Project Document

Project Title
Expanding Free Legal Aid Services to Women and Men in Albania (8372-00/2019)

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| Country / Region:Albania |
| Planned project execution period: 1 September 2019- 31 August 2022 |
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## Financing (Euro)

|  |  |  |  |
| --- | --- | --- | --- |
| Project budget (total) | Requested grant ADC | Contribution in cash by the applicant |  Coordination Levy  |
| 100% | 89% | 10% | 1% |
| EUR 1 000 000 | 891 089 | 100 000 | 8 911 |

**List of Acronyms**

A2J Access to Justice

ADRF Albanian Disability Rights Foundation

CLCI Center for Legal and Civic Initiatives

CSOs Civil Society Organizations

CPD Commissioner for protection from Discrimination

CCRs Coordinated Community Response Mechanisms

CM Council of Ministers

ECHR European Court of Human Rights

EU European Union

FLA Free Legal Aid

GoA Government of Albania

ICCPR [International Covenant on Civil and Political Rights](https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx)

LGUs Local Government Units

MAPS Mainstreaming, Acceleration, and Policy Support

MoU Memorandum of Understanding

MoJ Ministry of Justice

MO Ministerial Order

NSDI National Strategy for Development and Integration

NGOs Non-governmental Organizations

N/A Not Applicable

OSFA Open Society Foundation in Albania

PA People’s Advocate

RoL Rule of Law

TLAS Tirana Legal Aid Society

UNDP United Nations Development Programme

UN United Nations

UPR Universal Periodic Review

VNR Voluntary National Report

VG Vulnerable Groups

WJP World Justice Project

# Summary

The overall goal of the Project: Solid foundations for new Free Legal Aid (FLA) system established in Albania

*Project impact and outcome*

To contribute to the achievement of the above overall goal, the project will work towards achieving the following outcomes:

*1:* Legal aid management institutions and service providers have the capacity to implement the FLA legislation in support vulnerable women and men.

*2:* FLA Department in Ministry of Justice (MoJ) have core capacities for setting up and piloting a FLA quality monitoring scheme

*3:*Network established, and Non-Governmental Organizations (NGOs) successfully capacitated to deliver services in 8 selected areas[[1]](#footnote-2)

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Outputs/*Expected results:*

1. FLA Directory in MoJ, management and key staff of new FLA centers supported with knowledge and tools in regulatory and practical aspects for an adequate FLA legal framework implementation

3 pilot FLA centers revitalized in Durres, Fier and Lezha and 5 new ones established in Berat, Korce, Sarande, Pogradec and Kavaja[[2]](#footnote-3) (the total number of District Courts with FLA Centers[[3]](#footnote-4) by the third year of implementation would ideally be 11 out of 22) serving vulnerable women and men; and

1. Network of NGOs established, and their institutional and capacity development supported to ensure their sustainability. The Network will also be a forum for discussions with the Government, District Courts and Municipalities for improving the delivery, and addressing bottlenecks. Furthermore, the advocacy role of NGOs in this network will entail advocating for the adherence to rights and for a nation-wide adoption of a state-funded legal aid scheme

*Target groups:* MoJ new FLA Directory; FLA providers – specialized NGOs and grass root organizations; Junior lawyers; Vulnerable citizens

*Beneficiaries:* Roma and Egyptians, women, victims of gender based and domestic violence, persons with disabilities and vulnerable youth and elderly. Approx. a total of 700 vulnerable individuals will benefit from FLA services during the first year of project implementation, approx. a total of 1260 vulnerable individuals, beneficiaries, during the second year and during the third year approx. a total of 2110. For three years the approx. total of approx. 4070 vulnerable individuals will be benefiting from FLA services.

*Partners:* MoJ is the main partner, NGOs FLA providers, District Courts, Local Government Units (LGUs), local pro-bono offices, University legal clinics, Commissioner for Protection from Discrimination (CPD) and People’s Advocate (PA), including their local offices, National Chamber of Lawyers and their local offices, EURALIUS, Open Society Foundation in Albania (OSFA).

*Locations:* FLA centers will be established in 8 district courts geographical areas such as in Durres, Fier, Lezhe, Berat, Korce, Sarande, Pogradec and Kavaja[[4]](#footnote-5) [[5]](#footnote-6) [[6]](#footnote-7).

*Main activities:* This new initiative will contribute to 1) support to the new Unit for FLA in the MoJ and the key service providers; 2) revitalize 3 piloted FLA centers in Durres, Lezha, Fier, and establish pilot FLA centers in a total of 5 new district courts geographical areas and 3) Network of NGOs established, and their institutional and capacity development supported to ensure their sustainability.

*Context:* Governance reforms are at the heart of the EU accession process and have been prioritized as key to addressing Albania’s socio-economic challenges. Major investments have therefore been made by the GoA in reforming the public administration and judiciary, and in efforts to reduce corruption, strengthen the rule of law, and rationalize relations between central and sub-national state bodies. Delivery of quality and inclusive public services, including at local level, is one of the many important interventions the GoA is intensively working on. To make A2J equitable and inclusive for the most vulnerable individuals, Parliament with support of UNDP Albania and EURALIUS took action aiming at drafting and adopting a new FLA law that ensures equitable and inclusive A2J to the most marginalized individuals. This was followed with the establishment of six FLA centres at district courts piloted with UNDP Albania support in close cooperation with MoJ, District Courts and specialised NGOs.

# Background / context

## Analysis of the relevant national and sectoral policies

In June 2014, Albania received EU candidacy status and adopted a road map for approximation with EU laws and standards. The drive for European integration is a main driver of reform in the country and a shared political priority. Albania has committed to strengthening the rule of law and human rights through its ratification of international and regional treaties and its adherence to the 2030 development agenda. Since September 2015 the GoA has worked to integrate and mainstream Agenda 2030 across the national development policy framework. An inter-Ministerial Committee and inter-Institutional Working Group on Sustainable Development Goals (SDGs) have been operational since May 2017. The Prime Minister’s office in 2017 released a Baseline Report that presented available data against the SDG indicators. The Parliament in December 2017 unanimously approved a resolution committing to the promotion, implementation, and monitoring of Agenda 2030 and the SDGs, through inclusive and broad-based development processes, in line with Albania’s development priorities and EU integration. A Voluntary National Report (VNR) was presented to the UN High Level Political Forum on sustainable development in July 2018. In light of Agenda 2030’s transformative set of commitments, the GoA with UN support used the Mainstreaming, Acceleration, and Policy Support (MAPS) platform to localize SGDs and for national transitions to human-centred, rights-based sustainable development. Governance reforms are at the heart of the EU accession process and have been prioritized as key to addressing Albania’s socio-economic challenges. Major investments have therefore been made by the GoA in reforming the public administration and judiciary, and in efforts to reduce corruption, strengthen the rule of law, and rationalize relations between central and sub-national state bodies. Delivery of quality and inclusive public services, including at local level, is one of the many important interventions the GoA is intensively working on.

The Government aims to put the country on a path of sustainable and equitable growth through ensuring macroeconomic stability and competitiveness and by investing in people and social cohesion.[[7]](#footnote-8) These objectives of the National Strategy for Development and Integration (NSDI) are underpinned by the strategic objective of ensuring good governance, democracy and the rule of law with strong, effective and democratic institutions and a fully functional and open judicial system for the ultimate aim of EU accession.

In the context of the ongoing justice reform, adoption of a set of constitutional amendments paved the way for comprehensive and thorough justice reform in Albania which represents a key requirement for EU accession. Moreover, a set of organic laws, identified by the Albanian legislator as priority for the implementation of justice reform, were adopted. Organic laws that regulate service provision to citizens, including free legal aid law, were reviewed. A comprehensive FLA law was developed with the technical support of UNDP in partnership with EURALIUS project, which entered into force in June 2018 and requires adequate implementation by responsible bodies. The law provides for the establishment of a new FLA Directory, within the Ministry of Justice, to organize and oversee a broadened set of primary and secondary FLA providers, including a new branch of the civil service and major involvement of NGO providers and the Bar membership.

The new MoJ FLA Directory will need substantial assistance in its setting up, inter alia, a solid regulatory scheme and a quality control program. The challenge for the Albanian Government is momentous and will require significant outside support to succeed.

## Characteristics of the intervention environment

With a gross national income per capita of $4,450, Albania is an upper-middle-income country in the high human development category.[[8]](#footnote-9) Following the 2008 Eurozone crises, however, growth stalled and the percentage of people living in poverty increased from 12.4 to 14.3 per cent of the population, reaching 18 per cent among women.[[9]](#footnote-10) Albania remains one of the poorest countries in Europe and disparities affect the enjoyment of basic health, education, and social care and protection[[10]](#footnote-11). The country’s Gini coefficient of 34.5 (2013) is the third highest in the region and the pattern indicates growing inequalities[[11]](#footnote-12). Governance and rule of law is an area where Albania is lagging behind, with a rank of 71 out of 126 countries in the 2019 WJP Rule of Law Index[[12]](#footnote-13) [[13]](#footnote-14). The judicial system in Albania is still characterized by limited accountability, poor inter-institutional cooperation, backlogs and limited access to justice, particularly for vulnerable populations[[14]](#footnote-15).

Despite of the considerable achievements in the last 29 years since 1990, the country still faces challenges in building a society guided by the rule of law. In recent years, the European Court of Human Rights has handed down judgments in some human rights area including judicial proceedings and the right to fair trial. Treaty bodies and the Universal Periodic Review (UPR)[[15]](#footnote-16) have highlighted concerns and made recommendations among others in the areas of independence of the judiciary, corruption of judicial officers, delays in court proceedings, unfair trials, ineffectiveness of legal aid, impediments to women accessing justice and lack of protection for witnesses and victims and treatment. In this regard, Albania has accepted UPR recommendations to guarantee access to free legal aid, to restore citizen’s trust in the justice system by fighting impunity, to combat corruption in the judicial sector, to strengthen responses to violence, including in the areas of investigation and prosecution of perpetrators and services to victims of domestic and gender-based violence.

Justice reform in Albania represents one the key requirements for EU accession and ensuring equality before the law and its uniform application are critical to the country’s progress. Services that assist the poorest and most vulnerable to develop trust in legal and justice institutions, such as the provision of free legal aid, remain limited in their availability and have inadequate resources and capacities. Lack of effective access to legal aid in Albania has been repeatedly noted in EU, international and national body reports. EU 2019 Progress report on Albania states “The legal aid scheme still needs to develop an outreach mechanism and promote access to its services. A directorate for free legal aid within the Ministry of Justice was supposed to be established by the end of October 2018 but this has not materialised. There continue to be reports of obstacles to access to justice and a lack of access to legal aid for
vulnerable groups, including Roma, Egyptians, persons with disabilities, and persons with
economic difficulties. The vast majority of cases involving vulnerable groups are still handled
by civil society groups with donor support. Effective implementation of the free legal aid system and the promotion of legal awareness and empowerment will be essential to ensure women’s access to justice”. Many regional and international standards require states to make legal aid available to individuals charged of a criminal offence and who cannot pay for their own legal assistance (see e.g. ICCPR, article 14(3)). Legal aid also has an important function beyond the criminal justice system. According to the Council of Europe’s resolution (78) 8:” No one should be prevented by economic obstacles from pursuing or defending his right before any court determining civil, commercial, administrative, social or fiscal matters.”

An effective FLA system, guaranteeing access to justice where the interest of justice requires, ensures equality before the law to all according to key international instruments: the ICCPR (articles 14 and 26), ECHR (Article 6); EU Charter on Fundamental Rights (Article 47) and EU Directives. The justice reform agenda can be critical to help remove the significant barriers to accessing justice, including the inability of poor communities to enjoy free legal assistance and to benefit from social inclusion policies.

## Harmonization

The new FLA Law sets the scope of national and local executive governmental authorities, judiciary authorities as well as non- state actors such as NGOs, University legal clinics, lawyers’ members of the National Chamber of Lawyers etc., linked to the FLA service provisions (primary and secondary legal aid services[[16]](#footnote-17)) to the most vulnerable populations. This law establishes the forms, the conditions, the procedure and the rules for the organization and administration of state guaranteed legal aid, with the aim the protection of fundamental rights of the individual and his/her legitimate interests. The FLA law creates a system for the organization and delivery of free-of-charge legal aid in an effective and equal manner for all individuals in need in order to enable to them equitable and unhindered access to justice; ensures the proper organization, proper administration and proper functioning of the state institutions responsible for the administration of legal aid as well as ensures the delivery of professionally competent, high quality, efficient and effective legal aid services provided by various actors (NGOs, lawyers members of the National Chamber of Lawyers, University legal clinics etc.) as per the requirements if this law, which leads to well coordination, adequate oversight of such services and avoid overlapping at the local level where these services are provided. The law defines procedures and rules for both primary and secondary FLA providers as well as the assigned MoJ FLA Directory for administering, selection of such providers and ensuring oversight of their services.

This proposed intervention will ensure that all relevant actors from the civil society and interest groups through networking between them in the selected areas will ensure participation in keeping the responsible state and judiciary bodies accountable for adequate, equal and unhindered access to justice of vulnerable individuals. The Inter-sectorial Strategy of Justice 2017-2021[[17]](#footnote-18) sets out as one of its strategic objectives, the consolidation of access to justice to be open to any person and ensure active engagement in encouraging alternative forms of dispute resolution. This Strategy aims to achieve this goal through increased access of the public to the recognition of legislation, effectiveness of legal aid, improvement of public relations, effectiveness of forms alternatives and upgrading and strengthening the role of justice system bodies and free professions.

Furthermore, the Action Plan 2018-2020 of the Strategy “For public legal education 2018-2023 foresees concrete channels of communication and interventions under Specific objective 2.2 the increase and further strengthening of the cooperation established between NGOs, FLA Centers and bodies that administer the FLA service provisions, namely MoJ FLA Directory, Courts and National Chamber of Lawyers. This framework will be used by this proposed project in order to set the stage for NGOs, University legal clinics, local pro-bono studios and other interest groups which will be part of the network to hold responsible state, judiciary and advocacy bodies accountable for an adequate administration of these FLA service provisions and the more so on their sustainability and financial back up from the state budget.

# Intervention Design

## Target group, beneficiaries and local partners

*Target groups:*

* MoJ new FLA Directory (approx. 25 staff: 17 assigned at the MoJ FLA Directory and 8 assigned at 4 FLA centers to be established at the local level by MoJ[[18]](#footnote-19));
* FLA providers –specialized NGOs such as Center for Legal and Civic Initiatives (CLCI), Albanian Disability Rights Foundation (ADRF), Tirana Legal Aid Society (TLAS), FLA University clinics in the targeted regions and offices of certified lawyers of National Chamber of Lawyers engaged in FLA services to vulnerable populations. A special focus will be given to establishing network among experienced NGOs and grassroot NGOs/local offices of young lawyers. This network will aim at strengthening local partners, as free legal aid providers, mentoring them in their FLA services to most vulnerable citizens as well as will serve as a solid platform for increasing accountability towards legally responsible state, judiciary bodies trusted with the administration of the FLA service provisions.
* Junior lawyers/jurists (approx. 50 NGO members, junior lawyers trained out of whom 30% women). - will be engaged through capacity building activities, street law and larger awareness raising public campaigns on FLA law and its provisions and how vulnerable populations benefit from it. A specific focus in increasing professional capacities of FLA providers will be given to issues related to gender-based discrimination and women clients’ needs.
* Vulnerable women and girls (approx. 1180 will be reached out through primary and secondary FLA services provided in all selected regions. A keen focus will be given to Roma and Egyptian, women with disabilities, elderly women, vulnerable girls and women belonging to LGBTI community.
* Vulnerable citizens (approx. 8000 vulnerable persons, out of whom 30% women will be reached out) – will be targeted through FLA service provisions, awareness raising activities and street law in the targeted areas. A keen focus will be given to vulnerable individuals in remote areas in the selected areas whom will be reached through street law activities and mobile FLA service provision activities.

*Beneficiaries:* Roma and Egyptian minorities, survivors of gender based and domestic violence, persons with disabilities and vulnerable youth and elderly. Approx. a total of 700 vulnerable individuals will benefit from FLA services during the first year of project implementation, approx. a total of 1260 vulnerable individuals, beneficiaries, during the second year and during the third year approx. a total of 2110. For three years the approx. total of approx. 4070 vulnerable individuals will be benefiting from FLA services.

*Partners:* MoJ is the main partner, NGOs FLA providers, District Courts, LGUs, local pro-bono offices, University legal clinics, CPD and PA, including their local offices, National Chamber of Lawyers and their local offices, EURALIUS, OSFA.

*Locations*: In the frame of this project FLA centers will be established in 8 district courts geographical areas such as in Durres, Fier, Lezhe, Berat, Korce, Sarande, Pogradec and Kavaja[[19]](#footnote-20). Durres, Lezhe and Fier are selected as these areas where FLA centers were established in the frame of the Access to Justice Project supported by UNDP. MoJ provided information that Tirana and Elbasan will be covered by OSFA Foundation in Albania to establish FLA centers, therefore, Tirana FLA center is not listed for support from this project. The rest of the locations are selected in close consultations with the MoJ senior representatives covering FLA related issues.

Main criteria for selection are the following:

Municipalities that fall under district courts with a high representation of vulnerable populations

Areas not covered by other development partners.

The following table provides an overview on the FLA centers established, to be revitalized or planned for establishment in the country[[20]](#footnote-21):

|  |  |  |  |
| --- | --- | --- | --- |
| *District Centre* | *Status (established / pilot)* | *Opened (Month/Year)* | *Supported by* |
| Durres | Established but closed after project ended. Planned for re-vitalization  | 1 September 2017- 30 September 20181 September 2019 – 31 August 2022 | UNDP fundingADA funding |
| Fier  | Established but closed after project ended Planned for re-vitalization  | 1 September 2017- 30 September 20181 September 2019 – 31 August 2022 | UNDP funding ADA funding |
| Lezhe | Established but closed after project ended Planned for re-vitalization  | 1 September 2017- 30 September 20181 September 2019 – 31 August 2022  | UNDP funding ADA funding |
| Tirana | Established but closed after project ended. Supported by other donors[[21]](#footnote-22)  | 1 September 2017- 30 September 2018 | UNDP fundingOSFA Albania |
| Shkodra  | Established and ongoing | 1 November 2018-ongoing | UK funding  |
| Dibra  | Established and ongoing | 1 November 2018-ongoing | UK funding  |
| Kukes | Planned to be established  | From end 2019 | UK funding  |
| Korce  | Planned to be established | 1 September 2019 – 31 August 2022 | ADA funding  |
| Sarande  | Planned to be established | 1 September 2019 – 31 August 2022 | ADA funding  |
| Berat  | Planned to be established | 1 September 2019 – 31 August 2022 | ADA funding  |
| Pogradec | Planned to be established | 1 September 2019 – 31 August 2022 | ADA funding  |
| Kavaja | Planned to be established | 1 September 2019 – 31 August 2022 | ADA funding  |

## Problem analysis and analysis of local potentials

In the context of the ongoing justice reform, adoption of a set of constitutional amendments paved the way for comprehensive and thorough justice reform in Albania which represents a key requirement for EU accession. Moreover, a set of organic laws, identified by the Albanian legislator as priority for the implementation of justice reform, were adopted. Organic laws that regulate service provision to citizens, including free legal aid law, were reviewed. A comprehensive FLA law was developed with the technical support of UNDP in partnership with EURALIUS project, which entered into force mid-2018 and requires adequate implementation by responsible bodies. The law provides for the establishment of a new department, within the Ministry of Justice, to organize and oversee a broadened set of primary and secondary FLA providers, including a new branch of the civil service and major involvement of NGO providers and the Bar membership. The new structure will need substantial assistance in its setting up, inter alia, a solid regulatory scheme and a quality control program.

The challenge for the Albanian Government is momentous and will require significant outside support to succeed. This is, in part, because the current FLA system is barely functional and lacking in almost every component. According to a 2017 comprehensive Access to Justice Survey by UNDP-Albania, almost half of the population has had legal problems in the last five years and nearly three-quarters of Albanians believe the national justice system does not protect their rights adequately. The FLA scheme covers only a fraction of the needs of low-income and other disadvantaged groups. In addition, three key factors – low levels of legal literacy, dubious attitudes on what is just, and a lack of trust in the justice system – contribute to a fragile framework for access to justice in Albania.

The former State Commission for Legal Aid did not develop effective mechanisms for outreach and access to its services, including at regional level. The vast majority of cases involving vulnerable groups are still handled by civil society organizations, with donor support. Therefore, a reform of the legal aid system was envisaged under the ongoing justice system reform that is producing the first results with the new FLA law in place and the set of the by-laws drafted and approved and the institutionalisation of the piloted FLA services provided to the most vulnerable populations as explained above.

On the positive side, the Government is committed to effectively implement the recent improved FLA Law as per the commitments articulated in the Justice Inter-Sector Strategy. MoJ with UNDP support drafted and finalised a complete set of by-laws as per the FLA law requirements, adopted by Council of Ministers and MoJ[[22]](#footnote-23). Two other by-laws are expected to be approved during 2019. As per the approved Prime minister’s Order on the structure and organigram of the FLA Unit/Directorate at the MoJ, the latter has started setting up the new structure and started job recruitment procedures for 25 staff[[23]](#footnote-24).FLA Directory is expected to be fully staffed by end of 2019.

To support MoJ with establishing FLA services at local level, during 2017 till at present, UNDP Albania has contributed to establish the foundations of a functional legal aid system in Albania through piloting 6 FLA Centres in close partnerships with District Courts in Fier, Durres, Tirana, Lezha, Shkodra and Dibra and specialised NGOs, offering primary and secondary FLA services to the most vulnerable people at local communities. Considering the highly demanded FLA services from the most marginalised citizens and building upon the results of ongoing Access to Justice (A2J) project implemented by UNDP Albania in close collaboration with the Ministry of Justice and all relevant stakeholders, this project will be essential to move to the next stage of consolidating the pilot FLA centres and the implementation of the new free legal system. This next stage will be based on the current assessment, pilots in 6 District Courts, and experience learned thus far. Further work is required through analysis, advocacy and public campaigns to create the enabling environment to make justice reform result in real changes in people’s lives.

## Strategic Approach & Methodology

Justice sector reform is among the key political criteria for EU accession. Therefore, a well-defined UNDP support to translating justice sector reform into stronger access to justice by citizens, especially women and vulnerable groups, is expected to have relevance in the EU led justice sector reform programming and create an opportunity for UNDP to advocate for the justice needs of underserved populations and women in this largely political reform process.

The universal importance of access to justice was reflected most recently in the Agenda 2030 and Sustainable Development Goals. The new agenda promotes sustainable development of countries that are based on peace, just and inclusive societies, respect for human rights, the rule of law and effective and accountable institutions. The goal and the entire SDG agenda embrace the core elements of a social contract between state and society as they seek to ensure a match between people’s expectations of what the state and other actors will deliver (the services contained in the goals, as well as safety, rule of law and a fair justice system, legal identity, access to information and opportunities for participation) and the institutional capacity available within the state and other actors to meet those expectations.

Goal 16 in particular provides new and unprecedented space for strengthening the rule of law, justice, and security and promoting human rights, and commits Member States to: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.” The targets for Goal 16 speak to protecting fundamental freedoms, promoting participation, non-discrimination and access to justice, and elevating civil and political rights relative to human rights standards. The Target 16.3 of the goal obliges states to “Promote the rule of law at the national and international levels and ensure equal access to justice for all.” Additionally, The Goal 10 commits to “reduce inequality within and among countries” and eliminate discrimination in laws, policies and practices.  Furthermore, the Goal 5 promotes gender equality and the need for empowerment of all women and girls given their disadvantaged roles and discrimination in many societies. UNDP’s mandate is firmly rooted in attaining mentioned SDGs, which form the basis of its Strategic Plan (2018-2021).

Contribution to the implementation of the ADC Country Strategy 2015-2021:

This project will contribute to the implementation of the ADC Country Strategy 2015-2021 and more particularly thematic priority area one on governance and rule of law with its keen focus on strengthening equal access to justice for all people, in particular for marginalised groups such as Roma and Egyptians, persons with disabilities, vulnerable women, including gender based and domestic violence survivors, elderly, vulnerable and youth. This project will contribute to the protection of disadvantaged groups by collaborating and strengthening civil society, judiciary organs and increasing capacities of the national and local law enforcement agencies to adequately implement FLA law.

UNDP Positioning and Country Programme 2017-2021:

UNDP programmatic work aims at promoting sustainable and equitable development, social inclusion, gender equality and the adherence to international norms and fulfilment of international obligations, in support of the integration of Albania into the EU. Justice and RoL sectors are referenced in the current UNDP Country Program (2017-2021).

Through an Access to Justice (A2J) initiative launched in 2017 and ongoing, UNDP in collaboration with the Ministry of Justice as a key partner and other important stakeholder is supporting legislative and judicial bodies ensure inclusive and equitable service delivery systems with a special focus on underserved populations and women.

The objective is to strengthen people’s access to justice by supporting the development of the free legal aid system and promoting legal awareness and empowerment. In this context, UNDP is currently implementing a number of strategic interventions, including a) providing support to national authorities for the improvement of the legal aid legislation which resulted in a new FLA law that provides for a new FLA scheme which guarantees unhindered and accessible justice for the most vulnerable populations; b) conducting an assessment of the situation related to access to justice, with a particular focus on vulnerable groups in 5 geographical areas of the country (Tirana, Shkoder, Permet, Vlora and Mat). The A2J assessment provides a comprehensive analysis of citizens’ justice needs and map out the functioning of justice institutions in response to those needs, focusing more specifically on the needs of women and underserved communities. c) assist the improvement of free legal aid mechanisms through: (i) piloting free legal services in four district courts in Albania: Tirane, Durres, Lezhe, Fier, Peshkopi and Shkodra. These centres mainly offer primary legal aid services. Secondary legal aid such as representation in civil and administrative proceedings and representation before State administrative bodies is provided in some specific cases. ii) informing marginalized communities and individual groups about how to access legal aid services; awareness raising activities to increase knowledge of citizens, in particular marginalized communities, on the provision of legal aid are being organized in the four pilot areas; iii) and supporting coordination among service providers in pilot areas and other cities.

UNDP has invested its own funds to kick start this initiative, and cooperation with the Ministry of Justice has been very successful, demonstrated by the speedy start-up of the fours pilot free legal aid clinics, and also demonstrated by the joint work and advocacy on the new legislation on free legal aid in Albania. UK Government joined UNDP to support this cause, including more particularly, scaling up of the FLA centers in two new district courts in the country, namely Dibra and Shkodra. Further support will be extended for one more year in Shkodra, Dibra and Kukes district courts with UK Government funds.

Building upon the results of ongoing A2J project implemented by UNDP Albania in close collaboration with the MoJ and all relevant stakeholders, this ADC funded project will be essential to moving to the next stage of the actual testing and the implementation of the new free legal system. This next stage will be based on the current assessment, pilots in six District Courts and experience learned thus far.

The project will strengthen people’s access to justice by supporting the development of the free legal aid system and promoting legal awareness and empowerment. Such efforts will require high-level as well as grassroots approaches, including the combined efforts of the judiciary, the MoJ, the network of certified lawyers, Bar Association, related ministries, other actors in the civil and criminal justice sectors, and local civil society and grass root organizations, including offices of young certified lawyers.

Lessons learned in the piloted FLA Centres supported by UNDP:

*High demand for secondary legal aid.*The UNDP-supported centres were designed to provide, first and foremost, primary legal aid. But as the numbers show, they ended up providing a significant amount of secondary legal aid, in the form of direct representation in court cases. This was a direct result of the high demand of applicants for secondary aid, which required a significant investment of time and effort by the staff and without which the overall numbers of beneficiaries would have been significantly higher. The strong demand for secondary aid may be explained to some extent by the location of the centres within the district court premises. However, it is also an indication of the great gap created in this respect by the lack of a functioning national legal aid scheme.

*Main areas of demand for primary and secondary aid.* It is clear from the one-year experience of the four centres -- which represent a good national sample in terms of geography and court caseloads – that by far the busiest area of demand is in family law disputes, including divorce, protection orders, child custody and related matters. In second place come cases related to pensions and other social benefits; followed by property cases. These fields should provide the future national legal aid scheme with an indication of what kind of expertise will be most required and where the hiring and training priorities should be for the future employees of the primary legal aid offices and other service providers (NGOs, university clinics etc). The same applies to the need for specialization of secondary aid providers (advocates) in matters of family law and social benefits.

*Failure to grant exemption from court fees and expenses* remains a major barrier to justice for disadvantaged groups: e.g. the partners report cases of women giving up on divorce proceedings simply because of inability to pay court fees and expert expenses. The new legal aid law is supposed to improve the situation in this respect, but its real impact remains to be assessed. This is because, apart from the legal framework, there is noticed cultural resistance among some judges and other players to waiving fees for low-income groups, which needs to be addressed through training and continuous education. A a wide awareness campaign is needed to inform the general public that, under the new law, it will be possible to request waiving of court fees and legal expenses for those meeting the legal criteria[[24]](#footnote-25).

As a subset of the above, court fees related to payment of **court experts** represent the biggest challenge, as they tend to be very substantial in amount and normally need to be pre-paid by the requesting party. The expert fees can be so high as to cause clients to abandon legally valid claims. This situation also requires a comprehensive approach, as expert fees, at their current levels, are likely to “grab” a substantial part of the total legal aid budget under the new law. The new legal aid authorities should be able to negotiate lower fees for court-appointed experts, or to nominate experts serving in government agencies (such as the social assistance services).

*The need for psycho-social services provided to FLA beneficiaries and strengthening referral and cross sectorial cooperation at local level among relevant actors*

NGOs and other not-for-profit providers should consider engaging psychologists and other experts who are included in the national registry of experts, and requests from the courts that such experts be called as court-appointed experts in cases in which NGO lawyers provide court representation for their clients. The Ministry of Justice should also take these considerations into account, as the body maintaining and overseeing the national registry of court experts. Furthermore, there is a need for cases assisted through primary legal aid services to be connected and supported with integrated social care services at municipal level. In order to institutionalise this cross sectorial cooperation MoUs need to be signed between FLA centres and social care departments at municipalities. In this spirit, Coordinated Community Response Mechanisms at municipal level that handle cases of violence against women and girls need to refer survivors for FLA services to the FLA centres and together with all mandated members of the CCRs integrated social and legal care support will be provided to the domestic violence survivor. Furthermore, information sharing will be key for the gender violence survivors benefitting from the national hotline referral services (national hotline 116117) to refer survivors for FLA services to the local FLA centres. Therefore, cooperation with the Counselling Line for Women and Girls that administer the national hotline 116117 will be further strengthened in the frame of this project.

*The need for continuance in offering free legal aid, primary and secondary.*Having in mind the number of primary legal aid cases and also their profile, it would continue to take a considerable amount of resources knowing this trend. As for secondary legal aid some of the cases supported with free legal aid are ongoing it is necessary the provision of free legal aid to continue further knowing that a court proceeding, or execution of a court’s decision take more time and resources.

*The need for ensuring sustainability:* Sustainability will be ensured through an adequate level of national ownership and wide involvement of the responsible executive and judicial structures, CSOs, and community members. The participation of local experts and specialists from involved governmental agencies in regular consultations in the implementation of activities, and in project monitoring will generate knowledge and build their capacity. Special focus will be given to strengthening the advocacy role of the involved NGOs in ensuring sustainability of the FLA services for the most marginalised populations with state funds and support. Significant priority will be placed upon increasing knowledge of local partners to ensure ownership over results and develop their ability to continue designing and implementing future interventions. The project will be implemented in close consultation with relevant stakeholders, including the central and local governments and other local and international development partners. This will ensure proper coordination and effective sharing of mutual experience and expertise. In order to leverage the project results contributing directly to building and expanding the new system of FLA, the project will establish close cooperation with other national and international partners that work in the areas of legal aid and especially with Euralius project that is supporting overall justice reform in the country and driving the reform process.

Approach, Strategic Interventions and Comparative Strengths

To respond to these governance and rule of law challenges, project strategies are closely aligned with those of the NSDI II for the delivery of more effective, efficient, and people-centred services. Furthermore, the principles guiding the project are:

1. Promote Human Development and Human Rights Based Approach (HRBA): Promoting fundamental human rights through a human rights-based approach (HRBA) to support better, more sustainable justice sector development aims by analysing and addressing inequalities and discriminatory practices in this area. Human rights are intrinsic to UNDP’s ability to deliver on its human development mandate. Progress must be measured and understood beyond income – Human Development is about people’s possibilities to live lives they value, and it is about the conditions, rights, and freedoms that allow them to choose and to influence their own development. It is within the framework of Human Development that UNDP supports countries to meet their development priorities – through policies and approaches which draw on human rights principles including the right to development, to address inequities, discrimination, marginalization and vulnerabilities. Since Albania has ratified the major international conventions on human rights, it is expected that a Human Rights Based Approach to development will be applied in all phases of the project and planned interventions under the current initiative.
2. Strengthening Rule of Law: According to the UN Secretary-General, the rule of law refers to “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.” In the Furthermore, the UN General Assembly recognizes that all persons, institutions and entities, public and private, including the State itself, are accountable to just, fair and equitable laws and are entitled without any discrimination to equal protection of the law. Policy makers now tend to understand the relationship between the rule of law and development in terms of the functions the rule of law is expected to carry out, from the rules that govern public administration to how disputes and grievances over land, natural resources, and public services are handled in society. In other words, they are less concerned with what the rule of law looks like than what it does. Strengthening rule of law will be the guiding principle throughout the entire planned interventions under this project.
3. Ensure gender equality: The goal of gender equality and the practice of gender mainstreaming focus on how females and males experience problems in society differently, and how they relate to the societal forces that shape power relationships. It aims to identify the societal behaviours and structures that sustain gender inequality and make changes that are institutional and systemic. Since Albania is a signatory to a number of important and binding international documents, which guarantee the equality of men and women and prohibit gender-based discrimination[[25]](#footnote-26) the project’s interventions will ensure gender analysis and gender mainstreaming aiming at the advancement of women’s rights and gender equality. Among vulnerable groups that this project will target will be rural women, women as heads of households, victims of gender based and domestic violence, including women and girls with protection orders, women and girls coming from ethnic, cultural and sexual oriented minorities, women and girls with disabilities and elderly women. Furthermore, to ensure this principle is a guiding principle in the entire projects’ interventions, the project will benefit from the UNDP inhouse gender expertise through the Programme Coordinator of the Ending Violence against Women UN Joint Programme who managed previous A2J UNDP Programme.
4. Leave no one behind principle –is a core principle of the 2030 Agenda ensuring that 'no one will be left behind through its focus on the most vulnerable, Roma, Egyptians, persons with disabilities, LGBTI, vulnerable women and youth. This principle is guiding this project’s interventions in targeting these particular marginalised individuals.

Specific strategies and initiatives will encompass the following:

* Assisting FLA management department and key service providers. Both government and non-government providers will be assisted in setting up model FLA programs, based on good practices from other new democracies in the region. In collaboration with the MoJ FLA Directory, the project will assist with setting up initial and continuous training for the management and personnel of the new, government-run legal aid centres as well as non-profit FLA providers and local Bar Associations. UNDP-Albania’s significant experience in programs protecting the rights of marginalized groups will be of added value.
* Revitalizing three pilot FLA centres and establishing pilot FLA centres in five new areas. The three piloted FLA centres in Fier, Durres, and Lezha need to be reactivated aiming at providing sustainable good quality FLA services to the most vulnerable populations. In addition to primary and secondary FLA services, vulnerable individuals will benefit from psycho-social services as well. Learning from the work and results already achieved in these FLA centres, will serve as a solid fundament for scaling up this model. The early operation of these centres, in addition to servicing thousands of FLA clients per year, will provide valuable insights and lessons learned to guide the deployment of the national scheme.
* Network of, and the institutional and capacity development of the specialized NGOs supported to ensure their sustainability. The Network will also be a forum for discussions with the Government, District Courts, National Chamber of Lawyers and LGUs for improving the delivery, addressing bottlenecks and keeping the responsible institutions for FLA service provision accountable for the sustainability of these services through adequate state human and financial resources.

While UNDP, during 2017 has contributed to establishing the foundations of a functional legal aid system in Albania, the added contribution of this three years’ project would be essential to moving to the next stage, the actual testing and the implementation of the new legal aid system.

Communications approach: Coherent and coordinated communication will be ensured by continuous coordination of all communications plans and advocacy component activities among all involved actors and partners. The media are recognized as most important communication channels throughout the country, which is why they will be used as primary channels of communication with targeted groups. However, the Programme will design specific communications tools that will focus on delivering the message in a most effective way to some of the target groups, whenever possible. Particular attention will be dedicated to supporting partner institutions, organizations and involved CSOs in improving their media outreach by ensuring continuous guidance in production and dissemination of all communication products.

The choice of an appropriate communication channel (or a combination of several channels) will depend on the profile of targeted audience and their preferred communication channels and tools.

Comparative Strengths: The project builds on UNDP’s Comparative Strengths that include: i) an ability to facilitate a political dialogue with a broad range of rule of law stakeholders; ii) an ability to focus on specific issues in the justice sector and generate knowledge products; iii) an ability to champion Human Rights-Based Approach (HRBA) legislation and initiatives; iv) a history of leadership and perceived legitimacy on issues concerning the most vulnerable groups and marginalized communities; and v) the possibility of liaising between ongoing projects and establishing cooperative activities with the MoJ and the other relevant stakeholders. All of the above allow UNDP first to focus on top-down work with the judiciary, Bar Association, the Government, and local level authorities, which are generally the most accessible legal service providers for marginalized groups in rural areas. The present project also allows UNDP to focus on bottom-up processes and outcomes that will directly involve and benefit citizens. These will include working with civil society organizations, women’s activists and community-based women’s watch groups, promoting public participation in justice processes, and establishing legal aid and outreach initiatives, and developing alternative justice delivery mechanisms and legal services.

## Data base for analysis and design

(see annex no. 4 – list of references)

# Intervention logic

Access to justice in Albania is challenged by a barely functional FLA system in terms of services and budgets, lack of legal literacy and awareness of citizens on FLA system and low public trust in in the justice system.

The theory of change of the proposed intervention is that if the government institutions are supported to (i) set up the adequate legal and institutional framework for FLA system, (2) build capacities of service providers to implement the FLA legislation and network among them to hold the government accountable, (3) establish the quality assurance and oversight mechanisms for provided services and (4) raise legal awareness of citizens on the availability and accessibility of FLA services, then (5) an overall enabling environment and functional system is created to implement FLA law and facilitate unhindered access to FLA services for citizens especially women and vulnerable groups.

## Impact and Outcomes

The **overall goal** of the Project is to support and ensure that *a solid foundation for new Albanian free legal aid system is established.*

To contribute to the achievement of the above overall goal, the project will work towards achieving the following outcomes:

**Outcome 1:** Legal aid management institutions and service providers have the capacity to implement the FLA legislation

**Outcome 2:** FLA Department in MoJ with core capacities for setting up and piloting a FLA quality monitoring scheme

**Outcome 3:** Network established, and NGOs successfully capacitated to deliver services in 8 selected areas

**Outcome 4:** Legal aid management institutions and service providers have the capacity to respond according to international standards to gender-based discrimination and needs of their clients.

The above outcomes target the three key pillars for FLA implementation, institutional and legal support to implement FLA by central and local officials and service providers, awareness raising of citizens on FLA law and services and networking of FLA service providers to ensure sustainability of FLA services.

## Outputs

The expected outputs the project will achieve are:

Expected Outputs under Outcome 1

**Output 1.1:** Assistance to FLA Department in MoJ (25 staff) for setting up and piloting a FLA quality monitoring scheme

**Output 1.2:** Assistance to key service providers (NGOs, government agencies) in setting up primary FLA centers and servicing marginalized groups with special focus on women and girls

**Output 1.3:** Management and key staff of new FLA centers (approx. 41 MoJ staff and FLA centers staff) equipped with knowledge and tools in regulatory and practical aspects

***Expected Outputs under the Outcome 2***

**Output 2.1:** Setting up primary and secondary FLA centers in 5 new areas and reactivating 3 existing ones.

**Output 2.3:** Equip vulnerable citizens (approx. 8000 women and men) with legal knowledge on their rights and protecting mechanisms

***Expected Outputs under the Outcome 3***

**Output 3.1:** Setting up a network of specialized NGOS in 8 areas 3 existing and 5 new ones

**Output 3.2:** Institutional and capacity support provided to NGOs, grass root organizations and/or local offices of young certified lawyers at local communities

**Output 3.3:** Equality bodies supported in reaching out to vulnerable individuals

***Expected Outputs under the Outcome 4***

**Output 4.1:** FLA providers empowered with knowledge and skills to adequately respond to women clients needs and sensitive on gender-based discrimination of vulnerable women accessing justice

**Output 4.2:** Vulnerable women and girls (approx. 1180 women and girls) empowered through unhindered and accessible free legal aid services

* 1. **Inputs / Activities**

(see Annex 1)

To achieve the expected results, the project will carry out the following main activities to ensure sustainability of FLA services in the future:

* Set up the new FLA unit in MoJ and the oversight mechanism for FLA services, case management programming and reporting;
* Development of service delivery standards protocols/manuals for FLA centres and justice institutions to ensure accountability
* Capacity building for FLA centres staff in quality assurance monitoring, judiciary officials and service providers on the FLA adequate implementation; A special focus in capacity building activities will be given to gender-based discrimination related issues and women clients s[specific needs.
* Institutional support to set up 5 new FLA centres in 5 new areas and reactivate three existing ones;
* Public awareness campaigns for legal education of vulnerable citizens with the support of specialized NGOs;
* Establish network of specialized NGOs in 8 selected areas to ensure accountability of the government on FLA law implementation and sustainability of service provision.

For more details on activities under each output, refer to Annex 1 the log frame and Annex 2 Time Schedule.

## Indicators

**Impact level indicator**

**Indicator 1**: # of reports (CEDAW, UPR, eu Progress Reports, sDgs) showing progress in advancing access to justice for vulnerable groups.

**Indicator 2:** # of SDG targets reported at country level **and** EU GAP targets reported at country level

**Indicator 3:** Improved access to FLA services by vulnerable citizens

**Outcome 1 indicators**

**Indicator 1.1:** # of (revised) secondary legislation of Free Legal Aid Law adopted by the government.

**Output 1.1 indicators**

**Indicator 1.1.1:** FLA quality monitoring system and case flow charts for the most prominent typologies of cases as per the legal areas (civil, administrative and criminal) mainstreamed in MoJ system

**Indicator 1.1.2:** # of central and local officials trained in using quality monitoring scheme

**Output 1.2. indicators**

**Indicator 1.2.1:** # of MoUs signed/renewed with selected District Courts/assigned local offices for FLA services

**Output 1.3. indicators**

**Indicator 1.3.1:** Needs assessment of FLA centres staff conducted

**Indicator 1.3.2:** Development of service delivery standards protocols/manuals for FLA centres and justice institutions to ensure accountability

**Outcome 2 indicator**

**Output 2.1.**

 **Indicator 2.1.1:** # of staff of FLA centres and service providers trained

**Output 2.2.**

**Indicator 2.2.1:** # of vulnerable citizens reached out with information on their rights and FLA system

**Outcome 3**

**Indicator 3.1**: # of FLA centres operating in the country

**Indicator** **3.2**: Network of legal aid centres or legal aid providers established and operational in the country

**Output .3.1.**

**Indicator 3.1.1:** # of specialized NGOs committed to sign MoUs and establish the network

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**Output 3.2**

**Indicator 3.2.1:** # of members of NGOs, junior lawyers trained

**Output 3.3**

**Indicator 3.3.1:** # MoUs signed between FLA centres and PA/CPD local offices in selected areas for effective referral and follow-up of administrative cases

**Output 4.1**

**Indicator 4.1.1:** # of FLA providers with increased capacities on gender-based discrimination related issues and specific needs of women as clients

**Output 4.2**

**Indicator 4.2.1:** # of vulnerable women and girls supported through primary and secondary FLA services

# Risk Assessment

|  |  |  |  |
| --- | --- | --- | --- |
| **Identification** | **Analysis** | **Management** | **Follow-up** |
| **Risk** | **Probability** | **Impact** | **Overall risk** | **Risk-reducing measures** | **Responsibility**  | **Deadline** | **Status** |
| Low priority given to issues of free legal aid and lack of focus on vulnerable populations by central government while the focus is on justice reform primary legislation implementation |   H |   M |   H | UNDP has established partnerships with Ministry of Justice which is key actor in the justice reform process with the view to have the MoJ’s commitment in this process  | Ministry of Justice | End of first year  |    |
| Lack of capacity of the central government to adequately implement the legislation, and/or implement the required policy reforms and legislative changes, lead to the programme’s underperformance. |   H | M |   H | UNDP will provide expertise through consultancy, academic centres, CSOs to maximise resources and increase capacities of national government actors required for adequate implementation of legislative and policy framework in this area. | Ministry of Justice |  End of second year  |    |
| Cross-cutting issues: Negative impact on anti-corruption; Lack of adequate systematic oversight mechanisms at the Ministry of Justice which may impact the quality of legal aid services to citizens  | H | M | H | UNDP will lobby with the respective authorities to ensure quality management mechanisms under the new law in process as well as in the overall anti-corruption reforms underway.  | Ministry of Justice; and Anticorruption structures | End of second year |   |

# Monitoring and Evaluation

## Monitoring, steering and dissemination of information

*Project Management*

The project will be implemented by UNDP using the direct implementation modality (DIM) in accordance with UNDP rules and regulations. International and national experts will be involved as required.

The main management functions relating to this project are outlined as follows:

**The Project Steering Committee:** The project will be guided at the highest level by a Project Steering Committee (PSC) that will meet at least twice a year, and ad-hoc, if necessary. The PSC will provide guidance on project implementation issues, ensuring optimal translation of activities into outputs through appropriate monitoring and evaluation that carefully examines the relevance, performance, and progress towards each outcome. The PSC will also facilitate cooperation between partners and stakeholders and ensure continuous and effective communication and coordination between the project’s implementers and its beneficiaries. The PSC will also provide a forum for sharing the key results of the project, discussing changes or challenges in the project and the rule of law sector more generally, and proposing solutions. Through this forum, project team and partners will share success stories, best practices, lessons learned, knowledge gained, and data collected during the project implementation. In this way, cooperation and clear communication between national implementing partner and other stakeholders will be ensured. The Steering Committee will be paramount in achieving “spill-over effects” of the project towards improving the whole justice system and a wide representation of different actors will be ensured in order to ensure that the justice institutions themselves (1) are being kept in the loop regarding general systemic bottlenecks in the timely and fair delivery of justice, and also (2) can follow up on particular cases which face challenges because of the action/or inaction of one particular justice (or administrative) institution. The PSC will consist of at least middle-management level with a certain amount of supervisory powers. Institutions to be considered being representative of the PSC will include: MoJ, Austrian Development Agency, Ministry of Health and Social Protection, General Directorate of Police, UNDP, one or two NGOs active in good governance, democracy and RoL area; a representative of the judiciary (a judge), one or two representatives of the LGUs, one representative each per PA and CPD and EURALIUS representative

## Assessment and Evaluations

In accordance with UNDP’s programming policies and procedures, the project will be monitored through the following monitoring actions:

Monitoring Plan Within the annual cycle

* On a quarterly basis, progress will be tracked towards the completion of key results, based on set indicators captured in the LogFrame.
* Based on the initial risk analysis, a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.
* A project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the lessons-learned report at the end of the project.
* A Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events
* In addition to the above standard monitoring framework, a close communication will be established between UNDP and Ministry of Justice with respect to the day-to-day implementation of activities and information on the project’s progress will regularly be shared and when needed with the project stakeholders and partners. Field visits will be organised to monitor progress at the local level. Ministry of Justice and ADA representatives will be frequently invited to join field monitoring visits as well as to participate in various events organized during the life-time of the project.

Annual Review

* An Annual Review Report shall be prepared by the Project Manager and shared with the Project Steering Committee. As a minimum requirement, the Annual Review Report shall consist of the Atlas standard format covering the whole year with updated information for each above element as well as a summary of results achieved against pre-defined annual targets at the output level.

Evaluation

* In accordance with standard UNDP evaluation policy the final evaluation will focus on the impact, efficiency, effectiveness and sustainability of the programme; it shall provide pertinent lessons learned and recommendations. The project evaluation will be in line with ADA Guidelines for Project and Programme Evaluations and its timeframe and TORs will be consulted and agreed with ADA accordingly.

# Implementation

## Preparation of implementation

N/A

## Organizational structure, processes and management capacities

The project will be directly supervised and supported by the UNDP Albania Social Inclusion Programme Specialist in the role of **Project Assurance**.

**Project Manager** will be responsible for overall day-to-day project coordination, decision making and implementation, consolidation of work plans and programme papers, preparation of progress reports, and supervising the work of the project experts and other project staff. The project manager will benefit from the experience accumulated with UNDP in access to justice area and will ensure principles like gender equality, leave no one behind and good governance are mainstreamed in all project cycle.

**Project assistant** and Operations Unit will provide administrative, personnel, procurement, and financial support to the project. UNDP Country Office will also ensure the provision of standard project implementation support services, including human resource, procurement, and logistics.

**UNDP Communications Specialist** will provide guidance, support and direct contribution to ensure adequate visibility of the project as per the ADA and UNDP visibility principles, regulations and guidelines.

**Short term national experts** will be hired to support the implementation of activities under the three outcomes.

**Low value grant agreements**

Specialized NGOs providing free legal aid will be engaged through low value grant agreements to offer services in the selected project areas. UNDP will issue a call for proposal to reach out to all eligible NGOs that can be instrumental in providing free legal aid services. The call for proposal will include among others the selection criteria for grantees which need to prove that they have the experience, knowledge and capacities to engage in the implementation of this intervention. UNDP will use Law Value Grant Modality (LVGM) for entering into agreements with NGOs – selected via programmatic decisions. LVGMs will be signed between UNDP and each successful grantee/recipient institution. LVGM provides detailed information related to responsibilities of the recipient institution, records, information and reports as well as general conditions that articulate clearly methods of monitoring the progress of the projects of recipient institutions by UNDP monitoring mechanisms and structures as presented in the project. The selection of the NGOs to engage in the provision of free legal aid at local level will need to be endorsed by the Project Steering Committee. In addition, both the qualities of work and the progress being made toward successfully achieving the goals of the Activities shall be subject to review by the Project’s Steering Committee through the reports submitted and presented in the SC meetings. Selection criteria will include issues such as feasibility of the proposal, credibility of the partner, and consideration of risks.

## Time schedule

Please find the time schedule attached in Annex 2.

## Necessary means and costs

Financial resources for that project are coming from ADA and from UNDP. Please find attached Annex no. 3 (Budget)

# Annexes:

Annex No. 1) Logframe Matrix

Annex No. 2) Time schedule

Annex No. 3) Summary and detailed project budget (summary project budget relevant for accounting)

Annex No. 4) List of reference documents

1. Municipalities that fall under the jurisdiction of the district courts will be target areas of project interventions. [↑](#footnote-ref-2)
2. [↑](#footnote-ref-3)
3. [↑](#footnote-ref-4)
4. Durres, Lezhe and Fier are selected as these were areas where FLA centers were established in the frame of the Access to Justice Project supported by UNDP. The rest of the locations are selected in close consultations with the MoJ senior representatives covering FLA related issues. Main criteria: Municipalities that fall under district courts with a high representation of vulnerable populations and areas not covered by other development partners. MoJ provided information that Tirana and Elbasan will be covered by OSFA Foundation in Albania to establish FLA centers. [↑](#footnote-ref-5)
5. All the FLA centers to be established in these proposed locations will be supported financially by ADA. [↑](#footnote-ref-6)
6. These locations might be subject of change as per the reorganization of the judiciary districts expected to take place during 2019-2020. [↑](#footnote-ref-7)
7. National Strategy for Development and Integration, Government of Albania, 2015-2020. [↑](#footnote-ref-8)
8. Human Development Report, 2015, Human Development Index 0.733. [↑](#footnote-ref-9)
9. Albania: Trends in Poverty 2002-2012, Institute of Statistics (INSTAT)/World Bank, 2013. [↑](#footnote-ref-10)
10. Analysis of policies and reforms affecting the situation of children in Albania, UNICEF, November 2014 (not published) [↑](#footnote-ref-11)
11. Analysis of policies and reforms affecting the situation of children in Albania, UNICEF, November 2014 (not published) [↑](#footnote-ref-12)
12. <https://worldjusticeproject.org/sites/default/files/documents/Albania_0.pdf> [↑](#footnote-ref-13)
13. Albania’s score places it at 6 out of 13 countries in the Eastern Europe and Central Asian region and 22 out of 38 among upper middle-income countries. <https://worldjusticeproject.org/sites/default/files/documents/Albania_0.pdf> [↑](#footnote-ref-14)
14. In Albania, these are, in particular, children, Roma and Egyptian communities, disadvantaged women, persons with disabilities and groups that are socially stigmatized such as drugs users, HIV+, sex workers, and LGBTI. [↑](#footnote-ref-15)
15. <https://www.upr-info.org/database/index.php?limit=0&f_SUR=2&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly> [↑](#footnote-ref-16)
16. As per Article 3 of the FLA Law “Primary legal aid” is: i) providing of information regarding the legal system of the Republic of Albania, the normative acts in force, the rights and obligations of subjects of law and the methods of enforcing and exercising these rights both in judicial and extrajudicial proceedings, ii) the delivery of counselling, iii) the delivery of advice on the procedures of mediation and the alternative means of dispute resolutions, iv) the delivery of assistance in drafting and establishing of documentation to put in motion the state administration or for requesting secondary legal aid, v) representation before administration bodies, and vi) the delivery of all other forms of necessary legal support not constituting secondary legal aid; and “Secondary legal aid” is the legal service that is offered for the compilation of the necessary legal acts for putting in motion the court, the delivery of counselling, representation and defence before the court in administrative and civil cases and in criminal cases for which is not applied the mandatory defence in accordance of the criminal procedural legislation. [↑](#footnote-ref-17)
17. [http://drejtesia.gov.al/wp-content/uploads/2018/06/278-2016\_fletore\_zyrtare\_SND.pdf](https://eur03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fdrejtesia.gov.al%2Fwp-content%2Fuploads%2F2018%2F06%2F278-2016_fletore_zyrtare_SND.pdf&data=02%7C01%7Cedlira.papavangjeli%40undp.org%7Ce88983b28079407677a308d711b2462f%7Cb3e5db5e2944483799f57488ace54319%7C0%7C0%7C636997330856647766&sdata=ys99X6Tjmbn3ZNupedUm18gTW%2F%2BnizqO4639bSfKb5w%3D&reserved=0) [↑](#footnote-ref-18)
18. As per the information shared by MoJ, the latter plans to establish 4 FLA centers at local level during 2020-2021. [↑](#footnote-ref-19)
19. These locations might be subject of change as per the reorganization of the judiciary districts expected to take place during 2019-2020. [↑](#footnote-ref-20)
20. As earlier stated, locations proposed for new FLA centers might be subject of change as per the reorganization of the judiciary districts expected to take place during 2019-2020 [↑](#footnote-ref-21)
21. Information provided by MoJ. [↑](#footnote-ref-22)
22. Council of Ministers (CM) decision no. 110, date 6/03/2019 “On the Procedure and documentation rules for NGO authorization in offering free legal aid services and benefiting from state budget and funding”. CM decision no. 55, date 6/02/2019 “On the Procedure and documentation rules for NGO authorization in offering free legal aid services and benefiting from state budget and funding”. CM Decision no. 1, date 6/3/2019 “On changes in CM decision no. 4, date 12/12/2012 for “Remuneration & payment criteria of court experts & witnesses”. Prime Minister Order No. 59, date 25.03.2019 “On the approval of the structure and organogram of the Directory of Free Legal Aid”. Ministerial Order (MO) No. 1, date 8/3/2019 “On the Rules & procedures for administration of information”. MO No. 2, date 25/03/2019 “On the procedure, periodicity & rules on change of circumstances. MO No. 225 date 25/03/2019 “On the approval of the model forms for free legal aid services”. MO No. 226 date 25/03/2019 “On the approval of the contract models for free legal aid services”. [↑](#footnote-ref-23)
23. !7 civil servants at the FLA Directory and 8 staff for 4 FLA centers to be established by MoJ. [↑](#footnote-ref-24)
24. Article 11 of the FLA law provides for special categories of beneficiaries of legal aid. Article 12 of this law defines the criteria for the special categories that benefit FLA services. Article 25 provides for the criteria for exemption from certain fees. Article 27 of the FLA law stipulates how this will be monitored through the MoJ FLA Directory. For more details read the full articles at <https://euralius.eu/index.php/en/library/albanian-legislation/send/21-legal-aid/232-law-on-legal-aid-en> [↑](#footnote-ref-25)
25. These include: The Council of Europe’s Social Charter, the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), the European Convention on Human Rights, and the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) [↑](#footnote-ref-26)