

# Albania

## EXECUTION OF THE EUROPEAN COURT OF HUMAN RIGHTS' JUDGMENTS

### MAIN ACHIEVEMENTS IN MEMBER STATES

The present survey presents short summaries<sup>1</sup> of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms referring, however, also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation or government regulations or the adoption of new policies or general guidelines from superior courts. As a rule, the survey does not cover information on measures aiming at providing individual redress to applicants.

The presentation is organised in the order corresponding to the thematic domains used in the Council of Europe's specialised database HUDOC EXEC and the Committee of Ministers' Annual Reports on the Supervision of the Execution of the European Court of Human Rights' judgments.

Many reforms address issues which appear to be on-going challenges in the member State. The effects of reforms adopted at one point in time may thus need to be monitored and possibly re-evaluated as conditions change.<sup>2</sup>

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<sup>1</sup> The summaries are the sole responsibility of the Department for the execution of the judgments of the European Court of Human Rights.

<sup>2</sup> The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued [Recommendation \(2004\)5](#) on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

### ► Conditions of detention / medical care

Prisoners' health care, including mental health care, was improved following the adoption of the Mental Health Law of 2012 and the Law "On the Rights and Treatment of Prisoners and Detainees" in 2014.

*Dybeku* (41153/06)  
Final Resolution  
CM/ResDH(2016)273

### ► Functioning of justice

#### ➤ Fairness of proceedings and the principle of legal certainty

The supervisory review procedure which allowed quashing of final domestic judgments was repealed in 2001.

*Vrioni* (2141/03)  
Final Resolution  
CM/ResDH(2011)85

#### ➤ Remedies in case of excessive length of proceedings concerning a judge's dismissal

In 2016, the High Judicial Council was created to ensure the accountability and appropriate functioning of the judicial system. The HJC is, among other things, responsible for the appointment, promotion and transfer of judges as well as the direction and management of the court administration. Furthermore, the office of High Justice Inspector was created to supervise the judges' performance of duties, including their decision-making within a reasonable time. Moreover, recent amendments of the Code of Civil Procedure in 2017, which put in place acceleratory and compensatory remedies for excessive length of proceedings, provide for the possibility to obtain compensation for excessively lengthy administrative proceedings (issues of excessive length of judicial proceedings and effectiveness of the remedies are examined in the pending *Luli and Others* group).

*Mishgjoni* (18381/05)  
Final Resolution  
CM/ResDH(2018)73

#### ➤ Enforcement of judicial decisions

In 2014, the Council of Ministers adopted a strategy and an action plan for the transparent settlement of overdue State obligations and the respect for financial discipline. The governmental objective to settle all financial obligations accumulated before 2013 was achieved by 2015. Today State obligations payments are monitored by the Ministry of Finance and Economy. Other reform measures enhanced the effectiveness of the enforcement of final judicial decisions in general and, in particular, the privatisation of the bailiff service and the compulsory cooperation between the General Police and the Private Bailiff Service to enforce executive titles in 2008 as well as the creation of an electronic management system of bailiffs in 2011 (the impact of these measures is examined in the pending *Brahimaj* case).

*Puto and Others* (609/07+)  
Final Resolution  
CM/ResDH(2020)300

#### ➤ Lack of access to court

In 2018, a comprehensive reform strengthened the free legal aid system through legislative amendments and bylaws. Legal aid is now provided at central and local centers nationwide. These efforts led to a significant increase of the number of persons benefiting from legal aid, increased budget for the legal aid, improved inter-institutional cooperation through the signing of several Memoranda of Understanding and training of legal professionals, and greater public awareness.

*Laçi* (28142/17)  
Final Resolution  
CM/ResDH(2024)343

#### ➤ Fairness of criminal proceedings

*Caka* (44023/02)

In 2016, an extensive reform of the judiciary was implemented. In 2017, amendments to the Criminal Procedure Code were introduced. As concerns the summoning of witnesses and the procedures for witness testimonial, new rules were introduced into the Criminal Procedure Code in 2013 and completed in 2017 with regulations concerning the refusal to testify. The right to defend oneself in courts of first instance and appeal was established through domestic case-law in 2013/14 and enshrined in the Code of Criminal Procedure in 2017 together with legal aid provisions. As concerns the opportunity to obtain revision of the merits of charges in the case of judgments *in absentia*, the related request must be filed within 30 days after the convicted person's information of the trial and its result. Concerning the reopening of proceedings following European Court's judgments, the Supreme Court recognised such possibility following a relevant decision of the Constitutional Court dated 2011.

Final Resolution  
CM/ResDH(2017)417

### ► Protection of private and family life

#### ➤ Access to one's children and international child abduction

In order to take all necessary measures to secure the reunion of parents with their children in accordance with a final judgment of a domestic court and to introduce remedies to prevent or punish cases of abduction of children, the Hague Convention "On Civil Aspects of International Child Abduction" was ratified in 2005 identifying the Ministry of Justice as the central authority. In addition, in 2001 the Agency for the Protection of the Rights of the Child was created to implement the UN Convention on the rights of the child.

*Bajrami* (35853/04)  
Final Resolution  
CM/ResDH(2018)173

### ► Protection of property rights

#### ➤ Compensation/restitution of properties nationalised under former communist regime

In view of the structural problem of the lack of an adequate mechanism to honour the commitment made by the State to compensate for property nationalised under the communist regime and to enforce final domestic judicial and administrative decisions recognising the right to compensation (pecuniary or in kind), after lengthy preparatory work, a new compensation mechanism was adopted and became fully operational in 2015.

*Manushaqe Puto and Others* (604/07+)  
Final Resolution  
CM/ResDH(2018)349