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NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

ALBANIA

The project “NGOs and the judiciary - watch dog activities, interactions, collaboration, communication” is supported by the Visegrad Fund (www.visegradfund.org) and the Ministry of Foreign Affairs of the Republic of Korea (www.mofa.go.kr).

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Ministry of Foreign Affairs
Republic of Korea

Country report

Country: Albania

Author: Erida Skendaj

Part 1.

Introduction

Summary (max. one page, 2000 characters).

Please summarise your main findings as well as state of interaction, collaboration between NGOs and judiciary in your country. What is most important? What is characteristic?

Since 1990s, after the falling of the communist regime, when the right of association was exercised freely by establishing the first NGOs, the civil society in Albania has undertaken important steps in the field of the rule of law, including the judiciary, by offering services for wide public and groups in need.

According to the official data of the General Directorate of Taxation for 2014 there are 2427 NGOs registered with tax authorities at the Albanian Ministry of Finance, and 7505 employees. Currently, there is still no reliable official data available on the total number and profile of registered NGOs that act in the field of judiciary and in other fields in our country. The absence of official and public internet database of NGOs may also be considered as important obstacle to building public trust in the work of NGOs.¹ NGOs that implement projects or carry out activities in the field of judiciary are recognized in public mostly through studies, researches, trainings, seminars, free legal aid, watch dog activity, press notices, press conferences, open letters, etc.

The European Commission Progress Report 2014 concludes that the civil society sector in Albania remains fragmented and overly dependent on donor funding. The Commission noticed improvement of cooperation between state institutions and civil society organizations.

The judicial power has undergone significant positive developments and has been subject of major legal, organizational and functional changes. NGOs have given their important contribution in this regard. Actually in Albania a judicial reform is under the process. The Ad Hoc Parliamentary Committee on Justice System Reform has concluded with the document of analyse of the judicial system, Strategy and its action plan and the draft of Constitutional amendments related to the judiciary. In this detailed analyse we use as sources of information data collected by several NGOs reports, studies, researches, press notices, in the field of judiciary. The Ad Hoc Committee has established the network of public consultation, part of which have been several organizations that works in the field of Rule of Law, Judiciary and Human Rights..

Despite the positive developments, the visibility of NGOs that work in the field of judiciary is not satisfactory. Also, there is no sustainable networking and cooperation among these NGOs.

¹ Roadmap for the Albanian Government policy towards more enabling environment for civil society development, Draft Version, November 2014.

Albanian NGOs remain highly dependent on foreign funding that, at present, does not meet the needs of the CSO² sector and, moreover, is shrinking. One of the biggest threats to the sustainability of the work of CSOs is the lack of clear rules and procedures for public funding of CSO programs.

From a survey that was held with judges of first instances by the Center for Transparency and Free Information in 2014 “*What do judges say? Justice reform, access to justice, corruption in judiciary*”, the results show that in 2014, almost the same as in 2012, the most of the judges (58.82%) consider that civil society has not helped the judiciary. 33.82% of the judges consider that civil society has helped little the judiciary while 7.35% of them have positive consideration. The statistics of this study show it does not exist a clime of belief and cooperation among civil society and actors of judiciary. Even though, this is a study that does not lead necessarily to generalized and dominant conclusions.

Short country information

(max. 1000-1500 characters)

Please provide short information about your country including:

- its name**
- population and ethnic origin if important**
- size**
- basics of political system**
- any other basic information that could be relevant from the point of view of our project**

Albania is a country in South-Eastern Europe. It has a total area of 28,748 square kilometres.

Based on the latest official data³, the population of Albania on 1 January 2015 was 2.893.005 inhabitants. During the inter-censal period 2001-2011 is estimated that around 500 thousand persons emigrated.⁴

According to the 2011 census the ethnic composition of Albania is as follows: Albanians (82.6% of the total population), Greeks (0.9%), Macedonians (0.2%), Montenegrins (0.01%), Aromanians (0.3%), Romani (0.3%), Balkan Egyptians (0.1%), other ethnicities (0.1%).

The Republic of Albania is a parliamentary democracy and the elections in Albania are held every four years to the 140-seat unicameral Assembly of the Republic of Albania (Legislative Body). The head of state in Albania is the President of the Republic. The President is elected to a 5-year term by the Assembly by secret ballot, requiring a 50%+1 majority of the votes of all deputies.

Albania is an official candidate for accession to the European Union since June 2014. Officially recognized by the EU as a "potential candidate country" in 2000, Albania started negotiations on a Stabilization and Association Agreement (SAA) in 2003.

However, in the Progress Report of 2015, the European Commission noted that "Albania's judicial system is at an early stage of preparation. Substantial shortcomings in the judicial system remain regarding independence and accountability of judges and prosecutors,

²Civil Society Organization

³According to the data published on the web site of the Institute of Statistics of the Republic of Albania http://www.instat.gov.al/media/282024/pop_1_janar_2015_press_release.pdf

⁴file:///D:/NGOs/rezultatet_kryesore_t_censusit_t_popullsis_dhe_banesave_2011_n_shqip_ri.pdf

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enforcement of decisions, inter-institutional cooperation, and the administration of justice which remains slow".

Being conscious of the need of justice reform, the Albanian Parliament by decision No.96, dated 27.11.2014⁵ approved the establishment of the Ad Hoc Parliamentary Committee on Justice System.⁶

Judicial system organization information

(max. 2000 characters)

Types of courts and instances.

Number of courts and judges.

Who appoints judges and how.

Who represents judges, any judicial bodies. Also judges associations (public, private).

What are main challenges judiciary face according to research, reports, public debate?

What is the level of public trust in the judiciary (according to official research)?

The judicial power is exercised from the High Court, Appeal Courts and First Instances Court, as established by the law.

Albania has 29 courts of first instances from which 22 courts of ordinary jurisdiction (district courts), 6 administrative courts and 1 serious crimes court .

Judges of first instances court are appointed by the President of the Republic upon the proposal of the High Council of Justice (HCJ). Winning candidates who are proposed for appointment by the HCJ to the President of the Republic are subject to the control of their integrity by the Inspectorate of the HCJ and the Inspectorate of the Ministry of Justice and subject of control by the High Inspectorate for the Declaration and Audit of Assets and the Conflict of Interest about their income and property declaration. Albania has 8 Appeal Courts (Second instance courts) from which 6 are courts of appeal of ordinary jurisdiction, 1 administrative courts of appeal and 1 court of appeal for serious crimes.

The judges of the Court of Appeal are appointed by the President with the proposal of the High Council of Justice on the basis of competition with CVs, between candidates with a minimum of 7 years of work seniority in the court of first instance. Law on administrative courts provides specific rules on the criteria and procedure of appointment of judges of the Administrative Court of Appeal, who should have not less than 9 years' experience as judges.

High Court (or Supreme Court) is composed by 19 judges and is organized into three colleges, namely in the civil, administrative and criminal college. The judges of the High Court are appointed to office for a period of 9 years, by decree of the President of the Republic, with the consent of the Assembly, with no right to reappointment. They are elected from among the judges with professional experience of not less than 13 years, or from the ranks of prominent lawyers with professional experience of not less than 15 years.

High Council of Justice (HCJ) is a constitutional body competent for the well governance of the judiciary. HCJ is independent from the executive and legislature power and decides, *inter alia*, for the transfer of judges of first instance and appeal, their disciplinary responsibility and

⁵<http://www.reformanedrejtesi.al/baza-ligjore>

⁶Explanatory report of the decision of the assembly on setting up the ad hoc committee "On the justice system reform"

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proposes to the President of the Republic for appointment the candidates for judges. HCJ is composed by the President of the Republic that is also the Chair of this body, the Chairman of the High Court, Minister of Justice, three members elected by the Parliamentary Assembly and nine judges of all levels elected by the National Judicial Conference⁷.

Currently, there are two judges association, organized in the form of Non Profit Organizations, namely the Union of Judges and the National Association of Judges. Also, is functional even an Association of National Prosecutors of Albania.

The judicial power in Albania faces numerous and serious problems in terms of independence, impartiality, accountability, professionalism, efficiency, transparency and its management. There is a widespread public perception that justice system suffers from the phenomenon of corruption and outside influence in delivering justice. Today the judicial power is considered as one of the areas with high level of corruption.⁸ Index of Corruption Perception for 2013 according to Transparency International⁹ shows that 81% of Albanians believes that the judges are '*corrupted*' or '*very corrupted*'. In the evaluation scale from 1 to 5, the judiciary was assessed with the point 4.3 in the Transparency International Albania Report.

Types and examples of NGOs – courts interactions

The scope of the project is broad; we can name various ways of interaction between NGOs and judiciary (see following points). Please provide information whether in your country NGOs are engaging into particular type of interaction. Please provide some history of this type of involvement and give examples of particular activities of particular NGOs. Please do not limit your comments to your own NGO but refer to wide scope of NGOs (in most countries they are different NGOs that get in contact with courts and judges, for instance: consumer NGOs, court watch NGOs, environmental NGOs, feminist NGOs, human rights NGOs, NGOs combating discrimination, NGOs focusing on access to information etc.).

After the falling of the communist regime, during the first years of transition period of the democracy in Albania (1991-1996), NGOs begun to prosper, having in their focus, issues of rule of law and protection of fundamental human rights and freedoms. The first NGO was the Forum on Protection of Human Rights (currently Albanian Helsinki Committee-AHC)¹⁰ that was founded in January 1991, by a group of intellectuals. Its initial activities have contributed for democratic development in Albania and have raised the sensitiveness of the public with regard to important issue of human rights of citizens. Shortly after, several organizations have begun to bloom up such as Albanian Center for Protection of Human Rights, the Albanian Group of Protection of Human Rights, etc. A lot of these NGOs were focused on issues of Human Rights, including the rights of the individuals in the judiciary system and others were focused on such issues as environment, youth, media, development of private sector, etc.¹¹

⁷Article 147, point 1 of the Constitution.

⁸Intersectoral Justice Strategy

⁹<http://www.transparency.org/country#ALB>. Shkalla e vlerësimit të Transparency International përgjyqësorin varion nga 1 (shumë influencuar) derinë 7 (plotësisht i pavarur)

¹⁰ In 1992 the Forum was recognized as a full member of the Federate of Protection of Human Rights in Helsinki and has changed its name to Albanian Helsinki Committee, an active organization since years in Albania.

¹¹ Based on the conclusions of the scientific dissertation “Non profit organization and their marketing in the aimed market. The case of Albana”, For the scientific grade “PHD in Economic Sciences”, Xhiliola Agaraj (Shehu), Faculty of Economy, University of Tirana

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The EU program of financial and technical cooperation is supporting Albania's ambitious reform agenda. EU assistance is focused in particular on support for democratic development and good governance, regulatory reform and administrative capacity building and infrastructure development. EURALIUS IV project, "Consolidation of the Justice System in Albania" (2014-2017) is funded by EU and is designed as a technical assistance project which will support and assist key Albanian justice institutions to bring their performance closer to EU standards. The overall objective of the project "is to strengthen the independence, transparency, efficiency, accountability and public trust in the Albanian justice system in line with the EU *acquis* and best practices". The project comprises ten full time top experts from EU Member States and Albania, sitting in the premises of the main beneficiaries, who are giving a professional expertise in the process of draft law in the Ministry of Justice and also are part of the Judiciary Reform process that is under the process in Albanian Parliament.¹²

In August of 1998, a publication of the World Bank has ranked Albania as the first country most corrupted in Europe.

Activities of NGOs after 2005th have marked some developments that have resulted with a gradual descending of their activity because of the fact that several international donors of civil society have decided to limit their funds. As result of this trend, the sector of NGOs was limited in its size, mission, activity and geographic spread. The dilemma with regard to actual number and profile of NGOs has been widely discussed since years and also there are no reliable and official data with regard to the active and effective NGOs in the country.¹³

General questions on NGOs engagement in interaction, collaboration with the judiciary

In the section above, you listed main challenges the judiciary faces. Are those challenges addressed by the NGOs? If yes, how? If not, why not?

Albanian CSOs remain highly dependent on foreign funding that, at present, does not meet the needs of the NGOs sector and, moreover, is shrinking. Domestic funding opportunities are scarce, while the State funding for CSOs includes contracting for service delivery and dispensing project grants through the line ministries and the Agency for the Support of Civil Society (ASCS). One of the biggest threats to the sustainability of the work of CSOs is the lack of clear rules and procedures for public funding of CSO programs.¹⁴

NGOs necessity to orient the activity according to the needs identified by Donor's policies and strategies and limitation of funds, lack of the financial sustainability of NGOs and problems regarding the public funds have affected also the activity of NGOs in the field of judiciary. As a result of the lack of funds, during the last decade several organizations have not been able to assist citizens with the necessary legal services before the courts, monitoring the hearing sessions, giving expertise in the process of the draft law of the important initiatives that affects the judiciary.

¹² For more information please visit the home pages of EU Delegation to Albania at http://eeas.europa.eu/delegations/albania/index_en.htm and Euralius IV at <http://www.euralius.eu/en/about-us/project-description>

¹³Based on the conclusions of the scientific dissertation "Non profit organization and their marketing in the aimed market. The case of Albana", For the scientific grade "PHD in Economic Sciences", Xhiliola Agaraj (Shehu), Faculty of Economy, University of Tirana

¹⁴ Roadmap for the Albanian Government policy towards more enabling environment for civil society development, Draft Version, November 2014

Still, it is a fact that domestic and international NGOs in Albania are a substantive factor of the judiciary reform that is being held in the Albanian Parliament. International and domestic NGOs, such as EURALIUS IV, OPDAT, OSCE, JUST-USAID, Soros Foundation are being represented with experts in the structures that the Ad Hoc Committee has established (group of high level experts and Technical Secretariat), who are contributing with their expertise and their professionalism in the 7 working groups regarding the issues of constitutional amendment, judiciary, criminal justice, legal professions, legal education, anti-corruption and finance of the justice system.

Also, other non-profit organizations have responded to the call of Ad Hoc Committee to be part of the Network of Public Consultations, such as Union of Judges, Albanian Helsinki Committee, Free Legal Aid Tirana, Res Publica, Center on Civic and Legal Initiatives, Partners Albania, "Moisiu" Foundation, Institute on Judicial and Constitutional Studies, Criminal Attorneys Association.

What aspects of judiciary should be monitored by civil society according to NGOs? According to judges?

NGOs' Reports and websites indicate that the aspects which are most monitored by civil society in judiciary are related to:

1. Due legal process in the court' hearing sessions with regard to the standards of judicial solemnity¹⁵ principle of impartiality, access to justice, transparency, other aspects of due legal process such as length of proceeding, right of attorney, etc. Hearing sessions of cases that are sensitive for public opinion which have as litigant former or actual public officials, or are related to the adjudication of grave and sensitive incidents that have shocked public opinion, are also in focus of Civil Society Organization and Media too.
2. Physic and technological infrastructure of the courts and behaviour of judiciary administration related to different aspects such as access of persons of disability and other vulnerable groups to the buildings, issues relating to the efficiency of the court, public relations, transparency, audio recording software, archive, etc.
3. Court jurisprudence, related to implementation of new laws¹⁶ approved in the last decade which have marked a positive turn for the address of several problematic related to Human Rights issues such as discrimination, domestic violence, unfair dismissals or administrative disputes. Monitoring of the court jurisprudence includes also other issues related to public concern issues such as execution of final judgments, adjudication of criminal offences in the field of corruption, criminal offences committed by juveniles, aspects of due legal process and criminal policy that is reflected in a court decisions with regard to reasoning, length of proceeding, punishment, etc.

The free legal aid has been also monitored by different NGO's and since the State Committee for legal aid has been settled based on the Law no. 10039, date 22.12.2008 "On legal aid". Some CSOs actors have been very active in offering this service.

¹⁵ The High Council of Justice, by decision no.238/1/b, date 24.12.2008, has approved the specific rules on solemnity of the court, related to the place and conditions of holding of the hearing session, coat of the judges, proper attitude of the parties in the court, etc.

¹⁶ Such as Law 'On Protection of Discrimination', Law "On measures against violence in family relations in Albania", Law "On organization and functioning of administrative courts and for the adjudication of administrative disputes", etc.

Judges itself have monitored their own system and legal framework through their associations. During the period May 2013 – February 2014, Union of Judges has undertaken a detailed study regarding the access to justice in civil cases.

NGOs prefer monitoring the due legal aspects in the court's hearing sessions, especially the procrastination of the proceedings and the delays on publishing the reasoned decisions. These topics are more preferable to be monitored first because the main problem and citizens' complaints are related to these, and second because the NGOs has more access to the decisions and hearing sessions than in files.

This year in the attention of NGOs and judges association has been even the monitoring of corruption cases in judiciary field.

Who is eligible to conduct such a monitoring, what are the competences needed?

Generally the NGOs monitor the judiciary through their observers, students, volunteers, own staff, external experts, etc. Before holding a monitoring process, a methodology is often designed based on good international practices or standards or based on other positive NGOs previous practices of projects. Methodologies of court monitoring foresee often training of the observers, to provide them with the necessary information. Part of NGOs methodology monitoring is to build bridges of cooperation with the court, chairman and chancellor of the court, before the monitoring starts and during the process. This is very important in order to establish a mechanism of cooperation among NGOs and Courts.

Do you see any trends, developments in NGO engagement in the judicial affairs? Do you see any obstacles to this work?

NGOs face a lot of challenges, mainly the following:

- a) In the first instances court not all the hearing sessions are open for the public, including NGOs as a result of the lack of the court rooms which results in sessions taking place in judge's offices.
- b) The unified electronic case management system that ensures a random and transparent allocation of cases to judges is not yet used by several courts. Actually the courts do not all apply the same electronic system but two systems (ICMIS and ARK IT), meanwhile there are other courts which do not have at all an electronic system. Based on this fact, generation of statistics and publications of judgments in web pages of the courts is not fully harmonized and might cause confusions to NGOs that monitors the judiciary.
- c) Lack of a legal framework and clear procedures that allows NGOs to monitor the courts might constitute obstacles in this regard.

How to deliver NGO feedback to judiciary? What are the best ways used in your country? Is there any problem in communication with judicial bodies, courts, and judges when delivering feedback?

NGO deliver its feedback by addressing their reports, studies, findings to the courts, High Council of Justice, Ministry of Justice. NGOs findings or recommendations are addressed to the executive or legislative power that has the right of legal initiatives. NGOs have the

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possibility to incite and lobby for the implementation of the tools provided by Albanian Constitution that enables the exercise of sovereignty directly by people, such is the right of legal initiatives by 20.000 citizens and the right of referendum which might be exercised by 50.000 of citizens.

From the monitoring of NGOs activity¹⁷, it results that some of the tools that are applied generally by NGOs in delivering the feedback and building ways of communication with the judiciary are as follows:

1. Development of joint activities such as trainings, seminars, workshops, consultative roundtables, with judges, attorneys, prosecutors, legal experts, representatives of Justice System Institutions (School of Magistrate, High Council of Justice, Institution of President, Ministry of Justice, Bar Association, General Office Prosecutor, etc), in order to discuss, change views and opinions and to conclude on specific issues.
2. Official communications with courts and Justice Institution by addressing reports, studies, analysis of NGOs in the field of judiciary.
3. Press statements or press conferences were presented final findings, reports, studies, analysis of NGOs that address specific issues on judiciary.
4. Publishing reports, studies, analysis, findings in social media and homepages and inciting a professional debate among professionals.
5. Giving birth to the professional debate by writing to the electronic media or legal gazette, articles that analyse different aspects of the judiciary.
6. Addressing open letters to executive or Parliament or reports and studies which reveal the need of changes in the institutional, legal and financial framework of the courts, etc.

Is the result of work of NGOs (regarding judiciary) being treated seriously? Are project findings and reports discussed, studied, answered? By whom, how?

As already mentioned the most effective tool for giving and taking the feedback of judges, prosecutors, attorneys and other professionals are the seminars, consultative roundtables and workshops that are organized by NGOs. In these activities are always invited representatives of judiciary, policy making' institution and all the interested actors.

In order to analyse if the work of NGO regarding the judiciary is being treated seriously or not, there might be a need of well-designed methodologies of evaluation of the impact of the projects of NGOs in long term perspective. Generally these kinds of methodologies lack and this has lead to general impact of NGO's activities in the field of judiciary. This means their activity so far has had few concrete results in improving the policies, legal or institutional framework, or attitudes of judges and prosecutors in the judiciary system but in long term results.

It's a very good step, that in the framework of the judiciary reform in Albania, the Analysis of Justice System¹⁸ reflects, inter alia, findings and recommendations of NGOs in the field of the judiciary. As it was specified in this document, all these objective data identified with the contribution of all stakeholders in the field, including civil society, have created conditions for

¹⁷ Web pages, projects, reports, studies of NGOs as specified in the footnotes above;

¹⁸The first detailed analytic document on the situation of justice in the country, drafted in the framework of justice reform process by the experts of high level of the Ad Hoc Parliamentary Committee on Justice System Reform.

an oriented, width and depth' reform, which is determined by the needs and real problems of the system, outside the short term agenda of the politics and corporatist interest of the officials of the system.

What is the overall attitude of the general public towards the NGO engagement in judicial matters? Are there any characteristic voices? Is there a support or the opposite?

Generally public attention on the problems of the justice system by NGOs is focused on those issues that are most sensitive, such as spread of corruption and grave incidents that reveal lack of independence, professionalism, or integrity among judges.

Other issues such as issues on organization of the court, governance, responsibilities, disciplinary liability, efficiency, due process of law, allocation of funds, infrastructure, etc. do not have sufficient attention of public opinion.

Since the establishment of democracy, political opposition in Albania uses and quotes NGOs reports, press statement, studies, findings, etc. Even though, it should be emphasized that the way in which opposition parties react towards these NGOs' initiatives is not always correct as there is a trend to cite only those findings that might help oppositions for their political interests, giving to the public opinion the wrong perception of politicization of NGOs.

What are ways for the Judiciary to take into account NGO feedback?

The results of the survey that was held with judges of first instances, by the Centre for Transparency and Free Information in 2014 "*What do judges say? Justice reform, access to justice, corruption in judiciary*" show that most of judges (58.82%) consider that civil society has not helped the judiciary. 33.82% of judges consider that civil society has helped little, and 7.35% of them have positive opinion. With regard to the question "which institution should lead the justice reform", judges have ranked as the last one (fourth), with the same votes around 15%, civil society on the one side and executive on the other side. The statistics of this study prove that there is no good climate of belief and cooperation among civil society and actors of the judiciary.

For the reasons above-mentioned, with regard to the fragmentation of the responsibilities in the field of judiciary, and lack of the effective mechanism that ensures the accountability of judges and courts, it is difficult to assess the impact of the projects of the NGOs and the way it is taken into account by the judiciary.

Do NGOs collaborate, have common projects, and interact with judges associations? If not, why not? If yes, please provide examples.

The cooperation among judges associations and NGOs is characterized by sporadic and fragmentized initiatives. One of the reasons of this non-systematic and weak cooperation is because the mission and activities of the judges association does not generally comply with the mission and activities of NGOs that operates in the field of judiciary. Also, there is a public perception that in the balance between the interests of judges and the interests of citizens, judges associations trend is to protect the rights and interests of judges while the NGOs trend is to protect the rights and interests of people that might be infringed or are infringed as result of unfair judgments, judiciary' practices and activities. There are few joint projects, mainly in the field of domestic violence and those related to corruption.

Judges association trend is to cooperate more with international programs and projects that assist the justice system in Albania, such as Euralius (mission of EU), Presence of OSCE in Albania, OPDAT and JUST-USAID (missions of US Embassy in Albania).

A positive example of cooperation among NGOs and Judges Associations is organization of the high level conference "Judiciary Reform as one of 12 priorities of integration challenges of Albania in EU" (May 2015). This conference was financially supported by JUST-USAID and Open Society Foundation in Albania (SOROS).

Are NGOs represented in the official judicial bodies or bodies relevant for the judiciary (judicial council, consultative bodies, other)?

NGOs in Albania are not invited in the structures of the institutions of the judiciary. The only public institution that has representatives from civil society is the State Commission on Legal Aid. The Commission is composed by 5 members, among which one is representative of non-profit organizations.

Are NGOs being invited by judicial bodies to meetings, seminar, conferences etc.?

Generally NGOs are invited to the activities of the judicial bodies, such as seminars, roundtables, conferences. With regard to the official meetings that collegial judicial bodies undertake there are no legal practices or other practices that foresee the invitation of NGOs.

Does curriculum for future judges (judicial academy) or judges in service include information about NGOs and their possible role in the Society and in the judicial proceedings?

The curricula of the School of Magistrate, that provides the educational programs for the future judges and prosecutors does not foresee courses or specific information about NGOs and their possible role in the Society and in the judicial proceedings. This fact does not prohibit the professors of this School to refer studies or reports of NGOs during the class.

Are there any critical voices about NGOs engagement in the judicial matters? What mistakes NGOs make? What shall be improved, changed in NGO approaches? What are opinions of judges on the above issues?

There are no public critical voices about the NGOs engagement in the judicial matters. Representatives of judiciary have the tendency to protect their interest and not to accept those findings of NGOs that address strong critic notes towards judiciary. Mainly, judges and prosecutors react unofficially regarding monitoring reports in generally and public perception studies in particular of NGOs, by claiming that these reports unduly influence in establishing general opinions that might affect the image of judiciary and turn down public confidence.

Initiatives of NGOs in judicial matters should be more solid in time and coordinated. Often it is noted that different organizations held trial monitoring in the same court during the same period. Also, there are very interesting reports and studies of NGOs on their activity of judiciary monitoring but their findings are not followed up after a specific period. Projects should have more consistency; this way issues and problems will have more chance to find a solution. There is a bigger need to have specialized and target focused NGOs that act in the

field of the judiciary. Also, NGOs tendency related to the judiciary is to undertake projects related to the monitoring, studies or public perceptions. On the other hand, there is more need for NGOs engagement in legal debate on the judiciary, specific proceedings or judgments that are sensitive for public opinion.

Are NGOs (especially in their monitoring activities) collaborating with academia (scientists, researchers, sociologists of law)? What are the forms and scope of such collaboration?

NGOs collaboration with researchers is more obvious in those kinds of projects that have in their focus the research in statistical data of the courts, judgments, comparative analyses, or other studies that require research methodology. Also there is a tendency to engage more professors of law, experts and researchers during the phase of design of the project' methodology, to increase the capacities of the observers (by engaging them as trainers), and during the final phase of drafting the report, regarding the processing and legal analyses of the monitoring' data. Lawyers are mostly engaged while other professions such as sociologists of law, psychologists, etc. are engaged rarely based on the specific needs of the projects for specific knowledge.

Is the idea of ranking (rating) of courts (based on chosen criteria) present in your country. Are NGOs in any way involved in this?

Albania does not have a system that enables the ranking of the courts but it has a system that enables judges' ranking. According to the Law the High Council of Justice keeps a permanent list of ranking of judges (results of their work in progress), which is updated every six months.. NGOs are not involved in this process. In the Analyse of Justice System it is noted that this ranking lists of judges is contrary to the opinion no. 753/2013 of the Venice Commission which has concluded that there is no need and no justification for the creation of a continuous order list of all judges, as it can lead to improper competition among the judges, which could compromise their decisions.

Is there a funding for such a work (related to judiciary) available in your country? Is this available from public sources (what) or private (what)? Are there any recent changes in this matter?

Albanian CSOs remain highly dependent on foreign funding that, at present, does not meet the needs of the CSO sector, as well as for those activities related to judiciary. Domestic funding opportunities are scarce, while the State funding for CSOs includes contracting for service delivery and dispensing project grants through the line ministries and the Agency for the Support of Civil Society (ASCS). One of the biggest threats to the sustainability of the work of CSOs is the lack of clear rules and procedures for public funding of CSO programs and contracting CSOs for delivering social services. At the moment, the procedures for distributing public funds are described only in the law on Agency for Support to Civil Society (ASCS) and other internal regulations of ASCS.

Among the international donor community that supports NGOs that undertake activity for the Judiciary we can mention the European Commission, Civil Rights Defenders (Swedish organization), Just (Program of USAID), SOROS Foundation (through Open Society Foundation Albania) US Embassy, UK Embassy, etc.

Legal framework. Standing of NGOs.

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What are the ways in which NGOs may engage in judicial or other relevant procedures?

What types of proceedings (civil, administrative, criminal, etc.) may NGOs engage in? Are there any differences in NGOs' standing in different types of proceedings?

Are associations entitled to act on behalf of parties (to represent a party in court)? Under what terms and conditions?

Are associations entitled to act in support of parties (to join already existing proceedings)? Under what terms and conditions?

Does your national law allow for *actio popularis* (when NGOs act in the public interest on their own behalf, without a specific party/victim to support or represent)? Please give details.

Does your national law allow for class action (when NGOs act in the interest of more than one individual party/victim for claims arising from the same event)? Please give details.

Are there any legal limits or practical barriers based on the interpretation of law that limit NGOs activities related to the proceedings or generally projects related to judiciary (like for instance restrictions on the entrance to the court)?

Legal provisions that provide the right of the NGOs for representation of a party in the administrative and judicial proceedings are distributed in different laws. It is noted that these provisions are not harmonized and clear and sometimes creates confusion in the way how should be implemented.

The Code of Administrative Procedures (CAP) provide general provisions for the representation of a party in administrative proceeding and it has no specific rules on representation of parties by NGOs. According to the Code of Administrative proceedings, the associations that act in the interest of protection of wide public interest have the right to initiate or to participate in administrative proceedings.

The Code of Civil Procedures in the Republic of Albania¹⁹ provides that representatives of parties with proxy (written or verbal) might be, *inter alia*, the authorized lawyers and other employees of the state institutions and legal persons. According to provisions of Civil Code and the Law on Non-profit organizations, non-profit organizations are legal persons. The Civil Procedure Code (CPC) provides the participation of third parties in the judicial civil proceeding. Concretely the Code categorizes the participation of third parties in the judicial proceeding as main intervention or secondary intervention. The procedural provisions foresee that anyone might intervene in the judicial proceeding, specifying also the distinctive criteria of these interventions, that in the case of main intervention is conditioned by the personal and direct interest of the third party and in case of secondary interventions is the indirect interest, or providing the assistance to support one of the parties in adjudication.

With difference of the provisions of civil procedural code with regard to the institute of legal representation, the Criminal Procedural Code²⁰ has no provisions for the representation in these kinds of processes from the authorized lawyers and employees of Legal Persons (including the nonprofit organizations). Generally, in the criminal judicial practice, non-profit

¹⁹ Civil procedures code determines the obligatory, same and equal rules for the adjudications of civil disputes and other disputes provided in this Code and other special laws.

²⁰ The criminal procedural provisions set the rules on the way of exercise of prosecution, criminal investigation and adjudication of criminal offences as well as those of execution of judgment. These rules are obligatory for the subjects of criminal proceeding, for state institutions, legal persons and citizens.

organizations that offer the free legal aid of legal representation are not eligible to represent the citizens with the name of their organization. Also the lawyers of these organizations should have the license of Attorney otherwise they are not eligible according to the law to represent a client.

Specifically, special laws such as the law no. 9970 date 24.07.2008, "On gender equality in society", Law no. 10221, date 04.02.2010, "On protection from discrimination" and Law no. 9669 , date 18.12.2006 "On measures against domestic violence " provide an active role of non-profit organizations through legal representation on behalf of the parties. Article 30 of the law "On Gender Equality in Society" provides procedures for resolving disputes, by recognizing that non-profit organizations, licensed for providing social services, could represent or support legal proceedings on behalf of the applicant, under the provisions of this law.. There is a limitation on the type of NGOs that might exercise this right, as the intervention of NGOs (representation or support) depends on the nature of the service that the organization provides and the fact of having a license for this purpose. Article 34 of the Law "On protection from discrimination" provides the entities that have the right to file suit for discrimination, states that: "An organization with a legitimate interest or the Commissioner on Protection from Discrimination may file suit on behalf of a person or group of persons, with the condition that the Organization or the commissioner should have consent expressed by a special proxy or with declaration before the court, expressed by the person or group of persons that are subject of discrimination". The law "On measures against domestic violence" provides that the centres (type of NGOs) and services for the protection and rehabilitation of victims of domestic violence, recognized / licensed by the Ministry of Social Wellness are legitimate subjects for applying for juvenile protection' Order and emergency protection order for adults and minors. In this case, their position of NGOs appears as that of the applicant and not to a third party. In the last two laws it is noted that NGOs have a primary role as the initiators of the proceedings and not that of the secondary interventionist in judicial proceedings. The lack of uniformity in legal framework provisions causes uncertainty in the correct application rate of these provisions, leading to the creation of obstacles and different interpretations.²¹

Criminal Procedural Code does not provide any provisions on third intervention of Legal Persons in criminal proceeding. Even though, in the judiciary practice there have been cases when NGOs with legitimate interest have submitted third opinions in criminal proceeding before the Court (Amicus Curiae)²².

An important tool that is recognized by NGOs based on the Albanian Constitution is their right to initiate a case before the Constitutional Court. Political Parties and other organizations might initiate a case before the Constitutional Court only for cases that are related with their interest. According to the article 131 of the Constitution, the Constitutional Court decides on:

- a) the compatibility of a law with the Constitution or with international agreements as provided in article 122;

²¹Intervention to the civil process and necessity for a fair understanding from organizations and association, Arjana Fullani (Presented during the National Conference "Active role of Nonprofit organization in protection of human rights and freedoms, through constitutional and legal instruments", 28 June 2011).

²² The third opinion submitted by Albanian Helsinki Committee jointly with Open Society Foundation before the High Court "On the possibility to review the final criminal judgments after the ECHR notes violation of due legal process. This third opinion was presented on the interest of the accused Mr. Lika and Mr. Laska who have won the case in Strasbourg Court, which has founded violation of due legal process in their case. For more information see https://www.osfa.al/sites/default/files/amicus_al.pdf

- b) the compatibility of international agreements with the Constitution, prior to their ratification;
- c) the compatibility of normative acts of the central and local organs with the Constitution and international agreements;
- d) conflicts of competencies among the powers as well as between central government and local government;
- e) the constitutionality of parties and other political organizations, as well as their activity, according to article 9 of this Constitution;
- f) removal from office of the President of the Republic and verification of his inability to exercise his functions;
- g) issues related to the eligibility and incompatibilities in exercising the functions of the President of the Republic and of the deputies, as well as the verification of their election;

Analysing the constitutional and legal provisions, in the light of constitutional jurisprudence, the necessary criteria that should be fulfilled by such organizations (including NGOs) to initiate a constitutional process are as follows:

- a) **The request should be filed by an organization**, which according to the Constitutional Court's jurisprudence should be registered as a legal entity.
- b) **The request should be made in accordance with the statutory rules** – It is important that the body of the organization that has presented the request before the Constitutional Court should be foreseen from the Statute of NGO as a representative body, or authorized by the organization.
- c) **The organization should claim the violation of its own interest** – According to the Constitutional Jurisprudence the procedure of abstract control of the constitutionality of legal norms (provisions) is initiated only by high state authorities, due to the public interest and without having a specific concrete interest. All other subjects, including NGOs, might initiate such cases only when they have direct interest, in accordance with their mission. According to the constitutional jurisprudence, these subjects should justify their interest proving and arguing before the Court the violation of a constitutional right or freedom. To the violated right, the real or potential damage, and not to the theoretical unconstitutionality of the provision.²³

Actio popularis, meaning that an NGO might act in the public interest on its own behalf, without a specific party/victim to support or represent, is not properly regulated in Albanian Legislation and there is no harmonized and coherent legislation on this issue. Legal initiatives of NGOs in exercising *actio popularis*, almost do not exist. Fragmentary and sporadic provisions of Albanian legislation might be considered as setting spaces for Actio Popularis, such as follows:

- a) The constitutional provision foreseen in Article 56 according to which ‘*Everyone has the right to be informed about the status of the environment and its protection*’ has been considered as a form of *Actio Popularis*’,²⁴.

²³ ‘Protection of the interest of Non Profit Organization through Constitutional Judgment’, Erind Merkuri and Prof. Dr Aurela Anastasi, (Presented during the National Conference ‘Active role of Nonprofit organization in protection of human rights and freedoms, through constitutional and legal instruments’, 28 June 2011).

²⁴ ‘Role of NGOs in strengthening the fundamental rights and freedoms and collective interests through judiciary and constitutional judgment’, Dr. Arta Vorpsi and Dr. Eralda Methasani, (Presented during the National NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

- b) The Code of Administrative proceedings provides that the associations that act in the interest of protection of wide public interest have the right to initiate an administrative proceeding, without conditioning it with the legal representation of a party in these kind of proceedings.
- c) Law no. 9902, date 14.07.2008 "On protection of consumers" provides the right of consumers to establish independent organizations of consumers, on voluntary basis, in order to protect their interest according to the legislation into force. According to this law, these organizations have the right to undertake the legal actions before the court against the traders, in cases of violations of consumers' rights.

National law enables class action and in practice, there were cases in which NGOs have initiated such cases.

NGOs mostly choose administrative intervention as it has no financial cost, it is shorter, it might be addressed even by the use of the written communication, without asking the obligatory participation of the representative of the party.

Thematic questions

In each of the following thematic sections please provide following information:

- Do NGOs in your country engage in this type of activity?**
- If yes, please provide more information, examples of particular organizations, examples of particular projects**
- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others**
- Please share information on any barriers, problems, NGOs face in this type of activity**
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)**
- Please note whether you attach "the organization business card" or "project business card" relevant for this type of activity**
- Please address also other particular questions included in the particular sections**

Monitoring of the judiciary by NGOs

For instance: monitoring of courts' activities, monitoring of communication of courts with citizens, monitoring of judges appointments etc. Please note that this is different from monitoring of the legislative process and trial observation which are the separate categories below).

- Do NGOs in your country engage in this type of activity?

NGOs in Albania are engaged in several monitoring missions related to the courts activities as it is mentioned above in the report. Specifically, the NGOs perform widely the most spread activities related to the judiciary. Few NGOs are engaged in monitoring the courts activities and making them visible to the citizens. NGOs which are mostly focused and specialized in the right of access to information are more engaged in monitoring the communication, attitude of the judges and judiciary administration' staff with the citizens.

The approval of the new law no. 149/2014 “On the right of information” has opened a new window for the citizens on fulfilling of their right of access to information regarding judiciary. The law foresees that courts and other Justice institutions are obliged to give information in the due time.

Recently, new initiatives are undertaken by new founded NGOs that are working in the field of the judiciary, which are focused on the monitoring of the High Council of Justice’ decisions related to the appointments and administrative proceedings of judges.

- If yes, please provide more information, examples of particular organizations, examples of particular projects

During the year 2014 and 2015, Albanian Institute for Political Studies (ISP) has implemented the project “*On monitoring the transparency and the attitude of the judicial administration towards citizens*”, financially supported by Open Society Foundation Albania²⁵. ISP has been focused during the implementation of this project on awareness, promotion and monitoring the communication between courts and citizens, the citizens’ access to the judicial procedures and files, and the prevention of impunity of the high officials that has violated the law. This project has been located in two newly established courts, Administrative court of the first instance in Tirana and the Appeal Administrative Court of Albania.

Albanian Media Institute (AMI) is in on-going process of implementing a project “Improving the access of information for the media and citizens”, focused in the activity of courts, financially supported by Civil Rights Defenders and with the contribution of Swedish International Development Cooperation Agency.²⁶ This project seeks to raise awareness among the media and public on access to information as a constitutional right applicable by all, as well as assist investigative journalism in its efforts to increase transparency of government. The project activities and objectives include the transparency of the judicial system and the public administration.

ResPublica Centre as a newly established NGO has recently started monitoring of the activity of the High Council of Justice from the transparency point of view as well as focused on the decisions taken within the disciplinary proceedings (project supported by Open Society Foundation Albania in frame of the initiative for fighting the impunity).²⁷ Its monitoring mission during the years 2014 – 2015 has consisted in the procedural and content of the decisions of High Council of Justice related to the disciplinary measures for the judges, the complaints against the disciplinary measures, the relations of HCJ with other constitutional institutions, etc.

- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others

Few NGOs are engaged in monitoring issues of the right of information and transparency in the judiciary. Meanwhile they are more focused on monitoring other aspects of the judiciary. Taking into consideration the increasing number of citizens that have proceedings before the courts and prosecution and the problems related to the respect of right of information and transparency from the judiciary, it is noted that the NGOs activity in this regard, so far, has not fulfilled the real needs.

²⁵<http://isp.com.al/2015/01/23/e-drejta-e-informimit-krasniqi-gjykatat-nuk-plotesojne-kapacitetet/>

²⁶<http://www.institutemedia.org/Documents/PDF/Indeksi%20i%20aksesit%20ne%20gjykata.pdf>

²⁷<http://www.osfa.al/>

- Please share information on any barriers, problems, NGOs face in this type of activity

These activities are less preferable to be monitored by NGOs due to the fact that they need professional expertise especially on the judge's appointment activities or High Council of Justice 'activity'.

Another barrier that NGOs face is related to the technology that is applied by the court on administration and processing the data and information. Some of the courts lack modernized system of information and archives. As it was mentioned earlier in this study, the unified electronic case management system that ensures a random and transparent allocation of cases to judges is not yet used by several courts.

- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)

Lack of proper funding, lack of expertise and proper human resources, lack of tradition in monitoring such kind of activities are some of the reasons that NGOs do not engage actively in this kind of activities.

- Please note whether you attach "the organization business card" or "project business card" relevant for this type of activity

There are not attached documents such as organization card or project one

NGOs monitoring, advocating and engaging in the legislative process regarding judiciary

This section also covers engagement of the NGOs in the debate on judiciary and its systemic changes that may be part (or not) of the legislative process.

- Do NGOs in your country engage in this type of activity?

The main activity of NGOs in the judiciary are the advocacy activities, participation in round tables, debates, seminars, conferences where different problems are discussed that affect the judiciary.

In the framework of the reform on justice, in the Period April – July 2015, the Ad hoc Parliamentary Committee has held several round tables and forums with NGOs representatives in Tirana and in other cities. A considerable number of NGOs have participated in these activities and had given their expertise, comments and suggestions based on their experience in judiciary system²⁸.

NGOs have been main actors which have given comments and suggestions for several draft laws related to the judiciary. Sometimes NGOs have participated in institutional or non-institutional working groups for preparing draft laws and on some other occasions have been the initiator of several draft laws, such as the Law on free legal aid, Law on protection from discrimination, Law on access to information, Law on public notification and consultation, the draft law on the execution of final decisions of ECtHR, etc.

²⁸<http://reformanedrejtesi.al/>

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Also, NGOs are often invited and participate actively in such activities related to the judiciary, organized by international organizations or embassies.

- If yes, please provide more information, examples of particular organizations, examples of particular projects

In 2015, NGOs have given their contribution in legislative process in Justice System through an active participation in the consultative activities organized by Ad hoc Parliamentary Committee on the judicial reform. As already stated in this report, the Ad Hoc Committee has established the network of public consultation, part of which are several organizations that work in the field of Rule of Law, Judiciary and Human Rights, which have expressed their will to cooperate with the Committee and to provide contribution in the process of consultation. The portal of Justice Reform²⁹ launched by the Ad Hoc Committee on 8 June 2015, lists 10 NGOs which have accepted the invitation of the Committee to be part of the Network of Public Consultation, respectively:

1. Union of Judges
2. Free Legal Aid
3. Res Publica
4. Albanian Helsinki Committee
5. Centre on Legal and Civic Initiatives
6. Partners Albania
7. Institute on Democracy and Development
8. Moisiu Foundation
9. Institution on Judicial and Constitutional Studies
10. Criminal Attorneys

During the year 2014, Soros Foundation in collaboration with the Union of Judges and the Association of Prosecutors, has held several advocacy activities related to the constitutional reform of judicial aspects. The survey “Measuring the perception of the judges and prosecutors related to the constitutional reform” was conducted in 22 courts and prosecutor offices and in 6 appeal courts and prosecutor offices.³⁰ In this framework, Soros Foundation has held several round tables in which the NGOs have given their opinions about the Constitutional Reform.

In 2014, ALTRI centre³¹ has held a survey (within the project “Constitutional reform from the academic and civic prospective”³²) with the representatives of civil society in Albania, professors and students related to the need of the constitutional reform (including judiciary). 160 representatives of the civil society were surveyed and most of them supported the necessity of the constitutional reform³³.

Some years ago, TLAS, based on its experience in providing free legal aid, has drafted a new law on the legal aid services. This was the first law that provides the legal aid system, as well a legal aid strategy (policy paper). The Law no. 10039 “On Legal Aid” was approved in

²⁹<http://www.reformanedrejesi.al/rrjeti-i-organizatave-jofitimprur%C3%ABse>

³⁰http://www.reformakushtetuese.al/sites/default/files/press_03_law_bulletin.pdf

³¹With the support of the Soros Foundation.

³²<http://www.osfa.al/ngjarije/tryeze-e-rrumbullaket-reforma-kushtetuese-nga-perspektiva-akademike-dhe-civile>

³³http://www.reformakushtetuese.al/sites/default/files/press_04_law_bulletin.pdf

December 2008 and was enacted in April 2009³⁴. TLAS has played a leading role in the drafting and implementation of the subsidiary legislation according to the law and in the establishment of the proper structure provided by this law.³⁵

Albanian Helsinki Committee (AHC) for 8 years runs the program that covers the legal and institutional reform and access of citizens to judicial system.³⁶ Through this program, AHC has offered legal opinions and has advocated for new normative acts and amendments to existing laws, with a special focus on legal initiatives that contain regulations related to fundamental human rights and freedoms.

Some years ago, AHC has prepared a draft law related to the execution of the Strasbourg Court' Judgements. This initiative was financially supported from Open Society Foundation Albania. At the end, this initiative was not successfully finalized because of missing the political will. Despite the fact that AHC has lobbied in the Ministry of Justice on the necessity of this law in our legal system, it was not formalized by this Ministry as a legal initiative to be sent in the Parliament.

Open Society of Albania (Soros Foundation) has implemented some operational projects with a group of well know experts focused on monitoring the previous 3 annual Strategies on judicial reform and its action plan. Each of these years, Soros Foundation drafted a monitoring report which was widely publicly discussed.

Albanian Disability Rights Foundation, through several projects during last years has contributed to improvement and implementation of legislation and comprehensive policies which affect the quality of life of people with disabilities. 16 pieces of legislation related mostly to disability rights have been improved due to the project interventions. But they have also aimed at mainstreaming disability in the general legislative framework, such as the Law on Electronic Media, Law on the Status of Civil Servant, Electoral Code etc.

- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others NGOs have had an active engagement in carrying out such activity, by giving a significant contribution in this regard. Despite this, it should be mentioned that there are very few organization that have proper expertise and a very good experience in this regard.

- Please share information on any barriers, problems, NGOs face in this type of activity

The approach of state actors to consultation with NGOs of policies and legal initiatives is getting better year after year. In recent progress reports of the European Commissions for Albania it was noted however that despite of the progress that was marked in this regard, consultations with CSOs need to become more systematic and transparent, including follow-up on their recommendations and by giving them reasonable time to consult and contribute in the legislative process. In October 2014, a Law on public notification and consultation was approved which aims to provide a clear framework for the process of public notification and consultation of draft-laws, national and local strategic draft-documents, as well as policies of a high public interest. Even though, NGOs face difficulties in providing professional expertise

³⁴This has been supported by Civil rights defenders (the former Swedish Helsinki Committee).

³⁵<http://www.tlas.org.al/en/advocacy-and-law-improvements>

³⁶Supported financially by Civil Rights defenders (the former Swedish Helsinki Committee) NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

in the law making process at the stage of parliamentary procedures as result of non clear rules and lack of sufficient deadlines in the Rules of Procedure of the Parliament.

Another problem that is faced by NGOs is the lack of an effective tool that could measure the impact of their suggestions and recommendations with regard to the draft law.

- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)

In conclusions to the answers and arguments given earlier in this report, for those NGOs that have in focus issues affecting the judiciary but do not engage in these types of activity, the reasons for this approach might be (non exhaustive ones) as follows:

- a) Lack of expertise in advocacy, lobbying, and knowledge of law,
- b) Lack of sustainable financial support and sometimes lack of donor interest to support this kind of activity,
- c) Lack of clear' legal procedures and rules and non harmonization of the legislation on the consultation process and law making process.

- Please note whether you attach “the organization business card” or “project business card” relevant for this type of activity

Please find attached the organization card of AHC, TLAS and ADRF

Trial monitoring, trial observation, court watch

There are different kinds of trial observation. Shortly it may be divided into more in depth specialized observation of particular cases or types of cases (often but not necessary of the high profile cases) done by experts or court watch activity when common citizens (usually not lawyers, sometimes students) visit the court for one day and observe “the culture of judging”.

- Do NGOs in your country engage in this type of activity?

Most of the well known NGOs in the field of the judiciary have in their specific objective or activities the monitoring of the trials or hearing sessions. NGOs especially are focused in three kinds of monitoring mission's as follows:

- a) *Ad hoc* monitoring missions, related to the observation of particular cases based on the complaints addressed from the citizens, sensitive cases that have called the attention of public opinion or cases addressed by media or other reliable sources of information;
- b) *Planned* monitoring missions, related to the observation of a specific number of the hearing sessions selecting them randomly and taking into account a relatively widely spectrum of the aspects that will be monitored in a standardized manner; An example of planned monitoring hearing sessions are those related to the solemnity of the hearing session, to the procedure, to the principle for the fair trial, etc.
- c) *Thematic monitoring* missions, related to the observation of concrete and specific aspects of the trials based on a special and well developed methodology.
- d) *Other monitoring* related to different aspects of the judiciary activity that might be done outside the hearing sessions of the court such as the observation of the files of the Prosecution, the files of the Court, etc.

- If yes, please provide more information, examples of particular organizations, examples of particular projects

Since years, **Albanian Helsinki Committee (AHC)** is one of the leading organizations for monitoring the trials of ‘high profile’ cases and “the hot cases”.

AHC within the “Legal Clinic” program, performs every year monitoring missions to the courts. It performs also sporadic monitoring missions related to the performance of the judges and prosecutors, the length of the trials’ procedures, solemnity of the court, publicity of the hearing session and due legal process.

AHC’ observers have conducted sporadic monitoring in some courts such as: High Court, Appeal Courts and Courts of first Instances (especially in criminal sections). Each year, AHC monitors around 60 hearing sessions. The cases are selected based on the request of the interested parties or among sensitive cases published by media, which questioned the impartiality and independence of the judiciary, such as: “Ilir Meta” case, the former minister who was judged before the High Court on the charge raised by the Prosecution for corruption, “Gerdeci” case, the deadly blast of a military unit which killed 26 persons and “Remzi Hoxha” case, the case of a Macedonian – Albanian’ businessman and two other citizens who were kidnapped and tortured by the former employees of National Intelligence Service (SHISH) in 1995. Object of the monitoring in these trials were specific aspects of the article 6 of the ECtHR such as the postponements and publicity of hearing sessions, access to justice, impartiality of the judges, the attitude and performance of the prosecutor, attorneys, etc.

All the key findings resulting from these trials’ monitoring are published in AHC’ Annual Report on the situation of Human Rights in the Country.

AHC is focused also in the thematic monitoring missions such as:

1. Research study on decisions by the prosecutor office on non-initiation and dismissal of penal proceedings’ procedures for the execution of penal decisions³⁷

For monitoring of the files and decisions of first instance’ prosecutor and court in Tirana and Durres, 4 questionnaires were prepared. AHC’ observers have monitored in total 1890 decisions of both courts and 2380 decisions of prosecutor office.

2. Study report on criminal offences of corruption and other forms of abuse of office³⁸

AHC has conducted monitoring missions on the specific issue of the articles of Criminal Law that are related to the cases of corruption and misused of official duties. For the period 2012 – 2013 AHC’ observers have monitored the hearing sessions of the trials on the charges of corruption and misused of official duties and 370 final court decisions.

³⁷http://ahc.org.al/web/images/publikime/en/RESEARCH_STUDY_ON_DECISIONS_BY_THE_PROSECUTORS_OFFICE_ON_NON_INITIATION.pdf

³⁸http://ahc.org.al/web/images/publikime/en/STUDY_REPORT_ON_CRIMINAL_OFFENCES_OF_CORRUPTION_AND_OTHER_FORMS_OF_ABUSE_OF_OFFICE.pdf

The experts engaged in this study and monitoring were trained about the methodology for analysing the decisions and implementation of relevant legal framework by the courts.

3. Monitoring of the judgements (juveniles charged with criminal offences)

In 2013 AHC has monitored the court decisions issued by Tirana District Court for the year 2012 with regard to the criminal offense of theft charged on behalf of juveniles³⁹. A total of 550 decision of the Tirana District Court were monitored and studied. The focus of this study was the identification of the security measures (such as custody, home arrest, etc) that have been used mostly for the criminal offense of theft, considering it as a low risk offense.

The objects of this study were also rights of persons in a criminal process.

Centre for transparency and free information⁴⁰ (CTFI) through the support of the British Embassy in Albania during the period 2013 – 2014 has implemented a project⁴¹ which consisted in monitoring the:

- a) Postponed hearing sessions and the attendance of the witnesses and experts;
- b) Payment of court' fees, witnesses and experts' fees;
- c) Online complaints of the citizens regarding to the judiciary, addressed to the Justice Institutions such as Ministry of Justice and High Council of Justice⁴²

During the period September 2013 - March 2014 over 140 hearings were monitored, among which nearly 100 were selected for the study.

Centre for Legal Civic Initiatives (CLCI)⁴³ has conducted some trial monitoring within the project “Strategic litigation, for strengthening women’s rights and increasing their access in national and international protective mechanisms”, supported by United Nations Development Program, UNDP (2012-2013).

CLCI has implemented the project “Strengthening the system of transparency, effectiveness and impartiality of the Albanian courts, through the improvement of the quality of legal representation before the court and through the enhancing of the capacities of the civil society in monitoring and in addressing of these issues”. The project included monitoring of some hearing sessions and providing free legal aid for the victims of domestic violence, victims of discrimination and victims of Human Being Trafficking. The focus of the monitoring were mainly related to the principles of impartiality, access to justice, effectiveness of the court and other aspects of due process. The monitoring was held in four Courts of first instances, respectively in Tirana, Shkodra, Elbasan and Vlora during the period February 2012 – October 2013. In total 326 hearing sessions were monitored.⁴⁴

³⁹This monitoring was done in framework of a regional project with the Hungarian Helsinki Committee, supported by OSI Budapest

⁴⁰<http://www.transparence.al/>

⁴¹file:///C:/Users/user/Downloads/permbledhje_gjetje_dhe_rekomandime_korrik_2014.pdf

⁴²file:///C:/Users/user/Downloads/permbledhje_gjetje_dhe_rekomandime_korrik_2014.pdf

⁴³<http://www.qag-al.org/>

⁴⁴http://www.qag-al.org/WEB/publikime/raporti_monitorimit.pdf

CLCI during the years 2011 – 2012 has implemented a project of monitoring the courts decisions in the first instances courts of Tirana, Durrës, Shkodra and Vlora with regard to the recognition and implementation of the standards of gender equality in the courts proceedings. The monitored decisions included: 2146 court decisions regarding cases of divorce, 817 decisions regarding “issuing of immediate protection order” and 145 decisions in criminal cases regarding domestic violence.⁴⁵

Centre for the cases of public information (INFOCIP) has conducted a thematic evaluation on delays of the reasoning and delivery of judicial decisions (2014 – 2015)⁴⁶ of the High Court, Appeal Court of Tirana, First Instance Courts of Tirana and Durres, Appeal Administrative Court and the Administrative’ First Instance Court of Tirana.⁴⁷

- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others

NGOs that act in the field of judiciary mostly perform this kind of activities. Donors' interest in funding such activity is higher in comparison with the other NGOs activities in the field of judiciary. These activities have contributed to increase the awareness of media and public regarding to the different problematic that courts are facing in Albania. It has contributed also for citizens to have a better understanding of what is a violation of the rights especially in the courts and to increase the relevant remedies,

The methodology designed from NGOs is an important factor to measure the outcomes of such kind of activity. For example, the methodology of INFOCIP center (cited above) has enabled the process of the quantitative data of evaluation in such a way to achieve the identification of the name of the judge or judiciary instance that has issued the judgment. Due to this specific data, the Ministry of Justice has engaged its inspectors to carry out several inspections for those judges who have records, as identified by INFOCIP, for procedural violation, especially for those related to the delay on reasoning of the judgements. Due to these inspections, several disciplinary proceedings were initiated by the Minister of Justice to the High Council of Justice, which has accepted the most of disciplinary requests. INFOCIP confirms that the decisions of HCJ are a serious reflection and direct impact of its activity⁴⁸.

- Please share information on any barriers, problems, NGOs face in this type of activity

More or less the barriers and the problems that NGOs face in this type of activity are similar with the ones that are reflected earlier in this study for other activities, related to the non developed technology on data in the courts, due to the fact that the prosecution is a very closed institution in comparison with the court, the non proper methodologies that are used to measure the impact, dependence from the donor funding, etc.

- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)

- Please note whether you attach “the organization business card” or “project business card” relevant for this type of activity

⁴⁵ http://www.qag-al.org/WEB/publikime/raporti_shqip.pdf

⁴⁶ <http://www.infocip.org/al/?p=11464>

⁴⁷ http://www.osfa.al/sites/default/files/monitorimi_vonesat-ne-arsyetimin-dhe-dorezimin-e-vendimeve-gjygesore-2014.pdf

⁴⁸ <http://www.infocip.org/al/?p=11493>

Please find attached the organization card of AHC and CLCI

Involvement of NGOs in court trials.

This section includes strategic litigation (impact litigation, test cases), providing amicus curiae brief, as well as engaging in the proceedings in other possible ways, like social/citizens representative and similar. Please also include information on *actio popularis* and *class action* cases if possible and done by NGOs.

- Do NGOs in your country engage in this type of activity?

Very few organizations are engaged in this kind of activity and have the proper human resources and financial possibilities. NGOs that have established legal clinics are more engaged in court trials.

CLCI has been the first organization that has established the Legal Clinic and offers paralegal and legal services. Free Legal Aid Service (TLAS), Albanian Disability Rights Foundation (ADRF), Legal Clinic for the juveniles and Albanian Helsinki Committee (AHC) have been organizations that operated in this field after CLCI.

Amicus Curiae was used only in one case by two non profit organizations before the High Court.⁴⁹

Strategic Litigation is an indirect form of *Actio popularis* that is being applied by few specialized NGOs in Albania. Albanian Helsinki Committee and Centre on Legal Civic Initiative were among the first organizations that have represented strategic litigation cases.

- If yes, please provide more information, examples of particular organizations, examples of particular projects

During the period 2012 – 2013, CLCI have implemented the project “*Strategic litigation, for strengthening women’s rights and increasing their access in national and international protective mechanisms*”, supported by United Nations Development Program, UNDP.

AHC staff is focused and specialized in *strategic litigation*. The most important issues that AHC has dealt during these years are the cases for discrimination, violation of the right of due legal process, deny of access to justice, the inhuman treatment to the persons deprived of their liberty, etc.

One of the first and successful cases of Strategic Litigation from NGOs was the representation before the European Court of Human Rights and Albanian Courts of the case “*Lika and Laska*” from the lawyers of Albanian Helsinki Committee. Firstly, AHC' lawyers have represented the case before European Court of Human Rights (ECHR). The case was won before this court which has founded violation of the due legal process and ordered the reopening of the case. ECHR has noted that Albania lacked a specific legal remedy because the Criminal Procedure Code did not provide as a ground to reopen a *res judicata* case after a final judgment of the ECHR. After this judgment, AHC has represented the applicants to the High Court. During that time, randomly the High Court was adjudicating three other similar cases ‘*Xheraj v. Albania*, ‘*Berhani v. Albania* dhe ‘*Caka v. Albania* that were won by the Albanian applicants in ECHR for violation of article 6 of the European Convention (due legal

⁴⁹Please see https://www.osfa.al/sites/default/files/amicus_al.pdf (Albanian Version of the Amicus Curiae)
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process). Albanian Helsinki Committee has also sent to the High Court, in cooperation with Soros Foundation, an *Amicus Curiae* in the favour of the case. The High Court, in its decisions on the group of similar cases deriving from ECHR' jurisprudence versus Albania, has set the precedent that the final judgment of Strasbourg Court will constitute a legal ground on reopening the domestic judiciary procedures, for which Strasbourg has noted violation of due legal process and has ordered the reopening of the case, from the Appeal Court of Shkodra.

Another successful case, which is important in the Albanian jurisprudence of cases on torture, is the legal representation from AHC' lawyers of a person deprived of liberty, who was in bad health condition and has an urgent need of surgical intervention and other specific treatments, which are lacking to him in the prison. At the end of the judicial proceeding, the First Instance Court of Kruja has decided on 10.03.2015 (a final judgement), to fully accept the request of AHC' lawyers. In the reasoning of the decision the Court stated that: "... *the situation in which the applicant stayed, over the years of isolation has been exacerbated and worsened, causing him considerable suffering, which is considered as inhuman treatment, in violation of Article 3 of the ECHR and Article 25 and 55 of the Constitution of the Republic of Albania*".⁵⁰

Another instrument that might be considered as form of strategic litigations are the cases represented by some NGOs before the Constitutional Court, contesting the provisions of different laws and subordinate laws that are unconstitutional. Few NGOs have experience and professional capacities in using this constitutional legal remedy, in the interest of their target groups and in compliance with their mission. AHC is one of the most well known in this field. AHC has initiated 12 cases before the Constitutional Court for several laws from which they have requested to amend some articles or abolish the whole law as against Albanian Constitution. AHC in some cases has invested the Constitutional Court together with the Albanian Ombudsman.

CLCI also has sent a sub law on the courts tariffs and taxes, together with a judge of the district courts who has the right to request the incidental control. They have requested from the Constitutional Court to abolish the sub law as an obstacle of the access of the citizens to the court.

Res Publica Center has considered as class action the legal representation of the relatives of the victims of two different tragedies in Albania⁵¹:

- a) "**Gerdec Tragedy**" is related to the explosion of dismantling plant of ammunition on 15 March 2008, that has caused the death of 26 persons, among them two children, and injuries of 300 others citizens as well as the destruction and damage of over four thousand buildings of the area. After several legal remedies exercised by Res Publica and the Association of the Familiars of the victims of Gerdec, lastly the civil suit of one of the victim' familiars was accepted by the administrative court, obliging the authorities to pay the reward for the damage. This organization is representing 17 relatives of the victims of the same tragedy, in the same proceedings.

⁵⁰<http://ahc.org.al/web/images/deklarata/al/KOMITETI%20SHQIPTAR%20I%20HELSINKIT%20MUNDSOI%20PRAN%20NJ%20GJYKATE%20VENDASE%20MBROJTJEN%20E%20NJ%20ANKUESI%20NGA%20TRAJTIMI%20NJRZOR%20%20E%20DEGRADUES.pdf>

⁵¹<http://www.respublica.org.al/?s=gerdec&x=0&y=0>

- b) **The 2011 Albanian opposition demonstrations (also known as January 21 events)**, led to the killings of four demonstrators by the Guard of the Republic in front of the Prime Minister office. The children of one of the victim were represented by Res Publica before the Tirana District Court which has denied their request to be part of the criminal proceeding on the basis that they have not fully paid the tax of the suit. An application was filed by Res Publica to the Strasbourg Court for violation of procedural aspects of article 2 and 13 of the ECHR. Two other family members of two victims were represented by Res Publica before the District Court because they were denied the access to information on the prosecution file of this case. The judgment of District Court, not in favour of the applicants was contested directly before ECHR.

Another initiative of Class Action⁵² is the representation from TLAS of a group of 20 persons of Roma Minority that have lost Albanian citizenship in 1994. This situation has deprived these people during all this time to benefit from the state social services, economic aid scheme, to be registered as unemployed or benefit from social and health services. TLAS' lawyers followed a series of procedural steps which consisted in submitting the request to regain the lost citizenship of the Group of 20 Roma and also assisted them in the fulfilment of a voluminous number of documentation required according to the law. The issue is currently being pursued at state institutions in order to avoid delays and legal deadlines.

- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others

Generally, strategic litigation, *amicus curiae*, *actio popularis* and class *action* are used very rarely from non profit organizations. This kind of NGOs' activity is not yet consolidated in Albania. While the representation of the citizens before the administrative or court' instances have been used at a higher level in comparison with other forms of this activity.

- Please share information on any barriers, problems, NGOs face in this type of activity

- a) Legal framework that enables NGOs to implement such kind of activity is not very clear and harmonized. Due to this fact as well as due to the lack of consistent tradition, NGOs itself are not fully aware if such kind of activity constitutes for example strategic litigation, *class action* or *actio popularis*. During the report of NGOs' activity, sometimes, these tools of trial procedures are confused or overlapped with each other.

This kind of activity is not funded by the state budget and it is completely depending on foreign donations. Also, due to the lack of funds, very few NGOs have possibilities to have professional lawyers among their staff or to contract outside lawyers or experts in this field. Performing this type of activity require often too much time, as these procedures last for several years before the domestic or international Courts (ECHR). So this requires also consistence in keeping the same staff and having long standing projects that provide financial support.

- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)

⁵²<http://www.tlas.org.al/sq/histori-t%C3%AB-verteta>

- Please note whether you attach “the organization business card” or “project business card” relevant for this type of activity

Please find attached the organization card and project of AHC

NGOs working in the field of access to information. Transparency.

This section covers information on courts and their operation (including access to jurisprudence as well as access to information on administration and finances of courts).

- Do NGOs in your country engage in this type of activity?

Despite of the fact that the new law no. 149/2014 “On the right to information”, has opened a new window for citizens regarding the right to information, this kind of activity has been performed very rarely by NGOs, obviously in this last period

- If yes, please provide more information, examples of particular organizations, examples of particular projects

Albanian Institute for Political Studies (ISP) during the year 2014 and 2015 has implemented the project on “Monitoring the transparency and the attitude of the judicial administration towards citizens”, supported by Open society Foundation Albania⁵³. ISP has been focused on awareness, promotion and monitoring the communication between courts and citizens, the citizens’ access to the judicial procedures and files, and the prevention of impunity of the high officials who have violated the law. This project covered administrative courts.

- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others

Before the approval of the new law on the right of information, in 2014, the legal framework of the time had a vacuum for the right of the citizens to take information, especially from the judiciary administration. Transparency also as a legal concept has been developed lastly in our legal framework. Also, the donors has not sustained or expressed interest towards NGOs project for this type of activity.

- Please share information on any barriers, problems, NGOs face in this type of activity

- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)

In the context of the situation in our country, as regard the problems that citizens face for the access to information and transparency by the courts and especially from the prosecutor office which is a more closed institution, NGOs should put further efforts to perform at a higher level this kind of activity. Most of the courts in Albania do not have official websites and citizens have to take this information by the judiciary administration, meanwhile, with the exception of General Office Prosecutors, other prosecutors’ offices at first and second level do not have official websites.

⁵³<http://isp.com.al/2015/01/23/e-drejta-e-informimit-krasniqi-gjykatat-nuk-plotesojne-kapacitetet/>

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- Please note whether you attach “the organization business card” or “project business card” relevant for this type of activity

Due to the lack of such type of activity from the NGOs which have been interviewed for the purpose of this study, it is not attached the organization business card.

NGOs defending judiciary and judicial independence

While NGOs exercise social control over judiciary they may also act when the judiciary is under attack (especially political) and its independence is under threat.

- Do NGOs in your country engage in this type of activity?

Due to the fact that the organizations of judges and prosecutors are very active for protecting the interest of judiciary, other NGOs are more passive related to this kind of activity, acting only in those cases where serious incidents have occurred to representatives of the judiciary. These NGOs have reacted publicly, denouncing the grave violations of right to life, impartiality and independence of judges, and requiring the responsible state institution to redress the violations and take all the necessary protective measures.

- If yes, please provide more information, examples of particular organizations, examples of particular projects

NGOs that defend the judiciary and judicial independence are mostly engaged in the following types of activity:

1. *Public Reaction on the violations of the rights of the judges/prosecutors and infringement of the judiciary independence;*

Union of Judges has publicly reacted to the grave incidents that have occurred to judges, such as the attack with acid on face of the judge M.M of the Vlora Court, the killing by explosion in his car of the judge of Vlora Court, S.K, etc.

2. *Provision of legal critique in the legislative process for initiatives that are related to the organization and functioning of the judiciary / prosecution*

For instance on 22.04.2014, the Union of Albanian Judges has presented its official opinion with regard to the draft law on some amendments on the law on High Council of Justice. The letter was addressed to the Parliamentary Committee and was sent also to attention of the EU Delegation to Albania, OSCE, OPDAT, etc. In its opinion the Union of Judges presented its arguments that contested the article that foresee the suspending of the judge by the High Council of Justice in the case when a criminal proceeding was registered against him/her, until a final decision is issued on the merits of the case.

3. *Initiating a case before the Constitutional Court*

Union of Judges has filed 7 complaints to the Constitutional Court for abolishing, as contrary to the Constitution, of several articles of the Law on organization of judiciary in the Republic of Albania, Law on High Court and Law on Judiciary Administration⁵⁴. Mean while, National

⁵⁴http://www.gjk.gov.al/web/Lista_e_Vendimeve_92_1.php

Association of Judges has initiated two cases before the Constitutional Court⁵⁵ and National Association of Prosecutors has initiated one case before that court⁵⁶.

- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others

Union of Albanian Judges is member since 09.07.2013 to the International Association of Judges, an international organization that has consultative status in UN and Council of Europe.

Among 7 cases that were initiated before the Constitutional Court from the Union of Judges, statistics show that 3 of these cases were concluded successfully in favour of the Union. Both cases that were initiated before the Constitutional Court from the National Association of Judges were concluded successfully. The request that was presented by the National Association of Prosecutors for abolishing as contrary to the Constitution of the law on the cleanliness of the figure of high functionaries of the public administration and elected persons (known as the law on Lustration) was accepted from the Constitutional Court. This has contributed in safeguarding the standards of the judiciary legislative framework in our country, in compliance with the principles and other constitutional provisions.

- Please share information on any barriers, problems, NGOs face in this type of activity

- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)

Non judges or non prosecutors' organizations have the tendency to strictly respect their mission of activity and target groups and not to create overlapping with the mission of the activity of NGOs that represent directly the interest of judges and prosecutors. That is the reason why such kind of activity are rarely performed by non-judges or non-prosecutors organization by focusing mainly on public reaction for grave incidents, as it is mentioned earlier in this study. On the other side, it exists a higher need to perform such activity from non-judges or non-prosecutors organizations. This would contribute in changing the mentality that the most strong reactions or activities in this regard are partially supported by judges and prosecutors NGOs and thus are not based on objective and impartial grounds. Also, the cooperation among NGOs that represents or not the interests of judges or prosecutors should be higher in performing such activities or undertaking joint initiatives in this regard.

- Please note whether you attach “the organization business card” or “project business card” relevant for this type of activity

As result of low level of activities of non judges and non prosecutors NGOs, it is not attached the organization business card or project business card relevant for this type of activity.

Trainings and workshops for judges organized by expert NGOs

⁵⁵http://www.gjk.gov.al/web/Lista_e_Vendimeve_92_1.php

⁵⁶http://www.gjk.gov.al/web/Lista_e_Vendimeve_92_1.php

This section covers educational activities organized by NGOs or in collaboration with NGOs dedicated to judges and judicial staff. This also covers NGOs (and their work) being an inspiration for creating official curricula.

- *Do NGOs in your country engage in this type of activity?*

Some NGOs are engaged in activities in collaboration with School of Magistrate which is the main institution that prepares the initial curricula for future judges and prosecutors and the program of training for judges and prosecutors in duty.

NGOs sometimes express their interest in giving their contribution but this is sporadic.

- *If yes, please provide more information, examples of particular organizations, examples of particular projects*

AHC within the project “Together against police and prison torture in Albania”, supported by the European delegation in Albania, has held in 2014, a training session in collaboration with the School of Magistrates, for judges and prosecutors on article 3 of the European Convention on Human Rights.

CLCI has organized several trainings in collaboration with the School of Magistrates for judges and prosecutors in 2014-2015 (on rights of victims of violent crimes, domestic violence, victims of trafficking in human beings, etc.). In January 2015 CLCI have also organized a study visit for judges and prosecutors in the Netherlands⁵⁷. The centre has made efforts that the curricula of the School of Magistrate could be reviewed from the perspective of the rights of the victims of trafficking of human beings, during 2015.

- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*

- *Please share information on any barriers, problems, NGOs face in this type of activity*

A barrier that is encountered by NGOs is that the judges are not eager to participate in their activities and to learn about the main findings of the reports and analyses. Often, judges or prosecutors are sceptic about NGOs training or other activities in which are presented these findings, claiming that such reports or analyses should be initiatives of public authorities.

As the responsible institution for preparing the training plan is the School of Magistrates, these organizations should engage very high profiled and well known experts in order to ensure the professionalism and to ensure the participation of judges and prosecutors in the training sessions. This is a high cost that not always is sustained by the donors funding.

- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*

- *Please note whether you attach “the organization business card” or “project business card” relevant for this type of activity*

⁵⁷These activities organized during 2014-2015 are organized under the frame of the MATRA CoPROL project “Promoting a Victim-Centered Approach in Trafficking Cases in Albania and Bosnia-Herzegovina”, financed by the Dutch Ministry of Foreign Affairs

Please find attached the project card of AHC.

NGOs as organizations educating citizens in about the judiciary

This section covers all possible types of education and awareness raising about judiciary done by NGOs. This may include trial simulation, visits in courts, other events in interaction with courts and judges.

- *Do NGOs in your country engage in this type of activity?*

Such kinds of activities have been performed rarely and on sporadic basis. In some cases, NGOs have altered the activities related to the judiciary, by doing at the same time, monitoring of the judiciary and increasing the awareness of the citizens. None of the organizations that was interviewed for the purpose of this study has reported specific activity related to citizens' education about the judiciary.

The trial simulations are less popular nowadays. It was organized sporadically by the program JUST of USAID in collaboration with the Law Faculty of University of Tirana.

- *If yes, please provide more information, examples of particular organizations, examples of particular projects*

TLAS has held several street law activities, through which has raised the awareness of citizens in accessing the court and by informing about the judiciary procedures.

ISP has organized awareness campaign for the public on their right of information and access into files. This has been done through distribution of the leaflets and the posters.

- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*

- *Please share information on any barriers, problems, NGOs face in this type of activity***
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)***
- *Please note whether you attach “the organization business card” or “project business card” relevant for this type of activity***

No documents are attached about this section

Any other form of NGOs – courts interactions that do not fit into previous types

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please list them here.

International cooperation

Were/ are there any important projects in our area of interest that were done as a part on international projects or in international cooperation?

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

An International project implemented by Hungarian Helsinki Committee

In December 2011 the HHC – with the financial and professional aid of the Open Society Foundations – launched a project aiming at producing advocacy efforts to challenge pre-trial detention in countries from the CEE-FSU region, and to identify common problems and good examples in terms of legislation and practice regarding pre-trial detention and alternatives to detention throughout the region. Albania has been part of this project with its country report.

The project also seeks to raise awareness about the need to apply alternatives to detention and to contribute to the capacity building of NGOs participating in the project.

The excessive and lengthy use of pre-trial detention continues to be a serious problem throughout the Central Eastern Europe and the former Soviet Union (CEE-FSU) region, and the practice of pre-trial detention in most countries of the region seems to be contrary to the case law of the European Court of Human Rights. Furthermore, the socioeconomic impact of excessive pre-trial detention is profound, affecting not just the individuals detained, but their families, communities, and even states. There are viable alternatives (house arrest, geographical ban, bail) to pre-trial detention set out in the legislation of most CEE-FSU countries, but statistics show that these are rarely used, with full deprivation of liberty still heavily favored in the region. Thus, there is an increasing need to build support for reforming pre-trial detention laws and practices.

In the first phase of the project, the HHC conducted extensive research to identify international – mainly European – good practices as well as key experts on pre-trial detention and alternative coercive measures. The HHC also prepared an overview of already existing data. An advisory board with the key international experts of the topic was established to support the work of the project staff. In 2012 the HHC collected information from 17 CEE-FSU countries (including Albania) on their laws and practices regarding pre-trial detention and alternative coercive measures with the aim of identifying common features and shortcomings. The research was carried out based on a standardized questionnaire, which was filled in by local NGOs. The questionnaire took a holistic approach; it looked at the legislation and practice, statistics and opinions, qualitative and quantitative data, snapshot and flow statistics, and it incorporated desk research with field research. Furthermore, it was designed to point out good practices and any practices that do not live up to applicable international standards.

Based on the questionnaires received from NGOs the HHC compiled a draft study outlining the legislation and practices of countries within the CEE-FSU region, with respect to pre-trial detention and its alternatives. The HHC organized a three-day workshop building on the key findings of the research. The workshop took place in Budapest between 29 November and 1 December 2012. 41 experts participated at the workshop; the participants consisted of representatives of the NGOs that worked on the country research, members of the advisory board, other Open Society Foundations experts and staff members, and HHC staff. The event also brought together a number of international experts from the United Kingdom. The event focused primarily on the results of the study and the research process. It drew extensively on a comparative analysis of the countries from the CEE-FSU region

and also highlighted concrete examples from countries.⁵⁸ The report is published with the concrete findings and recommendations⁵⁹.

Part 2

NGOs “organization cards”

Please see methodology section above.

Please use the format of the proposed table for “organization card” of the NGO.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Albanian Helsinki Committee

Tel: 00355 4 2233671

Mobile of AHC office: 00355682023699

Mobile Legal Clinic: 00355694075732

e-mail: office@ahc.org.al

web address: www.ahc.org.al

Address: Rr. Brigada e VIII,Pall "Tekno Projekt", shk.2 Ap. 10, Kati 6, Tirane
Postal Code No.1752

AHC’s mission is to contribute to respect for human rights, strengthening the rule of law, and the conduct of free and fair elections, in accordance with the Constitution, ratified international acts, and legislation in force in the Republic of Albania. AHC’s mandate, pursuant to its mission, is to:

- Monitor, lobby, and advocate, proactively, together with other civil society actors, national and international organizations, for the fulfilment of standards of fundamental human rights and freedoms;
- Sensitize Albanian citizens and all relevant actors about their rights and freedoms;
- Help with the implementation of laws through capacity building for the public administration;
- Encourage the accountability of the public administration for the correct implementation of laws through public denunciation of violations and abuse of human rights;
- Prepare alternative reports regarding the implementation of human rights and freedoms in Albania; and
- Offer legal critique and expertise for the improvement of legislation and its harmonization with the *acquis communitaire*, and its correct implementation in practice

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and

⁵⁸ For more information please refer to the address, <http://www.helsinki.hu/en/promoting-the-reform-of-pre-trial-detention-in-cee-fsu-countries-%E2%80%93-introducing-good-practices-2011-2013/>

⁵⁹ http://www.helsinki.hu/wp-content/uploads/Pre-trial_detention_in_CEE-FSU_countries.pdf

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deliverables (reports, publications) of the project.

Below we list examples of NGOs AHC has interaction and collaboration with judiciary through:

- Monitoring of the judiciary by AHC;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- Trainings and workshops for judges organized by expert of AHC
- Educating citizens about the judiciary;
- Advocacy activities in defending the judicial independence.

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

AHC has had several success stories related to the judiciary, since its activity is very well known in this field.

AHC had good collaboration and interaction with the prosecutor offices during its initiative for studying the prosecutor decisions for dismissal of proceeding and the refusal of proceeding. It was the first time that an organization has study the prosecutor files in order to prepare a study report on the activity of the prosecutor offices of Tirana and Durrës.

AHC, each year has performed monitoring activities of the hearing sessions and the court activity. AHC has conducted successfully thank to the good collaboration with Tirana and other district courts several monitoring missions, such as planned, ad hoc and thematic monitoring missions. AHC has published as part of its Annual report on the HR situation or separately the findings and recommendations of the judiciary aspects.

A good experience is even the contribution of AHC in giving its contribution in legislation process in frame of the respect of citizens' rights and respecting the independence and impartiality of the judges and prosecutors.

AHC has been the first organization which has dealt with strategic litigation cases in order to remedy the human rights violated, such as the due legal process rights, f.e Lika and Laska case representing in ECtHR.

Representing legal cases before national or international courts are the most significance impact and collaboration between AHC' activity and judiciary.

Concretely, AHC has followed more than 10 cases that contain strategic litigation. Especially, two of them can be good practices that requested even the legislative's improvements.

1) L. & L. - This is the first and successful case of Strategic Litigation represented before the European Court of Human Rights and Albanian Courts from Albanian Helsinki Committee. Firstly, AHC' lawyers have represented the case before European Court of Human Rights (ECHR). The case was won before this court which has founded violation of the due legal process and ordered the reopening of the case. ECHR has noted that Albania lacked a specific legal remedy because the Criminal Procedure Code did not provide as a ground to reopen a *res judicata* case after a final judgment of the ECHR. After this judgment, AHC has represented the applicants to the High Court.

During that time, randomly the High Court was adjudicating three other similar cases ‘*Xheraj v. Albania*, ‘*Berhani v. Albania* dhe ‘*Caka v. Albania* that were won by the Albanian applicants in ECHR for violation of article 6 of the European Convention (due legal process). Albanian Helsinki Committee has also sent to the High Court, in cooperation with Soros Foundation, an *Amicus Curiae* in the favour of the case. The High Court, in its decisions on the group of similar cases deriving from ECHR’ jurisprudence versus Albania, has set the precedent that the final judgment of Strasbourg Court will constitute a legal ground on reopening the domestic judiciary procedures, for which Strasbourg has noted violation of due legal process and has ordered the reopening of the case, from the Appeal Court of Shkodra. Meanwhile the Appeal Court of Shkodra has decided dismissal of the case due to the lack of the evidences.

2) F. Z. - This citizen is serving the imprisonment sentences in the Prison of Kruja since 09.09.2009. At the time of arrest, he was wounded with firearms by the police staff, a condition followed by careless surgery, which has led to problems in his left leg. After some time, F. Z. suffered a fracture of the metal plate placed in his left leg. The IEPD Kruje, where he was serving the sentence, has not shown proper care for his continuous medical supervision. As a consequence of the lack of this intervention, Mr. F. Z. was suffering a constant and continuous inhuman treatment.

IEPD Kruje where he is currently serving the sentence, the Prisoners’ Special Health Institute or the General Directorate of Prisons has not taken measures for the appropriate treatment and surgical intervention into the inmate’s leg.

In September 2014, AHC filed to the District Court of Kruja a Request with the object: “Guaranteeing adequate medical service by the General Directorate of Prisons and the Prison of Kruja and interruption of inhuman and degrading treatment as a result of the lack of this treatment,” and the relevant documentation, a part of which was provided by the Ombudsman. In the end of the process, the judge accept the AHC’request, and in its final decision he accept that was finding inhuman and degrading treatment because of the lack of adequate medical service.

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

Regarding the length of judicial procedures, AHC’ staff has faced problems with prolonged processes and delay in providing justice, affecting for bed the lives of the citizens. Also, in any case AHC has found legal vacuum in terms of “*ill-treatment or torture*” and lack of professional knowledge about the nature of this legal concept.

There is a need on the legislative changes to include the last ECHR’ jurisprudence in our justice’ system. Meanwhile, AHC consider that a challenge in its work is the improvements of the law and the reform in judiciary.

These problems request closer relationship between the judiciary and civil society, within the monitoring, making studies on these problems, trainings, etc.

The NGOs can perform their activity in judiciary with the support of donation, which in last years these funds are reduced.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication



The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

Continuously, AHC has had in its focus of activities regarding judiciary, because of the specific importance of the system on building rule of law in the country. For this reason, a part of AHC' staff have been lawyer or attorney, to be updated with the problems of the judiciary and to have easier relationship with it.

Also, AHC has 7 correspondents and a number of long-term observers who are graduated as lawyer or attorneys. They have performed many monitoring missions in prisons, police stations, court' sessions, etc.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important. Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Tirana Legal Aid Society (TLAS) is an independent, non-profit legal services organization with the mission of “*Fulfilment of the legal and social needs of the people in need, education and raising of the awareness of the Albanian society on the rule of law and human rights; initiatives on the improvement of the legal system, development of the community and strengthening of the democracy in Albania.*” TLAS was founded in 1999 as a project of CAFOD Albania. It became an independent organization in 2006.

TLAS provides legal services for civil, administrative, family law, labour law cases, and cases involving violations of human rights to Roma, other minorities, people with disabilities, orphans, pensioners and other individuals with insufficient income.

TLAS has three major objectives: *First*, the provision of the free legal services for civil cases for individuals in need by giving legal information and advice and representation in court and administrative bodies; *Second*, improving public awareness of individuals in need of their legal and social rights and the right to access to justice. *Third*, improvement of legislation, regulations and practices through lobbying and advocacy campaigns, for the protection of the rights and interests of vulnerable communities. While services are focused on the Tirana district, TLAS provides telephone advice (law line) services, mobile clinic, trainings and street law activities in other cities throughout the country.

TLAS's major activities are:

(i) Direct Services to Individuals: The direct services include paralegal services for administrative cases, legal services for court cases, “law line” services for legal advice over the phone, clinics to enable individuals to represent themselves before state authorities, mediation for alternative dispute resolution and mobile services to reach vulnerable individuals in remote areas.

(ii) “Street Law” Activities: TLAS organizes visits and meetings through street law activities in the urban and rural areas of Tirana and other cities. It also publishes a newsletter and brochures and leaflets with legal information in simple, easy to understand terms.

(iii) Monitoring: TLAS regularly conducts monitoring projects on different aspects of the legal system like monitoring reports on the level of corruption in the Notary Public system, on the activity of the Bailiff's Offices, on the functioning and work of the Court Administration; and on the level of

satisfaction of the public toward court services.

(iv) Lobbying and advocacy activities: TLAS engages in advocacy and lobbying activities for the improvement of the existing legislation, as well for the drafting of the new legislation. They have had significant success in this area, including getting important amendments to laws on property, civil registration and in the establishment of a nationwide legal aid program. TLAS is also working on improvements to court administration, disability pensions for veterans, and pension credit for work done by former prisoners.

(v) Internship Student Program: Students from the Faculty of Justice and Social Sciences are present in TLAS offices, involved in information and awareness activities of street law, in mobile services and in assisting the clients' case management as well as in other monitoring, surveying, legal initiatives and training activities.

(vi) Support for Non-Profit Organizations: TLAS provides legal assistance to non-profit organizations that work with and include members of the target groups for TLAS services. The assistance includes registration in court of local associations and training workshops for the strengthening of their legal capacities.

(vii) Training for Government Employees: TLAS provides training workshops for the public administration employees, judges and civil status offices employees.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Activities of TLAS and interaction and collaboration with judiciary:

- Trial monitoring, trial observation, court watch;
- Involvement of them in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);-
- monitoring, advocating and engaging in the legislative process regarding judiciary;
- Working in the field of access to information. Transparency;
- Activities in educating citizens about the judiciary;
-

Projects related to the judiciary chronologically:

Name of the Recipient Organization: Tirana Legal Aid Society (TLAS) – Cafod Albania

Project Title: Amendment of the legal and subsidiary acts on Court Clerk Activity

Project Dates: 1 April 2004 – 31 August 2004

Reporting period: end of August 2004

Name of the Recipient Organization: Tirana Legal Aid Society (TLAS) – Cafod Albania

Project Title: Consumers' Opinions on Notary Services

Project Dates: 1 April 2004 – 31 August 2004

Reporting period: end of August 2004

Name of the Recipient Organization: Tirana Legal Aid Society, TLAS

Project Title: "TLAS survey to measure the satisfaction of courts' users"

Project Dates: 15 April – 15 June 2008

Reporting Period: 15 April – 31 May, 2008

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

Representing the citizens without proper means in courts through legal aid program.

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

Improvement the performance of the courts in terms of length and procedures for the cases which are represented by TLAS

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

The challenges faced during some specific cases which are represented by TLAS in courts, such the poor living conditions for the children, child protection cases, etc. due to the low professionalism of the judges related to the children rights and the principle of the high interest of a child.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

Training staff, experts, detailed methodology of monitoring through questionnaires, etc

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.
Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name: Centre for Legal Civic Initiatives

Contact information: Prof. Dr. Av. Aurela Anastasi

The mission: CLCI's mission is to support, aid and provide legal education to the citizens, giving priority to women and girls, so as to increase their access to public institutions, and in particular to the justice system, through:

- Offering free psychosocial and legal services for the victims of domestic violence and of other violent acts and for the people in need.
- Legal education, with the aim of recognizing and exercising the human rights and freedoms, as provided for by the Constitution, international acts and laws.
- Advocacy and lobbying for democratization of the justice system and building of its effectiveness, by studying, monitoring and standarising the best experience and practice in the justice field.
- Undertaking and support of initiatives for improving the legislation and for lobbying for draft-laws and state policies in the field of protection of the human rights, focusing on gender equality, fight against domestic violence, fight against corruption and trafficking of human beings, aiming their full compliance with the best advanced international standards and the European Union acquis.

key areas of activity:

- ❖ Our centre has as the main activity to offer legal assistance, free of charge, in particular to poor and abused women and girls, including legal counselling, preparation of acts, provision of a lawyer to represent such a person in the court, up to final trial, in the police, in prosecutor's office, in Constitutional Court or international courts and in Bailiff Service, too.
- ❖ Legal education provided for women and girls of urban and especially rural areas, is one

of the most important activity. We have considered it as very important because in rural areas is going on to exist a patriarchal family with a number of members and the information gained by women will be distributed to the other members of the family.

- ❖ Having in the focus prevention of re-victimization of women and girls by professionals of justice system and other professionals, with our trainings, monitoring, surveys, studies, researches and standarising in the field of law and practices of justice we have had the impact on the professionals of justice system.
- ❖ Publication and dissemination of juridical literature for the professionals of justice system and students of private and public Law Faculty; training of a number of lawyers from Tirana and other cities of Albania in the law “On measures Against Violence in Family Relations” and other gender laws making them more responsible on women’s issues; training a pro bono team with students of Tirana Law Faculty on the law “On measures against violence in family relations” and our attempts to attach these students near our Centre and near the Legal Clinic in Tirana University, Law Faculty to provide free legal assistance for violated women and girls have been part of our activity, too.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

CLCI has a huge activity related to the judiciary aspects, such as:

- **Monitoring of the judiciary by NGOs;**
- **Trial monitoring, court watch;**
- Involvement of NGOs in court trials through **strategic litigation, in the name and in support of the party;**
- NGOs working in the field of access to information. Transparency;
- **Trainings and workshops for judges organized by expert NGOs**
- **NGOs as organizations educating citizens about the judiciary;**
- **Analysing the implementation of the legislation by the judiciary;**
- **Monitoring of the judiciary attitude to victims approach.**

BEST PRACTISES

The specific (resulting from the organization’s experience) examples of good practices of interaction between NGO and the judiciary.

-The trainings organised by the CLCI for the judges and prosecutors, in cooperation with the School of Magistrates make one of the best practices in the activity of CLCI, during 2014-2015.

Through these trainings are strengthened the capacity buildings of the judges and prosecutors in general, , their knowledge on victim’s rights, it is increased the awareness of the judges on the rights of the victims in cases of domestic violence, trafficking the human beings, etc.

-The Serious Crimes court express it’s collaboration in offering all the access to the hearing sessions of the students, members of the pro bono teams under the supervision of the lawyers of the center.

-Study visits organised in the Netherlands for trained judges and prosecutors during January 2015 was one of the best practices.

-It is planned that the curricula of the School of Magistrates to be reviewed from the perspective of the rights of the victims of trafficking of human beings, during 2015. **These activities organized during 2014-2015 are organized under the frame of the MATRA CoPROL project “Promoting a Victim-Centre Approach in Trafficking Cases in Albania and Bosnia-Herzegovina”, financed by the Dutch Ministry of Foreign Affairs.**

The project is implemented in cooperation between the Centre for Legal Civic Initiatives, the Netherlands Helsinki Committee, the Albanian School of Magistrates and the Dutch Training and Study Centre for the Judiciary.

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

-One of the challenges was that during the monitoring activity of CLCI in the last years, there were cases when judges did not allow students to monitor.

-The judges are not so active to participate in different activities in which they are invited to participate and to learn about the main findings of the reports and analyses.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

Some of the main resources of the organisation are:

- (a) The staff of CLCI is well trained;
- (b) Establishing pro bono teams with the best students of Law Faculty, Tirana University is one of the resources of the centre;
- (c) The members of pro bono teams, students of law faculty are well trained;
- (d) The students who monitor undertake the monitoring based in a schedule of monitoring which is prepared by the experts. The students do monitoring under the supervision of the lawyers of the centre;
- (e) CLCI offer a very good expertise regarding issued of the judiciary, due process of law, respecting the rights of the victims in the violent crimes, etc.
- (f) The staff of CLCI has very good capacities in using the methods;
- (g) The cooperation in national level with other organisations working on providing free legal aid is another resource of the centre;

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important. Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Albanian Disability Rights Foundation is registered in court as a non-profit organization. It has the form of foundation with the head office in Tirana, but its activities address and cover the needs of people with disability around Albania (through direct and indirect action for improving the situation of the disability persons, providing concrete proposals and comments for laws on disability persons rights, monitoring the implementation of the laws and sensitizing the public) It has its focal points on district level, in Shkoder, Elbasan and Vlora. It runs and manages two main programs, Disability Rights Resource Centre and The Wheelchair workshop.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

The activity of ADRF aims to protect the rights of people with disabilities by:

- Offering free legal aid to increase their access to justice;
- Empowering mainly young people with disabilities to claim their rights;
- Influencing the design of all inclusive policies and legislation (Mainstreaming disability).

The project focuses towards enforcement of the Law for Protection against Discrimination through increase of addressing of cases of discrimination on basis of disability as well through increased informative materials on this specific issue and advocacy activities to prohibit such cases and to strengthen the sense of rights protection among young disabled.

The project holds the Government accountable through consistent monitoring of Government Program with regards of the persons with disabilities , as well as with regards to recommendations from the previous monitoring reports, 2013-2014. Another monitoring report focused in the Albanian courts will tackle many aspects of the non-compliance of the guardianship system in Albania with the Convention on the Rights of Persons with Disabilities and will create the opportunity to set milestones and create a baseline evaluation, serving in the nearest future to pave the way through concrete recommendations for its reform.

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

The good practises are very rare and fragmentary with any of the institutions representing judiciary system in Albania. We see a tendency of the courts to not be that cooperative However, in terms of accessibility to courts, ADRF has had a great collaboration with the Judiciary Budget Management Office for two years where they pushed for changes in some courts in Albania in terms of accessibility for persons with disabilities.

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

The concept of 'access to justice' is a very broad concept and includes a series of mechanisms and aspects that create conditions and allow individuals to participate effectively in the justice system. Persons with disabilities in Albania are entitled to equal access to justice like everyone else, provided in the Constitution and a number of laws.

Unfortunately, in practice this has not been provided for the community of people with disabilities, due to a number of existing barriers:

- (a) Physical barriers i.e. the exclusion because of inaccessible built environment
- (b) Institutional barriers i.e. the systematic exclusion or neglect in social, legal and political institutions.
- (c) Attitudinal barriers i.e. the negative perceptions about disabled people by non-disabled people.

Even though the situation during these years has changed, especially in terms of new modern legislation protecting the rights of persons with disabilities, their level of implementation remains very poor. Often, institutions in charge of implementation of legislation lack human resource capacities and financial means.

Very long and complicated legal procedures in the Albanian judiciary system for people with disabilities, lack of trust in justice institutions, constant institutional discrimination of people with disabilities influence negatively on their access to justice as well.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

No activity in this field

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important. Please provide also any other materials that you think might be of interest.

Part 3

“Projects cards”

Please see methodology section above.

Please use the format of the proposed table for “project card”.

PROJECT TITLE

Amendment of the legal and subsidiary acts on Court Clerk Activity

TYPE OF THE PROJECT (NGOs contribution in legislative process of judiciary)

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Tirana Legal Aid Society (TLAS) – Cafod Albania

Women Advocacy Center

PROJECT DESCRIPTION

- *The essence of the project –*

This analysis was carried by the experts who worked, for the purposes of this project, organized in a Table of Experts (TE). There were organized and held fifteen meeting of the table of experts (round table included). They analysed the existing law on the organization of the judicial system, the existing provisions of the Procedural Codes and the related Regulation of the Ministry of Justice. The further analysis aimed at the further identification of legal problems that lead to problems and corruption in practice. They also found the rooms for amendments and additions to the existing above-mentioned acts.

- *objectives of the project:*

- Improve the existing respective law provisions that create problems in the administration of justice and infringe the fulfilment of citizen's rights.

- Improvement of the existing practices of Court Clerk that allow for corruption abuse and lack of citizens' confidence in the Judiciary.

- Combating factors that allow for corruption abuse in the judiciary.

- Increasing the transparency of CCA work that leads to transparency of the judiciary and increase of public trust in the Judiciary.

- Increasing Civil Society participation in important activities and actions against corruption in the

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

Judiciary.

- *elements/phases of the project (in chronological order):*

Table of Experts' meeting organized

- Round Table organized on July 14, 2004
- Respective minutes of each Table of Expert meeting
- Drafting the amendments of the civil procedural code ready for approval
- Drafting the amendments of the existing regulation of Ministry of Justice on Court Clerk activity ready for approval
- Introduction Outline of the amendment of code of civil procedure ready for delivery (legal requirement for law approval)
- Recommendations ready for delivery
- Official letter for the Minister of Justice available
- Draft acts delivered to the respective state authorities.

- *methods/tools used:*

- a) Further legal analyse
- b) Table of experts' meeting
- c) Legal and subsidiary acts drafting
- d) Round table

- *outcomes of the project –*

Separately conclusions, recommendations and/or changes/ reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell:

A. Results

- Improvements of gaps and deficiencies of Clerk Court Activity at District Courts and Courts of Appeal all over the country
 - Impact of this activity in the process of providing justice and its influence on the increasing the citizens' confidence to the legal system and rule of law.
 - Increase the drafting ability of NFP-s on the legal system in Albania
 - Increase of cooperation between NFP-s and Public Institutions in order to introduce improvements in the legal system in Albania with focus on Clerk Court activity.
- Contribution in the implementation of the action plan of ACAC and National Matrix of interventions against corruption in Albania.
- The increasing the collaboration through NGOs and Ministry of Justice

- *the project compared to other activities (was it a continuation or a part of a bigger project?)*

A good basis for the work of the Table of Experts was the Monitoring Report compiled by the common efforts of Tirana Legal Aid Society (TLAS) - Cafod Albania and Women Advocacy Center, project that was finished in 2003. Two members of the Table of Expert of this project were experts for the preparation of this monitoring report. The further analysis reviewed the existing related legal acts in order to see if amendments, since the end of the above-mentioned project, have been carried so far.

- other relevant information

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication



PROJECT TITLE Consumers' Opinions on Notary Services
TYPE OF THE PROJECT (other interactions.)
NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT Tirana Legal Aid Society (TLAS)
PROJECT DESCRIPTION In the framework of the struggle against corruption in justice, part of which is the notary service as well, six member organizations of the Albanian Coalition Against Corruption (Women's Advocacy Centre, Tirana Legal Aid Society (TLAS-Cafod Albania), 'Individual and Law' Association, Society for Democratic Culture, Committee for Democracy and Peace, and the Institute of Contemporary Studies) supported by USAID, MSI, and Council of Europe participated in an overall study on the Notary Service related to the challenges and achievements. Law and sociology experts based on discussions of the focus groups drafted this - The report aims at reflecting the public opinion on notary services, identification of all current problems in the notary system, of corruptive elements and the causes of their introduction to this system, and proposes concrete measures to eliminate these problems in the future. - <i>methods/tools used:</i> The utilized methodology consists in obtaining opinions through discussions organized with (focus) groups of professional, various citizens, and of consumers in notary services.
The discussion in focus groups was conducted with the help of the moderators selected from 6 ACAC member organizations that work on this project. The focus group discussions are recorded and the most important debated are included in the study report. - <i>outcomes of the project</i> - separately conclusions, recommendations and/or changes/ reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell: Project conclusions: 1. Quality of services offered by notaries leaves much to be desired. Two factors have affected this quality: a) the generally low professional level of notaries; and, b) the number of notaries which lastly is increased much more than the number of population. The low professionalisms performed by the notaries, and their lack of professional ability and accountability are the main causes of the bad quality of this service.2. Corruptive phenomena in the notary system are strikingly stimulated by the lack of control or supervision of the Ministry of Justice and of the National Notary Chamber. Furthermore, though the judiciary practice has identified unlawful activity of certain notaries, disciplinary measures against them have rarely been taken. In cases when such measures have been implemented against these notaries, their rehabilitation has been speedy. 3. In several times is showed that the notary's ethic is not respected as well as the client confidentiality during the performance of the services. 4. The general opinion is that the fees are high, or clearly stated: the amounts paid to the notaries are high to the Albanian population and do not justify the work performed by the notaries. Generally, common citizens are not informed of the fees and rules and procedures on defining them. 1. Distribution of notaries in ratio with the number of inhabitants and territory is not well organized. Personal acquaintance, recommendation, chance, close distance with the dwelling or work place pushes a considerable number of clients to the selection of a notary. - the project compared to other activities (was it a continuation or a part of a bigger project?)

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

Please refer to the project description. This project is in continuation of the previous projects on fighting the corruption in judiciary system and increasing the accountability of the entity which perform in the judiciary system.

- other relevant information

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE

“TLAS survey to measure the satisfaction of courts’ users”

TYPE OF THE PROJECT (Perception of the public for Courts performance)

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Tirana Legal Aid Society (TLAS)

PROJECT DESCRIPTION

The purpose of the survey was to measure the public court' users satisfaction based on their personal experience, to obtain citizen feedback and respond immediately by identifying ways to improve the services provided by the court, to obtain people's personal perceptions of how they were treated by the court system in many aspects and whether the court system treated them fairly; the creation of a distinct view of the actual situation of clients' needs for the access in justice, considering their legal needs for administrative services from the central and local public administration and for the court procedures.

- (a) Improving the Court' performance, transparency and accountability;
- (b) Strengthening Judicial and Court Administration integrity,
- (c) Increasing the level of transparency and the proper access to court hearings, court records, publication of the opinions and court information, avoiding the delay' practices,
- (d) Increasing the public trust and confidence.

Please refer to the .

- *methods/tools used:*

The principle of the methodology used in this project, was for carrying out the Q-10 Court Survey in the ten Pilot Courts: **Durres, Elbasan, Mat, Pogradec, Saranda, Shkodra, Vlora District Courts, in Tirana High Crimes Court and in Tirana, Gjirokastra Appelate Courts**, as well as in the three additional courts selected by ROLP in Kruja and Korca District Courts and Vlora Appeal Court.

- *Outcomes of the project* - separately conclusions, recommendations and/or changes/ reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell:

From this project came out these conclusions/comments in accordance with the methodology carried and in interpretation of the Results of the survey:

citizens' satisfaction towards the court's services is 53, 9%. This indicators show that the way the trial records are maintained is outstanding

Court's written decisions were not given in the proper time and they lack the basic qualities (they are not quite understandable) or the arguments are not elaborated properly. In this way, the citizens has more difficulties to effectively perform their right to complain before a court, and secondly negatively

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

affect the public judiciary authority, since a court decision not written in an understandable way harms the public's belief in justice.

2. The judges (58.6%) themselves based on the results of the survey, are not quite satisfied from the services in the court. They have expressed that there is a need to intervene into the elements that influence on improving court's services.

3. The court' administration (56.38%) satisfaction is low too related to the performance of the court' services. This is related to their job conditions, and this obviously affects the quality of services.

4. Meanwhile the prosecutors' satisfaction (69.4%) is the highest in comparison with the other groups participated in this survey. This data can be possibly explained as the proof of better treatment of prosecutors, by the courts' employees, in relation to private users of courts' services. Another possible explanation is that these public officers have a better knowledge of the services the courts provide.

5. Anyway, taking into consideration the satisfaction about the court's services of attorneys at law (49, 5%), is it much easier to conclude that the differences in the satisfaction are due to the discriminated service toward court's users.

6. Based on the results of the survey, it results based on the judges' opinion, the attorneys at law consider they are treated with more respect (64, 1%) in comparison with citizens (52, 1%). On the other hand, one may notice the low satisfaction of the attorneys at law about court's services (49, 5%). This last one indicator about court's services is not a pleasant one, since it comes out from a category of subjects which are continuously into contact with court's services.

So, the fact that attorneys at law feel they are treated with respect by the judges, but they do not praise as effective the services given in the court, is still an indicator of their un satisfaction about the quality of court's services.

7. Judges and court' administration are much aware and pay much attention to their behaviour in case of the presence of the monitors in hearing sessions.

So, the fact that attorneys at law feel they are treated with respect by the judges, but they do not praise as effective the services given in the court

- the project compared to other activities (was it a continuation or a part of a bigger project?)

Please refer to the project description. This has been a separate project but in the general context is a continuation of the organization in giving its contribution in the judicial field.

- other relevant information

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

For more information, the Executive Director Rajmonda Bozo, TLAS

OTHER INFORMATION

PROJECT TITLE Free Legal Aid for Persons with Disabilities

TYPE OF THE PROJECT Free legal Aid (free legal aid and strategic litigation)

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication



Albanian Disability Rights Foundation

Contact information, www, person responsible

Albanian Disability Rights Foundation, St. Bogdani, Nr 15, Floor III, Tirana.

www.adrf.org.al; adrf@albmail.com; +355696037882;

PROJECT DESCRIPTION

- *the essence of the project – a description in a few sentences (strategic objective)*

Offering free legal aid to increase their access to justice;

Empowering mainly young people with disabilities to claim their rights;

Influencing the design of all inclusive policies and legislation (Mainstreaming disability).

- *objectives of the project*

Increase access to justice through free legal aid;

Empower persons with disabilities to claim their rights;

- *methods/tools used*

1- Direct contacts with the clients on daily bases through free legal aid service; reveal the really day to day life challenges of people with disability and their family members,

2- A strong component of ADRF program is monitoring and research based advocacy, so research and monitoring studies conducted by ADRF analyse in depth topics related to disability .

- *Outcomes of the project* - separately conclusions, recommendations and/or changes/reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell.

The Free legal Aid and Advocacy Program for Person with disabilities (PWD), continued to provide legal advice/ orientation technical support in administrative and court system for PWD and their family members. The project has aimed to protect the rights of people with disabilities and increase and improve their access to justice by offering free legal aid. Until now total number of 2140 people received legal assistance, of which 43 were represented in courts and 2097 were represented in administrative cases of different nature. The project influences improvements and implementation of inclusive legislation and comprehensive policies which affect the quality of life of people with disabilities. This objective has been realized through advocacy, training and information, legal expertise, partnership and collaboration with the central governmental and local government institutions. 16 pieces of legislation related mostly to disability rights have been improved due to the project interventions. But we have also aimed at mainstreaming disability in the general legislative framework, such as the Law on Electronic Media, Law on the Status of Civil Servant, Electoral Code etc. It has been in general more difficult to access the general legislation, which indicates still a low level on mainstreaming disability and also indicates a fragmentary approach to disability, by not considering it as a cross sectorial issue.

Specific focus was given to the enforcement of the Law on Protection against Discrimination.

Through raising awareness, lobbying activities and provided and distributed quality and comprehensive packages with information, the program has facilitated a better understanding of discrimination against people with disabilities.

- *The project compared to other activities* (was it a continuation or a part of a bigger project?)

It is a project since 2005 consisting mainly in increasing access to justice for persons with disabilities, so it is a continuation project.

- other relevant information

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE

“Improving the HR situation in Albania through strengthening the Rule of Law (Program’ Legal Clinic VIII)”

TYPE OF THE PROJECT (for instance trial observation or strategic litigation etc.)

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Albanian Helsinki Committee,

www.agc.org.al

Vjollca Mecaj, Executive Director AHC, v.mecaj@agc.org.al

PROJECT DESCRIPTION

- *the essence of the project* – a description in a few sentences (strategic objective) - objectives of the project:

AHC through this project could provide legal counselling to the citizens, deal with the strategic litigation, perform advocacy activity for the judiciary aspects, monitoring the hearing sessions or conduct study reports on the judges and prosecutor decisions, offering the comments and suggestion on several draft laws in this field, etc.

The main objectives of the project are:

1. The citizens' access to legal assistance to HR protection mechanisms through offering free legal aid and monitoring missions is increased
2. The awareness role of citizens will be increased in regard of protecting the HR.
3. The legislation in regard to human rights is better improved;

- elements/phases of the project (in chronological order)

The elements/phases of the project are:

1. Assisting the HR violations victims through call line, letters and direct contacts with them

2. Sporadic monitoring missions and verifications of cases addressed to AHC office
3. Addressing the recommendations to the state authorities
4. Building capacities of AHC observers
5. Assisting the citizens in court documents and handling the strategic litigation cases before the Albanian courts, Constitutional Court and European Court of HR
6. Increasing the role of AHC in protection of HR in international organisms
7. Maintenance of the database of the complaints
8. Establishing the pro bonus groups of students
9. Holding forums with citizens and students
10. Sensitizing the citizens through the local media programs, interviews and articles in written media
11. Increasing the visibility and access of citizens to AHC through different means.
12. Lobby, advocacy and offering legal expertise for better respect of HR in decision making process
13. Public statements and recommendations addressed to the state authorities
14. Monitoring the electronic and written media
15. Preparing the Annual report on the situation of HR for the year 2014
16. Presentation the Annual report of HR situation in round table.

- methods/tools used

According the engagements of the project, AHC has realized sporadic monitoring missions or verification; has treated many complaints; has addressed recommendations to the state authorities; has assisted the citizens in court documents and handled the strategic litigation cases before the Albanian courts, Constitutional Court and European Court of HR; has maintained a database for complaints; has realized forums with citizens and students; has realized local/national media programs, interviews and articles in written media; has made public statements; has monitored the electronic and written media; etc.

- outcomes of the project - separately conclusions, recommendations and/or changes/ reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell.

1. Around 400 complaints per year are treated, offering legal counseling, addressing the problems and recommendations to the state institutions, reflecting the situation in reports, etc
2. 70 monitoring missions are held in closed institutions, courts and other institutions;
3. 9 citizens remedied completely or partially their rights through the cases represented in court as strategic litigation;
4. The constitutional court is invested for any approved law that violates HR or for any strategic litigation case.
5. AHC knows better the situation of HR in Albania through monitoring missions;
6. 20 Press Releases are issued per year in cases of HR violations;
7. The capacity of staff and long term observers from different backgrounds are increased;
8. 10 strategic litigation cases are handled by AHC during the implementation of this project, in which five cases focus on torture and ill treatment aspects.
9. AHC has been part of hearing sessions of Parliamentary Commissions, giving its

- suggestions and recommendations about different important draft laws in judiciary;
10. AHC participated in round tables, seminars, discussions and other advocacy activities for HR, organized by AHC or others in judiciary field.

- the project compared to other activities (was it a continuation or a part of a bigger project?)

This project is a continuation of the program of rule of law and increasing the citizens access to justice program for more than 10 years.

- other relevant information

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

The Project Coordinator: Andi Muratej, Attorney at Law, Albanian Helsinki Committee, andi.muratej@ahc.org.al.

OTHER INFORMATION

PROJECT TITLE

TYPE OF THE PROJECT (trial observation and strategic litigation etc.)

“Together against police and prison torture in Albania”

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Albanian Helsinki Committee

www.ahc.org.al

Vjollca Mecaj, Executive Director, AHC; v.mecaj@ahc.org.al

PROJECT DESCRIPTION

- the essence of the project – a description in a few sentences (strategic objective) - objectives of the project:

The overall objective of this project is to contribute to the eradication of torture and the other

cruel, inhuman or degrading treatment or punishment in Albania.

The specific objectives of the project are:

1. Prevent and decrease torture and ill-treatment cases in police-stations and prison institutions with the focus on vulnerable groups and provide legal aid to victims in 75 %-80% of the institutions observed;
2. Enhance human rights culture and awareness about international standards among 30 % of police staff and 70% of prison staff (of the selected institutions) working directly with the detained and imprisoned persons from the selected institutions;
3. Strengthen external monitoring mechanisms for independent oversight over 75-80% of the total number of closed institutions and improve the internal complaints and inspection mechanisms.

The first objective is connected more than the others with judiciary system and its activities.

- elements/phases of the project (in chronological order)

According the implementation of the first objective, the elements that are carried out are as below:

1. Drafting and publishing of leaflets reaching victims on their rights and the referral;
2. Informing around 400 prisoners on the referral mechanisms for prevention of torture and judicial aspects;
3. Dealing with Strategic litigation cases;
4. Preparing a study on torture/ill treatment cases of Tirana and Elbasan prosecution offices.
5. 40 torture/ill-treatment verification missions;
6. Training session for 30 judges and prosecutors on Article 3 of the ECHR and ECtHR' jurisprudence.

- methods/tools used

According the engagements of the project, AHC has realized sporadic monitoring missions or verification for torture/ill-treatment cases; sensitizing missions about the torture/ill-treatment through leaflets; handled strategic litigation cases before the courts; drafting a study on torture/ill-treatment cases of Tirana and Elbasan prosecution offices; training judges and prosecution on Article 3 of the ECHR and EctHR' jurisprudence.

- outcomes of the project - separately conclusions, recommendations and/or changes/ reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell.

- Persons deprived of liberty are informed on manifestations of the exercise of torture and inhuman treatment through concrete examples raising their knowledge not only of such an illegal situation but also on the referral mechanisms of protection from these violations.

- 427 persons deprived from liberty are informed in details on torture and inhuman treatment, different forms how this treatment can be displayed, legal ways of complaining and legal responsibility of administration officials.

- AHC through Legal Clinic services has provided several legal counseling, selecting and

representing cases that contain strategic litigation elements. Through strategic litigation AHC aims to establish new grounds in the jurisprudence regarding the protection of the victims' rights, related to the provisions of article 3 of ECHR.

- AHC has prepared the applications as well as the evidence and has provided legal representation, as predicted, for 4 strategic litigation cases, in different levels of national courts such as in the District Court of Tirana, Kruja, Korca, Lezha and the Court of Appeals of Tirana, with the aim of raising the claims up to the European Court of HR.

- Preparation and making public the study report on torture and inhuman treatment.

- AHC verified each complaint which had serious data of torture and ill-treatment from prison and police stations staff. Through official interventions, AHC provided 26 recommendations to state institutions to exercise their functions and duties in full respect of the rights of prisoners and to take the necessary administrative measures or prosecute the responsible officials.

- Judges and prosecutors are more informed and awareness on the wide concept of torture, inhuman and degrading treatment, the ECtHR jurisprudence, Albanian legal provisions on torture and inhuman treatment, possible situations of torture in closed institutions. The training provided to the participants with international standards of protection from torture and inhuman treatment.

- *the project compared to other activities (was it a continuation or a part of a bigger project?)*

This has been a part of a bigger project and in a continuation process.

- other relevant information

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

The Project Coordinator: Andi Muratej, Attorney at Law, Albanian Helsinki Committee, andi.muratej@ahc.org.al.

OTHER INFORMATION

Part 4

Country bibliography

Please provide the list of publications, reports written by NGOs as a result of projects regarding judiciary.

- Study on Issues of increasing of the effectiveness, transparency and public trust in judiciary, February – October 2013 (USAID, Center on Legal and Civic Initiatives, Forum of Woman in Elbasan, Organization ‘Gruaja to Gruaja’ (Albanian);
- Report “Implementation of the Law no. 9669, date 18.12.2006 “On measures against violence in family relations”, Center on Legal and Civic Initiatives (Findings from the monitoring of some court judgments in some districts courts of Albania for the period January – October 2013) (Albanian);
- Report on recognition and implementation of the standards of gender equality in trial proceedings, Center on Legal and Civil Initiatives, 2012, (Albanian)
- “Reasonable accommodations for services in courts”, Albanian Disabled Rights Foundations, December 2010 (Albanian);
- Research Study on Decisions by the Prosecutor’s Office on Non-Initiation and Dismissal of Criminal Proceedings & Procedures for the execution of Criminal Judgments”, Albanian Helsinki Committee, 2014 (English);
- Study Report on criminal offences of corruption and other forms of abuse of office, Albanian Helsinki Committee, 2014 (English);
- Report “The right on access to justice in civil cases”, Albanian Union Judges, February 2014 (Albanian);
- “What do judges say? Justice reform, access to justice, corruption in judiciary”, Survey with judges of first instances, Centre for Transparency and Free Information, 2014 (Albanian);
- Monitoring Report "Increasing access of citizens in court and improving the trial procedures, Centre for Transparency and Free Information", 2013 – 2014, (Albanian)
- “On monitoring the transparency and the attitude of the judicial administration towards citizens”, 2014 - 2015, Albanian Institute for political studies (ISP)
- “Impunity in the disciplinary proceedings against judges, analysis of some of the reasons that incite the impunity in the activity of the High Council of Justice”, Res Publica Center, (Albanian)
- Thematic evaluation 2014 & Comparative Analysis “Delays in reasoning and submission of the court decisions, 2014”, Infoçip, (Albanian)
- Report "Situation of the Legal Aid in Albania, TLAS (Albanian)

Please list also separately any publications that go beyond particular project and are specifically dedicated to the matter of watch dog activities, interactions, collaboration and communication between NGOs and judiciary.

Please follow the common proposed format of listing publications (will be included in the final version of the guidelines).

Please provide English translation in brackets.