



Organization for Security and Co-operation in Europe

P r e s e n c e i n A l b a n i a

**Address by Ambassador Osmo Lipponen, Head of the OSCE Presence in Albania,
at the presentation of the Legal Sector Report**

19 February 2004

Dear members of the press, dear representatives of the Ministry of Justice,

I am proud to present you here today the OSCE Presence's first comprehensive Legal Sector Report.

When a book is published, it seems so easy, but there is a lot of work behind the end result. I am glad also that the completion of this report coincides with some announced governmental initiatives in the field of the civil service and legal sector reform.

Why have we undertaken this task? Because we have seen that there is a real need for this kind of study and analysis. There is a general need for improvements in governance, especially concerning public participation and transparency. There is no good governance without these qualities in the legal sector. But in general, the purpose of our report is to inform about the legal framework, the practices and the problems with different actors in the legal sector. We also took a risk to make a number of recommendations for improving the legal system.

We have also found many positive elements in our report. There has been a progress achieved in the last couple of years. The High Council of Justice has become more active, the People's Advocate has been gaining wider public confidence, the Magistrates' School has led to higher quality among new judicial appointments, High Court decisions are being published more widely than only a few years ago, and this wider publication has been accompanied by better quality.

We see that there is a real need for an increased transparency in the society and in the legal system, and also in the public participation in legislative drafting. This would not only improve the quality of the laws, but most importantly it would deepen the democracy in this country. When the laws are prepared in a transparent way, all the parties concerned have had an opportunity to voice their opinion. In this kind of situation there is practically no criticism afterwards.

We have also made a number of observations concerning the courts. The need for more transparency concerns also the work of the courts. There has to be an increased public awareness about how the courts are functioning and how the cases are assigned. A wider range of court decisions must be published. This would encourage higher quality in decisions and it is another aspect of transparency in the courts.

There is a need for improvements in the execution of judgements. Once people are successful in a court hearing, the court's decision must be enforceable. At present, bailiffs are not very successful in executing judgements. It is particularly problematic that judgements against the state are among the most difficult to execute. This seriously undermines citizens' trust in state institutions and makes it unlikely that people will go to courts to solve their problems.

Also, more prosecutors must be specialized in order to deal with complex areas of crime (such as economic crime, transnational crime). Codes of ethics for everyone in any aspect of the legal profession (judges, prosecutors, notaries, lawyers) must be strictly enforced and should include serious sanctions for violations.

Legal education must be improved, though this means generally improving the quality of university education, so it is not only a matter of the legal sector. In particular, universities must free themselves of the suspicion of corruption. Lecturers must do real research (not publish translations of the works of foreign lecturers in their own names). Examinations in faculties, as well as for admission to the profession of notary or advocate, must be based on important skills, not simply on memorization of facts.

If I would pick one of the findings of the report, I would stress its legal, practical importance. It will be supporting the upcoming activities of the government, and that is why we are distributing it to major state institutions (courts, prosecutors, legislators, ministers) and also universities. The report will also be useful to the international donor community, and in the course of its preparation a couple of ideas from the report have already been turned into projects.

The Legal Sector Report is also available on-line on the OSCE Presence in Albania website www.osce.org/albania