



## ANNEX C1: Twinning Fiche

**Project title:** “Support to the Office of the People’s Advocate and promotion of human rights in Albania”

**Beneficiary administration:** the Albanian People’s Advocate

**Twining Reference:** AL 20 IPA JH 01 21

**Publication notice reference:** EuropeAid/173298/ID/ACT/AL

**EU funded project**

***TWINNING TOOL***

## **List of abbreviations**

PA – People’s Advocate;

SDG - Sustainable Development Goals;

RISPA - Revised Indicative Strategy Paper for Albania for the period 2014-2020;

NSDI – National Strategy for Development and Integration 2015-2020;

NPEI – National Plan for European Integration 2021-2023;

SPPA – Strategic Plan of the People’s Advocate Institution 2019-2022;

UPR - Universal Periodic Review;

GANHRI - Global Alliance of National Human Rights Institutions;

ECRI - European Commission against Racism and Intolerance;

SIGMA - Support for Improvement in Governance and Management.

## **1. Basic Information**

- 1.1 Programme: IPA (II), Action Programme for Albania IPA 2020/ 042-914.03/AL/EU Integration Facility (indirect management, with ex-ante control).

**For UK applicants:** Please be aware that following the entry into force of the EU-UK Withdrawal Agreement<sup>1</sup> on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014<sup>2</sup> and Annex IV of the ACP-EU Partnership Agreement<sup>3</sup>, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom<sup>4</sup>. Those persons and goods are therefore eligible under this call.

- 1.2 Twinning Sector: Justice and Home Affairs

- 1.3 EU funded budget: **EUR 300,000**

- 1.4 **Sustainable Development Goals (SDGs):** SDG 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## 2. Objectives

### 2.1 Overall Objective(s):

To contribute to the democratization of the society, promotion of the principles of the rule of law, human rights and good governance through increased efficiency control of the legality in the work of public administrative bodies.

### 2.2 Specific objective:

To enhance the capacities of the Albanian People's Advocate in the field of human rights, fundamental freedoms protection and promotion, in line with EU legislation and international obligations in the field of fundamental human rights and freedoms.

- 2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans.

- **The Albanian Parliament's Resolution on the yearly evaluation of the activity of the**

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<sup>1</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

<sup>2</sup> Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

<sup>3</sup> Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014).

<sup>4</sup> Including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU.

**People's Advocate**<sup>5</sup>. Based on the annual report that the People's Advocate submits each year to the Parliament regarding its activity for the respective year, the Parliament identifies the main areas in which institutional attention needs to be focused. These issues are addressed in the form of recommendations through a resolution, on the implementation of which the institution reports periodically, as well as in the annual report. In the 2020 resolution, the Assembly has identified the following main areas: monitoring the level of implementation of recommendations, as well as increasing engagement in several key fields such as protecting the interests of Albanian citizens residing abroad; cooperation agreement with the Commissioner for Protection against Discrimination; monitoring the protection and respect of children's rights, gender equality, the rights of national minorities and the LGBTI community. The adoption of the resolution for the evaluation of the activity of the institution for 2020 and the addressing of the respective recommendations to be kept in focus during 2021 is currently ongoing.

- **The National Plan for European Integration (NPEI) 2021-2023**<sup>6</sup>. **Chapter 23 of the NPEI 2021-2023** analyses the current alignment and implementation of the legislation of Albania with reference to the relevant fundamental rights that are a priority for the ongoing reform, such as the rights of the child, prisoners' rights in the penitentiary system, the right to property, personal data protection, freedom of expression, protection of national minorities and fight against discrimination. The Plan recognizes the need to further strengthen the institutional mechanisms for the protection of children, victims of domestic violence, promotion of the rights of persons with disabilities, the need to ensure gender equality and the provision of minimum social and health services, especially at the local level. It acknowledges that the General Directorate of Prisons has taken all necessary measures to address the recommendations of the Ombudsperson regarding the improvement of conditions and treatment of prisoners. Moreover, it underlines the successful cooperation of the People's Advocate Public Institution with other State institutions, Civil Society Organization's, and the Commission for Protection from discrimination, supported by donors and embassies, to implement awareness campaigns to make discrimination and hate speech unacceptable. These activities have received wide public attention and media coverage.
- **The Strategic Plan of the Albanian People's Advocate 2019-2022**<sup>7</sup> sets forth the main strategic objectives of the Albanian People's Advocate, which are largely in line with the recommendations of international documents: human rights protection and prevention of violations, human rights promotion, visibility, partnership & collaboration, and institutional capacity and leadership. The People's Advocate aims to focus on what is considered important for both for building up the capacity of the institution and for establishing dialogue with relevant stakeholders.

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<sup>5</sup><http://parlament.al/Files/Projekte/20210714133313rezoluta%20e%20Avokatit%20te%20Popullit,%20dt.%207.7.2021.pdf>

<sup>6</sup><http://integrimi-ne-be.punetijashtme.gov.al/wp-content/uploads/2020/04/PKIE-2019-2021.pdf>

<sup>7</sup><https://www.avokatipopullit.gov.al/media/manager/website/reports/People's%20Advocate%20Strategic%20Plan.pdf>;

- **The European Commission’s Albania 2020 Report<sup>8</sup>** noted that “the administration’s performance is still poor when it comes to implementing recommendations from the Ombudsperson...”, and that “The number of Ombudsperson recommendations that are implemented remains low”. Furthermore, this report notes that effective implementation of the Ombudsperson’s recommendations by the public administration needs to be more systematic. A comprehensive approach is necessary to strengthen the capacity of the Ombudsperson in handling cases of human rights violations. The report also notes that the budget allocated to the Ombudsperson has decreased. The report stated the 2019 Universal Peer Review conclusions that the lack of sufficient human, technical and financial resources was undermining the work on human rights promotion and protection. In general, one of the ongoing conclusions of the European Commission’s reports on Albania through years has been that Effective implementation of the Ombudsperson’s recommendations by the public administration remains to be strengthened and made more systematic.

In addition, the report highlights the priority areas to focus in the coming year, as: further improve institutional mechanisms for protecting children, protecting victims of domestic violence, promoting the rights of persons with disabilities, guaranteeing gender equality and providing minimum health and social services, especially at the local level; step up efforts to establish solid anti-discrimination case-law; enact the sub-legal acts related to the Law on Social Housing, which also foresees 5% of housing to be reserved for the most vulnerable members of the Roma and Egyptian communities; swiftly adopt the remaining five bye-laws to ensure full implementation of the legislation related to the 2017 framework Law on the Protection of National Minorities.

### **3. Description**

#### **3.1 Background and justification:**

One of the components of democracy is good governance that implies good administration. Democracy goes beyond elections. It includes daily governance practices. There cannot be good governance when the public administration fails to uphold human rights. The right to a better administration is part of citizen rights. So is any decision making by the state administration and legislators with an approach and from a perspective of human rights. Institutions established to protect human rights are relevant state building stakeholders in democratic systems. Both in exercising its traditional and broader mandate as one of these institutions, the Ombudsperson plays an irreplaceable role, being first and foremost an indicator of the level of maturity in the political class and of the mentality of the society creating it. The purpose of this twinning will be the enhancement of space and opportunities for the institution of the People's Advocate in the exercise of the constitutional mandate, in accordance with these standards, as explained below.

The organizational structure of the Albanian People’s Advocate is given in the Annex III of this document. *Please for more information regarding the People’s Advocate institutional framework refer to Section 5.2.*

The People's Advocate, guided by the principles of impartiality, confidentiality, professionalism and independence, exercises his/her activity for the protection of human rights and freedoms as defined by the constitutional provisions and by the applicable laws. The same protection is granted to the foreigners, whether they are residing lawfully, in Albania or not, refugees, as well as stateless persons within the territory of the Republic of Albania, pursuant to the terms set forth by law. People's Advocate carries out also other tasks determined by special laws.

The People's Advocate, pursuant to the national legislation and the international law (especially the Paris Principles on National Human Rights Institutions and the Venice principles on the Protection and Promotion of the Ombudsman Institution), has been provided with a broad mandate as the highest level national institution for the promotion, prevention of violations and protection of human rights, also based on international standards. This mandate is translated in the jurisdiction and the competences of the institution provided in the Constitution, the law "On the Ombudsperson" and in other duties provided by specific laws.

The People's Advocate is increasingly becoming not only an institution with a voice but also one that is critical for the protection of citizen rights and the stimulation of government bodies' accountability. It is ever more stressing the exercise of its mandate as a front line for the protection of citizen rights and to stimulate government body accountability. The level of implementation of recommendations by public administration institutions has been and remains a constant concern for the institution of the People's Advocate. Beyond the positive steps and initiatives found over the years, much remains to be done in this regard not only, by public administration bodies, at central and local level (especially in terms of implementation of recommendations), but also by the Albanian Parliament, as the legislative body where the reports drafted by the Institution of the People's Advocate are presented and discussed. This issue has been pointed out to us as well in the SIGMA-OECD Report of 2017 Monitoring and Assessment Report for Albania which states that<sup>9</sup>:

*The Ombudsman reports only to the Parliament, which discusses the annual report of the Ombudsman in the relevant committee and adopts recommendations for the institution for the following year, but the Ombudsman does not have the opportunity to present reports in plenary sessions of the Parliament. More importantly, the level of implementation of recommendations remains low. Almost 75% of the Ombudsman's recommendations are not implemented by state administration bodies, and this situation has not improved since 2015. While the majority of state administration bodies accept the Ombudsman's recommendations, monitoring conducted by the Ombudsman Institution showed that in 2016 fewer than half of the recommendations issued had actually been implemented. It is also of concern that 20% of the institutions addressed by the Ombudsman simply ignore its recommendations.*

This is the reason why the institution of the People's Advocate has continuously monitored and monitors the level of implementation of the recommendations addressed to the public

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<sup>9</sup> SIGMA-OECD Report of 2017 Monitoring and Assessment Report for Albania, link <http://www.sigmaweb.org/publications/Monitoring-Report-2017-Albania.pdf>, pp. 98.

administration bodies through the preparation of updated information, which becomes part of the periodic or annual reports.

This has become more evident considering the need for an open and accountable government. Citizen requests to have the People's Advocate intervene or take an institutional position related to high public interest issues are continuously on the rise. This is a responsibility that the People's Advocate tries to meet and realize at all time, regardless of the very limited capacities available. It is the constitutional competence of the People's Advocate in the framework of its functions to make the public administration more sensitive and responsible to the requests for justice and public confidence. In other words, in cooperation with public officials at the central and local level, the People's Advocate enjoys the right and the obligation to strive to create a democratic culture of high human rights and freedoms standards in the country.

It is of note that the international standards developed for national human rights institutions ("Paris Principles") provide for the competences, responsibilities, achievement and guarantees of independence and pluralism. The People's Advocate is certified by competent international organizations for the high standards it meets. *More concretely, the Institution of the Ombudsperson in Albania has been accredited with Status "A" by the Global Alliance of National Human Rights Institutions (GANHRI) for the first time in 2004 and was reaccredited in 2008, in 2015 and in 2020 with the same status.*

With such institutional standing, the legitimate expectations of the public and all the other actors and factors of our democratic society have been and are still high compared to the activity of the People's Advocate Institution.

In view of the institutional capacity and resources, and with due consideration to the political, legal, social, economic, developmental, and cultural realities of Albania, the strategic ambition of the People's Advocate is to become the key human rights actor of a well-functioning national human rights system in Albania. With this approach and strategic ambition, the People's Advocate aims to focus on what is considered important for both building up the capacity of the institution and establishing dialogue with relevant stakeholders.

The People's Advocate is aware that he/she will not be alone in advancing the human rights agenda in Albania, which requires the commitment of all actors who are dedicated to human rights' standards. In this regard, in order to improve the functions of the executive and to protect the public interest, the Institution of the People's Advocate issues recommendations but has no powers to enforce their implementation. Therefore, the role of the Parliament, *which monitors both executive and independent institutions*, to ensure that the former implements the latter's recommendations, is considered very important.

*Please for more information regarding the relationship between the PA institution and the Parliament refer to the explanations hereinafter.* Strengthening cooperation and establishing new

relationships with other actors will be an essential element in the work of the People's Advocate. Only by working together and by being more inclusive to different groups of society, our voice and that of citizens whom we serve, will become more credible and powerful. Particularly, as explained further above, the role of the Parliament, which monitors both executive and independent institutions, to ensure that the former implements the latter's recommendations, is considered very important.

The function and mission of the People's Advocate is to examine the issues that arise as a result of mismanagement in the public administration. Furthermore, the People's Advocate exercises the functions of the National Mechanism for the prevention of torture and treatment or cruel, inhuman or degrading treatment or punishment (NPM)<sup>10</sup> in accordance with the Constitution, international acts ratified by the Republic of Albania and the legislation in force. The NPM is organized and functions as a separate section of the People's Advocate.

The daily instrument through which the People's Advocate aims to achieve his result is the recommendation. After reviewing and investigating various issues, the People's Advocate realizes the mediation and, through his/her recommendations, aims to solve the problems on a legal basis. The solutions achieved by him/her aim to bring improvements in the standards and quality of public administration services to citizens.

Therefore, strengthening own human and financial capacities, implementing better standards and practices, through having an infrastructure that enables the achievement of goals and aims, is and still remains a constant effort and challenge of People's Advocate.

In order to improve the functions of the executive and to protect the public interest, the Institution of the People's Advocate issues recommendations but has no powers to enforce their implementation. Therefore, the role of the Parliament, *which monitors both executive and independent institutions*, to ensure that the former implements the latter's recommendations, is considered very important. The Parliament of the Republic of Albania with Decisions no. 49/2017<sup>11</sup> "On the establishment of the mechanism for systematic monitoring of the follow-up and implementation of the recommendations of independent constitutional institutions and those established by law", and no. 134/2018<sup>12</sup> "On the approval of the annual and periodic monitoring manual" has established mechanisms for systematic monitoring of the follow-up and implementation of the recommendations of independent institutions. However, despite the establishment of these mechanisms by the Parliament, there is still room for improvement in this regard. These mechanisms need to play a more active role in justifying the purpose of their creation. These mechanisms have been established precisely with the spirit and purpose to address shortcomings through the promotion of a transparent system and a more efficient evaluation of the

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<sup>10</sup> Article 31/1 of the Law No. 8454, dated 04.02.1999 "On People's Advocate" as amended;

<sup>11</sup> <https://www.parlament.al/Files/Projekte/vendim-nr.-49-dt.-20.4.2017-3.pdf>

<sup>12</sup> <http://www.parlament.al/Files/Projekte/20181228125634vendim%20nr.%20134.%20dt.%2020.12.2018.pdf>



implementation of the recommendations of independent institutions for the executive and subordinate bodies.

An in-depth assessment of the effectiveness or efficiency of this mechanism and its real impact on increasing the level of implementation of recommendations is needed. Further improvements are needed to make the mechanism more functional to enable the effective implementation of existing legislation and its improvement in areas related to human rights. This project can help not only in making this mechanism effective, but also in addressing the problems that the People's Advocate institution faces during the exercise of its mandate. *Reviewing and improving the legal framework that supports the activity of the People's Advocate institution*, including and reflecting the recommendations of GANHRI Sub-Committee on Accreditation<sup>13</sup> where it is suggested to broaden the PA mandate which includes the ability to address all human rights violations resulting from the acts and omissions of private entities, to continue to advocate for adequate funding, including to ensure fulltime staff in its regional offices and interpret the PA mandate in a broad manner and to advocate for the appropriate amendments to its enabling law to provide it with an explicit mandate to encourage ratification or accession to regional and international human rights instruments. *Improving interaction relationship with the Parliament (as an institution to which the People's Advocate reports) and other institutions of public administration over which this institution exercises control activity*. This can be achieved in particular increasing parliamentary control over the implementation of PA recommendations, and more accountability by the executive in relation to the Parliament, not only regarding the level of implementation of PA recommendations, but also for the fulfillment of the obligation related to human rights enjoyment. *Further increase the capacity of the People's Advocate institution to guarantee access to the highest European standards* in order to increase the human and financial capacity of the PA to exercise its mandate fully and independently in accordance with the Paris Principles<sup>14</sup>.

### **3.2 Ongoing reforms:**

There are no currently ongoing reforms that are being implemented or led by the People's Advocate institution in this area. However, there are several ongoing reforms in Albania that impact directly or indirectly the activity of the PA institution such as the Justice Reform<sup>15</sup>, the Reform of Public Administration<sup>16</sup>, Economic Reform Program 2021-2023<sup>17</sup> etc.

### **3.3 Linked activities:**

The Institution of the People's Advocate has had a continuous cooperation with the services of the European Commission, relevant donors or homologue institutions as well as civil society

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<sup>13</sup> <https://ganhri.org/wp-content/uploads/2021/01/SCA-Report-December-2020-24012021-En.pdf>

<sup>14</sup> <https://www.ohchr.org/en/professionalinterest/pages/statusofnationalinstitutions.aspx>

<sup>15</sup> <https://euralius.eu/images/2020/JUSTICE-REFORM-BROCHURE-2020-03-30.pdf>

<sup>16</sup> [http://dap.gov.al/images/DokumentaStrategjik/PAR\\_Strategy\\_2015-2020\\_English.pdf](http://dap.gov.al/images/DokumentaStrategjik/PAR_Strategy_2015-2020_English.pdf)

<sup>17</sup> <https://www.financa.gov.al/wp-content/uploads/2021/02/Economic-Reform-Programme-2021-2023.pdf>

organizations, in the framework of the protection and promotion of human rights in Albania and the observance of European standards and best practices in this regard. Currently, the People's Advocate has signed cooperation agreements with a number of Civil Society Organizations, and has implemented an important number of different projects.

In the framework of bilateral relations with international stakeholders within the country, the People's Advocate has had continuous contacts with the EU Delegation in Tirana, as well as with representatives of the regional and global organizations and institutions operating in Albania, such as the OSCE Presence in Albania, Council of Europe Office in Tirana, Office of UN Resident Coordinator and agencies in the framework of UN such as UNDP, UNHCR, UNICEF and UN Women, and Save the Children Albania.

Cooperation was made possible through continuous communication and exchange of information, coordination of activities with civil society and international stakeholders, partnership in joint public awareness activities, monitoring of the situation and preparation of reports on human rights, and consultancy for legal initiatives and institutional reforms with an impact on human rights and fundamental freedoms.

The People's Advocate institution has substantially benefited from different donors. It is worth mentioning the following:

*-The project "Danish Support to the Albanian People's Advocate Reaching out to local communities, civil society and media" (2013-2017).*

*-The project "Strengthening of administrative capacities of Albanian People's Advocate", funded by the Bulgarian Ministry of Foreign Affairs (2018-2019).*

*-The project "Monitoring migrants' crossing points and strengthening the respect for their rights", funded by the office of UNHCR office in Albania (2018-2109).*

*- The project "Partnership between the People's Advocate of the Republic of Albania (People's Advocate) And the United Nations Children's Fund (UNICEF) (2019).*

Likewise, the People's Advocate has also received support from other donors (such as USAID, UN Office in Albania, SIDA, GIZ etc.), not in the form of direct provision of financial funds in the budget, but through implementation of various activities/services where the People's Advocate institution has been the main beneficiary.

The institution has not applied and benefited so far directly from funds of European Commission projects, but has been a beneficiary in some projects, such as the project "Enhancing the effectiveness of the Albanian system of human rights protection and anti-discrimination", funded

by the European Union and implemented by the Council of Europe, on the basis of which it was possible to prepare a public communication strategy for the institution of the People's Advocate.

### 3.4 Selected applicable *Union acquis*/standards/norms:

- **Union *acquis*:**

- ✓ EU Charter of Fundamental Rights.
- ✓ Other European Union regulations, directives and other legislative acts in the field of fundamental rights and freedoms, citizen's rights and justice, in particular related to the Rights of the Child<sup>18</sup>, rights of persons with disabilities and procedural rights<sup>19</sup>, and equality<sup>20</sup>.

- **International and European standards:**

All Conventions and international treaties to which the country is a party in the fields of relevance to this action as well as *inter alia*:

- ✓ Paris Principles on National Human Rights Institutions
- ✓ Venice Principles on the Protection and Promotion of the Ombudsman Institution
- ✓ UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol
- ✓ UN Convention on the rights of the child and its Protocols
- ✓ UN Convention on the Rights of Persons with Disabilities
- ✓ European Convention on Human Rights and its Protocols

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<sup>18</sup> Full list: [https://ec.europa.eu/info/sites/default/files/childrights\\_annex2\\_2021\\_4\\_digital\\_0.pdf](https://ec.europa.eu/info/sites/default/files/childrights_annex2_2021_4_digital_0.pdf);

<sup>19</sup> Including : Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings; Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings; Directive 2013/48/EU of the European Parliament and the Council on the right of access to a lawyer in criminal proceedings and procedures of the European arrest warrant and on the rights of a third party having informed the deprivation of liberty and to communicate, while deprived freedom, with third parties and with consular authorities; Directive (EU) 2016/343 on the strengthening of certain aspects of the presumption of innocence and the right to be present at one's trial; Directive (EU) 2016/800 on procedural safeguards for children who are suspects and accused in criminal proceedings; Commission Recommendation of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings;

<sup>20</sup> *Framework employment Directive* ([Directive 2000/78/EC](#)) against discrimination at work on grounds of religion or belief, disability, age or sexual orientation; Gender recast Directive ([Directive 2006/54/EC](#)) on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation; Gender Goods and Services Directive ([Directive 2004/113/EC](#)) implementing the principle of equal treatment between men and women in the access to and supply of goods and services ; Race Equality Directive ([Directive 2000/43/EC](#)).

- ✓ European Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

### **3.5 Components and results per component:**

The project will aim to achieve the following results:

#### **RESULT 1 - Component 1: Alignment of national legislation on People's Advocate to the EU legislation, international obligations and European best practices.**

**Sub- Result 1.1** – Recommendations on a draft new law “*On the People's Advocate*”, in line with EU legislation and best practices and standards, provided.

**Sub- Result 1.2** - Institution's internal documents (*internal regulation, manual for the inspection methodology, manual for the monitoring of the protests etc.*) revised/developed and implemented in the institution's functioning.

#### **RESULT 2 - Component 2: Capacity of the People's Advocate Institution as a National Human Rights Institution in the execution of its promotional mandate enhanced.**

**Sub-Result 2.1** - Training Needs Assessment, Design and Delivery of Advanced Training Sessions on Complaints handling developed/carried out.

**Sub-Result 2.2** - Improved visibility of the People's Advocate institution and the role in the protection and promotion of human rights.

**Sub-results 2.3** – Improved cooperation between the People's Advocate institution and the parliament, civil society and public administration to establish better oversight and visibility mechanisms for the implementation of the Ombudsman's recommendations and the Parliament to play a higher role in government scrutiny of those recommendations and the Special Reports.

#### **RESULT 3 - Component 3: Recommendations for the Upgrade of the case management system of the People's Advocate according to successful models and practices of EU Member States.**

**Sub-Result 3.1** – Proposals for Revision of the current People's Advocate case management system and guidance on the potential upgrading and maintenance provided.

### **3.6 Means/input from the EU Member State Partner Administration(s):**

Proposals submitted by a Member State shall be concise and focused on the strategy and methodology and an indicative timetable underpinning this, the administrative model suggested, the quality of the expertise to be mobilised and clearly show the administrative structure and capacity of the Member State entity/ies. Proposals shall be detailed enough to respond adequately to the Twinning Fiche, but are not expected to contain an elaborated project. They shall contain enough detail about the strategy and methodology and indicate the sequencing and key activities during the implementation of the project to ensure the achievement of overall and specific objectives and mandatory results/outputs. Proposals shall

include the CVs of the proposed PL, of the RTA and of the Component Leaders. Standard twinning procedures are to be used.

The Twinning Partners shall ensure the visibility of EU financial assistance throughout the duration of the twinning project. Compliance will be ensured with the provisions of the document ‘Communication and Visibility in EU-financed external actions’, available at: [https://ec.europa.eu/international-partnerships/comm-visibility-requirements\\_en](https://ec.europa.eu/international-partnerships/comm-visibility-requirements_en).

### **3.6.1 Profile and tasks of the PL:**

The project is envisaged to provide exchange of experience and know-how with a Member State institution with good practice in the above stated project activities. The project requires a Project Leader who will be responsible for the overall coordination of the project activities.

The Project Leader is expected to closely work with the Resident Twinning Advisor (RTA) and the short term experts as well as with the counterpart of the Albanian People’s advocate institution.

#### **Profile:**

- University Degree in law, social sciences or other relevant discipline, or equivalent professional experience of 8 years;
- Long – Term civil servant official from a Member State counterpart institution;
- At least 3 years of professional experience in the field of human rights and fundamental freedoms protection and promotion in the EU.
- Excellent English skills (oral and written);
- Excellent computer skills;
- Experience in implementing EU funded projects shall be considered an asset;

#### **Tasks:**

- Conceive, supervise and co-ordinate the Twinning project;
- Ensure the availability of the expert and define the details of his/her involvement;
- Closely work with the RTA and the short term experts;
- Executing administrative issues (i.e. signing reports, side letters etc.);
- Undertaking all activities specified in the project and achieving the mandatory results
- Provide strategic advice on high level regarding reforms supported by the Twinning;
- Communicate with the beneficiary and EUD;
- Participate in quarterly meetings of the Project Steering Committee;
- Participate in preparation of the initial and subsequent work plans;
- Participate in preparation of interim and final reports;
- Bears the overall responsibility of the sound financial management of the Twinning Project;
- Guarantee from the MS administration side, the successful implementation of the project;

- He/she will, together with the beneficiary country's PL, be responsible for the modification of the project work plan as deemed necessary during the life time of the project;

### **3.6.2 Profile and tasks of the RTA:**

This project requires a Resident Twinning Advisor (RTA) as well as short term experts to implement the project. The RTA will work on a day-to-day basis with the PA institution and support the co-ordination of different actions. RTA should be familiar with the legislative procedures in the Ombudsperson or National Human Rights institutions of EU Member States and European Institutions as well as with the methods and techniques of legal harmonization. The Resident Twinning Advisor will have a key role in the coordination of inputs required for successful implementation of the project activities. He/she shall be supported by short – term experts from the European Union Member State(s).

#### **Profile:**

- University Degree in law, social sciences or other relevant discipline, or equivalent professional experience of 8 years;
- Proven contractual relation to a public administration or mandated body;
- At least 3 years of professional experience in the field of human rights and fundamental freedoms protection and promotion in the EU;
- Previous experience in equality bodies is a strong asset
- Previous experience in managing twinning projects shall be considered an asset:
- Excellent English skills (oral and written);
- Excellent computer skills.

#### **Tasks**

- Daily co-ordination of the project;
- Communication with the RTA counterpart and Beneficiary Project Leader on project activities;
- Coordination and briefing of the short term experts;
- Permanent contacts with the main BC component counterparts;
- Drafting and updating the work plan;
- Undertaking all activities specified in the project implementation, achieving the mandatory results, proposing corrective actions if required;
- Preparation of project's progress reports;
- Advising on EU policies and best practices, related legislation and regulations on human rights field;
- Planning and organization of the training activities and visibility events of the project (kick-off, final event, thematic events);
- Liaison with CFCU and EU Task Manager;

- Ensuring smooth correlation between the activities, deadlines and the envisaged results in the Work Plan;
- Preparation of the materials and documentation for regular monitoring and reporting.

### **3.6.3 Profile and tasks of Component Leaders:**

Component leaders will ensure the implementation of the project components and plan the agreed activities in a timely manner with high quality. They report to the RTA and liaise with the RTA Counterpart.

#### **Component Leader 1, 2 and 3**

##### **Profile**

- University Degree in law, social sciences or other relevant discipline, or equivalent professional experience of 8 years;
- At least 3 years of professional experience in the field of EU human rights legislation and best practices and standards;
- Excellent English skills (oral and written);
- Excellent computer skills.

##### **Tasks:**

- Undertaking all activities and achieving mandatory results;
- Conducting analysis on the area of the project components;
- Preparing and conducting training program;
- Elaborating and presenting the proposals on the area of the project components.

### **3.6.4 Profile and tasks of other short-term experts:**

Short-term experts will provide support to the People's advocate and shall assist the Project Leader and the RTA in delivering the activities within the project. Tasks for short-term expert(s) will be elaborated by Project Leader/ RTA and the beneficiary counterpart at the work plan preparation stage.

##### **Profile**

- University Degree or equivalent professional experience of 8 years;
- At least 3 years of professional experience in the field of EU human rights legislation and best practices and standards;
- Excellent English skills (oral and written);
- Excellent computer skills.

### **Tasks:**

- Undertaking all activities and achieving mandatory results;
- Conducting analysis on the area of the project components;
- Preparing and conducting training program;
- Elaborating and presenting the proposals on the area of the project components.

## **4. Budget**

The budget for the project is EUR 300,000 which will be covered by IPA contribution, in line with the Twinning Manual.

## **5. Implementation Arrangements**

### **5.1 Implementing Agency responsible for tendering, contracting and accounting (AO/CFCE/PAO/European Union Delegation/Office):**

General Directorate for Financing and Contracting of EU, World Bank and Other Donor Funds/ (CFCU)

Mrs. Veronika Korkaj, General Director

Ministry of Finance and Economy, Third floor (CFCU's protocol office),

Bulevardi Deshmoret e Kombit, No. 3

1001 Tirana, Albania

Email: [veronika.korkaj@financa.gov.al](mailto:veronika.korkaj@financa.gov.al)

Delegation of the European Union to Albania

Mr. Frederique Hanotier

Email: [Frederique.Hanotier@eeass.europa.eu](mailto:Frederique.Hanotier@eeass.europa.eu)

The Project Manager at the EU Delegation in Albania

### **5.2 Institutional framework**

Please refer to Annex 3 - Organizational structure of the Albanian People's Advocate.

Since the adoption of the first Constitution of the post-totalitarian era in 1998, the People's Advocate institution has been established as a guarantee that the severe human rights violations of the Albanian people experienced in the near past would never come back.

The People's Advocate is vested with a dual mandate: to both, protect and promote human rights. The direct instance to which the People's Advocate reports is the Parliament and the core object of its mandate are all the human rights and freedoms enshrined in the Constitution, laws and international legal instruments on human rights and freedoms ratified by the Republic of Albania.

The second, third and the fourth chapters of the Constitution of the Republic of Albania list the human rights protected by the Constitution which include civil, political, social,



economic and cultural rights, as well as the right to a healthy environment. In this regard the People's Advocate stands for the promotion and protection of all of these rights.

The complaints received and cases handled range from property rights, labor rights, gender based discrimination, access to justice, the right to health, the right to social protection or education rights, to name just a few. The Law No. 8454, dated 04.02.1999 "On People's Advocate", further elaborates in relation to which bodies and how the People's Advocate can act. Accordingly, the People's Advocate shall protect the rights, freedoms and the interests of the individual from illegal actions or inactions from the organs of the public administration (article no.2). In addition, public administration organs and public sector employees are obliged to promptly present to the People's Advocate and provide him all the documents and the information it requires (article no. 60 of the Constitution).

The People's Advocate and Commissioners are appointed for a determined term. Such terms are provided for in the Albanian Constitution and organic law. Specifically: According to article 61, paragraph 1 of the Constitution, the People's Advocate, is elected for a five year period, with the right of re-election. This provision is also envisaged by article 5, of the law "On the People's Advocate", as amended. According to Article 33/1 of law "On People's Advocate", as amended, the Commissioner is elected by Parliament for a four-year term, which may be renewed only once.

It is to be noted that the People's Advocate Institution does not have a specific mandate to private sector, however in the line with the human rights protection mandate, the Institution is trying to implement some pressure to private sector, to improve certain human rights standards.

It is worth emphasizing that, as part of traditional human rights protection mandate, the statistics show that the number of cases the People's Advocate Institution works on has been continually increasing – in 2014 there were 3969 complaints received, while in 2015 - 4203 cases, in 2016 – 5512 cases, in 2017 – 4546 cases, in 2018 – 5516, in 2019 4171 and 2020 5245 cases. The core work of the People's Advocate Institution refers to citizen's complaints, in the context of protection mandate.

According to article 31 of the law "On People's Advocate", as amended, the Office of the People's Advocate is divided into five specialised sections, each headed by a Commissioner. These sections are:

- *Section for central administration bodies, local government and third parties acting on their behalf.*
- *Section for police, secret service, prisons, armed forces and judiciary.*
- *National Mechanism for Prevention of torture, cruel, inhuman or degrading treatment or punishment.*
- *Section for the protection and promotion of children's rights.*
- *Section of General Issues.*

### 5.3 Counterparts in the Beneficiary administration:

The PL and RTA counterparts will be staff of the Beneficiary administration and will be actively involved in the management and coordination of the project.

#### 5.3.1 Contact person:

Mr. Emi Hoxholli, Finance Specialist within the Unit of Finance and Procurement, in the Directorate of Finance, Services and Services to Citizens.

Project Implementation Officer at the IPA Unit

People's Advocate Office.

*Address: Bulevardi: "Zhan D'Ark", Nr. 2, Kodi postar 1001, Tiranë*

E-mail: [Emi.Hoxholli@avokatipopullit.gov.al](mailto:Emi.Hoxholli@avokatipopullit.gov.al)

#### 5.3.2 PL counterpart

Mr. Fatbardh Zenelaj

General Secretary of the Albanian People's Advocate Institution.

E-mail: [Fatbardh.Zenelaj@avokatipopullit.gov.al](mailto:Fatbardh.Zenelaj@avokatipopullit.gov.al)

#### 5.3.3 RTA counterpart

Mr. Shkëlqim Kërluku

Assistant Commissioner at the Section of Public Administration Bodies, the Albanian People's Advocate Institution

E-mail: [Shkëlqim.Kërluku@avokatipopullit.gov.al](mailto:Shkëlqim.Kërluku@avokatipopullit.gov.al)

## 6. Duration of the project

The implementation period of the Action is 12 (twelve) months. The execution period of the contract shall end three months after the implementation period of the Action.

## 7. Management and reporting

### 7.1 Language

The official language of the project is the one used as contract language under the instrument (English). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

### 7.2 Project Steering Committee

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements via-à-vis the mandatory results/outputs chain (from mandatory results/outputs per component to impact), ensuring good

coordination among the actors, finalizing the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

### **7.3 Reporting**

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twinning: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements *via-à-vis* the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

## **8. Sustainability**

The successful implementation of the project will further improve the regulatory and oversight functions of the Albanian Public Administration (PA) in general and in the EU-related issues in particular. The successful implementation of the project will bring about a more efficient and qualitative approximation of Albanian legislation to the EU *acquis*, improve oversight functions of the Albanian PA in relation to the work of the government and independent institutions. It also shall strengthen the institutional capacity of the Albanian PA and aligning it with the European Standards.

The beneficiary is aware of the obligations arising from this project and will dedicate all the necessary budgetary and staff resources to ensure the smooth implementation of the project, aiming at the sustainability of results.

Training activities shall be designed and implemented. The results acquired through the implementation of this project will be maintained, disseminated and further developed in order to ensure the long-term sustainability of the twinning light project.

## **9. Crosscutting issues (*equal opportunity, environment, climate etc...*)**

Equal access in compliance with the constitutional principle of equality will be guaranteed for participation in this project. The selection of the training participants in this twinning programme will be made on non-discriminatory criteria regarding men, women, administration staff, and members of parliament, majority and opposition participation. The project has no evident effect on the environment.

## **10. Conditionality and sequencing**

### **10.1 Conditionality**

This project is not dependent on the outcomes of other actions.

The Beneficiary furthermore shall:

- a) Ensure that appropriate staff is made available to work with the EU twinning partner(s). Counterparts for each of the objectives will be appointed to facilitate the implementation of the respective activities of the twinning project;
- b) Be responsible for providing the EU experts with legislation and any other documents necessary for the implementation of the project;
- c) Ensure that staff trained under this project is encouraged to increase its capacity according to the tasks specified in the job description and to its promotion based on the merit. In this context a data base of what training was provided to which person should be maintained by the implementing partner for future monitoring.
- d) Provide all possible assistance to solve any unpredictable problem/situation that the EU twinning partner(s) may face during the time the project continues.

Equally, the Twinning team must ensure full collaboration with the counterparts of the institution. Communications should be open and consistent. The Twinning team must carry out activities in the interest of the institution, and maintain its involvement at all stages of activities.

## 10.2 Sequencing

Key milestones will be:

- Successful selection of a Twinning partner.
- Signature of the Twinning contract, including the Twinning Work Plan.
- Start of the twinning partnership.
- End of the implementation period.
- Submission of the final report.

## 11. Indicators for performance measurement

Performance shall be measured through the following:

**RESULT 1 - Component 1: Alignment of national legislation on People's Advocate to the EU legislation, international obligations and European best practices.**

**Indicator: Status of harmonization of the legislation with EU legislation and best practice.**

**Sub- Result 1.1** – Recommendations on a draft new law “*On the People's Advocate*”, in line with EU legislation and best practices and standards, provided.

- *Indicators:*
- *Number of recommendations put forward;*

- New draft law “*On the People’s Advocate*” prepared and tabled for adoption;

**Sub- Result 1.2** - Institution’s internal documents (*internal regulation, manual for the inspection methodology, manual for the monitoring of the protests etc.*) revised/developed and the implemented in the institution’s functioning.

- *Indicators:*
- *Number of Internal manuals revised and new ones;*
- *Status of the revised documents – prepared/adopted/in use by the Ombudsman office.*

**RESULT 2 - Component 2: Capacity of the People’s Advocate Institution as a National Human Rights Institution in the execution of its promotional mandate enhanced.**

**Indicators:**

- **Number of trained staff to implement programme activities.**
- **Number of capacity building events carried out**

**Sub-Result 2.1** - Training Needs Assessment, Design and Delivery of Advanced Training Sessions on Complaints handling developed/carried out.

- *Indicators:*
- *Number of employees trained (The target-group of trained employees includes civil servants in the institution’s headquarter, as well as representative of regional offices) –*
- *Number of civil servants trained as trainers (The civil servants that are trained as trainers are part of the staff that conducts administrative investigations). –*

**Sub-Result 2.2** - Improved visibility of the People’s Advocate institution and its role in the protection and promotion of human rights.

- *Indicators:*
- *Number of manuals/commentary in the field of human rights and fundamental freedoms protection and promotion prepared.*
- *Awareness and visibility raised – number of awareness raising conducted and at least 1500 people reached.*

**Sub-result 2.3** – Improved cooperation between the People’s Advocate institution and the parliament, civil society and public administration to establish better oversight and visibility mechanisms for the implementation of the Ombudsman’s recommendations and the Parliament to play a higher role in government scrutiny of those recommendations and the Special Reports.

- *Indicators*
- *Frequency of parliamentary sessions on discussing the ombudsman recommendations and/or the ombudsman special reports;*
- *Improvement of the platform for transparently following up the implementation of recommendations;*
- *Increased rate of compliance with and follow up to the Ombudsman's recommendations.*

**RESULT 3 - Component 3: Recommendations for the Upgrade of the case management system of the People's Advocate according to successful models and practices of EU Member States.**

**Indicator: Degree of comprehensiveness of PA case management with best practices of MSs.**

**Sub-Result 3.1** – Proposals for Revision of the current People's Advocate case management system and guidance on the potential upgrading and maintenance provided.

- *Indicator:*
- *Number of proposals put forward;*
- *Guidance document on the potential upgrading and maintenance developed.*

**12. Facilities available**

The Albanian People's Advocate will be available and take measures for hosting the RTA and his/her assistant/s including meeting rooms, offices, hard and software equipment's, security arrangements and facilities for training, seminars and conferences.

**ANNEXES TO PROJECT FICHE**

1. The Simplified Logical framework matrix as per Annex C1a.
2. List of relevant Laws and Regulations.
3. The organizational structure of the Albanian People's Advocate.

## ANNEX1: Simplified Logical Framework

### Simplified Logical Framework

	Description	Indicators (with relevant baseline and target data)	Sources of verification	Risks	Assumptions (external to project)
<b>Overall Objective</b>	To contribute to the democratization of the society, promotion of the principles of the rule of law, human rights and good governance through increased efficiency control of the legality in the work of public administrative bodies.	<p><u>Baseline:</u></p> <p>The Law No. 8454, dated 04.02.1999 “On People’s Advocate</p> <p>The European Commission’s Albania 2020 Report</p> <p>Recommendations of GANHRI Sub-Committee on Accreditation</p> <p>ECRI report on Albania</p> <p>SIGMA-OECD Report of 2017 Monitoring and Assessment Report for Albania</p> <p>UPR Albania National Report</p> <p>The Albanian Parliament Resolutions;</p> <p><u>Indicators:</u></p> <p>Increased and enhanced mandate of promotion,</p>	<p>The People’s Advocate Annual Report;</p> <p>The People’s Advocate Recommendations;</p> <p>The People’s Advocate Special Reports;</p> <p>The Albanian Parliament Resolutions;</p> <p>EU Progress Reports on Albania;</p> <p>International Partners Reports (ECRI, GANHRI, SIGMA, UPR, etc);</p> <p>Project Activity Report;</p> <p>Project Final Report.</p>	<p>Delay of the project implementation as a result of the COVID-19 pandemic situation.</p> <p>Lack of sustainability plans for further development of Twinning project achievements.</p>	Continued commitment to EU integration.

		rule of law, human rights and good governance; Increased efficiency control of the legality in the work of public administrative bodies;			
<b>Specific (Project Objective(s))</b>	To enhance the capacities of the Albanian People's Advocate in the field of human rights, fundamental freedoms protection and promotion, in line with EU legislation and international obligations in the field of fundamental human rights and freedoms.	<p><u>Baseline:</u></p> <p>The Law No. 8454, dated 04.02.1999 "On People's Advocate</p> <p>The European Commission's Albania 2020 Report</p> <p>Recommendations of GANHRI Sub-Committee on Accreditation</p> <p>ECRI report on Albania</p> <p>SIGMA-OECD Report of 2017 Monitoring and Assessment Report for Albania</p> <p>UPR Albania National Report</p> <p>The Albanian Parliament Resolutions;</p> <p><u>Indicators:</u></p> <p>Increase of the rate of accepted and implemented recommendations and special reports that are drafted by the staff of the institution</p>	<p>The People's Advocate Annual Report;</p> <p>The People's Advocate Recommendations;</p> <p>The People's Advocate Special Reports;</p> <p>The Albanian Parliament Resolutions;</p> <p>International Partners Reports (ECRI, GANNHRI, etc.);</p> <p>EU Progress Reports on Albania;</p> <p>Project Activity Report;</p> <p>Project Final Report.</p>	Delay of the project implementation as a result of the COVID-19 pandemic situation.	



Mandatory results/ outputs by components	<p><b>RESULT 1 - Component 1: Alignment of national legislation on People's Advocate to the EU legislation, international obligations and European best practices.</b></p>	<p><u>Baseline:</u> The Law No. 8454, dated 04.02.1999 "On People's Advocate The European Commission's Albania 2020 Report Recommendations of GANHRI Sub-Committee on Accreditation The Albanian Parliament Resolutions;</p> <p><u>Indicator:</u> Status of harmonization of the legislation with EU legislation and best practice.</p>	<p>Laws adopted by the Parliament; The People's Advocate Annual Report; The People's Advocate Recommendations; The People's Advocate Special Reports; Project Activity Report; Project Final Report.</p>	<p>Delay of the project implementation as a result of the COVID-19 pandemic situation, will cause the non-fulfilment of the result; Insufficient human resources/ staff turnover.</p>	<p>Political commitment; Full commitment of the twinning project partners (MS and BC); Optimal collaboration and transparency between twinning partners (MS and BC teams); Allocation of sufficient human and material resources for the project.</p>
	<p><b>Sub-Result 1.1</b> - Recommendations on a draft new law "On the People's Advocate", in line with EU legislation and best practices and standards, provided.</p> <p><b>Sub-Result 1.2</b> - Institution's internal documents</p>	<p><u>Indicators:</u> - Number of recommendations put forward -New draft law "On the People's Advocate" prepared and tabled for adoption; <u>Indicators:</u> - Number of Internal manuals revised and new ones - Status of the revised documents - prepared/adopted/in use by the Ombudsman office</p>			

<p>(internal regulation, manual for the inspection methodology, manual for the monitoring of the protests etc.) revised/developed and the implemented in the institution's functioning.</p>				
<p><b>RESULT 2 - Component 2: Capacity of the People's Advocate Institution as a National Human Rights Institution in the execution of its promotional mandate enhanced.</b></p>	<p><u>Baseline:</u></p> <p>The Law No. 8454, dated 04.02.1999 "On People's Advocate</p> <p>The European Commission's Albania 2020 Report</p> <p>Recommendations of GANHRI Sub-Committee on Accreditation</p> <p>The Albanian Parliament Resolutions;</p> <p><u>Indicators:</u></p> <p>- Number of trained staff to implement program activities.</p> <p>- Number of capacity building events carried out</p> <p><u>Indicators:</u></p>	<p>The People's Advocate Annual Report;</p> <p>The People's Advocate Recommendations;</p> <p>The People's Advocate Special Reports;</p> <p>Project Activity Report;</p> <p>Project Final Report;</p>	<p>Delay of the project implementation as a result of the COVID-19 pandemic situation, will cause the non-fulfilment of the result;</p> <p>Availability of the staff according to work processed;</p> <p>Low absorption of the information provided through the trainings or low quality of the training materials can impact their ability to adequately understand and</p>	<p>Participation of the civil society, or other public administration bodies in the training activities;</p> <p>Enhanced knowledge regarding contemporary fundamental rights;</p> <p>Successful knowledge attained awareness regarding the role and importance of the People's Advocate institution in the protection and promotion of human rights;</p> <p>Revision of current practices and alignment with the best practices;</p> <p>High absorption of the information provided through the trainings</p>

<p><b>Sub-Result 2.1</b> - Training Needs Assessment, Design and Delivery of Advanced Training Sessions on Complaints handling developed/carried out.</p> <p><b>Sub-Result 2.2</b> - Improved visibility of the People's Advocate institution and the role in the protection and promotion of human rights.</p> <p><b>Sub-result 2.3</b> - Improved cooperation between the People's Advocate institution and the parliament,</p>	<p><i>- Number of employees trained (The target-group of trained employees includes civil servants in the institution's headquarter, as well as representative of regional offices)</i></p> <p><i>- Number of civil servants trained as trainers (The civil servants that are trained as trainers are part of the staff that conducts administrative investigations).</i></p> <p><u>Indicators:</u></p> <p><i>- Number of manuals/commentary in the field of human rights and fundamental freedoms protection and promotion prepared.</i></p> <p><i>- Awareness and visibility raised –number of awareness raising conducted and number of people reached.</i></p> <p><u>Indicators:</u></p> <p><i>-Frequency of parliamentary sessions on discussing the ombudsman recommendations and/or the ombudsman special reports;</i></p> <p><i>-Improvement of the platform for transparently following up the implementation of recommendations;</i></p>		<p>enforce the new legal provisions and best practices and standard in line with the EU human rights legislation and to further deliver training thereof.</p>	<p>and sustainable knowledge obtained; Sustainability of staff.</p>
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<p>civil society and public administration to establish better oversight and visibility mechanisms for the implementation of the Ombudsman's recommendations and the Parliament to play a higher role in government scrutiny of those recommendations and the Special Reports</p>	<p><i>-Increased rate of compliance with and follow up to the Ombudsman's recommendations.</i></p>			
<p><b>RESULT 3 - Component 3: Recommendations for the Upgrade of the case management system of the People's Advocate according to successful models and practices of EU Member States.</b></p>	<p><u>Baseline:</u>  The Law No. 8454, dated 04.02.1999 "On People's Advocate  The European Commission's Albania 2020 Report  Recommendations of GANHRI Sub-Committee on Accreditation  The Albanian Parliament Resolutions;</p>	<p>The People's Advocate Annual Report;  Project Activity Report;  Project Final Report.</p>	<p>Delay of the project implementation as a result of the COVID-19 pandemic situation, may cause the non-fulfilment of the result.  Lack of strong commitment from People's Advocate to implement</p>	<p>One guidance document on the potential upgrading and maintenance is developed.</p>

	<p><b>Sub-Result 3.1</b>          – Proposals for Revision of the current People’s Advocate case management system and guidance on the potential upgrading and maintenance provided.</p>	<p><u>Indicator:</u>          Degree of comprehensiveness of PA case management with best practices of MSs.</p> <p><u>Indicators:</u>  <i>-Number of proposals put forward</i>  <i>-Guidance document on the potential upgrading and maintenance developed</i></p>		<p>necessary changes to upgrade case management system.</p>	
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## **ANNEX 2: List of relevant Laws and Regulations**

### **The Albanian People's Advocate legal framework**

Here in below is a list of all the laws where the mandate and the functioning of the People's Advocate Institution is:

- Constitution of the Republic of Albania, adopted with law no. 8417, and 21.10.1998
- Law No. 8454, dated 04.02.1999 "On the People's Advocate", as amended
- Law No. 9888, dated 10.03.2008 "On the Rights and Treatment of Detainee"
- Law No. 119/2014 "On the right to information"
- Law No. 44/2012, dated 2012 "On the Mental Health"
- Law No. 9902, dated 17.04.2008 "On the Consumers' Protection" (as amended)
- Law No. 44/2015 "Code of Administrative Procedures of Republic of Albania"
- Law No. 18/2017 "On rights and protection of child"
- Law No. 115/2016 "On the governments of justice system"
- Law No. 84/2016 "On the transitional re-evaluation of judges and prosecutors"
- Law No.12/2018 "On the transitional evaluation of employees of state police, republican guard and service for internal affairs and complaints"

- The Strategic Plan of the Albanian People's Advocate
- Strategic Communication Plan of the Albanian People's Advocate
- The internal regulation of the PA institution

- ✓ EU Charter of Fundamental Rights.
- ✓ Paris Principles on National Human Rights Institutions
- ✓ Venice Principles on the Protection and Promotion of the Ombudsman Institution
- ✓ UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol
- ✓ UN Convention on the rights of the child and its Protocols
- ✓ UN Convention on the Rights of Persons with Disabilities
- ✓ European Convention on Human Rights and its Protocols
- ✓ European Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

**ANNEX 3: Organizational structure of the Albanian People’s Advocate.**

