

PUBLIC STATEMENT

Critique of Proposals for the New Judicial Map for Albania

In the situation of disturbing vacancies created in our judicial system and to fulfill the objectives envisaged in the new legislation of the justice system, the group of civil society organizations that signed this public statement appreciates in principle, as a very important process, the reorganization of courts and their territorial competencies. We consider that this process, otherwise known as the judicial map, bears a key importance for increasing access and quality and reducing costs for citizens in obtaining justice and in respect of the right to due legal process.

Executive Summary of the Legal Critique

The proposal, drafting, and approval of the Judicial Map is a legal obligation that responsible institutions should have fulfilled long ago. Unjustified delays would be worth something if the final product were a quality, consulted, strategic decision-making with guarantees for effectiveness and integrity in providing and delivering justice.

Contrary to these expectations, the civil society organizations that are signatories to this open letter consider that the process for the consultations on the new judicial map should have begun in the phase of its conception. We demand from the High Judicial Council (HJC) and the Ministry of Justice that this consultation process is not formal, but rather guarantee real opportunities for listening and reflecting.

Broader consultation with citizens is also essential, taking into consideration the social-economic conditions of our country. The new judicial map should take into consideration the needs and, therefore, be consulted directly with municipal councils and citizen communities, some of which are in difficulties, especially with special social categories such as the Roma and Egyptian minorities, women in need, youth and juveniles, pensioners, persons with disabilities, the LGBTI community, citizens with economic hardships, citizens deprived of their liberty, etc. Of special importance would be also the evaluation of the distribution and concentration of the population in the administrative units of each municipality (demographic criterion), in the lacking analysis about the manner of distribution of courts in the context of this reorganization.

From a methodological aspect, the indicators taken under review by the working group are not detailed, concise, or clear with regard to their selection and definitions. The clear calculation of distances and travel times are important indicators for citizens for accessing judicial services. This indicator has not been objectively determined according to the circumstances of the country, the quality of roads and road transport, lacking transport means in some of the remote rural areas, as well as the limited economic possibilities of citizens to use public and/or private transport. For a country where, according to data from INSTAT, 49% of the population lives under the minimum level,¹ such indicators are essential for rendering meaning to the constitutional right and principles of equality before the law.

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https://www.avokatipopullit.gov.al/media/manager/website/reports/Draft%20raport%20per%20standartin%20e%20minimumit%20jetik_AqypVjs.pdf

The inability referred to the new judicial map assessment report to take into consideration indicators that have to do with the time length of cases by category, the caseload analysis, etc., could have been addressed even partially, if there had been a partial piloting based on data offered by the ICMIS case management system in those courts where it is applicable. Also, adding necessary administrative personnel for the manual collection and processing of data in those courts that do not have the necessary electronic management and processing system, could have been assessed as an applicable option in the early phase of conceiving the new judicial map. While aware of the unusual situation in which the judicial system in our country is found, we consider that there cannot be “sacrificing” proposals to the detriment of the public interest of citizens on aspects that could and should have been managed earlier in time.

The option of creating some branches of courts, temporarily, as a result of infrastructural limitations of the court buildings, cannot be analyzed vis-à-vis other indicators such as the need for citizens’ access against infrastructure, social-economic conditions, etc., In three courts proposed to be dissolved, namely Lushnje, Kavaja, and Kruja, the proposal is to create temporary branches, although it is unclear to what extent the Working Group recommends this option and why an option has not been evaluated for other judicial districts that have been proposed for dissolution. Furthermore, when analyzing the value of court branches, the working group has assessed their impact by taking as a model some of the countries with an economic standard that is several times higher than our country’s, such as Sweden, the Netherlands, and Portugal.

With regard to the dissolution of the First Instance Court of General Jurisdiction in Kruja, we consider that the working group has not taken into consideration the number of citizens deprived of their liberty who serve sentences at IEPD Kruja. Based on the distance estimation system (Google Maps), it results that a citizen serving a sentence at IEPD Fushë-Kruja would need to travel double the distance in kilometers if the Kruja Court is merged with the Durrës Court (on issues falling under its competency). The same concern is applicable for the proposal to merge the First Instance Court of General Jurisdiction of Lushnje with the Judicial District Court of Fier, which does not take into consideration the number of citizens deprived of their liberty that are accommodated in IEPD Kosova (Lushnje) and how that re-organization affects the pursuit of their cases being tried in the Lushnje Judicial District Court.

Among the most disturbing proposals of the working group for the new judicial map is the dissolution of the Appeals Courts into a single National Appeals Court of General Jurisdiction. The maximal time estimated by the working group to arrive at this National Appeals Court of General Jurisdiction, of about 4 hours and 46 minutes from Konispol (the farthest point at a national scale), in our opinion is an indicator that the estimation is not based on a realistic basis, because it does not take into consideration objectively the time a citizen needs in order to travel by public transport means. It is not fair at all that under the motto of reforming the justice system, citizens (especially groups in need) continue to suffer as taxpayers and users of courts the economic effects caused by the dissolution of the appeals courts. The reference that the working group makes to the existence of a single Administrative Court of Appeals and the special Court against Organized Crime and Corruption, does not take into consideration the fact that the defining criteria may not be analyzed in the same manner due to the material competence and therefore the nature of cases

(It should be stressed that according to INSTAT, the risk of being poor in Albania (relative poverty) during 2017-2018 is 23.4% (http://www.instat.gov.al/media/6543/anketa-e-t%C3%AB-ardhurave-dhe-nivelit%C3%AB-jetes%C3%ABs-2017-2018_.pdf), while according to the World Bank, regarding the affordability of the pandemic COVID-19, 35.6% of Albanians live at 5.5 dollars/day).

adjudicated by each of these courts. The working group should also keep in mind the effects produced by the review of judicial cases at a single administrative court of appeals. Based on the report of the HJC² itself, the *backlog* of the Administrative Court of Appeals, based on data from the start of 2020, was 12,810 carryover cases. In this proposal, the working group is also based on models of other countries, such as Sweden and Moldova, where the reduction of the number of courts was done in a gradual manner and not so drastically. Neighboring countries, such as Bosnia-Herzegovina, North Macedonia, and Croatia have a higher number of appeals courts, while countries such as Denmark or Finland have a lower number of courts, but an economic standard several times higher than our country's. As a result, the proposal to dissolve the 6 Appeals Courts of General Jurisdiction into a single one represents a step that has not been analyzed objectively and comprehensively, on the basis of some influencing criteria, which may be considered secondary for urban areas, but are primary and essential for certain categories of citizens in need or inhabitants of rural areas.

The proposal to merge the six administrative courts of first instance at the national level, creating only two Administrative Courts of First Instance, headquartered in Tirana and Lushnje, does not reflect the number and territories of other courts proposed in the new judicial map (in an analogue manner as the civil jurisdiction courts). The merging of Administrative Courts of First Instance in Shkodra, Durrës, and Korça, transferring the territorial competences of these courts to the Administrative Court in Tirana leads to the multiplication by about 60.84% of the maximal travel time. The travel time of a citizen in Korça is increased by 128.2% when he seeks to resolve a judicial case at the Administrative Court of First Instance in Tirana. This new organization of administrative courts of first instance will worsen access to justice, by not favoring citizens in relation to residence, infrastructure transport conditions and social-economic conditions, that citizen is in.

Per the above, we consider that it is essential that the working group reflect to avoid the risk of collapse with regard to access to justice in the evaluation report for the new judicial map, based on the suggestions and views provided in this opinion by some civil society organizations.

1. *Suggestions/evaluations in principle on the methodology used to design the new Judicial Map:*

a. Due to the importance of the map in terms of access to justice and the early time its design began, it is our opinion that the process of consultation from the idea phase and then the elaboration of the new judicial map would have been more effective in terms of the quality of contributions that could have been provided and the opportunity to reflect and address them. On such acts of high interest for the public, which are considered public policies in the sense of law no. 146/2014 "On public notification and consultation," the consultation process should never be formal but real opportunities should be guaranteed to listen to groups of interest and civil society organizations, providing arguments with transparency, on the degree of reflection of consultations and the provision of counter-arguments on suggestions that have not been taken into consideration.

Given that the impact of the map is direct on citizens, it is also necessary that the process of consultations by the High Judicial Council and the Ministry of Justice is realized also in the form of public hearings, considering the consequences that may be caused toward public interest. As long as the effects of the implementation of this new judicial map will have effects on the "pockets" of citizens, it is our opinion that the process of consultation with

citizens and people in need should be characterized by the elements that make it simple and understandable for the broader public, by being more extended both in terms of territory but also in time. This suggestion comes as a need based on problems that resulted from judicial maps in countries taken as reference models; in Portugal, for instance, one of the concerns had to do with the fact that the public did not have sufficient information, which led to confusion on where and whom judicial cases should be referred to.

In particular, the contribution of Local Government Units would be important along this consultative process, because they are a key link faced in its daily work with the citizens' complaints and concerns, including those affecting social economic conditions they live in.

b. In the methodological aspect, the indicators evaluated by the working group are not detailed, concise, and clear with regard to their definitions. Concretely, for the indicators "distance and travel time," it is not clear what the exact values are set for each of these data. For distance, there is no data on what the maximum of the allowed distance between the court and the citizen's residence (set administrative unit), while for "travel time," there is an indicator of 2 hours as a proportional element set in reference to the analysis conducted in the report British HM Courts & Tribunals Service. The contents of this report find that such time is considered reasonable to access the court, but by using public transport. Meanwhile, the draft admits that during its drafting, no data were administered on the travel by public transport from the administrative units of each municipality to the re-designed courts that would have the relevant territorial competence.

The definition of distance and travel time are important indicators for citizens to access judicial services and therefore the entirety of his freedoms and rights, when these are interdependent on access to justice.

Referring to the indicator of travel time, it is our opinion that the working group should have defined this element clearly, taking into consideration the conditions of the country, the quality of roads and road transport, missing means of transport in some remote rural areas, as well as the limited possibilities of citizens to use public and/or private transport. We consider that such data should have been taken into consideration in order to really and objectively assess citizens' access to judicial services, based on the factual situation in the territory of our country.

In the context of transparency of the process, it would be of added value for us becoming familiar with the process of the methodology pursued that led to the development of indicators used by the working group on this task.

c. Regarding the indicator of "caseload and need for judges," aside from the number of new cases and their categorization into simple and complex to resolve, which were used to calculate the average pondered caseload for a judge during one year, it would be valuable to process also other data, which have an added impact on the judge's caseload, in the country's circumstances. *That does not necessarily indicate that these elements are important for other European countries or those of the region.* The timeline of cases by their category, stock analysis, and the number of hearings held on average for certain types of adjudications, could be valuable indicators to be considered and included in this process of evaluation of the situation for the redistribution of courts.

This shortcoming is also seen in the working group evaluation report, which views the need for a more detailed list of the types of cases and more detailed suppositions of the relative caseload of different types of cases as a shortcoming. Based on the existing case management systems, the manual collection of such data is impossible to realize. as is known, one of the

objectives for effective court case management depends on the establishment and functioning of an improved, electronic, contemporary, and unified management system, with healthy statistical capacity based on CEPEEJ methodology. Aware of the limitations of the collection and processing of data on cases and the judges' caseload, it is our opinion that such concerns could have been addressed somewhat by the working group, if there had been a partial piloting of the caseload based on data provided by the ICMIS management system, in those courts where it is applicable. Furthermore, the addition of necessary support personnel for the manual collection and processing of data in those courts that do not provide the necessary electronic case management and processing system could have been viewed as an option usable in the early phase of the idea of the new judicial map.

Although aware of the unusual situation that the judicial system faces in our country, we consider that our working group could not realize "sacrificing" proposals to the detriment of public interest, on aspects that could and should have been managed earlier in order to fulfill one of the key objectives of justice reform, which aims at effective access for citizens to justice bodies. At the same time, this approach would have been positive for a more objective analysis of judges' caseload, contributing to the provision of appropriate, long-term, and sustainable solutions for the new judicial map, in the conditions of our country.

d. In the evaluation report, the working group argues that law no. 98/2016 allows the HJC to create permanent or temporary court branches for the first instance courts of general jurisdiction. Court branches adjudicate civil and criminal cases, adjudicated by a single judge, while permanent branches would consist of no less than 3 judges, with an average annual caseload not smaller than the average annual caseload for a judge at the same instance in the last three years. The HJC has the authority to approve rules and procedures for the functioning of branches and the distribution of judges in them.

The working group has highlighted some changes to the current law that would be necessary if the court branches will be a realizable solution. According to the assessment, having branches would not make sense if they did not have the competence to review urgent cases. However, with regard to the identified need for legal amendments, these are not specified in the assessment report in how the creation of these branches conditions amendments to existing legislation.

According to the working group, in cases when the court created after the dissolution does not fully meet the standards for the accommodation of certain judges according to the staffing pattern, then there is a consideration of having a temporary or permanent court branch where the court used to be. When talking about the branch options, it has been proposed that these branches are created at the same time as a result of infrastructural limitations of courts merging with the dissolved courts and there is no separate analysis of the need for access with regard to infrastructure, social-economic conditions, the dynamics and type of cases in the courts being dissolved, etc. In three courts proposed to be dissolved, namely in Lushnje, Kavaja, and Kruja, the proposal is to create temporary branches; however, it is unclear to what extent the working group recommends this option and why an option has not been considered for other judicial districts proposed for dissolution.

Also, when analyzing the value of court branches, the working group has assessed their impact by taking as a model some of the countries analyzed in the report, such as Sweden, the Netherlands, and Portugal. In the first two countries, most of the branches appear to have been eliminated with time. In Sweden, one of the reasons were the difficulties and high financial costs related to the management of special branches, which outweighed positive impact. In Portugal, there is a consideration of reopening some of the secondary branches closed before, mainly due to concerns about access to justice and poor infrastructure.

Nevertheless, even this comparative analysis of other countries about the efficiency of branches has not been actualized and placed in the Albanian context as it does not take into consideration of roads, the situation of public transport, and social-economic conditions of inhabitants in the respective municipalities. For instance, if a court branch in Sweden was eliminated due to high costs and because litigating parties did not have problems with access to a farther court, this should be seen in terms of economic level, transport, and road infrastructure in Sweden and the electronic system that enables Swedish citizens to access the court electronically. At the same time, this is also interdependent on the cultural development and level of use of information technology by the population in Sweden and in Albania.

e. Referring to the progress of the vetting process to date (*taking into consideration data such as the pace of case trials, number of hearing sessions, timeline of cases, complaints, decision-making at both instances of the process*) and based on an analysis of probability projected on the continuation of this process, drafted by statisticians, the proposed judicial map could have taken into consideration also this indicator on how the continued projection of the vetting process would affect the caseload of redesigned courts in the future. Although this is a process with a finite deadline, the need to address consequences on delivering justice is present and requires the judicial structures to address them.

f. Of special importance is the evaluation of population distribution and concentration in the administrative units of each municipality (demographic criterion) in the analysis of the distribution of courts in the context of this re-organization. Based on data published by INSTAT on January 1, 2021, it appears that the Gjirokastra County has a lower percentage of population (about 2.1% of the general population), followed by Kukës County (2.6% of the general population). However, the analysis conducted by the working group indicates that the centers of these counties have been transformed into centers of court headquarters in which the merged courts will be placed.

2. *Suggestions/evaluations on the concrete proposals of the re-organization of the judicial system*

g. With regard to the dissolution of the First Instance Court of General Jurisdiction in Kruja, we note that the analysis conducted by the working group does not take into consideration the number of citizens deprived of their liberty who are serving sentences at IEPD Fushë-Kruja, while for purposes of data the analysis refers to IEPD Kruja, for which the General Directory of Prisons/ Ministry of Justice had communicated the shutting down of this institution. However, referring only to IEPD Fushë-Kruja, where citizens deprived of their liberty are pursuing their criminal trials, especially detained citizens, we note that the dissolution of the Kruja court might create problems regarding access of these citizens. This is so taking into consideration the limited logistical means and human resources that the prison system administration has for accompanying citizens deprived of their liberty to court hearings. Based on the same system of distance calculations (Google Maps), it results that a citizen serving a sentence at IEPD Fushë-Kruja would need to travel double the distance if the Kruja Court were to be merged into the Durrës Court. The same distance is estimated also in the case of an ordinary inhabitant in Fushë-Krujë, but opportunities for the transport of citizens deprived of their liberty are limited. In this regard, it is worth highlighting Recommendation no. 2.3.10 of the CEPEJ Guidelines for the Creation of Judicial Maps, according to which, the reduction of travel distances for imprisoned defendants involved in a judicial process, for economic and security reasons, is seen as an influencing criterion. Also, it is noted that the analysis that has been conducted does not contain statistical references for a certain period, the residence of litigating parties in cases tried by the Kruja

Court, which would be of use for a realistic assessment regarding their access to the court at a shortest possible distance.

h. The proposal to dissolve the Lushnje Judicial District Court into the Fier Judicial District Court did not take into consideration the number of citizens deprived of liberty accommodated at IEPD Kosova (Lushnje) and how this re-organization affects their pursuit of their cases being tried at the Lushnje Judicial District Court. The working group should take into consideration also the level of investment that the Ministry of Justice and the Directory of Free Legal Aid made in order to establish and make functional centers for offering Primary Legal Aid, which in this concrete case, are functional in both Lushnje and Fier. The merging of the courts should not affect the legal aid system provided by the state because, in the absence of a prosecution office and a court, it would be difficult for Lushnje inhabitants to seek free legal aid services in the city of Fier.

i. With regard to the proposal to dissolve the First Instance Courts of General Jurisdiction in Gjirokastra, Saranda, and Përmet, turning the Gjirokastra court into headquarters, in reference to the proposed merge for the District Courts of Kukës and Tropoja, we suggest that the road infrastructure and the conditions of transport to court are taken into consideration. In this analysis, it is important to take into consideration also criteria suggested earlier in the methodological part, such as the demographic criterion and the social-economic conditions of inhabitants in the respective municipalities.

j. The proposal for the dissolution of the Judicial District Court of Kurbin into the Lezha one as well as the merge of the Puka Court with the Shkodra one is based on the minimal number of judges needed for the review of judicial cases. Also, regarding the criterion of maximal time a citizen would need to arrive at this court, it is noted that the 2-hour distance is respected as a guiding standard for evaluating citizens' access. The analysis would be more complete, and the assessment would be more realistic if the working group had taken into consideration also aspects linked with the distribution of the population in the respective municipalities as well as the social-economic conditions of inhabitants. Such data could also be combined with the number and nature of cases these inhabitants have had for instance in recent years in the courts proposed for dissolution.

k. Among the most disturbing proposals of the working group for the new judicial map is the merging of the Appeals Courts into a National Appeals Court of General Jurisdiction. In our assessment, "larger courts" do not necessarily guarantee access to justice.

The analysis of some of the indicators that have been taken under review in this proposal does not enable a real, complete, and objective assessment of citizens' access to justice at this instance. Thus, the working group refers that the contradictory debate on adjudication at the appeals level on anything may be reviewed in a counseling chamber or judicial hearing, which does not require the presence of the parties in the hearing, as is often the case in the first instance adjudications. However, regarding this aspect, as a minimum, no data is offered about the last six months, for instance, how many of the cases were tried in a counseling chamber in the Appeals Courts and how many of them needed the holding of court hearings. The working group also refers that in most of the cases, the adjudication in the appeals level ends as a rule with one hearing session as it requires more specialized representation (with a lawyer), without making the presence of the party itself necessary. In our opinion, this assessment is not realistic and does not respond to the right for effective defense. Aside from the need for statistics on this indicator, it should also be emphasized that it is at the discretion of the litigating parties to evaluate whether they need to be present in the hearing, no matter whether they have a lawyer or not. In not so few cases, citizens complain of ineffective defense and poor quality in the representation of cases by lawyers, especially those assigned

by the court. Likewise, lawyers too need to cover a certain distance from the municipalities they work in toward the National Appeals Court and the longer that distance, the heavier the burden on the lawyer's costs, which in many cases are covered and paid by citizens.

In keeping with the principles of healthy management of an appeals court, the working group considers that a minimal number of 16 judges are needed for each appeals court. This number, according to the assessment, is effectively fulfilled by only one of the country's appeals courts. In this way, it has been inferred that one of the indicators assessed by the working group in this proposal, is the insufficiency of the number of judges in all of the appeals courts. However, contrary to that assessment, the working group argues that the proposed solution will give more opportunities for specialization to judges on juvenile criminal justice, and the creation of civil sections, thus forming for the first time specialized colleges on commercial, family, bailiff matters, etc. Naturally, the question arises about how this categorization may be realized in the conditions when the number of appeals judges is very low compared to the caseload they have to support. In our opinion, the assessment of the working group should have avoided elements of subjectivity that necessarily favor the presented proposal of having a single appeals court of general jurisdiction at the national level. This proposal should have been accompanied by an objective and comprehensive analysis, with the advantages and disadvantages it is expected to bring about, in order to find the most balanced solution that responds to the main indicators, especially access to justice.

We consider that the maximal calculated time of 4 hours and 46 minutes from Konispol (the farthest calculated point in the country) to arrive at this National Appeals Court of General Jurisdiction is an indicator that was not estimated on a realistic basis as it does not take into consideration objectively the time a citizen needs to travel through public transport means. Based on the social economic conditions of our population, the use of public transport means represents the most economic manner of travel, but this analysis should keep in mind delays in carrying out such a trip, the quality and number of means available for intercity travel, etc. Furthermore, we find that in this estimation, the working group did not keep in mind the time set by the judge/panel of judges for holding a hearing session, which could be during midday or even the afternoon, a situation that makes it difficult or impossible for a citizen living in Konispol or Lekbibaj to return home on the same day. According to a comparative study of judicial map reforms in Europe by Sciences Po Strasbourg Consulting (2012), deviations from average distance should be estimated in as reasonable manner as possible.

The working group identified as a positive model for this proposal the sole Administrative Court of Appeals and the Special Court against Organized Crime and Corruption. But in this case, we note that the defining criteria may not be analyzed in the same manner due to the material competence and therefore the nature of cases heard by each of these courts. The working group should also keep in mind the effects that the review of judicial cases at a single administrative court of appeals has produced. Based on the HJC's Annual Report 2020,³ the *backlog* of the Administrative Court of Appeals at the start of 2020 was 12,810 carryover cases. Based on the very arguments of the HJC on the caseload that the judges of this court face, it results that compared to the start of 2019, 593 cases were registered in the following year or about 4.85% (12,217). The difference between the three appeals courts (general, administrative, and special jurisdiction for criminal offenses in the fields of organized crime and corruption) should be looked at not only from a simple statistical aspect on the number of cases during one year and the stock of case, but also in terms of the social-economic status of litigating parties and defendants. Thus, based on the monitoring of the organizations on criminal cases in the field of corruption, it results that defendants have better economic opportunities to be represented by a private lawyer. The same logic also applies

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for defendants accused of criminal offenses in the field of organized crime. Another assessment indicator for the two models that have been taken is the need to produce statistics on cases of a civil nature (general jurisdiction), the ration of decisions made on the basis of deliberations in a counseling chamber versus those made in judicial hearings that require the presence of the parties. This is needed not only due to the nature of the process, but also other specifics that facilitate the conduct of the process in the counseling chamber, such as for instance, shifting the burden of proof on public administration bodies in cases of labor relations, etc.

Meanwhile, based also on the comparative analysis reflected in Annex A) of the proposed New Judicial Map, there are references among other things, to models of judicial maps pursued in Sweden and Moldova. For both countries, the reduction of the number of courts was realized in a gradual manner and not so drastically as is the case of the merger of six courts into a single one. For instance, in Moldova, it appears that there was a reduction from 5 to 4 Appeals Courts, while in the case of Sweden, reform of the judicial map did not affect the number of appeals courts of general jurisdiction, which remained 6. In Moldova, when the new judicial map was conceived, a study was done to take into consideration, among other things, the financial costs for the renovation, expansion, or replacement of court buildings. In the case of our country, such a financial assessment does not appear to have been done. This situation may have effects on the state budget due to investments already realized in the physical and logistical infrastructure of courts that are proposed to be dissolved. In the case of the opportunity of these costs, they burdened taxpayers (except for cases when they were paid for by donors), while the same taxpayers will have to pay the costs of the distance created due to the merge of the courts into the cities they live in or the appeals courts in the districts of their place of residence. It is not fair at all that under the motto of reforming the justice system, citizens continue to pay the economic effects that this situation brings about.

In Annex B) of the assessment report, the working group analyzed neighboring countries such as Bosnia-Herzegovina, North Macedonia, and Croatia, which have a high number of appeals courts, compared to the proposal of a single appeals court in the case of Albania. Meanwhile, countries like Denmark or Finland have a lower number of courts, guaranteeing the coverage of a higher number of inhabitants and space. To conclude a real comparative analysis between systems of judicial organization, it would be necessary for the working group to be based also on the economic standard analysis. Unlike our country, due to the high living standards, countries such as Denmark, Finland, or Sweden can guarantee citizens access to justice services even with a reduced number of courts. This aspect needs to be analyzed also against the procedural legislation of these countries, the level of use of information technology by citizens and the courts, etc.

In closing, we consider that the proposal to merge the 6 Appeals Courts of General Jurisdiction into a single one represents a step that has not been analyzed and studied in an objective and comprehensive manner, on the basis of some influencing criteria that may be considered as secondary for urban areas but are primary and essential criteria for certain categories of people or those in rural areas.

1. The working group proposed the dissolution of first instance administrative courts around the country, thus creating only two First Instance Administrative Courts, headquartered in Tirana and in Lushnje. As is known, at present, the administrative courts of first instance are organized by number and territory the same as civil appeals courts, i.e., in 6 cities, namely in Tirana, Shkodra, Durrës, Korça, Gjirokastra, and Vlora. Against this organization we have presently, it is worth noting that the proposal of two administrative

courts of first instance does not reflect the number and territory of other courts proposed in the new judicial map (as those of civil jurisdiction).

The dissolution of the Administrative Courts of First Instance in Shkodra, Durrës, and Korça, and passing the territorial competences of these courts to the Administrative Court in Tirana leads to a multiple increase by about 60,84% of the maximal travel time compared to the maximal travel time the Durrës Administrative Court has now compared to the one in Tirana (proposed as the headquarters), and estimated with an increase of about 128.2% of the maximal time that citizens of the Administrative Court of First Instance in Korça need to seek resolution of judicial cases at the Tirana Administrative Court of First Instance. The same situation is noticed also in the case of the Lushnje Administrative Court (another proposed headquarters), whereby the maximal travel time has increased by 25.4% of the maximal travel time a citizen needs currently to obtain services at the Gjirokastra Administrative Court of First Instance. Based on the criterion of maximal time proposed by the working group, we notice that citizens will need about 4 hours and 27 minutes to arrive from the farthest point of Bajram Curri (Margegaj, Tropoja) at the Tirana Administrative Court of First Instance, and about 3 hours and 42 hours from Konispol, Saranda, to obtain judicial services in the Lushnje Administrative Court of First Instance. In our opinion, this new organization will worsen the situation of respect for access to justice, without favoring citizens in terms of place of residence, transport infrastructure conditions, and social economic conditions they are in.

Per the above, we believe that it is essential for the working group to reflect on the need to revise the assessment report on the new judicial map in order to avoid the risk of collapse with regard to the access that citizens should have to justice bodies. These consequences, as highlighted, may come as a result of failure to assess the necessary indicators in an objective, realistic, and comprehensive manner for the judicial reorganization of courts in our country.

In Annex A) of this opinion, you may find a table of data on the maximal travel time higher than 2 hours, and the maximal travel time less than 2 hours (based on the court proposed as the headquarters by the working group).

ANNEX A

| No. | Court (new proposed headquarters) | Maximal travel time higher than 2 hours | Maximal travel time lower than 2 hours |
|---|---|---|--|
| First Instance General Jurisdiction Courts | | | |
| 1 | First Instance General Jurisdiction Court Berat | 2 h 3 min | |
| 2 | First Instance General Jurisdiction Court Elbasan | 2 h 5 min | |

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|---|---|--|------------|
| 3 | First Instance General Jurisdiction Court Tiranë | | 49 min |
| 4 | First Instance General Jurisdiction Court Vlorë | 2 h 24 min | |
| 5 | First Instance General Jurisdiction Court Dibra and Mat | 2 h 33 min | |
| 6 | First Instance General Jurisdiction Courts Durrës, Kavajë and Krujë | | 1 h 24 min |
| 7 | First Instance General Jurisdiction Court Fier and Lushnjë | | 1 h 5 min |
| 8 | First Instance General Jurisdiction Court Gjirokastrë, Sarandë and Përmet | | 1 h 57 min |
| 9 | First Instance General Jurisdiction Court, Kukës and Tropojë | 2 h 31 min | |
| 10 | First Instance General Jurisdiction Court, Korça and Pogradec | 2 h 6 min | |
| 11 | First Instance General Jurisdiction Court Lezhë and Kurbin | | 1 h 30 min |
| 12 | First Instance General Jurisdiction Court, Shkodra and Puka | 2 h 56 min | |
| Appeals General Jurisdiction Court | | | |
| 1 | Appeals General Jurisdiction Court Tirana | 4 h 56 min (Konispol) 4 h 10 min (Bajram Curri, Margegaj) | |
| First Instance Administration Courts | | | |

| | | | |
|----------|---|------------|--|
| 1 | First Instance Administration Court Tiranë, Shkodër, Durrës and Korçë | 4 h 27 min | |
| 2 | First Instance Administrative Court Vlora and Gjirokastra | 3 h 42 min | |

Signatory organizations:

- 1. Civil Rights Defenders (CRD)**
- 2. Albanian Disability Rights Foundation (ADRF)**
- 3. Institute for Political Studies (ISP)**
- 4. Children's Rights Center Albania (CRCA/ECPAT Albania)**
- 5. Center for Legal Civic Initiatives (CLCI)**
- 6. European Center**
- 7. Center for the Study of European Policies for Regional and Local Development**
- 8. Albanian Helsinki Committee**
- 9. Tirana Legal Aid Society (TLAS)**