



POLICY PAPER

**THE REGISTER OF MAGISTRATES:
TRANSPARENCY AND ACCESS TO
INFORMATION IN THE REFORMED JUSTICE
INSTITUTIONS**

October, 2023

The document was drafted by AIS, with the financial support of the Commission for
Democracy's Small Grants Program in the US Embassy in
Tirana

The opinions, findings, conclusions and recommendations expressed are those of the
author(s) and
do not necessarily reflect those of the State Department



U.S. EMBASSY
Tirana, Albania



Introduction

Given the importance of the judiciary in political and institutional terms, its transparency and approach to information reforms assumes primary importance. The adoption of the transparency reforms by the governing bodies of the Judiciary can have a positive effect on their institutional capacity, for it boosts their legitimacy and authority *vis-a-vis* other political actors, as well as in their relation to the citizens.

Providing full access to information helps citizens to know the real performance of courts and judges, prosecutors and other institutions, and at the same time, it creates opportunities for the academic body, media and NGO's to analyze the challenges and formulate proposals to reform them.

Basically, the transparency of institutions and access to information affect the level of public trust in judicial institutions. These two basic principles not only increase the accountability of the judiciary (prosecutor's office), but also influence greater independence and the increase of public trust. The emphasis is placed on transparency, as it enables citizens to access public information, but also forces public institutions to generate information that should be easily understandable and accessible to the general public. The legal framework of the judiciary in the Republic of Albania guarantees the basic foundation for transparent and open institutions of the justice system. Full access to information and transparency reforms are also important, as they contribute to the improved functioning of the independent system and thus, promote an inclusive governance.

The Justice System is the main actor for the consolidation of the Rule of Law and the importance of its role is reflected in various indices and methodologies, designed to assess the quality of public institutions. It seems that, in Albania, there is an important separation between the manner society and justice function, which, among other reasons, is explained by the culture of secrecy and *modus operandi* that has characterized the judicial branch, the lack of knowledge of the general population regarding the functioning and administration of justice, as well as a pronounced intervention by political actors in the work carried out by judiciary.

This paper analyzes the current state in the level of transparency, but also the main challenges and obstacles faced by the HJC, HPC and HIJ regarding the volume of transparency offered by the Register of Magistrates, including the disciplinary proceedings of judges and in general, the public details about the promotion, movement and command or the professional activities of the magistrates. Faced with this diagnosis, AIS has undertaken and developed this paper to analyze the problem and propose relevant solutions. Furthermore, in this context, the implementation of transparency and access to information reforms by the HJC, HPC and HIJ contribute to the regaining of the general lack of trust by the public in judicial institutions, promoting as much as possible a greater proximity between citizens and the justice system. In addition to the legal framework, the paper also briefly analyzes the practical initiatives undertaken by the HJC, HPC and HIJ to increase transparency and accessibility. These initiatives include communication strategies developed by these institutions in order to eliminate gaps in communication with the media and the public. At the end, general conclusions based on the collected information are presented, and concrete



recommendations offering solutions in dealing with ongoing challenges are formulated.

I. Legal framework

Law No. 96/2016 "On the status of judges and prosecutors in the Republic of Albania"¹, as amended, determines that:

Article 38

The personal files and the register of magistrates

- 1. Councils create and administer personal files and the register of magistrates. The register of magistrates is a unique database of professional and personal information concerning the magistrate.*
- 2. The magistrate's personal file must contain at least the following information:*
 - a) name and address;*
 - b) marital status, name and profession of spouse or cohabitant and children;*
 - c) history of education;*
 - ç) date of appointment;*
 - d) participation in training courses;*
 - dh) any information of a disciplinary or criminal nature and the data received from the High Inspectorate of Declaration and Control of Assets and Conflict of Interest;*
 - e) activity assessment results;*
 - ë) the detailed course of career development;*
 - f) the date and reasons for termination of the mandate, as the case may be.*
- 3. Councils adopt detailed rules for:*
 - a) the format of the register and the data administered in it;*
 - b) additional information to be included in personal files;*
 - c) the manner of keeping of the personal file and register;*
 - ç) the parts of the personal files and the register that are accessible by the public.*
- 4. Councils collect and process data in accordance with the legislation in force for the protection of personal data.*

Article 95, item 9 establishes that: *"The Council publishes excerpts of the assessment report and decision, which reflect the statistical data, the data analysis, the assessment level and the rationale for assigning the level. The extract is published respecting the right to confidentiality and data protection. In any case, any information that could reveal the identity of the magistrate must be removed from the extract."*

Article 149, item 2 establishes that: *"The Council publishes extracts of each final decision on disciplinary matters, determining the circumstances of the facts, the evidence administered, their corroborative value, as well as the type of disciplinary offense committed"*

¹ The Supreme Court web-page, Law No. 96/2016 "On the status of judges and prosecutors in the Republic of Albania"

http://www.gjykataelarte.gov.al/web/ligj_nr_96_2016_per_statusin_e_gjyqtareve_dhe_prokuorerve_1724.pdf



based on said facts. The publication of extracts must protect personal data and guarantee the protection of confidentiality. In any case, no information that could indicate the identity of the magistrate is published in the extract.”

Article 32 “Verification of income and image” in its item 2 determines that “2. Within one week from the publication of the final list, based on article 31, of this law, for each candidate provided for in point 1 of this article, the Councils request a report from the relevant institutions for the verification of income and image in relation to any other exclusionary cause, from the **High Inspectorate for the Declaration and Control of Assets and Conflict of Interest, the prosecution, tax and customs administration bodies, the National Bureau of Investigation, state information services, as well as any disciplinary body that has supervised the candidate's discipline in its work relations.** If necessary, the Councils request additional information from the institutions mentioned in this point.

Law no. 115/2016 "On the governing bodies of the justice system"², as amended, determines that:

Article 69

Documentation of the plenary meeting of the Supreme Judicial Council

1. *The President is responsible for ensuring that the administration takes all necessary measures so that every plenary meeting of the Supreme Judicial Council is adequately documented through: a) audio recording; b) minutes, with a summary of the discussions.*
2. *The audio recording of the plenary meeting is made public on the Council's official website within 24 hours from the day of the meeting. Before publication, under the responsibility of the President, the administration takes care to edit the material, erasing any reference to specific names, except for the names of the members of the Council and the names of the judges, on whom disciplinary measures of suspension and dismissal have been imposed.*
3. *The record with the summary of the discussions is made public on the official website of the Council after it is approved by the subsequent plenary meeting of the Council. Even in this case, under the auspices of the President, the administration takes care to erase any reference to specific names, except for the names of the members of the Council and the names of the judges, on whom disciplinary measures of suspension and dismissal have been imposed.*

Article 98

Notification and publication of the acts issued by the Supreme Judicial Council

2. *The individual administrative acts of the Council, in relation to the status of judges or judicial civil servants, are made public on the official website of the Council, accompanied by the pertinent reasoning, after being edited to ensure the anonymity of the subjects, except in cases otherwise provided by law "On the status of judges and prosecutors in the*

² The Supreme Court web-page, Law no. 115/2016 "On the governing bodies of the justice system”, http://www.gjykataelarte.gov.al/web/ligj_nr_115_2016_per_organet_e_qeverisjes_se_sistemit_te_drejtisesise_17_26.pdf



Republic of Albania”.

Article 167

Documentation of the plenary meeting of the High Prosecutorial Council

- 1. The President is responsible for ensuring that the administration takes all the necessary measures so that every plenary meeting of the High Council of Prosecution is adequately documented through: a) audio recording; b) minutes with a summary of the discussions.*
- 2. The audio recording of the plenary meeting is made public on the Council's official website within 24 hours from the day of the meeting. **Before publication, under the auspices of the President, the administration is tasked with editing the material, erasing any reference to specific names, except for the names of the members of the Council and the names of the prosecutors, on whom disciplinary measures of suspension and dismissal have been imposed.***
- 3. The record with the summary of the discussions is made public on the official website of the Council after it is approved by the subsequent plenary meeting of the Council. **Even in this case, under the auspices of the President, the administration is tasked with erasing any reference to specific names, except for the names of the members of the Council and the names of the prosecutors, on whom disciplinary measures of suspension and dismissal have been imposed.***

Article 190

Notification and publication of acts of the High Prosecutorial Council

- 2. Individual administrative acts of the Council, regarding the status of prosecutors or civil servants in the prosecution system, are made public on the official website of the Council, accompanied by the relevant reasoning, after being edited to ensure the anonymity of the subjects, except in the cases provided for otherwise in the law "On the status of judges and prosecutors in the Republic of Albania".*

II. The Register of Magistrates and the right to information

On July 9, 2019, the Supreme Judicial Council approved decision no. 114 "On the creation and administration by the Supreme Judicial Council of the judge's personal file and register".³ The decision defines the Register of Magistrates as a unique database of professional and personal information regarding the judges, which is completed on the basis of the personal file of each magistrate. The Register of Magistrates is kept in paper and electronic format. The electronic register of magistrates must reflect faithfully all the information present in the Register in paper form.

³ The web-page of the High Judicial Council, Decision no. 114 "On the creation and administration by the Supreme Judicial Council of the judge's personal file and register", <https://HJC.al/wp-content/uploads/2019/10/Vendim-Nr.114-dat%C3%AB-9.07.2019-MBI-KRIJIMIN-DHE-ADMINISTRIMIN-PRAN%C3%8B-K%C3%8BSHILLIT-T%C3%8B-LART%C3%8B-GJYQ%C3%8BSOR-T%C3%8B-DOSJES-PERSONALE-DHE-REGJISTRIT-T%C3%8B-GJYQTAR%C3%8BVE.pdf>



U.S. EMBASSY
Tirana, Albania

The following data are administered in the Register of Magistrates :

- name and surname;
- date of birth;
- birthplace;
- residence;
- education;
- qualifications and training;
- participation in scientific activities;
 - professional experience;
- date of appointment and movements within and outside the judicial system;
- assessments of ethical and professional conduct;
- disciplinary measures.

Based on article 15 of this decision: *“15. The data of the Register and Personal File of the Magistrate are confidential. The responsible human resources unit publishes on the official website of the High Judicial Council parts of the judge's personal file and data from The Register of Magistrates, which can be accessed by the public, as follows:*

- a) Name, surname;*
- b) The court where it exercises its function;*
- c) Education;*
- ç) Qualifications*
- d) Professional experience;*
- dh) Assessment of ethical conduct and professional activity;*
- e) Disciplinary measure in force "public notice".*

Article 15 of the aforementioned decision of the HJC reduces the number of data for the judge according to Article 38 of Law 96/2016 "On the status of judges and prosecutors in the Republic of Albania". It remains unclear why this reduction was made in the public data that should be contained in the register open to the public. For example, it makes no sense why the appointment date and the judge's movements inside and outside the judicial system should not be published on the official website of the HJC..

The same is foreseen in decision no. 96, dated 15.04.2020 of the High Council of Prosecution "On the creation and administration by the High Council of Prosecution of the personal file and the register of prosecutors"⁴, article 15 of which provides that: *“15. The data of the register of prosecutors and the personal file are confidential. The responsible human resources unit publishes on the official website of the high prosecutor's council parts of the prosecutor's personal file and data from the prosecutor's register, which can be accessed by the public, as follows:*

⁴ The web-page of the High Prosecutorial Council, Decision no. 96, dated 15.04.2020 of the High Council of Prosecution "On the creation and administration by the High Council of Prosecution of the personal file and the register of prosecutors", <https://HPC.al/2020/05/22/vendim-nr-96-date-15-04-2020-per-krijimin-dhe-administrimin-prane-keshillit-te-larte-te-prokurorise-te-dosjes-personale-dhe-te-regjistrimit-te-prokuroreve/>





- a) name, surname;
- b) the prosecutor's office where he exercises his function;
- c) education;
- ç) qualifications;
- d) professional experience;
- dh) assessments of ethical conduct and professional activity;
- e) disciplinary measures in force "public notice".

In the first reasoning, it is not clear why the date of appointment, as well as the prosecutors' movements within and outside the prosecution system, should not be published on the official website of the HPC.

The register of magistrates in the electronic format was created in 2019, and operates on the basis of the data contained in the personal file of the magistrates, which are administered by the unit responsible for human resources in the High Judicial Council.

In both cases, even in this format, the Register of Magistrates and the Register of Prosecutors is still not public and accessible by the public. The general public (including journalists or civil society organizations) regarding this register as a whole or specific judges or prosecutors can access its contents only by sending a request for information (ie in accordance with Article 11 of the Law "On the right to information"). The category of information that is provided in response to said request is the content of information that may be accessible only to the public, based on the article 15 above. More specifically, the only information accessible by the public is whether or not the judge or prosecutor has been given the disciplinary measure "public notice" and not, for other disciplinary measures.

Transparency is essential to foster trust in the justice system. The nature of the judicial (and prosecutorial) office and the mission it entails, requires holders of judicial and prosecutorial offices to be held to the highest standards of personal and professional conduct. It is, therefore, important that those involved in the justice system understand what construes or not, acceptable behavior by a justice official, how complaints are handled, and any behavior/act in violation of the law should be taken seriously and be handled properly.

However, public expectations for increased transparency must be balanced with necessary confidentiality requirements. Due to the nature of the judicial (prosecution) function and the work that this function entails, it is important that confidential information is protected. Public knowledge of a judge's and prosecutor's involvement in any disciplinary proceedings taken against him or her, may result in unnecessary damage to his/her reputation, which may have a major and lasting career impact. Similarly, it may be difficult for a magistrate to continue to perform his function effectively and independently if the public becomes aware of his involvement in a disciplinary case, possibly as a result of media reporting. This may lead to an increase in complaints about the judge/prosecutor, an increase in requests for exemptions and objections to their decisions, or unnecessary unbiased pressure on them.





HJC with decision no. 590, dated 26.11.2020, approved the "Strategic Communication Plan for the Judicial System".⁵ In this Plan it is established the following:

"THE ROLE OF COURT WEBSITES"

Access

Courts take all measures to keep the information on their websites up to date in a continuous manner;

Court websites should be:

- *Easily usable not only by magistrates, but also by the general public;*
- *Also accessible via mobile phones;*
- *Accessible through different web browsers (browsers), such as Chrome, Explorer, Firefox, etc.*

This two-year communication plan is a starting point to structure how courts approach the public and other stakeholders during a communication and interaction process. Its purpose is to make information accessible and understandable to any court audience, including: the public, court users, the media, other branches of government, international partners, judges or even court staff.

The rapid progress of technology and communication channels emphasizes the need for effective communication between the courts and interest groups or the general public. This plan is accompanied by an Action Plan, who offers ideas and practical tools to make communication easier, more understandable and provide the most impact in terms of increasing transparency, increased level of information, the quality of services, professionalism and therefore, elevated public trust in the judicial system. Even within the framework of the New Judicial Map, this communication plan constitutes another opportunity for the courts to guide their activities in function of communication and increasing the information of the public and the media regarding this reorganization of their territorial competencies. Among other things, it is provided that:

- Courts Councils may designate the point of contact (judge for the media, officer for the relationship with the media and the public/coordinator of the right to information or any other person determined by them with the functions of the relationship with the media and the public), to carry out the monitoring and implementation of this Communication Plan.
- The point of contact reports every 3 months to the Directorate for Media and Public Relations in the High Judicial Council, on the implementation of the Communication Plan, based on the reporting format.
- The official responsible for the relationship with the media and the public, reports to the High Judicial Council once a year in regards to the implementation of the Communication Plan.

⁵ The web-page of the High Judicial Council, Decision no.590, dated 26.11.2020, approved the "Strategic Communication Plan for the Judicial System", <https://HJC.al/wp-content/uploads/2020/12/PLANI-STRATEGJIK-I-KOMUNIKIMIT-P%C3%8BR-SISTEMIN-GJYQ%C3%8BSOR.pdf>



The HPC has not yet approved a Strategic Plan for Communication with the Public, unlike the HJC.

Pursuant to the decision of the HJC no. 590, dated 26.11.2020, the website www.gjykata.gov.al was created, but the information contained on that page is out of date and there are many deficiencies in any of the sections that it contains. This means that the reporting mechanism designed to help the implementation of this Plan has not been effective in enabling its full implementation by the Court Councils charged with it.

On the other hand, it is necessary for the information that is made public to ensure the uniformity of their publication; that is, to be of the same simple and comprehensible standard. For example, in this case, in the judges section⁶ the information for each of them must be filled in, based on a unified and applicable format, from the councils of the respective courts which are responsible for the information they present to the public, on the website of the respective court.

Since December 2020, BIRN had requested, through requests for the right to information, copies of four minutes and the audio recording of the meetings of the Supreme Judicial Council, where the candidacy of a "prominent magistrate" to become a member of the Supreme Court was discussed.

Although, according to the law "On the governing bodies of the justice system", the minutes and meetings of the Supreme Court must be proactively made public, the Council repeatedly rejected BIRN's requests for transparency, giving a number of justifications.

Initially, the HJC stated that the minutes contained 'personal and commercial' data about the candidate for the Supreme Court, later it claimed that it had not recorded some of the meetings and in a third stage, it claimed that these documents contained data classified as 'state secret'.

After the lawsuit in the Administrative Court of Tirana, the institution that is considered as the "government of the judiciary", changed its legal approach again and submitted the four partially anonymized minutes.

Lack of transparency

Based to article 69, point 2 of the law 113/2016 "On the governing bodies of the justice system", the audio recording of the plenary meeting of the Supreme Judicial Council is made public on the official website of the Council within 24 hours, while the minutes with the summary of the discussions are made public on the official website of the Council, after it is approved by the following plenary meeting. The legal duty was not respected by the HJC for the meetings held on January 16, September 28, October 19 and November 13, 2020, where the candidacy for the Supreme Court of Dariel Sin, who currently holds the position of Public Commissioner - one of the three bodies of the vetting process - was being considered.

In order to make the candidacy for a member of the Supreme Court transparent, BIRN asked the Supreme Court on December 18, 2020, for information regarding its decision-making regarding the decision of November 13, 2020, to approve the candidacy of Dariel Sina for the vacancy seat in the Supreme Court and the audio of the plenary session.

The HJC initially complied with the other points of the request, but refused to make the audio available. In the reply dated December 31, 2020, the Council says that: "the documents requested by you, while they contain personal, commercial and professional information of judges/candidates for judges, cannot be made available".

⁶ The Court of Appeals web-page, Judges section, <https://www.gjykata.gov.al/apel-tiran%C3%AB/gjykata-e-apelit-tiran%C3%AB/gjykata/gjykat%C3%ABsit/>



BIRN insisted with a complaint to the Commissioner for the Right to Information and Protection of Personal Data.

On February 23rd, the Commissioner convened a hearing with the parties. During the hearing, representatives of the HJC insisted that they were protecting confidential data. When BIRN argued that what was referred to as confidential, among other things declarations of wealth and the like, were in fact accessible with a right to information request, representatives of the HJC did not provide counterarguments.

BIRN also argued that at the same time as being submitted to the vetting, magistrates were subject to a process in which 'even the pennies are counted publicly', and that the protection offered by the Supreme Court to Supreme Court candidates from the ranks of eminent magistrates created a double standard for a career in the justice system.

The Office of the Right to Information Commissioner asked the HJC to provide a response to the complaint within a week, reminding the HJC that 'confidential' data could be anonymized and that the rest of the information had to be provided.

After a series of delays due to the situation created by the COVID-19 pandemic, two months later - on April 12, 2021, the HJC sent a response stating that the audio of the meeting did not exist. In the response, signed by the Secretary General of the General Assembly, it is stated that "the audio recording was impossible to be traced due to the pandemic and the lack of rooms that guaranteed the preservation of secrecy."

Although contrary to the law, in a meeting held on September 17, 2020, the Council had decided that the sessions for the Supreme Court candidates would be held without audio recordings and only with written minutes.

The HJC's response to the lack of audio was considered exhaustive even by the Commissioner for the Right to Information, who did not issue a decision on the matter. After researching the minutes of the meetings published on the website of the HJC for the candidate for the High Court, Dariel Sina, BIRN discovered that they were not complete and the parts where the candidacy was discussed had not been clarified. In cases where the session had more than one item on the agenda, the audio or minutes ended where the discussion about Sina began.

BIRN found that one of the hearings in January 2020, was held before the announcement of the pandemic situation, but was treated the same as the other three hearings for which the HJC raised COVID-19 as an excuse for the lack of audio.

In a written response, the HJC claimed that the meetings where the candidates for the Supreme Court were discussed concerned information from a number of institutions - including the Prosecutor's Office, the National Bureau of Investigation and the like, and "take place behind closed doors".

On May 17, 2021, BIRN made a new request to the HJC for the audio recordings and minutes of the four meetings for Sina's candidacy, aiming to challenge the lack of transparency of the "government of the judiciary" in court.

The HJC, again, rejected the request for access to the proceedings and audio recordings, with the claim that the process of recruitment and promotion of candidates to the Supreme Court contained, among other things, "classified state secret information", as well as personal data of candidates. BIRN complained to the Commissioner for the Right to Information and Protection of Personal Data, but the latter intervened only by asking the HJC once again to reevaluate its position not to provide information, without making a binding decision.

Based on the lack of decision-making by the Commissioner, after the deadline passed, BIRN appealed to the Administrative Court with a lawsuit, in which a number of violations by the HJC are pointed out - including the



violation of the Law on the Right to Information, the law "On the governing bodies of justice system", as well as the obligations derived from the Constitution.

On July 19, the Administrative Court of Tirana informed BIRN and HJC about the date of the preliminary hearing, set for September 22. Three days after this announcement, the HJC sent by mail the four minutes of the meetings that it had kept in the drawer for more than 8 months, in violation of the law.⁷

The above comprises a documentation and judicial practice for one of the most important public acts and procedures of the Supreme Court, such as the appointment of a Supreme Court Judge. In both, the HJC procedure and press releases, everything appears anonymized (the HJC does not even include initials in the public announcements it makes) and is, therefore, not transparent to the public. Despite the fact that all parties agree on their responsibility to assure the records concerning the examination of the candidacies for members of the Supreme Court be made public not to keep them hidden from the public's eyes, neither based on the argument of "personal data" nor the "commercial or professional secret" one, the Supreme Court still follows the practice of keeping announcements or minutes blank for candidates who might be both subject to disciplinary proceedings and career advancement in the judicial system, movement, command of judges, etc.

The opposite happens with the public announcements are made by the High Prosecutorial Council. On the website of this institution, the names and surnames of each prosecutor, who are subject to disciplinary proceedings, who are being promoted or are assigned to another level or position, or are elected as head of prosecution, etc.

Also, the High Inspector for Justice on the institution's official website does not have a separate section on the issue of disciplinary proceedings for judges and prosecutors or other officials, as required by the law.

By order no. 49, dated 30.05.2022, of the High Inspector of Justice, the Program for Public Information and Communications from the Office of the High Inspector of Justice⁸ was approved, in which the following are presented as basic objectives:

- providing assistance to complainants;
- promotion of the activities carried by the Office of the High Inspector of Justice;
- guaranteeing the right to information and transparency;
- monitoring public access to the activities of the Office of the High Inspector of Justice.

The High Inspector of Justice presents press releases about the disciplinary proceedings of judges and prosecutors on the institution's website, only after their examination in the

⁷ Reporter web-page, October 8, 2021, E drejta e informimit dhe 'sekreti shtetëror'; KLGJ dorëzohet pasi u padit në gjykatë, <https://www.reporter.al/2021/10/08/e-drejta-e-informimit-dhe-sekreti-shteteror-HJC-dorezohet-pasi-u-padit-ne-gjykate/>

⁸ The web-page of the High Inspector of Justice, Order no. 49, dated 30.05.2022, the Program for Public Information and Communications from the Office of the High Inspector of Justice <https://ild.al/wp-content/uploads/2022/06/Urdher-Nr-49-date-30.05.2022-Per-miratimin-e-programit-per-informimin-dhe-komunikimin-publik-te-zyres-se-Inspektorit-te-Larte-te-Drejtësisë.pdf>

relevant councils has been completed. There is no public announcement before the judges and prosecutors activities administrative investigation has been completed or before the submission of the Inspector's request to the respective councils. Likewise, the Program for Communication and Public Information does not foresee the kind of information to be shared with the public at the end of the investigative procedure that the institution has carried out, before filing the requests for disciplinary proceedings of the magistrates in the respective councils.

III. Conclusions and Recommendations

The transparency of the activities carried by the High Judicial Council and the High Prosecutorial Council, as well as the High Inspector of Justice should be one of the basic standards set in the ongoing mission to scrutinize their performance. At the end of the day, the establishing of the new judicial bodies in the framework of the justice reform should be able to convey to the Albanian citizens their commitment to openness, especially when they compare these bodies with those functioning before the adoption of the reform.

In the age of the Internet, every institution possesses a website, so the right to information can and should be practiced more proactively and continuously. Institutions have the opportunity and should publish as much information as possible on their website to make them functional and more informative. The dissemination of most of the information proactively can be an initial step to reduce the number of requests sent in the frame of the right to information from NGO's and citizens, and at the same time, serve to improve communication with the public. Also, institutions can use websites as a basic platform to publish all the information that they are required by law, in order to increase the distribution of data and insure the general transparency of the institution.

1. It is obvious that the new constitutional bodies have great and urgent need for sufficient budgets, physical and material conditions for the full exercise of their duties and missions, as well needs in terms of human resources within their administrative structures. However, the absence or limited opportunities should not constitute a reason for the lack/restriction of transparency towards the public regarding the manner they conduct their activities
2. The High Prosecutorial Council must approve the Prosecution's Strategic Communication Plan with the Public.
3. The High Prosecutorial Council must make a decision about the creation and customization of the www.prokuria.gov.al website settings. As a model for this web-page can serve the court.gov.al page, by adapting the relevant sections in accordance with the mission and legal duties of the institution of the prosecution.
4. The texts regarding draft decisions/draft instructions and draft orders, as well as relevant documents that will be approved in their subsequent meetings, are not published on the website of the HJC and HPC. We deem that it would be of great benefit that, in reflection of



the principle of transparency and, at the same time, in the interest of improving the quality of the by-laws drafted and approved by the HJC or the HPC, this needs to be effectuated. HJC /HPC not only approve individual acts, but also a series of acts with normative sub-legal character and for which the participation and contribution of the public, academics, researchers or NGO's is important.

5. Law No. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", amended, Article 142 determines that:

Article 142
Disciplinary hearings

1. The hearing for disciplinary proceedings is public.
2. The Council, mainly or at the request of the parties, may decide to conduct the session behind closed doors, in the cases:
 - a) when the publicity of the session may harm the morals of society or could discern to the public information that is kept in the interest of national security, if this is requested by the competent authorities;
 - b) when it is necessary to protect the right to private life, to protect the personal data of the magistrate or another person;
 - c) when there are performances from the public that disrupt the normal development of the hearing session.

The general rule defined in Article 142 of Law no. 96/2016 of the councils determines that sessions for disciplinary proceedings of magistrates are public. As a result, since they are public, such a determination is contrary to the determinations made in article 69 and 167 of the law no. 115/2016 based on which, under the auspices of the President, the administration is tasked with erasing any reference to specific names, except for the names of Council members and the names of judges or prosecutors, on whom disciplinary measures of suspension and dismissal have been imposed. Meanwhile, the law provides that for each disciplinary measure, the session in the relevant council is public and anyone can participate in it.

6. Law no. 96/2016 and no. 115/2016 (consult above) should be amended and provide that, in cases of appointment, promotion, election to the office of the president of the relevant court/prosecution office, command, etc. the public announcements and respective minutes should contain the full name of the magistrate.

7. Law no. 96/2016 and no. 115/2016 should provide that, at the end of the investigation undertaken against the magistrate, the High Inspector of Justice publicly submits, in a summarized manner, the request for the disciplinary proceeding of the judge or prosecutor. The format of the publication of said announcement can be determined by way of a sub-legal act issued by the High Inspector of Justice.

