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Save the Children

Civic Engagement for a Functional Judiciary System and Access to Justice in Albania'

***Achievements, Findings and Recommendations from Civil
Society Organizations on the Justice System in Albania***

Tirana, 2019

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Acronyms

AC	- Appeal Court
ACFI	- Administrative Court of First Instance
AJ	- Access to Justice
CAJ	- Council for Appointments in Judiciary
CC	- Criminal Code
CEFJSAJA	- Civic Engagement for a Functional Judiciary System and Access to Justice in Albania
CEPEJ	- Council of Europe Commission for Efficiency of Justice
CILSP	- Centre for Integrated Legal Services and Practices
CPU's	- Child Protection Units
CRPD	- Convention on the Rights of Persons with Disabilities
DC	- District Court
ECHR	- European Convention on Human Rights
ECtHR	- European Court of Human Rights
GBV	- Gender Based Violence
GP	- General Prosecutor
GV	- Gender Violence
HCJ	- High Judicial Council
IPO's	- Immediate Protection Orders
JJ	- Juvenile Justice
JJC	- Juvenile Justice Code
LGU's	- Local Government Units
MoU	- Memorandum of Understanding
MP's	- Members of Parliament
PbS	- Probation Service Office
PLE	- Public Legal Education
PO's	- Protection Orders
SoM	- School of Magistrates
GP	- General Prosecutor
SC	- Save the Children
SPAK	- Special Prosecution Against Corruption
SPLE	- Strategy for Public Legal Education
VOM	- Victims Offender Mediation

I. Introduction

This report presents the main achievements, findings and recommendations of 34 CSOs' sub-granted projects carried out in the framework of CEFJSAJA (Civic Engagement for a Functional Judiciary System and Access to Justice in Albania), an initiative funded by EU and implemented by Save the Children (SC) and Centre for Integrated Legal Services and Practices (CILSP) aimed to contribute to the empowerment of civil society in actively participating and influencing the proper functioning of the judiciary system in Albania.

The document is composed of five parts: a short introduction on CEFJSAJA and the implementing partners (SC and CILSP); the methodology of the report; an overview on the two main areas of intervention of the sub-granted projects (monitoring of justice system and access to justice for vulnerable categories); a chapter on the achievements, findings and recommendations of the 34 sub-grantees; and a final section with the conclusions.

The main goals of this paper are to share with the stakeholders¹ a real picture on the current status of the judiciary system from the civil society perspective and to provide the judiciary institutions and the national decision makers with some inputs and possible solutions on how to make the Albanian justice system more accountable, transparent and accessible to vulnerable categories.

Background Information on CEFJSAJA

Save the Children² and CILSP³ jointly designed and implemented CEFJSAJA initiative, a 45 months' project (January 2016 – September 2019) aimed at strengthening the civil society organizations (CSOs), at increasing the transparency and accountability of the judiciary system and improving access to justice for vulnerable groups in Albania. CSOs were the main target groups of the project. The final beneficiaries were vulnerable groups (especially juveniles in contact with the law, minorities, people with disabilities, victims of DV and GBV), professionals operating in the justice sector, local and national authorities and judiciary institutions.

The Project, covering the whole country, had 3 main components:

- 1) capacity building program for the CSOs working in the field of Justice and Human Rights on organizational development, project management, advocacy and lobbying, and international guidelines and best practices related to justice;
- 2) a sub-granting scheme to fund 34 selected CSOs for the implementation of interventions in the areas of monitoring of justice system and access to justice for vulnerable categories;
- 3) creation of a civil society network (Coalition Justice for All) to carry out joint advocacy initiatives and share information and best practices in the justice sector.

It enabled 34 CSOs to provide a various set of services and deliverables, such as: legal support for vulnerable groups; victim offender mediation; promotion and support of the execution of alternative measures; capacity building for professionals, including police, lawyers, prosecutors and judges; advocacy

1. State institutions, judiciary institutions (district and appeal courts, prosecution offices, prisons, probation offices, police directories, etc.), professionals (advocates, journalists, psychologists, mediators, etc.), CSOs and international organizations.
2. Save the Children is an International Organization that works in 120 countries. Its mission is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives.
3. CILSP is a local organization working in Albania since 2000. Its mission is to help vulnerable people, including children, to access justice and contribute to the justice system development.

with all relevant stakeholders on victims' rights; legal information and education of the public (*youth, law professionals, civil society activists, journalists, etc.*) on several topics (*legal framework, justice reform, free legal aid, access to justice, protection of victims – trafficking, domestic violence, GBV, etc.*); monitoring of judiciary institutions (*courts, detention centers, etc.*) and drafting of assessment reports; and reintegration of children in conflict with the law.

The CSOs involved in the initiative implemented their sub-granted project in line with their own expertise and geographical area of intervention, and in collaboration with the relevant local authorities and judiciary institutions. CSOs were selected through two Calls for Proposals (*launched in April and November 2017*). 10 of them received a grant up to 50.000 Euros, 12 CSOs up to 25.000 Euros and the last 12 up to 15.000 Euros. The duration of the projects varied from 7 to 20 months (*December 2017 – July 2019*). All the CSOs have been continuously supported by SC and CILSP since the beginning of their projects through the provision of specific tools (*on planning, monitoring, financial management, child safeguarding, visibility rules, etc.*); the organization of onsite visits and meetings on financial, programmatic and operational aspects.

Albanian context

Albania is implementing some fundamental reforms that are crucial to the EU agenda in opening the accession negotiations, among which thorough justice reform, we aim to tackle corruption in all levels of the judiciary, in state institutions and society overall, by imposing rule of law and fundamental democratic values. The justice reform is founded mainly on the vetting process for judges and prosecutors, coupled with other initiatives on establishing new governance institutions for the judiciary, approving of several laws to improve the status of the judiciary and its *modus operandi*, increasing performance, efficiency and access to justice institutions.

Efficiency and quality issues of justice system are constantly reported by the EU Progress Reports for Albania, stating that '*Albania lacks efficiency of the justice system, which includes the length of proceedings, clearance rate and pending cases at all court levels*'.⁴ Monitoring the way justice institutions perform is crucial for assessing their *modus operandi* on daily basis, on how they provide services to citizens, at what extend they meet international standards and requirements, how they deliver justice, how they make public their activity and keep citizens informed, if they proceed within reasonable time or cause delays in their activity due to objective and subjective reasons, how they deliver administrative services, how they coordinate among each other, etc. On the other hand, it helps them to recognize where they stand, measure their activity from an external perspective, it supports the work of international organizations that operate in Albania⁵ and can contribute to improve their performance based on its outcome.

Albanian judicial system suffers from the phenomenon of corruption and outside influence in delivering justice, low level of professionalism of the main actors of the justice system, poor court efficiency, lack of judicial staff, lack of sufficient support of administrative services, inadequate infrastructure, trial delays, etc.⁶ Participation of the public is not fully guaranteed in all court instances, and vulnerable categories

4. For more detailed information, see 'EU Progress Report for Albania, 2018' - Efficiency of justice system, pg. 21/4. '*Clearance Rate is the lowest for the appeal courts, particularly for the Appeal Administrative Court (37 %), due to a high number of appeals and the low number of judges allocated to the Court. The highest clearance rate (100 %) is in the first-instance court of serious crimes. The highest number of pending cases is in the High Court (backlog is estimated at 22 500 cases)*'.

5. EU Delegation, CoE, Euralius, etc. For more information, see 'Analysis of the Justice System in Albania' drafted by Ad hoc Parliamentary Committee on Justice System Reform June, 2015, 4.1. Justice Administration governance structure and key Institutional actors and stakeholders.

More detailed information and data on court organization could be found at 'Court Organization and Court Administrators' capacities in Albania: A first exploratory study' Institutional Framework, prepared by SEJ I 'Support Efficiency of Justice in Albania.

6. *Ibid.* 'Efficiency of Judiciary', pg. 106-107.

of citizens face many difficulties to access justice institutions. A significant part of courts trials is held in judges' chambers, largely due to the fact that most courts lack public courtrooms, courts lack electronic case management system and official web sites, which makes the access of public in decision-making or in court proceedings impossible. Albania is one of the countries with the lowest ratio between the number of judicial administration staff and number of judges, under the European average standard, 3 employees for 1 judge.⁷

Up to date, the justice system has not lacked efforts to improve, but they have been partial in improving the system through measures of operational nature, such as modernization of infrastructure, introduction of partial information technology to improve communication with the public, etc.⁸

7. More detailed information and data on Albanian judiciary could be found at the document 'In-depth Assessment Report of the Justice System in Albania, Jacques Bühler & Jon Johnsen, 2015, SEJ I – Support Efficiency of Justice in Albania - EU/CoE Project; <https://rm.coe.int/eu-coe-support-to-efficiency-to-justice-sej-a-joint-project-between-th/1680788435>

8. See 'Analysis of the Justice System in Albania' drafted by Ad hoc Parliamentary Committee on Justice System Reform June, 2015, Chapter I – Introduction.

II. Methodology

This report was compiled with a pre-approved methodology, that combined desk research of projects implementation reports, methodology adopted by each project to accomplish their target and objectives, data collection and elaboration especially on projects that dealt with the performance of the justice institutions. All of the CSOs ensured full collaboration and availability to provide the needed information.

The drafting process included the following steps:

- Desk review of sub-grantees' documents (project proposal, narrative reports, M&E plans, deliverables such as monitoring and assessment reports on judiciary institutions performance)
- Design and submission to each CSO of an Information Sheet containing the following sections: general information on the CSO and the project (project title, main thematic area, project beneficiaries and target groups, project timeframe, main objectives, project staff, short project justification); project activities; justice institutions involved; project methodology; indicators (*quantitative/qualitative*); project outcome and impact; findings (*including data but also non-quantitative information*), recommendations (*for Justice institutions and/or other institutions involved in the project*); best practices evidenced during project implementation; challenges and related countermeasures.
- Analysis of all the collected information and organization of meetings with several CSOs for further information and clarifications.
- Drafting the report focusing on thematic issues faced by the sub-grantees and the main achievements of their projects, along with the related findings and recommendations. Conclusions include the common aspects of the projects, the most relevant challenges and perspectives.

In the course of sketching the report, there were challenges related to assembling and elaborating the data and information from the projects because of the broad variety of methodologies applied by each sub-grantee, areas of interventions, typology of activities, target groups and issues faced. However, despite dissimilarities, some common aspects of the projects could be identified and it was also possible to lay a path for the coming programs in the area of accessing and monitoring justice institutions.

III. Main issues tackled by sub-granted projects

CEFJSAJA sub-grantees presented their projects based on issues related to two main categories (1) Access to justice and (2) Monitoring of justice institutions. The main issues evidenced by them on the course of their project design will be presented below.

Main Issues tackled by sub-granted projects on Access to Justice

19 CSOs have addressed their projects mainly or exclusively on access to justice. Main issues tackled by these sub-grantees were related to poor or lack of access to justice institutions for different categories of citizens, especially for vulnerable or marginalized groups/communities, lack of information and awareness on legal issues, lack of specialized assistance, especially legal aid and psychological counseling, and poor skills of justice professionals and lawyers.

In details, the main problems addressed were:

- **Lack of access to justice institutions of vulnerable communities (Roma, rural communities, low income families, etc.):** there is lack of legal aid (*primary and secondary services*) for these communities/groups to better protect their rights and claim redress – currently Albania has adopted the law on state legal aid (2017), however this law had not been adequately implemented due to lack of awareness raising on access to justice institutions and human rights in general, lack of education of these communities/groups on how better benefit from current resources, lack of involvement of state institutions such as Ombudsman and the Commissioner for Protection Against Discrimination to better protect their rights, lack of institutional coordination especially by MoJ and courts for provision of free legal aid, etc. People with disabilities face countless difficulties in accessing justice institutions, they lack legal counseling, legal representation to trial or other institutions, and public awareness. Albania's framework legislation on the rights of people with disabilities complies partially with the UN Convention on the Rights of Persons with Disabilities, as people with disabilities continued to face difficulties in accessing education, employment, healthcare and social services and participating in decision-making. There still are difficulties in removing environmental and infrastructural barriers⁹.
- **Weak protection for victims of crimes** – Albanian legislation does not fully regulate the status of crimes' victims, especially of victims of trafficking and there is lack of institutional capacities to guarantee their rights, as provided by international standards and legislation in other countries. State institutions have failed to provide free legal assistance for these victims, and awareness activities for citizens and trainings for justice professionals are missing. Youth victims also lack access to justice institutions due to mentality and lack of trust in the judicial system coupled with their violent behaviors, lack of tolerance, victim blaming, etc. Traditional mentality had led to aggravate psychological and physical harm problems. Public and society lack analysis of factors that influence violence and profiles of victims of violence, lack of awareness sessions for citizens on such issues, there is almost no legal assistance for victims of violence and lack of social policies to empower and re-integrate them in society.
- **Weak protection of patient's rights within the justice system:** it is related especially to patients with chronic severe diseases; in Albania citizens face un-equal access, information and

9. See EU Progress Report for Albania, 2018, pg. 30/1.

benefit to health-care, lack of policies protecting their rights, lack of legal provisions addressing these issues, lack of legal aid to protect their rights in administrative level or at trial. Citizens in general also face insufficient information on prevention (*control, prenatal diagnosis*) and treatment, presence of inaccurate data on the number/distribution of patients with severe diseases and their prevalence, coupled with lack of specialised laboratories for screening, diagnosing and monitoring the conditions of citizens' requiring health-care, insufficient and sometimes not fully specialized medical staff; high cost of medical check-up and treatment, etc.

- **Poor access to justice institutions for LGBTI community:** they suffer mostly from benefiting specialized legal aid.¹⁰ Centers that provide care, support and advocacy especially for risk homeless LGBT youth population are not present in Albania. Despite awareness and advocacy campaigns conducted so far on LGBTI rights, citizens still lack acceptance and responsiveness towards this community.
- **Weak public legal education:** it has been highly disregarded in Albania, therefore it lacks a national strategy to implement it; it lacks state institutions and regulatory framework, along with respective logistics and budget. In addition to that, there is a lack of knowledge or information on PLE, therefore citizens feel disconnected from public and private institutions and cannot exercise their rights. So far, PLE has been provided occasionally only by CSOs with the support of international partners, however community at large lack detailed information on legal aid provided by the state, on access to justice institutions, on human rights, rights of the victims, on juvenile justice procedures and programs, on mediation, as well as on institutions that play a crucial role for the protection of citizens' rights such as Ombudsman, Commissioner for the Protection Against Discrimination, Commissioner for the Right to Information and Data Protection, etc.
- **Weak application of Juvenile Justice Code/JJC:** JJC has recently been approved (*entered into force by January, 2018*), however justice professionals lack information on the principles and procedures it elaborates, they also lack continuous trainings on these issues, community also lack information on JJ issues due to sporadic initiatives to raise awareness mainly by local CSOs and institutions lack coordinated efforts to enforce legal requirements on JJ issues. In addition to that, there is **weak application of restorative justice measures and victims' offender mediation for juveniles in conflict with the law:** there is insufficient information of state institutions on how restorative justice measures or mediation shall be applied on juveniles in conflict with the law. This is reflected also in the low number of cases referred to mediation by the judiciary (*prosecution offices and courts*). JJC provides for use of diversion and victim-offender mediation, however juvenile justice practitioners (*judges, prosecutors, police officers, probation officers, Child Protection Unit Specialists, and mediators*), despite trainings received are not willing to use diversion to mediation and benefit from it. Still there is lack of awareness activities to citizens on restorative justice and mediation practices. In addition to that, Albania lacks studies and institutional policies on recidivism of juveniles in conflict with law, on community based re-education and re-integration programs for them, it lacks appropriate planning and budgeting for that. There is also a lack in institutional coordination for involving relevant state institutions dealing with these issues, such as General Directorate of Prisons and the Probation Services in Albania as important actors on reintegration of juveniles in society.
- **Weak application of mediation as an alternative measure to detention to resolve conflicts:** it represents a strong challenge nowadays in Albania, since there is not an effective

10. For more information, see EU Progress Report for Albania, 2018 – '*Albania's anti-discrimination legislation prohibits discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, however awareness and acceptance of LGBTI persons remain low, particularly in rural areas. Hate speech and discriminatory language continue to be a problem in the media, especially online media*', pg. 30/2.

system to deal with application of mediation instead of trial procedures, in both civil or criminal cases. There are missing local contact persons or local structures (*chambers/associations*) that could inform citizens and raise awareness about these possibilities, as new alternative methods for resolving conflicts, as well as serve as chains between judicial institutions and mediators. In addition to that, there is still lack of information, lack of awareness and lack of legal assistance on alternative dispute resolution for blood feuds conflicts, due to their Kanun tradition.

- **Domestic violence**¹¹ represents a very concerning problem for Albanian society, especially in rural areas. There is a growing number of cases presented to judicial institutions such as: the prosecution office, courts and Child Protection Units in local municipalities. Community still faces issues related to lack of awareness on such issues, especially in rural areas and lack free legal and psychological assistance provided for these cases. In addition to that, justice professionals, especially prosecutors lack trainings on DV and GBV issues and the media lack professional coverage of these situations; as consequence, the rights for victims of DV and GBV are not fully guaranteed due to lack of qualitative legal aid, lack of legal provisions to back up their status and passive role of judges during the trial. In many districts in Albania, it is nearly impossible for victims to find a professional lawyer to provide legal guidance and deal with their cases¹². Victims friendly approach to DV and GBV cases is not applied systematically, and rehabilitation of perpetrators in detention centers lack legal and psychological counselling. Specific policies related to national crime prevention and criminal justice strategies do not take sufficiently into account the special needs of women and children.
- **Lack of professionalism in journalists and media on reporting legal cases:** they do not fully comply with their role in informing citizens and raising awareness on human rights, especially when it comes to investigative journalism, there is lack of such trainings for journalists. On the other hand, legal professionals (*judges, prosecutors, judicial police officers*) lack knowledge and training on media reporting; court chancellors are not fully capable and in charge of informing public on the trials conducted, due to broader scope of their administrative competencies in managing courts and the fact that this competence is being vested to the media judge, a structure that had not been established yet in Albanian courts after the reform in the judiciary.

Main Issues tackled by sub-granted projects on Monitoring of Justice Institutions

15 CSOs have addressed their projects mainly or exclusively on monitoring justice institutions. Main issues tackled by these sub-grantees were focused on monitoring and measuring the performance of courts and other justice institutions such as Probation Service, their administrative services, court websites, information provided to public, court infrastructure, quality of court decisions, especially those related to juveniles in conflict with the law, non-execution of court decisions, and new governing bodies., In details, the main investigated areas were:

- **Monitoring the performance of courts of first instance** in Albania still remains a challenge for Albanian courts from the prospective of court users and public regarding their judicial and

11. For more information, see EU Progress Report for Albania, 2018, '*Domestic violence remains a serious concern. During 2017, were reported 3 243 cases (against 3 700 in 2016) and were issued 2 593 protection orders (against 2 207 in 2016). For 2017, 129 of these protection orders were not respected (against 119 in 2016). Furthermore, 1 950 cases of domestic violence against women and children were registered as criminal offences in 2016*'. – pg. 29/2.

12. For more information, see EU Progress Report for Albania, 2018, '*Law on Legal Aid broadens the category of people that benefit from legal aid, however legal aid scheme for rights of victims still needs to develop an outreach mechanism and access to services; vast majority of cases involving vulnerable groups are still handled by civil society with donor support*' – pg. 30/4.

administrative activity. Most of court statistics are produced by courts themselves, without a pre-approved methodology (*by the former High Council of Justice – now High Judicial Council*) and common indicators. Still, these statistics remain poor in terms of quality, since the information they provide is not detailed. In addition to that, Albanian courts lack a unified case management system that could provide statistics and generate data and reports on courts' activity, anytime. Due to the justice reform and vetting process, the most recent statistical data for courts date from 2017 – afterwards monitoring or measurement of court performance in terms of length or proceedings, number of hearings, reasons for trial postponements, reasoning of court decisions, time span from one hearing to the other and the compliance with fair trial within a reasonable time standard (*Art. 6 of ECHR*), quality of court decisions, transparency, infrastructure, access of marginalized groups, financial data, etc. is missing. Courts themselves, so far neither have approved or set any baseline for comparing their activity with previous years nor organized external monitoring from users/public prospective to know where they stand. These activities had mostly been conducted externally by different projects and donors, and only occasionally. Some of the court had started to use CEPEJ indicators to measure their judicial performance but that had been a sporadic event, lacking unified data for all courts that could be compared with other European countries and court systems.

- **Monitoring the performance of administrative courts of first instance and appeal level¹³** - Law on Functioning of Administrative Court system¹⁴ was amended due to the justice reform, therefore it was highly relevant to monitor and assess the functioning of the administrative court system. Statistics on length or proceedings, number of hearings, reasons for trial postponements for 2018 are missing on the administrative courts of first instance and appeal court as well.
- **Monitoring administrative court services delivery to citizens'/court users-** receiving and responding to enquiries is a key service provided by the administrative courts or general jurisdiction courts (*first instance or appeal*) – in this regard it is necessary to monitor how administrative court services are delivered to citizen and/or court users. Albania lacks these types of monitoring of performance of court administration.
- **Monitoring and measuring judicial integrity** - Albanian judiciary is widely perceived as corrupt by the public opinion.¹⁵ Perception of corruption is determined by certain objective factors such as excessive length of proceeding, delays in the reasoning of decisions, the poor quality of the judicial service, unfriendly behaviour by judges and court administration, lack of transparency and effective communication between the courts and the users of their services, informal contacts between the judges and the parties, judges' unjustified lifestyle etc. Despite regular measurement of public perception for judicial corruption, there are no specific forms of studies for the underlying factors of corruption in Albania, and a functioning and permanent framework for monitoring judicial integrity in continuity (*a system for corruption proofing of the judiciary*) along with a standing mechanism for monitoring judicial integrity in continuity is missing.
- **Monitoring of new Governing Justice Institutions¹⁶ HJC, HPC, CAJ, HJI** on the way how relevant institutions involved in the process would respect the law and criteria for the selection

13. 'With regards to administrative justice, the capacity of the administrative court system to deal with the backlog of cases has improved at the first-instance level, but there is a backlog of cases at the appeal court level due to the country having only a single administrative court of appeal.' - 'legislation for protecting the right of citizens to seek compensation (for violation of the right to a fair trial within reasonable time/trial delays) is in place but court cases remain rare due to limited public awareness of this right'; see EU Progress Report for 2018 for Albania, pg. 15/4.

14. Law 39/2017.

15. See IDRA Survey 2009 'Corruption in Albania: Perceptions and Experiences' – 'Albanians believed that the outcome of trials is mostly influenced by financial interests, business connections, personal acquaintances of judges and political considerations'.

16. High Judicial Council, High Prosecutorial Council, Council for Appointments in Judiciary, High Justice Inspector

and appointment of candidates for these institutions, as a prerequisite for their future accountability, transparency and efficiency. Before the justice reform, the establishment and selection of member for institutions that had govern judiciary had not been monitored by CSOs or made public, leading to lack of transparency in selection procedures or when filling their vacancies with candidates that did not meet or partially met the criteria, considering also the fact that for some very important positions such as General Prosecution or High Council of Justice criteria were very basic. That situation had deteriorated the performance, efficiency, accountability and transparency of their activity for almost three decades of transition.

- **Monitoring juveniles' delinquency issues and legal protection system¹⁷ especially during criminal proceedings** for juveniles in conflict with the law – due to the recent approval of Juvenile Justice Code, Albania lacks studies and statistics on the application of alternative sentences for juveniles in conflict with the law, studies on violations of their fundamental rights, lack trial monitoring especially when exposing child identity, court decision on juveniles' delinquency in most of cases are poorly reasoned; they lack detailed analysis of the social and emotional circumstances of the juvenile, lack to analyze all circumstances of the offence, they fail to elaborate the principle of the best interest of the child and the principle of proportionality, lack to refer international case law/ legal doctrine on how the court identifies and measures those circumstances, fail to analyze the circumstances taken into account in determining the amount of punishment, elements that guarantee that juveniles get an individualized treatment and are adjudicated on some common principles, rules and standards.
- **Monitoring of application of Alternative Sentences:** currently there are significant gaps in making the best use of alternative sentencing in Albania related mostly to Probation Services Office, which lacks efficiency due to frequent staff change, lack of training, lack of an organic law that could regulate the way they operate, lack of studies on the manner judges rule AS, lack of statistics internally and also by external sources such as CSOs or other institutions.
- **Monitoring the (non)execution of decisions for alimony payment:** non-execution of alimony payment and the realization of parental responsibility cause an emotional burden for children, by making the whole process to fail delivering justice despite having received a decision. These issues had vastly passed inattentive by CSOs or other state institutions, therefore statistics and studies on non-execution of court decisions at large in Albania and those related specifically to alimony payments are missing.

17. For more information, see EU Progress Report for 2018 for Albania, Fundamental Rights – 'New legislation has been adopted on **children's rights**, however, the institutional mechanisms remain weak and more efforts are needed to implement existing commitments. Further efforts are needed to ensure the child protection system functions effectively' - pg. 25/3 & 29.

IV. SUMMARY OF SUB-GRANTED PROJECTS

IV. I. SUMMARY OF SUB-GRANTED PROJECTS ON ACCESS TO JUSTICE

1. Organization: Tirana Legal Aid Society/TLAS

Project title	Expanding legal aid services at local level through collaborative networks
Project aim	Improve access to justice through free legal aid for vulnerable people and groups, to raise awareness on human rights access to justice, to amend the legislation 'On civil status', increase the coverage area where local partners have provided access to justice for people in need, as well as inform citizens on legal education.
Project duration	December 2017- May 2019
Intervention area	Berat, Fier

Main Activities

- **Provided legal services** (paralegal services; legal services; law-line and web line; legal clinics; mobile service) to the targeted groups. More than 257 cases were assisted in Fier and Berat, legal representation at court was provided for 47 cases, legal representation at administrative level was provided for 48 cases, 87 cases were managed through legal clinic, and 75 cases were assisted on line and by the Web lawyer (*by providing online legal services*). Main issues: birth registration, legal custody, divorce, nationality etc.
- **Organized 4 trainings** with partners, decision makers and beneficiaries, civil office servants, social assistance administrators, health institutions servants, child protection units etc. in Berat, U. Vajgurore, Fier and Lushnje, on the issues of divorce, legal custody, birth registration, fake marriage, etc. (*95 people attended*).
- **Conducted 9 street law activities and 2 kick off meetings** – one in Berat (*37 participants*) and in Fier (*26 participants*) to raise awareness on human rights and access to justice, especially on remote areas and street law activities to provide information for people in need on how to address their problems and benefit from legal assistance (*information was provided for 490 citizens and leaflets/brochures were distributed for 560 citizens*).

Summary of Findings

- In the most remote areas of those two districts (*Berat and Fier*), there are a lot of families and individuals, who needed free legal aid services. Based on the need assessment that was conducted prior to the project proposal, it resulted that around 360 people needed legal assistance.
- State institutions were not able to help or inform the citizens on how they could claim their rights and how they could benefit from the legal means offered by the state itself or the CSOs.

Recommendations

- State institutions shall ensure the provision of free legal aid services for people in need.
- Trainings, workshops, conferences should be organized for state institutions specialists to raise awareness, skills and capacities about citizens' rights, so that they may transmit this knowledge and information directly to the citizens when they need it, on the areas of birth registration, legal custody, divorce, pensions and other family issues.

2. Organization: Albanian Disability Rights Foundation/ADRF

Project title	Emerging inclusive approaches of access to justice to ensure equal access for persons with disabilities
Project aim	Create a friendlier and accessible justice system for persons with disabilities in Albania to enable equal access to justice, by increasing awareness and accountability of the relevant state institution in the justice system, by influencing approval of legal amendments on AJ for persons with disabilities, by empowering them through enhancing capacities on the justice system, on monitoring and advocating.
Project duration	December 2017- June 2019
Intervention area	Mat, Lezhë, Gjirokastër, Durrës, Tiranë

Main Activities

- **Organized 5 trainings** on government institutions staff to build capacity on AJ for persons with disabilities, such as High Court, Districts, Appeal and Administrative Courts, Prosecutors, Judicial Police Officers, Judicial Budget Office, Ombudsman, Commissioner Against Discrimination. *19 institutions and 70 representatives of the Albanian justice institutions participated.*
- **Organized 5 trainings** for civil society organizations and persons with disabilities on issues of AJ (*142 participants and representatives of 10 nonprofit organizations*).
- **Drafted “road map” documents** on how to make institutions more accessible for persons with disabilities. 5 workshops were organized *aiming the design of a ‘road map’ document* with the participation of 138 representatives of people with disabilities, civil society organizations, relevant public institutions and justice institutions in local level. (*9 road map documents were prepared and presented to justice institutions in target areas*).
- **Designed and aired video** on access to justice for persons with disabilities: it focused on 4 stories/cases of people with disabilities by identifying the lack of physical accessibility on justice institutions; the lack of the sign language interpreters during trials for deaf people; problems of people with disabilities such as visual impairment and blind eyesight regarding the lack of delivery of office documents in Braille code, issues related to the abolition or limitation of their legal capacity to act, coupled with the lack of legal provisions on the ‘digital signature’ of people with intellectual disabilities. The video was part of the TV program on national television and was shown at RTSH 2 and on ADRF's Facebook page.
- **Designed and distributed** a guidance note and 2 factsheets containing information on rights and access to justice, information in formats easy to read and adopted in Braille.
- **Drafted a monitoring report** on AJ for people with disability in Albania – by adopting a

combined qualitative and quantitative methodology, based on law and sub legal laws, strategies, policies, monitoring reports, data available through official channels, meetings, information sessions, exchange of information, direct observations. The questionnaires' collected data from 250 disabled persons in 5 project targeted districts. The report was presented at the national conference on May 2019 organized in the framework of the project.

Summary of Findings

- People with disabilities in Albania, often face barriers on the implementation of the principle of equality of arms and fair trial due to non-accessible documentation or procedures, coupled with exclusion from proceedings or subjection to unfair punishments.
- Criminal Procedure Code continues to apply the principle of 'unfitness to stand trial' or exempts a person from criminal responsibility on the basis of their psychosocial or intellectual impairment.
- Albanian legal framework contains provisions that are not in line with the CRPD and in particular with the guarantees of Article 13 'Access to Justice'.
- Regarding the administration of justice and legal education, SM do not have a specific course on their training programs in terms of the new concepts that have been introduced with Article 12 'Equal Recognition before the Law' and Article 13 'Access to Justice' of the CRPD. The same situation is noted in the curricula of the Faculty of Law, where these important topics are not included in students' curricula.

Recommendations

- Set up a working group to include the body of professors and academics in the country, in close consultation with people with disabilities and their representative organizations, as well as technical staff of line ministries, to launch a technical-legal debate on the CRPD standards, for a full compliance of the Albanian legal framework with the CRPD.
- Establish inter-ministerial working groups in close consultation with persons with disabilities and their organizations to draft legal/sub-legal acts and guides for assisting the work of judges, prosecutors, lawyers and all parties involved in the justice system.
- Review and improve the legislation regarding the criminal justice principle of '*criminal incapacity, due to mental state*' as well as the elimination of security measures involving compulsory medical or psychiatric treatment in the relevant institutions.
- Establish a working group by HJC to inspect all premises in which the Courts operate in Albania, in order to identify all elements that do not meet the eligibility standards both in indoor and outdoor premises, as well as in communication and information.
- Plan, deliver and disseminate compulsory and regular training programs, for the administration employees and the justice system, including police officers, administration and professionals working as public defenders, providing legal assistance or exercise similar professions, and in particular the body of judges, prosecutors, mediators or lawyers.
- Include CRPD standards (Article 12-13) in the curricula of the Faculty of Law and the School of Magistrates.
- Revise Albanian legal framework to comply with international standards established from the CRPD and unify pertinent legal terminology for persons with disabilities, by establishing a working group to work on the matter.

3. Organization: Different & Equal/D&E

Project title	Justice is a true story when victims become the first worry
Project aim	Ensure an effective protection and legal support for victims based on the victim centered approach, as the best response to the enjoyment of their rights, and to fight the phenomenon in general.
Project duration	December 2017-July 2019
Intervention area	Tirana, Korça, Elbasan, Fier, Kukës, Diber

Main Activities

- **Provided free legal aid for victims** to all the beneficiaries part of reintegration program, including the new cases referred during the project timeframe. Beneficiaries have been informed on their rights and assisted for legal services on case by case bases and for some cases procedures were started for representing them in court. In total 124 direct beneficiaries (*victims of trafficking, victims of sexual abuse and victim of domestic violence*).
- In collaboration with Center for Civic Initiatives one case was successfully defended (*29 hearings*) for a victim of trafficking, since court decided to grant compensation for the victim, by becoming a model of litigation strategy to improve the system for compensation of all the victims of criminal offences.
- **Organized 23 legal thematic meetings** for beneficiaries of D&E, for informing victims on different legal issues and raise their capacities on legal education in general. The issues discussed were identified by beneficiaries themselves during the information sessions organized at the beginning of the project and meetings were organized in small groups of 2-5 persons.
- **Established a Counseling Line to provide legal assistance for victims** for on-going cases in courts or in other stages, including new cases.
- **Organized 18 informative sessions ‘Presenting and knowing the rights of victims** to inform beneficiaries on their rights as victims of criminal offences with victims coming from State Centre for Victims of DV, representatives from state institutions such as Social State Services, Municipalities, Police Directorate, CPUs, students and professors from Universities, local CSOs that have a direct contact with victims, volunteers of the D&E center, students from Law Faculty and Social Science, members of Regional Anti-trafficking Committees and 20 police officers from Police Academy in Tirana. The information sessions have been organized in close cooperation with the National Anti-Trafficking Coordinator, General Directorate of State Police, Faculty of Social Science in Tirana and Law Faculties in Tirana, Vlora, Durrës and Shkodra. (*462 participants*).
- **Organized 6 trainings on ‘Rights of victims of criminal offences’** in Tirana, Fier, Korça, Elbasan, Dibra and Kukës aiming to increase knowledge and skills of law enforcement agencies on anti-trafficking legislation, practical aspects of actions and role of each actor in providing assistance to victims of trafficking, with representatives from law enforcement agencies, prosecutors, judges, police and lawyers, representatives from local institutions that provide legal services to victims of the criminal offense, lawyers from non-profit organizations that provide these legal services (*174 participants*).
- **Conducted advocacy for drafting a special law on fight against trafficking and protecting the victims of trafficking:** pursuant to the request of D&E, to draft a special

law on the protection of victims of trafficking, this initiative became part of the Action Plan of the National Anti-Trafficking Strategy adopted by the Decision of Council of Ministers (No. 770, 26.12.2018 'On the adoption of the National Action Plan for the fight against human trafficking for 2018-2020'). On June 2019 in collaboration with the Office of National Coordinator against Human Trafficking – Ministry of Interior has been established an ad-hoc group for the evaluation of the need to draft a special law on the protection of victims of trafficking. A report has been produced.

- **Drafted, distributed and publicized** informative materials focused on promoting the counseling line and the rights of the victims (**1.000 brochures and 200 posters on the rights of victims and launching the counseling line**).

Summary of Findings

- Lawyers from private sectors have collaborated with D&E in offering *pro bono* legal aid for beneficiaries of D&E, but there is a lack of professional lawyers for representing the interest of victims of trafficking especially.
- Law enforcement agencies are not fully aware of the law amendments that improve the rights of criminal offences. They are focused on the perpetrator and less on the interest of the victims.
- Informative sessions showed a large interest for training activities on the rights of victims of trafficking.

Recommendations

- Continuous training is needed on the laws' amendments related to legal (trial) representation, especially in areas of domestic violence, sexual abuse, trafficking, and juvenile justice.
- Raising professional capacities of lawyers in representing the victims' interests before the court.
- Need for drafting a special law on the protection of victims of trafficking as a special instrument for the protection of the rights of victims of trafficking.
- Need for improvements of the curricula for law and social sciences students for raising their knowledge on the rights of victims of criminal offences, especially for victims of trafficking.

4. Organization: 'Social Center to Help People in Need' /SCHPN

Project title	Promoting Core Human Rights; Justice Entitlement
Project aim	Increase accessibility, fairness and efficiency of the justice system and increase public trust for community.
Project duration	April 2018- March 2019
Intervention area	Puka and Fushë-Arrëz

Main Activities

- **Established Legal Support Center** to increase number of cases resolved through legal procedures to Puka Court - 24 legal cases addressed to SCHPN/QSNNN; 18 of them were solved.
- **Organized information sessions** with representatives of law enforcement institutions and the municipalities of Puka and Fushë-Arrëz to present the project and discuss how to better implement project activities (*10 meetings – 136 participants*).
- **Established 12 Non-Digital Helpdesks** in two municipalities and their Administrative Units (*Puka and Fushë-Arrëz*), as well as distributed informative leaflets and posters to inform citizens.
- **Established Watchdog Group** composed by members of municipalities and Administrative Units for the technical maintenance of the helpdesks in two municipalities, to establish and foster communication bridges between community and public institutions.
- **Established Young Justice League/YJL**, composed of 5 young law graduates that participated on 2 trials in Court of Puka and collaborated strongly with Legal Support Center experts.
- **Organized 'Run for Justice' marathon**, as awareness activity for community of two municipalities, as an example of a massive awareness event that has to be heard by stakeholders and the society.

Summary of Findings

- Youth have shown interest to participate in projects that involve important problems of their community.
- Project activities showed a very good collaboration between community and institutions staff to help the most marginalized part of our community.
- Community and institutions have little trust on the local CSOs in general, due to the fact that their activity is limited only in specific districts, due to poor skills of strategic litigation, advocacy and lobbying on national level, limited access on institutions, limited human and financial resources, etc.

Recommendations

- State institutions and donors should support more civil society projects to help not only the most marginalized part of our community but also to engage the youth, which are too much passive into social life.
- State institutions and donors should support more projects on accessibility, fairness and efficiency of justice system, to create communication bridges between institutions and the community members to increase their trust in justice system.

5. Organization: Papa Xhovani XXIII Community

Project title	Alternative dispute resolution and legal aid to solve blood feuds
Project aim	Improve the access to justice for vulnerable groups and families under blood feud.
Project duration	April 2018 – March 2019
Intervention area	Shkodër and suburban areas, Tropoja, Kamza

Main Activities

- **Provided free legal counseling for families under blood feud:** provided legal counseling to 1 family under blood feud in Shkodër and 1 family under blood feud in Tropoja and engaging also in local and national institution
- **Provided support** to facilitate the entitlement of basic human rights for a total of 56 blood feud cases (*accompaniments to prisons to let family members visit inmates, accompaniments to job interviews, to local social services, to hospital and to family meetings*)
- **Conducted visits to families under blood feuds to provide victim-offender mediation** as an alternative dispute resolution technique by sharing, listening actively and equivicinanza (*equal proximity*) to both sides, enabling the mediator to gain the trust and credibility to direct the mediation towards reconciliation. (*198 visits to 22 families*).
- **Collected data** on new cases of vendetta(hakmarrja) and blood feud(gjakmarrja) through daily press review and periodic visits.
- **Organized awareness raising campaign** on December 10th, 2018 on the occasion of 70th Universal Declaration of Human Rights anniversary. The national campaign ‘Kundër Gjakmarrjes’ (‘Against blood feuds’) was launched in Shkodër, to raise awareness on the vendetta phenomenon among Albanian population and to invite each citizen to take a clear and active stand against blood feuds.
- **Organized Roundtable** with public institutions and CSOs to present ideas for collaboration in such fields, to organize trainings for institutions, and share information on particular cases, to better understanding and satisfy the needs and the requirements expressed by families under blood feud (*15 participants*).
- **Provided international counseling on the phenomenon of blood feud** for journalists, associations, institutions and legal offices that in several foreign countries are involved in protecting the rights of asylum seekers for reasons related to the blood feud phenomenon (*10 professionals benefited*).

Summary of Findings

- 18 feuding families monitored in Shkodra and Tirana belong mainly to clans from Dukagjin and Tropoja. More than half of them have moved within Albania to city suburbs from their mountain areas of origin, often to escape the possible consequences and risks of a blood feud and reduce tension between parties, but unfortunately have not guaranteed safety as traditional Albanian society is based on relations between extremely extended families that can easily get information on the location of other people.
- The social environment in which the families live (*neighbors, relations, school and/or work mates, etc.*) has a great deal of negative influence on clan decisions and can affect the decision to seek

revenge.

- Lack of collaboration by local population do not help justice institutions with their job. Silence for reasons of self-interest, or more usually for fear of reprisals, slows the course of justice and prevents the reporting of vendettas.
- Blood feuds seriously violate fundamental human rights, the most important of which are:
 - **the right of equality**, because those involved in feuds often suffer social exclusion;
 - **the right to life, freedom and safety**, which is violated by revenge, blood feud and self-confinement;
 - **equality before the law**, a right that is violated if punishment is not certain;
 - **the right to privacy**, which is violated whenever authorities or the media make improper use of the personal data of those involved in a vendetta;
 - **the right to work and education**, because those involved in feuds often lose access to education and work.

Recommendations

- State institutions should support mediation in an institutionalized manner between families who are the victims of a blood feud and create a national reconciliation process through restorative justice.
- Amend and implement law 9389 of 4.05.2005 to set up a Coordination Council on blood feuds.
- Systematically introduce educational and cultural programs based on nonviolent management of disputes, education in peace, reconciliation and respect for human rights in schools, places of work and the most highly populated towns.
- Take steps to ensure the safety of Albanians who are the victims of vendetta and to ensure they are able to access basic services (hospitals, places of work, schools, etc.).
- Set up a compensation and support fund for families who are bereaved as a result of vendetta.
- Within the Police, set up an ad hoc emergency service to deal with cases of blood feud.
- Introduce and implement special prison programs and associated reeducation and reintegration plans for prisoners who have committed blood feud offences.
- Introduce standard criteria for identifying families involved in blood feuds.
- Publish official data on the actual extent of blood feuds.

6. Organization: Together for Life

Project title	Patient's rights within the justice system / Increase of the patient's access to justice
Project aim	Improve the level of access to justice for the patients and their collaborators at local level.
Project duration	April 2018 – March 2019
Intervention area	Dibra, Lushnja

Main Activities

- **Organized 1 introductory meeting and 2 informative sessions** (in Dibra and Lushnja) with chronic patients, local health care authorities, People's Advocate representatives, etc., to increase the level of knowledge of chronic patients on access to justice regarding their rights as patients and how they could access the justice system if their rights are violated (45 participants in Tirana, Informative sessions - 42 participants in Dibra, 45 participants in Lushnja)
- **Published 5 media articles** on the printed newspaper 'Shëndet+' (published in 1500 print copies) and 17 articles were published in the portals shendeti.com.al (with over 30.000 clicks/day) and shared on the fan page 'Gazeta Shëndeti' with over 100.000 followers, on the patients' rights, health care issues, most recent laws on health care, etc.
- **Organized 2 meetings** with chronic patients, local health care authorities in Dibra and Lushnja, sharing the experiences and success stories of the projection of patients' access to justice institutions and their rights (in Dibra with 30 participants, in Lushnja with 45 participants).
- **Conducted 7 counseling sessions** where 7 chronic patients and their relatives participated who brought medical documents to prove the violations of their right to health care. The legal expert explained them the legal framework and procedures on how to ask the right to health care through involving justice institutions (2 cases were sent to Commissioner for protection against discrimination).
- **Organized 2 trainings with journalists** of local media in Lushnja and Dibra on how to investigate cases of violation in health care sector, on the legal procedures and institutions that can support them to provide the necessary information, by improving knowledge, capacity and professional skills to report violations in health care sector (30 journalists attended).

Summary of Findings

- Information and counseling sessions showed that there is a lack of information for chronic patients on how to protect the right to health care through justice institutions, legal mechanisms and procedures, providing necessary documents, etc. They lack information on independent institutions such as the Commissioner for the Protection Against Discrimination and People's Advocate, that could address complaints or requests for information, prior to address their case to court.
- There is lack of trust by chronic patients to the capability of the health care institutions to respect their right to health care.
- Local journalists and media correspondents did not have the professional capacities in reporting violations on health care sector.

Recommendations

- CSOs and other state institutions dealing with human rights should continue to play an important role by providing legal assistance to chronic disease and other patients to increase access to information and access to justice institutions, on how they require the respect of right to health care.
- CSOs, in collaboration with state institutions should organize awareness raise activities on health care issues for all citizens, such as informative sessions with specialized doctors, where larger audience could benefit (*TV programs, media articles, short informative advertisings in TV, social media publications, etc.*), to increase accountability of health public authorities, to guarantee patients' rights and provide adequate/effective health care service.
- CSOs should continue to increase media skills to report professionally violations in the health care sector by training them on health care issues and to promote publishing of successful stories on how patients' rights to health care had been guaranteed.

7. Organization: Streha

Project title	Advocating legal assistance for the LGBTI community in Albania
Project aim	Strengthen and improve the access to justice of LGBT young people, by knowing and removing the barriers associated to this process.
Project duration	April 2018-May 2019
Intervention area	Tirana, Shkoder, Dibër, Durrës, Vlorë, Korçë, Gjirokastrër

Main Activities

- **Drafted a monitoring report on** actual challenges faced by the LGBTI community in accessing justice, based on data collected from questionnaires from 64 LGBTI community members and 12 in-depth interviews with LGBTI community members and 12 interviews with professionals and activists of LGBTI issues and research on challenges LGBTI community faces in accessing justice institutions.
- **Provided legal aid (counseling)** and referral for LGBTI young people victims of discrimination and domestic violence for 21 cases.
- **Raised awareness** on laws and system of protection for young LGBTI members vulnerable to discrimination and domestic violence such as Law no. 10 221, dated 4.2.2010 'On protection against discrimination', Law no. 9669, date 18.12.2006 'On measures against domestic violence', Criminal Law (*200 leaflets produced and distributed, 8 informative sessions on LGBTI rights and how to better protect themselves against discrimination – 54 participants, advocacy workshop for sharing the results of the baseline situation analysis – 15 representatives from organizations involved in protecting rights of LGBTI people*).

Summary of Findings

- Barriers to access to justice of LGBTI community - one of the main findings of the project was related to the difficulty to access legal services from LGBTI community, coupled with fear of being prejudiced because of sexual orientation/gender identity, belief that nothing would change after the denunciation, corruption in courts, fear from discovery of sexual orientation, trial delays, inability of LGBTI

community to hire a lawyer, to pay for trial expenses, or to benefit from legal aid.

- Level of trust of LGBTI community in institutions, based on the perception of 64 interviewers resulted that they mostly have trust in SCOs that defend/deal with LGBTI issues; they trust less social services, Ombudsman, Commissioner for the protection against discrimination, Police officers, prosecution office and courts/justice institutions (*including local governance institutions*).
- From the baseline, more than 53% of LGBTI people experience violence or discrimination.
- Two of the biggest challenges in denouncing violence and discrimination in the LGBTI community are:
 - Fear that their sexual orientation and gender identity would be discovered and
 - The feeling that he/she will be discriminated because of their sexual orientation.
- Many of the young people of the LGBTI community live underground - they do not expose their sexual orientation therefore cannot require for legal assistance when needed.

Recommendations

- Commissioner for the protection against discrimination, Peoples' Advocate, Police and other institutions should play a more proactive role towards the LGBTI community and promote the ways how this community could better access these institutions. They shall inform this community on concrete ways to present claims and complaints to denounce violence. Institutions should train their employees on these procedures, as well as raise awareness to sensitize citizens through audio-visual campaign, media and meetings. Ministry of Justice should promote highly the right to free legal aid, by informing the LGBTI community on concrete mechanisms to access and benefit from it.

8. Organization: Rromano Kham

Project title	Education and Empowerment of the Roma Community to Access Justice through the Right to Information
Project aim	Inform, educate and empower Roma community to access justice system through the right to information.
Project duration	April 2018 – March 2019
Intervention area	Pogradec, Lushnja

Main Activities

- **Organized 2 introductory meetings** at the grass-root level in Lushnja and Pogradec to inform the community about the project's aim and activities. The coordinator for transparency from Pogradec Municipality, and the Specialist for the Rural and Economic Development from the Lushnja Municipality attended the meetings (*63 people attended*).
- **Organized 2 training sessions** on human rights and key institutions that protect human rights and minority groups in Lushnja and Pogradec (*training topics were conceived to be interactive and covered basic information on Human Rights and Fundamental Freedoms, independent Institutions that protect human right in Albania, and practical cases - 33 people attended*).

- **Drafted an assessment report** on the scale of information the Roma community has on human rights, the right to information and the institutions such as the Ombudsman, the Commissioner for Protection Against Discrimination, the Commissioner for the Right to Information and Data Protection, and the free legal aid, based on information collected through 2 Focus Groups that identified the level of knowledge of Roma and non-Roma people on legislation and independent institutions that function to protect human rights (*19 people attended*) and questionnaires/ interviews in Lushnja and Pogradec (*140 interviews conducted via door-to-door approach-randomly assigned*).
- **Organized 2 informative sessions** with Ombudsman and the Commissioner for Protection Against Discrimination (*80 people attended*) and **2 informative sessions** with the Commissioner for the Right to Information and Data Protection and the Legal Clinic under the Ministry of Justice on access to justice for Roma community and how to better benefit from assistance of state institutions (*45 Roma people and Roma NGO representatives attended*).
- **Organized 2 workshops** in Lushnja and Pogradec to provide information to Roma community members on how to draft a letter of request to obtain information from Municipality or other relevant institutions depending on the case, and how to present their issues and problems in a more comprehensive manner through a complaint (*25 people attended*).

Summary of Findings

- Roma people in Lushnja and Pogradec have little or no information on Human Rights such as the right to a fair trial, the right to be equal to others, the right to information, property rights, family rights, etc. and the free legal aid tools.
- Roma people in Lushnja and Pogradec face issues in accessing housing, and public services. They also have difficulties in accessing the justice system such as filing divorce case in the court, or paying and following the procedures for child adoption.
- Up to 50% (*of 70 interviewed people*) revealed that they had almost no information on institutions that deals with human rights and Roma issues, such as the Ombudsman and the Commissioner for Protection Against Discrimination.
- Roma community have many concerns and legal cases with regards to access to social protection schemes, employment, infrastructure, eviction issues, divorce and child adoption of Roma people, but they lack information on the rights, procedures and institutions that could resolve these issues or could assist them by providing free legal aid to them.

Recommendations

- CSOs and state institutions dealing with human rights and Roma issues such as Ombudsman and the Commissioner for Protection against Discrimination should continue to organize periodic information sessions to provide information and raise awareness amongst Roma community members on human rights, on procedures and institutions that could resolve their cases. In addition to that, a series of training sessions should be organized on the right to information, on the law on free legal aid, on basic human rights concepts and access to the justice system (for instance, the court system and administrative court), etc.
- CSOs working with Roma communities should continue to organize workshops on how they could draft a letter of request for information to public institutions, how could present their issues and concerns in a more detailed manner in writing, how could write conclusions, how could deliver the letter to the right state institution, etc.

9. Organization: Albanian Legal Territorial Research Institute/ALTRI

Project title	Enhance Citizen Access to Justice through Public Legal Education
Project aim	Assess the situation with regards to legal education of public (PLE) in Albania, to draft a Strategy of PLE to be approved by Albanian Parliament, along with National Action Plan to implement it in the future, and also raise awareness on PLE issues.
Project duration	December 2017 – May 2019
Intervention area	Throughout Albania

Main Activities

- **Drafted needs assessment** on Public Legal Education/PLE;
 - desk research of reports and materials related to PLE activities in Albania
 - desk review of best practices of PLE internationally
 - organized focus groups and interviews with public, non-profit, educational, and private sector institutions that are engaged with PLE
- **Designed** the Outline and drafted National Strategy of Public Legal Education/NSPLE.
- **Organized 4 Consultative meetings** with representatives of public institutions and civil society to discuss PLE issues (167 representatives involved).
- **Finalized SPLE** after the consultative process and forwarded it to the Parliament (approval in May 2019), by building the solid legal and regulatory framework for providing PLE, as first premise to establish resources and mechanisms for providing it to citizens in Albania.
- **Organized 5 Consultative meetings** to discuss National Action Plan/NAP to implement NSPLE (220 representatives involved).
- **Organized 2 Consultations** to develop NAP for the implementation of NSPLE, one with public institutions representatives and one with donors, embassies, civil society, citizens and students (82 representatives involved).
- **Organized 2 Consultative meetings/roundtables** to finalize NAP and organized meetings with representatives from public institutions, civil society and donors (82 representatives involved).
- **Conducted a public education campaign** on NSPLE and NAP to raise awareness and increase the number of people informed and institutions through 4 TV interviews, one radio interview, one awareness message which was delivered on 7 radios and social media, 2 articles published on 'Avokatia' magazine.
- **Organized 4 Trainings** to institutions and key public officials that are mandated to implement NSPLE and NAP in Shkodra, Vlora, Tirana and Korça (121 participants).
- **Organized 'Progress review and Next Step' Event:** final event 'Challenges of drafting and implementing the Public Legal Education Strategy and the following actions' was organized on 14 June 2019 with participation of representatives from public institutions, central and local, CSOs, faculties etc.

Summary of Findings

- Public institutions did not have plans on providing PLE.
- There was no coordination between institutions regarding PLE.

- PLE was offered mostly by CSOs supported by donors.
- There was a pressing need for PLE in Albania since the country is going a thorough legal and institutional reform tackling judiciary to fight corruption and to establish the rule of law.
- Trainings for institutions that will be responsible for PLE revealed that they lack detailed knowledge on legal issues.
- Meetings with citizens revealed that they lack legal knowledge and the information on these issues was received mainly through TV, especially on justice reform.

Recommendations

- The approval of the National Action Plan within the set deadlines.
- The provision of the respective costs for the implementation of the Strategy in the mid-term budget program 2020-2022 of the Ministry of Justice and other respective institutions.
- Implementation of the Strategy according to the budgeted Action Plan after the approval of the Action Plan.
- CSOs in coordination with relevant institutions and law universities should continue to raise awareness on PLE issues among citizens.
- CSOs in coordination with relevant institutions should organize trainings for public officials responsible for PLE to deepen their knowledge, as well as for coordinating PLE trainings on other levels of public officials (*middle or specialist level, for central and local institutions, whose work is directly related to citizens*).

10. Organization: Institute for the Promotion of Social and Economic Development/IPSED

Project title	Informed citizens and better access to justice in Lushnja region
Project aim	Improve access in the justice system by increasing local capacities, based on conclusions and recommendations from the citizens' perspective, in accordance with Public Legal Education Strategy.
Project duration	March-December 2018
Intervention area	Lushnja

Main Activities

- **Organized 5 round tables** on 'Informed Active Citizens v. Access to Justice' in Lushnja, to discuss PLE principles, how it could be implemented in Lushnja region, increase possibilities of stakeholders to deal with all vulnerable populations as well as increase citizens' access to justice institutions (*i.e. Municipality of Lushnja re-designed the Agreement on Referral Mechanism for DV cases by expanding participation of more local stakeholders, 110 stakeholders benefited*).
- **Organized 12 training sessions** in Lushnja on legal framework on access to justice, how to use the principles of active citizenship for access to justice and how to promote principles of PLE to the community (*190 citizens trained*). Feedback from trainings were summarized in a report, presenting some of the key topics discussed, as well as some difficulties faced by vulnerable groups when they sought to respect some of their rights.

Summary of Findings

- Round-tables and training sessions revealed that there was an urgent need to address lack of equality on access to justice, especially for people with special needs and vulnerable categories, and weaknesses of legal aid due to lack of budget, lack of specialization or continuous education/training for free legal aid lawyers, lack of institutional coordination, etc. In addition to that, there was lack of counseling and legal aid services available to women, especially from ethnic and linguistic minorities, women in rural areas, and survivors of domestic violence.
- Around 78% of trained people or those present at round-tables (Roma community and other vulnerable categories) declared that court fees for them were a barrier to access to court/justice; it was impossible for them to hire and pay a lawyer to get professional assistance.
- Citizens in general, but most particularly citizens from vulnerable categories faced difficulties in identifying procedures and institutions where they can address their problems and concerns. In this regard, they lack information on competencies and procedures in state institutions and courts.
- There was a lack of legal education on pre-university and elementary education/schools coupled with lack of trust of youngsters on justice institutions.

Recommendations

- Legal Aid Providers such as the Ministry of Justice in collaboration with the National Chamber of Advocates, at national and local level, should make efforts to ensure their services to persons who do not possess the knowledge or tools to go to them. These institutions should work closely with CSOs to coordinate their work more efficiently.
- Ministry of Education should insert in their curricula information on AJ, human rights, information on state institutions that protect human rights and their area of competence, information on courts, mediation, etc.
- CSOs or other state institutions should involve and motivate young people to participate on informative sessions and other public awareness activities in media/social media, to raise awareness, skills and capacities on legal issues. In addition to that, law school students could be involved (*by courts, mediation offices or CSOs that provide legal aid*) in voluntarism activities, to provide legal information and some basic legal aid (where possible) to these vulnerable or marginalized communities.

11. Organization: Albanian Foundation for Conflict Resolution and Reconciliation of Disputes/AFCR

Project title	Juvenile Victim and Offender Support through Restorative Justice and Mediation
Project aim	Increase access to alternative measures of detention through the application of victim-offender mediation and restorative justice for juveniles in contact with the law.
Project duration	December 2017 - May 2019
Intervention area	Tirana, Shkodra, Vlora, Gjirokastra, Elbasani, Korça

Main Activities

- **Provided victim-offender mediation services and restorative practices:** 161 cases have been managed through mediation and restorative practices in the targeted districts, referred by Police (91 cases), Probation Services (36), Prosecution office (12) and Kavaja Institute Minors (22), out of which 150 cases were successfully settled.
- **Organized 7 informative and awareness roundtables** on 'Restorative Justice and Mediation in the Juvenile Justice Code', with state institutions representatives such as prosecutors and judges from Departments of Minors, crime investigation and community police officers, probation officers, representatives from Child Protection Units of respective municipalities, lawyers and mediators, as well as representatives from psycho-social services from the Regional Education Directorates (113 JJ professionals).
- **Organized the workshop** with 34 lawyers on Restorative Justice issues, in cooperation with National Chamber of Advocates (4 students from Master in Sociology and Social Development attended).
- **Distributed leaflets** on victim-offender mediation and its benefits to juvenile victims and offenders.
- **Conducted social media campaign** to promote restorative justice and victim-offender mediation (VOM), particularly for juveniles.
- **Organized 3 trainings sessions** with juvenile justice professionals on restorative justice and victim offender mediation programs, with special focus on juveniles in conflict with the law (90 participants).
- **Designed and distributed** guidelines (200 copies) for RJ practitioners, facilitators, mediators on the legal framework on how to use mediation and restorative justice for juveniles in contact with the law, as well as on management of restorative justice programs for juveniles.
- **Organized one-day workshop** with mediators and RJ facilitators on the Code of Criminal Justice for Children, RJ and mediation (22 participants).
- **Drafted a monitoring report** on restorative justice practices and victim-offender mediation conducted in the targeted districts. The report includes information on the perceptions of juvenile victims and offenders, their parents, juvenile justice specialists and mediators and restorative justice providers as well about RJ approaches, mediation and their impact.

Summary of Findings

- Very few lawyers (*around 15% of participants*) that attended the workshop on RJ and Mediation had prior information on the use of restorative justice measures and mediation for juveniles.
- Prosecutors were not clear on the referral procedure to mediation programs; they were waiting for guidelines from the General Prosecution Office.
- Juvenile Justice specialists expressed their concern that there is a lack of proper infrastructure for the implementation of the recently approved JJ Code.
- § None of the Children Protection Units specialists had prior information on restorative justice and the mediation alternative approaches.
- As general observation, people are not aware of the possibility of being diverted to mediation and restorative justice programs.
- Mediation providers' capacities and professionalism are not always adequate (*opinions expressed during the trainings*).
- RJ and mediation can be provided only in main districts because these services are not present in remote areas.
- Mediation service for minors should be provided free-of-charge (*in implementation of the JJ Code*), but there is no budget planned for that. Mediation services highly depend on the CSOs.
- JJ professionals are not well informed of the mediation service providers in their districts.
- Multi-disciplinary groups for juvenile offenders (*composed by social workers, psychologist, legal professionals, etc. to assist juveniles in their individual re-integration programs*), as foreseen in the JJC, are not yet functioning due to non-proper coordination among relevant agencies, and lack of clarity on the roles of each agency.

Recommendations

- All JJ professionals including also psychologists, CPU staff, social workers, lawyers must be aware of the possibility of diverting a juvenile case to restorative justice programs and mediation.
- There is need for increased public awareness of the diversion to mediation programs.
- Mediators' skills in facilitating restorative processes with juvenile parties should be increased and the service should be accessible throughout the country, not only in main cities. According to the JJ Code, all the mediators should be specialized in the JJ, be registered at the MoJ; there is need for a specific training program.
- The list of specialized mediators in JJ should be displayed at the MoJ website and on the courts, and on prosecution offices websites.
- There is need of more lobbying and advocacy at the Ministry of Justice for budgeting mediation services.

12. Organization: Meridia

Project title	Better access to justice and good practice to reduce the recidivism of children in conflict with the law
Project aim	Reduce the level of recidivism of children in conflict with the law through directly services of re-integration into society of them.
Project duration	April 2018-2019
Intervention area	Kavaja, Kruja

Main Activities

- **Provided services** for children in conflict with the law in Kavaja and Kruja: 27 children in conflict with the law have been supported and are in process of the reintegration into society through:
 - Re-integration individual plans based on education during deprivation of liberty, vocational training and attitudes and after care activities to support the families during the return to the community.
 - ‘Family Day’: 4 events were organised in partnership with the General Directorate of Prisons and Prison of Kavaja, to raise awareness among parents on their role in the process of reintegrating their children into society (40 parents attended).
 - ‘On job’ training: 5 children have benefited from 5 months ‘on job training’ scheme with mentoring after assessment of their capacities and competences, they received the minimum payment (insurance included).
- **Organized 9 meetings** conducted by Regional Core Groups in Kruja and Kavaja with the participation of the social services of municipalities, local and national employment offices, CSOs service providers at the local level and vocational trainings centers, business community and family members in order to facilitate the reintegration process and to ensure sustainability of the cases handled.
- **Organized 2 regional training courses:** one in Kavaja and one Kruja on juvenile justice code, national and international legislation on juvenile justice, with special focus on reintegration component, with representatives from local state authorities, regional labor office, regional vocational training institutions, child protection unit, child protection specialists, municipality and business community (30 participants).
- **Carried out knowledge-sharing workshop** aimed at promoting the action, its achievements and results, transferring knowledge, disseminating lessons learnt and best practices. Representatives from state authorities at local and national level participated in this workshop (such as: Ministry of Justice, General Directorate of Prisons, municipalities of Durrës, Regional Labor Office, Child Protection Unit - CPU specialist), CSOs representatives (local and national level) as well as representatives from business community (42 participants).

Summary of Findings

- Relationships between CSOs and business companies are complicated because the goals are not the same ones.
- Vocational training programs do not always fit community needs, meaning that they are programs that had been nationally designed, and do not consider particularities of districts or communities’

differences or regions/districts particularities.

- The relation of families and relatives of juveniles in conflict with law have crucial role in successful re-integration process.

Recommendations

- State institutions should provide incentive policies for private companies to hire (*permanently or temporarily*) juveniles in conflict with the law, as part of their re-integration process in society.
- Responsible state institutions for assessing the programs of vocational trainings should re-evaluate vocational courses content and typology based on demand and community needs. These courses should have pre-approved curricula and literature, to support people that attend those courses and in particular juveniles in conflict with the law who wish to get re-integrated into society by learning a profession and work either in business companies of their district or as private entrepreneurs.
- State institutions should design some dedicated programs to strengthen the ties between juveniles and their families/relatives for a better integration in society.
- The individual capacities and professional skills of minors should be given attention during the drafting of the individual plans for their re-integration in society.

13. Organization: Young Man Christian Association/YMCA

Project title	Improving access to Justice, and community & institutions response to victims of violence needs for empowerment and integration
Project aim	Improve access to justice for general public through legal education and provide free legal services on criminal and civil cases for vulnerable target-groups.
Project duration	April 2018 – March 2019
Intervention area	Tropoja, Kruja

Main Activities

- **Organized 13 informative sessions** with young people and community members on JJ issues, amendments of legislation related to juveniles, AJ issues, DV, PO and practical advice on how they can benefit from free legal services (*426 people attended - 278 young people under 18 years old and 148 persons above 18 years old*).
- **Provided free legal aid for 60 identified cases/conflicts** (*cases were refereed from municipalities and administrative units and were related to administrative issues, criminal, civil, domestic violence, divorce, children custody, retirement, property boundaries, conflicts with OSHEE-Operator for Distribution of Electricity, etc.*). In Tropoja there were 22 cases solved and closed within the project timeline, and in Kruja 38 (*34 closed, 4 ongoing*).
- **Conducted awareness campaign:** 3000 leaflets with the information on the access to justice have been distributed to community members, institutions and other local stakeholders.

Summary of Findings

- Meetings and informative sessions showed that is important to engage local stakeholders, especially the municipality and social economic aid office for a better implementation of legal requirements related to juvenile justice, domestic violence, family law conflicts, children custody, property conflicts, etc.
- Informative sessions in some schools also resulted very interesting in terms of the knowledge and information shared, beneficiaries expressed their interest in having additional information.

Recommendations

- The court should be more efficient in time when adjudicating cases: the time between two hearings is very long and the process in itself is long as well.
- State institutions should provide free legal aid not only to parties at the trial (*access to court*), but also when citizens address their claims/cases to administrative institutions (*access to administrative institutions*). In the same time, legal aid should be provided not only by CSOs but also by state institutions, in an effective manner.

14. Organization: For You Mothers and Children

Project title	Justice for juveniles ensures the future
Project aim	Ensure that legal rights of juveniles from Kukës municipality in contact and/or conflict with the law are properly implemented during civil, administrative, and criminal proceedings.
Project duration	March 2018- March 2019
Intervention area	Kukës

Main Activities

- **Organized informative sessions with juveniles (14-18 years)** in elementary and high schools of Kukës Municipality and administrative units of Bardhoc, Shtiqen and Bicaj, in the form of conversations and discussions on the rights of children and rights of juveniles in contact and/or in conflict with law (18 sessions; 442 pupils attended).
- **Organized informative sessions with parents** on the rights of children, rights of juveniles in contact and/or in conflict with the law, role and competences of CPUs (2 sessions, 52 community members).
- **Organized workshops** with teachers on JJ issues, Juveniles Code, on the rights of children and rights of juveniles in contact and/or in conflict with the law, access of the juveniles in the justice system, communication with juveniles (2 sessions, 53 teachers attended).
- **Conducted meetings** to establish contacts, discuss cases involving juveniles in contact and/or conflict with the law, coordinate joint efforts to address and resolve it with the Police (12 meetings), Probation Services (6), the Court of Kukës (12 the Court of Shkodra (8), the Regional Directorate of Education (11), schools (6) and the CPU of the Municipality of Kukës (6).
- **Drafted the report** on implementation of rights of juveniles in conflict with the law during

trial proceedings (*for civil, administrative, and criminal trials*), based on data collected from 6 cases involving juveniles in contact and/or conflict with the law and monitoring sessions (6 were conducted in Kukës DC and 1 in Shkodra DC).

- **Conducted awareness campaign (1.000 leaflets, 100 posters and a banner plus social media)** with messages on the legal rights of children and youths, and their protection. Informative materials were distributed during the activities and exposed in public institutions dealing with the rights of children and youth (*such as courts, prosecution offices, municipalities, administrative units, schools, public places etc.*). 442 juveniles of 14-18 years have been informed.
- **Provided legal counseling/information** to youths in contact/conflict with law for 30 cases.
- **Organized 3 round tables** with representatives of institutions of justice system and other institutions dealing with children rights on juvenile justice (in particular on Juveniles Code), such as: judges, prosecutors, lawyers, representatives of probation service, child protection unit, bailiff office, court administration, police, Regional Directorate of Education, psychological school service (*76 participants attended*).
- **Organized 2 trainings** for institutions of justice system and other institutions dealing with children rights on juvenile and restorative justice, on the protection of children rights, on counseling plans for juveniles in contact and/or conflict with law, on psychological counseling and its importance in the process of assessment and correction of juveniles' personality, on the role of education officer at schools, etc. (*47 representatives attended*).

Summary of Findings

- Informative sessions, workshops, meetings and other awareness activities conducted by the project showed that there was lack of information and awareness in schools, the community in general, state institutions and civil society about the issue of juveniles in conflict with the law and their rehabilitation and reintegration in society.
- Usually, juveniles in conflict with law do not address their cases to the courts but resolve them through alternative measures, since do not want to identify themselves in society as people that have problem with justice institutions.
- Trainings with police officers and other representatives from justice institutions showed that they had little or insufficient information on how to deal with juveniles in contact with law, also due to the fact that legislation on these issues is recent and up to date.

Recommendations

- Train employees in justice and state institutions regarding the rights of children, the recognition of national and international legislation on juvenile justice.
- Create the conditions (*infrastructure*) for the reception of children in the premises of the Police and increase the opportunities for juvenile delinquents to be accommodated with their parents at Police Stations (*for 72 hours max*).
- Review the school curriculum by exploring the possibility of introducing information about the Juvenile Code, in primary education and mostly in high-schools.
- Organize educational activities between schools and police as a tool for preventing juvenile delinquency.
- Sign agreements with Justice Institutions and ask them to observe and report the progress of juvenile cases.
- Replicate the information sessions and awareness raising activities for parents and children on JJ issues in collaboration with CSOs and Police.

- Increase educational and sport activities (*sport facilities*) for youths, so they will spend their free time on sports, not conflicts.
- Increase the opportunities for vocational (*professional*) training for youths especially for migrants and boys (*considering the statistics the highest number of juvenile delinquents are boys*).
- Strengthen capacities of Child Protection Units and Psychological Service at schools, by training them continuously on the issues of juvenile justice and rehabilitation practices.

15. Organization: Counseling Line for Women and Girls/CLWG

Project title	Protecting the rights of victims of GBV and DV, and promoting a more victim friendly approach to justice
Project aim	Improve access to justice through legal aid for women who are victims of GBV and DV, to consolidate and promote victim's rights approach to the justice system through capacity-building of professionals and rehabilitation of perpetrators and improve public awareness on victims' rights to justice.
Project duration	April 1 2017 – January 2018
Intervention area	Kruja, Kurbin, Lushnja, Puka, Tirana, Pogradec

Main Activities

- **Provided legal advice and counseling to victims** of GBV and DV (*assistance was provided to 1874 women victims of DV and GBV, and their family members. Approximately 700 women and girls were supported through legal advice and individual counseling by CLWG staff*)
- **Conducted psychosocial rehabilitation activities** for the perpetrators in detention (*381 counseling sessions have been conducted with 62 perpetrators*).
- **Conducted trainings** dedicated to prison and probation staff in the intervention zones (*3 training sessions have been organized with Penitentiary and Probation Service employees in Tirana, Shkodra and Pogradec with the participation of a total of 37 employees*).
- **Organized a high level panel discussion** on access to justice for GBV and DV Victims (*a study on Protection Orders and Immediate Protection Orders issued to women, victims of GBV from Tirana District Court for the year 2018 was presented and discussed*).
- **Organized 4 workshops with young people** on legal information regarding GBV and DV tackling issues of gender based violence on the Albanian legal framework with regard to GBV and DV (*180 youth participated*).
- **Provided legal information** on women's rights and procedures on access to justice or other institutions through dissemination of posters and leaflets, traditional and social media campaigns (*distributed leaflets and produced one radio spot on women rights, legal aid, rehabilitation programs*)
- **Organized training for journalists** dealing with justice and social issues on how to cover stories related to GBV (*15 journalists attended*).

Summary of Findings

- The free legal aid that is to be guaranteed by the state, as is entailed in law no. 111/2017 'On the state legal aid' is not completely functional as to date. Citizens whom the Counseling Line has referred to the Tirana court to receive free secondary legal aid were not able to receive it due to shortage in human and financial resources.
- Police staff were only partly informed of the amendments of the law 'On measures against violence in family relations' and duties and responsibilities deriving from it, due to the work overload they have on a day-to-day basis, which not always has to do with DV and organizational changes (*the staff is often moved from one division to another*), and this affects the sustainability of the knowledge. Also, prison and probation staff's knowledge and information on the matter was similar to that of the police.
- From the trainings, it was obvious that the police staff felt more responsible and were more proactive in protecting the victim's rights, ensuring their security and preventing crime. The same could not be said for the prison and probation staff, which were more detached from this, as they did not have direct communications with the victims. However, the Prison and Probation staff were more informed on the rehabilitation services for the perpetrators.
- The police was not familiar with the rehabilitation service, they did not refer the perpetrators to these services, but expressed their readiness to do so in the future.
- Trainers identified a lack of cooperation between the police and the courts, especially regarding protection orders. The police was not always appreciative of the judgments the court gave (*sometimes courts declined to issue protection orders*). However, judges expressed that they were unhappy with the quality of the requests (*to issue protection orders*) they receive from the police, which have a lot of mistakes, by not allowing judges to move forward with the trial.
- All of the trained staff were very open to receive trainings and to be informed on issues such as victim's access to justice, victim's rights, women's rights, etc.
- Judges are often not trained on the new legal amendments on DV and were not involved in the consultation processes for these laws.

Recommendations

- Strengthen the role of the courts in the National Referral Mechanisms. Having a dedicated staff member in each court that carries out the follow up process for cases of victims of violence and perpetrators in coordination with other stakeholders (*social workers, police departments, prosecutor offices and judges*) is recommended as a pathway for enforcing the law and improving the perpetrators' compliance with the court decisions.
- Develop more comprehensive policies with regard to the intervention and rehabilitation programs for perpetrators, which could clearly model both civil and criminal pathways for perpetrators of domestic violence, in order to elevate their rehabilitation and reintegration into society.
- Assess the current laws that specify the reporting methods regarding domestic violence in order to examine if an early detection of the cases leads to improved outcomes for the victims.
- Apply for the judges an early warning mechanism to detect possible violations of protection orders, coupled with data/statistics and analysis on the efficiency of its application.

16. Organization: 'Vatra' Psycho - Social Centre

Project title	Increased access to justice for victims of violence and improve legal service for them
Project aim	Improve legal protection and access to legal services for victims of domestic violence.
Project duration	January 2018 – June 2019
Intervention area	Vlora district

Main Activities

- **Established Legal Clinic** that provided:
 - **Legal Services/Legal Aid** for 192 cases (*legal counseling and assistance - 20 of the beneficiaries supported with legal service were accommodated at 'Vatra' Shelter*)
 - **Psychological Services** for 156 cases (*psychologist has offered external supervision for 6 children in the Orphanage of Vlora who have manifested emotional problems*)
- **Provided professional psychological service** by Centre for Promotion and Social Development (CPSD) and contracted by Vatra (*48 cases have been provided with psychological service from CPSD as a specialized organization working with children and their parents*).
- **Organized 1 training** for Legal Clinic and administrative staff of Vatra, as well as law students to set up *pro bono* teams to provide respectively legal services and trial monitoring (*7 employees*).
- **Organized 2 trainings** on legal aid services and trial monitoring with students of Law Faculty 'Ismail Qemali', in Vlora (*40 students attended*).
- **Organized 2 forums** with students of Law Faculty 'Ismail Qemali', in Vlora on 'National and international legislation in defense of victims of violence and trafficking of persons' (*65 students attended*) and on 'Protection of children, victims of violence and abuse, National and International Instruments' (*173 students from Faculty of Human Sciences attended*).
- **Organized 34 informative sessions:** 17 with community members and 17 with high school students [*345 women, girls and men from community, 429 children of secondary schools (from 12 to 15 years old) of the 13 administrative units of Vlora were reached*].
- **Published and delivered a leaflet** on access to justice for victims of violence.
- **Conducted 2 radio talks** on a local radio during which the public was informed on the free services offered in the Legal Clinic of Vatra.

Summary of Findings

- Police officers do not have detailed information on domestic violence issues or IPOs (*Immediate Protection Orders*) - in some of cases they confused IPOs with POs (*and vice versa*) by wrongly addressing the court the level, necessity and promptness of victims' protection.
- Police officers do not have information on recent amendments of the law 'On measures against domestic violence' approved on August 2018 according to which Police officers will have a crucial role as it will be up to them to issue the initial Preliminary Protection Order for victims of domestic violence.
- Information sessions raised the concern that community members do not have information of

the legislation on the protection of victims of domestic violence and have little information on free legal aid. Only persons who may have been involved in criminal cases might have limited information about it.

- About 80% of victims of violence with PO that live in rural areas, do not receive economic aid as victims of domestic violence from the Administrative Unit, as provided by the amendments of the law on economic aid and social services, due to budget constraints.
- The social administrators, mainly in the rural areas, cannot properly address the needs for free legal aid of the victims because they do not have detailed information on the new law on free legal aid - they cover many tasks within the Administrative Unit and are not specialized only on delivering info on free legal aid.
- Bailiff Office faces difficulties in executing court decisions when one of the litigants has the obligation to pay the child's pension in favor of the children, due to the informality of employment.
- Informative sessions in schools raised as a concern the lack of a psychologist in the schools in rural areas. Psychologists are present in the respective schools only once a week or once in two weeks, which is not enough to cover all needs for this specialized assistance.
- From the work conducted with students and the setting up of the *pro bono* team it has been evidenced that students are not very much involved in voluntary work and in gaining practical skills in accordance with the profession they aspire to obtain/practice in the future.

Recommendations

- Train police officers on preparing and drafting Preliminary Protective Order/IPOs/POs and on domestic violence issues.
- Train social administrators in the municipalities or administrative units on the law on free legal aid.
- Find other alternative ways and practices to enable the debtor of the child's pension to pay the debt. One of the alternatives can be strengthening of the attempts for the fight against informal work from the part of the Work Inspectorate.
- Strengthen the role of the psychologist in schools, mainly in the rural areas where the presence of the psychologist is not very common.
- Train teachers for the management and addressing of situations where the children experience domestic violence.
- It is necessary that the universities encourage students to be involved in voluntary work in organizations, institutions or at community level.

17. Organization: Youth Movement for Democracy/YMD

Project title	Improving access to Justice, and community & institutions response to victims of violence needs for empowerment and integration
Project aim	Improve access to justice, as well as community and institutions response for victims of domestic violence.
Project duration	April – March, 2018
Intervention area	Puka, Fushë-Arrëz

Main Activities

- **Drafted an assessment report** on the factors that influence the violence and on the profiles of victims of violence by involving the municipality staff working on gender issues, staff of employment office and police officers of the Local Police Station.
- **Provided counseling services to 36 victims of violence:** legal and emotional counseling as well as information services on 'How to be protected from violence'; afterwards these cases were referred to the municipality staff.
- **Provided 2 training sessions:** one for 33 adults on mediation techniques; one for 48 youths (*high school pupils*) on mediation techniques and peaceful conflict management;
- **Established Mediation Groups:**
 - **Established Community Mediation Groups** in Puka and Fushë-Arrëz with the participation of 12 individuals (*6 individuals per team*);
 - **Established Student Mediation Groups** in Puka and Fushë-Arrëz with the participation of 37 students;
- **Provided mediation services** (*in Puka and Fushë-Arrëz*) to adult individuals involved in conflicts (*30 cases, out of which 18 were mediated successfully*) and to high school children (*19 cases, out of which 17 were mediated successfully*).
- **Organized workshops** to provide information, raise awareness and increase capacities of DV victims to address the case to relevant state authorities, with representatives of Municipalities, the local Police, CSOs and high schools (*18 persons participated in Puka and 17 in Fushë-Arrëz*).
- **Organized one roundtable** 'Together against violence' with the participation of 20 stakeholders from the Local Police, the Employment Office, Municipality (*Gender Specialist, Economic Aid Specialist and Office for Child Protection*), local CSOs, schools and community; that aimed to generate ways to strengthen the community and institutions response to violence by strengthening the Referral System as well as allocating and/or increasing the municipality budget for victims of domestic violence, by establishing a functional network among municipalities, local police and CSOs regarding the need for expanding and streamlining the municipality services to women empowerment and successfully addressing cases of domestic violence, poverty and unemployment.
- **Distributed promotional materials** to provide information and raise awareness on DV issues and reporting mechanisms (*i.e. legal framework on DV, referral mechanism of DV cases to state authorities, mediation and peaceful management technique, as well as useful information for victims/ potential victims of violence*) (100 leaflets).
- **Designed an action plan on** 'Strengthening the system of Referral Mechanism for victims of

domestic violence' as a follow up of the roundtable 'Together against violence' with participation of 23 stakeholders: from Municipality (*structures of Economic Aid, Judiciary Office and Child Protection Office*), Police Department, Education Office, Local CSOs, Employment Office and community representatives.

- **Produced a TV broadcast** (*Local TV*) on the project and its results, focused on the Round Table 'Together against the violence'.
- **Conducted additional awareness activities** such as the exhibition (*with drawings and art created by children*), Murals, Marching days, sport games, brainstorming sessions and clean-up activities against violence (*in Puka and Fushë-Arrëz*) with the participation of 167 youths and 70 community members.

Summary of Findings

- Project activities showed large interest and motivation of the stakeholders such as the Local Police, the Employment Office, Municipality (*Gender Specialist, Economic Aid Specialist and Office for Child Protection*), Local CSOs and schools, for obtaining information on DV issues, for referring cases to relevant authorities, and contribute to the action plan for strengthening referral mechanisms for DV cases. Involving teachers and parents also resulted very effective because they brought a lot of insight into the discussions.
- Project approach to train a core group of students to serve as peer mediators, as well as training youth on peaceful conflict management, resulted very effective and sustainable.
- DV cases were not fully reported to state authorities (*police, prosecution office, or Municipality/ Administrative Unit*) - women victims of DV lack personal income, lack self-esteem and fear losing custody of the children, due to local mentality; in these circumstances, it was difficult for them to press charges against their perpetrators, to address the case to respective institutions or resolve it through mediation.
- Currently, Albania lacks the existence of a 48 hours' shelter needed to accommodate the victims and their children, contrary to many countries that have these shelters.

Recommendations

- Replicate education programs of school children on peaceful conflict management and mediation.
- State institutions should be engage more in providing employment opportunities to women who are victims of violence.
- Strengthen the Referral System for addressing and resolving DV cases to relevant institutions (Police, Court, Municipality) by a better collaboration between the community and these institutions, as well as a better coordination of work amongst them.

18.Organization: Women Democracy Network Albania/WDNA

Project title	Consolidating and promoting of the victims of violence rights approach to justice through capacity building for advocates and provide legal recommendations for reform in the area of gender-based violence
Project aim	Strengthen capacity of lawyers for the protection of victims of violence to better represent their interests through interactive exercises, develop techniques and strategies on how to investigate and put a case together; how to interview witnesses, maintain evidence and seek appropriate redress for clients.
Project duration	April – November 2018
Intervention area	Kurbin (Laç), Kruja, Pogradec, Saranda

Main Activities

- **Drafted a manual for lawyers** on GBV issues with specific focus on DV, to serve as a training tool, containing a summary of the Albanian legislation and all conventions related to the topic ratified by Albania, as well as related cases of the European Court of Human Rights; 300 copies of the manual were distributed at trainings, info sessions and the final workshop.
- **Organized trainings** for lawyers in four cities to increase their capacity to work on GBV cases, based on new legal instruments and conventions, including ECtHR case law – (80 lawyers trained).
- **Organized Info Days on GBV** to inform citizens of their rights with specific focus on DV in four respective cities targeted by the project as well as in Tirana.
- **Designed and distributed promotional materials** on DV and GBV issues (2.000 leaflets were distributed to citizens in 4 targeted cities in Kurbin, Saranda, Pogradeci and Kruja as well as 400 leaflets at the final conference in Tirana).
- **Organized a National Conference** on ‘GBV laws, Actuality and Perspective’ with legal professionals, including police, lawyers, prosecutors, judges, MPs from all political spectrum and experts of legislation, in order to prepare legal recommendations for advancement-improved legislation on GBV (100 participants attended).
- **Published** legal recommendations of national conference on GBV laws, Actuality and Perspective on legal recommendations for improvement of the current situation (25 Recommendations drafted).

Summary of Findings

- Informative sessions organized in four cities on GBV and DV issues, revealed that half of the participants did not have any information on protection orders for victims of violence.
- Lawyers appreciated the training on GBV issues due to the application of innovative contents and methodology based on international conventions and ECtHR case-law, coupled with practical information on how to conduct clients’ interviews, how to draft claims and petitions, how to seek redress, how to draft PO’s and IPO’s, how to design the strategy to raise a case, etc.

Recommendations

- Amend current legislation on GBV in accordance with the specific needs of women victims of violence in Albania, in full reflection of international standards (*ECHR, ECtHR case-law, CoE legislation, Istanbul Convention, etc.*).
- National Chamber of Advocates, in close collaboration with CSOs should train at national and local level lawyers on DV and GBV issues for a better protection of victims in such conflicts. The same trainings focused on DV and GBV issues, should be organized also for judges, prosecutors, magistrates, police officers, local governance employees dealing with these issues, especially in the areas with high incidence of DV and GBV conflicts (these trainings could be organized by School of Magistrates in collaboration with CSOs).
- CSOs working in the area of human rights, DV, GBV, protection of women and/or vulnerable groups, should continue to organize informative sessions, meetings with citizens and state institutions specialists, open days, and other awareness activities such a distribution of leaflets, TV spots, TV documentaries, etc. to raise awareness and educate community on DV and GBV issues.

19. Organization: Centre for Development of Rural Women/CDRW

Project title	Raising the awareness of rural communities in Kruja Municipality – especially that of women, girls and students - on the indispensable need to stop domestic violence
Project aim	Increase the awareness on domestic violence issues, in the region of Kruja (and its administrative units).
Project duration	April – March, 2019
Intervention area	Kruja (<i>Fushë-Kruja, Thumana, Bubq, Nikël</i>)

Main Activities

- **Published** the booklet ‘Me and the Laws that Regulate Family Relationships’, presenting information on the Family Code, domestic violence legislation, referral mechanism in managing of cases of DV in municipality level, and child protection issues (*1,100 copies distributed to the specific target groups during project presentations, round tables, trainings, and informative meetings*).
- **Organized informative meetings** with housewives, young girls, teachers and students/high school pupils (*56 sessions*) presenting the information contained at the booklet and how to use it in case of DV conflicts. These sessions increased knowledge on the laws that regulate family relations.
- **Organized 5 roundtables** with housewives, women, girls and students on legislation related to DV, role of state authorities in local level, role of health centers and medical staff, referring mechanisms, rehabilitation programs for perpetrators, etc. in Kruja, Fushë-Kruja, Thumanëa, Nikël and Bubq (*98 participants*).
- **Organized 5 roundtables** with local authorities’ representatives (*from Municipality, Municipal Council Members, representatives of the administrative units, social workers, doctors, heads of villages, both elementary and high schools’ directors and teachers, and the police*) on ‘Responsibilities of local authorities on family relations and DV in Kruja, Fush-Kruja, Thuman, Nikël and Bubq (*111 participants*).

- **Organized 2 trainings** with local authorities and local actors engaged against DV in Kruja Municipality, for strengthening capacities of the responsible actors in the implementation of law and in support of violated women and girls (*representatives of Kruja municipality, Police Station of Kruja, health centers, the local coordinator against domestic violence in Kruja municipality, doctors, nurses, the directors of schools and, teachers – 42 participants*).

Summary of Findings

- During informative sessions, students were very interested to know more about the domestic violence and its forms of expressions while on the girls' side there was a real concern about the validity of early marriages from the legal perspective since in these areas this phenomenon is still present due to old fashion mentality.
- Meetings with some medical staff in Kruja and Fushë-Kruja revealed that they were not trained or properly informed on how to deal with people injured as a consequence of DV, on notifying or referring these cases to competent institutions such as the Police office and the Prosecution office.
- Meetings with heads of villages also revealed that they had basic information on DV issues; they were neither engaged nor coordinated with other institutions or CSOs to inform citizens and prevent DV cases.
- Participants at project activities had very little information on the contents of the laws that regulate family relations and as well on their respective duties in this regard, but they were highly interested and very pro-active in learning more about the role that they can play, to increase their professional capacities in managing DV issues.

Recommendations

- CSOs should continue to collaborate with local communities and institutions to raise awareness and inform citizens on DV issues, on legal procedures to be followed in the case of DV conflicts, on institutions that could effectively resolve these conflicts, on possible redress for the victims, rehabilitation programs, etc.
- CSOs in collaboration with relevant institution should continue to train and raise capacities of local authorities and local actors engaged against DV in all municipalities for a more effective implementation of the law on DV, in support of violated women and girls.

IV.II. SUMMARY OF SUB-GRANTED PROJECTS ON MONITORING OF JUSTICE INSTITUTIONS

1. Organization: Institute for Policy and Legal Studies/IPLS

Project title	Monitoring Judicial Integrity / MJI
Project aim	Promote judicial integrity and reduce opportunities of corruption in the Albanian judiciary, by establishing a standing mechanism for monitoring judicial integrity in continuity, thus providing policy makers, court managers and the public with early alerts and indications of fading integrity standards, which is the ‘Checklist of Safeguards against Corruption in the Judiciary’.
Project duration	December 2017 – May 2019
Intervention area	Tirana, Korça

Main Activities

- **Developed** the ‘Checklist of Safeguards against Corruption in the Judiciary’, by conducting research on international standards and best practices on regulatory and other safeguards against corruption (*performance targets*) in the justice sector, on the best qualitative and quantitative indicators ascertaining the attainment (*or failure to attain*) of the safeguards, organized 2 consultation events with representatives of direct beneficiaries (*the Parliament, the High Council of Justice (outgoing), High Judicial Council, Ministry of Justice and courts’ managers, one in Tirana - 20 participants, and one in Korça District Court - 10 participants*), and conducted individual meetings with legal scholars and practitioners.
- **Designed a national methodology** for Monitoring Judicial Integrity in Albania (*broadly endorsed by the target groups and other stakeholders*), coupled with increased and sustainable capacity of the external stakeholders and the judiciary itself to rigorously monitor judicial integrity in Albania.
- **Designed a webpage** called Judicial Integrity Monitor (*including the monitoring tools such as questionnaires, formats for interviews etc.*) for unfolding judicial integrity monitoring in the years to come.

Summary of Findings

- ‘Checklist of Safeguards against Corruption in the Judiciary’ contains seven major indicators, which are detailed into several sub-indicators, as presented below, and each of them is elaborated in depth with regards to (i) Standards of Performance, (ii) Accomplishment indicators and (iii) Measurement technique. It contains different chapters on Independence and impartiality, Accountability, Transparency and effective participation, Efficiency, Competence and dedication, Court internal management and non-judicial personnel and Judiciary’s resources (financial and technical) and their management. Checklist:
 - synthesizes international standards on judicial independence, accountability and corruption into criteria for ensuring the existence of a systemically “clean”, corruption-free judiciary and is based on research of the most common factors believed to contribute to or cause

judicial corruption, identified to include failures of non-merit-based judicial appointments, poor terms and conditions such as lack of security and arbitrary promotion, inadequate accountability and discipline, and the lack of public transparency.

- monitors a range of indicators which relate to the existence of entrenched safeguards for the independence of judges, good conditions of service for judges, fair and independent appointments processes, judicial accountability and transparency.
- measures judicial performance in terms of institutional integrity, independence, transparency, and accountability, identifying a range of criteria relating to the selection of judges, management of the judicial career, internal administration, resources, judicial processes, and the legal profession
- embarks measurement of indicators of court performance including: budgets, legal aid, the courts, judicial staff, profession, users, information technology, treatment of criminal and civil cases, length of proceedings and enforcement
- includes measures, which aim at increasing accessibility to the courts, making justice delivery more efficient, enhancing the public's trust in the justice system, increasing the independence, fairness and impartiality of the judiciary and curbing corruption within the justice sector.

Recommendations

- Checklist indicators to measure performance and curb corruption in Albanian judiciary represent the baseline for MJJ, however HJC, courts themselves and CSOs could elaborate, add, revise/re-organize further these indicators based on dynamics and specifics of Albania, districts tailored to their needs.
- HJC, courts or CSOs should develop methodologies (*surveys, polls, content analysis, statistics and statistical analysis*) to monitor and measure judicial integrity, so the Checklist will be considered a living document rather than theoretical and abstract one.
- International donors should continue to support local policy level or 'think tank' CSOs in Albania to transpose better international standards on measuring judiciary, integrity and performance.

2. Organization: European Centre/EC

Project title	Fair trial standards as a prerequisite of the functioning of the rule of law
Project aim	Assess the functioning of the key elements of the administrative justice system in line with the fair trial standards, enhance capacity to transfer and replicate best practices and contribute in the continuous trainings of judges, court administrators, legal advisors, and law students on the European standards of a fair trial, with a special focus on the implementation of the ECtHR 'biding' case-law.
Project duration	December 2017-July 2019
Intervention area	Tirana, Durrës, Shkodra, Vlora, Korça and Gjirokastra

Main Activities

- **Conducted trial monitoring** on the activity and performance of all administrative courts of first instance (*6 ACFl -Tirana, Shkodra, Durrës, Korça, Vlora, Gjirokastra*) and appeal court (*1 Administrative AC in Tirana*) in Albania, from January-June 2018; monitored 550 trial hearings (for 192 cases) – (*100 copies of report were produced and distributed*)
- **Produced manual** on 'ECtHR standards on the fair trial' (civil limb), containing the summary of the 40 most important judgments from the Court of Strasbourg case-law, that could be used by justice professionals in the future dealing with Albanian judiciary (*distributed 322 copies to judges, prosecutors, lawyers*).
- **Organized trainings** for:
 - judges, legal advisors, and court clerks (two trainings in collaboration with School of Magistrates, 54 participants attended) on fair trial standards, emphasizing particularly the length of proceedings, the independence and impartiality of the court, presumption of innocence, and the equality of arms.
 - law students (10 trainings) to deeper their knowledge on fair trial standards and European human rights standards (101 students attended from 10 Law Faculties).

Summary of Findings

- In terms of number of hearings per case, monitoring revealed that 33% of cases monitored for all courts were closed within 1 hearing, 40% within 2 hearings, 18% within 3 hearings and only 9% were closed in 4 hearings, showing a good performance in terms of hearings per trial – none of the monitored cases has exceed 4 hearings. The administrative Court of Tirana and Gjirokastra had the best performance since they closed all cases within 3 hearings at maximum. The best performance in this regard was for Gjirokastra which closed 59% of the cases within 1 hearing, Shkodra with 56%, and somehow Tirana with 37.5%. The rest of courts managed to close the remained cases mostly within 2 hearings (*Durrës 58%, Korça 53% and Tirana 50%*). Vlora had demonstrated a poor performance compared to other courts, since 40% of cases were closed within 2 hearings, and 50% within 3.
- With regards to the length of trial proceedings, courts had performed better, since 62% of the monitored cases were closed within 1 month, 23% within 2 months, and the rest for 3-6 months. The best performance in this regard was for Shkodra that closed 75% of the monitored cases within 1 month, followed by Gjirokastra with 71%, Durrës with 66%, Tirana with 60%, Korça with

43% and Vlora with 41%.

- With regards to reasons for trial postponements, the most common reason for it is the defendant request with 57% of the monitored cases in all courts, experts' appointments with 24% and plaintiff request with 16%.
- The courts issued the decision and announced it within the same day of the last hearing.
- Most of the courts monitored, are not accessible by people with disabilities because they lack ramps and lifts. There were not enough courtrooms to conduct trials.
- Trial calendar (*that provide information on parties, object of claim, legal basis, calendar of trials, court decision, date and number of the decision etc.*) was not always reflected/published online in real time and at the informative corners at the courthouse. Courts lack unified forms/models of trial calendar.
- Lack of judges to fill in the judicial structure of Administrative Courts and lack of administrative staff; this situation is expected to change upon establishment of HJC. (*i.e. At the Administrative Court of Appeal number of judges does not correspond (is very low) to the higher volume of appealed decisions*).

Recommendations

- CSOs should continue to organize trainings with law school students on human right issues.
- HJC or courts themselves should take measures to standardize judges' calendar of trial and make them available also at the court websites, in order to avoid confusion and make courts more accessible. It is also important to show the calendar on time.
- HJC should increase the number of judges at the Administrative Court of Appeal in Tirana from 7 currently in office to 13 or more, to better correspond the volume of incoming cases and backlog from previous years.
- HJC, in collaboration with international donors and more specialized Albanian CSOs on the judicial reform and legal policy should conduct a study or a thorough analysis on the situation of administrative courts and administrative justice in Albania, and possibly consider the option of increasing the number of appeal courts to better respect legal requirements for the timeline of adjudication administrative cases in first instance and appeal.

3. Organization: Institute for Sustainable Policies/ISP

Project title	Monitoring the functioning of the first instance court of Lushnja district
Project aim	Assess and provide qualitative and quantitative evidence on the quality of judiciary of first instance Lushnja, for civil cases.
Project duration	April 2018-March 2019
Intervention area	Lushnja

Main Activities

- **Drafted a monitoring report** on court activity and performance for Lushnja DC, based on data collected from trial monitoring of 30 civil cases, 120 questionnaires, 10 interviews with administrative staff, judges, lawyers and desk research on legal framework, Program of Transparency, IT and coordination functions, Statistics of court cases, court infrastructure, etc.

Summary of Findings

- Monitoring of 30 civil cases revealed that the number of hearings held for monitored cases range from 3 to 7 (*in an average of 4.5 hearings per trial, from which 55% were productive hearings*), preliminary hearings resulted inefficient in some cases (*20% of monitored cases were postponed because parties failed to present evidence at the very beginning of the trial*), time lapse from one hearing to another range between 15 to 30 days, the main reason for trial postponements is the absence of parties due to delays or lack of notifications/trial summons since the court did not apply faster methods to notify parties such as email or phone calls and lack of discipline legal criteria to sanction them for not presenting at trial.
- Lushnja DC lacks judges and administrative staff (*out of 5 judges, 4 of them were in duty – 1 judge is missing, and occasionally this court had operated with 2 or 3 judges*), causing excessive workload for judges by adjudicating 750-800 cases/year, excessive length of proceedings in violation of reasonable time standard and delays in court decisions reasoning, impairing also the quality of court decisions. It also lacks specialized judges or sections (*civil, criminal, family, commercial, juvenile justice cases*). However, despite the problems observed and excessive everyday workload, court staff was fully dedicated, behaved professionally, and managed to maintain a normal workflow at court. A monitored positive aspect was the dedicated office for questioning or interviewing juveniles involved at trials.
- Court users were generally satisfied with access to court (61%), signage at the courthouse (53%), awaiting conditions (61%), clarity of trial summons (68%), court staff behavior and level of competence (70%), judges and prosecutors behavior (61%), information provided by front desk (90%), clarity of court decision (63%), correctness of trial hearings for starting on time (61%), time allocated to present their arguments at trial they were (70%), and (44%) were satisfied with the timeline of issuing court decisions meaning that this process needs to be improved. They assessed the access to judiciary (without considering the lawyers fee) to be expensive (76%).
- Interviews with administrative court staff revealed excessive workload and working hours (up to 10 hours/day), lack of clear job description of IT's at the court, lack of dedicated trial secretaries for each judge, low salaries (*not in compliance with their workload and duties they perform*), lack of professional trainings.

- Interviews with lawyers confirmed the same findings as those from interviews with court staff and findings from monitoring of trial hearings.

Recommendations

- Increase the number of judges in Lushnja DC by filling in the vacancies (*as per the court pre-approved structure*) to deal in a more efficient way with court workload.
- Specialize judges in civil, criminal, juvenile issues.
- Courts should use all means of communications to summon/notify parties (*telephone or electronic means of communication which are faster and more secure*), as well as get the most current information on parties' address when they file the claims.
- HJC or court itself can design an online system for parties' notification/summons at trial.
- Court should have access to the Civil Status Register and the National Addresses Register.
- Court/Judges should verify the availability of parties before deciding on the next hearing and apply fast notifications to them for cancelling the hearing via telephone/email.
- Court decisions should be published only once are written/reasoned and parties should have them delivered/handed over only afterwards. HJC or court itself should design a system to register/track that procedure, therefore complaint/appeal deadline should commence by the time parties had the reasoned decision delivered.
- Improve court infrastructure related to security issues, courtrooms, public awaiting area, access to courthouse of PAC people, etc. by installing electronic devices that display detailed trial schedule, changes or cancellation of hearings.
- The court should adopt less complicated or more simple manners for accessing the court files.

4. Organization: Democratic Integration and Development' Centre/DIDC

Project title	Promoting a Transparent and Accountable Judiciary to deliver Justice for all
Project aim	Increase transparency and accountability of the Justice System through the support of the civil society actors.
Project duration	April 2018 – April 2019
Intervention area	Tropoja

Main Activities

- **Conducted meetings** with local stakeholders (*one with local authorities and the other with 50 civil society and citizens*) on court efficiency, transparency, accountability.
- **Draft a monitoring report** on court activity, performance and transparency, based on data collected, through:
 - Monitored website of Tropoja District Court, Appeal Court of Shkodra and data from Ministry of Justice, General Prosecution Office and Judicial Budget Office for 2014- 2016.
 - Monitoring 42 trial hearings for 2018 (*30 in Tropoja DC and 12 in Shkodra Appeal Court*)
 - Conducted 63 interviews with parties in civil trials (*plaintiffs and defendants*), court staff,

attorneys at law, experts focusing on transparency and access to court.

- **Draft a handbook for CSOs** on the techniques, principles and standards to monitor the judiciary (*75 copies distributed*).
- **Organized 1 training** on monitoring the judiciary for representatives of CSOs from Tropoja Municipality, community-based organizations and local media (*20 participants*).
- **Signed Memorandum of Understanding with CSOs** to monitor the judiciary in the future.

Summary of Findings

- Monitoring revealed that the number of closed cases for each year is slightly lower than the number of incoming cases, which demonstrates a good performance of the court in terms of resolving cases – for 2014 there were 551 incoming cases and 456 closed ones, for 2015 802 incoming and 736 closed, and for 2016 723 incoming and 635 closed. In addition to that, monitoring revealed that 81% of cases were closed within 2 months, 17.5% of cases for 2-4 months – in an average in Tropoja DC 98.5% of monitored cases were closed within 6 months.
- Monitoring trial hearings in Tropoja DC revealed that 76% of trials were conducted in courtrooms and 24% in judges' chambers, violating therefore the access of people to trial hearings – as a consequence judges behaved differently during trials based on the phase they conducted hearings, by violating court solemnity. In 81% of the monitored trials, audio recording was used and in 19% of the cases the trial was not recorded due to lack of electricity and other technical problems.
- Court services were slow to provide the information required by interested parties and there were delays in providing information.
- There was no functional court website for Tropoja DC (on daily basis) where all the necessary information on closed cases could be published, ongoing trials (*dates, parties, courtroom*), court decisions, court services, etc., where parties can obtain information directly, without presenting a formal request.
- There were problems related to court's infrastructure such as lack of court premises/room available (*due to the high number of cases*), poor access to court decisions (*it was difficult to get information in due time*), problems with audio recording, etc.
- Lack of information on the citizens part on institutions they can address their concerns apart from the courts, such as the Commissioner for the right of information and data protection.

Recommendations

- Tropoja DC must take all necessary measures to conduct the judicial sessions in the court room rather than in the offices of judges, to fully guarantee trial solemnity.
- Courts and HJC should take measures to prevent technical problems which cause the interruption of the audio recording of the trial as well as create infrastructure for maintaining functional websites for all the courts in Albania, including Tropoja DC.
- Courts and HJC should take measures to improve court infrastructure to fully guarantee public access to the court.
- SM should organize continuous training for judges, prosecutors, legal advisors and other court staff on the procedural rights of parties during trials.
- NCA should organize trainings for lawyers on the procedural rights of parties during trials.
- CSOs should undertake awareness-raising and capacity building initiatives for their employees and activists of the civil society operating in the district of Tropoja, regarding the importance of their role in protecting and guaranteeing the rights and freedoms of individuals, as well as

organizing trainings to increase their capacities on trial and judiciary monitoring.

- CSOs should organize activities to raise citizens' awareness of their procedural rights, the solemnity of the development of the trial, the right to participate in trial and be equal to other parties, etc., aiming to increase the quality and efficiency of the judicial system.

5. Organization: Community Development Center 'Today for the Future'

Project title	JUSTICE not Just-Ice! - The road to an efficient and fair judiciary system
Project aim	Monitoring and assessing the procedures, quality of services and efficiency of the Puka District Court, to improve information of disadvantaged women and minors on court procedures and rule of law and build up trust towards the judiciary.
Project duration	April 2018-April 2019
Intervention area	Puka

Main Activities

- **Conducted informative sessions** with disadvantaged groups of women and minors on access to court services (*10 events, 396 people reached*).
- **Drafted a monitoring report** on the activity of the Puka District Court [*Puka DC*] and performance for 2016-2017, through data collected by questionnaires/interviews (*83 people interviewed*), screening of court website, statistical Annual Report of courts drafted by MoJ, and data from Judicial Budget Office.
- **Organized study visit** in the premises of Court, Prosecution office, Probation Service and Police station in Puka to inform citizens on the role and competences of these institutions (*40 participants*).
- **Organized roundtable** to present findings from court monitoring (*40 participants*).

Summary of Findings

- Official website of Puka resulted to be functional, but the information provided was not complete and was not organized in a clear manner or pursuant to the legal requirements.
- There was no information published on court website related to:
 - court structure and performance
 - court services or customer care standards
 - monitoring or audit mechanisms of the court and on budget
 - complaints on the court activity
 - types of information that court has the legal obligation to provide to the public even in absence of a formal request
 - citizens' rights within the judicial system
 - the most frequent types of information that are required by public/citizens
 - list of attorneys or legal aid information
- Interviews with court staff revealed that they faced difficulties to maintain and update information

in the court's website due to the termination of contract with the company, making it difficult for citizens to access it - there is only one website for all district courts of Albania, which is administered at national level and that leads to difficulties in updating the information locally. Court staff faced difficulties in giving information to all citizens that require information by the court, they faced difficulties in uploading information and data on ICMS system (*courts case management system*), as well as producing reports/statistics from it. In addition to that, there were not organized trainings for court staff in order to support their everyday work or improve their performance, especially those related to customer service issues.

- Court administrative staff was very willing to improve the current situation on access to the court i.e. by designing forms to be filled by citizens that require information from the court and make them available in the court's Informative Corner.
- Interviews revealed that 33% believed that there is no equal treatment on court services, 28% believed that communication with the court staff was not effective, 14% believed that court/ access procedures are not very clear, 14% believed that there is discrimination on court services and 11% believed that there is improper (unethical) communication of court staff. In addition to that, corruption was the most used word by the interviewees, however when they were asked specifically on Puka DC resulted that in most of cases that was a common perception and prejudice based on the general situation of the judiciary nowadays and vetting process, therefore not directly linked to Puka DC.
- Informative sessions showed that citizens do not have detailed information on court procedures, the coordinator for the right of information at the court did not play a prominent role to inform them how to obtain information, citizens lack information on access to court.
- Informative sessions, court monitoring and meetings with court staff revealed that citizens lack information on issues related to juveniles in conflict with law and that court staff did not have any training on these issues; they also lack detailed information on how to address and deal with JJ cases.

Recommendations

- Increase court technical (*human resources*) capacities with regards to court services, especially the information on court services and their quality.
- Update regularly, every day if possible the content information provided on the court's website to increase transparency and facilitate citizens' access to information, including instructions to make it more user friendly. This should be applied equally to information on services provided within the courthouse.
- Increase staff capacities by providing more trainings on case management system on the prospective of court users and public, by building more confidence, reflect transparency and accountability of the justice system in general.
- Increase court staff efficiency and professionalism on juvenile justice issues by hiring a full time psychologist that can address in a competent manner.
- The coordinator for the right to information should have a more proactive role to public to inform them whenever there is a request for information.

6. Organization: EDFAT Center

Project title	JUSTICE OF QUALITY – JUSTICE IN TIME
Project aim	Assess the length of proceedings and quality of court decisions in the courts of Tropoja, Kukës and Lezha, as well as increased awareness and reflection of stakeholders, especially justice professionals on legal issues, to improve efficiency of court proceedings.
Project duration	April-December 2018
Intervention area	Tropoja, Kukës, Lezhë

Main Activities

- **Drafted a monitoring report** on court performance and quality of courts decisions, based on data collected from examining 60 court files (20 for each court) of Tropoja, Kukës and Lezha Court (civil & criminal cases)
- **Organized a roundtable** with the participation of Ombudsman, other stakeholders, law professionals and law students in the project area (Tropoja, Kukës and Lezha) to discuss findings of courts monitoring (40 participants).
- **Organized open seminars** discussing the findings and final report (2 open seminars were organized in universities with 41 students).
- **Published articles** in the media to present main problems identified by court monitoring (2 printed articles and published online).

Summary of Findings

- Examining court files revealed that in Tropoja DC, criminal cases were closed mostly (80%) within 2 hearings, while for civil cases only 2 % of monitored cases were closed within 1-2 hearings, which shows a better performance of this court in criminal cases. In Kukës DC, criminal cases were mostly (90%) closed within 1 hearing, and the same data is valid for civil cases, which shows a very good performance of this court on resolving cases. In Lezha DC, criminal cases were closed mostly (75%) within 3 hearings, meaning that this court did not have a good performance, as compared with two other courts.
- With regards to length of proceedings, monitoring revealed that Kukës DC had the best performance for criminal cases since the average of days for closing a case was 22 days, followed by Tropoja with 24 and Lezha with 51 days for closing a case; for civil cases, the situation remained almost the same since Kukës DC had the best performance by closing them within 33 days, Tropoja within 54 days and in Lezha DC civil cases took much longer to be closed (83 days).
- Regarding to quality of court decisions, analyses revealed that the reasoning on decisions was weak and often incomplete since they did not address all issues, facts, legal references, etc., some decisions reflected to be a copy of previous decisions even when the circumstances of the cases were different, decisions that had stipulated a punishment sentence for the accused person was not elaborated in details in compliance with facts and circumstances and the way how the criminal offence had been committed, in the same content, mitigating or aggravating circumstances upon which the punishment sentence was not elaborated or covered in a detailed way, decisions were not organized in parts/sections, meaning that the facts of the case were

mixed with legal procedure or other elements of the decision, decisions stipulating cases of juvenile justice issues does not contain the psychological report for juvenile or does not explicitly quote it. In addition to these identified problems, the examined decisions revealed at large errors in legal terminology or grammar.

Recommendations

- Judges should continue improving their professional capacities by participating at trainings organized by SM, especially on drafting court decisions as well as on other topics related to civil, criminal or other type of disputes, in organizing issues, facts, analyses and conclusions in an understandable format, easy to read (*by parties, appeal courts and other interested people*), in a clear language without losing the legal content of the case, etc.
- National Chamber of Attorneys or other local chambers should organize trainings so lawyers can improve their professional skills and knowledge on specific issues related to court proceedings in civil or criminal disputes, litigation skills, drafting legal documents, cross examination, etc. to better defend the case at trial.
- CSOs should continue to monitor court activity and raise awareness on court monitoring and other issues related to court performance, efficiency, transparency, by making courts more accountable and accessible to public.

7. Organization: Center for Social Education and Environment Protection/SEEP

Project title	More Attention
Project aim	Increase attention of justice actors on the fundamental rights of children with divorced parents.
Project duration	April 2018-March 2019
Intervention area	Vlora

Main Activities

- **Conducted trial Monitoring and drafted monitoring report** on court activity and trial proceedings - 110 trial hearings were monitored in Vlora DC, Vlora Appeal Court and Saranda DC (*conducted 50 days of monitoring where 30 days in the Vlora DC, 10 days in the Saranda DC and 10 days in the Vlora Court of Appeal*), and data were collected through questionnaires and interviews (*2.500 citizens, 15 Judges, 300 lawyers, 12 bailiffs involved*).
- **Distributed informative leaflets** on the rights of the individual for free legal aid and fair trial (*distributed in 7 municipalities of Vlora District, 3300 citizens informed*)
- **Produced TV broadcasts (one)** discussing the project, the highest interest of the child and the execution of court decisions by the project -coordinator and expert lawyer, aired in 'Eden 3 TV' (*Vlora*) and 'Saranda TV' (*Saranda*).
- **Produced TV spot:** publicity on the right to access the judicial system and the execution of court decisions.

Summary of Findings

- 57.16% of the interviewers revealed that they did not pay the obligation for alimony while 42.84 % have paid it (50.7% of them paid it sporadically and 49.2 % were consistent in paying it at the scheduled time). Main reasons for not fulfilling the alimony obligations were related to economic inability (*insolvency*) due to unemployment, conflicts with former spouse, dis-continuation of divorced parents' relationship with their children.
- Trial monitoring revealed that divorce or alimony's obligation trials were conducted in bad infrastructure conditions (small courtrooms, no air ventilation and lack of trial solemnity).
- Attorneys that presented their clients at divorce trials usually focused more on the divorce process rather than children's rights and best interests. The legal assistance they provided on such cases continued until the end of the trial, not afterwards, while alimony's obligation issues continued even afterwards, therefore parents that claim obligations for alimony remain without specialized legal assistance during this phase.
- Psychologists appointed by the court/judges in divorce cases either in Saranda and Vlora District Court were not trained on child protection issues, in some cases they were not even licensed to provide that service to the court/trial and they lacked professionalism (*sometimes their reports did not fully address issues/questions raised by the court and in many cases they copy/paste from previous reports*).
- Judges lack specialization in family cases. In the courts of Saranda and Vlora not all judges offered mediation as an alternative to resolve the conflict before they end up in trial; in addition to that, judges appointed on regular basis the same psychologists in divorce trials, without including others present at the list issued by Psychologist Order/Association, judges have decided on the case based on very few evidences presented, court decisions were elaborated almost the same way for different cases, the right of parents to meet with their children were presented at the examined court decisions almost in the same manner, even though there were unlikely circumstances. Judges also lack trainings on family issues/cases.
- Bailiffs Officers – Monitoring found that it was very difficult to execute court decisions due to inaccurate addresses declared by the debtor, parents that live abroad, lack of immovable properties registration, therefore lack of information on parents' properties, lack of income from the parents due to unemployment, etc.
- Legal Aid: from trial monitoring, resulted that despite parties have the right to access to legal aid in cases when they cannot afford it, there were no state institutions/offices/officers in every city that could provide it to citizens. In most of the monitored cases parties did not have any legal background and did not know how to behave during trial.

Recommendations

- It is necessary to strengthen punitive measures prescribed by legislation for parents that do not pay food obligations, since the imposition of fines is ineffective. In addition to that, the state should take measures to legalize and register assets of the citizens, as a pre-condition for a better execution of court decisions by bailiffs.
- It is necessary to provide financial assistance (by the state) for divorced parents that have no income to pay alimony obligations and facilitate their employment opportunities.
- It is necessary to design and adopt a system for obtaining food obligations to parents living abroad. The bailiffs must have the right to request the address and the place of the parents who have food obligations in and out of the country.
- Psychologists should be present in meetings with parents. Adequate conditions and facilities

should be created for meetings with parents and meetings should be held in the presence of the bailiffs.

- In order to guarantee the best interest of the child, the court should decide when to monitor the payments of alimony obligation by state social services, especially in cases when parents fail to pay it.
- MoJ or Bailiffs' Office should undertake actions to propose and approve amendments of the legislation on bailiffs' procedures related to enforcement of court decisions on alimony obligations, by providing speedy and prompt procedures of enforcement after issuance of final court decisions, having in mind the best interest of the child and the child's necessity for alimony payments. In addition to that, Bailiffs Office, MoJ, or CSOs should provide trainings for bailiffs on new procedures.
- Notaries should compile the agreement for consensual divorce in compliance with the law.
- State institutions should revise their policies on vital minimum payment for children of divorced parents and approve criteria for calculating food obligations for children at different stages of their life.
- CSOs or relevant institutions such as SM, Chamber of Advocates or Association of Psychologists should organize compulsory trainings for judges, attorneys and psychologists on the rights of children during divorce trials and the execution of court decisions for alimony obligations, as well as raise awareness on such issues for citizens.

8. Organization: People in Focus/PF

Project title	Better Administrative Court Services for citizens of Shkoda
Project aim	Improve performance of the Administrative court (first instance)/ACFI, Appeal/AC and District Court/DC of Shkodra by providing qualitative and effective services for citizens/users.
Project duration	December 2017- June 2019
Intervention area	Shkoda (<i>Monitored 3 Courts of Shkodra - District Court, Administrative Court of First Instance and Appeal Court</i>)

Main Activities

- **Drafted a monitoring report** on the quality of administrative services provided by three courts in Shkodra (*ACFI, DC and AC*) and court performance, based on data collected through interviews with administrative staff of the three monitored courts, survey/questionnaires with court users to measure performance of administrative court services (300 users were involved in total in Shkodra - 100 users from ACFI, 100 from AC and 100 from DC), focus groups to explore the situation on court administrative services, to assess the perception of court users on the quality of services provided and provide suggestions/ways to improve them, 'mystery shopper' practices to monitor the quality of service delivery (160 copies).
- **Organized 1 training** session with youths in Shkodra on court monitoring issues from users' perspective (*24 participants*).
- **Conducted awareness campaign in urban and rural areas of Shkodra** to provide information about citizens' rights for qualitative court services: 5 TV Channels (*TVSH, TVSH24,*

Voice of America, Star Plus, Rozafa TV, TV1 channel) aired on the news the public event that launched findings from court monitoring project results and interviewed projects' experts, 1 article published in an online portal on project findings, leaflets distributed (1000), social media information (6374 from the online awareness campaign).

Summary of Findings

- Monitoring of Courts of Shkodra, revealed problems related to quality of services provided to users, however monitors also observed the commitment of court staff. These problems were mostly due to lack of administrative staff such as secretary/assistants and lack of professional trainings for them on ethics and on customer service.
- Monitoring revealed also inadequate court infrastructure such as lack of seats in the accommodation area, lack of orientation signs, lack of facilities for disabled people, etc. (*except AC that was recently constructed*), lack of information desks (*all monitored courts had only one information desk to provide services*), lack of court rooms, coupled with lack of court solemnity during trial (*except AC*), lack of queue management system, absence of physical security in the court since metal detectors are often turned off and police at the entrance of the institution does not control individuals, limited hours for users to receive services, lack of standardized administrative services, limited information at the court website, lack of a feedback mechanism on court services (*none of courts receive feedback/impressions through questionnaires/complaint box/survey*). In addition to those, ICMIS (case management system) is not user friendly, does not generate statistics and in some cases it obstructs the work of the administrative court due to difficulties to upload data.
- Most of the users (71%) questioned on court functioning in last 5 years declared that court activity had not changed, for 23% of them court functioning has improved and for the rest, 3% it has deteriorated.

Recommendations

- Draft standardized forms that are easy to understand and fill for each service the courts provide.
- Provide standard information through all channels of communication (*front desk, information corner, website, telephone, email*).
- Remodel or re-design the Information Corner in a more beneficial manner for citizens for all three monitored courts by advertising the core information of the court.
- Update and make the court website more user friendly, it should *inter alia* provide useful information for citizens such as complaint mechanisms, free legal aid contacts, information on any administrative service, etc.
- Encourage communication via email and telephone (*take and receive information*) within legal deadlines based on a standardized pre-approved procedure.
- Update the Court Regulation with detailed job descriptions for the administrative staff of the Court.
- Establish a clear procedure for complaint mechanisms on administrative service delivery, in order to provide feedback on any complaints submitted by users (*complaint box, meeting the chancellor, meeting the Chief Judges, etc.*).
- Extend the service hours for court users, especially for the Shkodra Administrative Court of first instance and the District Court, throughout official working hours.
- Publish and also make available online contacts for all state institutions and CSOs that provide free legal aid, through all potential information channels.
- Encourage internship opportunities from law school students of Shkodra Law Faculty, which

could be trained initially and further on could assist the courts on providing information to citizens (*Meet Greeter approach*).

- Establish an internal court mechanism to periodically measure users' satisfaction.
- Increase human resources, number of administrative staff in the court responsible for providing services to users.
- Capacity building of administrative staff. Develop periodic trainings, workshops on service delivery procedures as well as training on ethics and communication.
- Re-design Court premises, by inserting a new front office for the Shkodra Administrative Court of first instance and District Court, improve orientation signs and accommodation for the public and court users.
- Adoption of a 'Queue management system' through a ticket.
- Upgrade the current IT system (*ICMIS*) to be more user friendly to courts and citizens.

9. Organization: Albanian Helsinki Committee/AHC

Project title	Increase independence, accountability, transparency and efficiency of New Governing Justice Institutions - <i>Monitoring the establishment and functioning of new governing bodies of the justice system</i>
Project aim	Monitor the establishment and functioning of new governing bodies of the judiciary in Albania, after the approval of constitutional amendments in 2016 and new laws on the context of the judicial reform, to increase transparency of the implementation of the judicial reform, <i>vis-à-vis</i> public, media and civil society, and foster greater involvement in this process of establishment and functioning of the new High Judicial Council/HJC, High Prosecutorial Council/HPC and Council for Appointments in the Judiciary/CAJ.
Project duration	April 2018 – March 2019
Intervention area	Tirana

Main Activities

- **Drafted a monitoring report** on the procedures conducted by state institutions for the establishment and functioning of HJC, HPC and CAJ and their performance after establishment. Monitoring also included the execution of transitory competences by GP. Monitoring was conducted by a professional network of local experts and methodology was developed by an international expert.
- **Raised awareness** and mobilization of CSOs and citizens on the process of establishing, organizing and functioning of HJC, HPC and CAJ, by publishing and presenting findings of the monitoring report of the establishment of the new governing bodies in newspapers and TV channels (*i.e. Agjensia Telegrafike Shqiptare/Albanian Telegraphic Agency, Panorama newspaper, RTSH Television, Vision Plus Television, Top Channel Television*), in social media (*12 reactions and 779 viewers*) and at the AHC Annual Conference.

Summary of Findings

- **Monitoring of HJC and HPC** revealed delays in their establishment longer than legal deadlines due to delays in the vetting process of judges and, difficulties to find candidates that fulfilled the criteria, especially the non-magistrates candidates (*lawyers, academia, civil society*), repetitive evaluation process, (*initially by Ad hoc commissions and then by Secretary General of Parliament*) for non-magistrate candidates for HJC and HPC, obstruction of opposition on selection procedures of non-magistrate candidates by Parliament, therefore the process was terminated through lottery, by avoiding constructive dialogue and sidestepping the selection of the best candidates based on merits.
- **Monitoring of judiciary government** revealed that it faced many problems and delays due to late establishment of HJC (*2.5 years*), starting with un-filled vacancies in High Court and other courts caused by vetting process, problems in appointing new magistrates (*issues that were resolved upon establishment of HJC*), problems on disciplinary proceedings, deadlines and quorum for initiated proceedings against judges, delays in completing the evaluation of judges, issues with 'flying judges' (*judges that are delegated/ assigned on Ad hoc basis from one court to another*), judges promotion and transfer, etc.
- **Monitoring of General Prosecutor/GP transitional competences** due to the justice reform and appointment of new *Ad hoc GP (based to desk screening of decisions and orders issued by GP and a broad coverage of Media)* revealed that some of GP decisions and orders were not published at the GP official website or made available to public, lacking transparency, even when this information was formally requested by AHC, these decisions/orders were poorly reasoned or not reasoned at all and their legal reference was not clear, therefore 4 of these orders were dismissed when appealed to the court.
- **Monitoring of HJC and HPC meetings** revealed that these institutions have faced a huge workload, lack of infrastructure, budget, personnel, logistic, etc., however they had an immense support and fruitful collaboration from international missions. Meetings had been held in a proactive climate of discussions, ethic, mostly in compliance with legal requirements. With regards to transparency they had allowed only their constitute meetings to be filmed, by claiming (HPC) protection of personal data of the persons concerned, by violating the constitutional requirements on freedom of expression and the right to information, however both institutions provided online information on their meetings (*HJC via summary of transcribed minutes and HPC via published audio recording of meetings*). HJC and HPC had constituted 4 permanent commissions, but the procedure had not been fully accessible by AHC monitors. HJC and HPC had operated differently on vacancies created due to the vetting process – HPC published the vacancies to fill in the vacancies while HJC had delegated their competences to deputy members.
- **Monitoring in establishment and functioning of CAJ** revealed delays, which blocked the decision-making of the Constitutional Court/CC due to the high number of vacancies (*currently CC has remained with 1 member only*), problems on the ambiguity of the moment when candidates of the following years will gain legitimacy of their one-year mandate, coupled with the lack of transparency in the official websites of the HJC and High Court on publication of list of candidates that meet the criteria for the CAJ. Lottery for the new CAJ members of 2019 by Albanian Parliament was transparent and monitored by CSOs. Currently CAJ is operating with 7 out of 9 members. Media was allowed to be present only during the first meeting; all other meetings were held behind closed doors, as provided by law, however summary of meetings published so far for CAJ 2019 were very limited in information and quite general, by lacking transparency. CAJ 2019 decisions taken were poorly reasoned, lacked clarity and were too general.
- **Monitoring of constitution of High Justice Inspector/HJI** revealed delays of over 2 years, due to the vetting process and delays in constitution of CAJ, causing absence of inspection of

disciplinary violations by judges and prosecutors. CAJ had not been transparent in providing information on the legal grounds and reference for the last call for applications for HJI candidates, by violating also the deadlines approved by itself.

Recommendations

- HPC and HJC should exercise in an expeditious and efficient manner all competences that the law sets out, especially regarding the selection of new GP and SPAK/Special Prosecution Against Corruption members.
- Parliament should amend laws to fill in the vacuum created as a result of the Constitutional Court's decision on the status of judges and governance institutions, as well as revise conflicting or unclear provisions for functioning of justice governance institutions.
- CSOs should continue to monitor in permanent basis the functioning of justice governing institutions, inform citizens on monitoring outcome and advocate for improving the way they operate.

10. Organization: Social Contract Institute/SCI

Project title	Improved Awarding and Implementation of Alternative Sentences/AS
Project aim	Improve quantity and quality of alternative sentences awarded by the target district courts and monitor 6 Probation Service Offices in those districts.
Project duration	April 2018-March 2019
Intervention area	Tropoja, Dibra, Kruja, Pogradec, Përmet and Saranda

Main Activities

- **Drafted a monitoring report** on the application of alternative sentences issued by courts of 6 targeted jurisdictions (*Tropoja, Dibra, Kruja, Pogradec, Përmet and Saranda*) and enforced by PbS offices, in reflection of the current legal framework and best practices for alternative sentencing. The monitoring report was based on data collected from cases/trials monitored, on desk review of court decisions and PbS reports as well as on 6 Focus Groups with defenders (*60 participants*), on 44 meetings with stakeholders (*representatives of the Probations Service offices/PbS - Sherbimi i Provës, Head of Courts and Head of Prosecution offices, in Dibra, Tropoja, Pogradec, Kruja, Permet and Saranda, MoJ General Secretary, Head of Continuous Training Program of SoM, etc.*) and 27 interviews with stakeholders (*judges, prosecutors the General Director of PbS in Albania and representatives of the School of Magistrates*)

Summary of Findings

- In the district of Tropoja, alternative sentences (AS) were highly applied (61% for 2015, 89% for 2016 and 88% for 2017), as compared to other monitored districts, which reflects in an average AS issued in 25% of cases for 2015, 49% for 2016 and 55% for 2017. For the rest of the districts individually, the application of AS had been below 54% for all years. The district with the lowest application of AS remained Saranda for 2015, 2016 and 2017 with respectively 13%, 24% and 30% of AS issued.

- The content of Articles 59 and 60 of the Criminal Code/CC is controversial, and courts find it difficult to apply when Issuing AS.
- According to the actual content of the relevant provisions of the Criminal Code and the Criminal Procedures Code, it results that the PbS is not mentioned as one of the procedural subjects during criminal proceedings or judicial review of the case. PbS specialists do not participate at the trial and their documents are not subject to cross examination, such as the expert act.
- Immediate execution of AS without a final decision has created problems in practice. Prosecutors have no unified action in this regard.
- Initiatives for engaging communities and CSOs in the process of implementing and monitoring AS have been sporadic and not well organized.

Recommendations

- Albanian Parliament should accelerate the adoption of an organic law on Probation Service, vital for its status.
- Albanian Parliament should amend CC and CrPC to avoid contradictions between Articles 59 and 60 of the CC.
- Albanian Parliament should amend CC so that the condition of the criminal offense committed by the defendant should not be assessed by the amount of the sentence that the court imposes, but with the sanction measures which provide for the provisions of the Criminal Code.
- Albanian Parliament should amend the legislation to clearly determine the procedural position in the criminal trial process of PbS specialists and the nature of the documentation they submit to the court and prosecutor's office.
- Training institutions (SM, NCA) should organize more trainings with qualified experts for judges, prosecutors, lawyers and PbS staff on Criminal Justice Code for juveniles, legal basis and best international practices for the implementation of AS by foreign nationals who do not reside in Albania and alternative measures to detention, for a unified understanding and a common practice for their implementation.
- CSOs or relevant institutions such as HJC, HPC, PbS, etc. should study the effectiveness of the wide discretion given to the judge in the assignment of AS.
- CSOs should continue to encourage law enforcement bodies to apply all types of AS, and to further apply the setting of supplementary measures in association with the AS, envisaged in Art.59 CC.
- PbS should reduce workload for its staff, through the recruitment of the necessary staff, according to the practices and criteria set out in the law, coupled with better working conditions and infrastructure.
- Prosecution should supervise the activity of PbS regional offices using alternative interactive forms of supervision, not only through obtaining reports, for execution of AS.
- CSOs should continue to conduct informative and education campaigns for the general public, other CSOs and the local government institutions in relation to the legal framework of the AS.

11. Organization: Institute of Migration, Development and Integration/IMDI

Project title	New Alternative Disputes Resolution in municipalities of Kurbin and Permet
Project aim	Limit the negative impact of legal system functions, reduce human rights violations and ensure the availability and use of alternatives disputes solution.
Project duration	April-December 2018
Intervention area	Kurbin and Permet (<i>respectively to cities of Lezha and Tepelena</i>)

Main Activities

- **Organized 6 Open days** with key stakeholders to raise awareness on restorative practices and mediation, to identify and disseminate the best practices, establish networks and facilitate a better collaboration among them (*55 participants*).
- **Organized 4 workshops** with educational staff and pre-detention to identify cases that could possibly apply alternative disputes resolution techniques, raise awareness on these issues, increase capacity of public administration, civil society organizations and business community who were frequently in contact with citizens who needed to approach the Institute for obtaining these RJ services (*40 participants*).
- **Organized 20 meetings and 6 open days with key stakeholders** to increase knowledge, exchange experiences and build bridges of cooperation with law enforcement institutions (*courts, police, prosecutors, etc.*), in order to have effective and successful practices of restorative justice & mediation in the cities of Lezha and Tepelena.
- **Drafted a monitoring report** on the conditions of prisoners in detention and pre-detention facilities and their rights to access to justice (*at detention facilities of Lezha, Tepelena and the Police station in Permet*). Data were collected from monitoring, which included 121 interviews and monitoring forms and 15 visits conducted in the detention and pre-detention facilities.

Summary of Findings

- Monitoring of the penitentiary institution in Lezha revealed that there usually were 5 convicted/detained in one cell. 97.6% of interviewed people in detention center/IECD (respondents) stated that their right to speak was guaranteed; 2.4% of respondents stated that this right was not guaranteed since court heard them only in the first hearing, but did not pay any attention to their request. 7% of respondents claimed to have been victims of violence at the premises of IECD while the rest 93% denied to have been victims of violence. Regarding their right to a fair trial 93% of respondents admitted that legal aid was provided to them and 7% denied that this right was not provided. 69% of them stated that they did not have any financial opportunity to pay for legal assistance and 31% of respondents admitted that they had financial possibilities to privately provide it.
- Monitoring of penitentiary institution in Tepelena revealed that there were usually 5 convicted/detained in one cell. 77% of the people interviewed in the detention center/IECD (respondents) stated that their right to speak was guaranteed; 16% of respondents stated that this right was not guaranteed and for 7% this right was partially respected since court heard them only in the first hearing, but did not pay any attention to their request. 5% of respondents claimed to have been victims of violence at the premises of IECD while 93% denied to have been victims of violence,

and 2% of respondents declared to have witnessed a violent situation. Regarding their right to a fair trial 54% of respondents admitted that legal aid was provided to them and 46% denied that this right was not provided. 64% of them stated that they did not have financial opportunities to pay for legal assistance and 36% of respondents admitted that they had financial possibilities to provide it privately.

- Monitoring of Police station in Permet revealed that there were usually 3 persons in one cell. For all of the 23 respondents (100%) the right of free speech was guaranteed and none of them was victim of violence. All of them (100%) were offered legal aid, but only 78% of them benefitted since 22% of them choose to hire a private lawyer. 83% of them stated that they did not have financial opportunities to pay for a private lawyer and 17% claimed to have paid for it with the money they borrowed by family and relatives.

Recommendations

- CSOs working in the area of alternative measures to detention and mediation should continue to provide assistance and information to citizens regarding new alternative resolution disputes as a new form of access in the justice system, especially for vulnerable groups.
- Relevant state institutions should provide rehabilitation services and programs for vulnerable groups, through collaboration with the court's chief judges, judges, lawyers and all stakeholders.
- CSOs should organize awareness activities to increase civic engagement for the resolution of problems related to justice and involve citizens in this process.
- CSOs, in close collaboration with training institutions should increase the ability of justice professionals such as lawyers, judges, prosecutors, legal advisors as well as police officers on mediation and restorative justice practices by organizing various round tables, trainings, workshops.
- CSOs should be more pro-active and advocate for legal amendments to facilitate and address the major concerns identified inside prisons, acting as a bridge among state and prison population, contribute to awareness raising about the current violations of basic rights in detention centers and foster human rights initiatives throughout Albania.
- CSOs should continue to raise awareness for citizens through written and visual media.

12. Organization: Albanian Rehabilitation Centre for Trauma and Torture/ARCT

Project title	Children within the justice system: Monitoring of child legal protection systems and equitable access to justice in civil, administrative and criminal proceedings
Project aim	Contribute towards transparent and accountable judicial mechanisms which ensure access to justice for children in need and increase public awareness and public trust in the justice system, through monitoring of child' legal protection system and equitable access to justice in civil, administrative and criminal proceedings for the children in conflict with law.
Project duration	December 2017 – July 2019
Intervention area	Tirana, Durrës, Kavaja, Elbasan, Lezha, Korça, Vlora

Main Activities

- **Conducted trial monitoring and drafted a monitoring report** on children's' rights and their access to court - data were collected from courts of Tirana, Durrës, Kavaja, Elbasan, Lezha, Korça, Vlora (60 cases). Part of monitoring report were also children's' rights and their access to detention/pre-trial facilities and correctional institutions for juveniles in Tirana, Kavaja, Lezha, Korça, Vlora (40 detention visits) and needs assessment report on barriers and challenges to access to justice for children and ways to overcome them during court proceedings (400 copies, bilingual publication).
- **Consultation** with relevant stakeholders to obtain their views on challenges and disparities that children face when interacting with the justice system (General Prisons Directorate/GDP Ministry of Justice, the Albanian State Police/ASP and the Ministry of Interiors)
- **Organized 1 ToT/training of trainers** for 15 experts of multidisciplinary team (pre-trial and detention) on the methodologies and standard protocols on case identification and protection of children's rights and access to justice.
- **Provided legal aid and court representation** for cases identified during monitoring of court hearings and detention (court representation of 5 cases; 18 cases were referred to other institutions such as the Commissioner Against Discrimination, legal assistance for 40 cases).
- **Published and distributed promotional materials:** 4 leaflets printed in 150 copies each, 5 press clips, 1 poster.

Summary of Findings

- Monitoring of legal aid had addressed the following issues/challenges:
 - shortage of lawyers outside urban areas.
 - reluctance of bar association to allow paralegals to fill the gap of available lawyers.
 - poorly paid lawyers.
 - people sometimes lack confidence in the quality of legal aid services.
 - people do not know that legal aid services are available at little or no cost, or where to find legal assistance.
- Monitoring of detention and pre-trial facilities revealed:
 - there was no clear understanding between equality, equity and justice particularly related to

children/juveniles.

- overcrowded detention places, prolonged pretrial, poor quality of defense, insensitive system against the special needs of juveniles for education, health, mental health, rehabilitation and alternatives.
- slow proceedings, lack of efficiency and fairness of trial and detention procedures also related with difficulties in implementing the new legislation on criminal justice for juveniles in conflict with the law, implementation of alternative sentences, pre and post release rehabilitation programs, poor communications with children, etc.

Recommendations

- MoJ should provide free effective legal aid and the necessary budget for cases where children are involved and seek justice. MoJ, in collaboration with HJC should design a juvenile justice case management system to provide unified data from the system, information on continuation/ progress of juvenile justice cases, as well as oriented research and studies.
- MoJ (*as main authority dealing with juvenile justice issues in collaboration with CSOs and other related state institutions*) should approve a unified system of indicators and standards on juveniles' access to justice institutions, including administrative institutions and courts in all levels, to be able to follow up and develop a performance system with regards to the child protection system in Albania.
- MoJ should finalize the secondary legislation and design a cross cutting approach with all the structures involved for the protection of children' rights.
- MoJ, CSOs and other related state institutions in national and local level should continue to raise awareness on legal framework related to juvenile justice issues.

13. Organization: Progress Foundation/PF

Project title	Tackling Juvenile Delinquency through Quality Justice
Project aim	Monitor efficiency of the courts in Dibra and Mat, for 2015-2016, with a special focus on cases related to juvenile delinquency and assess the quality of court decisions related to juvenile offences.
Project duration	April 2018 – February 2019
Intervention area	Dibra, Mat

Main Activities

- **Organized 6 informative sessions** with local stakeholders (*three in each city*) in the cities of Peshkopia and Burrel, to discuss the current situation and conditions for the juveniles in conflict with the law in these regions, how informed are juveniles and their families on their rights, how the court proceedings progress/develop and where can they ask for help or information for their needs, how their families could be involved in order to prevent recidivism of these juvenile offenses and enable their re-integration in the society, what is the role of the educational institutions in this regard, etc.

- **Drafted a monitoring report** on quality of court decisions on juvenile criminal cases from the district court of Tirana (all juvenile criminal cases were transferred to Tirana due to the lack of a special section dedicated to juveniles in the district courts of Dibra and Mat, for 2015 and 2016). During 2015, in Dibra 23 cases related to juvenile offenders were registered, and in Mat 15 cases related to juvenile offenders were registered, while during 2016, in Dibra 25 cases were registered and in Mat 10 cases. Findings of the monitoring report were presented at the roundtable organized with stakeholders (*12 participants*) and during the workshop organized with students of the faculties of law, social sciences, economics, and professionals such as lawyers, journalists, social experts, lawyers and CSOs' representatives (*25 participants*).
- **Conducted social media campaign** using the organization's Facebook page, Twitter and Instagram for the dissemination of information on the project.
- **Produced and broadcasted a video** (*6 minutes*) which briefly summarized the project and its findings.

Summary of Findings

- The monitoring process revealed that in Dibra DC there were 23 incoming criminal cases on juvenile justice in 2015 and 25 in 2016 and in Mat DC 15 cases in 2015 and 10 in 2016.
- Analysis of the decisions of the Court of First Instance of Tirana (*for 4 cases in the district of Dibra and Mat during 2015-2016*), revealed that Dibra and Mat DC:
 - lack of court sections/specialized judges for juvenile cases;
 - revealing child identity to public/media during trial and on court decisions, in violation of JJC requirements;
 - court decisions lack detailed analysis of the social and emotional circumstances of the juvenile that had committed the offence and failed or were poorly reasoned with regards to principles of best interest of the child and the proportionality. In addition to that, judges decided the sentence for imprisonment of juveniles by lacking application of Article 52 of the Criminal Code 'Exclusion of a minor from punishment' (*applied in one case and lack of analysis ascertained in the circumstances*). Court decisions lack thorough legal analysis and examination of evidences, they lack references on international case law/legal doctrine on the criteria's they were based to analyze the dangerousness of the juvenile and lack analysis of the circumstances taken into account in determining the amount of punishment (*by simply placing a formal listing*)
 - they lack consolidated judicial practice (*hence there is a lack of qualitative decisions to be taken as 'precedent' /example or standard to be set in the trial against juveniles*).

Recommendations

- Increase cooperation initiatives between schools, non-profit organizations/CSOs and local institutions to organize awareness activities on juveniles' rights, juveniles access to justice institutions, to legal aid and psychological counseling, on the involvement of their families to prevent recidivism and enable their re-integration in the society.
- CSOs should monitor the functioning of child protection units on the effectiveness of the support they provide to juveniles and provide recommendations and trainings to ameliorate their performance.
- CSOs should organize trainings with psychologists, social workers and teachers dealing with juveniles.

- CSOs should organize awareness campaigns and meetings on juvenile’s delinquency problems in schools, where parents are also invited, and involve them in voluntary work.
- CSOs should conduct studies or analyzes to identify problems of juveniles that do not attend schools.
- HJC should consider the possibility to establish sections on juvenile issues within Dibra and Mat DC, to allow judges, prosecutors, lawyers and other interested stakeholders, to specialize in those cases and decrease cost for both plaintiffs and defendants.
- HJC in collaboration with the School of Magistrates or other national/international training institutions on juvenile justice issues, should organize specialized trainings on court decision writing for a better logical flow and syllogism of the presentation of facts and evidences, building up the arguments based on these facts and the law, and finding/or not of guilt (*or lack thereof*), based on the facts and law.
- Researchers, universities or other interested state institutions should undertake detailed studies on the juvenile justice issues.

14. Organization: Antigonea

Project title	A comprehensive approach in the improvement of the justice system
Project aim	Provide support and counseling for the implementation of alternative measures of detention for juveniles, improve legal awareness about different new laws and amendments with a special focus on the justice reform and juvenile justice, increase efficiency and accountability of the justice system towards citizens.
Project duration	April 2018 – February 2019
Intervention area	Gjirokastra, Permet, Saranda

Main Activities

- **Provided psychosocial counseling** for juveniles during the execution of alternative measures in Gjirokastra, Permet and Saranda (23 cases).
- **Organized 20 informative sessions** with Municipalities, university, local high schools in Gjirokastra, Permet, Këlcyra, Delvina, Finiq, Dropull. Besides vulnerable groups such as women, children, students and local institutions representatives such as municipalities or child protection units, teachers, parents, police officers also attended the events (516 participants). For informative sessions were drafted the set of informative materials to increase the level of legal information for participants, including information on JJC, children’s rights and child protection, legal aid, procedural rights of children in civil and criminal cases, mediation and restorative justice, psycho-social counseling etc.
- **Drafted a monitoring report** on victims’ rights during trials, with a special focus on juveniles, based on data collected from monitoring 76 criminal trials/cases in the three district courts - Saranda, Gjirokastra and Permet DC.

Summary of Findings

- Monitoring revealed a very low number of victims' that participated during the trial, in two main southern courts of Albania (*Saranda and Gjirokastra*), however even in cases when they were present, they did not participate actively at trial fully claiming their rights and declaring their full version of the story (only in cases when they were represented by a lawyer they had an active participation). In these cases, their rights were recognized by the courts and were accepted.
- Judges, prosecutors and lawyers were not properly trained on victims' rights on trial proceedings (*procedural and material rights*) to effectively defend their rights.
- Defendants in criminal trials were present in 74% of trials. In cases where they were not present during the trial, the court appointed an *ex officio* lawyer (*in 86% of cases*), meaning that they did not have the opportunity to hire a lawyer by themselves.
- In addition to that, the monitoring of 76 cases in three targeted courts revealed that psychologist were present in juveniles' trials (*in 75% of cases*) that guarantees standards provided by the fair trial principle; only in 27% of the monitored cases court applied alternative sentences, considering circumstances of the case, defendants' danger level, etc., which is a good start after the approval of new Code on Juvenile Justice, while for special trials/judgments (*i.e. shortened trial, and direct trial in few cases – in none of the monitored trials the plea bargain or criminal order was applied*) monitoring revealed a very low application of alternative sentences (*4% in Saranda and 17% in Permet – 0 in Gjirokastra*), meaning that courts have broadly applied the regular trial.

Recommendations

- There should be continuous training for judges, prosecutors and lawyers on the new amendments on victims' procedural rights, in order to apply this legislation effectively, especially when juvenile victims are involved, in order to minimize imprisonment sentences. Trainings should also cover issues related to alternative sentences that aim to rehabilitate and re-educate the defendants and special trials, as a new technique provided by legislation to reduce trial costs.
- NCA should prepare as soon as possible the lists of *ex officio* lawyers, which are properly trained on JJ issues and send them to the courts so judges could assign specialized lawyers on JJ issues to defend juveniles' rights. NCA should organize periodic trainings on JJ issues as provided by JJC, and juveniles' rights during all stages of trial (*preliminary investigation, trial and enforcement of court decision*).
- Police officers, judges and prosecutors should be properly trained to accommodate psychologists and parents/relatives of juveniles (*defendants*) in conflict with the law during all stages of trial, to fully guarantee their best interest and wellbeing.
- Psychologists' Order should organize continuous trainings of psychologists that provide their services during trial hearings, especially on those involving juveniles in conflict with the law.
- Public institutions and CSOs should conduct awareness campaigns on defendants' rights and potential options for legal aid, to better and fully guarantee their rights.

15. Organization: Association of Regional Professional of Journalists/ARPJ

Project title	Media impact in the respect of Human Rights Standards by courts and prosecution offices
Project aim	Improve Access to Justice for vulnerable groups increase role of media and its capacities on human rights, judicial investigations and the right of citizens for information.
Project duration	April-December 2018
Intervention area	Saranda, Pogradec, Permet

Main Activities

- **Organized 3 promotional activities** to present the project, in three targeted cities (57 participants).
- **Organized 3 workshops** in Pogradec, Permet and Saranda with judges, prosecutors, judicial police officers, journalists on Human Rights Manual as the obligatory guideline for their day to day work, and Media impact in the respect of Human Rights (64 participants attended).
- **Organized 3 public forums** on local TV's to raise awareness on the assessment of quality of court services, court communication with public and vulnerable groups (27 direct beneficiaries and 3.000 persons with disabilities and persons from Roma and Egyptian community reached as indirect beneficiaries)
- **Published 3 investigative journalistic chronicles** on the main issues discussed during the workshops on respect for human rights and freedoms.
- **Produced and broadcasted TV Spots** (aired for a month) in three local televisions of targeted cities on respect for human rights and freedoms by judges and prosecutors.
- **Conducted training of journalists** regarding the access they should have for obtaining information in court and in the prosecutor's office and respect for human rights, pursuant to Article 10 of ECHR (1 session, 12 journalists).
- **Organized 3 workshops** in Saranda, Permet and Pogradec with disabled persons, representatives of Roma and Egyptian community and with chancellors of courts with regard to the quality of court services and court communication (94 persons attended).
- **Drafted a monitoring report** on citizens' rights to access the court/prosecution office, access to legal aid and quality court services for Saranda, Pogradec and Permet, with a special focus on the right to information.

Summary of Findings

- Municipality of Saranda, Pogradec and Permet lack offices that provide free legal aid and free legal services.
- Citizens lack information on access justice institutions such as court or prosecution office.
- Prosecution offices in Saranda, Pogradec and Permet do not have an official website.
- Courts of Saranda and Permet do not have a dedicated space/area for public reception before the trial or for prosecutors.
- Courts of Saranda, Pogradec and Permet record their hearings in audio tapes, but they are not

always of good quality. In the courts of Saranda, Pogradec and Permet, as well as respective prosecution offices 'Media-Judge' and 'Media-Prosecutor' is not yet functional, as provided by law.

- Interviewed people in Saranda, Pogradec and Permet and court users, (*including TV opinions and chronicles*) stated that the quality of services provided by the court/prosecution was not satisfactory (70%), some were partially satisfied (22%) and only few of them declared to be satisfied (10%). 62% of respondents received timely notification for trials in due time and for 77% of respondents, court hearings did not begin at the scheduled time; all interviewed journalists declared that media was allowed to participate only during the first minutes of the hearing/trial; all parties interviewed after trial hearings could get the recorded tape/CD.

Recommendations

- MoJ should provide effective free legal aid to citizens during trial proceedings or in the prosecution office, to facilitate their access to justice institutions and provide qualitative legal protection for citizens, as provided by the law.
- Courts of Saranda and Permet need to re-design their space in order to accommodate public, parties, lawyers, prosecutors.
- HJC and HPC, in close collaboration with Courts and prosecution offices in *Pogradec, Permet and Saranda* should start to implement legal requirements and appoint the media judge and the media prosecutor, as law provides, in order to facilitate the information of public on particular cases of interest and their activity.
- CSOs should continue to provide awareness activities for public and trainings for media practitioners on human rights and other legal issues such as investigative journalism.

V. CONCLUSIONS

CONCLUSIONS OF SUB-GRANTED PROJECTS ON ACCESS TO JUSTICE

Effective access to justice institutions still remains a challenge for Albania, for all citizens, particularly for marginalized communities that lack financial resources or education. Community at large and justice professionals lack information, legal aid and proper awareness on legal protection issues for victims of crimes, especially for victims of domestic violence, trafficking, etc. Justice professionals also lack information on the most recent legal amendments on these issues. CEFSAJA supported activities to increase the role of CSOs to address issues related to the citizens' access to justice as well as to raise and to contribute to a better fulfillment of human rights. Despite CEFSAJA support and the efforts of state institutions, international organizations and other CSOs, a lot needs to be done to ensure effective access to justice institutions for all citizens, especially for vulnerable groups such as people with low income, juveniles, Roma community, disabled persons, chronic disease people, victims of crimes, etc.

Legal aid - Albanian citizens lack free effective legal aid provided by state (*primary and secondary*), especially in remote areas. So far, free legal aid has been mainly provided by specialized CSOs, especially for marginalized categories (*low-income, disabled, poorly educated, Roma people, victims of violence, victims of crimes, etc.*) and is mainly a donor driven initiative. State institutions are not able to assist or inform citizens on how they can claim their rights and how they may benefit from the legislation in force. Despite the approval of the new law on legal aid provided by the state (*that entered into force on June 2018*), the Ministry of Justice should immediately take the necessary actions to make it effective to all categories of citizens, especially to juveniles in conflict or in contact with the law and marginalized communities, by providing the budget and necessary trained staff. Trainings, workshops and awareness activities need to be organized by state institutions and specialized CSOs in the area on citizen's rights such as birth registration, legal custody, divorce, pensions, etc. CEFSAJA initiatives have contributed to increase access to legal aid through support of CSOs that are currently providing it, through trainings and awareness raising campaigns, as well as in establishing new legal clinics. These efforts should continue to be carried on also by future programs, donors or government supported, to further improve the access to justice.

Public Legal Education - Public yet lack education on legal issues. Public institutions lack concrete plans and coordination for providing it. PLE had been provided largely by CSOs and supported by donors. CEFSAJA supported drafting and consultation process carried out by CSOs members of the Coalition 'Justice for All', for the approval of the Strategy on PLE by the Albanian Parliament, however there is a pressing need for PLE in Albania since it is undergoing a thorough legal and institutional reform on the judiciary to fight corruption and establish the rule of law. Along with PLE, the approval of the Action Plan and provision of budget for its implementation by Ministry of Justice and other respective institutions is necessary. Education on legal education and human rights issues should have a special focus to youth communities also and be part in their schools' programs and university curricula as a precondition for a better access to justice institutions.

Juvenile Justice—Justice professionals (*judges, prosecutors, lawyers*), Children Protection Units staff, psychologists, social workers and citizens, especially in remote areas lack information on juvenile justice issues. There is a low application of restorative justice measures and mediation alternatives for juveniles in contact or conflict with the law. In addition to that, children with divorced parents also face many difficulties

to execute alimony obligations from their parents due to poorly drafted and implemented mechanisms for execution decisions on alimony obligations, due to low-income or un-employed parents, parents that live abroad, lack of access to legal aid and psychological assistance during trial and especially after divorce procedures, lack of specialized judges for family issues, etc. Currently, programs that provide assistance for juveniles and awareness raising campaigns are mostly provided by CSOs since the state's legal aid is not functional yet. CEFJSAJA contributed to raise awareness, improve services and expand access to justice institutions, mediation alternatives and re-integration programs for juveniles by providing legal aid, psychological counseling and trainings for professionals, however these activities should continue so juveniles could constantly benefit from the advantages these programs offer. Relevant state institutions, especially the Ministry of Justice should take measures to consider planning these services in terms of budget and infrastructure and start implementing those afterwards, by inputting properly trained human resources, as well as collaborating closely with CSOs providing services in this area.

Domestic violence remains a constant problem for Albanian society. Victims of domestic violence or gender based violence lack legal and psychological assistance, especially in rural areas. In addition to that, teachers lack skills and trainings on how to manage situations when children experience domestic violence. Despite the up to date efforts to raise awareness, provide legal aid, psychological assistance and train professionals, there still is a pressing need that state institutions, especially the Ministry of Justice provide effective free legal aid, conduct trainings and broad awareness campaigns to address domestic violence issues and protection of victims of crimes, in collaboration with CSOs specialized in this area. The Albanian Parliament also should consider adopting a new law on the protection of victims of crimes based on a friendly approach to the victims, coupled with suitable compensation. Currently, the study report on the needs to draft a special law for victims of trafficking conducted by CSOs and supported through CEFJSAJA is officially part of the National Action Plan in the fight against human beings trafficking 2018-2020.

People with disabilities in Albania also face barriers to access justice institutions and other administrative institutions to fulfill their rights such as equality before the law, access to documents and proceedings, fair trial, etc. Albanian legislation and courts case-law often lack full compliance with the Convention on the Rights of People with Disabilities standards. CEFJSAJA provided support to address these issues, however future initiatives need to be supported, initially by revising Albanian legislation to comply with international standards. In addition to that, law schools' and the curricula of the School of Magistrates should be revised to accommodate specific information on the rights of disabled people and provide the best of knowledge for justice professionals and a working group should inspect all court premises in Albania to identify all elements that prevent them from accessing courts as well as addressing findings to HJC/HPC to improve it.

Patients' rights and their access to justice and health care institutions reflect lack of trust, skepticism, lack of information and difficulties in collaborating with other public health institutions. Despite CEFJSAJA's support to raise awareness and improve access to justice institutions for chronic disease patients or other patients, further increase of knowledge and free legal specialized assistance is needed for chronic disease and other patients on how to guarantee their right to health care through justice authorities, increase of media capabilities to report violations in the health care sector and increase awareness and accountability of public health authorities.

LGBTI community also faces barriers to access free legal services, they fear being prejudiced because of their sexual orientation or gender identity, many young people from LGBTI community live underground and cannot ask for legal help when needed, sometimes they are incapable to hire a lawyer due to high costs, their trust to local governance or justice institutions is low, however they trust more the Commissioner for Protection Against Discrimination and the Peoples' Advocate and much more

CSOs working in this area. CEFJSAJA contributed to raise awareness and improve access to justice and administrative institutions of the LGBTI community in Albania, however state institutions along with CSOs specialized in this area should play a more proactive role towards this community through awareness raising activities, trainings to promote ways for a better access to justice. On the other hand, the Ministry of Justice should promote and provide free legal aid, by guaranteeing concrete mechanisms to benefit from it.

Blood feud families in Albania lack free legal assistance or any other state assistance such as proper education or economic aid. The culture of vendetta is more common than forgiveness and reconciliation, social pressure is negative and there is a lack of collaboration of local population with justice institutions. So far, these people and their families had mainly had support from CSOs that provided reconciliation and mediation services, however it is necessary to have a national reconciliation program focused on restorative justice, systematic educational and cultural programs based on the nonviolent management of disputes, education in peace, respect for humans, guarantee access to basic services (*hospitals, places of work, schools, etc.*) and set up a compensation/support fund for families who are bereaved as a result of vendetta.

CONCLUSIONS OF SUB-GRANTED PROJECTS ON MONITORING OF JUSTICE INSTITUTIONS

15 projects funded under CEFJSAJA conducted monitoring of courts' performance, establishment and functioning of new governance justice institutions (*HJC, HPC, CAJ*), designing the tools for monitoring judicial integrity, and monitoring of juvenile justice issues. CSOs revealed that justice institutions were collaborative during the monitoring period and afterwards during discussions panels on their findings and ways to improve their performance. Findings of justice institutions monitoring were well received from public due to large coverage by media (*local and national*), by social media, by their engagement to present concerns in interviews, focus groups, informative sessions, discussions on monitoring and trainings conducted with justice professionals to raise their capacities on judicial issues. Efforts had been made from justice institutions to improve the current situation, based on findings, recommendations and the best practices provided by CSOs. Monitoring revealed that justice institutions (*courts, prosecution offices, Probation Offices, Police detention areas, etc.*) are facing serious difficulties such as lack human and financial resources, poor performance coupled with high workload and lack of staff training, lack of courtrooms, lack of information corner to inform users, lack of updated trial calendar, lack of waiting areas for parties, lack of updated websites, lack of functional case management system, delays of judges in delivering reasoned court decisions, poorly reasoned court decisions, poor infrastructure, poor conditions for disabled people access, etc. In addition to that, justice institutions usually measure their performance through their individual annual analysis, however they do not impose objectives/targets in the beginning of the year to orient their annual activity to assess their performance against these baselines – they also lack external assessments from the users' perspective. The Albanian judiciary also lacks assessments based on international indicators and methodologies such as CEPEJ tools that would enable not only information on their performance but would offer a wide platform of comparison with other European countries.

Monitoring of different **first instance courts** (*Lushnja, Tropoja, Puka, Shkodra, Saranda, Gjirokastra, Permet, Vlora*) by CEFJSAJA projects revealed that the vast majority of monitored cases were closed within a reasonable time (*within 4 months*), however this is not an indicator that fully portrays their performance, since courts themselves and the CSOs that conducted the monitoring of the courts did not consider the

backlog from previous years, continuous incoming cases and moreover the vetting process (*high number of dismissed judges, vacancies and delays of newly established institutions to appoint new judges*) that somehow inhibited the entire Albanian judiciary. Courts themselves, have assessed their performance annually by drafting their 'Annual Analyze', however these data are pending from 2017 and these documents lack information/data on standardized indicators or methodologies, such as CEPEJ tools, information that could provide despite the data in local and national level also information on court performance as compared to other European courts/countries. The monitoring also revealed lack of court staff, lack of decent infrastructure for judiciary leading to lack of trial solemnity such as lack of functional websites that could provide information on courts' activities, lack of information desks, lack of courtrooms, lack of facilities for disabled people and waiting areas, problems with audio recording and ICMIS (*case management*) system, delays in issuance of reasoned court decisions, quality of court decisions, etc. In this regard, international support through specialized programs to raise and strengthen professional skills on international standards of the judiciary is crucial for the success of the ongoing reform of the judiciary, coupled with donors' driven monitoring activities from local CSOs.

The monitoring of **administrative courts** performance (*first instance and appeal*) revealed good performance of these courts with regards to length of proceedings (*59% of the cases were closed within 1 month and 26% within 2 months*), trials were postponed mostly due to parties request (57%) and expert appointment (26%), court issued the decision and announced it within the same date of the last hearing, however, they face a huge backlog of cases from previous years, they lack judicial and administrative staff, they lack proper court infrastructure and courtrooms, they lack a standardized trial calendar to be published online daily, lack accessibility for disabled people due to the absence of ramps and lifts, etc.

CEFSAJA also supported monitoring of the **performance for court administrative services delivery**, as key back up activity for the judiciary. Usually, courts do not assess their administrative performance on regular basis - they focus more on judicial activity rather than the administrative one. Monitoring of court administrative services revealed that legal deadlines for delivering services were not respected due to the high work volume on a daily basis, due to lack of staff, lack of information desks, limited hours for court services, lack of a queue management system, lack of monitors at the entrance/reception area to provide information, lack of trainings especially on communication and ethics issues, lack of feedback mechanisms in court services (*questionnaires/complaint box/survey*), etc.

In addition to that, **ICMIS (case management system)** is not user friendly - it does not generate statistics and in some cases impeded the work of administrative staff, court websites provide poor information on court services, users face nepotism that differentiate their service delivery - people who have personal acquaintance with the staff are better served. Reform in the judiciary, also includes initiatives related to better administrative court services, that will be addressed by the courts themselves and HJC, therefore more support is needed by international donors and CSOs to assist court staff in their daily work through trainings and financial support for better infrastructure that facilitate users access to courts.

Measuring and monitoring **judicial integrity** still remains one of the biggest challenges for the Albanian judiciary. So far, there have been efforts to establish sporadic mechanisms to measure different aspects of judicial integrity, however they resulted to be insufficient and fractional, lacking a full picture of the situation. CEFSAJA supported the initiative to conduct research and examine other models or international standards designed to measure judicial integrity, which concluded in designing the 'Checklist of Safeguards against Corruption in the Judiciary', a document dedicated to measuring/assessing judges' performance in Albania. The checklist contains seven major indicators on independence and impartiality, accountability, transparency and effective participation, efficiency, competence and dedication, internal court management and non-judicial personnel and the judiciary's resources (*financial and technical*). It embarks measurement of indicators of court performance, *inter alia* court budget, legal aid, judicial

staff, administrative staff, court users, information technology, length of proceedings and enforcement. Measuring these elements aims to increase accessibility to the courts, make justice delivery more efficient, enhance the public's trust in the justice system, increase independence, fairness and impartiality of the judiciary. Currently, this document represents an abstract design of collective indicators to curb judiciary, however it remains the milestone in measuring judicial integrity that will produce systematic data and analyses on a long-term basis. The checklist was partially piloted (*only at the High Court, with three judges in office due to the vetting process*) with regards to performance and achievement indicators, revealing that these indicators were accurately defined, however they can be added or amended in the future based on the dynamic specifics of the judiciary. All indicators of the Checklist, individually and collectively, could be employed by new governance justice institutions HJC, HPC, High Justice Inspector, courts itself and CSOs, to measure judicial integrity. In addition to that, justice actors can also explore diverse methodological approaches on their future activity to monitor and measure judicial integrity.

Monitoring of Probation Services revealed that alternative measures to detention/alternative sentences (AS) differ from one region to another (*i.e. Tropoja and Permet had progressively applied AS from 2015-2017, while Saranda had very little application of AS*). Currently, there is no law that regulates PbS in Albania, therefore the Albanian Parliament should adopt the relevant legislation to clarify the role of the PbS office towards prosecution and courts, for a better service and use of AS. In addition to that, PbS staff workload is high due to staff shortage, infrastructure is not adequate due to limited budget, staff lack trainings on professional issues and communication/ethics, etc. Albania lacks studies on the effectiveness of AS imposed by judges, on recidivism causes or other issues related to AS either from state institutions, or CSOs. Since AS brings a new mentality on state criminal policy, support from international donors/projects through justice institutions and local CSOs are welcomed, to reflect the best international standards and working techniques.

Monitoring of the **establishment of new governance justice institutions**, especially two key ones HJC, HPC revealed delays longer than legal deadlines, due to the vetting process for judges and prosecutors and failure of these candidates to pass it, difficulties to find candidates that fulfill legal criteria, repetitive evaluation process (*initially by Ad hoc commissions and then by the Secretary General of Parliament*) for non-magistrate candidates, lack of civil society monitoring of this process, opposition obstruction on selection of non-magistrate candidates by Parliament and violation of ethic during debates – this process terminated by lottery, avoiding constructive dialogue and sidestepping the selection of the best candidates based on merits. Delays affected the whole government of the judiciary in Albania, starting with vacancies in High Court, Constitutional Court and other courts due to vetting, affected appointment of magistrates that completed the School of Magistrates, disciplinary proceedings initiated by former HCJ, judges' evaluation, issues with 'flying judges' (*judges that are delegated/ assigned on Ad hoc basis from one court to another*), promotion of judges, transfer process, etc. Currently HJC and HPC are facing a huge workload, lack of infrastructure, budget, personnel, logistic, etc.; however, they had a fruitful collaboration and assistance from international missions. Meetings had been held in a proactive climate of discussion, ethic, mostly in compliance with legal requirements. They continue to provide online information for the public (*HJC via summary of transcribed minutes, HPC via published audio recording of meetings, while CAJ published very general and limited information, poorly reasoned and sometimes ambiguous decisions*). Still the High Inspector of Justice/HIJ had not been appointed, causing delays for over 2 years and problems regarding the inspection of disciplinary violations by judges and prosecutors.

Monitoring of **juveniles' legal protection system** revealed lack of effectiveness of trial and detention procedures, poor communication and PR policies, overcrowded detention centers, poor implementation of alternative sentences to detention, poor quality of legal defense and reasoning of court decisions, lack of information on free legal aid, lack of *pre & post* - release rehabilitation programs, lack of specialized justice professionals on juvenile justice issues, coupled with insensitive system on special needs of juveniles

for education, health care, mental health and rehabilitation programs. The vast majority of initiatives on juvenile justice so far had been undertaken by CSOs, since juvenile justice legislation is quite recent, however state authorities especially the Ministry of Justice should guarantee the institutional continuity in the management of cases where juveniles are involved and seek justice, finalize the secondary legislation and provide a cross cutting approach with all structures involved for the protection of children' rights. A unified system of indicators and standards is necessary to develop a performance system on child protection systems in Albania unified data management system, which provides information on the cases and orient research/studies, coupled with awareness campaigns and extensive training programs of justice professionals on juvenile justice issues.

Current situation is expected to change drastically upon establishment and full functioning of the High Judicial Council and High Prosecutorial Council that will address all these shortages and set unified measurable standards on performance for the Albanian judiciary.

Annex 1: List of CSOs' Contacts

N.	Name of Organization	Contact Point	Email
1	Vatra Psycho-social centre - Qendra psiko Sociale Vatra	Brikena Puka	brikena_puka@yahoo.com
2	Albanian Rehabilitation Center for Trauma and Torture - Qendra Shqiptare e Rehabilitimit të Traumës dhe Torturës	Erinda Bllaca	ebllaca@yahoo.com
3	Albanian Foundation for Conflict Resolution and Reconciliation of Disputes - Fondacioni Zgjidhja e Konfliktëve dhe Pajtimi i Mosmarrëveshjeve – AFCR	Rasim Gjoka	rasimgjoka@gmail.com
4	Albanian Legal and Territorial Research Institute (ALTRI)	Eda Nocka	qendra.altri@gail.com
5	TLAS Tirana Legal Aid Society - Shërbimi Ligjor Falas Tirane	Rajmonda Bozo	rbozo@tlas.org.al
6	Institute for Public and Legal Studies - Instituti per Studimet Publike dhe Ligjore	Eriona Haxhia	eriona_haxhia@ipls.org
7	Albanian Disability Rights Foundation - Fondacioni Shqiptar per te Drejtat e Personave me Aftësi të Kufizuar	Blerta Cani	adrf@albmail.com
8	Different and Equal - Te Ndryshëm dhe të Barabartë	Mariana Meshi	mmeshi@yahoo.co.uk
9	European Center Foundation - Fondacioni Qendra Evropiane	Ina Xhepa	inaxhepa@euro-centre.eu
10	People in Focus -Njerëzit ne Fokus	ArmeliaBarci	armeliabarci@gmail.com
11	QSNNN - Social Center for Help of People in Need	Hile Curri	shoqata_qsnnn@hotmail.com
12	Papa Xhovani XXIII Community - Komuniteti Papa Xhovani XXIII Shkoder	Mira Prekperaj	progetti@apg23.org ;operazionecolomba.al@apg23.org
13	MERIDIA	Fernando Antenucci	info.meridiaalbania@yahoo.it
14	YMCA - Young Man Christian Association	Egla Lula	ymcatirana@gmail.com
15	Counseling line for women and girls – Linja e Këshillimit per Gra dhe Vajza	Iris Luarasi	luarasi@gmail.com ;;linjakeshillimit@gmail.com
16	Together for Life - Shoqata 'Së bashku për Jetën'	Eglantina Bardhi	info@togetherforlife.org.al ;ebardhitgf@yahoo.com
17	Albanian Helsinki Committee – Komiteti Shqiptar i Helsinkit	Erida Skendaj	office@ahc.org.al; e.skendaj@ahc.org.al

18	Social Contract Institute – Instituti per Kontratën Sociale	Olda Ceta	socialcontractinstitute@gmail.com; oldaceta@gmail.com
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20	Institute of Migration Development and Integration – Instituti i Migracionit, Zhvillimit dhe Integrim	Enkelejt Avdyli	qendrainzhi@gmail.com
21	Democratic Integration and Development Centre Kukës – Qendra për Zhvillim dhe Integrim Demokratik	Zyrjan Alushi	zyrjanalushi@yahoo.com
22	Center for Community Development ‘Today for the Future’ – Qendra per Zhvillimin Komunitar ‘Sot për të ardhmen’	Fabiola Laco Egro	info@cdc-tff.org; fabiolaegro@gmail.com; fabiola.laco@cdc-tff.org
23	Center for the development of rural women Kashar – Qendra per Zhvillimin e Grave në Zonat Rurale	Drita Braho	cdrw@albmail.com
24	Institute for Sustainable Policies – Instituti për Politika të Qendrueshme	Isijda Sinjari	info@isp-albania.org; isijda.sinjari@isp-albania.org
25	Women Democracy Network Albania – Rrjeti i Grave ne Demokraci	Blerina Balilaj Borovina	wdnalbania@gmail.com
26	EDFAT - Qendra Evropiane për Drejtësi, Forum, Asistencë e Trajnime	Lisjona Rrapollari	projects@edfat.org; lisjona.rrapollari@gmail.com
27	Institute for Promotion of Social and Economic Development - Instituti per Promovimin e Zhvillimit Social Ekonomik	Delina Nano	info@ipsed.al; delina.nano@ipsed.al
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30	Cultural and Mediatice Center ‘Antigonea’ - Qendra Kulturore Mediatike Antigonea	Emgjellush Serjani	antigoneafoundation@gmail.com
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34	Organization For you Mothers and Children, Kukës - Shoqata për Ju Nëna dhe Femijë Kukës	Hume Elezaj	perjunenadhefemije@yahoo.com