

IPA National Programme 2011 for Albania

Project Fiche Nr 1.

"Construction of a new pre-detention centre and prison in Shkodra"

1. Basic information

- 1.1 CRIS Number:** IPA/2011/ 023-035/1
- 1.2 Title:** Construction of a new pre-detention centre and prison in Shkodra
- 1.3 ELARG Statistical code:** 01.23 Political criteria / Judiciary and Fundamental rights
- 1.4 Location:** Albania

Implementing arrangements:

- 1.5 Contracting Authority:** The European Union represented by the European Commission on behalf of the Government of Albania.
- 1.6 Implementing Agency:** Delegation of the European Union to Albania
- 1.7 Beneficiary:** Ministry of Justice

Senior Programming Officer
Ms. Manuela Murthi, General Director in the Ministry of Justice
Address: Blv. "Zogu i I-rë", Tirana, Albania.
Phone: ++355 4 2259388/ 71158
Fax: ++355 4 234560
Email: manuela.murthi@justice.gov.al
Web: www.justice.gov.al

Financing:

- 1.8 Overall cost (VAT excluded):** EUR 22.060.000
- 1.9 EU contribution:** 18.500.000
- 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:** Four 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**

Alignment of the functioning of the justice system in Albania to EU and international standards.

2.2 Project purpose

The project purpose is to further improve functioning of the penitentiary system in Albania.

2.3 Link with AP/NPAA / EP/ SAA

According to the **National Plan for the Implementation of the EU-Albania Stabilisation and Association Agreement**, the Albanian government has taken all the reforms to ensure a fair legal process for each citizen, justice for all and equality before the law to anyone, human treatment in detention and criminal punishment converted into a re-education opportunities. The proposed project will support the attainment of the objectives outlined by the Ministry of Justice to improve the pre-trial and detention system in Albania.

Also, 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 as the short-term priority the need 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, as well as ensure that the relevant international conventions are observed in establishing and running new penitentiary facilities. As medium term priority, the Albanian Government should ensure that detainees and prisoners on remand are treated in accordance with international standards and should guarantee that human dignity and personal safety are respected in detention centres, prisons and mental institutions, in accordance with international conventions.

This project's intervention field is in line with the objectives set out by the EU-Albania **Stabilisation and Association Agreement** of 1 April 2009, in particular with Article 78 on 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".

2.4 Link with MIPD 2011-2013

This project falls under the priority sector "Justice and Home Affairs" as defined by the Multi Annual Indicative Planning Document 2011-2013 (MIPD). The main objective in this sector is to strengthen rule of law, ensuring the independence, efficiency and accountability of judicial institutions and enhance the fight against organised crime. One of the specific objectives in this sector according to the MIPD is "to improve the infrastructure in the judicial sector, i.e. the courts, prison and pre-detention systems."

2.5 Link with National Development Plan

The National Strategy for Development and Integration 2007-2013 approved by Decision of the Council of Ministers of March 2008, underlines the necessity to "Develop infrastructure based on the master plan and the standardisation of buildings", Point 3.1: Integration in EU and NATO, page no. 38 - Public order/Policies and strategic priorities.

2.6 Link with national/ sectoral investment plans

The Master Plan for the pre-trial detention system in Albania was financed under CARDS 2001 and completed in 2004. The proposed project is in line with the terms of the Master Plan and will contribute to the attainment of objectives outlined by the Ministry of Justice to improve the pre-trial and detention system in Albania.

3. Description of project

3.1 Background and justification

o New pre-detention centre and prison in Shkodra

As marked in the **European Commission's Opinion on Albania's application for membership of the EU** of November 2010 under the point 1. Political Criteria, 1.2 Human rights and the protection of minorities

The **prison system** and pre-trial detention in Albania have been considerably improved since the transfer of responsibility from the Ministry of the Interior to the Ministry of Justice in 2007. Investments have been made to develop penitentiary facilities and new administrative measures taken to improve food quality and the frequency of outdoor breaks, resulting in improved living conditions. Vocational training is available for detainees in 15 of the 21 penitentiary institutions, with 570 persons following such courses, notably juveniles. Overcrowding has been reduced, in particular through the introduction of alternative sentencing and a probation system.

Nonetheless, penitentiary centers continue operating permanently above capacity and overall conditions remain below standards, especially in some of the older prisons, pre-trial detention centers and police stations. Further efforts are needed to reach international and European

standards in the treatment of persons deprived of their liberty. In this respect, inspections of the activity of penitentiary institutions need to be further strengthened and the training system for prison officers further developed. Also, the excessive use and length of pre-trial detention is worrying, especially in the case of juvenile offenders. Access to adequate medical services, particularly psychological and psychiatric care, is not always available. Measures need to be taken for the appropriate treatment of detainees with mental health disorders and their placement in an adequate psychiatric institution needs to be ensured."

The main problem to be addressed by this project is the lack of adequate detention facilities in Albania and inadequate conditions of the detainees. In order to overcome this situation, the Ministry of Justice, through the assistance of CARDS 2001, has prepared a Master Plan for the Albanian pre-trial detention system. The Master Plan lists the main problems in this field which include:

- All pre-trial detention facilities are overcrowded by up to 100% (the prisoner capacity amount to 825 persons and the actual number of detainees is 1631);
- Most of the pre-trial detention facilities are in a desolate condition and dilapidated;
- All cells are overcrowded;
- There are no windows in most cells;
- There are cells with no toilets and running water;
- There is no cell furniture.

According to the Master Plan 12 pre-trial detention centres will be built in each prefecture in the country.

This project will partially address the outlined objectives by building the pre-trial detention centre and prison in Shkodra. The facility shall accommodate 120 male, juvenile and female pre-detainees and 600 prisoners.

Currently, under IPA 2007-2010, a amount total of € 29 million have been allocated to support the construction of two new pre-trial detention centres in Elbasan and Berat, and one new pre-trial detention centre and prison in Fier. These penitentiary facilities are currently under construction and are expected to be completed starting from 2012 (Elbasan and Berat) up to mid 2013 (Fier prison).

3.2 Assessment of project impact, catalytic effect and sustainability.

o New pre-detention centre and prison in Shkodra.

The project will significantly contribute towards a more efficient functioning of the Penitentiary system in Albania thus ensuring:

- Improved respect for human rights and the rights of detainees;
- Improved living conditions for pre-trial detainees and detainees;
- Reduction of overcrowding in penitentiary centers;
- One new pre-trial detention centre and prison is constructed.

The adoption and application of the European Union *acquis* in the field of justice is an essential element of the Albanian Stabilisation and Association process. This IPA project will

contribute towards increased efficiency of the penitentiary system through improving the living conditions of detainees in Albanian pre-trial detention facilities. Such initiative will therefore assist Albania in its efforts to meet European standards in this area.

The project has foreseen also the introduction of a more efficient, rational and sustainable utilization of energy by applying, in addition to traditional sources of energy such as petrol and gas, alternative renewable sources of energy like solar panels, in accordance with the EU Directive 2010/31 of 19 May 2010 on the energy performance of buildings.

Sustainability

The justice system reform will continue to be a main priority for the Albania, and the Albanian Government will ensure the budgeting, staffing and maintenance of the pre-trial detention and detention centres.

The efficient energy designs would not only align it more fully with EU environmental standards but also reduce the risk of unsustainable investments through resulting energy savings.

3.3 Results and measurable indicators

Activity 1 – New pre-detention centre and prison in Shkodra built (*Contracts 1.1, 1.2, 1.3*)

Results: New facility in Shkodra constructed, furnished and equipped properly.

Indicators:

- Final acceptance of new pre-trial detention and prison in Shkodra signed;
- Capacity of pre-trial detention center extended with 120 up to standards places;
- Capacity of prison extended with 600 up to standards places.

Activity 2 – Supervision (*Contracts 2.1, 2.2*)

Results: The supervision of the works for the pre-detention centre and prison in Shkodra is carried out.

Indicators:

- The quality of the works executed is in line with the design and technical specification requirements.
- Treatment of issues and complaints and other communications adequate and timely.

3.4 Activities:

3.4.1 Activity 1 – New pre-detention centre and prison in Shkodra

The building works of the facility in Shkodra will be carried out through three contracts:

Contract 1.1 Works contract, financed by EU Contribution: "Construction works for the new pre-trial detention centre and prison in Shkodra"

- Contract 1.2 Works contract, financed by national contribution:
"Connection of the new facility (pre-trial detention and prison) with the main network utilities (access road; water; electricity; telephone; sewerage, etc.)".
- Contract 1.3 Supply contract, financed by national contribution:
"Furniture and equipment for the new pre-trial detention centre and prison centre in Shkodra."

3.4.2 Activity 2 – Supervision

The supervision of the works of Shkodra facility will be carried out through one two contract:

- Contract 2.1 Supervision Contract, financed by EU contribution:
Supervision of the constructions works of the pre-trial detention centre and prison in Shkodra.

3.5 Conditionality and sequencing:

The beneficiary institutions are committed to cooperate with the implementing agencies and to administer the implementation of this project. Albanian institutions have to take the necessary measures in order to avoid any barriers jeopardising this undertaking as well as providing land use and construction and environmental permits.

New pre-detention centre and prison in Shkodra

The Ministry of Justice has to provide a suitable plot of approx. 10 ha, in accordance with the standards used for prison facilities and in an area out of any flood risk (out of the areas recently affected by floods). This plot with the clear documents of the ownership and the reports about the flood risk must be submitted by the beneficiary to the EU Delegation before launching of the tender for this facility.

The construction and environment permits will be obtained by the beneficiary before the signature of the works contract.

Permanent main utilities (access road, water, electricity, sewage, telephone, etc.) connections to the project area shall be provided by the beneficiary before the signature of the works contract. Furthermore, planning of maintenance and relevant budgeting should be provided before signature of the works contracts.

Furniture and equipment for the new pre-trial detention centre and prison centre in Shkodra shall be provided by the beneficiary, also. These supplies must be provided according to the Technical Specifications; design documents and Bill of Quantities already available from the EU Delegation and the beneficiary itself. The period of launching of the tender supply by the beneficiary shall be done in coordination with EU Delegation.

3.6 Linked activities

Pre-trial detention centre and prison

Previous investments under CARDS programme focused on upgrading the penitentiary prisons of Fushë Kruja and Korça. The European Commission granted support to Albania under CARDS 2001 for the implementation of a project aiming to improve the penitentiary system in the country, focusing on creating a Master Plan for the pre-trial detention system (implemented through twinning with the Austrian Ministry of Justice). EU support has been available in this field (penitentiary infrastructures) also through PHARE Programmes. In this context, it is worth mentioning the following projects:

- The detail design and the construction of Fushë Kruja prison, were respectively supported under PHARE 1998 and CARDS 2001;
- The completion of Lezha prison and the support with equipment and furniture to this prison were carried out under PHARE 1999;
- The design and the first phase of the construction of Korça prison were implemented respectively under PHARE 2000 and CARDS 2002, were particularly important. Furthermore, CARDS 2004 provided support for the completion of the Korca prison's construction works – initiated under the CARDS 2002 project);
- The detail design and the construction of Center of the Reintegration of Minors Kavaja were respectively supported under CARDS 2004;
- Under CARDS 2003, the European Commission implemented a project on the Vlora pre-trial detention centre, which also comprises support for equipment and furniture;
- Under IPA 2007, through an amount of a total of €10 million, the issue of the pre-trial detention facilities' overcrowding and the improvement of pre-trial detainees' rights and living conditions were addressed as well. The project supports the construction of two pre-trial detention centres, in Fier and Elbasan, including the provision of furniture and equipment. Actually, the works for pre-detention of Elbasan are in process and are expected to be completed by end of 2011. For the pre-trial detention of Fier, being part of the single complex of pre-trial detention and prison centre, the procedures of procurement have been concluded in November 2010. The works are expected to start in January –February 2011. The prison part of the facility is financed by IPA 2010.(see below)
- Under IPA 2008, through an amount of €6.5 million, shall support the construction of a new pre-trial detention centre in Berat. The works have started in December 2010 and are expected to be completed by end of 2012.
- Under IPA 2010, through an amount of €12.5 million, shall support the construction of a new prison in Fier, part of the single complex facility with the pre-trial detention centre, financed by IPA 2007. The procedures of procurement have been concluded in November 2010. The works are expected to start in January –February 2011 and to be completed by mid 2013.

- The proposed IPA 2011 project is a continuation of the so far efforts and shall further upgrade the involvement of other donors.

3.7 Lessons learned

The Albanian government has repeatedly stressed that without significant investment in basic judicial infrastructure, the impact of both political intention to and donor support for judicial reform will be reduced.

The European Union remains committed to assist the Albanian Government in its efforts to improve judicial and penitentiary infrastructures. Nevertheless, in a number of cases, penitentiary infrastructure projects have been delayed due to different reasons such as land ownership disputes; obtaining of the construction permits; presence of obstacles in the project sites, etc.

Such experiences must not be repeated. Therefore, the precondition for this project is that the Albanian Government will ensure the availability of land for the construction of the detention centre and Tirana court (free of land ownership disputes and free from any obstacles in site). The construction and environment permits should be obtained by the Ministry of Justice before the signature of the works contracts. Permanent main utilities (access road, water, electricity, sewage, telephone, etc.) connections to the project area shall be provided by the Albanian Government.

- cofinancing to be ensured

- awareness of the Ministry of its commitments

- land and property issues must be solved in advance

- Plot must not be on a flooded area

- Only mature projects will be implemented

-Connection of the facility with the main public utility infrastructures to be provided before signing of the contracts

-Maintenance and operational budgets to be provided according to the needs in order to ensure the sustainability of the investment.

4. Indicative Budget (amounts in EUR)

			SOURCES OF FUNDING									
			TOTAL EXP.RE	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 - New pre-detention centre and prison in Shkodra			21.160.000	17.600.000	83.2	3.560.000	16.8	3.560.000				
Contract 1.1 Works Contract	-	X	17.600.000	17.600.000	100							-
Contract 1.2 Works Contract	-	X	1.860.000			1.860.000	100	1.860.000				-
Contract 1.3 Supply Contract			1.700.000			1.700.000	100	1.700.000				
												-
												-
Activity 2 -			900.000	900.000								
Contract 2.1 Supervision	--	X			100							

contract (pre-detention centre and prison of Shkodra)		900.000	900.000									
												-
TOTAL IB												
TOTAL INV		22.060.000	18.500.000	83.9	3.560.000	16.1	3.560.000					
TOTAL PROJECT		22.060.000	18.500.000	83.9	3.560.000	16.1	3.560.000					

NOTE: DO NOT MIX IB AND INV IN THE SAME ACTIVITY ROW. USE SEPARATE ROW

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)

[Only refer to EU funded contracts in consistency with Annex II]

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1 (Construction works for the new pre-trial detention centre and prison in Shkodra)	1 st Q. 2012	3 rd Q.2012	4 th Q.2014
Contract 2.1 (Supervision of the constructions works of the pre-trial detention centre and prison in Shkodra)	1 st Q. 2012	3 rd Q.2012	4 th Q.2014

All projects should in principle be ready for tendering in the 1ST Quarter following the signature of the Financing Agreement.

6. Cross cutting issues

6.1 Equal Opportunity

The principle of equal opportunity will be observed into all stages of the project implementation which is also in conformity with the Albanian Constitution which provides for equal opportunity for men and women to be treated equally regardless 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

Throughout the building work it will be ensured that environmental and natural resources will be effected by a minimum. Nevertheless, the projects are not expected to have an adverse impact on the environment.

The projects address the promotion of improved environmental conditions through the implementation of modern infrastructure, and all efforts will be made to ensure the works undertaken comply with relevant EU Directives.

6.3 Minorities

During the implementation of the project respect for minority rights within the General Directorate of Prisons will be guaranteed.

The proposed project will, as far as is practicable, take the required steps to ensure that the internal policies, structure or operating procedures of the beneficiary will be conform with minorities' promotion policies.

ANNEXES

- Annex 1 - Log frame in Standard Format;
- Annex 2 - Amounts contracted and Disbursed per Quarter over the full duration of Project;
- Annex 3 - Description of Institutional Framework;
- Annex 4 - Reference to laws, regulations and strategic documents;
- Annex 5 - Details per EU funded contract.

ANNEX I: Logical framework matrix

LOGFRAME PLANNING MATRIX FOR Project Fiche		Support to the Penitentiary Infrastructure		
		Contracting period expires: Two years following the date of the conclusion of the Financing Agreement		Disbursement period expires: One year following the end date for the execution of contracts
CRIS Number:		Total budget : EUR 22.060.000	IPA budget: EUR 18.500.000	
Overall objective	Objectively verifiable indicators	Sources of Verification		
Alignment of the functioning of the justice system in Albania to EU and international standards	<ul style="list-style-type: none"> • The total number of prison facilities in Albania in line with EU standards; • Positive reports of the Committee for the Prevention of Torture of the Council of Europe for improvement of the human right conditions in detention places in Albania. 	<ul style="list-style-type: none"> • European Commission country reports; • Reports of different Civil Society Organisations involved in human rights in Albania; • Reports of different organisation/Mission assisting the justice system in Albania; • The Mid Term Training Strategy-Action Plan; • Reports Committee for the Prevention of Torture of the Council of Europe for improvement of the human right conditions in detention places in Albania. 		
Project purpose	Objectively verifiable indicators	Sources of Verification		Assumptions

Further improved functioning of the penitentiary and judiciary system	<ul style="list-style-type: none"> • New pre-trial detention and prison in Shkodra in use and fully operational; • Improved overall quality of the detention system; • 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • JHA reform continues to be a main priority for the Albanian Government; • Albanian Government ensures the budgeting, staffing and maintenance of the courts and prison centres
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
New pre-trial detention and prison in Shkodra constructed, furnished and equipped properly.	<ul style="list-style-type: none"> • Final acceptance of new pre-trial detention centre and prison in Shkodra signed; • Capacity of pre-trial detention center extended with 120 up to standards places • Capacity of prison extended with 600 places; • • 	<ul style="list-style-type: none"> • Signed final acceptance letter for the new pre-detention center and prison in Shkodra. • Statement of acceptance and transfer of ownership of facilities to the Ministry of Justice; • Statements from the monitoring authorities (delegated from EUD, MoES and respective municipalities) that attest the completion of supervisory contract obligations • Monthly Progress reports • Issues/complains forms 	<ul style="list-style-type: none"> • Albanian Ministry of Justice ensures the budgeting, staffing and maintenance of the new pre-detention centre and prison. • Albanian Ministry of Justice ensures the budgeting, staffing and maintenance of the new court. • No defects after liability period

The supervision for Shkodra facility works is carried out.			occur.
Activities	Means	Costs	Assumptions
<p>The building works of prison in Shkodra will be carried out through three contracts.</p> <p>Supervision Contract for the New pre-trial detention and prison in Shkodra</p>	<p>Work contracts</p> <p>Supply contracts</p> <p>Supervisions contracts</p>	<p>IPA contribution EUR 18.500.000 National Contribution EUR 3 560 000</p>	<ul style="list-style-type: none"> - JHA reform remains main priority for the Albanian Government. - Albanian Government ensures the budgeting, staffing and maintenance of the courts and prison centres. - Suitable plot according to the prison standards requirements and out of flooded areas to be provided by Beneficiary in agreed time. - Eventual land ownership disputes have been adequately addressed by the Government. -

ANNEX II: Amounts (in EUR) Contracted and disbursed by quarter for the project

[List only EU funded contracts in line with point 5 above]

Contracted	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014
Contract 1.1 (Works)			17.600.000									
Contract 2.1 (Supervision)			900.000									
Cumulated			18.500.000									
Disbursed	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014
Contract 1.1 (Works)				1.760.000	1.980.000	1.980.000	1.980.000	1.980.000	1.980.000	1.980.000	1.980.000	1.980.000
Contract 2.1 (Supervision)				180.000		210.000		210.000		210.000		90.000

Cumulated				1.940.000	3.920.000	6.110.000	8.090.000	10.280.000	12.260.000	14.450.000	16.430.000	18.500.000
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ANNEX 3 Description of Institutional Framework

Ministry of Justice

In the framework of guaranteeing basic and fundamental rights for all individuals, and in particular the rights and freedoms of convicted criminals, the Albanian Government considers the creation of appropriate conditions for the rigorous implementation of all existing legal framework obligations, as a priority commitment. The Government requires that all law enforcement agencies ensure the human treatment of detainees, and the transformation of criminal punishment into a re-education/correctional opportunity.

Given that the prison legal framework is being approximated to international standards in the penitentiary field, another important objective for the Government is the implementation of international recommendations, regulations and other acts for both the prison and detention systems, as well as all SAA obligations.

The flexibility of all above-mentioned acts increases the likelihood of improving their practical implementation in the prison service, just as in the European Union, where they have become both a symbol and an incentive for the improvement of general standards and humanitarian and progressive treatment regimes. This guarantees that a prison verdict will be implemented impartially without discrimination due to religion, race, colour, gender, political or economic beliefs, and so on.

In addition, another priority for the Albanian Government is to resolve the problem of overcrowding in prisons, whilst rigorously implementing the Council of Europe's recommendations. The necessary conditions have been put in place for the implementation of various projects funded by the CARDS programme for the construction of prisons and the reconstruction of existing ones.

In order to meet the obligations deriving from the legislation into force, the structures responsible for observing the respect of human rights, namely the prison system, are as follows:

- General Directorate of Prisons is an institution, which comes under the Ministry of Justice by way of Law No. 8678; dated 14.05.2001 "On the Organisation and Functioning of the Ministry of Justice" amended by Law No. 9112 dated 24.07.2003. It monitors the organisation and functioning of the detention system, the execution of criminal verdicts, the prison term, etc;
- The Law No. 8677, dated 02.11.2000 "On organisation and functioning of the judicial police";

ANNEX 4

Reference to laws, regulations and strategic documents

Pre-trial detention centre and prison in Shkodra

Reference to relevant laws and regulations

- Law No. 8417, dated 21.10.1998 "On approval of the Constitution of the Republic of Albania";
- Law No.8678 dated 14.05.2001 "On the Organisation and Functioning of the Ministry of Justice", amended by Law No.9112 dated 24.07.2003;
- Law No.8331 dated 21.04.1998 "On the Enforcement of Criminal Case Decisions";
- Law No.8137 dated 31.07.1996 "On the Ratification of the European Convention for the Protection of Fundamental Rights and Freedoms";
- Law No.8328 dated 16.04.1998 "On the Rights and Treatment of Prisoners", amended by Law No.8758 dated 26.03.2001 and Law 9888 dated 10.03.2008;
- Law No.10032 dated 11.12.2008 "On Prison Police";
- Law No.9397 dated 12.05.2005 "On the Internal Control Service in the Prison System";
- Council of Ministers Decision No.303 dated 25.03.2009 "The Approval of the General Prison Regulation", amended by Council of Ministers Decision No.187 dated 17.03.2010.
- Law No. 9877, dated 18.02.2008, "On organisation and functioning of the judicial power in the Republic of Albania"
- Law No. 10 039, dated 22/12/2008 "On legal assistance";
- Law No. 9109, dated 17.7.2003 "On lawyer's profession in the Republic of Albania";
- Law No. 8677, dated 02.11.2000 "On organisation and functioning of the judicial police";
- Law Nr.8402, dated 10.09.1998 "On control and discipline of the construction works", amended.
- Decision of Council of Ministers No. 1292, dated 24.09.2008 "On transfer of responsibility of administration of the Ministry of Justice, of the site and the building premises of the district courts and appellate courts";
- Order No. 3155, dated 28.04.2008 "On categorisation of institutions of execution of criminal judgments", amended.

Reference to EU-Albania 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:

"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 midterm 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.
- Finalised, approved and implemented the draft law on judicial reform and improve the infrastructure for the judicial sector.

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 centers, prisons and mental institutions, in accordance with international conventions.

Reference to the MIPD 2011-2013

This project falls under the priority sector "Justice and Home Affairs" as defined by the Multi Annual Indicative Planning Document 2011-2013 (MIPD). The main objective in this sector is to strengthen rule of law, ensuring the independence, efficiency and accountability of judicial institutions and enhance the fight against organised crime. One of the specific objectives in this sector according to the MIPD is "to improve the infrastructure in the judicial sector, i.e. the courts, prison and pre-detention systems."

Reference to national investment plan

The Master Plan for the pre-trial detention system in Albania was financed under CARDS 2001 and completed in 2005. The proposed project is in line with the terms of the master plan and will contribute to the attainment of objectives outlined by the Ministry of Justice to improve the pre-trial and detention system in Albania.

ANNEX 5

Details per EU funded contract

Pre-trial detention centre and prison in Shkodra The building works of the prison in Shkodra will be carried out through three contracts:

- Contract 1.1 Works contract, financed by EU Contribution
- Contract 1.2 Works contract, financed by Albania Contribution
- Contract 1.3 Supply Contract, financed by Albania Contribution
- Contract 2.1 Supervision Contract, financed by EU contribution

The 2004 Master Plan has foreseen the establishment of 12 pre-trial detention centres in each prefecture of the country. Possible delays in the implementation of the construction/rehabilitation works is a risk that has to be taken into consideration. The main assumptions are that the Justice and Home Affairs reform continues to be a main priority for the Albanian Government, and that the Albanian Government ensures the budgeting, staffing and maintenance of the courts and pre-trial detention centres. Eventual land ownership disputes have been adequately addressed by the Albanian Government and therefore the project shall not encounter problems with such issues.

- Co financing

83.9% of the project cost will be fully covered by EU funds. The Albanian Government will cover the remaining 16.1%, as well as the VAT related expenses (currently at the level 20% of the investment) for this project.

- Ownership of assets (current and after project completion)

Albanian Government, Ministry of Justice-General Directorate of Prison.