ANNEX II: TERMS OF REFERENCE

**“Provision of services of monitoring the budget planning and allocation in the Justice institutions”**

**Project: Building Partnership on Fundamentals: Empowered CSOs in the EU Accession Process**

**IPA III/2022/441-223**

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# BACKGROUND INFORMATION

## Partner country

Albania

## Contracting authority

## Qendra per Transparencen dhe Informimin e Lire

## Country background

Not applicable

## Current situation in the sector

Albania opened the negotiations on 19 July 2022, with the organization of the First ICG between Albania and EU followed by the official start of the screening process. Eventually this has raised the immediate need for being prepared for the opening of the first Cluster that covers 5 chapters of the EU acquis i. The performance of Albania concerning the main policy areas covered by the 5 chapters of Cluster 1 (23,24,5,18 and 32) based on the EC assessment in Albania’s country report for 2021 is as follows: Albania is moderately prepared in the field of functioning of the judiciary (chapter 23), in public procurement (chapter 5), on statistics (chapter 18) and financial control (chapter 32). Albania has some level of preparation in fight against organised crime (chapter 24) and in fight against corruption (chapter 23) meaning that these two fields need more work and efforts to successfully fulfil the desirable requirements for obtaining a higher level of preparation. This is observed even in the recommendations of EC Report 2021 and those of the 13th Subcommittee on Justice, Freedom and Security between EU and Albania that took place on 9-10 December 2021. A number of recommendations are linked with intensifying measures and efforts in fight against corruption, establishing a solid track record, effectively addressing the high-level corruption and strengthening of legal framework while a better coordination among institutions is needed. It has been underlined also that the newly-established judicial institutions need to enhance their transparency and public communication concerning their work and function, notably toward civil society actors.

Under the negotiations process, the negotiating structure has already been established since 2018 under the Decision of Council of Ministers No. 749, even though there have been some changes and redesign of this structure, and it is expected that it will be updated and reformatted even more in order to be properly aligned with the needs and dynamics of the negotiation process. Aside of the state institutions such as Prime Minister Office (State Committee on EI), Ministry for Europe and Foreign Affairs, Albanian Mission in EU some new structures have been established as part of the negotiating structure, to mention - The Negotiator Group (including the Chief Negotiator and 22 negotiators, who are responsible for one or more chapters of EU acquis), the Inter-institutional Working Groups on European Integration that are the responsible bodies for all the technical work concerning the screening and negotiation process for each chapter, and the Partnership Platform on European Integration (PPEI). According to the Capacity and Needs Assessment Report for civil society organisations in Albania from 2019, CSOs mainly struggle with institutional development/organizational sustainability and participation in advocacy initiatives/involvement in policy-making processes. Based on the data of the report almost half of the CSOs in the assessment state that they have some, very little or no knowledge of the integration process and the role of CSOs in this process.

The monitoring of the budget in justice institutions is a key *component* of the action that consists of two main objectives: to increase the transparency of the budgeting process and to improve the budget drafting practices in justice institutions. This will be made possible through a number of activities including desk research and collection of data, accompanied by a clear analysis of the financial situation and budget performance in justice institutions counting main Courts in Albania and newly-established institutions under the Justice Reform in the country. The main monitoring reports and findings will serve for identifying the main gaps and to produce and share some recommendations for improvement shared among all actors of the system, civil society organizations, media and wide public in a ‘friendly’ manner for improving their budget-literacy in order to encourage their participation in the process of budget drafting and the monitoring of its implementation. The action will take into consideration these main activities: to introduce participatory budgeting practices, to improve dialogue between interested parties and to offer guidelines and recommendations on harmonizing the budget in accordance with the objectives of the Cross-Sectoral Justice Strategy 2021-2025.

## Related programmes and other donor activities

Several actions/grants funded by IPA 2021 and other donors are implemented in the country and need to be taken into account in the preparation of the actions of this project.

# OBJECTIVES & EXPECTED OUTPUTS

## Overall objective

The overall objective (Impact) to which this action contributes is:

The action aims to support CSOs in Albania to play their oversight and monitoring roles in the fields of good governance and rule of law through a four-dimensional approach, while taking into consideration the three priorities: Anti-corruption; Justice and Budget transparency and accountability.

## 2.2 Specific objective(s)

The specific objective of this contract is as follows:

**Increased budget transparency and accountability in the Justice system through monitoring and research.**

## Expected outputs to be achieved by the contractor

The expected outputs of this contract are as follows:

***Output 1 :*** Monitoring and production of yearly monitoring reports on dissemination of budget and expenses.

**Tasks:**

a) Periodic monitoring of the cash flow in the justice system;

b) collecting and processing data accordingly to templates and methodology produces;

c) reading the budget and interpreting it in a language understandable to the public;

d) Preparation of yearly monitoring reports for each institution monitored;

e) preparation of summary reports to be distributed;

f) active engagement during the promotion and dissemination process of results and conclusions of the reports and communication with relevant stakeholders

# ASSUMPTIONS & RISKS

## Assumptions underlying the project

* Excellent and effective cooperation and interaction between partners and experts involved in the project
* Execution of the tasks according to timeframe and with the requested quality;
* Good cooperation with the justice system institutions

## Risks

* Lack of quality of information received from justice and other public institutions

# SCOPE OF THE WORK

## General

### Project description

The project Building Partnership on Fundamentals: Empowered CSOs in the EU Accession Process, focuses on civic participation, policy dialogue, cooperation among stakeholders, in frame of EU integration process of the country linked strongly with the preparatory work for the opening of the Cluster 1 – Fundamentals First (Chapter 23, 24, 5, 32, 18).

Four components of this action interlinked with each-other are:

Component I: Enhanced policy dialogue and civic participation on Cluster 1: Fundamentals

Component II: Strengthened Capacities of CSOs to achieve an oversight role on good governance and rule of law on EU driven reforms

Component III: Increased budget transparency and accountability in the Justice system through monitoring and research

Component IV: Increased awareness of CSOs for inclusion in good governance processes and on the benefits of key EU driven reforms

Component III is relevant for this contract.

Justice institutions such as budget administration offices in justice institutions, courts and prosecutors' offices, other institutions of control and governance of justice - Justice institutions are financed from the state budget or other legal sources, while budget planning is carried out by justice institutions and approved by the parliament. The budget used by justice institutions has an internal monitoring by the structure responsible for the performance of the budget. The monitoring reports are prepared according to the relevant instructions of the Ministry of Finance and Economy. However, there is no external monitoring by other actors outside the public administration system. The involvement of judges, prosecutors or other interest groups in the drafting of the budget is weak or completely absent. Internal monitoring is quite technical and has a rigid financial perspective without noting the specifics of the justice system and the importance of the budget profile for the system's objectives. Transparency programs include the publication of the budget and monitoring reports, but neither the budget nor the monitoring reports are user friendly for the public or interest groups. It is also clear that both within the system of justice institutions and among interest groups, there is a rather low "budget literacy". Budgets are a powerful tool to monitor justice institutions, so civil society and public can hold it accountable by keeping eyes to money allocated to different fields, or to ways in which allocated money is used. Through the budget monitoring we project a clear perspective on what is done and what is omitted by justice institutions. As the budget transparency and efficiency is a problem these institutions are dealing, through this action transparency will be promoted in order for the public trust to be increased and controlling measures to be put in place

### Geographical area to be covered

Tirana, Albania

### Target groups

Justice institutions, Albanian parliament.

## Project management

### Responsible body

**Qendra per Transparencen dhe Informimin e Lire** will be the responsible partner for managing the contract through its Executive Director.

### Management structure

The Contractor will be responsible for implementation of the contract under the overall direction of the Executive Director of **Qendra per Transparencen dhe Informimin e Lire,** in the frame of this project.

### Facilities to be provided by the contracting authority and/or other parties

The Contractor will need to provide for his own facilities during the term provided by the Contract

# LOGISTICS AND TIMING

## Location

The activities will take place in Tirana, Albania.

## Start date & period of implementation

The intended start date is 1 December 2023 and the period of implementation of the contract will be 30 months from this date. Please see Articles 19.1 and 19.2 of the special conditions for the actual start date and period of implementation.

# REQUIREMENTS

## Monitoring Experts (2)

Monitoring Expert of Justice Institutions (Lot 1), and

Monitoring Expert of Court (Lot 2)

The Experts will be responsible for the overall coordination and quality control of the results/deliverables for this assignment and will guide the development and implementation process. S/he will be responsible for developing the working plan, promoting collaboration within the team, and fostering good communication with programme beneficiaries. S/he will be responsible to oversee the preparation and timely submission of deliverables. S/he will be responsible for the final product, delivery and will also act as the main counterpart with the contractor. As expert s/he is responsible for developing the workplan and report writing.

Qualifications, skills and professional experience of the Expert should include:

- Advanced university degree, master in Economic, Social or Human Sciences, or relevant areas.

- Experience in monitoring the work of public institutions including reforms, budget spending, their performance, etc.

- Solid Experience with the civil society sector.

- Excellent analytical and reporting skills

- Demonstrated flexibility and adaptability in taking on this type of consultancy.

Experts must be independent and free from conflicts of interest in the responsibilities they take on.

### Support staff & backstopping

Backstopping and support staff costs must be included in the fee rates.

## Office accommodation

Not applicable

## Facilities to be provided by the contractor

Not applicable

## Equipment

**No** equipment is to be purchased on behalf of the contracting authority as part of this service contract or transferred to the contracting authority at the end of this contract. Any equipment related to this contract that is to be acquired by the partner country must be purchased by means of a separate supply tender procedure.

# REPORTS

## Reporting requirements

The contractor will submit the outputs as described in point 2.3 of these Terms of Reference.

## Submission & approval of reports

The reports referred to above must be submitted to the project manager identified in the contract. The reports must be written in English. The project manager is responsible for approving the reports.

# MONITORING AND EVALUATION

## Definition of indicators

The following indicators will be used for monitoring and evaluation of the provided services:

* Outputs timely submitted and approved by the Project Coordinator/Executive Director;
* Timely implementation of the Project and submission of all outputs in compliance with the ToRs;
* Works completed and handed over in time.

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