



High Judicial Council's Strategic Plan for the Judiciary in the Republic of Albania

2019-2020



***“Whatever you can do or dream you can, begin it.
Boldness has genius, power and magic in it. Begin it now!”***

— Goethe

OVERVIEW

In 2016, Albania passed sweeping constitutional and legislative reforms designed to strengthen the integrity and governance of the country's judiciary. This included the establishment of new institutions including the High Judicial Council (HJC), the High Prosecutorial Council, the Justice Appointment Council, and the High Justice Inspectorate.

The High Judicial Council is the self-governing body of Albania's judiciary and was established in December 2018. Among its many functions, the Council is required to draft a strategic plan, on behalf of the entire judiciary.

This strategic plan was developed by the HJC, in consultation with a wide variety of stakeholders, including chief judges, civil society, and the Ministry of Justice (MoJ). It fully aligns with the Cross-Sector Justice Strategy (CSJS) and the laws of Albania.

HJC members are fully responsible for defining the scope of work outlined in this plan; for determining appropriate priorities; and for securing the resources necessary to achieve the High Judicial Council's vision.

The High Judicial Council would like to offer a special thank you to the Minister of Justice and her team, who worked in close consultation with the Council to ensure that this strategic plan fully aligns with the Cross Sector Justice Strategy and other Ministry priorities. This work represents an unprecedented level of cooperation between the Judiciary and the Ministry and will help ensure that every aspect of Albania's justice system is working in the best interests of the Albanian people.

HISTORY

Beginning in late 2014, Albania initiated and has been implementing a holistic reform of the justice sector to address a wide range of important issues¹:

- Public perception of the justice system;
- Lack of coherence in the legislation;
- Poor performance among justice system institutions;
- Issues related to insufficient separation of powers between executive and judiciary branches;
- Appointment criteria and procedures for seating members of the Constitutional Court, High Court, and the General Prosecutor;
- Status of current judges and prosecutors;
- Process of conducting disciplinary proceedings for judges and prosecutors;
- Weak administrative capacities in the justice sector;
- Insufficient budget allocation for court infrastructure and judges' salaries;
- Entry-level and continuous education for judges and prosecutors;
- High levels of corruption in the judiciary; and
- An uneven distribution of judicial caseloads among different levels of the judiciary and different courts within the same level.

The key governmental policy document framing the justice reform implementation is the **Cross Sector Justice Strategy 2017-2020 (CSJS)** and its related Action Plan, both adopted in November 2016 by the Council of Ministers. The CSJS defines the time period when these actions must be implemented, as well as financial estimates of the costs needed to advance reform efforts.

¹ "Analysis of the Justice System in Albania" Ad Hoc Parliamentary Committee on Justice Reform, June 2015.

The Cross Sector Justice Strategy addresses justice reform in five areas:

- Strengthening the independence, efficiency, and accountability of the institutions of justice;
- Improving the functioning of the judicial system;
- Improving the protection of fundamental human rights;
- Strengthening the role of the free professions; and
- Ensuring the active role of stakeholders (including civil society) in reform efforts.

There are two aspects of the CSJS that define it: a) the CSJS, being a sectoral strategy, addresses the justice reform in broadly defined goals and activities, and b) it is a government approved policy document and as such it is self-limited to major milestones of the justice reform and cannot go into the details of governing the justice system (thus also setting the limits of the separation of powers between the executive and the judiciary). The latter is the concern and obligation of the HJC's strategic plan. Yet, the two strategic documents are functionally linked to one another. Thus, the activities of the CSJS for which the HJC is the responsible authority for their implementation are absorbed and turned into some of the objectives of the HJC strategic plan. These objectives are further detailed into targeted actions. The HJC strategic plan is additionally supplemented with other objectives and actions that will serve as the basis for the future work of the HJC. This approach ensures the linkage of the two strategic documents. The HJC is responsible for the implementation of those areas of the Cross-Sector Justice Strategy that are related to the strengthening of the independence, efficiency, and accountability of the court system—including enhancing the status of judges, increasing access to justice, improving judicial system's infrastructure, and ensuring a proper case management system for the courts.

The CSJS and the HJC's Strategic Plan are linked to national policy priorities as described in various strategic and policy documents. They address the objectives of the **National Strategy for Development and Integration** which aims to “build a country based on the rule of law and guarantee human rights and fundamental freedoms, with a system of open and equal justice;” as well as the objectives of the **Albanian National Plan for European Integration 2017-2020** which establishes “an independent, accountable, and efficient justice system in Albania which is able to deliver justice in a fair and transparent manner.”

They also address the shortcomings highlighted in the latest **European Commission Progress Reports on Albania** with regard to the creation of the new independent judicial institutions and the pursuit of a sector approach to the justice reform under the cross-cutting strategy for 2017-2020. These reports intend to ensure that adequate governance, monitoring, and reporting are developed and coupled with adequate financial support for implementation. Finally, both the CSJS and the HJC's Strategic Plan also link with the **Public Administration Reform Strategy**, with regard to the reform of the civil service.

Prior to reform, the High Council of Justice (HCJ) was an independent body responsible for the protection, appointment, transfer, dismissal, and professional evaluation of judges of first instance and appeal. Through the reform process, the staff of the High Council of Justice (HCJ) and the Office for the Administration of Judicial Budget (OAJB) merged, thus, becoming part of the **High Judicial Council (HJC) structure**.

The HJC is now the governing body for the entire judiciary, including the High Court.

The HJC is responsible for the implementation of those areas of the Cross-Sector Justice Strategy that are related to the strengthening of the independence, efficiency, and accountability of the judicial system—including enhancing the status of judges, increasing access to justice, improving the judicial system's infrastructure, and ensuring a proper case management system for the courts. When the legislative package of judicial reform was

approved in 2016—the action that precipitated the founding of the High Judicial Council—it was because the entire country saw the need for radical changes in the justice system.

STRATEGIC PLANNING PROCESS

Two years after major judicial reforms were approved, the establishment of the High Judicial Council in December 2018 marked a turning point in the overall management and reorganization of Albania’s Judiciary. Immediately after being seated, the HJC began meeting continuously to align its operations, decision-making, and monitoring and evaluation, aiming at drafting this strategic plan. The HJC understands the urgency of the moment and is committed to acting quickly and efficiently, on behalf of Albanian citizens.

In planning the judiciary’s strategic direction for the next two years, the Council made an analysis of internal factors, and of potential impacts of factors outside of their control, and how these factors might affect the Council’s ability to accomplish the goals and objectives outlined in this strategy.

During these first two years, the HJC is committed to assuming its role as the leader of Albania’s Judiciary. It will continue to refine its focus and make strategic choices when it comes to solving the most significant problems facing Albania’s judicial system.

Clearly understanding its critical role, the Council engaged in a dynamic strategic planning process to define a future where citizens, the judiciary, and the government are all coordinating their efforts to strengthen Albania’s judicial policies and practices and achieve results that contribute to building public trust and confidence.

Through an engaging and consultative process, a broad cross section of participants from the HJC and the Courts defined the strategy cascade outlined below and the parameters for a powerful new way of working.

The HJC will rely on a continuous and transparent work, taking advantage of the extensive experience of its members and of the consultations with stakeholders, aiming at solving the problems and implementing the most efficient international judicial practices. At the same time, the HJC will focus on carefully adapting instruments that have been tested in other countries, to address any problem or need that emerges on a consistent or periodic basis.

The HJC will play a vital role as a voice for the rule of law, advocating at every level of the judiciary for appropriate values-driven reforms. The HJC is committed to working in partnership with the Ministry of Justice, the Government of Albania, development partners, judges, and, of course, citizens to make strategic investments that lead to an efficient and well-respected judiciary.

As this plan was developed, the HJC discussed and considered issues including: 1) the Judiciary’s historical reputation; 2) the 30,000 case backlog at the non-functional High Court; 3) the pace of technological change, 4) budget constraints and infrastructural needs, 5) serious under-staffing, 6) future development partner funding levels, and 7) European Union accession issues, among others. The potential effects of these issues on the judiciary’s future have been factored into this strategic plan.

Finally, the HJC expects that as talented professionals are hired and begin to implement this strategy, the action plans will need to evolve, shift, and change. The HJC adopted this two-year plan to address the urgent needs of the judiciary, with an eye toward beginning an even more expansive three-year planning process by mid-2020.

Definition of Strategic Planning Terms

Vision

A vision statement looks forward to the future, offering an image of the ideal state that an entity wishes to see achieved.

A vision should inspire people TO DREAM.

Mission Statement

A brief, easy-to-understand narrative, usually just a handful of words. It defines the purpose of the High Judicial Council and is consistent with the organization's core values, programs, and activities expressed within the broad context of national problems, needs, or challenges.

A mission should inspire people TO ACT.

Values

An organization's values are its guiding principles, a code of conduct, or a culture code that explains how the organization intends to operate in accordance with those values.

A statement of values makes a promise.

Strategy Cascade

The Strategy Cascade represents the answers to five critical and interrelated questions. The cascade approach demands both excellence and accountability; and requires an organization to become very clear as to its unique value proposition—a clear statement describing the benefits of your work, how you meet stakeholders' needs, and what distinguishes you from others.

Strategic Goals

Statements that articulate general long-term outcomes that the HJC intends to achieve related to its major functions and operations. They address the broader impact desired by the HJC.

Strategic Objectives

Statements that reflect the specific impact the HJC aims to achieve under a certain goal. Objectives are tied to a set of performance goals and indicators established to help the Council monitor and understand progress.

Activities

Statements that describe the approaches or practices the organization plans to employ to make progress on objectives.

Timeframe

A realistic (yet ambitious) description of the amount of time it will take to achieve an objective.

Key External Partners

Government and private agencies, organizations, development (donor) partners, or other entities that contribute to the achievement of the HJC's objectives.

Indicators

Broad-based metrics that show whether desired outcomes are trending in the desired direction.

Measures

Metrics that help determine the impact or influence activities have on outcomes. Specific targets are associated with them and they can be quantitative or qualitative in nature.

PLANI STRATEGJIK 2019-2020

VISION

Justice in Albania will be achieved when all citizens are confident they will be treated fairly and equally under the law by a judicial system that is independent, ethical, and efficient.

MISSION

The mission of the HJC is to build, lead, and govern a high-performing judiciary that demands excellence and is deserving of public trust.

CORE VALUES OF THE JUDICIARY

Independence - The HJC and the courts are committed to building a judiciary that operates as an independent body, free from influence, and committed to the rule of law.

Integrity - The HJC and the courts are committed to building an honest judiciary that operates according to the highest moral and ethical principles and is always striving to deliver justice.

Professionalism - The HJC and the courts are committed to building a judiciary whose members have all of the skills necessary to perform their roles well.

Impartiality - The HJC and the courts are committed to treating all citizens as equals before the law.

Accountability - The HJC and the courts are committed to ensuring that all members of the judiciary are willing to accept full responsibility for their actions.

Beyond the HJC and courts' core values, day-to-day decision-making within Albania's Judiciary is driven by these important principles, as well:

Access, Effectiveness, Efficiency, Equality, Dignity, Fairness, Reliability, Respect, Responsibility, and Transparency.

The Strategy Cascade of the High Judicial Council of Albania

HJC's VISION: Justice in Albania will be achieved when all citizens are confident they will be treated fairly and equally under the law by a judicial system that is independent, ethical, and efficient.

What is our unique value—what is our mission?

The mission of the HJC is to build, lead, and govern a high-performing judiciary that demands excellence and is deserving of public trust.

What is our approach?

Stakeholder: Members of the judiciary who are working to build a system that is professional, efficient, accountable, and innovative, by implementing the best international practices.

Services: Clear and practical guidance, support, and tools which improve the delivery of judicial services, the efficiency of court administration, the human resource management; and which result in tangible benefits for citizens.

Geography: A consistent and well-respected national voice.

Partnership: Institutions of the Justice System, other branches of government, Media, international and local development partners, and civil society.

Beneficiaries: Individuals who are entitled to a fair and independent judiciary that is capable of providing the highest quality judicial services.

How will we have impact?

- Through its proactive engagement and leadership to processes where policies are created, plans are developed, key decisions are made, and when resources that are necessary for the judiciary are allocated.
- By using best international practices, to implement high-impact measures at every level, beginning with the creation of a functional High Court.
- By offering essential support to court leaders, independent justice system institutions, the other branches of government, and civil society.

What are our core capabilities?

- A fresh start with a commitment to building high-trust relationships and collaborating with key decision makers.
- Strong understanding of judicial and government decision-making processes.
- Significant, relevant judicial system experience and expertise.
- Ability in building and maintaining relationships with the media and public, to proactively influence in guaranteeing access to justice and information right.
- Building powerful and constant relationships with a range of international and local development partners.

What management systems are essential?

- Setting up a professional and responsible administration that is accountable to our values and committed to continuous improvement.
- Establishing effective and efficient structures and systems that fully utilize the skills and professionalism of HJC members.
- Formulating clear programs for creating and managing strategic partnerships.
- Defined stakeholder roles and responsibilities.
- Ability to offer services that result in sustainable financial support.
- Metrics for measuring our impact and effectiveness.

SWOT ANALYSIS

Strengths, Weaknesses, Opportunities, and Threats

In conducting strategic planning, the High Judicial Council assessed the organization’s strengths, weaknesses, opportunities, and threats (using a SWOT analysis). This process offered powerful insights into the current and potential issues affecting the HJC and the judiciary. The SWOT analysis assisted the Council in better understanding the environmental context as members assume their roles as leaders of Albania’s Judiciary.

*This items below in **bold** have been identified by the HJC as priority issues.*



STRATEGIC GOALS OVERVIEW

Over the next two years, the judiciary will focus its efforts on five primary strategic goals that align with the vision, mission, values, and the strategy cascade outlined above.

The goals and objectives outlined in this plan are ambitious, setting forth the judiciary's intentions through 2020.

In the operational plan which is being developed to accompany this document, the HJC plans to use a suite of performance measures and indicators to evaluate progress toward each of the goals and their related objectives and strategies. Performance measures will be monitored and updated as objectives and programs evolve; quantitative data will be collected, reviewed, and analyzed; and qualitative information will be considered so as to better understand the HJC's impacts.



STRATEGIC GOALS

During the first two years, the HJC believes it is important to demonstrate its resolve when it comes to improving judicial performance at every level. The following five goals have been designed to tackle the judiciary's most urgent areas of concern.

GOAL 1: Accelerate the Reform of Judicial Power & Resource Allocation

Securing adequate resources to implement judicial power reforms—including judicial infrastructure and staffing—as quickly as possible, while still maintaining a focus on quality.

We recognize that following years of lack of proper functioning of the judicial system and a non-functioning High Court, we must work tirelessly to address these issues as the judiciary's most urgent priority.

GOAL 2: Establish & Enforce Standards for Judicial Excellence

Commitment for implementing human resource management best practices throughout every level of the judiciary, focusing on standards for ensuring quality in the judiciary.

We recognize that, in the past, excellence has not been a word that could often be used to describe Albania's judiciary. Moving forward, we are committed to ensuring that the judiciary is staffed with people who meet rigorous ethical standards, have a deep understanding of the laws of Albania, and who agree to be held to the highest professional standards.

GOAL 3: Deliver Services Efficiently & Make Courts Work Better

Improvement in the delivery of services through innovation and the strengthening of structures and technology systems that guarantee institutional coherence, efficiency, and effectiveness.

We understand that the judicial infrastructure (buildings and working environments) and information technology systems are antiquated and often non-functioning. We are committed to doing whatever is necessary to establish and maintain a system that is functional, efficient, well-managed, and of the highest degree of integrity.

GOAL 4: Build the HJC's Internal Capacity

Clear definition of the role of the High Judicial Council and its Administration and prioritization of its organizational strengthening, capacity building and sustainability, including seeking appropriate budgetary resources.

We are committed to building a solid foundation for our work. This means designing judicial structures and staffing that reflect the organization's values including an administration made up of Albania's most talented and hard-working court administration experts.

GOAL 5: Establish Effective External Communications Strategies

Improvement of the relationships between the judiciary, our partners, and the public by developing and implementing a communications strategy.

We are committed to operating transparently, while ensuring that the individual is fully informed about changes in the judiciary.

Strategic Goal	Objective
<p>Goal 1: Securing adequate resources to implement judicial power reforms—including judicial infrastructure and staffing—as quickly as possible, while still maintaining a focus on quality.</p> <p><i>Accelerate the Reform of Judicial Power & Resource Allocation</i></p>	<ol style="list-style-type: none"> 1.1 Fill the vacancies on the High Court and restore its ability to function as soon as possible. 1.2 Address the High Court’s administrative infrastructure and human resource urgent needs. 1.3 Reorganize the judicial map to distribute the courts in proportion to the new territorial divisions, population metrics, and the number of pending court cases. 1.4 Support the Independent Qualification Commission through the drafting of detailed and reasoned reports on the professional skills of re-evaluation subjects. 1.5 Reduce the backlog of cases through the adoption of an action plan. 1.6 Efficient use of resources. 1.7 Establish Special Anti-Corruption and Organized Crime Courts, and support their initial activity.
<p>Goal 2: Commitment for implementing human resource management best practices throughout every level of the judiciary, focusing on standards for ensuring judicial excellence.</p> <p><i>Establish & Enforce Standards for Judicial Excellence</i></p>	<ol style="list-style-type: none"> 2.1 Increase transparency in the appointment and promotion of judges and court administration staff, by ensuring standards of meritocracy 2.2 Draft and publish standards of ethics and rules for conduct for judges and court administration staff. 2.3 Define procedures and criteria for fair, transparent and ethical disciplinary measures and processes. 2.4 Reduce delays in the annual performance assessment of judges and court administration staff. 2.5 Set the standards for the evaluation of judges and court administration staff performance. 2.6 Provide ongoing professional development opportunities and training for judges and court administration staff. 2.7 Promote the use of alternative non-custodial means by the courts

Strategic Goal	Objective
<p>Goal 3: Improvement in the delivery of judicial services through innovation and the strengthening of structures and technology systems that guarantee institutional coherence, efficiency, and effectiveness.</p> <p><i>Deliver Services Efficiently & Make Courts Work Better</i></p>	<ul style="list-style-type: none"> 3.1 Develop and implement a unified case management system that complies with international standards and increases the level of efficiency in the delivery of services. 3.2 Assess and improve the judicial infrastructure (buildings and working environments) to meet contemporary standards. 3.3 Ensure the well-functioning of the courts through the approval of unified rules for the courts administration.
<p>Goal 4: Clear definition of the role of the HJC and its Administration and prioritization of its organizational strengthening, capacity building, and sustainability, including seeking appropriate budgetary resources.</p> <p><i>Build the HJC's Internal Capacity</i></p>	<ul style="list-style-type: none"> 4.1 Draft secondary legal acts to implement judicial reform and enable the HJC to exercise its functions and ensure judicial independence. 4.2 Establish required structures to enable the HJC to exercise its full authority to govern the judiciary. 4.3 Create position descriptions and recruit candidates for administrative positions, according to specific criteria that align with the HJC's values, goals, and objectives. 4.4 Build HJC's capacity to monitor and evaluate its work. 4.5 Create a culture of innovation that addresses developments in Albania's judicial system. 4.6 Institute a transparent performance management system that ensures HJC members and administrative staff perform to the highest capacity and that programs and strategies are effective and efficient. 4.7 Take an active role in drafting and improving the legislation that affects the work of the judiciary and any other matter that is within the responsibility of the Council. 4.8 Draft, approve and implement the strategic plan for the judicial system in cooperation with the Ministry of Justice, in order to coordinate with the justice sector.

Strategic Goal	Objective
<p>Goal 5: Improvement of the relationships between the judiciary, their partners, and the public by developing and implementing a clear communications strategy.</p> <p><i>Establish Effective External Communications Strategies</i></p>	<p>5.1 Offer stakeholders innovative and convenient ways to engage with the HJC, its administrative staff, and the courts - particularly through online systems - to increase collaboration.</p> <p>5.2 Take an active role to influence public policy and drive for specific changes in how the other branches of government engage with the HJC in judicial system planning.</p> <p>5.3 Establish a communications strategy to provide transparent proactive and informative public and media relations.</p> <p>5.4 Timely publication of court decisions on the HJC's web portal.</p>

MONITORING, ACCOUNTABILITY, AND TRANSPARENCY

Structure and Approach

In developing this strategic plan for the entire Albanian Judiciary system, the Council recognizes the importance of careful implementation, monitoring, and evaluation of its activities. In an effort to prioritize these activities, the Council is committed to creating a special structure to monitor the progress of strategy implementation against approved goals. This structure will also require the collection of important data and information related to strategy implementation and, when appropriate, will suggest changes to the strategy, indicators, and/or measurement tools.

This structure will be established by order of the Chair of the High Judicial Council, which will determine its composition, responsibilities, and timeframes. The structure for monitoring the implementation of the strategy will be a temporary structure with fluid membership assigned based on the oversight needs of the Council. Since the objectives and the relevant measures may change over time, the composition of this structure must be flexible. Nevertheless, its establishment is an institutional necessity that enables the monitoring of progress, review of strategic direction, and the implementation of the strategy itself.

Reporting Requirements

The structure for monitoring the implementation of the strategy will be responsible for collecting strategic data and providing periodic reporting which outlines the Council's progress in implementing its strategy.

This internal monitoring, separate from external evaluation, will provide the Council with a means for monitoring and controlling its own internal systems, processes, and progress in achieving the goals and objectives outlined in the strategic plan.

This monitoring structure will be responsible for drafting quarterly working reports throughout the entire term of this strategy. These reports will provide a clear picture of the Council's progress in implementing the strategy, as well as focus attention on issues that may be impeding implementation.

For the purpose of measuring results, twice a year (every six months), the strategy monitoring structure will also prepare an assessment matrix which further explains progress in implementing the strategy, or, when appropriate, the reasons for deviations from the approved action plan.

It should be noted that the Council gave careful attention to the development of specific quantitative and qualitative indicators for each item in the strategic and action plans. Many of these indicators intentionally mirror those found in the Cross Sector Justice Strategy and are intended to align the work of the Judiciary and the Ministry of Justice whenever possible. These indicators will guide the monitoring structure in how to measure progress during the monitoring and evaluation process.

Access to Monitoring and Evaluation Data

The monitoring structure will be responsible for submitting all reports to the Strategic Planning, Administration and Budget Committee for review and approval. All reports will be made public on the Council's official website.

The Strategic Planning, Administration and Budget Committee will have responsibility for revising this strategic document annually to ensure compliance with the evolving Cross Sector Justice Strategy.

Shtojca A: Strategic Planning Process Participants

The development of this Strategic Plan would not have been possible without the extraordinary engagement of a broad cross-section of participants:

HIGH JUDICIAL COUNCIL MEMBERS

Naureda Llagami, Chairperson
Maksim Qoku, Deputy Chairperson
Alban Toro
Brikena Ukperaj
Brunilda Kadi
Dritan Hallunaj
Erjon Muharremaj
Fatmira Luli
Ilir Toska
Marcela Shehu
Medi Bici

HJC ADMINISTRATIVE LEADERSHIP

Luljeta Laze, Budget Director
Xhevdet Haxhiu, Administrative Director

Këshilli dhe stafi i tij administrativ vlerësojnë kontributin dhe asistencën që anëtarët e gjyqësorit, të cilët përfaqësonin të gjitha instancat e gjykatave, ato të juridiksionit të përgjithshëm, administrativ dhe të krimeve të rënda, dhanë gjatë hartimit të këtij plani. Presim me padurim një pjesëmarrje akoma më të madhe në procesin e planifikimit të radhës për 2021-2023.



HIGH JUDICIAL COUNCIL

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