

**The Replies to the Questionnaire with a view of the preparation of Opinion
No. 15 on specialisation of judges and courts**

ALBANIA

1. Specialisation of courts

TYPES OF COURTS/JUDGES	(A) TICK THE BOX IF YOUR COUNTRY HAVE SPECIALISED COURTS/JUDGES IN:	(B) IF YES TO (A), TICK THE BOX IF THEY ARE SPECIALISED JUDGES/CHAMBERS WITHIN A GENERALIST COURT	(C) IF YES TO (A), TICK THE BOX IF THEY ARE A SEPARATE INSTITUTION WITHIN THE GENERAL ORGANISATION OF THE JUDICIARY	(D) IF YES TO (A), TICK THE BOX IF THEY ARE A SEPARATE JUDICIARY FORMING A SYSTEM OF THEIR OWN ¹	(E) IF YES TO (A), TICK THE BOX IF THEY HAVE A COMPOSITION INCLUDING LAY MEMBERS OR ONLY OF LAY MEMBERS ²	(F) IF YES TO (A), TICK THE BOX IF THEY HAVE A TERRITORIAL COMPETENCE DIFFERENT FROM GENERALIST COURTS (PLEASE SPECIFY IF APPROPRIATE)	(G) IF YES TO (A), TICK THE BOX IF THEY APPLY RULES (PROCEDURE, EVIDENCE, ETC.) THAT ARE DIFFERENT FROM THOSE APPLICABLE IN GENERALIST COURTS (PLEASE SPECIFY IF APPROPRIATE)
Family courts							
Juvenile courts							
Administrative courts/council of state							
Immigration/Asylum							
Courts of Account							
Military Courts							
Tax Courts							
Labour/social courts							
Courts for agricultural contracts							
Consumers' claims courts							
Small claims courts							
Courts for wills and inheritances							
Patent/copyrights/trademark courts							
Commercial courts							
Bankruptcy courts							
Courts for land disputes							
"Cours d'arbitrage"							
Serious crimes courts/courts of assize	X	X	X	X		X	
Courts for the supervision of criminal investigations (e.g. authorising arrest, wire-tappings, etc.)							

¹ For example, appeals on decisions of the specialised court of first instance is filed with a specialised court of appeals, council of state, etc.

² For example, composition including lay members: jurors, psychologists, engineers; please specify qualifications and system of recruitment. For example composition of only lay members: representatives of labour organisations, aldermen-échevins, justices of the peace, magistrates etc.

Courts for the supervision of criminal enforcement and custody in penitentiaries							
Other, please specify:							

To what extent specialisation of courts is relevant in your system?

2. Specialisation of judges

a) Under the law no.9877, 18.02.2008, it is required that to apply to the High Council for Justice (Council for the Judiciary) for being a judge of serious crimes court you should have worked as a district court judge not less than five years. The recruitment procedure of serious crimes courts' judges takes also into account the specialised studies accomplished after the university diploma in law. It takes into account the specialised professional experience, too.

b) There is not a requirement that judges are promoted to a higher court, or assigned to a post of chief judge, on the basis of a procedure giving relevance to specialisation.

c) *A judge may move from a generalist court to a specialised court and vice versa.*

<i>As to separate court systems:</i>	<i>Within the same court system:</i>
<input checked="" type="checkbox"/> By just filing an application examined on the basis of seniority and other criteria including previous specialisation.	<input checked="" type="checkbox"/> By showing professional experience.
<input type="checkbox"/> by resigning from original post and participate to a new recruitment?	<input type="checkbox"/> by attending specialisation/reconversion courses?
<input type="checkbox"/> other?	<input type="checkbox"/> by passing a specialisation exam?

d) The system ensures that all judges may access specialisation (e.g. by giving them the appropriate information).

e) The criteria for access of judges to specialisation are mainly the specialised studies and/or publications accomplished after the university diploma in law.

f) Financial provisions exist helping judges to transfer to other towns where specialisation may be acquired.

g) There are access/reconversion courses to specialised functions within the judicial training institute.

h) There are not training courses reserved only to specialised judges, yet.

i) There are exchanges of judicial experiences between different specialisations and/or generalist groups of judges organised.

j) Specialised positions do not exist in court for organisational purposes only (e.g., judge serving as spokesperson for the court; judge for the development of IT in court; judge co-operating with ADR services, etc.).

k)

l) Judges of serious crimes court, who are considered as specialised judges, have a higher compensation than generalist judges, that is district court judges.

m) There are special allowances for judges of serious crimes court.

n) In general, specialised judges are not entitled to a preferential access to higher courts, yet.

3. Specialisation of courts vis-à-vis specialisation of other actors of justice

a) The bar or professional associations of lawyers is not organised on a specialised basis in my country.

b) Lawyers don't have to be specialised (e.g. registered in special bar listings) in order to practice before specialised courts.

c) Public prosecution is organised on a specialised basis in my country. So, there is serious crimes public prosecution.

d) In order to practice before serious crimes courts prosecutors have to belong to serious crimes department of the prosecution service.

e) Specialised judges are not assisted by specialised staff.

4. Specialisation and governance

Our Council for the Judiciary (High Council of Justice) is entrusted with the protection of the independence of all specialised judges, as for all generalist judges. So, the specialised judges are under the governance of the Council.

5. Specialisation, professional associations of judges, judicial ethics

a) There are not professional associations of specialised judges in my country.

b) Specialised judges don't have separate or common "principles of judicial ethics"³ with respect to generalist judges.

6. Conclusion

a) Special courts make it possible to achieve an efficient legal system.

b) Specialisation helps judges to act more professionally.