



The European Union's project

**CONSOLIDATION OF THE JUSTICE SYSTEM IN ALBANIA
(EURALIUS IV) EuropeAid/135374/L/ACT/AL**

FINAL REPORT

covering 1 June 2017 – 28 February 2018

+



This project is funded by
The European Union

Implemented by the consortium:



FINAL REPORT
EURALIUS IV - 2017
1 June 2017 – 28 February 2018

Version 31.01.2018

Title of the action:	CONSOLIDATION OF THE JUSTICE SYSTEM IN ALBANIA (EURALIUS IV - 2017)
Location(s) of the action:	Albania
Implemented by	Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit e.V. (IRZ) Ublerstraße 92, D-53173 Bonn, Germany Head of Section / Dep. Coordinator EU funded Projects Nathalie Herbeck Nathalie.herbeck@irz.de Kronenstraße 73, 10117 Berlin, Germany Tel: + 49 - 30 - 2000 900 - 86
Reference	IPA 2013 - BGUE-B2013-22.020200-C1-ELARG DELALB Reference: EuropeAid/135374/L/ACT/AL
EuropeAid ID	DE – 2007 – DOP - 2711221083
Ongoing contract/Legal Entity File Number (if available)	6000066345
Project team	Dr. Agnes Bernhard, Team Leader bernhard@euralius.eu Tel: + 355 4 22 40 333; Mob: +355 68 8046 000 Project office: Ministria e Drejtësisë, Blvd. Zogu i Parë, Tirana, Albania, info@euralius.eu
Consortium member CILC Consortium member aed	Center for International Legal Cooperation (CILC) Koninginnegracht 7, 2514 AA The Hague, The Netherlands Agency for Economic Cooperation and Development, Austrian (aed), Heiligenstädter Lände 29, 1190 Vienna, Austria

Contents

PART ONE: EXECUTIVE SUMMARY	11
PART TWO: RESULTS AND ACTIVITIES	22
Activity 1 1 2 Support the implementation and monitoring of the new cross-cutting Justice Reform strategy and its action plan in addition to other things by assisting the OJ in drafting or amending necessary laws and by laws that are called for by the strategy Ensure that these measures take into consideration relevant measures of the anti corruption strategy	22
Activity 1 2 With the aim of establishing a clear track record of investigations prosecutions and convictions support the capacities of the courts and the OJ to elaborate statistics and improve the reporting system in coordination with the PO Upgrade in the framework of the existing computer systems with the available limited resources for IT services support the specification of a new generation IT system if financing becomes available PA E A handles the Ministry of Interior the Albanian State Police	2
Activity 1 1 Propose a new national aid providing more support to vulnerable groups at the local level This includes the provision of support regarding the necessary budget allocation	2
Activity 1 Review the existing judicial fee structure with a view to ensuring simplified and efficient access to justice for all parts of the Albanian society including underprivileged people A new national court fees is has been proposed	28
Result 1 Decisions taken by the OJ regarding the status of judges are taken on objective and transparent criteria in line with EU standards	1
Activity 1 1 Create legislative rules within the ongoing reform process of the reform the High Judicial Council in order to reduce discretion and improve transparency of the decisions draft of constitutional amendments and legislation to organise the OJ	1
Activity 1 2 Assists the working groups in Parliament within the reform process of the judiciary in elaboration the new primary legislation governing the recruitment appointment promotion and transfer of judges according to the objective criteria	2
Activity 1 Assist the OJ in the implementation and/or review of the evaluation system for judges Assist the further development of the inspection system taking into account international best practice and EU standards and with a view to a long-term solution beyond the current EU for the overlapping inspectorates	
Activity 1 Assist the OJ or draft new legislation within the reform process of the judiciary reviewing and amending the rules on disciplinary procedures against judges according to EU standards	0
Activity 1 7 2 Support the implementation of the Memorandum of Understanding Memorandum of understanding between the OJ and the OJ Inspectorates through the conduct of joint inspections	2
Activity 2 1 1 Provide assistance to the OJ in developing and delivering training to judges in improving the reasoning and quality of decisions and management of trials	
Activity 2 1 2 Provide assistance to the OJ to further develop the continuous training for judges and prosecutors stressing introducing the recent adopted national legislation as well as international legislation and case law including the European Court of Justice	
Activity 2 1 Monitor the procedures followed by the OJ in selecting the curricula professors and organizing transparent and clear selection procedures Assist the introduction of a psychological test and amendments to the choice of magistrates	
Activity 2 1 Assist in ensuring the necessary financial means for the OJ to facilitate contemporary training methods and attract highly qualified trainers	8
Activity 2 1 Assist the OJ and the OAJ in keeping the case management system in the best possible condition with the aim of providing the courts with at least basic case management functionalities until the arrival of the new	

integrated case management system. This Activity includes assistance in identification and in resolution of all shortcomings falling under the current maintenance contracts and assistance in specification and implementation of a functional improvement that may be implemented with the available financing	0
Activity 2.2 Assist the DOJ in specification and procurement of new integrated case management system supporting case processing in Albanian courts	2
Activity 2.2.2 Assist the DOJ within the reform process to establish a legal framework which foresees comprehensive initial and continuous training to prosecutors, court officers and other judicial administrators and identify the institution responsible for Public Administration or other to implement the training	
Activity 2.1 Support the Parliament and the National Chamber of Advocacy (NCA) in the implementation of the Law on the profession of lawyers, the new disciplinary procedures for lawyers and the new requirements for professional liability insurance	
Activity 2.2 Support the NCA in further improving the school for Lawyers and in developing and implementing a training program for lawyers and lawyer candidates, initial and continuous training. Assist the NCA in other issues related to the setting up and putting into operation the new school of Lawyers	
Activity 2.5.3: Support the NCA in the implementation of the Lawyer's Code of Ethics. If a new law on advocates is upcoming within the reform process it is recommended to incorporate the Code of Ethics into the law	
Activity 2.1 Provide support to the National Chambers of Notaries (NCA) regarding its internal organization and functioning, especially a solution with regard to the disciplinary procedures for notaries. A new law on notaries drafted within the reform process is part of the activity	7
Activity 2.2 Support the Ministry of Justice and the NCA in the implementation of a training program for notaries and notary candidates.	8
Activity 1.1 Assist the DOJ in particular the codification department in reviewing the Criminal Procedure Code and Criminal Procedure Code, in particular finalising the work of the "Task Force" and working group on the Criminal Procedure Code over the last two years in accordance with EU and Council of Europe standards and in particular with regard to the implementation of the 2012 constitutional reform, limiting the immunity of judges and deputies	
Activity 1.2 Support the further reform and modernisation of the Criminal Justice system and Institutional Framework or among other things by reviewing the other criminal legislation (e.g. the civil forfeiture or "anti mafia" law) in particular those elements of the legislation relating to anti corruption measures	70
Activity 2. Follow closely the development of the new electronic case management system currently being developed at the PO, assist in its implementation and training activities. When it is completed assist in general in improving IT matters at the PO with a view to enhanced compatibility with the IT systems of the police and courts as well as the prosecution services in EU	72
Activity 1.1 Assist the PO and the Council of the Prosecutors in the implementation and/or review of the evaluation system for prosecutors in connection with this assist the PO in analysing the role of the Council of the Prosecutors with a view to finding possible alternatives	7
Activity 2.2 Assist the PO and the Council of Prosecutors in establishing and implementing a career system of advancement in career with clear criteria	7
Activity 3.3.4: Assessment of the current institutional set up of the GPO and other prosecutor's offices with the aim of evaluating the current independence and accountability in particular an analysis of the existing checks and balances of prosecutors in line with EU standards	7
Activity 1 Support the General Prosecutors Office in reviewing its own internal organisational structure, human resources and financial management and that of the district prosecutor's offices, for the purpose of overall improvement of functioning	7
Activity 1.1 Case monitoring and peer review	7
Activity 2 Assist the competent institution to be selected by the Albanian Government to prepare the set up of the new institutions and to facilitate the change management in institutions with a defined task	7

Activity	Assist the JI in setting up its internal organization and in building its capacities	82
Activity	Assist the courts and the J in the new requirements for the organization and management of courts as well as the JA	8
Activity	Assist the P and the prosecution offices in setting up its internal organization and in building its capacities	8
Activity	Assist the new Special Prosecution Office and the specialised Anticorruption and Organized Crimes Courts to fight corruption in setting up its internal organisation and in building its capacities	8
PART THREE	IMPLEMENTATION OF THE REFORMS	87

[Shqiptaria.com]

List of Annexes

- Annex 1 Overview over the Outputs Elaborated per Activity, EN
- Annex 2 Table of the Justice Reform Status of Laws, EN 2018 01 30
- Annex 3 Analysis 'Stakeholder Comments to Draft Legal Aid Law', EN (Activity 1.3.1)
- Annex 4 Law no 111/2017 on State Guaranteed Legal Aid, AL (Activity 1.3.1)
- Annex 5 Law no 111/2017 on State Guaranteed Legal Aid, EN (Activity 1.3.1)
- Annex 6 Report for the Implementation of the Legal Aid Law, EN (Activity 1.3.1)
- Annex 7 Law no 98/2017 on Court Fees in the Republic of Albania, EN (Activity 1.3.3)
- Annex 8 Law no 98/2017 on Court Fees in the Republic of Albania, AL (Activity 1.3.3)
- Annex 9 Report 'E-commentary for Status Law, Governance Laws and Criminal Procedure Code, and Juvenile Justice Code, EN (Activity 1.5.1)
- Annex 10 Analytical Report on the Legal Framework for the Performance Evaluation System for Judges and Prosecutors in Albania, EN (Activity 1.5.3)
- Annex 11 Legal Requirements Related to Proficiency Assessment within the Vetting Process, EN (Activity 1.5.3)
- Annex 12 Template 'Proficiency Assessment Report' of HCJ, EN (Activity 1.5.3)
- Annex 13 Rules for the Lot Procedure in the Frame of the Proficiency Assessment, EN (Activity 1.5.3)
- Annex 14 Proposal for Assistance to the HCJ Inspectorate for the Establishment of an E-list of Judges to be Re-Evaluated by the Vetting Bodies, EN (Activity 1.5.3)
- Annex 15 Business Analysis 'Developing a Case Management System for High Justice Inspector', EN (Activity 1.5.3)
- Annex 16 Answers to Applicants - OSCE Procurement of a Pilot Case Management System for the High Justice Inspector, EN (Activity 1.5.3)
- Annex 17 Manual 'Disciplinary Investigations against Judges and Prosecutors', EN (Activity 1.5.4)
- Annex 18 Manual 'Disciplinary Investigations against Judges and Prosecutors', AL (Activity 1.5.4)
- Annex 19 List of Training Delivered in cooperation with SoM between 1 June 30-November 2017, EN (Activity 2.1.2)
- Annex 20 Agenda for Training 'Trial in Absentia', 5-6 October 2017 (Activity 2.1.2)
- Annex 21 Agenda for Training 'EU Standards for Victims' and Defendants' Rights', 26-27 October 2017, EN/AL (Activity 2.1.2)
- Annex 22 Note on 'Novelties of Civil Procedure Code', EN (Activity 2.1.2)
- Annex 23 Agenda for Training 'Civil Procedure Code Amendments', 6-7 November 2017, EN (Activity 2.1.2)
- Annex 24 Agenda for Training 'Civil Procedure Code Amendments', 8-9 November 2017, EN/AL (Activity 2.1.2)
- Annex 25 Agenda for Training 'Judgment upon Agreement', 13-14 November 2017 EN/AL (Activity 2.1.2)
- Annex 26 Manual on Mentorship, EN (Activity 2.1.3)

- Annex 27 Manual on Mentorship, AL (Activity 2.1.3)
- Annex 28 Comparative Analysis on Mentoring, EN (Activity 2.1.3)
- Annex 29 Comparative Analysis on Mentoring, AL (Activity 2.1.3)
- Annex 30 Agenda Awareness Raising Event on Mentorship on 7 July 2017, EN (Activity 2.1.3)
- Annex 31 Agenda for Training on Mentors 18-19. January 2018, EN (Activity 2.1.3)
- Annex 32 Mentoring and Evaluation: Example of Good European Practises, EN (Activity 2.1.3)
- Annex 33 Concept Paper on Mentoring, EN (Activity 2.1.3)
- Annex 34 Evaluation Form for Candidate Magistrates and Mentors, EN/AL (Activity 2.1.3)
- Annex 35 Regulation on Mentorship, EN (Activity 2.1.3)
- Annex 36 Note 'Salary of the Third-year Candidate Magistrates', EN/AL (Activity 2.1.3)
- Annex 37 Agenda 'Jubilee of the School of Magistrates', AL/EN (Activity 2.1.4)
- Annex 38 Capacity of the School of Magistrates and other Justice Sector Training Institutions, EN (Activity 2.1.4)
- Annex 39 Note on 'School of Magistrates' Premises', EN (Activity 2.1.4)
- Annex 40 User Manual on Changes to ICMIS for Administrative Courts, AL (Activity 2.3.1)
- Annex 41 ToR for new ICMIS, EN (Activity 2.3.2)
- Annex 42 Concept of the Pilot of the Next Generation of Court Case Management System, EN (Activity 2.3.2)
- Annex 43 Overview of the Legal Provisions on Categories of Judicial Civil Servants, EN (Activity 2.4.2.2)
- Annex 44 Overview of the Legal Provisions on Categories of Prosecution Offices Civil Servants, EN (Activity 2.4.2.2)
- Annex 45 Curriculum of Ethical Module for Training of Court Chancellors, EN (Activity 2.4.2.2)
- Annex 46 Curriculum Manual for Court Chancellors, EN (Activity 2.4.2.2)
- Annex 47 Court Administration Training Needs Assessment, EN (Activity 2.4.2.2)
- Annex 48 Curriculum for Court Chancellors, EN (Activity 2.4.2.2)
- Annex 49 Agenda of the Retreat 'SoM Chancellors Curriculum Working Group', EN (2.4.2.2)
- Annex 50 Report on Proficiency Testing, EN (Activity 2.4.2.2)
- Annex 51 Draft Curriculum for the Training of Legal Assistant and Legal Advisers EN (Activity 2.4.2.2)
- Annex 52 Concept Paper, Training new Legal Assistants and Legal Advisers EN (2.4.2.2)
- Annex 53 Assessment Report on the Amendments to the SoM Regulation, EN (Activity 2.4.2.2)
- Annex 54 Comments to Draft Law on Advocates Regarding a Proposal for Advocates Exclusivity, EN (Activity 2.5.1)
- Annex 55 Agenda of the Training 'Ethics and Disciplinary Responsibility of Advocates', EN/AL (Activity 2.5.3)
- Annex 56 Report 'European and International Standards for Notaries', EN (Activity 2.6.1)
- Annex 57 Report 'Kosovo Legal Framework for Notaries', EN (Activity 2.6.1)
- Annex 58 Note 'Appeal against the MoJ's Disciplinary Acts on Notaries', EN (Activity 2.6.1)
- Annex 59 Note on Response to Issues Resulting from the New Legal Amendments Affecting the Activity of the Chambers of the HC, EN (Activity 3.1.1)

- Annex 60 Note on Response to Issues Resulting from the New Legal Amendments Affecting the Activity of the Chambers of the HC, AL, (Activity 3.1.1)
- Annex 61 Analysis of the Impact on CAMS Related to the Changes in CrPC, EN (Activity 3.2.4)
- Annex 62 Analysis of the Impact on CAMS Related to the Prosecution Office Law, EN (Activity 3.2.4)
- Annex 63 List of Requirements for the Functionalities of the Case Management System at the GPO, EN (Activity 3.2.4)
- Annex 64 Agenda of the Training on 'Financial Management and Planning', EN (Activity 3.3.5)
- Annex 65 Concept Note on the Information Technology Centre for the Justice System, EN (Activity 5.2.)
- Annex 66 Proposal for the Structure and Budget of the HJI, EN (Activity 5.2)
- Annex 67 IT Needs for HJI, EN (Activity 5.2)
- Annex 68 IT Needs for HPC, EN (Activity 5.2)
- Annex 69 IT Needs for ITC, EN (Activity 5.2)
- Annex 70 IT Needs for HJC, EN (Activity 5.2)
- Annex 71 Organizational Design Regarding High Justice Inspector, EN (Activity 5.2)
- Annex 72 Report on 'Court Organization', EN (Activity 5.4)
- Annex 73 Table 'Overview on Activities required by Justice Reform Regarding Court Organization', EN (Activity 5.4)
- Annex 74 Internal Rules for the Organization of the District Court of Korca, EN (Activity 5.4)
- Annex 75 Internal Rules for the Organization of the First Instance Court of Tirana, AL/EN (Activity 5.4)
- Annex 76 Internal Rules for the Organization of the First Instance Administrative Court of Vlore EN (Activity 5.4)
- Annex 77 Draft Rules on Standard Structure of Internal Organization of the Courts, EN (Activity 5.4)
- Annex 78 Legal Opinion on the Disciplinary Liability of Chancellors, EN (Activity 5.4)
- Annex 79 Legal Opinion on the Disciplinary Liability of Chancellors, AL (Activity 5.4)
- Annex 80 Note on the 'Election of a Prosecutor who is Assigned the Functions of Prosecutor General in the Transitory Period', EN (Activity 5.5)

List of Abbreviations:

AC	Administrative Court
AHC	Ad-Hoc Committee of the Justice Reform
ALL	Albanian currency (lekë)
ARK-IT	Case management system developed by ARK IT company
AKSHI	Agjencia Kombetare e Sigurise se Informacionit
ASP	Albanian State Police
CAMS	Case Management System of Albanian prosecutor service
CC	Constitutional Court
CCMIS	Court Case Management Information System, case management system of the courts, replaced by ICMIS
CCJE	Consultative Council of European Judges
CEPEJ	European Commission for the Efficiency of Justice (CoE)
CoE	Council of Europe
CoM	Council of the Ministers
COP	Centre for Official Publications
CrPC	Albanian Criminal Procedure Code
CPrC	Civil Procedure Code
CSO	Civil Society Organization
DG JUST	Directorate General for Justice and Consumers
DoPA	Department of Public Administration
EU	European Union
EUD	European Union Delegation to Albania
EURALIUS	This project (EURALIUS IV-2017); Euralius I, II, III or IV = previous projects
EUR-Lex	European Union Legislation
GHLE	Group of High Level Experts (Ad Hoc Parliamentary Committee)
GPO	General Prosecutor's Office
GL	Governance Law
HC	High Court
HCJ	High Council of Justice
HJC	High Justice Council
HJI	High Justice Inspector
HPC	High Prosecutorial Council
HIDAACI	High Inspectorate of Declaration and Audit of Assets and Conflict of Interest
ICMIS	Integrated Case Management Information System
IMO	International Monitoring Operation
INT	International long-term expert (number = team)
IT	Information Technology
ITC	Information Technology Center
IQC	Independent Qualification Committee
JAC	Justice Appointment Council

JUST	Albanian Justice Sector Strengthening Project (US Embassy)
JFA	Justice for All
JRFA	Jurisdictional Relations with Foreign Authorities
LTE	Albanian long-term expert (number = team)
MLA	Mutual Legal Assistance
MoJ	Ministry of Justice
MoF	Ministry of Finance
MTE	Mid-term expert
NAIS	National Agency for Information Society
NCA	National Chamber of Advocates
NCN	National Chamber of Notaries
NBI	National Bureau of Investigation
NGO	Non- Governmental Organization
NJC	National Judicial Conference
No.	Number
OAJB	Office for the Administration of the Judiciary Budget
OECD	The Organization for Economic Co-operation and Development
OPDAT	Overseas Prosecutorial Development, Assistance and Training Program (United States of America)
OSCE	Organization for Security and Cooperation in Europe Presence in Albania
OSFA	Open Society for Albania
PAMECA	EU Project “Consolidation of Law Enforcement Capacities in Albania”, PAMECA IV
PAKS+	Program for the Administration of the Calendar of Court Hearings
SCLA	State Commission of Legal Aid
SCM	EURALIUS’ Stakeholders Committee Meeting
SoM	School of Magistrates
SOP	Standard Operational Procedures
SPAK	Struktura e Posaçme Anti Korrupsion- Special Anti-Corruption Structure
STE	Short Term Expert
SL	Status Law
TAIEX	Technical Assistance and Information Exchange instrument of the European Commission
TL	Team Leader (acting as INT 1 at the same time)
TLAS	Tirana Legal Aid Society
ToR	Terms of Reference
UAJ	Union of Albanian Judges
USA	United States of America
USKOK	Uredu za Suzbijanje Korupcije i Organiziranog Kriminaliteta (Croatian department to fight corruption and organized crimes)
VC	Venice Commission
WG	Working group

PART ONE: EXECUTIVE SUMMARY

Performance Summary

The start of EURALIUS IV-2017 fell within the period of elections to the Assembly held on 25 June 2017. The incumbent Socialist Party (SP) won a single-party majority, with 74 seats in the 140-seat parliament. The opposition Democratic Party (DP) returns to parliament with 43 seats. The SP's former coalition partner, the Socialist Movement for Integration (SMI) increased its seats to 19 and moved to opposition.

Following the elections to the Parliament, EURALIUS continued to assist the Assembly in the new legislative period starting in September 2017. The rapporteurs for the draft laws on court fees, legal aid, advocates and notaries convened several working group meetings with representatives of the Ministry of Justice (MoJ), EURALIUS and other interested parties in order to further discuss and re-define the draft laws.

On 2 November 2017 the Assembly approved in the plenary session the Law no 98/2017 "Court fees in the Republic of Albania", which shall enter into force on 1 June 2018.

Following a comprehensive consultation process and several revisions of the draft the Law Committee approved the draft law on legal aid which was adopted in the plenary session of 14 December 2017.

On 6 November the Law Committee approved in principle the draft law on notaries. EURALIUS assisted in several meetings at the MoJ with a view of further refining the draft law on notaries.

The Assembly has started to work on a draft law 'On some amendments to the Governance Law' and 'On some amendments to the Status Law' following the repeal of several articles of these laws by decisions of the Constitutional Court (CC).

Following a request of the MoJ, EURALIUS in close co-operation with other international partners supported the Ministry in the preparation of the new budget law with a view of ensuring sufficient funding for the new justice institutions as well as in the elaboration of a so called 'Passport of Indicators', accompanying the Cross-Sector Justice Strategy and its Action Plan.

The amendments to the Constitution approved by the Albanian Parliament on 22 July 2016 and the following new Laws, i.e. the Law no 96/2016 "Status of the judges and prosecutors in the Republic of Albania" (Status Law), the Law no 115/2016 on the "Governance Institutions of the Justice System of the Republic of Albania" (Governance Law) and the Law no 98/2016 on the "Organization of the Judicial Power in Albania" (Judicial Power Law), are corner stones of the comprehensive justice reform. EURALIUS IV provided

significant and intensive support for the elaboration of Status Law, which has incorporated the main European standards for career steps of judges and prosecutors. New justice governance institutions shall be established according to the Governance Law. The compositions of these institutions, the recruitment and election of the members of these institutions, their competences are in compliance with international standards and best practices.

Based on the transitory provisions of the reform laws the High Council of Justice (HCJ) has already to apply the Status Law and partially also the Governance Law. Due to several factors the transitory period was extended significantly beyond the time lines foreseen by the amendments to the Constitution, Governance Law and the Status Law. The establishment of the new governance justice institutions – the High Judicial Council (HJC), High Prosecutorial Council (HPC) and High Justice Inspector (HJI) – depends on the re-evaluation of judges and prosecutor candidates. The re-evaluation process started during this reporting period. However, by the end of January 2018 the re-evaluation institutions did not yet issue any re-evaluation decision.

Furthermore, three of the main new laws – the Law no 84/2016 ‘On the transitional re-evaluation of judges and prosecutors of the Republic of Albania’ (Vetting Law), the Status Law and Governance Law have been challenged before the CC). The CC issued three decisions which partially have accepted the arguments of the complainants and some legal provisions of the Status Law and Governance Law were repealed. This situation created loopholes and uncertainties in regard to the implementation of the new legislation.

Notwithstanding these delays and challenges and with a view of supporting the judiciary and the prosecution system in regard to the implementation of the new legislative framework EURALIUS provided the following assistance:

- support to the HCJ, the Inspectorate of the HCJ and the GPO in the interpretation and implementation of new legislation related to the status of judges and prosecutors (see activities 1.5., 3.3.1, 3.3.2);
- elaboration of comments for the e-commentary on the Status Law and Governance Law aiming at assisting the uniform interpretation of some of the legal provisions of both laws and further refining of the web portal presenting the comments to the general public (see activities 1.5., 3.3.2., 3.3.1);
- elaboration of comments for the e-commentary on the Criminal Procedure Code (CrPC) and the Juvenile Code (see activities 3.1.1; 3.1.2; 3.3.1; 3.3.2; 3.3.4);
- analysis and assessment of the complaints against the Vetting Law, Status Law and Governance Law, and the decisions of the CC (see activity 1.5.2, 3.3.1, 3.3.2);
- assistance in the interpretation of legal provisions related to the disciplinary investigation of judges and prosecutors and elaboration of standard operational procedures covering the entire process, including training of the inspectors of the Inspectorate of the HCJ and of the GPO (see activities 1.5.4., 3.3.2);

- elaboration of a 'Manual for the disciplinary investigation of magistrates' (see activities 1.5.4., 3.3.2);
- support and assistance in the establishment of a uniform standards for the proficiency assessment of all assesses in compliance with the Vetting Law and Status Law (see activities 1.5.3, 3.3.1);
- publication of a compilation of the justice reform law package, EN and AL, compilation of the criminal justice package, EN and AL, a consolidated version of the Civil Procedure Code, AL.

Upon request of the School of Magistrates (SoM) EURALIUS delivered in cooperation with the SoM during the period June – February 2018 a wide range of training sessions in the frame of the continuous training programme, mainly in view of introducing the justice reform novelties to judges and prosecutors. In the frame of EURALIUS IV-2017 535 trainees were trained in such training as per the end of January 2018.

Several further training sessions were conducted for mentor magistrates, inspectors, budget officials of prosecution offices and in regard to IT related aspects to court and prosecution office staff.

EURALIUS continued to assist the MoJ in the implementation of the new maintenance contract for ICMIS in administrative courts, implemented the tool for generating statistical reports prescribed by the MoJ and worked on improving the quality of data in ICMIS databases.

EURALIUS continued the close cooperation with the joint EU/Council of Europe (CoE) project 'Support to the Efficiency of Justice' (SEJ2) regarding generating statistics based on CEPEJ indicators. EURALIUS developed and implemented IT tools for producing the CEPEJ indicators for individual courts and integrated them with PAKS+ software. Case categorisation was another area of cooperation with the SEJ2 project.

Overall, donor co-ordination was ensured throughout the whole reporting period.

EURALIUS contributed to two workshops organised by the EU/CoE Project "Support to Efficiency of Justice", one workshop on the scheme of the ethical and professional performance evaluation of judges (see Activity 1.5.3) and another one on the 'Judicial Map according to the new legislation'. EURALIUS cooperated closely with OPDAT, ICITAP and USAID/JFA regarding the budget and structure for the new governance justice institutions and SPAK structures.

EURALIUS expertise and OSCE funding allowed the procurement of a case management system for the HCJ Inspectorate. This system is currently set up as pilot and the testing phase based on real cases HJI is ongoing. This system is supposed to be the case management of the future HJI once established.

In co-operation with the British Embassy EURALIUS prepared drafts for standard internal court rules, which the new HJC will have to finalize and approve. Several Round Tables were held in fall 2017 and January 2018 in order to take stock of the current situation at courts, identify needs and weaknesses of the current system, develop possible solutions and elaborate the draft standard internal court rules.

Summary of outputs

Annex no 1 provides an overview over the outputs elaborated per activity and Annex no 2 provides a summarised info on the status of the Laws of the Justice Reform, as adopted by the Albanian Parliament and if they are still under process.

Impact of Implemented Activities

EURALIUS IV-2017 had a short life-span, from June 2017 to February 2018. Its Terms of Reference set out the following results:

- Result 1.1. Justice Reform Strategy with a concrete action plan is elaborated by Parliament
- Result 1.2. Professionalism and accountability of the services of the MoJ and subordinate authorities are enhanced
- 1.3. Access to court is open
- 1.5. Decisions taken by the HCJ regarding the status of judges are taken on objective and transparent criteria in line with EU standards
- Result 1.7 'issues pertaining to judicial cooperation among stakeholders of the Albanian justice system and international partners are managed in a more coherent manner'
- Result 2.1: The SoM will continue to be the central institution to ensure high-quality education of judges and prosecutors on the basis of a solid financial basis and refined training curricula.
- Result 2.2.: Court proceedings are held in a more efficient and transparent manner facilitating a reduction of trial durations and thereby the backlog of court cases, the following activities shall be implemented
- Result 2.3: A country-wide implementation of the ICMIS
- Result 2.4: The performance of the administrative court staff has improved
- Result 2.5: Professionalism of Albanian lawyers involved in judicial proceedings has improved
- Result 2.6: Professionalism of Albanian notaries involved in judicial proceedings and otherwise has improved
- Result 3.1: The legislative framework in criminal matters including international cooperation has been aligned to EU and Council of Europe standards

- Result 3.2: Criminal investigations, in particular regarding specialized areas of criminal activity, are handled in a more efficient and effective way
- Result 3.3: Efficiency and accountability of the Albanian prosecution service has improved among other measures due to increased professionalism

With a view of implementing result 1.1 EURALIUS IV-2017 continued to support the Parliament in implementing its Justice Reform Strategy, elaborated already under EURALIUS IV. During EURALIUS IV-2017 implementation period parliamentary activities were suspended until September 2017 due to the parliamentary elections. In fall 2017 two reform laws were adopted: Law no 98/2017 on 'Court Fees in the Republic of Albania' and Law 111/2017 on 'State Guaranteed Legal Aid'. Further law drafts continue to be further elaborated.

Aiming at supporting the MoJ in its function to oversee the court administration EURALIUS (Result 1.2.) continued to assist the MoJ in establishing an alternative method of production of statistical reports which cannot be obtained from ICMIS due to the limitation in the scope of the current maintenance contract. Further improvements in the capacities of the courts and the MoJ to elaborate track record statistics were hampered by the lack of funding for the introduction of improvements in ICMIS and CAMS and the transfer of ownership of ICMIS from the MoJ to AKSHI.

In regard to the achievement of Result 1.3, i.e. access to courts is open to anyone, EURALIUS IV saw the adoption of the Law 111/2017 on State Guaranteed Legal Aid, which seeks to ensure the proper organization, proper administration and proper functioning of the legal aid system and which brings forward a completely new scheme for the delivery of free-of-charge legal aid in an effective and equal manner, as an adequate tool to provide more support to vulnerable groups at the local level and enable them access to justice.

Due to the delays in the implementation of the justice reform, the HJC, HPC and HJI are not yet established. Nonetheless, EURALIUS undertook several activities, in order to achieve 'Result 1.5. Decisions taken by the HCJ regarding the status of judges are taken on objective and transparent criteria in line with EU standards' EURALIUS elaborated a Manual on Disciplinary Investigation, set up a commentary providing guidance for the interpretation and application of the status law, elaborated reports on the performance evaluation and promotion system and provided day by day support to the competent institutions. This material was elaborated with national experts who are now acquainted with the new legal framework. It prepares the ground for the work new justice institutions and provides guidance the application of the law in compliance with international standards.

Regarding 'Result 1.7 issues pertaining to judicial cooperation among stakeholders of the Albanian justice system and international partners are managed in a more coherent manner', the Terms of Reference aim at ensuring joint investigations of disciplinary

misconducts by the HCJ and MoJ. The new legal framework ended up with double investigation competences.

EURALIUS supported the SoM in delivering training, in particular regarding the novelties introduced by the reform laws. In total, a high number, i.e. 535 judges and prosecutors were trained in the period June 2017 to January 2018 and thereby contributing to 'Result 2.1, supporting the SoM as central institution to ensure high-quality education of judges and prosecutors'.

To achieve 'Result 2.2: Court proceedings are held in a more efficient and transparent manner facilitating a reduction of trial durations and thereby the backlog of court cases', EURALIUS IV engaged in the revision of the procedure codes. During the implementation of EURALIUS IV-2017 training sessions were held in order to make judges and prosecutors acquainted with the novelties of the codes, which contain a wide range of efficiency measures. However, the effects of these measures are not to be expected on a short term. In addition, the amendments to the procedure codes also contain measures aligning the Albanian judiciary with European standards, like the servicing of court decisions individually to parties. The courts still did not implement such measures and are claiming that they create additional backlog. These issues will have to be addressed step by step. Moreover, particularly at the HC several judges resigned, though the Constitution has foreseen that they shall remain in office until a successor is nominated. The amendments to the Administrative Court laws ensured in particular also that civil cases are not handled any more by administrative courts. However, pending cases need to be completed at these courts. Overall, the measures of the reform are not yet effective and will have to be monitored over a longer period of time.

Though Result 2.3 aiming at a country-wide implementation of the ICMIS is technically not feasible and the introduction of a new generation of ICMIS continues to lack funding, EURALIUS provided a wide range of supporting activities, aiming at upgrading the current system and allowing implementing several statistical tools. Moreover, EURALIUS continued the work on the technical specification for the new court case management system.

With a view of achieving 'Result 2.4: The performance of the administrative court staff has improved', EURALIUS supported the SoM to elaborate curricula for the initial and continuous training of chancellors as well as for legal assistants and legal advisors.

EURALIUS supported the revision of the law on advocates and provided training for advocates in view of 'Result 2.5: Professionalism of Albanian lawyers involved in judicial proceedings has improved'. The draft law is elaborated and is expected to be adopted in the upcoming weeks.

The notary profession in Albania faces several challenges, like the high number of notaries per capita, a high density of notaries in the capital, lack of professionalism and liability scheme. These issues are addressed in the draft Law on Notary, which was elaborated in close co-operation with EURALIUS and the German Chamber of Notaries. This draft law is expected to be adopted in the upcoming weeks and shall be an important step for achieving 'Result 2.6: Professionalism of Albanian notaries involved in judicial proceedings and otherwise has improved'.

Already under EURALIUS IV the legislative framework in criminal matters including international cooperation has been widely aligned to EU and Council of Europe standards (Result 3.1). In the period of implementation of EURALIUS IV-2017 several training sessions were organized in order to ensure that judges and prosecutors are acquainted with the new standards. In addition, EURALIUS engaged in the establishment of an e-commentary for the Criminal Procedure Code and the Juvenile Code. This activity shall provide practitioners guidance in the interpretation and implementation in accordance with European standards.

For achieving 'Result 3.2: Criminal investigations, in particular regarding specialized areas of criminal activity, are handled in a more efficient and effective way', the Terms of Reference proposed to assist in general in improving IT matters at the GPO. In this respect, EURALIUS IV-2017 assisted with the implementation of the EU financed contract for extending the features of the Case Management System at the GPO (2016-01-IPA-SER-GPO).

Though, due to the delays in the implementation of the justice reform the HPC was not yet established, EURALIUS supported the preparation of the institutional and structural changes with a view of achieving 'Result 3.3: Efficiency and accountability of the Albanian prosecution service has improved among other measures due to increased professionalism'. The Manual for Disciplinary Investigation and the guidance provided by the e-commentary to the Status Law are preparatory tools aiming at increasing the efficiency and accountability of the prosecution service. Furthermore, EURALIUS provided training for around 50 budget officers of prosecution offices and provided comments to 84 templates and forms used in the prosecution service.

Overall, a wide range of activities aiming at enhancing the institutional and individual capacity and outputs ensuring that the findings and achievements remain available and produce sustainable effects were delivered and are expected to contribute to an independent and more reliable justice system in Albania.

Recommendations

In the course of the implementation, EURALIUS has put forward a wide range of recommendations. In the following only, some key recommendations are listed aiming at ensuring the implementation of the justice reform and bringing the Albanian justice system closer to EU standards and best practices.

NO	Recommendation	Addressee of the Recommendation												
		Parliament	CoM	HC/courts	HJC	HPC	HJI	MoJ	GP/GPO	SoM	CoP	NCN	NCA	NCB
<R:1>	The institutions having competences for the recruitment and election of the members of the new governance institutions in the justice sector are recommended to make any effort in order to ensure the establishment of these institutions as soon as possible.	✓		✓										
<R:2>	The responsible institutions for the set-up of the new governance institutions are recommended to provide the support needed for the organisation and functioning of those institutions.	✓	✓					✓						
<R:3>	Parliament is recommended to complete the legislative efforts for the laws as envisaged under the justice reform	✓												
<R:4>	The MoJ and Parliament are recommended to continue to take the legislative measures necessary to bring Albanian laws in line with the EU acquis.	✓						✓						
<R:5>	The competent institutions are recommended to adopt the necessary sublegal acts foreseen in the reform laws.	✓	✓		✓	✓	✓	✓	✓	✓				
<R:6>	The Ministry of Justice is recommended to strengthen its codification, strategic planning and policy analysis and development capacities.							✓						
<R:7>	The responsible institutions are recommended to improve the efficiency, transparency and accountability of operation of courts and new governance institutions by providing them with new case management systems, and accountancy & human resources applications	✓	✓	✓	✓	✓	✓							
<R:8>	The responsible institutions are recommended to improve the analytical and reporting capacities of the beneficiary institutions by providing them with IT tools assisting in collection, analysis, interpretation, presentation, and organization of statistical data.			✓	✓	✓	✓	✓	✓					

<R:9>	The responsible institutions are recommended to improve the access to justice-related information for professionals and general public by enhancing the central web portal of the courts, establishing a web portal presenting consolidated versions of Albanian laws and maintaining the e-commentary portal.				✓					✓	✓						
<R:10>	The CoM is recommended to improve the scope and quality of IT services in judicial and prosecutorial system by elaborating sublegal acts establishing the Information Technology Centre of Justice Institutions.		✓														
<R:11>	The HJC and HPC, once set up, are recommended to establish standards and practices regarding the status of judges and prosecutors, their disciplinary scheme, and any other administrative tasks in their field of competence and to develop the functioning and efficiency of the judicial and prosecutorial systems.				✓	✓											
<R:12>	The HJC and HPC are recommended to establish standards and consistent rules and practices for the performance evaluation of judges and prosecutors with a view of ensuring a reliable, transparent and merit-based career development system.				✓	✓											
<R:13>	The HJI is recommended to establish standards on the inspections and to ensure an effective implementation of the new disciplinary scheme for judges and prosecutors.						✓										
<R:14>	The GP is recommended to undertake the restructuring of the GPO and other prosecution offices of general jurisdiction, in accordance with the new legislative framework									✓							
<R:15>	The HJC and HPC are recommended to timely promote prosecutors and judges to the Special Prosecution Office and Anti-Corruption and Organised Crime Courts.				✓	✓											
<R:16>	Serious Crimes Courts and Serious Crimes Prosecution Office are recommended to ensure a smooth transfer of the cases once the Anti-Corruption and Organized Crimes Courts and the Special Prosecution Office are established, according to the new jurisdictional competencies				✓						✓						
<R:17>	The bodies responsible for the criminal justice strategies are recommended to give priority to the investigation of corruption and organized crime cases.		✓					✓									
<R:18>	Courts are recommended to establish court councils within the time limit as provided by the			✓													

	juvenile justice, organized crime, money laundering and professional ethics; <ul style="list-style-type: none"> • European law (<i>acquis communautaire</i>). 														
<R:27:	All justice sector training institutions are recommended to further improve the selection of candidates and to increase the quality of their initial training programs in order to provide the justice system with new generations of legal professionals with competence, skills and integrity up to the European standards.				✓	✓				✓		✓	✓	✓	✓

[Shqiptaria.com]

PART TWO: RESULTS AND ACTIVITIES

Objective 1: To improve the independence, transparency, efficiency and effectiveness of the Albanian justice system pursuant to a clear and comprehensive reform strategy developed by the Albanian Ministry.

Result 1.1: Justice Reform Strategy with a concrete action plan

Activity description in original ToR:

Activity 1.1.2: Support the implementation and monitoring of the new Cross-Cutting Justice Reform Strategy and its action plan, i.e. among other things by assisting the MoJ in drafting or amending necessary laws and by-laws that are called for by the strategy. Ensure that these measures take into consideration relevant measures of the anti-corruption strategy.

Description of Activity following a decision of the SCM:

Activity 1.1.2: Support the implementation and monitoring of the new Cross-Cutting Justice Reform Strategy and its action plan, i.e. among other things by assisting the MoJ in drafting or amending necessary laws and by-laws that are called for by the strategy. Ensure that these measures take into consideration relevant measures of the anti-corruption strategy.

Following the elections to the Parliament, EURALIUS continued to assist the Assembly in the new legislative period which started in September 2017. The new chairperson of the Law Committee, Mr Ulsi Manja, has been also a member of the Justice Reform Ad Hoc Committee and rapporteur for the Criminal Justice Package. Under the new governing majority, the finalization of the reform package remains a top priority.

EURALIUS continues to support the Parliament in the adoption of the pending justice reform laws. The rapporteurs for the draft laws on court fees, legal aid, advocates and notaries convened several working group meetings with representatives of the Ministry of Justice (MoJ), EURALIUS and other interested parties in order to further discuss and re-define the draft laws. Until January 2018 following laws related to the reform package were adopted by the Assembly:

Court Fees: On 2 November 2017 the Assembly approved in the plenary session the Law on Court Fees which shall enter into force on 1 June 2018. On 18 December 2017 the Assembly decided to reject the Decree of the President of the Republic returning the approved Law on Court Fee back to the Assembly for review (see also Activity 1.3.3).

Legal Aid: On 14 December 2017 the Assembly adopted the Law on Legal Aid (see also Activity 1.3.1).

Notary Law: On 6 November 2017 the Law Committee approved, in principle the draft law on notaries. (See also Activity 2.6.1).

EURALIUS continued to assist the legal advisor of Parliament in redrafting the **draft law on the state exam for graduates in law**. The main features of this redraft were the reintegration of the annexes into the draft law, a reorganisation of the nomination process for the Examination Board and the integration of the comments received so far as well as the improvement of some evident inconsistencies.

The **remaining reform laws:** the package for the free legal professions, state exam, judicial police and education strategy will be processed in the upcoming months. For the free legal professions laws, the Law Committee will wait to receive the comments of MoJ, before the drafts are reviewed by the Committee.

The Assembly has started to work on a draft law 'On some amendments to the **Governance Law**' and 'On some amendments to the **Status Law**' following the repeal of several articles of these laws by decisions of the CC.

The CC Decision no. 34, dated 10 April 2017, repealed some provisions of the Status Law, in particular the provisions on disciplinary misconducts and discretionary suspension from duty. In decision no 41, dated 16.05.2017, the CC repealed five provisions of the Governance Law, in particular the provisions related to the disciplinary liability of the members of the HJC and HPC and two provisions relate to the competences of the HJC and HPC.

On 30 October 2017, the CC decided to partially accept a complaint filed in May 2017 against the Status Law, Governance Law and Vetting Law, by repealing Article 76 paragraph 2 Governance Law as not in compliance with the Constitution. The request regarding the other provisions was rejected.

The amendments are highly necessary in order to ensure the functioning of the initial training at the School of Magistrates and to reintroduce the disciplinary liability scheme for judges and prosecutors as well as for members of the HJC/HPC and repair other gaps created.

On 19 January 2018 the Legislative Council deliberated the draft amendments. Representatives of DP requested that apart from the above-mentioned CC decisions, also other decisions of CC related to laws of the justice reform should be presented for review/consideration to this Councils.

The amendments are expected to be processed further in the next weeks.

Finally, EURALIUS is supporting the Assembly in the publication of the parliamentary documentations produced during the whole reform process. This publication will be part of

the archive of the leading institutions in Albania and aims at providing help to jurists in their research work. Additionally, the publication shall serve as evidence to the public for all expert discussions conducted during the reform process.

[Shqiptaria.com]

Result 1.2: Professionalism and accountability of the services of the MoJ and subordinate authorities are enhanced.

Activity description in original ToR:

Activity 1.2.4: With the aim of establishing a clear track record of investigations, prosecutions and convictions, support the capacities of the MoJ to elaborate statistics and improve the reporting system in coordination with the GPO, Ministry of Interior, and the Albanian State Police (ASP).

Description of Activity following a decision of the SCM:

Activity 1.2.4: With the aim of establishing a clear track record of investigations, prosecutions and convictions, support the capacities of the courts and the MoJ to elaborate statistics and improve the reporting system in coordination with the GPO. Upgrade in the framework of the existing computer systems with the available limited resources for IT services. Support the specification of a new generation IT system if financing becomes available. PAMECA handles the Ministry of Interior, the Albanian State Police.

EURALIUS continued to assist the MoJ in establishing an alternative method of production of statistical reports which cannot be obtained from ICMIS due to the limitation in the scope of the current maintenance contract (See Activity 3.2.1).

Further improvements in the capacities of the courts and the MoJ to elaborate track record statistics were hampered by the lack of funding for the introduction of improvements in ICMIS and CAMS and the transfer of ownership of ICMIS from the MoJ to AKSHI.

Result 1.3: For the achievement of Expected Result 1.3, i.e. access to courts is open to anyone, i.e. there are no barriers for example for indigent people and/or members of minorities, the following activities shall be implemented:

Activity description in original ToR:

Activity 1.3.1: Provide support to the State Commission of Legal Aid and the implementation of recent amendments to the Law on Legal Aid, providing for more support to vulnerable groups at the local level. This includes the provision of support regarding the necessary budget allocation to set up local offices in order to encourage development of efficient legal aid services at local level.

Description of Activity following a decision of the SCM:

Activity 1.3.1: Propose a new law on legal aid providing more support to vulnerable groups at the local level. This includes the provision of support regarding the necessary budget allocation.

Following a meeting held in May 2017 with actors involved in the drafting process of the draft law on legal aid, by 16 June 2017 the UNDP project on access to justice and the Tirana Legal Aid Society (TLAS) submitted their written comments.

Thus, during June, EURALIUS – in constant communication and collaboration with partners, such as UNDP – analysed and integrated the gathered feedback, organised group meetings with legal aid organisations and participated in a roundtable in Durres organised by TLAS in cooperation with other civil society organisations on access to justice. During the roundtable, EURALIUS presented the main features and novelties of the proposed new system of legal aid to the participants, who gave first-hand accounts of the efforts of actors from civil society and local governments in providing social and legal aid and support and insights from practice on approaches that need to be taken for a new legal aid scheme to be sustainable.

An integrated revised version of draft law on legal aid was prepared by the beginning of August 2017 and then shared with EUD – for further scrutiny by DG JUST – and the responsible legal advisor in Parliament as well as the other relevant stakeholders, especially the NGOs active in this area.

In preparation of a workshop with civil society stakeholders the draft law was shared and 'Comments on the Legal Aid Bill provided by Legal Aid Groups supported by UNDP-Albania' and 'Integrated suggestions and comments provided by UNDP international and national legal experts' were received.

EURALIUS experts examined the comments of CSOs and UNDP experts and provided their responses analysis on international best practice, comparative assessments and identification of areas where policy decision-making must be provided by Parliament (see Annex no 3 "Analysis 'Stakeholder Comments to Draft Legal Aid law, EN 2017 09 19").

On 29 September 2017 a workshop was held under the auspices of the EUD in cooperation with UNDP and EURALIUS, where civil society organizations involved in the area of access to justice were invited to provide their feedback and suggestions on further improving the

draft law. Once all comments were received, an integrated draft law was shared with Parliament by mid-October.

In mid-October, a working group was established in Parliament, composed of representatives from EURALIUS, UNDP, MoJ and the rapporteur and legal advisor assigned on the draft law. The members of the working group met regularly to review and discuss the draft law on legal aid and the comments of civil society. Based on the comments and deliberation in the working group, a number of interventions to the draft were done, such as clarifying the technique of the text and unifying terminology as well as simplifying the procedures for being awarded legal aid.

On 18 October 2017, the rapporteur presented to the Law Commission the original draft law and explained that a number of amendments would be brought forward, in order to better provide for clearly defined obligations for institutions managing legal aid, larger involvement of NGOs in the delivery of legal aid in an efficient and cost-effective manner, clear categories of beneficiaries and thresholds for benefiting legal aid and the adjudication of legal aid requests by the courts.

On 23 October 2017, the draft law was scheduled for approval in principle and for the beginning of deliberations. Because of the request of the Open Society Foundation Albania (OSFA) for postponement, so as to allow the review of some additional comments they had, the Law Commission decided to approve the draft law in principle only and to postpone deliberation article-by-article on a later date.

In the aftermath of the decision, the working group met and analysed the comments coming from OSFA, in conjunction with a full technical review of the text of the draft law. Subsequently, on 1 November 2017, EURALIUS was invited to participate in a meeting between the rapporteur assigned to the draft law and representatives of civil society, where the latter were invited to present further comments and proposals. The working group once again reviewed the draft law with a view to integrating the feedback for further improvement of the proposed legal aid scheme, such as providing capacity-building support to legal clinics active in primary legal aid and better-defined terms.

On 7 November 2017, the Law Commission began the article-by-article deliberation of the draft law on legal aid, where the Members of Parliament present made comments and suggestions on the first seven articles of the draft law, with adjudication of the rest postponed due to time constraints.

In addition, as previously agreed with the Deputy Minister of Justice, on 10 November 2017 a meeting between EURALIUS and representatives of the MoJ took place, in which the MoJ presented some concerns they still had, all of which were forwarded to the legal advisor of Parliament and to the rapporteur. The legal advisor undertook to reflect them in the draft law. During the rest of November, the Parliament was seeking support of the MoF on the financing of the new system of legal aid delivery.

During the first week of December, there was a meeting with representatives of the civil

society organisations to rapport on which of their suggestions and recommendations were incorporated into the draft law and the rationale for not incorporating the other suggestions. Moreover, the working group met to finalise the draft before submission to the Law Commission.

On 7 December 2017, the Law Commission met and deliberated article-by-article the draft law on legal aid, while approval in whole was made on 12 December 2017. As such, the draft law was forwarded to plenary session of Parliament, which on 14 December 2017 approved the draft law on state guaranteed legal aid by a majority of the votes of MPs present.

On 9 January the new law was published in the Official Journal no. 241 and as such will enter into force on 1 June 2018. (see Annexes no 4 “Law no 111/2017 on State Guaranteed Legal Aid EN” and Annex 5 “Law no 111/2017 on State Guaranteed Legal Aid AL”).

In order to support implementation of the newly approved law, EURALIUS engaged to assess the situation and propose a rough timetable of the distinct phases of implementation. For this purpose, several meetings were held with different stakeholders on issues related to implementation, such as drafting and approval of bylaws, institution build-up, change management, and training of civil servants, of lawyers and of judges on the new competencies and obligations imposed on them by the said law (See Annex no 6 “Report for the Implementation of the Legal Aid Law”).

Activity description in original ToR:

Activity 1.3.3: Review the existing judicial fee structure with a view to ensuring simplified and efficient access to justice for all parts of the Albanian society including underprivileged people.

Description of Activity following a decision of the SCM:

Activity 1.3.3: Review the existing judicial fee structure with a view to ensuring simplified and efficient access to justice for all parts of the Albanian society including underprivileged people. A new law on court fees is has been proposed.

In September 2017, the draft law on court fees was included in the workplan of the fall 2017 legislative period. Thus, on 16 October 2017, there was a meeting between representatives of EURALIUS, the rapporteur assigned to the draft law on court fees and the Chairperson of the Law Commission.

EURALIUS reiterated the arguments in favour of a solution in which the amount of court fees is set by law and not delegated to a joint instruction of the MoJ and MoF, upon the proposal of the HJC. Moreover, EURALIUS shared the concern with the constitutionality of the delegation approach, but the rapporteur argued that even the current system is based on a delegation that was held constitutional by the CC in 2013.

In addition, EURALIUS raised the concern that a delegation to a sublegal act just shifts the burden to take an ‘unpopular’ decision on increasing court fees to the executive level and

risks that such decision will not be taken. There are different models in Europe for court fees, countries where the whole costs for the justice service are financed through the court fees and others where this is done to a lesser degree. It is however a European standard that in a country where the legal aid system is functioning, those court users who may afford it, also contribute to the functioning of the system. The rapporteur explained their decision to follow the delegation approach.

On 18 October 2017, the draft law on court fees was presented and approved in principle by the Law Commission. When queried by the other members of the Commission, the rapporteur stated that the current proposal does not allow for political influence because the proposing institution is the HJC, which can define the level of court fees within a minimum and maximum threshold and has to abide by the principle of proportionality and of progressivity.

On 24 October 2017, the draft law “on court fees” was approved as a whole by the Law Commission, after deliberation and approval article-by-article. The draft law was approved with two amendments, one seeking to cement that 10% of revenues from fees are directly administered by the judiciary, and the other for coordinating the entry into force of this draft law with that of the draft law on legal aid.

On 2 November 2017, at the Plenary Session of the Assembly, the draft law on court fees was approved by the majority of Members present (see Annex no 7 and no 8 “Law no 98/2017 on Court Fees in the Republic of Albania AL” and “Law no 98/2017 on Court Fees in the Republic of Albania EN”).

On 22 November 2017, the President decided to use his constitutional right to return the law for review to the Assembly and issued a Presidential Decree to this effect. The argument are as follows:

1. The law impacts access to justice and the fees are too high for the Albanian citizens;
2. It should be better coordinated with the Civil Procedural Code;
3. Preferably this law should have passed at the same time with the Legal Aid law, and
4. The budgeting for the court should provide that a minimum of 20% of the fees goes directly to the Court budget and administration (now it is 10% as they argue), so also changing the budgeting system based on the tariffs.

On 12 December 2018, the Parliamentary Law Commission examined the Decree of the President to return for review of Law no. 98/2017 “on Court Fees in the Republic of Albania”. Following a response by the rapporteur of the draft on the issues raised by the President, focusing mainly on the point that the law would not bring an exponential increase of court fees for individuals and that delegation was subject to safeguards to prevent misuse, there was further debate between members on the potential of the draft law to inhibit access of the public to justice. In the end, the majority of the Law Commission voted to reject the Decree of the President.

On 18 December 2017, at the plenary session of Parliament, there was an absolute majority vote to reject the Decree of the President, thus paving the way for publication of the law on the Official Journal and its entry into force by 1 June 2018.

[Shqiptaria.com]

Result 1.5: Decisions taken by the HCJ regarding the status of judges are taken on objective and transparent criteria in line with EU standards

Activity description in original ToR:

Activity 1.5.1: Assist the HCJ in the implementation of its internal rules in order to reduce discretion and improve transparency of the decisions; assist the MoJ and the HCJ in evaluating amendments to the 2001 Law on the HCJ to further these principles as well as resolve other problems that have been shown to exist.

Description of Activity following a decision of the SCM:

Activity 1.5.1: Create legislative rules within the ongoing reform process of the reform the High Judicial Council in order to reduce discretion and improve transparency of the decisions (draft of constitutional amendments and legislation to organise the HCJ)

Monitoring the HCJ plenary sessions

Eight HCJ plenary sessions have taken place from June 2017 to end of January 2018.

It should be noted that in the transitory period the HCJ assumes limited competences and is currently lacking two members due to the resignation of two of the members elected by the Assembly. In addition, some ex officio members changed:

- As outcome of a political agreement of early May 2017, a new temporary Minister of Justice (who is an ex officio member of the HCJ) Mr Gazmend Bardhi was appointed and served from end of May until the appointment of the current Minister of Justice Ms Etilda Gjonaj on 13.09.2017,
- On 14.06.2017 former members Albana Shtylla and Sokol Çomo were elected members of the Special Appeal Chamber; consequently, the number of HCJ members elected from the Assembly is now reduced from three to one (i.e. Prof. Vangjel Kosta),
- On 24 July 2017, Mr Ilir Meta took the oath as the new President of the Republic of Albania, therefore as of this date he also assumes the function of the Chairperson of the HCJ.

For reporting purposes, the HCJ' decisions are briefly listed below and not in the activity corresponding to each decision taken:

- In the plenary of 17 July, the HCJ rejected to declare the retirement age of five judges and one inspector of the HCJ, as the applicable provision on the retirement age is unclear following the repeal of Article 64 paragraph 5 of the Status Law.
- The two HCJ plenaries in September, i.e. on 15 and 22 September 2017, were dedicated to the fulfilment of obligations regarding the proficiency assessment, in the capacity as the auxiliary body to the Independent Qualification Commission (IQC). In addition, the HCJ approved a program for the completion (by the end of 2017) of performance evaluations for judges for the period 2010-2012. Finally, the

HCJ approved the performance evaluation draft reports for 14 judges for the period 2007-2009.

- Two HCJ plenaries were held in October (i.e. 02 and 16 October 2017): In the first plenary the HCJ voted on the final draft decisions for the performance evaluation of some judges for the period 2007-2009. Some of these draft decisions dated back to early 2016 and there were no discussions on the delayed decision taking. With these decisions the HCJ completed the performance evaluations for the period 2007-2009 and ordered the elaboration of the final report by the Inspectorate.

The second HCJ plenary of October formally approved the draft documents related to the proficiency assessment (i.e. the standard form of the Proficiency Assessment Report, Rules for the organisation of the lot, List of priority assesses) which were elaborated with the continuous assistance of EURALIUS. Another issue discussed in this plenary was on the huge number of pending cases at the Administrative Appeal Court, i.e. 13.180 cases from 2015 up to date.

- In the HCJ plenary session held on 17 November 2017 judge Qani Hasa (District Court Elbasan) was dismissed from office; the arrested judge Shkelqim Miri (Tirana Appeal Court) was suspended from duty; the end of the status for two magistrates due to reaching the retirement age was declared; the mandate of an Inspector of the HCJ Inspectorate was extended beyond the retirement age; the decision on the execution of obligations stemming from a final court decision were postponed.
- In the HCJ meetings on 18 January 2018 a request of the MoJ for transfer of judges accompanied by a report on the situation at courts was presented, which overall concludes that there are 13 vacancies in district courts, 5 in appeal courts and 7 in administrative courts of first instance. These positions may be filled in by provisional transfer of judges from other courts which is in compliance with the transitory competences of the HCJ. Furthermore, the MoJ asked for disciplinary decisions regarding the 3 cases, some of them were sent to the HCJ already 2-3 years ago; while further 10 'old' requests of the MoJ regarding the disciplinary liability of judges are still pending. The Chairperson of the HCJ stated the Council shall deal with all these requests for disciplinary proceedings in the next plenary meeting scheduled.
- The HCJ plenary of 24 January 2018 had 13 requests for disciplinary proceedings of judges in its agenda, out of which 10 with the proposed measure 'dismissal from office' and 3 "reprimand with warning". 9 of the requests were submitted by the Minister of Justice to the HCJ in 2015, 3 of them were submitted in 2016 and 1 in beginning of January 2018. The plenary postponed 2 of the requests for disciplinary proceedings to another plenary (one due to the lack of quorum as two members recused, the other due to submission of a medical report justifying the absence of the judge). 9 reviewed requests for 'dismissal from office' were turned down by the

HCJ. In 2 cases the HCJ members proposed and approved lighter disciplinary measures like “public warning” and in 1 case “confidential warning”.

Overall, the HCJ continued to face challenges in the uniform application of the law in this prolonged transitory period.

High Court

The amendments to the Constitution and the Status Law have brought the High Court (HC) under the umbrella of the HJC and have newly introduced a career development, performance evaluation and disciplinary liability scheme for HC judges.

In the current transitory period, the HC has faced a substantial reduction of its members. Between July to October 2017, five members of the HC ‘handed over the duty’ due to the end of mandate. Article 136 paragraph 5 of the Constitution stipulates that a HC judge shall stay in office until the appointment of the successor, except in cases of resignation, dismissal following a disciplinary proceeding, establishing the condition of non-electability and incompatibility or incapacity. To this end, the mandate of judges does not end due to the end of their term of nine years. It is assumed that the respective members by ‘handing over the duty’ resigned. Their mandate therefore ended due to their personal will not to stay in office until being replaced, as provided by Article 136, paragraph 5 of the Constitution. Consequently, the HC is functioning with only 9 members out of 19 since October 2017 and dealing with a backlog of more than 20 000 (twenty thousand) pending cases.

Upon a request of the Chairperson of the HC the HCJ issued a decision for secondment of a judge from the District Court as a legal adviser at the HC.

E-commentary on the Status Law and Governance Law

EURALIUS continued the elaboration of comments feeding the e-commentary on the Status Law and Governance Law.

From June 2017 to January 2018, the experts of the Scientific Board carried out an in-depth quality revision of the comments drafted by co-authors and Scientific Board members which were elaborated in the previous reporting period. A report outlines in detail the work carried out (see Annex no 9 “Report on E-commentary for Status and Governance Law, Criminal Procedure Code and Juvenile Justice Code”). Approximately 87 comments on articles of both the Status Law and the Governance Law are now elaborated, revised and published.

The e-commentary is accessible for the public via five web portals, namely EURALIUS, the School of Magistrates and the Centre for Official Publication:

<http://komentarielektronik.magjistratura.edu.al/en/home/context>

E-commentary/ IT issues

EURALIUS Team 4 continued to work on refining the functionalities, improving the performance and introducing new features of the web portal which is presenting to the public the comments elaborated by the e-commentary legal experts. An internal online survey was run among EURALIUS staff with the aim to collect comments, observations and ideas for improvement for the first version of e-commentary portal (<https://www.surveymonkey.com/r/e-Commentary1>).

An English language version of the portal was introduced, and a number of new functionalities were developed, such as: “captcha” security authentication while registering a user, a more practical and user-friendly entry window displayed for the public to comment on the articles and comments, the “Print” button, presentation of the names of Scientific Board members and authors/co-authors on the bottom of the comment page and highlighting (in blue colour) commented articles. Moreover, the support for article amendments and presentation of statistics on the use of the portal are in the last stage of testing. It is planned to put these features to production in January/February 2018.

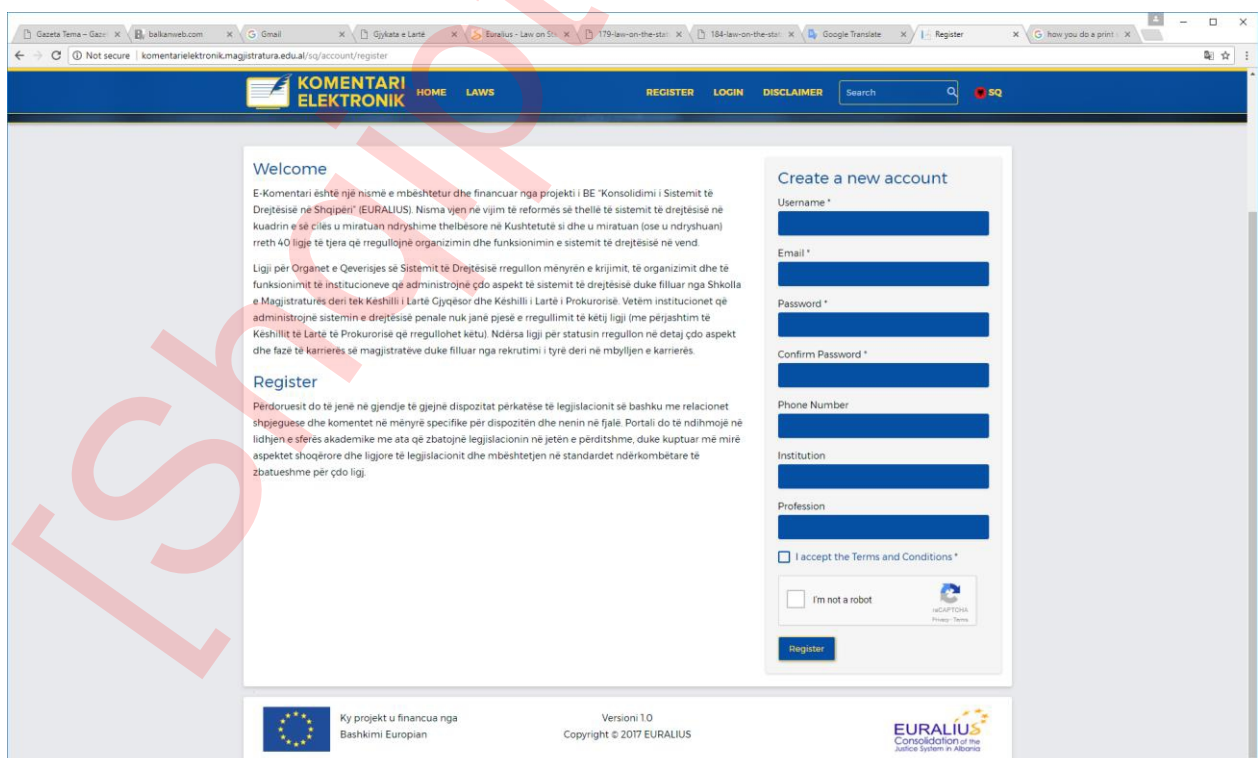
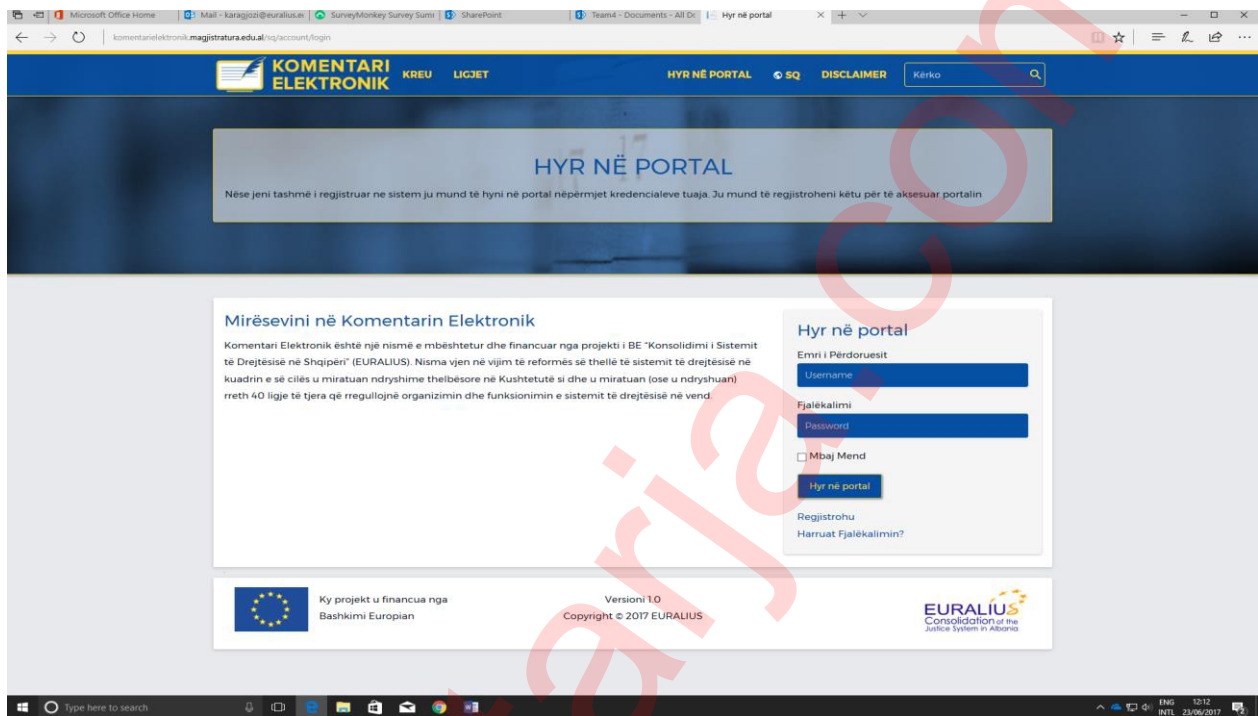
The addressing scheme of the portal was updated to be fully in-line with the European Legislation Identifier standard. Support was also provided to the Centre for Official Publication (COP/QBZ) in extending the definition of the European Legislation Identifier standard for Albania to cover individual articles and article amendments.

The following laws are currently available in the portal:

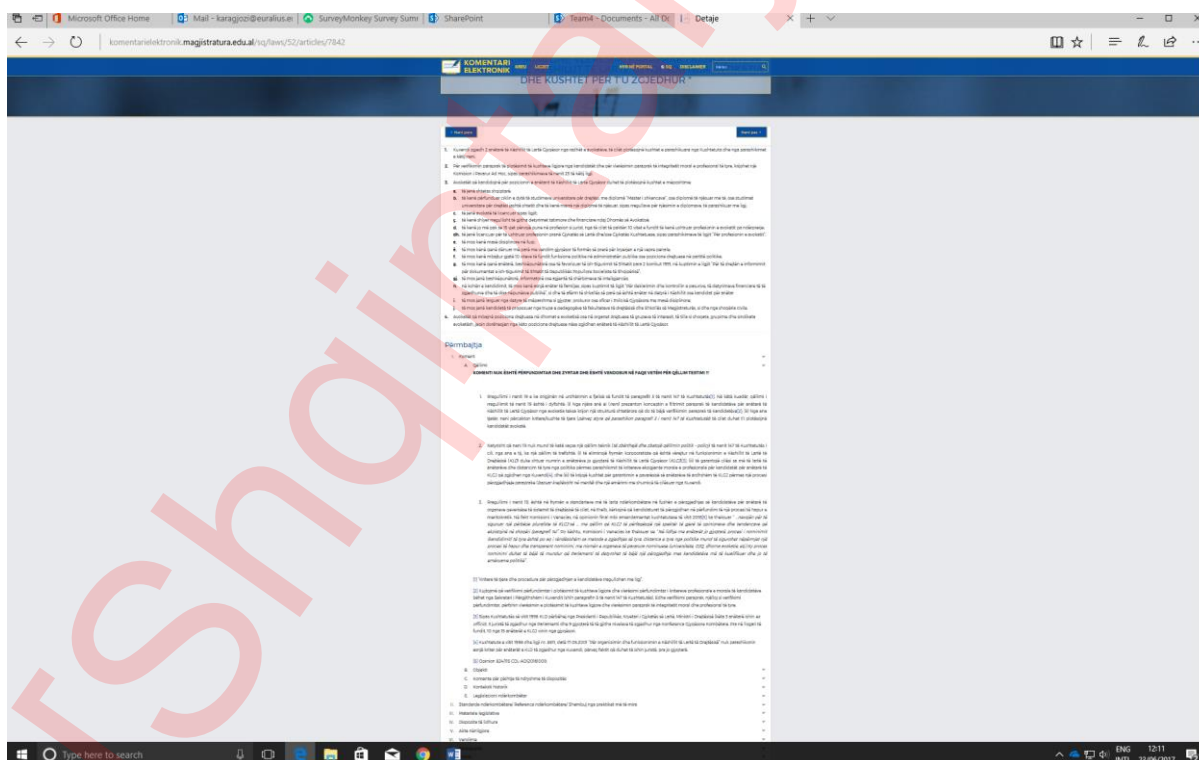
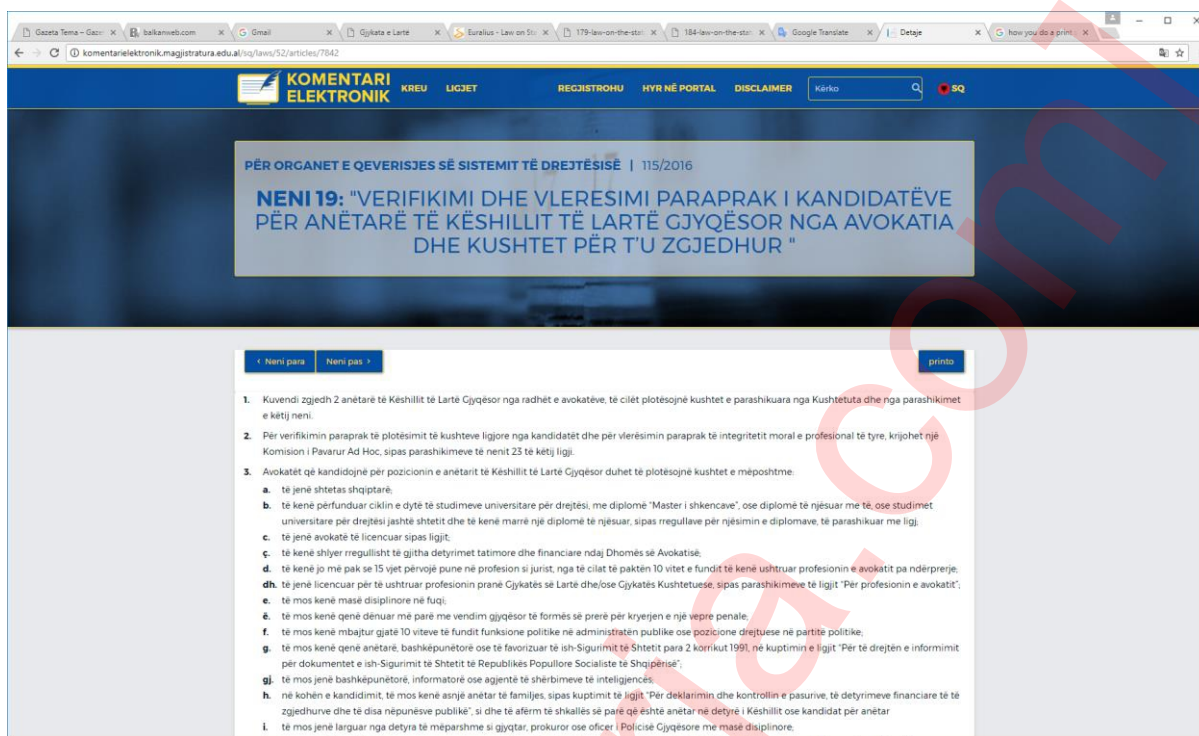
- Law on the Status of Judges and Prosecutors in the Republic of Albania (AL and EN version)
- Law on Governance Institutions of the Justice System (AL and EN version)
- Criminal Procedure Code (AL and EN version)
- Code of Criminal Justice for Children (AL and EN version)
- Law on Preventing and Striking at Organised Crime, Trafficking Corruption and Other Crimes through Preventive Measures against Assets (AL and EN version)
- Law on the organisation and functioning of Administrative Courts (AL version)
- Law on Transitional Re-evaluation of Judges and Prosecutors (AL version)
- Constitution of the Republic of Albania (AL version)
- Law on Organization and Functioning of Constitutional Court (AL version)
- Law on legal aid (AL version)
- Civil Procedure Code (AL version)
- Law on organization and functioning of the Prosecution in the republic of Albania (AL version)
- Code of Administrative Procedure (AL version)

- Law on the Organization of Judicial Power (AL version)
- Law on the Organization and Functioning of the Institutions for Combating Corruption and Organized Crime.

A total of 127 comments have been published in e-Commentary Portal.



E commentary portal – the modified login page



E-Commentary portal- the modified article/comments page

1 "PËR STATUTIN E GJYQTARËVE DHE PROKURORËVE NË REPUBLIKEN E SHQIPËRISE"

Numer 96/2016

- Neni 1 - Koment: Objekti i ligjit
- Neni 3 - Koment: Vlerat themelore
- Neni 4 - Koment: Standardet e etikës dhe rregullat e sjelljes
- Neni 5 - Koment: Te drejtat dhe detyrimet për formimin vazhdues
- Neni 13 - Koment: Pagat e magistratëve të komanduar dhe ndihmësmagjistratëve
- Neni 14 - Koment: Paga e magistratëve në pozicione drejtuese
- Neni 15 - Koment: Kompensimi i magistratëve në skemën e delegimit
- Neni 16 - Koment: Shpërblymi për aftësi
- Neni 17 - Koment: Kredi për shtëpi
- Neni 18 - Koment: Rregulla të hollësishtme për pagat dhe përfitimet e tjera financiare
- Neni 20 - Koment: Mbrojtja e veçantë e magistratit gjatë ushtrimit të funksionit ose për shkak të tij
- Neni 21 - Koment: Pensioni suplementar dhe përfitimet e tjera
- Neni 22 - Koment: Paprekshmëria e pagës dhe përfitimeve të tjera financiare të magistratit
- Neni 23 - Koment: Pushimet vjetore
- Neni 25 - Koment: Siguria dhe shëndeti në punë
- Neni 26 - Koment: Ujja e ngarkesës
- Neni 44 - Koment: Transferimi pa pëlqim
- Neni 45 - Koment: Magistratët në skemën e delegimit
- Neni 46 - Koment: Transferimi i përkohshëm
- Neni 48 - Koment: Ngritja në detyrë në shkallët më të larta ose të specializuara
- Neni 49 - Koment: Emerimi i kandidatëve jogjyqtarë në Gjykatën e Lartë
- Neni 50 - Koment: Emerimi i Prokurorit të Përgjithshëm
- Neni 51 - Koment: Zgjedhja e Kryetarit të Gjykatës së Lartë
- Neni 52 - Koment: Emerimi i kryetarëve të tjerë
- Neni 54 - Koment: Procedurat e komandimit
- Neni 55 - Koment: Komandimi i magistratëve në Zyren e Inspektorit të Lartë të Drejtësisë
- Neni 56 - Koment: Komandimi në pozicionet e ndihmësmagjistratit
- Neni 57 - Koment: Përfundimi i kohëzgjatjes së komandimit
- Neni 58 - Koment: Rregulla të detajuara për komandimin
- Neni 100 - Koment: Parimet e procedimit disiplinor
- Neni 105 - Koment: Masat disiplinore
- Neni 112 - Koment: Masat disiplinore plotësuese
- Neni 119 - Koment: Ankesat

2 PËR ORGANET E QEVERISJES SE SISTEMIT TË DREJTËSISE

Numer 115/2016

- Neni 19 - Koment: Verifikimi dhe vlerësimi paraprak i kandidatëve për anëtarë të Këshillit të Lartë Gjyqësor nga avokatët dhe kushtet për t'u zgjedhur
- Neni 20 - Koment: Thirrja për paraqitjen e shprehjes së interesit
- Neni 21 - Koment: Paraqitja e shprehjes së interesit
- Neni 22 - Koment: Shqyrtimi i shprehjes së interesit
- Neni 23 - Koment: Përbërja e Komisionit të Pavarur Ad Hoc për verifikimin dhe vlerësimin paraprak të kandidatëve
- Neni 24 - Koment: Funkzioni dhe përgjegjësitë e Komisionit të Pavarur Ad Hoc
- Neni 25 - Koment: Zgjedhja e anëtarëve dhe anëtarëve zëvendësues të Komisionit të Pavarur Ad Hoc
- Neni 26 - Koment: Thirrja e mbledhjes së Komisionit të Pavarur Ad Hoc
- Neni 27 - Koment: Vendi i takimit dhe mbështetja administrative
- Neni 28 - Koment: Konflikti i interesit dhe pajtueshmëria
- Neni 29 - Koment: Heqja dorë
- Neni 30 - Koment: Përfundimi dhe zëvendësimi i anëtarit
- Neni 31 - Koment: Verifikimi i plotësisht të kushteve ligjore
- Neni 32 - Koment: Ankimet kundër vendimeve të përjashtimit të kandidatëve
- Neni 34 - Koment: Kriteret profesionale dhe morale për renditjen e kandidatëve
- Neni 35 - Koment: Përzgjedhja e anëtarit të Këshillit të Lartë Gjyqësor nga radhët e avokatëve
- Neni 36 - Koment: Zgjedhja e anëtarëve të Këshillit të Lartë Gjyqësor nga trupa e pedagogëve të fakulteteve të drejtësisë dhe të Shkollës së Magjistraturës
- Neni 37 - Koment: Thirrja për paraqitjen e shprehjes së interesit
- Neni 40 - Koment: Verifikimi i plotësisht të kriterëve ligjore
- Neni 41 - Koment: Ankimet kundër vendimeve të përjashtimit
- Neni 46 - Koment: Ankimet kundër vendimeve të Asamblesë së Personelit Akademik ose të Këshillit Pedagogjik
- Neni 52 - Koment: Ankimet kundër vendimeve të mbledhjes së posaçme
- Neni 54 - Koment: Zgjedhja e anëtarit të Këshillit të Lartë Gjyqësor që përfaqëson shoqërinë civile dhe kushtet për t'u zgjedhur

3 KODI I DREJTËSISE PENALE PËR TË MITUR

Numer 37/2017

- Neni 52 - Koment: Ndajja e çështjes së të miturit nga çështja e përbashkët me të rritur
- Neni 64 - Koment: Procedura e ndërmjetësisimit

KOMENTARI ELEKTRONIK KREU LIGJET REGJISTROHU HYR NË PORTAL DISCLAIMER Kërko SQ

Përmbajtja

PJESA I : DISPOZITA TË PËRGJITHSHME

- Neni 1:** Objekti i ligjit
- Neni 2:** Përkufizime

PJESA II : TË DREJTAT DHE DETYRIMET E MAGJISTRATËVE

KREU I : "VLERAT THEMELORE DHE TË DREJTAT DHE DETYRIMET E PËRGJITHSHME"

- Neni 3:** Vlerat themelore
- Neni 4:** Standardet e etikës dhe rregullat e sjelljes
- Neni 5:** Të drejtat dhe detyrimet për formimin vazhdues

KREU II : PAPAJTUESHMERITE, KUFIZIMET DHE VEPRIMTARITE E TJERA

- Neni 6:** Papajtueshmëritë me funksionin e magjistratit
- Neni 7:** Kufizimet për shkak të funksionit
- Neni 8:** Papajtueshmëria ambientale
- Neni 9:** Veprimtaritë jashtë funksionit
- Neni 10:** Liria e organizimit dhe e shprehjes

KREU III : PAGA DHE PËRFITIMET E TJERA FINANCIARE DHE SHOQËRORE

- Neni 11:** Parimet e caktimit të pagës dhe përfitimeve financiare të magjistratit
- Neni 12:** Caktimi i pagës së magjistratit
- Neni 13:** Pagat e magjistratëve të komanduar dhe ndihmësmagjistratëve
- Neni 14:** Paga e magjistratëve në pozicione drejtuese
- Neni 15:** Kompensimi i magjistratëve në skemën e delegimit
- Neni 16:** Shpërblym për aftësi
- Neni 17:** Kredi për shtëpi
- Neni 18:** Rregulla të hollësishme për pagat dhe përfitimet e tjera financiare
- Neni 19:** Bursa e shkollimit për kandidatët magjistratë
- Neni 20:** "Mbrojtja e veçantë e magjistratit gjatë ushtrimit të funksionit ose për shkak të tij"
- Neni 21:** Pensioni suplementar dhe përfitimet e tjera
- Neni 22:** Paprekshmëria e pagës dhe përfitimeve të tjera financiare të magjistratit

KREU IV : LEJA DHE ULJA E KOHES SE PUNES



- Neni 23:** Pushimet vjetore
- Neni 24:** Pushimet e tjera
- Neni 25:** Siguria dhe shëndeti në punë

Screenshot from the e-Commentary portal - highlights of the commented articles

The link to the e-Commentary portal was placed on EURALIUS web page. EURALIUS also assisted the SoM, HC, GPO, MoJ and the Centre for Official Publication in placing the links to the portal on their official web sites and registered the web address of the portal with Google and Microsoft Bing search engines.

EURALIUS
Consolidation of the
Justice System in Albania

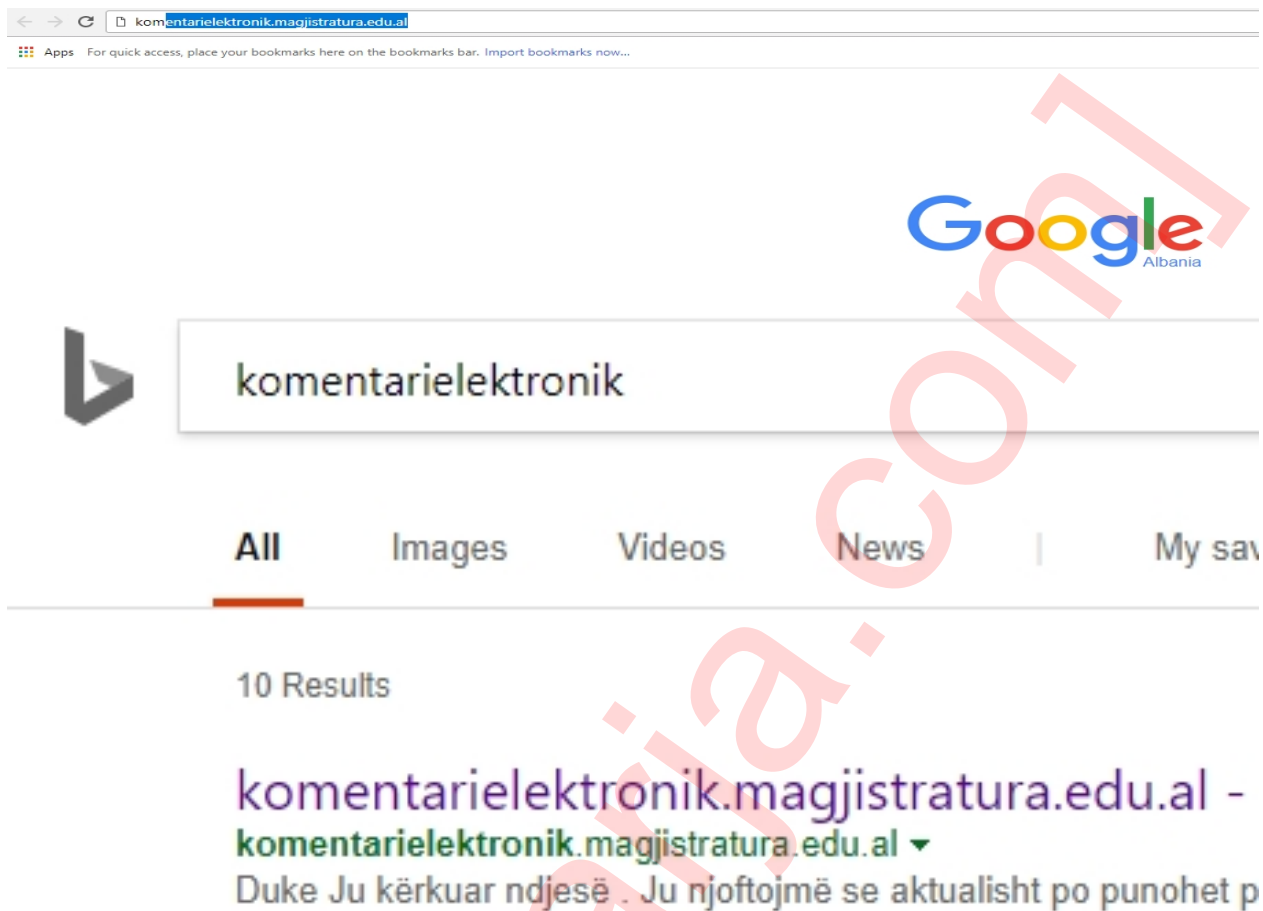
Search here

English:  

KOMENTARI ELEKTRONIK

HOME ABOUT US LIBRARY EVENTS NEWSROOM USEFUL LINKS GALLERY CONTACT

SECOND TRAINING ON "TRIAL IN ABSENTIA IN THE LIGHT OF... THE 20TH ANNIVERSARY OF THE SCHOOL OF MAGISTRATES ROUND-TABLE WORKSHOP ON LEGAL AID



Presentations were held by EURALIUS for the e-commentary co-authors working on preparation of the comments to demonstrate the functionalities of the portal and to discuss and agree on technical aspects of preparation and presentation of the comments.

The internal e-commentary team workspace was configured within EURALIUS's Office 365 for the purpose of communication and collaboration of co-authors and Scientific Board and a dedicated email address was set up to receive comments from the public users, once they register themselves in the portal.

Workshop on the Status Law and the Governance Law

From 6 to 7 December 2017, EURALIUS in collaboration with the SoM organized a workshop on the Status Law and the Governance Law. The aim of the workshop was to present to judges and prosecutors the main novelties of these laws and the e-commentary as a platform to facilitate a better understanding and interpretation of the laws.

The co-authors of the e-commentary for the Status Law and the Governance Law, presented general overviews of both the laws as well as the methodology followed for the comments made.

EURALIUS' experts provided guidance to the usage of the e-commentary portal, including log in, commenting and feedback tools. Furthermore, the decisions of the CC on these laws were discussed and a comparative analysis related to the constitutionality of some of the legal provisions of the Status Law which were challenged before the CC was presented. The workshop was attended by approximately 60 judges and prosecutors from different districts and levels.



<http://komentarielektronik.maqjistratura.edu.al/>

Activity description in original ToR:

Description of Activity following a decision of the SCM:

Activity 1.5.2: Assists the working groups in Parliament within the reform process of the judiciary in elaboration the new primary legislation governing the recruitment, appointment, promotion and transfer of judges according to the objective criteria.

The new legislation introduced several new legal institutes, procedures and transparent criteria for the career development of judges and prosecutors in Albania. The new Councils will have a permanent committee for the career development decisions.

Several comments on legal provisions of the Status Law and Governance Law which relate to the career development of judges and prosecutors have been elaborated, revised, edited and published in the e-commentary portal during this reporting period. The comments, including in particular references to international documents, case law and legal publications aim at facilitating the understanding of the new legislation regarding the appointment, assignment, transfer, promotion.

EURALIUS participated in meetings with legal advisors of the Assembly and experts of the MoJ in charge of elaborating the draft amendments to the Governance Law and to the Status Law. On 19 January 2018 these proposed draft amendments were deliberated in the Assembly's Council of Legislation. In this meeting DP representatives requested to expand the amendments to other provisions, not repealed by the CC.

EURALIUS elaborated an analytical report on the new legislation regarding the promotion system for judges and prosecutors. The report aims at providing guidance for the interpretation and implementation of the new legislation and to facilitate the work of HJC and HPC in the uniform application of the relevant legal provisions.

Activity description in original ToR:

Activity 1.5.3: Assist the HCJ in the implementation and/or review of the evaluation system for judges. Assist the further development of the inspection system taking into account international best practice and EU standards and with a view to a long-term solution (beyond the current MoU) for the overlapping inspectorates.

Description of Activity following a decision of the SCM:

Activity 1.5.3: Assist the HCJ in the implementation and/or review of the evaluation system for judges. Assist the further development of the inspection system taking into account international best practice and EU standards and with a view to a long-term solution (beyond the current MoU) for the overlapping inspectorates.

Evaluation system for judges according to the new legislation:

The Status Law foresees new rules, criteria and procedure regarding the performance evaluation of judges and prosecutors in compliance with European standards.

EURALIUS elaborated an analytical report on the new performance evaluation scheme for judges and prosecutors. This report aims at providing the new governance institutions, in particular the HJC and HPC, and their permanent committees support for the interpretation and guidelines for their implementation (See Annex no 10 “Analytical Report on the Legal Framework for the Performance Evaluation System for Judges and Prosecutors in Albania”, EN)

On 31 October 2017 EURALIUS supported a workshop of the CoE/EU Project “Support to Efficiency of Justice” on the scheme of the ethical and professional performance evaluation of judges in Albania under the new legal framework. The trainers introduced the achievements of the new legislation related to the performance evaluation which are in compliance with European standards and best practices.

Proficiency assessment of judges and prosecutors under the re-evaluation process

EURALIUS assisted the HCJ and its Inspectorate as auxiliary body to the Independent Qualification Commission (IQC) in its activities relating to the proficiency assessment by taking into consideration the fact that the proficiency assessment in the frame of the re-evaluation process regulated by the Vetting Law, is an extraordinary performance assessment with some similar elements to the regular performance evaluation foreseen by the Status Law. In fact, the Vetting Law refers to the procedures related to the regular performance evaluation provided by the Status Law in several points.

EURALIUS elaborated an analysis on the legal requirements related to the proficiency assessment in frame of the re-evaluation process and provided comments on a Draft Instruction on the Proficiency Assessment and on the draft Structure of a proposed Memorandum of Understanding between the re-evaluation institutions and other institutions involved in the re-evaluation process (see Annex no 11 “Legal Requirements Related to

Proficiency Assessment within the Vetting Process, EN”). EURALIUS assisted the HCJ Inspectorate, provided comments regarding the form of the Proficiency Assessment Report and Rules on the Conduct of the Lot) and participated in the proficiency assessment working group meetings (see Annexes no 12 “Template for ‘Proficiency Assessment Report of the HJC’, EN”).

On 25 September and 5 October 2017 EURALIUS facilitated two workshops with representation from the HCJ, GPO, MoJ, President’s Office and the IQC, Public Commissioner, Appeal Chamber and other stakeholders involved. Both events moderated by the Director of the SoM served to reach a common standing on issues regarding the proficiency assessment period, a unified (between GPO and HCJ) template for the Proficiency Assessment Report, the rules for the random selection of the proficiency assessment files by lot and the calendar for the conduct of lots. Another workshop on 18 October 2017 served to reach a common language regarding the principles and standards of the administrative procedure. The events were well received.

On 24 October 2017 EURALIUS participated in the conduct of the first lot for the selection of five files for the assesses of the HC (see Annex no 13 “Rules for the Lot procedure in the Frame of the Proficiency Assessment, EN”).

In addition, EURALIUS was requested to assist the establishment of an electronic register of assesses for the proficiency assessment. Following such a request EURALIUS provided an assessment of the current need for the establishment of such a register and elaborated a reasoned proposal (see Annex no 14 “Proposal for Assistance to the HCJ Inspectorate on the Elaboration of an E-list of judges to be Re-evaluated by the Vetting Bodies, EN”). The proposal could not obtain sufficient financial support therefore it is expected to be realized at a later stage.

Electronic case management system for the Inspectorate

EURALIUS completed the work of specifying the new electronic case management system for the Inspectorate of HCJ. The document identifies and describes the key business processes to be supported by the system and defined the functional and non-functional requirements (see Annex no 15 “Business Analysis “Developing a Case Management System for the High Justice Inspector, EN”). After the final review by the key users, the document was approved by the stakeholders on 18 September 2018.

Following the beneficiary’s approval, the document was disseminated among donors actively supporting the HCJ, i.e. OSCE and USAID/Justice for All Project, with the aim of raising the funding for the development and implementation of the system. OSCE agreed to finance the pilot of the system. EURALIUS prepared the technical specification of the pilot and the technical part of tender documentation that was used by OSCE during the procurement process. OSCE launched the procurement procedure for the pilot on 3

November 2017, with Reference Number: RFP/ALB/02/2017. EURALIUS supported OSCE in the preparation of the answers to the technical questions raised by the interested bidders (see Annex no 16 “Answers to applicants – OSCE Procurement of a Pilot Case Management System for the High Justice Inspector”). The tender submission deadline was set for 21 November 2017 and the evaluation took place on 24 and 27 November 2017. EURALIUS participated in the technical evaluation of the bids.

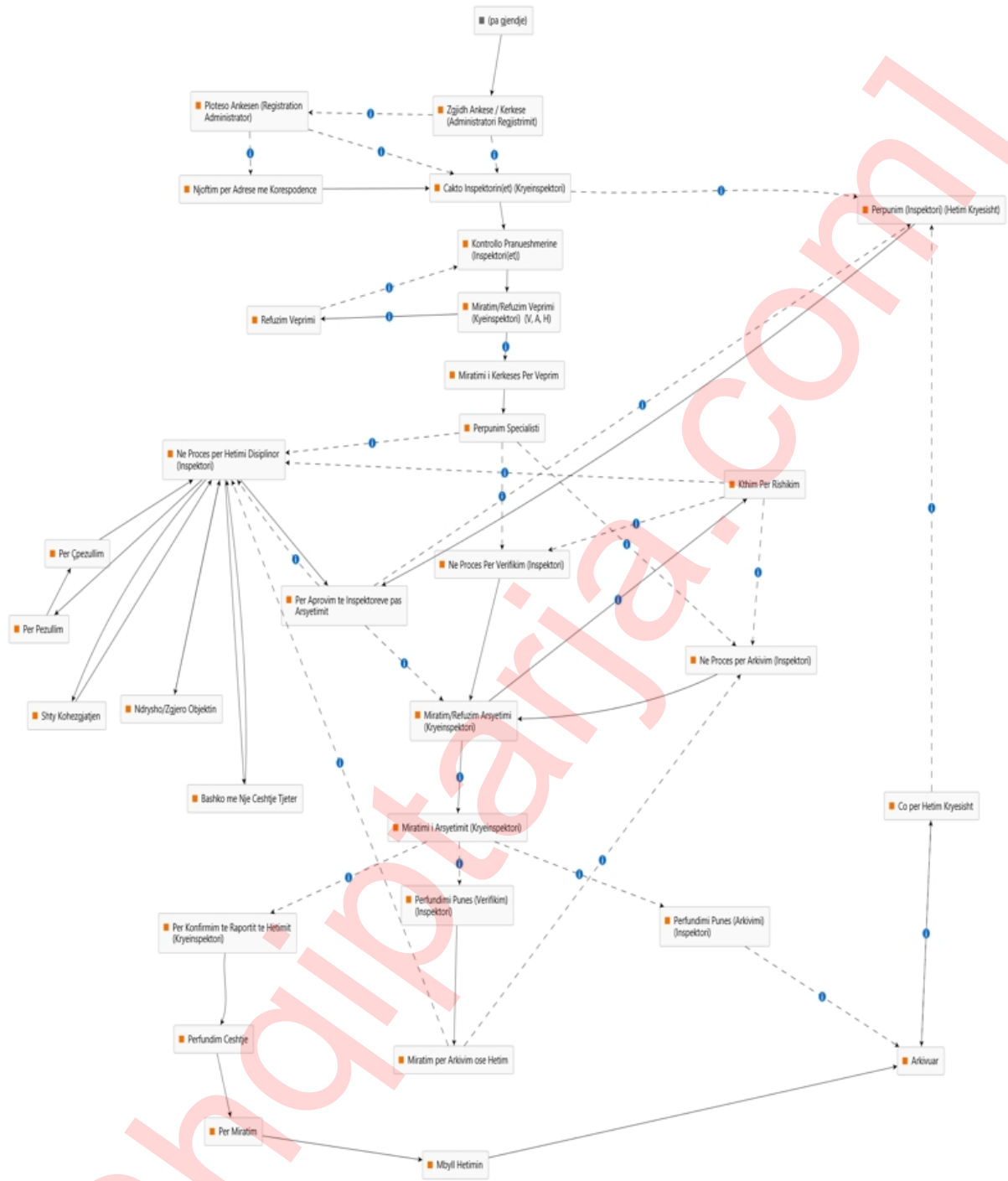
The screenshot shows the OSCE website's procurement page. At the top, the OSCE logo and navigation menu are visible. The main heading is "Building a pilot case management system for the High Council of Justice Inspectorate in Albania". Below the heading, there is a table with procurement details:

REFERENCE NUMBER:	RFP/ALB/02/2017	PROCUREMENT PROCEDURES:	Request for Proposal (RFP)	LAUNCH DATE:	03 November 2017	DEADLINE:	20 November 2017 – 12:00, Europe/Tirane
EXPECTED CONTRACT DURATION:	One-off purchase	ON BEHALF OF:	OSCE Presence in Albania				

Below the table, there is a section titled "Summary of Requirements" which states: "The OSCE Presence in Albania will engage a contractor who will design, develop, test, install and configure the pilot of the case management system for the Inspectorate of Albanian High Council of Justice." At the bottom of the page, there is an orange button that says "Contact: Request for bidding documents".

The procurement was successful, the project was awarded to BNT Electronics and the contract was signed 4 December 2017.

The implementation of the system started immediately. Both EURALIUS and OSCE were following the process on a daily basis with continuous remote support being provided by Ernst Jan van Nigtevecht, EURALIUS MTE on IT in Justice. The development concluded on 25 December 2017 and the end-users participated in a training on 26 December 2017.



The workflow of the pilot case management system for HCJ Inspectorate

Ankesat

This PC > M-Files (M) > KLD > A

M-Files

KLD > Ankesat

Kërko

E Re

Shiko dhe Modifiko

Check Out

Parametrat

Historiku

Bëj Kopjo

Ndriyho gjendje (Admin)

Shiko Te

Kreu

Caktuar për mua

Check Out tek Mua

Të preferuar

Aksesuar nga une së fundmi

Emri

12-20171226-002

12-20171226-003

12-20171226-004

12-20171226-005

12-20171226-006

FS 3

Detyra (1)

Dokument Ceshje (1)

USER - Inspektoret (1)

USER - Inspektori Perg...

USER - Specialist (1)

WAT - FS3 - K.Pranues...

12-20171226-007

Historiku:

Emri	Versioni	Koha e Statusit	Perdoruesi	Gjendja
> 12-20171226-007	33	26/12/2017 23:33	portal	Co per Hetim Krye...
> 12-20171226-007	32	26/12/2017 23:32	portal	Arkivuar
> 12-20171226-007	31	26/12/2017 23:30	portal	Mbyll Hetimin
> 12-20171226-007	30	26/12/2017 23:29	portal	Per Miratim
> 12-20171226-007	29	26/12/2017 23:28	portal	Perfundim Ceshje
> 12-20171226-007	28	26/12/2017 23:23	(M-Files Server)	Per Konfirmim te R
> 12-20171226-007	27	26/12/2017 23:23	portal	Miratimi; Arre...

12-20171226-007

Karteles Ankesa

Krijuar 26/12/2017 22:10 portal

Modifikimi fundit 26/12/2017 23:32 portal

Klasa*	Karteles Ceshje	USER - Inspektoret	Marsela Pepi	WF - Timestamp Cakto Ins...	26/12/2017 22:15
WA - Data e Marjes*	26/12/2017	USER - Inspektoret	Qemal Zaimi	WF - Timestamp LK_Prandu...	26/12/2017 22:36
WA - Nr. Identifikimit	123456	WA - Anomine	Jo	WF - Miratimi 2	Hetim
WA - Institucioni	12- Inspektori i Lartë i Dr	WF - Lloj Ceshje	Ankesa	WAT - FS11 - Vendim: Për...	Test
WA - Dt. e Regjistrimit	26/12/2017	WAT - FS3 - K.Pranueshm...	Listkontrolli	WF - SHF - Lloji i Ankeses	Eshte denuar me vendim
WA - Numri i Regjistrimit*	12-20171226-007	FS3 - Vendimi	Te fillojë hetimin	FS Vendim 2	Hetim
WA - Numri i Sekuences	7	WF - Timestamp (Miratim...	26/12/2017 23:13	WAT - FS13 - Njoftim për...	test12
WA - Statusi i Ankeses	Aktive	WF - Miratimi 1	hetim	WF - Timestamp (Miratim...	26/12/2017 23:23
WAT - FS1 - Ankesa	Test - Test	WAT - FS6 - Për verifikimi...	Test	USER - Specialist	Aurora Ndreu

Sho Etikete në Këtë Version ...

Modifiko Detajet e Versioint...

Kthe

Mbyll

Tipi: Karteles Ankesa (0 shtetare)

Checked In 0 bytes portal

7 items 1 item selected

Ishqiptaria.com

M-Files KLD > Ankesat

Search within this view

Name	Size	Date Modified	Gjendja
12-20171223-014		23/1...	Arsyetim Per Verifikim (
12-20171223-008		23/1...	Kontrollo Pranueshmeri
12-20171223-013		23/1...	Me Adrese Koresponden
12-20171223-012		23/1...	Ne Hetimi Disiplinor (n
Dokument Cesthje (7)			
USER - Inspektoret (2)			
USER - Inspektori Pergjegjes (1)			
WAT - FS1 - Ankesa (1)			
WAT - FS11 - Vendim: Per fillimin e hetimit disiplin...			
Vendim per fillim hetimi	33 KB	23/1...	
FS 11	33 KB	23/1...	
Kartelet Ankesa (1)			
USER - Inspektori Pergjegjes (1)			
USER - Kryeinspektori (1)			
New Dokument Cesthje			
WAT - FS13 - Njoftim per fillimin e hetimit disiplin...			
WAT - FS2 - Njoftim Ankesa (1)			
WAT - FS3 - K.Pranueshmeria (1)			
WAT - FS6 - Per verifikimin e ankeses (1)			
12-20171223-015		23/1...	Per Arkivim pas Verifikir
12-20171223-009		23/1...	Perpunim (Inspektori) (
12-20171223-010		23/1...	Perpunim (Inspektori) (
12-20171223-011		23/1...	Perpunim (Inspektori) (

VENDIM

Nr. 1234/5 Prot. Date 23/12/2017

"Për fillimin e hetimit disiplinor bazuar në një ankesë ndaj gjyqtarit Gjyqtari Test, të Gjykatës Gjykata e Lartë"

Ne mbështetje të ankesës nr. 12-20171223-012, të Test Test1 dhe relacionit të 23/12/2017, për shqyrtimin fillestar të ankesës dhe në përputhje me nenin 123 dhe nenet 160-168 të ligjit nr. 96/2016 "Për statusin e gjyqtarëve dhe prokurorëve në Republikën e Shqipërisë", ligjit nr. 8811 datë 17.5.2001 "Për organizimin dhe funksionimin e Keshillit të Lartë të Drejtësisë", dhe të Rregullores "Për organizimin dhe funksionimin e Inspektoratit të Keshillit të Lartë të Drejtësisë".

KONSTATOJ

Ankesa nr. datë 12-20171223-012 e ankuarit Test Test1, ngre pretendim për shkelje disiplinore Vendim i padrejtë ndaj gjyqtarit Gjyqtari Test, së Gjykatës Gjykata e Lartë.

Ankesa ka paraqitur prova në lidhje me shkeljen disiplinore të gjyqtarit Gjyqtari Test që lidhen me shkelje profesionale në ushtrimin e profesionit. Ankesi i referohet faktëve të ndodhura muaji Maj brenda afarit të parashkimit për hetimet disiplinore siç parashkohen në nenin 117 të ligjit nr. 96/2016 "Për statusin e gjyqtarëve dhe prokurorëve në Republikën e Shqipërisë". Ankesa përmbush të gjitha kriteret ligjore të parashikuara nga neni 120 i Ligjit për Statusin dhe vlerësohet si e pranueshme.

Nga shqyrtimi fillestar të ankesës dhe dokumenteve të bashkëlidhura u konstatua se informacioni i paraqitur nga ankesi është i menjpërdhshëm për fillimin e hetimit disiplinor ndaj gjyqtarit Gjyqtari Test, të Gjykatës Gjykata e Lartë.

OPSIONALE:

Pas shqyrtimit fillestar të ankesës dhe dokumenteve të bashkëlidhura u procedua me verifikimin e tij, bazuar në urdhrin e verifikimit 1235/9 23/12/2017 për marrjen e dokumentave shtesë dokumenti i vendimit nga prokuroria. Nga ky proces verifikimi u saktesua u verifikua dokumentacioni të dhënat e ankesës përmbajnë fakte dhe rrethana nga të cilat konstatohet se ka dyshime të arsyeshme se shkelja mund të jetë kryer shkelje disiplinore.

PER KETO ARSYE

Ne mbështetje të nenit 123 të ligjit 96/2016 "Për statusin e gjyqtarëve dhe prokurorëve në Republikën e Shqipërisë" si dhe në nenin 24, paragrafi 1, germa a) të Rregullores "Për organizimin dhe funksionimin e Inspektoratit të Keshillit të Lartë të Drejtësisë"

VENDOS

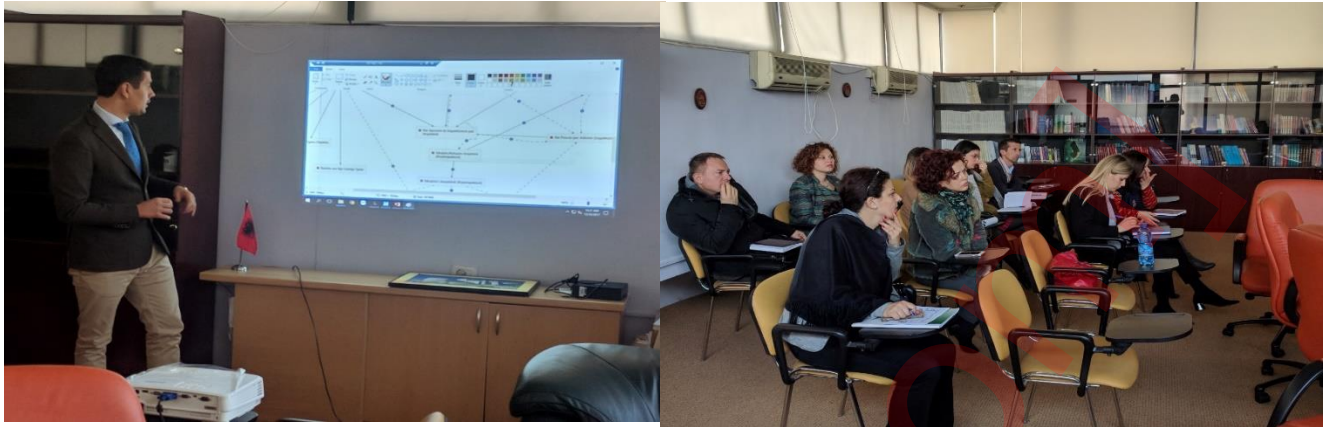
1. Fillimin e hetimit disiplinor ndaj gjyqtarit Gjyqtari Test, së Gjykatës Gjykata e Lartë për shkelje disiplinore.
2. Hetimi disiplinor të kryhet nga inspektorët Marsela Pepi Qemal Zaimi.
3. Për qëllime të hetimit disiplinor, inspektorët Marsela Pepi Qemal Zaimi duhet të shkojnë në Gjykatën Gjykata e Lartë në datë 26/12/2017 për mbledhjen e provave të duhura.
4. Për efekt hetimi, të evidentohet çdo e dhënë që lidhet me përmbajtjen e ankesës, si dhe të dhënat që tregojnë shkelje me pasojë përgjegjësinë disiplinore të gjyqtarit, apo të dhëna për vlerësimin e tij profesional. Për këtë qëllim të merren kopje të akteve që dokumentojnë rezultatet e hetimit, si dhe të merren shpjegime nga gjyqtari, sekretarja gjyqësore, kryetari i gjykatës, si dhe çdo subjekt tjetër që mund të ketë dijeni për rrethanat e hetimit.
5. Inspektorët t'i bëjnë me dije gjyqtarit Gjyqtari Test të gjitha të drejtat që ai gëzon përgjatë hetimit disiplinor në përputhje me nenin 129 të ligjit nr. 96/2016, si dhe të drejtën për të dorëzuar parashtrësia dhe dokumente mbështetëse, brenda tre javëve nga marrja e njoftimit për këtë vendim.
6. Ngarkohen inspektorët Marsela Pepi Qemal Zaimi të përfundojnë hetimin disiplinor dhe të hartojnë raportin përfundimtar brenda 3 javor nga hyrja në fuqi e këtij vendimi. Raporti i hetimit të nënshkruhet nga të dy inspektorët që janë ngarkuar me hetimin disiplinor. Arsyetimi i raportit të hetimit të bëhet nga inspektori Marsela Pepi.
7. Një kopje e këtij vendimi t'i njoftohet ankuarit Test Test1 si dhe gjyqtarit Gjyqtari Test, duke i treguar edhe të drejtën për të dorëzuar parashtrësia dhe dokumente mbështetëse, brenda tre javëve nga marrja e njoftimit për këtë vendim.

Ky vendim hyn në fuqi menjëherë.

KRYEINSPEKTOR/E

Marsela Qemal Zaimi

Screenshots from the pilot case management system for HCJ Inspectorate



Training on pilot case management system for HCJ Inspectorate

On 27 December 2017 the acceptance testing of the system was carried out by the representatives of OSCE and EURALIUS, in the presence of the Chief Inspector, two inspectors, two experts and the registry administrator from the protocol office. The testing was conducted on two real-life cases. The system was accepted on the condition that some further minor adaptations will be completed by the developing company within 30 days period.



Acceptance Testing for the CMS for HCJ Inspectorate

By February 2018 the developers will complete the required adaptations and the system will gradually go to production on a selection of real life cases.

Activity description in original ToR:

Activity 1.5.4: Assist the HCJ in reviewing and amending the rules on disciplinary procedures against judges according to EU standards.

Description of Activity following a decision of the SCM:

Activity 1.5.4: Assist the HCJ or draft new legislation within the reform process of the judiciary reviewing and amending the rules on disciplinary procedures against judges according to EU standards.

Disciplinary investigation

EURALIUS provided continuous assistance to the Inspectorate of the HCJ in the implementation of the new legislation concerning the disciplinary investigation against judges during the transitory period. Starting from February 2017 EURALIUS elaborated several comments on the new legal provisions, standard operational procedures (SOP) and organised four Workshops for the Inspectorate to discuss the interpretation of the Law and to improve the draft SOPs.

The final workshop with inspectors of the HCJ Inspectorate took place on 29 June 2017, as a follow up of those held in February, April and May 2017. In this event, the full set of standard forms for the proper implementation of the new disciplinary investigation foreseen by the Status Law was presented and discussed.

All 38 SOPs and 10 comments on the applicable legal provisions elaborated with the assistance of EURALIUS have been revised accordingly by taking into consideration the discussions during the workshops and opinions of the participants.

Based on the activities implemented during the on-going support to the Inspectorate and the results of these capacity building activities, EURALIUS supported the Inspectorate in the elaboration of a Manual for disciplinary investigation of judges and prosecutors.

The Manual for disciplinary investigation of judges and prosecutors

The Manual for Disciplinary Investigation of Judges and Prosecutors was finalised in August 2017 and submitted to the Inspectorate of the HCJ.

The Manual contains an overall analysis of the new legislation related to the disciplinary system for judges and prosecutors, comments on 10 legal provisions included in the chapter of the Status Law for disciplinary investigation and 38 SOPs and covers the entire process of disciplinary investigation starting from receiving a complaint against judges until the end of the investigation.

The SOPs included in the Manual are already applied by the Inspectorate and may be applied also by the HJI which will have to base its procedures and decisions on the same legislative framework (see Annexes no 17 "Manual Disciplinary Investigations Against

Judges and Prosecutors”, EN and Annex no 18 “Manual Disciplinary Investigations Against Judges and Prosecutors”, AL).

Disciplinary Proceedings

The CC Decision no. 34, dated 10.04.2017 repealed the articles of the Status Law determining the disciplinary misconducts. This led to a substantial loophole regarding the disciplinary liability of judges. The CC Decision no 41, dated 16.05.2017 repealed some provisions of the Governance Law. Among them there are two legal provisions related to the disciplinary liability of the members of the HJC and HPC. The Parliament started the process of amending the Status Law and Governance Law (see activity 1.1.2.).

Nonetheless, it is the competence of the HCJ also in the transitory phase (Article 172 Status Law) to finalise the pending disciplinary proceedings against judges following the procedural rules of the Status Law within 6 months after the entry into force of this law. This deadline ended in April 2017. The HCJ did not fulfil this obligation within the time frame of the Law. The HCJ is in a significant delay for several pending disciplinary proceedings against judges.

Result 1.7: issues pertaining to judicial cooperation among stakeholders of the Albanian justice system and international partners are managed in a more coherent manner, the following activities shall be implemented:

Activity description in original ToR:

Activity 1.7.2: Support the implementation of the Memorandum of Understanding (MoU) between the MoJ and the HCJ inspectorates through the conduct of joint inspections.

Description of Activity following a decision of the SCM;

Activity 1.7.2: Support the implementation of the Memorandum of Understanding (Memorandum of understanding) between the MoJ and the HCJ inspectorates through the conduct of joint inspections.

Following a study visit to Bulgarian justice governance institutions involved in the disciplinary investigation and disciplinary proceeding against judges and prosecutors end of May 2017, EURALIUS held meetings with the participants of the study visit, including the Chief Inspector, inspectors of the HCJ Inspectorate and judges prosecutors, including aiming at analysing the findings and conclusions related to the disciplinary system for judges and prosecutors and the applicable procedures and models in Albania.

Objective 2: To improve the organizational, administrative, technical and resource management capacities, as well as the case management capabilities of the judiciary in order to improve the efficiency of courts and their transparency.

Result 2.1: The SoM will continue to be the central institution to ensure high-quality education of judges and prosecutors on the basis of a solid financial basis and refined training curricula, the following activities shall be implemented:

Activity description in original ToR:

Activity 2.1.1: Provide assistance to the SoM in developing and delivering training to judges in improving the reasoning and quality of decisions and management of trials.

Description of Activity following a decision of the SCM:

Activity 2.1.1: Provide assistance to the SoM in developing and delivering training to judges in improving the reasoning and quality of decisions and management of trials.

Activity description in original ToR:

Activity 2.1.2: Provide assistance to the SoM in developing and delivering training to judges in improving the reasoning and quality of decisions and management of trials.

Description of Activity following a decision of the SCM:

Activity 2.1.2: Provide assistance to the SoM to further develop the continuous training for judges and prosecutors, stressing introducing the recent adopted national legislation as well as international legislation and case law (including the European Court of Justice).

EURALIUS provided a joint support under these two activities.

Upon the request of the SoM EURALIUS prepared a list of the training sessions for the continuous training programme during the period June – January 2018. The list of proposed training sessions (see Annex no 19 “List of Training Delivered in Cooperation with SoM 1 June - 30 November 2017”) was delivered to the SoM and approved by the Steering Committee Meeting of the SoM. 535 trainees were trained as per end of January 2018.

These training sessions introduced judges and prosecutors to the new amendments of the laws (Criminal Procedure Code and Civil Procedure Code).

From 5 to 6 October 2017, EURALIUS in collaboration with the SoM organized a second training on “Trial in absentia in the light of Article 6 of the European Convention of Human Rights and European Court of Human Rights Case Law”, where 60 judges and prosecutors participated. This training was a repetition of a training organized on 13 and 14 April 2017, where more than 40 Albanian judges and prosecutors participated, following the high interest. The trainees were acquainted with various topics on the subject, which were presented by international and national experts. EURALIUS short term Experts, Mr. Stefan Trunk, Senior Prosecutor at the Prosecution Office of Duisburg and Mr. Michael Bolz, Senior Prosecutor at the Prosecution Office of Frankfurt, presented respectively the

meaning of sentences in absentia for the principle of mutual recognition within the EU legal framework, including the minimum standard and the German legal framework concerning the trial in absentia. Albanian experts presented the trial in absentia according to the Albanian legislation and its novelties following the amendments to the Criminal Procedure Code. The training was illustrated with practical case studies followed by lively discussions among the participants (see Annex no 20 “Agenda for Training “Trial in absentia, 5-6 October 2017 EN”)

From 26 to 27 October 2017, EURALIUS in collaboration with the SoM organized a training for 60 judges and prosecutors on “*EU standards on victims and rights of defendants in the criminal process*”. This training was a follow up of the training on “*Protection of victims in the focus of civil lawsuit in the criminal process. EU standards on victims and rights of defendants in the criminal process*” that was held from 18 to 19 May 2017. International and Albanian experts presented various topics on the new amendments to the Criminal Procedure Code, the victim’s position and civil defendant in the criminal process and EU standards. Mr. Stefan Trunk, and Mr. Michael Bolz, presented EU standards on victims and rights of defendants followed by case studies that raised fruitful discussions among participants (see Annex no 21 “Agenda for Training EU standards for Victim and Defendants’ Rights` 26-27 October 2017”).

From 6 to 9 November 2017, EURALIUS in collaboration with the SoM organized two training sessions on “Trial according to the amendments to the Civil Procedure Code”. EURALIUS International Short-Term Expert, Dr. Ronald Rohrer, former Vice President of the Austrian Supreme Court and member of the working group for the amendments to the Civil Procedure Code, delivered a presentation on efficiency and acceleration of proceedings and contributed overall to the training. Albanian experts delivered presentations on the civil jurisdiction, order for scheduling the hearing (Prof. Asoc. Dr. Flutura Kola Tafaj); preliminary arrangements of the single judge at the hearing at first instance, notification of acts (Prof. Dashamir Kore); court hearing, preparatory hearing (Prof. Vangjel Kosta); and proceedings in the Court of Appeal according the amendments to the Civil Procedure Code (Dr. Asim Vokshi). These training courses were attended by 135 judges and candidate magistrates, who showed high interest for the topics and extensively participated in discussions (see Annexes no 22 “Note on Novelties of Civil Procedure Code 2017 11 13”, Annex no 23 “Agenda for training “Civil Procedure Code amendments 6-7.11” and Annex no 24 “Agenda for Training on “Civil Procedure Code” 8-9.11”).

From 13 to 14 November 2017 EURALIUS in collaboration with the SoM organized a training on “Special trials: Judgement upon agreement and Penalty Order”. This training was a follow up of the training on “Special trials and criminal process reform. Summary Trial. Direct trial. Judgement upon agreement. Penalty Order”, that was held from 27 to 28 March 2017. Considering the high interest of judges and prosecutors, EURALIUS repeated this training, where 65 judges and prosecutors participated. EURALIUS International Short-term Experts Ms. Tanja Pavelin and Ms. Diana Pervan presented examples of Croatian law

and practices regarding the judgment upon agreement and penalty order. Albanian experts delivered presentations on Criminal Procedure Code, new amendments concerning the types of special trials (see Annex no 25 “Agenda for Training “Judgment upon agreement 13-14.11”).

On 7 July 2017, EURALIUS delivered in cooperation with the SoM an awareness raising round-table on mentorship for mentor judges and prosecutors. A follow up training on mentorship was delivered on 18 and 19 January 2018.

EURALIUS was asked for delivering a training session for High Court judges on the new functions of the HC. For this purpose, EURALIUS has prepared a paper on the novelties of the justice reform in regard to the High Court. Due to the limited time of implementation this training cannot be realized any more.

[Shqiptaria.com]

Activity description in original ToR:

Activity 2.1.3: Monitor the procedures followed by the SoM in selecting the curricula, professors and organising transparent and clear selection procedures.

Description of Activity following a decision of the SCM;

Activity 2.1.3: Monitor the procedures followed by the SoM in selecting the curricula, professors and organizing transparent and clear selection procedures. Assist the introduction of a psychological test and amendments to the School of Magistrates.

On 7 July 2017, EURALIUS delivered in cooperation with the SoM an awareness raising round-table on mentorship for mentor judges and prosecutors.

The round-table on mentorship provided some good examples and practices about the relationship trainees-mentors in courts and prosecution offices, including methods of mentoring/coaching and evaluation of both trainees and mentors from the EU and the region. Discussions and questions raised during the round-table will serve as basis for further elaboration of rules and guidelines on mentorship.

The documents presented during the round-table, such as a “Manual on Mentorship EN and AL” (See Annexes no 26 and 27) and a “Comparative Analysis on Mentoring EN and AL” (Annexes no 28 and 29), are enclosed to this Report. During this event the new legal framework for the professional internship in Albania and the challenges that mentors and the SoM are facing in the conduct of the professional internship were discussed. The event was moderated by Dashamir Kore, Professor at the SoM. EURALIUS International Experts, Dragomir Yordanov and Koraljka Bumci shared their respective experiences on mentorship from Bulgarian and Croatian models. STEs Eva Pérez and Jorge Obach respectively explained the mentoring system for prosecutors and judges in Spain and other EU countries (see Annex no 30 “Agenda Awareness Raising Event on Mentorship 7 July 2017 EN”). This round-table served as a first step in the preparation of the rules and guidelines on mentorship.

As a follow up of the round-table activity, EURALIUS has conducted meetings with mentor judges at Tirana District Court and Tirana Administrative Court. During these meetings with a smaller group of mentor judges, the challenges of the mentorship and suggestions to improve the system were discussed.

On 18 and 19 January 2018 a further training for 37 mentor judges and prosecutors was held in collaboration with the SoM (see Annex no 31 “Agenda for Training of Mentors 18-19 January 2017”).

EURALIUS International Expert Dragomir Yordanov and EURALIUS Short Term Expert Jorge Obach delivered presentations on judge-craft skills, performance evaluations of trainees and mentors and approaches regarding mentoring from different European countries (see Annex no 32 ‘Mentoring and Evaluation: Example of Good European Practices’, EN).

In preparation of this workshop a concept paper on mentoring and evaluation was elaborated which suggests a mentoring methodology and evaluations forms to be adapted to Albanian legal framework and legal traditions (Annex no 33 “Concept Paper on Mentoring EN 2018 01 25”, EN, Annex no 34 “Evaluation Forms for Candidate Magistrates and mentors EN/AL 2018 01 25” Annex no 35 “Regulation on Mentoring EN 2018 01 25”).

The participants of the workshop were mentor judges and prosecutors who are currently mentoring candidate magistrates (16 in total: 10 judges and 6 prosecutors having their professional internship respectively at Tirana District and Administrative Court of first instance and at the GPO) of the third year of the initial training during their internship program or will serve as mentors in future. The HJC and the HPC which are the competent authorities to adopt decisions and the relevant sub-legal acts regarding mentoring as required by the Law are not established yet. For this reason, the internship is currently organized based on informal agreements of the SoM and the relevant courts and the GPO.

The SoM requested a legal opinion from EURALIUS on the salary of the third-year candidate magistrates of the initial training program. In this regard EURALIUS prepared a legal opinion and delivered it to SoM (see Annex no 36 “Note on Salary of the Third-year Candidate Magistrates EN/AL”).

It should be noted that due to the delay in the establishment of the HJC the time schedule for the admission exam is at risk. The proposed amendments to the Status Law (see 1.1.2) have foreseen remedies. In case the legislative process goes beyond January 2018 the SoM incurs the risk of not being able to conduct the admission exam because falling outside the legally established schedule.

EURALIUS continued to liaise with the SoM regarding the psychological test (PSSI). SoM has expressed its willingness and readiness to continue and complete the process of transferring the knowledge to the School staff regarding the statistical analysis of the PSSI data. For this purpose, EURALIUS has established direct contacts between the SoM and Prof. Walter Renner, an expert who will train the School staff on the statistical analysis of the PSSI data.

Activity description in original ToR:

Activity 2.1.4: Assist in ensuring the necessary financial means for the SoM to facilitate contemporary training methods and attract highly qualified trainers.

Description of Activity following a decision of the SCM;

Activity 2.1.4: Assist in ensuring the necessary financial means for the SoM to facilitate contemporary training methods and attract highly qualified trainers.

On 2 October 2017 EURALIUS contributed to the 20th anniversary event of the SoM budget and content wise (see Annex no 37 “Agenda Jubilee of the School of Magistrates AL_EN 2017 10 02”).

EURALIUS prepared a preliminary assessment report on ‘Capacity of the School of Magistrates and other justice sector training institutions’ with particular emphasis on the needs of the SoM and with possible solutions to the premises problem (see Annex no 38 “Capacity of the School of Magistrates and Other Justice Sector Training Institutions 2017 11 06” and Annex no 39 “Note on “School of Magistrates Premises, EN”).

Result 2.2: Court proceedings are held in a more efficient and transparent manner facilitating a reduction of trial durations and thereby the backlog of court cases, the following activities shall be implemented:

Activity description in original ToR:

Activity 2.2.2: Assist in empowering judges to effectively use their procedural rights to improve proceedings, among other things by taking disciplinary actions against lawyers and witnesses for unjustified absence in proceedings (including coordination with the NCA on this issue).

Description of Activity following a decision of the SCM:

Activity 2.2.2: Assist in empowering judges to effectively use their procedural rights to improve proceedings, among other things by taking disciplinary actions against lawyers and witnesses for unjustified absence in proceedings (including coordination with the NCA on this issue).

In the training sessions, held from 6 to 9 November 2017, on “Trial according to the new amendments of the Civil Procedure Code”, inter alia the procedural rights in regard to unjustified absences of lawyers were deepened (see also activity 2.1.2).

Result 2.3: A country-wide implementation of the ICMIS:

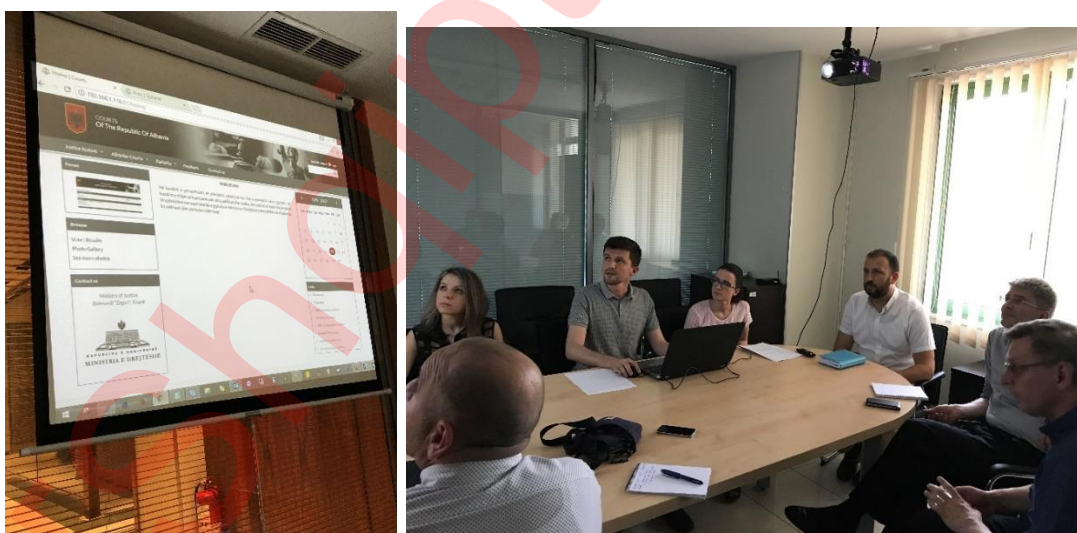
Activity description in original ToR:

Activity 2.3.1: Assist the MoJ and the OAJB on the unification of the case management system in all the courts in Albania, in particular by incorporating the courts in Tirana into the ICMIS.

Description of Activity following a decision of the SCM;

Activity 2.3.1: Assist the MoJ and the OAJB in keeping ICMIS case management system in the best possible condition with the aim of providing the courts with at least basic case management functionalities until the arrival of the new integrated case management system. This Activity includes assistance in identification and in resolution of ICMIS shortcomings falling under the current maintenance contracts and assistance in specification and in implementation of small functional improvements that may be implemented with the available financing.

EURALIUS continued to assist the MoJ in the implementation of the new maintenance contract for ICMIS in administrative courts. As per the requirements of the technical specifications, the company, working in close cooperation with the key users of all 7 courts and statistics experts of the MoJ, has developed the new required functionalities for the administrative courts. These functionalities encompass new registries, upgrades to the web portal of Albanian courts (www.gjykata.gov.al) allowing for the publication of notifications, announcements and decisions, 6 new statistical reports and a number of enhancements to the lottery such as allocating cases based on the quality indicator (ratio between simple requests and normal law suits) and reflecting types of adjudications (preparatory, consultation chamber and normal hearing). A suitable user manual was prepared and disseminated among administrative courts, and onsite training sessions were conducted (see Annex no 40 “User Manual on Changes to ICMIS for Administrative Courts, EN”).



Picture: Review of new functionalities in ICMIS for Administrative Court

EURALIUS STE on Statistics in IT Systems continued to assist the MoJ in the elaboration of an alternative method of production of the statistical reports which cannot be obtained from ICMIS due to the limitation in the scope of the maintenance contract. The expert

implemented the tools for generating statistical reports prescribed by MoJ in district courts in Durrës, Elbasan, Gjirokastër, Kavajë, Korça and Mat. As it was not possible to integrate the newly developed statistical tools with ICMIS, they were installed in the PAKS+ calendaring and reporting software developed by USAID/JUST project for the needs of digital audio recording system, already present in the courts since 2012. The reports may be generated at any time by the court IT administrators and may encompass any time period. The tools were also used by the STE while assisting the Elbasan District Court in internal auditing activities by producing statistical reports on judges' decisions on court cases for the period between October 2013 and October 2016.

EURALIUS continued close cooperation with the joint EU/CoE project 'Support to the Efficiency of Justice' project (SEJ2) regarding generating CEPEJ statistical indicators. EURALIUS experts developed and implemented IT tools for producing the CEPEJ indicators for individual courts and integrated them with PAKS+ software.

Case categorisation was another area of cooperation with the SEJ2 project. Experts from EURALIUS and SEJ2 worked on defining a case categorisation scheme fulfilling the needs of monthly and quarterly reporting to the HCJ and MoJ as well as the needs for executive reporting foreseen by CEPEJ standards. A workshop on this subject was held on 5 October 2017 at CoE premises in Tirana.

The process of aligning ICMIS to the new Civil and Criminal Procedure Codes is delayed and the courts are experiencing serious problems in using ICMIS in procedures introduced by the new legislation. Moreover, the maintenance contract for the ICMIS system in ordinary courts (both first instance and appeal) expired on 5 November 2017. These issues were discussed on 17 November 2017 during a meeting between MoJ, EURALIUS, USAID/JFA project. It was emphasized that MoJ at that time was still the legal owner of ICMIS and that there is a pressing need for addressing the maintenance and adaptation issues. Before taking any decisions, the MoJ was advised to review the legal conditions and financial resources available. EURALIUS offered assistance in the preparation of the technical specification for the services to be provided under the new maintenance contract. EURALIUS shared the project's findings on the adaptations that need to be made to the IT systems with the president of Tirana District Court with the aim to assist this court in introducing the improvements in their case management system (ARK - IT).

On 22 November 2017 the Council of Ministers approved the decision "On the reorganization of AKSHI". It transfers IT specialists and the majority of IT systems from the ministries to AKSHI. ICMIS is among the transferred systems. The draft decision was presented to the MoJ for consultation. The MoJ allegedly reasoned in its opinion that ICMIS will be transferred to the HJC (Article 277 (5) Governance Law) and that the judiciary will have its own IT Centre (Article 92 Governance Law). Therefore, the MoJ's opinion suggested taking out ICMIS from the list of systems to be transferred to AKSHI.

Nonetheless, the decision published on 4 December 2017 in the Official Gazette and entered into force foresees the transfer of ICMIS to AKSHI. EURALIUS notified both the MoJ IT Directorate and the Chief of Cabinet. This transfer risks create unnecessary disturbances. In a meeting on 19 January 2018 with Mr Artur Metani, Director of the department of Legislation at the Prime Minister's Office, initiated by EUD, EURALIUS suggested to adopt without delay the CoM decision on the establishment of the IT Centre in accordance with Article 277 paragraph 5 of Governance Law and to clarify that the transfer to AKSHI is transitory.

In the last days of December 2017, an article in electronic media was published questioning EURALIUS' stance on this issue. After further consultations with the EUD it has been agreed that the best approach for the resolution of this issue would be to continue to work with the beneficiaries on accelerating the issuing of the decision of the Council of Ministers stipulated by Art. 147/a and 148/b of the constitution which will be assigning the responsibility for IT in courts and prosecution offices. The decision should also regulate the set-up of the Information Technology Centre for the system of justice. It needs to be pointed out that that delaying this decision might give rise to legal problems when the responsibility for ICMIS system is transferred from MoJ/AKSHI to HJC.

On 14 December 2017, a follow up meeting on ICMIS issues was held between EURALIUS and USAID/JFA project. The abovementioned situation on ICMIS ownership was discussed. JFA shared the need for adjusting the reporting (statistics) features of audio recording system to the new procedures of preliminary hearings in criminal cases. For such adjustments to be feasible, the type of hearing will need to be reflected in ICMIS. EURALIUS verified that the adjustment already implemented in the ICMIS for administrative courts, which have similar hearings "in camera", can also be adapted for criminal cases.

Activity description in original ToR:

Activity 2.3.2: Assist the MoJ and the OAJB on the unification of the case management system in all the courts in Albania, in particular by incorporating the courts in Tirana into the ICMIS.

Description of Activity following a decision of the SCM:

Activity 2.3.2: Assist MoJ in specification and procurement of new integrated case management system supporting case processing in all Albanian courts.

EURALIUS continued the work on the technical specification for the new court case management system (the successor of ICMIS). Moreover, a concept of the pilot of the new system was elaborated. (see Annex no 41 "ToR for New ICMIS" and Annex no 42 "Concept of a Pilot of the Next Generation Court Case Management System").

Result 2.4: The performance of the administrative court staff has improved

Activity description in original ToR:

Activity 2.4.2: Assist the SoM in developing and delivering training to chancellors, court officers and other judicial administrators following up on the Council of Europe project implemented several years ago.

Description of Activity following a decision of the SCM:

Activity 2.4.2.2: Assist the within the reform process to establish a legal framework which foresees comprehensive initial and continuous training to chancellors, court officers and other judicial administrators and identify the institution (e.G. SoM, School for Public Administration or other) to implement the training.

On 21 June 2017, EURALIUS and USAID/JFA had a meeting with the Chairperson and the Chancellor of the Tirana District Court. The focus of the meeting was to discuss the training of the administrative staff of the courts. EURALIUS shared two documents on the judicial civil servants and the legal requirements for delivering training for them (see Annex no 43 “Overview of the Legal Provision on Categories of Judicial Civil Servants” and Annex no 44 “Overview of the Legal Provisions on Categories of Prosecution Offices Civil Servants”). The Chairperson of the Court welcomed the introduction of training courses for judicial civil servants. She also emphasized the need to train judicial secretaries. On 28 June 2017 EURALIUS had a meeting with 4 judicial secretaries, to interview them on their training needs and their opinion on the possible organization of the training for the judicial administration.

On 29 June EURALIUS held a meeting at Korça District Court on training for the judicial administration.

On 30 June 2017 EURALIUS held a meeting with the Director of Human Resources at the GPO and discussed with her the necessities to conduct trainings for several categories of the prosecution office civil servants.

EURALIUS together with USAID/JFA and CoE, is part of the Working Group established by the SoM to work on the preparation of the curricula for the chancellors. In this framework EURALIUS participated at the workshop on ‘Court Administration: Chancellors’, organized by USAID/JFA on 25 July 2017. During the workshop the new requirements, competencies and the role of chancellors in the context of the justice reform package and the accompanying laws on the organization of the courts as well as effective court administration was discussed. An overview of the legally required chancellor training program that the SoM, in cooperation with the HJC, will develop and implement to ensure the initial and continuous training was shared. A joint working document on the ethics module and the curriculum manual on chancellors was discussed and further elaborated (see Annexes no 45 “Curriculum of Ethical Module for Training of Court Chancellors” and Annex no 46 “Curriculum Manual for Court Chancellors, EN”). This workshop was a follow up of the First Working Group Meeting held in Vlora. For this purpose, two documents were produced (see Annex no 47 “Court Administration Needs Assessment”, EN).

On 28 and 30 January 2018, EURALIUS as part of the working group on Court Chancellors participated in a retreat organized by the USAID/JFA, with the participation of SoM and other donors. During this retreat the Curriculum for Court Chancellors and a work plan was developed. (Annex no 48 “Curriculum for Court Chancellors, EN”; Annex no 49 “Agenda of the Retreat ‘SoM Chancellor Curriculum Working Group EN 2018 01 28-30’, EN”).

EURALIUS has prepared a report on the proficiency testing of legal assistants, legal advisors and Inspectors at the SoM. The objective of the report was to analyse and provide recommendations on the implementation of the normative framework for proficiency testing (part of the re-evaluation process) at the SoM (see Annex no 50 “Report on Proficiency Testing EN 2017 11 11”).

EURALIUS is also assisting the SoM to prepare the curricula for the legal assistants and legal advisors. For this purpose, working documents based on the legal provisions of the judiciary reform laws were produced. EURALIUS had meetings with legal assistants of the Tirana Court of Appeal and legal advisors of the HC and CC. These meetings served to collect information on their tasks and responsibilities related to their job descriptions. This information was used for the preparation of the curricula and while assisting the SoM on the preparation of the exam questions for testing current legal assistants/advisors. EURALIUS has prepared a draft curriculum for the training programme of new Legal Assistants and Legal Advisors (see Annex no 51 ‘Draft Curriculum Training Legal Assistant Legal Advisers EN’, and Annex no 52 ‘Concept Paper, Training new Legal Assistants and Legal Advisers EN’).

On 22 November 2017, SoM published at its webpage amendments to the Regulation of the SoM. Articles 22, 25, 45 have been amended. There are concerns that these amendments are not entirely in line with the laws that delegate functions to the SoM. Besides some inconsistencies in the wording of the Regulation compared to the law, the main issue of concern is the clearly more lenient treatment of the applicants to the proficiency testing compared to the candidates for the general admission exam at the SoM, although the primary consequences of both are the same. EURALIUS has prepared report on the amended articles of the SoM Regulation regarding the proficiency testing of legal assistants, legal advisors and Inspectors (see Annex no 53 “Assessment Report on the Amendments to the SoM Regulation”, EN).

Result 2.5: Professionalism of Albanian lawyers involved in judicial proceedings has improved:

Activity description in original ToR:

Activity 2.5.1: Support the MoJ and the National Chamber of Advocacy (NCA) in the implementation of the Law on the profession of lawyers, the new disciplinary procedures for lawyers and the new requirements for professional liability insurance.

Description of Activity following a decision of the SCM:

Activity 2.5.1: Support the Parliament and the National Chamber of Advocacy (NCA) in the implementation of the Law on the profession of lawyers, the new disciplinary procedures for lawyers and the new requirements for professional liability insurance.

EURALIUS supported during the month of August 2017 the reviewing of the draft law on the profession of advocates. While the current draft law on the profession of advocates incorporates many prescient comments and recommendations of stakeholders and of advocates active in the profession, it was felt important to make a review of the entire structure of the draft law in order to harmonize the internal structure and to provide suggestions that strengthen and further improve it. During fall 2017 there was a number of meetings, both bilateral with the NCA, and multilateral with the responsible rapporteur, Parliamentary legal advisor and NCA representatives, where open questions were discussed with a view to maturing and finalising the draft law on the profession of advocates.

The NCA proposals focused on the restriction of certain legal activities to advocates only. EURALIUS had concerns in this regard and prepared a memo on the matter (see Annex no 54 "Comments to the Draft Law on Advocates Regarding a Proposal for Advocates Exclusivity, EN"). In the meeting of 17 October 2017, the aforementioned memo was shared. All the proposals of EURALIUS were incorporated by the legal advisor and shared with the participants.

Following the receipt of the incorporated text, during the rest of October the EURALIUS expert collaborated with the legal advisor and a representative from the NCA for a technical review of the draft law and for identifying still open issues, which will be addressed in due time.

EURALIUS continued supporting the drafting and finalisation of the draft law, as requested, during the first months of 2018.

Activity description in original ToR:

Activity 2.5.2: Support the NCA in further improving the School for Lawyers and in developing and implementing a training program for lawyers and lawyer candidates (initial and continuous training). Assist the NCA in others issues related to the setting up and putting into operation the new School of Lawyers.

Description of Activity following a decision of the SCM:

Activity 2.5.2: Support the NCA in further improving the School for Lawyers and in developing and implementing a training program for lawyers and lawyer candidates (initial and continuous training). Assist the NCA in others issues related to the setting up and putting into operation the new School of Lawyers.

A meeting with the Head of the Disciplinary Committee in order to arrange the preparations for the organization of the training on ethics and disciplinary proceedings in cooperation with the NCA was held during September 2017.

EURALIUS delivered a training on ethics and disciplinary responsibility of advocates (see Activity 2.5.3.)

Activity description in original ToR:

Activity 2.5.3: Support the NCA in the implementation of the Lawyer's Code of Ethics.

Description of Activity following a decision of the SCM:

Activity 2.5.3: Support the NCA in the implementation of the Lawyer's Code of Ethics. If a new law on advocates is upcoming within the reform process, it is welcome to incorporate the Code of Ethics into the law.

On 1 February 2018 the STE had meetings with the head of the disciplinary committee Mr Virxhil Karaj and Professor of Ethics at SoA Ms Rezarta Abdiu. These meetings served to understand Albanian practices on ethical and disciplinary issues. The training and the meetings were an expression of the fruitful cooperation with the NCA and resulted in the elaboration of training documents regarding ethical issues and a report on the disciplinary liability of advocates.

On 2 February 2018, EURALIUS in cooperation with the NCA organized a training on Ethics and Disciplinary Responsibility of Advocates. EURALIUS International Short-Term Expert, Mr Jan Kestel, delivered a presentation for the Albanian advocates and assistant advocates from the SoA, on ethical and disciplinary issues and European best practices. During the training issues such as standards of behaviors and conduct of advocates together with case studies from the Albanian practice and other EU countries have been discussed (see Annex no 55 "Agenda of the Training 'Ethics and Disciplinary Responsibility of Advocates EN/AL').

Result 2.6: Professionalism of Albanian notaries involved in judicial proceedings and otherwise has improved.

Activity description in original ToR:

Activity 2.6.1: Provide support to the National Chambers of Notaries (NCN) regarding its internal organisation and functioning, especially also with regard to the disciplinary procedures for notaries.

Description of Activity following a decision of the SCM;

Activity 2.6.1: Provide support to the National Chambers of Notaries (NCN) regarding its internal organisation and functioning, especially also with regard to the disciplinary procedures for notaries. A new law on notaries, drafted within the reform process, is part of the activity.

During summer 2017, EURALIUS drafted and shared a report on European and international standards regarding the status, ethical standards and disciplinary liability of notaries with the NCN and the legal advisor in Parliament dealing with the draft law on some additions and amendments to the law on the notary (see Annex no 56 “Report European and International standards for Notaries”).

EURALIUS also prepared a second report on the Kosovar legal framework regarding the status, ethical standards and disciplinary liability, so as to enrich the debate with a successful regional model in the notarial field (see Annex no 57 “Report on Kosovo Legal Framework for Notaries”).

During October and November 2017, a number of meetings were held at the premises of the Assembly in order to coordinate the next steps with regard to the draft amendments to the draft Law on Notary. In the meetings, EURALIUS expressed several concerns in terms of Chamber organization, disciplinary matters, access to the profession and Chamber funding especially for trainings.

On 17 October 2017, the rapporteur informed the Law Committee that several amendments would be introduced to it, especially with regard to the lowering of the number of notaries, ensuring prevention of nepotism and simplifying and democratizing the structure of the Chamber. On 6 November 2017, the Law Commission deliberated and approved the draft in principle.

Moreover, during this period the representatives of EURALIUS assisted the Parliamentary legal advisor assigned to this draft law in reviewing of the draft, in order to correct discrepancies and improve it in terms of legislative technique.

In parallel, following the request of the MoJ, there was series of intensive meetings between EURALIUS experts and MoJ representatives, in order to clarify any questions or issues that the MoJ still had (see Annex no 58 “Note on Appeal against MoJ’s Disciplinary Acts on Notaries, EN”).

On 22 November 2017, upon the request of the Assembly, the representatives of the MoJ, the NCN and EURALIUS met to coordinate the next steps for the drafting and finalisation

of the law. In the meeting the MoJ requested time to finalise a study on different models to enter into the profession and to undertake a unified holistic approach to the different free legal professions, and it was agreed that once the study was finalised, work would recommence on finalising the draft Law on the Notary.

During December 2017 and January 2018, EURALIUS experts kept close contact with counterparts in the MoJ and in Parliament.

On 15 and 16 January 2018 EURALIUS facilitated a meeting between a delegation of the German Federal Chamber of Notaries and representatives of the cabinet, Inspection and Codification Department of the MoJ and a meeting with the rapporteur of the draft law. Both meetings addressed a number of open questions and a comparison of the way such questions have been tackled in other developing countries where the German Chamber has been active.

The mission of the German Chamber was finalised with the signing of a cooperation agreement between them and the National Chamber of Notaries of Albania, which will serve as a foundation stone to continued and deepened cooperation in the future.

During the remainder of the reporting period, EURALIUS assisted as requested the process of drafting and finalisation of the draft Law on Notary.

Activity description in original ToR:

Activity 2.6.2: Support the Ministry of Justice and the NCN in the implementation of a training program for notaries and notary' candidates.

Description of Activity following a decision of the SCM:

Activity 2.6.2: Support the Ministry of Justice and the NCN in the implementation of a training program for notaries and notary' candidates.

As part of the redrafting effort of the draft Law on Notary EURALIUS, during October 2017 focussed on improving and strengthening the procedures for admission to the profession of notary, where a main facet is the provision of a one-year mandatory training program and the establishment of a Training Centre for Notaries.

The Training Centre is also foreseen as the main provider of continuous training. The new draft law strengthens the obligation of notaries for continuous training, making non-payment of training fees and non-attendance a ground for the revocation of the license of notary.

During their mission to Tirana for signing of a cooperation agreement with the Albanian Chamber of Notaries, the representatives of the German Federal Chamber of Notaries expressed their willingness to support with the training needs of their Albanian counterparts.

Objective 3: To align the Albanian criminal justice system to EU standards

Result 3.1: The legislative framework in criminal matters including international cooperation has been aligned to EU and Council of Europe standards:

Activity description in original ToR:

Activity 3.1.1: Assist the MoJ (in particular the Codification Department) in reviewing the Criminal Code and Criminal Procedure Code, in particular finalising the work of the “Task Force” and working group on the Criminal Procedure Code over the last two years, in accordance with EU and Council of Europe standards and in particular with regard to the implementation of the 2012 constitutional reform limiting the immunity of judges and deputies.

Description of Activity following a decision of the SCM:

Activity 3.1.1: Assist the MoJ (in particular the Codification Department) in reviewing the Criminal Code and Criminal Procedure Code, in particular finalising the work of the “Task Force” and working group on the Criminal Procedure Code over the last two years, in accordance with EU and Council of Europe standards and in particular with regard to the implementation of the 2012 constitutional reform limiting the immunity of judges and deputies.

Following the adoption of the amendments to the Criminal Procedure Code (CrPC), by Law no. 35/2017, EURALIUS finalized the consolidation of CrPC, both in Albanian and English. Additionally, a detailed revision and re-checking of the entire text of the CrPC (in both language versions) aimed at ensuring the unified use of legal terms and language consistency. The revised CrPC and the Criminal Code amendments are published at the EURALIUS website.

EURALIUS started the elaboration of an e-commentary regarding the CrPC. The activity focusses on the interpretation of the provisions of CrPC introducing novelties. A Work Plan was elaborated by the Scientific Board in collaboration with the co-authors and CrPC articles were assigned to be commented by different STEs considering their expertise and preferences. From August to January 2018, EURALIUS elaborated comments on several articles. Some of the articles have been published in English as well. In total it is expected that 43 Articles of the CrPC are commented, revised, edited and published.

On 1 August 2017 the Union of Albanian Prosecutors filed a complaint at the CC requesting to declare as unconstitutional and repeal some of the articles of CrPC as amended by Law no 35/2017. The complainants argued that the CrPC amendments provide contradictory provisions, conflicting with the Constitution and infringing important legal principles. The challenged provisions in their opinion limit and reduce the competences of the Prosecution Office in exercising the criminal prosecution, while this is not foreseen in the Constitution. The challenged articles relate mainly to the preliminary hearing, which provide courts a certain control over the decision-making power of prosecutors, and the competences of the judge of preliminary hearing at the end of the completion of the investigations performed. EURALIUS elaborated an internal assessment, identifying several international standards

or practices regarding the constitutional concerns of the complainant. On 19 December 2017 the CC held a hearing on this matter. On 17 January 2018 the CC rejected the complaint.

EURALIUS contributed to meetings with representatives of HC with the Chairperson and members of the Criminal Chamber of the HC for discussing the interpretation of some provisions of the CrPC.

Upon written request from the HC EURALIUS delivered a written opinion regarding the CrPC and the Civil Procedure Code (CivPC) and the Administrative Court Law (see Annexes no 59 and no 60 Note 'Response to Issues Resulting from the New Legal Amendments Affecting the Activity of the Chambers of the HC', EN and AL).

Activity description in original ToR:

Activity 3.1.2: Support the further reform and modernisation of the Criminal Justice legal and Institutional Framework, among other things by reviewing the other criminal legislation (e.g. the civil forfeiture or "anti-mafia" law) in particular those elements of the legislation relating to anti-corruption measures.

Description of Activity following a decision of the SCM:

Activity 3.1.2: Support the further reform and modernisation of the Criminal Justice legal and Institutional Framework, among other things by reviewing the other criminal legislation (e.g. the civil forfeiture or "anti-mafia" law) in particular those elements of the legislation relating to anti-corruption measures.

The Code of Criminal Justice for Children (Juvenile Code) and other criminal justice laws, such laws governing asset confiscation, interception and witness protection, were prepared for publication along with the CrPC and the Juvenile Code.

On 5 July 2017, EURALIUS had an introductory meeting with Mr. Bo Friden, Coordinator of the Swedish Programme "Enhancing capacity of Albanian Law and enforcement agencies and courts to meet human rights standards in Juvenile Justice - a comprehensive approach". It was envisaged that Swedish experts (judges or prosecutors dealing with minors) will be included in the team of the Scientific Board/co-authors for the Juvenile Code and/or to co-operate for the elaboration of the e-commentary.

EURALIUS started working on the e-commentary regarding the Juvenile Code. During June, several meetings were held to select the relevant experts to be engaged in this initiative. Due to the specific and complex nature of the e-commentary on the Juvenile Code, several professors, one judge, one prosecutor and psychologist were selected to be involved to comment and elaborate the respective articles as per their field of expertise. The work of co-authors and national experts of the Scientific Board was revised, supervised and guided by EURALIUS experts, Koraljka Bumci and STE Judge Renate Winter, Chairperson UN Committee on the Rights of the Child. A draft Work Plan for commenting the Juvenile Code was drafted and agreed.

In July 2017 co-authors and members of Scientific Board initiated the work and started drafting comments following the Work Plan. Most of the selected and assigned articles were commented by the co-authors and revised by the Scientific Board. In total, 37 articles were commented, and after being translated and revised by STE Renate Winter and Koraljka Bumci, national experts ensured a final revision made and EURALIUS team further proceeded with editing and publication.

The draft law on Judicial Police is one of the drafts still pending in Parliament. With a view of assisting the Albanian Parliament in taking the needed policy decision EURALIUS elaborated a comparative assessment paper presenting different models of organization and functioning of judicial police in some EU Members States.

In September EURALIUS experts held meetings with PAMECA, OPDAT and ICITAP, providing support in the police sector in Albania, in order to coordinate assistance to the drafting of the Law on Judicial Police.

The draft Law on Judicial Police was also discussed during meetings of the SPAK/NBI planning working group organized by ICITAP and OPDAT, held at the premises of the US Embassy in Tirana in fall/winter 2017.

EURALIUS participated and contributed to the workshop organized by PAMECA on the latest amendments to the Anti – Mafia Law, held on 20 November 2017.

Result 3.2: Criminal investigations, in particular regarding specialized areas of criminal activity, are handled in a more efficient and effective way.

Activity description in original ToR:

Activity 3.2.4: Follow closely the development of the new electronic case management system currently being developed at the GPO, assist in its implementation and training activities when it is completed; assist in general in improving IT matters at the GPO with a view to enhanced compatibility with the IT systems of the police and courts as well as the prosecution services in EUMS.

Description of Activity following a decision of the SCM:

Activity 3.2.4: Follow closely the development of the new electronic case management system currently being developed at the GPO, assist in its implementation and training activities when it is completed; assist in general in improving IT matters at the GPO with a view to enhanced compatibility with the IT systems of the police and courts as well as the prosecution services in EUMS.

EURALIUS completed the analysis of the impact of the amendments to the CrPC and the Prosecution Office Law on the CAMS system (see Annex no 61 “Analysis of the Impact on CAMS Related to the Changes in CrPC and Annex no 62 “Analysis Impact on CAMS Related to the Prosecution Office Law”). Over 40 interventions to the system are required, some of them critical, in order to bring CAMS in line with the new laws.

EURALIUS continued facilitating the implementation of the contract for extending the features of the Case Management System at the GPO (2016-01-IPA-SER-GPO).

The emphasis was put on elaborating, approving and implementing in the system the templates for procedural acts. EURALIUS revised 84 standard forms of procedural acts and prepared comments and suggestions for further improvement.

Steering Committee Meetings were held on 7 June 2017 and 4 October 2017 between the representatives of EUD, GPO, EURALIUS and Unisystems. Moreover, regular status reviews were carried out over skype teleconference on a bi-weekly basis.

In the course of implementation of the contract it became evident that significant enhancements are needed to the lottery functionality, to the appeal prosecution office functionality and to the functionalities described by the requirements R2 and R19. The GPO repeatedly expressed the need for these enhancements, but unfortunately their implementation was outside the scope of the current contract. For this reason, GPO and EURALIUS proposed to the EUD and the supplier to modify the contract in such a way that the above functionalities are implemented instead of functionalities R4, R11, R14 and R17 which are obsolete and are no longer needed by the GPO. EURALIUS updated the List of Requirements from the contract to reflect the requested changes of contract scope (see Annex no 63 “List of requirements for the Functionalities of the Case Management System at the GPO”). All stakeholders agreed to the proposed changes and the EUD issued an appropriate addendum to the contract. Simultaneously, at Unisystems’ request, the contract finalisation deadline was prolonged to 4 April 2018.

On 6 December 2017 there was a fatal crash of CAMS system. The central database of the system was corrupted, and the system was not operational in any PO's. After unsuccessful attempts to fix the database, the IT Administrators of GPO requested the help from Unisystems company who is providing 2nd level operational support for the system. The company made several attempts to restore the database from the regular backups made by the GPO in the past, but with no success.

An extraordinary review meeting via Skype Conference was organized between GPO, Unisystems and EURALIUS in order to find solutions. It was decided to attempt restoring the data from the last available backup. On 18 January 2018 the database has been successfully restored from the last available backup (29 November 2017), and the support engineers succeeded in restarting the system. This means that the majority of the data gathered over the 2 years of system operation is not lost. Unfortunately, the cause of the failure has not been correctly identified and fixed by the hardware support company. The newly restored database is again being corrupted. The support engineers are struggling to pin-point the cause.

According to the IT director in the GPO, the estimated number of cases that were not registered due to system's unavailability in December 2017 and January 2018 is in the range of 1500 cases.

Result 3.3: Efficiency and accountability of the Albanian prosecution service has improved among other measures due to increased professionalism, the following activities shall be implemented:

Activity description in original ToR:

Activity 3.3.1: Assist the GPO and the Council of the Prosecutors in the implementation and/or review of the evaluation system for prosecutors; in connection with this assist the GPO in analysing the role of the Council of the Prosecutors with a view to finding possible alternatives.

Description of Activity following a decision of the SCM:

Activity 3.3.1: Assist the GPO and the Council of the Prosecutors in the implementation and/or review of the evaluation system for prosecutors; in connection with this assist the GPO in analysing the role of the Council of the Prosecutors with a view to finding possible alternatives.

EURALIUS provided support for the interpretation of the new legal framework for the performance evaluation of judges and prosecutors and supported the auxiliary bodies to the IQC in regard to the proficiency assessment.

See also activity 1.5.3.

Activity description in original ToR:

Activity 3.3.2: Assist the GPO and the Council of Prosecutors in establishing in and implementing a true system of advancement in career with clear criteria.

Description of Activity following a decision of the SCM:

Activity 3.3.2: Assist the GPO and the Council of Prosecutors in establishing in and implementing a true system of advancement in career with clear criteria.

The Status Law introduced several new legal institutes, procedures and transparent criteria for the career development of judges and prosecutors in Albania. The HJC and the HPC will have a permanent committee for the career development decisions.

Several comments on legal provisions of the Status Law and Governance Law which relate to the career development of judges and prosecutors have been elaborated, revised, edited and published in the e-commentary portal during this reporting period.

See also Activity 1.5.2.

Activity description in original ToR:

Activity 3.3.4: Assessment of the current institutional set up of the GPO and other prosecutor's offices with the aim of evaluating the current independence and accountability (in particular, an analysis of the existing checks and balances) of prosecutors in line with EU standards.

Description of Activity following a decision of the SCM:

Activity 3.3.4: Assessment of the current institutional set up of the GPO and other prosecutor's offices with the aim of evaluating the current independence and accountability (in particular, an analysis of the existing checks and balances) of prosecutors in line with EU standards.

The amendments to the CrPC introduced a new scheme for the independence of the prosecution office in Albania. EURALIUS elaborated commentaries on respective provisions of the CrPC.

See also activity 3.1.1.

Activity description in original ToR:

Activity 3.3.5: Support the General Prosecutors Office in reviewing its own internal organisational structure, human resources and financial management and that of the district prosecutor's offices, for the purpose of overall improvement of functioning.

Description of Activity following a decision of the SCM:

Activity 3.3.5: Support the General Prosecutors Office in reviewing its own internal organisational structure, human resources and financial management and that of the district prosecutor's offices, for the purpose of overall improvement of functioning.

The GPO requested support for a practical training on financial planning and reporting for their financial/budget officers from the GPO and all prosecutor offices throughout Albania. Two 2-day training sessions in close cooperation with the budget department of the GPO (in Tirana and Pogradec) were conducted from 11 to 15 December 2017.

In total about 50 budget officers and financial staff members were trained (see Annex no 64 "Agenda of the Training on "Financial Management and Planning").

Activity 5.1: Case monitoring and peer review

Following completion of the first Monitoring Report on the criminal case against judge Rasim Doda due to corruption allegations, in response to the decision of the Serious Crimes Court of Appeal on 31 May 2017, where the judicial panel of five judges reversed the decision of the first instance court and remanded the case for retrial by a different judicial panel, the monitoring team began preparation of a second Monitoring Report on the appeal decision.

Following the request of judge Rasim Doda, defendant in the case, on 16 June 2017, the judge was invited to a meeting where he presented his assertions that the decision of the court of appeal was unfounded and that it was part of the set up against him.

Once received, the monitoring team has analysed the reasoned final decision of the Serious Crimes Court of Appeal and based on the information provided by the decision as well as from other data gathered so far through meetings with the defendant and observing the closing remarks hearing at appeal, a second Monitoring Report was drafted.

In June 2017, EURALIUS was requested by EUD with the monitoring of another case, the 'Birra Korca v. Alpha Bank Albania' case, concerning a commercial dispute between an Albanian brewery company and an Albanian bank, with the plaintiff claiming that it has suffered non-contractual damages from the bank's denial for providing a loan. The monitoring team began by retrieving all the publicly available information on the case from the case and participated in the hearing of 29 June 2017.

Because of infrastructural constraints, the presiding judge did not want to allow parties other than the litigants at the hearing but following discussions with the legal representatives of the litigants, decided to adjourn the meeting to another date when more suitable premises could be secured. This hearing was held on 17 July 2017 but had to be adjourned following the request of the court-appointed expert for postponement because of health reasons.

During September 2017 there was a hearing focusing on the list of questions of the representatives of the defence on the court-appointed expert, while the hearing held on 2 October 2017 focused on the responses of the expert on this list of questions.

The following hearing on 23 October 2017 dealt with the presentation by the plaintiff of further new evidence, on the objections of the defence on the act of expertise and on their presentation of an act of expertise commissioned by the defence. The plaintiff made a request for closed-door proceedings with the argument of protecting certain commercial secrets, claiming that an email submitted as new evidence contains trade secrets of the company which, if made public, could harm interests protected by law, but the judge reserved the right to decide on the request in time.

Thus, the hearing of 15 November 2017 dealt with the question of whether the defence's act of expertise could be admitted to the case file. Moreover, the plaintiff's representatives reiterated their request for closed-door proceedings, but because of missing elements, their request was returned, and they were advised to correct and submit the request in the next hearing. On the other side, the representatives of the defence requested that the case be adjudicated by a panel of three judges, a request which was not accepted by the judge since it was made relevant procedural phase.

In the hearing of 4 December 2017 of the 'Birra Korca v. Alpha Bank Albania' case, which was attended by the monitoring team, the defence representatives made a request for the dismissal of the judge, with the judge that will adjudicate on the request having already been selected by drawing of lot. The hearing was then adjourned, because of the nonattendance of the court appointed expert, who had lodged a request and report justifying her inability to attend.

During the beginning of 2018 there were two further monitored hearings, on 17 January and 5 February, respectively, which dealt with the responses of the court appointed expert to the questions requested by the court and the defence confronting the findings of the expert.

Monitoring reports on the hearings of the case of 'Birra Korca v. Alpha Bank Albania' were prepared and delivered.

Meanwhile, in July 2017, the monitoring team was assigned with the monitoring of the '*Gjin Gjoni v. BIRN Albania, et al.*' case. On 5 July 2017, the EURALIUS monitoring team was present at the hearing, where the judge did not permit parties other than the litigants to be present, on the argument that - while public - this was a preparatory hearing and that infrastructural constraints made presence of the public impossible. Following the hearing, to gauge better the procedures, a 'Note on the publicity of court hearings at the preparatory stage' was drafted.

The court hearing, on 12 September 2017, had to be adjourned because of the request of the legal representative for the plaintiffs for postponement since he could not attend the hearing for reasons that were found to be reasonable and grounded by the presiding judge.

The hearing of 10 October 2017 concentrated on the claims of the plaintiff that the defendants had disseminated a number of false facts, while being fully aware of their falsehood, and intending with such defamatory articles to demean the plaintiffs' standing as a judge. Thereafter, the representative of the defence raised a series of questions, focusing mainly on the distinction between statements that constitute a false fact and those which constitute a mere opinion. The judge gave the parties one month for the preparation

of the questions of the defence in writing and for the submission of the plaintiffs of a number of evidence requested by the court.

On 9 November 2017 there was a brief hearing, where the defendant's representative lodged with the court their questions in writing and the plaintiffs' representative informed the court of their inability at that time to acquire the requested evidence. The judge gave to the plaintiffs' one month to respond to the questions in writing and to acquire the requested evidence.

Moreover, on 7 December 2017, the hearing was adjourned as a consequence of nonattendance of the legal representative for the plaintiffs because of health reasons, as evidenced by a medical report.

Two further hearings were monitored during the reporting period, in January and February 2018.

Monitoring reports on the hearings of the case of '*Gjin Gjoni v. BIRN Albania, et al.*' were prepared and delivered.

During November, upon a request of the Director of the SoM EURALIUS, prepared a legal opinion regarding the lawfulness of the 60% threshold set out in Article 26 paragraph 3 of the Regulation of the SoM for the admission to the initial training and monitored a case filed at the Administrative Court of Appeal by an applicant to the admission exam to enter the SoM.

With regard to the criminal case against the Tirana Airport Services Director ("Tirana Airport case"), during summer 2017, the monitoring team focused on reviewing the materials of the case ("Tirana Airport case"). Based on the materials and on other information gathered from the courts and from the mass media, the monitoring team in February 2017 drafted a Monitoring Report on this matter, mainly evaluating the respect of the procedural rights of the defendant, the adjudication of subject matter jurisdiction issues and the nature and the elements of the alleged criminal act of abuse of office.

Activity 5.2: Assist the competent institution (to be selected by the Albanian Government) to prepare the set-up of the new institutions and to facilitate the change management in institutions with amended tasks.

Establishment of new institutions

HJC and HPC

According to Article 277 paragraph 2 and Article 280 paragraph 5 Governance Law the HJC and the HPC shall be established on the day when its last member is elected by the competent authorities.

The competent body for the election of the lay members is the Assembly while the judge respectively prosecutor members have to be elected by the general assembly of the respective peer group.

The procedure for the selection of lay members for both Councils started in January 2017 and was completed in December 2017 and therefore lasted circa one year.

It appears that, several calls for civil society members failed, partially due to the low number of applications respectively due to not sufficiently qualified candidates. EURALIUS together with other donors (USAID/JFA, OECD) and the Civil Society Committee near the Ombudsperson co-organized several events aiming at raising the awareness and encourage applications for the calls.

On 15 January 2018 the Secretary General of the Assembly (SG) and IMO completed the assessment of the professional and moral criteria of all candidates for the lay member position.

The candidates for members coming from the ranks of the judges respectively prosecutors must have passed successfully the vetting process before being elected. Depending on the progress of the vetting process *this might take still some time*.

JAC

On 7 December 2017 the Assembly organized the lot for the selection of the new members of the Justice Appointment Council (JAC).

The HJC, HPC and the CC need to verify the fulfilment of legal criteria of possible candidates and submit the list to the President by 15 November 2017. Due to the delays in the reform implementation in regard to the establishment of the Councils, several questions of interpretation of the law arise in this context, as the HJC and the HPC, which need to start the procedure, are not yet established.

EURALIUS upon the request of the President by referring to the CC decision as of 18 January 2017 recommended interpreting the law in a sense to bring about positive improvements and not a gap in the constitutional order. EURALIUS highlighted that it understands this principle as obligation to find the interpretation that makes the law most functional (in the spirit of *Ut res magis valeat quam pereat*).

As follow up to a letter of the President of the Republic addressed to the Speaker of the Assembly stating impossibility to exercise the competences related to the organization of

the JAC lot, the Speaker of the Assembly addressed a letter to the President of the CC, HC, Secretary General of the HCJ, and GPO requesting a compilation of the list based on a sole criterion of not having a disciplinary measure in force.

The new *selected members* shall exercise their duties starting from 1 January 2018 until 31 December 2018.

HJI

The HJI is elected by the Assembly with three fifth majority of all members, based on a list of five candidates selected and ranked based on the merits by JAC. The candidates for the position of HJI coming from the magistrates shall be vetted with priority. The screening for the non-magistrate's candidates shall be carried out by the JAC based on the procedure and criteria foreseen by the Law. Therefore, *the election of the HJI is closely linked with a functional JAC and the start of the vetting process.*

Information Technology Centre for judiciary

Article 147/a and 148/b of the Constitution stipulate that the responsibility for IT in courts and prosecutor offices shall be defined with a decision of the Council of Ministers. This decision should also regulate the establishment of the Information Technology Centre (ITC) for Albanian justice institutions. The MoJ is in process establishing a working group for the elaboration of a draft decision. EURALIUS prepared and shared with the MoJ a respective Concept Note (see Annex no 65 "Concept note on the Information Technology Centre for Justice System") describing the legal environment for establishing the ITC.

Change Management

Meetings were held with stakeholders and other donors in order to visualize the changes in involved institutions as a result of the Justice Reform. Data was collected from current institutions and from other countries, mainly related to competences of the HJI and HJC. Conclusions and recommendations were drafted and further elaborated (see also activity 5.3 (HJI) and 5.4 (HJC)).

Design of HJI, HJC and HPC

A report on "Organizational Design Regarding High Justice Inspector, EN" is finalized by EURALIUS STE and attached to this report (see Annex no 71). This report aims to support the beneficiary in designing the organigram for the HJI as one of the new institutions, referring to the current situation of inspection and international practices, and was further elaborated on in a report with reference data for the structure and budget of the HJI (see Annex no 66 "Proposal for the Structure and Budget of the HJI"), an assessment on the budget needs for the SoM, as well as an estimation of costs for the IT systems for all new institutions, with the exception of SPAK (see Annex no 67 "IT Needs HJI", EN, Annex no 68 "IT Needs HPC", EN, Annex no 70 "IT Needs ITC", EN and Annex no 72 "IT Needs HJC", EN. EURALIUS cooperated closely with the USAID/JFA project regarding the budget and structure for the HJC and the HPC.

Passport of Indicators

In a fact-finding mission, the first draft structure of the “passport of indicators” related to the Cross-Sector Justice Strategy was developed and the expected output was clarified with the MoJ and the EUD. Members of the working group were trained in the topic “performance indicators”. A draft of the Passport of Indicators was prepared by the experts and further improved with input from EURALIUS and the Anti-Corruption Twinning Project. The EURALIUS STEs met with the experts that are drafting the indicators for the Anti-Corruption Strategy, to discuss the approach and minimize overlap. In a meeting with the Deputy MoJ, who chairs the working group, the indicators were shared and discussed. Together with the members of the working group (in individual and plenary meetings), the key indicators for the Cross-Sector Justice Strategy were selected and further detailed.

For each indicator a fiche was drafted, in the format that was provided by the PMO. In the fiche the indicator is explained, a baseline and targets described, and a way of measurement proposed. A final draft was shared with the working group and stakeholders. The EUD provided comments which were handed over to the Ministry of Justice.

[Shqiptaria]

Activity 5.3: Assist the HJI in setting up its internal organization and in building its capacities.

Due to the delayed establishment of new governance institutions, including the HJI, EURALIUS continued to support the MoJ, as requested, in its activity for the establishment of an explanatory report for the justice budget 2018 and the HCJ Inspectorate in its daily businesses with a view of preparing the ground for the future HJI (see also Activity 1.5.3. and 1.5.4.).

The MoJ finalized the financial report supporting the budget proposal based on the input of all donors, including EURALIUS, USAID/JFA, ICITAP and OPDAT (for Special Prosecution Office and NBI). Several consultative rounds tables have taken place in this regard with representatives of Ministry of Finance, DoPA and other involved institutions.

See also Activity 5.2.

Ishqiptaria.com

Activity 5.4: Assist the courts and the HJC in the new requirements for the organization and management of courts as well as the JAC.

Between 14 and 23 June 2017, EURALIUS STE, elaborated and developed a methodology and a work plan for the support needed in regard to the organisation and management of court in the transition period until the establishment of the HJC. Several meetings with chairpersons of the HC, Administrative Court of Appeal, Serious Crime Court; First Instance Court of Tirana; First Instance Court of Lezha. The expert also met the Programme Manager for SEJ2; Task Manager at EUD and Chief of Party of USAID/JFA project. The meetings aimed at discussing the current organigram of the respective courts, their structuring, their main problems and issues, restructuring of courts and human resources' transfer and the preparatory steps of courts (if this is the case) in the transitory period, since entry into force of new rules until the establishment of the HJC (see Annexes no 72 "Report on "Court Organization").

Following this report, EURALIUS prepared a table providing an overview on the implementation requirements deriving from the justice reform laws, including the legal basis, activities required by law, planned project activities on this matter, available international reports addressing the same issues, follow up during the transition period, legal deadline and period of implementation of the project's activity (see Annex no 73 "Table 'Overview on Activities required by Justice Reform Regarding Court Organization").

The British Embassy has offered to co-operate with EURALIUS by assigning British experts to support the justice reform efforts in the work related to court organization and court administration. A Memorandum of Understanding determines the conditions for the collaboration.

From 23 to 27 October 2017 Mr Howard Riddle (former senior district judge and chief magistrate for England and Wales), and Mr Robert Allan (senior lawyer and administrator of Her Majesty's Courts and Tribunals Services) came for their first mission, analyzed the new legal framework and the EURALIUS and CoE reports on the subject and held several liaison meetings with EURALIUS experts. Supported by EURALIUS experts they met representatives of some pilot courts with a view to prepare the ground for the elaboration of standard 'internal court rules'.

EURALIUS translated several existing internal court rules, such as the internal regulation of District Court of Korca, District Court of Tirana, and Administrative Court of First Instance of Vlora (see Annexes no 74 "Internal Rules for the Organization of District Court of Korca", Annex no 75 "Internal Regulation for the Organization of the District Court of Tirana" and Annex no 76 "Internal rules for organization of the First Instance of Administrative Court of Vlora"). Several meetings were held in November with representatives of courts in Tirana, Lezha, Fier and Vlora.

Following the meetings with administrative personnel and chairpersons of courts of all instances, on 11 December 2017 a first round-table on court administration was held. The meeting took place at EURALIUS' premises and gathered Chairpersons of some pilot courts (chairpersons of First Instance Court of Lezha, Durres, Korça and Tirana Court of Appeal, as well as the chairperson of the First Instance Serious Crimes Court). The round-table aimed at gathering more feedback on an initial draft-report on court administration and having more input from stakeholders on 'internal court rules'. Two round tables were held on 24 and 25 January 2018 one with chairpersons and one with chancellors of courts, with a view of reviewing the draft of rules on standard structure of internal organization of the courts (see Annex no 77 'Draft Rules on Standard Structure of Internal Organization of the Courts, EN').

As a final result of respective round tables 'Draft rules on standard structure of internal organisation of the courts' have been prepared.

On 14 December 2017, the Chairperson of the HC made a formal request for the legal opinion of EURALIUS regarding the manner of notification of the request and decision on suspension of execution of decisions of the court of appeal. In addition, the Chairperson requested orally the provision of a legal opinion on a group of six questions that address the impact of the new procedure code amendments on the judicial activity of the chambers of the HC. In response to this request, a Note was prepared with regard to the impact that the amendments to the procedural codes would have on the relevant facets of the activity of the High Court.

The MoJ requested EURALIUS' assistance on the interpretation of provisions of Law no 98/2016 "On the Organisation of the Judicial Power in the Republic of Albania" in the transitory period. EURALIUS elaborated a legal opinion answering questions regarding the competent institutions to investigate the disciplinary misconducts and to impose disciplinary sanctions of chancellors until the establishment of the High Judicial Council (HJC) (see Annex no 78 "Legal opinion on the Disciplinary Liability of Chancellors", EN, and Annex no 79 "Legal opinion on the Disciplinary Liability of Chancellors", AL).

Activity 5.5: Assist the HPC and the prosecution offices in setting up its internal organization and in building its capacities.

The Assembly assigned a prosecutor temporarily to assume the functions of GP, following the termination of the mandate of sitting GP in December 2017. The assigned prosecutor shall remain in duty for an (undefined) transitory period until the establishment of the HPC.

Upon request of the Chairperson of the Law Committee, EURALIUS jointly with OPDAT provided a legal opinion on the on election of a prosecutor who is assigned the functions of Prosecutor General in the transitory period (see annex no 80 “Note on the on Election of a Prosecutor who is Assigned the Functions of Prosecutor General in the Transitory Period”), which contains an analysis of the legal framework and provides a proposal for a way forward. This note was published in the media and caused political reactions from all sides.

[Shqiptaria]

Activity 5.6: Assist the new Special Prosecution Office and the specialised Anticorruption and Organized Crimes Courts to fight corruption in setting up its internal organisation and in building its capacities.

EURALIUS together with PAMECA V experts participated in several meetings of the SPAK/NBI Planning Working Group, held in the premises of the US Embassy in Tirana and organized by ICITAP and OPDAT. The meetings focused on discussing the International NBI Commission as provided for in Article 57 paragraph 9 of SPAK Law, its Terms of Reference, the estimated time lines for the establishment of the SPAK, NBI risk assessment, polygraph, communication devices, Inter Agency Agreement, etc.

In the context of the joint donor activity supporting the explanatory report to the budget law (see activity 5.2.) OPDAT and ICITAP put forward proposals for the salaries for 120 SPO/NBI employees, including 10 to 15 prosecutors. About the interceptions equipment, PAMECA estimates costs of around €1.4 million. The government has foreseen overall 1 Billion ALL for the establishment of the justice institutions, a fund that does not include operational costs.

The draft rules on the internal organization of the courts (see Activity 5.4.) contains also some special proposals related to anticorruption and organized crime courts.

PART THREE: DECISION OF THE STEERING COMMITTEE MEETING

The Steering Committee unanimously decided to approve the Final Report and the related annexes.

Representative of the Ministry of Justice

Dr. Agnes Bernhard
Team Leader of EURALIUS
