Standard Summary Project Fiche – IPA centralised programmes

Project 3: Support to the Penitentiary Infrastructure

1. Basic information

1.1 CRIS Number: 2007/19353
1.2 Title: Support to the Penitentiary Infrastructure
1.3 Sector: 01.23
1.4 Location: Albania

Implementing arrangements:

1.5 Contracting Authority (EC): Delegation of the European Commission in Albania
1.6 Implementing Agency: Delegation of the European Commission in Albania
1.7 Beneficiary (including details of project manager): Ministry of Justice of the Republic of Albania

Project Manager: Fatos Bundo
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Tel. +355 4 234320

1.8 Overall cost: 10 million Euros
1.9 EU contribution: 100%

1.10 Final date for contracting: 3 years following the date of conclusion of the Financing Agreement.
1.11 Final date for execution of contracts: 2 years following the end date for contracting
1.12 Final date for disbursements: Disbursements will continue for up to one year after the end date for the execution of contracts

2. Overall Objective and Project Purpose

2.1 Overall Objective:

The overall objective is to strengthen the capacity of Albanian Judicial and Penitentiary system, in accordance with EU and international standards.

2.2 Project purpose:

This project will serve the further improvement of existing capacities of the penitentiary and pre-trial detention facilities in Albania. IPA’s assistance will help to finalize the construction works of detention and pre-detention centres of Fier and
Elbasan, including the provision of furniture and equipment, in accordance with EU and international standards. The project will consequently enhance the situation in the detention facilities in the country and the Penitentiary system in general through decreasing the overcrowding of pre-trial detention facilities (new detention centres built) and improving detainees’ living conditions (improved respect for human rights and the rights of detainees).

2.3 Link with AP/NPAA / EP/ SAA

The judicial sector remains a high priority for Albanian Government which is committed to further improvements in the basic judicial infrastructure so as to ensure efficiency of its actions and donor support for JHA reform. The proposed Project will support the attainment of the objectives outlined by the Ministry of Justice (2004 Master Plan) to improve the pre-trial system in Albania. Pre-trial detention centers will be built in each prefecture in the country (12 pre-trial centres).

Furthermore, considering Albania’s assumed obligations with the SAA and the priorities outlined in the European Partnership document (see below) this project will also contribute to the achievement of the goals and objectives of the National Plan for the Implementation of the SAA (Government of R. Albania – June 2006).

The European Partnership outlines the short and medium term priorities for Albania in the process of European integration. With regard to this target area – pre-trial detention - the project is in line with the following priorities as outlined in the Partnership document.

Short term priorities:

– “Ensure that the relevant international conventions are observed in establishing and running new penitentiary facilities.”

– “Implement the 2004 Master Plan to improve conditions for detainees and prisoners on remand.”

Mid term priority:

– “Ensure that detainees and prisoners on remand are treated in accordance with international standards.”

– “Guarantee that human dignity and personal safety is respected in detention centers, prisons and mental institutions, in accordance with international conventions.”

This project’s intervention field is in line with the objectives set out by the Stabilization and Association Agreement, in particular Article 78 – “Reinforcement of institutions and rule of law”:

ARTICLE 78 of the SAA
Reinforcement of institutions and rule of law

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.

2.4 Link with MIPD

The Multi-annual Indicative Planning Document underlines the need for improvements in the penitentiary system. This project’s goals comply with two priorities set out by the MIPD:

- “Support to the Police Reform to assist Albania to gain a police force which is operating in an efficient and sustainable structure, capable of fulfilling its role in the enforcement of the Rule of Law”; and
- 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: “Provision of the conditions for adequate staffing, infrastructure and equipment to the Judiciary. Support to the High Council of Justice will continue. Institution and capacity building for the Ministry of Justice, subordinated and other independent institutions. Assistance to the penitentiary system. Strengthening the prosecution.”

2.5 Link with National Development Plan (where applicable)

N/A

2.6 Link with national / sectorial investment plans (where applicable)

The proposed project is linked to the implementation of the 2004 Master Plan for the pre-trial detention system in Albania, financed under CARDS 2001. The proposed project will contribute to the attainment of objectives outlined by the Ministry of Justice (2004 Master Plan) to improve the pre-trial and detention system in Albania. Pre-trial detention centres will be built in each prefecture of the country (12 pre-trial centres).

3. Description of project

3.1 Background and justification:

Albania has achieved significant progress regarding enhancing human capacities in the prison system area through obligatory training courses on human rights for judges, prosecutors, police officers and prison personnel. These issues have been included in the School of Magistrates curriculum. The EC 2006 Progress Report underlines several achievements as regards the legal and prison monitoring aspects. It further calls for more attention on improving conditions in prisons and detention centers as well as for human and material resources available for prison management.

Plans for new detention facilities are at slow pace, according to the Report. “The Ministry of Justice has abandoned a plan to establish a new juvenile detention centre in Pogradec, instead opting for Kavaja, near Tirana, where the centre would be more
accessible to family members.” The largest problem encountered is the lack of facilities for detention, especially outside Tirana. As a result, all pre-trial detainees are confined together with convicted prisoners under the authority of the police. Furthermore, Albanian prisoners abroad cannot be accommodated due to the same lack of capacities.

Building new prisons and pre-trial detention centres according to the Master Plan for Judicial Infrastructure is advancing slowly. Implementation of the Master Plan for the pre-trial detention system is behind schedule. 80 convicted prisoners are still being held in police detention facilities. A new pre-trial detention regulation is a step forward but does not meet international practice, which requires that the pre-trial detention regulation should be made into a law.”

Accordingly, the Multi-Annual Indicative Programme underlines the need for “investment support to upgrade the existing infrastructure”. The main problem to be addressed by this project is the lack of adequate pre-trial facilities in Albania and inadequate conditions of pre-trial 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.

This project will partially address the outlined objectives by building two detention centres following the priorities mentioned in the Master Plan, in Fier and in Elbasan.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)

The project will significantly contribute to 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 pre-trial detention centres;
- Two pre-trial detention centres constructed.

Adoption and application of the European acquis in the field of justice is an essential element of the Albanian Stabilization and Association Process. IPA will contribute to 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.

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

This IPA-funded project does not displace other sources of funding. On the contrary, section 3.6 on "Linked activities" demonstrates that nationally-funded construction of pre-trial centres in other locations is planned by the Government of Albania in accordance with the 2004 Master Plan.

3.3 Results and measurable indicators:
The project consists of construction works of pre-trial detention and detention centres, in Fier and in Elbasan, their furnishing and equipment, as well as supervision of the building works.

This project will improve the current situation in Albanian penitentiary system through improving capacities of pre-trial detention facilities. The existing concerns regarding the overcrowding of pre-trial detention facilities will be satisfactorily addressed. The new detention centres will in addition improve pre-trial detainees’ rights and living conditions.

3.4 Activities:
(including inputs = precise list of contracts to be deployed in relation to it / including where applicable national funded contracts concurring to the activity as well as identification of source of co financing funding and its availability)

Activity 1: The building works of two pre-trial and detention facilities following the priorities in Master plan, in Fier and in Elbasan, will be carried out: two construction works contracts for the new pre-trial detention facilities.

Activity 2: Two additional service contracts will be needed for the supervision of the constructions works.

Activity 3: The new detention centres’ furnishing and equipment will require two supplies contracts for furnishing each of the detention centres.

3.5 Conditionality and sequencing:

The beneficiary institutions are committed to cooperate with the implementing agency and to administer the implementation of this project. Albanian institutions have already taken measures in order to avoid any barriers jeopardizing this undertaking. Upon the preparation of the terms of reference exact sequencing will be available.
The land in Fier and Elbasan for the two pre-trial detention centres to be financed by IPA is already under the possession of the Ministry of Justice (in Elbasan 45000 m2 and in Fier 105,000 m2).

Moreover, the Albanian authorities have clearly committed themselves to launch the construction of two pre-trial centres along the envisaged timetable irrespective of their location.

3.6 Linked activities

Previous investments under the CARDS programme focused on upgrading the penitentiary prisons of Fushë Kruja and Korça. The Commission has 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). The EU support has been available in this field (penitentiary infrastructures) also through the PHARE Programmes. In this direction, it is worth mentioning the following projects:

- The completion of Lezha Prison and the support with equipment and furniture to this prison carried out under PHARE 1999.
- The Design of the Construction of Korça prison was implemented under PHARE 2000. CARDS 2002 and CARDS 2004 will provide support for the completion of construction works “Construction of Korça prison”.
- Under CARDS 2003 the Commission is implementing a project on the Vlora Pre-trial detention centre which also comprises support for equipment and furniture.
- Under PHARE 2000, the Commission funded a project to prepare the Master Plan for Judiciary to determine the priorities for interventions within the judicial infrastructure system. Previous Investment under the CARDS programme focuses on upgrading the penitentiary and court infrastructure, (new court of appeal of Vlora and Korça, Serious Crimes Court).

The proposed project to be financed under IPA 2007 is a continuation of the so far efforts and it will further upgrade the involvement of other donors, such as the construction of Peqin prison funded by the Italian Government.

In parallel to IPA funding, the Government of Albania is planning the nationally-funded construction of other centres in accordance with its Master Plan. In April 2007, the General Directorate of Prisons launched the tender procedure for the pre-trial detention centre at Durres for an estimated cost of € 1.4 million. Another tendering procedure for infrastructure network for the pre-trial centre of Korca has to be contracted in June 2007 with a total of € 0.6 million.

3.7 Lessons learned
The Master Plan, elaborated by the Albanian Ministry of Justice in 2004, and financed by CARDS 2001 through twinning with the Austrian Ministry of Justice, noted that it is not cost-effective to refurbish the current facilities and recommended building new pre-trial detention centres. It therefore suggested that 12 new pre-trial detention facilities be constructed in 12 locations, according to the distribution of population and regional distributions of detainees. Among these 12 locations the Ministry of Justice has identified two pre-trial detention centres with the highest priority, in Fier and Elbasan, to be funded by IPA 2007.

The European Commission remains committed to assist the Albanian government in its efforts to improve JHA infrastructure. Nevertheless, in a number of cases, detention facilities’ projects have had to be abandoned due to different reasons such as land ownership disputes. 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 pre-trial detention centres (free of land ownership disputes) and the preparedness of the projects.

Under IPA 2007, the land in Fier and Elbasan for the two pre-trial detention centres to be financed is already under the possession of the Ministry of Justice. Moreover, the Albanian authorities have clearly committed themselves to launch the construction of two pre-trial centres along the envisaged timetable irrespective of their location.

As for the preparedness of this IPA project, a CARDS 2005 project designed for improving pre-trial detention centre infrastructure will finance the completion of the works designs by the end of 2007. The environmental impact assessment will also be provided by the consultants who will carry out the design of the centres.

Also, the absorption capacity within the ministry of Justice to manage infrastructure project in the Justice Sector has been of good quality but vulnerable. To ensure continuation of good implementation of the related projects, the Project Implementation Unit has to be reinforced. Therefore, another pre-condition for this project is that the Albanian Government strengthens the management capacity of the implementation unit with additional staff.
### 4. Indicative Budget (amounts in €)

<table>
<thead>
<tr>
<th>Activities</th>
<th>TOTAL COST</th>
<th>SOURCES OF FUNDING</th>
<th>EU CONTRIBUTION</th>
<th>NATIONAL PUBLIC CONTRIBUTION</th>
<th>PRIVATE</th>
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<td>Total</td>
<td>% *</td>
<td>IB INV</td>
</tr>
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<td>Activity 1 Building Works in the new pre trial centres (in Elbasan &amp; Fier)</td>
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<td>8.4 ME</td>
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<td>8.4</td>
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<td>3.2 ME</td>
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</tr>
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<td>5.2 ME</td>
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<td>0.6 ME</td>
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<td>0</td>
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<td>0.25 ME</td>
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<td>contract 2.2 Supervision Pretrial Fier</td>
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<td>0.35 ME</td>
<td>100</td>
<td>0.35</td>
<td>0</td>
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<tr>
<td>Activity 3 Furniture and equipment for the new pre trial centres</td>
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<td>1.0 ME</td>
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<td>contract 3.1 Furniture &amp; equipment Pretrial Elbasan</td>
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<td>0.4 ME</td>
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<td>0</td>
</tr>
<tr>
<td>contract 3.2 Furniture &amp; equipment Pretrial Fier</td>
<td>0.6 ME</td>
<td>0.6 ME</td>
<td>100</td>
<td>0.6</td>
<td>0</td>
</tr>
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<td>TOTAL</td>
<td>10 ME</td>
<td>10 ME</td>
<td>100</td>
<td>10</td>
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</tbody>
</table>

* expressed in % of the Total Cost

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

<table>
<thead>
<tr>
<th>Contracts</th>
<th>Start of Tendering</th>
<th>Signature of contract</th>
<th>Project Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract 1.1</td>
<td>2nd Q. 2009</td>
<td>1st Q. 2010</td>
<td>2nd Q. 2012</td>
</tr>
<tr>
<td>Contract 1.2</td>
<td>2nd Q. 2009</td>
<td>1st Q. 2010</td>
<td>2nd Q. 2012</td>
</tr>
<tr>
<td>Contract 2.1</td>
<td>2nd Q. 2009</td>
<td>1st Q. 2010</td>
<td>2nd Q. 2012</td>
</tr>
<tr>
<td>Contract 2.2</td>
<td>2nd Q. 2009</td>
<td>1st Q. 2010</td>
<td>2nd Q. 2012</td>
</tr>
</tbody>
</table>

### 6. Cross cutting issues (where applicable)

6.1 Equal Opportunity

During the implementation of the project equal opportunities within the General Directorate of Prisons will be guaranteed.

6.2 Environment
A CARDS 2005 project designed for improving pre-trial detention centre infrastructure will finance the completion of the works designs by the end of 2007. An environmental impact assessment will also be provided by the consultants who will carry out the design of the centres.

There is currently cooperation between the Swedish Environmental Protection Agency, SEPA, and the Albanian Ministry of Environment to strengthen and improve the capacity of the Ministry, as well as related institutions, to monitor environmental impact assessments. Improved coordination efforts by both the Ministry and the European Commission should be sought where applicable.

6.3 Minorities

N/A
ANNEXES

1- Log frame in Standard Format

2- Amounts contracted and Disbursed per Quarter over the full duration of Programme

3 - Reference to laws, regulations and strategic documents:

Reference list of relevant laws and regulations

- Law No.8321 dated 02.04.1998 “On Prison Police”;
- Law No.9397 dated 12.05.2005 "On the Internal Control Service in the Prison System”.

Reference to AP /NPAA / EP / SAA

The proposed Project will support the attainment of the objectives outlined by the Ministry of Justice (2004 Master Plan) to improve the pre-trial system in Albania. Pre-trial detention centers will be built in each prefecture in the country (12 pre-trial centres). Furthermore, considering Albania’s assumed obligations with the SAA and the priorities outlined in the European Partnership document (see below) this project will also contribute to the achievement of the goals and objectives of the National Plan for the Implementation of the SAA (Government of R. Albania – June 2006).

The European Partnership outlines the short and medium term priorities for Albania in the process of European integration. With regard to this target area – pre-trial detention - the project is in line with the following priorities as outlined in the Partnership document.

Short term priorities:
- “Ensure that the relevant international conventions are observed in establishing and running new penitentiary facilities.”
- “Implement the 2004 Master Plan to improve conditions for detainees and prisoners on remand”

Mid term priority:
- “Ensure that detainees and prisoners on remand are treated in accordance with international standards.”
– “Guarantee that human dignity and personal safety is respected in detention centers, prisons and mental institutions, in accordance with international conventions.”

This project’s intervention field is in line with the objectives set out by the Stabilization and Association Agreement, in particular Article 78 – “Reinforcement of institutions and rule of law” stating: “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 organized crime.”

Reference to MIPD

This project’s goals comply with two priorities set out by the MIPD:

- “Support to the Police Reform to assist Albania to gain a police force which is operating in an efficient and sustainable structure, capable of fulfilling its role in the enforcement of the Rule of Law”; and
- 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: “Provision of the conditions for adequate staffing, infrastructure and equipment to the Judiciary. Support to the High Council of Justice will continue. Institution and capacity building for the Ministry of Justice, subordinated and other independent institutions. Assistance to the penitentiary system. Strengthening the prosecution.”

Reference to National Development Plan

N/A

Reference to national / sectorial investment plans

The 2004 Master Plan for the pre-trial detention system in Albania, financed under CARDS 2001. The proposed project will contribute to the attainment of objectives outlined by the Ministry of Justice (2004 Master Plan) to improve the pre-trial system in Albania. Pre-trial detention centres will be built in each prefecture in the country (12 pre-trial centres).

4- Details per EU funded contract (*) where applicable:

For TA contracts: account of tasks expected from the contractor

N/A

For twinning covenants: account of tasks expected from the team leader, resident twinning advisor and short term experts

N/A

For grants schemes: account of components of the schemes

N/A
For investment contracts: reference list of feasibility study as well as technical specifications and cost price schedule + section to be filled in on investment criteria (**)

This project includes two supplies contracts for the furniture and equipment of the new pre-trial detention centres that are going to be built in Fier and Elbasan. The quantity and type of this furniture and equipment will depend on the project design, and they will range from office to prison cell’s furniture and equipment.

For works contracts: reference list of feasibility study for the constructing works part of the contract as well as a section on investment criteria (**); account of services to be carried out for the service part of the contract

This project will be implemented by two works contracts (construction of the two pre-trial detention centres in Fier and Elbasan) and two service contracts (work supervision).

A CARDS 2005 project designed for improving pre-trial detention centre infrastructure will finance the completion of the works designs by the end of 2007. The environmental impact assessment will also be provided by the consultants who will carry out the design of the centres.

There is currently cooperation between the Swedish Environmental Protection Agency, SEPA, and the Albanian Ministry of Environment to strengthen and improve the capacity of the Ministry, as well as related institutions, to monitor environmental impact assessments. Improved coordination efforts by both the Ministry and the European Commission should be sought where applicable.

(*) non standard aspects (in case of derogation to PRAG) also to be specified

(**) section on investment criteria (applicable to all infrastructure contracts and constructing works)

- Rate of return
  
  N/A.

- Co financing
  
  The project cost will be fully covered by EU funds.

- Compliance with state aids provisions
  
  N/A

- Ownership of assets (current and after project completion)
  
  Albanian Government, Ministry of Justice.
# ANNEX 1: Logical framework matrix in standard format

<table>
<thead>
<tr>
<th>LOGFRAME PLANNING MATRIX FOR Project Fiche</th>
<th>Support to the Penitentiary Infrastructure</th>
<th>Contracting period expires 3 years following the date of conclusion of the Financing Agreement</th>
<th>Disbursement period expires: Disbursements will continue for up to one year after the end date for the execution of contracts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overall objective</strong></td>
<td><strong>Objectively verifiable indicators</strong></td>
<td><strong>Sources of Verification</strong></td>
<td><strong>Assumptions</strong></td>
</tr>
<tr>
<td>Strengthening the capacity of Albanian Judicial and Penitentiary system, in accordance with EU and international standards</td>
<td>The overall situation with the detention facilities (pre-trial included); the number of pre-trial facilities in Albania</td>
<td>Internal evaluations of the Ministry of Justice, EC country reports, Reports of different CSOs involved in human rights in Albania</td>
<td>The main assumptions are that JHA 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</td>
</tr>
<tr>
<td><strong>Project purpose</strong></td>
<td><strong>Objectively verifiable indicators</strong></td>
<td><strong>Sources of Verification</strong></td>
<td><strong>Assumptions</strong></td>
</tr>
<tr>
<td>Enhance the situation in the detention facilities in the country and the Penitentiary system in general through decreasing the overcrowding of pre-trial detention facilities (new detention centres built in Elbasan and Fier) and improving detainees’ living conditions and rights</td>
<td>Capacity of the new pre-trial detention facilities; Quality of the new detention facilities</td>
<td>Supervision of works for the new pre-trial detention facilities, Ministry of Justice internal evaluation</td>
<td>Eventual land ownership disputes have been adequately addressed by the Government</td>
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<tr>
<td><strong>Results</strong></td>
<td><strong>Objectively verifiable indicators</strong></td>
<td><strong>Sources of Verification</strong></td>
<td><strong>Assumptions</strong></td>
</tr>
<tr>
<td>Pre-trial detention facilities in Fier and Elbasan will be constructed and fully operational resulting with significant improvement of the conditions of pre-trial detainees. Reduction of overcrowding in pre-trial detention centres</td>
<td>Capacity and quality of the new pre-trial detention facilities;</td>
<td>Internal evaluations of the Ministry of Justice, EC country reports, Supervision of works for the new pre-trial detention facilities, Reports of different CSOs involved in human rights in Albania</td>
<td>Possible delays in the implementation of the construction / rehabilitation works would be adequately addressed.</td>
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<tr>
<td><strong>Activities</strong></td>
<td><strong>Means</strong></td>
<td><strong>Costs</strong></td>
<td><strong>Assumptions</strong></td>
</tr>
<tr>
<td>The project consists of construction works of pre-trial detention centres in Fier and Elbasan, their furnishing and equipment, as well as supervision of the aforementioned work.</td>
<td>Works contracts for the construction of the two centres. Service contracts for the supervision of the works. Supplies contracts for the furnishing and equipment of the centres.</td>
<td>A total indicative budget of 10 Million Euros under IPA is hence set.</td>
<td>The beneficiary institutions are committed to cooperate with the implementing agency and to administer the implementation of this project.</td>
</tr>
</tbody>
</table>

**Total budget:** 10 Million Euros

**IPA budget:** 10 Million Euros
**ANNEX II: amounts (in €) Contracted and disbursed by quarter for the project**

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