



**C1-EU-NPA**

CLUSTER ONE EU NEGOTIATIONS PLATFORM – ALBANIA



KOMITETI SHQIPTAR I HELSINKIT

**POLICY DOCUMENT**  
**CHALLENGES TO LEGAL**  
**EDUCATION OF THE PUBLIC**  
**IN ALBANIA**

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## List of Abbreviations

PLE - Public Legal Education

PLES - Public Legal Education Strategy

AP - Action Plan

DFLA - Directorate of Free Legal Aid

**Assembly** - Assembly of the Republic of Albania

HJC - High Judicial Council

MoJ- Ministry of Justice

EU - European Union

SL - Street Law

CSO - Civil Society Organizations

**Network** - National Public Legal Education Network

SCPLE - Steering Committee on Legal Education of the Public

**Advisory Board** - BK

AHC - Albanian Helsinki Committee

## EXECUTIVE OVERVIEW

Understanding the norms of law not only enables the individual to apply them, but at the same time it affects the consolidation of the rule of law as it helps to create more accountable public institutions that must respond to citizens who are more informed and aware of their rights. Therefore, in this context, for the recognition and understanding of the norms that regulate certain legal relations, it is necessary that ‘lectures on law go beyond the chairs of law faculties’ and address citizens. In this way, individuals are made aware of their rights and obligations, understand the importance and consequences of their actions, and can potentially prevent litigation.

Acquaintance with the legal norms with an impact on the lives of citizens is realized through public legal education programs. In Albania, PLE has been generally out of state attention, until the drafting of the Legal Reform Analysis document, which identified the need for PLE as one of the main directions to create the legal culture, as well as to enable citizens’ access to the rule of law.<sup>1</sup> On the other hand, this analysis pointed out the lack of sustainability of PLE as its provision was haphazard, unplanned and unorganized.<sup>2</sup>

It is worth emphasizing that the state’s attention to PLE and the approval of acts dedicated exclusively to PLE is a very qualitative step towards laying the foundations for the continuous provision of PLE. Until the adoption of the Strategy for Legal Education of the Public, there were no acts with an exclusive focus on PLE, although regulations for it can be found very sporadically in other legal acts, such as, for example, the Code of Administrative Procedures, the law ‘On the right to information’, the new law ‘On legal aid guaranteed by the state’<sup>3</sup> or even the Juvenile Criminal Justice Code. The approval of PLES and AP constitutes an important step towards the recognition and progress of PLE.

In order to achieve the defined strategic objectives, PLES has also created a coordinating and supervisory body for PLE organized at two levels. The first level is represented by the supervision exercised by the MoJ as the designated institution for the preparation of draft reports after collecting the reports from the member institutions. And the second level of supervision is the National Public Legal Education Network (Network), as a structure that coordinates all institutions in order to follow the national policy on PLE. The Network operates through its bodies governed by the Network Regulations.

Although steps forward have been taken by approving important acts such as PLES and AP, from the examination of these documents and the evaluation of their implementation in practice, it results that the PLE is encountering issues. The strategy is accompanied by confusion as to the meaning of PLE as the document is not based on an accepted definition resulting in a lack of coherent strategy identity and identification of best practices in the provision of public legal education.

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1 Analytical Document of the Justice Reform, p. 214, accessible at [http://www.reformanedrejtesi.al/sites/default/files/dokumenti\\_shqip\\_0.pdf](http://www.reformanedrejtesi.al/sites/default/files/dokumenti_shqip_0.pdf)

2 Ibid., f. 215.

3 Which provides for the provision of legal education to the public by the Free Legal Aid Directorate. For the sake of truth, even the now repealed law “On legal aid” provided for legal education of the public as one of the forms of legal aid which was offered through mobile clinics, publications, television campaigns and in the written media, as well as other measures of similar, paying special attention to the problems of the most vulnerable groups. (Article 11(2) Law No. 10039, dated 22.12.2008 ‘On Legal Aid’).



The confusion that accompanies the strategic document, is also reflected in the draft monitoring reports from the MoJ that encourage public institutions to be accurate in completing the reports that are sent to the MoJ<sup>4</sup>. We highlight that the lack of a concrete definition for the legal education of the public has resulted in a good part of the activities that the institutions refer to as activities carried out within the PLE not being classified as such.

Also, it turns out that the institutional structure created for the implementation of PLES is not very suitable for achieving the intended objectives. Based on the models of countries with more experience in legal education of the public, such as the United States of America or the United Kingdom, this activity is better achieved if there is financial support (and not only) from the state, but by engaging entities that have a more traditional consolidated in providing legal education programs to the public such as Universities and civil society organizations. For this reason, the structure and representation of members in the Network must be re-evaluated. While most of the members of the Network should have their representatives from the ranks of Law faculties and civil society organizations, in fact, that is true for the public institutions<sup>5</sup> which are facing challenges in the exercise of this activity, as is also ascertained from their reports to the Ministry of Health.

Also, from the research work carried out, the lack of real programs for the provision of PLE adapted according to the target groups is found. We find it appropriate to emphasize that the launch of the Network's activity should have been preceded by studies to identify the priority need for intervention, bringing empirical data on citizens' knowledge of their rights and the concrete needs of certain groups. These data would help identify the mechanism that best achieves the intended target.

From the analysis of the draft reports drawn up by the MoJ<sup>6</sup> in implementing PLES and AP obligations, it is found that PLE is fragmented and uncoordinated. There is no exchange of experiences, know-hows, nor development of best practices by members of the Network for quality education of the public. Consequently, greater cooperation between actors providing PLE is needed.

To conclude, based on the main findings of this document, as well as from the answers sent by the institutions that have a significant role and influence in the provision of PLE, we estimate that there is a period of stagnation in the implementation of the Strategy due to the lack of activation of the Network and member institutions in fulfilling the obligations arising from it.

4 Draft Monitoring Report for the January-December 2020 Period, p. 55-56.

5 In the Network, about 20% of the members consist of law faculties and 80% from public institutions.

6 See the Draft Monitoring Report for the Period January-December 2020, and the Draft Monitoring Report for the Period January-December 2021 (<https://www.drejtesia.gov.al/raportet-e-monitorimit-v-shqip/>).

## Methodology

This document was created by combining the method desk research to ascertain the legal, strategic and institutional framework and the comparative method by selecting countries with a good tradition in public legal education. In the focus of the analysis of the legal framework, the two main acts that have as their object the regulation of PLE, i.e. Strategy for Public Legal Education and the Action Plan. Being the first documents that address the legal education of the public, the analysis has had a critical approach, not only for their implementation, but also in conception, since some of the problems found in the implementation of the strategy originate from the problems related to the conception of it.

For information that was difficult to find from the official web pages of some institutions, requests for information were compiled. The selected institutions were the Assembly, the High Judicial Council and the Ministry of Justice, as members with a more significant role in the National Public Legal Education Network. The data resulting from the regulatory framework and the obligations that these impose have been subjected to a comparative analysis with the answers returned by the aforementioned institutions.

The document also aimed to provide a comparative perspective with PLE standards and best practices. Here, two jurisdictions, the United States of America and the United Kingdom, have been selected because of the development of PLE, but also due to a greater contribution that researchers and academics have made in these countries to the development of the theoretical concept of PLE.

One of the limitations faced by the drafting of the policy document is the lack of documents, theoretical treatises or scientific articles dedicated to bodies created for the legal education of the public from other countries in the region, or even comparable to Albania in terms of the level of development, economic, social and educational. For this reason, it has been difficult to bring the best models from the countries of the region. Therefore, the best practices have been selected from the two aforementioned countries.

The document follows the following structure: The first section is devoted to the understanding of legal education of the public, trying to bring a definition of PLE, identifying the beneficiaries and the main forms of realization of PLE in practice. In the second section, a very brief historical overview sheds light on the birth and development of PLE in the United States of America and its spread a little further. The third section focuses on the internal regulatory framework of PLE, mainly the emphasis is placed on PLES and AP. The fourth section focuses on the role of some of the main institutions in terms of public legal education. The fifth section identifies the features of two of the best models so that their experience can be used to implement the best PLE model in Albania. Finally, based on the findings of the preliminary analysis, the document carries a few recommendations for the improvement of the institutional infrastructure of PLE and the adaptation of a functional model for achieving the strategic objectives of PLES.





## Introduction

Legal education of the public aims to create a legal culture through the recognition and understanding of the law by citizens. Indeed, there is a legal presumption of recognition of the law, after its publication in the official gazette, the latter serving as a means of conveying binding acts to the public. However, in the conditions of a legislative inflation, through the increase in the number of approved acts that regulate certain legal relations, and especially in the conditions when the regulatory norms of legal relations are becoming more and more complex and articulated with an often-technical language, it is the veracity of this presumption that is put in question. Therefore, in this context, for the recognition and understanding of the norms that regulate certain legal relations, it is necessary that 'lectures on legislation and Law reach beyond the chairs of Law faculties. The understanding of norms, especially those with the greatest impact on the life of the individual, must fall outside the exclusive sphere of jurists. In this way, individuals become aware of their rights and obligations, understand the importance and consequences of their actions, and can potentially prevent litigation.

Based on this background, legal education of the public can be seen as an instrument for empowering the individual in front of the potentially stronger and oppressive party, which are the public institutions. In other words, public legal education (PLE) serves 'legal/legal competence', a concept which refers to 'the knowledge, skills and confidence needed to resolve personal legal issues'.<sup>7</sup> Of course, PLE can never replace the legal education, which is mandatory to exercise the legal profession, but it serves as an instrument for increasing the legal knowledge of the public, inter alia, also to challenge public decision-making.<sup>8</sup> Citizens more aware of their rights become more demanding of public authorities, increasing their accountability.

The authors who have defined the concept of the rule of law have highlighted two of its identifying elements which are 'to the extent possible, clarity, accessibility and practicality' as well as 'the creation of instruments for resolution, without prohibitive costs or delays of unnecessary, civil conflicts in good faith, which the parties cannot resolve themselves'.<sup>9</sup> The practical meaning of these two components is that the law must be comprehensible to justify its mandatory application to citizens and that the state must guarantee access to justice to correct unjust actions to the detriment of the subjects.<sup>10</sup> In this context, the law is more understandable to the public if it is explained in simple and clear terms for them. So when complicated legal concepts are broken down into a language understandable to a non-lawyer individual.

In Albania, PLE has generally been out of State's attention, until the drafting of the Justice Reform Analysis document, which identified the need for PLE as one of the main directions to create legal culture as well as to enable citizens' access to the rule of law.<sup>11</sup> On the other hand, this analysis pointed out the lack of consistency in the provision of PLE as it was found that PLE was provided in a haphazard, unplanned and

7 Abiodun Michael Olatokun, *The Journey to Legal Capability: Challenges for Public Law from Public Legal Education*, p. 28.

8 *Ibid.* p. 29

9 Tom Bingham, "The Rule of Law" (Penguin 2010) p.37, as quoted in Abiodun Michael Olatokun, *The Journey To Legal Capability: Challenges for Public Law from Public Legal Education*, p.30.

10 Abiodun Michael Olatokun, *The Journey to Legal Capability: Challenges for Public Law from Public Legal Education*, p.30.

11 Dokumenti Analitik i Reformës në Drejtësi (Analytical Document of Reform in Justice,) p. 214, accessible in [http://www.reformanedrejte-si.al/sites/default/files/dokumenti\\_shqip\\_0.pdf](http://www.reformanedrejte-si.al/sites/default/files/dokumenti_shqip_0.pdf)

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unorganized manner.<sup>12</sup> For the sake of truth, civil society organizations have continuously carried out public legal education activities, but it has not been followed up by other more sustainable activities carried out by state institutions.

Therefore, the working group of high-level legal reform experts who were responsible for reforming higher legal education, came up with the idea of drafting a strategy for public legal education as part of the overall reform that the justice system underwent, with the hope that in this way the legal education of the public would be institutionalized.<sup>13</sup>

In order to implement the findings and points of information from the high-level sources of the reform in the reports, the Public Legal Education Strategy (PLES) was drawn up, which was approved by the Assembly's decision number 47/2019, "On the Approval of the Strategy for Legal Education of the Public 2019-2023". This strategic document serves as the first regulatory framework dedicated exclusively to PLE. At the same time, it also creates the first successful strategy structure which helps in achieving its objectives. In addition to this innovation, this is important because of the Justice Reform documents, as this not only reformed the internal system, but aimed at a larger reformation addressing the government as well. Therefore, in this respect, the PLES is a product of the reform in this reform and it is also related to this.

In this regard, the need to strengthen the legal education of the public has also been highlighted by the European Union (EU) which, in the progress report of 2021, recommends that for the following year, the consolidation of the capacities of the high power system should be continued, including further strengthening of the public legal education ...<sup>14</sup>.

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12 Ibid., p. 215.

13 Strategy for Legal Education of the Public, approved by Assembly Decision No. 47/2019 On the Approval of the Strategy for Legal Education of the Public 2019-2023,

14 Albania progress report 2021, accessed in Albania Report 2021 (europa.eu).



## Legal education of the public in a European perspective

Based on the above background, public legal education fulfills several functions. First, it serves the legal training of citizens to avoid conflicts with the law or to resolve these conflicts judicially, but already having a better understanding of rights and obligations and above all knowing where they can turn to for asked for help. In this way, citizens' access to justice is guaranteed, which is one of the pillars on which the rule of law rests.

In the European Union, access to justice is a fundamental right reflected in Article 47 of the Charter of Fundamental Rights in the European Union, which provides that “Anyone whose rights and freedoms guaranteed by Union law have been violated shall have the right to an effective remedy before a court in accordance with the conditions provided for in this article. Everyone has the right to a fair and public trial within a reasonable time by an impartial and independent tribunal established by law. Everyone should have the opportunity to be advised, protected and represented. Legal aid should be provided to those who do not have sufficient resources to the extent that this aid is necessary to ensure effective access to justice.”<sup>15</sup>

The above provision of the Charter should be read and understood as guaranteeing access to justice not only before the courts for the protection of the violated right, but in a broader sense to also include access to other institutions, of the EU or Member States.<sup>16</sup> This provision also emphasizes the need for the provision of legal aid in order to effectively achieve access to justice. In this respect, public awareness and their legal training serves the access they benefit to justice. The Agency of Fundamental Rights in the European Union has found that access to justice is problematic in some of the member states of the European Union and this has come as a result of several factors, including the lack of awareness and the low level of knowledge that is provided about how to access justice.<sup>17</sup> Consequently, PLE is an instrument to solve this identified problem.

In addition to the provisions of the Charter, secondary legislative acts aimed at providing legal aid and equal treatment of parties in disputes of a certain nature have been adopted to help access to justice<sup>18</sup>, but there are no acts that directly regulate the legal education of the public, this being a domain that is left exclusively to the member states.

Under this background, our country's initiative to strengthen and institutionalize PLE serves to increase public access to justice to guarantee and protect their constitutional and legal rights. This empowerment is closely related to the foundations of the rule of law and the functioning of democratic institutions, which are among the fundamental values of the European Union. At the same time, criteria that are subject to continuous assessment for the progress of the integration process under the first group-chapters (also known as Cluster 1).

<sup>15</sup> Article 47, Charter of Fundamental Rights of the European Union. (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>)

<sup>16</sup> <https://fra.europa.eu/en/theme/access-justice>, accessed on 21.12.2022

<sup>17</sup> <https://fra.europa.eu/en/theme/access-justice>, accessed on 21.12.2022.

<sup>18</sup> See Council Directive 2002/8/EC of January 27, 2003 on improving access to justice in cross-border disputes by laying down minimum rules regarding legal aid in such disputes.

On the other hand, in the conditions of large transformative processes, a greater preparation of the public is necessary regarding the new responsibilities that accompany the admission of our country to the European Union. This request is mainly related also to the fact that the integration process will be accompanied by new challenges and the adoption of legal acts within the process of approximation of legislation. In this regard, it is necessary to increase public awareness of these processes and the obligations that accompany them. Indeed, based on the importance of this process, law no. 15/2015 'On the role of the Assembly in the process of integration of the Republic of Albania into the European Union' assigned the Assembly the task of guaranteeing greater transparency and information to the public about these processes and the obligations they carry.

Although there are no acts at the European level that dictate the standards for providing legal education to the public, its institutionalization and further development must continue as a need to increase the level of legal culture for citizens, which significantly affects the strengthening of democratic culture and the rule of law as a prerequisite for the success of the integration process.

## Understanding Public Legal Education

Legal education of the public, although it is known as one of the earliest forms of providing legal aid, is a relatively new concept at the international level and certainly very embryonic in our country. The need for legal education of the public was particularly emphasized by the Analytical Document on Legal Reform<sup>19</sup>, although isolated manifestations of it implemented in practice have been found even earlier. Later, the PLES was the first act to be fully devoted to public legal education, albeit not providing an exhaustive definition of public legal education. In fact, it is somewhat difficult to find such a universally accepted one, since PLE is a somewhat fluid concept and therefore difficult to define, but certainly the doctrine has produced some that can serve as a guide for the activity of institutions engaged in providing legal education to the public.

The lack of a universally accepted definition has caused the concept of PLE to often come across other terms such as legal education, legal empowerment, community legal education or even legal training. At the same time, even the field of action in PLE is very wide, including from basic information on rights and obligations to the expansion or reinforcement of genuine legal knowledge.<sup>20</sup>

In the literature, there is the definition by Prof. Richard Grimes<sup>21</sup> which states that: PLE provides individuals with awareness, knowledge and understanding of rights and legal issues, together with the confidence and skills necessary to resolve legal conflicts and gain access to court ...(and)... to identify when they need support/help and also guidance on how they can obtain it.<sup>22</sup> In this context, it is important in a democracy that individuals not only recognize their rights, but also exercise them effectively. Individuals who understand their rights and obligations at the same time have a positive impact on society, increasing the level of responsibility and accountability of public authorities.

If we use this definition as a standard, then we must make a distinction between it and the right to information. For the sake of truth, they are not exclusive concepts, but they have nuances that slightly distinguish them, so we see it appropriate to dwell on these differences for the sake of the fact that there is a confusion reflected in PLES between these concepts.

The meaning of the right to information according to the relevant law refers mainly to the right of individuals to request public information held by the public authority.<sup>23</sup> In a broader sense, this right also includes the obligation for transparency, as the obligation of the public authority to make public the information, without request, for the interested subjects. This publication includes a long list of information related to the structure, financial aspects, public procurement, etc., which of course have a positive effect on informing the public, but in terms of its education, it plays a passive role. Apart from the fact that it is

19 Analytical Document of Justice Reform, p. 214, accessible at [http://www.reformanedrejtisi.al/sites/default/files/dokumenti\\_shqip\\_0.pdf](http://www.reformanedrejtisi.al/sites/default/files/dokumenti_shqip_0.pdf)

20 Lisa Wintersteiger, Legal Needs, Legal Capability and the Role of Public Legal Education, p. 8. The quoted author refers to the concept of Legal Education and Public Information.

21 <https://www.law.ed.ac.uk/people/richard-grimes>

22 Richard Grimes, Public Legal Education – The Role of Law Schools In Building A More Legally Literate Society (2021), quoted in Book Review, Amy Wallace, Public Legal Education – The Role of Law Schools In Building Amore Legally Literate Society (Routledge 2021)

23 Article 3, law no. 1119/2014 'On the Right to Information'

very difficult for the citizens<sup>24</sup> to understand their rights and obligations from the set of legal and by-law acts published on the website of the relevant authority, it often happens that these acts are not updated. Therefore, the right to information, although in a broad sense it serves the legal education of the public, it is not literally legal education of the public. The latter requires a more proactive approach from institutions to create the legal culture through the recognition of laws in priority areas and of interest to certain categories, as well as the ability of individuals to apply the acquired knowledge in practice.

In the literature, another difference has been drawn, between legal information and legal education of the public. The first case mainly refers to rules and details for certain legal situations. Whereas in the case of public legal education, the mechanism is provided to apply legal information in a contextualized way.<sup>25</sup>

On the other hand, a distinction must be made between the meaning of PLE and legal education. Confusion often arises between them, which is also reflected in the Strategy for Legal Education of the Public. These are two concepts that serve each other, but they cannot be the same nor even comparable. Legal/judicial education is the following cycles of university studies, at the end of which the student receives in-depth knowledge in the various disciplines of law, and is equipped with a diploma which enables the exercise of the legal profession directly or to pursue further qualifications in the field of justice. Whereas, the legal education of the public aims to recognize the rights and obligations that certain legal norms recognize and impose on the public, as well as their exercise in a certain legal context.

## 2.1 Forms of Public Legal Education

In its origins, the classic form of public legal education has been Street Law, which meant law students going outside the classrooms to present the law (or concrete rights and obligations) to high school students.<sup>26</sup>

With the rapid development of technology, it has become possible for information to reach the individual without the need to physically contact him. Therefore, the ways of disseminating legal information for certain categories are diverse and we cannot claim that one activity is the right one and the others are wrong. However, it is important for each target group to use the most efficient way to convey them to the beneficiaries.

In addition to the classic form of manifestation of PLE as street law, today this form of education can be achieved through activities that are broadcast on television, radio, informative brochures, teaching in pre-university education institutions, awareness raising campaigns<sup>27</sup> etc. Evidence shows that different methods of delivering PLE are effective in pursuing certain goals. For example, face-to-face methods of information delivery are more likely to reinforce skills, produce confidence, and stimulate action.<sup>28</sup> Online or printed materials, provide information and guidance to a much larger number of users, but are likely to be less effective in increasing beneficiaries' skills or overcoming their lack of confidence.<sup>29</sup>

24 And not only for citizens. Sometimes it is also difficult for lawyers, especially when there is no good system of publication of the acts in force, thus integrating the subsequent changes of the laws/acts.

25 Lisa Wintersteiger, *Legal Needs, Legal Capability and the Role of Public Legal Education*, p. 7.

26 Brandon Golob, *Student in the Seats, Teacher in the Streets: Evaluating the Impacts of Law Students Becoming "Street Law" Teachers*, p. 38.

27 Lisa Wintersteiger, *Legal Needs, Legal Capability and the Role of Public Legal Education*, p. 10.

28 *Developing capable citizens: the role of public legal education. The report of the PLEAS Task Force, July 2007*, p. 37

29 *Developing capable citizens: the role of public legal education. The report of the PLEAS Task Force, July 2007*, p. 37.



## **2.2 Beneficiaries and purpose of the ELP**

In principle, the beneficiaries of PLE are all individuals without any exception. However, as an identifiable category that needs more to benefit from PLE we can list persons who, due to age or economic status, generally face obstacles to access justice, such as the elderly, young people, minorities, beneficiaries of government social programs etc.

The purpose of PLE is not only to make individuals aware of their rights and obligations towards the state or towards others, but above all to create a legal culture, making citizens more challenging and demanding towards state activity and, on the other hand, holding state run institutions accountable. Therefore, the benefits of PLE come not only on an individual level, but also more broadly, having the society as a whole benefitting from legally conscious citizens who understand, apply and properly address legal problems.



## Background of the birth and development of Public Legal Education

PLE originated around the mid-20th century in North America as a strategy from civil rights movements and poverty alleviation programs. The first form of manifestation of PLE has been Street Law (SL)<sup>30</sup>. More specifically, in 1972 a small group of students and professors from Georgetown University piloted a form of law clinic in a public legal education program called Street Law (SL). The goal of the program was to educate teenagers in two public high schools about the legal system and the laws that impacted their daily lives.<sup>31</sup> In 1975, the creation of a national organization, the National Institute for Citizen Legal Education, was formalized, which spread the word about the success of the Georgetown University program and sought help in expanding the program nationwide.<sup>32</sup> Today, at this university, the SL program continues to be offered without interruption since 1972.<sup>33</sup> Later, legal education programs were borrowed from other bodies besides law faculties, such as bar associations and non-profit organizations. The continued success of public legal education in the U.S. relies on collaboration between government, law schools, the legal community, and other providers of PLE programs.<sup>34</sup>

The early SL program piloted by Georgetown University has spawned a variety of other programs offered by teachers, lawyers, law students, judges, law enforcement staff, police officers, etc.<sup>35</sup> After the success in the USA, Street Law has been extended beyond the continent thanks to the influence of the organization Street Law Inc. which has continued the mission of the first program piloted at Georgetown University.<sup>36</sup>

Today Street Law programs have these characteristics:

1. Learning with a practical approach on: legal rights, responsibilities and obligations, obligations according to the rule of law, internationally recognized human rights and the functioning of democratic governance;
2. Use of interactive strategies to develop important skills: civic engagement, advocacy, problem solving, critical analysis, and communication.
3. Involvement of the community in the education process: legal experts of certain fields visit the auditoriums and together with the students go to the community to observe and influence the law in action.<sup>37</sup>

<sup>30</sup> Street Law is a form of public legal education, institutionalized in law schools and administered to teenagers. (see Brandon Golob, Student in the Seats, Teacher in the Streets: Evaluating the Impacts of Law Students Becoming "Street Law" Teachers,)

<sup>31</sup> Brandon Golob, Student in the Seats, Teacher in the Streets: Evaluating the Impacts of Law Students Becoming "Street Law" Teachers, p. 38.

<sup>32</sup> Ibid., p. 38.

<sup>33</sup> Law Student FAQ | Georgetown Law

<sup>34</sup> Lee Arbetman, Street Law, Inc.: Context, History and Future, p. 12.

<sup>35</sup> Lee Arbetman, Street Law, Inc.: Context, History and Future, p. 5.

<sup>36</sup> Lee Arbetman, Street Law, Inc.: Context, History and Future, p. 5.

<sup>37</sup> Lee Arbetman, Street Law, Inc.: Context, History and Future, p. 5.



## Internal regulatory framework for Public Legal Education

Until the adoption of the PLES, there were no acts fully dedicated to the PLE, although its arrangements are found in a very random way in other legal acts. Mention here, the Code of Administrative Procedures, which has Information as its basic principle, but at the same time another principle on which the activity of public bodies is supported, is the principle of providing active assistance, according to which the public body ensures that all parties and other persons involved in the procedure to be able to pursue and protect their legal rights and interests as effectively and easily as possible.<sup>38</sup>

In this regard, we also mention the role of the law ‘On the right to information’, which, as analyzed above, helps in PLE, but is not in itself the legal education of the public and therefore does not fulfill its mission..

Another important act is Law no. 37/2017 ‘Code of Criminal Justice for Minors’ contains special provisions for minors involved in criminal proceedings with the aim of educating and preventing the commission of criminal offenses in the future.<sup>39</sup> We also mention the laws that have regulated the provision of free legal aid, which have made a superficial regulation of public legal education.

Despite the existence of these legal instruments which very indirectly deal with aspects of legal education of the public, this policy document will not analyze their content. On the contrary, its focus is on acts that exclusively regulate the PLE. One of the most important documents in the field of PLE is the Public Legal Education Strategy (PLES) and the approved Action Plan (AP). We emphasize that the PLES was drafted as part of the package of Legal Reform acts.

### 4.1 Strategy on Public Legal Education

In the circumstances of the lack of institutionalization of PLE, the PLES document was the first document that laid the foundations for the provision of legal education in a sustainable manner, now also under a supervisory and coordinating structure and a greater institutional commitment. PLES was approved by Assembly Decision no. 47, dated 18.4.2019.

First of all, as it was underlined just above, PLES emphasizes the right to information, as a general obligation of public authorities to provide information with or without request to interested persons. Based also on the above analysis on the meaning of PLE, the right to information certainly helps, but it is not genuinely legal education of the public, since the latter requires activation and training for the exercise of the rights stemming from the legal framework for citizens. Therefore, this document emphasizes that the right to information is used as an instrument to exercise PLE, but in itself is not sufficient to fulfill the purpose of PLE to enable the individual to use legal knowledge in a contextualized way to avoid or resolve legal conflicts. The strategy should have redrawn this distinction, to highlight the peculiarities of PLE in contrast to the right to information and not to create confusion between these concepts.

<sup>38</sup> Article 10, Code of Administrative Procedures.

<sup>39</sup> Law no. 37/2017, Juvenile Criminal Justice Code.

PLE's strategy has the following four strategic objectives:

1. Improving the organization and institutional functioning in the provision of PLE;
2. Guaranteeing and strengthening effective inter-institutional cooperation at the national, regional and local level for the realization of PLE;
3. Ensuring effective and efficient performance of public and independent institutions, media and civil society;
4. Public awareness about the importance of knowing the law, their rights and obligations, based on specific needs and encouraging citizen engagement to strengthen the rule of law.<sup>40</sup>

As can be ascertained, the strategic objectives of PLES emphasize the institutional framework consisting mainly of public institutions, which testifies to the vision that PLES had, the orientation of PLE towards public institutions, which have not had experience in providing legal education to the public.

#### **4.1.1 Supervisory Structure of PLES**

In order to achieve the targeted strategic objectives, PLES has established a coordinating and supervisory structure for PLE. The organization is spread on two levels, in the supervision and coordination by the Ministry of Justice as the institution designated for the preparation of draft reports after collecting the reports from the relevant institutions and the National Network of Legal Education of the Public (the Network) as a body that coordinates all institutions in order to pursue the national policy for PLE. The Network operates through its bodies whose duties and responsibilities are regulated in more detail by the Network's Regulation.

##### **a. National Public Legal Education Network**

The strategy has entrusted the Assembly with the task of establishing the National Network of PLE. The network has a broad-based composition as it includes representatives of the main constitutional institutions or those established by law (such as the President, the Assembly, the Prime Minister's Office, the Ombudsman, the Commissioner for the Right to Information and the Protection of Personal Data, etc.), representatives of 8 ministries, representatives of justice institutions, representatives of AMA, Albanian Radio and Television, chambers of free vocations such as notaries, lawyers, mediators and private bailiffs, representatives from the National Agency of the Information Society, associations of Municipalities, the National Council of Civil Society, 5 (five) Civil Society Organizations that work on legal education of the public, International Organizations, 2 (two) faculties of law that have legal clinics (one public and one private).<sup>41</sup>

The main functions of the network are to promote and guarantee comprehensive cooperation between public institutions, educational institutions and civil society in order to coordinate policy planning, monitor their implementation and inter-institutional cooperation in the field of public legal education.<sup>42</sup> In carrying out these functions, the Network, inter alia has also the following powers: promotes cooperation and interaction between public institutions, monitors the implementation of the national policy on PLE, analyzes the existing legal framework, gives recommendations for their improvement and follows the implementation of PLES and AP.<sup>43</sup>

##### **b. Steering Committee of Public Legal Education**

The bodies of the Network are the Steering Committee for Public Legal Education (SCPLE) and the Advisory Board (AB).<sup>44</sup>

<sup>40</sup> Strategy on Public Legal Education, p. 41-44.

<sup>41</sup> PLES, p. 46

<sup>42</sup> Article 2, Regulation of the National Network for Legal Education of the Public.

<sup>43</sup> Article 4, Regulation of the National Network for Legal Education of the Public.

<sup>44</sup> PLES, p. 46



Due to the important role of the Assembly, under which the coordination structure of PLE was established and functions, the chairman of the Steering Committee is the representative of the Assembly. SCPLC consists of representatives of the following institutions: the Assembly; Prime Minister's Office; Ministry responsible for legal issues; Ministry responsible for education; Ministry responsible for internal affairs; Commissioner for the Right to Information and Protection of Personal Data; Commissioner for Protection from Discrimination; Free Legal Aid Directorate; Audiovisual Media Authority; High Judicial Council; 2 (two) civil society organizations that work for public legal education; 1 (one) law faculty that runs a legal clinic.<sup>45</sup>

#### c. Advisory Board

While the Advisory Board consists of experts and academics with experience in the field of PLE, and has an advisory role to the Steering Committee in supplementing and improving policies in the field of public legal education.<sup>46</sup> The Board Members are selected by the Steering Committee, among the lecturers, experts and academics who have expressed interest, after the public announcement for application announced on the official website of the Assembly.<sup>47</sup>

The activity of the Network is supported by the Technical Secretariat, which performs auxiliary, technical and administrative services.<sup>48</sup>

## 4.2 The Action Plan

The action plan for the implementation of PLES was drawn up under the supervision and coordination of the Ministry of Justice (MoJ) and was approved in November 2020 by the Council of Ministers.<sup>49</sup> Although the strategy provided for a 6-month deadline for the drafting of the AP from the date of approval of the PLES, the process took a little more time. The AP is built in harmony with the strategic objectives of PLES and identifies the concrete measures that the members of the network should take in order to achieve the strategic objectives.

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<sup>45</sup> PLES, p. 46.

<sup>46</sup> PLES, p. 47.

<sup>47</sup> Article 9, regulation of the National Public Legal Education Network.

<sup>48</sup> Article 17, Regulation of the National Network for Legal Education of the Public.

<sup>49</sup> Decision No. 878, Date 11.11.2020 For the Approval of the 2020-2023 Action Plan, in Implementation of the Legal Education Strategy for the Public 2019–2023.



## The role of the main institutions in the legal education of the public

### 5.1 The Assembly

The Assembly had a primary role in the creation of the network and the supervision of the implementation of PLES and AP, as it was entrusted with the task of establishing the Network and because of this role, the representative of the Assembly in the Steering Committee is also the chairman of SCPLÉ. The Assembly, due to its nature as a law-making body, has an increased obligation for PLE. In fulfillment of this mission, several significant initiatives have been implemented, including the adoption of the law ‘On public notification and consultation’<sup>50</sup> which constitutes an important step towards the recognition of new legal initiatives and their presentation to the public. Secondly, the adoption of the law ‘On the role of the Parliament in the process of integration of the Republic of Albania into the European Union’, has defined a higher standard of transparency for European affairs, forcing the Assembly to create a special column for informing the public on European integration issues on its official website.<sup>51</sup> And finally, an educational measure, is the initiative of the live broadcast of the committees sessions that can be accessed on the official website of the Assembly.

In addition to these initiatives, the AP drafted in implementation of the PLES, has defined several other tasks for the Assembly in the function of providing legal education to the public. Inter alia, the Assembly should ensure an increased transparency on the activity of legal education of the public, such as setting up and updating the web page dedicated to the Network through: (I) The uploading of data on activities undertaken for PLE in the field of legislation according to the area of responsibility of each ministry (members of the Network) and other public authorities and the publication of all reports or documents that are approved by the Network and its bodies.<sup>52</sup>

From a detailed examination of the website of the Assembly, it appears that the legal education of the public does not have a visible space dedicated exclusively to PLE, but the information about it can be found under the heading “Strategic Documents”. Meanwhile, PV requests the creation of a website for the Public Legal Education Network. Even under this heading, the published information is incomplete, as the reports approved by the PLE Steering Committee are missing. On the date accessed<sup>53</sup>, on the page are published: PLES, AP, Decision no. 1/2019 for the Establishment of the Advisory Board, Assembly Report on the activity carried out for PLE, but without specifying the period, as well as the minutes of the meetings carried out by the Network on 23.11.2020, 23.2.2021, 3.3.2021, 26.5.2021. This page lacks SBPLE decisions on the approval of reports drawn up by the MoJ about PLE. Moreover, that there is no information for about 1 and a half years about the activity carried out by the Network.

50 Law No. 146/2014 ‘On Public Notification and Consultation’.

51 Article 23 (1)(2), Law no. 15/2015 For the role of the Assembly in the Integration Process of the Republic of Albania in the European Union.

52 Action 2.1.2 a, the Action Plan

53 6.12.2022.



Another obligation that stems from the AP is the drafting of the communication plan, which has not been published, even in letter no. Prot, 3760/1, date 25.11.2022 of the Assembly as a response to the letter of the AHC wherein it requests information<sup>54</sup>, inter alia, even for making available the Communication Plan drawn up according to the AP, the request has not been addressed. Under these conditions, we are inclined to believe that the fulfillment of this obligation arising from the AP has not been carried out by the Assembly.

## 5.2 Ministry of Justice

Ministry of Justice (MoJ)<sup>55</sup> by law, is assigned the task of taking care and supporting scientific activities in the domain of justice and the spread of legal education, as well as taking care of the follow-up and coordination of relations with civil society in justice's domain.<sup>56</sup> Practically speaking, in other terms, the law regulating the activity of the MoJ charges the latter with the task of spreading legal education, which should be understood as legal education of the public, since PLE aims precisely to create legal education or culture among individuals. Moreover, the law has given the MoJ a special role in terms of the rights of minors, as the MoJ supports the realization of activities in the field of justice for minors, for the protection of rights and legitimate interests of them, legal education and prevention of violations of the law on their part, as well as for the exercise of services to minors, by the relevant structures of the justice system, according to the provisions of special laws in the relevant field.<sup>57</sup> In addition to this role of the MoJ that originates from its organic law, PLES has given other responsibilities to the MoJ in terms of legal education of the public either as an important part of the supervisory structure or the responsibility to advance PLE especially for minors.

While according to PLES, the Ministry of Justice has taken on a coordinating role of monitoring its implementation, as it serves as the first level of supervision of the activities of the bodies, part of the network. We consider it as the first level, since the final supervision of the activity within the strategy is the Assembly. The MoJ was also assigned the task of drafting the action plan. After the completion of this phase, the MoJ was assigned the task of drafting the reporting plans of the institutions part of the network, which are sent to the Public Legal Education Commission for approval.

In implementation of PLE, the action plan has foreseen some concrete tasks for MoJ-such as: Creating a database of donors who support PLE activities, drawing up a report on the assessment of the needs for improvements of the legal and institutional framework of PLE. In order to inform about the implementation of these two measures, the AHC addressed a request for information to the MoJ<sup>58</sup>, which in its reply through letter Prot. no. 5906/1, dated 24.11.2022, did not directly address these requests. The analysis of the legal and institutional framework that regulates PLE, has been one of the actions taken toward achieving the specific objective 1.1., which defines that 'This strategic objective is expected to be achieved through the realization of the following specific objectives: Improvement of the legislation, in order to include the principles and forms of PLE and the inclusion of PLE in the responsibilities of the institutions.'<sup>59</sup>

We estimate that the requested information is important in the evaluation of the PLE as it first identifies the need for legal intervention in the event that obstacles or difficulties are found in the operation of the Network and secondly, the information on the donor database is again an important information to plan future activities of PLE and above all for a greater involvement of Civil Society Organizations as one of the challenges faced by PLE is sustainable funding.

54 Nr.Prot.581, date 11.11.2022

55 Law no. 8678, dated 14.5.2001 'On the organization and functioning of the Ministry of Justice', amended.

56 Article 6, law no. 8678, dated 14.5.2001 'On the organization and functioning of the Ministry of Justice', amended.

57 Article 6, law no. 8678, dated 14.5.2001 'On the organization and functioning of the Ministry of Justice', amended.

58 Prot. no 582, dated 11.11.2022

59 SELP, p. 40.

### 5.2.1 The Role of the Free Legal Aid Directorate in Public Legal Education

Approval of the new law no. 111/2017 'On Legal Aid Guaranteed by the State' aimed to complete the reform of the justice system, by guaranteeing access to justice for citizens in need. The provision of primary legal aid is one of the forms of legal education of the public, although it has a narrower scope as it targets a smaller number of individuals (those in conflict with the law and who meet the criteria for benefiting from legal aid) and offers advice on specific cases. On the other hand, public legal education aims to anticipate this situation, preparing the individual before he faces a legal conflict, making him aware and educating him so that he is able to use the acquired knowledge in a context of certain circumstances. However, although with a narrower focus, even primary legal aid is one of the forms of how public legal education is manifested. Consequently, this law constitutes a very important step towards the realization of PLE, since one of the legal functions of the Directorate for Free Legal Aid is "cooperation with international organizations, with legal clinics and with domestic and foreign non-profit organizations in the development of the legal aid system, through increasing awareness and legal education of the public".<sup>60</sup> Although the predecessor law 'On legal aid' provided for legal education of the public as one of the forms of legal aid, it did not foresee any concrete obligation of the State Commission for Legal Aid to provide legal education to the public.

The role of DFLA is very important in terms of providing PLE, as it has qualified and trained staff to provide legal education. Of course, it is impossible for this directorate to carry out all the activities for PLE, therefore it is necessary for it to extend cooperation with law clinics established near law faculties, as well as with international and local organizations engaged in providing PLE.<sup>61</sup>

For these reasons, from a strategic point of view, a more key role for DFLA in providing PLE should have been considered because it is one of the main institutions that has its functional task of providing PLE. In turn, this calls for a more proactive approach by DFLA. As the previous reports drawn up by AHC have recommended, DFLA and MoJ should undertake awareness campaigns at the national level, through periodic meetings with citizens, with the competent institutions at the local level, and the distribution of materials in a simple and understandable language for the citizens. Based on the situation found on the ground, the AHC recommends considering the realization of informational activities mainly in the cities in whose jurisdictional territory there are no legal aid service providers guaranteed by the state.

### 5.3 High Judicial Council

In the PLES, the HJC is assigned the obligation to create and put into operation an online portal, with the aim of providing the necessary information for access to justice, the nature and purpose of court proceedings, legal aid, fees and alternative means for resolving disputes. Also, this institution has the duty to take action so that the public and interested parties are informed about the activity of the courts.<sup>62</sup>

Regarding the work of the HCJ in terms of creating and putting this portal into operation, the AHC addressed the letter no. 583 prot., dated 11.11.2022 to request information on the actions of the HJC in fulfillment of this obligation. In fact, the response from HJC<sup>63</sup> does not directly address the request on the aforementioned portal. However, after the draft of this policy document was sent to it for comment by AHC,

<sup>60</sup> Article 8(2)(e), law no. 111/2017, 'On Legal Aid Guaranteed by the State'.

<sup>61</sup> See Monitoring Report 'Recognition of the Right to Legal Aid Guaranteed by the State' Data collected during the monitoring missions carried out in the cities of Kukës, Himara and Librazhd, January 2020, p. 34. [RAPORT-MONITORIMI\\_-Ndihma-Juridike-Librazhd-Kukes-Himare.pdf \(ahc.org.al\)](#)

<sup>62</sup> PLES, p. 24.

<sup>63</sup> Prot. No. 595, dated 15.11.2022



HJC informed that this portal has been created ([gjykata.gov.al](https://gjykata.gov.al/)).<sup>64</sup> In fact, this portal constitutes a unification of all the official websites of the courts in the country, except for the Supreme Court and the Court of the Judicial District of Tirana, where information for professionals and citizens is combined. Citizens lack information on legal aid and alternative means for resolving disputes. It is not clear how oriented towards the legal education of the public HJC has been in the conception of this portal, since it does not seem very friendly to the non-lawyer citizen as one is navigating it. Therefore, in the review and change that the portal may undergo as a result of the implementation of the new judicial map, this portal can be utilised to gather citizens' opinion on its accessibility by individuals, as well as what information is most relevant to them.

On the other hand, HJC informs that it has approved the Communication Plan for the courts in the Republic of Albania, which serves as a starting point for how the courts approach the public and other actors during a process of communication and interaction. The plan, according to HJC's response, is in the initial phase of its implementation.<sup>65</sup>

This plan was preceded by the Strategic Communication Plan for the Judicial System, approved by decision no. 590, dated 26.11.2020, which provided for the inclusion of orientation information for citizens such as access to the court for certain categories, information on legal aid guaranteed by the state, court fees, information on the procedure for submitting an appeal/recourse, etc.<sup>66</sup> Despite the existence of this plan and the provisions to provide information to citizens, the web pages of the courts, with a few exceptions<sup>67</sup>, currently do not fulfill the mission of legal education of the public.

In the same line with the provisions of the Strategic Communication Plan for the Judicial System, the Communication Plan for the Courts has recently been drawn up, aiming at the online publication of informational graphics for each court, which contains the explanation on territorial jurisdiction, the number of judges, infrastructure, distance, etc.; enrichment of websites with concise information and in an understandable language on how to approach the court to start a judicial process, access to the court by special categories and vulnerable groups, free legal aid, drafting of informational materials on the benefit of free legal aid, drafting leaflets for complaints/requests addressed to the court, publication of materials on the rights of minors, etc.<sup>68</sup> The new Communication Plan for the Courts seems ambitious and certainly serves the PLE, but this requires its most correct implementation to fulfill the mission of legal education of the public.

<sup>64</sup> <https://gjykata.gov.al/>

<sup>65</sup> HJC paper no. 5904/1, dated 14.11.2022.

<sup>66</sup> Strategic Communication Plan for the Judicial System, approved by HJC decision no. 590, date 26.11.2020, HJC.

<sup>67</sup> Here we can mention the Court of the Judicial District of Durrës, the Court of the Judicial District of Tirana, the High Court which provide clear and almost exhaustive information to the public. Although in terms of PLE and in implementation of the Communication Plan it is necessary that these pages also include new information necessary to facilitate access to justice.

<sup>68</sup> Communication Plan for the Courts 2022-2024, <https://klgj.al/wp-content/uploads/2022/11/PLANI-I-KOMUNIKIM-IT-P%3%8bR-GJYKATAT-2022-2024.pdf>.



## The role of Civil Society Organizations (CSOs) towards accomplishing of PLE

In Albania, CSOs have made a significant contribution to the advancement of PLE. Due to the nature of their activity and a tradition already established in terms of providing this education, CSOs are included in the National Public Legal Education Network. Therefore, five civil society organizations that are engaged in providing Public Legal Education are part of the National Public Legal Education Network. This involvement helps in the exchange of experiences between these actors who have periodically offered the service of legal education to the public. The contribution that CSOs have made in terms of legal education of the public has been recognized by important acts such as the Strategy for the Reform of the Justice System, which ascertains that the legal education of the public has been realized only through the projects and initiatives of the non-profit organizations operating in this domain and with the support of international partners.<sup>69</sup>

After the adoption of the new law 'On legal aid guaranteed by the state', civil society organizations authorized by the Minister of Justice offer primary legal aid. As we emphasized above, legal education of the public can also be achieved through the provision of primary legal aid. The greater involvement of civil society organizations in the provision of primary legal aid (as a manifestation of public legal education) and their financial support serves to increase the experience to provide PLE in a continuous and sustainable manner. DFLA reports show that the number of civil society organizations with which an agreement has been signed for the provision of primary legal aid is increasing.<sup>70</sup> Therefore, this increase serves as an indicator for the expertise gained by these organizations and the provision of quality PLE. However, we emphasize that the work that must be done by CSOs in terms of PLE must precede the moment when the individual goes to DFLA for primary/secondary legal assistance. So, CSOs should serve to create a legally educated citizen and, above all, able to avoid conflict with the law and, in case of impossibility, to know exactly the help he needs and how to orient himself. In this regard, the preliminary work done by CSOs for PLE has a broader focus, while the provision of legal assistance by them or the DFLA aims to guide or provide answers to a specific case.

Currently, in Albania the activities within the PLE are fragmented and above all they do not follow concrete programs drawn up under academic/professional supervision. The provision of PLE is a difficult undertaking, so it must be built and run in terms of the exchange of assets of each participant, especially between the academic world and civil society organizations, where academia contributes by providing the expertise to break down the terminology into a simple language. complex and technical aspects of the law, while on the other hand, CSOs offer the experience gained over the years in the field for the legal education of the public. Therefore, in this perspective, the inclusion of CSOs in the network of legal education of the public is a very positive step for laying the foundations for the fulfillment of a mission that goes beyond the limits of narrow state obligation.

<sup>69</sup> Strategy in the Reform of the Justice System, p.28.

<sup>70</sup> Directorate of Free Legal Aid, Annual Performance Review 2021, p. 52-53. <https://ndihmajuridike.gov.al/wp-content/uploads/2022/01/Raporti-vjetor-per-vitin-2021-converted.pdf>





In this line, even earlier reports of the CSO, drawn up independently, have highlighted the need for a greater involvement of CSOs due to the expertise they offer in creating appropriate policies for the provision.



## Best models of successful implementation of public legal education

Although PLE is important for the strengthening and functioning of the rule of law, it has not attracted much academic attention and consequently there are no theoretical approaches comparable to other components related to the concept of the rule of law. This lack has been one of the limitations of the research work in the realization of this policy document. Consequently, in order to glean the best PLE models, we have referred to two countries that represent today the best standard of public legal education provision.

First, the United States of America is the place where the idea of public legal education was first launched and implemented, through the traditional method of providing this education, which is the Street Law. According to this model, PLE was born from Georgetown University auditors and furthered by Street Law Inc., a non-profit organization that was an extension of the SL program.<sup>71</sup> Later, these programs were followed by bar associations, other faculties as well as non-profit organizations. The success and sustainability of these programs in the United States of America is largely related to the spirit of effective collaboration among law schools, government, legal practitioners, and community groups (non-profit organizations).<sup>72</sup>

Second, the other PLE delivery model comes from the United Kingdom. Even in this country, PLE has had its challenges, but work has been done to implement a suitable model. Indeed, PLE is multifaceted in nature and somewhat difficult to administer, as it requires qualified staff to break down difficult concepts of the law and convey them to a non-legally trained audience. Here, a broad coalition was established in 2006 that identified several recommendations on how the PLE should be administered. Currently, PLE is offered by both Universities<sup>73</sup> as well as from non-profit organizations, among whom the LawforLife foundation.<sup>74</sup>

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71 Lee Arbetman, Street Law, Inc.: Context, History and Future,

72 Lee Arbetman, Street Law, Inc.: Context, History and Future, f. 12.

73 See: <https://www.sussex.ac.uk/law/clinical-legal-education/>

74 <https://www.advicenow.org.uk/lawforlife/who-we-are-0>

## Challenges of Public Legal Education in Albania

In general, PLE is a challenging activity, so the expectation is that the provision of PLE in Albania will also face challenges. However, the institutional commitment to support PLE and the drafting of strategic documents that constitute quality steps towards the provision of PLE in a sustainable and coordinated manner should be appreciated.

One of the challenges facing PLE is finding a definition on which to base the activity of PLE providers, providing clarity as to which action will be defined as legal public education and which will not.

Second, it is its fragmentation and lack of coordination of PLE service providers. As it also results from the reports by the institutions on the activities related to the PLE, there is not a good harmonization of the activities between them, but each institution acts isolated from the others in some activities (even a good part of them are not included in the definition on which this document relies for PLE).

Thirdly, one of the biggest challenges is the creation of functional structures that promote cooperation between actors with experience in PLE and sustainable financing.

From the best experiences for legal education of the public, it results that public institutions are not exclusively at the center of PLE. Of course, the state has its encouraging and supporting role for all PLE activity, but it is a very big burden to provide PLE exclusively by public institutions. Therefore, based on the experiences of the countries where PLE has emerged and it has been developed, attention should be focused on the stakeholders who can make a greater contribution. Among these stakeholders, we mention the faculties of law, as they have served as the place of birth and implementation in practice of the idea to train the citizen from a legal point of view. In spite of this traditional role, it seems that the Strategy and AP have devoted a marginal space to law faculties in this direction. It was the vision of University of Georgetown professors that brought students to the streets as ordinary citizens, not lawyers, needed to understand the law in practice in order to take on civic responsibilities.<sup>75</sup> This is a function which, due to the way law faculties are organized and function, can be fulfilled successfully. This requires sufficient funds, the commitment of professors who must have the vision and ideas of providing this clinical education to the public. Along with the experience of the teaching staff, law faculties bring the zeal and passion of students who are in the process of graduating to put their knowledge at the service of society. The combination of these factors can be a successful recipe in terms of providing legal education to citizens as it is an activity with double benefits, for citizens and for students who apply in practice abstract knowledge gained from auditors.

The engagement of young people in the direction of legal education of the public has been a suggestion that AHC has brought to the fore even earlier, although with a slightly narrower focus. In the monitoring report on the recognition of the right to legal aid guaranteed by the state, it is suggested that young people be involved in awareness-raising activities with a focus on legal education on legal aid guaranteed by the state, as well as taking concrete measures for the posting of promotional materials drawn up by the DFLA in the premises of institutions at the local level, where citizens' access is increased.<sup>76</sup>

75 Lee Arbetman, *Street Law, Inc.: Context, History and Future*, fp.1. Even in the United Kingdom, although implemented later than in the USA, the initiative for PLE came from Prof. Richard Grimes who introduced Street Law in 1997 at the Derby University. (Review: *Public Legal Education – The Role of Law Schools In Building A more Legally literate Society* (Routledge 2021) Amy L. Wallace)

76 Monitoring Report 'Recognition of the Right to Legal Aid Guaranteed by the State' Data collected during the monitoring missions carried out in the cities of Kukës, Himara and Librazhd, January 2020, [RAPORT-MONITORIMI\\_-Ndihma-Juridike-Librazhd-Kukes-Himare.pdf](#) (ahc.org.al)

## CHALLENGES TO LEGAL EDUCATION OF THE PUBLIC IN ALBANIA

We reiterate that the role of the academy in the provision of PLE is important as the programs of provision of legal education to the public must have a supervision by the academic community so that the information is conveyed with professionalism, accuracy and quality to the citizens. On the other hand, it is also essential that this activity be sustainable and not sporadic. Therefore, it is necessary to combine the contributions of each participant to create a functional mechanism. This mechanism could combine CSOs (that legally educate the individual through community service projects) and other groups more closely related to legal education (such as the National Bar Association) that have gained the necessary experience to practice this activity, with law faculties providing academic supervision and sufficient human resources to have a wide scope of this activity.

So, the challenge currently is how to re-dimension the role of CSOs and law faculties in the Network creating more space to further develop the PLE.

# 9

## Findings and Recommendations

In conclusion, as a result of the above analysis, we find it appropriate to emphasize that the discussion and bringing the concept of legal education of the public to the state's attention is a very important step towards its actual provision. As a response to this discussion, two documents have been approved that constitute the first acts with the object of exclusively regulating the legal education of the public in Albania. Consequently, the following findings are intended to improve subsequent documents that will regulate aspects of public legal education.

Although significant steps have been taken by approving important acts such as PLES and AP, we find that both acts do not yet have the proper vision to provide quality education to the public. On the other hand, from a technical point of view there is time after time inaccuracy and confusion about the concept of PLE. Having ambiguity over the definition of PLE, the strategy lacks a coherent identity and identification of best practices in the provision of public legal education.

Also, we underline that being an act approved for the first time and above all without any reference to any specific functional model, but a completely local creation, it would be necessary for the Strategy to be preceded by a real study to produced empirical data on legal education needs as well as target groups and the most efficient methods in providing quality legal education.

The strategy is voluminous and has identified a number of institutions as part of the Public Legal Education Network, but it has encountered difficulties to be implemented in practice, also due to the confusion that accompanies it as a result of the lack of a functional definition for PLE. As we found in the analysis, reference was made to the right to information and the right to education, while as discussed above, these rights are not identical concepts, although they help in providing quality PLE. Reference to these rights causes the Strategy to lose its identity as an act regulating PLE.

The ambiguity that accompanies the strategic document is also reflected in the draft-progress reports prepared by the MoJ (on the implementation of AP actions) that encourage public institutions to be accurate, improve performance, and respect the deadlines for reporting to the MoJ.<sup>77</sup> In fact, some of the activities that the institutions refer to as activities carried out within the framework of PLE, are not such, and here we can mention: the participation of the staff of the relevant institution in trainings on topics related to the field of activity of the institution, staff trainings of public administration for certain areas of law, activities for strengthening and enabling the bodies of the institution to exercise powers according to the law, recommendations and legal opinions given by certain institutions, or simply publishing the list of laws applicable to the activity of an institution, and the like. Confusion in the reporting and understanding of PLE by state institutions does not serve the provision of quality PLE.

<sup>77</sup> Draft Monitoring Report for the January-December 2020 Period, p. 55-56. (We clarify that the drafts of the reports are found on the MoJ website, as these drafts are approved by the Steering Committee of Public Legal Education. The final reports approved by SCPLÉ are not available on the website of the Assembly)

## CHALLENGES TO LEGAL EDUCATION OF THE PUBLIC IN ALBANIA

Reports on the implementation of actions according to the action plan seem more like fulfillment or quantitative achievements than qualitative ones.<sup>78</sup> For this reason, the recommendations of the MoJ emphasize the need for better performance of the reporting institutions for the implementation of certain measures according to the AP, given that there have been problems with the quality of reports and compliance with the reporting time.<sup>79</sup>

In terms of the mechanisms chosen to achieve the objectives, we find it appropriate to emphasize that the launch of the Network's activity should have been preceded by studies to identify the priority need for intervention, to have empirical data on citizens' knowledge of their rights and the specific needs that certain groups have. Above all, these data would help to identify the mechanism that best achieves the intended objective.

The institutional structure chosen for the implementation of PLES is not very suitable for achieving the intended objectives. Based on the experience of countries with good PLE models, we find that public legal education is better achieved if there is state financial support and coordinated policies. Although it should be noted that it would not be realistic to predict that public institutions can fully provide PLE.

For this reason, the structure and functions that the Network and its bodies have for PLE should be reviewed. In our assessment, this body has an inverse composition, while most of the members of the Network should have representatives from law faculties and civil society organizations, in fact, they have public and independent institutions, which as results from the reports are encountering difficulties. In the circumstances where the number of organizations providing primary legal aid has increased, it is easier to include a wider circle of organizations in this body.

Also, at the end of the analysis of the activity of the institutions with a greater weight in terms of providing legal education to the public, it is found that there is a lack of activation on their part after the middle of 2021. The website of the Assembly has not been updated regarding the activities carried out by the Network bodies after May 2021.

In terms of legal education of the public, an important initiative has been the adoption of the new law 'On Legal Aid Guaranteed by the State', which has charged the DFLA, among other things, with the task of legal education of the public. Therefore, a greater attention and a more inclusive model of DFLA in the structures of the Network could constitute a functional model for the advancement of PLE. Of course, this Directorate will have to coordinate its activities with a number of actors, especially with international and local organizations in order to have a greater impact towards PLE.

Based on the problems found in the current strategic and institutional structure, we recommend:

1. Finding a "definition" and identifying principles and best practices for public legal education. The lack of a definition constitutes an obstacle in the progress of PLE, since it is not possible to identify it as an activity on its own, to monitor and evaluate its progress.
2. Reviewing the structure in search of a more functional model which recognizes a greater role for traditional PLE providers, such as law faculties, CSOs and the Free Legal Aid Directorate. In this structure, a more active participation of other actors such as chambers of advocates and legal offices to offer PLE according to areas of specialization as a pro bono activity can be considered.

<sup>78</sup> Draft Monitoring Report for the January-December 2020 Period, p.55-56.

<sup>79</sup> See, Draft Monitoring Report for the Period January-December 2020, p. 55-56. Also see the draft Monitoring Report for the Period January-December 2021, p. 63.



Also, appreciating the increase in the number of CSOs that have been certified for providing primary legal aid, to give a greater incentive to their engagement in the structures of the Network, their inclusion on a rotating basis in the bodies established to have a greater exchange of experience gained in the legal education of the public. This recommendation is also in line with the previous recommendations of the reports of the Albanian Helsinki Committee in the framework of the operation of the Free Legal Aid Directorate, where the need for immediate funding was emphasized in order to re-functionalize the Law Clinic at the Law Faculty of Tirana University.<sup>80</sup>

3. Given that the provision of PLE has been episodic, it is recommended that PLE providers report the work they have carried out, the domain under their programs, the concrete activities carried out in order to exchange experience, knowledge and identify best practices ascertained from the field provision of this education.
4. Professional/academic oversight of PLE programs aiming at the accuracy of the information disseminated, the sustainability of the provision of this education and addressing the concrete needs of the public for legal education.
5. A revitalization of the role of the main bodies, such as the Assembly, MoJ, HJC that have a significant influence in terms of providing PLE to coordinate the work between them, as well as to inspire the creation of functional schemes for PLE.
6. Conducting studies to extract empirical data related to the level of knowledge of the public and their main needs for education. These data should serve as a basis for designing the next strategy.
7. Wider use of alternative PLE methods, especially the design, printing and distribution of brochures, booklets, manuals designed by law faculties and distributed in areas that cannot be easily reached by student visits. Above all, the use of a certain method of distribution of PLE depending on what is intended to be achieved. As different methods of delivering PLE can be effective in achieving different objectives and are suitable for certain groups.
8. Public institutions, in the function of legal education of the public, create on their official Webpages the column of questions and answers (Q&A), where according to the field of competence each institution explains the law applied in certain factual situations and addresses the most frequent situations that individuals usually encounter. This activity must be supervised and the information must be accurate and constantly updated.

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<sup>80</sup> Report 'Monitoring the Implementation of the Law on Legal Aid Guaranteed by the State, Within the Provision of Primary Legal Aid', November 2019, p.19, Raport-Ndihma-Juridike-per-publikim-\_ -Komiteti-Shqiptar-i-Helsinki.pdf (ahc.org.al).

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