



Resolution 1114 (1997)¹

Honouring of obligations and commitments by Albania

Parliamentary Assembly

1. The Assembly notes that Albania has made considerable progress towards the fulfilment of her obligations and commitments since Albania became a member state of the Council of Europe on 13 July 1995.

2. In particular, the Assembly welcomes progress made recently in attempts to ensure the independence of the judiciary, and to reform the prosecutor's office. It congratulates Albania on its recent ratification of the European Convention on Human Rights and many of its protocols, as well as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its protocols. It regrets, however, that Albania limited the right to free elections at the same time, entering a reservation on this right covered by Protocol No. 1 to the European Convention on Human Rights.

3. The Assembly also notes that, in conformity with its commitment to this effect, Albania has instituted and observed a moratorium on executions, although as yet undeclared.

4. However, a number of obligations and commitments remain unfulfilled as yet, so that more progress is necessary. In particular, the Albanian authorities should in the near future:

4.1. sign and ratify those Council of Europe conventions and protocols listed in Assembly [Opinion No. 189 \(1995\)](#) which they have not already;

4.2. implement the proposals of the European Commission for Democracy through Law on the reform of the Albanian judiciary, in co-operation with the Council of Europe Demo-droit Programme, in particular regarding the appointment, dismissal and immunity of judges and prosecutors, and the composition, role and procedure of the High Council of Justice;

4.3. continue reform of the prosecutor's office and the Albanian police academy in co-operation with the Council of Europe;

4.4. grant significantly more time to lawyers meeting their clients in pre-trial detention;

4.5. abolish the law on genocide and crimes against humanity committed in Albania during the communist rule for political, ideological and religious motives, and the law on verification of the official figures and other persons related to the protection of the democratic state, or reform them to make them compatible with Council of Europe standards and principles as enunciated in [Resolution 1096 \(1996\)](#), especially in as far as the powers and the composition of the commission implementing them are concerned;

4.6. continue efforts to guarantee a fair tax treatment for the press, ameliorate media access in general to official information, and ensure that unbiased political reporting is aimed at on state television;

4.7. ensure that the police act in strict accordance with the law and that all allegations of improper conduct are properly investigated.

1. Assembly debate on 29 January 1997 (5th Sitting) (see [Doc. 7716](#), the Committee on Legal Affairs and Human Rights, rapporteur: Mr Columberg; and [Doc. 7738](#), opinion by the Political Affairs Committee, rapporteur: Mr Van der Linden). Text adopted by the Assembly on 29 January 1997 (5th Sitting).



5. The Assembly calls upon the government and the opposition parties to end the political crisis in the country:
 - 5.1. the government should provide sufficient guarantees for a normal functioning of the opposition parties;
 - 5.2. for its part, the opposition should take part in the work of the parliament;
 - 5.3. a parliamentary constitutional commission should be set up and composed in accordance with the results of the October 1996 local elections, with a vice-chairman appointed by the opposition and working in close co-operation with the Council of Europe;
 - 5.4. a round table convening all political parties in Albania would make a positive contribution to the political climate;
 - 5.5. a new constitution should be prepared and adopted. All parties represented in parliament should be properly involved. This would also create the necessary framework for future elections to take place in a correct way.
6. The Assembly resolves to go on monitoring Albania's compliance with its obligations and commitments under its monitoring procedure until all the remaining commitments and obligations have been honoured.
7. The Assembly insists that the remaining commitments are complied with within the agreed time frame.