



Strasbourg, 09/07/2024

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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: 2023

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

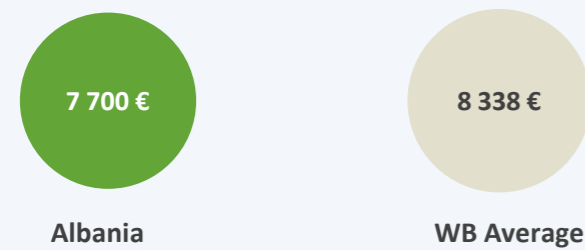
## Part 2 (A) - Beneficiary profile - Albania

## Executive Summary - Albania in 2023

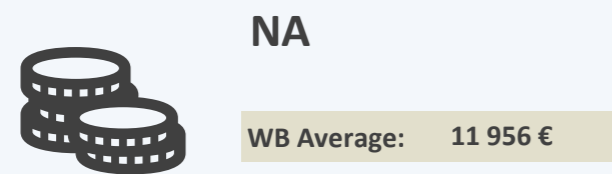
### Population in 2023



### GDP per capita in 2023



### Average annual salary in 2023



### 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% every year, particularly in second instance.

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 and 2023 the efficiency deteriorated again, with an increase in the disposition time for all categories of cases in the two instances. However, an exception can be seen in administrative cases. In 2023, the disposition time for these cases decreased significantly, from 8 680 days in 2022 to 5 326 days. This improvement was driven by the increased number of resolved cases, which resulted from a 49% rise in the number of judges.

### ADR

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

A Law on mediation was adopted in 2011 and 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 a mediator. However, according to the law, **mediation is encouraged by the judge at each stage of the trial.**

\*\*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 in-flow 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.

### Judicial organisation

In Albania, a reform concerning the reorganisation of the country's courts (New Judicial Map) was finalised in 2023. This reorganization led to the closure of 18 courts, leaving 13 courts of first instance of general jurisdiction, along with one Court of Appeal of General Jurisdiction and two administrative courts of first instance. The overall number of courts changed from 38 to 20.

### Budget

In 2023, Albania spent 730 703 726 € as its implemented Judicial System budget, reflecting a 69,3% increase from 2022. Thus, it spent 26,7 € per inhabitant, which is still less than the Western Balkans (WB) average of 45,2 €. Albania continues to have the lowest budget per inhabitant in the region and the lowest budget as a percentage of GDP.

However, over the five-year period from 2019 to 2022, Albania significantly increased its budget allocation for courts, rising from 7,5 € per inhabitant in 2019 to 15,1 € in 2022. This rise is primarily due to the increase in salaries for court and prosecutor staff. Additionally, following the legal aid reform implemented in 2018, Albania has directed substantially more funds towards legal aid, marking a 619% increase from 2019 to 2023. Also, part of the increase is due to a change in exchange rate in 2023.

### Legal aid

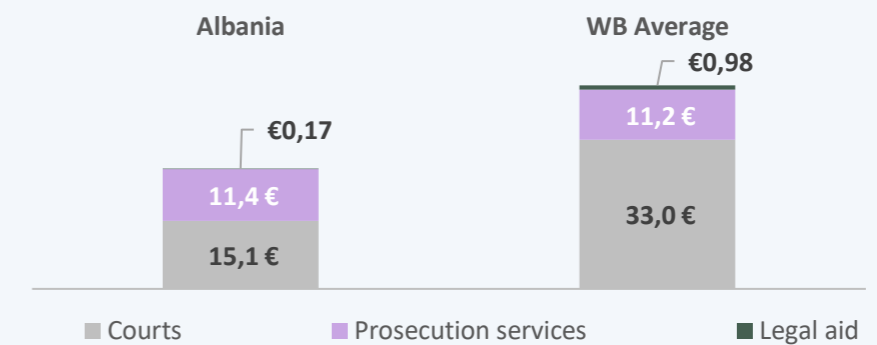
As already mentioned, **after the legal aid law came into force, the legal aid budget was increased substantially to provide legal advice and free legal representation in courts.**

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.

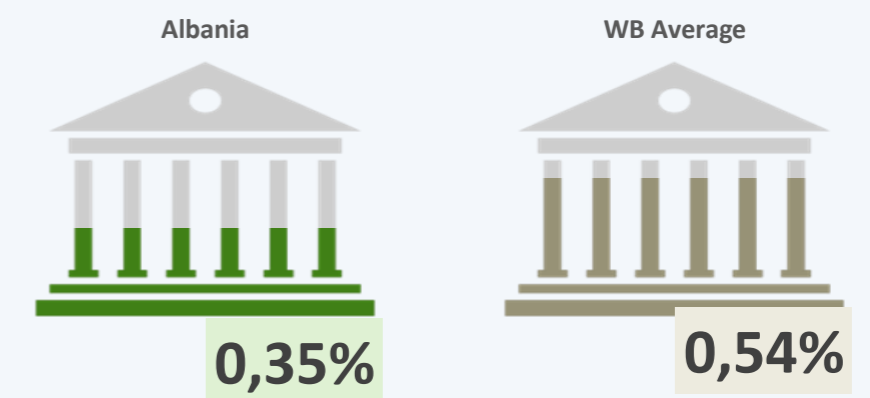
This led to a **significant increase in the number of cases granted with legal aid**, from 270 cases in 2019 to 7 737 cases in 2023. The number of cases per 100 inhabitants (0,31) became higher than the WB median (0,19). However, the number of cases is slightly decreasing since 2021.

### Budget of the Judicial System

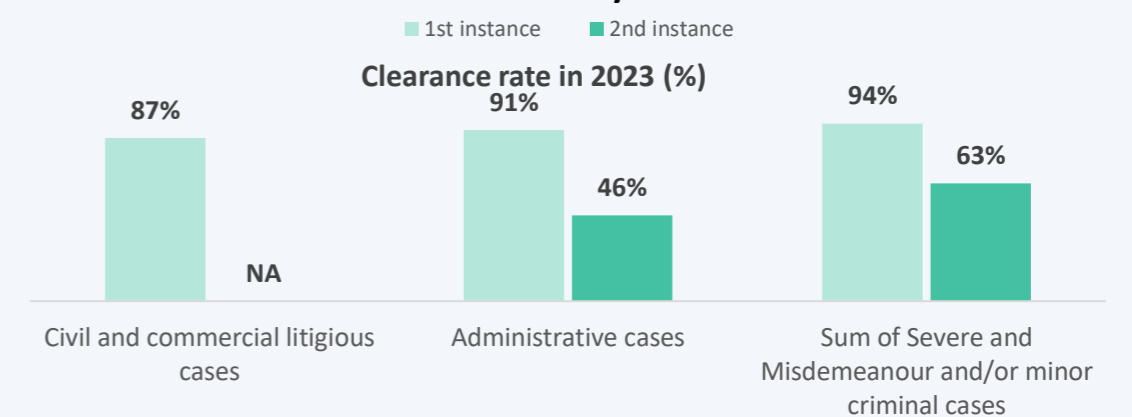
#### Implemented Judicial System Budget per inhabitant in 2023



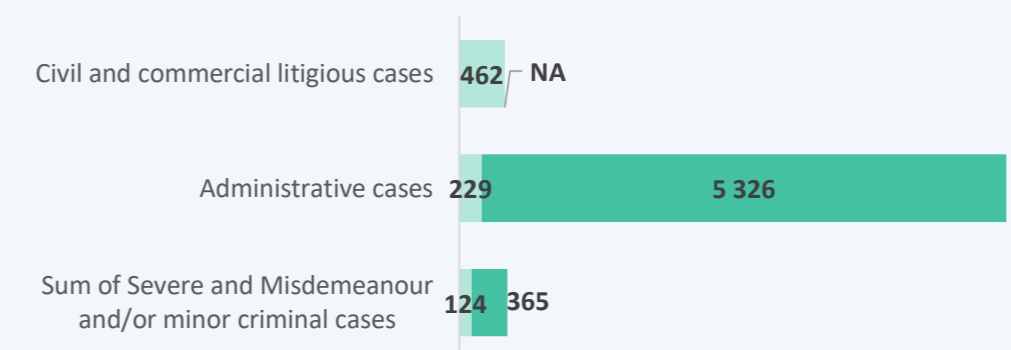
#### Implemented Judicial System Budget as % of GDP in 2023



### Efficiency

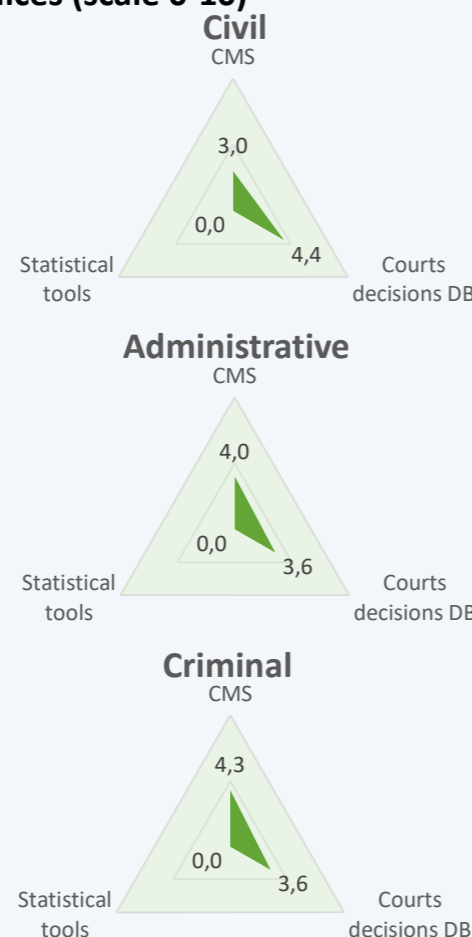


### Disposition time in 2023 (days)



### ICT Deployment indices (scale 0-10)

The three ICT deployment indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.



### ICT Tools

The Albanian judiciary currently uses two case management systems (CMS), CMIS and ARKIT, both of which are outdated and operate with local installations across different courts. Recognizing the need for a more modern and unified system, the Centre for IT in the Judiciary of Albania, following the High Judicial Council's proposal, adopted a roadmap in December 2021 to develop a new, state-of-the-art court case management system. This initiative aims to replace the existing disparate systems with a single, standardized solution that enhances efficiency, security, and management. Presently, the existing systems function offline and rely on individual courts for security and maintenance, highlighting the need for an integrated and centralized approach.

### Training

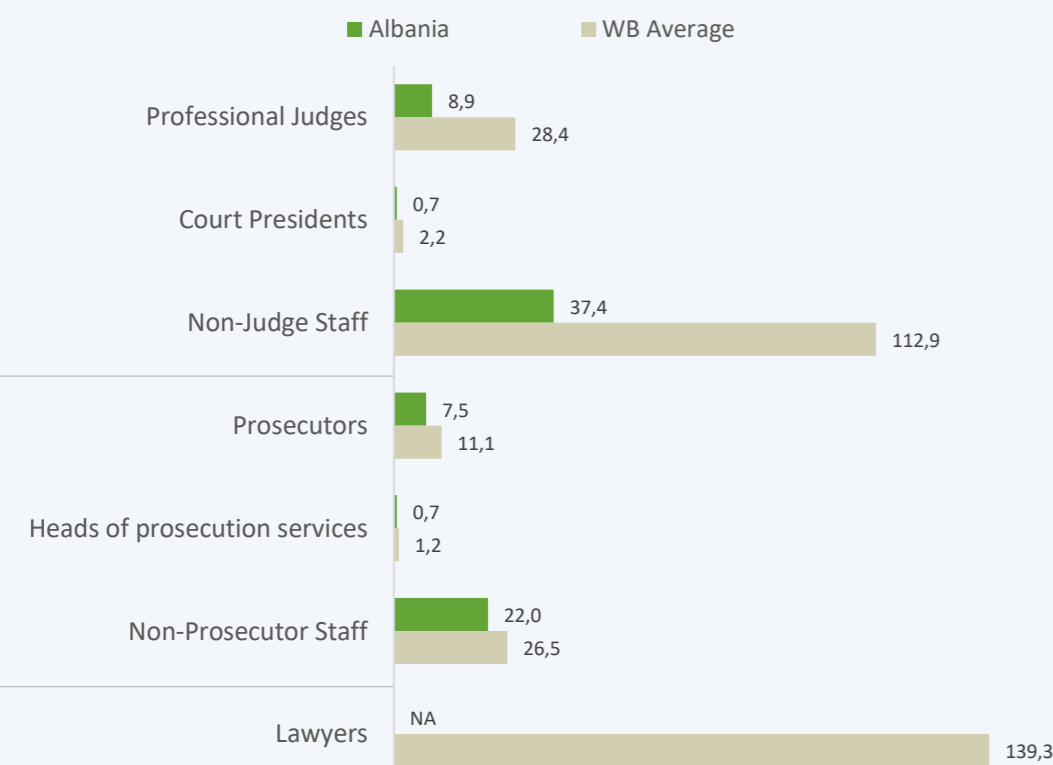
In 2023, the total budget for the training of judges and prosecutors in Albania was 0,89 € per inhabitant, which is above the WB average (0,66 € per inhabitant). There has been an increase in the budget of the training institution since the Law on the governance organs of the justice system was adopted 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. The totality of judges attended at least one training in 2023. Therefore, each judge attended, on average, 3,7 trainings. Regarding prosecutors, 99% attended at least one training in 2023. Trainings on ethics and corruption are not mandatory.

### ECHR

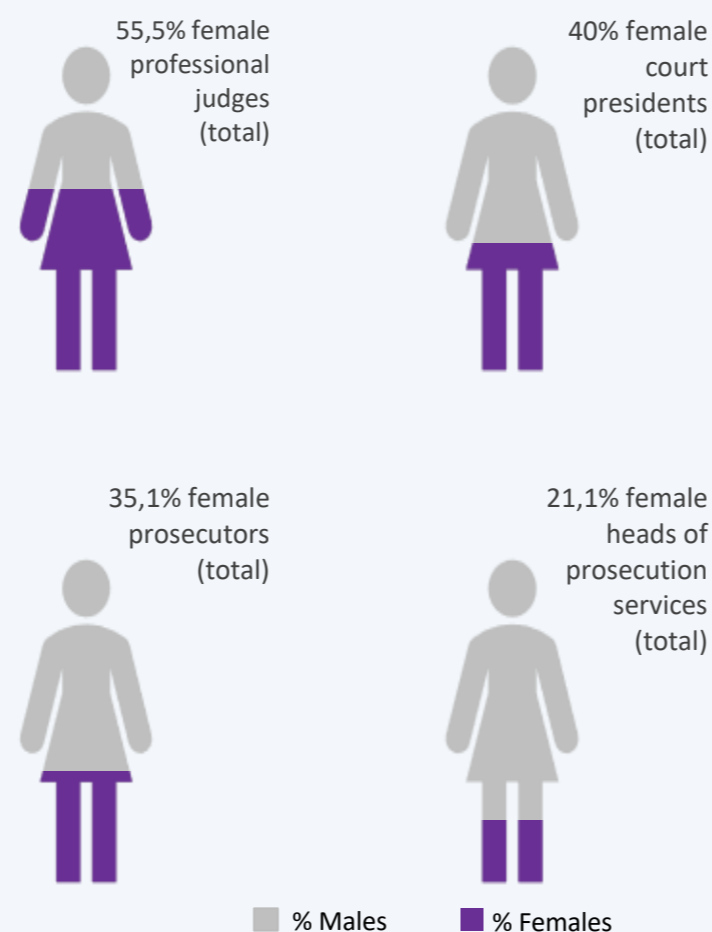
In Albania, the total number of applications allocated to a judicial formation of the European Court on Human Rights is increasing. In 2023, 133 applications were allocated to a judicial formation of the Court (vs 85 in 2022), 20 judgements found at least one violation (15 of which were related to one violation of the article 6 of the ECHR). In Albania, there is not 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). However, there is a domestic system at the national level, which aims to accelerate court proceedings and allow reopening of cases.

### Professionals of Justice

Total number of professionals per 100 000 inhabitants in 2023



### Gender Balance



### Professionals and gender

Western Balkans' countries traditionally have a very high number of professionals per inhabitant. In 2023, however, Albania had the lowest number of professional judges and non-judge staff per 100 000 inhabitants in the region and it further decreased by 23% since 2022. According to the authorities, this is due to the re-evaluation of judges and prosecutors (vetting process), that started in 2014 and still has an impact on the number of judges and prosecutors. Many of them were indeed dismissed, or they voluntarily resigned. In 2023, the number of judges in Albania was significantly lower than the WB median: 8,9 judges per 100 000 inhabitants, more than one third of the regional average of 28,4. However, between 2021 and 2023, there was an increase in the total number of judges at the Supreme Court (from 10 to 18). The number of prosecutors and non-judge staff per inhabitant was the lowest in the region as well (7,5 prosecutors and 22,6 per 100 000 inhabitants). The number of prosecutors declined by 28% between 2022 and 2023. 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 2023. However, the percentage of female court presidents in the second instance (67,4%) was higher than the WB Average (48,1%), and there has been an increase in the percentage of female judges and prosecutors since 2019.

Kosovo\* is not included in the calculation of summary statistics

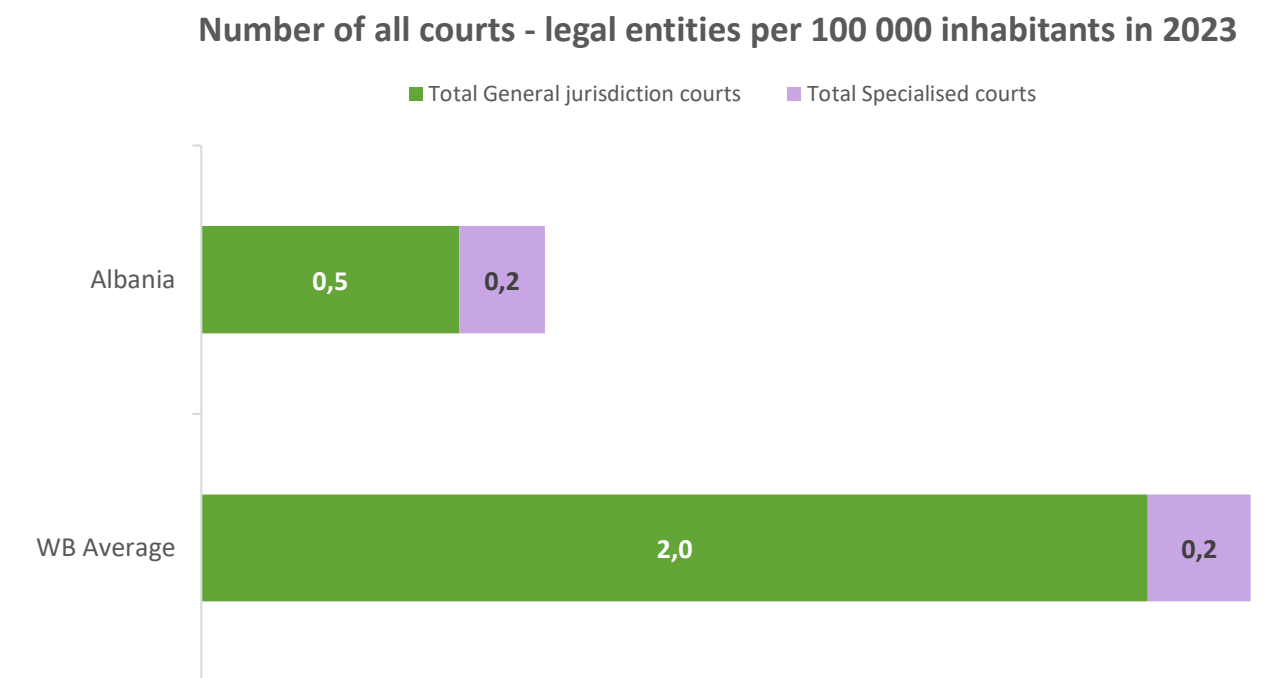
\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

## Judicial organisation in Albania in 2023 (Indicator 2.0)

A reform concerning the reorganization of the country's courts (New Judicial Map) was finalised in 2023. This reorganisation led to the closure of 18 courts, leaving 13 courts of first instance of general jurisdiction, along with 1 Court of Appeal of General Jurisdiction and 2 administrative courts of first instance. The overall number of courts changed from 38 to 20.

### • Number of courts - legal entities

		Number of courts - legal entities in 2023		
		Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total number of all courts - legal entities (1 + 2)		20	0,7	2,3
General jurisdiction	Total General jurisdiction courts (1)	15	0,5	2,0
	1st instance	13	0,5	1,6
	2nd instance	1	0,0	0,4
	Highest instance	1	0,0	0,1
Specialised courts	Total Specialised courts (2)	5	0,2	0,2
	1st instance	3	0,1	0,2
	Higher instance	2	0,1	0,0



## • Specialised courts

Specialised courts in 2023	First instance	Higher instances
Total number of specialised courts - legal entities	3	2
Commercial courts (excluded insolvency courts)	NAP	NAP
Insolvency courts	NAP	NAP
Labour courts	NAP	NAP
Family courts	NAP	NAP
Rent and tenancies courts	NAP	NAP
Enforcement of criminal sanctions courts	NAP	NAP
Fight against terrorism, organised crime and corruption	1	1
Internet related disputes	NAP	NAP
Administrative courts	2	1
Insurance and / or social welfare courts	NAP	NAP
Military courts	NAP	NAP
Juvenile courts	NAP	NAP
Other specialised courts	NAP	NAP

## • Number of courts - geographic locations

Number of courts - geographic locations in 2023	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total number	14	0,5	2,1
1st instance courts	14	0,5	1,8

According to the new judicial map the number of courts – geographic locations is 14.

In reference to decision 147, dated 29.03.2023 of the HJC "For determining the categories of courts", the categorisation is provided as follows:

The first or otherwise high category of courts is located in Tirana. This includes The High Court, Court of Appeal of General Jurisdiction, Special Court of Appeal for Corruption and Organized Crime, The Administrative Court of Appeal, Court of First Instance of the General Jurisdiction of Tirana, Special Court of First Instance for Corruption and Organized Crime, Administrative Court of First Instance of Tirana.

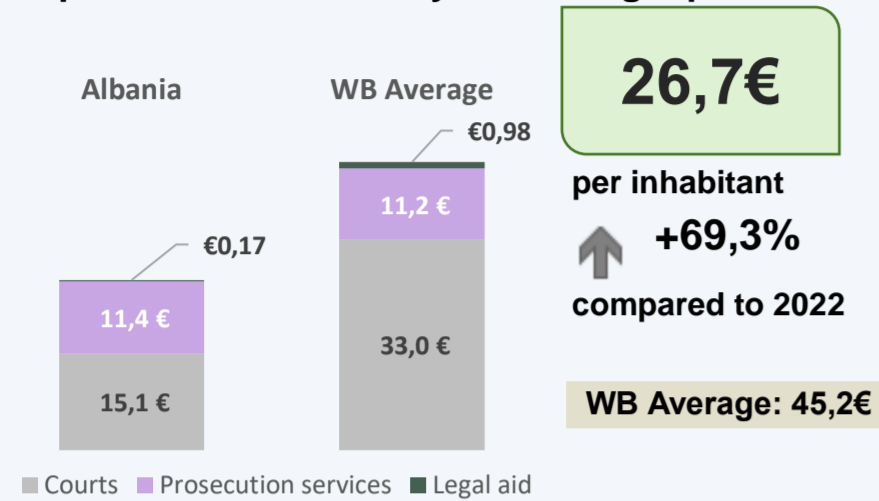
The second or otherwise middle category, includes courts of first instance of the general jurisdiction of the districts Durrës, Elbasan, Fier, Korçë, Shkodër, Vlorë, Berat, Lezhë; as well as the Administrative Court of First Instance of Lushnje.

The third or lower category of courts, includes courts of first instance of the general jurisdiction of the districts Dibër, Gjirokastër, Kukës, Sarandë.

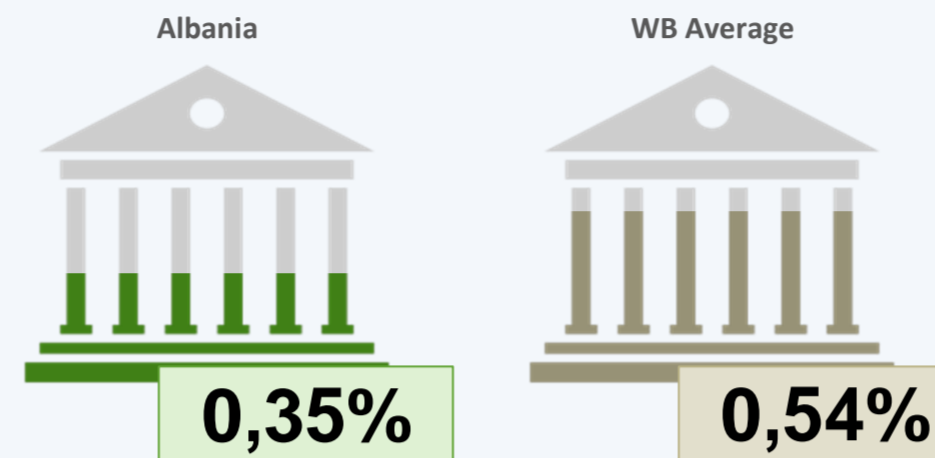
*Kosovo is not included in the calculation of summary statistics*

## Budget of the judicial system in Albania in 2023 (Indicator 1)

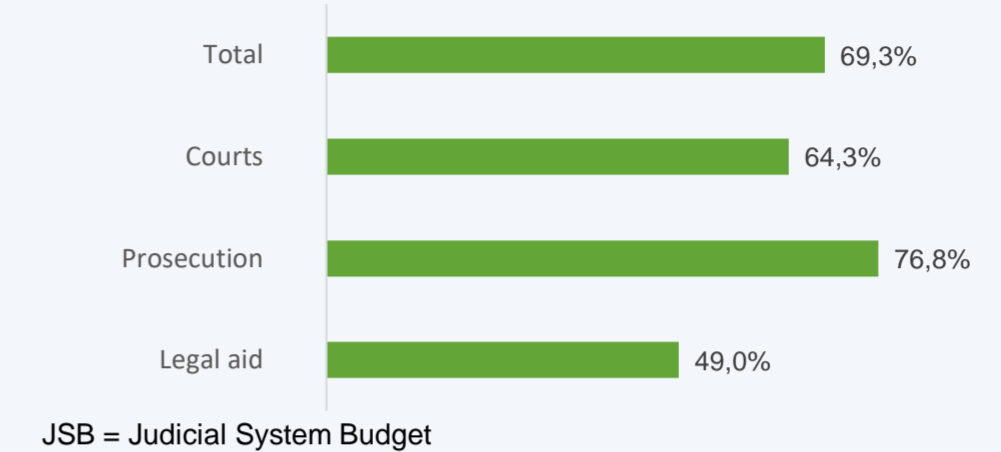
### Implemented Judicial System Budget per inhabitant



### Implemented Judicial System Budget as % of GDP



### Variation of the JSB per inhabitant between 2022 - 2023



The Judicial System Budget (JSB) is composed by the budget for courts, public prosecution services and legal aid. In 2023, the implemented JBS for Albania was 26,7€ per inhabitant (+69,3% compared to 2022). It was lower than the WB Average of 45,2€. The expenditure on JSB represented 0,35% of the GDP of Albania (the WB Average was 0,54%).

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

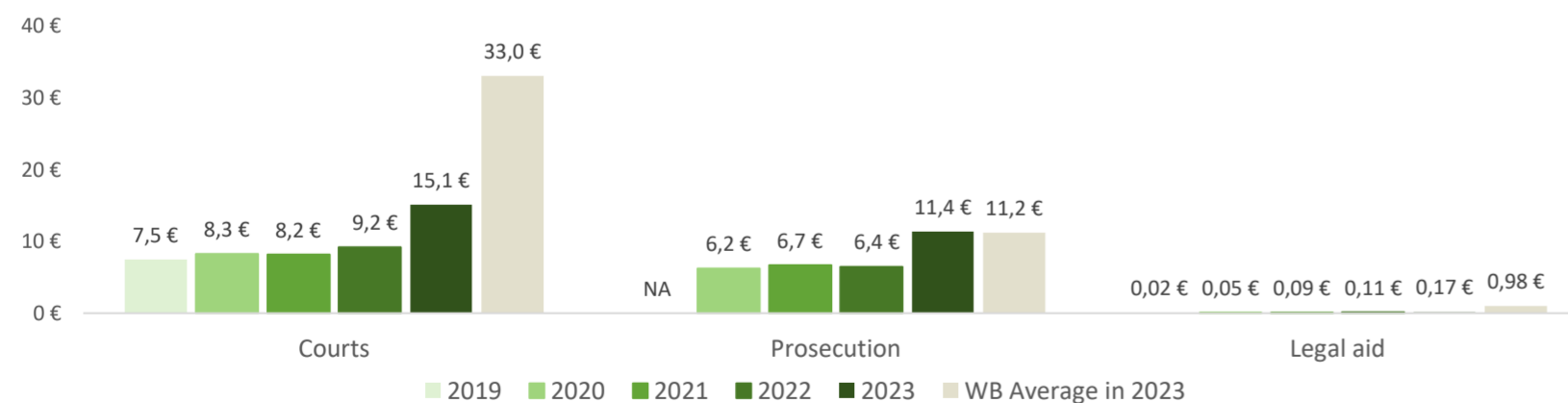
In 2023, Albania spent 73 703 726€ on the implemented judicial system budget. This means that Albania spent 26,7€ per inhabitant, which is less than the WB Average of 45,2€. 56,7% was spent for courts, 42,7% for prosecution services, 0,6% for legal aid.

Compared to 2022, Albania has spent, per inhabitant, 64,3% more for courts, 76,8% more for prosecution services, and 49% more for legal aid.

Judicial System Budget	Judicial System Budget in 2023		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant in 2023	WB Average in 2023	% Variation between 2019 - 2023	% Variation between 2022 - 2023	As % of GDP	WB Average in 2023	Variation (in ppt) 2019 -2023	Variation (in ppt) 2022 - 2023
<b>Total</b>	74 226 506 €	73 703 726 €	26,7 €	45,2 €	NA	69,3%	0,35%	0,54%	NA	0,059
<b>Courts</b>	43 138 675 €	41 765 327 €	15,1 €	33,0 €	101,7%	64,3%	0,20%	0,39%	0,04	0,029
<b>Prosecution</b>	30 484 973 €	31 471 284 €	11,4 €	11,2 €	NA	76,8%	0,15%	0,13%	NA	0,031
<b>Legal aid</b>	602 858 €	467 115 €	0,2 €	1,0 €	619,0%	49,0%	0,002%	0,01%	0,002	0,000

PPT = Percentage points

### Evolution of the implemented judicial system budget per inhabitant between 2019 and 2023 (€)



Budget variations were influenced by the change in the official exchange rate, which shifted from 1 euro = 115 lek in 2022 to 1 euro = 103.8 lek in 2023.

According to the authorities, the increase in the prosecutor office budget is due to additions during the year 2023 of funds for personnel expenses for the payments of magistrates and officers in implementation of the Decision no. 35 of the Constitutional Court for wrongly calculated salaries.

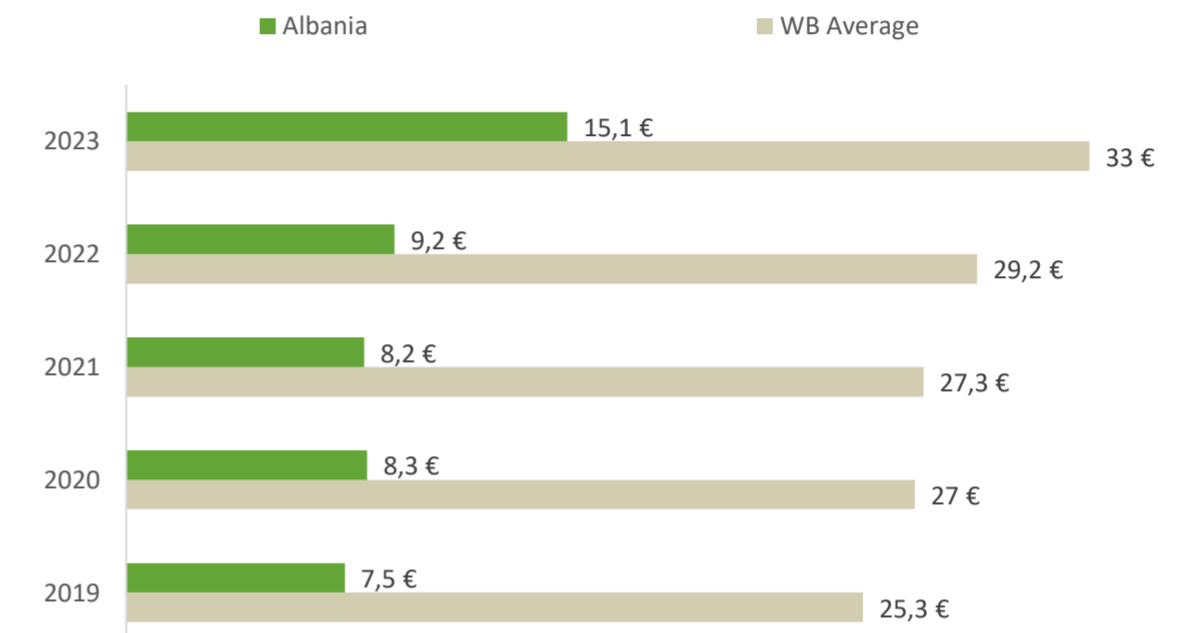
## Budget allocated to the functioning of the courts - Categories

In 2023, Albania spent 41 765 327€ on the implemented budget for courts. 77,2% was spent for gross salaries, 4,6% for computerisation, 0,8% for justice expenses, 0,6% for court buildings, 16,8% for other.

Between 2022 and 2023, the implemented budget for courts has increased by 62,5%.

	2023		% Variation between 2019 and 2023		% Variation between 2022 and 2023	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
<b>Total (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	43 138 675 €	41 765 327 €	94,2%	95,8%	55,0%	62,5%
1. Gross salaries	32 914 378 €	32 253 859 €	NA	NA	64,2%	74,3%
2. Computerisation (2.1 + 2.2)	NA	1 918 036 €	NA	NA	NA	786,4%
2.1 Investment in computerisation	NA	1 800 069 €			NA	883,9%
2.2 Maintenance of the IT equipment of courts	NA	117 966 €			NA	252,7%
3. Justice expenses	NA	321 630 €	NA	NA	NA	40,3%
4. Court buildings	NA	248 970 €	NA	NA	NA	-50,3%
5. Investment in new buildings	NA	NA	NA	NA	NA	NA
6. Training	NA	NA	NA	NA	NA	NA
7. Other	NA	7 022 833 €	NA	NA	NA	12,3%

Implemented budget allocated to the courts per inhabitant between 2019 and 2023 (€)



Changes and increases in the salary budget for 2023 can be attributed to several factors. One major factor was the legislative change introduced by Law No. 33/2023, which amended Law No. 96/2016 regarding the status of judges and prosecutors in the Republic of Albania, leading to revised salary scales for magistrates. Additionally, the Council of Ministers issued two key decisions on May 31, 2023: Decision No. 325, which approved the wage structure, salary levels, and other allowances for deputy ministers, cabinet officers, prefects, sub-prefects, and various civil employees, and Decision No. 326, which addressed salary adjustments for support staff and specialized employees across different public administration institutions.

Another significant factor affecting the budget was the change in the official exchange rate, which shifted from 1 euro = 115 lek in 2022 to 1 euro = 103.8 lek in 2023. This fluctuation impacted all components of the budget, increasing costs in local currency terms for expenditures denominated in euros.

In addition, the High Judicial Council has directed its investments towards the acquisition of electronic equipment to support the implementation of new software systems, as part of its computerization efforts.

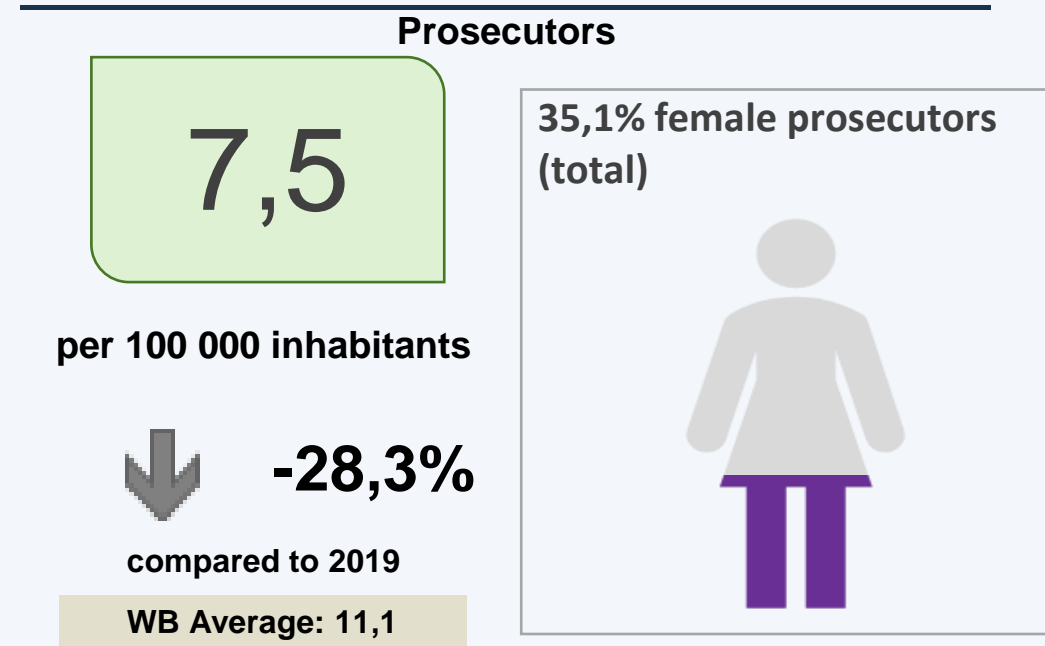
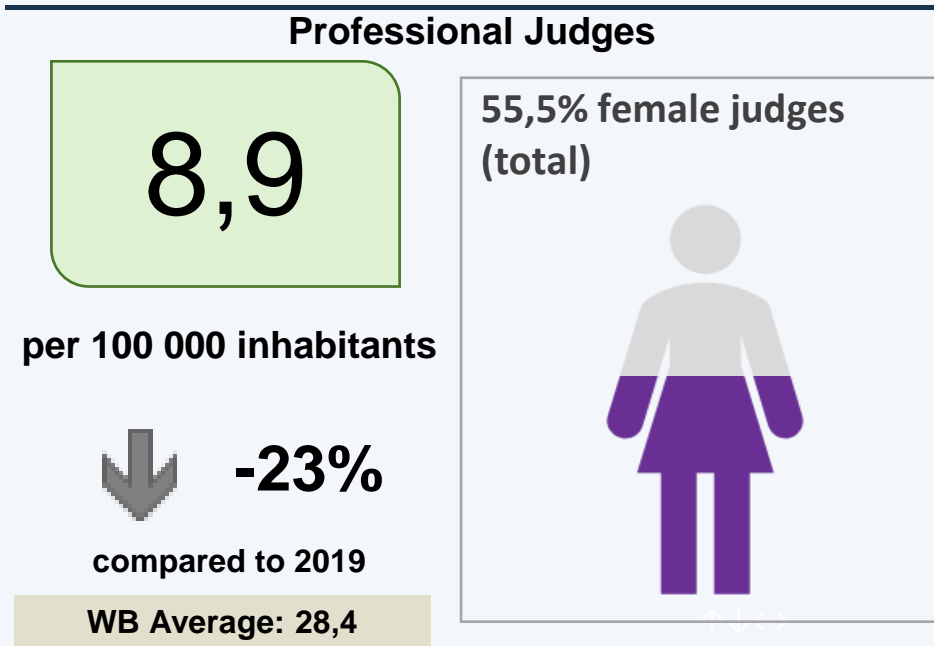
Conversely, the costs associated with building maintenance decreased by 50%. According to the authorities, this reduction resulted from the reorganisation of the courts under the new judicial map, which was completed in 2023. The reorganisation led to a decrease in the funds required for building maintenance.

## Budget received from external donors

The budget received from external donors is not available

Kosovo is not included in the calculation of summary statistics

## Professionals and Gender Balance in judiciary in Albania in 2023 (Indicators 2 and 12)



In 2023, Albania had 8,9 professional judges per 100 000 inhabitants and 7,5 prosecutors per 100 000 inhabitants. Both figures were below the WB Average of 28,4 and 11,1, respectively. More than half of professional judges were women (WB Average was 63,3%), whereas the percentage of female prosecutors was 35,1% (the WB Average was 52,4%).

### Professional Judges

	Professional judges in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
<b>Total</b>	247	100,0%	8,9	28,4
<b>1st instance courts</b>	183	74,1%	6,6	21,4
<b>2nd instance courts</b>	46	18,6%	1,7	5,5
<b>Supreme Court</b>	18	7,3%	0,7	1,6

For reference only: the 2022 EU median is 22,9 judges per 100 000 inhabitants.

In 2023, the absolute number of professional judges in Albania was 247 (i.e. 8,9 per 100 000 inhabitants, which was remarkably lower than the WB Average of 28,4).

Compared to 2019, the total number of professional judges per 100 000 inhabitants decreased by -22,6%.

The figures show a difference of 1,2 percentage points between the percentage of judges in the first instance (74,09%) and the WB Average (75,3%)

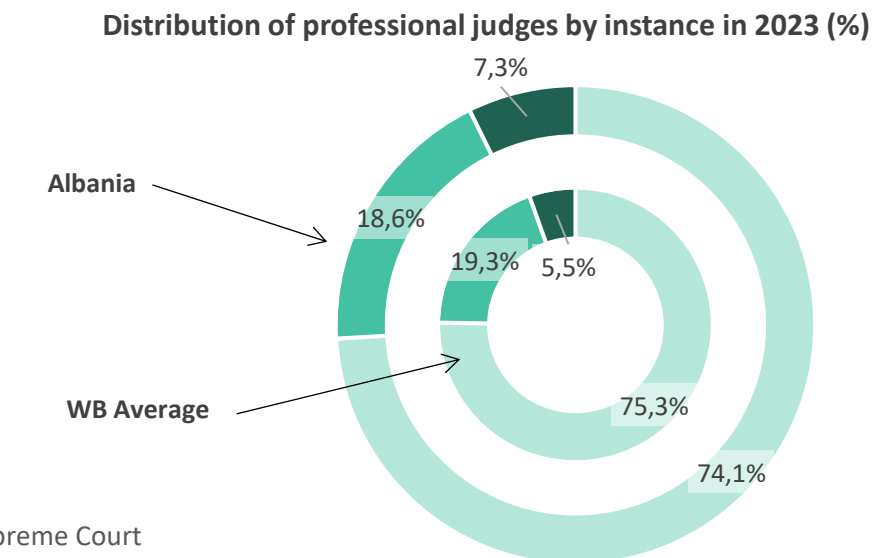
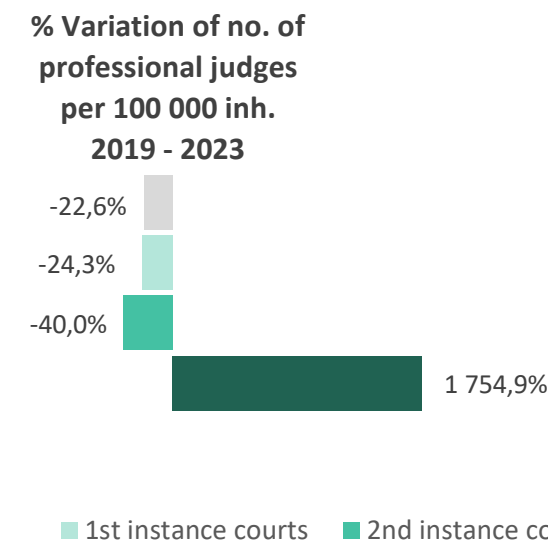
Referring to the Council of Ministers' decision no. 495, dated July 21, 2022, titled "On the reorganization of judicial districts and territorial powers of the courts," the New Judicial Map was successfully implemented on July 1, 2023. This reorganisation reduced the number of courts operating in the Republic of Albania from 38 to 20.

During this transitional year, adjustments were necessary due to the new judicial map and the redistribution of 408 magistrates. This redistribution was guided by the Supreme Judicial Council's decisions, specifically:

- Decision no. 553, dated December 29, 2022, concerning the number of magistrates in the Court of Appeal with General Jurisdiction.
- Decision no. 146, dated March 29, 2023, regarding the number of magistrates in the Courts of First Instance with General Jurisdiction.
- Decision no. 286, dated May 29, 2023, about the number of magistrates in the Administrative Courts of the First Instance.

These changes have complicated data comparisons across specific courts. The primary reason for the reduction in the number of magistrates is attributed to the transitional re-evaluation process. Notably, 24 decisions for dismissal in 2023 came from the Appeal Chamber, and the Independent Qualification Commission dismissed 53 magistrates, including 11 in 2023 who are currently awaiting their cases in the Appeal Chamber. These 11 magistrates maintain their judge status due to suspension and continue to receive 75% of their salary by law.

Additionally, in 2023, six magistrates left their positions: two resigned, and four retired or took early retirement.



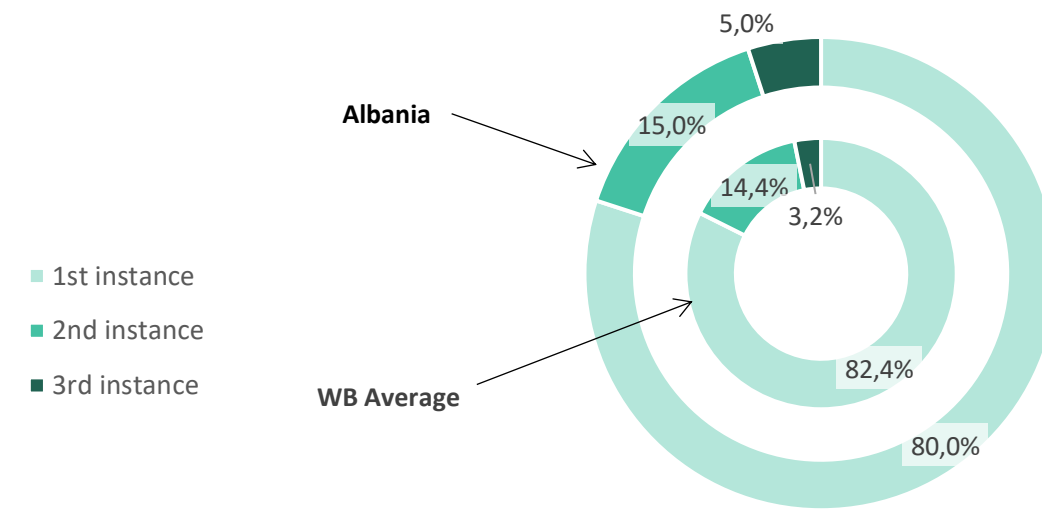


• Court presidents

	Court presidents in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
<b>Total</b>	20	100,0%	0,7	2,2
1st instance courts	16	80,0%	0,6	1,8
2nd instance courts	3	15,0%	0,1	0,3
Supreme Court	1	5,0%	0,0	0,1

The absolute number of court presidents in Albania in 2023 was 20 ( i.e. 0,7 per 100 000 inhabitants, which was the WB Average of 2,2).

Distribution of court presidents by instance in 2023 (%)



From the data available to the Directorate of Human Resources, it results that currently in the courts of all levels, 1 President of the Court and 20 Deputy Presidents of the Court exercise the function.

In fulfilment of legal obligations, as recorded in the minutes of the General Meeting of Supreme Court Judges, dated 17.10.2023, the President of the Supreme Court was resolved.

Meanwhile, within the framework of the proper functioning of the courts, the 20 courts operating in the Republic of Albania have elected a magistrate (judge) to the position of Deputy President of the Court.

In the absence of the required number of judges for voting in the election of the President of the court, the courts have proceeded with the elections for the Deputy President, to ensure the proper functioning of the respective courts, as well as the fulfilment of the legal obligation.

## • Non-judge staff

The absolute total number of non-judge staff in Albania was 1 034, which increased by 17,5% between 2019 and 2023. The number of non-judge staff per 100 000 inhabitants was 37,4, which was below WB Average of 112,9.

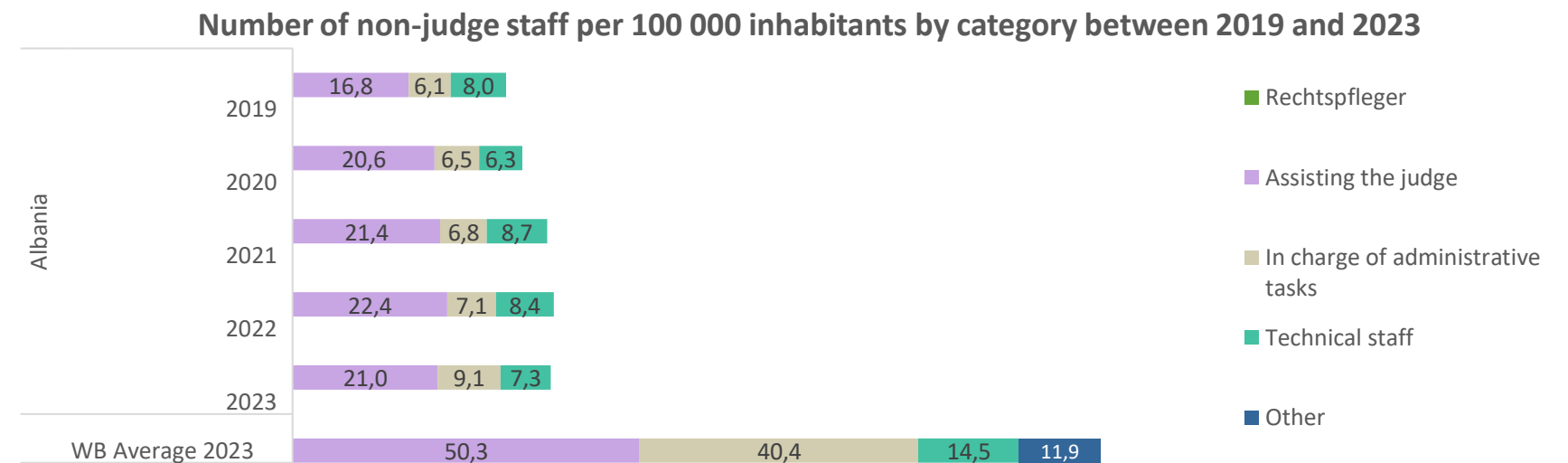
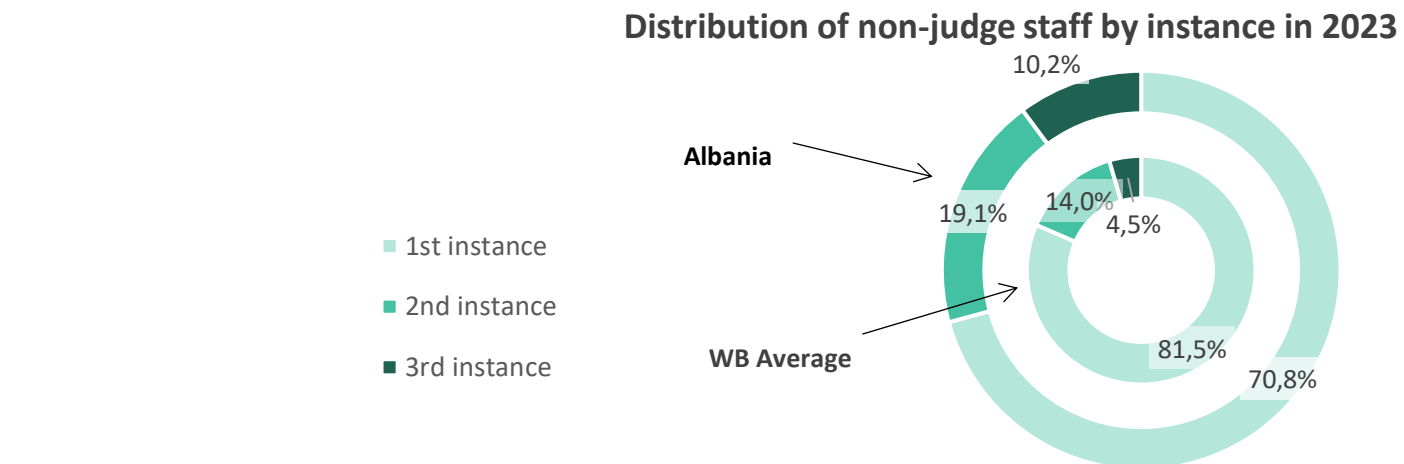
	Number of non-judge staff by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
<b>Total</b>	1 034	100,0%	37,4	112,9
1st instance courts	732	71%	26,5	92,0
2nd instance courts	197	19%	7,1	15,8
Supreme Court	105	10%	3,8	5,1

For reference only: the 2022 EU median is 59,4 non-judge staff per 100 000 inhabitants.

The highest number of non-judge staff were assisting judges and represented 56,1% of the total.

Sentence to be modified for each beneficiary: Since 2019, there was no significant variation in the distribution of non-judge staff by category, but there was a decrease in all categories.

	Number of non-judge staff by category in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
<b>Total</b>	1 034	100,0%	37,4	112,9
Rechtspfleger	NAP	NAP	NAP	-
Assisting the judge	580	56,1%	21,0	50,3
In charge of administrative tasks	252	24,4%	9,1	40,4
Technical staff	202	19,5%	7,3	14,5
Other	NAP	NAP	NAP	11,9

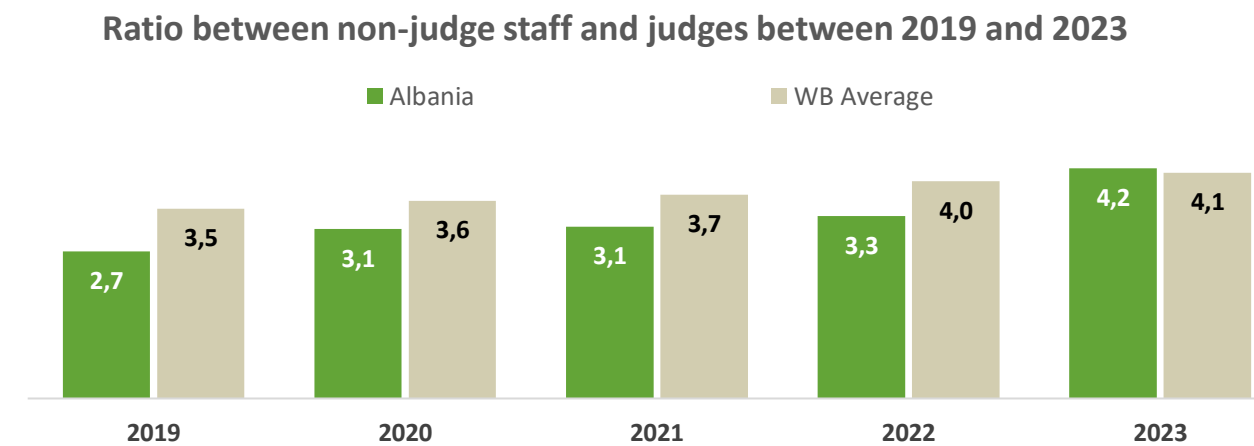


## • Ratio between non-judge staff and professional judges

In Albania, the ratio of non-judge staff per professional judge was 4,2 in 2023, whereas the WB Average was 4,1. This increased since 2019, when it was 2,7.

	Ratio in 2023		% Variation between 2019 and 2023
	Albania	WB Average	
<b>Total</b>	4,2	4,1	56,5%
1st instance courts	4,0	4,4	56,6%
2nd instance courts	4,3	3,2	81,9%
Supreme Court	5,8	4,2	-89,9%

For reference only: the 2022 EU median ratio of non-judge staff per judge is 3,3.



## • Prosecutors

	Number of prosecutors by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
<b>Total</b>	208	100,0%	7,5	11,1
<b>1st instance level</b>	188	90,4%	6,8	8,8
<b>2nd instance level</b>	9	4,3%	0,3	1,8
<b>Supreme Court level</b>	11	5,3%	0,4	0,9

For reference only: the 2022 EU median is 11,1 prosecutors per 100 000 inhabitants.

In 2023, the absolute number of prosecutors in Albania was 208 (i.e. 7,5 per 100 000 inhabitants, which was significantly lower than the WB Average of 11,1).

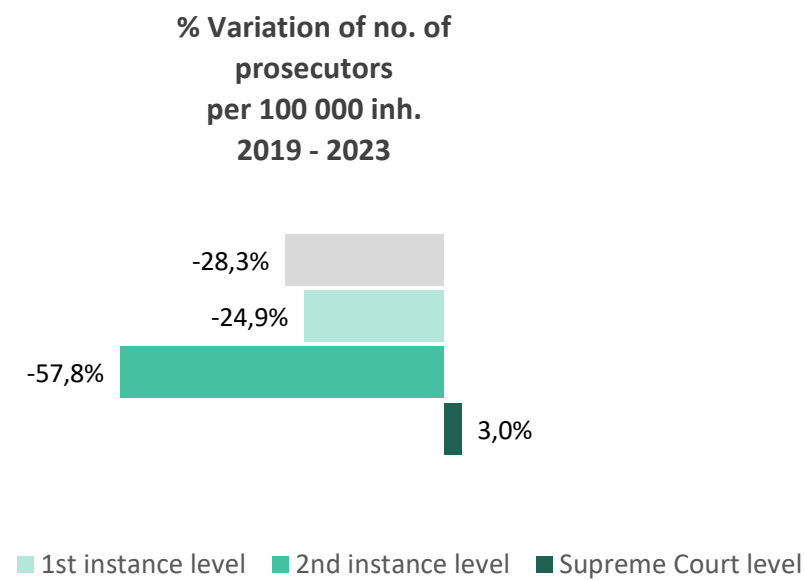
The total number of prosecutors per 100 000 inhabitants decreased by -28,3% between 2019 and 2023.

The figures show a difference of -13,9 percentage points between the percentage of prosecutors in the first instance (90,4%) and the WB Average (76,5%)

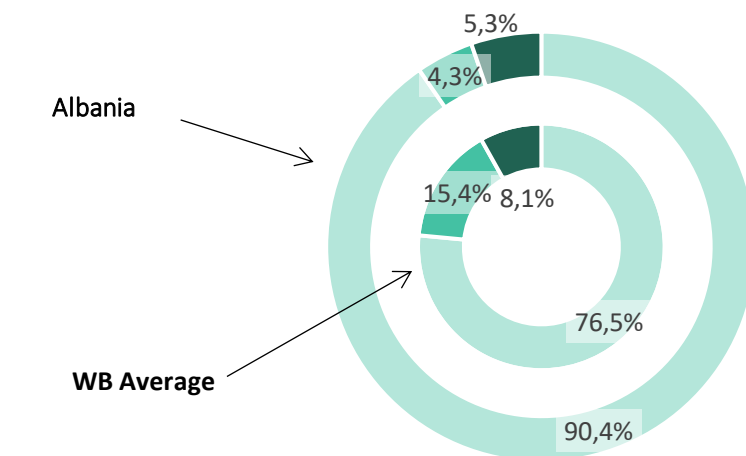
The current number of prosecutor positions is set at 321. Out of these, 208 prosecutors are actively on duty. The Revaluation process (Vetting) has led to the suspension of 49 prosecutors, and there are 64 vacant positions.

Breaking this down by court levels:

1. First Instance Level: Out of 278 theoretical posts, 188 are currently filled.
2. Court of Appeal (Second Instance Level): Out of 26 theoretical posts, only 9 are currently filled.
3. Supreme Court Level: Out of 17 theoretical posts, 11 are currently filled.



**Distribution of prosecutors by instance in 2023 (%)**

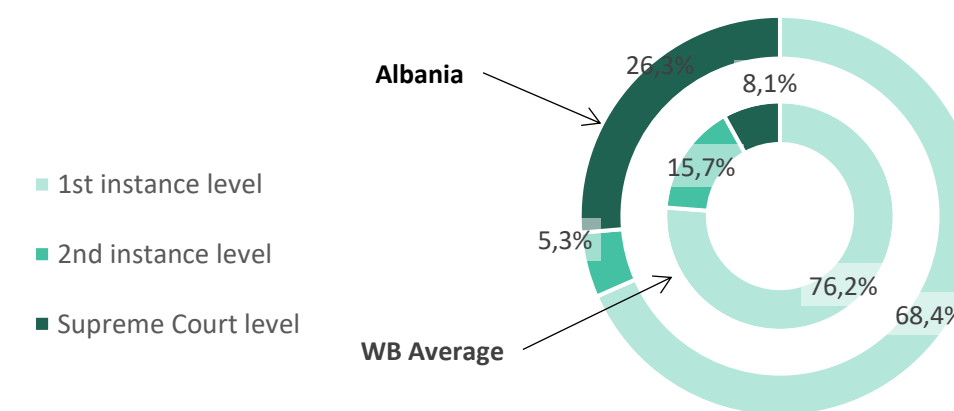


## • Heads of prosecution services

	Heads of prosecution services in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
<b>Total</b>	19	100,0%	0,7	1,2
<b>1st instance level</b>	13	68,4%	0,5	0,9
<b>2nd instance level</b>	1	5,3%	0,0	0,2
<b>Supreme Court level</b>	5	26,3%	0,18	0,10

In 2023, the absolute number of heads of prosecution services in Albania was 19 (i.e. 0,7 per 100 000 inhabitants, which was significantly lower than the WB Average of 1,2).

**Distribution of heads of prosecution services by instance in 2023 (%)**



The new judicial map has been implemented in the entire system of prosecutions of general jurisdiction. As a result, in 2023, the number of prosecutors of the first degree of general jurisdiction has been reduced from 22 to 13. Similarly, the number of appeal prosecutors of general jurisdiction has been consolidated from 6 to 1, with the sole appeal prosecutor now located in Tirana. Consequently, the number of managerial positions has also logically decreased, from 28 to 14.

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

	Non-prosecutor staff in 2023			Ratio between non-prosecutor staff and prosecutors		
	Absolute number	Per 100 000 inhabitants		2023		% Variation 2019 - 2023
	Albania	Albania	WB Average	Albania	WB Average	Albania
<b>Total</b>	608	22,0	26,5	2,9	2,4	47,6%

For reference only: the 2022 EU median is 14,4 non-prosecutors staff per 100 000 inhabitants.

In 2023, the total number of non-prosecutor staff in Albania was 608. Their number increased by 2,7% compared to 2019.

The number of non-prosecutor staff per 100 000 inhabitants was 22, which was below the WB Average of 26,5.

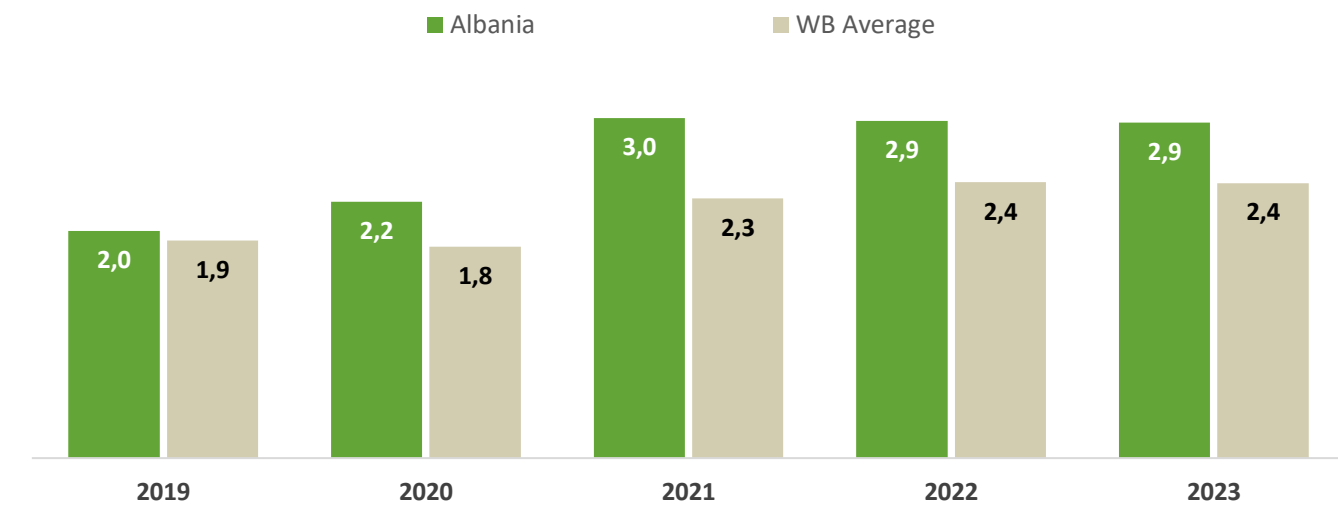
The ratio of non-prosecutor staff per prosecutor was 2,9 (higher than the WB Average of 2,4).

The total number of positions for non-public prosecutors' staff is 1003. Currently, 608 of these positions are filled. The staff is categorized into judicial police officers and administrative personnel.

- **\*\*Judicial Police Officers\*\***: Out of 246 theoretical posts, 226 are filled. Of these, 185 are males and 41 are females.

- **\*\*Administrative Staff\*\***: Out of 395 theoretical posts, 382 are filled. Among these, 98 are males and 284 are females.

Ratio between non-prosecutor staff and prosecutors between 2019 and 2023

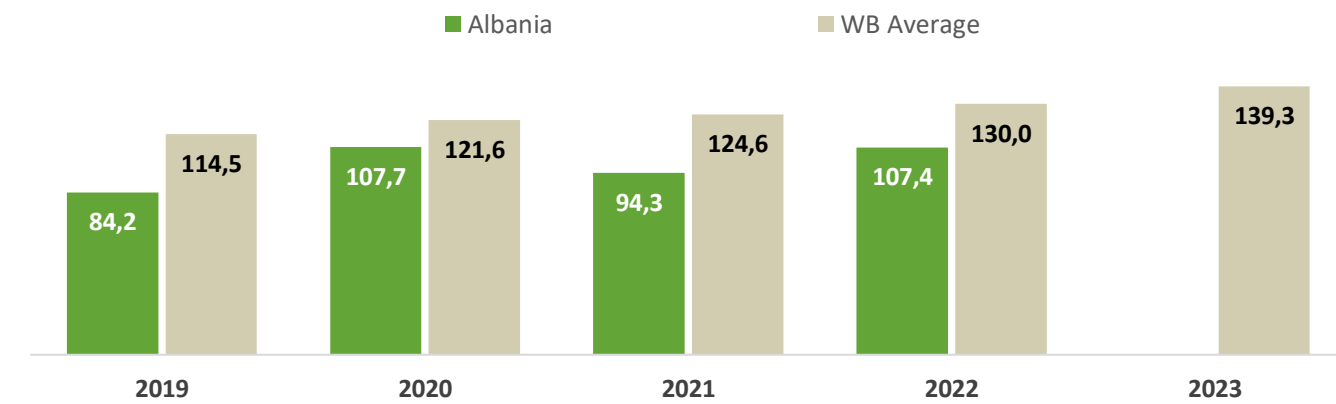


• **Lawyers**

	Number of lawyers in 2023			% Variation 2019 - 2023
	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	Albania
<b>Total</b>	NA	NA	139,3	NA

For reference only: the 2022 EU median is 132,1 lawyers per 100 000 inhabitants.

Number of lawyers per 100 000 inhabitants between 2019 and 2023

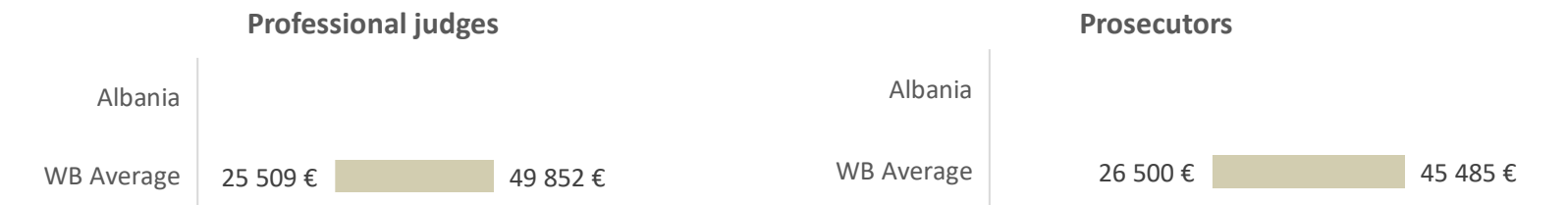


• Salaries of professional judges and prosecutors

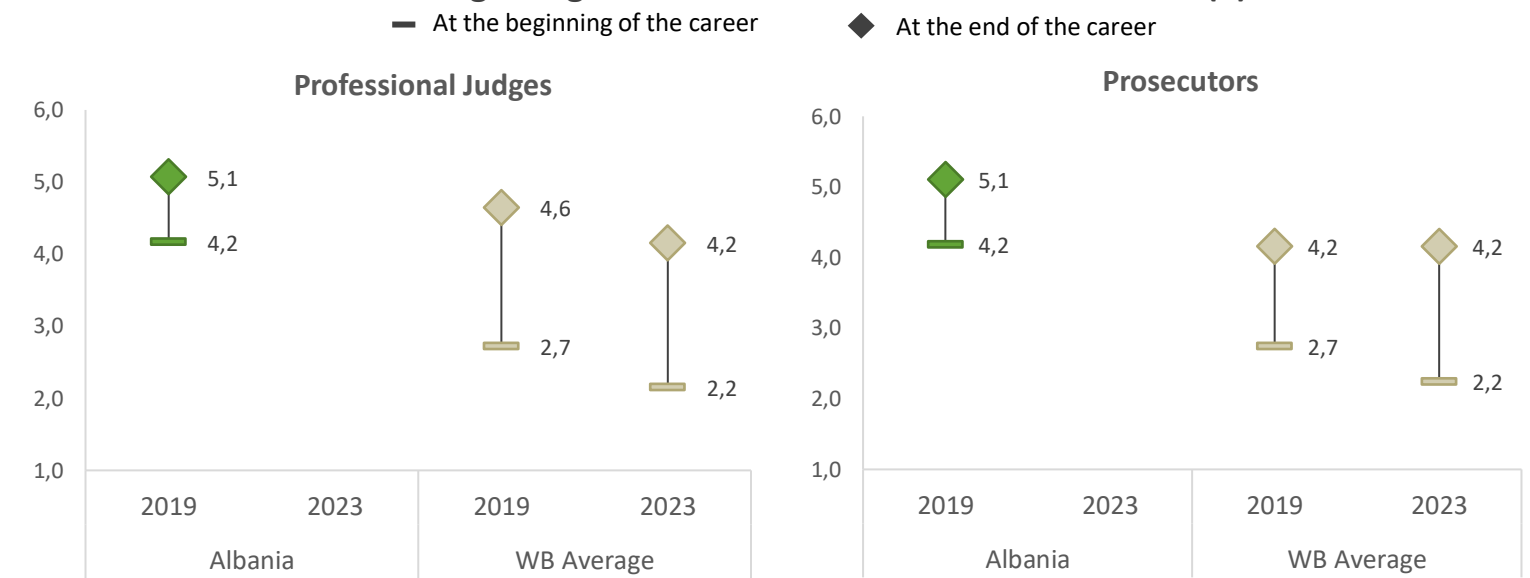
		Salaries in 2023 (absolute values)			Ratio with the average gross annual salary		
		Gross annual salary in €	% Variation 2019 - 2023	Net annual salary in €	Albania	WB Average ratio	
Professional judge	At the beginning of his/her career	NA	-	NA	NA	2,2	
	Of the Supreme Court or the Highest Appellate Court	NA	-	NA	NA		4,2
Public prosecutor	At the beginning of his/her career	NA	-	NA	NA		2,2
	Of the Supreme Court or the Highest Appellate Court	NA	-	NA	NA		3,8

For reference only: the 2022 EU median for the ratio of judges and prosecutors' salaries with average gross annual national salary is:  
 - professional judges' salary at the beginning of career: 1,9      - prosecutors' salary at the beginning of career: 1,7  
 - professional judges' salary at the end of career: 4,3      - prosecutors' salary at the end of career: 3,3

Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



Ratio of the gross annual salaries of judges and prosecutors with the average gross annual salary at the beginning and the end of career in 2019 and 2023 (€)



Additional benefits and bonuses for professional judges and prosecutors

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

**Gender Balance**

	% Female in 2023		Variation of the % females between 2019 - 2023 (in ppt)
	Albania	WB Average	Albania
Professional Judges	55,5%	63,3%	▲ 7,1
Court Presidents	40,0%	49,1%	■ -9,1
Non-Judge Staff	71,0%	71,5%	▼ -0,5
Prosecutors	35,1%	52,4%	▲ 17,3
Heads of Prosecution Services	21,1%	39,7%	■ -18,6
Non-Prosecutor Staff	53,5%	69,3%	■ -15,8
Lawyers	NA	38,3%	NA

PPT= Percentage points

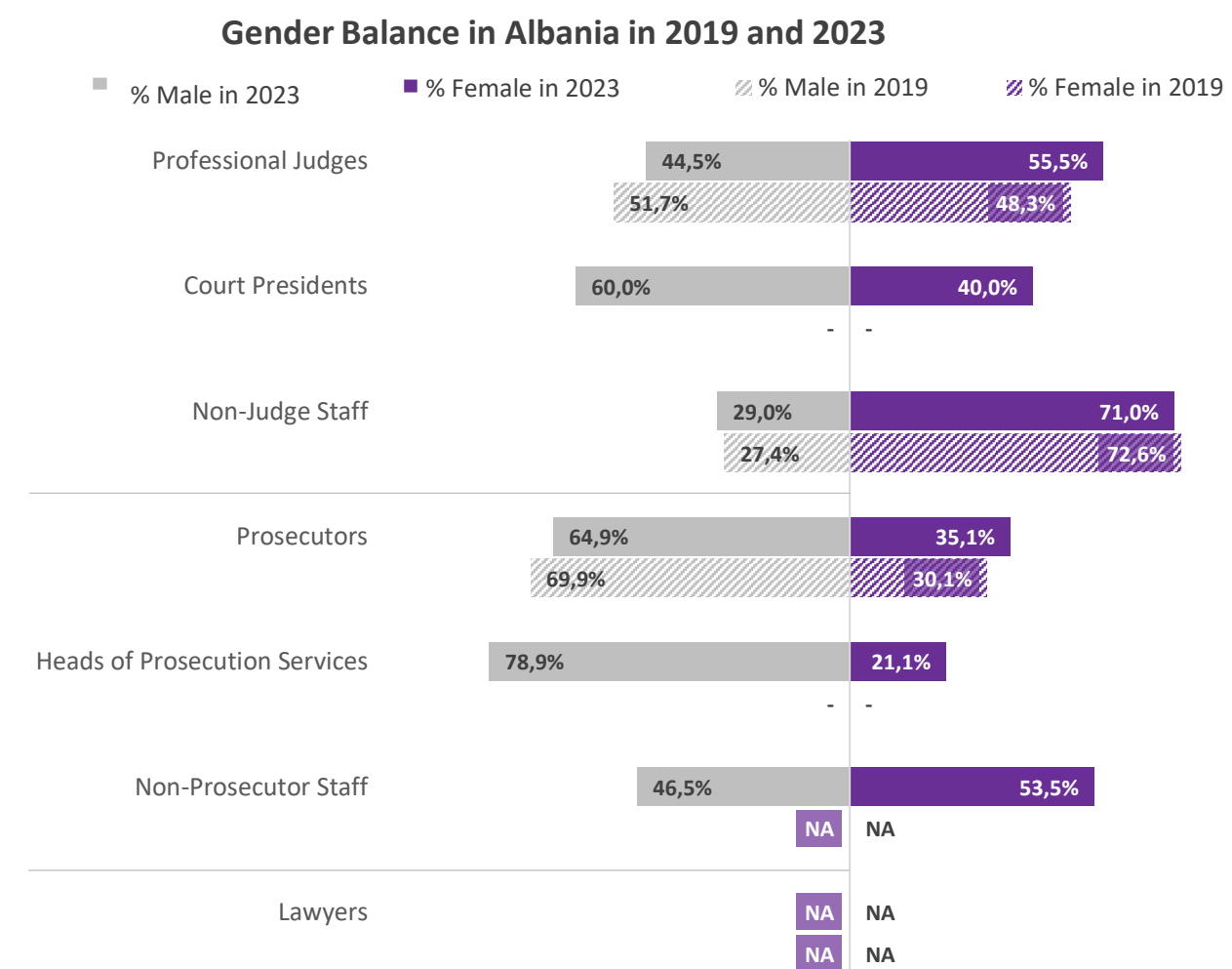
For reference only: the 2022 EU medians on gender among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 77% women non-prosecutor staff; and 49% women lawyers.

In 2023, the percentage of female professional judges was 55,5%, which was lower than the WB Average (63,3%). With a presence of 40%, the number of female court presidents in Albania was lower than the WB Average of 49,1%. Moreover, the percentage of female non-judge staff was 71%.

Also, the percentage of female prosecutors was 35,1% (lower than the WB Average of 52,4%). The number of female heads of prosecution services (21,1%) was remarkably lower than the WB Average (39,7%). Moreover, the percentage of female non-prosecutor staff was 53,5%.

Data on female lawyers were not provided.

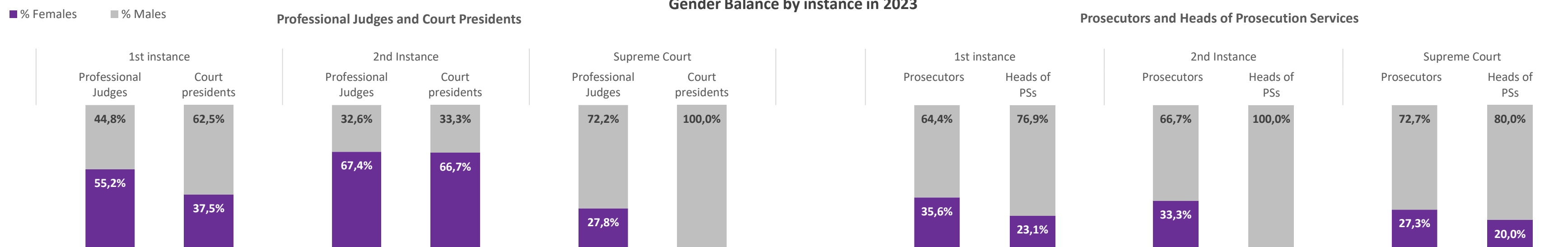
The court presidents, prosecutors and heads of prosecution services were the only categories with less than 50% of female presence.



	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	55,2%	63,5%	37,5%	48,4%	35,6%	53,1%	23,1%	43,9%
2nd instance	67,4%	64,2%	66,7%	48,1%	33,3%	47,0%	0,0%	25,0%
Supreme Court	27,8%	61,3%	NAP	73,3%	27,3%	48,2%	20,0%	30,7%

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

**Gender Balance by instance in 2023**



• Gender Equality Policies

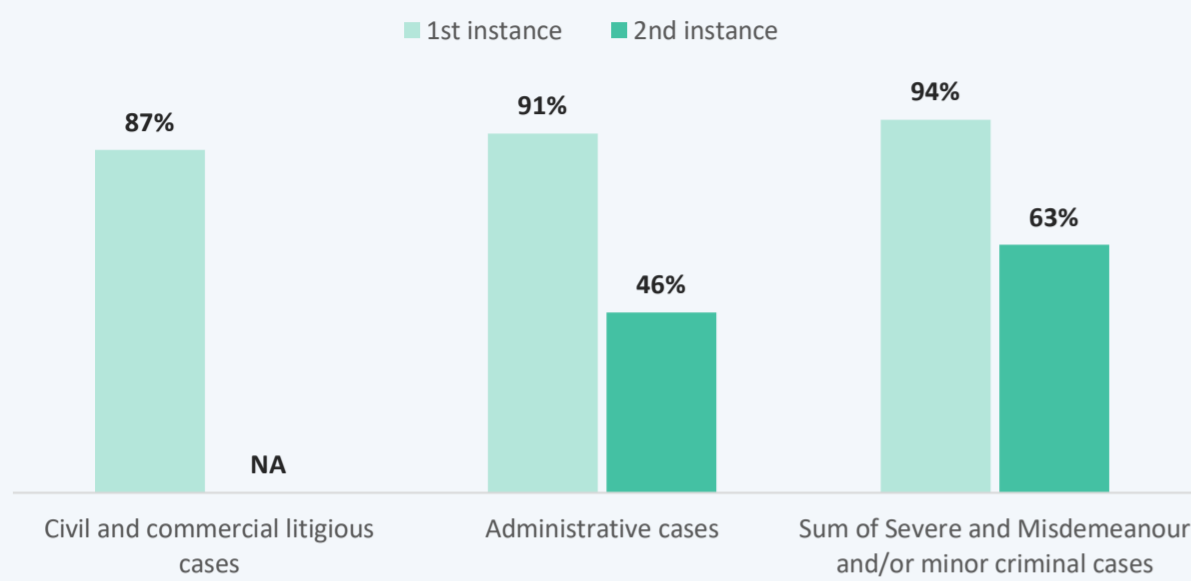
	Recruitment		Appointment	Promotion		Person / institution specifically dedicated to ensure the respect of gender equality on institution level
	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	Specific provisions for facilitating gender equality	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	
Court Presidents			NA			
Heads of Prosecution Services			NA			
Judges	NA	NA		NA	NA	NA
Prosecutors	NA	NA		NA	NA	NA
Non-judge staff	NA	NA		NA	NA	NA
Lawyers	NA			NA		
Notaries	NA			NA		
Enforcement agents	NA			NA		

In Albania there is no overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary.

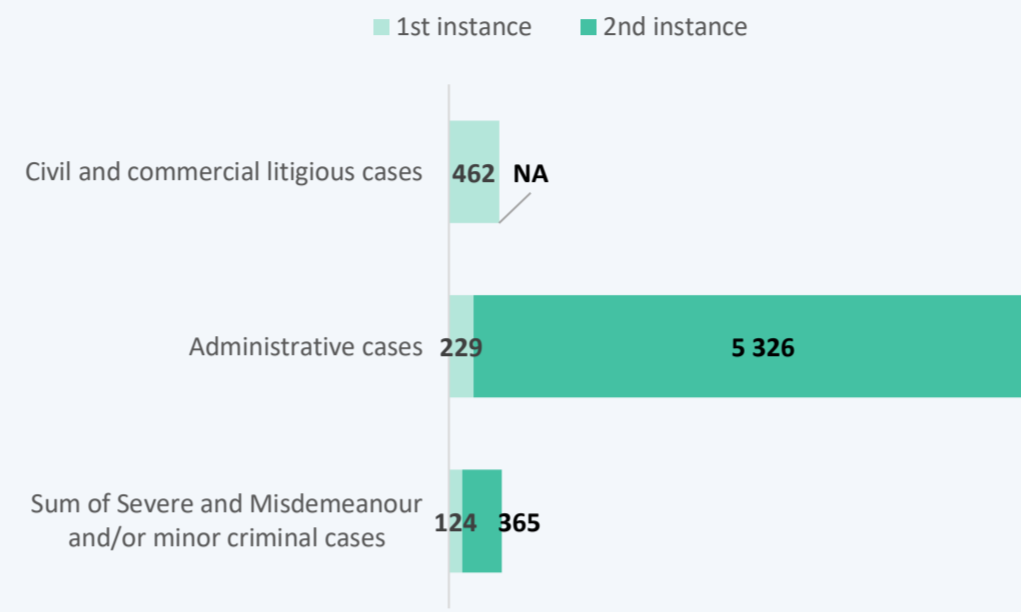
*Kosovo is not included in the calculation of summary statistics*

## Efficiency in Albania in 2023 (Indicators 3.1 and 3.2)

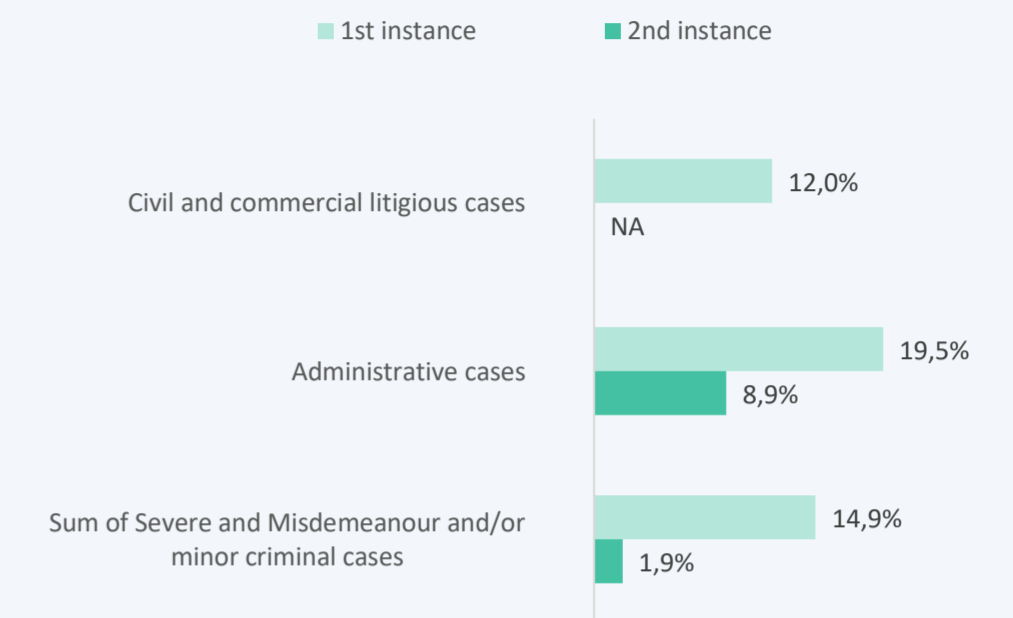
### Clearance Rate in 2023



### Disposition Time in 2023 (in days)



### % Variation of pending cases at the end of year between 2022 and 2023



In 2023, the highest Clearance rate (CR) for Albania was calculated for the first instance sum of the Severe and Misdemeanour and/or minor criminal cases, with a CR of 94%. However, it seems that Albania was not able to deal as efficiently with the second instance Administrative cases (CR of 46%). With a Disposition Time of approximately 124 days, the first instance sum of the Severe and Misdemeanour and/or minor criminal cases were resolved faster than any other type of cases. Compared to 2022, the pending cases at the end of the year increased for the first instance Administrative cases (19,5%), whereas they increased for the second instance sum of the Severe and Misdemeanour and/or minor criminal cases only by 1,9%.

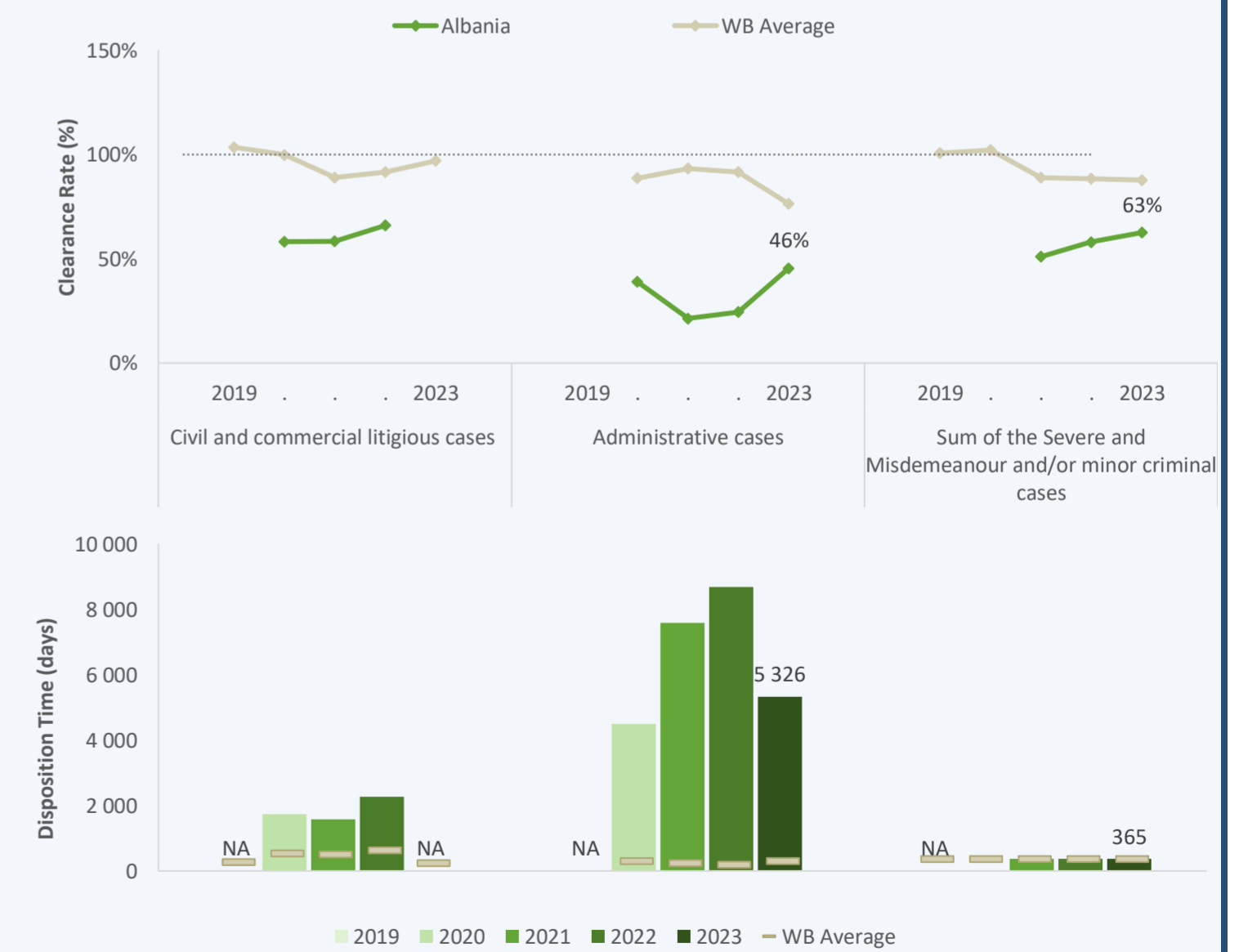
### First instance cases

#### Clearance rate (%) and Disposition Time (days) for first instance cases from 2019 to 2023



### Second instance cases

#### Clearance rate (%) and Disposition Time (days) for second instance cases from 2019 to 2023



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 2019 WB Medians for these type of cases are not available.

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% every year, particularly in second instance.

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 and 2023 the efficiency deteriorated again, with an increase in the disposition time for all categories of cases in the two instances. However, an exception can be seen in administrative cases. In 2023, the disposition time for these cases decreased significantly, from 8 680 days in 2022 to 5 326 days. This improvement was driven by the increased number of resolved cases, which resulted from a 49% rise in the number of judges.



**• First instance cases - Other than criminal law cases**

1st instance cases in 2023 (absolute values)	Albania (2023)				% Variation between 2022 and 2023			
	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
<b>Total of other than criminal law cases (1+2+3+4)</b>	57 183	52 912	41 071	3 453	-16,4%	-19,6%	10,3%	53,3%
1 Civil and commercial litigious cases	20 733	17 961	22 728	1 633	-6,5%	-8,6%	12,0%	23,4%
2 Non-litigious cases**	21 015	20 952	9 555	31	-30,2%	-32,7%	-0,3%	106,7%
3 Administrative cases	15 435	13 999	8 788	1 789	-4,1%	-6,8%	19,5%	95,5%
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 2023, the incoming civil and commercial litigious cases were 20 733 (0,75 per 100 inhabitants vs the WB Average of 2,51). They decreased by -6,5% between 2022 and 2023. The resolved cases were 17 961 (0,65 per 100 inhabitants) and they decreased by -8,6%, compared to the previous year. In 2023, 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 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 87% (below the WB Average of 103%). This decreased by -2,1 percentage points compared to 2022.

The Disposition Time for civil and commercial litigious cases was approximately 462 days in 2023 (above the WB Average of 424 days). This increased by 22,6% over the 2022-2023 period.

The incoming administrative cases were 15 435 in 2023 (ie 0,56 per 100 inhabitants vs the WB Average of 1). They decreased by -4,1% compared to the previous year. In 2023, the resolved cases were 13 999 (0,51 per 100 inhabitants, below of the WB Average of 0,52). Between 2022 and 2023, the number of resolved administrative decreased by -6,8%. The number of incoming cases was thus higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2023 were more than in 2022 and the Clearance rate for this type of cases was 91% (above the WB Average (78%). The CR decreased by -2,6 percentage points compared to the previous year.

Finally, the Disposition Time for administrative cases was approximately 229 days in 2023. This has increased by 28,2% compared to 2022 and it was below the WB Average (868 days).

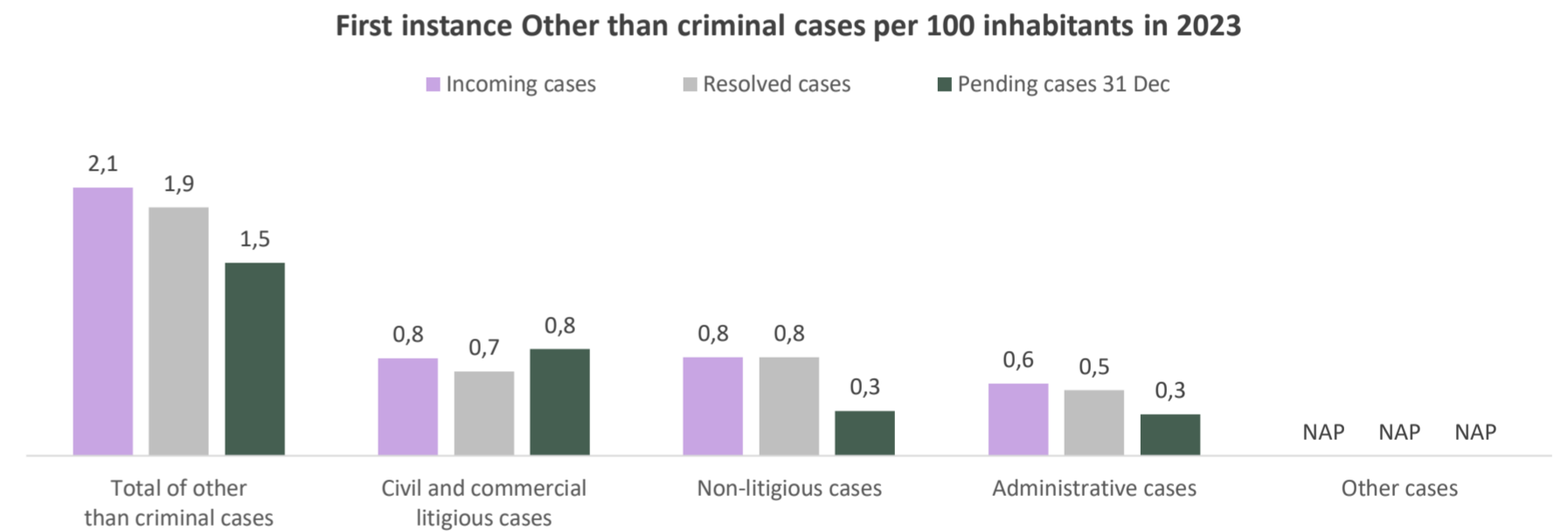
The number of administrative pending cases older than two years has almost doubled from the previous cycle. According to the authorities, this is a Consequence of the transitional period which are related to the implementation of the new judicial map as well as the vetting process.

1st instance cases in 2023 (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
<b>Total of other than criminal law cases (1+2+3+4)</b>	2,1	12,0	1,9	11,8	1,5	15,4	0,13	11,31
1 Civil and commercial litigious cases	0,8	2,5	0,7	2,7	0,8	3,0	0,06	1,07
2 Non-litigious cases**	0,8	8,1	0,8	8,2	0,3	11,0	0,001	10,09
3 Administrative cases	0,6	1,0	0,5	0,5	0,3	1,5	0,06	0,15
4 Other cases	NAP	0,7	NAP	0,7	NAP	0,0	NAP	-

For reference only: the 2022 EU Median was as follows:

- Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,9;
- 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



1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Albania	WB Average	Albania	WB Average	CR (PPT)	DT (%)
<b>Total of other than criminal law cases (1+2+3+4)</b>	93%	93%	283	390	-3,7	37,2%
1 Civil and commercial litigious cases	87%	103%	462	424	-2,1	22,6%
2 Non-litigious cases**	100%	98%	166	213	-3,7	48,3%
3 Administrative cases	91%	78%	229	868	-2,6	28,2%
4 Other cases	NAP	104%	NAP	82	NAP	NAP

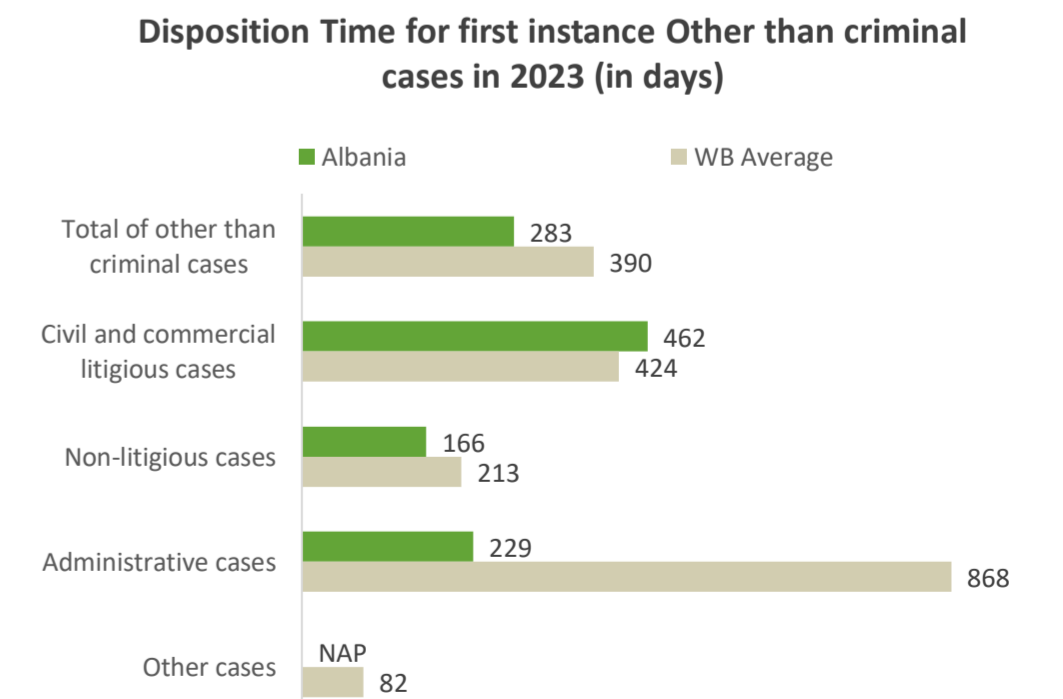
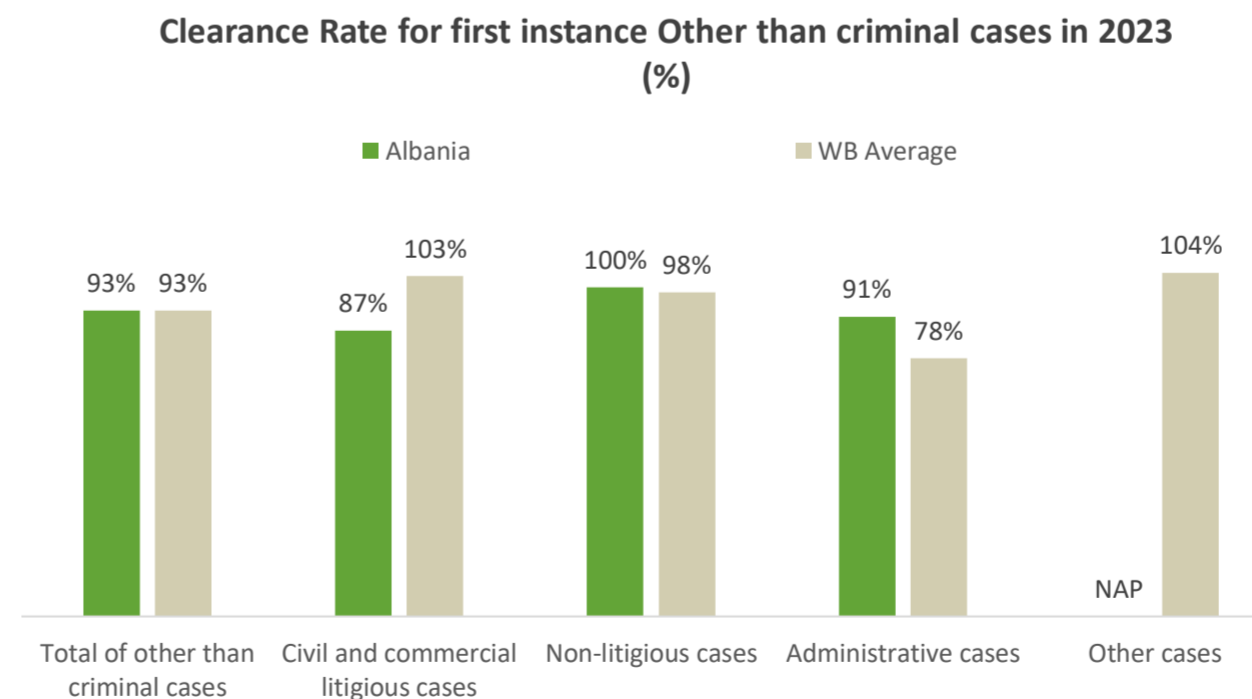
PPT = Percentage points

For reference only: the 2022 EU Median for the first instance Civil and Commercial litigious cases was as follows:

- Clearance rate: 100,5%;
- Disposition time: 239 days.

For reference only: the 2022 EU Median for the first instance Administrative cases was as follows:

- Clearance rate: 98,8%;
- Disposition time: 288 days.



• First instance cases - Criminal law cases

1st instance cases in 2023 (absolute values)	Albania (2023)				% Variation between 2022 and 2023			
	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)	42 634	41 358	11 898	152	-8,1%	-5,1%	6,8%	10,9%
Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)	10 926	10 295	3 499	114	4,0%	-2,0%	14,9%	1,8%
1 Severe criminal cases	7 937	7 429	2 277	84	-4,6%	-10,2%	20,8%	-12,5%
2 Misdemeanour and / or minor criminal cases	2 989	2 866	1 222	30	36,6%	28,1%	5,4%	87,5%
3 Other cases	31 708	31 063	8 399	38	-11,6%	-6,1%	3,7%	52,0%

In 2023, the incoming total criminal cases were 42 634 (1,54 per 100 inhabitants vs the WB Average of 7,05). They decreased by -8,1% between 2022 and 2023. The resolved cases were 41 358 (1,5 per 100 inhabitants). Between 2022 and 2023, they decreased by -5,1%. The number of resolved cases was lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 97% (above the WB Average of 96,5%). This increased by 3 percentage points compared to 2022.

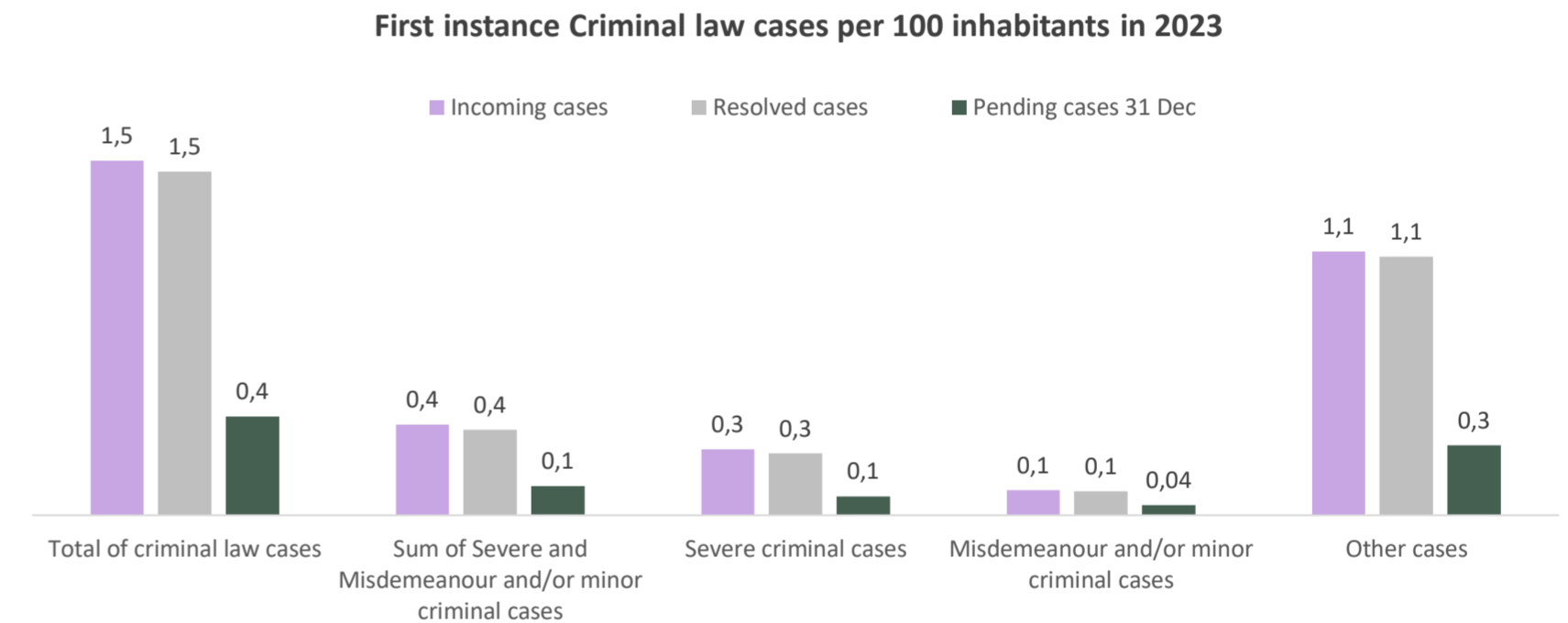
Based on the table of statistics collected from the reporting of the courts "other cases" refers to "administrative criminal cases".

The Disposition Time for total criminal cases was approximately 105 days in 2023 (below the WB Average of 197 days). This increased by 12,6% over the 2022-2023 period.

1st instance cases in 2023 (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)	1,5	< 7,1	1,5	< 6,9	0,4	< 3,8	0,01
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	0,4	< 3,9	0,4	< 3,8	0,1	< 2,6	0,004	< 0,08
1 Severe criminal cases	0,3	< 0,5	0,3	< 0,5	0,1	< 0,3	0,003	< 0,05
2 Misdemeanour and / or minor criminal cases	0,1	< 3,5	0,1	< 3,4	0,04	< 2,3	0,001	< 0,04
3 Other cases	1,1	< 3,9	1,1	< 3,8	0,3	< 1,5	0,001	< 0,28

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:  
- Incoming cases per 100 inhabitants: 1,7.

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

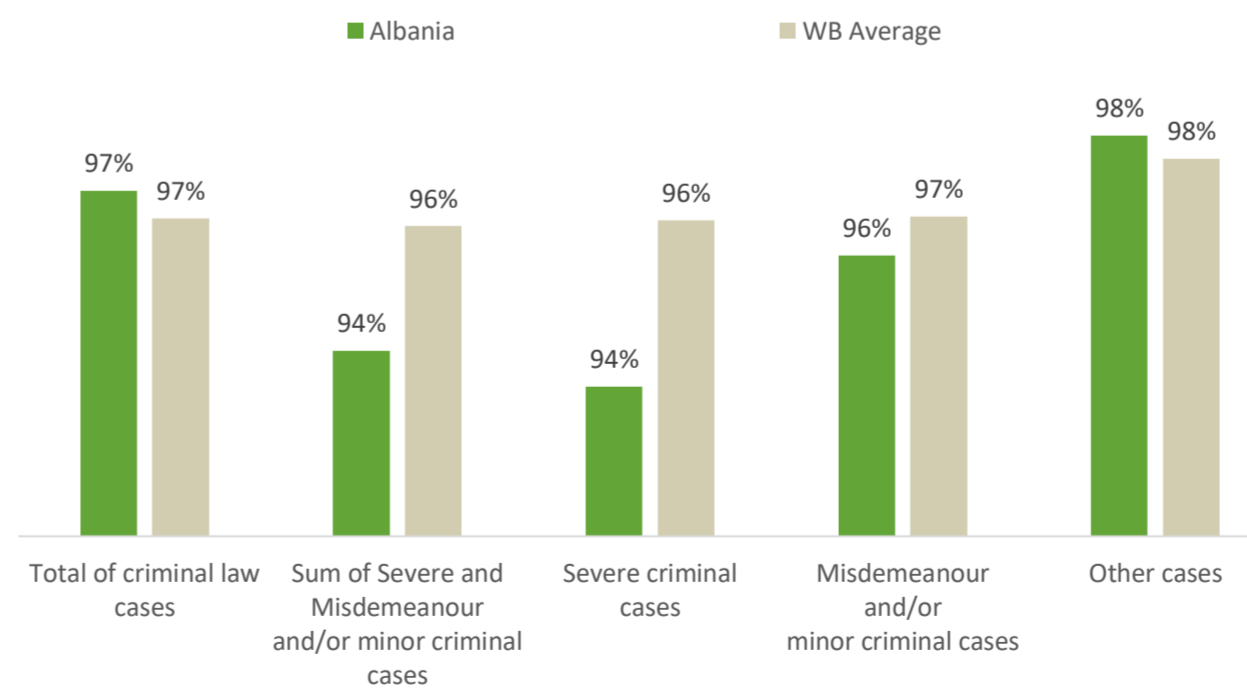


1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Albania	WB Average	Albania	WB Average	CR (PPT)	DT (%)
	Total of criminal law cases (1+2+3)	97%	97%	105	197	3,0
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	94%	96%	124	226	-5,8	17,3%
1 Severe criminal cases	94%	96%	112	238	-5,8	34,5%
2 Misdemeanour and / or minor criminal cases	96%	97%	156	232	-6,4	-17,7%
3 Other cases	98%	98%	99	171	5,7	10,5%

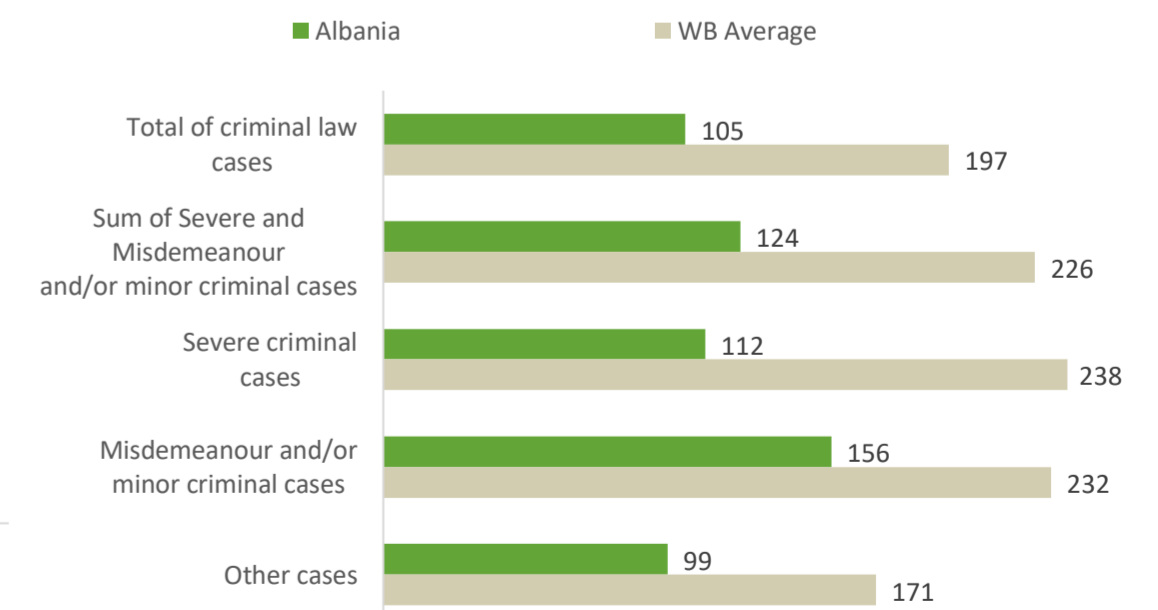
PPT = Percentage points

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:  
- Clearance rate: 100%;  
- Disposition time: 136 days.

Clearance Rate for first instance Criminal Law cases in 2023 (%)



Disposition Time for first instance Criminal Law cases in 2023 (in days)



• Second instance cases - Other than criminal law cases

2nd instance cases in 2023 (absolute values)	Albania (2023)				% Variation between 2022 and 2023			
	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)	NA	4 978	NA	NA	NA	-4,8%	NA	NA
1 Civil and commercial litigious cases	NA	2 889	NA	NA	NA	9,8%	NA	NA
2 Non-litigious cases**	618	509	5 076	1 971	-74,0%	-70,2%	2,2%	-2,5%
3 Administrative cases	3 470	1 580	23 056	16 360	-4,7%	77,5%	8,9%	19,1%
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.

Data for civil and commercial litigious cases in second instance are not available for 2023.

The incoming administrative cases were 3 470 in 2023 (ie 0,13 per 100 inhabitants vs the WB Average of 0,14). They decreased by -4,7% compared to the previous year. The resolved cases were 1 580 (0,06 per 100 inhabitants, below of the WB Average of 0,1). Between 2022 and 2023, the number of resolved administrative cases increased by 77,5%. However, the number of incoming cases was still higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2023 were more than in 2022 and the Clearance rate for this type of cases was 46% (below the WB Average (76%). The CR increased by 21,1 percentage points compared to the previous year.

Finally, the Disposition Time for administrative cases was approximately 5 326 days in 2023. This has decreased by -38,6% compared to 2022 and it was above the WB Average (1548 days).

In 2023, there was a notable increase in the number of administratively resolved cases. This is because the number of judges effectively in office rose to 8,3, marking a 49% increase. Despite this growth, the number remains below the full required count of 13 judges. Additionally, the non-judge support staff grew by 46% during the same year, reaching a total of 67 staff members.

2nd instance cases in 2023 (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)	NA	1,08	0,18	< 0,80	NA	0,64	NA	-
1 Civil and commercial litigious cases	NA	0,92	0,10	< 0,68	NA	0,55	NA	-
2 Non-litigious cases**	0,02	-	0,02	-	0,18	-	0,07	-
3 Administrative cases	0,13	< 0,14	0,06	< 0,10	0,83	> 0,28	0,59	> 0,20
4 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

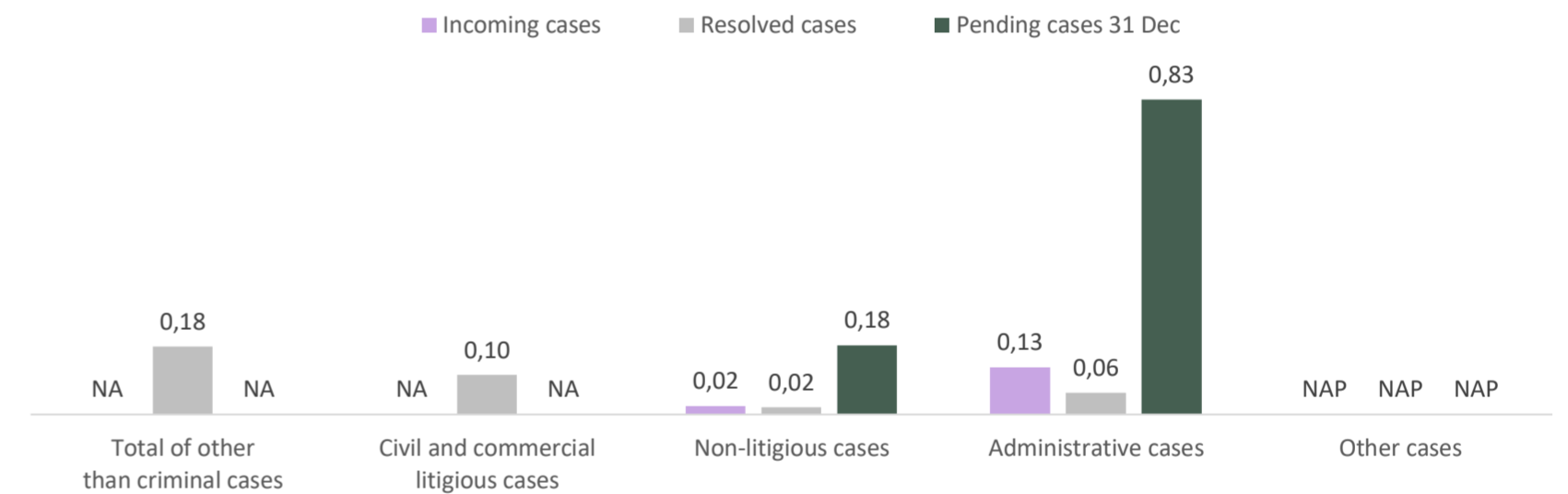
For reference only: the 2022 EU Median was as follows:

- Incoming Second instance Civil and Commercial litigious cases per 100 inhabitants: 0,2;

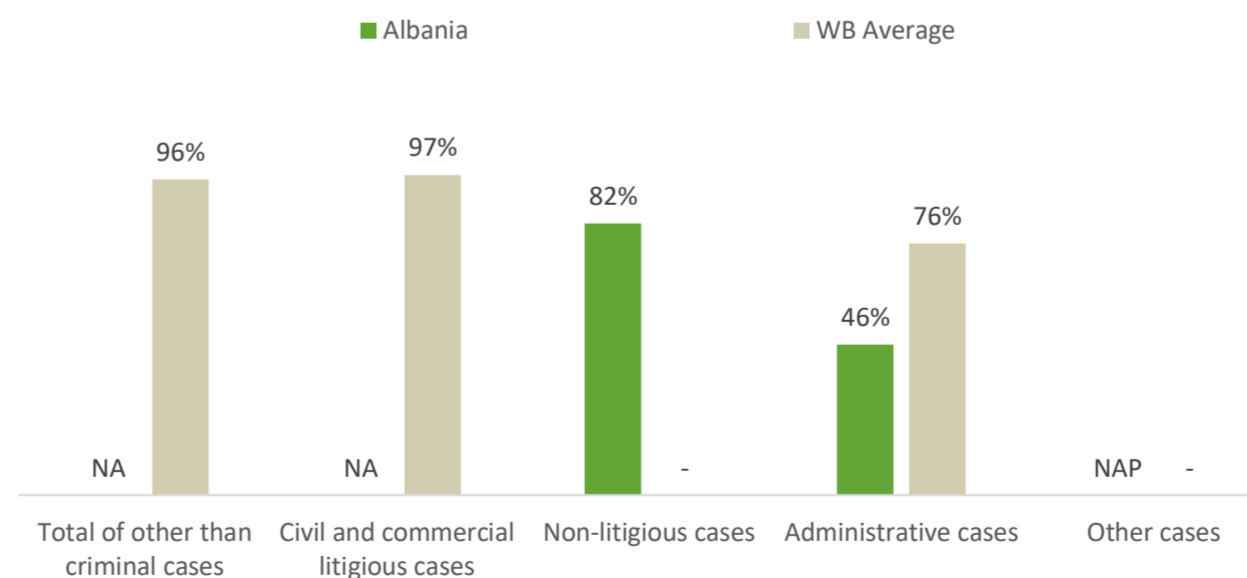
- incoming Second instance Administrative cases per 100 inhabitants: 0,1.

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

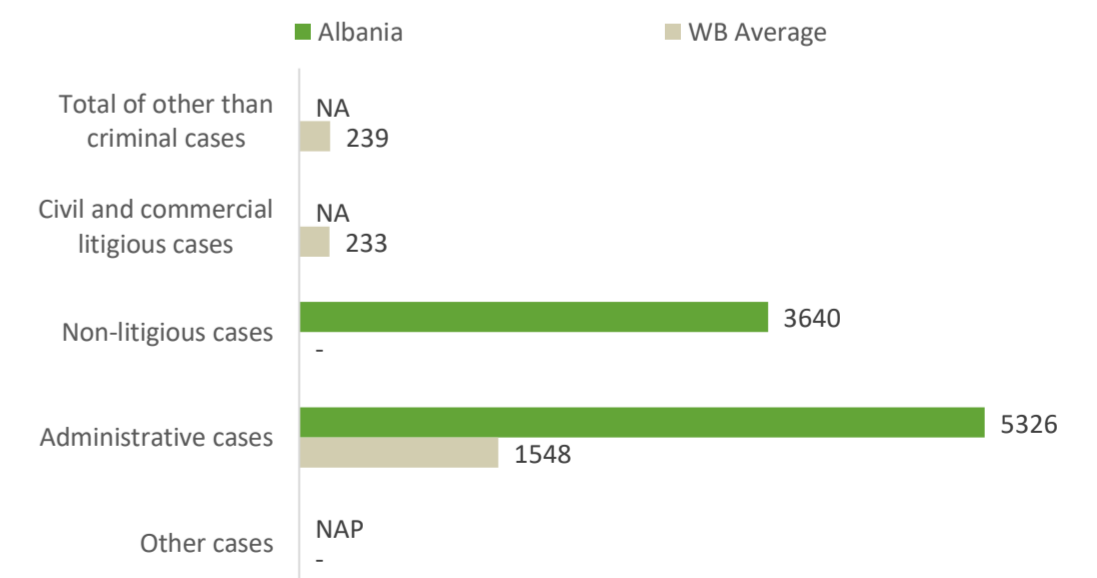
Second instance Other than criminal cases per 100 inhabitants in 2023



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



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



2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Albania	WB Average	Albania	WB Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	NA	96%	NA	239	NA	NA
1 Civil and commercial litigious cases	NA	97%	NA	233	NA	NA
2 Non-litigious cases**	82%	-	3 640	-	10,5	242,5%
3 Administrative cases	46%	76%	5 326	1 548	21,1	-38,6%
4 Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

For reference only: the 2022 EU Median for the Second instance Civil and Commercial litigious cases was as follows:

- Clearance rate: 97,1%;

- Disposition time: 207 days.

For reference only: the 2022 EU Median for the Second instance Administrative cases was as follows:

- Clearance rate: 102,6%;

- Disposition time: 277 days.

• Second instance cases - Criminal law cases

2nd instance cases in 2023 (absolute values)	Albania (2023)				% Variation between 2022 and 2023			
	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)	6 477	4 817	11 682	5 750	-20,3%	-30,3%	16,2%	91,0%
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	3 474	2 174	2 174	3 870	-5,5%	1,9%	1,9%	46,0%
1 Severe criminal cases	3 413	2 145	8 351	3 465	4,0%	9,7%	17,6%	68,4%
2 Misdemeanour and / or minor criminal cases	61	29	1 322	405	-84,5%	-83,7%	2,5%	-31,8%
3 Other cases	3 003	2 643	2 009	1 880	-32,6%	-44,7%	20,9%	422,2%

“Other cases” refer to “administrative criminal cases”.

2nd instance cases in 2023 (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)	0,23	0,34	0,17	0,32	0,42	0,20	0,21	-
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	0,13	0,30	0,08	0,28	0,08	0,28	0,14	-
1 Severe criminal cases	0,12	0,15	0,08	0,13	0,30	0,12	0,13	0,05
2 Misdemeanour and / or minor criminal cases	0,00	0,16	0,00	0,15	0,05	0,06	0,01	-
3 Other cases	0,11	-	0,10	-	0,07	-	0,07	-

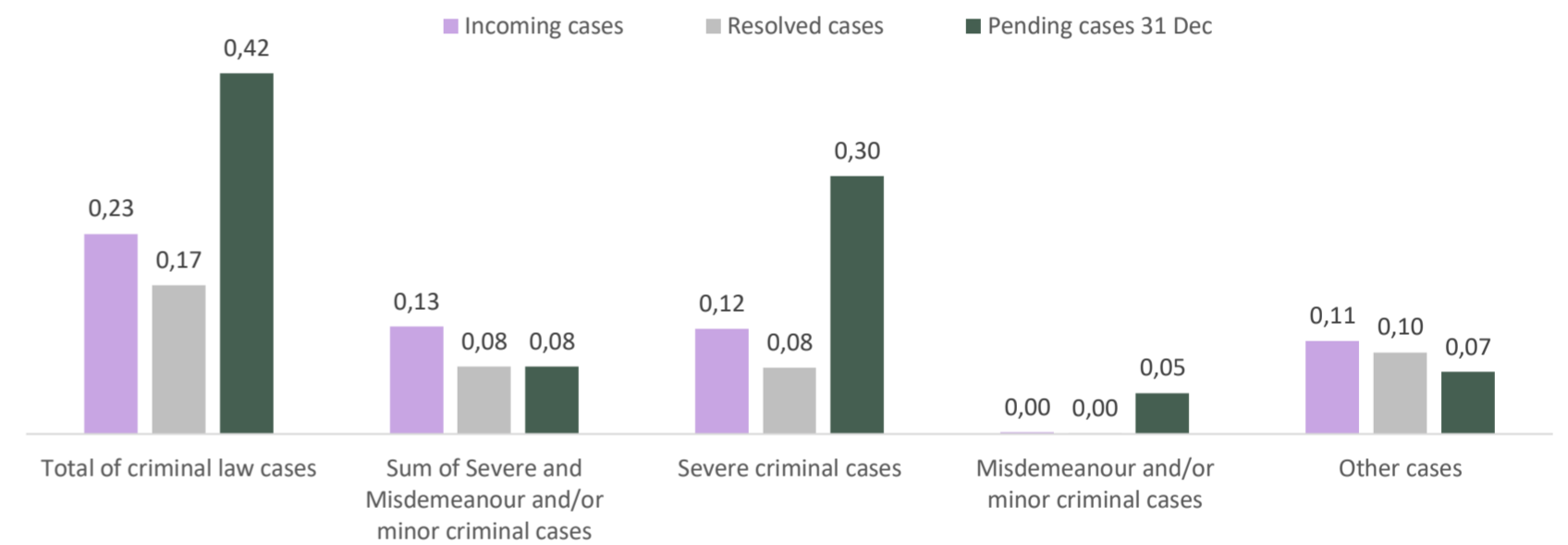
For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:  
- Incoming cases per 100 inhabitants: 0,1.

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

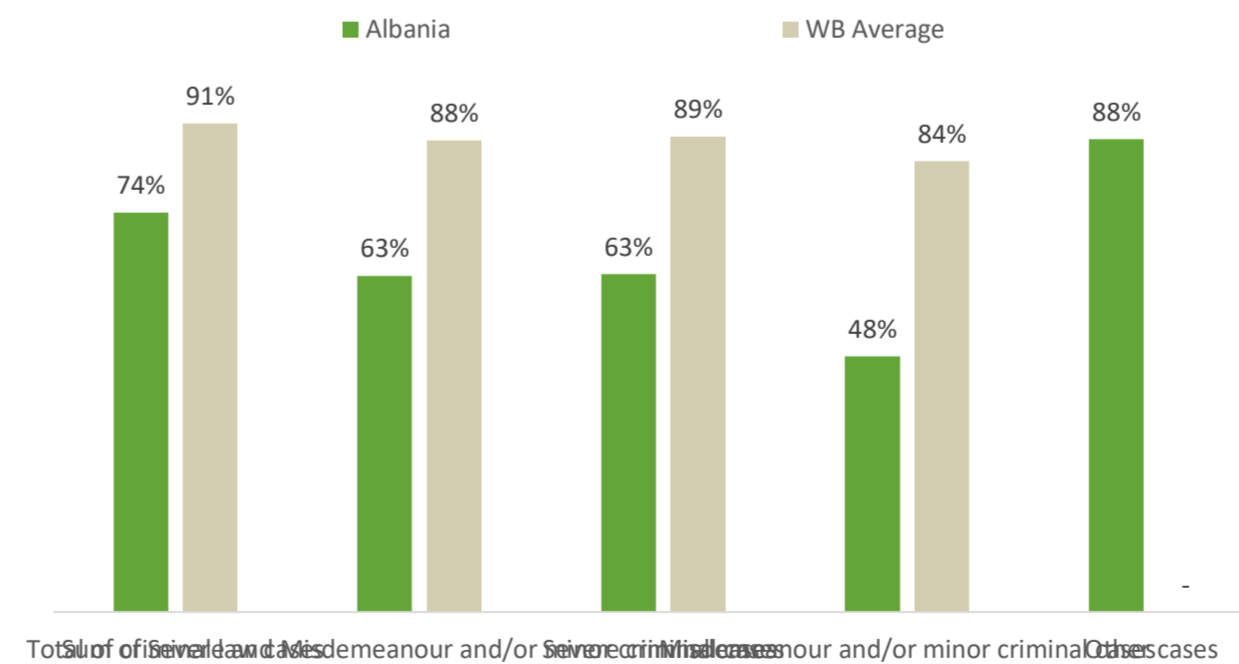
In 2023, the incoming total criminal cases were 6 477 (0,23 per 100 inhabitants vs the WB Average of 0,34). and they decreased by -20,3%, compared to the previous year. The resolved cases were 4 817 (0,17 per 100 inhabitants). Between 2022 and 2023, they decreased by -30,3%. In 2023, the number of resolved cases was thus lower than the incoming cases. As a consequence, the total number of pending criminal cases at the end of 2023 was higher than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 74% (below the WB Average of 91%). This decreased by -10,7 percentage points compared to 2022.

The Disposition Time for total criminal cases was approximately 885 days in 2023 (above the WB Average of 307 days). This increased by 66,7% over the 2022-2023 period.

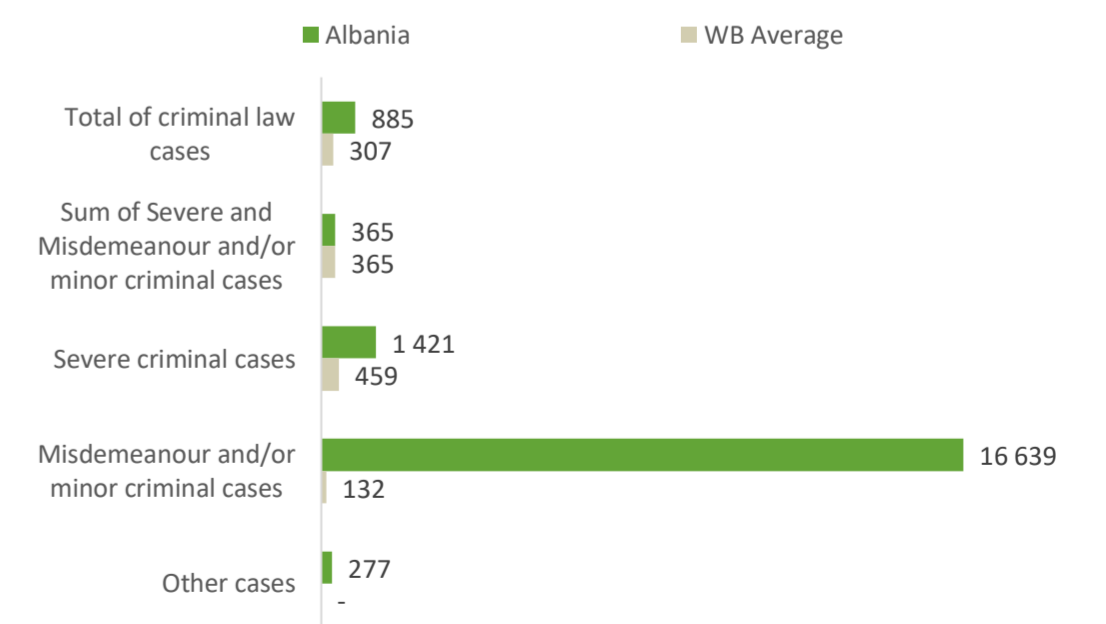
Second instance Criminal law cases per 100 inhabitants in 2023



Clearance Rate for second instance Criminal Law cases in 2023 (%)



Disposition Time for second instance Criminal Law cases in 2023 (in days)



2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Albania	WB Average	Albania	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	74%	91%	885	307	-10,7	66,7%
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	63%	88%	365	365	4,5	0,0%
1 Severe criminal cases	63%	89%	1 421	459	3,3	7,1%
2 Misdemeanour and / or minor criminal cases	48%	84%	16 639	132	2,2	529,0%
3 Other cases	88%	-	277	-	-19,3	118,6%

PPT = Percentage points

For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:  
- Clearance rate: 99%;  
- Disposition time: 135 days.

NBNB: For the second instance Misdemeanour and / or minor criminal cases: the WB Median of the Disposition Time is visualised in the graph above (instead of the WB average).

• Specific category cases

	Albania (2023)						% Variation between 2022 and 2023						
	Decisions subject to appeal (%)	Average length of proceedings (in days)				% of cases pending for more than 3 years for all instances	Decisions subject to appeal (PPT)	Average length of proceedings (in days)				Cases pending for more than 3 years for all instances (PPT)	
		First instance	Second instance	Third instance	Total			First instance	Second instance	Third instance	Total		
Civil and commercial litigious cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Litigious divorce cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Insolvency cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Intentional homicide cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bribery cases	NA	NA	NA	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.

**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 national quality standards for the judicial system are established by the Law “On the Status of Judges and Prosecutors” (as amended), particularly in Article 71, which pertains to the assessment process of prosecutors. This assessment is based on several criteria: professional skills, organizational skills, ethics and commitment to professional values, personal skills, and overall professional commitment.

When evaluating the professional skills of a prosecutor, the assessment focuses on their legal knowledge and reasoning capabilities, their ability to conduct investigations logically, gather legally required evidence, interpret laws and analyze jurisprudence, make well-founded investigative decisions, and produce clear, well-structured prosecution documents. Additionally, the assessment considers the prosecutor’s ability to question effectively and the quality of their analytical and logical reasoning.

As regards judges, the High Judicial Council (HJC) is responsible for setting the quality standards for the judiciary, encompassing both efficiency and quality. The HJC is actively developing sub-legal acts related to these standards, in collaboration with external partners. Each judicial council also publishes its own Standards of Ethics and Rules of Conduct. Generally, the standards are divided into performance-related standards, which include the quality and quantity of magistrates’ performance, and behavioral standards, which cover ethics and conduct.

**Quantitative targets for each judge and prosecutor**

<b>Existence of quantitative targets for:</b>	<b>Judges</b>	<b>Prosecutors</b>
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**The 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:	

**The 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
Without disciplinary procedure	Warning by court’s president/ head of prosecution		NAP
	Temporary salary reduction		NAP
	Reflected in the individual assessment		NAP
	Other		NAP
With disciplinary procedure	Warning by court’s president/ head of prosecution		NAP
	Temporary salary reduction		NAP
	Reflected in the individual assessment		NAP
	Other		NAP
No consequences			NAP

• System of individual evaluation of the judges and public prosecutors' work

	Judges	Prosecutors
Existence of a system of individual evaluation	Quantitative work ✓	Quantitative work ✗
	Qualitative work ✓	Qualitative work ✓

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 periodicity of the evaluation of judges is foreseen by law in two frequencies, specifically:

- The magistrate is evaluated once every three years, during the first fifteen years of experience professional, including professional experience as assistant magistrate or commanding magistrate.
- The magistrate is evaluated once every five years, after the first 15 years of professional experience.

In particular, as regards prosecutors, the criteria for the qualitative assessment of the public prosecutor's work are set in the Part IV, Chapter II, of the Law "On the status of judges and prosecutors", as amended. Based on this law, High Prosecutorial Council, has approved Regulation "On the ethical and professional assessment of prosecutors", with Decision no. 95, dated 09.05.2022 and the Regulation "On the ethical and professional assessment of heads of prosecution offices of general jurisdiction", adopted with Decision 380, dated 30.11.2023. In these sublegal acts are detailed criteria regarding ethical and professional assessment of prosecutors in first and second instance of general jurisdiction and heads of these offices. The magistrate is evaluated once every three years, during their first fifteen years of professional experience and once every five years, after the first 15 years of professional experience as a magistrate. The head of the prosecutor's office is evaluated at least once during the duration of the mandate as head.

These criteria are summarised in 4 indicators:

a) professional skills; b) organizational skills; c) ethics and commitment to professional values; d) personal skills and professional commitment.

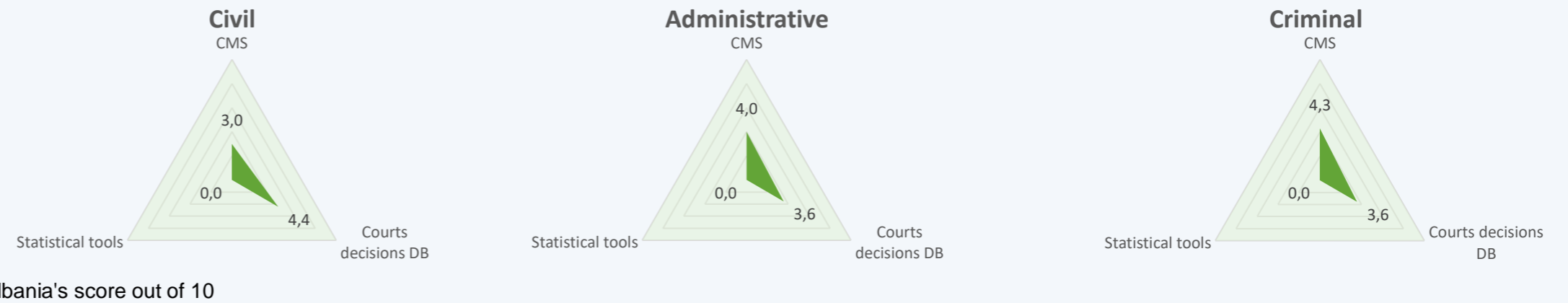
High Prosecutorial Council is responsible for carrying out the ethic and professional evaluation of all prosecutors and head of prosecution offices.

The purpose of the ethical and professional evaluation of the prosecutor is:

- a) to improve continuously ethics and professional skills;
- b) to set stable standards for the quality and quantity of the activity;
- c) to inform the decisions of the High Prosecutorial Council regarding the decisions of the status of the magistrate, in function of career development based on merit;
- d) to inform the High Prosecutorial Council and the School of Magistrates regarding the training needs of magistrates and to facilitate the planning of their training;
- e) to identify magistrates who may have special professional skills for the justice system;
- f) to contribute to the improvement of the organizational structure of prosecutor's offices as well as the working conditions of magistrates.

## Information and communication technology tools in Albania in 2023 (Indicator 3.3)

The three ICT deployment indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.



In Albania, the overall maximum score among the three ICT indexes is achieved by the Courts decisions DB index (4,4). The criminal and administrative matters have the highest CMS index score (4,3 and 4,0), followed by the criminal matter. Data on the statistical tool were unavailable, resulting in a score of 0.

In Albania, there exists an overall Information and Communication Technology (ICT) strategy in the judicial system and there are plans for a significant change in the present IT system in the judiciary in 2023.

There are 2 case management systems (CMS), eg software used for registering judicial proceedings and their management.

The Case Management Systems with which the Albanian courts operate are CMIS and ARKIT.

A broad consensus has been achieved in the Albanian judiciary about the need to replace both existing case management systems used by Albanian courts (ARK-IT and ICMIS, with their variants and their 2 and 36 local installations respectively) with a single new generation, state-of-the-art system.

The Centre for the IT in the Judiciary of Albania adopted in December 2021, upon proposal of the High Judicial Council (HJC), a Road Map for the development of the new Albanian Court Case Management System. Among these, the relevant decisions of the Information Technology Centre in the High Judicial Council were approved in order to start work on the development of a new Court Case Management System. However, it is obvious that the systems used in the Albanian courts are almost obsolete despite frequent updates with new features. Additionally, each of the courts have their own servers installed locally which are not unified. The internal network architecture across the courts is specific to each court and is not standardised and unified yet. The renewal of the licenses of the various software components used by the courts is managed by each court in particular. This also applies to security programs that must be used on each of the court servers.

In terms of security, the case management system operates offline and can only be accessed locally by court users. Each court through the institutions of the IT is responsible for guaranteeing security and implementing policies that protect the system from possible threats.

### • Electronic case management system

The CMS is not developed or used in all courts (50-75 %for civil matters and 75-95% for administrative and criminal). The system features, among others, random allocation of cases, anonymisation of decisions, and interoperability with other systems.

	Deployment rate	Usage rate	Centralised and/or interoperable CMS databases	Active case management dashboard	Random allocation of cases	Case weighting	Identification of a case between instances	Electronic transfer of a case to another instance/ court	Anonymisation of decisions to be published	Interoperability with prosecution system	Interoperability with other systems	Access to closed/resolved cases	Advanced search engine	Protected log files	Electronic signature	Other
Civil	50-75 %	50-75 %	✗	✗	✓	✗	✗	✗	✓	NAP	✓	✓	✓	✓	✗	✗
Administrative	75-95 %	75-95 %	✗	✗	✓	✗	✗	✗	✓	NAP	✓	✓	✓	✓	✗	✗
Criminal	75-95 %	75-95 %	✗	✗	✓	✗	✗	✗	✓	✓	✓	✓	✓	✓	✗	✗



## • Database of court decisions

The database of court decision is available for all instances and matters and its deployment rate is 95-100%. The court decisions are published online (ie. on a public website) and the functionalities of the database include "automatic anonymisation" of court decision as well as "free public online access" for all matters. However, only the database for the civil court decisions has an advanced search engine.

	1st instance		2nd instance		Supreme court		Functionalities										
	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of Human Rights (ECHR)	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other
<b>Civil</b>	95-100 %	Published online (public website)	95-100 %	Published online (public website)	95-100 %	Published online (public website)	✓	✗	✓	✓	✗	✓	✗	✗	✗	✗	✗
<b>Administrative</b>	95-100 %	Published online (public website)	95-100 %	Published online (public website)	95-100 %	Published online (public website)	✓	✗	✓	✓	✗	✗	✗	✗	✗	✗	✗
<b>Criminal</b>	95-100 %	Published online (public website)	95-100 %	Published online (public website)	95-100 %	Published online (public website)	✓	✗	✓	✓	✗	✗	✗	✗	✗	✗	✗

## • Statistical tools

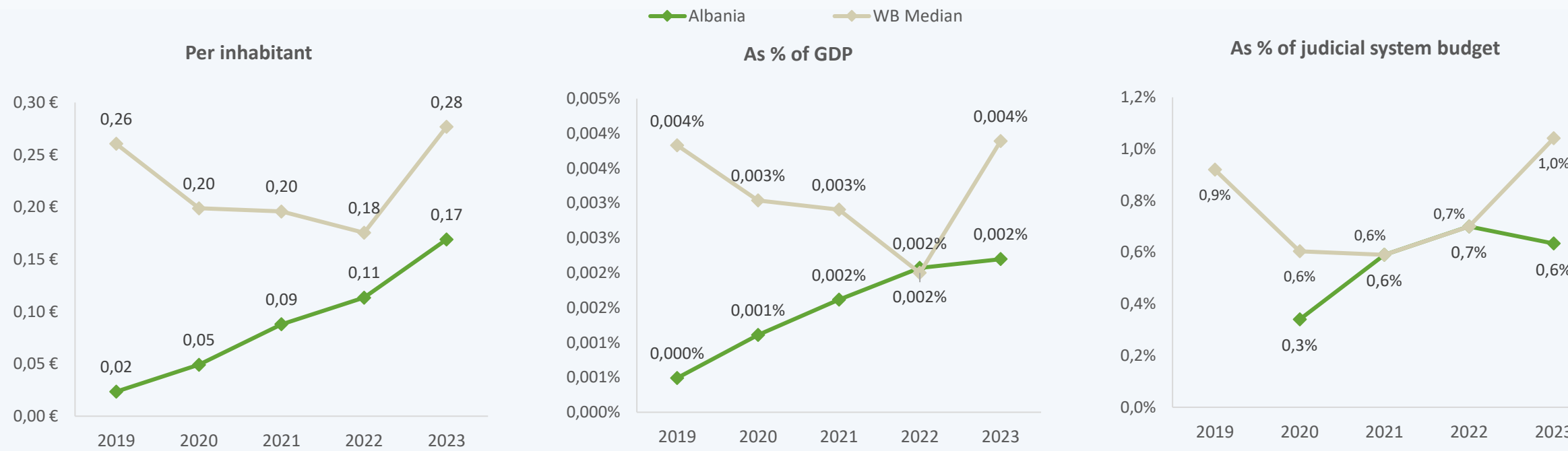
Data on statistical tools are unavailable

	Deployment rate	Functionalities										Data available for statistical analysis							
		Integration/connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Case flow data (number of incoming, resolved,	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal
<b>Civil</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
<b>Administrative</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
<b>Criminal</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	

*Kosovo is not included in the calculation of summary statistics*

## Legal Aid in Albania in 2023 (Indicator 4)

Total implemented budget for Legal Aid between 2019 and 2023



Number of cases for which LA has been granted in 2023



**0,28**

per 100 inhabitants

WB Median: 0,19

In 2023, the implemented budget for legal aid spent by Albania was 467 115€ (0,63% of the judicial system budget). This means that an amount of 0,17€ was spent per inhabitant (below the WB Median of 0,28€). The budget for legal aid was equal to 0,002% of the GDP, whereas the WB Median was 0,004%.

## • Organisation of the legal aid system

Legal Aid guaranteed by the state is one of the most essential forms of access to justice. In the Republic of Albania for the first time a specific legal framework was approved in 2008, enabling the establishment of a special institution responsible for providing free legal aid (State commission for legal aid).

According to the authorities, the legal aid system has been deeply transformed in the framework of the justice reform in Albania, establishing a new approach, in full compliance with the highest standards of provision of legal aid in line with the EU legislation.

The Constitution of the Republic of Albania states in Article 42/2 that “Anyone, for the protection of his constitutional and legal rights, freedoms and interests, or in the case of charges brought against him, has the right to a fair and public trial within a reasonable time by a court, independent and impartial appointed by law”.

In Decision no. 7/2013 the Constitutional Court of the Republic of Albania has considered legal aid guaranteed by the state as a fundamental part of the right to due process.

The Law no. 111/2017 on State Guaranteed Legal Aid (Law on Legal Aid) entered into force on 1 June 2018. It is one of the laws adopted in the framework of the justice reform. This law establishes the forms, the conditions, the procedures and the rules for the organization and administration of state guaranteed legal aid, aiming to protect the fundamental rights of individuals and their legitimate interests.

The adoption of this law led to the drafting of a package of sublegal acts which aim to regulate in detail any process on legal aid guaranteed by the state.

Law no. 111/2017 on State Guaranteed Legal Aid (Law on Legal Aid) foresees a comprehensive system of:

### 1. Primary Legal Aid:

Primary legal aid is defined in Article 3 (b) and also Article 3 of Appendix 1 of the Order of the Minister of Justice No 226 dated 25/3/2019 on “The approval of the contracts of legal aid guaranteed by the state”. It comprises • providing of information regarding the legal system and legal acts, • the delivery of counselling, o which “is the delivery of information on the manners and the possibilities of solution of a concrete legal matter” (Article 3 (ç)) • the delivery of advice on the procedures of mediation and the alternative means of dispute resolutions, • the delivery of assistance in drafting and establishing of documentation to put in motion the state administration or for requesting secondary legal aid • representation before administration bodies. Legal aid is provided through:

a. Primary Legal Aid Service Center- 20 Primary Legal Aid Centers, functiona, in the cities of Tirana, Durres, Elbasan, Lushnje, Berat, Fier, Vlora, Pogradec, Gjirokastër, Lezhë, Shkodër, Dibër, Kukës, Korçë, Tropoja, Mat, Pukë, Kurbin, Kavajë and Përmet. 12 of them are financed by the state budget and 8 by UNDP.

Various workshops have been conducted throughout the first quarter of 2023, and moreover, an access to justice map is being developed as a tool to inform the citizens on the Free Legal Aid centres across the country, as a measure to address communication in the framework of the implementation of the new judicial map.

In order to guarantee access to justice, it was determined that there was a need for 1 (one) Primary Legal Aid Service Center to be functional in the premises of the courts which are currently closed, to inform all individuals who seek information on the procedures and institutions they should approach to solve their problems judicially and extra judicially.

Specifically, the Ministry of Justice, in the beginning of 2023, planned the opening of 6 (Six) Primary Legal Aid Service Centres, in the cities of Tropoja, Mat, Pukë, Kurbin, Kavajë and Përmet, which are the cities where the first instance courts were closed with the implementation of the judicial map. In the end of July 2023 was finalized the opening of the 6 Primary Centers in Tropoja, Përmet, Mat, Pukë, Kurbin and Kavajë was finalised.

b. NGOs providing primary legal aid (15 NGO-s operating in Tirana, Vlora, Berat, Elbasan, Shkoder for 2022-2024). Albanian legislation allocates state budget provisions for Non-Profit Organizations. In 2023 2(two) NGOs received the funding from the state budget, out of the 9 NGOs that applied.

c. Legal clinics at higher education institutions providing legal aid (12 Legal Clinics operating in Tirana, Durres, Shkoder). Contrary to what is provided for Non-Profit Organizations, the Legislation does not provide a state budget for Legal Clinics.

### 2. Secondary Legal Aid (representation by an advocate in a court procedure):

According to Article 3 (c) “Secondary legal aid” is the legal service that is offered for • the compilation of the necessary legal acts for putting in motion the court (i.e. the pre-court phase), • the delivery of counselling, representation and defence before the court in administrative and civil and in criminal cases • for which is not applied the mandatory defence in accordance of the criminal procedural legislation. That means that in this respect the Law on Legal Aid is subsidiary to the Code on Criminal Procedure. Secondary legal aid is only provided before (administrative and civil) courts, and • the delivery of all other forms of necessary legal support not constituting secondary legal aid.

Secondary legal aid is provided by advocates included in the list approved by the National Chamber of Advocates upon the request (according to the form) of the person entitled to receive secondary legal aid. The request has to be addressed to the competent court. The court has to decide within 5 days from the date of receipt of the request.

159 advocates have signed the contract for the provision of the secondary legal aid service for 2023.

3. Exemption from payment of court fees and court costs: according to law and exemption from the obligation to prepay the fee for the enforcement of the execution order.

### Legal aid is applied to:

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

Law no. 111/2017 on State Guaranteed Legal Aid (Law on Legal Aid) foresees Groups of persons who qualify for legal aid (Article 11 and 12):

1. People with insufficient Income and Property;
2. Specific Groups of Beneficiaries (Victims; Children; Other vulnerable persons).

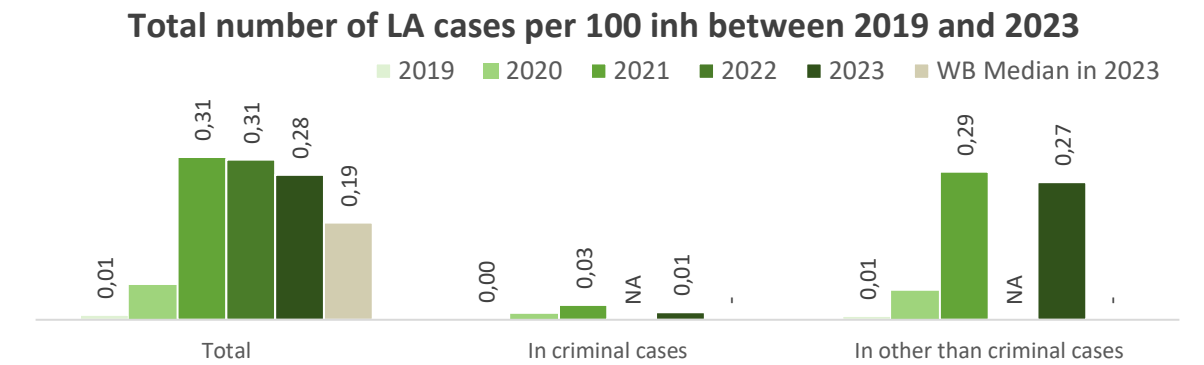
• **Implemented budget for legal aid and number of cases for which legal aid has been granted**

	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 - 2023	Cases brought to court (a)	Cases not brought to court (b)	Albania	WB Median	Albania	WB Median	Albania	WB Median
<b>Total (1+2)</b>	467 115 €	597,7%	179 115 €	288 000 €	0,17 €	0,28 €	0,002%	0,004%	0,63%	1,0%
<b>In criminal cases (1)</b>	NA	NA	NA	NA						
<b>In other than criminal cases (2)</b>	NA	NA	NA	NA						

In 2023, Albania spent 467 115€ on the total implemented budget for legal aid, which was 597,7% more compared to 2019. This means that it spent a significantly lower amount per inhabitant compared to the WB Median (0,17€ and 0,28€, respectively).

According to the authorities, 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.

	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 - 2023					
<b>Total (1+2)</b>	7 737	0,28	2852,9%	729	7 008	60,4 €	245,7 €	41,1 €
<b>In criminal cases (1)</b>	401	0,01	612,5%	46	355	NA	NA	NA
<b>In other than criminal cases (2)</b>	7 336	0,27	3465,8%	683	6 653	NA	NA	NA



In 2023, the number of cases for which legal aid was granted was 7 737, which was 2852,9% more compared to 2019. The number of criminal cases was 401, and the other than criminal cases were 7 336. The total cases brought to court were 729, while the total cases not brought to court were 7 008. On average, the amount granted per legal aid case was 60,4€.

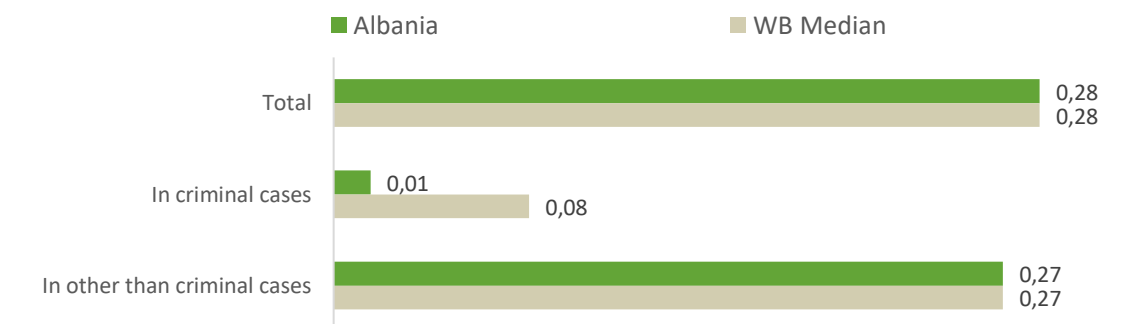
Primary Legal Aid: All cases of primary legal aid (which do not include court representation) were accepted.

Secondary Legal Aid: Out of a total of 773 requests for secondary legal aid (which includes court representation), 44 were not accepted by the court.

• Number of recipients of legal aid

	Number of recipients of legal aid					Amount of LA granted per recipient (€)		
	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.	WB Median					
<b>Total (1+2)</b>	7 781	0,28	0,28	773	7 008	60,0 €	231,7 €	41,1 €
<b>In criminal cases (1)</b>	405	0,01	0,08	50	355	NA	NA	NA
<b>In other than criminal cases (2)</b>	7 376	0,27	0,27	723	6 653	NA	NA	NA

Number of recipients of legal aid per 100 inhabitants in 2023



In 2023, the number of recipients legal aid was granted to was 7 781. This means that there were 0,28 recipients per 100 inhabitants which was the same as the WB Median. The number of criminal cases were 405, and the other than criminal cases were 7 376. The total cases brought to court were 773, while the total cases not brought to court were 7 008. On average, the amount granted per recipient of legal aid case 60€.

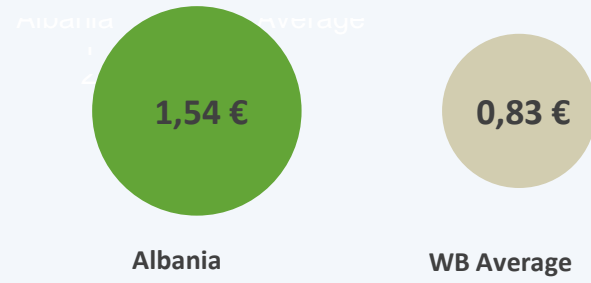
According to Instruction No. 1, dated 08/03/2019, by the Minister of Justice on the “Approval of rules and procedures for the collection, completion, and administration of registers’ data,” every state-guaranteed legal aid service provider is required to send monthly data to the Directorate. This data includes requests and self-declarations submitted by entities seeking state-guaranteed legal aid. The information must be submitted within the first five days of the month following the reference month. Detailed information can be found at: [State Guaranteed Legal Aid Publications](https://ndihmajuridike.gov.al/publikime).

Based on the administered data, primary legal aid cases, which do not involve court representation, consist of 95% civil and administrative cases and 5% criminal cases. Secondary legal aid cases, which include court representation, account for 93% of civil cases.

Kosovo is not included in the calculation of summary statistics

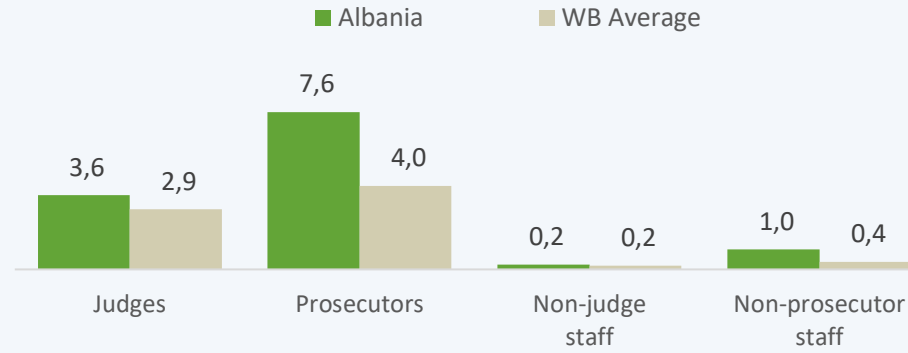
## Training of judges and prosecutors in Albania in 2023 (Indicator 7)

### Total budget for training per inhabitant



### Average number of live training participations per professional

Please see the definition of the indicator on page 2.



### Average number of participants per delivered training



The total budget for training of judges and prosecutors in Albania was 1,54€ per inhabitant, which is above the WB Average (0,83€ per inhabitant).

In 2023, 3 303 participants (of which 890 judges and 1 587 prosecutors) were trained in 107 live trainings (in-person, hybrid or video conferences).

In Albania, each judge participated, on average, to 3,6 live trainings in 2023, which was higher than the WB Average (2,9) while each prosecutor participated, on average, to 7,6 live trainings, more than the WB Average (4).

Regarding the internet-based trainings (not-live), the number of trainings provided on the e-learning platform of the training institution for judges and prosecutors is not available, whereas a total of 2 trainings was completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.). The total number of participants was and 18.

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)	% of budget of the training institution(s) covered by external donors	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)								
				Absolute Number	Evolution of training budget per inhabitant					% Variation 2019 - 2023	% Variation 2022 - 2023	WB Average per inhabitant
					2019	2020	2021	2022	2023			
<b>Total</b>	4 244 958 €	NA	NAP	4 244 958 €	0,51 €	0,54 €	0,75 €	0,89 €	1,54 €	202,8%	73,6%	0,83 €
<b>Judges</b>	NAP	NA	NAP	NAP								
<b>Prosecutors</b>	NAP	NA	NAP	NAP								
<b>One single institution for both judges and prosecutors</b>	4 244 958 €	NA		4 244 958 €	0,51 €	0,54 €	0,75 €	0,89 €	1,54 €			

The implemented budget in EURO was calculated using the average of exchange rate for the reference year 2023, which was 108,75. The budget in Albanian Lek (ALL) is 461 639 120. The increase in the previous cycle can be explained by the increase of the number of candidates for magistrates attending the Initial Training Program, the increase of number of trainings of the Continuous Training Program, and the increase of salaries for the State Administration.

## • 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 (2023)							
	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
<b>Total</b>	107	107	157	3 303	1,5 =	1,5	30,9 >	22,1
<b>Judges</b>	105	105	154	890	1,5 =	1,5	8,5 <	13,2
<b>Prosecutors</b>	105	105	154	1 587	1,5 =	1,5	15,1 >	11,3
<b>Non-judge staff</b>	1	1	2	232	2,0 >	1,6	232,0 >	72,5
<b>Non-prosecutor staff</b>	1	1	1	594	1,0 <	1,2	594,0 >	149,8

CEPEJ distinguishes 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

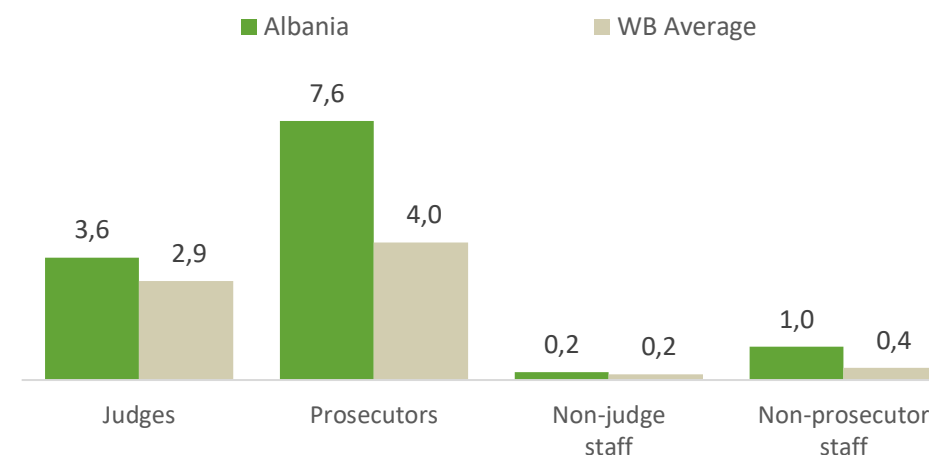
In 2023, the average duration of trainings of both judges and prosecutors in Albania was 1,5 days (while the WB Average was 1,5 and 1,5 days, respectively).

The total does not match as, according to the authorities, the School of Magistrates (SoM) does not organize trainings only for judges or only for prosecutors. In the table of training activities, there are trainings defined for 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. Therefore, in addition to trainings designed for specific target groups, there are also joint trainings where both judges and prosecutors participate. This is particularly important in the context of procedural law, where it is beneficial to confront and understand both the prosecutor's and the court's perspectives. For example, in 76 trainings for judges, there were trainings dedicated only to judges, but also trainings where judges, prosecutors and other subjects of the justice system participated together.

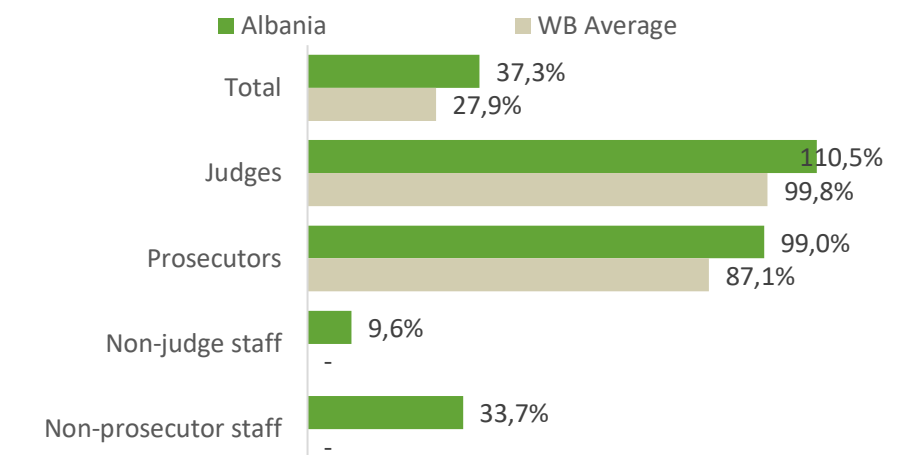
### Indicators on training participation: Number of training participations per professional and unique participants

	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
<b>Total</b>	1,6 >	1,0	783	37,3% >	27,9%
<b>Judges</b>	3,6 >	2,9	273	110,5% >	99,8%
<b>Prosecutors</b>	7,6 >	4,0	206	99,0% >	87,1%
<b>Non-judge staff</b>	0,2 <	0,2	99	9,6%	-
<b>Non-prosecutor staff</b>	1,0 >	0,4	205	33,7%	-

### Average number of live training participations per professional in 2023



### Percentage of professionals attending at least one training in 2023



### 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 2,9. This means that, on average, each judge in the region participated to 2,9 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.

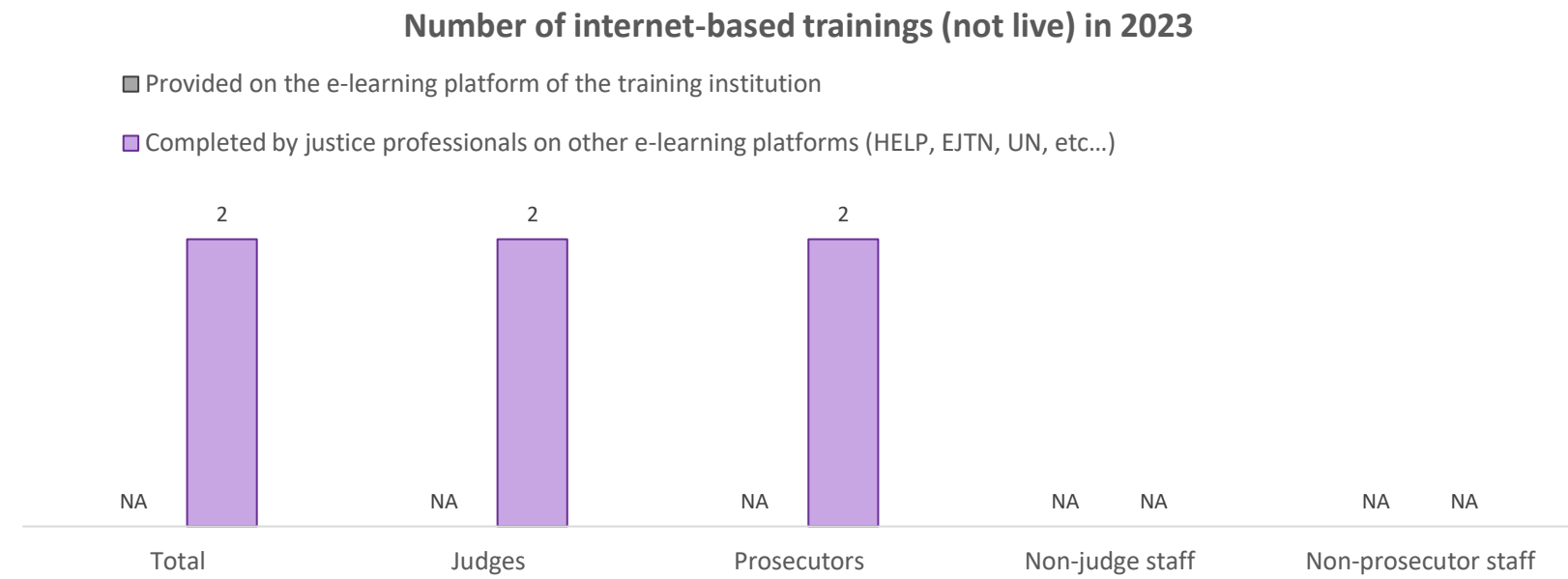
Looking at the average participations in live trainings, the highest average was for prosecutors (7,6 live training participations per prosecutor). Hence, compared to the other professionals, Albania gave priority to the trainings for prosecutors, like the rest of the region (the WB Average number of participations per prosecutor in live trainings was 4).

In 2023, the highest priority for live training was given to the training of Prosecutors (7,6 participations on trainings per prosecutor). At the same time, the percentage of prosecutor attending at least one training was 99,0%.

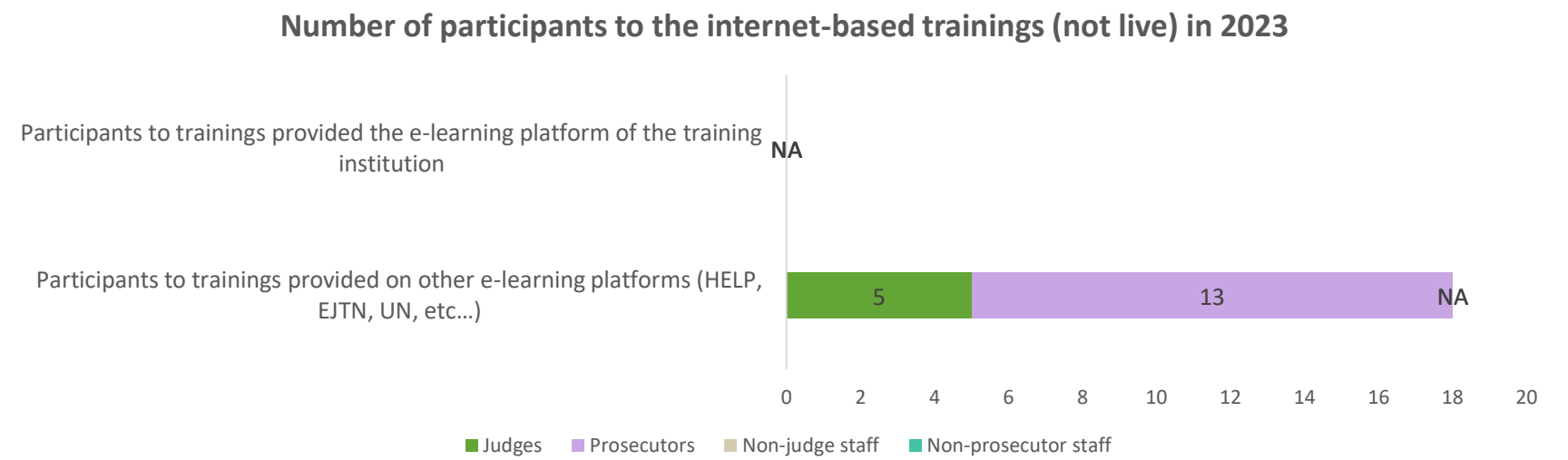
The increase is explained by the increase of available and delivered training activities, as well as the increase of the number of judges and prosecutors in the system after the last two years of graduation from the SoM.

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

	Number of internet-based trainings (not live) in 2023			
	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
<b>Total</b>	NA	NA	2	18
<b>Judges</b>	NA	NA	2	5
<b>Prosecutors</b>	NA	NA	2	13
<b>Non-judge staff</b>	NA	NA	NA	NA
<b>Non-prosecutor staff</b>	NA	NA	NA	NA



The increase is explained by the increase of available and delivered training activities, as well as the increase of the number of judges and prosecutors in the system after the last two years of graduation from the SoM.

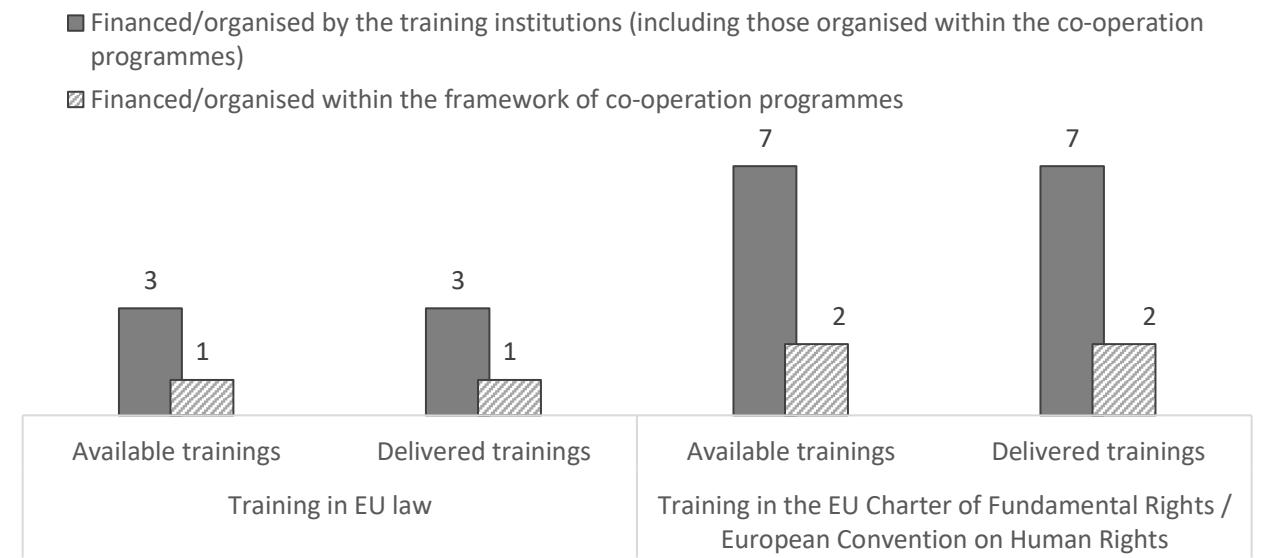




• Number of EU law training courses and participants

	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
<b>Live trainings (2023)</b>				
Number of available live trainings	3	1	7	2
Number of delivered live trainings	3	1	7	2
Number of delivered live training in days	4	2	9	4
<b>Internet-based trainings(2023)</b>				
Provided on the e-learning platform of the training institution (not live)	NA	NA	NA	NA
Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	-	1	-	1

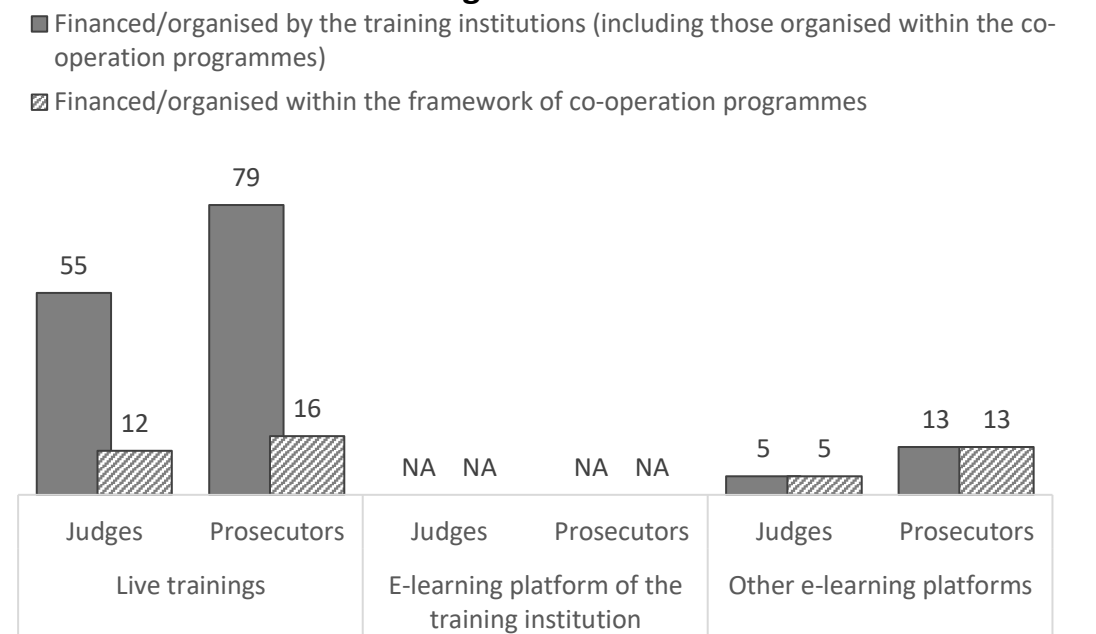
Number of live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



In 2023, less than half of the trainings on EU Law and EU Charter of Fundamental Rights and the European Convention on Human Rights available or delivered in Albania were co-organised or co-financed with International partners.

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	55	79	50	70	NA	NA	5	13
Within the framework of co-operation programmes	12	16	12	16	NA	NA	5	13

Number of participants to live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



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
<b>Initial training</b>	Compulsory		Compulsory	
<b>In-service training</b>				
<b>General</b>	Compulsory	Regularly	Compulsory	Regularly
<b>Specialised judicial functions</b>	Optional	Occasional	Optional	Occasional
<b>Management functions of the court</b>	Optional	Occasional	Optional	Occasional
<b>Use of computer facilities in courts</b>	Optional	Occasional	Optional	Occasional
<b>On ethics</b>	Optional	Occasional	Optional	Occasional
<b>On child-friendly justice</b>	Optional	Occasional	Optional	Occasional
<b>On gender equality</b>	Optional	Occasional	Optional	Occasional
<b>On prevention of corruption</b>	Optional	Occasional	Optional	Occasional
<b>On conflicts of interest</b>	Optional	Occasional	Optional	Occasional
<b>Other</b>	Optional	Occasional	Optional	Occasional

A training topic may be developed regularly or occasionally in different academic years. According to the authorities, this variability arises because the calendar for continuing education training activities changes from one academic year to another. The primary factors influencing this variability include the evolving needs of the justice system for training activities in specific areas and the selection of topics by the main beneficiaries of continuing education, who are in-service magistrates.

In essence, after conducting the needs assessment process and gathering the specific requirements of in-service magistrates, training activities are organized accordingly. Therefore, while training is organized regularly, it is always aligned with the needs of the in-service magistrates.

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

In Albania, sanctions are foreseen if judges and prosecutors do not attend the mandatory training sessions, as per Law No. 96/2016 "On the Status of Judges and Prosecutors". Article 5, point 3 of this law specifies the mandatory training period as follows:

- At least five full days per year and 30 full days over five years.
- No more than 40 days per year and 200 days over five years.

Non-compliance with this training requirement is taken into account for the professional and ethical evaluation of judges and prosecutors by the High Judicial Council and the High Prosecutorial Council and can be considered a disciplinary violation under Article 102, point g.

Article 112 of the same law outlines additional disciplinary measures:

If convicted of corruption-related offenses, the magistrate may be dismissed and required to return the last year's gross salary.

The Council may also impose:

- Compulsory attendance of specified professional trainings (Article 113).
- Removal from office of the chairman.

Article 113 further supports Article 112 by allowing the Council to mandate specific training programs if the offense can be corrected through such training. The decision details the content and duration of the required training.

**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. The School of Magistrates organizes ongoing training with prosecutors on topics such as domestic violence and gender-based violence; obligations arising from the Istanbul Convention and the Recommendations of the Greco Committee for the justice system. Introduction to Gender Theory, Gender theories in courtrooms, national and international context and case law, etc.

## • 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
<b>Judges</b>	NAP	195	NAP	5
<b>Prosecutors</b>	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.

The assessment of training needs is a process spread over different steps, time 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 make a contribution 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 to 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, are approved.

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 on 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 an Evaluation Questionnaire

**The result 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	

At the conclusion of each training activity, evaluation forms are distributed to both participants and experts. Participants are asked to provide feedback on various aspects of the activity, including the quality of the materials provided by the experts, the effectiveness of the panel of experts and facilitators, and the support from the continuing training staff. Meanwhile, experts assess the level of interactivity among participants and their own interactions with the group.

*Kosovo is not included in the calculation of summary statistics*

## Alternative Dispute Resolution in Albania in 2023 (Indicator 9)

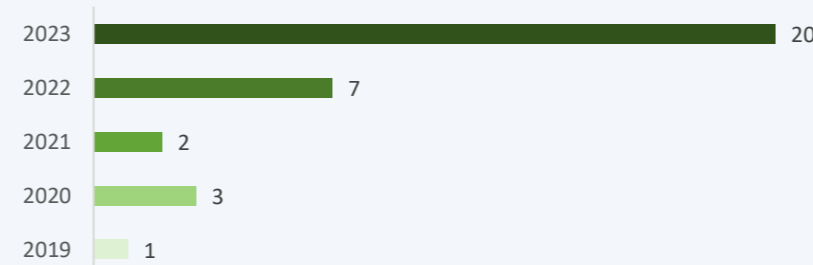
2023 data are Not Available

## European Convention on Human Rights in Albania in 2023 (Indicator 10)

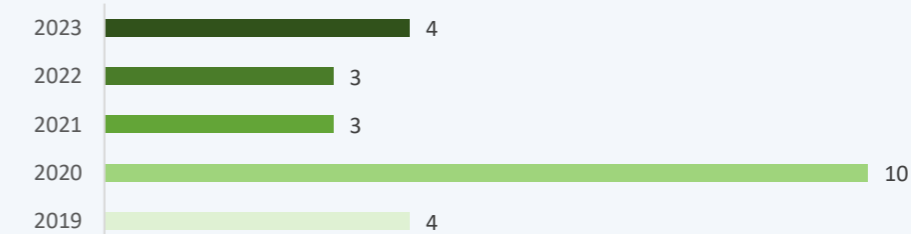
European Convention on Human Rights – Article 6 – Right to a fair trial (extract):

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

Even though Albania does not have a monitoring system for violations of Article 6 of the Convention, it has domestic mechanisms at the national level, which aims to accelerate court proceedings and allow reopening of cases, in which violations of Article 6 of the ECHR were found. Since November 2017, a new acceleratory and compensatory remedy for excessive length of judicial proceedings has been functioning in Albania. The requests for acceleration or claims for compensation are filed with the ordinary courts or the Constitutional Court, depending on the jurisdiction. The claim for compensation may be lodged after the finding of a breach of the “reasonable time” requirement at one level of jurisdiction. Where there is a finding of a breach, the requesting party may file a claim for compensation with the first-instance court, which examines it within three months.

In addition, the State Advocate Office in the framework of the execution of the “Luli and others v. Albania” group of cases that concern the excessive length of proceedings before civil courts and administrative bodies report periodically to the Committee of Ministers of the CoE, for the length of proceedings and other general measures to prevent further violations of article 6. In this regard, the State Advocate periodically collects statistical data on the length of court proceedings from all the domestic courts, and by the High Judicial Council and Supreme Court which provide comprehensive analysis of the statistical data produced by the domestic courts. Recently, a working group has been established in 2022 for drafting a strategy for reducing the number of backlog cases in domestic courts, where the collection and analysis of the statistical data on the length of proceedings is one of the focus areas.

Furthermore, aiming at general prevention of violations of article 6 of the Convention, all the judgments/decisions of the ECtHR finding a violation are disseminated to judicial and respective authorities and included in the training curricula of magistrates or other relevant authorities.

Monitoring system for violations related to Article 6 of ECHR

Civil procedures (non-enforcement)	Civil procedures (timeframe)	Criminal procedures (timeframe)
NAP	NAP	NAP

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

For civil cases

For criminal cases

For administrative cases

NAP

NAP

NAP

According to article 450.1/d of the Criminal Procedural Code and article 494.ë of the Civil Procedural Code of the Republic of Albania it is possible to reopen a criminal, civil or administrative case after the European Court of Human Rights has found a violation of the ECHR Convention.

In 2023, the applications allocated to a judicial formation\*\* for Albania were 133 (48 more than the previous year). The judgements by the ECHR finding at least one violation for Albania were 20; whereas they were 7 in 2022.

The number of cases considered as closed after a judgement of the ECHR and the execution of judgements process was 4 in 2023; whereas they were 3 in 2022.

	2019	2020	2021	2022	2023	
Applications allocated to a judicial formation of the Court**	88	76	75	85	133	
Judgements finding at least one violation**	1	3	2	7	20	
Judgements finding at least one violation of the Article 6 of the ECHR	Right to a fair trial (1)	0	0	1	2	10
	Length of proceedings	0	0	2	1	3
	Non-enforcement	0	0	0	1	2

\*\* Source: ECHR

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

Kosovo is not included in the calculation of summary statistics

	2019	2020	2021	2022	2023
Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	4	10	3	3	4

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

## Reforms in Albania in 2023

	Yes (planned)	Yes (adopted)	Yesn (implemented)		Comment
(Comprehensive) reform plans	NA	NA	NA	-	
Budget	NA	NA	NA	-	
Courts and public prosecution services	NA	NA	NA	-	
Access to justice and legal aid	NA	NA	NA	-	
High Judicial Council and High Prosecutorial Council	NA	NA	NA	-	
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	-	

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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 – phase II**

**“Dashboard Western Balkans II”**

**Data collection: 2023**

### **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**

### **Procedure of 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 a verification 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. The candidates should submit their application within February each year. 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 No. 115/2016 "On the 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 (listed 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.

#### **Mandate of judges and prosecutors**

Both judges and prosecutors have life-tenure, until they reach the retirement age of 67 (70 years for judges of the High Court), with the possibility of extending this period upon a magistrate’s request as envisaged by Article 64, Law No. 96/2016 “On the status of judges and prosecutors”, until reaching the age of 70. 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 (Article 64, Law No. 96/2016 “On the status of judges and prosecutors”).

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 27<sup>th</sup> 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 23<sup>rd</sup> 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 19<sup>th</sup> 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

### Compensation of users of the judicial 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, 2021, 2022 and 2023.

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 20<sup>th</sup> January 2020, although the position was created already in 2016 after a constitutional change. Hence the statistical data is available only as of 1<sup>st</sup> 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 1<sup>st</sup> February 2020, 2.104 complaints were registered which were transferred to the HJI in two batches (757 and 1347) in the period between 1<sup>st</sup> February 2020 and 31<sup>st</sup> December 2020. After 1<sup>st</sup> 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 (Articles 399/1-399/12). 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.

The Criminal Procedure Code regulates the right to compensation for the detention suffered by those who have been found innocent by a final court decision, except in cases where it has been proven that the wrongful decision or failure to discover the unknown fact in due time is caused, wholly or in part, by the person himself/herself. This right is also granted for the convicted person who has been placed in precautionary detention in prison, when it is proven by a final decision that the act by which the precautionary measure was established, has been issued in absence of the requirements provided for by Articles 228 and 229 of this Code. These provisions also apply to cases where the court or prosecutor decided to dismiss the case. Whereas in cases when it is proven by a court decision that the act is not provided under the law as a criminal offence, due to the abrogation of the relative provision, the right of compensation is not recognized for the part of precautionary detention in prison served before the abrogation. The request for compensation must be submitted within three years of the day in which the judgment of acquittal or dismissal has become final. Whereas the compensation amount, the method for its calculation, and the cases of house arrest compensation, are established by special law.

### **Procedure to challenge a judge**

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. In 2023, 3.203 procedures to effectively challenge a judge were initiated and 123 recusals were pronounced.

### **Instructions to prosecute or not addressed to public prosecutors**

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). However, these are some exceptions to this rule. 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 and in 2023.

## **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.

### **Breaches of integrity for judges, prosecutors and court staff**

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.

### **Existence of specific measures to prevent corruption**

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 whistleblowers 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.

### **In-service training on ethics**

There is an optional in-service training on ethics, corruption prevention and conflict of interest occasionally offered to both prosecutors and judges. No information has been provided by the authorities on compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest that judges and prosecutors have to undergo.

### **Codes of conduct for judges and prosecutors and bodies giving opinions on ethical questions**

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.

### **Established mechanisms to report influence/corruption on judges and prosecutors**

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). Also, in cases where there is credible evidence that a prosecutor has committed a disciplinary offense, the complaint is submitted to the High Justice Inspector by the following entities: a) the Minister of Justice; b) a single member of the Council; c) the president of the court or prosecution office.

### **Transparency in distribution of court cases**

Transparency in distribution of court cases is ensured through application of the principle of random allocation of cases (completely by random algorithm). 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 and 2023.



## Number of criminal cases against judges and prosecutors

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				2023			
	Judges		Prosecutors		Judges		Prosecutors	
	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100
Number of initiated cases	NA	NA	0	0,00	NA	NA	NA	NA
Number of completed cases	NA	NA	0	0,00	NA	NA	NA	NA
Number of sanctions pronounced	NA	NA	0	0,00	NA	NA	NA	NA

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

	Judges	Prosecutors
Implemented	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 10<sup>th</sup> 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 6<sup>th</sup> 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 27<sup>th</sup> 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 from 2014](#) (see para. 95 and 135) GRECO stressed that the absence of a timely on-line disclosure of contents of magistrates' asset declarations eroded transparency and undermined the legitimate public interest in obtaining information on persons exercising an official duties, GRECO abstained from addressing this matter by means of a separate recommendation to ensure timely publication of asset declarations of magistrates on the official website due to the fact that the magistrates enjoyed life tenure which to a certain extent mitigated the risks by the delayed public disclosure - nevertheless, it invited the authorities to publish such data on the official website, with due regard being paid to the privacy and security of magistrates and persons related to them who were subject to a reporting obligation. In the period of 2014-2022, 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.

Albania	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100
<b>2023</b>	18	7,29	18	7,29	3	1,21	8	3,85	8	3,85	6	2,88

In 2023, 18 administrative investigations have been initiated with regard to judges and 8 with regard to prosecutors. 3 judges and 6 prosecutors have been fined.

The Albanian authorities have reported on a vetting process that judges and prosecutors are currently undergoing, due to the new constitutional amendments. In the vetting process, on the basis of the Law “On the re-evaluation of judges and prosecutors in the Republic of Albania” judges and prosecutors are being re-evaluated base on three criteria: 1) asset assessment; 2) background assessment; and 3) proficiency assessment. Asset assessments are made by HIDAACI which is conducting a full audit procedure based on declarations of assets. Based on its findings, HIDAACI prepares a reasoned detailed report in which one’s declaration is assessed as: 1) accurate; 2) false; 3) lacking legitimate resources to justify assets; 4) assets hidden; or 5) assessee found in a situation of conflicts of interest. Due to HIDAACI’s work, a considerable number of judges and prosecutors have been dismissed by vetting bodies which undertake a more in-depth investigation based on the HIDAACI’s reports. The Albanian authorities also provided some statistical data on the vetting process, namely: from 8<sup>th</sup> February 2018 to 31<sup>st</sup> 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. No valid updated information were provided for 2023.

## Conflict of interest for judges and for prosecutors

### Procedures and mechanisms for managing potential conflict of interest of judges and 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 24<sup>th</sup> 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 22<sup>nd</sup> February 2019 "On the activities out of function of the prosecutors", adopted by the HPC; 7) Decision no. 407, dated 17<sup>th</sup> 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 17<sup>th</sup> 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).

#### **Possibility for judges and prosecutors to perform additional activities**

Magistrates may perform certain accessory activities (teaching, research and publication – with remuneration) – however, a prior authorisation from the High Council of Justice/High Prosecutorial Council is needed in case these activities are remunerated and the following should be respected: that these activities are in accordance with the dignity of exercising the function, should not create perception of influence or bias during the exercise of the function, should not conflict with the essential interests of the function, should not infringe the deadlines and the efficient exercise of the functions, should not conflict with the purpose for which the workload has been reduced, should not be incompatible with the exercise of the function of the magistrate and are not prohibited according to this law, and in the event that the reward for non-functional activities includes any type and form of payment, financial reward or compensation, which do not exceed the usual market rules (Article 9, Law No. 96/2016 “On the status of judges and prosecutors in the republic of Albania”). A magistrate may participate in outside activities (without remuneration), outside the judicial/prosecutorial function, without the approval of the High Judicial Council/High Prosecutorial Council only in cases where s/he: 1) acts as a representative of the judiciary/prosecution; 2) participates in activities for issues related to the judicial or prosecution system and makes general public statements within the framework of participation in these activities; 3) participates in discussions on legal issues. However, in these cases s/he must inform the Council and must report yearly on the type of activities and time spent on these activities.

Additional rules applicable to prosecutors are provided by the Decision no. 26, dated 22<sup>nd</sup> February 2019 “On the activities out of function of the prosecutors” which restricts accessory activities of prosecutors 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. A magistrate may participate in outside activities (without remuneration), outside

the judicial/prosecutorial function, without the approval of the High Judicial Council/High Prosecutorial Council only in cases where s/he: 1) acts as a representative of the judiciary/prosecution; 2) participates in activities for issues related to the judicial or prosecution system and makes general public statements within the framework of participation in these activities; 3) participates in discussions on legal issues.

		With remuneration		Without remuneration	
		Judges	Prosecutors	Judges	Prosecutors
Combine work with other functions/activities	Teaching	✓	✓		✓
	Research and publication		✓	✓	✓
	Arbitrator				
	Consultant				
	Cultural function				
	Political function				
	Mediator				
	Other function				✓

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.

### Breaches of rules on conflict of interest

Absolute number of procedures for breaches of rules on conflict of interest for judges and prosecutors in 2023:



Albania	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
2023	18	18	0	8	8	0

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

#### Description of the disciplinary procedure against judges and prosecutors

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

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

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



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

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

A magistrate may present his/her argumentation in a disciplinary proceeding at a hearing or in writing. Access to a file on disciplinary proceeding is guaranteed to a magistrate or his/her representative. Magistrates have a right to appeal against a decision on disciplinary measures before the competent court. Against a decision on dismissal a magistrate may appeal to the Constitutional Court.

A judge may be transferred to another court without his/her consent for disciplinary, 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				2023			
		Judges		Prosecutors		Judges		Prosecutors	
		Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated	Total number (1 to 5)	37	11,64	4	1,98	NA	NA	NA	NA
	1. Breach of professional ethics (including breach of integrity)	3	0,94	0	0,00	NA	NA	NA	NA
	2. Professional inadequacy	34	10,69	3	1,49	NA	NA	NA	NA
	3. Corruption	0	0,00	0	0,00	NA	NA	NA	NA
	4. Other criminal offence	0	0,00	1	0,50	NA	NA	NA	NA
	5. Other	0	0,00	0	0,00	NA	NA	NA	NA
Number of cases completed	Total number (1 to 5)	3	0,94	3	1,49	NA	NA	NA	NA
	1. Breach of professional ethics (including breach of integrity)	0	0,00	0	0,00	NA	NA	NA	NA
	2. Professional inadequacy	3	0,94	2	0,99	NA	NA	NA	NA
	3. Corruption	0	0,00	0	0,00	NA	NA	NA	NA

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

“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

### 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 Article 185 of the Law No. 115/2016 “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.