



Resolution 2019 (2014)¹

Final version

The honouring of obligations and commitments by Albania

Parliamentary Assembly

1. Albania joined the Council of Europe on 13 July 1995. Upon its accession, Albania undertook to honour the obligations incumbent on all member States under Article 3 of the Statute of the Council of Europe (ETS No. 1) with regard to pluralist democracy, the rule of law and human rights. In addition, it undertook to honour a number of specific commitments listed in [Opinion 189 \(1995\)](#) on the application by Albania for membership of the Council of Europe, adopted by the Parliamentary Assembly on 29 June 1995. In conformity with the monitoring procedure, as established in [Resolution 1115 \(1997\)](#), the Assembly has regularly assessed Albania's progress with regard to the honouring of its obligations and commitments.

2. The Assembly welcomes the fact that Albania has recently made marked progress in honouring its obligations and commitments to the Council of Europe. In this context, it regrets that many important reforms were delayed, or otherwise negatively affected, by the deep political crisis in the country following the 2009 parliamentary elections, which led to a *de facto* two-year boycott of the work of the parliament by the opposition. Recognising the role of Albania as a factor for stability in the region, the Assembly welcomes the conclusions adopted by the European Council on 27 June 2014 to grant Albania candidate status and encourages the country to fulfil the key priorities.

3. The parliamentary elections in 2009 and, to a lesser extent those of 2013, as well as the local elections in 2011, have underscored the continuing tense and polarised political climate in Albania, especially between the two main parties that dominate the political environment. The Assembly therefore welcomes the electoral reforms that have been implemented, in a generally consensual manner, to strengthen the electoral process and to address shortcomings noted during previous elections. With regard to electoral reform, the Assembly:

3.1. calls on all political forces to agree on further consensual electoral reform to address, in line with recommendations of the European Commission for Democracy through Law (Venice Commission), the remaining concerns and ambiguities that make the election process vulnerable to possible misuse and obstruction;

3.2. notes that the establishment of specialised centralised vote-counting centres has created long delays in the counting of votes, which can negatively affect public perception of the legitimacy of the outcome of the elections. The Assembly therefore recommends considerably increasing the number of centralised voting centres for future elections;

3.3. notes that the election administration in reality remains divided along party lines, which hinders the effective and impartial conduct of the elections. It recommends that further reforms be implemented to ensure a genuine non-partisan election administration;

3.4. emphasises that changes to the Election Code alone are not sufficient to resolve the recurrent shortcomings in the conduct of elections. This can only be achieved if the electoral reforms are accompanied by a change of attitude and practice of the main political stakeholders.

1. *Assembly debate* on 2 October 2014 (35th Sitting) (see [Doc. 13586](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteurs: Mr Jonathan Evans and Mr Grigore Petrenco). *Text adopted by the Assembly* on 2 October 2014 (35th Sitting).



4. The Assembly takes note of the parliamentary reforms that were consensually agreed upon between the ruling majority and the opposition with a view to ensuring the proper functioning of the parliament and fostering political dialogue. However, the Assembly underscores that constructive co-operation between the majority and the opposition, based on mutual respect for each other's proper constitutional role and place in a democratic system, cannot be legislated via the rules of procedure alone. This also needs a change of attitude and the fostering of a culture of co-operation and democratic values by all concerned. In that respect, the Assembly regrets the continuing charged rhetoric and interaction between the opposition and governing parties. It urges the opposition not to resort to boycotting the work of the parliament or its committees and urges the ruling majority not to use its constitutional majority to bypass the opposition, and to seek consensus on important reforms whenever possible.

5. The Assembly welcomes the diverse and pluralist media environment in Albania. However, it regrets that the media environment is heavily politicised, including in respect of the public broadcaster. With regard to the media environment, the Assembly:

5.1. calls on all political forces to further reform of the public broadcaster with a view to ensuring its independence and impartiality and to consensually agree on a composition formula for the National Council of Radio and Television that will foster an independent and pluralist media environment;

5.2. urges the authorities to ensure that government advertising is not awarded to media outlets on the basis of political affiliation;

5.3. welcomes the increased transparency of media ownership in Albania as a result of the establishment of the National Business Registration Centre;

5.4. welcomes the abolition of prison sentences for insult and defamation and the abolishment of special protection against defamation for specific categories of people. However, it regrets that defamation has not been decriminalised in its entirety as it can still have a chilling effect on journalists and may lead them to practise self-censorship. It therefore calls on the parliament to fully decriminalise defamation, in line with Council of Europe standards.

6. In the view of the Assembly, a non-partisan and impartial civil service is crucial for the functioning of democratic institutions in Albania. The Assembly takes note of the delay in the implementation of the Law on the Civil Service, which provides, *inter alia*, for strict merit-based rules for the hiring and dismissal of civil servants. This controversial delay, together with the large-scale personnel changes at all levels of the civil service that were initiated when the new government came into power, are an indication of the politicisation of the civil service and attempts to bring it under party control. The Assembly regrets the politicisation at all levels of the civil service, and calls on all parties to refrain from action that undermines the effective functioning of government institutions and public trust in their impartiality.

7. The Assembly welcomes the priority given by the new authorities and the support expressed by the opposition to the administrative and territorial reform and the strengthening of local self-government as the main pillar of the democratic consolidation of Albanian society. It welcomes the establishment of a parliamentary ad hoc committee, on the basis of equal participation of the ruling majority and the opposition, to prepare these reforms. In the view of the Assembly, this should be seen as a signal that the authorities intend to draw up these important reforms on the basis of a wide consensus between the political forces in the country. In this respect, the Assembly regrets the decision of the opposition to boycott the work of this committee and urges its members to reconsider their position. With regard to the planned administrative and territorial reform, the Assembly:

7.1. welcomes the proposal of the authorities to reduce the number of local government units, with a view to ensuring stronger and more efficient municipalities that are viable units of self-government, but notes the concerns expressed by the opposition for the immediate reduction from 373 local government units to 61, gerrymandering, and its potential impact on local democracy;

7.2. encourages the authorities to further develop a comprehensive strategy for the effective functioning of local government units, including on the financing of the services they are expected to deliver, with a view to reducing their dependency on the central government;

7.3. recommends that the Law on the Organisation and Functioning of Local Government be amended to ensure the full accountability of mayors to their city councils;

7.4. welcomes, and encourages the authorities to continue, the initiatives to ensure that the administrative and territorial reform is inclusive and consensual, not only between the ruling majority and the opposition but also between central government and the local authorities concerned. In this context, it calls on the opposition to fully participate in this work.

8. The Assembly is concerned that, despite numerous reforms, the independence and impartiality of the judiciary are not sufficiently ensured and that it continues to suffer from political pressure and interference. Further comprehensive consensual reforms, including changes to the constitution, to ensure the independence of the judiciary and an efficient administration of justice are urgently needed and should be a priority for the authorities. With regard to the reform of the justice system and the judiciary, the Assembly in particular:

- 8.1. expresses its concern about the widespread and systemic corruption at all levels of the judiciary, which undermines the efficiency and impartiality of this institution;
- 8.2. encourages the authorities to reform the Supreme Court and High Council of Justice in line with the recommendations of the Venice Commission, especially with regard to disciplinary and appointment procedures;
- 8.3. urges the authorities to revise appointment and disciplinary procedures with a view to reducing their vulnerability to politicisation and political interference, which undermines the impartiality of the judiciary;
- 8.4. urges the authorities to implement fully and without delay all Constitutional Court and other court decisions;
- 8.5. welcomes the close co-operation sought by the authorities with the Venice Commission in reforming the justice system and the judiciary and urges the authorities to seek in due time its advice on all changes introduced and to quickly implement their recommendations.

9. The persistent and widespread corruption at many levels of Albanian life undermines the country's democratic and socio-economic development and is a major concern of the Assembly. In this respect, the Assembly regrets that, despite a recent increase in prosecutions, most indicators show that corruption has actually increased and not diminished in recent years, which indicates that measures and strategies to fight corruption have until now achieved only limited results. With regard to the fight against corruption, the Assembly:

- 9.1. welcomes the adoption of constitutional amendments and changes to the Criminal Procedure Code that limit the immunity of members of government, MPs, judges and high-level State officials, and allow for their investigation and prosecution without prior authorisation. It urges the authorities to swiftly adopt all further implementing legislation needed to efficiently enforce the constitutional amendments;
- 9.2. calls on all political forces in Albania to show the commensurate political will to fully and effectively implement a coherent and effective anti-corruption strategy, and to make sufficient resources available for its implementation;
- 9.3. regrets the recent developments which call into question the independence of the High Inspectorate of Declaration and Audit of Assets. It welcomes the amendments to the Law on the Declaration and Audit of Assets and prevention of conflict of interest in exercising public functions, which aim to increase the transparency of public officials and to strengthen the institutional role of the High Inspectorate of Declaration and Audit of Assets. The Assembly calls on the authorities to ensure that sufficient resources are made available to this institution, which is an important instrument in the fight against corruption. In addition, it urges the authorities to ensure that all findings of violations of the Law on the Declaration and Audit of Assets are promptly followed up by the prosecution services;
- 9.4. welcomes the progress reported by the Group of States against Corruption (GRECO) with regard to the adoption of anti-corruption legislation and urges the authorities to ensure that this legislation is now fully and effectively implemented.

10. The Assembly takes note of the high number of cases pending against Albania with the European Court of Human Rights. They have revealed a persistent and structural deficiency with regard to the enforcement of domestic court decisions and a lack of effective remedy. In this respect, the Assembly welcomes the recent adoption of an action plan to implement the general measures demanded by the pilot judgment in the case of *Manushaqe Puto and Others v. Albania*. It urges the authorities to explore all possibilities to reduce as much as possible the delay in the implementation of this action plan, as also called for by the Committee of Ministers of the Council of Europe.

11. The Assembly welcomes the marked progress made with regard to strengthening human rights protection mechanisms in Albania, as well as the signing and ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210). It asks the competent authorities to take all appropriate measures to counter the recent increase in blood feuds and revenge killings, which are a cause for concern.

12. The Assembly welcomes the efforts of the authorities to improve prison conditions and reduce overcrowding. However, it is deeply concerned by reports of ill-treatment of detainees by the police during questioning and by the appalling conditions in detention facilities in police establishments. It calls on the Albanian authorities to urgently remedy this situation.

13. With regard to the protection of minority rights and combating discrimination, and recognising the overall improvements achieved in this respect, the Assembly:

13.1. recommends that the Albanian Parliament adopt a more flexible and adequate system for the recognition of national and ethnic minorities;

13.2. urges the parliament to adopt a comprehensive law on minorities;

13.3. welcomes the adoption of a comprehensive anti-discrimination law and encourages the authorities to consistently and coherently implement its provisions;

13.4. regrets that Albania has neither signed nor ratified the European Charter for Regional or Minority Languages (ETS No. 148), despite this being an explicit accession commitment. The Assembly calls on the authorities to honour this accession commitment without further delay.

14. The Assembly welcomes the active and effective role played by the national ombudsperson in Albania. It calls on the authorities to ensure that sufficient resources are made available to the ombudsperson's office to carry out their work and asks the Albanian Parliament to systematically and consistently place both special and statutory reports of the ombudsperson on the parliamentary agenda for debate.

15. Despite the progress achieved in the honouring of Albania's membership obligations and accession commitments, serious concerns remain, in particular with regard to the impartiality of democratic institutions and the civil service, the independence of the judiciary and the fight against endemic corruption in Albania. Concrete action by all stakeholders, the authorities and the opposition is needed to ensure that all the membership obligations and accession commitments are fully honoured. In this respect, the Assembly emphasises that it is crucial that the many reforms and legislative packages that have been adopted must also be actually implemented in order to effectively address the concerns noted by, *inter alia*, the Assembly. Against this background, the Assembly resolves to continue to monitor the honouring of obligations and commitments by Albania.