

NATIONAL CONVENTION ON THE EU INTEGRATION

Working Group I (Judiciary and Fundamental Rights)

Session 2 & 4 I Topic: "Free legal Aid and Education & Information on Legal issues"

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Recent Developments

Justice system not only guarantees safety and order in the country, but it also has a direct impact in the contract of the citizens with their state by serving as an arbitrator in disputes between the parties. During the first session, the Working Group stressed the need to increase the information outreach in Albania concerning free legal aid, given the high level of poverty of citizens totaling more than 30% of the population. On the one hand, the Working Group noted some of the positive steps taken by the Legal Aid Commission, such as : : 1. The facilitation of bureaucracies and lengthy procedures whereas now the citizen fills in only one application. Moreover, the answer comes in a short and reasonable period of time. 2. The individual is excluded from the payment of extra taxes and fees for the judge. 3. The opening of 63 legal aid offices next to the Courts of Appeals in different regions of Albania. On the other hand, the Working Group considered as priority the involvement and role of civil society organizations in providing free legal services.

Meanwhile, the provision of information and knowledge about the law, about citizens' rights, law enforcement institutions, etc., are not only related to legal education, but represent necessary components of civic culture and approach to the rule of law. Through the development of legal knowledges and increased security that citizens feel by using the law, the legal information contributes to the strengthening of an active citizenship and a greater social cohesion. According to the 2015 Report of the European Commission, it is concluded that Albanian online access of jurisprudence is not fully guaranteed and there is no an accessible database. Meanwhile, the report brought into focus the need for systematic implementation of Law 119/2014 "On the right to information", which guarantees the citizens' access to public institutions activity by assisting to increase their transparency and accountability to the public.

Problems and Recommendations- Session Free Legal Aid

- There is a need to reconcept the justice system, implicating that the Legal Aid should not be provided only in the courtrooms but the entire time, including the pre-trial assistance, legal information and primary consultation.
- Free legal service should be provided not only for people in economic difficulties, but also for other vulnerable groups, such as victims of violence, children, asylum seekers, etc.
- Developed and qualified law firms should offer services with more affordable and lower tariffs
- The judicial system should generate and provide enough income to cover cases where the costs of legal services are provided for free. At the same time the state must continue to fund this system.
- Establishment of a monitoring mechanism which would ensure the quality of free legal aid delivery, and will increase public confidence on the service.
- Encouraging cooperation with the National Bar Association and the administration of the Judiciary, that when faced with individuals who are eligible for free legal assistance, to orient them toward the Legal Aid Commission. Especially, it should be promoted the cooperation with the Judicial Police, since the right to counsel arises at the moment of detention.
- The Law on Legal Aid was amended in 2014 and does not have major problems, but its implementation remains limited due to the lack of budget and other tools necessary for the successful implementation of legal aid in Albania.
- There is a lack of transparency of the Legal Aid Commission since there is no provide of public information about theselecting procedures selects that this institution uses to offer legal aid issues, as well as regarding the budget and expenditure of the institution. There is need to undertake awareness campaigns about the function of the Commission (through meetings with the community, opening of an the official web page).
- • The number of cases received by the Commission is very low in comparison with the needs of the Albanian population to receive free legal assistance. The Working Groups reccomended thatoffering online services, preparing petition

which can be presented to the court itself from individuals (low cost system) may be an option.

- Legal Aid Commission remains functional and active only in Tirana, while 6 regional offices providing are not open and functional yet. Referring also to the reports and recommendations of the EC, the opening of this local and regional services should be operational as soon as possible.
- Although free legal aid remains a primary task of the state and the Justice system, the Working Group considered that this service is offered several times more from CSOs than the state. Based upon this, it is not been considered as positive the Eurailius recommendation to exclude the role of civil society organizations in the framework of the provision of free legal aid. The free legal aid remains a service of a specific nature that is directly related to the right to due legal process. Civil Society Coalition for Justice has an important role in this regard, which should require more cooperation and synergy among the parties and actors included
- Given the large number of graduates in Law, the Working Group recommended to engage them in legal clinics to assist voluntarily in providing free legal services, thus helping them to gain experience and get acquainted with the reality.

Problems and Recommendations- Information and Public Legal Education

- The Working Group pointed out the lack of a well coordination and planning of continuous legal education of the public, and suggested the drafting of a National Strategy for legal education of the public.
- The Official Journal in Albania and the Official Publications Centre is the first contact of the citizen with legal norms and other acts issued by the Albanian state. Although the positive change in involving laws, and all legal norms as decrees, DCM, or the decisions of the Constitutional Court, there is need for improvement and further development, as is the need for an online act system. acts to date.
- There are difficulties in accessing legal norms and obtaining information in real time and in other cases there is no online information about those old acts.

Public service delivery laws should be easily accessible, relevant and updated. The Working groups suggested the digitalisation of old acts.

- Special focus on legal information should also be given to Albanians asylum seeking asylum in European countries, raising awareness and informing them of the asylum rights, cases where their application is accepted and what opportunities offered by Albanian state when they return to their country.
- The lack of a general culture and social impossibilities makes it difficult for citizens to be legally informed for its rights and services offered in terms of legal issues. Civil society, including NGOs and academia can play a key role in the implementation of information and awareness campaigns on increasing knowledge about the laws, legal information and education to the general public.

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