



ASSESSING ALBANIA'S CIVIL AND POLITICAL RIGHTS SINCE ITS MEMBERSHIP IN THE COUNCIL OF EUROPE

Marsida Tafilica

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- What has been the Council of Europe's response to human rights concerns in Albania from 1995 onwards?
- What steps have been taken by the Council of Europe to ensure the Albanian state meets its human rights obligations?
- How sustainable are the reforms promoted by the Council of Europe in strengthening Albania's adherence to human rights standards?

Problem Definition and Significance

Human rights are universal, inalienable, indivisible, interdependent, and interrelated. Their universality lies in the principle that every individual is born with the same inherent rights, regardless of nationality, gender, race, religion, culture, or ethnic background. Ishay (2008) noted that, historically, only certain groups such as able-bodied individuals or adult males were considered rights holders. However, the concept of human rights has evolved, and today, every person, regardless of gender, education, economic status, or social background, is recognized as having these rights.

This study seeks to analyze whether, and in what ways, Council of Europe contributes to reducing human rights violations in countries like Albania with a special focus on civil and political rights.

Civil and political rights are still commonly denied in developing nations and under “attack” in the Western countries. Many states continue to restrict basic freedoms, including the right to live freely, freedom of speech and freedom of religion. Such violations have drawn increasing attention from the international community and intensified efforts to ensure respect for human rights (Freedom House, 2024).

In order to collect all the necessary information, a methodology based on a systematic analysis of Council of Europe's reports in Albania from the transition to the democratic political system has been applied. Political rights and civil liberties were assessed through additional sources such as Freedom House index, a neutral instrument, utilized as an impartial and transparent evaluation of Albania's level of democracy. Furthermore, reports from OSCE and Amnesty International played a crucial role in evaluating the effectiveness of the Albanian government and the efficiency of its legal system. Recent developments in Albanian society were also examined to offer a complete understanding of present challenges and progress.

Civil and political performance in Albania

Civil and Political Rights refer to the rights and freedoms that protect individuals from abusive actions by other individuals, non-governmental entities, or the public authorities. These rights also ensure that individuals can participate fully in the civil and political life of their country without facing discrimination or oppression.

The right to life in Albania has been significantly shaped by recent legal and constitutional reforms. Notably, the death penalty, which had previously limited this right, was definitively abolished in 2006. With the adoption of the Albanian Constitution in 1998, human rights and fundamental free-

doms were enshrined in Articles 21 to 44 (Constitution of the Republic of Albania, 1998). Despite these formal guarantees, challenges remain in practice.

Involuntary enslavement and torture/abuse upon arrest or detention remain prevalent, with prisons often being unhealthy and cram-packed environments. Despite many prisoners alleging they were abused or mistreated arbitrarily, courts have convicted individuals only infrequently for abusing their power on prison officials, let alone torturing, even less prone to convicting such crimes committed by police. As human dignity and fundamental rights are most important, such endemic abuse of power betrays Albania's commitment. Meanwhile, according to the report in 2023 published by Freedom House, judicial access remains challenging for vulnerable groups including women, children, ethnic minorities, and people who live in rural areas.

Liberation of press is enforced in the laws, still frequently faced with harassment and threats by political leaders and media owners. Such an oppressive environment forces media to exercise self-censorship and distorts the ability of the media to operate freely.

The part of civil society organizations is still substantial in the advance of human rights and democracy in Albania. Nevertheless, their effectiveness is often affected by political differences, austerity cuts and outside influences.

Having adopted some measures to adjust their laws to the European standards of human rights, Albania still has much work to do. Police brutality, sluggish juridical process, and suppressed media remain continuous trouble. The attempt made by the country to reform the justice system such as judicial vetting procedures and activities against corruption are already steps in the right direction, but they are not wholly able to beat structural barriers.

According to Transparency International (2023), corruption is an enormous barrier to justice that reduces trust in justice and equal safeguarding of rights.

Overall, one may describe the Albanian reality in terms of human rights as an ambivalent mixture of legal obligations and persisting practice gaps, which is subject to further questioning and revisions to guarantee the complete realization of fundamental freedoms by everyone.

Albanian membership in the Council of Europe

The Council of Europe was conceived as a peace project with the promotion of human rights at its core. Headquartered in Strasbourg, the Council now embraces almost all the European countries. It was created with the purpose of bringing together all the people around Europe after undergoing huge devastation and human suffering from the Second World War.

The Council of Europe's most significant achievement is the European Convention on Human Rights (ECHR), adopted in 1950. The Convention was described by its founding members two years later as the first step toward the collective enforcement of some of the rights articulated in the Universal Declaration.

The European Convention on Human Rights has later led to the establishment of the European Court of Human Rights in Strasbourg. Recognized as one of the most effective human rights courts in the world, the Court plays a vital role in holding states accountable for violations. Through this mechanism, the human rights of Europeans are protected under a vigorous and applicable legal system.

On July 13, 1995, Albania joined the Council of Europe, marking a significant milestone for the country. Emerging from a communist state which limited the rights of citizens, the effects of decades of dictatorship can still be traced in Albania.

Albania's accession to the Council was heavily influenced by a major political shift. Albania had been oppressed by a communist regime over forty-five years. After the regime had fallen, the nation was keen to come out of the state of authoritarian isolation to integrate itself with the group of like-minded nations that share similar ideals of democracy, human rights, and rule of law. In this regard, Council of Europe was the

stakeholder that was absolutely critical in the efforts to reinstate Albania into the European and Western world in general. The assistance that was given by the Council played a crucial role in promoting democratization and westernization by Albania. Its diplomacy cannot be underestimated, particularly because it provided both political advice and institutional assistances so that Albania can develop democratic systems. Integration to the Council led to the assumption among the Albanian political party leaders, the civil society organizations and most of the masses, that more political and economic stability, and improved living conditions would be achieved.

Council of Europe Initiatives in Albania

The Council of Europe, either independently or in cooperation with other international organizations, has undertaken a number of projects and produced various reports aimed at helping Albania strengthen its human rights standards. One significant example is the report published on 21 January 2009 by the Council of Europe's Committee for the Prevention of Torture (CPT), which focused on Albanian prisons and police detention centers (CPT, 2009). The CPT has deployed a host of visits to Albania namely to monitor the progress of Albania in adopting its suggestions. The Committee closely inspected during such visits the manner in which people are treated when in police custody as well as

the course of condition of prisons and detention centers. While the CPT noted improvements in several areas, with most detainees reporting appropriate treatment, there were still a number of credible allegations of recent physical ill-treatment.

The Council of Europe and the European Union have maintained close cooperation in supporting the development of various states, including Albania. Together, they have initiated several joint projects. Among them is the Project against Corruption in Albania, a three years initiative aimed at providing assistance to the Albanian state in the execution of a new anti-corruption strategy, a new approach to generate clean governance. It is a cooperative venture between the European Union and the Council of Europe and its initial gathering was held on December 15 of 2009.

There have also been cooperation issues by the Council of Europe with the Organization of Security and Co-operation in Europe (OSCE) in Albania. The most striking case was the project Data Protection in the context of the Civil Registry System of Albania, which is mounted by the Council of Europe and is a part of the greater project Technical Assistance to the Government of Albania on Modernization of Administrative Address and Civil registration Systems of the OSCE. An agreement between the OSCE presence in Albania and the European Commission Delegation was made to formalize this cooperation (Council of Europe, 2009b). The main aim of the data protection project was

to facilitate the formulation of legal framework of personal data protection in Albania in accordance with European principles. Since information that is maintained in the civil registry is rather confidential, it was vital to establish relevant rules, procedures, and practices that should aid in the proper management of information and build the confidence of the population in the manner in which government is processing their personal data.

Conclusion

At the center of human rights as stated in the European Convention on Human Rights lies the value that a human being has the necessity to embrace and respect the authenticity of another person. Human rights along with its nature, objectives, and the most effective means of its realization are the concepts, which are constantly highlighted in this article. Non-governmental organizations (NGOs) are useful in this regard. In today's globalized world, governments and NGOs partnership is vital to upholding security and prosperity based on human rights, democracy and the rule of law.

The main question guiding this study has been: *Has the Council of Europe, following Albania's accession, played a role in reducing*

human rights violations in the country? The answer, as explored throughout this study, is both affirmative and negative, for two main reasons. First, the Council of Europe has, in more than five decades, has been encouraging unity in Europe in a bid to enhance protection of human rights and democracy. Over the past few years, Albania has come a long way by setting up a pluralistic democracy and showing increasing regard to the issue of human rights. Nevertheless, there are still serious issues ahead and much should be done to come to European standards.

Above all, this study has considered the effect of Albania joining the Council of Europe on the unfolding of the Albanian society. The Council of Europe is a very important medium in advising Albania to conform with the core principles of human rights such as the right to life, freedom of speech, among other basic rights and freedoms. Continued support is essential to help Albania close the gap between its current practices and the standards set by the European Convention on Human Rights. This consists of offering support in reinforcing the judiciary, especially through training for judges and legal professionals, to ensure more effective implementation of the Convention and to promote a stronger culture of human rights and the rule of law.

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