

# INTEGRITY PLAN

FOR THE MINISTRY OF JUSTICE

2020–2023

Adopted by order no. x, dated x  
of the Minister of Justice



## **Working Group for drafting the Integrity Plan in the Ministry of Justice**

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*This Integrity Plan is designed in the framework of the project "Strengthening Integrity in Central Government - Integrity Plan for the Ministry of Justice of the Republic of Albania", funded by ISDA Support Project - "Support for anti-corruption innovation: Establishing a citizen centered model of service in Albania", a joint fund with contributions from the Italian government, the Austrian government and the United Nations Development Program (UNDP), implemented by the Albanian government in partnership with the UNDP. The content of this document does not necessarily represent views of UNDP and other partners in the ISDA Support Project.*

## **DECLARATION OF INSTITUTIONAL INTEGRITY**

Effective confrontation with corruption by central government institutions is vital to achieving high results in strengthening institutional integrity, good governance, and enabling better services for the citizens of the Republic of Albania.

The Ministry of Justice, in its capacity as the National Anti-Corruption Authority, has the primary responsibility to draft policies in the fight against corruption and to monitor their implementation by public institutions in the country. By playing a central role in this institutional architecture, we are aware that we must be the first to set an example to serve the public interest, so that all our actions are of a high integrity, ethical value and based on law. Therefore, I am pleased to express my highest consideration for the working team of the Institute for Democracy and Mediation (IDM), as well as the serious commitment of the staff of the Ministry of Justice for the hard work in drafting this document. At the same time, I am proud to present the Integrity Plan document for the institution I am at the head of as a concrete expression of the will and commitment to institutional integrity, as well as the proactive stance to support anti-corruption efforts and reforms.

The Ministry of Justice has taken important steps to improve the regulatory and operational framework of integrity. The adoption of this Integrity Plan is precisely an attempt to lay the foundations for a broader system that manages the risks that threaten institutional integrity. Our goals, expressed in this document, relate to the creation of an environment that promotes and urges the culture of integrity, through a functional system of integrity management in the Ministry of Justice.

This Integrity Plan includes integrity risks according to the functional areas of the Ministry of Justice and concrete activities to address them. Its purpose is to improve policies, rules, practices to prevent corruption, and to strengthen institutional resistance to violations of integrity. The Integrity Plan for our institution will positively affect line ministries, as well as subordinate institutions in their institutional agendas against corruption.

We are aware that setting a personal example and managing integrity from the highest management levels, following first and foremost high professional standards and ethics, will ensure its internalization and effective implementation by all levels of administration, while thus increasing public confidence in us.

**Etilda Gjonaj**  
**Minister of Justice**

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## LIST OF ACRONYMS

Moj - Ministry of Justice

IACS - Inter-Sectoral Anti-Corruption Strategy

ISJ – Inter-Sectorial Strategy of Justice

SG – Secretary General

IP - Integrity Plan

IA – Internal Audit

HR – Human Resources

SMG - Strategic Management Group

DAP - Department of Public Administration

IDM - Institute for Democracy and Mediation

IRAM - Integrity Risk Assessment Methodology

PT - Program of Transparency

SOP- Standard Operating Procedure

SMG – Strategic Management Group

RDJM – Regulatory Directorate for Justice Matters

DPSJ - Directorate of Policies and Strategies in the field of Justice

GDCHL – General Directorate of Codification and Harmonization of Legislation

DJRJC – Directorate of Jurisdictional Relations and International Judicial Cooperation

DPPJ – Directorate of Programs and Projects in the Field of Justice

DPPAC - Directorate of Programs and Projects in the field of Anti-Corruption

## **Integrity Plan**

The Integrity Plan for the Ministry of Justice (MoJ) was drafted during the period of December 2019 - March 2020. This plan was drafted based on the Integrity Risk Assessment Methodology (IRAM) document for central government. The purpose of the Integrity Plan in this institution is: i) to assess the integrity risks which compromise the ability of the MoJ to perform the function of public service impartially and responsibly and the factors that may support or increase the risks assessed as well as ii) formulating appropriate measures to address them.

The assessment of integrity risks and their factors is performed for the work processes according to the fields of activity of the institution. These fields include: i) the field of financial management; ii) the field of human resource management; iii) the scope of control, audit and anti-corruption mechanisms; iv) the field of transparency; and v) the field of archiving, storing and administering written documents, as well as information and electronic documents; vi) the regulatory field of justice issues; vii) field of deregulation, permits, licenses and monitoring; viii) the scope of policies and strategies in the field of justice; ix) the field of drafting and evaluation of legislation; x) the field of jurisdictional relations and international judicial cooperation; xi) the field of programs and projects related to justice; xii) the field of programs and projects related to anti-corruption.

### **I.1. The process of drafting the Integrity Plan**

The process of drafting the Integrity Plan in the Ministry of Justice consisted in the implementation of the following phases:

#### **I.1.1 Establishment of a working group for drafting the Integrity Plan and mobilizing the staff of the Ministry**

The Minister of Justice set up a working group to assess the risk of integrity and prepare the integrity plan for the MoJ. The working group was composed of employees of the MoJ of the management level (upper and middle category). The working group was chaired by a coordinator, who ensured the progress of the process and the coordination of activities in the institution.

#### **I.1.2 Identification and risk analysis**

During this phase, the working group paid special attention to the legal and internal regulatory framework for the activity of the institution. This phase includes the analysis of various reports of the MoJ on its internal and external activities on issues related to the areas of activity of the institution. The Working Group continued to identify and analyze the risks of integrity and its factors, for the work processes in the functional areas of the MoJ. Qualitative data of focus groups with ministry employees were also part of this analysis. 14 focus groups were realized with the staff of the directorates of the institution according to the fields of activity. Moreover, the working group administered a survey with the staff of the ministry in order to measure their perceptions on issues of integrity and ethics in the institution as well as to assess their knowledge on the regulatory and structural framework for integrity in the institution.

### **I.1.3 Integrity Risk Assessment**

During this phase, the working group assessed the intensity of the risks identified and analyzed in the above phase. The working group identified and analyzed risk factors that are likely to assist or boost such risks. During this phase of the process, an analysis was conducted for areas of activity that required more detailed evaluation due to their greater exposure to integrity risks. Afterwards, the assessed risks and their factors were ranked based on their priority. The process continued with the evaluation of the effectiveness of the existing control measures in the institution for the assessed risks and with the proposal of new measures to address them. At this stage of the process, discussions and feedback received from the focus groups with the staff of the various directorates of the institution also contributed.

### **I.1.4 Risk Management Action Plan**

The working group drafted an action plan for the management of integrity risks in the institution, which includes new control measures or the improvement of existing ones. The measures describe the activities to be implemented to reduce or eliminate the risks of integrity, timelines and organizational responsibilities for their implementation.

The implementation of this Integrity Plan is foreseen for the period 2020-2023. The financial costs of this Plan will be covered by the budget of the Ministry of Justice.

## **I.2. Methodological Approach**

Two methods were used for the integrity risk assessment process in the institution of the Ministry of Justice:

1. The Qualitative method, by organizing 2 orientation workshops for the integrity risk assessment process with the established working group and the staff of the Ministry as well as 14 focused meetings with the staff of the MoJ. The focused meetings served: to identify the work processes in those areas of activity of the institution which are exposed to violations of integrity, unethical and unprofessional behavior and other irregularities; as well as to assess the risks of integrity and their factors within these processes. The process was accompanied by an analysis of the Ministry's internal regulatory framework (literature review), which includes: orders, manuals, regulations and internal acts. Also, various reports on the activity of the MoJ were researched, such as: internal audit reports, monitoring reports, annual reports, financial risk matrix, etc. Other sources of information included: reports of the Supreme State Audit, the Commissioner for the Right to Information and Personal Data Protection, the High Inspectorate of Declaration and Control of Assets and Conflict of Interest as well as independent reports conducted by international organizations and civil society on issues related to the areas of activity of the MoJ.
2. Quantitative method, through evaluation by means of a structured survey, where ministry employees answered questions on specific issues of integrity and ethics in the institution. The survey included a sample of 57 employees of the institution with a statistical reliability level of 95%, the estimated error rate is +/- 2%. Sampling involved a wider distribution regarding gender, age, and seniority at work in order to create greater diversity in analysis. The structured questionnaires were completed anonymously by the ministry staff.

### **I.3. Content of the Integrity Plan**

The content of the Integrity Plan is presented as follows:

- **Statement of Institutional Integrity** – expression of will and commitment to institutional integrity by the head of the Ministry of Justice;
- **General presentation of the process of drafting the Integrity Plan of the Moj**, description of the stages of the integrity planning process and methodological approach;
- **Integrity risks and their factors** – which includes a description of the risks of integrity and their factors in the 12 areas of responsibility of the institution.
- **Action Plan**, which contains the control measures to be taken to address the identified and assessed risks.

The plan has been made available to all staff of the Ministry of Justice and stakeholders, to be a living document and an effective instrument that guides daily work towards the public interest, high professional standards and good institutional performance.

# I.

## **INTEGRITY RISKS AND ITS RISK FACTORS**

A summary description of integrity risks and their factors has been introduced in this section, analyzed by areas of activity of the MoJ and categorized as follows:

### **I.1 Risks and risk factors related to the internal regulatory and institutional environment with regard to the question of integrity**

The Minister of Justice has drafted and approved a limited number of strategic institutional documents on aspects of integrity, such as: Code of Ethics, regulations for the prevention of conflict of interest, which have not been published on the official website of the institution. The Code of Ethics as well as the internal regulatory framework show that there is a lack of rules to be provided for the process of declaration and acceptance of gifts, administration of the relevant register or other similar benefits, expenses covered by others; rules for receiving donations / sponsorships and the operation of the relevant register; rules for declaration by officials of the institution of meetings with lobbyists or interest groups; rules for external activities of employees and their declaration; standard behavior of employees after completion of duty; rules for the procedure of investigation and review of alerts and suspected acts or practices of corruption; internal rules for declaration of assets for officials who are subject to declaration, etc. functional mechanisms for code implementation such as evaluating Code ethical standards or interpreting Code etc. The comprehensive summary of the values and principles of the Code of Ethics should guide senior officials of the Ministry in their conduct and actions during the exercise of functions and commitments as representatives of the executive function. The Code presents ambiguities regarding the inclusion of senior ministry officials (Minister, Deputy Minister, Chief Cabinet and Advisers, Secretary General) as subjects of its implementation for specific aspects. The Code of Ethics does not provide for cases where funds for projects providing assistance in drafting legislation or methodological instruments in this area are provided by civil society organizations or interest groups, financial transparency and project expenditures are published on the official website of the Ministry.

The Minister of Justice has drafted and approved the internal regulation of the institution. This regulation presents ambiguity and lack in: the reflection of the internal institutional structure; the inclusion of functions / units derived from other laws, such as the right to information or notification and public consultation; unit of signalling or conflict of interest; defining clear lines of communication and reporting between different directorates; communication with dependent institutions; anticipation of procedures and rules for public consultation, ways and forms of submitting civic initiatives; anticipation of rules on the right to information and protection of personal data, etc.

The review of the internal regulatory framework shows that there are no rules for the registration, investigation and review of alerts and suspected corrupt actions or practices. The institution has set up the relevant unit within the institution. MD employees report that they do not have information about the signalling process and the responsible structure. From the survey data with the staff of the ministry regarding the existence of rules for the protection of whistle-blowers, 57% of respondents report that they do not have information about such rules in the institution, 31% of them report that there are rules and they are applied in practice, while 12% of them report that there are rules but they do not apply in practice. Despite the lack of rules and information, Ministry employees have stated that they have been aware of situations where

their colleagues have committed unethical and unprofessional conduct. 45.1% of respondents reported that they were aware, 33.2% were not aware of the cases, while 21.6% of them reported that they did not have information on this issue. Regarding their way of reacting when they were aware of such a case, 33.6% of them answered that they did not react in such a situation, 21.2% of them tried to confront with their colleague, 18.2% reported to a superior, and only 3% report that they have reported it to the relevant structure.

The Minister of Justice has not approved internal rules for the functioning and administration of the gift register in the institution, as well as for the declaration, origin and control of gifts received from the employees of the institution. It also does not appear that a gift register has been established. Asked about the rules for the administration of gifts in the institution, 55% of respondents reported that they do not know about their existence, 34% reported that they are aware of such rules, while 11% of them reported that there are no approved rules in the institution.

A conflict of interest prevention unit has been set up at the institution's human resources department. This unit has established a conflict of interest register but there is no practice recorded in its content. Asked if they are aware of the existence of a structure / authority responsible for declaring, recording and monitoring cases of conflict of interest, 49% of respondents reported that there is an established structure, 45% of respondents reported that they are unaware, 6% of them estimated that there is no such structure in the institution. Regarding the question of whether they have information on the official registration of cases of conflict of interest in the institution, 86% of respondents stated that they are unaware of this procedure, 12% of them reported that they register, and 2% of respondents stated that cases are not registered.

Documents or other regulatory acts that are not drafted in the institution but that improve the internal environment for integrity, are: the policy document for internal risk management which sets the standards to be used in the MoJ to manage the risk to which the institution is exposed during the performance of his daily activity; and the policy document on privacy and personal data protection which contains the policies pursued by the MoJ regarding the collection and processing of personal data of MoJ employees as well as entities that have a contractual relationship with the institution.

An important function of the MoJ is to coordinate the drafting of laws (for laws initiated by the Ministry or other institutions involved). For the progress of this field of activity, international technical assistance has been provided with a methodology for drafting laws from the EURALIUS project and a methodological instrument for the screening process of laws on corruption risks or their factors. The Ministry does not have a methodology for drafting or evaluating laws adopted by a formal act. Assessing laws is important for eliminating areas of corruption (risks or risk factors) in public areas. Bylaws define procedures, fees, and timelines that can create and allow room for corruption. Therefore, it would be advisable to draft and adopt a methodology for drafting laws to include the process of assessing the scope for corruption and bylaws.

Some of the challenges that are often identified in the internal institutional environment are:

- Regulatory framework for incomplete integrity with clear rules and procedures for specific aspects of integrity;
- Internal non-functional institutional framework in managing institutional integrity issues.

## **I.2 Risks and risk factors related to human resources in the institution (adequate, sustainable, qualified human resources with appropriate training)**

The well-functioning of the administration needs clear hierarchical lines, work processes guidelines for each unit of the institution otherwise named Standard Operating Procedure (SOP), annual work plan, as well as for the promotion and embrace of public administration standards and principles. These elements fostered a culture of integrity for the central administration. The review of the internal regulatory framework of the institution does not show that all structures / units of the institution have SOPs / documents that regulate in detail the work processes carried out by each structure / function of the institution. Those units that have a similar document do not reflect in their content the work processes changed within the structural changes of the institution.

The Ministry of Justice has an approved organigram of 149 employees, 30 of whom are announced as vacant positions. The assessment of the situation results in staff shortages in senior, middle management positions, as well as those of the executive category in the constituent units of the Ministry of Justice. Frequent restructuring in the MoJ institution has been accompanied by frequent circulation of human resources within the institution, causing loss of institutional memory, inefficient functioning and reduced effectiveness in various directorates of the ministry. Job positions that by their nature of work present the need for qualified resources both in experience and in professional qualifications and that require permanent staff, are covered in some cases with short-term employment contracts with excellent students. Failure to fill them with permanent staff aggravates the effectiveness of work processes.

Anti-corruption and integrity building institutional structures, including: Strategic Management Group, Financial Risk Coordinator, unit responsible for conflict of interest prevention, Right to Information Coordinator, Coordinator for Notification and Public Consultation, Internal Audit Unit as well as the signalling unit in this structure; represent an insufficient internal regulatory framework for their proper functioning. The institution has set up a signalling unit within the Directorate of Internal Audit. The Directorate of Internal Audit reflects limited human resources, taking into account the function of the whistle-blower, which is attached to this directorate. There are a number of challenges related to the implementation of the law on signalling, such as: limited capacity of human resources in relation to the recognition and implementation of the law and signalling procedures; lack of information and transparency about the role and work of this structure, provision of functional mechanisms to guarantee anonymity in the institution, etc. The conflict of interest prevention unit set up at the human resources sector in the institution is deficient in terms of adequate and trained human resources for its functioning and the administration of the relevant register.

A very important component of human resource development in the institution is their continuous training. The assessment of the situation and the indicators of this component shows that the institution has approved an annual training plan for employees, but there is a lack of: i) forecasting of the analysis system in relation to training needs, in order to determine the real needs of employees for training; ii) the procedure of reporting and exchanging information regarding the participation of staff in trainings, sharing knowledge gained with other colleagues, in order to increase knowledge and skills or exchange experiences from practice; as well as iii) a feedback system to enable training evaluation. Ministry employees asked about the Institution's

Training Plan, 49% of them reported that they had no information about its existence, 33.4% reported that they were aware, while 17.6% reported that they were not aware. Regarding the trainings provided to MoJ employees on integrity related topics, the survey data show that: 86% of respondents report that the institution has not provided training on rules on whistle-blower protection; while for conflict of interest prevention issues 77% of them report that they have not received such training, compared to 23% who report that they have received training on this issue. MoJ employees, during the process of identifying issues related to professional capacity in functional areas, identified obvious needs for specialized training according to the specifics of the sector / unit where they work. While regarding the Code of Ethics in the institution, it does not turn out that any internal trainings have been conducted with the employees for its content or the solution of dilemmas according to the definitions of this code.

Some of the challenges identified in the institution regarding the issue of human resource development are:

- low normative regulation of work processes, uncertainty about processes and procedures, hierarchical lines and reporting;
- insufficient and limited technical human capacity in most work processes;
- Frequent staff restructurings and unsustainable human resources in the institution;
- low cooperation and responsibility between the directorates of the ministry;
- insufficient physical infrastructure and equipment in the ministry;

### **I.3 Risks and risk factors for job transparency and MD activity within the institution, with stakeholders and the public**

From the content analysis of the official website of the MoJ, it is noticed that data and information are published with purely informative character. Information and documents related to monitoring, control and accountability mechanisms have not been published, such as: various internal control monitoring reports, public contracts, minutes, annual transparency reports, etc.

The Coordinator for the Right to Information has been appointed by an act of the head, and his data have been published on the official website of the institution. Frequent changes of the coordinator have made this process not have the proper attention and sustainability in order to improve transparency. On the other hand, the transparency of the activity of the institution is highly conditioned by the effective internal communication between the directorates and the Coordinator for the Right to Information. Information and documentation management requires not only informed staff and the right skills, but also effective communication that respects timelines in providing information. Furthermore, the coordination and internal communication between the directorates and the coordinator for the Right to Information is of special importance in terms of meeting the objectives of this Integrity Plan.

The Ministry of Justice has appointed the Coordinator for Notification and Consultation without a formal appointment. His data have not been published on the official website of the institution. The internal regulatory framework does not reflect the function and duties of the Coordinator for Public Notification and Consultation; does not contain the provisions for the consultation process set out in the Law on Public Notification and Consultation; and the interaction of the coordinator with other structures / directorates is not foreseen for the performance of the respective tasks.

The Transparency Program (TP) represents an instrument that contributes to the transparency and accountability of the institution, an obligation set out in the law on the

protection of the right to information. The Ministry of Justice has published the TP on its official website but the information that the TP is not complete and easily accessible. From the survey data, 81% of the MoJ employees reported that they inform the public about the activities of the institution through the official website of the MoJ.

## **II. ACTION PLAN**

The Action Plan includes the set of measures to address the risks and risk factors of integrity identified under the 12 areas of responsibility of the MoJ. It is a complementary tool of regulatory policies and framework for improving and strengthening institutional integrity. The plan aims to achieve the objectives of strengthening integrity as follows:

1. Clear processes and rules on aspects of integrity in the MoJ - in order to minimize their violation of integrity risks;
2. Adequate, sustainable human resources, qualified and with appropriate training to resist integrity breaches;
3. Higher transparency of the work and activity of the MoJ within the institution, with interested external actors and the public.

### **2.1 Monitoring and reporting of the Action Plan**

Monitoring is periodic (every year) and involves the performance of activities by employees / groups of responsible employees, to implement the measures adopted in the action plan. The monitoring will determine whether these implemented measures have been effective, whether they have identified changes in the context of the institution or changes in the risks themselves, which may require review of existing measures and priorities of risks (action plan), as well as the issuance of lessons for better planning in the future.

This process is followed by the responsible person, appointed by the head of the institution, who is responsible for the progress of implementation. The minimum reporting frequency is within a six-month period. Reporting allows the holder to take timely remedial action, if the implementation of any particular measure has brought difficulties or delays.