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## **ALBANIAN JUSTICE SECTOR STRENGTHENING PROJECT (JuST)**



## **QUARTERLY REPORT** (July – September 2013)

USAID / ALBANIA, DEMOCRACY AND GOVERNANCE OFFICE

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*On the cover: Fatbardha Idrizaj describes the work of the Gjirokastra Community Center at the September 20 meeting of grantee projects.*

## Introduction

Chemonics International is pleased to present its eleventh quarterly report describing the activities of the Albanian Justice Sector Strengthening Project (JuST). During this quarter, the JuST team continued installing digital audio recording equipment in the courts of Albania, trainings with CSOs, and consolidating its relationship with the University of Tirana Law Faculty (UTLF).

The summer quarter was marked by the customary lull in official activities. However the summer months were filled with anticipation regarding the incoming Socialist Party Government, and speculation regarding key appointments in the new government. The Component 3 Team Leader, Alfred Nurja, accepted an appointment as Chief of Cabinet in the Ministry of Social Welfare and Youth, leaving the position vacant for the second time in a year.

Despite the unavailability of project counterparts during the quarter, JuST initiated and completed a number of tasks called for in the project work plan, as outlined below.

## Highlights and Deliverables Completed this Quarter

- Provided digital audio recording equipment and training to additional courts, bringing the total to 20 courts.
- Completed renovations for the Legal Clinic at the University of Tirana Law Faculty.
- Completed refurbishment of the Public Information Area of the Kavaja District Court.
- Organized a conference of grantees to showcase successful projects.
- The seventh issue of *Avokatia*, the bar journal of the National Chamber of Advocates, was published and distributed, and the eighth issue is nearing publication without further USAID financial assistance, thus achieving sustainability.
- The Donor Coordination Group, initiated and hosted by JuST, continues to meet quarterly and produce a widely-circulated bulletin, *Connections*, on justice sector projects.

## Technical Activities by Project Component

JuST works in three strategic areas. First, working with justice sector institutions, it aims to increase court transparency, fairness, and efficiency – a key requirement for eventual EU accession. Second, working with civil society organizations and the media, it seeks to promote accountability from the “grass roots” level by bolstering their watchdog and anticorruption roles. Third, recognizing the importance of well-trained professionals, it is working to strengthen the legal profession and legal education. The project is part of ongoing U.S. support to the rule of law and good governance in Albania, with an emphasis on improving justice delivery and increasing public demand for accountability in the justice sector. The following describes the specific activities initiated or completed during the third quarter of the third year of this five year project.

## Component One – Increased Court Transparency, Fairness, and Efficiency

The first component of the Project is focused on court operations through a number of strategies designed to address the lack of transparency and organizational deficiencies which impede the ability of the Albanian judiciary to implement meaningful reform. Intervention results include: a) more accurate trial records; b) more efficiently-run courts that are more open to the public; and c) reduced case backlogs.

JuST is advancing these objectives through direct support to the courts in establishing systems for producing and making available verbatim records of legal proceedings; technical assistance to promote greater use of public courtrooms for the public benefit; better court management practices; and assistance to selected pilot courts to introduce and expand the use of mediation for resolving commercial and family law disputes.

### **More Accurate Trial Records through Digital Audio Recording**

JuST's most visible and important initiative is implementing digital audio recording capability for the Albanian courts. The JuST team continued working during the summer recess, completing installations in the District Courts of Berat, Fier and Vlora. Training was conducted in Berat and Fier and scheduled in Vlora during the first weeks of October.

During the past two years, the legal environment has evolved and improvements to courtroom infrastructure have been realized. With the enactment of the Law on Administrative Courts, additional courtrooms have been constructed. Various courts have either expanded their facilities or converted existing space adding courtrooms to meet the Albanian Government standard regarding the ratio of judges to courtrooms. As a result of these changes coupled with the increasing pressure to hold court hearings in courtrooms rather than offices, there has been a significant expansion in the number of new courtrooms. During the quarter, the JuST team's 2011 assessment was updated to reflect newly-constructed or planned courtrooms, and the project prepared a funding request to ensure that every courtroom has the necessary equipment for recording sessions.

In yet another indication that this USAID-supported initiative has permanently transformed the judiciary, on September 3 the Minister of Justice issued a new Instruction on digital audio recording to guide implementation of the recently-enacted amendments to the Civil Procedure Code. Finally, it is worth noting that the continuation of digital audio recording in all the courts of Albania is one of the pillars of the justice strategy of the new government. The initiative has come to be seen not merely as an initiative of a particular party, but a fundamental element of good governance and thus an essential reform on the path to EU accession.

### **Improved Court Management Leading to More Transparent and Efficient Court Operations including Court Hearings that are More Open to the Public**

An important project activity is ongoing assistance to trial courts to increase court room utilization and reduce the number of cases heard in judges' offices. A contributing factor to the problem of inadequate courtrooms is the finding from a recent OSCE study, "Toward Justice" that most scheduled hearings are either postponed, or are unproductive. Better courtroom management practices can produce significant improvements. Better pretrial preparation can dramatically reduce the number of hearings needed to resolve a case, thus alleviating some of the pressure on courtrooms. These themes were stressed during the Court Leadership Conference held in May in partnership with OSCE.

One result of the Court Leadership Conference was the commitment of JuST and OSCE to work together with a pilot court interested in implementing some of the practical recommendations summarized in "Toward Justice". Key recommendations call for the introduction of active case management by judges, including better pretrial preparation and more attention to the principle that every court hearing should be a meaningful hearing.

During the summer months, project staff from OSCE and JuST met with the Chief Judge of the designated pilot court, the District Court of Kruja, to plan next steps. From these discussions, a decision was made to gather baseline data from closed cases in Kruja regarding a variety of issues including numbers of hearings and reasons for postponements. The data was successfully compiled and summarized, and will be the basis for a planning retreat scheduled for December with all judges of the court. In addition to improving court efficiency in the pilot court, it is anticipated that this experience will serve as an example for all courts in Albania regarding what can be done with good court leadership, common-sense practices and political will.

### **Reduced Case Backlogs through Implementation of Mediation**

JuST continues to support the two court-connected mediation programs in Korçë and Durrës as well as a broader, grant-funded mediation program which has offices in courthouses in the southern cities of Gjirokastra, Përmeti and Saranda. These community-based mediation programs are gaining acceptance among local judges, especially for the family law cases that end up in court. With a different model for expanding mediation services in the southern region, and the very active outreach efforts of the JuST grantee spearheading these efforts, the number of mediated cases has increased beyond projections. By quarter's end, since the beginning of JuST's engagement with mediation, a total of 748 cases had been referred for mediation, and 580 of those cases had been successfully resolved, in far less time than would be seen had the case followed the traditional path of court litigation.

In addition to supporting specific mediation programs, the project has also supported establishment of a National Chamber of Mediators. After a long process, the Chamber was finally established in July. During the remainder of the quarter, the board of the new Chamber met in the JuST offices to take up organizational issues, develop a schedule of tariffs, and draft a code of ethics. These are important first steps to ensure that mediation becomes a self-sustaining profession. JuST will continue to facilitate and support the drafting process of legal amendments and sublegal acts on mediation with the newly-established NCM. JuST will also encourage the formation of regional chambers of mediators as provided in the Law on Mediation.

As the legal environment for mediation continues to evolve, JuST foresees working closely with the new Chamber for the remainder of the project.

### **Improving Public Information Offices of the Courts**

A small but important JuST objective is to increase access to justice by improving public information areas of courts. While system-wide improvements are beyond the scope of the project, JuST has worked successfully with several courts and with the Office of Budget and Judicial Administration to develop several models of what a good court public information area should look like. The first such example was constructed during the renovations of the Pogradec District Court. During the quarter, JuST took advantage of the August court recess to complete the physical renovation of the public information area in the Kavaja District Court. Previously, this function was carried out via an outside window, exposed to the elements, in an unattractive side of the court building. By working with court leadership and a professional architect, a new and attractive public information area has been completed in full compliance with Albanian law regarding access to persons with disabilities. The first two court projects, coupled with the third and final project in the Kurbin District Court, have served to establish a model or standard for future court renovations.

## **Challenges Ahead for Component One**

New governments understandably have new priorities. Signature initiatives of one administration may not be continued in the next administration. Digital audio recording is a high profile, good governance initiative, and has been supported by USAID even before the launching of the JuST Project in 2010. Though the June 23 election results will bring new faces and new initiatives to the table, the Socialist Party platform has embraced the idea that digital audio recording equipment should continue to be installed and used in all courtrooms.

The biggest challenge facing Component One stems directly from the success of the project in transforming the way courts conduct business. So far, the JuST team has installed audio recording equipment in every courtroom of the courts completed to date. There has been a strong and continuing message – voiced by high officials and chief judges – that court sessions should be held in courtrooms and recorded. These developments have combined to spur a greater investment on the part of the Albanian Government to build new courtrooms, and bring the court infrastructure up to approved standards. All of these positive developments have meant that more resources will be required in order to meet the increasing demands resulting from significantly more courtrooms coming online. The JuST Project has worked closely with project counterparts to quantify these changes, and will continue to work with both USAID and the Albanian Government to ensure that the project can reach its ambitious goals, and realize the full potential of the technology.

## **Component Two – Strengthened Civic Engagement to Help Stem Governmental and Justice Sector Corruption**

The second component of JuST is designed to increase the organizational capacity of civil society organizations (CSOs), promote stronger and more effective civic participation, increase public awareness of corruption, and bolster the role of media in investigating and reporting corruption cases.

### **Capacity Development for the Union of Albanian Judges**

During the summer months when official activities were not scheduled, and all eyes were on the incoming government, the JuST project support to the Union of Albanian Judges was focused on the upcoming conference of the International Association of Judges to be held in Yalta in early October. Since achieving full membership in the international association at last year's conference in Washington, the Union has gained greater recognition and has benefited by the ongoing monitoring and oversight provided to all new country associations by distinguished leaders of the international body.

The Union continues to grow in membership and influence. The recent series of regional cluster groups promoting dialogue among judges, prosecutors, bar members, journalists, civil society activists and mediators has opened new channels of communication and mutual understanding. This series of meetings will be resumed in the next quarter. While the judiciary continues to suffer from low regard by the public, the voice of the judges through such professional organization, is beginning to address real problems through advocacy efforts and public outreach. Ultimately, economic development and prosperity depend on a judiciary that earns the trust of the citizens. Albania's path to EU accession ultimately requires a fair, trusted, and predictable legal system.

## **Justice and Good Governance CSO Grants Program**

An important element of USAID assistance to Albania is strengthening civil society as a means of increasing citizen participation and achieving greater transparency and accountability from governmental institutions.

### **CSOs capacity building program**

Strengthening the capacity of civil society organizations is an ongoing objective of JuST. Previous reports have outlined efforts to assess the needs of CSOs, and organize regional conferences to address those needs. Another activity designed to promote this objective was the convening of a special conference of grant awardees on September 20, 2013, in Tirana. The event offered an opportunity for successful projects to present their accomplishments and learn from one another.

Representatives from nine civil society organizations presented their work under JuST's small grants program. Among the participants were CSO representatives, some of whom had been awarded grants and some of whom had not. Also in attendance were various project counterparts, including mediators from the fledgling National Chamber of Mediators, court representatives, journalists from the new Association of Journalists for Justice, and law students who had participated in public outreach activities in courts as part of a grant project. The meeting provided an excellent opportunity to share successes and best practices in justice-sector anti-corruption activities. Also in attendance were a number of international donors and justice sector partners who, for the first time, had a chance to see the range of projects supported through the JuST small grants program.

### **Status of Grants**

During this quarter, the primary activity of JuST relating to grants was the grant awardees conference, described above. No new grants were awarded, although a number of concept papers have been submitted for evaluation and possible funding.

The *Albanian Legal and Territorial Research Institute (ALTRI)* successfully concluded its project. The project established an internship program with UTFL students that provided outreach materials in the district courts of Tirana and Elbasan related to mediation, legal aid, complaints against judges and rights and duties of parties in judicial proceedings. While the grant was over, the activity was viewed as particularly useful by the Elbasan Chief Judge, who intends to continue the key elements of the public awareness initiative using court resources and grant publications reprinted by JuST.

Another grantee, *Eye of the New Media*, is providing training for the Association of Journalists for Justice in investigative techniques to stem corruption in the governmental institutions that oversee social services.

The JuST team continues to work with several other ongoing grant projects. The first grant awarded by JuST went to a coalition of three NGOs – *Women to Women of Shkodra*; *Women Forum from Elbasan*; and *Center for Legal Civic Initiatives of Tirana*. This coalition continues to operate successfully and according to plan, providing free legal aid to women and girls from the

three target areas – all victims of domestic violence. In addition, the “pro bono” team has collected data through monitoring case files in four courts.

The *Gjirokastra Multifunctional Community Center* worked effectively during the quarter to enhance mediation and restorative justice practices in resolving community-based problems. This project operates in the South, covering Gjirokastra, Saranda and Përmeti. The Center continues to build confidence among community members on their ability to assess problems and mediate solutions. Judges are increasingly recommending that commercial and family law disputants go to the on-site mediation office. These referrals are serving to reduce court case loads while providing parties with a faster and less costly alternative to regular court hearings. Although the grant concluded at the end of the quarter, possibilities for extending the work are being considered.

### **Justice Reporting Fellows: Training and Independent Venue for Investigative Journalists**

JuST continues to promote a vigorous and independent press as another anti-corruption strategy with ongoing support for the Association of Journalists for Justice, an outgrowth of a JuST-sponsored training program. This independent online media venue for investigating reporting, [www.investigim.al](http://www.investigim.al), provides a venue for stories prepared by the journalists and edited for thoroughness and compliance with good journalistic standards. With the assistance of JuST international expert, John Holland, the association is building links to other investigative journalists, and has been invited (at no cost to the association or USAID) to participate in a regional get-together in November in Istanbul. The Albanian webpage, now well-established and continually updated, is being linked with similar webpages in the region, thus further extending its reach and importance.

### **JuST Forum Albania**

The online forum was launched during the first year of the project, primarily as a vehicle for communicating information on the small grants program. While it continues to fulfill this role, over time additional areas have been opened for other project counterparts. Most recently, a page was established where mediators can post information and comment on mediation topics. This has been a useful expansion of the Forum, as evidenced by the fact that 84 mediators have registered for online access, posting in this quarter a total of 19 topics and reports.

### **Challenges Ahead for Component Two**

The northeast part of Albania is not covered with JuST grant activities as there is a lack of NGO capacity in these areas to fulfill the requirements of the APS and the JuST program. Given these shortcomings, JuST staff will continue to focus efforts on the few local organizations in these areas, providing additional support or technical assistance in the project development and grant application process.

## **Component Three – Strengthened Legal Profession**

The third component of JuST is designed to contribute to enhancing the skills and performance of practicing attorneys and law graduates. The component works closely with the National Chamber of Advocates (NCA) to introduce a sustainable continuing legal education program for practicing

attorneys. It also works with the UTFL to establish a clinical legal education program to augment the practical skills dimension of training in law schools.

### **Develop and implement Continued Legal Education (CLE) program**

Since its inception, JuST has focused intensely on initiating a NCA-owned and operated continuing legal education program (CLE) as a means for addressing the lack of competency and professionalism among practicing attorneys and making the NCA a more dynamic institution. During the first two years of the project, JuST devoted considerable effort in assisting the National Chamber of Advocates to establish a CLE program in the regional chambers in Durrës and Vlora, with plans to expand to a third chamber in Fier. These preliminary milestones have been achieved with the resumption of CLE classes in Fier during the quarter.

On a parallel track, JuST worked with the NCA leadership to introduce legal amendments to the law on the Legal Profession making CLE mandatory for all lawyers. The amendments now in force provide for the establishment of a National School of Advocates (NSA) with mandatory continuing legal education to be phased in over a one-year transition period.

The second year CLE program is now on track with a complete annual calendar and curricula in place and classes taking place as scheduled in all the three chambers. With more than 400 participants taking part since they were first rolled out in March, attendance rates in the second year CLE program indicate sustained interest by practicing and assistant attorneys across the three chambers for continuing the program.

JuST has met with the new School of Advocates Board, reviewing progress to date and the nature and extent of USAID support, as set forth in a Memorandum of Understanding between USAID and NCA. JuST, with local STTA, intends to work closely with the Board throughout the coming quarter to develop an action plan that will institutionalize CLE as a permanent, nationwide feature of Albania's legal education system. While the precise details are yet to be worked out, the establishment of a School of Advocates provides a good structure for ensuring sustainability before the project ends in 2015.

### **Establish a Bar Journal with the National Chamber of Advocates and publish it regularly**

Alongside the work for introducing the CLE program, USAID support to the NCA includes assistance for establishing a bar journal as part of the effort to raise the professional standards and instill a sense of pride among practicing attorneys. The journal aims at fostering a professional debate amongst the Albanian legal profession around issues of interest for the legal practice, focusing especially on engaging practicing attorneys in legal research and writing.

Set up as a quarterly publication of the NCA, *Avokatia* has now achieved a reputation as a respected legal periodical. During this quarter the seventh issue of *Akokatia* was published without donor assistance, demonstrating a sustained capacity by the NCA to ensure a periodical publication going forward. A survey of over 100 attorneys earlier in the year found broad support for the publication. Over 90 percent of those interviewed value its professional quality and have noted that *Avokatia* has enhanced legal debate among practicing attorneys and provided content useful for their legal practice. The poll also found broad support for increasing the journal's focus on issues of relevance for the legal practice of attorneys including discussion of Supreme Court decisions that have precedential value as well as topics related to commercial and administrative law.

The publication of the seventh issue of *Avokatia*, and the preparation of the eighth issue, underscores the sustainability that has been achieved in launching a professional bar journal for lawyers. Continued assistance will be provided by supporting NCA efforts to receive approval of academic status for the journal from the Ministry of Education and Sciences, now that the new government assumes power.

### **Clinical Legal Education Program**

To address the overly theoretical focus and rote learning legacy that the Albanian legal education has inherited, JuST is assisting the UTLF to set up a clinical legal education program (CLEP). The goal of the CLEP is to assist students in developing critical legal thinking and practice skills and engage them directly under proper supervision in providing legal services to disadvantaged clients.

With assistance provided by JuST and with the strong commitment and vision of the Dean, very good progress has been made. The Legal Clinic Board, established by the Dean, continues to develop the concept of clinical education, drawing on their visit to Poland's clinical programs last year. Three elective legal clinic courses for professional masters' students have been introduced into the curriculum, and registration for the Public and Criminal Law clinics reached 120 students last semester. JuST supported practical, skills-based training within the clinic by organizing a week-long course conducted by local prosecutors, who themselves had been trained by the National Institute of Trial Advocacy.

During the summer months when classes were not in session, the JuST team completed planned renovations to space within the Law Faculty that had been designated for a moot courtroom, clinical classroom space and a reception area. With the construction finished, and furniture delivered, the only task remaining was for the JuST team to set up a local area network with computers for the opening of the new semester in October. JuST will continue to support the development of clinical teaching skills for faculty, as well as hands-on training for students.

### **Challenges Ahead for Component Three**

Implementing a nationally available continuing legal education program for practicing attorneys as mandated by recent legal amendments remains a challenge for Component 3. The NCA leadership expresses support for the CLE program, but their energies have recently been focused on establishing and staffing the new School of Advocates. This effort suffered a setback recently when the newly-designated director of the school resigned to take a position with the new government. While leadership the National Chamber of Advocates supports both the CLE for existing lawyers, and the School of Advocates for assistant lawyers, their organizational infrastructure remains small and the goals of the Chair are ambitious. On the positive side, a board for the new School of Advocates has been appointed. The commitment for continuing CLE is strong. JuST intends to work with the Board to develop an action plan with specific milestones as a means of structuring the process in a way that ensures success of the larger goals. It is envisioned that nationwide CLE will become part of the services offered by the School of Advocates. The challenge is to build on the momentum for CLE in the three regional chambers, and expand the concept to parts of the country, while simultaneously launching a School of Advocates.