

THE NATIONAL CONVENTION ON EUROPEAN INTEGRATION

Session 2, Working Group I (Judiciary and Fundamental Rights)

Topic: The negotiations for Albania's membership in the European Union and the regional experience – focused on Chapter 23

February 5, 2021

Recent developments:

- The Reform of the Justice system as one of the priorities put forward by the European Commission has started in 2015 and is still in progress.
 - This reform has amended 1/3 of the Albanian Constitution and has been followed by an updated legal framework containing 27 laws and bylaws in their implementation, completely altering the face of the judiciary.
 - The re-evaluation process of all judges and prosecutors (vetting process) continues, where more than 286 files out of 800 have been evaluated, 62% of which have ended up with dismissal, where one of the most common reasons is non-justification of financial assets.
- Moreover, in the framework of the justice reform, specialized structures against corruption and organized crime have been established, such as the Special Prosecution Office; National Bureau of Investigation and Special Courts.
- The fight against corruption is a crucial priority and one of the main components of Chapter 23. Therefore, the Anti-Corruption Network with of young devoted professionals has been established. This group is expected to operate as a mechanism that will collect, process and report any clues of suspected corruption cases then forward it for review on a case-by-case basis to the specialized structures of the Ministry of Justice or the Special Prosecution.

- According to the European Commission assessment for Albania regarding Chapter 23 in the 2020 report, it has been estimated that the country is moderately preparation and it has made good progress during 2019.
- Another breakthrough has to do with the 2017-2020 Strategy development and its Action plan along with the establishment of a coordinating structure that supports the reform implementation for this chapter led by the Ministry of Justice.
 - In the framework of the screening process on September 27-28, 2018, the explanatory meeting was held for Chapter 23, where the Albanian delegation was acquainted with the legal acts and key policies of the European Union regarding human rights and the basic parameters of an effective judicial system.
- Consultation and Discussion Roundtable for Chapter 23 have been set up as part of the Partnership Platform on EU Integration which includes civil society actors, experts, academics, business community representatives, municipalities etc. in the negotiation process led by the Ministry of Justice.

Recommendations:

- It is essential for the structures of the judiciary system and the special anti-corruption units to operate in full capacity. Likewise, adequate financial sources and human resources are a necessity. The cooperation with other judiciary entities should be increased.
- The recruitment of new magistrates who fulfil the criteria and standards of transparency, independence and accountability without neglecting their professional skills should continue. The re- evaluation process should proceed more rapidly and efficiently.
- The fight against corruption should continue and the main focus ought to be on track record of corruption cases.
- The EU integration process insinuates the Europeanization of the country and the region that aspires to be part of EU. The main goals are related to peace, which

cannot be separated from democracy, justice, human rights and security as essential parts of Chapter 23. This mission has not yet been fulfilled, and efforts must continue to achieve the objectives which would culminate in the country's Europeanization and EU membership.

- It should be taken into consideration that the fundamental principles do not change during this process even though the procedure and the manner of achieving these goals can differentiate from country to country. Hence, all the reforms should be done according to these EU basic principles.
- In order to be part of EU, the Albanian state must prepare and show meaningful efforts. The process should be ambitious but at the same time have realistic tones. So the country should take steady steps and have the right motivation to work and undertake reforms to be as good as the countries before us or the ones that are already part of EU.
 - The support of the citizens is really important during the whole process, especially when it is accompanied by reforms that are sometimes transformative and 'painful' for some groups or sectors of the society. Citizens must be informed and involved and it should be clear that the benefits outweigh the costs in this process. The consensus of the whole society is in fact the beginning of EU membership.
 - The process should be a synthesis between national reforms and good regional cooperation with other Western Balkan countries. As there can be no progress in the accession process if there are no good relations with those who will be partner countries in the EU as well.
 - Undertaking and implementing reforms is key to further progress, but this requires time and a lot of effort from all sectors and actors of society. The slovak expert suggested that transitory measures and time should be taken in order to deal with sensitive and complicated issues which require more time and attention. For this reason the process should be defined by reality and objectivity.
- Cooperation with EU institutions such as the Commission, European Parliament and Council presidency is quite relevant.

- The process should be credible and all the involved structures: the Ministry, Parliament, political actors of opposition and the president should be characterized by the willingness to cooperate, consultation and inclusion of other actors which might have different interests.

Participants in Session 2, WG I:

Slovak expert: Jan Figel, former EU Commissioner and former Slovakia chief negotiator with the EU

National expert WG IV: Evis Fico

Co-Hosts: Adea Pirdeni, Deputy Minister of Justice; Gledis Gjipali, European Movement in Albania

State institutions

The Ministry of Justice: Etilda Gjona, Ministre e Drejtësisë; Enis Bregu; Artens Lazaj; Dudi Ilias; Elona Hoxha; Najada Shundi; Nino Strati; Stela Sulioti; Arnisa Tepelja; Argita Alikaj; Silvana Rusi

Ministry for Europe and Foreign Affairs: Hektor Dodbiba;

Ministry of Infrastructure and Energy: Zana Josa; Ledia Dërmyshi;

Ministry of Health: Ilsa Dede; Ina Kokëdhima;

Ministry of Culture: Flutura Agaj;

Albanian Development Fund: Mirbana Lame;

The Commissioner for Protection from Discrimination: Blerina Kokaj;

State police: Halil Miha

General Directorate of Customs: Oligert Kume;

School of Directors: Geron Kamberi;

ATP: Rea Mucollari

ASHK: Alma Lundra;

Foreign representatives

EU Delegation: Klaudijus Manjokas; Aurélien Juliard; Tidita Fshazi;

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British Embassy Tirana: Jason Ivory, zv. Ambasador;
Embassy of Netherlands: Elga Mitre, Senior Political Officer; Hemion Braho
Embassy of Italy: Alberto Pentrageli;
Council of Europe: Olsi Dekovi; Liljana Kaci;
EURALIUS: Agnes Bernhard
OSCE: Dorina Pashaj; Kimberly Schneider
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Civil Society

Academy of European Integration and Negotiations: Mona Xhexhaj; Anita Lushi;
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Others:

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