



**Reference data 2018 (01/01/2018 - 31/12/2018)**

**Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019**

**Objective :**

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 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 three observer states (Israel, Morocco and Kazakhstan). 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.

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## 1.General and financial 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)

[ 2 870 324 ]

Comments

**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	3 727 361 539 [ ] NA [ ] NAP
Regional / federal entity level (total for all regions / federal entities)	[ ] NA [X] NAP

Comments Data collected from approved state budget for 2018

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

[ 4 460 ]

Comments Taken from the Institute of Statistics. Increase in GDP per capita compared to 2016 data is due to the economic increase.

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

[ 4 717 ]

[ ] NA

Comments Taken from the Institute of Statistics

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

[ 133.07 ]

Allow decimals : 5

[ ] NAP

Comments Taken from the Central Bank statistics

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

Sources: INSTAT

**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 NA to the question 7.**

Approved budget (in €)	Implemented budget (in €)
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<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	17 148 000 [ ] NA [ ] NAP	16 873 000 [ ] NA [ ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	12 456 000 [ ] NA [ ] NAP	12 273 000 [ ] NA [ ] NAP
<b>2. Annual public budget allocated to computerisation</b>	364 000 [ ] NA [ ] NAP	298 000 [ ] NA [ ] NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b>	[ X ] NA [ ] NAP	358 000 [ ] NA [ ] NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	[ X ] NA [ ] NAP	1 626 000 [ ] NA [ ] NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>6. Annual public budget allocated to training</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>7. Other (please specify)</b>	[ X ] NA [ ] NAP	2 318 000 [ ] NA [ ] NAP

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 reasons for the differences: Please note that due to the new laws of the justice reform, reporting institutions were changed. In 2018, the body in charge of the budget of the Courts was the Office for the Administration of the Judicial Budget. However, with the establishment of High Judicial Council (end of December 2018) the council was in charge of administering the court budget. To this aim, the data for 2018 was reported by the High Judicial Council.

**007. If you cannot answer question 6 because you cannot isolate the public 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 €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

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

	<b>Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ?</b>
<b>for criminal cases</b>	( ) Yes ( X ) No
<b>for other than criminal cases</b>	( X ) Yes ( ) No

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions? The Code of Civil Procedure provides for exemption from court fees for certain categories of subjects (Article 105 / b).

Law no. 111/2017 “On Legal Aid Guaranteed by State” which constitutes the legal framework for providing legal aid to certain categories of subjects (Article 10, 12, 13 of the Law).

Law No. 98/2017 “On Judicial Fees in the Republic of Albania” provides for the possibility of excluding certain subjects from the court fee (Article 9).

### 008-1. Please briefly present the methodology of calculation of these court fees:

- There are standard fees for certain categories of cases and a methodology of calculation based on the value involved by the case.

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

[ 30 ]

[ ] NA

[ ] NAP

Comments The fee, for amounts higher than 100.000 ALL is 1% of the claim.

### 009. Annual income of court fees received by the State (in €):

[ ]

[ X ] NA

[ ] NAP

Comments

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

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.1 for cases brought to court (court fees and/or legal representation)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

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

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>12-1.1 for cases brought to court (court fees and/or legal representation)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>12-1.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

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 reasons for the differences:

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

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the public prosecution services, in € (including 13.1)</b>	12 164 045 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 081 583 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>13.1. Annual public budget allocated to training of public prosecution services</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> 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, please indicate the main reasons for the differences:

**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 courts
<b>Ministry of Justice</b>	<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
<b>Other ministry</b>	<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
<b>Parliament</b>	<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
<b>Supreme Court</b>	<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

<b>High Judicial Council</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>Courts</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>Inspection body</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>Other</b>	(X) Yes ( ) No [ ] NAP	( ) Yes (X) No [ ] NAP	(X) Yes ( ) No [ ] NAP	(X) Yes ( ) No [ ] NAP

If any other Ministry and/or inspection body and/or other, please specify: Note: until 20 December 2018 (constitution of the High Judicial Council) the authority responsible for the allocation of budgets to courts was the Office for the Administration of the Judicial Budget

**014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?**

	<b>Preparation of the budget</b>	<b>Arbitration and allocation of the budget</b>	<b>Day to day management of the budget</b>	<b>Evaluation and control of the use of the budget</b>
<b>Management Board</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No
<b>Court President</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	(X) Yes ( ) No
<b>Court administrative director</b>	( ) Yes (X) No	(X) Yes ( ) No	( ) Yes (X) No	( ) Yes (X) No
<b>Head of the court clerk office</b>	(X) Yes ( ) No	( ) Yes (X) No	(X) Yes ( ) No	( ) Yes (X) No
<b>Other</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No

Comments - If "other", please specify:

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

Sources: Former Office for the Administration of the Judicial Budget (currently part of the High Judicial Council)

**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 judicial system budget - see 15-2 and other elements of the justice system - see 15-3)**

Approved budget (in €)	Implemented budget (in €)
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<b>Total annual public budget allocated to the whole justice system in €</b>	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
	<input type="checkbox"/> NAP	<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, please indicate the main reasons for the differences:

### 015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)

	Included	Not included	Does not exist (NAP)
Courts (see question 6 or 7)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal aid (see question 12 or 7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public prosecution services (see question 13 or 7)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 015-3. Other budgetary elements

	Included	Not included	Does not exist (NAP)
Prison system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Probation services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
High Judicial Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Constitutional court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judicial management body	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State advocacy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Enforcement services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Notariat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Forensic services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judicial protection of juveniles	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Functioning of the Ministry of Justice	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Refugees and asylum seekers services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Immigration Service	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Some police services (e.g. : transfer, investigation, prisoners' security)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other	( )	( )	( X )
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If "other", please specify:

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

Sources:
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## 2. Access to justice and all courts

### 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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Legal advice, ADR and other legal services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

<p>- Legal aid in Albania is regulated by law no 111 / 2017 ON STATE GUARANTEED LEGAL AID. Legal aid is divided into primary and secondary legal aid. "Primary legal aid" is: i) providing of information regarding the legal system of the Republic of Albania, the normative acts in force, the rights and obligations of subjects of law and the methods of enforcing and exercising these rights both in judicial and extrajudicial proceedings, ii) the delivery of counselling, iii) the delivery of advice on the procedures of mediation and the alternative means of dispute resolutions, iv) the delivery of assistance in drafting and establishing of documentation to put in motion the state administration or for requesting secondary legal aid, v) representation before administration bodies, and vi) the delivery of all other forms of necessary legal support not constituting secondary legal aid; "Secondary legal aid" is the legal service that is offered for the compilation of the necessary legal acts for putting in motion the court, the delivery of counselling, representation and defence before the court in administrative and civil cases and in criminal cases for which is not applied the mandatory defence in accordance of the criminal procedural legislation;</p> <p>Additionally, the law foresees the right to be exempted from court fees and costs which is a form of free-of-charge legal aid, for the exemption from payment of court fees and other court costs, by decision of the competent court, if the criteria imposed by this law are fulfilled.</p> <p>Legal aid is offered to the following categories:</p> <p>A category of subjects benefits legal aid, regardless of their income and their property:</p> <p>a) victims of domestic violence;</p>
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- b) sexually abused victims and human trafficking victims, at any stage of a criminal proceeding;
- c) minor victims and minors in conflict with the law, at any stage of a criminal proceeding;
- ç) children living in social care institutions;
- d) children under guardianship who request to initiate a proceeding without the approval of their legal guardian or against their legal guardian;
- dh) persons that benefit from the payment for disability in compliance with the provisions of the law on social aid and services, including also persons that benefit from the status of blindness;
- e) persons undergoing involuntary treatment in mental health service institutions according to the provisions of the legislation in force on mental health;
- ë) persons undergoing voluntary treatment in mental health service institutions for serious mental diseases;
- f) persons against whom the removal or restriction of the capacity to act is requested, at any stage of this proceeding;
- g) persons with removed or restricted capacity to act who request to initiate a proceeding against their legal guardian, for regaining the capacity to act without the approval of the legal guardian.
- gj) persons who are beneficiaries of social protection programs.
- h) persons to whom the right has been infringed through an action or inaction that constitutes discrimination on the basis of the decision of the competent organ, according to the legislation in force for protection from discrimination.

The second category is those who do not have insufficient income or property. The right to benefit legal aid is possessed by everyone that proves that they have insufficient income and property to bear the costs for counselling, representation and/or defence in criminal cases, in administrative and in civil law cases.

Primary legal aid is offered in state run clinics or licenced NGO. Secondary legal aid is granted by the court (screening of fulfillment of criteria) and subsequently, the attorney is appointed by the local bar association, on a rotation basis.

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

Yes

No

NAP

If yes, please specify: Persons, entitled to secondary legal aid are entitled to exemption from:

- a) payment of general and special court fees as defined in the law on court fees in the Republic of Albania;
- b) payment of court costs (expenses for translators, witnesses, experts, site inspection or examination of items in situ) as defined in the procedural legislation;
- c) the obligation for prepayment of the fee for initiating execution of the execution order to the state judicial bailiff service.

### 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

No

NAP

If yes, please specify: As provided in article 25 of the law, Persons, entitled to secondary legal aid are entitled to be exempted from the

obligation for prepayment of the fee for initiating execution of the execution order to the state judicial bailiff service.

**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
<b>Legal aid granted for other costs</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify: As provided in article 25 of the law, Persons, entitled to secondary legal aid are entitled to be exempted from payment of court costs (expenses for translators, witnesses, experts, site inspection or examination of items in situ) as defined in the procedural legislation;

**2.1.2. Information on legal aid**

**020. Please indicate the number of cases for which legal aid has been granted:**

	Total	Cases brought to court	Cases not brought to court
<b>TOTAL</b>	<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
<b>In criminal cases</b>	<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
<b>In other than criminal cases</b>	<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 - Please specify when appropriate: Please note that in 2017 a new law on legal aid was adopted. The law entered into force on 1 June 2018. The law restructured the legal aid system in Albania. Therefore data for this period are unavailable.

**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
<b>Accused individuals</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify: 1. The proceeding authority shall provide immediately a lawyer paid by the State to the defendant, who has not appointed or no longer has a retained lawyer, if he:

- a) is under eighteen years of age;
- b) is deaf and mute;
- c) has limited capabilities which hinder his ability to defend himself;
- c) is charged with a criminal offence, punishable by not less than 15 years' imprisonment, in the maximum term;

- d) is charged with a criminal offence pursuant to letters “a” and “b”, of article 75/a, of this Code;
- dh) has been declared escaped or in absentia upon a court decision;
- e) the arrested or the detained person is questioned;
- ë) in the cases provided for by paragraph 5 of article 205, or paragraph 1, of article 296 of this Code;
- f) in every other case provided for by law.

2. If reasons for mandatory defense, exist, pursuant to this article, the proceeding authority shall assign immediately a lawyer to the defendant. The lawyer shall assist the defendant during all phases of the proceedings, as long as the conditions provided in paragraph 1 of this Article exist.

3. The appointed lawyer, pursuant to this article, is chosen by the proceeding authority out of the list made available by the Bar Association.

4. If the court, the prosecutor and the judicial police must carry out an action requiring the presence of a lawyer and the defendant does not have one, they shall inform the appointed lawyer on such action.

5. If the presence of the lawyer is required and the retained or appointed lawyer has not been provided, has not shown up or has withdrawn from the defence, the court or prosecutor shall apply paragraph 4 of article 350 of this Code. If his absence is justified, the court or the prosecutor may appoint another lawyer in substitution, who shall exercise the rights and takes over the duties of the lawyer.

6. The assigned lawyer shall cease his functions if a retained lawyer is appointed.

7. When the defence cannot be secured pursuant to this provision and paragraph 3 of article 49, it is guaranteed by the institutions providing free legal aid, pursuant to the legislation in force.

Further as per the law on legal aid, Legal aid shall be granted to the following persons, regardless of their income and their property:

- a) victims of domestic violence;
- b) sexually abused victims and human trafficking victims, at any stage of a criminal proceeding;
- c) minor victims and minors in conflict with the law, at any stage of a criminal proceeding;

**022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?**

	free selection of lawyer
<b>Accused individuals</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Victims</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments When the lawyer is appointed under criminal procedure rules: 1. The proceeding authority shall provide immediately a lawyer paid by the State to the defendant, who has not appointed or no longer has a retained lawyer, if he:

- a) is under eighteen years of age;
- b) is deaf and mute;
- c) has limited capabilities which hinder his ability to defend himself;
- c) is charged with a criminal offence, punishable by not less than 15 years’ imprisonment, in the maximum term;
- d) is charged with a criminal offence pursuant to letters “a” and “b”, of article 75/a, of this Code;
- dh) has been declared escaped or in absentia upon a court decision;
- e) the arrested or the detained person is questioned;

ë) in the cases provided for by paragraph 5 of article 205, or paragraph 1, of article 296 of this Code;

f) in every other case provided for by law.

2. If reasons for mandatory defense, exist, pursuant to this article, the proceeding authority shall assign immediately a lawyer to the defendant. The lawyer shall assist the defendant during all phases of the proceedings, as long as the conditions provided in paragraph 1 of this Article exist.

3. The appointed lawyer, pursuant to this article, is chosen by the proceeding authority out of the list made available by the Bar Association.

However, when the request is filed under legal aid law (larger category of subjects) the following rules are applicable:

The request for delivery of secondary legal aid shall be filed by the interested person, personally or through the postal service, to the court or proceeding body that commences investigation, before the initiation of a judicial proceeding, at the initiation of a judicial proceeding and/or at any stage of a judicial proceeding, until judicial investigation has not been declared closed, in accordance with the rules provided for in the procedural legislation.

2. The person entitled to secondary legal aid may submit the request foreseen in paragraph 1, of this law, through a legal representative or a representative supplied with power of attorney, or by the spouse, cohabitant or kin relation of the first degree.

3. The request for secondary legal aid shall be exempted from court fees and costs.

4. The person, who seeks to benefit secondary legal aid shall sign a self-declaration of fulfilment of the criteria for benefitting as defined in this law, according the self-declaration form sheet approved by the Minister of Justice accompanied with the justifying documentation. The list of documents that shall serve for certification of fulfilment of criteria shall be defined by order of the Minister of Justice.

In the case the request for secondary legal aid is filed by the defendant without sufficient financial means, the proceeding body that commences investigation shall immediately examine whether the criteria stipulated in Article 12 of this law are fulfilled.

2. If the proceeding body that commences investigation values that the criteria are fulfilled, it shall immediately appoint a defence lawyer from the list of advocates for the delivery of secondary legal aid, and shall immediately inform the person to whom secondary legal aid has been granted, as well as the defence lawyer that has been appointed.

3. The decision for accepting or dismissing the request for secondary legal aid shall be reasoned and shall be communicated to the applicant and the Directorate for Free-of-Charge Legal Aid.

4. The applicant may object against the decision of the proceeding body for dismissing the request for secondary legal aid, with a lawsuit at the criminal court of first instance, competent for examination of the trial on the merits, within 5 days from the receipt of notice on this decision.

5. The court shall examine the case with one judge, in accordance with the rules foreseen in the procedural legislation, within 15 days from registration of the case. Against this decision shall be allowed special appeal at the court of appeal within 5 days from the receipt of notice. The court of appeal shall examine the appeal in consultation chamber within 10 days from the date of receipt of acts.

6. The High Prosecutorial Council shall approve the rules and procedures to be followed by the proceeding body that commences investigation in the appointment on the basis of the principle of rotation of the defence lawyer and his substitution from the list of advocates that offer the services of secondary legal aid in the criminal process.

7. Detailed rules in connection with the guarantee of obligatory defence from the institutions foreseen in this law, according to the provisions of the Criminal Procedure Code shall be approved by the High Prosecutorial Council.

The court examines the request for secondary legal aid in compliance with the provisions of the procedural legislation and as much as possible, with the provisions of this law.

2. The decision in connection with the request for secondary legal aid shall be taken by the competent court:

a) within 5 days from the date of receipt of the request, when the request has been submitted before initiation of the judicial proceeding;

b) during the preliminary actions or in the preparatory session before the scheduling of the judicial session/hearing, when the request for legal aid has been submitted together with the statement of claim;

c) according to the provisions of the procedural legislation and the provisions of this law, when the request has been filed during judicial examination.

3. In cases where the applicant declares the impossibility of securing the documentation, as well as in any other case where the court values that the correction or completion of the request may be cause for delays which affect the essence of the rights of the applicant, the court may order the submission of the necessary documentation from the state administration bodies that possess it. In these cases, the request for secondary legal aid is deemed to be filed at the end of the time limit imposed by the court for presentation of the missing document by the state administration body.

4. The Court, in compliance with the provisions of this law and the provisions of the procedural legislation, after examination of the request, shall decide:

a) acceptance of the request for delivery of secondary legal aid;

b) dismissal of the request for delivery of secondary legal aid.

5. The request for secondary legal aid shall be dismissed only in cases when:

a) the conditions stipulated in Article 11 and 12 of this law are not fulfilled;

b) is evidently abusive or manifestly ill-founded.

6. The decision for the approval and dismissal of the request for secondary legal aid shall be reasoned.

7. Against the decision of the court dismissing the request for secondary legal aid, may be made a special appeal. The appeal of the decision does not hinder the continuation of adjudication of the case.

The appeal shall be made through the template form sheet approved by the Minister of Justice, which is given to the application together with the decision for the dismissal of the request.

8. The court of appeal shall examine the case in consultation chamber and shall take the decision within 15 days from receipt of the acts. Against this decision a recourse is not permitted.

9. The Directorate for Free-of-Charge Legal Aid may appeal the decision of the court for acceptance of the request for secondary legal aid, when it claims that this request is evidently abusive or manifestly ill-founded. In this case shall be applied the time-limits and the rules for appeal of final decisions in accordance with the provisions of the procedural legislation. Against the decision of the court of appeal is not allowed a recourse to the High Court.

## **023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?**

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: The right to benefit legal aid is possessed by everyone that proves that they have insufficient income and property to bear the costs for counselling, representation and/or defence in criminal cases, in administrative and in civil law cases.

2. The income of a person living in a household shall be considered insufficient in the meaning of paragraph 1 of this article, if the total income of all household members, divided by their number, is lower than 50 percent of the monthly minimum wage, as defined according to the legislation in force. Currently, the monthly minimum wage is set at 26000 ALL (around 220 euro).

3. The income of a person, not living in a household, shall be considered insufficient in the meaning of paragraph 1 of this article, if it is lower than the level of the monthly minimum wage, as defined

according to the legislation in force.

**023. If yes, please specify in the table:**

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
Full legal aid to the applicant for criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Full legal aid to the applicant for other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

**024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

**025. Is the decision to grant or refuse legal aid taken by:**

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments The request for delivery of secondary legal aid shall be filed by the interested person, personally or through the postal service, to the court or proceeding body that commences investigation, before the initiation of a judicial proceeding, at the initiation of a judicial proceeding and/or at any stage of a judicial proceeding, until judicial investigation has not been declared closed, in accordance with the rules provided for in the procedural legislation.

2. The person entitled to secondary legal aid may submit the request foreseen in paragraph 1, of this law, through a legal representative or a representative supplied with power of attorney, or by the spouse, cohabitant or kin relation of the first degree.

3. The request for secondary legal aid shall be exempted from court fees and costs.

4. The person, who seeks to benefit secondary legal aid shall sign a self-declaration of fulfilment of the criteria for benefitting as defined in this law, according the self-declaration form sheet approved by the Minister of Justice accompanied with the justifying documentation. The list of documents that shall serve for certification of fulfilment of criteria shall be defined by order of the Minister of Justice.

In the case the request for secondary legal aid is filed by the defendant without sufficient financial means, the proceeding body that commences investigation shall immediately examine whether the criteria stipulated in Article 12 of this law are fulfilled.

2. If the proceeding body that commences investigation values that the criteria are fulfilled, it shall immediately appoint a defence lawyer from the list of advocates for the delivery of secondary legal aid, and shall immediately inform the person to whom secondary legal aid has been granted,

as well as the defence lawyer that has been appointed.

3. The decision for accepting or dismissing the request for secondary legal aid shall be reasoned and shall be communicated to the applicant and the Directorate for Free-of-Charge Legal Aid.

4. The applicant may object against the decision of the proceeding body for dismissing the request for secondary legal aid, with a lawsuit at the criminal court of first instance, competent for examination of the trial on the merits, within 5 days from the receipt of notice on this decision.

5. The court shall examine the case with one judge, in accordance with the rules foreseen in the procedural legislation, within 15 days from registration of the case. Against this decision shall be allowed special appeal at the court of appeal within 5 days from the receipt of notice. The court of appeal shall examine the appeal in consultation chamber within 10 days from the date of receipt of acts.

6. The High Prosecutorial Council shall approve the rules and procedures to be followed by the proceeding body that commences investigation in the appointment on the basis of the principle of rotation of the defence lawyer and his substitution from the list of advocates that offer the services of secondary legal aid in the criminal process.

7. Detailed rules in connection with the guarantee of obligatory defence from the institutions foreseen in this law, according to the provisions of the Criminal Procedure Code shall be approved by the High Prosecutorial Council.

The court examines the request for secondary legal aid in compliance with the provisions of the procedural legislation and as much as possible, with the provisions of this law.

2. The decision in connection with the request for secondary legal aid shall be taken by the competent court:

a) within 5 days from the date of receipt of the request, when the request has been submitted before initiation of the judicial proceeding;

b) during the preliminary actions or in the preparatory session before the scheduling of the judicial session/hearing, when the request for legal aid has been submitted together with the statement of claim;

c) according to the provisions of the procedural legislation and the provisions of this law, when the request has been filed during judicial examination.

3. In cases where the applicant declares the impossibility of securing the documentation, as well as in any other case where the court values that the correction or completion of the request may be cause for delays which affect the essence of the rights of the applicant, the court may order the submission of the necessary documentation from the state administration bodies that possess it. In these cases, the request for secondary legal aid is deemed to be filed at the end of the time limit imposed by the court for presentation of the missing document by the state administration body.

4. The Court, in compliance with the provisions of this law and the provisions of the procedural legislation, after examination of the request, shall decide:

a) acceptance of the request for delivery of secondary legal aid;

b) dismissal of the request for delivery of secondary legal aid.

5. The request for secondary legal aid shall be dismissed only in cases when:

a) the conditions stipulated in Article 11 and 12 of this law are not fulfilled;

b) is evidently abusive or manifestly ill-founded.

6. The decision for the approval and dismissal of the request for secondary legal aid shall be reasoned.

7. Against the decision of the court dismissing the request for secondary legal aid, may be made a special appeal. The appeal of the decision does not hinder the continuation of adjudication of the case.

The appeal shall be made through the template form sheet approved by the Minister of Justice, which is given to the application together with the decision for the dismissal of the request.

8. The court of appeal shall examine the case in consultation chamber and shall take the decision within 15 days from receipt of the acts. Against this decision a recourse is not permitted.

9. The Directorate for Free-of-Charge Legal Aid may appeal the decision of the court for acceptance of the request for secondary legal aid, when it claims that this request is evidently abusive or manifestly ill-founded. In this case shall be applied the time-limits and the rules for appeal of final decisions in accordance with the provisions of the procedural legislation. Against the decision of the court of appeal is not allowed a recourse to the High Court.

**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?**

( ) Yes

( X ) 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	( ) Yes ( X ) No
in other than criminal cases	( X ) Yes ( ) No

Comments In criminal cases the legal costs are on the defendant or on the state as provided by article 485 of the Criminal Procedure Code: there is no sharing, while concerning the civil and administrative cases, as provided by Civil Procedure Code (art. 106 and 310) the sharing of direct legal costs is given by the judicial decision.

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

Sources: Law on legal aid (<https://euralius.eu/index.php/en/library/albanian-legislation/send/21-legal-aid/232-law-on-legal-aid-en>)

Criminal procedure code (<https://euralius.eu/index.php/en/library/albanian-legislation/send/11-criminal-procedure-code/172-criminal-procedure-code-en>)

**2.2.Court users and victims**

**2.2.1.Rights of the users and victims**

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

	Yes	Internet adresse(es)
legal texts (e.g. codes, laws, regulations, etc.)	( )	( X ) <a href="http://www.qbz.gov.al">www.qbz.gov.al</a>
case-law of the higher court/s	( )	( X ) <a href="http://www.gjykataelarte.gov.al">www.gjykataelarte.gov.al</a>



other documents (e.g. downloadable forms, online registration)	( )	( X ) www.pyetshtetin.al
----------------------------------------------------------------	-----	--------------------------

Please specify what documents and information are included in “other documents”:

**029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

- ( ) Yes, always  
 ( X ) No  
 ( ) Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify: Article 399/2 of the Civil Procedure Code provides for the reasonable timing for completion of an investigation, trial or execution of a decision. However, there is no direct obligation of the court to provide an information to the parties; considering that these timelines have been provided in the law.

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

- ( X ) Yes  
 ( ) No

Comments - If yes, please specify: It is given in the web pages of the courts: www.gjykata.gov.al

**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
<b>Victims of sexual violence/rape</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Victims of terrorism</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Minors (witnesses or victims)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Victims of domestic violence</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Ethnic minorities</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( X ) Yes ( ) No
<b>Disabled persons</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( X ) Yes ( ) No
<b>Juvenile offenders</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: Other specific arrangements mean:

- closed-door trial of juvenile defendants, witnesses or victims, sexually abused victims, victims of trafficking;
- the right of the defendant to use the language spoken or understood or to use sign language, as well as to be assisted by an interpreter and interpreter if he has limited speech and hearing disabilities;

- prohibiting the publication of personal data or photos of juvenile defendants and witnesses;
- physical protection, by order of protection for cases of domestic violence, inclusion in the witness protection program, etc;
- the right to compensation for damages through the civil lawsuit of one who has suffered damages from a criminal offense.

Two very important pieces of legislation of the justice reform were the amendment of the Criminal Procedure Code and the introduction of a new code on criminal justice for minors. Criminal Procedure Code was amended by law no 35/2017 (link of the consolidated text of the code in English <https://euralius.eu/index.php/en/library/albanian-legislation/send/11-criminal-procedure-code/172-criminal-procedure-code-en>) whereas the new code on criminal justice for minors was adopted by law 37/2017 (text of the code in English <https://euralius.eu/index.php/en/library/albanian-legislation/send/109-criminal-code-for-children/120-criminal-code-for-children-en>)

**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 minor benefit from legal aid, be represented by a lawyer, etc.): All procedures are concerned: civil and administrative proceedings the minors can be part only if represented by a parent / legal caretaker, concerning criminal proceedings the minor can be part starting from the age of 14, assisted by a parent / legal caretaker and the obligated presence of the psychologist.

**032. Does your country allocate compensation for victims of offences?**

Yes, please specify for which kind of offences: .....

No

Comments

**032-1. Is a court decision necessary in the framework of the compensation procedure?**

Yes

No

Comments Code of Criminal Procedure, art. 58.

**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 victims (protection and assistance)?**

Yes

No

Comments - If yes, please specify: The general provisions of the Criminal Procedural Code (amended by Law 35/2017), Article 9 / a, provide that public authorities must ensure that victims of criminal offenses are treated with respect for their human dignity and protected

from re-impairment, while exercising the rights provided by this Code. Among the primary rights of the victim of the criminal offense listed in paragraph 1 of Article 58 of the Criminal Procedural Code is also the right to information which is one of his / her fundamental rights, which enables him / her to have access to the criminal proceedings. This right of the victim is related to the prosecutor's obligation to make available the information required, except when the principle of investigative confidentiality is violated. This right is further detailed in Article 279 / a, paragraph 1 of the Code of Criminal Procedure. The right to request evidence, and submit other requirements before proceeding body, aims to ensure its access to criminal proceedings and is related to the right to obtain information at any time. The victim of the criminal offense has the right to be informed of the arrest of the person suspected of committing the criminal offense and his release. The victim of the offense has the right to information on the progress of the investigation and trial. This right is also reflected in other provisions of the Code of Criminal Procedure, in which the legislator has specified the obligation of the relevant proceeding authority to notify the victim of the commencement, continuation and termination of criminal proceedings. Thus, in Article 291, paragraph 2 the Law provides for the obligation of the prosecutor to immediately inform the victim of his or her decision not to initiate proceedings. Article 326, paragraph 3 provides for the obligation to notify the victim or the perpetrator of the decision to suspend the investigation. Likewise, in section 328, paragraph 2, the legislator has provided for the prosecutor to notify within 5 days to the victim of the offense his or her decision to dismiss the indictment or case when the victim is prosecuted for a violation. These decisions are appealable in court.

For the juvenile victim and the victim of trafficking, the Criminal Procedural Code, in addition to the rights listed in Article 58, has provided for additional guarantees provided for in Articles 58 / a and 58 / b. On the other hand, the Juvenile Justice Code has provided guarantees for the juvenile victim or witness. Article 38 provides that if the minor is a victim or a witness, the proceeding authority shall take all measures with a view to informing the minor directly or through his / her legal / procedural representative and in such a way that the information is appropriate and understandable to include even cases of juvenile disability. In accordance with and pursuant to the legal provisions, the General Prosecutor on 25.10.2018 approved the General Guidance No.5 / 2018. This Guidance details the role of the prosecutor in providing conditions for the effective exercise of the rights of victims, the disclosure of the explanatory information by the prosecutor, the judicial police officer and / or the victim's coordinator related to the rights the Law guarantees as well as the forms of notification. Here we emphasize the proactive role we have taken in delivering the letter of the victim's rights.

**036. Do victims of offences have the right to dispute a public prosecutor’s decision to discontinue a case? Please verify the consistency of your answer with that of the 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.)**

Yes

No

NAP

Comments - If necessary, please specify: The victim or his/her heirs have the right to appeal to the court against the decision not to commence proceeding. This right is also sanctioned in Article 58 letters “e” and “f” of the Criminal Procedural Code. This legal provision is in line with international standards. The time limit for appealing to the court against the decision not to initiate criminal proceedings is within 10 days since the day of the notification of the decision.

**037. Is there a system for compensating users in the following circumstances:**

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	<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
<b>Excessive length of proceedings</b>	<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

<b>Non-execution of court decisions</b>	<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
<b>Wrongful arrest</b>	<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
<b>Wrongful conviction</b>	<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
<b>Other</b>	<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 - 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):

## 2.2.2 Confidence and satisfaction of citizens with their justice system

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

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: There is no systemic measurement of satisfaction. There are cases when such surveys have been conducted by external subjects (NGOs or other). Justice reform laws have

also introduced the possibility to conduct these surveys, but so far, they have been conducted on an ad hoc basis and only from international organisations and international or national NGOs.

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

Yes

No

Comments

**041. If yes, please specify certain aspects of this procedure:**

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
<b>Court concerned</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Higher court</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Ministry of Justice</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>High Judicial Council</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other external bodies (e.g. Ombudsman)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments Please note that the civil procedure code was amended in 2017 and a special chapter on JUDGEMENT ON REQUESTS FOR ASCERTAINING VIOLATIONS OF REASONABLE TIME, EXPEDITION OF PROCEEDINGS AND COMPENSATION FOR DAMAGE was introduced. In any case, there always was the possibility to file a petition to all these institutions but the petition would have no legal effects. With the new legislation, the higher court takes a binding decision providing for due compensation to the person, who has suffered a pecuniary or non-pecuniary damage due to the unreasonable length of a case.

**041-1. If yes, please specify certain aspects of this procedure:**

	Number of complaints	Compensation amount granted
<b>Court concerned</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Higher court</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Ministry of Justice</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>High Judicial Council</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other external bodies (e.g. Ombudsman)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

### 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 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	7 <input type="checkbox"/> NA <input type="checkbox"/> 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 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments 22 first instance general jurisdiction courts + 6 first instance administrative courts + 1 first instance serious crimes court + 6 general jurisdiction appeals court + 1 administrative appeals court + 1 serious crimes appeals court + 1 High Court

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 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Labour courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Family courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Rent and tenancies courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Enforcement of criminal sanctions courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Fight against terrorism, organised crime and corruption	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Internet related disputes</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Administrative courts</b>	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insurance and / or social welfare courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Military courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other specialised 1st instance courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If “other specialised 1st instance courts”, please specify:

**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]?**

Yes

No

Comments - Please specify: HJC, in cooperation with other stakeholders, is considering the revision of the judicial map.

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

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

Comments All the claims are adjudicated by general jurisdiction courts.

**045-1. Is your definition for small claims the same as the one in the Explanatory note?**

Yes

No

Comments - If not, please give your definition for small claims:

**045-2. Please indicate the value in € of a small claim:**

[ 1 107 ]

Comments Lawsuits up to 150 000 ALL, arising from contractual relationships shall be adjudicated by the court in a summary trial. Examination of the case in a summary trial before the court shall occur in writing. The court may conduct a verbal judicial hearing, if deemed necessary.

In case the value of the claim is less than 150.000 ALL and the value of the counter-suit exceeds 150,000 ALL, the proceedings will be conducted according to general provisions of usual adjudication.

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

Sources: Law on organisation and functioning of the judicial power and decree of the President on judicial districts

## 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
<b>Total number of professional judges (1 + 2 + 3)</b>	346 [ ] NA [ ] NAP	181 [ ] NA [ ] NAP	165 [ ] NA [ ] NAP
<b>1. Number of first instance professional judges</b>	249 [ ] NA [ ] NAP	122 [ ] NA [ ] NAP	127 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) professional judges</b>	89 [ ] NA [ ] NAP	52 [ ] NA [ ] NAP	37 [ ] NA [ ] NAP
<b>3. Number of Supreme Court professional judges</b>	8 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP

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

047. Number of court presidents (professional judges).

	Total	Males	Females
<b>Total number of court presidents (1 + 2 + 3)</b>	38 [ ] NA [ ] NAP	26 [ ] NA [ ] NAP	12 [ ] NA [ ] NAP
<b>1. Number of first instance court presidents</b>	28 [ ] NA [ ] NAP	18 [ ] NA [ ] NAP	10 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	9 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP



<b>3. Number of Supreme Court presidents</b>	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
<b>Gross figure</b>	[ ] NA [ X ] NAP
<b>In full-time equivalent</b>	[ ] NA [ X ] NAP

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

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

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

Comments

**049. 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 or “juges consulaires”, but not arbitrators or persons sitting in a jury):**

	Figure
<b>Gross figure</b>	[ ] NA [ X ] NAP
<b>In full time equivalent</b>	[ ] NA [ X ] NAP

Comments

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

	Yes	No	Echevinage
<b>criminal cases (severe)</b>	( )	( )	( )
<b>criminal cases (misdemeanour and/or minor)</b>	( )	( )	( )

family law cases	( )	( )	( )
labour law cases	( )	( )	( )
social law cases	( )	( )	( )
commercial law cases	( )	( )	( )
insolvency cases	( )	( )	( )
other civil cases	( )	( )	( )

NAP

Comments - If "other", please specify:

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

Yes

No

Comments

**050-1. If yes, for which type of case(s)?**

Criminal cases

Other than criminal 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 (if possible 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)	887 <input type="checkbox"/> NA <input type="checkbox"/> NAP	264 <input type="checkbox"/> NA <input type="checkbox"/> NAP	603 <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 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. 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)	466 [ ] NA [ ] NAP	29 [ ] NA [ ] NAP	437 [ ] NA [ ] 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)	203 [ ] NA [ ] NAP	102 [ ] NA [ ] NAP	101 [ ] NA [ ] NAP
4. Technical staff	218 [ ] NA [ ] NAP	153 [ ] NA [ ] NAP	65 [ ] NA [ ] NAP
5. Other non-judge staff	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If "other non-judge staff", please specify: With the adoption of the new constitutional amendments and the new package of laws (around 22 law were either amended or new laws were approved), there was also an increase on the number of human and financial resources allocated to the judiciary.

**052-1. Number of non-judge staff by instance (if possible 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
<b>Total non-judge staff working in courts (1+2+3)</b>	887 [ ] NA [ ] NAP	247 [ ] NA [ ] NAP	640 [ ] NA [ ] NAP
<b>1. Total non-judge staff working in courts at first instance level</b>	636 [ ] NA [ ] NAP	178 [ ] NA [ ] NAP	458 [ ] NA [ ] NAP
<b>2. Total non-judge staff working in courts at second instance (court of appeal) level</b>	182 [ ] NA [ ] NAP	39 [ ] NA [ ] NAP	143 [ ] NA [ ] NAP
<b>3. Total non-judge staff working in courts at Supreme Court level</b>	69 [ ] NA [ ] NAP	30 [ ] NA [ ] NAP	39 [ ] NA [ ] NAP

Comments

**053. 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
- NAP

Comments - Please briefly describe their status and duties:

**054. Have the courts outsourced certain services under their responsibilities to external providers?**

- Yes
- No

Comments

**054-1. 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: HJC Human Resources department

**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
<b>Total number of prosecutors (1 + 2 + 3)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of prosecutors at first instance level</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>3. Number of prosecutors at Supreme Court level</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
--------------------------------------------------------	-------------------------------------------------------------	-------------------------------------------------------------	-------------------------------------------------------------

Please indicate any useful comment for interpreting the data above: Please note that due to the justice reform, on December 2018 the High Prosecutorial Council was established. Prior to the establishment of the Council, the General Prosecution Office was in charge of administering the prosecution service in Albania. After the establishment, both institutions are in charge. Due to these institutional changes, focal points were reestablished and therefore data for 2018 was unable to be reported.

**056. Number of heads of prosecution offices.**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Number of heads of prosecution offices at Supreme Court level</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Please provide any useful comment for interpreting the data above: Please note that due to the justice reform, on December 2018 the High Prosecutorial Council was established. Prior to the establishment of the Council, the General Prosecution Office was in charge of administering the prosecution service in Albania. After the establishment, both institutions are in charge. Due to these institutional changes, focal points were reestablished and therefore data for 2018 was unable to be reported.

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

Yes

No

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

**057-1. Please specify their number (in full-time equivalent):**

[            ]  
 NA

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

Yes

No

NAP

Comments

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

( X ) Yes

( ) No

Comments

**060. Number of staff (non-public prosecutors) attached to the public prosecution services (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
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	[ X ] NA	[ X ] NA	[ X ] NA

Comments Please note that due to the justice reform, on December 2018 the High Prosecutorial Council was established. Prior to the establishment of the Council, the General Prosecution Office was in charge of administering the prosecution service in Albania. After the establishment, both institutions are in charge. Due to these institutional changes, focal points were reestablished and therefore data for 2018 was unable to be reported.

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

Sources: Human resources in GPO

### 3.4. Gender equality

#### 3.4.1 Specific provisions for facilitating gender equality

**061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :**

	Yes, please specify	No
<b>judges</b>	( )	( X )
<b>prosecutors</b>	( )	( X )
<b>non-judge staff</b>	( )	( X )
<b>lawyers</b>	( )	( X )
<b>notaries</b>	( )	( X )
<b>enforcement agents</b>	( )	( X )

[ ] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

**061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :**

	Yes, please specify	No
judges	( )	( X )
prosecutors	( )	( X )
non-judge staff	( )	( X )
lawyers	( )	( X )
notaries	( )	( X )
enforcement agents	( )	( X )

[ ] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

### 3.4.2 At national level

**061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:**

	Yes	No
judges	( X )	( )
prosecutors	( X )	( )
non-judge staff	( X )	( )
lawyers	( )	( X )
notaries	( )	( X )
enforcement agents	( )	( X )

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? [http://www.instat.gov.al/media/6413/burra-dhe-gra\\_2019.pdf](http://www.instat.gov.al/media/6413/burra-dhe-gra_2019.pdf)

**061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?**

( ) Yes

( X ) No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us?

**061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:**

	Yes, please specify	No
the recruitment of judges	( X )	( )
the promotion of judges	( X )	( )
the recruitment of prosecutors	( X )	( )
the promotion of prosecutors	( X )	( )
the recruitment of non-judge staff	( X )	( )
the promotion of non-judge staff	( X )	( )

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments At national level, there is an independent institution dealing with gender equality issues which is the Commissioner against Discrimination.

**061-6-1. Please specify the text which set up this person/institution :**

(title, date, nature of the text) The Commissioner against Discrimination is a special mandate institution who provides effective protection against discrimination and any form of behaviour that promotes discrimination, including recruitment and promotion of prosecutors in the justice system.  
Law No.10 221, dated 4.2.2010 “on the protection from discrimination”

[ ] NAP

**061-6-2. Please specify the status of this person/institution:**

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) The Commissioner against Discrimination is an independent institution which reports to the Assembly.

[ ] NAP

**061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:**

(e.g. block a decision or allow an appeal) In case of discrimination, the Commissioner against Discrimination takes a decision, containing the necessary adjustments and measures, setting a deadline for their implementation from the responsible public institution. If the Commissioner orders adjustments or measures, the person/institution against whom the complaint is filed reports within 30 days to the Commissioner about the actions taken to enforce the decision. If the person/institution against whom the complaint is filed does



not inform the Commissioner or fails to comply with the decision, the Commissioner may impose a fine on the person/institution against whom the complaint is filed.

[ ] NAP

### 3.4.3 At court/public prosecution services level

**061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:**

	Yes	No
in courts (judges)	( )	( X )
in public prosecution services (prosecutors)	( )	( X )
for courts' non-judge staff	( )	( X )

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments.

**061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:**

	Yes	No
Assignment in different positions	( )	( X )
Workload distribution	( )	( X )
Working hours	( )	( X )
Modalities of teleworking and presence in the work space	( )	( X )
Replacement of absent persons	( )	( X )
Organisation of the hearings	( )	( X )
Other	( )	( X )

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

**061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country,**

**which:**

have been already implemented (please specify) :

are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

**061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:**

recruitment procedures (please specify):

promotion procedures and access to the functions of responsibility (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

**061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:**

	Yes, please specify	No
<b>judges and court staff are more chosen among males or females according to the type of cases</b>	( )	( X )

the composition of hearings with several judges is always mixed	( )	( X )
statistics exist concerning males and females who initiate a case/victims, accused persons, etc.	( )	( X )

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments.

### 3.5 Use of information technologies in courts

#### 3.5.1 General policies in Information Technology in judicial systems

##### 062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input checked="" type="checkbox"/> defined and coordinated at national level by one institution <input type="checkbox"/> defined and coordinated at national level by several institutions <input type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other
IT Governance	<input checked="" type="checkbox"/> governed on national level by one institution <input type="checkbox"/> governed on national level by several institutions <input type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other

Comments

##### 065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented): based on the law, a new IT Governance Center should be established with representatives from the Councils and other relevant stakeholders of the judiciary. However, so far, it has yet to be established.

##### 065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

Implementing new projects	Management of applications
---------------------------	----------------------------

Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Non
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non

Comments - please also describe in case of “other alternatives”

**065-3. Is there a device of detection and promotion of innovations regarding IT coming from personal and/or local/court level initiatives?**

Yes

No

Comments (please specify projects that have experienced national developments)

**065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?**

Yes

No

**065-4-1. If yes, have you measured the impact on (multiple answers possible):**

- Business processes
- Workload
- Human resources
- Costs
- Other, please specify .....

Comments (please specify examples of the impact)

**3.5.2 Security of courts information system and personal data protection**

**065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?**

Yes

No

Comments (please specify in particular if national frameworks of information security exist):

**065-6. Is the protection of personal data managed by courts ensured at legislative level?**

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) In March 2018, the Assembly of the Republic of Albania adopted the Law No. 9887 “On the protection of personal data”, which established an independent institution responsible for guaranteeing the constitutional right for the protection of personal data: Data Protection Commissioner’s Office. Publicly available information provided by courts is anonymised.

### 3.5.3 Centralised databases for decision support

#### 062-4. Is there a centralised national database of court decisions (case-law, etc.)?

Yes

Non

Comments

#### 062-4-1. If yes, please specify the following information:

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
<b>Civil and/or commercial</b>	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Criminal</b>	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Administrative</b>	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - if it exists in other matters please specify the website is [www.gjykata.gov.al](http://www.gjykata.gov.al); however decisions of the High Court are published in the website of the High Court [www.gjykataelarte.gov.al](http://www.gjykataelarte.gov.al)

Furthermore, Tirana District Court and Tirana Appeals Court also have their dedicated websites where data are anonymised. This happens because there are currently two systems in use in Albania; ICMIS, which is used by the majority of the Courts and ARKIT which is used only in Tirana District Court and Former Serious Crimes Court.

#### 062-6. Is there a computerised national record centralising all criminal convictions?

Yes

No

Comments

**062-6-1. If yes, please specify the following information:**

- Linkage with other European records of the same nature
- Content directly available through computerised means for judges and/or prosecutors
- Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access The General Directorate of Prisons has a computerized national record centralizing all criminal convictions

**3.5.4 Writing assistance tools**

**062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)**

- Yes
- No

Comment – if it exists in other matters please specify

**062-7-1. If yes, please specify the following information:**

	Availability rate
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA

**062-8. Are there voice recording tools?**

- Yes
- No

Comments

**062-8-1. If yes, please specify:**

Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature

<b>Civil and/or commercial</b>	( X ) in all courts ( ) in most of the courts ( ) in some courts / some pilot phases ( ) not available for this matter [ ] NA	( X ) in all courts ( ) in most of the courts ( ) in some courts / some pilot phases ( ) not available for this matter [ ] NA	( ) Yes ( ) Pilot testing ( X ) No [ ] NA
<b>Criminal</b>	( X ) in all courts ( ) in most of the courts ( ) in some courts / some pilot phases ( ) not available for this matter [ ] NA	( X ) in all courts ( ) in most of the courts ( ) in some courts / some pilot phases ( ) not available for this matter [ ] NA	( ) Yes ( ) Pilot testing ( X ) No [ ] NA
<b>Administrative</b>	( X ) in all courts ( ) in most of the courts ( ) in some courts / some pilot phases ( ) not available for this matter [ ] NA	( X ) in all courts ( ) in most of the courts ( ) in some courts / some pilot phases ( ) not available for this matter [ ] NA	( ) Yes ( ) Pilot testing ( X ) No [ ] NA

**062-9. Is there an intranet site within the judicial system for distribution of news/novelities?**

**Availability rate:**

- ( ) 100% - accessible to everyone in judiciary
- ( ) 50-99% - accessible for most judges/prosecutors in all instances
- ( ) 10-49% - in some courts only
- ( ) 1-9% - in one court only
- ( ) 0% (NAP) - No access

[ X ] NA

Comments

**3.5.5 Technologies used for administration of the courts and case management**

**063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)**

- ( X ) Yes
- ( ) No

Comments - if it exists in other matters please specify Status of cases online: all the cases can be accessed at [www.gjykatat.gov.al](http://www.gjykatat.gov.al); however, not all the time the data is available online, depending on the court/judge and the use of the system.

**063-1-1. If yes, please specify the following information:**

	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input checked="" type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input checked="" type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input checked="" type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

### 063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
<b>Land registry</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<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



<b>Business registry</b>	<input type="checkbox"/> 100%	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input type="checkbox"/> 50-99%	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> 10-49%			
	<input type="checkbox"/> 1-9%			
	<input checked="" type="checkbox"/> 0% (NAP)			
	<input type="checkbox"/> NA			

Comment – if it exists in other matters please specify

### 063-6. Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
<b>Budgetary and financial management of courts</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Justice expenses management</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other (please specify in comments)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

### 063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments The workload is measurable based on the data held in the prosecution manual records. Every year, there is a report on the workload of the prosecution offices where the average workload per prosecutor is evaluated. CAMS (which is the electronic case management system in the Prosecution Offices) does not currently allow an analysis of the workload.

#### 063-7-1. If yes, please specify the following information:

Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
-----------------------	--------------------------------------------	-----------------------------------------------	----------------------------

<b>For judges</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For prosecutors</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For non-judge/non-prosecutor staff</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

### 3.5.6 Technologies used for communication between courts, professionals and/or court users

#### users

**064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)**

Yes

No

Comments

**064-2-1. If yes, please specify the following information:**

	<b>Availability rate</b>	<b>Simultaneous submission of cases in paper form remains mandatory</b>	<b>Specific legislative framework authorising the submission of a case</b>	<b>An integrated/connect ed tool with the CMS</b>
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
-----------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------

Comments - if it exist in other matters please specify

**064-3. Is it possible to request legal aid by electronic means?**

Yes

No

Comments

**064-3-1. If yes, please specify the following information:**

	<b>Requesting legal aid electronically</b>
<b>Availability rate</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
<b>Formalisation of the request in paper form remains mandatory</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Specific legislative framework regarding requests for legal aid by electronic means</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Granting legal aid is also electronic</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Information available in CMS</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

**064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)**

Yes

No

Comments

**064-4-1. If yes, please specify the following information:**

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
<b>Civil and/or commercial</b>	[ ]	[ X ]	[ X ]	[ ] SMS [ X ] E-mail [ ] Specific computer application [ ] Other	[ X ]
<b>Criminal</b>	[ ]	[ X ]	[ X ]	[ ] SMS [ X ] E-mail [ ] Specific computer application [ ] Other	[ X ]
<b>Administrative</b>	[ ]	[ X ]	[ X ]	[ ] SMS [ X ] E-mail [ ] Specific computer application [ ] Other	[ X ]

Comments Electronic communication between lawyers and court for notification purposes was introduced in 2017

**064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)**

**Communication between court and lawyers representing parties**

- ( ) Yes
- ( X ) No

**Communication between court and parties not represented by lawyer**

- ( ) Yes
- ( X ) No

Comments

**064-6-1. If yes, please specify the following information:**

Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework

<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments No statistical data is available.

**064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)**

	<b>Tool deployment rate</b>	<b>Modalities (if there are different according to the deeds or if other, please specify in a comment)</b>	<b>Specific legal framework</b>
<b>Enforcement agents (as defined in Q169 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

<b>Notaries (as defined in Q192 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
<b>Experts (as defined in Q202 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
<b>Judicial police services</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments

**064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)**

Yes

No

Comments – Please describe the system that exists.

**064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)**

Yes

No

Comments

**064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):**

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No

<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments This is not offered by the internal e-systems. Only the court of serious crimes uses video-conference tools for specific cases.

**064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))**

Yes

No

Comments

**064-11-1. If yes, please specify the following information:**

	Tool deployment rate	Type of recording	Specific legislative framework
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

**064-12. Is electronic evidence admissible?**

<b>Admissibility of electronic evidence</b>	<b>Legislative framework</b>
---------------------------------------------	------------------------------

<b>Civil and/or commercial</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
<b>Criminal</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
<b>Administrative</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only

Comments

### 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 at national level (are there quality systems for the judiciary and/or judicial quality policies)?**

Yes

No

Comments - If yes, please specify:

**067. Do you have specialised personnel entrusted with implementation of these national level quality standards?**

	Yes / No
<b>within the courts</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>within the public prosecution services</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

#### 3.6.2. Performance and quality objectives at court level/public prosecution services

**077. Concerning court activities, have you defined performance and quality indicators?**

Yes

No

Comments

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

number of incoming cases

length of proceedings (timeframes)



- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify): .....

Comments Article 89 of the new law on governance institutions (adopted in the end of 2016) provides that: The High Judicial Council shall ensure the organisation and functioning of services, which are related to the judicial administration, by exercising the following powers: a) design and follow up implementation of policies for judicial administration; b) monitor and manage the case-load of judges and courts, the duration of proceedings and other aspects of judicial administration, based on data gathered through the case management system, in order to improve the productivity of courts, or decrease the caseload of judges and the workload of judicial civil servants; c) adopt standard internal rules of the court.

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

**077-1. Concerning public prosecution activities, have you defined performance and quality indicators?**

- Yes
- No

Comments

**078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate

disposition time

percentage of convictions and acquittals

other (please specify): .....

Comments Yes, there are quality standards determined for the judicial system at national level approved by the Law "On the status of judges and prosecutors", as amended, who are related to the assessment process of the prosecutors. The assessment is conducted according to the criteria of: a) professional skills; b) organizational skills; c) ethics and commitment to professional values and personal skills and; c) professional commitment of the prosecutor.

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

**073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?**

Yes

No

Comments

**073-0. 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 resources within this court?**

Yes

No

Comments

**073-2. If yes, which courses of action are taken?**

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment)

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify): .....

Comments

**073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?**

Yes

No

Comments

**073-4. If yes, please specify the frequency:**

- Annual
- Less frequent
- More frequent

Comments - If "less frequent" or "more frequent", please specify: According to the Law “On the status of judges and prosecutors”, as amended, the assessment process of the prosecutors is periodic. The prosecutor is evaluated once every three years during the first fifteen years of professional experience and once every five years, after the first 15 years of professional experience. The head of the Prosecution office is evaluated at least once during his term of office. Whereas, the prosecutor acting as a member of the High Prosecutorial Council are assessed in accordance with the detailed rules adopted by the Council.

**073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?**

- Yes
- No

Comments

**073-6. If yes, which courses of action are taken?**

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment))
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify): .....

Comments

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

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify): .....

Comments Please note that in 2017 the new laws of the justice entered into force which gave the overall authority to the Councils and the MoJ has only policy making competences. Therefore MoJ is not involved in the performance of courts.

**079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :**

- Public prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body

Other (please specify): .....

Comments

### **3.6.3. Measuring courts' / public prosecution services activity**

#### **070. Do you regularly monitor court activities (performance and quality) concerning:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify): .....

Comments

#### **070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify): .....

Comments

**071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:**

- civil law cases
- criminal law cases
- administrative law cases

Comments

**072. Do you monitor waiting time during judicial proceedings?**

	Yes (If yes, please specify)	No
<b>within the courts</b>	( )	( X )
<b>within the public prosecution services</b>	( X )	( )

Comments In the context of the administrative direction of the prosecution office, the head of office monitors the deadlines to ensure the efficiency and legitimacy of the activity of the prosecution office he leads.

In procedural terms, extensions of deadlines are approved by the court.

Whereas, according to Law 96/2016, repeated delays or causing serious consequences or unjustified delay in actions and / or procedural acts are considered disciplinary violations in accordance with the exercise of the function.

**3.6.4. Information regarding courts /public prosecution services activity**

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

- Yes (please indicate the name and the address of this institution):Ministry of Justice
- No

Comments

**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://drejtesia.gov.al/wp-content/uploads/2019/07/Vjetari-Statistikor-2018-PDF.pdf>

**080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?**

- Yes (please indicate the name and the address of this institution): .....
- No

Comments General Prosecution Office, Rr. Qemal Stafa nr.1,Tirane. [www.pp.gov.al](http://www.pp.gov.al)

**080-3. Does this institution publish statistics on the functioning of each public prosecution service?**

- Yes, on internet

No, only internally (in an intranet website)

No

Comments

**081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases 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):

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

Internet

Intranet (internal) website

Paper distribution

Comments Each court produces annual reports

**081-2. If yes, please, indicate the periodicity at which the report is released:**

Annual

Less frequent

More frequent

Comments

**081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors 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): Pursuant to Article 148/b of the Constitution of the republic of Albania, the General Prosecutor reports to the Assembly for the state of criminality. In line with Article 104 of Law 97/2016 "On the Organising and Functioning of the Prosecution Office in the Republic of Albania", reporting must be carried out at least once a year and it contains data and explanations on the number, types, territorial extension, intensity and forms of crime. The decision no.134/2018 of the Assembly of the Republic of Albania, in addition to above, provides that the annual report must contain data regarding even to the institution inner organizing, including the structure and the organigram; data on income and expenses, legal references, implementing the international obligations.

Also, any prosecution office, based on Article 50 of law 97/2016, prepares within the month of February the annual report on the work performance in the relevant prosecution office and submits it to the General Prosecutor. The report is published on the General Prosecutor's Office website.

**081-4. If yes, please specify in which form this report is released:**

Internet

Intranet (internal) website

Comments

**081-5. If yes, please, indicate the periodicity at which the report is released:**

- Annual
- Less frequent
- More frequent

Comments

**3.6.5 Courts administration**

**082. Is there a process or structure of dialogue between the public prosecution services and courts regarding 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: According to Article 170, of the Law “On the governance institutions of the justice system”, as amended, the High Judicial Council and the High Prosecutorial Council shall, at least once a year, organize joint meetings for the exchange of experience, for the unification of the interpretation and application of laws, in relation to the exercise of their functions and organization, and of the general matters relating to the functioning of the justice system. The High Prosecutorial Council may send representatives to meetings of the High Judicial Council on matters of common interest and vice versa. The High Judicial Council collaborates with the High Prosecutorial Council on the unification of interpretation and law enforcement, of work practice and the exchange of experience on matters of magistrate status.

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

- Yes
- No

Comments - If yes, please specify: According to Article 170, of the Law “On the governance institutions of the justice system”, as amended, the High Judicial Council and the High Prosecutorial Council shall, at least once a year, organize joint meetings for the exchange of experience, for the unification of the interpretation and application of laws, in relation to the exercise of their functions and organization, and of the general matters relating to the functioning of the justice system. The High Prosecutorial Council may send representatives to meetings of the High Judicial Council on matters of common interest and vice versa. The High Judicial Council collaborates with the High Prosecutorial Council on the unification of interpretation and law enforcement, of work practice and the exchange of experience on matters of magistrate status.

**3.6.6 Performance and evaluation of judges and public prosecutors**

**083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?**

- Yes
- No

Comments

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

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)
- President of the court
- Other (please specify): .....

Comments

**114. Is there a system of qualitative individual assessment of the judges' work?**

- Yes
- No

Comments

**114-1. If yes, please specify the frequency of this assessment:**

- Annual
- Less frequent
- More frequent

**083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?**

- Yes
- No

Comments

**083-3. Who is responsible for setting the individual targets for each public prosecutor**

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public prosecutorial Council
- Head of the organisational unit or hierarchical superior public prosecutor
- Other (please specify): .....

Comments

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

- Yes
- No

Comments

**120-1. If yes, please specify the frequency of this assessment:**

- Annual



Less frequent

More frequent

Comments

#### **C4. Please indicate the sources for answering the questions in this chapter:**

Sources: law on status of judges and prosecutors

### **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 is represented by a lawyer)?**

[            ]

NA

NAP

Comments - Please add methodology for calculation used.

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

Yes

No

Comments - Please could you briefly specify:

**085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):**

[            ]

NA

Comments In cases where the resignation of a judge is mandatory, each of the parties may request the exempt of the judge.

The request, signed by the respective party or its representative, must be deposited with the court secretariat when the announcement of the judge or judges that shall examine the case is made public, or if not, immediately after the announcement of the judge or judges that shall try the case.

Later submission of the request is permitted only in the instance that the party has received information on the grounds of dismissal, or if the judge has inappropriately expressed biased opinion of the facts and circumstances pertaining to the trial during the execution of his duties, although no later than three days from receipt of information.

The request must contain the grounds of dismissal, documents and other available evidence.

The request for the dismissal of a judge is examined in consultation chamber in a session by another judge of the same court. The appeal against the decision to accept or reject the request for dismissal is allowed together with the final decision.

The request for dismissing a judge of the appeals court is decided by a panel of three judges of the same court, different from the panel to

which the judge belongs. The decision is of a final form.

The request for dismissing a judge of the High Court is decided by a panel of three judges of the same court, different from the panel to which the judge belongs. The decision is of a final form.

Requests to dismiss judges assigned to decide on the dismissal are not accepted.

The judge, whose recusal has been requested, shall be entitled to submit his opinion in writing in connection with this request.

In these cases, the adjudication shall not be suspended, but the judge cannot give or take part in the giving of the decision, until the issuance of the decision to declare inadmissible or to reject the request for recusal.

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

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations): The final judgments of the European Court of Human Rights (herein after ECtHR), in every case where Albania is a party are binding and are enforced following the procedures provided by the Law Nr. 10018 "On the State Advocature", Chapter V/I "On the execution of Judgments and Decisions of the European Court of Human Rights".

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

Upon receiving notice on the final judgment, the State Advocate, within 10 working days, forwards the judgment for translation and certification to the Ministry of Justice. A copy of the original judgment and a translated and certified copy by the Ministry of Justice are sent to the Constitutional Court, High Court and other institutions, for the effect of a unified application of the judicial practice. By informing the aforementioned institutions, the ECtHR's decision, reasoning and found violations become known with a view to unifying practices and preventing similar cases in the future.

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

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

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

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

### **086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?**

Yes

No

NAP

Comments Legal basis:

-Criminal Procedure Code - Article 450 "Revision cases...d) if the ground for the revision of the final decision results from a European

Court of Human Rights judgment making the re-adjudication of the case indispensable. The request shall be filed within 6 months from the notification of that decision...

-Civil Procedure Code – Article 494 “Request for reconsideration and cases of reconsideration... e) where the European Court of Human Rights finds a violation of European convention “On protection of fundamental human rights and freedoms” and its protocols, ratified by the Republic of Albania”

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

Sources: For answer 85, the source is the Civil Procedural Code

## 4.2. Timeframe of proceedings

### 4.2.1. General information

#### 087. Are there specific procedures for urgent matters regarding:

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure for urgent matters

Comments - If yes, please specify: I.e. in criminal cases urgent matters are considered those related to arrests (max. of 48 hours) or surveillance. In regard to civil cases, urgent are considered those related to domestic violence.

#### 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: Disputes which relate to minor values (civil and administrative) of less than 1200 euro, only in contractual disputes. In criminal cases a simplified procedure is applied in case of minor contraventions. On criminal cases: When the defendant is accused for committing a misdemeanour, the prosecutor, within three months from the registration of the name of the person to whom the criminal offence is attributed, shall issue a reasoned penalty order determining the punishment and request its approval by the court, if he deems that a prison sentence shall not apply.

In the penalty order, the prosecutor shall determine a fine as main punishment. As the case may be, he may also impose one or more supplementary punishments. Depending on the economic status of the defendant, the prosecutor may order that the fine shall be paid in instalments, by determining the time limits to pay them. At the end of the investigations, the request for approval of the penalty order shall be deposited with the secretary office of the court, together with the acts of the preliminary investigation file. The request for approval of the penalty order shall be notified to the

defendant. The court may not change the punishments established in the penalty order by the prosecutor, but by assessing the circumstances of the economic status of the defendant, in the stage of execution, upon request of the sentenced person, it may apply the provisions of article 34 paragraph 8 and following of the Criminal Code.

The punishment imposed shall not be entered in the criminal record certificate unless the sentenced person is a recidivist.

#### 088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify: Judges may deliver a written order without the reasoning, unless it is explicitly requested by parties.

### 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:

## 4.2.2. Case flow management – first instance



### 091. 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	16 111 [ ] NA [ ] NAP	71 153 [ ] NA [ ] NAP	70 496 [ ] NA [ ] NAP	16 768 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	7 772 [ ] NA [ ] NAP	17 868 [ ] NA [ ] NAP	17 434 [ ] NA [ ] NAP	8 206 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	4 343 [ ] NA [ ] NAP	36 167 [ ] NA [ ] NAP	36 122 [ ] NA [ ] NAP	4 388 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>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)</b>	1 053 [ ] NA [ ] NAP	23 648 [ ] NA [ ] NAP	23 599 [ ] NA [ ] NAP	1 102 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>2.2.2 Non-litigious business registry cases</b>	<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
<b>2.2.3. Other registry cases</b>	<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
<b>2.3. Other non-litigious cases</b>	3 290 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 519 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 523 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 286 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative law cases</b>	3 996 <input type="checkbox"/> NA <input type="checkbox"/> NAP	17 118 <input type="checkbox"/> NA <input type="checkbox"/> NAP	16 940 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 174 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	<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 ongoing justice reform might have affected the discrepancies in the number of cases compared with the 2016 data.

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

- . - TRIALS ON INVALIDATION OF A CHEQUE, BILL OF EXCHANGE AND PAPERS OF THIS KIND
- PROCEDURE FOR ESTABLISHING CUSTODY
- DECLARATION OF DISAPPEARANCE OR DEATH OF A PERSON
- REMOVAL OR LIMITATION OF CAPACITY TO ACT
- COURT CERTIFICATION OF THE FACTS

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

. N/A

**094. First instance courts: number of criminal law cases.**

	<b>Pending cases on 1 Jan. ref. year</b>	<b>Incoming cases</b>	<b>Resolved cases</b>	<b>Pending cases on 31 Dec. ref. year</b>	<b>Pending cases older than 2 years from the date the case came to the first instance court</b>
<b>Total of criminal law cases (1+2+3)</b>	2 710 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 173 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 827 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 056 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	1 604 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 724 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 491 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 837 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>2. Misdemeanour and / or minor criminal cases</b>	1 077 [ ] NA [ ] NAP	7 321 [ ] NA [ ] NAP	7 199 [ ] NA [ ] NAP	1 199 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Other cases</b>	29 [ ] NA [ ] NAP	128 [ ] NA [ ] NAP	137 [ ] NA [ ] NAP	20 [ ] 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". If "Other cases" please specify:

#### 4.2.3. Case flow management – second instance



#### 097. 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	7 129 [ ] NA [ ] NAP	6 828 [ ] NA [ ] NAP	5 704 [ ] NA [ ] NAP	8 253 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>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)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>2.2.3. Other registry cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.3. Other non-litigious cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative law cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other cases" please specify Number of resolved cases decreased due to the vetting process

#### 098. 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
<b>Total of criminal law cases (1+2+3)</b>	5 732 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 051 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 529 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 254 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Other cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> 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". If "Other cases", please specify. On the 1st of August 20117 the amendments to the Criminal Procedure Code, as part of the justice reform, entered into force. These amendments, might have contributed to the decreased number of incoming cases to the appellate court.

#### 4.2.4. Case flow management – Supreme Court

#### 099. 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>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)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.3. Other non-litigious cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Administrative law cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If “Other cases”, please specify Under the justice reform, the High Court is now under the auspices of the High Judicial Council. Please note that HCJ was established in December 2018, therefore, due to the structural changes and human resources hiring process, reporting data at this stage for the High Court was unavailable.

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

( ) Yes

( X ) No

Comments



**099-1-1. If yes, please indicate the number of:**

cases received by the Highest court? [            ]

cases closed by this procedure? [            ]

Comments

**100. 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
<b>Total of criminal law cases (1+2+3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Other cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] 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". If "Other cases", please specify Under the justice reform, the High Court is now under the auspices of the High Judicial Council. Please note that HCJ was established in December 2018, therefore, due to the structural changes and human resources hiring process, reporting data at this stage for the High Court was unavailable.

**4.2.5. Case flow management and timeframes – specific cases**

**101. 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
<b>Litigious divorce cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Employment dismissal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Insolvency</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Robbery case</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>Intentional homicide</b>	<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
<b>Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	<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
<b>Cases relating to the right of entry and stay for aliens</b>	<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

**101-1. 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:**

. The Constitution of the Republic of Albania, in its Article 16, paragraph 1, provides that the fundamental rights and freedoms as well as the obligations provided for in the Constitution, for Albanian citizens apply equally to foreigners and stateless persons in the territory of the Republic of Albania, unless the Constitution binds it specifically to the Albanian citizenship.

Also in the Constitution of the Republic of Albania, Article 39, paragraph 3, provides that collective expulsion of foreigners be banned. Foreigners are granted the right to housing in the Republic of Albania by law, guaranteed by Article 40 of the Constitution.

**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.**

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

<b>Intentional homicide</b>	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments

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

. Divorce may be requested also by both spouses when they argue and the court creates the conviction that the divorce is requested on their free will as well as on the need of the dissolution of marriage. Nevertheless, each of the spouses may withdraw the request to sue as long as the decision has not been announced.

The joint request to sue by the spouses must be accompanied by an agreement in writing between them in relation to the leaving of their minor children for upbringing and education, the necessary income for their upbringing and education, the contribution of each of them and, if they shall consider it necessary, the regulation of their reciprocal relationship on wealth. When the court estimates it reasonable, and according to the circumstances presented by the parties, the court may accept also a partial agreement on some of the issues of interest to the spouses.

In the consideration of the lawsuit for divorce the court designates a preparatory session in which the spouses must appear personally. The judge may hear each separately and then jointly, without the presence of their representatives.

When conciliation is reached, minutes are held and the trial is ceased for this cause.

When in this session the plaintiff does not appear although he had due knowledge, the single judge decides the cessation of the trial of the action. When the defendant does not appear, although he had due knowledge, the judge postpones the preparatory session by repeating the notice to the defendant. If also in this session he does not appear without any reasonable cause, the judge after hearing the plaintiff and forming the conviction that the conciliation cannot be reached, designates the court session by ordering the summons of necessary evidence.

The court may postpone the announcement of the decision for up to one year, when it has not created the conviction that any possibility of conciliation of the spouses is excluded

When the woman is pregnant, on her request, the court suspends the trial of the divorce lawsuit until the child reaches the age of one year.

In the divorce lawsuit is requested the obligation of the other spouse to meet the expenses for sustenance and education of children, living expenses for the needy spouse, in the cases provided by the law, as well as the request of gifts and the division of the conjugal wealth, except when it shall make difficult the consideration of the case. In such an event the court separates the divorce lawsuit from the other suits related to it.

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

. N/A



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

- [ X ] to conduct or supervise police investigation
- [ X ] to conduct investigations
- [ X ] when necessary, to request investigation measures from the judge
- [ X ] to charge
- [ X ] to present the case in court
- [ X ] to propose a sentence to the judge
- [ X ] to appeal
- [ X ] to supervise the enforcement procedure
- [ X ] 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
- [ X ] other significant powers (please specify): .....

Comments When proceeding to criminal offense, the prosecutor issues a reasoned criminal warrant setting the main penalty with a fine and one or more additional sentences. The court approves or rejects the criminal warrant.

The prosecutor may reach a plea agreement and a conviction, with the defendant charged with offenses punishable by no more than seven years of imprisonment, The court approves or rejects the agreement by decision.

The prosecutor has the right to decide not to commence in the circumstances provided by Article 290 of the Criminal Procedural Code.

The prosecutor has the right to terminate the case or charge when proceeding to criminal offenses, in the cases provided for in Article 328 of the Code of Criminal Procedure, without submitting the request for dismissal to the court.

### 106. Does the public prosecutor also have a role in:

- [ X ] civil cases
- [ ] administrative cases
- [ ] insolvency cases

Comments - If yes, please specify: In civil procedure:

Deprivation or limitation of the ability to act is done even by a request of the prosecutor.

When the request to establish judicial facts is of public interest and the court finds it justified, the prosecutor may also be summoned.

The request for the declaration of a missing or deceased person may also be filed by the prosecutor in the court where the person for whom the declaration is sought is at the last place of residence.

In marital and family relations:

The right to sue for opposing the marriage or its invalidity With regard to the exercise of parental responsibility, the prosecutor may address the court with a request.

The prosecutor also has the right to oppose the recognition of maternity and paternity, if, from the data that appear in the civil status acts, it results in the untruthfulness of the declared maternity and paternity

To file a lawsuit for the protection of the juvenile property interests in cases provided for in the Code.

To intervene in the adoption process

Submit a request for custody or replacement.

### 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	46 892 <input type="checkbox"/> NA <input type="checkbox"/> NAP	32 459 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	11 790 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?**

	Number of guilty plea procedures
<b>Total</b>	570 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Before the court case</b>	570 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>During the court case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**108. Total number of cases which were discontinued by the public prosecutor.**

	Number of cases
<b>Total number of cases which were discontinued by the public prosecutor (1+2+3+4)</b>	32 459 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Discontinued by the public prosecutor because the offender could not be identified</b>	10 877 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b>	21 577 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Discontinued by the public prosecutor for reasons of opportunity</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Other</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

**109. Do the figures include traffic offence cases?**

Yes

No

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

Sources: Statistic sector of the GPO

**5. Career of judges and public prosecutors**

**5.1. Recruitment and promotion**

**5.1.1. Recruitment and promotion of judges**

**110. 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 The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.

Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision. The admission exam takes place by the end of April of each year and is opened to all applicants included in the list of qualified applicants. The admission exam is divided into three parts: a general admission exam, a professional exam and a psychological evaluation exam. The general admission exam focuses on IQ tests and general knowledge test. The participants need to obtain at least 60% to be qualified for the next stage. The professional exam is a written exam with theoretical and case law questions. The third part of the exam is performed by a team of two medical psychiatrist, two psychologist and one of the professors of the school. The School of Magistrates establishes a ranking list of the applicants in accordance with the exam results and publishes the adopted list by the 15th of May each year, by indicating in the list also the maximum number of candidates admitted to the initial training, in accordance with the decision of the Councils.

**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 School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria. Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision. The admission exam takes place by the end of April of each year and is opened to all applicants included in the list of qualified applicants. The admission exam is divided into three parts: a general admission exam, a professional exam and a psychological evaluation exam. The general admission exam focuses on IQ tests and general knowledge test. The participants need to obtain at least 60% to be qualified for the next stage. The professional exam is a written exam with theoretical and case law questions. The third part of the exam is performed by a team of two medical psychiatrist, two psychologist and one of the professors of the school. The School of Magistrates establishes a ranking list of the applicants in accordance with the exam results and publishes the adopted list by the 15th of May each year, by indicating in the list also the maximum number of candidates admitted to the initial training, in accordance with the decision of the Councils.

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

Yes

No

Comments Please note that in the recruitment of judges the School of Magistrates is also involved. However, in their promotion the only authority in charge is the High Judicial Council.

## 113. What is the procedure for the promotion of judges? (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): As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure. - the Councils reviews the applications and ranks eligible candidates by reference to the following indicators:

- a) firstly, two previous evaluations, taking account of: i) the experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before application shall be an added value;
- ii) in case of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the High Judicial Council;
- b) secondly, if under the evaluation made there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;
- c) thirdly, there are more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The Council decides to promote the candidates ranking highest with the grades attained by this procedure and rules

## 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”):  
As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure. - the Council reviews the applications and ranks eligible candidates by reference to the following indicators:

a) firstly, two previous evaluations, taking account of: i) the experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before application shall be an added value;  
ii) in case of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established

by the High Judicial Council;

b) secondly, if under the evaluation made there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) thirdly, there are more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The Council decides to promote the candidates ranking highest with the grades attained by this procedure and rules.

## **5.1.2. Status, recruitment and promotion of prosecutors**

### **115. What is the status of public 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...). The Prosecution Office exercises criminal prosecution and represents accusation in court on behalf of the state. The Prosecution Office performs other duties defined by law.

The Prosecution Office is an independent body, which shall ensure the coordination and control of its actions as well as respects the internal independence of prosecutors to investigate and prosecute, in accordance with the law.

The prosecution is organized and functions attached to the judiciary system.

The Special Prosecution Office and the Special Investigation Unit for the prosecution and investigation of criminal offences of corruption, organized crime and crimes in accordance with Article 135 paragraph 2 of the Constitution shall be independent from the Prosecutor General. The Special Investigation Unit shall be subordinated to the Special Prosecution Office.

### **115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?**

Yes

No

Comments - If yes, please specify: According to the Constitution and Law “On the status of judges and prosecutors”, as amended, the Prosecutor exercises the functions of investigating and prosecuting independently, assessing the facts and interpreting the law, in



accordance with its internal conviction, free from any direct or indirect influence from any party and for any reason. It should not create inappropriate contacts and should not be influenced by executive or legislative power. The prosecutor must take every measure to be and appear to be outside of any influence from them. The prosecutor shall immediately notify the High Prosecutorial Council and the Chairperson, if he/she identifies any interference or exercise of improper influence over him/her.

According to the Law “On the governance institutions of the justice system”, as amended, High Prosecutorial Council may adopt normative bylaws pursuant to this or other laws with general binding effect on all prosecutors or shall adopt non-binding instructions. Also, according to the Law “On the Organization and Functioning of the Prosecution in the Republic of Albania”, in the exercise of their functions, prosecutors shall carry out actions, make claims and make decisions independently, on the basis of the principles of legality, objectivity and impartiality. Prosecutors shall be subject to the general written instructions of the highest prosecutor in accordance with the provisions of this Law.

Pursuant to Article 48 of Law 97/2016 “On the Organization and Functioning of the Prosecution in the Republic of Albania”, Non-binding instructions on specific issues, it is provided that the Head of the Prosecution Office or the Head of the Section, for the prosecutors appointed in the relevant section, can provide guidelines for specific cases which are not binding. The guidelines related to the specific proceedings can be provided when the prosecutor is appointed the case, or later, when it is assessed as necessary for the proceeding progress. The guidelines must be provided in writing and they must be reasoned. Exceptionally, when the circumstances do not allow, the guidelines can be provided verbally and within a reasonable timeframe, they must be confirmed in writing.

In cases when the prosecutor does not agree or there are ambiguities regarding the provided guidelines, he has the right to require written further explanations related to them. The Head of the Prosecution or the head of the Section is obliged to provide explanations on the guidelines and is induced to reiterate them at the same way; otherwise, the guideline is considered to be withdrawn. In cases when the prosecutor, to whom the guideline has been repeated, in writing, decides not to pursue it, he shall notify in writing the head of the prosecution or the Head of the Section according to the case. The written Guideline and the possible written replies of the prosecutor are attached to the proceeding Acts.

## 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)
- [ X ] a combination of both (competitive exam and working experience)
- [ ] other (please specify): .....

Comments The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.

Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision.

The admission exam takes place by the end of April of each year and is opened to all applicants included in the list of qualified applicants. The admission exam is divided into three parts: a general admission exam, a professional exam and a psychological evaluation exam. The general admission exam focuses on IQ tests and general knowledge test. The participants need to obtain at least 60% to be qualified for the next stage. The professional exam is a written exam with theoretical and case law questions. The third part of the exam is performed by a team of two medical psychiatrist, two psychologist and one of the professors of the school. The School of Magistrates establishes a ranking list of the applicants in accordance with the exam results and publishes the adopted list by the 15th of May each year, by indicating in the list also the maximum number of candidates admitted to the initial training, in accordance with the decision of the Councils.

## 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: As indicated in comment to question 116, the authorities responsible for recruitment are the School of Magistrates and the High Prosecutorial Council.

**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 Please note that only the High Prosecutorial Council is responsible for the promotion of public prosecutors.

**119. What is the procedure for the promotion of prosecutors? (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): As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.

- the Councils reviews the applications and ranks eligible candidates by reference to the following indicators:
  - a) firstly, two previous evaluations, taking account of: i) the experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before application shall be an added value;
  - ii) in case of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the High Prosecutorial Council;
  - b) secondly, if under the evaluation made there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;
  - c) thirdly, there are more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The Council decides to promote the candidates ranking highest with the grades attained by this procedure and rules.

**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 Councils review the applications and rank eligible candidates by reference to the following indicators:

- a) Firstly, two previous performance evaluations, taking into consideration that:

- i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;
- ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;
- b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;
- c) Thirdly, if after the evaluation made under the second paragraph there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The law on the status of judges and prosecutors provides for the following evaluation levels of a magistrate:

- a) 'Excellent': in case of an ethical and professional performance of very high qualities;
- b) 'Very good': in case of an above average ethical and professional performance;
- c) 'Good': in case of an average ethical and professional performance;
- ç) 'Acceptable': in case of a below average ethical and professional performance;
- d) 'Incapable': in case of a poor ethical and/or professional performance.

Hence, during promotion, a prosecutor that has two evaluations as excellent will be promoted vis-à-vis someone who has an evaluation as excellent and very good.

### 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: 67

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: The status of a magistrate shall end upon:

- a) His or her resignation;
- b) Establishment of circumstances of his/her inelectability and incompatibility in exercising the function;
- c) Reaching the retirement age;
- ç) Dismissal as a result of a disciplinary liability, in accordance with this Law;
- d) Establishment of circumstances of inability to exercise the function.

2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70, regardless of the years of assuming the function in this position. The judges of the High Court are appointed for a 9 year term, without the right to re-appointment.

#### **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 1. The magistrate's demotion in duty from a higher level to a lower level court or from a position in the special court for the adjudication of the criminal offences of corruption and organised crime or Special Prosecution Office to a court of general jurisdiction or another prosecution office shall be imposed where:

a) The misconduct is serious; b) The magistrate shows a conduct that makes his/her proficiency appear unfit for the higher or specialized position, but the misconduct does not render the magistrate unfit to act as a magistrate.

2. In case of a demotion in the sense of paragraph 1 of this Article, the magistrate receives the salary of the position to which he/she was demoted.

1. Magistrates shall be transferred without their consent only in the following cases:

- a) Implementing a disciplinary measure;
- b) Where a magistrate's position is abolished as the result of changes in the administrative structure or territorial powers of courts or prosecution offices, following an assessment based on objective and transparent criteria;

ç) In case of temporary shortage of magistrates in a court or prosecution office, which cannot be covered by magistrates in the mobility scheme in accordance with the provisions contained in Article 46 of this Law.

2. The magistrate, whose position is abolished in accordance with letter "b" paragraph 1 of this Article, shall: a) Be transferred to a position at the same level in the new structure having under its territorial powers the court or prosecution office, where the magistrate has previously exercised the function, or where this is not possible;

b) Have the right to choose to be transferred to any position at the same level that is vacant or expected to become vacant within six months upon the abolition of the position, in a court or prosecution office of the same level, of the same material competence.

3. In case of a temporary shortage of magistrates under letter 'ç' paragraph 1 of this Article, the Council shall assign a magistrate from the mobility scheme or shall temporarily transfer a magistrate in accordance with Article 46 of this Law.

4. A magistrate shall have the right to appeal before the court against a decision on a transfer without consent within 5 days from the notification of the decision of the Council. The examination of the appeal by the court shall not suspend the transfer decision.

**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): .....

( X ) No

Comments Based on the law on status of judges and prosecutors, adopted in 2016, there is no probation period.

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

( X ) Yes, please indicate the compulsory retirement age:67

( ) No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: The status of a magistrate shall end upon:

a) His or her resignation;

b) Establishment of circumstances of his/her inelectability and incompatibility in exercising the function;

c) Reaching the retirement age;

ç) Dismissal as a result of a disciplinary liability, in accordance with this Law;

d) Establishment of circumstances of inability to exercise the function.

2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70, regardless of the years of assuming the function in this position. The judges of the High Court are appointed for a 9 year term, without the right to re-appointment.

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

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

( X ) No

Comments Based on the law on status of judges and prosecutors, adopted in 2016, there is no probation period.

**125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?**

[ ]

[ ] NA

[ X ] NAP

Comments

**125-1. Is it renewable?**

- Yes
- No
- NAP

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)?**

- [            ]
- NA
- NAP

Comments

**126-1. Is it renewable?**

- Yes
- No
- NAP

Comments

**E1. Please indicate the sources for answering the questions in this chapter:**

Sources: According to the Law “On the status of judges and prosecutors”

## 5.2. Training

### 5.2.1. Training of judges

**127. Types of different trainings offered to judges:**

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

<b>In-service training on ethics</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
--------------------------------------	---------------------	---------------------	---------------------

Comments In the end of 2016, as part of the justice reform law, law No 96/2016 "ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA" was adopted. The law makes it mandatory for a magistrate must to attend the continuous training and take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments. The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years.

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

	Frequency of the judges training
<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions of the court (e.g. court president)</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in courts</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training on ethics</b>	<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: The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years. Hence, a judge has to undergo continuous training at least 5 days per year. The training should be relevant to his function.

## 5.2.2. Training of prosecutors

### 129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
<b>Initial training</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>General in-service training</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

<b>In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in office</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on ethics</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years. Hence, a prosecutor has to undergo continuous training at least 5 days per year. The training should be relevant to his function.

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

	Frequency of the in-service training
<b>General in-service training</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed
<b>In-service training for the use of computer facilities in office</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed
<b>In-service training on ethics</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

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

	Initial training only	Continuous training only	Initial and continuous training
<b>One institution for judges</b>	[ ]	[ ]	[ ]
<b>One institution for prosecutors</b>	[ ]	[ ]	[ ]

One single institution for both judges and prosecutors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------------------------------------	-------------------------------------	--------------------------	--------------------------

Comments

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

	Budget of the institution for the reference year, in €
One institution for judges	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
One institution for prosecutors	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
One single institution for both judges and prosecutors	896 296 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments School of Magistrates, for 2018, was financed by the State Budget in the amount of 896,296 €\_(1€=135 ALL) JUFREX, a project of the Council of Europe, gave to the School of Magistrates 49.673 €, to organize the activities planned in that project. This is the only project that was financially managed by the School of Magistrates.

**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?**

. N/A
-------

**131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff**

	Number of training courses in days organised, without e-learning	Online training courses available during the reference year (e-learning)
Total	357 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Only for judges	83 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Only for prosecutors	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Only for other non-judge staff	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Only for other non-prosecutor staff	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP



5. Other common training	259	
	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP

Comments: School of Magistrates, under justice reform laws, has increased its capacities to train judges and prosecutors.

## E2. Please indicate the sources for answering the questions in this chapter:

Sources: .

### 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	13 677 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 943 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 688 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 474 000 <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)	19 673 <input type="checkbox"/> NA <input type="checkbox"/> NAP	17 842 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 428 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 202 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	11 436 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 856 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 509 924 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 168 800 <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).	15 888 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 952 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 097 120 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 577 376 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Increase in the overall salaries of the justice system. Please note that the new salary scheme for judges and prosecutors, came into force on the 1 of January 2019. Therefore the new salary scheme has been reported in 2019 data.

#### 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

<b>Housing</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other financial benefit</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments In terms of housing, the law on status of judges and prosecutors (article 17) provides that "A magistrate shall, during the exercise of function and after having exercised the function at least three years, be once entitled to benefit a state funded home loan, at the amount of an average value of an apartment of 50 m<sup>2</sup> in a central area of the town, where the magistrate exercises the function. Per family member in the sense of paragraph 5 of this Article living in the household with the magistrate, the reference size of the apartment surface shall be increased per 10m<sup>2</sup> per person. In case two persons in a household are entitled to a state funded home loan, this shall be benefited only by one of them."

**134. If "other financial benefit", please specify:**

.
---

[ X ] NAP

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

	With remuneration	Without remuneration
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Mediator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( ) 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.

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

With remuneration	Without remuneration

<b>Teaching</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Research and publication</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Arbitrator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Consultant</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Cultural function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Political function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Mediator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 number of resolved cases (e.g. number of cases resolved over a given period of time)?**

- Yes  
 No

Comments - If yes, please specify the conditions and possibly the amounts: Law no 96/2016 provides for a bonus equal to a monthly salary to judges evaluated with the highest grade. (no of resolved cases is part of the professional evaluation process).

**5.3.2 Body/institution of ethics**

**138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)**

- Yes  
 No

Comments

**138-1. If yes, how is this institution / body formed**

- only by judges  
 by judges and other legal professionals  
 other, please specify: .....

Comments Such a function belongs to the HJC, specifically to the committee of Ethical and Professional Performance Evaluation, as well as to the ethics adviser. While the HJC and the committee are formed by judges and other legal professionals, the ethics adviser is a judge.

**138-2. Are the opinions of this institution / body publicly available?**

- Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. There have been issued no such opinions, yet. It depends on the approval of the new code of ethics for judges.

NAP

**138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)**

Yes

No

Comments

**138-4. If yes, how is this institution / body formed**

only by prosecutors

by prosecutors and other legal professionals

other, please specify: .....

Comments Such a function belongs to the HPC, specifically to the committee of Ethical and Professional Performance Evaluation, as well as to the ethics adviser. While the HPC and the committee are formed by prosecutors and other legal professionals, the ethics adviser is a prosecutor.

**138-5. Are the opinions of this institution / body publicly available?**

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. The Ethics Adviser at High Prosecutorial Council performs the following duties:

- a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;
- b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;
- (c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best practices and relevant Council decisions;
- ç) takes care, in cooperation with the School of Magistrates, for initial and continuous training on ethics issues;
- d) report in writing, not less than once a year, to the Council on its activities.

NAP

**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): .....
- Other (please specify):High Justice Inspector
- This is not possible

Comments The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law. Please note that these institutional changes were a result of the justice reform in Albania.

**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 (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify):High Justice Inspector
- This is not possible

Comments The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.

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

- Court
- Higher Court / Supreme Court
- High 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
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify): .....

Comments Please note that these institutional changes were a result of the justice reform in Albania.

### 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
<b>Total number (1+2+3+4)</b>	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

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

	Judges	Prosecutors
<b>Total number (total 1 to 10)</b>	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>2. Suspension</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Fine</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Temporary reduction of salary</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>6. Position downgrade</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>7. Transfer to another geographical (court) location</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>8. Resignation</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>9. Other</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>10. Dismissal</b>	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input 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. Confidential reprimand: it is used only for the periodic evaluation of the judge otherwise is not public. Dismissal: Case is dismissed after HCJ decision.

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

Sources: High Council of Justice archive

## 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:

	Total	Male	Female
Number of lawyers	2 475 <input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA

Comments

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

Yes ( )

No ( X )

Comments Comments there is no category of "legal advisors" within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and only in the presence of the lawyer, where the later should take the permission from his/her client. The number above does not include assistant lawyers.

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

[ ]

[ X ] NA

[ ] NAP

Comments

**149. 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 ]
Dismissal cases	[ ]	[ ]	[ X ]
Criminal cases – Defendant	[ X ]	[ X ]	[ X ]
Criminal cases – Victim	[ X ]	[ X ]	[ X ]
Administrative cases	[ ]	[ ]	[ X ]

[ ] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly: Lawyers do have the monopoly only for the representation of the cases before the High Court. There is an exemption when the monopoly does not apply only when the representation is done by the State Advocates according to the Law (article 96/a of the Civil Procedure Code)

**149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:**

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
Family member	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
Self-representation	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
Trade union	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No



Other	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
-------	---------------------	---------------------	---------------------

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

**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

**149-2. What are the statuses for exercising the profession of lawyer?**

- 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

**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:

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

- 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: Specialization is required only for lawyers who provide legal aid granted by the state for minors in conflict with the law according to the Code of Juvenile Justice and the Law on Legal Profession.

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

Sources: LAW ON THE PROFESSION OF ADVOCATE IN THE REPUBLIC OF ALBANIA  
(<https://euralius.eu/index.php/en/library/albanian-legislation/send/22-advocates-law/263-advocates-2018-07-26-en>)

### **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 1. The remuneration of the advocate for work carried out shall be set in one of the following ways:

a) by agreement between the advocate and the client. The agreement achieved between the advocate and the client shall constitute an executive title;

b) in compliance with the provisions of the legislation in force on state guaranteed legal aid;

c) according to a joint instruction of the Minister of Justice and the minister responsible for Finance, after having received prior the opinion of the Chamber of Advocacy of Albania, in the cases of obligatory defence, in accordance to the Criminal Procedure Code;

ç) by success fee set in the agreement made preliminarily between the advocate and the client in cases of successful defence or representation;

d) any other remuneration provided for in the acts and practices of the international organizations to which Albania accedes.

2. The remuneration of the advocate may not be made in any other manner, different from those foreseen in this article.

3. The Chairperson of the Chamber of Advocacy of Albania and the Minister of Justice, shall specify the reference remuneration fees of the advocate, which are applicable in the instances when in the written agreement between the advocate and the client no manner of remuneration has been provided.

#### **155. Are lawyers' fees freely negotiated?**

Yes

No

Comments The remuneration of the advocate for work carried out shall be set in one of the following ways by agreement between the advocate and the client.

If there is no agreement: The Chairperson of the Chamber of Advocacy of Albania and the Minister of Justice, shall specify the reference remuneration fees of the advocate, which are applicable in the instances when in the written agreement between the advocate and the client no manner of remuneration has been provided.

#### **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 The law provides that the Chairperson of the Chamber of Advocacy of Albania and the Minister of Justice, shall specify the

reference remuneration fees of the advocate, which are applicable in the instances when in the written agreement between the advocate and the client no manner of remuneration has been provided.

### **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: 1. The advocate shall be subject to disciplinary proceedings if acting contrary to the rules laid down in the laws and regulations governing the advocate's profession.

2. The right to request initiation of disciplinary proceedings against the advocate belongs to:

a) each client who benefits from the service of advocacy and his/her relatives, whose interests are substantially violated by the service;

b) the Minister of Justice;

c) judges and prosecutors;

ç) taxation administration organs;

d) steering bodies of the Chamber of Advocacy of Albania and of the local chambers of advocacy;

dh) any advocate with regard to another advocate;

e) any interested subject who has been in a service relationship with the advocate;

ë) other state bodies as provided by special law.

3. Complaints may be filed within 1 year from the date of action or misconduct of the advocate, or the date of identification of the action or misconduct of the advocate, but in any case, not later than 2 (two) years from the time of occurrence of that violation. After this time limit, the complainant has the right to ask the Commissioner of Complaints to reinstate the time limits in accordance with the Administrative Procedures Code.

4. The disciplinary proceeding shall be finished within 6 (six) months from the date of filing the complaint. This time period may be extended for a period of no more than 1 year from the date of filing the complaint, with the written consent of the complainant and advocate, or by the Commissioner of Complaints himself/herself, when there are reasonable grounds for the extension.

#### **160. Which authority is responsible for disciplinary procedures?**

a judge

Ministry of Justice

a professional authority

other (please specify): .....

Comments . The Disciplinary Committee is a collegial body which enjoys legal personality through the Chamber of Advocacy of Albania.

2. The Disciplinary Committee is composed of:

- a) 7 (seven) active advocates elected by secret ballot by the General Council of the Chamber of Advocacy of Albania. The Member of the Disciplinary Committee elected according to this paragraph may not carry out other steering duties in the steering bodies of the Advocacy Chamber of Albania;
- b) a representative of the High Judicial Council;
- c) a representative of the High Prosecutorial Council;
- ç) a representative of the Ministry of Justice;
- d) a representative of civil society or academia in the field of law.

The criteria and procedures of election of the representatives foreseen in letters ‘a’ and ‘d’ of this paragraph, shall be determined in the Statute and Regulation of the Chamber of Advocacy of Albania.

3. The Chairperson of the Disciplinary Committee shall be elected by the Steering Committee of the Chamber of Advocacy of Albania among the members elected in accordance with letter “a” of paragraph 2 of this Article.

The Chairperson and the members of the Disciplinary Committee, elected as per letter ‘a’ of paragraph 2 of this article, shall be elected for a term of officer of four years with the right of re-election only once.

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

Comments - If "other", please specify:

**162. Sanctions pronounced against lawyers.**

	Number of sanctions
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>1. Reprimand</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>2. Suspension</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP

<b>3. Withdrawal from cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Fine</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Other</b>	<input checked="" 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. Court related mediation and other alternative Dispute Resolution

### 7.1 Court related mediation

#### 7.1.1 Details on court related mediation

#### 163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments

#### 163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned: The law provides for a general obligation that it is a task of the court to make efforts to reconcile the parties in dispute and/or notify and steer the parties on the possibility of resolving the dispute through mediation.

#### 163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned: The judge shall make every effort to settle the dispute amicably during the preparatory stage, when the nature of the case allows that. The judge, where appropriate, shall order the parties involved to appear before the court. At each stage of the trial, the court shall inform the parties about the possibility of settlement of the dispute through mediation and, if they give their consent, it transfers the case to mediation.

#### 164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
<b>Civil and commercial cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

<b>Family cases</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Administrative cases</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Labour cases including employment dismissals</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Criminal cases</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Consumer cases</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP

Comments

**165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?**

( ) Yes

( X ) No

[ ] NAP

Comments - If yes, please specify (only one or both options)::

**166. Number of accredited or registered mediators for court-related mediation:**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Number of mediators</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

**167. Number of court-related mediations:**

	<b>Number of cases for which the parties agreed to start mediation</b>	<b>Number of finished court-related mediations</b>	<b>Number of cases in which there is a settlement agreement</b>
<b>Total ( 1 + 2 + 3 + 4 + 5 + 6)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil and commercial cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Family cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Administrative cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>4. Labour cases including employment dismissal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>5. Criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>6. Consumer cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Please indicate the source:

**168. Do the following alternative dispute resolution (ADR) methods exist in your country?**

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify): .....

Comments

**G1. Please indicate the source for answering question 166:**

Source: no data

**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**

	<b>Total</b>	<b>Male</b>	<b>Female</b>
<b>Number of enforcement agents</b>	[ X ] NA	[ X ] NA	[ X ] NA

Comments

**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: Enforcement activities are performed by enforcement agents only, which might be private or public.

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

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

Comments



### **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 immovable 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

### **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 The National Training Centre for Enforcement Agents shall be established within the Chamber and shall be the institution responsible for the initial and continuous training of private judicial enforcement agents. The Training Centre shall be financed and administered by the Chamber.

2. The Training Centre shall provide initial training programs for the candidates for private judicial enforcement agent as well as continuous training programs for private judicial enforcement agents. The Training Centre may also offer training courses for jurists who intend to get professional, theoretical and practical knowledge in the field of mandatory judicial enforcement.

Project Funded by the European Union Page 9 of 50

3. The fees for initial training and continuing training at the Training Centre shall be approved by the Chamber.

4. The Chamber may conclude cooperation agreements with the governing bodies of the other Chambers of the free legal professions and/or with other interested institutions, with regard to the organization of joint training programs or for specific trainings.

5. Detailed rules on the manner of organisation and functioning of the Training Centre, the manner of funding, and the selection and activity of the academic staff, shall be set out in the Regulation of the Training Centre, which is approved by the Minister upon the proposal of the Chamber.

Private judicial enforcement agents and assistant enforcement agents shall attend the Obligatory

Continuous Training Program at the Training Centre.

2. The Obligatory Continuous Training Program shall establish the training methods, the exact training program and the training modules, the rules and conditions for issuing certificates of participation and further detailed rules on the obligatory continuous training.

Project Funded by the European Union Page 14 of 50

3. The Obligatory Continuous Training Program shall be approved by order of the Minister, upon the proposal of the Chamber.

**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

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

Yes

No

Comments

**175. Are enforcement fees freely negotiated?**

Yes

No

Comments

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

Yes

No

Comments Law provides for the fees to be set by a joint order of Minister of Justice and Minister of Finance

**H0. Please indicate the sources for answering question 170**

Source: Law on private bailiffs (<https://euralius.eu/index.php/en/library/albanian-legislation/send/119-private-judicial-enforcement-service/357-private-judicial-enforcement-service-en>)

Law on public bailiffs (<https://euralius.eu/index.php/en/library/albanian-legislation/send/15-bailiff-service/10-law-on-enforcement-en>)

**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?**

professional body

judge

Ministry of Justice

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?**

professional body

judge

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 regarding decisions against public authorities?**

- Yes
- No

Comments - If yes, please specify:

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

	Existence of the system
for civil cases	<input type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**186. Regarding 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
- more (please specify): .....
- NA

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)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

1. For breach of professional ethics	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. For professional inadequacy	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. For 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:

**188. Number of sanctions pronounced against enforcement agents:**

	Number of sanctions pronounced
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:

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

Source:
---------

**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 Statistical data of GPO on execution of criminal decisions.

**191. If yes, what is the recovery rate?**

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

Comments - Please indicate the source for answering this question:

**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.**

	Total	Male	Female
<b>TOTAL (1+2+3+4)</b>	482 <input 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
<b>1. Private professionals (without control from public authorities)</b>	<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
<b>2. Professionals appointed by the State</b>	<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
<b>3. Public officials</b>	<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
<b>4. Other</b>	<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 - If "other", please specify the status:

**192-1. What are the access conditions to the profession of notary (multiple options possible):**

- diploma
- professional experience/professional training
- exam
- appointment procedure by the State
- other (please specify): .....

Comments a) has completed higher legal education;  
 b) has full capacity to act;  
 c) is not less than 26 years old and not more than 55 years of age at the time  
 ç) has not been convicted by a final court decision for a criminal offense d) has not been removed from office as a judge, prosecutor or public administration officer for violations of rules and discipline at work for the last 3 years from the date of filing a request to allow the exercise of the profession of notary;  
 dh) has worked for not less than 2 years as an assistant with a notary;  
 e) has participated in the qualification exam for obtaining an license for exercising the Notary profession and is rated with not less than 80 percent of the assigned points for competition;  
 h) is licensed to exercise the profession of notary;  
 f) is a member of a notary chamber

**192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- yes, please indicate the age of retirement:65
- no, please specify the duration of the appointment: .....

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

**194. What kind of activities do notaries perform (multiple options possible):**

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify): .....

Comments a) edits the notarial acts;  
 b) makes a notice of reminder or other extrajudicial acts;  
 c) legalize the signatures of citizens set forth in various acts;  
 d) certifies the date of submission of documents to the notary office;  
 dh) certifies a person's being and residence in a particular place;  
 e) Accepts for the preservation of documents of natural and legal persons in the notary office;  
 ë) issues copies, cuts and parts of the acts deposited in the notary office;  
 f) certifies that the copies or abbreviations of the documents are the same as the original of presented by the concerned;  
 g) makes or certifies translations from one language to another;  
 gj) edits the minutes and makes inventory, describing the condition of the items, according to citizens' request and when charged by the court;  
 h) edits statements and documents requested by interested persons, as well as acts e

other actions, which by law must be done by a notary.

**194-1. Do notaries have the exclusive rights when exercising their profession:**

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify): .....

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

**194-2. In which areas of law do notaries perform their activities (multiple options possible)?**

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Other

Comments

**194-3. Do notaries use specialised digital systems in their activity?**

- In establishing authentic instruments
- In recording authentic instruments (archives)
- Other activity (please specify): .....

Comments

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

- Yes
- No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?**

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify): National Chamber of Notaries



Comments

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

Yes

No

Comments

**I1. Please indicate the sources for answering question 192:**

Sources: Data from the Minister of Justice

**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:**

[            ]

NA

NAP

Comments

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

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam):

**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 Interpreters can be selected by courts from a list of official interpreters

## J1. Please indicate the sources for answering question 199

Sources:

## 11.Judicial experts

### 11.1.Profession of judicial expert

#### 11.1.1.Status of judicial experts

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

experts who are requested by the parties to bring their expertise to support their argumentation,

experts appointed by a court to 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

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

Yes

No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?):

### 202-2. Who is responsible for registering judicial experts?

Ministry of justice

Courts

Independent body (association of judicial experts)

Other

Comments

### 202-3. Is the registration of judicial experts limited in time?

Yes, for how long .....

No

Comments

**203. Is the title of judicial experts protected?**

Yes

No

Comments - If appropriate, please explain the meaning of this protection:

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

	Obligation of training
<b>Initial training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Continuous training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

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

judicial proceedings

the profession of expert

other

Comments

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

Yes

No

Comments

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

Yes

No

Comments

**205. Number of accredited or registered judicial experts:**

	Total	Male	Female
<b>Number of experts</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**205-1. Who sets the expert remuneration?**

- Ministry of Finance

**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:

**206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties**

	Number of cases
<b>Total (1+2+3+4)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.Civil and commercial litigious cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.Administrative cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.Criminal cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4.Other cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**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 the expertise?**

Yes

No

Comments

**K1. Please indicate the sources for answering question 205**

Sources:
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## 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

2. Budget

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)

3.1. Access to justice and legal aid

4. High Judicial Council

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crime

9.1. Prison system

9.2 Child friendly justice

9.3. Violence against partners

10. New information and communication technologies

11. Other