043 012
Anti-Discrimination, Respect for Human Rights and Social Inclusion	€ 6 850 871	€ 302 605	€ 2 290 458		€ 2 593 063	€ 4 257 808
Democratic Governance and Participation	€ 2 625 575	€ 150 000		€ 1 458 025	€ 1 608 025	€ 1 017 550
TOTALS	€ 17 340 633	€ 1 097 275	€ 5 258 594	€ 1 555 805	€ 7 911 674	€ 9 428 959