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INSPEKTORI I LARTË
I DREJTËSISË

**FOR THE WORK OF THE OFFICE OF
THE HIGH INSPECTOR OF JUSTICE**

**FOR THE PERIOD
01.01.2022 – 31.12.2022**

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MESSAGE OF THE HIGH INSPECTOR OF JUSTICE

Dear Ms. Chairwoman of the Parliament,

Dear Members of Parliament,

I am pleased to share with you, for the third time during the exercise of this duty, the work report of the Office of the High Inspector of Justice for the year 2022.

As you will notice while reading this report, HIJ, as the institution responsible for verifying complaints, investigating disciplinary violations and initiating disciplinary proceedings against judges and prosecutors of all levels, has had an intensive year of work with challenges and concrete results. The report has presented in detail this progress of the institution's activity for the year 2022, but in this introductory message of the report, I would like to share with you that:

Even during 2022, the High Inspector of Justice has tried to touch every dimension of its work, every aspect that makes possible the functionality of the High Inspector of Justice, as an institution verifying complaints against the work of magistrates, but also as a public institution, with the obligations stipulated by law. HIJ has dealt with aspects of the work from physical infrastructure, information technology, regulatory and structural, archives, and further to complaints, inspection and disciplinary proceedings, capacity building, relations with local institutions and organizations and international counterparts, transparency and up to public communication, not only about the work and functions of HIJ, but also broader discussions, where HIJ has given its opinion on the challenges and important balances that must be maintained in a democratic society between legitimate interests, such as the public interest in administration of justice and the separation of powers and the independence of magistrates.

We have prioritized this year the reduction and significant reduction of the backlog, the fund of complaints/files inherited from other institutions, which administered them before the establishment of HIJ, because it is important for us to avoid the culture of forgetfulness and impunity that would also come through the prescription of the complaints that the citizens had submitted before the establishment of the HIJ institution. So, every citizen or complaining

institution will receive an answer to the claims presented, even if several years ago and in other institutions.

Despite the incomplete inspection resources, the work has continued in parallel, both with thematic inspections in the courts and the prosecutor's offices, as well as with the reviewing of complaints received directly at the institution, which have led to 6 disciplinary proceedings during this year, while since receiving of duty, there are 83 magistrates under disciplinary investigation by the office of the High Inspector of Justice. We are pleased to note that the monitoring and disciplinary work of HIJ has increased the awareness of magistrates about the quality of their decision-making, while after three years, the standards established in the work of the High Inspector of Justice in the investigation and disciplinary proceedings have been confirmed by the High Judicial Council and High Prosecutorial Council, as well as the Appeal chamber. I would like to point out that even during the year 2022, there were no claims raised against HIJ, against the investigative activity of the institution, for reasons outside of those provided by the law, thus giving the guarantee message that the institution of HIJ will strictly follow the Constitution and the law.

During the activity of the High Inspector of Justice, as will be seen in the report, there was intensity, there were results, there were challenges and difficulties, there were problems that could have been worked on even more. However, for the High Inspector of Justice, the work with constitutional and legal standards remains important, as the only solid foundations for the democratic functioning of the justice system.

With respect,

Artur Metani

High Inspector of Justice

I. INTRODUCTION

1.1. The vision of the High Inspector of Justice in fulfilling the activity

The vision of the activity of the High Inspector of Justice is guided by the principles and values of the best international systems and practices, such as the exercise of activity independently of any type of influence subject only to the Constitution and the powers granted by law, exercising the activity in an impartial, responsible, accountable manner, with high moral and professional integrity at all structural levels, with efficiency and professionalism, reliable, transparent and accessible by the public, as well as cooperative at the institutional level.

In the light of the vision of the activity, the High Inspector of Justice directs the work through four important objectives:

- Strengthening and exercising the activity of the institution of the High Inspector of Justice in an independent, efficient and professional manner.
- Development of the process of verification, disciplinary investigation and inspection in accordance with the principles of disciplinary proceedings and international standards.
- Active participation in inter-institutional coordination and cooperation processes.
- Increasing transparency and public access to the Institution of the High Inspector of Justice.

For the purposes of implementing the work objectives in practice, the High Inspector of Justice has proposed the organizational structure approved by the Parliament of the Republic of Albania, which is designed to function in compliance with the principles of hierarchy, accountability, legality, effectiveness, impartiality and non-discrimination as well as cooperation, in fulfilling the Constitutional and legal mission to achieve the aforementioned objectives.

II. LEGAL FRAMEWORK REGULATING THE ORGANIZATION AND FUNCTIONING OF THE OFFICE OF THE HIGH INSPECTOR OF JUSTICE

2.1. Legal Reference

The High Inspector of Justice is an independent constitutional body, established in accordance with Article 147/d of the Constitution. This constitutional provision stipulates that the High Inspector of Justice is responsible for verifying complaints, investigating violations and initiating disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, members of the High Prosecutorial Council and of the Prosecutor General, according to the procedure established by law. The High Inspector of Justice is also responsible for the institutional inspection of courts and prosecutor's offices.

The organization and operation of the constitutional institution of the High Inspector of Justice is regulated by:

- Constitution of the Republic of Albania;
- Law no. 115/2016 "On the governing bodies of the justice system", amended;
- Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", amended;
- Decision no. 536, dated 25.7.2019, of the Council of Ministers "On the creation of conditions for the High Inspector of Justice for the verification of fulfillment of the conditions and legal criteria, the verification of the figure and wealth of non-magistrate candidates for the position of inspector";
- Decision no. 28/2020 "On the approval of the organizational structure, organization and salary classification of the staff of the High Inspector of Justice", amended.
The activity of the Office of the High Inspector of Justice is based, among others, on:
- Law no. 44/2015 "Code of administrative procedures in the Republic of Albania";
- Law no. 152/2013 "For the civil servant", amended;
- Law no. 119/2014 "On the right to information";
- Law no. 114/2015 "On internal audit in the public sector";
- Law no. 90/2012 "On the organization and functioning of the state administration";
- Law no. 7961, dated 12.07.1995 "Labor Code of the Republic of Albania", amended;
- Law no. 9367, dated 04.07.2005 "On the prevention of conflict of interests in the exercise of public functions", amended;
- Law no. 9049, dated 10.04.2003 "On declaration and control of assets, financial obligations of elected officials and some public servants", amended;
- Law no. 9887, dated 10.03.2008 "On the protection of personal data", amended;
- Law no. 9131, dated 08.09.2003 "On the rules of ethics in public administration";
- Law no. 9154, dated 06.11.2003 "For Archives";
- Law no. 9936, dated 26.06.2008 "On the management of the budget system", as amended,
- Law no. 10296, dated 07.08.2010 "On financial management and control", amended;
- Law on the annual budget;

- Law no. 162/2020 "On public procurement";
- Law no. 9918, dated 19.05.2008 "On electronic communications in the Republic of Albania", amended;
- Law no. 10325, dated 23.09.2010 "On state databases";
- Law no. 2/2017 "On cyber security";
- Decision no. 972, dated 02.12.2020, of the Council of Ministers "On the organization, operation and definition of the competences of the Information Technology Center for the Justice System";
- Decision no. 971, dated 02.12.2020, of the Council of Ministers "On the adoption of rules for general state policies for the information technology system, for the justice system";
- Decision no. 893, dated 17.12.2014, of the Council of Ministers "On the approval of the rules of organization and operation of auxiliary cabinets, of the internal organization of state administration institutions, as well as detailed procedures".

2.2 Acts approved by the Office of the High Inspector of Justice

In order to implement the legal powers and improve the activity for the year 2022, a total of 22 general orders of an administrative character have been drawn up and approved, dealing with issues of organization and operation, management and financial control¹.

In addition to the general orders, 1 amending decision was also approved in order to improve the administration of the inspection processes.

As for general administrative orders, among the most important, we list them by category:

I - Organization and operation:

1. Order no. 4, dated 10.01.2022, of the High Inspector of Justice "On the establishment of the expert committee at the Office of the High Inspector of Justice";
2. Order no. 24, dated 15.03.2022, of the High Inspector of Justice "On the organization of the work meeting on the topic: "Drafting the action plan for the examination of complaints (backlog) and the mandatory assignment of relevant tasks and structures for the drafting of decisions to the High Inspector of Justice in the context of the verification and investigation of disciplinary violations";
3. Order no. 31, dated 16.05.2022, of the High Inspector of Justice "For the approval of the revised action plan, in implementation of the strategic objectives defined by the Cross-Sectoral Strategy of Justice 2021-2025, for the strategic plan of the Office of the High Inspector of Justice 2020-2022".

¹ Orders are accessible at the link: <https://ild.al/sq/legjislacion/akte/>

4. Order no. 43, dated 15.04.2022, of the High Inspector of Justice "For some changes in order no. 14, dated 27.01.2021, of the High Inspector of Justice "On the manner of reporting and monitoring the strategic plan and action plan of the Office of the High Inspector of Justice".
5. Order no. 43/1, dated 16.05.2022, of the High Inspector of Justice "On the establishment of the strategy monitoring and reporting committee at the Office of the High Inspector of Justice";
6. Order no. 47, dated 24.05.2022, of the High Inspector of Justice "On the approval of the format of the internal book of submission and circulation of draft decisions and decisions in the Office of the High Inspector of Justice";
7. Order no. 49, dated 30.05.2022, of the High Inspector of Justice "On the approval of the program for public information and communication of the Office of the High Inspector of Justice";
8. Order no. 56, dated 07.07.2022, of the High Inspector of Justice "On the approval of rules of conduct and ethical standards in the Office of the High Inspector of Justice";
9. Order no. 57, dated 07.07.2022, of the High Inspector of Justice "For some changes in order no. 119, dated 12.07.2021 "On the approval of the internal regulation of the organization and operation of the Office of the High Inspector of Justice";
10. Order no. 59, dated 15.07.2022, of the High Inspector of Justice "On the approval of the regulation for the administration and use of the management system of complaints and investigative procedure documents (SMAD) at the Office of the High Inspector of Justice";
11. Order no. 63, dated 28.07.2022, of the High Inspector of Justice "On the establishment of the working group for the drafting of the strategy and action plan 2023-2025, of the Office of the High Inspector of Justice";
12. Order no. 33/1, dated 04.11.2022, of the High Inspector of Justice "On the appointment of assistant inspectors at the Office of the High Inspector of Justice";
13. Order no. 99, dated 16.11.2022, of the High Inspector of Justice "On the appointment of the employee in the role of energy administrator during the duration of the state of emergency in the electricity supply";
14. Order no. 100, dated 16.11.2022, of the High Inspector of Justice "On the distribution of unprocessed complaints in the Office of the High Inspector of Justice";
15. Order no. 102, dated 23.11.2022, of the High Inspector of Justice "For some changes in order no. 33/1, dated 04.11.2022, of the High Inspector of Justice "On the appointment of assistant inspectors at the Office of the High Inspector of Justice";

16. Order no. 121, dated 30.12.2022, of the High Inspector of Justice "On the approval of the inspection methodology";
17. Order no. 122, dated 30.12.2022 "On determining the rules for examining complaints in the Office of the High Inspector of Justice";
18. Decision no. 7, dated 22.02.2022, of the High Inspector of Justice "For the approval of the annual admission plan for 2022, for positions part of the civil service, in the Office of the High Inspector of Justice";
19. Decision no. 57, dated 30.12.2022, of the High Inspector of Justice "For a change in decision no. 38, dated 08.06.2021, of the High Inspector of Justice "On the approval of procedures and rules for evaluating the ethics and professional activity of inspectors".

II - Financial management and control:

1. Order no. 9, dated 26.01.2022, of the High Inspector of Justice "On the establishment of the commission for taking over the supplied assets and services for the year 2022";
2. Order no. 27, dated 18.03.2022 "On the establishment of the management team of the medium-term budget program 2023-2025";
3. Order no. 69, dated 14.09.2022 "For some changes in order no. 160, dated 13.12.2021, of the High Inspector of Justice "On the approval of the asset management regulation of the Office of the High Inspector of Justice";
4. Order no. 106, dated 13.12.2022 "On the inventory of the assets of the institution of the High Inspector of Justice";
5. Order no. 107, dated 23.12.2022 "For the appointment of the field specialist for the procedure "Supervision and observation for the reconstruction of the building"";

While in relation to the inspection activity, 1 (one) decision results as follows:

Decision no. 43, dated 03.10.2022, of the High Inspector of Justice "On some changes and additions to decision no. 1, dated 11.02.2020, of the High Inspector of Justice "For the performance of the thematic inspection of the Courts and Prosecutor's Offices near them on the reviewing of requests with the object of "Conditional release"", amended.

III. COMPLAINT VERIFICATION, DISCIPLINARY INVESTIGATION AND INSPECTIONS

3.1 Complaints filed with the High Inspector of Justice

The High Inspector of Justice, based on Article 194 of Law no. 115/2016 "On the governing bodies of the justice system", as amended, is the authority responsible for verifying complaints, investigating disciplinary violations and initiating disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, members of the High Prosecutorial Council and the Prosecutor General, as well as for the institutional inspection of courts and prosecutor's offices. Referring to the activity of fulfilling the above legal provisions, at the Office of the High Inspector of Justice, for the year 2022, a high number of submitted complaints is noted.

During this year, **789** new complaints were filed, divided according to the complaining subjects, the results are:

- **756** complaints filed by natural persons;
- **33** complaints filed by legal entities;

The year 2021 is closed with **2678** complaints in process. Their examination continued during 2022, in addition to the number of **789** new complaints filed in 2022, counting a total of **3467** complaints subject to examination. Out of **3467** complaints subject to review during 2022, **1715**² complaints were reviewed.

Table no. 1 Data on complaints during 2022

Complaints submitted from 2021	Complaints filed during 2022	Complaints subject to review during 2022	Complaints reviewed during 2022	Submitted for review during 2023
2678	789	3467	1715	1752

Table no. 2 The progress of processing backlog complaints during 2022

Complaints subject to review during 2022	Complaints reviewed during 2022	Submitted for review during 2023
1606	534	1072

According to the data on the progress of the examination and reviewing of complaints, the year

² of which 534 are part of the backlog fund.

2022 closes with **1752³** complaints in the process, which will be taken for examination in 2023. There are 192 complaints in the verification process, for which the examination has not been completed, their calculation it is not included in the total number of reviewed complaints.

The result of the examination of **1715** complaints is:

- **1220** complaints archived after initial review ⁴;
- **425** complaints archived after verification ⁵;
- **70** complaints concluded with disciplinary investigation ⁶.

From **1715** reviewed complaints, it results that:

- **1502** complaints were filed by natural persons;
- **212** complaints were filed by legal entities, namely:
 - **133** complaints from public institutions;
 - **62** complaints from private entities;
 - **16** complaints from foundations and civil society organizations;
 - **1** complaint from the media.
- **1** anonymous complaint, since the name of the complainant is not recorded.

3.1.1. Data for complainants

The complainants who turn to the High Inspector of Justice have a geographical representation from all over the country, where the largest part is the District of Tirana with 494 complainants (39.3% of the complainants), followed by the District of Durrës and the District of Vlorë, respectively with 108 complainants (8.6%) and 99 complainants (7.9%). While the counties with the lowest number of complainants are Dibër County, Berat County and Kukës County, respectively with 30 (2.4%), 18 (1.5%) and 8 complainants (0.7%).

During the year 2022, it is again noted that there were complainants who have their residence abroad, counting 8 complainants (0.7%), while 23 complainants (1.9%) filed their complaints via electronic mail, while 62 complainants (5%) have not registered their place of residence.

From the analysis of information related to the registration and reviewing of complaints, it is noted that 997 complainants (80%) have filed only 1 (one) complaint with the High Inspector of Justice, while 260 complainants (20%) have filed more than one complaint, for the same subject of the disciplinary investigation.

³ of which 1072 are part of the backlog fund.

⁴ of which 279 are part of the backlog fund.

⁵of which 232 are part of the backlog fund.

⁶ of which 23 are part of the backlog fund.

3.1.2 Data on the subject

In total, the complainants have raised claims against 1684⁷ subjects of disciplinary investigation. From 1684 subjects of the disciplinary investigation, it results that the claims are for 1129 judges (67%), 243 prosecutors (14%) and for 312 (19%) judges and prosecutors together. For 115 complaints, the entity against which claims are made is not identified.

From the statistical information of the complaints reviewed during the year 2022, it is noted that the claims against the magistrate judges of the Tirana Judicial District Court have the highest number of complaints in relation to other courts of first instance but also to courts of other levels, with 218 complaints. This is also due to the fact that this court has a significant number of judges and also examines a large number of cases. Next are the judges of Tirana Administrative Court and the judges of Durrës Judicial District Court with 74 complaints each, the judges of the Elbasan and Vlorë Judicial District Courts have respectively 57 and 47 complaints, while the judges of the Tirana Court of Appeal are ranked with 43 complaints. The judges of the Special Court of First Instance for Corruption and Organized Crime are listed with 15 complaints. The courts with the fewest complaints against their magistrates are the Kukes Judicial District Court with 0 complaints, Tepelena Judicial District Court with 1 complaint, the Special Court of Appeal for Corruption and Organized Crime with 2 complaints and Korça Administrative Court with 3 complaints.

As for the examined complaints, claims against the prosecutors, it results that there are 118 complaints against the prosecutors of the Prosecutor's Office at the Tirana Judicial District Court, also marking the largest number of complaints received compared to other prosecutor's offices. Then the prosecutors of the prosecutor's office at the Court of First Instance of Vlorë, Korçë, Elbasan, Durrës are listed, respectively with 28, 27, 23 and 14 complaints. For the prosecutors of the Special Structure against Corruption and Organized Crime (SPAK), there are 16 complaints. While the lowest number of complaints are the prosecutors of the Prosecutor's office at Vlora Court of Appeal with only 1 complaint, the prosecutors of the Prosecutor's office at Pukë Judicial District Court with 2 complaints, and the prosecutors of the Prosecutor's office at Mat and Përmet Judicial District Courts with 3 each complaints each.

3.2. Review and verification of complaints

The High Inspector of Justice, based on Article 121 of Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, first examines whether the complaint is admissible or not, according to the admissibility criteria defined in the letters "a" to "dh", of paragraph 1, of Article 120 of Law no. 96/2016. During the initial review phase, the fulfillment of the eligibility criteria is verified and within three months from the filing of the complaint, it is

⁷ It is worth noting that one complainant has raised claims for more than one subject of the disciplinary investigation, so the number of judges and prosecutors is higher than the number of magistrates.

decided to archive it, if one or more of the eligibility criteria of the complaint are not met. According to Article 122 of Law no. 96/2016, for the complaint that does not have clear information, the High Inspector of Justice verifies whether there are sufficient facts that justify the initiation of the investigation, requesting additional documents and explanations from the complainant about the manner and circumstances in which the alleged violation occurred or receiving any other information from the relevant council, court or prosecutor's office.

In fulfillment of these legal provisions, the High Inspector of Justice has examined **1715** complaints, for which it has approved **1234** decisions:

- **862** decisions on archiving after the initial examination of **1220** complaints;
- **344** decisions on archiving after verification of **425** complaints;
- **28** decisions for disciplinary investigation after examining **70** complaints.

Based on the examination of the object of the complaints, it results that the problems or claims raised mostly by the complainants are divided as follows:

- Complaints against unjust decision-making by magistrates during the examination of cases;
- Allegations for procrastination of the trial by the magistrates;
- Procedural violation by magistrates.

From the analysis of the facts, the law and the reasoning given in the decision, it has emerged that the main reasons for archiving the filed complaints are:

- The alleged violation was not foreseen as a disciplinary violation by the law in force⁸;
- At the time of the review of the complaint, the magistrate was not exercising his function⁹;

Also, it is established that there is archiving of complaints also due to the statute of limitations for the violation. Since we have an increased number of complaints coming by the backlog fund, some of them are prescribed before they are registered with the Office of the High Inspector of Justice.

Referring to the number of complaints for the type of judicial process/object of the lawsuit examined by the magistrate against whom claims are raised in the complaint, we have the following data:

Table no. 3 Number of complaints by types of cases

Type of cases	Number of complaints according to the types of cases
Civil cases	652
Criminal Cases	414
Administrative cases	63

⁸ Article 120, point 1, letter "d" of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania" as amended.

⁹ Article 120, point 1, letter "ç" of law no. 96/2016. These are the cases when the status of the magistrate has expired, for the reasons mentioned in Article 64 of Law no. 96/2016 or when the magistrate has been dismissed by the Appeal chamber with a final decision.

From the examination of the occurrence of complaints, the total number of complaints, although from year to year has marked a slight decrease, continues to remain high. This indicator has been measured regularly, based on the collection of statistical information, from the analysis of which, we note that for the year 2022 there are:

- High number of complaints that do not meet the eligibility criteria;
- Slight increase in the number of complaints submitted by public bodies;
- Decrease in the number of complaints received from natural persons.

Regarding the fact that during the year 2022, for the third year of operation of the HIJ, the number of complaints of citizens under review remains high, the inherited backlog continues to be a contributing factor, but it is also an indicator of the high expectation of the public towards the High Inspector of Justice.

Evaluating the statistical data on the high number of complaints that are archived and mainly those that are archived because they do not meet the eligibility criteria, awareness measures have been taken, which will continue during 2023.

Although the number of complaints remains high during 2022, a slight decrease is observed compared to the number of complaints received in previous years. Transparency and public awareness also had an effect on the decrease in the number of complaints received compared to 2021, not only as a recommendation of the Assembly's resolution for the 2021 activity report, but as the main tool in spreading information and clarifying the role and scope of HIJ's work for the general public.

In this regard, the results of the review of complaints have been analyzed in detail and on their basis, several measures have been taken with the aim of increasing transparency and public awareness, with a special focus:

- publishing the results of the activity in real time on the official website;
- drawing up a survey to obtain citizens' opinions on the role and functions of HIJ;
- drawing up a special program for public information and communication;
- public appearance in national and local media;
- publication on social media networks of HIJ activities;
- signing memorandums with some of the law faculties in the country;
- official meetings held and activities carried out;
- update of simplified information for the public;
- daily reception with citizens for providing information or clarifications necessary for complaints and the role of HIJ;
- publication and updating of data regarding the information request register;
- statistical data and various reports.

Periodic analysis of statistical information will continue during the following year and ongoing awareness measures will be undertaken to sensitize citizens that complaining to a magistrate follows legal rules respecting independence and impartiality and at the same time serving the public interest, in full respect for the rule of law in a democratic society. The undertaking of these measures is expected to have an impact and give results in the awareness of the public opinion, that the role of HIJ is to establish a fair and impartial balance, between the claims of violation of the individual interests of the citizens by the activity of the magistrates and the guarantee of independence and impartiality of magistrates.

3.3. Disciplinary investigations

The High Inspector of Justice pursuant to articles 123, point 1 and 124, point 1 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, initiates the investigation if there are reasonable suspicions that the violation may have been committed, based on the facts and evidence collected, which justify the initiation of the investigation. The High Inspector of Justice starts the investigation on his own initiative, based on essential data on the facts resulting from reliable sources, on the basis of which there is a reasonable suspicion that the violation may have been committed.

Referring to these legal provisions, during the year 2022 the High Inspector of Justice, after establishing the existence of reasonable suspicions, approved 28 decisions for the disciplinary investigation, through which the alleged violations against the activity of 41 magistrates were investigated. The disciplinary investigation for 3 subjects has been started on initiative, for 38 subjects on the basis of complaints.

The results of the investigation are as follows:

- for 6 magistrates¹⁰ (3 judges and 3 prosecutors) requests for proceedings have been submitted to the respective councils;
- for 1 magistrate (1 judge), the investigation is suspended until a final decision is made on the re-evaluation process;
- for 22 magistrates (20 judges and 2 prosecutors) the disciplinary investigation was closed due to:
 - i) ending the status of the magistrate;
 - ii) assessment of the facts, circumstances investigated and evidence obtained, as insufficient to prove the alleged violations.
- for 14 magistrates (13 judges and 1 prosecutor) of the disciplinary investigation, investigative procedures are in progress.

¹⁰ For 2 of which the investigation started in 2021 and the request for proceeding was forwarded to 2022.

For the 8 subjects of the disciplinary investigation, against whom the investigation began in 2021, the investigations continued during 2022, specifically:

- the investigation was suspended for 2 magistrates;
- for 3 magistrates and 3 other subjects, the investigation is closed.

The disciplinary investigation for 41 subjects of the disciplinary investigation has begun after reasonable suspicions that the violation may have been committed. Disciplinary violations for which the High Inspector of Justice has initiated a disciplinary investigation are related to disciplinary violations in the exercise of the function, which are listed:

- repeated delays or delays that bring serious consequences or unjustified delays of actions and/or procedural acts, provided for in article 102, point 1, letter "d" of law no. 96/2016;
- failure to submit a request for waiver of the proceedings or trial of the case, when this is mandatory according to the law, if the magistrate is aware or should have been aware of such circumstances; provided for in article 102, point 2, letter "a" of law no. 96/2016, amended;
- for action, inaction or behavior of the magistrate, which brings unfair benefits or damages to the parties in a judicial process or investigative procedure, in violation of the law, provided for in article 102, point 1, letter "dh" of 96/2016;
- other violations¹¹.

Referring to the investigation data, compared to a year ago, the number of investigations and the number of investigated magistrates results to be increased. This is not only thanks to the professional growth of the Office of the High Inspector of Justice and the establishment of standards for the continuation of work with productivity, but also the creation of a fair balance between the realization of a reliable disciplinary investigation in relation to the committed disciplinary violations and guarantees provided for a disciplinary investigation, according to a regular legal process. An essential indicator of the established standards has been the acceptance of the requests for proceedings in the Councils¹², but also the enforcement of disciplinary measures by the Appeal Chamber¹³, as evidence of the certification of the standards followed by the HIJ.

¹¹provided by:

article 102, point 1, letter "b" of law no. 96/2016, amended.

article 102, point 1, letter "ç" of law no. 96/2016, amended.

article 102, point 1, letter "e" of law no. 96/2016, amended.

article 102, point 2, letter "c" of law no. 96/2016, amended.

article 104 of law no. 96/2016, amended.

article 140, point 2, letter "a" of the Constitution of the Republic of Albania.

article 140, point 2, letter "b" of the Constitution of the Republic of Albania.

¹² The councils in all the cases presented by the HIJ have accepted all the findings for the disciplinary violations found in the investigative reports.

¹³ The Appeal Chamber has left in force the requirements for disciplinary proceedings requested by the HIJ and the measures imposed by the Councils.

Another important indicator is the low number of complaints about the decisions to close the disciplinary investigation (for more, see page 18).

The disciplinary investigation does not have as its purpose the disciplinary proceedings of as many magistrates as possible, but the fair, impartial and objective assessment of all claims, supporting documents to judge the actions or inactions or behavior of the magistrate against whom there is a complaint, public denunciation or data from state bodies. Often, publicly in the media, social networks, in studios and TV shows, or even non-publicly, through written complaints/information, a set of facts are alleged, but the High Inspector of Justice has the obligation to make an accurate description of the facts and actions, related to these data or information in relation to disciplinary violations, which may have been committed by magistrates. Only after these verifications and when there are reasons that justify it, the investigation begins.

The High Inspector of Justice, in full compliance with the principles of disciplinary proceedings, including the principle of due process, after investigating the cases and analyzing the facts and the legal framework in force, concluded that the conclusion of the investigations has resulting from:

- submitting a request for disciplinary proceedings;
- the facts and circumstances discovered during the investigation do not justify the initiation of disciplinary proceedings;
- ending the status of the magistrate, as one of the legal criteria for closing the investigation.

3.4. Appeals against filing and investigation decisions

Based on Article 119, point 4 and Article 122, point 5 of Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the complainant has the right to appeal to the relevant council against the decision of the High Inspector of Justice to archive the complaint. Article 62, point 13 and article 160, point 13 of Law no. 115/2016 "On the governing bodies of the justice system", as amended, provide respectively the right to appeal against decisions to archive or suspend/close the investigation of the High Inspector of Justice, at the Temporary Commission for the Review of Appeals, which are established respectively by the High Judicial Council and the High Prosecutorial Council. The decisions of the Temporary Committee are final and cannot be appealed before the plenary meeting of the Council.

During the year 2022, HIJ has taken 1224 decisions which are subjects to appeal to the Temporary Commissions, from which it appears that the following were filed against the decisions:

- 83 appeals against 862 archived decisions after the initial review;
- 15 appeals against 344 archived decisions after verification;
- 1 appeal against 18 decisions to close the disciplinary investigation.

Out of 1224 decisions, only 98 archived decisions were appealed, or in percentage terms, 8% of

archived decisions were appealed. While for 18 decisions to close the disciplinary investigation, only 1 appealed decision results, or 5.5% of the appealed investigation decisions. From all the submitted appeals, there are 0 decisions returned for consideration.

Table no. 4 Number of appealed decisions

Year	Appealed archived decisions	Decisions to close the investigation appealed	Total	Decisions returned for review by the Temporary Committee
2022	98	1	99	0

As evidenced above, for the year 2022 it results that there is again a low number of complaints, in the Temporary Commissions near the Councils, against the decisions of the HIJ. For all appeals against archiving decisions, it results that for all cases the Commissions decided to reject as unfounded the appeal presented by the appellants against the decisions of the High Inspector of Justice, and consequently none of the decisions of the High Inspector of Justice was not returned for reconsideration.

The means of appeal available to the appellant and their review by the relevant commissions provided for in the law, provide certainty and guarantee that the decision-making of the HIJ is subject to legality review on an ongoing basis. From the results of complaints from 2021, but also from 2022, it results that the work practice established and currently followed has not been violated by the competent bodies for their review.

3.5. Requests for disciplinary proceedings and Council decisions

The High Inspector of Justice, based on Article 138 of Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, after the evaluation of the collected evidence and when the results of the investigation lead to the conclusion that there are reasonable doubts that the magistrate has committed a disciplinary violation, the disciplinary proceedings begin in front of the Councils, presenting the investigation report together with the investigation file.

During 2022, the High Inspector of Justice requested the initiation of disciplinary proceedings for 6 magistrates, for 3 magistrates the requests for proceedings were submitted to the High Judicial Council and for 3 magistrates the requests for proceedings were submitted to the High Prosecutorial Council.

The High Inspector of Justice has requested the initiation of disciplinary proceedings, based on the

disciplinary violations provided by articles 102-104 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", amended, for:

Disciplinary violations during the exercise of the function such as:

- unjustified or repeated non-performance of functions during the trial or investigation;
- repeated delays or that bring serious consequences or unjustified delays of actions and/or procedural acts;
- the action, inaction or behavior of the magistrate, which brings unfair benefits or damages to the parties in a judicial process or investigative procedure, contrary to the law;
- serious or repeated violation of legal and sub-legal provisions that regulate the organization and functioning of courts or prosecutor's offices;
- non-implementation without justified reasons of the decisions given by the council or refusal to implement the disciplinary measure given to the magistrate;
- serious or repeated non-compliance with procedural and substantive legislation or incorrect application of procedural and substantive legislation, when ascertained by a higher court.

For the 3 requests for disciplinary proceedings submitted to the High Judicial Council, the High Inspector of Justice has proposed the following disciplinary measures:

- "Dismissal from duty" - 1 case;
- "Suspension from duty" - 1 case;
- "Public remarks" - 1 case.

At the end of the examination of the requests of the High Inspector of Justice for the initiation of disciplinary proceedings against the magistrates, the High Judicial Council:

- For 1 case "Dismissal from duty" accepted the request partially by deciding on a different disciplinary measure;
- For 1 "Public Remarks" case, the disciplinary proceedings have been suspended;
- For 1 case "Suspension from duty" is in process.

For the 3 requests for disciplinary proceedings submitted to the High Prosecutorial Council, the High Inspector of Justice has proposed the following disciplinary measures:

- "Dismissal from duty" - 2 cases;
- "Temporary reduction of salary up to 40 percent for a period not longer than one year" - 1 case.

At the end of the examination of the demands of the High Inspector of Justice, for the initiation of disciplinary proceedings in charge of the magistrates, the High Prosecutorial Council:

- For 2 "Dismissal from duty" cases, 1 case is suspended and 1 case is in process;
- For 1 case "Temporary reduction of salary up to 40 percent for a period not longer than one

year", the case has been suspended.

Table no. 5 Dynamics of the disciplinary measure proposed by HIJ.

Disciplinary measure proposed by HIJ	Number of requests for disciplinary proceedings	Number of magistrates proposed for disciplinary measure	Magistrate	
			Prosecutor	Judge
Suspension from duty	1	1	0	1
Dismissal from duty	3	3	2	1
Temporary salary reduction of up to 40 percent for a period not longer than one year	1	1	1	0
Public remark	1	1	0	1
Total	6	6	3	3

The disciplinary procedure, as the final moment of the investigative activity, is important in terms of HIJ's contribution to one of the pillars of justice reform, that of increasing public confidence in the justice system. Disciplinary proceedings are not only aimed at punishing magistrates or removing them from the system, but also have an awareness-raising and educational approach to increase phenomena that affect better justice and strengthen public trust in the new bodies of the justice system. .

From the practice followed so far with the Councils, in some cases the proposals for disciplinary measures have been partially changed. The changes had to do with the evaluation of the Councils, regarding the type of measure given. In no case has the legality of the investigation, verification of violations or its very existence been violated, but the change has to do with the type of disciplinary measure requested by the High Inspector of Justice. In this case, the existence of the disciplinary violation has been confirmed and the investigative procedure followed has been confirmed, but the High Prosecutorial Council, exercising its discretion for judging the violations and evaluating the proposed disciplinary measure, has decided on a less severe measure or has referred the case for internal professional evaluation of the magistrates.

The margin of evaluation by the Councils is harmonized with the conviction created through the judgment and review of the evidence and documentation for the investigative process developed, with the practice followed for cases of exercise of discretion, the proportionality of the offense committed, but also the needs of the system of justice or external factors

influencing the system.

In cases where the Council has decided differently from the proposal of the HIJ for the disciplinary measure, the decisions have not overturned the standards of investigation and disciplinary proceedings proposed by the High Inspector of Justice, but are evidence of their acceptance, which have already been confirmed by the Appeal chamber of the Constitutional Court.

3.6. The progress of reviewing *backlog* complaints

During 2022, reducing the number of backlog complaints has been a priority for the High Inspector of Justice. As presented in the 2021 activity report, the High Inspector of Justice ended the year with 1,606 backlog complaints in process. Within the framework of these administrative measures undertaken during 2021 and their follow-up throughout 2022, it results that from the remaining fund of 1606 complaints, 534 or 33% of complaints have been processed and 1072 complaints remain to be processed.

Table no. 6 Progress of reviewing the 2020-2022 backlog

Year	Backlog stock	Processed	Remaining to be processed
2020	2104	65	2,039
2021	2039	433	1606
2022	1606	534	1072
2023	1072	-	-

All of the administrative and organizational measures taken by the High Inspector of Justice to deal with the backlog have produced measurable effects. The creation of the backlog complaint reviewing methodology has had its effects by increasing the number of reviewed complaints and reducing the stock. The High Inspector of Justice has set internal indicators to measure the progress of the processing. The internal indicator is calculated on the basis of the existing capacity of human resources. The backlog complaint review capacity is planned to occupy 20% of them every month for 11 months, or an average of 42 complaints per month. The initial value determined for processing took into account the fact that during 2021, the capacities of the Inspectors Unit would have been completed and this indicator would have been reached by 2022. Despite the fact that during 2022, there was no delegation for magistrates, this objective has been achieved by exceeding the expectation of 42 complaints per month, increasing it by 101 more complaints examined for 2022, but despite the positive effect, the main objective, that of completing the examination of the entire backlog fund, has not been achieved. In addressing this issue, measures have been taken to fill vacant positions for non-magistrate inspectors. The filling of vacancies through the competitive procedures for the recruitment of non-magistrate inspectors completed by HIJ at the end of October 2022, as well as with the strengthening of the inspectors' capacities, the

backlog fund is expected to be completely completed, as it is working at full capacity according to the methodology of scheduled for the completion of the backlog, within the first 6 months of 2023.

3.7. Thematic inspections

In support of Article 194 of Law no. 115/2016 "On the governing bodies of the justice system", as amended, the High Inspector of Justice, in the scope of his activity, among other things, conducts institutional and thematic inspections, in relation to every aspect of the work of the courts, judicial administration, prosecutor's offices and prosecutor's office administration.

During 2022, the Office of the High Inspector of Justice completed 2 thematic inspections initiated during 2021, specifically:

1. *On compliance with the conditions and criteria for assigning personal security measures for the criminal offense of "Unauthorized possession and production of weapons, explosive weapons and ammunition" in the Prosecutor's Office at Fier Judicial District Court, Shkodër Judicial District Prosecutor's Office and The Prosecutor's Office at Vlora Judicial District Court.*

The objectives that are intended to be achieved through the thematic inspection are:

- Recognition and determination of the effectiveness of the activity of the prosecutor's offices near the courts of the judicial districts subject to inspection;
- Providing recommendations of a legislative, administrative, organizational or functional nature regarding the conditions and criteria for assigning personal security measures;
- Identification of the actions/inactions or behaviors of the magistrates, which on the basis of a reasonable suspicion justify the initiation of the disciplinary investigation according to the procedures and rules provided in the law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", amended.

Thematic inspection is important in:

- Increasing the standards in the activity of magistrates in the implementation of the conditions and criteria for assigning security measures of a personal nature, defined in the Code of Criminal Procedure, the Constitution and the European Convention of Human Rights, related to the criminal offense provided for by the article 278 of the Criminal Code in particular.

The thematic inspection was mainly focused on three main areas:

- (i) Proportionality of the proposed measures;
- (ii) Procedural actions performed by the prosecutor to identify reasonable suspicion based on evidence;
- (iii) The level of reasoning made by the prosecutor to assure the court that the conditions and criteria for determining the measure of personal security exist together or separately.

From the analysis of the data during the inspection period, it was concluded that:

- The personal security measures requested by the prosecutor in the prosecutor's offices subject to inspection, have generally been proportional in relation to the level of security needs for specific cases, the importance of the fact and the sanction provided for the criminal offense provided for by the article 278/1 of the Criminal Code and with the circumstances related to the suspected perpetrator, up to the required stage.
- The position of the prosecutors regarding the type of security measure required is the same with reference to the circumstances of the criminal fact.
- Cases of the application of the security measure "property guarantee" have been found in which problems have been observed in terms of the interpretation and implementation of the procedural provision, Article 236 of the Code of Criminal Procedure.
- During the examination of the requests for replacement of measure or revocation of security measure, positions of the prosecutor were found in the wrong interpretation of the provisions related to the exercise of criminal prosecution, in the direction of changing the qualification of the criminal fact which is considered as one of the arguments on it which can be a different assessment of the proportionality of the measure of security established.
- During the reviewing of cases with the purpose of setting temporary security measures, interpretations not based on the meaning of Article 245/1/d of the Code of Criminal Procedure regarding the granting of a temporary security measure were observed in the prosecutor's offices. In cases where incorrect implementation of the provision for the determination of the deadline has been noticed, these measures have been determined by the court itself, while the same measure of indefinite security has been proposed by the prosecutor. Attitudes such as those of the prosecutor and the court, at the end of the term of the security measure, have led to procedural situations in which erroneous interpretations have appeared, both in terms of the form of the procedural act, and in terms of solving the essence of the related issue with the assignment/replacement or revocation of the security measure.
- In the cases where the decision was given by the court differently from the request of the prosecutor, it was found that the right to appeal was not exercised by the latter and from the formal side, which is provided for in Article 408 of the Code of Criminal Procedure.
- It is established that there are different practices between the prosecutor's offices subject to inspection on the way of proceeding for the notification of the court, in the framework of the implementation of Article 248 of the Code of Criminal Procedure in the cases of the implementation of a certain security measure in the absence of the judge.
- It is established that despite the fact that we find a good analysis of the judicial decisions by the court, the same cannot be said in terms of the reasoning of the prosecutors regarding the assignment of security measures in the way of presenting the conditions and criteria.
- In all the prosecutor's offices subject to this inspection, it is noted that in the procedural actions performed by them, the presentation of a unified format regarding the presentation of the latter is missing.

The inspection group addressed the bodies subject to this inspection with some recommendations in order to familiarize them with the best practices identified and the problems found in respecting the conditions and criteria for the assignment of coercive measures, as well as others in the implementation of the law. These recommendations are aimed at undertaking coordinated actions through legislative, organizational, administrative measures and increasing professional capacities to follow the following trainings:

- The prosecutor must include in the above analysis the concrete provisions of the Juvenile Justice Code;
- In the case of requests for replacement/revocation of security measure, the prosecutor must have a concrete and non-evasive attitude towards the security measure that should be assigned to the person under investigation.
- In the framework of administrative powers and reasoning related to the activity of the prosecutor's proceedings, in these cases, referring to the implementation of Article 256 and Article 258 of the Code of Criminal Procedure, a unification of the drafting of a record for all offices should be kept in mind of district prosecutors.
- As far as the courts are concerned, within the framework of increasing the quality of decision-making, the observance of the deadlines provided for in the relevant articles of the Code of Criminal Procedure should be qualitatively increased.
- In order to ensure a correct implementation and interpretation of the legal provisions so as not to encounter problems in their implementation, it is suggested that they become part of the continuing training curricula of prosecutors and judges, the trainings at the School of Magistrates, which include the cases of the interpretation and implementation in practice of Article 236 of the Code of Criminal Procedure, the Code of Juvenile Justice, the cases of legal interpretation on the conditions related to the determination of the amount of insurance and those related to the technique of writing and drafting requests by prosecutors and decisions by judges, related to security measures.
- As far as the Councils are concerned, an increased caution is recommended in terms of the quality of the drafting of decision-making for security measures.

1. "On taking administrative and procedural measures within the framework of the implementation of general instruction no. 12, dated 20.07.2020, of the Prosecutor General "On the regulation of relations between prosecutors and heads of prosecutor's office, information, transparency and guarantee of independence in prosecutor's offices with general jurisdiction", amended."

The objectives that are intended to be achieved through this thematic inspection are:

- Evidence of possible problems in relation to the implementation of General Instruction no. 12/2020 of the Prosecutor General and possible proposals regarding the regulation of

relations between prosecutors, heads of Prosecutor's Offices and the Prosecutor General, the organization and functioning of the prosecutor's office, the unification of practices, continuous training and legal changes.

- Giving recommendations of a legislative, administrative, organizational or functional nature regarding the regulation of relations between prosecutors, heads of prosecutor's office and the Prosecutor General within the framework of information, transparency and guaranteeing independence in prosecutor's offices with general jurisdiction.
- Identification of the actions/inactions or behaviors of the magistrates, which on the basis of a reasonable suspicion justify the initiation of the disciplinary investigation according to the procedures and rules provided in the law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", amended.

Thematic inspection is important in:

Increasing standards in the activity of prosecutor's offices with general jurisdiction for the unification of the rights and obligations of the prosecutor in relations with the heads of the prosecutor's offices, and the latter with the Prosecutor General, information and coordination of the activity of the prosecutor's office to ensure the independence of the prosecutor in the exercise of its functions, as well as supervision, legality and transparency in the prosecutor's office.

The thematic inspection was mainly focused on three main areas:

- (i) The manner and procedure followed in the issuance of general mandatory instructions by the higher prosecutor and the supervision of their implementation;
- (ii) The manner and procedure followed in the issuance of non- mandatory instructions by the head of the prosecutor's office for prosecutors and the supervision of their implementation;
- (iii) The manner of informing the heads of the prosecutor's office by the prosecutor, as well as the informing and reporting of the head of the prosecutor's office to the Prosecutor General.

From the analysis of the data during the inspection period, it was concluded that:

- From the data obtained, for the period of the inspection, there are no cases where the head of the prosecutor's office as the highest prosecutor, within the exercise of powers according to article 5, point 5 of the General Instruction of the Prosecutor General with no. 12, dated 20.07.2020, amended, to have requested the beginning of verifications from the monitoring sector at the Prosecutor General Office, against the prosecutor regarding the implementation of the general instructions.
- It was established that in none of the general instructions, in the enacting part, was the right of appeal reflected as part of the formal side of the act.
- In the general instructions issued by some heads of the prosecutor offices, some provisions have been identified that do not seem to be in accordance with the instructions of the Prosecutor General.

- During the inspection period, it is observed that the competence to issue non-mandatory instructions remains at moderately low levels.
- By the heads of the prosecutor's offices, is noted an understanding and implementation not in harmony with the provisions of article 48, point 3 of law no. 97/2016, amended, regarding the issue of mainly non-mandatory instructions, which must be given at the time of the referral of the criminal offense or the registration of the criminal report and the appointment of the relevant prosecutor by draw.
It is evident that the non-mandatory instructions or the general instructions issued by the prosecutor's offices subject to inspection, do not have a unification in terms of the format they follow.
- In the period taken in the inspection, there was no case of information on specific cases that could be issued any instruction in the relationship at the level of the prosecutor and the head of the prosecutor's office without the latter's request.
- The fact is evident, that even though a series of procedural acts of a general nature have been approved in order to take measures, there was no data for periodic reporting to the Prosecutor General.
- In the Prosecutor General Office, for the 6-month period of the inspection, there is no evidence of any case that the prosecutors of this prosecutor's office inform the Prosecutor General of the cases they represent in the Supreme Court or the Constitutional Court and how this information is provided, as provided in Article 19 of General Instruction no. 12/2020, amended.

At the end of the inspection, some recommendations were drawn up for the relevant prosecutor's offices subject to inspection at the First Instance and those of Appeal, which conclude in:

- Update by the prosecutor's offices coherently with the changes made with the General Instruction no. 16, dated 14.12.2020 of the Prosecutor General.
- Review of the orders issued by the offices of the Prosecutor's offices at the Courts of First Instance and harmonization in terms of a number of provisions of the general instructions of the directing position, referring to the law no. 97/2016 "On the organization and operation of the prosecutor's offices in the Republic of Albania", amended and the Code of Criminal Procedure.
- It is recommended that the non-mandatory instructions are structured on the formal side and respond to the purpose of this type of instruction, mainly by the position of the ones who give instructions.
- Measures should be taken by the heads of the prosecutor's offices to inform the Prosecutor General periodically about the state of criminality, according to the provisions of article 42, letter "I" of law no. 97/2016 "On the organization and functioning of the prosecutor's offices in the Republic of Albania", amended.
- It is recommended that all the prosecutors of the prosecutor's offices involved in the inspection be familiar with the problems related to the failure to provide information to the head of the prosecutor's office and the reflection of data.

- Unification of a practice in the way of written information from the head of the prosecutor's office to the Prosecutor General by issuing a general instruction in function of the smooth running, efficiency, legality and transparency, in the activity of the prosecutor's office as an independent constitutional body.
- It is suggested for the Prosecutor General Office review the model of the internal communications register.
- It is recommended to strengthen the coordination and monitoring of the progress of the implementation of General Instruction no. 12/2020, amended.
- It is recommended to continue the cooperation of the heads of the prosecutor's office and the Prosecutor General Office, in order to improve the operation of the statistical system, the analysis and digitization of the information of the registers in the prosecutor's office, as well as the increase of the contribution of the prosecutor's office in the compilation of unified statistics in the field of justice, to serve as a basis for analyzing criminality, the criminal policy implemented and its effectiveness.
- It is recommended to take measures for professional growth, as well as to continue the training of prosecutors with topics in the new legal framework of the operation of the prosecutor's office and some basic elements such as responsibility, professionalism, integrity and reliability to guarantee the independence and impartiality of the prosecutor.

1. "Conditional release"

This inspection, as one of the most challenging inspections, due to the high volume of documentary practices reviewed, the high number of courts and prosecutor's offices included in the scope of the inspection, as well as the lack of 25 inspectors at the time of its launch and the influx of the backlog but also of the complaints submitted directly to the HIJ, have significantly influenced the time frame of the realization and consequently the closure and addressing of the relevant recommendations.

Despite the extension in time, the results of this inspection were immediate, since during its development, HIJ submitted 2 requests for disciplinary proceedings in 2020 and 1 request for disciplinary proceedings in 2021. This inspection is expected to be completed within 2023 and will be concluded in a report that will include the conclusions reached during this process and in the relevant recommendations for the institutions of the courts and prosecutor's offices.

This thematic inspection was initiated by HIJ, since taking office due to the high public sensitivity at that time, for the release from the cells of those, who in everyday language are labeled as "the strong". This inspection produced effects because some magistrates were dismissed by the High Judicial Council and the High Prosecutorial Council, dismissals which were also confirmed by the Appeal chamber, thus confirming the work standard of the HIJ Office. In addition to this result in terms of identifying the individual responsibilities of magistrates, there has been an effect ascertained in terms of more careful use of the institution of "Conditional release" and an increase in the quality of decision-making. An equally obvious result of this inspection is the fact that there is no complaint submitted for violations related to the implementation of this institute, and at the

same time, during 2022, there are no public denunciations of problematic cases of conditional release.

Regarding the two completed inspections, the results of the effects on the system will be evidenced by measuring the level of implementation of the recommendations left by the inspection. These results will be part of the work report for 2023.

In order to improve the inspection, the inspection methodology has been approved, which is a unifying document of work practice and a practical guide for inspectors, in order to carry out the inspection. The methodology is designed to evaluate the practices of member countries of the RESIJ (European Network of Justice Inspection Services). Based on the current status of the High Inspector of Justice as an observer member in RESIJ, who is familiar with the best practices from counterpart institutions, during the drafting of this methodology, similar inspection practices from the High Inspectorate of the Ministry of Justice in Italy, Spanish Inspectorate, Inspection Services of the High Judicial Council in Portugal, Romania and Bulgaria. The methods followed for carrying out an inspection coincide with those methods offered by the practice of RESIJ member countries, which are mainly those of monitoring the activity, receiving and analyzing documents and files, analyzing statistical information and any other useful data. and conducting close visits to the premises of the inspected body's activity.

Even for 2022, capacity building for the Unit of Inspectors has been continued, where study visits have been carried out in several RESIJ countries, in order to obtain the best experiences in the field of inspections. In December 2022, a working visit was carried out at the High Inspectorate of the Ministry of Justice in Italy, where some inspectors from the Office of the High Inspector of Justice participated as observers in an inspection procedure at the Court of Appeal, Rome. The practical experience of conducting an inspection and the close observation of the process are unique experiences with an added value for increasing the capacities of the Unit of Inspectors and such visits are expected to be undertaken in the future.

IV. INTER-INSTITUTIONAL AND INTERNATIONAL COOPERATION

4.1. Cooperation of the High Inspector of Justice-High Judicial Council/High Prosecutorial Council/Independent Qualification Commission

Cooperation and strengthening of institutional relations with the bodies of the justice system, for the High Inspector of Justice, has been and will remain a very important aspect.

Regarding the cooperation with the Councils, the Office of the High Inspector of Justice, in any case, has processed with maximum priority the provision of information related to filed complaints, for magistrates who apply for promotion, within the career system. The cooperation has also continued in the direction of the data required for the verification of complaints for different magistrates, the results of which have been made available to them at the right time.

Also, the High Inspector of Justice has administered by the High Judicial Council and the High Prosecutorial Council, periodically updated data on:

- Lists with the names of magistrates who are currently in office.
- Lists of former magistrates who are no longer part of the justice system.
- Exchange of information within the investigation and evaluation of magistrates.

Communication with HJC and HPC continued through contact persons for work coordination and continuous information exchange.

In the framework of this inter-institutional cooperation, with the Independent Qualification Commission, the Office of the High Inspector of Justice administers information from the Independent Qualification Commission, for any decision-making against magistrates, prosecutors or judges, within the re-evaluation process. This communication follows due to the mutual needs for updated information in order to increase the efficiency of the work of the High Inspector of Justice, in reviewing complaints against the magistrates who are on duty. Every communication related to the referrals of the Independent Qualification Commission for verification of the activity of magistrates, even though they have been confirmed in office, has been examined by the High Inspector of Justice, with high priority, making the necessary verifications.

4.2. Cooperation High Inspector of Justice- Prosecutor General

The cooperation with the Prosecutor General continues within the framework of mutual commitments with the signing of the memorandum "On the performance of institutional and thematic inspections and for individual violations of the prosecutors in the prosecutor's offices with general jurisdiction". For the year 2022, there were no written complaints for disciplinary violations, nor were there any requests for institutional or thematic inspections.

In the framework of the cooperation for the two completed inspections, the inspection reports have been addressed to the Prosecutor General conveying the conclusions of the effectiveness of the activity of the prosecutor's offices object of inspection and the increase of the standards in the activity of the magistrates, in the implementation of the conditions and criteria for assigning the measures of security of a personal nature, defined in the Code of Criminal Procedure, the Constitution and the European Convention of Human Rights, for the criminal offense provided for by Article 278 of the Criminal Code in particular. The recommendations contain measures of a legislative, administrative, organizational or functional nature, related to the conditions and criteria for assigning personal security measures.

Also with the end of the second inspection, on taking administrative and procedural measures within the framework of the implementation of the general instruction no. 12, dated 20.07.2020, of the Prosecutor General "On the regulation of relations between prosecutors and heads of

prosecutor's office, information, transparency and guarantee of independence in prosecutor's offices with general jurisdiction", as amended, administrative, organizational or functional measures have been recommended, regarding the regulation of relations between prosecutors, heads of prosecutor's office and the Prosecutor General within the framework of information, transparency and guarantee of independence in prosecutor's offices with general jurisdiction..

4.3. Cooperation of the High Inspector of Justice with the Ministry of Justice

Cooperation with the Ministry of Justice has continued with the provision of contributions, the drafting of reports and the forwarding of information in the exercise of powers, according to the issues defined in the Intersectoral Strategy 2021-2025, the plan of measures for the implementation and monitoring of the fulfillment of the recommendations of the European Commission, related to the Political Criterion and Chapter 23 of the acquis of the European Union.

The cooperation between the High Inspector of Justice and the Ministry of Justice during the year 2022, within the framework of state policies for the justice system, has been developed through a series of reports or activities held within the framework of these reports, specifically:

- "Drafting Process of the National Plan for European Integration (PKIE) 2022-2024";
- "Indicator Report 2 (HIJ) for the SBS 2019-2023 budget support contract";
- "Review of Sectoral Contract indicators";
- "Draft plan of measures of the recommendations of the 2021 EC report for Albania";
- "Contribution of the Albanian Government to the 2022 European Commission Report (for the period June 1, 2021-February 28, 2022) - LGA- IAGA";
- "Monitoring report for 2021 in implementation of SND 2021-2025";
- "Drafting the second Contribution of the Albanian Government to the European Commission's Report on Albania for the year 2022";
- "Monitoring of implementation measures T2 2022 (Recruitment of non-magistrate inspectors)";
- "On the review of the target set for the High Inspector of Justice, in the Sectoral Contract "BR for reform in justice"";
- "Result indicators for the first 6 months of 2022 according to the Passport of Indicators of the Action Plan for the Cross-Sector Strategy of Justice 2021-2025".

On November 24-25, 2022, the High Inspector of Justice, with the coordination of the Ministry of Justice, and with the participation of high-level representatives of independent bodies and the executive, was part of the EU-Albania bilateral meetings. The Albanian authorities have been asked to present the degree of alignment with the acquis and the future plans for alignment. The EU-Albania bilateral meeting was accompanied by presentations

prepared and presented for the following areas:

- Independence and impartiality;
- Judicial efficiency.

The purpose of the presentations was to inform the European Commission on the level of alignment of national legislation with that of the *acquis* of the European Union, according to the areas of Chapter 23 "Judiciary and fundamental rights". The presentations included the existing legal situation, the institutional mechanisms made available to guarantee the implementation of this legislation, statistical data, the impact it has had in a certain area and plans for the future.

The participation of the High Inspector of Justice in this meeting presented importance for the process by following closely to the High representatives of the European Union, the developments of the institutional activity, but also the discussion of the results of the accountability system of the magistrates in Albania, after the approval of the reform in justice. The High Inspector highlighted the regulatory framework of the magistrates' accountability system, the progress of this accountability process, also presenting the problems that the new institutions of justice and HIJ specifically faced at the time of their creation. The High Inspector of Justice emphasized that despite all the difficulties, the accountability system of magistrates in Albania is working. A clear indicator is the public interest in the use of the system of complaints against judges and prosecutors, as well as the widespread use of the constitutional and legal mechanism of control over the work of magistrates. The functioning of the accountability system is an essential issue and of particular importance for the future, as a system must first function and then deliver results. The effects of these results are extended in time so that the accountability system functions fully, in accordance with the European values of respect for human rights, democracy and the rule of law as the essential asset of the European Union.

4.4. Cooperation of the High Inspector of Justice with the Ministry for Europe and Foreign Affairs

The High Inspector of Justice has offered cooperation on the basis of request, in the framework of the fulfillment of state policies in the field of foreign policy and those of the integration process of Albania in the European Union, as well as contributed to the forwarding of information to the Ministry for Europe and Foreign Affairs. Cooperation with the Ministry for Europe and Foreign Affairs has focused on monitoring the implementation of the provisions of the Stabilization and Association Agreement for Albania, in function of joint activities and periodic meetings according to the Subcommittee: European Union-Albania "Justice, Freedom and Security".

The involvement of the High Inspector of Justice in this Subcommittee has been through the submission of periodic reports, as well as through the meetings of the inter-institutional working group. The High Inspector of Justice has offered full cooperation within the framework of the fulfillment of state policies in the field of foreign policy and those of the process of Albania's integration into the European Union.

4.5. Cooperation with civil society actors

In March 2022, the cooperation agreement was signed between the High Inspector of Justice and some of the civil society organizations, which are engaged in monitoring the activity of the justice bodies.

The purpose of the cooperation is to establish continuous communication between civil society and the Office of the High Inspector of Justice, through transparent processes of monitoring the activity and increasing public confidence in the direction of raising public opinion on the mission, powers and responsibilities of the High Inspector of Justice.

In the framework of this cooperation and in compliance with the terms of the agreement, two contributions have been drawn up, within the framework of the monitoring of activities and indicators for HIJ according to the activities planned in the action plan of the Intersectoral Strategy of Justice 2021-2025, and information in the function of monitoring .

Two roundtables organized by the Institute for Public and Legal Studies (ISPL), a party to the agreement, were also organized, where the findings, results and conclusions of the monitoring were discussed.

The year-end working meeting between HIJ and the signatory organizations produced ideas that will materialize with other activities during 2023, initiated by these organizations, both in terms of monitoring the institution and in terms of public communication on the role and functions of HIJ

4.6. Cooperation of the High Inspector of Justice with international partners

Cooperation with international partners, both in terms of increasing and strengthening the capacities of the HIJ office, as well as in the exchange of best work practices, has been a priority for 2022 as well. In this direction, several cooperations have been achieved.

The signing of the memorandum of understanding between the Office of the High Inspector of Justice of the Republic of Albania and the Judicial Inspectorate of the Republic of Romania, on 08.02.2022, has as its object cooperation in joint projects and study visits, as well as exchanges of experiences and information related to the best work practices for the successful development of the activity of the justice inspectorates in Albania and Romania¹⁴.

¹⁴ Furthermore, you can access: <https://ild.al/sq/2022/02/09/inspektore-te-ild-shkembim-eksperience-me-homologet-rumune/>

The signing of the memorandum of understanding with the head of the General Inspectorate of Justice of Italy, on 24.03.2022¹⁵, aiming at the strengthening of inter-institutional relations and the exchange of best practices, within the framework of inspection and disciplinary investigation procedures against magistrates.

The signing of the memorandum of cooperation with the Faculty of Law of the University of Pristina, on 24.10.2022¹⁶, having as object the development of cooperation between the High Inspector of Justice and the Faculty of Law of the University of Prishtina, developing joint activities and programs and exchanging knowledge in the field of justice..

As part of the European Network of Justice Inspections Services (RESIJ) even though with observer status, as Albania is not a member of the EU, the High Inspector of Justice managed to unite counterparts from EU countries in Tirana in an international conference -, members of RESIJ and others, as well as prominent legal professionals, on the topic "Public interest and independence of magistrates" in Tirana, on June 24 and 25, 2022¹⁷. The conference was organized in cooperation with RESIJ and with the support of CEPEJ, the joint program of the European Union and the Council of Europe "*Horizontal Instrument for the Western Balkans and Turkey 2019-2022*".

Participation in the EU-Albania bilateral meeting, where the High Inspector of Justice has presented the state and problems of the accountability system in Brussels, within the processes dictated by Chapter 23, "Judiciary and fundamental rights", with a focus on the functions of HIJ, statistical data for the review of complaints, investigations and disciplinary proceedings, as well as the results of requests for proceedings and inspections. In addition, sub-topics that address aspects of the general administration of the activity, such as the budget, structure, human resources, independence, including the election, the end of the mandate, incompatibility and disciplinary responsibility of HIJ, were also discussed in the meeting..

4.7. Implementation of the recommendations of international instruments, within the process for European integration

On October 12, 2022, the European Commission approved and published the Progress Report for Albania for 2022, presenting a detailed annual assessment of the progress of the reforms carried out during the past year, as well as recommendations and guidelines for reform priorities. In this report, the Commission has evaluated the work of the new institutions of justice and in particular

¹⁵ Furthermore, you can access: <https://ild.al/sq/2022/03/24/inspektimi-dhe-hetimi-disiplinor-ild-nenshkruan-marveshje-bashkepunimi-me-homologet-italiane/>

¹⁶ Furthermore, you can access: <https://ild.al/sq/2022/10/24/ild-memorandum-bashkepunimi-me-fakultetin-juridik-te-universitetit-te-prishtines/>

¹⁷ Furthermore, you can access: <https://ild.al/sq/2022/06/22/interesi-i-publikut-dhe-pavaresia-e-magjistrateve-inspektori-i-larte-i-drejtises-mbledh-ne-tirane-homologet-evropiane/>

the Office of the High Inspector of Justice, it notes that "*HIJ is functioning and has initiated /directed disciplinary investigations against magistrates. HIJ continues to have a shortage of personnel and the reduction of the accumulated load has not been achieved, despite the filling of some vacancies, the acquisition of premises and the increase of the budget. Recruiting additional inspectors and improving capacity remains necessary. Most of HIJ's requests to dismiss prosecutors were rejected by the HPC in 2021. Close cooperation between the governing bodies of the justice system must continue.*"

Specifically, according to the Progress Report for Albania, for the year 2022¹⁸, The High Inspector of Justice has fully performed its functions during the reporting period, especially starting and conducting disciplinary investigations against magistrates. In addition to the evaluation of the work, the Commission has emphasized the need for:

- Recruitment of additional inspectors and improvement of capacities;
- Reduction of load.

Regarding the implementation of the aforementioned recommendations, the High Inspector of Justice, during the year 2022, in accordance with the appointment of inspectors, concluded the recruitment process on 11.10.2022, where by decision no. 44, dated 11.10.2022 "On the list of candidates allowed to fill the vacancy for a non-magistrate inspector, announced by the High Inspector of Justice on 30.09.2021¹⁹, the Inspector Appointment and Evaluation Committee has decided to approve the final list of ranking of candidates, according to the total points for each candidate in the competition procedure for vacant positions for non-magistrate inspectors. The current number of inspectors is 12, of which 8 non-magistrate inspectors and 4 magistrate inspectors.

Regarding the reduction of the workload, HIJ, in addition to taking organizational and functional measures where it has approved the necessary acts for prioritizing the review of complaints, given the dynamics of the progress of inspections and the actual situation of human resources in the institution, has made a redistribution of the remaining complaints for review, with the aim of including new inspectors in their examination. The administrative staff is engaged in highly technical administrative aspects to facilitate the flow of circulation and communication of the documentation, offering the support of the current inspectors in the exercise of the activity, without having a determining role in the processing.

As for the dropped requests, the Commission refers to several cases from previous reporting periods, where the terminology "dropped" was used. The use of this term was aimed at the correct use of the legal provision defined in article 146, point 2 of law no. 96/2016 "On the status of judges

¹⁸ <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>

¹⁹ High Inspector of Justice. (11.10.2022). "On the list of candidates allowed to fill the vacancy for non-magistrate inspector, announced by the High Inspector of Justice on 30.09.2021". Taken from: <https://ild.al/wp-content/uploads/2022/10/Vendim-per-renditjen-perfundimtare-Inspektore-Jo-Magjistrat.pdf>

and prosecutors in the Republic of Albania, amended. Acceptance or rejection is the procedural act, by means of which the Councils dispose of the decisions on the requests for proceedings presented by the HIJ. In this regard, during the meeting in Brussels, on November 24-25, 2022, it was clarified that the overturned decisions are basically partially accepted, as they were related to cases of changing the given measure. In no case has the legality of the investigation, verification of violations or its very existence been violated, but the change has to do with the type of disciplinary measure requested by the High Inspector of Justice. In any case, although the relevant Council has confirmed the disciplinary violation, in the exercise of its discretion, it has decided on a less severe measure or has referred the case for internal professional evaluation of the magistrates.

For one case, HIJ addressed at Tirana Court of Appeal, with the object of the lawsuit: "Repeal/illegality of the administrative act, against a decision of the High Prosecutorial Council, through which it was decided to overturn the request of the High Inspector of Justice, for the disciplinary proceedings of a magistrate and the resolution of the consequences of illegality, the acceptance of the request of the High Inspector of Justice and the assignment of the disciplinary measure "Public remark" to the magistrate. The Administrative Court of Appeal of Tirana at the end of the judicial review has decided: "Partial acceptance of the lawsuit of the plaintiff party", revoking the decision of the HPC and dismissing the lawsuit for other requests. This court case results to be concluded with a final decision on appeal. The case has been appealed by the High Prosecutorial Council and the appeal has not yet been examined in the Supreme Court.

V. INTERNAL ORGANIZATION

5.1. Delegations from the High Judicial Council (High Judicial Council)

In order to complete the organizational structure and especially the Cabinet of the High Inspector of Justice, several measures have been taken, which were aimed at the implementation of the orders of magistrates with the judge profile.

During the year 2022, the High Inspector of Justice submitted a request for the appointment of magistrate judges to the position of Advisor at the Office of the High Inspector of Justice.

After consulting the information published on the official website of the HJC, it results that with the decision no. 486, dated 14.11.2022 "On the announcement of the request for candidacy from the ranks of judges for delegation at the Office of the High Inspector of Justice"²⁰, has decided: *"The announcement of the request for candidacy from the ranks of*

²⁰ The High Judicial Council. (14.11.2022). "Announcement of the request for candidacy from the ranks of judges for delegation at the Office of the High Inspector of Justice". Taken from::

<https://klgj.al/wp-content/uploads/2022/11/NJOFTIM-I-DAT%C3%8BS-14.11.2022-P%C3%8BR-SHPALLJEN-E-K%C3%8BRKES%C3%8BS-P%C3%8BR-KANDIDATURA-NGA-RADH%C3%8BT-E-GJYQATAR%C3%8BVE-P%C3%8BR-KOMANDIM-N%C3%8B-ZYR%C3%8BN-E-INSPEKTORIT-T%C3%8B-LART%C3%8B-T%C3%8B-DREJT%C3%8BSIS%C3%8B.pdf>

judges delegated at the Office of the High Inspector of Justice for: "Advisor".

During the year 2022, there was no delegation for an inspector in the institution. On the other hand, a delegated magistrate inspector, who is continuing the work near the High Inspector of Justice office, has submitted a request for promotion, a request which is expected to be examined by the HJC.

5.2. Delegations from HPC (High Prosecutorial Council)

During the year 2022, there was no request for delegation addressed to the High Prosecutorial Council, given that in the Unit of Inspectors, in the ranks of the inspectors, 3 of the 4 inspectors come from the ranks of the magistrates with a prosecutor profile.

The High Inspector of Justice aims to create a balance through magistrate inspectors with a judge and prosecutor profile in the structure of the Unit of Inspectors, therefore he has not submitted a request for delegating a magistrate with a prosecutor profile.

5.3. Recruitment of non-magistrate inspectors

During the year 2022, the recruitment procedure of non-magistrate inspectors, announced on 30.09.2021, pursuant to Article 147/d of the Constitution and Articles 209 and 211, point 2 of Law no. 115/2016 "On the governing bodies of the justice system", amended, decision no. 536, dated 25.07.2019, of the Council of Ministers "On the creation of conditions for the High Inspector of Justice for the verification of fulfillment of the conditions and legal criteria, the verification of the figure and wealth of non-magistrate candidates for the position of inspector", as well as of Order no. 7, dated 04.03.2020 of the High Inspector of Justice "On the approval of the Regulation "On the procedure and criteria for the assessment, scoring and ranking of non-magistrate candidates for the position of inspector at the Office of the High Inspector of Justice".

The recruitment process ended on 11.10.2022, where by decision no. 44, dated 11.10.2022 "On the list of candidates allowed to fill the vacancy for non-magistrate inspector, announced by the High Inspector of Justice on 30.09.2021"²¹, The Committee for Appointment and Evaluation of Inspectors has decided: "*Approval of the final list of ranking of candidates, according to the total points for each candidate in the competition procedure for vacant positions for non-magistrate inspectors*".

²¹ High Inspector of Justice. (11.10.2022). "On the list of candidates allowed to fill the vacancy for non-magistrate inspectors, announced by the High Inspector of Justice on 30.09.2021". Taken from: <https://ild.al/wp-content/uploads/2022/10/Vendim-per-renditjen-perfundimtare-Inspektore-Jo-Magjistrat.pdf>

The increase in the number of inspectors, at the end of October 2022, has had a slight impact on the increase in the processing of backlog complaints. Increasing results for the completion of the review of backlog complaints will be achieved during the first 6 months of 2023, the period in which the backlog is expected to be completed.

5.4. Implementation of the law "On civil service" within the framework of completing and increasing the capacities of human resources

During 2022, pursuant to law no. 152/2013 "On the civil servant", amended, the Labor Code and the organic law, a total of 14 (fourteen) appointments/recruitments were made within the approved structure and 9 (nine) employees above the approved number of the structure, as follows ::

- | | |
|----------------------------------|--|
| 1. Cabinet | 2 (two) appointments to the position of Advisors
(2 Advisors left in September and October 2022 with resignation) |
| 2. Magistrate Inspector | 0 (zero) |
| 3. Non-magistrate inspector | 4 (four) |
| 4. Senior level management | 0 (zero) |
| 5. Middle level management | 2 (two) Assistant Inspectors (1 parallel movement and 1 reinstatement at the end of the suspension period) |
| 6. Lower level management | 1 (one) Responsible, (promotion); |
| 7. Executive level | 3 (three) Specialists (admission to civil service),
(3 specialists left with resignation); |
| 8. Employees with the Labor code | 2 (two) General Services Sector (released 2 by resignation) and 9 employees with a temporary contract |

The total number of appointments for 2022 within the approved structure is 14 employees.

The number of employees according to the structure for 2022 is 93 approved employees. The total number of employees effectively exercising their duties is 80, of which 71 employees within the approved structure and 9 employees with a temporary contract.

5.5 Activities within the framework of increasing the capacity.

During the year 2022, the High Inspector of Justice, together with the Unit of Inspectors and the Unit of Assistant Inspectors, attended a series of trainings, conferences and carried out exchanges of experiences, focusing on professional development, as well as the standardization and unification of the practice of inspection activity.

The High Inspector of Justice has shown a special attention regarding the growth and strengthening of the capacities of the Office of the High Inspector of Justice, giving priority to the development of trainings by international and national experts, since the establishment of the institution.

Also, during 2022, the High Inspector of Justice has focused on increasing cooperation with actors in the academic field, signing several cooperation agreements with law faculties of state universities inside and outside Albania.

The year 2022 saw exchanges of experiences between the High Inspector of Justice and other actors, in the framework of the development, training and standardization of the work processes of the employees but also the institution of the Office of the High Inspector of Justice.

5.5.1. Exchange of experiences

Regarding the exchange of experiences during 2022, the High Inspector of Justice has signed agreements and participated in the following activities:

1. The signing of the memorandum of understanding between the Office of the High Inspector of Justice of the Republic of Albania and the Judicial Inspectorate of the Republic of Romania.

The memorandum was signed in Bucharest on 08.02.2022 and has as its object cooperation in joint projects and study visits, as well as exchanges of experiences and information related to the best work practices for the successful development of the activity of the justice inspectorates in Albania and Romania²².

2. Establishing a continuous communication between civil society and the HIJ Office

The cooperation agreement between the High Inspector of Justice and six civil society organizations was signed on 16.03.2022. The agreement with HIJ was signed by the Institute for Public and Legal Studies (ISPL), the Institute of Political Studies (ISP), the Institute for Cooperation and Development (IBZH), the Albanian Helsinki Committee (KSHH), the European Center (QE), and the Albanian Institute of Science/Open Data Albania.²³.

3. Signing of the memorandum of understanding with the head of the General Inspectorate of Justice of Italy

²² Furthermore, you can access: <https://ild.al/sq/2022/02/09/inspektore-te-ild-shkembim-eksperience-me-homologet-rumune/>

²³ Furthermore, you can access: <https://ild.al/sq/2022/03/16/inspektori-i-larte-i-drejtise-nenshkruan-marveshje-bashkepunimi-me-6-organizata-te-shoqerise-civile/>

The agreement of understanding was signed on 24.03.2022²⁴, aiming to strengthen inter-institutional relations and the exchange of best practices, within the inspection procedures and disciplinary investigation against magistrates

4. Cooperation with Faculties of Law in public universities

The High Inspector of Justice on 21.10.2022 held a working meeting with the rectors of public universities, the University of Tirana, the University "Aleksandër Xhuvani" Elbasan, the University "Luigj Gurakuqi" Shkodër, the University "Aleksandër Moisiu" Durrës and the University "Ismail" Qemali" Vlora, with a focus on establishing bridges of cooperation in order to prepare students with the practical work and functions of the Office of the High Inspector of Justice²⁵.

5. Signing of the memorandum of cooperation with the Faculty of Law of the University of Pristina.

The memorandum of cooperation was signed in Pristina on 24.10.2022²⁶, having as its object the development of cooperation between the High Inspector of Law and the Faculty of Law of the University of Pristina, developing joint activities and programs, exchanging knowledge in the field of justice.

5.5.2. Participation in scientific conferences

Regarding the participation in scientific conferences during 2022, the High Inspector of Justice and the staff of the Office of the High Inspector of Justice participated in these conferences:

1. Topic: "Justice in times of challenges"

The conference was held on 09.05.2022²⁷, organized by the High Judicial Council in cooperation with the Council of Europe and with the support of the joint program of the European Union and the Council of Europe "Horizontal Instrument for the Western Balkans and Turkey 2019-2022", with the occasion of the National Day of Justice.

2. Topic: "Regional support to strengthen human rights, rule of law and democracy in the Southern Mediterranean (Southern Program IV)"

²⁴ Furthermore, you can access: <https://ild.al/sq/2022/03/24/inspektimi-dhe-hetimi-disiplinor-ild-nenshkruan-marveshje-bashkepunimi-me-homologet-italiane/>

²⁵ Furthermore, you can access: <https://ild.al/sq/2022/10/21/bashkepunimi-me-universitetet-si-dimension-i-rendesishem-i-vizionit-te-ild-se/>

²⁶ Për më tepër mund të aksesoni: <https://ild.al/sq/2022/10/24/ild-memorandum-bashkepunimi-me-fakultetin-juridik-te-universitetit-te-prishtines/>

²⁷ Për më tepër mund të aksesoni: <https://ild.al/sq/2022/05/09/fjala-e-inspektorit-te-larte-te-drejtise-ne-konferencen-drejtise-ne-kohe-sfidash/>

The conference held on 11.05.2022²⁸ in Casablanca, Morocco, was organized by the European Commission for the Efficiency of Justice (CEPEJ), in cooperation with the European Network of Justice Inspection Services (RESIJ) and the General Inspectorate of Judicial Affairs of the Superior Council of the Judicial Power (CSPJ).

3. Topic: **“Public interest and independence of magistrates”**

The international conference was organized by the High Inspector of Justice and the European Network of Justice Inspection Services (RESIJ), in cooperation with CEPEJ (European Commission for the Efficiency of Justice), and with the support of the European Union's joint program and the Council of Europe "Horizontal Instrument for the Western Balkans and Turkey 2019-2022" and was held in Tirana on June 24 and 25, 2022²⁹.

4. Topic: **“Horizontal Instrument of the European Union and the Council of Europe for the Western Balkans and Turkey 2019-2022”**

The regional conference was held in Budva, Montenegro on 28.09.2022³⁰. In the closing conference of the program "Horizontal Instrument of the European Union and the Council of Europe for the Western Balkans and Turkey, besides Albania, Kosovo, Bosnia-Herzegovina, North Macedonia, Montenegro, Serbia and Turkey participated..

5. Topic: **“Discussion on the report of the work done during 2022 and the program for 2023 in the General Assembly of RESIJ”**

The general assembly of RESIJ was held on December 17, 2022 in Brussels³¹, and was hosted by the High Council of Justice of Belgium. Network members discussed the report of the work done during 2022 and the program for 2023.

5.5.3. Training activities

As for training activities during 2022, the Office of the High Inspector of Justice, in cooperation with international institutions and organizations, has participated in the following trainings:

1. Her Majesty Crown Prosecution Service Inspectorate

Topic: “On the inspection process”

The training was held online on 27.07.2022³², where it was discussed about the procedure of inspections, their definition and planning, the way of organization, pre-inspection, site visits, assessment of the situation as well as the preparation of the investigation report..

²⁸ Furthermore, you can access: <https://ild.al/sq/2022/05/11/inspektori-i-larte-metani-merr-pjese-ne-konferencen-rajonale-te-sherbimeve-te-inspektimit-te-mesdheut-jugor/>

²⁹ Furthermore, you can access: <https://ild.al/sq/2022/06/22/interesi-i-publikut-dhe-pavaresia-e-magjistrateve-inspektori-i-larte-i-drejtewise-mbledh-ne-tirane-homologet-evropiane/>

³⁰ Për më tepër mund të aksesoni: <https://ild.al/sq/2022/09/28/bashkepunimi-me-cepej-histori-suksesi-per-ild-ne/>

³¹ Furthermore, you can access: <https://ild.al/sq/2022/09/28/bashkepunimi-me-cepej-histori-suksesi-per-ild-ne/>

³² Furthermore, you can access: <https://ild.al/sq/2022/07/27/ekipi-i-ild-se-trajnim-me-inspektoratin-britanik-mbi-inspektimet/>

2. The Organization for Security and Cooperation in Europe (OSCE)

Topic: **“Assessment of corruption risks in the drafting/revision of legislation”**

The training was held in Tirana on December 12 and 13, 2022, where it was discussed about the assessment of corruption risks during the drafting of legislation and the impact that the drafted legislation brings to the general public and public bodies.

VI. DATA ON JUDICIAL PROCEEDINGS WHERE THE HIGH INSPECTOR OF JUSTICE IS A PARTY

The Office of the High Inspector of Justice until December 31, 2022, has been a party to the following processes:

6.1. Proceedings at the Appeal Chamber

6.1.1. Finished cases

1. Disciplinary jurisdiction case no. 3/2021 dated 30.04.2021, where the High Inspector of Justice has been called in the capacity of the interested subject, together with the High Prosecutorial Council, with the petitioner magistrate B. M., prosecutor at the Prosecutor's office of Krujë Judicial District Court, with the object: " Repeal of the decision of the High Prosecutorial Council "On assigning disciplinary measures to the prosecutor". At the conclusion of the trial of the disciplinary jurisdiction issue, the Appeal Chamber judged that the magistrate's violations during the exercise of his activity, in the decisions subject to disciplinary proceedings and judgment before the chamber, ascertained by the HIJ and examined and concluded by the High Prosecutorial Council, are such that they charge the magistrate with disciplinary responsibility and that the disciplinary measure of dismissal from office, given by the High Prosecutorial Council, is proportional to the importance of the violations committed by him.

With decision no. 1, dated 30.05.2022, the Appeal chamber decided: "Rejecting the appeal of magistrate B. M., against decision no. 81, dated 31.03.2021, of the High Prosecutorial Council "On the assignment of disciplinary measures against prosecutor B. M. This decision is final, and enters into force on the day of publication in the Official Gazette". Decision no. 1, dated 30.5.2022, of the Appeal Chamber, announced on 12.7.2022, was published in the Official Gazette no. 108, dated 29.7.2022.

2. Disciplinary jurisdiction case no. 4/2021 dated 21.05.2021, where the High Inspector of Justice has been called in the capacity of the interested subject together with the High Judicial Council, with the applicant magistrate E. H., judge at Kruja Judicial District Court, with the object: "Repeal as incompatible with the Constitution of the Republic of Albania, decision no. 92, dated 17.03.2021, of the High Judicial Council". At the conclusion of the trial of the disciplinary jurisdiction case, the Appeal Chamber judged that the magistrate's

violations during the exercise of judicial activity, in the rendering of decisions subject to disciplinary proceedings, ascertained by the HIJ and reviewed and concluded by the High Judicial Council are such that charge the magistrate with disciplinary responsibility and that the disciplinary measure of dismissal from office, given by the High Judicial Council, is proportional to the importance of the violations committed.

With decision no. 2, dated 31.05.2022, the Appeal Chamber decided: "The rejection of the appeal of magistrate E. H., against decision no. 92, dated 17.03.2021, of the High Judicial Council "On the assignment of disciplinary measures against judge E. H.". This decision is final, definitive and enters into force on the day of its publication in the Official Gazette". Decision no. 2, dated 31.05.2022, of the Appeal Chamber, announced on 30.06.2022, was published in the Official Gazette no. 100, dated 06.07.2022.

3. The case of disciplinary jurisdiction no. 2/2021, dated 26.03.2021, where the High Inspector of Justice was summoned in the capacity of the interested subject together with the High Judicial Council, with the petitioner magistrate M. K., judge at Korçë Judicial District Court, with the object: Annulment of the decision of the High Judicial Council "On the assignment of disciplinary measures to a magistrate and the restoration of the limited rights of this decision-making". At the conclusion of the trial of the disciplinary jurisdiction case, the Appeal chamber judged that the disciplinary measure of dismissal imposed by the High Judicial Council is proportional to the violations committed, which are considered acts and behaviors that seriously discredit the figure of the judge.

Through decision no. 3, dated 07.12.2022, the Appeal chamber decided: "Rejecting the appeal of the magistrate, M. K., against decision no. 633, dated 10.12.2020, of the High Judicial Council "On the assignment of disciplinary measures against judge M. K.". This decision is final, definitive and enters into force on the day of its publication in the Official Gazette". Decision no. 3, dated 07.12.2022, of the Appeal chamber, was announced on 06.01.2023.

6.1.2. Cases under review at the Appeal chamber

1. Disciplinary jurisdiction case no. 1/2022, dated 16.02.2022, where the High Inspector of Justice was called in the capacity of the interested subject together with the High Prosecutorial Council, with the petitioner magistrate Sh. K., prosecutor in the Prosecutor's Office at Pogradec Judicial District Court with object: "Repeal as a decision contrary to the Constitution of the Republic of Albania of decision no. 411, dated 17.12.2021, of the High Prosecutorial Council "For the assignment of disciplinary measures against the prosecutor Sh. K." and the absolutely invalid declaration of dismissal for violation of human rights in the administrative process and for irregular legal process, which contradicts Article 6 of the ECHR and a number of articles of the Constitution. Restoring the rights limited by this decision".

The case of disciplinary jurisdiction is in the process of being examined in a plenary session based on documents in the Appeal Chamber.

2. Disciplinary jurisdiction case no. 2/2022, dated 20.06.2022, where the High Inspector of Justice was called in the capacity of the interested subject, together with the High Prosecutorial Council, with the petitioner magistrate B. Z., prosecutor in the Prosecutor's office at Dibër Judicial District Court with the object: "The change of decision no. 20, dated 31.01.2022, "On the assignment of disciplinary measures against magistrate B. Z., prosecutor in the Prosecutor's Office at the Court of First Instance Dibër", of the High Prosecutorial Council ; Returning to the position as prosecutor at the First Instance Prosecutor's Office Dibër.

The case of disciplinary jurisdiction is in the process of being examined in a plenary session based on documents in the Appeal chamber.

6.2. Court proceedings at the Administrative Court of Appeal in Tirana

1. Court case with the plaintiff High Inspector of Justice and the defendant HPC (High Prosecutorial Council), with the object of the lawsuit: "Repeal/illegality of the administrative act, of a decision of the High Prosecutorial Council, by which it is decided to overturn the request of the High Inspector of Justice, for the disciplinary proceedings of a magistrate and the resolution of the consequences of illegality, the acceptance of the request of the High Inspector of Justice and the assignment to the magistrate of the disciplinary measure "Public remark", provided by article 105, paragraph 1, letter "b" and article 107 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", amended, for the disciplinary violation provided for by article 102, point 1, letter "dh" of law no. 96/2016, amended, or the obligation of the KLP to impose on the magistrate the disciplinary measure "Public remark", provided by article 105, paragraph 1, letter "a" and article 107 of law no. 96/2016, for the disciplinary violation provided by article 102, point 1, letter "dh" of law no. 96/2016 "On the status of judges and prosecutors", amended. The Tirana Administrative Court of Appeal at the end of the judicial review has decided: "Partial acceptance of the plaintiff's lawsuit", revoking the decision of the HPC and dismissing the lawsuit for the other claims. Regarding the status of this court case, it results to be concluded with a final decision on appeal. The case has been appealed by the High Prosecutorial Council and the appeal has not yet been examined in the Supreme Court.

6.3. Court proceedings in the Administrative Court of First Instance in Tirana

1. Court case where the High Inspector of Justice was the defendant with the plaintiff F.H., a disqualified candidate within the recruitment procedure for the position of

non-magistrate inspector, at the Office of the High Inspector of Justice, with the object of the lawsuit: Repeal of the administrative act of the Committee for Appointment and Evaluation of Inspectors near the High Inspector of Justice". The Administrative Court of the First Instance of Tirana, at the end of the judicial review, decided: "Dismissal of the plaintiff's lawsuit". The case was registered in the Administrative Court of Appeal, after the appeal of F. H., which is in the processing phase.

2. Court case where the High Inspector of Justice was the defendant with the plaintiff S.K., a disqualified candidate within the recruitment procedure for the position of non-magistrate inspector, at the Office of the High Inspector of Justice, with the object of the lawsuit: Repeal of the administrative act of the Committee for Appointment and Evaluation of Inspectors, near the High Inspector of Justice". The Administrative Court of the First Instance of Tirana, at the end of the judicial review, has decided to suspend the trial, since the plaintiff S. K., based on Article 201, has submitted the request to waive the trial of the lawsuit. The status of the court case is concluded.

VII. TRANSPARENCY AND PUBLIC RELATIONS

7.1. Transparency in the focus of the activity

Transparency and good information continue to be at the center of the public communication of the Office of the High Inspector of Justice, in function of the announced ambition, since the establishment of the institution, that in its work HIJ aims to find a balance between the public interest in the administration of justice and respecting the independence of magistrates, since the more independent the magistrate is, the more guaranteed the citizen is for his rights.

The High Inspector of Justice pays special attention to transparency with the public and the media, as a prerequisite for increasing and consolidating public trust in the institution in particular and the justice system in general.

The effective relationship with the public is not enough only with communication with it through the institution's official website www.ild.al, but a targeted interaction through the absorption of every opinion of the users of the justice system is aimed. Thus, on Justice Day, May 10, 2022, a survey on HIJ's activity was published on the official website, where through a series of questions, citizens are invited to express themselves about the institution, regardless of whether or not they have had direct experience with it and what those who have had personal experience with the High Inspector of Justice have found. From the data of the survey, it is intended that the orientation of

HIJ's activity aligns with the sensitivities and needs of the public, as a contribution to continuously improve the work of the institution and to strengthen citizens' trust in HIJ.

From May 10, when the survey was published, until December 31, 2022, 49 surveys were filled out by users of the services provided by HIJ. Compared to the 500 complaints confirmed during this period, it results that 10% of users have shared their experience through the survey, regarding the services provided by HIJ. The recording of data serves the needs for improvement, both at the level of service delivery and understanding if the awareness has managed to fulfill its purpose, that of simplifying the processes and educating the public on the role and functions of the High Inspector of Justice.

Anketë mbi veprimtarinë e ILD-së

1. Sa i informuar jeni mbi funksionimin e Zyrës së Inspektorit të Lartë të Drejtësisë? Zgjidhni një ose disa nga pohimet e mëposhtme. *

- Njoh pak sferën e kompetencave të ILD-së.
- Njoh kompetencat e ILD-së, pasi kam lexuar kuadrin ligjor të sistemit të drejtësisë.
- Jam informuar përmes faqes zyrtare të ILD-së.
- Jam informuar nëpërmjet mediave tradicionale/sociale për ILD-në.
- Më kanë informuar të njohur/institucione publike, mbi mundësinë e ankimit ndaj veprimtarisë së magjistratëve pranë ILD-së.
- Kam dashur por nuk kam njohur asnjë nga format e komunikimit.

2. A jeni ankuar ndonjëherë për veprimtarinë e magjistratëve? *

- Jo, ankohe për herë të parë në ILD.
- Po, kam depozituar ankesë edhe më parë.
- Jo, asnjëherë.

Program for public information and communication for the years 2022-2023

Despite all the information work, it is noticed that there is still uncertainty on the part of the citizens about the role of HIJ, often due to the difficulty in understanding the laws. For this purpose, but also in implementation of the recommendations of the Assembly, with the order no. 49, dated 30.05.2022, of the High Inspector of Justice, the program for public information and communication of the Office of the High Inspector of Justice was approved, in which the following are presented as basic objectives: providing assistance to complainants; promoting the activity of

the Office of the High Inspector of Justice; guaranteeing the right to information and transparency, as well as monitoring public access to the activities of the Office of the High Inspector of Justice.

Setting transparency to the public as the main priority of the program for public information and communication, the Office of the High Inspector of Justice works systematically to increase trust in every public actor, media or interest group. Full access to communication with the institution for any interested individual or institution, such as through the official phone number, the official email or the reception of citizens from Monday to Friday are ways through which not only is the right guaranteed in accordance with the law of information, but data on HIJ's competences are provided. The work of the complaints office, the point of direct communication with citizens, is reflected in a special section of the monthly HIJ newsletter, with relevant statistics.

7.2. The website as a means of communication of the institution

The official website www.ild.al is HIJ's main way of communicating with the public. Information through the site is done almost in real time with the activity of the institution in two languages, Albanian and English, and fulfills the obligations defined in law no. 115/2016 "On the governing bodies of the justice system" and law no. 119/2014 "On the right to information". Through the website, the Office of the High Inspector of Justice has established proactive, transparent and informative relations with the public and the media. The page is improved from time to time in order to create facilities for every citizen or interested entity, in the search for information in real time. In addition to informative materials and videos, dedicated columns on the activity, decisions and acts of the HIJ, continuous improvements are made in terms of communication on how to appeal to the HIJ. The rubric "How complaints are accepted" is updated with concrete orientation cases on the admissibility of the complaint, its progress, archiving, the complaint up to the investigation and disciplinary proceedings, which are accompanied by a graphic illustration of the entire journey that follows a complaint at HIJ. This updated information complements the existing one to facilitate the appeal process through the standard appeal form, with the relevant instructions for completion and addressing at HIJ.

7.3. Reception of citizens in the premises of the High Inspector of Justice

The Sector of Legal Aid and Complaints at HIJ awaits citizens on every official working day, from 09.00 to 14.00. During 2022, an average of (six) citizens per day were assisted and informed through meetings and the telephone line regarding their claims/complaints to the magistrates.

Specifically:

- 246 meetings with citizens were held (on the basis of written requests, requests by telephone communication, as well as without prior determination). During the meetings, in every case the responsible officials listened to the claims, assisting/informing them about the ambiguities, regarding the rights of the citizens to complain.

- 296 citizens/interested subjects were assisted by phone, on the institution's official number, who mainly requested information on the stage at which the complaints are located, how they are accepted, how to proceed with the presentation of additional documents in support of their claims , etc.

1.2. The right to information

The Office of the High Inspector of Justice has in every case fulfilled the legal obligations deriving from law no. 119/2014 "On the Right to Information" and from the approval of the revised Transparency Program and completion of the register of requests and responses according to the orders of The Information and Data Protection Commissioner (IDP). The information made public in the transparency program comprehensively reflects HII's activity, through detailed publication on the official website www.ild.al, as well as in public reception areas. The transparency program reflects in the columns, texts/content, defined time limits for making information public, the way of making it public, as well as the relevant structure, which produces or administers the document. In the content of the transparency program, the location of the official information on the website map and the update, both in form and content, are clearly evidenced.

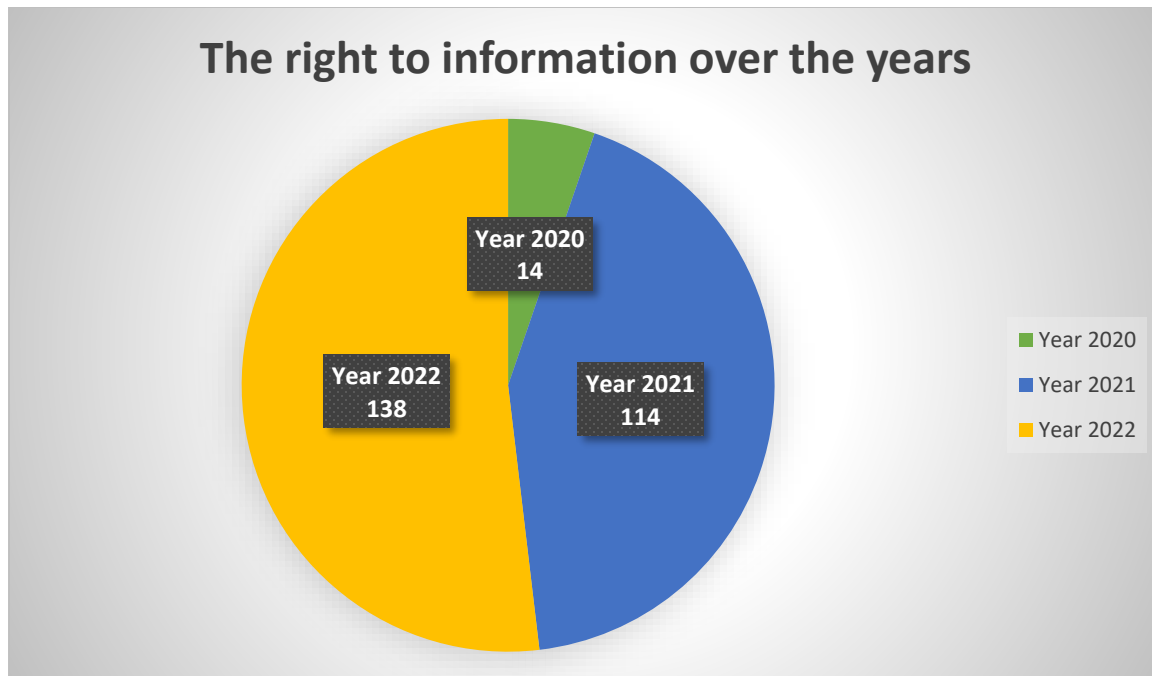
During 2022, the Office of the High Inspector of Justice received 138 requests for information, which were reviewed in all cases within the legal deadlines.

No applicant appears to have complained to the relevant authorities for:

- a) lack of information;
- b) unclear information;
- c) exceeding the legal deadlines and
- ç) refusal to provide information.

Compared with the data of the previous year, a quantitative and qualitative increase in the reviewing of requests for information is found. Considering it as a progressive indicator of the increase of public trust in the institution, the administration of the Office of the High Inspector of Justice, according to the provisions of law no. 119/2014 "On the Right to Information", has dealt with requests for information from citizens, media, interest groups or civil society organizations within a short period of time. On average, three requests for information were processed per week for the year 2022.

Referring to public data, the Office of the High Inspector of Justice, for the year 2020, processed 14 requests for information, for the year 2021, processed 114 requests for information and for the year 2022, reviewed 138 requests for information.



7.5. How does HIJ communicate with the public?

In function of transparency for the activity of the institution but also the access of the public during the year 2022, the classical methods of communication were used, improving elements for increasing work efficiency. Maximum attention has been paid to:

- Official website www.ild.al updated with information, in Albanian and English.
- On the official website, every Monday, the weekly work progress in HIJ continues to be published in terms of the number of complaints administered, those reviewed, those in the process of initial review, verification, archiving, investigations and disciplinary proceedings.
- Email info@ild.al, as a quick way of communication for sending complaints/documents, or to request information.
- Official phone number, for real-time communication with the public, institutions and interested citizens, one of the ways to guarantee the right to information.
- Reception of citizens every working day, from Monday to Friday (from 09.00-14.00) assisting them as necessary in filling out the standard complaint form through employees of the Legal Aid and Complaints Sector, as a component structure of the Directorate of Services Legal.
- The HIJ monthly newsletter continued during 2022 to be periodic information on the activities of the Office of the High Inspector of Justice. The newsletter is in two languages, Albanian and English, is available on HIJ's official website and has the option of free subscription for all those interested.

- The official account of the High Inspector of Justice on the Twitter application also serves as a quick and concise way of public communication.
- The YouTube channel of HIJ is refreshed with the activities, video interviews of the High Inspector of Justice.
- Direct communication with interest groups in order to inform about the role and functions of HIJ.

7.6. Communication with the media as a way to reach the public

The Office of the High Inspector of Justice has established a correct cooperative relationship with the media, as an intermediary with the public opinion, trying to convey real-time information on the activity of the institution, responding to their interest in various aspects of the work. of HIJ, and paying special attention to the monitoring of the media, with the aim of collecting information on the various denunciations for cases of alleged disciplinary violations of magistrates.

During the year 2022, the High Inspector of Justice has strongly underlined in his communication that the public interest in the administration of justice must go parallel to respecting the independence of magistrates, as a balance that gives value to the rule of law. The ways in which the Office of the High Inspector of Justice is activated for public denunciations are provided for in the law and during 2022, due to the dynamics that have focused on the justice system, special attention has been paid to this public clarification, a process that continues in 2023. Through interviews of the High Inspector of Justice or press communications, it has been clarified that through information made public, a set of developments can be listed, which are claimed to have happened, but the High Inspector of Justice has the obligation to make an accurate determination of the facts and actions related to these data or information, in relation to disciplinary violations, which may have been committed by the magistrates.

The recording of these clarifying messages, also through relevant videos, published on the website and on social networks, aimed at public clarification, firstly, that the addressing of any claim for disciplinary violations by magistrates must be done institutionally at HIJ, through the presentation of a appeal and further a reminder of the competences of the HIJ, which in certain cases are confused with those of the higher courts as far as claims against judges' decisions.

Part of the public communication through the media has also been the clarification of HIJ's work methodology, in relation to the reviewing of complaints, which is done according to a priority order based on criteria such as time, typology or urgency of its reviewing, respect for the principle of equality and objectivity, as well as the time needed for its review and evaluation.

During the year 2022, there are 59 announcements, television interviews, bilateral meetings of the High Inspector of Justice with national and international actors, awareness messages, round tables with interest groups, or even law students, with a focus on full and transparent information of the public and the media.

VIII. FINANCIAL PERFORMANCE

For the year 2022 with the law no. 115/2021 "On the budget of 2022", the Office of the High Inspector of Justice was approved a budget of 266.8 million ALL, of which:

1. For current expenses, 202.8 million ALL.
2. For investments, 64 million ALL.

Based on the progress of its implementation during 2022, the HIJ budget underwent changes, specifically:

For the group of current expenses:

The non-filling of vacancies for "Inspector" positions created free funds, especially in the "Salary" and "Insurance" items, and as a result, with Normative Acts no. 3, dated 12.03.2022, no. 12, dated 29.08.2022 and no. 17, dated 01.12.2022 "On some additions and changes to law no. 115/2021 "On the 2022 budget", as amended, this budget suffered a reduction of about ALL 51.3 million in this group of expenses.

Investment budget according to projects, detailed as follows:

- For the project "Reconstruction of the premises of the HIJ office building", in the annual budget law 2022, the fund was planned in the amount of 60 million ALL. At the end of the procurement procedure, with the conclusion of the contract with the winning operator, the partial realization of the approved fund became possible. For this reason, the unused fund in the amount of ALL 48 million was reduced by Normative Act no. 17, dated 01.12.2022.
- For the purchase of office equipment, with an approved budget in the amount of ALL 3 million; since during the years 2022-2023 the reconstruction of the building will be carried out, this fund was passed through the transfer, in order to realize the purchase of licenses for the users of the complaint and document management system (SMAD) donated by the EURALIUS V project in February 2022 in the amount of 2 million ALL, as well as for the additional fund for the purchase of IT equipment in the amount of 1 million ALL.
- For the year 2022, with the available budget of 2 million ALL, the purchase of IT equipment necessary for HIJ staff was completed. At the end of 2022, the realization of the revised budget of the Office of the High Inspector of Justice according to expenditure items and in total is as follows:

Expenses :	Plan (000 lekë)	Fact (000 lekë)	Realization (%)
1. Salaries	99.550	98.134	98.6
2. Insurance	15.000	14.511	96.7
3. Operative expenses	34.413	26.245	76.3
4. Other curent	2.480	1.240	50.0
5. Investments	16.000	15.391	96.2
TOTAL BUDGET 2022	167.443	155.521	92.8

For the year 2022, the development of public procurement procedures by the General Services Sector has been carried out pursuant to law no. 162/2020 "On public procurement" and decision no. 285, dated 19.05.2021, of the Council of Ministers "On the approval of public procurement rules".

Referring to the register of public procurement predictions for the year 2022 approved by the Office of the High Inspector of Justice, the following public procurement procedures have been carried out:

Indicator table of public procurement procedures carried out for 2022.

No.	Type of public procurement procedure	The monetary limit referred to law no. 162/2020 "On public procurement"	Total
1	Open procedure (Work)	Over 10 000 000 lekë	1
2	Simplified open procedure	From 1 000 000 lek- 10 000 000 lek	2
3	Small value purchase	From 100 000 lekë- 1 000 000 lek	11
4	Purchase under 100,000 ALL	Purchase under 100 000 lek	33
5	Dynamic purchase of tickets for air transport	Dynamic purchase	6
	TOTAL		53

At the same time, the register of public procurement procedures for 2022 is also published in the public procurement system of the Public Procurement Agency www.app.gov.al.

IX. SUMMARY OF ACHIEVEMENTS

Even the year 2022 was characterized as a work year with a significant load, due to shortages in human and infrastructural capacities. In addition to all these challenges, the Office of the High Inspector of Justice lists the following achievements:

1. Priority reviewing, speed and significant reduction of backlog complaints. Their reviewing gives certainty to the magistrate in office, that every complaint against him has been resolved in accordance with the legal provisions for disciplinary proceedings. Meanwhile, with the reviewing of backlog complaints, citizens have also received well-argued answers to their claims about the activity of magistrates.
2. In addition to the disciplinary proceedings, HIJ has conducted and completed 2 thematic inspections. HIJ has not only focused on verification and support with evidence and legal arguments for the process of disciplinary proceedings, but has completed, despite the quantitative volume, two thematic inspections. Referring to the purpose and objectives, the inspections will influence not only the evaluation of the activity of the prosecutor's offices where the inspections took place, but also the provision of concrete recommendations of a legislative, organizational and operational nature. The results of the effects on the system will be measurable, from the level of implementation of the recommendations left by the inspection. This dimension of HIJ's work will continue during 2023.
3. The institution of the High Inspector of Justice has played a proactive role in the development of administrative procedures for the verification or investigation of disciplinary violations, which have been claimed to have been committed by magistrates, directly influencing the increase of the level of responsibility and accountability of the entities that are subject to control by HIJ.
4. The increased commitment of the HIJ institution in the creation of a functional accountability system based on the standards of responsiveness and responsibility through the development of thematic inspections, or the initiation of disciplinary proceedings in certain cases, has resulted in increased care on the part of magistrates to correctly apply the legislation or institutes of law and therefore increasing the quality of their decision-making.
5. Disciplinary proceedings for magistrates after the assessment and review of complaints submitted by citizens, in function of the publicly expressed approach to attention to the citizen as a complainant, but at the same time and awareness of the magistrate that the institution of the High Inspector of Justice devotes maximum attention to any complaint.
6. Transparency remained a stable priority, which will continue during the year 2023, as in dedicated public communication, or with foreseen activities, the cooperative relationship with the media, in addressing their interest, as an intermediary with the public, for the activity of High Inspector of Justice.

7. Even during the year 2022, HIJ has maintained, despite criticism in many cases, balanced communication between maintaining confidentiality in order to guarantee the integrity of the magistrate's image and the right to information.

8. Cooperation and strengthening of institutional relations with the bodies of the justice system, in consolidating activity and increasing efficiency, through the exchange of information necessary to improve important processes such as disciplinary investigation and ethical and professional evaluation of magistrates.

9. Cooperation with every factor/actor of civil society, not only as a control tool for the work of the institution, but also as partners, through dedicated activities on the role and functions of HIJ, challenges and progress in order to strengthen public trust in the system of justice.

10. Strengthening cooperation with international partners, both in the direction of increasing the capacities of the Office of the High Commissioner for Human Rights, the exchange of best work practices, but also in the direction of monitoring the country's progress and achievements, from the reform of the justice system to totality.

11. In the absence of a consolidated administrative as well as judicial practice, the institution of the High Inspector of Justice has played an important role regarding the interpretation and implementation of the new legislation on the disciplinary responsibility of magistrates. During the year 2022, as in the previous periods, there were no claims raised against HIJ, against the investigative activity of the institution, for reasons other than those provided by law. Even the standards set by the High Inspector of Justice for verification and investigation have been certified, both by the councils (HJC and HPC), and by the Appeal chamber.

Even in this report, challenges for the institution continue to remain:

1. Completion of reviewing Backlog files, due to the volume it occupies in the load.
2. The lack of human resources remains a permanent challenge.

The one-year institutional activity proves that the year 2022 has had work results and stable progress. In addition to the results mentioned in the different sections of this report, the High Inspector of Justice is aware that further progress could be achieved in these areas:

1. Further improvement of the professional capacities of inspectors.

Compared to 2021, the number of trainings has been reduced. This is also due to the priority set to focus the Inspectors Unit on examining complaints and clearing the backlog. On the other hand, despite the efforts and presentation of needs, providing training with experts and professionals in the field remains a constant challenge, since there are no curricula or mechanisms that permanently provide training in the field of inspections. Participation in forums (conferences), where topics are discussed in function of inspection services, require multidimensional engagement and have high administration costs.

1. Adaptation of international experience and exchange of experiences or work practices obtained so far.

These experiences require their own time, to adapt them to work practices and standards, which will then ensure results in the continuity and coherence of the activity, with the best European experiences. The work standards created so far should be subject to evaluation by the system bodies through specific indicators.

2. Aspects of infrastructure and information technology development are another challenge that should mark achievements.

During the year 2022, there have been no significant developments, this is due to the reconstruction project and the extended time to provide the necessary technical-legal documentation, to modernize the work environment, where measures have undoubtedly been taken to ensure the necessary infrastructure of technology..

III. PRIORITIES DURING 2023

1. Completion within the first 6 months of 2023 of Backlog complaints.
2. Measuring the performance of judges and prosecutors, for the quality and efficiency of justice delivery.
3. Development of information technology system and case management strategy.
4. Improving the necessary information technology infrastructure, in particular for the verification of complaints and inspections.
5. Creating a history of the institution's data over the years and performance audit.
6. Strengthening the institutional mechanisms for verifying the wealth and integrity of the subjects of disciplinary proceedings.
7. Increasing the capacities of inspectors through the implementation of the best practices and experiences of foreign institutions with the same field of action, in order to improve the work process in the reviewing of complaints, the investigative process, etc.
8. Carrying out continuous planned thematic and institutional inspections, developing relevant methodologies and standards.
9. Increasing and strengthening cooperation with other institutions of the justice system with which HIJ cooperates.
10. Filling vacancies in the unit of inspectors (magistrates and non-magistrates) in order to increase efficiency in achieving the objectives of HIJ.

XI LEVEL OF IMPLEMENTATION OF THE RECOMMENDATIONS OF THE PARLIAMENT OF THE REPUBLIC OF ALBANIA FOR THE OFFICE OF THE HIGH INSPECTOR OF JUSTICE FOR THE YEAR 2021.

The Assembly of the Republic of Albania, in compliance with decisions no. 49/2017 "On the creation of a joint mechanism for the systematic monitoring of the follow-up and implementation of the recommendations of independent constitutional institutions and those established by law" and no. 134/2018 "On the approval of the annual and periodic monitoring manual", as well as based on the work progress of HIJ, has made a detailed assessment of the annual work report filed with him by the High Inspector of Justice for the period January- December 2022.

In the plenary session of July 14, 2022, the Assembly of Albania approved the resolution "On the evaluation of the work of the High Inspector of Justice, for the year 2021", through which 11 recommendations were left for follow-up and implementation.

With the approval of the resolution, by the High Inspector of Justice, the calendar of measures for the implementation of the recommendations was drawn up, the persons responsible for the follow-up and implementation of the measures for each recommendation and the relevant deadlines for the fulfillment of the recommendations were appointed.

From the recommendations left according to the resolution of the Assembly of the Republic of Albania, for the Office of the High Inspector of Justice, in a synthesis of the level of their implementation, we note that:

- some of them have been fulfilled (recommendations no. 1, 2, 3, 4, 5, 7, 9, 10 and 11);
- other recommendations have been partially implemented and remain in the process for final implementation during 2023 (recommendations 6 and 8).

Regarding the progress of the implementation of the recommendations and the measures taken in their implementation, we inform in detail the following:

1. The drafting of detailed provisions for the administration of the case management system for the investigative procedure, as well as the public disclosure of partial information according to the determination of the High Inspector of Justice in accordance with and in implementation of Article 137 of Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania".

Regarding recommendation no. 1, the High Inspector of Justice, after taking over and signing the asset transfer agreement between the head of the mission and the High Inspector of Justice and becoming part of the inventory of the assets of the HIJ Office, of the system, approved order no. 59, dated 15.07.2022, "On the approval of the regulation for the administration and use of the

system for managing complaints and investigative procedure documents (SMAD) at the Office of the High Inspector of Justice", accessible at the following link:

<https://ild.al/wp-content/uploads/2022/07/Urdher-Nr.-59-date-15.07.2022-Rregullore-SMAD.pdf>

On the part of HIJ, budget requests have been made to the MFE for the further development of the system and the renewal of the relevant licenses, in order to ensure the continuity of the system and the fulfillment of its goals.

2. Fast-paced work on the drafting of the regulation for the reviewing of complaints and the drafting of a general inspection methodology.

In relation to this recommendation, the High Inspector of Justice has approved:

- order no. 122, dated 30.12.2022 "On determining the rules for examining complaints in the Office of the High Inspector of Justice"

- order no. 121, dated 30.12.2022 "On the approval of the inspection methodology".

3. The rapid continuation of the work for the completion of the recruitment procedures of inspectors at the Office of the High Inspector of Justice.

Regarding this recommendation by the Councils, there have been no orders of magistrates as magistrate inspectors in the Office of the High Inspector of Justice, while in relation to non-magistrate inspectors, the recruitment procedures were closed in October 2022 with the appointment of 4 new inspectors, bringing the number of inspectors in the institution to 12, of which 4 are magistrate inspectors and 8 non-magistrate inspectors.

4. Encouraging cooperation with the High Judicial Council, the High Prosecutorial Council, the Ministry of Justice, the Prosecutor General or other institutions for submitting motivated requests on their part for the implementation of thematic or institutional inspections by the Office of High Inspector of Justice.

The High Inspector of Justice, during 2022, has successfully closed two of the inspections initiated during 2021, one of which is at the request of the Prosecutor General. The recommendations left by these inspections will be followed by the Office of the High Inspector of Justice and their results will be monitored during 2023. Për vitin 2022, nuk janë paraqitur kërkesa nga organet kompetente.

5. Drawing up and approving the annual plan of institutional and thematic inspections and making it public on the institution's official website.

Regarding this recommendation, the High Inspector of Justice has approved the annual inspection plan for 2023 and published it on the website.

6. The fast pace of reviewing complaints submitted by competent bodies during the transitional period, as well as priority reviewing of complaints, which due to the provisions of Article 117 of

Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania" can be prescribed, thus avoiding their archiving without enabling verification and investigation by the institution.

During 2022, the High Inspector of Justice reviewed 534 backlog complaints. The reviewing of the remaining backlog is scheduled to close within the first 6 months of 2023.

7. Priority follow-up of complaints against magistrates in the vetting process in function of their responsibility and accountability.

During the year 2022, 14 requests came from the Independent Qualification Commission, for 14 subjects, for which HIJ continued to treat them with priority.

8. The priority processing of all cases of conflict of interest that may be encountered during the activity of the governing bodies of the justice system.

During 2022, efforts were made to sign an agreement with The High Inspectorate of Declaration and Audit of Assets and Conflict of Interests to train HIJ inspectors on aspects of conducting verifications within the provisions of Article 124/1 of Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended. The project agreement will be finalized during 2023.

9. Reviewing work objectives and drafting a new strategic plan, extended in time and according to a coordinated methodology to serve as a basis for general planning and performance management.

In order to implement this recommendation, with order no. 63, dated 28/07/2022, of the High Inspector of Justice "On the establishment of the working group for the drafting of the strategy and action plan 2023-2025, of the Office of the High Inspector of Justice, the working group was established for the drafting of the new strategic plan of the HIJ, which drafted the strategic plan. The draft strategic plan is currently undergoing consultation with foreign experts from OPDAT. The new strategic plan has been drafted in reference to a harmonized planning with financial management and control systems, integrity and accountability in operational management, in order to guarantee the efficient and effective fulfillment of responsibilities and competencies.

The new plan foresees a number of revised measures and activities and takes into consideration:

- Problems of the implementation of unrealized or partially realized measures and activities from the 2020-2022 plan;
- Recommendations of the Progress Report for Albania;
- The Cross-Sector Strategy of Justice 2021-2025.

8. Commitment to performing internal control periodically, mainly in the accountability of inspectors.

7. Drafting and approval of the annual plan of institutional and thematic inspections and making it public on the institution's official website..

Regarding this recommendation, the High Inspector of Justice has approved the annual inspection plan for 2023 and published it on the website.

8. The fast pace of reviewing complaints submitted by competent bodies during the transitional period, as well as priority reviewing of complaints, which due to the provisions of Article 117 of Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania" can be prescribed, thus avoiding their archiving without enabling verification and investigation by the institution.

During 2022, the High Inspector of Justice reviewed 534 backlog complaints. The reviewing of the remaining backlog is scheduled to be completed within the first 6 months of 2023.

9. Priority examination of complaints against magistrates in the vetting process in function of their responsibility and accountability.

In order to implement this recommendation, with order no. 63, dated 28/07/2022, of the High Inspector of Justice "On the establishment of the working group for the drafting of the strategy and action plan 2023-2025, of the Office of the High Inspector of Justice, the working group was established for the drafting of HIJ's new strategic plan, which drafted the strategic plan. The draft strategic plan is currently undergoing consultation with foreign experts from OPDAT. The new strategic plan has been drafted in reference to a harmonized planning with financial management and control systems, integrity and accountability in operational management, in order to guarantee the efficient and effective fulfillment of responsibilities and competencies.

The new plan foresees a number of revised measures and activities and takes into consideration:

- Problems of the implementation of unrealized or partially realized measures and activities from the 2020-2022 plan;
- Recommendations of the Progress Report for Albania;
- The Cross-Sector Strategy of Justice 2021-2025.

10. Commitment to performing internal control periodically, mainly in the accountability of inspectors.

In relation to this recommendation, periodic weekly meetings are held to discuss the issues and approaches to the continuation of work in the Inspectors Unit.

In addition to periodic meetings, it is also proposed to change the structure by setting up a unit that aims to carry out quality continuous processes in the areas of analytical and research work for the standardization of the work process in each structure through the preparation of internal manuals and specific standards in order to determine, update and analyze the indicators that measure the performance of the institution periodically, it will enable reports, analyses, information, etc., to be reviewed continuously in order to increase efficiency and reduce any possible risk that affects in the performance of HIJ as well as the purpose of its creation, as well as the collection, processing and analysis of statistical data in order to create reports with the necessary information related to the activity of the institution.

During 2022, the necessary acts were prepared for the beginning of the ethical-professional assessment of inspectors, a process which is expected to start in the second 3 months of 2023 and end in December 2023. The beginning of this process will mark the first performance assessments of inspectors.

11. Monitoring and increasing transparency towards the public through the use of various public communication channels. Public relations is one of the most effective ways to create a solid reputation of the institution.

In order to fulfill the recommendations derived from the parliament's resolution regarding increasing the interaction of the High Inspector of Justice with citizens, the following measures have been taken:

1. The presence of the High Inspector of Justice in the television media has increased significantly, with a focus on clarifying the role and functions of HIJ in relation to the actuality of public dynamics, which have been taken into account by the institutions of justice or HIJ itself. The messages of the High Inspector of Justice have been published in the form of short videos, both on the official website of the institution, the YouTube channel, and on social networks, according to the specific topic. This for a better assimilation of the targeted message and the engagement of viewers/readers has been an indication that this way of communication has worked.
2. Improving and updating information on the official website www.ild.al in two languages, Albanian and English. Facilities have been created in researching the public and interested parties regarding:
 - a) real-time reflection of any activity in the "Notifications" section.
 - b) enriching the section "How complaints are received" with information, in which dedicated information is given on how to make a complaint and the steps that are followed

- afterwards. The standard complaint form and instructions for filling it out are accompanied by illustrations to clarify this process.
- c) publication of a series of examples on the decisions taken by the High Inspector of Justice for cases of accepting complaints.
 - d) the graphic illustration of the progress of a complaint in HIJ helps in better understanding of this process by every citizen.
3. In order to get the direct opinion of citizens about the work of HIJ, regardless of whether or not they have had personal experience with us, on the day of justice, on May 10, 2022, a survey was published, which through simple questions with open options answers, aims to understand how the process of public awareness and education is progressing in the right understanding of behaviors that give rise to disciplinary proceedings by the High Inspector of Justice and how the work of HIJ can be improved at the service delivery level. Until December 31, 2022, 49 surveys were completed by users of the services provided by HIJ. Compared to the 500 complaints confirmed during this period, it results that 10% of users have shared through the survey their experience regarding the services provided by HIJ. The survey data will serve the institution to reconfigure the way of public information on the role and functions of HIJ, precisely through the questions that are most often addressed by both citizens and the media themselves.
4. By order no. 49, dated 30.05.2022, of the High Inspector of Justice, the program for public information and communication, of the Office of the High Inspector of Justice, was approved, in which the following are presented as basic objectives: providing assistance to complainants; promoting the activity of the Office of the High Inspector of Justice; guaranteeing the right to information and transparency, as well as monitoring public access to the activities of the Office of the High Inspector of Justice.