

IPA 2010 National Programme for Albania

Project Fiche no 2: "Modernisation of the Albanian Justice system"

1. Basic information

1.1 CRIS Number: 2010/022-530

1.2 Title: Modernisation of the Albanian Justice system

1.3 DG ELARG statistical code: 01.23 Political Criteria: Judiciary and fundamental rights/Justice, freedom and security

1.4 Location: Albania

Implementing arrangements:

1.5 Contracting authority: The European Union represented by the European Commission on behalf of the beneficiary country.

1.6 Implementing Agency: Delegation of the European Union to Albania.

1.7 Beneficiary: The General Prosecutor's Office

Project Manager:

General Prosecutor's Office:

Mr. Pandi MADHI

General Secretary of the General Prosecutor Office

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Financing:

1.8 Overall cost (VAT excluded)¹: EUR 3 530 000

1.9 EU contribution: EUR 3 000 000

1.10 Final date for contracting: Two years following the date of the conclusion of the Financing Agreement.

1.11 Final date for execution of contracts: Two years following the end date of contracting. These dates apply also to national co-financing.

1.12 Final date for disbursements: One year following the end date for the execution of contracts.

2. Overall Objective and Project Purpose

2.1. Overall Objective:

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The total cost of the project should be net of VAT and/or other taxes. Should this not be the case, the amount of VAT and the reasons why it should be considered eligible should be clearly indicated

To improve the efficiency, transparency and quality of service delivery of the justice system, as well as the inter-institutional cooperation with law enforcement agencies.

2.2 Project purpose:

To strengthen the automation of the Albanian justice system by developing communications and information management systems for the prosecution offices.

2.3. Link with AP/NPAA / EP/ SAA:

European Partnership

The project will assist to the achievement of priorities included in the European Partnership² as defined in the Council Decision 2008/210/EC of 18th of February 2008 on “The principles, priorities and conditions contained in the European Partnership (EP) with Albania”.

In the short-term priorities:

- finalise, adopt and implement the draft law on judicial reform and improve the infrastructure for the judicial sector;
- improve coordination between prosecutors and police, in particular by means of the case management system;
- In the medium-term priorities;
- Ensure prosecution of serious crimes, especially organised crime, with particular attention to cross-border cooperation mechanisms;
- Make major progress on the rate, number and quality of prosecutions in relation to offences connected with organised crime and trafficking and also in terms of seizure of the proceeds of crime.

Stabilisation and Association Agreement (SAA)

The project’s intervention field is in line with the objectives set out by the Stabilisation and Association Agreement, which was signed on 12 June 2006 and entered into force on 1 April 2009, in particular Article 78 – “Reinforcement of institutions and rule of law” that states: “In their cooperation on justice and home affairs the Parties shall attach particular importance to the consolidation of the rule of law, and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. Cooperation shall notably aim at strengthening the independence of the judiciary and improving its efficiency, improving the functioning of the police and other law enforcement bodies, providing adequate training and fighting corruption and organised crime.”

National Plan for the Implementation of the Stabilisation and Association Agreement (NPISAA)

According to NPISAA, 2009-2014, point 1.1.5, in the political criteria, is foreseen that any decision that will be taken in the frame of reforming the justice system has as a final objective the creation of a contemporary justice system, able to implement the EU acquis and to reflect the European Union standards in the field of justice.

In particular one of the main priorities is “Strengthening capacities of prosecutors, effectiveness and efficiency of proceeding in the fight against corruption and organised crime”.

² The European Partnership Document for Albania adopted by Council Decision of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Albania and repealing Decision 2006/54EC.

2.4. Link with the Multi-annual Indicative Planning Document (MIPD)

The 2009-2011 MIPD states that "In the area of democracy and rule of law, the capacity of the Albanian institutions remains to a large extent limited, in particular as regards the judiciary, the implementation of the public administration reform and the fight against corruption and organised crime".

Therefore the MIPD underlines that the EU assistance to Albania will address key issues such as rule of law enforcement, in particular as regards the judicial reform, support for judiciary infrastructure development and improvement and anti-corruption measures, such as strengthened capacity to investigate and prosecute corruption and enforce legislation.

This project's goals comply with the priority set out by the MIPD: "Support to the Reform of the Judicial System" with the overall strategic objective of an independent, reliable and efficient functioning judiciary that guarantees the rule of law. Furthermore, the MIPD stipulates that some of the programmes which should be implemented ought to include: Improved functioning and administrative capacity of judicial institutions, in order to better fight organised crime; reduction in number of pending cases before the courts and strengthened prosecution system; better judicial infrastructure in place; introduction of case management system.

2.5. Link with National Development Plan

The National Strategy for Development and Integration (NSDI) 2007-2013 of March 2008 identifies a series of priorities for the further development of the judiciary system that the current project will contribute to achieve.

Thus, the NSDI mentions a need to: "reform the prosecution institution in all its dimensions (including also possible constitutional changes) to increase effectiveness and prevent corruption, raise the accountability of prosecutors in the exercise of their legal duties, and enable the implementation of the fight against organised crime; this includes a law on prosecution ethics, a regulation on an assessment system of the workload, and regulations for the implementation of the case administration system."

Furthermore, the NSDI clearly states that it is one of the intentions of the Albanian government to "...orient the judiciary and its administration towards the best European practices" and "improve the conditions, means, and work environments for the judiciary". Thus, the document mentions the priority of the need to "implement annual inspection programmes in the prosecution and the judicial administration as well as joint inspections of the Inspectorate of the High Council of Justice and the Department of Inspection at the Ministry of Justice and publish the control reports". Due to the way in which it will be conceived, the development of a case management system will also facilitate the activity of the inspection with regard to the activity of the prosecutors by facilitating the electronic access to parts of the file developed by the prosecutor in charge.

The NSDI also emphasises the need to increase the efficiency and transparency of criminal and civil processes, while respecting the protection of personal data and improving the performance of the judicial administration, as a valuable assistant in the process of awarding justice by: control the implementation of the case management system at all phases; improve the system of processing, analysing and publishing statistics". Developing modern case management systems will facilitate the work of generating and subsequently processing statistical data.

2.6. Link with national/ sectoral investment plans

Not applicable

3. Description of the projects

3.1 Background and justification

A key requirement for Albania, in its goal to progress further on the road towards integration and eventual membership of the EU, is the improvement of efficiency, effectiveness and standards within the judiciary system as well as ensuring that the integrity of the system is enhanced and raised to a level that will ensure credibility within a European context. Efforts are thus made in order to reform and develop all areas of the judiciary, the prosecution offices system included, by strengthening the capacity of this institution to discharge their tasks through institution building and infrastructure upgrading.

A competent and proficient prosecution system is vital in order to secure convictions that are both ethical and just and therefore increasing the competence and effectiveness of the prosecution system is paramount.

Viewed in the broader context of the law enforcement bodies' endeavours for successfully investigating and prosecuting criminal cases, the introduction and integration of modern information technology applications in all law enforcement institutions is a present priority in Albania. As a main law enforcer, the prosecution system should not fall short of that desiderate. Thus, the introduction of an electronic case management system for the prosecution offices and the development of related Information and Communication Technology (ICT) infrastructure are of paramount importance to modernise the conduct, increase speed, transparency and efficiency of the judicial police and prosecutors actions.

Awareness on the need of developing the ICT use in the Albanian prosecution offices is not however new in any way. Thus, in the framework of Programme against Anti-corruption and Organised Crime (PACO) II in Albania, the Council of Europe (CoE) assessed the case management and information tracking within the prosecutorial system. The recommendations of this project were that a system with basic information should be in place in order to allow the Prosecutor General to monitor and scrutinise the work of the prosecutors, in order to ensure transparency in the work of the prosecutors and to prevent corruption.

However, any subsequent attempts to develop and implement a case management software, such as Dossier/"Dosja" 2000 initiative in years 2000-2001 were not successful, mainly due to lack of sufficient hardware equipment and communication lines.

This situation was confirmed also by the conclusions of the ICT component of the EU CARDS 2005 Twinning Project, implemented from October 2008 to March 2010 by the Spanish Prosecutors' Office and the Italian High Council of the Judiciary that affirmed that the computerisation of the prosecution offices, as a whole, is clearly insufficient. Thus, although some Prosecutor Offices (POs) have an intranet that allows a connection amongst the teams within those offices, the number of computers is insufficient and many of them are very old.

As a result, currently, virtually all of the case development work in the PO is done manually, from registration of basic case data to preparation of reports and evidence recordkeeping.

Moreover, the General Prosecution Office does not have any kind of centralised application that allows the administration of the information the institution has to deal with. The lack of connection between the different prosecution offices makes it very difficult to exchange information among the prosecutors and therefore to ensure more efficient, coordinated, non-redundant and effective prosecution activity. For example, cases of pending procedures directed against the same person in different prosecution offices are not uncommon or unheard-of, this leading not only to potential divergent conclusion of the procedures but also to inefficient use of human and budgetary resources.

Furthermore, there is no electronic case tracking system. Although some POs (i.e. the General Prosecutor's Office, the district POs of Tirana, Durrës and Shkodra, and the district PO against Serious Crime) are linked to the Total Management Information System (TIMS) -an electronic database for obtaining data related to Albanian citizens and vehicles moving in and out of the country-, most POs do not have enough technical capacity for any sort of connection.

At present, Albania is engaged in a process of upgrading the ICT capacities in a variety of investigative institutions and in the judiciary (i.e. courts) in order to track cases, manage cases and caseloads, and develop meaningful and integrated law enforcement databases. Compared with these institutions, an unbalanced situation in terms of ICT development for the Prosecution Offices' system, as one of the key organisations dealing with corruption and organised crime, will lead to serious difficulties in terms of addressing some of the shortcomings identified by the European Commission's Annual Report, such as better communication and exchange of information between the POs system and other institutions, most importantly the police and the courts. Undoubtedly, soft institutional capacity building efforts are required, but, nonetheless, the ICT upgrading of the POs system will significantly contribute to the improvement of the situation in this domain and better fighting against crime.

The institutional computerisation is fully supported by the General Prosecutor's Office (GPO) and a Case Management System Working Group, composed mainly of prosecutors but also of Information Technology (IT) experts. This Working Group was created during the implementation of the 2005 Cards Twinning Project in order to draft strategic documents, analyse any issue and make decisions regarding the ICT system.

Moreover, forecasting the increase of IT workload related with the future implementation of a case management system, the GPO had already defined a related human resources strategy included into the annual and mid-term budget draft.

Project Description

The current project intends to support the prosecution system in addressing several of the shortcomings identified above by providing a comprehensive approach of the ICT needs of the prosecution offices. Thus it will tackle 2 main components of any modern and efficient computerisation system for a prosecution system, namely:

- A. the communication infrastructure and;
- B. a Case Management System software application to be used in the daily activity of the prosecution offices;
- C. Capacity building and supervision.

A. The communication and infrastructure

The project will support the set up of the communication infrastructure by delivering and installing the necessary hardware and necessary software components.

This component intends to provide a unified solution for data network (LAN and WAN connections and equipments), IP telephony and security for all prosecutor offices (POs) in order to allow internet or intranet access and interconnection between the Prosecutor's Offices and the General Prosecutor Office (GPO), as well as the necessary security required having in mind the very sensitive nature of the prosecution offices. This should be a modular solution, flexible and scalable, in order to support future expansions and upgrades.

According to the decided development implementation strategy, the GPO chose to focus on the regional POs, in which there is heavy lack of equipment, mainly in cabling and internet connection, which are mandatory for solution deployment.

B. Automated Case Management System (CMS)

An automated case management system (CMS) application will be vital for the daily work of almost every one of the prosecutions' offices around Albania.

The automation of the current manual case management process will remove most of the inherent duplicative and other inefficient practices encountered by the system. The automated system will be

responsible for storing case information, following up on cases and events for each prosecution office, as well as archiving case documents. The objectives of the automated system will be to substantially reduce the amount of work currently required of both prosecutors and administrative staff to manage a case file; to eliminate duplication; and to automate the daily prosecution tasks. The automated system will reduce the entire case file life-cycle – from case filing to disposition.

The GPO high-level priority target is to implement a ready-made software solution including its customisation and parameterisation with minimum development.

The CMS will have a comprehensive set of tools to increase productivity in the Prosecutor's Offices eliminate extra work, automate several time-consuming tasks, and improve the quality of the case preparation process. It will also generate reports, and statistical information. It will have functions providing the General Prosecutor's Office with information (i.e. statistics) regarding the duties performance of all prosecutors which will allow the GPO to analyse the prosecutor's workload and improve efficiency.

The system is not intended to eliminate entirely the hardcopy case file as this is relied upon in one form or another by all POs, as the official and authentic document.

Nonetheless, the software is expected to bring about significant improvements and even changes in the way of working on a daily basis by ensuring functions such as case management (i.e. internal case tracking, information related to the case, organisation of case material, templates, forms etc.), data collection, analytical tools, statistics, case assignment, scheduling of work etc. based on a detailed analysis of user requirements while also ensuring the necessary security of information, including by facilitating the segregation of restricted access to secure information and data.

It is expected that the case management system will be used by the prosecutors and the rest of the staff of the Albanian POs.

In order to support the adjustment process of both, the new communication infrastructure and the new case management system, this project will also include the provision of training for the end-users and IT staff on site support so that the system can operate in an optimum manner. This support is based on the user request analysis in order to qualify the user request, prioritise the intervention and delay problem solving according to the priority of the request.

C. Technical assistance

The General Prosecutor Office Case management system is a major project in the justice sector of Albania because of the General Prosecutor Office increased number of files to manage, the complexity of procedures, which is mainly done under a paper and hand-made work process. There is currently no uniform solution to support the work activity and to provide coherent and useful information to Prosecutors Offices and General Prosecutor Office.

The project for the development of an IT system to support Prosecutors work is strategic and participates to the justice sector modernisation. Because of the importance of the project and the rather limited experience of the beneficiaries in dealing with such complex and demanding projects, a permanent dedicated supervision is required from the beginning until the roll-out time of the project.

This request for technical assistance is done in order to secure a project management with strategic view and capacity to forecast, to prevent event that may affect projects, to advise and report to decision makers (Beneficiary and European Union Delegation).

- support, control, advise contractors and local task project manager;
- prevent litigation and propose solution.

It is a unique Programme managing unit that covers the General Prosecutor Office, both for:

- Hardware & software equipment;
- Software development implementation, end user training, and roll out (including test phase).

Project Description

The technical assistance covers: the inception phase, the development phase and a common task of support & advice for all the parts (European Union Delegation, Beneficiary & Contractor).

The inception phase includes all preparatory tasks in order to run the projects with agreed work regulation, quality process, tasks detailed planification, functional detailed definition of the required software, test periods, end user and technical staff training perimeter, validated risk analysis and action plan.

The development phase is an operational time in which all tasks validated during the inception phase have to be realised. The supervisor is there to:

- Monitor, control, and evaluate the progress, test & delivery of the IPA funded project;
- Advise, propose solution, propose project adjustment after reporting information;
- The common task of support and advice by the supervision unit during all the project implementation consists in consultancy by expertise for the European Union Delegation and the Beneficiary to support decision-making during the project.

It is estimated that the supervision unit will be composed of:

- a project manager expert on Judicial IT project of justice modernisation as a Team leader; and
- an additional technical expertise for the infrastructure (hardware, necessary software, equipment, etc.) and capacity building part.

3.2. Assessment of project impact, catalytic effect, sustainability and cross border impact

The proposed project will help to enhance judiciary efficiency and transparency and will help to improve on the medium and long-term the cooperation and exchange of information among the beneficiaries (prosecution offices) and other stakeholders that their activity is connected to (such as law enforcement agencies, the judiciary, the State Police, Construction Police Department, local authorities and municipalities, banks, insurance companies etc.).

By developing their overall ICT infrastructure, the beneficiaries will thus be in a better position to exchange information with state institutions that have already undergone significant computerisation process (like the Albanian State Police, courts and other law enforcement agencies, the Financial Investigation Unit and other relevant institutions).

Therefore, it is expected that the time needed for the administration of typical cases in prosecutors' offices is reduced significantly.

Moreover, the PO's case management system will enable prosecutors to devote more attention to their prosecutorial responsibilities once administrative burdens are reduced and will likely lead to the systematisation of this institution.

New statistical data will chart the efficiency of the prosecutors' offices and prosecutors, and this will enable more comprehensive evaluation of the system efficiency and policy definition.

Also, the implementation of case management software and central databases will provide the beneficiaries with relevant and regularly generated statistical data.

In combination with the outcomes of other IPA projects, the proposed project will improve the results of the overall judicial activity. This will have an overall long-term, positive impact on public perception about the justice system in Albania and will increase the confidence and trust of the general public in the justice system in Albania.

Moreover, the overall improvement in transparency will, in the long run, enhance citizen participation in furthering good governance and the rule of law.

The sustainability of this project will be further improved by the significantly increase of staff in the IT Departments of the beneficiary. This will provide a clear path for the GPO to take over full responsibility for the maintenance and technical support of the new ICT system.

3.3. Results and measurable indicators:

Activity 1 - Supply contract

The results to be achieved by the project are as follows:

- The communication and infrastructure securely set up;
- A reliable, efficient and sustainable system for management of cases in the POs including case flow management, and PO performance standards implemented and functional in the Albanian prosecution system;
- The ability of POs' staff to use the newly adopted case management system developed.

Indicators

The hardware and software for the communication and infrastructure delivered and installed;

- User requirements for the case management system elaborated based on an in-depth assessment on the implementation of the new PO management system;
- The software application developed, parameterised, tested and rolled out;
- At least for 4 GPO's IT staff trained;
- Approximately 30 trainers for the training of end-users trained and approximately 70% of the end-users trained.

Activity 2 – Technical assistance

Expected results

- The tool for management and reporting as per technical specification assessed;
- The accurate and timely implementation activity of the contract (i.e. delivery and installation of ICT equipment, software licenses and supervision of the development, delivery,

installation and testing of software) is supervised and project oversight and management is provided;

- Support and advice is provided to the donor, beneficiary and contractor.

Indicators

- verification of the establishment of the management & monitoring tools as per technical & contractual specifications;
- verification of the regular delivery of progress report with data analysis;
- verification of the delivery of advisory reports.

3.4. Activities

Activity 1 Computerisation of the Albanian Prosecutors' Offices (GPO)

Contract 1.1 Supply contract for the computerisation of the prosecution offices' system (EUR 2 500 000 IPA funds)

- purchasing, delivering and installing the IT hardware equipment and necessary software components for the communication infrastructure;
- setting up the communication infrastructure for the prosecution offices;
- performing an in-depth analysis of the user's needs and requirements;
- elaborating the software functional requirements;
- designing, parametrising and testing the case management software for the prosecution offices;
- rolling out the case management software in the prosecution offices;
- providing training to the IT experts and end users of the case management software.

Contract 1.2 Supply contract for the Prosecution Offices (EUR 530.000 National contribution)

- Equipping identified local office of Prosecutor office with basic network hardware: mainly hardware wire connectivity.

Activity 2. Technical assistance – Global Supervision of the development and capacity building of the Prosecutor's Offices ICT systems

Contract 2.1 – Service contract (EUR 500 000 IPA funds)

Activities per phases of the contract:

- Inception phase;
- Preparing the implementation of the project of activity 1 by elaborating, together with the beneficiary, contractor and European Union Delegation, depending on the case, the following tools: macro planning tools to manage activity 1 and detailed planning, quality, risk management and general management (i.e. indicators, meetings organisations) tools;
- Implementation phase covers 3 sub activities;
- Development activity: supervising the, hardware delivery and installation, software elaboration, testing & delivery until final delivery;
- Management activity: following up and reviewing work progress, making regular or exceptional reports to the stakeholders, updating all management tools elaborated during the inception phase;
- Consultancy task:

- Reporting to EU Delegation the global view of project progress;
- Proposing strategic adjustments to the EU Delegation, Beneficiary and Contractors;
- Supporting the EU Delegation, beneficiary and contractors on specific requests related to activities;
- Anticipating risk situation / proposing alternative solutions.

3.5. Conditionality and sequencing:

The main conditionality is for the GPO to commit its own human and financial resources to the successful realisation of this project and also afterwards for its actual sustainable working, by securing sufficient adequately qualified IT staff and administrators for smooth functioning and proper maintenance of the integrated systems.

This should include the following:

- Staff of the IT Department of the GPO to be increased; Recruitment of the staff by the GPO will be a precondition for launching of the tender procedures;
- Participation by the beneficiary in the tender process in accordance with the EU applicable procedures and rules;
- GPO to provide relevant maintenance plan and resources to guarantee the sustainability of the systems and ensure that the appropriate budgetary provisions are adopted well in advance in order to ensure the long term functionality of the system, once the IPA contracts come to end.

Before start of the implementation of the projects the GPO will:

- Nominate an official contact point for operational purposes and ensure that the EU Delegation is notified of any personnel change.

During the project implementation the GPO will:

- Provide the closest possible and maximum cooperation and collaboration to the IPA contractors;
- Ensure relevant personnel are available to participate in all activities leading to the implementation and finalisation of the systems, including training sessions and mentoring activities;
- Ensure relevant inter-institutional cooperation for inter-operability.

In case conditions are not met, suspension or cancellation of projects will be considered.

Risks

- The main risk is related to the continued support of the Government towards the strengthening of the GPO with added material and financial resources, as well as a commitment to the continued professional development of its staff, coupled with the capacity to retain trained staff into the functions and posts they have received training for;
- The end-users might refuse to use the software applications in their daily activity;
- If no accurate workflow and user requirement's analysis for the case management system is performed, then the software might prove difficult or ineffective to use;
- Relevant coordination and active monitoring of the relevant institutions in charge is necessary;
- Issuance of necessary instructions as well as the organisation of relevant trainings should be foreseen by the GPO to ensure proper and sustainable utilisation of the systems.

Sequencing

- Tendering of contract 1.2 has to be finalised before the starting tendering of Contracts 1.1.;
- Contracts 1.1 and 2.1 have to be tendered and signed, to the extent possible, at the same time.

3.6. Linked activities

Funded by the European Union

- For the Prosecutor's Office IT project, a strategic analysis has been carried out during the implementation of the CARDS 2005 Twinning Project, having as partner Spain. The project supported the GPO in identifying the ICT development needs for the system in terms of both hardware and software and also in elaborating the technical specifications for this project. As well, during the implementation of this project, a Case Management System Working group, composed of prosecutors and IT experts from the GPO was created with the main aim of identifying and detailing the minimum requirements and functionalities of the CMS system. It is expected that this working group will also have a significant role in the implementation of the IPA 2010 Project;
- Training of Court Administrators (CARDS 2003);
- Equipment for Court Administrators (CARDS 2004): implementation of an Integrated Computerised Court Management System;
- Twinning Support to the High Council of Justice and its Inspectorate (CARDS 2004);
- Twinning Enhance the Justice System in Commercial matters (CARDS 2004);
- Twinning Economical and Financial Crime (CARDS 2004);
- Twinning with the General Prosecutor Office on Evaluations and Inspections (CARDS 2005);
- Support to the sustainability of the School of Magistrates (CARDS 2005);
- EURALIUS II project (CARDS 2006) www.euralius.org.al;
- PAMECA III project (IPA 2007) www.pameca.org.al;
- Consolidation of the institutional and legislative justice system, IPA 2009;
- Twinning Anti-Money Laundering, IPA 2009;
- Twinning Witness Protection, IPA 2009;
- Assistance to the National Agency for Information Society, IPA 2009.

Regional projects in the Western Balkans:

- Development of monitoring instruments for the Justice and Home Affairs institutions of the Western Balkans (CARDS 2006) to provide guidelines for the gathering of statistics and develop clear, measurable, and objective benchmarks and indicators for measuring and monitoring anti-corruption performance, and produce an assessment of anti-corruption performance in the region;
- Ongoing CARDS 2006 regional project "*Support to the Prosecutors' Network*" focuses on strengthening the legislation and institutional capacities of Prosecutors' Offices (POs) of South-eastern Europe in view of a more effective co-operation against serious crime;
- Ongoing CARDS 2005 regional project "*ILECUs*" supports the creation of special international law enforcement coordination units in the beneficiaries with a view to supporting the exchange of information in international investigations and facilitating contacts on an operational level. These units will be integrated in national criminal intelligence models and supported by proper data protection and confidentiality regimes;

- Ongoing IPA 2008 regional Project *"Assessment Of Corruption And Crime In The Western Balkans"*.

Funded by EU Member States

- DANIDA (Danish International Development Agency) Technical Assistance to the General Prosecutor's Office;
- Italian Government, Assistance in the field of prevention of organised crime and administration of justice;
- Assistance to the Government of Albania on the Approximation of Legislation to EU standards financed by the German Technical Cooperation Office (GTZ);
- "Gap Assessment Rule of Law in Albania", United-Kingdom Embassy in Tirana;
- "Support to the Albanian State advocate", "Support to the modernisation of the Albanian penitentiary system", "Support to the High Council of Justice of Albania and the Albanian Judicial Power", Spanish Embassy in Tirana;
- "Alternative Dispute Resolution", Dutch Embassy in Tirana.

Funded by other donors

- Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) – US Department of Justice. Assistance to prosecutors' offices, regulatory enforcement offices, and judicial personnel in developing and sustaining effective criminal justice institutions, as well as development of anti-corruption joint-investigation units.
- United States Agency for International Development (USAID): Pilot "Courts' administration reform project", in cooperation with the Ministry of Justice and the Office for the Administration of the Judiciary Budget.

3.7. Lessons learned

Previous experience with implementation of case management software at courts has shown that the risk of rejection of software by the end users is high. The most important factor which separated successful implementation from a failed one was the availability of a sufficient number of trained technical persons that could assist the users in their everyday work for a significant period of time. Training of users (not only on the use of the system but also on the basic use of ICT) and IT administrators, proper identification of user requirements in order to develop useful functionalities for the end users daily work as well as user friendly software solutions, as well as selecting a company with adequate technical capabilities and human resources for supporting the system's maintenance, are among the key pre-requisites for securing the success of the project and nationwide implementation of case management software.

Also, due to the limited experience of the beneficiary in the actual implementation and project management related issues of an extremely complex project involving the set up of a hardware and software system nationwide, both for the prosecutors' system, and the previous experience in terms of the multitude of issues that have to be tackled during the implementation of such a project, a technical assistance component was envisaged. This component is supposed to secure smooth and coordinated project implementation by providing a close scrutiny and oversight of the project life and assisting the beneficiary and contractors in finding the best solutions for progress and general project set up.

4. Indicative Budget (amounts in EUR)

				SOURCES OF FUNDING								
			TOTAL EXPRE	IPA EU CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	% (2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Activity 1		X	3 030 000	2 500 000	82.5	530 000	17.5	530 000				
Contract 1.1 - Supply contract			2 500 000	2 500 000	100							
Contract 1.2 - Supply contract						530 000	100	530 000				
Activity 2	X		500 000									
Contract 2.1 - Service contract				500 000	100							
TOTAL IB			500 000	500 000	100							
TOTAL INV			3 030 000	2 500 000	82.5	530 000	17.5					
TOTAL PROJECT			3 530 000	3 000 000	85	530 000	15					

Amounts net of VAT

(1) In the Activity row use "X" to identify whether IB or INV

(2) Expressed in % of the Total Expenditure (column (a))

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1 Supply contract	2Q/2011	4Q/2011	4Q/2013
Contract 2.1 Service Contract	2Q/2011	4Q/2011	4Q/2013

All projects should in principle be ready for tendering in the 1st Quarter following the signature of the FA.

6. Cross cutting issues

6.1. Equal Opportunity

The principle of equal opportunity will be observed into all stages of the project implementation which it is also in conformity with the Albanian Constitution which provides for equal opportunity for men and women be treated equally despite of their race, nationality, gender, origin, religious and political beliefs. Appropriate professional qualifications and experience will be the main factors of personnel recruitment and evaluation. Both women and men have identical prospects. The applications shall be evaluated objectively and non-discriminatively.

Appropriate professional qualifications and experience will be the main factors of personnel recruitment and evaluation. The applications shall be evaluated objectively and non-discriminatively. All periodical progress review reports and other interim reports will include a specific explanation on measures and policies taken with respect to participation of women and equal opportunity for women and men and will provide measurements of achievement of this goal.

The project will develop strategies for effective implementation of equal opportunities and anti-discriminatory policies. The desired outcomes include the establishment of probation as an activity which positively and actively promotes human rights offering a fair and equal service. The interventions will therefore include monitoring of data in all activities, information gathering and monitoring in inspections to enable targeting and strategy building. The project will ensure that issues of human rights and anti-discriminatory practices are included in all training events and practice guidance.

6.2. Environment

Document produced for the implementation of these projects will be produced out of recycled paper. The maximum extend possible eco-friendly equipment and solutions will be chosen.

6.3 Minorities

Based on the fundamental principles of promoting equality and combating discrimination, participation in the project will be guaranteed on the basis of equal opportunity for minorities. A more efficient justice system will assure that rights of minorities will be respected and enforced.

ANNEXES

1. Log frame in Standard Format;
2. Amounts contracted and Disbursed per Quarter over the full duration of Programme;
3. Description of Institutional Framework;
4. Reference to laws, regulations and strategic documents:
 - a. Reference list of relevant laws and regulations;
 - b. Reference to AP /NPAA/EP/SAA;
 - c. Reference to MIPD;
 - d. Reference to National Development Plan;
 - e. Reference to national/sectoral investment plans.
5. Details per EU funded contract.

ANNEX 1: Logical Framework Matrix Modernisation of the Albanian Justice system	Contracting period expires 2 years after the signature of the Financing Agreement IPA budget: EUR 3 000 000 Total Budget: 3 530 000	
Overall Objective	Objectively Verifiable Indicators	Sources of verification
To improve the efficiency, transparency and the quality of service delivery of the justice system, as well as the inter-institutional cooperation between law enforcement agencies.		Annual European Commission reports on Albania progress towards EU integration National Progress Reports
Project Purpose	Objectively Verifiable Indicators	Sources of verification
To strengthen the automation of the Albanian justice by developing communications and management of information systems for the prosecution offices.	All prosecutors' offices in Albania have adequate ICT equipment and automated work processes. Skills and knowledge of at least 70% of total number of end users and IT staff of the GPO is improved. Clear statistics on the rate and number of prosecutions cases are available.	Annual European Commission reports on Albania progress towards EU integration National Progress Reports Quarterly reports prepared by the Technical Assistance Team Reports prepared by the beneficiaries Case Management System database reports Inventory of equipments. Test results after the training of end users and IT staff. Statistical reports of the GPO.
Results	Objectively Verifiable Indicators	Sources of verification
<u>Activity 1</u> 1. The communication and infrastructure for the PO system securely set up; 2. A reliable, efficient and sustainable system for management of cases in the Prosecutor Offices (PO) including case flow management, and PO performance standards implemented and functional in the Albanian prosecution system 3. The ability of POs' staff to use the newly adopted case management system developed.	The hardware and software for the communication and infrastructure delivered and installed; User requirements for the case management system elaborated based on an in-depth assessment on the implementation of the new PO management system The software application developed, parameterised, tested and rolled out. At least 4 GPO's IT staff are trained Approximately 30 trainers for the training of end users are trained and approximately 70% of the end users trained	Provisional Acceptance Certificates (PAC) for the delivered equipment and other supporting documents Final User requirements document Reports prepared by the Technical Assistance Team Reports prepared by the beneficiary European Commission Progress Reports On site surveys Reports on the training activities and training materials

<u>Activity 2</u> 1) The tool for management & reporting as per technical specification assessed 2) The accurate and timely implementation activity of the contract (i.e. delivery and installation of ICT equipment, software licenses and supervision of the development, delivery, installation and testing of software) is supervised and project oversight and management is provided; 3) Support and advice is provided to the donor, beneficiary and contractor.	Verification of the establishment of the management & monitoring tools as per technical & contractual specifications; Verification of the regular delivery of progress report with data analysis; Verification of the delivery of advisory reports.	Quarterly Reports prepared by the Technical Assistance Team Reports prepared by the beneficiary European Commission Progress Reports
Activities	Means	Costs
Activity 1 <ul style="list-style-type: none"> - purchasing, delivering and installing the IT hardware equipment and necessary software components for the communication infrastructure; - setting up the communication infrastructure for the prosecution offices' - performing an in-depth analysis of the user's needs and requirements - elaborating the software functional requirements - designing, parametrising and testing the case management software for the prosecution offices - rolling out the case management software in the prosecution offices 	Launching of supply tender Contract 1.1 (supply)	Contract 1.1 (supply) – EUR 2,5 million Contract 1.2. (supply) – EUR 0,53 million

<ul style="list-style-type: none"> - providing maintenance - elaborating training materials - providing training to the IT experts and end users of the case management software 		
<p>Activity 2</p> <p><u>Technical assistance for the software part:</u></p> <p><u>Inception phase</u></p> <ul style="list-style-type: none"> - Preparing the implementation of the project of activity 1 and activity 2 by elaborating, together with the beneficiary, contractor and European Union Delegation, depending on the case, the following tools: macro planning tools to manage activity 1 and 2 detailed planning, quality, risk management and general management (i.e. indicators, meetings organisations) tools. <p><u>Implementation phase</u></p> <p>covers 3 sub activities</p> <ul style="list-style-type: none"> - Development activity: supervising the hardware delivery and installation, software elaboration, testing & delivery until final delivery - Management activity: following up and reviewing work progress, making regular or exceptional reports to the stakeholders, updating all management tools elaborated during the inception phase. - Consultancy task: reporting to EU Delegation the global view of project progress, proposing strategic adjustments to the EU Delegation, beneficiary & contractors, supporting the EU Delegation, beneficiary and contractors on specific requests related to activities, anticipating risk situation / proposing alternative solutions. 	<p>Launching of services tender</p> <p>Contract 2.1 (services)</p>	<p>Contract 2.1 (services) – EUR 0,5 million</p>
<p><u>Technical assistance for the hardware infrastructure activity:</u></p>		

<ul style="list-style-type: none">- the monitoring and supervision on infrastructure specification,- verifying & testing the compliance of delivery with the technical specifications- advising if there is anything on hardware,- preparing reports for the beneficiary and contractor concerning the acceptance of the supplies.		
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ANNEX 2: amounts (in Million €) Contracted and disbursed by quarter for the project

	4th Quar ter 2011	1st Quar ter 2012	2nd Qua rter 201 2	3rd Quarte r 2012	4th Quar ter 2012	1st Quar ter 2013	2nd Quar ter 2013	3rd Quar ter 2013	4th Quar ter 2013	1st Quar ter 2014	2nd Quar ter 2014	3rd Quar ter 2014	4th Quar ter 2014
Contracted													
Contract 1.1 Supply contract	2.5												
Contract 2.1 service contract	0.5												
Cumulated	3.0												
Disbursed													
Contract 1.1 Supply contract		2.0							0.5				
Contract 2.1 service contract for supervision		0.4							0.1				
Cumulated		2.4							3.0				

ANNEX 3

Description of Institutional Framework

Activity 1 – Computerisation for the prosecutor's offices system in Albania

The prosecution system is the beneficiary of this activity and the General Prosecutors Office is in charge of its implementation.

Within the Albanian judiciary system, the General Prosecution's Office is an autonomous body which shares the features of both judicial and executive powers.

The prosecution office is the only authority that exercises the right of prosecution during investigation and trial stages and it carries out its activity through prosecutors attached to every court level. The organisation of the Prosecution office in Albania is regulated by Law no. 8737/2001, with the subsequent amendments and completions, on the organisation and functioning of the Prosecution Office in the Republic of Albania (hereinafter Law on the Prosecution Office).

According to article 3 of the Law on the Prosecution Office states that the prosecution office is a centralised office which functions under the direction of the General Prosecutor.

The prosecutors are independent in carrying out their functions in that they are subject only to the Constitution and laws.

According to the Constitution, the Criminal Procedure Code and the Law on prosecution office, the main tasks of the prosecution office are to lead the criminal investigations, to carry out the criminal prosecution and to file charges to court. The General Prosecutor is the highest authority in conducting criminal prosecution and representing the accusations in court in the name of the state, as well as for accomplishing other duties entrusted to him/her by law.

More specifically, the prosecutor is entrusted by law with the monopoly of the exercise of criminal prosecution and the position of a leader of preliminary investigations and accusations in court by carrying out investigations, inspecting preliminary investigations, filing charges in court and taking measures for the execution of decisions. A prosecutor also has the right whether or not to initiate or terminate criminal proceedings in compliance with the provisions provided for under Criminal Procedure Code.

ANNEX 4 -Reference to laws, regulations and strategic documents:

Reference list of relevant laws and regulations:

1. The Criminal Code of the Republic of Albania
2. The Criminal Procedure Code of the Republic of Albania
3. Law no. 8737/12.02.2001 on the organisation and functioning of the Prosecutor's Office in the Republic of Albania
4. Law no.8677/02.11.2000 on the organisation and functioning of the judicial police
5. Law no.9887/10.03.2008 on the protection of personal data
6. Law no. 9154/6.11. 2003 on the archive
7. The Civil Procedure Code of the Republic of Albania (Law no.8116/29.03.1996)

Reference to SAA (Stabilisation and Association Agreement)

The Stabilisation and Association Agreement (SAA) between the Government of Albania and the European Community entered into force on 1st April 2009. Article 78 "Reinforcement of institutions and rule of law" states that:

Article 78 "Reinforcement of institutions and rule of law". Parties cooperation on justice and home affairs shall attach particular importance to the consolidation of the rule of law, and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. Cooperation shall notably aim at strengthening the independence of the judiciary and improving its efficiency, improving the functioning of the police and other law enforcement bodies, providing adequate training and fighting corruption and organised crime.

Reference to European Partnership

The project will assist to achieve the priorities included in the proposal of the European Commission dated 06.11.2007 for a Council Decision on the principles, priorities and conditions contained in the European Partnership (EP) with Albania repealing Decision 2006/54/EC. The European Partnership outlines the following short and mid term priorities:

Short – term priorities:

- Ensure that all law enforcement bodies are aware of their human rights obligations and implement them rigorously in accordance with the code of ethics for the prisons system and with international conventions ratified by Albania, in particular the European Convention on Human Rights.
- Ensure that the relevant international conventions are observed in establishing and running new penitentiary facilities.
- Increase the independence, accountability and transparency of the justice system, including by fostering the constitutional protection of judges, appointing judges and prosecutors on the basis of competitive examinations, *establishing merit-based performance evaluation for prosecutors* and setting objective rules for allocation of cases to judges.
- **Judicial system:** Improve coordination between prosecutors and police, in particular by means of the *case management system*.
- **Money laundering:** *Enhance the capacity of the financial intelligence unit, the prosecutor's offices and the police Economic Crimes Unit by ensuring appropriate financial and IT resources and improving working-level cooperation.*

Medium – term priorities:

- Ensure that detainees and prisoners on remand are treated in accordance with international standards.
- Guarantee that human dignity and personal safety are respected in detention centres, prisons and mental institutions, in accordance with international conventions.
- **Anti-corruption policy:** Achieve significant results in the fight against corruption, at all levels and in all fields, by enforcing adequate legislation.
- **Fighting organised crime and terrorism:** Make major progress on the rate, number and quality of prosecutions in relation to offences connected with organised crime and trafficking and also in terms of seizure of the proceeds of crime.

Reference to MIPD

The 2009-2011 MIPD states that "In the area of democracy and rule of law, the capacity of the Albanian institutions remains to a large extent limited, in particular as regards the judiciary, the implementation of the public administration reform and the fight against corruption and organised crime".

Therefore the MIPD underlines that the EU assistance to Albania will address key issues such as rule of law enforcement, in particular as regards the judicial reform, support for judiciary infrastructure development and improvement and anti-corruption measures, such as strengthened capacity to investigate and prosecute corruption and enforce legislation.

This project's goals comply with the priority set out by the MIPD: "Support to the Reform of the Judicial System" with the overall strategic objective of an independent, reliable and efficient functioning judiciary that guarantees the rule of law. Furthermore, the MIPD stipulates that some of the programmes which should be implemented ought to include: Improved functioning and administrative capacity of judicial institutions, in order to better fight organised crime; reduction in number of pending cases before the courts and strengthened prosecution system; better judicial infrastructure in place; introduction of case management system.

Reference to National Development Plan

The National Strategy for Development and Integration stresses the necessity on the improvements in the justice system, in terms of strengthening the relationship with independent judicial institutions, including the clarification of the respective competences of the judicial inspectorates of the Ministry of Justice and the High Council of Justice.

The reorganisation of courts to improve the efficiency and transparency of decisions and the provision of adequate space, equipment and computer networks.

The strengthening of status, independence and constitutional protection of judges and prosecutors and progress in their training, recruitment, case assignment and evaluation.

The transparency of the civil and criminal justice processes through the publication of court decisions and the results of checks on violation of the procedural code.

The execution of court decisions, which remains low, particularly in cases where the state is obliged to compensate citizens.

The penitentiary system, the prison facilities, and the pre-trial detention centres are all considered to be below European standards.

With regard the Probation Services, the project is in line with the following priority in the draft National Strategy for Development and Integration 2007-2013 "Introduction of a structure for the application of alternative sentences".

- **Reference to national / sectoral investment plans**

N/A

ANNEX 5 - Details per EU funded contract:

Implementation will require European Union to award Supply, and Service Contracts to contractors, as follows:

a) Supply Contracts

Supply Contracts will be awarded for the supply, distribution and installation of the following:

- ICT equipment, software licenses and services
- Customisation, delivery, installation and testing of software for Prosecutor Office Case Management System.
- Training of end users and IT staff of the beneficiaries

The winning companies will have to provide Provisional Acceptance Certificates and at least one year warranty.

b) Service contract

The Service Contract will be awarded for capacity building and for the supervision of the supply contracts financed under IPA funds. The contractor will have the following estimated tasks, which will be revised, if needed, in the tender dossier:

- Inception phase:
 - Quality process definition with Beneficiary, Contractor, European Union Delegation: it includes meetings organisation, delivery procedure, validations times, tests process, litigation arbitrations, escalation procedures, human resources changes procedures,
 - Risk management Analysis with action plan: project risk definition & evaluation, elaboration the action plan for each risk and monitor them all along the project
 - Supervision of the elaboration of detail project planning: elaboration of the macro planning in order to have a permanent view of each project detail planning & tasks
 - Human resources forecast: validate with contractors & beneficiary human resources involved during the project
 - Deliverable schedule
 - Definition of project indicators and analysis: management indicator to monitor permanently the project such as module development progress, delivery progress in compliance with the planning & delivery rules.
- Implementation phase: development
 - In charge to follow up work progress
 - Organise report to:
 - European Union Delegation, – strategic level
 - Contractor – operational level: status of the progress
 - Support functional definition
 - Intermediate compliancy with the project specification
 - Final validation
 - Test book definition
 - Support the reception of the infrastructure (hardware)
- Implementation phase: project management
 - Planning updating & reporting
 - Quality review and process evolutions

- Progress indicator report updating and elaboration of analysis results
- Risk action plan updating
- Meeting participation
 - Participate to all project manager of initial phase and then possibility to receive the report of the others progress meeting
 - Participate to all steering committee
 - Report to European Union Delegation, supervision meeting with beneficiary
- Supervision of test time and test validation
 - Verification of test group profile
 - Verification the test are executed
 - Reception of test report
 - Synthesis
- Supervise de roll out and the go live time
- Consultancy tasks
 - Report to European Union Delegation, global view of project progress
 - Propose strategic adjustments to EU, beneficiary & contractors
 - Support European Union Delegation, Beneficiary and contractor on specific requests related to the project development and capacity building
 - Anticipate risk situation / propose alternative solutions