



*Garante Nazionale
dei diritti delle persone
private della libertà
personale*



COOPERATION AGREEMENT

BETWEEN

The Avokati i Popullit (Albania)

AND

The Garante Nazionale dei diritti delle persone private della libertà personale (Italy)

Preamble

Whereas the **Garante Nazionale dei diritti delle persone private della libertà personale**, Italy, hereinafter “the National Guarantor”, and the **Avokati i Popullit**, Albania, from now on “The People’s Advocate”, are independent guaranteeing institutions whose task is to monitor the protection of the rights of persons deprived of personal liberty in their respective countries,

Whereas the National Guarantor was established by Decree Law No. 146 of December 23, 2013 (converted by Law No. 10 of February 21, 2014), which conferred the task to ensure that the custody of people subject to the limitation of liberty is enforced in accordance with the national legislation and the international conventions on human rights ratified by Italy,

Whereas the National Guarantor was also conferred mandate to monitor forced returns under the EU Directive n.115 of 2008, art.8(6),

Whereas the People’s Advocate, whose establishment is provided for by the Albanian Constitution, is governed by Law n. 8454 of 4 February 1999 where People’s Advocate has been given the mandate of national preventive mechanism,

Whereas both Institutions have been appointed in their respective countries as National Preventive Mechanisms under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Whereas both Institutions agree on the convenience and effectiveness of strengthening mutual relations in order to enhance the sharing of information on their respective activities and to implement forms of collaboration, including operational

THE PARTIES AGREE ON THE FOLLOWING:

Article 1 Sharing information and experience

The National Guarantor and the People's Advocate intend to start an exchange of information and to set up an operational collaboration in order to strengthen their mutual capacities to implement their respective mandates. The joint activity will consist in the preliminary organisation of one or more meetings for mutual understanding and planning of future collaboration.

The meetings will be an occasion for examining any possible collaboration in the Institutions' forced return monitoring with a view to respecting the human rights of migrants subject to return operations before, during and after their repatriation.

Article 2 Scope of activities

The collaboration may set forth the following activities, after appropriate procedure established and feasibility assessment provided:

- a) exchange of information:
 - from the National Guarantor to the People's Advocate in relation to planned/ongoing forced-return operations;
- b) handover procedure:
 - monitoring of forced-return operations' handover on arrival at the country of return of third-country nationals and exchanging information from the People's Advocate to the National Guarantor concerning the post-arrival/post-return phase.
- c) joint monitoring:
 - pre-departure/in-flight/arrival/handover/post-arrival phases in Frontex JROs and CROs and in national removal operations.

Article 3 Scope of the cooperation

The Parties' cooperation will be prepared with and supported by an activity of sharing methodologies and applicable operational pathways. It is also possible to envisage an exchange of experience of one or more staff units (its length to be established), in order to share mutual knowledge on the respective working methods.

The collaboration on the monitoring of forced-return operations does not exclude the possibility of taking into consideration, during the meetings referred in point 2, any other forms of collaboration.

Article 4 Cooperation funding

The financial obligations arising by the Parties as a result of signing this Cooperation Agreement or any additional agreements or other memorandums of understanding for the avoidance of any doubt, both parties shall devote all the efforts to request and obtain funding for the implementation of the scope of this agreement, however the non-implementation of part of the duties herein due to lack of funding shall not constitute a breach of such agreement.



Article 5 Exchange of information

The exchange of information is done in accordance with the provisions of the national law of each Party and in compliance with international standards.

The National Guarantor and the People's Advocate shall designate and communicate to the counterpart a contact person that shall be responsible for the swift communication between the parties.

Article 6 Validity period

The Parties' Agreement shall become effective on the date of its validation by the competent authority of each Party, in accordance with the provisions of law.

This Agreement has a duration of one year from its signature by the Parties.

The duration is automatically extended by a maximum of one year, except in the event that the Parties agree to a revision of the text of the Agreement before the agreed deadline.

Article 7 Modification

This Agreement may be modified by mutual agreement between the Parties, on the written proposal of one or the other. Changes come into effect immediately after the date of notification of consent.

Article 8 Denunciation

This Agreement may be terminated by either Party. The denunciation in no way modifies the obligations previously agreed.

Done in Tirana

13.07.2023

For the **Avokati i Popullit**



For the **Garante Nazionale dei diritti delle
persone private della libertà personale**





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