

NATIONAL CONVENTION ON EUROPEAN INTEGRATION

Session 1, Working Group I (Judiciary and Fundamental Rights)

Topic: Free Legal Aid in Albania – the role and contribution of non-state actors

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Recent Developments

- Regarding the primary legal aid service which consists of legal advice or representation in administrative proceedings, the Directorate of Free Legal Aid administers 7 primary legal aid centers in Tirana, Durrës, Fier, Lezha, Lushnjë, Pogradec and Gjirokastra where it is located the newest center. In these offices there are lawyers who welcome and host citizens who want legal advice within the official hours.
- Also, 8 cooperation agreements have been concluded with law clinics in universities.
- Regarding the cooperation for the first time of public institutions and the civil society organizations in the field of legal aid provided by the state, in September 2020 it was possible to authorize 12 non-profit organizations, which have provided assistance in terms of primary legal aid. From the state legal aid centers, in the January-October 2020 period, a total of 1100 cases of primary legal aid were treated, while in the authorized NGOs were treated over 500 cases.
- Since the establishment of these centers, over 5000 citizens have received services and 120 requests for secondary legal aid have been handled, where specifically: 94 are requests for civil cases. Also, 120 court decisions were issued at a cost of 2 million ALL with a list of 73 lawyers
- There is the platform “Juristi Online” through which every citizen can electronically benefit from free legal advice during the day. For citizens who do not have access to the Internet, the directorate in cooperation with OSFA provides a free green number where citizens can seek legal advice, where about 1 021 cases of legal have been handled. Specifically, in the January-October 2020 period, a total of 3 000 cases were handled by all providers together.



- One of the newest reforms is the exemption from court fees. Citizens who receive free legal aid now have the right to request exemption from paying these fees. These fees are now already paid by the Directorate for Free Legal Aid.
- There is a new and effective legal aid law of 2017 and with completed bylaws. The establishment of the Legal Aid Directorate, as an institution of the Ministry of Justice, ensures access to justice for all citizens regardless of financial means, especially from vulnerable categories such as victims of trafficking and minors.
- Regarding the budget of the directorate, in 2016, there was a lack of it in the amount of 27 million ALL and other funds needed for the successful implementation of legal aid in Albania. Today there is a significant increase, predicting in 2021 tripling of the budget by 82 million ALL.
- One of the innovations in 2020 is the adoption of guidelines on the rules for the implementation of fees and the principle of rotation of lawyers, who will provide secondary legal aid services. If previously we were talking about organizations that operated directly in the field of providing legal aid through projects, now it is the Ministry of Justice, that has authorized 12 civil society organizations and based on the provisions of the law on free legal aid 2017, coordinates the activity by defining clear rules by establishing a coordinator who coordinates the work. In 2016 there were no center models like these.. The Legal Aid Service Oversight Directorate monitors communications and collaborations with all attorneys and primary and secondary legal aid providers.

Recommendations

- The cooperation between state institutions and NGOs was assessed by participants as a positive step towards provision of free legal aid to vulnerable groups. Yet is assessed as essential the training of capacities of the actors involved in this process; Due to pandemic situation these trainings have been shifted online, but is relevant for them to continue and to be organized frequently.
- The procedure of application and of assessment of the case should not be prolonged, bureaucratic and the documents and attestations required should be limited, in order to be as easier as possible for the persons interested and in need to benefit from this service. The support and facilitation in preparing the documents is needed as well for a part of these target groups.
- It is assessed as important for the Directory and organizations that offer the free legal aid to make an annual assessment of the process and of their work: the number of beneficiaries; type of cases handled; number of compliance from applicants; main challenges and setbacks; widening of the groups that could benefit etc. In order for the improvement of this process.
- A better cooperation with attorneys is needed, in order for them to have the incentives to be included in these services. Attorneys on the other hand should be more included and more open to offer these services pro bono.
- A more 'aggressive' promotional campaign is needed focused not only digitally, but even using traditional media and various ways of communication as most of the vulnerable groups do not have access to internet.
- There is a need for more activities and trainings even with the wide public, to inform them about these service, the opportunities that they offer and how all those who are in need can apply and benefit from it.

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