

**30th Council of Europe Conference of Ministers of justice**  
**“transparent and efficient justice”**  
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**SPEECH**

**Mr Ermal DOBI, Deputy Minister of Justice**  
**ALBANIA**

Dear Mr. Ergin!

Dear participants

First of all, allow me to express my gratitude to the Council of Europe and at the same time to congratulate the organizers of this conference for their hospitality.

In my speech I will initially focus on some reforms launched by the Albanian Government which are materialized by the Ministry of Justice into objectives and measures for the reform of the justice system, particularly in view of modernization of the judiciary, enhancement of transparency toward citizens, acceleration of trial and efforts made to fight corruption in the judiciary.

The reform in the justice system started with the drafting and approval of the law No. 9877, dated 18/02/2008 “On organization of judicial power in the Republic of Albania” which regulates the career of judges, foreseeing objective criteria, thus avoiding subjective positions and evaluations in their promotion. This law is complemented with the approval of a series of bylaws which, as defined by law, are initiated or encouraged by the Ministry of Justice.

The Ministry of Justice is fully committed to the reform of the system of justice through the improvement of the status of judges and administration, regulation of legal procedures of trial as well as the improvement of the infrastructure in view of implementation of a transparent and rapid judicial process.

A key element in the increase of transparency toward citizens and reduction of corruption in the judiciary is also the approval of the Decision of the High Council of Justice “On procedures of the allocation by lot of judicial cases”.

In the context of meeting the objective for upgrading the level of transparency of decision making and vertical and public accountability, it is made possible the implementation of the system for the digitalization of archives in courts, perceiving it as a central and local system where each court is expected to have its own electronic archive realized through the System of Management of Civil Cases and the System of Management of Criminal Cases (CCMIS & ICMIS System).

Further, in the framework of the increase of transparency toward citizens, I would like to bring to your attention the obligation of judges to disclose online all data on cases during the trial stage through the automatic online generation of data. By means of this publication the citizens may receive relevant information about the number of case, litigants, subject to trial or name of the judge. In cases when the case is terminated at first instance, the citizens may also have access to the proper way how it was terminated, number and date of decision but at the same time they may be informed of the details of the case, including data on the progress of each hearing, the rationale of the decision and comprehensive decision. For each case, the citizens may have access to comparative data such as the duration of trial in comparison to the average duration of the trial of cases of all kinds, data on other similar cases, data on the workload that the respective judge had with

other cases of the same kind during consecutive months of the following year, and the workload that the court had for cases of that kind during the same period.

In the context of initiatives launched during 2010, we may highlight the drafting of the draft law " On financial motivation of judges of District Courts and Appellate Courts" aiming at the increase of the salaries of judges.

Further, I wish to focus on another initiative launched by the Albanian Government in cooperation with international partners for the establishment of administrative courts. The prepared draft law is approved by the Council of Ministers and is currently submitted to the Parliament. Currently, it has not been approved by the Parliament due to the absence of voting by the opposition at Parliament as this law, pursuant to the Constitution, must be approved by three/fifths of all MP-s. The said draft law aims at the establishment of administrative specialized courts for the examination of these disputes. Special additional criteria are set for the recruitment of judges. Special principles are established such as the one of rapid trial and burden of proof to the public authority. Rapid and effective procedures for this kind of trial are identified, as well as for the enforcement of judicial decisions rendered by these courts.

Furthermore, I wish to focus on the current situation of the penitentiary system in Albania.

Albania has 21 penitentiary institutions of a capacity of 4380 persons. The average number of overcrowding is about 309. Based on the above-mentioned statistics the overcrowding is a key problem today in the penitentiary system.

The penitentiary institutions inherited from the past system, have a poor infrastructure, although interventions are made on reconstruction of these institutions as well as adaption of facilities in order to create normal conditions for persons who are serving the sentence.

Concrete measures are being taken for the reduction of overcrowding and creation of new premises in pre-trial detention centers and prisons, for the purpose of the improvement of conditions of the convicts in the penitentiary system and guaranteeing individuals' human rights.

In the framework of EU -financed IPA Projects, I avail myself of this opportunity to extend special thanks for the contribution offered by EU. Works have started in a wide range of pre-trial detention centers and prisons which aim on one hand to improve conditions in these premises and on the other hand to reduce the overcrowding.

Currently, the execution of imprisonment sentence in Albania is made by respecting the dignity of prisoners and is filled with human feeling.

The Ministry of Justice has attached special importance to completion of legislative measures, through which the rights of convicts are protected, respected and promoted in accordance with best European standards.

The Albanian state structures are highly committed to create appropriate conditions for the strict implementation of all obligations deriving from the existing legal framework, turning the criminal sentence into a rehabilitation opportunity based on European experience.

Currently, special attention is paid to educational processes for prisoners, their employment, primarily within the institutions, resocialization and methods of conflict settlement in jail.

Also, special attention is paid to treatment of minors and female convicts, where this treatment aims to minimize the negative effects of deprivation of liberty and make these persons capable to be re-integrated to the society.

In the framework of initiatives launched by the Albanian Government, I would like to highlight that a novelty in this system is the creation and functioning of the institution of the

Probation Service which has contributed to alleviating the problem of overcrowding in Penitentiary Institutions.

Currently, there is in place a total of 8 local offices and the General Directorate of Probation Service in the Republic of Albania, with a vision to expand it in the near future. The total number of prisoners with alternative sentences for the period 01.06.2009 - 30.09.2010 amounts to 2067.

The above initiatives aimed, inter alia, to meet the obligations at national level in order to respect and protect the rights of all individuals as well as to meet the obligations at international level in compliance with the European directives and recommendations given by the European experts. In view of the above, the continuous work and commitments of the Ministry of Justice will not stop without fully meeting the obligations undertaken in the context of commitments of the Republic of Albania as a member state of the Council of Europe.

Thank you for your attention.