



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

**REPORT TO THE PERMANENT COUNCIL
BY THE HEAD OF THE OSCE PRESENCE IN ALBANIA**

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OVERVIEW

In a year dominated by parliamentary elections on 23 June, the peaceful conduct of those elections, together with a relatively smooth transition of power, represented meaningful progress in Albania despite a challenging political and economic environment. Although noting an “atmosphere of distrust between the two main political forces [that] tainted the electoral environment”, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) election observation mission’s final report concluded that the elections “were competitive with active citizen participation throughout the campaign and genuine respect for fundamental freedoms.”¹

The past year has been a time of significant developments in Albania. At the end of November, Albania celebrated 100 years of independence. The celebrations were, however, a rare unifying moment. Progress on the reform agenda stalled, while political animosity and polarization increased steadily as the 23 June parliamentary elections approached. The adoption in May 2013 of two key pieces of qualified majority legislation, namely the laws on the High Court and on Civil Servants, as well as of the parliamentary Rules of Procedure, by the combined votes of the ruling majority and the opposition, was a notable exception.

The 23 June elections saw the opposition Socialist Party-led coalition elected by a large margin; the coalition won 83 seats, but due to the later switch of an opposition Member of Parliament, the new ruling coalition now has the 84 votes needed to pass three-fifths qualified majority legislation. The transition of power that followed the elections was relatively smooth, if not completely free from accusations of misuse of power by the outgoing government and alleged purges of the public administration by the incoming one.

The new government took office on 15 September with an ambitious agenda. Substantial challenges are facing the new government, however, and must be dealt with in a mature and inclusive manner. In a positive sign, the new majority indicated its strong interest in pushing through with much-needed reforms, and pledged to work together with the opposition in this regard. It is hoped that the opposition will respond in a manner conducive to making progress on the country’s reform agenda. The Presence and the wider international community have continued to emphasize to all parties the need to fully engage in the country’s democratic institutions. The Albanian political class has the opportunity to adopt a fresh style of politics to tackle essential challenges and meet the aspirations of its citizens. These aspirations, and the values behind them, are shared by the OSCE, and the Presence in Albania has a distinct role to play in advancing them, offering support and partnership.

¹ The full report is available on the ODIHR website at: www.osce.org/odihr/elections/106963

This political climate shaped the European Commission's 2013 Progress Report on Albania and the *Communication from the Commission to the European Parliament and the Council* on enlargement strategy, issued on 16 October 2013, and contributed to the Commission's decision to recommend granting Albania candidate status, with the understanding that Albania continues to take action in the fight against organised crime and corruption. The Commission noted that constructive and sustainable dialogue between the government and the opposition on related reforms will be vital for progress, as will constructive engagement in regional co-operation. The Commission identified five key priority areas that Albania needs to address for the opening of accession talks, namely: to continue public administration reform; to reinforce the independence, efficiency and accountability of judicial institutions; to make further efforts in the fight against corruption, including towards establishing a solid track record; to make further efforts in the fight against organized crime, including towards establishing a solid track record; and to reinforce the protection of human rights, including of Roma, and anti-discrimination policies, as well as implement property rights. These priorities, which are also declared priorities of Albania, are very much in line with the Presence's mandate and represent key areas of the Presence's strengths and experience.

The Presence has engaged early and strongly with the new government, and is active with all political players and more widely in society. Towards the end of this past year, the Presence has taken a fresh look at the complementarity with which it works with other international partners, strengthening co-ordination and co-operation with the EU, offering a stronger relationship with the Council of Europe and the participating States and deepening interaction with the UN, ensuring that scarce resources are allocated where they can have greatest effect and that our efforts are mutually reinforcing.

POLITICAL ENVIRONMENT AND ACTIVITIES

The 2013 elections were competitive, with active citizen participation throughout the campaign and genuine respect for fundamental freedoms, according to international observers of the ODIHR, the OSCE Parliamentary Assembly, and the Parliamentary Assembly of the Council of Europe. However, the atmosphere of mistrust between the two main political forces tainted the electoral environment and challenged the administration of the entire electoral process. Following the elections, the longstanding leader of the Democratic Party and then-Prime Minister Sali Berisha conceded defeat and resigned as party chair, thus opening the way to elections for a new party chair, which were won overwhelmingly by the Mayor of Tirana, Lulzim Basha. The new government, led by Prime Minister and Socialist Party Chair Edi Rama, in coalition with the Assembly Speaker and Socialist Movement for Integration Chair Ilir Meta, announced its intention to focus on developments and reforms necessary to improve the political, economic and social situation in Albania and achieve further progress in Albania's European integration.

The inflammatory and at times derogatory rhetoric that characterized much of the political discourse over the past years did not increase the trust of citizens in the country's political leadership, institutions or the electoral process. The Presence made efforts to address the negative political atmosphere and improve public trust in the electoral process. A Code of Ethics, drafted by the Presence in partnership with the President of the Republic, on conducting an ethical election campaign, was supported in principle by the parties, although regrettably not formally adopted. Following the elections, the Presence has urged all sides, both in government and in opposition, to focus their energies on Albania's reform efforts.

The Presence engaged early on with members of the new government to discuss and identify opportunities for co-operation and areas of priority. It has also engaged substantially with the opposition, to encourage it to participate actively and constructively in the promotion of the democratic institutions of Albania, which is an essential part of any functioning democracy. The response from all political actors has been overwhelmingly positive, reinforcing the Presence's role as a strong, supportive partner of the country. However, it appears that new areas of political tension are emerging, with the opposition having refused to participate in some parliamentary proceedings.

Despite improvements in respect for human rights, the Presence continues to have a role to play in drawing attention and supporting solutions to problems in this area. The eviction of a number of Roma families in early August 2013 is a case in point. The Presence was one of the first to highlight the plight of the families and call for an appropriate institutional response; shortly thereafter, Amnesty International called on the authorities to provide alternative housing as required under international standards on development-based evictions. The Presence has also been active behind the scenes, discussing short- and mid-term solutions with the government, the municipality, the People's Advocate, and organizations working in the field, in order to find a soonest-possible solution for the affected families. The recent constructive actions taken by the government have led to a temporary solution to this particular case. The challenge remains to find a more permanent solution for the families in question and for families in similar situations, as well as to improve integration of the Roma community, including in the areas of education, health, employment, social welfare and social housing.

In late September and October 2012, a group of around twenty formerly politically persecuted persons began a hunger strike on a street in central Tirana, demanding a quicker payment of compensation for victims of the former communist regime. Two of the strikers set themselves on fire, although the exact details are disputed; one eventually died. Alongside national and international actors, the Presence urged dialogue between the government and the strikers, to reduce tension and find a mutually-acceptable solution. Although a court judgment declared the strike illegal, the decision as such was never implemented; the strikers self-dispersed following the refusal of the police to allow water and medicine into the strike area. The basic problems that prompted the strike have not been definitively resolved, but there are strong hopes that the new government will address this issue.

The run up to Albania's celebration of its 100 years of independence on 28 November 2012, while marking a high point of national pride and unity for the people of Albania, was accompanied by a rise in nationalistic rhetoric, creating unease among some of Albania's neighbours and the international community. Together with international partners, the Presence urged the political leaders to recall that Albania has for most of the last two decades played a constructive, stabilizing role in the region. In the end, nationalism did not significantly influence the campaign and was not reflected in the results of the elections.

With the European Commission having recommended the granting of EU candidate status to Albania and pending the decision of the European Council, the political class and the Albanian people have the opportunity to use this positive momentum to seek transformation at home in order to close the chapter of transition. The Presence will continue to encourage and work actively with relevant actors on the reform agenda, in line with its mandate and in close partnership with the government, other political stakeholders and civil society.

PROGRAMME ENVIRONMENT AND ACTIVITIES

Politico-Military Dimension

Despite concerted assistance efforts and gradual improvements, institutional professional **police** standards require further enhancement. In paving the way for the Police to better meet international standards and best practices, the Presence's police assistance focused primarily on delivery of expertise and training at different levels. The Presence worked closely with other international stakeholders, such as the Police Assistance Mission of the European Commission in Albania, the International Criminal Investigative Training Assistance Program and the Swedish International Development Agency, and participated actively in the International Consortium, a gathering of all stakeholders involved in police and rule of law assistance in Albania. Sustainable police training has been a main focus for the Presence. Key topics and successes in the past year include training in criminal investigation techniques for both the Police and the Internal Control Service, comprising surveillance, investigative interviewing skills and strategies where more than 20 senior police officers were trained. The Ministry of Interior has recently embarked on a major restructuring effort to modernize and further professionalize the police service. The opposition has, however, alleged unlawful appointments at the top of the Albanian State Police. It remains to be seen what impact these significant changes in the structure as well as in the staff distribution will have, not only on the Presence's training programmes, but also on the effectiveness of the police.

Both the military and police have identified the need to improve in equality, diversity and minorities' inclusion, particularly regarding the Roma community. The Presence therefore prioritised work in areas where a lack of understanding is often evident, such as interviewing of child witnesses or victims and combating domestic violence. Following a strategic-level course for senior officers, training for a group of police instructors enhanced sustainability and ensured that diversity training was incorporated into training curricula. The police have embraced the idea and now deliver the Presence-approved curricula to all new recruits during basic training. With the assistance of the Presence, police initiatives designed to recruit women have shown positive results following a competitive recruitment campaign and positive discrimination. Over 500 women applied and around 240 successfully completed the process to join the police. More work must be done, however to retain these women and to encourage other women to follow their example.

Senior police managers recognized the need to improve internal leadership capabilities and requested the Presence's assistance in delivering a training programme. The initial focus was on first line managers working within the Border and Migration Police; subsequent courses have focused on the middle management level. To date, 60 police officers have participated in a one-month course, which is accredited by the Institute of Leadership and Management in the UK. While this is a positive step, the police still requires a change in the top-down leadership culture and greater empowerment of operational decision-making.

Border management is an issue of great concern in Albania and remains the most essential aspect of national and international co-ordination and co-operation among all authorities and agencies involved in border security and trade facilitation. The Presence assisted the Border and Migration Police with drafting an Action Plan to complement the government's Integrated Border Management Strategy for the period 2013-2020.

Recognizing the importance of cross-border collaboration in addressing transnational threats, the Presence has focused on overcoming barriers to regional co-operation. The Presence continued to assist the authorities through mediation in consolidating co-operation among all

State agencies operating on border issues, enforcing the implementation of international border procedures through training and harmonization of external border controls. Language diversity and technical competence (in implementation of international border procedures, for instance) are a priority for all police officers operating at Albania's border crossing points. The Presence has worked on training and awareness to improve standards and capabilities in these areas.

The establishment of Joint Information Exchange Centres with two of Albania's neighbours is a significant achievement that was strongly supported by the Presence with advice, mediation, logistics and specialised training. Such Centres allow the exchange of information in real time regarding the verification of citizens and vehicles, reduce waiting times, increase mutual trust, and enhance co-operation between the two police agencies leading to the strengthening of border security systems.

The State Police have increased their focus on combating criminal groups involved in a variety of different criminal activities including trafficking in drugs, vehicles and weapons, especially those who produce and traffic *cannabis sativa* within Albania. As a result, the police were able to destroy a considerable number of plants and seize a huge quantity of hashish. The dramatic reported increase in heroin and cocaine seizures in 2012 is positive, but underlines the scale of the problem. Much remains to be done to reduce and disrupt transnational organised crime groups transiting illicit commodities through Albania, as well as to eradicate well-known local production centres. To contribute to this effort, in 2013 the Presence began developing covert surveillance training, accredited by the Institute of Leadership and Management, for Police Special Forces.

In conjunction with the Ministry of Defence, the Presence is providing support on **demilitarisation** to reduce the risk of explosion or accidental chemical release posed by the approximately 90 tonnes of surplus ammunition and 80 tonnes of hazardous products still stored in deteriorating conditions. Thanks to equipment provided by the Presence through an extra-budgetary project, processes to dismantle ammunition can now operate continually. In addition, the first phase of a new project to destroy all remaining stocks of chemicals in military facilities has been launched. On military issues, the Presence has promoted a regional approach to the demilitarisation process by seeking co-operation with the OSCE Missions to Bosnia and Herzegovina and Montenegro; by supporting the Albanian Ministry of Defence's participation in regional meetings; and by using regional institutional channels.

Economic and Environmental Dimension

Property reform remains a fundamental issue for Albania upon which development in other areas is conditioned. The lack of a consistent policy framework has resulted in legal uncertainty as regards owners' rights, the proliferation of illegal construction and the unregulated development of the real estate market, with negative consequences for the unimpeded enjoyment of the right to property and the economic development of the country. Property reform stagnated throughout much of the past year. Following the conclusion of the Presence's extra-budgetary property registration project, the Presence has worked together with the Delegation of the European Union, as the main project donor, to maximize use of the project's findings and data. The new government has declared resolution of the property situation one of its top priorities and has pledged to take a consolidated approach. National consensus and sustainability of the institutional and legal framework is imperative for the success of this reform.

On the fight against **corruption**, despite commitment by successive governments and legal reform throughout the past two decades, perception of corruption on the ground increased, according to Transparency International. Limited progress was noted overall on anti-corruption issues in the past year. In a commendable step, the Assembly adopted in September 2012 a package of Constitutional amendments restricting the general immunity from criminal prosecution of Members of Parliament, judges and other high officials. Although the amendments adopted by the Assembly removed a major obstacle to the investigation of alleged corruption cases, investigative procedures still require clarification. The challenge remains to turn commitment into effective implementation, with the required level of transparency and accountability and a convincing track record, including high level proceedings. The new government has declared the fight against corruption to be a top priority and has launched the investigation and prosecution of some officials on corruption charges. The government also indicated it will draft a new anti-corruption strategy and related action plan. The state bodies dealing with corruption are not yet fully insulated from political pressure and suffer from limited human and financial resources. The Presence is assisting the national authorities to develop a more effective institutional framework to prevent and combat corruption and money laundering. There have subsequently been improvements in the communication and co-operation between central institutions, as well as an increase in the number of cases reported to the Prosecution, although results are still outstanding. In co-operation with the High Inspectorate for Declaration and Audit of Assets (HIDAA) and the Training Institute of Public Administration, more than 200 local public and elected officials were trained on ethics, conflict of interest and anti-corruption to ensure an effective implementation of anti-corruption measures and mechanisms. In addition, the Presence supported the drafting and publishing of a manual for HIDAA focal points in public institutions, to improve the early prevention and investigation of conflict of interest cases.

In the fight against **human trafficking**, on a positive note, in May 2013 Albania improved its anti-trafficking criminal legislation, bringing it largely in line with international standards, including the Council of Europe's Anti-Trafficking Convention. The Presence had reviewed and provided comments on the draft legislation and operational framework with the aim of ensuring a victim-oriented approach, most of which were taken on board. Efforts to prosecute human trafficking crimes and protect trafficked persons remained however on a low level. The law enforcement response to investigate all forms of human trafficking was weak, largely due to the replacement of specialized anti-trafficking police officers. In 2012, the Serious Crimes Prosecution Office investigated eleven suspected traffickers, although only one case was registered at the Serious Crimes Court. The investigation of human trafficking cases was primarily confined to those involving trafficking for sexual exploitation. The Presence participated in an expert working group of the Ministry of Interior to analyse the prosecution of human trafficking cases in Albania and discuss possible improvements. The Office of the National Anti-Trafficking Coordinator established a working group on the investigation and trial of human trafficking cases, which identified serious gaps in the institutional response to this phenomenon. The protection of trafficked persons was primarily undertaken by NGOs, through donor-funded projects. Regarding labour exploitation, the Presence continued the fruitful co-operation with the State Labour Inspectorate, developing guidelines and an interviewing format on forced labour. This is being followed by on-the-job training for the twelve regional labour inspectorates and should subsequently be integrated in the labour inspection procedures. The seizure of assets of human traffickers is a new focus area for the Presence, based on best practices developed by the OSCE Secretariat. An expert seminar organised together with the Strategic Police Matters Unit drew up recommendations

for enabling the financial investigation of human trafficking cases and generated discussions on the use of the confiscated assets to compensate victims of trafficking.

The new government has listed **territorial administrative reform** as a top priority, although this will require broad public consultation to develop an agreed strategic vision, action plan and a method for assessing progress. In line with the Council of Europe's *European Charter of Local Self-Government*, the reform must guarantee the political, administrative and financial independence of local governments. In addition, it is essential to ensure that the decision-making process for this reform is transparent, inclusive and consensual. Consultation mechanisms between local government and civil society on policy formulation are nascent, as is transparency in the decision-making process. Local government units face the challenge of exercising functions transferred without preparation and with very limited financial resources. Major challenges include the implementation of national policies relating to territorial planning, water and waste management and social welfare. The Presence assisted the Albanian Association of Communes in carrying out an assessment of the implementation of decentralized responsibilities at local level, evidencing the obstacles and challenges of decentralization reform. The findings of the assessment and recommendations for potential solutions to the issues of concern will be incorporated into a policy paper aiming to contribute to the decision-making of the government and Assembly. The Presence supports and is working closely together with the new government on its initiative on public consultations, designing the territorial administrative reform through an inclusive and participatory approach.

On **environmental governance**, positive developments on legislation approximation could be observed, although challenges remain regarding law enforcement and implementation on the ground. Improvements in Environmental Impact Assessments and additional public consultation efforts would alleviate the impact of government investments in the field of energy, mining and infrastructure. A situation analysis report on the current practices and challenges of the extractive industries, commissioned by the Presence in co-operation with Canada, showed that few companies follow relevant environmental standards and that government bodies are not fully able to ensure compliance with national and international environmental obligations on the management of natural resources. While the problem of waste management has been widely recognized and the number of recycling companies active in Albania has increased in the past year, this has not yet led to improved solid waste management on a national level. In a move hailed by environmentalists, but criticized by the recycling industry, the Assembly abolished on 10 October the import of waste to Albania, thus making superfluous a referendum on this issue scheduled for 22 December.

Human dimension

On 23 June 2013 Albanian voters actively participated in the **elections** for the 140-seat Assembly. Sixty-six political parties² and two individual candidates contested the elections. With the exception of one fatal incident outside of a voting centre in Lezha region, Election Day was overall calm and orderly. Ballot counting was finalized within a considerably shorter period of time compared to previous elections, yet still beyond the legal deadline. While the complaints and appeals process was protracted at Central Election Commission (CEC) level, it took place within legal deadlines at Electoral College level. Election results were officially declared by the CEC on 6 August, with the left-wing coalition led by the

² Sixty-two parties were grouped in two coalitions, while four parties ran alone.

Socialist Party winning 83 seats and the right-wing coalition led by the Democratic Party 57 seats.³

The delayed constitution of the CEC challenged its timely preparations for the elections, in particular with regards to implementation of new voting technologies. The pilot projects on electronic counting and electronic voter identification underwent an initial planning phase carried out by a specialized company contracted for that purpose. Following testing of both systems, the CEC decided not to implement them in the 2013 elections. The CEC approved most of the acts regarding the technical administration of elections with unanimous decision-taking. A few important decisions however, were taken along party lines, including the determination of number of parliamentary seats per region and the number of Electoral Administration Zones. These decisions ultimately were taken by Parliament and the Electoral College, respectively. Following the departure of the junior coalition partner Socialist Movement for Integration (SMI) from the government in April 2013, Parliament released from duty the SMI-proposed CEC member and replaced him with a member proposed by another ruling coalition partner. The three opposition-proposed CEC members thereafter resigned in protest. The OSCE/ODIHR final report noted that the legal basis for the dismissal was questionable. The CEC subsequently administered the elections with only four members. The OSCE/ODIHR mission nevertheless assessed that the electoral framework generally provided a sound basis for the conduct of democratic elections, that the election campaign was vibrant and that technical preparations were adequate. The OSCE/ODIHR also noted that the presence of citizen and party observers throughout Election Day generally enhanced transparency. However, key challenges included the atmosphere of distrust between the two main political forces; a blurring of the lines between state institutions and party interests; lack of effective enforcement of media-related regulations and a lack of effective legal remedy and due process to resolve election-related grievances. Unlike in previous elections, the overall quality of voter lists was not contested. The Presence welcomes the government's readiness, expressed through the Ministry of Foreign Affairs, for the full implementation of the recommendations, and stands ready to assist the Albanian institutions in this regard.

The Presence assisted the CEC on strengthening its capacity during the entire election process. The Presence continued to lead the Sector Working Group on elections, coordinating the approximately €1.5 million in technical assistance provided by eleven donors. In cooperation with other international stakeholders, the Presence in January 2013 facilitated training on the administration of elections and managerial skills for the CEC members and senior staff. In addition, together with the Council of Europe, the Presence assisted the CEC in delivering training of trainers to mid-level election commissioners. The Presence also supported the CEC in improving its training and voter education/information strategies and assisted the CEC in developing its voter outreach programmes.

The Presence supported increased transparency of the work of the Albanian **Assembly**, organizing a series of regional discussion forums with parliamentarians from both government and opposition with the participation of approximately 350 civil society activists, students, business representatives and other citizens, in order to build trust between political forces, enhance civic knowledge and stimulate the country's democratic civic culture. In this regard, the Presence placed special emphasis on participation of women and facilitation of women parliamentarians' outreach to their constituencies. Discussion topics included the improved communication between parliamentarians and the local constituencies, gender

³ As mentioned in the Overview, due to the later switch of an opposition Member of Parliament, the new ruling coalition now has 84 votes, and the opposition 56.

representation in decision-making structures and public consultation during the legislative process. In co-operation with the ODIHR, the Presence also supported a discussion of ethical standards for parliamentarians, which was followed by an assessment of ethical standards for the Albanian Assembly. The Presence is now engaging with the new legislature on the potential adoption of a code of ethics for parliamentarians. Additionally, the Presence facilitated Albanian participation in a regional exchange of experiences and best practices on constituency relations. Discussion at this meeting, together with advice provided by the Presence, fed in to a new law, adopted in May 2013, which introduced regional offices for parliamentarians to increase access and communication with their constituencies. The Presence is now assisting the Assembly to set up these offices. In order to improve the quality of media reporting on parliamentary matters, the Presence facilitated an exchange programme for Albanian journalists with their Slovenian counterparts, focusing on parliamentary reporting and transparency of the legislative process. The training led to a noticeable qualitative improvement in the journalists' reporting, particularly in terms of content and analysis; the journalists also demonstrated an increased understanding of and interest in transparency and freedom of information issues.

The **media** law that had been pending for seven years was finally passed in Parliament in March 2013. The Presence's recommendations to de-politicize the broadcast media oversight body and the public broadcaster were unfortunately not taken on board, therefore risking that both institutions may become political instruments of the ruling majority, as also pointed out by the Representative on Freedom of Media just prior to adoption of the law. The new government has indicated its commitment to ensuring the independence of the broadcast regulator and restructuring of the public broadcaster to ensure a professional and politically neutral management. The digitalization process continued to be delayed, however, challenging Albania's ability to complete the digital switchover by the June 2015 deadline. This year's South East Europe Media Conference in Tirana, co-organized by the Representative of Freedom of Media and the Presence in September 2013, dedicated a "master class" to the discussion of certain aspects of digitalization by some of the most authoritative experts in the field.

The situation with regards to **gender equality** improved over the past year. The new government has made a particular effort in this regard: of the 20 ministers appointed, six are women. There are now 25 women parliamentarians (18%), although this is expected to increase as ministers resign their mandates and are replaced by female candidates from the party lists. However, none of the major parties fully met the gender quota for inclusion of women in the candidate lists; moreover, the fines stipulated for such violations are quite low, and do not seem to provide the necessary incentive to comply with the quota. Further improvements are needed to fully implement the 2008 Gender Equality Law, including appointment of gender equality focal points at central and local government level. The Presence promoted best practices for gender mainstreaming at the local government level and targeting specific groups, including women municipal councillors, women mayors and gender equality employees; in addition, a pool of national trainers on "Gender and Local Self-Government" was created to handle future local training needs.

Civil society was active in monitoring the 23 June parliamentary elections. Two coalitions of NGOs conducted both long-term and short-term observation of the electoral process, and provided valuable reports and recommendations, including on the participation of disabled voters. However, civil society capacity is generally rather low, particularly in rural areas, and needs further support to be able to fulfil its role as a strategic partner of the government in decision-making. In addition, NGOs are often perceived to be politically affiliated,

weakening legitimacy of their watchdog role. The state-funded Agency for Support to Civil Society, established in 2010, has not yet been able to satisfactorily address these challenges. The Presence therefore paid particular attention to strengthening civic participation of citizens, especially youth. Several events focused on enhancing students' debating skills, to prepare for structured discussion sessions with local authorities and parliamentarians. By empowering and mobilizing citizens to address issues first at local and then national level, the Presence intends to improve the transparency of decision-making and local consultative mechanisms. An essay competition on "What is democracy to me?" for high school students sparked wide interest and participation. In addition, awareness-raising events promoted the inclusion of vulnerable groups in political and public life.

As in previous years, authorities focused primarily on the reform of the legal framework, placing less emphasis on the implementation of legislation. This approach continues to burden progress on rule of law and human rights issues. Achievements with regard to the **justice system** over the past year consist in essence in the approval of new legislation. In October 2012, the Assembly approved amendments to the law "On the Profession of the Advocate in the Republic of Albania", reforming disciplinary procedures for advocates. The Presence provided extensive comments to these amendments, which were partly taken into account. In April 2013, the Assembly approved the law "On Judicial Administration in the Republic of Albania", which lays down principles for judicial administration and unifies working methods across all courts. The law establishes a judicial civil service, granting to certain positions in the judicial administration the same status as in the civil service, making them more independent, stable and meritocratic. The Presence provided comments to this draft law, which were generally taken into consideration. Also in April, the Assembly adopted amendments to the law "On the organization and functioning of the High Court of the Republic of Albania". While the amendments may increase the efficiency of the High Court, there are still doubts as to whether they will effect the envisaged improvements in the independence of the High Court, given the continued possibility of political influence on the process. The Assembly's approval of the appointment of three judges to the Constitutional Court by the President in April and May 2013 was a positive development, ending a three-year long impasse on the appointments proposed by the previous President in 2010.

In June 2013 amendments to the **Criminal Code** entered into force. They introduced or amended 41 articles aimed at reinforcing the fight against crime by introducing, *inter alia*, stricter punishments against the authors of murders perpetrated against police officers and murders of spouses, killings motivated by blood feuds, and unlawful possession of weapons. The Criminal Code now implements several international obligations of Albania previously not reflected in national law, such as the Council of Europe's *Convention on Action against Trafficking in Human Beings*. The Presence contributed with substantial comments to the draft law to clarify provisions and improve legislative technique. These comments were reflected to a large extent in the final version of the amendments. Moreover, the Presence significantly supported the envisaged overhaul of the Criminal Procedure Code by providing expertise for the overall planning of the reform process and by providing substantial contributions for the task force report on which the reform is based.

In September 2013 amendments to the **Civil Code and Civil Procedure Code** entered into force, the adoption of which had been preceded by a consultation process limited in scope. The amendments aimed at increasing the efficiency and the transparency of civil proceedings. The Presence provided extensive comments to the amendments, the majority of which were incorporated into the final text. Several amendments were based on recommendations made by the Presence in its civil proceedings report *Towards Justice*. This report, discussed widely

with judges, lawyers and court chancellors, was published by the Presence in December 2012 as a result of its monitoring of civil proceedings over several years. The report suggests recommendations for more efficient, transparent and accessible civil proceedings. The Presence, continuing its civil proceedings reform efforts, is currently drafting additional legislative amendments as well as supporting, together with USAID, JuST, a pilot project in Kruja to test the recommendations of *Towards Justice* with practitioners.

A positive and important step in relation to **public administration reform** was taken through the long-pending adoption in May 2013 by the Assembly of the law “On Civil Servants”. The new law is expected to form the basis of a meritocratic and transparent public administration, *inter alia* by providing for merit-based, competitive recruitment procedures intended to curb the rampant hiring and firing for political and/or personal reasons. On 30 September, following consultations with the international community, the Council of Ministers decided to postpone by six months the entry into effect of the law, after its scheduled coming into force on 1 October, until 1 April 2014. The postponement was presented by the government as the best option to avoid a legal vacuum which would have ensued if the law had entered into effect while the sub-legal acts necessary for the law’s implementation were still missing. The Council of Ministers relied on a “normative act having the force of law” based on Article 101 of the Constitution, which allows for temporary measures in cases of necessity and urgency. This normative act was, as required by the Constitution, subsequently approved by the Assembly. The main opposition party voiced concern about the postponement, expressing fear of possible purges in the public administration. The opposition lawmakers submitted, on 3 October, a complaint to the Constitutional Court requesting the repeal of the normative act. The Presence had provided comments on the draft law, in particular highlighting the importance of an independent Civil Service Commission, recommending that this institution be preserved. Consequently, the institution was kept, but the Commission will be transformed into a Commissioner of Supervision of Civil Service. It will continue to supervise the implementation of the civil service legislation by State institutions included in the civil service system, the number of which will significantly increase once the new law has entered into force.

Two **high-profile court cases**, both closely followed by the Presence, remained at the centre of public attention. In the *Gërdec case*, dealing with the blast in an ammunition dismantling factory that killed 26 people in 2008, the Tirana Court of Appeals upheld in February 2013 most of the first instance court’s decision. The appeals presented by the Prosecution Office and of those defendants who had appealed were rejected in July 2013 by the High Court. In a related trial, while the Constitutional Court instructed the High Court to review the private criminal charges brought by the families of the victims, no trial took place due to the amnesty granted on the occasion of the 100th anniversary of Albanian independence. In the criminal proceedings following the violent events of 21 January 2011 between protesters and police, which had resulted in four fatalities and injuries to several others, the Tirana District Court, after 41 hearings, acquitted in February 2013 the two accused National Guard members who had been charged with the murder of three protesters. The Tirana District Court provided that the charges of intentional murder, brought by the prosecution office, could not be proved and that this court was not able to provide a different legal qualification to the facts. The Tirana Court of Appeals, in reversing the preceding acquittal of the two defendants, sentenced them both in September 2013 to relatively short prison terms for involuntary manslaughter, arguing that although the intentional murder could not be proved, the first instance court should have provided a different legal qualification to the facts. The Prosecution, which had sought sentences of 21 and 23 years for the defendants, appealed against the ruling to the High Court.

The growing strong and active role of national **human rights** institutions, in particular the People's Advocate, in raising awareness regarding human rights violations and promoting rights protection, can be seen as a very positive development. However, the People's Advocate still struggles to be heard by the institutions; hopefully the indications of new openness and support by the Assembly, in particular, will lead to positive consideration of the People's Advocate's recommendations. While generally the framework of protective rights against State actors is in place, as in previous years little progress was made in the protection of the rights of vulnerable groups, in particular the Roma and Egyptian **minorities**. Of particular concern was the growing number of evictions and displacements of Roma families despite not having any alternative accommodation, and the insufficient response by relevant authorities. The most serious case was the situation of 37 Roma families, consisting of 96 children and 114 adults, forced to leave their homes in Tirana in order to make room for a private construction project, who then set up camp nearby on the side of a major road. The People's Advocate, supported by the Presence, called for an institutional response, and organized roundtables to discuss possible short- to mid-term solutions. The pro-active response of the new Ministry of Social Welfare, supported by the Presence through technical and legal advice, in finding alternative accommodation for these families and its expressed commitment to seek long-term solutions to similar cases is a very positive development. The Presence, in co-operation with the ODIHR project "Best practices for Roma integration" also facilitated a consultation workshop on Roma eviction and social housing, bringing together responsible State actors, national human rights institutions and NGOs in order to find a common solution to the protracted problem of social housing for Roma. On a related note, the Presence also organized training for the Albanian State Police on equality and diversity issues in order to prevent discriminatory behaviour of the police.

As the Presence could assess after conducting a survey of eleven of the twenty-two **prisons** in the country, the general situation of conditions in prisons has improved and in particular overcrowding has been ameliorated, mainly due to an amnesty and opening of new pre-trial facilities. The new system for electronic monitoring of offenders became operational in March 2013, and is expected to further reduce overcrowding. The Presence supported the drafting of the relevant legal framework for this system, as well as the establishment of the pilot electronic monitoring mechanism. Recognizing the need to standardize practices of informing detainees of their rights and obligations upon entry, the Presence supported the promotion of rights of people in detention through publishing a brochure for detainees and pre-trial detainees. Moreover, the Presence supported the General Directorate of Prisons in organizing a Human Rights Day promoting the rights of people in detention. The Probation Service has continued to see improvement, including further increases in the number of probation staff. The Presence trained newly appointed probation officers and provided training for social workers on probation issues. The Presence also facilitated improved co-operation between the Probation Service and local government. Regarding juvenile justice, reform has stagnated since 2009. The Presence is concerned about the human rights implications of the fact that detention remains the preferred method of dealing with youth in conflict with the law in Albania. This is a topic that will need continuous special attention and emphasis in the near future.

While the legal framework for **child protection** is now widely in place, co-ordination between the different actors involved in child protection remains inadequate, and many child protection units are not yet operational. The Presence held pilot training sessions on child protection targeting a wide range of professionals in order to promote co-operation between different actors. Of particular concern remains the issue of widespread domestic violence, including an increased number of murders in domestic settings – 28 in 2012, according to

police statistics. In order to raise awareness, the Presence supported various events and projects on domestic violence and re-published and disseminated a guiding handbook for victims of domestic violence to assist them in seeking legal redress. In addition, the Presence has encouraged, as part of a community policing approach, an initiative to bring multi-partnership institutional teams together, through effective leadership and drive by the State Police and local municipalities, who are often the first responders.

The full reintegration into society of **formerly politically persecuted persons** remains a concern. Within the overall aim of human rights education, the Presence organized meetings between students and formerly politically persecuted persons in four universities. The meetings focused on raising the awareness of students with regard to human rights violations during the Communist regime in Albania.

LOOKING AHEAD

The Albanian public now has high expectations, with a focus on democratic standards, the rule of law, and economic development. The new government has set out an ambitious programme to meet these expectations, and the Presence is already active in offering expertise and practical support to activities that must overcome substantial challenges and entrenched interests. The opposition's constructive contribution is indispensable to the further consolidation of Albanian democracy, and the Presence will maintain even-handed, close contact with all political actors, as well as continuing to work with all sides to further develop the capability of the Assembly.

In general, Albania has satisfactory institutional and legislative structures, and the strategy of the Presence foresees a shift in focus from institution-building to those areas of greatest challenge: meaningful and impartial implementation of law, effective and proper functioning of institutions and a relationship of trust with citizens and between political opponents.

Already an important contributor to peace and stability, and a co-operative and constructive regional player, Albania is strengthening its role as an OSCE participating State, hosting the Parliamentary Assembly's Fall Meetings in October 2012, the High-level Conference on Tolerance and Non-Discrimination in May 2013, and the South-East Europe Media Conference in September 2013, and the Presence will support its expressed aspiration to take over more international responsibility at various levels and in different formats.

The remaining challenges to the consolidation of democracy and further international integration are internal, in mentality and functionality: the future shape of the country, the speed, effectiveness and sustainability of reforms very much depends on the will and commitment of all political actors in Albania. As the Presence's vision and strategy show, the OSCE Presence in Albania offers its sincere partnership – not interference, but a frank and result-oriented engagement in selected areas where it offers distinct contributions complementary to those of partners – to the institutions and citizens of the country in helping them to meet their worthy aspirations.