

**Project Title:** For a more Accessible Justice for Albanian Women and Men

**Project Number:**

**Start Date:** 15, February 2017

**End Date:** 30 June, 2018

**PAC Meeting date:** 27 January 2017

### Brief Description

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 support to victims and witnesses (VWS) and the provision of free legal aid (FLA), 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.

There is an urgent need to address identified weaknesses and the lack of equality when it comes to access to justice. Access to justice is hampered by procedural, economic and conceptual impediments: court capacities are low and fees are high, legal aid services are under-funded, and judicial procedures take too long. There is a lack of counselling and legal aid services available to women; especially from ethnic and linguistic minorities, women in rural areas, and survivors of domestic violence. Once women have access to the justice system, the burden of proof often lies with them. Vulnerable groups have unequal access to the justice system and cannot fully exercise their rights granted by the Constitution and recognized by law. Much of the population is neither aware of nor able to pursue their rights to access justice. 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.

This project aims at injecting an access to justice approach (including with project implementation at local level) into the broader justice sector reform currently underway in Albania, which focuses mainly and legislative reform and institutional reforms. While the CO with support from the Catalytic Fund will engage for the first time in a people/community centered, access to justice assessment putting women at the center of country's understanding of justice as a service to citizens, the objective of this concept note is to provide a more consolidated support to access to justice and bring coherence and coordination of all actors involved.

Contributing Outcome (UNDAF/CPD, RPD or GPD):

Outcome 1: State and civil society organization perform effectively and with accountability for consolidated democracy in line with international norms and standards


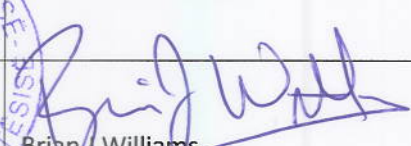
Indicative Output(s): An improved unhindered and equal access to justice for vulnerable people contributes to the enhanced capacities and functions of rule of law institutions.

220, 000 USD

UNDP Funding Windows/GIPS

Catalytic Fund and Star 2

Agreed by (signatures)

Government	UNDP
 Petrit Vasili Minister of Justice	 Brian J Williams UNDP Resident Representative
Date: 24.02.2017	Date: 24 Feb 2017



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## I. DEVELOPMENT CHALLENGE

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. With a gross national income per capita of \$4,450, Albania is an upper-middle-income country in the high human development category.<sup>1</sup> 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.<sup>2</sup> Albania remains one of the poorest countries in Europe and disparities affect the enjoyment of basic health, education, and social care and protection<sup>3</sup>. The country's Gini coefficient of 34.5 (2013) is the third highest in the region and the pattern indicates growing inequalities<sup>4</sup>.

Governance and rule of law is an area where Albania is lagging, with a rank of 53 out of 102 countries in the 2015 WJP Rule of Law Index<sup>5</sup>. The judicial system in Albania is still characterized by limited accountability, poor inter-institutional cooperation and backlogs<sup>6</sup>. Representatives of the Roma and Egyptian community report limited information on the judicial system functioning and no practical access to justice for these communities<sup>7</sup>. There is a lack of counselling and legal aid services, especially for women from ethnic and linguistic minorities and rural areas, and survivors of domestic violence. Juvenile delinquency is on the rise in Albania, especially among street children and other children exposed to discrimination, family poverty, and domestic abuse. Times for investigation and processing are unacceptably long and up to 65% of juveniles complete their sentence in pre-trial detention.

The Government aims to reverse this trend and 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.<sup>8</sup> 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.

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. The International Covenant on Civil and Political Rights and the European Convention on Human Rights recognize equality before the law and before the courts and rights to a fair trial, to free legal assistance in criminal matters, to liberty and security of the person and to property as well as freedom from discrimination, protection of which are key elements of strengthening the rule of law. Sustainable Development Goal 16 of the 2030 Development Agenda sets the goal of peaceful and inclusive societies, access to justice and effective, accountable and inclusive institutions as crucial to development.

Despite of the considerable achievements in the last 25 years, the country still faces challenges in building a society guided by the rule of law. In recent years, the European Court of Human Rights

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<sup>1</sup> Human Development Report, 2015, Human Development Index 0.733.

<sup>2</sup> Albania: Trends in Poverty 2002-2012, Institute of Statistics (INSTAT)/World Bank, 2013.

<sup>3</sup> Analysis of policies and reforms affecting the situation of children in Albania, UNICEF, November 2014 (not published)

<sup>4</sup> Analysis of policies and reforms affecting the situation of children in Albania, UNICEF, November 2014 (not published)

<sup>5</sup> Albania's score was 0.52/1 (with 1 indicating strongest adherence to the rule of law). [WJP Rule of Law index](#), 2015

<sup>6</sup> In Albania, these are, in particular, children, Roma and Egyptian communities, disadvantaged women, persons with disabilities and groups that are socially stigmatised such as drugs users, HIV+, sex workers, and LGBTI.

<sup>7</sup> Report on public consultations for the preparation of the Common Country Assessment (Partners Albania for Change and Development, July 2015), p. 13

<sup>8</sup> National Strategy for Development and Integration, Government of Albania, 2015-2020.



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) 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 support to victims and witnesses (VWS) and the provision of free legal aid (FLA), 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.

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."

Despite the current Legal Aid Law (2009), the State Commission for Legal Aid requires substantial support and their capacities to be enhanced to cope with the pressing needs of a considerable number of vulnerable populations. The latest Council of Europe's European Commission on Racism and Intolerance 2015 report on Albania: "Legal aid is mostly provided by NGOs and few discrimination cases have been brought before the courts". 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 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.

While the reform can be a lengthy process, there is an urgent need to address identified weaknesses and the lack of equality when it comes to access to justice. Albania's institutions are still failing to earn sufficiently the trust of the population. More than half of Albanian citizens think that the judiciary and electoral management bodies are politicized.<sup>9</sup> The justice system is affected by limited transparency and accountability, poor inter-institutional cooperation, backlogs and widespread corruption<sup>10</sup>, and it is not equipped to cater to the needs of marginalized and excluded segments of society<sup>11</sup>. Access to justice is hampered by procedural, economic and conceptual impediments: court capacities are low and fees are high, legal aid services are under-funded, and judicial procedures take too long. There is a lack of counselling and legal aid services available to women; especially from ethnic and linguistic minorities, women in rural areas, and survivors of domestic violence. Once women have access to the justice system, the burden of proof often lies with them. Vulnerable groups have unequal access to the justice system and cannot fully exercise their rights granted by the Constitution and recognized by law. Representatives of Roma and Egyptian communities report limited information on the judicial system functioning and no practical

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<sup>9</sup> Trust in Government Survey, 2015

<sup>10</sup> Progress Report 2016 of the European Commission for Albania.

<sup>11</sup> In Albania, these are, in particular, children, Roma and Egyptian communities, disadvantaged women, persons with disabilities and groups that are socially stigmatised such as drugs users, HIV+, sex workers, and LGBT.



access to justice<sup>12</sup>. Children's equitable access to justice is also hampered by various barriers related both to the system and the position of children in Albanian society as rights holders<sup>13</sup>. Significant challenges remain to the effective support and assistance of victims and witnesses to help them through the criminal justice process, including for victims of sexual and gender-based violence. Much of the population is neither aware of nor able to pursue their rights to access justice. 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.

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## II. STRATEGY

Justice sector reform is among the key political criteria for EU accession. Therefore, a well-defined UN/UNDP support to translating justice sector reform into stronger access to justice by citizens, especially women, 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 (2014-2017) and are prominently envisioned within both the Democratic Governance and Resilience-Building Areas of Work.

### *UNDP global initiatives on access to justice*

Across the globe, UNDP supports governments in their effort to establish capable justice systems that provide effective and accessible services to the population, and to nurture public trust and confidence in these justice institutions. UNDP's work on improving the access to justice addresses the demand side of this approach, through efforts to improve the redress, reduce discrimination, exclusion and inequality by promoting key cultural, economic, social, civil and political rights of vulnerable and marginalized groups. Additionally, it seeks to help people to understand and enforce their rights, as well as access remedies. Through this area of work, UNDP particularly

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<sup>12</sup> Report on public consultations for the preparation of the Common Country Assessment (Partners Albania for Change and Development, July 2015), p. 13

<sup>13</sup> UNICEF, The Regional Office for CEE/CIS, Children's Equitable Access to Justice, Central and Eastern Europe and Central Asia, UNICEF, Geneva, 2015



engages women, marginalized and vulnerable groups, refugees and other displaced groups, and communities in remote or conflict-affected areas.

To these ends, UNDP supports globally the initiatives to ensure legal protection, strengthen legal aid provision, alternative mechanisms for dispute resolution, the expansion of legal services to remote areas, the work of National Human Rights Institutions (NHRIs) and other institutions to fight discrimination with special regard to women, people living with HIV, people living with disabilities, indigenous peoples, and ethnic and other minorities; and to address ongoing and emerging issues such as lengthy pre-trial detention, grievances over housing, land and property, risks related to the extractive industries, natural resources and accountability for poor service delivery.

UNDP works closely with UN partners, such as UNODC and UN Women, as well as organizations like IDLO to promote legal aid and access to justice in all contexts. While addressing these issues, UNDP emphasizes its commitment to be a catalyst for innovative and effective rule of law and human rights work and pays a special attention to the security of women and girls. In addition, globally UNDP is promoting the new initiative of Human Rights Up Front (HRUF) that allows UN system to undertake timely and effective actions to prevent or resolve large-scale violations of human rights or international human rights law.

#### *Regional UNDP initiatives on access to justice*

In the region of Europe and Commonwealth of Independent States, UNDP has been assisting the countries in improving their legal and institutional frameworks on access to justice, free legal aid and promoting and protecting human rights through a variety of interventions. In Albania, Bosnia and Herzegovina, Georgia, the Kyrgyz Republic, and Tajikistan, UNDP helped to establish and expand free legal aid services with a focus on vulnerable groups. To ensure the sustainability of these services, UNDP works with and supports governments to develop and establish legal frameworks, procedures, institutions and promotes awareness and demand of people for these services and their rights to access justice. For example, UNDP is currently supporting 16 Free Legal Aid (FLA) Agencies in Bosnia and Herzegovina with the focus on women and persons with disabilities; Georgia's Legal Aid Service's expansion to civil and administrative cases, in addition to criminal cases, and establishment of the new State Guaranteed Free Legal Aid Centre in the Kyrgyz Republic. Complementing this, UNDP promotes community security and access to justice in conflict-affected areas, e.g. in Turkey, a large-scale project supporting legal aid services targeting disadvantaged groups such as women, children and Syrian refugees was launched late 2015 and in Ukraine, UNDP provides support to civil society organizations in legal counselling of internally displaced people (IDPs).

#### *UNDP Positioning and Country Programme 2017-2021:*

To support Albania's international commitments to the implementation of international human rights standards, gender equality, environmental sustainability, and development of national capacities the Government of Albania and the United Nations signed in 2011 the Programme of Cooperation 2012-2016. UNDP Albania is well positioned as a key development partner to the Government of Albania and civil society in addressing inequalities, discrimination, violence and human rights violations through its programmatic work in democratic governance and rule of law, social inclusion, promotion of gender equality and human rights standards.

UNDP and its development partners have supported sweeping reforms of Albania's local governance system. Going forward, UNDP and a coalition of key partners: EU, Sweden, Italy, Switzerland, and US (USAID), through a joint programmatic support named STAR2 project, will further deepen assistance to local governance through measures aimed at strengthening local democracy and improving service delivery reorganization and efficiency of local government units in reaching citizens. Partnerships with civil society will be built and will include participatory/civic assessment of performance of service delivery and administration, capacity building for active participation in decision-making processes, greater transparency and strengthened accountability



mechanisms; anticorruption and investigative initiatives, whenever possible, and involvement in service delivery through institutional partnerships. This engagement at the local level provides the UNDP with a strong platform for strengthening access to justice and the rule of law at the local level through local institutions.

Justice and RoL sectors are referenced in the new UNDP Country Program. However, the CO does not yet have the partnership and programmatic presence in the country which is required for UNDP to provide the much needed knowledge based coordination to support the implementation of the justice sector reform in way which will translate the legislative reform into real benefits for men and women.

The national institutional framework and the “donor” presence around justice reform elements are fragmented. This further constrains the emergence of an effort to translate justice sector reform into real changes in people’s lives through stronger access to justice. A UNDP-OHCHR Mission in June 2016 identified the under-served areas of the RoL and Justice sectors. Based on the findings of that report, UNDP engaged in implementing a Catalytic fund Project which aims at injecting an access to justice approach into the broader, legal framework reform of the justice sector now underway in Albania. This proposal will be built on the intervention already planned in the frame of the Catalytic fund Project, STAR2 project and Economic and Social Empowerment for Roma and Egyptians - a booster for social inclusion (ESERE) project. The Catalytic fund Project is serving as the primary resource/tool for the CO to develop its RoL/Justice portfolio in the context of the new Country Program in line with the vision of the new CO leadership. Specific interventions will support with technical assistance the Authority on Access to Documents of former Sigurimi in its initial steps of becoming a new institution leading country efforts to deal with the past and promote justice. Support will be provided to National Human Rights Institutions such as the People’s Advocate and the Commissioner for Protection from Discrimination. Stronger linkages will be drawn between independent bodies and civil society organization with regard to effective advocacy for improving the accessibility of vulnerable people to legal aid services.

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, the Prosecutor’s Office, related ministries, other actors in the civil and criminal justice sectors, and civil society organizations.

The project will employ a two-pronged strategy for implementing the planned activities. From the long-term perspective, the project will provide expertise for the improvement of the legal aid law in the frame of the ongoing justice sector reform. Expertise will be provided for the revision of the Law on Legal Aid. From the short- to medium-term perspective, the project shall assist in improving the mechanisms of free legal aid already existing in the pilot areas through i) the access to justice assessment conclusions and recommendations from the citizens’ perspective; ii) piloting free legal services and support coordination among service providers; iii) informing vulnerable groups about how to access legal aid services; and iv) identifying potential obstacles in access to justice and free legal aid, communicating these issues to policy decision makers, and proposing solutions<sup>14</sup>

The Ministry of Justice will be a key partner for UNDP efforts on free legal aid, which will require assembling a broad array of stakeholders and legal aid providers in Albania.

#### *Approach, Strategic Interventions and Comparative Strengths*

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<sup>14</sup> For a more detailed information on concrete deliverables, please consult the proposed RRF in this document.



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-centered services.

*The running principles guiding the project are:*

- a) 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.
- b) 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 expect 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.
- c) 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<sup>15</sup> 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 has on board a dedicated Gender expert involved in the access to justice assessment and related activities.

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<sup>15</sup> 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)



- d) Developing country capacities and strengthen cross-sectoral coordination in the justice sector reform area will be as technically relevant as possible to the specific tasks at hand to produce actionable results, such as policy recommendations and the skills to see them implemented.

Specific strategies and initiatives will encompass the following:

- The project will provide a more consolidated support to access to justice which is people/community centred, putting women and men at the centre of country's understanding of justice as a service to citizens. This project aims at injecting an access to justice approach (including with project implementation at local level) into the broader justice sector reform currently underway in Albania, which focuses mainly and legislative reform and institutional reforms.
- Through an access to justice assessment the project will provide analysis of, citizens' justice needs and map out the functioning of justice institutions in response to those needs, focusing on the needs of women and underserved communities. This in turn will help re-focus the justice sector reform from its present legalistic framework into a citizen centric service delivery framework.
- The project will table action planning with partners in the context of Albania's EU accession priorities and alignment with the Chapters 23 and 24 as relevant.
- Initiatives envisaged in this area will bring coherence and coordination of all actors involved in good governance and rule of law area.
- In cooperation with STAR2 project, development of innovative tools will be pursued to promote local democracy, rule of law and awareness on citizens' rights and duties in interaction with local government bodies as well as assessment of functionality of local governments from the supply/duty bearers and demand/right holders in all 61 municipalities will be carried out.
- Legal education initiatives will be implemented in partnership with local CSO with the aim of educating the citizens in selected municipalities on how law works for them and how better understanding of the legal provisions benefits the law implementation in its entirety.
- The increased role of NHRI in improving access to justice services to vulnerable people will be promoted to ensure long term sustainability of justice and human rights programming in the institutions daily work.
- Increasing the outreach to vulnerable populations through supporting practical initiatives to increase access to justice services for vulnerable people through pro-bono services, street law education and open days at municipal level to increase outreach of vulnerable people to NHRIs. These in turn will provide possibilities for increased knowledge of vulnerable populations on their rights and protecting mechanisms and their increased access to justice.

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 Parliament, judiciary, 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.



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### III. RESULTS AND PARTNERSHIPS (1.5 - 5 PAGES RECOMMENDED)

#### ***Expected Results***

##### *Outcome and outputs*

**UNDAF outcome 1:** State and civil society organization perform effectively and with accountability for consolidated democracy in line with international norms and standards

**UNDP Strategic Plan: Outcome 2:** Citizen expectations for voice, development, the rule of law and accountability are met by stronger systems of democratic governance

**UNDP Strategic Plan: Output 2.1.:** Parliaments, constitution making bodies and electoral institutions enabled to perform core functions for improved accountability, participation and representation, including for peaceful transitions

**Project Output 1:** State bodies and justice sector actors are able to provide better access to justice in compliance with international commitments and standards and to promote and protect the rights of disadvantaged groups and vulnerable segments of the population.

#### Baseline:

1. State Legal Aid framework does not ensure equal and effective access to justice to the most vulnerable populations.

#### Indicators:

1. The number of A2J Assessment recommendations taken into consideration by the justice sector reform;
2. Extent to which the State Legal Aid framework guarantees equal and unhindered access to justice to the most vulnerable populations in accordance to the international standards

#### Targets:

1. Draft State Guaranteed Legal Aid framework in line with international standards considered by the Albanian Parliament

#### **Expected project's deliverables/activities:**

- ☐ **Access to Justice Review, with further focus on women's access and access to justice of vulnerable communities.** UNDP defines access to justice as "the ability of people, particularly those belonging to poor and disadvantaged groups, to seek and obtain a remedy through formal and informal justice systems, in accordance with human rights principles and standards". UNDP will therefore commission a comprehensive assessment made up of qualitative and quantitative components. The survey will focus on vulnerable groups (rural women, women as heads of households, victims of gender based and domestic violence, including women and girls with protection orders, Roma and Egyptians, persons with disabilities, LGBTI persons, ethnic minorities, victims of human trafficking,



elderly men and women, welfare aid beneficiaries to name just a few), looking at both their capacity to access justice and on the capacities of service providers to deliver justice and will look at the whole justice process from the occurrence of a grievance to the provision of remedies.

*Access to Justice Assessment Methodology* will be prepared based on similar experiences. The methodology will observe gender balance principle and will make due the inclusion of vulnerable women and more particularly, victims of GBV&DV in the country.

*Access to Justice Assessment will include stakeholders mapping* which will reflect inclusion of stakeholders dealing with all vulnerable populations. The findings of the assessment and the process itself of the assessment will be used support national partners in the design of national mechanisms for providing equal access to justice especially at a very crucial moment for Albania with its justice system reform and its commitments with regard to Access to Justice and FLA. Quantitative and qualitative data generated through the survey will provide a much needed baseline to allow for effective Monitoring & Evaluation of progress of national reforms and UNDP support/interventions in this area.

- **Action Plan and Outreaching interventions targeting EU Chapter 23/24** will include validation of the A2J assessment with justice institutions at both central and local level; launch of this assessment with Parliament and HR institutions and last but not least, tabling such an assessment for action planning with partners in the context of Albania's EU accession priorities and alignment with the Chapters 23 and 24 as relevant.

**Output 2:** Vulnerable groups targeted by the project, including rural women, children and youth at risk, men and women from minorities and people with disabilities know and increasingly exercise their rights to justice, especially in the selected municipalities of the Republic of Albania.

#### Indicators:

1. Rating of accessibility to justice institutions by project target group representatives in pilot project regions;
2. Percentage of women, youth (boys and girls), and PwDs (men and women) in pilot project regions rating quality of free legal aid as fully satisfactory

#### Baseline and targets :

1. (to be determined following A2J study )
3. (to be determined following A2J study )

#### **Expected project's deliverables/activities:**

- **Legal education at local level:** In cooperation with STAR2 project, development of innovative tools will be pursued to promote local democracy, rule of law and awareness on citizens' rights and duties in interaction with local government bodies and municipal councils as well as assessment of functionality of local governments from the supply/duty bearers and demand/right holders in all 61 municipalities will be carried out. Legal education initiatives will be implemented in partnership with local CSO with the aim of educating the citizens in selected municipalities on how law works for them and how better understanding of the legal provisions benefits the law implementation in its entirety.



- **The increased role of NHRI in improving access to justice services to vulnerable people** will be promoted to ensure long term sustainability of justice and human rights programming in the institutions daily work. *Support two local offices of People's Advocates to offer legal advice to citizens for issues that need or need not redress to court processes.*
- **Increasing the outreach to vulnerable populations through supporting practical initiatives to increase access to justice services** for vulnerable people through pro-bono services, street law education and open days at municipal level to increase outreach of vulnerable people to NHRIs. These in turn will provide possibilities for increased knowledge of vulnerable populations on their rights and protecting mechanisms and their increased access to justice. *Support establishment of networks of free legal aid providers (offering legal advice, drafting legal documents, initiating lawsuits and representing clients in court. Support for the establishment of 2 legal clinics at two Law universities. Establishing pro-bono services at some selected municipalities. A special focus will be given to services extended to women and girls, victims of GBV&DV). Development of information packages in print and accessible online formats to increase knowledge of vulnerable citizens on legal aid providers and protecting mechanisms.*

### ***Resources Required to Achieve the Expected Results***

#### ***Partnerships***

In order to effectively implement the project, building and strengthening partnerships with the below list of state and non-state actors will be of top priority. Taking into consideration the existing challenges and the enormous needs in the justice sector as well as the ambitious objectives of the proposed project, UNDP will work in close collaboration with other UN agencies including UN Women, UNICEF, other important international actors such as Euralius, international NGOs, other international organizations, and local CSOs as stated below. UNDP will also mobilize the donor community in support of the rule of law and access to justice programming.

The following are the main partners to the project:

- Ministry of Justice as a key partner
- Parliament
- Ministry of Social Welfare and Youth;
- Minister of State for Local Government;
- Justice Institutions
- People's Advocate
- Anti-Discrimination Commissioner
- Bar Associations
- Local Government Units
- Civil Society Organisations
- Academia
- Euralius mission
- International development partners
- Media

#### ***Risks and Assumptions***

Risk log is attached as ANNEX

#### ***Stakeholder Engagement:***

Legal aid can be defined as the provision of legal assistance to those who are unable to afford legal representation and access the court system with the view to asserting their rights. UNDP



defines access to justice as “the ability of people, particularly those belonging to poor and disadvantaged groups, to seek and obtain a remedy through formal and informal justice systems, in accordance with human rights principles and standards”.

The project will target vulnerable groups such as rural women, women as heads of households, victims of gender based and domestic violence, including women and girls with protection orders, Roma and Egyptians, persons with disabilities, LGBTI persons, ethnic minorities, victims of human trafficking, elderly men and women, welfare aid beneficiaries to name just a few. The A2J Assessment will look at both their capacity to access justice and on the capacities of service providers to deliver justice and will look at the whole justice process from the occurrence of a grievance to the provision of remedies. The findings of the assessment and the process itself of the assessment will be used support national partners in the design of national mechanisms for providing equal access to justice especially at a very crucial moment for Albania with its justice system reform and its commitments with regard to Access to Justice and FLA. Quantitative and qualitative data generated through the A2J Assessment will provide a much needed baseline to allow for effective Monitoring & Evaluation of progress of national reforms and UNDP support/interventions in this area. Furthermore, other follow-up activities will focus on increasing the exercise of the rights of all vulnerable persons belonging to the above mentioned groups.

*Other Potentially Affected Groups/Actors* by the implementation of the project's activities are Groups at the grass-root level (alternative dispute resolution mechanisms), community based organizations and civil society organizations; Local authorities including local government officials and religious and community leaders; Police force and prosecution; Court system; Legal aid providers; Lawyers, Bar Association; Prison system; and Media.

### ***Knowledge***

*Several publications will be produced by the project such as:* A2J Assessment launched in a national and local level round tables aiming at reaching both the legal service providers, legislative and judicial power bodies, vulnerable persons and interest groups. CSOs to mention a few. Information packages in print and accessible online formats will be produced to increase knowledge of vulnerable citizens on legal aid providers and protecting mechanisms.

### ***Sustainability and Scaling Up***

Sustainability will be ensured through an adequate level of national ownership and wide involvement of the concerned national structures, CSOs, and community members. The participation of local experts and specialists from involved governmental agencies in regular consultations, meetings, in the implementation of activities, and in project monitoring will generate knowledge and build capacity for the sustainability of results. Significant priority will be placed upon increasing knowledge for local partners to ensure ownership over results and develop their ability to continue designing and implementing related future activities and interventions

The project will be implemented in close consultation with relevant stakeholders, including the central and local governments and other local and international partners. This will ensure proper coordination and effectiveness due to the sharing of mutual experience and expertise and to joint efforts in achieving the overall project goals.

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## **IV. PROJECT MANAGEMENT**

### ***Project Management***

This is a project with limited resources and short duration. As such, efforts are being coordinated among partners to ensure the outmost efficiency of resource management and delivery of results in an effective way. Therefore, 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. Project administration and finance support will also



performed by current UNDP projects under the portfolio of social inclusion. Ministry of Justice is the main counterpart in this project.

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 regularly– at least twice a year, and possibly more frequently 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, participating agencies 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 PSC will consist of a senior representative of the MoJ, UNDP and an NGO active in good governance, democracy and RoL area.

UNDP Programme Specialist at the UNDP Country Office (Social Inclusion Portfolio) will provide overall quality assurance, including support in fundraising and broadening partnership and adherence to monitoring and reporting requirements and standards; ensure that high quality periodic progress reports are prepared and submitted well in advance; perform oversight activities; provides programme assurance from the Country Office (CO), allowing for effective delivery of the planned activities by supporting implementation consistent with UNDP rules and regulations. The Programme Specialist is responsible for oversight and monitoring of programme results and the clear and effective communication of these results to donors.

Programme Manager (PM) 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, reporting to the Programme Specialist, and supervising the work of the project experts and other project staff.

Project assistant and Operations Unit will provide administrative, personnel, procurement, and financial support to the project.

International/Local Consultants and Experts will render the technical and expert support required for the project.



## Results and Resources Framework

**UNDAF outcome 1:** State and civil society organization perform effectively and with accountability for consolidated democracy in line with international norms and standards

**Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets:**

*Annual rating of democratic change in Albania (composite)* Baseline (2015): 4.14/7; Target: 3.9

*Annual rating of World Justice Project (WJP) Rule of Law Index (composite):* Baseline (2015):0.52/1; Target (2021): 0.60

*Perceptions of trust in core public institutions* Baseline (2015): Trust in: Government (34%); Parliament (22%); Judiciary (17%); Target: Trust in: Government (45%) Parliament (45%); Judiciary (50%)

**Applicable Output(s) from the UNDP Strategic Plan: Outcome 2 -** Citizen expectations for voice, development, the rule of law and accountability are met by stronger systems of democratic governance

**Output 2.1:** Parliaments, constitution making bodies and electoral institutions enabled to perform core functions for improved accountability, participation and representation, including for peaceful transitions

INTENDED OUTPUTS	INDICATIVE ACTIVITIES	PARTNERS	INPUTS	Budget and Source of Funding in USD	
				A2J	Parallel funding



<p><b>UNDAF outcome 1:</b> State and civil society organization perform effectively and with accountability for consolidated democracy in line with international norms and standards</p>					
<p><b>Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets:</b></p> <p><i>Annual rating of democratic change in Albania (composite)</i> <u>Baseline (2015): 4.14/7; Target: 3.9</u></p> <p><i>Annual rating of World Justice Project (WJP) Rule of Law Index (composite):</i> <u>Baseline (2015): 0.52/1; Target (2021): 0.60</u></p> <p><i>Perceptions of trust in core public institutions</i> <u>Baseline (2015): Trust in: Government (34%); Parliament (22%); Judiciary (17%); Target: Trust in: Government (45%) Parliament (45%); Judiciary (50%)</u></p>					
<p><b>Applicable Output(s) from the UNDP Strategic Plan: Outcome 2 - Citizen expectations for voice, development, the rule of law and accountability are met by stronger systems of democratic governance</b></p>					
<p><b>Output 2.1:</b> Parliaments, constitution making bodies and electoral institutions enabled to perform core functions for improved accountability, participation and representation, including for peaceful transitions</p>					
<p><b>Output 1</b></p> <p><b>Access to Justice Assessment</b></p>	<p><i>List activity results and associated actions needed to produce each output</i></p> <ol style="list-style-type: none"> <li>1. Access to Justice Assessment methodology prepared based on similar experiences e.g Ukraine. The methodology will observe gender balance principle and will make due the inclusion of women victims of GBV&amp;DV in the country.</li> <li>2. Access to Justice Assessment stakeholders mapped. Stakeholders mapping should reflect inclusion of stakeholders dealing with women victims of GBV&amp;DV.</li> <li>3. Access to Justice Assessment conducted</li> <li>4. Round table of justice institutions at central and local level to discuss and validate A2J assessment.</li> <li>5. Launch of the A2J assessment with the Parliament and HR institutions</li> </ol>	<p><i>Specify teams/offices/parties that have been engaged by the Office to carry out these activities</i></p> <p>Bar Associations, CSOs, Academia, Ministry of Justice Euralius Parliament of Albania (special commission on Justice reform. Committee on legal; issues, public administration and human rights, committee on labour, social issues and health)</p>	<p><i>Consultants, including a gender expert in the team of experts/consultants</i></p> <p>Roundtables Surveys Focus Groups</p>	<p><b>30,000</b></p>	<p><b>35,000</b> <i>(Catalytic Fund- CF)</i></p>



UNDAF outcome 1: State and civil society organization perform effectively and with accountability for consolidated democracy in line with international norms and standards				
Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets: Annual rating of democratic change in Albania (composite) Baseline (2015): 4.14/7; Target: 3.9 Annual rating of World Justice Project (WJP) Rule of Law Index (composite): Baseline (2015):0.52/1; Target (2021): 0.60 Perceptions of trust in core public institutions Baseline (2015): Trust in: Government (34%); Parliament (22%); Judiciary (17%); Target: Trust in: Government (45%) Parliament (45%); Judiciary (50%)				
Applicable Output(s) from the UNDP Strategic Plan: Outcome 2 - Citizen expectations for voice, development, the rule of law and accountability are met by stronger systems of democratic governance				
Output 2.1: Parliaments, constitution making bodies and electoral institutions enabled to perform core functions for improved accountability, participation and representation, including for peaceful transitions				
Output 2 Action Plan and Outreach with focus on EU and Ch. 23/24 relevance	1. Development of Action Plan/Road Map for improvement of Access to Justice programming among stakeholders and international partners, building Ch. 23/24 linkage 2. Regular coordination meetings with relevant state and non-state actors on A2J developments. 3. Development of innovative tools to promote local democracy, rule of law and awareness on citizens' rights and duties in interaction with local government bodies (in coordination with STAR2) 4. Support legal education initiatives in selected municipalities. Parallel activities supported by other projects 5. Assessment of functionality of local governments from the supply/duty bearers and demand/right holders in all 61 municipalities. (implemented by STAR2) 6. Support the functionality of the Authority for Information on documents of the former State Security through building the digital archives and public outreach activities	People's Advocate, Anti-Discrimination Commissioner Bar Associations, CSOs, Academia, Ministry of Justice Euralius, Regional network for free legal aid providers; Minister of State on local issues and local municipalities	Consultants Roundtables Donor Coordination meetings NGO contracts Municipal LOAs Publications	120,000   



**UNDAF outcome 1:** State and civil society organization perform effectively and with accountability for consolidated democracy in line with international norms and standards

**Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets:**

Annual rating of democratic change in Albania (composite) Baseline (2015): 4 14/7; Target: 3.9

*Annual rating of World Justice Project (WJP) Rule of Law Index (composite):* Baseline (2015):0.52/1; Target (2021): 0.60

*Perceptions of trust in core public institutions* Baseline (2015): Trust in: Government (34%); Parliament (22%); Judiciary (17%); Target: Trust in: Government (45%) Parliament (45%); Judiciary (50%)

**Applicable Output(s) from the UNDP Strategic Plan: Outcome 2 - Citizen expectations for voice, development, the rule of law and accountability are met by stronger systems of democratic governance**

**Output 2.1:** Parliaments, constitution making bodies and electoral institutions enabled to perform core functions for improved accountability, participation and representation, including for peaceful transitions

<b>Output 3: Supporting practical initiatives to increase A2J for vulnerable groups.</b>	<ol style="list-style-type: none"> <li>1. Support establishment of networks of free legal aid providers (offering legal advice, drafting legal documents, initiating lawsuits and representing clients in court. Support for the establishment of 2 legal clinics at two Law universities</li> <li>2. Establishing pro-bono services at Municipalities of Tirana, Durrës, Fieri and Lezha. A special focus will be given to services extended to women and girls, victims of GBV&amp;DV).</li> <li>3. Support the development of user friendly manual/toolkit on citizen's rights to legal aid and access to justice for the offices of People's Advocate and Antidiscrimination Commissioner and organization of 6 open days at local level.</li> <li>4. Support two local offices of People's Advocates to offer legal advice to citizens for issues that need or need not redress to court processes.</li> <li>5. Development of information packages in print and accessible online formats to increase knowledge of vulnerable citizens on legal aid providers and protecting mechanisms.</li> <li>6. Street law initiatives through specialised CSOs aiming at legal education of vulnerable citizens (in coordination with STAR 2 project). Special efforts will be made to reach women and girls, victims of BGV&amp;DV</li> <li>7. Showcasing best practice with countries in the region and beyond.</li> </ol>	Bar Associations, CSOs, Academia, Ministry of Justice Eurallius, People's Advocate, Anti-Discrimination Regional network for free legal aid providers Courts	Consultants Roundtables NGO contracts Municipal LOAs Publications Grant agreements	70,000	Total A2J:	Total parallel
					20,000 (Core)	
					10,000 (CF)	







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## V. MONITORING AND EVALUATION

In accordance with UNDP's programming policies and procedures, the project will be monitored through the following monitoring and evaluation plans:

### 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 RFF.
- 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.
- Based on the above information recorded in Atlas, a Project Progress Reports (PPR) shall be submitted by the Project Manager to the Project Steering Committee.
- 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 Minister 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
- Last but not least, regular site visits will be arranged by UNDP and/or MoJ jointly or individually to check progress, be aware of the arising challenges during project implementation and provide support in overcoming these challenges in joint efforts with service providers and other relevant actors as envisaged in the project.

#### Annually

- Annual Review Report. 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.

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## VI. GOVERNANCE AND MANAGEMENT ARRANGEMENTS





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## VII. LEGAL CONTEXT AND RISK MANAGEMENT

*[NOTE: The following section is required for all project documents, and contains the general provisions and alternative texts for the different types of implementation modalities for individual projects. Select one option from each the legal context and risk management standard clauses and include these in your project document under the Legal Context and Risk Management Standard Clauses headings]*

### LEGAL CONTEXT STANDARD CLAUSES

This project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of (country) and UNDP, signed on (date). All references in the SBAA to "Executing Agency" shall be deemed to refer to "Implementing Partner."

This project will be implemented by UNDP ("Implementing Partner") in accordance with its financial regulations, rules, practices and procedures only to the extent that they do not contravene the principles of the Financial Regulations and Rules of UNDP. Where the financial governance of an Implementing Partner does not provide the required guidance to ensure best value for money, fairness, integrity, transparency, and effective international competition, the financial governance of UNDP shall apply.

### RISK MANAGEMENT STANDARD CLAUSES

1. UNDP as the Implementing Partner shall comply with the policies, procedures and practices of the United Nations Security Management System (UNSMS.)
2. UNDP agrees to undertake all reasonable efforts to ensure that none of the [project funds]<sup>16</sup> [UNDP funds received pursuant to the Project Document]<sup>17</sup> are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via [http://www.un.org/sc/committees/1267/aq\\_sanctions\\_list.shtml](http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml). This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.
3. Consistent with UNDP's Programme and Operations Policies and Procedures, social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).
4. The Implementing Partner shall: (a) conduct project and programme-related activities in a manner consistent with the UNDP Social and Environmental Standards, (b) implement any management or mitigation plan prepared for the project or programme to comply with such standards, and (c) engage in a constructive and timely manner to address any concerns and complaints raised through the Accountability Mechanism. UNDP will seek to ensure that communities and other project stakeholders are informed of and have access to the Accountability Mechanism.
5. All signatories to the Project Document shall cooperate in good faith with any exercise to evaluate any programme or project-related commitments or compliance with the UNDP Social and Environmental Standards. This includes providing access to project sites, relevant personnel, information, and documentation.

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<sup>16</sup> To be used where UNDP is the Implementing Partner

<sup>17</sup> To be used where the UN, a UN fund/programme or a specialized agency is the Implementing Partner



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## VIII. ANNEXES

1. **Project Quality Assurance Report**
2. **Risk Analysis.** Use the standard [Risk Log template](#). Please refer to the [Deliverable Description of the Risk Log](#) for instructions
3. **Capacity Assessment:** Results of capacity assessments of Implementing Partner (including HACT Micro Assessment)
4. **Project Board Terms of Reference and TORs of key management positions**