



Strasbourg, 30/06/2022

CEPEJ(2022)4
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: 2021

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

Part 2 (A) - Beneficiary fiche - Albania

Executive Summary - Albania in 2021

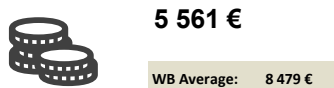
Population in 2021



GDP per capita in 2021



Average annual salary in 2021



Budget

In 2020, Albania spent 41 639 844 € as implemented Judicial System budget. Thus, it spent **14,9€ per inhabitant, which is remarkably less than the Western Balkans (WB) average of 36 €**. 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 four-year period (2018 – 2021), Albania **increased the budget spent for Courts**, from 5,9 € per inhabitant in 2018 to 8,2 € in 2021 (compared to 2019, the budget allocated for courts was increased by 6,8%). 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 and +49,6% from 2020 to 2021).

Legal aid

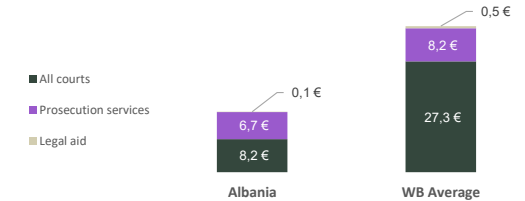
As already mentioned, **following the approval of the legal aid law, the budget of legal aid was increased substantially to provide legal advice and free legal representation in courts.**

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.

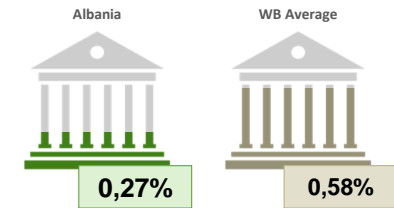
This led to a **significant increase in the number of cases granted with legal aid**, from 270 cases in 2019 to 8 786 cases in 2021. The number of cases per 100.000 inhabitants (314) became higher than the WB median (285).

Budget of the Judiciary

Implemented Judicial System Budget per inhabitant in 2021



Implemented Judicial System Budget as % of GDP in 2021



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 and an increase in Disposition Time (DT). **In 2021, as expected, there was a rebound effect:** in general, the number of incoming and resolved cases rose again, and the DT reverted to the previous ranges.

In Albania, the vetting procedure affected not only the number of professionals but also the number of resolved cases (because of the lower number of judges) and consequently 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 always below 100% in 2019, 2020 and 2021.** In particular, the CR for **second instance cases** in 2021 was well below 100%.

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). **In 2021 the situation improved, and the DT decreased for all categories of cases in first and second instance**, except for administrative cases in second instance. In particular, DT for civil and commercial litigious cases changed from 366 days to 279 days, while for criminal law cases it decreased from 294 days to 67 days, lower than in 2018. In 2021, in first instance, the DT was lower than the WB average in the three main categories of cases (civil and commercial litigious cases, administrative cases, criminal law cases), while in second instance it was higher.

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 that has an influence in 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 court 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 the pending cases) and, as a consequence, the number of pending cases will decrease.

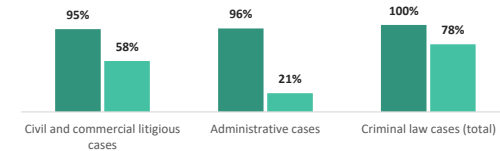
Disposition Time is a proxy to estimate the lengths of proceedings in days. It is calculated as the ratio between the pending cases at the end of the period and the resolved cases (multiplied by 365). It estimates the time to resolve all pending cases based on the actual pace of work. This indicator 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.

Efficiency

■ 1st instance ■ 2nd instance

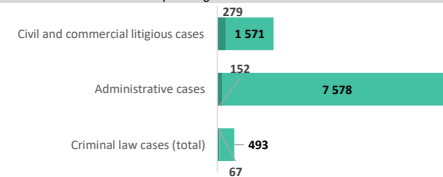
Clearance rate in 2021 (%)

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.



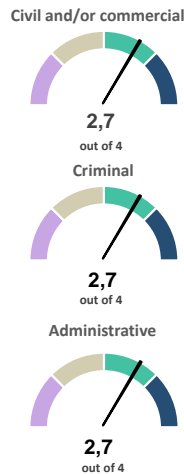
Disposition time in 2021 (in days)

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



CMS index (scale 0-4)

The Case Management System (CMS) Index is an index from 0 to 4 points calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarized while 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 an adequate evaluation.



Electronic case management system and court activity statistics

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. In December 2021, the HJC approved a Roadmap on Developing a new CMIS System for Albanian Judiciary prepared with the help of CEPEJ experts. Implementation of the new CMIS is expected to start in early 2023 and will be co-financed by the EU and Albanian Government.

Training

The total budget for training of judges and prosecutors in Albania was 0,75 € per inhabitant, which is above the WB average (0,57 € 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, the number of training courses plummeted from 67 days in 2020 to 20 days in 2021, while the number of available online courses decreased from 93 in 2020 to 43 in 2021. The reason for these decreases is due to the priority given in 2021 to initial training, as the number of new students has substantially increased.

Entitlement to the reward is restricted to 5% of magistrate every year.

ADR

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

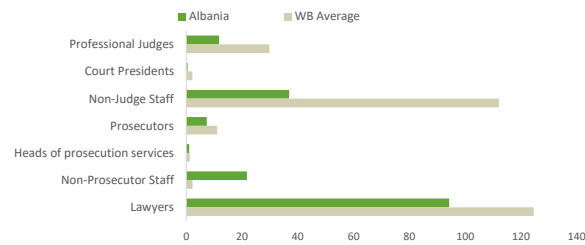
Law on mediation was adopted in 2011 and it was also amended in 2017 as part of the justice reform. Parties could seek the resolution of all the disputes via mediation in the following areas: civil law, commercial, labour and family law, intellectual property, consumer rights, as well as disputes between 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 by the judge at each stage of the trial.

ECHR

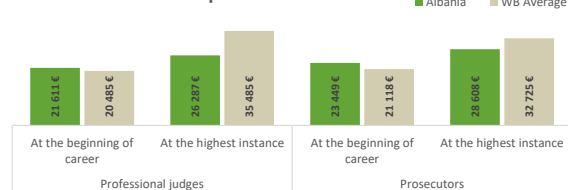
In Albania, the total number of applications allocated to a judicial formation of the European Court on Human Rights changed from 88 cases in 2019 to 75 cases in 2021; the number of judgements finding at least one violation were 2 in 2021.

Professionals of Justice

Total number of professionals per 100 000 inhabitants in 2021



Gross annual salaries of professional judges and prosecutors in 2021

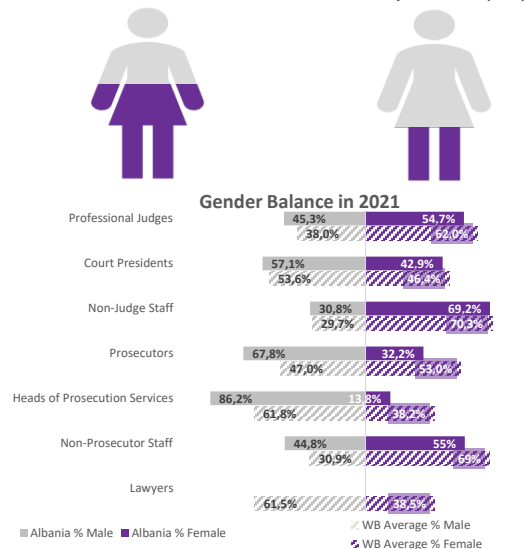


Kosovo* is not included in the calculation of summary statistics

* 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

55% female judges (total) 32% female prosecutors (total)



Professionals and gender

Eastern European countries traditionally have a very high number of professionals per inhabitants. In 2021 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 2021, the number of judges in Albania is significantly lower than the WB median: 11,8 judges per 100 000 inhabitants, almost a third of the regional average of 29,8. However, between 2020 and 2021 there was an increase in the total number of judges (from 307 to 329), especially in supreme court (from 1 to 10).

The number of prosecutors and non-judge staff per inhabitants was the lowest in the region as well (7,3 prosecutors and 36,9 per 100 000 inhabitants). The number of prosecutors declined by 30,2% between 2020 and 2021.

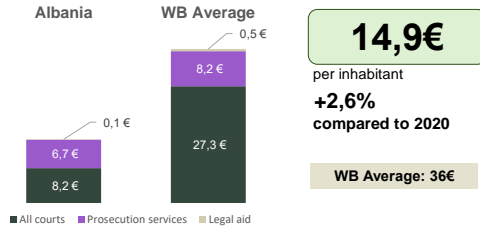
As regards gender balance, the percentage of females judges and prosecutor was lower than the WB average in all instances in 2021. It was particularly low for prosecutors (32,2% of female prosecutors vs the WB median of 53%), courts presidents (42,9% vs 46,4%) and heads of prosecution services (13,8% vs 38,2%).

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). 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.

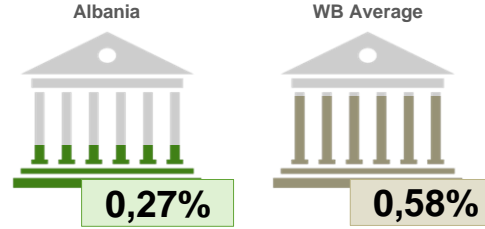
According to the new law on salaries, the magistrates who during the previous calendar year had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary. Organizational skills are part of ethical and professional evaluation. The entitlement to the reward is restricted to 5% of magistrate every year.

Budget of the judiciary in Albania in 2021 (Indicator 1)

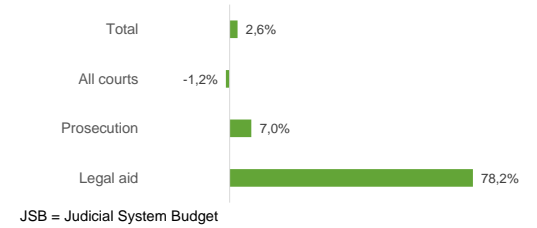
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



% Variation of Implemented JSB per inhabitant between 2020 and 2021



The Judicial System Budget (JSB) is composed by the budget for all courts, public prosecution services and legal aid. In 2021, the implemented JSB for Albania was 14,9€ per inhabitant. This was lower than the Western Balkans (WB) average (36€), and it increased by 2,6% since 2020. It represented 0,27% of the GDP of Albania (the WB average was 0,58%).

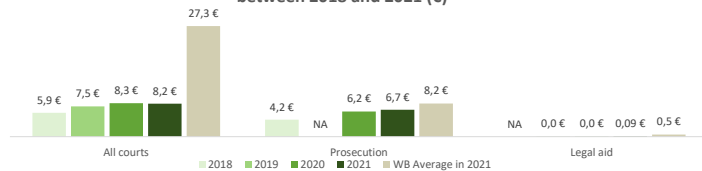
Budget allocated to the judicial system (courts, prosecution services and legal aid)

In 2021, Albania spent 41 639 844€ on the implemented judicial system budget. This means that Albania spent 14,91€ per inhabitant, which is less than the Western Balkans average of 36€. 54,8% was spent for all courts, 44,6% for prosecution services, 0,6% for legal aid. Compared to 2020, Albania has spent -1,2% less for courts, 7% more for prosecution services, and 78,2% more for legal aid.

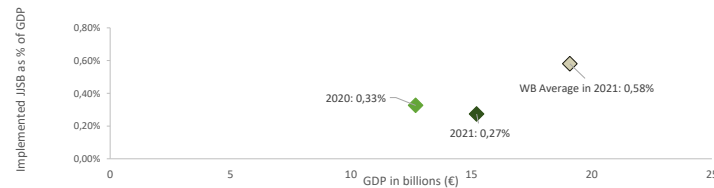
Judicial System Budget	Judicial System Budget in 2021		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant in 2021	WB Average in 2021	% Variation of values per inhabitant 2019 - 2021	% Variation of values per inhabitant 2020 - 2021	As % of GDP	WB Average	Variation (in ppt) 2019 - 2021	Variation (in ppt) 2020 - 2021
Total	45 526 037 €	41 639 844 €	14,9 €	36,0 €	NA	2,6%	0,27%	0,58%	NA	-0,05
All courts	25 965 914 €	22 803 909 €	8,2 €	27,3 €	8,9%	-1,2%	0,15%	0,44%	-0,01	-0,04
Prosecution	19 012 427 €	18 590 196 €	6,7 €	8,2 €	NA	7,0%	0,12%	0,14%	NA	-0,02
Legal aid	547 696 €	245 739 €	0,1 €	0,5 €	273,9%	78,2%	0,002%	0,010%	0,001	0,001

PPT = Percentage points

Implemented judicial system budget per inhabitant between 2018 and 2021 (€)



Implemented Judicial System Budget as % of GDP in 2020 and 2021



This scatterplot shows the relation between the GDP in billions and the Implemented Judicial System Budget as % of GDP. A figure on the right (left) of the WB average means that the Beneficiary has a higher (lower) GDP than the WB average. A figure above (below) the WB average shows that the Beneficiary has a higher (lower) ratio of Implemented Judicial System Budget as % of GDP than the WB average.

2021, the first year of full capacity operation of the free legal aid mechanism, has marked an increase in the number of court decisions that grant applicants the right to secondary legal aid (representation in courts) and exemption from court fees and costs. The planning of funds is done based on the number of decisions received by the court, while the liquidation of payments is done after all the procedural steps of judicial representation have been completed. Delays in the court proceedings, due to the absence of judges because of the vetting process are reflected in the delays until the arrival of the liquidation practice in the Directorate.

Following the approval of the legal aid law, the budget of legal aid was increased substantially to provide for free legal advice and representation in courts. The law foresees the opening of legal clinics, that will provide primary legal aid to all citizens. Additionally, the criteria for providing free court representation were clarified in the law, which allowed granting 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. All these activities were supported by an increased budget.

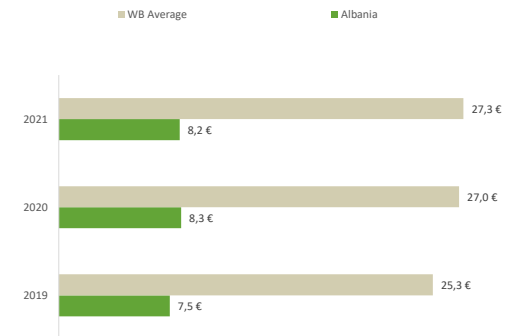
Budget allocated to the functioning of all courts

In 2021, Albania spent 22 803 909 € on the implemented budget for courts. 75,2% was spent on gross salaries, 1,6% for computerisation, 1,3% for justice expenses.

Compared to 2020, the implemented budget for courts has decreased by -3%.

	2021		% Variation of absolute values 2019-2021		% Variation of absolute values 2020-2021	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
Total (1 + 2 + 3 + 4 + 5 + 6 + 7)	25 965 914 €	22 803 909 €	16,9%	6,9%	4,8%	-3,0%
1. Gross salaries	20 894 349 €	17 143 736 €	NA	NA	15,0%	-4,6%
2. Computerisation (2.1 + 2.2)	NA	353 544 €	NA	NA	NA	117,3%
2.1 Investment in computerisation	NA	321 450 €				
2.2 Maintenance of the IT equipment of courts	NA	32 094 €				
3. Justice expenses	NA	289 356 €	NA	NA	NA	8,8%
4. Court buildings	NA	NA	NA	NA	NA	NA
5. Investment in new buildings	0 €	0 €	NA	NA	-100,0%	-100,0%
6. Training	NAP	NAP	NAP	NAP	NAP	NAP
7. Other	NA	NA	NA	NA	NA	NA

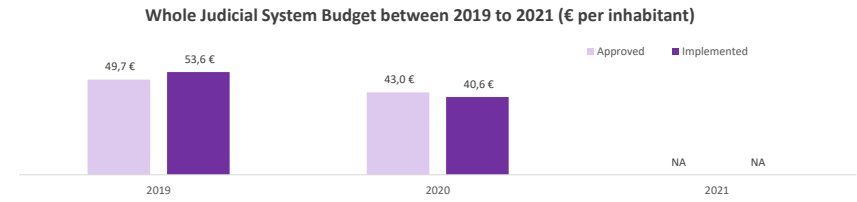
Implemented budget allocated to all courts per inhabitant between 2019 and 2021



Other expenses include: Office service costs (Letter, Office, toners, etc.) 1 456 599 €; Diet Travel Expenses 49 500 €; Transportation services 302 042 €; Expenditure on security guards 710 995 €; Maintenance 503 604 €, Software program 475 221 €, Other maintenance and operating costs 1 199 516 €

• Budget allocated to the whole justice system

Whole Justice System	2021		% Variation of the Whole Justice System per inhabitant	
	Absolute number	Per inhabitant	2019 - 2021	2020 - 2021
Approved	NA	NA	NA	NA
Implemented	NA	NA	NA	NA

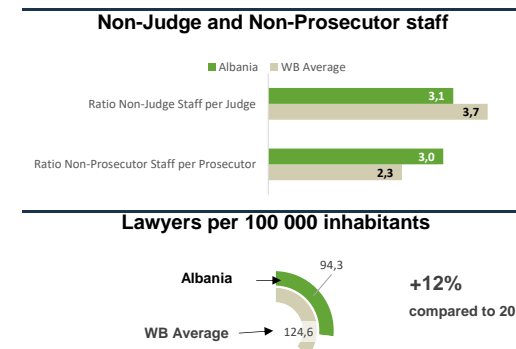
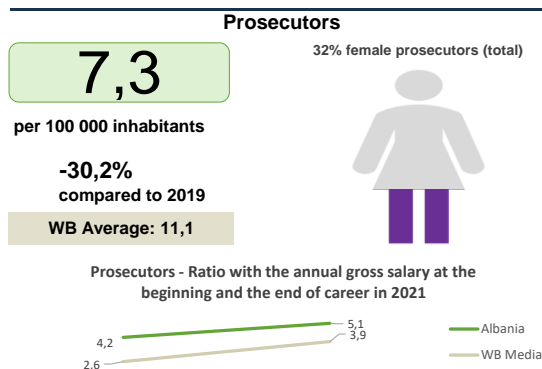
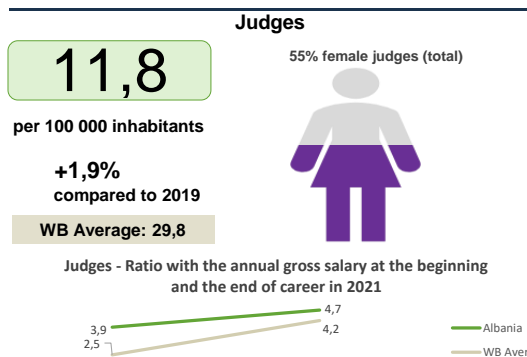


• Budget received from external donors

Albania was not able to provide the estimates of the ratios between external donations and respective budget (ie all courts, prosecution services, legal aid and whole judicial system budget).

Kosovo is not included in the calculation of summary statistics

Professionals and Gender Balance in judiciary in Albania in 2021 (Indicators 2 and 12)



In 2021, Albania had 11.8 professional judges per 100 000 inhabitants and 7.3 prosecutors per 100 000 inhabitants. Both figures were below the Western Balkans (WB) average of 29.8 and 11.1, respectively. More than half of the professional judges were women (WB Average was 62), whereas the percentage of female prosecutors was 32% (the WB Average was 53%).

Professional Judges

	Professional judges			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	329	100,0%	11,8	29,8
1st instance courts	253	76,9%	9,1	23,0
2nd instance courts	66	20,1%	2,4	5,6
Supreme Court	10	3,0%	0,4	1,3

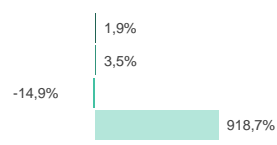
For reference only: the 2020 EU median is 21,8 judges per 100 000 inhabitants.

In 2021, the absolute number of professional judges in Albania was 329, which was 11.8 per 100 000 inhabitants (remarkably lower than the WB average of 29.8).

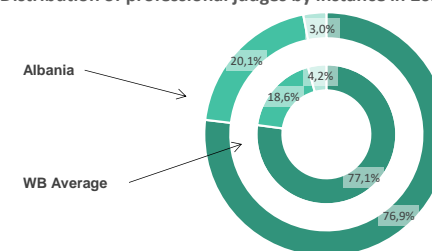
Compared to 2019, the total number of professional judges per 100 000 inhabitants increased by 1.9%.

The figures show a difference of 0.2 percentage points between the percentage of judges in the first instance (76.9%) and the WB average (77.1%)

% Variation of no. of professional judges per 100 000 inh. 2019 - 2021

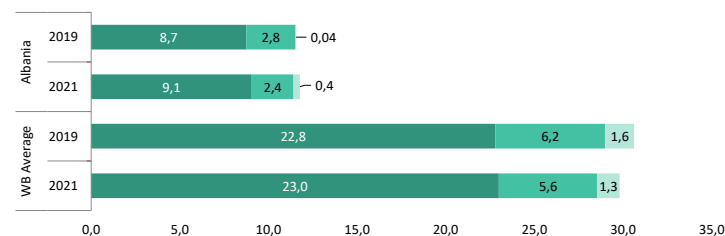


Distribution of professional judges by instance in 2021 (%)



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

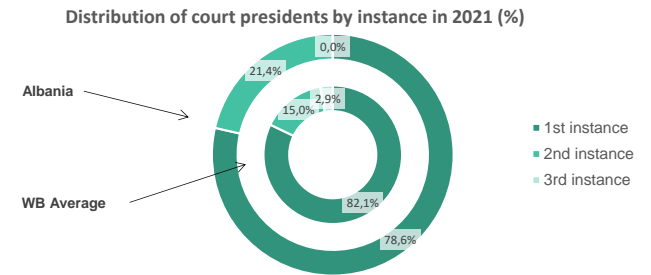
Distribution of professional judges per 100 000 inhabitants by instance in 2019 and 2021



• Court presidents

	Court presidents			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	14	100,0%	0,5	2,2
1st instance courts	11	78,6%	0,4	1,8
2nd instance courts	3	21,4%	0,1	0,3
Supreme Court	0	0,0%	0,0	0,1

The absolute number of court presidents in Albania in 2021 was 14, which was 0,5 per 100 000 inhabitants (the WB average was 2,2).



• Non-judge staff

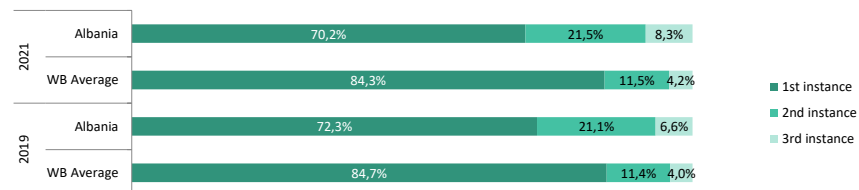
The absolute total number of non-judge staff in Albania was 1 030, which increased by 17% between 2019 and 2021. The number of non-judge staff per 100 000 inhabitants was 36,9, which was well below WB average of 112,1. Compared to 2019, there was no significant variation in the distribution of non-judge staff among instances in 2021. The highest number of non-judge staff were assisting judges and represented 58% of the total.

	Number of non-judge staff by instance			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	1 030	100,0%	36,9	112,1
1st instance courts	723	70%	25,9	91,2
2nd instance courts	221	21%	7,9	16,0
Supreme Court	86	8%	3,08	4,87

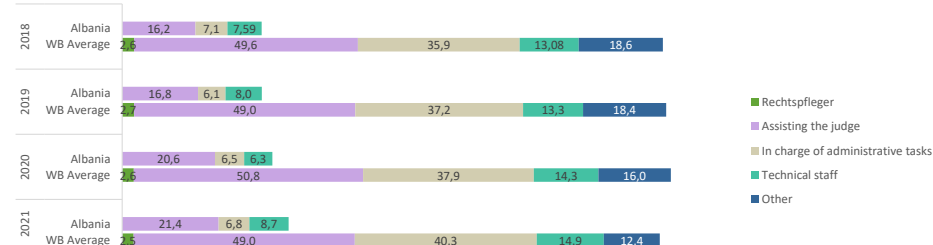
For reference only: the 2020 EU median is 69 non-judge staff per 100 000 inhabitants.

	Number of non-judge staff by category			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	1 030	100,0%	36,9	112,1
Rechtspfleger	NAP	NAP	NAP	2,5
Assisting the judge	597	58,0%	21,4	49,0
In charge of administrative tasks	190	18,4%	6,8	40,3
Technical staff	243	23,6%	8,7	14,9
Other	NAP	NAP	NAP	12,4

Distribution of non-judge staff by instance in 2019 and 2021



Number of non-judge staff per 100 000 inhabitants by category between 2018 and 2021



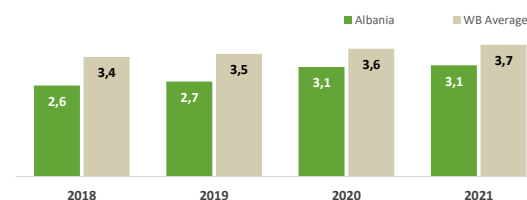
• Ratio between non-judge staff and professional judges

In Albania, the ratio of non-judge staff per professional judge was 3,1 in 2021, whereas the WB Average was 3,7.

	Ratio in 2021		% Variation between 2019 and 2021
	Albania	WB Average	
Total	3,1	3,7	17,0%
1st instance courts	2,9	3,9	11,9%
2nd instance courts	3,3	2,8	42,2%
Supreme Court	8,6	5,1	-85,2%

For reference only: the 2020 EU median ratio of non-judge staff per judge is 3,7.

Ratio between non-judge staff and judges between 2018 and 2021



Prosecutors

	Number of prosecutors by instance			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	205	100,0%	7,3	11,1
1st instance courts	177	86,3%	6,3	8,9
2nd instance courts	16	7,8%	0,6	1,5
Supreme Court	12	5,9%	0,4	0,9

In 2021, the absolute number of prosecutors in Albania was 205, which was 7,3 per 100 000 inhabitants (significantly lower than the WB Average of 11,1).

The total number of prosecutors per 100 000 inhabitants decreased by -30,2% between 2019 and 2021.

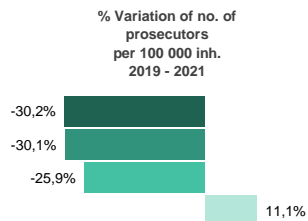
The figures show a difference of 7,1 percentage points between the percentage of prosecutors in the first instance (86,3%) and the WB average (79,2%)

Total number of prosecutors: 321 planned posts, 205 posts actually filled.

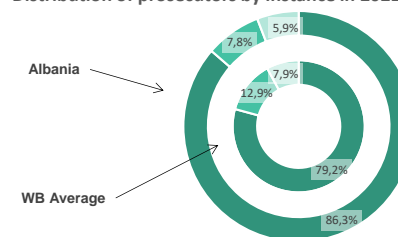
Number of prosecutors at first instance level: 278 planned posts, 177 posts actually filled.

Number of prosecutors at second instance (court of appeal) level: 26 planned posts, 16 posts actually filled.

Number of prosecutors at Supreme Court level: 17 planned posts, 12 posts actually filled.



Distribution of prosecutors by instance in 2021 (%)



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

Distribution of prosecutors per 100 000 inhabitants by instance in 2019 and 2021

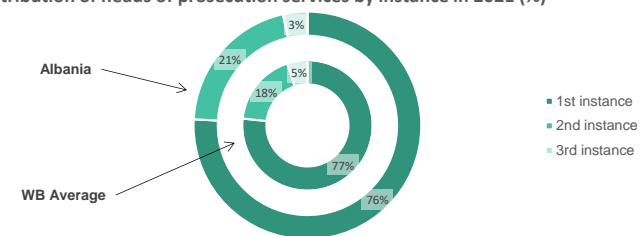


Heads of prosecution services

	Heads of prosecution services			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	29	100,0%	1,0	1,2
1st instance courts	22	75,9%	0,8	1,0
2nd instance courts	6	20,7%	0,2	0,2
Supreme Court	1	3,4%	0,0	0,1

The absolute number of heads of prosecution services in Albania in 2021 was 29, which was 1 per 100 000 inhabitants (the WB average of 1,2).

Distribution of heads of prosecution services by instance in 2021 (%)



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

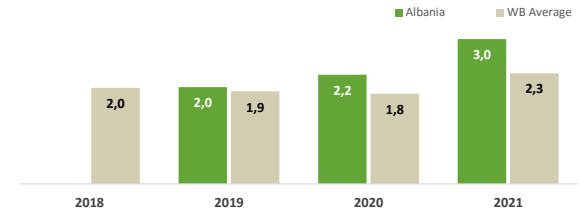
• Non-prosecutor staff and Ratio between non-prosecutor staff and prosecutors

	Non-prosecutor staff in 2021			Ratio between non-prosecutor staff and prosecutors in 2021		% Variation 2019 - 2021
	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhab.	Albania	WB Average	Albania
Total	607	21,7	24,7	3,0	2,3	49,5%

In 2021, the total number of non-prosecutor staff in Albania was 607, which increased by 49,5% compared to 2019.
 The number of non-prosecutor staff per 100 000 inhabitants was 21,7, below the WB Average of 24,7
 The ratio of non-prosecutor staff per prosecutor was 3,0, which was higher than the WB Average of 2,3.

Among the total number, 160 are male judicial police officers and 40 are female judicial police officers. 112 are males having administrative duties and 295 are females having administrative duties.

Ratio between non-prosecutor staff and prosecutors between 2018 and 2021



• Lawyers

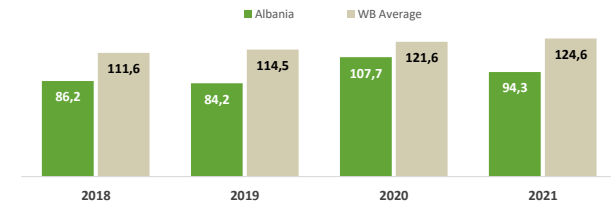
	Number of lawyers in 2021			% Variation 2019 - 2021
	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	Albania
Total	2 633	94,3	124,6	12,0%

For reference only: the 2020 EU median is 192,6 lawyers per 100 000 inhabitants.

In 2021, the number of lawyers was 94,3 per 100 000 inhabitants, which was significantly lower than the WB Average (124,6).
 The number of lawyers increased by 12% between 2019 and 2021.

The total number of those who have lawyers' license/title was 11 934. However, the reported number (2 633) is that of practicing lawyers.

Number of lawyers per 100 000 inhabitants between 2018 and 2021



Salaries of professional judges and prosecutors

In 2021, the ratio of the salary of professional judges at the beginning of career with the annual gross average salary in Albania was 3,9, which was more than the WB average (2,5).

At the end of career, judges were paid more than at the beginning of career by 21,6%, which was less than the variation of WB average (66,9%).

In 2021, the ratio of the salary of prosecutors at the beginning of career with the annual gross average salary in Albania was 4,2, which was more than the WB average (2,6).

At the end of career, prosecutors were paid more than at the beginning of career by 22%, which was less than the variation of WB average (50,4%).

		Salaries in 2021				% Variation 2019 - 2021
		Gross annual salary in €	Net annual salary in €	Ratio with the annual gross salary	WB Average Ratio with the annual gross salary	Albania
Professional judge	At the beginning of his/her career	21 611	17 068	3,9	2,5	1,7%
	Of the Supreme Court or the Highest Appellate Court	26 287	20 588	4,7	4,2	1,7%
Public prosecutor	At the beginning of his/her career	23 449	16 901	4,2	2,6	10,0%
	Of the Supreme Court or the Highest Appellate Court	28 608	21 198	5,1	3,9	10,0%

Gross annual salaries of professional judges and prosecutors in 2021



For reference only: the 2020 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: 2,3

- prosecutors' salary at the beginning of career: 1,9

- professional judges' salary at the end of career: 4,3

- prosecutors' salary at the end of career: 3,8

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.

1. A magistrate's salary is determined by the magistrate's affiliation to a salary group and the salary scale.

2. A magistrate's salary is categorised into salary groups (G), based on type of court and instance

3. 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.

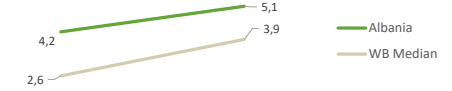
4. In the case of High Court judges, appointed from among jurists who do not come from a judicial career, for the purpose of determining the seniority of service in exercising the function, the seniority bonus is calculated as equivalent to that of 15 years of judicial career.

5. The monthly gross salary of a magistrate consists of the following elements: a) The basic reference salary for judicial and prosecutorial functions; b) 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; c) Seniority bonus being calculated on the basis of the reference basic salary; d) The bonus for leading functions.

Judges - Ratio with the annual gross salary at the beginning and the end of career in 2021



Prosecutors - Ratio with the annual gross salary at the beginning and the end of career in 2021



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. In the case of a judge, 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. In case of a prosecutor, 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 Average	% Variation 2019 - 2021	
				Albania	
Professional Judges	11,8	54,7%	62,0%	6,4	
Court Presidents	0,5	42,9%	46,4%		
Non-Judge Staff	36,9	69,2%	70,3%	-3,4	
Prosecutors	7,3	32,2%	53,0%	2,1	
Heads of Prosecution Services	1,0	13,8%	38,2%		
Non-Prosecutor Staff	21,7	55,2%	69,1%	NA	
Lawyers	94,3	NA	38,5%	NA	

For reference only. 2020 EU medians on gender are among professionals are:

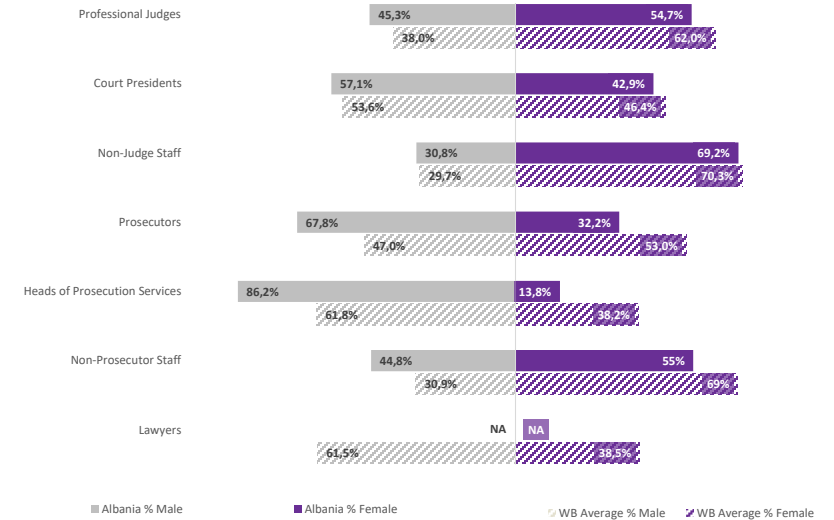
62% women judges. 76% women non-judge staff.
58% women prosecutors. 73% women non-prosecutor staff.
47% women lawyers.

In 2021, the percentage of female judges was 54,7%, which was lower than the WB average (62%). Moreover, the percentage of female non-judge staff was 69,2%.

Also, in 2021, the percentage of female prosecutors was 32,2%, which was lower than the WB average (53%). Moreover, the percentage of female non-prosecutor staff was 55,2%.

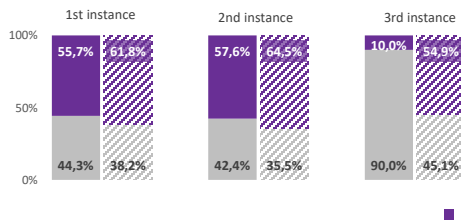
The percentage of female court presidents was 42,9%, which was lower than the WB average (46,4%), while the percentage of heads of prosecution services was 13,8%, well below the WB average of 38,2%

Gender Balance in 2021

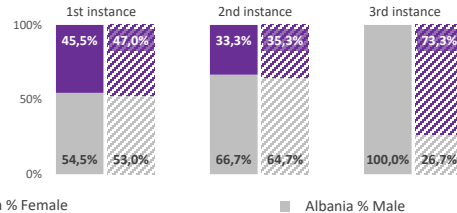


	% Female Professional Judges		% Female Court presidents		% Female Prosecutors		% Female Heads of Prosecution Services	
	Albania	WB Average	Albania	WB Average	Albania	WB Average	Albania	WB Average
1st instance courts	55,7%	61,8%	45,5%	47,0%	31,1%	54,1%	13,6%	40,2%
2nd instance courts	57,6%	64,5%	33,3%	35,3%	50,0%	52,8%	16,7%	31,3%
Supreme Court	10,0%	54,9%	0,0%	73,3%	25,0%	41,4%	0,0%	40,0%

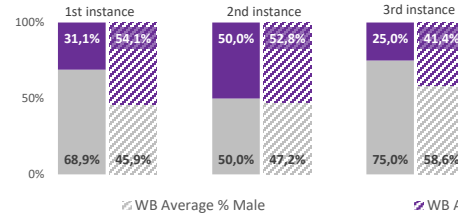
Professional Judges - Gender Balance by instance in 2021



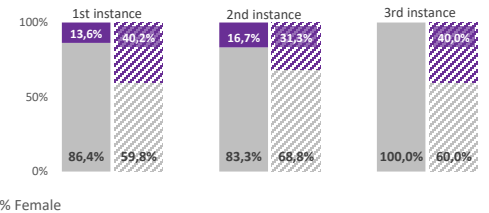
Court Presidents - Gender Balance by instance in 2021



Prosecutors - Gender Balance by instance in 2021



Heads of Prosecution Services - Gender Balance by instance in 2021



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

• Gender Equality Policies

	Recruitment		Appointment	Promotion		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	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	
Court Presidents			✘			
Heads of Prosecution Services			✘			
Judges	✘	✔		✘	✔	✘
Prosecutors	✘	✔		✘	✔	✘
Non-judge staff	✘	✔		✘	✔	✘
Lawyers	✘			✘		
Notaries	✘			✘		
Enforcement agents	✘			✘		

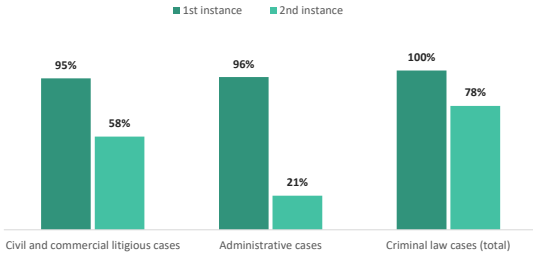
In Albania there is no overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary. At national level, there is an independent institution dealing with gender equality issues which is the Commissioner against Discrimination.

Kosovo is not included in the calculation of summary statistics

Efficiency in Albania in 2021 (Indicators 3.1 and 3.2)

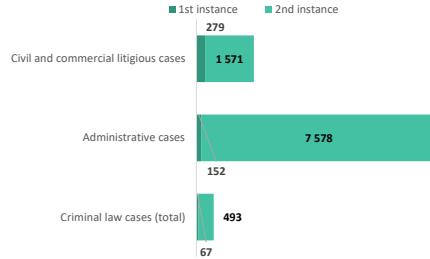
Clearance rate in 2021 (%)

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.

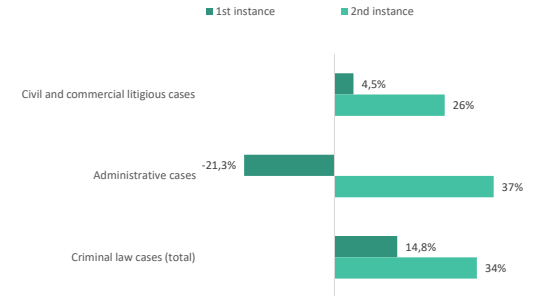


Disposition time in 2021 (in days)

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 2020 and 2021 (%)

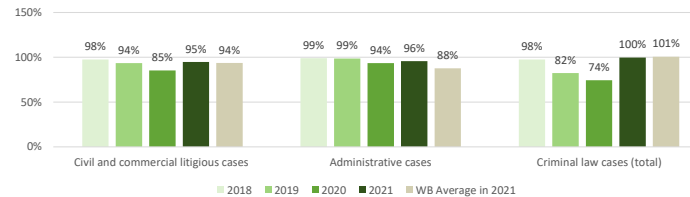


In 2021, the highest Clearance rate (CR) for Albania is for the first instance total Criminal law cases, with a CR of 100%. However, it seems that Albania was not able to deal as efficiently with the second instance Administrative cases (CR of 21%). With a Disposition Time of approximately 67 days, the first instance total Criminal law cases were resolved faster than the other types of cases.

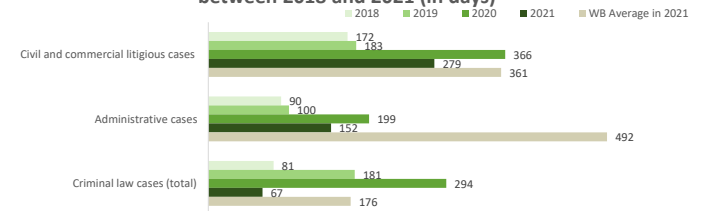
Compared to 2020, the pending cases at the end of the year increased for the second instance Administrative cases (37,5%), whereas they decreased for the first instance Administrative cases by -21,3%.

First instance cases

Clearance rate for first instance cases between 2018 and 2021 (%)



Disposition time for first instance cases between 2018 and 2021 (in days)



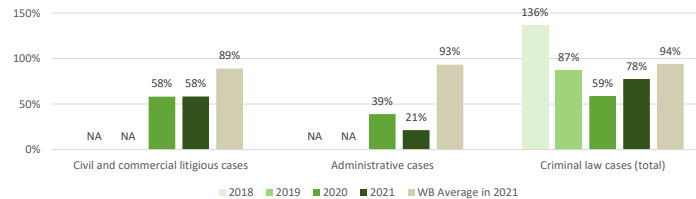
In Albania, the vetting procedure affected not only the number of professionals but also the Clearance Rate (CR) and the length of proceedings (especially in the second and third instances where many judges were dismissed or voluntarily retired). Thus, judges were not able to cope with the influx of cases and the CR was always below 100% in 2019, 2020 and 2021. In particular, the CR for second instance cases in 2021 was well below 100%.

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). In 2021 the situation improved, and the DT decreased for all categories of cases in first and second instance, except for administrative cases in second instance. In particular, DT for civil and commercial litigious cases changed from 366 days to 279 days, while for criminal law cases it decreased from 294 days to 67 days, lower than in 2018.

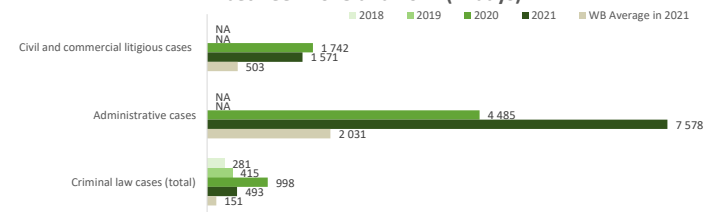
In 2021, in first instance, the DT was lower than the WB average in the three main categories of cases (civil and commercial litigious cases, administrative cases, criminal law cases), while in second instance it was higher.

Second instance cases

Clearance rate for second instance cases between 2018 and 2021 (%)



Disposition time for second instance cases between 2018 and 2021 (in days)



First instance cases - Other than criminal law cases

1st instance	2021								Per 100 inhabitants in 2021				% Variation between 2020 and 2021					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Average CR (%)	DT (days)	WB Average 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	100%	NA	335	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
1 Civil and commercial litigious cases	24 347	23 089	17 658	997	95%	94%	279	361	0,87	0,83	0,63	0,04	23,5%	37,2%	4,5%	38,5%	9,4	23,8%
2 Non-litigious cases**	40 618	34 098	10 548	4	84%	106%	113	196	1,45	1,22	0,38	0,00	NA	NA	NA	NA	NA	NA
3 Administrative cases	15 802	15 113	6 273	642	96%	88%	152	492	0,57	0,54	0,22	0,02	0,9%	3,2%	21,3%	13,7%	2,1	23,7%
4 Other cases	NA	NA	NA	NA	NA	101%	NA	94	NA	NA	NA	NA	NA	NA	NA	NA	NA	#VALUE!

PPT = Percentage points

** 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 2020 EU Median was as follows:

- Incoming cases per 100 inhabitants: 1,6;
- Clearance rate: 98,5%;
- Disposition time: 221 days.

For reference only: for the first instance Administrative cases, the 2020 EU Median as follows:

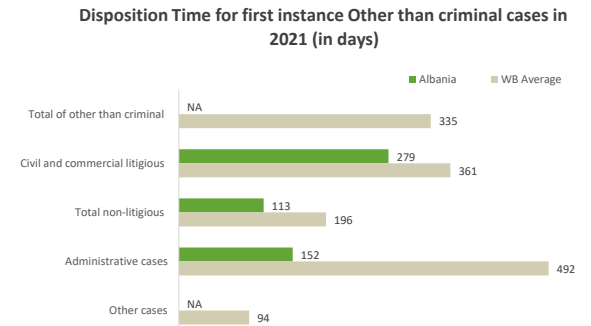
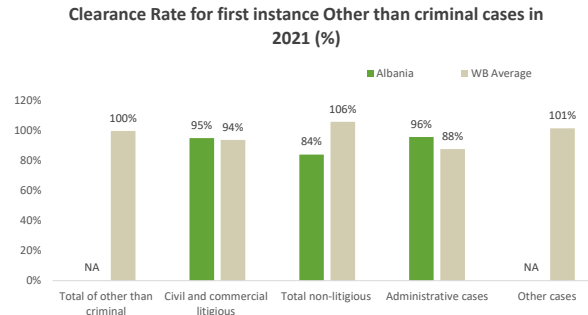
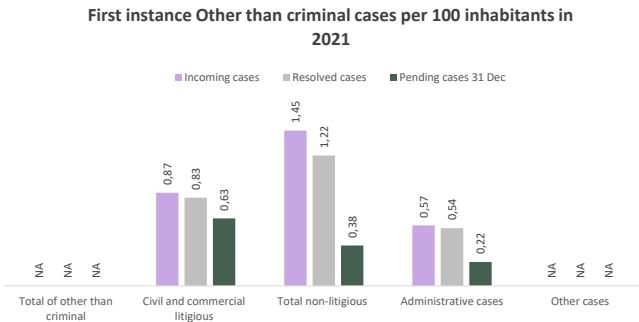
- incoming cases per 100 inhabitants: 0,3;
- Clearance rate: 100,1%;
- Disposition time: 388 days.

In 2021, the incoming civil and commercial litigious cases were 24 347, which was 0,9 per 100 inhabitants and 23,5% more than in 2020. The resolved cases were 23 089, which was 0,8 per 100 inhabitants and 37,2% more than in 2020. 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 2021 were more than in 2020 and the Clearance rate for this type of cases was 95%. This increased by 9,5 percentage points compared to 2020 and was above the WB average (94%).

Finally, the Disposition Time for civil and commercial litigious cases was approximately 279 days in 2021. This has decreased by -23,8% compared to 2020 and it was below the WB average (361 days).

In 2021, the incoming administrative cases were 15 802, which was 0,6 per 100 inhabitants and 0,9% more than in 2020. The resolved cases were 15 113, which was 0,5 per 100 inhabitants and 3,2% more than in 2020. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the administrative pending cases at the end of 2021 were less than in 2020 and the Clearance rate for this type of cases was 96%. This increased by 2,1 percentage points compared to 2020 and was above the WB average (88%).

Finally, the Disposition Time for administrative cases was approximately 152 days in 2021. This has decreased by -23,7% compared to 2020 and it was below the WB average (492 days).



• First instance cases - Criminal law cases

1st instance	2021								Per 100 inhabitants in 2021				% Variation between 2020 and 2021					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Average CR (%)	DT (days)	WB Average 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)	45 856	45 709	8 373	71	100%	101%	67	176	1,64	1,64	0,30	0,00	276,3%	404,4%	14,8%	173,7%	25,3	77,2%
1 Severe criminal cases	8 547	9 320	1 884	48	109%	102%	74	199	0,31	0,33	0,07	0,00	-4,7%	40,3%	64,3%	20,0%	35,0	74,5%
2 Misdemeanour and / or minor criminal cases	2 319	2 308	1 238	9	100%	99%	196	216	0,08	0,08	0,04	0,00	27,2%	-3,8%	38,1%	25,0%	24,2	35,6%
3 Other cases	34 990	34 081	5 251	14	97%	100%	56	199	1,25	1,22	0,19	0,00	112,7%	200,7%	29,7%	NA	42,6	85,4%

PPT = Percentage points

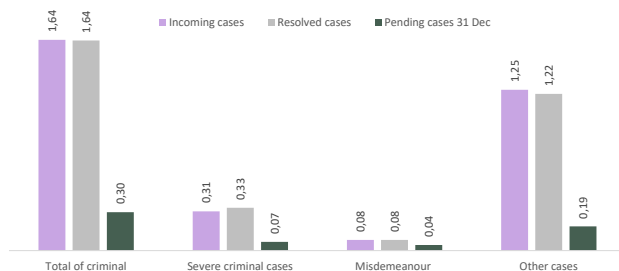
For reference only: for the first instance Total Criminal law cases, the 2020 EU Median was as follows:

- Incoming cases per 100 inhabitants: 1,6; - Clearance rate: 95,2%; - Disposition time: 139 days.

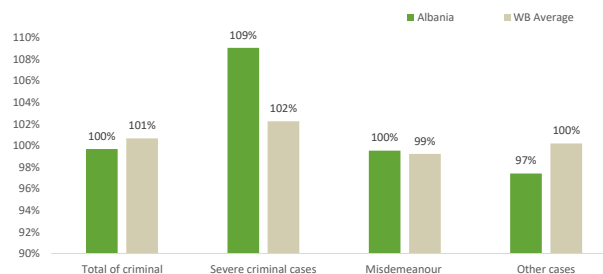
In 2021, the incoming total criminal cases were 45 856, which was 1,6 per 100 inhabitants and 276,3% more than in 2020. The resolved cases were 45 709, which was 1,6 per 100 inhabitants and 404,4% more than in 2020. This is due to the change in the methodology for counting the "other cases". In 2021, the number of resolved cases was lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2021 were more than in 2020 and the Clearance rate for this type of cases was 100%. This increased by 25,3 percentage points compared to 2020 and was below the WB average (101%).

Finally, the Disposition Time for total criminal cases was approximately 67 days in 2021. This has decreased by -77,2% compared to 2020 and it was below the WB average (176 days).

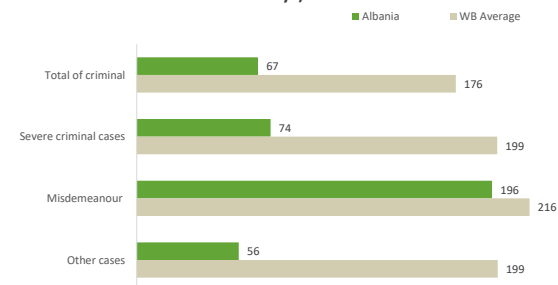
First instance Criminal law cases per 100 inhabitants in 2021



Clearance Rate for first instance Criminal Law cases in 2021 (%)



Disposition Time for first instance Criminal Law cases in 2021 (in days)



Other cases are: Criminal requirements of the preliminary investigation phase; Criminal cases of the preliminary hearing; Criminal requirements of the execution phase; Security measures; parole; Extradition

Second instance cases - Other than criminal law cases

2nd instance	2021								Per 100 inhabitants in 2021				% Variation between 2020 and 2021					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Average CR (%)	DT (days)	WB Average 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	98%	NA	228	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
1 Civil and commercial litigious cases	5 983	3 490	15 019	5 365	58%	89%	1 571	503	0,21	0,12	0,54	0,19	39,3%	39,7%	26,0%	17,2%	0,1	-9,8%
2 Non-litigious cases**	2 766	1 705	4 305	1 016	62%	86%	922	352	0,10	0,06	0,15	0,04	NA	NA	NA	93,8%	NA	NA
3 Administrative cases	4 145	887	18 415	10 790	21%	93%	7 578	2 031	0,15	0,03	0,66	0,39	48,1%	-18,6%	37,5%	41,4%	-17,6	68,9%
4 Other cases	NA	NA	NA	NA	NA	98%	NA	13	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

PPT = Percentage points

** 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 2020 EU Median was as follows:

- Clearance rate: 105,2% ;
- Disposition time: 177 days.

For reference only: for the first instance Administrative cases, the 2020 EU Median as follows:

- Clearance rate: 99,2%;
- Disposition time: 362 days.

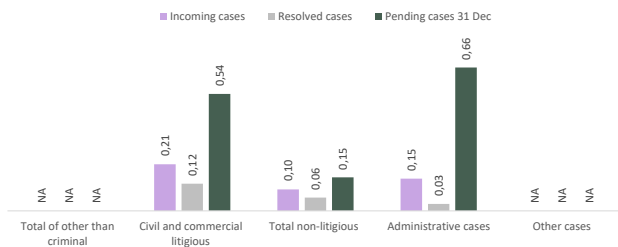
In 2021, the incoming civil and commercial litigious cases were 5 983, which was 0,2 per 100 inhabitants and 39,3% more than in 2020. The resolved cases were 3 490, which was 0,1 per 100 inhabitants and 39,7% more than in 2020. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2021 were more than in 2020 and the Clearance rate for this type of cases was 58,3%. This increased by 0,1 percentage points compared to 2020 and was below the WB average (89%).

Finally, the Disposition Time for civil and commercial litigious cases was approximately 1 571 days in 2021. This has decreased by -9,8% compared to 2020 and it was above the WB average (503 days).

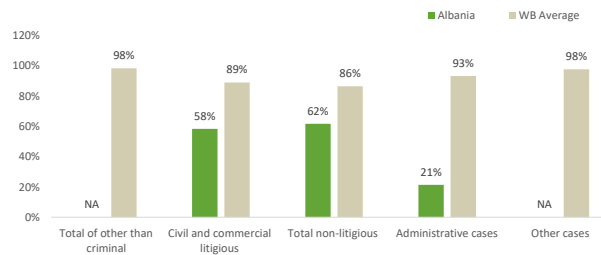
In 2021, the incoming administrative cases were 4 145, which was 0,1 per 100 inhabitants and 48,1% more than in 2020. The resolved cases were 887, which was 0 per 100 inhabitants and -18,6% less than in 2020. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the administrative pending cases at the end of 2021 were more than in 2020 and the Clearance rate for this type of cases was 21,4%. This decreased by -17,6 percentage points compared to 2020 and was below the WB average (93%).

Finally, the Disposition Time for administrative cases was approximately 7 578 days in 2021. This has increased by 68,9% compared to 2020 and it was above the WB average (2031 days).

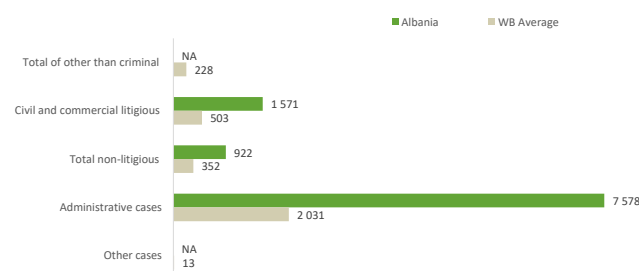
Second instance Other than criminal cases per 100 inhabitants in 2021



Clearance Rate for second instance Other than criminal cases in 2021 (%)



Disposition Time for second instance Other than criminal cases in 2021 (in days)



• **Second instance cases - Criminal law cases**

2nd instance	2021								Per 100 inhabitants in 2021				% Variation between 2020 and 2021					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Average CR (%)	DT (days)	WB Average 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)	8 413	6 525	8 820	2 289	78%	94%	493	151	0.30	0.23	0.32	0.08	104.8%	170.1%	33.5%	321.5%	18.7	50.6%
1 Severe criminal cases	2 758	1 432	5 837	1 788	52%	88%	1 488	366	0.10	0.05	0.21	0.06	NA	NA	NA	560.0%	NA	NA
2 Misdemeanour and / or minor criminal cases	485	222	1 062	227	46%	89%	1 746	403	0.02	0.01	0.04	0.01	NA	NA	NA	37.0%	NA	NA
3 Other cases	5 170	4 871	1 921	274	94%	98%	144	58	0.19	0.17	0.07	0.01	NA	NA	NA	283.3%	NA	NA

PPT = Percentage points

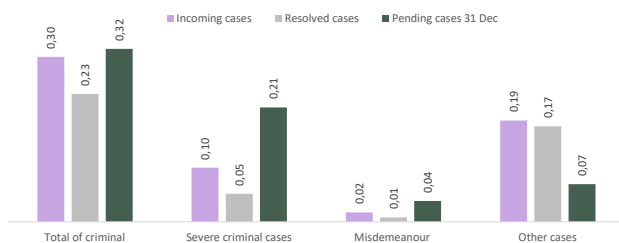
For reference only: for the second instance Total Criminal law cases, the 2020 EU Median was as follows:

- Incoming cases per 100 inhabitants: 1,6; - Clearance rate: 95,2%; - Disposition time: 139 days.

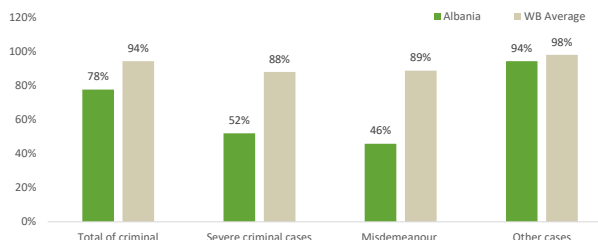
In 2021, the incoming total criminal cases were 8 413, which was 0,3 per 100 inhabitants and 104,8% more than in 2020. The resolved cases were 6 525, which was 0,2 per 100 inhabitants and 170,1% more than in 2020. This is due to the change in the methodology for counting the "other cases". Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2021 were more than in 2020 and the Clearance rate for this type of cases was 78%. This increased by 18,7 percentage points compared to 2020 and was below the WB average (94%).

Finally, the Disposition Time for total criminal cases was approximately 493 days in 2021. This has decreased by -50,6% compared to 2020 and it was above the WB average (151 days).

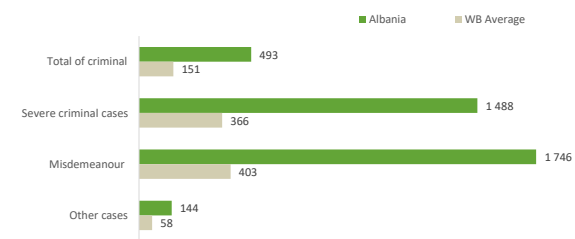
Second instance Criminal law cases per 100 inhabitants in 2021



Clearance Rate for second instance Criminal Law cases in 2021 (%)



Disposition Time for second instance Criminal Law cases in 2021 (in days)



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

Albania can not provide data on average length of proceedings for specialised categories of cases as civil commercial litigious, litigious divorce cases, employment dismissal cases, insolvency, homicide and robbery.

Quality standards and performance indicators in the judicial system

In Albania there are quality standards determined for the judicial system at national level. Also, both courts and public prosecution services have specialised personnel entrusted with implementation of these national level quality standards.

There are quality standards determined for the judicial system at national level foreseen by the Law "On the status of judges and prosecutors", as amended, (Article 71) who 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 generally speaking standards are divided into performance related standards (quality and quantity of performance of magistrates) and behavioral related standards (ethics).

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://euralius.eu/index.php/en/library/albanian-legislation/send/86-status-of-judges-and-prosecutors/198-law-on-the-status-of-judges-and-prosecutors-en>

The 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.

The High Inspector of Justice is the responsible body, which inspects citizens complaints, for : procrastination of the process by the judges, unethical acts by judges 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.

• Quantitative targets for each judge and prosecutor

In Albania there are quantitative targets only for judges but 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	✗	✗

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

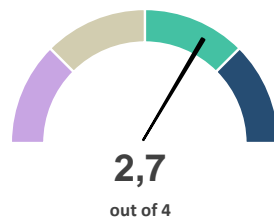
Kosovo is not included in the calculation of summary statistics

Electronic case management system and court activity statistics in Albania in 2021 (Indicator 3.3)

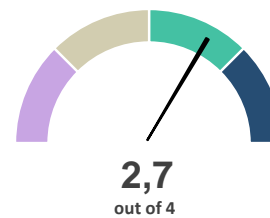
The Case Management System (CMS) Index is an index ranging from 0 to 4 points. It is calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary.

The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarized while 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. This methodology provides an adequate evaluation.

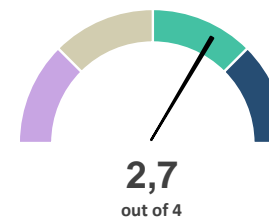
CMS index in Civil and/or commercial



CMS index for Criminal



CMS index for Administrative



Electronic case management system

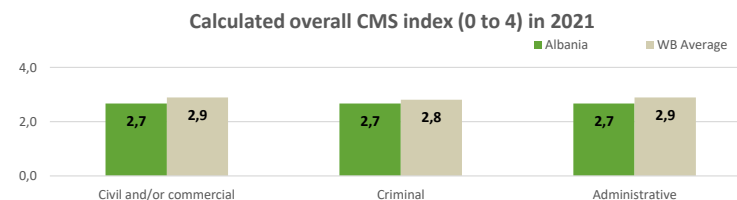
In Albania, there is no IT Strategy for the judiciary. However, there are plans for a significant change in the present IT system in the judiciary in 2021.

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.

The CMS is developed in all courts (100% deployment rate) and the data is stored on an interoperable database consolidated at national level, integrated with a statistical tool. 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).

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	Both: Accessible to parties Publication of decision online
Criminal	100%	Both	✓	✗	Integrated	
Administrative	100%	Both	✓	✗	Integrated	

Overall CMS Index in 2021		
	Albania	WB Average
Civil and/or commercial	2,7	2,9
Criminal	2,7	2,8
Administrative	2,7	2,9



• Centralised national database of court decisions

In Albania, there is a centralised national database of court decisions.

In Albania, there is a centralised national database of court decisions in which some judgments for all instances are collected, with anonymised data. This case-law database is available for free online. There is no links with the 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	✓	✓	✗

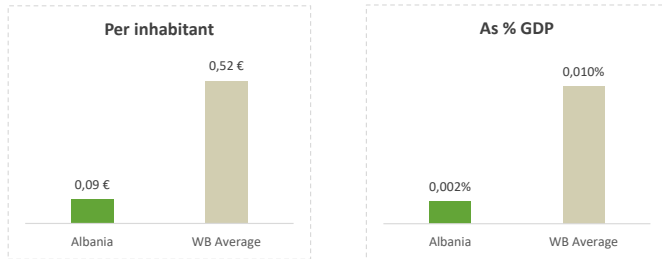
Data are anonymized only for first and second instance courts. The High court still publishes its decisions without anonymizing the data.

The website 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 2021 (Indicator 4)

Total implemented budget for Legal Aid in 2021



In 2021, the implemented budget for legal aid spent by Albania was 0,09€ per inhabitant (below the WB average of 0,52€). This was equal to 0,002% of the GDP.

Number of LA cases

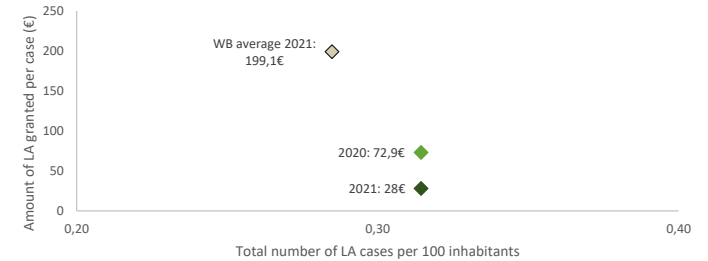


0,31

per 100 inhabitants

WB Average: 0,28

Amount of implemented legal aid budget per case (in €) and total no. of legal aid cases per 100 inhabitants in 2020 and 2021



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

• Organisation of the legal aid system

Law no. 111/2017 "On Legal Aid guaranteed by the state", was one of the laws adopted in the framework of the justice reform. The adoption of this law led to the drafting of a package of sub-legal acts which aim to regulate in detail any process on legal aid guaranteed by the state

This law establishes the forms, the conditions, the procedure, and the rules for the organization and administration of state-guaranteed legal aid, with the aim of the protection of fundamental rights of the individual and his/her legitimate interests. Special attention has been paid to the categories of beneficiaries, focusing on the expansion of the circle of subjects as well as the sanctioning of vulnerable groups as direct beneficiaries of the free legal aid system.

Having as a priority the increase of access to justice, the major objective is the extension of the legal aid service throughout the territory of the Republic of Albania. This objective is seen as closely linked to another very important component of providing free legal aid which is the quality of this service. The guarantee and provision of the service, the cases handled and the quality and professionalism that accompany these services are closely related to each other, as part of a unique service package dedicated to the citizen.

The Law no. 111/2017 on State Guaranteed Legal Aid (Law on Legal Aid) entered into force on 1 June 2018.1 It foresees a comprehensive system of • Primary Legal Aid ("out of court support") • Secondary Legal Aid (representation by an advocate in a court procedure) and the • Exemption from court fees and court costs)

-Primary legal aid

The 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 at the higher education institutions providing legal aid (Article 16).

The application for primary legal aid can be made orally or in writing. The applicant has to fill in a self-declaration form and attach the documentation required (as foreseen by the sub-legal act). The form for the request can be found in Appendix 1 of Order No 225 dated 25/3/2019 on the Approval of the Forms of Legal Aid guaranteed by the State. The form and self-declaration are sufficient to prove that the applicant meets the conditions for primary legal aid. The provider of primary legal aid is not meant to carry out further investigations if the given information is correct. If the conditions are met primary legal aid is delivered immediately (if possible) or a date for the provision of primary legal aid is given to the party.

-Secondary legal aid

Secondary legal aid is (see Article 18) 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 the law. Secondary legal aid is first approved by the decision of the court or proceeding body. The individual lawyer is then in principle appointed and also replaced by the local chamber of advocates. The rights and interests of the state are protected by the Directorate: it may appeal decisions and seek reimbursement.

The request can be lodged in person or through the post (Article 19 (1)), also through a legal representative or a representative supplied with power of attorney, or by the spouse, cohabitant, or kin relation of the first degree (Article 19 (2)). The request can be lodged at the following stages (Articles 19 (1), 22 (5)): • before the initiation of a judicial proceeding, • at the initiation of a judicial proceeding and/or • at any stage of a judicial proceeding, until a judicial investigation has not been declared closed (see later for details for the specific procedures) The request is exempted from fees and costs.

The court examines the request for secondary legal aid in compliance with the provisions of the procedural legislation and as much as possible, with the provisions of the Law on Legal Aid.

The court may eventually accept or dismiss the request. The time of decision depends on when the application was lodged: • The court has to decide within 5 days from the date of receipt of the request when the request has been submitted before initiation of the judicial proceeding (paragraph a); • during the preliminary actions or in the preparatory session before the scheduling of the judicial session/hearing, when the request for legal aid has been submitted • according to the provisions of the procedural legislation and the provisions of this law when the request has been filed during the judicial examination.

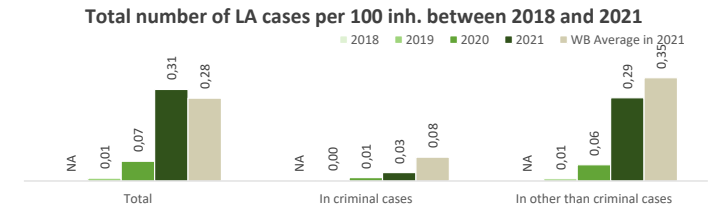
Implemented budget for legal aid and number of cases for which legal aid has been granted

	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 - 2021)	Cases brought to court	Cases not brought to court	Albania	WB Average	Albania	WB Average
Total	245 739 €	267,1%	42 930 €	202 809 €	0,09 €	0,52 €	0,002%	0,010%
In criminal cases	NA	NA	NA	NA				
In other than criminal cases	NA	NA	NA	NA				

In 2021, the total implemented budget for legal aid was 245 739 €, which was 267,1% more compared to 2020. In total, Albania spent 0,09€ per inhabitant in legal aid (still below the WB Average of 0,52€).

2021, the first year of full capacity operation of the free legal aid mechanism, has marked an increase in the number of court decisions that grant applicants the right to secondary legal aid (representation in courts) and exemption from court fees and costs. The planning of funds is done based on the number of decisions issued by the court, while the liquidation of payments is done after all the procedural steps of judicial representation have been completed. Delays in the court proceedings, due to the absence of judges because of the vetting process are reflected also in the delays until the arrival of the liquidation practice in the Directorate.

	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 inh.	% Variation (2019 - 2021)					
Total	8 786	0,31	3215,1%	784	8 002	28,0 €	54,8 €	25,3 €
In criminal cases	805	0,03	1313,9%	61	744	NA	NA	NA
In other than criminal cases	7 981	0,29	3735,2%	723	7 258	NA	NA	NA



In 2021, the number of cases for which legal aid was granted was 8786, which was 3215,1% more compared to 2020. The number of criminal cases were 805, and the other than criminal cases were 7981. The total cases brought to court were 784, while the total cases not brought to court were 8002. On average, Albania spent 27,97€ per case, which is below the WB Average of 159,41€.

Instruction No. 1, dated 08/03/2019 of the Minister of Justice on "The approval of rules and procedures for the collection, completion, and administration of registers' data" determines that: Each state-guaranteed legal aid service provider shall periodically send to the Directorate every month, the data of requests and self-declarations of the requesting entities submitted to receive state-guaranteed legal aid. The data is sent within the first 5 (five) days of the month following the reference month. More detailed data can be found at the link: <https://ndihmajuridike.gov.al/publikime>

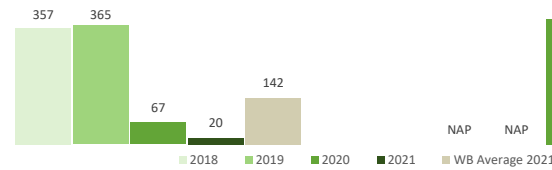
Kosovo is not included in the calculation of summary statistics

Training of judges and prosecutors in Albania in 2021 (Indicator 7)

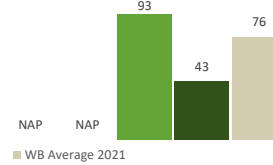
Total budget for Training per inhabitant



Delivered in-person training courses between 2018 and 2021 (in days)

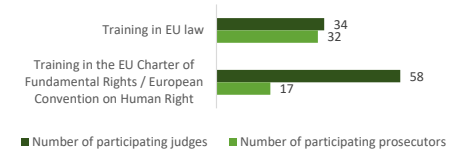


Number of online training courses (e-learning) available between 2018 and 2021



Training in EU law (participants in 2021)

Organised/finance by the training institution for judges and prosecutors



The total budget for training of judges and prosecutors in Albania was 0,75 € per inhabitant, which is above the Western Balkans (WB) average (0,57 € per inhabitant). The number of delivered in-person training courses decreased between 2019 and 2021 (from 365 days to 20 days). Moreover, the online available courses decreased to 43 in 2021 (from 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 inhabitant	% Variation 2019 - 2021	WB Average per inhabitant
Total	2 101 845 €	NAP	2 101 845 €	0,75 €	48,2%	0,57 €
Judges	NAP	NAP				
Prosecutors	NAP	NAP				
One single institution for both judges and prosecutors	2 101 845 €					

Albania spent in total 2 101 845 € for training for judges and prosecutors in 2021, which is 0,75 € per inhabitant (above the WB average of 0,56 € per inhabitant).

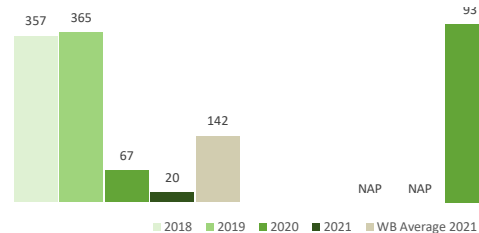
Type and frequency of trainings

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

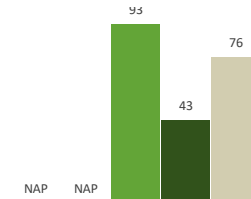
• Number of in-service trainings and participants

	In-person training courses				Online training courses (e-learning)		
	Available (number)	Delivered (in days)		Number of participants	Available (number)		Number of participants
		In 2021	% Variation 2019 - 2021		In 2021	% Variation 2019 - 2021	
Total	23	20	-95%	239	43	NAP	548
Judges	9	11	-62%	86	31	NAP	196
Prosecutors	9	1	-67%	73	9	NAP	199
Non-judge staff	2	3	-85%	38	1	NAP	45
Non-prosecutor staff	2	3	-	24	1	NAP	64
Other professionals	1	2		18	1		44

Delivered in-person training courses between 2018 and 2021 (in days)



Number of online training courses (e-learning) available between 2018 and 2021



In 2021, more attention is being given to initial training, as the number of new students has substantially increased.

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

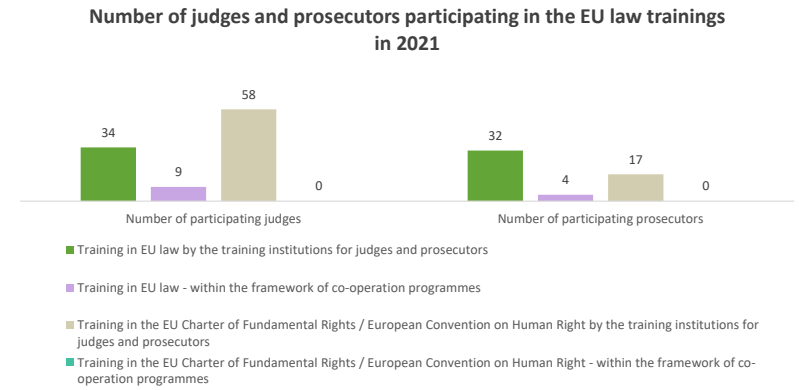
In Albania, judges and prosecutors have to undergo compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest. This training lasts more than 3 days and they need to participate to it more than once on an ad hoc basis.

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

Prosecution offices have prosecutors specially trained in domestic violence. Moreover, they have prosecutors specially trained in 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	2	0	6	0
Number of delivered in-person training courses in days	2	0	2	0
Number of online training courses (e-learning) available	5	1	4	0
Number of judges participating	34	9	58	0
Number of prosecutors participating	32	4	17	0



In 2021, few trainings on EU Law and on the 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.

Kosovo is not included in the calculation of summary statistics

Alternative Dispute Resolution in Albania in 2021 (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

57,5% female mediators



WB Average: 11,7

In Albania, court related mediation procedures are available and 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. There are no mandatory informative sessions with a mediator. In 2021, the number of mediators per 100 000 inhabitants was 3,1, which was below the Western Balkans average (11,7 per 100 000 inhabitants). The majority of the mediators were women (57,5%). The number of cases for which the parties agreed to start mediation and the mediation procedures which ended with a settlement agreement are not available.

• Mediation procedures

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.

Against the decision to resolve the dispute by reconciliation or mediation, or the rejection of the reconciliation, can be appealed separately.

Hence, there is no mandatory mediation that provides for a mandatory first mediation meeting, or mandatory full mediation are conducted beforehand in order to be able to go to court.

Mandatory informative sessions concern civil cases, family cases, criminal cases, labour cases.

• Other ADR methods

Mediation other than
court-related mediation



Arbitration



Conciliation
(if different from mediation)



Other ADR

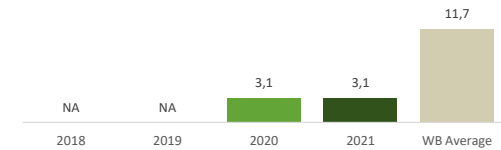


The current legal framework in Albania provides for dispute resolution through mediation and arbitration. "Mediation", as provided by the Albanian legislation is the procedure of out-of-court dispute resolution, whereby two or more parties to a dispute, on a voluntary basis, attempt by themselves to 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 2021
Absolute number	Per 100 000 inhabitants	WB average per 100 000 inhabitants	
87	3,1	11,7	NA

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2018 and 2021

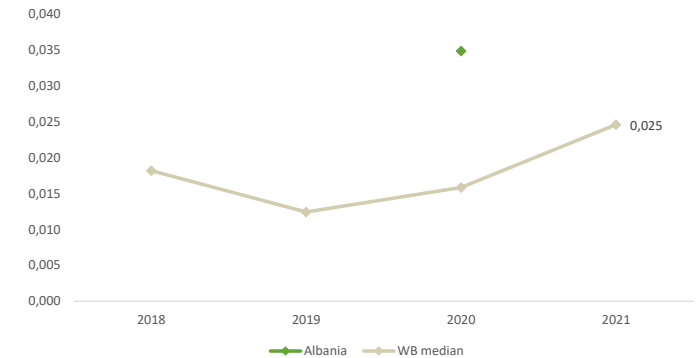


For reference only: the 2020 EU median is 17 mediators per 100 000 inhabitants.

In 2021, the total number of mediators in Albania was 87. The number of mediators per 100 000 inhabitants was 3,1, which is less than the WB average of 11,7.

	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)	NA	NA	NA				
1. Civil and commercial cases	NA	NA	NA	✓	✗	✗	✗
2. Family cases	NA	NA	NA	✓	✗	✗	✗
3. Administrative cases	NA	NA	NA	✓	✗	✗	✗
4. Labour cases incl. employment dismissals	NA	NA	NA	✓	✗	✗	✗
5. Criminal cases	NA	NA	NA	✓	✗	✗	✗
6. Consumer cases	NA	NA	NA	✓	✗	✗	✗

Evolution of the number of court-related mediation for which parties agreed to start mediation per 100 inhabitants



Court related mediations are provided by private mediators.

In Albania, it is not possible to receive legal aid for court-related mediation or receive these services free of charge.

Law on mediation was adopted in 2011 and it was also amended as part of the justice reform in 2017. Mediation regulated as an extrajudicial whereby the parties seek resolution of a dispute with the assistance of a third neutral party (mediator) in order to reach an acceptable agreement on the resolution of the dispute, which is not contrary to the law.

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.

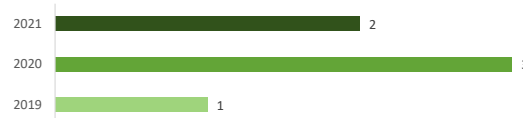
Kosovo is not included in the calculation of summary statistics

European Convention on Human Rights in Albania in 2021 (Indicator 10)

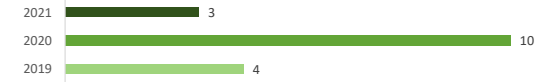
European Convention on Human Rights – Article 6 – Right to a fair trial:

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.

Judgements finding at least one violation**



Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***



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 VII "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/judgment, 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..."

For civil procedures (non-enforcement) The code of Civil Procedure, specifically in article 399/3 has created a monitoring system as a remedy in case of violation of article 6: "Just satisfaction" 1. Just satisfaction for violation of reasonable time limits shall be deemed the recognition of violation, any measures taken to expedite the proceedings of investigation, trial of the case and execution of the decision, and/or compensation of the damage, according to the provisions of this Chapter. 2. Anyone who is involved in a legal process, as a party in the process, has the right to just satisfaction as determined by Article 399/3 of this Code.

For civil procedures (timeframe): The timeframe of Civil procedures are prescribed in the code of Civil Procedure, specifically in article 399/2/b "Reasonable timing" –"b) The completion of a process in a civil trial at first instance within two years, in a civil trial on appeal within two years; and in a civil trial at the High Court within two years."

For criminal procedures (timeframe): The timeframe of criminal procedures are prescribed in the Code of Civil Procedure, specifically in article 399/2/d "Reasonable timing" – "d) In criminal trials at first instance, the time limit for adjudication of crimes shall be 2 years and for misdemeanors 1 year, the time limit of completion of a trial on appeal shall be 1 year for crimes and 6 months for misdemeanors, and the time limit of completion of a trial at the High Court shall be 1 year for crimes and 6 months for misdemeanors."

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



It is possible to review a case after a decision on violation of human rights by the European Court of Human Rights. This is provided by the legal basis as follows:

Article 450 of Criminal Procedure Code "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..." and -Article 494 of Civil Procedure Code "Request for reconsideration and cases of reconsideration.... e) 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 2021, the applications allocated to a judicial formation** for Albania were 75 (-1 less than the previous year). The judgements by the ECHR finding at least one violation for Albania were 2; whereas they were 3 in 2020.

The number of cases considered as closed after a judgement of the ECHR and the execution of judgements process was 3 in 2021; whereas they were 10 in 2020.

	2019	2020	2021		2019	2020	2021
Applications allocated to a judicial formation of the Court**	88	76	75	Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	4	10	3
Judgements finding at least one violation**	1	3	2				

** Source: ECHR

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

Kosovo is not included in the calculation of summary statistics



CEPEJ(2022)4

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: 2021

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, 2020 and 2021.

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. The procedure is regulated in the procedural laws. For example, according to the Criminal Procedure Code, the request to exclude/dismiss a judge may be made by both parties and should be made in writing. It should be made immediately after the judge that shall adjudicate is announced or made known to the public; a later request may be made only



when a party has received information on any of the grounds for judge's dismissal or if a judge has inappropriately expressed biased opinion of the facts and circumstances pertaining to the trial during adjudicating the case. Such a requested must be made within three days from the day the party learned about a reason for dismissal and should be supported with evidence. The decision is taken by another judge and his/her decision may be appealed. 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. Article 46 of the same law allows for binding instructions to be given by senior prosecutors to lower prosecutors. The lower prosecutors are obliged to follow the instructions unless clearly unlawful. The instructions must be given in writing and must be reasoned. Instructions may be of an administrative and procedural nature and may be appealed by the lower prosecutor to the HPC.

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). The Law No. 9049/2003 “On the Declaration and Audit of Assets, Financial Obligations of the Elected and certain Public Officials” (LDAA) also provides that any violation of obligations set forth in this law, when it does not constitute a criminal offense, it constitutes an administrative violation which is punished.

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.

Specific measures to prevent corruption are in place for judges and prosecutors, namely rules on gifts, internal controls, safe complaints mechanisms, specific training etc. Based on Law No. 9049/2003 “On the Declaration and Audit of Assets, Financial Obligations of the Elected and certain Public Officials” (LDAA) judges and prosecutors also have to make statements of assets and private interests which are subject to verification of the authenticity and accuracy of the data contained at a later stage.

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 Code of Judicial Ethics



provides for standards of adherence to judicial values such as independence, integrity and impartiality and for standards on conflict of interest. The rules on ethics and conduct of prosecutors provide for standards of adherence to values such as independence, integrity and impartiality, but also on how prosecutors are to engage in relations with institution, citizens and users, on competence and continuing education, on extrajudicial activities, conflicts of interest, political activity, association membership and institutional positions, gifts as well as disclosure of information and relations with press agencies.

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				2021			
	Judges		Prosecutors		Judges		Prosecutors		Judges		Prosecutors	
	Abs	Per 100	Abs	Per 100	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	2	0,61	NA	NA
Number of completed cases	NAP	NAP	1	0,33	0	0,00	0	0,00	NA	NA	NA	NA
Number of sanctions pronounced	NAP	NAP	1	0,33	0	0,00	0	0,00	NA	NA	NA	NA

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. Specific rules on the verification of assets of prosecutors entering the prosecutors' system and for the purpose of promotion within it are regulated in the Regulation “on the procedure of verification of legal conditions and criteria for the recruitment, appointment as magistrates and assignment in position of the candidates for prosecutors and for the development of the career of the prosecutors” adopted by the High Prosecutorial Council on 27th September 2019.

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, 2020 and 2021.



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, on the basis of the Law “On the re-evaluation of judges and prosecutors in the Republic of Albania” 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) the Law No. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania; 5) 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); 6) Decision no. 26, dated 22nd February 2019 “On the activities out of function of the prosecutors”, adopted by the HPC; 7) Decision no. 407, dated 17th December 2021 “On the approval of the Regulation “On the organisation and internal functioning of the High Council of the Prosecution””, adopted by the HPC.

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).

The Decision no. 407, dated 17th December 2021 “On the approval of the Regulation “On the organisation and internal functioning of the High Council of the Prosecution” regulates in Article 17 avoidance and management of conflict of interests of members of the HPC.

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. Additional rules applicable to prosecutors are provided by the Decision no. 26, dated 22nd February 2019 “On the activities out of function of the prosecutors” which restricts accessory activities if they conflict with the essential interests and dignity of the exercise of the function of prosecutor, if deadlines and efficient exercise of functions are violated, if perceptions of impact or bias are clearly created during the exercise of the function, if the activities conflict with the purpose for which the workload has been reduced or if remuneration for accessory activities exceed normal market rules.

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, 2020 and 2021.



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 based 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				2021			
		Judges		Prosecutors		Judges		Prosecutors		Judges		Prosecutors	
		Abs	Per 100	Abs	Per 100	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	11	3,34	6	2,93
	1. Breach of professional ethics (including breach of integrity)	NA	NA	0	0,00	1	0,33	0	0,00	1	0,30	0	0,00
	2. Professional inadequacy*	NA	NA	0	0,00	4	1,30	3	1,00	5	1,52	6	2,93
	3. Corruption	NA	NA	0	0,00	1	0,33	0	0,00	1	0,30	0	0,00
	4. Other criminal offence	NA	NA	1	0,33	1	0,33	0	0,00	4	1,22	0	0,00
	5. Other	NA	NA	0	0,00	0	0,00	0	0,00	1	0,30	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	6	1,82	2	0,98
	1. Breach of professional ethics (including breach of integrity)	NA	NA	0	0,00	1	0,33	0	0,00	1	0,30	0	0,00
	2. Professional inadequacy*	NA	NA	0	0,00	4	1,30	3**	1,00**	4	1,22	2	0,98
	3. Corruption	NA	NA	0	0,00	0	0,00	0	0,00	1	0,30	0	0,00
	4. Other criminal offence	NA	NA	1	0,33	1	0,33	0	0,00	2	0,61	0	0,00
	5. Other	NA	NA	0	0,00	0	0,00	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	6	1,82	6	2,93
	1. Reprimand	NA	NA	0	0,00	NA	NA	0	0,00	1	0,30	3	1,46
	2. Suspension	NA	NA	0	0,00	NA	NA	0	0,00	1	0,30	0	0,00
	3. Withdrawal from cases	NA	NA	0	0,00	NA	NA	0	0,00	NAP	NAP	NAP	NAP
	4. Fine	NA	NA	0	0,00	NA	NA	0	0,00	NAP	NAP	NAP	NAP
	5. Temporary reduction of salary	NA	NA	0	0,00	NA	NA	0	0,00	1	0,30	NAP	NAP
	6. Position downgrade	NA	NA	0	0,00	NA	NA	0	0,00	NAP	NAP	NAP	NAP
	7. Transfer to another geographical (court) location	NA	NA	0	0,00	NA	NA	0	0,00	11	3,34	6	2,93
	8. Resignation	NA	NA	0	0,00	NA	NA	0	0,00	1	0,30	0	0,00
	9. Other	NA	NA	0	0,00	NA	NA	1	0,33	5	1,52	6	2,93
10. Dismissal	NA	NA	1	0,33	2	0,65	0	0,00	1	0,30	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; the Parliament approves a list of candidates that have been selected by its subcommittee [composed of five members of the Parliament, three of them being nominated by the parliamentary majority and two by the parliamentary minority] by two-thirds of all its members) 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.