

BUILDING PROBATION SERVICE CAPACITY: WHAT WORKS?

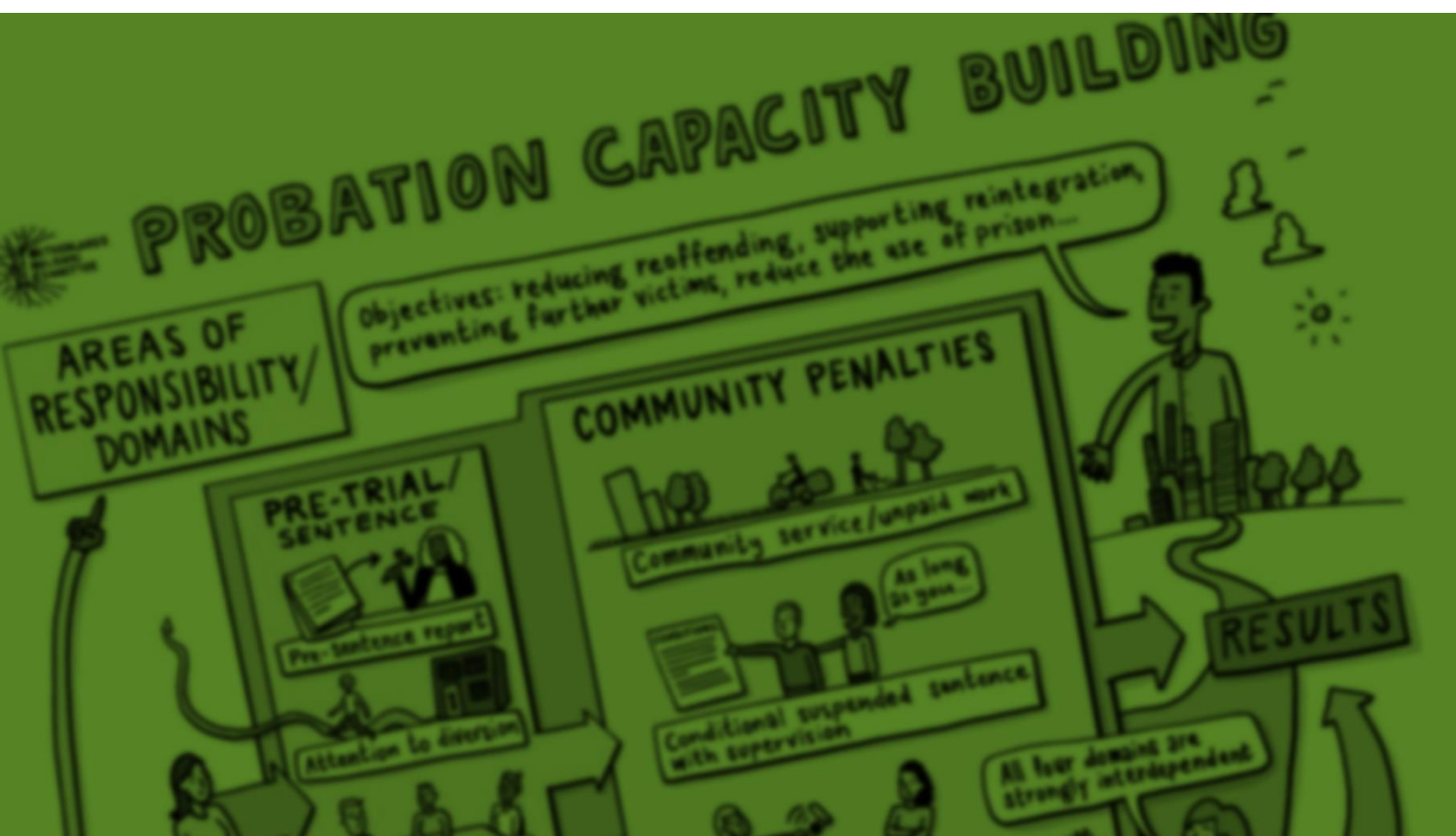
Annex F1 - Country Case Study

ALBANIA

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November 2023



BUILDING PROBATION SERVICE CAPACITY: WHAT WORKS?

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This country study is an annex to the report "Building Probation Capacity, What Works: Learning from the European Experience of Probation Service Development in the 21st Century."

Any opinions, findings, conclusions, or recommendations expressed in this material are those of the authors and do not necessarily reflect the views of interviewees, of individuals that gave advice or feedback on drafts, or of the institutions that are mentioned in the materials. Any errors are the fault of the authors.

The field studies were carried out before the main report was written. The data - with some exceptions- were updated as far as possible up to and including 2022. Recent developments may shed new light on the described situation.

We are immensely grateful to everyone who has helped to make this study possible.

Layout & design: Future Communication, Utrecht.

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Introduction

This country case study summarises the development of the Probation Service in Albania from 2007 until the present situation. It describes processes of capacity building including examples of good practice and concludes with brief observations on the current state of play in relation to the service.

Executive Summary

Context

Albania inherited a tradition from the former communist period of overcrowded prisons in poor condition with low staff/prisoner ratios. Prison conditions, prison overcrowding and the large number of pre-trial detainees, including the length of pre-trial detention, have been persistent issues from 2005 until 2019 and have been highlighted in the progress report of the European Commission (see Appendix 4).

Prison numbers have shown an erratic course; they were low in comparison to many European countries in the beginning of the century (less than 100 per 100.000 inhabitants), they doubled in the years 2015 and are now 1,5 times higher than in the beginning of the century. The percentage of pre-trial detainees remains high (>40%). Overcrowding was an important driver for the establishment of the probation service as the implementing organisation for alternative sanctions.

Probation development and capacity building

The probation system in Albania has developed hugely since the early steps. The service has expanded its work across all regions and its remit to include work in three probation domains - including preparing social enquiry reports mainly on juveniles, the implementation of suspended sentences, and to a lesser extent community service and the post-release supervision of parolees.

Since the fall of communism criminality has risen, as well as populist policy harsher on crime. The Political instability over the past 15 years and the weak economy have hindered the development of probation.

Apart from the essential support from OSCE in laying the strategic groundwork and a political willingness to prepare the probation function and to assist in formulating the necessary legislation to start probation work, two main projects have been carried out. The first was a Twinning project from January 2011 to January 2013 (with a residential twinning adviser working in Tirana) titled

“Support to the Establishment of the Probation Service and Alternative Measures to Detention”. The second was a Swedish project: “Enhanced capacity of Albanian law enforcement agencies and Courts to meet human rights standards in juvenile justice – a comprehensive justice chain approach”; planned from 2017-2020 and extended until the end of June 2022.

The time gap between the end of the first project and the start of the new project has been considerable, and in the meantime many staff members, trained during the first project had left the probation service. New staff had to be recruited and trained. The first project focussed mainly on the built up of the probation organisation, while the second project targeted the relations between the probation organisation and the public prosecutors and judges. The first project could be characterized as a hands-on approach, while the second project, because the groundwork had been laid, involved in a more systematic and fundamental way how among the partners a common strategy in processing juvenile cases could be achieved. According to evaluation reports, the main aims of the projects seem to have been achieved.

Observation on capacity building and success factors

The capacity building model has clarified the process of probation service development, including rationale for probation development, key actors, the domains in which the service works, and the service’s enablers. It has also worked well in analysing the capacity building projects that were undertaken. A real-life test was formed by the input of the researchers into the Eurasia project in developing a business and action plan for the years 2021-2025. The action and budget plan were structured according to the domains and enablers model. It was easily understood by the Albanian partners, and it enabled them to submit the necessary data on outcome indicators. According to the project leader, this action plan approach, based on the model, is in line with current thinking on budgetary governance and performance budgeting.

As probation development in Albania is still ongoing, it remains difficult to indicate with certainty what the key success factors are. **Some standout points may be discerned:**

1. The capacity building projects have helped to establish relevant legislation, training, moral support, and strategic planning.
2. The Swedish project - which addressed many “enablers” - has given good attention to the cooperation between public prosecutors, courts and the probation service in creating better mutual understanding and the establishing of work procedures and protocols. (In our view, the

Swedish project might have had greater impact if a residential twinning advisor has been in post from the beginning.¹⁾

3. The present probation legislation is clearly based on the **Recommendations of the Council of Europe.**
4. The most recent contribution by Eurasia to formulate a **budget plan**, based on an action plan for the coming years, has been **successful in identifying and communicating the goals and needs of the probation organisation.** The formulation of the plan is largely based on the model developed by the researchers and worked well as a format for the plan and budget. The budget plan is now part of the the Cross-Sectorial Justice Strategy 2021-2025. The budget for 2022 however was reduced by 20%, but expansion of the work force to reduce caseloads is foreseen for the coming years.

Hindrances to the build-up of the probation function include:

- political instability, uncertainty among judges regarding their position because of a vetting process, the poor functioning economy and the scarcity of financial means also for organisations that must play a role in the social inclusion of the offender, and finally the chronic lack of staff of the probation organisation and ensuing high workload.
- a long period in which the service was managed by several Acting Director-Generals; since early 2022 however, an appointed DG was welcomed by the staff of the probation service.
- the fact that prison and probation services have mainly worked in silos, a factor which has not really changed greatly during the projects.
- the time lag between the different projects, making it difficult to build on what had been achieved in the earlier project.

Probation in Albania; The Current Situation

The number of offenders under probation supervision is nowadays somewhat higher than the number of prisoners. The number of pre-sentence prisoners is rising (in 2019 43% of the total number of inmates, in 2022 56%); this raises a question concerning whether the probation organization could play a role in diminishing this rise by offering advice to judicial authorities and, potentially, alternatives to pre-trial detention.

¹ Since July 2021 a permanent expert was stationed in Tirana (this was originally planned from March 2020 but postponed due to the pandemic. During this year the emphasis was on the practical application of the tools and methods developed and on the sustainability of the methods, by securing better engagement of managers, creation of regional peer-support forums for practitioners to learn and share experiences, and creation of digital courses that in conjunction with manuals and forums can serve as introduction for new staff.

The Eurasia project has recently assisted the government (with ample input from the probation service) to draft a business plan that, if adopted, would lead to sufficient funds for the gradual development of probation by financing priority measures.

It is to be hoped that the number of pre-sentence reports for adults will rise now as during recent periods considerable attention has been given to better understanding and working relations between the judiciary and probation. The cooperation between the probation service and the prison service however needs to be improved, enabling probation staff to prepare prisoners for early release and to extend the number of prisoners who will be under parole supervision after release.

The development of probation work for juveniles has received political and societal support. The Swedish project gave a strong impetus by focusing on common understanding on the part of key stakeholders (public prosecutors, judges and probation staff) regarding respective roles and responsibilities. In the framework of this project tools and methodologies for risk assessment and supervision were developed. With the budget extension (The Cross-Sectorial Strategy) there is optimism that the adult probation function will soon benefit from an improved financial situation and commitment to decrease the caseload, and the development of professionalism.

The researchers have the impression that there is currently significant positive energy in the service to further develop probation, and especially to strengthen relations with the justice and civil/municipal environment.

Because of populist tendencies, in future projects focus will need to be placed also on avoiding net widening (increasing the non-custodial options while not decreasing the number of prisoners). As the situation in several aspects was, and remains, dire, it is not to be expected that the development of probation is likely to be finalised within a timeframe say 15 years. Commitment in Albania itself needs to be upheld, as well as continued international support.

Section 1. Facts and Figures

Prison Rate and Population (source: World Prison Brief)

Indicator	1990	1995	2001	2015	2020	2021	2022
Prison population total (including pre-trial detainees /remand prisoners)	3000	3177	3053	5934	5063	5042	5105
Prison population rate (per 100,000 of national population)	92	97	99	205	157	179	182
			2001	2020	2021	2022	
Pre-trial detainees / remand prisoners (percentage of prison population)		48%		43%	56%		56%

Probation Rate and Population

No SPACEII data available, however, based on the information supplied by the Albanian Probation Service, the following types of alternative sanctions for adults were given (articles refer to the Criminal Code):

	2019	2020	2021
Article 59, Suspended sentence	5314	4572	5604
Article 59/a, House arrest	57	335	49
Article 64, Conditional Release	315	148	148
Article 63, Community service	1080	888	970
Article 58, Half-liberty	1	4	1
Total	6767	5647	6772

The Probation Population rate is based on a population in 2021 (2.800 million): 240 (this is an approximation, assuming that the above numbers are based on a duration of the probation titles of one year). This places Albania in those countries with a high probation population rate (≥ 200 per 100 000 inhabitants) and a relatively high prison population rate (>100 to <200 per 100 000 inhabitants).

Overcrowding was a serious problem and was an important driver for the establishment of the probation service as the implementing organisation for alternative sanctions. The prison population has undergone a continuous increase, exceeding normal capacity. The number of pre-trial detainees comprised 48% of the total prison population (2014). The CPT in 2018 acknowledges the steps taken thus far to address the phenomenon of prison overcrowding but encourages the Albanian authorities to make increased use of alternatives to imprisonment (in particular to remand detention) and measures facilitating the reintegration of prisoners into society. Although the number of pre-trial detainees was still high in 2019 (45% of the prison population), overcrowding has disappeared (occupancy rate 85% in 2019) due to the extension of the prison capacity.

The causes of prison overcrowding were the following (Policy Paper 2015):

- 1** Political pressure towards more punitive penal policy caused a considerable increase of the population in pre-trial detention facilities, especially pressure towards a more punitive policy for electrical power thieves and for traffic offenders (drunk driving/driving without a driver's license).
- 2** Delays in procedural deadlines: unnecessary extension of the period of pre-trial detention is mainly the result of long or slow investigations, as well as the procrastination of judicial proceedings in the criminal courts.
- 3** Prison sentence as a default option. There was a considerable decrease of decisions ordering fines by the public prosecutor during 2012-2013 of 18.8% and 24.30% respectively, as compared to the preceding year. The imprisonment sentence considerably dominates in court decisions. Some alternatives to imprisonment (semi-freedom, house arrest, parole) are only applied in low numbers. House arrest has had a low application because of the lack of the necessary number of employees to enable the supervision of the inmate and of the low application of electronic monitoring. Prosecutors do not often request electronic monitoring and there is hesitance by the courts to allow such requests.
- 4** The high prison population is also accompanied by a parallel increase in criminality. Studies conducted on the prisoner population indicate that the main factors influencing criminal behaviour are related to the social structure, hard economic conditions and experiences of domestic violence. The criminal offences committed against property and in the economic field form the criminal offences of highest occurrence.
- 5** Other causes (based on interviews)
 - In 2019 and 2020 a vetting process is underway regarding the suitability of judges to maintain their position. As judges do not want to be perceived as "corrupt", they tend not to impose alternative sanctions.

- The media are often pressing for stiffer sentences. Judges and public prosecutors are quite often portrayed as “soft”. In combination with the previous point, this makes them careful in requiring and imposing alternative sanctions.

Section 2. The current situation (Domains and Enablers)

The Four "Domains" of Probation

Domain 1 - Pre-Trial and Pre-Sentence

Pre-sentence Reports

The new Law No. 78/2020 "For the organization and functioning of the Probation Service", in the section III "Support of Probation Service during the judicial process", article 18 "Obligation to submit an evaluation report" stipulates cases when the Probation Service must provide the evaluation report, not later than 14 days after the request of Prosecution or Court, for the juvenile in conflict with the law, the person under investigation, the defendant or the person under supervision, during

- a) the preliminary investigation phase;
- b) before issuing the alternative measure of diversion and at the end of its execution.
- c) during the trial before the issuance of the criminal decision.
- ç) during the execution phase.

The report in case of juveniles needs to contain information on "the relevant measures to promote his/her development and integration into society". This provision does not apply to adults. Prior to the approval of the new Law for Probation Service (in force since August 2020), this activity was regulated in the Law No 8331, date 21.4.1998 "On the Execution of Penal Decisions". The report should contain a recommendation of the Probation Service of the most appropriate alternative sentence, aiming at his/her reintegration into society and preventing him/her from committing other criminal offences. (Article 31/8 of the Law on the Execution of Penal Decisions). The new law is thus more restrictive. In the case of adults, the probation service is limited in providing the facts and analysis of the crime and person. One interpretation is that in the juvenile sector the choice of sanctions is in theory more diverse and therefore the court might need guidance from the probation service.

During 2019, 959 evaluation reports were requested for detainees or persons under investigation, of which 830 were requests for evaluation reports from the court and 129 requests from the prosecution office.² There are no specific data available on pre-sentence reports. The statistics do not differentiate between adults and juveniles. However, it is estimated that 95% reports apply to adults. The reason for this huge difference is the number of juveniles that commit crimes is much lower than for adults. Another reason is that according to the Juvenile Justice Code, the prosecutor may ask experts other than probation officers (e.g., psychologists or child protection workers) to perform the assessment report.³

Other activities

Supervision activities can only take place based on a final sentence; thus, the Probation Service is not involved in any way in supervision during this phase other than it may assist in supervising people under house arrest via Electronic Monitoring.

Domain 2 - Community Sentence

The Penal Code prescribes five types of alternative sanctions, as well as other obligations that may be given by the court in the final verdict. Thus, the chapter on alternative sanctions, includes Semi-liberty, Suspension of the execution of imprisonment and probation, House confinement, Suspension of the execution of imprisonment and Community Service, and Conditional release.

The obligations that the court might give are (art. 60 of the Penal Code):

- 1** To exercise a professional activity or receive a vocational education or training.
- 2** To use their salary and other income or property to meet financial obligations.
- 3** To repair the civil damage caused.
- 4** Prohibition from driving certain vehicles.
- 5** To not exercise professional activity when the criminal offense is related to this activity.
- 6** To not attend certain places.

² <http://www.sherbimiproves.gov.al/index.php/al/statistikat/te-dhena-statistikore>

³ From the perspective of the Swedish project, it was remarked that this provision is questionable from the view of independence; also, the quality of the reports made by the prosecution was lacking.

- 7** To not attend places that serve alcoholic beverages.
- 8** To stay in their household at certain times.
- 9** To not be associated with certain persons, mainly convicts or accomplices of the offense criminal.
- 10** To not own, possess or use weapons.
- 11** To undergo a treatment or rehabilitation in a health institution or undergo a treatment program, medical or rehabilitative.
- 12** To undergo treatment, or a medical program or rehabilitation, in order to stop the use of alcohol or narcotics.
- 13** The court orders the convict to maintain contact with the Probation Service during the probation period and to fulfil one or some of the mentioned obligations.

"*Semi-liberty*" (Article 58) This alternative sentence is applied to a person only if the court gives a penalty of up to one year. To provide this alternative, the Court should find that the inmate has serious family, medical, educational, professional or social circumstances, and if the purpose of punishment can be achieved through the application of this alternative. It is seldom applied (during the period 2009-2018 it is applied in 14 cases in total⁴ (in 2018: 4 times; In 2019: 1 time).

Suspended prison sentence (art. 59 Penal Code) This alternative to the prison sentence is for cases where the offence is punishable by up to 5 years imprisonment. The court deems the degree of social danger and the author's offense, the needs especially of those related to the family, education or work, the circumstances under which the criminal offence was committed such that it is not necessary to apply imprisonment. The time during which the court may place the person on probation ranges from twenty-four months to five years. The probation period for imposed sentences of up to two years of imprisonment, suspended by the court, shall be double the period of imprisonment sentence imposed by the court. The offender must maintain contact with the probation service.

The probation period starts the very next day following announcement of the court decision suspending the imprisonment sentence. The probation period may be shortened or extended depending on the manner of the execution of the probation service and the personal conditions of the sentenced persons, but without prejudice to the minimum and the maximum period foreseen in this paragraph. This is the most frequent applied alternative sanction: 6171 cases out of the 7528 imposed alternative sanctions in 2018 (82%); in 2019 5314 out of the 6767 cases (79%). From the data from the Annual report of

⁴ <http://www.sherbimiproves.gov.al/index.php/al/statistikat/te-dhena-statistikore>

the General Prosecution Office⁵ it is noted that in 2019 there is a decrease of 4.5% in the number of requests of the prosecutor for the application of this alternative to imprisonment, in 2018 there is an increase of 16% of the number of prosecutor requests, in 2017 there is an increase of 13%, in 2016 there is a decrease of 1%, while in 2015 there is an increase of 12% of the number of requests of the prosecutor for the application of the alternative to imprisonment provided by Article 59 compared to 2014.

House Arrest (Article 59/a Penal Code) This alternative favours certain categories of people, such as pregnant women or mothers with children under the age of 10 or with people in serious health conditions that require constant care from health service outside the prison, people over 60 years who are due to health incapable, and young people under 21 years with study needs, work or family responsibilities. This measure is given if the above conditions are met and in cases where the court has sentenced up to two years of imprisonment and in cases where there are up to two years of imprisonment remaining from the total conviction. The Probation Service is expected to play an active role in the implementation of this alternative, especially when the probationer's living conditions changes or when he cannot fulfil the obligations. This option is seldom applied (57 in 2019 that is less than 1% of the imposed alternative sanctions). It was intended to combine House Arrest with Electronic Monitoring, but EM did not really "get off the ground".

Community Service (art. 63 Penal Code) The court may decide to suspend the execution of the period of imprisonment of up to one year and replace it with work in the public interest for a certain number of hours for a period ranging from forty to two hundred and forty hours (the average is estimated at 80-120 hours).

Upon completion, the sentence is considered non-existent, meaning a clean criminal record. This is why this type of alternative sentence is mostly used for juveniles. The Probation Service designs and develops a program for the execution of this sentence. This sentence is relatively often applied (1017 in 2018=14%; 1080=16% in 2019).

Domain 3 - Custodial Pre-Release

There is currently no role of the probation service in implementing the custodial sentence for adult offenders (no group work, contribution to detention plans, or preparation for (conditional) release). However, with the new Code on Juvenile Justice, the role of Probation has been extended. The

⁵ <https://klp.al/wp-content/uploads/2020/11/HPC-Annual-Report-2019.pdf>

probation staff will be notified of the upcoming release, and the probation service needs to assess the family and social/environmental risks. The probation service, the juvenile prison and the Crime Prevention Centre for Children and Young Adults (a new institution derived from the new Code) need to work together.

Domain 4 - Post-Release

Conditional release (art. 64 Penal Code) The prisoner has the right to address the court and seek conditional release if he meets certain criteria. Conditional release will be granted if the prisoner with his work and behaviour shows that the purpose of punishment is achieved. The director of the Institution of Execution of Criminal presents to the court a copy of the file of and a detailed report on the prisoner. The probation service submits, upon the court or prosecution's request, a report from the probation service (family conditions and social integration chances and planning of his post-release supervision). In 2019 this sentence option was applied 315 times, that is 4,7% of the alternative sanctions.

The process of conditional release is very delicate as in many cases they can be high risk people who might have committed very serious crimes. The assessment report from the Probation Service is expected to contain the most up-to-date, accurate, and extensive information on the person. The conditions for conditional release are very strict, thus leaving not much room for error. This document greatly helps the court to make the ultimate decision. (Xhangolli, 2021)

There is no role of probation in assisting ex-offenders.

The Four "Enablers" of Probation

Legislation and Leadership	The Organisation
<p>Quite recently two important laws have been adopted:</p> <ul style="list-style-type: none"> • The law on the execution of penal decisions; this applies to every institution, i.e., police, prosecution, prisons, probation, etc., 	<p>The Service was founded in 2009 and built up from scratch. The service is working in 22 cities all over the country. The service started with 4 offices. The probation Service acts under the Law nr. 79/2020 "On the Execution of Criminal Sanctions". The formal administrative rules and</p>

<ul style="list-style-type: none"> • The law on probation (78/2020; On the Organization and Functioning of the Probation Service); according to the view of the researchers this is a highly sophisticated law in which the European Probation Rules seem to have been used as an inspiring source. The law defines the mission of the Probation Service as “promoting the social inclusion of persons under supervision, in order to prevent the commission of criminal offenses and to develop a sense of responsibility to society and the victim through the rules of social interaction and special interventions.” (In compliance with Rule 1 and Rule 8 EPR) <p>Legislation is developed in 4 domains.</p> <ul style="list-style-type: none"> • Pre-trial • Community - Probationary, CS, • Pre-release (limited to advisory report on parole) • Post-release <p>The Albanian political situation has not been stable. This has created uncertainty for the leadership of probation for a very long time.</p> <p>The position of probation was until 2020 not regulated by law but was based on a decision of the cabinet. This has hindered the respect that the probation service needed to command. Also, the procedural role of the Probation Service had not been included in the Criminal Procedure Code. This seemed to have hindered judges and prosecutors from making</p>	<p>regulations are described in the Decision of the Council of Ministers nr. 421, dt. 08.07.2021, “On the Approval of the General Regulation of the Probation Service”.</p> <p>The Probation Service deals with all kinds of offenders who generally are low-risk, and the criminal offense is punishable by less than 7 years of prison. The Service deals also with juveniles, from 14 years.</p> <p>Juveniles in conflict with the law have been given special attention by the government and the judiciary system since the Juvenile Justice Code was introduced in 2018. The Ministry of Justice in collaboration with the Swedish Government started a Programme on Juvenile Justice, with the aims of capacity building as well as developing better instruments to help juvenile offenders.</p> <p>Workloads have been very high for the probation offices: 100 offenders per probation worker. This has been decreased to 60, although still considerable in comparison with many European countries. The Albanian Cross-Sectorial Justice Strategy 2021-2025 prescribes that the number of the Probation Service staff will be increased to match the European standards and recommendations.</p> <p>The professional background of probation workers in the beginning was mainly legal, now it is more in balance with other</p>
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<p>more use of alternatives to imprisonment.</p> <p><i>“Due to its populist criminal policies, Albania has now reached the highest levels of criminal punishment in Europe and, consequently, for a decade it has been facing high levels of overcrowded prisons and a chronic dependence on amnesties.”</i> (Nikolli, 2015)</p> <p>For the first time since its inception in 2009, the Probation Service in Albania has its own Action Plan. This Action Plan aims to have an efficient and effective probation system which is in accordance with the European standards. Given that the number of alternative sanctions in Albania has been rising year after year, current human resources and infrastructure cannot handle the workload. The Probation Service has worked closely with the Ministry of Justice and the EURALIUS Mission V in Albania to devise a detailed 5-year plan, that is included in the Cross-Sectorial Justice Strategy 2021-2025. However, the budget that was developed could only be approved for the Ministry of Justice and not for dependent institutions, such as the Probation Service. For 2022 there was even a reduction of the probation budget by 20%. However, in terms of the near future, changes are prepared for a reduction of the caseload and a small expansion of the staff in the general directorate.</p> <p>As part or corollary of the Action plan, the following actions are taking place (end 2022):</p> <ul style="list-style-type: none"> • Drafting of the Probation Service Integrity Plan (ongoing) 	<p>backgrounds: social work, psychology, sociology, all on an academic level. Currently there are not yet approved basic and ongoing training programs. However, a curriculum is now being drafted, with attention to methodology (motivational interviewing, CBT-techniques, assessment and report writing etc.)</p> <p>The turnover rate of probation officers has been very high (including for political reasons, better positions elsewhere). But training of new recruits has been continuing even after the initial two capacity building projects.</p> <p>The first cohort of probation staff has been trained systematically on methods noted such as (motivational) interviewing, report writings, risk assessments, community network skills, legal framework of probation service functioning and its role in the perspective of relationships with other state agencies. However, since many new officers have entered the service, much of what had been learned in earlier projects needs to be repeated.</p>
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<ul style="list-style-type: none"> • Drafting of the new structure and job descriptions (ongoing) • Drafting the terms of reference for Electronic Surveillance (ongoing) • Drafting of project fiches for digitalization, Electronic Monitoring and Probation Service infrastructure • Drafting of Cooperation Agreements in implementation of the alternative sentence "committing a public interest work" (community work) (have been signed and are being implemented) • Awareness raising project as presenting the new logo, renovated and updated website, improving the physical appearance of the institution, open lectures at universities, personalized vests with the Probation Service logo, • Several trainings according to the needs of PS staff. <p>Since January 2022 the probation service has an appointed Director-General; for many years the service was headed by several Acting DG's. This is seen as a good basis for stability and further development.</p>	
<p>Partnerships</p>	<p>Practice</p>
<p><i>Public Prosecutors and Courts</i> The low rate of application of alternative sentences is due to the lack of adequate support infrastructure, scepticism of the court in relation to the effectiveness of these sanctions in the rehabilitation of</p>	<p>Instructions on methodology mainly consist of description of processes: date of first and further interviews, and content (obligations/ responsibilities of offender; data gathering for risk</p>

the offender, and the high discretion that courts enjoy in delivering such sentences based on the actual legal provisions. It is left to the judge's personal evaluation whether he/she will take into consideration the possibility of implementing an alternative sentence to imprisonment. In the final ruling for the issuance of the sentence, the judge is not obliged to reason on the fact of the refusal of the demand for the issuance of an alternative sentence.

More attention needs to be paid to raising awareness and increasing prosecutors' and judges' trust in the efficiency of alternative sentences, as well as training them on circumstances of the application of the electronic surveillance measure. The expansion of institutional capacities in the implementation of alternative sentences to imprisonment, would give judges and prosecutors more confidence in the effectiveness of the application of alternative sentences in the community, and would, thereby, increase availability for their application to short prison sentences.

In recent year the probation service had conducted a large "campaign" with many meetings and conferences with prosecution, court, police departments and General Directorate of Prisons, country-wide, in order to exchange experiences, and to discuss and revise the modalities of collaboration in the phase of arresting, pre- investigation, investigation, in order that justice can be more friendly and effective with regard to rehabilitation of detained people and alternative measures. The probation service has influenced a reduction in the number of prisoners

assessment and drafting of treatment plan, to be signed by offender). The present treatment plan mainly focusses on the frequency of contact. Probation methodology will be developed as part of the 5-year strategy. This will mirror the cognitive-behavioural and motivational interviewing framework and techniques, developed for juveniles in the Swedish-Albanian probation capacity building project.

An adapted version of *OASIS* was developed, and a format for pre-sentence reports. The number of pre-sentence reports during the twinning project remains unknown. Pre-sentence reports seemed not to be very influential. In the service's early days most probation officers had a legal background. They did not factor in socio-economic, psychological and welfare considerations. Probation officers did not have right of audience during court sessions, so probation officers had to liaise with public prosecutors.

There has not been a tradition to *pilot* new practices before legislation was drafted and established.

Support programmes need to be promoted for *former convicts*, aiming at supporting them with technical and professional assistance to overcome potential obstacles during their reintegration into society. There is no formal role for probation officers to work with ex-convicts.

<p>and making the overall justice system more friendly, focussed on reintegration rather than just punishment. However, there are also countervailing influences. For example, the harshening of Penal Code while the Probation Service is trying to support increased application of community measures for light offences may reflect problems in harmonization of the overall Albanian penal legislation.</p> <p>Now (end 2022) many meetings take place on a central and decentralised level with for instance the School of Magistrates, National Employment and Skills Agency, National Chamber of Mediation, Universities, City Hall, Judicial District Court, Prosecutor, Municipal Police, Local Border and Migration Directorate, Parks and Recreation Agency, Criminal Judgment Execution Institution, Social Centers, Regional Education Directorate, 9-Year-Old School, Addiction Center, etc.</p> <p><i>Liaison with prison service</i> Prison and probation were working in separate silos. Partly due to high caseloads, the costs of traveling (in time and money) to the prisons, and a lack of tradition of regular visits, probation officers only visited the prisons if a report needed to be made (an administrative requirement). It would appear to have been a missed opportunity that probation officers and psychologists based in the prison have not liaised and cooperated with one another.</p> <p><i>Other Public Agencies and Private organisations</i> - the problem of reintegration in society of offenders depends heavily not only on probation but also on the quality of other community agencies and state agencies</p>	<p><i>Community Service:</i> Public prosecutors wanted to have a say in the kind of project the offender had to work in. The twinning advisor paid attention to the fact that such a procedure was not efficient, and that the public prosecutor had to rely on the probation service to arrange a project that fitted the offender.</p> <p><i>Electronic Monitoring:</i> has not been a success. There was not a strategic vision how to use it. The residential twinning advisor believed it should have been used as an alternative to remand or custody (for instance combining with parole), in which case it would have impacted on a reduced prison population. However, in effect it contributed to extra costs during a community sentence. There were also problems with the equipment, whilst the firm hired to take care of technical matters appears to have had limited experience of similar work.</p> <p>Overall, probation officers were spending much of their time on <i>administrative work</i>. The time spent on contact with offenders was limited.</p> <p>During the twinning project a <i>PR-Strategy</i> was developed. In 2012 a business plan for probation was published, to explain probation to the wider public and the political arena.</p>
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with whom the probation agency collaborates. It is necessary to broaden the cooperation framework between the Probation Service and public agencies and private organizations, grounded on written agreements, where each of the parties takes on long-term commitments (also in terms of the number of services for offenders they are going to deliver every year) and responsibility. The present network has problems with both quality and sustainability (for example certain services relevant to probation, such as treatment for drug addicts with alternative measures, are offered by organizations within time-limited projects which do not offer in this sense a stable and continuous necessary service for this target group). This is the case also for other needs of offenders such as mental health, employment, education etc due to economic hardships of Albania. It is suggested that at senior ministerial level agreements must be made concerning how the limited capacity of other state organisations and NGOs could be used for the benefit of all in a smarter way and how a common agenda could be achieved.

With regards to placements of *Community Service*, the Probation Service has more than 225 Memoranda of Understanding signed with local government units, aimed at this sentence being served locally.

NGOs were not involved in the build-up of the probation service, hampered also because no pilots were carried out before the probation legislation was established.

Section 3. Characteristics of Capacity Building in Albania

The following points were highlighted in reports and/or meetings:

- Why build Probation?
- Who was involved?
- What has been developed within the Probation “Domains”?
- How has the probation function been “enabled”?

As noted in the historical section (see Appendix 1) and in the tables on domains and enablers, the following points stand out, and the highlights are summarised as follows.

Why Build Probation?

- For a long time, due to the autocracy, custody was (almost) the only option. Partly as a result, prisons were overcrowded. The conditions in prisons were poor. CPT-reports were highly critical. The CPT urged the ministry to develop alternatives to custody and to build a probation organisation.
- Comparisons with practices elsewhere in Europe were made, also influenced by anticipated EU membership; access to EU functioned as a “carrot”.
- More generally, attention was paid to the development of a rehabilitative approach for offenders, rather than a punitive one. There was an aspiration to comply with modern European standards in probation. The links with other countries and international organisations grew slowly. However, in recent years an acceleration has been seen.

Who was involved?

- There was and is a desire on the part of the population and politicians to align with and become member of the EU, especially the younger generation. There was a sincerity about the motives to introduce probation.
- Nevertheless, hidden opposition among certain people could be sensed (tightening up processes would make it more difficult to continue to profit from financial transactions).
- There was a lack of tradition of networking (e.g., community leaders, police, health, education, business, corrections).
- In contrast to other countries in the region, NGOs were little or not involved.

- Pilots to test out practices could not be organised as legislation needed to be in place to make a start.
- The OSCE played a stimulating role in preparing the ground, in raising awareness of a need to improve prison conditions and to have alternatives to custodial options; in helping to formulate the legal framework; in bringing together prisons, public prosecutors, judges with international experts; in establishing the first probation offices; in training the first probation officers. After the twinning project, OSCE kept following the development of probation and in that sense served as a kind of “guard keeper”.
- Twinning project EU was successful in extending the probation organisation (more offices and more probation officers) and convincing the political arena that more funding was necessary for the infrastructure (offices, transport for probation officers, IT), although the financing has continued to remain weak.
- During the twinning project a strong relationship developed between the Director General and the residential twinning advisor. It is our impression that the last one was a warm, emphatic person with a lot of expertise and knowledge. This combination led to mutual trust. The residential twinning advisor made sure that the Director General could take credit for the successes that were achieved.
- Between the residential twinning advisor and his Albanian colleagues, a professional friendship developed.
- During the twinning project there was an active interest of the EU-delegation in how the project developed. The representatives helped to keep the twinning advisor “on his toes”. It also reminded him and the Albanian partners that the work undertaken was part of a bigger European picture.
- Municipalities were helpful in finding placements for community service but for offenders with basic problems (housing, income, etc.) the resources were very limited; the range of services was basic, provisions were not well developed; there were no resources for people with multiple problems.
- Prison and probation were working in separate silos. In prisons there were and are highly educated professionals working (clinical psychologists). Although involving these professionals in probation work was discussed during the twinning project, this idea has never taken shape.
- Study visits to the UK during twinning project stimulated the enthusiasm of participants to contribute to the further development of probation.
- After the conclusion of the Twinning project (January 2013), it took several years until 2017 before another capacity building project started (the Swedish juvenile justice project). That project has now completed and achieved promising results, especially in reinforcement of an integrated justice chain.

- Eurasia assisted the probation service to formulate a business plan for the years 2021-2025. The researchers gave their input (on actions per domain and on the enablers, based on the model) that were included in the business plan and in the subsequent approval of the Strategy.

What has been developed within the Domains?

- Legislative reform to support probation activities before the probation service was established.
- Probation has been relatively active in suspended sentences, community service, also in pre-sentence reports (especially regarding minors), but less active with house arrest and with conditional release. Probation is not involved in the preparation of release of adult prisoners.
- In recent years very sophisticated and detailed laws on probation were approved, inspired by the European Probation Rules.
- Basic practice knowledge (motivational interviewing, supervision methods) and tools (assessment; court report formats) for probation workers to do their job, but a lot of knowledge had disappeared (due to staff changes) or was never practiced.
- Manuals were constructed for Judges, Public Prosecutors, and prison and probation officers.
- There is a need to update or review work processes in all domains, to establish guidelines (including on probation methodology) and protocols (in consultation with the justice chain), and to pilot new practices and train staff in the new processes.

How has the Probation function been enabled?

- Until recently there has not been a proper law passed by parliament on probation. Probation was based on a decision of the council of ministers. This also led to a lower status of probation in terms of prestige, salaries and resources. However, the minister of justice during the Twinning project was very supportive of a proper functioning probation service.
- Alternative sanctions as legal options were in place before the probation service was established.
- During the twinning project significant attention had to be paid to the infrastructure of the service.
- Considerable importance was attached to explaining the function of probation to the public prosecutors and judges and to build up trust in the probation system.
- In the Swedish project on juvenile justice, a lot of attention was paid to interagency work with justice partners (public prosecutors, judges, police). Tools for risk and needs assessment and for treatment plans both for prison and juvenile probation have been developed. They are now being implemented. In this phase the Swedish project felt the need

to have a more permanent representation of a Swedish expert on the ground (comparable to a residential twinning advisor). In the other domains of probation (the non-custodial options and conditional release) the development of national standards needs to be a focus of a future phase.

- In the Eurasia project, a business plan was drafted focusing on the enablers (more staff, better management and IT). This is especially necessary as the probation service is seen as highly understaffed and underfunded and consequently the workload is too high.

Section 4. Concluding observations on capacity building and probation in Albania

Capacity Building

The capacity building model has clarified the process of probation service development, including the rationale for probation development, key actors, the domains in which the service works, and the service's enablers. It also worked well in analysing the capacity building projects that were undertaken. A real-life test was formed by the input of the researchers into the Eurasia project in developing a business and action plan for the years 2021-2025. The action and budget plan were structured according to the domains and enablers model. It was easily understood by the Albanian partners, and it enabled them to submit the necessary data on outcome indicators. According to the project leader, this approach for an action plan is in line with modern thinking on budgetary governance and performance budgeting.

The process of probation capacity building in Albania highlights several important characteristics of capacity building and significant potential "success factors".

Seven "stand-out" success factor points are summarised here:

- 1 The international community has been very active** in assisting Albania in developing its probation service:
 - OSCE supported laying the legal foundations of probation and in training the first cohort of probation officers (2007-2009).
 - The British Twinning Project (2011-2013) focussed mainly on the professionalisation of the organisation including training, and in particular the infrastructure of the organisation (expansion of the number of offices across the country, improvement of the offices) and sending a message to the ministry of justice and the justice chain that investment in probation is an efficient alternative to custodial sanctions.
 - The Swedish project (2017-2022) focused on the confidence that the justice partners needed to develop in each other.
- 2** After conclusion of the British Twinning Project in 2013 it took time, until 2017, before a new large-scale follow-up project was undertaken. This seemed to have been a lost opportunity. However, the Swedish project was timely, and the Probation Service is currently assisted by Eurasia to establish

a business plan for the coming 5 years. But as a learning point it is recommended that less time passes between the expiry of a project and its follow-up project as in an unstable situation much of what has been implemented might become obsolete if there is not a conscious effort to preserve what has been achieved.

- 3 Both the British project and (even more strongly) the Swedish project **focused on the confidence that justice partners needed to develop in each other.** This turned out to be a good strategy in helping to bring probation forward.
- 4 The present involvement of Eurasia in **drafting a business plan for probation for the next years,** including drafting the necessary budget seems promising. This good practice warrants a wider use in other capacity building projects.
- 5 The international project leaders of several projects seemed to be strong in probation experience, in transferring experience and knowledge but also in giving confidence and encouragement to their Albanian counterparts to take their own decisions on content and priorities.
- 6 The ongoing Swedish project was mainly managed from Sweden. Experts were flown in for a short period of time. Tools for a risk and needs assessment and for treatment plans both for prison and juvenile probation have been developed; procedures for requesting and conducting individual assessment reports were established. They are now being implemented. In this phase the Swedish project felt the need to have a more permanent representation of a Swedish expert on the ground (comparable to a residential twinning advisor). It may be the case that in every project **the need should be assessed whether a (more or less permanent) residential twinning advisor has an advantage in achieving more sustainable results.**
- 7 **The Swedish project commissioned an external audit on the implementation of the project with recommendations that could be used in the second phase of the project. The key concepts of the evaluation were: relevance; effectiveness/impact; efficiency; sustainability and coordination.** This is according to the researchers a good practice.
- 8 The Swedish-Albanian project to professionalize juvenile probation met support among the stakeholders. The results will now spread to the adult probation. **The focus on juveniles and its results seems to help advance the professionalisation of adult probation.**

What hindered the process of Capacity Building?

- Although during the two capacity building projects good contacts were established with international experts, there has not been a tradition of maintaining those international contacts.

- The environment of the probation service has not been stable: debated results of elections of parliament; new governments led to the firing of staff and the hiring of new staff (sympathetic to the new government); the ongoing process of vetting of judges; high staff turnover.
- The populist criminal policies led to high levels of overcrowded prisons. On the one hand this took away energy for and focus on developing probation, on the other hand it spurred the politicians on to develop alternatives to prison sentences.
- The corruption that is taking place and the fear of public prosecutors and judges being perceived as corrupt if an alternative sanction is requested and imposed.
- For a long time, for the probation staff there has not been a civil service protection; It took long before probation staff acquired the status of civil servants (with better job protection).
- The weak legal position of probation (the probation organisation was not based on a law, but on a decision by the Council of Ministers).
- A chronic lack of money for the probation service and the weak economy of Albania. The lack of financial means hinders the extension of the probation service and the possibility of cooperation with other state organisations and NGOs, as they all are struggling with financial shortages.
- Limited early public awareness.
- Lack of trust from partners (police, prison, prosecution, court, social services); this is now improving because of the enhanced inter-institutional cooperation (also stimulated by the Swedish project).
- Almost non-existent multi-agency cooperation with NGO's, municipalities, other State organisations (Employment, Health Agencies).

Probation in Albania; The Current Situation

Whilst the primary focus of this research has been capacity building, commentary may also be made on the current situation based on the domains and enablers model (although the limited scale, particularly in-country, of this research must be noted).

- It is an achievement to build up a probation service from scratch where the starting point was very unfavourable (a harsh dictatorial regime with a culture that still affects the present situation). However, it is difficult to assess the impact of the capacity building projects on the sustainability of probation, as so many issues other than probation needed and need to be tackled (such as corruption, vetting of judges, economic and welfare problems). But it is our impression that despite setbacks and turmoil in the environment, probation is making huge progress, the organisation is becoming stronger, and the respect that it needs is growing. It is however necessary that international support is continued.

- In comparison with the prison service, the probation service still receives a disproportionately small budget.
- There is an ambiguity in the environment of the probation service. Judges and prosecutors seem to understand the value of alternative sanctions, but as the vetting process of judges is on-going, they tend towards reticence in imposing alternative sentences that might be looked upon as giving in to corrupting influences. Although there are more citizens supporting a milder penal climate, on the other hand there is a trend towards regulating higher maximum sentencing in parliament whilst some of the media are successfully pressing for stiffer sentences.
- The Probation Service is aware that more should be done to liaise with courts and public prosecutors to build up trust in the capacity of the probation service to successfully manage alternative sanctions. The Swedish project has been successful in this regard.
- The partnerships with local governments, except for workplaces for the Community Service Sentence, is poor. Local governments could play a greater role in the inclusion of offenders. This however reflects the low level of wealth in Albanian society and the fact that probation must compete with social needs of other groups of the population.
- The present political level is committed to achieve a situation in which probation can further develop and to play its role in substituting prison sentences for probation sanctions and measures. But changes in ministers might impact the visibility of support for the new developments.
- Potential areas for further development appear to be:
 - A systematic exploration of the present performance within the four domains: what tasks need to be strengthened in numbers and quality?
 - Establishing national standards and protocols/guidance, in consultation with the relevant justice partners.⁶
 - The training of the probation officers in the use of the new standards
 - Strengthening the management of the organisation to monitor and assess the implementation of the national standards, while giving room for tuning-in for local needs.
 - Developing ties with third parties (other ministries, local government, NGO's) to facilitate the social inclusion of offenders.
 - Maintaining the involvement of the ministerial and higher policy level within the ministry of justice and the key justice partners.

⁶ Standards for risk- & and needs assessment and templates for treatment plans have been developed for the prison and probation service, focused on juveniles. They must be adapted for the adult prison and probation; they have to be developed for the non-custodial options (Community Service, Suspended prison sentence with supervision) and for conditional (early) release from prison.

- The prison population rate has increased since 2001 from 99 to 205 in 2015. It dropped to 182 in 2022. This remains high in comparison to other European jurisdictions (14 countries have a higher ratio, 40 countries a lower one). The new code on Juvenile Justice and supporting activities of the Swedish project on juvenile justice seem to have an impact on the detention rate of juveniles. The percentage of pre-trial detainees remains high (in 2021 56%). The impact of the further development of probation on the prison population rate needs to be monitored and managed to prevent a situation where the development of probation has resulted in net-widening and not replacing prison sentences. This is a challenging task; for possible future twinning projects this seem to be an important focus.

APPENDICES

Appendix 1 - Historical Development of Probation in Albania

"For nearly half a century Albania experienced a brand of communism unknown to the rest of Eastern Europe. A fateful blend of isolation and dictatorship kept this tiny Balkan country the poorest and most repressive in all of Europe. During his forty-year reign (1944-1985), the Albanian leader Enver Hoxha banned religion, forbade travel and outlawed private property. Any resistance to his rule was met with severe retribution, including internal exile, long-term imprisonment and execution. His domination of Albania's political, economic and social life was absolute. Under his dictatorship, around 34,000 people were imprisoned for political reasons, around 7,000 died in the camps and prisons and around 6,000 were executed.

The official purpose of detaining political prisoners was "re-education and rehabilitation" through suffering and labor, so that, the regime began building labor camps. Almost all inmates who were able to work were assigned to these labour camps and, over the years, the number of labor camps exceeded that of "regular" prisons. The largest construction projects in Albania during the communist years were realized through the forced labor of prisoners (both political and ordained prisoners) and interned, who were forced to serve in these works also to maintain themselves." (Albanian Helsinki Committee, 2019)

Probation was created in 2008 by being integrated in the Article 31/7 of Law no. 10024, date 27.11.2008 "On some amendments and additions to Law no. 8331, date 21.04.1998 "On the execution of penal decisions". This article states that the probation service functions as a state authority reporting to the Ministry of Justice which submits to the court and prosecutor information and reports, assists in the execution of the sentence alternatives on prison convicts and helps to overcome various difficulties for his/her social reintegration. Until the establishment of the Probation Service in Albania in May 2009, the Albanian criminal justice system was mainly prison based, with lengthy sentences and very few alternatives to imprisonment imposed by the courts.

A newly established Probation Service was seen as the institution which could guarantee the execution of alternatives to imprisonment in Albania. Preparatory work to establish the Probation Service started in 2006. The Albanian Ministry of Justice established a working group, which produced a first draft law on alternatives to imprisonment and on the establishment of a national probation service.

In 2008, the commitment to establish a National Probation Service was included in the framework of the Albanian National Action Plan for the Implementation of the Stabilization and Association Agreement (SSA) between Albania and the EU in the fields of judiciary and prison system. The National Action Plan referred to drafting a legislative package on alternatives to imprisonment and juvenile justice and a law "On the Probation Service" ("On the execution and supervision of alternatives to imprisonment"). Ever since its creation Probation Service has carried out its activity based on the decision no. 302, 25.3.2009, of the Council of Ministers, "On the approval of the regulation" On the organization and functioning of the Probation Service and on the determination of standards and procedures for supervision of the execution of alternative sentences to detention". The regulation of the Probation Service institution with a sub-legal act approved by the Council of Ministers, even though it has enabled the establishment of a special institution for the implementation of alternative sentences to detention, is a solution which does not comply with the guarantees and standards set out by the Committee of Ministers of the Council of Europe. Recommendation CM / Rec (1992) 16 of the Committee of Ministers of the Council of Europe on Community based measures and sanctions, rule no. 7 stipulates that "The authority responsible for the implementation of community-based measures and sanctions should be regulated by law". Therefore, with the proposal of the Ministry of Justice, the Parliament of Albania, 10 years after its establishment, has finally approved the regulating Law No. 78/2020 "For the organization and functioning of the Probation Service".

Appendix 2 - Summary of International Capacity Building Projects

Four main capacity building projects were carried out:

1. OSCE
2. Twinning Project
3. Albanian-Swedish Juvenile Programme
4. Eurasia's assistance in drafting a business plan for probation

2.1 OSCE

The OSCE Presence (further: OSCE) has played a significant role in the establishment of the Probation Service and has supported this institution since its inception in 2007, both through capacity building activities, as well as enhancing co-operation with other institutions and stakeholders involved in the use of alternatives to imprisonment over the past years. The assistance provided was focused on three main areas:

1. Assistance for the establishment of a Probation Service in Albania

In 2007, to assess the situation on the use of alternatives to imprisonment, their application and execution in practice, the OSCE prepared the following documents: an Evaluation Report for the Development of a Probation Service in Albania; a report on "Estimating the Cost of Establishing a Probation Service in Albania". The last report also aimed to seek the funds necessary to implement the new Probation legislation and to supplement the available State budget. In 2009, the OSCE submitted to the Minister of Justice a strategy proposal containing procedures and criteria for recruitment and selection of the first generation of probation officers and a draft training curriculum.

2. Assistance given to the Ministry of Justice in drafting primary and secondary legislation

The OSCE worked with the Ministry of Justice to assist in finalizing the draft legislation on alternative sentencing. Technical assistance was given in drafting sub-legal acts on probation services (the organization and functioning of the Probation Service, Standards and procedures of supervising the execution of criminal decisions and the Order on the collaboration of the probation services with non-government organisations (NGOs). In 2011, the OSCE assisted in drafting the legal framework for electronic monitoring. The OSCE assisted the Probation Service in finalizing templates for the Evaluation Report for persons under investigation/defendants and the Evaluation Report for convicted offenders; the Individual Treatment Programme; the Memorandum of Understanding between the Probation Service and NGOs/Mediation Service, and many others.

3. Capacity building of actors in relation to the newly established probation system

The OSCE provided training sessions to probation officers and published several training materials for probation officers. It supported the development of a master programme on the "Administration of Social Institutions in the Justice System", a project implemented in co-operation and partnership with the University of Tirana, the Ministry of Justice, the Ministry of Education and the Probation Service.

In 2009, the OSCE organized a brainstorming session with judges and prosecutors on the role of probation services in the criminal justice system and their respective training needs. In co-operation with UNICEF and the School of Magistrates four briefing seminars were organized on alternatives to imprisonment for over 100 judges and prosecutors.

During the seminars, the OSCE observed that the implementation of the probation legislation varied substantially between different courts, and that

unclearities and gaps in the legal framework often created discrimination. Moreover, some trainees were reluctant to the introduction of probation in Albania or to applying alternative sentences due to a limited understanding of the role and activities of probation officers. The OSCE designed and published a Guide to the work of the Albanian Probation Service for judges and prosecutors, aimed at informing judges and prosecutors on the increased range of sentencing options available as alternatives to imprisonment and their enforcement by the Probation Service.

The OSCE facilitated the dialogue and co-operation between the Probation Service and local governments necessary for the implementation of alternatives to imprisonment and contributed to an increase in the number of memoranda signed between the Probation Service and local government structures. The OSCE organized several training sessions for representatives of local government structures and NGOs.

2.2 Twinning Project

“Support to the Establishment of the Probation Service and Alternative Measures to Detention.”

This project began at the end of January 2011 and concluded at the end of January 2013.

The project has comprised the following components:

- Enable implementation of National Probation Standards and design of methodologies for a modern European Probation Service
- Create an Information system which enables accurate and consistent recording; assist in the management of workload, informs the development of interventions and provides accurate and timely performance data.
- Design a training strategy, develop a training curriculum and train probation staff.
- Developing Probation offices in different regions of Albania
- Develop and implement a public relations strategy to inform and advise Albanian Criminal Justice agencies, NGOs, local authorities and other agencies on the functions, development and performance of the Albanian Probation Service
- Further develop the permanent training centre for Prisons and a permanent staff training system
- Albanian Probation Service to join the European Probation Organisation (CEP).

The project can be characterized as having three main elements:

- Capacity building
- Developing a quality service that commands the respect of all key stakeholders in the Albanian Criminal Justice system.
- Wider advice and assistance role to the Albanian Ministry of Justice

At the end of the project the aimed for components were achieved (TWINNING PROJECTS FINAL QUARTERLY REPORT, 2013).

The OSCE contributed to draft the terms of reference of the twinning project. It jointly organized some of the training sessions. According to the twinning project, despite the preparatory work of OSCE, trainings had to be redone from scratch; there was not a real understanding of probation work.

The focus of the project was to develop a professional service with a proper legal standing, with an enduring support from the government over the years, independent of the outcome of elections. (A proper legal standing as the outcome of a decision of parliament was not reached.) The caseload needed to become manageable (which was achieved at the end of the project and subsequent years), and staff needed to be supported and supervised (the foundation was laid during the project). Staff were trained but if became clear that after so many of the staff had left, training had to be repeated.

The Minister of Justice was keen to introduce probation; he was supportive of this project. The EU invested heavily in 6 prisons. The Minister understood that by having a modest investment in probation the overcrowding could be reduced. The decision to establish probation was based on a council of minister/cabinet decision, not on a full act of parliament. At that time the parliament was not functioning well. During election times the opposition boycotted parliament. It was hard to pass legislation. The status of probation has never been quite the same as the prisons or the state police. Their official status was lower, which led to lower salaries and lesser resources.

At the start there were around 60 employees, half of them in Tirana, the other half in 3 other locations. At the end of the project there were 12 offices, now there are 22 offices around the country in the regional districts.

The offices were in bad shape, sometimes dangerous. There were no individual interview rooms (so no privacy for the offenders). The twinning advisor pointed out that finances had to be generated to bring the offices up to an acceptable level. Most staff in the beginning had a legal background, now the background is more diverse. The project helped to establish the 22 offices, and what was needed to improve the infrastructure (offices, equipment) and the selection (manual on the recruitment of staff) and training of staff. Probation staff received a very low salary (€ 250 a month). There was a lack of tradition of supervision of

staff. Per diem money for probation officers to pay home visits or partnership visits were not paid.

The Director-General pressed to have more offices around the country also considering that once the infrastructure is there, the likelihood increased that a demand for more staff was to be approved.

At the end of the project there were more offenders supervised by the probation than people in prisons. Much work was invested in gaining the confidence of public prosecutors and judges. They needed to be reassured that when an offender was placed on probation, something tangible was happening to him/her. The residential advisor sometimes had doubts regarding how frequent the contacts were between the probation officer and the offender. The team leaders did not have the ability to supervise what happened to real cases. Part of the low frequency was the result of very high caseloads. Also, the long duration of placement of probation (5 years was common) was not a stimulus to make optimal use of the time, and appointments and actions were postponed.

The twinning advisor suggested a follow up project, attending to high risk of harm offenders, and to intensify work with the prison service. However, the follow up EU-project "Support to the Penitentiary System and the Probation Service in Albania", which started in January 2016, became largely prison focussed, and meant little in terms of probation. During discussions about this project, voices were heard of the need of prison oversight over probation. This could have led to a takeover, for which probation was not fully matured. In the framework of the prison project, how to classify prisoners in terms of their risk of harm and security, was discussed. This could have led to better use of money, as less risky offenders could be placed in a less secure prison or even be left to supervision by probation.

2.3 Albanian-Swedich Juvenile Programme

'Enhanced capacity of Albanian law enforcement agencies and Courts to meet human rights standards in juvenile justice - a comprehensive justice chain approach'; 2017-2020

The programme, funded by the Swedish Embassy in Tirana, is implemented jointly by the Swedish Police, Swedish Prosecution Authority, the Swedish National Courts Administration and the Swedish Prison and Probation Services. The programme deploys a cross Government approach to implementation. The key focus areas of the project are support to development of regulations/legislation, support to coordination amongst Albanian criminal justice institutions, capacity building of staff, and development of tools/guidance to guide implementation.

The Programme covered the following cooperation areas:

1. Legislative review/implementation
2. Tools and organizational structures
3. Enhanced staff capacity: Training and guidelines
4. Inter-agency cooperation and coordination

A feasibility study was conducted in Albania in May 2015 by a team of Swedish experts to assess the preconditions for developing an integrated justice sector approach in Albania and to determine the focus of such cooperation. Most of the respondents within the justice sector expressed the view that the focus of the programme should be on juvenile justice. This view was further supported by representatives of international organisations, NGOs and other stakeholders. Although several efforts have been made in this area in Albania, most of them were conducted several years ago and progress had come to a standstill. An extensive mapping exercise on other development initiatives was carried out and possibilities of coordination and synergies with other programmes/projects were explored.

A situation analysis led to the following observations:

- lack of satisfying inter-agency cooperation.
- insufficient use of the possibility to involve the Probation Services at an early stage.
- throughout the justice chain, poor coordination and exchange of information
- a lack of unified statistics.
- challenges in monitoring case management
- lack of awareness among the public about how the justice system works.
- public pressure on courts to apply more severe sentences.
- a mind-set among judges: a strict manner of determining the punishment for the juveniles without taking age into consideration.
- The number of juveniles sent to pre-trial detention centres was too many and the time spent in detention was long.
- The frequency of sentencing juveniles to prison rather than probation is high in Albania.
- The Probation Services highlighted the lack of involvement of the Probation Services at an early stage of the investigation, whereas judges and prosecutors expressed lack of trust in the capacity of the Probation Services, as well as lack of viable alternatives to prison.

Important elements of the project set up were:

- The implementation partly to be conducted at national level (legislation, development of national organisational structures, tools and methods,

development of curricula and a national training system) and partly in pilot regions (a small group of practitioners would contribute to strengthening the feeling of comradeship between professionals of the different justice agencies and Courts at local level, thereby reinforcing inter-agency cooperation; it would also be more manageable and cost-efficient)

- The Programme objective was Enhanced capacity of Albanian law enforcement agencies and Courts to meet international human rights standards, to be achieved by the integrated justice chain approach. This entailed:
 - Shorten the duration of criminal investigations and court proceedings related to juvenile cases,
 - Increased quality of the case file when transmitted to another agency (investigation/ indictment/judgement/individual report etc.)
 - Lower number of juveniles in pre-trial detention and reduced time in detention.
 - Lower number of juveniles convicted to a prison sentence and increased number of judgments against juveniles with probation.
 - Improved personal treatment of juveniles by law enforcement agencies and the judiciary,
 - Increased awareness of the special needs of juveniles as vulnerable individuals
 - Increased efficiency in case handling of juveniles and reduced backlog of cases
 - To ensure sustainability, a cadre of National Instructors/Trainers in juvenile justice would be trained through a Train the Trainers (ToT) component.
 - Focus on those areas where institution interact and where the "judicial product" is carried over from one agency to another.
 - As legislation is a highly political domestic field, the Swedish partners would maintain a humble and adaptive approach to their role in the legal reform process.
 - For the Prison and Probation Services a need for individual risk and needs assessment instruments for juveniles had been identified. There were no such assessments in place for adult or juvenile convicted offenders.
 - Regarding interagency cooperation, during a study visit sharing of experiences of the value of inter-agency cooperation: engaging communities, social services and possible cooperation partners in efforts to have more effective coordination for improved juvenile justice. To develop a draft proposal on a new model/structure for more efficient inter-agency cooperation
 - Concerning the media, introduction of agency spokespersons and organising a workshop on writing press-releases to be conducted

- The organizational setup: a Programme Steering Committee (PSC), a Programme Coordination Office (PCO) and a team of Project Leaders from the Albanian and Swedish justice agencies. One Programme Coordinator from the Lead Agency on the Swedish side (the Swedish Police Authority) would be posted on a full-time basis, working with a Programme Coordinator on the Albanian side.

Evaluation of the Project

The evaluation of the project took place in September 2019 and was undertaken by an independent organisation (DCAF, 2019).⁷ The evaluation aimed to answer the following key questions:

- Relevance: to what extent is the project relevant to the needs of national stakeholders
- Effectiveness/impact: to what extent has the project achieved and delivered the expected results and is likely to contribute to measurable outcomes/impacts?
- Efficiency: to what extent is the project being managed efficiently and are resources efficiently used to achieve the desired results?
- Sustainability: to what extent are the results achieved sustainable without continued external support?
- Coordination: to what extent is the project and its various elements effectively coordinated with relevant national and international development partners?

Relevance

Juvenile Justice reform has in many respects been one the most notable and successful reforms in the Albanian Criminal Justice system in recent years. The key defining characteristic of the project approach has been its cross-criminal justice chain approach. It has engaged simultaneously in supporting reforms in the police, prosecution, courts, probation and prisons service. The cross-sector approach has proven to be a distinct comparative advantage of the project and has not only enabled it to facilitate national coordination across the chain but has also helped to ensure that in certain outcome areas, such as individual assessment reports, the project can pursue the same outcome from different institutional angles. The challenge, however, has been that the project has often been planned and implemented as four distinct projects with inconsistent integration of activities across the project.

⁷ The following is retrieved from the evaluation report; the content and wording is the same, but in a shortened form.

A key feature of the project during inception was a focus on two pilot regions to test the concepts and tools developed through the project. While the two pilots are still a key focus, the project has gradually expanded its geographic focus to include other regions of the country with the aim of applying a more nationwide approach in the second half of the project implementation phase.

One of the areas where perhaps the project sequencing has not been optimal is the intersection between training and work to develop key concepts. Overall, the project has proceeded to develop various tools or provide training without the underlying concept reaching full maturity. This is particularly the case around police investigations or individual assessment reports where there appears to be continued conceptual ambiguity. While the resources of the project are limited, and further broadening the scope of work is generally not recommended, it is important to note limitations in the current project approach. Many of the underlying challenges in effective implementation of the Juvenile Code, and access to justice more broadly, can be linked directly to deficits in management and accountability systems in each respective institution. In general, the project has not engaged in tackling these reform areas.

Effectiveness

The area where the project has most directly had an evident impact on beneficiaries - juveniles in conflict with the law - has been in the roll out of the concept of diversion. The training provided by the project has helped to instil confidence of prosecutors in more readily applying such measures. With over 78 diversion cases in 2018 in Tirana alone, this is an important achievement in a relatively limited time.

Some of the more discrete, yet important, achievements of the project are in relation to re-organisation of where juveniles are detained. As a result of advice provided by the project, all juveniles in pre-trial detention or imprisoned are located in one prison. Prior to this intervention it was common to find that juveniles in pre-trial detention were scattered in various detention facilities around the country. The new approach is credited in providing cost savings to the prison system by reducing the number of juvenile facilities but also improving the conditions of support provided to juveniles.

The area where the programme is evidently achieving the most noticeable outcomes related to efficiency of the criminal justice system is in the area of coordination and collaboration between national agencies. This is the area of the project which participants have most identified as the key added value of the project. The joint workshops organized by the project have helped to bridge cultural barriers that have prevented the institutions from having active dialogue between themselves and has helped demystify the work of each

agency, providing for many the first opportunity to engage with their counterparts in other institutions.

As a result of the contributions of the project and the training it has provided, key stakeholders noted that there is a shift in mindset of criminal justice practitioners regarding juvenile cases and applying the principles of best interest of the child. The support provided by the project in the initial months following the enactment of the Juvenile Code was noted as critical in helping stakeholders from across the chain understand what the practical implications of the Code were for their day-to-day work in relation to handling juvenile cases. Gradually the trainings have led to a recognition that alternative sanctions, rather than detention, is a better means of dealing with most cases involving juvenile offenders.

The project focus invested largely on sensitization and only in 2019 had the project begun to focus on building more advanced skill sets. The wide breadth of issues covered within the initial trainings at times led to general awareness but a lack of proficiency. The initial trainings usually covered everything from specialized topics, conceptual understanding of juvenile justice, to discussion on specific provisions in the code, including modelling certain skills or processes. As a case in point, in the police component there seems to be a general understanding of the overall spirit of the Juvenile Code as well as need to ensure effective safeguards are in place to interview juveniles, yet there seems to be a myriad of interpretations as to how the actual interviews should take place. Amongst stakeholders interviewed during the evaluation there was near consensus that the project has adopted an effective methodology to deliver trainings or facilitate workshops (interactive and practice oriented).

Efficiency

Relative to its size and budget, the project has a relatively heavy management structure and consideration should be given to streamlining the various overlapping oversight bodies.

The project has developed a largely inclusive approach to management by intensively working with national project focal points - team leaders - from each institution who are charged with overseeing and managing implementation on behalf of their institution. The team leaders feel consulted and empowered in deciding the key project activities with their Swedish counterparts. The frequency of dialogue, including at least biweekly communication by email or skype, is the right balance given their existing workload in their other core functions.

So far, the project has formally utilized only annual plans to organize its work. However, the reliance on annual planning limits the extent to which the project can apply a more iterative approach and is a potential barrier in the extent to

which it would be systematically upscale towards more strategic work over time. The area where the project should strengthen its internal processes is in identification of potential risks and tracking mitigation measures. The current risk matrix seems to have become disused, and the risks outlined are not tracked or reported on in the various reports.

The project has predominantly deployed workshop and structured trainings. While this approach seems largely consistent with the implementation modalities preferred by national stakeholders, it does not sufficiently utilize the full potential of deploying seasoned experts as advisors. The most valuable input from the project comes from informal advisory support provided through informal peer to peer discussions on certain issues. Noted examples of this include informal advice on organizing work within the probation office to manage client supervision or reorganization of the internal processes within the juvenile detention facility.

Currently the project does not have an effective lesson learning system to ensure that examples of innovation, gaps in reforms, or potential examples of impact are documented and then followed up. There is poor dissemination of such information to other colleagues or there is limited follow up of key challenges identified in the activity. The current monitoring framework is limited in its ability to sufficiently guide programme implementation and planning. The lack of suitable intermediate outcomes, closely linked to the tools or training being provided, impedes the ability of the project to track the extent to which it is contributing to behavioural change or the functionalization of the tools.

Sustainability

Overall, the project rates positively in the area of sustainability. The approach of the project has been to focus on activities and reforms that have limited recurrent cost implications and as such most areas appear to be relatively affordable without external financing. Lesser focus has been provided to developing effective training systems to carry forward some of the training provided by the project. This will be a focus for the project in the next phase of implementation.

Coordination

Overall, the project has not effectively prioritized or exploited opportunities for active collaboration and coordination with relevant development partners engaged in juvenile justice system reform. The most active collaboration is within the police component whereby the project has developed joint activities with a range of actors in several areas. This appears to be an effective division of labour, maximizing the relative advantage of each project. In other areas, the project has not proactively sought to develop partnerships. It appears that the project has not actively shared with development partners drafts of tools or

manuals being developed despite other actors working in similar or complementary areas. The lack of transparency is not only a missed opportunity to receive potential feedback on the content but also risks that each actor will have different messaging on the appropriate approach or priorities.

Indications of impact

- The new Code on Juvenile Justice foresees the imprisonment of juveniles as the last measure to be taken into consideration from the court/prosecution. This seems to have a major impact in the drastic drop in the number of juveniles in pre-trial detention (a drop from 737 cases in 2017 to only 24 cases in 2019) and fewer juveniles who are given prison sentences (a drop from 369 to 6).
- The application of diversion is mostly limited to those that have participated in the Swedish organized training for prosecutors, with others even struggling to fully understand the concept.
- Cost savings to the prison system by reducing the number of juvenile facilities but also improving the conditions of support provided to juveniles.
- Workshops helped judges and prosecutors to become better familiarized with the work of probation or to understand how police in practice pursue investigations. This led to judges' insight into the effort required to produce and realistic time requirements for probation staff to produce quality individual assessment. Furthermore, the project proved to be a catalyst in building relations between individual institutions.
- A gradual, yet evident, shift in mindset of criminal justice practitioners regarding juvenile cases and applying the principles of best interest of the child.

Conclusion of the evaluation project

The project has achieved a considerable amount in a relatively short time frame. It has clearly anchored itself as a trusted and reliable partner in the process to transform the juvenile justice system. Its accomplishments reaffirm the merit of further extending the programme beyond the current implementation period which is set to end in the middle of 2020. The evaluation confirmed that no fundamental changes are needed in the project design or approach to implementation, rather some minor tweaks are suggested to improve efficiency and effectiveness of the project:

Remarks concerning good practices

1. Whole of Chain Approach

The key defining characteristic of the project approach was its cross-criminal justice chain approach. This has not only enabled it to facilitate national coordination across the chain but has also helped to ensure that in certain outcome areas, such as individual assessment reports, the project can pursue the same outcome from different institutional angles.

The challenge was that the project was planned and implemented as four distinct projects –reform regarding police, prosecution, judiciary, and prison/probation– and integration of activities and results across the project turned out to be inconsistent. The large number of unique areas and the relatively limited programme resources (e.g., available expertise or financial envelope) limited the extent to which each area could be given specialized or robust support. It was recommended that the project would reduce the number of overall focus areas, target beneficiaries, and activities. Preference should be given to providing more frequent, robust, and holistic support to fewer beneficiaries and in fewer reform areas to ensure activities/outputs effectively translate to measurable outcomes.

2. Pilot approach

A defining feature of the project during inception was a focus on two pilot regions – Tirana and Durrës – to test the concepts and tools developed through the project. The project gradually expanded its geographic focus to include other regions of the country with the aim of applying a more nationwide approach. This might dilute the opportunity to achieve robust outcomes in any single region as well as undermining the initial project concept of applying a more experimental design that would test new concepts prior to nation-wide roll out.

3. Sequencing

Overall, the project activities were effectively sequenced. In the first years of implementation the focus was on developing the foundations of future reform (sensitization of stakeholders on the key provisions of the Juvenile Code, development of basic tools, and addressing structural issues). The aim in the remaining phase of implementation was to focus more on mentoring to enhance the application of the skills acquired through the initial training.

The key risk, however, was that with the aim of having greater national outreach, it was unlikely that the project would have had the necessary resources to provide effective mentoring to a wide audience of around 200 police investigators or 22 probation officers across the country. Commonly, mentoring is most effective when done regularly, individualized approach is adopted, the

support is sustained over a medium to long-term, and the approach is flexible based on surge in cases or needs.

About the intersection between training and work to develop key concepts, the project sequencing had not been optimal. Overall, the project proceeded to develop various tools or provide training without the underlying concept reaching full maturity. The project trained numerous actors on individual assessment reports and helped to develop the tool itself. Yet, interviews confirmed that stark differences remained in individual interpretations between criminal justice actors as to how the reports should be developed, who should lead the process or even what cases merit such reports. The scope and types of reports produced also appears to lack standardization.

To ensure consistency in approach, as well as that the project does not undermine national systems for policy development or local ownership, it was important that the project did not rely solely on trainings to bring clarity on these issues but rather this was done through policy/directives by national institutions themselves and thereafter reinforced through training. Trainings should remain a supporting, rather than defining, element in shaping practice and standards, especially in sensitive areas such as clarifying powers and responsibilities of the individual actors in the criminal justice proceedings.

4. Insufficient attention to deficits in management and accountability systems

Challenges in effective implementation of the Juvenile Code can be linked directly to deficits in management and accountability systems in each respective institution. In general, the project has not engaged in tackling these reform areas. Little focus has been given to influencing system change by engaging more regularly at the political and senior policy levels. Across the project there is effective ownership of the project interventions at third tier of management (middle management), but it is unclear as to the extent to which the project has achieved effective ownership and commitment at senior levels. Yet, as highlighted in the 2017 baseline study, in Albania there is a long track record whereby tools, changes to the regulatory framework, and training have in themselves proven to be ineffective due to an absence of broader system reform. Too often the project has attempted to address system shortcomings through training and tools alone which in themselves are likely to remain insufficient.

5. Reform of the probation organisation

In the probation service many of the critical challenges to improving rehabilitation work and the overall quality of supervision relates to the internal structure and systems of the probation system. As such, bureaucratic procedures often inundate probation officers with administrative work and limit the extent to which time could be spent on supervision or working with clients.

There appears to be need from the probation office to explore more holistic organizational changes to facilitate re-organization of the core management processes, including reforming how staff practically spend their time.

6. Accountability

The support to improving national accountability and oversight mechanisms has not been a significant focus of the project. International good practice and policies have systematically highlighted that training and capacity building, without corresponding attention to accountability (monitoring performance and conduct) often leads to poor results. In line with international good practice in justice sector reform processes, a focus on accountability needs to be integral part of all project work.

7. The Swedish approach

A key distinguishing feature of the project is its promotion of the Swedish model and approach to juvenile justice. While there are overall contours of international good practice in most areas of criminal justice, there are often subtle, but important, differences in approaches, structures or even procedures between countries even within the EU in the area of juvenile justice.

It was suggested that a dual track approach of promoting the Swedish approach as well as offering other alternatives by engaging experts from other countries could help national stakeholders make more informed decisions about which approach (even in small details) is most relevant and adaptable to the Albanian context.

New developments after the evaluation had been concluded

- 1** Guidelines for risk- and needs assessment and treatment plans
In the framework of the project a national standard was developed for risk- and needs assessment for juveniles and a template for treatment plans, both for a juvenile prison setting as for a (non-custodial) probation setting. Developing and using the same tools for prison and probation should have the effect of those organisations nearing each other in methodology and outlook. Although these tools are developed for the juvenile section, it is expected that if implemented well, it might easily be adapted to use in the adult prison and probation section as well.
- 2** Implementation
The project has so far focussed on transferring knowledge and jointly developing new approaches across a lot of partners in the justice system. The difficult phase in which the project now is, is the implementation phase. The direction that the new law on probation offers, and the national standards on risk- & needs assessment and treatment plans, need to be translated in processes and instructions. The

project leader now feels the need to have a representative of the project constantly “on the ground”, to assist in the implementation process, to keep the process going, to give information and to think along with the Albanian leadership how upcoming issues might be resolved. Positioning a representative of the Swedish project constantly in Albania have been halted because of the Coronavirus.

2.4. Eurasia - Assistance in drafting a business plan for probation

Eurasia assists the Albanian Ministry of Justice to develop a Cross Sector Justice Strategy for the years 2021-25. It is acknowledged that probation needs special attention, especially as the probation service is undeveloped and underfunded. Additional resources will be needed to achieve the proposed results in these institutions. As specific objectives the following are described:

An efficient and effective probation service which uses individual case management, supports restorative justice and works in accordance with good European practices-

- Result 1 - The capacities incl. staff capacities (including staff training) and resources of the probation system has been developed to a level so that it is fully able to provide the services required, and its local services have been developed so it covers adequately the whole country.
- Result 2 - Probation services are based on individual case management and restorative justice principles.
- Result 3 - The probation service provides ample training and education opportunities for probationers as part of their rehabilitation and preparation for release.
- Result 4 - The capacities and infrastructure of the probation services for work with Juveniles have been fully developed and the work with Juveniles is up to international standards.
- Result 5 - The probation services work related to security and electronic surveillance has been improved to secure security in offices and of staff, limitation of probationers' links to a criminal environment and use of electronic surveillance (tagging) where this modality is used as alternative to prison sentences.
- Result 6 - Coordination and cooperation with other justice sector institutions improved and the new probation concept is accepted and supported by other sector stakeholders.

The authors of this country report encountered the consultant who overseas this assistance. He shared the draft documents on the business plan and proposed us to participate in the meeting to develop the business plan, and budget to

implement the business plan. We had several Zoom meetings with the consultant and Albanian colleagues.

We proposed a structure for the budget plan, inferred from our model (domains and enablers). The proposal was supported and followed; attendees at meetings understood its content and were able to supply data and to decide on outcome indicators. The project leader was appreciative on our input and remarked that the content of the action plan was now clearly based on insight into what needs to be in place to further develop probation.

According to the project leader, this approach for an action plan is in line with modern thinking on budgetary governance and performance budgeting.^{8 9}

⁸ Marc Robinson, Performance Budgeting, <https://www.theclearinitiative.org/resources/performance-based-budgeting-manual-english>

⁹ Recommendation of the Council on Budgetary Governance, 2015, OECD, Public Governance, Public Governance & Territorial Development Directorate

Action plan for Probation (CSJS II Specific Objective 3.5)

Overall Objective:	To contribute to the reduction of crime in Albania and limit the impact of crime through enhanced probation interventions which support re-socialization, re-integration and rehabilitation, secures protected space and opportunities for juvenile offenders and offer a real alternative to prison sentences without compromising security for staff and society.						
Specific Objective:	An effective and efficient probation service that uses operational standards, supervision methodologies and individualized case management, supports re-socialization, re-integration and re-habilitation, and works in accordance with EU best practices and standards and is accepted by the courts and prosecution as a good alternative to prison custody.						
Outcome indicator(s)	Baseline	Performance targets & budgets					Notes
		2021	2022	2023	2024	2025	
Outcome indicator A: Change in the ratio of alternative sentences to prison sentences, disaggregated by type of crime	NA	Clarify data and develop clear methodology					
Outcome indicator B: Change in support between sector stakeholders incl. CSOs for non-custodial sentencing	Support not known. Need to do survey	Undertake survey					Fix targets based on survey. Survey can be supported by new EU TA
Outcome indicator C: Proportion of all offenders sentenced to probation who successfully complete their probation period	6368 total number, proportion is impossible to calculate with current methodology	Develop methodology					
Outcome indicator D: - The proportion of offenders on parole or some other form of	202	Clarify data and develop clear methodology					

Action plan for Probation (CSJS II Specific Objective 3.5)

conditional release who complete their sentence.							
Expected result 1: The legal framework updated to European standards, internal institutional capacities strengthened, and the institution has adequate financial resources, equipment and infrastructure							
Priority measures and activities, Key numeric output indicators	Baseline	Performance targets & budgets (budgets in separate lines)					Notes/Budget 2021-25 (after budget lines only)
		2021	2022	2023	2024	2025	
Output indicator 1A: No of probationers per probation officer	171	150	125	100	75	50	
Priority measure 1.1: Legal and general regulatory framework completed and updated to European standards	Probation Law approved. Regulations 50%	Complete secondary legislation and regulations		Review functioning and enforcement of legislation and regulations	Update legislation and regulations, if necessary		
Priority measure 1.2: Organizational structure and internal processes reviewed and optimized incl. standardization of all procedures and documents used in local offices	Organizational structure approved by order of PM	Review processes	Update structure and processes where deemed necessary				

Action plan for Probation (CSJS II Specific Objective 3.5)

<p>Priority measure 1.3: A HR and internal training department established, and HR and training policies and plans developed in cooperation with the National Training Agency of the Ministry of Public Administration, incl. related to Human Rights, and legal and constitutional issues.</p>	No HR and training department exists	Develop HR policy and establish HR dept and training plan	Undertake staff training	Undertake staff training	Undertake staff training	Update training curricula's and undertake staff training	Can be supported by new EU TA
<p>Priority measure 1.4: Twinning arrangement established with strong European institutional partner(s)</p>	A twinning project could help the service to improve its functioning to European standards over short time	Agree financing of twinning, develop TOR, find partner	Implement twinning	Implement twinning	Implement twinning		Apply for EU support to twinning
<p>Priority measure 1.5: Staff strength increased to secure a norm of 50 probationers per staff in accordance with European standards, and secure adequate staffing of local offices and salary structure</p>	The ration now is approx. 150 probationers by staff member. It should be brought to European norm of approx. 50. Issues with staff distribution and	Obtain Government approval for gradually increase staff to 150 over 4 years from 2022. Review staff distribution between HQ and local	Staff increased to 80 and plan for staff distribution reviewed. Salary grid updated and harmonized.	Staff structure increased to 110	Staff structure increased to 130	Staff structure increased to 150	

Action plan for Probation (CSJS II Specific Objective 3.5)

reviewed to secure proper payment across the organization according to skills and responsibilities in accordance with the official pay scale	payment differences	offices and review salary grid					
Priority measure 1.6: State of the art IT and case management system established with link to the integrated e-justice system and capacity to generate real time relevant statistics and analysis	No integrated systems, all in excel						
Activity 1.6.1 Development of IT systems		Define needs and design system. Obtain financing.	Implement new system	Implement new system			Need to find source for TA for designing system and developing it.
Activity 1.6.2 Design and implementation of future statistical system in compliance with COE standards		Assess existing stats and define new system	Implement new stats system as part of new IT system	Implement new stats system as part of new IT system	Implement new stats system as part of new IT system		
Priority measure 1.7: Probations infrastructure and equipment situation improved incl.							

Action plan for Probation (CSJS II Specific Objective 3.5)

of local offices to secure adequate functioning of the institution							
Priority measure 1.8: Adequate state and donor financing secured	State financing inadequate . Donors only S and Unicef TA for Juvenile Justice	Secure needed state financing included in PBA. Secure twinning program (see above)					
Expected result 2: Pre-sentence work (mainly pre-sentence reporting, but also developing proposals to avoid or suspend pre-trial detention and offering possibilities for diversion) developed and regulated, agreements established with justice sector partners and practice developed							
Priority measures and activities, Key numeric output indicators	Baseline	Performance targets & budgets (budgets in separate lines)					Notes/Budget 2021-25 (after budget lines only)
		2021	2022	2023	2024	2025	
Priority measure 2.1: Review/establish specific secondary legislation, regulations, guidelines, standards, incl. time frames and formats for pre-sentence work, consulted and agreed with relevant justice stakeholders	There are some specific regulations but there is need to complete more	Complete the secondary legislation and specific regulations				Assess experience with regulations and update	

Action plan for Probation (CSJS II Specific Objective 3.5)

<p>Priority measure 2.2: On the basis of the updated regulations, guidelines, etc., establish specific training curricula and plans for training of staff and partners and implement training of all relevant staff in the probation service and in other justice institutions who need to be aware of the supervision methodologies</p>	<p>No training plan or program</p>	<p>Establish clear training plan and curriculums for new staff and continuous training</p>	<p>Implement training plan</p>	<p>Implement training plan</p>	<p>Implement training plan</p>	<p>Update training plan</p>	
<p>Priority measure 2.3: Pilot use of the new supervision methodologies (individual case management and electronic surveillance) methodologies and operational standards and protocols in first instance in one or two areas and later roll out to the whole organization/territory</p>	<p>Not very detailed individual plans. No use of electronic surveillance</p>	<p>Define pilot programs for the two areas</p>	<p>Implement pilot programs</p>	<p>Implement pilot programs</p>	<p>Evaluate pilot experience and define national program if relevant</p>	<p>Implement at national level</p>	
<p>Priority measure 2.4: Cooperation and establish written agreements</p>	<p>Some areas of cooperation are provided in the law</p>	<p>Define need for specific agreements and start</p>	<p>Complete remaining needed agreements</p>			<p>Review the functioning of relevant legal provisions and</p>	

Action plan for Probation (CSJS II Specific Objective 3.5)

with relevant justice institutions (courts, prosecution, prison service) on Probations work in the pre-sentence phase	and others need specific agreements	establishing them					agreements and update where considered relevant	
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Expected result 3: Non-custodial options, i.e., suspended prison sentences with probation supervision, community orders, community service, house arrest (with or without Electronic Monitoring) developed and regulated, cooperation and agreements established and formalized with other justice institutions and institutions hosting community service, and the relevant practice developed

Priority measures and activities, Key numeric output indicators	Baseline	Performance targets & budgets (budgets in separate lines)					Notes/Budget 2021-25 (after budget lines only)
		2021	2022	2023	2024	2025	
Output indicator 3A: Degree of satisfaction by beneficiaries with community service placements	No data	Undertake survey and establish targets					
Output Indicator 3B: Development in average number of personal contacts to persons under non-custodial sentence during a year.	This is a very dynamic number as it depends on many factors. It can go from once per week to once per three months.	Undertake survey and establish targets					
Output indicator 3C: % of successful completions of non-custodial sentences.	% is impossible to calculate with our current methodology	Undertake survey and establish targets					

Action plan for Probation (CSJS II Specific Objective 3.5)

<p>Priority measure 3.1: Review/establish specific regulations, guidelines, standards, incl. time frames and formats for work with non-custodial sentence options, consulted and agreed with relevant justice stakeholders</p>	<p>These guidelines have not been fully established</p>	<p>Complete required guidelines</p>	<p>Implement guidelines</p>	<p>Implement guidelines</p>	<p>Implement guidelines</p>	<p>Evaluate functioning of guidelines and update where relevant</p>	
<p>Priority measure 3.2: On the basis of the updated regulations, guidelines, etc., establish specific training curricula and plans for training of staff and partners and implement training of all relevant staff in the probation service and in other justice institutions who need to be aware of the methodologies in this specific field</p>	<p>No training plan and curriculum exists</p>	<p>Establish clear training plan and curricula for new staff and continuous training</p>	<p>Implement training plan</p>	<p>Implement training plan</p>	<p>Implement training plan</p>	<p>Update training plan</p>	
<p>Priority measure 3.3: Pilot use of new methodologies of probation service and supervision planning system</p>	<p>Methodologies not in use yet need to be tested</p>	<p>Develop pilot program and start testing</p>	<p>Pilot program implementation</p>	<p>Pilot program implementation</p>	<p>Evaluate pilot and if relevant roll out</p>	<p>national roll out</p>	

Action plan for Probation (CSJS II Specific Objective 3.5)

(including electronic surveillance and individual case management) in first instance in one-two areas and later roll out to the whole organization/territory							
Priority measure 3.4 Develop special program on community services securing adequate number of placements, adequate choice of types of placements and secure adequate monitoring through agreements with all relevant stakeholders	No well-developed program existing. Now implemented by municipalities on their own.	Develop program and agree with stakeholders	Implement program	Implement program	Evaluate program and make adjustments where relevant	Continue implementation	

Expected result 4: Probation work related to Custody with contribution to develop detention plans of individual prisoners, preparation for early release, advise about whether early (conditional) release could be granted, the work regulated, and cooperation established and formalized with justice sector partners and the practice developed.

Priority measures and activities, Key numeric output indicators	Baseline	Performance targets & budgets (budgets in separate lines)					Notes/Budget 2021-25 (after budget lines only)
		2021	2022	2023	2024	2025	

Action plan for Probation (CSJS II Specific Objective 3.5)

<p>Output indicator 4A: No of times the Probation service is involved in the sentence planning process (if data available it could also be % of all cases)</p>	<p>By law the Probation Service is required to take part in all the conditional release reports. In 2019 there were 315 cases.</p>	<p>Review indicator and develop methodology</p>					
<p>Output indicator 4B: Number of conditional release reports.</p>	<p>315</p>	<p>Fix targets for upcoming years</p>					
<p>Output indicator 4C: % of successful completions of conditional release</p>	<p>Impossible to calculate with current methods</p>	<p>Review indicator and develop methodology, fix targets</p>					
<p>Priority measure 4.1: Review/establish specific regulations, guidelines, standards, incl. time frames and formats for work with offenders in custody e.g., preparation for early release, consult and agree with relevant justice stakeholders</p>	<p>No guidelines exist</p>	<p>Establish guidelines and pilot program</p>	<p>Experiment use of guidelines, etc.</p>	<p>Experiment use of guidelines, etc</p>	<p>Evaluate experience with guidelines and amend where necessary</p>	<p>Roll out to whole country</p>	

Action plan for Probation (CSJS II Specific Objective 3.5)

<p>Priority measure 4.2: On the basis of the updated regulations, guidelines, etc., establish specific training curricula and plans for training of staff and partners and implement training of all relevant staff in the probation service and in other justice institutions who need to be aware of the methodologies in this specific field</p>	No training plan and curriculum exists	Establish clear training plan and curricula for new staff and continuous training	Implement training plan	Implement training plan	Implement training plan	Update training plan	
<p>priority measure 4.3: Establish written agreements with relevant justice institutions (courts, prosecution, prison service) on Probations work in the custody phase</p>	Some areas established in law others need specific agreements	Define need for specific agreements and start establishing them	Complete remaining needed agreements			Review the functioning of agreements and update where considered relevant	

Expected result 5: Probations work with Early Release: i.e., preparation of the eligibility criteria for release, probation supervision, assisting the early released prisoner on parole/conditional release to stick to the conditions and helping the person to overcome his/her criminogenic problem, is developed, regulated and relevant cooperation is established and formalized with other justice sector institutions and practical experience developed.

Priority measures and activities, Key numeric output indicators	Baseline	Performance targets & budgets (budgets in separate lines)					Notes/Budget 2021-25 (after budget lines only)
		2021	2022	2023	2024	2025	

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Output indicator 5A: No of offenders supervised on early/conditional release	315	Review indicator and develop methodology, fix targets					
Priority measure 5.1: Review/establish specific regulations, guidelines, standards, including objective eligibility criteria for conditional release, time frames and formats consulted and agreed with relevant justice stakeholders	Apart from the law provisions, no detailed guidelines exist	Establish guidelines and pilot program	Experiment use of guidelines, etc., in pilot	Experiment use of guidelines, etc., in pilot	Evaluate experience with guidelines and amend where necessary	Roll out to whole country	
Priority measure 5.2: On the basis of the updated regulations, guidelines, etc., establish specific training curricula and plans for training of staff and partners and implement training of all relevant staff in the probation service and in other justice institutions who need to be aware of the methodologies	No training plan and curriculum exists	Establish clear training plan and curricula for new staff and continuous training	Implement training plan	Implement training plan	Implement training plan	Update training plan	

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Priority measure 5.3: Establish cooperation and formalize written agreements with relevant justice institutions (courts, prosecution, prison service) on Probations work in the parole/conditional release phase	Some areas are established in the law and others need specific agreements	Define need for specific agreements and start establishing them	Complete remaining needed agreements			Review the functioning of agreements and update where considered relevant	
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Expected result 6: The probation service has adequate capacities and infrastructure to work with juveniles

Priority measures and activities, Key numeric output indicators	Baseline	Performance targets & budgets (budgets in separate lines)					Notes/Budget 2021-25 (after budget lines only)
		2021	2022	2023	2024	2025	
Output indicator 6A: Refer to Juvenile Justice strategy indicators and reporting	<u>This has its own program and monitoring mechanisms implemented with Swedish and UNICEF support. No details will be provided here. Only the budget for specialized institutions has to be included in the reform budget</u>						
Priority measure 6.1: Staffing and organizational structure for work with juveniles reviewed and necessary capacities established						-	
Priority measure 6.2: Staff has received specialized training on juvenile needs						-	

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and rights and a continuous training program for update has been developed		
Priority measure 6.3: Juveniles with special needs receive specialized services/support.		-
Priority measure 6.4: Specialized institutions for Juveniles have been established and staffed		-
Priority measure 6.5: Cooperation with the newly established specialized institutions for Juveniles is formalized		

Expected result 7: Improve coordination and communication with partner organizations and institutions

Priority measures and activities, Key numeric output indicators	Baseline	Performance targets & budgets (budgets in separate lines)					Notes/Budget 2021-25 (after budget lines only)
		2021	2022	2023	2024	2025	
Priority measure 7.1: Communication programmes to the general population and politicians developed securing improved knowledge of	No communication program or activity of importance happening	Develop joint communication program based in MOJ	Implement coms program	Implement coms program	Implement coms program	Assess program exit and modify if necessary	

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the benefits of probations compared to prisons sentences in applicable cases							
Priority measure 7.2: Cooperation programmes developed with HJC, HPC, PG and SOM to inform of the new approaches and possibilities of a modern probation service working according to European standards.	No cooperation existing	Take initiative to joint approach to information about modern probation and develop communication materials to sector staff and stakeholders	Implement program	Implement program	Implement program	Access program exit and modify if necessary	

Appendix 3 - Sources of information:

Interviews:

Were held with probation officers, NGO, leader of EM Monitoring Centre, Academics; no interviews could be realised with specialists within the central Ministry of Justice.

Literature:

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<https://www.theclearinitiative.org/resources/performance-based-budgeting-manual-english>

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Appendix 4 - Summary of European Commission's Progress Reports:

- Prison conditions, prison overcrowding and the large number of pre-trial detainees, including the length of pre-trial detention have been persistent issues from 2005 until 2019.

- In the **2007** report, the topic of probation was first mentioned in relation to the fact that alternatives to imprisonment are rarely used in sentencing; progress on a planned new law on alternative sentencing is delayed; a probation service is not yet in place. This is linked to the need to make alternative sentencing work effectively, which could help slow the continued growth of the detainee population.
- The Regulation on the probation service was adopted in March **2009**. The probation service is starting to operate but application of alternative sentencing by the judiciary is progressing slowly.
- **2012**: Four new regional offices of the Probation Service were opened and plans for additional resources have been approved.
- **2013**: enlargement of probation service with four districts and increase of the number of staff. A pilot of the electronic monitoring system as an alternative to custody started, with a target national capacity of 300 offenders. Human and financial resources for civil society organisations certified to supervise work with juveniles needed to increase; so also does the budget to guarantee the effectiveness of the probation service.
- **2014**: the total number of offenders in the probation service rose from 700 in 2009 to about 11,300 in 2014. The number of staff increased from 104 to 134 employees. Local probation offices operational in all 22 judicial districts. An electronic monitoring system, as an alternative to custody, is not yet operational. Mention was made of the high turnover of prison staff and prison police staff which limited the effectiveness of training.
- **2015**: Although local probation offices have been extended to all 22 judicial districts, the number of probation service staff has not risen which hampers the effective functioning of the service and the provision of alternatives to detention. The electronic monitoring system available in all judicial districts has yet to be used by the courts.
- **2016**: The use of alternatives to custody increased by 48 %, from 4,003 cases in 2014 to 5 927 in 2015. Use of electronic monitoring also increased, from eight cases in 2013 to 15 cases in 2015. The number of probation service staff remains to be increased.
- **2018**: The use of alternatives to custody increased compared to the previous reporting period (there were respectively 5,577 cases in 2016 and 6,046 in 2017, compared to 5 952 in 2015). The use electronic monitoring has also increased (39 cases in 2015, 187 in 2016 and 113 in 2017). The specialist monitoring of convicted persons by the Probation Service increased from 74 in 2016 to 84 in 2017.
- **2019**: The use of alternatives to custody has increased compared with the previous reporting period. There were 6,171 cases of non-custodial alternatives in 2018 and 4,904 in 2017. The use of electronic monitoring has been suspended since 2017 because of a legal dispute. The specialist monitoring of convicted persons by the Probation Service slightly decreased from 85 in 2017 to 82 in 2018.

- **2020:** The use of alternatives to custody increased in 2019 compared with the previous reporting period. There were 7,992 cases of non-custodial alternatives in 2019, compared to 6,171 cases in 2018 and 4,904 in 2017. The use of electronic monitoring has been suspended since 2017 because of an unresolved legal dispute. The new Law on Probation has been drafted and is pending approval by the Parliament. The increase in numbers of alternative sentences has also led to a reduction in prison overcrowding. (page 29)
- **2021:** "On the prevention of torture and ill-treatment", out of the 85 recommendations from the Ombudsman aiming at improving prisons conditions and treatment of prisoners, 52 have been fully implemented, 22 are partly implemented and 11 are under implementation. Following the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommendations, further improvements are needed in the functioning of detention facilities.
- The renovation of Lezha prison, as an intermediary facility to treat people with mandatory medical treatment, progressed. However, the conditions in Zaharia medical facility remain inadequate.

The action plan for the development of the prison system (2019-2022) is in place. The penitentiary legal package was approved by the Albanian Parliament and entered into force in August 2020. Six manuals for education staff for rehabilitation programmes for prisoners have been approved in 2020. From June 2020 to March 2021, 782 staff from the prison system have been trained.

The use of alternatives to custody continued to increase in 2020. The establishment and functioning of the Probation Service, as part of the reform in the system of execution of criminal sentences, has significantly improved restorative justice in Albania since 2019. This service is fully operational all over the country and foresees alternative to imprisonment including for juvenile offenders. The increase in numbers of alternative sentences contributed to a reduction in prison overcrowding. Across the country, the number of inmates is now under the capacity of the prison system by 19.4%. The use of electronic monitoring remains suspended since 2017 because of an unresolved legal dispute." (page 28)