



MONITORING REPORT JANUARY – SEPTEMBER 2019

CROSS-SECTOR JUSTICE STRATEGY

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LIST OF ABBREVIATIONS

NAIS	National Agency of Information Society
SAJS	State Archive for Judicial System
DFLA	Directorate of Free Legal Aid
DGP	Directorate General of Prisons
DGB	Directorate General of Bailiffs
NCA	National Chamber of Advocacy
NCM	National Chamber of Mediators
NCN	National Chamber of Notaries
NCJPB	National Chamber of Judicial Private Bailiffs
CC	Constitutional Court
HC	High Court
HIJ	High Inspectorate of Justice
FI	Forensic Institute
JAC	Justice Appointments Council
HJC	High Judicial Council
HPC	High Prosecutorial Council
CoM	Council of Ministers
AAC	Albanian Adoption Committee
MoJ	Ministry of Justice
MoFE	Ministry of Finance and Economy
IMO	International Monitoring Operation
GPO	General Prosecutor Office
AP	Action Plan
OPC	Official Publications Center
CSJS	Cross-Sector Justice Strategy
SPAK	Special Anti-Corruption Structure
SoM	School of Magistrates
ICSSP	Internal Control Service in the System of Prisons
PS	Probation Service
DCM	Decision of Council of Ministers

I. EXECUTIVE SUMMARY ON MONITORING THE CROSS-SECTOR JUSTICE STRATEGY AND ACTION PLAN 2019 – 2021, FOR THE PERIOD JANUARY – SEPTEMBER 2019.

The justice reform has come to a very important stage of its implementation. Several new institutions have been established and new ones are on their way soon. Regarding the institutions that operate in the justice system, they have been fully engaged in order to have a justice system in compliance with standards that a country in the process of opening negotiations with member countries of the European Union must have and must accomplish.

The Council of Ministers upon decision no. 773, dated 2.11.2016, has adopted Cross-Sector Justice Strategy and its Action Plan. The **Mission** of this strategy is the successful implementation of reforms in the justice sector, in order to provide an effective, efficient, independent and transparent system in accordance with best European practices.

This document contains *eight high level strategic objectives*, which are:

1. Strengthening the independence, efficiency, effectiveness and accountability of the justice system institutions.
2. Consolidation of legal education and training as well as specialisation of magistrates and court personnel.
3. Guaranteeing efficiency, transparency and accessibility of the judicial system, and the right to due legal process in accordance with European standards.
4. Increasing the efficiency of criminal justice system and anti-corruption measures through the consolidation of the mission, status and functions of criminal justice institutions.
5. Improving the functioning of the justice system by providing modern electronic systems procedures and facilities for development of strong international cooperation.
6. Enhancement of the protection of human rights in penitentiary system.
7. Improving the functioning of the Ministry of Justice and its subordinate institutions of new or substantially changed institutions.
8. Improving the service quality of legal professions and establishing a legal framework for arbitration.

As to the above, in view of intensification the commitments on justice reform and its reflection in the implementation of Action Plan, Ministry of Justice has reviewed the Action Plan of Cross-Sector Justice Strategy, for the period 2019 - 2021. On this purpose, it was drafted the Passport of Indicators pursuant to the objectives of strategy. In June, the Council of Ministers upon decision no. 409, dated 19.06.2019 has adopted the Action Plan 2019-2021 of Cross-Sector Justice Strategy.

The methodology followed in the revision of Action Plan was the involvement of all responsible institutions identified in the previous Action Plan, the reception of their direct contributions and predictions in the drafting and implementation of measures. The foreseen measures have been framed on the basis of a concrete, tangible result and are cost-oriented. During the prediction of measures, it was applied the interconnectedness *objective-indicator-measure*. The objectives of the strategy have been organized and divided into sub-objectives, in order to enable a closer and more direct organization of measures and connected therewith. It has been applied the foreseen format of target measures/*milestones*.

The new Action Plan measures 2019 - 2021, pursuant to Cross-Sector Justice Strategy aim at intensifying organization and functioning of new justice bodies such as HJC, HPC, HIJ, JAC, SPAK and the Special Court, to deepen technical and professional formation of the justice system by means of continuous qualification of judges, prosecutors of the judicial administration or even enhancement of access to justice system, through establishment and functioning of Free Legal Aid.

The Action Plan 2019-2021, gives impetus to improvement of judiciary through introduction of IT administration systems and other improvements in infrastructure. The new justice bodies are foreseen to be better equipped with functional work tools and conditions.

Ministry of Justice and its subordinate institutions, part of the Action Plan 2019-2021, press ahead with concrete measures towards structural, organizational development and deepening of human and professional capacities, in order to enable obligations stemming from the strategy.

Free legal professions have become part of the Action Plan 2019-2021, with foreseen measures to be accomplished that came as a product of legal amendments that their laws sustained, in view of the Justice Reform.

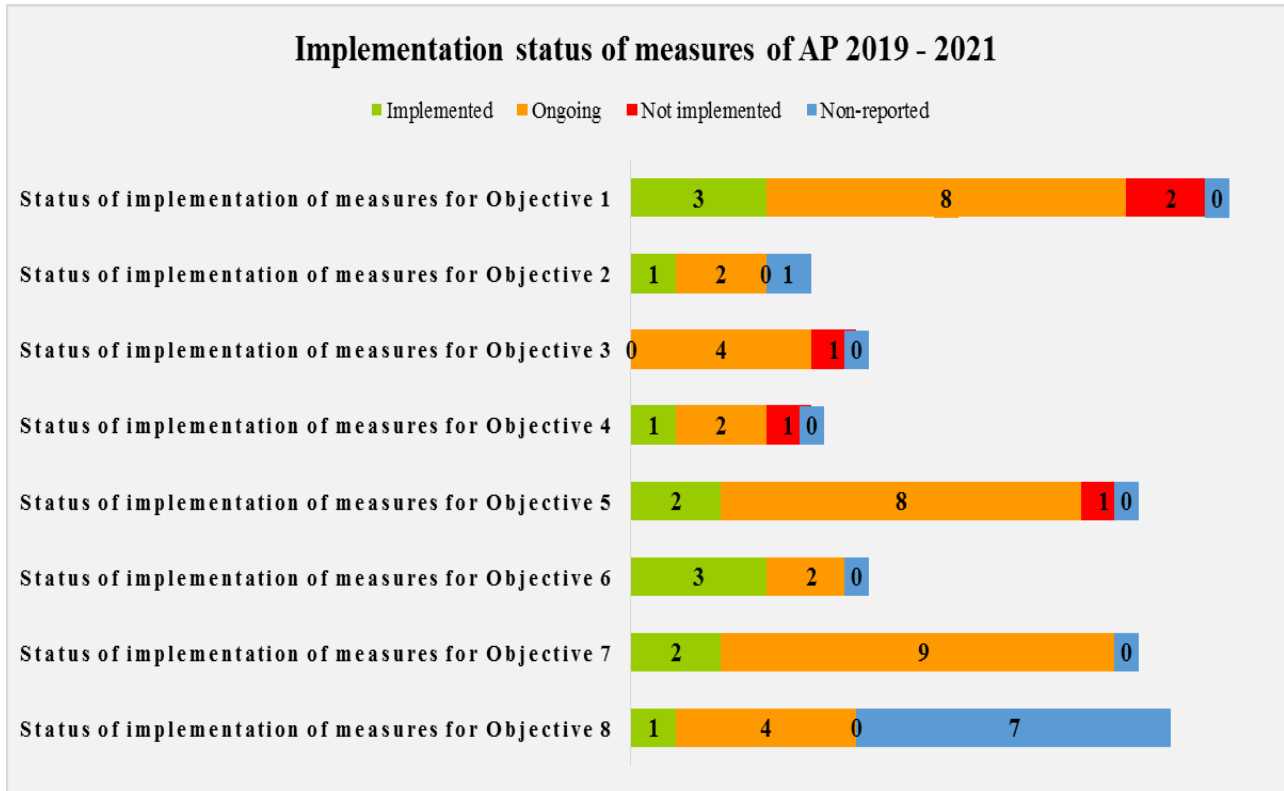
The Action Plan 2019- 2021, pursuant to Cross-Sector Justice Strategy consists in:

- ✓ 8 strategic objectives;
- ✓ 11 indicators from the Passport of Indicators;
- ✓ 7 tranche indicators of the European Union;
- ✓ 65 measures.

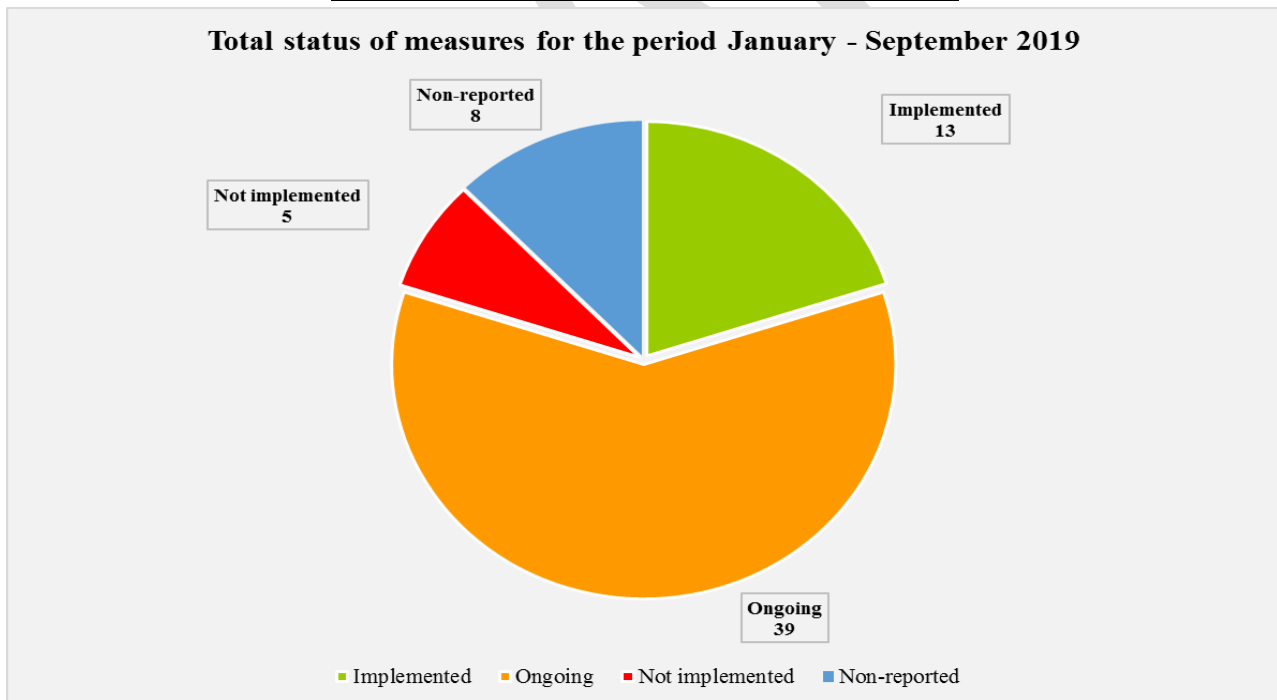
With the purpose of monitoring regarding the achievements, progress and/or challenges towards the accomplishment of strategy objectives, by contact points report was provided information from each responsible institution related to the implementation of CSJS. This report has been drafted in view of implementation of the Action Plan 2019 – 2021 and covers the progress during the period 1 January – 30 September 2019.

The Action Plan is composed of 8 aforementioned objectives and contains a total of 65 measures. The level of assessment and implementation status of the measures of CSJS is based upon the information submitted by each responsible unit. Ministry of Justice has conducted the assessment of information during October 2019. Based on an overall reporting assessment for the period January – September 2019, it results that the implementation level of the Action Plan measures is as follows:

Implementation Status of Measures according to Objectives



Total Progress of Measures of AP 2019 – 2021



For the period January – September 2019, out of 65 measures foreseen in the Action Plan 2019 – 2021, pursuant to Cross-Sector Justice Strategy, there are implemented 13 of them, 39 are ongoing, 5 measures are not implemented, as well as 8 measures are non-reported by responsible institutions. The percentage against total progress of implementation of Action Plan 2019 – 2021 is at level 20% on measures that are implemented, 60% for ongoing measures, 8% on measures that will be carried out in the future by responsible institutions, as well as 12% on non-reported measures.

a. EXECUTIVE SUMMARY ON JUSTICE SYSTEM REFORM

o Progress in Legislation

The justice system in Albania has recently undergone a series of in-depth reforms in order to accomplish European standards in this system. Through the implementation of Law no 76/2016 "On some addenda and amendments to the Law no 8417/1998 'Constitution of the Republic of Albania', as amended, Albania created the base for the implementation of justice reform. The constitutional amendments and the package of organic laws adopted in view of the justice reform contain specified provisions that guarantee independence, impartiality, professionalism, integrity of judicial system as well as improvement of accountability and monitoring instruments on its functioning. *Furthermore, a package of laws has been adopted encompassing all aspects of judicial reform where Parliament has adopted 22 laws as well as a decision, by concluding the package of reform laws in the justice system*¹.

In December 2018, Parliament adopted Law no. 110/2018 "*On Notary*"². The law determines rules on exercising the notary profession as well as organizational and functional mode of the notary service in the Republic of Albania. Moreover, the law determines also procedures for the admission exam on initial formation, establishment of the position of deputy notary, criteria and procedures on selection of deputy notaries, supervision and disciplinary responsibility, competences, rights, responsibilities and duties, funding of notarial activity, organization and functioning of National Chamber of Advocacy etc.

In April 2019, Parliament adopted Decision No. 47/2019, dated 18.04.2019 "*On adoption of Strategy for Public Legal Education 2019 – 2023*". The strategy on public legal education (SELP) determines vision, strategic and specific objectives of Public Legal Education (ELP) during 2019-2023. SELP is the first strategic document adopted in Albania with a special focus to the legal education of citizens. The vision of ELP for the upcoming years is: *More aware citizens on significance of the recognition of law, rights and their obligations, based on specific needs and promotion of civil involvement in the strengthening of the rule of law.*

In April 2019, Parliament of Albania adopted law no. 25/2019 "*On organization and functioning of Judicial Police*". This law determines general rules and principles related to: a) organization and functioning of services and sections of the Judicial Police; b) their investigation activity; c) status of judicial police officers; ç) relations with the prosecution office and state institutions wherein they are part of.

In May 2019, Parliament of Albania adopted law no. 26/2019 "*On Private Judicial Bailiff Service*"³. The object of this law is to determine organizational and functional mode of the Private Judicial Bailiff Service, conditions to be met by individuals in order to exercise the duty of the

1 More information on the law package of reforms in justice has been reflected in annex 1 of this report.

2 Published in the Official Gazette No. 16, dt. 13 February 2019. On 07.02.2019, upon Decision no. 29/2019 it has been abrogated Decree no. 11 054, dated 14.1.2019, of the President of the Republic, "On return of the law no. 110/2018 'On Notary'".

3 Published in the Official Gazette No. 99, dt. 10 July 2019. On 04.07.2019, upon Decision no. 74/2019 it has been abrogated the Decree No. 11 195, dated 31.05.2019, of the President of the Republic, "On return of the law No. 26/2019 'On Private Judicial Bailiff Service'".

private judicial bailiff, status, disciplinary measures, duties, responsibilities, rules on designation of tariffs as well as relations with state institutions and other public and private subjects.

○ *Governing Bodies of the Justice System*

The justice reform has brought about significant amendments to the institutional definitions of the Albanian judiciary. New institutions have been established from constitutional amendments and specific organic laws as to the above.

Ministry of Justice with the entry into force of the law no. 96/2016, dated 06.10.2016 “On status of judges and prosecutors” *no longer exercises the competence of control of the activity of prosecution offices, first instance and appellate courts, related to investigation of disciplinary infringements and issuing of recommendations on disciplinary proceeding in the case of prosecutors and disciplinary proceeding in the case of judges.* Since the entry into force of this law, every complaint or information, which from preliminary verification results to have credible information on disciplinary infringements by the magistrates, is submitted for verification and follow up to High Inspectorate of Justice procedures.

The newly-established institutions and those foreseen to be established are as follows:

- Justice Appointments Council (JAC) – Constitution and law no. 115/2016⁴.
- High Judicial Council (HJC) – Constitution and law no. 115/2016.
- High Prosecutorial Council (HPC) – Constitution and law no. 115/2016.
- High Inspectorate of Justice (HIJ) – Constitution and law no. 115/2016.
- Special Prosecution Office against corruption and organized crime – Constitution and law no. 95/2016⁵.
- Special Investigation Unit/National Investigation Bureau – Constitution and the law no. 95/2016.
- Courts Against Corruption and Organized Crime – Constitution and Law no. 98/2016.
- Courts Councils – Law no. 98/2016⁶.
- Re-evaluation institutions – Law no. 84/2016⁷.

Furthermore, in July 2019, it was adopted Law no. 47/2019 “On some addenda and amendments to the Law No. 115/2016 “On Governing Bodies of the Justice System”⁸, as well as Law no. 48/2019 “On some addenda and amendments to the Law No. 96/2016 “On Status of Judges and Prosecutors in the Republic of Albania”⁹. The review of these two laws, among the most important of the justice reform, came due to decisions of the Constitutional Court of 2017, which abrogated specified provisions in these laws.

⁴ http://www.gjykataelarte.gov.al/web/ligj_nr_115_2016_per_organet_e_qeverisjes_se_sistemit_te_drejtisesise_1726.pdf

⁵ <https://www.parlament.al/wp-content/uploads/2016/10/ligj-nr-95-dt-6-10-2016.pdf>

⁶ http://www.qbz.gov.al/botime/fletore_zyrtare/2016/PDF-2016/209-2016.pdf

⁷ <http://www.avokatipopullit.gov.al/sites/default/files/VETINGU/ligj-nr-84-dt-30-8-2016.pdf>

⁸ <https://qbz.gov.al/eli/fz/2019/113/837b2b34-2833-4add-8635-994462b57cc5>

⁹ <https://qbz.gov.al/eli/fz/2019/116/cefba541-edd9-4c6a-9832-ca386de2677b>

The legal gap created from decisions of Constitutional Court (No. 41/2017, No. 78/2017 and No. 34/2017¹⁰) triggered a concern on rigorous implementation of reform laws, especially related to the function or disciplinary process of judges and prosecutors. The two aforementioned laws fill out the created gap, enabling implementation of the legal framework of the package in the justice system reform.

Regarding the newly-established institutions, **a decisive step towards implementation of the justice reform was marked by the establishment of High Judicial Council and establishment of High Prosecutorial Council, which are the two pillars for an impartial and qualitative judicial system.**

Pursuant to new institutions that have been established in view of the justice reform, on **22 July 2019**, it was inaugurated “**Pole of Justice**” building, pursuant to implementation of the Decision of Council of Ministers No.234, dt.17.04.2019¹¹. “Pole of Justice” groups and accommodates justice institutions such as: High Prosecutorial Council, High Judicial Council and School of Magistrates in a single area.

High Judicial Council

Pursuant to the Constitution of the Republic of Albania and stipulations of article 277, item 3, of law no.115/2016 “On governing bodies of the Justice System”, with full conviction and commitment that it will provide a fair judicial system that is based on principles of accountability, transparency and efficiency, during the meeting held on 20.12.2018, by decision no. 4, it was established the High Judicial Council.

From the establishment of HJC until 30.09.2019, there have been issued 202 decisions that have been focused on:

- i. regulation of the activity of HJC;
- ii. well-administration of courts through different regulations such as, the delegation scheme, temporary transfer of judges, appointment of judges for adjudication of special cases in other courts, selection of deputy heads of courts etc.
- iii. status of judges including the appointment process of new magistrates, start of the procedure on temporary appointment of judges in Special Courts for Adjudication of Criminal Offenses of Corruption and Organized Crime, start of the procedure on election of non-judge members of High Court etc.

Taking into consideration problems encountered in the justice system, HJC took necessary steps to address and settle them. After the election of steering bodies, chairman and deputy chairman, as well as members who will exercise duty with a mandate duration of 3/5-years, HJC has adopted a series of decisions of regulatory character as well as decisions dealing with the establishment and composition of permanent and temporary commissions. *The establishment of permanent and temporary commissions is a necessity in order to review special cases.*

¹⁰ http://www.gjk.gov.al/web/Vendime_perfundimtare_100_1.php

¹¹ <https://qbz.gov.al/eli/fz/2019/55/ff19db48-0410-43a6-b795-9a68345718fe;q=55>

Moreover, HJC has concluded or is in the process of concluding the following priorities:

The structure of HJC and administrative organigramme has been adopted upon decision no. 80 dated 30.05.2019. The drafting of job descriptions is nearly terminated, the assessment of all employees (civil servants and administrative employees of HJC and OAJB) has terminated in June 2019 and the opening of new vacancies for civil servants and other administrative employees to fill out the structure is underway.

Rules and activities related to magistrates in response to lack of judges, number of pending cases and ordinary proceedings of courts in need.

The Career Development Commission (Permanent Commission) has concluded the functioning rules (decision no. 22 and 23 dated 7.02.2019) as below:

- Rules on criteria and procedure for the selection of magistrates and the service term according to circulation scheme;
- Rules on notifications and methods to fill out temporary vacancies (created from commanding, transfers, promotions etc.);
- Initiation and organization of a parallel transfer for magistrates;
- Rules on criteria and procedure on promotion of magistrates in higher instances (Courts of Appeal, HC, CC, HIJ, Special Jurisdiction Courts).

Activities (delegations/transfers) are a dynamic and ongoing process pursued by HJC as following:

- Temporary appointment of judges at Special Courts on Adjudication of Criminal Offenses of Corruption and Organized Crime, where the law stipulated a time limit of two weeks from the establishment of HJC; Transfer of competence of First Instance Serious Crimes Court and Appeal Serious Crimes Court; Start of procedure on temporary appointment of judges at Anticorruption and Organized Crime Court. Submission of declaration forms to be filled out by judges on duty, where authorization is issued in order to uncover financial accounts and personal telecommunications (first and second instance) – has terminated in January 2019. In February 2019 it has been concluded the collection of declarations, while the realization of verifications on appointment of judges in ordinary courts, or the promotion of judges in specialized courts, *is underway* from the Career Development Commission.

As to the start of the *process of appointment and assignment on duty of magistrates* who have finished the School of Magistrates in 2018 and new admissions in SoM, the evaluation and determination of vacancies to be filled out abruptly by the graduated magistrates has finished from the Career Development Commission. The control of assets and the past records of candidates for magistrates has been terminated by this commission in July 2019, as well as it has been adopted by HJC upon decisions 117-125, dated 15.07.2019. The appointment of candidates for magistrates graduated from School of Magistrates in 2018 as judges has terminated upon decisions no. 127-136, dated 19.07.2019, while the assignment of magistrates on duty has terminated upon decisions no. 145-154, dated 30.07.2019.

The determination and publication of the number of magistrate candidates to be admitted in initial training for the upcoming academic year has ended upon Decision no. 17, dated 29.01.2019, as well as HJC has stated in comments forwarded to SoM, after preliminary assessment of

applications from School of Magistrates to be admitted in initial training, upon the report dated on 28 March 2019 “*Comments and objections of the report of School of Magistrates with preliminary assessment results of candidates who have applied for admission in initial training, for academic year 2019-2020, judge profile*”. By Decisions 183 – 202, dated 02/10/2019, HJC has adopted the accomplishment of legal and professional criteria on admission in School of Magistrates for **20 candidates**, for academic year 2019 – 2020.

Recruitment and appointment of judges of High Court: Rules on criteria and procedure on promotion of magistrates in High Court have terminated. The adoption of rules on criteria and procedure on appointment of non-judges in High Court have terminated. The announcement of the appointment procedure in High Court from the ranks of distinguished lawyers has been published on 10.07.2019. HJC has already announced the call for quota of 1/5 or 4 vacancies in High Court and is currently reviewing applications, as well as concluding necessary procedures for verification of the integrity of candidates, professional capacities and assets. Soon it is expected that at least 4 judges among distinguished lawyers (non-judges) will be appointed and will form a functional judicial panel in High Court.

Regarding the *support of Independent Qualification Commission* through the drafting of detailed and reasoned reports on analysis of professional capacities of re-evaluation subjects, HJC continues to be intensively committed in support of the re-evaluation process, mostly on drafting of detailed and reasoned reports on analysis of professional capacities of re-evaluation subjects. Until 30 September 2019, there have been prepared and submitted to IQC and International Monitoring Operation (IMO) **196 assessment reports**.

Likewise, in July 2019, upon Decision No. 126 dated 19.07.2019, HJC has terminated and adopted the *Strategic Planning* and Action Plan.

HJC is in the process of *determination of territorial jurisdiction and size of courts*. The inter-institutional working group (composed of representatives from local courts, HJC, Ministry of Justice and international partners such as: Council of Europe, EURALIUS and “Justice for All” Project - JUST/USAID), based on international methodology and standards, after a preliminary analysis has nearly concluded the early three draft-options of the new judicial map.

Verification of legal criteria for chancellors on duty: Pursuant to the accomplishment of this obligation, HJC has started preliminary verification process of all chancellors on duty, 37 chancellors. In the meantime, HJC in cooperation with the School of Magistrates and with the support of the Project “Justice for All” (USAID) during June – July 2019, organized a training program for all chancellors of courts on international standards and best practices of judicial administration.

The establishment and administration of personal files and register of magistrates: The establishment of the system in cooperation with JFA and Euralius terminated upon Decision No.114 dated 9.07.2019 “On establishment and administration at the High Judicial Council of personal files and register of judges”. The system is functional.

HPC is one of the new governing institutions of the justice system, which was established in view of the justice reform, after the amendments to the Constitution of the Republic of Albania, as well as the adoption of special laws that regulate organization and functioning of bodies, which constitute the justice system.

Article 149 of the Constitution stipulates that HPC is a collegial body composed of 11 members, out of whom 6 members are elected among prosecutors of all levels and 5 members are elected by Parliament among lawyers. Respectively, on 11 December 2018, it was held the General Meeting of Prosecutors on election of six prosecutor members of HPC, while the first meeting of HPC was held on 19 December 2018, during which it was elected the Chairperson and the Deputy Chairperson of the council.

HPC guarantees independence, accountability, discipline, status and career of prosecutors in the Republic of Albania. In this regard, in this strategy will be reported some of the most relevant matters under national and international focus as the establishment of Special Prosecution Office (furthermore, SPAK), selection procedure of candidates for Prosecutor General, or other aspects such as: drafting of sublegal acts, election of the head of SPAK and future of National Bureau of Investigation (furthermore, BKH).

- *On establishment procedure of SPAK*

HPC is the competent authority to appoint the prosecutors of the Special Prosecution Office against Corruption and Organized Crime, based on the article 179/8 of the Constitution, article 4/2 of the law “On the status of organization and functioning of the institutions to fight against corruption and organized crime”, (furthermore, Law on SPAK) and article 48/2 and 3 of the law “On Status of Judges and Prosecutors in the Republic of Albania”.

On 7 January 2019, HPC announced start of procedures on completion of 15 job positions at the Special Prosecution Office against Corruption and Organized Crime. At the end of the time limit, on 21 February 2019, 28 candidates have applied, where only 25 of them accomplished legal criteria to continue competition for special prosecutors.

Simultaneously upon announcement of vacancies, work began on the drafting of the regulation “On criteria and procedure for the promotion of prosecutors at the Special Prosecution Office against Corruption and Organized Crime” (furthermore, Regulation). The drafting process of the regulation has been supported by experts of OPDAT and EURALIUS. The regulation has been adopted upon Decision No. 51, dated 19.03.2019, of HPC and has been published in the Official Journal no. 44, dated 29.03.2019. On the very date, the regulation has entered into force.

The number of candidates for special prosecutors amounted to 24, as a result of the resignation from competition and election as HPC member of the prosecutor Mr. Vatë Staka.

Moreover, Mr. Shkëlzen Cena, on 27.5.2019, presented request for resignation from the assessment process for prosecutor at the Special Prosecution Office, registered with no. 462 Prot., and the Council upon decision no. 57/1, dated on 12.6.2019, decided on suspension of competition for this candidate.

On the other hand, Mr. Eugen Beçi has been dismissed from duty by IQC on 26.06.2019. Until the termination of assessment of this subject, he is considered as suspended and no longer continues to exercise the duty of the prosecutor. Accordingly, HPC upon decision no.118, dated 28.6.2019, has decided to suspend competition for this candidate.

HPC set up a Special Commission, which established official communication with candidates.

After the submission of required documentation by candidates, the Special Commission started work on their assessment. Upon the Order of the Chairperson of the Special Commission, it was adopted its work methodology.

In May - June 2019, the Commission has held an intensive activity to assess candidates for prosecutors at the Special Prosecution Office. These meetings were attended by representatives of OPDAT and EURALIUS.

After an intensive work and long discussions, the Commission has conducted the assessment related to qualification of candidates according to criteria specified in the Regulation.

Out of 22 candidates in competition for prosecutors, after the interview process held in July 2019, there were selected **15 candidates for prosecutors** in SPAK. Upon Decision no. 137, dated 16.07.2019, HPC adopted the list with the ranking of candidates for prosecutors at the Special Prosecution Office against Corruption and Organized Crime¹².

HPC is awaiting the end of reassessment process for prosecutors at the Special Prosecution Office in order to pursue further with the establishment of Special Prosecution Office and appointment of prosecutors at this office. There are currently 8 (eight) confirmed prosecutors upon final decision, two have filed a complaint to the Appeal Chamber, whereas five others have not yet been subjected to the reassessment process.

○ *On selection procedure of the Prosecutor General*

Regarding the position of the Prosecutor General, HPC is the responsible body on the selection of candidates for this position. In this regard, upon Decision no. 50, dated 19.03.2019, the Council adopted the regulation “On criteria and selection procedure of candidates for Prosecutor General”. The drafting process of the regulation has been supported by experts of OPDAT and Euralius missions. Furthermore, HPC announced the invitation on presentation of expressions of interest for the position of the Prosecutor General.

As to the above, at the end of the time limit imposed by HPC (dated 29.04.2019) 4 candidates expressed their interest for the position of Prosecutor General (Mrs. Arta Marku, Mrs. Fatjona Memçaj, Mr. Lulzim Alushaj and Mr. Olsian Çela).

Within 45 days from the end of the submission time limit of the expression of interest by candidates, HPC must conduct the verification of legal criteria to be accomplished by candidates for Prosecutor General according to legislation in force. In the meantime, pursuant to legal provisions, HPC awaits the termination of reassessment procedures for candidates subjected to this process until their confirmation. HPC has officially addressed to Independent Qualification Commission to

¹² <http://klp.al/wp-content/uploads/2019/07/Nr.137-Dat%C3%AB-16.07.2019.pdf>

enable reassessment with priority of candidate Mr. Olsian Çela, in order that the process concludes within the legal time limit.

Upon Decision no. 109, dated 17.06.2019, HPC decided to postpone the 45 day time limit on verification of accomplishment of legal criteria by candidates in competition, until the termination of this process for candidate Mr. Olsian Çela.

During the HPC meeting, held on 25.09.2019, upon the issuing of final decision of the confirmation on duty of candidate Olsian Çela by vetting bodies, it was adopted the final list with the names of candidates who fulfill the conditions to continue the competition for Prosecutor General as following:

- Mrs. Arta Marku;
- Mr. Olsian Çela;
- Mrs. Fatjona Memçaj.

The three candidates result to meet the conditions to further continue with the competition, whereas one candidate was prohibited to pursue his candidacy (Mr. Lulzim Alushaj), because he failed to accomplish the condition of 15 year experience as distinguished lawyer, as well as lack of documentation (two self declarations). By decision no. 169, dated 25.09.2019, HPC decided to reject his candidacy for Prosecutor General¹³.

○ *Adopted acts during reporting period*

During January – September 2019, HPC has adopted the following acts:

- ✓ Regulation “On criteria and procedure of promotion of the Prosecutors at Special Prosecution Office against Corruption and Organized Crime”.
- ✓ Regulation “On criteria and procedure on selection of candidates for Prosecutor General of the Republic of Albania”.
- ✓ Work Methodology of Special Commission on Assessment of Candidates for Special Prosecution Office against Corruption and Organized Crime.
- ✓ Regulation “On activities outside the function of prosecutors”.
- ✓ Regulation “On temporary assignment of prosecutors”.
- ✓ Regulation “On salaries of prosecutors for the work carried out outside the official timetable”.
- ✓ Regulation “On verification procedure of conditions and legal criteria on recruitment, appointment as magistrates and assignment in the position of candidates for prosecutors as well as development of career of prosecutors”.
- ✓ Regulation “On ethical and professional assessment of subjects in the reassessment process”.

¹³<https://klp.al/wp-content/uploads/2019/09/vendim-nr-169-25.09.2019-1.pdf>

Moreover, several acts are in process, which are going to be adopted soon such as:

- Methodology “On assessment and determination of scores for the ranking of candidates for Prosecutor General”.
- Regulation “On criteria and promotion procedures in the highest ranks and in the position of the head of Prosecution Office”.
- Internal Regulation of HPC.

○ *Recent changes in the composition of members of the Council*

In August 2019, upon decision no. 161, dated 02.08.2019, HPC declared termination of the mandate of HPC member, Mr. Gentian Osmani, due to incompatibility in the exercise of duty as a result of the Appeal Chamber decision no. 20, dated 31.07.2019, which has decided the final dismissal of Mr. Gentian Osmani as prosecutor. Moreover, on 02.09.2019, the General Prosecution Office opened competition for the vacancy position left from Mr. Gentian Osmani, inviting the first instance prosecutors to present request for expression of interest on completion of vacancy as HPC member.

From the candidates who expressed interest to compete as HPC members, the General Prosecution Office decided:

- ✓ **Mr. Vladimir Mara**, prosecutor at the Prosecution Office of First Instance Serious Crimes Court, accomplishes legal conditions to compete as HPC member.
- ✓ **Mrs. Esmeralda Keshi (Cami)**, prosecutor at the Prosecution Office of First Instance Court of Dibra, accomplishes legal conditions to compete as HPC member.

At the end of the voting process of the General Meeting of Prosecutors on the election of 1 (one) prosecutor as HPC member, where participants in voting were 253 (two hundred and fifty three) prosecutors, it was announced as winner Mrs. Esmeralda Keshi (Cami) with 133 votes while Mr. Vladimir Mara was listed second with 109 votes.

○ *Procedure after establishment of SPAK*

Taking into consideration the pace wherewith the vetting process in justice system progresses, HPC will announce very soon the establishment of SPAK. Right after this moment, the council will appoint the head of the Special Prosecution Office.

After the appointment of the head of Special Prosecution Office, it will begin the process on selection of the head of BKH. Those who are interested to apply for the position of BKH Director must refer to the law on SPAK. Article 34 of this law lists minimal criteria that must be accomplished by candidates, including work experience, education and past behavior.

BKH will be composed of 60 investigators. The applicants for the position of the director and investigator of BKH must acknowledge that the selection process will be very rigorous and challenging. It has been stipulated in the Law on SPAK and will assess professional capabilities, integrity as well as mental and physical capabilities of applicants. A preliminary notice has been published in the official HPC website for all interested parties.

The Justice Appointments Council (JAC), pursuant to article 149/d of the Constitution, conducts verification of legal conditions and evaluation of professional and moral criteria of candidates for High Inspectorate of Justice, as well as candidates for member of Constitutional Court. The Justice Appointments Council is composed of 9 members selected by lot, among the ranks of judges and prosecutors. They exercise their mandate for one year term. On 7 **December 2018**, the Parliament Speaker, pursuant to item 3 of article 149/d of the Constitution, article 284 of the law no. 115/2016 “On governing bodies of the justice system”, as well as Order no. 2, dated 3.12.2018, of the Parliament Speaker “On determination of procedure and rules of drawing the lot for the election of members of Justice Appointments Council”, held the procedure of drawing the lot on election of members of Justice Appointments Council (temporary).

At the conclusion of drawing the lot there were appointed 8 members of the Justice Appointments Council, as well as three substitute members. One of the members of JAC, concretely the Chairman of Constitutional Court, was dismissed from duty with a final decision of the Appeal Chamber, while another substitute member was dismissed from the Independent Qualification Commission. Consequently, JAC for 2019 has only 7 members and two substitute members. **The Justice Appointments Council**, appointed according to this lot, exercises its function for a calendar year starting from **1 January 2019**.

During January – July 2019, the Justice Appointments Council (temporary 2019), has held a total of **25 meetings**. Until July 2019, the Justice Appointments Council has adopted and published in the official website of the High Court the following acts:

- a) Decision No. 1, dated 08.02.2019 “*Internal regulation “On the Functioning of JAC”*”;
- b) Decision No. 2, dated 15.02.2019 “*On Lot Procedure for the Assignment of Relators on Vacancies in each Institution*”;
- c) Decision No. 4, dated 11.03.2019 “*On Verification Procedure of Candidates for Vacancies in the Constitutional Court and of the High Inspectorate of Justice*”;
- d) Decision No. 5, dated 02.04.2019 “*On Criteria and Assessment Procedure, Rating and Ranking of Candidates for Vacancies in Constitutional Court and of High Inspectorate of Justice*”;
- e) Decision No. 51, dated 21.06.2019 “*Methodology on Assessment and Determination of Points on Ranking of Candidates for Judges in Constitutional Court*”;
- f) Decision No. 52, dated 21.06.2019 “*Methodology on Assessment and Determination of Points on Ranking of Candidates for High Inspector of Justice*”.

Furthermore, during August – September 2019, Justice Appointments Council (temporary 2019), has held 8 meetings, proceeding with:

- assessment of candidates;
- interview of candidates (platform, vision, level of foreign language etc);
- one candidate has been revised, who was restituted for review by Administrative Court of Appeals and then it was decided again the prohibition of his candidacy, by leaving ultimately 6 candidates in competition;

- It has been conducted final assessment of candidates and it has been adopted respective draft report;
- It has been re-announced vacancy position for High Inspector of Justice;
- It has been drawn the lot on determination of relator and counselors for the vacancy position announced by Parliament of the Republic of Albania.

Regarding the verification procedures, on 01.03.2019, Justice Appointments Council (temporary 2019) decided on “Announcement on opening of Application Procedure on Vacancy Position for High Inspector of Justice”. There are 12 candidates expressing their interest for this announcement.

On 05.04.2019, Justice Appointments Council (temporary 2019) has drawn the lot on assignment of relators for all candidates who had applied for vacancies in the Constitutional Court, with a total over 40 candidates.

At the end of verifications, by excluding those candidates who have presented their resignations, Justice Appointment Council (temporary 2019) has allowed the continuation of evaluation and rating procedure of only 6 candidates for the Constitutional Court and 4 candidates for the position of High Inspector of Justice.

Justice Appointments Council has proceeded with assessment of 6 remaining candidates, for judges of Constitutional Court as well as has conducted respective assessment and rating for each of them, on 4 vacant positions, namely:

- Full vacancy announced by President of the Republic on 07.02.2018;
- Full vacancy, announced by President of the Republic on 04.03.2019;
- Full vacancy, announced by Parliament of Albania on 12.02.2018;
- Full vacancy, announced by Parliament of Albania on 04.03.2019.

As to the above mentioned positions, Justice Appointments Council is at the last stage of the conclusion of respective reports and very soon the list with names according to rating of each of them will be submitted to the naming bodies according to vacant positions.

Moreover, Justice Appointments Council has notified the naming bodies, respectively Parliament of Albania and President of the Republic, on their two remaining vacant positions that have remained less than three candidates.

Both naming bodies have made announcements on application of interested people for vacant positions as judges of Constitutional Court and it results that:

1- Parliament of the Republic has announced and presented to JAC, the list with 6 candidates, who have applied for this vacant positions.

- JAC has pursued the process by drawing the lot of the relator and counselors for this vacant position.

- It has pursued verification procedure of candidates and is at the stage of notifying candidates for taking over respective documentation and submitting this documentation completed to JAC.
- Candidates are still within the time limit for the submission of asset declaration form to HIDAACI, which is a procedure that is carried out by this institution.
- JAC is at the preparation stage of paperwork on collecting information from all public and private institutions with the purpose of verification of candidates according to the law.

2- Regarding the vacant position, the President of the Republic is at the stage of announcing the call for application of interested parties.

On 09.09.2019, due to the insufficient number of candidates in competition, Justice Appointments Council announced call for presentation of candidacies of the vacant position for High Inspector of Justice. At the expiration of the announcement time limit, it results that 4 new candidates express their interest for this vacant position.

- It has pursued verification procedure of verification of candidates and it is at the stage where candidates are announced on taking over respective documentation and submitting it completed to JAC.
- Likewise, it is worth mentioning that candidates are yet within the time limit to submit asset declaration form to HIDAACI, which is a procedure carried out by this institution.
- JAC is at the preparation stage of paperwork on collecting information from all public and private institutions with the purpose of verification of candidates according to the law.

○ Evaluation process and the progress of re-evaluation institutions

The Independent Qualification Commission is a new constitutional body with a 5 year mandate, established with the new amendments to the constitution, as part of the package of justice reform with regard to the establishment of an independent and professional system free of corruption. The Parliament of Albania upon decision no. 82/2017, dated 17.6.2017, adopted en bloc the list with 12 commissioners. The activity of the commission is based on the constitution of the Republic of Albania and the law no.84/2016 “On transitory re-evaluation of judges and prosecutors in the Republic of Albania”. The purpose of the law is the transitory re-evaluation of judges and prosecutors (re-evaluation subjects) in the Republic of Albania.

The Commission evaluates the cases of re-evaluation subjects in 4 adjudication panels composed of 3 members each, based on three criteria:

- a) Asset evaluation;
- b) Background evaluation;
- c) Proficiency evaluation.

In total, until 30 September 2019, the Independent Qualification Commission has issued **194 decisions**, out of which:

- ✓ 83 decisions on confirmation on duty of 34 judges, 40 prosecutors and 9 legal assistants;

- ✓ 71 decisions on dismissal from duty of 42 judges and 27 prosecutors and 2 legal assistants/candidates for magistrates;
- ✓ 15 decisions on process interruption for 10 judges, 4 prosecutors and 1 legal advisor in Constitutional Court; (article G of the Annex of Constitution);
- ✓ 8 decisions on process dismissal for 3 judges, 1 prosecutor and 4 legal assistants of High Court (article 56 of the law no. 84/2016);
- ✓ 16 decisions on process termination for 10 judges, 5 prosecutors dhe 1 (Chief Inspector) of High Inspectorate of Justice. (article 95 of the Code of Administrative Procedures and article 64 of the law no. 96/2016);
- ✓ 1 decision on suspension from duty of a prosecutor.

The Appeal Chamber continues to exercise its function in the re-evaluation process of judges and prosecutors, after the filing of complaint by re-evaluation subjects or the Public Commissioner against the decisions of the Independent Qualification Commission. The Appeal Chamber is the only judicial body, which reviews complaints send by re-evaluation subjects or Public Commissioner against decisions of Independent Qualification Commission.

Until **30 September 2019**, at the Appeal Chamber there have been registered 86 cases (40 during 2018 and 46 until September 2019) and there have been announced 35 decisions of re-evaluation jurisdiction (12 in 2018 and 23 decisions until September 2019). Out of 35 cases who have terminated, the Appeal Chamber has decided on:

- i. Upholding of the Decision of Independent Qualification Commission – **in 23 decisions (8 belong to 2018)**;
- ii. Amendment of the decision of Independent Qualification Commission, related to content in reasoning on prohibition of re-evaluation subjects to be appointed judges or prosecutors of every level, member of HJC or HPC, High Inspectorate of Justice or General Prosecutor for a 15 year term – **in 3 decisions (2 belong to 2018)**;
- i. Amendment of the decision of Independent Qualification Commission, by deciding the dismissal from duty of the re-evaluation subject – **in 7 decisions (1 decision belongs to 2018)**;
- iii. Cancellation of the decision of Independent Qualification Commission and dismissal from duty – **in 1 decision**;
- iv. Dismissal of case review due to withdrawal of complaint by the complainant – **in 1 decision (belongs to 2018)**.

Public participation in the denouncement of facts has been stipulated in article 53 of the law no.84/2016. In this framework, during January 2019 – 30.09.2019 in Appeal Chamber there have been registered and treated **254** denunciations, while in 2018 there have been registered and treated 136 denunciations.

The Institution of **Public Commissioners** as representative of public interest during the justice reform process exercises the following competences:

- a. Files a complaint to the Appeal Chamber at the Constitutional Court on decisions of the Independent Qualification Commission, 15 days after the notification (article 63 of the law no. 84/2016).

- b. Prepares a written report including reasons for rejection concerning non-implementation of recommendations of the International Monitoring Operation (IMO) in order to file a complaint to the Appeal Chamber (constitutional annex, article B “International Monitoring Operation).
- c. Approves rules on activity of the institution (article 69/3 of the law no. 84/2016).

During January - September 2019, the Institution of Public Commissioners has been notified from the Independent Qualification Commission (IQC) on **103 decisions**. 8 of them have been subject to complaint and for 93 others have been decided non-complaint¹⁴. There were 6 decisions of IQC under review.

In the public denunciation register for January – September 2019, there have been registered **277 denunciations**.

By-laws and normative acts adopted by the Public Commissioner`s Meeting.

- Regulation “On activity of the Institution of Public Commissioners”;
- Internal Administrative Regulation of the Institution of Public Commissioners;
- Regulation on prevention of conflict of interest, as well as declaration of assets in the exercise of public functions in the Institution of Public Commissioners;
- Regulation “On protection, processing, preservation and security of personal data in the Institution of Public Commissioners”;
- Regulation on media.

Ministry of Justice has facilitated the re-evaluation process in three main directions:

- ensuring necessary infrastructure for the re-evaluation bodies;
- ensuring financial means for re-evaluation bodies;
- cooperating with vetting bodies on requests for information submitted in view of the process of professional re-evaluation of re-evaluation subjects that is being conducted by these bodies.

II. METHODOLOGY OF MONITORING

Pursuant to the Order of Prime Minister No. 166, dt. 5.10.2017 “On approval of structure and organigramme of Ministry of Justice” at Ministry of Justice has been established the Sector of Monitoring, Implementation of Priorities and Statistics, at the Department of Policies and Strategies in the Justice Field, which is the responsible structure for the monitoring process and for the drafting of Strategy Monitoring Reports.

The Sector of Monitoring, Implementation of Priorities and Statistics coordinates with all responsible institutions, as well as continues afterwards with the drafting of monitoring report. This report covers the period from 1 *January 2019 until 30 September 2019* and it has been drafted based upon the contribution made by all institutions involved in the Action Plan of CSJC. The purpose is

¹⁴ In the column non-complaint there have been included 4 decisions of IQC, notified by the end of December 2018, for which decision making has been taken in January 2019.

to have information on the progress and challenges towards the accomplishment of the objectives of the strategy.

Every institution has reported on the implementation scale of each objective and measure, the allocated budget, encountered problems and progress assessment of the strategy as a whole. In order to monitor the implementation of the undertaken commitments, regarding the implementation of the measures, the monitoring process is conducted at objective level. The verification of reported data is done partially online, for those measures whose contact points have performed reporting, in order to assure their accuracy. The statistical handling is done through codification of replies based on the collected reportings.

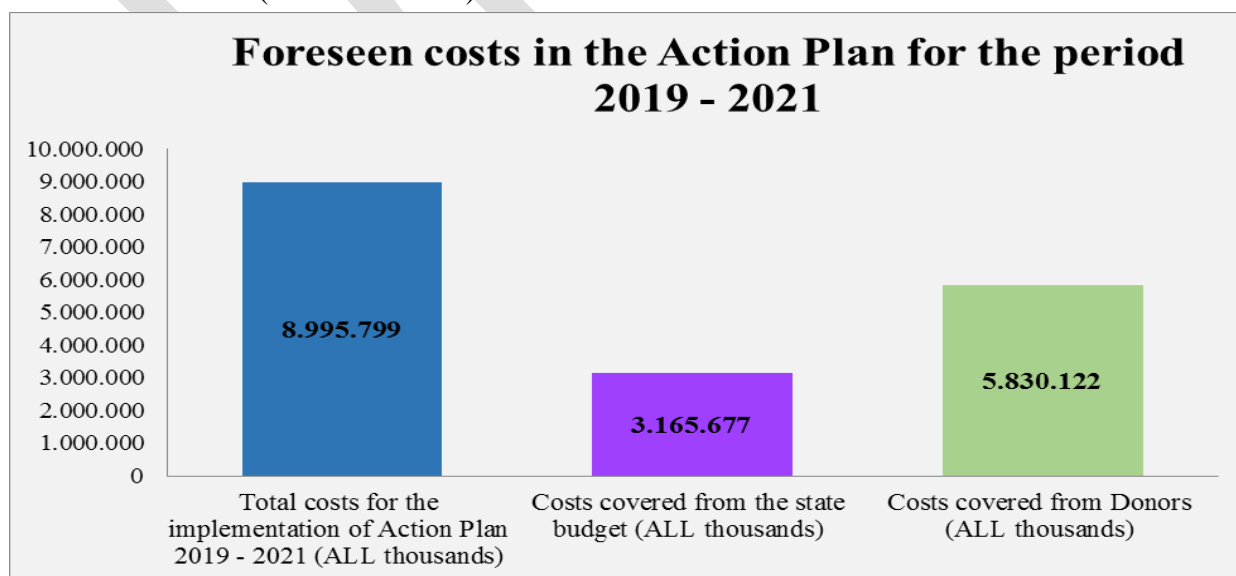
After preparation of the draft report, Ministry of Justice in support of the monitoring process, sends the document for consultation to the reporting institutions, civil society, and publishes the draft on the official website of Ministry of Justice, where an e-mail is sent for comments. At the conclusion of the consultation process, Ministry of Justice performs the reflection of the relevant comments/suggestions on the draft monitoring report before it is adopted by the Institutional Monitoring Mechanism/Sectorial Steering Committee on Justice Reform.

III. FINANCIAL DISBURSEMENT

The overall cost for the implementation of the Action Plan 2017 - 2021 on Justice Sector Reform had been estimated at 98,385,653 Euro. In view of deepening the commitment for implementing the Justice Reform and its reflection in the implementation of the Action Plan, Ministry of Justice has reviewed the Action Plan of Cross-Sector Justice Strategy for the period 2019 - 2021. Afterwards, the Council of Ministers upon decision no. 409, dated 19.06.2019 adopted the Action Plan 2019-2021 of Cross-Sector Justice Strategy.

As to the foreseen costs of the Action Plan 2019 – 2021, it results that:

- 3.165.677 (ALL thousands) are covered from the state budget;
- 5.830.122 (ALL thousands) are covered from donors¹⁵.



¹⁵ The budgeting of measures on free legal professions will be covered by own revenues of Chambers, as self-funded private entities.

In view of monitoring the implementation of measures of the Action Plan 2019 - 2021, the responsible institutions were requested to report on the financial costs based on their activity. *From the analysis on reported measures it results that during January – September 2019 there have been spent from the state budget a total of roughly 209,846 (ALL thousands) and 2,532 (ALL thousands) from donors.*

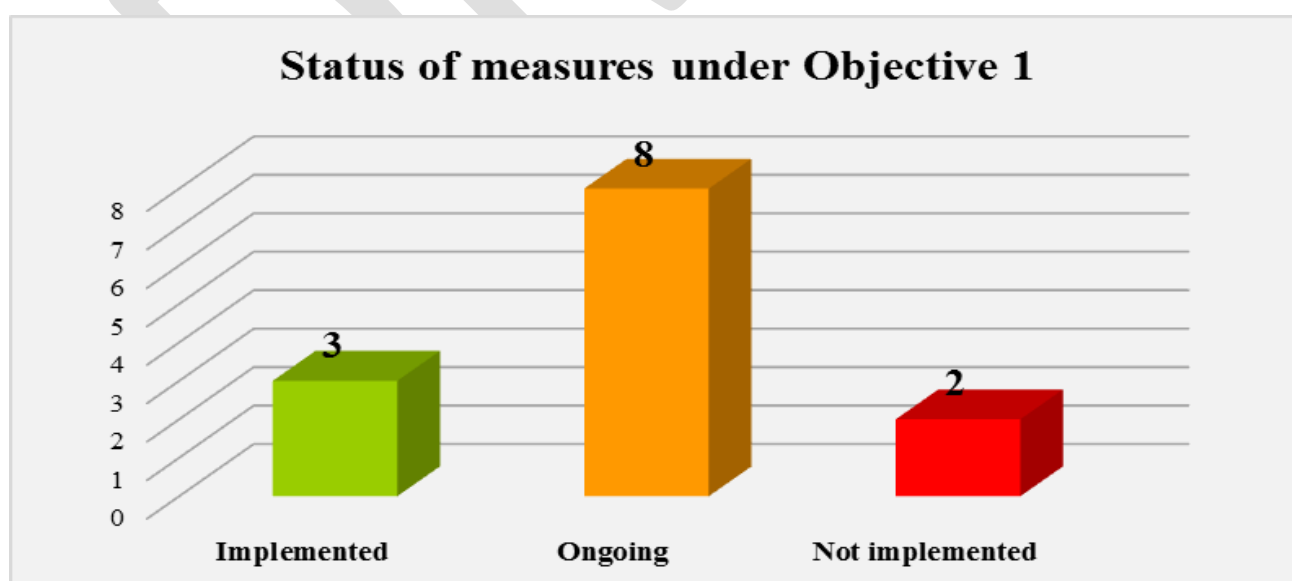
IV. IMPLEMENTATION PROGRESS ACCORDING TO OBJECTIVES

This chapter describes the progress achieved in view of the accomplishment of each objective of the strategy and reflects graphically the implementation status of the strategy during January – September 2019¹⁶.

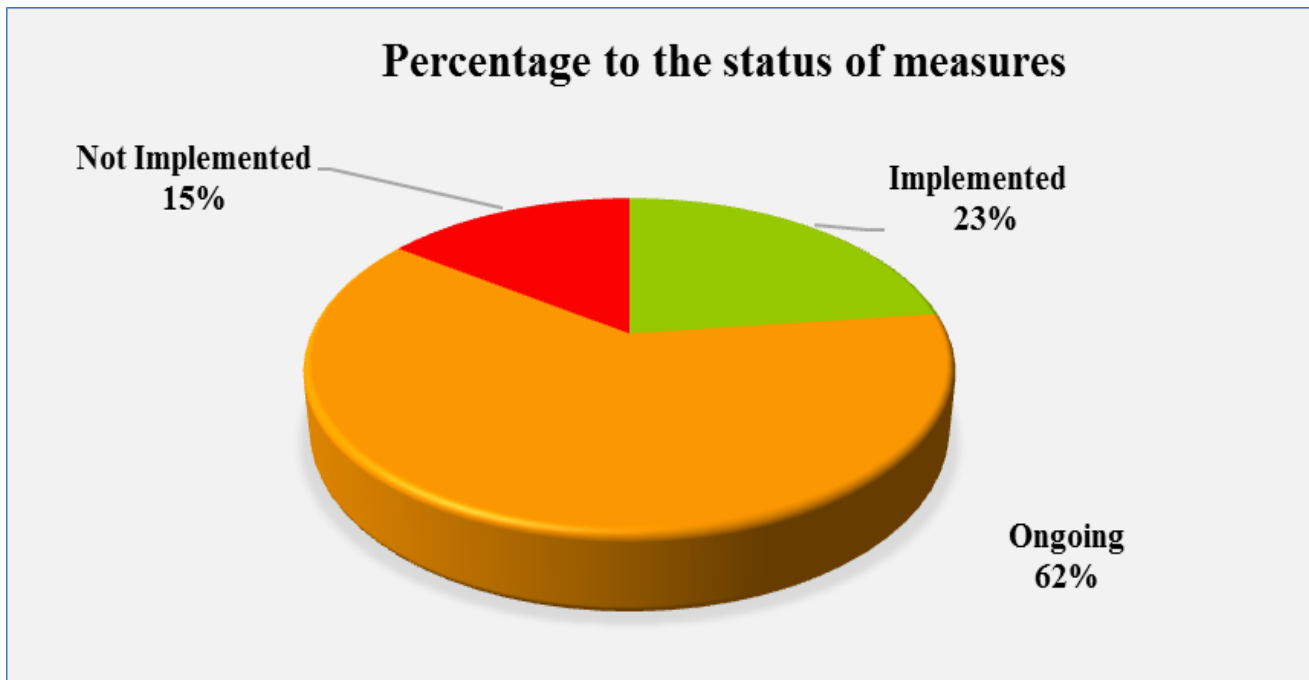
Objective 1: Strengthening the independence, efficiency, effectiveness and accountability of the justice system institutions.

Number of measures under implementation according to Objective 1

January – September 2019		
Implementation status of measures under Objective 1	Number of measures	Percentage to the total of Objective 1
Implemented	3	23%
Ongoing	8	62%
Not implemented	2	15%
Total	13	100%



¹⁶ The Action Plan and progress for each objective is reflected in annex 2 of the Monitoring Report.



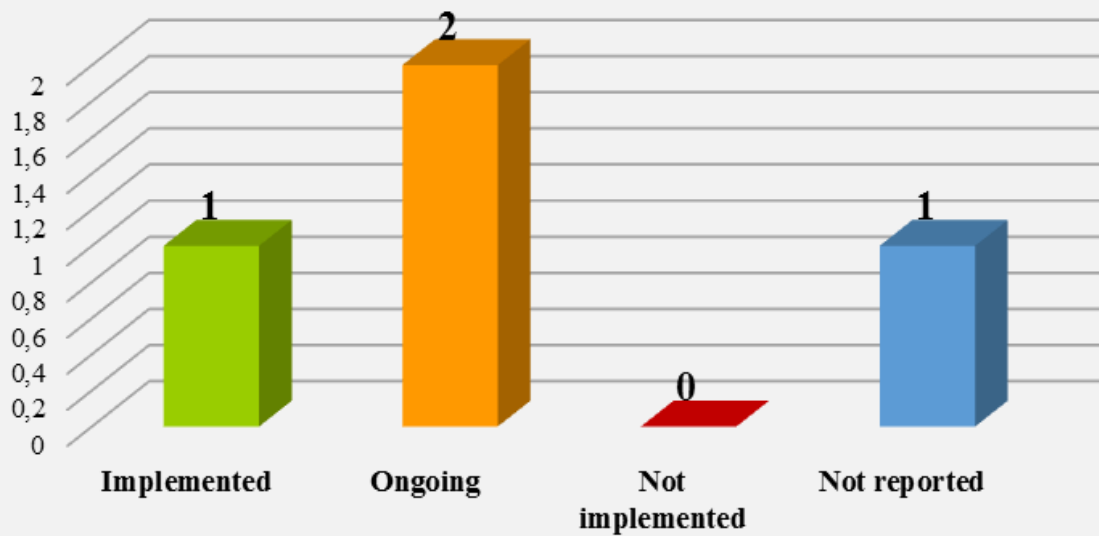
It results that from 13 measures foreseen in the Action Plan of the Strategy for objective 1, 3 of them are implemented, 8 are still ongoing and 2 measures not implemented by the responsible institutions. The percentage against the total progress of implementation of the Action Plan 2019 - 2021 for this objective is 23% for the implemented measures, 62% for ongoing measures, as well as 15% for measures that will start to be carried out in the future by the responsible institutions.

Objective 2: Consolidation of legal education and training as well as specialisation of magistrates and court personnel.

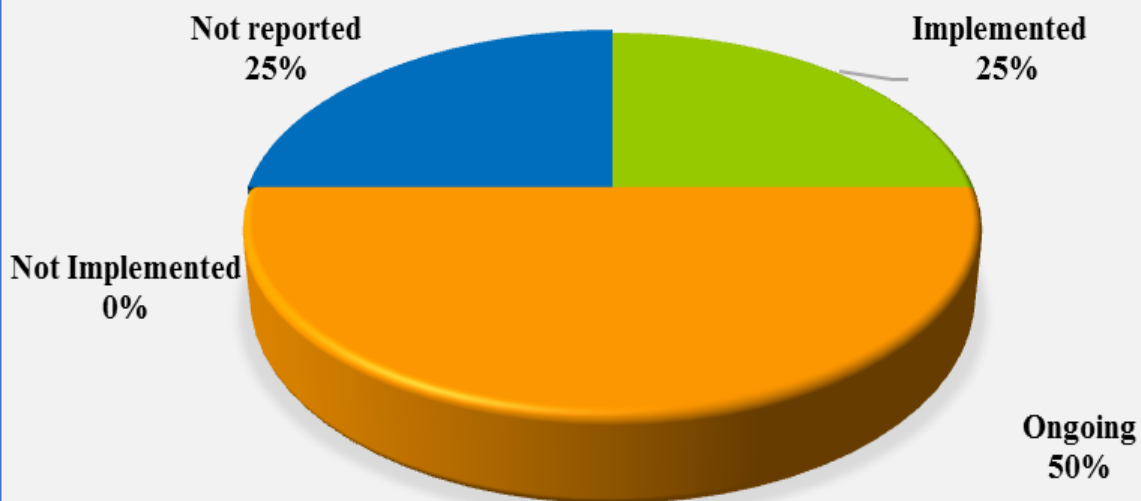
Number of measures under implementation according to Objective 2

January – September 2019		
Implementation status of measures under Objective 2	Number of measures	Percentage to the total of Objective 2
Implemented	1	25%
Ongoing	2	50%
Not implemented	0	0%
Not reported	1	25%
Total	4	100%

Status of measures under Objective 2



Percentage to the status of measures

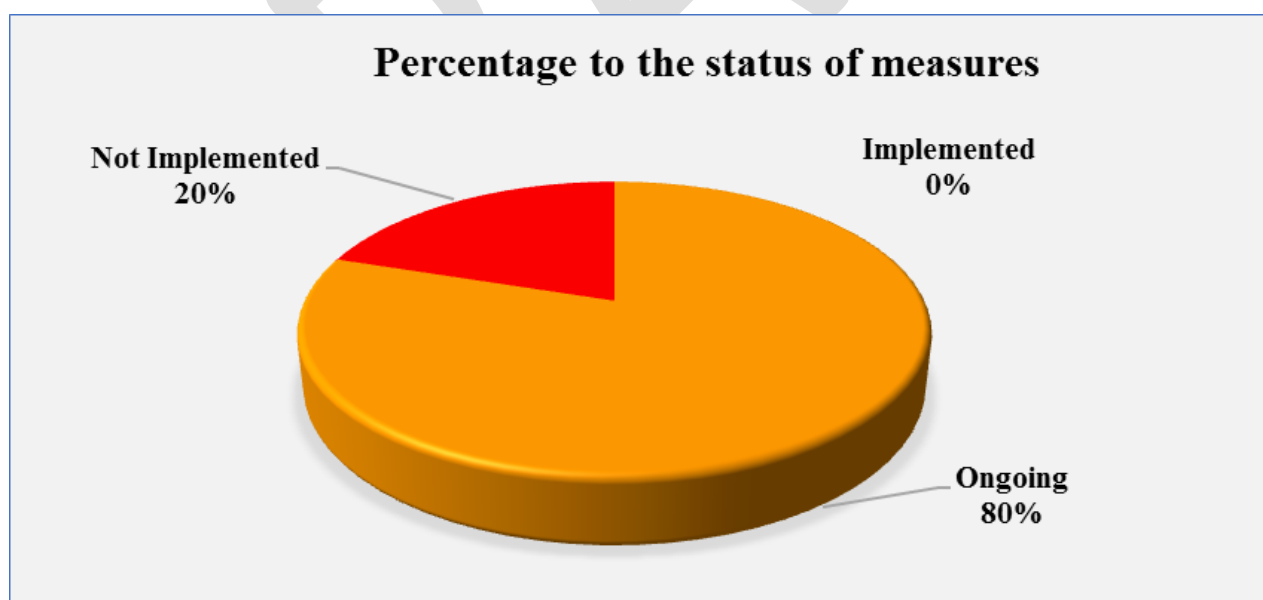
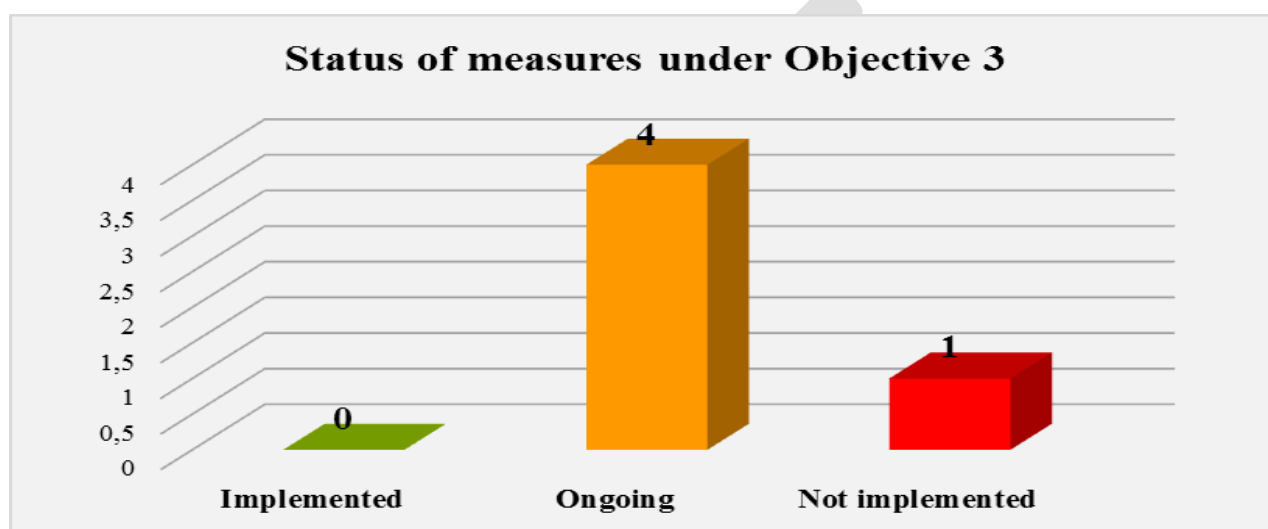


It results that from 4 measures foreseen in the Action Plan of the Strategy for objective 2, 1 of them is implemented, 2 are still ongoing, as well as 1 measure is not reported by the responsible institution. The percentage against the total progress of implementation of the Action Plan 2019 - 2021 for this objective is 25% for the implemented measure, 50% for ongoing measures, as well as 25% for not reported measure by the responsible institution.

Objective 3: Guaranteeing efficiency, transparency and accessibility of the judicial system, and the right to due legal process in accordance with European standards.

Number of measures under implementation according to Objective 3

January – September 2019		
Implementation status of measures under Objective 3	Number of measures	Percentage to the total of Objective 3
Implemented	0	0%
Ongoing	4	80%
Not implemented	1	20%
Total	5	100%

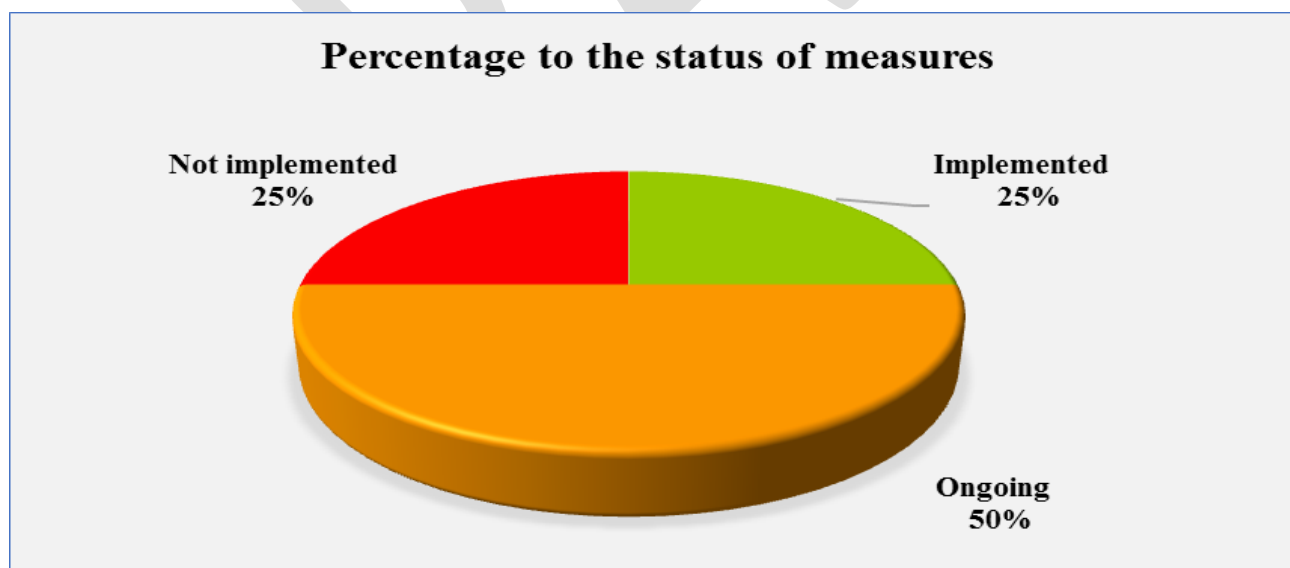
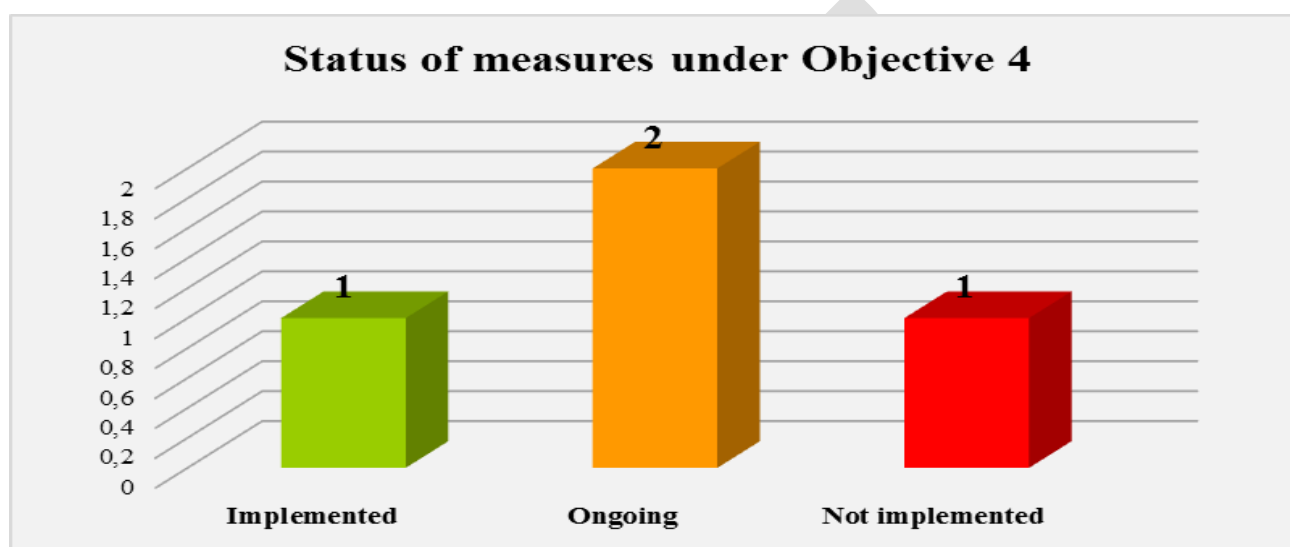


It results that from 5 measures foreseen in the Action Plan of the Strategy for objective 3, 4 of them are still ongoing and 1 measure not implemented by the responsible institution. The percentage against the total progress of implementation of the Action Plan 2019 - 2021 for this objective is 80% for ongoing measures and 20% for measures that will start to be carried out in the future by the responsible institution.

Objective 4: Increasing the efficiency of criminal justice system and anti-corruption measures through the consolidation of the mission, status and functions of criminal justice institutions.

Number of measures under implementation according to Objective 4

January – September 2019		
Implementation status of measures under Objective 4	Number of measures	Percentage to the total of Objective 4
Implemented	1	25%
Ongoing	2	50%
Not implemented	1	25%
Total	4	100%

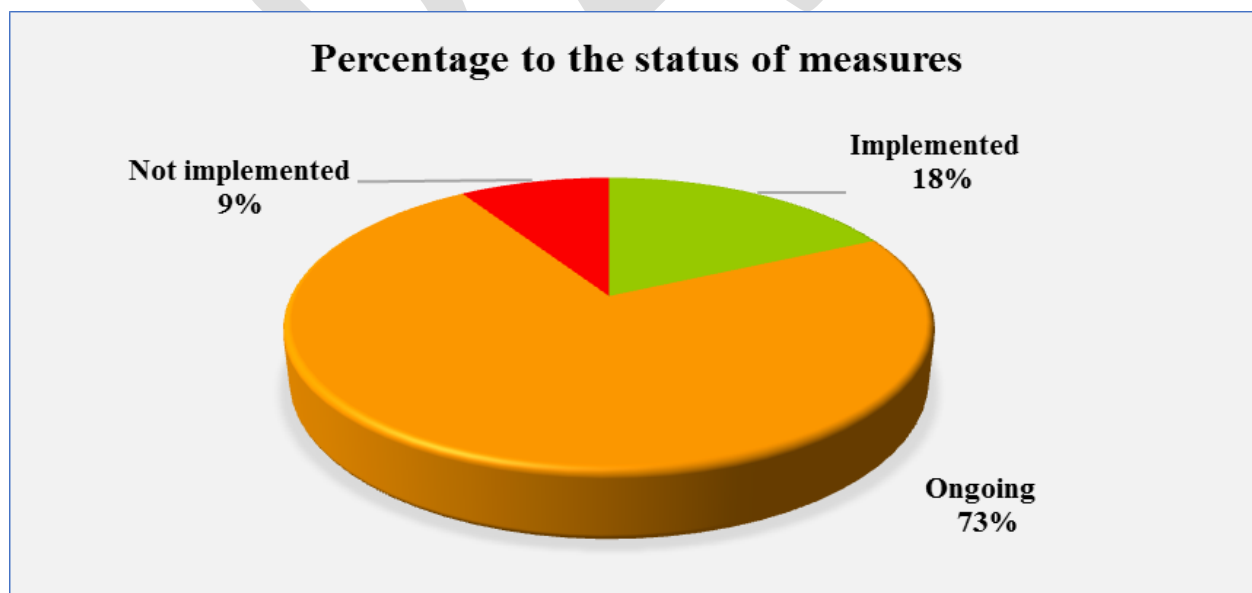
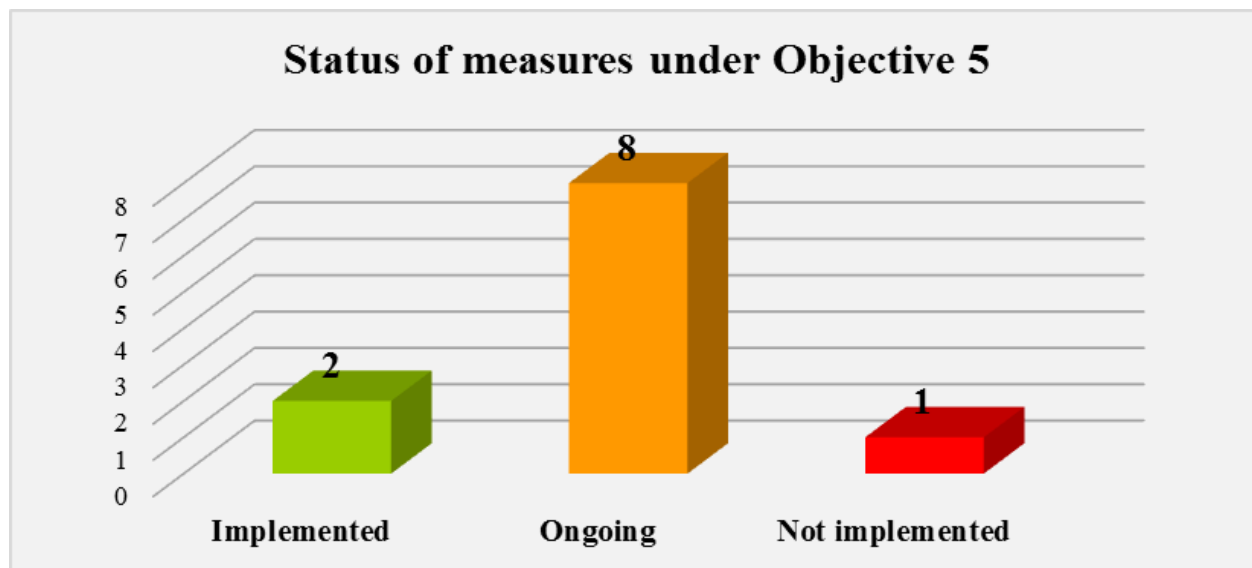


It results that from 4 measures foreseen in the Action Plan of the Strategy for objective 4, 1 of them is implemented, 2 are still ongoing, as well as 1 measure is not implemented by the responsible institution. The percentage against the total progress of implementation of the Action Plan 2019 - 2021 for this objective is 25% for implemented measures, 50% for ongoing measures and 25% for measure that will start to be carried out in the future by the responsible institution.

Objective 5: Improving the functioning of the justice system by providing modern electronic systems procedures and facilities for development of strong international cooperation.

Number of measures under implementation according to Objective 5

January – September 2019		
Implementation status of measures under Objective 5	Number of measures	Percentage to the total of Objective 5
Implemented	2	18%
Ongoing	8	73%
Not implemented	1	9%
Total	11	100%

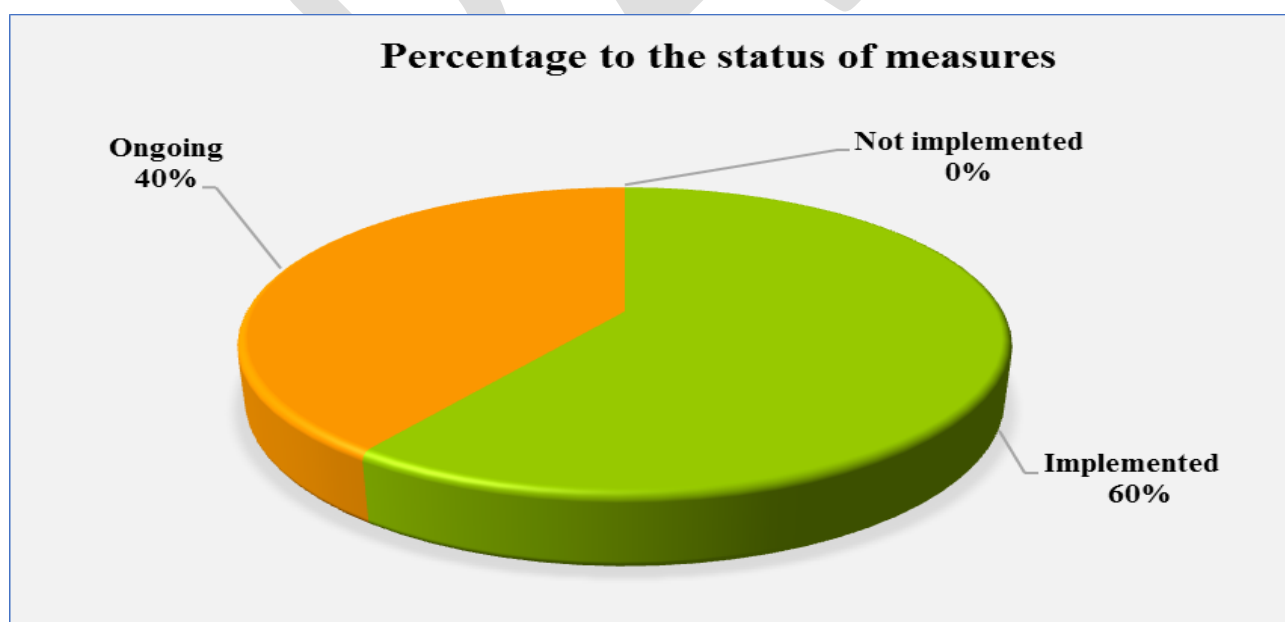
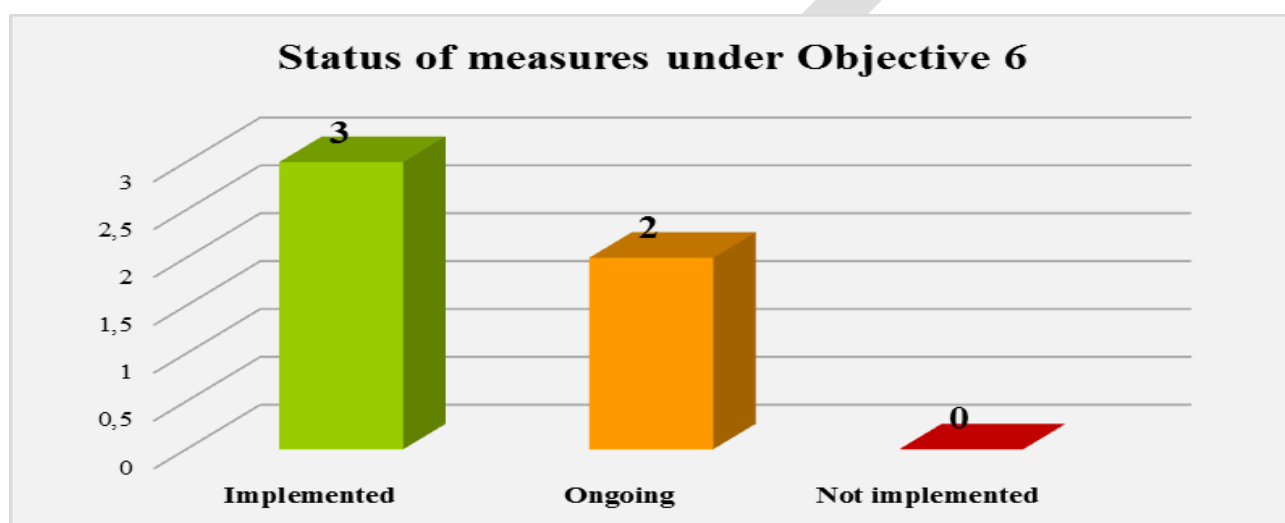


It results that from 11 measures foreseen in the Action Plan of the Strategy for objective 5, 2 of them are implemented, 8 are still ongoing, as well as 1 measure is not implemented by the responsible institution. The percentage against the total progress of implementation of the Action Plan 2019 - 2021 for this objective is 18% for implemented measures, 73% for ongoing measures and 9% for measures that will start to be carried out in the future by the responsible institution.

Objective 6: Enhancement of the protection of human rights in penitentiary system.

Number of measures under implementation according to Objective 6

January – September 2019		
Implementation status of measures under Objective 6	Number of measures	Percentage to the total of Objective 6
Implemented	3	60%
Ongoing	2	40%
Not implemented	0	0%
Totali	5	100%

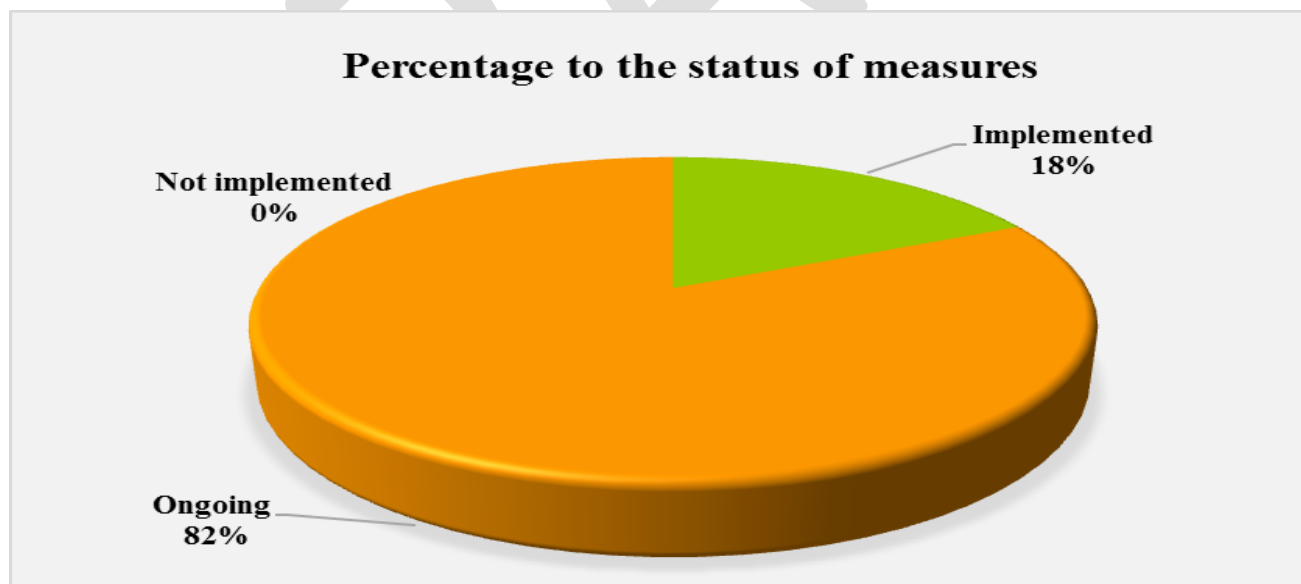
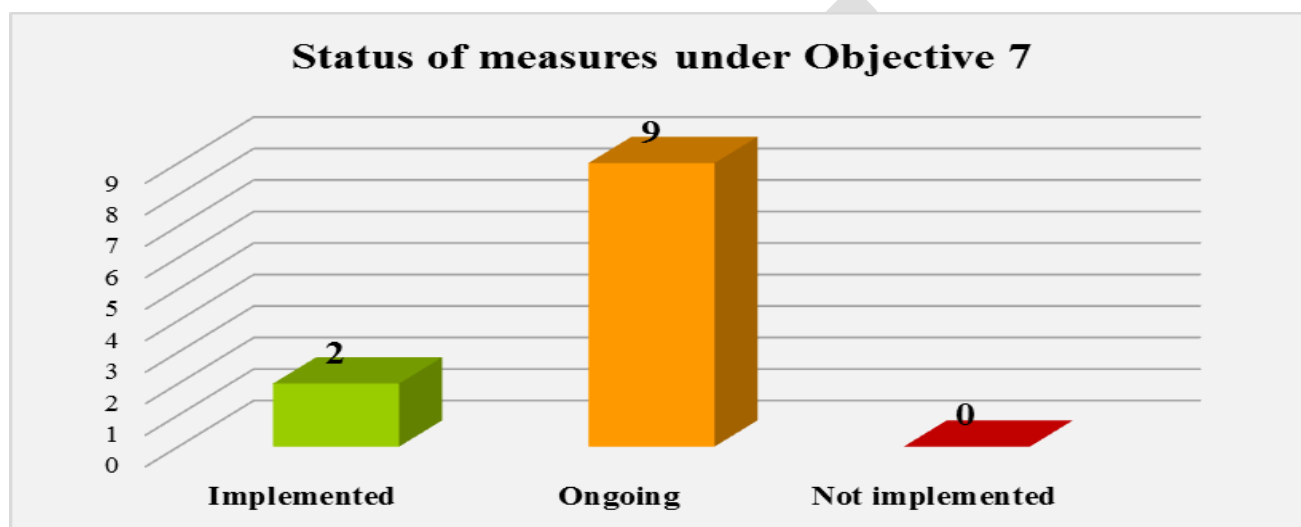


It results that from 5 measures foreseen in the Action Plan of the Strategy for objective 6, 3 of them are implemented and 2 are still ongoing. The percentage against the total progress of implementation of the Action Plan 2019 - 2021 for this objective is 60% for implemented measures and 40% for ongoing measures.

Objective 7: Improving the functioning of the Ministry of Justice and its subordinate institutions of new or substantially changed institutions.

Number of measures under implementation according to Objective 7

January – September 2019		
Implementation status of measures under Objective 7	Number of measures	Percentage to the total of Objective 7
Implemented	2	18%
Ongoing	9	82%
Not implemented	0	0%
Totale	11	100%

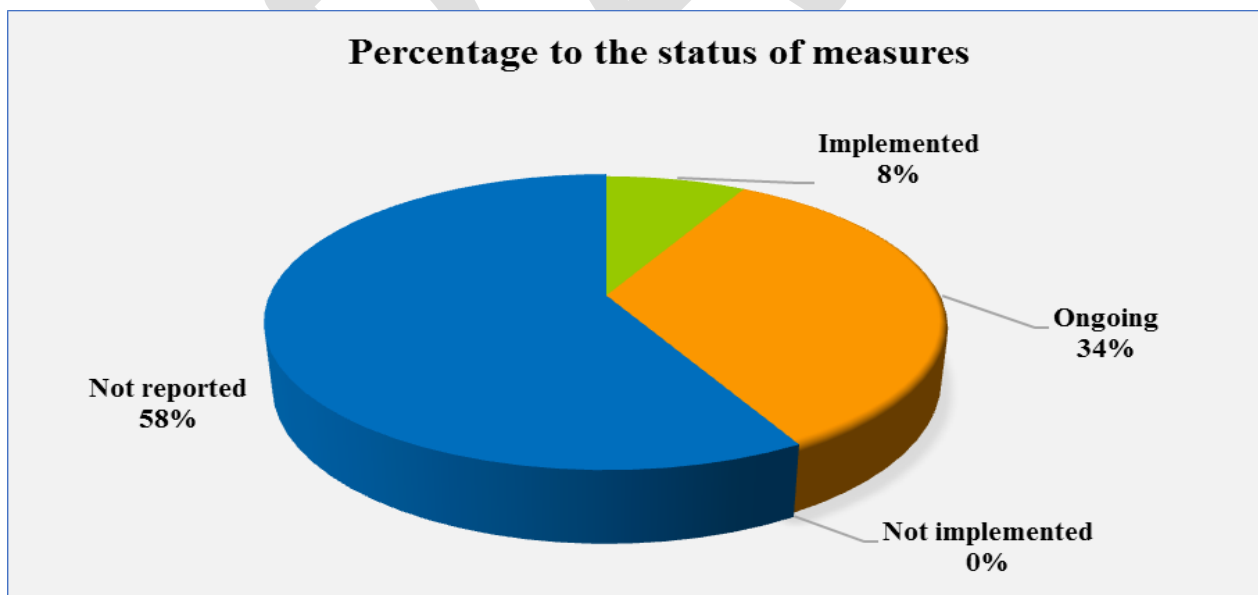
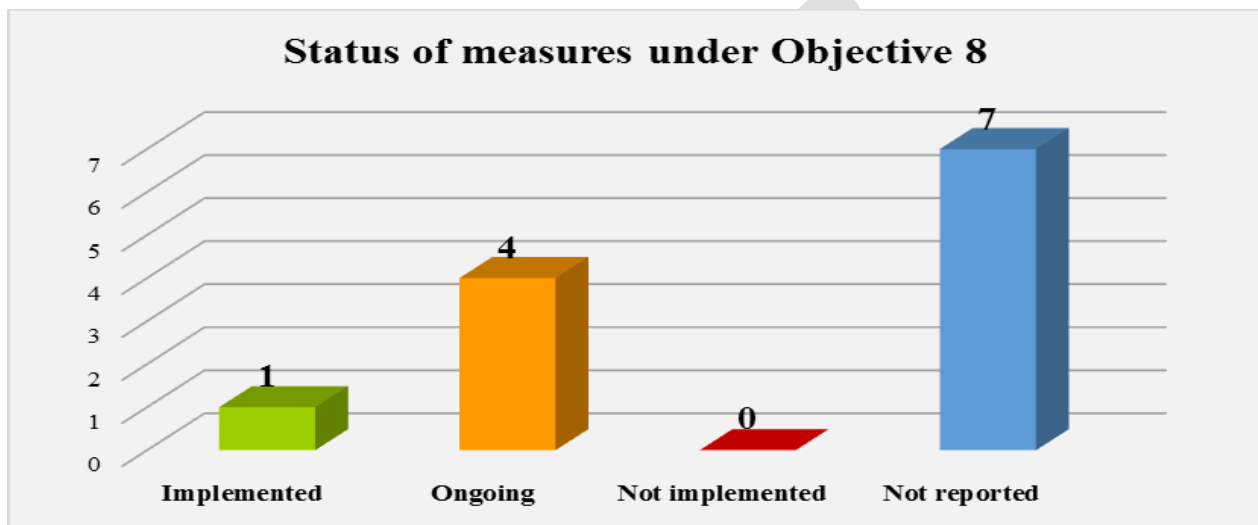


It results that from 11 measures foreseen in the Action Plan of the Strategy for objective 7, 2 of them are implemented and 9 are still ongoing. The percentage against the total progress of implementation of the Action Plan 2019 - 2021 for this objective is 18% for implemented measures and 82% for ongoing measures.

Objective 8: Improving the service quality of legal professions and establishing a legal framework for arbitration.

Number of measures under implementation according to Objective 8

January – September 2019		
Implementation status of measures under Objective 8	Number of measures	Percentage to the total of Objective 8
Implemented	1	8%
Ongoing	4	34%
Not implemented	0	0%
Not reported	7	58%
Totali	12	100%



It results that from 12 measures foreseen in the Action Plan of the Strategy for objective 8, 1 of them is implemented, 4 are still ongoing, as well as 7 measures are not reported by the responsible institutions. The percentage against the total progress of implementation of the Action Plan 2019 - 2021 for this objective is 8% for the implemented measures, 34% for ongoing measures, as well as 58% for not reported measures by responsible institutions.

V. MAIN ACHIEVEMENTS DURING THE PERIOD JANUARY – SEPTEMBER 2019

The most important main achievements during the 9-month period pursuant to the Action Plan 2019–2021 of Cross-Sector Justice Strategy are as follows:

- A decisive step in the framework of implementation of justice reform was marked by the establishment of High Judicial Council and the establishment of High Prosecutorial Council in December 2018, which are the two pillars for an independent and qualitative judicial system. Furthermore, during the reporting period, HJC and HPC have taken a series of initiatives and in this regard, there have been adopted different regulations according to scope of responsibility of each institution.
- HJC continues to be intensively committed in support of the re-evaluation process, among other things also with the drafting of detailed and reasoned reports on analysis of professional capacities of re-evaluation subjects.
 - Until 30 September 2019 there have been drafted and submitted to IQC and IMO 196 evaluation reports. The 2019 target to submit $\frac{1}{4}$ of reports is fully achievable.
- HPC is the body in charge of assessing the work of prosecutors, including assistance for transitory re-evaluation. By Decision no. 6, dated 26.12.2018 is established “Assessment Commission on Ethical and Professional Activity”.
 - By Decision no. 32, dated 22.02.2019, HPC decided to command 6 magistrates, prosecutors, for preparing professional assessment draft-reports in the framework of re-evaluation.
 - HPC in cooperation with IQC have organized the lots for random selection of five acts and files for 39 prosecutors at Tirana, Berat, Mat, Lushnja, Vlora, Kurbin, Pogradec and Durrës Courts of First Instance.
 - There have been drafted and adopted in plenary session by HPC and sent to IQC 35 reports on prosecutor subjects.
 - Moreover, reports on 18 candidate prosecutors were drafted and adopted, who expressed their interest to be part of Special Prosecution Office, as well as is completed and submitted a professional evaluation of a candidate for Prosecutor General.
- The Justice Appointments Council has officially started work on 15.01.2019 and for a 9-month period has accomplished a voluminous, delicate and productive work, by adopting all necessary acts and regulations for the selection of candidates for member of the Constitutional Court and High Inspectorate of Justice, as well as the Internal Regulation “On the Functioning of JAC”.
 - JAC has completed the verification and evaluation procedures for 4 vacant positions of the Constitutional Court (2 of the Parliament and 2 of the President), as well as the list name of respective candidates is sent to naming bodies.

- JAC has currently re-launched candidate verifications for two other vacant positions (1 of the Parliament where 6 candidates applied and 1 of the President where 6 candidates applied), to meet the legal requirements and other legal criteria, as well as has continued even with the verification of 4 new candidates who have applied for HIJ, after the announcement made by JAC on 09.09.2019.
- By law no. 96/2016, there have been changed the salaries of magistrates for 2019. The implementation of the new system of salaries and other bonuses for magistrates has entered into force on 1 January 2019, according to stipulations of the law “On status of judges and prosecutors in the Republic of Albania”.
- The pedagogical council of School of Magistrates, in cooperation with Euralius V Mission, was committed in the improvement of the testing program for the admission of candidates for magistrates and candidates for legal consultants and assistants. The changes consisted in the structural viewpoint of testing questions and updating of the admission testing program with the amended laws.
 - In cooperation with Justice for All Project of USAID, it has been created the curricula on initial professional formation of chancellors, trained according to international management standards. The curricula includes 14 modules that offer comprehensive instructions in the fields of functional responsibility related to the administration of courts, as well as necessary technical, interpersonal and conceptual skills in order to guide the reform in the judiciary. The financial cover of the entire project has been made by EWMI, Justice for All.
 - The School of Magistrates has published 3 issues of the journal “Legal Life”, respectively no. 3 of 2018, no. 1 of 2019 and No. 2 of 2019, with 300 copies each. Under the auspices of the School of Magistrates two scientific titles have been published, one in the field of criminal procedure law and the other in civil law.
 - The e-commentary is a platform established and developed by EURALIUS Mission where 247 provisions of justice reform laws have already been commented on by the Mission. Currently, the platform is physically hosted on the server of SoM and it is accessible for free. The e-commentary aims to accompany the full implementation of justice reform by simultaneously introducing a new academic culture similar to that of european countries that involves a comprehensive and in-depth analysis of legal provisions.
 - So far, it has been invested in enriching the library of the School of Magistrates. The Library fund of the School of Magistrates, for January-September 2019, has increased by 85 library units, 50 of which are monographs in the field of jurisprudence, 15 topics of second year magistrate candidates and 10 serials.
- It has been established the integrated system for the publication of consolidated laws and sublegal acts of legislation summaries according to fields (Electronic Archive of OPC), which has finished on 29.03.2019. The project has achieved the general objective: creation of Electronic Archive System of Acts, which serves for the registration, editing, publication, updating, storage, administration and access of all publishable acts, in full compliance with Albanian legislation, national policies and best global practices in this regard.

- Pursuant to the law 111/2017 “On legal aid guaranteed by the state” there have been drafted and adopted Council of Ministers acts:
 - Decision no.110 dated 06.03.2019 “On specification of selection procedures and rules of non-profit organizations, authorized on the offer of primary legal aid guaranteed by the state, which benefit fundings from the state budget and their funding ways”.
 - Decision no. 55, dated 6.2.2019 “On specification of procedures and documentation on authorization of non-profit organizations, which offer primary legal aid guaranteed by the state”;
 - Instruction no. 1, dated 6.3.2019 “On some addenda and amendments to the instruction no. 4, dated 12.12.2012, of the Council of Ministers, “On specification of the extent of expenditures and payments of experts and witnesses during the judicial process”.

- The Minister of Justice has adopted sublegal acts pursuant to the law 111/2017:
 - Instruction no. 1 dated 08.03.2019 “On adoption of rules and procedures for collection, completion and administration of registers’ data”;
 - Instruction no. 2 dated 25.03.2019 “On procedures, periodicity and rules for verification of circumstances for the restitution of profits”;
 - Order no. 225 dated 25.3.2019 “On adoption of application forms of legal aid guaranteed by the state”;
 - Order no. 226 dated 25.3.2019 “On adoption of legal aid contracts guaranteed by the state”.
 - Instruction no. 6 dated 20.08.2019 “On rules and procedures for payments and court costs for which exemption has been imposed in the case of legal aid”.

- As to the establishment and functioning of Directorate of Free Legal Aid, in March 2019, upon the Order of the Prime Minister No. 59, dt.25.03.2019, it has been adopted the structure and organigramme of this directorate, which is under process for filling the vacancies through the Department of Public Administration (DPA).
 - For the period January - September 2019, it was provided secondary legal aid in the amount of 7 741 000 ALL.

- In view of exercising of constitutional and legal functions towards enhancement of efficiency, the Prosecutor General has issued the following normative acts:
 - General Instruction no.3 dated 21.06.2019 “On administrative and procedural measures in prosecution offices of general jurisdiction in the pre and post election period”;
 - General Instruction no.2 dated 24.05.2019 “On implementation of the law related to special regime in the high security prison”;

- Order no.101 dated 12.06.2019 “On adoption of Regulation “On appointment of the deputy head of Prosecution Office in the prosecution offices of general jurisdiction”;
 - The general guideline “On public relations in prosecution offices with general jurisdiction” has been adopted, drafted in cooperation with EURALIUS experts.
- Regarding the infrastructure investments, the General Prosecution Office has carried out partial reconstruction of Vlora Appellate Prosecution Office and Përmet Prosecution Office.
- Overall issue of overcrowding in prison system is a resolved problem. The total capacity of the prison system is 6106 prison inmates and during January-September 2019 an average of 5400 persons were treated, of whom 258 persons under the medical measure of mandatory medical treatment.
- Population level for January-September 2019 was on average -11% (-680). The prison system at general level has been in *undercrowded conditions*.
 - The elimination of overcrowding in prisons has come as a result of concrete measures in investments, such as the opening of the new prison in Shkodër, investment of European Union and Albanian Government, as well as the construction of two new buildings in “Jordan Misja” prison in Tirana, investment of Albanian Government, as well as through the conduction of a case by case careful study of the distribution and accommodation of prisoners in penitentiary institutions.
 - The organigramme for the pre-detainees and detainees for January-September 2019 have marked an average number of 649 employed persons: 144 pre-detainees and 505 sentenced persons. The prisoners are involved in employment activities with regard to opportunities offered by institutions, such as maintenance, cook assistant, gardener etc.
 - During the period January-September 2019 in penitentiary institutions was organized from the Social Care Sectors an average of 153 social topics per month and 29 book reviews. Likewise, there have been held 489 re-integrating activities.
- Regarding the enhancement of capacities, the Prime Minister’s Office has held a 5 day training in view of the development of IPSIS system, with the aim to know and use respective modules, mainly in view of drafting of policies of strategic framework, sectoral strategies and government priorities, NPEI, analytical plan of draft acts, as well as development of programs and strategic projects.
- Special focus in respective modules was given to passports of indicators, as well as the costing of political documents.

VI. CONCLUSIONS

The accomplishment of the justice reform is a continuous cross-sector process, where the design and measurement of the ultimate success indicators is complex, especially in a legal and institutional framework in ongoing reformation.

The successful implementation of reforms in the justice sector to ensure an effective, efficient, independent and transparent judicial system, in compliance with the best European practices remains the mission of this strategy.

During the monitoring process, some issues have been identified that have impacted on the level of implementation of the Action Plan. Among the most important elements that have affected the performance of the activities foreseen in this Action Plan are as follows:

- ❖ Non-constitution, on time, of the new justice system institutions such as: High Inspectorate of Justice, SPAK and Court against Corruption and Organized Crime.
- ❖ With the entry into force of the new Action Plan 2019 – 2021 (adopted by Decision of Council of Ministers No. 409, dt. 19.06.2019), the responsible institutions have had a relatively short time for the undertaking of necessary measures on implementation of activities foreseen in AP.

During this period, implementation and monitoring, as both interconnected processes that have oriented Ministry of Justice towards reflection and conclusions, we can mention the most important ones:

- ✚ It remains problematic the responsibility of institutions to report in due time and in due quality the information on the Action Plan measures. There is a need for greater cooperation of the Chambers, in order to contribute and report concerning the implementation of the Action Plan 2019 - 2021, pursuant to Cross-Sector Justice Strategy.
- ✚ The non-submission of information on financial disbursement related to foreseen activities of the Action Plan, affects the non-real reflection of the costs for the implementation of the strategy.
 - The institutions have reported on difficulties encountered in terms of:
 - The spent budget for the implementation of activities covered by the donors (this information is not available from the contact points at the reporting institutions);
 - The spent budget for the implementation of activities covered by the state budget (lack of a methodology related to the costing of activities brings about obstacles in reporting of factual costs for their implementation).

VII. CHALLENGES

In order to improve implementation and increase the impact of the Action Plan 2019 - 2021, the important challenges for the following monitoring periods are as below:

- ✦ Ensure a comprehensive and transparent consultation process during the reporting, monitoring phases with responsible institutions and stakeholders.
- ✦ It also remains a challenge the Passport of Indicators document of Cross-Sector Justice Strategy, since the institutions will report for the first time on the 11 indicators of CSJS, during the drafting of Annual Monitoring Report.
- ✦ Increasing the level of awareness and accountability from the internal structures of the responsible institutions by strengthening the inter-institutional coordination.
- ✦ The conduction of a periodical monitoring process, discussion of findings and adoption of respective reports according to designated deadlines.
- ✦ The coordination of information received from contact points with the Finance Directorates at respective institutions, before reporting to Ministry of Justice.
- ✦ Raising awareness of responsible institutions involved in the Action Plan regarding the importance of ongoing work for proper and timely implementation of the AP, as well as on the importance of the reporting process.

ANNEX 1

The adopted laws from the justice reform package are as below:

1. Law no. 35/2017 *"On some addenda and amendments to law no. 7905, dated 21.03.1995 "Criminal Procedure Code of the Republic of Albania", as amended;*
2. Law no. 36/2017 *"On some addenda and amendments to law no. 7895, dated 27.01.1995 "Criminal Code of the Republic of Albania", as amended;*
3. Law no. 37/2017 *"Criminal Justice Code for Juveniles";*
4. Law no. 32/2017 *"On some addenda and amendments to the Law no 10173, dated 22.10.2009 "On the protection of witnesses and collaborators of justice", as amended;*
5. Law no. 69/2017 *"On some addenda and amendments to the Law no 9157, dated 04.12.2003 "On interception of electronic communications", as amended;*
6. Law no. 70/2017 *"On some addenda and amendments to law no. 10192, dated 3.12.2009 "On preventing and striking at organised crime, trafficking and corruption through preventive measures against assets";*
7. Law no. 43/2017 *"On some addenda and amendments to Law no. 157/2013 "On measures against financing of terrorism";*
8. Law no. 44/2017 *"On some addenda and amendments to Law no. 9917, dated 19.5.2008 "On prevention of money laundering and financing of terrorism", as amended;*
9. Law no. 42/2017 *"On some addenda and amendments to law 'On declaration and audit of assets, financial obligations of the elected persons and some public employees", as amended;*
10. Law no. 38/2017 *"On some addenda and amendments to law no. 8116, dated 29.3.1996, "Code of Civil Procedure of the Republic of Albania", as amended;*
11. Law no. 40/2017 *"On some amendments to the law no. 8678, dated 14.05.2001, "On organisation and functioning of the Ministry of Justice", as amended;*
12. Law no. 39/2017 *"On some addenda and amendments to law no. 49/2012 "On organisation and functioning of Administrative Courts and adjudication of administrative disputes" as amended;*
13. Law no. 41/2017 *"On some addenda and amendments to law no. 152/2013, "On civil servant", as amended;*
14. Law no. 111/2017 *"On legal aid guaranteed by the state";*
15. Law no. 98/2017 *"On court fees in the Republic of Albania";*
16. Law no. 26/2018 *"On some addenda and amendments to the law no. 10385, dated 24.2.2011 "On mediation in dispute resolution";*
17. Law no. 55/2018 *"On the profession of advocates in the Republic of Albania";*

18. Law no.80/2018 *"On some addenda and amendments to Law no. 8331, dated 21.4.1998 "On the execution of criminal decisions", as amended;*
19. Law no. 86/2018 *"On some addenda and amendments to Law no 10018, dated 13.11.2008 "On State Advocacy".*
20. Law no. 110/2018 *"On Notary";*
21. Law no. 25/2019 *"On organization and functioning of Judicial Police";*
22. Law no. 26/2019 *"On Private Judicial Bailiff Service";*
23. Parliament Decision No. 47/2019, dated 18.04.2019 *"On adoption of Strategy on Public Legal Education 2019 – 2023".*

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