

EUROPEAN COMMISSION
FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

PILOT-SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS

SCHEME FOR EVALUATING JUDICIAL SYSTEMS

Country: ...ALBANIA.....

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I. General information

1. Number of inhabitants

Number: 3069275

Source: Albanian Institute of Statistics (INSTAT)

Year of reference: 2001

2. Total annual State/regional public budget

Budget: Year of reference:

Source:

3. Average gross annual salary

Salary: = **2040 euro per year (for the public administration)**

Year of reference: 2003

Source : Albanian Institute of Statistics

II. Access to Justice and to all courts

II. A. Legal aid/cost of justice

4. Annual public budget spent on legal aid

Annual budget: Year : **There is no information**

Source :

.....

5. If possible, specify

- the annual public budget spent on legal aid in criminal cases

Annual budget: Year : -----

.....

Source :

- annual public budget spent on legal aid in other court cases

Annual budget: Year : -----

.....

Source :

6. Total number of legal aid cases (in a year)

Number of cases: Year : **No statistics**

.....

Source:

.....

7. If possible, specify:

- the total number of legal aid cases in criminal matters (in a year)

Number of cases: Year : ----- **There are no statistics**

.....

Source :

.....

- the total number of legal aid cases in other court cases (in a year)

Number of cases: Year : **N/A**

.....

Source :

.....

8. Does your country have an income and asset test for granting legal aid?

Yes / No: **No** **The people in need declare in front of judge / court that he/she needs a lawyer.** Albanian constitution has assured the right of free defence when the person does not have sufficient means (junior and other people that request free legal presentation to the court only in criminal cases)

9. If yes, what is the maximum income level for granting legal aid?

Income level: Year : ----- **N/A**

.....

10. Is it possible to refuse legal aid for lack of the merit of the case?

(eg. for frivolous or vexatious actions, or cases without merit)

Yes / No: _____ **N/A**

If yes, is the decision taken by : -the court

- a body external to the court

(please indicate the right answer)

- a mixed decision-making body (court and external)

- other:

What factors are taken into account ?

Factors:

.....

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise:

.....

If yes, is this true for:

-criminal cases? Yes / **No**

- other than criminal cases? **Yes** / No

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / **No** / Otherwise:

.....

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

Yes / No / Otherwise:

.....

If yes, is this true for :

-criminal cases ? Yes / **No**

- other than criminal cases? **Yes** / No

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? Yes / **No**

- the State? Yes / **No**

If yes, please indicate the references of these studies published in the year 2002 or 2003:
(Author / instance) (Title) (Type of courts or costs reported on):

.....

II. B. Users of the courts and victims

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to:

- legal texts (eg. codes, laws, regulations, etc..)? **Yes** / No

internet address: <http://www.kld.al/anetaret.htm>

<http://www.president.al/english/pub/kushtetuta.asp>

- to the case-law of the higher court/s? **Yes** / No

internet address: <http://www.gjykataelarte.gov.al>

-to other documents (for examples legal forms)? Yes / **No**

internet address:

If yes, please give the internet address

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? Yes / **No**

Comments:

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? Yes / No

Comments: **There are 24 hours telephone lines where victims can denounce crimes.**

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes / **No**

Comments:

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary?

Yes / **No**

If yes, are these surveys

- at national level Yes / No

- at court level Yes / No

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? **Yes** / No

Please specify:

- at court level/internal procedure Yes / No

-at court level/external procedure Yes / No

- at national level/internal procedure Yes / No
- at national level/external procedure Yes / No

Comments: **Inspectorate of the High Council of Justice**
Inspectorate of the Ministry of Justice

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: Yes / **No**
- time limit for dealing with the complaint: Yes / **No**

III. Functioning of courts and efficiency of justice
III. A. Functioning

22. Total number of courts
Number of courts: **39**

.....

23. Number of general jurisdiction first instance courts

Number of courts: **30 (thirty)**

24. Number of specialised first instance courts

Please specify the different areas of specialisation
(area of specialisation) (number of courts)

..... **29 first instance court (district courts)**
1 first instance court of serious crimes.....

.....

25. Number of professional judges sitting in courts
(present the information in full time equivalent and for permanent posts)

Number of judges: **399** (first instance & appeal & high court) Year : **2003 / 2004**

Source : **Ministry of Justice**

26. Number of non-professional judges sitting in courts
(present the information in full time equivalent and for permanent posts)

Number of judges: **N/A** Year :

Source :

.....

Please give details:

.....

27. Number of non-judge administrative staff who are working in courts
(present the information in full time equivalent and for permanent posts)

Number of staff: **779** (Including all the administrative staff working in the first instance & appeal courts & High Court. There are not included in this number the legal-assistants of the High Court.)

Year : 2003

Number of staff: **823** (Including all the administrative staff working in the first instance & appeal courts & High Court. There are not included in this number the legal-assistants of the High Court.)

Year : 2005

Source : **Office of Judicial Budget Administration**

28. Annual budget allocated to all courts

Annual budget:	7 949 276 Euro	Year : 2003
	10 185 510 Euro	Year: 2004

Source : **Office of Judicial Budget Administration**

29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts

Annual budget for the Ministry of Justice:	29 117 078 euro	Year : 2005
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Annual budget for the High Council of Justice:	541 401 euro	Year: 2005
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Source : Law on the State Budget for 2005, nr. 9339, dt. 21.12.2004

30. Has the budget for justice increased during the last 5 years? **Yes** / No
What are the figures?

Budget Year 2003 (courts): 7 949 276 Euro

Budget Year 2004 (courts): 10 185 510 Euro

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) Yes / No

- the Government Yes / No

- **the Parliament** **Yes** / No

- the Judicial Council Yes / No
- the Courts Yes / No
- other:

.....

32. Who manages the budget of the courts?

- the President of the Court Yes / No
- the person administratively responsible for the court Yes / No
- other: **Office of Judicial Budget Administration.** (This office was created based on law no 8363, dated 1.07.1998) with the purpose of managing the funds allocated by the Albanian Parliament to operate the judiciary and train its judges and staff in order to create an independent judicial system.) It is an independent state institution.

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: the court / public prosecutor / lawyer / other:
- in other than criminal cases the court / public prosecutor / lawyer / other:

III. B. Efficiency

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases: 11636 + 169 started from the public prosecutor **Year : 2003**

.....

Source : General Prosecutor Office

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: **1285** **Year : 2003**

Source: General Prosecutor Office

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: **1285** **Year :**

.....

Source :

.....

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: **1285** **Year :**

.....

Source :

.....
37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases: **5137** Year : **2003**

.....
Source : **General Prosecutor Office and Annual Statistics from Ministry of Justice**

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases: **119** Year: **2003**

.....
Source: Statistics of Ministry of Justice

.....
39. Total number of judicial decisions, involving robbery (in a year)

Number of cases: **119** Year: **2003**

.....
Source : Statistics of Ministry of Justice

.....
Please indicate, if possible:

Number of convicted persons: % of convicted persons:

219 persons

.....
Number of acquitted persons: % of acquitted persons:

.....
40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions: Year :

.....
Source :

.....
41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases: **142** Year : **2003**

Source : Statistics of Ministry of Justice
.....

42. Total number of judicial decisions, involving intentional homicide (in a year)
Number of decisions: **142**

.....
Source : Statistics of Ministry of Justice
.....

Year : 2003
.....

Please indicate also if possible:

Number of convicted persons: % of convicted persons:

161 persons.....

Number of acquitted persons: % of acquitted persons:
.....

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: Year :

No separated statistics on this

Source :

There are no separate statistics

44. Total number of incoming civil and administrative cases in the courts (in a year)
Number of cases: **44228** (civil & administrative & commercial & familiar cases)
Year: **2003**

.....
Source : Ministry of Justice (Annual Statistics)

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions: **40197** (civil & administrative & commercial & familiar cases)
Year : **2003**

.....
Source: **Ministry of Justice (Annual Statistics)**

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions: Year :

Number of cases appealed to the appeal courts = 4040

Source : Ministry of Justice (Annual Statistics)

47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: **5047** - familiar matters (which includes also the divorce cases)

Year : **2003**

.....
Source : Ministry of Justice (Annual Statistics)

48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: **4059** on familiar matters (which includes also the divorce cases)

Year : 2003

Source : Ministry of Justice (Annual Statistics)

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions: Year :

.....
Source : **No separated statistics.**

50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases: Year :

.....
Source : **No separated statistics.**

51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: Year :

.....
Source :

No separated statistics.

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: Year :

.....
Source :

No separated statistics.

IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: Year :

Source :

This is not a separate item under the total budget. This item varies from court to court.

54. In general, do the courts in your country have computer facilities?

- for judges **Yes** / No
- for non-judges court staff **Yes** / No (in a certain level)

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary ? Yes / No
If yes, please specify the name and the address of this institution

(Name) (Address)

The Albanian Ministry of Justice publish every year official data on judiciary (in Albanian language).

56. What kind of facilities can be used by the clients of the courts to communicate with the courts ?

- Telephone **Yes** / No
- Mail Yes / No
- Fax Yes / No
- E-mail Yes / No
- **Internet Yes** / No

57. Is there an electronic form to carry out certain procedural steps? Yes / **No**

V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: Year :

.....

Source :

.....

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? **Yes** / No

60. Is there an effective remedy to a superior jurisdiction for all cases? **Yes** / No

The High Court (It is the third level of appeal, the highest one. There is only one High Court in the Republic of Albania who has general jurisdiction all over the country).

61. Are reasons given for all prison sentences? **Yes** / No

62. Average length, in days, of robbery cases from the formal beginning of the

prosecution until the first instance judgment.

We do not take in the Ministry of Justice separate data only on the length of robbery cases.

Average length: days Year :

.....

Source :

.....

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

Average length: days Year :

We do not take in the Ministry of Justice separate data only on the length of robbery cases. (The length of cases it subject of statistics only under some groups)

.....

Source :

.....

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length: days Year :

.....

Source :

.....

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Average length: days Year :

.....

Source :

.....

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length: days Year :

.....

Source :

.....

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

Average length: days Year :

.....
Source :

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

Yes / No

69. Do you have a way of analysing queuing time during court procedures?

Yes / No

If yes, please specify:

.....
VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary: around 7176 euro per year **Year : 2004**

.....
Source: **It is defined in the law no. 8436 date 28.12.1998 for the “Organisation of Judicial Power in the Republic of Albania”. The monthly salary of a first instance professional judge at the beginning of his/her career is equal with 50% of the salary of a judge at High Court.**

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary: = 14328 euro **Year: 2004**

.....
72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? Yes / No

If yes, please specify:

.....
73. Are judges recruited and nominated by an independent institution? Yes / No (if yes), who are represented in this institution:

- the members of the judiciary Yes / No
- officials not part of the judiciary Yes / No

- a mixture of the two categories referred to above Yes / No

Is the process of selection and nomination of judges carried out according to pre-established procedures ? Yes / No

74. Is there a system of induction I and continuation training for judges?
No / Yes, but not compulsory / Yes, compulsory

Continuing training is not compulsory.

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: Year :

.....

Source :

.....

75. Is there a system of supervision and control on the courts - other than through appeal ? Yes / No
If yes, please specify: **High Council of Justice** (its competences are defined in law)

.....

76. Is there in your country a system of temporary judges? Yes / No
If yes, are these temporary judges paid on the basis of their activity? Yes / No
If yes, please specify:

.....

77. Annual number of disciplinary proceedings against judges

Number of proceedings: 9 Year : ...**2004**.....

Source : The inspectorate of Ministry of Justice

78. Annual number of sanctions against judges

Number of sanctions: 7 Year : ...**2003**.....

Source :

.....

VII. Public prosecutors

79. Annual budget for the public prosecution

Annual budget: 1 281 847 euro Year : 2005

.....

Source : Law on State Budget for the year 2005. Nr. 4442 dt. 31.12.2004

80. Number of professional public prosecutors (in full time equivalent)
Number of prosecutors: **267** Year : **2004**

.....
Source : **General Prosecutor Office**

81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary : Year :
.....
Source :

Based in the Albanian Law the salary of a public prosecutor is equal of the respective judge. The public prosecutor related/ attached to the first instance court has the same salary as a judge of the first instance court, and so on for other levels.
.....

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary : Year :
.....
Source :
.....

83. Can public prosecutors combine their work with other professions? Yes / **No**
If yes, please specify:
.....

84. Are public prosecutors recruited and nominated by an independent institution?
Yes / No
(If yes), who are represented in this institution:

- the public prosecutors ? Yes / No
 - other stakeholders outside? Yes / No
 - a mixture of the two categories referred to above? Yes / No
- Is the process of selection and nomination of public prosecutors done according to pre-established procedures? **Yes** / No

85. Is there a system of induction and continuation training for public prosecutors?
No / **Yes, but not compulsory** / Yes, but compulsory

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors:

For the academic year 2003 – 2004 has participated in the continuation training 128 prosecutors.

Source: Magistrate School

86. Is there a system of supervision and control on public prosecutors? Yes / No

If yes, please specify:

The prosecutor is a centralized institution. And it is supervised by the prosecutor of a higher level.

.....

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: Year :

.....

Source :

.....

88. Annual number of sanctions against public prosecutors

Number of sanctions: Year :

.....

Source :

.....

VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: **820** Year : 2003

Number of lawyers: **1212** Year : 2004

Source : **Ministry of Justice**

90. Is there a national bar association? Yes / No

91. Have quality standards been formulated for lawyers? Yes / No

If yes, who is responsible for formulating these quality standards?

- the bar association Yes / No

- the legislature Yes / No

- other Yes / No

92. Can disciplinary proceedings be instituted against lawyers? Yes / No

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: 0 Year :

99. Number of incoming mediation cases (in a year)

Number of cases: Year :

.....

Source :

.....

100. Number of cases solved through mediation (in a year)

Number of cases: 2515 Year : 2004

.....

Source : “ *Foundation for Conflict Resolution and Reconciliation*”

.....

If possible, please specify:

- number of criminal cases solved through mediation: out of the total number 2515, 26% are criminal cases solved through mediation.

- number of cases other than criminal solved through mediation: **73 %**

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? Yes / No

- in other than criminal cases? **Yes** / No

Year : 2004 Source : “*Foundation for Conflict Resolution and Reconciliation*”

.....

X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents

- in criminal cases:

(Type) (Number) (Year) (Source)

.....

Prosecutors

.....

.....

- in other than criminal cases:

.....

Bailiff officers

.....

.....

103. Is there an institution to supervise or control the activities of enforcement agents?

Yes / No

If yes, please specify: Ministry of Justice

Department of Jail

General Department of Bailif Office

.....
104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: Year :

.....

Source :

.....

105. Annual number of sanctioned enforcements agents

Number of agents: Year :

.....

Source :

There are no statistics

106. Is it possible to file a complaint against an enforcement agent? **Yes** / No

If yes, please specify: Depends on type of case civil or criminal. Also to the court someone can comply.

.....

107. Does the court play a role in the execution of court decisions? Yes / **No**

If yes, please specify:

.....

108. Are the courts competent to decide against public authorities? **Yes** / No

Are the courts involved in executing decisions against public authorities? Yes / **No**