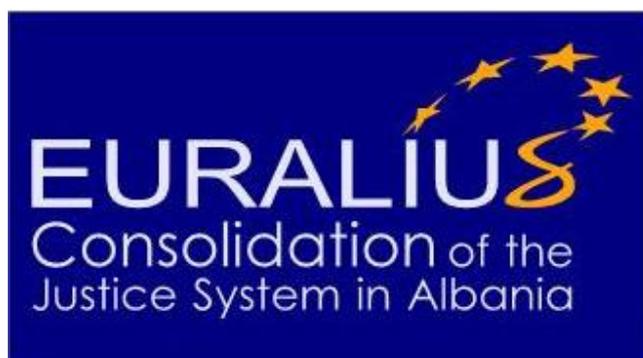


**EXTERNAL ACTIONS OF THE EUROPEAN COMMUNITY - IPA 2009**

**EuropeAid/129784/L/ACT/AL**

Grant contract number 2020/248-025



*Consolidation of the Justice System in Albania*

**FINAL REPORT**

## GRANT CONTRACT NUMBER 2010/248-025 FINAL NARRATIVE REPORT

### *1. Description*

- 1.1. **Beneficiary:** Fundacion Internacional y para Iberoamerica de Administracion y Politicas Publicas (FIIAPP)
- 1.2. **Contact person:** Mariano Guillén, Head of judicial section.
- 1.3. **Partner in the action:** Consiglio Superiore della Magistratura.
- 1.4. **Title of the action:** Consolidation of the Justice System in Albania.
- 1.5. **Contract number:** 2010/248-025
- 1.6. **Reporting dates:** 15 September 2010 – 15 June 2013
- 1.7. **Target country:** Albania
- 1.8. **Target groups:** Ministry of Justice, High Council of Justice, Courts, General Prosecutor's Office and other institutions of the Albanian justice system.

## 2. Assessment of the implementation of Action's activities

### 2.1. Executive summary of the Action

As regards the **institutional framework**, the performance of the project was always affected by two main factors: the evolution of the political situation and the changes and appointments in main justice institutions.

Regarding the political situation at the beginning of the project the opposition was refusing to participate at the Parliament. In this situation it was not even possible to think in passing some of the most urgent reforms requiring the qualified 3/5 majority at the Chamber. This refusal was later withdrawn and even if the cooperation between the two main parties had some good and bad moments agreements were possible. We used this situation for working in the draft of main legal reforms, without worrying about the real perspectives of getting the necessary votes. This has allowed us to prepare, together with the Albanian authorities, main pieces of legislation such as the new law on court administration or the reform of the High Court law which were not even in any agenda when we arrived here. At the same time we were proactive in proposing some of the reforms asked repeatedly by international community such as the constitutional amendment of the immunities, the amendment of the law of the National Judicial Conference or the new law on Administrative Disputes.

Regarding the successive appointments in the head of justice's institutions we had to deal with the dismissing of one Minister of Justice, the interim period of several months and the arrival of a new one. These changes have determined the work of the project as our main task is relied to the direct assistance to the Minister of Justice. In this sense we made an effort to adapt the project's priorities, in the frame of the project fiche and the contract signed with the EU delegation, to the priorities of every Minister of Justice, in order to increase efficiency. Also the appointment of a new deputy Chair of the High Council of Justice changed the working methods and routines with this institution. Same thing happened when a new People's Advocate was appointed and he asked for more and more specific assistance than the one foreseen previously. The replacement in the General Prosecutor happened very close to the end of the project and it took some time before we could rebuild the fluent collaboration with this institution. In the other side the fact that the recently appointed Chair of High Court was already collaborating with us has been an asset for increasing our assistance for the best implementation of the reforms in this area.

In general our **technical assistance** provided during the reporting period has focused mainly in three areas: assistance for drafting and implementing structural and sustainable reforms of the justice's framework; assistance for the increase of efficiency and transparency within main institutions; building of capacities among the stakeholders of the justice system.

Regarding the reform of the justice framework our main results are related with the strategic reform of the justice system which included the Law on National Judicial Conference, the Law

on Administrative Courts, the Law on the profession of the lawyer, Increase of salary of judges, Reform of Civil Code, Civil Procedure Code. We also worked successfully in the constitutional reform on immunity, reform of the high court, reform of the inspectorate of the judiciary, implementation of the law on judicial police, reform of the legal aid mechanism.

In what concerns the support to main institutions we were focused in consolidation of the private enforcement, reform of the judicial administration, modernization of the people's advocate office, modernization of the high council of justice, modernization of the constitutional court.

The last area, addressed to enhancing capacities in the justice system included that we organized 29 training activities (seminars, trainings) and 13 events (conferences, roundtables) aimed at the discussion of technical issues by the justice stakeholders. In all these activities, the participants have been more than 1200 representatives of the Albanian justice institutions such as Constitutional Court, High Court, other courts, prosecutor's office, Albanian State Police, Ministry of Justice, High Council of Justice, School of Magistrates, Chamber of Notaries, National Chamber of Advocates, Chamber of Private Enforcement Agents, People's Advocate and others. In providing its technical assistance, Euralius had the support of around 70 Short Term Experts from EU member states. Additionally we organized up to 8 study visits of relevant justice stakeholders to EU member states, most of them with the support of TAIEX. These visits allowed the exchange of experience in areas such as judicial inspections, judicial archives, organized crime, functioning and organization of High Court, functioning and organization of Constitutional Court, organization of the High Council of Justice, audio-recording of trials.

**The main gaps** of the project, regarding results, concern the improvement of the sub-legal framework on Legal Aid, the extension of the IT Case Management System to all the courts of Albania and the recovery of the Judicial Documentation Centre (which remains paralyzed). Activities related with the better use of time by courts and re-organization of trials were mostly postponed awaiting for the end of the reform of procedure codes and court's administration system.

Regarding the **administration** of the project we experienced many problems for the appointment of the two local legal experts of high profile. An intensive blockage from the authorities, which tried to impose their candidates, prevented us of covering such crucial positions during the first three semesters. Later we were allowed to cover only one of the positions and only after accepting to low the profile of the expert. Thereby we had not available all the required technical resources foreseen in the initial project's conditions.

The long term international experts had an excellent work even if they were selected only after the inception period and left the project when starting the final period. We had some problems regarding the expert for case administration, who dismissed from his position only few months after starting, so that we were forced to open a new selection process and the new expert had less time for fulfilling his tasks and duties.

The implementation period of the project started by 13 of September 2010, with an initial duration of 30 months. In January 2013 it was approved by the EU Delegation to Albania a period of extension of the activities without supplementary budget which finished by 13 of June 2013.

## **2.2. Activities and results**

### **Specific Objective 1 (Reform of the justice system)**

To improve the transparency, efficiency and effectiveness of all institutions of the Albanian justice system according to the clear and comprehensive reform strategy developed by the Albanian Ministry of Justice (MoJ) and other stakeholders in the system.

#### **Expected Result 1.1 (Strategic plan for the reform of the Justice)**

The elements elaborated in the justice reform strategy and its action plan, including relevant anticorruption measures have been implemented. Relevant human and financial resources policies have been implemented.

All the reforms of justice related laws and under-law instruments are directed by a long-term vision strategy and are adopted according to a plan that gives priority to coordination.

#### **Description**

When our project started there was not even a draft for the strategic plan for the reform of the justice. We closely assisted the General Directorate of Codification in drafting it. After the first versions we produced comments and acted –in coordination with the experts of the European Commission- in order to re-orientate the document toward a more coherent and realistic plan. Finally we worked out together a document including all the priorities and views of the Albanian government.

The strategy for the reform of the Justice sector was published in the official journal during the month of August 2011. In next months the Ministry of Justice has started with the implementation of all the activities scheduled in its action plan for 2011.

Most of legal reforms started being drafted short after this approval. In next months the indicators of effectiveness of the strategic action plan showed that the implementation of the strategy started in all the priority areas.

In first semester of 2012 we participated in the first meeting on the Institutional Mechanism of Monitoring the Inter-Sectorial Strategy of Justice. This meeting aimed at checking regularly the fulfilment of the “indicators of effectiveness” foreseen in the action plan of the cross-cutting strategy for the reform of the judicial sector.

In second semester of 2012 We participated in the second meeting of the Institutional Mechanism of Monitoring the cross-cutting Justice strategy and the Action Plan. This meeting aimed at discussing the progress on the fulfilment of this document during the first year of its implementation. The general results were presented as very good based on the priorities of the Ministry and different departments of the Ministry of Justice were commenting in detail the advances in every one of the activities of the strategy.

We provided comments about the Action Plan for the **fulfilment of the key priority nr. 7** of the European Commission’s Opinion Report. A version of the comments was later produced for assisting the consultative meeting between representatives of the Albanian government and institutions and the European Commission. Our main conclusions were related with the need of reflecting in the action plan all the current activities of the Ministry of Justice in relation with the key requirements of the opinion and progress reports.

In the last semesters of our assistance we were informed about the priorities of the Ministry of Justice inside the frame of the strategy:

- Approval of the new law on the profession of lawyers at the Parliament.
- New competition for private enforcement agents.
- Order on the number of judges in administrative courts
- Unifying the data and numbers in all the web systems, in connection with case management system (ICMIS).

We provided technical assistance to the Ministry of Justice to the abovementioned initiatives in accordance to the European standards.

We actively participated in a conference organized by the Ministry of Justice to discuss issues related to the improvement of efficiency of the judicial system in Albania. More concretely on the:

- Reallocation of number of judges in courts of first instance and appeal according to the study performed during 2012.
- Improvement of legislation in the framework of increase of efficiency of the judicial system.
- Definition of the necessary number of judges for each administrative court of first instance and appeal in Albania and starting of procedures for their functioning.

The discussions were mainly based on the studies that were provided by our experts on re-allocation of the number of judges in Albania. Based on the European standards, we highlighted the need of adapting the number of judges not only to geographical considerations but also to the average number of cases in every district.

We urged the Ministry to start preparing the implementation of the law on administrative courts by calculating the number of judges required. Moreover, we also encouraged the Ministry in taking legal initiatives to reduce the workload of courts by reducing the number of non-judicial issues in which is needed a judicial declaration to proceed.

### **Achieved outputs**

- The draft of the strategy is approved including a general overview of the system that allows the coordination of all instruments.
- The indicators of effectiveness of the strategic action plan shows that the implementation of the strategy started in all the priority areas.
- The indicators of effectiveness of the strategic action plan for the reform of justice showed a significant level of implementation compatible with the described priorities.
- The mechanism for monitoring the strategy for the reform of justice shows a relevant level of implementation
- Budgetary and human provisions are added to the Reform Strategy.
- We have drafted a plan about the human resources needed at the judiciary.

### **Assessment**

In the first year some of the measures included in the Action Plan to be finished in 2011 were not affordable in the short period elapsed from the official approval of the strategy. In general the strategy seemed to be an adequate and realistic instrument for the improvement of the justice towards European standards, but the time required for some actions was definitively a bit longer than initially scheduled. At the same time it is needed to say that the political situation in the Parliament did not allow for long time the proper development of the strategy.

The mechanism put into force for the control of the implementation of the strategy for the reform of the justice did not manage to show clear results. The monitoring should be made by the different institutions and stakeholders of the justice system. At the beginning it was proposed to hold meeting every three months but the final decision was to do it only every six months. Due

to this delay there have not been enough meetings with results about the state of play of the strategy. However the final result shows a wide implementation of the strategy's measures, even if some crucial points remain yet pending.

Regarding the allocation of resources, in the final version of the plan the budgetary and human resources plans were still quite general and not specific. Changes in the structure of the Ministry of Justice related with the appointment of a new team in the middle of the period advised postponing the draft of the human resources, which was never done.

### **Status by the end of the project**

A new crosscutting strategy for the justice reform needs to be drafted as the current one is finishing its implementation period by 2013. The draft of the new one should be done after an inclusive procedure of participation involving all the institutions of the sector of justice. Political consensus on main priorities would be an asset. In any case the new strategy should address with ambitious perspective a deep reform of the justice in order to approximate to minimal EU standards.

In the new strategy some of the mistakes of the previous one are to be avoided. The document should have enough internal coherence between the analysis made, the objective to achieve and the measures included. The necessary budgetary and human resources are to be calculated properly in a realistic way. The indicators of effectiveness of every measure should be concrete, adequate, objective and –when possible- quantifiable.

#### **Expected Result 1.2 (Access to justice)**

Access to justice is improved.

Legal Aid Law is implemented and citizens benefit regularly from the Legal Aid provided by lawyers under the control of the Legal Aid Commission.

The State Commission of Legal Aid is fully working. Legal Aid is regularly provided in civil and administrative cases under objective basis.

#### **Description**

Regarding the reallocation of judges and access to justice, a study on the number of judges and their allocation in the Courts in Albania was submitted to the Ministry of Justice in third semester; another study on the reallocation of the existing number of judges in the First Instances Court and the Court of Appeal in Albania was later submitted to the Minister, also on the light of guaranteeing a better access of the citizens to justice.

Thereby EURALIUS assisted Ministry of Justice in the process of redistribution of the number of judges in Albanian courts. Thereby we prepared the study “On the number of judges in Albania” of March 2012, within the framework of the judicial system reform. The process of redistribution of number of judges aims at increasing the efficiency of justice system.

Based also in this study Ministry of Justice prepared and introduced a study “On the reform in the judicial system on the redistribution of the number of judges of first instance and appeal courts and setting the number of judges of administrative courts of first instance and appeal”. This study was introduced in October 2012 in a roundtable with chairmen of the Albanian courts.

Suggestions and opinions of EURALIUS to increase the number of needed judges in Albanian Courts (first instance and appeals) were taken into consideration and reflected in a study prepared by the Ministry of Justice for accompanying its proposal for the redistribution of number of judges: “On the reform in the judicial system on the redistribution of the number of judges of first instance and appeal courts and setting the number of judges of administrative courts of first instance and appeal”.

President of Republic, issued the decree no.7818, dated 16.11.2012 “On determining the number of judges for each court of first instance and court of appeal, and also territorial competences and main seat of the administrative courts”.

In what regards the court's fees, according to study visit in Courts, there was a wide consensus about the influence of court fees for the access to justice in Albania. Thereby some measures were being drafted initially by our project for the reduction of court fees for vulnerable groups, taking into consideration previous recommendations of EURALIUS project: the previous report from EURALIUS was updated, information on best current European standards in the area was collected, with a specific attention to its possible implementation in Albania. The report was soon disseminated.

During a Roundtable organized by Euralius on perspectives of Legal Aid in Albania it was raised the problem that the vulnerable groups face while paying the court fee. There was a general consensus to request from the Ministries of Economy and Justice to review such order and to introduce exemptions for the case of people receiving legal aid, victims of traffic and other vulnerable population. The conclusions of the conference where drafted as a report to be sent to the Albanian authorities. Taking into consideration our proposal, measures were drafted for the reduction of court fees for vulnerable groups and a reform of the law on legal aid was adopted (Vid supra).

Some of the problems and possible solutions for the lack of access to justice of ethnical minorities were reported in occasion of the comments provided to the work of the Legal Aid Commission and in the report delivered in March 2012 by Euralius experts. After meetings with relevant NGOs on the sector it is clear that there is no a comprehensive studio about the legislative and organizative measures to be taken in order to improve this access.

Also after meeting with NGOs working in this field we have identified as main problems for ethnical minorities the lack of free legal assistance and the cost of fees for access to justice. Thereby we supported by our reports the reform of the law on legal aid in order to include the exemption of taxes for beneficiaries. We are also organizing a conference which will take place in the beginning of next period of implementation for discussing the best way to adapt the current fee order. In the same sense we were providing assistance to the state Commission on legal Aid in the implementation of its by-laws, allowing civil organizations to provide legal aid in roma communities.

For what concerns the State Commission on Legal Aid, with our support the Legal Aid Commission finished all the pending by-laws and sent them for its publication at the official journal. Final version of the by-laws took into consideration few of the comments provided by our project, even if the general structure of legal aid system has not been improved significantly. So in principle most of our comments and recommendations were not accepted by the Commission.

The publication of the approved bylaws was not done regularly and it was needed to wait up to 10 months for it. It was done only after a hard pressure from international community.

We monitored, together with some local NGOs the implementation of the bylaws and soon the problems predicted in our initial reports did appear. The documentation required for benefiting of legal aid was excessive, the procedure for appointment of lawyers is complex and only allows a short number of lawyers authorized for providing state legal aid; the priorities for provision of legal aid are not clear; there is not a clear distinction between civil and penal legal aid.

Together with the State Commission for Legal Aid and the NGO Tirana Legal Aid Society (TLAS) we organized two conferences on the implementation of the law on legal aid with the participation of Minister of Justice, relevant institutions and civil society. The conclusions of the first conference were used by the commission for announcing its intention of amending the bylaw on selection of lawyers and to reduce the forms and certificates required to the applicants for legal aid. As a result of the second conference the Law on Legal Aid was amended following the suggestions of Euralius experts and it was introduced a number of exemptions for the court fees.

### **Achieved outputs**

- Study on the ideal number of judges has been submitted to the Minister of Justice
- A first study on the reallocation of the existing number of judges in the First Instances Court and the Court of Appeal in Albania was delivered.
- A second study, done with the Ministry of Justice “On the reform in the judicial system on the redistribution of the number of judges of first instance and appeal courts and setting the number of judges of administrative courts of first instance and appeal was

introduced in October 2012 in a roundtable with chairmen of the Albanian courts, based on the suggestions of Euralius.

- In November 2012 the President of republic decreed the reallocation of the number of judges in Albanian courts based in our studies.
- By-laws of State Commission for Legal Aid are finished and entered into force.
- Two Roundtables on perspectives of the Legal Aid in Albania were organized with participation of Minister of Justice, high authorities and civil society.
- According with the perspectives of the conference, an analytic report on the improvement of efficiency of the Legal Aid system was drafted and distributed.
- Report with a proposal on the amendment of the law on legal aid in order to allow the exemption of court fees to the beneficiaries of legal aid and other vulnerable groups was drafted and delivered to authorities.
- The law on legal aid was amended following the proposal made by our experts.

## Assessment

To get a real perspective of the situation of access to justice among ethnical communities seems currently very difficult, due to the impossibility of collection of data and statistics from the different Institutions. Anyway it is realistic to expect a plan for improving the access to justice in Albania being adopted in coherence with the measures of the Strategy for the Reform of Justice

Regarding legal aid the main challenge has been the coordination of our activities with the assistance provided to the state commission of legal aid. For this reason its implementation has been sometimes delayed according with the evolution of the implementation of the law on legal aid. The initial draft of the required bylaws took more than a year even if such drafting was requested to a local. Then several months passed before the texts were officially published and a strong pressure from the EU delegation was required in this sense.

In general by the end of the project the law on legal aid from 2008 is still not fully implemented.

## Status by the end of the project

The decree for geographical reallocation of the number of judges in the Albanian courts was approved in November 2012 but has not been fully implemented yet. The last callas for vacancies of judges made by the High Council of Justice are done following the guidelines of this decree, however it is still pending a systematic implementation including the reduction of judges in some courts and the increase in others.

With last reforms of the law on legal aid legal clinics should be open in different regions of the country. It is not clear how the management of such offices will be done by the State

Commission of Legal Aid. Budgetary provisions aimed at implementing this reform are also unclear.

The bylaws of the commission of legal aid have not been amended yet. It is necessary to simplify the documentation required to solicitors, to enlarge the number of lawyers authorized to provide legal aid by opening this possibility and protecting the right to the free election of attorney. Priorities in case of lack of budget are still not well defined and its implementation is dubious. The role of NGOs and its status in provision of legal aid needs further clarifications.

Overall the State Commission of Legal Aid is still not fully operative and the number of cases in which legal aid is provided by the state remains low, even if in last months it seems to be an increase.

## Specific Objective 2 (Assistance to judiciary)

### Expected Result 2.1 (Magistrates' School)

The Magistrates' School will have continued and further developed its leadership role in the education of magistrates, with its research structures, with its periodical "*Jeta Juridike*" placed on a sounder financial footing and with its programme of initial and continuous training of judges and prosecutors enriched in line with the approved judicial reform strategy and the EU integration process.

#### Description

Regarding the **activities of the school**, the Magistrate's School has been supported in implementing its Publication Plan which is not a draft anymore since its approval by the School. Priorities are clearly indicated in a calendar and the implementation has been started. Also to assist the School in searching funds for the School's library, some meetings has been organised with donors involved in Justice System.

The structure of handbook on international conventions signed by Albania has been approved, the redaction has started and the School finished drafting it. International templates and experiences on Index on jurisprudence have been provided.

During the second semester we supported the Magistrates School in publishing the Handbook on International Conventions. We planed and supervised the Draft-Document prepared by students and professors of the School of Magistrates. We assisted the School by summarizing a part of the International Conventions and identifying the keywords to be published in this Handbook. The 80 Conventions are summarized and Key Works were selected for all of them.

During the third semester, several meetings of the Working Group on Quality of Decisions were organized. The Working Group was divided into sub-working groups in order to analyze different types of decisions (family, contracts, rape and others). The members of the Working Group who are all magistrates presented a selection of decisions and the members of the sub working group on family decisions started working on the decisions they have collected the previous month and comment them taking into consideration a document of the French School of Magistrates that our LTE on Court Administration provided them.

During this period, under the request of the SoM we assisted the Magistrates School in reforming its rules/topics of examination based on the European practices. We drafted 50 questions on EU and 20 questions on Ethics which have been introduced in the list of questions which can be randomly selected by the School during the entrance examination. For two entire days, we monitored the procedure of admission examination for the new magistrates to be admitted to the School for the 2012-2013 academic periods.

Eventually we supported the SoM on the publication of the International Conventions for judges and prosecutors prepared by the staff of the School of Magistrates including professors and students and our experts. An index with key words and a summary per each convention is prepared on this purpose. We also supported the SoM on the publication of the Handbok on Quality of decisions.

Finally we, in collaboration with the Albanian SoM and the French Embassy organized two-day training on Quality of Decision on 15-16 November at the School of Magistrates. This training was designed for candidates for judges and prosecutors; therefore it was part of initial training. During the training our experts on Judicial Administration and on Case Management presented the European Standards for a better quality of decisions and have chaired a roundtable on the implementation of quality of decisions within initial training program of the School of Magistrates.

Regarding the **internal organization of the SoM**, information on ISO certification has been provided and also contacts of certificatory companies. EURALIUS and the Magistrates' School organised a meeting of coordination with all donors and international assistance programs in order to clarify priorities and avoid overlapping.

A study visit has been organised for the Magistrates' School to the State Police office to be trained about the police's database. The School will decide if it would be useful to elaborate a specific database on this model.

In order to assist the School in drafting a program for training of trainers, EURALIUS facilitated the organisation of a study visit to the French School of Magistrates. The topics presented in France will be used for the reform in next months. Project's Long Term Experts participated in training seminars of the School.

During the implementation period we increased our coordination with the international donors, the representative of the French Embassy, the resident twinning advisor of the project on Anti-money Laundering (for training of judges and magistrates) in order to avoid any overlapping before drafting a program for training of trainers. We had also contacts with the French School of Magistrates in order to estimate the opportunities to draft a common program.

Upon request of the School, we provided assistance on the new continuous training program. In the role of mediators and advisors of the scientific content, we assisted the French Embassy and the Albanian School of Magistrates in organizing a meeting (23-24 June 2012) between the representatives of the French School of Magistrates and the Albanian School of Magistrates to discuss about the reform on the continuous training of the School of Magistrates. Our Euralius expert supports the French magistrates to draft a report with some proposals of reform for the Albanian SoM.

In order to provide an additional support to the initial and continuous training of judges, prosecutors and students of the School of Magistrates, we co-organized in cooperation with the School of Magistrates a two days seminar on "Domestic Violence and its legal problems" to get

them acquainted with legal aspects on domestic violence and violence against the women and with the best European experiences in this area. Two distinguished Spanish magistrates provided the audience with the European legal framework and the Spanish legal instruments on violence against women since Spain has become a model country in the fight against domestic violence. The Euralius' deputy Team Leader made a detailed introduction of the Italian experience mainly focusing on the legal provisions of the Criminal Code and the Criminal Procedure Code on investigation and adjudication of the domestic violence offences illustrated with extracts of the decisions of the Italian High Court and Our LTE on Court Administration introduced the French experience in domestic violence. He gave examples of good practices which could be implemented in Albania, as medico-judiciary structures.

**Regarding quality of decisions**, the Magistrates' School has chosen the topic of quality of decisions to organise its training related with cases. We suggested a template, a budget and a Calendar for a Handbook on Quality of decisions. We also suggested an Agenda for a conference on the same topic which will be held in Spring 2012. The School approved the project and the conference was done.

Later we established a group of 15 experts composed of judges of the First and the Second Instance Courts to identify the criteria of quality of decisions. We suggested them the Methodology and they will provide us 30 anonymous court decisions that will be commented by them. In the end, a template of good decision for each kind of case (divorce, sexual assault) will be created.

**Regarding the reform of the law and rules on SoM**, upon the request of the Ministry of Justice, we submitted a "Preliminary Report on the needs for amendments to the law on the Magistrates' School of the Republic of Albania".

We organized a meeting with the Director of the School of Magistrates and the representatives from the CoE and Federal Supreme Court of Switzerland to discuss about the next reform in the School of Magistrates. We ensured our assistance in supporting the School in its reform by creating coordination between CEPEJ, the French Embassy, the French School of Magistrates and the Lisbon Network.

In the role of mediators and advisors of the scientific content, we assisted the French Embassy and the Albanian School of Magistrates in organizing a meeting (14-15 June 2012) between a representative of the French School of Magistrates and the Albanian School of Magistrates to discuss about the reform on the entrance exam of the School of Magistrates. Our Euralius expert supports the French magistrates to draft a report with some proposals of reform for the Albanian SoM.

It was seen as necessary to reform the acceptance procedures including the entrance exam in these aspects: a selection preliminary phase with questions will be checked by computer (filter phase) and the situation regarding the post factum process and claims after the results are published. The representative of the French School of Magistrates made a detailed description

and presentation of the French model of the entrance exam and shared some recommendations directed to the Albanian SoM. As a result the rules were amended for next exam.

#### Achieved outputs

- EURALIUS assistance for publications has been officially requested.
- The publication plan is drafted and is waiting for approval.
- The financial situation of the School library has been explained by the School to our experts: international assistance is now identified and we will assist the School to ask for their support.
- A working plan for a basic Handbook of the international conventions signed by Albania is done, sent and is waiting for approval. Researches have been made to plan the publication of an Albanian Index of Jurisprudence for judges in Italian and French systems.
- EURALIUS assistance for trainings has been officially requested.
- Suggestions of training in the upcoming months by EURALIUS experts have already been accepted; the School will choose the most relevant topics according to its needs and add them in the continuous training plan for Magistrates.
- The School officially asked to EURALIUS to coordinate donors and international assistance.
- EURALIUS and the School agreed around other projects they will coordinate together in the following months (specific trainings, ISO certificate, e-library).
- A Study Visit is planned in July to the State Police office to see their training database which could become a model for future School's one.
- The implementation of the publication plan of the School has started.
- Required international assistance is provided.
- The basic Handbook structure is approved, the School has worked on it, and publication is planned.
- Support on Albanian Index is provided.
- Information has been provided on ISO certification. Contacts have been established to organize it.
- Meetings have been organized with the donors and international assistance programs and a roundtable has been done.
- Meeting has been organized to get familiar with the State Police database. Implementation of the model for the School has started or other options are proposed.
- Study visit has been drafted to facilitate the training of trainers programme.
- Because participation of LTE in the continuous training of judges was not possible, the participation was planned for initial training for the next month
- For Case management, focus has been done on communications about the case. A moot court will be organise in the following semester with the participation of students of the School.
- For Quality of decisions, focus has been done on Criteria and standards of quality of judicial decisions, on pre-requisite of quality and exemplarity of Upper Jurisdictions. The

possibilities to organize a Pilot-Seminar and the need to publish a Manual on Quality of decisions have been explored.

- The redaction of the Handbook on International conventions is finished and ready to be published.
- As a model, the French program for training has been presented by the School of Magistrates.
- Participation of LTE and STEs in the initial training for judges is done.
- The possibilities to organize a Pilot-Seminar and the need to publish a Manual on Quality of decisions have been explored (September).
- Handbooks are published and will be disseminated during the first Months of 2013 by the School during the trainings.
- Conference on Quality of Decisions has been organized.
- Seminars for initial trainings have been organized.
- The SoM Examination's Rules and topics have been adapted to EU practices.

## **Assessment**

During the implementation period the school kept a good level of collaboration with Euralius and most of our objectives were reached in common consensus. However it was especially difficult to set up the donor's coordination working group. The official request for coordination arrived late and only after we made some pressure on them. It should be emphasized that before receiving this request, it was difficult to interact with the international counterparts, especially regarding the coordination process of the training plan.

In some points better results could be reached with higher efficiency of the institution. The plan for continuous training is not always respected. So according to the agenda of the Magistrates' School, it has been necessary to postpone the draft of program for training of trainers, even if some of the topics are identified since the study visits in France.

## **Status by the end of the project**

By the end of the project the mandate of the current director of the school of magistrate is coming to its end and the school faces several challenges: The procedures for recruitment should be improved and new rules are to be implemented paying further attention to personal skills and social capacities of the candidates, without losing the objectivity of the merits based process.

The continuous training is still not done based in a biannual strict plan. The school should put additional efforts for identifying the ideal profile of judges and draft a training plan oriented to this aim. The seminars and lecturers should be selected exclusively based on the plan.

Budget of the school remains a problem. Many of the seminars are still organized depending of the will and support of international donors, jeopardizing the capacity of self-organization of the school. Lack of coordination between donors remains a problem, overlaps happens and no stable way of solution is envisaged.

Overall the school is a prestigious institution and for this reason many trainings in field of justice may be adjudicated to the school additionally to its current competences. Without the correspondent increase of budget there is some risk of collapse of the current system of work at the school.

### **Expected Result 2.2 (Inspections)**

In connection with revisions to the law on the High Council of Justice (HCJ), the dual structure of the inspectorates in the Ministry of Justice and HCJ is developed in line with EU best standards.

Inspectorates have clearly distinctive functions, the legal instruments avoid overlapping and the independence of judiciary is respected.

### **Description**

At the beginning of the project, a working group was set up with meeting with the representatives of the EURALIUS, HCJ, MOJ, the Inspectorate and the HCJ members, to draft the new Memorandum of understanding between the Inspectorate of the Moj and the HCJ, in order to find a solution to the problem encountered and often pointed out in the progress reports, of the overlapping of the activities of the two Inspectorates .

On 5 December 2011 the General Director of Justice Issues in the Ministry of Justice and the Chief Inspector of the High Council of Justice, during a seminar organized by Euralius on best practices in Inspections, with the support of the Spanish, Italian and French embassies, signed a Memorandum of Understanding "*On harmonisation of procedures of judicial inspection and avoidance of overlapping of competences*". This document is of technical nature and provides the necessary remedies for the conduction of inspections by both the Inspectorates in the judicial system in order to create a balanced and coordinated system, and avoiding the overlapping of activities.

In order to make this document applicable, three working groups have been set up to deal intensively with the fulfilment of determined tasks, with the support of EURALIUS, and in particular: - one working group on the drafting of a draft manual on inspection which aims at presenting the rules and *modus operandi* of the inspection structures of the judicial system and also reflecting their professional performance in compliance with European contemporary standards and best practices; - one working group on the drafting of the standard inspection

acts; - one working group on the exchange of statistics and sustainable data on the complaints against the judges. Within the six month period of implementation of this Memorandum, the Heads of Inspectorates of MoJ and HCJ prepared a report with concrete recommendations on the situation in which this Memorandum was implemented so as to extract the best practices.

Euralius organized a study-visit in Italy, on 4-6 June, for the Directors of the Inspectorates of HCJ and MoJ, during which they participated also to the International Conference on exchange of experiences between European Union Countries concerning relations on the various judicial systems between the functions of the Inspectorates of the Ministry of Justice and the Councils of the Judiciary and/or autonomous governments bodies. This seminar was a follow up of the two previous seminars and was designated for inspectors of the Ministry of Justice and the HCJ to get familiar with EU experiences in conducting inspections. This activity aimed also at introducing the Manual “On procedures of verification of complaints and inspections of courts of first instances and court of appeal”, recently published by us. The Manual, drafted by the representatives of the two Inspectorates with the support of our experts, constitutes a concrete achievement within the framework on the Memorandum of Understanding “On harmonization of procedures of judicial inspection and avoidance of overlapping of competences”, signed on 13 September. It constitutes a big step forward in improving and increasing the efficiency of the inspection system and coordination between two inspectorates

On 26 June, Euralius, in close collaboration with Italian Embassy, French Embassy and Spanish Embassy organised the Second International Seminar “On the European Best Practices in the field of inspections of judges”. This activity also aimed at discussing on the new draft manual “On the procedures of verification of complaints and inspections of the courts of first instance and courts of Appeal”, on the basis of the implementation of the Memorandum of Understanding signed between two inspectorates in 5 December 2011. International STEs from Italy, Spain and France participated in the seminar by introducing the experience on performing inspections in their respective countries

In the timetable of the memorandum of understanding, with the assistance of EURALIUS, it was prepared a Draft Manual of Inspections on unification of methodology, definition of general principles and best practices of inspection of both institutions falling within the legal competences and to the greatest possible extent’. According to the mentioned procedure, a first positive step consists in including within the “Memorandum of Understanding”, the basis of a system able to guarantee exchange of information and coordinated activities between the two inspectorates besides the principles and the content of a common operating manual of inspections, in order to have precise, clear and similar rules to be followed by the MoJ and HCJ inspectors in conducting inspection and verification. The communication of the two institutions is improved by now: we appreciate in particular the efforts of the two inspectorates in the exchange of information and statistics that show the positive effects of the mentioned procedure.

On 13 September 2012, the Minister of Justice and the Deputy Chairman of the High Council of Justice signed the final Memorandum of Understanding “*On harmonisation of procedures of judicial inspection and avoidance of overlapping of competences*”. This document shows the will and utmost commitment of Albania to increase the efficiency of the Inspection system and improve coordination between the two inspectorates. The Memorandum aims at improving institutional cooperation and harmonization regarding the judicial inspection system and will serve to better coordinate the activities of both inspectorates in conducting inspections. It foresees the necessary legal and executive means for conduction of inspections in the judicial system to convert them into an effective means of monitoring of law enforcement. We continuously assisted in giving suggestions and proposals which are reflected in the text of Memorandum in order to transform it a practical tool to facilitate the work of two inspectorates.

The mentioned manual was published at the beginning of November 2012 and distributed to the Inspectors, to the Judges and to all the relevant Institutions involved in Inspections in Albania.

On 23 November 2012, in collaboration with Embassies of Italy, France and Spain Euralius organized the third seminar “On European Best Practices in the field of inspection of judges. This seminar was a follow up of the two previous seminars and was designated for inspectors of the Ministry of Justice and the HCJ to get familiar with EU experiences in conducting inspections. This activity aimed also at introducing the Manual “On procedures of verification of complaints and inspections of courts of first instances and court of appeal”, published by Euralius. During the implementation period of the new manual of Inspections, we held several meetings and collaborated with the Chief Inspector of High Council of Justice in preparing a plan of activities regarding the reform of Inspectorate of High Council of Justice. In this plan it was foreseen a working week with International experts and HCJ inspectors. From 8 to 12 April 2013, EURALIUS in close collaboration with High Council of Justice (HCJ) Inspectorate organized a series of working group meetings within the framework of the activities with this institution on inspections. These meetings aimed at discussing on the current situation and organisation and functions of HCJ Inspectorate to be concluded with a consultative Roundtable on 12 April. Considering the current activity of HCJ inspectorate, it came as a necessity to take some measures to reform it toward a better and effective functioning and organization. During the whole week EURALIUS and International Experts and HCJ inspectors identified the current situation and problems encountered taking into account also the findings of recent Analytical Progress Reports of European Commission. Based in the current identified problems there were proposed the measures to be undertaken considering the legal framework of Inspections. These measures consisted in reviewing the Law on Organization and Functioning of High Council of Justice and amendments in Regulation on Inspectorate mainly focusing on the fact what Albania needs to change regarding the inspections. International experts gave their suggestions based in the best European standards and best practices. The product of the 4 days work between the HCJ inspectorate and International experts was a first draft policy paper on reform of HCJ inspectorate which contains an overall picture of the current situation of HCJ inspectorate and problematic areas, vision and objectives in order to have a an efficient and accountable

structure of Inspectorate performing professional and transparent inspectors, constitutional and legal framework on inspections and recommendations given by International experts. From 8 to May 2013, we provided another Expert to assist the inspectors of High Council of Justice in analyzing the problems on judicial inspections and give regarding corruption, informatisation and administration of inspections' data. This draft policy underwent in the consultation process with other interested parties and will be submitted for approval at the plenary meeting of High Council of Justice.

### **Achieved outputs**

- A roundtable on the needs of Inspectorate system was held.
- A working group was set up with the aim to draft a new Memorandum of Understanding among the Inspectorate of the HCJ and the Inspectorate of the Ministry of Justice
- A new memorandum of understanding was signed on 5 December 2011 by the General Director of Justice Issues in the Ministry of Justice and the Chief Inspector of the High Council of Justice.
- A seminar was held on 5-6 December 2011 on the best European practices in the field of Inspections for the implementation of the new memorandum of understanding, in collaboration with Italian Embassy, French Embassy and Spanish Embassy.
- A monitoring phase of the implementation of the Memorandum of Understanding has been done.
- A report on analysis of the rule on the Inspections o and proposals for changing also in order to implement the new Memorandum for understanding was drafted and delivered.
- A second seminar "On the European Best Practices in the field of inspections of judges" on 26 June in collaboration with Italian Embassy, French Embassy and Spanish Embassy.
- A study-visit was organized in Italy, on 4-6 June, for the Directors of the Inspectorates of HCJ and MoJ, with the participation to the "International Conference on exchange of experiences between European Union Countries concerning relations on the various judicial systems between the functions of the Inspectorates of the Ministry of Justice and the Councils of the Judiciary and/or autonomous governments bodies".
- A manual "On procedures of verification of complaints and inspections of courts of first instances and court of appeal" has been drafted, published and delivered by Euralius.
- A report on the implementation of the rules according the best practice of European Union was held.
- A monitoring phase on the Inspection procedure of the MoJ and HCJ was made, checking also the exchange of data and information of the two Insitutions.
- A deep analysis of the rules on Inspections of the HCJ and MoJ was conducted and on the needs of drafting the amendments of Inspection system.
- A third seminar "On European Best Practices in the field of inspection of judges" was held on 23 November 2012 in collaboration with Embassies of Italy, France and Spain.
- A roundtable "On the needs of reviewing the legal framework on inspections in light of

European Best Practices”, was held on 12 April 2013.

- A working group was set up in the HCJ to review the internal rules on Inspections of judges, with Euralius assistance.
- A policy paper with recommendation to improve the internal rules on Inspections of the HCJ was drafted and delivered.

### **Assessment**

The need to reform the Inspection system in Albania is an old story, pointed out in many progress reports as a condition for the candidacy of Albania in the European Union.

The problems were mainly focused on one hand in the need of a legislative reform for the definition of competences of the Inspectorate of the Ministry of Justice and Inspectorate of the High Council of Justice, and on the other hand on the lack of communication of the two Inspectorates, that is particularly relevant in the case of duplication of activities, especially for the possibility of contradictory results, and in case of finding of results of a verification procedure, carried out by the HCJ or by the MoJ considering that in such cases both inspectorates may terminate the verification procedure without informing the other authority.

Many important steps were made in the last two years in order to avoid the abovementioned problems. The signature of the memorandum of understanding, at a technical and political level, the adoption of a common manual of inspections have given an important support to create the basis to guarantee exchange of information and coordinated activities between the two inspectorates besides the principles and the content of a common operating system, and to set up precise, clear and similar rules that MoJ and HCJ inspectors have to follow in conducting inspection and verification.

In concrete the two Inspectorates started exchanging periodically information and statistics. This shows the positive effects of the mentioned procedure.

### **Status by the end of the project**

The rules for inspections are still to be drafted at the High Council of Justice. The designed working group announced for this purpose has not started working yet.

The manual of inspections is not mandatory but is being used as manual of good practices. Its implementation should be guaranteed in future.

Also regarding the future activities, in order to complete the procedure of alignment of the Albanian inspection system to the European standards, it would be firstly recommended the

adoption by the Ministry of Justice of a regulation on the organization and functioning of the Inspectorate, considering that the MoJ has not yet approved one.

In any case, it has to be considered as urgent and necessary a legislative reform that avoids the duplication of inspections of judges. This may be done either by providing only one Inspectorate, either by better defining and delimitating the competences of the two Inspectorates, according to the Constitutional principles regarding the role and the functions of the Ministry of Justice and the High Council of Justice.

#### **Expected Result 2.4 (Assistance to the High Council of Justice)**

The High Council of justice has improved his activity in terms of efficiency and transparency, according the models of the High Council of Justice of European countries and in line with the best EU standards. New rules on the internal organization, on the procedures' rules and on the method of evaluation are introduced.

#### **Description**

By the beginning of the project we had several meeting with the representatives of HCJ to discuss the rules on disciplinary proceeding against the judges internal rules on Inspections. A working group was set up for amendments of the rules on disciplinary procedures. The new rules were prepared, with the assistance of EURALIUS experts and approved during the Plenary assembly of 15 December 2011.

A deep study on Immunity of Judges has been prepared, ad it was presented during a Conference held on held on 18 October 2011.

We participated in a working group the rules for appointment and transfers of the judges, for the substitution of the judges and to set up a regulation for incompatibility. We had a study visit in Rome on 17-19 October 2001 of a delegation of the Albanian HCJ to the Italian HCJ. The member of the new Albanian Commission on evaluation of judges for transfers had the opportunity to follow the activities of the Italian Commissions, and in particular of the Italian Commission on transfer of Judges. We prepared recommendation on transfer of judges, and we gave our support to prepare a draft of the concrete rules of transfers of judges, to be finalised in the next semester.

In the semester we organized several meetings and a working group on the internal organization of the HCJ. We prepared a Preliminary Report "On the need for the amendments to the Law no.8811 of 17 May 2001 "On the organization and functioning of the High Council of Justice" and participated in the meeting of the Working Group on the Draft-Law no. 8811 of 17 May 2001 "On organization and functioning of the HCJ". The preliminary report contains some possibilities to make some changes in the organizational structure of the HCJ. The representatives of the HCJ in the mentioned Working Group fully agreed on the most of the proposals given by EURALIUS in order to increase the efficiency and the transparency of the

Institution itself and have considered our proposals on internal commissions and a new position of the Secretary General for the HCJ that will facilitate the activities related to the organization and functioning of the Council itself as helpful. The Working Group awaits now the proposals of its members in order to have the opinion of all the members of the Working Group. The following activities will continue after the approval of the report of the HCJ by the plenary session of the HCJ.

A deep discussion on the perspectives of reform of the Albanian High Council of Justice was held according to the suggestions of the international experts coming from three countries of European Union (Spain Italy and France). At the end of the roundtable the expert were asked to provide written contributions in order to prepare a document containing some concrete proposals that should increase the efficiency and the transparency of the institution in line with the European standards.

From 17-20 September we organized a Study Visit for the representatives of the Albanian High Court and the High Council of Justice to the Italian homologues facilitated by TAIEX assistance. The objective of this Study Visit was to strengthen the independence and the efficiency of the High Court in the procedure of selection of judges and in the organization of their work and with regard to the organization of office, to verify how is possible to create a mechanism to improve the unification of the jurisprudence in the country. Moreover, the aim of this Study Visit was to see the general organization of the Italian High Council of Justice and its structure.

During the Study Visit we held meetings with the President and some members of the Italian High Court for a presentation of the organization and structure of the Court, some members of the office of Massimario of the High Court on the organization of the office and its website, the Deputy Chairman of the Italian High Council of Justice, some judges of the HCJ on the organization and functioning of the HCJ and its activity on the selection, appointment and transfers of the judges of the High Court. The Albanian Delegation participated in a Plenary Meeting of the Italian HCJ.

In frame of the mentioned Study Visit, on 19 September it was organized a Roundtable on the *“Problems of criminal justice in a comparative perspective: a comparison between Italy and Albania”* at the “Sapienza” University in Rome. The Albanian and the Italian counterparts intervned during this roundtable by raising the main problematic in the field of criminal justice. The discussions were focused on the problems of the High Courts and on the system of recruitment of the High Court’s Judges.

On 22 November 2012, we organized the Roundtable “On the perspectives of High Council of Justice Reform”. This meeting aimed at bringing together representatives from the HCJ of Albania and from HCJ of Italy, Spain and France to discuss on the issues that fall under the activity of HCJ suchlike: composition, functioning, structure of the HCJ, internal organization and administrative structure, appointment, transfers, evaluation of Judges and nomination of Chief Judges and disciplinary system of the judges. The Albanian and international experts

exchanged their experiences to the benefit of future improvement of the Law on organization and functioning of HCJ in Albania considering the fact that the activity of the Albanian HCJ has many things in common with the HCJ of Italy, Spain and France. The international experts explained the structure and functioning of HCJ in Italy, Spain and France. They introduced the procedure on appointment of judges and disciplinary proceedings according to the experiences in their countries.

We prepared a report on the needs to increase the salaries for judges by giving a picture of the salaries of judges in European Countries. This report served a basis for the Ministry of Justice to prepare the amendments to the Law no. 9877 dated 18 February 2008 “ On the functioning and organization of judicial power in the Republic of Albanian”, foreseeing the increase the of salaries of judges in Albania.

These amendments were sent to Parliament and we participated in the Parliamentary Commission on Legal Issues, Public Administration and Human Rights to discuss them in April. These amendments were approved by Parliament on 11 April 2013.

With regard to the need to reform and modernize the function High Council of Justice Euralius was involved in providing continuous assistance.

In March 2013 in collaboration with High Council of Justice, we prepared a calendar of activities on the assistance regarding the High Council of Justice reform and concretely on the reform of the Law on High Council of Justice, internal rules of inspectorate and revision of the rules on evaluation and transfer of judges.

We were focused in giving some opinions on the new draft decision ““On criteria and manner of delegation of judges to review a court case”, that repeals the decision of the HCJ n. 234/4 dated 8 September 2008 “On delegation of judges to review judicial cases”.

Due to the problems encountered during the procedure on delegation of judges from some courts in some others we have been asked officially from the High Council of Justice by letter no. 1157 prot dated 12 April 2013 to give our opinions on the above-mentioned draft decision.

Our opinions were included in the report “On the draft decision of the High Council of Justice “On criteria and manned of delegation of judges to review a court cases (Repeal of the Decision of High Council of Justice n. 234/4 dated 8 September 2008 “.

In this report we gave recommendations to specify which are the possible cases of the mentioned impossibility for the Court to review one or several cases within several time limits and according which criteria it has to be individuated the need of delegation of judges. We emphasized the use of the delegation of judges only in cases of proved impossibility to review the cases according the general criteria of allocation of work of the judges in the respective court. In this report we concluded that there are necessary some changes of the current legislation on judicial power and on the organization and functioning of the High Council of Justice to introduce adequate mechanisms of substitution of the judges, instead of the actual

mechanism of delegation of judges for single cases, taking eventually in consideration also the experiences of European countries (for example, principle of “flying judges”), to solve the problems of impossibility of reviewing the cases according the general criteria of allocation of the work of the judges.

This report was delivered to High Council of Justice on 23 April 2013.

The recommendations of Euralius were taken into consideration and thus included in the draft decision. We received a new draft decision, with a attached the explanatory report, with some changes adopted to adequate the previous text to the recommendations of Euralius for which we prepared a second report in which we emphasized more the principles of the judge natural and the principle of irremovability of judges, due to the fact that reduces the possibilities of the use of the instrument of the delegation of judges to the cases of objective impossibility to proceed according the general principles, and not with reference only to the workload of the Court. This second report was delivered to High Council of Justice on 25 April 2013.

Once the draft decision was prepared again taking into account both report of EURALIUS it was submitted for discussion and approved in the plenary meeting of High Council of Justice dated 3 May 2013. It has been evaluated by the member of High Council of Justice that this draft will improve and facilitate the procedures of delegation of judges in Albanian Courts.

Based in this calendar we prepared an report “On the need of the Reform of High Council of Justice” which has been delivered to High Council of Justice on 15 May 2013.

This report has the scope to address the problems and the possible solutions to render the Institution most efficient in functioning, to increase its transparency and independence for the approximation with the best European standards in this area. In the report we prepares we gave our proposals, on: Composition and status of members of the High Council of Justice, Organisation and functioning of High Council of Justice focusing on the importance of General Secretary and establishment on internal commission , rules on appointment and transfer of judges and disciplinary proceedings. The report contains some proposals of changes of the law on functioning of the High Council of Justice, but also a pilot proposal that contains some possible changes in the internal structure and functioning of the High Council to be realized by changing the internal regulation. The adoption of these changes can introduce a new structure of the Council, that will be the basis for the definitive changes of the law.

#### **Achieved results**

- The new rules on disciplinary procedure against the judges have been approved in the Plenary Assembly of 15 December 2011
- The deep study on Immunity of Judges has been prepared.
- A Conference on immunity of judges was held on 18 October 2011.

- The constitutional law on immunity was approved on
- We are monitoring the application of the immunity of the judges
- Recommendations on transfers of Judges have been prepared and delivered
- Monitoring of transfers of the judges following the recommendations of EURALIUS.
- Assistance in drafting the detailed rules on transfers of Judges.
- Workshop on the organizational structure of the HCJ and the needs of change to improve the efficiency and the transparency.
- A Preliminary Report “On the need for the amendments to the Law no.8811 of 17 May 2001 “On the organization and functioning of the High Council of Justice” was prepared and delivered.
- Collection of data on retribution of judges in European and Balcan countries.
- Study on confidentiality in Inspection procedure (manual of Inspections)
- A roundtable was organized on 19 September 2012 on the *“Problems of criminal justice in a comparative perspective: a comparison between Italy and Albania”* at the “Sapienza” University in Rome.
- The new amendments regarding the increase of salaries of judges were approved.
- The report “On increasing the salaries of judges” was prepared and delivered to the Ministry of Justice on 1 March 2013.
- The report “On the draft decision of the High Council of Justice “On criteria and manner of delegation of judges to review a court cases ( Repeal of the Decision of High Council of Justice n. 234/4 dated 8 September 2008 “ was prepared and delivered.
- The second report on The report “On the draft decision of the High Council of Justice “On criteria and manner of delegation of judges to review a court cases ( Repeal of the Decision of High Council of Justice n. 234/4 dated 8 September 2008 “ was prepared and delivered.
- The report “On the need of the Reform of High Council of Justice” was prepared and delivered to High Council of Justice on 15 May 2013.
- The draft decision was approved in the plenary meeting of High council of Justice

### **Assessment**

The new amendments regarding the salaries of judges are a good step to adequate them to the salaries of judges to the other Balcan countries, and to guarantee to the judges a minimum level of retribution compatible with their role in the society.

We consider that the approval of the draft decision on delegation will improve effectiveness and transparency, procedures and allocation of judges in judicial cases, according the in the current legislative framework (Article 21 of the law n. 9877 dated 18 February 2008 “On Organization of Judicial Power in the Republic of Albania”, but at the same time we are of the opinion that the

next step to adequate the system to the European standards is to provide for changes of the current legislation on judicial power and on the organization and functioning of the High Council of Justice, to introduce adequate mechanisms of substitution of the judges, instead of the actual mechanism of delegation of judges for single cases.

A deep discussion on the perspectives of reform of the Albanian High Council of Justice was held according to the suggestions of the international experts coming from three countries of European Union (Spain Italy and France). The preparation of amendments of the law depends on political willingness.

Regarding the report “On the need of the Reform of High Council of Justice” , we expect that the High Council will proceed in the next months with the changes of the structure and the High Council of Justice by amendments of the internal regulation, and the implementation of the new rules should be the basis for the amendments of the law on functioning and organization of the High Council of Justice.

### **Status by the end of the project**

The working group for the reform of the internal rules at the HCJ has not started its work yet. This internal reform should done as soon as possible to allow working in commissions. In order to complete the procedure of alignment of the Albanian structure and organization of the High Council of Justice, has to be considered necessary a legislative reform. But also the approval of the pilot project, the consequent changes of the internal rules of the High Council of Justice and the implementation of them will constitute a very good step for the alignment of the Institution to the European standards.

In any case, the reform of the law remains necessary. In future it would be also advisable a revision of constitutional provisions in order to reduce the interference of the executive power into the High Council of Justice, reconsidering especially the role of the Minister of Justice on it. The extension of the ‘jurisdiction’ of the HCJ to the High Court in what refers inspections, sanctions, vacancies and status of judges is also recommendable.

The disciplinary procedure, the discipline of transfers of judges, the delegation, are improved now, but they require that some provisions, general principles according The European standards, will be included in the proposals of amendments of the law on High Council of Justice. The rules for appointment, promotion and transfer allows still a wide merge of discretion to the Council which may be reduced.

### **Expected Result 2.5 (High Courts)**

The legal frame of the High Court and the Constitutional Court has been reviewed. The distribution of competences between the two Courts is clarified. The reviewing competences of both courts have been defined in order to manage their workflow under rational basis. The independence of both courts is better guaranteed and the procedure for election of their members reviewed.

### **Description**

**Regarding the High Court**, for starting our work, we accept and assume the document drafted by the UK bilateral project. Minister of Justice, Mr. Nishani agreed on creating a working group on the amendment of the law of the High Court. A reference was included in the Reform Strategy.

In this period we held several meetings with the High Court and with international assistance projects in order to agree about the main gaps on the rules regulating the work of the court and to design the path for approving the required reforms. Eventually a working group was created within the Ministry of Justice in order to draft the required amendments to the law on the organization and functioning of the High Court.

In this frame we have drafted and disseminated a preliminary report on the needs for the amendment of the law on High Court. We held meetings with the representatives of the SLYNN Foundations which is managing a British funded project on the reform of the High Court and commonly agreed on a road map for fostering the reform of the High Court.

Later, upon request, we assisted the MoJ in finishing the proposal for the reform of the High Court law. In this sense we have provided several comments to the different draft proposals until we arrived to a final version of the draft law which is considered as satisfactory for all parts.

On 6 and 7 June 2012, we in cooperation with the European Commission, the Ministry of Justice and the High Court co-organized an international conference on the reform of the law on the High Court of Albania in Tirana. This conference was attended by high authorities, the Ambassador of the EU Delegation to Albania, the Head of Unit for Albania of the DG Enlargement at the European Commission, the Minister of Justice, the President of the Constitutional Court, the Chairwoman of the High Court, experts from the Ministry of Justice, judges from the High Court, representatives of the High Council of Justice, the General Prosecutor Office, the Union of Judges. Judges from the High Court of Cyprus, France, the UK, Spain and Italy were also present and provided their international assistance for adapting their internal work methods based on the European Practices. The judges from the High Court had the opportunity of presenting their ideas and suggestions for the reform of the court.

We submitted to the MoJ a Summary of the Findings of the Conference on reform of the High Court with the findings of all interventions during the conference in order to provide new elements for the parliamentary discussion around the reform of the law. In this sense, the conference was the first step of a round of consultations with main stakeholders in order to provide the lawmakers with their opinions and interests regarding this relevant law.

During months we have continuously supported the Committee of Legal Affairs of the National Assembly in the study of the draft law on the high court. On this occasion, we attended on 17, 18 and 23 July 2012 the session of Parliamentary Committee of Legal Issues, Public Administration and Human Rights regarding the draft laws on High Court and National Judicial Conference. We contributed by drafting proposals and suggestions on these draft laws. Before that we provided to the Ministry of Justice comments on the draft law sent by the Council of Ministers. The Minister of Justice accepted all the recommendations included in the mentioned report of Euralius and publically proposed to amend together with the law the Civil and Criminal Procedure Codes for having a large reform of the High Court. He asked the Committee to start discussing article by article in order to have a draft approved as soon as possible. However, the opposition asked to delay the approval arguing that the draft was not consulted with the High Court. It was voted the initial agreement on the draft law (previous to the discussion article by article). The DP agreed and the SP eventually did not vote.

We provided to the Ministry of Justice a short “Note on some points regarding the state of play of draft law on High Court and profession of lawyers” for clarifying any possible gap in the current draft laws on the High Court and the profession of Lawyers as they were sent to the Parliament and were prepared by our experts. The note with possible gaps in the current version was based on previous reports delivered to the Ministry of Justice and the possible solutions.

From 17-20 September 2012 we organized a Study Visit for the representatives of the Albanian High Court and the High Council of Justice to the Italian homologues facilitated by TAIEX assistance. The objective of this Study Visit was to strengthen the independence and the efficiency of the High Court in the procedure of selection of judges and in the organization of their work and with regard to the organization of office, to verify how is possible to create a mechanism to improve the unification of the jurisprudence in the country. Moreover, the aim of this Study Visit was to see the general organization of the Italian High Council of Justice and its structure.

During the Study Visit we held meetings with the President and some members of the Italian High Court for a presentation of the organization and structure of the Court, some members of the office of Massimario of the High Court on the organization of the office and its website, the Deputy Chairman of the Italian High Council of Justice, some judges of the HCJ on the organization and functioning of the HCJ and its activity on the selection, appointment and

transfers of the judges of the High Court. The Albanian Delegation participated in a Plenary Meeting of the Italian HCJ.

We attended the meeting of the Committee of Legal Affairs of the Assembly on 10 and 25 September 2012 in order to discuss the draft law on the reform of the High Court. The Socialist members asked to postpone the discussion until the moment in which there will be a decision on the proposal of constitutional amendment proposed by the Socialist Party and that the draft law does not address all the problems of the High Court.

On the second meeting we proposed to introduce a new article (3.3) limiting the amount of judges of the court from not-judicial origin to one fourth of the total of the court. The Chair of the Committee and the Minister of Justice supported our proposal which was unanimously approved. In addition, we explained the need of the High Court to becoming a career court. The proposal of amending the draft law was refused only by two votes.

The draft law was finally approved in all its articles and submitted to vote in next session of the plenary of the assembly. On 27<sup>th</sup> of September the plenary of the assembly postponed the voting on the draft law on High Court.

In order to accelerate the process we submitted to the Ministry of Justice our expert's proposals and note for the reform of the Criminal Procedure Code and the Civil Procedure Code in compliance with the reform of the law on the High Court.

We have commonly agreed that the comprehensive reform of the High Court cannot be addressed only with the amendment of the law on "Organization and Functioning of the High Court", but it is also needed to act on the Civil Procedure Code and the Criminal Procedure Code.

The main aim of this intervention on procedural codes shall be the reduction of the number of cases arriving to the High Court. At the same time, it is need to introduce some small reform on the competences of panels of the court in order to enhance their efficiency

**Regarding Constitutional Court,** we agreed with the Court on starting our assistance by organizing a study visit of three members of the Court to the Spanish Constitutional Court in order to get familiar with the best European practices in the area. We arranged the contact between the two institutions and a preliminary agreement about the visit. However later in their own discussions there was a disagreement about the dates available for such visit, so that it was impossible to find dates that match to both courts. Thereby the visit was postponed to the beginning of 2012. Finally three members of the Constitutional Court (Mr. Bashkim Dedja, Mr. Xhezair Zaganjori, Mr. Admir Thanza), and Euralius Project Team Leader visited the Spanish Constitutional Court in Madrid. It was a three-day visit with more than 16 hours of training on different issues. The members of the Albanian Constitutional Court got better acquainted with

the “amparo” procedure, visited the documentation centre of the court and followed demonstration of the Best Practices for internal organization of the Spanish Constitutional Court.

We have agreed with the court in a program of training and technical assistance including the visit of four short term experts for rendering seminars at the court during the next semester. The final plan, including subjects and dates is being drafted together with the high court

After the successful Study Visit that we organized the previous period to the Spanish Constitutional Court and in frame of following up of our common activities, the President of the Albanian Constitutional Court, Mr. Bashkim Dedja proposed us a list of topics that could be developed and further analysed by the member of the Spanish Constitutional Court.

On this occasion, we organized a first training by the member of Spanish Constitutional Court Mr. Juan Carlos Cabanas who delivered training on the topic “Individual appeal to the Spanish Constitutional Court. Formal and substantial criteria of admissibility” that was held in Tirana on 13 and 14 December. This training was designed for legal advisors of the Albanian Constitutional Court. Successive training took place

In the other hand the Ministry of Justice has created a working group for the reform of the law on constitutional court. We are participating on it and in this frame we were requested to draft a preliminary report on the need of amendment, which was submitted in December. We were expecting to have access to the report draft by the Court in the frame of the working group created by the Ministry of Justice for the reform of his law, in order to assist the Ministry in enhancing further reforms if required. Eventually we drafted a proposal which was being discussed with the experts of the courts by the end of the project.

#### **Achieved results**

- A preliminary report on the amendment of the law on the organization and functioning of the High Court was drafted and disseminated.
- An international conference was organized. The conference had a significant impact in the public perception about the High Court.
- A comprehensive proposal for the reform of the High Court law was drafted together with the Government and presented to the Parliament.
- We provided three documents with comments in order to adjust the draft law to be presented by the Ministry of Justice
- Report on the third version of the draft law on High Court delivered.
- A late note on some points regarding the state of play of draft law on High Court and profession of lawyers was delivered.
- A study visit to the Spanish constitutional court was organized.
- Two seminars with international experts for the judges and legal advisors of the Constitutional Court were organized.
- A proposal for the reform of the organic law on Constitutional Court was drafted and disseminated.

## Assessment

The working group on the reform of the High Court did not start as soon as we expected. There was a huge resistance to the reform of the High Court within the stakeholders. Even if there is a technical consensus about the reforms needed to approach the court to European standards there was not clear commitment on the draft and approval of a law to solve it. The draft law took long time for being prepared and the conference was held only in the month of June 2012, for these reasons the draft was not been sent to the Parliament after later on.

Finally, due to political reasons the Parliament was not able to adopt the new law on the High Court until end of May 2013. In absence of such law, the court could not address the reform of its internal rules of functioning.

Regarding the Constitutional Court, the late appointment of the President of the Constitutional Court and the lack of renewal of its members was determining the situation of the Court and made initially difficult the analyses of gaps. The trainings for the court there were some problems related with the identification of the best dates for trainings, but finally we found the good moment and a plan was drafted. Three trainings were hold but the plan will need continuity based in further assistance and sustainability.

The working group on the reform of the law on the Constitutional Court ended its work by the month of June issuing a report in the sense of the law does not need to be modified, except for what regards the system of appointment of judges. This unexpected conclusion, together with the fact of the working group not meeting in the entire period, prevented the development of the activities foreseen in the work plan and the finalization of the new draft bill. The reform of the law has been postponed by Albanian authorities repeatedly. We drafted a proposal which was distributed among all stakeholders in order to promote a juridical debate concerning such law.

## Status by the end of the project

### Regarding the High Court

Most of legal instrument related with the reform of the High Court are already approved. Thus the amendments to the Law on High Court introduce new criteria and requisites for the appointment of judges which drastically approximates the court to a career court; the administrative college is created so that the law on administrative courts can enter into force; new rules should avoid the long pending vacancies for substitution of judges after the end of their mandate. The amendments to the civil procedure code introduced as common the panel of 3 judges instead of 5 and deleted the possibility of appeals based in breaches of procedure, so that the court should focus in the unification of the interpretation of the law. It is only pending the

approval of the reform of the criminal procedure code in order to amend the entire system of competences and functioning of the High Court. These reforms may approach the court to its best configuration: to become one day a career court integrated in the ordinary judiciary and controlled by the High Council of Justice.

The court faces now the implementation of the new legal provisions and the problem of the immense backload of cases, many of them waiting even for five years. Additional assistance and support would be required for drafting new internal rules regarding the composition of the three colleges, with two chambers each. New jurisprudence should focus on the function of unification of the interpretation of laws. Special urgent measures should be adopted for addressing all the pending cases.

### Regarding the Constitutional Court

The Constitutional Court should play a key role for solving main political and juridical disputes in the country as they are related with the interpretation of the Constitution. In a political system as the Albanian one the Constitutional Court is the only resource against unlawful decisions adopted by the Parliament with the support of the majority ruling in every moment. This requires a professional court with good reputation and social awareness of its independence. This social conscience is built up also by the decisions concerning the human rights of citizens.

However the Court has received little attention from previous assistance's projects as well as from the Government. The reform of the organic law on Constitutional Court is urgent as the court faces an increasing number of new cases which may risk collapsing it as happened with the High Court. New and clear rules of procedure are required, especially regarding the individual complaints. The law should also include measures for reducing the politicization by the appointment of new magistrates. Some solutions are possible in the frame of the current constitutional provisions.

At the same time further assistance for enhancing the professionalism of the court would be welcomed. Trainings for legal advisers and judges in best EU standards, visits to make them familiar with other courts and support to improve their archives and filing system would allow the court to be able to accomplish in better conditions its constitutional role.

### Specific Objective 3 (Criminal Justice)

To bring the criminal justice system in compliance with the EU standards. To reduce the length of criminal proceedings. To implement the legislation on international cooperation in criminal matters. To assist, together with the MoJ, in improving the organisation and management of the Prosecutor's Office.

#### Expected Result 3.1 (Judicial police law)

The new law on the Judicial Police is being implemented. Functions and responsibilities of prosecutors and police are clearly defined. Cooperation and workflow between the Prosecutor's Offices and Police in investigating and prosecuting crime has improved. Fixed rules for such a cooperation and coordination have been established.

#### Description

**Regarding to Judicial Police**, Euralius has immediately requested the establishment of an inter-institutional working Group to draft the Sub-Legal Acts requested by the Law no 10301 of 15 July 2010 "On some amendments and addenda to law no 8677 of 2 November 2000 "On organization and functioning of the Judicial Police", as amended. The WG was established by the PG . The WG with the assistance of the Euralius Experts has been finalized the process of drafting of all the bylaws aiming at improvement of the functional duties of the judicial police and prosecutor's offices based on the shared roles and responsibilities. The Eight requested bylaws have been approved by the WG and sent to the relevant Albanian institutions to be approved and signed. In fact some of theses SLA has to be approved by the General Prosecutor; some were subject to the bilateral or multilateral signing process. Up today Seven of the SLA were approved and signed:

The new amendments on judicial police were approved by Law no. 10301 dated 15 July 2010, however its implementation was not possible in absence of the required sub legal acts to be approved by the General Prosecutor's Office and other institutions. In the frame of our continuous assistance to the Prosecution Office we assisted in drafting up to seven relevant by-laws, which were **approved by the competent institution between 2011 and 2012**. Concretely we assisted in the preparation of sublegal acts on the basis and for the implementation of Law on Judicial Police aiming at increasing and guaranty the efficiency, professionalism and accountability of judicial police as an important structure of criminal investigations as follows:

Instruction no 1, dated 19.09.2011 "On the establishment of the criteria for remuneration for professional merits of Judicial Police Officers", Order no.165 dated 19.09.2011 On the establishment of the "On the establishment of the criteria "On the establishment of the criteria on giving the salary bonus for difficulties at work for Judicial Police Officers", Joint Instruction between General Prosecutor and Minister of Interior no. 2 dated 7. 11 2011 "On performing and termination the investigations directly denounced at Prosecutor's Office or initiated ex officio", Joint instruction between General Prosecutor and Minister of Interior no.3 dated 15.12.2011 ""On the disciplinary proceedings of the Judicial Police officers", Mutual agreements between General Prosecutor and the ministers who have under subordination police forces, on "Continuous training for officers and agents of the Judicial Police", Joint instruction of the General Prosecutor "On the manner of evaluation of individual work results of the judicial police officers at the judicial police sections", Joint Order between the General Prosecutor and the ministers who have under subordination police forces "On the establishment of organigramma in the Judicial Police Sections".

The Joint Instruction on "Joint Instruction on "Performance and completion of investigation referred directly to the prosecutor's office or initiated ex officio" was signed and approved by the General Prosecutor and the Minister of Interior and has entered into force, as well as the sub legal act " On the Criteria establishment concerning the extra salary on difficulties at work for Judicial Police Officers"; Directive " On the Criteria establishment concerning the rewards for professional merits of Judicial Police Officers", Joint instruction on "institution of disciplinary proceedings" and "on the Evaluation Method of Individual Work Results of Section Officers of Judiciary Police".

The sub legal act "On the Evaluation Method of Individual Work Results of Section Officers of Judiciary Police" was discussed by the Council of the Prosecutor's in details, article by article, and then had been approved by the Council. The sub legal act "On the competition procedures concerning the assignment in section of judicial police officers" and on "On the establishment of organigramma in the Judicial Police Sections", were sent to the relevant institution for opinion and then being approved.. The Sub Legal Act on ""Continuous training for officers and agents of the Judicial Police", it is signed by the General Prosecutor on 15.12.2011. It has to be signed only by the Minister of Justice and after it will be signed by the Ministry of Finance.

During this period we have monitored the status of the sub-legal acts to be approved and requested in several occasion to the MoJ to sign the one on training of JP.

EURALIUS also provided assistance to the General Prosecutor Office (GPO) and EU Delegation in making the necessary needs assessment on the Case Management System for the GPO. Euralius Expert first analysed the needs in terms of Hardware and Software and subsequently prepared the Framework contract to appoint the Company that has to draft the

Tender dossier for the Hardware and the Software. The ToR of the Framework contract was prepared taking into account the opinion expressed by all the national stakeholder and also included an analysis of the functionality and the objectives that the Software for the CMS should target. It was also verified the sustainability of the project and the availability of the necessary infrastructural network by the National Agency of Information Society (NAIS) and the support given to the GPO by other Donors.

Once the Company were selected, the ASTEC Global, Euralius experts assisted the EU Delegation in dealing with the ASTEC Global consultants that started implementing the framework contract for preparation of the tender dossier for the CMS of the GPO. We assisted in finalizing the tender dossier in accordance with EU PRAG rules for the hardware of the GPO Case Management System. The tender was approved in Brussels and launched. We closely monitored the implementation of the Case Management System providing support and advice to the EUD, the ASTEC consultants and the GPO.

**Regarding to training for judicial police and prosecutors**, we assisted in the setting up of the working group on prosecuting crimes as the first step before the trainings for judicial police and we cooperated with General Prosecutor Office and PAMECA with the aim of organization of the two training seminars on the role of the JP in the investigation. The Working Group composed of representatives of the General Prosecutor office, Police EURALIUS and PAMECA met to discuss the methodology and to select best practices in investigation. The Working Group established upon EURALIUS proposals discussed on the best methods of prosecuting crimes directed to prosecutors, judicial police officers, police employees and other law enforcement actors aiming at getting better acquainted with the best practices on prosecuting crimes. During the meetings of the Working Group, it was discussed about organizational issues and the preparation of the workshop on the efficient forms of cooperation in investigation and prosecution of crimes.

We, in collaboration with the General Prosecutor Office, the School of Magistrates and the General Directorate of Albanian State Police organized the first pilot training on Prosecuting Crimes-Computer Fraud Case that took place at the premises of the School of Magistrates on 29 May 2012, The purpose of this training was to bring together the main actors (as prosecutors and judicial police officers) in performing investigations to get better acquainted with the best practices on prosecuting crimes based on the presentation and description of a successful practical case as the criminal offence of Computer Fraud. This training is called “pilot training” because it a test and will be followed by two other trainings regarding the investigation of other criminal offences such as trafficking in human beings and trafficking of narcotics. Taking into consideration the importance and achievement of the first pilot training held on 29 May 2012 on computer crime, we followed up with the second pilot training-case on trafficking of narcotics

that took place on 23 November 2012 at the premises of the School of Magistrates and was organized under the auspices of Euralius in collaboration with the Albanian Institutions as the General Prosecutor Office, the School of Magistrates and the General Directorate of Albanian State Police. The purpose of this training was to bring together the main actors (as prosecutors and judicial police officers) in performing investigations to get better acquainted with the best practices on prosecuting crimes based on the presentation and description of a successful practical case as the criminal offence of trafficking of narcotics. The training was mainly focused on analyzing the procedural actions of the prosecutor, judicial police and experts performed during the investigation phase of the criminal offence on trafficking of narcotics. Speakers in this training were experienced Albanian prosecutors and judicial police officers deeply involved in performing investigation of this category criminal offence. The prosecutors and the judicial police offices introduced concrete practical case based on their experience by explaining their respective roles in the investigation of the case.

The first pilot-training on Prosecuting Crimes-Computer Fraud Case performed under Activity 3.4.3 served not only as good example of cooperation between Police and Prosecution analyzing the best practices in investigation, but also has showed to be a good training model for the Judicial Police to be used in the framework of the programme for the Board.

#### Achieved outputs

- The Working Group at the General Prosecutor Office, composed by the Justice and Home Affairs Stakeholders, for the elaboration of the sub Legal Acts foreseen in the Law on Judicial Police was established.
- Eight Sub Legal Acts of the Law on Judicial Police were finalized and submitted to the relevant institution for approval
- Seven Sub Legal Acts of the Law on Judicial Police were signed and/or approved by the relevant Institutions and entered into force
- The needs analysis of the Case Management System for the Public Prosecutor Offices was made.
- The tender dossier for the hardware and software supply of the Public Prosecutor Offices were finalized and the framework contracts launched and awarded.
- The Working Group to analyse the method of prosecuting Crime was set up in cooperation with PAMECA. The best practices and cases of successful investigations were chosen.
- The first and second Pilot Training on Prosecuting Crimes – Case were organized.
- The cooperation between police and prosecutors continues to be improved.

## Assessment

The Joint order on the JP is still not finalized by the working group, therefore it is not possible to start an activity on a sector where we expect to have a new regulation and managing body (the Board for Organisation of Continuous Training of Judicial Police (BOCTJP)).

The Sub Legal Act on the Training of Judicial Police was signed by the GP and other seven Institutions and it still has to be signed by the Ministry of Justice. Therefore the Board foreseen in the SLA was not established

## Status by the end of the project

It is necessary to monitor the implementation of the sub legal acts approved and in particular to assist both the GPO and the ASP in their effort to develop best practices regarding them.

It is expected that the Minister of Justice will soon sign the last Sub Legal Act still missing on the Training of Judicial Police in order to establish the Board for Organization of Continuous Training of Judicial Police. It will allow to develop specialized curricula for the Judicial Police with a very positive impact on the quality of the investigations and the relationship between Prosecutor and Police. Therefore if the Sub Legal Act on the Training of Judicial Police will enter into force soon the new PAMECA Project will be in the position to assist the GPO and ASP in this effort since is beginning.

As for the Case Management System, the 2 contracts for the hardware and the software were awarded and in phase of implementation. It is expected that for the beginning of 2014 the new software will be ready and the entire Prosecutors' Offices will be in the position to test and use it.

### **Expected Result 3.2 (Criminal legal framework)**

The legal framework of the criminal justice system is revised. Problems with the implementation of the existing legal framework are solved and new legal and administrative solutions to reduce the length of criminal proceedings are introduced.

## Description

**Regarding to Criminal Legal Framework** as a first step we met with other projects and stakeholder to analyse the current situation. In the same period the main problem related with the Criminal Procedure Code and the Criminal Code were discussed during several meetings. One of the main problem underlined in the EU Progress Report, the accountability of the

Judiciary, was analysed and a detailed report with the relevant possible solutions was prepared. The paper has been presented in a Conference organized in cooperation with PACA and it obtained a general consensus. As direct consequence a constitutional provisions restricting the immunity of judges were adopted by the Parliament.

Concerning the Reform on Criminal Procedure Code, Euralius Experts participated in all the meetings of the Working Group established by the MoJ and the International Consortium on the revision of the Criminal Procedure Code. Within the framework of Criminal Procedure Code, during this period we participated in all the meetings of the Task Force of the Ministerial Working Group on the revision of the Criminal Procedure Code and in the plenary meetings of the Working Group for the reform of the Criminal procedure Code that was held in Pogradec on 15 and 16 March 2012 and in Voskopoja on 9 and 10 October 2012. The Task Force composed of nine members (representatives of the OSCE, OPDAT, EURALIUS, MoJ, ASP, GPO, HCJ and Faculty of Law) was established in 16 March 2012 during the plenary meeting of the Working Group held in Pogradec, in order to allow new and faster progress in this reform of the Criminal Procedure Code. The Task Force aimed at evaluating the papers submitted by the respective institutions as an input for the Reform of Criminal Procedure Code and at defining the standards and directions this reform will follow. We were involved in providing comments and scientific contribution to the Criminal Procedure Working Group Task Force, focusing on appeals, execution of criminal decisions and international cooperation. During the sessions of the Task Force, we briefly presented our recommendations focusing on appeals, execution of criminal decisions and jurisdictional relations. The final report of the Task Force was eventually approved as a basis for the future work of the Working Groups and Sub-Working Groups (SWGs) in Voskopoja on 10 October 2012. Following the plenary meeting of the Working Group on the Reform of Criminal Procedure Code held in Voskopja, after the approval of the report of the Task Force on Reform of Criminal Procedure Code, it was decided that the SWGs would be convoked again in order to proceed with the next phase, drafting process of the articles of the Criminal Procedure Code.

The SWGs on Appeals, Investigation and Trials took place every Monday, Tuesday and Wednesday at 14.00 hrs at the Ministry of Justice and we are regularly attended providing comments and proposals these meetings to discuss and proceed with drafting concrete rules according the proposals of the Task Force.

We continuously cooperated and consulted with other EU funded projects related with criminal justice framework to identify needs of reviewing the legal framework. In the meeting that we had with the representative of the UNICEF and the Codification Department at MoJ we discussed for the introduction of new legislation in the field of juvenile justice

Furthermore, we co-organized in collaboration with the First Instance Court of Serious Crimes a Conference on *“Best Practices of criminal justice-Activity of the Court of Serious Crimes and its contribution in the creation of a solid history in the fight against organized crime- Expectations, Achievements and Legal Perspectives”* which took place on 13 July 2012. The Conference

served at discussing on the possible need for further improvements mainly focusing on the amendments to the law “On the organization and functioning of the Court of Serious Crimes”, aiming at improving the guaranties on duty for judges and amendments to the criminal procedural legislation to extent the material competence of the Court of Serious Crime to include new criminal offences aiming at increasing the efficiency in the fight against criminality. It was discussed, upon the suggestion of Euralius Short Term Experts (STEs), to include in the competence of the Court of Serious Crimes criminal offences on Money Laundering, exploitation of prostitution and exploitation of prostitution in aggravating circumstances. The Italian STEs provided played an active role by giving suggestions regarding new amendments of criminal procedural legislation to extent the material competence of the Court of Serious Crimes, fostering collaboration between prosecutors and police and improving international judicial cooperation toward a successful investigation and adjudication of serious crimes.

#### Achieved outputs

- A Report on the proceedings against persons who have immunity in the Judiciary was prepared. The Report on the immunity was presented in cooperation with PACA.
- A constitutional provisions restricting the immunity of judges were adopted by the Parliament
- A Joint Training with OPDAT on the problem of the Criminal Procedure Code was organized. Monitoring of some of the main important trials was done to analyze the problems related with the duration of proceedings.
- A study on the Revision of the Criminal Procedure Code was prepared by Albanian Experts coordinated by Euralius Long Term Expert
- The Working Group on the needed reform of the Criminal Procedure Code highlighted some area of interventions. It was envisaged the need of setting up a Task Force on the Criminal Procedure Code.
- Proposals on the reform of Criminal Justice framework were presented by the Task Force.
- The comments and scientific contribution to the Working Group on the revision of Criminal Procedure Code were provided.
- The document of the Task Force containing the main proposals of the reform of the code was approved during the plenary meeting in 10 October 2012.
- Assistance with comments and suggestions based on experiences of EU countries aiming at facilitating the drafting process of the respective articles of the Criminal Procedure Code were provided to the established Sub Working Groups (SWG).
- A conference with the CEPEJ on the length of Criminal Proceedings was organized
- A meeting between CEPEJ and Tirana Court was organized and Tirana Court became member of the CEPEJ Network

## **Assessment**

A clear understanding of the critical problem related to the Criminal Justice framework was done.

The document of the Task Force containing the main proposals of the reform of the code has been approved during the plenary meeting.

Assistance with comments and suggestions based on experiences of EU countries aiming at facilitating the drafting process of the respective articles of the Criminal Procedure Code are provided to the SWG. The reform of the code requires the adequate time for the problems of harmonization of the changes proposed by the different sub-working groups.

## **Status by the end of the project**

The Process of the Reform or Revision of the Criminal Procedure Code require more time and clear understanding on the real needs of the Albanian Criminal Justice system. As EURALIUS and many national stakeholder has highlighted in the numerous conference and meetings (especially during the meeting of The Ministerial Working Group) , the reform should not alter the present structure and nature of the Criminal Procedure Code that is in line with the legal tradition of Albania and is still in a phase of understanding and implementation by the Albanian Judicial Community.

As for the reduction of the length of the Criminal Proceedings the situation is not dramatic and in line with the EU Countries, as highlighted by the CEPEJ Statistics. Many proposals were made and some of them currently in phase of implementation (has the new Disciplinary trial for Attorney). Constant monitoring and mentoring activities are necessary. Euralius also facilitate the involvement of the CEPEJ in the Albanian Judiciary organizing a meeting at the Ministry of Justice and facilitating the joining of the Tirana Court in the CEPEJ network. The new project of CEPEJ financed by EU, that should start soon, will answer to these needs.

### **Expected Result 3.4 (Efficiency of the GPO)**

The organization and management of the Prosecutor's Office have improved its efficiency and transparency in accordance with EU best practices.

## **Description**

**Regarding the efficiency** and transparency of General Prosecutor Office, many achievements were obtained. As for the Evaluation system the GPO requested comments to the different district prosecutor's offices on the evaluation system to set up. The comments were taken into

consideration and discussed during a meeting of the Council of Prosecutors. Some changes have been made and the evaluation system started to be applied in three district prosecutors' office in Kruja, Pogradec and Fier. Later on we analyzed the first result of the implementation of the evaluation system in the 3 Pilot District Prosecutor Offices in Fieri, Pogradeci and Kruja. Euralius Experts gave an overall picture of the Italian evaluation system for prosecutors and gave suggestions on how to improve and complete the Evaluation system. After the first good results in these District Prosecutor's offices, the General Prosecutor issued the Order and Instruction to stipulate the obligation of all District Prosecutor's Offices to perform the work evaluation for the prosecutors and judicial police officers based on the evaluation system. The General Prosecutor issued the Order no 221 dated 19.11.2012 for evaluation system for prosecutors and the Instruction no.4 dated 20.11.2012 for the evaluation system for the judicial police officers.

As for the Inspection of the Prosecutors we have been involved in making a report on the Inspection services by the Ministry of Justice suggesting to setting up of a joint working group between the Inspectorates of the Ministry of Justice and the General Prosecutor Office to finalize the Memorandum of Understanding between these institutions on the Inspections annual program and to draft a common manual on Inspection. Euralius Experts analysed this Draft MOU on Joint Inspection and made the relevant comments on it in order to urge for the formal signature of the MoU between the General Prosecutor Office and the Ministry of Justice relating to performing the inspections in order to have an official framework which regulates the relations between these two institutions in performing inspections. On this occasion, we held the meetings with the representatives of both institutions in order to finalize the MoU.

Euralius also supported the General Prosecutor Office in elaborating a common regulation for the Prosecutor's Office registers. We continuously assisted this initiative by supporting the establishment working group charged with the creating of the new registers and closely following its progress. Euralius Experts submitted their reports with proposals and suggestions to ameliorate and facilitate practically the procedure of notification and registration of criminal offence that reflect the activity of the prosecutor's office in the exercise of its procedural duties.

During this period the Order No. 125/2012 "On Creation and administering of registers in the Prosecution's Offices of Courts of First Instance" and Instruction No.3/2012 "On recording of the notification of the criminal offences and the name of the person to whom the criminal offence is attributed", were approved by the General Prosecutor in order to define new common rules for recording of data in the registers and standardisation of registers by defining their respective model for the prosecutor's offices in Albania.

On this occasion, we were requested by the GPO to organize a seminar “On notifications and registrations of Criminal Offences at the Prosecutor’s Offices in Albania”. The Seminar was held on 20 September 2012, at the premises of the General Prosecutor Office we, in close collaboration with the GPO organized the Seminar. In this seminar participated the heads of prosecutor’s offices in Albania, judicial police officers and chancellors of these offices. The aim of the seminar was to explain procedure of notification and registration of Criminal offences at Prosecutor’s Offices. In this occasion a sample of the Registers was also elaborated and delivered to all the District Prosecutors Office.

**Regarding the internal regulation “On Organization and Functioning of the Judicial District Prosecutor’s Offices”,** Euralius supported the General Prosecutor Office in the drafting of the guidelines on functioning and management of the District Prosecutors Office by providing samples from other European systems. Euralius Experts followed it closely and assisted in the drafting process of this normative act. Regarding the internal management of Prosecutor’s Offices, our STEs, met with the General Prosecutor Office representatives to discuss about the standardisation rules for management of these offices. According to these meetings a report was prepared and submitted. The General Prosecutor on 9 October 2012 issued the Order no 176 on the approval of this standard regulation, following the comments provided by our STEs. According to this Order all the District Prosecutors Office were requested and submitted internal regulation on their organization and functioning.

#### Achieved outputs

- Training on the Inspections of the Public Prosecutor Offices was organized. The need of a working group to regulate the Inspection of the MOJ and GPO was discussed by the participants.
- A draft MOU on Inspection between the MoJ and the GPO was drafted and was discussed.
- The Memorandum of Understanding between the MoJ and the GPO on the Inspections annual program is still pending
- The evaluation system was submitted to the different district prosecutor’s offices and their comments were taken into consideration in its implementation.
- The evaluation system of Prosecutors and Judicial Police Officers is applied and implemented in three Pilot Prosecutor’ Offices.
- A Working Group to elaborate the guidelines on organization and functioning of the District Prosecutors Office was established
- Order no 176 dated 09.10.2012 on the approval of the standard regulation on the organization and functioning of the judicial district prosecutors offices is issued by the General Prosecutor.

- All the District Prosecutor Offices drafted their internal regulation on their organization and functioning based in this order which were approved.
- A common regulation for the Prosecutor's Office registers was approved and entered into force.
- Seminar "On notifications and registrations of Criminal Offences at the Prosecutor's Offices in Albania" was organized.
- A report on the organizational criteria of Prosecution Offices; a report on common regulation for the prosecutor's office registers and a report on maintenance of the registers in the Prosecutors Office prepared by the Italian STEs were prepared.
- It was decided to prepare the text of the Memorandum of Understanding between the General Prosecutor's Office and Directorate of Inspection of the Prosecutor's Office attached to the Ministry of Justice in order to have an official framework which regulates the relations between these two instructions in performing inspections. No e' un achieved output/

### **Assessment**

The GPO needs to see how the evaluation system works in order to start working on a standard Check List. Lack of Institutional cooperation. There are several reasons of Divergence between the MoJ and the GPO on the content and scope of the Inspection made by the MoJ on Prosecutors.

The memorandum of understanding between the General Prosecutor Office and the Ministry of Justice relating to performing the inspections was postponed to the next semester, due to the need to follow the same steps and to take in consideration the experience of the memorandum of understanding and the Manual of Inspections recently published by Euralius, regarding the Inspection of judges.

### **Status by the end of the project**

A lot of progress was made to have the GPO and the District Prosecutor Offices more transparent and efficient. Anyway it is necessary to monitor the correct implementation of the new regulation on the registers and on the management of the District Prosecutors Office. The system of Evaluation of Prosecutors was approved by the GPO and is now in the phase of implementation. The system seems a bit complex and it has to be evaluated its use for the career progress of the Prosecutors. Assistance and monitoring in this area by an International Project is needed.

The main are of concern remains the Inspection of Prosecutors. It was not possible to sign an

agreement between MoJ and GPO to harmonize and coordinate the Inspection's Services of the 2 Institution. The experience made for the similar services at the HJC and MoJ for the Inspections of the Judge should be replicated for the Inspection of the Prosecutors.

#### Specific Objective 4 (Enforcement of Rulings)

To improve the enforcement proceedings in Albania by modernizing the working methods of the public and the private enforcement agents based on better access to register information of debtor's assets, developed cross-agency exchange of information and establishment of debtor's declaration / enforcement inquiry. This should include also legal measures to ensure procedural equality of the parties as well as others in the frame of recommendations of the European Commission on the Efficiency of Justice (CEPEJ).

#### Expected Result 4.1 (Efficiency of the Court's Administration)

Court Administration staff acts more efficiently, there is a clear and transparent job description for all the staff and the legal frame for Court's Administration is developed and properly implemented.

Enforcement agents shall gather information from debtors more easily. Clear and reliable statistical data and indicators of the effectiveness provided by the centralized enforcement information system are available.

#### Description

In the course of the activity **on efficiency on court administration legal framework, in order** to monitor the status of the Judicial Power Law implementation: study visits have been organised with the support of Short term experts in Courts and meetings have been organised in Court of Appeal and District Court with Chiefs, Chancellors and Juridical Secretary. Other meetings have also been organised with General Director of Justice Matters (December).

WE held meeting with the Chief of the Cabinet at the MoJ and the Head of Sector of the Judicial Archive to discuss about the organization of trainings for judges, prosecutors, lawyers, members of the Ministry of Justice, Chancellors, professors (University, School of Magistrates), students (School of Magistrates). The topics were: Judicial statistics, IT system, Mediation, Quality of justice (November). A note was written on how to improve the cooperation with the European Commission for the efficiency of justice (CEPEJ) in the field of Court Management. We gave suggestions on implementation of a pilot-court in Albania, in order to implement, adapt and disseminate CEPEJ's tools in Court Management field (November).

We submitted a report on "Comments on the draft-law on Judicial Administration" to the Ministry of Justice. This report was also prepared in the framework of the Working Group established by the Ministry of Justice.

On 18 January 2012 we, the Ministry of Justice and the Commission for the Efficiency of Justice (CEPEJ) organized the conference "Improving the efficiency and functioning of justice in

member states - Albania as a particular case” participated by high ranking officials of the Ministry of Justice, judges of all Albanian courts (first instance and appeal), prosecutors, court chancellors, professors and students from the School of Magistrates, enforcement agents and representatives from international organizations participated in this event.

**Regarding to job description for judicial staff** we proposed initiatives for the improvement of the implementation of the Judicial Power Law (relevant part concerned also Job description). Job descriptions from some Jurisdictions have been collected We prepared a report on the need of a Strategy on Judicial Administration to the representatives of the MoJ (Job description was concerned).

We submitted to the Minister a calendar of reform, called: “Suggestions for the reform of Judicial Administration”. This document provides a list of reforms by order of priority, with indication of the delays of each procedure and of the needed means to achieve outputs (Job description was concerned).

During this period we worked on drafting relevant and harmonized Rules of Internal Organization describing each job, Court proceedings and the Court organization.

**Relating to Manual on Court Administration**, our experts drafted comments on Law on Judicial administration, which are the first step of our methodological plan.

We proposed initiatives for the improvement of the implementation of the Judicial Power Law (relevant part concerned also Manual on court administration). We prepared a report on the need of a Strategy on Judicial Administration to the representatives of the MoJ (Manual on court administration was concerned).

We submitted to the Minister a calendar of reform, called: “Suggestions for the reform of Judicial Administration”. This document provides a list of reforms by order of priority, with indication of the delays of each procedure and of the needed means to achieve outputs (Manual on court administration was concerned).

Regarding **Judicial Administration legal framework** we have been involved in this process. We prepared a report on the need of a Strategy on Judicial Administration to the representatives of the MoJ.

We submitted a report on “Comments on the draft-law on Judicial Administration” to the Ministry of Justice. This report was also prepared in the framework of the Working Group established by the Ministry of Justice.

Later we submitted to the Minister a calendar of reform, called: “Suggestions for the reform of Judicial Administration”. This document provided a list of reforms by order of priority, with indication of the delays of each procedure and of the needed means to achieve outputs. During this period we constantly assisted the MoJ in drafting the new law on judicial administration. We

provided assistance many times by a STE. Our LTE on Court Administration worked continuously with the experts of the Directorate of Codification in the MoJ in order to draft a law which can address the main problems of the organization of judicial administration in Albanian in line with the best EU practices.

We prepared reports on the first version of the draft of the new law on judicial administration elaborated by the common work our experts and experts from the Department of Codification at the Ministry of Justice. The Minister of justice has approved the suggestion sent by EURALIUS.

Two more Annexes and a Note were later submitted to the Ministry:

- Annex 1: Transitory Dispositions and financial impact.
- Annex 2: Note on the cooperation between Chairman and Chancellor within courts.
- Note about the judicial public service in EU Member States.

On 2 November 2012, we organized a Conference for the presentation of the draft of the law on the judicial administration. The aim of the seminar was to make a formal presentation of this draft to stakeholders and generate consensus about the reform and discuss proposals and suggestions on how to improve the first draft law that has been prepared by our experts. This draft law explains the internal organisation and structure of the court and the respective competences of court staff as chancellor, chief secretary, secretaries and other employees. It foresees the organisation and functioning of the court office and administrative unit. One novelty foreseen also based on the experience of EU countries was the status of judicial service for the court employees to better guaranty their rights. The aim of the draft law is to harmonise and provide clear rules for the judicial administration of all the courts in Albania. We provided a Spanish STE who assisted in drafting the draft-law on judicial administration in view of the European standards and our LTE on Court Administration who presented the future relations between the Chairman and the Chancellors in the Courts.

Moreover our experts (Team Leader, LTE in Court Administration and STEs) prepared and submitted to the Ministry of Justice several reports:

- Report on collaboration between Chairman and Chancellor.
- Report on transition for judicial administration.
- Legal framework of the judicial civil service.
- Opinion on the last version of the draft-law on judicial administration.

The draft Law was presented to the Council of Ministers in December 2012 and then sent to the Parliament. It was approved on 1 April 2013

**Regarding to Training of Judicial Administration and Court Offices**, furthermore we provided training for trainers to judicial administration. We initially organized the selection process of trainers. We opened a call for application and received 53 candidates, 31 of whose

were pre-selected who had experience in working at courts as Presidents of Courts, Judges, Chancellors, Judicial secretaries, IT officers, Archives officers, Budget officers. Three full days sessions selecting the best candidates based on their CV and interview were organized by our initiative. 12 candidates were eventually selected to become the first team of trainers.

In October a ceremony for the signature of the contracts with the 10 trainers selected by a joint commission settled up by Euralius and the Ministry of Justice was organized and we started the Phase II of training of trainers for judicial administration. During one week we trained 10 future trainers (judges, chancellors, judicial secretaries, IT experts, Archive experts and budget experts) in order to provide them the pedagogical skills that are necessary for training judicial administration in the future.

Between Phase II (Pedagogical skills) and Phase III (how to draft a module) we supported the 10 trainers to decide the topic of the module they will disseminate to judicial administration. A template of module has been elaborated by our LTE on Court Administration.

The 10 trainers have defined the programme of their training and started to draft it.

In order to support the MoJ in preparing the implementation of the training, we organised meetings with the Head of the Organization of Training of the Judiciary at the Ministry of Justice and with the General Director of supporting Services and Integration.

The by-laws have been modified in order to facilitate the implementation of the training.

A representative of the Ministry has been identified to become the authority in charge of the implementation of training for Chancellors in the next steps.

During this semester we discussed with the representatives of the MoJ about adapting the budget allowed by the MoJ to each phase of the continuous training, finalized a Budgetary Plan for the continuous training of chancellors and prepared a table in order to facilitate the visibility of the expenses for the MoJ.

We established the budget. We submitted to the MoJ the report “On trainings for judicial staff and court administration: expected profile of trainers” which establishes clear relevant criteria to give to the MoJ the opportunity to ensure a good quality in the selection process of trainers.

A call for application for trainers is published on the Ministry of Justice website and official information letters have been sent in each court. Definitive list of trainers will be established 12 of July. Training of trainers will start in July. The training plan established that in the first phase, trainers will be trained during two weeks and then they will disseminate the training for starting in front of a panel of experts and in front of real beneficiaries.

During this semester we discussed with the representatives of the MoJ about adapting the budget allowed by the MoJ to each phase of the continuous training, finalized a Budgetary Plan for the continuous training of chancellors and prepared a table in order to facilitate the visibility of the expenses for the MoJ.

On 18 January 2012 we, the Ministry of Justice and the Commission for the Efficiency of Justice (CEPEJ) organized the conference “Improving the efficiency and functioning of justice in member states - Albania as a particular case”, in which participated high ranking officials of the Ministry of Justice, judges of all Albanian courts (first instance and appeal), prosecutors, court chancellors, professors and students from the School of Magistrates, enforcement agents and representatives from international organizations participated in this event.

#### Achieved outputs

- An action plan for the organisation of work in Courts and IT strategy was drafted.
- Contacts have been established with representatives.
- Three days of meetings were organized (one roundtable, one conference) to discuss about indicators of effectiveness as training (initial and continuous), control and monitoring. European standards on efficiency of enforcement have been analyzed and presented to the representatives of the Enforcement Agents. A WG meeting is planned in order to appreciate the applicability of the indicators in the Albanian system, to define the priorities and to try to implement good practices.
- An action plan for the organisation of work in Courts and IT strategy was drafted.
- Job descriptions from some Jurisdictions were collected
- Comments on Law on Judicial Administration were prepared.
- Report on the status of the implementation of the Judicial Power Law is drafted.
- A report was drafted by LTE/STE about the feasibility of the reform in Albanian current context.
- Amendments of the new law on Judicial Administration elaborated by the common work of experts from Euralius and from the Department of Codification at the Ministry of Justice have been presented to the Council of Ministers and sent to the Parliament and then approved in April 2013.
- A report was by LTE/STE about the feasibility of the reform in Albanian current context.
- Main structure of the Rules of Internal Organisation are drafted and submitted to the MoJ.
- The implementation of the training of trainers was made.
- The continuous training was organised and sustainable.

#### Assessment

The expected outputs have to be achieved in the perspective of a larger plan, including IT strategy, training and reform of the Law on Judicial Administration. The will of the Albanian authorities to draft a new law was really unclear. This work has been done in a long-term perspective on the basis of a comprehensive strategy. However, in practice, EURALIUS is usually requested to submit comments only on a part of the legal frame, and with short term deadlines. The evolution of legal framework will require a supplementary strategic view.

A working group composed of representatives of State Enforcement Agents and Private enforcement agents has been set up. The Working Group decided to focus firstly on legal act reforms and sublegal act reforms. This activity developed in the next weeks.

Some of our documents were about job description but a Job description document has never been approved by an order of the Minister.

### **Status by the end of the project**

The law on judicial administration was approved with the support of all parliamentary groups. This law will modernize the working methods at the courts and increase efficiency and transparency. However in the last version there are still some gaps remaining, in especial related with the procedure for appointment of chancellors. According to international standards they should be civil servants hired by a transparent procedure based in merits instead of mere representatives of the Ministry appointed by the Council of Ministers without any clear procedure.

The correct implementation of the new law will require an extraordinary effort from the Ministry of Justice. Several by-laws, instructions and internal rules are to be drafted. Some of them are related with procedures for filling, IT, and management of courts and human resources. Others with the approval of a job description and the setup of the required training plans por enhancing the implementation of the new system.

### **Expected Result 4.2 (Database for case management)**

Case management and statistical capacities are improved. Filing system is efficiently restructured. There is a clear legal frame regulating the use of database.

The MoJ will have a clear view of the IT strategy in all sectors of the justice system and will have assumed an active role in overseeing its implementation and promoting communication and discussion among all the involved actors. Clearer and more reliable statistics will be available in the sector.

### **Description**

Regarding to **IT Coordination**, we organized the agenda for a senior short term expert visit, so that the expert could meet with all the relevant stakeholders on the area and draft a report about the improvement of the capacities of the MoJ for coordinating the IT systems, including case management, enforcement of ruling and prisons.

In the meanwhile we drafted a report on the situation of the ALBIS system that must be taken into consideration when deciding about possibilities for It coordination.

We set up the Networking Group on IT Coordination with the first ongoing topic: Establishment of an inter-institutional commission of judicial new technologies and sent to the members of the networking group on IT Coordination the material, questions and preliminary proposals for establishment of an inter-institutional Commission of Judicial New Technologies. We have received and processed the answers from the members of the networking group referring to the establishment of a inter-institutional Commission of Judicial New Technologies: The highest percentage of the answers have express an opinion in favour of setting up a consulting board not only on computers management but in the wide range of new technologies applied to the Judiciary. The works that have been presented will be integrated in a memorandum of contributions to this issue and they will state the basis for a sustainable system of new technologies coordination.

The networking group is composed of judges, constitutional and data-protection experts, chancellors and IT experts from Albania and other countries of the European Union (namely France, Poland and Bulgaria).

Permanent contacts with the representatives of the IT companies INFOSOFT (ICMIS) and ARK IT, in the view of a specific strategy to overcome the duplicity between ICMIS and ARK-IT System; the representatives of the General Prosecution Office and Bar Association.

During this period we processed the issues of the second part of the networking group to identify the main strategy targets in the judicial sector. The networking group was composed by judges, constitutional and data-protection experts, chancellors and IT experts from Albania and other countries of the European Union, namely France, Poland and Bulgaria. Two Spanish IT experts were present in Albania in order to achieve an overview of the current issues raised by the electronic case management of Courts.

We prepared a summarizing report on the current status of the Albanian electronic case management system ICMIS. Specific recommendations were formulated in different aspects: Design of a global IT strategy, consolidation of Tirana Courts databases, migration of data from ARK-IT to ICMIS, physical link to AKSHI (National Agency for Information Society) data centre, setting-up of a juridical unit.

We took an initiative in order to enhance the Hague Apostille Convention of 1961 in Albania, as a contracting party of the Convention, by implementing the recommendations on e-register and e-apostille, giving solution for electronic apostille of public documents and maintaining the

advantages of these documents in terms of security, efficiency and ease of transmission. The functionality will take into account a wide array of aspects, including the importance of protecting the integrity of e-Registers, against the risk of third party websites fraudulently assuming the identity of a competent authority to offer false information about Apostilles. On this occasion, we presented a complete report with clear recommendations on e-register and e-apostille.

We participated in the first and the second meeting of the cross-agency Commission on IT issues. The Commission was composed of IT experts from the High Council of Justice, the IT department of the Ministry of Justice, along the IT experts of the Albanian Commissioner on Data-protection. The discussions were focused on the privacy and the policy on security measures in the Albanian Courts, transparency of judicial decisions, evolution of ICMIS, the digital judicial document, electronic signature, virtual desk office, servers and storage Systems, jobs posts -PCs equipment, printers, scanners, notebooks-, connectivity and networking, physical and logical security of information, office of quality management, databases, technology infrastructure.

**Regarding to new filling order** we held meetings with representatives to identify the main problems of the Albanian system and to verify the possibilities of concrete solutions and also meeting with international experts to get familiar with other experiences in order to find adequate solutions in the Albanian system.

Additionally in order to get better informed about the organization of the Archives Offices in the Albanian Courts and in order to identify the main problems related to a filing order, we organized several meetings with the representatives of the Albanian Courts and other international experts that have previously dealt in this field. We sent to the members of the networking group the material, questions and preliminary proposals for the first work, consisting of the perspectives for a specific regulation on judicial archives based on the Law of Official Albanian Archives. The networking group was composed of the Director of the Albanian State Archive, judicial chancellors, budgetary specialist and IT experts from Albania and other countries of the European Union, namely France. We have received and processed the answers from the members of the networking group. Summarising the works elaborated, most of them highlight the necessity of enacting a specific regulation for Judiciary archives and a committee of surveillance to coordinate the purging of the closed procedures.

We are kept close ties with the most relevant European systems and particularly with the French expertise in the electronic archives, with the view to improve the current standards.

Procedures and information to prepare a study visit of the main Albanian stakeholders in filing order to a Member State were initiated especially in the last months of this semester by locating the appropriate city and Court /Court of Appeal of Bologna, Italy/ in terms of cost-benefit ratio and positive impact for the Albanian system of Judicial archives, whose main stakeholders have been already identified and integrated in the working group.

During this period we processed the issues of the second part of the networking group to identify the main strategy targets in archives sector. The networking group was composed by the Director of the Albanian State Archive, judicial chancellors, budgetary specialist and IT experts from Albania and other countries of the European Union, namely France.

In order to get familiar with the current filing order system of a European member State, during this period we prepared all the necessary steps for a Study Visit to the Court of Appeal in the city of Bologna, Italy which took place in January 2013.

A follow-up on the fulfilment of the legal regulation in the field of judicial archives, namely the order of the Minister of Justice no. 2583/12 dated 16.09.2009 was undertaken, on the basis of the works previously drafted. The main issues that have been studied were: Records management activities, procedures for storage and retrieval of files, digitalisation of judicial archives and link with Case Management systems ICMS, job description and staff training. This follow-up will lead to a final report with the proposed recommendations.

Later on we assisted the **Central Database**. We provided Spanish short term experts on central data-base which drafted a report explaining de current status of the Centre of Documentation, the legal framework, pending challenges and tasks to be undertaken.

In the report elaborated by two short term experts from the Spanish documentation centre about there were included also the first recommendations regarding the web-functioning of the centre of official publications.

We set up a Networking Group with the representatives of the Ministry of Justice, the High Court, the School of Magistrates and judges aimed at monitoring the re-continuing of activities to ensure the updating of a transparent and effective judicial database of sentences.

We sent to the members of the networking group the material, questions and preliminary proposals for establishment of an inter-institutional Commission of Judicial New Technologies. We have received and processed the answers from the members of the networking group referring to the establishment of a inter-institutional Commission of Judicial New Technologies: The highest percentage of the answers were in favour of setting up a consulting board not only on computers management but in the wide range of new technologies applied to the Judiciary. The works that have been presented will be integrated in a memorandum of contributions to the subject and they will state the basis for a sustainable system of new technologies coordination.

The networking group was composed of members of the High Council of Justice, constitutional and data-protection experts, chancellors and IT experts from Albania and other countries of the European Union (namely France, Poland and Bulgaria).

We submitted a summary report on the three main Albanian data-bases of judicial sentences: the High Council of Justice, the Ministry of Justice and the High Court. The report contained a

comparative study of specific parameters: Updating and data collection methodology, IT systems, format of verdicts and doctrine. Moreover, a grid of pending challenges and recommendations was displayed. Data-protection issue: A report on the consistency of the three main Albanian data-bases of judicial sentences (High Council of Justice, Ministry of Justice and Supreme Court) with the Instruction 15/2011 has been drafted: "Processing and publication of personal data in judicial sector" issued in the official Gazette n. 176 on January the 15<sup>th</sup> of 2012 and signed by the Commissioner for the Protection of Personal Data. The Chapter III of the Instruction includes the required "SECURITY MEASURES FOR PERSONAL DATA AND CONFIDENTIALITY" in the judicial sector. Specific recommendations in this field have been stated in order to fulfil the legal requirements.

We provided our assistance in the organization of the Study Visit according to the application of the Albanian authorities to the *Légifrance*. The Memorandum and the main issues that are useful for the Albanian Official Gazette are drafted.

We set up the main issues to be examined during the already organized study visit to *Légifrance*, namely consolidation of legislative texts, the expertise on searching subjects, the Codes collection and the Jurisprudence. The study visit will represent a second step for the cooperation with *Légifrance* following the first approach of May 2012. A report will be drafted with the main conclusions and recommendations for the future, according to the findings of the study visit.

With regard to **ICMIS development**, we coordinated study visits have been organised in different Courts in order to get familiar with the manner ICMIS is used.

A questionnaire has been established, sent and exploited in order to collect information from all Courts IT specialists . The first seminar with IT experts from all Albanian Courts on ICMIS Development was organised in September 2011.. The conclusions of the seminar, in close cooperation with the MoJ, were an opportunity to start harmonisation of solutions

Three more different reports on ICMIS were drafted and delivered: The first one brought a general overview of ICMIS functionality, technical aspects interrelated with the organizational structure, support of the application, hardware items, training and communication policy, along with the regulation for the use of application. The second one raised a summarized format of proposals made by the IT Spanish experts to address the question of ICMIS Assessment: Feasibility High Level Report and Deployment: High Level Proposal. This preliminary report will state the basis for a next stage in which the IT experts of the Member State and the beneficiary will analyze together the development of the system. Finally, the third report was drafted by the Spanish short term expert, who described an action plan and the activities to be done in order to improve the IT systems, inter alia, analysis and description of the IT strategy, Drafting of Implementation Plan, Drafting a Continued Training Program, assessment of physical and

logical architecture of ICMIS, requirements of user posts, servers and network, supported load (transactions / minute, concurrent users, etc)

We assisted the MoJ in updating the ICMIS application, in particular in cases of re-opening of a lottery processes by the Head of the Courts and submitted on this occasion submitted a Report on the adequacy of ICMIS application, drafting a plan for increasing the monitoring and the sustainability of the case management system by submitting a report on the case assignment system. The report covered the analyses of the current legal framework, provides a comparative study by bringing the European Best Practices and gives perspectives for potential modifications and improvements. A detailed check-list on ICMIS proposed by the Spanish IT experts to the Albanian IT specialists has been fulfilled with the several items, amid others: System architecture and maturity, server and clients side specs, access to a test environment, software source code, installation, administration and operating manuals.

Two Spanish IT experts came to a mission in Albania in order to monitor the current challenges by the electronic case management of Courts. They confirmed the results of the Check-list on ICMIS proposed to the Albanian IT specialists including, amid others, system architecture and maturity, server and clients side specs, access to a test environment, software source code, installation, administration and operating manuals. The envisaged revision of the main report on ICMIS feasibility, revision on ICMIS functionality, performance tests, end-users comments were analyzed.

A report on the Commission for Judicial IT was drafted with the aim to define the strategy and intermediate targets for the evolution of ICMIS. Regular meetings were held with high level IT staff of the Ministry of Justice and with INFOSOFT representatives in order to bring into practice the standards proposed in the report on ICMIS, namely the migration of data from ARK IT to ICMIS.

Special attention was deserved to the lottery case assignment module in both systems ARK IT and ICMIS. This issue is considered to be a milestone in the transition from ARK IT to ICMIS.

Significant efforts in the meetings were aimed to ensure that the lottery case assignment module will be implemented with arithmetic exactitude in ARK IT and ICMIS.

After having been proposed on several opportunities, the first meetings of a cross-agency IT Commission has been launched in the framework of the Ministry of Justice with the participation of the main stakeholders, namely the representatives of the High Council of Justice, the Albanian Commissioner for Data-protection and the high level IT experts of the Ministry of Justice. The Commission is bound to endure beyond the starting activities.

Achieved outputs

- A Roundtable was organized on Monitoring and Control standards as tools of efficiency. Meetings were organized with inspectors in order to have a clear idea of the Albanian situation on monitoring and control and to discuss with them about the main problems they have in their activity. Suggestions were made to MoJ to modify the Law in order to include clear rules on Supervision.
- Contacts were established with representatives. Some of them agreed that the existing practices must be standardized with the different stakeholders; some others were sceptical. The working group meeting was already planned for September in order to be sure to have representative from the different Stakeholders and probably also STE
- A working group was set up. Its work on legal and practical problems was directly linked with workload and efficiency. The members of the working groups produced position papers where they suggested clearly modifications of enforcement texts. The position papers were translated. A synthesis of the collected documents was done.
- Report on recommendations for improving the IT coordination by the MoJ was prepared.
- A preliminary study of the main problems of the Albanian system has been done and some possible solutions, with the assistance of the International experts, have been identified.
- Study visits have been organized.
- Questionnaire were sent and replies collected.
- Seminar has been organized.
- Plan of implementation was prepared.
- Practices are analyzed, working group has been set up and guidelines are proposed in a draft document.
- Main problems have been identified in a draft report.
- The short term expertise has provided a clear vision of the current IT environment and specifically the ICMIS state of play. Main guidelines and recommendations have been drafted for the development of ICMIS.
- A clear high-level overview on ICMIS has been provided along with a recommended action plan composed of six projects that enhances the evolution and development for the electronic case management system.
- A budgetary report of the main needs for IT has been drafted: The report has been elaborated with a forward-looking prospect, including all the required items: Systems set-up, maintenance of hardware and licensing of software, training modules, modules of statistics, databases, web portals, servers, PCS, UPS, consumables, printers.
- Very specific guidelines have been drafted to set up a cross-agency Commission in the line with the European standards, in order to define tasks and responsibilities of the Commission, to standardize templates and documents and to implement an overall methodology and processes.
- After having been proposed on several opportunities, the first activities of the cross-agency IT Commission has been launched in the framework of the Ministry of Justice with the participation of the main stakeholders, namely the representatives of the High

Council of Justice, the Albanian Commissioner for Data-protection and the high level IT experts of the Ministry.

- The selection of the four Albanian representatives (Director of the Judicial Affairs of the Ministry of Justice, director of budgetary Courts department, director of the State Archives of Albania and Chancellor of the Tirana District Court) has been achieved along with the final settlement of contents and issues. All the same, the contact person and the Court of Appeal in Bologna have been located.
- A general budget on the future funding needs of the Albanian Judicial Archives is drafted.
- A report drafting the guidelines for the Albanian Law on Judicial Archives has been drafted
- A study visit has been carried out to the French Official Gazzete "Légifrance" in the first days of December by three relevant stakeholders: Director and Deputy Manager of the Albanian Official Gazette, along with a specialist in electronic publications representing the Ministry of Justice. The study visit has been highly useful to define a consolidated patter of Official Gazzete provided by a Member State.
- A report with the needs of the central database of official publications has been drafted in the framework of the Law regulating the legal effects for the electronic publication of legislation.
- A pioneer initiative consisting of drafting the protocol of Information Security Policy, in accordance with the Instructions 21 and 22 of 2012 issued by the Albanian Commissioner of Data Protection has been taken. This pilot activity aims the creation of standards on data controllers, contact persons and several IT important topics that also applies for the center of publication: Privacy and confidentiality, use of networks, rules of intellectual property, internet browsing and e-mail communications, data files, and disciplinary actions.
- A clear high-level overview on ICMIS has been provided along with a recommended action plan composed of six projects that enhances the evolution and development for the electronic case management system.
- A Code of Conduct for the end-users of the electronic equipments in the Courts has been drafted. The main issues treated in the framework of ICMIS are: Privacy and confidentiality, security for electronic Courts systems, use of networks, rules of intellectual property, internet browsing and e-mail communications, data files, and disciplinary actions.
- A budgetary report of the main needs for IT has been drafted: The report has been elaborated with a forward-looking prospect, including all the required items: Systems set-up, maintenance of hardware and licensing of software, training modules, modules of statistics, databases, web portals, servers, PCS, UPS, consumables, printers.
- The first practical steps for the transition from ARK IT to ICMIS have been taken by testing the functionality of ICMIS in the Serious Crime Court of Tirana with the view to implement it in the rest of Courts that still use the ARK IT system.

## Assessment

The still remaining duplicity between ICMIS and ARK IT seems to be caused for something more than the mere concerns raised at the Tirana's Courts about the ICMIS fails. Preliminary steps have been taken by the Ministry of Justice in order to complete the transition from ARK IT to ICMIS: The first tests of operability have been carried out in the Serious Crime Court of Tirana, with the aim of extending them to all the Courts that still are using ARK IT. Therefore, we can consider this stage as a turning point for the evolution of case management in Albania. However, the foreseen unification of ICMIS and ARK-IT had experienced until now some drawbacks, since the needed steps to achieve it have not been undertaken yet. None of the two proposed alternatives have been actually implemented, either migrating data from ARK IT to ICMIS or just running both systems until the pending cases of ARK IT will be terminated. The alleged obstacles would involve work-load statistics or the way of executing the random case assignment, whose different standards are thought to hamper the unification. Moreover, the ongoing contract between the Ministry and the IT developer company do not clearly reflect a determined will of solving the issue and even no pilot experience of migration or of unification is being carried out up-to-date.

Initially, representative of GDE and NC-PJEA had decided to focus firstly on legal act reforms and sublegal act reforms. The group should evolve and incorporate other stakeholders to create a real synergy: police (security), tax administration (salary) and the banks (bank account) will join the working group and its activity will be more developed after summer.

A deep study on the filing order, in order to develop a reliable filing system, requires the cooperation of several Institutions, considering the problems emerged during the mentioned meetings. Consequently the concrete activity of assistance in drafting a new filling order was not finalized.

It inter- lacks an updated regulation on judicial archives in the specific aspect of electronic files. A strategy of transition from hardcopy documents to electronic ones is not in place yet. Budgetary long time under provisioned branch has led to a problem of storage in Courts. As for the Judicial Publication Centre, the relevant units to process the sentences are understaffed or even emptied, even though legal basis are already in force. A lack of institutional coordination have given arise to different policies of publication.

## Status by the end of the project

The ICMIS is still not operating in all the Albanian courts, so that there is not a unique case management system for all the courts. Attempts to force the courts of Tirana to change the system were not fruitful. The complexity of the migration system should not be an excuse as for the transitory period it would be possible to keep both systems working.

The data protection in occasion of the publication of judicial decisions remains a problem. The recommendations of the commissioner for data protection and experts of Euralius offered a solution based in including only the new decisions after issuing an instruction regarding the best data protection procedure prior to publication.

New filling order is to be drafted and approved. No progresses were done in this area. The entry into force of the new law on judicial administration should be a good occasion for addressing such question.

Overall, the hardware of several Albanian Courts is obsolete and causes continuous electronic blockings that slow down the case management. The allocated funds in the field become insufficient to the increasingly demands of improvement.

In future, the coordination between all different It system may be difficult and the capacities of the Ministry of justice for monitoring and leading all the system are dubious. A serious plan of coordination should include the compatibility of all the software system and a centralized pool of servers covering all the services and institutions: ordinary courts, high court, enforcement service, agency for bankruptcy, state advocacy, general prosecutor, notaries, ...

#### **Expected Result 4.3 (Efficiency of court trials)**

Court trials are prepared in a more structured and efficient way. Delays because of absence of Lawyers and Witnesses and Experts in trials are reduced.

#### **Description**

**Regarding to Managements of trials**, we had meeting with the Director of the SoM to draft the plan of realization of courses on management of trials, focusing in particular the communications about the case, how to analyse a case, how to structure a case, how to issue legal instructions

We monitored different trials at the Tirana District Court (Civil and Criminal Chamber) and the Appeal Court in order to find out the causes of postponement and delays of trials. In this occasion, we held frequent meetings with the Head of different Courts and judges in order to get a better overview of the current situation. We found out that the main reason of postponement of trials is the absence of the lawyers in the session and the notification to the parties.

A conference including all Head of Courts have been organised with the MoJ and the previous assessment on length of proceedings in Tirana District Court has been presented at this occasion.

Later we prepare a questionnaire on relevance and feasibility of assessment on length of proceedings has been prepared and sent to all head of Courts. Also a questionnaire on

satisfaction surveys in Courts has been prepared and sent to all head of Courts. In order to prepare the implementation of these activities in future projects, replies have been collected.

Additionally, we had meeting with the Director of the SoM to draft the plan of realization of courses on the power of judges in legal discussions. During this semester we monitored different trials at the Tirana District Court (Civil and Criminal Chamber) and the Appeal Court in order to find out the problems related to the power of judges in leading the hearing phase.

Furthermore, we received the final version of the draft amendment to the law on the profession of lawyer where some measures have been included in order to better regulate the postponement of trials due to the absence of lawyers. These measures were included after our recommendations in the working group for the law, but in the final version appear weaker. We drafted some comments to such draft law. We assessed the current situation of a significant Court. Solutions are proposed to the Court: possible solutions on length proceedings are provided.

With the agreement of the Minister of Justice in November 2011, Tirana district Court has agreed in December 2011, to be assessed on a voluntary basis by international experts in January 2012 on the specific fields of Length reducing solutions. In order to develop this activity we organized the visit of a short term expert of the CEPEJ to some courts. We also meet with other projects and administrative responsible on the matter. As a result of the visit a report was drafted including the recommendation of installing and implementing the new system for audio record of trials, as well about the possibilities of a system of video record. The report was also focused in the interaction of such systems with the case management system.

Documentation on Length reducing solutions has been translated (December) and was disseminated middle of January 2012 to judges, prosecutors and Chancellor of Tirana District Court

On occasion of the reports on the amendment of the Civil and Criminal Procedure codes we have proposed some reforms to the situation of the court experts. However the subject needs a deeper study. A questionnaire was prepared by our LTE in order to gather information about practical experience of the judges on this area in order to be provided to the working group on the reform of the criminal procedure code.

#### **Achieved outputs**

- We had several meeting for specific topics related to the organization of the Chamber. For the activity of supporting in drafting the regulation, the working group set up has decided to postpone the activity after the analysis of the actual legislation and the eventual proposals of modification.
- Contacts have been established with representatives.

- A draft program of training related with the management of trials has been elaborated with the Magistrates' School and has been included in the training plan of the School.
- A draft program of training related with the power of Judges in legal discussions has been included in the training plan of the School.
- Possible solutions on length proceedings were provided
- A report on the gaps of minute taking system and about the possibility of installing a system for audio or video record of trials was prepared.
- Some recommendations about the status of the court experts were included in the endorsed studies about the reform of the civil and criminal procedure code.
- A draft program of training related with the management of trials has been elaborated with the Magistrates' School and has been included in the training plan of the School.
- Possible solutions on the length of proceedings are provided
- We have a clear picture of the main problems arising from the management of trials and proposals of solution distributed in the Courts.
- We have a clear picture of the main problems arising from the role of the judges in leading the hearing phase.
- Upon our experts' assistance, Tirana District Court became the first pilot court as part of the network of CEPEJ pilot courts from European States. The network of the pilot courts aims at supporting activities through a better understanding of the day to day functioning of courts and to highlight best practices in order to improve the efficiency of judicial systems. The CEPEJ experts will be of continuous assistance for this court as pilot court to improve the work organization and to optimize the length of proceedings.
- The SATURN Guidelines that mainly focus on an effective method for the time management in the court aiming at better serving to the public interest and citizens and to set up optimal time limits for the length of proceeding within a reasonable time were analyzed and was found out that some guidelines were already applied in the Tirana District Court.
- Consultation with the representatives of judges and lawyers in order to complement previous recommendations of other assistance projects for the reform of the status of court's experts was done.
- A follow-up of previous assessment on length of proceedings in Tirana District Court has been ensured.
- Relevance and feasibility of the dissemination of this assessment have been considered.
- Relevance and feasibility of satisfaction surveys in Courts have been considered.
- Conference on Efficiency of Justice in Courts has been organized.

## Assessment

The monitoring of the Courts requires time to verify the cases and to study the problems arising on the ordinary work of judges in managing the trials.

The consultation process needs time. The reform of the procedure codes may require long term and will depend of the evolution of the political situation.

**Expected Result 4.4 (*Training of Enforcement Agents and efficiency of Enforcement system*)**

Initial and continues training curricula for the public and private enforcement agents are developed and training of trainers program has been introduced.

The internal workflow in the judicial enforcement offices and the General Directorate of Enforcement and National Chamber of Private Judicial Enforcement Agents has improved and the file management systems are user-friendly.

Enforcement agents shall gather information from debtors more easily. Clear and reliable statistical data and indicators of the effectiveness provided by the centralized enforcement information system are available.

Initial and continues training curricula for the public and private enforcement agents are developed and training of trainers program has been introduced.

**Description**

**Regarding to the Training of Enforcement Agents**, we assisted the MoJ/GDE and the Chamber of Enforcement to underlining the importance and relevance of the initial training program based on European Standards, with the support of the School of Magistrates and international assistance. We supported assistance in setting working group has been set up, which produced recommendations on initial training sent to the Minister of Justice. The MoJ/GDE and the Chamber have been assisted by underlining the importance and relevance of the continuous training program based on European Standards, with the support of international assistance. A working group has been set up, where representatives of MoJ/GDE and of the Chamber decided to start implementation of continuous training as soon as possible following EURALIUS' training template (December).

We prepared several reports on Reports on:

- Analysis and Recommendations on initial training for future enforcement agents and on the Analysis and Recommendations on Continuous Training for enforcement agents submitted to the MoJ.
- Analysis and Recommendations on monitoring and Control in Enforcement Services.
- Albanian Guidelines for a Better Efficiency of Enforcement.
- Analysis Recommendations for a cross-agency between banks and enforcement agents.

- Analysis and Recommendations on ALBIS System.
- Analysis and Recommendations on the Status of the National Chamber of Private Bailiffs.

The training plan that was suggested by us was approved by the Chamber of Private Enforcement Agents defines the number of trainings that should be provided within the next two years. A representative of the National Chamber of Private Enforcement Agents was appointed for the continuous trainings.

Upon the request of the MoJ, we submitted the reports on:

Decision “On the participation in continuous training” issued by the National Chamber of Private Enforcement” and also comments on the Contracts established by the Chamber with its trainers.

Comments on the Decision “On the participation in continuous training” issued by the National Chamber of Private Enforcement” and also on the Contracts established by the Chamber with its trainers have been approved by the Ministry of Justice.

Our recommendations submitted to the Ministry of Justice were adopted by the National Chamber of Private Enforcement Agents.

Recommendations of the Working Group on initial training for future enforcement agents (Annex 1 to the Proposals to strengthen private enforcement agents in Albania).

Model of transitional training for state enforcement agents who become private enforcement agents (Annex 2 to the Proposals to strengthen private enforcement agents in Albania).

EU Standards for Enforcement Agents Activities (Annex 3 to the Proposals to strengthen private enforcement agents in Albania).

Under EURALIUS Recommendation, the Chamber collected fees and established contracts with selected trainers in order to further continue with the planned activities for the Chamber.

During this period we continued to support the MoJ in drafting new regulations on trainings of enforcement agents. The MoJ prepared an Action Plan based on our recommendations concerning, among other scopes, initial training. This Action Plan is programmed to be valid until 2014.

In order to ensure sustainability of the established continuous training we supported the MoJ and the Chamber in contracting international experts who will be able to provide trainings even after the termination of our project.

We finished the Phase III of training of trainers for enforcement agents. During one week we trained the six future trainers (all enforcement agents) in order to provide them the methods on how to draft a module.

We finished Phase IV of training of trainers for enforcement agents. During one week we trained the six future trainers (all enforcement agents) in order to give them the opportunity to present the modules they prepared. After corrections, the modules will be ready to be disseminated to

enforcement agents by the trainers following the Agenda and budget established by Euralius and the Chamber during the previous months.

**Regarding to Efficiency of work, monitoring and controlling and cross agency,** the establishment of a focal contact point has been analyzed to organise a cross agency between all the stakeholders. We gave our support in the organisation of two Working on Cross-Agency Cooperation to assess the possibility of establishing cross-agency cooperation. The first one was composed by representatives of the Public and Private Enforcement Service, Banks, Agency for the Property Restitution and Compensation and State Police were present in this Working Group. During this meeting, it was stressed that the relationship between the Banks and the enforcement agents should be strengthened. The second working group was exclusively composed by representatives of Albanian Banks and by Public and Private Enforcement Services Decisions have been taken to facilitate the ALBIS system.

In close cooperation with the inspectors of the MoJ and the representatives of the National Chamber of Private Enforcement Agents and with the continuous assistance of the French STE, we finalized the "Check-List" or Standard Form for enforcement inspection. This Check-List included a working protocol, it is standardized and is in conformity with European standards but it also takes into consideration the Albanian specifics.

Moreover during this period we submitted to the MoJ a reported with recommendations on the number of enforcement agents and their territorial repartition (including the question of extra costs) based on European Standards. This report was included as a new Chapter by the services of the Ministry in their internal study on the situation of enforcement.

We facilitated the signature of the MoU between stake-holders to approve the adoption of a Check-List. For this reason, we requested and received comments from the stakeholders on the Check-list In order to appreciate the relevance of the Check-list and in order to make the inspectors familiar with the Check-list, we organized training for inspectors and we monitored several simulation of control in real conditions in different offices of enforcement agents in Tirana. After the adaptation phase of the document, the Memorandum of Understanding will be signed during December within the semester even if it was not sign when we had to finalize this Semester report (scheduled day for the signature are Thursday 13<sup>th</sup> or Friday 14<sup>th</sup> of December, dependng of the availability of the participants

**Concerning to IT system Implementation ALBIS,** we were deeply involved in the current situation of informatics system (ALBIS) which has been analysed through study visits in private and state offices study visits in IT Department of the MoJ and through two working groups dedicated to this specific topic On this basis, a report has been made by international experts and disseminated to the authorities, regarding to EU standards. At the end of their report, experts made recommendations in order to provide an expertise in improvement of the electronic system of reflection and collection of statistical data

A specific training on ALBIS implementation in the offices have been organised with Enforcement agents, staff of the offices, representatives of the GDE and the Chamber, with inspectors and representatives of the Ministry, but also with representatives of the company who is in charge of the IT system

Activity of drafting for a model of declaration of debtors has been transferred to the Working group on the Code of Civil Procedure.

Following this activity we set up a Working group in the Ministry of Justice composed by ALBIS end-users and ALBIS providers with the support of the National Chamber of Private enforcement agents who collected the main complains and problems about ALBIS and the training provided about ALBIS (CD-ROM).

During this period we supported the efforts of the Ministry to introduce a "Frequent Asked Questions" webpage on The MoJ website concerning the ALBIS System. On this occasion, we sent to the MoJ a Questionnaire that the Ministry followed to the Chamber and which was sent by the Chamber to all private enforcement agents in order to collect their replies. We received the answers of the Questionnaire from the National Chamber of Private Judicial Enforcement Agent. Each office was invited to send back one fulfilled questionnaire. The most frequent asked questions (and their replies) will be used as the basis of the webpage, which will be completed time after time by adding the questions that enforcement agents will send to the hotline that Euralius and the Ministry will set up in the following months.

We drafted an Order with the support of the services in the Ministry of Justice aiming at establish a permanent Commission for the "Frequent Asked Questions" which will set up at least every three months. The Commission is composed by representatives of the Ministry (Inspection, IT System), representative of ALBIS Providers, representatives of the Chamber of Private bailiffs, representative of the General Directorate of Bailiffs. The Commission has already met twice before end of December.

**Regarding the legal framework of notaries**, we extensively studied and analyzed the needs of improvement of the legislation and the internal regulation of the Chamber of the Notaries and were in continuous contact with the representatives of the Chamber. We identified the fields where our assistance is to be focused and have planned a concrete timetable.

On this occasion, an Italian STE came to a mission in Tirana to provide his expertise in studying the current situation and main problematic issues related with the professional of notaries in Albania.

Upon the request of the MoJ on providing opinion on a Study prepared by the MoJ on the allocation of notaries, we submitted a Preliminary Report on the allocation of notaries in the Republic of Albania prepared by EURALIUS team. We presented our opinion on the alternative proposal of the geographical distribution of the notaries that was taken into consideration by the MoJ in the decision No.195 of 09.05.2012 "For distribution by local units of the total number of notaries appointed in 2011 and the announcement of vacancies".

We participated in the first congress of Albanian notaries held on 4-5 June 2012. In this conference problems, concerning issues and future perspectives related to the profession of notaries were addressed by high personalities and experts of this field.

Upon the request from the Chamber of Notaries, we prepared a report on a request on the issuance of inheritance certificate by the notaries.

During this period, upon the request of the National Chamber of Notaries, we delivered a report on the need for amendments of civil legislation in the area of inheritance. A new report on the concrete proposals on new rules on heritage, and in particular on the issuance of inheritance certificates by the Notaries was also ready. We focused also in working on a plan for unification of the Notaries' acts and to realize a training plan for notaries.

#### Achieved outputs

- A very detailed continuous training program for enforcement agents was established.
- Importance and relevance of initial training program was provided
- The implementation process of the system was improved and monitored by Euralius
- Comments on debtor's declaration, enforcement inquiry formula is in use as a modern working tool.
- A check-list of relevant indicators was elaborated.
- A working protocol has been elaborated (incorporated in the Check-list).
- The use of ALBIS system by end-users is facilitated by the FAQ (see below).
- The feasibility of dematerialized exchanges was assessed.
- An assessment was made on the relevance and impact of the performed training (i.e. volume, increase of knowledge, *etc.*)
- The implementation of initial training was continued.
- Concrete actions have promoted the sustainability of the continuous training for next years.
- A report on the real need of enforcement agents in Albania in terms of number and geographical repartition was drafted and submitted to the MoJ.
- The Check-list is approved by the MoJ-GDE and the Chamber.
- Inspectors are familiarized with the Check-List.
- The Check-list has been used by inspection services.
- The FAQ page is online on the webpage of the Ministry <http://www.justice.gov.al/?fq=brenda&m=news&lid=7866&qj=qj2#>
- Reports on the implementation of the law on notaries were submitted by request.
- In the decision No.195 of 09.05.2012 "For distribution by local units of the total number of notaries appointed in 2011 and the announcement of vacancies" the MoJ has taken in consideration most of the suggestions of Euralius team.
- Preliminary Report on the allocation of notaries in the Republic of Albania was prepared.

- A report on the new rules on heritage, and in particular on the issuance of inheritance certificates by the Notaries was prepared and delivered.

## Assessment

Concept of initial training has had to be explained more in details.

The relation between GDE and National Chamber of Private Judicial Enforcement Agents is improved.

The establishment of a focal contact point has been analysed.

A working group document is written for a better implementation of the Recommendation of CoE on enforcement and Guidelines of the CEPEJ in Albania.

With regards to the mentioned activities, some of them (the realization of a plan for unification of the Notaries', a training plan for notaries and the study of the problems arising some particular transactions and regarding the access to Registering Office and possible solutions) requires more time. Morethless, the reform of the recruitment procedure of the notaries depend on political will.

### Expected Result 4.5 (National Chamber of Private Judicial Enforcement Agents)

Assistance to the National Chamber of Private Judicial Enforcement Agents concerning the amendments of law, law implementation and establishment of an efficient working system

#### Description

**Regarding to the activity concerned to regulation of activities in the Chamber**, we were involved in setting up a working group for assisting in drafting subordinate legal acts and internal regulation in order to facilitate the implementation of the law. We prepared comments on the draft of the internal regulations and on the discipline procedure of the National Chamber.

During this semester we provided international assistance on how to improve the Budget of the Chamber, on how to implement new rules on continuous training and Monitoring and Control. The Chamber took into consideration our suggestions and agreed and issued a Decision where it is specified that the training are mandatory for all private enforcement agents.

We commonly agreed with the Albanian counterparts that Albania needs a reform of the bylaws in order to facilitate the implementation of the law and to reach European standards.

Upon request of the MoJ, we provided proposals to strengthen private enforcement agents in Albania. These reports were provided:

- Proposals to strengthen private enforcement agents in Albania.

- Comments on the National Chamber of Private Enforcement Agents Decision “On the participation in training.
- Comments on Service Contract of Future Trainers in Enforcement.
- The Decision “On the participation in training” and the Service Contract of Future Trainers in Enforcement submitted by the Chamber of Private bailiff agents to the Ministry of Justice has been adopted on the basis of Euralius recommendations.

During this semester we provided international assistance on how to improve the Budget of the Chamber, on how to implement new rules on continuous training and Monitoring and Control. The Chamber took into consideration our suggestions and agreed and issued a Decision where it is specified that the training are mandatory for all private enforcement agents. We commonly agreed with the Albanian counterparts that Albania needs a reform of the bylaws in order to facilitate the implementation of the law and to reach European standards.

**Relating to work organisation of private enforcement agents**, a Working group has been organised on Monitoring and Control where the activity of National Chamber of Private Judicial Enforcement Agents took a specific place (December).

The gathering of feedback have been commented by international experts according to their experiences threw Recommendations approved by the Working Group on Monitoring and Control

Several study visits have been organised to Albanian enforcement offices (private and state; in/out of Tirana) to give to Albanian enforcement agents the opportunity to share the experience of international experts

**As far as review of legislation about enforcement activity concerns**, under request, we reviewed Albanian Law on the Private enforcement services regarding to European standards. Four pillars of reform have been suggested: Increase accessibility of enforcement; Ensure a better efficiency of enforcement; Develop qualification skills and increase qualification requirement; Ameliorate overseeing and control (July).

A STE also provided Report on the Regulation “On the organization and functioning of the Disciplinary Commission of Private Judicial Enforcement Agents”

#### Achieved outputs

- Draft of the internal regulation of the Private Chamber was done.
- Draft of the rules of the discipline procedure of the Chamber was prepared.
- The work organization of private enforcement agents is improved based on their needs and constraints. The management of the Chamber is improved.
- The law on enforcement is reviewed regarding to European standards and suggestions

have been sent to the MoJ.

- Sub-legal acts and internal rules were provided for the implementation of the law.

### Specific Objective 5: Legal framework

To improve the legal framework of judicial procedures, guaranteeing the respect of the content integrated in the right to due process according to the jurisprudence of the ECHR.

To provide a coordination and monitoring function aiming at the setting up of a permanent system for checking the improvement of technical and legal framework in the correspondent areas.

#### Expected Result 5.1 (Law drafting)

The MoJ will have assumed its proper role as the overall coordinator of the legislative process, leading to a better organisation of the entire process and the development of new features, such as clear rules for policy and financial planning, consultation and the initiation of ex post analysis of enacted legislation. Cost and impact of legislation will be analysed before being proposed to the Parliament.

#### Description

**With regard to the activity on Law Drafting Manual** two days of training were organised under our assistance for Law drafters from Ministry of Justice and other Ministries (Ministry of Education and Science, Ministry of European Integration, Ministry of Tourism, Culture, Youth and Sport, Ministry of Labour, Social Affairs and Equal Opportunities). STEs from France, Germany and Italy provided to Albanian officials with the European Best Practices in the law drafting process and in the effective assessment of its implementation. Expert on Corruption (appointed by PACA) and local experts completed this training, approved by all participants according to anonymous assessments. These activities were held during November 2011 .

Later during the **Assistance to Codification Directorate** there were held trainings and working groups in November 2011 on Law drafting and indicators of effectiveness. Research techniques and policy's drafting have been discussed during these activities. It also appeared that it was necessary to increase the number of people which were assessing the Law threw ex-ante / ex-post analysis. However, it wasn't possible to go deeper in details on this point until now. We organized a programme of training which is implemented during the very last days of the period (and until 20 December) due to the Codification Department agenda. On this purpose, a STE came to Tirana in order to assist the General Directorate of Codification in detecting and valuating gaps in terms of human resources for developing the strategy for the reform of justice.

For a better implementation of the criteria identified the previous period we supported the Staff of the Codification Directorate to adopt these criteria as a Check-List of elements for Ex-Ante and Ex-Post Analysis of Legislation.

#### **Achieved outputs**

- Overview on main problems and gaps in the legislative process was made.
- Addenda to the law drafting manual regarding anti-corruption measures were finished. Trainings for law drafters within different ministries were scheduled and took place.
- Agreement about organizing the first trainings, including structure of seminars, profile of local and international experts and curricula was made.
- As a result of the training, there are clear improvements in the law drafting in different ministries, as Ministry of Education and Sciences, Ministry of Health, Ministry of European Integration (assessment after 30 days).
- A programme of training was drafted for the General Directorate of Codification.

#### **Assessment**

The identification of gaps is much related with the analysis about the implementation of the law drafting manual.

It is advisable to finish the addenda of the law drafting manual before to start with the trainings to Ministerial Departments. In terms of sustainability it is more adequate to include Euralius assistance in a comprehensive plan for training. The needs of the GDC in relation with the profile of experts are still being identified. It is more convenient to organize trainings after summer holidays

Due to possible restructuration of the Department of codification, it was considered that it was a little bit too soon to assist the GDC in detecting and valuating their needs in terms of human resources. For the same reason, the rest of the activity has been postponed.

#### **Status by the end of the project**

The codification department needs urgent assistance for increasing capacities and skills of the technical staff. In last years a relevant number of experts have abandoned the Department and trainings and recruitment are not always done according to best standards. Law Drafting manual is not implemented while drafting legislation. Coordination with lawmaking departments of other ministries is very poor.

The idea of reinforcing the codification department and enhancing its competences is still to be considered. According to Euralius experts it would be advisable to give to the Codification Department of the Ministry central competences for the coordination of the quality of law drafting

in all Ministries. Thereby the control on quality of legal proposals coming from other departments should be centralized at the Ministry of Justice. The efficiency of such system is only guaranteed if the capacities of the Department are previously increased.

### **Expected Result 5.2 (Updating Codes)**

The MoJ, through its General Directorate of Codification (GDC) will have made concrete plans for amendments to the Civil and Criminal Codes for an effective application.

### **Description**

We have been deeply and continuously involved in assisting the reform on Procedural codes. With regard to that activity two Studies on the requested need of reform for the Criminal and Civil Procedure Code were finalized. In particular, the conclusion of the Study on the Criminal Procedure Code were summarized and presented to the Working Group established by the MoJ for the revision of the Criminal Procedure Code. Euralius participated in the first meeting of the WG and the Deputy Team Leader was nominated in the Steering Committee of the mentioned Working Group.

With regard to the reform of the criminal procedure code see the activity 3.3.1. With regard to the civil procedure code the Minister of Justice set up a working group to draft the amendments of the code with the assistance of Euralius For a more detailed info see the objective 3 (activity 3. 2.1)

With Regard to the **Civil Code** we finalized the format of the comprehensive report on the study about the amendment of the Civil Procedure Code and we distributed it to the main stakeholders.

At the same time we received an urgent request from the MoJ in order to identify the most urgent changes to be introduced in the Civil Code regarding some procedures for enforcement of rulings. We answered with a very brief study based in the findings of the previous Euralius II mission.

During this semester we closely monitored the meetings of the Legal Issues, Public Administration and Human Rights Commission of the Albanian Assembly on the changes in the Civil Code of the Republic of Albania regarding the decriminalization of insult and defamation from the Criminal Code and including them in the Civil Code foreseeing the civil liability. The Legal Issues, Public Administration and Human Rights Commission approved these amendments. The amendments of the Civil Code are linked with some amendments in the Criminal Code regarding the decriminalization of insult and defamation as it is provided for in some legislations of the Council of Europe countries.

The Assembly adopted with 129 votes in favour, none against the changes in the Civil Code of the Republic of Albania.

Moreover we submitted to the Ministry of Justice our expert's proposals and note for the reform of the Civil Procedure Code in compliance with the reform of the law on the High Court. We have commonly agreed that the comprehensive reform of the High Court cannot be addressed only with the amendment of the law on "Organization and Functioning of the High Court", but it is also needed to act on the Civil Procedure Code and the Criminal Procedure Code.

The main aim of this intervention on procedural codes shall be the reduction of the number of cases arriving to the High Court. At the same time, it was need to introduce some small reform on the competences of panels of the court in order to enhance their efficiency.

**Criminal Code** was another area in which we were deeply involved .Several meetings with the main stakeholders were organized. It was monitored the work of the Parliament in reforming the Criminal Code to adopt the international convention in the field of Corruption

Albania has taken the initiative to adequate the Criminal Code to the European standards. On this initiative, we were requested by the MoJ to provide our opinion on this issue. We suggested modifying the prevision regarding to Domestic Violence and stalking that were added to the previous draft law pending at the parliament. These amendments are required for Albania to comply with the recommendations of the Third Round GRECO Evaluation concerning criminal liability and incriminations as stipulated in the Council of Europe Convention on Corruption, as follows.

1. Criminalisation of active and passive bribery of foreign public officials, members of foreign public assemblies, officials of international organizations, members of international parliamentary assemblies, as well as judges and officials of international courts, in accordance with Articles 5, 6, 9, 10 and 11 of the Criminal Law Convention on Corruption (ETS 173);
2. Criminalisation of passive bribery of foreign jurors as well as domestic and foreign arbitrators in conformity with the Additional Protocol to the Criminal Law Convention on Corruption (ETS 191) (paragraph);
3. Increasing the maximum penalties for bribery offences in the private sector;
4. Abolishing the requirement of dual criminality with respect to the offences of bribery and trading in influence committed abroad in accordance with Article 17 of the Criminal Law Convention on Corruption (ETS 173);
5. Extending jurisdiction over all offences of public and private sector bribery and trading in influence committed abroad (i) by Albanian nationals, Albanian public officials, or members of Albanian public assemblies; or (ii) involving Albanian public officials, members of Albanian public assemblies or officials of international organizations, members of international

parliamentary assemblies or judges/officials of international courts with Albanian citizenship (paragraph 57).

The parliament approved the amendments of the criminal code proposed. There are provided new amendments on the criminal offences committed against persons internationally protected.

In the meeting that we had with the representative of the UNICEF and the Codification Department at MoJ we discussed for the introduction of new legislation in the field of juvenile justice.

These new amendments were approved on 1 March 2012

Following the reform of the criminal legislation we were asked by the Ministry of Justice to give our opinions on the draft law on Criminal Code. Based in this request we prepared the report "On some comments on the draft law on Criminal Code" which has been sent to the Ministry of Justice on 4 March 2013. We organized in collaboration with the Ministry of Justice and participated in the Round Table on Criminal Code draft law held on 11 March 2013. The aim of this Round Table was to discuss the new amendments with other Albanian and International partners involved also in this reform.

We participated in Parliamentary Committee on Legal Issues, Public Administration and Human Rights and collaborated with the members during the phase of discussion of this draft law. We participated in the meetings held on 3, 9,10,17, 22 and 24 April 2013. We were asked by the Parliamentary Committee to draft some articles on Criminal Code with regard to the application of aggravating or mitigating circumstances in the commission of criminal offences, increasing or decreasing of the sentence by the court in case of concurrence of the circumstances (when there are more than one aggravating circumstance, more than one mitigating circumstance or when there both aggravating and mitigating circumstances and one of them prevails) aiming at improving technically the draft. We provided our expertise and drafted the articles based mainly in Criminal Codes of some EU countries.

The new amendments on Criminal Code were approved on 2 May 2013.

Concerning to ***Adaptation and promotion with the ECHR case law*** we started this activity by creating the Scientific Board of the Moot Court. A fictive case was drafted by taking into consideration the recent jurisprudence of the European Court of Human Rights. Rules of the Competition, Application Format, the Calendar of the Competition, the fictive case and presentation format were published in Euralius website. Seven universities registered and three students from each university were identified to represent different roles.

The Semi-Final and Final stage of the Albanian-European Competition on Human Rights took place on 19 and 21 May 2012. In the semi-final phase all universities presented their respective positions and were heard by a jury composed of the representatives of Euralius, lawyers, prosecutors and representatives of the Scientific Board. The teams were evaluated by the jury

and in the end of the day of the semi-final were announced two universities that would go the final stage of the competition.

In the final stage of the competition, two winning universities competed against the other and it was awarded the winning university, Illyria. The competition was followed by the ceremony of giving prizes for winning universities. Certificates were given to all the members in this competition, meanwhile internships were offered at the Haxhia & Hajdari Legal Studio, the Ministry of Justice and the High Court.

During this period we evaluated the will of the Scientific Board to continue participating to the Competition. The will was strong due to the fact that the competition was perceived as a great success by organizers, participants and Universities.

We also evaluated the will of the Universities to be part of a new edition and this will was strong.

We explored several options to ensure sustainability. We discussed with former Scientific Board and also with the Albanian civil society about the best option to ensure the sustainability of the next editions. The most relevant was a permanent structure of CoE and/or EU. A proposal has been made to representatives of the CoE and EU Info Center with a deep explanation of the organization and issues of the competition. The Council of Europe, with the support of EURALIUS for the rest of the time EURALIUS is active, will organise the competition for a second edition.

#### Achieved outputs

- The working groups on reviewing of the civil and the criminal procedure codes were set up and the experts nominated presented their papers regarding the actual problems, the needs of reviewing some rules, the comparative situation, the local and international jurisprudence and some proposals of changes.
- Relevant practices of the European Court of Human Rights have been collected. Reports from Albanian experts on Albanian needs have been required, produced and translated. EURALIUS experts have participated in different meetings where implementation of ECHR Law was discussed. Comprehensive report on the implementation of ECHR case law concerning the right to due process in Albania is in progress.
- The two Studies on Criminal and Civil Procedure code were finalized and submitted to the MoJ.
- The study about the reform of the civil procedure code was endorsed.
- A short study about the needs of amending some part of the civil code was presented to the MoJ.
- A detailed picture of the problems arising in the actual civil procedure code.
- A preliminary analysis of the current gap of the Criminal Code was elaborated.
- Contacts with academics to suggest them the creation of the Moot Court. A scientific

board has been established.

- With the support of the scientific board, a fictive case taking into consideration recent jurisprudence of European Court of Human Rights has been drafted.
- Universities have been invited to send teams of 3 representatives as candidates. Universities agreed to participate to the project of Moot Court and seven Universities entered the Competition.
- The Albanian Competition of Human Rights has been organised.
- For a more detailed info see the objective 3 (activity 3. 2.1)
- A sustainable structure on organising the Moot Court was set up.
- Based in the suggestions of Euralius, criminal Code Amendments were approved in 1 March 2013
- The second round of Criminal Code Amendments were approved on 2 May 2013

## Assessment

The reform of the procedural codes takes time, due to the need of consultation the Institutions involved.

The MoJ asked as a priority to start with the reviewing of the procedure codes, so we decided to postpone the activity related to the civil code. The reform of the civil code should have been concretely realized after the reform of the procedural codes, however it was suddenly addressed before.

The activities of reform of the civil procedure code depended much on political will. The working group set up in the Ministry of Justice, with the support of Euralius mission, suspended its activity several times but the suggestions of Euralius and the precedent project were taken into consideration.

## Status by the end of the project

The results of the working group on criminal procedure code are ready to be sent to the Parliament. The final product is a compromise between experts of Euralius, OSCE and OPDAT (USaid project) done in presence of the Ministry of Justice. This compromise does not address all the technical issues which could be improved in the code but fully addresses main questions, especially these related with the implementation of some recent reforms such as the immunities, the High Court, the profession of lawyer et alia. However the overturning in government opens a question about when this project will be sent to Parliament.

In principle it would be logical that new government introduces some changes in the project, however this should not delay excessively the study of the proposal by the Parliament. At the same time ownership of Albanian authorities over the proposal is to be increase, so that a process of updating may be positive. The final version is not the only solution one for all the

problems raised, but is quite comprehensive, so that the final reform will allow a general modernization of the criminal process in Albania.

#### **Expected Result 5.3 (EU integration and Acquis)**

The MoJ and other actors in the justice system will be meaningfully involved in the process of EU integration, with the annual matrix of draft acts fully harmonized with the National Plan for Implementation of the Stabilisation and Association Agreement (NPISAA) and with better understanding of the EU Acquis (including case law) by all actors.

Relating to the issues on-***Involving justice in integration process***, Ministry of Justice has drafted an action plan for the implementation of the EU priorities related with Justice. We collaborate on this drafting by providing comments and expertise by request. The plan must be updated regularly and the priorities of the strategy for the reform of the justice are in compliance with this action plan.

Furthermore we assisted in activity regarding ***By-laws draft matrix***. There were held meetings with the General Director of Supporting Services and Integration, the Director of European Integration and Projects, the Director of the Technical Secretariat at the Ministry of Integration and the Director of Justice Affairs at the MoJ in order to get a better understanding of the current situation.

On EURALIUS request, the Ministry of Integration said that trainings in this regard will be organized in order that the Ministry of Justice becomes familiar with the new IT Tool they have elaborated (a kind of electronic agenda).

EURALIUS has been requested to provide expertise concerning the study, evaluation and analysis of the needs for the updating of NPISAA. Our experts have started to draft this expertise

The relevance and necessity of a document about matrixes of by-law acts have been postponed to the next semester. We supported the MoJ by following the project of training organised by the Ministry of Integration for the MoJ to increase the knowledge about the IT Tools and in regularly updating the action plan for fulfilling the EU integration priorities related with the justice on the basis of the evaluation of its implementation.

We also interviewed the persons which have been trained by the Ministry of Integration and followed up with them the relevance of the trainings made.

**Concerning to the Training MoJ and Human Resources of MoJ-** this activity is to be done under request. During this period it was not requested further assistance in this area by the beneficiary.

#### **Achieved outputs**

- The draft document on the reform of justice was completed with the full assistance of Euralius team.
- A plan for the most urgent trainings was drafted together with the General Directorate of Codification.
- A report was drafted by a senior STE on the required reform of the structure of the Ministry in order to properly manage areas such as the judicial administration and the IT coordination.
- The report proposes a plan for further evaluation and for improving skills of the staff of Ministry
- The relevance and necessity of a document about matrixes of by-law acts have been considered.
- Training organised by the Ministry of Integration for the MoJ has been assessed.
- The action plan for the fulfilment of the key priorities for EU integration is updated and its implementation is monitored.

#### **Assessment**

The questions around relevance and necessity of a document about matrixes of by-law acts have been postponed, thereby it was necessary to postpone the activity until the approval of the strategy of the MoJ.

Request from the MoJ arrived very late, due to the fact that the updated NPISAA arrived itself very late to the MoJ. The updating of the matrix of draft by-laws was later not included in the draft-plan of the MoJ for the period. However EURALIUS has been requested to provide expertise concerning the study, evaluation and analysis of the needs for the updating of NPISAA.

It is convenient to coordinate these trainings with the ones organized in activity 5.1.3 for the GDC. The changes in the structure of the Ministry of Justice due to the arrival of the new Minister hindered the implementation of this activity, so that the report was made on the side of the planning for improving efficiency on IT coordination and judicial administration.

#### **Expected Result 5.4 (Law evaluation)**

Mechanisms for assessing compliance of the legislation are operating regularly. Procedure laws are adopted with indicators to evaluate their effectiveness and MoJ carry out a regular monitoring of the results.

We assisted in **Ex post analysis of enacted legislation** In the course of this activity, a Workshop was organised with international experts in order to discuss on the importance of having an Ex-Post Impact Assessment of enacted law and an Ex-Ante Impact Assessment of draft law. Adopted by unanimous consensus, the conclusions of the working group recommend clearly organising an ex-ante and an ex-post impact assessment in November 2011.

A study visit in the Offices of Law Drafting and Legal Opinion Sector has also been organised for international experts during these period.

We have created a pilot-project with lawyers who are working in the Directorate Law Drafting and Approximation of Legislation or in the Directorate Evaluation of Intervention in the Legislation. This pilot -programme will be focused on the Ex-Post Analysis (which is new in Albania) on the basis of Ex-Ante Analysis (which will be ameliorated by our assistance). The Ex-Post Analysis pilot-programme consists on the training of law drafters on the basis of the laws entered into force 3 years ago. The Ex-Ante Analysis is based on a Check-List that the law drafters will have to fulfil.

We have collected the laws entered into force three years ago. The five laws that will undergo the Ex-Post analysis are:

1. Law no. 10 039 dated 22.12.2008 "On legal aid";
2. Law no. 10 018 dated 13.11.2008 "On the State Advocacy";
3. Law no. 10 031 dated 11.12.2008 "On the private judicial enforcement service";
4. Law no. 10 032 dated 11.12.2008 "On prisoners' police";

Law no. 10196 dated 05.11.2009 "On the regulation of ownership on the state territory in the areas with tourism priority".

Relating to **Indicators of effectiveness**, a workshop has been organised in order to analyse possibilities of individualising indicators of effectiveness for legal drafting according to EU best practices. Indicators of effectiveness have been accepted unanimously in order to modify the practice of the Stakeholders and include in a stronger way the comparison with EU Directives.

#### **Achieved outputs**

- Law Drafting manual was updated in order to add specific recommendations for anti-corruption rules. 3 training sessions were already planned in summer 2011 for a better implementation of the existing recommendations for the whole Department of Codification in the MoJ but also for the same department from other ministries.

- The GDC has an overview about the most appropriate methods of consultation and the required resources to implement them.
- The GDC is actually working with indicators of effectiveness of enacted legislation
- Relevance and feasibility of ex-ante analysis as a check-list of elements has been considered.
- Laws entered into force 3 years ago have been sent by MoJ and collected by EURALIUS.
- Under request of MoJ, the pilot-project has been created. They will work on the law collected next semester.

### **Assessment**

The regular analysis of enacted legislation will require supplementary resources within the GDC.

A workshop has been organised in order to analyse possibilities of individualising indicators of effectiveness for legal drafting according to EU best practices. Indicators of effectiveness have been accepted unanimously in order to modify the practice of the Stakeholders and include in a stronger way the comparison with EU Directives.

The introduction of indicators of effectiveness will be an step following the extension of trainings on law drafting manual.

## Specific Objective 6 : Participation

To support the development of structures that facilitate for all justice-related sectors and Civil Society participation in decision-making through the mechanisms for consultation, coordination and monitoring in accordance with the respective European standards.

### Expected Result 6.1 (Council of Justice)

A council of participation in the Justice has been created and the directions of the judicial reform strategy and its action plan are submitted for its advisory opinion.

#### Description

This activity has not been implemented due to the lack of will of Albanian authorities. There is a new project for the law on consultations, binding all ministries, which has been used for stopping all the possible initiatives in this point.

However we have re-organized it as transversal action, so that in all our activities we enhanced the consultation process. Thereby all the proposals for law amendment have been submitted to the beneficiaries and groups of interest before being submitted to the Parliament. The new project of law on consultation will clarify this process; however it is still pending the creation of a permanent consulting organ for justice, including all stakeholders and civil society.

### Expected Result 6.2 (National Chamber of Advocates)

The internal disciplinary procedures of the Albanian National Chamber of Advocacy are adapted to best EU practices. The NCHA provides regular training to practising lawyers, with special emphasis on training of trainers. The NCHA also fully collaborates with the Legal Aid Commission for the provision of free of charge legal aid.

#### Description

We have been involved in **Disciplinary proceedings of Lawyers** at the beginning this activity was postponed until the approval of the new law on the profession of lawyer. In the meanwhile, after the continuous work in the working group created for drafting the amendment we prepared comment to the last version of the amendment of the law.

The Ministry of Justice has drafted up to three versions to amend the law on lawyers. These amendments addressed the question of disciplinary procedures for lawyers within the National

Chamber of lawyers and by the judges. We have provided comments to the first two drafts and we have drafted comments to the last version, which were sent to the Ministry of Justice.

At the same time we have been working with the Ministry of Justice in the organization of a roundtable on the amendment of the law on lawyers in order to enhance consensus and to start with consultations on the new law.

Furthermore, during this period we assisted the Ministry of Justice in the organization of the Roundtable on the amendment of the Law on the profession of lawyer that took place on 18 July 2012. This conference/roundtable served as an opportunity to exchange ideas and comments of the main stakeholders on the main concerning issues related to the amendments of the law on the profession of lawyer. It was commonly agreed that this roundtable would be the last consulting one for the amendment of the law on the profession of lawyer.

The conference was followed by a round of discussions where all the stakeholders. We collected different suggestions and made a final consensual text which was sent to the MoJ for its approval. By the end of August, the Council of Ministries sent to the Parliament the draft law for its discussion and approval and by 27 September 2012 the draft-law was approved in the Parliament.

Upon request of the Ministry of Justice we analyzed the EU Acquis in what many affect the draft law on the profession of lawyers. We introduced three EU Directives that should be taken regarding the profession of lawyers: Directive 77/249/EEC, Services Directive; Directive 89/48/EC or Diploma Directive; Directive 98/5/EC or Establishment Directive and Directive 2005/36/EU that has recognized the professional qualifications, in order to help make labour markets more flexible, further liberalize the provision of services, encourage more automatic recognition of qualifications, and simplify administrative procedures.

With regards to the **Training and workshops**, several meetings with the representative of the National Chamber of Advocates were organized. We have broadly discussed about the Draft-Agreement with the Consiglio Nazionale Forense and have given our assistance in amending the draft agreement. Finally, the agreement between these two institutions was signed and a bilateral commission with Italian and Albanian advocates was established to support the Albanian National Chamber of Advocates (ANCA) in the internal organization of the ANCA and its Curricula.

Following the Agreement signed by the Consiglio Nazionale Forense (CNF) and NCHA with the support of Euralius in the previous semester, the CNF representatives came in April 2012 for a mission to Tirana and attended a meeting with the Albanian advocates in order to discuss in details about the establishment of a training school for initial and continuous training of advocates and on the training of trainers programme. It was discussed and agreed about a

document containing the expected curricula and the skills required by the lawyers to be trained, organizational and administrative structure and the Lectures in the Training Programme. The National Chamber of Advocates established at the end of May 2012 an organizational learning committee that drew up a programme of School activities and selected trainers from the bars according to the area of expertise. It was commonly decided that the first intensive meeting (7/8 hours in one day) could take place in Tirana with a subsequent meeting in Italy where the Albanian trainers will participate funded by the Taiex project. We have also ensured to the NCHA our assistance in drafting the TAIEX application.

Additionally we attended the roundtable on “The training of lawyers. Methodological and technical issues of the training of lawyers in Albania” at the National Chamber of Advocacy”, where they introduced the amendments to the Law on profession of lawyers in the Republic of Albania, approved in September 2012 and gave several suggestions on how to establish and structure the initial training for the Practicing Attorneys and the continuous training for Attorneys. According to the new law, the National Chamber of Advocacy should prepare the entire necessary infrastructure in order to provide such trainings programs through the establishment of the National School of Advocacy. Further comments by our projects experts were subsequently submitted to the Italian Representatives of the CNF that prepared a complete and comprehensive plan of action for the ANCHA.

As a follow-up of the Roundtable, the ANCHA, it has been working on the Drafting of the Statute and Regulation of the Training School foreseen in the Law on Legal Profession, as recently amended. The ANCHA requested the support of the Italian Consiglio Nazionale Forense with which it signed a cooperation agreement in this effort. We provided our comments on the first Draft of Statute.

Concerning to **Educational materials**, several meetings with the representative of the National Chamber of Advocates were organized. We have broadly discussed about the Draft-Agreement with the Consiglio Nazionale Forense and have given our assistance in amending the draft agreement. Finally, the agreement between these two institutions was signed and a bilateral commission with Italian and Albanian advocates was established to support the Albanian National Chamber of Advocates (ANCA) in the internal organization of the ANCA and its Curricula.

During the April 2012 in a meeting with the CNF it was discussed about the training material to be provided in conjunction with the support to be given to the NCHA. The CNF is also available to contribute to “Avokatia” the Journal of the NCHA.

Regarding to **Lawyers providing legal aid**, at the beginning the activities were postponed until the approval of the required sub-legal acts by the Legal Aid Commission.

In the meanwhile we have been monitoring the provisory system for provision of lawyers, which is based on the list provided by the National Chamber of Attorneys, inspired in the existing (and well working) system for providing defenders in criminal cases.

We have been monitoring the implementation of the sublegal provisions of the State Commission of Legal Aid for the appointment of lawyers. In this sense, during the reporting period it was launched the call of applications and finally by the end of the period seven lawyers were authorised for providing legal aid.

In the roundtable on the current situation of legal aid in Albania we presented our report defending the idea of opening the system of authorized lawyers. As we stated there the international standards in this matter suggest using the list of lawyers of the National Chamber of Advocates in order to allow all of them to provide legal aid guarantying in this way the right to choose lawyers

#### **Achieved outputs**

- A document on Draft Reform of the Law on Legal Profession was presented to the MOJ. The NCA doesn't have yet provided its comments on the Law on Legal Profession and Disciplinary Measures to EURALIUS.
- As requested by the NCA, we provided assistance in establishing a relationship with the Italian association of Lawyers.
- The State Commission of Legal Aid drafted sub-legal act concerning the appointment of lawyers for legal aid. We have provided initial inputs and comments to the draft.
- The Agreement between the National Chamber of Advocates in Albania and the Consiglio Nazionale Forense was signed.
- Commission with Italian and Albanian Advocates established to support the ANCA and the internal organization of the ANCA and its curricula.
- Comments to the draft law on lawyers were drafted.
- A conference on legal aid was organized and the question of appointment of lawyers was addressed on it.
- The contest for provision of lawyers authorized to provide legal aid was launched and solved.
- Roundtable on the amendment of the Law on the Profession of Lawyers.
- Consensual text of the draft law on profession of lawyers was made.
- Note on the draft law on lawyers and the EU Acquis was prepared.
- The draft law "On some changes and amendments to the law no. 9109, dated 17.7.2003, "On the profession of lawyer in the Republic of Albania", amended was approved in Parliament with 124 votes in favour in September 2012.
- The NCA has started the implementation of the new law and disciplinary proceedings

have been started against lawyers.

### **Assessment**

Although it was somehow reluctant at the beginning of our project, the National Chamber of Lawyers finally expressed its willingness to work with Euralius at the end of the current activities with USAID and Slynn Foundation. Indeed we were working together for more than a year in the drafting of the new law on the profession of lawyer. This was the main issue regarding any cooperation with the chamber of lawyers, besides the organization of some conferences and the provision of studies on the need of reforming the procedure of access.

The final text of the law was agreed, under our direct coordination, with Euralius, Slynn Foundation, NCA and Ministry of Justice. In this consensus we accepted taking out of the law the reform of the procedures for sanctioning the attempt to the court in cases of lack of respect or disobeying of attorneys to the judges.

### **Status by the end of the project**

The new law on disciplinary proceedings has started to be implemented. The correspondent committees have been created within the NCA and some cases have been started. However it still needed to follow up the question and to monitor the results of these proceedings to see if there are sanctions adopted in any case.

In next future the NCA is facing a big challenge related with the reform of the initial training and the access system. In this field the situation in Albania is quite complicate with many applicants every year affecting the quality of the selection. Additional support to the chamber in this issue should be welcome.

### **Expected Result 6.3 (National Judicial Conference)**

The National Judicial Conference is performing its constitutional functions. The new law is approved and implemented in accordance with the decisions of the Constitutional Court.

### **Description**

We were focused in the activity regarding the ***Amendment of the NJC law***. On 30 April 2012 we, in close collaboration with the MoJ and the High Court, organized a Roundtable on the Draft Law on National Judicial Conference with all stakeholders about the requirements of the law in order to facilitate its public discussion and the technical agreement about its main content. This

event aimed at bringing all the interested actors in a consultative meeting to gather their views and consensus on the Draft Law on National Judicial Conference and the need to have this Draft Law approved for a better functioning of the National Judicial Conference, its legal status and the competences.

After the conference we prepared a summary with main findings of participants and with comments for the improvement of the draft law. The report was sent to the Ministry of Justice in order to assist them to prepare a final draft to be presented at the Council of Ministers.

During this period we submitted to the MoJ, "Comments to the draft law on National Judicial Conference". The main comments on the draft law on National Judicial Conference were related to Art. 6/2: The election of the executive council of the NJC; Art. 9/3: the call for electing members of the NJC; art. 11/3: the promotion of members of the HCJ and art. 11/4: the motion of confidence against members of HCJ.

On 17, 18 and 23 July we attended the session of Parliamentary Committee of Legal Issues, Public Administration and Human Rights regarding the draft laws on High Court and National Judicial Conference.

After harsh exchange of attacks among both parties, the Socialist Party expressed their will of approving the law based on the fact that the current draft (according to them) was the result of the work and the initiative of Euralius, not of the Ministry of Justice. Both parties eventually agreed in principle the text of the law which passed to the discussion article by article, where we were again called for assistance.

The High Court, the Union of Judges and other stakeholders were invited to a hearing also next week in order to express their opinion at the same time about the draft law of the National Judicial Conference and the draft law on the High Court. On 24<sup>th</sup> July, the MP Mr Armando Subashi, from the Socialist Group, introduced several technical amendments which were discussed and also approved by the Majority. The debate was fruitful and constructive and at the end the draft law was approved by unanimity. It was sent to be voted in the plenary session where it was finally approved by unanimity in 26 July 2012.

#### **Achieved outputs**

- Roundtable on the Draft Law on national Judicial Conference is organized in April 2012.
- Conclusions of the conference were sent to the MoJ in order to approve the draft law.
- The law was approved by the Parliament in 26 July 2012.
- The new law on NJC is being smoothly implemented.

#### **Assessment**

The approval of the law was a very good step towards the normalization of the justice system and reducing controversies on appointment of main institutions.

### **Status by the end of the project**

Members of the High Court raised some concerns regarding article 10.2 of the new law, about the procedure for election of High Council of Justice. There is required the majority of all the members of National Judicial Conference for election of member of HCJ. The fact that members may be absent of the assembly poses the question of what to do if it is impossible to reach such majority when there are two candidates with similar amount of votes. Suggestions from the court advise to reduce it to the majority of the members present at the meeting. This question is still to be studied by Albanian authorities, even if so far no problems have ever risen in this issue.

#### **Expected Result 6.4 (Civil society and People's advocate)**

Communication between MoJ and the Civil Society and between the MoJ and the Peoples' Advocate runs smoothly.

The MoJ takes into consideration the drafting of the law and the recommendations issued by the People's Advocate for the implementation of justice related laws. The MoJ also considers the requests for information by the People's Advocate, and submits them to the other institutions of the system.

The People's Advocate is involved in monitoring the evolution of the justice system.

### **Description**

We focused in providing **People's Advocate assistance**. At the beginning of our project's implementation we exchanged some correspondence with the office of the People's Advocate to consult them about the possibility of postponing our activities until the appointment of the new People's Advocate and we received a positive answer for it. Then when the new appointed person, Mr Totozani, came to office we suddenly received a strong demand for additional assistance, which we provided after agreeing with EU Delegation to Albania.

During next period upon the request of the People's Advocate we continuously assisted this institution by providing a senior STE who prepared a Report on the People's Advocate Office. After analyzing the gaps and shortcomings in the current law on People's Advocate and the internal workflow, our Spanish STE based on the European standards provided proposals for improving the functioning of the People's Advocate office, such as modifications in mandate and

scope of competences of commissioners, reassign the task to elaborate monographic reports, creation of new units and others.

We were requested by the People's Advocate to continue the technical assistance based on the suggestions provided by the senior STE especially in the revision of the law on the People's Advocate with a view to making improvements and changes; assistance for improving the methodology of inspections, investigations and designing of job description and provision of expertise to improve the institution's handling of complaints/requests related to access to freedom of information.

By the end of the project, according to the assessment of the expert, most of suggestions of the report made by Euralius in order to improve efficiency in the internal organization of the People's Advocate office are in place and being implemented. However some gaps remain regarding the reform of the law and the improvement of the internal coordination.

On 12 February 2013, it was signed the "Memorandum of Cooperation between Ministry of Justice, High Council of Justice and People's Advocate "On referral of the cases and administrative measures against the justice officials in case of finding of law violations". This Memorandum constitutes an important instrument which foresees a mutual institutional collaboration and exchanging of information in referring the cases of judges' complaints by citizens at the Peoples' Advocate to be then processed by the respective inspection structures of Ministry of Justice and High Council of Justice.

We monitored step by step this process and supported it by giving our comments on the text of Memorandum which was elaborated before by the experts of respective institutions, Ministry of Justice, High Council of Justice and People's Advocate. We have been asked to provide our comments in order to have a text of Memorandum in compliance with EU standards.

On April 2013 we had a meeting with People's Advocate Mr Igli Totozani to discuss on some possible suggestions on reform the Law on Peoples' Advocate approaching it closer to EU experience.

In order to modernize the activity of the People's Advocate, in the course of our assistance toward this institution we prepared a report "On suggestions for the reform of Law on People's Advocate " and we delivered it to the Ministry of Justice to prepare the necessary amendments based on these suggestions. These proposals aim at strengthening the independence, improving the structure, promoting the feasibility of proactive actions and increasing the powers of the People's Advocate in examining the citizens' complaints toward a better guaranty on human rights and freedoms which was delivered to the Ministry of Justice on 23 April 2013.

Regarding to the **People's Advocate recommendations**, a senior STE prepared a report on the People's Advocate Office, with some recommendations regarding the efficiency of the recommendations issued by the people's advocate office.

We assisted in the activities on **Workflow with NGOs**. We continued to regularly collaborate with the main NGOs of the area of justice in order to keep a fluent channel of communication. However, the situation in the Ministry of Justice, with the appointment of a new team, and the resistances in some NGOs made impossible the organization of a meeting for all of them.

We organized meetings with Tirana Legal Aid Society (TLAS) that is one of the main NGO in Albania that is directly involved in providing legal aid. We took into consideration the initiative of the Executive Director of the Tirana Legal Aid Society (TLAS) and the People's Advocate and co-organized a Roundtable on perspectives of the Legal Aid in Albania.

The meeting we had with the participation of other relevant non profit organizations, was a first approach to the civil society in justice matters.

Later, in the frame of implementing the recommendations of the "Roundtable on the perspectives of Legal Aid in Albania" that was co-organized by our project, the People's Advocate and TLAS on 23 May 2012, we were requested by the Executive Director of the Tirana Legal Aid Association, Mrs. Rajmonda Bozo to provide our opinion on the draft amendment prepared by them stating that that the exemption of taxes on acts and judicial tariffs for vulnerable individuals should be urgently introduced by an amendment to the law "On Legal Aid". We fully agreed with the relation of the draft law and their proposal.

We were further requested by TLAS to assist them in organizing an Experts/Technical Roundtable to finalize the proposal draft amendment for the exemption of taxes on acts and judicial tariffs for vulnerable individuals/groups. We agreed with this proposal but we emphasized that during the Roundtable they should discuss about changing the Order on court fee issued by the Minister of Justice and the Minister of Finance and introduce exemptions for the case of people receiving legal aid, victims of traffic and other vulnerable population.

Technical assistance was continuously provided by us on this regard and for this reason during this period we contracted a STE who is drafting a comprehensive report on the judicial fees in Albania in order to recommend the most appropriate reform of the current order on tax fees.

#### Achieved outputs

- The office of the people's advocate drafted a document of needs where the gaps and requirements of assistance were clearly identified
- We have established frequent relationships with main NGOs working in the field of justice.

- A detailed report with recommendation for the improvement of the People's Advocate was drafted and endorsed.
- The report about possible improvement in the organization of the duties of the People's Advocate was submitted to the People's Advocate. He accepted its recommendations and they were all implemented immediately.
- Memorandum of Cooperation between Ministry of Justice, High Council of Justice and People's Advocate "On referral of the cases and administrative measures against the justice officials in case of finding of law violations", was signed.
- A second report of the expert, identifying the remaining gaps in the legal framework of people's advocate was drafted and disseminated.
- A report "On suggestions for the reform of Law on People's Advocate", including a proposal for the reform of the law has been prepared and delivered to Ministry of Justice on April 2013

## Assessment

Our assistance was more useful after the transitory situation at the People's Advocate was solved and the perspective for its future became more defined.

We had since very early step a picture of the concrete needs of the Institution, but other priorities, and the delays in the nomination of the experts caused the postponement of the concrete activities

Any internal rule related with the monitoring and follow up of recommendations of People's Advocate related with Justice should take into consideration the changes that are going to be introduced in the functioning of the institution.

Identification of the NGOs and valuation of their relevance is complicated as far as there is not a department at the MoJ dealing with this issue. There was some resistance in some NGO to meet with all the others if it is not oriented to a concrete result.

It is hard to ensure permanent activities with NGOs due to the diversity of goals and aims of them. The politicization of some organizations is also a problem to involve them currently in activities with authorities. A permanent mechanism of coordination has been set up. However regular meetings with different NGOs are held in the frame of conferences and activities related with justice.

## Situation by the end of the project

The proposal for the reform of the law on people's advocate, made in line with the recommendations of our experts, is ready to be approved. The reform has been agreed also

with the institution of People's Advocate, which fully supports its approval. However the previous parliamentary period ended without the law being discussed there.

The amendment is ready to be discussed and voted at the parliament and it would strength the capacities of people's Advocate, better delimitate his functions and allow Albania to keep the current international status of the Ombudsman. Thereby it should be a priority for new Parliament.

The internal workflow of the institution has improved but there is still room for some new reforms. The internal procedures and public actions of the Ombudsman should be better regulated. The follow up of the execution of its recommendations has to be done systematically and a monitor mechanism is to be created by the Government.

### **2.3. Activities not implemented**

Activities related with the improvement of the sub-legal framework of Legal Aid are pending waiting for the initiative of the State Commission on Legal Aid for drafting a first version of the required amendments. The Judicial Documentation Centre, which was built up with international cooperation has stopped functioning as far as all the staff of the HCJ working on it have been transferred to other positions. Our efforts in pressing for the situation to be solved were inefficient.

The reform of the law on Constitutional Court and on law on people's advocate were paralyzed after we drafted some first reports. The reform of the law of the High Council of Justice is in similar situation and the introduction of the new working methods in the institution as recommended by our experts was not made during the period of implementation of the project.

The IT case management system (ICMIS) is still not extended to all the courts of Albania, mainly to the Tirana courts, so that our activity in this area has been reduced to provide technical assistance to the existing situation. For this reason and due to the ongoing reform of the codes of civil and penal procedure and to the recent approval of the law on court's administration we did not develop all our foreseen activities related with the efficiency of trials and the best use of time in the court's organization. For similar reasons we could not fully implement the activities related with the improvement of the skills of spoke persons and the system of public relations of the courts.

The creation of a council of justice as permanent consultative body gathering the authorities, stakeholders and civil society has not being possible due to the refusal of successive ministers of justice. In fact the question of consultations is submitted to a new law, but the council should have been used for different purposes rather than informing all the law proposals.

### **2.4. Assessment of the results of the action**

This report already includes in its chapter 2 a detailed description on the development and performance of every objective, including actions undertaken, concrete results reached, assessment referred to every action and indication of problems and delays suffered.

In general the project had a great impact in the reform of the justice in Albania, as has been acknowledged by all the justice's stakeholders publically in several occasions. Also during the closing events the President of Republic, the Minister of Justice, the head of the High Council of Justice, the chair of High Court, the chair of Constitutional Court and the General Prosecutor highlighted the results of the project, pointing of the quantity and quality of the reforms approved by Albania with the support of our project.

A good indicator of effectiveness may be the EC progress report on Albania published in October 2010, when the project started. All the shortcomings of the Albanian justice system reflected in this report have been addressed successfully –as showed in successive reports of next years- by the project and most of them are not mentioned anymore in the international evaluations done about the justice system in Albania.

### *3. Partners and other Co-operation*

#### **3.1. Relationship between the formal partners**

The double system of coordination for the implementation of the project set up by the FIIAPP and the Italian Superior Council of Magistrates did work well and fluently. The coordination at the upper level was centralized in the FIIAPP. It included the participation of a delegate formally nominated by the SCM for this issue and project. It had also the participation of representatives of the General Directorate of International Judicial Cooperation at the Spanish Ministry of Justice.

At the daily level, coordination of both partners was managed by the Team leader, representing the Spanish side and the Deputy Team Leader acting as representative of the Italian partner. This system allowed a fluent coordination on the field, so that the direction of the project was unique and information goes in all directions. Eventually the FIIAPP and the SCM did support in the provision of all the short-term experts, from different European nationalities, as required by the needs of the project and the requests of beneficiaries.

#### **3.2. Relationship with State authorities**

The relationship with the beneficiaries of the project must be assessed as very positive. Regarding our main beneficiary the experts of the mission are permanently coordinated at all the levels with experts of the Ministry of Justice. The contact point being the Deputy Minister of Justice, she was coordinating all our support to the Ministry and is in charge of disseminating information of activities in both sides. With this support we also kept a fluent relationship with higher and lower levels of the administration. In that regard, we have to highlight the frequent meetings and exchange of information mainly with the Minister of justice himself, the Directorate

of Justice Issues, the General Directorate of European Integration, the Directorate of Codification, the Department of Enforcement of Rulings and the Directorate of Judicial Inspection.

We also keep the good way of communication and a daily relation with the Deputy Chair of the High Council of Justice as well as with the main directorates of the institution. Additionally in this period we held two working meetings with the President of the Republic in his role of head of the High Council of justice. The permanent participation in the plenary sessions of the institution is still a good indicator of this relationship. The drafting of the manual on joint inspections was a good occasion to use the good relationship of our project with both the Ministry of Justice and the High Council of Justice in order to foster consensus and joint work. Our relationship with the General Prosecutor and the staff of her office is also consolidated and there has been a fluent channel of communication between our experts on criminal justice and the prosecutors' office.

In general we kept a frequent and fluent relation with the head of the institutions and the contact persons in the Constitutional Court, High Court of Justice, School of Magistrates, People's Advocate and Chamber of Notaries. The National Chamber of Private Enforcement Service, which was created with our direct support, has an especially fluent relationship with Euralius which again allowed for organizing activities together with the institutions as well as exchange of information on regular basis.

### **3.3. Cooperation with other projects**

We have tried to articulate a good system for coordination with other international assistance projects. In what concerns the projects funded by the EU, coordination has been easier and frequently enhanced by the EU Delegation to Albania. On that point we shall refer to the following projects: Project Against Corruption in Albania, twining project about anti-money laundry, twining project about probation service, twining project on strengthening capacities on data protection, project of strengthening the capacities at the National Assembly, project to support to the EU Integration. With all of them we have held regular meetings and share information. We also provided frequent inputs in order to support the future implementation of the project for enhancing efficiency of courts which will be managed by the Council of Europe.

At the same time, we have been working together with some bilateral projects funded by European governments, acting also sometimes as local link for them. It is to be mentioned here the British project of the Slynn Foundation supporting the High Court and the Chamber of Lawyers, the project of the French School of Magistrates, the Spanish project for the Judicial Documentation Center and the former Spanish project for assisting the State Advocacy. We also started a good cooperation with the Danish project for supporting the Ombudsman's institution even if they have not yet started its implementation.

With other international projects we tried to enhance coordination as well. Therefore we were permanently participating in some multilateral mechanisms as the International Consortium and its commissions and the Newsletter on Justice Donors. In general, during the entire period we held regular meetings with the Rule of Law's section of OSCE for sharing information and coordinating our actions. The same thing with USAID project JuST. We also have organized several common activities with the US project assisting the General Prosecutor's Office, OPDAT. All these projects have also participated in all the public events organized by Euralius.

#### *4. Visibility*

The project kept a really high level of visibility within the Albanian society in general and in the sector of Justice in particular. The coordination in this area with the EU Delegation to Albania was fully satisfactory in order to avoid overlaps and to be integrated with the politic of communication of the EU.

Regarding the concrete visibility events it is to be highlighted our relevant participation in the Parliamentary committee for the amendment of the Constitution. Representatives of Euralius were heard there during more than three hours, with the biggest media coverage possible, in one of the most relevant moments for the country. In the same sense our constant presence in the Committee of Legal affairs of the Parliament during the meetings for the discussions of the laws on National Judicial Conference, profession of lawyers and High Court has provide an additional visibility within the public in general and the main stakeholders of justice in particular.

We have participated together with the Ministry of Justice in several public events related with the public presentation of the results of our activities, as the presentation of the priorities of the Ministry to all the chairs of the Albanian courts. Also the President of the Republic invited our project –as only international partner- to participate in the high level event on the reform of justice and to address some remarks to all the chair of courts and relevant actors of the justice system in this occasion. We have participated in many other public activities with the highest media coverage among what we can highlight the international big events organized for the reform of the immunity system and the one for the reform of the high court. In the same line we have organized dozens of public events as conferences and seminars with high public relevance and presence in the media.

We, finally, put in place a website with several documentation and information which became a place of the reference for all the Albanian justice sector. Thereby we kept a permanent effort of updating our website and trying to upload as much documentation as possible in order to enhance transparency and make the project known. A policy of disseminating the web address

in all our documents, reports and public image did strength the importance of the site and the visibility of our project.

Contact person for the Action: Joaquin Urias

A handwritten signature in blue ink, appearing to be 'J. Urias', written on a white background.

**Location:** Tirana **Date:** 12 September 2013.