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PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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

Data collection: 2022

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

Part 2 (A) - Beneficiary profile - Albania

Executive Summary - Albania in 2022

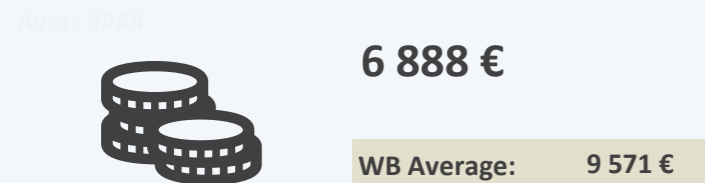
Population in 2022



GDP per capita in 2022



Average annual salary in 2022



Budget

In 2022, Albania spent 44 032 621€ as implemented Judicial System budget, 5,7 % more than in 2021. Thus, it spent **15,8 € per inhabitant, which is remarkably less than the Western Balkans (WB) average** of 38,9 €. Albania had indeed the lowest budget per inhabitant in the region and the lowest budget as % of GDP. In 2022, 58,4% was spent on all courts, 40,9% on prosecution services, and 0,7% on legal aid.

However, over the five-year period (2018 – 2022), Albania **increased the budget spent for Courts**, from 7,5 € per inhabitant in 2019 to 9,2 € in 2022 (compared to 2021, the budget allocated for courts was increased by 12,7%). Moreover, after the legal aid reform came into force in 2018, Albania has channelled a higher amount of funds for legal aid (+383% from 2019 to 2022).

Legal aid

As already mentioned, **after the legal aid law came into force, the legal aid budget was increased substantially to provide legal advice and free legal representation in courts.**

The Law on Legal Aid entered into force on 1st 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), and exemption from court fees and court costs. The providers of primary legal aid are specially trained officers in primary legal aid service centres, 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 8 646 cases in 2022. The number of cases per 100 inhabitants (0,31) became higher than the WB median (0,27).

Efficiency**

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 Disposition Time (DT)** (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, 2021 and 2022.** In particular, the CR for **second-instance cases** in 2022 was well below 100%. However, the Disposition Time (DT) in the first instance is lower than the WB average in the three categories of cases.

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 the first and second instances, except for administrative cases in the 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. **However, in 2022 the efficiency deteriorated again**, with an increase in the disposition time for all categories of cases in the two instances. The reasons for inefficiencies can be traced back to the lack of judges but also to the unequal distribution of cases among courts.

In Albania, both quantitative and qualitative criteria are taken into consideration in the evaluation of judges and prosecutors. Target achievement is part of the professional and ethical evaluation of judges and prosecutors that has an influence on their careers.

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

Clearance Rate (CR) is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage. It demonstrates how the court or the judicial system is coping with the inflow of cases and allows comparison between systems regardless of their differences and individual characteristics. Its key value is 100%. A value below 100% means that the courts were not able to solve all the cases they received and, as a consequence, the number of pending cases increases. A 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 decreases.

Disposition Time (DT) is the indicator that calculates time necessary for a pending case to be resolved and estimates the lengths of proceedings in days. It is a ratio between the pending cases at the end of the period and the resolved cases within the same period, multiplied by 365 days. More pending than resolved cases will lead to a DT higher than 365 days (one year) and vice versa.

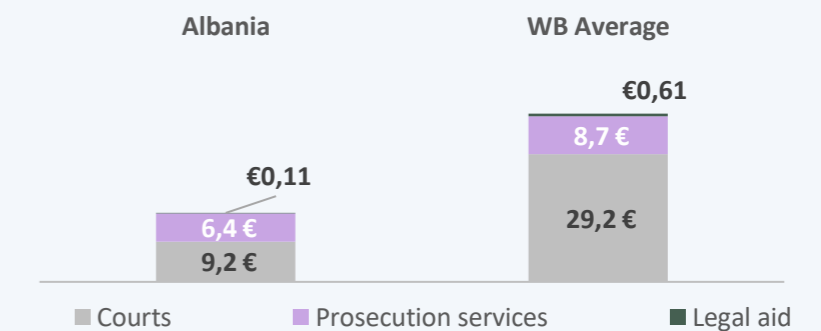
ADR

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.**

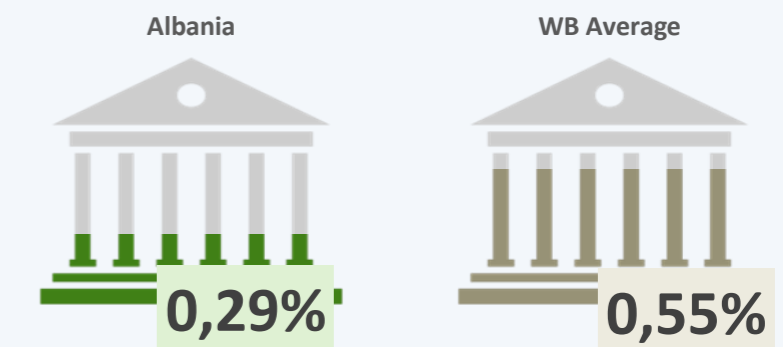
Budget of the Judicial System

Implemented Judicial System Budget per inhabitant in 2022

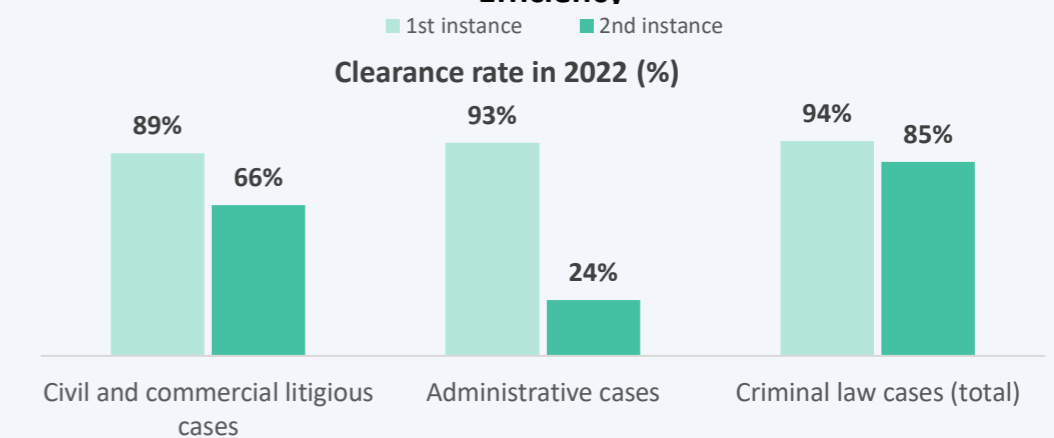


Implemented Judicial System Budget as % of GDP in 2022

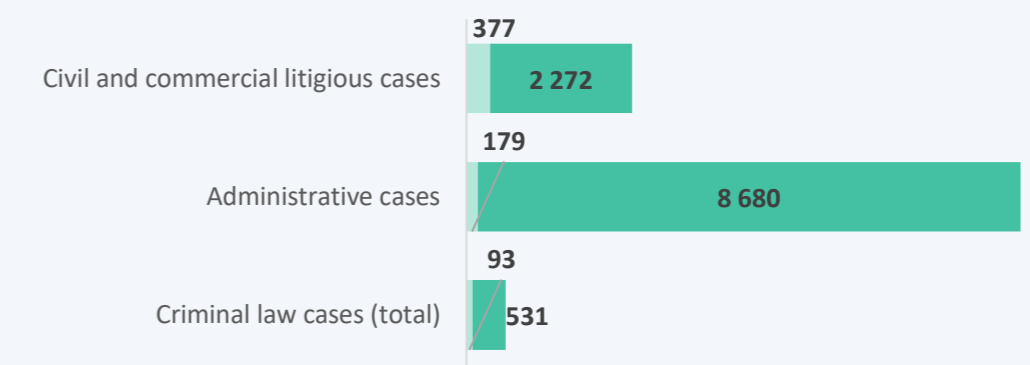
Implemented Judicial System Budget as % of GDP in 2022



Efficiency

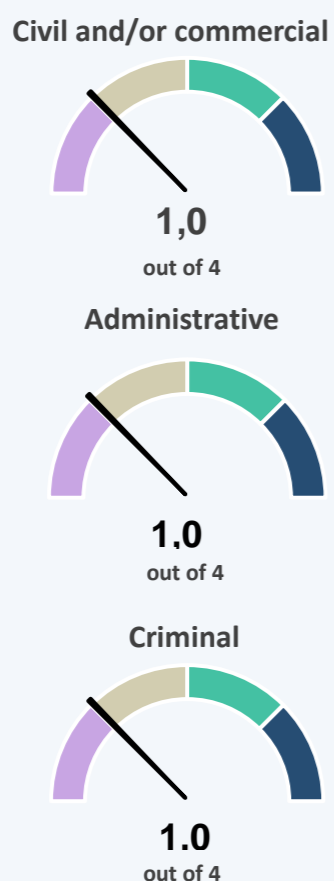


Disposition time in 2022 (in days)



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) more than 10 years ago. The current CMS presents a number of shortfalls, and the latest study conducted by the High Judicial Council (HJC) concluded 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 current system. However, a new system is still envisaged. **In 2022, HJC The HJC has approved a strategic 2-year plan, including the IT strategy. The implementation of the new CMIS is expected to start in early 2023 and will be co-financed by the EU and the Albanian Government.**

Training

In 2022, the total budget for the training of judges and prosecutors in Albania was 0,89 € per inhabitant, which is **above the WB average** (0,66 € 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.

In Albania, judges and prosecutors must attend **5 trainings per year**, and they can choose which training they want to attend. However, only 72,3% of judges attended at least one training in 2022. Therefore, each judge attended, on average, 2,8 trainings. Regarding prosecutors, 97% attended at least one training in 2022. Trainings on ethics and corruption are not mandatory.

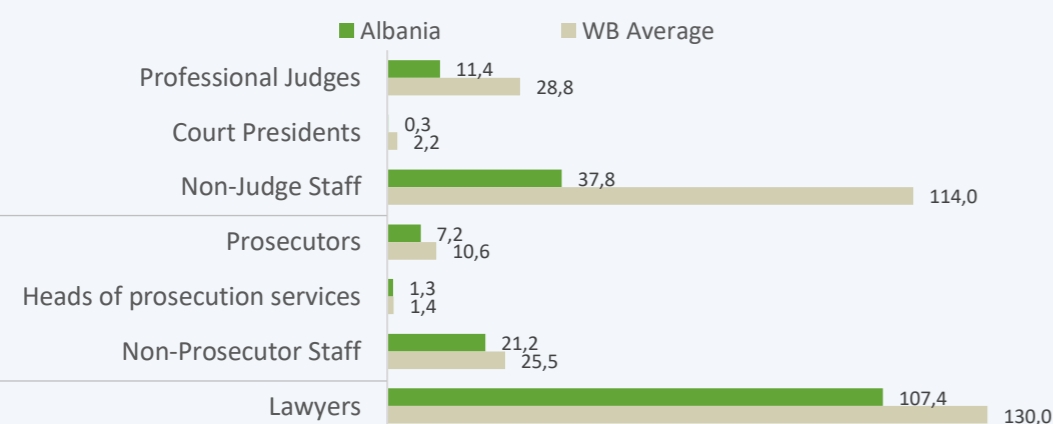
ECHR

In Albania, **the total number of applications allocated to a judicial formation of the European Court on Human Rights** is quite stable over the years. In 2022, 85 applications were allocated to a judicial formation of the Court, 7 judgements found at least one violation (4 of which were related to one violation of the article 6 of the ECHR).

In Albania, there is a monitoring system for violations related to Article 6 of the European Convention on Human Rights for civil procedures (non-enforcement and timeframe) and for criminal procedures (timeframe). There is also a possibility to review a case after a decision on violation of human rights by the ECHR.

Professionals of Justice

Total number of professionals per 100 000 inhabitants in 2022



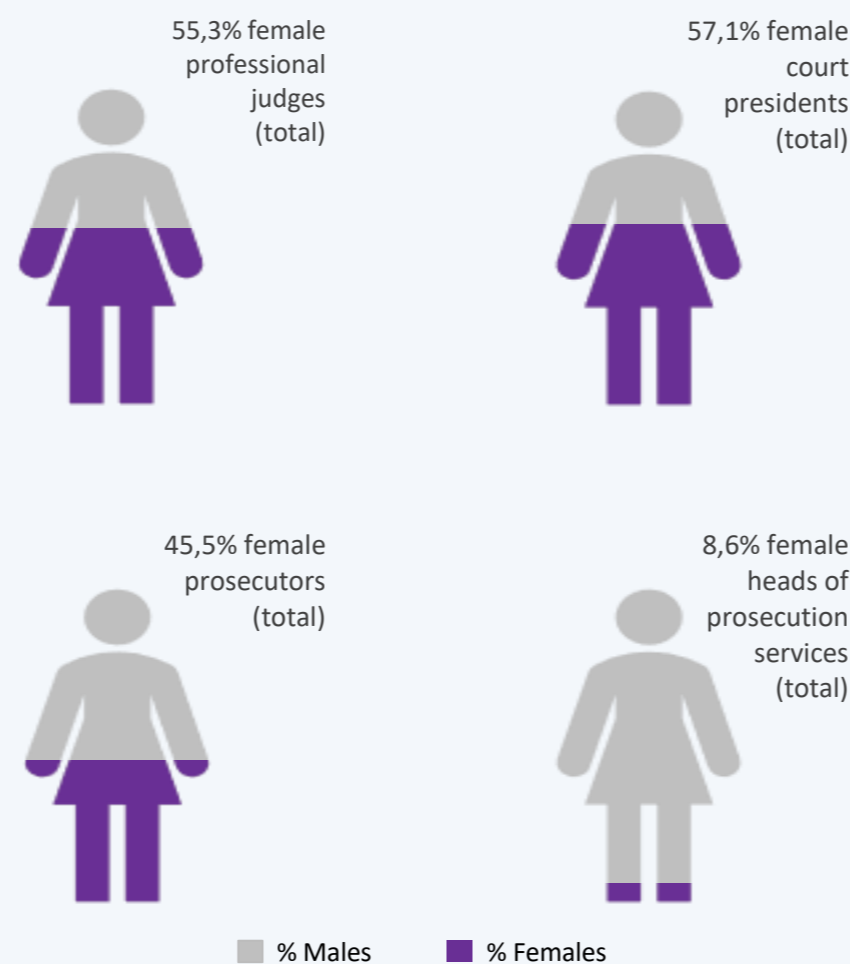
Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2022 (€)



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



Professionals and gender

Western Balkans' countries traditionally have a very high number of professionals per inhabitant. In 2022, however, Albania had the **lowest number of professional judges and non-judge staff per 100 000 inhabitants in the region**.

According to the authorities, 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 2022, **the number of judges in Albania was significantly lower than the WB median**: 11,4 judges per 100 000 inhabitants, almost a third of the regional average of 28,8. However, between 2021 and 2022, there was an increase in the total number of judges at the Supreme Court (from 10 to 16).

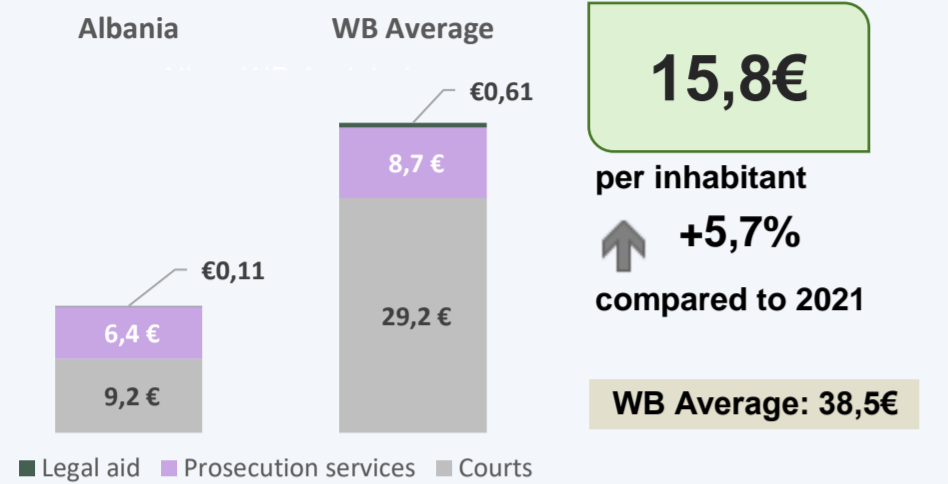
The number of prosecutors and non-judge staff per inhabitant was the lowest in the region as well (7,2 prosecutors and 21,2 per 100 000 inhabitants). **The number of prosecutors declined by 31% between 2021 and 2022**. The number of prosecutors decreased by 31% from the previous cycle: out of 312 posts, only 202 are actually filled.

As regards gender balance, **the percentage of female judges and prosecutors was lower than the WB average in all instances in 2022**. However, the percentage of female court presidents in the first instance (60%) was higher than the WB Average (51,9%), and there has been an increase in the percentage of female judges and prosecutors since 2019.

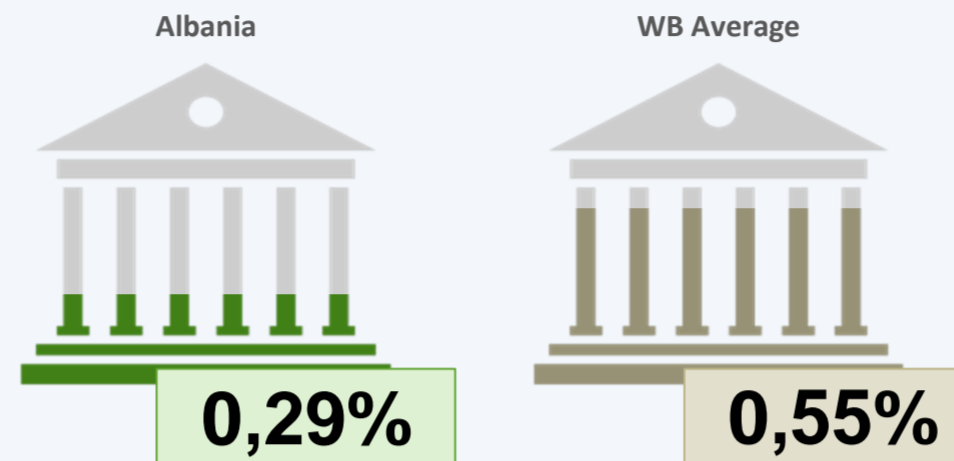
Compared to the national average salary, judges and prosecutors received **the highest salary in the region** at the beginning of career. On 1st January 2019, a new salary scheme for judges and prosecutors entered into force. **The new salary scheme**, part of the justice reform law, **nearly doubled the salaries of judges and prosecutors, especially at the first instance level**. However, the salaries remained fixed since then, while the average national salary increased. Therefore, the ratio between the judges and prosecutors' salaries and the average gross national salary decreased over time.

Budget of the judicial system in Albania in 2022 (Indicator 1)

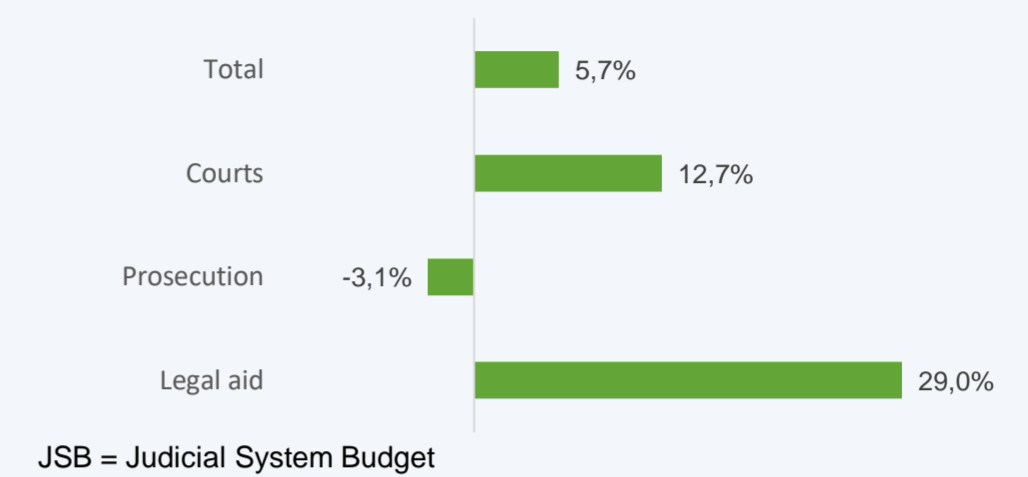
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



Variation of the JSB per inhabitant between 2021 - 2022



The Judicial System Budget (JSB) is composed by the budget for courts, public prosecution services and legal aid. In 2022, the implemented JBS for Albania was 15,8€ per inhabitant (+5,7% compared to 2021). It was lower than the WB Average of 38,5€. The expenditure on JSB represented 0,29% of the GDP of Albania (the WB Average was 0,55%).

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

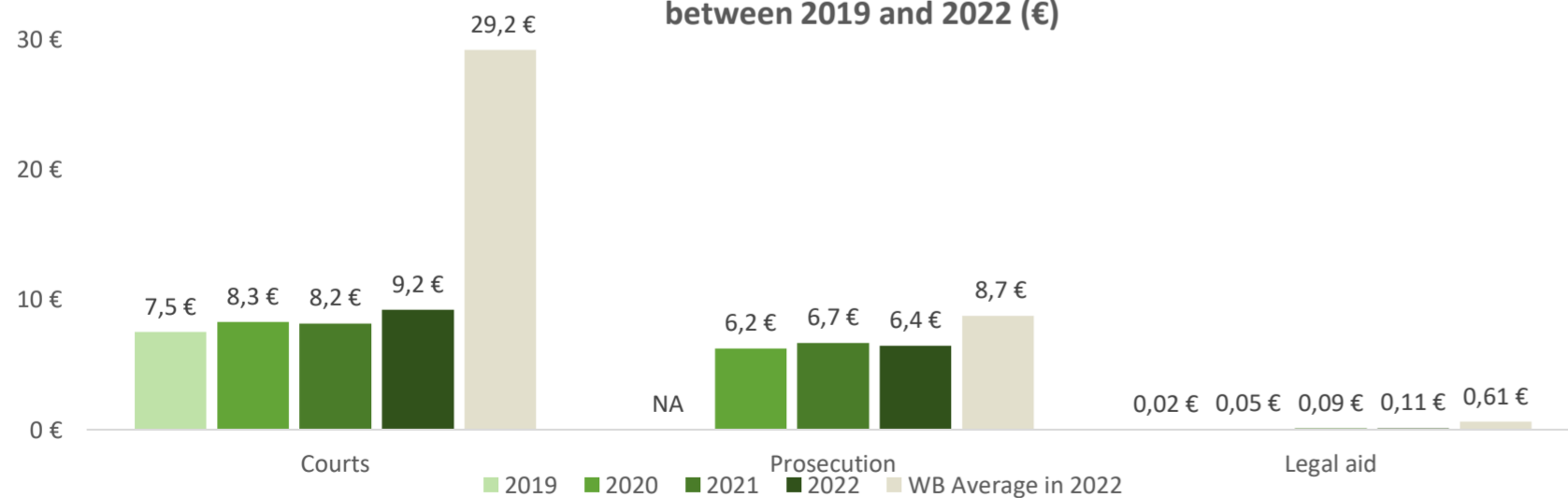
In 2022, Albania spent 44 032 621€ on the implemented judicial system budget. This means that Albania spent 15,8€ per inhabitant, which is less than the WB Average of 38,5€. 58,4% was spent for courts, 40,9% for prosecution services, 0,7% for legal aid.

Compared to 2021, Albania has spent, per inhabitant, 12,7% more for courts, -3,1% less for prosecution services, and 29% more for legal aid.

Judicial System Budget	Judicial System Budget in 2022		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant in 2022	WB Average in 2022	% Variation between 2019 - 2022	% Variation between 2021 - 2022	As % of GDP	WB Average in 2022	Variation (in ppt) 2019 -2022	Variation (in ppt) 2021 - 2022
Total	46 654 550 €	44 032 621 €	15,8 €	38,5 €	NA	5,7%	0,29%	0,55%	NA	0,01
Courts	27 824 922 €	25 708 104 €	9,2 €	29,2 €	22,8%	12,7%	0,17%	0,41%	0,01	0,02
Prosecution	18 416 427 €	18 007 396 €	6,4 €	8,7 €	NA	-3,1%	0,12%	0,13%	NA	0,00
Legal aid	413 201 €	317 121 €	0,1 €	0,6 €	382,6%	29,0%	0,002%	0,01%	0,002	0,0005

PPT = Percentage points

Evolution of the implemented judicial system budget per inhabitant between 2019 and 2022 (€)



At the prosecution office, there is no budget allocated to training of public prosecution services, since the budget for the training of judges and prosecutors is allocated to the budget of School of Magistrates.

The difference between approved budget and implemented budget for prosecutors consists mainly in savings of payments due to the vetting process (dismissal of prosecutors, some vacancies of administrative staff and prosecutors, savings from building reconstructions, etc.)

The 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 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. Trials take time, especially in the nowadays conditions regarding the absence of judges due to the vetting process. This is reflected in the delays until the arrival of the liquidation practice in the Directorate.

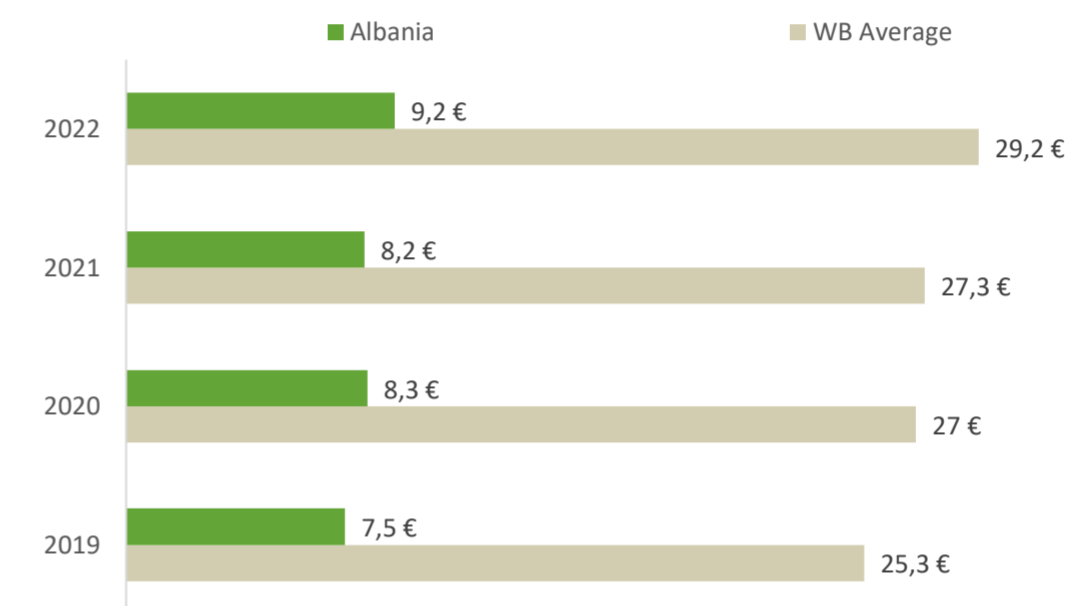
Budget allocated to the functioning of the courts

In 2022, Albania spent 25 708 104€ on the implemented budget for courts. 72% was spent for gross salaries, 0,8% for computerisation, 0,9% for justice expenses, 2% for court buildings, 0% for investment in new buildings, 24,3% for other.

Between 2021 and 2022, the implemented budget for courts has increased by 12,7%.

	2022		% Variation between 2019 and 2022		% Variation between 2021 and 2022	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
Total (1 + 2 + 3 + 4 + 5 + 6 + 7)	27 824 922 €	25 708 104 €	25,3%	20,5%	7,2%	12,7%
1. Gross salaries	20 046 009 €	18 509 365 €	NA	NA	-4,1%	8,0%
2. Computerisation (2.1 + 2.2)	NA	216 391 €	NA	NA	NA	-38,8%
2.1 Investment in computerisation	NA	182 948 €			NA	-43,1%
2.2 Maintenance of the IT equipment of courts	NA	33 443 €			NA	4,2%
3. Justice expenses	NA	229 243 €	NA	NA	NA	-20,8%
4. Court buildings	NA	501 383 €	NA	NA	NA	NA
5. Investment in new buildings	NA	0 €	NA	NA	NA	-
6. Training	0 €	0 €	NAP	NAP	NAP	NAP
7. Other	NA	6 251 723 €	NA	NA	NA	NA

Implemented budget allocated to the courts per inhabitant between 2019 and 2022 (€)



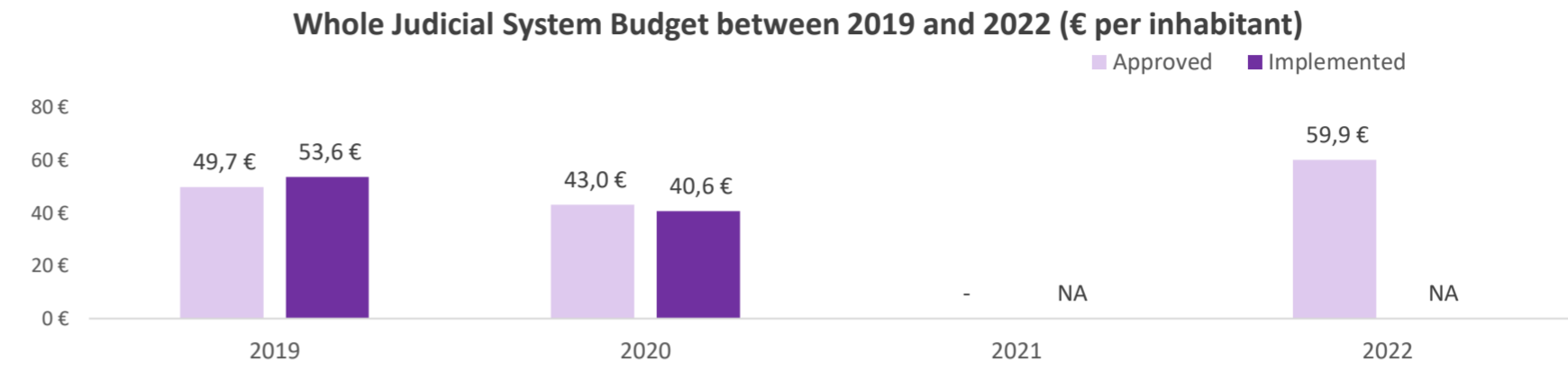
As regards training budget, the training in courts is divided in 2 different parts, the training of magistrates is done by the School of Magistrates with their own budget, while the training of all non-magistrate staff is dealt by the HJC. For different reasons the budget this year has been planned as 0.

The "Other" expenses are divided as follows:

- Office service costs (Letter, Office, toners, etc.): 651 478 €
- Diet Travel Expenses: 69 635 €
- Transportation services: 361 252 €
- Expenditure on security guards: 700 670 €
- Software program: 2 683 887 €
- Other maintenance and operating costs 1 784 801 €

• Budget allocated to the whole justice system

Whole Justice System Budget	2022		% Variation of the Whole Justice System Budget per inhabitant	
	Absolute number	Per inhabitant	2019 - 2022	2021 - 2022
Approved	167 412 319 €	59,9 €	39,3%	NA
Implemented	NA	NA	NA	NA



The whole justice system budget includes the following elements in 2022:

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

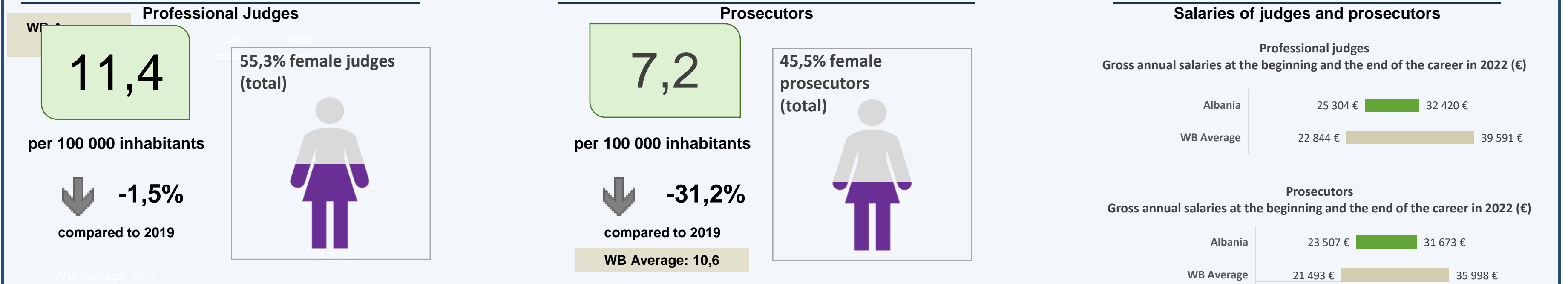
• Budget received from external donors

	Absolute value	Calculated as %
Courts	- €	0,0%
Prosecution services	- €	0,0%
Legal aid	- €	0,0%
Whole justice system	- €	0,0%

During 2022 there have been no external donor's contributions, included in courts' budgets.

Kosovo is not included in the calculation of summary statistics

Professionals and Gender Balance in judiciary in Albania in 2022 (Indicators 2 and 12)



In 2022, Albania had 11,4 professional judges per 100 000 inhabitants and 7,2 prosecutors per 100 000 inhabitants. Both figures were below the WB Average of 28,8 and 10,6, respectively. More than half of professional judges were women (Average was 62,4), whereas the percentage of female prosecutors was 0,5 (the WB Average was 54,9).

Professional Judges

	Professional judges in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	318	100,0%	11,4	28,8
1st instance courts	238	74,8%	8,5	21,7
2nd instance courts	64	20,1%	2,3	5,6
Supreme Court	16	5,0%	0,6	1,6

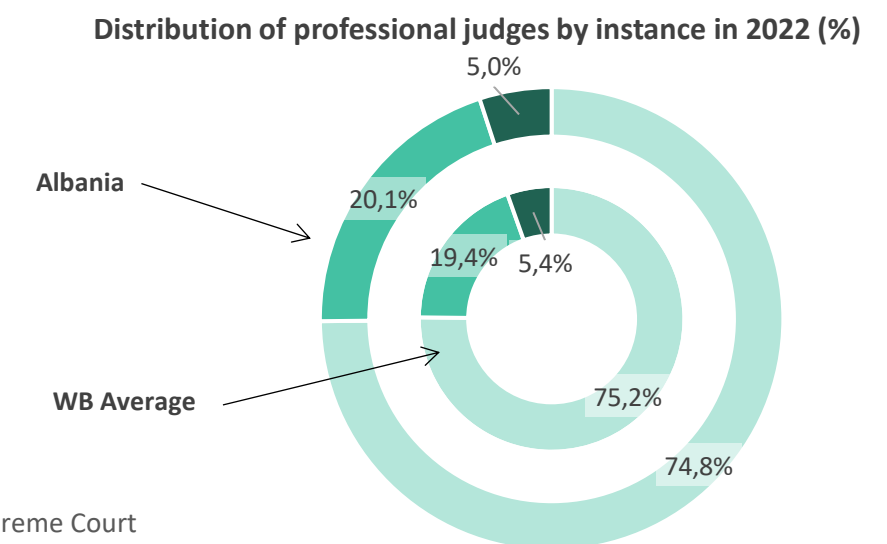
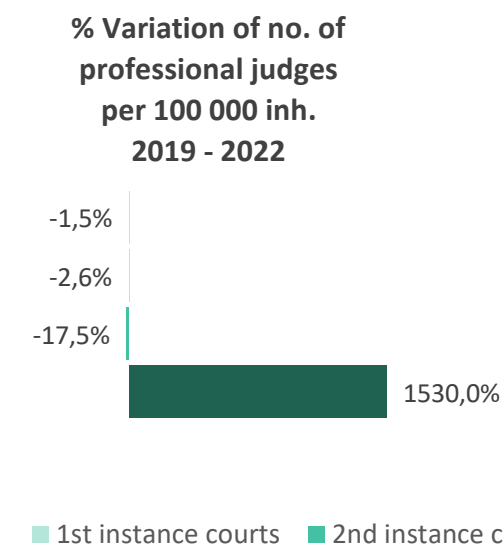
For reference only: the 2021 EU median is 24,1 judges per 100 000 inhabitants.

In 2022, the absolute number of professional judges in Albania was 318 (i.e. 11,4 per 100 000 inhabitants, which was remarkably lower than the WB Average of 28,8).

Compared to 2019, the total number of professional judges per 100 000 inhabitants decreased by -1,5%.

The figures show a difference of 0,3 percentage points between the percentage of judges in the first instance (74,84%) and the WB Average (75,2%)

During 2022, 6 new judges were appointed to the Supreme Court. The total number of Supreme Court judges thus increased from 1 in 2019 to 16 in 2022.



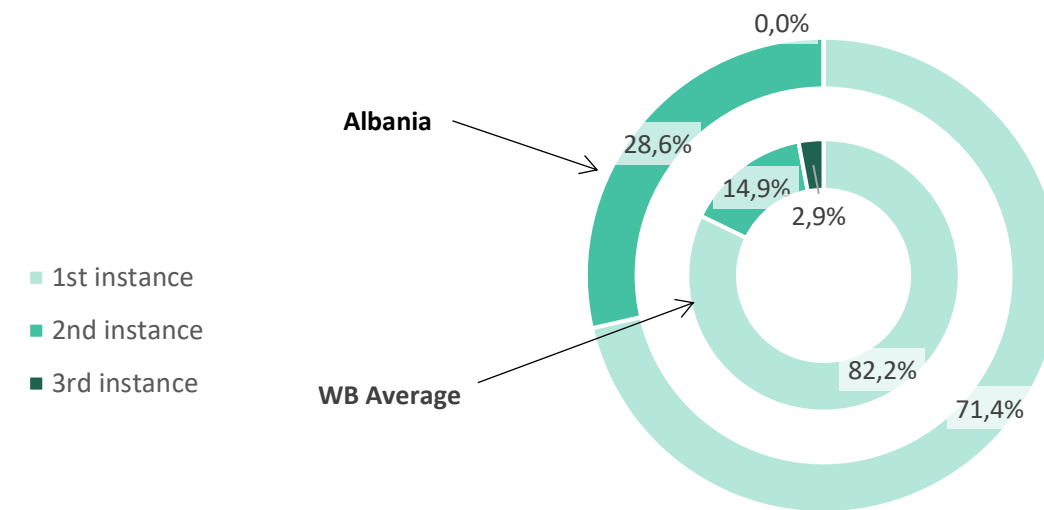
• Court presidents

	Court presidents in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	7	100,0%	0,3	2,2
1st instance courts	5	71,4%	0,2	1,8
2nd instance courts	2	28,6%	0,1	0,3
Supreme Court	0	0,0%	0,0	0,1

The absolute number of court presidents in Albania in 2022 was 7 (i.e. 0,3 per 100 000 inhabitants, which was the WB Average of 2,2).

In 2022, the number of court presidents decreased due to different reasons. Several of the aforementioned court presidents were dismissed because of the vetting process, several of the first instance court presidents have been promoted to higher courts or have been appointed in the delegation scheme.

Distribution of court presidents by instance in 2022 (%)



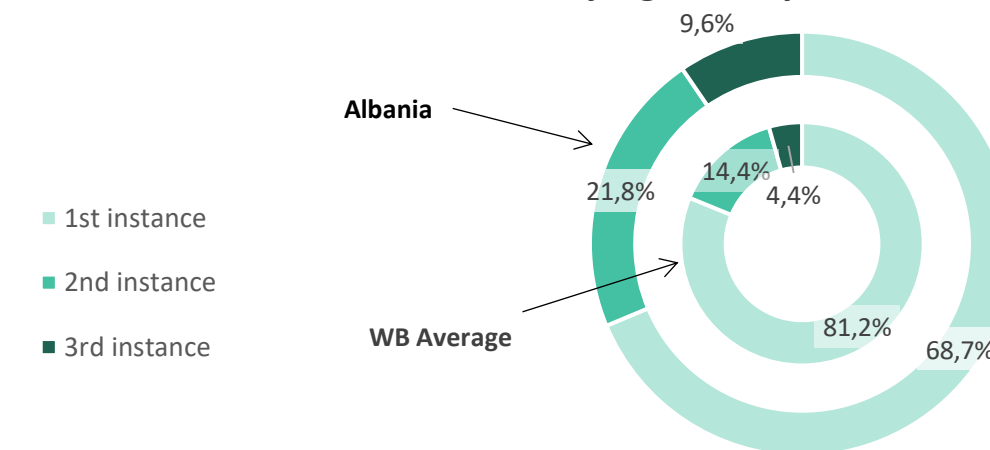
• Non-judge staff

The absolute total number of non-judge staff in Albania was 1 057, which increased by 20,1% between 2019 and 2022. The number of non-judge staff per 100 000 inhabitants was 37,8, which was below WB Average of 114. Compared to 2019, there was no significant variation in the distribution of non-judge staff among instances in 2020. The highest number of non-judge staff were assisting judges and represented 59,1% of the total.

	Number of non-judge staff by instance in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	1 057	100,0%	37,8	114,0
1st instance courts	726	69%	26,0	92,5
2nd instance courts	230	22%	8,2	16,4
Supreme Court	101	10%	3,6	5,0

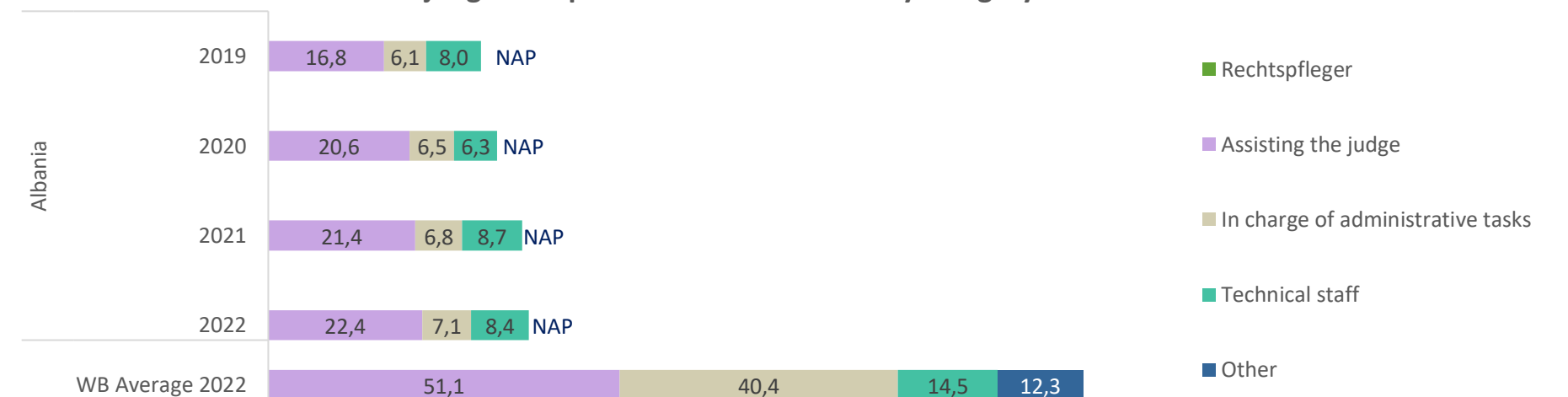
For reference only: the 2021 EU median is 58,5 non-judge staff per 100 000 inhabitants.

Distribution of non-judge staff by instance in 2022



	Number of non-judge staff by category in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	1 057	100,0%	37,8	114,0
Rechtspfleger	NAP	NAP	NAP	-
Assisting the judge	625	59,1%	22,4	51,1
In charge of administrative tasks	198	18,7%	7,1	40,4
Technical staff	234	22,1%	8,4	14,5
Other	NAP	NAP	NAP	12,3

Number of non-judge staff per 100 000 inhabitants by category between 2019 and 2022



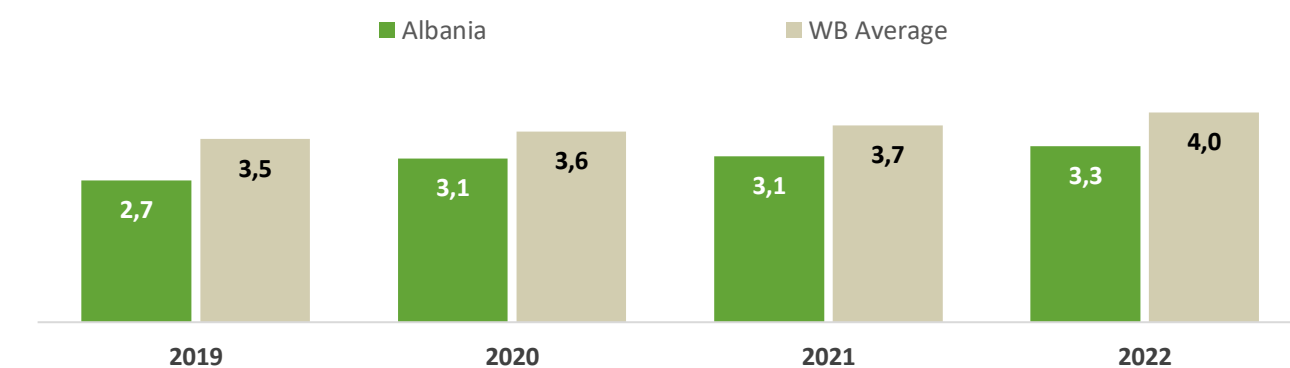
• Ratio between non-judge staff and professional judges

In Albania, the ratio of non-judge staff per professional judge was 3,3 in 2022, whereas the WB Average was 4. This increased since 2019 by 24%, progressively approaching to the WB Average.

	Ratio in 2022		% Variation between 2019 and 2022
	Albania	WB Average	
Total	3,3	4,0	24,3%
1st instance courts	3,1	4,2	19,4%
2nd instance courts	3,6	3,0	52,6%
Supreme Court	6,3	4,3	-89,1%

For reference only: the 2021 EU median ratio of non-judge staff per judge is 3,1.

Ratio between non-judge staff and judges between 2019 and 2022



Prosecutors

	Number of prosecutors by instance in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	202	100,0%	7,2	10,6
1st instance level	180	89,1%	6,4	8,2
2nd instance level	12	5,9%	0,4	1,9
Supreme Court level	10	5,0%	0,4	0,9

For reference only: the 2021 EU median is 10,8 prosecutors per 100 000 inhabitants.

In 2022, the absolute number of prosecutors in Albania was 202 (i.e. 7,2 per 100 000 inhabitants, which was significantly lower than the WB Average of 10,6).

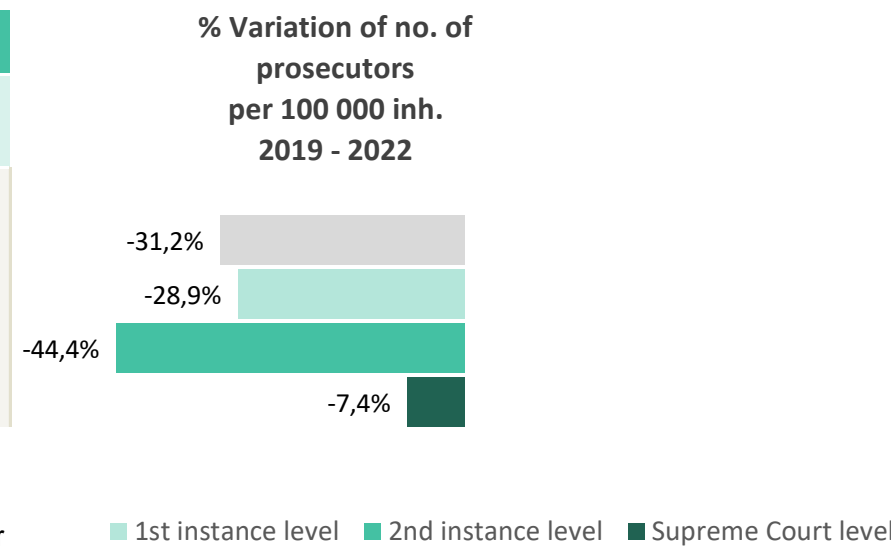
The total number of prosecutors per 100 000 inhabitants decreased by -31,2% between 2019 and 2022.

The figures show a difference of -14,4 percentage points between the percentage of judges in the first instance (89,1%) and the WB Average (74,7%)

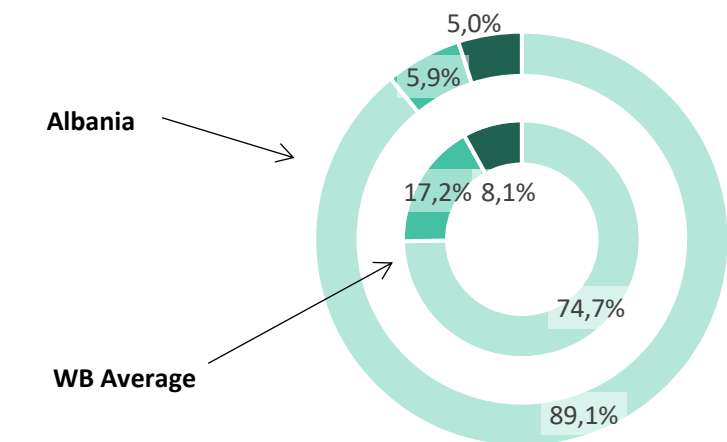
The authorities reported the following:

- for the total number of prosecutors: out of 321 foreseen posts, 202 posts are actually filled
- for the 1st instance level prosecutors: Out of 278 foreseen posts, 180 post are actually filled
- for 2nd instance level prosecutors: Out of 26 foreseen posts, 12 post are actually filled
- for the Supreme Court level: Out of 17 foreseen posts, 10 post are actually filled

Also, during 2022, 3 new prosecutors graduated from the school of magistrates were appointed at the first instance level.



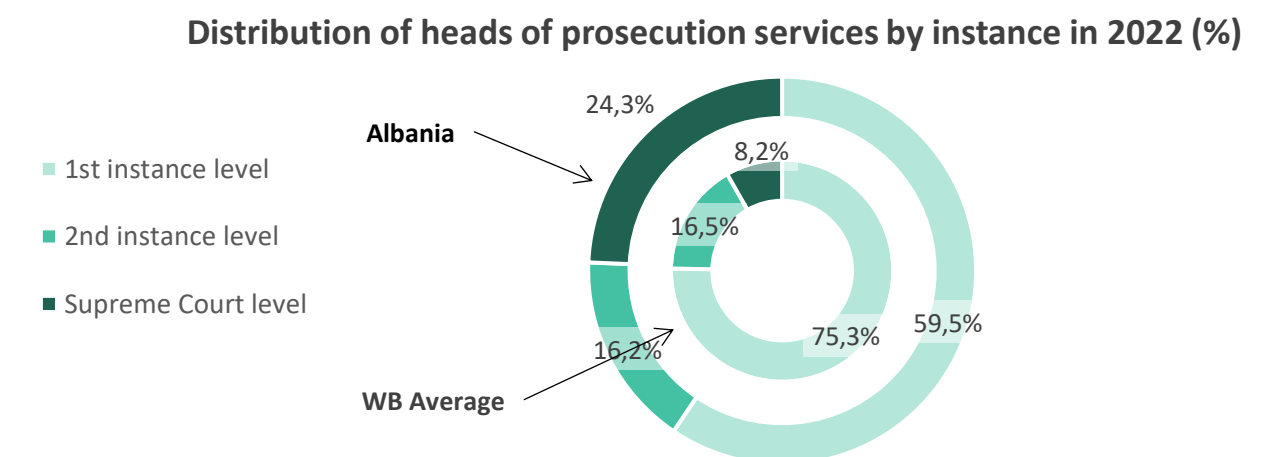
Distribution of prosecutors by instance in 2022 (%)



Heads of prosecution services

	Heads of prosecution services in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	35	100,0%	1,3	1,4
1st instance level	22	62,9%	0,8	1,1
2nd instance level	6	17,1%	0,2	0,2
Supreme Court level	9	25,7%	0,32	0,12

In 2022, the absolute number of heads of prosecution services in Albania was 35 (i.e. 1,3 per 100 000 inhabitants, which was significantly lower than the WB Average of 1,4).



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

	Non-prosecutor staff in 2022			Ratio between non-prosecutor staff and		
	Absolute number	Per 100 000 inhabitants		2022		% Variation 2019 - 2022
	Albania	Albania	WB Average	Albania	WB Average	Albania
Total	593	21,2	25,5	2,9	2,4	48,3%

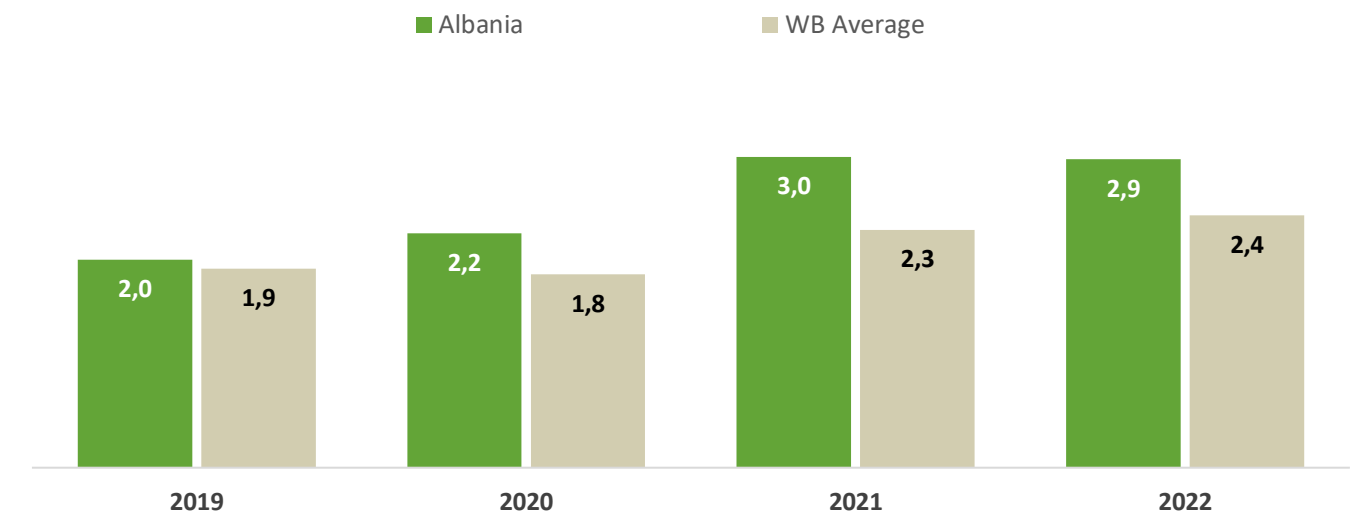
For reference only: the 2021 EU median is 14,7 non-prosecutors staff per 100 000 inhabitants.

In 2022, the total number of non-prosecutor staff in Albania was 593. Their number increased by 0,2% compared to 2019.

The number of non-prosecutor staff per 100 000 inhabitants was 21,2, which was below the WB Average of 25,5.

The ratio of non-prosecutor staff per prosecutor was 2,9 (higher than the WB Average of 2,4).

Ratio between non-prosecutor staff and prosecutors between 2019 and 2022



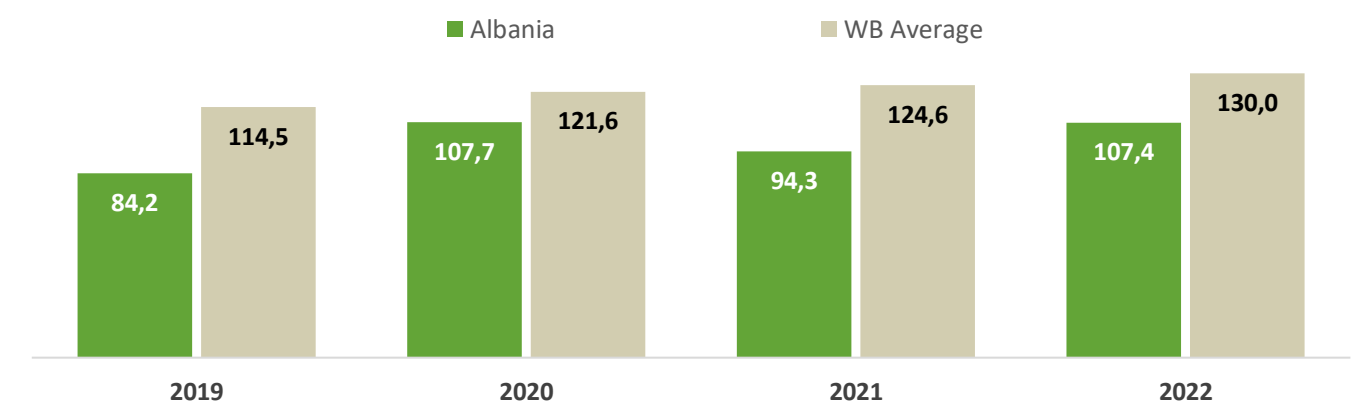
• Lawyers

	Number of lawyers in 2022			% Variation 2019 - 2022
	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	Albania
Total	3 000	107,4	130,0	27,6%

For reference only: the 2021 EU median is 122,4 lawyers per 100 000 inhabitants.

In 2022, the number of lawyers was 107,4 per 100 000 inhabitants, which was significantly lower than the WB Average (130). The number of lawyers per 100 000 inhabitants increased by 27,6% between 2019 and 2022.

Number of lawyers per 100 000 inhabitants between 2019 and 2022



Salaries of professional judges and prosecutors

In 2022, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Albania was 3,7, 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 28,1%, which was less than the variation noted for the WB Average (68%).

In 2022, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Albania was 3,4, which was more than the WB Average (2,3).

At the end of career, prosecutors were paid more than at the beginning of career by 34,7%, which was less than the variation noted for the WB Average (63,6%).

		Salaries in 2022 (absolute values)			Ratio with the average gross annual salary	
		Gross annual salary in €	% Variation 2019 - 2022	Net annual salary in €	Albania	WB Average ratio
Professional judge	At the beginning of his/her career	25 304	▲ 19,1%	18 449	3,7	2,5
	Of the Supreme Court or the Highest Appellate Court	32 420	▬ 0,0%	23 452	4,7	
Public prosecutor	At the beginning of his/her career	23 507	▲ 10,3%	17 706	3,4	2,3
	Of the Supreme Court or the Highest Appellate Court	31 673	▲ 21,8%	23 212	4,6	

For reference only: the 2021 EU median for the ratio of judges and prosecutors' salaries with average gross annual national salary is:

- for professional judges' salary at the beginning of career: 1,9

- prosecutors' salary at the beginning of career: 1,7

- for professional judges' salary at the end of career: 4,1

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

Compared to the national average salary, judges and prosecutors received the highest salary in the region at the beginning of career. On 1st January 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. However, the salaries remained fixed since then, while the average national salary increased. Therefore, the ratio between the judges and prosecutors' salaries and the average gross national salary decreased over time.

The authorities explained that the difference in amount from one year to another comes for two reasons:

- the values are set in the Euro currency, which brings changes in the amount from year to year depending on the exchange rate at the time of reporting since judges' salaries are calculated in Lek.

- the maximum salary that is reported is the salary that is actually given to the judge that is paid more in the system and not the potential salary that can go higher. This means that the maximum salary is given because it also includes the element of seniority at work, which changes every year.

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."

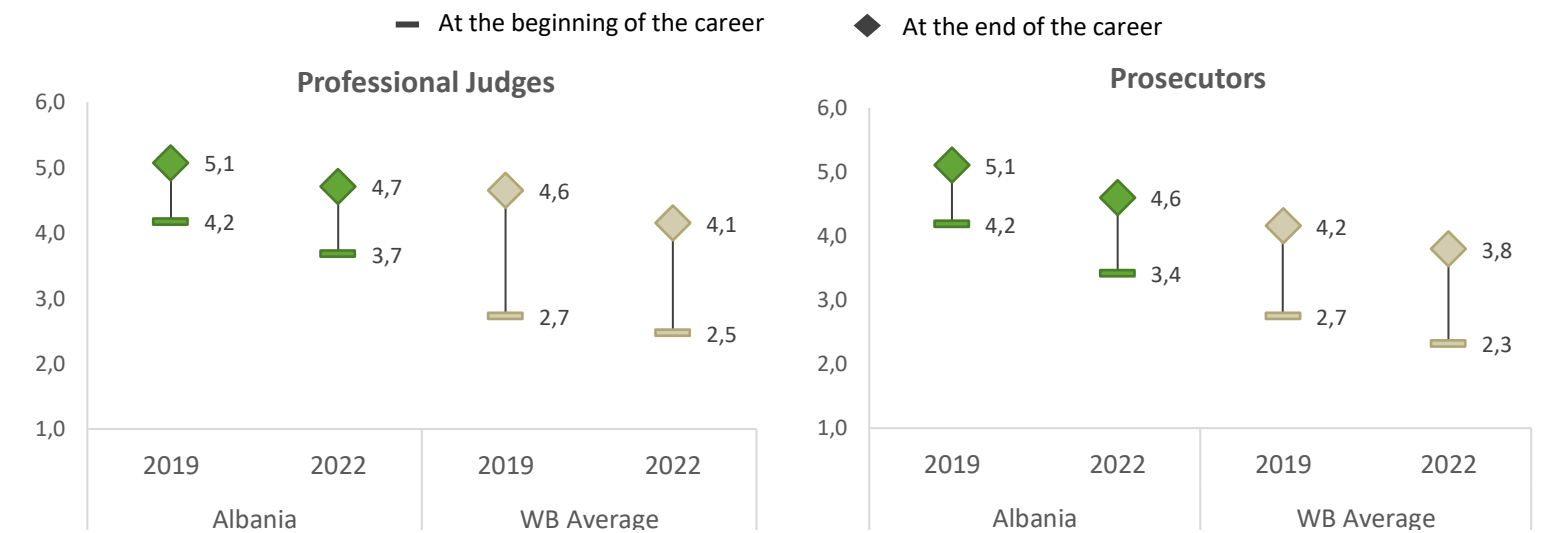
According to Article 11, of the Law "On the status of judges and prosecutors", as amended, except the salary, other financial benefits for the prosecutors and judges include: a) compensation for the temporary transfer or delegation scheme; b) remuneration for skills; c) supplementary state pension, as 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.

Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2022 (€)



Ratio of the gross annual salaries of judges and prosecutors with the average gross annual salary



Based on Article 16, paragraph 1, of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania" stipulates "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".

In paragraph 2 it is determined that: "The Councils shall adopt more detailed rules on the remuneration according to paragraph 1 of this article by:

a) restricting the entitlement to a maximum 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."

This provision is still valid. However, since the Council (HJC in this case) has yet to adopt rules on this matter, in practice, this benefit has never been allocated.

Gender Balance

	% Female in 2022		Variation of the % females between 2019 - 2022 (in ppt)
	Albania	WB Average	Albania
Professional Judges	55,3%	62,4%	▲ 7,0
Court Presidents	57,1%	50,6%	■
Non-Judge Staff	69,5%	70,9%	▼ -3,1
Prosecutors	45,5%	54,9%	▲ 15,4
Heads of Prosecution Services	8,6%	39,7%	■
Non-Prosecutor Staff	50,6%	68,7%	NA
Lawyers	NA	37,2%	NA

PPT= Percentage points

For reference only: 2021 EU medians on gender are among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 74% women non-prosecutor staff; and 47% women lawyers.

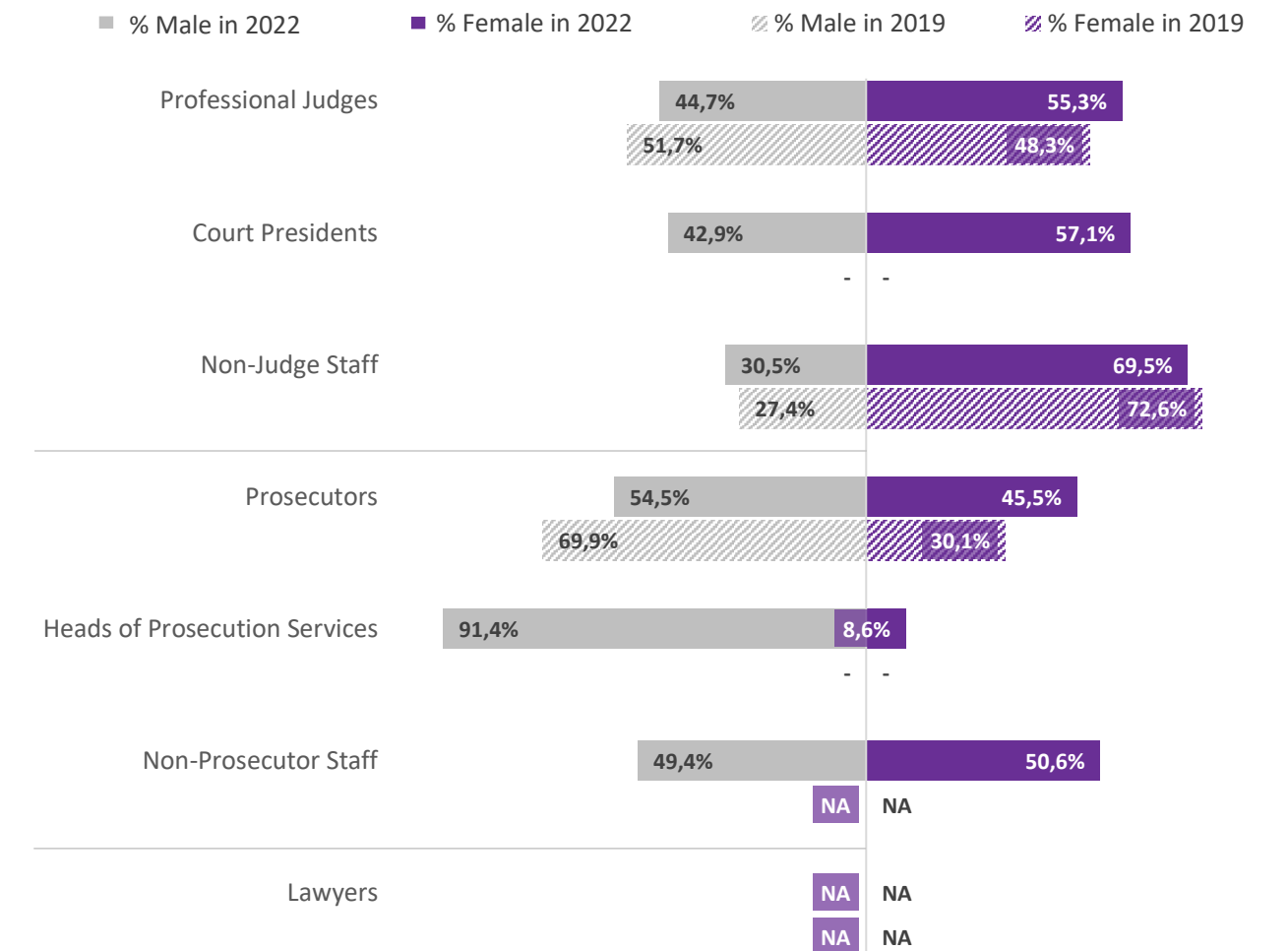
In 2022, the percentage of female professional judges was 55,3%, which was lower than WB Average (62,4%). With a presence of 57,1%, the number of female court presidents in Albania was slightly higher than the WB Average of 50,6%. Moreover, the percentage of female non-judge staff was 69,5%.

Also, the percentage of female prosecutors was 45,5% (lower than the WB Average (54,9%). The number of female heads of prosecution services (8,6%) was significantly lower than the WB Average (39,7%). Moreover, the percentage of female non-prosecutor staff was 50,6%.

Data on female lawyers was not provided.

The prosecutors and heads of prosecution services were the only categories with less than 50% of female presence.

Gender Balance in Albania in 2019 and 2022



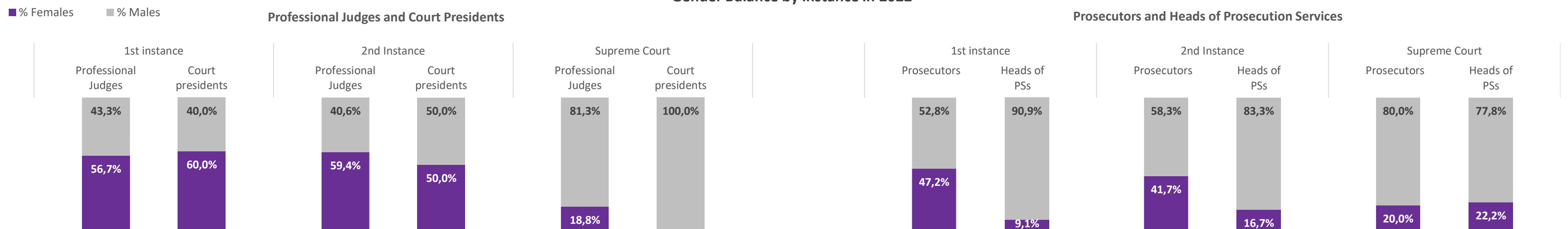
	Professional Judges % Female		Court presidents % Female		Prosecutors % Female		Heads of Prosecution Services % Female	
	Albania	WB Average	Albania	WB Average	Albania	WB Average	Albania	WB Average
1st instance	56,7%	62,2%	60,0%	51,9%	47,2%	57,0%	9,1%	43,3%
2nd instance	59,4%	64,5%	50,0%	39,1%	41,7%	48,4%	16,7%	25,0%
Supreme Court	18,8%	55,6%	0,0%	73,3%	20,0%	43,7%	22,2%	44,4%

For judges and prosecutors, a diminution of the percentage of female can be observed from first to third instance, whereas there is an increase for non-judge staff.

In the 1st instance, the percentage of female court presidents is higher than the percentage of female judges. In the other instances and for prosecutors, it is lower.

This highlights the phenomenon called "glass ceiling", meaning that the higher the hierarchical level, the more the number of women (and thus the percentage) decreases.

Gender Balance by instance in 2022



• 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.

The Commissioner against Discrimination is a special mandate institution who provides effective protection against discrimination and any form of behaviour that promotes discrimination, including recruitment and promotion of prosecutors in the justice system.

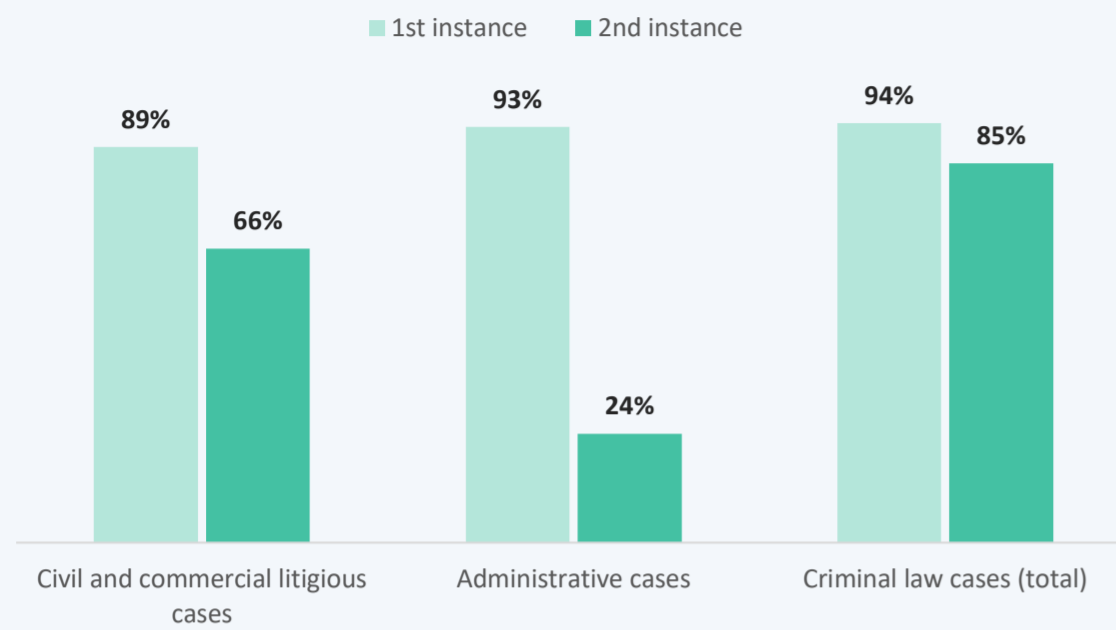
Law No.10 221, dated 4.2.2010 “on the protection from discrimination”.

In case of discrimination, the Commissioner against Discrimination takes a decision, containing the necessary adjustments and measures, setting a deadline for their implementation from the responsible public institution. If the Commissioner orders adjustments or measures, the person/institution against whom the complaint is filed reports within 30 days to the Commissioner about the actions taken to enforce the decision. If the person/institution against whom the complaint is filed does not inform the Commissioner or fails to comply with the decision, the Commissioner may impose a fine on the person/institution against whom the complaint is filed.

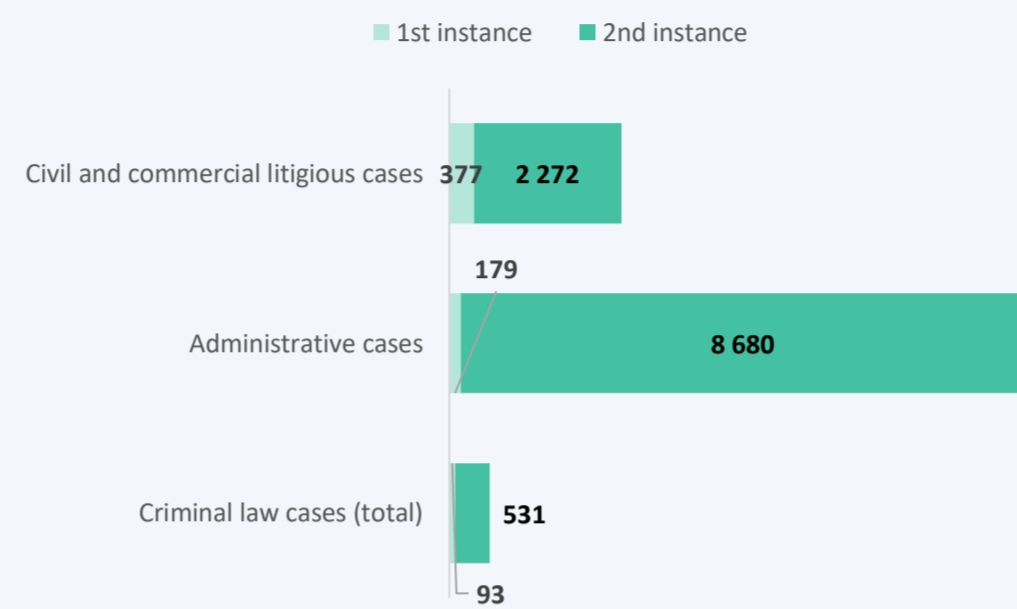
Kosovo is not included in the calculation of summary statistics

Efficiency in Albania in 2022 (Indicators 3.1 and 3.2)

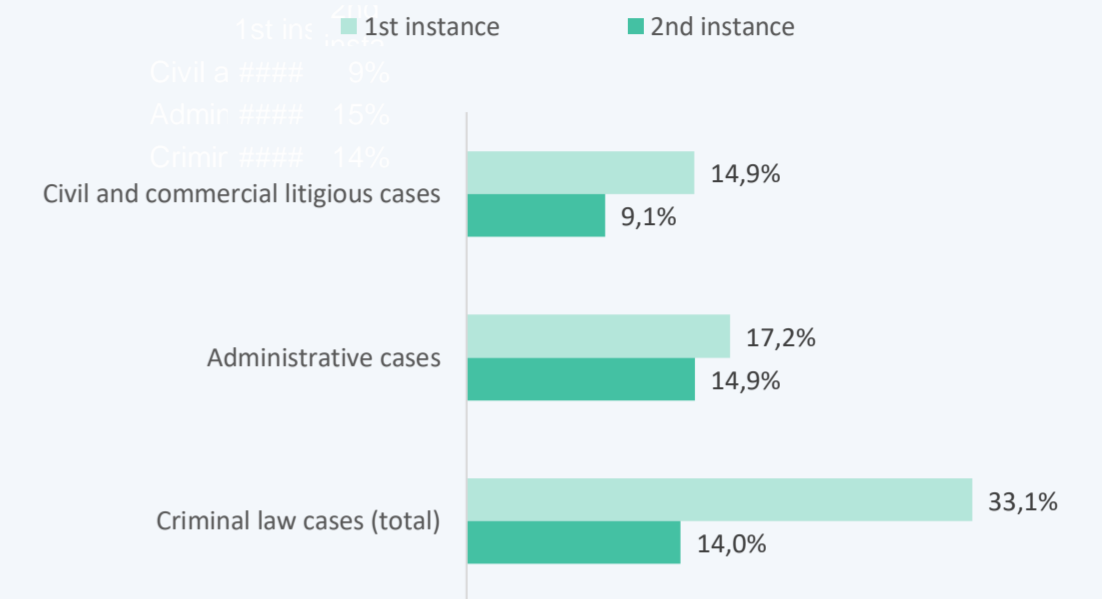
Clearance Rate in 2022 (%)



Disposition Time in 2022 (in days)



% Variation of pending cases at the end of year between 2021 and 2022



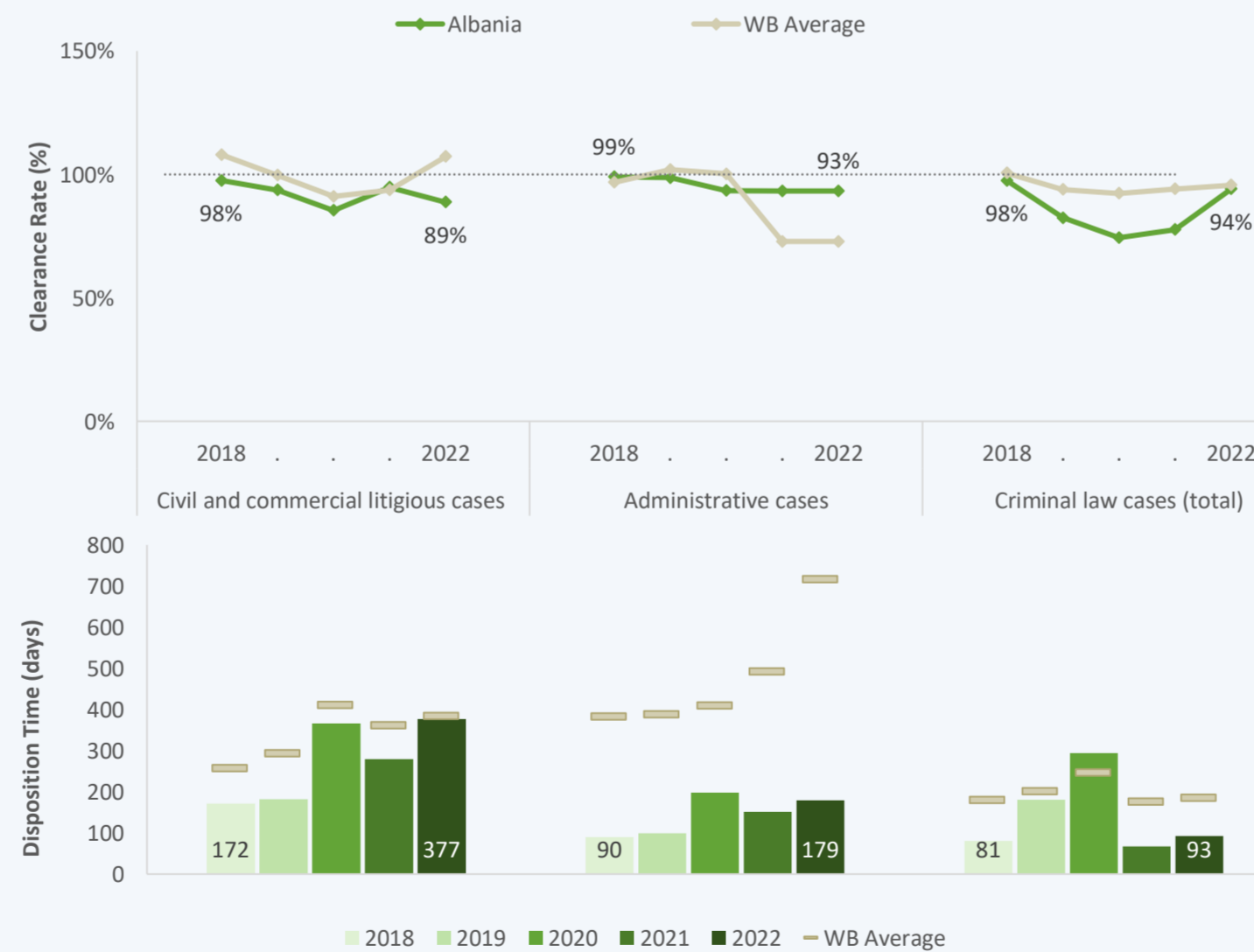
In 2022, the highest Clearance rate (CR) for Albania is for the first instance total Criminal law cases, with a CR of 94%. However, it seems that Albania was not able to deal efficiently particularly with the second instance Administrative cases (CR of 24%). With a Disposition Time of approximately 93 days, the first instance total Criminal law cases were resolved faster than the other type of cases.

Compared to 2021, the pending cases at the end of year increased for the first instance total Criminal law cases (33,1%), whereas they increased for the second instance Civil and commercial litigious cases only by 9,1%.

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 Disposition Time (DT) (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, 2021 and 2022. In particular, the CR for second-instance cases in 2022 was well below 100%. However, the Disposition Time (DT) in the first instance is lower than the WB median in the three categories of cases. 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 the first and second instances, except for administrative cases in the 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. However, in 2022 the efficiency deteriorated again, with an increase in the disposition time for all categories of cases in the two instances. The reasons for inefficiencies can be traced back to the lack of judges but also to the unequal distribution of cases among courts.

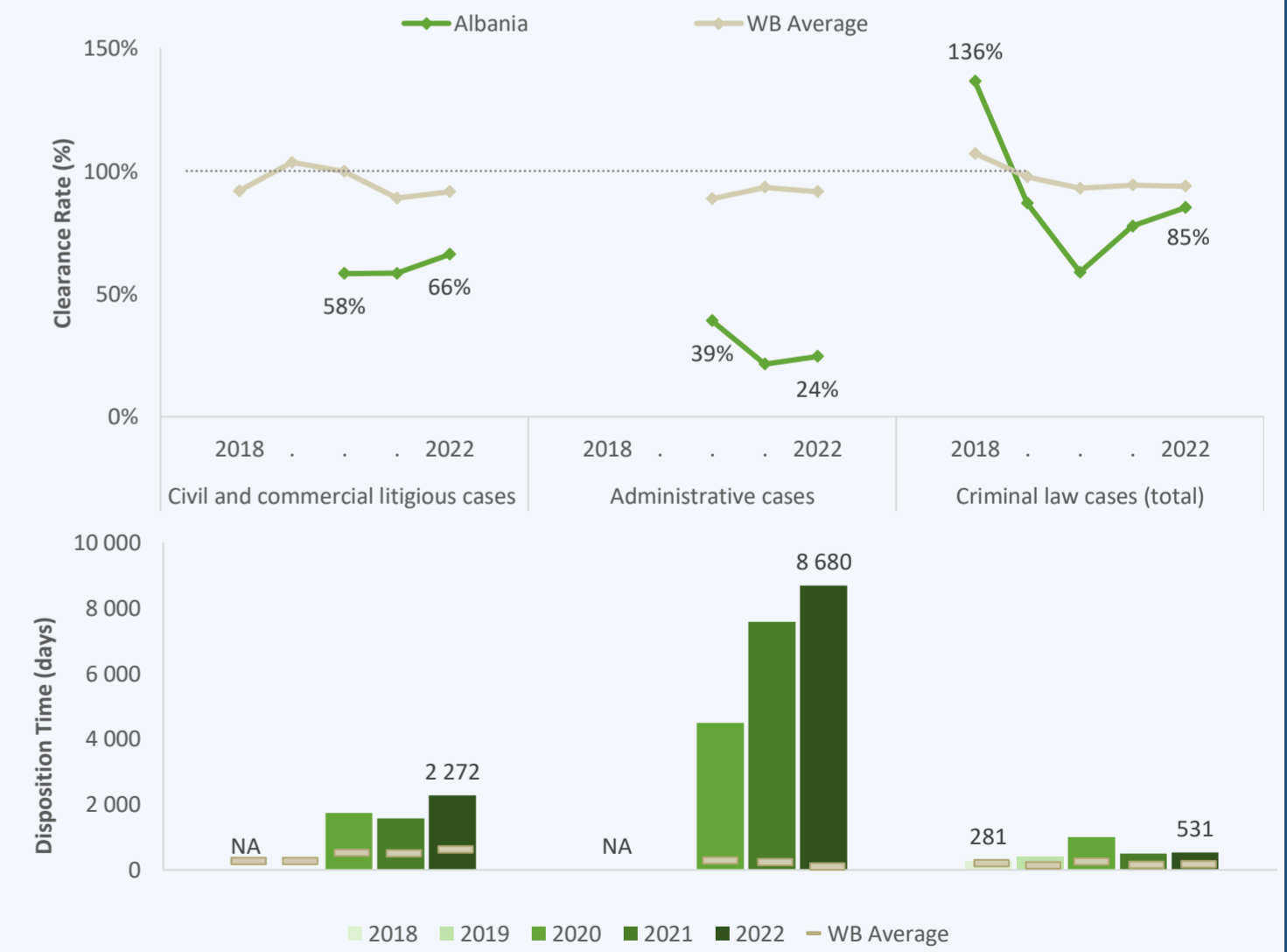
First instance cases

Clearance rate (%) and Disposition Time (days) for first instance cases from 2018 to 2022



Second instance cases

Clearance rate (%) and Disposition Time (days) for second instance cases from 2018 to 2022



NB: For the second instance Administrative cases: the WB Median of the Disposition Time is visualised in the graph above (instead of the WB average). Also, as per methodological note, the 2018 and 2019 WB Medians for these type of cases are not available.

• First instance cases - Other than criminal law cases

1st instance cases in 2022 (absolute values)	Albania (2022)				% Variation between 2021 and 2022			
	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
Total of other than criminal law cases (1+2+3+4)	68 382	65 819	37 228	2 253	NA	NA	NA	NA
1 Civil and commercial litigious cases	22 165	19 659	20 293	1 323	-9,0%	-14,9%	14,9%	32,7%
2 Non-litigious cases**	30 122	31 146	9 581	15	-25,8%	-8,7%	-9,2%	275,0%
3 Administrative cases	16 095	15 014	7 354	915	1,9%	-0,7%	17,2%	42,5%
4 Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

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

In 2022, the incoming civil and commercial litigious cases were 22 165 (0,79 per 100 inhabitants vs the WB Average of 2,7). They decreased by -9% between 2021 and 2022. The resolved cases were 19 659 (0,7 per 100 inhabitants) and they decreased by -14,9%, compared to the previous year. In 2022, 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 2022 were more than in 2021. Indeed, the 2022 Clearance rate for this type of cases was 89% (below the WB Average of 107%). This decreased by -6,1 percentage points compared to 2021.

The Disposition Time for civil and commercial litigious cases was approximately 377 days in 2022 (below the WB Average of 384 days). This increased by 35% over the 2021-2022 period.

The incoming administrative cases were 16 095 in 2022 (ie 0,58 per 100 inhabitants vs the WB Average of 0,84). They increased by 1,9% compared to the previous year. In 2022, the resolved cases were 15 014 (0,54 per 100 inhabitants, above of the WB Average of 0,46). Between 2021 and 2022, the number of resolved administrative decreased by -0,7%. The number of incoming cases was thus higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2022 were more than in 2021 and the Clearance rate for this type of cases was 93% (above the WB Average (73%). The CR decreased by -2,4 percentage points compared to the previous year.

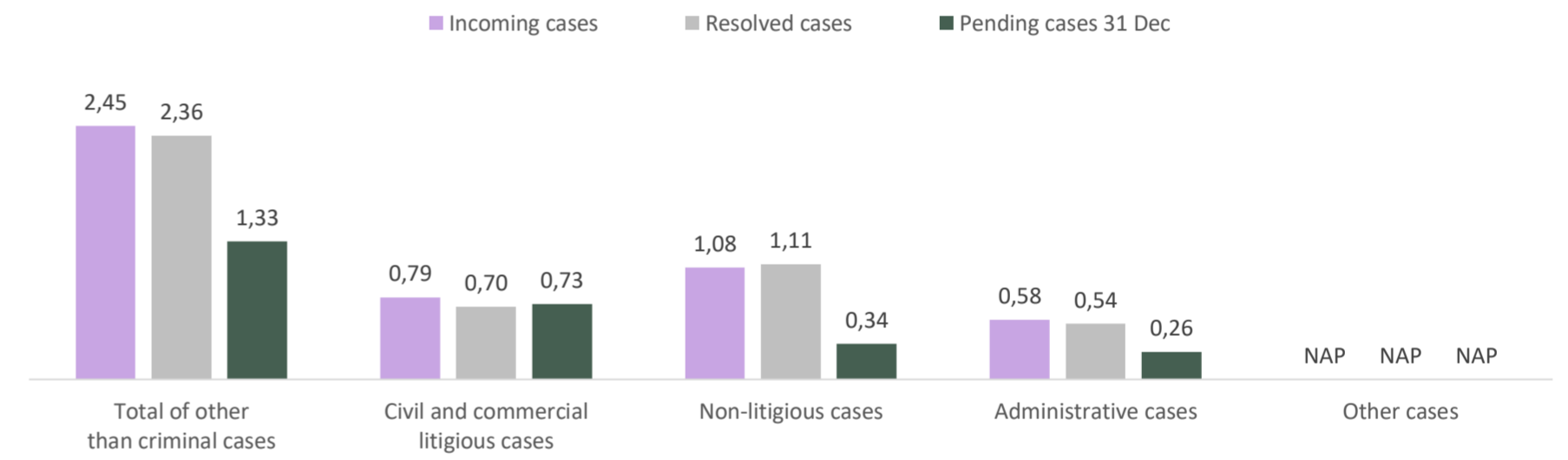
Finally, the Disposition Time for administrative cases was approximately 179 days in 2022. This has increased by 18% compared to 2021 and it was below the WB Average (716 days).

1st instance cases in 2022 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Albania	WB Average	Albania	WB Average	Albania	WB Average	Albania	WB Average
Total of other than criminal law cases (1+2+3+4)	2,45	11,82	2,36	12,47	1,33	15,15	0,08	11,40
1 Civil and commercial litigious cases	0,79	2,70	0,70	3,03	0,73	3,12	0,05	1,01
2 Non-litigious cases**	1,08	7,82	1,11	8,52	0,34	10,99	0,00	10,30
3 Administrative cases	0,58	0,84	0,54	0,46	0,26	1,01	0,03	0,09
4 Other cases	NAP	0,77	NAP	0,77	NAP	0,03	NAP	-

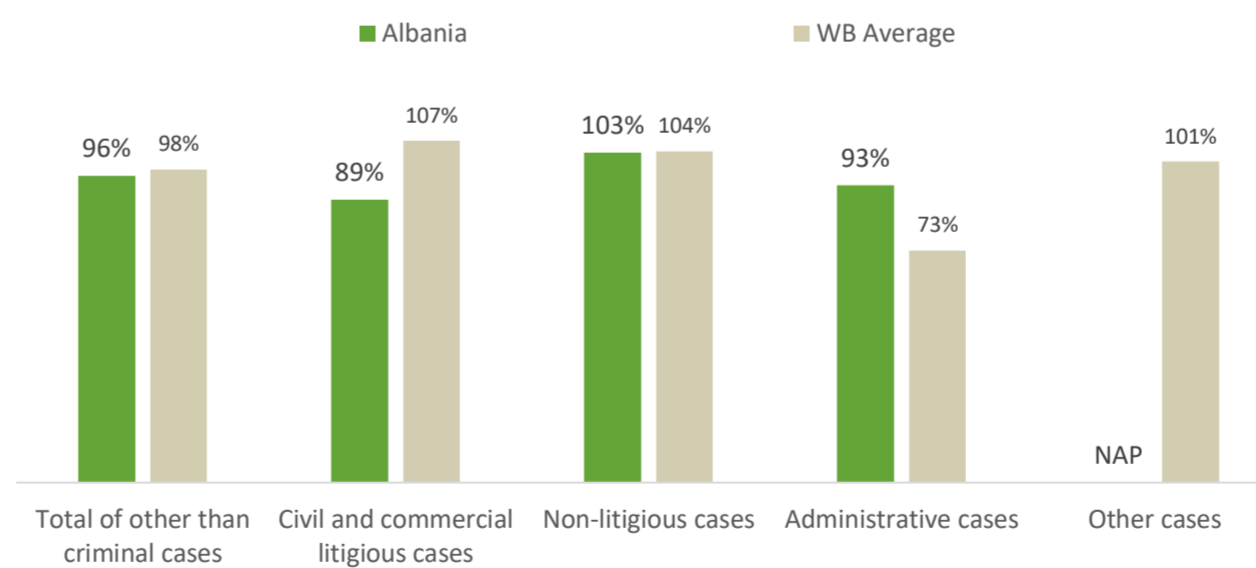
For reference only: the 2021 EU Median was as follows:
 - Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,8;
 - Incoming first instance Administrative cases per 100 inhabitants: 0,3.

Key:
 > Higher than the WB Average
 = Equal to the WB Average
 < Lower than the WB Average

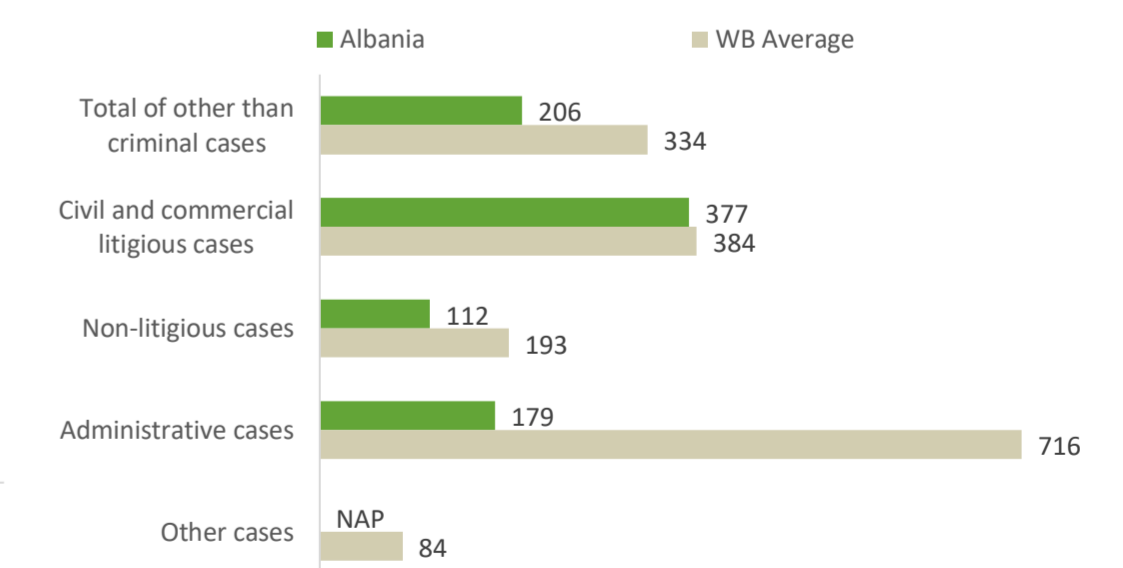
First instance Other than criminal cases per 100 inhabitants in 2022



Clearance Rate for first instance Other than criminal cases in 2022 (%)



Disposition Time for first instance Other than criminal cases in 2022 (in days)



1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2022	CR (%)		DT (days)		% Variation 2021 - 2022	
	Albania	WB Average	Albania	WB Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	96%	98%	206	334	NA	NA
1 Civil and commercial litigious cases	89%	107%	377	384	-6,1	35,0%
2 Non-litigious cases**	103%	104%	112	193	19,5	-0,6%
3 Administrative cases	93%	73%	179	716	-2,4	18,0%
4 Other cases	NAP	101%	NAP	84	NAP	NAP

PPT = Percentage points

For reference only: the 2021 EU Median for the first instance Civil and Commercial litigious cases was as follows:
 - Clearance rate: 102,5%; - Disposition time: 234 days.

For reference only: the 2021 EU Median for the first instance Administrative cases was as follows:
 - Clearance rate: 101,7%; - Disposition time: 296 days.

• First instance cases - Criminal law cases

1st instance cases in 2022 (absolute values)	Albania (2022)				% Variation between 2021 and 2022			
	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
Total of criminal law cases (1+2+3)	46 368	43 603	11 144	137	1,1%	-4,6%	33,1%	93,0%
1 Severe criminal cases	8 320	8 273	1 885	96	-2,7%	-11,2%	0,1%	100,0%
2 Misdemeanour and / or minor criminal cases	2 188	2 237	1 159	16	-5,6%	-3,1%	-6,4%	77,8%
3 Other cases	35 860	33 093	8 100	25	2,5%	-2,9%	54,3%	78,6%

In 2022, the incoming total criminal cases were 46 368 (1,66 per 100 inhabitants vs the WB Average of 10,69). They increased by 1,1% between 2021 and 2022. The resolved cases were 43 603 (1,56 per 100 inhabitants). Between 2021 and 2022, they decreased by -4,6%. The number of resolved cases was thus lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2022 were more than in 2021. Indeed, the 2022 Clearance rate for this type of cases was 94% (below the WB Average of 96%). This decreased by -5,6 percentage points compared to 2021.

The Disposition Time for total criminal cases was approximately 93 days in 2022 (below the WB Average of 185 days). This increased by 39,5% over the 2021-2022 period.

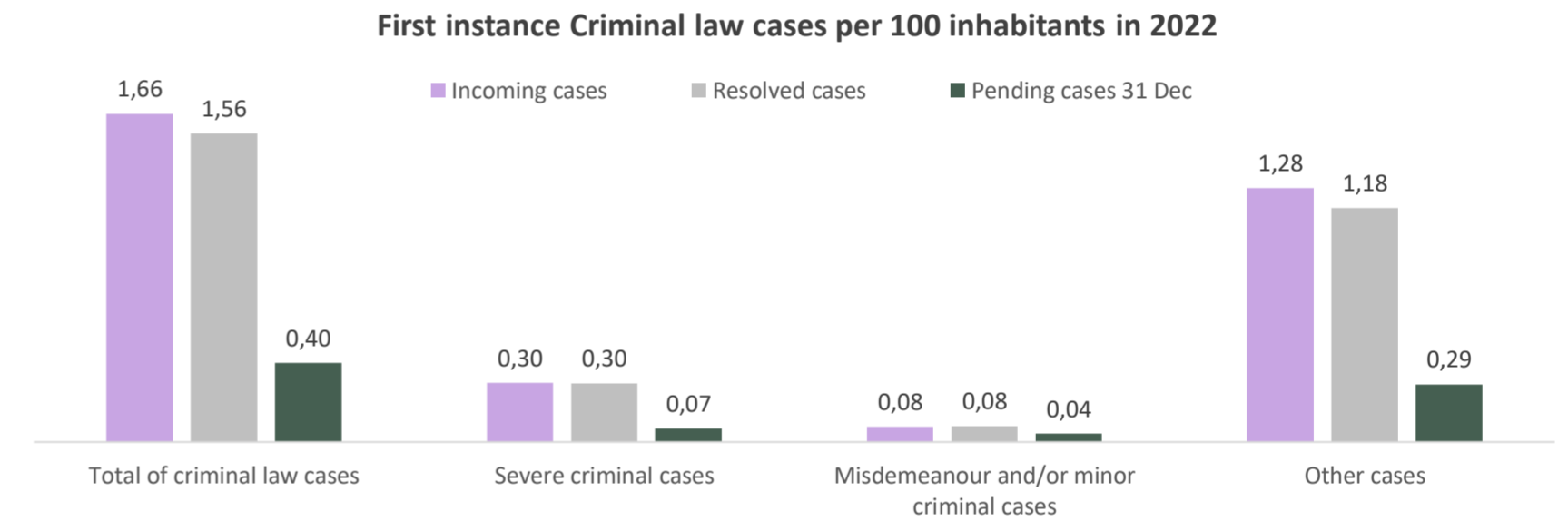
Other Criminal cases are: a) criminal administrative cases (exe: probation requests, security measures etc) b) cases related to anti-mafia law.

The decrease in the number of resolved cases during 2022 is believed to have been caused by the decrease of the number of judges in the second instance due to different factors such as resignations, vetting process, promotions. In addition, the inequal distribution of cases between courts is another factor contributing to the problem.

1st instance cases in 2022 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Albania	WB Average	Albania	WB Average	Albania	WB Average	Albania	WB Average
Total of criminal law cases (1+2+3)	1,66	< 10,69	1,56	< 10,62	0,40	< 4,77	0,00	< 1,02
1 Severe criminal cases	0,30	< 0,48	0,30	< 0,48	0,07	< 0,28	0,00	< 0,04
2 Misdemeanour and / or minor criminal cases	0,08	< 3,84	0,08	< 3,47	0,04	< 2,20	0,00	< 0,06
3 Other cases	1,28	< 7,97	1,18	< 8,34	0,29	< 2,85	0,00	< 0,92

For reference only: for the first instance Total Criminal law cases, the 2021 EU Median was as follows:
- Incoming cases per 100 inhabitants: 1,6.

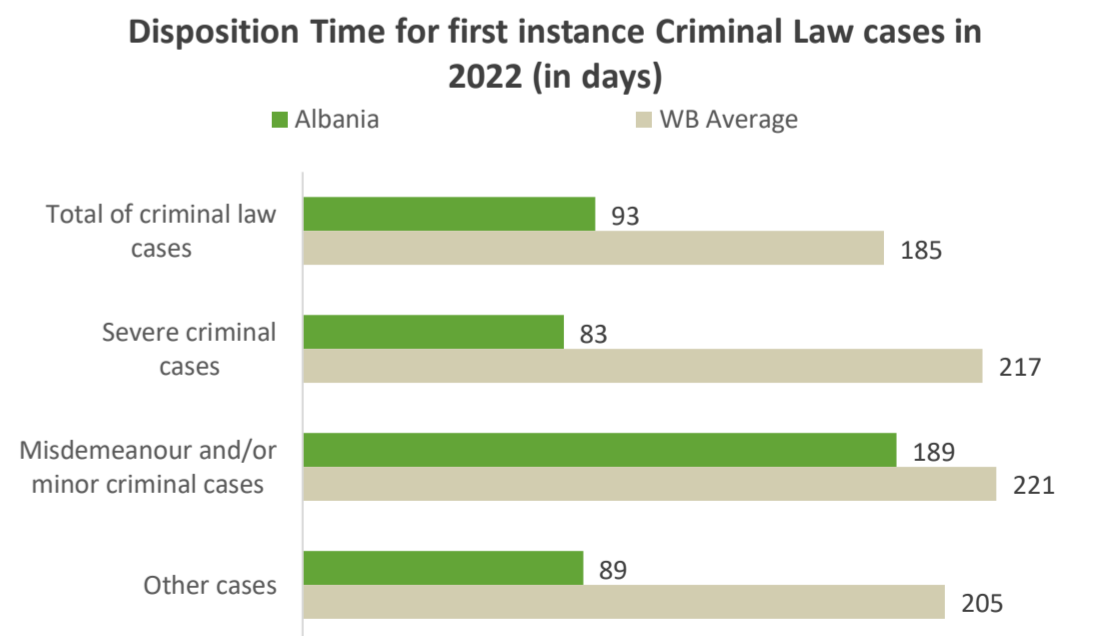
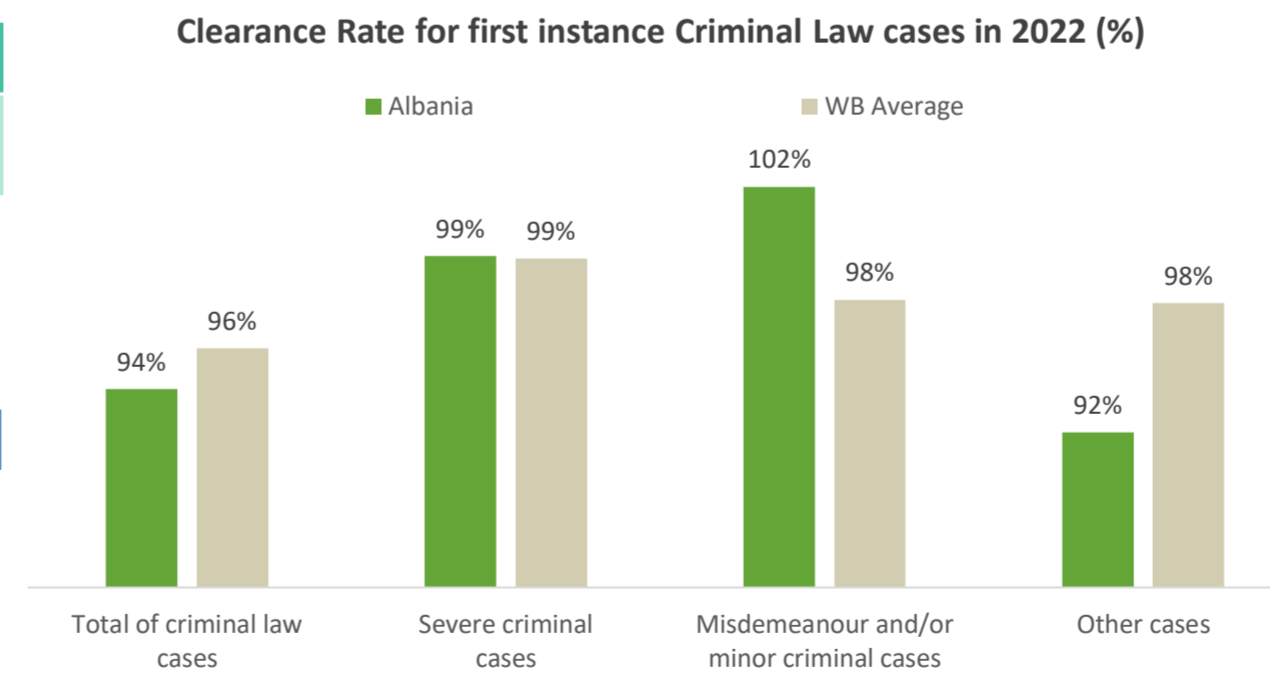
>	Higher than the WB Average
=	Equal to the WB Average
<	Lower than the WB Average



1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2022	CR (%)		DT (days)		% Variation 2021 - 2022	
	Albania	WB Average	Albania	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	94%	96%	93	185	-5,6	39,5%
1 Severe criminal cases	99%	99%	83	217	-9,6	12,7%
2 Misdemeanour and / or minor criminal cases	102%	98%	189	221	2,7	-3,4%
3 Other cases	92%	98%	89	205	-5,1	58,9%

PPT = Percentage points

For reference only: for the first instance Total Criminal law cases, the Training EU Median was as follows:
- Clearance rate: 100%; - Disposition time: 134 days.



Second instance cases - Other than criminal law cases

2nd instance cases in 2022 (absolute values)	Albania (2022)				% Variation between 2021 and 2022			
	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
Total of other than criminal law cases (1+2+3+4)	10 003	5 228	42 514	24 304	NA	NA	NA	NA
1 Civil and commercial litigious cases	3 988	2 632	16 381	8 550	-33,3%	-24,6%	9,1%	59,4%
2 Non-litigious cases**	2 374	1 706	4 967	2 022	-14,2%	0,1%	15,4%	99,0%
3 Administrative cases	3 641	890	21 166	13 732	-12,2%	0,3%	14,9%	27,3%
4 Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

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

The number of resolved cases during 2022 is believed to have been affected by the decrease of the number of judges in the second instance due to different factors such as resignations, vetting process, promotions. In addition, the inequal distribution of cases between courts is another factor contributing to the problem.

As regards administrative cases, during 2022 the Administrative Appeal Court has functioned with 43% of judges.

In 2022, the incoming civil and commercial litigious cases were 3 988 (0,14 per 100 inhabitants vs the WB Average of 1,2). They decreased by -33,3% between 2021 and 2022. The resolved cases were 2 632 (0,09 per 100 inhabitants). Between 2021 and 2022, they decreased by -24,6%. The number of resolved cases was thus lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2022 were more than in 2021. Indeed, the 2022 Clearance rate for this type of cases was 66% (below the WB Average of 92%). This increased by 7,7 percentage points compared to 2021.

The Disposition Time for civil and commercial litigious cases was approximately 2 272 days in 2022 (above the WB Average of 627 days). This increased by 44,6% over the 2021-2022 period.

The incoming administrative cases were 3 641 in 2022 (ie 0,13 per 100 inhabitants vs the WB Average of 0,13). They decreased by -12,2% compared to the previous year. The resolved cases were 890 (0,03 per 100 inhabitants, below of the WB Average of 0,12). Between 2021 and 2022, the number of resolved administrative increased by 0,3%. The number of incoming cases was thus higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2022 were more than in 2021 and the Clearance rate for this type of cases was 24% (much below the WB Average (92%). The CR increased by 3 percentage points compared to the previous year.

Finally, the Disposition Time for administrative cases was extremely high with the value of 8 680 days in 2022. This has increased by 14,6% compared to 2021 and it was well above the WB Average (193 days).

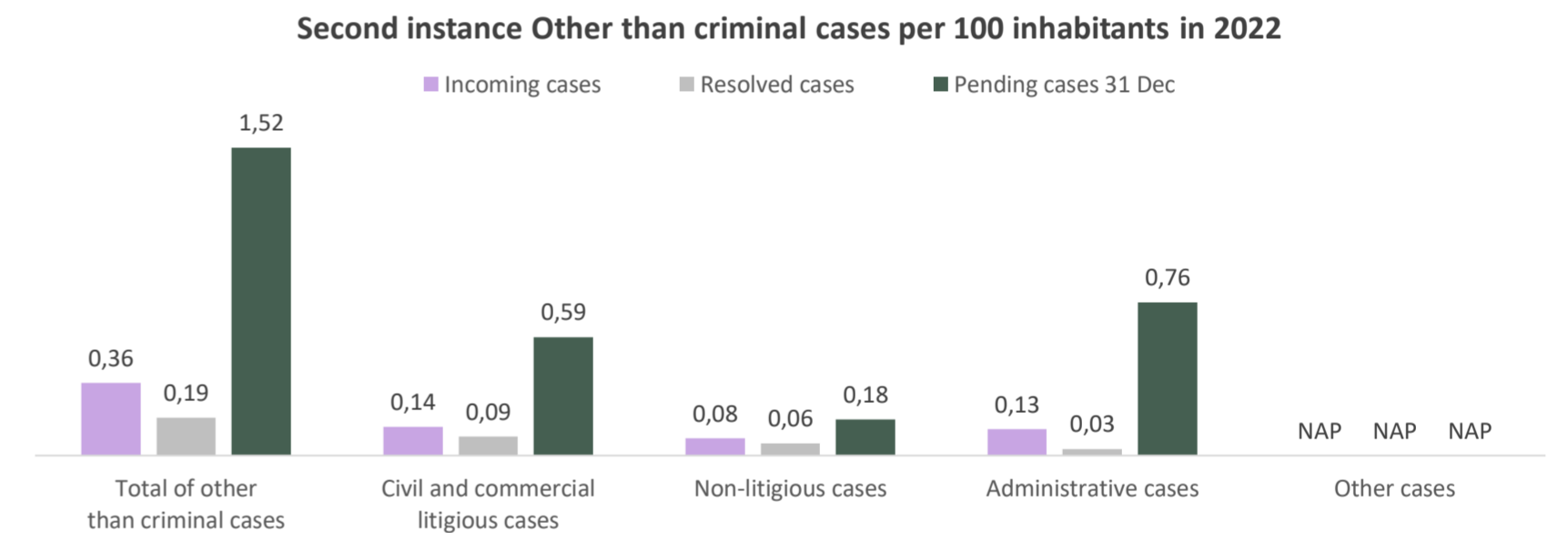
2nd instance cases in 2022 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Albania	WB Average	Albania	WB Average	Albania	WB Average	Albania	WB Average
Total of other than criminal law cases (1+2+3+4)	0,36	1,37	0,19	1,30	1,52	1,11	0,87	0,71
1 Civil and commercial litigious cases	0,14	1,20	0,09	1,14	0,59	0,88	0,31	0,57
2 Non-litigious cases**	0,08	0,11	0,06	0,10	0,18	0,07	0,07	0,03
3 Administrative cases	0,13	0,13	0,03	0,12	0,76	0,24	0,49	0,16
4 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

For reference only: the EU Median was as follows:

- Incoming Second instance Civil and Commercial litigious cases per 100 inhabitants: 1,8;

- incoming Second instance Administrative cases per 100 inhabitants: 0,3.

Key:	>	Higher than the WB Average
	=	Equal to the WB Average
	<	Lower than the WB Average



2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2022	CR (%)		DT (days)		% Variation 2021 - 2022	
	Albania	WB Average	Albania	WB Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	52%	90%	2 968	760	NA	NA
1 Civil and commercial litigious cases	66%	92%	2 272	627	7,7	44,6%
2 Non-litigious cases**	72%	90%	1 063	409	10,2	15,3%
3 Administrative cases	24%	92%	8 680	193	3,0	14,6%
4 Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

For reference only: the 2021 EU Median for the Second instance Civil and Commercial litigious cases was as follows:

- Clearance rate: 102,5%;

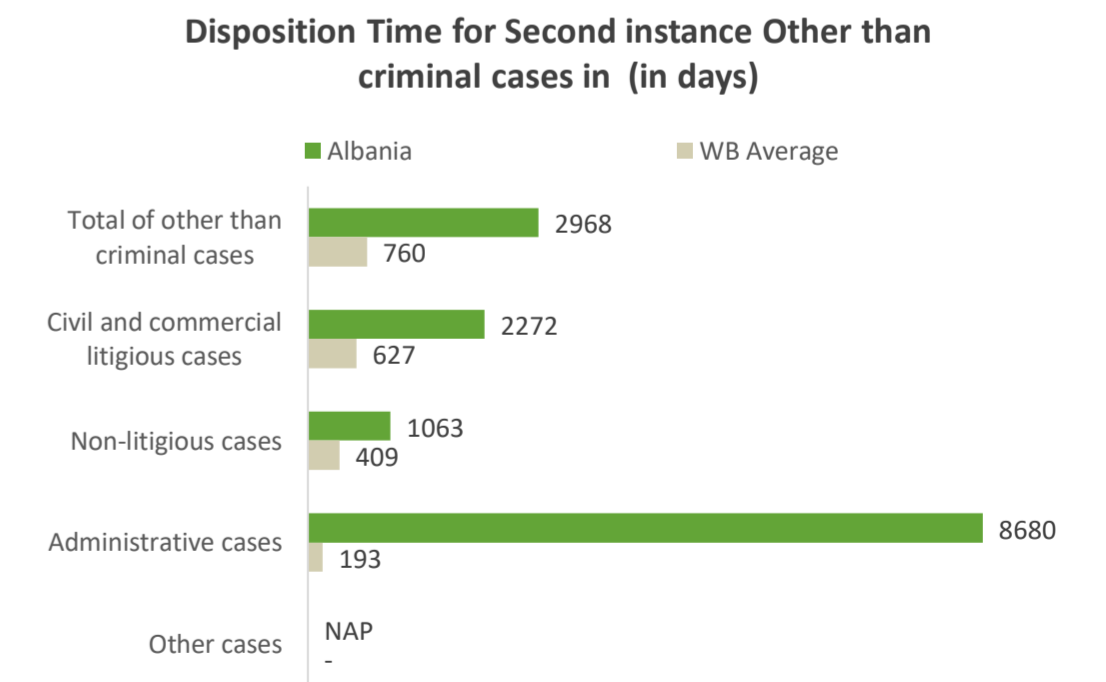
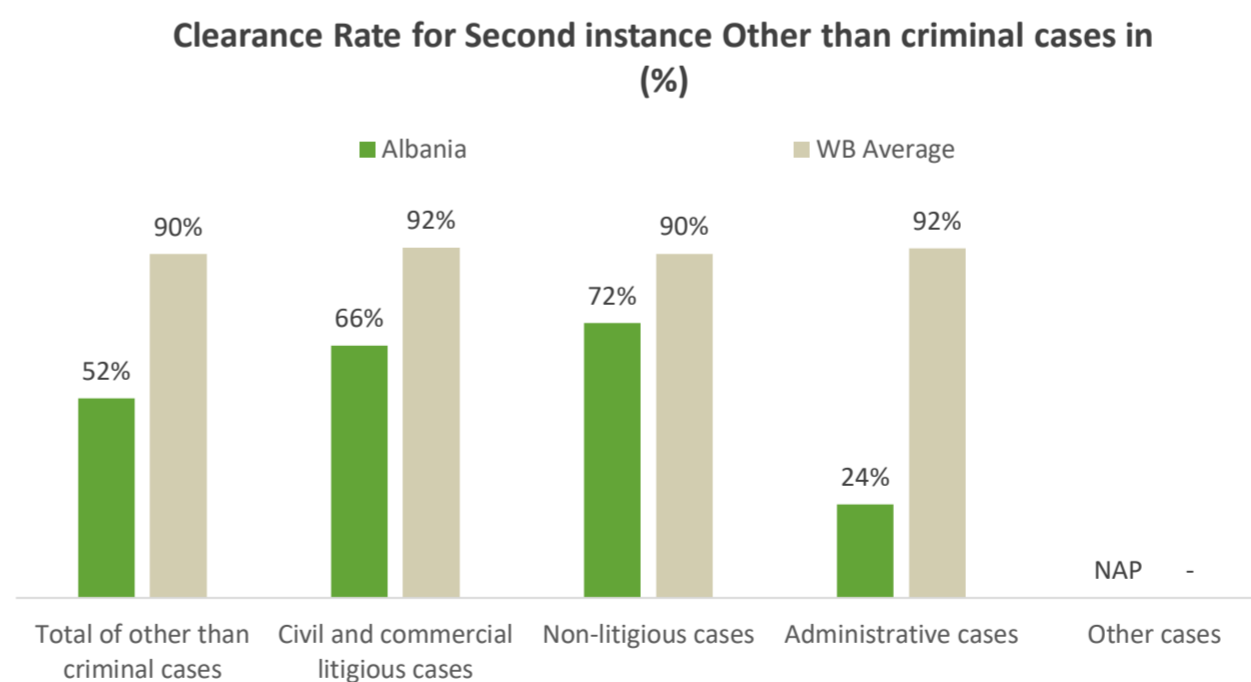
- Disposition time: 234 days.

For reference only: the 2021 EU Median for the Second instance Administrative cases was as follows:

- Clearance rate: 101,7%;

- Disposition time: 296 days.

NB: In the table and the graph above, the WB Median of the Disposition Time is presented for the second instance Administrative cases, instead of the WB Average.



• Second instance cases - Criminal law cases

2nd instance cases in 2022 (absolute values)	Albania (2022)				% Variation between 2021 and 2022			
	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
Total of criminal law cases (1+2+3)	8 128	6 912	10 056	3 011	-3,4%	5,9%	14,0%	31,5%
1 Severe criminal cases	3 282	1 955	7 104	2 057	19,0%	36,5%	21,7%	15,0%
2 Misdemeanour and / or minor criminal cases	393	178	1 290	594	-19,0%	-19,8%	21,5%	161,7%
3 Other cases	4 453	4 779	1 662	360	-13,9%	-1,9%	-13,5%	31,4%

Other Criminal cases are: a) criminal administrative cases (exe: probation requests, security measures etc) b) cases related to anti-mafia law. Long disposition time is due to the lack of judges and uneven distribution of workload.

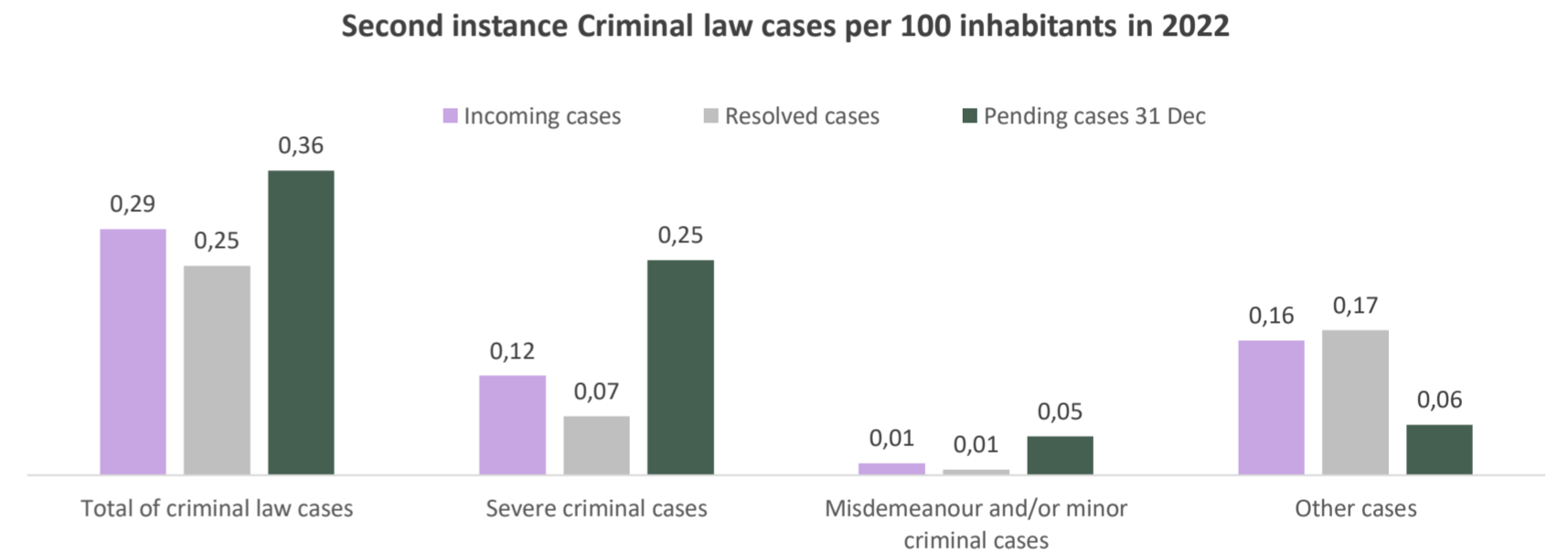
In 2022, the incoming total criminal cases were 8 128 (0,29 per 100 inhabitants vs the WB Average of 0,5), and they decreased by -3,4%, compared to the previous year. The resolved cases were 6 912 (0,25 per 100 inhabitants). Between 2021 and 2022, they increased by 5,9%. In 2022, the number of resolved cases was thus lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2022 were more than in 2021. Indeed, the 2022 Clearance rate for this type of cases was 85% (below the WB Average of 94%). This increased by 7,5 percentage points compared to 2021.

The Disposition Time for total criminal cases was approximately 531 days in 2022 (above the WB Average of 172 days). This increased by 7,6% over the 2021-2022 period.

2nd instance cases in 2022 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Albania	WB Average	Albania	WB Average	Albania	WB Average	Albania	WB Average
Total of criminal law cases (1+2+3)	0,29	< 0,50	0,25	< 0,47	0,36	> 0,16	0,11	> 0,04
1 Severe criminal cases	0,12	< 0,20	0,07	< 0,18	0,25	> 0,09	0,07	> 0,02
2 Misdemeanour and / or minor criminal cases	0,01	< 0,22	0,01	< 0,21	0,05	= 0,05	0,021	> 0,009
3 Other cases	0,16	> 0,13	0,17	> 0,14	0,06	> 0,02	0,013	> 0,005

For reference only: for the second instance Total Criminal law cases, the 2021 EU Median was as follows:
- Incoming cases per 100 inhabitants: 1,6.

Key: > Higher than the WB Average
= Equal to the WB Average
< Lower than the WB Average

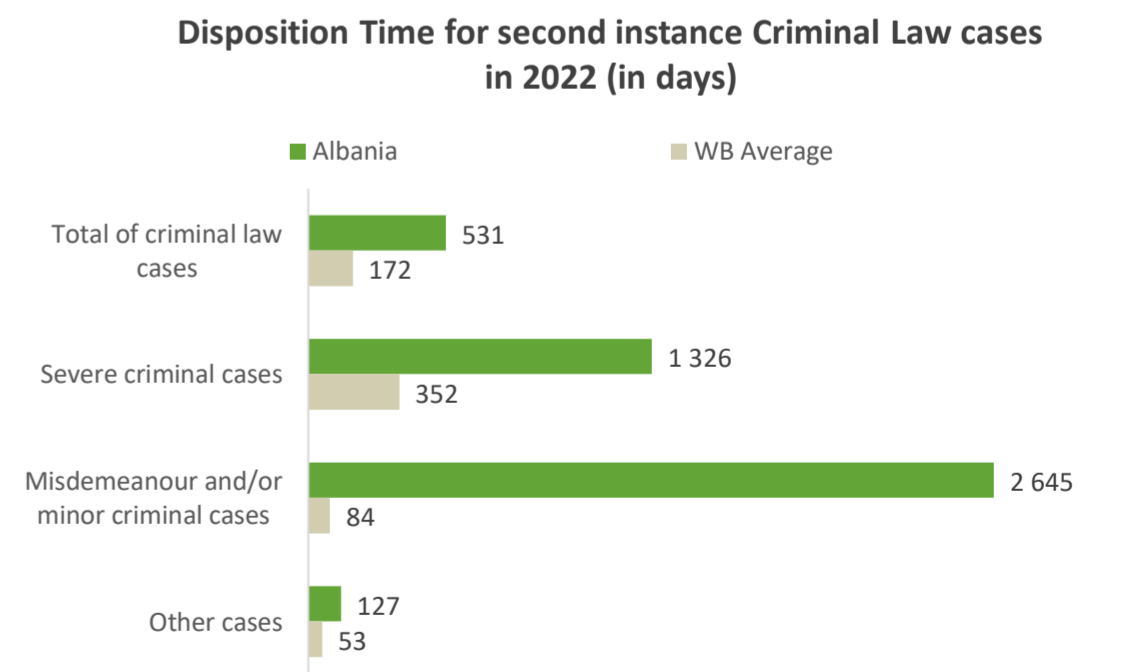
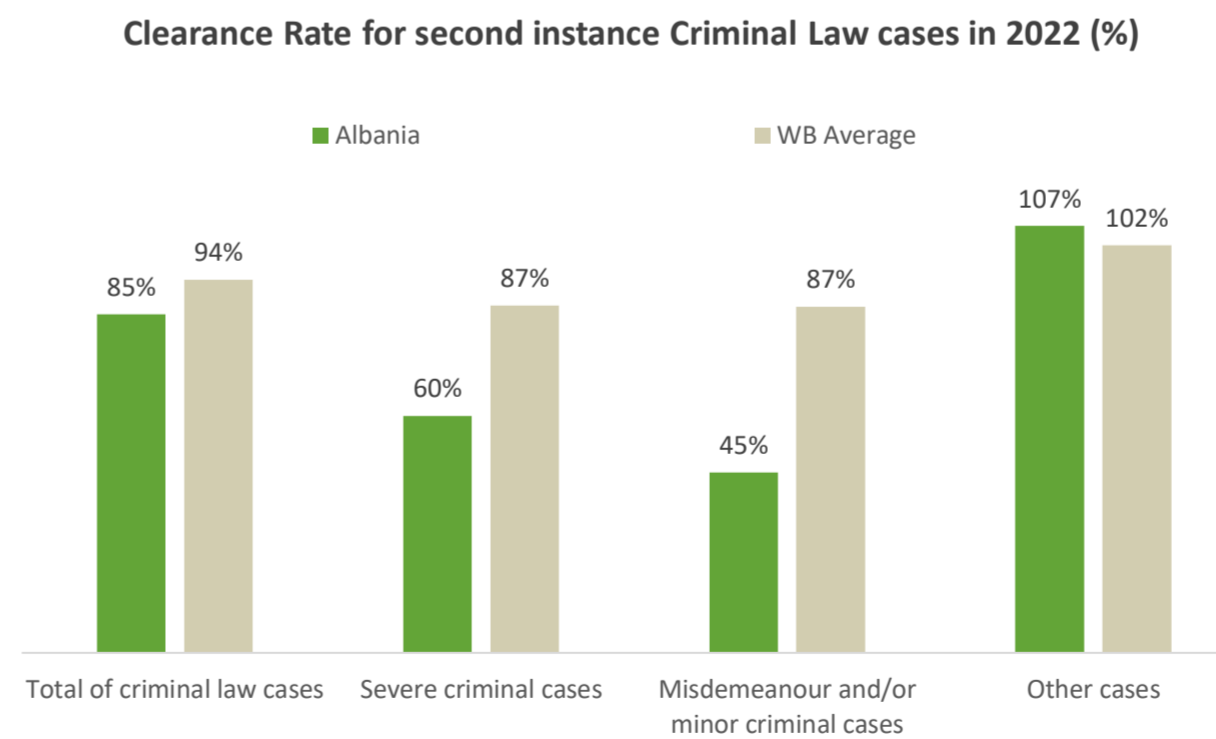


2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2022	CR (%)		DT (days)		% Variation 2021 - 2022	
	Albania	WB Average	Albania	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	85%	94%	531	172	7,5	7,6%
1 Severe criminal cases	60%	87%	1 326	352	7,6	-10,9%
2 Misdemeanour and / or minor criminal cases	45%	87%	2 645	84	-0,5	51,5%
3 Other cases	107%	102%	127	53	13,1	-11,8%

PPT = Percentage points

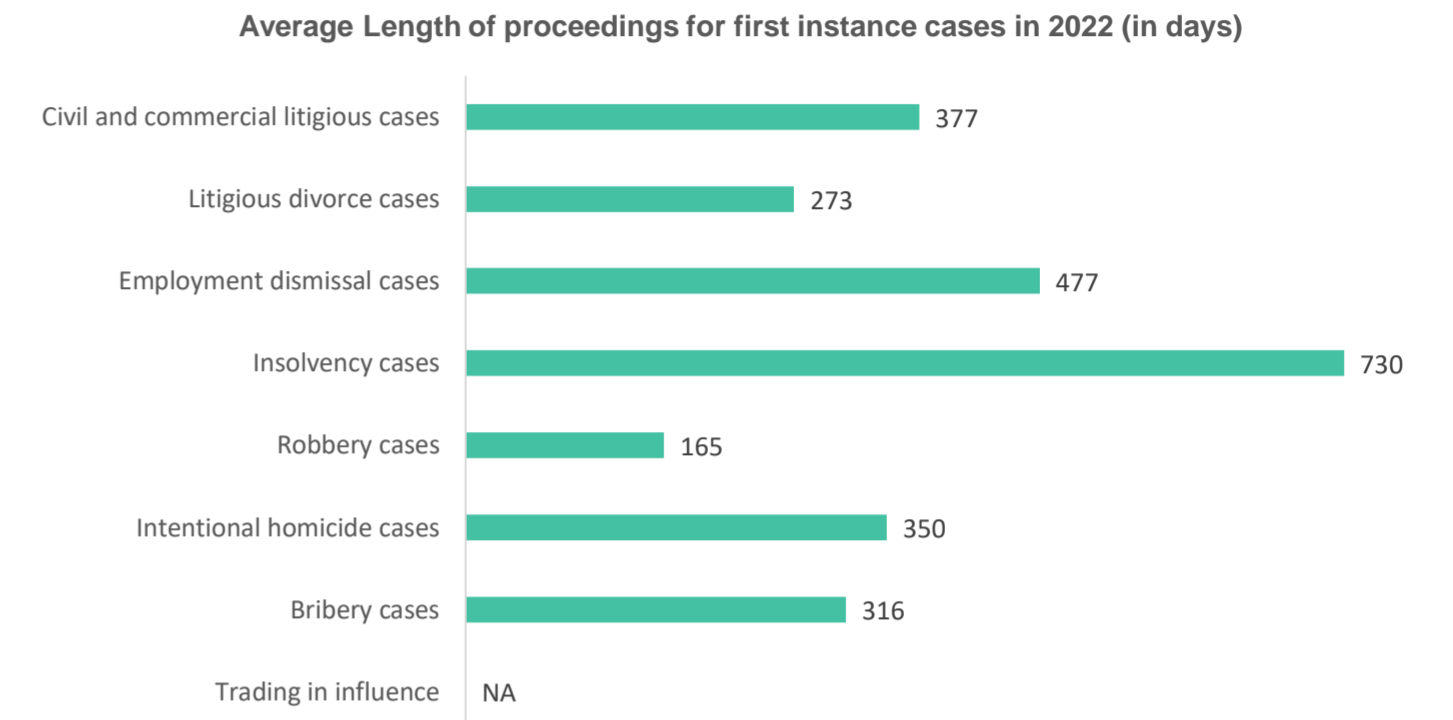
For reference only: for the second instance Total Criminal law cases, the 2021 EU Median was as follows:
- Clearance rate: 100%; - Disposition time: 134 days.

NB: In the table and the graph above, the WB Median of the Disposition Time is presented for the second instance Other criminal cases, instead of the WB Average.



• Specific category cases

	Albania (2022)						% Variation between 2021 and 2022						
	Decisions subject to appeal (%)	Average length of proceedings (in days)				% of cases pending for more than 3 years for all instances	Decisions subject to appeal (PPT)	Average length of proceedings (in days)				Cases pending for more than 3 years for all instances (PPT)	
		First instance	Second instance	Third instance	Total			First instance	Second instance	Third instance	Total		
Civil and commercial litigious cases	NA	377	2 272	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Litigious divorce cases	NA	273	1 139	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	477	2 851	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Insolvency cases	NA	730	2 920	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Robbery cases	NA	165	1 338	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Intentional homicide cases	NA	350	174	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bribery cases	NA	316	100	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Trading in influence	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA



The average length of cases corresponds to the average length of resolved cases at a certain instance within the reference year.

In the present condition of the CMS system, the exact average length of proceedings cannot be calculated. The disposition timebis used as a proxy for the calculation of the average length of proceedings.

• 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.

The quality standards are approved 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).

• Regular monitoring of courts and prosecution offices' activities

In Albania, there exists a system to annually evaluate court performance based on the monitored indicators listed below. This evaluation of the court activities is then used for the allocation of resources within the courts by identifying the causes of improved or deteriorated performance and by reengineering internal procedures to increase efficiency.

Moreover, there exists a system to regularly evaluate public prosecution services' performance based on the monitored indicators listed below (less frequently than once a year). This evaluation of the public prosecution services' activities is not used for the allocation of resources within the public prosecution services.

	Regular assessment	
	Courts	Prosecution offices
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

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

High Inspector of Justice is the responsible body that 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.

The number of appeals and appeal ratio can be deducted by the data gathered, but it is not an indicator directly reported by courts. Furthermore, it is not analysed as part of a court functional indicator, it is used during the personal assessment of a judge. Regarding the "satisfaction of users", an online survey is being piloted in the First instance court of Tirana.

The court performance is assessed as part of the annual report, but, since there are no officially approved indicators yet, the court performance cannot be evaluated.

The HJC has in place 2 different statistical reports: a yearly report based on CEPEJ methodology as well as a quarterly report. Both are analysed by the statistics sector of the HJC. The decisions regarding human resources distribution, judges' appointments and transfers are based on these data.

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 by the High Prosecutorial Council in the framework of the assessment of the performance of the prosecutor.

Referring to article 19/1, of the Law no. 97/2016 "On the functioning and organising the prosecution in the Republic of Albania", as amended, the General Prosecutor publishes the annual report on the workload of the prosecutor's offices as well as recommendations for improving and increasing the effectiveness of their activity.

• Quantitative targets for each judge and prosecutor

Existence of quantitative targets for:

Judges



Prosecutors



Responsibility for setting up quantitative targets for judges lies on:

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:	✗

Responsibility for setting up quantitative targets for public prosecutors lies on:

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	For judges	For public prosecutors
Warning by court's president/ head of prosecution	✗	✗
Disciplinary procedure	✗	✗
Temporary salary reduction	✗	✗
Reflected in the individual assessment	✓	✗
Other	✗	✗
No consequences	✗	✗

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

Existence of qualitative targets for:		Judges	Prosecutors
Responsibility for setting up the criteria qualitative 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		✗	✓
Responsibility for setting up the criteria for the qualitative assessment of the public prosecutors' work			
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		✓	✓

Frequency of this assessment	For judges	For public prosecutors
Annual	✗	✗
Less frequent	✓	✓
More frequent	✗	✗

The Albania authorities reported that all magistrates, including the chairpersons of courts and prosecution offices are subjects to an ethical and professional performance evaluation. The evaluation is performed according to the following criteria:

- a) Judicial or prosecutorial professional capacity;
- b) Organizational skills;
- c) Ethics and commitment to judicial and prosecutorial professional values;
- g) Personal qualities and professional commitment. The evaluation of magistrates is based on the following sources:
 - a) Personal file of the magistrate;
 - b) Statistical data, according to the provisions contained in Article 90 of this Law;
 - c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;
 - g) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;
 - d) The opinion of the chairperson;
 - dh) Data regarding the verification of complaints filed against the magistrate during the evaluation period;
 - e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;
 - ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;
 - f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or controlling institutions;
 - g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;
 - gj) Any other information that shows the professional development of the magistrate

In the first 15 years of professional experience, including the professional experience as assistant magistrate or seconded magistrate, each magistrate is evaluated once every three years. After the first 15 years of professional experience as magistrate, each magistrate is evaluated once every five years. Initially, the magistrate conducts a self evaluation of the ethical and professional based on the standard form issued by the Council, through which the magistrate:

- a) Evaluates the activity against the evaluation criteria;
- b) Provides an analysis of the statistical data referring the magistrate's activities;
- c) Describes the steps taken for meeting the objectives set out in the previous evaluation;
- g) Describes the extent to which these objectives have been met providing the respective explanation;
- d) Defines the objectives for his/her professional development in the upcoming evaluation period;
- dh) Describes the needs for training and the circumstances which constitute a hindrance for the professional improvement and proposes concrete solutions for the upcoming evaluation period. Next, the chairperson of the court or prosecution office, where the magistrate under evaluation exercises the activity, provides an opinion on the activity of the magistrate, in accordance with the standards established by the Council. At the end, the evaluation is done by the Council.

The criteria for the quality assessment of the public prosecutor's work are set by the Law no. 96/2016, "On the status of judges and prosecutors in the Republic of Albania", as amended, and Regulation "On the ethical and professional assessment of prosecutors", approved by Decision no. 95, dated 09.05.2022, of High Prosecutorial Council

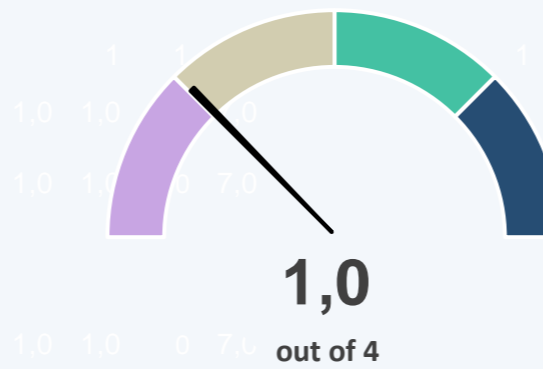
Kosovo is not included in the calculation of summary statistics

Electronic case management system and court activity statistics in Albania in 2022 (Indicator 3.3)

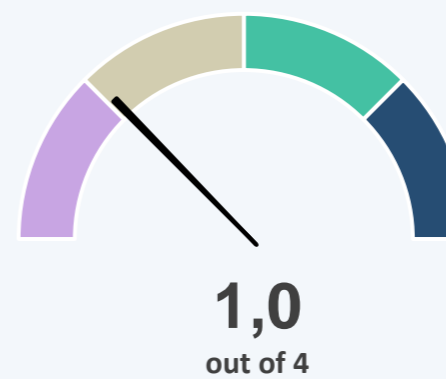
The Case Management System (CMS) Index is an index ranging from 0 to 4 points. It is calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary.

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.

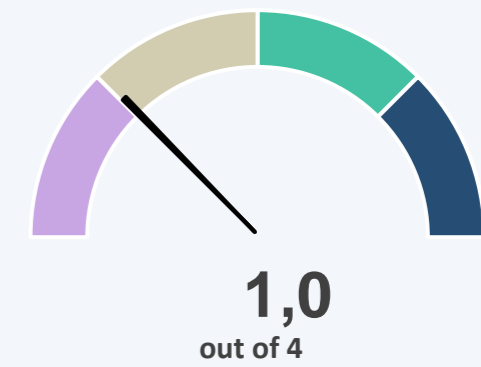
CMS index for Civil and/or commercial



CMS index for Administrative



CMS index for Criminal



• Electronic case management system

In Albania, there is an IT Strategy for the judiciary and there are plans for a significant change in the present IT system in the judiciary in 2022.

The HJC has approved a strategic 2-year plan, including the IT strategy. The strategic plan can be accessed only in albanian: https://klgj.al/wp-content/uploads/2022/05/Plani-Strategjik-Final_2022-2024.pdf

The plan includes:

Preliminary steps (Governance structure setup, Preliminary decisions, Decision on migration of data from existing systems, etc);

Phase 1 (case handling, statistics, decisions);

Phase 2 (e-filing etc. for criminal cases);

Phase 3 (e-filing etc. for civil and admin. cases);

Legislation;

System support, operation and maintenance;

Taking into account that a newly developed judicial case management system should nowadays necessarily include a full digitisation of all procedures, and considering the inherent complexity of such endeavor, a 5-year timeline for the completion of the whole project is proposed.

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

The CMS is developed in all courts (100% deployment rate) and the data is stored on a database consolidated at national level. The CMS index for Albania is lower than the WB average (1 for each type of cases versus 2.6).

THE ARKIT system has been used since 2002, and the ICMIS system has been used since 2007.

	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	✘	✘	Not connected at all
Administrative	100%	Both	✘	✘	Not connected at all
Criminal	100%	Both	✘	✘	Not connected at all

Legend for "Status of case online":

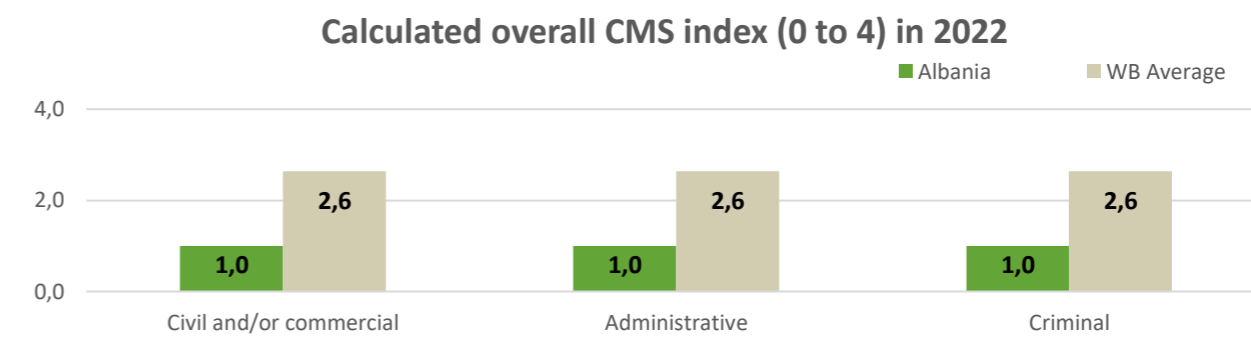
Both: Accessible to parties

Publication of decision online

As regards "centralized or interoperable database" the answer changed from "yes" to "no" since the previous cycle, because during 2022, due to cyber-attacks in Albania, some institutions such as the Civil Status Office and the National Business Center have disconnected interoperability with the case management system.

The status of integration with statistical tool changed from "integrated" to "not connected" because HJC has approved new statistical formats which have not yet been integrated with the case management system. These integrations are expected to end with the finalization of the new judicial map.

	Overall CMS Index in 2022	
	Albania	WB Average
Civil and/or commercial	1,0	2,6
Administrative	1,0	2,6
Criminal	1,0	2,6



• Centralised national database of court decisions

In Albania, there is a centralised national database of court decisions in which the following information is collected.

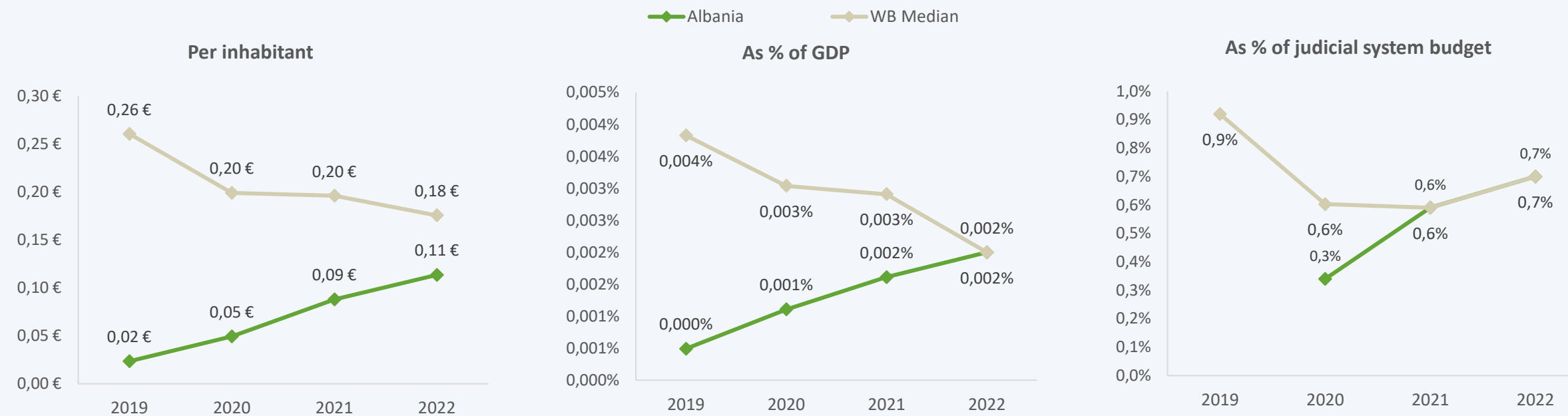
In Albania, there is a centralised national database of court decisions in which all judgments for all instances are collected, with anonymised data. This case-law database is available for free online. There is no links with ECHR case law (hyperlinks which reference to the ECHR judgments in HUDOC database) in this database.

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

Kosovo is not included in the calculation of summary statistics

Legal Aid in Albania in 2022 (Indicator 4)

Total implemented budget for Legal Aid between 2019 and 2022



Number of cases for which LA has been granted in 2022



0,31

per 100 inhabitants

WB Median: 0,27

In 2022, the implemented budget for legal aid spent by Albania was 317 121€ (0,72% of the judicial system budget). This means that an amount of 0,11€ was spent per inhabitant (below the WB Median of 0,18€). The budget for legal aid was equal to 0,002% of the GDP, the same as the WB Median.

• Organisation of the legal aid system

As explained by the Albanian authorities, a good administration of justice starts first with the guarantee that every individual must have for the realization and protection of his legal and constitutional rights. The protection of these rights through access to law institutions is one of the basic principles, the fulfilment of which is one of the priorities of the Albanian Government, in the framework of the implementation of justice reform.

The Law no. 111/2017 "On Legal Aid guaranteed by the state", was one of the laws adopted in the framework of the reform, the entry into force of which brought a profound reform of the legal aid system bringing a new spirit in terms of organization, operation and provision of state-guaranteed legal aid. The adoption of this law led to the drafting of a package of bylaws which aim to regulate in detail any process on legal aid guaranteed by the state.

The main purpose of this law is to provide free legal aid to all categories that, due to the conditions in which they are, find it impossible to provide this service. 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.

The authorities reported that the following changes have been carried out:

- The Directorate of Free Legal Aid is established as a subordinate institution of the Minister of Justice, responsible for the administration and functioning of the free legal aid system in Albania; (Despite the fact that the law entered into force in June 2018, the internal organization of the Directorate of Free Legal Aid was approved in 2019, by the Prime Minister, by Order No. 59, date 25.03.2019 "On the approval of the structure and staff of Free Legal Aid Directorate "on the proposal of the Minister of Justice);
- With the entry into force of the new law, the responsibility of a number of institutions is already increasing, which will be engaged in guaranteeing equal access to justice through free legal services. (Ministry of Justice; Directorate of Free Legal Aid; Courts; Prosecution Offices; Albanian Bar Association);
- A network was created among the responsible institutions engaged in providing and guaranteeing legal services (primary and secondary), with professionalism and efficiency.
- The competence to decide on requests for secondary legal aid were transferred from the State Commission for Legal Aid to the Courts is another innovation brought by this law.

The law on legal aid distinguishes the following:

- Primary legal aid is one of the forms of free legal aid through which every citizen is offered legal advice and guidance, assistance in solving their problems, and drafting the necessary acts and representation before public administration bodies. This type of service is provided by Nonprofit Organization, Law Clinics at Higher Education Institutions, and Primary Legal Aid Service Centers.
- Secondary legal aid is the legal service provided for drafting acts necessary to set the Court in motion; providing advice, representation and protection before the court in administrative, civil and criminal cases, for which compulsory protection does not apply, according to the provisions of criminal procedural legislation.

Referring to the provisions of law no. 111/2017 "On legal aid guaranteed by the state", secondary legal aid is one of the main forms of legal aid services guaranteed by the state and as such, is offered in cooperation with several institutions. For 2022, the list of lawyers includes 157 lawyers who provide legal aid.

"Referring to Article 9 point "d" of Law no. 111/2017 "On legal aid guaranteed by the state" provides that: The National Chamber of Advocacy prepares and organizes continuous training programs for lawyers included in the list of lawyers who offer secondary legal aid services, in cooperation with the Assistance of FLAD.

Secondary legal aid is provided by lawyers included in the list approved by the Chamber National Bar, based on the request of the person who enjoys the right to benefit from assistance secondary legal, according to articles 11 or 12, of Free Legal Aid. The request is drawn up according to the request form, approved by the Minister of Justice.

The request for the provision of secondary legal aid is submitted by the interested person personally or by means of the postal service to the court or the proceeding body that initiates the investigations, before the beginning of one litigation, at the beginning of a litigation and/or at any stage of the litigation, until no the judicial investigation has been declared closed, according to the rules provided in the procedural legislation.

2. The person who has the right to secondary legal assistance can submit the provided request in point 1, of this article, through a legal representative or equipped with a power of attorney, or through spouse, cohabitant or a first-degree relative.

3. The request for secondary legal aid is exempt from court fees and expenses.

4. The person, who seeks to benefit from secondary legal assistance, signs a self-declaration that fulfils the benefit criteria defined in this law, according to the approved self-declaration form from the Minister of Justice, accompanied by supporting documentation. The list of serving documents for proving the fulfilment of the criteria is determined by the order of the Minister of Justice.

The request for secondary legal aid is submitted to the competent court for the examination of the case basically, unless otherwise provided in law.

Lawyers who provide secondary legal aid services meet the following conditions:

- a) have applied to the National Bar Association and are included in the list of lawyers who provide secondary legal aid services;
- b) have concluded an annual service contract with the Directorate of Free Legal Aid;
- c) are designated for the provision of secondary legal aid services by the proceeding body or local bar association;
- ç) are specialized in areas of law, when specialization is necessary, as in the case of representation of minors, victims and in other cases provided by law.

Legal aid is applied to:

	Criminal cases	Other than criminal cases
Representation in court	✓	✓
Legal advice, ADR and other legal services	✓	✓

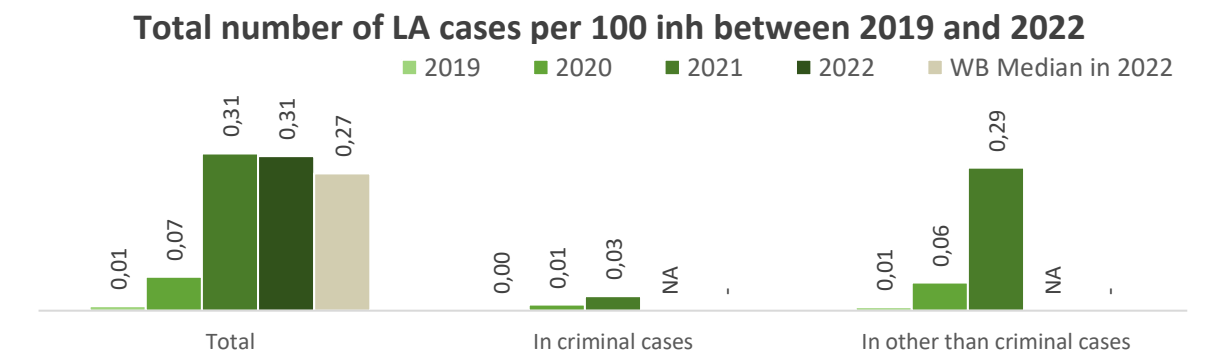
• **Implemented budget for legal aid and number of cases for which legal aid has been granted**

	Implemented budget for legal aid in €				Total implemented budget for legal aid per inhabitant		Total implemented budget for legal aid as % of GDP		Total implemented budget for legal aid as % of the judicial system budget	
	Total (a+b)	% Variation 2019 - 2022	Cases brought to court (a)	Cases not brought to court (b)	Albania	WB Median	Albania	WB Median	Albania	WB Median
Total (1+2)	317 121 €	373,7%	83 773 €	233 347 €	0,11 €	0,18 €	0,002%	0,002%	0,72%	0,7%
In criminal cases (1)	NA	NA	NA	NA						
In other than criminal cases (2)	NA	NA	NA	NA						

In 2022, Albania spent 317 121€ on the total implemented budget for legal aid, which was 373,7% more compared to 2019. This means that it spent a significantly lower amount per inhabitant compared to the WB median (0,11€ and 0,18€, respectively).

The free legal aid system was fully implemented in 2021. This year has marked an increase in the number of court decisions that grant applicants the right to secondary legal aid 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. Trials take time, especially in the nowadays conditions regarding the absence of judges due to the vetting process. This is reflected 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 (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	% Variation 2019 - 2022					
Total (1+2)	8 646	0,31	3162,2%	1 030	7 616	36,7 €	81,3 €	30,6 €
In criminal cases (1)	NA	NA	NA	70	NA	NA	NA	NA
In other than criminal cases (2)	NA	NA	NA	960	NA	NA	NA	NA



In 2022, the number of cases for which legal aid was granted was 8 646, while they were 270 in 2019. The total cases brought to court were 1 030, while the total cases not brought to court were 7 616. On average, the amount granted per legal aid case was 36,7€.

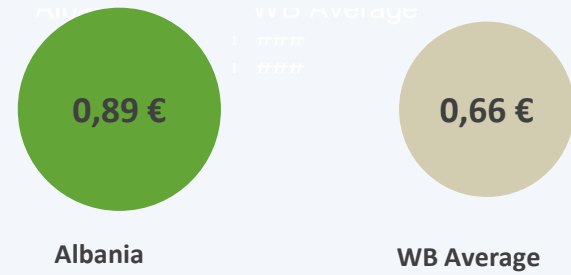
As for the year 2022, 7616 citizens have been treated with primary legal aid and 1030 court decisions have been administered with the object of secondary legal aid.

During 2022 according to the scope of court cases that citizens have requested secondary legal assistance, it is evident that they are mainly civil cases. Out of the total number of requests for legal aid of 1030, 691 of them are civil, where the main ones are marriage settlement, pension benefits and property conflicts. While the other two categories, where 70 are criminal and 269 are administrative cases.

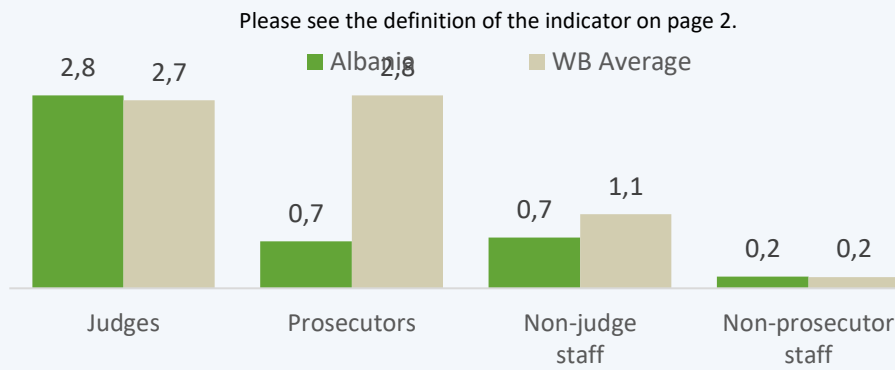
Kosovo is not included in the calculation of summary statistics

Training of judges and prosecutors in Albania in 2022 (Indicator 7)

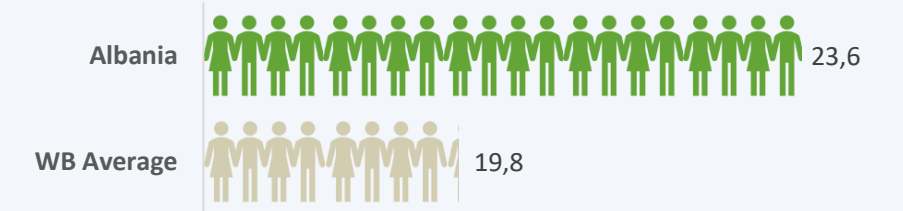
Total budget for training per inhabitant



Average number of live training participations per professional



Average number of participants per delivered training



The total budget for training of judges and prosecutors in Albania was 0,89€ per inhabitant, which is above the WB Average (0,66€ per inhabitant).

In 2022, 1 840 participants (of which 881 judges and 712 prosecutors) were trained in 78 live trainings (in-person, hybrid or video conferences). Yet, there were no internet-based trainings.

In Albania, on average, each judge participated to 2,8 live trainings while each prosecutor participated to 0,7 live trainings in 2022. Both figures were above the WB Averages of 2,7 and 0,4, respectively.

Regarding the internet-based trainings (not-live), no training was provided on the e-learning platform of the training institution for judges and prosecutors, nor on other e-learning platforms (HELP, EJTN, UN, etc.).

In Albania, both judges and prosecutors are required to attend a minimum of 5 days of in-service compulsory training.

Budget for training

This part analyses the budget of training institution/s for judges and prosecutors but also the budgets of courts and prosecutions dedicated to training (when applicable)

	Budget of the training institution(s) (1)	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)							
			Absolute Number	Evolution of training budget per inhabitant				% Variation 2019 - 2022	% Variation 2021 - 2022	WB Average per inhabitant
				2019	2020	2021	2022			
Total	2 472 869 €	0 €	2 472 869 €	0,51 €	0,54 €	0,75 €	0,89 €	74,4%	17,7%	0,66 €
Judges	NAP	0 €	0 €							
Prosecutors	NAP	NAP	NAP							
One single institution for both judges and prosecutors	2 472 869 €		2 472 869 €							
Donor's contribution	1 997 €									

Year	Budget per inhabitant (€)
2019	0,51 €
2020	0,54 €
2021	0,75 €
2022	0,89 €

Albania spent in total 2 472 869€ for training for judges and prosecutors in 2022, which is 0,89€ per inhabitant (above the WB average of 0,66€ per inhabitant).

The amount provided by the State Budget to the School of Magistrates is 2 470 872 EURO.

The total amount of funds given to the SoM by donors in 2022 is: 1 997 EURO.

• Number of in-service live trainings and participants

Organisation of the trainings (number, duration and average number of participants on trainings)

	Live (in-person, hybrid, video conference) trainings (2022)							
	Number of available trainings	Number of delivered trainings	Delivered trainings in days	Number of participants	Average duration of trainings in days		Average number of participants per delivered training	
					Albania	WB Average	Albania	WB Average
Total	78	78	103	1 840	1,3 <	1,4	23,6 >	19,8
Judges	76	76	101	881	1,3 <	1,4	11,6 <	12,5
Prosecutors	45	45	60	712	1,3 <	1,5	15,8 >	11,8
Non-judge staff	3	3	5	147	1,7 >	1,3	49,0 >	24,7
Non-prosecutor staff	1	1	1	100	1,0 =	1,0	100,0 >	26,9

CEPEJ distinguish these types of trainings:

"A live" training shall be understood as a training conducted in real time. This means that both trainers and participants are physically present in one location or several locations assisted with information technology (digital tools).

"Internet-based" trainings are all trainings that take place over internet, irrespective of the format of the training (such as trainings via specifically designed LMS - Learning Management System platforms, webinars, podcasts and other forms of downloadable lectures and self-learning digital tools). The internet-based training shall be understood as e-training that is implemented according to participant own pace and time of training.

Key:	>	Higher than the WB Average
	=	Equal to the WB Average
	<	Lower than the WB Average

In 2022, the average duration of trainings of both judges and prosecutors in Albania was 1,3 days (while the WB Average was 1,4 and 1,5 days, respectively).

The School of Magistrates does not organize trainings only for judges or only for prosecutors. In the table of training activities, trainings are defined which are addressed to a specific target group such as judges, prosecutors, judicial police officers, state lawyers, administrative staff of courts or prosecutions, chancellors, etc. but most of the training activities are open to all subjects whose law recognizes the right to be trained by the School of Magistrates. So, apart from the fact that there are trainings with a certain target group, the same trainings where judges have participated, prosecutors have also participated, especially when it comes to dealing with procedural law, where the confrontation of the prosecutor's perspective with the court is quite important. In this case, in 76 trainings for judges, there were trainings dedicated only to judges, but also trainings where there were judges, prosecutors and other subjects of the justice system.

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

Indicators on training participation: Number of training participations per professional and unique participants

	Average number of live training participations per professional		Professionals attending at least one training (unique participants)		
	Albania	WB Average	Number	% of total professionals by category	
				Albania	WB Average
Total	0,8 <	0,9	541	24,9% >	23,9%
Judges	2,8 >	2,7	230	72,3% <	84,7%
Prosecutors	0,7 <	2,8	196	97,0% <	98,5%
Non-judge staff	0,7 <	1,1	50	4,7%	-
Non-prosecutor staff	0,2 =	0,2	65	11,0%	-



Average number of live training participations per professional

This indicator is calculated as follows: the number of participants in live trainings is divided by the number of professionals for that category. For example, the WB Average for judges is 2,7. This means that, on average, each judge in the region participated to 2,7 live trainings. This indicator should also be analysed together with the indicator on percentage of professionals attending training, shown in the table as well. Indeed, this analysis allows to better understand how long a professional was trained on average and if all were trained.

Looking at the average participations on live trainings, the highest average was for judges (2,8 live training participations per judge). Hence, compared to the other professionals, Albania gave priority to the trainings for judges, like the rest of the region (the WB Average number of participations per judge on live trainings was 2,7).

In 2022 the highest priority for live training was given to the training of Judges (2,8 participations on trainings per judge). At the same time, the percentage of judges attending at least one training was 72,3%.

• Number of in-service internet-based trainings and participants

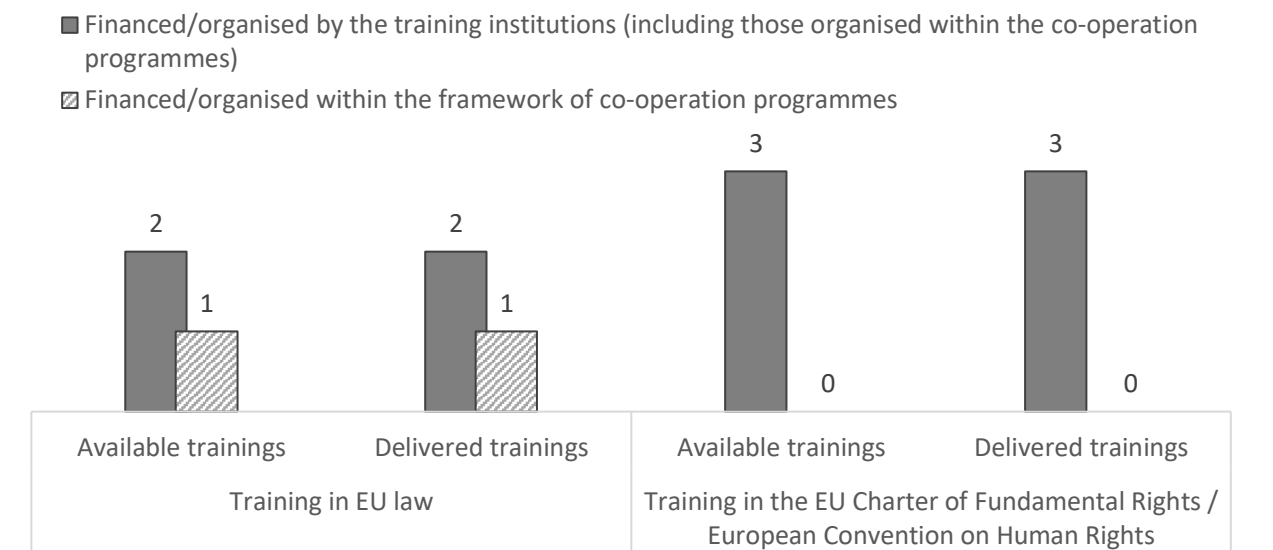
	Number of internet-based trainings (not live) in 2022			
	Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Number of trainings	Number of participants	Number of trainings	Number of participants
Total	0	0	0	0
Judges	0	0	0	0
Prosecutors	0	0	0	0
Non-judge staff	0	0	0	0
Non-prosecutor staff	0	0	0	0

In Albania, in 2022, there were not internet based training not live

• Number of EU law training courses and participants

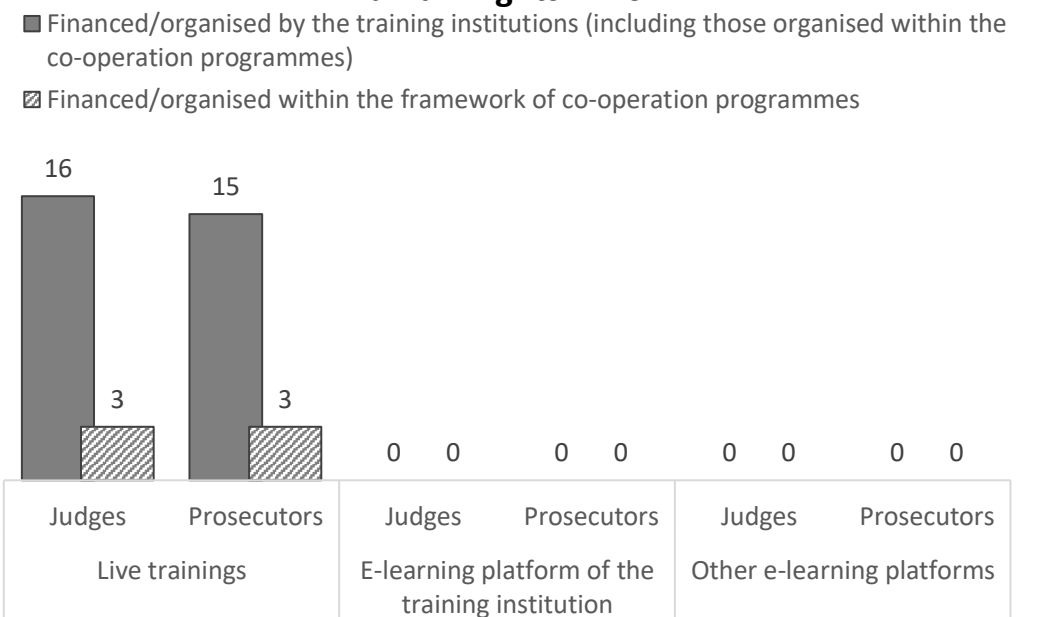
	Training in EU law organised/financed:		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights organised/financed:	
	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes
Live trainings (2022)				
Number of available live trainings	2	1	3	0
Number of delivered live trainings	2	1	3	0
Number of delivered live training in days	4	1	4	0
Internet-based trainings(2022)				
Provided on the e-learning platform of the training institution (not live)	0	0	0	0
Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	0	0	0	0

Number of live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2022



Training in EU law and EU Charter of Fundamental Rights / European Convention on Human Right organised/financed:	Live (in-person, hybrid, video conference) trainings				Internet-based trainings (not live)			
	Number		Unique participants		Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
By the training institutions for judges and prosecutors	16	15	16	15	0	0	0	0
Within the framework of co-operation programmes	3	3	3	3	0	0	0	0

Number of participants to live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2022



Participation shall be understood as one attendance of a person to a training.

• Type and frequency of trainings

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

According to the Albanian authorities, a training topic may be developed regularly or occasionally in different academic years. This is a different variable since the calendar of continuing education training activities itself is variable from one academic year to another. The components that influence the variability of this data are mainly the needs of the justice system for the development of training activities in a specific direction or field, as well as the selection of this topic by the main beneficiaries of continuing education, which are the in-service magistrates.

In other words, after conducting the needs assessment process and collecting in-service magistrates' concrete needs, the training activities are organised according to the needs of the system.

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

The obligation of magistrates to complete mandatory training comes from Law No. 96/2016 On the Status of Judges and Prosecutors in the Republic of Albania. Article 5, point 3 defines the mandatory period to be followed by the magistrate in the continuing training as follows:

The period of continuing education should be:

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

Regular follow-up and compliance with the law or not is a component that serves for the professional and ethical evaluation of judges and prosecutors by the High Judicial Council and the High Prosecutorial Council, and non-attendance of continuous training can serve to be considered a disciplinary violation.

Article 102, point g

Disciplinary violations related to the exercise of the function:

Unjustified non-fulfilment of the obligation to participate at least in the specified number of continuing training activities, according to the conditions and criteria established by law.

Also, the sanction for non-fulfilment of continuing training, which may lead to a disciplinary violation, is defined in articles 112 and 113 of the same law:

Article 112

Complementary disciplinary measures

- If the magistrate has been convicted by a final decision for criminal offenses in the field of corruption, the Council decides, in addition to the dismissal of the magistrate, also the return of the amount of the gross salary of the last year in office benefited from him.
- The Council, along with the measures provided for in point 1, letters "b", "c", subsection "i", "ç", "d", of Article 105, of this law, may also decide one of the following additional disciplinary measures:

- compulsory attendance of specified professional trainings, according to the provision in Article 113 of this law;
- removal from office of the chairman.

Article 113

Complementary measures for training

In support of Article 112, point 2, letter "a", of this law, the Council may impose the additional disciplinary measure of mandatory attendance of specified professional trainings, if the offense committed can be corrected through participation in mandatory training programs. In this case, the decision determines the content and duration of the mandatory training program."

As regards prosecutors, in Article 102, point 1, letter "h", of the Law no.96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, is provided as a disciplinary violation related to the exercise of function, the non-compliance of the prosecutor with unjustified causes of the obligation to attend continuing training programs, according to the conditions and criteria set by law.

As regards **training on ethics**, according to Article 182, of the Law "On the governance institutions of the justice system", as amended, 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. However, training on ethics is not mandatory.

As regards **training on corruption**, judges/public prosecutors do not have to undergo compulsory in-service training solely dedicated to prevention of corruption and conflicts of interest. The obligation of magistrates is not for attending a specific topic, it is only for a specific number (5 training days a year). They have the freedom to choose the topics they want to be trained in, where their needs are directed in such a way that they exercise their function as effectively as possible.

Prosecution offices have prosecutors specially trained in **domestic violence**. Moreover, they have prosecutors specially trained in sexual violence.

• Minimum number of compulsory trainings

	Initial compulsory training		In-service compulsory trainings	
	Minimum number of trainings	Minimum number of days	Minimum number of trainings	Minimum number of days
Judges	NAP	195	NAP	5
Prosecutors	NAP	195	NAP	5

The first and second year of the initial training are divided in two semesters of 15 weeks each of them. A calendar year has 30 weeks, with 5 days of initial training in a week, in total 150 days of initial training in the first year, and 45 days of initial training in the second year.

• Quality of judicial training

Albania identifies (collects information about) future in-service training needs via:

Target audience itself



Relevant judicial institutions



Previous participants in trainings



Ministry of Justice



Trainers



Other (International partners)



Courts/prosecutor's offices



Future in-service training needs are assessed annually.

Training needs assessment is a process spread over different steps, times and subjects. This process begins with an invitation to propose topics, which is sent to all beneficiaries of continuing training, such as magistrates, state lawyers, judicial police officers; the institutions with which the School of Magistrates cooperates; national and international partners; High Judicial Council; High Prosecutorial Council; internal and external teachers of the School. In short, to every beneficiary or valued entity that can contribute to the most coherent and beneficial drafting of the activity calendar. During the drafting of the Calendar, the suggestions given in the Evaluation Forms of each training activity that took place in a previous academic year are also taken into consideration. The approved Draft Calendar is then sent to all the beneficiary subjects, where they are asked to apply for participation in the training topics they are interested in. Based on the interest shown, the final topics are approved, which will be organized during the next academic year. Regarding the evaluation of the training activities, at the end of each activity, evaluation forms are distributed to the participants and experts. The participants give their evaluation of the activity, the materials available from the experts, the panel of experts and facilitators, as well as the continuing training staff. The experts evaluate the interactivity between the participants as well as between each other.

In Albania, in-service trainings (seminars, workshops, round tables) are evaluated immediately after the training is delivered by using Evaluation Questionnaire

The feedback of the training evaluation process is used:

To prepare a training evaluation report with recommendations



To suppress a training course



To improve the training course which, according to the report, needed improvements



To introduce a new course



To replace the trainers that failed to meet expected learning outcomes/were negatively evaluated



Other



Other: for needs assessment purposes

Kosovo is not included in the calculation of summary statistics

Alternative Dispute Resolution in Albania in 2022 (Indicator 9)

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



Court-related mediation procedures



Mandatory informative sessions with a mediator



Mandatory mediation with a mediator



Mediators

4,5

per 100 000 inhabitants

WB Average: 14

54% female mediators



Total number of court-related mediations

Number of cases for which the parties agreed to start mediation

NA

Number of finished court-related mediations

NA

Number of cases in which there is a settlement agreement

NA

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 also mandatory informative sessions with a mediator. In 2022, the number of mediators per 100 000 inhabitants was 4,5, which was below the Western Balkans average (14 per 100 000 inhabitants). The majority of the mediators were women (54%). There were in total NA cases for which the parties agreed to start mediation and NA mediation procedures which ended with a settlement agreement.

• Court-related mediation procedures

Court related mediation is the mediation which includes the intervention of a judge, a public prosecutor or other court staff who facilitates, directs, advises on or conducts the mediation process. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor (or a judge) can refer a case to a mediator or propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement). Such mediation may be mandatory either as a pre-requisite to proceedings or as a requirement of the court in the course of the proceedings.

The civil procedure code, amended in 2017, 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 informative session with mediator, or mandatory full mediation are conducted beforehand in order to be able to go to court.

Mandatory informative sessions with mediators regard 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

Requirements and procedure to become an accredited or registered mediator:

According to article 4 and 5 of Law no. 26/2018 "On some additions amendments to Law no. 10385, dated 24.02.2011"

The mediator exercises the activity, as a natural or legal person, after his/her licensing and registration with the Register of Mediators, according to this law.

The mediator, upon successful completion of the initial training and the qualifying examination, has the right to present the documentation for being granted the licence of mediator with the Minister of Justice.

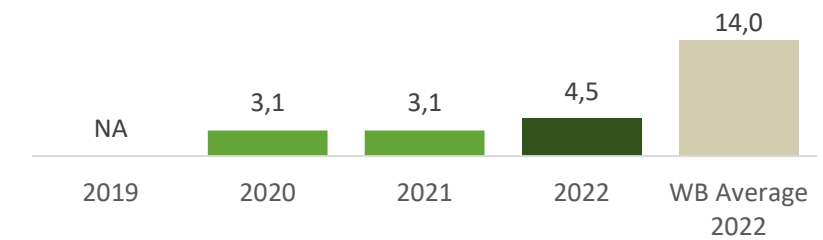
The Minister of Justice shall licence, within 45 days from the submission of the request for licensing, the subjects interested that fulfil the criteria of article 5 of this law for exercising the activity of mediation, which register at taxation bodies, in line with the legal acts in force. The activity of these subjects is under category XI.3 of the Appendix attached to law no.10081 of 23 February 2009 "On licenses, authorizations and permits in the Republic of Albania", amended.

The licensing process has been profoundly changed and articles 4 and 5 have been completely rewritten. According to the last amendments to these articles, the mediator, who must be an Albanian citizen at least 28 years old, must fulfil the following conditions to apply for a license: a) to have complete second cycle study programs; b) have professional experience of not less than 3 (three) years; c) not having been convicted for the intentional commission of criminal offenses by a final court decision.

Foreign citizens who are licensed in their countries as mediators also have the permission to practice the profession of mediator. The rules and procedures for the recognition of the intermediate title acquired in a foreign country are determined by order of the Ministry of Justice.

Accredited/registered mediators for court-related mediation			% Variation between 2019 and 2022
Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	
126	4,5	14,0	44,8%

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2019 and 2022



For reference only: the 2021 EU median is 16,2 mediators per 100 000 inhabitants.

In 2022, the total number of mediators in Albania was 126, which is 44,8% more than in 2019. The number of mediators per 100 000 inhabitants was 4,5, which is less than the WB average of 14.

	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	✓	✗	✗	✗
7. Other cases	NA	NA	NA				

Court related mediations are provided by private mediators.

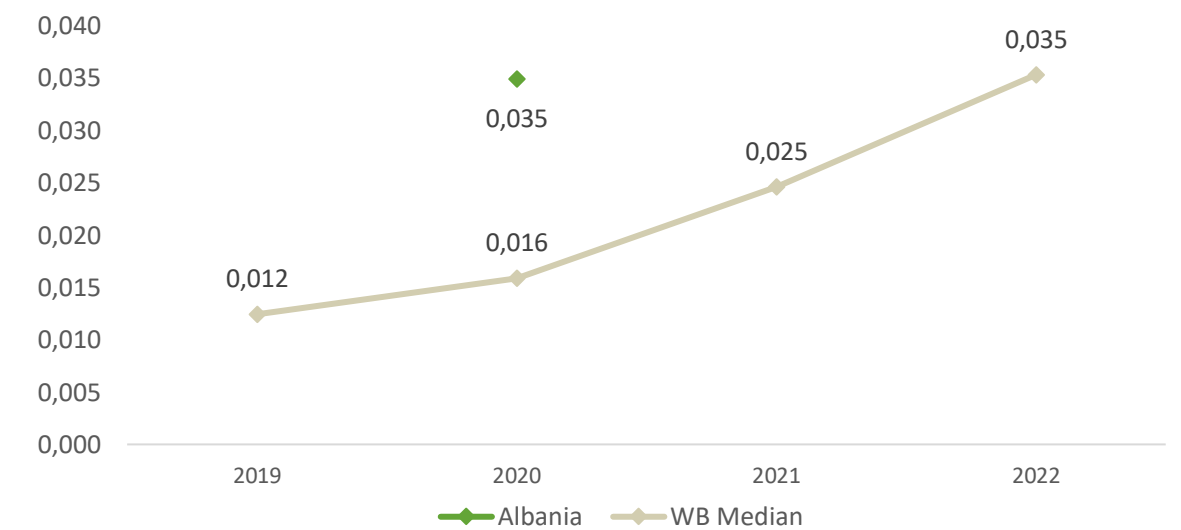
In Albania, it is not possible to receive legal aid for court-related mediation or receive these services free of charge.

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

Evolution of the number of court-related mediation for which parties agreed to start mediation per 100 inhabitants between 2019 and 2022

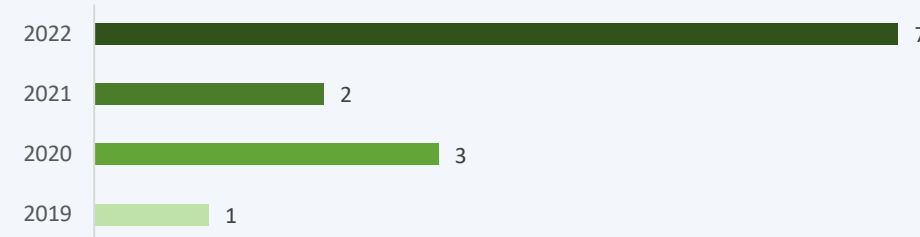


European Convention on Human Rights in Albania in 2022 (Indicator 10)

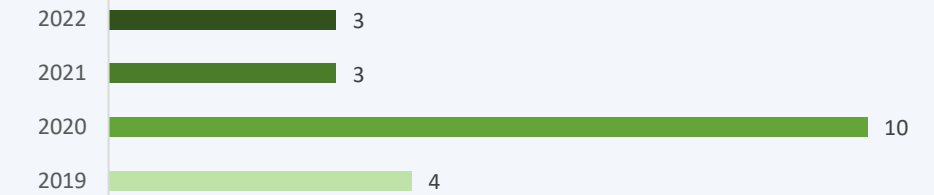
European Convention on Human Rights – Article 6 – Right to a fair trial:

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

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 specifically: "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 at 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."

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

For criminal procedures (timeframe) The timeframe of criminal procedures are prescribed at 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."

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 V/I "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.

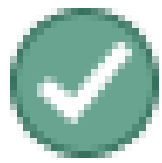
The State Advocature is responsible for the coordination of the execution process, drafting of action plans (individual and general measures) and reports, representation in front of the Committee of Ministers of the Council of Europe, and the monitoring of the execution of the ECHR decisions/judgments 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

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 2022, the applications allocated to a judicial formation** for Albania were 85 (10 more than the previous year). The judgements by the ECHR finding at least one violation for Albania were 7; whereas they were 2 in 2021.

The number of cases considered as closed after a judgement of the ECHR and the execution of judgements process was 3 in 2022; whereas they were 3 in 2021.

	2019	2020	2021	2022
Applications allocated to a judicial formation of the Court**	88	76	75	85
Judgements finding at least one violation**	1	3	2	7
Judgements finding at least one violation of the Article 6 of the ECHR				
Right to a fair trial (1)	0	0	1	2
Length of proceedings	0	0	2	1
Non-enforcement	0	0	0	1

	2019	2020	2021	2022
Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	4	10	3	3

*** Source: Department for the Execution of Judgments of the ECHR

** Source: ECHR

(1) Figures in this line may include conditional violations.

Kosovo is not included in the calculation of summary statistics

Reforms in Albania in 2022

	Yes (planned)	Yes (adopted)	Yes (implemented during 2023)	Comment
(Comprehensive) reform plans	✔	✘	✘	-
Budget	NA	NA	NA	-
Courts and public prosecution services	✔	✘	✘	<p>As per the new judicial map, decided in 2022 there will be a reduction of the number of courts. For instance a total of 18 courts will close. 5 Appeal Courts, 13 First Instance Courts. HPC: With Decision no. 495, dated 21.07.2022, "On the reorganization of the judicial districts and territorial powers of the courts", the Council of Ministers has approved the proposal of the Minister of Justice, for the reorganization of the distribution of courts in the territory of the country. According to this decision, throughout the country will operate a total of 13 courts of first instance of general jurisdiction, 1 Court of Appeal of General Jurisdiction and 2 administrative courts of first instance. According to the law, the prosecutor's offices work alongside the judicial system. Consequently, the organization of the prosecution offices will be carried out in accordance with the new judicial map, respectively, near the courts of first instance of general jurisdiction and the Court of Appeal of General Jurisdiction. Specifically, out of 23 prosecutor's offices that are currently in place will function only 13 prosecutor's offices, and out of 6 prosecutor's offices at the appeal level that are currently in place will function only 1 prosecutor's appeal office.</p> <p>Decision no. 495, dated 21.07.2022, "On the reorganization of the judicial districts and territorial powers of the courts", of the Council of Ministers has determined deadlines during the year 2023 for the merger of the courts according to the new map, dictating the merger of the prosecution offices in accordance with this regulation.</p> <p>With Decision no. 495, dated 21.07.2022, "On the reorganization of the judicial districts and territorial powers of the courts", the Council of Ministers has approved the proposal of the Minister of Justice, for the reorganization of the distribution of courts in the territory of the country. According to this decision, throughout the country will operate a total of 13 courts of first instance of general jurisdiction, 1 Court of Appeal of General Jurisdiction and 2 administrative courts of first instance. According to the law, the prosecutor's offices work alongside the judicial system. Consequently, the organization of the prosecution offices will be carried out in accordance with the new judicial map, respectively, near the courts of first instance of general jurisdiction and the Court of Appeal of General Jurisdiction. Specifically, out of 23 prosecutor's offices that are currently in place will function only 13 prosecutor's offices, and out of 6 prosecutor's offices at the appeal level that are currently in place will function only 1 prosecutor's appeal office.</p> <p>Decision no. 495, dated 21.07.2022, "On the reorganization of the judicial districts and territorial powers of the courts", of the Council of Ministers has determined deadlines during the year 2023 for the merger of the courts according to the new map, dictating the merger of the prosecution offices in accordance with this regulation.</p>
Access to justice and legal aid	✘	✘	✘	-
High Judicial Council and High Prosecutorial Council	✘	✘	✘	-
Legal professionals	NA	NA	NA	-
Gender equality	NA	NA	NA	-
Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities	NA	NA	NA	-
Mediation and other ADR	NA	NA	NA	-
Fight against corruption and accountability mechanisms	NA	NA	NA	-
Domestic violence	NA	NA	NA	-
New information and communication technologies	NA	NA	NA	-

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFIII:

Towards a better evaluation of the results of judicial reform efforts in the Western Balkans – phase II

“Dashboard Western Balkans II”

Data collection: 2022

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, together with the criteria 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	✓	✓		
	Citizenship	✓	✓		
	Age				
	Clean criminal record	✓	✓		
	Foreign language knowledge	✓	✓		
	Entry test	✓	✓		
	Other	✓	✓		

In addition to the criteria listed above, a candidate for judge and public prosecutor must also meet the following criteria (included under “Other” in the table above: 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”, article 28).

After completing the initial training, a graduates’ list is published. Those who disagree with the results of the initial training, may appeal the School of Magistrate’s decision to an administrative court. 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 as magistrates persons from the graduates' list within one month after its publication , or shall refuse some of the persons from the list because they do not fulfil the criteria for appointment or shall allow the appointment of a person who meets the appointment criteria in the next year (Article 35, Law No. 96/2016 “On the status of judges and prosecutors”). Graduates whose application for appointment is refused by the Councils may appeal to the Administrative Court of Appeal within 15 days from the notice (Article 192/1, Law “on the governance institutions of justice system”). 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, state intelligence institutions 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). On the basis of Regulation “For the promotion to the highest levels in prosecution offices of the general jurisdiction” of the High Prosecutorial Council adopted on 27th July 2022, the promotion at the highest levels is conducted in three phases: 1. verification of candidates on meeting legal conditions for candidacy; 2. a decision is taken on ranking of qualified candidates; 3. a decision to promote a candidate is taken. 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. With the Decision no. 51 dated 19th March 2019, the High Prosecutorial Council approved “Regulation on the criteria and procedure for the promotion of prosecutors at the Special Prosecutor’s Office against Corruption and Organised crime”. Promotion as per this regulation is conducted in eight stages: 1. The Ad-hoc Commission performs an initial assessment of candidates to determine if they meet the legal requirements for promotion to office as a special prosecutor; 2. the Ad-hoc Commission proposes to the High Prosecutorial Council disqualification of those who do not meet the requirements; 3. the High Prosecutorial Council disqualifies those candidates; 4. the Ad-hoc Commission conducts interviews with the remaining candidates and requests public institutions to submit important documents for assessment; 5 The Commission uses documents and letters of motivation to make relevant proposals for the evaluation of candidates, based on: i. previous professional evaluations; and ii. special ethical and professional criteria. The Council also takes into account the candidate's personal and professional commitment as an expert. 6. In case, after evaluating the special ethical and professional criteria, there are candidates with equal points, the Council ranks the candidates according to their seniority as magistrates or lawyers. 7. the Ad-hoc Commission proposes a score for each of the candidates;8. the High Prosecutorial Council decides by majority of votes on the final evaluation and ranking of the candidates.

		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		

“Other” criteria regarding promotion of prosecutors to the highest levels and heads of prosecution offices of general jurisdiction, as well as judges in respect of positions at the High Court and Anti corruption and organised crime specialised courts (article 48, paragraphs 1 and 8 of the Law on status of judges and prosecutors) include lack of disciplinary measures and successful verification of assets and the candidate’s reputation while for promotion of prosecutors to the Special Prosecutor’s Office against Corruption and Organized Crime “other” criteria include consenting to periodic control of bank accounts and personal telecommunications of the candidate and his/her family members.

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.

The authorities report that the requests for compensation in case of excessive length of proceedings and non-execution of court decisions have been regulated separately in 2017, namely in the Civil Procedural Code. The procedure is conducted in two phases: 1. a request filed at court that is logged in the CMS system as non-litigious case (civil or administrative, depending on the court); 2. a request filed as a litigious case based on tort law. The authorities cannot identify cases and shall address it with the new CMS system. Requests for compensation regarding wrongful arrest/detention and wrongful conviction are registered as litigious administrative cases and do not have any specific identifying code in the CMS.

There is a procedure in place to effectively challenge a judge in case a party considers the judge is not impartial (due to his/her participation in previous proceeding; due to family, blood or in-law relations; due to his/her obligation to abstain from adjudicating or due to his/her opinion made on the case prior to issuing a decision). 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. The total number of initiated procedures to challenge a judge in 2022 was 1092 and the total number of recusals pronounced was 60.

Article 148 of the Constitution guarantees independence of the prosecution office as a separate entity among state institutions as well as internal independence of prosecutors to investigate and prosecute. The same is guaranteed for the Special Prosecution Office which is an independent investigation unit and independent from the Prosecutor General (Article 135 of the Constitution). Article 48 of the Law "On the Organisation and Functioning of the Prosecution in the Republic of Albania" allows senior prosecutors (the General Prosecutor, a higher prosecutor, head of prosecution office, head of the Special Prosecution to prosecutors in the Special Prosecution Office and heads of sections to prosecutors within those sections) to issue non-binding specific instructions in a concrete individual case in writing. Such instructions shall be reasoned. In practice, such instructions remain occasional. These instructions are non-binding on their subordinates. If the latter disagree with the instruction, they may ask for further written explanations. Head of the prosecution office or of the section is then obliged to provide explanations and repeat his/her instruction in writing; otherwise, the instruction is considered withdrawn. If the subordinate decides to disregard the repeated instruction, s/he must notify the head of the prosecution office or of the section in writing. In exceptional cases, where circumstances do not allow, instructions may be given verbally and, within a reasonable time, confirmed in writing. No information is available on number of non-binding instructions for concrete cases addressed to prosecutors to prosecute or not in 2022.

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 and judges 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, safe complaints mechanisms, specific training and others, namely procedures stipulated by law on whistle-blowers and the ethics advisor (a judge assigned by the High Judicial Council from the ranks of judges). 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. HIDAACI checks assets in vetting process while HIJC controls assets of newly appointed magistrates.

There is an optional in-service training on ethics occasionally offered to both prosecutors and judges. Trainings on ethics and corruption are not mandatory. In general, the obligation of magistrates is not for attending a specific topic, it is only for a specific number (5 training days a year). They have the freedom to choose the topics they want to be trained in, where their needs are directed in such a way that they exercise their function as effectively as possible.

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 (independence, integrity, impartiality), extrajudicial activities, conflict of interest, information disclosure and relationship with press agencies. The rules on ethics and conduct of prosecutors provide for standards of adherence to judicial values (independence, integrity, impartiality), prosecutors’ relationship with institution, citizens and users, prosecutors’ competence and continuing education, extrajudicial and political activities, conflict of interest, information disclosure and relationship with press agencies, association membership and institutional positions and gifts rules. Rules and principles are given concrete non-exhaustive examples on the way they should be implemented to better reflect their purpose.

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. In 2022, no opinion was issued.

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 and s/he reports on his/her activities to the HPC annually. In 2022, one such opinion was issued.

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 (completely by random algorithm). 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 and are thus registered. No statistics has been provided on the number of reassigned cases in 2022.

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

	2022			
	Judges		Prosecutors	
	Abs	Per 100	Abs	Per 100
Number of initiated cases	NA	NA	0	0,00
Number of completed cases	NA	NA	0	0,00
Number of sanctions pronounced	NA	NA	0	0,00

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

	Judges	Prosecutors
Implemented	67%	100%
Partially implemented	33%	0%
Not implemented	0%	0%

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. In general declarations are made public through requests coming from citizens, NGO, and Media, which can be submitted through the official email address or in writing to HIDAACI. Through the processing of such requests hard copies of the requested declaration forms are provided in compliance with the provisions of the laws on the right of information and the protection of personal data. These declarations are usually published in open data sources such as Open Data Albania. However as of 2022, with the implementation and improvement of the new online declaration system (EACIDS) which is now fully functional for declaration purposes, the publication of all the declarations is possible through this system for public access. 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 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 2014-2022, approx. 66.204 assets declarations were made publicly available upon request, in 2019 10.937, in 2020 6.182, in 2021 3.553 and in 2022 4.271.

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 are available with regard to number of proceedings against magistrates for violations or no declaration of assets in 2019, 2020, 2021 and 2022.

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) assets 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 Constitution as regards disciplinary liability of judges and possibility of suspension (article 140) and the incompatibilities with judges' profession (article 143); 2) 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); 3) the Law No. 986/2016 "On the Status of Judges and Prosecutors in the Republic of Albania; 4) 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); 5) the Code of Judicial Ethics; and 6) Regulation on combining the profession of a judge with other functions/professional activities.

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. 986/2016 "On the Status of Judges and Prosecutors in the Republic of Albania; 5) Decision no. 32, dated 24th February 2022 "On the approval of the standards of ethics and rules of conduct of the prosecutor", adopted by the HPC (Articles 5, 12, 13 and 16 – prohibition of conflict of interest, accessory activities, gifts); 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 (Article 17 - conflict of interest).

On the basis of the Law No. 986/2016 "On the Status of Judges and Prosecutors in the Republic of Albania, a magistrate (namely, a judge or a prosecutor) may undertake extra-activity only if this activity is consistent with the dignity of the exercise of the functions, does not lead to a perception of bias or partiality in the performance of the function and does not conflict with essential office interest, thus not impacting the timing and efficient fulfilment of the functions. Any such remunerated activity (including preparatory work) is limited to 200 hours during and beyond the office hours per year. Furthermore, such an extra-activity may be undertaken by a magistrate if it does not conflict with the purpose for which a workload has been reduced, if the remuneration (in a form of a payment, financial reward or compensation) does not exceed normal commercial terms or is not incompatible with the exercise of the magistrate's function or is not prohibited according to this law.

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 are available with regard to number of proceedings for breaches of rules on conflict of interest against magistrates in 2019, 2020, 2021 and 2022.

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 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, organisational and other reasons (establishing family relationship amounting to an environmental incompatibility).

		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.

		2022			
		Judges		Prosecutors	
		Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated	Total number (1 to 5)	37	11,64	4	1,98
	1. Breach of professional ethics (including breach of integrity)	3	0,94	0	0,00
	2. Professional inadequacy	34	10,69	3	1,49
	3. Corruption	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	1	0,50
	5. Other	0	0,00	0	0,00
Number of cases completed	Total number (1 to 5)	3	0,94	3	1,49
	1. Breach of professional ethics (including breach of integrity)	0	0,00	0	0,00
	2. Professional inadequacy	3	0,94	2	0,99
	3. Corruption	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	1	0,50

	5. Other	0	0,00	0	0,00
Number of sanctions pronounced	Total number (total 1 to 10)	3	0,94	2	0,99
	1. Reprimand	0	0,00	0	0,00
	2. Suspension	2	0,63	0	0,00
	3. Withdrawal from cases	NAP	NAP	NAP	NAP
	4. Fine	0	0,00	0	0,00
	5. Temporary reduction of salary	1	0,31	0	0,00
	6. Position downgrade	0	0,00	0	0,00
	7. Transfer to another geographical (court) location	0	0,00	NAP	NAP
	8. Resignation	NAP	NAP	0	0,00
	9. Other	0	0,00	NAP	NAP
	10. Dismissal	0	0,00	1	0,50

“Professional inadequacy” as per Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania” includes the following disciplinary violations: manifest disregard of the law or facts caused intentionally or due to serious negligence or being blatantly professionally incompetent; failure to submit a request for recusal from the proceeding or from the trial of a case, when mandatory under the law, if the magistrate is aware or should be aware of the circumstances; filing a request for recusal from proceeding or trial of the case, if this is contrary to the law, done with an aim to create unfair benefit for the parties and third parties or aiming to shrink the legal responsibility to review the case or aiming at creating the possibility of assigning the case to another magistrate; non-submission of the request immediately after becoming aware of the ground; misconduct during the exercise of function as a magistrate, in particular action, omission or behavior which is a serious or repeated disregard of material and procedural legislation or erroneous implementation of that legislation, when established by higher court, issuance of unreasoned acts or acts containing in the reasoning only conclusions on the applicable law without presenting circumstances of the fact.

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 from among legal professionals (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.