



Organization for Security and  
Co-operation in Europe  
**Presence in Albania**

**ADDRESS OF THE HEAD OF PRESENCE  
REGIONAL FORUM ON REFORMING THE JUDICIAL SYSTEM IN ALBANIA**

*Durrës, 1 July 2015*

This meeting is an important step in justice reform. It is also an important achievement in terms of participatory democracy, of involving all stakeholders in an **inclusive, transparent, and Albanian-led consultation process**. This is a process the OSCE Presence is committed to further support.

Why is **inclusive, transparent** law reform so important? Among the OSCE commitments Albania has pledged to uphold are transparency and citizen engagement – guaranteeing the right of every citizen to address the government and legislature and to be heard on issues of public interest.

This political obligation is not the only reason to ensure participatory democracy, however. Consultations with those most affected by a particular law are the most direct path to developing sound, sustainable policies and laws. Public outreach helps guide policy in the public interest. The citizens that participate in developing policy will help implement laws which they understand and support. To anyone who doubts the value of consultation, I ask: if you don't have time to do it right the first time, when will you find time to do it over?

While they might initially seem like an unnecessary delay in the legislative process, international practice has shown that stakeholder consultations are a benefit, not a burden; a gain, not a cost. Stakeholder consultation does not take time, it saves time. It saves time because it includes the important stakeholders whose engagement is necessary to make the reform a success.

Consultation is not just the job of government or the parliament. Although it is the job of public authorities to open the door to citizens' participation, it is equally your job, our job, to be knocking at the door.

Today, judges and legal professionals have come together with other citizens to discuss a vision for the Albanian justice system of the 21<sup>st</sup> Century. The reforms you are discussing today will affect all Albanians and will be implemented, not just by the courts and legal professionals, but by Albanian society. All of us are responsible for promoting rule of law culture throughout the country. It is essential that people trust their justice system, that they rely on it to resolve their disputes while avoiding unnecessary litigation. For this to occur, citizens need public legal education to understand their rights and obligations.

The Working Groups have done a thorough job in analysing the four dimensions of justice: independence, impartiality, accountability and efficiency. I want to emphasize the value of efficiency. Efficiency is critical to fairness: justice delayed is justice denied. This is a shared responsibility: although judges lead in case management, advocates, parties, witnesses and others must respect the efficient conduct of proceedings. This is the case in the active case management system now in place in the district courts of Kruja, Korça, Tropoja and Puka,

with support from the Presence and USAID JuST, together with the High Council of Justice and the Ministry of Justice.

Efficiency is also important to integrity. Active case management ensures that all parties participate in each hearing, thus reducing occasions for corruption. Audio recording enhances transparency with an objective, complete record of the trial, giving parties confidence in the accuracy of the record. These are cornerstones of a 21<sup>st</sup> Century justice system.

The Assembly has taken on the challenge of justice reform; or perhaps I should say Albania has taken on the challenge, as the Assembly works with citizens in forums such as this. Albania will need an implementation plan to meet the challenge. The plan should identify:

1. urgent reforms for immediate implementation,
2. long-term reforms which require more research or consultation, and
3. court management measures which are needed for full implementation of reforms.

I offer the Assembly the continuing support of the Presence in designing an implementation plan under Albanian leadership, making use of the best international experience.