



MINISTRY OF JUSTICE
FREE LEGAL AID DIRECTORATE

MANUAL

HOW TO GET FREE LEGAL AID



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

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The publication in English of this manual is supported by the OSCE Presence in Albania. The content of the manual is the responsibility of the authors and does not necessarily reflect the opinion of the OSCE Presence in Albania.



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1

WHAT IS FREE LEGAL AID?

“Legal aid” is the free legal service guaranteed, funded, and provided by the state to all individuals that belong to vulnerable categories and to those with insufficient income, who find it difficult to hire a lawyer in order to solve their legal issues.

It is the state’s mission to enable access to justice (the right of such individuals to get free legal aid) by upholding this Constitutional fundamental right of theirs.

For the purpose of this mission, with the entry into force of Law No. 11/2017, the **Ministry of Justice** has changed the structure of the free legal aid system by establishing a specific institution dedicated to free legal aid. This institution, which is called **Free Legal Aid Directorate**, in cooperation with other state institutions and private partners (domestic and international), allows for the provision of legal aid through free of charge lawyers for those individuals who cannot pay for one.

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WHO CAN BENEFIT FROM THIS SERVICE?

Citizens with insufficient income and vulnerable categories - as follows - can benefit from this service:

◆ **Insufficient income**

All citizens with insufficient income, who need legal service (legal consultation/guidance or representation before court), can benefit from this service.

For citizens to benefit on grounds of **insufficient income**, the law specifies the following criteria:

- The income of a person who is part of a family are considered as insufficient if the total income of all family members, divided by the number of family members, are lower than 50% of the minimal monthly salary, as determined by the applicable legislation.
- The income of a person who is not part of a family are considered insufficient if it is lower than the minimal monthly salary, as determined by the applicable legislation.
- If a person who is part of a family seeks secondary legal aid about a dispute with another member of the same family, the income of this person is considered as insufficient if it is lower than the minimal monthly salary, as determined by the applicable legislation.

** *Moreover*, along with the criteria above, the person may not possess assets (movable/immovable, except for the joint family residence, which is not included in this calculation) the value of which exceed the equivalent of 36 monthly salaries, as determined by the applicable legislation.

Along with the basic criteria (insufficient income), the law also stipulates another special category that can benefit free legal services, regardless of whether they fulfil the insufficient income criteria or not.

◆ **Vulnerable categories** (direct beneficiaries)

For citizens to be **direct beneficiaries, regardless of their income and assets**, the law specifies several criteria. For this purpose, an individual needs to attest they belong to one of the following categories:

- Victim of domestic violence;
- Victim of sexual abuse;
- Victim of trafficking in human beings;
- Juvenile victim;
- Juvenile in conflict with the law;
- Child in social care institutions;
- Child under a caretaker's custody who seeks to initiate a process without the approval of their caretaker or against their caretaker;
- Person with disabilities, including the sight impaired;
- Person with mental disabilities;
- Person who is a beneficiary of social protection schemes;
- Person whose rights have been infringed through an act of discrimination, as testified by a decision of the competent body.

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WHAT IS PROVIDED?

The law on legal aid envisages three forms/types of legal aid for citizens:

- Primary legal aid;
- Secondary legal aid;
- Exemption from court taxes and fees.

FIRST TYPE OF LEGAL AID (Primary Legal Aid) is the type of legal service which consists in:

- information about the legal system in the Republic of Albania, applicable normative acts, rights and obligations of subjects of the law, and on the ways on how to exercise such rights in judicial and extrajudicial processes;
- consultation;
- consultation about mediation procedures and alternative resolution of disputes;
- assistance in drafting and compiling documents necessary to put the state administration in motion or to seek secondary legal aid;
- representation before administrative bodies;
- any other type of necessary legal support that is not included in secondary legal aid.

SECOND FORM OF LEGAL AID (Secondary Legal Aid) is the type of legal service provided for those matters that can only be resolved **through the court or the prosecutor's office**. This type of aid is provided by lawyers licensed by the National Chamber of Advocates. Through a free-of-charge lawyer, a person can address the court or prosecutor's office for resolution of issues pertaining to any of the areas (civil, criminal, administrative).

Furthermore, persons benefiting from this type of legal aid may also benefit exemption from:

- **Payment of court fees and expenses** (expenses related to witnesses, experts, translators);
- **Prepayment of the decision execution fee** with the state judicial bailiff service.

NOTE

In order to benefit from exemption from the abovementioned fees, you may request assistance from the appointed free-of-charge lawyer, who will guide you in filling in the request form on exclusion from the payment of court fees/expenses.

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WHERE TO GET THIS SERVICE?

In order to benefit **PRIMARY** legal aid, you may address to:

◆ **PRIMARY LEGAL AID SERVICE CENTRES**

which are offices established for the purpose of providing free legal consultation and guidance.

◆ **LEGAL CLINICS WITH HIGHER EDUCATION INSTITUTIONS**

which are offices established with faculties, for the purpose of providing free legal consultation and guidance.

◆ **AUTHORISED NOT-FOR-PROFIT ORGANISATIONS** which are organisations that provide free legal service, as authorised by the Minister of Justice.

NOTE

For information about the location and contacts of officers of centres, clinics, and not-for-profit organisations established in the Republic of Albania, please contact:

Free Legal Aid Directorate official webpage:

www.ndihmajuridike.gov.al

Toll-free number: 0800 1010

Facebook: Drejtoria e Ndihmës Juridike Falas

Instagram: drejtoriandihmësjuridikefalas

Primary legal aid may also be received ONLINE at:

www.juristionline.al

In order to provide citizens with access to free legal aid, online legal service is available in the [juristionline.al](http://www.juristionline.al) platform.

Through this platform, every citizen may consult the applicable legal acts, their rights and obligations, and receive assistance in drafting and compiling documents necessary to put the state administration in motion or to seek secondary legal aid.

Via the toll-free number **0800 1010**

The availability of a toll-free number represents an additional guarantee for citizens to receive free legal aid. Both the [juristionline.al](http://www.juristionline.al) platform and the toll-free number comprise additional tools that bring services closer to citizens.

In order to benefit Secondary Legal Aid, (Representation with free-of-charge lawyer in court and prosecutor's office), you may address to:

- ◆ **COURTS
(civil/criminal/administrative)**
- ◆ **PROSECUTOR'S OFFICES
(Close to your residence)**

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PROCEDURE TO FOLLOW?

In order to receive primary legal aid (legal consultation/guidance) you may address – in person or through postal service – to centres, clinics, or authorised not-for-profit organisations, which, if you meet the criteria, will assist you in filling in the:

- Request and self-declaration form for primary legal aid;
- Self-declaration form on income and assets;
- Self-declaration form for special vulnerable categories (if you are part of such categories).

NOTE

You may also find these forms in electronic format on the official webpage of:



Ministry of Justice www.drejtesia.gov.al



Free Legal Aid Directorate www.ndihmajuridike.gov.al

◆ **Forms must also be supplemented by some attesting documents, such as:**

- Family certificate, and, if applicable;
- Attestation of unemployment;
- Attestation of economic assistance;
- Attestation of disability (mental/physical disability);
- Attestation of immovable properties owned;
- Attestation of gross and net salary;
- Attestation from the social security structures in the event of payments made by them, such as pension payment.

In order to receive secondary legal aid, you may address – in person or through postal service – to the Court or Prosecutor’s Office, prior to or at the start of a judicial process, by filling in the:

- Request and self-declaration form for secondary legal aid;
- Self-declaration form on income and assets;
- Self-declaration form for special vulnerable categories (if you are part of such categories).

NOTE

If you face difficulties in filling in the forms, you may seek assistance by primary legal aid providers (centres, legal clinics, authorised not-for-profit organisations), which provide legal consultation and orientation, and then send the form to the court or prosecutor’s office.

Moreover, persons who enjoy the right to benefit from the second type of legal aid may submit their request via:

- A legal representative or one equipped with a proxy (notary act);
- The spouse, cohabitant, or a relative.

◆ **Forms must also be supplemented by some attesting documents, such as:**

- Family certificate, and, if applicable;
- Attestation of unemployment;
- Attestation of economic assistance;
- Attestation of disability (mental/physical disability);
- Attestation of immovable properties owned;
- Attestation of gross and net salary;
- Attestation from the social security structures in the event of payments made by them, such as pension payment.



The Court/Prosecutor's Office examines the request for legal aid and within 5 days, decides:

- ◆ **To accept the request;**
- ◆ **To reject the request.**

NOTE

Special appeal may be made against a decision rejection via the template form approved by the Minister of Justice, which is handed over to the applicant along with the rejection decision.

In the event the request is accepted, the beneficiary is provided with a lawyer who will follow their case until final resolution.

DO NOT HESITATE TO CONTACT US

For any question, you may address the Free Legal Aid Directorate either in person or via the postal service.

Moreover, you may also address our institution about any complaint you may have over the quality of service provided by the legal aid lawyers.

Address: **Rr. "Jordan Misja", Godina Nr. 3, Tiranë, Shqipëri**

Official webpage: **www.ndihmajuridike.gov.al**

Toll-free number: **0800 1010**

Facebook: **Drejtoria e Ndhmës Juridike Falas**

Instagram: **drejtoriandihmësjuridikefalas**

