

*The Dynamics of the Judiciary in Ukraine in the Context of the Rule of Law and the EU Accession Aspirations* – Dr. Julinda Berqiraj. Blog: The High Stakes of Albania's Judicial Vetting Process, 13 March 2025.

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## ***The High Stakes of Albania's Judicial Vetting Process***

### *Introduction*

In June 2014, Albania took a major leap toward European Union (EU) membership by securing EU candidate status. But this milestone came with a heavy catch: the overhaul of its judicial system. Central to this reform was the vetting process—the re-evaluation of judges and prosecutors—seen as crucial for Albania's EU accession. With the first stage of assessments now completed by the December 2024 deadline, 805 judicial officials have been scrutinized. This blog delves into the vetting process, the results so far, and what they mean for Albania's EU integration journey.

### *Vetting as a Tool for Strengthening Judicial Integrity*

The vetting process is a critical mechanism designed to assess the integrity and competence of public officials, including judges and prosecutors. In transitional democracies, it serves as a vital tool for ensuring the quality and accountability of state institutions. By scrutinizing the backgrounds and actions of judicial figures, the process aims to root out corruption and inefficiency, paving the way for a more trustworthy system.

However, vetting is far from a "one-size-fits-all" solution. Each country's unique political, historical, and cultural context should shape how the process should unfold. What works in one nation may not be directly applicable in another, meaning that the approach must be carefully tailored to local circumstances.

Moreover, the vetting process is not an isolated intervention. It is an important part of ongoing efforts to assess the performance and integrity of judges, with regular re-evaluations to keep the judiciary accountable and transparent over time

### *A Tailored Approach to Vetting in Albania*

Albania’s vetting process is deeply intertwined with the country’s broader governance challenges, shaped by its unique historical and political context. As part of its EU accession path, Albania was tasked with overhauling its judiciary—a long-needed reform to tackle corruption and restore public trust. In response, the Albanian Parliament introduced sweeping constitutional amendments, including the Vetting Law, alongside revisions to 46 constitutional articles and new laws aimed at creating fresh judicial institutions.

The Vetting Law set out to evaluate the integrity, skills, and financial background of judicial members, targeting corruption and inefficiency within the system. But it is more than just a screening process; the reforms also establish a preventive framework for recruiting future judges and prosecutors, aiming to block individuals involved in corruption from entering the profession or advancing in their careers.

Albania’s approach is unique. Unlike other Western Balkan countries, such as Bosnia and Herzegovina or Kosovo, which have carried out similar reforms after war or political upheaval, Albania’s drive for judicial reform stems from the need to eliminate endemic corruption. This focus on genuine reform, not aftermath-driven recovery, makes Albania’s vetting process stand out in the region.

The scope is equally exceptional. Under the Vetting Law, every judicial member—from the Constitutional Court to the High Court, prosecutors, and legal advisors—is subject to the same rigorous scrutiny. To manage this process, Albania established two independent bodies: the Independent Qualification Commission (IQC), which wrapped up its work in December 2024, and the Special Appeal Chamber (SAC), positioned at the Constitutional Court. Both bodies operate free from the existing judicial system, avoiding conflicts of interest as many of the judges themselves are under evaluation. Crucially, these institutions are monitored by an International Monitoring Operation (IMO) composed of judges and prosecutors from the EU. While the IMO doesn’t have decision-making power, it plays a vital role in oversight and support.

The vetting process itself consists of three key components:

1. *Asset Assessment* – Scrutinizing an individual’s financial history to detect any unjustifiable wealth.

2. *Background Assessment* – Examining professional conduct for potential misconduct, connections with organised crime or unethical/inappropriate behavior.
3. *Proficiency Assessment* – Evaluating legal competence to ensure magistrate duties are performed effectively.

Judges and prosecutors were given the option to resign within three months of the law’s enactment, but resignation doesn’t shield them from prosecution. Those found guilty of criminal activities like corruption or abuse of power still face legal consequences.

### *The Vetting Process So Far: Achievements and Challenges in Albania’s Judicial Reform*

Between February 2018 and December 2024, Albania's IQC oversaw the vetting of 805 judicial officials, a key component of the country’s efforts to overhaul its judicial system. However, only around 46%—373 individuals—remained in office following re-evaluation. The rest were dismissed (268), resigned, or had their cases terminated for various reasons. While some cases are still pending appeals at the SAC, 660 of the IQC's decisions have become final, including 300 confirmations, 195 dismissals, and 165 terminations for reasons other than dismissal, of which 111 were due to resignations (for the statistics see [here](#), [here](#) and [here](#)).

Alongside these vetting decisions, criminal proceedings have been initiated against prosecutors and judges for discrepancies in income declarations and unexplained wealth, with corruption presumed to be the driving factor behind many dismissals.

While the vetting process has led to substantial progress in cleaning up the judiciary, it has also introduced challenges. More than half of the country’s magistrates have either voluntarily left the system or failed the vetting process, exacerbating the backlog of cases and leading to significant delays in the judicial process. In addition, Albania has faced claims before the European Court of Human Rights (ECtHR) regarding the independence and impartiality of its vetting bodies. The court, however, upheld that these bodies meet the required

standards (see *Xhoxhaj v. Albania*, no. 15227/19, 09 February 2021; *Besnik Cani v. Albania*, no. 37474/20, 04 October 2022 and subsequent jurisprudence).

To address the shrinking number of judges and the growing case backlog, a new judicial map was approved and implemented in early 2024, which reduced the overall number of courts, raising doubt as to its compliance with access to justice requirements. Despite the strain on the justice system, these reforms are seen as essential for aligning Albania’s judicial framework with EU standards, ensuring access to justice, and positioning the country for future EU membership negotiations.

### *Albania’s Judicial Test: Meeting EU Demands and Restoring Trust*

The vetting process is far from over. With the SAC’s mandate running until 2026, Albania must continue proving that its judicial reforms are not only in compliance with EU requirements but are also genuine, sustainable, and effective. More than fulfilling EU obligations, Albania's vetting process aims to rebuild trust in its institutions, creating a judiciary capable of fairly and effectively serving its citizens.

Despite the challenges posed by the loss of magistrates, the vetting process remains crucial for the country’s EU integration. The EU has emphasized the importance of maintaining high standards of integrity and professionalism within the judiciary in the ongoing accession talks. The process has not just been a technical step—it represents a fundamental shift toward a more impartial, independent, and fair judiciary. In the long run, restoring public confidence in Albania’s justice system will not only help meet the conditions for EU membership but also foster a more stable and trustworthy political environment for the nation’s future.