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The honouring of obligations and commitments by Albania

Report¹

Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

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Summary

In this report, the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) assesses the honouring of obligations and commitments by Albania. It welcomes subsidence of the systemic political crisis in the country and the reforms implemented to ensure the independence and integrity of the judiciary, in particular the vetting of all judges and prosecutors. It equally expresses its satisfaction with the progress made in combating the widespread corruption in the country including with regard to high level convictions.

As the same time, the Monitoring Committee also raises a number of concerns, in particular with regard to the polarised political environment in Albania, the lack of implementing legislation for the 2017 Law on the protection of national minorities, as well as the deterioration of the freedom of the media in the country. It expects the authorities to address these concerns as a matter of priority and to ensure that the tangible results booked in the fight against corruption now become a non-reversible trend in order to give a clear signal that there cannot be any tolerance or impunity for corrupt behaviour.

In the light of the visible and marked progress made in honouring its obligations and commitments, and recognising the clear political will expressed by the ruling majority to address the remaining concerns, the Monitoring Committee recommends the Assembly to close the monitoring procedure regarding Albania and to engage in a post-monitoring dialogue with the objective of addressing the remaining concerns outlined in the draft resolution. At the same time, the committee proposes returning Albania to a full monitoring procedure if, at the time of its first report under the post-monitoring dialogue, no concrete and tangible progress were to be recorded with regard to addressing its concerns and recommendations regarding the fight against corruption, the protection of minorities, and media freedom and freedom of expression.

1. Reference to Committee: [Resolution 1115 \(1997\)](#).



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A. Draft resolution²

1. Albania joined the Council of Europe on 13 July 1995. Upon its accession, it 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 \(1995\)](#) “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 previous report on the honouring of obligations and commitments by Albania was debated by the Assembly on 2 October 2014 and led to the adoption of [Resolution 2019 \(2014\)](#). The Assembly welcomes that many of the recommendations and concerns outlined in [Resolution 2019 \(2014\)](#) were addressed, and that Albania has made considerable and tangible progress in honouring its membership obligations and accession commitments to the Council of Europe. At the same time, the Assembly is cognisant that a number of unresolved issues and concerns remain that the country should strive to address.
3. The Assembly welcomes that the protracted systemic political crisis that has plagued the country for years has recently started to subside, although its root causes have not yet been resolved. Nevertheless, the Assembly remains concerned about the polarised political environment which is the Achilles heel of the democratic consolidation of the country. Constant vigilance in this respect is necessary and all political forces should continue to work incessantly to create a political environment that is truly conducive to democratic interaction and governance.
4. The Assembly welcomes the adoption, in 2020, of a new legal framework for elections that was based on an inclusive process and broad consensus between the political stakeholders. However, it is concerned about the frequent changes to the electoral framework which reflect a tendency to play with the rules instead of by the rules. The Assembly reiterates that stability of electoral legislation is essential to ensure the trust of the stakeholders and wider public in the electoral process and the outcome of the elections. Therefore, while calling on all political stakeholders to address, well before next elections take place, the shortcomings and deficiencies identified during past elections, the Assembly urges them to move away from using constant changes to the Electoral Code as a mechanism to alter the balance of power or alternative to normal political interaction in the framework of the parliament. With regard to the electoral framework, the Assembly calls upon the Albanian authorities and Parliament, based on a broad consensus between all political forces, to:
 - 4.1. adopt, and consistently implement, legislation to address the abuse of administrative resources and vote buying that have marred previous elections in the country;
 - 4.2. adopt the necessary legislation to ensure that the legal framework for party and campaign financing is fully in line with international standards;
 - 4.3. agree on the demarcation of the new electoral districts, as foreseen by the 2020 Electoral Code, based on an inclusive process that fully adheres to international standards;
 - 4.4. adopt, as a matter of priority and well before new elections take place, the required legislation to allow out-of-country voting for the sizable Albanian diaspora, in line with the judgment of the Constitutional Court of Albania.
5. The Assembly is concerned that the political polarisation in the country, compounded by inter and intra party antics, is undermining the system of checks and balances and limiting parliamentary oversight. In this context, it regrets that the parliament has not been able to find the required two-third majority to appoint a new Ombudsperson and a new Commissioner for the Protection from Discrimination, whose terms of offices have ended, and has resorted to using anti-blocking mechanisms lowering the required majority for other appointments, including for the election of the President of the Republic. The Assembly calls upon the opposition and ruling majority to ensure the proper functioning of the system of checks and balances, including an efficient and effective parliamentary oversight over the executive, and to respect each other’s rightful role and place in the governance of the country. In addition, the Assembly urges the ruling majority and opposition to appoint, on the basis of a broad consensus, a new Ombudsperson and Commissioner for the Protection from Discrimination, which is essential for the democratic legitimacy of these important institutions.

2. Draft resolution adopted unanimously by the committee on 6 March 2024.

6. The Assembly welcomes the successful completion of the territorial and administrative reform which has considerably reduced the number of municipalities and has strengthened the efficacy of local self-government and the provision of services to their citizens. It notes that adjustments to the territorial administrative map, both to strengthen the efficiency of local self-government and to address some of undesired effects of the reform, are being considered by the different political forces in Albania. It is important that any changes to the number of municipalities or the municipal borderlines should be based on a broad consensus between the different stakeholders, while respecting the logic of the reform to create strong and effective local government providing services that are close to the citizens.

7. In this context, the Assembly is concerned that the territorial and administrative reform has had a direct impact on the enjoyment of minority rights in Albania. A number of municipalities where minorities formed the local majority have been merged into larger municipalities where these minorities no longer form a majority, or even a sizable segment, of the population. This is compounded by the fact that key minority rights, such as the right to education in minority languages and the right to use minority languages in local government affairs, are only granted at the local level when the minority population in question exceeds 20% of the population in the municipality. This threshold is excessive and is only met in a very limited number of municipalities with sizable minority populations. This should be remedied, in close consultation with the minorities concerned, including in the context of the consideration of possible adjustments to the administrative territorial map.

8. The Assembly takes note of the findings in the report on Albania of the Congress of Local and Regional Authorities of the Council of Europe, adopted on 22 September 2021, including with regard to the allocation of functions and responsibilities between central and local governments as well as the financial autonomy of municipalities. It calls upon the Albanian authorities to fully address the concerns and recommendations contained in this report.

9. The reform of the judiciary, with a view to assuring its genuine independence and the efficient administration of justice, has been a long-standing priority for the Assembly within the monitoring procedure for Albania. The Assembly therefore welcomes the considerable and tangible progress that has been made in this regard by the Albanian authorities. The Assembly in particular welcomes the constitutional amendments of 2016 that allowed, in line with recommendations of the European Commission for Democracy through Law (Venice Commission), for the complete reorganisation of the High and Constitutional Courts and the establishment of a High Council of Justice and a High Prosecutorial Council, as well as specialised judicial institutions to fight the endemic corruption in the country.

10. The constitutional amendments also allowed for the vetting, under international supervision, of all judges and prosecutors in Albania. While being aware of the considerable, albeit temporary, impact of this vetting procedure on the functioning of key judicial institutions in Albania, the Assembly considers the vetting procedure to be a success. The very high number of judges and prosecutors that did not pass the vetting procedure, more than 60% of all positions vetted, underscores both the importance and the necessity of this vetting process.

11. The Assembly welcomes the establishment of a new judicial map, in close consultation with the Council of Europe and European Union, with a view to increasing the quality and efficiency of the justice system and to address the considerable backlog of cases that are before the courts. The judicial map will be evaluated every five years on the basis of recommendations by the High Council of Justice, which should allay and address any possible concerns with regard to the access of citizens to the justice system as a result of this reform.

12. While welcoming the marked and tangible progress made, the Assembly urges the authorities to make all necessary efforts to fully eradicate internal and external interference in the judiciary and to address the still too low clearance rate of cases before the courts.

13. Marked progress has been made with regard to the fight against the still widespread and systemic corruption in Albania, and the persistent concerns of intertwining of organised crime with economic and political interests in the country. A Specialised Structure for Anti-Corruption and Organised Crime (SPAK, comprising of the Special Prosecution Office (SPO), the National Bureau of Investigation (NBI) and two Specialised Anti-Corruption and Organised Crime Courts) is now fully operational and starts to produce concrete results, including with regard to cases of high-level corruption. It is important that these tangible results become a non-reversible trend, and that the anti-corruption structures have all the resources they need, to send a clear signal at all levels of society that there is no impunity for corrupt behaviour.

14. Emphasising that SPAK was established to investigate and adjudicate high-level cases of corruption and organised crime, the Assembly considers that the monetary threshold for cases to fall in an obligatory manner within SPAKs mandate – currently around € 500 – is too low and risks inundating SPAK with cases and therefore limit its capacity to fight high-level corruption. It strongly recommends to the authorities to raise this monetary threshold.

15. The Assembly takes note of the compliance report by the Group of States against Corruption (GRECO) for Albania in the framework of its fifth evaluation round on preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies. While welcoming the progress noted by GRECO, it regrets that only 5 of the 24 recommendations made in GRECO's evaluation report have been satisfactorily addressed, while 13 recommendations have only been implemented partially and 6 not at all. The Assembly urges the authorities to fully implement the recommendations made by GRECO as a matter of priority and in particular to:

15.1. address GRECO's misgivings about the Ethics Committee set up to oversee the implementation of, and adherence to, the Ministerial Code of Ethics, by removing members of the government from this committee;

15.2. ensure in law and practice that the Prime Minister is accountable to the Ministerial Code of Ethics;

15.3. ensure that all ministries appoint the integrity coordinators tasked with ensuring compliance with the integrity plans developed by each ministry in consultation with the different stakeholders including civil society;

15.4. ensure that regulations adopted to safeguard the transparency of the interactions of the ministers and persons with top executive functions with lobbyists cover all forms of contact, including by electronic means, and not only physical meetings.

16. With regard to the execution of judgments by the European Court of Human Rights (the "Court"), the Assembly welcomes the decision by the Committee of Ministers to close its supervision of the execution of the set of cases in *Manushaqe Puto and others v. Albania*, indicating a successful resolution of the cases regarding the restitution of properties expropriated by the communist regime that ruled Albania from 1944 to 1992, which had been an important concern of the Assembly. Nevertheless, the number of cases against Albania before the European Court of Human Rights and under supervision by the Committee of Ministers is still too high and additional and consistent efforts are needed to ensure prompt execution of the judgments of the Court, especially with regard to the execution of domestic court judgments and the excessive length of proceedings.

17. The Assembly deeply regrets that, despite the overall progress in honouring its obligations and commitments, the media environment has continued to deteriorate in Albania. This backsliding is of serious concern as a free and pluralist media environment is an essential requirement for a well-functioning democracy. The Assembly therefore calls upon the Albanian authorities to:

17.1. refrain from using threats and harsh rhetoric against journalists that affects their physical safety and their capacity to report;

17.2. fully decriminalise defamation, in line with international standards, and cap the disproportionately high fines and excessive amounts of compensation which may be awarded for defamation, which have a chilling effect on journalists and incite self-censorship;

17.3. enact proper legislation to counter the use of strategic lawsuits against public participation (SLAPPs) against journalists, media outlets and civil society organisations.

18. The Assembly pays tribute to the diverse multicultural Albanian society and its historic tradition of interreligious dialogue and tolerance. While recognising that national minorities are – with some exceptions – well integrated in the Albanian society, the Assembly has some concerns with regard to the adequacy of the legal framework for the protection of minority rights. While the adoption of the 2017 Law on the Protection of National Minorities was a major and welcome step forward, the Assembly notes that three essential by-laws that are required to implement the provisions of this law, have still not been adopted. The by-laws that are still lacking concern key aspects for the enjoyment of minority rights including the right to self-identification, the

right to education in minority languages and their use in communication with authorities, and the procedure for the recognition of national minorities. In relation to the protection of national minority rights the Assembly urges the authorities to:

18.1. adopt without further delay, and in close consultation with the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, the three by-laws to the 2017 Law on the Protection of Minorities governing the right to self-identification, the right to education in minority languages and their use in communication with authorities, and the procedure for the recognition of national minorities;

18.2. lower considerably, and flexibly interpret, the requirement that a national minority needs to amount to more than 20% of the local population before minority rights and services are legally guaranteed at the municipality level.

19. With regard to the situation of LGBTI+ rights, the Assembly welcomes the adoption of the amendments to the Labour Code that prohibit discrimination on the grounds of sexual orientation or gender. At the same time, it notes that Albania still does not allow for the registration of same sex partnerships, contrary to European standards, or allow people to change their name and gender in the civil registry, which prevents these persons from exercising their civil rights. It calls upon the authorities to address these two issues as a matter of priority.

20. The Assembly regrets that Albania has not joined the European Charter for Regional or Minority Languages (ETS No. 148). Given the extended presence of minority languages in Albania, it calls upon the authorities to sign and ratify it as a matter of priority.

21. The Assembly welcomes the clearly expressed political will by the Albanian authorities, as well as all political forces in the country, to address, as a matter of priority and in close co-operation with the Assembly and the relevant Council of Europe bodies, the concerns and recommendations made in this resolution and the accompanying report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee). The Assembly therefore resolves to close the monitoring procedure in respect of Albania and engage in a post-monitoring dialogue with Albania in line with [Resolution 2018 \(2014\)](#) with the objective of addressing the remaining concerns outlined in this resolution.

22. At the same time, should no tangible and concrete progress have been made in addressing the Assembly's concerns and recommendations with regard to the fight against corruption, the protection of minorities, and media freedom and freedom of expression, as expressed in paragraphs 15, 17 and 18 of this resolution, the Assembly expects its Monitoring Committee to consider, already in its first report under the post-monitoring dialogue, whether Albania should be returned to the full monitoring procedure.

B. Explanatory memorandum by Mr Ionuț-Marian Stroe, co-rapporteur

1. Introduction

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.

2. The previous report on the honouring of obligations and commitments by Albania³ was debated by the Assembly on 2 October 2014 and led to the adoption of [Resolution 2019 \(2014\)](#). Since then, as we will outline in this report, Albania has made considerable and tangible progress in honouring its membership obligations and accession commitments to the Council of Europe. At the same time, a number of issues and concerns remain, some of which are serious, that the country should strive to address.

3. This report is based on the findings and observations of several fact-finding visits to the country and on extensive discussions with the Albanian authorities, political parties, civil society, and relevant other stakeholders. In addition, a number of exchanges of views were organised in the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) on various developments in the country. During the preparation of this report, the global covid-19 pandemic broke out, as a result of which the co-rapporteurs could not visit the country for nearly 3 years. However, that did not interrupt the monitoring process, which continued unabatedly from a distance. During that period, a series of online meetings were organised with experts and civil society representatives as well as members of the Albanian Parliament. We wish to express our gratitude to the Albanian authorities and its delegation to the Assembly, as well as to all other stakeholders that assisted us in our work, for their co-operation and availability to meet with us and share their views on the developments in the country.

4. Since the adoption of the last report, the co-rapporteurs have visited the country six times and prepared seven information notes. In the reporting period, a number of co-rapporteur changes took place. On 29 January 2015, Mr Grigore Petrenko (Republic of Moldova, UEL), who had left the Assembly, was replaced by Mr Andrej Hunko (Germany, UEL). Following the completion of his five-year term, Mr Hunko was replaced, on 30 January 2020, by Mr Petter Eide (Norway, UEL). Mr Eide left the Assembly and was replaced on 14 December 2021 by Mr Asim Mollazada (Azerbaijan, EC/DA).⁴ On 28 January 2016, Mr Jonathan Evans (United Kingdom, EPP/CD) left the Assembly and was replaced by Mr Cezar Florin Preda (Romania, EPP/CD). Following his resignation as co-rapporteur, Mr Preda was replaced six months later, on 23 June 2016 by Mr Joseph O'Reilly (Ireland, EPP/CD). Mr O'Reilly completed his term, which had been extended twice, on 23 December 2022. He was replaced, on 21 March 2023, by Mr Ionuț-Marian Stroe (Romania, EPP/CD).

2. Main political developments

5. The systemic political crisis outlined in the previous report on Albania has continued to plague the country for most of the reporting period and only recently started to subside although its root causes have not yet been resolved. The political climate and especially the relations between the main political forces, the ruling Socialist Party (SP) and the Democratic Party (DP) that is currently in opposition, are extremely polarised and contentious. As a result, the political environment is characterised by zero sum political policies, a lack of respect and accommodation between opposition and ruling majority to play their rightful roles in the governance of the country, and often harsh and confrontational political rhetoric. Despite the noticeable improvements over the last couple of years, in particular following the parliamentary elections in 2021, the political environment remains a point of concern as it impedes parliamentary oversight and hinders the proper functioning of the system of checks and balances in the country. All the main political forces bear responsibility and have a duty to overcome this polarisation in order to create a political environment that is truly conducive to democratic interaction.

6. On 21 June 2015, local elections took place for all new 61 local government units (municipalities) that were created by the territorial and administrative reform. These elections, which took place in a fragile political climate following this politically sensitive reform, were observed by the Congress of Local and Regional

3. [Doc. 13586](#).

4. The term of Mr Asim Mollazada as co-rapporteur ended on 24 January 2024, following the Assembly's decision not to ratify the credentials submitted by the parliamentary delegation of Azerbaijan (see [Resolution 2527 \(2024\)](#)).

Authorities of the Council of Europe in the framework of an international election observation mission (IEOM) with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR). The IEOM concluded that, while fundamental freedoms of expression and assembly had been respected, the lack of political will to implement electoral legislation effectively by the main political parties, as well as the politicisation of State institutions, undermined the electoral process. The election campaign was overshadowed by mutual accusations of gerrymandering, some of them proven, including pressure on voters and abuse of administrative resources.

7. The 2015 local elections results gave a clear victory to the ruling majority coalition. The ruling majority saw this as a signal of citizens' trust and support for the reforms it had initiated, while the opposition saw this as a confirmation of its belief that the territorial and administrative reform had in reality focused on changing the administrative division of the country and less on the functional aspects of local self-government. As a result, polarisation mounted and on 10 July 2014, the main opposition party, the DP, started a boycott of the parliament. Following mediation by the European Parliament, the opposition returned to the parliament on 24 December 2014, after having received guarantees that the ruling majority would seek consensus and not bypass the opposition with its three-fifths majority in parliament.

8. Despite the agreement, polarisation continued and soon started escalating in the runup to the 2017 parliamentary elections. These tensions had a serious impact on the implementation and pace of the reforms and hindered the democratic consolidation as well as European integration process of the country. In a welcome exception to this trend, the polarisation between ruling majority and opposition was temporarily overcome in July 2016 when the parliament unanimously adopted a package of constitutional amendments to facilitate a wide-ranging reform of the judiciary and in particular the vetting of all judges and prosecutors in Albania, which was a requirement of the European Union to open accession negotiations with Albania.

9. On 7 February 2017, the DP announced that it would boycott the work of the parliament and started a permanent demonstration in front of the Prime Minister's office, alleging that the ruling majority would manipulate the upcoming elections. When the DP's demands that, *inter alia*, Prime Minister Rama resign and a technical government of national accord be formed, were not met, Mr Lulzim Basha, the DP party leader, announced that the DP led opposition would boycott the parliamentary elections that were originally foreseen for 18 June 2017.

10. Following intensive international mediation, spearheaded by the European Parliament and the European Commission, an agreement between the DP and the SP was reached on 18 May 2017. In line with this agreement, the DP ended its boycott of the parliament and elections, in return for obtaining a Deputy Prime Minister and five ministerial posts in the government until the election. It was agreed that the opposition would obtain the chairing of the Central Electoral Commission and several other key public positions, including the Ombudsperson. Some questions were raised about the conformity of this agreement with existing legislation in Albania.⁵ In line with the agreement, parliamentary elections took place on 25 June 2017, a week later than they had been originally called for. In addition, the agreement allowed for the creation of the vetting bodies for the judiciary, which are an essential part of the justice reform. The members of these bodies were appointed with the votes of both majority and opposition in an extraordinary session of the Parliament on 17 June 2017.

11. These elections were observed by the Assembly as part of an IEOM that also included the OSCE/ODIHR long term election observation mission as well as delegations from the OSCE Parliamentary Assembly and the European Parliament. The IEOM highlighted the overall calm election campaign in which all contestants could campaign freely and which respected fundamental human rights. At the same time, the IEOM also noted, *inter alia*, the continued politicisation of the electoral administration and the widespread allegations of vote buying and pressure on voters, which undermined public trust in the electoral process.⁶

12. The SP obtained an absolute majority of 74 out of the 140 mandates in the 2017 parliamentary election. The DP obtained 43 seats, seen as a rebuke by the Albanian voters of its strategy of confrontation and boycotting the work of the parliament, which was seen as hindering the implementation of the reforms needed by the country to start accession negotiations with the European Union. The Socialist Movement for Integration (LSI, for *Lëvizja Socialiste për Integritet*)⁷ obtained 19 seats and lost its traditional King-maker's role that had allowed it to be part of the government, alternatively with DP and with SP, since 2009. For its part, its absolute majority allowed the SP to govern without consultation or co-operation with the opposition,

5. For example, the provisions governing the dismissal and appointment of the Ombudsperson.

6. IEOM – Republic of Albania – Parliamentary elections, 25 June 2017. See also the report of the Assembly *ad hoc* committee, Doc. 14392.

7. The LSI changed its name to Freedom Party (FP) in 2023.

raising concerns about a more autocratic style of governance, especially given Prime Minister Rama's tight control over the party. As a result, the systemic political crisis and deep political polarisation continued unabated following these elections.

13. Unfortunately, the political crisis escalated significantly in February 2019, turning into a full-blown constitutional crisis, when the DP and the LSI decided to call upon their MPs to rescind their parliamentary mandates. This call was headed by all but two members of these parties. Albania has a proportional election system with regional constituencies. According to Albanian law, any mandate that has become vacant will be automatically offered to the first non-elected person on the list of that party in that constituency during the last election. While the opposition parties called upon their members not to accept any mandates, several persons ignored the position of their party leadership and entered parliament. The opposition members that refused to give up their mandates, and those that accepted any rescinded seat, were *de facto* disowned by their parties, therewith becoming a third political vector. Questions regarding the constitutionality of this situation could not be resolved at that time as the Constitutional Court was not functioning as a result of the ongoing vetting process of the judiciary.

14. The fact that the main opposition parties were outside of the parliament, and the emergence of a political environment characterised by the – difficult – interaction of three political vectors (extra-parliamentary opposition, parliamentary opposition, and ruling majority) deepened the political crisis and hindered the reform process. As a result, the oversight function of the parliament suffered and the appointment of representatives on independent regulatory bodies was often delayed, raising questions about the proper functioning of the country's system of checks and balances.

15. On 5 November 2018, President Meta called for local elections on 30 June 2019. However, the main opposition parties DP and LSI announced that they would boycott the local elections unless a series of conditions would be met, including new parliamentary elections and the formation of a technical government of unity. Not surprisingly, these demands were firmly rejected by the ruling majority. After the opposition parties continued their boycott of the elections, President Meta offered to postpone the elections to give all parties time to find a compromise solution. This was rejected by the ruling majority which argued that this would create a dangerous and undemocratic trend⁸. On 10 June 2019, citing concerns for public safety and his constitutional responsibility to protect the pluralist nature of the election process, President Meta issued a decree cancelling the elections for 30 June 2019. However, the Central Election Commission (CEC) considered this decree illegal and with the support of the Albanian Parliament, maintained the original date of 30 June 2019 for the local elections. The CEC decision was confirmed by the Electoral College on 24 June 2019. Again, the constitutionality of neither the presidential decree, nor the CEC decisions could be ascertained in the Constitutional Court as it was not functioning as a result of the vetting procedure.

16. Local elections therefore took place on 30 June 2019 without participation of the main opposition parties. As a result, the SP ran unopposed in 31 out of the 61 municipalities, while in the other municipalities, it only faced candidates proposed by small opposition parties and groups or independent candidates. According to the OSCE/ODIHR "The 30 June local elections were held with little regard for the interests of the electorate. The opposition decided not to participate, and the government determined to hold the elections without it. In the climate of a political standoff and polarisation, voters did not have a meaningful choice between political options."⁹ All but one of the mayoral races were won by the SP, which also obtained the majority in 59 out of 61 municipality councils. The turnout announced by the CEC was 21.6%, less than half that of the local elections in 2015, indicating that a considerable number of opposition voters had indeed heeded the call to boycott these elections.

17. The constitutional crisis evolved further when the ruling majority in the parliament started impeachment proceedings against the President of the Republic over his original decree to cancel the local elections for 30 June 2019. These proceedings were complicated by the fact that, if the parliament were to decide to impeach the President, the next step would be a trial by the Constitutional Court, which would have to decide if the President was guilty or not of the violations contained in the impeachment decision. However, as noted above, the Constitutional Court was at that moment not functional as a result of the vetting procedure. The Speaker of the Albanian Parliament asked for an opinion of the Venice Commission on "the scope of the power of the President to set dates of elections." In its opinion,¹⁰ the Venice Commission concluded that under the Albanian Constitution, the right of the President to cancel or postpone elections without specific legal basis

8. It should be noted that there had been precedents to postponing elections in order to resolve political crises in Albania including for the parliamentary elections in 2017.

9. OSCE/ODIHR Election Observation Mission for the Local Elections in Albania on 30 June 2019, [Final Report](#).

10. [CDL-AD\(2019\)019](#).

was questionable, unless a state of emergency had been declared, which was not the case.¹¹ The Venice Commission implicitly concluded that therefore the continuation of the conduct of local elections on 30 June had been legally correct. However, at the same time the Venice Commission considered that the President, when postponing the elections, had pursued the legitimate aim of seeking a compromise solution in an evolving political crisis, and that therefore his decree to cancel the local elections, “might not meet the requisite criteria of sufficient seriousness in the circumstances to warrant an impeachment of the President.”¹² The Albanian Parliament voted on 9 June 2021 to impeach President Meta on the ground that he had carried out actions contrary to the Constitution by, *inter alia*, openly supporting a political party during the elections. However, on 17 February 2022, the Constitutional Court of Albania, which in the meanwhile had become functional, overturned the decision of the parliament to impeach President Meta on the grounds that the evidence against the President did not amount to a “grave violation of the Constitution”, necessary to impeach him.

18. In a welcome development, following the 2019 local elections, in order to resolve the deep political divisions in the country, the different parties and groupings in the opposition agreed with the ruling majority to engage in a reform with a view to establishing an electoral framework that would have the support of all electoral subjects and stakeholders. We will outline the electoral reform process in detail in one of the next sections in this report. In this context it should be noted that elections in Albania have often been followed by calls for a change of the election system while opinions of the Venice Commission on the legal framework for elections in Albania have observed that the existing legal framework at that time, while open for improvement, was in principle adequate for the conduct of democratic elections if implemented fully and in good faith.

19. As we will describe in detail below, on 5 June 2020, following lengthy negotiations and considerable pressure from the international community, the political stakeholders reached an agreement on electoral reform. In addition, on 30 July 2020, on initiative of 28 MPs that hailed mostly from the parliamentary opposition,¹³ the parliament adopted a series of constitutional amendments that changed the election system to an open list electoral system in multiple regional constituencies. In addition, the threshold was lowered to 1% and electoral coalitions were replaced by joint electoral lists. Following the adoption of these reforms, President Meta called for parliamentary elections on 25 April 2021.

20. These elections were observed by the Assembly in the framework of an IEOM bringing also together the OSCE/ODIHR, the OSCE Parliamentary Assembly.¹⁴ The IEOM concluded that the voters were provided with a choice of candidates who could campaign freely. The legal framework for the elections that respects fundamental freedoms was considered adequate for the conduct of democratic elections and generally trusted by the stakeholders. However, the IEOM also concluded that the ruling SP had derived undue advantage from its incumbency, including through its control over local administrations and by its abuse of administrative resources, including reported pressure on civil servants. Regrettably, allegations of vote buying remained widespread, affecting the public trust in the outcome of the elections.

21. These elections were won by the incumbent ruling SP which obtained 48.7% of the votes or 74 seats. The DP won 39.4% of the vote or 59 seats, the LSI won 6.8 % of the votes or 4 seats, and the Social Democratic Party of Albania (PSD) 2.5% or 3 seats. No other parties passed the 1% threshold. The results of these elections seem to confirm the trends observed in the 2017 parliamentary elections that the Albanian electorate is rewarding political stability over strategies of confrontation and boycotting the work of the parliament which are seen as undermining the reform and European integration processes of the country.

22. The new parliament only convened on 10 September 2021 with all members elected accepting their mandates and entering into the parliament. With the return of the main opposition to the parliament and its work, the political and constitutional crisis outlined above seems largely resolved, although not its underlying causes.

23. The term of President Meta ended on 24 July 2022. The President of Albania is elected indirectly, by the parliament, for a five-year term. The constitution limits the term in office to two consecutive five-year terms. President Meta was first elected in 2017. However, given the contentious relationship between him and the ruling majority, as evident from the two attempts to impeach him, he was not considered to be a candidate for a second term. The President is elected by the parliament with a three-fifths majority of all members. If no candidate achieves such a majority in the first three rounds of voting, the majority needed to elect the president is lowered to an absolute majority of 50%+1 votes in the subsequent rounds of voting. On 10 May

11. Ibid., paragraphs 50 and 62.

12. Ibid., paragraph 101.

13. And not supported by the DP and LSI which were in the extra-parliamentary opposition at that time.

14. See the report of the Assembly *ad hoc* committee on the observation of the parliamentary elections, Doc. 15293.

2022, the parliament agreed to start the voting for a new President on 16 May 2022. Regrettably, as a sign of the continuing deeply polarised political climate, no candidate was proposed in the first three rounds of voting. For the fourth round of voting the SP proposed as a candidate General Major Bajram Begaj, who until that moment was the Chief of General Staff of the Albanian Armed Forces. He was elected with 78 votes in favour, 4 against and 1 abstention, with the majority of the opposition boycotting the vote. We deeply regret that opposition and ruling majority were not able to agree on a joint consensual candidate. We wish to emphasise that the three-fifths majority requirement was built into the Constitution to ensure that a President has broad support among all political forces and can stand above them. The wilful resort to the anti-deadlock procedure without even attempting to find a compromise candidate for the first three rounds clearly goes against the spirit of the constitution.

24. Regrettably, this positive development of the opposition returning to the parliament was somewhat overshadowed by an internal split in the DP which is affecting the functioning of the work of the parliament. Following a decision by the DP party leader Lulzim Basha to expel former Prime Minister and party leader Sali Berisha from the Democratic Parliamentary faction, the latter initiated a leadership challenge to Mr Basha. Both Mr Basha and Mr Berisha convened rival party conventions claiming that the convention called by their rival was illegal, which deepened the ensuing crisis within the party. Mr Basha subsequently challenged the legality of the convention that was convened by Mr Berisha before the Court. On 25 March 2022, the first instance Court of Tirana adjudicated in favour of Mr Berisha's "Commission for the re-establishment of the Democratic Party" and ruled that the 11 December convention called by Mr Berisha was legal and valid. However, this judgment was appealed by Mr Enkelejd Alibeaj, leader of the parliamentary group of the Democratic Party loyal to Mr Basha. On 3 March 2023, the Court of Appeals in Tirana adjudicated in favour of the appeal by Mr Alibeaj and ordered a retrial on the question of the legality of the national convention called by Mr Berisha's Democratic Party. Unfortunately, this decision did not resolve internal split and left the Democratic Party in limbo with regard to its leadership crisis, which continues unabated with both men claiming to be the legitimate leaders of the Democratic Party.

25. This situation further complicated as a result of a standoff regarding the leadership of the parliamentary faction of the DP. Following the resignation of Mr Alibeaj as Chair of the parliamentary faction of the DP, Mr Gazment Bardhi was elected, on 23 May 2023, as the new Chair of the parliamentary group. However, on 4 September 2023, the "Official DP" announced that Mr Basha, who had been confirmed as the chairperson of the "Official DP" would be the new leader of the faction, this was rejected by Mr Bhardi and the majority of the DP faction members who considered that it was the faction that elected its chair and not the party. These developments *de facto* split the DP in three rival factions¹⁵. Mr Bhardi, mindful of the fragmentation of the DP, called upon the three factions to unite, at least within the parliament. At the moment of writing, this was rejected by Mr Basha, while Mr Berisha, while not wishing to join Mr Bhardi's faction, expressed his will to co-operate.

26. This leadership crisis in the main opposition party has substantially fragmented the opposition in the country and is affecting the effectiveness of the existing system of checks and balances, especially with regard to parliamentary oversight and accountability. It also affected the participation of the opposition in the local elections.¹⁶ It is important that this internal leadership crisis within the DP is not evolving into a national political crisis. Any democratic State needs a viable opposition functioning within its parliamentary framework. It is therefore essential that the rival factions and their leadership set aside their differences with a view to ensuring parliamentary oversight and constitutional counterpart to the ruling majority.

27. Local elections took place on 14 May 2023, which were widely seen as a barometer for the political sentiment on the national level. The local elections concerned the mayors and municipality councils of all 61 municipalities in Albania. The Congress of Local and Regional Authorities of the Council of Europe observed these elections in the context of an International Election Observation Mission (IEOM) that also included the European parliament and the OSCE/ODIHR. In the statement of preliminary findings and conclusions¹⁷ the IEOM concluded that these elections "were generally well administered, competitive and held with the participation of the key political forces". At the same time, the IEOM concluded that these elections had been characterised by continued deep polarisation between the main political forces and that national issues had dominated the campaign, which had very little focus on local government issues. Similar to what had already been noted in the 2021 parliamentary elections, abuse of administrative resources and persistent allegations of vote buying and pressure on public-sector workers were to be deplored. This is a trend that is of serious concern.

15. It needs to be noted that Mr Bhardi's faction does not challenge Mr Basha as the legal chair of the party.

16. "Court Ruling Further Complicates Albania Opposition Leadership Battle", [Balkan Insight](#).

17. IEOM – Local elections, 14 May 2023.

28. From a national perspective, these elections were won by the SP coalition. The SP won the mayoral vote in 53 of the 61 municipalities and emerged as the largest party in 57 municipality councils. The “Together We Win” coalition won the mayoral races in 7 municipalities and was the largest party in 4 municipality councils. The election for the post of mayor of the municipality of Himarë (Vlorë district) took on a special character, marked by the issue of minorities, which has taken on an international dimension. We will outline this case in more detail in one of the sections below.

29. The priority given to further European integration, and especially European Union membership, have continued to drive the political agenda in Albania, as well as, albeit to a lesser extent, the dynamics in the political environment in the country. Albania applied for EU membership on 28 April 2009. As we outlined in our previous report,¹⁸ the European Commission, while endorsing the request, considered that considerable progress was needed in the fields of stability of institutions, democratic governance, and the rule of law before candidate status could be considered for Albania.

30. Albania embarked on wide ranging reforms to achieve this objective. While there had been considerable delays in the implementation of the reforms needed, also as a result of the systemic political crisis in the country, progress was such that the European Council granted Albania candidate status in June 2014. However, the candidate status was granted under the clear understanding that accession negotiations would only be started after marked progress was achieved by Albania in five priority areas: public administration reform; the independence, efficiency and accountability of judicial institutions; fight against corruption; fight against organised crime; protection of human rights (including of Roma, anti-discrimination policies, and implementation of property rights); and that a constructive dialogue between ruling majority and opposition on the implementation of these reforms be established. On 26 June 2018, the European Council reasserted this position and confirmed that “the path towards opening the accession negotiations in June 2019” would depend on “further consolidated progress made on the judicial reform in particular through vetting” and “further tangible results in the fight against corruption at all levels and in the fight against organised crime”. On 29 May 2019, the European Commission recommended that “[i]n light of the significant progress achieved” the European Council opens accession negotiations with Albania. However, on 18 October 2019, following formal objections from France, the Netherlands and Denmark¹⁹, the European Council decided not to open membership negotiations with Albania at that moment.

31. In a welcome development, the European Council decided, on 25 March 2020, to open the accession negotiations with Albania. When agreeing to open the accession negotiations, the European Commission set five conditions²⁰ for the organisation of the first intergovernmental conference on accession negotiations. When these five conditions were met, the EU-Albania intergovernmental conference on accession negotiations took place in Tirana on 19 July 2022. After this conference, the acquis screening process was started by the European Commission. As co-rapporteurs, we have consistently supported Albania’s European integration process and we therefore strongly welcome the start of the EU accession negotiations with Albania. In this context, we remain convinced that the full honouring of Council of Europe accession obligations and commitments, and addressing the remaining recommendations and concerns outlined in this report, will be a clear impetus for the successful conduct of the EU-Albania accession negotiations.

32. Previous reports have already acknowledged the constructive foreign policy role played by Albania within the framework of its relations with its neighbouring States as well as with regard to co-operation within the wider region. This has continued during the current reporting period.

18. [Doc. 13586](#), paragraphs 22-29.

19. it should be noted that skepticism in the political establishments of other EU countries about the actual opening of accession negotiations with Albania was reportedly wider than only these three countries.

20. (a) adopting electoral reform in accordance with OSCE/ODHIR recommendations and ensuring transparent financing of political parties and electoral campaigns; (b) ensuring the continued implementation of the judicial reform, including ensuring the functioning of the Constitutional Court and the High Court, taking into account relevant international expertise including applicable opinions of the Venice Commission; (c) finalising the establishment of the anti-corruption and organised crime specialised structures and further strengthening the fight against corruption and organised crime; (d) tackling the phenomenon of unfounded asylum applications and ensuring repatriations; and (e) amending the media law in line with the recommendations of the Venice Commission. (General Affairs Council: Council conclusions on enlargement and stabilisation and association process – the Republic of North Macedonia and the Republic of Albania, [Com\(2020\)57 final](#)).

3. Democratic institutions

3.1. Electoral reform

33. In its reports, the Assembly consistently emphasised that the electoral reform and the systemic political crisis in Albania are closely interlinked. In its view, electoral reform based on a wide consensus between all electoral stakeholders, followed by elections, would be key to resolving the systemic political crisis in Albania. In a welcome development, considerable and tangible progress has been made in this respect in the run up to the 2021 parliamentary elections which, to a considerable extent, resolved the ongoing political and constitutional crisis, albeit not the deeply polarised political climate.

34. While welcoming the progress made, it should be noted that elections in Albania are often followed by calls for a change of the Electoral Code, and even of the election system, in what several election observation reports have called a tendency by Albanian political forces to play with the rules as much as playing by the rules. Successive opinions of the Venice Commission on the legal framework for elections in Albania have observed that the existing legal framework at that time, while open for improvement, was in principle adequate for the conduct of democratic elections if implemented fully and in good faith. It should be stressed that repeated changes to the electoral system do not provide the required stability of the electoral framework that is essential for a genuinely democratic election process. Therefore, while the Electoral Code should be strengthened and amended to address Venice Commission and OSCE/ODIHR recommendations, we urge the political forces to move away from using constant changes to the Electoral Code as a mechanism to alter the balance of power or as an alternative to normal political interaction in the framework of the parliament.

35. On 14 January 2020, the ruling majority as well as the parliamentary and extra-parliamentary opposition agreed on the establishment of a Political Council for Electoral Reform which was composed of the co-chairs of the parliamentary *ad hoc* Committee on electoral reform as well as a representative of the two extra-parliamentary opposition parties. For its side, the ruling majority committed itself to adopt any consensual proposal developed by the Political Council. This allowed the electoral reform to be debated in an inclusive process with the participation of all relevant political stakeholders.

36. The Political Council reached an agreement on the electoral reform on 5 June 2020. This agreement replaced the Central Election Commission by a three-tiered structure consisting of a State Election Commissioner responsible for the logistical aspects of the organisation of the elections; a Deputy Commissioner appointed by the opposition; a five member Regulatory Commission which is responsible for adopting and reviewing all normative and legal acts of the election administration; and a five member Complaints and Sanctions Commission that considers administrative complaints concerning the election administration. Moreover, the Political Council agreed to, *inter alia*, depoliticise all lower-level election commissions immediately after the 2023 local elections;²¹ to introduce out of country voting; and specified that the Electoral College, which rules on elections complaints, will be composed of judges that have passed the vetting process (see below). However, no agreement could be reached within the Political Council on a change of the election system itself, as requested by the parliamentary opposition, or the establishment of a caretaker government before each parliamentary election, which was requested by the extra-parliamentary opposition. The recommendation of the international community to establish a non-partisan professional election administration was considered impossible to implement in the lights of the lack of trust in the impartiality of the Albanian civil service which is widely considered to be extremely politicised. On 23 July 2020, the Albanian Parliament adopted the required amendments to the electoral legislation to implement the Political Council agreement of 5 June.

37. Furthermore, on 30 July 2020, on proposal of 28 individual MPs hailing from the parliamentary opposition, the parliament adopted a series of constitutional amendments that introduced a regional proportional system based on open lists and removed the constitutional link between constituencies and the administrative regions, leaving the demarcation of electoral constituencies to lower-level electoral legislation. In addition, these amendments moved the election threshold from the Constitution to the election legislation and prohibited election coalitions.²² These amendments were criticised by the extra-parliamentary opposition as they had not been agreed, and some even rejected, by the Political Council. However, this disagreement did not result in a breakdown of the co-operation on the implementation of electoral reform.

21. By establishing fully professional election commissions without party representation.

22. Which are now replaced by joint candidate lists.

38. Legislation to implement the constitutional amendments was adopted on 5 October 2020. The threshold was set at 1%, and the impact of preferential votes on the ranking of a list clarified.²³ With regard to demarcation of electoral districts, it was agreed that for the 2021 elections, the old demarcations (linking the constituencies to administrative districts) would be maintained. The demarcation of election districts for future elections is a sensitive issue that can easily become a vehicle for future political contention and controversy. We therefore call upon all political forces to commit themselves to a demarcation of the new electoral districts based in an inclusive process that fully adheres to international standards.

39. On 23 October 2020, the President vetoed the amendments to the Electoral Code of 5 October 2020, citing their unilateral adoption, without wide consensus. In addition, he expressed his concern that these amendments would create “unequal and discriminatory positions” for different stakeholders. On 27 October 2020, without waiting for the Venice Commission opinion, the parliament overturned the presidential veto. In its opinion,²⁴ drafted jointly with the OSCE/ODIHR, the Venice Commission regretted the hasty adoption of the constitutional amendments and changes of the Electoral Code. However, it did not consider the changes to the election system so fundamental that they would violate the principle of stability of the election legislation.

40. Given the size of the Albanian diaspora (approximately 57% of the Albanian population is living abroad)²⁵ out of country voting is both an important and a sensitive issue, as it could change the political balance in the country. As part of the political agreement of 5 June 2020, the political parties agreed to introduce out of country voting for the parliamentary elections. However, referring to the sheer size of the task, the CEC announced that it lacked the time to make the necessary preparations to introduce out of country voting in time for the 2021 parliamentary elections. On 22 December 2022, the Constitutional Court ruled that the parliament had the obligation to introduce the necessary legislation to introduce out of country voting for the next parliamentary elections.

41. In addition, despite the improvements noted by the IEOM, a number of concerns remain regarding the conduct of elections, not the least with regard to party and campaign financing, and the abuse of administrative resources. The Albanian authorities and electoral stakeholders have committed themselves to addressing these concerns in line with international standards and well before the next elections take place. Following previous practice, the opposition and ruling majority set up an *ad hoc* committee on electoral reforms, co-chaired by both opposition and ruling majority, to adopt the necessary changes to the electoral legislation to address these concerns as well as to implement out of country voting. However, also due to the ongoing tribulations within the opposition, this committee, has, at the moment of writing, not yet start functioning.

42. In addition to the above-mentioned changes, the electoral stakeholders will have to agree on the demarcation of the new electoral districts. This demarcation should take place in an inclusive and consensual manner involving all electoral stakeholders based on clear and objective criteria that are in line with international standards and principles. Failure to do so will only lead to allegations of gerrymandering and introduce a new source of tensions and contention in the political environment.

43. While emphasising the importance of the above-mentioned electoral reforms, we wish to reiterate the importance of stability of the electoral legislation which is essential to ensure the trust of the stakeholders and wider public in the electoral process and the elections outcome. The current electoral system and legislation have proven themselves clearly adequate for the conduct of democratic elections, if implemented by all stakeholders in good faith both according to their spirit and letter. There should be no return to the situation where the main political forces engage in repeated cycles of electoral reforms with the main purpose of trying to obtain an electoral advantage in the next elections. Moreover, the situation where negotiations over the electoral system and its implementation substituted normal parliamentary interaction between ruling majority and opposition are in our view a key weakness of Albania's political environment and source of its polarisation, and therefore should not be repeated.

23. Preferential votes will only change the ranking of a list if the person on the non-elected part of the list got more preferential votes than the average number of votes by the party to obtain a mandate. To maintain gender balance on the lists, a person obtaining a mandate on preferential votes should only be able to replace a person of the same gender.

24. [CDL-AD\(2020\)036](#) – Joint Opinion of the Venice Commission and the OSCE/ODIHR on the amendments to the Constitution of 30 July 2020 and to the Electoral Code of 5 October 2020, adopted by the Venice Commission at its 125th Plenary Session (11-12 December 2020).

25. Estimates vary, depending on the sources, but most agree on a range of between 55 and 60%, which means that with a population of around 2.9 million Albanians in Albania, the diaspora numbers around 4.4 million persons.

3.2. Functioning of Parliament

44. As we have already mentioned, the extreme polarisation of the political environment, compounded by the fragmentation of the opposition, have limited the capacity of the parliament to provide proper parliamentary oversight over the executive. Opposition and majority often fail to engage with each other in a constructive manner, while its parliamentary majority allows the ruling majority to govern without the need for consultation and dialogue with the opposition. The urge to win an election or political argument often seems to supersede the importance of the quality and wide acceptance of legalisation and policies.

45. Regrettably even for those issues where a qualified majority is necessary, co-operation and agreement between opposition and ruling majority seems impossible, as a result of which appointments cannot be made or are made by simple majority using anti-blocking mechanisms built in the legislation. The parliament has not been able to appoint a new Ombudsperson or Commissioner for the Protection from Discrimination, whose terms have ended. While this does not cause legal problems, as the law foresees that the incumbent Ombudsperson and Commissioner can continue to execute their functions while no new candidate has been appointed, both incumbents informed us that it affected the legitimacy and thus effectiveness, of their statements and actions. As we already mentioned, during the election of the President of Albania by the parliament, no candidates were proposed in the first three rounds of voting which require a three-fifths qualified majority. Only in the fourth round of voting, where a simple majority is sufficient, did the ruling majority field a candidate which was elected with the votes of the ruling majority alone, undermining the spirit of a consensual election of the President as enshrined in the Constitution.

46. Resolving this vulnerability in the functioning of the system of checks and balances will mostly, albeit not solely, entail changing prevailing behaviours and attitudes by both opposition and ruling majority. Most interlocutors estimate that the rules of procedure are in general adequate to ensure parliamentary oversight and a functional system of checks and balances, if implemented in good faith. We therefore urge both opposition and ruling majority to overcome their antagonistic relationship and to respect each other's rightful role and place in the governance of the country.

3.3. Territorial and administrative reform and local self-government

47. As outlined in the previous report, the implementation of a territorial and administrative reform, with a view to strengthening local self-government, was one of the priorities for the country. In 2015 a new territorial administrative map was adopted which created 61 municipalities, reduced from 374, and 12 regions. The principle of merging of municipalities and regions had wide cross-party support inside Albania and was strongly welcomed by the country's international partners, including the Congress of Local and Regional Authorities of the Council of Europe, as it allows for the establishment of strong local government institutions. However, a number of stakeholders felt that the reform process itself had not been inclusive and that the rezoning had taken place along partisan lines while mostly ignoring the specifics of minority-populated areas.²⁶ An appeal to the Constitutional Court by the DP regarding the proposed administrative map was dismissed. The authorities indicated that they intended to carry out a comprehensive evaluation of the territorial and administrative reform, in co-operation with the Congress of Local and Regional Authorities of the Council of Europe, with a view to addressing shortcomings that have emerged following the implementation of this reform. This should be welcomed.

48. The exact number of municipalities, as well as the municipal boundaries, continues to be a point of debate between opposition and ruling majority. The opposition has indicated that they would like to increase the number of municipalities to 90, which the ruling majority opposes. In our meeting with the Mayor of Tirana, the latter indicated that he would favour a further reduction in the number of municipalities which, in his view would increase the efficiency of local self-government. Whatever the outcome of that debate, we wish to emphasise the need for wide consensus among all political forces about the administrative territorial map of Albania, while at the same time, respecting the logic of the reform, namely the creation of strong and effective local government structures that are close to the Albanian citizens.

49. As we will outline in more detail below, the territorial and administrative reform has had a direct impact on the enjoyment of minority rights in Albania. As a result of the merger of local authorities, several previous municipalities where minorities formed the majority of the population ceased to exist and these minorities are now only a small part of the population of the municipality. This was notably the case in Himarë and Sarandë.

26. This view was also reflected in the Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities. For their side, the authorities emphasised, in their comments, that the administrative territorial map also includes some small municipalities that were specifically created to protect the rights of minorities in these areas.

This is especially problematic given the fact that a number of key minority rights – such as the right to education in minority languages and the right to use minority languages in local government affairs – are only legally guaranteed when a given minority makes up more than 20% of the population of a municipality. As noted in the most recent report of the Advisory Committee on the Framework Convention for the Protection of National Minorities, while efficient local government is important, this should not be at the cost of national minorities being “crowded out” of their rights. The Advisory Committee therefore reiterated its call on the Albanian authorities to review, in consultation with representatives of national minorities, the impact of the territorial and administrative reform on minority rights and to remedy any shortcomings identified.²⁷

50. Local self-government at municipality level is composed of directly elected mayors and municipality councils. The number of members of each city council is determined by the size of the municipality. Mayors are elected on the basis of a first-past-the-post system for a period of four years. They are the leaders of the municipality’s executive and can be assisted by one or more deputy mayors that are directly appointed by them. The municipality councils are elected for the same four-year term of office on the basis of a closed list proportional system. The President and Vice-Presidents are elected by the members of the Council at their inaugural meeting. As a result of their functions, mayors have powerful positions that in small municipalities can outweigh the powers of the municipality council, which should ensure democratic oversight of the executive at the local level. At the central level, the council of ministers is responsible for decentralisation and local self-government. The central authorities are represented at the local and regional levels through prefects that are appointed by the council of ministers in each of the twelve administrative regions of Albania.

51. The territorial and administrative reform increased the number of services these municipalities can and should provide in their own right and strengthened the financial autonomy of local governments including through raising their own taxes as well as through charging fees for services provided. The reform also increased the number of delegated powers to municipalities. These delegated powers are subsidised by budget transfers from the central government which at the same time continues to supervise and co-ordinate these delegated powers. Local authorities for the largest part remain dependent on the funding from the central government. Reportedly more than 70% of the local authorities are dependent on the central government for more than 50% of their budget, which limits their autonomy.

52. The application of the European Charter of Local Self-Government (ETS No. 122) in Albania is monitored by the Congress of Local and Regional Authorities of the Council of Europe. Its most recent report was adopted on 22 September 2021. While welcoming the reforms, the Congress noted that the transfers of power from central to local levels had not yet resulted in a sufficiently clear allocation of functions and responsibilities, while delegated powers remained controlled and supervised too closely by the central authorities. In addition, according to the Congress, most local authorities, including the largest ones, still lacked sufficient funding to implement their own functions, and funding varied greatly between local authorities. In this context, it should be emphasised that financial autonomy of municipalities is a key – and therefore sensitive – aspect of local self-government. While noting that the financial situation of local authorities had considerably improved with the reforms, the Congress considered that the financial autonomy of most municipalities was too low and insufficient to fully implement their statutory competences and tasks.

53. As mentioned, the territorial and administrative reform established 12 administrative territorial regions that are composed of municipalities that share a geographic, historical, and cultural interest. However, while the 2015 reforms considerably strengthened self-government at the local level, this was not the case for the regional level. Regions continue to have very few powers or scope for initiative and regional government remains underdeveloped. This is also reflected by the regional councils, which are not directly elected, but composed of mayors and (indirectly elected) representatives of the city councils in that region. We would like to support the recommendation of the Congress that the regional councils be directly elected. This would strengthen their democratic legitimacy, which in turn could help strengthening regional governance. However, the role of the regions was further diminished when, in 2020, the central government established four administrative regions that are responsible for regional economic development and cohesion policies. During our talks in Tirana, it was clear that the current authorities view the current number of regions as too large for effective regional governance and therefore do not prioritise the strengthening of the twelve administrative regions.

54. In a welcome development, in 2016, a Consultative Council composed of representatives from local and central government was set up, which is the main consultation body between government and local self-government, including on draft legislation that affects municipalities. The Consultative Council meets several

27. Advisory Committee on the Framework Convention for the Protection of National Minorities, Fifth Opinion on Albania (adopted on 6 June 2023), paragraphs 29 and 202-206.

times each year. While dialogue and co-operation between central government and local government have reportedly been strengthened by these reforms, the Congress report noted that the relations between central government and municipalities are still influenced by partisanism and national political strategies of the main political forces in the country. This is also evident from the continued existence of two local municipality organisations, reported formed along political party lines.

55. Municipality decisions are supervised by the prefects who can appeal to the courts to annul decisions and actions of local government. Similarly, decisions and actions by the prefect can be appealed to the courts by the municipalities. As supervision of local self-government is by nature a potentially sensitive issue, it should be welcomed that the Congress has concluded that the supervision structures are in line with the obligations of the country under the Charter and that municipality organisations have not reported any interference with the decision-making rights of local authorities in this respect.

56. During our last visit, a number of interlocutors raised the issue of the high turnover of municipality staff, especially following elections. In some municipalities, politically appointed staff reportedly amounts to more than 50% of the municipality staff, which can affect the continuity and quality of services provided by the municipalities. This should be addressed.

57. In the context of the strengthening of local regional self-government, it will be impossible not to shortly touch upon the developments in Himarë in the context of the 2023 local elections. The mayoral candidate for the opposition, Mr Fredi Beleri, who hails from the Greek minority, was arrested just before the election for alleged vote buying. The arrest of Mr Beleri was decried by the opposition as an attempt to influence the election results by the ruling majority. However, Mr Beleri still won the elections but was prevented from being sworn in as Mayor of Himarë due to the ongoing criminal investigations into his alleged vote buying. As long as Mr Beleri has not been sworn in, the previous mayor, who lost in the previous elections to Mr Beleri, continues to function as acting mayor of Himarë.

58. While the case seems to be mostly of a political nature, according to a number of interlocutors related to the development of the rich touristic resources of the municipality²⁸, it soon affected minority relations when the Greek minority considered that it had been illegally disenfranchised when Mr Beleri was not allowed to take his oath as new Mayor of Himarë.²⁹ This in turn soon developed an international aspect, when the Greek Government formally protested against the, in their view, undue violations of the right of representation of the Greek minority. They argue that, had Mr Beleri been sworn in, he would be replaced in his functions by one of the deputies appointed by him during his trial and not by the previous mayor from another party who continues to function in acting capacity.

59. We do not wish, nor are we in a position, to comment on the criminal charges that have been filed against Mr Beleri. However, in our view it is important to differentiate between the criminal charges filed against him and, on the other hand, his democratic right to be elected. It is our understanding that under Albanian legislations, a term of a mayor would end in case the person holding this position would be found guilty, in final judgment, of a criminal offence.³⁰ Until a final conviction by a court of law,³¹ the principle of presumption

28. In its Fifth Opinion on Albania, the Advisory Committee on the Framework Convention for the Protection of National Minorities expressed its concern that as a result of unrestricted touristic development, especially in the coastal areas where the Greek minority is prevalent, could negatively affect the property rights of national minorities in the areas of their traditional settlement (paragraphs 82-86).

29. The case of Mr Beleri was referred to the Special Anti-Corruption Prosecutor (SPAK), who has filed criminal charges against him. After we had returned from our visit to Albania in September 2023, we were informed that the SPAK had also started criminal investigations against the current acting Mayor of Himarë.

30. Congress of Local and Regional Authorities of the Council of Europe, CG(2021)41-14final, paragraph 60: "...The appointment [of a mayor] will be declared null and void if the conditions in Article 45 of the Constitution and the relevant provisions of the country's electoral code are not fulfilled. Mayors' term of office starts when they take their oath and ends when their successor is sworn in. If a municipal council fails to meet within 30 days of the announcement of the result by the central electoral commission the prefect will organise a swearing-in ceremony in the municipal premises, attended by local inhabitants. Mayors' term of office ends if they (i) refuse to take the oath, (ii) resign, (iii) are no longer permanently resident in the municipality concerned, (iv) are dismissed by the Council of Ministers under Article 62 of Law 139/2015 (serious violation of the Constitution or legislation, found guilty of a criminal offence in a final judgment, or municipal council proposal of dismissal for absence from duties for a continuous period of three months), (v) stand for election to parliament, (vi) have been declared ineligible by a final court decision, or (vii) are deceased. When a mayor's term of office ends prematurely a by-election is held for a replacement, as provided for in the electoral code, and the mayor's duties are performed in the meantime by the deputy-mayor."

31. On 5 March 2024, the Court Against Corruption and Organised Crime in Tirana sentenced Mr Beleri to two years imprisonment for vote buying. Mr Beleri has appealed this conviction.

of innocence should be respected. It is important that this situation does not escalate. We therefore reiterate our call to all relevant stakeholders to fully respect the principles of rule of law and due process in their treatment of this case.

4. Rule of law

60. The reform of the judiciary with a view to assuring its independence and efficiency, including by combating the widespread systemic corruption within the judiciary, has been a long-standing priority for the Assembly within the monitoring procedure for Albania. Considerable progress has been made in this respect during the reporting period and tangible results are evident.

61. In June 2015, the parliamentary *ad hoc* Committee on the Justice Reform and the High-Level Group of Experts produced an “Analysis of the justice system in Albania – 2015”. On the basis of this analysis, the authorities, in consultation with relevant stakeholders and the different political forces, produced a proposal for a holistic judicial reform for the country with a view to ensuring the independence and impartiality of the judiciary as well as to improving the efficiency of the legal process and administration of justice.

62. On 21 July 2016, following 18 months of intense negotiations and consultations with the international community, the parliament unanimously adopted the judicial package paving the way for the long-awaited judicial reform. The reform package included changes to 46 articles of the Constitution (nearly a third of its articles).³² Following the adoption of the constitutional amendments, work started on the preparation of implementing legislation, around 40 pieces in total. Regrettably, the co-operation between opposition and ruling majority soon broke down. Nevertheless, the most important pieces of legislation, 7 in total³³ were adopted by the parliament with the participation of the opposition.

63. The reform package adopted aimed to address a wide range of issues regarding the judicial system, including eradicating the widespread corruption in the judiciary, preventing political interference in the work of judges and prosecutors, and eliminating links with organised crime. In addition, the constitutional amendments provided, *inter alia*, for the complete reorganisation of the High Court, the Constitutional Court and several other judicial institutions and created new appointment mechanisms for high judicial functions. A High Judicial Council (HJC) and a High Prosecutorial Council (HPC) were established, as well as a special prosecutor and a special court for the fight against corruption and organised crime (see next section).

64. The HJC is composed of six judge members, elected by their peers, and five lay members. The five lay members are to be elected by a qualified majority of 3/5 of the votes. The HPC is composed and appointed along the same lines. While the HJC and HPC are responsible for the appointment process of prosecutors and judges, including for the High Court,³⁴ disciplinary processes against judges and prosecutors is the responsibility of a newly established body, the High Justice Inspector (HJI), who, like the Prosecutor General, is appointed with a 3/5 qualified majority by the parliament. The establishment of these institutions and the appointment process have contributed to the depoliticisation of the judiciary which should be lauded. However, while growing, trust in the (political) independence of the judiciary is still relatively low and should not be taken for granted³⁵. Constant vigilance is required in this respect and, when required, legal provisions should be strengthened, and vulnerabilities addressed. This all the more important as the 3/5 majority is not a fool proof guarantee against politicalisation, as in recent times ruling majorities have had sufficient mandates to obtain such majorities in parliament without the votes of the opposition.

4.1. Vetting of the judiciary

65. One of the most important components of the judicial reform was the establishment of a re-evaluation process (also known as vetting process) of all judges and prosecutors in Albania, including Prosecutor General, Constitutional and High Court judges and members of the newly established institutions for combating corruption and organised crime. The vetting law has been challenged before the Constitutional

32. The Venice Commission contributed to the preparation of the package with two opinions and was consulted on the development of the concept of the reform.

33. Law on the Governing Bodies of the Judicial System; Law on evaluation of judges and prosecutors; Law on the Constitutional Court; Law on the organisation of the judiciary; Law on the organisation of Prosecutor Office; Law on the status of judges and prosecutors; Law on the organisation and functioning of bodies in charge of fighting corruption and organised crime.

34. The Constitutional Court is appointed, via a complex formula, for one-third by the President of the Republic, one-third by the parliament and one-third by the joint meeting of the High Court and High Administrative Court.

35. See also European Neighbourhood Policy and Enlargement Negotiations 2023 Screening Report Albania, p. 48.

Court by the Democratic Party. However, on 22 December 2016, the Constitutional Court ruled that the law was in accordance with the Albanian Constitution. It should be emphasised, the appeal by the DP to the Constitutional Court notwithstanding, that the vetting process could and can count on strong bi-partisan support, which has been key to its success.

66. The vetting of judges and prosecutors is conducted by the Independent Qualification Commission (IQC), which consists of 12 members, appointed by the parliament based on recommendations by the International Monitoring Operation which is led by the European Commission in close co-operation with the United States. In addition to the IQC, there is one Specialised Qualification Chamber (SQC), consisting of seven judges appointed in the same manner as the IQC, to which decisions of the IQC can be appealed. There are two Public Commissioners (PCs) who represent the public in these proceedings and who can appeal IQC decisions to the SQC. The International Monitoring Operation monitors the proceedings in the IQC and can recommend the PCs to appeal IQC decisions. The IQC works in four panels of three members. All judges and prosecutors are assessed on the basis of three criteria: justification of assets, background check and legal proficiency. If a candidate does not pass the analysis of his or her assets, he or she will not be subjected to a background check or assessed for legal proficiency. Similarly, a candidate that fails the background check will not be assessed for legal proficiency.

67. The vetting process started, on 26 October 2017, with the nine so-called priority cases: the seven members of the Constitutional Court, the President of the High Court and the Prosecutor General. Subsequently, on 30 November 2017, 48 cases that form the second priority list, consisting of the four other members of the High Court, as well as the prosecutors and judges that are candidates for the High Judicial Council, the High Prosecutorial Council, and the Council of Appointments at Justice, were distributed among the chambers of the IQC.

68. In total 805 judge and prosecutor positions will be subjected to the vetting procedure. According to the data provided by the IQC, by 30 September 2023, the IQC had vetted 694 positions leading to 303 confirmations in office of the judges or prosecutors concerned, the dismissal of 238 judges and prosecutors and the termination of the vetting procedure due to resignation or withdrawal of the candidates in 153 cases.³⁶ It should be noted that in the vast majority of dismissals, over 80%, the candidates were dismissed because of failure to justify their assets.

69. When the vetting process was established, it was limited in time on the advice of the Venice Commission, as an open-ended vetting process would contradict international standards and norms. The Constitutional provisions that established the vetting process therefore foresaw a five-year mandate for the IQC and PCs, ending on 17 June 2022, and a 9-year mandate for the SQC, ending on 17 June 2026. However, given the sheer number of cases and the complexity of them, it soon appeared that these deadlines were too tight, something about which we, as co-rapporteurs, have repeatedly raised our concern. The delay was exacerbated by the impact of the Covid-19 pandemic, and by July 2021, it was clear that by the end of its original mandate, the IQC would only have completed around five hundred cases, leaving approximately three hundred cases unfinished. According to the constitutional provisions, these cases would then need to be finalised by the HJC and HPC with appeals heard by the constitutional Court. However, given the estimated number of unfinished cases, this would *de facto* mean different vetting procedures, and thus unequal treatment, for a large number of judicial positions, which would run counter to international standards and affect the legitimacy of the vetting procedure as such.

70. In order to address this issue, following a positive opinion³⁷ of the Venice Commission, the Albanian Parliament adopted, on 10 February 2022, the necessary constitutional amendments that allowed the extension of the mandate of the IQC and PCs to 31 December 2024. In our meetings with the IQC, we were informed that the extension of the deadline was sufficient for the vetting bodies to vet the remaining positions, which mostly concern lower-level positions that would take less time to consider than the high-level positions at the start of the process. The extension of the mandate of the vetting bodies has safeguarded this important process and should be welcomed.

36. We were informed that a considerable number of candidates withdrew from the vetting process when it was clear their confirmation was in doubt, in addition a number of judges and prosecutors reportedly resigned from their positions in an attempt to avoid the vetting process altogether.

37. [CDL-AD\(2021\)053](#). The Venice Commission considered that the extension of the deadline was the result of extraordinary circumstances, and therefore warranted and in line with international norms, especially as not doing so would result in unequal treatment between judges and prosecutors with regard to their vetting.

71. The results of the vetting process have been outright dramatic. Over 62% of the persons vetted, either were dismissed – mostly because these persons could not justify their assets – or resigned. To underscore the impact of the vetting process, it should be noted that these cases included the General Prosecutor of Albania, as well as 8 of the 9 sitting Constitutional Court judges, and 15 out of the 18 High Court judges. The very high rate of dismissals and resignations underscores both the importance and the necessity of the vetting process. At the same time, it has also had a considerable impact on the functioning of the judiciary, with a number of key judicial bodies lacking the required quorum to function for an extended period of time. Only by the end of 2020 did the Constitutional Court obtain its quorum of 6 judges needed to hold plenary sessions. Similarly, the High Court only became operational in July 2021 when 6 new High Court judges were appointed. Their appointment brought the number of High Court judges to 9 – out of 19 – which gave the High Court the required quorum to operate. The vetting process also delayed the appointment of persons to the new bodies established by the reforms, including to SPAK. The new HCJ and HPC only started functioning on 20 December 2018. The HPC then sent, on 22 November 2019, the list of ranked candidates for the position of Prosecutor General to the Albanian Parliament, allowing the latter to finally appoint the Prosecutor General on 5 December 2019.³⁸ On 18 December 2019, the HCJ formally established the two Special Courts against Corruption and Organised Crime and on 19 December 2019, the first 8 SPAK prosecutors were sworn in by the President of Albania.

4.2. New judicial map

72. As a result of the vetting process, not only appointments to the High Court, but also to first instance and second instance courts were delayed, resulting in understaffed courts. This contributed to the excessively large backlog of cases at all levels of the judiciary. On 31 December 2022, the total backlog for all courts was 132 769 cases, an increase of nearly 6% in comparison to December 2021. The High Court has a backlog of 35 822 cases. However, following the appointment of new judges to the High Court, the clearance rate has increased considerably. We were informed that by September 2023, the backlog was reduced to around 12 000 cases. However, at the level of the appeals court, the backlog increased more than 43% between 2019 and 2022, with an average time for a case at the appeals level of approximately 900 days, going up to nearly 5 800 (!) days for criminal cases at the Tirana Appeals Court.³⁹ This backlog and very slow clearance rate are of serious concern as they contradict the right to trial within a reasonable time as enshrined in article 6 of the European Convention of Human Rights (ETS No. 5). The Albanian Parliament is currently considering a number of amendments to the Civil Procedure Code and the Law on Administrative Courts to simplify and accelerate judicial process. Their adoption, which requires a 2/3 majority, is expected to lead to a considerable reduction in the backlog of cases.

73. A number of reforms have been initiated by the authorities with a view to increasing the quality and efficiency of the justice system. A key component of these proposals has been the drafting of a new judicial map, with the aim of creating fewer, but more efficient and better resourced courts that can address more effectively the number of cases before them. As a result of this reform, the six courts of appeals were combined into a single Court of Appeals. Two administrative courts of first instance were created instead of the previous six. This new administrative map was initially somewhat controversial. A considerable number of interlocutors feared that this new map would increase the distance between citizens and the courts and therewith diminish their access to justice. However, until now this seems not to have borne out. In addition, a system of free legal aid is put in place to help ensure citizens access to justice. This is an issue that needs to be followed closely to ensure proper access to the justice system by all citizens. In that context, it is welcomed that the HJC is regularly evaluating the functioning of the judicial map, which can be updated by the Council of Ministers every five years on the basis of a joint proposal of the HCJ and Minister of Justice

74. While the reforms have improved the framework for a more independent and efficient justice system, concerns remain. External and internal interferences in the judiciary have not yet been fully eradicated and will need additional efforts that go beyond the vetting system. In this context, the random case assignment system, which has recently been strengthened is reportedly still not fully robust against interference.⁴⁰ Moreover, the adjudication of cases is still too slow, the length of court proceedings too long, and the execution of court decisions too slow, which needs to be addressed as a priority.

38. The post had, controversially, been occupied by a temporary *ad interim* Prosecutor General since December 2017.

39. European Neighbourhood Policy and Enlargement Negotiations, Albania Screening Report, pp. 37 to 38.

40. We were informed that, also due to the high number of vacant positions in the first and second instance courts, the system can relatively easily be by-passed.

4.3. Fight against corruption and organised crime

75. The fight against the still widespread and systemic corruption in Albania, and persistent allegations of intertwining of organised crime with economic and political interests in the country remain important concerns, the addressing of which has been a key priority for the authorities over the reporting period during which marked progress was recorded. It has been an important focal point in the monitoring procedure and key requirement for accession to the European Union by Albania

76. As we have outlined above, the vetting process of judges and prosecutors, aimed at addressing the persistent corruption within the Albanian judiciary has been one of the key components of the strategy to combat corruption and organised crime in the country. To a large extent, it is the foundation on which the other components of the strategy are built and supported.

77. The constitutional amendments adopted in 2016 included the establishment of three new, integrated bodies to combat corruption and organised crime. The Specialised Structure for Anti-Corruption and Organised Crime (SPAK) is comprised of the Special Prosecution Office (SPO), the National Bureau of Investigation (NBI) and two Specialised Anti-Corruption and Organised Crime Courts. SPAK is tasked with investigating and adjudicating high-level cases of corruption and organised crime. Currently, the monetary threshold for cases to fall within SPAK's mandate, around € 500, is very low and risk inundating SPAK which would affect its effectiveness in investigating high level corruption in the country. We strongly recommend that this monetary threshold is raised. Similar remarks were made by the Head of the Specialised Anti-Corruption Prosecutors Office in his address to the National Council for European Integration on 17 October 2023, where he underscored that the current low-level threshold was creating an overload of cases for SPAK.⁴¹

78. The SPAK is now fully operational, with the last 32 of the 60 special investigators of the NBI having been appointed in 2022. SPAK has initiated a number of cases against officials for corruption, including at the highest government level, which sends an important signal. If the results of the vetting procedure give rise to suspicion of corruption, the case is forwarded to SPAK, which has initiated a number of investigations, including against 10 former High and Constitutional Court Judges. Given the high number of dismissals as a result of failure to justify assets in the vetting procedure, we expect the number of investigations to increase. While the number of convictions is still too low, there has been an increase in tangible results, including on high-level cases such as the so-called "incinerator scandal" which resulted in a former minister of environment being sent to jail for corruption. It is important that these tangible results are becoming a non-reversible trend, and that the anti-corruption structures have all the resources they need, to send a clear signal at all levels of society that there is no impunity for corrupt behaviour.

79. Initially SPAK did not have access to all relevant State databases and registers, but we were informed that this has now been resolved. In addition, both the SPO and NBI have highlighted the fruitful and effective co-operation and support they receive from similar institutions in Europe and the USA.

80. The High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest (HIDAACI) is a key instrument in the fight against corruption. All elected officials, judges and high-level civil servants must declare their assets to the HIDAACI, as well as those of their spouses, children, and cohabitating persons, which are then audited. In its last resolution on Albania, the Assembly expressed some concerns about the availability of resources for HIDAACI in comparison to its extensive tasks, which could undermine its efficacy. The very high number of dismissals as a result of the vetting process due to undeclared and unexplained assets of candidate judges and prosecutors underscores the validity of these concerns and we encourage the authorities to evaluate what lessons can be learned from the vetting process for the functioning of HIDAACI. In a welcome development, the work of HIDAACI has been strengthened by a whistle-blower protection law and the Group of States against Corruption (GRECO) has noted that financial and human resources for HIDAACI have steadily increased. In order to assist HIDAACI with the auditing of the considerable number of asset declarations it receives each year, an e-declaration system has been developed that, after a long delay, was brought online on 1 January 2022. This should be welcomed. While recognising the progress made, it is important that HIDAACI continues to improve its audit and verification capacity of asset declarations in order to be an effective tool in the prevention and combat of corruption.

41. The authorities have informed us that changing this threshold requires changes to the Criminal Code and Criminal Procedure Code. The Ministry has started a review of the Criminal Code in the context of which they hope to address this recommendation after consulting SPAK and Albania's international partners. This remains an issue to be addressed as a matter of priority.

81. While Albania's legal framework allows for the confiscation of proceedings from corruption and (organised) crime, in practice the confiscation and recovery of criminal assets is minimal, even if progress is being made. In 2021 approximately € 21.5 million were seized and confiscated in corruption related cases as well as € 50 million worth of proceedings from organised crime and money laundering. Another € 21 million worth of assets have been seized – but not confiscated – under the provisions of the anti-mafia law. Albania has established an Agency of Administration of Seized and Confiscated Assets (AASCA-AMO) under the Ministry of Interior and is planning to establish new asset recovery mechanism under the State Police to expedite the identification and tracking of proceeds of criminal activities. It is hoped that these efforts will substantially increase the seizure and confiscation of assets and proceeds resulting from corruption and organise crime which is an important deterrent to counter the attractiveness of such actions.

82. On 25 September 2020, GRECO published the addendum to the second compliance report on Albania, in which it concluded that Albania had implemented satisfactorily nine of the ten recommendations contained in the fourth-round evaluation report. The fourth evaluation round is now considered closed.

83. On 3 March 2023, GRECO published its compliance report in the framework of the fifth evaluation round (Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies). In this report, GRECO concluded that only 5 of its 24 recommendations had been satisfactorily addressed. 13 recommendations had been partially addressed and 6 had not been implemented at all. In the light of this low level of compliance, GRECO concluded that “further progress is necessary to demonstrate an acceptable level of compliance.”⁴²

84. According to GRECO, the institutional and legal framework for the integrity of public officials and Persons Entrusted with Top Executive Functions (PTEFs) has been strengthened. The names of ministerial advisors are published online and covered by the regulations concerning gifts and ethics. A Directorate General Against Corruption was set up under the national Anti-Corruption Coordinator (currently the Minister of Justice) which will closely co-operate with SPAK and HIDAACI.

85. While welcoming the adoption of the Ministerial Code of Ethics, GRECO has great misgivings about the composition of the Ethics Committee set up to oversee the implementation of, and adherence to, this Code of Ethics. This committee is composed of high-level civil servants as well as members of the government itself, which undermines its independence. In addition, legal provisions and regulations that would ensure the accountability of the Prime Minister himself to the Code of Ethics are still lacking. In a welcome development, integrity plans have been developed for all ministries with the involvement of the public administration itself as well as of civil society. Unfortunately, only five ministries have appointed the foreseen integrity co-ordinators that are tasked with monitoring and ensuring compliance of “their” ministries with these integrity plans. While rules on contacts with lobbyists have been adopted to ensure the transparency of the interactions of the ministers and PTEFs, they only cover physical meetings and not contacts by other means such as telephone and e-mail. Moreover, while post-employment restrictions apply to ministers and PTEFs, exceptions are possible and decided upon by the Ethics Committee which, as mentioned, cannot be considered independent. These are important concerns expressed by GRECO that need to be addressed as a matter of urgency by the authorities.

86. In addition to the vetting process for judges and prosecutors, the Albanian authorities decided to also implement a vetting procedure for the law enforcement structures that are widely perceived as being prone to corruption. In 2018, the Albanian Parliament adopted a law on the transitional vetting of the Albanian State Police. All State Police officers, including border guards, were to be vetted on the basis of the legitimacy of their assets; contacts with persons involved in criminal activity and their interests in relation to these people; and on professional proficiency. Unlike the vetting process for the judiciary, there is no international involvement in, or oversight over, the vetting process for the police. In its evaluation report, GRECO has expressed misgivings about the feasibility and impact of this vetting process, which was supposed to cover more than 12 000 positions. In addition, GRECO has expressed reservations about the objectivity of the process as, unlike the vetting of judges and prosecutors, the different verification processes have far less safeguards than those deployed for the judiciary. In response, the Albanian authorities have drastically reduced the number of law enforcement personnel that is subject to vetting, which is now restricted to senior management functions. In addition, these persons will now be subjected to vetting every five years, which is to be welcomed. The External Evaluation Commission⁴³ that was conducting the vetting has been replaced by a new Police Oversight Agency, whose members themselves have been vetted before they took function.

42. [GRECORC5\(2022\)4](#), paragraph 116.

87. Police in Albania is allowed to receive funding⁴⁴ from private sources and can perform paid services such as providing security at private mass events. While the rules have been strengthened, safeguards and risk assessment analysis of this possibility with regard to corruption are according to GRECO still lacking. In general, we have some misgivings about the possibility of law enforcement agencies being able to receive private funding and contributions, which is inherently an open door for corruption. We were informed that the State police has implemented a number of measures to improve the transparency of the donations it received and their sources. In addition, in order to address GRECO recommendations, the State police is in the process of the evaluation of the current legislation and standard working procedures for the donations, in order to avoid conflict of interest and opportunities for corruption. Nevertheless, in line with GRECO recommendations, we strongly recommend the authorities to end the practice of police being funded by private sources or being paid for services provided.

88. In May 2022, Moneyval published its third enhanced follow up report on the anti-money laundering and counter-terrorist financing measures in Albania. While concluding that Albania had reached the general expectation to address most of the technical compliance deficiencies noted in the evaluation report, it decided, for the moment, to keep the country under enhanced follow-up. On 28 October 2023, the Financial Action Task Force (FATF) decided to remove Albania from the list of countries under increased monitoring, the so-called grey list.

4.4. Execution of judgments of the European Court of Human Rights

89. In 2022, the Court considered 116 applications concerning Albania of which it declared 107 inadmissible and found a violation of at least one article of the Convention in the remaining nine cases. On 1 July 2023, a total of 393 cases against Albania were pending before the Court. Key judgments of the Court have dealt with, *inter alia*, inhumane prison conditions, lack of investigation of allegations of mistreatment in prisons; lack of effective remedy and non-enforcement of domestic court judgments, especially affecting restitution of property cases; as well as excessive length of proceedings.

90. In the case *Luli and others v. Albania*, the Court noted that the excessive length of proceedings was becoming a serious deficiency in domestic legal proceedings in Albania. It explicitly called for the introduction of an effective domestic remedy against the undue length of proceedings. Regrettably, the execution of this judgment remains under enhanced supervision of the Committee of Ministers.

91. A number of applications have been filed before the Court concerning the vetting procedure for judges and prosecutors, that we outlined in a previous section. In the case of *Xhoxhaj v. Albania*,⁴⁵ the Court ruled that in the case of Mr Xhoxhaj, who had been dismissed as Constitutional Court judge as a result of the vetting procedure, there had been no violations of Article 6, paragraph 1, as the vetting bodies had been independent and impartial and the proceedings fair. It also ruled that the dismissal from office had been proportional to the serious ethical violations committed. However, in the case of *Thanza v. Albania*,⁴⁶ the Court held that there had been a violation of Article 6, paragraph 1, as Mr Thanza – who had been dismissed as High Court judge as a result of the vetting procedure – had not been given an adequate opportunity to defend himself concerning his failure to disclose contact with organised crime elements. However, in the same case, the Court did not find any violations under Article 8 concerning the assessment of Mr Thanza's assets which had served as a legal basis for his dismissal.

92. As outlined in the previous Assembly report, the restitution of properties expropriated by the communist regime that ruled Albania from 1944 to 1992, has been a long and protracted legal issue. The lack of legal remedies and execution of domestic court judgments in these cases led to the judgments of the Court in the group of cases *Manushaqe Puto and others v. Albania* (judgment of 31 December 2012). These cases concern the structural problem of failure to enforce final domestic judicial and administrative decisions relating to the right of the applicants to restitution or compensation (whether pecuniary or in kind) for property nationalised under the communist regime (violations of Article 6, paragraph 1, and Article 1 of Protocol No. 1 of the ECHR (ETS No. 9)) and the lack of an effective remedy in this respect (violations of Article 13).

43. This commission was composed of 5 members appointed by HIDAACI, 10 members selected by a board composed of 5 members representing the Minister of the Interior, the Ombudsperson, the Commissioner for protection against discrimination, the State Intelligence Service, and the Commissioner on the right to information and protection of personal data.

44. In the form of donations and not in monetary format.

45. Application 15227/19.

46. Application 41047/19.

93. In order to address the shortcomings outlined in the judgments, the parliament adopted, on 5 December 2015, the Law on the treatment of property and finalisation of the process of compensation of property. This law established a Compensation Fund (a Financial Fund and a Land Fund) to ensure the availability of the necessary resources to compensate former owners. Furthermore, the law set out explicit provisions for an annual allocation from the State budget to the Compensation Fund, calculated to finalise the process of payments within 10 years. Binding deadlines have been fixed for the various stages of these processes. The law entered into force on 24 February 2016 and the first three by-laws were adopted on 23 March 2016.

94. A constitutional complaint was lodged against the law by the President of the Republic, a group of MPs, the Ombudsperson, the Republican Party of Albania, and associations of ex-owners. On 7 July 2016, the President of the Constitutional Court of Albania requested an *amicus curiae* brief from the Venice Commission on the conformity of the law with the requirements of Article 1, Protocol No. 1 to the European Convention on Human Rights. On 14 October 2016, the Venice Commission adopted its *amicus curiae* brief on the restitution of property, in which it gave a positive assessment of the new legal mechanisms put in place. On 9 November 2016, while declaring two paragraphs of the law as unconstitutional, the Constitutional Court accepted the legal mechanisms put in place by the law. As a result, the Committee of Ministers decided in 2020 to close its supervision of the execution of the set of cases in *Manushaqe Puto and others v. Albania*.

95. The number of cases before the Court and under supervision by the Committee of Ministers is still too high and more efforts are needed to ensure prompt execution of the judgments of the Court, especially with regard to the execution of domestic court judgments and the excessive length of proceedings.

5. Human rights

5.1. Freedom of the media

96. The media environment has been a long-standing concern for the Assembly. Regrettably, while Albania has overall made considerable progress in honouring its obligations and commitments, the media environment has continued to deteriorate during the reporting period. This backsliding is of serious concern as a free and pluralist media environment is a quintessential requirement for a well-functioning democracy.

97. Albania has a diverse media environment, that, while overall pluralistic, is split along party-political lines, with many of the private media being supportive of one or the other of the main political parties, in line with the political preferences of the economic interest behind these media. In [Resolution 2019 \(2014\)](#) “The honouring of commitments and obligations by Albania”, the Assembly already expressed concern about the polarisation of the media environment. Threats and harsh rhetoric against journalists by political actors, including the Prime Minister, have increased over the recent years and treats of defamation lawsuits, which can carry heavy fines infringe on press freedom.

98. In the 2023 World Press Freedom Index by Reporter without Borders, which was published on 3 May 2023, Albania moved up seven places in comparison to 2022 and is now ranked 96 out of 180 countries (1 being the best), recovering slightly from its 20-place drop in ranking in 2022. According to Reporters without Borders, press freedom is threatened by partisan media regulation, while “journalists are victims of organised crime and, at times, police violence, spurred on by the government’s failure to protect them.”⁴⁷ The Council of Europe Platform to promote the protection of journalism and safety of journalists has, for 2023, recorded six alerts, three of them without reply by the authorities and the killing of one journalist.⁴⁸

99. A key concern during the reporting period was the so-called anti-defamation package that was introduced in the parliament by the authorities in December 2018. This package consisted of a series of amendments to the Law on Audio Visual Media and to the Law on Electronic Communications that would have given the authorities disproportionate power over online media content and could have led to increased self-censorship by journalists. In reaction, the Monitoring Committee, during its January 2020 meeting, decided to request an opinion of the Venice Commission on this package of draft amendments.

100. The Venice Commission adopted its opinion on the draft amendments on 19 June 2020,⁴⁹ in which it expressed serious concerns with regard to the draft amendments which it considered “are not ready for adoption in their current form. The law suffers from vagueness and would likely to have a “chilling effect”

47. Reporters without Borders, [2023 Press Freedom Index](#).

48. [Platform to promote the protection of journalism and safety of journalists](#).

49. [CDL-AD\(2020\)013](#).

suppressing free discussion and political speech in the Albanian sector of the internet". While recognising the legitimacy of trying to address the issue of defamation by online media, the Venice Commission recommended the authorities to reconsider "the adoption of the draft amendments to Law no. 97/2013 (and the related draft amendments to Law no. 9918/2008), in their current form, as voted by the Parliament in December 2019."

101. Following the publication of the opinion, the authorities withdrew the draft amendments from parliament and announced that they would revise them in line with the Venice Commission recommendations before tabling them again. The authorities requested assistance from the Council of Europe in the process of revising these amendments. Regrettably, advice given seems not to have been followed. The expertise provided by the Council of Europe on the revised amendments, concluded that, while containing some improvements, these revised amendments did not address satisfactorily the main and most crucial recommendations of the Venice Commission and could not be considered compliant with international standards. Subsequently, the authorities announced that they were no longer interested in adopting these amendments and, following calls to this extent from the international community, including the Assembly, have removed these draft amendments from the agenda of the parliament.

102. While the withdrawal of the so-called defamation package from the parliamentary agenda should be welcomed, the continued criminalisation of defamation remains a point of serious concern. The Criminal Code still foresees very hefty – in our view disproportional – fines for defamation,⁵⁰ while the Civil Code does not set a limit to the amount that can be awarded as compensation for defamation. In combination, these legal provisions have a chilling effect on journalists who reportedly increasingly resort to self-censorship as a result of the possibility of defamation lawsuits. A related item of concern is the increasing use of so-called strategic lawsuits against public participation (SLAPPs), not only against media outlets and journalists, but reportedly also against civil society organisations and activists. We therefore call upon the authorities to fully decriminalise defamation, to set upper limits to the amount of compensation that can be rewarded for defamation under civil law and to enact proper legislation to counter the use of SLAPPs against journalists, media outlets as well as civil society organisations.

103. Journalists have been banned by Prime Minister Rama from government press conferences for extended periods of time (up to 3 months) after asking questions that were not to his liking. This was criticised by international press organisations, and other actors, including our Assembly, as it undermines the possibility for critical reporting by journalists and could encourage self-censorship. This in turn is detrimental to transparency of governance. During our last visit, we were informed that this practice had subsided, and we strongly hope that there will be no return to such measures.

104. The impartiality of, and political control over, the Albanian Media Agency (AMA) has remained a point of controversy over the reporting period. On 8 July 2021, after the parliamentary elections, but before the new parliament was convened, the Albanian Parliament appointed Armela Krasniqi as chairperson of AMA. Ms Krasniqi has been a communication officer in the Socialist Party and was the director of communications for Prime Minister Rama, which led to questions among stakeholders about her impartiality. The European Union, who had called for the appointment process to be delayed until the new parliament was convened, expressed concern about her appointment. However, on 17 February 2022, the Albanian filled six vacancies on the board of AMA in a reportedly bipartisan manner and with the support of more than three-fifths of the votes. During our last visit, we noted that the independence of the AMA seemed to have become less of a concern for the media stakeholders we met. This is to be welcomed but constant vigilance is needed as an independent and impartial Media Authority is a key prerequisite for a free and pluralist media environment.

105. On 18 September 2021, the Albanian Government established the Media and Information Agency (MIA). The stated aim of this agency is to ensure transparency and centralisation of the communications about activities and policies of the government. In addition, the Agency is tasked with monitoring domestic and foreign (social) media with a view to informing the government of public opinion regarding its activities. Immediately after its establishment, there were fears that individual ministries would no longer communicate directly with the media and that all requests for public information would be centralised which raised considerable concerns among a wide range of domestic and international stakeholders. However, to our

50. The Albanian Criminal Code foresees the following offences: Insult (Art. 119): Intentional insult is punishable by a fine of 50 000 to one million lek. When committed in public, insult is punishable by a fine of 50 000 to three million lek. Libel (Art. 120): Intentionally disseminating statements affecting a person's honour or dignity with the knowledge that the statements are false. Libel is punishable by a fine of 50 000 to 1 500 000 lek. When committed in public, the act is punishable by a fine of 50 000 to three million lek (Source Office of the United Nations High Commissioner for Human Rights (OHCHR) and International Press Institute).

satisfaction, these fears seem to have been unwarranted. Journalists continue to have full access to individual ministers and their ministries and requests for public information continue to be made directly to the responsible government body or agency.

106. With regard to access to public information by citizens or journalists, we were informed that, in contradiction to the legal provisions regulating the access to information, official requests for information are often refused without reason or take so long to fulfil that the request is no longer topical or relevant. This affects the transparency of governance and is an issue that should be addressed by the authorities.

5.2. Minorities

107. Albania is a diverse and multicultural society with a strong historic tradition of interreligious dialogue and tolerance. However, as noted by the Advisory Committee of the Framework Convention for the Protection of National Minorities (Advisory Committee) and also highlighted in our previous report, reliable disaggregated data on national minorities is lacking which makes the analysis of the situation of minorities, as well as the planning of effective policies, challenging. The integration of national minorities, with the exception of Rom, and to a lesser extent Egyptians, is generally considered to be good, but tensions with and between national minorities do exist. Roma and Egyptians are two national minorities that face serious marginalisation and discrimination which hinder their integration. The Fifth Opinion on Albania by the Advisory Committee was adopted on 6 June 2023. The most recent report of ECRI on Albania in the framework of the sixth monitoring cycle was adopted on 7 April 2020.

108. The main legislative framework governing the rights and protection of national minorities is the Law on the Protection of National Minorities that was adopted on 13 October 2017. In this law, Albania recognises nine national minorities: Aromanian, Bosnian, Bulgarian, Egyptian, Greek, Macedonian, Montenegrin, Roma and Serb. While this law in general provides for an adequate legal framework for the protection of minorities, it depends on secondary legislation for its implementation. While nine out of twelve by-laws have been adopted, three by-laws, which are considered the most important, and sensitive, have not yet been adopted. These are the by-laws governing the right to self-identification; the right to education in minority languages and their use in communication with authorities; as well as the procedure for the recognition of national minorities.

109. The Advisory Committee has expressed serious misgivings about the draft legislation dealing with self-identification, which relies upon so-called objective criteria, which are based on official documentation. The Advisory Committee considers this approach to be fundamentally flawed given the “notoriously unreliable historical collection of data relating to national minorities in Albania.”⁵¹ In addition, this ignores the principle of free self-identification as meant in article 3(1) of the Framework Convention, which is of concern.

110. This problematic approach to self-identification should be seen in the context of the fact that a number of the rights provided for in the Law on National Minorities in the municipalities where minorities have a considerable presence, such as the right to education in minority languages, or the use of minority languages in interactions with the local authorities, are conditional on the minority in question amounting to more than 20% of the population in that municipality. However, the 20% threshold constitutes an insurmountable barrier in practically all 61 municipalities, preventing effective access to these rights. Only in three municipalities does the number of persons belonging to national minorities meet the 20% threshold (Dropull, Finiq and Pustec). No other national minority outside of those three municipalities, can benefit from these rights provided in the Law on the Protection of National Minorities. The strict observation of the 20% threshold in the context of the merger of municipalities actually means that in many areas, minority rights have *de facto* been reduced in comparison to 2014. We therefore wish to fully support the recommendation of the Advisory Committee that the authorities reconsider the 20% threshold in favour of a more flexible system that takes better into account the needs of minorities traditionally residing in substantive numbers in different localities.⁵² The authorities have informed us that they are co-operating closely with the Advisory Committee to address these issues in the hopefully very near future.

111. The education in minority languages is an important tool for minorities to protect their culture and ensure their rights. Education in the Greek language takes place in the Gjirokastër, Sarandë, Delvina and Korçë districts where the Greek minority has a very sizable population. Similarly, teaching in the Macedonian language is conducted in schools in the Korçë district. In addition, there are a limited number of schools that provide education in the Romani language. As mentioned, the strict interpretation of the 20% threshold is an

51. Advisory Committee on the Framework Convention for the Protection of National Minorities, Fifth Opinion on Albania, paragraph 4.

52. *Ibid.*, paragraphs 112-123.

obstacle to the provision of education in minority languages. However, a decision of the Council of Ministers adopted in 2018 allows local authorities, on their initiative, to establish classes in minority languages when they see a perceived need. In addition, these classes are exempted of the normal threshold of minimally fifteen pupils before a class can be established. These measures strengthen the possibilities for education in minority languages which should be welcomed. Regrettably, the law does not foresee minority language education beyond the level of compulsory education (ninth grade). We would recommend that the possibility for education in minority languages at higher grades is considered in those areas where minorities have historically a compact presence.

112. During our meetings with minority representatives, including from the Roma community, it was generally felt that political representation of minorities is very limited. This was also observed by the Advisory Committee. There are no ministers hailing from national minorities and only one member of parliament belongs to a minority. In Vlorë, which has a sizable Roma minority, there is only one Roma member in the municipality council, although the Mayor of Vlorë informed us that the municipality had employed a special advisor for Roma issues hailing from that community. On the national level, the 2017 Law on the Protection of National Minorities has established a Committee on national minorities under the office of the Prime Minister as the body protecting national minorities as well as to be the interface between them and the central government. The chair and vice-chair of this committee are appointed by the Prime Minister on recommendation of NGOs working in the field of minorities. The other members represent each of the nine recognised national minorities and are appointed by a special *ad hoc* committee set up for this purpose. The Advisory committee recommended to revisit the appointment procedures and rules of procedure of the Committee on Minorities in order to strengthen its (perceived) independence and efficacy.⁵³

113. The law on protection from discrimination, as amended in 2020, provides for protection of minorities against discrimination and hate speech. There are two institutions in Albania dealing with equality: the People's Advocate (Ombudsperson) and the Commissioner for the Protection from Discrimination (CPD) that are well regarded by minorities. Fears that the mandates of these two entities would overlap and clash have not borne out and an effective and cordial working relation and division of tasks has been established between the two entities. However, financial and human resources for both entities, especially for the Ombudsperson, are not sufficient to conduct their numerous tasks. In addition, follow up by the authorities of the reports and recommendations of these two institutions is, according to these officials, still unsatisfactory.

114. Roma and Egyptians face considerable discrimination and obstacles to their full integration in the Albanian society. The national Action plan 2021-2025, which was developed in consultation with these minorities, focussed on education, housing and healthcare, but it was largely dependent on foreign funding, limiting ownership and effectiveness of the action plan. Reportedly it has a funding gap of over € 2 million. The Roma representatives we met complained that the action plan mostly consists of strategies and intentions but that little or no funds were available for their implementation at the local level, which renders the national action plan, in their view, largely ineffective. With regard to education, enrolment of Roma children has improved but the enrolment and – particularly – attendance rates are still very low in comparison to those of the rest of the population. While the Albanian authorities have stated that segregated schools no longer exist, ECRI and the Advisory Committee have indicated that *de facto* segregation still happens in some localities. This is an issue that needs to be addressed by the authorities.

115. The housing situation of Roma is still difficult and characterised by a widespread lack of ownership or tenancy titles. As a result of the increase in real estate developments, Roma are often subject to forced evictions that do not always fully adhere to international standards and legal requirements, including with regard to prior warning and alternative accommodation.

116. Roma and Egyptians continue to face elevated levels of unemployment and are for a large part active in the informal economy. As a result, they are often not registered as unemployed, which takes them out of the reach of support programmes, including vocational training. In a positive development, most Roma and Egyptians are now included in the national registry and have access to identity documents.

117. As it is the case for many other groups, official data with regard to the LGBTI+ population is largely lacking. However, this community faces discrimination and stigmatisation in the Albanian society which prevents persons belonging to this community from obtaining effective equality. In 2015, in a development that should be welcomed, the Albanian Parliament adopted a resolution on the protection of the rights and freedoms of the LGBTI+ communities that led to the adoption of the 2016-2020 action plan on LGBTI+ issues. This action plan was developed with involvement of the LGBTI+ community. While this action plan notably led

53. Ibid, paragraphs 173-175.

to the adoption of amendments to the Labour Code that prohibit discrimination on sexual orientation or gender, ILGA Europe, in its 2023 comments, on the EU enlargement report, noted that *de facto* only one ministry concerned (Ministry of Health and Social Protection) co-operated with the LGBTI+ community, which limited the effective implementation of the action plan. This should be addressed in the implementation of the next action plan. Albania, contrary to European standards, still does not allow for the registration of same sex partnerships or allow people to change their name and gender in the civil registry, which prevents these persons from obtaining their civil rights. This should be addressed as a priority by the authorities.

118. Hate speech continues to be an issue of concern in Albania. While hate speech and hate crimes are aggravated crimes under Albanian legislation, very few cases are actually brought to trial and effective data collection for hate speech and hate crimes is still lacking. The authorities have informed us that the Ministry of Justice had started to collect statistical data on an annual basis from the courts of general jurisdiction regarding the number of criminal offenses, hate crimes included, and the number of convicted persons.⁵⁴ Cases of hate crime and hate speech are often underreported to and by the police. As an example, while hate speech and hate crimes for sexual orientation are aggravated crimes under Albanian legislation, representatives of the LGBTI+ community still report a very high number of cases of hate speech and acts of violence, which often go unreported to avoid further stigmatisation.

119. The Ombudsperson has made hate speech a priority working area and parliament has adopted a Code of Ethics that forbids MPs from using racist and homophobic speech or any other forms of discrimination and stereotyping in both parliamentary as well as extra parliamentary activities. While this should be welcomed, public condemnation and counteracting of hate speech coming from high-ranking political figures is, according to ECRI, extremely rare and apparently continues to be an acceptable and regular feature of public debates.

120. Hate related violence is reportedly rare in Albania, although accurate official statistics are lacking. Regrettably, ILGA, in its above-mentioned input to the enlargement report, noted that members of the LGBTI+ community in Albania had reported a substantial number of hate related violence against them.

121. As for religious minorities, Albania rightly prides itself for its inter-religious co-operation and tolerance. However, the Jehovah's Witnesses have indicated that, while they are generally free to meet for worship and to share their faith, their community in Albania often faces discrimination in the media or by official bodies. They have been refused registration as a religious community and are registered as a non-governmental organisation, which is not adequate. According to the Albanian Constitution it is up to the Council of Ministers to decide which community can register as a religious organisation. The Council of Ministers, which seems to have been given large discretion in this matter by the Constitution, has until now refused registration. The Jehovah's Witnesses appealed to the Albanian courts which have ruled against them in first instance. The appeals process is ongoing.

122. A population census was conducted in Albania at the moment of the writing of this report. It is important that this census helps the Albanian authorities obtain reliable data regarding minorities in the country, collected on the basis of the principle of self-identification. The 2011 census was controversial in this regard and failed to address this issue. Last minute amendments to the census law of 2000 introduced a fine for an "incorrect" reply to the question on ethnic affiliation and stated that an incorrect reply would be a reply that did not correspond to data contained in the civil registry. As a result, a large part of the population chose not to respond the question and the results of the 2011 census with regard to nationality/ethnicity are widely regarded as unreliable and inaccurate. It is therefore to be welcomed that the possibility for fines for "incorrect" answers has been removed from the law before conducting the 2023 census. Nevertheless, some minority representatives we met felt that the manner in which the questions were asked in the census process seemed at times unclear or to imply a "correct" answer which could undermine the reliability of the data collected, especially with regard to minority issues.

123. Albania has not signed the European Charter for Regional or Minority Languages. Given the extent of the presence of minority languages in Albania we would like to call upon the authorities to consider signing and ratifying this charter as a matter of priority.

54. These statistical data are published on the official website of the Ministry of Justice and can be consulted at: www.drejtesia.gov.al/statistika/.

6. Concluding remarks

124. Albania has been under a full monitoring procedure since 1995. During most of this period, the country has experienced a protracted systemic political crisis, which has hindered its European integration process. In a welcome development, this crisis recently has started to subside and can now be considered largely overcome, although its root causes have not yet been resolved. Constant vigilance in this respect is necessary and all political forces should continue to work incessantly to overcome the systemic polarisation of the political environment, which affects the system of checks and balances and remains the Achilles heel of the proper functioning of the country's democratic institutions.

125. At the same time, as we have outlined in this report, in the recent period, the country has made great, albeit with varying speeds, progress in honouring its obligations and commitments to the Council of Europe. It has implemented far reaching reforms to strengthen the independence of the judiciary and increase the efficiency of the administration of justice. It has continued its fight against the still prevalent corruption and organised crime that have plagued the country for so long. The vetting of the judiciary, and the establishment, of a series of viable institutions to combat corruption are having marked results and tangible progress has been recorded. In the drafting and implementation of these reforms it has co-operated and consulted closely with the Council of Europe whose recommendations and advice have been followed and implemented in the majority of cases. During our visits and contacts with the authorities at the highest level, as well as with the opposition, the political will was clearly present to continue working with the different Council of Europe bodies to address the remaining concerns, as we outlined in this report.

126. We therefore recommend that the committee proposes to the Assembly to close the monitoring procedure in respect of Albania and to engage in a post-monitoring dialogue in line with [Resolution 2018 \(2014\)](#) with the objective of addressing the remaining concerns outlined in this report. At the same time, we recommend that the committee considers returning Albania to the full monitoring procedure in the first report under the post-monitoring dialogue if no marked and tangible progress is made by Albania with regard to addressing the concerns and recommendations made in this report and the draft resolution with regard to the fight against corruption, the protection of minorities as well as media freedom and freedom of expression.