



## Resolution 1377 (2004)<sup>1</sup>

# Honouring of obligations and commitments by Albania

Parliamentary Assembly

1. The Parliamentary Assembly welcomes the progress towards a functioning pluralist democracy, and a state governed by the rule of law and respect for human rights, which has been made by the Albanian authorities in the past three years. There have been improvements in the functioning of state institutions, notably in the increasing influence of parliament in Albanian political life. Recently, there has also been an unprecedented attempt at inter-party dialogue and co-operation which – in spite of being fragile and short-lived – demonstrated that there was an alternative to the perpetual confrontation and obstructionism which has so far dominated Albanian politics.
2. In the past eighteen months, there has been a surge in legislative activity which has led to new laws in all key areas of reform. The government has taken action against traffickers in human beings and succeeded in reducing the level of illegal traffic in human beings across the Adriatic sea.
3. Internationally, Albania has begun to negotiate a Stabilisation and Association Agreement with the European Union. It has steadily improved relations with its neighbours and played a constructive role in helping the international community's efforts in Kosovo.
4. However, the potential for exercising illicit influence on public life by organised crime and a part of the legitimate business sector which wishes to profit from the lack of regulation and control, is threatening the progress achieved. This threat is enhanced by a relatively weak and inefficient state administration, particularly in key sectors such as police, tax and custom authorities, and an inability on the part of the authorities to effectively control financial transactions and prevent money laundering.
5. In spite of the serious efforts invested by the authorities, the fight against poverty and corruption remains a serious challenge for Albania.
6. The judiciary system, which should play the most critical role in the fight against corruption and organised crime, is weak and ineffective. Its personnel is poorly paid and trained and seems to be at least partially corrupt. This also affects the enforcement of new laws, in particular with regard to serious crime.
7. The inability of the Albanian police, prosecutors and judges to successfully find, arrest, prosecute and convict serious offenders, and in particular members of organised crime syndicates, undermines democracy and the rule of law in the country. The impunity and freedom of operation enjoyed by organised crime, which benefits from weak governance and the judiciary's failure to operate efficiently, is a threat not only to public order, but also to the economic prospects and political stability of the country.
8. Financing of political parties remains unregulated and the body responsible for auditing assets of public officials has only just been set up and has yet to prove its efficiency.
9. The government should make serious efforts to improve the implementation of key legislation. Piling up laws which are not properly implemented is counterproductive. The ultimate test of governmental action is not what it puts on paper, but what it achieves in practice.

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1. Assembly debate on 29 April 2004 (15th Sitting) (see [Doc.10116](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteurs: Mr Smorawinski and Mr Søndergaard). Text adopted by the Assembly on 29 April 2004 (15th Sitting).



10. It is critically important that parliament play a more assertive role in the democratic scrutiny of governmental conduct. Both the majority and the opposition party – which should take a clear stand against violent anti-government protests – have responsibilities in this regard. The Assembly recalls that the two main political parties – the Democratic Party previously in power and the Socialist Party currently in power – share responsibility for the problems and shortcomings that Albania is facing, and also for improving the situation in the country.

11. The Assembly, while recognising that improvements have been made, wishes to see further progress in the organisation and administration of elections – especially with regard to civil registers and voters' lists and the protection of human rights, notably concerning the conduct of the police.

12. The Assembly welcomes the recent opening of a Council of Europe Information Office in Tirana and the re-establishment of an internationally-staffed Council of Europe presence in Albania. It also welcomes the signing of a new Joint Programme for Albania between the Council of Europe and the European Commission in November 2003, and believes that this programme should help the Albanian authorities to fully comply with the obligations and commitments resulting from its Council of Europe membership.

13. The Assembly congratulates the Albanian authorities on the opening of talks on the Stabilisation and Association Agreement with the European Union. It wishes to stress, however, that future development of relations with the European Union will inevitably also depend on the progress achieved in areas covered by the Assembly's monitoring. Complying with the commitments and obligations resulting from Council of Europe membership should not be regarded as a nuisance, but as an investment in Albania's future, and the authorities' attitude with regard to the monitoring procedure should reflect this.

14. With regard to the fight against corruption and organised crime – which it considers the single biggest threat to the functioning of democratic institutions and the rule of law in Albania – the Assembly asks the Albanian authorities to:

14.1. adopt laws on the conflict of interests; the financing of electoral campaigns; and the functioning of political parties;

14.2. ensure that the recently created High Inspectorate, charged with investigating the declaration of assets of elected and public officials, will quickly, concretely and convincingly demonstrate its ability to provide a systematic and credible audit of the assets of Albanian elected and public officials, including the assets of their family members;

14.3. review the functioning of its border control, customs and tax authorities, as well as those entrusted with the control of financial transactions, in order to improve their efficiency in the prevention of illegal trafficking, money laundering, corruption and other similar criminal undertakings;

14.4. ensure that investments made in Albania are not financed with money originating from illegal activities and organised crime;

14.5. bring an end to the excessively lenient attitude with regard to corruption and other forms of professional misconduct among judges and prosecutors. When justified by law, persons guilty of such conduct should not only be dismissed, but also prosecuted;

14.6. ensure that judges and prosecutors are properly trained, remunerated and protected from threats to their physical and professional integrity;

14.7. enforce more vigorously the existing laws against human trafficking and ensure that its victims receive necessary assistance and support, including witness protection for those who agree to testify against the traffickers;

14.8. ensure that the recent laws on the court for serious crimes and on the protection of witnesses are implemented without delay and in an effective and fully functional way.

15. With regard to the functioning of democratic institutions, the Assembly asks the Albanian authorities to:

15.1. carry out a review of recently adopted legislation and, where this has not yet been done, secure budgetary means and adopt all other administrative measures necessary for their speedy and effective implementation;

15.2. revise the rules of procedure of the Albanian Parliament in order to reinforce the control it has over government action, notably when it comes to the preparation and implementation of legislative acts;

15.3. create – without any further delay and before the next parliamentary elections – a reliable civil register which should serve as the basis for a new voters' list. In addition to the reform of the electoral law carried out in 2003 with the help of the international community, it is also necessary to review the present election administration in order to limit the excessive role of the main political parties in election procedures and remove all other reasons for the persistent failure to carry out properly conducted elections in line with international standards.

16. With regard to human rights and fundamental freedoms, the Assembly asks the Albanian authorities to:

16.1. put procedures in place for mandatory investigation of all complaints of mistreatment or torture by the police, speedily enforce the recommendation contained in the report by the European Committee for the Prevention of Torture, continue and expand human rights training of police, and to effectively complete the transfer of competence for detention centres to the Ministry of Justice;

16.2. investigate all reports and punish all incidents of abuse of homosexuals;

16.3. speedily implement all recommendations contained in the 2002 opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities (ETS No. 157), through an open dialogue with the minority groups concerned;

16.4. repeal or substantially review the criminal defamation laws and reform civil defamation laws, in order to prevent their abusive application;

16.5. improve the regulation on ownership and financing of media outlets in order to improve transparency and prevent abuse and improper influence – on the media and through the media – by those who financially control them;

16.6. complete the transition of the Albanian television channel, RTV, from a state service to a neutral public-service broadcaster.

17. With regard to the formal commitments entered into upon accession to the Council of Europe, the Assembly asks the Albanian authorities to sign and ratify, without further delay, the European Charter for Regional or Minority Languages (ETS No. 148).

18. The Assembly considers that the monitoring procedure should remain open until the Albanian authorities achieve further progress in the compliance with general obligations and specific commitments resulting from Council of Europe membership, notably to demonstrate tangible achievements in preventing and fighting corruption and organised crime, to improve their record in the implementation of legislation and to carry out elections in full compliance with international standards. The forthcoming legislative elections in Albania should be conducted freely and fairly, and fully in accordance with the standards laid down by the Council of Europe. Should this not be the case, the Assembly resolves to reconsider the credentials of the Albanian delegation, in accordance with the Rules of Procedure.