

INTRODUCTION

On 22 July 2016, the Albanian Parliament passed the constitutional amendments of the Justice Reform¹. They were followed by the approval of the Reform laws - a process that was concluded in 2017². The mission of the Justice Reform announced both in the documents of Parliament and those of the Government (in at least two Cross-cutting Justice Strategies) was to guarantee an **effective, efficient, independent, and transparent** judicial system, in compliance with the best European practices.

The effectiveness and efficiency of the judiciary clearly imply offering the public a speedy and qualitative judicial service, which is capable of rectifying the jeopardised legal relations between the parties within the shortest time possible by means of added access to the justice system. Eliminating justice delays is a synonym of efficiency. Hence, evaluating judicial delays is an indicator of the fulfilment of the Reform's mission, in at least two of its four components.

The Albanian Constitution stipulates expressly that *“Everyone, for the protection of his constitutional and legal rights, freedoms, and interests, or in the case of an accusation raised against him, has the right to a fair and public trial, **within a reasonable time**, by an independent and impartial court specified by law³”*. The duty of the judicial power is to protect this constitutional guarantee, not endanger it.

Moreover, the European Convention on Human Rights (ECHR)⁴ stipulates in its Article 6 “Right to a fair trial” expressly the following: *“Everyone is entitled to a fair and public trial **within a reasonable time** by an independent and impartial tribunal established by law, which shall decide on the disputes concerning their civil rights/obligations, and the substantiation of any criminal charges against them”*.

In full resonance with the Constitution, ECHR, and the mission of the Justice Reform, the reasonable time limits were re-specified exhaustively in Article 399/2 of the Civil Procedure Code⁵ in 2017. Exceeding reasonable timing is sufficient legal grounds to file a compensatory lawsuit with the domestic courts (higher Court⁶).

In addition to appeals filed with domestic Courts, Albanian citizens may file complaints about the judicial delays with the European Court of Human Rights (ECtHR) in Strasbourg. On 12 October 2021, ECtHR ordered the Albanian State to

¹ The Constitutional amendments entered into force on 11 August 2016.

² The Justice Reform legal package consisted of 7 new organic laws, amendments to Law no. 7895, dated 27.1.1995 “Criminal Code of the Republic of Albania (RoA)”, as amended; Law no. 7905, dated 21.3.1995 “Criminal Procedure Code of RoA”, as amended; Law no. 8116, dated 29.3.1996 “Civil Procedure Code of RoA”, as amended; Law no. 49/2012 on the “Organisation and Functioning of the Administrative Courts and Adjudication of Administrative Disputes”, as amended; Approval of Law no. 37/2017 “Criminal Justice for Children Code”; and 30 other laws, to include laws regulating the activity of freelancers, and the package of the penitentiary system laws.

³ Article 42, paragraph 2, Albanian Constitution.

⁴ The Republic of Albania ranks the European Convention on Human Rights at the level of the Constitution.

⁵ Article 399/2 added by Law no. 38/2017, dated 30.3.2017.

⁶ Article 399/3 and Article 399/4, Civil Procedure Code.

pay EUR 3,500 plus costs and expenses for the excessive length of the proceedings against two of its citizens (*Barra and Kola Vs. Albania*⁷). The phenomenon of complaints filed with ECtHR for judicial delays that exceed reasonable timing is become more prevalent, based on the recent empirical monitoring of the Centre for Public Information Issues (CPII).

CPII has always advocated the citizens' interest in reducing procrastinations by the Courts. The positions of the organisation towards the Justice Reform have been determined by the indicators of whether the length of proceedings has increased or decreased. Respect for legal time limits in the proceedings of the Courts and adherence to the reasonable time limits are absolute priorities for CPII in advocating the public interest for effective non-delayed justice.

CPII has systematically evaluated the indicators of the Appeals Courts of General Jurisdiction and has created a coherent database of uninterrupted data since 2016. This database differentiates between the length of judicial proceedings and the time of reasoning/delivery of the decision, and it offers precise data on both indicators.

Given the specific importance, the length of proceedings at the Appeal Courts have been given added attention in the thematic assessments undertaken by CPII. With the support of the Dutch Embassy, in 2022, CPII re-activated in the framework of MATRA Program the monitoring and assessment of the length of proceedings at the Appeal Courts of General Jurisdiction. This program was suspended in 2020 due to the pandemic. This re-activation is important for the following reasons:

- *The indicators for 2020-2023⁸ are inter-related to the indicators assessed in 2016-2019 for all Appeal Courts in the Republic of Albania (RoA) (general jurisdiction); thus, enabling an objective comparison of indicators for the length of proceedings from the start of the Justice Reform 8 years ago to date. The indicators include the judicial review and the time of reasoning/delivery of decisions, particularly as concerns cases adjudicated on the merits.*
- *For the first time there was an analysis and identification of judicial cases (particularly civil and criminal cases tried on their merits), which exceeded the reasonable adjudication timing at the Appeal Courts from 2020-2023.*
- *For the first time, a comparison was drawn between the length of proceedings before and after the Reform of Judicial Districts⁹; hence, offering an initial assessment from the point of view of eliminating or increasing the judicial delays.*
- *For the first time, an evaluation was conducted about the adherence to the legal time limits for the precautionary measures and protection orders during adjudication by the Appeal Courts from 2020-2022, and a comparison was drawn between the indicators of the three years and those of the first six months' operation of the Tirana Appeal Court of General Jurisdiction (ACGJ) (1 February - 31 July 2023).*

⁷ Mr Petrit Bara ("first applicant") and Mr. Eduard Kola ("second applicant"). To include the court expenses, the penalty that Albania must pay to its two citizens for the excessive length of proceedings is a total of EUR 5,900.

⁸ CPII monitoring staff collected judicial data from 2020-2023 in all Courts of Appeal, except for the Court of Appeals of Gjirokastra due to some specific circumstances.

⁹ In the framework of the new Reform of Judicial Districts, the Courts of Appeals (6 in total) were merged on 1 February 2023 to a sole Court of Appeal of General Jurisdiction located in Tirana.

In order to conduct the above analysis, CPII collected and digitised a considerable volume of judicial data, which was automated in the platform www.gjykataehapur.al. The platform is open to all interested parties and allows for an independent verification of the findings. The tables of the platform offer the opportunity to a multitude of rankings and filtering for a professional analysis of the length of judicial proceedings.

www.gjykataehapur.al is the only automated system to date, which provides a systematic evaluation of the length of proceedings by identifying delays in the review of cases based on the type of decision-making. This is a methodological advantage because the procedural adjudication time limits at the Appeal differ depending on the type of case.

www.gjykataehapur.al serves also as testing ground for the transparency of Courts regarding the availability of data for purposes of judicial statistics. In this view, it promotes the goal of the Justice Reform for a **transparent judicial system**. In the framework of this program, CPII has interacted with the High Judicial Council and the Courts' staff in order to promote the Court transparency to the public and the media. The study and the online platform are indicators of the Court's openness in this process.

The findings of the thematic assessment aim to raise the awareness of the High Judicial Council (HJC), High Justice Inspectorate (HJI), the Parliament, and the Government about the potential risk posed by the added judicial procrastination to the credibility of the reform, public finances, and above all, the legitimate interest of the citizens to receive timely and good service by the Courts.

This independent thematic assessment also aims to stimulate the attention of the media to reporting the problems with judicial delays; consequently, give a louder voice to the citizens who complain of procrastinations by the Courts. CPII is simultaneously working to improve media access to the Court by coordinating efforts with HJC to improve the standards of interaction between Press Judges and journalists who cover the judiciary through the program called "Open Courts through Press Judges".

The civil society has been entrusted with an active role in the direct administration of the new judicial bodies. This independent thematic assessment aims to highlight this role and advance the agenda by addressing the absence of judicial statistics, which has lamentably gotten worse with the years.

CPII is a specialised centre that conducts independent thematic assessments on the length of proceedings in the Republic of Albania since 2013. The research and publications of CPII on the Courts of General Jurisdiction; the Administrative Courts; to include the High Court, have been a milestone in the assessment of judicial data by the civil society.

EXECUTIVE SUMMARY AND MAIN FINDINGS

I. Length of proceedings at the Appeal Courts for cases adjudicated on their merits

From 2020-2023, CPII collected and analysed 37,854 decisions rendered by the Appeals Courts of General Jurisdiction (99 % of the total number of Court decisions). Out of them, 32,499 were rendered from 2020-2022, while 5,355 were rendered in the first half of 2023 (1 February - 31 July) by the Tirana Appeals Court of General Jurisdiction (ACGJ).

The decisions on the merits take up most of the adjudication workload for the Courts of Appeals¹⁰. This category of decisions is not only the most important, but also the most delayed as compared to the others (*precautionary measures, protection orders, etc.*). From 2020-2022, CPII collected and analysed 15,593 decisions on the merits (9,915 civil and 5,678 criminal). In the first six months of operation of the Tirana ACGJ, 1 February - 31 July 2023, CPII analysed 1,987 decisions on the merits (1,367 criminal and 641 civil).

The thematic assessment on the length of proceedings on the merits has been conducted systematically by CPII since 2016; thus, offering a full comparative basis of the indicators since the start of the Justice Reform. This study is the first to offer a comparative analysis of the length of proceedings on the merits from 2016-2023.

The length of proceedings on the merits got worse year after year at the Courts of Appeals as it was doubled and even tripled in 2022 as compared to 2016. The only exception is the Appeals Court of Durrës, where the indicators on the average length of proceedings for criminal cases tried on merits improved.

Table 1

Average length of proceedings (days), CIVIL CASES ON MERITS						
Year	CoA Tirana	CoA Durres	CoA Vlora	CoA Shkodra	CoA Korça	CoA Gjirokastra
2016	377	361	346	325	147	96
2017	376	285	478	422	151	98
2018	437	267	546	392	135	110
2019	587	342	614	350	145	101
2020	714	420	692	448	222	-
2021	908	603	967	564	362	-
2022	1118	677	1084	603	533	-
Average length of proceedings (days), CRIMINAL CASES ON MERITS						
Year	CoA Tirana	CoA Durres	CoA Vlora	CoA Shkodra	CoA Korça	CoA Gjirokastra
2016	325	310	262	264	135	60
2017	393	300	321	363	141	62
2018	406	253	391	426	125	78
2019	411	270	433	353	131	98
2020	358	319	352	413	149	-
2021	621	376	505	428	184	-
2022	635	301	372	343	322	-

¹⁰ Decisions on the merits accounted for 47% of the total of decisions rendered by the Tirana Court of Appeals in 2022, 44% in Shkodra CoA, 39% in Durrës CoA and Gjirokaster CoA, and 36% in Korça CoA.

II. Reasonable time of adjudication at the Court of Appeals, comparison 2016-2023

The principle of adjudication within a reasonable time is fundamental for the civil, administrative, and criminal review. It is one of the elements of a fair trial set forth by Article 6 of the ECHR. This principle is based on the dictum “*Justice delayed is justice denied*”. Respect for the principle of timely adjudication is a determinant criterion in the effectiveness of a trial¹¹.

In the framework of this monitoring, the Centre for Public Information Issues (CPII) has assessed for the first time the situation of Court decisions that exceed reasonable time limits. The legitimacy of this thematic assessment is based on Article 399/2 of the Civil Procedure Code, amended in 2017 in light of the Justice Reform. As per this Article, *civil trials at the first, second, and third instance are considered reasonable if completed within two years. For criminal trials at the first instance, the time limit for adjudication of crimes shall be 2 years and for misdemeanours 1 year; completion of trials at the appeal shall be 1 year for crimes and 6 months for misdemeanours; the time limit for completion of trials at the High Court shall be 1 year for crimes and 6 months for misdemeanours.*

For purposes of exceeding reasonable time limits only the cases (criminal and civil) tried on their merits were evaluated. They are the most voluminous category of decision-making by the Appeal Courts. These cases are also the most affected by the delays, as compared to the other kinds of decisions. Precautionary measures, protections orders, unifications or extensions of time limits run little/no risk of exceeding reasonable time limits due to the preclusive legal time frame, which if violated, can lead to penalties for the Judge or the decision to become null and void¹².

❖ Reasonable timing for civil cases adjudicated on merits by the Appeal Courts

The assessments for 2020-2022 show a significant deterioration of the indicators regarding the excessive length of proceedings, particularly as concerns the civil cases tried on the merits. The deterioration of the latter was deepened in the first six months¹³ of operation of the Tirana Appeals Court of General Jurisdiction, which first became operational on 1 February 2023 as a result of the Reform of Judicial Districts.

¹¹ See ECtHR's Judgment in *H. vs. France* dated 24.10.1989.

¹² Appeals against precautionary measures are guaranteed by Article 249 of the Criminal Procedure Code (CrPC). The appeal is examined within 10 days from taking over the documents (Article 249, paragraph 6 of the CrPC) ... The Court shall deposit the reasoned decision within 10 days (Article 249, paragraph 7 of CrPC). When the decision is not announced or enforced within the set time limit, the act based on which the coercive precautionary measure was issued, becomes void (Article 249, paragraph 8 of CrPC).

¹³ Period under assessment: 1 February 2023 to 31 July 2023.

In 2016, in all Appeal Courts of General Jurisdiction altogether, around 1% of civil cases tried on merits showed an excessive length of proceedings. Meanwhile, in 2022, 54% of the cases exceeded this sensitive time limit for human rights.

Table 2

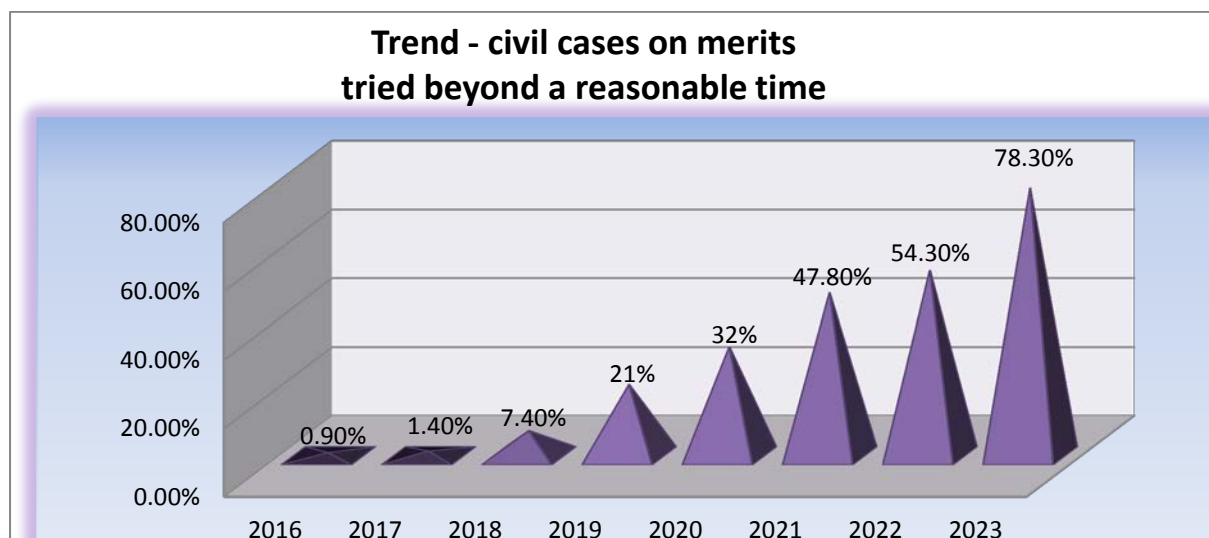
YEAR	2016	2017	2018	2019	2020	2021	2022	2023 ¹⁴
CIVIL ON MERITS	6470	6510	4983	3671*¹⁵	1493	1937	1729	641
TOTAL DECISIONS								
EXCEEDED REASONABLE TIMING	57	90	367	783	478	926	940	502
IN %	0.9%	1.4%	7.4%	21%	32%	47.8%	54.3%	78.3%

Table 2 suggests that the adjudication capacity of Civil Appeal Chambers has decreased year after year. In 2016, these chambers concluded 6,470 civil cases on their merits, while in 2022, this volume fell to only 1,729 (a reduction by over 2/3rd).

In 2023, in the first six months of operation of Tirana ACGJ, 78% of the civil cases on the merits, for which a decision was issued, exceeded the length of proceedings (2 years, as per Article 399/2 of the CrPC.). This is a deterioration by 24 percent as compared to the previous year, which is the highest negative intensity measured in the eight-year period from 2016-2023.

Chart 1 below suggests that the pejorative trend of the excessive length of proceedings in the civil merit cases has been deteriorating constantly since 2016.

Chart 1



¹⁴ The new register of Tirana ACGJ for decisions of civil cases on merits starts with Decision no. 1, dated 6 February 23 and as of the time of CPII's data collection ended at Decision no. 641, dated 20 July 2023.

¹⁵ **Note:** The number of civil cases tried on merits in 2019 does not include the decisions rendered in the second half of the year by CoA Shkodra and CoA Korça. Attached to this executive summary are the table links for every Court of Appeals in order to assess the reasonable timing in rendering decisions on the cases tried on merits from 2016-2022. This absence affects the total percentage by less than 3% or not at all.

❖ Reasonable timing for criminal cases adjudicated on merits by Appeal Courts

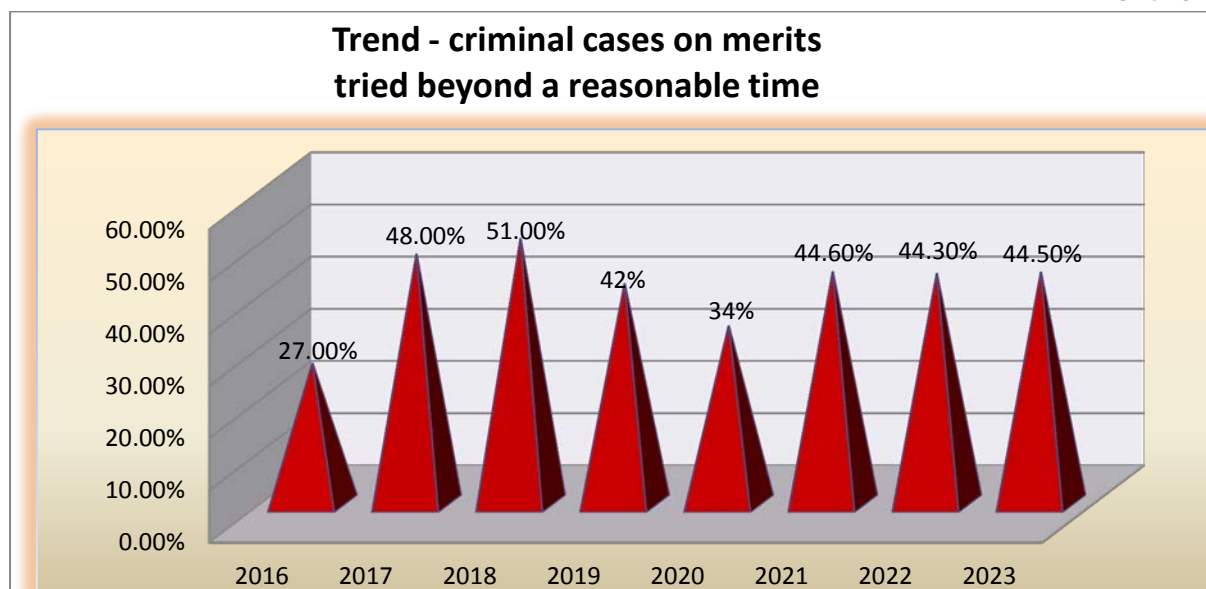
As for the CRIMINAL cases tried on merits, the analysis shows that in 2016, around 27% of examined cases had an excessive length of proceedings. The worse year is 2018, with 51% of the total of decisions, which were rendered beyond reasonable time limits. This is also the year with the highest number of decisions rendered by the Courts of Appeals on criminal cases tried on merits. Meanwhile, from 2021-2022, 44% of the total criminal cases tried on merits did not meet the 1-year deadline.

From 1 February - 31 July 2023 (first 6-months of operation for Tirana ACGJ), 44% of the total of criminal cases tried on merits had an excessive length of proceedings. Table no. 3 also suggests that the adjudication capacity of Criminal Chambers at the Appeal Courts has been reduced year after year. In 2016, these chambers concluded 4,569 criminal cases on the merits, while in 2022, this volume was almost halved, with only 2,307 decisions.

Table 3

YEAR	2016	2017	2018	2019	2020	2021	2022	2023 ¹⁶
CRIMINAL ON MERITS TOTAL DECISIONS	4569	4622	5048	2643	1193	1762	2307	1346
EXCEEDED REASONABLE TIMING	1241	2240	2567	1118	409	787	1022	599
IN %	27%	48%	51%	42.3%	34.2%	44.6%	44.3%	44.5%

Chart 2



¹⁶ The new register for Tirana ACGJ for decisions of criminal cases on merits starts with Decision no. 1, dated 1 February 23 and as of the time of CPII's data collection ended with Decision no. 1346, dated 31 July 2023.

Note on methodology: Adjudication time limits have been calculated from the time the complaint was filed until the decision was rendered in the courtroom. The time required to reason/deliver the criminal decision was not taken into account in the calculation¹⁷. This means that the reasonable adjudication time limits of this study reflect a more positive situation than it truly is. In the case of criminal adjudications (merits), the number specified in the table above is also more positive than the real one because the analysis does not differentiate the reasonable timing of adjudication for criminal misdemeanours, which is half the time provided for criminal offences (respectively, 6 months and 1 year at the Appeal Courts).

III. Reform of Judicial Districts, backlog, and judicial body of the Appeal Courts

Since 1 February 2023, in the framework of the Reform of Judicial Districts, 6 Courts of Appeals¹⁸ were merged into an only one situated in Tirana. The Tirana Appeal Court of General Jurisdiction (ACGJ) started work with only 24 Judges, out of the 78 approved positions. In September 2023, this body had 22 Judges. In December 2023, Judge E. Muçi is expected to leave (even though she will be replaced). Until December 2023, the maximum projected number is 25 Judges.

According to the HJC¹⁹, before merging into one, all 6 Courts of Appeals inherited a backlog of 31,370 cases (last estimate as of the end of 2022). According to data collected by CPII at Tirana ACGJ, until September 2023, the backlog of files and the new entries reached 36 thousand files. According to information updated as of 11 October 2023, the backlog of Tirana ACGJ reached 37 thousand files. The projected backlog (carried over + new entries) until December 2023 is at least 38,000.

If a body of only 25 Judges would work to finalise the current backlog of 37,000 files with an annual average of 300 decisions²⁰ rendered by each Judge (*every day a trial start-finish, followed by the decision*), it would take around 5 years simply to clear the backlog, without examining any new complaints that would be filed in the meantime. It can be perceived that a considerable majority of decisions would have to be made beyond a reasonable time. If the current Judges were to increase the efficiency indicators from 300 to 600 decisions each per year²¹, again it would take approximately 2.5 years to clear the backlog.

If the judicial body of Tirana ACGJ consisted of 78 Judges, then it would take 1.5 years to clear the backlog if the *Efficiency Ratio of a Judge* (ER Indicator) considered a norm of 300 decisions/year. In order to get closer to the pre-Reform indicators (year 2016), the number of Tirana ACGJ Judges would have to be at least 100 (time required to clear the current backlog: 1.2 years).

¹⁷ See ECtHR's Judgement in *Hadjianastassiou vs. Greece*, which specifies that failure to render a reasoned decision to the accused in due time prevented him (in terms of sufficient time and means) from presenting his arguments to appeal to the Court of Cassation. The failure of the Court to give a written reasoned decision within a reasonable time resulted in a prevention of the respondent's right to exercise effectively his right to seek the review of the decision by a higher Court.

¹⁸ Courts of Appeals in Tirana, Durrës, Vlora, Shkodra, Korca, Gjirokastra.

¹⁹ Page 76 of HJC's Report of 2022.

²⁰ 300 decisions per year means 1 decision per each effective day on a calendar year. Meanwhile, according to official indicators of the HJC, the average performance of a judge (ER indicator) at the Tirana Court of Appeals in 2022 was 302.9 days. The ER average for all 6 Courts of Appeals is 311 days, for a total of 35 Judges at the 6 Courts of Appeals. In 2023, there is an effective number of 22.5 Judges (24-21) in the only Appeals Court of General Jurisdiction.

²¹ The highest indicators measured in 2021 and 2021 were at the CoA of Durrës, with 455 cases per year per Judge.

The absence of Judges is regarded by this study as the main reason for the escalating judicial delays. Changes to some procedural rules in administering the proceedings may have also had a negative impact in some instances. In the meantime, the methods of judicial administration are not regarded as one of the main reasons for the judicial delays. The cause-effect relationship between the effective number of Judges and the average number of decisions made by each Judge is evident if the indicators for each Court of Appeals are analysed separately from 2020-2023. The dismissal of Judges by the vetting process has not been followed by an efficient strategy for their replacement at the Court of Appeals in order to eliminate judicial procrastination. The Reform of Judicial Districts risks not to produce the aimed results in terms of access to justice if increasing the number of Judges is not addressed with some urgency.

IV. Precautionary measures at Appeal Court trials, 2020-2023

For the first time, CPII assessed the adherence to legal time limits for precautionary measures at the Courts of Appeals. The overwhelming majority of decisions on precautionary measures are disputed at the Appeal Courts. These types of cases make up almost half the workload of the Appellate Courts in terms of decision-making.

Appeals against precautionary measures filed with the Courts of Appeals must be examined **within 10 days** from the acts being received (Article 249, paragraph 6, CrPC), while the reasoned decision must be deposited **within 10 days** (Article 249, paragraph 7, CrPC).

According to the data analysed by CPII in the last three years, the average length of proceedings by the Appeal Courts for appeals against precautionary measures does not exceed the 10-day time frame.

Table 4

PRECAUTIONARY MEASURES CoA – Average length of proceedings (days)

Year	CoA Tirana	CoA Durres	CoA Vlora	CoA Shkodra	CoA Korça	CoA Gjirokastra
2020	6.1	9.5	9.6	6	7.5	-
2021	5	8.3	6.9	6.9	9.2	-
2022	6.5	6	9.7	7.5	8.9	-

However, if analysed separately a considerable number of decisions for appeals against precautionary measures with the Appeal Courts also exceed the 10-day time limit (15-30% of the total, according to the Court). Out of 8,009 Appeal trials for precautionary measures, 535 or 6.67% exceeded the legal 10-day time limit in the period in question 2020-2022 at 5 Appeal Courts of General Jurisdiction (CoA of Gjirokastra was not included). In some cases, delays in examining appeals against precautionary measures lasted over 100 days.

Table 5

PRECAUTIONARY MEASURES CoA – Reviews after the 10-day time limit						
Year	CoA Tirana	CoA Durrës	CoA Durrës	CoA Durrës	CoA Durrës	CoA Durrës
2020	45 (3.9%)	63 (13.7%)	6 (1.38%)	5 (1.8%)	40 (28.5%)	-
2021	37 (3%)	45 (10.8%)	34 (6.3%)	17 (4.3%)	45 (15.6%)	-
2022	61 (5.3%)	25 (5.4%)	43 (9%)	14 (4.3%)	55 (23.1%)	-

YEAR 2023 – In addition, CPII analysed 1,000 decisions for precautionary measures issued from 1 February - 4 July 2023 by Tirana ACGJ. It was noted for the first time that the average length of proceedings for appeals against precautionary measures exceeded the legal time limit - it became 10.5 days. Out of these examined 1,000 cases, in 88 of them the decisions were made beyond the legal 10-day time limit of review. In this meaning, the indicators have regressed after the Reform of Judicial Districts.

Time limits for the reasoning/delivery of decisions for precautionary measures remains a serious problem. This indicator, considered in average for each Court, was exceeded in all cases in the three years under analysis 2020-2023 (see Table 6). The Court of Appeals (CoA) of Vlora and Durrës do not reflect in the respective register the dates when these decisions were delivered, but they administer them in separate registers kept by the Judges' Secretaries. (For the CoA of Gjirokastra, the data were not processed in this study!)

CPII found the most problematic situation from 2020-2022 at the Court of Appeals of Korça. This was also the first Court of Appeal to lose Judges because of the vetting process. Notwithstanding the delegation scheme activated as an urgent solution for this Court, the indicators got systematically worse in respect of the reasoning of decisions on precautionary measures.

The number of decisions reasoned after the legal 10-day limit is in all examined cases significantly higher than the number of decisions delivered on time. When the decision is not announced or enforced within the set time limit, the act based on which the coercive precautionary measure was issued, becomes null and void (Article 249, paragraph 8 of CrPC)²².

²² It is unclear how this problem encountered at the Appeal Courts shall be treated vis-à-vis the legal validity of the overwhelming majority of decisions for appeals against precautionary measures. The Constitutional Court has emphasised the necessity to reason (criminal or civil) Court decisions as a guarantee for a due process. The absence of the decision's reasoning jeopardises the integrity and lawfulness of the judicial process/decision. Furthermore, the Unified Chambers of the High Court, in their Decision no. 5, dated 12.12.2013, elaborated the circumstances in which the delays in reasoning Court decisions bring about disciplinary consequences for the Judge.

Table 6

PRECAUTIONARY MEASURES – Average length of delivery (days)						
Year	CoA Tirana	CoA Durrës	CoA Vlora	CoA Shkodra	CoA Korça	CoA Gjirokastra
2020	36.7	-	-	23	52.5	-
2021	32	-	-	22.1	85.5	-
2022	35.4	-	-	24.3	89.2	-

Table 7

PRECAUTIONARY MEASURES – DELIVERY after 10-day time limit						
Year	CoA Tirana	CoA Durrës	CoA Vlora	CoA Shkodra	CoA Korça	CoA Gjirokastra
2020	811 (71.2%)	-	-	189 (69.4%)	191 (79.5%)	-
2021	958 (79%)	-	-	304 (78%)	264 (94.9%)	-
2022	875 (74.5%)	-	-	211 (66%)	218 (91.5%)	-

YEAR 2023 – CPII analysed 1,000 decisions on precautionary measures rendered from 1 February - 4 July 2023 by Tirana ACGJ. The average length of delivery of these decisions was 34.1 days. This exceeds by almost three times the legal time limit stipulated by Article 249, paragraph 7 of the CrPC. **Out of these 1,000 examined cases, 755 decisions (75.5% of the total) were reasoned/delivered to the Secretary's Office of Tirana ACGJ after the legal time limit. This is considered a very problematic indicator found by this study.**

V. Protection Orders during adjudication at the Appeal Courts

For the first time, CPII has examined the length of proceedings for protection orders at the Court of Appeals from 2020-2023. The analysed data serve as basis for a comparison with the data collected from Tirana ACGJ (first six months of 2023), to evaluate the trend after the Reform of Judicial Districts.

Law no. 9669, dated 18.12.2006 *on Measures against Violence in Domestic Relations* stipulates in its Article 21 that the Court of Appeals renders a decision within 15 days from the registration of the complaint against the protection order.

Appeals against protection orders constitute a relatively low number of cases compared to the other types. In the three-year period from 2020-2022, there are 4,047 decisions on precautionary measures issued by 5 Appeal Courts of General Jurisdiction (except for CoA of Gjirokastra). Meanwhile, in the first six months of Tirana ACGJ's operation 113 decisions for protection orders were issued, according to the respective register. CPII collected and analysed 37,854 decisions rendered by the Appeal Court of General Jurisdiction (2020-2022 and first 6 months February – 31

July 2023), which means that appeals against protection orders took up around 10.9% of the total of decisions rendered by the second Court instances.

The average length of proceedings for appeals against protection orders exceeds the legal 15-day time limit in all examined cases²³ (Table 8). The Tirana Court of Appeals has the most problematic indicators with regard to excessive length of proceedings for these cases in the period from 2020-2022 (Table 9.)

Table 8

PROTECTION ORDERS – Average length of proceedings (days)						
Year	CoA Tirana	CoA Durrës	CoA Vlora	CoA Shkodra	CoA Korça	CoA Gjirokastra
2020	72.7	-	15.8		23	-
2021	62	35	18.3	21	16.8	-
2022	57	22	26.6	27	32	-

Table 9

PROTECTION ORDERS – Decisions rendered after legal time limit						
Year	CoA Tirana	CoA Durrës	CoA Vlora	CoA Shkodra	CoA Korça	CoA Gjirokastra
2020	42 (64.6%)	-	6 (17%)	-	3 (33.3%)	-
2021	80 (90.9%)	9 (36%)	17 (33%)	13 (50%)	3 (42.8%)	-
2022	100 (84%)	3 (20%)	28 (59.5%)	7 (50%)	4 (80%)	-

In the first 6 months of operation of Tirana ACGJ, the average length of proceedings for protection orders is 31.7 days, average delivery is 51 days, while the total of decisions issued after the legal time limit was 70 or around 62% of the total 113 examined decisions.

²³ For the Courts of Appeals of Shkodra and Durrës it was not possible to analyse the indicators for 2020, while there is no data from the Court of Appeals of Gjirokastra in this study.