

## Project Fiche 1 – IPA National programmes / Component I

### 1 IDENTIFICATION

<b>Project Title</b>	<i>Support to the implementation of the Justice Reform Strategy</i>		
<b>CRIS Decision number</b>	<i>2012/023-036</i>		
<b>Project no.</b>	<i>01</i>		
<b>MIPD Sector Code</b>	<i>2. Justice and Home Affairs</i>		
<b>ELARG Statistical code</b>	<i>01.23 - Judiciary and fundamental rights</i>		
<b>DAC Sector code</b>	<i>15130 - Legal and judicial development</i>		
<b>Total cost (VAT excluded)<sup>1</sup></b>	<i>€ 2.675 million</i>		
<b>EU contribution</b>	<i>€ 2.5 million</i>		
<b>Management mode</b>	<i>Centralised</i>		
<b>EU Delegation in charge</b>	<i>EU Delegation to Albania</i>		
<b>Implementation management</b>	<p><i>General Directory of Supporting Services and Integration Directory of European Integration and Projects</i></p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <p>Mr. Arben Gjalpi, General Director (SPO) Ministry of Justice Phone: ++355 4 2259388/ 71158 Fax: ++355 4 234560 Email: <a href="mailto:arben.gjalpi@justice.gov.al">arben.gjalpi@justice.gov.al</a></p> </td> <td style="vertical-align: top; width: 50%;"> <p>Ms. Tetis Lubonja, Director Ministry of Justice Phone: ++355 4 2259388/ 71126 Fax: ++355 4 2234320 E-mail: <a href="mailto:tetis.lubonja@justice.gov.al">tetis.lubonja@justice.gov.al</a></p> </td> </tr> </table>	<p>Mr. Arben Gjalpi, General Director (SPO) Ministry of Justice Phone: ++355 4 2259388/ 71158 Fax: ++355 4 234560 Email: <a href="mailto:arben.gjalpi@justice.gov.al">arben.gjalpi@justice.gov.al</a></p>	<p>Ms. Tetis Lubonja, Director Ministry of Justice Phone: ++355 4 2259388/ 71126 Fax: ++355 4 2234320 E-mail: <a href="mailto:tetis.lubonja@justice.gov.al">tetis.lubonja@justice.gov.al</a></p>
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<b>Implementing modality</b>	<i>Stand-alone project: direct grant agreement with the Council of Europe (CoE) European Commission for the Efficiency in Justice; two twinings</i>		
<b>Project implementation type</b>	<i>C01 - Project-type interventions</i>		
<b>Zone benefiting from the action(s)</b>	<i>Albania</i>		

### 2 RATIONALE

#### 2.1 PROJECT CONTEXT: ISSUES TO BE TACKLED AND NEEDS ADDRESSED

The project aims is to support the implementation of the Albanian Justice Sector Reform Strategy and further increase the performance of the justice system, at the light of the EC Opinion key priorities and subsequent action plans, especially by strengthening the efficiency,

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<sup>1</sup> The total project cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

transparency, accountability and quality of Courts<sup>2</sup>, enforcement of court rulings and access to justice in Albania. It will, particularly, support reforms in the field of ***Court Administration and Management, Enforcement of Court Rulings***, as well as further to develop ***Alternative Dispute Resolution*** measures (mediation and arbitration).

This project will contribute to increase the **independence, quality and efficiency** of the Albanian Justice system, as well as support the shortening of court proceedings and the reduction of the court and enforcements services backlog, to prevent violations of Article 6 of the European Convention of Human Rights and increase the quality and trust of the public in the justice system.

It will support and specific priorities identified in the framework of the Albanian Justice Sector Reform Strategy and follow up the implementation of its Action Plan and in the European Commission' Opinion conclusions.

By doing so, Albania will fulfil fundamental criteria set out in the Stabilisation and Association Agreement and in the European Partnership document related to judicial reform, and EC Opinion Key priorities thus making further progress towards EU integration.

This project fiche expresses a redouble investment in supporting reforms in the sector, even though the current EURALIUS III project of assistance to the justice system will still be under implementation in 2013 and be followed up directly the same year by a EURALIUS IV project (IPA 2013).

This project fiche proposes specific parallel additional assistance on EC Key Priorities issues less dependent on the current pending legislative reforms in the sector and complementary to the current ongoing assistance in the judicial reform and anti-corruption policies. Assistance to the General Prosecutor Office currently provided via EURALIUS III will be followed up by PAMECA IV project of assistance to the police and criminal justice system starting in 2012.

## **2.2 LINK WITH MIPD AND NATIONAL SECTOR STRATEGIES**

### ***MIPD 2011-2013***

The main objective shall be to strengthen the independence, efficiency and quality of the judiciary and enhance the rule of law.

**Justice and Home Affairs Sector:** This sector is one of the most important areas where Albania needs to improve according to the Opinion. Furthermore, this is an area where other stakeholders like Member States, European Parliament and other Donors want to see progress. Finally, improvements in this field will have a positive effect on many other sectors.

The MIPD underlines that the Ministry of Justice has key roles to play in ensuring that the functioning of the judiciary and the rule of law is guaranteed.

Specific objectives in this sector according to the MIPD are the separation and balance between powers to increase independence, direct the court system towards the best European practices, strengthen the status and professionalism of judges and prosecutors, achieve a sustainable increase in the level of execution of court decisions and *improve the infrastructure in the judicial sector*, i.e. the courts.

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<sup>2</sup> All courts and instances, including the High Court and Constitutional Court

In order to see if these objectives will be achieved, possible indicators to measure the result could be amongst others the reduction of the length of court proceedings and *reduction in backlog of cases*.

According to the *National Plan for the Implementation of the EU-Albania Stabilisation and Association Agreement*, 1.1.5/Judicial System, in the political objective, the Albanian Government is fully committed to implement the breadth and depth of reforms in the justice system, suggested and supported by international partners, in collaboration with other institutions involved in the constitutional reforms and performance of the justice system and in accordance with the commitments and obligations arising from the implementation of the Stabilisation and Association Agreement (Article 1,2,13,70 and 78 of the SAA).

*The National Strategy for Development and Integration* stresses the necessity to improve the justice system, and clearly states that it is one of the intentions of the Albanian government to "orient the judiciary and its administration towards the best European practices".

Also, this project fiche goal is completely in line with the priorities pointed out in the *Justice Inter-sectorial Strategy* approved by the Council of Ministers Decision no.519, on 20.07.2011, page no. 25 such as:

- Consolidation of the justice system in order for it to be efficient and functioning with quality, willing to act in line with the Constitution, international acts and domestic legislation guided by the principle of the rule of law;
- Consolidation of public trust in the judiciary in order for the latter to be fair and respected by all;
- Consolidation of independence of the judiciary and justice system bodies concerning the structural, functional and financial aspect.

### **2.3 LINK WITH ACCESSION PARTNERSHIP (AP) / EUROPEAN PARTNERSHIP (EP) / STABILISATION AND ASSOCIATION AGREEMENT (SAA) / ANNUAL PROGRESS REPORT**

The project complies with the priorities identified on the recommendations of the European Commission data in the *European Partnership* Document/ Political Criteria, Judicial System, Page 7, priorities for the judicial system is: Finalized, approved and implemented draft law on judicial reform and *improve the infrastructure for the judicial sector*.

As stated in the *2010 EC Analytical Report, 1.1.4. Judicial system page 20, Chapter 23 page 94* the judiciary suffers from problems of *transparency and efficiency*.

Also the **Progress Report 2011**, Chapter 23 page 51, states that: *no progress was made in regard of the impartiality and limited progress was made regarding the efficiency of the judiciary. Court management remains poor due to a lack of human and financial resources, in particular in first instance district courts. The backlog of court cases is still problematic.*

### **2.4 PROBLEM ANALYSIS**

The European Commission 2010 Opinion on Albanian's application for EU membership highlights that Albania needs in particular to meet the following key priority: "Strengthen rule of law **through adoption and implementation of a reform strategy for the judiciary, ensuring the independence, efficiency and accountability of judicial institutions.**"

The Albanian Justice Sector Reform Strategy has been finalised in 2011 and its implementation is currently supported under IPA 2009 (EURALIUS III until mid-2013). Additional assistance under IPA 2012 will complement current reform needs as highlighted in the Strategy Action Plan and further guarantee sustainability of efforts supported by the EU in the sector.

This will be complemented under IPA 2013 with the roll out of large multi-annual EURALIUS IV project (starting in 2013 too) with a strong focus and on accountability and transparency of institutions of the justice system, fight against corruption in the judiciary, reform of the High Court, finalisation/implementation of the reform of the procedures codes, administrative courts set up, in order to swiftly follow up the current EURALIUS III assistance<sup>3</sup>.

Under this project fiche the implementation of specific priorities indentified in the framework of the above-mentioned elements and taking into consideration previous, current and planned assistance (EU and other donors) will be supported:

### **Efficiency of court administration**

The judiciary system in Albania suffers from problems of independence and efficiency. Court management is poor due to lack of human and financial resources, in particular in first instance district courts. There is no sound and adequate organisation and training of court administrators. The backlog of cases is problematic, court proceedings are slow and the number of trial sessions for cases is high. Working conditions in courts generally remain poor, hampering fairness, efficiency and quality. Adequate human and financial resources are needed to ensure the efficient functioning of courts. Besides, judicial procedures and court practices must be optimised towards better efficiency and to improve quality of service to court users.

The judges of the High Court are not updated with the development of the legislation and the doctrine. The judicial administration relies on the activity of courts; however, there is an increasing need for consolidation of performance standards and status.

The High Court and the courts of ordinary jurisdiction seem to have low transparency and efficiency, which in turn affect the public trust in the judiciary and judicial independence and impartiality. The volume of cases and delays in judicial proceedings are a source of concern as they impact the quality of justice and performance of judges, as well as the standards of a fair legal process.

The preliminary verification procedure of complaints at the High Court very often is not effective and brings about direct consequences on the increase of volume and delay of trials. The great volume of work and delay of trials at the High Court is attributed even to other factors such as failure to reflect the legal and institutional amendments in the composition of colleges of this court; non-transparent procedures of appointment of senior judges; low number of recruitment by this Court from among the judiciary and its poor role as a career court; lack of the mechanism of continuation of duty of the senior judges up to their replacement.

There are not so many cases pending in the Constitutional Court and there are not a high number of trial sessions (in more than 90% of the cases there is only one trial session). The only problem could be the time limit in delivering a decision. The prolonged time for delivering a decision by the Constitutional Court is linked, among others, strongly with the poor sources of scientific researching. At the moment there is lack of financial means to have online access to the newest publications in different areas of law, which makes difficult to be

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<sup>3</sup> More info on the website [www.euralius.eu](http://www.euralius.eu)

up to date with the recent development before the European Court of Justice (ECJ) and European Court of Human Rights (ECHR). The library has a very limited number of periodic (mostly in Albanian language) and other donated publications which are relatively old. There is also no intranet which could shorten the time of deliberation of a draft decision. The Department of research needed to be enlarged in order to help legal advisers and judges in complex cases especially in those cases which are new for the Albanian legal order and judiciary.

### **The court management system in Albania**

The current status and lack of adequate management skills within the staff of the courts is one of the causes of the lack of efficiency of the Albanian judicial system. A comprehensive reform of the organization of the courts should include the reform of some administrative procedures, the approval of a manual on administration of the courts and the re-definition of the job description for the staff of the courts. Furthermore the sustainable implementation of such reforms requires the continuous training of court's staff to be guaranteed.

Due to the complexity and sensitivity of justice related issues and the persistent deficiencies of the Albanian justice system, further support is needed to bring the Albanian system fully in line with European standards. Continuous long-term assistance is therefore necessary to ensure that the results achieved and lessons learned from the previous assistance will not be lost. Besides, judicial administrators need to be progressively incorporated into the civil service and ensure pay parity with ministry staff. In this context a sound organisation and law on judicial administration will be key.

Regarding the law on Judicial Administration, a working group in the Ministry of Justice is currently redrafting the law according to the EU legislation and in compliance with a decision given by the Constitutional Court.

The court administration also needs further training on how to best implement the tasks. The chancellors need to be trained on the implementation of their constitutional tasks originally stipulated by the new law "on judicial power". Additionally, the drafting of respective curricula of training and competition, recruitment procedures and extension of their continuous training is required. Some training is also needed for chancellors and court administrators on the clear a division of responsibilities among them, judges and secretaries. This requires as well the strengthening of budget and human resources management skills.

### **Enforcement of court rulings**

Currently, Albania has in place a double system between the public and private operators of the bailiff system. The necessary legislation for introducing this two-track system and establishing the private enforcement service was approved by the Albanian Parliament in December 2008. So far there are over 60 private bailiffs who have been licensed by the Ministry of Justice. It is difficult to show how efficient is the new system and what are its main problems since it is operational less than a year. However, the first indications show that private bailiffs are more effective and efficient and much faster than their public counterparts. They are committed and better motivated. They are working mainly with the bank sector. According to the new law the private bailiffs operate in private chambers and are organized in the National Chamber of Private Bailiffs, as their highest representative authority. The private bailiffs system was made operational recently and it is comprehensible that it needs capacity building measures in view of its consolidation.

As highlighted in the EU-Albania partnership documents and EC progress reports, as well as in the Albanian Justice sector strategy, the main problems with the public bailiff office are

related to the institutional and professional capacities, and a lack of good cooperation with all actors involved in the execution process. The generally held view is that bailiffs are generally seen as professionally weak, who lack institutional and professional capacities to properly carry out their tasks and duties. They are regarded as easily susceptible to undue influence, bribery or political influence. There is no transparent and objective recruitment process. There is no sustainable professional training system dedicated to their professional development. They also lack adequate material and financial resources and supporting infrastructure, which influence their motivation and commitment in carrying out their roles.

There is no good cooperation among various players involved in the enforcement process, necessary for a successful enforcement. Accountability and respective roles of different players are not entirely clear or linked-up with each other or fully discharged. Furthermore, the bailiffs do not feel empowered enough to take all the necessary measures provided under the law against those who try to delay or hinder the execution. The system also suffers from lack of transparency and little information is provided to relevant parties.

Legal or procedural problems are in fact faced by both private and public bailiffs. The enforcement system suffers from excessive procedural delays, due to formalistic and unclear legal requirements, giving opportunities to the debtors to delay the execution process with numerous objections and appeals. Judges very often allow rather than summarily dismiss procedural objections and requests for appeals, even if they are patently technical or frivolous and no prejudice has been caused to the opposing party. Judges also do not favour execution of their decisions either because they do not think at all when they issue a ruling or rulings are unclear or which do not clearly identify the property or debtor, due also to unreliable public registers or unregistered land. In addition, very often there is insufficient legal redress for debtor fraud and the hiding or transfer of assets subject of seizure. This also causes further delays during notification procedure, taking much longer than what it is strictly necessary. Even when a property is finally seized there are difficulties to sell it because of weak or informal economies and unclear legal rules.

Furthermore, a new philosophy and new way of perception is required for the execution of court judgments to which the state is a debtor. The rate of execution of courts decisions remains low compared to European Standards and even neighbour countries.

### **Alternative Dispute Resolution (ADR)**

As highlighted in the Albanian Justice Reform Sector Strategy, the Albanian authorities are consistently looking for speedier, more effective, less cumbersome, less expensive and often less conflicting ways of resolving disputes and problems. ADR should be seen as an integral part of any modern civil justice system and citizens should be given a variety of options to resolve their disputes in a way which best meets their interests and goals. ADR is a good tool to, at least partly, achieve the following objectives: reduce court backlogs and time necessary for contract enforcement, save court human and material resources; increase number of in-court settlements (facilitated by judges or mediators); Reduce formality and complexity of the existing processes; promote access to justice, teach judges some elements of case management, increase satisfaction with dispute resolution, etc. One crucial goal is raising the awareness and capacity of judges to facilitate settlement and judicial management.

Though a new law on Mediation was enacted by the Albanian parliament in 24 February 2011, repealing the old law no. 9090 of 2003 on “Disputes Resolution through Mediation”, ADR is not common in Albania and there is no ADR programme/system in Albania as such. There are some trained and licensed mediators but there is little statistical data or information available to show whether or their services are in demand. Parties usually turn to the courts for dispute resolution as there are no incentives to use ADR.

Restorative Justice and mediation approach for juveniles in conflict with the law is a new form of approach to handling and resolving conflicts. The essence of this approach consists in repairing the damage and negative consequences caused by a conflict or conflicting situation, damages that affect the parties involved in conflict, their families, social environment where they live and work. The negative consequences of criminal cases to minors and young people are of different nature, such as anxiety, stress, insecurity, fear, etc.

Through the applying restorative justice and especially the model of victim-offender mediation, the parties involved in conflict are invited to communicate, dialogue with each other to find a satisfactory solution, always in compliance with the law. Apart from the its positive impact in creating understanding and harmony between the parties, the alternative dispute resolution, an out-of-court resolution, does also reduce the time and financial costs related to the process, both for the parties involved and also for the whole system that deals with conflict management.

Regarding the state of play of the draft law "On arbitration", a preliminary draft is currently under discussion by the working group in the MoJ. In a due time, the draft will be consulted with the interested institutions.

## **2.5 LINKED ACTIVITIES AND DONOR COORDINATION**

This project is a follow up of the previous assistance provided under the CARDS and IPA programme to the Justice System and its institutions in Albania.

Previous assistance provided under CARDS and IPA programme of assistance to the Albanian Justice System is:

**EURALIUS I, CARDS 2002** (June 2005 to November 2007) under which the main area of assistance were the following: Justice Organization and Justice Reform, Inter-Institutional Dialogue and Cooperation, Improvement of Management Capacities of the Judiciary and Ministry of Justice, Improvement of Management of the Office for the Administration of the Judicial Budget (OAJB), Legislation Drafting in Justice Matters and Law Approximation, Penitentiary Issues, Enforcement of Rulings, Land Administration.

**EURALIUS II, CARDS 2006** (November 2007- May 2010) which also focused on the areas of assistance as above but also in addition on Criminal Justice and Immovable Property Rights issues.

**EURALIUS III, IPA 2009** (September 2010- April 2013) further focuses on the transparency, accountability, professionalism, efficiency and effectiveness of all institutions of the Albanian justice system according to the clear and comprehensive reform strategy, improve check and balances and inspection systems, improve the legal framework of judicial procedures, bring the criminal justice system in compliance with the EU standards.

**Training of Court Administrators, CARDS 2003**, the general objective was to contribute to a better administration of court cases, through: the provision of training to court administrators, creation of a permanent training programme for court administrators, training of trainers to deliver these programmes, procurement of (administrative) equipment for court administration.

**Twinning Support to the High Council of Justice and its Inspectorate, CARDS 2004**, the

overall objective of the project was to increase the independence of the judiciary in Albania. The specific objective was to enhance the authority, increase the capacity and improve the functioning of the HCJ and its Inspectorate.

**Establishment of Judicial Systems in Juvenile and Commercial Matters, CARDS 2004**, the overall objective of the two projects was to improve the administration of juvenile and commercial justice in Albania in accordance with EU standards and best practices.

**Support to the Sustainability of the School of Magistrates, CARDS 2005**

**The program restorative justice and victim-offender mediation project for juveniles (2010-2011)**, is supported by the European Union Delegation to Albania, and contribution from UNICEF is a follow up of the program initiated under the Juvenile Justice Reform in Albania. It is being implemented by the Foundation for Conflict Resolution & Reconciliation of Disputes, and it has been made possible thanks to collaboration with the Directorate General of the Probation Service, the General Directorate of State Police and the School of Magistrates.

An Action plan for the development of commercial mediation in Albania has been prepared for the Ministry of Justice on October 2010 by the **Centre for Effective Dispute Resolution (CEDR)**.

In the framework of the **pilot project supported by JuST (USAID)** (ongoing since 2010) and implemented by the Foundation for Conflict Resolution & Reconciliation of Disputes, the Mediation Centre in the Durres court based in the “Court connect mediation model”, in the time frame of 8 month there were refereed 67 cases for family and commercial disputes nature, of which 70 per cent of them have found the solution. While the Mediation Center in Korça for a period of 6 months are referred more than 40 family and commercial disputes cases and 55 per cent of them were successfully resolved through mediation.

**The project "Fostering the implementation of restorative justice and victim offender mediation in the probation service"** funded under the European Instrument for Democratization and Human Rights started in March 2012 for a 20-month period implemented by AFCR in partnership with UNICEF. Its objective is to continue to support and bring together a broad range of actors committed to the promotion and consolidation of restorative justice and in Albania, more especially to help better exploit synergies between the probation and meditations services. It complements, from the civil society perspective, previous assistance of the European Union to the efforts made by the Albanian Authorities to reform the juvenile justice system and promote restorative justice.

## **2.6 LESSONS LEARNED**

In order for the project to be successful, and sustainable, measures should be taken to address problems with staff turnover; court administrators should receive the civil servant status and they should be paid in parity with Ministry staff.

Adequate financial and material resources should be provided to courts and enforcement offices, judges and institutions of the justice sector.

Key legislation in the sector should be revised following sound inter-institutional cooperation and along EU standards and best European Practices.

Main reasons for the lack of success of ADR have been the lack of public awareness and commitment from the Albanian Authorities and legal community to promote the use and a



better understanding of restorative justice and mediation service, as a legal alternative of dispute resolution. The new law on mediation and the results of USAID JUST assistance are a better base to build up a professional and trustable service and overcome past difficulties of development.

### **3 DESCRIPTION**

#### **3.1 OVERALL OBJECTIVE OF THE PROJECT**

Contribute to improving the independent, impartial, efficient, and professional functioning of the justice system in Albania in accordance with EU and international standards and reaching progress towards the

#### **3.2 SPECIFIC OBJECTIVE(S) OF THE PROJECT**

Support the implementation of the Justice Reform Strategy by strengthening institutional capacities for court and case management, improve systems for the enforcement of court rulings and further develop alternative dispute resolution mechanisms.

#### **3.3 RESULTS**

##### **Activity 1: Strengthen Justice system efficiency and quality of court administration and case management**

Result 1.1: Efficiency and effectiveness of Courts and court proceedings enhanced

Result 1.2: Status, organisation and professionalism of Court staff improved

Result 1.3: Quality and transparency of Courts further developed

##### **Activity 2: Improvement of the Enforcement System**

Result 2.1 Institutional capacities rationalised and improved.

Result 2.2 Professionalism of enforcement agents and relevant actors improved.

Result 2.3 Performance and efficiency of enforcements systems improved in all the regions.

##### **Activity 3 Further develop alternative dispute resolution mechanisms**

Result 3.1 ADR programmes introduced and developed.

Result 3.2 Administrative and legal framework on mediation further developed and consolidated.

Result 3.3 Administrative and legal framework on arbitration further developed and consolidated.

Performance indicators are developed in the Log frame.

### **3.4 MAIN ACTIVITIES**

#### **Activity 1: Strengthen Justice efficiency, transparency and quality of court administration and case management**

##### **Contract 1. Direct Grant Agreements (21 months minimum)**

It is proposed to implement this project through a direct grant with the Council of Europe (CoE)'s European Commission for the Efficiency of Justice (CEPEJ) according article 168 of the FIR. Please see annex enclosed for relevant argumentation.

CEPEJ to which Albania is a member, has become a key reference for improving the efficiency and quality of justice in Europe, through the development, in all member states, of specific mechanisms for evaluating the functioning of justice, specific tools aimed at policy makers and court practitioners and court coaching programmes ensuring the concrete application of these tools within individual courts (see [www.coe.int/cepej](http://www.coe.int/cepej)).

The project aims to roll out CEPEJ justice efficiency tools in Albania. Those instruments are only developed by the CEPEJ and also rolled out in other EU Members States and Enlargement countries. The monopoly situation is justified by the fact that the tools to be rolled out in the framework of the activities presented with the Albanian courts and institutions of the justice systems have been only developed by the CEPEJ. The CEPEJ is already undertaking the activity proposed with the Tirana District Court, those activities will be further followed up and roll out in all Albanian Courts. Those CEPEJ tools, instruments and recommendation represent a important part of EU acquis and best practices under chapter 23.

The CoE has previous experience in working on national court case management systems and has successfully implemented five (joint-) projects in the judicial reform sector financed by the European Commission in Albania. This work is based inter alia on CEPEJ analyses and aims at improving the efficiency of the judiciary in CoE Member States in line with European standards.

Main beneficiaries: MoJ, first and second instance courts, High Court, Constitutional Court;  
Secondary beneficiaries: Office for the Administration of the Judiciary Budget, High Council of Justice, School of Magistrates.

A pool of resident Long-Term CEPEJ expert(s) and additional Short/Mid-term Experts would be deployed in Albania to strengthen case management and court administration capacities, as well as the managerial capacities of the MoJ and other justice institution structures by:

##### **Sub-activity 1.1 Developing an efficient and effective court system**

- Extending the on-going CEPEJ court coaching programme with the Tirana District Court to all instances Courts in Albania in order to introduce individual court performance assessments according to the CEPEJ SATURN tools and through the implementation of the CEPEJ Court Coaching Programme on judicial time management;
- Enhancing the capacities of the High Council of Justice and Judicial Inspectorate for assessing and promoting the efficiency and quality of the court work along CEPEJ recommendations and Consultative Council of European Judges (CCJE) opinions;

- Developing/establishing a system of semi-annual and annual reporting on judicial proceeding, procedures and processes for collection and analysis of the judicial statistics -roll out and implementation of CEPEJ guidelines on judicial statistics (GOJUST);
- Strengthen Human and Organisational Capacities at the Courts along CEPEJ best practices and recommendations and based on available assessments prepared by EURALIUS<sup>4</sup> and, OSCE<sup>5</sup> and USAID JuST project<sup>6</sup>.

### **Sub-activity 1.2 Enhancing efficiency and quality of court staff in all courts**

- Conducting analysis of court organisation and court administrators capacities and recommend for their organisational improvement along European/CEPEJ and at the light of previous EU projects findings<sup>7</sup>; Support the implementation of these recommendations.
- Building the Ministry of Justice and the School of Magistrates' capacity in judicial staff training on efficiency and quality of justice issues<sup>8</sup> by introducing the relevant pedagogical tools developed by the CEPEJ and the relevant Opinions of the Consultative Council of European Judges (CCJE), using the capacities of the CoE's Lisbon Network of European judicial training schools;
- Developing and conducting Train of Trainers (ToT) programmes for the Albanian justice practitioners and trainers of the School of Magistrates<sup>9</sup>;
- Introduction of the SATURN tools for judicial time management in the training programmes of judges and court administrators;
- Follow-up of the continuous training for court's staff, adopted by the MoJ along the lines of best EU practices and recommendations<sup>10</sup>.
- Organised an institutional exchange between the Constitutional Court of Albania and ECtHR on continuous training of legal advisers and other staff of the court on issues concerning the adjudications before the ECtHR.

### **Sub-activity 1.3 Enhancing transparency and quality of the public service of justice turned to the court users**

- Organising court user satisfaction surveys in 10 selected courts through implementation of the CEPEJ Court Coaching Programme and CEPEJ handbook for Head of Courts;

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<sup>4</sup> EURALIUS II study "Recommendations on the development of human resources policies for the Albanian judicial institutions" and EURALIUS III studies on Access to Justice, Court organisation, judges allocation.

<sup>5</sup> OSCE FAir Trial study/Monitoring of trial in Albania, to be published mid-2012

<sup>6</sup> USAID/Just "Courtroom Usage Study", 2011

<sup>7</sup> EURALIUS II study "Recommendations on the development of human resources policies for the Albanian judicial institutions" and EURALIUS III studies on Access to Justice, Court organisation, judges allocation

<sup>8</sup> Following up on previous project with the Council of Europe "Support to the Sustainability of the School of Magistrates" and EURALIUS assistance.

<sup>9</sup> Following up on previous project with the Council of Europe "Support to the Sustainability of the School of Magistrates" and EURALIUS assistance.

<sup>10</sup> Including recommendations from previous EURALIUS III and EU funded project such as the joint programme with the Council of Europe on "Court administrators" and other relevant additional assistance.

- Prepare an action plan for improving the quality of the court organisation based on the above-mentioned survey and CEPEJ support Albanian courts in its implementation;
- Develop and conduct a Train of Trainers (ToT) programme for the Albanian justice practitioners and trainers of the School of Magistrates in order to develop court satisfaction surveys in all courts;
- Improving accessibility of public to court decisions, information on the judicial system and in the Courts through a web portal (via relevant connections with case management applications) containing the required information along CEPEJ best practices and recommendations;
- Further develop media and public relations with the Courts.

## **Contract 1.2 National Contribution**

Under activity 1, a co-financing of 5 % will be provided by Ministry of Justice and activities to be covered will be identified at later stage according to the work plan that will be jointly prepared with CEPEJ to be approved by the Contracting Authority. Mandatory co-financing by the Council of Europe is 10%.

## **Activity 2: Improvement of the Enforcement System**

### **Contract 2. Twinning contract (18 months minimum)**

For this activity a twinning contract will be signed with an institution/Ministry from an EU Member State to draw upon its resources and experience of their work concerning rightful implementation of the enforcement system of court decisions.

Main beneficiary: Ministry of Justice, Private Bailiff Chamber, State Bailiff, Secondary beneficiaries: judges, prosecutors, lawyers, banks.

The twinning contract should cover the following sub-activities:

### **Sub-activity 2.1 Strengthen institutional capacities**

- Enhance administrative capacities of the Ministry of Justice to manage and regulate enforcement systems;
- Improve internal legal, organisational and institutional set up of the Chamber of private bailiffs;
- Support the elaboration of annual or multi-annual development plan of the Chamber of private bailiffs;
- Support sound budget analysis and planning;
- Develop relevant manual for internal and external regulations;

- Set up relevant coordination and communication mechanisms between the Chamber of private bailiffs, Public Notaries Chamber, Bar Association, Ministry of Justice, Chamber of Commerce, Ministry of Interior, Banks and IPRO;
- Further support to the development of cross-institutions IT solutions, including assistance to the implementation of dematerialisation of request between Enforcement agents and Banks or property services, through a better implementation of ALBIS system.

### **Sub-activity 2.2 Strengthen professionalism of enforcement agents and other relevant actors**

- Develop curricula and conduct initial and transitional trainings for enforcement agents along European standards;
- Develop curricula and conduct continuous trainings for enforcement agents along European standards;
- Develop curricula and organise joint-trainings of judges, public prosecutors and enforcement agents and other relevant actors along European standards;
- Develop training strategy and relevant training materials.

### **Sub-activity 2.3. Improve efficiency and performance**

- Enhance development of the new enforcement system and support activities of the chamber in the regions;
- Develop and roll out relevant monitoring, control and inspection mechanisms, including better implementation of ALBIS system and checklist of control;
- Support the implementation of ethical codes based on European standards;
- Preparing and implement a visibility strategy including the development of a webpage for the Chamber of private bailiffs;
- Support the improvement of statistics gathering and performance indicators, also via the ALBIS system.

### **Contract 2.2 National contribution**

Under activity 2, a co-financing of 5 % will be provided by Ministry of Justice according to the work plan that will be jointly prepared with the selected Member State. The co-financing will be in addition to the contribution in kind (office space, facilities, ect.).

### **Activity 3: Further develop alternative dispute resolution mechanisms**

### **Contract 3. Twinning contract (18 months minimum)**

For this activity a twinning partnership will be established with an institution from an EU Member State to draw upon its resources and experience of their work concerning rightful implementation of the Alternative Dispute Resolution (ADR).

Main beneficiary: Ministry of Justice, Chamber of Mediators and Arbitrators. Secondary beneficiaries: judges, prosecutors, lawyers, police, probation and prison services, school of magistrates.

The twinning contract should cover the following sub-activities:

#### **Activity 3.1 Developing ADR mechanisms along European standards and best EU practices**

- Gap assessment and analyses of priorities
- Drafting of plan for strategic development;
- Support development and implementation of relevant sub-legal acts.
- Support regional development and opening of new offices and further roll out of court-connected mediation centres.
- Strengthening chambers functioning (prepare /review internal regulation)
- Improve inter-institutional cooperation (with courts, prosecution, probation services, etc.)
- Arise awareness and promote use of mediation and arbitration;
- Strengthen institutional monitoring and control capacities
- Develop adequate training capacities including training plans and curricula
- Drafting and adoption of code of conducts and support to its implementation;
- Set up of inspection mechanisms
- Development of standardized documents;
- Improve case management and statistic gathering.

#### **Contract 3.2 National contribution**

Through the national contribution (5 %), the Ministry of Justice will support activities which will be decided according to the work plan that will be jointly prepared with the selected Member State. The co-financing will be in addition to the contribution in kind (office space, facilities, etc.).

### **3.5 ASSESSMENT OF PROJECT IMPACT, CATALYTIC EFFECT AND CROSS BORDER IMPACT (WHERE APPLICABLE)**

The three main activities of the project are mutually reinforcing in their thrust towards increased performance of the justice system and will induce an increased Rule of Law.

It will contribute significantly to fulfill the key recommendation of the European Union Commission and especially the recommendations on the “**Rule of law and reform of the judiciary**”. The Action Plan for the key priority no.7 includes the Support to the implementation of the Justice Reform Strategy and as such the Albanian Government is committed to take all the necessary measures to ensure the smooth implementation of the project.

### **3.6 SUSTAINABILITY**

The project will create strong basis for full roll of the court efficiency administration and the enforcement of the system. Training the Albanian trainers will ensure the continuing supply of professionals implementing the legislation concerned.

Improving the efficiency of the judicial system will enable the development of planning standards to guide the modernization and rationalization and to achieve measures defined by the Strategy. The results achieved through this project will serve as a basis or further development of already defined goals of judicial strategy reform.

With this project, the Ministry of Justice will develop a new efficient and effective enforcement system in the Republic of Albania which should result in a quicker and easier realization of bailiffs’ claims. The goal is to establish a professional enforcement system for which, in most cases, the responsibility will assume a new profession – public and private bailiff. This will result in relieving the courts from cases in which there is no dispute between the parties, which means that the courts will control the legality of the enforcement procedure and will partially be responsible for the execution of the enforcement. Besides the before mentioned, the new enforcement system will act as follows: the starting, definition and implementation procedures will be less formal, the number of reasons for the enforcement debtor to dispute the decision of the enforcement and the number of limitations to the implementation of the enforcement will be reduced, the deadlines in which the decision of enforcement can be disputed will be shortened, and the possibility of the interference from third parties also reduced.

The Ministry of Justice has already initiated the process of amending the law on “Organization and Functioning of Court Administration”. The aim of this process is to review the organization, functioning, recruitment process and status of court administration in order to bring them in par with their counterparts in the Ministry of Justice and thus increase their job satisfaction and sustainability.

The project will provide practical assistance and knowledge transfer to the Ministry of Justice, Chamber of Mediators and Arbitrator in the area of project/events management methodology as well as training methodology. This will ensure a longer term capacity of the mediation and arbitrators structure set-up. The investment into the mediation and arbitration will have a multiplier effect as the system will be spread under the support of Ministry of Justice.

### **3.7 ASSUMPTIONS AND PRE-CONDITIONS<sup>11</sup>**

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<sup>11</sup> Assumptions are external factors that have the potential to influence (or even determine) the success of a project but lie outside the control of the implementation managers. Such factors are sometimes referred to as

- The beneficiary maintains its stated commitment to fulfil its obligations under the international agreements and conventions (of which it takes part), respect the judiciary and other justice system institutions independence and help their functioning compliant with human rights and the rule of law;
- The beneficiary maintains its stated commitment to respect the rights of convicted persons establishing the rules of functioning of the probation service and creating the conditions for high quality activity of this structure;
- The beneficiary maintains its commitment to fulfil Opinions' and EC progress report priorities.
- Co-financing ensured.
- Sufficient funds to ensure sustainability of trainings for the court administrators, the judiciary and to the School of Magistrates in particular available;
- Improved employment conditions for court administrators (civil servants) to reduce turnover;
- Amendment of the civil procedure code to enable judges to exercise more authority and subpoena powers or to hand down default judgements;
- Implementation of continuous trainings for Court/Judicial staffs (Chancellors, clerks, IT experts);
- Sufficient funds to ensure sustainability and developments of ICMIS System
- Planning and provision of sufficient funds to ensure sustainability and developments of the ALBIS System (i.e. in the field of dematerialization of requests);
- Adoption of international tools and European standards as a Check-list of Control for Enforcement agents;
- Implementation of initial and continuous trainings for enforcement agents based on European standards;
- Demonstrate specific efforts to implement ECtHR Case Laws and to enforce decisions based on ECHR (including national decisions).
- Reform of the judiciary aiming at securing the independence, accountable, professionalism and transparency of the judicial system continues;
- Adoption of the Law on Judicial Administration in line with EU acquis and best European practices;
- Adoption of the law on Arbitration in line with best EU and international practices;
- Progressively increase the budget for the judiciary and justice system;
- Increase the salary of judges and improve working conditions;

#### **4 IMPLEMENTATION ISSUES**

The three contracts under IPA contribution will be centralised and managed by the EU Delegation to Albania.



#### 4.1 INDICATIVE BUDGET

Indicative Project budget (amounts in EUR) for centralised management)

PROJECT TITLE			SOURCES OF FUNDING									
			TOTAL EXPENDITURE	IPA CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	% (2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Activity 1			1.100.000	1.000.000	90	0	0	0			100.000	10
contract 1.	X		1.100.000	1.000.000							100.000	
contract 1.2												
Activity 2			840.000	800.000	95	40.000	5	40.000				
Contract 2.	X		800.000	800.000								
Contract 2.2								40.000				
Activity 3			735.000	700.000	95	35.000	5	35.000				
Contract 3.1.	X		735.000	700.000								
Contract 3.2								35.000				
TOTAL IB												
TOTAL INV												
<b>TOTAL PROJECT</b>			<b>2.675.000</b>	<b>2.500.000</b>	<b>94</b>	<b>75.000</b>	<b>2</b>	<b>75.000</b>			<b>100.000</b>	<b>4</b>

NOTE: DO NOT MIX IB AND INV IN THE SAME ACTIVITY ROW. USE SEPARATE ROW

Amounts net of VAT

(1) In the Activity row, use "X" to identify whether IB or INV

(2) Expressed in % of the **Total** Expenditure (column (a))

## 4.2 INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN BY QUARTER)

*Dates indicated in the schedule cannot go beyond the contracting and execution deadlines in the financing proposal*

Contracts	Start of Tendering/ Call for proposals	Signature of contract	Project Completion
Contract 1.1 (Direct Grant Agreement)	NA	Q2 2013	Q1 2015
Contract 1.2 (Twinning)	Q1 2013	Q4 2013	Q3 2015
Contract 2.1 (Twinning)	Q1 2013	Q4 2013	Q3 2015

*All activities should in principle be ready for tendering in the 1<sup>ST</sup> Quarter following the signature of the FA.*

*External assistance may be required for the preparation of twinning fiches for contract 1.2 and 1.3 and to be agreed with EUD. Preparation activities will be timely carried out to ensure launch of Twinning by 1<sup>st</sup> quarter 2013.*

## 4.3 CROSS CUTTING ISSUES

### 4.3.1 *Equal Opportunities and non discrimination*

The principle of equal opportunity will be observed into all stages of the project implementation which is also in conformity with the Albanian Constitution which provides for equal opportunity for men and women to be treated equally regardless of their race, nationality, gender, origin, religious and political beliefs. Appropriate professional qualifications and experience will be the main factors of personnel recruitment and evaluation. Both women and men will have identical prospects goal

### 4.3.2 *Environment and climate change*

N/A

### 4.3.3 *Minorities and vulnerable groups*

During the implementation of the project the respect for minority rights will be guaranteed.

The proposed project will, as far as is practicable, take the required steps to ensure that the internal policies, structure or operating procedures of the beneficiary will be conform with minorities promotion policies.

### 4.3.4 *Civil Society/Stakeholders involvement*

This project will contribute to the reduction of the backlog of cases, delays of court proceedings

and transparency, which have been the main concerns raised by the civil society in the past regarding the justice system.

The Albanian government designed an Action Plan to address the 12 key priorities indicated in the EC Opinion on Albania's application for membership to the European Union. The revision of the Action Plan was the product of a process in consultation with the parliamentary opposition and civil society, and in full transparency to ensure that broad public interests are duly represented. All line ministries drafted the revised Action Plan for priorities 6-12; working groups established for each priority included civil society representatives. Justice sector has three very important priorities 7, 10 and 12.

All the potential stakeholders have been consulted through bilateral meetings and round tables. They are enthusiasts and have unanimously agreed to cooperate for this significant project hoping that it will improve substantially the justice system in Albania.

## **ANNEXES**

### **Documents to be annexed to the Project fiche**

- 1. Log frame**
- 2. Description of Institutional Framework**
- 3. Reference list of relevant laws and regulations only where relevant**
- 4. Details per EU funded contract(\*) where applicable:**
- 5. Project visibility activities**

## ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche	Project title and number		Support to the implementation of the Justice Reform Strategy
	Contracting period expires: no later than three years from the date of conclusion of Financial Agreement		Execution period expires: the contracts must be executed within a maximum of two years from the end date of contracting
	Total budget	€2.675 million Euro	
	IPA budget:	€2.5 million Euro	
<b>Overall objective</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	
Contribute to improving the independent, accountable, efficient, and professional functioning of the justice system in Albania in accordance with EU and international standards.	<ul style="list-style-type: none"> <li>Positive assessment done by EU and SAA committee</li> </ul>	Progress report	
<b>Specific objective</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
Strengthening administrative capacity of the court and case management, enforcement system and Alternative Dispute Resolution	<ul style="list-style-type: none"> <li>Average duration of case proceedings reduced.</li> <li>Number of old cases decreased.</li> <li>Number of sessions per case reduced;</li> <li>The length of court procedures reduced significantly, in accordance with CEPEJ guidelines</li> <li>Number of enforced decisions increased</li> </ul>	<ul style="list-style-type: none"> <li>Progress Reports</li> <li>CEPEJ reports</li> <li>Bi-Annual Progress report of MoJ</li> <li>MoJ statistics</li> <li>Surveys/opinion polls in the sector</li> <li>Court monitoring reports and indexes (Civil Society organisations, OSCE, US, etc.)</li> </ul>	Continued commitment of the Government of Albania to the Justice Reform Agenda

Results	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions
<p><b><u>Activity 1: Strengthen Justice system efficiency and quality of court administration and case management</u></b></p> <p>Result 1.1: Efficiency and effectiveness of Courts and court proceedings enhanced</p> <p>Result 1.2: Status, organisation and professionalism of Court staff improved</p> <p>Result 1.3: Quality and transparency of Courts further developed</p>	<ul style="list-style-type: none"> <li>• Analysis of current status of the process of rationalization of court network prepared</li> <li>• Findings and data available through the implementation in courts of the CEPEJ's court coaching programme</li> <li>• Job description for standard positions within courts available</li> <li>• Comparative overview of roles and responsibilities of court clerks prepared</li> <li>• Optimisation of the number of court clerks per court according to CEPEJ's methodology and indicators</li> </ul>	<ul style="list-style-type: none"> <li>- Progress Reports</li> <li>- CEPEJ reports</li> <li>- Bi-Annual Progress report of MoJ</li> <li>- MoJ statistics</li> <li>- Surveys/opinion polls in the sector</li> </ul>	<p>Continued commitment of the Government of Albania to the Justice Reform Agenda</p> <p>Sufficient funds under the National Budget for the implementation of the Overall Strategy</p> <p>Willingness and active participation of all project stakeholders</p>
<p><b>Activity 2. Enhancing Enforcement System</b></p> <p>Result 2.1 Institutional capacities rationalised and improved .</p> <p>Result 2.2 Professionalism of enforcement agents and relevant actors improved.</p> <p>Result 2.3 Performance and efficiency of enforcement systems improved in all the regions.</p>	<ul style="list-style-type: none"> <li>• Delays in the execution process of department reduced</li> <li>• Enforced decisions increased</li> <li>• Recommendation for amelioration of the communication through the ALBIS system implemented</li> <li>• Number of trainers and trainees trained</li> <li>• Training curricula approved</li> <li>• Approval of visibility strategy</li> </ul>	<ul style="list-style-type: none"> <li>- Progress reports</li> <li>- Monitoring reports</li> <li>- ALBIS system reports</li> <li>- National media</li> <li>- Statistical reports</li> </ul>	

	<ul style="list-style-type: none"> <li>• Website operational</li> <li>• Monitoring Data and sound statistics available</li> </ul>		
<p><b>Activity 3: Further develop alternative dispute resolution mechanisms along European standards and best practices</b></p> <p>Result 3.1 ADR programmes introduced and developed</p> <p>Result 3.2 Administrative and legal framework on mediation further developed and consolidated</p> <p>Result 3.3 Administrative and legal framework on arbitration further developed and consolidated</p>	<ul style="list-style-type: none"> <li>• Number of disputes/cases resolved through Alternative Dispute Resolution</li> <li>• Percentage of increase of rate of executed cases</li> <li>• Legal framework on mediation in civil matters and penal matters in compliance to European standards</li> </ul>	<ul style="list-style-type: none"> <li>-Progress report</li> <li>-Monitoring report</li> <li>-Statistical reports</li> </ul>	
<b>Activities to achieve results</b>	<b>Means / contracts</b>	<b>Costs</b>	<b>Assumptions</b>
<p><b>Sub-activity 1.1 Developing an efficient and effective court system</b></p> <ul style="list-style-type: none"> <li>• Extending the on-going CEPEJ court coaching programme with the Tirana District Court to all instances Courts in Albania in order to introduce individual court performance</li> </ul>	<ul style="list-style-type: none"> <li>• 1 Grant Agreement with International Organisation</li> <li>• Twinning contract</li> <li>• Twinning contract</li> </ul>	<ul style="list-style-type: none"> <li>• 2.675 million Euro</li> </ul>	<ul style="list-style-type: none"> <li>• Co-financing ensured</li> </ul>

<sup>12</sup> EURALIUS II study "Recommendations on the development of human resources policies for the Albanian judicial institutions" and EURALIUS III studies on Access to Justice, Court organisation, judges allocation.

<sup>13</sup> OSCE FAir Trial study/Monitoring of trial in Albania, to be published mid-2012

<sup>14</sup> USAID/Just "Courtroom Usage Study", 2011

<sup>15</sup> EURALIUS II study "Recommendations on the development of human resources policies for the Albanian judicial institutions" and EURALIUS III studies on Access to Justice, Court organisation, judges allocation

<sup>16</sup> Following up on previous project with the Council of Europe "Support to the Sustainability of the School of Magistrates" and EURALIUS assistance.

<sup>17</sup> Following up on previous project with the Council of Europe "Support to the Sustainability of the School of Magistrates" and EURALIUS assistance.

<sup>18</sup> Including recommendations from previous EURALIUS III and EU funded project such as the joint programme with the Council of Europe on "Court administrators" and other relevant additional assistance.

assessments according to the CEPEJ SATURN tools and through the implementation of the CEPEJ Court Coaching Programme on judicial time management;

- Enhancing the capacities of the High Council of Justice and Judicial Inspectorate for assessing and promoting the efficiency and quality of the court work along CEPEJ recommendations and Consultative Council of European Judges (CCJE) opinions;
- Developing/establishing a system of semi-annual and annual reporting on judicial proceeding, procedures and processes for collection and analysis of the judicial statistics - roll out and implementation of CEPEJ guidelines on judicial statistics (GOJUST);
- Strengthen Human and Organisational Capacities at the Courts along CEPEJ best practices and recommendations and based on available assessments prepared by EURALIUS<sup>12</sup> and OSCE<sup>13</sup> and USAID JuST project<sup>14</sup>.

**Sub-activity 1.2 Enhancing efficiency and quality of court staff in all courts**

- Conducting analysis of court organisation and court administrators capacities and recommend for their organisational improvement along European/CEPEJ and at the light of previous EU projects findings<sup>15</sup>; Support the implementation of these recommendations.
- Building the Ministry of Justice and the School of Magistrates' capacity in judicial staff training on efficiency and quality of justice issues<sup>16</sup> by

<p>introducing the relevant pedagogical tools developed by the CEPEJ and the relevant Opinions of the Consultative Council of European Judges (CCJE), using the capacities of the CoE's Lisbon Network of European judicial training schools;</p> <ul style="list-style-type: none"> <li>• Developing and conducting Train of Trainers (ToT) programmes for the Albanian justice practitioners and trainers of the School of Magistrates<sup>17</sup>;</li> <li>• Introduction of the SATURN tools for judicial time management in the training programmes of judges and court administrators;</li> <li>• Follow-up of the continuous training for court's staff, adopted by the MoJ along the lines of best EU practices and recommendations<sup>18</sup> .</li> <li>• Organised an institutional exchange between the Constitutional Court of Albania and ECtHR on continuous training of legal advisers and other staff of the court on issues concerning the adjudications before the ECtHR.</li> </ul> <p><b>Sub-activity 1.3 Enhancing transparency and quality of the public service of justice turned to the court users</b></p> <ul style="list-style-type: none"> <li>• Organising court user satisfaction surveys in 10 selected courts through implementation of the CEPEJ Court Coaching Programme and CEPEJ handbook for Head of Courts;</li> <li>• Prepare an action plan for improving the quality of the court organisation based on the above-mentioned survey and CEPEJ support Albanian courts in its implementation;</li> </ul>			
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- Develop and conduct a Train of Trainers (ToT) programme for the Albanian justice practitioners and trainers of the School of Magistrates in order to develop court satisfaction surveys in all courts;
- Improving accessibility of public to court decisions, information on the judicial system and in the Courts through a web portal (via relevant connections with case management applications) containing the required information along CEPEJ best practices and recommendations;
- Further develop media and public relations with the Courts.

**Activity 2. Enhancing Enforcement System**

**Sub-activity 2.1 Strengthen institutional capacities**

- Enhance administrative capacities of the Ministry of Justice to manage and regulate enforcement systems;
- Improve internal legal, organisational and institutional set up of the Chamber of private bailiffs;
- Support the elaboration of annual or multi-annual development plan of the Chamber of private bailiffs;
- Support sound budget analysis and planning;
- Develop relevant manual for internal and external regulations;

<ul style="list-style-type: none"> <li>• Set up relevant coordination and communication mechanisms between the Chamber of private bailiffs, Public Notaries Chamber, Bar Association, Ministry of Justice, Chamber of Commerce, Ministry of Interior, Banks and IPRC</li> <li>• Further support to the development of cross-institutions IT solutions, including <u>assistance to the implementation of dematerialisation of request between Enforcement agents and Banks or property services.</u> <u>through a better implementation of ALBIS SYSTEM</u></li> </ul> <p><b>Sub-activity 2.2 Strengthen professionalism of enforcement agents and other relevant actors</b></p> <ul style="list-style-type: none"> <li>• Develop curricula and conduct initial and transitional trainings for enforcement agents <u>on the basis of european standards;</u></li> <li>• Develop curricula and conduct continuous trainings for enforcement agents <u>on the basis of european standards;</u></li> <li>• Develop curricula and organise joint-trainings of judges, public prosecutors and enforcement agents and other relevant actors <u>on the basis of european standards;</u></li> <li>• Develop training strategy and relevant training materials.</li> </ul> <p><b>Sub-activity 2.3. Improve efficiency and performance</b></p> <ul style="list-style-type: none"> <li>• Enhance development of the new enforcement</li> </ul>			
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system and support activities of the chamber in the regions;

- Develop and roll out relevant monitoring, control and inspection mechanisms, including better implementation of ALBIS system and checklist control;
- Support the implementation of ethical codes based on European standards;
- Preparing and implement a visibility strategy including the development of a webpage for the Chamber of private bailiffs;
- Support the improvement of statistics gathering and performance indicators, also via the a ALBI system.

**Activity 3.1 Developing ADR mechanisms along European standards and best EU practices**

- Gap assessment and analyses of priorities
- Drafting of plan for strategic development;
- Support development and implementation of relevant sub-legal acts.
- Support regional development and opening of new offices and further roll out of court-connected mediation centres.
- Strengthening chambers functioning (prepare /review internal regulation)
- Improve inter-institutional cooperation (with

<p>courts, prosecution, probation services, etc.)</p> <ul style="list-style-type: none"><li>• Arise awareness and promote use of mediation and arbitration;</li><li>• Strengthen institutional monitoring and control capacities</li><li>• Develop adequate training capacities including training plans and curricula</li><li>• Drafting and adoption of code of conducts and support to its implementation;</li><li>• Set up of inspection mechanisms</li><li>• Development of standardized documents;</li><li>• Improve case management and statistic gathering.</li></ul>			
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## **ANNEX 2: Description of Institutional Framework**

### *The Ministry of Justice*

The Ministry of Justice operates according to the law no. 8678, dated 14.05.2001 "On the organization and functioning of the Ministry of Justice", as amended, which provides rules regarding the organization and its functioning. In accordance with the Constitution and other laws, the Ministry of Justice is responsible for developing policies and legislative drafting in the field of its responsibility, participate in the overall legislative drafting process at the governmental level, conduction of other necessary services related to the judicial system, international cooperation in civil and criminal justice and other areas of its competence according to the law.

The Ministry of Justice, in compliance with its organic law, supports, cooperates and coordinates its activity with the judicial power bodies and prosecutors' offices, while complying with the principle of separation of powers and independence of the judicial power and prosecutors' offices.

The legislative process in the framework of justice reform is run by the Ministry of Justice in cooperation with professionals, academics, jurists, practitioners, judges and prosecutors who are remarkable in the justice system.

The MoJ, has drafted the Justice Inter-Sector Strategy, approved by the Council of Ministers Decision no. 519 dated 20.07.2011, which aims to improve further the justice system in Albania, provide better access to justice, and strengthen public trust in the Albanian justice in the same line with the enhancement and further promotion of contribution of this sector in the development of the Albanian society and promotion and acceleration of the European integration.

This Strategy is based on the existing policies of the Albanian government oriented towards the National Strategy membership perspective in European Union. The Strategy analyses the issues identified in the justice system and the issues raised during its consultative process. Moreover, this strategic document will contribute further, even beyond the justice sector, as an effective tool in the hands of policy-makers and other stakeholders involved in processes related with the justice system

### *Courts*

Judicial power in the Republic of Albania is exercised by the Courts in compliance with the Constitution and the competences conferred on them under the law. The organisation of the Courts relies on the Constitution and on the law no 9877 of 18 February 2008 "On organisation of the judicial power in the Republic of Albania". This law guarantees independence and impartiality of the Courts, foresees the administration, direction and organisation of support services and also the competences of the chancellor of the court.

The High Court is the highest judicial authority and exercises the original and review jurisdiction. Its organisation and functioning is governed in detail by the law no 8588 of 15 March 2000 "On organisation and functioning of the High Court in the Republic of Albania". As a constitutional body and the highest court of the judicial system, the High Court consists of 17 judges, organised in Civil and Criminal Colleges.

### *Judicial Budget Administration Office (JBAO)*

In order to guarantee independence of the activity of judicial bodies, the Constitution (article

114) and the law no.8363 of 1 July 1998 have foreseen the financial independence of the judiciary. To this end, the Law sets up the JBAO, as an independent institution which administers the budgetary funds allocated to the judicial system, ensuring the implementation of the principle of its independence from other powers.

#### Magistrates School

The Magistrates' School of the Republic of Albania is an academic institution with administrative independence, set up by law no 8136/1996 "On Magistrates' School", as amended. The Magistrates' School is set up in Tirana and it is chaired by a Steering Council. The Magistrates School ensures the initial vocational education of candidates for magistrates and continuous vocational education of judges and prosecutors in service.

#### Enforcement service

The Enforcement Service in the RoA consists of the State Judicial Enforcement Service and Private Judicial Enforcement Service. The double system of the judicial enforcement service implies that the functions of the State Judicial Enforcement Service may be performed even by the private operators/agents licensed for this purpose. At local level of organization, the judicial enforcement offices, attached to each judicial district, takes the necessary procedural measures for the effective execution of executive titles.

The State Judicial Enforcement Service is organized according to law no.8730/2001 "On organization and functioning of the Judicial Enforcement Service" and it depends from the Minister of Justice.

The Private Judicial Enforcement Service applies for the private judicial bailiffs, who perform their procedural actions in the compulsory execution of executive titles. The private judicial bailiff or private enforcement companies exercise their enforcement procedural functions in the entire territory of the Republic of Albania.

### **ANNEX 3: Reference list of relevant laws and regulations only where relevant**

#### Reference to relevant laws and regulations

- Law No. 8417, dated 21.10.1998 On approval of the Constitution of the Republic of Albania";
- Law No.8678 dated 14.05.2001 "On the Organisation and Functioning of the Ministry of Justice", amended by Law No.9112 dated 24.07.2003;
- Law No. 9877, dated 18.02.2008, "On organisation and functioning of the judicial power in the Republic of Albania";
- Law No. 9109, dated 17.7.2003 "On lawyer's profession in the Republic of Albania";
- Law No. 8677, dated 02.11.2000 "On organisation and functioning of the judicial police";
- Law Nr.8402, dated 10.09.1998 "On control and discipline of the construction works", as amended;
- Council of Ministers Decision no.714, dated on 20.10.2011 through which the Ministry of Justice has taken the ownership the land where the Justice Palace will be constructed.

## **ANNEX 4: Details per EU funded contract (\*) where applicable:**

### **Direct Grant:**

**A direct grant will be signed according Art 168 of FIR**

### **Twinning contracts**

#### **Profile and tasks of the Project Leader (PL):**

This project requires a Project Leader, PL, who will be responsible for the overall coordination of the project activities. The project leader is expected to closely work with the resident twinning advisor and the short-term experts as well as with the counterpart of the beneficiary institution.

#### **a) Profile of the PLs:**

##### *Qualification and skills:*

University Degree, preferably in Law, in enforcements system (contract 2.1) and ADR (contract 3.1)

- Broad long-term knowledge in the area of legislation in the fields covered by this project;
- Experience in conducting projects related to enforcements system (contract 2.1) and ADR (contract 3.1) of an EU Member State;
- Good leadership skills;
- Excellent command of English;
- Computer literacy.

##### *Professional experience:*

- At least 10 years of experience, dealing with enforcements system (contract 2.1) and ADR (contract 3.1) issues and legislation of a Member State of the European Union;
- Incumbent acted as team leader, resident twinning advisor or key expert in at least one other EU funded project;
- Senior expertise in the field of enforcements system (contract 2.1) and ADR (contract 3.1) laws and procedures.

#### **b) Tasks of the PLs:**

- Overall project co-ordination;
- Supervision of the implementation of the project in coordination with the Albanian counterpart;
- Mobilising short-term experts;
- Closely work with the resident twinning advisor and the short term experts;
- Executing administrative issues (i.e. signing reports etc.);
- Advising on the future plans and reporting to the relevant authorities on the progress of the project.

### **Profile and tasks of the Resident Twinning Advisors (RTA):**

This project requires a Resident Twinning Advisor, RTA for the management of the project to assist MoJ and other institutions in implementing the legal framework to enforcements system and ADR in order to efficiently fulfil the SAA obligations during the pre-accession process, based on experience and practices of EU Member States.

The RTA will work on a day-to-day basis in the enforcements system (contract 2.1) and ADR (contract 3.1) and support the co-ordination of different actions.

#### **a) Profile of the RTAs:**

##### *Qualification and skills:*

- University Degree in Law, in enforcements system (contract 2.1) and ADR (contract 3.1);
- Excellent command of English;
- Experience in the field of enforcements system (contract 2.1) and ADR (contract 3.1), preferably within a Ministry/institution of an EU Member State;
- Experience in project management;
- Experience of team working in projects;
- Computer literacy.

##### *Professional experience:*

- At least 5 years of experience, preferably in the enforcements system (contract 2.1) and ADR (contract 3.1) of a Member State of the European Union, at managerial/expert level;
- Experience in conducting comparative studies aiming at improving the procedures and related enforcements system (contract 2.1) and ADR (contract 3.1) legal implementation issues;
- High expertise in the field of the field of enforcements system (contract 2.1) and ADR (contract 3.1) laws and procedures.

#### **b) Tasks of the RTA:**

- design a work plan for the implementation of project;
- assist in the preparation of all strategic project documents, training manuals, quarterly monitoring reports and final project report etc;
- ensure the day-to-day management of the project working on the daily basis with the Bailiff /Ministry of Justice staff (contract 2.1.) and Mediators and Arbitrators (contract 3.1) to implement the project;
- to ensure that all activities are implemented in a professional way;
- to plan and organise study visits, training activities;
- to provide detailed reports on the impact of the programme.

### **Profile and tasks of the short-term experts:**

The PL and the RTA will be assisted by international and/or national short-term experts. The



short-term experts shall assist the PL and the RTA in delivering the activities within the project.

**a) Profile of the short-term experts:**

*Qualification and skills:*

- University Degree in Law/or in the relevant subject;
- Experience in the field of enforcements system (contract 2.1) and ADR (contract 3.1), preferably within an Ministry/Institution of an EU Member State;
- Experience of team working in projects;
- Excellent command of English;
- Computer literacy.

*Professional experience:*

- At least 5 years of experience, preferably at expert level in the legislation drafting and implementation process of the relevant field of a Member State of the European Union;
- They should be professionally qualified and have the appropriate experience, preferably within a Ministry/Institution of the European Union in the area and the subjects they are selected for;
- Experience, preferably within a Ministry/Institution of EU Member States, in conducting comparative studies aiming at improving the legislative procedures and related enforcements system (contract 2.1) and ADR (contract 3.1) service implementation issues.

It should be considered to establish a project advisory committee (PAC), which can support the overall coordination of the different activities under this project fiche under the sector. (See example page 29 on project fiche 5 on civil service reform.

**ANNEX 5: Project visibility activities**

Visibility activities will be according EU visibility requirements. Visibility plan will have to be submitted with/included within the project work plan.