

1. Evaluation of the judicial systems (2016-2018 cycle)



Albania

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Reference data 2016 (01/01/2016 - 31/12/2016)

Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017

Objective :

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[2876591]

Comments This is taken form annual average of total population on the site of Institute for statistics of Albania

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	3157253000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

003. Per capita GDP (in €) in current prices for the reference year

[3728]

Comments

004. Average gross annual salary (in €) for the reference year

[4536]

NA

Comments

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[135]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering questions 1 to 5

Sources: National Bank of Albania and International Institute for Statistics in Albania

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NAP to the question 7.

Approved budget (in €)	Implemented budget (in €)
------------------------	---------------------------

TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	15903916 [] NA [] NAP	15639275 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	11179852 [] NA [] NAP	11129144 [] NA [] NAP
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	270793 [] NA [] NAP	257371 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	318279 [] NA [] NAP	318279 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	52978 [] NA [] NAP	52978 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	808148 [] NA [] NAP	807794 [] NA [] NAP
6. Annual public budget allocated to training	17258 [] NA [] NAP	17217 [] NA [] NAP
7. Other (please specify)	3256608 [] NA [] NAP	3056492 [] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main differences: The exchange rate is 1 euro = 135 ALL on 31.12.2016 according to the Bank of Albania. The approved budget in the amount of 15,903,916 euros is the budget at the end of 2016, which includes the budget approved by law at the beginning of the year in the amount of 16,666,667 euros and the changes made during the year by normative act.

The differences between the approved budget and the implemented budget are due to the fact that the number of judges according to planned structures is greater than their actual number. These vacancies of judges are because the HCJ has lost its legal functions and has not made the appointment of judges. Also in the High Court there are shortages in judges that are mainly due to the end of the mandate and the resignation of some of them, which have not yet been replaced. Differences in procurement procedures refer to points 5 and 7).

007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	15917090 [] NA [] NAP	1581944 [] NA [] NAP
Total annual public budget allocated to all courts and legal aid together	16105715 [] NA [] NAP	1589135 [] NA [] NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	16119186 [] NA [] NAP	1601824 [] NA [] NAP

Comments: The differences between the approved budget and the implemented budget are due to the fact that the number of

judges/prosecutors according to planned structures is greater than their actual number.

008. Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

	Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions? Based on article 158/a of the Civil Procedure Code, a judge, during preliminary arrangements of a case, could, in theory decide to exempt the plaintiff from payment of the fee in the instances provided for by law. Article 21/1 of the Law on legal aid provides that the State Commission on Legal aid can decide to exempt the plaintiff from the obligation to pay court fees. In case the Commission does not render a decision within 10 days, the right to decide upon such a request is transferred to the Court. As a rule, the plaintiff is exempted from paying court fees in the following cases: (a) s/he has been granted legal aid from the State Commission on Legal Aid based on the law 10039/2008; (b) s/he is categorized as a person with disabilities based on the law on the status of disabled persons; (c) s/he proves that is under financial constraints that impede him/her to pay the court fee; (d) s/he is a victim of domestic violence or human trafficking.

008-1. Please briefly present the methodology of calculation of court taxes or fees:

- Court Fees are established by a joint instruction of the Minister of Justice and of the Minister of Finance (33/2014). As a general rule, court fees for any claim above 100.000 ALL (around 740 euros) are 1% of the claimed amount. However, there are exceptions to this rule: for example, irrespective of the claimed amount the fees for labor related claims are 0 ALL, the fees for filing a divorce request are 3000 ALL and the fees for requesting division of jointly owned properties are 3000 ALL.
The fee for filing an appeal against a court decision is 200 ALL.

008-2. The amount of court fees to commence an action for 3000€ debt recovery:

[30]

[] NA

[] NAP

Comments 1% of amount

009. Annual income of court taxes or fees received by the State (in €)

[3356344]

[] NA

[] NAP

Comments Based on the joint instruction of the Minister of Justice and of the Minister of Finance, the courts are granted a 10% service commission for collecting the fees calculated on the overall amount collected by the courts.

012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	202096 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.1 for cases brought to court	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments The data correctly reflects the budget allocated to legal aid administered by the State Commission on Legal Aid for 2016. However, it should be noted that the budgets of courts and prosecution offices have a separate budget for court or prosecution office appointed attorneys in criminal cases which is not reflected on these data. The Commission dealing with legal aid started operating from 2011 and its budget was increased continuously from that year onwards, based on the number of requests that were filed to be granted legal aid in criminal, civil and administrative cases. The budget allocated to the Commission increased approximately from 52595 EUR in 2011 to 200000 EUR for 2016.

012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	198600 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.1 for cases brought to court	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences: The data correctly reflects the budget allocated to legal aid administered by the State Commission on Legal Aid for 2016. However, it should be noted that the budgets of courts and prosecution offices have a separate budget for court or prosecution office appointed attorneys in criminal cases which is not reflected on these data. The Commission dealing with legal aid started operating from 2011 and its budget was increased continuously from that year onwards, based on the number of requests that were filed to be granted legal aid in criminal, civil and administrative cases. The budget allocated to the Commission increased approximately from 52595 EUR in 2011 to 200000 EUR for 2016.

013. Total annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in €	13771074 [] NA [] NAP	12689407 [] NA [] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences: The differences between the approved budget and the implemented budget are due to the fact that the number of prosecutors according to planned structures is greater than their actual number.

014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other ministry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Parliament	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Supreme Court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Courts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Inspection body	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify: The Office of the Administration of the Judicial Budget was created by Law no. 8363/1998 and is chaired by the Board. The Office Board consists of court presidents and a representative of the Ministry of Justice; his chairman is the Chairman of the High Court.

The OAJG studies and determines budget needs for all levels of the courts, in cooperation with the heads of budget branches in the courts. The budget for each court is a procedure that goes through several phases. This process starts with the preparation of the annual budget and the medium-term requirements of each court.

The Office for its part prepares the integrated budget for all courts. Budgeting is based on the needs presented by each court and mid-term development programs to improve judicial infrastructure in general and construction in particular. The final budget document, after discussions in the Strategic Management Group and its approval by the Office Board, is forwarded to the Ministry of Finance as stipulated in the laws regulating this process.

The Ministry of Finance drafts the state budget and sends it for approval to parliament.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: The Office of the Administration of the Judicial Budget and the General Prosecutor's Office

1.1.3. Budgetary data concerning the whole justice system



015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences:

015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):

	Included
Court (see question 6)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Legal aid (see question 12)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Public prosecution services (see question 13)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments: The OAJG studies and determines budget needs for all levels of the courts, in cooperation with the heads of budget branches in the courts. The budget for each court is a procedure that goes through several phases. This process starts with the preparation of the annual budget and the medium-term requirements of each court.

015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):

	Included
Prison system	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Probation services	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Council of the judiciary	() Yes () No <input checked="" type="checkbox"/> NAP
Constitutional court	() Yes () No <input checked="" type="checkbox"/> NAP
Judicial management body	() Yes () No <input checked="" type="checkbox"/> NAP
State advocacy	() Yes () No <input checked="" type="checkbox"/> NAP
Enforcement services	() Yes () No <input checked="" type="checkbox"/> NAP
Notariat	() Yes () No <input checked="" type="checkbox"/> NAP
Forensic services	() Yes () No <input checked="" type="checkbox"/> NAP
Judicial protection of juveniles	() Yes () No <input checked="" type="checkbox"/> NAP
Functioning of the Ministry of Justice	() Yes () No <input checked="" type="checkbox"/> NAP
Refugees and asylum seekers services	() Yes () No <input checked="" type="checkbox"/> NAP
Immigration Service	() Yes () No <input checked="" type="checkbox"/> NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	() Yes () No <input checked="" type="checkbox"/> NAP
Other	() Yes () No <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify:

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: the budget administration office

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
Legal advice	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Comments

017. Does legal aid include the coverage of or the exemption from court fees?

(X) Yes

() No

Comments - If yes, please specify: It is possible in some cases referring : law 143/2013, article 21/1

-Value of the complaint;

-Payments for stamps;

-Lawyers

018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

() Yes

(X) No

Comments - If yes, please specify: We don't confirm that legal aid could be granted for enforcement

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Comments - If yes, please specify: Travel Expenses

2.1.2. Quantitative information on legal aid

020. (Modified question) Please indicate the number of cases for which legal aid has been granted:

	Cases brought to court	Cases not brought to court / non-litigious cases
TOTAL	613 [] NA [] NAP	[X] NA [] NAP
In criminal cases	[X] NA [] NAP	[X] NA [] NAP
In other than criminal cases	[X] NA [] NAP	[X] NA [] NAP

Comments - Please specify when appropriate: This question concerns only the annual number of cases which have benefitted from legal aid following the referral to the court by litigants. It does not concern legal advice provided for cases that are not brought before the court. In 2016 people became aware and learned that this commission offers free help and started addressing them: it explains the discrepancy with previous cycle.

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

	Assisted by a free of charge lawyer
Accused individuals	(X) Yes () No
Victims	(X) Yes () No

Comments - If yes, please specify: Criminal cases are always assisted by a free of charge layer, who is financed by the budget of SCLA, According the articles no. 6 and no.49 of Procedure Criminal Code ; According to the Low No. 10 0 39, dated 22.12.2008 " On legal aid"

022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?

(X) Yes

() No

Comments

023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
Full legal aid for criminal cases	[X] NA [] NAP	[X] NA [] NAP
Full legal aid for other than criminal cases	[X] NA [] NAP	[X] NA [] NAP

Partial legal aid for criminal cases	[X] NA [] NAP	[X] NA [] NAP
Partial legal aid for other than criminal cases	[X] NA [] NAP	[X] NA [] NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above:

024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

(X) Yes

() No

Comments - If yes, please explain the exact criteria for denying legal aid: When the applicant does not meet the conditions provided by the law of legal aid

025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):

() the court

(X) an authority external to the court

() a mixed authority (court and external bodies)

Comments

026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

(X) Yes

() No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

	Judicial decisions direct how legal costs will be shared
in criminal cases	(X) Yes () No
in other than criminal cases	(X) Yes () No

Comments

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: State Commission for Legal Aid

2.2.Users of the courts and victims

2.2.1.Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:

	Yes, please indicate the internet adresse(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	(X)	()
case-law of the higher court/s	(X)	()
other documents (e.g. downloadable forms, online registration)	(X)	()

Comments - Please specify what documents and information the addresses for "other documents" include: Official court websites

029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

(X) Yes, always

() No

() Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify: There is an obligation to provide information to the parties in all cases

030. Is there a public and free-of-charge specific information system to inform and to help victims of crime?

(X) Yes

() No

Comments - If yes, please specify: Official court websites

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	() Yes (X) No	() Yes (X) No	() Yes (X) No
Victims of terrorism	() Yes (X) No	() Yes (X) No	() Yes (X) No
Minors (witnesses or victims)	() Yes (X) No	() Yes (X) No	() Yes (X) No
Victims of domestic violence	() Yes (X) No	() Yes (X) No	() Yes (X) No
Ethnic minorities	() Yes (X) No	() Yes (X) No	() Yes (X) No

Disabled persons	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Juvenile offenders	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other vulnerable person" and/or "other special arrangements", please specify: There are no special arrangements, but based on civil / administrative / criminal code, the procedures are applied for party notification and hearing procedures

031-1. Is it possible for minors to be a party to a judicial proceeding:

- Yes
- No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.): In the circumstances when no child's guardian or his / her representative has no financial possibility can apply for legal aid from the state.If the child is under the age of 14, the law is not taken

032. Does your country allocate compensation for victims of crime?

- Yes, please specify for which kind of offences: murder at the top of the task
- No

Comments murder at the top of the task

032-1. (New question) Is a court decision necessary in the framework of the compensation procedure?

- Yes
- No

Comments

033. If yes, does this compensation come from:

- a public fund
- damages and interests to be paid by the person responsible
- a private fund

Comments

034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
- No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

035. Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes

() No

Comments - If yes, please specify: The prosecutors have a specific role with respect to the victims

036. Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

(X) Yes

() No

[] NAP

Comments - If necessary, please specify: the prosecutor may decide to suspend a case and the victim may appeal to the court

2.2.2. Confidence of citizens in their justice system

037. (Modified question) Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Excessive length of proceedings	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Non-execution of court decisions	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Wrongful arrest	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Wrongful conviction	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Other	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): there is a system for compensating users in some circumstances

038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

National level	Court level
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1. (Satisfaction) surveys aimed at judges	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. (Satisfaction) surveys aimed at court staff	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
3. (Satisfaction) surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. (Satisfaction) surveys aimed at lawyers	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
5. (Satisfaction) surveys aimed at the parties	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. (Satisfaction) surveys aimed at victims	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: surveys are carried out by the Institute of Statistics

040. Is there a national or local procedure for making complaints about the functioning of the judicial system? (for example the handling of a case by a judge or the duration of a proceeding)

Yes

No

Comments The citizens have the right to complain to the higher courts as well as to the Ministry of Justice and the Ombudsman if they claim that the court proceedings have not been implemented within the prescribed time limits

041. (Modified question) If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
Court concerned	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Higher court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Council of the Judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Other external bodies (e.g. Ombudsman)	(X) Yes () No	(X) Yes () No
--	---------------------	---------------------

041-1. (Modified question) Please specify further certain aspects of this procedure:

	Number of complaints	Compensations amount granted to users
Court concerned	[X] NA [] NAP	[X] NA [] NAP
Higher court	[X] NA [] NAP	[X] NA [] NAP
Ministry of Justice	[X] NA [] NAP	[X] NA [] NAP
Council of the Judiciary	[X] NA [] NAP	[X] NA [] NAP
Other external bodies (e.g. Ombudsman)	[X] NA [] NAP	[X] NA [] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: The citizen's complaints about their claims to court proceedings are handled by Ministry of Justice and citizens citizens are notified about the results

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	22 [] NA [] NAP
42.2 First instance specialised courts (legal entities)	7 [] NA [] NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	38 [] NA [] NAP

Comments 6 first instance administrative courts, 1 administrative appeals court, 23 first instance courts, 7 appeals courts, 1 high court. In total 38 courts

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	7 [] NA [] NAP
Commercial courts (excluded insolvency courts)	[] NA [X] NAP
Insolvency courts	[] NA [X] NAP
Labour courts	[] NA [X] NAP
Family courts	[] NA [X] NAP
Rent and tenancies courts	[] NA [X] NAP
Enforcement of criminal sanctions courts	[] NA [X] NAP
Fight against terrorism, organised crime and corruption	1 [] NA [] NAP
Internet related disputes	[] NA [X] NAP
Administrative courts	6 [] NA [] NAP
Insurance and / or social welfare courts	[] NA [X] NAP
Military courts	[] NA [X] NAP
Other specialised 1st instance courts	[] NA [X] NAP

Comments - If "other specialised 1st instance courts", please specify: 6 administrative courts, 1 the court of serious crimes

044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

(X) Yes

() No

Comments - If yes, please specify:

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
a debt collection for small claims	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
a dismissal	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
a robbery	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?

Yes

No, please give your definition for small claims:

Comments

045-2. (New question) Please indicate the value in € of a small claim:

[18]

Comments

C. Please indicate the sources for answering questions 42, 43 and 45:

Sources: Ministry of Justice

3.2. Court staff

3.2.1. Judges and non-judge staff

046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	363 <input type="checkbox"/> NA <input type="checkbox"/> NAP	194 <input type="checkbox"/> NA <input type="checkbox"/> NAP	169 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of first instance professional judges	256 <input type="checkbox"/> NA <input type="checkbox"/> NAP	126 <input type="checkbox"/> NA <input type="checkbox"/> NAP	130 <input type="checkbox"/> NA <input type="checkbox"/> NAP

2. Number of second instance (court of appeal) professional judges	96 [] NA [] NAP	58 [] NA [] NAP	38 [] NA [] NAP
3. Number of supreme court professional judges	11 [] NA [] NAP	10 [] NA [] NAP	1 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above:

047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	38 [] NA [] NAP	26 [] NA [] NAP	12 [] NA [] NAP
1. Number of first instance court presidents	29 [] NA [] NAP	19 [] NA [] NAP	10 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	8 [] NA [] NAP	6 [] NA [] NAP	2 [] NA [] NAP
3. Number of supreme court presidents	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

	Figure
Gross figure	[] NA [X] NAP
In full-time equivalent	[] NA [X] NAP

Comments - If necessary, please provide comments to explain the answer provided:

048-1. (New question) Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

- () Yes, please give specifications on the types of cases and an estimate in percentage.
 (X) No

Comments

049. (Modified question) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year)

(e.g. lay judges and “juges consulaires”, but not arbitrators and persons sitting in a jury):

	Figure
Gross figure	[] NA [X] NAP
In full time equivalent	[] NA [X] NAP

Comments

049-1. If such non-professional judges exist in first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage
in criminal law cases	()	(X)	()
- severe criminal cases	()	(X)	()
- misdemeanour and/or minor criminal cases	()	(X)	()
in family law cases	()	(X)	()
in civil cases	()	(X)	()
in labour law cases	()	(X)	()
in social law cases	()	(X)	()
in commercial law cases	()	(X)	()
in insolvency cases	()	(X)	()
other	()	(X)	()

Comments - If “other”, please specify:

050. Does your judicial system include trial by jury with the participation of citizens?

() Yes

(X) No

Comments

050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)

[] Severe criminal cases

[] Misdemeanour cases

Other cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

NA

NAP

Comments

052. Number of non-judge staff who are working in courts (on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	908 <input type="checkbox"/> NA <input type="checkbox"/> NAP	264 <input type="checkbox"/> NA <input type="checkbox"/> NAP	644 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	435 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP	409 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	139 <input type="checkbox"/> NA <input type="checkbox"/> NAP	53 <input type="checkbox"/> NA <input type="checkbox"/> NAP	86 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Technical staff	247 <input type="checkbox"/> NA <input type="checkbox"/> NAP	147 <input type="checkbox"/> NA <input type="checkbox"/> NAP	100 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other non-judge staff	87 <input type="checkbox"/> NA <input type="checkbox"/> NAP	38 <input type="checkbox"/> NA <input type="checkbox"/> NAP	49 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other non-judge staff", please specify: The point 2 includes: judicial secretary and legal aid;

The point 3 includes : Chancellors, Chiefs Registrar, Budget Heads, IT, Public Relations and Personnel Managers.

The point 4 includes: judicial officers, economists, archivists, sanitary, drivers, warehouse, maintenance, security workers and specialists. In the statistics are included the administrative staff of the Supreme Court

053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

legal aid

- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services, which fall within their powers, to private providers?

- Yes
- No

Comments

054-1. (New question) If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):

Comments

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: OAJB is the source for the data in questions 46, 47, 52; Ministry of Justice is the source for the data in questions 48, 49

3.3. Public prosecution

3.3.1. Public prosecutors and staff



055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	321	124	197
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

1. Number of prosecutors at first instance level	277 [] NA [] NAP	88 [] NA [] NAP	189 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	29 [] NA [] NAP	25 [] NA [] NAP	4 [] NA [] NAP
3. Number of prosecutors at supreme court level	15 [] NA [] NAP	11 [] NA [] NAP	4 [] NA [] NAP

Please indicate any useful comment for interpreting the data above: these data have been received by the Public Prosecutor Office and decrease of number refers to the movement of prosecutors in other places of work / retirement, etc.

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	31 [] NA [] NAP	27 [] NA [] NAP	4 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	23 [] NA [] NAP	20 [] NA [] NAP	3 [] NA [] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	7 [] NA [] NAP	6 [] NA [] NAP	1 [] NA [] NAP
3. Number of heads of prosecution offices at supreme court level	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP

Please provide any useful comment for interpreting the data above: decrease of number refers to the movement of prosecutors in other places of work / retirement, etc

057. Do other persons have similar duties to public prosecutors?

() Yes, please specify their number (in full-time equivalent):

(X) No

Comments - If yes, please specify their title and functions:

059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

() Yes

(X) No

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

(X) Yes

() No

Comments this is the competence of the Master's School

060. Number of staff (non-public prosecutors) attached to the public prosecution service (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA

Comments these data have been received by the Public Prosecutor Office

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Public Prosecutor Office

3.4. Management of the court budget

3.4.1. Court budget

061. Who is entrusted with responsibilities related to the budget within the court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Court President	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court administrative director	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Head of the court clerk office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other", please specify:

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify: The quality standards are determined according to the High Council of Justice guidelines

067. Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

Comments

068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?

Yes

No

Comments At the end of each year the courts make a one-year work analysis

068-1. (New question) If yes, please specify the frequency of this evaluation:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

069. Is there a system for monitoring and evaluating the performance of the public prosecution service?

Yes

No

Comments - If yes, please give further details:

3.6.2. Performance and evaluation of courts

070. Do you have, within the courts, a regular monitoring system of court activities concerning:

number of incoming cases

number of decisions delivered

number of postponed cases

length of proceedings (timeframes)

age of cases

other (please specify):

Comments court case management system

071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

civil law cases

criminal law cases

administrative law cases

Comments This monitoring is done by the court

072. Do you have an evaluation process to monitor waiting time during court procedures?

- Yes
- No

Comments - If yes, please specify: Efficiency Indicators (Total CRTotal DT)

073. Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

- Yes
- No

Comments In the annual analysis made by the Head of the court provides information on this

073-0. (New question) If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-1. Is this evaluation of the court activity used for the later allocation of means to this court?

- Yes
- No

Comments

074. Are there performance targets defined at the level of the court?

- Yes
- No

Comments

075. (Modified question) Please specify the main targets applied to the courts:

- to increase efficiency / to shorten the length of proceedings
- to improve quality
- to improve cost efficiency / productivity
- Other (please specify):

Comments

076. Who is responsible for setting the targets for the courts?

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example High Judicial Council, Higher Court)
- President of the court

Other (please specify):

Comments

077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)

Yes

No

Comments

078. If yes, please select the main performance and quality indicators that have been defined:

incoming cases

length of proceedings (timeframes)

closed cases

pending cases and backlogs

productivity of judges and court staff

percentage of cases that are processed by a single sitting judge

enforcement of penal decisions

satisfaction of court staff

satisfaction of users (regarding the services delivered by the courts)

judicial quality and organisational quality of the courts

costs of the judicial procedures

number of appeals

other (please specify):

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

High Council of judiciary

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):

Comments

3.6.3. Court activity and administration

080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

Yes (please indicate the name and the address of this institution):

No

Comments The responsible structure for the collection and processing of statistical data relating to the courts is the statistical sector in

080-1. Does this institution publish statistics on the functioning of each court:

- Yes, on internet
 No, only internally (in an intranet website)
 No

Comments http://www.drejtësia.gov.al/files/userfiles/statistika/Vjetari_2016.pdf

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

- Yes
 No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): The data contain information on the number of criminal cases and number of convicts / number of civil cases / number of administrative cases per court. This process and the information to be contained in the tables is regulated by order of the Minister of Justice

081-1. If yes, please specify in which form this report is released:

- Internet
 Intranet (internal) website
 Paper distribution

Comments these data are perceived by the responsible sector also through the official email of specialists working in this sector

081-2. (New question) If yes, please, indicate the periodicity at which the report is released:

- Annual
 Less frequent
 More frequent

Comments These data are perceived every three months

082. (Modified question) Is there a process or structure of dialogue between the public prosecutor service and courts as regards the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

- Yes
 No

Comments - If yes, please specify: this procedure is adjusted with the call out

082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

- Yes

() No

Comments - If yes, please specify: This procedure is regulated through the notification process which is made either by public announcement in the court or through postal notification

3.6.4. Performance and evaluation of judges

083. Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

(X) Yes

() No

Comments This is determined according to the instruction of the High Judicial Council for Judicial Evaluation System

083-1. Who is responsible for setting the targets for each judge?

[] Executive power (for example the Ministry of Justice)

[] Legislative power

[X] Judicial power (for example the High Judicial Council, Supreme Court)

[] President of the court

[] Other (please specify):

Comments The responsible for setting the targets for each judge High Council of Justice

New node

4. Fair trial

4.1. Principles

4.1.1. Principles of fair trial

084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?

[]

[] NA

[X] NAP

Comments these data are not kept by the courts

085. Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

(X) Yes, number of successful challenges in a year

() No

Comments - Please could you briefly specify: The parties in the judicial process may make a written request to the court president and request the exclusion of the judge from the trial but these data are not kept by the courts.

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

	Monitoring system
For civil procedures (non-enforcement)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
For civil procedures (timeframe)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
For criminal procedures (timeframe)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations:

D1. Please indicate the sources for answering questions in this chapter.

Sources: Ministry of justice

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters as regards:

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure

Comments - If yes, please specify: The citizen is addressed with a written request for speeding up the trial

088. Are there simplified procedures for:

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify: Accelerated procedures depend on the facility and the circumstances

088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify: determining the date of the trial is the competence of the judge

089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

Yes

No

Comments - If yes, please specify: The lawyers have the possibility to conclude agreements on arrangements for processing cases

4.2.2. Case flow management – first instance



091. (Modified question) First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	17827 [] NA [] NAP	74293 [] NA [] NAP	74297 [] NA [] NAP	17823 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	12027 [] NA [] NAP	28583 [] NA [] NAP	28298 [] NA [] NAP	12312 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	2485 [] NA [] NAP	34155 [] NA [] NAP	34690 [] NA [] NAP	1950 [] NA [] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	2485 [] NA [] NAP	34155 [] NA [] NAP	34690 [] NA [] NAP	1950 [] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

2.2.2 Non-litigious business registry cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	3315 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11555 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11309 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3561 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The way of collecting, processing and analyzing data has not changed. However, the justice reform, as well as the reform pertaining to payment of electricity, water, and illegal constructions have resulted in an increased number of cases before courts. Overall, it is possible to presume an increase in the overall trust in the judiciary as a source of effective conflict resolution mechanism.

As concerns the decrease in the number of incoming administrative cases between 2014 and 2016, it stems from the administrative courts reform undertaken by Albania in 2012. Following the creation of the administrative courts, there was a dilemma on the cases that were being adjudicated by the civil courts, but following the new law on administrative courts, needed to be adjudicated by the administrative courts; hence, the dilemma was whether civil courts had jurisdiction to adjudicate these cases or they needed to be transferred to administrative courts. The High Court, through a unifying decision of December 2013, decided that all cases that were being adjudicated by the civil courts needed to be transferred to administrative courts. Therefore, all these cases were registered as new cases by the administrative courts, together with the normal workflow of administrative cases in a given year.

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. civil, family, business

093. Please indicate the case categories included in the category "other cases":

. The statistics tables are divided according to the articles of the works, in the case where no specific article is found in the table, it is included in the other category

094. (Modified question) First instance courts: number of criminal law cases.

Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court

Total of criminal law cases (1+2)	3936 [] NA [] NAP	13330 [] NA [] NAP	13320 [] NA [] NAP	3946 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	2105 [] NA [] NAP	6684 [] NA [] NAP	6542 [] NA [] NAP	2247 [] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	1831 [] NA [] NAP	6644 [] NA [] NAP	6776 [] NA [] NAP	1699 [] NA [] NAP	[X] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences": the crimes have the most serious consequences in society as opposed to offenses and the measure of punishment of crimes is more severe

4.2.3. Case flow management – second instance



097. (Modified question) Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	6581 [] NA [] NAP	8211 [] NA [] NAP	7205 [] NA [] NAP	7587 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

2.2.1. Non litigious land registry cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The records of cases dealt with by the appeal courts are only in the total number and not divided depending on the type of case. According to the methodology of collecting data from the statistics sector at the justice ministry, new issues are also included in the cases returned for retrial, or for filling in the investigation, or other cases.

098. (Modified question) Second instance courts (appeal): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2)	4252 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6680 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5126 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5806 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments the records of cases dealt with by the appeals courts are only in the total number and not divided depending on the type of offense. According to the methodology of collecting data from the statistics sector at the justice ministry, new issues are also included in the cases returned for retrial, or for filling in the investigation, or other cases.

4.2.4. Case flow management – Supreme Court



099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))
Total of other than criminal law cases (1+2+3+4)	11374 [] NA [] NAP	4079 [] NA [] NAP	1466 [] NA [] NAP	13987 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
3. Administrative law cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Other cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments The Supreme Court finds it impossible to identify which of the issues involved are administrative or civil. This separation is

made only at the moment of trial of the case.

According High Court, the discrepancy between the data with previous cycles is a result of the reform in the administrative court procedure. Albania, in 03.05.2012 approved a new law on administrative courts which established special courts for administrative cases. Additionally, the High Court created a special chamber to adjudicate these cases. However, prior to the enactment of this law, all civil cases, including administrative ones, were registered as civil cases. This was the case until November 2013. After this date the cases were differentiated as civil and administrative. Currently, the High Court is reviewing cases from 2012-2013. Hence, the high court can categorize these cases as civil and administrative only after it has started reviewing it. Hence, a case that might have been reported previously as civil is categorized as administrative after the court reviews it in chamber. Therefore, the number of civil and administrative cases will be changing until the court has exhausted all the cases that were filed prior to November 2013.

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

(X) Yes, please indicate the number of cases closed by this procedure:

() No

Comments The Supreme Court also deals with matters of non-territorial competence, but we don't have data for this

100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court
Total of criminal law cases (1+2)	1674 [] NA [] NAP	2369 [] NA [] NAP	2386 [] NA [] NAP	1657 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments The increase in the total number of incoming criminal cases before the High Court is explained by strengthened criminal policies against crimes related to payment of electricity, water, and illegal constructions that started in the end of 2013. Hence, in 2016 it is reasonable that these cases are awaiting review by the High Court.

4.2.5. Case flow management – specific cases



101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	1817 [] NA [] NAP	5828 [] NA [] NAP	6046 [] NA [] NAP	1599 [] NA [] NAP
Employment dismissal cases	850 [] NA [] NAP	2285 [] NA [] NAP	2257 [] NA [] NAP	878 [] NA [] NAP

Insolvency	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Robbery case	219 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1173 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1125 <input type="checkbox"/> NA <input type="checkbox"/> NAP	267 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP	55 <input type="checkbox"/> NA <input type="checkbox"/> NAP	46 <input type="checkbox"/> NA <input type="checkbox"/> NAP	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to the right of entry and stay for aliens	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments these data are made available by the statistics sector after their collection and processing. Increases concerning "Robbery cases": there has been an increase since the strategy and the policy of the new Government have been groundless for the criminal offense of robbery.

Decreases concerning "Employment dismissal cases": the answer to Q101 is again affected by the administrative court reform. In the previous cycle any employment case, either versus a private company or versus a state institution was classified as an employment case. Under the new law on administrative courts, employment cases vs the state administration are adjudicated by the administrative courts and therefore are registered as administrative cases.

101-1. (New question) Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. LAW No. 8432, DATE 14.12.1998 FOR ASYLUM IN THE REPUBLIC OF ALBANIA
Amended by Law No. 10060, dated 26.1.2009

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Litigious divorce case	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Employment dismissal case	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Insolvency	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Robbery case	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Intentional homicide	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments these data are not available and are not processed by the statistics sector

103. Where appropriate, please indicate the specific procedure as regards divorce cases (litigious and non-litigious):

. Each of the spouses may seek the marriage settlement for due to the interruption of common living when spouses live actually separated since 3 years.

If this is the case, the spouse seeking divorce, according to the first paragraph of this article, must specify in his claim and the way of enforcing his obligations versus his children and his other spouse. the court decides to resolve the marriage if it creates the conviction that the will of each party is real and each one has freely given his consent to the marriage settlement. In the same decision, the court endorses the agreement regulating the consequences of the marriage settlement. The agreement contains leave for child raising and education their minors, the income necessary for their growth and education, the contribution of each spouse in favor of the needy spouse, if possible, and if possible regulating relationships of their property

104. How is the length of proceedings calculated for the five case categories of question 102? Please give a description of the calculation method.

. we have no data

4.2.6. Case flow management – public prosecution



105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

to conduct or supervise police investigation

to conduct investigations

when necessary, to request investigation measures from the judge

to charge

to present the case in court

to propose a sentence to the judge

to appeal

to supervise the enforcement procedure

to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)

to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

other significant powers (please specify):law 10192/2009

Comments law enforcement 10192/2009

106. (Modified question) Does the public prosecutor also have a role in:

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify:

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	42396 <input type="checkbox"/> NA <input type="checkbox"/> NAP	34904 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	12997 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments these cases are: non-initiation + paused + suspended

107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Before the court case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
During the court case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The General Prosecutor's Office does not maintain statistics regarding these data

108. Total cases which were discontinued by the public prosecutor:

	Number of cases
Total cases which were discontinued by the public prosecutor (1+2+3)	34904 [] NA [] NAP
1. Discontinued by the public prosecutor because the offender could not be identified	[] NA [X] NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	12904 [] NA [] NAP
3. Discontinued by the public prosecutor for reasons of opportunity	21996 [] NA [] NAP

Comments these data are from the department of studies in the General Prosecutor's Office

109. Do the figures include traffic offence cases?

Yes

No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: the department of studies in the General Prosecutor's Office

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. (Modified question) How are judges recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify):

Comments Judges are recruited through competitive exam or a recruitment procedure

110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

Yes

No

Comments - If yes, please specify:

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

an authority made up of judges only

an authority made up of non-judges only

an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: The High Council of Justice proposes the number of judges and the President of the Republic decides.

112. Is the same authority (Q111) competent for the promotion of judges?

Yes

No

Comments The High Council of Justice

112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

Yes

No

Comments - If yes, please specify:

113. What is the procedure for judges to be promoted? (multiple answers possible)

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

114. (Modified question) Is there a system of qualitative individual assessment of the judges' work?

Yes

No

Comments the High Council of Justice has drafted judges' judgments

114. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of prosecution services?

statutory independent

under the authority of the Minister of justice or another central authority

other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...). REPUBLIC OF ALBANIA
ASSEMBLY
LAW
Nr. 97/2016
ON THE ORGANIZATION AND FUNCTIONING OF THE PROSECUTOR
IN THE REPUBLIC OF ALBANIA

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.

Yes

No

Comments - If yes, please specify: REPUBLIC OF ALBANIA
ASSEMBLY
LAW
Nr. 97/2016
ON THE ORGANIZATION AND FUNCTIONING OF THE PROSECUTOR
IN THE REPUBLIC OF ALBANIA

116. How are public prosecutors recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify):

Comments REPUBLIC OF ALBANIA
ASSEMBLY
LAW
Nr. 97/2016
ON THE ORGANIZATION AND FUNCTIONING OF THE PROSECUTOR
IN THE REPUBLIC OF ALBANIA

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: Magistrates School

117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
- No

Comments - If yes, please specify:

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

- Yes
- No, please specify which authority is competent for promoting public prosecutors

Comments Magistrates School

119. What is the procedure for prosecutors to be promoted? (multiple answers possible)

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): this procedure is based on a competitive test or an exam

119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
- No

Comments - If yes, please specify:

119-2. Please indicate the criteria used for the promotion of a prosecutor:

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"): the criteria used for the promotion of a prosecutor is based on years of experience, professional skills, etc

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

Yes

No

Comments The system of evaluation of prosecutors by the High Council of Justice

5.1.3.Mandate and retirement of judges and prosecutors

121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:65+

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: with the new legal changes please refer to Law 96/2016

121-1. Can a judge be transferred (to another court) without his/her consent:

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments with the new legal changes please refer to Law 96/2016

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Yes, duration of the probation period (in years):1 year

No

NAP

Comments

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:9+

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):1 year

No

Comments

125. If the mandate for judges is not for an undetermined period (see question 121), what is the

length of the mandate (in years)? Is it renewable?

Yes, what is the length of the mandate (in years)?9+

No

Comments

126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?

Yes, what is the length of the mandate (in years)?9+

No, what is the length of the mandate (in years)?

Comments with the new legal changes please refer to Law 96/2016

5.2.Training

5.2.1.Training of judges

127. Types of different trainings offered to judges

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions of the court (e.g. court president)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in courts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments Judges have the legal obligation to do not less than 5 training days per year and not more than 20 training days per year.

128. Frequency of the in-service training of judges:

	Frequency of the judges training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

In-service training for management functions of the court (e.g. court president)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in courts	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: Judges have the legal obligation to do not less than 5 training days per year and not more than 20 training days per year.

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors

	Compulsory	Optional	No training proposed
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions in the courts (e.g. Head of prosecution office, manager)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in office	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments Prosecutors have the legal obligation to do not less than 5 training days per year and not more than 20 training days per year.

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions in office (e.g. Head of prosecution office, manager)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

In-service training for the use of computer facilities in office	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
---	--

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: Prosecutors have the legal obligation to do not less than 5 training days per year and not more than 20 training days per year.

131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments Prosecutors have the legal obligation to do not less than 5 training days per year and not more than 20 training days per year.

131-0. (Modified question) If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	900000 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. NAP

5.3. Practice of the profession

5.3.1. Salaries and benefits of judges and prosecutors



132. Salaries of judges and public prosecutors on 31 December of the reference year:

Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency

First instance professional judge at the beginning of his/her career	9324 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7416 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1258272 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1000572 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	15535 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12305 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2097120 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1661268 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	9324 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7128 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1258272 <input type="checkbox"/> NA <input type="checkbox"/> NAP	962844 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	11652 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9600 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1572840 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1296000 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments exchange rate 1 euro=135 lek. These data are on the base salary. According to law, prosecutors by level benefit from additional extras up to 10% as well as seniority.

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	() Yes (X) No	() Yes (X) No
Special pension	(X) Yes () No	(X) Yes () No
Housing	() Yes (X) No	() Yes (X) No
Other financial benefit	(X) Yes () No	(X) Yes () No

Comments

134. If “other financial benefit”, please specify:

. The judges of serious crime courts have specific health and life insurance and insurance of the apartments where they live. Also they have 10% additional payment because of the particular nature of the trials.

NAP

135. Can judges combine their work with any of the following other functions/activities?

With remuneration	Without remuneration

Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	() Yes (X) No
Political function	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	() Yes (X) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. please see law 96/2016

137. Can public prosecutors combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	(X) Yes () No	(X) Yes () No
Cultural function	() Yes (X) No	() Yes (X) No
Political function	() Yes (X) No	() Yes (X) No
Other function	(X) Yes () No	(X) Yes () No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify.

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time) or cases examination?

- () Yes
(X) No

Comments - If yes, please specify the conditions and possibly the amounts:

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): Ministry of justice, High Council of Justice
- Other (please specify):
- This is not possible

Comments

141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General / State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament

Executive power (please specify):

Other (please specify):

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

Supreme Court

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General /State public prosecutor

Public prosecutorial Council (and Judicial Council)

Disciplinary court or body

Ombudsman

Professional body

Executive power (please specify):

Other (please specify):

Comments

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
Total number (1+2+3+4)	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: 1.The Minister of Justice with the request no. 4747/3, dated 10.10.2016 has requested the disciplinary measure Removal from office for very serious violations related to the acts and conduct prohibited by Article 23 of Law no. 9877/2008 and the acts and other serious misconduct that seriously discredit the position and image of a judge, as required by Article 32, paragraph 2, letter a and k of law no. 9877, dated 18.02.2008, On the organization of the judicial power in the Republic of Albania, as amended. The High Council of Justice by decision no. 85, dated 08.07.2016, decided to suspend the judge's office until a final court decision was taken on the criminal case under his responsibility. In its meeting on 9.5.2017, the High Council of Justice decided to dismiss this judge for because he was sentenced by decision final for the offense which was also disciplinary violation cited above. 2.The Minister of Justice has requested the issuance of disciplinary measure Discharging from duty for very serious violations relating to

unjustified and repeated violations of the procedural rules of procedure provided for in Article 32, paragraph 2, letter c of Law no. 9877, dated 18.02.2008, On the Organization of the Functioning of the Judiciary in the Republic of Albania, as amended. The High Council of Justice in its meeting of 24.03.2017 has decided to reject the request of the Minister of Justice.

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 9)	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
7. Transfer to another geographical (court) location	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. The General Prosecutor has issued orders for three prosecutors to initiate disciplinary proceedings. After reviewing the Prosecution Council it is decided:

1 measure for warning with warning and 2 remarks A prosecutor has commenced disciplinary proceedings for violating ethics For 2 others for prolonging files in the scan.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: Ministry of Justice and The General Prosecutor Office

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

[2285]

[] NA

[] NAP

Comments this is a total number of lawyers in Albania

147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes (X)

No ()

Comments

148. Number of legal advisors who cannot represent their clients in court:

[0]

[] NA

[] NAP

Comments

149. (Modified question) Do lawyers have a monopoly on legal representation in (multiple options are possible):

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Dismissal cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Criminal cases - Defendant	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Criminal cases - Victim	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Administrative cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP

There is no monopoly	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly: the advocacy service faces almost all representation in civil and administrative litigation

149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Family member	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Self-representation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Trade union	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s): physical persons

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify):

Comments in addition of these limitations there are no other limitations

149-2. What are the statuses for exercising the legal profession in court?

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

150. Is the lawyer profession organised through:

a national bar association

a regional bar association

a local bar association

Comments are included all courts

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

Yes

No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees: yws, it is included the training of National Advocacy Institute

152. Is there a mandatory general system for lawyers requiring in-service professional training?

Yes

No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

Comments - If yes, please specify: 916/5000

The Register of Licensed Lawyers in Albania for 2016 included a total of 9056 lawyers. Of these, only 2285 lawyers were in the exercise of the profession of lawyer, while the other party did not meet the legal criteria for this purpose. The share of lawyers that were included in the passive register mainly related to the legal incompatibility of the profession, since they were in such functions as a judge, prosecutor, notary, civil servant or public administration employee.

Regarding the data presented in point 148, it is unthinkable on the part of what is meant by the legal counsel that does not represent their clients in the court. I have written 0 because legal advice can give anyone who has a jurisprudence or not, but a lawyer to give legal advice and not to represent can not have, since legal advice is part of the lawyer's service.

F1. Please indicate the sources for answering questions 146 and 148:

Sources: National Advocacy Institute

6.1.2. Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes laws provide rules

Yes standards of the bar association provide rules

No neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used?

158. If yes, who is responsible for formulating these quality standards:

the bar association

the Parliament

other (please specify):

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

the judge

the Ministry of Justice

a professional authority

other (please specify):

Comments

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

Number of disciplinary proceedings

Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

7. Alternative dispute resolutions

7.1. Mediation

7.1.1. Details on mediation procedures and other ADR

163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

Yes

() No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation procedures?

[] Before going to court

[X] Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned:

164. Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	() Yes (X) No	(X) Yes () No	() Yes (X) No	(X) Yes () No	() Yes (X) No
Family law cases (ex. divorce)	() Yes (X) No	(X) Yes () No	() Yes (X) No	(X) Yes () No	() Yes (X) No
Administrative cases	() Yes (X) No	(X) Yes () No	() Yes (X) No	(X) Yes () No	() Yes (X) No
Employment dismissals	() Yes (X) No	(X) Yes () No	() Yes (X) No	(X) Yes () No	() Yes (X) No
Criminal cases	() Yes (X) No	(X) Yes () No	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments

165. Is there a possibility to receive legal aid for judicial mediation procedures?

() Yes

(X) No

Comments - If yes, please specify:

166. Number of accredited or registered mediators who practice judicial mediation:

[77]

[] NA

[] NAP

Comments 73 are physical person and 3 are legal persons. 77 is the number of mediators that are active, while the number of licensed mediators is higher, at approximately 650

167. Number of judicial mediation procedures.

	Number of judicial mediation procedures
Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)	[] NA [X] NAP
1. Civil and commercial cases	[] NA [X] NAP

2. Family cases	[] NA [X] NAP
3. Administrative cases	[] NA [X] NAP
4. Employment dismissal cases	[] NA [X] NAP
5. Criminal cases	[] NA [X] NAP

Comments - Please indicate the source: Ministry of Justice

168. Does the legal system provide for the following alternative dispute resolutions (ADR):

- mediation other than judicial mediation
- arbitration
- conciliation
- other ADR (please specify):

Comments

G1. Please indicate the source for answering question 166:

Source: Ministry of justice

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

169. Do you have enforcement agents in your judicial system?

- Yes
- No

Comments

170. Number of enforcement agents

- [57]
- NA
- NAP

Comments this figure belongs to the active bailiffs,

171. Are enforcement agents (multiple options are possible):

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers:

171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: Execution of judicial decisions is the only prerogative of state and private bailiff service

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments the bailiff performs the procedural actions provided on the Civil Procedure Code and the legal acts related to the execution procedure

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

- a national body
- a regional body
- a local body
- NAP

Comments the profession is organized under the jurisdiction of the judicial court

174. Are enforcement fees easily established and transparent for the court users?

- Yes

No

Comments

175. Are enforcement fees freely negotiated?

Yes

No

Comments success fee

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

Yes

No

Comments penal fee
administrative court decisions ,etc

H0. Please indicate the sources for answering question 170

Source: The ordert nr.129, date 25.03.2014 of prime Minister

8.1.2.Efficiency of enforcement services



177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

Yes

No

Comments

178. Which authority is responsible for supervising and monitoring enforcement agents?

a professional body

the judge

the Ministry of Justice

the public prosecutor

other (please specify):

Comments

179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used?

180. If yes, who is responsible for establishing these quality standards?

a professional body

the judge

the Ministry of Justice

other (please specify):

Comments

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

Yes

No

Comments - If yes, please specify:

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - If yes, please specify:

183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

other (please specify):

Comments

184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

Yes

No

Comments - If yes, please specify: 576/5000

The Bailiff's Office has the mandatory execution of executive titles in the cases defined in the Code of Civil Procedure.

The Bailiff's Service exercises its functions through bailiffs.

The Bailiff's Service has a unique and centralized organization, extending throughout the territory of the Republic of Albania.

Legality and objectivity, as well as the respect of the rights and freedoms guaranteed by law to the entities participating in the execution, are the basic principles of the work of the Bailiff's Service.

185. Is there a system measuring the length of enforcement procedures:

	Existence of the system
for civil cases	() Yes (X) No
for administrative cases	() Yes (X) No

Comments

186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

- () between 1 and 5 days
- () between 6 and 10 days
- () between 11 and 30 days
- (X) more (please specify):+30

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	0 [] NA [] NAP
1. For breach of professional ethics	0 [] NA [] NAP
2. For professional inadequacy	0 [] NA [] NAP
3. For criminal offence	0 [] NA [] NAP
4. Other	0 [] NA [] NAP

Comments - If "other", please specify: according to information received from the General Directorate of State Enforcement for 2016, there was no disciplinary measure for bailiffs

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	0 [] NA [] NAP

1. Reprimand	0 [] NA [] NAP
2. Suspension	0 [] NA [] NAP
3. Withdrawal from cases	0 [] NA [] NAP
4. Fine	0 [] NA [] NAP
5. Other	0 [] NA [] NAP

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: according to information received from the General Directorate of State Enforcement for 2016, there was no disciplinary measure for bailiffs

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: he General Directorate of State Enforcement

8.2.Execution of decisions in criminal matters

8.2.1.Functioning of execution in criminal matters



189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

Comments

191. If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Number of notaries
TOTAL	470 [] NA [] NAP
Private professionals (without control from public authorities)	[] NA [X] NAP
Private professionals under the authority (control) of public authorities	[] NA [X] NAP
Public agents	[] NA [X] NAP
Other	[] NA [X] NAP

Comments - If "other", please specify the status:

192-1. What are the access conditions to the profession of notary:

- diploma
- payment of a fee (e.g. purchasing office)
- co-opting of peers
- other

Comments two years stage in the office of a notary , exam for capability

192-2. (Modified question) What is the duration of appointment of a notary?

- Limited duration, please indicate it in years: From the time he/she is licenced till 65 years old
- Unlimited duration

Comments

194. Do notaries have duties (multiple options possible):

- within the framework of civil procedure
- in the field of legal advice
- to certify the authenticity of legal deeds and certificates
- in the field of mediation

other (please specify):

Comments

194-1. Do notaries have the monopoly when exercising their profession:

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates
- in the field of mediation
- other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with: Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with

194-2. As well as these activities, what are the other ones that can be carried out by notaries?

- Real estate transaction
- Settlement of estates
- Legality control of gambling activities
- Authentication of documents
- Translations
- Signatures
- Other

Comments

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

- Yes
- No

Comments Ministry of Justice supervises all activity of Notaries through controls in the offices or in the server of the Electronic Notarial Register

196. If yes, which authority is responsible for supervising and monitoring notaries?

- a professional body
- the judge
- the Ministry of Justice
- the public prosecutor
- the Ministry of Interior
- other (please specify):

Comments

196-1. Is there a system of general continuous training mandatory for all notaries?

- Yes
- No

11. Please indicate the sources for answering question 192:

Sources: Law on Notary No. 7829 dated 01/06/2017 and sublegal acts

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

198. Is the function of court interpreters regulated by legal norms?

Yes

No

Comments

199. Number of accredited or registered court interpreters:

[35]

NA

NAP

Comments in 2016 there was no competition for official translators, but 35 interpreters have been registered to belong to foreign special languages

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

Comments - If yes, please specify:

201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters

Comments Court interpreters play a major role in guaranteeing access to the judge for the court users who do not have the ability to understand and/or speak the official language of the court. For some countries, quality criteria were defined and interpreters are certified.

To get a better understanding of the role of court interpreters in court proceedings four general questions have been asked. Some questions are derived from the report Hertog e. and van Gucht J. (2008), Status Quaestionis: questionnaire on the provision of legal interpreting and translation in the EU, Intersentia (Antwerp, Oxford, Portland). "Protected title" means that a person cannot claim the title of interpreter of his/her own, without the benefit of an agreement or another form of official recognition, which may be given by the court or by an administrative body, for example on the basis of diploma or tests, and sometimes of an oath

J1. Please indicate the sources for answering question 199

Sources: Ministry of justice

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts

202. In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

"expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,

"technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,

"legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

Other (please specify):

Comments Assistant

legal is the assistant exercising his function on the unit

in service

legal proceedings before the appellate courts.

202-1. Are there lists or databases of technical experts registered?

Yes

No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?) the list of experts is administered by the court

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection: law nr.98/2016

203-1. Does the expert have an obligation of training?

	Obligation of training
Initial training	(X) Yes () No
Continuous training	(X) Yes () No

Comments

203-2. If yes, does this training concern:

- the proceeding
- the profession of expert
- other

Comments trainings are carried out by the licensing institution

204. Is the function of judicial experts regulated by legal norms?

- Yes
- No

Comments law nr.98/2016

204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?

- Yes
- No

Comments in cases of conflict of interest the expert should resign

205. Number of accredited or registered judicial / technical experts:

- [9645]
- NA
- NAP

Comments this the total numer of technical experts registered in all courts and who are active in their profession

205-1. Who sets the expert remuneration?

- INSTRUCTION OF THE COUNCIL OF MINISTERS
 Nr. 4, dated 12.12.2012
 FOR SETTING THE EXPERT EXPENDITURE AND PAYMENT MEASURE AND WITNESSES DURING THE JUDICIAL PROCESS

206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: INSTRUCTION OF THE COUNCIL OF MINISTERS

Nr. 4, dated 12.12.2012

FOR SETTING THE EXPERT EXPENDITURE AND PAYMENT MEASURE AND WITNESSES DURING THE JUDICIAL PROCESS

207. Are the courts responsible for selecting judicial experts?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial experts

Comments

207-1. Does the judge control the progress of investigations?

Yes

No

Comments

K1. Please indicate the sources for answering question 205

Sources: Ministry of Justice

Referring to the Code of Civil Procedure as amended by law no. 38/2017 "On Amendments to Law No. 8116 dated 29.3.1996" The amended Civil Code of the Republic of Albania "has charged the Ministry of Justice with the legal obligation to establish, administer and make available to the public an electronic register for experts. This obligation is provided in Article 224 / d of the Code of Civil Procedure, added to Article 70 of Law no. 38/2017, which stipulates that the Electronic Register of Experts is divided into different sections, grouping experts, according to their areas of expertise and the place where they work. Also, this provision charges the Ministry of Justice to accept the registration of the expert in the Electronic Register

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans the creation of new independent institutions; restructuring of existing institutions; reformulation of the competences of justice institutions; Reconsidering the way of exercising responsibilities based on independence, impartiality,

professionalism and strengthening of accountable mechanisms; clarify the procedures and criteria for recruiting justice systems based on meritocracy and transparency.

2. Budget the budget tendencies for the new justice system are towards growth, with particular focus on improving the status through increasing the salaries of employees of this system, especially the magistrates and improving the infrastructure

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) new laws envisage reorganization of the judiciary through the new judicial map, which will be approved by the CoM with a joint proposal of the HJL & MoJ after receiving the opinion of the High Council of Prosecution, the General Prosecutor, the Minister of Finance and other interested parties; information technologies will be administered by independent institutions of the judicial system and specifically by the HRC for Courts and PPL for prosecution; laws determine the level of access to these systems from other institutions such as MD (in the role of visitor); it is expected that HRC will propose new court fees; the administration of the court buildings will be covered by the HHC.

3.1. Access to justice and legal aid Law no. 111/2017 "On State Assistance", which enters into force on 01.06.2018. This law reforms the system of free assistance provision, which will now be provided by the structures at the local level and the courts. In this way, the aim is to increase access to justice. Beneficiaries of free allowance also benefit from the exemption from court fees, according to the provisions of law no. 98/2017 On Court Fees in the Republic of Albania.

4. High Judicial Council with the creation of new institutions, the HCJ ceases functioning. With the new laws, the reformulated powers of the HCJ will be exercised by the HRC and the ILD, as provided for by law no. 115/2016 "On the organs of the governance of the justice system" and the law no. 96/2016 On the Status of Magistrates in the Republic of Albania.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. law no. 96/2016 on the Status of Magistrates, Law no. 115/2016 for the organs of the governance of the justice system and law no. 40/2017 for the changes in the basic law of MoJ define competent institutions for curriculum development and development of initial and ongoing training and the obligation for professionals to participate in these trainings.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities are improved and enriched with new rules K.Pr.Civile, K.Pr.Penale; law on the organization of administrative courts. New rules have been adopted for the procedures of ratification and ratification in international acts (Law No. 43/2016).

7. Enforcement of court decisions is in the process of reviewing the law reform of parliamentary committees for private judicial execution.

8. Mediation and other ADR is in the process of reviewing the law on mediation in parliamentary committees.

9. Fight against crime with law no. 95/2016 have created special structures to fight corruption and organized crime briefly called SPAK, including the Special Prosecution Office on Corruption and Organized Crime; The National Bureau of Investigation, the First Instance Court against Corruption and Organized Crime, the Court of Appeals against Corruption and Organized Crime and the High Court.

9.1. Prison system parliamentary committees are reviewing legislation on the execution of penal sites and the treatment of pre-detainees and convicts.

9.2 Child friendly justice Within the framework of the reform, a comprehensive legal package for the protection of children's rights with a special focus on minor offenses has been adopted, such as law no. 18/2017 on the rights and protection of children and law no. 37/2017 Criminal Justice Code for Minors. it contains special provisions on criminal liability of children; procedural rules relating to investigation, prosecution, court proceedings, execution of criminal sentences, rehabilitation or other measures involving a child in conflict with the law, as well as a child victim and / or witness of the criminal offense. This Code contains provisions applicable to young adults from 18 to 21 years of age as stated in its individual articles.

9.3. Violence against partners has been widely dealt with in the justice reform by strengthening the rights of victims of domestic violence, as in the changes of the Code of Criminal Procedure, the Juvenile Justice Code of Juveniles, the new law on legal aid. A new initiative was undertaken by the responsible ministry covering social protection issues to improve the basic law on domestic violence. At the same time it has been done with the improvement of coordination and co-ordination of the inter-institutional actions for the

treatment and resolution of concrete cases of domestic violence. Since November 2017, therefore, Mdeshte established a special structure for dealing with problematic cases named Office for Coordination against Domestic Violence

10. New information and communication technologies Law No. 115/2016 provides that no later than one month from the establishment of the High Judicial Council, the current information technology systems, including contracts in place for the maintenance and development of these systems, as well as any other technical or legal document pass in the delivery and responsibility of the Council by the responsible department of the Ministry of Justice. The High Judicial Council becomes party to the existing ex lege contracts. Also, this law provides for the establishment and functioning of the Information Technology Center for the Justice System, which will cooperate with the HJC, the PIL, the ILD and the MoJ for the improvement of electronic judiciary systems. The Juvenile Justice Code provides for the establishment and functioning of the Integrated Juvenile Justice Data System, which contains updated electronic data on each stage of criminal proceedings, including the execution of a juvenile criminal decision. This system will be administered by MoJ

11. Other the new law reform of justice addresses all issues that affect the good functioning, good organization, cooperation and inter-institutional coordination. The vision, policies, objectives, activities, indicators, deadlines and lifecycle costs of this reform are part of the new Justice Strategy and its Action Plan 2017-2020