



**Organization for Security and Co-operation in Europe  
Presence in Albania**

**REPORT OF THE HEAD OF THE OSCE PRESENCE IN ALBANIA  
TO THE OSCE PERMANENT COUNCIL, 20 SEPTEMBER 2012**

**GENERAL SITUATION**

The political climate improved over the past twelve months, and Albania's constitutional institutions made progress on the path to regaining full viability. After years of political stagnation and boycott, and repeated demarches in relation to the political process by the OSCE Presence and other international actors, progress on the path of reform began with the Socialist Party's (SP) full return to the Assembly in autumn 2011 and subsequent agreement in November on the establishment of an ad hoc committee dealing with electoral reform, a working group to review the Assembly's Rules of Procedure and the December election of a new People's Advocate (Ombudsman). In addition, a number of important pieces of legislation requiring a qualified three-fifths majority of votes were approved in late 2011 and early 2012, the first such decisions since the contentious 2009 parliamentary elections. Throughout the year, recurring political conflicts caused the reform process to falter or even stall in a number of sectors. Nevertheless, the strong national desire for continued European integration again served as a catalyst for development and helped to moderate partisan interests. However, the last twelve months saw some *stop and go* periods. In looking ahead, the main question is whether both sides will be able to sustain the momentum for reform in 2013, a year with what are shaping up to be hotly contested parliamentary elections.

*Presidential elections* were a high profile political event of 2012, with multiple voting rounds scheduled in the Assembly during May and June. No candidates achieved the required three-fifths majority during the first three rounds. Two candidates from the Democratic Party (DP) – neither of whom had been formally presented – withdrew their candidatures for rounds one to four before the ultimately successful candidate, Minister of Interior Bujar Nishani (DP), was proposed and elected in the fourth round of voting with the votes of the ruling coalition. The Constitution as amended in 2008 foresees a simple majority in the fourth round of voting, rather than the qualified majority required in the initial three rounds. Whilst in compliance with the Constitution, the one month long presidential election process did not lead to cross-party agreement on one candidate, with mutual accusations of lack of political goodwill, and was conducted in an atmosphere of political rancour. The SP attended the plenary sessions, but opted not to take part in any voting process, while claiming that the ruling coalition made little attempt to adopt an inclusive decision-making approach with the opposition in terms of finding a consensual candidate, suggesting that all three candidates put forward were clearly identifiable with the DP. The DP argued that the SP did not put forward any candidate name, despite encouragement to do so.

In his first statements as President-elect, Nishani stressed the need to improve the political climate in Albania and his willingness to work above partisan interests. In accordance with the Constitution, he renounced membership in the DP and all other party-related engagements before taking office on 24 July, making him formally independent of any political party. In the first meeting with the Presence, President Nishani identified the justice sector and good governance as his top priorities. He is likely to be at the centre of some tense public debates

starting this autumn over his possible nominations of a new General Prosecutor and Constitutional Court judges, to be appointed after explicit consent of the Assembly. The presidential election also led to changes in the Council of Ministers. Although the nomination of a new Minister of Interior was a direct consequence of the presidential elections, a reshuffle of the ministers from the junior coalition party, including the position of Foreign Minister while chairing an international organization, came quite unexpectedly.

*On electoral reform*, the first tangible step showing the will of political parties to overcome the political impasse was made when a cross-party agreement was reached in the Assembly in November 2011 to establish an ad hoc committee on electoral reform. Although the committee suffered predictable periods of political deadlock, which made it necessary to extend its mandate three times, it was able to finally deliver a substantial draft that enjoyed wide consensus of the main political parties. Great credit should be given to those involved, notably to both co-Chairs as well as the members of the Technical Experts Group from the DP and the SP. The reform was finally approved by the Assembly on 19 July, with the new Electoral Code decreed by the President on 16 August and entered into force on 1 September.

Emphasis must now be placed on the faithful and complete implementation of the Electoral Code, so that the Central Election Commission (CEC) can prepare effectively for the 2013 parliamentary elections. As OSCE/ODIHR recommendations make clear, achieving this task will require all political sides to cast aside partisan self-interest and demonstrate political will to hold free and fair elections. Similar to the preparation and delivery of the Electoral reform, ultimate responsibility for the successful preparation and conduct of elections rests very largely in the hands of the main party leaders. They have nearly unlimited ability to stage elections that fully meet international standards; likewise, they also have the capacity to fundamentally wreck the process and to obliterate the positive achievements of the reform process. It is hoped that they will use the vast powers vested in them in a responsible manner, in line with Albania's OSCE commitments and the aspirations of Albanian citizens.

*On parliamentary reform*, while good progress has been made by the working group reviewing the Rules of Procedure, two main issues are still lacking consensus: the return to secret voting on Candidates decreed by the President and balancing of speaking time of the Prime Minister and Chair of the main opposition parliamentary group. It is important to now see an agreement reached in this process based upon international parliamentary standards. Any new rules then need to be fully implemented. The ruling coalition's use of Assembly investigative committees, one set up in relation to the events of 21 January 2011, which was considered by the opposition and some experts to be a serious misuse of the investigative committee process, and one on the activities of the former Vice-Chairman of the High Council of Justice, was of concern. Both committees appear to have been set up with predetermined outcomes, thereby overstepping the competences granted to them by the Constitution that allows only for a review of a specific issue, not for replacing the work of the judiciary. In addition, in reversing its consistent legal practice and in contradiction to the explicit wording of the Constitution, the Constitutional Court denied standing to a number of MPs who challenged the constitutionality of the Law on the Construction of a new Assembly building. This decision seems to narrow drastically the right of the minority in the Assembly to challenge the constitutionality of laws, as provided for in the Constitution.

*On legislative processes*, some level of progress was noted in the consultation mechanisms used by the national authorities. Although the involvement of civil society has certainly improved, a more structured approach is still needed. Far more needs to be done in terms of establishing a more inclusive political environment within the Assembly. The adoption of

specific rules regarding consultation and transparency in the legislative process, as foreseen in the National Strategy for Development and Integration 2007-2013, remains pending. In general, there is still a need for greater transparency in the legislative process. While the Assembly continues to regularly publish the minutes of most committee meetings and plenary sessions, draft legislation sent by the Council of Ministers and processed through the committees is rarely accessible via the Assembly's website or in hard copy. Further efforts are needed in providing early access and increasing the transparency of the entire process when a draft bill is under review. While in all modern democracies the right to govern is an undeniable fact, there is also a clear right for the opposition to be fully involved in the parliamentary legislative process and to be given sufficient political space to breathe.

*On the rule of law*, progress has been relatively scarce. Often only warnings and pressure from international actors, rather than the action of national institutions, have prevented backward steps in this sector. The continued weakness of State institutions, as witnessed in their hesitancy to act in accordance with the law, poses a serious threat to the fragile achievements in the area of the rule of law. While this weakness has mostly long-standing causes, such as the prevailing clientelism, undue pressure on the institutions to achieve compliant behaviour as a result of the ongoing political power struggle, has not improved the situation. Albania continued to resort to legislative means rather than focussing on improving the implementation of existing legislation. The rule of law, and the legislative process in particular, benefited from the full return of the opposition to the Assembly. This manifested itself in the approval of legislation requiring a qualified majority, among which the *Law on the Organization and Functioning of Administrative Courts and the Adjudication of Administrative Disputes* features prominently. This law, which waited years for approval, aims to improve public access to justice and accelerate the adjudication of administrative disputes. The Government's approval of the *2011-2013 Justice Crosscutting Strategy* and its *Action Plan* marked a step forward. Greater efforts are needed by all stakeholders to improve the functioning and efficiency of the courts and thereby strengthen public trust in the justice system.

The unanimous adoption of the *Law on the Organization and Functioning of the National Judicial Conference* paves the way for the establishment of the National Judicial Conference, the constitutional body responsible for electing judges to the High Council of Justice. This body had not been functioning since 2008 when the Constitutional Court declared the *Law on the National Conference* unconstitutional. The new law also provides that the National Judicial Conference, in addition to its task of electing nine members to the High Council of Justice, functions now also as a forum of discussion for judges on topics of interest to the justice system. Regarding the replacement of those Constitutional Court judges, whose mandate expired in 2010, the Assembly neither considered the candidates decreed by the President nor sought a joint solution with the latter on the appointment procedure as explicitly requested by the Court, thereby undermining the Court's credibility. The resignation of one of the nine Constitutional Court judges also limited the Court's decision mechanism, thus further exacerbating the problem through allowing tie situations. One further candidate decreed by the (former) President remains unconsidered by the Assembly. The institutions of the Assembly and the President need to find a coherent solution to this matter based upon what the Court has asked for, which has not yet happened.

In general, the public perception – including that of potential foreign investors and businesses – of the independence and impartiality of the courts remains low. Any substantial improvement will depend primarily on the political will to embark on a comprehensive, results-oriented reform in key areas of judicial independence, in particular with regards to the

appointment and assessment of judges, including their possible transfer, promotion or disciplining. In this sense, the High Council of Justice's decision to establish an assessment system for potential candidates for positions as court chair, as well as to carry out inspections into these candidacies can be considered a step forward.

*Court decisions* rendered in two high profile cases were of wide public interest. The first instance decision issued in the so-called *Gërdec case*, dealing with the blast in an ammunition dismantling factory that killed 26 people in 2008, ended a trial lasting for over three years and 200 sessions. The trial cannot be considered as having developed in full compliance with fair trial principles. In particular, the excessive length of the trial, which was frequently adjourned due mostly to the absence of defence lawyers, raised repeated concerns. The National Chamber of Advocates as the main actor able to remedy such circumstances consistently failed to act. A further concern was that the Minister of Defence serving in 2008 did not have to stand trial regarding his alleged responsibility in the blast, as the prosecution office did not seek a renewed lifting of his immunity following his re-election to the Assembly, nor did the High Court accept the private criminal charges brought by the families of the victims.

In a further case, the High Court acquitted the former Deputy Prime Minister and Minister of Foreign Affairs, who had been indicted on corruption charges. The Court reached its judgment after delivering what was considered by many observers as controversial intermediate decisions, some of which can hardly be brought in line with the law, such as the Court's exclusion of the audio-video recording and its transcription as evidence, the appointment of Albanian experts instead of international ones, or the overturning of the order of gathering evidence.

*In the area of human rights*, while the legal framework for the protection of minorities is largely in place, implementation particularly in relation to Roma remains poor. The absence of State co-ordination resulted in a lack of adequate and timely measures to provide relevant services. Roma rarely qualify for social housing as they often work in the informal sector. The school drop-out rate of Roma remains high. As for persons with disabilities, they continue to face difficulties in terms of physical access to education, health care and employment and their participation in public life is also limited. The *Law on People with Disabilities* remains only in draft form and consequently the Assembly did not ratify the *UN Convention on the Rights of Persons with Disabilities*. The Albanian National Council on People with Disabilities does not function fully, and its participation in public decision-making is low, although it did organize protests in Tirana against increased electricity bills. On child protection issues, the legal framework was strengthened through the adoption of secondary legislation that improved institutional co-ordination. Despite some progress, the legal requirement to establish local child protection units was not fully achieved. The public announcement of a Lesbian, Gay, Bi-sexual and Transsexual event in Tirana was followed by homophobic remarks from representatives of the junior coalition party, including a Deputy Minister of Defence. On a positive note, the Prime Minister and People's Advocate immediately publicly rebuked the Deputy Minister for his comments. Although the Commissioner for Protection from Discrimination opened an investigation into this case, the publication of these findings remains pending. In general, the Commissioner maintained a limited public profile over the last year except for the introduction of a strategy for 2012-15 and an action plan.

*On the People's Advocate*, the election in December 2011 by the Assembly of a new People's Advocate, after a transparent selection process of candidates carried out by the SP, had a very positive impact. He has raised public awareness on discrimination issues regarding vulnerable

groups, such as the protection of homeless Roma families in Tirana. He has also provided comments on draft legislation and recommendations regarding administrative malpractice and treatment in places of detention. Nevertheless, there is still an apparent lack of will by the authorities to duly implement the People's Advocate's recommendations.

*On public administration reform*, a limited level of progress was noted. Public administration still suffers from a lack of professionalism and from widespread corruption coupled with clientelism. Significantly, a large proportion of positions are still not assigned by means of a merit-based selection process. In combination with frequent staff replacement, this attitude puts serious obstacles to retaining institutional knowledge and thus to developing a professional system of public administration. An already centralised system became yet further centralised with the approval of laws transferring four State agencies, with regard to classified information, official statistics, public procurement, and funding of research and development projects, under the direct responsibility of the Prime Minister. Although this may increase administrative efficiency, the weakening of the collegial organ of the Council of Ministers in favour of a single person is a concern and may lead to undermining the independence of these institutions and a deterioration of transparency. The Civil Service Commission has been functioning with only four out the five members required by law, which may affect its ability to take decisions. While the Commission effectively fulfilled its supervisory and dispute resolution functions, the execution rate of its decisions by State institutions remains poor, even when the decisions were upheld in court. Although the Department of Public Administration fulfils its duties for recruitment procedures, when properly notified by central administration bodies of arising vacancies, concerns remain in relation to the approval of staff of civil service positions hired based on temporary contracts. In particular, a Prime Ministerial Order limiting temporary appointments is barely implemented and central State institutions often fail to request the Department's prior approval for recruitments based on temporary contracts, or disregard its refusal.

*On penitentiary reform*, although the new *Law on the Electronic Monitoring of Offenders* may reduce prison overcrowding, the plan for its operation awaits implementation. There are also concerns regarding prison inmates with mental illnesses. While a law on mental health has now been approved, the issue of those persons incapable of bearing criminal responsibility and who are ordered by the court to undergo treatment is still not properly addressed. The status and placement of these persons require urgent attention, as they ought not to be kept in the penitentiary system. Reports of violence occurring in police stations, including a report by the People's Advocate on alleged torture by the State Police, remain of concern, together with often poor physical condition of detention sites in police commissariats. The Probation Service is progressing, however, its resources to deal with a growing caseload remain limited. The Service successfully reduced the costs and negative effects of imprisonment, but requires further training on work with offenders and better co-operation with courts, prosecution, prisons, local authorities and civil society. The Memoranda of Understanding signed between the Service and several local government units over the last year was a positive sign.

*Property reform* has developed in a piecemeal, partial, and often contradictory manner since 1991. In early 2012, new legislation was approved which included amendments to laws on property registration, compensation, and review of agricultural land titles. In particular, the law on agricultural land titles may resolve uncertainties arising from incomplete or inconsistent application of earlier laws. In June, the Government adopted a *Property Sector Reform Strategy*, which sought to provide a long-term action plan for reform. Additionally, the Government has approved a series of secondary legislation items to help facilitate implementation of new or existing laws. However, these developments took place disjointedly

and without broader public consultation. Without clear policies, deriving from a transparent and consultative process, it is unclear how policy reforms can be sustainable. Competing interests must be resolved in order to remove conflicts. Many properties cannot be registered with clear ownership title due to legal constraints, an absence of appropriate procedures, and inconsistent application of the law. The process for legalizing construction is largely ineffective and plagued by a public perception of corruption. Certainly, the public reputation of the state agency responsible for legalization is poor. Numerous claims by former owners to restitution or compensation of land expropriated by the former regime remain unresolved. Cooperation among and between relevant state institutions remains disjointed, causing inefficiencies, duplication of efforts and a loss of time.

*In the fight against corruption*, while the Government adopted the new *Action Plan for 2011 – 2013* as part of the *Cross Cutting Strategy for Prevention, Fight on Corruption and Transparent Governance*, concerns still remain on the administrative capacities to ensure full implementation and monitoring of the *Action Plan*. The Assembly approved also amendments to the Criminal Code related to acts of corruption by foreign officials and imposed major penalties for corruption in the private sector. The High Inspectorate for the Declaration and Audit of Assets (HIDAA) was able to further expose conflict of interest cases and make progress in enforcing the asset declaration process. HIDAA also conducted a comprehensive and content-driven public awareness campaign on conflict of interest prevention. Once approved by the Assembly, a number of amendments regarding HIDAA legislation will further facilitate efforts made in the investigation and prosecution of suspected corruption cases. Nevertheless, the relevant state agencies overall remain vulnerable to political pressure and interference and suffer from a lack of financial and human resources. Civil society plays a limited role in the fight against corruption and their capacities to enhance transparency, accountability and influence state level processes are weak. While corruption at the lower levels is sometimes prosecuted and legally punished, at senior levels corruption is rarely prosecuted or punished, with senior public officials and important businessmen enjoying near complete immunity. This culture of impunity may explain why the justice system has such a poor public reputation. Corruption allegations against serving ministers presiding over major investment contracts and distrust in the vote counting process reinforced the culture of impunity. A convincing track record of verdicts and robust, appropriate sentencing and/or fines in corruption cases involving senior officials would be a positive measure to restore public confidence and demonstrate political resolve.

The immunity of MPs, high officials and judges remains a major obstacle for investigations into alleged corruption cases. Any solution will require constitutional changes and thus need broad political agreement. In the joint session of the Assembly's Council of Legislation and Assembly Laws Committee, held on 24 July, all MPs present agreed on the necessity for reform. Although SP MPs agreed during this joint session with the content of the amendments – a draft jointly proposed by the DP and SP – the SP MPs also announced that they would not vote on these amendments in the extraordinary session scheduled for 6 August. Instead, the SP MPs requested to postpone the vote to this September, asking to include in the same package other constitutional amendments presented by the SP, but not discussed during the joint session. The SP proposals include the introduction of a qualified majority vote on appointments to key justice bodies, such as the High Court, the Constitutional Court, the High Council of Justice, and the Prosecutor General.

On 6 August, the Assembly held an extraordinary plenary session to discuss the proposed constitutional amendments on the lifting of immunities for MPs, judges and other high officials. In a prolonged debate, SP MPs characterized 6 August as a date arbitrarily set by the

ruling majority for lifting the immunities in a unilateral manner, and stated that they would not vote. The DP MPs maintained that all ruling coalition and opposition MPs had already agreed in the joint session on the content of the constitutional amendments on the lifting of immunities, and therefore should immediately vote in favour of the amendments. Finally, the Assembly did not proceed to vote on the proposed constitutional amendments in this session. After the Assembly had reconvened following the summer recess, the Legislative Council and the Parliamentary Committee on Legal Affairs, Public Administration and Human Rights decided on 6 September to hold a hearing some two weeks later to review the SP's proposed constitutional changes. At the same date, both DP and SP then stressed that they consider the issue of immunities to be closed and that they stand by the text adopted by the Legislative Council in July, and do not wish to re-open negotiations on the agreed amendments. It therefore appears possible that the Assembly may adopt constitutional amendments on lifting immunities in the near future.

*In the fight against human trafficking*, it was positive to observe Government implementation of the *National Anti-Trafficking Action Plan* and co-ordination of state and civil society efforts in this sector. For the first time, a woman victim of trafficking was included in the witness protection scheme. While improvements were noted in the institutional co-ordination of child protection mechanisms, the issue of exploitation of child begging continues. Minimal progress was observed in the prosecution of cases of internal trafficking, often prosecuted under the milder provisions of the *Criminal Code*, as investigations of trafficking as a serious crime are mainly focused in the area of transnational human trafficking. Public funding for NGO-run shelters for victims of trafficking was unfortunately temporarily suspended, creating a financial burden on these shelters that threatens their financial longevity. Authorities need to address the latest trafficking trends and improve the identification of potential trafficked persons. The National Anti-Trafficking Co-ordinator left her position in March 2012 and to date the post remains vacant, leading to a lack of political decision making in the overall coordination of anti-trafficking efforts.

*In the fight against crime*, the Albanian State Police showed marked improvement in a number of areas, particularly in the fight against serious and organised crime, drugs trafficking and border management. Intensive anti-narcotics police operations were conducted, leading to an increase of seizures within Albania and a decrease in drugs successfully transiting the country. Although the cultivation of cannabis sativa still persists in some areas, the scale of the cultivation has been significantly reduced. However, the police will only fully succeed in the fight against drug cultivation with the full support of the local authorities and their respective communities. Resistance to law enforcement is especially high in one commune in the South, where Police efforts in consequence were intensified, through assistance from neighbouring states.

The State Police continued to work on intelligence exchange with EU member states' police services, leading to an increased number of joint operations on the execution of international arrest warrants and to the seizure of criminal assets. Although the MEMEX international criminal intelligence system is well used by all sectors within the State Police, the transfer and sharing of criminal data with other law enforcement agencies needs further improvement. Further progress was observed on *Integrated Border Management*, particularly in the fight against trans-border crime and facilitation of movement for citizens. Significant work by the Border and Migration Police has been witnessed in the establishment of joint information exchange centres with neighbouring countries. In fighting cybercrime, with strong international support, a number of successful police operations took place, especially

regarding the fraudulent use of credit cards on the Internet. Investigations were regularly extended outside Albania, to neighbouring countries and elsewhere.

An area of concern is the apparent stagnant development of the Forensic Science Service in Albania. This area of expertise is impacting upon the due legal process and provides not just the State Police, but also the Prosecutorial and Judicial institutions with the means to address all variants of crime. While the abilities of the State Police in the use of crime investigation techniques increased, the recovery and examination of DNA evidence requires further development. Albania also needs to establish a national DNA database and address the use of DNA evidence in court. In addition, the standard of ballistic and fingerprint examinations remains questionable. Current ballistic and fingerprint equipment is either outdated and/or inappropriate for use. In the area of crime scene investigation, the State Police require further training and development assistance in order to better meet international standards. Internally within the State Police, corruption appears to be declining, due largely to the actions taken by the Internal Control Service in the Ministry of Interior. Police promotion and professional development processes have generally improved, with special efforts being made to address the current gender imbalance in the police force.

*On demilitarization*, the Government launched an action plan in 2008 to complete the process with regards to all surplus conventional ammunition by 2013. A further 26,000 tons were destroyed in 2012. Equipment and scrap from this process has been sold, and some surplus conventional ammunition has been exported, although it does not appear that all revenue gained was channelled back into the system to fund the continuation of the demilitarization process. The disposal of chemicals and the destruction of Small Arms and Light Weapons (SALW) remains of concern. A very significant but as yet unknown number of SALW has to be demilitarized, with the risk that such weapons may be misused or trafficked.

*On regional reform*, the overall development remains mixed. There is currently no agreed strategic vision, no action plan, nor any method for assessing progress. There is also a lack of consultation mechanisms between local government and civil society on policy formulation as well as a lack of transparency in the decision-making process itself. For those competences that have been devolved, such duties have been transferred often at short notice and without full preparation. At the same time, the financial resources available to local governments have not kept pace with their expanded roles. Major challenges include the implementation of national policies relating to territorial planning and water and waste management, as they are responsibilities that local governments are unable to undertake. Therefore, a comprehensive assessment of local governments' financial, institutional and administrative capacities should form an integral part of any decentralisation process. The Albanian Association of Municipalities remains politically fractured and thus no bipartisan body exists to advocate for the common interests of local governments.

*On environmental governance*, while positive developments were noted in the approximation of environmental legislation with international standards, the expected impact was less than optimal due to a lack of the relevant secondary legislation. An Environmental Fund to generate financial resources for environmental protection has still not been established. This lack of resources was shown in the inability of Regional Environmental Agencies to ensure proper field inspections and compliance with international public consultation mechanisms for all investments. The issuance of numerous licenses in the energy and infrastructure sectors without a Strategic Environmental Impact Assessment (SEIA) brought appeals from environmental groups who requested the government to direct all projects through such an analysis to protect the environment. Although progress was noted in the approval of a



National Waste Strategy and in the *Law on Integrated Waste Management*, the necessary funding to implement the strategy was not evident. However, an initiative from a group of individuals to request a general referendum for the partial abrogation of the *Law on Integrated Waste Management* in relation to the import of waste showed a need to revise the provisions regulating the conduct of referenda. In what was widely seen by many as a controversial ruling, following the validation of the required 50,000 signatures, the CEC decided to forward the request to the Constitutional Court and the President only by January 2013. The decision was based on an unclear and somewhat contradictory provision in the Electoral Code that seems to require the postponement of the request. This led the environmental groups to demand a moratorium on import of waste until the referendum is being held, and to formally appeal the part of the CEC decision stipulating the timing for forwarding the request. On 31 August, the Electoral College dismissed the appeal, arguing that the request lacked a legal basis.

*On media reform*, there were incremental improvements regarding freedom of media. Prison terms were prohibited for journalists accused of libel and/or defamation and legislative amendments ensured that state officials cannot take journalists to court for reporting on performance of their duties. However, the Assembly failed to decriminalize libel and defamation as originally sought. The draft law to improve government of the broadcast media is still pending, among other also because stakeholders have linked it to the digitalisation process, which has been delayed. Major broadcasters, including the public broadcaster, used the delay to launch unauthorized digital broadcasts using unallocated frequencies, thereby exacerbating an already complicated legal situation. The media regulatory authority was accused of taking politically motivated decisions targeting broadcasters and of taking arbitrary management decisions regarding assets of the agency. Moreover, the regulatory authority initiated a survey on ethics of broadcasting on its website that clearly violated its responsibilities and mandate as a neutral adjudicator. Print media also suffers from a lack of professionalism. Many newspaper titles are subsidized by their publishers' non-media businesses, who use these publications as tools to influence the political establishment. Minimal attention is paid to the quality of journalism; hundreds of professional journalists have been replaced by inexperienced graduates, many of whom have not been paid for months. As a result, fewer investigative reports are coming out both in the print and broadcast media. This trend has been further aggravated by a feeling of resignation on the part of the population regarding the futility of good investigative reporting, since many cases of fraud and wrongdoing reported in the media are not followed up by law enforcement. Where cases are brought under investigation, high-profile suspects often go unpunished.

*On gender*, with a few exceptions, the number of women in national and local government, as well as in senior political party positions, remains low. It remains to be seen whether the gender quota in the newly-revised Electoral Code will be fully enacted in the upcoming parliamentary elections. The overwhelming case put forward by a coalition of gender NGOs to introduce the rule of 'one in every three candidates being a woman throughout the lists' will remain on the political agenda after parliamentary elections have passed. While the National Council on Gender Equality helped to strengthen the national gender machinery, only a small number of government-level gender equality focal points have been appointed on a full-time basis and with clear terms of reference, as laid out in the Gender Equality Law. With respect to cases of domestic violence, it should be positively noted that amendments to the Criminal Code now impose stronger penalties. However, the issue of domestic violence remains a very serious concern, given continued reports of brutal violence against women, including several cases of murder.

*On civil society*, the picture remains mixed in terms of its ability to fulfil its role as a full strategic partner in decision-making through establishing dialogue with government and in terms of funding its activities. Dialogue among civil society and government needs to be substantially reinforced. The state-funded Agency for Support to Civil Society has since its establishment distributed a limited amount of funding for NGOs, but dependence on donors remains substantial. The Civil Society Charter, a political document of cooperation that spelt out the role and mandate of the civil society and its relation to state bodies, was not fully implemented. Civil society capacity needs to be considerably strengthened, particularly in rural areas. The most active NGOs remain heavily concentrated in Tirana, with most having weak internal structures, membership and capacities. The heads of some NGOs remain, or are at least perceived to be, politically biased. Such a perception, real or imagined, limits the ability of NGOs to strengthen their legitimacy in public awareness raising and in performing their watchdog role. Nevertheless, civil society was active in monitoring local elections and providing comments on the electoral code, including on the gender quota.

## **PROGRAMME HIGHLIGHTS**

The Presence focussed on promoting democratization, the rule of law and human rights, on consolidating democratic institutions in line with OSCE principles and commitments, and continued to work in the areas of legislative and judicial reform, property reform, electoral reform, regional administrative reform, parliamentary capacity-building, anti-trafficking and anti-corruption, media development, promotion of good governance, the development of civil society and police assistance.

*On Democratization*, the Presence provided support to the Assembly in implementing an electoral reform and contributed to improve draft legislation governing the operations of broadcasters, in addition to supporting Government efforts to start the implementation of the media digitalization process. On support to the Assembly, the upgrading of physical infrastructure to improve committee rooms for increasing public access marked a step towards greater parliamentary transparency. The Presence provided training support to gender equality mechanisms at all levels. Civic engagement was also promoted including assistance provided to persons with disabilities.

*On Governance in Economic and Environmental Issues*, the Presence facilitated a structured dialogue among local governments. Greater co-operation between the High Inspectorate for Declaration and Audit of Assets and civil society was encouraged through various events to highlight the anti-corruption measures. The Government was supported in reviewing its Property Reform Strategy by collecting and analysing property-related data and facilitating public participation in the property registration process. The Aarhus Information Centre network was used as a platform for environmental issues related to public information and participation. Local level workshops for the Regional Anti-trafficking Committees and the labour inspectorates on the prevention of human trafficking and labour exploitation were held.

*On the Rule of Law and Human Rights*, the Presence offered technical assistance to State institutions, such as the Ministry of Justice and the Assembly's Laws Committee, in improving legislation such as the *Criminal Procedure Code*, the *Law on the Administrative Courts* and the *Law on the Electronic Monitoring of Offenders* by participating in ministerial working groups and by providing advisory comments. Various line ministries in the implementation of their reform agendas and contributed to the capacity building of several State bodies, like State Police, Civil Service Commission and Probation Service were

assisted. Based on an assessment of observed civil trials, recommendations for increased efficiency of court proceedings in line with international fair trial standards were provided.

*On Security Co-operation*, the Presence supported the State Police in several areas, including a series of training seminars focussing on crime investigations involving juveniles and on strategic diversity training. The Presence supported the Ministry of Justice in a needs assessment for electronic monitoring of offenders in Albania and provided training to the Internal Control Service within the Ministry of Interior on modern investigation techniques, violation of human rights and code of ethics. The Presence offered specialized training in cybercrime, economic crime, public order management, international police missions and domestic violence. Promotion of the concept of cross-border co-operation between Albania and all neighbouring countries continued, also through hosting regular joint cross-border meetings. Technical and financial support was provided for the demilitarization process.

## **LOOKING AHEAD**

While Albania is celebrating its 100 years of modern statehood in 2012, campaigning for the 2013 general elections has begun right after the election of the President of the Republic in June. The most recent general (2009) and local government elections (2011) witnessed highly polarized and politicized pre- and post-election periods, and are still very present in the public political memory.

Based on this experience, in combination with the described current developments, it is to be expected that the upcoming general elections will see very fierce competition. With elections day likely to be in late June 2013, the whole election cycle, including the post-election appeals process and the almost unavoidable by-elections in a number of constituencies could be concluded as late as September. Regardless of this, the new government will not be formally constituted before the first plenary session of the new legislature, which is traditionally scheduled to be in the first week of September. This is incidentally roughly the same time when the next Permanent Council report is due. For the larger part of the coming 12 months, most of the national attention – of the public, of the media, and of the competing political class – will be dedicated to political campaigning. The wider public attention will rather focus on questions like who is going to win the elections than on how to successfully push forward the complex and demanding reform agenda.

Looking further ahead, it is worth noting that Albania is also preparing to increase its existing capacity to take over more international responsibility at different levels and in different formats, including chairing international organizations. It is to be expected that related efforts will be continued.