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PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFII: Towards a better evaluation of the results of judicial reform efforts in the Western Balkans “DASHBOARD Western Balkans”

Data collection: 2020

Report prepared by the CEPEJ for the attention of the European Commission

Part 2 (A) - Beneficiary profile - Albania

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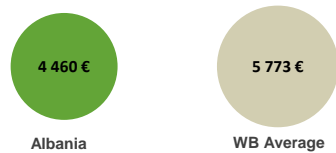
This Action is implemented in the framework of the Horizontal Facility II (2019-2022), a co-operation initiative of the European Union and Council of Europe for the Western Balkans and Turkey. The project is funded by the European Union and the Council of Europe and implemented by the Council of Europe.

Executive Summary - Albania in 2020

Population in 2020



GDP per capita in 2020



Average annual salary in 2020



Budget

In 2020, Albania spent 41 359 048€ as implemented Judicial System budget. Thus, it spent **14,53€ per inhabitant, which is remarkably less than the Western Balkans (WB) median** of 37,8€. Albania had indeed the lowest budget per inhabitant in the region. In 2020, 56,9% was spent for all courts, 42,8% for prosecution services, 0,3% for legal aid.

However, over the three-year period (2018 – 2020), Albania **increased the budget spent for Courts**, from 5,9€ per inhabitant in 2018 to 8,3€ in 2020 (compared to 2019, the budget allocated for courts was increased by 10,2%). Moreover, after the approval of the legal aid reform in 2018, Albania has channelled a higher amount of funds for legal aid (+109,8% in 2020 compared to 2019).

The amount of budget coming from **external donors** is difficult to calculate. This is because funds are often allocated on projects that last longer than one year and involve not only justice system but also other areas. Furthermore, it is difficult to identify how much is directly or indirectly allocated to courts, prosecutor offices and legal aid. However, Albania was able to estimate the ratio between external donors funding and whole justice system budget, which was around 9%.

Legal aid

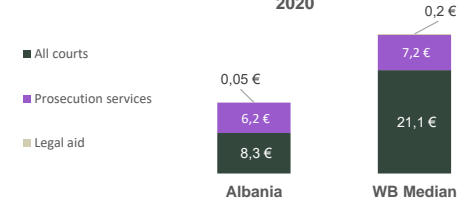
As already mentioned, **following the approval of the legal aid law, the budget of legal aid was increased substantially to provide for primary and secondary legal aid.**

The Law on Legal Aid entered into force on 1 June 2018. It foresees a comprehensive system of Primary Legal Aid (out of court support), Secondary Legal Aid (representation by an advocate in a court procedure), exemption from court fees and court costs. Possible providers of primary legal aid are specially trained officers in primary legal aid service centers, NPOs, and Legal clinics. In 2020, 8 legal clinics were expected to be opened.

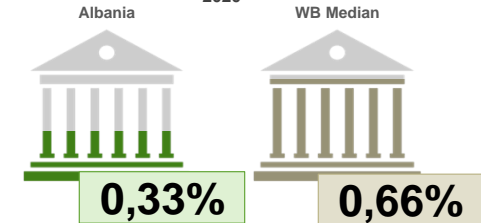
This led to a **significant increase in the number of cases granted with legal aid**, from 270 cases in 2019 to 1 926 cases in 2020. However, the number of cases per 100.000 inhabitants (68) remained well below the WB median (306).

Budget of the Judiciary

Implemented Judicial System Budget per inhabitant in 2020



Implemented Judicial System Budget as % of GDP in 2020



Efficiency**

The Covid-19 pandemic had visible consequences on the work of courts and judges. In many countries, included Albania, courts were closed for several months. This caused a decrease of the number of both the incoming and resolved cases.

Furthermore, in Albania, the vetting procedure affected not only the number of professionals but also the **Clearance Rate (CR) and the length of proceedings** (especially in the second and third instances where many judges were dismissed or voluntarily retired). Thus, **judges were not able to cope with the influx of cases and the CR was below 100% in 2019 and 2020.** In particular, the CR for **second instance cases** in 2020 was well below 100%.

This led to an increase of the number of pending cases and, in turn, of the Disposition Time (DT). The DT was extremely high in 2020, especially for civil and commercial litigious cases (1 742 days in the second instance) and for administrative cases (4 485 days in the second instance). **The Disposition Time represents a forecast based on the actual pace of work. Hence, if more judges will be appointed in the forthcoming months, the situation will improve.**

The situation is **better in first instance.** Although the DT increased for the first instance cases over the three-year period under analysis, in 2020 it was equal to the median for civil and commercial litigious cases (366 days), well below the WB median for administrative cases (199 days vs 424) and only slightly above the WB median for criminal cases (294 days vs 253).

As regards judges' and prosecutors' efficiency, in Albania both quantitative and qualitative criteria are taken into consideration in the evaluation of judges and prosecutors. Targets achievement is part of the professional and ethical evaluation of judges and prosecutors. As such, it influences the final score, therefore their career.

**The CEPEJ has developed two indicators to measure court's performance: clearance rate and disposition time.

Clearance Rate, obtained by dividing the number of resolved cases by the number of incoming cases, is used to assess the ability of a judicial system to handle the inflow of judicial cases. Its key value is 100%. A value below 100% means that the courts weren't able to solve all the cases they received and, as a consequence, the number of pending cases will increase, while CR above 100% means that the courts have resolved more cases than they received (they have resolved all the incoming cases and part of pending cases) and, as a consequence, the number of pending cases will decrease.

Disposition Time is a proxy to estimate the lengths of proceedings in days. It is calculated as the ratio between the pending cases at the end of the period and the resolved cases (multiplied by 365). It estimates the time to resolve all pending cases based on the actual pace of work. This indicator is highly influenced by the number of pending cases: categories of cases with high backlog will have higher DT than categories of cases that do not have backlog. At the same time, it is affected by the number of resolved cases, and this is especially evident in 2020, when this number dropped.

Training

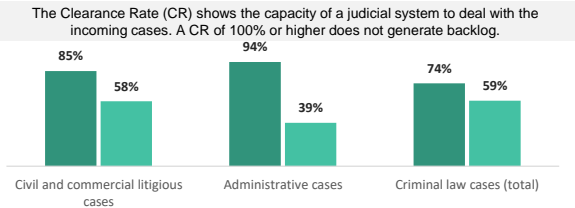
The total budget for training of judges and prosecutors in Albania was 54,1€ per inhabitant, which is **above the WB median** (44,7€ per inhabitant). There has been an **increase in the budget of the training institution** since the Law on the governance organs of the justice system was adopted at the end of 2016. According to this law, the school of magistrates is now in charge of initial training not only of judges and prosecutors (as it previously was) but also of state advocates, legal advisers and chancellors.

As regards the number of training courses delivered, this indicator was influenced by the Covid-19 pandemic restrictions, which excluded the possibility to deliver in-person training courses. Nevertheless, Albania **was able to transfer courses from in-person to online platform**: the number of training courses plummeted from 365 days in 2019 to 67 days in 2020, while the number of available online courses was 93 in 2020 (the figure for 2019 is not available).

Efficiency

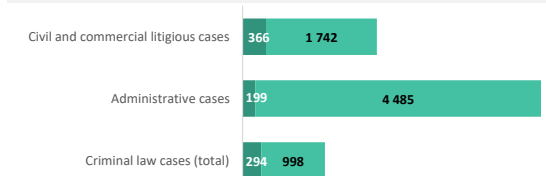
■ 1st instance ■ 2nd instance

Clearance rate in 2020 (%)



Disposition time in 2020 (in days)

The Disposition Time determines the maximum estimated number of days necessary for a pending case to be solved in a court.



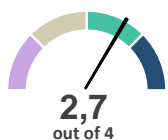
Electronic case management system and court activity statistics

CMS index (scale 0-4)

Case management system (CMS) Index is an index 0 to 4 points calculated based on several questions on the features and deployment rate of the of the case management system of the courts of the respective beneficiary.

The methodology for calculation provides one index point for each of the 5 questions for each case matter. The points for the 4 of the 5 questions apart of the deployment rate question are summarized and the deployment rate is multiplied as a weight. In this way if the system is not fully deployed the value is decreased even if all features are included to provide adequate evaluation.

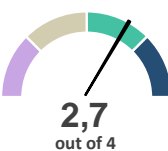
Civil and/or commercial



Criminal



Administrative



Albania developed the Case Management System (CMS) between 5 and 10 years ago. The current CMS presents a number of shortfalls, and the latest study conducted by the High Judicial Council (HJC) concluded on the **necessity to develop a new system**. Because of the substantial financial efforts it requires, in 2020 the HJC commissioned a total of 84 upgrades to the system. However, a new system is still envisaged. Its development depends primarily on the securing the financial support.

ADR

Generally speaking, ADR and mediation in particular are not well developed in the Western Balkans region, however in 2020 in Albania there were 992 cases in which parties agreed to start mediation, and there was a settlement agreement in 979 cases.

In Albania, **the civil and criminal procedure codes foresee non-mandatory court-related mediation procedures, for which legal aid cannot be granted**.

Law on mediation was adopted in 2011 and it was also amended in 2017 as part of the justice reform. Parties could seek the resolution of all the disputes via mediation in the following areas: civil law, commercial, labour and family law, intellectual property, consumer rights, as well as disputes between public administration organs and private subjects. There is no mandatory mediation that requires a mandatory first mediation meeting, or mandatory informative session with mediator. However, according to the law, **mediation is encouraged at each stage of the trial**.

ECHR

In Albania, **the total number of pending cases before the European Court on Human Rights decreased** by 8% from 2019 (from 610 cases in 2019 to 563 cases in 2020); the number of judgements finding at least one violation increased from 1 in 2019 to 3 in 2020.

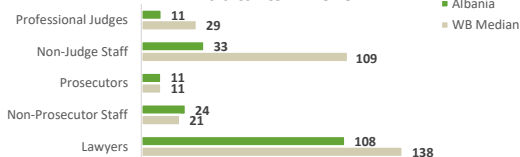
Professionals and gender

Eastern European countries traditionally have a very high number of professionals per inhabitants. In 2020 however, Albania had the lowest **the number of professional judges and non-judge staff per 100 000 inhabitants in the region**.

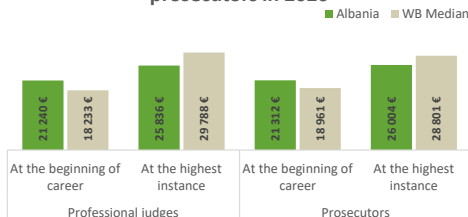
This is due to the re-evaluation of judges and prosecutors (**vetting process**), that started in 2014 and had an impact on the number of judges and prosecutors. Many of them were indeed dismissed or they voluntarily resigned. In 2020, **the number of judges in Albania is significantly lower than the WB median**: 10,8 judges per 100 000 inhabitants, almost a third of the regional median of 30,4. However, the number of prosecutors per inhabitants equals the WB median (10,5), since this number also includes special prosecutors that are part of the SPAK (Special Prosecution Against Corruption and Organised Crime).

Professionals of Justice

Total number of professionals per 100 000 inhabitants in 2020



Salaries of professional judges and prosecutors in 2020



Kosovo* is not included in the calculation of summary statistics

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Gender Balance

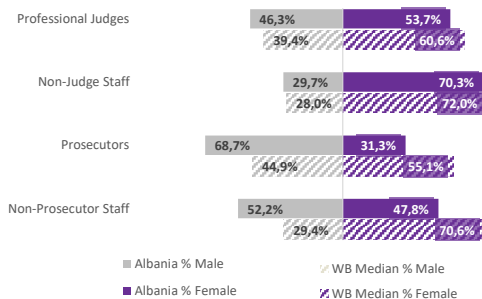
54% female judges (total)



31% female prosecutors (total)



Gender Balance in 2020



The low number of judges was particularly evident in the third instance. In 2020, 81% of judges worked in the first instance (WB median was 75% in first instance), 18% in the second instance (WB median was 20%) and only 1% in the third instance (WB median was 5%). At the beginning of the vetting process, there were 17 judges in the High Court, while only 2 judges remained by the end of the process. The rest of them either resigned or were dismissed during the vetting process. In 2020, the High court had 4 judges.

The number of non-judge staff is also lower than the WB median, since it is proportionate to the number of judges and prosecutors. In 2020, the number of non-judge staff per professional judge was slightly lower than the WB median (3,08 vs 3,36). However, it steadily increased between 2018 and 2020.

In 2020, the number of non-prosecutor staff (23,5 per 100 000 inhabitants) and the ratio between non-prosecutor staff and prosecutors (2,2) were higher than the WB median (20,5 and 1,8, respectively).

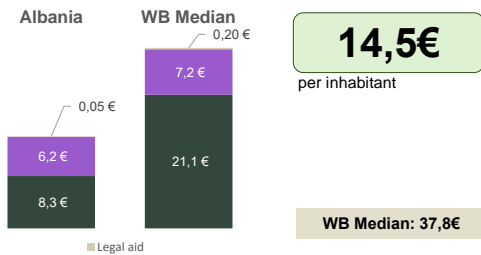
As regards gender balance, **the percentage of females judges and prosecutor was lower than the WB median in all instances in 2020**. It was particularly low for prosecutors (31% of female prosecutors (total) vs the WB median of 55%) and for the third instance (0% of female judges vs WB median of 62%; 16% of female prosecutors vs WB median of 49%).

Compared to the national average salary, judges and prosecutors received **the highest salary in the region**, both at the beginning and at the end of career. Indeed, judges received four times the national average salary at the beginning of career (WB median was 3 times) and almost 5 times the average national salary at the highest instance (WB median was 4,4). On the 1st January of 2019, a new salary scheme for judges and prosecutors entered into force. **The new salary scheme**, part of the justice reform law, **nearly doubled the salaries of judges and prosecutors, especially at the first instance level**.

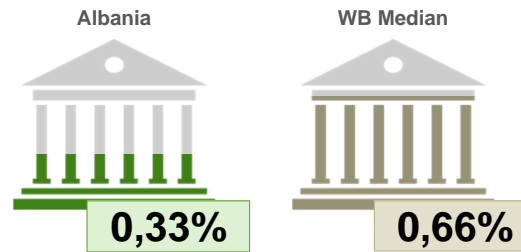
According to the new law on salaries, the magistrates who during the previous calendar year had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary. Organizational skills are part of ethical and professional evaluation: the ability to handle workload and to meet deadlines, as well as the avoidance of unproductive court hearings, are taken into consideration. The entitlement to the reward is restricted to 5% of magistrate every year.

Budget of the judiciary in Albania in 2020 (Indicator 1)

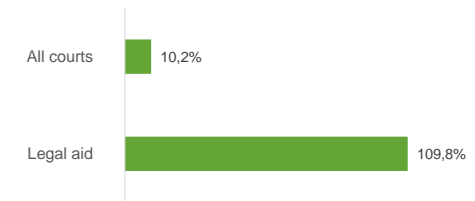
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



% Variation of Implemented budget allocated to all courts and legal aid between 2019 and 2020



The Judicial System Budget (JSB) is composed by the budget for all courts, public prosecution services and legal aid. In 2020, the implemented JBS for Albania was 14,5 € per inhabitant. This was well lower than the Western Balkans (WB) median (37,8 €). It represented 0,33% of the GDP of Albania the WB median was (0,66%). Public prosecution services budget was not available in 2019.

Budget allocated to the judicial system (courts, prosecution services and legal aid)

In 2020, Albania spent 41 359 048 € as implemented judicial system budget. This means that Albania spent 14,53 € per inhabitant, which is less than the Western Balkans median of 37,8 €. 56,9% was spent for all courts, 42,8% for prosecution services, 0,3% for legal aid.

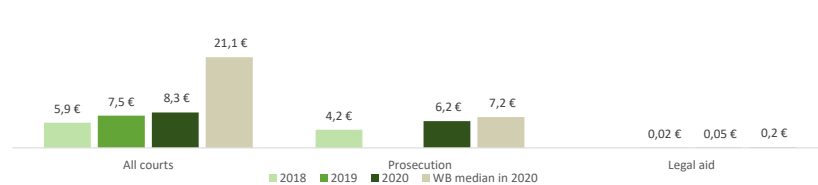
Compared to 2019, Albania has spent 10,2% more for courts, and 109,8% more for legal aid: after the Legal Aid reform, Albania has provided more funds for this institute.

Judicial System Budget	Judicial System Budget in 2020		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP				PPT = Percentage points
	Approved	Implemented	Per inhabitant	WB Median	% Variation 2018 - 2020	% Variation 2019 - 2020	As % of GDP	WB Median	Variation (in ppt) 2018 - 2020	Variation (in ppt) 2019 - 2020	
Total	44 063 358 €	41 359 048 €	14,5 €	37,8 €	NA	NA	0,33%	0,66%	NA	NA	
All courts	24 778 212 €	23 517 830 €	8,3 €	21,1 €	40,6%	10,2%	0,19%	0,41%	0,05	0,03	
Prosecution	18 912 195 €	17 700 730 €	6,2 €	7,2 €	47,8%	NA	0,14%	0,15%	0,05	NA	
Legal aid	372 951 €	140 488 €	0,05 €	0,20 €	NA	109,8%	0,001%	0,003%	NA	0,001	

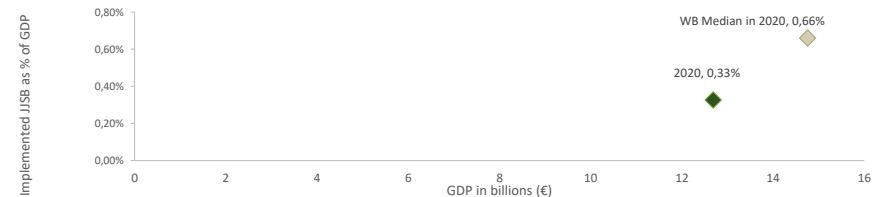
The implemented budget for the whole justice system is higher than the approved budget because the SPAK was established mid-2019 and its budget was approved through a mid-year revision law.

Following the approval of the legal aid law, the budget of legal aid was increased substantially to provide for primary and secondary legal aid. The law foresees the opening of "legal clinics", that will provide primary legal aid to all citizens. As for 2020, 8 legal clinics were foreseen to be opened. Additionally, the criteria for providing secondary legal aid were clarified in the law, and they granted legal aid to a considerable number of applicants. With the establishment of the Legal Aid Directorate, courts started to grant secondary legal aid to applicants. The Directorate is in charge of administering the court decision, and making the payment to the lawyer, based on that court decision.

Implemented judicial system budget per inhabitant between 2018 and 2020 (€)



Implemented Judicial System Budget as % of GDP in 2020

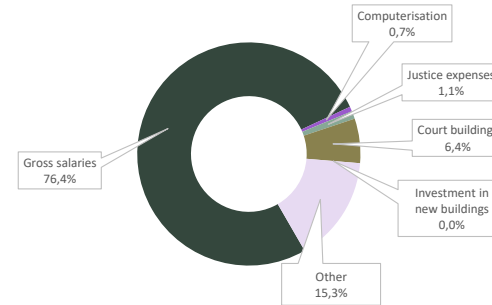


Budget allocated to the functioning of all courts

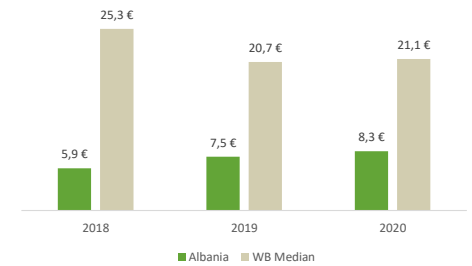
In 2020, Albania spent 23 517 830€ as implemented budget for courts. 76,4% was spent for gross salaries, 0,7% for computerisation, 1,1% for justice expenses, 6,4% for court buildings, 0% for investments in new buildings, 15,3% for other. Compared to 2019, the implemented budget for courts has increased by 10,2%.

	2020		% Variation between 2018 and 2020		% Variation between 2019 and 2020	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
Total	24 778 212 €	23 517 830 €	44,5%	39,4%	11,6%	10,2%
Gross salaries	18 168 268 €	17 963 902 €	45,9%	46,4%	NA	NA
Computerisation	273 242 €	162 704 €	-24,9%	-45,4%	NA	NA
Justice expenses	290 280 €	265 954 €	NA	-25,7%	NA	NA
Court buildings	1 650 000 €	1 515 823 €	NA	-6,8%	NA	NA
Investment in new buildings	84 878 €	966 €	-	-	NA	NA
Training	NAP	NAP	NAP	NAP	NAP	NAP
Other	4 311 544 €	3 608 481 €	NA	55,7%	NA	NA

Distribution of the Implemented budget allocated to all courts in 2020 (%)



Implemented budget allocated to all courts per inhabitant between 2018 and 2020



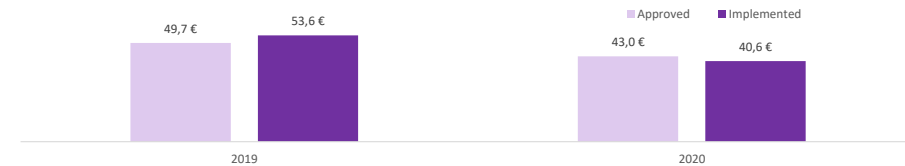
Figures given above are related to courts' budget only. As regards budget allocated to new court buildings, the indicated amount regards the cost for the project of a new court, which was not built yet.

Budget allocated to the whole justice system

Since every beneficiary includes different elements in the whole justice system budget, it is not possible to compare it with the WB median. In Albania, from 2019 to 2020 the whole justice system implemented budget decreased by 24%.

Whole Justice System	2020		% Variation of the Whole Justice System per inhabitant	
	Absolute number	Per inhabitant	2018 - 2020	2019 - 2020
Approved	122 399 288 €	43,0 €	NA	-13,5%
Implemented	115 677 074 €	40,6 €	NA	-24,2%

Whole Judicial System Budget between 2018 and 2020 (€ per inhabitant)



The whole justice system budget includes the following elements in 2020:

Court budget	✓	Constitutional court	✓	Judicial protection of juveniles	✓
Legal aid budget	✓	Judicial management body	✓	Functioning of the Ministry of Justice	✓
Public prosecution services budget	✓	State advocacy	✗	Refugees and asylum seekers service	✗
Prison system	✓	Enforcement services	✗	Immigration services	✗
Probation services	✓	Notariat	✗	Some police services	✓
Council of the judiciary	✓	Forensic services	✗	Other services	✓

The whole justice system budget also includes the functioning of the vetting institutions (Independent Qualification Commission, Public Commissioners and Appeals College), the School of Magistrates, the High Prosecutorial Council and the Special Prosecution against Corruption and Organised Crime.

• Budget received from external donors

The percentages represent an estimate of the ratio between external donations and respective budget. The percentage is calculated in relation to the total implemented budget of each category. However, this does not mean that the external funds cover a percentage of the budget, since donations are not included in the judicial system budget.

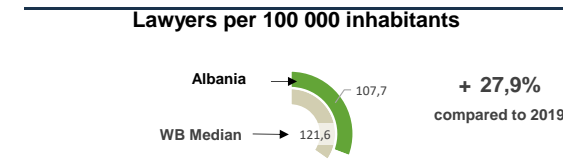
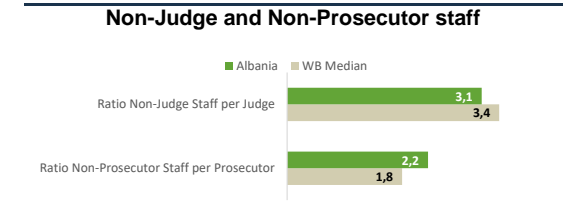
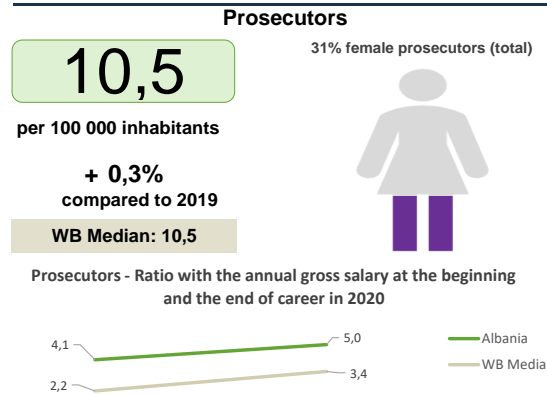
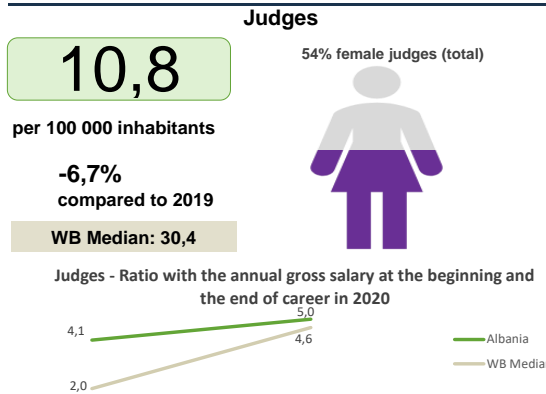
	Absolute value	Calculated as %	In percentage (%)
All courts	NA	NA	NA
Prosecution services	NA	NA	NA
Legal aid	NA	NA	NA
Whole justice system	1 817 448 €	1,6%	9,0%

Albania was able to estimate the ratio between external donors funding and whole justice system budget (9%).

The above budget is the amount spent by the EU technical assistance mission EURALIUS, aiming to support the implementation of justice reform in Albania for 2020. However, there are at least two other major projects aiming to support the justice system, one implemented by Council of Europe in Albania and the other by a contractor of USAID. However, no data are available for these project.

Kosovo is not included in the calculation of summary statistics

Professionals and Gender Balance in judiciary in Albania in 2020 (Indicators 2 and 12)



In 2020, Albania had 10,8 professional judges and 10,5 prosecutors per 100 000 inhabitants. Both figures were below the Western Balkans (WB) median of 30,4 and 10,5, respectively. More than half of professional judges were women (WB median was 60,6), whereas the percentage of female prosecutors was 31% (the WB median was 55%).

Professional Judges

	Professional judges			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Median per 100 000 inhabitants
Total	307	100,0%	10,8	30,4
1st instance courts	249	81,1%	8,7	22,7
2nd instance courts	54	17,6%	1,9	6,0
Supreme Court	4	1,3%	0,1	1,6

For reference only: the 2019 EU median is 24,5 judges per 100 000 inhabitants.

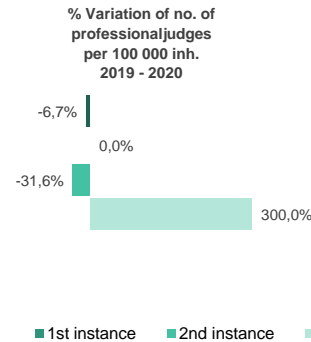
The absolute number of professional judges in Albania in 2020 was 307, which was 10,8 per 100 000 inhabitants (particularly lower than WB median of 30,4).

Compared to 2019, the number of professional judges decreased by -6,7%.

The figures show a difference of -6,3 percentage points between the percentage of judges in the first instance (81,1%) and the WB median (74,8%)

The re-evaluation of judges and prosecutors, known as vetting process, started in 2014. This process had obviously an impact on the number of judges and prosecutors, as many of them were dismissed or voluntarily resigned. In 2020, the number of judges in Albania is significantly lower than the Western Balkans median: in Albania there are 10,8 judges per 100.000 inhabitants, while the regional median is 30,4. However, the number of prosecutors per inhabitants equals to the median (10,5).

The low number of judges is particularly evident in third degree: in Albania 81% of judges are in 1st instance (WB median is 75% in first instance), 18% in second instance (WB median is 20%) and only 1% in third instance (WB median is 5%). The High Court in fact should have 19 judges. At the start of the vetting process, there were 17 judges in the High Court. However, in the end of the vetting process for the High Court only 2 judges remained at the High Court. The rest of them either resigned or were dismissed by the vetting process. Currently the High court has 4 judges (one of them is currently acting as a member of the High Judicial Council, therefore his mandate as a High Court Judge has been suspended).

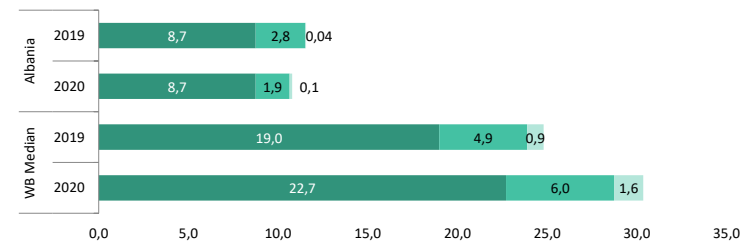


Distribution of professional judges by instance in 2020 (%)



■ 1st instance ■ 2nd instance ■ 3rd instance

Distribution of professional judges per 100 000 inhabitants by instance in 2019 and 2020



• Non-judge staff

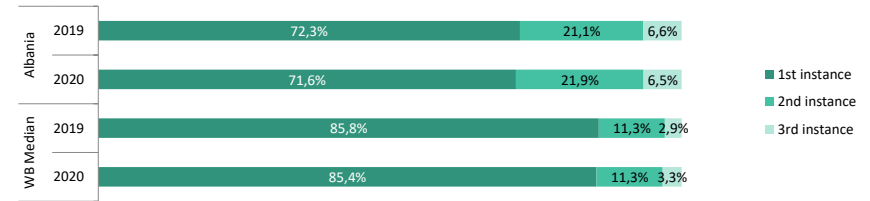
The total number of non-judge staff in Albania was 947, which increased by 7,6% between 2019 and 2020. Thus, the number of non-judge staff per 100 000 inhabitants was 33,3, which was below WB median of 109,1. Compared to 2019, there was no significant variation in the distribution of non-judge staff among instances in 2020. The highest number of non-judge staff were assisting judges and represented 61,8% of the total.

	Number of non-judge staff by instance			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Median per 100 000 inhabitants
Total	947	100,0%	33,3	109,1
1st instance courts	678	72%	23,8	93,2
2nd instance courts	207	22%	7,3	12,4
Supreme Court	62	7%	2,18	3,56

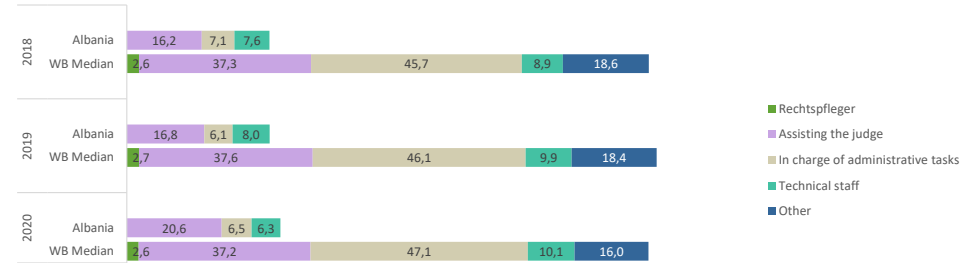
For reference only: the 2019 EU median is 57,5 non-judge staff per 100 000 inhabitants.

	Number of non-judge staff by category			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Median per 100 000 inhabitants
Total	947	100,0%	33,3	109,1
Rechtspfleger	NAP	-	NAP	2,6
Assisting the judge	585	61,8%	20,6	37,2
In charge of administrative tasks	184	19,4%	6,5	47,1
Technical staff	178	18,8%	6,3	10,1
Other	NAP	NAP	NAP	16,0

Distribution of non-judge staff by instance in 2019 and 2020



Number of non-judge staff per 100 000 inhabitants by category between 2018 and 2020



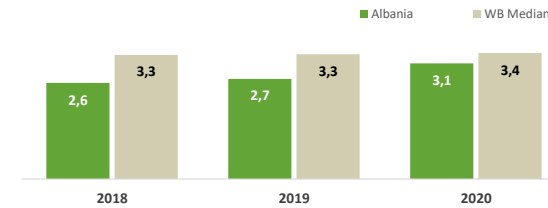
• Ratio between non-judge staff and professional judges

In Albania, the ratio between non-judge staff and professional judges was 3,1 in 2020, whereas the WB median was 3,4. This has been increasing since 2018, as it changed from 2,5 in 2018 to 3,08 in 2020.

	Ratio in 2020		% Variation between 2019 and 2020	
	Albania	WB Median	Albania	WB Median
Total	3,1	3,4	15,3%	1,0%
1st instance courts	2,7	3,8	6,6%	-0,9%
2nd instance courts	3,8	2,7	62,8%	14,9%
Supreme Court	15,5	3,4	-73,3%	-1,7%

For reference only: the 2019 EU median ratio of non-judge staff per judge is 3,3.

Ratio between non-judge staff and judges between 2018 and 2020



Prosecutors

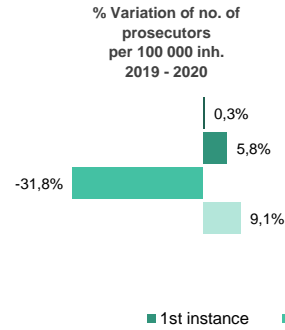
	Number of prosecutors by instance			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Median per 100 000 inhabitants
Total	300	100,0%	10,5	10,5
1st instance courts	273	91,0%	9,6	9,6
2nd instance courts	15	5,0%	0,5	1,1
Supreme Court	12	4,0%	0,4	0,5

In 2020, the absolute number of prosecutors in Albania was 300, which was 10,5 per 100 000 inhabitants (the same as the WB median).

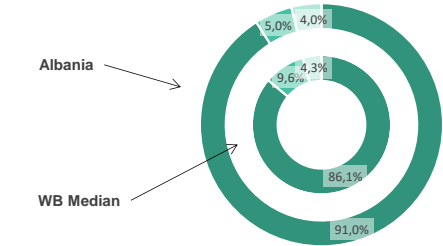
The total number of prosecutors increased by 0,3% between 2019 and 2020.

The figures show a difference of 4,9 percentage points between the percentage of prosecutors in the first instance (91%) and the WB average (86,1%)

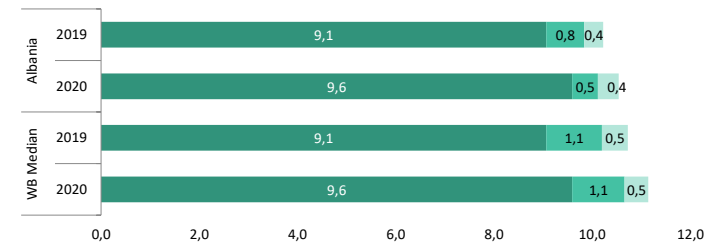
The Special Prosecution Against Corruption and Organised Crime (SPAK) prosecutors (currently 13 prosecutors) are included in the number of the prosecutors of first instance level (273) although they represent Special Prosecution even at Supreme Court level. Also, from the 273 prosecutors acting in the first instance level, 6 prosecutors are currently commanded at High Prosecutorial Council as advisers.



Distribution of prosecutors by instance in 2020 (%)



Distribution of prosecutors per 100 000 inhabitants by instance in 2019 and 2020



Non-prosecutor staff and Ratio between non-prosecutor staff and prosecutors

	Non-prosecutor staff in 2020			Ratio between non-prosecutor staff and prosecutors in 2020		% Variation of the ratio between 2019 and 2020	
	Absolute number	Per 100 000 inhabitants	WB Median per 100 000 inhab.	Albania	WB Median	Albania	WB Median
Total	670	23,5	20,5	2,2	1,8	12,8%	-6,5%

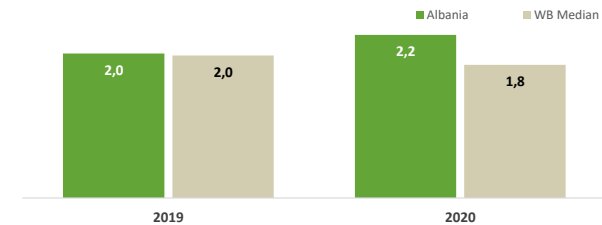
In 2020, the total number of non-prosecutor staff in Albania was 670, which increased by 13,2% compared to 2019.

Thus, the number of non-prosecutor staff per 100 000 inhabitants was 23,5, above WB median of 20,5.

The number of non-prosecutor staff per prosecutor is 2,23, which is higher than WB median of 1,8.

Out of 670 staff members, 184 are judicial police officers (47 females and 137 males) and 486 other staff (273 females and 213 males).

Ratio between non-prosecutor staff and prosecutors in 2019 and 2020



• Lawyers

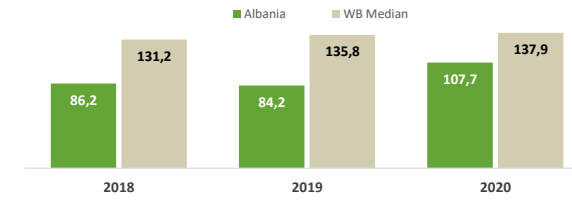
	Number of lawyers			% Variation between 2019 and 2020	
	Absolute number	Per 100 000 inhabitants	WB Median per 100 000 inhabitants	Albania	WB Median
Total	3 064	107,7	137,9	27,9%	1,6%

For reference only: the 2019 EU median is 121,3 lawyers per 100 000 inhabitants.

In 2020, the number of lawyers was 107,7 per 100 000 inhabitants, which was significantly lower than the WB median (137,9). In 2020, the number of lawyers increased by 27,9% between 2019 and 2020.

As provided by the Bar Association around 40 - 42% are women. However, this figure is not official because the Bar Association does not keep any statistics/division based on gender.

Number of lawyers per 100 000 inhabitants between 2018 and 2020

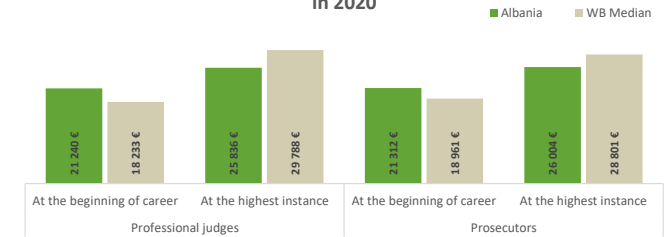


Salaries of professional judges and prosecutors

In 2020, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Albania was 4,1, which was more than the WB median (2).
 At the end of career, judges are paid more than at the beginning of career by 21,6%, which is less than the variation of the WB median (127%).
 In 2020, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Albania was 4,1, which was more than the WB median (2,2).
 At the end of career, prosecutors are paid more than at the beginning of career by 22%, which is less than the variation of the WB median (51,9%).

		Salaries in 2020 (Q15)				% Variation of Gross Salary between 2019 and 2020	
		Gross annual salary in €	Net annual salary in €	Ratio with the annual gross salary	WB Median Ratio with the annual gross salary	Albania	WB Median
Professional judge	At the beginning of his/her career	21 240	16 776	4,1	2,0	0,0%	-5,0%
	Of the Supreme Court or the Highest Appellate Court	25 836	20 232	5,0	4,6	0,0%	-27,1%
Public prosecutor	At the beginning of his/her career	21 312	15 360	4,1	2,2	0,0%	-0,1%
	Of the Supreme Court or the Highest Appellate Court	26 004	19 260	5,0	3,4	0,0%	-11,5%

Gross annual salaries of professional judges and prosecutors in 2020



For reference only: the 2019 EU median for the ratio of judges and prosecutors' salaries with average gross annual national salary is:

- professional judges' salary at the beginning of career: 2,02
- prosecutors' salary at the beginning of career: 1,77
- professional judges' salary at the end of career: 4,1
- prosecutors' salary at the end of career: 3,57

On the first January of 2019 the new salary scheme for judges and prosecutors entered into force. The new salary scheme, part of the justice reform law nearly doubled the salaries of judges and prosecutors, especially at first instance level. A magistrate's salary is determined by the magistrate's affiliation to a salary group and to the salary scale.

A magistrate's salary is categorised into salary groups (G), based on the following indicators:

- Magistrates assuming their functions in first instance courts of general and administrative jurisdiction or prosecution offices attached to first instance courts (G1);
- Magistrates assuming their functions in appeal courts of general and administrative jurisdiction, prosecution offices attached to courts of appeal, magistrates assuming their function at the Anti-corruption and Organised Crime Specialised Court of first instance (G2);
- Magistrates assuming their functions at the High Court and General Prosecution Office, as well as magistrates assuming their functions at the Anti-Corruption and Organized Crime Court of Appeal and at the Special Prosecution Office (G3). The seniority bonus in exercising the function shall be calculated at the extent of 2% of the reference basic salary for each year of service in the function, but not more than 25 years of service. In the case of High Court judges, appointed from among jurists who do not come from a judicial career, for the purpose of determining the seniority of service in exercising the function, the seniority bonus is calculated as equivalent to that of 15 years' of judicial career.

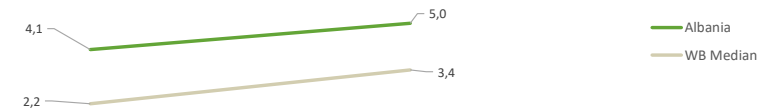
The monthly gross salary of a magistrate consists of the following elements:

- The basic reference salary for judicial and prosecutorial functions, which is equivalent to the 'function-related salary' of civil servants of first category, the third scale in the position of Director of the General Directorate at Prime Minister's Office or any other equivalent position, as set out by the Council of Ministers decision. The reference of the monthly basic salary for judicial and prosecutorial positions to the "function-related salary" according to the above provisions, does not aim at defining the relative value of judicial and prosecutorial positions as against the civil service positions or to enable its classification into the respective category or class.
- Supplements to group salary, which is the amount resulting from the multiplication of the reference basis salary with the coefficient in percentage of the respective function exercised by the magistrate, referring to paragraph 2 of this Article, namely:
 - G1: 90 %
 - G2: 98 %
 - G3: 106%
- Seniority bonus being calculated on the basis of the reference basic salary as set out in paragraph 3 and 4 of this Article;
- The bonus for leading functions as defined according to Article 14 of this Law.

Judges - Ratio with the annual gross salary at the beginning and the end of career in 2020



Prosecutors - Ratio with the annual gross salary at the beginning and the end of career in 2020



• **Additional benefits and bonuses for professional judges and prosecutors**

	Reduced taxation	Special pension	Housing	Other financial benefit	Productivity bonuses for judges
Judges	✘	✘	✔	✔	✔
Prosecutors	✘	✔	✔	✔	

In terms of housing, the law on status of judges and prosecutors (article 17) provides that: "A magistrate shall, during the exercise of function and after having exercised the function at least three years, be once entitled to benefit a state funded home loan, at the amount of an average value of an apartment of 50 m² in a central area of the town, where the magistrate exercises the function. Per family member in the sense of paragraph 5 of this Article living in the household with the magistrate, the reference size of the apartment surface shall be increased per 10m² per person. In case two persons in a household are entitled to a state funded home loan, this shall be benefited only by one of them."

According to Article 11, of the Law "On the status of judges and prosecutors", as amended, except the salary, other financial benefits for the prosecutors and judges include:

- a) compensation for the temporary transfer or delegation scheme;
 - b) remuneration for skills;
 - c) supplementary state pension, as provided by this law and legislation for supplementary state pensions;
 - d) any other benefit, based on the particular conditions of employment or personal situation and family law of the magistrate provided for by the legislation in force.
- Also, in the Article 27, of the Law "On the status of judges and prosecutors", as amended, is provided that, a judge or a prosecutor is entitled to early retirement if:

- a) has reached at least 60 years of age;
- b) has served as a prosecutor for at least 30 years;
- c) is not able to exercise his function, due to illness, certified by the medical commission on the assignment of work ability.

The High Prosecutorial Council adopts more detailed rules setting out the procedure to be followed for early retirement and the rules on how to calculate early retirement and other benefits when the claim is accepted.

The magistrates who during the previous calendar year had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary.

The Councils can adopt more detailed rules on the remuneration by:

- a) Restricting the entitlement to 5 % of magistrates annually, being evaluated during the previous calendar year;
- b) Setting out the criteria and procedure on the selection of the magistrates benefiting this entitlement.

Part of the ethical and professional evaluation are also the organisational skills, as provided in article 74 of the law on status of judges and prosecutors. By the criterion of organisational skills the magistrates' ability to handle the workload and to handle judicial or investigatory procedures and skills to administer the judicial files are evaluated by avoiding that circumstances which do not depend on the magistrate and have negative effect on the results of the evaluation. The skills to handle the workload are measured based on the indicators to meet legal deadlines, to meet the minimum time standards, the average time spent on each case, the clearance rate of judicial cases and the average time to make a final judicial decision or a final prosecutorial decision in a case.

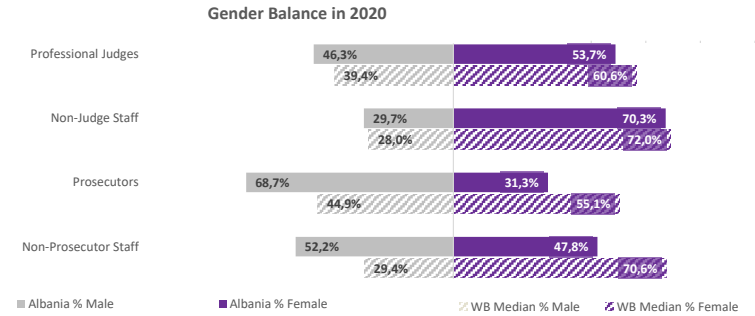
As regards judges, the skill of a judge to handle judicial procedures is measured by the indicators of the average number of hearings per case, conducting the necessary procedural actions for the organization of the judicial process, avoidance of unproductive court hearings, as well as including the monitoring of sending without delay the necessary acts of notification.

As regards prosecutors, the skill of a prosecutor to handle efficiently investigation procedures and other procedures of the prosecutorial system is measured by the indicators of conducting necessary investigative and procedural actions within the set time frame, collection of necessary evidence, as well as including the monitoring of sending without delay the necessary acts of notification.

The skill to administer the judicial or prosecutorial files is measured by the indicators of the order, completeness and accuracy of documentation of the file.

Gender Balance

	Total number per 100 000 inh.	% Female	WB Median	Variation of % females between 2019 and 2020 (percentage points)	
				Albania	WB Median
Professional Judges	10,8	53,7%	60,6%	5,4	0,3
Non-Judge Staff	33,3	70,3%	72,0%	-2,3	0,2
Prosecutors	10,5	31,3%	55,1%	1,2	1,9
Non-Prosecutor Staff	23,5	47,8%	70,6%	NA	-1,4
Lawyers	107,7	NA	36,4%	NA	1,3



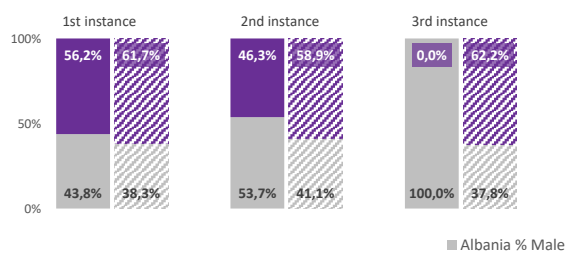
In 2020, the percentage of female judges was 53,7%, which was lower than WB median (60,6%). Moreover, the percentage of female non-judge staff was 70,3%.

Also, in 2020, the percentage of female prosecutors was 31,3%, which was lower than WB median (55,1%). Moreover, the percentage of female non-prosecutor staff was 47,8%.

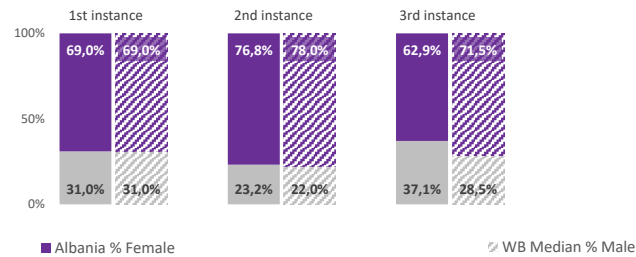
The percentage of females was particularly low in third instance (0% of female judges and 16% of female prosecutors)

	% Female Professional Judges		% Female Non-Judge Staff		% Female Prosecutors	
	Albania	WB Median	Albania	WB Median	Albania	WB Median
1st instance courts	56,2%	61,7%	69,0%	69,0%	32,6%	58,1%
2nd instance courts	46,3%	58,9%	76,8%	78,0%	20,0%	49,6%
Supreme Court	0,0%	62,2%	62,9%	71,5%	16,7%	49,4%

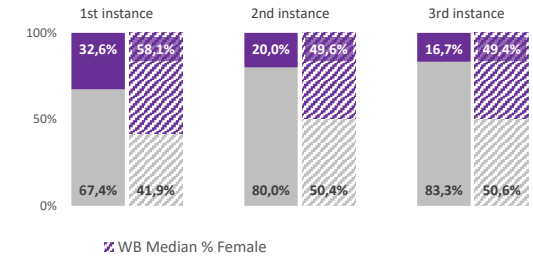
Professional Judges - Gender Balance by instance in 2020



Non-Judge Staff - Gender Balance by instance in 2020



Prosecutors - Gender Balance by instance in 2020



For judges and prosecutors, a significant diminution of the percentage of female can be observed from first to third instance.

• Gender Equality Policies

	Recruitment		Promotion		Surveys or reports on national level, related to the male / female distribution	Person / institution specifically dedicated to ensure the respect of gender equality on institution level
	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level		
Judges	✗	✓	✗	✓	✓	✗
Prosecutors	✗	✓	✗	✓	✓	✗
Non-judge staff	✗	✓	✗	✓	✗	✗
Lawyers	✗		✗		✗	
Notaries	✗		✗		✗	
Enforcement agents	✗		✗		✗	

In Albania there is no national programme or orientation document to promote gender equality.

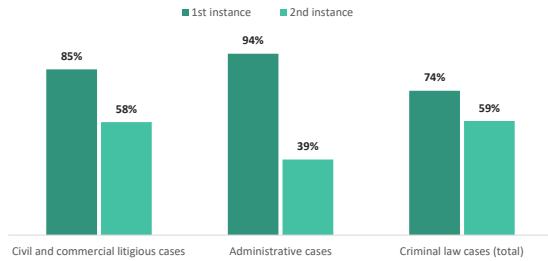
At national level, there is an independent institution dealing with gender equality issues which is the Commissioner against Discrimination.

Kosovo is not included in the calculation of summary statistics

Efficiency in Albania in 2020 (Indicators 3.1 and 3.2)

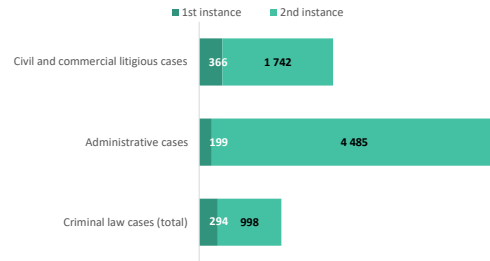
Clearance rate in 2020 (%)

The Clearance Rate (CR) shows the capacity of a judicial system to deal with the incoming cases. A CR of 100% or higher does not generate backlog.

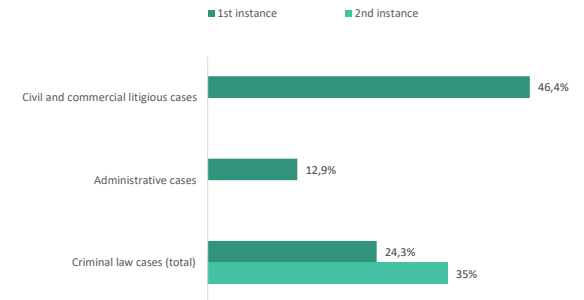


Disposition time in 2020 (in days)

The Disposition Time determines the maximum estimated number of days necessary for a pending case to be solved in a court.



Pending cases at the end of year - Variation between 2019 and 2020 (%)



In 2020, the Clearance Rate (CR) in Albania has been lower than 100% in both instances and for all categories of cases. The highest (CR) is for the first instance Administrative cases, with a CR of 93,5%. However, it seems that Albania was struggling in dealing with the second instance Administrative cases (CR of 39%). With a Disposition Time of approximately 199 days, the first instance Administrative cases were resolved faster than the other type of cases.

Compared to 2019, the pending cases at the end of year increased for the first instance civil and commercial litigious cases (46,4%), whereas they increased for the first instance Administrative cases only by 12,9%.

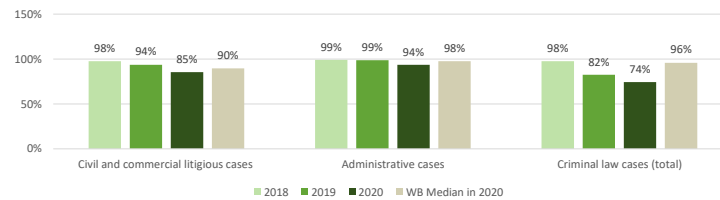
Due to a change in the templates used for data collection, the number of pending cases presents discrepancies with the previous cycle.

In Albania, the vetting procedure affected not only the number of professionals but also the Clearance Rate (CR) and the length of proceedings (especially in the second and third instances where many judges were dismissed or voluntarily retired). Thus, judges were not able to cope with the influx of cases and the CR was below 100% in 2019 and 2020. In particular, the CR for second instance cases in 2020 was well below 100%. This led to an increase of the number of pending cases and, in turn, of the Disposition Time (DT). The DT was extremely high in 2020, especially for civil and commercial litigious cases (1 742 days in the second instance) and for administrative cases (4 485 days in the second instance). The Disposition Time represents a forecast based on the actual pace of work. Hence, if more judges will be appointed in the forthcoming months, the situation will improve.

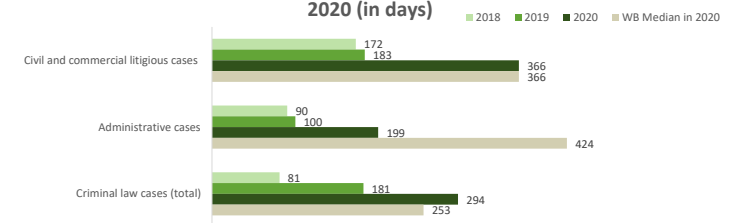
The situation is better in first instance. Although the DT increased for the first instance cases over the three-year period under analysis, in 2020 it was equal to the median for civil and commercial litigious cases (366 days), well below the WB median for administrative cases (199 days vs 424) and only slightly above the WB median for criminal cases (294 days vs 253).

First instance cases

Clearance rate for first instance cases between 2018 and 2020 (%)

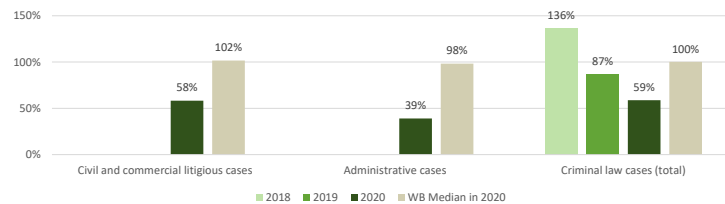


Disposition time for first instance cases between 2018 and 2020 (in days)

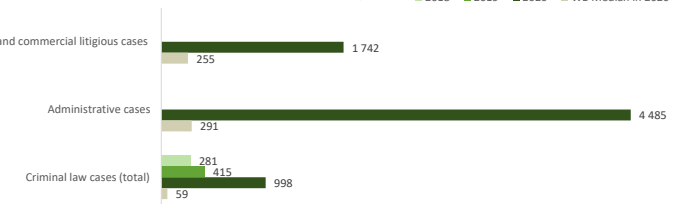


Second instance cases

Clearance rate for second instance cases between 2018 and 2020 (%)



Disposition time for second instance cases between 2018 and 2020 (in days)



First instance cases - Other than criminal law cases

1st instance	2020								Per 100 inhabitants in 2020				% Variation between 2019 and 2020						PPT = Percentage points
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Median CR (%)	DT (days)	WB Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)	
Total of other than criminal law cases (1+2+3+4)	NA	NA	NA	NA	NA	104,4%	NA	269	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
1 Civil and commercial litigious cases	19 713	16 831	16 899	418	85,4%	89,6%	366	366	0,7	0,6	0,6	0,0	-20,1%	-27,1%	-46,4%	NA	-8,2	100,8%	
2 Non-litigious cases**	NA	NA	NA	NA	NA	100,3%	NA	161	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
3 Administrative cases	15 664	14 647	7 966	744	93,5%	97,6%	199	424	0,6	0,5	0,3	0,0	-40,3%	-43,4%	-12,9%	NA	-5,1	99,4%	
4 Other cases	3 577	2 565	3 339	NA	71,7%	97,3%	475	195	0,1	0,1	0,1	NA	NA	NA	NA	NA	NA	NA	

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

For reference only: for the first instance Civil and Commercial litigious cases, the 2019 EU Median was as follows:

- Incoming cases per 100 inhabitants: 1,9;
- Clearance rate: 100,2% ;
- Disposition time: 213 days.

For reference only: for the first instance Administrative cases, the 2019 EU Median as follows:

- incoming cases per 100 inhabitants was 0,2;
- Clearance rate: 102,1%;
- Disposition time: 284 days.

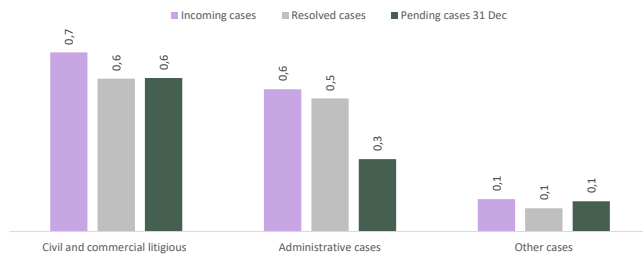
In 2020, the incoming civil and commercial litigious cases were 19 713, which was 0,7 per 100 inhabitants and -20,1% less than in 2019. The resolved cases were 16 831, which was 0,6 per 100 inhabitants and -27,1% less than in 2019. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2020 were more than 2019 and the Clearance rate for this type of cases was 85,4%. This decreased by -8,2 percentage points compared to 2019 and was below the WB median (89,6%).

Moreover, the Disposition Time for civil and commercial litigious cases was approximately 366 days in 2020. This has increased by 100,8% compared to 2019 and it was equal to the WB median (366 days).

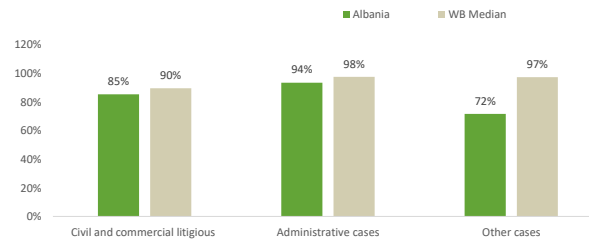
In 2020, the incoming administrative cases were 15 664, which was 0,6 per 100 inhabitants and -40,3% less than in 2019. The resolved cases were 14 647, which was 0,5 per 100 inhabitants and -43,4% less than in 2019. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the administrative pending cases at the end of 2020 were more than 2019 and the Clearance rate for this type of cases was 93,5%. This decreased by -5,1 percentage points compared to 2019 and was below the WB median (100,3%).

Finally, the Disposition Time for administrative cases was approximately 199 days in 2020. This has increased by 99,4% compared to 2019 and it was below the WB median (424 days).

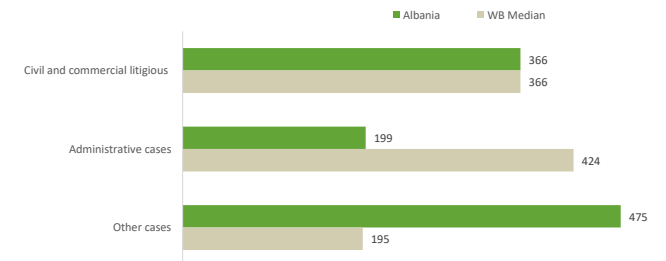
First instance Other than criminal cases per 100 inhabitants in 2020



Clearance Rate for first instance Other than criminal cases in 2020 (%)



Disposition Time for first instance Other than criminal cases in 2020 (in days)



Variations from the previous cycle remain unexplained.

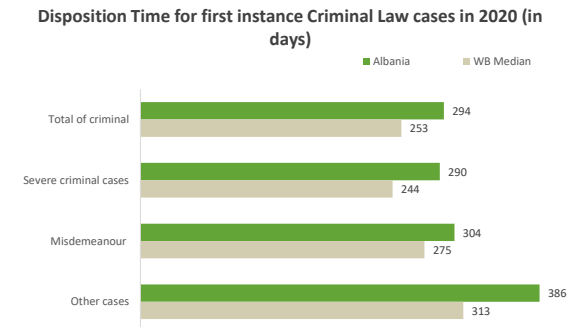
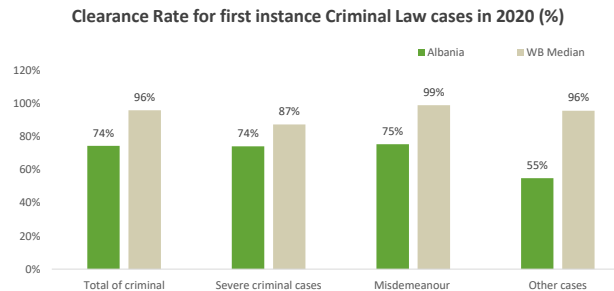
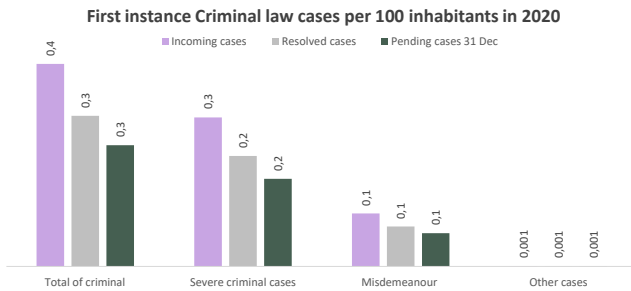
• First instance cases - Criminal law cases

1st instance	2020								Per 100 inhabitants in 2020				% Variation between 2019 and 2020					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Median CR (%)	DT (days)	WB Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	12 186	9 062	7 294	19	74,4%	95,8%	294	253	0,4	0,3	0,3	0,001	-15,2%	-23,5%	24,3%	NA	-8,1	62,5%
1 Severe criminal cases	8 970	6 645	5 277	15	74,1%	87,3%	290	244	0,3	0,2	0,2	0,001	-13,8%	-20,0%	18,6%	NA	-5,7	48,1%
2 Misdemeanour and / or minor criminal cases	3 185	2 400	1 999	4	75,4%	98,9%	304	275	0,1	0,1	0,1	0,0001	-17,0%	-30,1%	46,7%	NA	-14,1	09,8%
3 Other cases	31	17	18	0	54,8%	95,6%	386	313	0,001	0,001	0,001	0,0	-74,4%	-84,0%	-66,0%	NA	-32,8	11,8%

PPT = Percentage points

In 2020, the incoming total criminal cases were 12 186, which was 0,4 per 100 inhabitants and -15,2% less than in 2019. The resolved cases were 9 062, which was 0,3 per 100 inhabitants and -23,5% less than in 2019. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2020 were more than 2019 and the Clearance rate for this type of cases was 74,4%. This decreased by -8,1 percentage points compared to 2019 and was below the WB median (95,8%).

Finally, the Disposition Time for total criminal cases was approximately 294 days in 2020. This has increased by 62,5% compared to 2019 and it was above the WB median (253 days).



Variations from the previous cycle remain unexplained.

• Second instance cases - Other than criminal law cases

2nd instance	2020								Per 100 inhabitants in 2020				% Variation between 2019 and 2020					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Median CR (%)	DT (days)	WB Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	NA	NA	NA	NA	NA	108,7%	NA	184	NA	NA	NA	NA	NA	NA	NA	NA	NA	#VALUE!
1 Civil and commercial litigious cases	4 294	2 499	11 924	1 286	58,2%	101,7%	1 742	255	0,15	0,09	0,42	0,05	NA	NA	NA	NA	NA	NA
2 Non-litigious cases**	NA	NA	NA	346	NA	103,9%	NA	55	NA	NA	NA	0,01	NA	NA	NA	NA	NA	NA
3 Administrative cases	2 798	1 090	13 395	7 629	39,0%	98,2%	4 485	291	0,10	0,04	0,47	0,27	NA	NA	NA	NA	NA	NA
4 Other cases	NA	NA	NA	NA	NA	100,0%	NA	5	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

For reference only: for the first instance Civil and Commercial litigious cases, the 2019 EU Median was as follows:

- Clearance rate: 101,8% ;
- Disposition time: 175 days.

For reference only: for the first instance Administrative cases, the 2019 EU Median as follows:

- Clearance rate: 96,9%;
- Disposition time: 329 days.

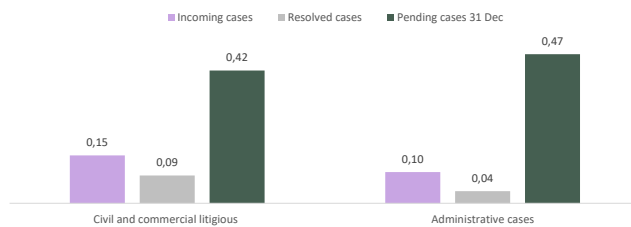
In 2020, the incoming civil and commercial litigious cases were 4 294, which was 0,2 per 100 inhabitants. The resolved cases were 2 499, which was 0,1 per 100 inhabitants. Hence, the number of resolved cases was lower than the incoming cases.

Moreover, the Disposition Time for civil and commercial litigious cases was approximately 1 742 days in 2020 and it was well above the WB median (255 days).

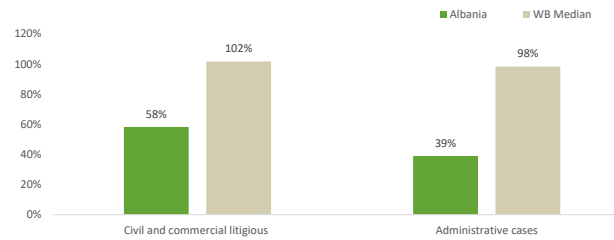
In 2020, the incoming administrative cases were 2 798, which was 0,10 per 100 inhabitants. The resolved cases were 1 090, which was 0,04 per 100 inhabitants. Hence, the number of resolved cases was lower than the incoming cases.

Finally, the Disposition Time for administrative cases was approximately 4 485 days in 2020 and it was well above the WB median (291 days).

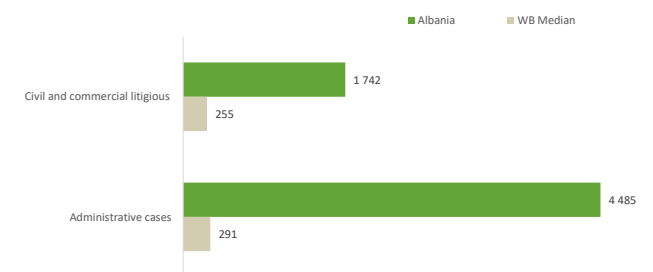
Second instance Other than criminal cases per 100 inhabitants in 2020



Clearance Rate for second instance Other than criminal cases in 2020 (%)



Disposition Time for second instance Other than criminal cases in 2020 (in days)



• Second instance cases - Criminal law cases

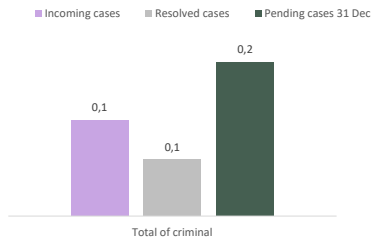
2nd instance	2020								Per 100 inhabitants in 2020				% Variation between 2019 and 2020					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Median CR (%)	DT (days)	WB Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	4 108	2 416	6 605	65	58,8%	100,3%	998	59	0,1	0,1	0,2	0,0	-17,3%	-44,0%	-34,6%	NA	-28,0	40,2%
1 Severe criminal cases	NA	NA	NA	30	NA	99,9%	NA	75	NA	NA	NA	0,0	NA	NA	NA	NA	NA	NA
2 Misdemeanour and / or minor criminal cases	NA	NA	NA	23	NA	99,2%	NA	45	NA	NA	NA	0,0	NA	NA	NA	NA	NA	NA
3 Other cases	NA	NA	NA	12	NA	100,2%	NA	16	NA	NA	NA	0,0	NA	NA	NA	NA	NA	NA

PPT = Percentage points

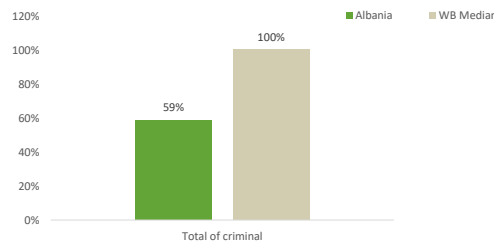
In 2020, the incoming total criminal cases were 4 108, which was 0,1 per 100 inhabitants and -17,3% less than in 2019. The resolved cases were 2 416, which was 0,1 per 100 inhabitants and -44% less than in 2019. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2020 were more than 2019 and the Clearance rate for this type of cases was 58,8%. This decreased by -28 percentage points compared to 2019 and was below the WB median (100,3%).

Finally, the Disposition Time for total criminal cases was approximately 998 days in 2020. This has increased by 140,2% compared to 2019 and it was above the WB median (59 days).

Second instance Criminal law cases per 100 inhabitants in 2020



Clearance Rate for second instance Criminal Law cases in 2020 (%)



Disposition Time for second instance Criminal Law cases in 2020 (in days)



A decrease in the number of resolved criminal cases (-45%) remains unexplained.

• Average length of proceedings for specific category cases (in days - from the date the application for judicial review is lodged)

	2020						% Variation between 2019 and 2020					
	Decisions subject to appeal (%)	Average length of proceedings (in days)				% of cases pending for more than 3 years for all instances	Decisions subject to appeal (PPT)	Average length of proceedings (in days)				Cases pending for more than 3 years for all instances (PPT)
		First instance	Second instance	Third instance	Total			First instance	Second instance	Third instance	Total	
Civil and commercial litigious cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Litigious divorce cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Insolvency cases	NA	101	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Robbery cases	NA	142	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Intentional homicide cases	NA	271	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bribery cases	NA	212	NA	NA	NA	NA						
Trading in influence	NA	NA	NA	NA	NA	NA						

Data on average length of proceedings were mostly not available.

Quality standards and performance indicators in the judicial system

In Albania there are quality standards determined for the judicial system at national level. The court performance is assessed as part of the annual report but, since there are no officially approved indicators yet, the court performance can not be evaluated. However performance of magistrates is evaluated.

These standards were approved by the Law "On the status of judges and prosecutors", as amended, (Article 71) and they are related to the assessment process of the prosecutors. The assessment is conducted according to the criteria of: a) professional skills; b) organizational skills; c) ethics and commitment to professional values and personal skills and; c) professional commitment of the prosecutor.

Concerning the professional skills of the prosecutor, the assessment includes the legal knowledge and legal reasoning to conduct the investigation logically, gathering the evidence required by law, interpret the law and analyse jurisprudence, make investigative decisions and actions, clarity and the understanding of prosecution acts, the consistent and well-organized structure of prosecution acts, the ability to question and the quality of the analysis, and the logical reasoning of the prosecutor, etc.

HJC is the body responsible for determining the quality standards of the judiciary, including efficiency and quality. HJC is working on producing the sub-legal acts concerning standards, in cooperation with external partners. Furthermore, each Council publishes Standards of Ethics and Rules of Conduct. Hence, standards are divided into performance related standards (quality and quantity of performance of magistrates) and behavioral related standards (ethics).

On the performance related standards, implementation is assessed individually for each magistrate during its professional and ethical evaluation. This process includes a self evaluation by the magistrate, the chair and then the relevant Council. Additionally, for behavior related standards each Council appoints a magistrate as Ethics Advisor under the provisions of the Law "On the Governance Institutions of the Justice System".

Performance and quality indicators and regular assessment in courts and prosecution offices

In Albania performance and quality indicators are defined for both courts and prosecution offices as follows:

	Courts		Prosecution offices	
	Performance and quality indicators	Regular assessment	Performance and quality indicators	Regular assessment
Number of incoming cases	✓	✓	✗	✓
Length of proceedings (timeframes)	✓	✓	✓	✗
Number of resolved cases	✓	✓	✓	✓
Number of pending cases	✓	✓	✓	✓
Backlogs	✓	✓	✓	✓
Productivity of judges and court staff / prosecutors and prosecution staff	✓	✓	✓	✗
Satisfaction of court / prosecution staff	✗	✗	✗	✗
Satisfaction of users (regarding the services delivered by the courts / the public prosecutors)	✓	✗	✗	✗
Costs of the judicial procedures	✗	✗	✗	✓
Number of appeals	✓	✓		
Appeal ratio	✓	✓		
Clearance rate	✓	✓	✗	✓
Disposition time	✓	✓	✓	✗
Percentage of convictions and acquittals			✗	✓
Other	✗	✗	✓	✓

Monitoring of the number of pending cases and backlogs	
Civil law cases	Yes
Criminal law cases	Yes
Administrative law cases	Yes

Monitoring of the waiting time during judicial proceedings	
Within the courts	No
Within the public prosecution services	No

According to Article 90, of the Law "On the status of judges and prosecutors", as amended, part of the evaluation of the prosecutor's performance are:

a) records of the verification of complaints filed for the prosecutor during the evaluation period as well as decisions on disciplinary measures given to the magistrate which are implemented during the evaluation period and reports of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests;

b) the number of cases in which prosecutors have been expelled due to a conflict of interest;

c) issues selected by lot for evaluation;

d) the documentation made available by the School of Magistrates.

Text of the law in English can be accessed at <https://eurailius.eu/index.php/en/library/albanian-legislation/send/86-status-of-judges-and-prosecutors/198-law-on-the-status-of-judges-and-prosecutors-en>

High Judicial Council monitors the above-mentioned indicators, every six months, based on detailed reports of the courts. An annual report is produced each year.

High Inspector of Justice is the responsible body, which inspects citizens complains, for procrastination of the process by the judges, unethical acts etc. Based on point 4 of article 194 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the Office of the High Inspector of Justice, conducts institutional and thematic inspections on every aspect of the work of courts, judicial administration, prosecutor's offices and administration of prosecution, based on the motivated written request of the High Judicial Council, the High Prosecution Council, the Minister of Justice, the General Prosecutor and the annual inspection plan."

Regarding the High Prosecutorial Council, some of the performance and quality indicators are taken in consideration where they are related to the exercising of the legal competencies performed from the High Prosecutorial Council in the framework of the assessment of performance of the prosecutor.

High Inspector of Justice is the responsible body, which inspects citizens complains, for procrastination of the process by the persecutors, unethical acts etc.

• **Quantitative targets for each judge and prosecutor**

In Albania there are quantitative targets only for judges, not for prosecutors

Responsible for setting up quantitative targets for judges	
Executive power (for example the Ministry of Justice)	✗
Legislative power	✗
Judicial power (for example the High Judicial Council, Supreme Court)	✓
President of the court	✗
Other:	✗

Responsible for setting up quantitative targets for public prosecutors	
Executive power (for example the Ministry of Justice)	✗
Prosecutor General /State public prosecutor	✗
Public prosecutorial Council	✗
Head of the organisational unit or hierarchical superior public prosecutor	✗
Other:	✗

Consequences for not meeting the targets	Judges	Public prosecutors
Warning by court's president/ head of prosecution	✗	✗
Disciplinary procedure	✗	✗
Temporary salary reduction	✗	✗
Other	✓	✗
No consequences	✗	✗

Each judge is assessed by the High Judicial Council as part of its period professional and ethical evaluation. Assessment is done based on the yearly statistical data that are collected from each court, based on predetermined criteria. Standard forms for this exercise (collection of data) have been recently approved by the Council.

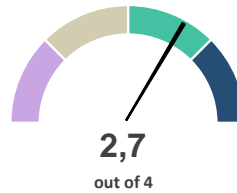
Targets achievement is part of the professional and ethical evaluation of judges. As such, it influences the final score, therefore the career of the judge.

Kosovo is not included in the calculation of summary statistics

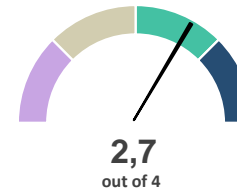
Electronic case management system and court activity statistics in Albania in 2020 (Indicator 3.3)

Case management system (CMS) Index is an index 0 to 4 points calculated based on several questions on the features and deployment rate of the of the case management system of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the 5 questions for each case matter. The points for the 4 of the 5 questions apart of the deployment rate question are summarized and the deployment rate is multiplied as a weight. In this way if the system is not fully deployed the value is decreased even if all features are included to provide adequate evaluation.

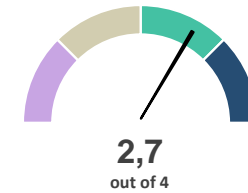
CMS index in Civil and/or commercial



CMS index for Criminal



CMS index for Administrative



Electronic case management system

In Albania, there is no IT Strategy for the judiciary.

There is a case management system (CMS), eg software used for registering judicial proceedings and their management. This has been developed between 5 and 10 years ago.

The CMS is developed in all courts (100% deployment rate) and the data is stored on a database consolidated at national level. The CMS index for Albania is slightly lower than the WB average (2.7 for each type of cases versus 2.9 for civil and/or commercial cases and administrative cases, and 2.8 for criminal cases).

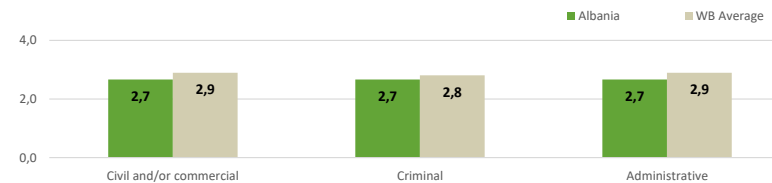
The current CMS presents a number of shortfalls, and the latest study conducted by the High Judicial Council (HJC) concluded on the necessity to develop a new system. Because of the substantial financial efforts it requires, in 2020 the HJC commissioned a total of 84 upgrades to the system. However, a new system is still envisaged. Its development depends primarily on the securing the financial support.

	Case management system and its modalities				
	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/ connection of a CMS with a statistical tool
Civil and/or commercial	100%	Both	✓	✗	Integrated
Criminal	100%	Both	✓	✗	Integrated
Administrative	100%	Both	✓	✗	Integrated

Both: Accessible to parties
Publication of decision online

	Overall CMS Index in 2020	
	Albania	WB Average
Civil and/or commercial	2,7	2,9
Criminal	2,7	2,8
Administrative	2,7	2,9

Calculated overall CMS index (0 to 4) in 2020



• Centralised national database of court decision

In Albania, there is a centralised national database of court decisions in which data are collected, with anonymised data. This case-law database is available for free online, but it is not in open data. There is no links with ECHR case law (hyperlinks which reference to the ECHR judgments in HUDOC database) in this database.

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	Yes some judgements	Yes some judgements	Yes all judgements	NAP	✓	✓	✗
Criminal	Yes some judgements	Yes some judgements	Yes all judgements	NAP	✓	✓	✗
Administrative	Yes some judgements	Yes some judgements	Yes all judgements	NAP	✓	✓	✗

Data are anonymized only for first and second instance courts. The High court still publishes its decisions without anonymizing the data.

The website where decisions are published is www.gjykata.gov.al; however decisions of the High Court are published in the website of the High Court www.gjykataelarte.gov.al. Furthermore, Tirana District Court and Tirana Appeals Court also have their dedicated websites where data are anonymised. This happens because there are currently two systems in use in Albania; ICMIS, which is used by the majority of the Courts and ARKIT which is used only in Tirana District Court and Former Serious Crimes Court.

Kosovo is not included in the calculation of summary statistics

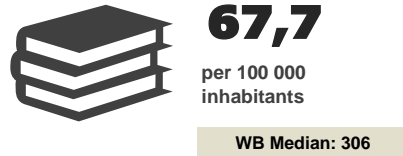
Legal Aid in Albania in 2020 (Indicator 4)

Total implemented budget for Legal Aid in 2020



In 2020, the implemented budget for legal aid spent by Albania was 0,05€ per inhabitant (below the WB median of 0,2€). This was equal to 0,001% of the GDP, the same as the WB median.

Number of LA cases



Amount of implemented legal aid per case (in €) and total no. of legal aid cases per 100 000 inh. between 2018 and 2020



This scatterplot shows the relation between the number of legal aid (LA) cases per 100 000 inh. and the amount of LA per case. A figure on the right (left) of the WB median means that the Beneficiary has more (less) number of LA cases per 100 000 inh. than the WB median. A figure above (below) the WB median shows that the Beneficiary has spent per LA case more (less) than the WB median.

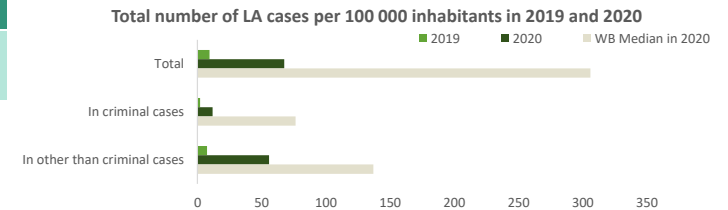
Implemented budget for legal aid and number of cases for which legal aid has been granted

	Implemented budget for legal aid in €				Total implemented budget for legal aid Per inhabitant		Total implemented budget for legal aid as % of GDP	
	Total	% Variation (2019 - 2020)	Cases brought to court	Cases not brought to court	Albania	WB Median	Albania	WB Median
Total	140 488 €	109,8%	20 466 €	120 022 €	0,05 €	0,20 €	0,001%	0,003%
In criminal cases	NA	NA	NA	NA				
In other than criminal cases	NA	NA	NA	NA				

In 2020, the total implemented budget for legal aid was 140 488€, which was 109,8% more compared to 2019. In total, Albania spent 0,05€ per inhabitant in legal aid (below the WB median of 0,2€).

Following the approval of the legal aid law, the budget of legal aid was increased substantially to provide for primary and secondary legal aid. The law foresees the opening of "legal clinics", that will provide primary legal aid to all citizens. As for 2020, 8 legal clinics were foreseen to be opened. Additionally, the criteria for providing secondary legal aid were clarified in the law, and they granted legal aid to a considerable number of applicants. With the establishment of the Legal Aid Directorate, courts started to grant secondary legal aid to applicants. The Directorate is in charge of administering the court decision, and making the payment to the lawyer, based on that court decision.

	Number of cases for which legal aid has been granted					Amount of LA granted per case (€)		
	Total			Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 000 inh.	% Variation (2019 - 2020)					
Total	1 926	68	613,3%	97	1 829	72,9 €	211	66
In criminal cases	337	12	481,0%	5	332	NA	NA	NA
In other than criminal cases	1 589	56	649,5%	92	1 497	NA	NA	NA



In 2020, the number of cases for which legal aid was granted was 1 926€, which was 613,3% more compared to 2019. The number of criminal cases were 337, and the other than criminal cases were 1 589. The total cases brought to court were 97, while the total cases not brought to court were 1829. On average, Albania spent 72,94€ per case, which is below the WB median of 75,58€.

The Law no. 111/2017 on State Guaranteed Legal Aid (Law on Legal Aid) entered into force on 1 June 2018. It foresees a comprehensive system of:

- Primary Legal Aid (out of court support)
- Secondary Legal Aid (representation by an advocate in a court procedure)
- Exemption from court fees and court costs.

Primary legal aid is defined in Article 3 (b) of law no. 111/2017. It comprises:

- providing of information regarding the legal system and legal acts,
- the delivery of counselling,
- the delivery of advice on the procedures of mediation and the alternative means of dispute resolutions,
- the delivery of assistance in drafting and establishing of documentation to representation before administration bodies,
- the delivery of all other forms of necessary legal support not constituting secondary legal aid.

The possible providers of primary legal aid are

- Specially trained officers in primary legal aid service centers (or other premises) (Article 14)
- NPOs providing primary legal aid (Article 15)
- Legal clinics (Article 3) providing legal aid (Article 16).

Secondary legal aid (Article 18) is provided by advocates included in the list approved by the National Chamber of Advocates, upon the request (according to the form) of the person entitled to receive secondary legal aid under articles 11 or 12 of this law.

Secondary legal aid is first approved by decision of the court or proceeding body. The individual lawyer is then in principle appointed and also replaced by the local chamber of advocates.

Referring to the terminology used in this report, the section "Cases brought to court" is filled with the data collected by "Secondary legal aid and exemption from court fees and fees cases" while the section "Cases not referred to court" is completed with "primary legal aid" data.

The Law no. 111/2017, "On State-Guaranteed Legal Aid", part of the legal package of the judicial reform in Albania, provided the termination of the existence of the State Commission of Legal Aid and the establishment of the Free Legal Aid Directorate, as the responsible institution for administering free legal aid system.

The establishment of the Free Legal Aid Directorate was accomplished by the Prime Minister order no. 59, date 25.03.2019, about 1 year after the entry into force of the law. Consequently, during this transitional period until the establishment of the Free Legal Aid Directorate there was no treatment of free legal aid cases. Consequently, the data concerning number of cases regards the period of May 2019 to December 2019.

For cases brought to court the Law 111/2017, unlike the repealed law, provides as a form of legal aid even the: a) exemption from the payment of general and special fees (as provided by the law on court fees of the Republic of Albania); b) payment of court expenses (costs for witnesses, experts, translators, examinations of places and items etc). The decision to provide the aforementioned services, together with the request to provide counseling and representation before the court, is given by a decision of the competent court under the procedural law. Every court decision is communicated to the Free Legal Aid Directorate together with the respective fee which is held in the account of the Directorate's budget.

For the cases not brought to court that the law classifies as "primary legal aid", it should be stressed that the low level of these cases came as a result of the short period of functioning of the Free Legal Aid Directorate. The law provides that primary legal aid is accorded by: a) Primary legal aid service centers; b) Authorized non-profit organizations; c) Legal clinics at higher education institutions.

Currently, the Free Legal Aid Directorate administers only one Primary legal Aid service center in the city of Elbasan. The procedure for authorizing non-profit organizations and legal clinics has not yet begun.

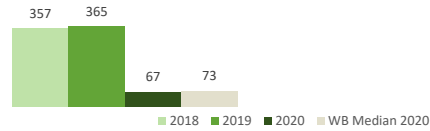
It should also be stressed that the table does not include "mandatory protection cases" under provisions of criminal procedural legislation because this type of legal assistance does not fall into the scope of the 111/2017 law.

Training of judges and prosecutors in Albania in 2020 (Indicator 7)

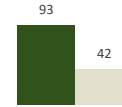
Total budget for Training per 100 inhabitants



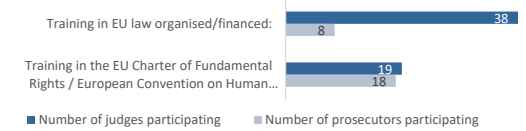
Delivered in-person training courses between 2018 and 2020 (in days)



Number of online training courses (e-learning) available in 2020



Training in EU law (participants in 2020)



The total budget for training of judges and prosecutors in Albania was 54,1€ per inhabitant, which is above the Western Balkans (WB) median (44,7€ per inhabitant). The number of delivered in-person training courses decreased between 2019 and 2020 (from 365 to 67). On the other hand, the online available courses were to 93 in 2020.

Budget for Trainings

	Budget of the training institution(s) (1)	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)			
			Absolute Number	Per 100 inhabitants	% Variation 2019 - 2020	WB Median per 100 inhabitants
Total	1 538 461 €	NAP	1 538 461 €	54,1 €	6,5%	44,7 €
Judges	NAP	NAP				
Prosecutors	NAP	NAP				
One single institution for both judges and prosecutors	1 538 461 €					

Albania spent in total 1 538 461€ for training judges and prosecutors in 2020, which is 54,1€ per 100 inhabitants (above the WB median of 44,7€ per 100 inhabitants).

In 2020, Albania spent for training judges and prosecutors 6,5% more than in 2019.

Budget - One single training institution budget for both judges and prosecutors					
Per 100 inhabitants		As % of Judicial System Budget		% Variation between 2019 and 2020	
Albania	WB Median	Albania	WB Median	Albania	WB Median
54,1 €	23,7 €	3,72%	1,69%	6,5%	-40,4%

There has been an increase in the budget of the training institution since the law on the governance organs of the justice system, adopted at the end of 2016, which made the school of magistrates in charge of initial training not only of judges and prosecutors (as it previously was) but also of state advocates, legal advisers and chancellors.

Type and frequency of trainings

	Judges		Prosecutors	
	Compulsory/ Optional or No training	Frequency	Compulsory/ Optional or No training	Frequency
Initial training	Compulsory		Compulsory	
In-service training				
General	Compulsory	Regularly	Optional	Regularly
Specialised judicial functions	Compulsory	Regularly	Optional	Regularly
Management functions of the court	No training proposed	No training proposed	Optional	Occasional
Use of computer facilities in courts	Optional	Occasional	Optional	Occasional
On ethics	Compulsory	Regularly	Compulsory	Regularly

The law No 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania", adopted as part of the justice reform law at the end of 2016, made mandatory for a magistrate to attend the continuous training and take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments.

The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years.

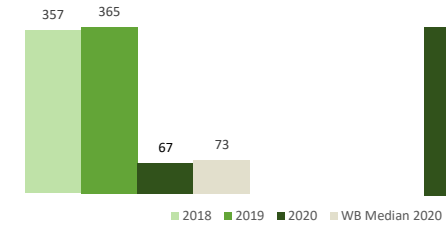
According to Article 5, point 3, of the Law "On the status of judges and prosecutors", as amended, the period of continuous formation of a prosecutor should be:

- not less than 5 full days per year and not less than 30 full days during five years;
- not more than 40 days a year and 200 days during five years.

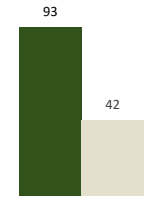
• Number of in-service trainings and participants

	In-person training courses				Online training courses (e-learning)		
	Available (number)	Delivered (in days)		Number of participants	Available (number)		Number of participants
		In 2020	% Variation 2019 - 2020		In 2020	% Variation 2019 - 2020	
Total	39	67	-82%	1846	93	NAP	1214
Judges	34	56	93%	667	82	NAP	458
Prosecutors	17	27	800%	549	54	NAP	419
Non-judge staff	0	0	-100%	NA	1	NAP	NA
Non-prosecutor staff	0	0	-	NA	1	NAP	NA
Other professionals	1	2	-	NA	2	-	NA

Delivered in-person training courses between 2018 and 2020 (in days)



Number of online training courses (e-learning) available in 2020



The decrease in the number of in-person training course in days is due to Covid-19 related restrictions

Non-judge and non-prosecutor staff attended joined courses with 630 participants in in-person training courses and 337 participants in online training courses

In Albania, sanctions are foreseen if judges and prosecutors do not attend the compulsory training sessions.

The ethical and professional evaluation of judges takes into consideration the attending of in-service training, consequently it influences their career.

In Article 102, point 1, letter "h", of the Law "On the status of judges and prosecutors" is provided as a disciplinary violation related to the exercise of function, the non-compliance of the prosecutor with unjustified causes, of the obligation to attend continuing training programs, according to the conditions and criteria set by law.

In Albania, judges and prosecutors have to undergo compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest. This training lasts more than 3 days and they need to participate to it more than once on an ad hoc basis.

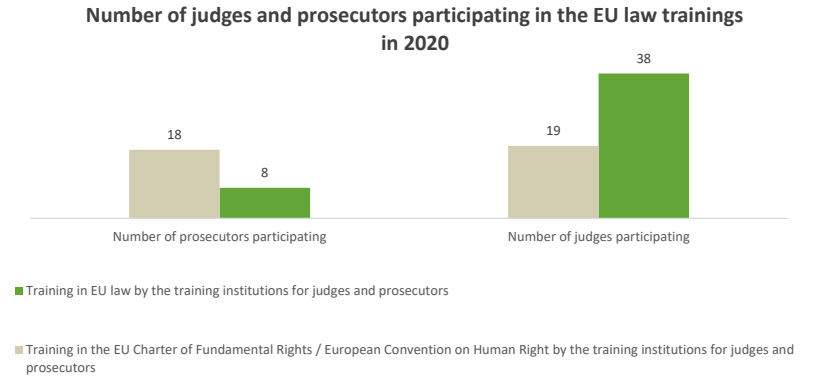
According to Article 83 and 182, of the Law "On the governance institutions of the justice system", the Adviser of the Ethics at High Prosecutorial Council and High Judicial Council, are responsible, in cooperation with the School of Magistrates, for the initial and in-service training on ethics issues.

A magistrate must attend the continuous training in accordance with the legislation in force. The continuous training period is not less than five full days per year and not less than 30 full days during five years.

Prosecution offices have specially trained prosecutors in domestic violence and sexual violence.

• Number of EU law training courses and participants

	Training in EU law organised/financed:		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights organised/financed:	
	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes
Number of in-person training courses available	6	0	6	0
Number of delivered in-person training courses in days	3	0	2	0
Number of online training courses (e-learning) available	7	0	7	0
Number of judges participating	38	0	19	0
Number of prosecutors participating	8	0	18	0



In 2020, many trainings on EU Law and EU Charter of Fundamental Rights and the European Convention on Human Rights available or delivered in Albania were co-organised or co-financed with International partners.

The needs-based methodology of drafting the training calendar makes it mandatory for the School of Magistrates to plan and hold the training activities as requested by judges and prosecutors in service. Because last year a considerable part of judges and prosecutors in service participated in specific trainings on EU Law and because there have been a lot of changes in the domestic legislation, including basic laws (e.g. criminal code, criminal procedure code), the interest of in-service judges and prosecutors has been higher for trainings on changes of legislation rather than in EU training activities. This explains the decrease of the number of judges and prosecutors in the EU trainings.

In 2020 there were no trainings organized within the framework of the co-operation programmes. The reason is related to the Covid-19 pandemic: the training activities planned with international partners, due to suspension of international travel, were cancelled. This is why there were no activities financed by our international partners on the topic and therefore no participating judges or prosecutors.

Alternative Dispute Resolution in Albania in 2020 (Indicator 9)

Legal aid for court-related mediation or related mediation provided free of charge

No

Court-related mediation procedures

Yes

Mandatory informative sessions with a mediator

Yes

Mandatory mediation with a mediator

No

Mediators

3,1

per 100 000 inhabitants

WB Median: 5,4

57,5% female mediators



Total number of court-related mediations

Number of cases for which the parties agreed to start mediation

992

Number of cases in which there is a settlement agreement

979

In Albania, court related mediation procedures are available but legal aid for court-related mediation or related mediation provided free of charge could not be granted. The judicial system does not provide for mandatory mediation. However, there are mandatory informative sessions with a mediator. In 2020, the number of mediators per 100 000 inhabitants was 3,1, which was below the Western Balkans median (5,4 per 100 000 inhabitants). The majority of the mediators were women (57,5%). There were in total 992 cases for which the parties agreed to start mediation and 979 mediation procedures which ended with a settlement agreement.

• ADR procedures and mandatory mediation

Law on mediation was adopted in 2011 and it was also amended as part of the justice reform in 2017. Mediation applies for the resolution of all the disputes in civil law, commercial, labour and family law, intellectual property, consumer rights, as well as disputes between public administration organs and private subjects. Mediation in criminal matters applies to disputes examined by the court at the request of the accusing victim, or upon complaint of the injured party, and also to any other cases allowed by special law. For mediation in criminal cases involving children, provisions of the criminal code for minors are applicable.

There is no mandatory mediation that provides for a mandatory first mediation meeting, or mandatory informative session with mediator, or mandatory full mediation are conducted beforehand in order to be able to go to court. However, mediation is encouraged at each stage of the trial.

The civil procedure code was amended in 2017, and it provides that the judge makes every effort to settle the dispute amicably during the preparatory stage, when the nature of the case allows that. At each stage of the trial, the court shall inform the parties about the possibility of settlement of the dispute through mediation and, if they give their consent, it transfers the case to mediation.

When reconciliation is reached without starting the hearing, a record is held, which is signed by the parties. The judge approves the reconciliation by way of decision. In case of submission of the act-agreement for reconciliation or resolution of the dispute through mediation, the court decides to approve it, if the latter is not inconsistent with the law.

Where the reconciliation is reached in the hearing, the terms of the agreement shall be reflected in the court record. The court shall give its approval decision, but, in any case it should not be against the law. The decision to resolve the dispute by reconciliation or mediation, or the rejection of the reconciliation, can be appealed separately.

There are mandatory informative sessions for civil cases, family cases, criminal cases, work cases.

• ADR methods

Mediation other than court-related mediation



Arbitration



Conciliation (if different from mediation)



Other ADR



The current legal framework in Albania provides for dispute resolution through mediation and arbitration. "Mediation", as provided by the Albanian legislation is the procedure of out-of-court dispute resolution, whereby two or more parties to a dispute, on a voluntary basis, attempt by themselves to settle their dispute with the assistance of a mediator.

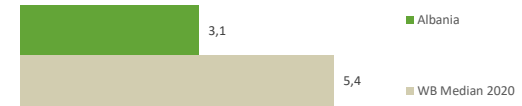
Mediators and court-related mediations

Accredited/registered mediators for court-related mediation			% Variation between 2019 and 2020	
Absolute number	Per 100 000 inhabitants	WB Median per 100 000 inhabitants	Albania	WB Median
87	3,1	5,4	NA	-40,0%

For reference only: the 2019 EU median is 14,3 mediators per 100 000 inhabitants.

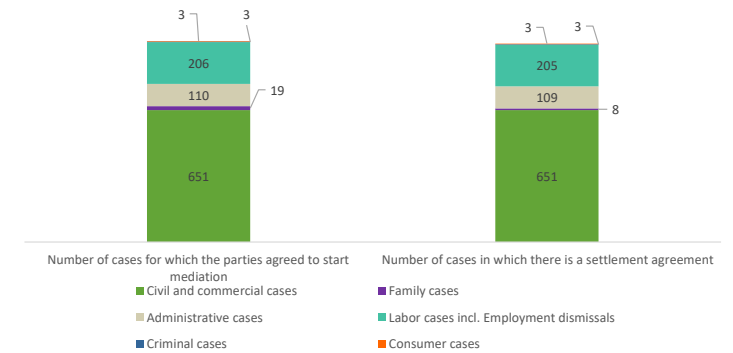
In 2020, the total number of mediators in Albania was 87. The number of mediators per 100 000 inhabitants was 3,1 which was lower than the WB median of 5,4.

Accredited/registered mediators for court-related mediation per 100 000 inhabitants in 2020



	Number of court-related mediations			Providers of court-related mediation services			
	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Total (1 + 2 + 3 + 4 + 5+ 6)	992	NA	979				
1. Civil and commercial cases	651	NA	651	✓	✗	✗	✗
2. Family cases	19	NA	8	✓	✗	✗	✗
3. Administrative cases	110	NA	109	✓	✗	✗	✗
4. Labour cases incl. employment dismissals	206	NA	205	✓	✗	✗	✗
5. Criminal cases	3	NA	3	✓	✗	✗	✗
6. Consumer cases	3	NA	3	✓	✗	✗	✗

Number of court-related mediations in 2020



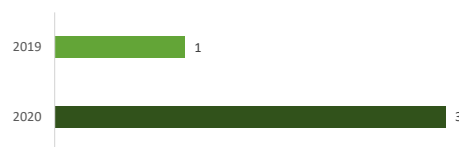
Court related mediations are provided by private mediators. In 2020, mediation was most used for Civil and commercial cases and Labour cases (including employment dismissals) (651 and 206 cases, respectively, in which parties agreed to start mediation).

European Convention on Human Rights in Albania in 2020 (Indicator 10)

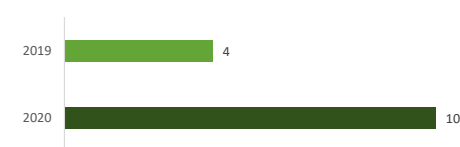
European Convention on Human Rights – Article 6 – Right to a fair trial:

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Number of judgements finding at least one violation of ECHR in 2019 and 2020



Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process in 2019 and 2020



ECHR

The final judgments of the European Court of Human Rights (herein after ECHR), in every case where Albania is a party are binding and are enforced following the procedures provided by Law No. 10018 "On the State Advocature", Chapter VI/ "On the execution of Judgments and Decisions of the European Court of Human Rights".

The State Advocature, in the quality of the representative and defender of the interests of the state at the ECHR, is the competent institution for the initiation of the procedures for the execution of the ECHR judgments and decisions.

Upon receiving notice on the final judgment, the State Advocature, within 10 working days, forwards the judgment for translation and certification to the Ministry of Justice. A copy of the original judgment and a translated and certified copy by the Ministry of Justice are sent to the Constitutional Court,

Supreme Court and other institutions, for the effect of a unified application of the judicial practice. By informing the aforementioned institutions, the ECHR's decision/judgement, reasoning and found violations become known with a view to unifying practices and preventing similar cases in the future.

The State Advocature is responsible for the coordination of the execution process, drafting of action plans (individual and general measures) and reports, representation in front of the Committee of Ministers of the Council of Europe, and the monitoring of the execution of the ECHR decisions/judgments by the national authorities. Also, the State Advocature has the right to suggest general preventive measures with regard to the necessary changes in legislation or practices that may cause a financial damage to the state as a result of the violation of the European Convention on Human Rights.

The State Advocate General, in the quality of the government agent, reports at least once a year to the Standing Committee on Legal Affairs, Public Administration and Human Rights of the Assembly of the Republic of Albania on the execution of the European Court of Human Rights' judgments and the measures undertaken in this regard. Law amendments in function of domestic effective remedy:

-Referring to Article 6 of the European Convention, we would like to emphasize the amendments to the Civil Procedure Code in 2017, where it is added Chapter X by Law no. 38/2017, dated 30.03.2017 "Judgments on requests for ascertaining violations of reasonable time, expedition of proceedings and compensation for damage", in order to prevent the violation of reasonable timeframe.

-Regarding to decisions subject to review, Criminal Procedure Code is also amended by Law no. 35/2017, dated 30.03.2017, Article 450 "Revision cases...d) if the ground for the revision of the final decision results from a European Court of Human Rights judgment making the re-adjudication of the case indispensable. The request shall be filed within 6 months from the notification of that decision..."

Monitoring system for violations related to Article 6 of ECHR		
Civil procedures (non-enforcement)	Civil procedures (timeframe)	Criminal procedures (timeframe)
✓	✓	✓

Possibility to review a case after a decision on violation of human rights by the ECHR

Yes

It is possible to review a case after a decision on violation of human rights by the European Court of Human Rights if the ground for the revision of the final decision results from a European Court of Human Rights judgment making the re-adjudication of the case indispensable and where the European Court of Human Rights finds a violation of European convention "On protection of fundamental human rights and freedoms" and its protocols, ratified by the Republic of Albania.

In 2020, the applications pending before an ECHR decision body for Albania were 563 (-47 less than the previous year). The judgements by the ECHR finding at least one violation for Albania were 3; whereas they were 1 in 2019.

The number of cases considered as closed after a judgement of the ECHR and the execution of judgements process was 10 in 2020; whereas they were 4 in 2019.

	2019	2020	% Variation between 2019 and 2020		2019	2020	% Variation between 2019 and 2020
Number of applications pending before a ECHR decision body**	610	563	-7,7%	Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	4	10	150%
Judgements finding at least one violation**	1	3	200,0%				

** Source: ECHR

*** Source: Department of Execution of sanctions of the Council of Europe

Kosovo is not included in the calculation of summary statistics



CEPEJ(2021)2

Part 2


EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFII: Towards a better evaluation of the results of judicial reform efforts in the Western Balkans - “Dashboard Western Balkans”

Data collection 2020

Part 2 (B) - Beneficiary Profile – Albania

This analysis has been prepared on the basis of the replies from the beneficiary (Dashboard correspondent) to the CEPEJ Questionnaire for the Dashboard Western Balkans, and relevant GRECO reports.



Selection and recruitment of judges and prosecutors

Magistrates (includes judges and prosecutors) are appointed and dismissed by the Councils (the High Council of Justice and the High Prosecutorial Council).

Candidates for judges and prosecutors have to pass the admission exam and undergo an initial training at the School of Magistrates before being appointed as magistrates. At the time of taking the admission exam the candidates have to have a clean criminal record and an evaluation of their assets is performed by the High Inspectorate for the Audit of Asset Declaration and Conflict of Interest (HIAADCI).

Both Councils, based on the needs analysis, determine and publish a maximum number of candidate magistrates for admission of the initial training every January for the next calendar year. The call for admission of candidates to the School of Magistrates is also published by the School of Magistrates on its website as well as in one of the newspapers with high circulation. After a preliminary assessment of applications is made to establish whether the applicants fulfil the application criteria, the report on preliminary assessment is submitted to both Councils for comments or objections. Based on the Councils' opinions the School of Magistrates publishes the final assessment report on its website, including a list of applicants who fulfil the legal criteria. A candidate whose application for admission to the initial training has been rejected may appeal to the first instance administrative court (Law "On Governance Institutions of the Justice System"). All candidates from the list have to take an admission exam (divided into three parts: 1) a general admission exam – focus given to IQ test and general knowledge – at least 60% score is needed to be able to enter the next part of the exam; 2) a professional exam – a written exam with theoretical and case law questions; and 3) a psychological evaluation exam). The ranking list based on the exam results is then published in mid-May by the School of Magistrates.


Preselection, entry criteria for judges and prosecutors:

		Via Academy		Without Academy	
		Judges	Prosecutors	Judges	Prosecutors
Entry criteria	Basic law studies	✓			
	Advanced law studies (masters or PhD)	✓	✓		
	Judicial exam / bar exam	✓			
	Average grades in education	✓	✓		
	Years of work experience	✓	✓		
	Relevance of previous work experience	✓	✓		
	Clean criminal record	✓	✓		
	Foreign language knowledge	✓	✓		
	Entry test	✓	✓		
	Other	✓	✓		

In addition to the criteria listed above, a candidate for judges and prosecutors must also meet the following criteria: 1) no disciplinary measures in force; 2) should not be a member of political parties; 3) should not be a member or associate of State Security prior to 1990; and 4) has not been an associate, informant, or intelligence agent (as stipulated in the Law No. 96/2016 “On the status of judges and prosecutors”).

After completing the initial training, a graduates’ list is published. Graduates are invited to apply for appointment as magistrates within the period of two weeks as of the day of publication of the graduates’ list. Candidates for appointment may indicate to the Councils as their preferences three courts (for a position of a judge)/three prosecution offices (for a position of a prosecutor). Based on the completion of the initial training with a score of at least 70% of a maximum possible score, achieving a score “good” in each of the assignments during the professional internship in the third year of the initial training and having passed the asset declaration and background check, carried out by the Councils, the Councils shall appoint the magistrates within one month after publication of the graduates’ list (Article 35, Law No. 96/2016 “On the status of judges and prosecutors”). Those graduates who have not satisfied the criteria for appointment, shall be rejected. Such candidate for appointment has a right to challenge the decision of the Council before the first instance administrative court.

Integrity of a candidate judge/prosecutor is checked in the selection process for admittance to the initial training, by the School of Magistrates (two criteria to be checked are: a clean criminal record; no dismissal from office for disciplinary reasons and no disciplinary sanction in force); then it is checked in the admission exam (at the psychological evaluation exam – the candidates approach towards corruption, ethics is checked); at last it is checked by the Councils which requests competent authorities (the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, prosecution office, financial, tax and customs authorities, National Bureau of Investigation, disciplinary authorities etc.) to verify candidates’ assets and background before making the appointment.



Both judges and prosecutors have life-tenure, until they reach the retirement age of 67 (70 years for judges of the High Court). A magistrate's mandate terminates also in case of resignation, dismissal from office due to disciplinary liability, establishment of circumstance of his/her ineligibility and incompatibility in exercising the function, or inability to perform the function.

No probation period is envisaged in the law for judges and prosecutors before being appointed "for life".

Promotion for judges and prosecutors

The Councils (the High Council of Justice and the High Prosecutorial Council) are competent for the promotion of magistrates (judges and prosecutors) based on provisions of the Law No. 96/2016 “On the Status of Judges and Prosecutors”.

The promotion procedure starts with a public call published by the Councils. Each candidate may apply for up to three vacant positions/positions to become vacant. The Councils then take into account only applications of those candidates who have passed the asset declaration and background check and have no disciplinary sanction in force. The candidates are ranked based on two previous work appraisals, taking into account experience from secondment, if any, and, in case more candidates have the highest score, based on specific professional experience and seniority of a magistrate or jurist (Article 48). With Decision no. 200, dated 23rd September 2020, the High Prosecutorial Council approved the Regulation “On the criteria and procedures for the promotion of heads of prosecution offices of the general jurisdiction”. The purpose of this regulation is to define the criteria and procedures for the promotion of prosecutors in the leading position of the Prosecutions offices of general jurisdiction, based on the principles of meritocracy and career development.

		Judges	Prosecutors
Criteria for promotion	Years of experience	√	√
	Professional skills (and/or qualitative performance)	√	√
	Performance (quantitative)	√	
	Assessment results		
	Subjective criteria (e.g. integrity, reputation)	√	√
	Other		√
	No criteria		

A decision on the promotion can be appealed within five days from the notification of the Council's decision to the first instance administrative court. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the day of the appeal and the decision is final.

Confidence and satisfaction of the public with their justice system

The legislation for protecting the right of citizens to seek compensation in case they have suffered pecuniary or non-pecuniary damage due to cases tried outside reasonable time is in place (the Civil Procedure Code, chapter Judgement on requests for ascertaining violations of reasonable time, expedition of proceedings and compensation for damage). It falls within the courts' competence to deal with such requests within a set time limit which is 45 days after receiving the request. However, as GRECO noted in its Evaluation Report in March 2014, court cases remain rare due to the public's limited awareness of their rights. The Albanian authorities have not provided any statistical information on number of requests for compensation as well as on number of compensations awarded for 2019 and 2020.

Persons may file complaints about the functioning of the judicial system with the High Justice Inspector and the Ombudsman. Based on Article 119 of the Law No. 96/2016 "On the status of judges and prosecutors", the High Justice Inspector is competent to verify the complaints in order to ascertain whether unjustified delays have impinged on the rights of the parties or the administration of justice – in such a case, a disciplinary proceeding is instituted against a responsible judge. The authorities reported that the first High Justice Inspector was elected by the Assembly on the 20th January 2020, although the position was created already in 2016 after a constitutional change. Hence the statistical data is available only as of 1st February 2020. Also, in transitional period in 2020 the HJC had a role in administering citizens' complaints, but not investigating them since the HJC did not have the investigatory powers. Before 1st February 2020, 2.104 complaints were registered which were transferred to the HJI in two batches (757 and 1347) in the period between 1st February 2020 and 31st December 2020. After 1st February 2020, 950 complaints were filed of which 756 from citizens, 185 from other institutions (i.e. HJC, Ministry of Justice, President of the Republic) and 9 from other organisations. In the period of February 2020 – December 2020, after the complaints were reviewed, 184 decisions were adopted: 1. 42 decisions for verification of complaints, out of which 13 were archived and 29 are in the process of review; 2. 142 decisions on archiving the complaints). For handling 1.347 practices (inspection practices of the HCJ, transferred to the ILD office in July 2020), the HJI set up a working group which handles the cases. 2.870 practice remain to be reviewed. The authorities also report that only one inspector is competent to verify the complaints and that the High Justice Inspector itself has been facing backlogs. As GRECO pointed out (see GRECO Evaluation Report from March 2014, para. 82), further efforts are needed to accelerate proceedings, especially since Albania has been found in violation of Article 6 of the European Convention of Human Rights on the grounds of the excessive length of judicial proceedings in approx. 50 judgments of the European court of Human Rights. This still seems to be the case seven years later.

There is a procedure in place to effectively challenge a judge in case a party considers the judge is not impartial. No statistical data have been provided by the authorities on the ratio between the total number of initiated procedures of challenges and total number of finalised challenges.

Article 48 of the Law on the Organisation and Functioning of the Prosecution in the Republic of Albania allows instructions on specific issues be issued by senior prosecutors in writing and be reasoned. These instructions are non-binding on their subordinates. In exceptional cases, where circumstances do not allow, instructions may be given verbally and, within a reasonable time, confirmed in writing.

Promotion of integrity and prevention of corruption

The Constitution enshrines the principle of independence of judges (Article 135 – 147/ë) and prosecutors (Article 148 – 149/d). The key provisions regulating in detail the principle of independence of judges and prosecutors are contained in the Law No. 96/2016 “On the Status of Judges and Prosecutors” (Article 3), the Law on the Organisation and Functioning of the Judicial Power, the Law on the Governance Institutions of the Justice System and the Law on the Organisation and Functioning of the Prosecution in the Republic of Albania (Articles 6 and 45).

Article 75 of the Law No. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania” stipulates that the magistrate’s integrity, that is his/her immunity to external influence or pressure is assessed by using indicators such as results of verification of complaints against the magistrate, chairpersons’ opinions, final decision on disciplinary measures and reports of the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest.

Possible breaches of integrity of prosecutors are described in the Law No. 96/2016 “On the Status of Judges and Prosecutors” which provides for different disciplinary violations while exercising the office and outside (Articles 101 - 104), in the Criminal Code of the Republic of Albania (Articles 248 – Abuse of office; Article 257/a - Refusal to declare, non-declaration, concealment or false disclosure of assets, private interests of elected persons and public servants or any other person having a legal obligation to declare; Article 319 / ç - Passive corruption of judges, prosecutors and other justice officials).

As regards court staff possible breaches of integrity are described by internal rules and regulations of courts which are to be approved by the High Council of Justice, as provided by the Law No. 98/2016 “On the Organisation of Judicial Power in the Republic of Albania”. Furthermore, Articles 6 and 8 of the same law provide for main principles of work of the court staff, including avoidance of any conflict of interest, transparency, professionalism, integrity etc.

Based on Law No. 9049/2003 “On the Declaration and Audit of Assets, Financial Obligations of the Elected and certain Public Officials” (LDAA) specific measures to prevent corruption are in place for judges and prosecutors, namely rotation of assignments, rules on gifts, internal controls and safe complaints mechanisms, specific training etc.

Both judges (the Code of Judicial Ethics, adopted on 22nd April 2021, by the Decision no. 171 of the HCJ, in consultation with the ethics advisor) and prosecutors (Order No. 141 “On Adoption of Rules on Ethics and Conduct of Prosecutors”, adopted by the General Prosecutor in 2014) have a code of ethics applicable to them which are regularly updated. They are published on the websites of the Supreme Court and of the General Prosecutor Office.

The High Council of Justice (HCJ) is competent for adopting standards of judicial ethics as well as rules on conduct of judges and for monitoring their observance. The Committee of Ethical and Professional Performance Evaluation of the HCJ (composed of judges and other legal professionals) as well as an ethics advisor who is a judge appointed by the HCJ provide opinions to judges on ethical questions.

The High Prosecutorial Council (HPC) approves the rules on ethics and supervises their implementation. The HPC appoints from among prosecutors an ethics advisor to: 1) provide opinions on the most appropriate conduct inside and outside the prosecution office or court; 2) continuously develop, update and publish an informative manual on ethical dilemmas based on international standards, best practices and relevant HPC decisions; 3) take care, in cooperation with the School of Magistrates, for initial and continuous training on ethical issues etc. Opinions of the ethics advisor are publicly available.

In Albania, there are various mechanisms for reporting attempts on influence/corruption on judges and prosecutors, namely regulated by the Criminal Procedure Code (Article 283 – possibility/obligation to report a criminal offence related to the influence/corruption on prosecutors), by the Law No. 96/2016 “On the Status of Judges and Prosecutors” (Article 119 – possibility to report attempts to influence/corruption on prosecutors to the High Justice Inspectorate) and by the Law No. 95/2016 “On the Organisation and

Functioning of Institutions to Combat corruption and Organised Crime” (Article 42 – officer in charge of surveillance under the control of the special prosecutor shall report any suspicious activity of the special prosecutor to other special prosecutor).

Transparency in distribution of court cases is ensured through application of the principle of random allocation of cases. Exception to the random allocation of cases is possible due to a heavy workload of a particular judge deemed to be disproportionate which enables to exclude the judge from a random distribution of the cases, upon an internal order of the court president. A reassignment of court cases is possible due to conflict of interest declared by the judge or by the parties in a proceeding, due to a recusal of the judge or when requested by the parties and due to physical unavailability (illness, longer absence) of the judge. All reassignments of cases are reasoned and processed through the random allocation of cases via computerised system.

The table below shows number (absolute and per 100 judges/prosecutors) of criminal cases initiated and completed against judges and prosecutors as well as number of sanctions pronounced:

	2019				2020			
	Judges		Prosecutors		Judges		Prosecutors	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of initiated cases	NAP	NAP	1	0,33	0	0,00	0	0,00
Number of completed cases	NAP	NAP	1	0,33	0	0,00	0	0,00
Number of sanctions pronounced	NAP	NAP	1	0,33	0	0,00	0	0,00

Level of implementation of GRECO recommendations in September 2020 (adoption of GRECO Addendum to the Second Compliance Report on Albania):

	JUDGES	PROSECUTORS
implemented	66,67%	100,00%
partially implemented	33,33%	0,00%
not implemented	0,00%	0,00%

Declaration of assets for judges and for prosecutors

The disclosure regime is laid out in the Law No. 9049/2003 “On the Declaration and Audit of Assets, Financial Obligations of the Elected and certain Public Officials” (LDAA) from 10th April 2003, amended by the Law No. 42/2017 “On some addenda and amendments to Law No. 9049 “On the Declaration and Audit of Assets, Financial Obligations of the Elected and certain Public Officials”” adopted on 6th April 2017. Article 3 of the Law No. 9049/2003 imposes the obligation to declare assets onto magistrates.

The Constitution provides for an obligation of candidates for a position of a judge to declare assets which are to be verified prior to their appointment by the High Council of Justice (HCJ). Also, the Law No. 96/2016 “On the status of judges and prosecutors” further elaborates the obligation of candidates for the positions of judges and prosecutors to undergo a verification of their assets prior to their admission to the School of Magistrates, prior to the appointment to the position of magistrates and every time they apply for a position at a higher level.

Both judges and prosecutors are obliged to declare their assets, income, liabilities and interests to the High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest (HIDAACI). Such declarations are to be made within 30 days from taking up duties, by 31 March annually and not later than 15 days after departure from office.

The initial declaration covers: 1) immovable property and rights thereof; 2) registered movable property; 3) items of special value over 300 000 ALL/EUR 2 420; 4) value of shares, securities and parts of capital owned; 5) the value of liquidities, the condition in cash, in revolving accounts, in deposits, treasury bonds and loans, in ALL and foreign currency; 6) financial obligations to any person, in ALL and foreign currency; 7) personal annual income from salary or membership of boards, commissions or any other income-generating activity; 8) income-generating licenses and patents; 9) gifts and preferential treatment over 10 000 ALL/EUR 80 with identity of the donor whether a natural or legal person; 9) commitments to a profit-making activity in the private sector or any other income-generating activity, and income, including in-kind, generated by it; 10) private interests that overlap, contain, are based on or derive from family or cohabitation arrangements; 11) any “declarable” expenses over 300 000 ALL/EUR 2 420 during the reporting period (e.g. for education, health care, holidays). Other private interests may be disclosed upon request (e.g. heads of livestock, olive trees). Subsequent annual declarations are only to detail changes to the original declaration and indicate assets, liabilities, interests, income and declarable expenses. Each declaration is accompanied by an authorisation to the appropriate bodies to perform checks within and outside the country and to contact any person.

The declarations include the assets of a magistrate, his/her spouse, cohabitant and adult children. Information on other related persons should also be provided. When property is divided and registered as such, declarations are to be filed separately by each family member and are to accompany the magistrates’ declaration. Such persons are then qualified as being “related to an official other than a family member, a trusted person or a partner/cohabitee”. However, for minor children the obligation to declare assets rests with the magistrate.

Regarding financial disclosure verification competencies, the HIDAACI performs a verification of regularity of its completion and the accuracy of declarations submitted within two months from the submission of the declarations (Article 3 of the Law No. 9049/2003). A full audit is also carried out.

The HIDAACI keeps a register containing declarations of assets of magistrates. The contents of each declaration are available upon request at a fee, subject to limitations provided by laws “On the right to information on official documents” and “On protecting personal data,” and in accordance with constitutional and legal criteria for each specific case. Personal data (e.g. addresses, names of banks) as well as declarable expenses and private interests, since it is not considered to be in the public interest to access such information, are not disclosed. The declarations can however only be shared with interested third parties upon completion of a HIDAACI-performed audit (see below) and are to

be accompanied by its compliance certificate. Although in the [GRECO Evaluation Report from 2014](#) (see para. 95 and 135) GRECO stressed that the absence of a timely on-line disclosure of contents of magistrates' asset declarations eroded transparency and undermined the legitimate public interest in obtaining information on persons exercising an official duties, GRECO abstained from addressing this matter by means of a separate recommendation to ensure timely publication of asset declarations of magistrates on the official website due to the fact that the magistrates enjoyed life tenure which to a certain extent mitigated the risks by the delayed public disclosure - nevertheless, it invited the authorities to publish such data on the official website, with due regard being paid to the privacy and security of magistrates and persons related to them who were subject to a reporting obligation. In the period of 2014-2018, approx. 41.261 assets declarations were made publicly available upon request, in 2019 10.937 and in 2020 6.182.

Inconsistent or incomplete declaration as well as failure or refusal to submit a declaration in due time and without good reason, by a magistrate or a person related to him/her are punishable by an administrative fine ranging between 200 000 ALL/EUR 347 and 500 000 ALL/EUR 694 (Article 40/1 of the Law No. 9049/2003). Refusal or failure to declare, the concealment or false declaration of assets or private interests constitutes, in case a disciplinary measure has already been taken, a criminal offence under Article 257/a/1 of the Criminal Code and shall be punishable by a fine or imprisonment of up to six months. Under the Law "On the organisation and Functioning of the Judiciary in the Republic of Albania" (LOFJ), refusal or failure to declare, the concealment or false declaration of assets or private interests constitutes "very serious" disciplinary offence, conducive to a magistrate's dismissal.

No data is available with regard to number of proceedings against magistrates for violations or no declaration of assets in 2019 and 2020.

The Albanian authorities have reported on a vetting process that judges and prosecutors are currently undergoing, due to the new constitutional amendments. In the vetting process, judges and prosecutors are being re-evaluated base on three criteria: 1) asset assessment; 2) background assessment; and 3) proficiency assessment. Asset assessments are made by HIDAACI which is conducting a full audit procedure based on declarations of assets. Based on its findings, HIDAACI prepares a reasoned detailed report in which one's declaration is assessed as: 1) accurate; 2) false; 3) lacking legitimate resources to justify assets; 4) assets hidden; or 5) assessee found in a situation of conflicts of interest. Due to HIDAACI's work, a considerable number of judges and prosecutors have been dismissed by vetting bodies which undertake a more in-depth investigation based on the HIDAACI's reports. The Albanian authorities also provided some statistical data on the vetting process, namely: from 8th February 2018 to 31st December 2019 the first vetting body dismissed 50 judges, 31 prosecutors and 2 legal advisors. 178 subjects were under assessment process conducted by HIDAACI: no problems were identified with regard to 119 subjects, while for 59 subjects HIDAACI reported some problems with regard to their asset declarations. After a more in-depth investigation conducted by the vetting body 80 subjects were found not in violation with their obligation /without discrepancy on reporting their assets while with regard to 98 subjects violations/discrepancies were found and most of these subjects were dismissed as a result. In 2020, the first vetting body dismissed 32 judges and 12 prosecutors as a result of the vetting process.

Conflict of interest for judges and for prosecutors

The legal framework for the prevention and the resolution of conflicts of interest applicable to judges is provided by the relevant provisions of: 1) the procedural laws, which contain rules on recusal and self-withdrawal in individual cases (the Criminal Procedure Code No. 7905/1995; the Civil Procedure Code No. 8116/1996); 2) the Law No. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania; 3) the Law No. 9367/2005 “On Prevention of Conflict of Interest in Exercising Public Functions (LPCI), as regards *ad hoc* conflicts of interest (Article 3), incompatibilities (Articles 6 and 7); and 4) the Code of Judicial Ethics.

The legal framework for the prevention and the resolution of conflicts of interest applicable to prosecutors is provided by the relevant provisions of: 1) the Constitution, as regards disciplinary liability of prosecutors and the possibility for a dismissal (Article 148/d); 2) the procedural laws, which contain rules on recusal and self-withdrawal in individual cases (the Criminal Procedure Code No. 7905/1995, Articles 15, 16, 17, 26; 3) the Law No. 9367/2005 “On the Prevention of Conflicts of Interest in Exercising Public Functions” (LPCI), as regards *ad hoc* conflicts of interest (Article 3), incompatibilities (Articles 6 and 7); 4) Order No. 141 “On Adoption of Rules on Ethics and Conduct of Prosecutors”, adopted by the General Prosecution Office on 19th July 2014 (Article 11).

The conduct of any political activity, regardless of whether the activity is carried out in conjunction with any political party or not, which may affect the independence of the magistrate, create a conflict of interest or, in any event, create an impression of magistrate’s impartiality, is incompatible with the function of the magistrate (Articles 6 and 7, LPCI).

Magistrates are also prohibited from actively owning shares or portions of the capital of a business organization, or passively owning shares or portions of the capital of a business organization, if the company has profits or benefits from public contracts, in accordance with the prevention legislation of the conflict of interest in force as well as passively owning shares or portions of the capital of a company in which the activity of the magistrate is prohibited because it creates a conflict of interest (LPCI).

The rules on managing (potential) conflicts of interest of judges and prosecutors prescribe that an official, in the exercise of his/her power or in the performance of his/her public duties, is obliged to make a preliminary declaration on a case by case basis, by which s/he declares his/her private interest, which may give rise to a conflict of interest (self-declaration). Such declaration should also be submitted when requested by a superior (declaration upon request). The declaration should, as a rule, be made in advance; when this is not possible, it should be made as soon as possible. Self-declaration and declaration upon request shall be made as a rule in writing when the official is involved in a decision-making; written declaration is however not necessary when the official's verbal statements are recorded and documented, according to procedures established by law and/or in the internal regulations of the public institution where the official exercises his/her functions (defined in Article 7, LPCI).

An official is prohibited from accepting gifts given to him/her because of his/her position, by natural or legal persons, which may give rise to a conflict (LPCI).

Magistrates may perform certain accessory activities (teaching, research and publication – with or without remuneration) – however, a prior authorisation from the High Council of Justice/High Prosecutorial Council is needed.

Proceedings for breaches of rules on conflict of interest in respect of judges and prosecutors are regulated in the Law No. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania and in the Law No. 9367/2005 “On Prevention of Conflict of Interest in Exercising Public Functions (LPCI). As per Article 102 of the Law No. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania, disciplinary violations in the exercise of office shall be actions, omissions or behaviours of the magistrate, which constitute breaches of rules on incompatibility or conflict of interest prevention, in accordance with the provisions of the legislation in force.

The procedure to sanction breaches of the rules on conflicts of interest in respect of judges and prosecutors is regulated in different laws, namely:

- the Criminal Procedure Code, the Civil Procedure Code, which regulate recusals of judges in civil or criminal proceedings and the procedure of recusing;
- the Law No. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”, which stipulates that breaches of rules on incompatibility and conflict of interest prevention are considered a disciplinary violations, both in respect of judges and prosecutors;
- the Law No. 9367/2005 “On Prevention of Conflict of Interest in Exercising Public Functions” (LPCI), which stipulates that any violation of the obligations set forth in the law constitutes an administrative offence punishable by a fine, when it does not constitute a criminal offence.

No data is available with regard to number of proceedings for breaches of rules on conflict of interest against magistrates in 2019 and 2020.

The Albanian authorities have reported on a vetting process that judges and prosecutors are undergoing since 2016, due to the constitutional amendments made in 2015. In the vetting process, judges and prosecutors are being re-evaluated base on three criteria: 1) asset assessment; 2) background assessment; and 3) proficiency assessment. Asset assessments are made by HIDAACI which is conducting a full audit procedure based on declarations of assets. Based on its findings, HIDAACI prepares a reasoned detailed report in which one’s declaration is assessed as: 1) accurate; 2) false; 3) lacking legitimate resources to justify assets; 4) assets hidden; or 5) assessee found in a situation of conflicts of interest. Due to HIDAACI’s work, a considerable number of judges and prosecutors have been dismissed by vetting bodies which undertake a more in-depth investigation based on the HIDAACI’s reports. The Albanian authorities also provided some statistical data on the vetting process, namely: in 2020 the first vetting body dismissed 32 judges and 12 prosecutors (from 8th February 2018 to 31st December 2019 50 judges, 31 prosecutors and 2 legal advisors were dismissed by this vetting body).

Discipline against judges and prosecutors

The High Justice Inspector has authority to investigate disciplinary violations and appeals against all judges (apart from those of the Constitutional Court) and prosecutors as well as to inspect courts' and prosecutors' offices. According to Article 147/d of the Constitution, the High Justice Inspector is responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against all judges and prosecutors, members of the High Judicial Council, the High Prosecutorial Council and the Prosecutor General. The High Justice Inspector is elected upon three fifth majority of all members of the Assembly, for a nine-year term, without the right to re-election, among the ranks of prominent jurists with no less than 15 years of professional experience, of high moral and professional integrity. Candidates should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years. The High Justice Inspector is elected from the list of five candidates selected and ranked based on merits by the Justice Appointment Council. If the Assembly does not reach the required majority within 30 days, the candidate ranked first is declared appointed (see [GRECO Addendum to the Second Compliance Report on Albania](#) from September 2020, para. 43).

The Minister of Justice may file a complaint with the High Justice Inspector for the alleged disciplinary misconduct of judges and it may request the High Justice Inspector to conduct institutional and thematic inspections in courts. Article 119 of Law No. 96/2016 also stipulates that the Minister of Justice can file complaints with the High Inspector of Justice when there are reliable data that a magistrate has committed a disciplinary breach.

Based on Article 37 on "competences of a chairperson of a court" of the aforementioned Law No. 98/2016, the president of a court, including the High Court Chief Justice, has overall responsibility to ensure that judicial ethics are observed, and to oversee judges' work discipline and request that investigations into alleged misconduct be initiated.

A decision on whether or not to impose a disciplinary measure will be taken by the High Council of Justice (HCJ) in respect of judges and by the High Prosecutorial Council (HPC) in respect of prosecutors.

A judge/prosecutor may be dismissed for committing serious professional or ethical misconduct which discredited the position and the image of the judge/prosecutor in the course of performing the duty, or in case s/he is sentenced by a final court decision for a criminal offence.

A magistrate may present his/her argumentation in a disciplinary proceeding at a hearing or in writing. Access to a file on disciplinary proceeding is guaranteed to a magistrate or his/her representative.

Magistrates have a right to appeal against a decision on disciplinary measures before the competent court. Against a decision on dismissal a magistrate may appeal to the Constitutional Court.

A judge may be transferred to another court without his/her consent for disciplinary and for organisational reasons.

		2019				2020			
		Judges		Prosecutors		Judges		Prosecutors	
		Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated during the reference year	Total number (1 to 5)	NA	NA	1	0,33	7	2,28	3	1,00
	1. Breach of professional ethics (including breach of integrity)	NA	NA	0	0,00	1	0,33	0	0,00
	2. Professional inadequacy*	NA	NA	0	0,00	4	1,30	3	1,00
	3. Corruption	NA	NA	0	0,00	1	0,33	0	0,00
	4. Other criminal offence	NA	NA	1	0,33	1	0,33	0	0,00
	5. Other	NA	NA	0	0,00	0	0,00	0	0,00
Number of cases completed in the reference year against	Total number (1 to 5)	NA	NA	1	0,33	6	1,95	3	1,00
	1. Breach of professional ethics (including breach of integrity)	NA	NA	0	0,00	1	0,33	0	0,00
	2. Professional inadequacy*	NA	NA	0	0,00	4	1,30	3**	1,00**
	3. Corruption	NA	NA	0	0,00	0	0,00	0	0,00
	4. Other criminal offence	NA	NA	1	0,33	1	0,33	0	0,00
	5. Other	NA	NA	0	0,00	0	0,00	0	0,00
Number of sanctions pronounced during the reference year	Total number (total 1 to 10)	NA	NA	1	0,33	2	0,65	1	0,33
	1. Reprimand	NA	NA	0	0,00	NA	NA	0	0,00
	2. Suspension	NA	NA	0	0,00	NA	NA	0	0,00
	3. Withdrawal from cases	NA	NA	0	0,00	NA	NA	0	0,00
	4. Fine	NA	NA	0	0,00	NA	NA	0	0,00
	5. Temporary reduction of salary	NA	NA	0	0,00	NA	NA	0	0,00
	6. Position downgrade	NA	NA	0	0,00	NA	NA	0	0,00
	7. Transfer to another geographical (court) location	NA	NA	0	0,00	NA	NA	0	0,00
	8. Resignation	NA	NA	0	0,00	NA	NA	0	0,00
	9. Other	NA	NA	0	0,00	NA	NA	1	0,33
10. Dismissal	NA	NA	1	0,33	2	0,65	0	0,00	

The Albanian authorities have explained the lack of information for judges for the year 2019 as due to the fact that the High Justice Inspector had only been appointed in January 2020 which means that no proceedings were conducted against judges and prosecutors.

*The Albanian authorities informed that all cases regarding professional inadequacy are pending trials.

**With regard to prosecutors disciplinary proceedings initiated and completed on grounds of professional inadequacy have been for reasons such as delays in starting juridical process, non-compliance with the code of Ethics etc.

Council for the Judiciary / Prosecutorial Council


The High Council of Justice (HCJ) and High Prosecutorial Council (HPC), operating pursuant to the Law “On the governance institutions of the justice system”, both consists of 11 members who serve full-time: five members are elected by the Parliament (two proposed to the Parliament for election by academics, two by bar associations and one by civil society organisations) and six judges/prosecutors of all levels elected by the General Meeting of Judges/General Meeting of Prosecutors, by a secret vote (three first instance courts' judges/first instance prosecutors, two court of appeal judges/prosecutors from the prosecution offices at the court of appeal and one from the High Court/General Prosecutors Office). The tenure of the elected members is five years, without the right to immediate re-election (Article 3.4, Law 115/2016).

Selection criteria for non-judicial/non-prosecutorial members of the HCJ/HPC proposed by the academics include *inter alia* an Albanian citizenship, having not less than 15 years of experience as a lawyer, being a full-time lecturer not less than 5 years at the law faculty of higher education institution or at the School of Magistrates at the time of candidature, not having disciplinary measures in force, not being convicted by a final court decision of committing a criminal offence etc. Selection criteria for non-judicial/non-prosecutorial members of the HCJ/HPC proposed by the bar associations include *inter alia* an Albanian citizenship, being a lawyer with a licence, having not less than 15 years of experience in the legal professions, of which at least 10 years practicing law without interruption, having all tax and financial obligations towards the Chamber of Advocates settled etc. Selection criteria for non-judicial/non-prosecutorial members of the HCJ/HPC proposed by the civil society organisations include *inter alia* an Albanian citizenship, having at least 15 years of experience as a lawyer, of a prominent social profile, high moral integrity and high professional training in the field of justice and human rights, having been employed in a civil society organisation for at least 5 years, full-time or part-time without interruption, at the time of candidature etc.

The HCJ decides on appointment, evaluation, promotion, transfer, career, training, disciplinary liability and dismissal of judges of all levels. It proposes to the President of the Republic candidates for judges of the Supreme Court. It approves rules on judicial ethics and oversees their observance. It reviews the decisions of its committees.

The HPC is *inter alia* responsible for making decision on appointment, promotion, transfer, dismissal and disciplinary measures taken in respect of prosecutors. It proposes to the Assembly candidates for the Prosecutor General. It approves the rules on ethics for prosecutors and oversees their observance. It reviews the decisions of its committees and adopts non-binding instructions.

Operational arrangements in place to avoid over-concentration of powers in the same hands concerning the different functions to be performed by members of the HCJ include determining permanent commissions, their competences, number of members, limitation of memberships in the permanent commissions to only two, limitation of chairmanship of the permanent commissions to only one, incompatibility of a membership of the Ethical and Professional Activity Evaluation Commission with a membership of the Career



Development Commission, limitation of membership in a commission to two and a half years etc. Similar operational arrangements regarding permanent commissions are in place regarding the HPC.

Accountability measures in place regarding the activities of the HCJ as well as of the HPC include publication of the activity reports, decisions which are reasoned as well as of minutes of meetings and recordings.

According to the Law “On the governance institutions of the justice system”, in case of an evident breach of the independence or the impartiality of a judge or in case of an evident pressure on a prosecutor both the HCJ and the HPC may, on its own initiative or on the basis of a request made by a judge or a prosecutor, make public statements when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is endangered or may be endangered as a result of the actions or attitudes of any public or private entity. The Albanian law obliges the Council to react publicly and take any legal action necessary to protect the independence or impartiality of a judge.