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# **STRENGTHENING THE EFFICIENCY AND QUALITY OF JUSTICE SYSTEM IN ALBANIA (SEJ III)**

## **Reporting Obligations on Judicial Statistics**

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May 2020

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## 1. List of abbreviations

CEPEJ	European Commission for Efficiency of Justice
COE	Council of Europe
EC	European Commission
EU	European Union
HJC	High Judicial Council
MoJ	Ministry of Justice
HC	The High Court

## 2. Methodology, aim and scope

The Council of Europe European Commission for the Efficiency of Justice (CEPEJ) is implementing the third phase of the Action on “Strengthening the Efficiency and Quality of Justice in Albania” (SEJ III) which is part of the programme entitled Horizontal Facility for the Western Balkans and Turkey” (HF II), co-funded by the European Union (EU) and the Council of Europe (CoE).

One of the main priorities of the SEJ III is to assist the High Judicial Council (HJC) to apply the new legislative framework according to the CEPEJ standards and tools. In this regard, a team of international CEPEJ experts (Julinda Beqiraj, Harold Epineuse and Georg Stawa), supported by the local CEPEJ/SEJ team, conducted an assessment of the current situation and problems related to the collection of judicial statistics with the aim to provide recommendations for a more consistent approach to collecting judicial statistics in line with CEPEJ/SATURN Guidelines and other relevant standards that would be tailor made to the needs of Albania.

The (resulting) CEPEJ expert report of March 2020 “Data Collection, Case Management and IT Strategy in Albania” found that data collection is done upon request, and that Courts and their statistical departments are overburdened and have no big picture of the purpose of data collection. Among the actions to be undertaken, the Expert report suggested conducting a *mapping of the reporting obligations/requests that are handled by courts, whether via the HJC, through other institutions or at the court level*. Such action is carried out in the current exercise.

This document contains a mapping of the reporting obligations on judicial statistics. It relies on desk based research, which was carried out by the CEPEJ experts Julinda Beqiraj and Aida Gugu Bushati, and on occasional assistance from the national beneficiaries, who shared useful documents and validated some of the information - specifically, selected HJC members and

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technical staff that work with judicial statistics, the CEPEJ correspondent and the representatives of the statistics department of the Ministry of Justice.

### **3. Overview of Reporting Obligations on Judicial Statistics**

The aim of the current exercise is to provide clarity and rigour in the reporting requests on judicial statistics that weigh on courts (esp. chancellors and statistics divisions); this would possibly reduce the burden on statistics departments at the level of courts, ensure coherence and avoid overlaps.

Depending on its nature, judicial data can be qualified as data for public use or data for the internal use of courts/institutions. While the reporting institutions may vary (the High Judicial Council (HJC), the Ministry of Justice (MoJ), courts), data is primarily produced at the court level, by the Chancellor or the court Chairperson. The reporting institutions use different reporting templates, which contain different categories of information; this is partly justified by the purpose of the report or the specific methodology used by the relevant institution or International Organization. However, the requesting institutions should make available standardized formats for the reporting of judicial statistical data, to the widest extent possible, including explanatory guidance on the categories of data to be reported.

The table below presents an overview of the reporting obligations on judicial statistics. Such reporting obligations are set out in the law or derive from Albania's membership in, or exchanges with, International Organizations. The table provides information on: the institution responsible to report under the law; the addressee (including an indication whether the report is made available to the wider public); reporting frequency; legal basis; purpose; a summary of the main categories of information contained/analysed in the report; and whether a rulebook, guidelines, or a standardised format is made available.

A detailed analysis of the content of the judicial statistics reports listed below, their relevance, possible overlaps and purpose will be developed in due course.

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**Table of Reporting Obligations on Judicial Statistics**

	RESPONSIBLE PROVIDER(S)	ADDRESSEE	REPORT NAME	FREQUENCY	LEGAL BASIS	PURPOSE	SUMMARY CATEGORIES OF INFORMATION	RULEBOOK/ GUIDELINES/ STANDARDISED FORMAT
1.	HJC Chairperson of the HCJ	Public; Parliament	Report on caseload and workload of courts  2018 <a href="#">AL</a> <a href="#">EN</a>	Annual  (not later than 1 May)	<ul style="list-style-type: none"> <li>• Arts. 81 and 82, <a href="#">Law 115/2016 on Governing Institutions of the Justice System</a></li> <li>• Art. 59.3(dh), <a href="#">Law 115/2016 on Governing Institutions of the Justice System</a></li> <li>• Art 22, <a href="#">Law 98/2016 on the organisation of judicial power</a></li> </ul>	Assessment of the activity of the HJC and of court performance.	<a href="#">HJC Report, Section 4</a> <ul style="list-style-type: none"> <li>• Case load and <i>backlog</i> at national level</li> <li>• Incoming cases</li> <li>• Backlog cases</li> <li>• Solved cases</li> <li>• No. of judges by Court</li> <li>• Disposition time (DT)</li> </ul>	No

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							<ul style="list-style-type: none"> <li>• Case turnover ratio (CTR)</li> <li>• Clearance Rate in % (CR)</li> <li>• Budgetary resources</li> <li>• Situation in the High court</li> <li>• Reasons for delays in submitting judicial decisions</li> </ul>	
2.	MoJ	INSTAT/General public	Annual Statistical Report 2018 <a href="#">AL</a>	Annual	<p><i>Law on official statistics, no 17/2018, Annex 1, 1.7 Justice and Criminality, Art. 10.</i></p> <p>Art 6 point 15, Law on the Ministry of Justice, no. 8678 dated 14/5/2001, as amended</p>	Unified analysis of the justice system	<ul style="list-style-type: none"> <li>• Statistics for Criminal and Civil cases examined by District courts</li> <li>• Data of the Directorate General of Prisons</li> <li>• Distribution of Criminality Rate for 2018</li> </ul>	<a href="#">Instruction No. 4 dated 15/04/2019</a>

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								<p>According to Completed Criminal Cases</p> <ul style="list-style-type: none"><li>• Cases tried for crimes of Corruption and Organized Crime</li><li>• Cases tried for crimes by the first instance courts according to the Military Criminal Code</li><li>• Juvenile delinquency</li><li>• Suspension of sentence enforcement probation service imprisonment alternative sentences and electronic monitoring</li><li>• Workload of judges for the respective year</li><li>• Comparative analysis for Civil Appeals</li></ul>	
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							<p>examined by Courts of Appeal and High Court</p> <ul style="list-style-type: none"> <li>• Statistics for criminal proceedings and their dynamics at the Prosecutor's Office</li> </ul>	
3.	MoJ	CEPEJ - CoE	<a href="#">CEPEJ Eval</a> - country data and report	Biennial	Albania joined CoE on 13 July 1995; participated to the first CEPEJ Eval pilot reporting data on 2001.	Assessment of performance of the justice system	<ul style="list-style-type: none"> <li>• Budgetary resources</li> <li>• Judges, prosecutors and staff</li> <li>• Courts</li> <li>• Efficiency indicators</li> </ul>	<ul style="list-style-type: none"> <li>• CoE <a href="#">Questionnaire (2018)</a></li> <li>• CoE <a href="#">Explanatory note (2018)</a></li> <li>• CoE <a href="#">File for national corresp.</a></li> </ul>
4.	MoJ	CEPEJ - CoE	<a href="#">Dashboard for the Western Balkans</a>	Annual	Programme launched 2019-2022	Assessment of performance of the judiciary		<ul style="list-style-type: none"> <li>• CoE <a href="#">Questionnaire 2018</a></li> </ul>



								<ul style="list-style-type: none"> <li>• <a href="#">Expl.tory note 2018</a> (CoE)</li> </ul>
5.	MoJ	Miscellaneous to Int. Org. (WB/ EU)	<ul style="list-style-type: none"> <li>• Track Record - Corruption and organised crime</li> <li>• Asset declaration track records</li> <li>• Money laundry cases</li> <li>• Criminal Cases – intellectual property infringement</li> </ul>	<p>Quarterly/ Annual</p> <p>Annual</p> <p>Semi annual /annual</p> <p>Annual</p>		State of corruption and organized crime	<p>Track record on: corruption and org. crime; criminal liability re asset declaration cases; money laundry; intellectual property criminal offences</p> <ul style="list-style-type: none"> <li>• Info on adjudicated cases</li> <li>• Sanctions imposed by the courts</li> <li>• No of persons convicted/sanctioned</li> </ul>	<ul style="list-style-type: none"> <li>• MoJ Guidelines 804/1, dated 23/12/2013 on collection and processing of statistics on corruption and organised crimes</li> <li>• No - based on the request of the Int. Org.</li> <li>• No - based on the</li> </ul>

								request of the Int. Org.
6.	Courts / Chairperson	HJC	Report on court personnel and caseload	Quarterly	<ul style="list-style-type: none"> <li>• Art 37, <a href="#">Law 98/2016 on organization of judicial power</a></li> <li>• <a href="#">HJC Decision No. 25 dated 7/2/2019</a> On periodic information provided by Court chairman on court performance</li> </ul>	Assessment of court and judge performance	<ul style="list-style-type: none"> <li>• Incoming cases by court and by judge</li> <li>• Backlog cases</li> <li>• No of cases beyond the reasonable time duration (art. 399 Proc. Civ. Code).</li> <li>• Withdrawal/recusal of judges</li> <li>• Problems with case management, production of statistics</li> </ul>	Template tables for reporting

7.	HCJ	General public	Report on evaluation of judges	Annual and every three years  By the end of March of the following year	Art 98, 99, <a href="#">Law 96/2016 on Status of judges and Prosecutors</a>	Overview of the evaluation process and the results	The three-year report: <ul style="list-style-type: none"> <li>• General description of the evaluations made</li> <li>• Analysis of the evaluation results to identify weaknesses and strengths</li> <li>• Recommendations of measures to be taken to overcome the identified weaknesses</li> <li>• Analysis of the efficiency of the recommendations for the previous reporting period</li> </ul>	No
8.	Courts	HJC - Committee on ethics and	Single judge statistics	Annually  Linked to the ethics and	Art. 77 to 90 and 84, <a href="#">Law 96/2016 on Status of judges and Prosecutors</a>	Assessment of ethics and performance evaluation	Statistical data on the work of the judge related to:	<ul style="list-style-type: none"> <li>• <a href="#">HJC Decision No. 264 dated 21/11/2019</a></li> </ul>



		performanc e evaluation		performanc e evaluation process (every three years during the first 15 years of work; once in five years after 15 years of work)			<ul style="list-style-type: none"> <li>• No of cases as single judge or rapporteur in a panel, by category</li> <li>• No of cases as delegated judge</li> <li>• Compliance with timeframes of the judicial process</li> <li>• Compliance with legal deadlines</li> <li>• CR by case category</li> <li>• Average number of hearings</li> </ul>	<p>On the approval of “The scoring methodology aimed at determining a judge’s evaluation grade”</p> <ul style="list-style-type: none"> <li>• <a href="#">HJC Decision No. 60 dated 30/01/2020</a></li> </ul> <p>On the adoption of guiding instructions “On filling in the tables with statistical data for the purpose of the ethics and professional</p>
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								evaluation of judges”.
9.	Court	HCJ	Chairman of the court	<p>Annually - Linked to the professional evaluation of the Chairman</p> <p>Once during their mandate - at least six months prior to its end</p>	Art. 79 ff and 84, <a href="#">Law 96/2016 on Status of judges and Prosecutors</a>	Assessment of the performance evaluation	Statistical data on functioning of the court for 5 years.	Related sub-legal acts not yet developed by the HCJ
10.	Chairman / Chancellor / General	HJC / General meeting of	Court annual report	Annually	Arts 29,40, <a href="#">Law 98/2016 on organization of judicial power in Albania</a>	Assessment of the overall	Human resources Workload of judges	Not yet discussed under the

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	meeting of all judges within a court	all the judges within a court				performance of the court	Budget and infrastructure	Internal rule of the courts.  Sub-legal act not yet adopted
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