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European Union

EURALIUS
Consolidation of the
Justice System in Albania

The background of the entire page is composed of numerous thin, curved lines in shades of blue, yellow, and red, creating a sense of motion and depth. These lines are most prominent in the upper and lower portions of the page, framing the central text area.

JUSTICE REFORM ALBANIA

Publication of the Assembly of Albania,
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ALBANIA

ON ITS

CONSTITUTION OF THE
REPUBLIC OF ALBANIA ADOPTED

1998

2000

2003

2006

2009

ALBANIA
POTENTIAL CANDIDATE COUNTRY

STABILISATION AND ASSOCIATION AGREEMENT
NEGOTIATIONS **STARTED**

STABILISATION AND ASSOCIATION AGREEMENT
SIGNED

APPLICATION FOR
EUROPEAN UNION MEMBERSHIP

EUROPEAN PATH

COMPREHENSIVE JUSTICE
REFORM **LAUNCHED**

HIGH JUDICIAL COUNCIL
HIGH PROSECUTORIAL COUNCIL
ESTABLISHED

CONSTITUTIONAL AMENDMENTS
APPROVED
TOGETHER WITH **8 CORE LAWS**

SPAK COURTS AND
SPECIAL PROSECUTION OFFICE
ESTABLISHED

MEMBERS OF VETTING
INSTITUTIONS **APPOINTED**

HIGH JUSTICE INSPECTOR
ESTABLISHED

ADDITIONAL REFORM LAWS
ADOPTED

2014

2016

2017

2018

2019

2020

CANDIDATE STATUS WITH PERSPECTIVE OF
OPENING ACCESSION NEGOTIATIONS
GRANTED

JUSTICE REFORM PROCESS

A comprehensive justice reform process started in October 2014 to address the shared perception that Albania lacked an independent, accountable and efficient justice system.

The ad hoc 'Justice Reform Commission' was appointed by the Assembly to lead the reform process. It was supported by:

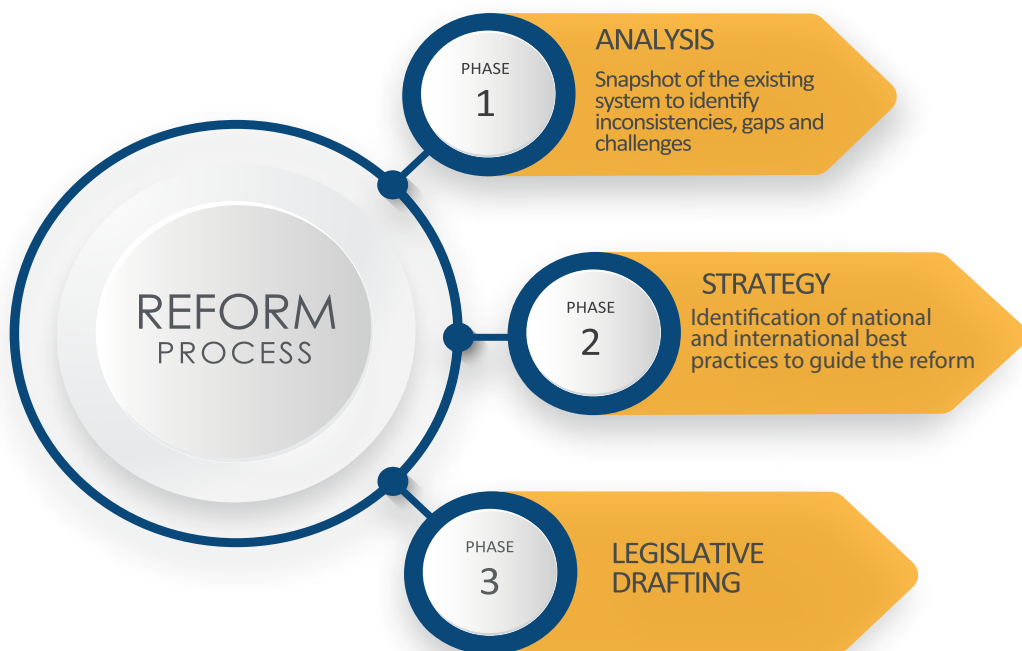
- more than **30** highly qualified local and international expertst
- over **100** technical experts specialized in specific fields
- international experts, including experts from EURALIUS (EU funded project), OPDAT (US Office of Overseas Prosecutorial Development Assistance and Training), Justice without delay (USAID- funded project), OSCE, and the Venice Commission (Council of Europe).

“

THE JUDICIARY REFORM IS PROBABLY
THE MOST AMBITIOUS AND MOST IMPORTANT
REFORM THAT ALBANIA HAS SEEN DURING THE
LAST 25 YEARS

MEP Mr. Knut Fleckenstein

”



“

THE OPENING OF NEGOTIATIONS DEPENDS
ON FURTHER CONCRETE AND
SUSTAINABLE REFORMS IN ALBANIA

Press Release of the European External Action Service

”

OBJECTIVES

ANTI-CORRUPTION

- **A comprehensive, transitional re-evaluation (vetting) process** for all sitting judges and prosecutors, and others
- **Specialized permanent structures combatting corruption**, including a National Bureau of Investigation (NBI)
- **Decentralization of prosecution offices** to prevent top prosecutors from blocking sensitive investigations
- **Lifting of immunity regarding criminal investigations** against magistrates

ACCOUNTABILITY

- **A modern disciplinary system** for all magistrates, including members of governance institutions, based on best EU standards
- **Breaking corporatist chains** through heterogenous composition of the High Judicial Council and High Prosecutorial Council (magistrates, advocates, academics, civil society representatives)
- **A single independent disciplinary body for all magistrates**, the High Justice Inspector

ACCESS TO JUSTICE

- **The Constitutional Court as an effective protector of the constitutional rights of individuals**
- **Introduction of a new legal aid system**

SEPARATION OF POWERS & INDEPENDENCE

- **Redesign of checks and balances to reduce the political influence in the justice system**
- **New election formula for the Constitutional Court judges**
- **Transfer of powers to the new self-governing institutions** regarding appointment, transfer, promotion, evaluation and disciplinary measures of magistrates
- **Transfer of disciplinary investigation and inspection powers** from the Minister of Justice to the High Justice Inspector
- **Disciplinary proceedings based on law** in order to avoid politically driven dismissals

PROFESSIONALISM

- **Transparent and merit-based procedures** for the selection of candidates in high-level positions in the justice system
- **A well-defined career-development system** for the appointment, transfer and promotion of magistrates
- **Strengthened role of the School of Magistrates** to train magistrates, chancellors and others
- **Mandatory initial and continuous training**

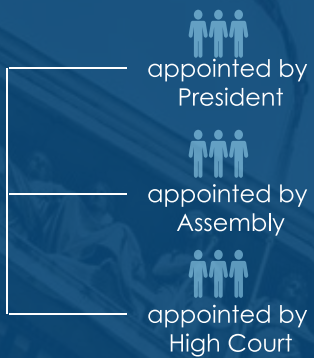
EFFICIENCY

- **The High Court as a court of cassation** to examine only points of law
- **Improved efficiency tools** in the procedural codes

JUSTICE REFORM KEY INSTITUTIONS

CONSTITUTIONAL COURT

9 JUDGES
year mandate



HIGH COURT



JUDGES ARE SUBJECT TO ETHICAL AND PROFESSIONAL PERFORMANCE EVALUATION RULES AND DISCIPLINARY LIABILITY





PROSECUTOR GENERAL



HIGH JUDICIAL & HIGH PROSECUTORIAL COUNCIL

 **self-governing** institutions of the judiciary and prosecution

 established in **December 2018**

 both Councils
 HJC
 HPC
 vetted

STRUCTURE

 **11** members

6 magistrates 

5 lay members

 lawyers
 academics
 civil society

**Strategic Planning
Administration and Budget
Committee**

**Disciplinary
Committee**

**Ethical and Professional
Performance Evaluation
Committee**

**Career
Development
Committee**

 **125** employees
including Council members

 **65** employees
including Council members

MAIN COMPETENCIES

appointment,
transfers promotion
& evaluation of
judges/prosecutors

decisions on
disciplinary
measures,
including
dismissals

approval of
ethical rules and
monitoring of
their observance

HJC directs
and manages
the administration
of courts

SPECIAL ANTI-CORRUPTION STRUCTURES

A CENTERPIECE OF THE ANTI-CORRUPTION MEASURES

A vertically integrated structure consisting of:

- The Special Prosecution Office (established in December 2019)
 - on combating organised crime and corruption, fully independent from the General Prosecutor in the investigation process
 - *(10 or more prosecutors and a Chief Special Prosecutor)*
- National Bureau of Investigation (to be established in 2020)
 - a specialized section of the judicial police investigating criminal offences
 - under the jurisdiction of the Special Prosecution Office
- Anti-Corruption and Organized Crime Courts (established in December 2019)
 - *(first instance and appeal)*
 - adjudicating cases investigated and indicted by the Special Prosecution Office

Internal anti-corruption measures:

- Security conditions have to be met prior to appointment and promotion of judges, prosecutors, National Bureau of Investigation investigators and administrative staff of anti - corruption structures
- Monitoring officers will conduct the periodic monitoring of telecommunications of judges, prosecutors, investigators and their close family members of the anti- corruption structures
- The Councils screen the assets and background of candidate magistrates and magistrates prior to their promotion

JUSTICE APPOINTMENTS COUNCIL

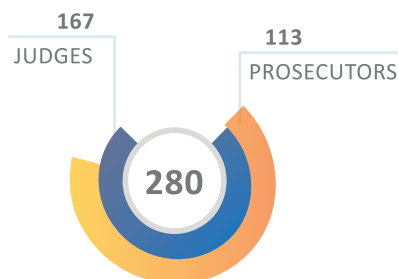
A DEPOLITICIZED FILTER TO REDUCE DISCRETION IN THE APPOINTMENT PROCESS

- Pre-screens candidates for the vacant positions of Constitutional Court judges and High Justice Inspector
- Verifies legal conditions for appointment, assesses professional and moral criteria and ranks candidates according to professional merits
- Submits ranking lists to the appointing bodies (the President, Assembly and High Court), which must appoint from among first ranked candidates

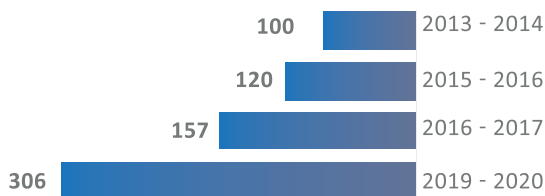
SCHOOL OF MAGISTRATES

AN ENGINE OF THE JUSTICE SYSTEM

The School of Magistrates started functioning in October 1997



OVERALL NO. OF GRADUATES



NO. OF APPLICATIONS IN THE LAST YEARS

Main tasks

- Recruitment, initial and continuous training of candidate magistrates, state advocates, legal assistants, legal advisors and chancellors in courts and prosecution offices
- Publication and scientific research

"A COMPREHENSIVE REFORM OF THE ALBANIAN JUDICIAL SYSTEM. SUCH REFORM IS NEEDED URGENTLY, AND THE CRITICAL SITUATION IN THIS FIELD JUSTIFIES RADICAL SOLUTIONS"

Venice Commission, Interim Opinion

Structure



- Independent Qualification Commission (IQC)
5-year mandate
- Appeals Chamber (separate chamber of the Constitutional Court)
9-year mandate
- Public Commissioners
empowered by the Constitution to appeal decisions of the IQC
- International Monitoring Operation (IMO); funded by the EU and US
monitors vetting activities

Assessment Components



ASSETS

wealth that cannot be explained legitimately



BACKGROUND

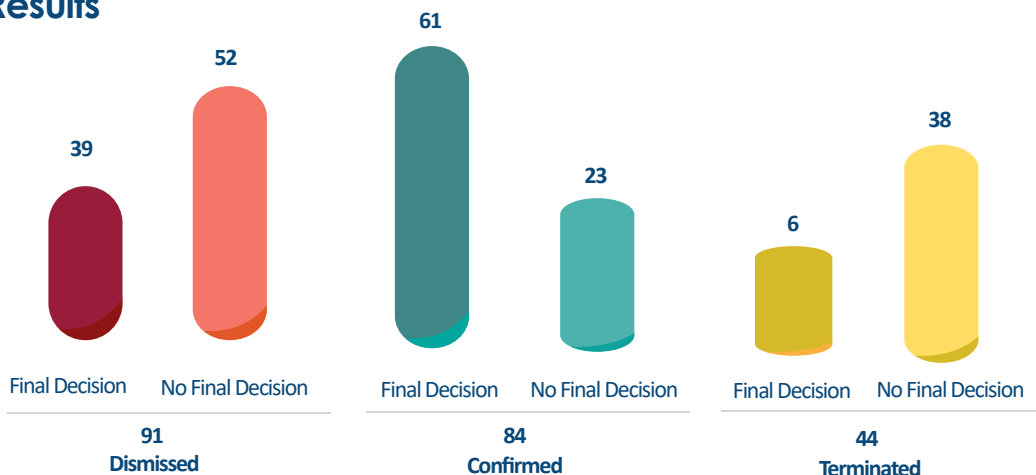
inappropriate contacts with persons involved with organized crime



PROFICIENCY

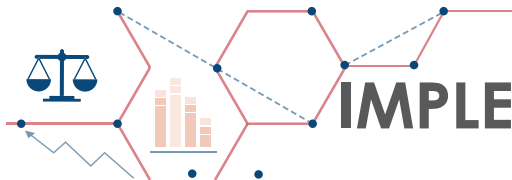
Insufficient professional qualification

Results



Note: Status as of January 2020

More updated data may be accessed at www.kpk.al or www.kpa.al



STATUS OF IMPLEMENTATION

Delaying moments in implementation of the Justice Reform

Establishment of the new justice institutions depending largely on the progress of the vetting process

Challenges to the reform laws before the Constitutional Court resulting in temporary suspension of the Vetting Law

Suspension of the work in Assembly due to boycott of the opposition for several months resulting in delays in the appointment of the members of the vetting institutions

Main Achievements



The reform package of **33 laws** is completed

The High Judicial Council is established and operational.

- **36 regulatory acts** adopted
- Calls for appointments to High Court opened
- Strategic measures for handling transition in courts with decreasing number of judges

The High Prosecutorial Council is established and operational.

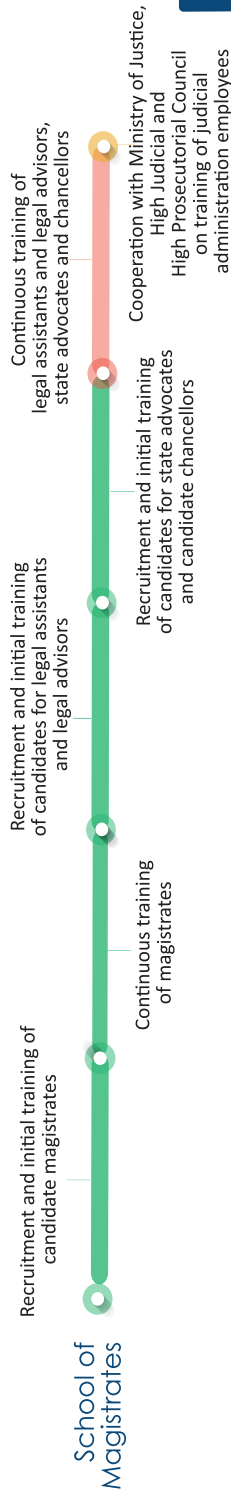
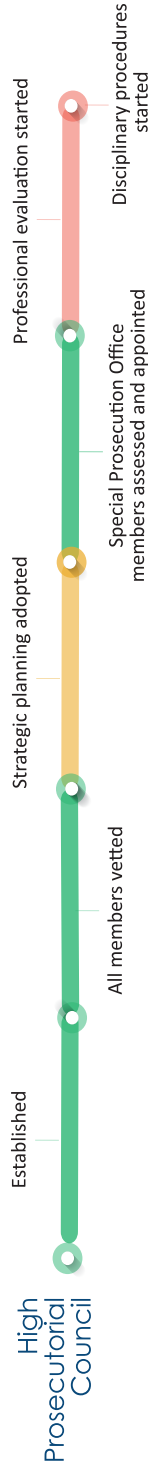
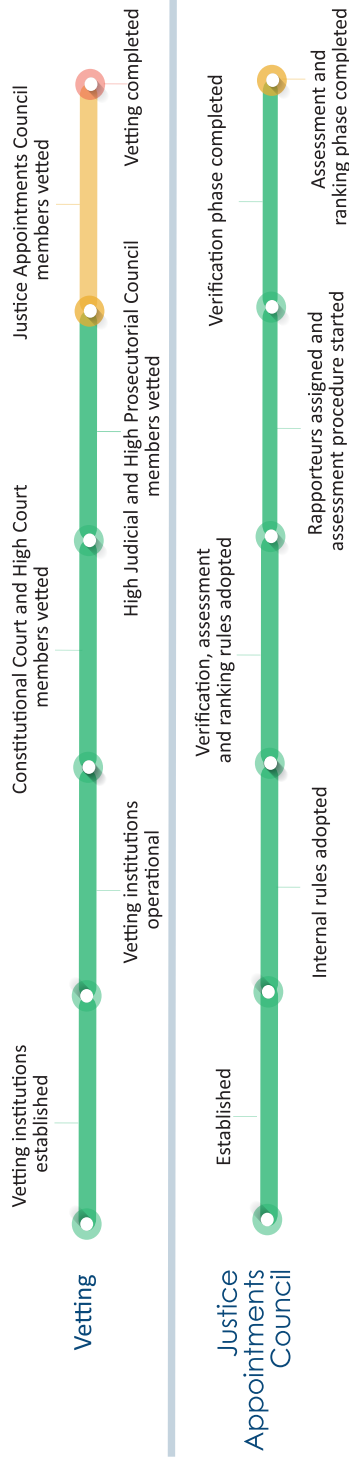
- **7 regulatory acts** adopted
- Procedure on verification, assessment, scoring and ranking of candidates for members of the Special Prosecution Office completed
- Procedure on verification assessment, scoring, and ranking of candidates for Prosecutor General finalised

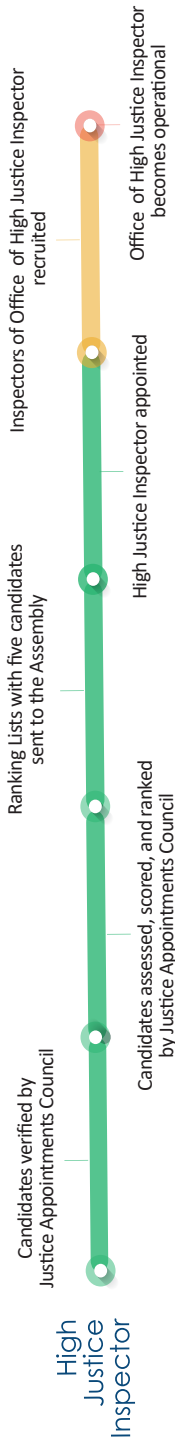
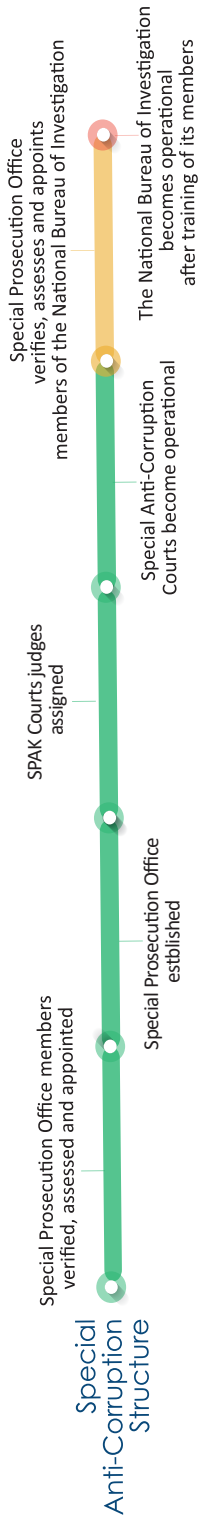
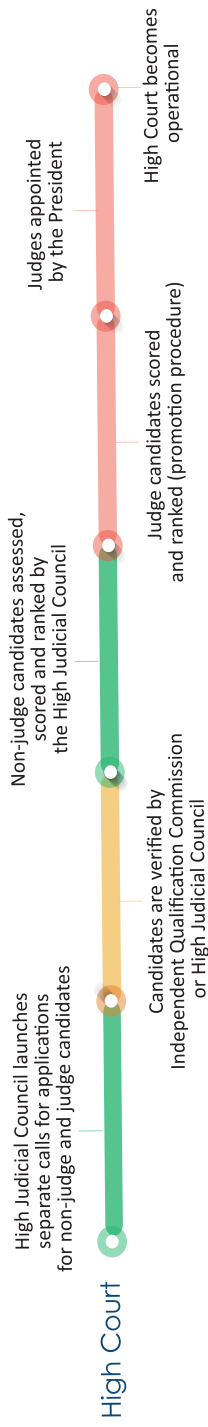
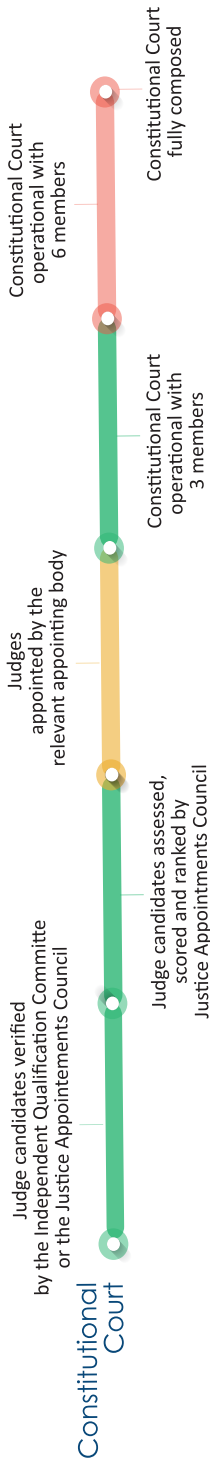
The Justice Appointments Council is established and operational.

- **5 regulatory acts** adopted
- Procedure on verification of Constitutional Court judge and High Justice Inspector candidates completed
- Procedure on assessment, scoring and ranking of Constitutional Court judge and High Justice Inspector candidates completed

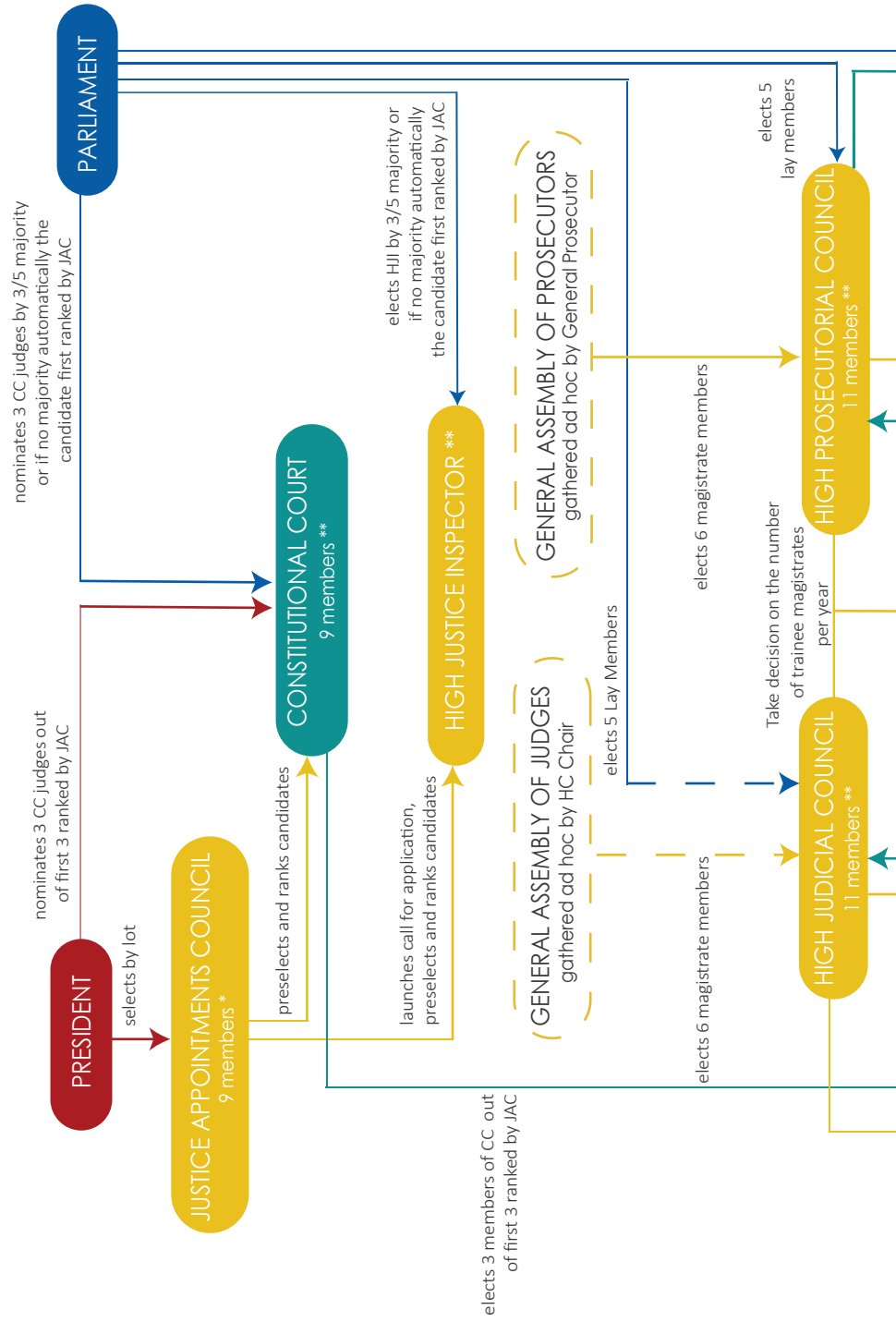
Overall, the reform implementation has produced good results in terms of **transparency** and **inclusiveness**.

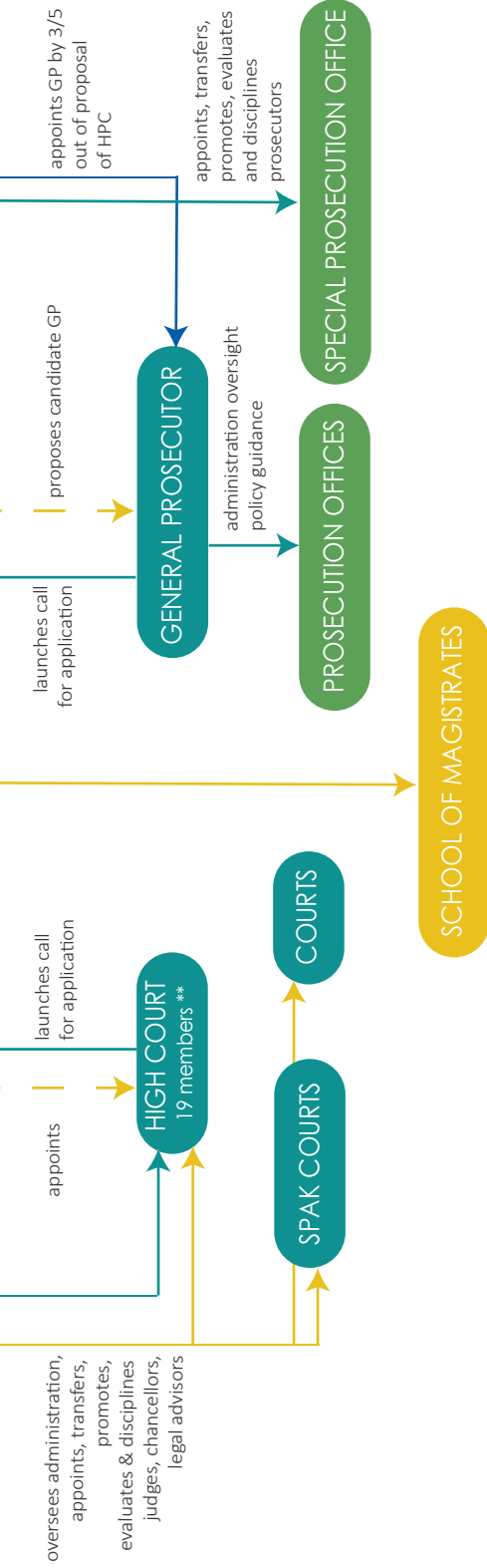
Completed In Progress Not Started





INTERACTION BETWEEN INSTITUTIONS FOR ESTABLISHMENT OF JUSTICE SYSTEM GOVERNING INSTITUTIONS





Legend

- █ President
- █ Parliament
- █ Governance Institutions
- █ Courts
- █ Prosecution

* JAC could operate while vetting of its members is ongoing

** Need to be vetted before operation

- JAC** Justice Appointment Council
- CC** Constitutional Court
- HJI** High Justice Inspector
- HC** High Court
- HPC** High Prosecutorial Council
- SPAK Courts** Special Anti-Corruption Courts



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