



Nations in Transit 2014 - Albania

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Capital: Tirana

Population: 3.2 million

GNI/capita, PPP: US\$9,280

Source: The data above are drawn from The World Bank, *World Development Indicators 2014*.

2014 Scores

Democracy Score (1 = best, 7 = worst): 4.18

Regime Classification: Transitional Government or Hybrid Regime

National Democratic Governance (1 = best, 7 = worst): 4.75

Electoral Process (1 = best, 7 = worst): 4.00

Civil Society (1 = best, 7 = worst): 3.00

Independent Media (1 = best, 7 = worst): 4.00

Local Democratic Governance (1 = best, 7 = worst): 3.50

Judicial Framework and Independence (1 = best, 7 = worst): 4.75

Corruption (1 = best, 7 = worst): 5.25

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

Executive Summary:

Albania has been a member of the North American Treaty Organization (NATO) since 2009 and also aspires to join the European Union (EU). The push for European integration currently functions as the main driver for reform in the country.

In June, a coalition led by the opposition Socialist Party (PS) won a landslide victory over incumbent prime minister Sali Berisha and his Democratic Party (PD). The elections met international standards and resulted in a peaceful transfer of power. The new government is composed of first-time ministers from the PS and more experienced politicians from the Socialist Movement for Integration party (LSI), many of whom were part of Berisha's government until April 2013.

In October 2013, the European Commission recommended that Albania should be granted EU-candidate status due to its demonstrated progress in legislative reform and political dialogue. Two months later, the Council of the European Union decided to postpone this decision for at least a six-month period. In the meantime, Albania needs to convince EU Member States that the reforms it has introduced are being implemented and that there is tangible progress in judicial reform and the reduction of corruption and organized crime.

Use of nationalist rhetoric that was increasingly present during 2012 significantly diminished in 2013, despite sporadic use by some parties during the electoral campaign. Political parties represented in the parliament still have varying views on nationalistic issues, but European integration is a shared priority across the political spectrum.

National Democratic Governance. The government's financial situation continued to deteriorate in 2013 as a result of ineffective tax collection and unbridled government spending. No progress was made regarding property rights. However, general elections in June were followed by a peaceful and orderly transfer of power – the third in postsocialist Albania's history. The new government proposed and began implementing an ambitious reform program that will be tested in 2014. *Albania's national democratic governance rating improves from 5.00 to 4.75.*

Electoral Process. Albania's June elections were held in accordance with international standards, bringing new stability to the politics and economy of the country. Election results were announced the following day without significant contestation, particularly due to the wide margin of difference between the two main blocks. Confrontation that was expected in the streets as well as the courts did not materialize as it had in previous elections. *Albania's electoral process rating improves from 4.25 to 4.00.*

Civil Society. The civil society sector in Albania remains weak in organizational capacity and political influence. Civil society outside the capital remains especially underdeveloped. Labor unions are also weak, and both the authorities and private companies are typically hostile to organizing and collective-bargaining efforts. Nevertheless, there were some signs of increased activity in 2013. Civil Society mobilized to influence a number of major policy issues, notably the decision of the government not to make Albania a site for dismantling Syrian chemical weapons. In 2013, civil society was named as a key component of the EU integration process, and the government acknowledged the need to establish an environment and mechanisms conducive to more inclusive policymaking. *Albania's civil society rating remains unchanged at 3.00.*

Independent Media. Freedom of expression is legally guaranteed and freely exercised in the country, though the media sector lacks both a clear legal framework and self-regulatory mechanisms. The number of media operators has increased along with internet penetration, but this has not automatically resulted in more diverse or high-quality content. The sector suffers significant financial constraints, and poor working conditions for journalists compromise their professional integrity. Political interference and the media's financial dependence on politicians often produce bias. In 2013, media played a larger role exposing cases of corruption and abuse of public office. New broadcast regulations, modeled after European legislation, were passed. *Albania's independent media rating remains unchanged at 4.00.*

Local Democratic Governance. Local governments are weak, fragmented, and subject to political manipulation by the central government, compromising their ability to function and provide basic

services. LSI's abrupt departure from the PD-led ruling coalition in April affected several local government units by changing the existing majorities. Tirana's municipal council could not meet for several months after the elections and was at risk for disbandment. The central government reduced taxes on small businesses in December 2013; if timely remuneration from the state is not provided, this could decrease local governments' budgets by \$20 million. *Albania's rating for local democratic governance remains unchanged at 3.50.*

Judicial Framework and Independence. The Albanian judicial system suffers from chronic corruption, political interference, and inadequate funding. Political conflicts have produced lengthy vacancies in courts and promoted "political" careers within the judicial system. New or revised verdicts from trials of the notorious 2008 Gërdec Explosion and the killings of January 2011 evoked strong reactions from Albanian civic and political actors as well as from the international community, which generally regards the sentences as unjust or inadequate. *Albania's judicial framework and independence rating remains unchanged at 4.75.*

Corruption. Corruption remains a major obstacle to democratization and the EU integration process. The government took steps to identify cases of corruption in 2013, but most of these efforts yielded poor results due to a lack of political will and institutional enforcement. Well-known public cases against high-level officials and politicians from the governing majority and the opposition were taken to court during the year and were still being processed at year's end. New anticorruption strategies and legislative reform have also been proposed. *Albania's corruption rating remains unchanged at 5.25.*

Outlook for 2014. The new PS-LSI coalition now benefits from a qualified majority in the parliament and has planned several important reforms for 2014. Administrative reform will need to be concluded within the year because it directly affects the electoral code, and there will be administrative elections in 2015. Judicial reform is also on the majority coalition's agenda, but it can be expected that friction will arise between the government and Albania's president over the appointments of judges and chairs of independent institutions. In June, the EU will decide whether to award Albania candidate status on the basis of the country's performance in the area of rule of law.

National Democratic Governance:

General elections in June 2013 were followed by a peaceful and orderly transfer of power as two-term prime minister Sali Berisha and his Democratic Party (PD) were replaced at the helm of government by former Tirana mayor Edi Rama and the opposition Socialist Party (PS).

The PS-led coalition was strengthened by the addition of the Socialist Movement for Integration party (LSI), which left the Berisha government two months before the election. LSI is headed by Ilir Meta, whose alleged corruption as deputy prime minister famously set off PS-led antigovernment protests in 2011. LSI's departure from the government in April 2013 led to a personnel reshuffle within the government, with the nearly one-third of government positions LSI used to occupy going to members of PD or the next-largest party in the coalition, the nationalist Justice Integration and Unity Party (PDIU). The rapid changes in personnel caused instability in public administration during and after the elections.

At the polls, the PS-led opposition coalition (Alliance for a European Albania) beat the PD's Alliance for Employment, Prosperity and Integration by a wide margin, claiming 83 of 140 seats in the unicameral parliament. Two additional MPs defected from the now-opposition and joined LSI at the beginning of the new parliamentary session, strengthening the PS-LSI coalition's qualified majority. The new government is composed of ministers from both parties, as well as non-politically engaged professionals. The ministers from PS are relatively new to politics, while most of LSI's ministers previously served in the Berisha government. Meta serves as speaker of the parliament.

The Rama government, which took office in September, proposed an ambitious agenda for its four-year term, including reforms in taxation, health, employment, security, the judicial system, administration, and territorial division. However, the restructuring of ministries and key institutions as per the new government's program has been slowed by financial limitations as well as administrative and legislative barriers. In October, for example, the parliament was forced to postpone the enactment of a new law on public employees because necessary supporting legislation was not ready.

Albania's financial situation did not improve in 2013. In December 2012, Albania abolished its previous debt ceiling, which had limited public debt to 60 percent of gross domestic product (GDP).^[1] This paved the way for extensive government borrowing in order to finance investments and raise salaries and pensions ahead of the 2013 elections. As is typical in election years, the government overspent on infrastructure development in 2013, and when tax revenues dropped, many of the companies working on these government-funded projects were left in arrears. In September, the International Monetary Fund (IMF) declared that Albania's public debt had reached unprecedented levels, partially due to the government's unpaid bills and other arrears. The IMF further noted that "[e]conomic weakness and elevated macroeconomic imbalances pose significant policy challenges."^[2] The new government expressed its intention to complete an agreement with the IMF beginning in 2014.

At the end of the year, the parliament approved several government-proposed changes to the tax system intended to address Albania's growing budget deficit and meet commitments the governing coalition had made during their electoral campaign. As of January 2014, Albania's previous flat tax system will be replaced with a proportional income tax that reduces the tax burden on lower-income citizens. Corporate taxes will increase from 10 to 15 percent, while small businesses will be subject to a new, simplified tax.^[3] In addition, the new fiscal package introduces higher duties for products such as oil, tobacco, and alcohol.

Property rights and the restitution of property nationalized under the communist regime remain a serious concern. The government has adopted a formal strategy to address the problem, but efforts to produce concrete results have moved at a slow pace. The strategy acknowledges that because the financial cost of the process has not yet been determined,^[4] it cannot provide a clear timeframe for the full restitution of property rights. Failure to properly address the issue has brought a large number of legal cases to the European Court of Human Rights (ECHR). In June, the Committee of Ministers of the Council of Europe adopted a resolution that urged the Albanian government to establish "an effective compensation mechanism" within 18 months for the ECHR ruling of *Manushaqe Puto*.^[5]

Albania made some formal progress toward EU integration in 2013. In May, during the last session of the previous parliament, the legislature approved three EU-recommended laws addressing the Supreme Court, changes in parliamentary procedures, and a new civil servants law offering greater protection for state employees.^[6] For the new legislation to pass, the divided parliament had to agree to delay the implementation of these laws until after a new government and parliament were in place. In December, the Council of Ministers of the European Union determined that Albania was not ready for EU candidate status, contrary to the European Commission's recommendation in October.^[7] The country's potential candidacy will be reassessed in June 2014. Anticorruption and judicial reforms, as well as the fight against organized crime, are key issues that need to be vigorously addressed in order to progress the EU integration process.

Electoral Process:

Parliamentary elections on 23 June were the most orderly in postcommunist Albania's history, resulting in an unusually peaceful transfer of power. The country's last general and local elections in 2009 and 2011 failed to meet international standards of fairness, triggering political deadlock that slowed down key reforms and increased the polarization between PD and PS supporters.

Preparations for the elections were seriously disrupted by political deadlock in the Central Election Commission (CEC). The CEC has seven members – four proposed by the majority and three by the opposition. Decisions require a qualified majority of five members, which the CEC often fails to reach due to party alliances.^[8] When the LSI party left the PD government in April to join the opposition bloc, the parliamentary majority dismissed the CEC member LSI had nominated and replaced him with a nominee of the Republican Party (RP), a PD ally. The legal basis for the dismissal was questionable, and the decision was widely perceived as politically motivated.^[9] The opposition refused to accept the legitimacy of the RP replacement, and the other CEC members proposed by the opposition resigned in protest. As a result, the CEC operated with just four members throughout the election period, preventing it from making crucial decisions that require a five-vote majority. Earlier, after the CEC failed to decide on seat distribution in the country's electoral districts, the parliamentary majority intervened and set the allotments using outdated 2009 population figures.

Following revisions to Albania's electoral code in 2012, two new electronic systems for voter identification and ballot-counting were supposed to be piloted in the Tirana and Fier regions during the 2013 elections. Unable to meet necessary legal deadlines or implement proper regulation for the technology, the CEC was forced to scrap both pilots one week before the elections.^[10]

Officially, campaigning began 30 days before election day, but intensive promotional activities were noted several weeks earlier.^[11] Other problems reported by monitors from the Organization for Security and Cooperation in Europe (OSCE) included the partisan use of administrative resources, pressure on public employees and students to attend campaign events, alleged vote buying, some cases of family or proxy voting, and various missed deadlines. However, the observer mission found that the overall campaign was vibrant, competitive, and largely peaceful, despite an election-day shooting incident in which an LSI supporter was killed and two others, including a PD candidate, were injured.^[12] Perhaps due to the wide margin between the two political blocks' winnings, there were few appeals or demands for recounts filed to the Electoral College, and people did not take to the streets in protest.

According to the final results, the PS captured 65 seats, the LSI took 16, and two smaller PS-allied parties – the Human Rights and Unity Party (PBDNJ), which represents ethnic Greeks, and the Christian Democratic Party – each garnered 1 seat. Meanwhile, the PD won 50 seats and its junior partners – the nationalist Justice, Integration, and Unity Party and the Republican Party – took 4 and 3 seats, respectively. Voter turnout was reported at 53.5 percent.^[13]

Days after his party's electoral defeat, Prime Minister Berisha resigned from his position as PD party chair and called for party elections within 30 days. After a brief campaign, Mayor Lulzim Basha of Tirana was elected as the new party leader.

A few local administrative elections were also held in 2013. In the city of Korça, mayoral elections were held after the incumbent left to serve as a deputy prime minister in the Rama government. Turnout was very low, and the campaigns organized by the two contenders were not aggressive. After the election, however, the new opposition (PD) accused the majority party of buying votes after the media reported that PS had offered remuneration to students by paying their travel expenses. The opposition called for a revote in Korça, but the Electoral College dropped the request.

Clearer provisions in the electoral code are needed to facilitate the organization of local or national referendums. In 2012, the CEC approved a request by citizens for a national referendum on banning the import of nonhazardous waste. The vote was planned for December 2013 but canceled after the newly elected government repealed the legal provisions at issue.

Civil Society:

Civil society in Albania is still developing and restricted in terms of capacity and influence in the public sphere. Because 2013 was an election year, public debate was dominated by politicians, leaving little room for other actors to contribute to the country's development. The public continues to think of civil society as synonymous with and limited to the work of civil society organizations (CSOs), rather than as a broader concept and mechanism for expressing its needs and concerns.

CSOs have limited activity outside the capital. All CSOs must register at the Court of Tirana District, which complicates the activities of those organizations working in the regions. Networks of organizations are rare and largely inefficient. Overall, most organizations have limited interaction with the groups of society they strive to represent. Since the public still associates CSOs with compulsory activities organized under the communist regime, many Albanians refrain from engaging or supporting civil society activities. The state does not proactively encourage volunteering.^[14]

As the pool of international donors shrinks, financial sustainability is becoming an increasingly pressing issue for many CSOs. Organizations often follow donor-driven agendas and dedicate a large share of their capacities to grant-making rather than pursuing their own organizational goals. International donors have increasingly made their funding conditional on the receipt of co-support from central or local state institutions, reducing the ability of CSOs to remain impartial government watchdogs. Meanwhile, applying for EU funds involves complex procedures that tax most CSOs' capacities. Attempts to diversify funding through for-profit activities are also difficult because of a lack of legislative regulation and unclear taxing procedures. Albania lags behind other countries in the region in the creation of legislation for regulating charitable donations from individuals or

companies. In 2013, the government began appointing new board members to the state Agency for the Support of Civil Society, whose role is to distribute government funds to CSOs. However, the agency does not enjoy a reputation of unbiased and transparent support to CSOs and its resources remain very modest.

There were some signs of a rise in civic activism during 2013. In autumn, a debate over the American request for Albania to serve as a hosting site for dismantling Syria's chemical weapons quickly expanded in media and public dialogue. The country's questionable capacity to deal with this task, alongside human and environmental risks became the leitmotif of an impressive public protest that grew rapidly.^[15] Initiated by a small group of environmentalist activists, the protests expanded and involved citizens of all ages and social groups. The fact that the movement was not donor- or political party-driven was particularly significant, as was the participation of high school and university students. In response to growing public pressure, the government declared that it would not accept the mission, despite its position as a NATO member.^[16]

In December 2013, a large number of actors from civil society organizations gathered and drafted a declaration calling upon the parliament to provide mechanisms and implement policies to strengthen and encourage the expansion of civil society.^[17] While civil society organizations (CSOs) were coordinating, the government also made some notable attempts to improve the legal framework concerning access to information and public consultation in the legislative process. The Ministry for Innovation and Public Administration held a series of public events to draw input from civil society actors on a draft law that addressed these issues. The draft, still under review at year's end, would introduce some legal improvements and generally adopt a more open and transparent legislative process.^[18] The potential impact of such changes in addressing the long-standing issues of limited access to information and Albania's relatively closed legislative process remains to be seen.

In November, the EU launched the initiation of a High Level Dialogue with Albania to discuss how the country should address the remaining criteria needed to open the accession negotiations. Five issues were discussed in the initial meeting, and greater governmental dialogue with civil society actors was included as a top priority and concern.^[19] Therefore, the High Level Dialogue formally included strengthening and engaging civil society as a vital component of the integration process, and there is potential for CSOs to provide more political input and monitor institutional reforms.

Labor Unions remain weak and with low membership across various economic sectors. When unionized bodies exercise activism, the reception from the government and business community is largely negative. Overall, tripartite dialogue in Albania is almost nonexistent and remains unable to improve conditions and rights for workers.

Independent Media:

Freedom of expression is legally guaranteed and exercised in the country, though the media sector lacks both a clear legal framework and self-regulatory mechanisms. The number of media operators has increased along with internet penetration, but this has not automatically resulted in more diverse or higher-quality content. Television and print media continued to suffer financially in 2013, and the salaries of staff were often delayed.

Libel has been decriminalized but remains a civil offense punishable with fines. Defamation cases against journalists have been on the decline in recent years as politicians increasingly opt to sue their each other, rather than the media.

The financial viability of media in Albania relies heavily on the private funds of their owners and advertising revenues. Major media outlets, especially television channels and newspapers, are owned by construction or oil companies and generate unreliable advertisement revenues. Media depend on advertising contracts from state institutions, which are typically awarded to outlets that provide favorable coverage of the government, leaving few truly independent news sources. In December, Defense Minister Mimi Kodheli announced that she had presented the Prosecutor General with evidence that her predecessor at the ministry had infringed tender procedures in a number of areas, including media advertising.^[20] The Defense Ministry reportedly ran four major ad campaigns worth €584,000 that went exclusively to advertising agencies Promo Sh.p.k. and Zoom Sh.p.k. Both of these agencies were closely affiliated with the owner of TV Klan, part of a media group that was openly progovernment at the time. The investigation was still pending at year's end. Between 2010 and 2012, Promo Sh.p.k. also produced three major advertising campaigns worth €1.4 million for the General Directorate of Police.^[21]

The partisanship of many news outlets was visible during the 2013 election campaign, with the main television stations favoring either the PD or the PS in the amount or tone of their coverage. The six television channels monitored by the OSCE/ODIHR offered over 387 hours of airtime on election-related issues in various formats, including newscasts, free and paid airtime, informational programming, and debates. Smaller parties received little airtime.^[22] The election commission's media rules were weakly enforced, and a decision by the panel in early June appeared to require broadcasters to air party-prepared footage during newscasts, disregarding a 2011 court ruling.^[23] Several journalists gained political positions during this period, demonstrating the strong ties between the political and media sectors

The National Council of Radio and Television (NCRT) is the main body responsible for regulating public and private radio and television in Albania. As the members of the council are elected by the Assembly via a simple majority vote, the body is perceived as politically biased, leading media professionals and NGOs to demand the reform of the law regulating appointments to the council. After a long political battle, a new law on Audiovisual Media Services was adopted in March 2013. The law was intended to harmonize broadcasting regulations with European legislation, but the newly established Audiovisual Media Agency does not guarantee the independence of its members.^[24]

Albanian Radio and Television (ART) and the Albanian Telegraphic Agency (ATA) are the only public media in the country. Both maintain a strong progovernment bias. Politically charged content and outdated technology has reduced their popularity with the public, increasing their reliance on funding from the state budget. Of the two, the ART particularly needs significant reform in order to provide citizens with balanced news and information.^[25] The problems of illegal frequencies and piracy of cable television go largely unaddressed.

Several media organizations and unions exist, but they have had little influence on working conditions, editorial freedom, or relations between journalists and media owners. A large majority of journalists work without formal contracts. The salaries of media workers are not standardized according to their roles and some media routinely delay the disbursement of payment to their

employees.^[26] In 2013, the Albanian Union of Journalists estimated that 90 percent of the private media are late in paying their staff salaries by between two and six months, and only 40 percent of media outlets regularly contribute to their employees' social security and health funds.^[27] Ethics and respect for privacy in the news remain an issue, and several cases of infringement occurred in order to raise viewership. For example, news sources often reveal the identity of child abuse victims.

Investigative journalism remains weak in Albania, though increased online platforms have provided a new space for its development. In 2013, television channels aired secretly registered videos to publicly denounce cases of suspected corruption and other abuses of public office.

Albania's switch from analog to digital broadcasting is supposed to be completed by June 2015, but it is unclear whether this deadline can be met. In late 2013, the new government canceled a bid for the digitalization of ART, citing irregularities.

Local Democratic Governance:

The legal framework for local government in Albania is based on the principles of democracy, decentralization, and local autonomy. In practice, the central government is generally unwilling to decentralize power, and local governments remain weak, fragmented, and subject to political manipulation by the central government.

Albania is divided into 373 local units made up of 65 urban municipalities and 308 rural communes. The mayors of municipalities and communes are directly elected through a majority system, while their representative councils are directly elected through a proportional closed-list system. Representatives from these units appoint bodies that govern the second layer of local government – 12 administrative units called *qarku* (counties), most of which lack the financial authority or resources to fulfill their assigned duties.

When LSI left the government coalition to join the opposition bloc in April 2013, local government institutions were directly affected. The shifting alliance of LSI representatives on regional and municipal councils led to filed motions for dismissal of current chairs in key cities such as Tirana, Durrës, Elbasan, and Fier. In Tirana, the municipal council did not hold its required regular meetings for over three months and came close to dissolving as a result. The council was able to reach a compromise in October, when the chair of Tirana's municipal council formally resigned and a new PS-LSI backed chair was approved.

Because local governments are largely dependent on financial resources from the central government, they often get drawn into political debates and confrontations generated by parties at the national level. The two main municipal associations are divided across party lines. Partisanship kills consensus and cooperation at the local level and also prevents local leaders from expressing their shared needs to the central government in a unified voice.^[28]

Local government revenue fell by 21 percent in 2013,^[29] contributing to the growing weakness of local administrative units and their vulnerability to the central government's frequently changing policies. Central funding is not often transparent or strategically oriented, and local government administrations hold a high percentage of temporary contracts, rendering long-term development efforts difficult. Local authorities seek government investments in basic infrastructure like roads, water facilities, and irrigation, but they lack vision or capacity for further social and economic

development of the localities. The central government decides how investments should be spent, and the overall amount to be distributed at the local level.

Changes to Albania's tax system approved by the parliament in late December will reduce the flow of funds to local government units by an estimated \$20 million. The government has promised to compensate local government units for this loss with direct transfers from the state budget. ^[30] It remains to be seen if the compensation will be executed on time with no strings attached, as has been the case in previous years. Changes in the taxation system that reduce the financial independence of local governments also violate the principle of autonomy enshrined in the Albanian Constitution and the European Charter of Local Self-Government.

Continuous internal migration and emigration have left many local units with too few inhabitants and too little revenue to provide basic services. Since the first (and last) comprehensive postcommunist administrative reforms in 1990, about one-third of Albania's population has left the country, and by 2011, the approximate percentage of the total population living in rural areas had declined from 75 to 46 percent. ^[31] In 2013, an estimated half of all communes were collecting no more than 0-2 percent of their annual spending budget funding from local taxes. Meanwhile, one-third of all communes spent over 80 percent of their budget on administrative salaries. ^[32]

The new government has promised ^[33] to undertake and complete a new round of administrative and territorial reform before local elections in 2015. In the last months of 2013, it initiated a wide consultation process with local, national, and international stakeholders to implement reform. Wide political consensus, including input from the opposition, will be needed to implement the changes effectively and to make sure they are not used to influence electoral outcomes.

Judicial Framework and Independence:

Albania's judicial system suffers from chronic political interference, funding difficulties, and corruption. In 2013, the parliament-appointed High Council of Justice (HCJ) interfered in the election process for the head of Albania's School of Magistrates, a hitherto largely independent body providing training for judges and prosecutors.

Albanian legislation guarantees judicial independence for first-instance trial and appeals courts but provides ample space for politics to influence the Supreme and Constitutional courts. Judges on these high-level courts are appointed by the president and approved with a simple majority vote by the parliament. During their respective terms, President Bujar Nishani and his predecessor Bamir Topi both clashed with the parliamentary majority over judges' nominations, leading to lengthy judicial vacancies on the Supreme and Constitutional courts and political, rather than merit-based, promotions within the judiciary. The Rama government has included judicial reform among its priorities for the next four years, though it remains to be seen how the proposed changes will be implemented. One goal of these reforms is the transformation of the Supreme Court into a career court, insulating judges from political pressure. ^[34]

Established in 1996 under the guidance of the Council of Europe and European Commission, Albania's School of Magistrates is the only institution that selects, educates, and provides continual training for judges and prosecutors. Prior to 2013, the school operated with very little political interference, but when the school's supervisory board proposed the reelection of its director with a close majority in June, the HCJ denied the proposal without explanation. The following month, the

HCJ replaced one of the supervisory board's member judges, thus shifting the majority vote against the incumbent director's reelection. Instead, the board elected its new director from among two government-approved candidates: former minister of justice Enkeled Alibej and Neshat Fana, a member of HCJ who was elected by the parliament. Mr. Fana won the contest and was confirmed as director of the school in July.^[35]

Albania continues to adopt judicial reforms prescribed by the European Commission, though implementation lags behind. The most important reform introduced in 2013 was the adoption of the Law on the Supreme Court in May, which allowed for the implementation of the 2012 Law on Administrative Courts.^[36] As a result, new administrative courts are being introduced for the first time in Albanian judicial history, which should reduce the overall workload of existing courts while providing faster and better procedures to address disputes filed against public institutions, especially those dealing with finance or taxation. In addition, the new law provides "stricter conditions and criteria" for judicial selection and imposes a restriction that limits the number of non-judiciary members of the Supreme Court to a maximum of 25 percent.^[37]

In early February 2013, a low level trial court acquitted two members of the Republican Guard who had been accused of the murder of three civilian protestors on 21 January 2011. The opposition and international actors expressed their disappointment for this decision, particularly because relevant agencies such as the U.S. Federal Bureau of Investigations provided assistance to gather all the evidence available. Both the EU and the U.S. issued declarations pointing out that the outcome of this trial was an indication of the weak credibility of the judicial system. A statement from the U.S. Embassy noted: "Regrettably, today's verdict has undermined confidence in the ability and willingness of the Albanian judicial system to deliver justice in an impartial, transparent manner."^[38] The prosecution appealed the decision, and on 18 September, the Tirana Appeals Court found the members of the Republican Guard guilty of involuntary manslaughter, sentencing one defendant to 12 months in prison and the other three years. Relatives of the deceased claim that the verdict did not achieve proper justice, and the prosecution filed another appeal to the Supreme Court that is ongoing.^[39]

In April 2013, an Albanian appeals court reduced sentences for several top defendants convicted in a deadly 2008 ammunition-dismantling factory blast and acquitted one more. The decision was met with outrage by relatives of the explosion's 29 casualties, who filed another appeal with the European Court of Human Rights in Strasbourg the next month. The prosecution, meanwhile, appealed the ruling before the Supreme Court, but the appeal was rejected. The explosion also wounded 300 people, destroyed or damaged 5,500 houses, and caused the temporary closure of the Tirana airport as unexploded ordnance landed near it.

Corruption:

Corruption pervades the public and private sectors, hampering Albania's economic development, democratic accountability, and EU integration progress. Officially, fighting corruption – especially within state institutions – has been a government priority for many years, but results have been limited. On the whole, anticorruption efforts are driven by international expectations rather than pressure from the Albanian electorate, with the result that politicians lack the will to properly implement EU-mandated reforms. According to Transparency International, Albanians perceive their public sectors as highly corrupt, more so than survey respondents in any of the other Western Balkan states.^[40]

Ties between organized crime and corrupt officials run deep. In September 2012, members of the national assembly finally reached cross-party consensus on a constitutional amendment limiting immunity for members of parliament and judges. However, the removal of this obstacle to high-level prosecutions and convictions did not lead to an increase in either in 2013. The fact that the Supreme Court – whose members are appointed by a simple majority in parliament – acts as a first instance court for high officials allows the ruling majority to appoint judges unlikely to rule against them in corruption cases.

During its first months in office, the Rama government proactively implemented intensive institutional controls that lead to the prosecution of several abuse-of-office cases. However, the judiciary showed far less drive than the executive branch when it came to properly investigating and prosecuting such cases. The wave of controls and cases that were exposed by both the government and the media included high-level officials from key institutions such as the tax office, customs, the judiciary, and politicians from the majority and the opposition. Though a number of trials were initiated during this period, there has yet to be a major corruption conviction against a high-profile figure in Albania.

One of the more prominent corruption cases of 2013 involved Shpetim Gjika, the mayor of Vlora and member of the ruling PS, who is accused of infringing tender laws and falsifying construction permits. The investigation against Gjika was launched in March, when PS was still in the opposition, but he was formally charged in October.^[41] The trial was ongoing at year's end, but the investigation against him sent a strong message that not even figures of the ruling majority would be spared in the war against corruption. Another major anticorruption case from 2013 involved Xhexhal Mziu, the mayor of Kamza and a member of the now-opposition PD.^[42] By year's end, Mziu had been charged with dereliction and infringement of equality between bidders on a road construction project.

To address political corruption, the new government adopted a strategic framework that focuses on three pillars: prevention, conviction, and awareness.^[43] The strategy is intended to increase control and transparency of institutional activity and lead to the introduction of important legislation, such as whistleblower protection. Planned anticorruption measures also include broadening the current legal definition of corrupt activity and bringing more cases to the Serious Crimes Court.

Improvements in access to information and institutional transparency remain a precondition to the fight of corruption. Efforts in this direction have been made, notably by improving e-governance and overall transparency of government institutions. For example, the Ministry of Justice offers now hosts a website through which citizens can complain about abuse of office in the judicial system. Inspectors from the ministry have investigated these claims and initiated cases for disciplinary penalties against state officials. In late December, Prime Minister Rama pledged to end a months-long lapse in the online publication of government decisions and draft legislation.^[44] Recent efforts to improve communication and coordination between law enforcement and judicial institutions are also positive steps.

Author:

Gledis Gjipali

Gledia Gjipali is executive director of European Movement in Albania, a Tirana-based nonprofit think tank dedicated to the democratization and European integration of the country.

Notes:

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