Albania's Open Government Partnership Action Plan 2020-2022:

Access to Justice

Stakeholder Consultation 2
5 October 2020

What is the Open Government Partnership (OGP)?

- Began in 2011 as a unique partnership between government leaders and civil society advocates

- International agreement that combines the powerful forces of both government and civil society to make **governments more open, effective, and accountable to serve and empower their citizens**

- Seventy-eight countries and a growing number of local governments—representing more than two billion people—along with thousands of civil society organizations are members of the OGP

OGP National Action Plans

- **Action plans are at the core of participation in OGP**

- Participating countries develop two-year National Action Plans without gaps between the end of the last action plan and the beginning of the new one

- Every country will be implementing a plan at all times

- Countries draft their new National Action Plan during the last six months of implementation of the previous plan.

- **Participating governments work in collaboration with civil society to co-create action plans for government reforms to promote the OGP's values of civic participation, transparency and public accountability.**

- To date the OGP process has been involved in the co-creation of over 4000 open government reforms.
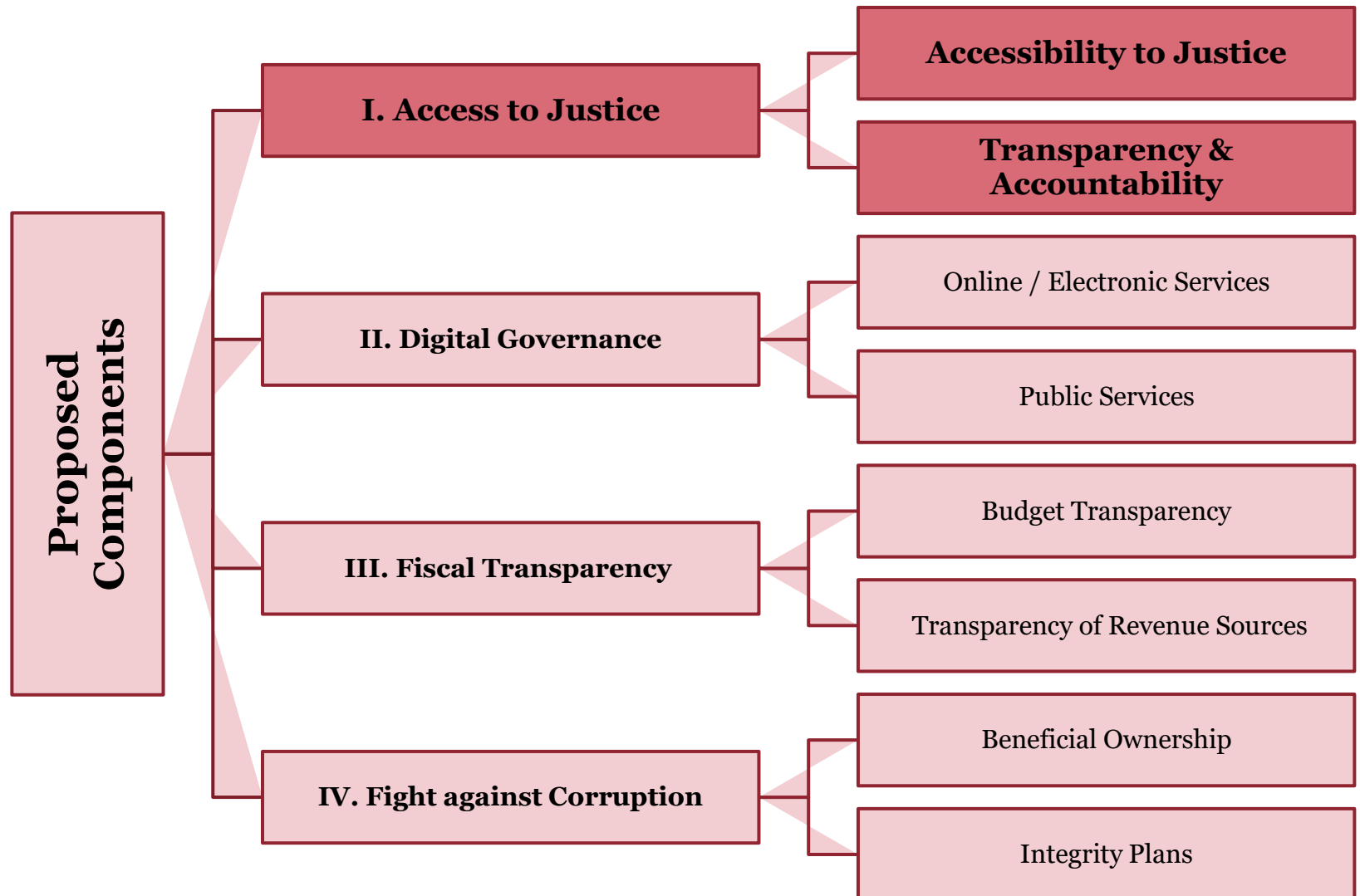
Collaboration between government, civil society and stakeholders

- **Action plans are independently monitored by the OGP's Independent Reporting Mechanism** to ensure accountability and transparency and promote meaningful collaboration with civil society towards meaningful reform strategies

- **Each participating government is obliged to co-ordinate and collaborate with civil society to jointly develop commitments on selected areas of focus for government reform**

- **Created by combining the forces of government and civil society, working together to define ambitious commitments across a range of issues.**

What are the principles of OGP?

Transparency	Accountability	Public Participation	Technology & Innovation
• Publication of all government-held information (as opposed to only information on government activities); • Proactive or reactive releases of information; • Mechanisms to strengthen the right to information; • Open access to government information.	• There are rules, regulations, and mechanisms in place that call upon government actors to justify their actions; • Rules or mechanisms that require governments to act upon criticisms or requirements made of them; • Governments must accept responsibility for failure to perform with respect to laws or commitments; • Outward-facing component (i.e., they are not solely accountable to internal systems, but also involve the public).	• Governments seek to engage citizens in a dialogue on public policies or programs; • Governments request their input, feedback, and contributions, which lead to more responsive, innovative, and effective governance.	• Governments embrace the importance of providing citizens with open access to technology; • Governments embrace the role of new technologies in driving innovation, and the many benefits of increasing its capacity; • Technology and innovation cannot be a stand-alone principle but must support/advance the previous three principles.

Proposed Policy Goals

Proposed Components

I. Access to Justice
- **Accessibility to Justice**
- **Transparency & Accountability**

II. Digital Governance
- Online / Electronic Services
- Public Services

III. Fiscal Transparency
- Budget Transparency
- Transparency of Revenue Sources

IV. Fight against Corruption
- Beneficial Ownership
- Integrity Plans

Stages of drafting the Action Plan 2020-2022

- **Process Mobilization with Component Leaders**
- Finalization of the methodological package
- Sending the methodological package to the leaders of each component
- Meeting with the Technical Secretariats

- **Online consultation of the early phase of priority measures**
- All 4 components / secretariats will consult the public online through innovative methods (eg. surveys), which will be coordinated by the National Agency for Information Society

July-August

September-October

- **Preparation of the Action Plan 2020-2022 for each component in coordination with civil society and stakeholders**

- Coordinated consultative working meetings with civil society on consolidation of priority measures

- **Finalization of the consultation and approval of the GMIP Action Plan 2020 - 2022**
- Department of Development and Good Governance for the:
- Consolidation of the Action Plan 2020-2022
- Consultation on the OGP site
- Finalization of the draft and submission for discussion / approval to the GMIP (coordinated with civil society actors)

November-December

Access to Justice

- Access to justice is defined **as the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances**.

- It applies to civil, criminal, administrative, and human rights law.

- Access to justice should be predictable, transparent, effective, non-discriminatory, and accountable.

- Access to justice is both a goal in and of itself and a means to achieving or assuring other goals and rights, such as facilitating improved service delivery and anti-corruption or assuring or the right to information and participation.

OGP Recommendations: Open Justice

- **Establish multi-stakeholder groups** to identify and address access to justice challenges

- **Develop and deploy legal needs assessments**

- **Build legal capability** by improving access to information

- **Strengthen resolution forums and processes**

- **Work to improve outcomes and reduce hardships**, especially for under-represented communities

Stakeholder Participation

- **Consultation meetings**
  - Opportunities to suggest ideas / discuss / brainstorm / select ideas

- **Information / briefs on OGP and Access to Justice**
  - Background information
  - Criteria for including ideas into the action plan
  - Other country examples

- **Feedback tools for contributing ideas**
  - Word and online formats

Stakeholder Input 1: Key Issues

Identifying Key Issues for Access to Justice:

What do you think are the most important issues the Albanian Government should prioritize to improve access to justice and why?

1.

   _____

2.

   _____

3.

   _____

Stakeholder Input 2: Ideas

Ideas and Solutions to Support Access to Justice

Please propose any ideas or solutions you may have to support Access to Justice efforts. These suggestions can be simple – the details can be discussed in later consultations:

Idea 1

1. *Briefly describe the overall idea*

   _____

2. *What is the problem the idea will address?*

   _____

3. *Main objective of idea*

Stakeholder Input 3:
Solutions to Support Access to Justice

When thinking of ideas keep in mind the following:

- **Problem**:
  - What is the social, economic, political, or environmental problem addressed by this idea?

- **Objective**:
  - What are the objectives stated in the idea? How does the idea's objective contribute to solving or improving the problem?

- **Solution**:
  - What activities does the idea propose to achieve the objective? How would the activities contribute to the objective of the commitment?

- **Impact**:
  - If fully implemented as written, what potential effect would this approach have on the problem? What would each milestone achieve?

Stakeholder Input 3 cont.

1. **Describe the overall idea**

2. **What is the problem the idea will address?**

3. **How will the idea help solve the problem?**

4. **Main objective of idea** / What would be the impact of the idea if implemented**?**

5. **Main beneficiaries** / Who benefits?

6. **Would the idea improve?:**

    • **Transparency & Access to Information?**
      Disclose more information? Improve the quality of information disclosed?
      Improve public access to information? Enable the right to information?

    • **Public & Civic Participation?**
      Create or improve opportunities, or capabilities for the public to inform or influence decisions?
      Create or improve the enabling environment for civil society?

    • **Government Accountability?**
      Create or improve rules, regulations & mechanisms to publicly hold government officials answerable to their actions?

    • **Technology & Innovation for Transparency & Accountability**
      Use new or innovative means to promote transparency & accountability in public policy?

7. **What are the main agencies who would implement the idea** (Ministries/NGOs/etc.)?

Access to Justice Problems in Albania

	Indicator	Occurrence in Albania
Legal Problems	• The types of legal problems most frequently encountered by the public; • Developing, implementing, and publishing the results of legal needs surveys can identify the nature and impact of legal problems and identify paths to resolution; • Carrying out legal needs assessments help decision and policy makers identify needed interventions.	• **22% experienced a legal problem in the past two years** • Consumer issues, land issues, public services, money and debt, house and community and natural resources were the most frequently cited legal problem
Legal Capability	• Citizens knowledge and ability to understand the law, seek help, and navigate justice processes; • Includes ensuring adequate access to information about legal solutions & access fair justice support	• **48% do not know where to get advice and information** • **64% did not feel they could get all the expert help they wanted** • 39% were not confident they could achieve a fair outcome
Sources of Help & Access to Help	• Citizen's ability to get legal help, whether formal or informal; • Quality of legal help available to citizens; • Policies to improve access include: developing self-help resources, expanded legal assistance, and improving the services of justice offices.	• **Only 18% were able to access help** • Of those who access helped most received advice from friends, family or lawyers or professional advice services

	Indicator	Occurrence in Albania
Problem Status	Whether the legal problem is done & fully resolved, or if the problem persists but citizen has given up any action to resolve it further • The outcome of justice processes: includes: fairness, timeliness, cost, and downstream ill-effects (such as health effects).	• **52% said the problem wasn't fully resolved** • **17% gave up any action to resolve the problem further**
Justice Processes	Assessment of the timeliness, fairness, & cost of the resolution process for respondents whose problem is done (resolved or abandoned) • The availability and quality of processes to meet the public's legal needs; • Policies to improve the quality of dispute resolution forums including, but not limited to, courts.	• **On average it took over 2 years or 28 months to resolve the problem** • 52% did not feel the process followed was fair • 38% said it was difficult or nearly impossible to find the money require to solve the problem
Hardship	The percentage who reported experiencing any kind of hardship as a result of their legal problem could include: physical or stress-related ill health, the breakdown of a relationship, loss of employment or the need to relocate, and problems with alcohol or drugs.	• **43% experienced a hardship** • 31% experienced a physical or stress-related illness • 28% experienced loss of income, employment or the need to relocate • 4% experienced a relationship breakdown or damage to family relationship

Examples from other countries:

Increasing the Quantity and Quality of Legal Aid Services
INDONESIA (2018)
- Creation of regulations to guarantee funding for legal aid organizations to expand their reach to more remote and poorer communities
- Civic education campaign to teach citizens how to identify violations of their rights and how legal aid providers can help them win justice for their grievances.

Improving Justice Sector Information through LegalApp
COLOMBIA (2015)
- Introduction of online platform LegalApp to improve public access to information about judicial services that includes:
  - *directory of judicial institutions*
  - *glossary of commonly-used legal terms*
  - *Portal to schedule meetings at various legal offices*
- More than 4.5 million users

Problem Solving Courts
BULGARIA (2014-2016)
- Evidence-based methodology to guide judges working with vulnerable social groups
- Based on empirical research & expertise provided by American experts/judges & their problem solving

COVID-19 Related Examples:

Integrating Technology into Justice Administration
BUENOS AIRES, ARGENTINA
- The city's judicial branch is modelling flexible & accountable ways of administering effective justice through the use of technology

Webpage for Justice Services during Lockdown
PORTUGAL
- Specialized webpage that compiles resources for citizens needing a variety of services
  - Information about the functions of courts and justice institutions during lockdown

Online Legal Counselling
PHILIPPINES
- Online legal counselling for questions about curfew arrests, discrimination to health care workers, etc.

Remote, Rapid-Response Legal Rights Outreach
USA
- Remote, rapid-response legal rights outreach to educate people about changes to workers' rights /evictions

Legal Advice Hotline
SOUTH AFRICA
- Legal Hotline set up for those who need legal help and advice during the country's lockdown

Mobile App and Web Portal for Access to COVID-19 Relief Programs
INDIA
- Helps citizens understand & access COVID-19 relief programs offering basic rations, food & loans

Brain storming questions

- What are the barriers for people wanting to access justice?

- What information do they need that they do not get?

- How can civil society work with government to improve access to justice?

- How can under represented communities (women, minorities, disabled people) be better supported?

Any other ideas welcome!

Faleminderit shumë