

Written Contribution to the Public Consultation

Draft law “On some additions and amendments to Law No. 111/2017 ‘On State-Guaranteed Legal Aid’”

Submitted to: Ministry of Justice of the Republic of Albania, through the Electronic Register for Notifications and Public Consultations

Submitted by: Centre for Science and Innovation for Development (SCiDEV) and SafeJournalists Network – Albania

Date: 21 July 2026

Consultation: The draft law was published on 14 July 2026; the consultation closes on 11 August 2026

Overall position

SCiDEV and the SafeJournalists Network welcome the direction of the draft law. The simplified procedure for primary legal aid, expanded special beneficiary categories, continuity and choice of representation, the accelerated procedure for urgent cases, stronger specialisation and coverage of enforcement-stage costs address genuine barriers to effective access to justice.¹

Our contribution proposes several targeted improvements:

- Aligning the new whistleblower category with Law No. 96/2025 and covering all protected natural persons and proceedings connected with whistleblowing.
- Introducing a carefully defined safeguard for natural persons facing potentially abusive proceedings because of public participation, including journalistic activity.
- Extending the accelerated procedure only where an imminent deadline, an interim measure or a comparable risk makes the ordinary procedure inadequate.
- Allowing a justified extension of the six-month period and using secondary legislation to provide for specialisation, confidentiality, data collection and targeted consultation.

These recommendations do not confer immunity on journalists or other participants in public debate. They preserve the right of persons harmed by unlawful expression to seek proportionate civil remedies, while ensuring equality of arms and preventing litigation costs from becoming a barrier to lawful public participation.

¹ Ministry of Justice of Albania. (2026). [Draft law “On some additions and amendments to Law No. 111/2017 ‘On State-Guaranteed Legal Aid’”](#), arts. 1–22; Explanatory Report; Regulatory Impact Assessment; Consultation Document and Consultation Plan, published 14 July 2026.

1. Overall assessment of the draft law

Law No. 111/2017 is intended to secure equal and effective access to justice through professional and quality legal aid. The draft law strengthens this architecture.²

The reform is particularly timely because the European Commission's 2026 Rule of Law Report identifies continuing shortcomings in access to justice, including legal aid.³

We support the inclusion of the new victim and vulnerable-group categories. Our comments focus on the whistleblower provision, access to representation in proceedings against public participation and four implementation safeguards that can be incorporated without changing the structure of the draft law.

2. Article 9 of the draft law: aligning Article 11(j) with the national whistleblower law

2.1 Material and personal scope

The proposed Article 11(j) grants legal aid to persons who report or publicly disclose information on breaches of European Union law in fields regulated by EU legislation, in relation to proceedings arising directly from that act.⁴

This formulation does not fit the Albanian legal order. Directive (EU) 2019/1937 defines its scope by reference to Union law for Member States, whereas Albania has adopted Law No. 96/2025, which defines the protected act and protected persons by reference to the national legal framework.⁵⁶

The national law also protects facilitators and persons connected with the whistleblower, and recognises public disclosure. The Ministry of Justice's June 2026 concordance table likewise treats these persons as part of the protected personal scope.⁷⁸

For this reason, the legal-aid law should refer to the national whistleblower legislation and should not create a second, potentially narrower category.

² Republic of Albania. (2017). [Law No. 111/2017 "On State-Guaranteed Legal Aid"](#) (as amended), arts. 1–4, 11–15 and 17–25.

³ European Commission. (2026). [2026 Rule of Law Report: Country Chapter on the rule of law situation in Albania](#), pp. 5 and 14–15.

⁴ Ministry of Justice of Albania. (2026). [Draft law "On some additions and amendments to Law No. 111/2017 'On State-Guaranteed Legal Aid'"](#), art. 9, proposing Article 11(j).

⁵ European Parliament & Council of the European Union. (2019). [Directive \(EU\) 2019/1937 on the protection of persons who report breaches of Union law](#), arts. 4, 19–22 and recitals 91, 99 and 101.

⁶ Republic of Albania. (2025). [Law No. 96/2025 "On Whistleblowing and the Protection of Whistleblowers"](#), adopted 18 December 2025 and published in Official Gazette No. 15 of 21 January 2026, especially arts. 3, 4 and 6.

⁷ Republic of Albania. (2025). [Law No. 96/2025 "On Whistleblowing and the Protection of Whistleblowers"](#), adopted 18 December 2025 and published in Official Gazette No. 15 of 21 January 2026, especially arts. 3, 4 and 6.

⁸ Ministry of Justice of Albania. (2026). Table of Concordance for Directive (EU) 2019/1937, June 2026, assessment of Articles 4, 20 and 21 of the Directive against Law No. 96/2025 and the draft amendments to Law No. 111/2017.

2.2 Connection with legal proceedings

The words “arising directly” invite an unduly restrictive interpretation. Retaliation may take the form of employment, administrative, civil, criminal or other proceedings formally framed around the content or consequences of the whistleblowing rather than solely around the act of reporting. Directive (EU) 2019/1937 expressly refers to proceedings involving defamation, confidentiality, data protection, trade secrets and compensation.⁹

The provision should cover proceedings brought “because of or in connection with” the report or public disclosure, including proceedings concerning protection from retaliation or the exercise of rights under national law.

3. Adding a function-based safeguard for proceedings against public participation

3.1 The access-to-justice gap

These proposals also build on SCiDEV’s earlier anti-SLAPP research and engagement. The October 2024 initial assessment examined existing mechanisms under Albanian law relevant to the European anti-SLAPP framework, identified legal gaps and highlighted the need for further legislative reform and structured dialogue.¹⁰ At the roundtable organised by SCiDEV on 14 October 2024, participants specifically raised the need for free legal aid and coverage of costs for persons targeted by SLAPPs, alongside early-dismissal mechanisms, specialised judicial capacity and inclusive consultation with media and civil society.¹¹

The Council of Europe’s December 2024 regional baseline assessment subsequently recommended a comprehensive approach for Albania, including amendments to core legislation, procedural safeguards, and tailored training and awareness-raising.¹² The Council of Europe has since advanced a practical regional programme for judicial academies, using structured guidance and case-based materials to strengthen judges’ ability to recognise abusive proceedings and integrate SLAPP-related content into standard training curricula.¹³

This evidence justifies a targeted response in the legal-aid law. It does not justify treating every defamation or damages claim against a journalist as abusive, nor an unconditional entitlement based solely on professional status. Legitimate claims protecting reputation, dignity and private life must remain available.

⁹ European Parliament & Council of the European Union. (2019). [Directive \(EU\) 2019/1937 on the protection of persons who report breaches of Union law](#), arts. 4, 19–22 and recitals 91, 99 and 101.

¹⁰ SCiDEV. (2024). [Initial Assessment of Albania’s Legal Framework for Harmonizing the Anti-SLAPP \(Strategic Lawsuits Against Public Participation\) Directive](#) (working paper, 14 October 2024).

¹¹ SCiDEV. (2024). [Summary of Roundtable Discussion: Aligning Albania’s Legal Framework with the EU and CoE Anti-SLAPP Standards: Gaps, Challenges, and the Path Forward for Enhancing Safety of Journalists](#), 14 October 2024, pp. 2–6.

¹² Council of Europe. (2024). [Regional Baseline Assessment of Legislative and Policy Needs for Implementing Council of Europe and European Union Standards on Countering the Use of SLAPPs](#), December 2024, pp. 9–11.

¹³ Council of Europe. (2025, November 21). [Strengthening Judicial Responses to SLAPPs in the Western Balkans](#).

European anti-SLAPP standards use objective concepts and indicators: public participation, a matter of public interest, a manifestly unfounded claim and abusive proceedings, taking into account disproportionality, multiple or coordinated proceedings, intimidation, procedural tactics and resource imbalance.¹⁴¹⁵

3.2 Principal recommendation: new Article 11(k)

We recommend a category based on the nature of the proceedings and the public-interest function. It should apply to natural persons, expressly including journalists and media workers, where the initial facts and documents reasonably indicate that the claim may be manifestly unfounded or the proceedings may be abusive. The decision granting legal aid must be without prejudice to the merits of the underlying case.

Proposed Article 11(k)

k) natural persons against whom court proceedings have been brought on account of their public participation, including journalistic activity, in a matter of public interest, where the facts and documents submitted disclose reasonable indicators that the claim may be manifestly unfounded or the proceedings may constitute abusive court proceedings against public participation. The assessment under this letter shall be made solely for the purpose of granting legal aid and shall not prejudice the merits. The assessment shall take into account, among other matters, the imbalance of power between the parties, the disproportionate nature or scale of the relief sought, the existence of multiple or coordinated proceedings, the claimant's procedural conduct and the likely impact of the proceedings on public participation. Detailed assessment rules shall be laid down by decision of the Council of Ministers.¹⁶¹⁷

Primary legal aid should be provided promptly for initial assessment, preservation of deadlines and referral to a lawyer with the relevant specialisation. Legal persons, including small or non-profit media organisations, fall outside the law's structure for individual beneficiaries and require a separate support mechanism.

4. Relationship with anti-SLAPP standards and civil remedies

Directive (EU) 2024/1069 is addressed to EU Member States and its mandatory scope covers civil or commercial matters with cross-border implications. It is not directly binding on Albania. Commission Recommendation (EU) 2022/758 and Council of Europe Recommendation

¹⁴ European Parliament & Council of the European Union. (2024). [Directive \(EU\) 2024/1069 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings](#), arts. 1–4 and 22–24.

¹⁵ Council of Europe, Committee of Ministers. (2024). [Recommendation CM/Rec\(2024\)2 on countering the use of strategic lawsuits against public participation \(SLAPPs\)](#), Appendix, Sections I–V.

¹⁶ European Parliament & Council of the European Union. (2024). [Directive \(EU\) 2024/1069 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings](#), arts. 1–4 and 22–24.

¹⁷ Council of Europe, Committee of Ministers. (2024). [Recommendation CM/Rec\(2024\)2 on countering the use of strategic lawsuits against public participation \(SLAPPs\)](#), Appendix, Sections I–V.

CM/Rec(2024)2 support broader measures, including affordable legal assistance, coverage of domestic cases, support organisations and data collection.¹⁸¹⁹²⁰

For this reason, the law under consideration should be presented as a targeted contribution to progressive approximation, not as full transposition of the Anti-SLAPP Directive. Full alignment also requires consideration of civil-procedure safeguards, early dismissal, costs, remedies, penalties and systematic monitoring.

The proposed legal-aid safeguard must coexist with Civil Code remedies for inaccurate or unlawful expression. Articles 617, 625 and 647/a protect reputation, personality and private life and require a contextual and proportionate assessment of liability and the amount of damages.²¹

The legal and constitutional balance requires the simultaneous protection of freedom of expression and media freedom, private life and reputation, and each party's right to effective access to a court and equality of arms.²²²³²⁴

At the stage of deciding on legal aid, the beneficiary should not be required to prove that the claim is abusive or that their expression was lawful. Those questions belong to the determination of the merits. Legal aid should ensure that both the public-interest dimension and the claimant's rights are examined fully and impartially, with the effective participation of both parties.

The criminal-law context must also be stated accurately: the January 2026 reform introduced only partial decriminalisation of defamation for registered journalists, subject to specified conditions; it did not fully decriminalise defamation.²⁵

5. Articles 12 and 15: a conditional accelerated procedure

The draft law provides for the immediate appointment of a lawyer in protection-order cases and matters involving minors. The same procedure should apply in whistleblowing and public-participation cases only where the ordinary procedure would be ineffective because of an imminent deadline, an application for an interim measure or a comparable risk of irreparable prejudice.²⁶

¹⁸ European Parliament & Council of the European Union. (2024). [Directive \(EU\) 2024/1069 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings](#), arts. 1–4 and 22–24.

¹⁹ European Commission. (2022). [Commission Recommendation \(EU\) 2022/758 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings](#), paras. 24–29.

²⁰ Council of Europe, Committee of Ministers. (2024). [Recommendation CM/Rec\(2024\)2 on countering the use of strategic lawsuits against public participation \(SLAPPs\)](#), Appendix, Sections I–V.

²¹ Republic of Albania. [Civil Code of the Republic of Albania](#) (as amended), arts. 617, 625 and 647/a.

²² Republic of Albania. [Constitution of the Republic of Albania](#) (as amended), arts. 18, 22 and 42.

²³ Council of Europe. [European Convention on Human Rights](#), arts. 6, 8, 10 and 13.

²⁴ European Court of Human Rights. (2005). [Steel and Morris v. the United Kingdom](#) (Application No. 68416/01), judgment of 15 February 2005, especially paras. 59–72 and 89–95.

²⁵ European Commission. (2026). [2026 Rule of Law Report: Country Chapter on Albania](#), p. 14 and nn. 104–106 (partial decriminalisation of defamation for registered journalists under specified conditions, and Albania's commitment to full decriminalisation).

²⁶ Ministry of Justice of Albania. (2026). [Draft law “On some additions and amendments to Law No. 111/2017 ‘On State-Guaranteed Legal Aid’”](#), arts. 12 and 15, proposing Article 20(3)–(4) and new Article 22/1.

This is important because a statement of defence in civil proceedings is generally filed no later than 30 days after service, while precautionary or interim measures may be requested in urgent circumstances.²⁷

Recommended addition to Article 20(3)

... and where an application by a person covered by Article 11(j) or (k) concerns representation in proceedings and a procedural time limit will expire within 15 days, an application for a precautionary or interim measure has been made, or another risk of irreparable prejudice makes the ordinary procedure inadequate.

This formulation is preferable to automatically applying the accelerated procedure to every dispute connected with the journalistic function.

6. Article 19: retaining the six-month period and allowing a justified extension

The draft law improves the current rule by extending the period in Article 31(3)(a) from three to six months. A limited extension mechanism would prevent the automatic loss of legal aid where the delay is justified and not attributable to the beneficiary.²⁸²⁹

Recommended additional sentence

The period may be extended by reasoned court decision, on the application of the beneficiary or the lawyer, where the failure to file results from justified circumstances not attributable to the beneficiary, including delay by public authorities, the need to obtain essential documentation, health circumstances or the need to await the conclusion of related proceedings.

7. Article 16 and secondary legislation: quality, confidentiality and monitoring

We support the draft law's provisions on specialised training, continuity, the beneficiary's choice of lawyer and replacement where effective representation is compromised.³⁰

The implementing acts should also provide for:

- specialised training on freedom of expression, defamation, privacy, source protection, retaliation against whistleblowers and SLAPP indicators;
- clear information enabling the beneficiary to choose a lawyer with the relevant expertise;

²⁷ Republic of Albania. [Code of Civil Procedure of the Republic of Albania](#) (as amended), arts. 158, 158/a and 205.

²⁸ Republic of Albania. (2017). [Law No. 111/2017 "On State-Guaranteed Legal Aid"](#) (as amended), arts. 22(5)(b), 22(7)–(9), 31(3)(a) and 32. The current Article 31(3)(a) provides a three-month period.

²⁹ Ministry of Justice of Albania. (2026). [Draft law "On some additions and amendments to Law No. 111/2017 'On State-Guaranteed Legal Aid'"](#), art. 19, amending Article 31(3)(a).

³⁰ Ministry of Justice of Albania. (2026). [Draft law "On some additions and amendments to Law No. 111/2017 'On State-Guaranteed Legal Aid'"](#), arts. 11 and 16, on continuity, choice, training and specialisation of legal-aid lawyers.

- confidentiality safeguards for journalistic sources and unpublished material, limiting eligibility documentation to what is strictly necessary;
- referral protocols with authorised non-profit organisations providing primary legal aid and specialised civil-society organisations; and
- anonymised and disaggregated data on applications, decisions, processing times, appeals, the broad category of the case and costs.

The existing legal-aid system authorises non-profit organisations to provide primary legal aid, creating a functional channel for information, initial advice and referral.³¹³²

8. Regulatory Impact Assessment and targeted consultation

The Regulatory Impact Assessment does not estimate the number of cases, budgetary cost or administrative workload of a new public-participation category or an adjusted financial-hardship criterion. If either is accepted, the assessment should be updated, including the costs of training and the data system.³³

The consultation plan is addressed to civil society in general but does not specifically identify journalists, editors, media organisations, whistleblower-support organisations, anti-corruption organisations or lawyers experienced in freedom-of-expression and SLAPP litigation.³⁴

We recommend a targeted technical roundtable before finalisation of the draft law and a further consultation on the relevant implementing acts. This would enable the Ministry to test the proposed indicators, cost assumptions, confidentiality safeguards and data fields with the actors who will use the system. A more targeted process would also respond to the European Commission's concern that public consultation and evidence-based policymaking in Albania remain more procedural than effective.³⁵

³¹ Republic of Albania. (2017). [Law No. 111/2017 "On State-Guaranteed Legal Aid"](#) (as amended), arts. 1–4, 11–15 and 17–25.

³² Free Legal Aid Directorate. (2026). [Authorised non-profit organisations providing primary legal aid](#), list and authorisation information for 2026.

³³ Ministry of Justice of Albania. (2026). Regulatory Impact Assessment for the draft amendments to Law No. 111/2017, 29 May 2026, Parts 1–2 and cost tables.

³⁴ Ministry of Justice of Albania. (2026). [Consultation Document and Public Consultation Plan for the draft amendments to Law No. 111/2017](#), 14 July 2026.

³⁵ European Commission. (2026). [2026 Rule of Law Report: Country Chapter on Albania](#), p. 15 (public consultation and evidence-based policymaking remain more procedural than effective).